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PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Wednesday, December 6, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 6, 2017.

I hereby appoint the Honorable JEFF FORTENBERRY to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

CONCEALED CARRY RECIPROCITY BILL

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

Ms. CLARK of Massachusetts. Mr. Speaker, next week is the fifth-year anniversary of the horrific shootings at the Sandy Hook Elementary School in Newtown, Connecticut. For a brief moment, it looked like we would actually honor those victims by voting on a bill that would improve background checks to keep guns out of the hands of dangerous criminals, but we should never have gotten our hopes up.

There is one winner in the House, and it is the gun lobby. The majority has

combined the background check bill with a bill that helps move forward the gun lobby's ultimate agenda: gutting States' gun laws. This bill forces every State to accept the concealed carry laws of every other State, including the 12 States that don't even require a permit to carry a concealed weapon in public, even into a school.

Let's take one example of the dangerousness of this bill. A woman in an abusive relationship is five times more likely to be killed by her abuser if there is a gun involved.

Let that sink in: bringing a gun into an abusive situation means the chances of a woman dying increases by 500 percent.

So it makes all the sense in the world that, if this Congress were interested in public safety, saving lives, curbing gun deaths, that we would be talking about keeping guns out of the hands of dangerous people. But that is not what is happening here. We are talking about a bill that invites domestic abusers to buy a gun in a State with lax laws and legally carry that gun into any other State.

This bill creates not only added danger for the public, but for law enforcement. And there is an extra kicker: this bill includes civil liability for police officers as they try to identify who can legally carry a weapon.

The National Law Enforcement Partnership to Prevent Gun Violence wrote: "The complete lack of consistent training standards, the different standards for identifying individuals that are too dangerous to carry, the uncertainty of a document's validity, and the exposure of agencies and police officers to civil liability create unacceptable risks to our Nation's 900,000 police officers and the public at large."

Read the letters from prosecutors, from attorneys general, from law enforcement, all warning of the dangers of this bill. Anyone with common sense can tell you, this is not only an abdication of our duty to keep Americans safe; it is an overt favor to the rich and powerful gun lobby. But it is no surprise because the gun lobby is the only

one who gets a vote on these issues in Congress.

If you are a survivor of domestic abuse fleeing across State lines to protect your family, you do not get a vote.

If you are a mom whose 6-year-old was murdered in Sandy Hook, you do not get a vote.

If your mother or sister was gunned down during a prayer service at Emanuel Church, you do not get a vote.

If you are one of the 93 people who die from gunshots every day in this country, you do not get a vote.

But if you are the gun lobby, you get a vote every single time.

Mr. Speaker, I don't need to tell you, this isn't the kind of action that Americans at home are demanding. We have heard their calls. We have taken the meetings. We have heard their pleas for help. But Republicans in Congress are trying to convince us we can't even try to prevent another death.

Here in this Chamber, the moments of silence have turned into decades of inaction. And if that inaction wasn't scandalous enough, now this Congress is paving the way to actually increase gun violence in States that have acted responsibly to decrease it and prevent it.

Who is going to pay? Not the rich and powerful gun lobby. No. It will be the next innocent victim of preventable gun violence. You remember, that is the person you couldn't even bother to give a vote.

COMPUTER SCIENCE EDUCATION WEEK

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as one of the senior members on the House Education and the Workforce Committee and co-chair of the Career and Technical Education Caucus to note that this week is Computer Science Education Week.

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

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

Computer science drives job growth and innovation throughout our economy and throughout our society. Computing occupations are the number one source of all new wages in the U.S. and make up two-thirds of all projected new jobs in STEM fields, making computer science one of the most in-demand college degrees.

Computing is used all around us in virtually every field, but fewer than half of the United States' schools offer any computer science courses, and only 8 percent of STEM graduates study it; 93 percent of parents want their child's school to teach computer science, but only 40 percent of schools teach it; 67 percent of parents and 56 percent of teachers believe students should be required to learn computer science; 50 percent of Americans rank computer science as one of the two most important subjects of study after reading and writing.

In the Commonwealth of Pennsylvania, there are currently 16,976 open computing jobs. The average salary for a computing occupation in Pennsylvania is \$85,654, which is significantly higher than the average salary in the State of \$47,540. Mr. Speaker, only 169 schools in Pennsylvania offered the advanced placement computer science course in 2015–2016, and there are fewer AP exams taken in computer science than in any other STEM subject area.

But technology connects the world in ways like never before. From everyday conveniences at our fingertips to improved communications, technology plays an ever-increasing role in our lives. We are becoming more dependent on applications or apps, and the students of today will become the leaders of tomorrow by developing such technology.

Proudly, the House of Representatives has encouraged America's students to focus on computer science and STEM subjects through the annual Congressional App Challenge. This competition allows K–12 students from across the country to practice their code writing skills by developing an app. Winning apps will be displayed in the Capitol Building later this year.

This year's winner from Pennsylvania's Fifth Congressional District is Lachlan Campbell. He redesigned the Hack Club website to make it more user friendly. Hack Club is a nonprofit network of coding clubs run by high school students around the world. Lachlan started a Hack Club this past spring at his very own State College Area High School, and taught more than 40 students how to code and create a website.

His project for the Congressional App Challenge was to redesign hackclub.com, and his overhaul has been welcomed by the club.

I congratulate Lachlan on winning the Congressional App Challenge for Pennsylvania's Fifth Congressional

District. He is a two-time winner, having come in first place in 2015 as well. He has got a promising career ahead of him.

Mr. Speaker, I am so proud of all of the students who participate in the App Challenge. The competition inspires students from every corner of the country to explore STEM, coding, and computer science through hands-on practice, and that is something we can all support.

Happy Computer Science Education Week.

HONORING TIM McVAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I rise this morning to pay honor to an extraordinary, great American.

Mr. Tim McVay, vice president and general manager of WSB Television, is retiring after 39 years as a top executive with Cox Media Group television stations across this Nation, from Dayton, Ohio, to Pittsburgh, Pennsylvania; to San Francisco, California; and to Atlanta, Georgia, earning Tim McVay the highest awards in television, including the Edward R. Murrow Award, the Peabody Award, the Emmy Award, the Alfred I. duPont Award, and induction into the prestigious Silver Circle of the National Academy of Television Arts and Sciences.

Tim McVay is a great American, deeply rooted in his love of country and his love of family: his loving wife, Cindy, and his sons, Sean and Ryan.

His son, Sean, Mr. Speaker, is head coach of the Los Angeles Rams. He is the youngest head coach in the history of the NFL.

His father, the legendary John McVay, was the head of football operations for the San Francisco 49ers and won five Super Bowls.

What a great all-American story. But there is more, Mr. Speaker, that I must tell you about Tim McVay. Tim McVay's life has been like that shining light on the hill, reaching out, helping other people, loving his neighbor as himself, that most sacred of commandments, whether it is helping the hundreds of television journalists, young people in their careers who are now leading in the television industry, or helping me and hundreds of our companies and employers, corporations in Georgia with our annual jobs fair where we have gotten over 12,000 jobs for Georgians; or our health fair that we have every year where we give breast cancer exams and prostate exams to those individuals who, for reasons of income, don't have insurance, saving lives; and our veterans, the work that Tim McVay has helped us with our veterans.

Mr. Speaker, let me tell you, it was Tim McVay, under his leadership at WSB Television in Atlanta, Georgia, and his WSB reporter Aaron Diamant who exposed to this Nation the tragically high suicide rates of our veterans and then got behind me and my Republican fellow Member of Congress, LARRY BUCSHON of Indiana, and helped us pass legislation to get more psychiatrists into the VA.

God bless Tim McVay, and God bless the United States of America, land of the free and the home of the brave.

RECOGNIZING REVEREND STEVE HOGG

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

Mr. NORMAN. Mr. Speaker, it gives me a great deal of pleasure to rise and note the celebration that we will be having not only for the birth of Christ for the month of December, but on December 10, this coming Sunday, I will celebrate the First Baptist Church in Rock Hill, South Carolina, under the leadership of Reverend Steve Hogg.

□ 1015

Let me give you a little background on the church and on Reverend Hogg. Reverend Hogg was born on January 14, 1958, in Roxana, Kentucky. I think his birthday will signify his 60th in January. He married Monieca on March 27, 1982. They have two children, Steven and Jacqueline.

The history of his service began in February of 1977 to November of 1977, where he was bus minister of the First Baptist Church in Whitesburg, Kentucky. From there he went to the Summer Missionary, First Baptist Church, from 1977 to 1980 and 1983. He was pastor of the Colson Baptist Mission from November of 1977 to March of 1984.

He then went and served as pastor of the Bethel Baptist Church from March of 1984 to December of 1987, where he began his ministry in the First Baptist Church in Rock Hill, South Carolina, in December of 1987.

Let me just give you a couple of milestones for the church. First Baptist Church relocated in April of 2004 to an 84,000 square-foot phase 1 facility on 52 acres of land near I-77. Let me tell you, as a developer, we were involved in that area, and there were no shopping centers when the church moved out there. There were no hotels when the church moved there. There were no gas stations where the church moved. They literally moved out in an area of town on faith that this area was going to be where the church wanted to grow, and grow it has.

The church budget has increased from \$490,000 to \$2,637,000. They have had over 1,500 baptisms. They sponsored the first African-American congregation for membership in the York

Baptist Association. They sponsored a second African-American congregation for membership in the York Baptist Association.

Reverend Hogg has had a long and distinguished service to our State and country. He has served as president under the South Carolina Baptist Convention in 1993 to 1994. He served as the second vice president in 1992 to 1993. He has been chairman of the United Christian Baccalaureate Planning Committee. He has served on the executive committee of the Billy Graham Carolinas Crusade. He is a charter member of the city of Rock Hill No Room for Racism Board. He is the cofounder and State codirector of Changing South Carolina which led a movement to ban video poker.

The activities of the church that he has started include many contemporary worship services, the intercessory prayer ministry, and a ministry for the deaf. He started the television broadcasts of morning services, and he has live-streaming of the worship services. He has conducted eight capital fund campaigns. I could go on and on.

It has been such a pleasure seeing this church grow. I forgot to mention that when they decided to move to this new area of town, he didn't go with just a simple majority for the board of directors of the First Baptist Church. It had to be 80 percent or greater. How democratic is that?

It has been said that to be successful, you must have three things. You must have a self worth living with, you must have a work worth living for, and you must have a faith worth living by. Reverend Hogg has demonstrated he has had a successful life, and he continues to have a successful life. Godspeed for the First Baptist Church in Rock Hill, South Carolina.

DACA RECIPIENTS LOSE THEIR PROTECTION FROM DEPORTATION

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

Mr. GUTIÉRREZ. Mr. Speaker, every day that Congress does not pass the Dream Act, 122 DACA recipients lose their protection from deportation. That is 122 every day—young people who arrived in the U.S. as children, have gone through multiple background checks, and have lived in the U.S. for at least 10 years.

Every week that passes, nearly 1,000 DACA recipients lose their protection from deportation. By Christmas, the number of DACA recipients who will have lost protection will reach 13,492.

But now we are hearing that we may have a short-term CR or a series of CRs and that the whole budget and funding debate may get kicked down the road to next year when all 800,000 young immigrants who signed up for DACA begin losing their status.

Mr. Speaker, with Republicans in control of the House, Senate, and White House, I am pretty sure you will not need my vote to pass the next budget. So I will vote against any short-term CR because I assume you have the votes to govern as you see fit no matter how much I and other Democrats disagree with your priorities on women, on children's healthcare, the environment, or DREAMers.

Now, if Republicans decide they do need help from Democrats to approve a budget, they know where to find us, and we are more than willing to help if what we are voting on meets minimal standards of priorities for the American people. For me and a lot of my colleagues, that means a vote on the Dream Act right now this year.

The votes are here, the legislation is here, and the American people are already in support. So, Mr. Speaker, at some point, Republican leadership should just get out of the way and let America vote. That is what leadership, compromise, and bipartisanship look like.

Now, we certainly know what it doesn't look like. In the middle of the night last weekend, Republicans voted to give a tax cut to the richest Americans. They dressed it up as a tax cut for all of us—for everyone—but we all know that it is an obscene tax cut for the obscenely wealthy and rich in America.

Not a single Democrat in either House supported it. This chart explains part of the reason. It is tremendously unpopular with the American people as the small slice in red on this chart shows us. According to a Gallup poll, just 29 percent of Americans support the Republican tax cut for billionaires and the multinational corporations. That is what partisanship looks like.

So what does bipartisanship look like? It looks like the Dream Act. Overall, 86 percent of Americans support the Dream Act, a bill to legalize immigration status of immigrants who arrived in the United States as children. Yes, 86 percent. That is a big slice of red on the chart. That number comes—get this—from a FOX News poll, just in case you think I was using a partisan poll where they put their thumb on the scale to show things in my favor. Sixty-three percent of Trump voters back citizenship for the DREAMers.

So here is a proposal supported by an overwhelming number of people, an overwhelming number of Republicans, and an overwhelming percentage of Trump voters. But we can't get a vote. Yesterday, 34 Republicans in this body wrote to the Speaker asking him to please allow a vote and something to protect the DREAMers. Clearly, all 34 percent of those Republicans can read the chart in red. They want to do something that is both politically popular and the right thing to do from a moral standpoint.

The reason Republican leaders will not allow a vote on the Dream Act, or at least are acting like they won't, is because they know it will pass. So you take 34 Republicans who wrote the Speaker and add 194 Democrats, and do you know what you got? A majority of the House.

For all of those Republicans who oppose the Dream Act, they get a Christmas present. They get to vote against it. What better way to associate yourself with the comments of your President on Mexicans, on Muslims, and on everything else than to vote against the Dream Act?

So, Mr. Speaker, I urge you to let your Members vote against the Dream Act as an act of charity in the Christmas spirit. Republicans will get what most of them want: an opportunity to send a message to their base voters by voting on something the rest of us agree on—just like the tax bill—but this time, with the passage of the Dream Act, at least a majority of the American people will get something out of it, too.

THE DEVASTATION IN PUERTO RICO

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

Mr. FITZPATRICK. Mr. Speaker, just a few weeks ago, I was privileged to travel to Puerto Rico to meet with residents of the hardest hit areas of the island and to stand by them and serve them on Thanksgiving Day. The extent of the damage, Mr. Speaker, is vast and heartbreaking, and the road to recovery will be long and filled with challenges.

I cannot begin to describe the devastation, but what I can describe is the enduring spirit and the shining optimism of all the people whom I met. I was inspired to see the way the community came together to help one another and the generosity with which people shared what little they had in order to make sure their neighbors were taken care of.

I was fortunate to have the advice and counsel of constituents of mine, Pastor Harry Torres, from the Arriba P.R. Project, and Karen Rosado, from the Latino Alliance of Bucks County. With their help, I reported back to our community the needs of our fellow citizens to better tailor our community's efforts to provide relief to the people of Puerto Rico.

The people of Puerto Rico are citizens of the United States of America. Let this Congress not forget that.

BATTLING DISCRIMINATION

Mr. FITZPATRICK. Mr. Speaker, on Friday, I was honored to welcome a group of passionate, well spoken, and civic-minded young constituents to our Nation's Capitol. Along with the Bucks

County Chapter of the NAACP and the Peace Center, these students spoke to me on the floor of the House of Representatives testifying about their experiences battling discrimination in all forms as they work to create a more inclusive society.

Our team was deeply moved by the stories of these young people. In the coming days, I will be entering these students' written testimonies into the CONGRESSIONAL RECORD so my colleagues can also benefit from their experiences.

As I have said, hateful attacks against members of our community cannot and will not be tolerated, and it is incumbent upon each and every one of us to condemn hate wherever and whenever it appears. I look forward to carrying this message to my colleagues and community as we work together to rise above and appeal to the better angels of our nature.

IMPEACHMENT BEGINS TODAY

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

Mr. AL GREEN of Texas. Mr. Speaker, again, I am honored to be accorded the privilege of standing in the well of the Congress of the United States of America.

Mr. Speaker, the American poet, Robert Frost, penned a poem with the words: "Two roads diverged in the woods, and I took the one less traveled. . . ."

Mr. Speaker, in a metaphorical sense today, sometime after noon, shortly after 12 p.m., I will take the road less traveled.

Mr. Speaker, I ask that no one take this journey with me. I am absolutely convinced that this is a road worth traveling, but I have not asked that others travel this road and will not.

Mr. Speaker, after noon today, I will present Articles of Impeachment. There are many who want to know: What is next? What will happen after there is a vote?

Mr. Speaker, I will satiate those concerns after the vote. But I will take the road less traveled, and I believe that it will make all the difference.

DEFENSE DEPARTMENT BUDGET

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

Mr. DUNCAN of Tennessee. Mr. Speaker, several times over my 29 years in Congress, I have wondered whether there are any fiscal conservatives at the Pentagon. It seems that the Defense Department is just like every other gigantic bureaucracy. When it comes to money, the refrain is always more, more, more.

On November 14, the House passed what one Capitol Hill paper described

as a \$700 billion compromise Defense bill. It was \$80 billion over the budget caps and many billions more than even President Trump had requested.

I opposed almost all the major initiatives of the Obama administration, but it was false to say that the Defense Department had been depleted or eviscerated during those years or that now we must rebuild the military. In fact, public relations experts in future years should conduct studies about how the Defense Department has been able to convince the public it has been cut when it is now getting more money than ever.

□ 1030

Defense Department appropriations have more than doubled since 2000. In addition, the Department has gotten extra billions in several supplemental or emergency appropriations bills.

The military construction bill is a separate bill that has added another \$109.5 billion over the last 10 years. It would be hard to find any U.S. military base anyplace in the world that has not had several new buildings constructed over the last few years.

In fiscal year 2016, we spent over \$177 billion on new equipment, tanks, guns, et cetera. We have spent similar amounts for many years. Most of this equipment does not wear out or have to be replaced after just 1 year.

It is ironic that the only President in the last 60 or 70 years who has tried to rein in defense spending is the only President in that period who spent most of his career in the military.

In Evan Thomas' book, "Ike's Bluff," when told by his top staffer that he could not reduce defense spending, President Eisenhower said if he gave another star to every general who cut his budget, "there would be such a rush to cut costs, you'll have to get out of the way."

The book also quotes Eisenhower as saying: "Heaven help us if we ever have a President who doesn't know as much about the military as I do."

Therein lies an explanation for a big part of what has caused much excessive and/or wasteful defense spending and the willingness, even at times eagerness, to go to war and support permanent, never-ending wars.

Only 18 percent of the current Congress has ever served in any branch of the military. Members are afraid that if they do not vote for an increase in defense spending or if they question waste by the military, some demagogue will accuse them of "not supporting the troops."

It would be a huge understatement to say that I usually do not agree with New York Times editorials, but the editorial board, on October 22, published an editorial entitled "America's Forever Wars," pointing out that "the United States has been at war continuously since the attacks of 9/11" and

now has "troops in at least 172 countries. . . ."

The board wrote that so far, the American people have "seemed to accept" all this militarism, but "it's a very real question whether, in addition to endorsing these commitments, which have cost trillions of dollars and many lives over 16 years, they will embrace new entanglements. . . ."

The New York Times added that "Congress has spent little time considering such issues in a comprehensive way or debating why all these deployments are needed."

Backing these words up was a cartoon in the October 25 issue of Politico, a Capitol Hill newspaper. The cartoon showed six Senators sitting at a hearing. The first Senator, reading a newspaper, says: Who knew we had troops in Niger?

The second says: Heck, we don't even know how the military budget gets spent.

Finally, the cartoon shows a Senator saying: War is hell. I say we just give the Pentagon an extra \$80 billion and call it a day.

Washington Post columnist Richard Cohen, himself a veteran, as am I, wrote on October 23: "But there is something else at work here: the slavish veneration now accorded the military. You can see it every time someone in uniform testifies before Congress."

Since now that less than 1 percent of the people serve in the military, it may be that many people who never served feel, perhaps even subconsciously, that they must bend over backwards to show their patriotism. However, it is not unpatriotic to oppose wasteful defense spending or very unnecessary permanent, forever wars.

President Reagan once said: "Our troops should be committed to combat abroad only as a last resort, when no other choice is available."

We have far too many leaders today who seem to want to be new Winston Churchills and who are far too eager to send people to war. No true fiscal conservative could ever justify spending many billions more than even President Trump requested.

Our national debt recently went over the \$20 trillion level. A few days ago, it was reported that the deficit for fiscal year 2017 was \$666 billion. This fiscal year, it may be even higher.

Conservatives used to be against huge deficit spending. They also used to be against massive foreign aid. Much of what we have been doing in both Iraq and Afghanistan, training police and farmers, repairing electrical and water systems, even making small business loans, is pure foreign aid.

Many of our foreign interventions have been done under the auspices or authority of the United Nations.

Conservatives used to be the biggest critics of the U.N. and world government. Most of our

so-called "coalitions" have been funded almost entirely by American taxpayers.

Most interventionists at some point resort to a slur referring to their opponents as isolationists. This is so false.

Traditional conservatives support trade and tourism and cultural and educational exchanges with other countries and they agree with helping during humanitarian crises.

They just don't believe in dragging war out forever, primarily so defense contractors, think tanks, and military bureaucrats can get more money.

One last point: We have far too many officers. In Scott Berg's biography on Woodrow Wilson, it says during World War I, we had one officer for every 30 enlisted men.

Eisenhower once said we had too many officers when there were nine enlisted for every officer. Now we have one officer for only four and a half to five and a half enlisted (varies by branch).

This is very expensive, both for active duty and retirement, but it also makes it much more likely that we will get involved in every little conflict around the world and/or continue basing troops in almost every country.

We simply do not have enough money to pay for defense of so many countries other than our own nor the authority under our Constitution to try to run the whole world.

NAFTA

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

Mr. LAHOOD. Mr. Speaker, the American economy stands today at a crucial moment.

With globalization and advancement in technology, the world economy continues to become more intertwined than ever, as countries trade goods and services at rates never seen before.

It is easy to look at this change and turn inward in an attempt to shore up America's position in the world economy, but that will only set us up for more struggles down the line.

Here in America, we make and produce the best goods in the world, but tariffs and regulations put American goods at a disadvantage in too many countries. That is why it is so crucial we continue to support free and fair trade, working to better our trade agreements, like the North American Free Trade Agreement, or NAFTA, to help American businesses and families.

In my district, Illinois' 18th Congressional district, agriculture remains the largest portion of our economy. In fact, we are the eighth largest agriculture district in the country. Some of the most fertile farmland in the entire world is located in the 18th District.

As great as the products we grow may be, our farmers and agriculture industry must have markets to sell their goods. That is why free trade agreements like NAFTA come in, removing barriers that allow our corn and soybeans to be sold all over the world at competitive prices.

Since the implementation of NAFTA, American agriculture exports have more than quadrupled from \$8.9 million to \$38 billion annually, bringing more money back to our rural and agriculture communities. It is so important that this amount of money comes back to our district and it is the reason why our agriculture sector now supports over 21 million jobs here at home.

Other sectors of our economy are just as affected by trade, especially in manufacturing. With 95 percent of the world's consumers living outside of the United States, protectionist tariffs and policies in other countries put American goods at a disadvantage.

Since NAFTA's implementation, we have seen these barriers come down and more markets opening up to our exports. That is why our trade agreement partners receive half of all exports of American manufactured goods. The benefits of this are passed on to hardworking families, with jobs linked to trade paying 15 to 20 percent more and accounting for more than 38 million jobs across our country.

While NAFTA and free trade have allowed for this kind of prosperity and growth, we must also be mindful of the problems that can arise. For example, recent Canadian policies creating quotas for American poultry and dairy have threatened those industries here at home. That is why it is time to take a fresh look at our trade agreements, not with an eye to withdrawing from the global economy, but with the goal of making our trade fairer and better.

As President Trump and his team continue to renegotiate the terms of the NAFTA deal, it is my hope that they can keep in mind the businesses, farming operations, and families of districts like Illinois' 18th. Free trade is a win-win for our Nation, and it is vital that we work hard to make these agreements fairer to keep America at the forefront of the world economy.

RECESS

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

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, thank You for giving us another day. We thank You on this day

for the example of St. Nicholas, who fed the hungry, brought hope to the imprisoned, gave comfort to the lost, and taught the truth to all.

May all who work here in the people's House strive to imitate him by putting You first in all we do.

Give us the courage, love, and strength of St. Nicholas so that, like him, we may serve You through our service to all our brothers and sisters.

May all that we do be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. O'HALLERAN) come forward and lead the House in the Pledge of Allegiance.

Mr. O'HALLERAN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

TAX REFORM

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

Mr. WILSON of South Carolina. Mr. Speaker, with the leadership of Ways and Means Committee Chairman KEVIN BRADY from Texas, the House has passed the Tax Cuts and Jobs Act.

The tax cuts bill that the House Republicans supported makes the Tax Code simpler and fairer, allows hardworking taxpayers to keep more of their own money they earn, and gives small businesses more room to grow and create jobs.

Our Senate colleagues deserve credit for listening to the people of the country and voting to pass tax cuts last week. Now we stand on the doorstep of history. As we move to conference committee, we have the chance to overhaul the antiquated and notoriously confusing Tax Code for the first time in a generation.

When the conference process is finished, the President will be able to sign

a tax cut bill that serves the interests of American families and businesses rather than those of politicians and special interests.

As Speaker PAUL RYAN has said, these opportunities come around only once in a generation, and now is the time for us to seize the moment.

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

THE REPUBLICAN TAX PLAN

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

Mr. SIREs. Mr. Speaker, I rise today in continued opposition to the Republican tax plan.

Earlier this week, the House of Representatives agreed to go to conference with the Senate on H.R. 1, which gives breaks to the wealthy and corporations at the expense of the needs of the American family. This bill eliminates deductions used by those who need it most: students, teachers, veterans, the sick, and families that are struggling to make ends meet.

Yet, despite this elimination of numerous vital deductions that millions of families across this country rely on, the House and the Senate bill retained a deduction for golf course owners. If you own a golf course in America, your deductions are kept; but if you are a student and you get a scholarship, you are going to have to pay taxes on that.

So if I were a student, I get it twice. We are looking at cutting the Pell grants and we are looking at taxing what students get, yet if you own a golf course where this game is played, you get a deduction.

I am sorry, but I don't think that is fair.

AMERICANS DISAPPROVE OF MEDIA COVERAGE

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

Mr. SMITH of Texas. Mr. Speaker, according to a new Quinnipiac poll, 58 percent of Americans disapprove of the media's coverage of the President. Only 38 percent approve. It is no surprise why the American people disapprove of the media's coverage.

A few weeks ago, CBS Evening News ran a lengthy story mocking President Trump for taking a sip of water during the middle of a speech.

To date, the broadcast networks of ABC, CBS, and NBC have spent over 12 hours on an unproven Trump-Russia connection while only devoting 4½ minutes to the Clinton uranium scandal involving Russia.

Newsweek published a headline accusing Ivanka Trump of plagiarism because she used a sentence from a pre-

vious speech. Newsweek should check the dictionary. It is not plagiarism if you use your own words.

These are only three of many examples that account for why 58 percent of Americans disapprove of the media's coverage. Their liberal bias is on display for all to see, and Americans are tired of it.

PAYING RESPECTS TO GEORGE WILLIE, SR., OF LEUPP, ARIZONA

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

Mr. O'HALLERAN. Mr. Speaker, I rise today to pay my respects to a hero. George Willie, Sr., of Leupp, Arizona, passed away this week at the age of 92. He was a highly decorated Navajo Code Talker who served with the Second Marine Division from 1943 to 1946. According to his family, George delivered and received coded messages using the Navajo language at the Battle of Okinawa.

His love for his family was unwavering and his commitment to his country was steadfast. Pat and I are keeping George's wife, Emma; his 10 children; and his grandchildren in our prayers as they mourn his passing.

A celebration of his life is scheduled for Friday at the First Presbyterian Church in Leupp, and George will be laid to rest with honors at the Veterans Memorial Cemetery at Camp Navajo.

PRESERVING OUR SECOND AMENDMENT RIGHTS

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

Mr. BABIN. Mr. Speaker, I rise in strong support of the Concealed Carry Reciprocity Act.

Our bill allows law-abiding citizens who are qualified to carry concealed firearms in one State to also carry in other States that allow residents to do so.

Constitutional rights do not end at State lines, and this must include an individual's ability to exercise their Second Amendment rights. A recent survey shows that 73 percent of Americans agree and support concealed carry reciprocity.

The current system is simply too confusing and, unfortunately, results in some concealed carry permit holders to unknowingly break the law and suffer arrest while preventing others from carrying across State lines at all.

Our bill corrects this infringement on Americans' Second Amendment rights and allows concealed carry permit holders the ability to travel freely between the States, just like a driver's license.

As a lifelong gun owner and fervent supporter of the Second Amendment, I

urge my colleagues to support this commonsense bill and empower law-abiding citizens with the ability to exercise their constitutional rights as they travel across State lines.

PRESERVING OUR SECOND AMENDMENT RIGHTS

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

Mr. MESSER. Mr. Speaker, the Second Amendment to the Constitution of the United States reads: "... the right of the people to keep and bear arms shall not be infringed."

That right is a fundamental freedom guaranteed by our Bill of Rights. That is why I am proud to cosponsor the Concealed Carry Reciprocity Act, which protects the Second Amendment rights of all Americans.

This legislation says that if you are qualified to carry a gun in your own State, then you can carry a gun in any State that has a similar law. This bill will eliminate significant obstacles to the right to keep and bear arms for millions of Americans in every State.

Hoosiers get it. Law-abiding gun owners have a right to defend themselves, and that right should not end at the State line. I urge support for this legislation and I ask my colleagues to join me in doing more to uphold our Second Amendment rights.

PRESERVING OUR SECOND AMENDMENT RIGHTS

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

Mr. HARRIS. Mr. Speaker, I rise today in support of the Concealed Carry Reciprocity Act as well. This commonsense legislation protects the constitutional right to bear arms by allowing qualified individuals to carry a concealed firearm across State lines.

Our First Amendment rights to free speech don't change when we cross State lines, and neither should our Second Amendment constitutional right to protect ourselves.

Unfortunately for Marylanders, our right to bear arms is still heavily restricted by gun-control liberals in our State legislature.

Restricting the right to own firearms only hurts a law-abiding citizen's right to defend herself. Cities like Baltimore and Chicago, with their out-of-control murder rates despite their highly restrictive gun laws, are proof of that.

Concealed carry reciprocity will make our country safer. Self-defense is the top reason cited for owning a firearm, and concealed carry permit holders are certainly not to blame for our Nation's violent crime problem.

Mr. Speaker, I urge my colleagues to pass H.R. 38 and protect our Second Amendment rights.

TAX REFORM

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

Mrs. HARTZLER. Mr. Speaker, I come to the floor today to praise the progress the Senate and the House has made toward passing tax reform for the American people.

Our tax plan would roughly double the standard deduction, a deduction that 71 percent of Missourians use. When our tax bill passes, the simple truth is that it will allow Missouri families and families everywhere to take home more of their paychecks.

Our tax plan will also be more fair, eliminating special interest loopholes and making it easier for average Americans to file taxes. Currently, our country spends a total of \$378 billion per year filing tax returns. Our tax plan will change all that.

Mr. Speaker, I look forward to working with my colleagues on the final version of this bill so we can give Americans a great present by Christmas and watch our economy thrive.

REMEMBERING ALFRED EARNEST PELLOW, FOUNDER OF VETS HONOR GUARD IN FRANKLIN, PENNSYLVANIA

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today with a heavy heart to honor Alfred Earnest Pellow, a resident of Franklin, Pennsylvania, who passed away last week at his home.

Ernie, as he was called by family and friends, was involved in founding the Veterans Coalition and the VETS Honor Guard in Franklin. He was also deeply instrumental in bringing the Veterans Administration clinic to Franklin to care for our military men and women.

The 79-year-old was a U.S. Army peacetime veteran who served 37 months in Germany. In 1960, he married his wife, Joyce, with whom he spent 57 years of wedded bliss. He was a family man: a loving husband, brother, father, and grandfather.

Ernie was a self-employed building contractor. He received the Pennsylvania Builders of the Year Award in 1996 and Pennsylvania Builders Distinguished Achievement Award in 2014.

A member of Masonic Blue Lodge and the York Rite, Ernie received his Masonic 50 year pin in 2015.

Mr. Speaker, Ernie Pellow lived a life of service: service to his country, service to his community, and service to his family. He will be sorely missed by all who knew him.

A RESOLUTION OF IMPEACHMENT

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

Mr. AL GREEN of Texas. Mr. Speaker, once again, I am accorded the pre-eminent privilege of addressing the House. I consider this one of the great honors of my life to be able to address the House of Representatives.

Today, after this 1-minute speech, Mr. Speaker, I will present a privileged resolution.

I want to thank the many persons, especially my staff, who have assisted in the drafting and crafting of this resolution. I am grateful to the many persons who have supported me in many ways.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. AL GREEN of Texas. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

Impeaching Donald John Trump, President of the United States, of high misdemeanors.

Resolved, that Donald John Trump, President of the United States is unfit to be President and is impeached for high misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States, in the name of itself and of the people of the United States, against Donald John Trump, President of the United States, in maintenance and support of its impeachment against him for high misdemeanors committed as President constituting harm to American society to the manifest injury of the people of the United States:

Article I.

In his capacity as President of the United States, unmindful of the high duties of his high office and the dignity and proprieties thereof, and of the harmony and courtesies necessary for stability within the society of the United States, Donald John Trump has with his statements done more than insult individuals and groups of Americans, he has harmed the society of the United States, brought shame and dishonor to the office of President of the United States, sowing discord among the people of the United States by associating the majesty and dignity of the presidency with causes rooted in White supremacy, bigotry, racism, anti-Semitism, White nationalism, or neo-Nazism on one or more of the following occasions:

On August 15, 2017, Donald John Trump made a widely published statement characterizing a group of anti-Semites, bigots, racists, White nationalists, and Ku Klux Klansmen who rallied in Charlottesville, Virginia, as "very fine people."

On August 7, 2017, hate groups returned to Charlottesville, Virginia, at the statue of Robert E. Lee, the Confederate general, chanting "You will not replace us!". Since this event on October 7, the President has made many widely published statements about many things, including the National Football League, but has not made one widely published statement condemning the hate groups for returning to the place where an innocent person lost her life at the hands of hate.

On November 29, 2017, Donald John Trump shared three videos posted by a leader of a British political party considered by many to be an extremist group. The videos purported to show various violent acts committed by Muslims and were entitled: "Muslim migrant beats up Dutch boy on crutches!"; "Muslim Destroys a Statue of Virgin Mary!"; and "Islamist mob pushes teenage boy off roof and beats him to death!". The clearly inferable intent of the post was to demonstrate the alleged propensity of Muslim immigrants to engage in violent acts. Even if the videos showed what they purport to show, in sharing these videos with his 43,800,000 followers on Twitter, Donald John Trump's dissemination of such material evinces an invidious intent to create division within American society.

In all of this, the aforementioned Donald John Trump, by his statements, unmindful of the high duties of his high office and the dignities and proprieties thereof, and of the harmony, respect, and courtesies necessary for stability within the society of the United States, has undermined the integrity of his office, has sown discord among the people of the United States, has brought disrepute, contempt, ridicule, and disgrace on the Presidency, has acted in a manner antithetical to the cause of a just society, has betrayed his trust as President to the manifest injury of the people of the United States, and committed a high misdemeanor in office.

Therefore, Donald John Trump by causing such harm to the society of the United States is unfit to be President and warrants impeachment, trial, and removal from office.

Article II.

In his capacity as President of the United States, unmindful of the high duties of his high office, of the dignity and proprieties thereof, and of the harmony and respect necessary for stability within the society of the United States, Donald John Trump has with his statements done more than simply

insult individuals and groups of Americans. He has harmed the American society by publicly casting contempt on individuals and groups, inciting hate and hostility, sowing discord among the people of the United States, on the basis of race, national origin, religion, gender and sexual orientation, on one or more of the following occasions:

On January 27, 2017, Donald John Trump issued Executive Order 13769 providing for a partial shutdown of immigration from mainly Muslim countries, to fulfill a campaign promise that read as follows: Donald J. Trump Statement on Preventing Muslim Immigration, New York, New York, December 7, 2015. Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what's going on, thereby casting contempt upon Muslims, inciting hate and hostility, and sowing discord among the people of the United States on the basis of religion.

On July 26, 2017, Donald John Trump made a public statement substantially as follows: "After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail," and thereby casting contempt on transgender individuals, inciting hate and hostility, and sowing discord among the people of the United States on the basis of gender.

On September 23, 2017, Donald John Trump made a public statement substantially as follows: "Wouldn't you love to see one of these NFL owners, when somebody disrespects our flag, to say, 'Get that son of a B-I-T-C-H off the field right now, out, he's fired? He's fired!'", thereby casting contempt on professional football players who engaged in constitutionally protected protests pertaining to allegations of police misconduct with regard to racial minorities, as well as casting contempt on the professional players' mothers by calling the mothers "B-I-T-C-H-E-S", effectively calling these mothers "dogs," thereby inciting hate and hostility and sowing discord among the people of the United States on the basis of race and gender.

On September 30, 2017, Donald John Trump made a public statement substantially as follows: "They want everything to be done for them when it should be a community effort," in the aftermath of Hurricane Maria, thereby casting contempt on Puerto Rican citizens of the United States, inciting hate and hostility, and sowing discord among the people of the United States based on national origin and race.

On October 3, 2017, Donald John Trump made a public statement substantially as follows: I hate to tell you, Puerto Rico, but you've thrown our budget a little out of whack because we spent a lot of money on Puerto Rico, that's fine, we've saved a lot of lives, but Donald John Trump did not make similar comments about Texas or Florida in the aftermath of Hurricane Harvey or Hurricane Irma, treating the Puerto Rican citizens of the United States disparately, thereby casting contempt on Puerto Ricans, inciting hate and hostility, and sowing discord among the people of the United States based on national origin and race.

On October 19, 2017, Donald John Trump made a public statement substantially as follows: "The Fake News is going crazy with wacky Congresswoman Wilson (D), who was SECRETLY on a very personal call, and gave a total lie on content!", thereby casting contempt on an African-American Member of Congress, inciting hate and hostility, and sowing discord among the people of the United States based on gender and race.

On October 21, 2017, Donald John Trump made a public statement substantially as follows: "I hope the Fake News Media keeps talking about Wacky Congresswoman Wilson in that she, as a representative, is killing the Democrat Party!", thereby casting contempt on an African-American female Member of Congress, inciting hate and hostility, and sowing discord among the people of the United States based on gender and race.

On October 22, 2017, Donald John Trump made a public statement substantially as follows: "Wacky Congresswoman Wilson is the gift that keeps on giving for the Republican Party, a disaster for Dems. You watch her in action & vote R!", thereby casting contempt on an African-American female Member of Congress, inciting hate and hostility, and sowing discord among the people of the United States based on gender and race.

In all of this, the aforementioned Donald John Trump has, by his statements, brought the high office of President of the United States in contempt, ridicule, disgrace, and disrepute; has sown discord among the people of the United States; has demonstrated that he is unfit to be President; and has betrayed his trust as President of the United States to the manifest injury of the people of the United States; and has committed a high misdemeanor in office.

Therefore, Donald John Trump, by causing such harm to the society of the United States, is unfit to be President, warrants impeachment, trial, and removal from office.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as

a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 38, CONCEALED CARRY RECIPROcity ACT OF 2017

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 645 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 38) to amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-45 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

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

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 645, currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward this rule on behalf of the Rules Committee. The rule provides for consideration of H.R. 38, the Concealed Carry Reciprocity Act.

The rule provides for 1 hour of debate, equally divided between the chairman and ranking member of the Judiciary Committee. The rule also provides for a motion to recommit.

Yesterday, the Rules Committee had the opportunity to hear from my fellow Judiciary Committee members, Chairman GOODLATTE, Ranking Member NADLER, as well as Congresswoman SHEILA JACKSON LEE and others. Congresswoman SHEILA JACKSON LEE happens to be the ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Last month, the Judiciary Committee rigorously debated H.R. 38 and considered 22 amendments to this legislation. The committee also marked up and discussed H.R. 4477, the Fix NICS Act, which is incorporated into the Rules Committee print.

I thank my friend, the gentleman from North Carolina (Mr. HUDSON), for introducing this legislation, which takes a commonsense approach and reflects our constitutional right to bear arms.

Mr. Speaker, all of us in this body took an oath to uphold and defend the Constitution, and, as we all understand, the Constitution enshrines our right to keep and bear arms in the Second Amendment.

Over the years, this right has been challenged in the courts and, in some cases, by public opinion. However, lest there be any question about the constitutionality of our right to keep and bear arms, let me remind my colleagues that the Supreme Court, the highest court in the land, recognized, in a 2008 opinion, that “the Second Amendment conferred an individual right to keep and bear arms.”

As the son of a Georgia State trooper, I learned to respect firearms at an early age, and I have shared that respect with my boys and daughter. As a Member of Congress, I believe I have a duty to uphold American liberties for current and future generations. I am a cosponsor of the Concealed Carry Reciprocity Act because I believe constitutional rights extend past State lines.

Mr. Speaker, the Bill of Rights isn't a philosophical exercise; it is a document that protects the practical expression of liberties that our forefathers recognized as essential elements of our democracy. I, myself, have a concealed carry permit; and, as a husband and father, I have prioritized being able to defend my family and my home should the unthinkable happen.

I am also a sportsman, a hunter, and an ardent defender of the Second

Amendment; but, like many others, the primary purpose of owning and keeping a concealed carry permit is self-defense. I don't think that right should be undermined simply because I travel to another State. This bill upholds and recognizes State laws, while ensuring that driving across State lines to run an errand, go to work, or visit a relative doesn't blot out an individual's rights.

Mr. Speaker, I will tell you a very recent story about how firearms can play a critical role in self-defense and promote public safety. Just yesterday, in Dawson County, in a part of my district in northeast Georgia, a woman witnessed an individual attacking a sheriff's deputy at a local gas station. The woman was in possession of a firearm and fired at the suspect. While details are still unfolding at this point, it highlights the benefits of a citizenry that is reasonably and responsibly armed.

Contrary to the claims of Second Amendment detractors, the Concealed Carry Reciprocity Act is not about expanding access to firearms or putting guns in the hands of criminals. On the contrary, the bill includes protections to uphold laws surrounding firearm possession and safeguards individuals' ability to protect themselves and their neighbors.

The Concealed Carry Reciprocity Act supports the Second Amendment rights of law-abiding Americans, and, importantly, it offers a solution to the current patchwork of State laws affecting concealed carry permits.

Currently, all 50 States issue concealed carry permits in some capacity, but these laws leave citizens traveling across State lines to decipher a variety of State laws or risk inadvertently breaking the law.

It is also worth noting that, of the States that have adopted right-to-carry legislation, no State has repealed it. Moreover, Mr. Speaker, we simply have no evidence to indicate that concealed carry permit holders pose a risk to public safety.

The Concealed Carry Reciprocity Act upholds States' rights to establish their own permitting requirements, but it takes the commonsense step of allowing individuals who meet the criteria for concealed carry in their home States to bear arms in other States as long as they follow the local concealed carry laws of the State they are in at any given time.

This bill doesn't allow individuals who currently would be prohibited, under Federal law, from possessing firearms to obtain those weapons, and it doesn't tell States how to regulate the use of firearms. It does, however, ensure that law-abiding citizens can protect themselves and exercise their Second Amendment rights when crossing State lines.

Thirty States, including Georgia, already have “shall issue” permits,

which require States to issue permits to individuals who meet the legal requirements for a concealed carry permit; eight States have “may issue” laws, which allow for discretionary permit laws; and 12 States allow for the carrying of a concealed weapon without any permit or license at all.

Many States have some type of reciprocity whereby they mutually recognize permits from other States or may honor permits or licenses issued by other jurisdictions. However, there are some States that neither recognize out-of-State concealed carry permits nor issue permits to nonresidents, resulting in a complete ban on the concealed carry rights of nonresidents who find themselves in those States.

The legal landscape of these State laws and their terms for recognizing concealed carry permits is complex. Yet, Mr. Speaker, we must recognize and remember that, at a practical level, our Union functions by acknowledging the necessary reciprocity of certain State functions, this being one of them and should be. But the current patchwork of State laws means that these law-abiding individuals have to stop and think about their rights, where they are located at the time and whether they recognize their Second Amendment rights, or they risk breaking the law.

Also, Mr. Speaker, H.R. 38 includes the text of the Fix NICS Act. The Fix NICS Act ensures individuals who are prohibited from receiving firearms are properly documented in the NICS system, and it would require Federal agencies to report relevant records in accordance with the law.

Mr. Speaker, the legislation before us upholds a constitutional right to keep and bear arms and recognizes the fact that the Bill of Rights isn't limited to certain jurisdictions. Our Founding Fathers carved certain foundational rights into our democracy, and today's bill simply upholds the spirit and letter of the Second Amendment.

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

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

Mr. Speaker, I thank my friend from Georgia for yielding me the customary 30 minutes for debate.

Mr. Speaker, this is the 54th closed rule brought by the Republican majority to the floor. Yesterday, in the Rules Committee, I pointed that out, as well as the fact that there were 25 Members of this body who offered amendments that were not made in order. Significant numbers of them were germane, and they were bipartisan. We cannot continue to ignore the importance of allowing full membership to participate on behalf of their constituents.

Today's bill combines two bills: one, a bipartisan supported approach to strengthening background checks; the

other, a disgraceful handout to the powerful gun lobby and gun manufacturers.

I also pointed out last night that the NRA, in many respects, is two bodies: those at the top and the rank-and-file members. Many of the rank-and-file members, for example, support universal background checks that we could be talking about in this measure if an amendment seeking to have that made in order had been made in order.

A month ago yesterday, this country grieved with our brothers and sisters in Sutherland Springs, Texas, as they reeled from one of the worst mass shootings this country has ever suffered. A man walked into a house of worship as churchgoers prayed and sprayed bullets throughout the building. He killed an 18-month-old baby; he killed eight members of one family; he killed the pastor's 14-year-old daughter—a total of 26 people—and he was able to do so in a matter of minutes.

We learned later that this man had served in the Air Force and, while there, had been court-martialed for committing acts of domestic violence against his wife and infant child. As part of his sentence, he was prohibited from purchasing or possessing firearms. Tragically, this information was never put into the National Instant Criminal Background Check System, and we call that NICS. He was able to pass a background check and come into possession of several guns he would use to murder 26 innocent people in Sutherland Springs, Texas, on November 5, 2017.

This tragic event is instructive to the bill brought by us today. Clearly, our background check system must be strengthened.

The problems with our background check system are more grave than we previously could even imagine, as recent reports indicate that the FBI has sought to retrieve guns from thousands of people that the background check system should have blocked from buying a weapon but who ultimately were allowed to do so.

I think we can all agree that, if we have a system through which people like the murderer in Sutherland Springs can buy a gun or one in which thousands of people who should have never been allowed to buy a gun in the first place are able to do so, then we really have no system at all.

Today's bill, in part, would have been a good first step in addressing those weaknesses. But, Mr. Speaker, my Republican colleagues, in a fashion so common for their majority of this Congress, have decided to sabotage a commonsense, bipartisan bill by combining it with a reckless piece of legislation that will allow guns to be carried all over this country.

Let us remember that the gunman in Texas was a known domestic abuser. He abused his wife and he abused his

child. Under today's concealed carry bill, all we would have to do is change "wife" to "girlfriend," and in some States he would be able to obtain a concealed carry permit for a handgun. Should today's bill become law, he would then be allowed to bring that concealed handgun into your State, even if your State does not allow convicted domestic abusers to have concealed weapons.

For example, Mr. Speaker, the State that I am privileged and proud to represent, Florida, stops abusive dating partners from carrying loaded, hidden handguns in public. However, my friend from Georgia's State, right over the border, does not have that same restriction. Under this legislation, Florida would be mandated to allow abusive dating partners with concealed permits from Georgia to carry their weapons in Florida.

□ 1245

Under H.R. 38, violent offenders and people with no firearms safety training would be able to carry hidden loaded guns even if they could not otherwise legally purchase a gun in the State.

Footnote right there: like my friend from Georgia, I, too, have a concealed carry permit in the State of Florida, and I am a firm believer in the Second Amendment and a person's right to own a weapon, but I also think we should be discussing today matters such as the bump stock, and there were amendments that dealt with that that were not made in order. I think we should be discussing assault weapons in the hands of the public. I, for the life of me, do not understand how anybody, other than people in law enforcement and the military, need an AK-47 or a multiple-firing gun.

Mr. Speaker, this idea that we are presented with here is so terrible, so anathema to common sense and decency, that one has to wonder aloud, where did such an idea come from.

Well, we have an answer, and it is probably not too surprising. Today's concealed carry bill is brought to you by the Republican Party via their very influential friends in the powerful gun lobby.

Footnote right there: the gun lobby does the bidding of gun manufacturers, who benefit immensely. Why don't we just pass a mandate that every woman, man, and child in America must buy a gun, and maybe that would satisfy or satiate gun manufacturers with reference to how they continuously cause us to do things that are not commonsense matters as it pertains to guns.

In fact, this bill, which will allow domestic abusers to carry concealed weapons across State lines, is the top priority for the gun lobby. Well, happy holidays, fellows, but we here on this side of the aisle are going to do everything that we can to make sure you don't get it.

When this matter gets to the other body, I can assure my friend from Georgia, and all of the speakers on either side today, that it is going nowhere.

So what are we doing by bringing this measure in the first place? Is it a distraction? Is it an absolute necessity that we do this?

Mr. Speaker, just so we are crystal clear, what is happening right now in the people's House, let me reiterate, just over 2 months after a gunman killed 58 people and wounded nearly 550 people in Las Vegas, and just over a month after another gunman killed 26 people in their church as they prayed, this Republican majority, in response to those atrocities, saw fit to bring to the floor a bill that would allow violent offenders to carry concealed weapons all across the country. Let that sink in.

This isn't the only time that we have done something along these lines. After Sandy Hook, after children were killed and their teachers were killed, we did nothing. After Virginia Tech, where people were killed in significant numbers at a military base; in Colorado in a theater; in Orlando, Florida, in a nightclub, repeatedly we have seen these multiple shootings, or mass shootings as they are referred to, where three or more people are killed, 330 times this year alone we have had mass shootings, yet we come here with a bill talking about carrying concealed weapons.

Every day in America, 93 people on average are killed with a gun, seven of them children, but in the midst of this gun violence epidemic, and that is what it is, what do my Republican colleagues do? Did they bring to the floor legislation to close the gun show loophole, or did they close loopholes to prevent domestic abusers from purchasing guns, or are they considering a ban on so-called bump stocks that do turn semiautomatic weapons into illegal automatic guns, most recently used to rain carnage down on innocent concertgoers in Las Vegas?

One country music singer pointed out that his band had legal guns, but they were afraid to bring them out in Las Vegas because the authorities couldn't ferret out who was doing the shooting. We had that in a Wal-Mart that all of us saw posted, the shooting where people with guns caused confusion among the police.

A footnote there: this bill proposes to study the issue of bump stocks. Mr. Speaker, we don't need a study. As my colleague, Congresswoman DINA TITUS, who represents the city of Las Vegas, said last night at the Rules Committee, the only study we need is to go look at the 58 crosses in her district. That is what bump stocks do. That is your study.

Did my Republican colleagues bring to the floor a bill that would have addressed any of these commonsense proposals? Of course not, because even though those proposals have the support of an overwhelming majority of American people when it comes to guns, that is not what motivates my Republican friends. What they care about is the gun lobby and gun manufacturers and their wish list. That is why we are here today.

Mr. Speaker, my friends on the other side of the aisle like to compare a concealed carry permit to a driver's license, but let me set the record straight, because that comparison is nothing but a gross exercise in false equivalency. A driver's license must meet stringent, uniform Federal criteria established under the REAL ID Act. This includes a photo of the license holder and data including their date of birth and their State of residence.

There are absolutely no such uniform standards when it comes to concealed carry permits. In some States, they could look like a paper library card. In others, they may have photo identification.

There is no national database, no hotline that contains permit information from all 50 States, so law enforcement would be in a position of having to find each individual issuing agency to verify that a concealed carry permit is valid, and that is impossible.

My Republican colleagues often tout their support for our first responders. Well, I urge them to heed the warnings of those brave men and women. Major law enforcement groups understand how dangerous this bill would be, and that is why so many of them oppose what the majority is trying to do here today. Organizations like the Major Cities Chiefs Association, Police Foundation, and Police Executive Research Forum all stand in strong opposition to today's bill.

To make matters worse, this piece of legislation even exposes members of the law enforcement community to personal litigation if they mistakenly question someone's ability to carry a concealed weapon.

Mr. Speaker, this is not just some small issue limiting a law enforcement officer's ability to carry out their job; this limit on challenging concealed carry permits will cost lives. In fact, a recent study conducted by Stanford University found that when States weaken law enforcement's authority to deny a permit to those who pose a danger to the community, violent crime goes up by 13 to 15 percent. This research is clear, convincing, and not at all difficult to fathom. When you lift limits on who can carry a concealed weapon, gun-related crime goes up. It is that simple.

Mr. Speaker, among the many important issues this body must address, the

following stand out: as of this moment, we are roughly 72 hours away from a government shutdown; we have 800,000 persons whom we refer to as DREAMers who continue to wait for us to do the right thing and bring them fully into the only country that they know as home; and we have 9 million children and their parents facing an unconscionable lapse in lifesaving funding for the incredibly important Children's Health Insurance Program.

Given all that, what does the Republican-controlled Congress do? They bring a bill to the floor that will make it easier for domestic abusers to cross State lines with concealed weapons. This is shameful and no way to run a government.

Last night, I thought actively too long trying to go to sleep about the acronym GOP, Grand Old Party, the conservatives, the States' rights conservatives, the fiscal conservatives who are about to dump serious debt on our children should be called now by their acronym, rather than GOP, in light of the choice that they make with reference to guns, perhaps GOP should stand for "Guns Over People."

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

Mr. COLLINS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mrs. HARTZLER). She has some language in this bill. I also would like to thank her for her support for this legislation.

Mrs. HARTZLER. Mr. Speaker, today I rise in support of H.R. 38, the Concealed Carry Reciprocity Act.

This bill, which reaffirms the Second Amendment rights of all law-abiding citizens to keep and bear arms in every State, includes a provision I introduced earlier this year as the Police Officers Protecting Children Act.

My provision would help protect our children from school shootings and empower local law enforcement to respond rapidly in the case of an emergency. As many of you who represent rural areas know, in these sparsely populated regions, our local law enforcement is stretched thin.

My bill would amend the Gun-Free School Zones Act to allow school boards to permit off-duty and retired police officers to carry their firearms on school campuses so they can respond quickly in the event of a crisis. The legislation would expand the reach of local police officers, decrease emergency response time, and put more choice back in the hands of our local school districts. It is a win-win-win.

As we have learned over and over, localities are much better equipped to know what works for their district rather than the Federal Government. In fact, the idea of my bill came from a constituent who is a retired police officer and served his community for 30 years. This gentleman came to me because he wasn't allowed to use his

weapon to protect his grandchildren at school even though he had decades of experience and continued to pass an annual recertification test.

Additionally, the sheriff of Laclede County in my district said: Not allowing current law enforcement officers, or qualified retired law enforcement officers, to carry weapons at schools simply puts children's lives at risk.

I agree.

Mr. Speaker, I thank the Judiciary Committee for including my legislation in this important bill, and I urge my colleagues to support the rule and the underlying bill.

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL), a very good friend of mine.

Mr. ENGEL. Mr. Speaker, I rise today in opposition to H.R. 38, the Concealed Carry Reciprocity Act.

This dangerous bill is an attack on commonsense gun laws across the country. It will force States like mine in New York, with carefully crafted gun laws, to recognize the concealed carry permits from all other States.

This bill doesn't create a national standard. Instead, it lets the States with the weakest laws dictate the safety of everyone else. Thirty-one States require safety training, 35 States prohibit domestic abusers from carrying concealed weapons, 27 States prohibit people convicted of violent misdemeanors from carrying concealed weapons. All of these States' laws will be overridden if H.R. 38 passes.

It is unconscionable, in the wake of two of the worse mass shootings in modern American history, Republicans are still trying to dismantle gun laws. It is like "Alice in Wonderland." We must fight on behalf of the safety of all Americans and pass comprehensive gun safety laws, not this dangerous bill.

□ 1300

Mr. COLLINS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), a fellow member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I rise in strong support of the underlying bill, H.R. 38; or maybe that is the lead bill and there is an underlying bill that has been attached to it. I want to speak a little bit here about this process.

First of all, though, we have a concealed carry bill before us that is a good and an excellent bill, that has been hard-worked and well-vetted, and I want to thank Mr. HUDSON for his diligent work on this for a number of years.

A year and a half or more ago we had this bill about ready to go before the Judiciary Committee. I raised an issue. My concern was that it didn't allow for the proper respect for the States—7 then, 12 now—who have legitimate constitutional carry, which is: Since you

have a Second Amendment right, you have a right to carry a weapon.

Under this bill now, having incorporated an amendment that I had prepared a year and a half or so ago that allows then for the residents of the States who have constitutional carry to then travel into other States; if they are legal in their home State, they are legal in another State, under this bill, without having to require the States that respect full constitutional carry to produce permits for their citizens and their residents to travel into neighboring States or anywhere in the country. I think that is a significant improvement, and I thank Mr. HUDSON for his cooperation and work on that. Like I say, this is a good and solid bill.

I am, however, concerned about this process. When I hear the gentleman, Mr. HASTINGS, speak about this is the 54th closed rule that we have seen, I am for a lot of open rules. I am for open debate. I want to fight it out in committee and I want to fight it out here on the floor.

Our Founding Fathers understood that. They set this system up this way. They said to all of us: Go to your district, pull the best ideas you have there, generate your own good ideas, bring them here, and let them compete in this marketplace of ideas.

But if we don't have the window to compete with ideas, if we don't have that opportunity to have the debates, if we don't have the opportunity to force votes on amendments, then the best that America has to offer eventually doesn't show up in the law or to the President's desk.

This is one of those circumstances where we learned a bill that didn't have a number the morning that we marked this up in committee is now the Fix NICS bill. It got a number sometime that same day. There was not a full opportunity to vet the Fix NICS bill. I am very apprehensive about what it might do to this country.

I would like to have had hearings and learn what kind of American citizens, law-abiding citizens, will be disadvantaged by the Fix NICS bill. Whose names get on that and why? How do you get those names off when you need to be cleaning up the list?

I want to have everybody on the list who belongs on the list, but I don't want anybody on the list who doesn't belong on the list. I want to protect American people and I want to protect constitutional rights.

We didn't get an opportunity to look into this, and anybody who brought an amendment to the Rules Committee, it came to the floor under a closed rule. So I am concerned and I am apprehensive about this.

In fact, as I look through these provisions, I strongly support section 103, VICKY HARTZLER's section in the bill. Section 104—

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

Mr. COLLINS of Georgia. I yield an additional 15 seconds to the gentleman.

Mr. KING of Iowa. I support also the section of the judges, but offered an amendment in committee—too many Members weren't there; at least 10 Republicans were gone—to protect congressional Members of Congress in the same way as the judges. We didn't have that opportunity to actually have a hearing on it in the committee—a legitimate one—and we didn't have an opportunity to bring that amendment to the floor, so I have this apprehension.

Mr. Speaker, I urge that we get back to regular order.

Mr. HASTINGS. Mr. Speaker, my friend from Iowa, Mr. KING, had two amendments that were rejected last night in the Rules Committee. I join him in saying that we need to get back to regular order.

Mr. Speaker, would you be so kind as to inform me and my friend from Georgia how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 11¾ minutes remaining. The gentleman from Georgia has 18 minutes remaining.

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. JAYAPAL), a distinguished member of the Judiciary Committee.

Ms. JAYAPAL. Mr. Speaker, I rise in strong opposition to H.R. 38, the Concealed Carry Reciprocity Act.

Our country is still reeling, Mr. Speaker, from two of the worst mass shootings in modern American history.

From the 58 people murdered in Las Vegas to the 25 killed in a Texas church, how can we face the families of these people and say that this bill is the best we could do?

Studies show that States with laws permitting concealed carry experience an estimated 13 to 15 percent increase in violent crime than there would have been without the right to carry laws.

But we don't need academic studies, Mr. Speaker, to know that this bill is wrong. We just need to look at real people.

One of my constituent's sisters was shot in Las Vegas and survived. She is one of the lucky ones. They won't have any empty spots at the holiday table this year because they lost someone to gun violence. Over 14,000 Americans, including parents of nearly 700 children, are not as fortunate, and my heart goes out to them, especially as we enter the holiday season.

Today, we have a critical opportunity to say enough is enough, and I strongly urge my colleagues to stop this heinous bill from moving forward.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. MITCHELL), a fine member whose strong support of this bill is appreciated.

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 38, the Con-

cealed Carry Reciprocity Act, and the underlying rule. The Second Amendment right to bear arms must stand resolute, as should all our constitutional rights. This legislation simply affirms the right of law-abiding citizens to effectively exercise their right in other States as they do at home.

Forty-two States broadly recognize the right of law-abiding citizens to carry concealed handguns, and most States allow some form of concealed carry. State recognition of concealed carry licenses from other States is not uniform or consistent. Those who wish to carry a concealed weapon across State lines are subject to a confusing patchwork of State laws that make it difficult for law-abiding citizens to travel with a firearm without fear of prosecution.

Mr. Speaker, contrary to what critics would have you believe, this legislation does not upend State laws or expand access to firearms. States will still have the right and the ability to set specific conditions for residents to conceal carry, and individuals from other States must abide by those laws and rules when they carry in other States.

This legislation does not lessen limitations on gun purchases. If you are prohibited from purchasing a firearm now, they will continue to be prohibited from purchasing a firearm if this bill is passed.

If you can't legally own or carry a firearm today, this legislation will not allow you to do so after it is passed.

This legislation is about respecting our Constitution. Our other constitutional rights, like free speech, do not expire when you cross State lines. They are not restricted by State lines. So why should we also allow the Second Amendment to be limited by State lines?

Indeed, the core of the Second Amendment is self-defense, and the ability to carry a firearm outside your home is a critical component of that constitutional right. That is why 24 State attorney generals, including Michigan's attorney general, Bill Schuette, submitted letters supporting this legislation. They know, like I do, that this legislation is common sense. It prioritizes the rights of law-abiding citizens to conceal carry and the ability to travel freely from State to State without worrying about conflicting State laws and prosecution.

Mr. Speaker, each of us are required to take an oath of office here. In that oath, we swear to uphold and defend our Constitution—the Constitution of the United States. That is what this legislation exactly does. It makes sure our exercise of constitutional rights applies throughout the United States.

My colleague on the other side of the aisle questions proceeding with this legislation while funding for the Federal Government hangs in the balance in the next 72 hours. I agree. We must

keep the lights on. We are all responsible for keeping the lights on. It isn't as if it is one side of the aisle or the other, and in the past, it has been a bipartisan agreement to do so.

Suddenly, the other side of the aisle says: If we don't get exactly what we want on terms we have, including on DACA, we will take it to the precipice.

A solution on DACA is there if my colleagues wish to take it. At this point, so far, they haven't.

But there are some things that aren't malleable. There is right and there is wrong in this. I suggest we solve it in the next 72 hours and we keep the lights on because we are all equally responsible for that.

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER), my good friend, who is a member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, why should the United States of America be the only rich country in the world that cannot protect our families from gun violence?

It doesn't have to be this way. In fact, there are a number of States that have enacted gun safety protections. And in those States that have done so, there are fewer gun deaths and there are fewer gun injuries.

My State of Oregon is one of those that has enacted them, in part, because of votes of the people, not politicians. This proposal would strip away protections of Oregonians because there are 12 States that, basically, if you are 21 and have a pulse, you can carry a firearm. Others have much less-restrictive proposals.

This eliminates the ability of States to protect its own citizens. It is shameful. It is wrong.

Someday, Congress will come to its senses and enact reasonable gun safety legislation for the country. But until we do, for heaven's sake, don't punish States that have accepted their responsibility to protect their families.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise today in support of H.R. 38, the Concealed Carry Reciprocity Act.

As a lifelong gun owner and staunch advocate for protecting our Second Amendment rights, I am proud to co-sponsor this legislation.

H.R. 38 would protect law-abiding gun owners with concealed carry permits, like the single mother, Shaneen Allen, from Pennsylvania. Many of you have heard this story. I know the author of this bill, Mr. HUDSON, has told this story many times, where Miss Allen was arrested in New Jersey during a routine traffic stop because her valid Pennsylvania concealed carry license had no legal standing in New Jersey.

Our constitutionally protected Second Amendment rights should not stop at a State line. This commonsense bill would ensure that concealed carry permit holders' rights to carry firearms across all State lines will exist.

The legislation would allow Georgia's 600,000-plus concealed carry permit holders to remain protected while traveling. The bill would also incentivize States to report individuals prohibited from owning guns to the FBI's National Instant Criminal Background Check System, better known as NICS, and it gives States the resources they need to follow this law.

This would not put an additional burden on law-abiding gun owners or make it more difficult for them to purchase or carry a firearm. It simply ensures that agencies and bureaucrats are following the existing laws.

I appreciate Mr. HUDSON's hard work to advance this commonsense legislation to protect Americans' constitutional rights, and I urge my colleagues to join me in supporting this rule and the bill.

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. PRICE), my good friend.

Mr. PRICE of North Carolina. Mr. Speaker, the bill before us creates a dangerous race to the bottom, forcing States to accept concealed carry permits from all other States, regardless of their training standards, their background check system, or their safety requirements.

Make no mistake, this bill would make it easier to cross State lines with hidden, loaded weapons, threatening local communities by making it harder for law enforcement to determine who is lawfully carrying a firearm. No wonder sheriffs, police chiefs, and other law enforcement agencies oppose this bill.

What a shame it is that, after the terrible mass shootings in Las Vegas and Texas, the first gun-related bill this House considers would actually make it easier for dangerous people to carry concealed weapons in more places.

Mr. Speaker, these tragedies aren't inevitable. They are the result of policy choices. We could be working together to enact commonsense measures to respond to the gun violence epidemic facing our country. But as long as Republicans are beholden to NRA extremism, these proposals, I am afraid, will fall on deaf ears.

I urge my colleagues to reject this shameful proposal and to work, instead, to address the root causes of gun violence in this country.

□ 1315

Mr. COLLINS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 38, the Concealed Carry Reciprocity Act.

Since I was elected to Congress in 2014, I have been devoted to preserving the constitutional rights of Americans, including the inalienable right to bear arms.

Despite our Second Amendment protections, many States have laws restricting the ability of citizens to carry concealed weapons, principally out-of-State residents. This is particularly confusing and burdensome for law-abiding citizens who choose to conceal carry and live near a State line.

For example, the district I represent borders South Carolina along the Savannah River. For many of my constituents, the closest grocery store, bank, and even their work may be in South Carolina. Thankfully for my constituents, Georgia and South Carolina already have firearm permit reciprocity.

But this is not the case everywhere. As the law currently stands, Americans in other States are losing their right to bear arms on a daily basis simply because they live near a State line. Just as your First Amendment right to free speech does not change from one State to another, neither should your right to protect yourself and your family.

Mr. Speaker, I hope my colleagues will see this and will join me in voting for this commonsense legislation to solve this problem.

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise as the co-chair of the Law Enforcement Caucus in the Congress of the United States. This bill is terrible. The Concealed Carry Reciprocity Act should not be voted on.

As a may-issue State, New Jersey allows local law enforcement the discretion on issuing concealed carry permits. In order to receive a permit, applicants must demonstrate an urgent need to carry a concealed weapon and pass a safety course on par with firearms training required of police officers.

H.R. 38 would undermine the good regulations New Jersey has in place by forcing New Jersey and other States to recognize the concealed carry standards from every other State, even if their regulations are weak or non-existent.

Allowing States with the weakest concealed carry requirements to set the national standard creates a race to the bottom. Aside from the outrageous fact that House Republicans are pushing a bill to weaken States' rights, this bill makes it harder for local law enforcement to do their jobs.

This bill does not establish a process for officers to easily verify that someone is carrying lawfully, because officers would be essentially required to

know the permitting standards of every State, a heavy and unnecessary burden, Mr. Speaker.

Mr. COLLINS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Ms. CHENEY).

Ms. CHENEY. Mr. Speaker, I rise in support of the rule for consideration of H.R. 38 and the underlying bill, the Concealed Carry Reciprocity Act.

The Second Amendment to the United States Constitution, Mr. Speaker, protects the individual rights of American citizens to keep and bear arms. This is a fundamental right to our great Republic.

In Wyoming, Mr. Speaker, we know that this is a God-given right enshrined in our Constitution, which is why Wyoming is a constitutional carry State. Wyoming is not alone in this Constitution-based conviction.

Across the country, Mr. Speaker, 42 States broadly recognize the right of law-abiding citizens to carry concealed handguns. Further, all 50 States allow some form of concealed carry. Many States, but not all, Mr. Speaker, already recognize the gun laws of other States.

However, Mr. Speaker, those traveling through or living on the border of a State that does not recognize their home State's laws could have their gun rights stripped when they cross State lines. That is wrong, Mr. Speaker.

This puts otherwise law-abiding citizens in a situation where they may be criminally liable for simply carrying out their constitutional right to keep and bear arms.

The constitutional rights of United States citizens should not change or end at State lines, Mr. Speaker. The Concealed Carry Reciprocity Act ensures the rights of law-abiding citizens to travel across State lines without worrying about the conflicting patchwork of State concealed carry laws or regulations.

This bill is crucial to protecting our constitutional rights. Therefore, Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MOULTON).

Mr. MOULTON. Mr. Speaker, 26: that is how many people were gunned down in a Texas church. Fifty-nine: that is how many were murdered at a concert in Las Vegas. And 489: that is how many law-abiding Americans were injured in that same attack.

Mr. Speaker, it has been weeks after those shootings, and we haven't taken a single action in the United States Congress to stop the gun violence epidemic plaguing America.

Instead, Republican leadership is pushing a bill with blood money from the NRA that will create a race to the bottom where States with the weakest concealed carry requirements will rewrite the laws for everyone else.

Meanwhile, we all know there are bipartisan bills that will reduce gun deaths, including my bill to ban bump stocks. Those bills have been denied a vote.

Mr. Speaker, we have lived through too many massacres. At this rate, I guarantee we will live through more. Let's stop this nonsense and work together on commonsense solutions the majority of Americans want.

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

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), my good friend.

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to H.R. 38, which unconscionably combines a needed reform to improve background checks with a wholesale abandonment of sanity with respect to gun permitting.

The Fix NICS Act would improve notifications about criminal activity for background checks, which I strongly support. A system, by the way, that tragically failed prior to the Sutherland Springs shooting.

Unfortunately, this reform is tied to the Concealed Carry Reciprocity Act, which would endanger millions of Americans and undermine well-established State laws with respect to concealed carry.

My home State of Rhode Island has strong, sensible procedures for getting a concealed carry permit. In Rhode Island, you must be at least 21 years old, trained in gun safety, and must have just cause to carry a concealed weapon. Domestic abusers are not eligible.

H.R. 38 would override these commonsense laws, putting our residents at risk. It would allow anyone denied a permit in Rhode Island to permit shop in States with weaker laws, and it would allow residents of States with weaker requirements to carry freely in our neighborhoods.

Mr. Speaker, gun violence is an epidemic in this country. We should not be taking steps to put more guns on our streets. I urge my colleagues to heed the warnings of law enforcement officers and reject this dangerous bill.

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

Mr. HASTINGS. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I can't think of a more breathtaking display of nerve or brass than what the Republican majority is doing with this bill.

After the tragedies we have suffered in Las Vegas and in Orlando, in Aurora, Colorado, that I represent, to race to the bottom to have the easiest laws—and no offense to Georgia, but Georgia has no business and no right to tell Colorado what its laws concerning the health, safety, and welfare of Coloradans should be under the 10th Amendment.

Instead of taking up real legislation on assault weapons or bump stocks that make those assault weapons machine guns that mowed down all those people in Las Vegas, we are saying: No. Whatever State has the weakest, most lax gun laws, then that State is going to control all the other States. That is wrong, that is unconstitutional, and this bill should be rejected right here and right now.

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

Mr. HASTINGS. Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to bring up H.R. 3440, the Dream Act.

Mr. Speaker, a group of 34 of my Republican colleagues sent a letter this week to Speaker RYAN urging a vote before the year's end on legislation that would protect DACA recipients. I include in the RECORD that letter.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 5, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: We write in support of passing of a permanent legislative solution for Deferred Action for Childhood Arrivals (DACA) recipients before the end of the year. DACA recipients—young people brought to America through no fault of their own—are contributing members of our communities and our economy. For many, this is the only country they have ever known. They are American in every way except their immigration status.

Since DACA's inception, the federal government has approved approximately 795,000 initial DACA applications and 924,000 renewals. Since being approved for DACA status, an overwhelming majority of these individuals have enrolled in school, found employment, or have served in the military. Studies have shown that passing legislation to permanently protect these individuals would add hundreds of billions to our country's gross domestic product (GDP). That is why the business community, universities, and civic leaders alike support a permanent legislative solution.

We agree with President Trump that executive action was not the appropriate process for solving this issue, as was done under the previous administration, and we believe Congress should act. We are compelled to act immediately because many DACA recipients are about to lose or have already lost their permits in the wake of the program's rescission. Not acting is creating understandable uncertainty and anxiety amongst immigrant communities.

While we firmly believe Congress must work to address other issues within our broken immigration system, it is imperative that Republicans and Democrats come together to solve this problem now and not wait until next year. We all agree that our border must be enforced, our national security defended, and our broken immigration system reformed, but in this moment, we must address the urgent matter before us in a balanced approach that does not harm valuable sectors of our economy nor the lives of these hard-working young people. We must pass legislation that protects DACA recipients from deportation and gives them the opportunity to apply for a more secured status

in our country as soon as possible. Reaching across the aisle to protect DACA recipients before the holidays is the right thing to do.

Sincerely,

Scott Taylor; Dan Newhouse; Mia Love; Mark Amodei; David G. Valadao; Dave Reichert; Brian Fitzpatrick; Mike Coffman; Charlie Dent; Frank A. LoBiondo; Peter T. King; Carlos Curbelo; Ileana Ros-Lehtinen; Ryan A. Costello; Fred Upton; Jeff Denham; Rodney Davis; John J. Faso; John Katko; Chris Stewart; Susan W. Brooks; Adam Kinzinger; GT Thompson; Mike Simpson; Mimi Walters; Leonard Lance; Pat Meehan; Elise Stefanik; Tom MacArthur; Chris Smith; Jennifer González-Colón; Joe Barton; Will Hurd; Bruce Poliquin.

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

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. GRIJALVA) to discuss our proposal.

Mr. GRIJALVA. Mr. Speaker, I thank my esteemed colleague for yielding time to me.

Mr. Speaker, each day that Congress delays action on the Dream Act, 122 people lose their temporary protected status granted by DACA.

Since the Trump September 5 announcement, 11,182 young people have lost their DACA status and face the daily threat of being detained and deported.

Time and time again, House Democrats have pleaded to Republicans and their leadership the urgency of finding a legislative solution that would permanently protect DREAMers. We have pleaded and explained the economic benefit, \$23 billion yearly contributed by DREAMers to the GDP of this Nation.

We have pleaded with the Republican leadership to bring a Dream Act to the House floor that is just and fair without the trappings of xenophobia, division, or hate.

We have pleaded that the DREAMers have not committed a crime. It was not an act of volition on their part as children.

We must move beyond the political calculations about race, us-versus-them divisions in this country, and scapegoating.

The House has an opportunity and the authority to vote on a clean Dream Act and embrace the shared values and humanity of this Nation, while rejecting the politically manufactured hysteria.

Mr. Speaker, I ask a “no” vote on the previous question so that H.R. 3440, the Dream Act, can come to the House floor.

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

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

Mr. Speaker, I have watched this year as members of the Republican majority have worked diligently to repeal the Affordable Care Act, which would have been a failure for the American people but great for special interests.

I have watched members of the Republican majority work relentlessly to push a tax scam bill through this body that will certainly be a failure for the American people but great for corporate America and the ultrawealthy.

I have watched members of the Republican majority here today and yesterday in the Rules Committee champion a bill that will be a failure for the American people, especially survivors of domestic violence, but great for the powerful corporate gun lobby and gun manufacturers. I sense a theme for my friends across the aisle, and it is a shameful one.

Mr. Speaker, our country faces a gun violence epidemic, and we here in Congress should be doing all that we can to put it to an end.

The opportunity to pass a bipartisan measure to strengthen our background check system has presented itself, but apparently the majority, without hearings, would rather drown bipartisanship in the dirty waters of the corporate gun lobby and gun manufacturers.

I have said it before, and I will say it again here today: Those who stand in the way of legislation that will address our country's gun violence epidemic are increasingly culpable for its needless continuation. That is why I dubbed and gave the acronym GOP, “Guns Over People,” but I guess I should have used the acronym “Good Old Puppets” of the gun lobby and gun manufacturers.

Mr. Speaker, I urge a “no” vote on the rule and underlying bill, and I yield back the balance of my time.

□ 1330

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself the balance of my time. I do appreciate my friend from Florida. We have many lively debates on the floor and many lively debates in the Rules Committee. But if you really want to see things going in really a tone and tenor misspeak on this floor, let's at least get back to saying there are ideas that we agree with and disagree with.

There are ideas of actually just taking a constitutional right and being able to apply that in the Concealed Carry Reciprocity Act, which is what we are talking about here, regardless of who might find that appealing, what groups or nongroups. That is a constitutional right that we are fighting for.

But in this regard of saying that puppets—the moment that the group who enjoys killing babies says, “You need

to make sure that right is available,” then my friends across the aisle are quick to jump to their strings to say, “Yes, I want to do that.”

When they wanted to have more government-controlled healthcare, they also said: Oh, but our insurance companies, we need to have a position for them in which they are taken care of.

I guess that was another puppet string, Mr. Speaker.

I think the bottom line is, let's quit, knowing that many of us on both sides have our positions, and we have people who like our positions on both sides, whether they be Democrat or Republican.

But one of the reasons that the American people are very frustrated with this body is because the tone and tenor is not on policy, which we can disagree on. It is who controls the other.

If we wanted to lay out a laundry list of supporters of the Democratic Party and maybe supporters of the Republican Party and say, that is all that matters, then fine, Mr. Speaker. If we have degenerated to that, then so be it. But shame on us.

Whether you want reciprocity or not, good. Argue it. Whether you want to have another thing in our tax reform and you believe tax reform can be done in a different way, argue it. But when we separate out who is a puppet and who is not, then we are also racing to the bottom. We are racing to the bottom of the civil discourse that the American people are tired of. Look at the last election.

So when I look at this today, Mr. Speaker, I look at a bill—and we have also heard interesting things that have been said, like: Officers will be in trouble and possibly can be sued. Look at the language that is put into the bill, a Terry stop, that they could ask, and that they are protected from suit.

What they are not protected from is unlawful arrest. Then they will be held liable. Or maybe, it has also been said that we are going to turn all of these concealed carry permit owners, like myself and my friend from Florida, loose on the country and terrible things are going to happen.

May I remind us here on the floor that Florida, which has issued nearly 2 million permits, has only revoked 168 due to gun crimes committed by permit holders. That is 0.008 percent. The fight that concealed carry permit holders are generally more law-abiding citizens than the general public, we can disagree, Mr. Speaker, and that is part of this body.

We can come to different conclusions. That is the reason we have a debate floor. But when we start to try and bring in other things, and who is controlled by whom, then I just simply, Mr. Speaker, ask that the other side cut their strings first.

The material previously referred to by Mr. HASTINGS is as follows:

AN AMENDMENT TO H. RES. 645 OFFERED BY
MR. HASTINGS

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

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy im-

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. AL GREEN of Texas. Mr. Speaker, I rise to a question of privilege of the House and offer the resolution that was previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 646

Impeaching Donald John Trump, President of the United States, of high misdemeanors.

Resolved, That Donald John Trump, President of the United States is unfit to be President and is impeached for high misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United

States, in the name of itself and of the people of the United States, against Donald John Trump, President of the United States, in maintenance and support of its impeachment against him for high misdemeanors committed as President constituting harm to American society to the manifest injury of the people of the United States:

ARTICLE I

In his capacity as President of the United States, unmindful of the high duties of his high office and the dignity and proprieties thereof, and of the harmony and courtesies necessary for stability within the society of the United States, Donald John Trump has with his statements done more than insult individuals and groups of Americans, he has harmed the society of the United States, brought shame and dishonor to the office of President of the United States, sowing discord among the people of the United States by associating the majesty and dignity of the presidency with causes rooted in white supremacy, bigotry, racism, anti-Semitism, white nationalism, or neo-Nazism on one or more of the following occasions:

On August 15, 2017, Donald John Trump made a widely published statement characterizing a group of anti-Semites, bigots, racists, white nationalists, and Ku Klux Klansmen who rallied in Charlottesville, Virginia, as "very fine people".

On August 7, 2017, hate groups returned to Charlottesville, Virginia, at the statue of Robert E. Lee, the Confederate general, chanting "You will not replace us!" Since this event on October 7, the President has made many widely published statements about many things including, the National Football League, but has not made one widely published statement condemning the hate groups for returning to the place where an innocent person lost her life at the hands of hate.

On November 29, 2017, Donald John Trump shared 3 videos posted by a leader of a British political party considered by many to be an extremist group. The videos purported to show various violent acts committed by Muslims, and were entitled: "Muslim migrant beats up Dutch boy on crutches!"; "Muslim Destroys a Statue of Virgin Mary!"; and "Islamist mob pushes teenage boy off roof and beats him to death!". The clearly inferable intent of the post was to demonstrate the alleged propensity of Muslim immigrants to engage in violent acts. Even if the videos showed what they purport to show, in sharing these videos with his 43,800,000 followers on Twitter, Donald John Trump's dissemination of such material evinces an invidious intent to create division within American society.

In all of this, the aforementioned Donald John Trump, by his statements, unmindful of the high duties of his high office and the dignities and proprieties thereof, and of the harmony, respect, and courtesies necessary for stability within the society of the United States, has undermined the integrity of his office, has sown discord among the people of the United States, has brought disrepute, contempt, ridicule and disgrace on the Presidency, has acted in a manner antithetical to the cause of a just society, has betrayed his trust as President to the manifest injury of the people of the United States, and committed a high misdemeanor in office.

Therefore, Donald John Trump by causing such harm to the society of the United States is unfit to be President and warrants impeachment, trial, and removal from office.

ARTICLE II

In his capacity as President of the United States, unmindful of the high duties of his

high office, of the dignity and proprieties thereof, and of the harmony, and respect necessary for stability within the society of the United States, Donald John Trump has with his statements done more than simply insult individuals and groups of Americans, he has harmed the American society by publicly casting contempt on individuals and groups, inciting hate and hostility, sowing discord among the people of the United States, on the basis of race, national origin, religion, gender and sexual orientation, on one or more of the following occasions:

On January 27, 2017, Donald John Trump issued Executive Order 13769 providing for a partial shutdown of immigration from mainly Muslim countries, to fulfill a campaign promise that read as follows: “DONALD J. TRUMP STATEMENT ON PREVENTING MUSLIM IMMIGRATION (New York, NY) December 7th, 2015—Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what’s going on”, thereby casting contempt upon Muslims, inciting hate and hostility, and sowing discord among the people of the United States on the basis of religion.

On July 26, 2017, Donald John Trump made a public statement substantially as follows: “After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail”, and thereby casting contempt on transgender individuals, inciting hate and hostility, and sowing discord among the people of the United States on the basis of gender.

On September 23, 2017, Donald John Trump made a public statement substantially as follows: “Wouldn’t you love to see one of these NFL owners, when somebody disrespects our flag, to say, ‘Get that son of a B-I-T-C-H off the field right now, out, he’s fired? He’s fired!’” thereby casting contempt on professional football players who engaged in constitutionally protected protests pertaining to allegations of police misconduct with regard to racial minorities, as well as casting contempt on the professional players’ mothers by calling the mothers “B-I-T-C-H-E-S”, effectively calling these mothers dogs, thereby inciting hate and hostility, and sowing discord among the people of the United States on the basis of race and gender.

On September 30, 2017, Donald John Trump made a public statement substantially as follows: “They want everything to be done for them when it should be a community effort”, in the aftermath of Hurricane Maria thereby casting contempt on Puerto Rican citizens of the United States, inciting hate and hostility, and sowing discord among the people of the United States based on national origin and race.

On October 3, 2017, Donald John Trump made a public statement substantially as follows: “I hate to tell you, Puerto Rico, but you’ve thrown our budget a little out of whack because we spent a lot of money on Puerto Rico, that’s fine, we’ve saved a lot of lives”, but Donald John Trump did not make similar comments about Texas or Florida in the aftermath of Hurricane Harvey or Hurricane Irma, treating the Puerto Rican citizens of the United States disparately, thereby casting contempt on Puerto Ricans, incit-

ing hate and hostility, and sowing discord among the people of the United States based on national origin and race.

On October 19, 2017, Donald John Trump made a public statement substantially as follows: “The Fake News is going crazy with wacky Congresswoman Wilson (D), who was SECRETLY on a very personal call, and gave a total lie on content!”, thereby casting contempt on an African-American Member of Congress, inciting hate and hostility, and sowing discord among the people of the United States based on gender and race.

On October 21, 2017, Donald John Trump made a public statement substantially as follows: “I hope the Fake News Media keeps talking about Wacky Congresswoman Wilson in that she, as a representative, is killing the Democrat Party!” thereby casting contempt on an African-American female Member of Congress, inciting hate and hostility, and sowing discord among the people of the United States based on gender and race.

On October 22, 2017, Donald John Trump made a public statement substantially as follows: “Wacky Congresswoman Wilson is the gift that keeps on giving for the Republican Party, a disaster for Dems. You watch her in action & vote R!” thereby casting contempt on an African-American female Member of Congress inciting hate and hostility, and sowing discord among the people of the United States based on gender and race.

In all of this, the aforementioned Donald John Trump has, by his statements, brought the high office of President of the United States in contempt, ridicule, disgrace and disrepute, has sown discord among the people of the United States, has demonstrated that he is unfit to be President and has betrayed his trust as President of the United States to the manifest injury of the people of the United States, and has committed a high misdemeanor in office.

Therefore, Donald John Trump, by causing such harm to the society of the United States, is unfit to be President, warrants impeachment, trial, and removal from office.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. MCCARTHY. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California.

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

Mr. AL GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on laying the resolution on the table will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 645;

Adopting House Resolution 645, if ordered; and

Suspending the rules and passing S. 1266.

The vote was taken by electronic device, and there were—yeas 364, nays 58, answered “present” 4, not voting 6, as follows:

[Roll No. 658]

YEAS—364

Abraham	Diaz-Balart	Kuster (NH)
Aderholt	Dingell	Kustoff (TN)
Aguilar	Donovan	Labrador
Allen	Doyle, Michael	LaHood
Amash	F.	LaMalfa
Amodei	Duffy	Lamborn
Arrington	Duncan (SC)	Lance
Babin	Duncan (TN)	Langevin
Bacon	Dunn	Larsen (WA)
Banks (IN)	Emmer	Larson (CT)
Barletta	Eshoo	Latta
Barr	Estes (KS)	Lawson (FL)
Barton	Esty (CT)	Levin
Bera	Farenthold	Lewis (MN)
Bergman	Faso	Lipinski
Beyer	Ferguson	LoBiondo
Biggs	Fitzpatrick	Loeb sack
Billirakis	Fleischmann	Lofgren
Bishop (GA)	Flores	Long
Bishop (MI)	Fortenberry	Loudermilk
Bishop (UT)	Foster	Love
Black	Fox	Lowenthal
Blackburn	Franks (AZ)	Lowey
Blum	Frelinghuysen	Lucas
Blumenauer	Gabbard	Luetkemeyer
Blunt Rochester	Gaetz	Lujan Grisham,
Bonamici	Gallagher	M.
Bost	Gallego	Lujan, Ben Ray
Boyle, Brendan	Garamendi	Lynch
F.	Garrett	MacArthur
Brady (TX)	Gianforte	Maloney,
Brat	Gibbs	Carolyn B.
Brooks (AL)	Gohmert	Maloney, Sean
Brooks (IN)	Gonzalez (TX)	Marchant
Brown (MD)	Goodlatte	Marino
Buchanan	Gosar	Marshall
Buck	Gottheimer	Massie
Bucshon	Gowdy	Mast
Budd	Granger	Matsui
Burgess	Graves (GA)	McCarthy
Bustos	Graves (LA)	McCaul
Butterfield	Graves (MO)	McClintock
Byrne	Green, Gene	McEachin
Calvert	Griffith	McHenry
Carbajal	Grothman	McKinley
Cárdenas	Guthrie	McMorris
Carson (IN)	Hanabusa	Rodgers
Carter (GA)	Handel	McSally
Carter (TX)	Harper	Meadows
Cartwright	Harris	Meehan
Castor (FL)	Hartzler	Meeks
Chabot	Heck	Meng
Cheney	Hensarling	Messer
Chu, Judy	Herrera Beutler	Mitchell
Ciçilline	Hice, Jody B.	Moolenaar
Cleaver	Higgins (LA)	Mooney (WV)
Coffman	Hill	Mullin
Cole	Himes	Murphy (FL)
Collins (GA)	Holding	Nadler
Collins (NY)	Hollingsworth	Neal
Comer	Hoyer	Newhouse
Comstock	Hudson	Noem
Conaway	Huizenga	Nolan
Connolly	Hultgren	Norman
Cook	Hunter	Nunes
Cooper	Hurd	O’Halloran
Correa	Issa	O’Rourke
Costa	Jeffries	Olson
Costello (PA)	Jenkins (KS)	Palazzo
Courtney	Jenkins (WV)	Palmer
Cramer	Johnson (GA)	Panetta
Crawford	Johnson (LA)	Paulsen
Crist	Johnson (OH)	Pearce
Crowley	Johnson, E. B.	Pelosi
Cuellar	Johnson, Sam	Perlmutter
Culberson	Jones	Perry
Cummings	Jordan	Peters
Curbelo (FL)	Joyce (OH)	Peterson
Curtis	Kaptur	Pittenger
Davidson	Katko	Poe (TX)
Davis (CA)	Keating	Poliquin
Davis, Rodney	Kelly (MS)	Posey
DeFazio	Kelly (PA)	Price (NC)
DeGette	Khanna	Quigley
Delaney	Kihuen	Ratcliffe
DeLauro	Kildee	Reed
DelBene	Kilmer	Reichert
Demings	Kind	Renacci
Denham	King (IA)	Rice (NY)
Dent	King (NY)	Rice (SC)
DeSantis	Kinzing	Roby
DesJarlais	Knight	Roe (TN)
Deutch	Krishnamoorthi	Rogers (AL)

Rogers (KY) Serrano
 Rohrabacher Sessions
 Rokita Shimkus
 Rooney, Francis Shuster
 Rooney, Thomas Simpson
 J. Sinema
 Ros-Lehtinen Sires
 Rosen Smith (MO)
 Roskam Smith (NE)
 Ross Smith (NJ)
 Rothfus Smith (TX)
 Rouzer Smith (WA)
 Roybal-Allard Smucker
 Royce (CA) Soto
 Ruiz Speler
 Ruppertsberger Stefanik
 Russell Stewart
 Rutherford Stivers
 Ryan (OH) Suozzi
 Sánchez Swallow (CA)
 Sanford Takano
 Sarbanes Taylor
 Scalise Tenney
 Schiff Thompson (CA)
 Schneider Thompson (PA)
 Schrader Thornberry
 Schweikert Tiberi
 Scott (VA) Tipton
 Scott, Austin Tonko
 Scott, David Torres
 Sensenbrenner Trott

NAYS—58

Adams Gomez
 Barragán Green, Al
 Bass Grijalva
 Beatty Hastings
 Brady (PA) Higgins (NY)
 Capuano Huffman
 Clark (MA) Jackson Lee
 Clarke (NY) Jayapal
 Clay Kelly (IL)
 Clyburn Lawrence
 Cohen Lee
 Davis, Danny Lewis (GA)
 DeSaulnier Lieu, Ted
 Doggett McCollum
 Ellison McGovern
 Engel McNeerney
 Espallat Moore
 Evans Moulton
 Frankel (FL) Napolitano
 Fudge Norcross

ANSWERED "PRESENT"—4

Castro (TX) Shea-Porter
 Sewell (AL) Veasey

NOT VOTING—6

Bridenstine Gutiérrez Payne
 Brownley (CA) Kennedy Pocan

□ 1409

Mses. McCOLLUM and SCHAKOWSKY changed their vote from "yea" to "nay."

Mr. SCALISE changed his vote from "nay" to "yea."

Ms. SEWELL of Alabama changed her vote from "yea" to "present."

Ms. SHEA-PORTER changed her voted from "nay" to "present."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 38, CONCEALED CARRY RECIPROCITY ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 645) providing for consideration of the bill (H.R. 38) to amend title 18, United States Code, to provide

a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 189, not voting 7, as follows:

[Roll No. 659]

YEAS—236

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

Walorski
 Walters, Mimi
 Weber (TX)
 Webster (FL)
 Wenstrup
 Westerman

Williams
 Wilson (SC)
 Wittman
 Womack
 Woodall
 Yoder

NAYS—189

Adams Garamendi
 Aguilar Gohmert
 Barragán Gomez
 Bass Gonzalez (TX)
 Beatty Gosar
 Bera Gottheimer
 Beyer Green, Al
 Biggs Green, Gene
 Bishop (GA) Grijalva
 Blumenauer Hanabusa
 Blunt Rochester Hastings
 Bonamici Heck
 Boyle, Brendan Higgins (NY)
 F. Himes
 Brady (PA) Hoyer
 Brown (MD) Huffman
 Bustos Jackson Lee
 Butterfield Jayapal
 Capuano Jeffries
 Carbajal Johnson (GA)
 Cárdenas Johnson, E. B.
 Carson (IN) Kaptur
 Cartwright Keating
 Castor (FL) Kelly (IL)
 Castro (TX) Khanna
 Cicilline Kihuen
 Clark (MA) Kildeer
 Clarke (NY) Kilmer
 Clay Kind
 Cleaver Krishnamoorthi
 Clyburn Kuster (NH)
 Cohen Langevin
 Connolly Larsen (WA)
 Cooper Larson (CT)
 Correa Lawrence
 Costa Lawson (FL)
 Courtney Lee
 Crist Levin
 Crowley Lewis (GA)
 Cummings Lieu, Ted
 Davis (CA) Lipinski
 Davis, Danny Loeb sack
 DeFazio Lofgren
 DeGette Lowenthal
 Delaney Lowey
 DeLauro Lujan Grisham,
 DelBene M.
 Demings Luján, Ben Ray
 DeSaulnier Lynch
 Deutch Maloney,
 Dingell Carolyn B.
 Doggett Maloney, Sean
 Doyle, Michael Massie
 F. Matsui
 Ellison McCollum
 Engel McEachin
 Eshoo McGovern
 Espallat McNeerney
 Esty (CT) Meeks
 Evans Meng
 Foster Moore
 Frankel (FL) Moulton
 Fudge Murphy (FL)
 Gabbard Nadler
 Gallego Napolitano

NOT VOTING—7

Bridenstine Gutiérrez Pocan
 Brownley (CA) Kennedy
 Chu, Judy Payne

□ 1416

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

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

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

RECORDED VOTE

Mr. HASTINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 232, noes 194, not voting 6, as follows:

[Roll No. 660]

AYES—232

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

NOES—194

Adams	Bera	Boyle, Brendan F.
Aguilar	Beyer	Brady (PA)
Amash	Biggs	Brown (MD)
Barragán	Blumenauer	Bustos
Bass	Blunt Rochester	Butterfield
Beatty	Bonamici	

Capuano	Hoyer	Pascrell
Carbajal	Huffman	Payne
Cárdenas	Jackson Lee	Pelosi
Carson (IN)	Jayapal	Perlmutter
Cartwright	Jeffries	Perry
Castor (FL)	Johnson (GA)	Peters
Castro (TX)	Johnson, E. B.	Pingree
Cicilline	Jones	Polis
Clark (MA)	Jordan	Price (NC)
Clarke (NY)	Kaptur	Quigley
Clay	Keating	Raskin
Cleaver	Kelly (IL)	Rice (NY)
Clyburn	Khanna	Richmond
Cohen	Kihuen	Rosen
Connolly	Kildee	Roybal-Allard
Cooper	Kilmer	Ruiz
Correa	Kind	Ruppersberger
Costa	King (IA)	Rush
Courtney	Krishnamoorthi	Ryan (OH)
Crist	Kuster (NH)	Sánchez
Crowley	Langevin	Sarbanes
Cummings	Larsen (WA)	Schakowsky
Davis (CA)	Larson (CT)	Schiff
Davis, Danny	Lawrence	Schneider
DeFazio	Lawson (FL)	Schrader
DeGette	Lee	Scott (VA)
Delaney	Levin	Scott, David
DeLauro	Lewis (GA)	Serrano
DelBene	Lieu, Ted	Sewell (AL)
Demings	Lipinski	Shea-Porter
DeSaulnier	Loeb sack	Sherman
Deutch	Lofgren	Sinema
Dingell	Lowenthal	Sires
Doggett	Lujan Grisham, M.	Slaughter
Doyle, Michael F.	Luján, Ben Ray	Smith (WA)
Duncan (TN)	Lynch	Soto
Ellison	Maloney,	Speier
Engel	Carolyn B.	Suozi
Eshoo	Maloney, Sean	Swalwell (CA)
Españillat	Massie	Takano
Esty (CT)	Evans	Thompson (CA)
Evans	Matsui	Thompson (MS)
Foster	McCollum	Tonko
Frankel (FL)	McEachin	Torres
Fudge	McGovern	Tsongas
Gabbard	McNerney	Vargas
Gallego	Meeks	Veasey
Garamendi	Meng	Vela
Gohmert	Moore	Velázquez
Gomez	Moulton	Visclosky
Gosar	Murphy (FL)	Walz
Gottheimer	Nader	Wasserman
Green, Al	Napolitano	Schultz
Green, Gene	Neal	Waters, Maxine
Grijalva	Nolan	Watson Coleman
Hanabusa	Norcross	Welch
Hastings	O'Halleran	Wilson (FL)
Heck	O'Rourke	Yarmuth
Higgins (NY)	Pallone	
Himes	Panetta	

NOT VOTING—6

Bridenstine	Chu, Judy	Kennedy
Brownley (CA)	Gutiérrez	Pocan

□ 1424

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENHANCING VETERAN CARE ACT

The SPEAKER pro tempore. The unfinished is the vote on the motion to suspend the rules and pass the bill (S. 1266) to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 661]

YEAS—423

Abraham	Curbelo (FL)	Holding
Adams	Curtis	Hollingsworth
Aderholt	Davidson	Hoyer
Aguilar	Davis (CA)	Hudson
Allen	Davis, Danny	Huffman
Amash	Davis, Rodney	Huizenga
Amodei	DeFazio	Hultgren
Arrington	Delaney	Hunter
Babin	DeLauro	Hurd
Bacon	DelBene	Issa
Banks (IN)	Demings	Jackson Lee
Barletta	Denham	Jeffries
Barr	Dent	Jenkins (KS)
Barragán	DeSantis	Jenkins (WV)
Barton	DeSaulnier	Johnson (GA)
Bass	DesJarlais	Johnson (LA)
Beatty	Deutch	Johnson (OH)
Bera	Diaz-Balart	Johnson, E. B.
Bergman	Dingell	Johnson, Sam
Beyer	Doggett	Jones
Biggs	Donovan	Jordan
Bilirakis	Doyle, Michael F.	Joyce (OH)
Bishop (GA)	Duffy	Kaptur
Bishop (MI)	Duncan (SC)	Katko
Bishop (UT)	Duncan (TN)	Keating
Black	Dunn	Kelly (IL)
Blackburn	Ellison	Kelly (MS)
Blumenauer	Emmer	Kelly (PA)
Blunt Rochester	Engel	Khanna
Bonamici	Eshoo	Kihuen
Bost	Españillat	Kildee
Boyle, Brendan F.	Estes (KS)	Kilmer
Brady (PA)	Esty (CT)	Kind
Brady (TX)	Evans	King (IA)
Brat	Farenthold	King (NY)
Brooks (AL)	Faso	Kinzinger
Brooks (IN)	Ferguson	Knight
Brown (MD)	Fitzpatrick	Krishnamoorthi
Buchanan	Fleischmann	Kuster (NH)
Buck	Flores	Kustoff (TN)
Bucshon	Fortenberry	Labrador
Budd	Foster	LaHood
Burgess	Fox	LaMalfa
Bustos	Frankel (FL)	Lamborn
Butterfield	Franks (AZ)	Lance
Byrne	Frelinghuysen	Langevin
Calvert	Fudge	Larsen (WA)
Capuano	Gabbard	Larson (CT)
Carbajal	Gaetz	Latta
Cárdenas	Gallagher	Lawrence
Carson (IN)	Gallego	Lawson (FL)
Carter (GA)	Garamendi	Lee
Carter (TX)	Garrett	Levin
Cartwright	Gianforte	Lewis (GA)
Castor (FL)	Gibbs	Lewis (MN)
Castro (TX)	Gohmert	Lieu, Ted
Chabot	Gomez	Lipinski
Cheney	Gonzalez (TX)	LoBiondo
Cicilline	Goodlatte	Loeb sack
Clark (MA)	Gosar	Lofgren
Clarke (NY)	Gottheimer	Long
Clay	Gowdy	Loudermilk
Cleaver	Granger	Love
Clyburn	Graves (GA)	Lowenthal
Coffman	Graves (LA)	Lowey
Cohen	Graves (MO)	Lucas
Cole	Green, Al	Luetkemeyer
Collins (GA)	Green, Gene	Lujan Grisham, M.
Collins (NY)	Griffith	Luján, Ben Ray
Comer	Grijalva	Lynch
Comstock	Grothman	MacArthur
Conaway	Guthrie	Maloney,
Connolly	Hanabusa	Carolyn B.
Cook	Handel	Maloney, Sean
Cooper	Harper	Marchant
Correa	Harris	Marino
Costa	Hartzler	Marshall
Costello (PA)	Hastings	Massie
Courtney	Heck	Mast
Cramer	Hensarling	Matsui
Crawford	Herrera Beutler	McCarthy
Crist	Hice, Jody B.	McCaul
Crowley	Higgins (LA)	McClintock
Cuellar	Higgins (NY)	McCollum
Culberson	Hill	McEachin
Cummings	Himes	McGovern

McHenry	Rice (SC)	Stefanik
McKinley	Richmond	Stewart
McMorris	Roby	Stivers
Rodgers	Roe (TN)	Suozi
McNerney	Rogers (AL)	Swalwell (CA)
McSally	Rogers (KY)	Takano
Meadows	Rohrabacher	Taylor
Meehan	Rokita	Tenney
Meeks	Rooney, Francis	Thompson (CA)
Meng	Rooney, Thomas	Thompson (MS)
Messer	J.	Thompson (PA)
Mitchell	Ros-Lehtinen	Thornberry
Moolenaar	Rosen	Tiberi
Mooney (WV)	Roskam	Tipton
Moore	Ross	Titus
Moulton	Rothfus	Tonko
Mullin	Rouzer	Torres
Murphy (FL)	Roybal-Allard	Trott
Nadler	Royce (CA)	Tsongas
Napolitano	Ruiz	Turner
Neal	Ruppersberger	Upton
Newhouse	Rush	Valadao
Noem	Russell	Vargas
Nolan	Rutherford	Veasey
Norcross	Ryan (OH)	Vela
Norman	Sánchez	Velázquez
Nunes	Sanford	Visclosky
O'Halleran	Sarbanes	Wagner
O'Rourke	Scalise	Walberg
Olson	Schakowsky	Walsh
Palazzo	Schiff	Walden
Pallone	Schneider	Walker
Palmer	Schrader	Walorski
Panetta	Schweikert	Walters, Mimi
Pascrell	Scott (VA)	Walz
Paulsen	Scott, Austin	Wasserman
Payne	Scott, David	Schultz
Pearce	Sensenbrenner	Waters, Maxine
Pelosi	Serrano	Watson Coleman
Perlmutter	Sessions	Weber (TX)
Perry	Sewell (AL)	Webster (FL)
Peters	Shea-Porter	Welch
Peterson	Sherman	Wenstrup
Pingree	Shimkus	Westerman
Pittenger	Shuster	Williams
Poe (TX)	Simpson	Wilson (FL)
Poliquin	Sinema	Wilson (SC)
Polis	Sires	Wittman
Posey	Slaughter	Womack
Price (NC)	Smith (MO)	Woodall
Quigley	Smith (NE)	Yarmuth
Raskin	Smith (NJ)	Yoder
Ratcliffe	Smith (TX)	Yoho
Reed	Smith (WA)	Young (AK)
Reichert	Smucker	Young (IA)
Renacci	Soto	Zeldin
Rice (NY)	Speler	

NOT VOTING—9

Blum	Chu, Judy	Jayapal
Bridenstine	DeGette	Kennedy
Brownley (CA)	Gutiérrez	Pocan

□ 1435

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3524

Mr. LATTA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3524.

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

There was no objection.

CONCEALED CARRY RECIPROCITY ACT OF 2017

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 645, I call up

the bill (H.R. 38) to amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 645, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-45 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 38

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Concealed Carry Reciprocity Act of 2017".

TITLE I—CONCEALED CARRY RECIPROCITY ACT OF 2017

SEC. 101. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

"§926D. Reciprocity for the carrying of certain concealed firearms

"(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)) and subject only to the requirements of this section, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, who is carrying a valid identification document containing a photograph of the person, and who is carrying a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm or is entitled to carry a concealed firearm in the State in which the person resides, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in any State that—

"(1) has a statute under which residents of the State may apply for a license or permit to carry a concealed firearm; or

"(2) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c)(1) A person who carries or possesses a concealed handgun in accordance with subsections (a) and (b) may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision thereof related to the possession, transportation, or carrying of firearms unless there is probable cause to believe that the person is doing so in a manner not provided for by this section. Presentation of facially valid documents as specified in subsection (a) is prima facie evidence that the individual has a license or permit as required by this section.

"(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsections (a) and (b).

"(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney's fee.

"(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, under color of any statute, ordinance, regulation, custom, or usage of any State or any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages or other appropriate relief.

"(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney's fee.

"(e) In subsection (a):

"(1) The term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"(2) The term 'handgun' includes any magazine for use in a handgun and any ammunition loaded into the handgun or its magazine.

"(f)(1) A person who possesses or carries a concealed handgun under subsection (a) shall not be subject to the prohibitions of section 922(q) with respect to that handgun.

"(2) A person possessing or carrying a concealed handgun in a State under subsection (a) may do so in any of the following areas in the State that are open to the public:

"(A) A unit of the National Park System.

"(B) A unit of the National Wildlife Refuge System.

"(C) Public land under the jurisdiction of the Bureau of Land Management.

"(D) Land administered and managed by the Army Corps of Engineers.

"(E) Land administered and managed by the Bureau of Reclamation.

"(F) Land administered and managed by the Forest Service."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926C the following:

"926D. Reciprocity for the carrying of certain concealed firearms."

(c) SEVERABILITY.—Notwithstanding any other provision of this title, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 102. RULE OF CONSTRUCTION.

Nothing in this title prohibits a law enforcement officer with reasonable suspicion of a violation of any law from conducting a brief investigative stop in accordance with the Constitution of the United States.

SEC. 103. CERTAIN OFF-DUTY LAW ENFORCEMENT OFFICERS AND RETIRED LAW ENFORCEMENT OFFICERS ALLOWED TO CARRY A CONCEALED FIREARM, AND DISCHARGE A FIREARM, IN A SCHOOL ZONE.

Section 922(q) of title 18, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking “or” at the end of clause (vi); and

(B) by redesignating clause (vii) as clause (ix) and inserting after clause (vi) the following:

“(vii) by an off-duty law enforcement officer who is a qualified law enforcement officer (as defined in section 926B) and is authorized under such section to carry a concealed firearm, if the firearm is concealed;

“(viii) by a qualified retired law enforcement officer (as defined in section 926C) who is authorized under such section to carry a concealed firearm, if the firearm is concealed; or”;

(2) in paragraph (3)(B)—

(A) by striking “or” at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting a semicolon; and

(C) by adding at the end the following:

“(v) by an off-duty law enforcement officer who is a qualified law enforcement officer (as defined in section 926B) and is authorized under such section to carry a concealed firearm; or

“(vi) by a qualified retired law enforcement officer (as defined in section 926C) who is authorized under such section to carry a concealed firearm.”.

SEC. 104. INTERSTATE CARRYING OF FIREARMS BY FEDERAL JUDGES.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, as amended by section 101(a) of this Act, is amended by inserting after section 926D the following:

“§926E. Interstate carrying of firearms by Federal judges

“Notwithstanding any provision of the law of any State or political subdivision thereof, a Federal judge may carry a concealed firearm in any State if such judge is not prohibited by Federal law from receiving a firearm.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter, as amended by section 101(b) of this Act, is amended by inserting after the item relating to section 926D the following: “926E. Interstate carrying of firearms by Federal judges.”.

TITLE II—FIX NICS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Fix NICS Act of 2017”.

SEC. 202. ACCOUNTABILITY FOR FEDERAL DEPARTMENTS AND AGENCIES.

Section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) is amended—

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

“(F) SEMIANNUAL CERTIFICATION AND REPORTING.—

“(i) IN GENERAL.—The head of each Federal department or agency shall submit a semiannual written certification to the Attorney General indicating whether the department or agency is in compliance with the record submission requirements under subparagraph (C).

“(ii) SUBMISSION DATES.—The head of a Federal department or agency shall submit a certification to the Attorney General under clause (i)—

“(I) not later than July 31 of each year, which shall address all relevant records, including those that have not been transmitted to the Attorney General, in possession of the department or agency during the period beginning on January 1 of the year and ending on June 30 of the year; and

“(II) not later than January 31 of each year, which shall address all relevant records, including those that have not been transmitted to the Attorney General, in possession of the department or agency during the period beginning on July 1 of the previous year and ending on December 31 of the previous year.

“(iii) CONTENTS.—A certification required under clause (i) shall state, for the applicable period—

“(I) the total number of records of the Federal department or agency demonstrating that a person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code;

“(II) for each category of records described in subclause (I), the total number of records of the Federal department or agency that have been provided to the Attorney General; and

“(III) the efforts of the Federal department or agency to ensure complete and accurate reporting of relevant records, including efforts to monitor compliance and correct any reporting failures or inaccuracies.

“(G) IMPLEMENTATION PLAN.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, the head of each Federal department or agency, in coordination with the Attorney General, shall establish a plan to ensure maximum coordination and automated reporting or making available of records to the Attorney General as required under subparagraph (C), and the verification of the accuracy of those records, including the pre-validation of those records, where appropriate, during a 4-year period specified in the plan. The head of each Federal department or agency shall update the plan biennially, to the extent necessary, based on the most recent biennial assessment under subparagraph (K). The records shall be limited to those of an individual described in subsection (g) or (n) of section 922 of title 18, United States Code.

“(ii) BENCHMARK REQUIREMENTS.—Each plan established under clause (i) shall include annual benchmarks to enable the Attorney General to assess implementation of the plan, including—

“(I) qualitative goals and quantitative measures;

“(II) measures to monitor internal compliance, including any reporting failures and inaccuracies;

“(III) a needs assessment, including estimated compliance costs; and

“(IV) an estimated date by which the Federal department or agency will fully comply with record submission requirements under subparagraph (C).

“(iii) COMPLIANCE DETERMINATION.—Not later than the end of each fiscal year beginning after the date of the establishment of a plan under clause (i), the Attorney General shall determine whether the applicable Federal department or agency has achieved substantial compliance with the benchmarks included in the plan.

“(H) ACCOUNTABILITY.—The Attorney General shall publish, including on the website of the Department of Justice, and submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a semiannual report that discloses—

“(i) the name of each Federal department or agency that has failed to submit a required certification under subparagraph (F);

“(ii) the name of each Federal department or agency that has submitted a required certification under subparagraph (F), but failed to certify compliance with the record submission requirements under subparagraph (C);

“(iii) the name of each Federal department or agency that has failed to submit an implementation plan under subparagraph (G);

“(iv) the name of each Federal department or agency that is not in substantial compliance with an implementation plan under subparagraph (G);

“(v) a detailed summary of the data, broken down by department or agency, contained in the certifications submitted under subparagraph (F);

“(vi) a detailed summary of the contents and status, broken down by department or agency, of the implementation plans established under subparagraph (G); and

“(vii) the reasons for which the Attorney General has determined that a Federal department or agency is not in substantial compliance with an implementation plan established under subparagraph (G).

“(I) NONCOMPLIANCE PENALTIES.—For each of fiscal years 2019 through 2022, each political appointee of a Federal department or agency that has failed to certify compliance with the record submission requirements under subparagraph (C), and is not in substantial compliance with an implementation plan established under subparagraph (G), shall not be eligible for the receipt of bonus pay, excluding overtime pay, until the department or agency—

“(i) certifies compliance with the record submission requirements under subparagraph (C); or

“(ii) achieves substantial compliance with an implementation plan established under subparagraph (G).

“(J) TECHNICAL ASSISTANCE.—The Attorney General may use funds made available for the national instant criminal background check system established under subsection (b) to provide technical assistance to a Federal department or agency, at the request of the department or agency, in order to help the department or agency comply with the record submission requirements under subparagraph (C).

“(K) BIENNIAL ASSESSMENT.—Every 2 years, the Attorney General shall assess the extent to which the actions taken under the title II of the Concealed Carry Reciprocity Act of 2017 have resulted in improvements in the system established under this section.

“(L) APPLICATION TO FEDERAL COURTS.—For purposes of this paragraph—

“(i) the terms ‘department or agency of the United States’ and ‘Federal department or agency’ include a Federal court; and

“(ii) the Director of the Administrative Office of the United States Courts shall perform, for a Federal court, the functions assigned to the head of a department or agency.”; and

(2) in subsection (g), by adding at the end the following: “For purposes of the preceding sentence, not later than 60 days after the date on which the Attorney General receives such information, the Attorney General shall determine whether or not the prospective transferee is the subject of an erroneous record and remove any records that are determined to be erroneous. In addition to any funds made available under subsection (k), the Attorney General may use such sums as are necessary and otherwise available for the salaries and expenses of the Federal Bureau of Investigation to comply with this subsection.”.

SEC. 203. NICS ACT RECORD IMPROVEMENT PROGRAM.

(a) REQUIREMENTS TO OBTAIN WAIVER.—Section 102 of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40912) is amended—

(1) in subsection (a), in the first sentence—

(A) by striking “the Crime Identification Technology Act of 1988 (42 U.S.C. 14601)” and inserting “section 102 of the Crime Identification Technology Act of 1998 (34 U.S.C. 40301)”;

and

(B) by inserting “is in compliance with an implementation plan established under subsection

(b) or” before “provides at least 90 percent of the information described in subsection (c)”;

and
(2) in subsection (b)(1)(B), by inserting “or has established an implementation plan under section 107” after “the Attorney General”.

(b) **IMPLEMENTATION ASSISTANCE TO STATES.**—Section 103 of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40913) is amended—

(1) in subsection (b)(3), by inserting before the semicolon at the end the following: “, including through increased efforts to pre-validate the contents of those records to expedite eligibility determinations”;

(2) in subsection (e), by striking paragraph (2) and inserting the following:

“(2) **DOMESTIC ABUSE AND VIOLENCE PREVENTION INITIATIVE.**—

“(A) **ESTABLISHMENT.**—For each of fiscal years 2018 through 2022, the Attorney General shall create a priority area under the NICS Act Record Improvement Program (commonly known as ‘NARIP’) for a Domestic Abuse and Violence Prevention Initiative that emphasizes the need for grantees to identify and upload all felony conviction records and domestic violence records.

“(B) **FUNDING.**—The Attorney General—
“(i) may use not more than 50 percent of the amounts made available under section 207 of the Concealed Carry Reciprocity Act of 2017 for each of fiscal years 2018 through 2022 to carry out the initiative described in subparagraph (A); and

“(ii) shall give a funding preference under NARIP to States that—

“(I) have established an implementation plan under section 107; and

“(II) will use amounts made available under this subparagraph to improve efforts to identify and upload all felony conviction records and domestic violence records described in clauses (i), (v), and (vi) of section 102(b)(1)(C) by not later than September 30, 2022.”; and

(3) by adding at the end the following:

“(g) **TECHNICAL ASSISTANCE.**—The Attorney General shall direct the Office of Justice Programs, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Federal Bureau of Investigation to—

“(1) assist States that are not currently eligible for grants under this section to achieve compliance with all eligibility requirements; and

“(2) provide technical assistance and training services to grantees under this section.”.

SEC. 204. NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM.

(a) **STATE GRANT PROGRAM FOR CRIMINAL JUSTICE IDENTIFICATION, INFORMATION, AND COMMUNICATION.**—Section 102 of the Crime Identification Technology Act of 1998 (34 U.S.C. 40301) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following:

“(C) identification of all individuals who have been convicted of a crime punishable by imprisonment for a term exceeding 1 year”;

(2) in subsection (b)(6)—

(A) by striking “(18 U.S.C. 922 note)” and inserting “(34 U.S.C. 40901(b))”;

(B) by inserting before the semicolon at the end the following: “, including through increased efforts to pre-validate the contents of felony conviction records and domestic violence records to expedite eligibility determinations, and measures and resources necessary to establish and achieve compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007”; and

(3) in subsection (d), by inserting after “unless” the following: “the State has achieved

compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007 or”.

(b) **GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.**—Section 106(b)(1) of the Brady Handgun Violence Prevention Act (34 U.S.C. 40302(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “as of the date of enactment of this Act” and inserting “, as of the date of enactment of the Concealed Carry Reciprocity Act of 2017,”; and

(B) by striking “files,” and inserting the following: “files and that will utilize funding under this subsection to prioritize the identification and transmittal of felony conviction records and domestic violence records.”;

(2) in subparagraph (B), by striking “and” at the end;

(3) in subparagraph (C)—

(A) by striking “upon establishment of the national system,”; and

(B) by striking the period at the end and inserting “; and”;

(4) by adding at the end the following—

“(D) to establish and achieve compliance with an implementation plan under section 107 of the NICS Improvement Amendments Act of 2007.”.

SEC. 205. IMPROVING INFORMATION SHARING WITH THE STATES.

(a) **IN GENERAL.**—Title I of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40911 et seq.) is amended by adding at the end the following:

“SEC. 107. IMPLEMENTATION PLAN.

“(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Concealed Carry Reciprocity Act of 2017, the Attorney General, in coordination with the States and Indian tribal governments, shall establish, for each State or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting or making available of appropriate records to the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) and the verification of the accuracy of those records during a 4-year period specified in the plan, and shall update the plan biennially, to the extent necessary, based on the most recent biennial assessment under subsection (f). The records shall be limited to those of an individual described in subsection (g) or (n) of section 922 of title 18, United States Code

“(b) **BENCHMARK REQUIREMENTS.**—Each plan established under this section shall include annual benchmarks to enable the Attorney General to assess the implementation of the plan, including—

“(1) qualitative goals and quantitative measures; and

“(2) a needs assessment, including estimated compliance costs.

“(c) **COMPLIANCE DETERMINATION.**—Not later than the end of each fiscal year beginning after the date of the establishment of an implementation plan under this section, the Attorney General shall determine whether each State or Indian tribal government has achieved substantial compliance with the benchmarks included in the plan.

“(d) **ACCOUNTABILITY.**—The Attorney General—

“(1) shall disclose and publish, including on the website of the Department of Justice—

“(A) the name of each State or Indian tribal government that received a determination of failure to achieve substantial compliance with an implementation plan under subsection (c) for the preceding fiscal year; and

“(B) a description of the reasons for which the Attorney General has determined that the State or Indian tribal government is not in sub-

stantial compliance with the implementation plan, including, to the greatest extent possible, a description of the types and amounts of records that have not been submitted; and

“(2) if a State or Indian tribal government described in paragraph (1) subsequently receives a determination of substantial compliance, shall—
“(A) immediately correct the applicable record; and

“(B) not later than 3 days after the determination, remove the record from the website of the Department of Justice and any other location where the record was published.

“(e) **INCENTIVES.**—For each of fiscal years 2018 through 2022, the Attorney General shall give affirmative preference to all Bureau of Justice Assistance discretionary grant applications of a State or Indian tribal government that received a determination of substantial compliance under subsection (c) for the fiscal year in which the grant was solicited.

“(f) **BIENNIAL ASSESSMENT.**—Every 2 years, the Attorney General shall assess the extent to which the actions taken under title II of the Concealed Carry Reciprocity Act of 2017 have resulted in improvements in the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40903).

“SEC. 108. NOTIFICATION TO LAW ENFORCEMENT AGENCIES OF PROHIBITED PURCHASE OF A FIREARM.

“(a) **IN GENERAL.**—In the case of a background check conducted by the National Instant Criminal Background Check System pursuant to the request of a licensed importer, licensed manufacturer, or licensed dealer of firearms (as such terms are defined in section 921 of title 18, United States Code), which background check determines that the receipt of a firearm by a person would violate subsection (g) or (n) of section 922 of title 18, United States Code, and such determination is made after 3 business days have elapsed since the licensee contacted the System and a firearm has been transferred to that person, the System shall notify the law enforcement agencies described in subsection (b).

“(b) **LAW ENFORCEMENT AGENCIES DESCRIBED.**—The law enforcement agencies described in this subsection are the law enforcement agencies that have jurisdiction over the location from which the licensee contacted the system and the law enforcement agencies that have jurisdiction over the location of the residence of the person for which the background check was conducted, as follows:

“(1) The field office of the Federal Bureau of Investigation.

“(2) The local law enforcement agency.

“(3) The State law enforcement agency.”.

(b) **TABLE OF CONTENTS.**—The table of contents in section 1(b) of the NICS Improvement Amendments Act of 2007 (Public Law 110-180; 121 Stat. 2559) is amended by inserting after the item relating to section 106 the following:

“Sec. 107. Implementation plan.

“Sec. 108. Notification to law enforcement agencies of prohibited purchase of a firearm.”.

SEC. 206. ATTORNEY GENERAL REPORT ON USE OF BUMP STOCKS IN CRIME.

(a) **IN GENERAL.**—Using amounts made available for research, evaluation, or statistical purposes, within 180 days after the date of the enactment of this Act, the Attorney General shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report that—

(1) specifies the number of instances in which a bump stock has been used in the commission of a crime in the United States;

(2) specifies the types of firearms with which a bump stock has been so used; and

(3) contains the opinion of the Attorney General as to whether subparagraphs (B)(i) and (C)(i) of section 924(c)(1) of title 18, United States Code, apply to all instances in which a bump stock has been used in the commission of a crime of violence in the United States.

(b) **DEFINITION OF BUMP STOCK.**—In this section, the term “bump stock” means a device that—

(1) attaches to a semiautomatic rifle (as defined in section 921(a)(28) of title 18, United States Code);

(2) is designed and intended to repeatedly activate the trigger without the deliberate and volitional act of the user pulling the trigger each time the firearm is fired; and

(3) functions by continuous forward pressure applied to the rifle's fore end in conjunction with a linear forward and backward sliding motion of the mechanism utilizing the recoil energy when the rifle is discharged.

SEC. 207. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated \$100,000,000 for each of fiscal years 2018 through 2022 to carry out, in accordance with the NICS Act Record Improvement Program and the National Criminal History Improvement Program, the activities under—

(1) section 102 of the NICS Improvement Amendments Act of 2007;

(2) section 103 of the NICS Improvement Amendments Act of 2007;

(3) section 102 of the Crime Identification Technology Act of 1998; and

(4) section 106(b) of the Brady Handgun Violence Prevention Act.

(b) **ADDITIONAL AUTHORIZATIONS.**—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)) is amended—

(1) in paragraph (1)—

(A) by striking “\$33,000,000” and inserting “\$31,000,000”;

(B) by striking “1994 and 1995” and inserting “2018 through 2022”; and

(C) by inserting “, in addition to any amounts otherwise made available for research, evaluation or statistical purposes in a fiscal year” before the period; and

(2) in paragraph (2)—

(A) by striking “\$33,000,000” and inserting “\$27,000,000”;

(B) by striking “1994 and 1995” and inserting “2018 through 2022”; and

(C) by inserting “, in addition to any amounts otherwise made available for research, evaluation or statistical purposes in a fiscal year” before the period.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 38.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 38, the Concealed Carry Reciprocity Act of 2017.

Mr. Speaker, throughout my career in elected office, I have believed in and adhered to two fundamental principles regarding firearms policy: first, the right guaranteed to law-abiding Americans by the Second Amendment must be aggressively protected and preserved; second, the laws we have on the books need to be enforced to the fullest extent possible. The bipartisan bill before us today does both.

H.R. 38 ensures that law-abiding citizens' Second Amendment right does not end when they cross State lines. The bill allows law-abiding gun owners with valid State-issued concealed carry firearm permits or those who live in so-called constitutional carry States to carry a concealed firearm in any other State that also allows concealed carry.

We know that citizens who carry a concealed firearm are not only better prepared to act in their own self-defense, but also in the defense of others. Take, for instance, an incident that occurred just last November on a highway in Florida. Lee County Sheriff's Deputy Dean Bardes had just concluded a high-speed chase just off Interstate 75. As Deputy Bardes approached to apprehend the suspect, the suspect, Edward Strother, violently attacked Deputy Bardes.

A witness on the scene told reporters that the attacker “just started punching him and hitting and hitting and hitting. I was afraid for the police officer. I thought he was going to kill him.”

Fortunately for Deputy Bardes, Ashad Russell, a Florida concealed carry permit holder, was also watching the attack unfold. Mr. Russell pulled his gun and approached the altercation. He told Strother he would shoot him if he didn't stop beating the deputy. The State Attorney's Office said Strother ignored Russell's commands to stop beating the deputy, so Russell fired his gun three times, hitting and fatally wounding the assailant. Lee County Sheriff Mike Scott has hailed Russell as a hero.

Importantly, this bill also contains the Fix NICS Act of 2017. This is a bipartisan and bicameral measure. The Fix NICS Act takes steps to ensure that State and Federal agencies enter all relevant records into the FBI's National Instant Criminal Background Check System. This bill will help ensure people who are legally prohibited from having guns, like those with violent felony convictions, do not obtain them.

The shooting at Virginia Tech and the church shootings in Charleston, South Carolina, and Sutherland Springs, Texas, are tragic reminders of what can happen when all relevant records are not entered into the system.

Our NICS system is only as good as the information within it. This important piece of legislation will ensure that more of the information already required to be uploaded to NICS under current law is actually placed in the NICS system.

Taken together, the Concealed Carry Reciprocity Act and the Fix NICS Act preserve and protect the right guaranteed to us by the Second Amendment and ensure that those prohibited by existing law from receiving a firearm are prevented from doing so.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

I want to thank the lead sponsor, Mr. HUDSON of North Carolina, for his hard work on this bill. I would also like to thank the authors of the Fix NICS provisions, Mr. CULBERSON and Mr. CUELLAR, for their important contributions to the legislation before us today.

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

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

Mr. Speaker, I rise in strong opposition to the Concealed Carry Reciprocity Act. This bill would not protect us from gun violence, but it would make us far less safe.

Under current law, each State makes its own determination about who may carry a concealed firearm in public, including deciding which other States' concealed carry permits to recognize. This bill would eviscerate the core public safety determinations that each State makes concerning the concealed carrying of guns in public based on the unique circumstances of each State and the desires of its citizens. In fact, the standards and requirements adopted in the States vary dramatically:

Thirty-one States and D.C. require gun safety training to carry concealed guns in public, and 21 of those States require live-fire training; 27 States and the District of Columbia prohibit individuals convicted of misdemeanor crimes of violence from concealed carry; 28 States and D.C. prohibit convicted stalkers from carrying concealed guns; 34 States and D.C. prohibit those under 21 years of age from carrying concealed guns. Many States prohibit gun possession and concealed carry by abusive dating partners, exceeding Federal protections against abusive spouses.

All of these States would have their carefully considered laws governing concealed carry overridden by this bill.

The obvious solution to the varying State laws is to continue to do what is currently done by many States, which is to choose which other State permits they will recognize. Some States, including my State of New York, have chosen not to recognize permits issued by any other State. Most States, however, have chosen to recognize permits from at least some other States, basing the choice on the strength and standards employed by the other States.

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We should not disregard these determinations, which is what this bill would do. Instead, this bill would say that every State must honor the concealed carry permit of every other State. About 10 States don't have any requirements and issue a concealed carry permit upon request to anyone.

What this bill would do, in effect, is to say that if New York or Illinois have strict requirements for concealed carry, if someone comes in from a State that doesn't, they have to let that person have concealed carry in their State. In effect, it uses the power of the Federal Government to import the laws of one State and make them enforceable in the other State.

In addition, I am deeply disappointed that the version of this bill before us today includes the bipartisan Fix NICS Act, a measure that should be enacted as a stand-alone bill without delay, and that was reported as a separate bill by the Judiciary Committee.

That bill would take steps to address shortcomings with the National Instant Criminal Background Check System, or what we often call the NICS.

As the recent mass shooting at the church in Sutherland Springs, Texas, illustrates, we must do more to ensure all relevant prohibiting records are submitted to the databases that comprise the NICS. No one should pass a firearm background check that he or she should have failed simply because their record of a felony conviction, or domestic violence record, or some other prohibition under Federal law was not included in the system.

There is broad bipartisan support for the Fix NICS bill here in the House and in the Senate. That proposal, which would actually save lives, should not be tethered to the forced concealed carry reciprocity provisions of this bill, which would only serve to endanger our citizens.

The answer to our national problem of gun violence is not that we need more people carrying concealed firearms on our streets. More than 33,000 Americans lose their lives to gun violence every year, while, in some other countries, this figure barely exceeds 100. In 2011, the United Kingdom had 146 deaths due to gun violence; Denmark, 71; Portugal, 142; Japan, just 30; the United States, over 30,000.

A study in *The American Journal of Medicine* found that, compared to 22 other high-income countries, the gun-related murder rate in the United States is 25 times higher. The common factor in all of these other countries is the lack of such easy availability of guns. Our country, however, is awash in guns, and we have the shameful death toll to show for it. Sadly, this bill will only increase it.

We must change our approach to gun violence and adopt meaningful legislation that strengthens our gun laws in-

stead of weakening them; and we must not undermine the efforts of States to defend their citizens against these arms.

Unfortunately, the dangers posed by the concealed carry reciprocity portion of this bill greatly outweigh the benefits of the NICS improvements; therefore, I oppose H.R. 38, and urge my colleagues to reject it today.

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

Mr. GOODLATTE. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HUDSON), the lead sponsor of the legislation.

Mr. HUDSON. Mr. Speaker, let me tell you a story. It is a story about an African-American single mother, two kids, living in south Philly. After twice being the victim of muggings, she decides to go out and legally purchase a firearm to protect herself, gets trained with her weapon, and applies for a concealed carry permit.

Sometime thereafter, she crossed the State line into New Jersey and, at a routine traffic stop, did exactly as she was trained; handed her driver's license and her concealed carry permit to the police officer and let him know that she had a pistol in her purse.

What she didn't know is that the State of New Jersey doesn't recognize the concealed carry permits of their neighbor in Pennsylvania. And so this poor single mother, who has never had a brush with the law, spent almost 50 days in jail and was looking at 10 years in prison.

Are you serious? We have to make sure that never happens again.

The other side today is going to argue that we are violating States' rights with this legislation; but Article IV, section 1, the full faith and credit clause of the Constitution, says very clearly that every State should give the full faith and credit to the judicial proceedings and documents of every other State, and that Congress has a responsibility to determine how those documents will be recognized.

That is why a driver's license is recognized in every State. That is why, if I get married in North Carolina but I move to Arizona, I am not a single man again. They recognize that marriage. That is why divorce decrees are recognized in every State. The concealed carry permit should be recognized the same way.

But this is not trampling States' rights, because States can still determine what can be carried, where it can be carried. They can set any kind of limits they want about how weapons are carried in their municipalities or their States.

For example, if you visit the State of New York, they have a limit on the size of a magazine on a pistol. You have got to follow that law. If they want to set restrictions about places where you can't carry, even with this

legislation, that law would have to be followed. The States retain this right, just like a driver's license.

The other side is also going to stand up and claim all kinds of doomsday scenarios about how we are going to increase crime; we are going to increase the number of weapons out there; we are going to turn the cities into the Wild West.

I find it ironic that we are being lectured to by people from big cities with a lot of gun control measures but have some of the worst crime in the Nation. They are worried about people coming from other places where we don't have crime. I think that is ironic.

But the truth is, over half the States already recognize permits from every other State; 19 States, in fact, already do this. States and municipalities, as I mentioned, retain the right to restrict where guns are carried in their communities, even under this legislation.

And if you look at the empirical evidence, places where you have concealed carry, even constitutional carry, when you instituted this right, violent crime went down. Gun crime went down. You have seen less crime, not more crime.

There was actually a study done in Florida and Texas, and it showed that off-duty police officers commit crimes more than concealed carry permit holders. Think about that. Police officers don't commit crimes very often, but even they commit crimes more than concealed carry permit holders. These are not the people we are worried about. These are not the violent criminals that we are worried about in our cities.

This is a commonsense measure that upholds our constitutional right. It makes sure that a law-abiding citizen, trying to do the right thing, doesn't become a criminal simply because they cross that line.

So for every freedom-loving American who exercises their Second Amendment right, today is your day. To the 73 percent of Americans who support concealed carry, today is your day. To the 15 million concealed carry permit holders out there, today is your day. And finally, to the single mothers out there who just want to protect themselves and their families, today is your day.

I thank the chairman for his leadership on this. I ask my colleagues to join me in supporting this commonsense legislation.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE), the ranking member of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee.

Ms. JACKSON LEE. Mr. Speaker, let me say that the problems that my good friend just mentioned on the floor can be solved by real, sensible gun safety legislation. Unfortunately, H.R. 38 is not that, and it is not that because it

has ignored the pleas of law enforcement, and it has ignored the rational addition of amendments that would save lives.

H.R. 38 is dangerous, it is reckless, and it is secretly packaged as a fix to gun violence, but, instead, it is laced with lethal elements of catastrophic proportion.

Then, in the midnight hour, it matches the NICS Fix, dealing with the background checks, with the concealed carry reciprocity. That is patently unfair, Mr. Speaker.

Then it would not allow reasonable amendments, exposing victims of domestic violence, an amendment that I had, it will expose them, victims of domestic violence, to stalkers, and those who have been involved in domestic violence to gun violence or death.

It will entice those who perpetrate hate crimes. It will add to the current alarming death rate. Unfortunately, where we could have fixed the NICS, it does not do that.

556 women have been murdered this year alone by intimate partners with firearms. My amendment would have made this bill safer on the concealed carry bill. Didn't want to have it. Fourteen other sensible amendments were blocked.

4.5 million American women alive today have been threatened by abusers.

Hate crimes, those worshippers in Charleston, South Carolina, were killed by a person who came there with hate. My amendment dealing with not allowing someone convicted of a hate crime—even though they say that that is the Federal law, why not have it in this underlying bill where so many people are killed?

Let me give you an example. Under the Brady Campaign, 114,994 Americans are killed by guns. They include those in Las Vegas; they include those at the Pulse nightclub; in Charleston; those who marched in Charlottesville, with all the violence that they had; and of course, Sandy Hook. Seventeen thousand children are gunned down by guns.

The laws of different States, 12 States, have an open carry law with no rules. That means that if you are in Washington, D.C., where heads of state and other dignitaries come, then recklessly someone can come on the streets.

Do we even listen to police officers? The Major Chiefs Association has indicated that they are opposed to H.R. 38 because it will require those making legitimate legal stops as law enforcement officers, seeking to come home to their families, being subjected to individuals whose documents they may not know are credible, or whether they are fraudulent or whether, in fact, these individuals legitimately should have a gun.

I can't understand why this is not understood. So let me just say that it is usually understood that we respect the

constitutionality of States. This is a bad bill. It ignores sovereignty, and we should vote it down because too many people are murdered by guns without safety regulations.

Mr. Speaker, I rise in opposition to H.R. 38, the "Concealed to Carry Reciprocity Act of 2017".

I oppose the bill for the following reasons:

H.R. 38 is dangerous, reckless and secretly packaged as a fix to gun violence, but instead, is laced with lethal elements of catastrophic proportion.

It will expose victims of domestic violence or stalking to gun violence or death.

It will entice those who perpetrate hate crimes.

It will add to the current alarming death rate.

The majority has elected to combine this dangerous measure with a more sensible and bipartisan measure, the Fix NICS Act, which we all supported as a stand-alone bill at mark-up.

This trickery tactic is both disappointing and deadly, of which, neither approach is welcome, for this reckless effort will negate any protections offered by the Fix NICS Act.

My Amendments would have remedied these glaring defects in H.R. 38, which is a recipe for disaster because it authorizes anyone who is allowed by one state to carry a concealed handgun to do so in any other state, even if other states have higher standards than the state where permit was granted.

This bill would endanger many more lives when dealing with domestic partners by exposing victims to gun violence.

Approximately, 556 women have been murdered this year alone by intimate partners with firearms, as statistics show that guns are the weapon of choice for domestic violence homicides.

My domestic violence amendment is an important public safety measure. Had it been made in order, it would have provided that States not be required to allow an individual to carry where such person is convicted of an offense of domestic violence or stalking as defined under the law.

Despite this sensible measure, my amendments along with 14 other germane democratic amendments were all blocked by the majority.

A 2016 meta-analysis found that approximately 4.5 million American women alive today have been threatened by abusers with firearms; of those, one million had either been shot or shot at by their abusers.

Stalking is also a strong indicator of lethality, with one study of female murder victims in ten cities finding that 76% of women who were murdered by an intimate partner were stalked the previous year.

My second amendment would have prohibited any person convicted of a hate crime, as defined under section 249 of title 18 United States Code, or any substantially similar offense under the law of any State, from carrying under this bill.

We all remember the vicious church shooting in Charleston, South Carolina where a white supremacist opened fire in a historic black church, killing nine people, including a pastor, during a prayer meeting.

Again, recently, in Charlottesville, VA, white nationalists invoked violence during a march

by plowing a car into a group of anti-protesters, killing 32 year old Heather Heyer of Charlottesville.

This event prompted Attorney General Sessions to call the fatal attack "domestic terrorism" and said you can be sure we will charge and advance the investigation toward the most serious of charges that can be brought.

Imagine if this killer from Ohio was allowed to cross state lines freely at that time under this bill with a gun; the additional loss of life on that day could have been catastrophic.

New analysis of National Crime Victimization Survey data by the Center for American Progress reveals that between 2010 and 2014, roughly 43,000 hate crimes were committed in the United States that involved the use or threat of a gun.

Under federal law and the law in most states, individuals who have been convicted of hate crimes remain free to buy and possess guns. And now, under this bill, they can take their guns with them to inflict mayhem beyond their home states.

Hate-motivated individuals such as violent extremists and hate criminals often use guns as a tool to terrorize, threaten and intimidate members of historically vulnerable or marginalized communities. My amendment therefore, was a sensible and practical measure.

Mass shootings and carnage-filled classrooms, churches, workplace, concerts and clubs should not be the new normal because Congress can and should do better.

Every day on average, 315 people are shot, of which 93 die from gun violence, daily. And of the 315 shot, 46 are children and teens between the age of 0-19 and at least 7 of our children die daily from gun violence.

Every year on average, 114,994 people are shot, of which 33,880 people die from gun violence and of those shot, 17,012 of those victims are children and teens. Therefore, we lose at least 2,647 of our children a year to senseless gun violence.

These numbers are alarming and we should be devoting our efforts to saving lives, not opening up the flood gate to more carnage by snuffing innocent lives in passing H.R. 38.

This bill will amplify tragedies such as Sandy Hook Elementary, Charleston, SC, Florida's Pulse night club, San Bernardino, Las Vegas bump stocks killings, Texas recent church massacre, and the countless lives lost on our streets across this country daily.

Although the NRA argues that the United States is a dangerous place and that owning and carrying a gun is the only way to protect oneself and one's family, there are over 30,000 dead.

Removing safeguards intended to protect the public against potential harm or deadly force by private individuals jeopardizes universally recognized human rights—including the right to life.

H.R. 38 prohibits Congress' ability to address gun violence in a constructive and realistic manner? Adding more guns to our streets and loosening existing laws is extremely dangerous and counterproductive to ensuring public safety.

Disguising the danger in this bill, by wrapping it in the cloth of H.R. 4477, a more sensible measure, does not negate the toxicity level of H.R. 38.

In response to the TX recent church shooting, my amendment strengthened H.R. 4477 by requiring DoD to conduct a more comprehensive review of the procedures used by each branch of the Armed Forces to ensure that the Department is in substantial compliance with the DoD instruction 5505.11 entitled, "Fingerprint Card and Final Disposition Report Submission Requirements", dated December 1, 1998. But again, these amendments were blocked.

Unlike H.R. 4477, the Fix NICS Act, a bipartisan measure and good first step, which aims to improve key elements in the submission of information by federal and state agencies to the National Instant Criminal Background Check System (NICS) and which I supported, H.R. 38 as is and combined is lethal.

For the reasons stated above, I oppose this Rule and the underlying bill.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds, and I include in the RECORD an article entitled, "'Good Samaritan' Kills Active Shooter in Texas Sports Bar," in which a shooter with two guns and two knives entered a sports bar and was shot by an individual that the police labeled a Good Samaritan who happened to be eating at the restaurant with his wife. He was a concealed carry permit holder. He told his wife to get down on the ground, and then he shot the assailant.

[From nbcnews.com, May 4, 2017]

'GOOD SAMARITAN' KILLS ACTIVE SHOOTER IN TEXAS SPORTS BAR: POLICE
(By Phil McCausland)

A "good Samaritan" with a gun killed an active shooter who may have been gearing up for a deadly rampage at a Texas sports bar Wednesday night, police said.

When 48-year-old James Jones walked inside the Zona Caliente Sports Bar, started yelling and then allegedly shot and killed Cesar Perez—a 37-year-old restaurant manager who'd attempted to calm him down—Arlington police said witnesses were afraid they would be next.

In addition to the gun used to kill Perez, police say Jones had another semiautomatic pistol and two knives on him. The serial number on the second gun had been scratched off, and Jones did not have a gun license, police said.

"He definitely had the capacity, if he wanted, to commit further violence and potentially kill other patrons in the business," Arlington Police Lieutenant Chris Cook told NBC News, adding that it did not appear that the shooter knew his victim.

An armed "good Samaritan"—as the Arlington Police labeled him—happened to be eating at the restaurant with his wife. A concealed carry permit holder, he told her to get down on the ground and then shot Jones in the back.

"I don't think the shooter even knew where the rounds were coming from because he started shooting at the front door," Cook said, who described the scene as "chaotic."

Police reviewed video surveillance and pieced together the incident via witness interviews, but it remains unclear how many shots were fired by either individual. Police were looking into Jones' background to see whether he suffered from any mental illnesses and were awaiting test results to find out if he was under the influence.

The man who took down Jones wished to maintain his anonymity, police said, noting

that he felt overwhelmed but relieved that he prevented further violence.

"We're thankful that the good 'Samaritan' acted quickly and decisively to end the threat," Cook said. "We never recommend people get involved. That's a personal decision that a citizen has to make."

Use of force and firearms expert Emanuel Kapelsohn told NBC News that, from his understanding, the man who took down the shooter reacted appropriately.

"I think it's to be applauded," he said. "Not everybody in the world ought to own a gun. Not everybody in the world ought to carry a gun. Not everyone in the world ought to engage an armed criminal where innocent people could be potentially injured."

"But this good Samaritan obviously had the ability to do what he did," Kapelsohn added. "Who knows how many people would be dead if he had not acted?"

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee of the House Judiciary Committee.

Mr. SENSENBRENNER. Mr. Speaker, I am pleased that H.R. 38, as amended, includes the Fix NICS Act. I have long supported the National Instant Criminal Background Check System, or NICS.

NICS is about saving lives and protecting people from harm by preventing guns from falling into the wrong hands. It does this without interfering in the timely transfer of firearms to eligible gun buyers.

I was the original cosponsor of the Brady Handgun Violence Prevention Act of 1993 and worked diligently for its passage. I strongly supported this bill because it makes sense to prevent convicted felons and individuals judged to be mentally ill from obtaining guns.

At the time of negotiations, I insisted on the inclusion of the NICS program. Under this system, firearms dealers use the FBI's NICS system to cross-reference with a list of known convicted felons, drug users, illegal aliens, and those convicted of domestic violence.

As I have stated many times, the NICS system is only as good as the records that are put into it. Too often, people who otherwise would not pass a background check can slip through the cracks and buy guns.

After the recent shooting in Sutherland Springs, Texas, the U.S. Air Force disclosed that it had failed to report the gunman's history of domestic assault to the database, which should have prevented him from purchasing a firearm in the first place.

This legislation will provide a much-needed push to speed implementation of the NICS system used in conducting instant background checks prior to gun purchases. At the Federal level, it would require Federal agency cooperation and provide relevant records to the Attorney General for inclusion into the NICS. It holds Federal agencies ac-

countable if they fail to upload relevant records to the background check system through public reporting and prohibiting bonus pay for political appointees.

At the State level, it will incentivize them to make sure that their reporting is up to date by giving Federal grant preferences to States which comply.

□ 1500

Mr. Speaker, let me be clear. This bill is not about expanding background checks. This is about ensuring that the existing law is working. There is strong bipartisan support for improving what has become the systemic problem of missing information in the database. Accurate reporting is essential to ensuring that the system works as intended.

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

Mr. NADLER. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON LEE) for a unanimous consent request.

Ms. JACKSON LEE. Mr. Speaker, I thank the ranking member for yielding to me.

Mr. Speaker, I include in the RECORD an article by Mark Kelly entitled "Good Guys With Guns Can Be Dangerous, Too. Don't Gut Conceal Carry Laws. Why is Congress about to Vote to Loosen Gun Laws Again;" a letter from Major Cities Chiefs Association opposing H.R. 38; a letter from the chief of police from the City of Houston; and, finally, a report from the National Task Force to End Sexual and Domestic Violence.

'GOOD GUYS WITH GUNS' CAN BE DANGEROUS, TOO. DON'T GUT CONCEALED CARRY LAWS WHY IS CONGRESS ABOUT TO VOTE TO LOOSEN GUN LAWS AGAIN?
(By Mark Kelly)

That day in Tucson, amid a gun tragedy, one of the heroes almost got shot.

It was Saturday, Jan. 8, 2011, and a mentally ill young man who'd gotten his hand on a gun opened fire on my wife, then-Rep. Gabrielle Giffords (D-Ariz.), and her constituents at an event in a Safeway parking lot. He shot my wife in the head at close range, injured 12 others and took the lives of six people. One victim was a 9-year-old girl.

After Gabby's would-be assassin dropped the full magazine as he sought to reload his gun and continue his rampage, people tackled him, kicked his gun away, subdued him as they waited for law enforcement to arrive and brought an end to the chaos. They were heroes.

The chaos nearly continued, though. Because the man who murdered those innocent people wasn't the only one there with a loaded, concealed gun.

Joe Zamudio was shopping at a drugstore nearby when he heard the shots. Allowed to carry a concealed weapon under Arizona law, Zamudio recognized the sound of gunfire and rushed to the scene with his gun in his jacket pocket, his hand on his weapon and ready to fire. But then Zamudio—a good guy trying to do the right thing—almost shot another good guy.

As he rounded the corner, he saw a man holding a gun. Zamudio confronted him: "Drop it, drop it!" he yelled.

But that man with a gun was a good guy, too. He was one of the heroes who had wrestled the shooter to the ground. And he was moments away from being shot for the wrong reason.

To his credit, Zamudio held his fire—just barely. As he recounted to reporters later, “It was a matter of seconds. . . . I was really lucky. . . . I’ve never been in the military or had any professional training. I just reacted.”

The situation that played out in the Safeway parking lot that day shows the potential for tragedy and bloodshed when untrained people carrying loaded guns react to a crisis. Even with the best intentions, an armed person without the extensive firearms training that is required to respond under pressure in a crisis will risk making the situation worse, not better.

But this week, as we approach the seventh anniversary of the tragedy in Tucson and the fifth anniversary of the tragedy at Sandy Hook Elementary School—and after two of the five deadliest mass shootings in modern history happened in the last two months—Congress is working hard to pass one of the big-ticket items on the National Rifle Association’s wishlist, a bill that weakens our gun laws and poses serious threats to public safety.

The House of Representatives is on the verge of voting to allow people permitted to carry concealed weapons to carry them into any other state regardless of what that state’s law on such guns is. That would make it harder for law enforcement to do their job and allow all permit holders, even if they don’t have a single shred of training, to carry loaded, hidden guns on every street in our country.

Right now, each state has the right to determine the extent to which it will recognize the concealed carry laws of other states. Some states have strong laws, preventing dangerous people like domestic abusers and convicted stalkers from obtaining concealed carry permits and requiring training and a thorough evaluation as part of the process. In other states, concealed carry laws have much lower standards. The 12 states with the weakest laws, permitless carry states, do not even require a permit. That means a resident of those states may carry loaded, concealed guns in public spaces without ever having passed a background check.

The bill before Congress would allow people who have a permit issued by any state—including permitless carry states—to carry loaded, concealed handguns in any other state that allows concealed carry, even though they might not meet local public safety standards. This would mean an 18-year-old high school student from West Virginia could legally carry a concealed firearm in New York City, where residents must be 21 to even own a handgun.

And what would it mean for law enforcement? Nothing good. The bill would impose a threat of personal litigation on all law enforcement officers by allowing anyone whose ability to carry a concealed gun is mistakenly questioned by law enforcement to personally sue the officer. This bill would also effectively require them to be an expert on nationwide gun laws as they work to determine if it’s legal for someone from out of state to be carrying a gun in whatever state they might be visiting. Just as concerning, it will mean that more law enforcement officers will have to confront more people with guns. And think back to the tragedy in Tucson: When law enforcement officers arrive at a crime scene where multiple people are

holding guns, how do they even know who the good guy is?

We need politicians to show courage and listen to the American people, who want stronger laws to make them safer, not giveaways to gun lobbyists that threaten the safety of our communities. And that’s exactly what this irresponsible bill would do.

As members of Congress consider this bill, they have to ask themselves if they want to be remembered as voting to help the Washington gun lobby instead of supporting law enforcement and public safety. And they should know that their constituents are watching their decision closely.

MAJOR CITIES CHIEFS ASSOCIATION,
November 2, 2017.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: On behalf of the Major Cities Chiefs, representing the Nation’s largest metropolitan law enforcement agencies in the country, we are writing to voice our strong opposition to the Concealed Carry Reciprocity Act of 2017, HR 38. Because we are responsible for public safety in jurisdictions across the Nation, we recognize that this legislation would be an enormous mistake.

This measure is both impractical and contrary to the rights of States. Moreover, it raises Constitutional questions about the authority of Congress to direct State officers.

Concealed weapon permit laws have been tailored to the needs of regions and local communities over a period of many years. An attempt by Congress to preempt these State laws forces States to accept the lowest minimum standard for concealed carry across the Nation, and creates a contradiction between the standards required for State residents and State visitors.

The thousands of local permit formats would make enforcement impossible, because police officers would not be able to determine the validity of a permit issued in another State or locality. It would be impossible for law enforcement to distinguish true permit carriers from criminals and illegal guns.

We are confident that members of Congress will respect the Constitutional sovereignty of the States and will not act with disregard for the many reasonable and prudent laws already in place across the Nation.

Sincerely,

J. THOMAS MANGER,
Chief of Police, Montgomery County Police Department,
President.

CITY OF HOUSTON,
HOUSTON POLICE DEPARTMENT,
Houston, TX, November 29, 2017.

Hon. CHUCK GRASSLEY,
Chairman,
Hon. DIANNE FEINSTEIN,
Ranking Member, Committee of the Judiciary,
U.S. Senate, Washington DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: As the Chief of Police in Houston, I see first-hand the bloodshed and death toll from gun violence. Recent horrible events in Texas and Nevada serve as grim reminders that we have not done enough to prevent gun violence in America. While I am sorry I cannot attend your planned hearing, I serve as the First Vice President of Major Cities Chiefs and ask that you also enter this letter into the record.

The mass shooting in Texas is an ugly and tragic example of the need to strengthen our

system of background checks. That’s why I am supporting the measure introduced by Senator Cornyn and I urge the Committee to move his bill forward. The proposed legislation seeks to make current law work better by strengthening procedures. But we should not stop there as much more can be done to prevent the public from gun violence. This measure alone does not go far enough to stop what recently happened in Texas and the many, many senseless mass shootings that preceded our own tragedy.

Universal Background Check: The mass shooting in Texas represents a renewed call for the Universal Background Check that Congress has failed to adopt in the past. Much has been said about how the Texas gunman would have been precluded from the store purchase if the background system had worked correctly. But what would have stopped him from buying the same weapons at the next gun show? It’s a disservice to the public to conduct background checks only in some cases, but not for all of them.

“Bump Stocks”: Another common-sense measure is a ban on “bump stocks” and similar accessories that replicate fully automatic weapons fire. Such features result in a number of shots fired that causes the carnage we witnessed in Las Vegas. Like other law enforcement officials, I have studied the Las Vegas slaughter and concluded that there is no reasonable sporting or hunting purpose served by deadly devices that simulate military weapons capabilities. I was seated next to the ATF Director at a recent meeting of Major Cities Chiefs when he advised the Chiefs that new legislation will be required.

Concealed Weapons: Each State has carefully crafted its own laws relating to concealed weapons. While Congress has heretofore respected the Constitutional sovereignty of the States, there is legislation now pending that would undermine the authority of State laws relating to carrying of weapons. We strongly urge Congress to reject the misguided and impractical proposal for reciprocity. As police officers could not be expected to recognize legitimate or forged permits from thousands of jurisdictions, it would be impossible to determine which persons are authorized to carry a concealed weapon.

Silencers: Legislation to deregulate silencers is ill-advised because it would further threaten public safety. These devices were invented for killing and stealth. Once widespread, hunters would be unable to hear nearby gunfire and thus be endangered. Gunshot detection systems in urban areas would be thwarted. Worst of all, the proposed legislation would permit criminals to purchase and possess silencers without any screening requirements. There is simply no legitimate justification for a measure that would further endanger the public.

Our Duty to Protect: Like those of us who wear a badge, members of Congress share our solemn duty to protect the public. The recent tragedies in Texas and Nevada should be recognized by Congress as cries for help from past and future innocent victims of gun violence. Chiefs of Police and Sheriffs join these victims in asking you to act now to prevent more death and bloodshed. We turn to you for courage and leadership to consider multiple steps and measures to curb the ongoing threat of gun violence in America.

Sincerely,

ART ACEVEDO,
Chief of Police.

NATIONAL TASK FORCE TO END
SEXUAL & DOMESTIC VIOLENCE,

December 1, 2017.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: As we enter the winter holiday season, we grieve for the approximately 556 women who will not celebrate with their families—the 556 women who have been murdered this year by intimate partners with firearms. As a country, we can and must do more to prevent the daily mass shootings that plague our nation, most of which are related to family violence.

Accordingly, we, the member organizations of the National Task Force to End Sexual and Domestic Violence (NTF), comprising national organizations working to end gender-based violence and representing hundreds of member programs and hundreds of thousands of advocates and survivors, write to you today to oppose the package containing both the Concealed Carry Reciprocity (CCR) Act of 2017, H.R. 38, and the Fix NICS Act of 2017, H.R. 4434.

While the Fix NICS Act of 2017, H.R. 4434, will protect victims of domestic violence by ensuring domestic violence records are properly and expeditiously submitted to the National Instant Criminal Background Check System (NICS), the Concealed Carry Reciprocity Act, H.R. 38, undermines the safety of victims of domestic violence, dating violence and stalking by destabilizing protections for victims of abuse and allowing domestic violence offenders to follow their victims across state lines with loaded, concealed firearms. This combined measure is incredibly dangerous and will negate any protections offered by the Fix NICS Act.

Firearms are regularly used as tools of power and control. A 2016 meta-analysis of existing literature found that approximately 4.5 million American women alive today have been threatened by abusers with firearms; of those, one million had either been shot or shot at by their abusers. Guns are also the weapon of choice for domestic violence homicides. An abuser's mere access to a firearm increases the risk of intimate partner homicide of women by five times. Stalking is also a strong indicator of lethality, with one study of female murder victims in ten cities finding that 76% of women who were murdered by an intimate partner were stalked the previous year. Lawmakers have enacted strong, commonsense protections to prevent domestic violence homicides in states and localities across the nation and such protections must not be undermined by federally mandating concealed carry reciprocity.

States and Reciprocity Agreements: Currently, each state determines who can legally carry concealed, loaded firearms in public. Many states have enacted strong laws to protect victims and survivors from gun-enabled abuse beyond the vital but limited protection federal law provides. States enter into reciprocity agreements at their own discretion. The proposal before the Committee would take away this local control by requiring every state to recognize every other state's concealed weapons permits, thereby undermining states' authority to make their own decisions as to what measures will provide the best protection for their citizens.

Victim Relocation: Often, victims of domestic violence, dating violence and stalking relocate across state lines to escape their abusers and seek refuge in states with stronger firearms protections. H.R. 38 would require states with strong protections for victims of abuse to accept the permits of states with weaker protections and allow do-

mestic violence offenders to travel across state lines with loaded, concealed firearms. Domestic violence offenders could shop around for "out of state" permits, which are granted by ten states to non-residents, even if they do not meet the requirements to obtain a permit in their home state. Even if domestic abusers are prohibited from possessing firearms from their state of residence, they could easily obtain "out of state" permits and cross state lines to threaten, harass and harm their victims with firearms.

Law Enforcement and Background Checks: The CCR Act assumes that law enforcement need only look at an individual's out-of-state concealed carry license to verify their eligibility to carry a firearm. Twelve states no longer require permits to carry loaded, concealed firearms; individuals from those states would not be able to produce a state-issued photo ID license to prove their eligibility to carry a concealed firearm, as required by the bills. The bill also assumes that federal firearms prohibitors apply to all persons asserting the right to concealed carry reciprocity. However, many states do not run background checks when issuing concealed permits, so law enforcement in the travel state is unable to ascertain whether a federal or state prohibitor impairs the traveler's concealed carry permit or firearm possession. Even when a background check is required before a permit is issued, prohibited abusers often erroneously pass background checks, because the federal background check databases are missing most records relating to federal and many states' domestic violence prohibitors.

The Fix NICS Act of 2017 (H.R. 4434): This bipartisan, bicameral bill reauthorizes NCHIP, requires all federal agencies and states to design implementation plans to increase submission of records into NICS, holds states and federal agencies responsible if they do not meet the benchmarks established in their implementation plans, and creates a Domestic Abuse and Violence Prevention Initiative to focus state efforts specifically on domestic violence records. This bill is supported not only by the domestic violence community but also such disparate entities as the NRA, the National Shooting Sports Foundation, and a number of gun violence prevention organizations.

Although gaps in reporting of records span a range of firearms prohibitors, the gap in reporting of domestic violence records is particularly notable. Approximately 700,000 protective orders reside in state databases that are not in any federal database, and countless more protective orders are issued at the local level but never entered into state databases. Similarly, there are significant gaps in the number of misdemeanor domestic violence convictions and the records submitted to NICS. Poor record keeping often leads to domestic abusers erroneously passing background checks or to "default proceed", in which a background check cannot be completed within seventy-two hours, and a sale is allowed to proceed before the FBI has made a determination about the potential buyer's ability to legally purchase or possess firearms. In 2013 and 2014, a plurality (approximately 40%) of cases referred by the FBI to the ATF for firearms retrieval after a default proceed were related to a domestic violence prohibitor. An unknown number of prohibited abusers wrongly passed background checks altogether.

Simply put, we cannot support any bill that puts the lives of victims of domestic violence, dating violence, and stalking at risk.

Any bill that includes the Concealed Carry Reciprocity Act, H.R. 38, imperils the lives of victims, survivors, their children, their families, their friends and their communities. We continue to support The Fix NICS Act of 2017, H.R. 4434, as a standalone bill because it saves lives. On behalf of victims of domestic violence, dating violence and stalking, we urge you to reconsider combining these bills. These two bills cannot be supported as a package and the CCR Act threatens to erase any progress that could be made by the Fix NICS Act.

Sincerely,

THE NATIONAL TASK FORCE
TO END SEXUAL AND
DOMESTIC VIOLENCE.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY of Connecticut. Mr. Speaker, I rise in strong opposition to the so-called Concealed Carry Reciprocity Act. It is outrageous that today, of all days, 1 week before the 5-year anniversary of the horrific murder of 20 schoolchildren and 6 educators in my district of Newtown, 2 months after the slaughter of 50 Americans watching a concert, that we are about to act on a bill to put more guns in the hands of more dangerous people.

Rather than helping raise the standards nationally for gun safety, this bill would override and lower most States' concealed carry laws, making it easier for domestic violence abusers, stalkers, and violent criminals to carry across State lines loaded hidden guns. This bill should be called the "Act to Carry Any Gun Anywhere Anytime by Anyone."

The Concealed Carry Reciprocity Act is an outrage and an insult to the families in Newtown and to the hundreds of families who have lost loved ones to gun violence who are gathered here today at the Capitol for the fifth annual Vigil to End Gun Violence.

In the 5 years since Sandy Hook, this is the very first bill we have been allowed to vote on in this Chamber, and it is a reckless giveaway to the moneyed gun interests.

Mr. Speaker, since 2012, gun violence has killed over 170,000 Americans. It is time for this House to truly honor the victims of gun violence and their families with action instead of caving in to the gun lobby yet again.

Mr. Speaker, I urge all of my colleagues to oppose this dangerous bill.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. Mr. Speaker, history is the great educator. We remember in American history the War of Independence started when the British tried to take away the firearms of Americans, and we had the Battles of Lexington and Concord. That revolution was successful because Americans were able to be armed.

The Texas War of Independence started when the Mexican Government tried

to take away the firearms of Texans. That started in Gonzales, Texas, and it was successful and we became an independent country.

The Second Amendment is a constitutional right that Americans have. My friends on the other side don't like the Second Amendment. They wish it wasn't there. They do everything in their power to restrict the privilege and the right that we have under the Second Amendment, and we get it because of our history, to protect us from government and also for self-defense.

My friends talk about gun violence. They have got to remember that gun violence happens many times where people are disarmed, and it usually takes a gun to stop that gun, just like it did at the church in Texas.

In another situation, if I were to drive my Jeep to California and I get stopped by the California Highway Patrol, which maybe would occur, I would show them my Texas driver's license, and then they would let me drive, even though the laws in California are different on a driver's license.

Second, the registration of my Jeep in Texas would pass in California, even though if I had to get it done in California, it probably wouldn't pass. But they recognize that because we have laws that recognize that.

My marriage license would be accepted as well.

The right to bear arms, the right to have a concealed carry weapon, is based on the Second Amendment of the Constitution. All this law does is allow us to exercise that right in every State.

And that is just the way it is.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, I want to thank Mr. NADLER for yielding to me.

Mr. Speaker, that is just the way it is. Since the start of 2017, more than 14,340 people have been killed by gun violence in the United States, more than any other country on Earth. That is just the way it is.

More than 29,150 have been wounded. More than 680 of those have been children.

In October, 58 people were killed and 515 wounded in Las Vegas in the worst mass shooting in our Nation's history.

But we don't have a bill on the floor to prevent the creation of machine guns, which are illegal, by bump stocks.

Just 5 weeks later, a gunman entered a church in Sutherland Springs, Texas, and killed 26 worshipers, while wounding 20.

The majority's response?

Bring to the floor a bill that makes America less safe, more replete with people carrying and concealing weapons in our communities. This bill says: If you want to carry a concealed weapon

in a State that doesn't allow it constitutionally, no problem. Get your concealed carry license in another State that does.

In other words, every State, no matter their own judgment, talk about States' rights, no matter their own judgment, must be subjected to the policies of the least protective State in the Nation.

Instead of addressing the very serious problem of rampant gun violence in a constructive way, the Republican majority is bringing to the floor a bill that makes it easier to hide dangerous weapons in public.

Newtown, Aurora, Orlando, Las Vegas, Sutherland Springs, and community after community after community. What will it take for this Congress to act? What will it take to face this challenge instead of ignoring it? How many more will not live to see the new year or begin it with debilitating injuries they will carry for the rest of their lives? How many times will we have a moment of silence and a year of no action?

Mr. Speaker, defeat this bill. Its rational provision of NICS, making sure people report, does not justify the danger it expands. Support the rights of States to protect their residents from hidden firearms. Do not ignore the crisis that confronts our country. Have a moment of action, a moment of legislating more safety, not less; not simply a few seconds of silence to lament the loss of life, whether it be in Las Vegas or Orlando or in our own communities. Defeat this bill. Come back and do some positive, constructive work that makes America safe again.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to include in the RECORD a letter signed by 23 of those States' attorneys general who say, in part, in this letter: "Strong evidence indicates that concealed carry permit holders actually deter and reduce crime." This is taking action by passing this legislation.

ATTORNEY GENERAL OF MISSOURI,
Jefferson City, MO, December 1, 2017.
Re Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) and Concealed Carry Reciprocity Act of 2017 (H.R. 38).

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

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

Hon. CHUCK SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

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

DEAR CONGRESSIONAL LEADERS: As the chief legal officers of our States, we, the undersigned 23 state Attorneys General, write in support of the Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) and the Concealed Carry Reciprocity Act of 2017 (H.R. 38). We share a strong interest in the protection of our citizens' Second Amend-

ment right to keep and bear arms, and we are committed to supporting federal and state policies to preserve that constitutional right. These bills, if enacted, would eliminate significant obstacles to the exercise of the right to keep and bear arms for millions of Americans in every State.

The Second Amendment to the U.S. Constitution provides an individual right to own and carry a firearm for self-defense. The Amendment states that "[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II. As the Supreme Court recognized in *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008), the Second Amendment "guarantee[s] the individual right to possess and carry weapons in case of confrontation." Indeed, "individual self-defense is 'the central component' of the Second Amendment right." *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (quoting *Heller*, 554 U.S. at 599).

The core interest protected by this right is self-defense by law-abiding citizens. This right therefore extends to weapons "in common use" and "typically possessed by law-abiding citizens for lawful purposes." *Heller*, 554 U.S. at 624-25, 627 (quoting *United States v. Miller*, 307 U.S. 174, 179 (1939)).

The Second Amendment historically has guaranteed the right to carry firearms outside the home for self-defense. In *Heller*, the Supreme Court relied on the preeminent authority on English law for the founding generation, William Blackstone, who explained that the right to self-defense, codified by the framers in the Second Amendment, was an "individual right protecting against both public and private violence." *Heller*, 554 U.S. at 594 (citations omitted). As Justices Thomas and Gorsuch have written, "[s]elf-defense has to take place wherever the person happens to be, and in some circumstances a person may be more vulnerable in a public place than in his own house." *Peruta v. California*, 137 S. Ct. 1995, 1998-99 (2017) (Thomas, J., and Gorsuch, J., dissenting from the denial of certiorari) (quoting Eugene Volokh, *Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda*, 56 UCLA L. Rev. 1443, 1515 (2009)).

To be sure, the right to carry firearms for self-defense is not unlimited, and the Supreme Court has stated that its decisions do not cast doubt on the "longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." *Heller*, 554 U.S. at 626-27. But these exceptions all assume that the right to carry a weapon in self-defense applies in public places generally.

The Second Amendment, moreover, applies to both the Federal Government and the States. The Second Amendment is a right "fundamental to our scheme of ordered liberty," and so it applies not just to the Federal Government but also to the States under the Due Process Clause of the Fourteenth Amendment. *McDonald*, 561 U.S. at 767; see also *Caetano v. Massachusetts*, 136 S. Ct. 1027, 1027 (2016) (per curiam).

Nevertheless, some activist courts have held that the Second Amendment has no application at all outside the home, and thus have upheld state laws banning any firearm ownership outside the home. See, e.g., *Peruta v. California*, 137 S. Ct. 1995, 1997, 1999 (2017) (Thomas, J. and Gorsuch, J., dissenting from the denial of certiorari) (collecting cases);

e.g., *Williams v. State*, 10 A.3d 1167, 1177 (Md. 2011); *Mack v. United States*, 6 A.3d 1224, 1236 (D.C. 2010). Further, ten states refuse to recognize any out-of-state concealed carry permits, and many more refuse to recognize out-of-state concealed carry permits unless certain conditions are met.

The citizen interest in self-defense, supported and protected by the Second Amendment, is called into serious question by such blanket refusals to permit carrying firearms in self-defense outside the home or to allow non-resident visitors to carry concealed weapons. Because some States refuse to give the Second Amendment its full import, Congress should enact concealed-carry reciprocity legislation, to help implement and enforce the constitutional right to self-defense for millions of law-abiding Americans across the country.

The exercise of Congress's power is particularly warranted in this case because the States that refuse to allow law-abiding, non-resident visitors to carry concealed weapons place their occupants in greater danger—not less—from gun violence. These States leave citizens without any real option for self-defense, and so it is not surprising that they have been unable to show that their regulations reduce crime.

Authorizing permit holders to carry across state lines will not result in an increased risk of crime. Concealed carry permit holders are among the most law-abiding members of society, and those States that allow for reciprocal concealed-carry permits have not encountered any significant safety issues. In Texas, for example, state data on permit holders shows that, compared to the general public, they are “ten times less likely to commit a crime, eleven times less likely to commit an aggravated assault with a deadly weapon, and seven times less likely to commit deadly conduct with a firearm.” Kevin Ballard, *Peruta v. County of San Diego: An Individual Right to Self-Defense Outside the Home and the Application of Strict Scrutiny to Second Amendment Challenges*, 47 Golden Gate U. L. Rev. 25, 59 (2017).

Further, strong evidence indicates that concealed-carry permit holders actually deter and reduce crime. Those who engage in lawful and licensed concealed carry are not only less likely to be involved in criminal activity themselves, but their presence also deters others from engaging in violent crime. See John R. Lott, Jr., *More Guns, Less Crime* (University of Chicago Press, 3d ed. 2010). County-level data for the entire United States from 1977 to 2000, the period in which many concealed-carry laws took effect, shows annual reductions in murder rates between 1.5 percent and 2.3 percent for each additional year that a right-to-carry law was in effect, and the total economic benefit from reduced crimes usually ranges between approximately \$2 billion and \$3 billion per year. Florenz Plassmann & John Whitley, *Confirming “More Guns, Less Crime,”* 55 Stan. L. Rev. 1313 (2003). “Violent crime falls after right-to-carry laws are adopted, with bigger drops the longer the right-to-carry laws are in effect.” John R. Lott, Jr., *What a Balancing Test Will Show for Right-to-Carry Laws*, 71 Md. L. Rev. 1205, 1212 (2012).

Our experience as attorneys general further reinforces this data. Law-abiding individuals who choose to exercise their constitutional right to carry a firearm for self-defense promote public safety. Our states have chosen to respect the rights of residents and non-residents alike to carry arms for their defense, and we ask Congress to protect the same rights of our law-abiding residents as they travel throughout the United States.

States should not be able to deny citizens of other States the basic constitutional right to self-defense. We thus urge Congress to enact legislation such as the Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) or the Concealed Carry Reciprocity Act of 2017 (H.R. 38). These bills aim to protect the rights of law-abiding citizens to carry a concealed handgun. They do not allow for carrying firearms by felons, those involuntarily committed to mental health facilities, and other persons prohibited by federal law from possessing or receiving firearms. And these bills would not prevent States from allowing governmental and private entities to preclude concealed carry on their own property.

As the Supreme Court held in *McDonald*, it is “unmistakably” true that “the Second Amendment right to keep and bear arms” is “fundamental to our scheme of ordered liberty” and “deeply rooted in this Nation’s history and tradition.” *McDonald*, 561 U.S. at 767–68. Congress should act to safeguard and implement this deeply rooted right for those traveling across state lines.

Thank you for the opportunity to address this legislation. As the chief legal and law enforcement officers of our respective States, we urge Congress to pass this important legislation implementing one of the most basic American freedoms, the Second Amendment right to keep and bear arms.

Very truly yours,

Joshua D. Hawley, Missouri Attorney General; Steve Marshall, Alabama Attorney General; Mark Brnovich, Arizona Attorney General; Leslie Rutledge, Arkansas Attorney General; Pamela Jo Bondi, Florida Attorney General; Chris Carr, Georgia Attorney General; Lawrence Wasden, Idaho Attorney General; Curtis T. Hill, Jr., Indiana Attorney General; Derek Schmidt, Kansas Attorney General; Jeff Landry, Louisiana Attorney General; Bill Schuette, Michigan Attorney General; Timothy C. Fox, Montana Attorney General.

Doug Peterson, Nebraska Attorney General; Adam Paul Laxalt, Nevada Attorney General; Wayne Stenehjem, North Dakota Attorney General; Mike DeWine, Ohio Attorney General; Alan Wilson, South Carolina Attorney General; Marty J. Jackley, South Dakota Attorney General; Ken Paxton, Texas Attorney General; Sean Reyes, Utah Attorney General; Patrick Morrissey, West Virginia Attorney General; Brad D. Schimel, Wisconsin Attorney General; Peter K. Michael, Wyoming Attorney General.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Alabama (Mrs. ROBY), a member of the Judiciary Committee.

Mrs. ROBY. Mr. Speaker, I rise today in support of H.R. 38, the Concealed Carry Reciprocity Act of 2017.

Mr. Speaker, our Founders laid out certain rights in our Constitution, not to empower the government, but to empower the people. Certainly among the most fundamental of those rights we have as Americans is to keep and bear arms.

H.R. 38, the Concealed Carry Reciprocity Act of 2017, simply ensures all law-abiding citizens who meet the requirements to obtain concealed carry permits in their home State can exercise the right to protect themselves in any State, provided that they obey the local concealed carry laws.

Mr. Speaker, some opponents of this bill claim that we are somehow making it easier for dangerous unqualified individuals to obtain and carry guns. That is absolutely not true.

If a citizen is currently prohibited from purchasing or possessing a firearm, this bill does nothing to change that.

On the other hand, Mr. Speaker, others will tell you that we are making it harder for law-abiding Americans to exercise their Second Amendment right. That is not true either.

H.R. 38 does nothing to infringe upon anyone’s right to keep and bear arms. The bill simply ensures that our current National Instant Criminal Background Check System, or NICS, is enforced and working properly.

Those of us who respect the Second Amendment and dedicate our careers to defending it will always fight to protect this fundamental right from those who would erode it.

Mr. Speaker, we also have a responsibility to uphold and enforce our current laws to ensure dangerous people can’t obtain weapons. In fact, it is precisely because we want to preserve our Second Amendment right that we must ensure our criminal background check system works properly.

Mr. Speaker, I urge my colleagues to support this bill in order to ensure that those who obtain a concealed carry permit in one State are able to enjoy the freedom in any State and to make sure our current background check system is working the way it was intended to work.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, firstly, the NRA put a bulletin out to urge people to vote for this. They said: “We must ensure that antigun jurisdictions do not harass travelers.”

Mr. Speaker, that is the purpose of this bill from the NRA, that nine antigun jurisdictions, State legislatures that have restrictive gun laws, cannot harass travelers, cannot see that their State has the same laws that their citizens have from people out of State.

When my friends on the other side talk about being concerned about the Second Amendment and dedicating their lives to it and seeing that irresponsible people don’t get guns, when we tried to bring a no fly, no buy law, they weren’t for it. They talked about due process.

But have they brought a due process bill to the floor for people who are on the no-fly list?

No.

People who are on Social Security who can’t manage their own affairs, they passed a law that said they should get guns when they couldn’t before. That is not in keeping with what they are saying.

This bill violates States' rights, puts guns in the hands of people that States don't want them to have. There are seven States that don't allow people under 21, unless they are in the military, to have a gun permit. This Federal law would override those seven States.

Mr. Speaker, this is a bad law. It is the NRA's law. We should have had amendments considered in committee, but we didn't because the NRA didn't want them.

□ 1515

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. FARENTHOLD), a member of the Judiciary Committee.

Mr. FARENTHOLD. Mr. Speaker, I am here today to support the Concealed Carry Reciprocity Act, which will allow a person who is licensed in one State to carry their firearm to carry it in other States. It works just like your driver's license. My Texas driver's license lets me drive in Virginia; it lets me drive in Florida; it lets me drive in California.

When I was a child growing up in Texas, my family taught me the importance of marksmanship, gun safety, and the Second Amendment. And I have long said that, when it comes to reducing violence, it is the individual, not the weapon, that we need to be focused on.

This bill helps ensure an American's right to carry is not infringed when crossing State lines, enhancing public safety. In fact, as the chairman stated earlier here today, a peer-reviewed study shows that States with more restrictive concealed carry laws had higher gun-related murder rates. That is why we need an armed citizenry to protect ourselves and each other.

As we saw in the terrible Texas church shooting in Sutherland Springs just recently, the death toll could have been much higher had not an armed citizen been there to confront the gunman. There are those who insist the bill will arm the criminals, but those claims are far from true, as gun laws restricting criminals from access to weapons are already there in their home States. They are going to remain undisturbed.

I am a strong supporter of the Second Amendment and the Constitution, as I suspect most of you all are, Mr. Speaker, and I believe gun control is hitting what you aim at and nothing else.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, it has been almost 5 years to the day that 20 6- and 7-year-old babies were slaughtered in Newtown. It has been about a year-and-a-half since 49 people were killed in my home State of Florida, 58 more being

injured. In October, 59 people were killed and 500 injured at an outdoor concert in Las Vegas. And in November, 26 people were killed and injured as they worshiped in Sutherland Springs, Texas. The response to all of this tragedy is a bill to make it easier for people to carry concealed weapons in every corner of this country.

I don't know whose idea—other than the gun corporations, I don't know whose idea it was that this would be the way that we honor the memories of those who have been killed, that instead of commonsense gun safety legislation that the overwhelming majority of people in this country support, we get a bill to make it possible to carry concealed weapons in every State, in every corner of this country.

When my friends on the other side say this doesn't override any laws, that is absolutely untrue. In States that have State laws that govern where you can and can't carry a gun, this bill overrides that and says you can bring any gun into the State, whatever your regulations are about what you can carry.

This is a bill that doesn't make us safer. It doesn't make us stronger. But make no mistake, it makes the bottom line, the profits of the gun makers in this country, a little bit healthier.

As we enter the Christmas season and we think about the 20 6- and 7-year-old kids whose lives were taken 5 years ago today, whose parents, whose families suffer every day with that loss, whose kids aren't there to receive Christmas presents, I ask my friends on the other side: Why is it that we respond to that by giving this enormous Christmas gift to the NRA?

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to include in the RECORD two articles, one from Tennessee and one from Florida, in which concealed carry permit holders stopped dead in their tracks people who were going to commit murder.

[From www.wsmv.com, Oct. 8, 2017]

USHER BEING CALLED "HERO" FOR HELPING TO STOP ANTIOCH CHURCH SHOOTER

(By Edward Burch)

ANTIOCH, TN.—Robert Caleb Engle is being hailed as a hero after helping to stop the accused gunman during the shooting at Burnette Chapel Church of Christ in Antioch on Sunday.

According to police and witnesses at the scene, Engle, who is an usher at the church, confronted the accused shooter, Emanuel Kidega Samson. Engle was then pistol-whipped by Samson. The two got into a scuffle before Samson shot himself in the chest.

Engle, who has a carry permit, went out to his car to get a gun, despite suffering a head injury.

Engle then went back inside the church to confront Samson and held him at gunpoint until authorities arrived.

Engle, 22, declined an on-camera interview but did send a statement.

When complimented about his heroism, Engle said, "I do not want to be labeled a hero. The real heroes are the police, first re-

sponders, medical staff and doctors who have helped me and everyone affected."

"I've been going to this church my whole life," Engle said "I would have never, ever thought something like this would have happened."

"(He's) just an outstanding young man, even before today," said Tammy Adcock, one of Engle's neighbors. "Today just proved his character."

Engle also asked for prayers for not just the victims, but for the shooter and the shooter's family.

"They are hurting as well," Engle said.

Engle and 64-year-old Catherine Dickerson were taken to Skyline Medical Center with non-life-threatening injuries.

Both Engle and Dickerson have since been released from the hospital.

[From Florida Today, Nov. 27, 2017]

SCHLENKER SHOOTING: ROCKLEDGE GUNMAN RECOVERING, WORKED AT BREVARD ELEMENTARY SCHOOL

(By J.D. Gallop)

The 28-year-old man suspected of carrying out a shooting at a Rockledge auto shop last week that left one person dead and another paralyzed, also worked as a part-time custodian at an elementary school, authorities said.

Brevard County Public School officials confirmed that Robert Lorenzo Bailey Jr. was employed with the district since 2014, working at Lewis Carroll Elementary on Merritt Island.

"He's a part-time custodian," said Jennifer Wolfinger, spokeswoman for the school district, adding that Bailey remains on the payroll. Officials are reviewing his employment records.

Bailey wandered onto the Schlenker Automotive property on Friday, and using a .40-caliber handgun, started firing on workers, killing 50-year-old Schlenker employee Roger Lee Smith, Rockledge police said. Smith had stepped into the parking lot after he heard a shot that paralyzed a 25-year-old, unidentified co-worker, according to police. Police have not released the identity.

Two other workers—both concealed weapons permit holders—confronted the gunman and engaged in a shootout that left the suspect wounded. Bailey continues to recover at Holmes Regional Medical Center in Melbourne.

The shooting—which happened the day after Thanksgiving—left family members of the victim, a husband, father and grandfather, devastated.

"He would do anything . . . anything for anybody. It hurts that somebody would hurt him," said Nickcole Smith, a 27-year-old niece of the victim. "That man took from us a longtime husband, a father figure and a grandfather. He loved being with his family and was such a fun, outgoing person. Personally, it's just destroyed me."

Bailey, known to friends as a bouncer and a regular in the Cocoa Village pub scene, did not have any connections to the autoshop, police said. Police have not yet confirmed any criminal or medical history that might give insight into a possible motive.

Others who knew Bailey, including a manager at the Dog and Bone British Pub, said he seemed to be acting differently lately. The manager said Bailey was fired from his job at the pub after Bailey confronted a patron. Another manager suggested Bailey see a doctor after Bailey aired thoughts that he believed the patron had a gun and was attempting to kill him.

"You could tell he had gone through some type of stress or disorder. He kept to himself," said 26-year-old Paul Lyal, who learned

about the shooting late Sunday. Lyal said he met Bailey at the Dog and Bone British Pub several years ago.

"Sometimes he would be quiet, other times out laughing with everyone. He would even do karaoke or just go upstairs and dance for hours," Lyal recalled. "I'm just shocked like everyone else."

Rockledge detectives did not comment on Bailey's injuries or surgery over the weekend to treat his wounds.

Lou Schlenker, owner of the business that has operated in Rockledge for 36 years, released a statement to Florida Today on Sunday evening:

"In this difficult time of mourning the loss of Roger and the severe injuries that (our other employee) has sustained, we would like to thank all of the community for the overwhelming support and prayers we have received. We know there will be a long healing process ahead of us but we want to reassure everyone that this is an organization full of dedicated, courageous, and heroic individuals serving this community," the statement read.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. GAETZ), a member of the Judiciary Committee.

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

Mr. Speaker, I don't know why Democrats are so afraid to allow people to exercise the full extent of their constitutional rights. In my State, we have got 1.7 million concealed carry permit holders. Concealed carry permit holders in Florida are eight times less likely to commit crimes than members of law enforcement.

I think the American people see that, if they had their way, we would take the bad acts of people who break the law and we would use that as an excuse to deprive law-abiding people of the full exercise of their rights.

So I rise in support of the Constitution and to correct a common mistake. The rights that are enumerated in the Constitution are not granted to the American people by government. These are God-given rights, and it is the government's duty to protect them for all citizens.

For too long, the government has failed to protect the Constitution and has stripped law-abiding citizens of their freedom. States recognize driver's licenses from other States, but nowhere in the Constitution are they mentioned; yet States routinely deny carry permits from other States, including neighboring States, even though the Constitution explicitly states that the right of people to keep and bear arms shall not be infringed.

Mr. HUDSON's good bill restores constitutional liberty. I am proud to join in sponsoring this legislation and to stand with the Constitution and against those who wish to dismantle it.

Mr. Speaker, I encourage my colleagues to remember the oath that they swore to uphold and defend the Constitution, and I would encourage them to vote "yes" on H.R. 38.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr.

CICILLINE) for the purpose of a unanimous consent request.

Mr. CICILLINE. Mr. Speaker, my friends on the other side of the aisle made a number of arguments about how, if everyone has a concealed weapon, America will be safer.

Mr. Speaker, I have two studies here which directly rebut that:

A 2017 Stanford University study found that in States that adopted the most permissive concealed carry laws, violent crime is 13 to 15 percent higher than it would have been had the State retained a more restrictive law;

A 2017 study by researchers at Boston University found that States with shall-issue laws had a 10.6 percent higher handgun homicide rate, consistent with the results of the Stanford study.

Both of those empirical studies disprove the claim that we make America safer if everyone carries a hidden, loaded firearm.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), the distinguished chairman of the Democratic Caucus.

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

I must have missed something in my religious training. Were there 11 Commandments by God? I know about the first 10, but I missed that 11th one that thou shall have the ability to bear arms. I missed that one, that God-given right.

Was it a God-given right for someone to take that God-given right and execute 58 people at a concert? Was that a God-given right?

Mr. Speaker, the American people have spoken with nearly a unanimous voice. They want Congress to keep their families safe by passing common-sense gun safety legislation, legislation that will keep guns out of the hands of criminals; protections that will keep those who want to cause terror in our churches, in our schools, at concerts, and in our communities from getting those firearms.

The bill before us does the exact opposite. It would force States like New York to weaken their own gun safety laws and allow concealed carry. It puts families like yours and mine at risk. And for what? To appease the NRA? That is shameful.

In the 66 days since the Las Vegas massacre, Congress has done nothing, absolutely nothing, to address the clear loopholes in our laws that allowed one man to kill and injure so many.

It has been 66 days since numerous Republicans denounced the bump stocks and promised a fix, only to turn around and do this bill. At a time when we have seen one horrific mass shooting after another, Republicans are forcing through a bill that will put each and every American in harm's way. What is more, this egregious proposal comes days before the fifth anniversary of the tragic shooting at Sandy Hook.

This will put us in further danger of another Las Vegas, another Orlando, and another Sandy Hook. The American people are sick and tired of this. They want this Congress to protect them, not enable criminals.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time is remaining on each side.

The SPEAKER pro tempore (Mr. YOUNG of Iowa). The gentleman from Virginia has 11¾ minutes remaining. The gentleman from New York has 13 minutes remaining.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. RUTHERFORD), a member of the Judiciary Committee.

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

Mr. Speaker, in my 41 years of law enforcement, 12 years as a sheriff of Duval County, Florida, I can tell you I have seen many, many times where good, law-abiding citizens used legal firearms to stop dangerous people from harming them, their loved ones, and even their neighbors.

Mr. Speaker, as a law enforcement professional, I want good people carrying firearms.

The Fraternal Order of Police that represents thousands of officers all across the United States of America supports good people carrying firearms. Do you know why? Because we know, as law enforcement officers we understand that, at our agencies, our priority one response time target is 7 minutes.

In a life-and-death situation, we target getting there in 7 minutes. That is in a well-policed community. I want to put Republicans, Democrats, and everyone on notice that, for that 7 minutes, you better be prepared to protect yourself.

If an active shooter in a mall, in a school, in a church like we just saw in Sutherland Springs, Texas, is killing people, let's say to the tune of five people per minute, that is an average of 35 dead, unarmed citizens before the police can even arrive at the scene.

Believe me, we want good, law-abiding citizens who are authorized to carry firearms to have the ability to intervene in a violent situation before law enforcement can even arrive at the scene. We need the Concealed Carry Reciprocity Act to ensure that these good, law-abiding citizens can retain the constitutional right to bear arms legally across State lines and hopefully be able to stop a violent incident.

Mr. Speaker, none of our other constitutional rights stop at a State line.

Our Second Amendment rights should not stop at that line either.

Mr. Speaker, I strongly encourage my colleagues to support H.R. 38 and save lives.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. CICILLINE).

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

We just heard some of our other colleagues on the other side of the aisle speak about the God-given right to apparently carry a concealed, loaded firearm across State lines. What about the God-given right to live, to stay alive, and to be free from gun violence in this country?

We now have seen the two deadliest shootings in American history, 20 children slaughtered 5 years ago at Sandy Hook, and the list goes on and on.

Our Republican colleagues will do nothing about it. They won't pass universal background checks. They won't pass no fly, no buy to keep terrorists from being able to buy a gun. They won't prevent bump stocks. But they are finally rising up to do something, and what is their answer? Let everyone in America carry a concealed, loaded firearm. Even people who are violent criminals, stalkers, and domestic abusers can carry a concealed firearm.

Make no mistake about it. This legislation allows someone to go online. You don't have to be a resident of the State, a State that has no protections. You don't have to have training. You could be a criminal. You can go online and you get a permit in that State. You don't have to be a resident. You only have to go there, and you can then travel America with a loaded, concealed firearm and overrule the will of the people of that State through their legislature to impose responsible limitations on it.

□ 1530

It also endangers police officers who can be sued for having the audacity to ask someone if they actually have a permit and detain them. They have a cause of action against the police officer and attorneys' fees—unprecedented.

This is the response to a country that is pleading for responsible gun safety legislation, that is living with the carnage of gun violence and asking this Congress: Do something about it; protect us from this violence.

Our Republican colleagues muster up the courage to pay homage to the NRA and make it easier to sell guns so that people can carry concealed loaded firearms all across this country.

Shame on you. Shame on you. You have a responsibility to work with us to protect our constituents from gun violence and to enact sensible gun safety legislation that will reduce the incidents of gun violence. This will make it worse.

The claim that somehow it makes it safer is refuted by all of the empirical evidence. You know it is. Shame on the Republicans.

The SPEAKER pro tempore. The gentleman and other Members are reminded to direct their remarks to the Chair.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JOHNSON), who is a member of the Judiciary Committee.

Mr. JOHNSON of Louisiana. Mr. Speaker, today I rise in strong support of H.R. 38, the Concealed Carry Reciprocity Act of 2017.

Our constitutional right to keep and bear arms should not be confined by State lines. Yet, currently, a person who has legally obtained a concealed carry permit in one State can be denied that right by simply crossing the State's border.

Consider my own home State of Louisiana. Our laws rightfully allow for licensed carrying of concealed firearms. I am a concealed carry permit holder myself. When a Louisianian leaves the State, however, our valid concealed carry handgun permit becomes void, absent an agreement from the State we may be in or traveling through.

The Concealed Carry Reciprocity Act that we vote upon today ensures that law-abiding citizens with a concealed carry permit are not denied their Second Amendment right simply because they travel to other States. The Constitution should know no such bound. It does so while also recognizing States' rights by clearly noting that concealed carry holders must follow the law of each and every jurisdiction.

As a constitutional law attorney myself, it is critically important to me that the fundamental right of every law-abiding citizen to keep and bear arms is protected; and, yes, this legislation is about preserving our God-given freedoms. It is about public safety, and it is about common sense.

As noted, our letter by 23 States attorneys general, including my own home State of Louisiana, affirms that concealed carry laws deter crime. As my friend and colleague, Sheriff Rutherford, just said here so well, he reminded us that law enforcement wants the good guys to be armed.

The Concealed Carry Reciprocity Act protects our Second Amendment right, and I encourage my colleagues to support this important legislation. I want to thank Congressman HUDSON for introducing H.R. 38 and Chairman GOODLATTE for advancing this legislation through the House Judiciary Committee. I am proud to be a part of this historic legislation.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Speaker, there have been 914 cases of non-self-defense killings by private citizens holding per-

mits to carry concealed loaded handguns in the last 10 years, which translates into 1,119 Americans dead by homicide, mass shooting, suicide, and murder of police officers under concealed carry permit laws in the States.

In Florida, for example—I saw my friend, Mr. RUTHERFORD, up there—in August, concealed handgun permit holder, Everett Miller, shot and killed two Kissimmee, Florida, police officers.

Now, if you want to give everybody the right to a concealed carry permit in your States, fine. But don't impose that on the people of Maryland. We have got our own laws, thank you. Since January, we have had 397 gun massacres in America defined as a slaying of four people or more. Two of them—Las Vegas, which left 58 people dead, and Sutherland Springs, which left 26 people dead—are among the 10 worst massacres in American history by gun.

The American people want to end this reign of terror. But what do our friends do on the other side? Do they bring us the universal criminal background check legislation favored by more than 90 percent of the American people of every political party to plug the gun show loophole, the internet loophole, and the 7-Eleven parking lot loophole? No.

Do they bring to the floor the bill to criminalize bump stocks which they promised to us? No. No such luck. Instead, they bring forward a bill that would wipe out the vast majority of concealed carry laws in the United States of America, trampling States' rights and wrecking all of the painstaking work of legislatures all over the land dragging this down to the most lax and permissive State laws in the country. It is not a race to the bottom, it is a plunge to the bottom they have engineered here.

This fraudulently named bill has nothing to do with reciprocity because States already have the power to negotiate reciprocity agreements, and 22 of them have it.

Your bill destroys reciprocity. Your bill brings us down to the level of the lowest, most permissive laws in the country. My State doesn't give concealed carry permits to domestic abusers, to violent offenders, and to dangerously unstable people. Don't drag us down to the lowest level. Protect States' rights.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, the difference of opinion on this bill vividly illustrates the profoundly different world view of Democrats versus Republicans. Democrats instinctively trust the government and instinctively distrust individuals. Republicans instinctively distrust the government and trust the good hearts and good

sense of individual Americans to be the best stewards of protecting themselves, their family, their property, and their freedoms.

Our Founders understood this, and this is why the First Amendment protects our freedom of conscience and the Second Amendment follows it immediately so that we, as free people, have the ability to protect ourselves—our freedom of conscience—against the overpowering force of the government.

We in Texas enacted in 1995, while I was a member of the Texas house, a concealed carry law, and we have had now over 20 years of data. People can go to the Department of Texas Public Safety website and look under conviction rates and see that the concealed carry permit holders in Texas, over the last 22 years, are 21 times less likely to commit a crime than the average Texans.

The 7 minutes Sheriff Rutherford just mentioned to us are a lifetime, if you or your family or neighbors are at risk of attack. The individual law-abiding American who is carrying a concealed weapon has had a background check, they have been trained in the use of the weapon, and they know the law. We all, as Americans, should work together to preserve the Second Amendment right of every American to keep and bear arms no matter what State they are in.

Mr. Speaker, I urge Members to support this important legislation.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. O'ROURKE).

Mr. O'ROURKE. Mr. Speaker, I thank the gentleman for yielding.

Like so many Texans, I grew up in a household that honored a tradition of gun ownership for hunting, for collection, and for sportsmanship, and also honored gun safety. I was taught to shoot by my uncle, Raymond O'Rourke, jail captain and the chief marksman in the El Paso County Sheriff's Office.

I also live in a State that has a license to carry process which requires safety training, though 18 States do not. Texas requires that someone who has a license to carry be 21 years or older, though 15 States do not. Texas requires that those who abuse their partners not be allowed to have a license to carry, though 14 States do not. Texas does not grant licenses to violent offenders, though 22 States do. Texas does not grant licenses to people convicted of stalking, though 21 other States do.

What H.R. 38 does, Mr. Speaker, is it subjects every Texan and every El Pasoan whom I represent to the lowest common denominator in the United States. It will make our State less—not more—safe. That is why I oppose H.R. 38, and I ask all my colleagues to join me in doing the same.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to point out

that the attorney general of the State of Texas has signed a letter, along with 22 other State attorneys general, in support of this legislation and pointing out that authorized permit holders to carry across State lines will not result in an increased risk of crime. Further, strong evidence indicates that concealed carry permit holders actually deter and reduce crime.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR), who is the lead Democratic cosponsor of this legislation.

Mr. CUELLAR. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, as one of the lead sponsors for the Fix NICS Act of 2017, I rise in support of this legislation which has been combined with the Concealed Carry Reciprocity Act, which is, again, another section that I support, also.

On the Fix NICS Act, I certainly want to thank Senator CORNYN, Representatives CULBERSON, ESTY, COSTELLO, and AGUILAR for their leadership on this particular issue that we have been working on.

A few weeks ago, 26 members of the Sutherland Springs community, which is in my district, were killed by someone who should have never had access to firearms. The investigation into the shooter revealed that the shooter had a criminal history. The Defense Department and the Air Force missed six times—six times—where the criminal justice process should have reported the history to the NICS database.

As of 2016, the Air Force, which should have entered the Sutherland Springs shooter's criminal information, entered a total of one active record in the NICS record. If the Air Force would have met the minimum obligations, then the gunman never would have been able to legally purchase a firearm. This is why we introduced the Fix NICS Act of 2017.

This legislation ensures that Federal and State authorities comply with existing laws to accurately report relevant criminal history—accurately report these records to the NICS. It also provides consequences for Federal agencies who fail to report the relevant records and ensure that States improve their overall reporting. The Fix NICS Act is an important step to ensure that people like the Sutherland Springs shooter never slip through the cracks of the NICS database again.

As to the reciprocity part of it, again, I know that both sides have spoken on that, but, again, as a supporter of the Second Amendment, I believe that the Second Amendment doesn't stop at political State lines. It is part of the U.S. Constitution and should apply across.

So, again, I rise in support of this legislation, and I ask my colleagues to support this bill.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gen-

tleman from California (Mr. THOMPSON), who is the chairman of the Gun Violence Prevention Task Force.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this dangerous bill. I asked my local law enforcement what they thought of folks from out of State who don't meet our local requirements coming into our communities with loaded concealed firearms. These are the folks who are on the front lines of fighting gun violence, and we should listen to what they have to say.

Our Sonoma County sheriff opposes this bill and says it would negatively affect our community and put citizens and his deputies in greater danger.

The chief of police from my hometown in St. Helena said: As a lifelong proponent of the ability to own, possess, and carry firearms within the provisions of the law, I am wholeheartedly against H.R. 38.

Like many of us, he asks: How long will it take before someone who can't meet the legal requirements to concealed carry in California goes to some other State with little or no standards and gets a permit from that State?

Our chief of police in Martinez opposes this bill and says that it is a race to the bottom.

Overwhelmingly, law enforcement in my district strongly oppose this bill. Moreover, there is a reason no major law enforcement organizations have come out in support of this bill. It is dangerous, and it is unnecessary.

I think my colleagues should stand with law enforcement—the people that keep us and our families safe—and oppose this bill. Every example that was given from my friends across the aisle doesn't pertain to this bill. They talk about, in their States, concealed carry. Texas was the last one. In Texas, there is a standard you have to meet to get a concealed carry permit.

If this bill passes, you erase that standard. Somebody from out of State who is a violent criminal can come in with a loaded concealed firearm in the State of Texas. Someone who is a criminal in the State of Texas, where there are rules, can go to another State, get a concealed carry permit, and bring that loaded, concealed firearm into the State of Texas. This is bad policy, and it should be opposed.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DUNN).

Mr. DUNN. Mr. Speaker, I rise today in support of H.R. 38, the Concealed Carry Reciprocity Act. This common-sense legislation ensures that our Second Amendment rights don't end when we cross State lines.

We are all aware of the story of Shaneen Allen, a mother of three who was pulled over in New Jersey after committing a minor traffic violation.

She told the police legally that she had a handgun on her person and a concealed carry permit. She was unaware that the permit was not transferable to New Jersey, and she had no prior criminal record. Nonetheless, she spent 40 days in a jail cell.

Americans like Shaneen are exposed to real risks of accidentally breaking the law of another State simply by exercising their constitutional right. This bill ensures that valid concealed carry permits from one State are valid in all other States.

□ 1545

It creates legal protections for law-abiding gun owners against States that violate this statute.

Mr. Speaker, I encourage my colleagues to support this important legislation and to show the American people the Second Amendment is safe with us.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 6 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, we have a gun violence epidemic in this country.

It is glaringly obvious to anyone paying attention that our Federal gun safety laws are pathetically weak and in major need of improvement.

So what is this House doing about it?

Working to pass a bill that completely undermines gun safety laws and puts more guns on the street and more lives at risk.

Believe me, if more guns made this country safer, we would be the safest country on Earth. We are far from it.

Under this bill, someone who couldn't get a concealed carry permit in New York would now be able to carry concealed guns into New York State or any State, as long as they have a permit from another State. This completely eviscerates State-level gun safety laws and puts us all at the mercy of the weakest gun safety laws in the country.

This bill is opposed by major law enforcement organizations across this country. I urge this body to listen to their advice and vote against this reckless assault on State and local gun safety laws.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUDD).

Mr. BUDD. Mr. Speaker, I rise today in support of Mr. HUDSON's Concealed Carry Reciprocity Act.

As things stand, each State currently determines its own concealed carry reciprocity laws. Some States don't recognize concealed carry permits from other States. This forces lawful gun owners to sometimes surrender their

Second Amendment rights when they are traveling.

The current system has created accidental criminals, ruined lives, and punished gun owners simply because they fell victim to complexity and uncertainty in the law.

My colleague's bill addresses this problem by bringing much-needed clarity to the system. H.R. 38 is a simple proposal, but a necessary one. If enacted, it will allow lawful gun owners to carry their firearm into other States that allow concealed carry. This interstate recognition of concealed carry would be very similar to a driver's license.

H.R. 38 would not create national standards for concealed carry or take away a State's right to govern their own concealed carry laws, like some might claim. No. This bill simply uses Congress' 14th Amendment power to protect people's constitutional rights from State abuse.

Samuel Adams said: "The Constitution shall never be construed . . . to prevent the people of the United States who are peaceable citizens from keeping their own arms."

This powerful line from Mr. Adams sums up my feelings on this bill much better than I can.

I thank Mr. HUDSON for his steadfast leadership on this issue.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. DEMINGS).

Mrs. DEMINGS. Mr. Speaker, one of my colleagues on the other side of the aisle from Florida talked about the 1.7 million concealed weapons permits that are issued in Florida. Let me make it quite clear that those permits are issued to Floridians for Floridians, not to any person from any State at any time who wants to bring a gun into Florida.

Different from my colleague, Mr. Speaker, I rise today to advocate for the safety of every American and for the safety of our first responders, who are entrusted with that awesome responsibility.

As Members of Congress, our question should be: What can we all do to make living in America safer?

Every day, law enforcement officers risk their lives to keep our communities safe. Last week, I was honored that the House passed the Law Enforcement Mental Health and Wellness Act unanimously. Police officers have a tough job, and I think we can all agree on this point: the job is getting tougher.

Mr. Speaker, we must ask ourselves: Why would any Member, Republican or Democrat, support this legislation that would make a police officer's job harder, more dangerous, and open our officers up to personal liability for simply doing their jobs?

This reckless piece of legislation would allow persons from outside your

State to bring their firearms anywhere, including school zones, without applying the guidelines, laws, restrictions, or oversight of your State.

Mr. Speaker, I want you to envision this situation from the perspective of a law enforcement officer. An out-of-state, armed individual is stopped by that officer. Maybe that individual's license is legitimate, maybe it is not. The officer is on the side of the road, facing an armed individual, trying to figure out whether the individual's permit is authentic, which the officer is obligated to do.

If the permit is fake, failing to stop that individual puts the community at risk. If the permit is real, stopping the individual has opened the officer up to potential personal liability.

In the last year, I have heard my colleagues on the other side talk about how we should better empower States to decide what is in their own best interest.

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

Mr. NADLER. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Florida.

Mrs. DEMINGS. Mr. Speaker, this legislation strips individual States of their power and puts our public safety officers in legal and personal jeopardy.

Supporting this legislation is reckless and irresponsible. As a former chief of police, I urge my colleagues to vote "no" on H.R. 38.

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 2½ minutes remaining. The gentleman from New York has 2½ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. POLIQUIN).

Mr. POLIQUIN. Mr. Speaker, for generations, Maine families have enjoyed the great outdoors. That means hunting, fishing, camping, and hiking. That is part of who we are as a people. That is part of our way of life.

Part of that way of life is responsibly and lawfully owning firearms. We are comfortable with them. We have been for generations.

Mr. Speaker, Mr. HUDSON's bill, the Concealed Carry Reciprocity Act of 2017, is a commonsense fix to a patchwork of State laws that will confuse, and do confuse, law-abiding Americans who have valid concealed carry permits issued by their own States when they want to travel to or through other States that have different concealed carry laws.

I want to make this very clear: H.R. 38 does not allow travel as long as the holder of a concealed carry license does not obey the laws of the States that he or she is traveling to. I read directly, Mr. Speaker, from the statute: "This bill shall not be construed to supersede or limit the laws of any State."

So the other side of the aisle just needs to make sure they get this exactly right, because they have not been correct on this fact.

Mr. Speaker, Mr. HUDSON's bill actually additionally strengthens existing regulations by requiring Federal Government agencies to promptly and accurately require a reporting to the FBI someone who is mentally ill, someone who has committed a serious crime, or someone who is in the country illegally and should not have a firearm.

This bill is a commonsense bill that will help law-abiding Americans enjoy their Second Amendment right, their outdoor sporting activities, and help keep our families safer.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 2½ minutes remaining.

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

Mr. Speaker, this bill is advanced I am not sure in the name of what, but what it is going to do is make us less safe and to overrule all our States.

Under this bill, someone who lives in New York could go to another State—doesn't even have to go to another State; just apply to the other State, get a concealed carry permit from that State, never set foot in that State, and then use it in New York; thus, overriding New York's laws.

We have heard it said that this bill is necessary to protect the Second Amendment constitutional rights of gun owners. But the fact is, there is no Second Amendment constitutional right for concealed carry.

In the District of Columbia v. Heller case in which the Supreme Court said that the Second Amendment established a personal right, Justice Scalia's opinion held that the Second Amendment was not unlimited, a variety of gun regulations were entirely consistent with the Constitution, and he said:

The majority of American courts to consider the question have held that prohibitions on carrying concealed weapons were lawful under the Second Amendment for State analogues.

So the Second Amendment argument is simply wrong or disingenuous.

But let me say also that we are living in an epidemic of gun violence. 33,000 Americans are killed every year, and 30,000 more every year. No other country approaches this. No country—other than those at war—in peacetime has more than 300 or 400, or even 100 or 72, and we have 33,000. It is not because of mental illness. It is because of the presence of large numbers of gun.

A 2017 Stanford University study found a direct correlation with the most permissive concealed carry laws and violent crime. General studies have shown a direct correlation of the presence of the number of guns and murder rates by guns.

So this is a bill that is a death sentence for many Americans. That is what this bill is. It is a death sentence without trial for many Americans by increasing the danger of guns by overruling States that fear and that we don't want concealed weapons on the New York City subway or the Chicago metro or other places of great concentrations of people.

But no, we, in our wisdom, are going to say the States with the least restrictive, perhaps most rural, maybe sensible restrictions for them, will impose those restrictions on other States.

It is wrong. It is a death sentence for many Americans. It ought not pass.

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

Mr. GOODLATTE. Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. SCHWEIKERT) for the purpose of closing the argument.

Mr. SCHWEIKERT. Mr. Speaker, we all have subjects that we find fascinating.

For 25 years, I have actually kept files of abstracts on this because I actually participated in writing Arizona's 1993 concealed carry law.

I desperately wish this was an intellectually honest conversation about the data, because we all want our communities and families to be safer. I believe I can show you the statistical abstract data.

In States like Arizona, adjusted for population, the violent use of firearms is almost one-half of what it was before the adoption of our concealed carry law.

Now, was concealed carry responsible for that?

Of course, not. But it is a factor. Some of it is mental health, some of it is law enforcement, some of it is incarceration. It is complicated. But if you actually look at these data abstracts of crime statistics in the United States on the misuse of firearms, it turns out that States that have adopted concealed carry compared to States that have gone other directions, States that adopted have gotten safer.

There is actually some brilliant articles when you compare Florida and Illinois: big, populated, demographically complex States. Florida has gotten dramatically safer. Illinois has not.

If you really love our families, love our communities, this needs to be an intellectually sound discussion of what factors make us safer as a society. I believe this bill leads us in that direction.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I oppose H.R. 38, the Concealed Carry Reciprocity Act.

While I am opposed to restricting law abiding citizens' access to firearms, I feel that this bill does not adequately address many of the requirements that states have instituted in passing their own concealed carry laws.

I am a big supporter of concealed carry and was the lead author of a bill in 1991 in the State Senate to create local concealed carry. The way this bill is written would strip many protections that are currently afforded to Texans.

Texas has many requirements for a person to be able to get that license including live-fire training. As a state, we also bar convicted domestic abusers and those convicted of violent crimes and stalking. Under this bill, an individual who had committed those crimes could conceal carry their weapon in Texas if they got their permit from a neighboring state that lacked these requirements for concealed carry like Mississippi. It is for these reasons that I do not support this bill as it is currently written.

If we are going to create a federal reciprocity standard for concealed carry it should be a standard that takes into account many of the protections individual states have created. I would proudly vote in support of a bill that addressed these standing issues.

The SPEAKER pro tempore (Mr. BOST). All time for debate has expired.

Pursuant to House Resolution 645, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1600

MOTION TO RECOMMIT

Mr. THOMPSON of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of California. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of California moves to recommit the bill H.R. 38 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 1, line 13, strike "(a)" and insert "(a)(1)".

Page 2, line 10, strike "(1)" and insert "(A)".

Page 2, line 13, strike "(2)" and insert "(B)".

Page 2, after line 15, insert the following: "(2)(A) A person who has been convicted of a violent crime within the preceding three years may not possess or carry a concealed handgun under this section in a State that by law prohibits a person from doing so on the basis of a conviction for such offense."

"(B) For purposes of subparagraph (A), the term 'violent crime' means any offense that involves injury or the threat of injury to the person of another."

"(C) What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this paragraph, unless such pardon, expungement, or restoration of

civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.”.

Mr. THOMPSON of California (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of California. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill nor send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, next week will be the fifth anniversary of the hideous mass murder at Sandy Hook Elementary, where 20 kids and six educators were slaughtered in their classroom.

This year, we have witnessed two of the worst mass shootings in recent American history: in Las Vegas, Nevada, and in Sutherland Springs, Texas. Every day more than 30 people are killed by someone using a gun. This should be a call to action for everyone to work together to help prevent gun violence. That is why 90 percent of Americans support strengthening our gun laws, not weakening them.

Let's be clear about what this Congress is going to do today. Instead of taking serious action on bump stocks or expanding background checks, the majority party is undermining the very laws that work to prevent gun violence.

For example, some States allow people who have been convicted of some violent crimes to carry a loaded, concealed firearm.

Thirty States and the District of Columbia currently deny permits to people convicted of those violent crimes, such as assault and battery, threatening, or crimes committed with a weapon. So if you are from any of these States—Alaska, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Texas, Utah, Virginia, West Virginia, or the District of Columbia—a vote for this underlying bill is a vote to undermine your own State gun violence prevention policy, because this bill says that, even if your State prohibits its own residents who have been convicted of certain violent crimes, you can't prohibit someone from another State with the same criminal record from carrying a loaded, concealed firearm if their State allows it.

This motion to recommit would state that a person who has been convicted

of a violent crime within the preceding 3 years may not possess or carry a concealed handgun in a State that prohibits a person from doing so on the basis of a conviction for that very same offense. This would be people convicted of crimes such as resisting arrest, assault, permitting sexual abuse of a minor, aggravated assault, or violation of a criminal sexual assault protection order—all violent crimes.

An “aye” vote on this motion to recommit is a pro-States' rights, pro-Second Amendment, and anticriminal vote.

I am a gun owner. I have been all of my life. I am not opposed to concealed carry, but I am opposed to violent criminals having guns, and Members should be, too.

Mr. Speaker, I urge Members to support this motion to recommit; and if they vote against it, they are voting to allow violent criminals, convicted criminals, to carry loaded, concealed firearms in their community, in their State, and in their district. That is wrong. We should prohibit that from happening.

It is a real easy fix. It could have been fixed in committee. It could have been fixed in committee. They could have taken care of the concerns that they have with the restrictions on concealed carry, and they could have stopped criminals, convicted criminals, from carrying loaded, concealed firearms. But the committee didn't do it.

We have a chance now. It is the last chance to do it before this bill comes to a vote. I urge my friends on both sides of the aisle to vote for this motion to recommit.

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

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, with this motion to recommit, my colleagues on the other side of the aisle are trying in vain to hamper the passage of this important legislation. H.R. 38 seeks to allow law-abiding citizens the ability to exercise their Second Amendment right when they cross State lines.

The Supreme Court held in *District of Columbia v. Heller* that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia and to use that firearm for traditionally lawful purposes, such as self-defense. Further, the Court concluded that the Second Amendment guarantees the individual right to possess and carry weapons in case of confrontation, and that central to this right is the “inherent right of self-defense.”

Additionally, in *McDonnell v. City of Chicago*, the Supreme Court ruled that

the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the 14th Amendment against the States.

An individual's Second Amendment right is no different than the First Amendment's protections on speech and free exercise of religious expression and the Fourth Amendment's prohibition against unreasonable search and seizure or the Eighth Amendment's prohibition of cruel and unusual punishment.

Can you imagine my colleagues' outcries if any of the aforementioned rights stopped at their State's borders? Believe me, I can. They would be loud and boisterous about it, and justifiably so. Despite that fact, here they are trying to derail a bill that affords the Second Amendment the same respect.

Now, this motion to recommit attempts to extend the law, the Federal law, which already bars people from having firearms if they have been convicted of a felony or misdemeanor domestic violence crimes, by saying any violent crime be covered. And they define violent crime by saying it means “any offense that involves injury or the threat of injury to the person of another.”

Well, in my State of Virginia and in most other States, it is up to the police officer in a traffic accident, if you rear-end somebody and you injure them, whether or not you are simply charged with a traffic offense or you are charged with a criminal offense. That should not be the basis of denying somebody their Second Amendment rights under the United States Constitution.

Mr. Speaker, I urge my colleagues to oppose this motion to recommit and support the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

Passage of the bill, if ordered; and

The motion to suspend the rules and agree to H. Con. Res. 90.

The vote was taken by electronic device, and there were—yeas 190, nays 236, not voting 6, as follows:

[Roll No. 662]

YEAS—190

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

NAYS—236

Abraham Buck Davis, Rodney
 Aderholt Bucshon Denham
 Allen Budd Dent
 Amash Burgess DeSantis
 Amodei Byrne DesJarlais
 Arrington Calvert Diaz-Balart
 Babin Carter (GA) Donovan
 Bacon Carter (TX) Duffy
 Banks (IN) Chabot Duncan (SC)
 Barletta Cheney Duncan (TN)
 Barr Coffman Dunn
 Barton Cole Emmer
 Bergman Collins (GA) Estes (KS)
 Biggs Collins (NY) Farenthold
 Bilirakis Comer Faso
 Bishop (MI) Comstock Ferguson
 Bishop (UT) Conaway Fitzpatrick
 Black Cook Fleischmann
 Blackburn Costello (PA) Flores
 Bost Cramer Fortenberry
 Brady (TX) Crawford Foxx
 Brat Culberson Franks (AZ)
 Brooks (AL) Curbelo (FL) Frelinghuysen
 Brooks (IN) Curtis Gaetz
 Buchanan Davidson Gallagher

Garrett Loudermilk Ross
 Gianforte Love Rothfus
 Gibbs Lucas Rouzer
 Gohmert Luetkemeyer Royce (CA)
 Goodlatte MacArthur Russell
 Gosar Marchant Rutherford
 Gowdy Marino Sanford
 Granger Marshall Scalise
 Graves (GA) Massie Schweikert
 Graves (LA) Mast Scott, Austin
 Graves (MO) McCarthy Sensenbrenner
 Griffith McCaul Sessions
 Grothman McClintock Shimkus
 Guthrie McHenry Shuster
 Handel McKinley Simpson
 Harper McMorris Smith (MO)
 Harris Rodgers Smith (NE)
 Hartzler McSally Smith (NJ)
 Hensarling Meadows Smith (TX)
 Herrera Beutler Meehan Smucker
 Hice, Jody B. Messer Stefaniak
 Higgins (LA) Mitchell Stewart
 Hill Moolenaar Stivers
 Holding Mooney (WV) Taylor
 Hollingsworth Mullin Tenney
 Hudson Newhouse Thompson (PA)
 Huizenga Noem Thornberry
 Hultgren Norman Tiberi
 Hunter Nunes Tipton
 Hurd Olson Trott
 Issa Palazzo Turner
 Jenkins (KS) Palmer Upton
 Jenkins (WV) Paulsen Valadao
 Johnson (LA) Pearce Wagner
 Johnson (OH) Perry Walberg
 Johnson, Sam Peterson Walden
 Jordan Pittenger Walker
 Joyce (OH) Poe (TX) Walorski
 Katko Poliquin Walters, Mimi
 Kelly (MS) Posey Ratcliffe Weber (TX)
 Kelly (PA) Reed Webster (FL)
 King (IA) Kinzinger Wenstrup
 King (NY) Reichert Westerman
 Kinzinger Renacci Williams
 Knight Roby Wilson (SC)
 Kustoff (TN) Roe (TN) Wittman
 Labrador Rogers (AL) Womack
 LaHood Rogers (KY) Woodall
 LaMalfa Rohrabacher Yoder
 Lamborn Rokita Yoho
 Lance Rooney, Francis Young (AK)
 Latta Rooney, Thomas Young (IA)
 Lewis (MN) J. Zeldin
 LoBiondo Ros-Lehtinen
 Long Roskam

NOT VOTING—6

Bridenstine Kennedy Rice (SC)
 Brownley (CA) Pocan Suozzi

□ 1634

Messrs. COSTELLO of Pennsylvania, BISHOP of Michigan, Ms. GRANGER, Messrs. RUTHERFORD, and HARRIS changed their vote from “yea” to “nay.”

Messrs. BLUMENAUER and BLUM changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 198, not voting 4, as follows:

[Roll No. 663]

AYES—231

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

NOES—198

Boyle, Brendan Castor (FL)
 F. Castro (TX)
 Brady (PA) Chu, Judy
 Brown (MD) Cicilline
 Buck Clark (MA)
 Bass Clarke (NY)
 Beatty Clay
 Bera Cleaver
 Beyer Clyburn
 Blumenauer Cárdenas Cohen
 Blunt Rochester Carson (IN) Connolly
 Bonamici Cartwright Cooper

Correa
Costa
Costello (PA)
Courtney
Crist
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Donovan
Doyle, Michael
F.
Ellison
Engel
Eshoo
Espallat
Esty (CT)
Evans
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallo
Garamendi
Gohmert
Gomez
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur

Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
King (NY)
Krishnamoorthi
Kuster (NH)
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebach
Lofgren
Lowenthal
Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Massie
Matsui
McCollum
McEachin
McGovern
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter

Peters
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen
Roskam
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 3, not voting 6, as follows:

[Roll No. 664]

YEAS—423

Abraham
Adams
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)

Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
MacArthur
Maloney,
Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry

Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter

Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—4

Bridenstine
Brownley (CA)

□ 1642

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING ETHNIC CLEANSING OF ROHINGYA AND CALLING FOR AN END TO ATTACKS IN AND AN IMMEDIATE RESTORATION OF HUMANITARIAN ACCESS TO RAKHINE, BURMA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 90) condemning ethnic cleansing of the Rohingya and calling for an end to the attacks in and an immediate restoration of humanitarian access to the state of Rakhine in Burma, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

NAYS—3

Biggs
Jones
Massie

NOT VOTING—6

Aguilar
Bridenstine
Brownley (CA)
Kennedy
Larsen (WA)
Pocan

□ 1650

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution condemning ethnic cleansing of the Rohingya and calling for an end to the violence in and an immediate restoration of humanitarian access to the state of Rakhine in Burma."

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 477, SMALL BUSINESS MERGERS, ACQUISITIONS, SALES, AND BROKERAGE SIMPLIFICATION ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 3971, COMMUNITY INSTITUTION MORTGAGE RELIEF ACT OF 2017; AND PROVIDING FOR CONSIDERATION OF H.J. RES 123, FURTHER CONTINUING APPROPRIATIONS ACT, 2018

MR. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 115-443) on the resolution (H. Res. 647) providing for consideration of the bill (H.R. 477) to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies; providing for consideration of the bill (H.R. 3971) to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes; and providing for consideration of the joint resolution (H.J. Res. 123) making further continuing appropriations for fiscal year 2018, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CELEBRATING THE BATAVIA BULLDOGS' ILLINOIS STATE FOOTBALL CHAMPIONSHIP

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

Mr. HULTGREN. Mr. Speaker, I rise today to congratulate the Batavia High School Bulldogs football team on winning the Illinois Class 7A State Championship. Holding off the undefeated Lake Zurich Bears and winning the thrilling final in overtime, the team ended the season with an overall 13 and 1 record.

Crucial to the victory was quarterback Riley Cooper. The senior completed 28 of 42 passes for 295 yards and 3 touchdowns in the championship game.

The final score was a 10-yard touchdown pass to Tommy Stuttle in overtime, securing the 21-14 win at Huskie Stadium in DeKalb.

Leading the team throughout a great regular season and playoff run was Coach Dennis Piron, who has headed the team since 2010, and who is a 1983 Batavia graduate.

This is the school's first State championship since 2013. Students who cheered their siblings and friends on the 2013 Bulldogs team are now carrying the torch and celebrating their own victory as members of the 2017 team.

Congratulations, Batavia Bulldogs, past and present, for your achievements. Your success is well deserved.

CELEBRATING THE LIFE AND LEGACY OF NAOMI LAUTER

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

Ms. PELOSI. Mr. Speaker, I rise today to honor the extraordinary life and legacy of my dear friend Naomi Lauter, who died on December 4, in her beloved San Francisco.

Naomi lived her life in the spirit of "world repair," "tikkun olam," dedicated to making the world a better place by fighting for values, ideas, and issues we all hold most dear.

Born and raised in San Francisco, Naomi attended Lowell High School, UC Berkeley, and San Francisco State University.

Her parents, Rose and Louis Ets-Hokin, were prominent leaders in the San Francisco Jewish community. Their activism, particularly that of her mother, who brought food, entertainment, and joy to America's servicemembers in San Francisco during World War II, inspired Naomi's own commitment to the causes of equality and justice.

Naomi's political activism began in the 1950s in the civil rights and labor movements, most prominently by working with Cesar Chavez and the Farmworkers.

Her grassroots organizing and mobilizing helped in the fight to end segregation and to expand access to quality education for all.

Her commitment to upholding the dignity of every person knew no bounds.

Naomi and her husband of 61 years, Bob, were fierce supporters of Israel and worked tirelessly to strengthen the U.S.-Israel relationship. Naomi was a pillar of the San Francisco Jewish community, where she was dedicated to forging connections between young Jewish Americans and the State of Israel.

Her leadership in spearheading the San Francisco Holocaust Memorial and training generations of volunteers around the country will benefit the Jewish community for years to come.

In conclusion, Mr. Speaker, I say that many political and civic leaders depended on Naomi's wise counsel, and with her passing, they have lost a dear friend. We will all profoundly miss her warmth and wonderful leadership.

Above all, Naomi was passionate about her family; her husband, Bob; her four beautiful children, David Jonathan, Sarah, and Sam; and her grandchildren and great-grandchildren.

Our families were close neighbors and remain good friends. The Pelosi family was welcomed to many Shabbat and Passover Seder dinners with the Lauter

family, and they joined us for Christmas. We celebrated together, just as we organized and worked together.

May it bring comfort to the Lauter family that so many share their sorrow at the passing of this much beloved and inspiring woman.

POVERTY IN SUBURBAN COMMUNITIES IS ON THE RISE

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

Mr. PAULSEN. Mr. Speaker, when one thinks of poverty, it is likely they envision poverty in an urban or maybe a rural setting; and it may come as a surprise, but poverty in suburban communities is on the rise.

In fact, the number of people living in poverty outside of the Twin Cities' urban core in Minnesota increased 93 percent between 2000 and 2015.

The suburbs are often thought of as places of comfort, if not wealth. However, when considering suburban areas, it is estimated there are more than 187,000 people in poverty in the Twin Cities.

Organizations within our community, like People Reaching Out to People, PROP; the Lakewinds Food Co-op; Southwest News Media; and Chanhassen DECA students, Mark Self, Brian Taylor, and Alex Walther, are shedding light on the issues of suburban poverty and making a difference.

Mr. Speaker, the holiday season that we are in now is a time to come together and think about others who may need a little extra help and generosity. It is the perfect time to start helping neighbors and friends in our communities who are struggling. Awareness is just the first step. Taking action should follow.

DENOUNCING CONCEALED CARRY RECIPROCITY

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

Mr. PAYNE. Mr. Speaker, New Jersey has one of the ten lowest firearm death rates in the country. That is because the people of my State have set the bar high for public safety.

The bill my Republican colleagues just passed would undermine the will of the people and make New Jersey less safe.

Mr. Speaker, in New Jersey, gun owners who want to carry a concealed weapon in public must meet stringent public safety requirements and have a really good reason to carry a concealed weapon loaded while in public.

The people of my State can feel secure because they know that the people licensed to carry these guns in public are carrying their guns safely and responsibly.

Mr. Speaker, the Concealed Carry Reciprocity Act is the peak of Federal overreach. It is a special interest bill from the NRA that will overturn laws and undermine the safety of the State of New Jersey. Today's vote was bad for New Jersey and bad for our Nation.

□ 1700

WATER FOR THE WORLD

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

Mr. POE of Texas. Mr. Speaker, when we turn on the tap, clean water flows out and we hardly even think about it. The same thing happens when we turn on the shower or flush the toilet. But for a lot of the world, this just isn't true.

According to the USAID, over 700 million people lack dependable access to clean water. But it is not just water. One in three people don't have access to a toilet. Many don't know the basic hygiene practices. As a result, over 800 children a day die.

However, progress has been made. The Water for the World Act that Representative BLUMENAUER and I authored in the 113th Congress made great strides to guarantee safe water, sanitation, and hygiene to everyone.

But there is still work to be done. Eighty percent of the countries receiving aid report that water issues remain. The poor still lack water and sanitation. With our God-given resources, we have an obligation and a privilege to make sure people receive the basic of life: clean water.

And that is just the way it is.

CONCEALED CARRY

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

Mrs. WATSON COLEMAN. Mr. Speaker, next week is the fifth anniversary of the tragedy at Sandy Hook Elementary School. Just over 2 months ago, a mass shooter took the lives of 58 at a concert in Las Vegas; and 31 days ago, Sutherland Springs, Texas, was changed forever.

But just minutes ago, my Republican colleagues memorialized those deaths by passing a bill that would increase the risk of this happening in communities like yours and mine. To pass a bill written by the NRA at the expense of the safety and security of residents and law enforcement is an absolute disgrace.

To allow people, including those with dangerous histories, to carry hidden, loaded guns anywhere across the country is simply shameful.

First, by stripping healthcare and now this, it seems that the Republican agenda is fostering death over life.

SUPPORTING CONCEALED CARRY

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

Ms. TENNEY. Mr. Speaker, I rise today to support H.R. 38, the Concealed Carry Reciprocity Act of 2017, which passed the House with a bipartisan vote a few moments ago.

As the Representative of a district with a large number of law-abiding firearm owners, I know many individuals who have concealed carry permits use their firearm for personal protection. This commonsense measure would also allow qualified law-abiding citizens who have obtained concealed carry permits to carry their firearms across State lines and in other States.

Since 1991, the number of concealed carry permits has increased dramati-

cally, while the violent crime rates have dropped nearly 51 percent, according to the Bureau of Justice Statistics. Additionally, the fix on the so-called NICS provision of the legislation would add an extra layer of accountability to the National Instant Criminal Background Check System for individuals who are legally prohibited from obtaining a firearm.

As one of the leading advocates for Second Amendment rights in New York State, I was the first to introduce a full repeal of Governor Andrew Cuomo's gun-grabbing so-called SAFE Act. I firmly believe that our Second Amendment rights are God-given by the Constitution and something we need to defend each and every day.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 228. An act to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

ADJOURNMENT

Mr. TIPTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 7, 2017, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2017, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JANICE ROBINSON, EXPENDED BETWEEN OCT. 15 AND OCT. 22, 2017

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Janice Robinson	10/16	10/18	Netherlands		1,060.00		(³)				1,060.00
	10/18	10/20	Jordan		781.00		(³)				781.00
	10/20	10/22	Germany		645.00		(³)				645.00
Committee total					2,486.00						2,486.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER A. HEMINGWAY, EXPENDED BETWEEN OCT. 27 AND OCT. 31, 2017

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jennifer A. Hemingway	10/27	10/28	Estonia		259.00		(3)				259.00
	10/28	10/31	Czech Republic		1,189.20		(3)				1,189.20
Committee total					1,448.20						1,448.20

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

JENNIFER A. HEMINGWAY, Nov. 28, 2017.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3301. A letter from the Secretary, Department of Defense, transmitting a letter authorizing eighteen officers to wear the insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777(b)(3)(B); Public Law 104-106, Sec. 503(a)(1) (as added by Public Law 108-136, Sec. 509(a)(3)); (117 Stat. 1458); to the Committee on Armed Services.

3302. A letter from the PRAO Branch Chief, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements [FNS-2017-0021] (RIN: 0584-AE53) received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

3303. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 29, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

3304. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinclorac; Pesticide Tolerances [EPA-HQ-OPP-2016-0384; FRL-9970-05] received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3305. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Pseudomonas fluorescens* 4-hydroxyphenylpyruvate dioxygenase (HPPD-4); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2017-0115; FRL-9969-94] received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3306. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-based Standards [EPA-HQ-OAR-2017-0472; FRL-9968-24-OAR] (RIN: 2060-AT53) received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3307. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prometryn; Pesticide Tolerances [EPA-HQ-OPP-2016-0495; FRL-9970-01] received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3308. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus thuringiensis* Cry14Ab-1 Protein in or on Soybean; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2017-0113; FRL-9970-43] received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3309. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; New York; Cross-State Air Pollution Rule; NOx Annual and SO₂ Group 1 Trading Programs [EPA-R02-OAR-2017-0425; FRL-9971-25-Region 2] received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3310. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2015 Ozone National Ambient Air Quality Standards [EPA-R03-OAR-2017-0413; FRL-9971-40-Region 3] received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3311. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; AK: Updates to Materials Incorporated by Reference [EPA-R10-OAR-2017-0554; FRL-9970-27-Region 10] received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3312. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 17-55, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3313. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 17-64, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3314. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 17-0A, pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3315. A letter from the Secretary, Department of Agriculture, transmitting the Department's Office of Inspector General Semi-annual Report to Congress for the period ending September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3316. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Office of Inspector General Semi-annual Report to Congress for the period April 1, 2017, through September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3317. A letter from the Executive Analyst (Political), Department of Health and Human Services, transmitting a notification of a discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3318. A letter from the Executive Analyst (Political), Department of Health and Human Services, transmitting a notification of a discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3319. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting three notifications of a nomination and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3320. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting two notifications of a designation of acting officer and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3321. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a notification of a nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3322. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a notification of a nomination, pursuant to 5

U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3323. A letter from the Director of Presidential Appointments, Department of State, transmitting ten (10) notifications of a vacancy, designation of acting officer, nomination, action on nomination, discontinuation of service in acting role, and change in previously submitted reported information, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3324. A letter from the Acting Chairman, Federal Trade Commission, transmitting the Commission's Inspector General Semiannual Report to Congress, for the period April 1, 2017, through September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3325. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's annual Agency Financial Report for FY 2017, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3326. A letter from the Vice Chairman, U.S. Merit Systems Protection Board, transmitting the Board's FY 2017 Agency Financial Report, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3327. A letter from the Solicitor General, Department of Justice, transmitting a notification that the Department has decided not to defend the Commission in the Raymond J. Lucia, et al. v. Securities and Exchange Commission, No. 17-130 (S. Ct.) case that is before the Supreme Court, pursuant to 28 U.S.C. 530D(a)(1); Public Law 107-273, Sec. 202(a); (116 Stat. 1771); to the Committee on the Judiciary.

3328. A letter from the Federal Liaison Officer, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — International Trademark Classification Changes [Docket No.: PTO-T-2017-0040] (RIN: 0651-AD27) received December 1, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

3329. A letter from the Chief, Border Security Regulations Branch, U.S. Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Civil Monetary Penalty Adjustments for Inflation [CBP Dec. 17-20] (RIN: 1651-AB15) received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

3330. A letter from the Deputy Administrator, Saint Lawrence Seaway Development Corporation, transmitting Corporation's annual financial audit and management report for the fiscal year ending September 30, 2017, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Transportation and Infrastructure.

3331. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Request for Comments on Application of Excise Taxes With Respect to Donor Advised Funds in Certain Situations [Notice

2017-73] received December 5, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of the committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Natural Resources. S. 140. An act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund (Rept. 115-441). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 1800. A bill to direct the Secretary of Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs; with an amendment (Rept. 115-442). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 647. Resolution providing for consideration of the bill (H.R. 477) to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies; providing for consideration of the bill (H.R. 3971) to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes; and providing for consideration of the joint resolution (H.J. Res. 123) making further continuing appropriations for fiscal year 2018, and for other purposes (Rept. 115-443). Referred to the House Calendar.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 1148. A bill to amend title XVIII of the Social Security Act to expand access to telehealth-eligible stroke services under the Medicare program; with an amendment (Rept. 115-444, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 3120. A bill to amend title XVIII of the Social Security Act to reduce the volume of future electronic health record-related significant hardship requests (Rept. 115-445, Pt. 1). Ordered to be printed.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 3263. A bill to amend title XVIII of the Social Security Act to extend the Medicare independence at home medical practice demonstration program; with an amendment (Rept. 115-446, Pt. 1). Ordered to be printed.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 3271. A bill to amend title XVIII of the Social Security Act in order to strengthen rules in case of competition for diabetic testing strips, and for other purposes; with an amendment (Rept. 115-447, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 3245. A bill to amend title XI of the Social Security Act to increase civil money penalties and criminal fines for Federal health care program fraud and abuse, and for other purposes (Rept. 115-448, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 2557. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain DNA Specimen Provenance Assay clinical diagnostic laboratory tests; with an amendment (Rept. 115-449, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 4300. A bill to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes (Rept. 115-450). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 1148 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 2557 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 3245 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 3271 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STEWART (for himself, Mr. BISHOP of Utah, Mrs. LOVE, and Mr. CURTIS):

H.R. 4558. A bill to provide greater conservation, recreation, economic development and local management of Federal lands in Garfield and Kane Counties, Utah; to the Committee on Natural Resources.

By Mr. ESTES of Kansas (for himself, Mr. MCCAUL, and Mr. KATKO):

H.R. 4559. A bill to conduct a global aviation security review, and for other purposes; to the Committee on Homeland Security.

By Mr. HILL:

H.R. 4560. A bill to suspend contributions by Fannie Mae and Freddie Mac to the Housing Trust Fund during any period that the full required dividend payments under the Senior Preferred Stock Purchase Agreements for such enterprises are not made, and for other purposes; to the Committee on Financial Services.

By Mr. BILIRAKIS (for himself, Mr. MCCAUL, Mr. KATKO, and Mr. DUNN):

H.R. 4561. A bill to provide for third party testing of transportation security screening technology, and for other purposes; to the Committee on Homeland Security.

By Mr. HILL (for himself and Mr. DAVID SCOTT of Georgia):

H.R. 4562. A bill to provide relief to community banks, to promote access to capital for community banks, and for other purposes; to the Committee on Financial Services.

By Mr. RUSSELL (for himself, Mr. MULLIN, Mr. SESSIONS, and Mr. FLORES):

H.R. 4563. A bill to impose sanctions with respect to the Government of Georgia if the President determines that the Government of Georgia is taking actions to undermine commitments or contractual agreements with United States persons engaging in business operations in the country of Georgia, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS of Louisiana (for himself, Mr. MCCAUL, Mr. KATKO, Mr. GALLAGHER, Mr. RUTHERFORD, and Mr. FITZPATRICK):

H.R. 4564. A bill to require a threat assessment on current foreign terrorist fighter activities, and for other purposes; to the Committee on Homeland Security.

By Mr. TIPTON:

H.R. 4565. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish headstones or markers to private cemeteries for graves of certain veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. POLIQUIN:

H.R. 4566. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide relief to nonbanks from certain stress test requirements under such Act; to the Committee on Financial Services.

By Mr. KATKO (for himself, Mr. MCCAUL, Mrs. WATSON COLEMAN, Mr. VELA, and Ms. MENG):

H.R. 4567. A bill to require a Department of Homeland Security overseas personnel enhancement plan, and for other purposes; to the Committee on Homeland Security.

By Mr. LABRADOR (for himself and Mr. GOSAR):

H.R. 4568. A bill to amend the Geothermal Steam Act of 1970 to promote timely exploration for geothermal resources under geothermal leases, and for other purposes; to the Committee on Natural Resources.

By Mr. GALLAGHER (for himself, Mr. MCCAUL, Mr. KATKO, Mr. GARRETT, Mr. HIGGINS of Louisiana, Mr. FITZPATRICK, and Mr. RUTHERFORD):

H.R. 4569. A bill to require counterterrorism information sharing coordination, and for other purposes; to the Committee on Homeland Security.

By Mrs. BUSTOS (for herself, Mr. JONES, Ms. JAYAPAL, and Ms. STEFANIK):

H.R. 4570. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself, Mr. WILSON of South Carolina, Ms. GABBARD, Mr. MAST, and Ms. ROSEN):

H.R. 4571. A bill to amend title 10, United States Code, to expand eligibility for the TRICARE program to include certain veterans entitled to benefits under the Medicare program due to conditions or injuries incurred during service in the Armed Forces and to waive the Medicare part B late enrollment penalty for such veterans, and for

other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DINGELL (for herself and Mr. WEBSTER of Florida):

H.R. 4572. A bill to direct the Secretary of Health and Human Services to enter into an arrangement with the National Academy of Medicine to evaluate the preparedness of hospitals, long-term care facilities, dialysis centers, and other medical facilities for public health emergencies; to the Committee on Energy and Commerce.

By Ms. KELLY of Illinois (for herself, Mr. RICHMOND, Mr. CLAY, Mr. LAWSON of Florida, Mr. LEWIS of Georgia, Mr. DANNY K. DAVIS of Illinois, Mr. DAVID SCOTT of Georgia, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WILSON of Florida, Mr. JEFFRIES, Mrs. BEATTY, Mrs. LAWRENCE, Ms. BASS, Mr. CARSON of Indiana, Ms. CLARKE of New York, Ms. FUDGE, Mrs. WATSON COLEMAN, Ms. ADAMS, and Mr. EVANS):

H.R. 4573. A bill to clarify that the Dickey Amendment does not prevent the use of funds for research on mental health, gun violence, and how they intersect, and to provide for reporting on the effects of gun violence; to the Committee on Energy and Commerce.

By Mr. KRISHNAMOORTHY (for himself, Mr. RODNEY DAVIS of Illinois, Ms. KELLY of Illinois, Mr. HULTGREN, Mr. ROSKAM, Mr. QUIGLEY, Mr. BOST, Mr. KINZINGER, Mr. FOSTER, Mr. RUSH, Mr. SCHNEIDER, Mrs. BUSTOS, Mr. LIPINSKI, Mr. LAHOOD, Ms. SCHAKOWSKY, Mr. SHIMKUS, and Mr. GUTIERREZ):

H.R. 4574. A bill to designate the facility of the United States Postal Service located at 108 West Schick Road in Bloomingdale, Illinois, as the "Bloomingdale Veterans Memorial Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. LONG (for himself and Mr. SCHRADER):

H.R. 4575. A bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers; to the Committee on Energy and Commerce.

By Mr. MEADOWS:

H.R. 4576. A bill to expand school choice in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. ROGERS of Alabama (for himself, Mr. MCCAUL, Mr. KATKO, Mr. BARLETTA, Mr. HIGGINS of Louisiana, Mr. DONOVAN, and Mr. BACON):

H.R. 4577. A bill to establish a working group to determine ways to develop a domestic canine breeding network to produce high quality explosives detection canines, and for other purposes; to the Committee on Homeland Security.

By Mr. VELA (for himself, Mr. THOMPSON of Mississippi, and Mr. KATKO):

H.R. 4578. A bill to authorize certain counter terrorist networks activities of U.S. Customs and Border Protection, and for other purposes; to the Committee on Homeland Security.

By Mr. WELCH (for himself and Mr. SCHRADER):

H.R. 4579. A bill to amend title XVIII of the Social Security Act to implement Medicare payment policies designed to improve management of chronic disease, streamline care

coordination, and improve quality outcomes without adding to the deficit; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself and Mrs. BLACK):

H.R. 4580. A bill to amend title XVIII of the Social Security Act to improve the Medicare accountable care organization (ACO) program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas:

H. Res. 646. A resolution impeaching Donald John Trump, President of the United States, of high misdemeanors.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. STEWART:

H.R. 4558.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section III

By Mr. ESTES of Kansas:

H.R. 4559.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. HILL:

H.R. 4560.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BILIRAKIS:

H.R. 4561.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HILL:

H.R. 4562.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. RUSSELL:

H.R. 4563.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 18 of the U.S. Constitution.

By Mr. HIGGINS of Louisiana:

H.R. 4564.

Congress has the power to enact this legislation pursuant to the following:
clause 18 of section 8 of article I of the Constitution.

By Mr. TIPTON:

H.R. 4565.

Congress has the power to enact this legislation pursuant to the following:
section 8 of Article I of the Constitution.

By Mr. POLIQUIN:

H.R. 4566.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes:" as enumerated in Article 1, Section 8 of the United States Constitution.

By Mr. KATKO:

H.R. 4567.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution for the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. LABRADOR:

H.R. 4568.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . ."

By Mr. GALLAGHER:

H.R. 4569.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. BUSTOS:

H.R. 4570.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 4571.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mrs. DINGELL:

H.R. 4572.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution.

By Ms. KELLY of Illinois:

H.R. 4573.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const., Art. I, Sec. 8, Cl. 18 (Necessary and Proper Clause) (This bill would authorize federal agencies to study, and report on, the impact gun violence has on the public health. Such a law is both "necessary and

proper" in order to carry out the purpose of the Constitution: promotion of the general welfare).

By Mr. KRISHNAMOORTHY:

H.R. 4574.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 of the United States Constitution

By Mr. LONG:

H.R. 4575.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power to law and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article 1, Section 8, Clause 18 of the Constitution, which states "To make all Laws which shall be necessary and proper in the Government of the United States or in any Department or Officer thereof."

By Mr. MEADOWS:

H.R. 4576.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. ROGERS of Alabama:

H.R. 4577.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 empowers the Congress to provide for the common defense. Explosives detection canines have proven invaluable in conflicts throughout American history. Servicemembers and first responders entrust their safety to these incredible animals. However international demand for capable working dogs has driven up prices and depleted supply abroad. This bill aims to connect domestic canine breeders and vendors with the federal procurement process and streamline the procurement of quality working dogs from the United States rather than overseas.

This legislation will ensure continued access to critical defense asset.

By Mr. VELA:

H.R. 4578.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. WELCH:

H.R. 4579.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WELCH:

H.R. 4580.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 42: Mr. RUSSELL.

H.R. 233: Mr. DANNY K. DAVIS of Illinois and Mr. FOSTER.

H.R. 257: Mr. MESSER, Mr. MARCHANT, and Ms. MCSALLY.

H.R. 502: Mr. MEEKS.

H.R. 535: Mr. KING of Iowa.

H.R. 548: Mr. AMODEI.

H.R. 632: Ms. CASTOR of Florida, Mr. SEAN PATRICK MALONEY of New York, Ms. NORTON, Mr. CICILLINE, Mr. KATKO, Mr. SCOTT of Virginia, Mr. LAMALFA, Mrs. WALORSKI, Mr. PALLONE, Mr. BUTTERFIELD, and Ms. BARRAGÁN.

H.R. 644: Mr. GOSAR.

H.R. 681: Mr. BISHOP of Michigan, Mr. SHIMKUS, and Mr. GRAVES of Missouri.

H.R. 778: Mr. UPTON.

H.R. 846: Mr. RUSSELL and Mr. RUIZ.

H.R. 858: Mr. EVANS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. GALLEG0, and Mr. WELCH.

H.R. 909: Mr. ABRAHAM.

H.R. 912: Mr. HASTINGS, Mr. LOWENTHAL, Ms. LEE, Mr. QUIGLEY, and Mr. CARBAJAL.

H.R. 927: Mr. RUIZ.

H.R. 1148: Mr. LAHOOD and Mr. LARSON of Connecticut.

H.R. 1154: Mr. MOONEY of West Virginia.

H.R. 1155: Mr. ELLISON.

H.R. 1271: Mr. TONKO.

H.R. 1276: Mr. BRADY of Pennsylvania, Mr. RUPPERSBERGER, and Mr. SWALWELL of California.

H.R. 1380: Mr. RUTHERFORD.

H.R. 1406: Ms. DEGETTE.

H.R. 1409: Ms. JACKSON LEE, Mr. GALLAGHER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Mr. KATKO.

H.R. 1457: Mr. RUTHERFORD.

H.R. 1480: Mr. POSEY.

H.R. 1494: Ms. BARRAGÁN.

H.R. 1566: Ms. HANABUSA.

H.R. 1587: Mr. GRIJALVA.

H.R. 1606: Mr. KELLY of Mississippi.

H.R. 1676: Mr. POSEY.

H.R. 1802: Mr. RUIZ.

H.R. 1861: Mr. YARMUTH.

H.R. 1889: Mr. NEAL.

H.R. 1987: Mr. ESPAILLAT and Mrs. WATSON COLEMAN.

H.R. 2319: Mr. EVANS.

H.R. 2327: Mr. FOSTER.

H.R. 2436: Mr. MOULTON.

H.R. 2451: Ms. ESTY of Connecticut.

H.R. 2460: Mr. COLE and Mr. SIMPSON.

H.R. 2495: Mr. BILIRAKIS and Mr. SWALWELL of California.

H.R. 2545: Mr. PETERSON.

H.R. 2666: Mr. VALADAO.

H.R. 2669: Mrs. CAROLYN B. MALONEY of New York.

H.R. 2687: Mr. CORREA, Ms. SHEA-PORTER, Mr. RASKIN, and Mrs. NAPOLITANO.

H.R. 2723: Mr. JORDAN and Mr. THOMPSON of Pennsylvania.

H.R. 2735: Mr. SCHRADER.

H.R. 2740: Mr. RUPPERSBERGER, Ms. CASTOR of Florida, Mr. COSTELLO of Pennsylvania, and Mr. GARRETT.

H.R. 2790: Ms. HANABUSA.

H.R. 2856: Mr. SMITH of Missouri.

H.R. 2899: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Ms. NORTON.

H.R. 2913: Mr. FOSTER.

H.R. 3083: Mr. POLIQUIN.

H.R. 3199: Mr. ELLISON.

H.R. 3444: Ms. KUSTER of New Hampshire.

H.R. 3495: Mr. KENNEDY, Mr. ENGEL, Mrs. DINGELL, and Ms. JUDY CHU of California.

H.R. 3519: Mr. LYNCH, Mr. AL GREEN of Texas, Mr. ELLISON, Ms. SCHAKOWSKY, Ms. NORTON, Ms. KAPTUR, Mr. GRIJALVA, Mr. PRICE of North Carolina, and Mrs. WATSON COLEMAN.

H.R. 3528: Mr. LONG.
 H.R. 3596: Mrs. BUSTOS.
 H.R. 3600: Mr. BABIN, Mr. NORMAN, Mr. GRAVES of Louisiana, and Mr. GIBBS.
 H.R. 3635: Ms. MATSUI and Mr. THOMPSON of California.
 H.R. 3671: Ms. VELÁZQUEZ.
 H.R. 3709: Mr. DESAULNIER and Mr. AGUILAR.
 H.R. 3711: Mr. MOONEY of West Virginia.
 H.R. 3712: Ms. HERRERA BEUTLER.
 H.R. 3729: Mr. PETERSON.
 H.R. 3730: Mr. BARLETTA.
 H.R. 3740: Mrs. BROOKS of Indiana.
 H.R. 3759: Mr. EMMER, Ms. ESTY of Connecticut, Mr. POLIQUIN, and Mr. PETERS.
 H.R. 3761: Mr. GRAVES of Louisiana.
 H.R. 3768: Mr. KIND.
 H.R. 3775: Mr. MOONEY of West Virginia.
 H.R. 3793: Mr. DEFazio.
 H.R. 3828: Ms. HANABUSA.
 H.R. 3861: Mr. ZELDIN and Mr. WILLIAMS.
 H.R. 3865: Mr. GOMEZ.
 H.R. 3871: Mr. MOULTON.
 H.R. 3956: Mrs. WALORSKI.
 H.R. 4007: Mrs. BROOKS of Indiana, Mr. BISHOP of Georgia, Mr. MEEKS, and Ms. NORTON.
 H.R. 4013: Mr. RASKIN and Mrs. LAWRENCE.
 H.R. 4082: Mrs. LAWRENCE.
 H.R. 4099: Mr. HECK.
 H.R. 4143: Mr. MOULTON, Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, Mr. TIPTON, Mr. SHUSTER, Mrs. BLACK, Mr. AMODEI, Mr. CALVERT, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 4166: Mr. BACON.
 H.R. 4215: Mr. PETERSON.
 H.R. 4234: Mr. FOSTER.
 H.R. 4253: Ms. MENG, Mr. SCOTT of Virginia, Ms. JUDY CHU of California, Mr. PAYNE, and Mr. GENE GREEN of Texas.
 H.R. 4300: Mr. COLE, Mr. ROE of Tennessee, Mr. LAMALFA, Mr. LOWENTHAL, Mr. DEFazio, and Mr. AL GREEN of Texas.
 H.R. 4314: Mr. COFFMAN and Mr. ROKITA.
 H.R. 4319: Mr. YOUNG of Alaska and Mr. KING of New York.
 H.R. 4328: Mr. COHEN.
 H.R. 4391: Ms. SPEIER.
 H.R. 4392: Mr. COFFMAN, Mr. STIVERS, Mr. THOMPSON of Pennsylvania, Mr. ROGERS of

Kentucky, Mr. GALLAGHER, Mr. RUPPERSBERGER, Ms. STEFANIK, Mr. LUETKEMEYER, Ms. BONAMICI, Mr. HECK, Mr. THORNBERRY, Mr. FOSTER, Ms. DELAURO, and Mr. UPTON.
 H.R. 4396: Ms. TSONGAS, Mr. TURNER, Mr. CARSON of Indiana, Mr. CASTRO of Texas, Ms. MCCOLLUM, Ms. BONAMICI, and Mr. DELANEY.
 H.R. 4443: Mr. HECK.
 H.R. 4465: Mr. BUCK and Mr. GOSAR.
 H.R. 4473: Mr. CORREA and Ms. TITUS.
 H.R. 4474: Mr. CORREA and Mr. CARSON of Indiana.
 H.R. 4481: Ms. GABBARD.
 H.R. 4503: Mr. DELANEY.
 H.R. 4504: Ms. NORTON.
 H.R. 4516: Mrs. BUSTOS.
 H.R. 4521: Ms. GABBARD.
 H.R. 4526: Mr. PITTENGER, Mr. WILSON of South Carolina, and Mr. NORMAN.
 H.R. 4537: Mr. ZELDIN, Mrs. LOVE, and Mr. WILLIAMS.
 H.R. 4541: Mr. KENNEDY, Ms. ROYBAL-ALLARD, Mr. POLIS, Mr. GENE GREEN of Texas, Mr. GONZALEZ of Texas, Mr. MOULTON, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Ms. CASTOR of Florida, Ms. CLARKE of New York, Ms. SPEIER, Ms. HANABUSA, Mr. O'HALLERAN, Ms. DELAURO, Mr. SARBANES, Mr. THOMPSON of California, Mr. GOMEZ, and Mr. BRADY of Pennsylvania.
 H.R. 4545: Mr. HULTGREN, Mr. ZELDIN, and Mr. PITTENGER.
 H.R. 4548: Ms. GABBARD and Mr. HIGGINS of New York.
 H.J. Res. 121: Mr. NORMAN.
 H. Con. Res. 89: Mr. ESPAILLAT.
 H. Con. Res. 95: Ms. HANABUSA, Mr. SEAN PATRICK MALONEY of New York, and Ms. ROSEN.
 H. Con. Res. 96: Ms. BASS, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. NORTON.
 H. Res. 201: Ms. MENG.
 H. Res. 252: Mr. ISSA and Mr. PITTENGER.
 H. Res. 276: Mr. GOMEZ.
 H. Res. 466: Mr. RUPPERSBERGER and Mr. CASTRO of Texas.
 H. Res. 495: Mr. RICHMOND, Mr. RASKIN, and Ms. JUDY CHU of California.
 H. Res. 570: Mr. MEADOWS, Mr. FRANCIS ROONEY of Florida, and Mr. ROTHFUS.
 H. Res. 587: Mr. SIRES, Mr. DESAULNIER, Ms. CLARKE of New York, Mr. LYNCH, Mrs.

WATSON COLEMAN, Mr. CICILLINE, Mr. COHEN, and Mr. RASKIN.

H. Res. 621: Ms. SHEA-PORTER.
 H. Res. 632: Mr. COFFMAN and Mr. VIS-CLOSKY.

H. Res. 637: Mr. SCALISE.
 H. Res. 641: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, and Ms. JACKSON LEE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. FRELINGHUYSEN

H.J. Res. 123, making further continuing appropriations for fiscal year 2018, and for other purposes, does not contain any congressional earmark, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative BRAD SHERMAN or a designee to H.R. 477 the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2017, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative BRAD SHERMAN or a designee to H.R. 3971 the Community Institution Mortgage Relief Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 3524: Mr. LATTI.

SENATE—Wednesday, December 6, 2017

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, we trust You to direct our lives. You are holy, ruling in the Heavens.

Keep our lawmakers faithful to You as You use them to accomplish Your purposes. May they hear the groans of the poor, the cries of the helpless, and the moans of the oppressed.

Help our Senators to cause justice to roll down like waters and righteousness like a mighty stream. Give them the wisdom to find in You a refuge in turbulent times, remembering that You will never abandon those who seek You. Grant them the greatness of being on Your side, doing Your will on Earth, even as it is done in Heaven.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

TAX CUTS AND JOBS ACT

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 1) entitled "An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCONNELL. Mr. President, last week, Senators answered the call of our constituents by voting to overhaul our complex and outdated Federal Tax Code.

We seized the opportunity to spur economic growth, to help create jobs

right here at home, and to take more money out of Washington's pocket and put more money into the pockets of hard-working American families.

Our bill also helps to provide for the country's energy security by further developing Alaska's oil and gas potential in an environmentally responsible way, and it delivers relief to low- and middle-income Americans by repealing ObamaCare's individual mandate tax.

I would like to once again thank every one of my colleagues who supported this once-in-a-generation effort to make our Tax Code work for the middle class and to help them get ahead.

Since the beginning of this process, we said that tax reform would be done through regular order and an open process. That is exactly what has happened.

Under Chairman HATCH's leadership, the Senate Finance Committee hosted dozens of hearings over multiple years and a full committee markup. Members on both sides of the aisle had a chance to offer amendments both in committee and on the floor. We considered numerous amendments and, when it came time to vote, the Senate approved the bill. This has been a years-long process to deliver tax reform. We have come a long way, and we still have more work ahead of us.

Earlier this week, our colleagues in the House voted to work with Members of the Senate to produce a final bill to send to the President's desk. Later today, the Senate will do the same. We will vote to join our colleagues in a conference to finish our work on tax reform. The American people deserve taxes that are lower, simpler, and fairer. By voting for a conference, we will be one step closer to getting it done.

I look forward to voting to send our legislation to conference later today.

FUNDING THE GOVERNMENT

Mr. President, now on another matter, with the cooperation of our colleagues, Congress will pass a short-term continuing resolution before the end of the week. Once the House passes a continuing resolution, the Senate will have a chance to consider it as well.

By sending this short-term funding provision to the President for his signature, we will ensure that the government remains open while bipartisan discussions continue with our colleagues in Congress and the White House on a long-term funding solution.

In the meantime, it is important to recognize that this bill doesn't have any contentious provisions. We should all support it. A vote for this short-

term measure will help maintain our military, it will continue the important work of Federal agencies, and it will provide States with certainty to continue funding the Children's Health Insurance Program until a bipartisan CHIP reauthorization agreement is finalized.

When the House sends us the short-term continuing resolution later this week, I urge all of my colleagues to join me in voting for it. That way, we can continue the critical operations of the Federal Government while we work to finalize a long-term solution.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. Kaine. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. Kaine. Mr. President, I rise today to talk about Dreamers in Virginia. Congress is engaged in a discussion about many topics in December, one of which is what to do about the DACA Program. A couple of months ago, President Trump said he was going to terminate the DACA Executive order of President Obama in 6 months. That would be in early March, unless Congress found a resolution.

I am gratified that many of us are having discussions about what that resolution might be. In particular, I want to acknowledge that 35 House Republicans yesterday signed on to a letter that was led by Virginia Representative SCOTT TAYLOR, from the Hampton Roads area, saying: We need to fix this, and we need to fix this by the end of the year.

I want these discussions to continue. In Virginia, there are about 13,500 Dreamers. I want to tell a few of their stories and why Virginia is a better State because of them and why, I think, the Nation is a better country because of the hundreds of thousands of Dreamers who are contributing to the diverse richness of this country. Let me talk about a few of the Virginia Dreamers I have met in the last few months.

The first is the pretty astounding story of Gloria Oduyoye. Gloria is a child of parents who are Nigerian. She was born in England, and her parents

brought her to the United States when she was 1 year old. Her dad is a doctor and came to practice medicine and work on a work visa, but then her dad became ill and could no longer work. As a result, the work visa expired. Gloria then became undocumented when her father's visa expired.

Gloria was not aware that she was undocumented until she was about to start college, and her parents had to tell her the full story. Gloria is a remarkable, remarkable young woman. She went to Wesleyan College on a scholarship and graduated. Then, she enrolled at William & Mary Law School.

Gloria is scheduled to graduate this month. When she does, she will be the first DACA student to get a law degree in Virginia and only the fourth DACA recipient in the United States to get a law degree. She is bound and determined. She said: I am going to be the first undocumented student to get a law degree in Virginia, and I am going to be the first undocumented lawyer in Virginia, and I am going to be the first undocumented judge in Virginia.

She is very, very focused upon her studies. She has been very involved with the National Black Law Students Association, the Immigration Law and Service Society, and the Virginia Intercollegiate Immigrants' Association for the last 3 years.

I have had a chance to meet Gloria. She is a tremendous, tremendous young lady. That is Gloria.

Andreas Magnusson is in Richmond. He has an unusual story. Andreas is Swedish. He is a Swedish-born music producer and mixer. His parents brought him to the United States when he was 2 years old. This is the only home that he has ever known. His career in the music industry has blossomed in the United States, where with his first band he sold over 50,000 records, and he has toured the United States and other countries. Currently, he works out of his house in Richmond, where I live, and he has a recording studio, and he has sold a combined 1.5 million records through the span of his youthful music career.

The United States is his home. Richmond is his home. It is where his career is, and it is where his family lives. His mother, his stepfather, and his two half brothers are all American citizens. Andreas, Swedish born, is a Dreamer.

For fun, he is branching out from music to, I guess, demonstrate the Swedish-Virginian talent for barbecues. Now he is into barbecue competitions in Virginia, and he wants to enter more competitions in the future.

Neither Gloria nor Andreas are the typical snapshot you might think of when you think of a Dreamer; one a Nigerian lawyer and one a Swedish music producer.

Bruna Cardoso, whose friends call her Mel, is from Hampton, VA, in the Tide-

water area. She works with children and family services issues. She is a DACA recipient. Her whole goal is to use her education to do social work. She also would like to combine her social work background and degree with a future degree in law to help immigrants like herself. She works for a nonprofit that focuses on mental health needs.

I think we all know how significant mental health needs are in the country and how many people have never been diagnosed or, if they get diagnosed, they don't get treatment. This is an important issue, and the organization she works for helps people to make sure they can find the financial support they need to access the mental healthcare they need.

Before she worked with this family services agency, she formed a coalition called I-CAUSE with other DACA recipients in Hampton Roads to help undocumented students be able to afford higher education. She has received numerous scholarships, honors, and awards that have allowed her to pursue her higher education and, specifically, she was a recipient of the Hispanic Scholarship Fund, to get her social work degree.

With her academic success and her passion to help others, Bruna is exactly the kind of Virginian we love to celebrate because she is a person of accomplishment who is taking her own skills and not just benefiting herself but benefiting others. That is as Virginian and American a value as there is.

The fourth student I will mention is somebody I have come to know a little bit, Giancarla Rojas. Giancarla is a DACA recipient here in the Northern Virginia area. She came to America a decade ago to be reunited with her parents, whom she had not seen for 7 years.

In an article in the Washington Post that highlighted her particular story, Giancarla said that she spoke only Spanish when she came here and that the way she and her father perfected their English was by riding in the car and singing Beatles songs and Chicago songs. The Presiding Officer is too young to remember the band Chicago. This is a geezer-style band. Yet it is interesting to think of somebody from Central America coming and deciding, with her dad, that she will listen and sing to geezer rock on the radio as a way of learning English. I don't think the Beatles gave her an English accent, by the way, but it did teach her to speak English quite well.

The article mentioned that when she came to the United States, even the most simple homework assignments were virtually impossible for her. She had to study so hard to succeed—much harder than others—because of the language difficulties, but, very quickly, she was not just doing well, she was in honors classes, and she wanted others

to succeed. As in the other stories that I have mentioned, she has made a passion of assisting others to do what she has done—to learn English, to prepare for citizenship tests.

She was prompted to advocate for Dreamers when a school counselor told her: Sorry for you. College is not an option because you will have to pay out-of-State tuition. Her family couldn't afford it. Instead, when the counselor told her that, she decided to join a lawsuit, and the lawsuit led to Virginia's offering in-state tuition to those who were living here and paying taxes and succeeding like Giancarla.

She maintained her high GPA. She earned admission to Radford University, a wonderful university in southwestern Virginia. She was the first Dreamer to be accepted at Radford. She was given a full scholarship, and she graduated with a bachelor's degree in international economics in May of 2016. She is determined and committed to serving her community just like the other 13,500 Dreamers in Virginia.

This is a very important issue. After saying that the Dreamers are great kids and that they had "nothing to worry about with me," I was disappointed when the President said: I am going to terminate the program in 6 months. I viewed it as a little bit of a broken promise. Yet there was something in that announcement that, frankly, I think we have to grapple with, which is that no Executive action is as good as a statutory fix. An Executive action can be changed by this President or that. So, even though I supported President Obama's DACA Executive order, I recognized that it was not the same as a statutory fix.

We do need Congress to act on this. I was proud to have been one of nearly 70 Members of this body in June of 2013 to have voted for a comprehensive immigration reform bill that included the Dream Act—a permanent statutory solution for these Dreamers. We need to find that permanent solution. The dialogue that we are having about the Dream Act is championed by Senator DURBIN and is cosponsored by many, including me. It is bipartisan and has the cosponsorship of LINDSEY GRAHAM. There is also the BRIDGE Act, which has been proposed by Republican Members, which also tries to solve the Dreamer issue, as well as the letter in the House that I mentioned the other day.

It seems as though we are in the time in which we are having this discussion in seriousness, and we are on the path to finding a permanent solution. We need to do this. These families are law-abiding, tax-paying, hard-working, setting-example kinds of families. You will find them serving in the military and starting businesses and succeeding as these young people are, whom I have described.

This is a season in which we have a lot on our plate. We have budgetary

issues, and we have the CHIP insurance program for kids. We have a lot on our plate between now and when we adjourn for the holidays at the end of the month. This is an issue that we can solve, and I am heartened to see the discussion reaching a boil. I am heartened to see bipartisan support for these Dreamers, but I am not surprised because, when you read their stories, you will see why their cases are compelling and why not just Members of this body and the House but also the American public strongly support a permanent resolution.

I encourage my colleagues to do this. Let's do it soon. We will be proud of ourselves if we do, and we will be able to be proud of the accomplishments of the young people like those whom I have described.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

TRIBUTE TO RICH HEFFRON

Mr. COONS. Mr. President, I rise today to offer a tribute to a friend, a leader, and one-of-a-kind, Rich Heffron.

My colleagues in the Delaware congressional delegation—Senator CARPER and Congresswoman BLUNT ROCHESTER—join me in congratulating Rich Heffron on his long record of service to Delaware. Rich will soon be retiring as the president of the Delaware State Chamber of Commerce, and I wanted to take the time today to honor his many contributions not just to Delaware's business community but to our legal, educational, and governmental communities, to all of Delaware.

Rich moved from Philadelphia to Wilmington back in 1971, attending Delaware Law School and serving as an intern for then-Senator Joe Biden. Rich later functioned as finance director for Joe Biden's 1978 senatorial campaign. Rich's career took off in 1985 when he started as a special assistant and top aide to then-Wilmington mayor Dan Frawley. Mayor Frawley wisely recognized Rich's business acumen and promoted him to director of the Department of Real Estate and Housing in 1987. There, Rich helped establish the Wilmington Housing Partnership and became one of Mayor Frawley's most trusted advisers, a key part of his "kitchen cabinet."

Rich later departed Wilmington city government in 1992 to embark on his journey with the Delaware State Chamber of Commerce, where he would serve for more than a quarter of a century. Mayor Frawley was sad to lose Rich but recognized his great value to

our entire State through the chamber. "If I were the president of the state chamber, I would want to be able to communicate across political lines, across community and business lines," then-Mayor Frawley said. "Rich has demonstrated that reach that goes beyond partisan."

At the State chamber, Rich managed the government affairs department and was the organization's chief advocate for Federal, State, and local issues, and it was in this role that I first met him. Under Rich's great and lasting leadership, the State chamber has been a strong organization, representing the business community on a very wide range of issues. He expanded the chamber's advocacy role across the State and recently helped guide the modernization of the Coastal Zone Act and advocated for the creation of the Delaware Prosperity Partnership to help Delaware's economic development for the future.

His insight was and still is frequently sought after in many policy areas, including government fiscal and tax policy, healthcare issues, land use management, and workers' compensation. Rich's depth of knowledge has been a resource for everyone who has spoken with him. His weekly emails, webcasts, and television and radio appearances are insightful, informative, and engaging. In short, he has long had his finger on the pulse of Delaware.

Throughout his tenure at the chamber, Rich has served on many boards and commissions, and I will mention just a few: the Governor's Workers Compensation Advisory Commission, the Workers Compensation Health Care Advisory Panel, and the Delaware Health Care Commission.

Rich also made educating the next generation of Delawareans of all backgrounds a priority as an adjunct faculty member teaching business and political science at Delaware Technical and Community College and at Wilmington University.

Rich's opinions, his style, and his voice have been sought out for nearly 30 years by business leaders, elected officials, and Delawareans alike up and down our State, and all those who got to know Rich Heffron got to know him as a friend.

Our Governor, John Carney, had this to say about Rich just the other day:

Rich exemplifies the Delaware Way. He has great relationships with legislators and elected officials on both sides of the aisle. He takes a long-term approach to issues rather than an ideological or short-term approach because he realizes we are here to work together and get something done that will benefit our state. We owe Rich an incredible debt of gratitude for what he has done for the Delaware State Chamber of Commerce, for what he's done to support job creation for Delawareans, and for what he has done to improve the Great State of Delaware.

Former Delaware State representative Bobby Byrd, a longtime friend and

former coworker of Rich's, also spoke of his long career of service to our community. Bobby Byrd said:

Not only has Rich been a lifelong Democratic Party activist, he has also been a very competent advocate for Delaware's business community. He is truly an example of the Delaware Way.

Although Rich is now retiring, his voice and his counsel will never be far away, and, in retirement, his Temple Owls sports teams will be just a bit closer.

I personally wanted to say to Rich my great thanks for the many ways in which you have encouraged and advised and supported me in the 8 years I worked in the private sector in manufacturing and the 10 years I served in county government and now in my 7 years here in the Senate.

Many in this body find it hard to understand when Senator CARPER and I talk about this Delaware Way, where we all work together and find ways to solve problems, but the idea that a Democratic Party activist is the long-serving and well-regarded head of our State chamber of commerce is just one small example of that Delaware Way.

Rich, no one has been a better, more trusted source of advice to business leaders, community leaders, and political leaders alike than you.

It is appropriate that this is the eve of Delaware Day, when almost 230 years to the day tomorrow, the brave Delaware delegates, risking their lives and everything they had, met at the Golden Fleece Tavern in Dover, DE, and unanimously voted to make Delaware the first State to ratify our Constitution. Tonight, we will celebrate again our annual Taste of Delaware event in honor of Delaware Day.

Tonight, Rich, we will toast you at our seventh annual Taste of Delaware event, an event that wouldn't be possible without you and the State chamber's unyielding support. The Taste of Delaware event is a great example of what it means to bring people together from across our State, from our three counties, from north and south, and to travel to Washington and share with all of our colleagues here in the Senate some of what makes Delaware special.

Rich, you and your team have created a wonderful Washington tradition, attracting literally thousands of guests and dozens of Delaware's culinary staples to celebrate the First State here in the Nation's Capital. And, Rich, you yourself have been the best example I could provide to my colleagues of what it is that makes Delaware so special.

You will be missed, Rich, in your role at the State chamber, and I wish you and Colleen and your family all the best in your well-deserved years of retirement.

Thank you.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING AL HILL, JR.

Mr. CORNYN. Mr. President, I would like to begin my comments today by offering my condolences to the family of my friend, Al Hill, Jr. Al was the oldest grandson of the legendary Texas oilman H.L. Hunt, and he passed away last Saturday.

Al was many things to many people. We shared in common as alumnus the fact that we both went to Trinity University, but the difference between us is that Al was a star tennis player and I was not. He later popularized the sport as president of World Championship Tennis. During the rest of his career following his education, he worked in the energy industry, was a commercial real estate developer, and most of us knew him as a prominent philanthropist, along with the entire Hill family.

Al positively impacted the lives of more people than I can count, including mine, and I simply want to say how much we will miss him.

SAFER PROGRAM REAUTHORIZATION ACT

Mr. President, the second person I would like to talk about today, and the focus of my remarks, is a Texas woman named Lavinia Masters. Lavinia is not famous in a sense, but she is near and dear to my heart because of her courage.

When Lavinia was 13 years old, she was sexually assaulted at knifepoint by a man who broke into her family's home. Her parents were sleeping upstairs and immediately called the police.

Lavinia was taken to the hospital in Dallas, where a forensic exam was performed and DNA evidence was collected in a rape kit, but then it sat there. The evidence sat around for 20 years untested, believe it or not. When other victims of sexual assault had similar forensic exams performed, their rape kits were added to Lavinia's, warehoused, not tested, and eventually a backlog began.

More than two decades later, in 2005, Lavinia's rapist had not yet been identified. She calls the frustration and anxiety of having to wait year after year "pouring salt on the wound." She didn't know who the rapist was, and she didn't know if he was still around or whether her life was even in jeopardy.

One day, Lavinia saw a TV commercial about a new initiative to clear backlogged rape kits. She called the Dallas Police Department, and, fortunately, officers reopened her case. Soon thereafter, her untested rape kit was located. When it was finally tested, it turned up a DNA match for her perpe-

trator. Well, the rapist was already in jail for other crimes he had committed, but because of the statute of limitations—which bars prosecuting somebody after a certain period of time—she couldn't even press charges, which is a shame.

This case, and Lavinia's courage in coming forward and letting us talk about her case, demonstrates the importance of testing these rape kits. It is important not only because the power of DNA testing will allow you to identify whom the perpetrator was, but it will also allow you to exonerate or exclude somebody whose DNA does not match that in the rape kit.

All of this illustrates problems inherent in untested rape kits that lie in storage lockers and laboratory counters across this country. These kits contain forensic evidence with the potential to solve a crime. As Lavinia's case demonstrates, frequently, people who commit sexual assault don't just do it once; they are serial offenders, and they will keep going until they are caught.

Unfortunately, in Lavinia's case, because of the 20-year interval from the time she was assaulted, it is unknowable how many times her assailant committed similar acts of sexual violence against other people before he was finally stopped.

These rape kits contain forensic evidence with the potential to solve a crime, to put a rapist behind bars, and to provide victims with closure and vindication, and society with justice. The good news is, we have made great strides in recent years—not only in my State but the United States—in dealing with this problem.

One recent report from the Department of Public Safety indicates that there are still more than 2,000 kits that remain untested in Texas. That is unacceptable, but nationally the problem is even much bigger, with as many as 175,000 rape kits that haven't been analyzed. In other words, Lavinia Masters is not alone. She is joined by other Texas women, courageous women, like Carol Bart, who came forward with her story to help other women and potential victims avoid their fate.

Their cases are why the bill I authored earlier this year is so important. It is called the SAFER Program Reauthorization Act. SAFER is an acronym for Sexual Assault Forensic Evidence Reporting. Victims of sexual assault—scarred by painful memories and physical trauma—can't afford to wait for more efficient procedures and funding that is easier to come by. They need their stories to be heard and the evidence tested.

My bill reauthorizes a program that was created in 2013, which has helped law enforcement reduce the national rape kit backlog. There are many jurisdictions like the city of Houston, for example, which, a few years ago, took

this on their own and didn't wait around for the Federal Government or additional funding. It was just amazing how many hits they got on these untested rape kits that matched up to other reported crimes as well. It allowed them to solve not only unsolved sexual assault cases but other crimes by putting people at the scene of the crime who claimed to be somewhere else, for example.

My bill reauthorizes this program created in 2013, which has helped law enforcement reduce the national rape kit backlog. I am happy to have the support of my friend and colleague Representative TED POE, who is cosponsoring the bill in the House. The original legislation bears the name of the Debbie Smith Act, the name of another brave woman who stepped up and used her personal tragedy for good. We named the Debbie Smith Act after her. It allowed us to then use Federal funds and make them available to test untested rape kits. Actually, that original legislation improved it to 35 percent and required 7 percent of them to be used as audits on existing rape kit programs. The problem is, when we started, we didn't even know how many untested rape kits there were because there was no audit program, and much of the funds that were being used for the Debbie Smith Act were being used for administrative or other purposes and not to test rape kits. These audits are important. They have had the potential to uncover thousands more untested rape kits across the United States, each with evidence to be used to bring criminals to justice.

The reauthorization I sponsored goes one step further than the original legislation. It also ensures that pediatric forensic nurses are eligible for training so, once they complete it, they are better equipped to respond promptly and appropriately to children suffering from abuse.

Finally, this bill extends the sunset provision of the SAFER Program, which will ensure the longevity of our program with a proven history of success. I am grateful this SAFER Act has enjoyed the support of a broad range of bipartisan supporters in this Chamber, including the senior Senator from Minnesota and the Senators from Nevada and Colorado, each of whom are original cosponsors.

Here is the problem. This bill has now passed the Senate but is waiting for action in the House. It is December, and we know the clock is ticking. It is imperative that the House act to reauthorize this program before the end of the year. While I am confident it will, time is running out. We need to make sure this money is allocated for the SAFER Program for the new year and that not only the testing continues but the audits continue so we can find other rape kits, like those of Carol Bart and Lavinia Masters, that need to

be tested, perhaps sitting on an evidence locker shelf somewhere in a police department.

This week, a coalition of advocacy groups and law enforcement agencies called for the House to pass the SAFER Program Reauthorization Act in a timely fashion. They said the promise of SAFER has yet to be fully realized. They pointed out that the Nation is at a reckoning point when it comes to sexual assault and harassment. They are absolutely right. We have reached a critical turning point.

Today, as more and more survivors reach out to report these life-altering crimes, it is certainly not the time to let authorization for SAFER lapse. Fortunately, I know and these law enforcement and victim rights groups know that our colleagues in the House share their beliefs. Like I said, I know we are going to get this done, but time is running out, and I hope our colleagues in the House will take up this legislation—which has no controversy at all associated with it—and get it passed and get it to the President.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, Moody's Investors Service is one of America's credit rating agencies. It is not an environmental organization. It doesn't have any activity in the debate over climate change. That is not what it does. What Moody's does is to analyze the ability of companies and government agencies that issue debt to meet those debt obligations. These Moody's ratings matter because they determine the interest rates that States, counties, municipalities, and companies must pay.

There was some interesting news last week. Moody's declared it is time for cities, counties, and States along our coasts—Alaska is an example of a State with a lot of coast—to wake up to the growing risk of climate change. Moody's has adopted credit indicators “to assess the exposure and overall susceptibility of U.S. States to the physical effects of climate change.”

The managing director said this:

What we want people to realize is: If you're exposed, we know that. We're going to ask questions about what you're doing to mitigate that exposure.

Moody's looked particularly at coasts and at the share of a State's economic activity generated by its coasts and coastal communities. It counts the amount of homes built on

flood plains, and the risk of extreme weather damage in that State or community as a share of the State's economy. “That is taken into your credit ratings,” Moody's said.

It makes sense, obviously. Communities that face rising seas that face heavier storms, that face increased flood damage will bear greater costs of mitigation and repair. If property values drop as a result, so does revenue. Moody's realizes that investors need to take that information into account in analyzing bonds. So it is going into the Moody's ratings.

Think about that. The truth of climate science has gone beyond the warnings of scientists, which we ought to have heeded a long time ago. You have outstanding scientists at the University of Alaska who are studying ocean acidification, sea level changes, all of that—and we probably would have listened to those scientists but for the influence of the fossil fuel industry here. The truth of climate science has gone beyond the warnings of government agencies, national laboratories, and our military services—warnings which have been there for a long time and which we also ought to have heeded and probably would have but for the political influence of the fossil fuel industry. It has even gone beyond the warnings of our coastal States and communities and the coastal regulators, even beyond the warnings of the insurance and reinsurance industries—all of which we have refused to heed to placate the fossil fuel lobbyists—but now the financial referees who score credit risk are baking climate change risks into the assessment of coastal communities' credit-worthiness.

Moody's is not going to assess this risk just in blue States. Coastal communities in every corner of the country—in blue States and red States, alike—are facing climate change risk to their citizens and their economies. Let's take a look at North Carolina.

I visited North Carolina in 2014 to see the effects of climate change along our southeast coast. The problems I saw there bore a striking resemblance to what is happening in our shorefront towns in Rhode Island. The coastal folks who I met in North Carolina were every bit as concerned as coastal Rhode Islanders.

I visited the marine science facility at Pivers Island, where scientists from Duke University, the University of North Carolina, North Carolina State, East Carolina State, and NOAA are all studying sea level rise and other effects of climate change. I met with the North Carolina Coastal Federation at their coastal education center in Wilmington, where a bipartisan group was united in concern over the exposure of their coastal communities to rising seas and fiercer storms. I flew out over the Outer Banks to see where sea level rise is slowly swallowing and relocating them.

The Outer Banks were formed millennia ago by the interaction of seas and sand. They are dynamic barriers that move with tides and storms. According to the U.S. Geological Survey, “the Outer Banks, particularly the ocean side, have always been hazardous places for man.” Nevertheless, they have become permanent homes to over 30,000 people, and they attract over \$1 billion of tourist spending in that county.

According to a recent comprehensive article by InsideClimate News and The Weather Channel, one beach near East Seagull Drive in Nags Head “has been eroding at about six feet per year”—six feet per year. Rapid erosion threatens shorefront homes and brings the ocean ever closer to major roads and infrastructure. State engineers scramble to keep Outer Banks roads and bridges open and to rebuild them stronger and higher. This isn't just a North Carolina issue. This is a story familiar to many coastal communities.

A Union of Concerned Scientists study reports that sea level rise is doubling the number of communities along the coast facing what the study calls “chronic inundations and possible retreat” in the next 20 years.

GAO, which we depend on for a great many things here, recently reported that coastal areas face particularly high financial risks—hence the Moody's decision—and that annual coastal property losses from sea level rise and increased storms would run into the billions of dollars every year in the short run, reaching over \$50 billion every year by late century. Every year it will be over \$50 billion in loss to coastal properties if we don't pay attention.

GAO referenced a report that estimated a total of “\$5 trillion in economic costs to coastal property from climate change through 2100”—\$5 trillion in economic costs to our coastal communities.

That is a story that Rhode Islanders see coming at us as well. Our barrier beach communities like Matunuck Beach and Green Hill in South Kingstown see rapid erosion.

The top photo here from North Carolina shows one of the two remaining homes at East Seagull Drive in Nags Head, the site I talked about. You can see that there is an exposed septic tank where all the sand has been washed off of, and you can see that there is limited beach left. At high tide, that house is over water.

On the bottom is a strikingly similar picture of houses in Green Hill, R.I. This photo was taken after the April 2007 nor'easter that tore through New England. This family's septic tank is also exposed from the sand that has been removed all around it, and the pilings here are keeping the home above the water. By 2009, this home got repaired, but it had to be moved back

from the seashore and up a dune bank. You can only move back so far from rising seas before you start bumping into people's property behind you.

My predecessor, Senator John Chafee, who was once the chairman of our Environment and Public Works Committee, owned a family house in Matunuck, RI, where I remember swimming as a young man. The Chafee house is now completely gone, lost to rising seas.

Rhode Island's coast took a real lashing in 2012's Superstorm Sandy. These images are from Matunuck, where Sandy's storm surge wiped away beaches and exposed shorefront houses to the raw power of the sea.

The historic Browning Cottages up here were family homes for generations. Two of those historic homes had to be demolished. The third could be relocated inland. You can see from these shoreline maps the retreat of the shore to sea level rise and what it has done to these beachfront communities. Here in Nags Head, these little red squares are all where houses used to be that the sea moved in on, and they couldn't move backward. They had to be demolished and moved away. Only two remain—these two.

As you can see by the old shorelines, not that long ago coastal homes had yards of beach in front of them that is now lost. Storms, as well as sea level rise, can change all of that.

If you look at this Rhode Island map, you can see the steady loss of beach along this shore. But it tells two stories. Not only is it the story of the gradual loss of beach to rising seas, but it is also the story of the sudden devastation that a storm can wreak. This red line is how far the beach got pushed back in the hurricane of 1938. One big storm just scoured that beach clean. Now we are back behind that. Here is the 2014 line in blue.

If you look at this site on Google right now, you can see that it has gone even further back. Along Matunuck and the coastline, this is an establishment called the Ocean Mist. You can have a great time in the Ocean Mist. It is a great place.

Not very long ago, you could walk out the front of the Ocean Mist and down onto the beach, and you could walk dozens of yards across beach where people play volleyball and took the sun and hung out before they got to the sea. This is the Ocean Mist today. It has had to be propped up on pilings as the sea comes underneath it.

North Carolina and the Federal Government are having to spend millions of dollar replenishing the Outer Banks' beaches. The State now has to renourish more than 100 miles of beach compared to just a dozen miles it worried about a few decades ago.

Western Carolina University has tallied up more than \$300 million spent by the State on beach nourishment from

2007 to 2016. Another \$64 million is expected to be spent by local government near Nags Head this year and \$48 million more in 2018. Nationwide, we spend about \$3.1 billion on beach nourishment.

EcoRI reports that Rhode Island lost about 90,000 cubic yards of beach sand just from Superstorm Sandy. Over \$3 million of Federal funding had to be used to help rebuild those Matunuck beaches after the storm.

Beach nourishment, seawalls, bulkheads, and rock armaments—you name it—are all temporary stopgaps that must eventually yield to rising seas. As this happens, there will be a constant drain out of local treasuries as communities have to spend more and more to keep up with the rising seas, and there will be a gradual loss of revenue into local treasuries as valuable oceanfront properties that pay local property taxes are lost. That is why Moody's is starting to score this issue in coastal communities.

One solution that coastal communities can come up with is to ignore this. In 2010, North Carolina's Coastal Resource Commission Science Panel on coastal hazards recommended that a sea level rise of 1 meter—39 inches—be adopted as the amount of anticipated rise by 2100. That was back in 2010. Since then, data compiled and analyzed by NOAA shows that that number was way too low, that the worst case potential for sea level rise on those shores is about twice that—2 meters of sea level rise.

Here is what the Raleigh News & Observer reported: The State "adopted a 30-year forecast that figures the rise at 8 inches." The odds of that coming true are virtually nil.

Ask Moody's how credible that estimate is in face of the evidence. Moody's is going to be going there and looking at this stuff, and they are not going to buy phony-baloney assertions that you are only going to see 8 inches of sea level rise when NOAA is predicting 2 meters. They are going to be rated on not being ready because they are not responding to the obvious science.

Climate denial works in politics because of the massive political influence of the fossil fuel industry, but it really is not going to matter to Moody's assessors.

In Rhode Island, our Coastal Resources Management Council is now planning for a worst case scenario of 9 to 12 vertical feet of sea level rise along our shores by the end of the century—9 to 12 vertical feet. Colleagues may want me to laugh that off and say: No, it is too inconvenient to talk about that; it really ticks off our fossil fuel friends. I will never, ever ignore this. I can't ignore this, and we as a body should not ignore this. No amount of beach nourishment will protect Rhode Island from that.

At 10 feet, we will lose 36 square miles of extremely valuable shorefront land—people's homes, people's businesses, the marinas and fishing piers that people depend on. That is 36 square miles lost because we can't say no to the fossil fuel industry around here.

We must act on climate change now to give coastal States any chance to avoid these worst case scenarios. We have to help coastal communities plan for the changes we can't avoid.

A recent report from Texas A&M and Rice University researchers highlights what they called—get this—the "growing disconnect between the 100-year FEMA floodplain and the location of actual flood losses" and, again, the "growing consensus over the inability of the FEMA-derived floodplains to capture actual loss."

On average, about a quarter of insured flood losses occur outside the map's flood plains, and in some cases, more than 50 percent of flood losses occur outside of what the maps said would be flooded areas. With bad mapping, we are leaving local communities at a terrible handicap.

We go back to that GAO report quantifying those coastal risks. It notes: "Given the potential magnitude of climate change and the lead time needed to adapt, preparing for these impacts now may reduce the need for more costly steps in the decades to come." But it also points out that "the Federal Government does not have governmentwide strategic planning efforts in place to manage what it called "significant climate risks before they become Federal fiscal exposures." The Federal Government does not have governmentwide strategic planning efforts in place.

We have to give local communities better support. Bad maps and no planning is not support. Our coastal homes, our coastal economies, and our coastal heritage are all at stake, and bad maps and no planning aren't meeting those responsibilities.

I yield the floor.

THE PRESIDING OFFICER (Mr. YOUNG). The Senator for Maryland.

Mr. CARDIN. Mr. President, I take this time to talk about the pending business, which is the tax proposal going into a conference committee between the House and the Senate. As I am sure the American people now know, at 2 a.m., on early Saturday morning, the Senate passed its version of tax reform. The House had already done that. We were working on a House bill. Now the motion before us is to take that bill and send it to a conference. We would be better off sending it back to committee so that we could have public hearings and understand what we are voting on, rather than sending it to the conference committee.

I hope, though, that we will take advantage of the conference to deal with

the three fundamental flaws that were included in both the House and Senate bills. First was the process that was used that did not allow us to really know what we were doing. As a result, it is my understanding there are numerous provisions in both the House and Senate bills that will not work and will require changes.

Secondly, we professed to want to do this to help middle-income families, but, in reality, both the House and the Senate bills hurt middle-income families. I hope that will be corrected in conference.

Third—and there is no dispute about this whatsoever—the House bill and Senate bill will add anywhere between \$1 trillion to \$2 trillion to the deficit of this country. We shouldn't be deficit-financing a tax reform bill.

Let me first talk very briefly about process. Let's not repeat the mistakes that we made. It is outrageous that late Friday night we got a 500-plus page amendment to the pending bill and tried to read it, but we couldn't even read the handwritten changes that were put in the margins, and then we were asked to vote on that later in the evening. That process is just not befitting the U.S. Senate, and it is not befitting a democratic process in which we have an opportunity to read and understand, and the public has an opportunity for input, before we attempt to modify and change dramatically the Tax Code of this country.

So I hope that the conference committee will have a very open process, that there will be opportunities for input, and that we all will understand what is being done.

Secondly, it is critically important that this bill be corrected so that it really does help middle-income families. This bill doesn't do that. It provides massive tax cuts for the wealthy and significant cuts in business taxes, which are made permanent, while the relief given to middle-income families is temporary, and many middle income families will end up paying more in taxes. The House bill and the Senate bill have that fatal flaw.

One of the premises here is that if we give businesses big tax cuts, they are going to take those tax cuts and give workers higher wages. That just doesn't happen. There have been significant profits by American companies, but we have seen in too many of those cases that those profits have gone to buybacks, their stock, and to increase the value for their shareholders. It is their right to do that. But we shouldn't be pretending that we are going to be cutting taxes to help workers of these companies when, in reality, their first priority is going to be the shareholders and increasing the value of their stock.

We need to make sure that this bill, at the end of the day, will help middle-income families, and that is our focus,

not the House bill or the Senate bill that focuses on our most wealthy taxpayers and the business community rather than focusing on middle-income families.

Then, third, the deficit—and I find this unconscionable. I will just lay this out. I find it unconscionable, when we have worked to say that the deficit is hurting our country and we need to work together to rein in the debt of America, yet we find the Republican Party prepared to acknowledge a \$1.5 trillion deficit in their budget instructions. In reality, if this bill were to become law as passed by the U.S. Senate, it would increase the deficit by \$2 trillion if we extend all the tax provisions, and even if we accept dynamic scorekeeping, which is changing the rules—\$1 trillion of deficit. So under any of the assumptions, we are adding to the debt. That is just plain wrong. If our priority is to recognize that our debt is something that is wrong for our children and grandchildren, that we are wealthy enough today to pay our own expenses, then we must make sure that the bill that returns from a conference committee does not add one penny to the deficit. That should be a commitment that we are all ready and willing to make.

Let me also bring up a couple of other issues that I hope the conference committee will consider. The Senate bill includes the elimination of the required coverage under the Affordable Care Act. What does that mean? Well, it means that when it is fully implemented, 13 million Americans aren't going to have health coverage. That is what it means. It means that we are going to again see an increase in those who use the emergency rooms of our hospitals as their primary care centers because they have no health insurance. It means that people will be entering our healthcare system in a more costly way because they are not going to get preventive healthcare, because they don't have health insurance to cover preventive healthcare. It means that we are going to see a lot of people who can't afford their healthcare because they don't have health insurance.

Before the Affordable Care Act, we know that healthcare costs were the No. 1 reason for bankruptcy. We will see personal bankruptcies increase. And guess what. We are going to see uncompensated care go up. When uncompensated care goes up, guess who pays the bill? All of us do through higher premiums. It is called cost shifting.

Why is that in this tax reform bill? Do my colleagues want to know the reason? Because it gets scored as a savings by the Congressional Budget Office and the Joint Committee on Taxation. It is a savings because we are going to be spending less money in health subsidies, in the Medicaid Program. It cuts the Medicaid Program.

This is a phony savings from the point of view of our Tax Code, but guess what the Senate did with that savings. They used it to make permanent the tax cuts for businesses. In other words, they spent the savings in the Tax Code to help corporations with permanent tax changes, and individuals didn't get that.

Well, I hope the conference will correct that by eliminating this health provision from the Tax Code. It shouldn't be in this bill. It is wrong on policy and it is wrong on process and it is wrong on fiscal responsibility. I hope, for all of those reasons, that provision will be eliminated.

Then, the bill passed by the Senate includes another provision that shouldn't be in a tax reform bill; that is, opening up Alaska to drilling. First of all, the policy is wrong. We should protect this pristine area of our Nation. Secondly, we don't need more sites for fossil fuels. We know that our future is in renewables; our future is in a more carbon-friendly environment. So from that point of view, it makes no sense. Then, on process, putting it in this bill makes no sense at all. So I hope my colleagues will correct that mistake that is in the Senate bill.

Then, both the House and Senate bills still have an assault on State and local governments in so many different ways. We make it so much more difficult for State and local governments to handle the problems in our communities. I was speaking to the mayor of Baltimore this week about our problems with public safety. I know the challenges our Maryland General Assembly will face in January, in dealing with transportation infrastructure, in dealing with public education, in dealing with the challenges of our environment. All of those issues are going to be more difficult for the State of Maryland and all of our States and all of our local governments and our municipalities to be able to handle if either the House or the Senate bill becomes law. But to add insult to injury, we then take away the State and local tax deduction so that county taxpayers and State taxpayers, who are the same people who are paying Federal taxes, will have to pay a tax on a tax.

Senator WYDEN brought to my attention something that is pretty fundamental. With the first income tax that was passed by the U.S. Congress, the deduction they allowed was for State and local taxes. Of course, the Constitution had to be amended, and the States had to consent to the amendment, and that is how we got the income tax. It was a fundamental decision made that under Federalism and respect for the different levels of government, we wouldn't impose a tax on a tax. Now, over 150 years later, we are talking about removing that deduction. That is outrageous from the point of view of the Constitution and the

principles of the Constitution on Federalism.

There are also some consequences that I am sure my colleagues haven't thought about as to what impact that is going to have on property values, what impact that is going to have on a lot of other issues; they haven't thought that out. But it is just wrong from a policy point of view.

There are many provisions in the House bill that are not in the Senate bill, but now that we are going to conference, we have to be concerned about them. Are we going to restrict what individuals can deduct for medical expenses? That is in the House bill. So if you are a family that happens to have a child that has severe medical needs, are we now going to say that we are not going to allow them to deduct those costs that they have to pay for out-of-pocket?

The House bill contains restrictions on the deduction of education costs for those who have student loans. Are we going to make it more expensive for families to be able to afford higher education? It is already too expensive. Are we going to increase that cost?

We also have a restriction in the House bill that deals with mortgage interest deductions. I have already talked about the impact of the Senate bill and the House bill have on SALT—that State and local tax deductions have on the value of real estate, but when we restrict the deductions on mortgage interest, it has an even more dramatic impact on property values.

So there is a lot of work that is going to have to be done in conference. As I said, the best way to proceed is to send this bill back to the committee. Let's have open public hearings. Let's work together.

I know my colleagues on both sides of the aisle. I have worked with my Democratic and Republican colleagues, and I know that when we work together, we produce some really great results. It is not hard for Democrats and Republicans to work together on the Tax Code, because we share the same goal. We know our Tax Code needs to be reformed. We know that there are burdens in our Tax Code that need to be eased. I honestly believe that Democrats and Republicans believe we shouldn't be adding to the debt, and we should be helping middle-income families. So it seems to me that this is not a heavy lift for Democrats and Republicans to come together in order to write the right tax bill for this country.

So I hope we take advantage of this opportunity, as we have a new look at the Tax Code, to deal with the fundamental flaws that are in both the House and Senate bills. I am not terribly optimistic because I know what the House and Senate have already passed. But I urge all of my colleagues to find a way that we can really fix our

Tax Code, help middle-income families, and certainly not add to the deficit of this country. That should be the mutual desire of all Members of the U.S. Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, just this morning, a newspaper here on the Hill had an article with the headline "Experts find tax plan riddled with glitches." That is because, without a single hearing on the legislation, last week the majority rushed through a complete overhaul of America's Tax Code for the first time in 31 years, and we never had the opportunity to have full consideration of the merits of the proposal. We have now discovered that they have even screwed up the research and development tax credit, which is something American businesses rely on every single day.

This process, I am sad to say, was no accident. Had we had time to digest and debate this bill in the full light of day, it would have never withstood public scrutiny. My hope is that over the coming week or so, when the American public can actually see what is in this bill, it will not withstand their scrutiny.

Instead of making an honest case to the people, which they deserve, the proponents of this bill have sold this legislation not based on what is actually in this bill but with falsehood after falsehood.

First, they claim that the tax cuts wouldn't benefit the wealthiest Americans. Last week in Missouri, President Trump said:

This is going to cost me a fortune. . . . This is not good for me.

That was entirely consistent with a conversation that I was part of—which has also been reported publicly, so I am not revealing any confidences—when the President called in from Asia to a room full of Senators and said that this tax bill is so bad for the rich, that he had to throw in the estate tax on top of it in order to give wealthy Americans something, and he continues to perpetuate this myth in front of the American people.

The reality is that under this plan, the 572,000 taxpayers in America who are fortunate enough to make \$1 million or more will have an average tax cut of \$59,000. By 2027, 62 percent of the benefits in this plan will go to the top 1 percent—those with an income level of over \$2 million. As I said on the floor last week, we are borrowing \$34 billion from our children to give to the approximately 500,000 taxpayers in Amer-

ica who are lucky enough to earn more than \$1 million.

The point I want to make today is, that claim is false.

They also say that this plan is focused on the middle class. Last week, President Trump said: "The beating heart of our plan is a tax cut for working families." Under this plan, in the first and best year—and when I say "best year," this means the year that the tables look the best for the Republican argument, for the sponsors of the bill. Every year after that, it gets worse. The 90 million taxpayers in America who make \$50,000 or less will get an average tax cut of \$160 a year. That is what they will get on average. Millions of middle-class taxpayers, under this bill, will actually see a tax increase if this law passes, and that number will grow over time. So it is not true that this is a middle-class plan. This is a tax cut for the wealthiest Americans masquerading as a middle-class tax plan.

They have passed around a few crumbs to the middle class and said: You should be satisfied with this. We promise you that you will benefit from the trickle-down benefits of the massive tax cut we are paying for by borrowing from our children.

The next thing they say is, we will supercharge economic growth, and that will lead to more jobs and higher wages. But today corporations are sitting on record amounts of cash. The highest income Americans are earning a larger share of income than at any point since 1928, right before this country fell into the Great Depression.

I was in business for a long time, and I believe in our capitalist system. I believe that people who do well and are successful are living the American dream. But the argument that these businesses and high-income households need a tax cut just doesn't add up.

On the other hand, most Americans have not had a pay raise in a generation, even as the cost of housing, healthcare, childcare, and higher education climb ever out of reach every year. Helping these Americans is not only the right thing to do, but if you want to jump-start the economy—these are the customers who shop at businesses—this bill does nothing to address their needs.

Bank of America recently surveyed companies to ask what they would do with their tax cuts. A vast majority said they would use the money to pay down their debt and buy back shares. At least corporate America is being honest about what they will do with this bill, unlike politicians in Washington. Neither of that does much for workers. Maybe that is why, in the full glare of the TV lights—again, you can't make it up. It is not fake news. When President Trump's top economic adviser, just before we were having a vote on this bill, asked a room full of CEOs

to raise their hands if they plan to reinvest the tax cuts, hardly any did. He asked, why aren't hands up? According to Goldman Sachs, the effect on economic growth in 2020 and beyond "looks minimal and could actually be slightly negative."

Fourth and finally—and this is the one that is in some ways most galling—they claim the tax cuts will pay for themselves. They said that in 2001 when George Bush first cut taxes, that it would pay for itself. It is exactly the same rhetoric we are hearing today—no difference. Some of the people are different. Some of the people are the same. Guess what. In 2001, after those cuts, the deficit rose. Then they cut taxes again in 2003, and the deficit rose.

I remind us all that when George Bush became President, Bill Clinton had left behind not a deficit but a surplus—a \$5.6 trillion surplus projected over 10 years.

Every credible analyst who has looked at this bill has said these tax cuts will not pay for themselves. In the face of that history and in the face of the experts, they continue to maintain that they will pay for themselves.

It seems to me that if you think the best thing we can do with this money and the best thing we can do to deal with this massive deficit is to cut taxes for the wealthiest people in America, you should pay for it. Pay for it. We can't get the Children's Health Insurance Program passed—which is a drop in the bucket compared to this—because it has been hard to find a pay-for. We can't get the disaster assistance that so many of our States need because it is so hard to pay for. If you have conviction that this really is going to do what you are going to say it is going to do, pay for it. Don't borrow the money for this.

If we are actually going to borrow \$1.4 trillion from our children, then it would seem to me that we should have the decency to at least invest in their future.

It seems Washington has the money to spend \$83 billion to cut taxes on estates worth over \$11 million—which is what they call the death tax, which now applies to estates worth over \$1 million—but it can't lift a finger to do something about the fact that today in America, just 9 out of 100 kids born into poverty will complete college.

We apparently have the money to give the wealthiest Americans a \$59,000 tax cut, but we don't have the money to extend reliable high-speed broadband to rural America, which would cost about \$40 billion—less than 3 percent of the entire cost of the bill.

Apparently, Washington has the money to borrow \$1.4 trillion from our children, but we don't have \$8 billion to pay for the Children's Health Insurance Program, which covers 9 million kids and pregnant women who cannot afford private health insurance.

We care enough, it seems, about special interest carve-outs that we made in the dead of night as a way of passing this tax bill by getting this vote based on that tax break and this vote based on that tax break, but we cannot lift a finger to tackle the opioid epidemic ripping across our country and claiming 50,000 lives a year.

Every year I come to Washington and hear from my colleagues on the other side that we don't have the money to prevent forest fires across the West, to keep rural schools open, or to find \$400 million for the Arkansas Valley Conduit and bring clean drinking water to some of the poorest counties in Colorado. Now, they have spent \$1.4 trillion not to invest in the health and opportunity of our communities but to fritter it away on tax cuts for the wealthiest Americans. If Republicans pass this flawed, partisan, budget-busting bill, do not ever, ever let them say to you that we don't have the money to tackle the challenges that are most meaningful to our communities.

We should have passed a bipartisan bill to begin with. We could have crafted a bipartisan bill. I believe the corporate rate is too high and isn't competitive. I believe that. I know there are people on the other side who, like Senator MARCO RUBIO and Senator LEE, believe we should increase the child tax credit for middle-class families and for families who are poor.

We had an opportunity, if we were faithful to the rhetoric I heard around this place for years, to actually remove special interest loopholes, focus on the middle class, and not add to our debt. For years, on the corporate side, I have heard people say we are going to broaden the base and reduce the rate. Instead, we are lowering the rate without cleaning up the code. A once-in-a-generation opportunity, after 31 years, and we say, you know what, we are going to leave those loopholes in place, and we are going to lower the rate. Forget about broadening the base.

The same thing is true on the individual side. It is adding complexity to our code. All this stuff that they are doing on these passthroughs is going to add complexity and require more accountants and more lawyers for people to fill out their tax return. This is all as a result of the majority wanting to go it alone. When you don't look for votes from the other side, it means you are going to be stuck with the most extreme wing of your party. When you don't have to make a compromise because you are reaching across the aisle, it means the people who are the most absolutist on your side get their way. That is what happened here.

Furthermore, there are no hard decisions made in this bill. This is another example of Washington, unlike county commissioners, city council people, superintendents, mayors, and Governors, who actually have to make hard

choices year in and year out to make their budgets work—this place always finds the path of least resistance. Forget about broadening the base and closing loopholes. We are going to give you a tax cut because it is easier.

I really hope that over the next week, the American people learn what is in this bill. If they do, I think we will have the chance to defeat it and then pass a bipartisan bill, which actually cleans up the code, lowers the corporate rates to make it more competitive, and enhances the child tax credit to give the American people who work for a living a tax cut.

Do you know what else we could do? We could invest in our infrastructure to create American jobs here and be able to help ensure this generation of Americans does what previous generations of Americans have done, which is to invest in the next generation, to make sure they have more opportunity, not less. This bill is the worst of all worlds from the perspective of the high school students I met with before I came to the floor. Not only are we not investing in them, we are borrowing the money from them. This is no different than any one of us living in a house and sticking our kids with the mortgage. That is what is happening as a result of this bill, and we should defeat it.

With that, I yield the floor.

THE PRESIDING OFFICER. The majority leader.

COMPOUND MOTION

MR. MCCONNELL. Mr. President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and authorize the Chair to appoint conferees on the part of the Senate.

THE PRESIDING OFFICER. The motion is pending.

MR. MCCONNELL. Mr. President, I ask unanimous consent that the vote on the pending compound motion occur at 3 p.m. today; further, that if the motion is agreed to, Senators KING and STABENOW each be recognized to offer a motion to instruct conferees, and that the Senate vote on the motions in the order listed with no intervening action or debate; further, that there be 2 minutes of debate between each vote, equally divided in the usual form; finally, I ask that following disposition of the Stabenow motion, the Senate stand in recess until 5:10 p.m. to accommodate an all-Members briefing.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

MR. BARRASSO. Mr. President, about a year ago, the American people voted for fundamental change in this country, and, last week, Republicans in the Senate continued to deliver. We passed a plan to give Americans substantial tax relief. This legislation is exactly what people were asking for last November, and it is exactly what this country needs now.

Because of this Republican plan, people will be able to keep a lot more of their hard-earned money. They are going to find that their taxes will be simpler and fairer. They are going to see our economy getting stronger and healthier. That is good news for our country, and it is, certainly, good news for the American people. This legislation was an important promise that Republicans made, and it is a promise that Republicans have kept. It is just the latest Republican accomplishment that is helping Americans.

Another thing that the Republicans are providing is tremendous relief from Washington regulations. I think that a lot of people lost track of exactly how much damage the Democrats and the Obama administration did to the American economy. The Obama administration added 285 major regulations during the course of the previous administration. Every one of them imposed a burden on Americans. The total cost of these rules was \$122 billion per year. That was both the direct cost in terms of money and also counting the time needed to fill out the paperwork that was created by these excessive rules. Twenty-one of these rules were actually finalized after the 2016 Presidential election. That is after the American people spoke and said that they wanted change. Yet President Obama went straight on with piling more regulations onto the backs of the American people.

One of the first things that Republicans in Congress did this year was to start striking down unnecessary, burdensome, costly regulations from the Obama years. Republicans wiped 15 of these major rules off the books. Major rules are rules that cost over \$100 million in terms of the compliance cost, the actual cost, and the time cost. That is going to save Americans as much as \$36 billion over time.

One of these rules was an important part of President Obama's war on coal. It was called the stream buffer rule. It was designed to shut down a lot of the coal mining that is going on in this country. It would have destroyed up to a third of the coal mining jobs in America. So we passed a congressional resolution that protected coal mining jobs and protected American energy independence. We struck down 14 regulations like this one in the first few months of this year.

In October, Republicans blocked a 15th rule. This was the new regulation from the Consumer Financial Protection Bureau. The rule was written during the Obama administration, and Obama appointees at the agency finalized it last summer. This is the agency that has been in the news recently because it has been so out of control. Republicans in Congress had to step in and get rid of an unnecessary rule that was really, in my opinion, just a payoff by the Democrats to trial lawyers.

Republicans have saved Americans \$36 billion by getting rid of rules and regulations. Democrats, on the other hand, have cost the American people \$122 billion a year in costs due to rules and regulations.

Republicans in the Senate also took a major step in this tax relief legislation by repealing the ObamaCare insurance mandate. This takes ObamaCare from being a mandatory program to being a voluntary program. It is going to save a lot of Americans a lot of money. In 2015, there were over 6.7 million Americans who paid this tax. The average tax penalty for the American people this past year was \$700. It is a big deal to give American families relief from that tax burden. It is also a big part of rolling back this idea that Washington knows best what works all across the country. The ObamaCare insurance mandate is more than a tax, and the damage it does is more than just the paperwork and money that people have to pay. It is an outrageous and unfair requirement that people have to buy something that isn't right for them and their family but the government says they have to buy it. When Republicans struck down this mandate, we gave people back the freedom they had to decide for themselves and to make their own choices.

The Republicans in Congress have been very busy saving Americans from the burdens and injustices of these Obama regulations. I can state that we have a very strong ally in the Trump administration, because President Trump has been the deregulator in chief. Since his very first day in office, he has been rolling back the regulations that have constrained people over the previous 8 years. He froze action on nearly 2,000 Obama administration rules that hadn't taken effect yet. He wrote a new rule for his administration—when one new rule comes in, two go out. In other words, for every significant new regulation, his administration would offset it by getting rid of two other rules. That is how to make a difference in Washington. That is how the President was able to remove 860 ineffective, duplicative, and obsolete regulations in just his first 6 months in office. That is a very big difference from what the Democrats in Washington did, and we have already started seeing the results.

The American economy has created 2 million jobs since President Trump was elected a little over 1 year ago. Our economy grew at a rate of 3.3 percent last quarter. The unemployment rate dropped to 4.1 percent. Last Friday, the Washington Post had two items on one page. The first stated that consumer spending had increased in October and incomes grew. The article said: "The October rise indicates that consumer spending, which accounts for 70 percent of economic activity, began the fourth quarter with healthy momentum."

The second article, appearing on the same day in Washington Post, Friday, noted that weekly applications for unemployment aid fell for the week. It said that when the number of unemployment applications are low like this, it is a sign that hiring is healthy. It is a sign that employers are confident enough to keep workers on the payroll.

During the Obama years, Washington Democrats piled all of these regulations onto the economy. Because of them, economists said they had expected future growth to be around 1.8 percent. President Trump and the Republicans in Congress are cutting the regulations, and the economy is growing at 3 percent. That is the kind of change that is possible under Republican pro-growth policies.

That is why we are confident that we are on the right track. It is why we are confident that the economy is going to continue to accelerate under the tax relief we passed this past week. It is why we are confident that America will continue to thrive when we give people relief from the Washington regulations and start to unwind the redtape. That is what the American people voted for a little over a year ago. That is what Republicans are delivering in Congress and in the White House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

DACA

Mr. REED. Mr. President, I rise today to join my colleagues in reminding all of our Members, but particularly our friends on the other side of the aisle and the Administration, that there is a very real human cost for each day we delay taking corrective action on President Trump's unnecessary decision to end the Deferred Action for Childhood Arrivals Program, or DACA.

There was no need for the Trump administration to create this crisis. There was no reason to throw nearly 800,000 Dreamers and their families into such uncertainty. Yet the President—despite the fact that most Americans from both political parties support a solution for the Dreamers—decided that he needed to overturn this initiative for little more reason than the fact that it was put in place by President Obama. These young people, who are American in every way but on paper, may be uprooted and moved to countries that are totally foreign to them. Yes, their parents broke the rules to bring them here as children, but their departure now will be our loss. These are the basic economic facts and common sense. Moreover, these young people have become our classmates, neighbors and coworkers, the parents of our children's friends and an undeniable part of our American community.

I thank many of my colleagues who spoke eloquently here to put names

and faces to the young people who are affected by this crisis. I would like to associate myself with their remarks. I have also had an opportunity to meet with Dreamers in Rhode Island who were brave enough to share their stories with me and with my staff. I hope to meet more of them, but I can state that these are exactly the kind of hard-working young people who we should be encouraging to put down roots in our communities.

Skeptics should know the facts. Dreamers have been subjected to deep scrutiny. They faced background checks by immigration officials, they have paid significant fees, and they have followed the rules. It is simply untenable to continue to delay a resolution of their status in our country any longer. Indeed, too many of my colleagues seem to be in no hurry to reach a meaningful agreement on passing the bipartisan Dream Act. This has been an effort that has been led by Members on both sides of the aisle because many—unfortunately, not enough yet—on both sides of the aisle believe that these young people are American in their values and in their commitment to this country. They will contribute to this country. They already are.

There seems to be this illusion that we have until March 5, the official end date for DACA, to continue to try to fix this problem. There are others who seem to believe that this crisis, which was prompted by President Trump's decision, is an opportunity to gain concessions in other areas. This approach of waiting to try to game the crisis is wrong. It is certainly wrong for the young people who are waiting nervously—in fact, “nervously” is too mild a term—to determine whether they can stay and contribute to this great country, as they are already doing.

We have an opportunity, but we have to take it quickly to ensure that these young men and women can find a way to stay in this country and contribute to this country. It remains my sincere hope that my colleagues will come to the table in good faith to pass the bipartisan Dream Act. Again, let me state that there are Members on both sides who recognize that these young people are making great contributions to the country, and this is the only country they have known. Many of them were infants when they were brought here. They are American in every way except on paper.

We need to make progress on this. We don't have until March. We have to do this as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Oregon.

Mr. WYDEN. Mr. President and colleagues, the Republican tax plan is now racing to completion in secrecy and shame. Republicans are finishing it in secret because it is a shameful scheme

the American people overwhelmingly oppose.

Today the Senate is going to debate whether to go to conference with the House to resolve the differences between the two plans that the Republicans have passed on a wholly partisan basis. Not a single Democrat in the House and not a single Democrat in the Senate is in support of this bill. I think it is clear that the conference committee that will meet in the days ahead is nothing more than theater. It is not going to be an honest debate in the light of day. There will not be an honest debate that the American people can listen to on the prospect of \$10 trillion worth of tax policy changes that will reach into corners of every part of this country and every household in America.

The truth is, Republicans from the other body and the Senate are hashing out differences right now—right now, behind closed doors. They are packing the bill with even more goodies, even more loopholes for the well connected and special interests. There is no telling what swamp creatures have crawled up to Capitol Hill to get their fingers on this bill at the eleventh hour. The basic proposition on offer is this: taking money and healthcare away from middle-class Americans to pay for tax cuts for the multinational corporations, the powerful, and the well connected. That proposition isn't going to change. Apparently, now the Trump administration is calling for more speed and even more secrecy, just so the President can claim a victory and Republicans in Congress can appease megadonors, who made it clear they are frustrated by a sputtering agenda.

What unfolded here last week is a black mark on this storied institution of the Senate. It was the climax of a process marred by recklessness and partisanship. This took place after 17 moderate Democratic Senators tried again last week, while the Senate still had the opportunity, to have a bipartisan plan. Well, I renewed my plan, my ideas—the only two bipartisan Federal income tax reform bills in decades, written by senior Republicans and moderate Senators. Bipartisan plans were discussed yet again last week before the Senate took off on this reckless course.

Senators did come to the floor last Wednesday and Thursday prepared for a debate, but it was cut short by the partisan reconciliation process—just 20 hours, evenly divided between the two sides. Wednesday turned into Thursday, and there was no final Republican bill. Then Thursday became Friday, and still Republicans had their plan hidden in the shadows. Then on late Friday—late Friday, well after dark—I was handed, personally, a new version of a 500-page bill by a key official in the Republican caucus who said: Here is the bill.

There was no opportunity for review or debate. The distinguished majority leader had said to me personally during the course of the afternoon, when I was asking every 30 minutes, that there would be plenty of time—plenty of time—to review the bill. Not only was there not plenty of time, there was essentially no time, and it reached a point as we heard from our colleagues last week, that notes on technical material were scribbled into the margins.

We had questions about education provisions that seemed to benefit one academic institution. There are plenty of them that are deserving in Oregon and Pennsylvania, but this would seem to benefit just one. Special interest handouts were air dropped right up, apparently, to the very last minute, with huge giveaways to oil companies and hedge funds. The unintelligible lines became a metaphor for what this whole debate was all about—haphazard work that not a schoolteacher in America would give a passing grade to, if some kind of work product like that was submitted to them.

Of course, this is what the majority party here, the Senate Republicans, said was a full and honest debate. The technical term here is “regular order,” but the fact is, those \$10 trillion of tax changes were made in secret. When the bill that was brought to the floor finally appeared, it was clear that Republicans had played “hide the ball” with their tax plan until the very last minute.

There was not a single hearing on the specifics of the legislation. I heard so many times in the debate that there were 70 hearings. My colleagues on the other side of the aisle, I wish I had a nickel for every time I heard that there were 70 hearings. There was not one single hearing—not one—on the specific provisions of that legislation. There was no bipartisan input. No Member of this body can possibly claim to have read everything before they voted.

Now the recklessness continues. Republicans are sticking with the con job on the middle class as they work out the differences between their two plans, again, behind closed doors. Whatever product comes out of these negotiations is still going to raise taxes on millions of middle-class Americans and drive a dagger into the heart of the Affordable Care Act. Why? To pay for yet more handouts to faceless, multinational corporations. There are still going to be bigger tax cuts for those multinational corporations that ship jobs overseas than there will be for those businesses that create red, white, and blue jobs here at home.

What ought to cause even more alarm for Americans over the coming weeks are the special interest goodies that are still being packed in—the handouts nobody yet knows anything about.

Down on K Street, they seem to be licking their chops as they read the bill the Republicans wrote so quickly and carelessly. It looks to me like a whole flock of tax lawyers are scheming and planning their next moves.

According to reports, the big sticking point in the negotiations between Republicans isn't about how you are going to help middle-class families or how you are going to protect healthcare, they are debating whether the corporate handouts ought to get bigger. They are already slashing the corporate rate down to 20 percent, and now they are debating whether corporations should actually be required to pay it.

I note that in both of the tax plans I put together that were bipartisan, written with two conservative Republican Senators close to the majority leader, during all of those talks, we didn't hear about corporations saying they had to have a tax rate of 20 percent.

The American people do not want this plan to become law. I heard that this past weekend. I had two town meetings in communities where Hillary Clinton had a lot of support and in communities where Donald Trump had a lot of support, and I am telling you this tax cut bill is unpopular all over. It is hard to write a tax cut bill that is unpopular, but somehow Senate Republicans actually managed to do it. That is what I heard in townhalls and when I met with folks last weekend at Fred Meyer, our iconic store. We heard it all over. I can promise every Member of this body the American people have a sense of what is coming now.

The Republican deficit hawks who flew away when the proposition of a \$1.5 trillion budget-busting tax bill came up, they are going to come flying back. They will be flying over the horizon, returning. There is already a whole lot of frightening Republican talk about the fiscal crisis facing our country, exploding deficits, spending run amok. In fact, Republicans haven't even waited for this tax plan to become law to crack out the fiscal crisis talking points. We hear all the talk, the President at rallies and talking on national television about entitlement reform. It is a whole lot of focus group-tested code for cutting the safety net, the lifeline programs for the vulnerable: Medicaid, Social Security, Medicare, the anti-hunger programs. That sure looks like what is next on the slash-and-burn to-do list.

Here in the Congress, the Speaker said a few weeks ago we have a lot of work to do in cutting spending. Ways and Means Chairman BRADY talked about welfare reform and tackling the entitlements. The Freedom Caucus, the far right folks in the Freedom Caucus, are using the tax bill to lock in promises on spending cuts and the safety net programs, and nobody knows yet

what secret guarantees they have been given.

Last week, as Republicans were getting ready to spend a trillion and a half dollars on handouts to corporations—just put your arms around that for a moment, Mr. President—I heard for years in the Finance Committee and the Budget Committee about how Republicans want to be fiscally minded and tight with a dollar. Right away, out of the gate, they said we will spend a trillion and a half dollars in handouts to corporations—corporations already awash in money. What we heard is the leadership of the other side of the aisle saying we are already spending ourselves into bankruptcy, and they were blasting what they called liberal programs for the poor.

The chairman of our committee, whom I admire greatly, said: When it comes to helping the vulnerable, we don't have the money anymore. We don't have the money anymore for the vulnerable, but somehow we can borrow billions of dollars to have a \$1.5 trillion handout to multinational corporations awash in money? It sure indicates to me some out-of-whack priorities.

Then we heard our colleague from Pennsylvania, Senator TOOMEY, say on the floor that there wasn't a secret plan to cut Medicare and Medicaid and Social Security. I give my colleague from Pennsylvania credit for his honesty because he is right about one thing. They are not keeping this tax plan a secret. Republicans are talking about the tax plan and the prospect of these entitlement cuts now in the open. The tax plan may be secret, but the plans for cutting entitlements are going to be right out in the open.

Colleagues, I want to close with this. I heard this weekend, and I hear at every stop I make, that the people of this country do not want this partisan tax plan to become law. They understand what is happening now. The working people and the middle class are being forced to pay for handouts to multinational corporations; that the Republican plan puts the interests of the politically connected above the interests of hard-working American families. I believe the American people are going to stand up and fight against any fear-mongering attack launched by the so-called deficit hawks who, as they come flying back, are clearly looking at cutting Medicare, Medicaid, anti-hunger, and anti-poverty programs.

It is not too late. It is not too late while this process continues between the House and the Senate to change course. Instead of going to a sham conference—a sham conference that is little more than diversionary theater—there could be a real and bipartisan debate on a tax plan that would give every American a chance to get ahead.

I have been particularly struck by my conversations with our former col-

league Senator Bill Bradley of New Jersey. He calls almost every few days because he, along with President Reagan, were the authors of the last bipartisan plan. I am particularly struck by how he describes when Democrats and Republicans came together. Bill Bradley, former Knicks celebrity all over the country, he would fly all over the United States to meet with colleagues like the distinguished Presiding Officer from North Carolina. He would fly all over. Now, we can't get Republicans to walk down the corridor of the Dirksen building to have a conversation about how we ought to have a chance to give everybody a good tax plan so everybody in America can get ahead. That is what I sought to do with Republican colleagues, former Senators Gregg and Coats, who are plenty conservative.

So it is not too late for my Republican colleagues to do an about-face and say we can do better than this. I don't, for the life of me, understand why we can't have Republicans and Democrats, on the basis of the overwhelming unpopularity of this bill, now say we can do better than this and change course.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, last week I came to the floor to talk about why we needed to pass the Tax Cuts and Jobs Act. I am proud to say that the Senate has passed that bill. I expect the Senate to move to conference with the House this week, and I am confident that the final bill will be an even better bill than the bill passed by either the House or Senate. More importantly, I am confident that it will get us on track for real tax relief for working families, and we will have this bill on the President's desk by the end of this year.

Last week when the bill passed, I said that it isn't just about changing the trajectory of our economy, it is about changing the future we hand to our kids and our grandkids. I really think that is what this bill will do.

There is a lot of talk in Washington about things that, frankly, will never turn out to be the facts—maybe they are the alternative facts—but one thing I think will happen is that working families will see, in one of their first paychecks next year, that this tax bill and these tax cuts really affect them. Whatever your paycheck is—reflected in what you start getting paid on January 1—in virtually every case, working families are going to have

more take-home pay, and those numbers are pretty big.

A few weeks ago, I was at Patriot Machine in St. Charles, MO, and spoke to the employees who work there. The one thing they were concerned about was, what does this mean to me? What does this mean to my family? What is my take-home pay going to look like next year?

Mr. President, you and I said many times during this debate that the two things we were committed to were more take-home pay immediately by taking less out of it and even more take-home pay in the future by doing things that make our economy more competitive and make that paycheck bigger to start with.

Middle-class families, working-class families, and this country have lost a lot of ground with the slow growth we have had and the almost no growth in some years we have had in the past 10 years. We need better jobs, we need higher wages, and we need the government to let people take home more of what they earn.

This bill will allow them to do that. It will double the standard deduction. That is the deduction that is about \$6,000, and suddenly it is \$12,000, and for a couple, it is \$24,000. You start the tax process on something the size of a postcard by deducting that \$12,000 or that \$24,000 off what your W-2 forms say.

The Senate bill doubles the child tax credit, so you go from a thousand to another thousand, and you take that credit off your tax obligation.

Ninety percent of the people are going to fill out their taxes just that way. It is a form that you may not even have to turn over to sign the bottom and say, here is what I need to send back; here is what my tax obligation is.

Helping families has been and continues to be at the heart of what this whole debate should be about—at one end, more take-home pay, and at another end, more competition that allows us to have better jobs to start with.

I am absolutely convinced that the United States of America has more money on the sidelines right now than ever before in the history of the country and more money overseas because of our barriers to bringing money back, because our Tax Code didn't really anticipate international competition in the way that it has developed. It has more money that wants to come back than ever before. Those things are going to make a difference to the security that our country has and the access to the world marketplace. We couldn't be better located to compete all over the world than we are now.

Those things, along with what has happened in the effort to stop the regulatory overreach and the effort to put people on judicial benches who are going to rule based on what the law

says—this tax bill on top of that, with capital coming in to our economy, is going to make a big difference. It will help mainstream businesses that want to reinvest, innovate, expand, create jobs. That is going to happen with this bill.

This bill came through the regular order process. It came through a committee that knew how to defend it. Every Senator had the opportunity to offer any amendment they wanted to offer to improve the final product.

American families have been stuck with a broken tax code for the last couple of decades, and that is going to end when the President signs this bill into law. We shouldn't have to wait any longer. We need to get this done this year, and we can.

FUNDING OUR MILITARY

Mr. President, I want to talk a little bit about another bill that we passed for the 56th consecutive time. There are a lot of things that Congress doesn't manage to get to every year, but the No. 1 priority of the Federal Government is to defend the country, and we show that in how we prioritize that authorization bill that gives those who serve in uniform the very best possible opportunity to serve us and serve us safely.

Senator MCCAIN would be the first to say that we have fallen behind in the last 8 years in what we need to be doing to maintain the advantage that we always want our troops to have, and, of course, he is right. He and Senator REED brought a bill to the floor, and that bill was passed into law. That will make a big difference in our obligation to provide for the common defense.

When we send men and women in uniform into harm's way, we never want that to be a fair fight. We want to give every possible advantage—a training advantage, an equipment advantage, an intelligence advantage—to the people we have asked to defend us.

In the next few weeks, as we appropriate the money to do what the authorization bill calls for, we are going to see a step-up in a way that has not happened in 8 years now and will happen, I am convinced, this year. This bill meets that responsibility.

I want to talk about a provision in that bill that I think particularly is reflective of the families who serve.

The strength of our military is in the families of our military. Somebody said to me not too long ago: We generally in the military recruit single young adults, and we retire men and women with families. Those families who become part of this process—soldiers, sailors, airmen, and marines, during the time they serve—provide the real backbone of our military strength. They have a million responsibilities when somebody in that family deploys. They look at the holidays we are now in the middle of different

from the way most other families look at the holidays. The person who is there keeping the family together when somebody deploys often—more and more of the time now—has their own career. They are paying the bills. They are keeping the kids in school. They are facing, for the most part, the challenges that so many single parents face today, but these are single parents based on one of the two partners in that team being deployed somewhere else. They have to do these things while they are worried about the person they care so much about who is in harm's way. Then when that part of their life is over, they become a family supporting a veteran and whatever challenges that veteran has from their service.

So the bill we passed this year demonstrates our appreciation for our military families by including the Military Family Stability Act. This is a bill I introduced with Senator GILLIBRAND. That act provides for more flexibility for military families. It allows military families, for the first time, to meet one of the challenges they have when every 2 or 3 years they get a new assignment.

If you are trying to stay because your spouse needs to finish a job or your kids need to finish a school year, that is really not part of the process anymore, but it now can be. We have a provision in law now that allows families to meet the challenges of a child finishing or starting a school year when their family thinks they should or a spouse completing a job or starting a job based on their schedule rather than the military's schedule. This will help people stay in the military. It rewards the support that families give to the military. It allows the family to either move early or to remain at their current duty station for up to 6 months while their spouse begins a new assignment or while their spouse stays a little longer behind to complete that assignment. The spouse has to assume the responsibility for how they take care of themselves in that interim, but the money follows the family or stays with the family.

Right now, we have said to the family who wants to deal with that timing in a different way: Well, you can move early, but you have to pay to move early, or you can stay later, but you have to pay to stay later.

I have talked to so many people in the military, who have had a career in the military, who have stories to tell about the reasons they have left or the reasons they have almost left—because we just didn't have this reasonable ability for a work purpose or an education purpose or kids or spouses, either one—one woman we had in as a witness on this was finishing her Ph.D., and she needed to go a little earlier to get the semester started. Teaching as a graduate assistant, she needed to get

there a little early to get the semester started. I think she was told at the time: Well, if you get a divorce from your husband, we will see that you relocate, but as long as you are married, you are going to have to go when he goes. And he didn't go at the time they were told he was going to go. All those things can be much easier dealt with now, and fortunately that is now part of our law.

I want to once again thank Chairman MCCAIN particularly and Samantha Clark on his staff, who worked so hard to finalize this provision.

TRIBUTE TO CAPTAIN SAM BURKE

Mr. President, I also would like to recognize an individual who has been absolutely vital to my work on the National Defense Authorization Act, my work on the Defense Appropriations Subcommittee, and really the overall national security issues we deal with. Capt. Sam Burke, our military detailee, has been with us for the last year. I think this has been a benefit for him, but I know it has been a benefit for us. Sam is a proud Missourian. I have had a number of military detailees. He is the first Missourian we have had. He is a military detailee who has been absolutely instrumental in the Military Family Stability Act and has brought his experience to our office. Sam was instrumental in helping us finish that act.

Sam has been with us a year. His parents still live in Charleston, MO. His father, Jim Burke, is a fourth-generation farmer in Mississippi County. His mother, Jeanne, is a special education teacher who retired recently. Sam's brother, Evin, is carrying on the farming tradition and works with his father as a fifth-generation farmer.

As you would imagine, Sam was raised the right way, with strong Missouri values, but those Missouri values were, I am sure, definitely enhanced by the effect of the U.S. Naval Academy, where Sam went to school and graduated in 2010. He has deployed to Okinawa, Japan, been in support of multiple exercises throughout Southeast Asia, including Cambodia and Thailand. He has been a real resource for us. He has provided an important perspective on a number of foreign policy issues, ranging from Colombia, to Australia, to Russia, to the Balkans. He has been a great help on veterans issues and a tremendous asset to our office from day one.

I wish Captain Burke all the best in the next chapter of his military career. I thank his fiancée, Sarah, and all his family and friends who support him for the sacrifices he has made serving the country and will continue to make. He is a first-class marine, a consummate professional, and an exceptional individual. We are going to miss him, but the country is going to continue to benefit from his service.

For Sam Burke and all those who serve, we are grateful. For the hard-

working families in America, I think we are taking a right step with the tax act, just as we took the right step for military families with the Military Family Stability Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I enjoyed hearing the remarks of my fellow Senator from Missouri. I wish Sam well in his next deployment as a military liaison, and I thank him, as well, for serving our country.

CHILDREN'S HEALTH INSURANCE PROGRAM

I come to the floor today to talk about tax reform and its benefits for middle-class families across this Nation. First I wish to highlight a program that is critical to these families, especially children; that is, the State Children's Health Insurance Program or, as it is referred to across the Nation, CHIP.

For more than 20 years—and really since the very beginning, when I first began serving in the West Virginia House of Delegates—CHIP was one of the first programs for which I became a strong champion. That is because I understood how critical it was then for families in West Virginia and how critical it is now.

When I was in the State legislature in the nineties, I served on the committee charged with creating and implementing the State Children's Health Insurance Program.

My voting record on this issue has been very clear. As a Member of the House of Representatives and now in the U.S. Senate, I have voted numerous times to fund and expand the CHIP program.

In my State of West Virginia—a smaller State—22,000 children are in the West Virginia CHIP program. That includes over 10,000 families. It is essential for these working families. It is essential that we recognize that some working families are unable to get insurance. Maybe they can get it for the person who is working, or the spouse, but a lot of times it is prohibitive to get insurance for the children at the same time. That is where CHIP comes in. It is preventive. It is for sickness and illness. It has really helped to improve the health of our young people in the State of West Virginia.

I was pleased that the bill passed out of the Finance Committee with strong bipartisan support, and I want to thank them for their efforts.

I have also spoken with Leader MCCONNELL, and he is very favorable about the need to reach a solution for this by year's end. Thousands of West Virginia families and children who rely on this program need to know that it is going to be there. We know we are running up against a funding deadline and expiration; we have already passed the expiration date.

So I look forward to working together with Members of the Senate on

both sides of the aisle to reauthorize CHIP and the CHIP program as soon as possible. That will be a good Christmas present.

Mr. President, another issue I wish to speak about is a policy that I think will greatly benefit families in West Virginia and across this Nation; that is, the Tax Cuts and Jobs Act that we passed last week. I was very proud to vote for that—proud because I understand what this legislation can mean to the working families and so many people in our States. Today, I would like to explain exactly why I did vote for the bill.

First I wish to speak about the 83 percent of West Virginia families who file and don't use itemization. They file the short form. For those families—83 percent of those filers—that is double the standard deduction, double the child tax credit, which means significant tax savings.

I voted for the bill because it cuts taxes for folks in all income brackets. These are the people who are tired of Washington telling them how to spend their hard-working dollars or, even yet, Washington spending their hard-working dollars for them. Now we are telling these hard-working men and women that they can keep more of their own dollars to make those decisions. They can decide how to spend it. This is not a novel idea, but I think a very welcome increase in our tax dollars coming home. They will be welcomed by every individual family. So whether they are spending it on something that helps them today or tomorrow or whether they are saving for the future, let's let them make that decision. The point is that decision should be theirs.

I also voted for this bill because it helps American businesses of all sizes. It will empower our small businesses to grow and thrive. We had a small business that came to Capitol Hill last week from the Eastern Panhandle. Many of them had different reasons as to why this was going to help their small businesses. Yes, a tax cut means more money for them to invest in their own business and is a big positive for many of them. But one particular small business owner said: Do you know what I really want? I want more time with my family, more time to devote to my family and my church. So while I am an owner of a small business and devote all of my time to the small business, give me the time back that it takes me to comply with the U.S. Tax Code. Simplify this, and give me that time to devote to my family and my church.

I also feel that not just small businesses are going to grow, but it is also going to help men and women have more job opportunities and higher wages. When it comes to our larger businesses and corporations, it makes them more competitive. Even in a

small State like mine, 50 percent of our private workforce works in a larger—well, actually works for a small business; I think it is 30 percent who work for a larger corporation. But as that corporation becomes more competitive globally and our products become more competitive, the result of that is going to be higher wages, more sales, more jobs, more opportunities, more expansion into our State and not beyond our borders.

I voted for this bill last week because it gives our economy a big boost. I challenge anybody who is watching this closely or feels in their family or in their State budget or in their personal budget—who says that this country's economy is growing fast enough or is robust enough or everybody is benefiting. We know that is not the case. We see it in our towns.

I live in a relatively small area. Communities in my State of West Virginia and across this country have been forced to deal with the consequences of a struggling economy—shuttered stores, closing schools, falling real estate prices. This is what happens when everything contracts or stays so stagnant. It has really affected many aspects of our lives. I voted for this tax bill because I am just not OK with that.

I am not OK with standing still. If you are standing still, you are losing. We need to move this economy forward. We need to make it work for everybody. So, basically, I have had enough.

The Tax Cuts and Jobs Act represents a new direction for America—one that provides hope, prosperity, and a chance to really turn things around for a lot of people.

Of course, as with many legislative accomplishments of this magnitude, concerns have been raised from some of those who feel differently. That is what a conference committee is about. We hear concerns. We have heard them from our constituents, and I am sure the House has heard them from their constituents. That is what the conference committee is all about. I have been raising the ones that I have heard in West Virginia to my friends who are going to be a part of the conference process.

So, as I have said many times, this is a significant moment for our country. I believe we haven't done major tax reform in 31 years. It is well past time. It will provide a significant opportunity, and it requires big and bold action. We do a lot of little things around here that help people, and those are great. But it is rare that we can do something big and bold that is going to help so many people in this country.

Let me go back to my statistics. Eighty-three percent of the people in West Virginia file without itemization. They are going to be getting a doubling of the standard deduction, a doubling

of the child tax credit—a tax cut, tax relief. Keep the money; make the decisions in your own family. It is predicted because of the simplification factor that that number of 83 percent will actually rise in many States, mine included.

I think this big and bold action we are about to embark on is something we can look at with great pride. I ask my colleagues on both sides to sincerely look at this and join us in our efforts to provide tax relief, tax reform, tax cuts, and an economic boost to our country—which we so desperately need.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to follow my esteemed colleague from West Virginia. I wish to join her in her comments and emphasize what she emphasized so well—that this really is all about hard-working taxpayers across this country, not just in terms of making sure they keep more of their hard-earned dollars after taxes but making sure that their wages and income go up. Over the last decade, we have seen real stagnation in terms of wages and income. So as we work on this tax package, we want to make sure that across all income groups, we see real tax relief.

The other aspect of this bill is that it is pro-growth. It is about stimulating investment across this country by entrepreneurs, by innovators, by small companies—and, with big companies, bringing money from overseas back home to America, to create jobs in America. As we create those jobs, that competition for labor pushes wages and salaries higher. So it really is a two-for. It is about real tax relief for hard-working Americans, and it is about making sure that their wages and income go up.

These are just some of the estimates that have been put forward so far as to the impact that this tax relief package will have. According to the Council of Economic Advisers, there will be \$4,000 in higher wages. So that is what I am talking about. It is not just tax relief; it is about higher wages. For an average family of four—median income, average family of four—there will be a savings of \$2,200 in taxes. That is from the nonpartisan Tax Foundation.

So it is the combination of both of those things: higher wages, lower taxes.

It comes from creating more jobs. The estimate is, again from the Council of Economic Advisers, almost 1 million more jobs. It is those jobs that not only create opportunity, but that competition for workers is what pushes those wages higher.

Also, a 3.7-percent larger economy—that larger economy is a very important consideration, as well, because by growing the base, even with lower

taxes, you generate more revenue, more revenue for the government to invest in our priorities and to reduce the debt and deficit over time. Of course, we have to find savings where we can, but at the same time we have to have economic growth to address debt and the deficit, and that is exactly what we create, not just through tax relief but the combination of tax relief and the regulatory relief that we have done through the course of this year. It is that regulatory relief and that tax relief that really empower our small businesses across the country, which are really the backbone of our economy. We are talking farmers, ranchers, small businesses of all kinds. We are talking entrepreneurs. We are talking innovators. We are talking about the job creators in this country, creating more jobs and opportunity, and the wage earners and the workers benefiting through lower taxes and higher wages.

This next chart shows that the tax relief really comes across all income groups. That is something that obviously has been discussed, and that is what we are doing here. We are making sure that across every single income group, there is a tax cut. So the effort is to focus on lower income, middle-income workers, but to make sure that there is tax relief across all groups.

The way we focus on lower income workers is by increasing the standard deduction. We more than double the standard deduction from about \$6,000 today to \$12,000 for an individual. So for a married couple, that is \$24,000. For a single individual who has dependents whom he or she is taking care of, whether those are children or maybe a parent or a relative, it is \$18,000 for an individual.

Now, with that higher standard deduction, we will find that 9 out of 10 people will not itemize. They will not itemize. That means their tax return will be one page. They can complete it on one page. It is simple, easy, and then they can send it in.

That is 9 out of 10 filers with this new higher standard deduction. It not only makes sure we provide relief to low- and middle-income taxpayers, but it makes it much simpler to fill out that tax return.

At the same time, we keep other deductions and exemptions that are very important to people. For example, the child tax credit is doubled. The child tax credit goes from \$1,000 to \$2,000. We are doubling the child tax credit. To help with college, we make sure people can open a 529 savings account so they can save money for college and for the education of their young people.

Businesses will be encouraged to provide paid family and medical leave by receiving a tax credit to partially offset the pay of an employee who is caring for a child or a family member.

Other important deductions that we continue—the mortgage interest deduction. That is very important. We continue the deductibility of the mortgage interest on your home. We continue that very important and very popular tax deduction. We continue the deductibility of charitable contributions. For charitable organizations that need those contributions to continue to fund their important activities, we continue that tax deductibility. We continue the child and dependent tax care credit, the adoption tax credit, the earned-income tax credit to help families with children, working families with children. We continue the 401(k) retirement deduction. That was one that had been discussed, and there was concern expressed that that might be reduced, and we didn't. We continue the deductibility of medical expenses. For example, seniors or others who may have a lot of medical expenses can continue to deduct the cost of those medical expenses.

In all these cases, we have worked very hard to make it simpler and to make sure that for low- and middle-income workers, we are providing that tax relief.

This next chart goes to what we call passthroughs. As I mentioned earlier, the heart and soul of our economy are small businesses. We want to make sure that we are providing tax relief for small businesses across this country so that they can invest, create more jobs, and hire more workers.

For larger businesses or businesses that are multinational, what we are doing is making our Tax Code competitive. What that does is that creates an incentive for the larger companies to bring capital back home that is currently overseas, invest it in America, and create jobs in America. That is called repatriation.

Leading economists estimate that there is more than \$2.5 trillion that U.S. corporations have overseas that they would bring back home, bring back to America with this tax relief, and invest in America. That is all about them building plants at home, creating jobs at home, creating American jobs, rather than investing somewhere else in the world. That not only creates jobs and more opportunity—again, that push for higher wages and income—it also brings back revenue that helps pay for this tax cut for the individuals and for smaller companies as well. When they come back and invest here, that generates tax revenue in America rather than somewhere else, in some other country.

We want the larger multinationals to come back and invest in America. For our smaller companies, our passthroughs, we want to make sure they have the ability, through regulatory relief and tax relief, to expand and grow their businesses. That is what you see here.

With the work we have done for small businesses across every income group, small businesses are getting a tax break. The reason it is done across income groups is that passthroughs are taxed at the individual level. So whether it is a sub S corporation or a partnership or a limited liability partnership or a limited liability corporation, the income earned by those small businesses is passed through to the owners and the investors, and then it is taxed at that individual level. So what we show is, across the board, those small businesses are keeping more of their money so they can put it in plant and equipment rather than send it to the Federal Government.

I am going to go through some of the things that we have either kept or added for small businesses, particularly some, for example, in the ag area, which is very important to my State, but things that we have kept that really help all small businesses. They include, first, lowering the rate. We start by lowering the rate. Across every income group, we lower that tax rate.

The House plan has four different tax rates. We have seven different tax rates, which compares to the seven that we have right now, but we drop them all. We reduce each one of those rates. That is important to understand because that is the objective. We want to make sure that tax relief is provided across the board.

There has been some discussion about, well, does that create more complexity in terms of having seven different tax rates the way we do today? Really, it doesn't. The complexity in determining what you have to pay in taxes comes from calculating your taxable income. That is what we have greatly simplified, as I described earlier. By keeping the seven tax rates, we make sure we provide an income break across every different income group, every different business group. Again, this is about providing tax relief. It starts with lowering, obviously, those rates for businesses.

We also provide other very important incentives for investment. Remember, this is about pro-growth investment to grow the economy and increase wages. One of those is expensing. That is very important. When a business puts out cash to invest in plant and equipment, they are out those dollars. If they can't deduct that expense up front, it is a lot harder for them to make that expenditure.

For the first 5 years, we provide full expensing. That is incredibly important. Whether it is a farm in my State of North Dakota or a small business in my colleague's State of North Carolina, if they can write off that expense—that plant, cattle, equipment, whether it is new farm machinery or any kind of business equipment—then they are able to make that investment and grow their business.

We not only provide that full expensing for the first 5 years—with a step-down over the next 4—on a permanent basis, we keep section 179 expensing, which is a very popular investment incentive for small business. That ensures that small businesses can expense up to \$1 million a year in plant and equipment, and it doesn't start phasing out until they get over \$2.5 million in expenditures. On a permanent ongoing basis, that provides incredible certainty for the millions of small businesses across this country to keep investing—buying new plants, new equipment, growing their business—and that is the absolute backbone of our economy and job creation.

Those are the kinds of provisions that make such a huge difference for our companies and that we have included in this tax relief package.

Where are we in the process? We have moved our bill through the Senate. The House has moved their bill through the House. Now we are headed for conference. We need to continue to work to get the best possible product and pass it on the floor, and our objective is to get that done before the end of the year.

This process is important. I am going to mention a couple of things in closing here that show the importance of this process—moving it through the Senate, moving it through the House, and working in conference committee to get the very best product we can for the American people.

For example, as we have moved this package through Senate, one of the things we added that I think is incredibly important is that you can deduct up to \$10,000 in property tax. On your homestead, if you have property taxes up to \$10,000, we have now included that in the Senate package. That is a very popular deduction that is important to many people. We added it in the Senate. The House has it. This is going to come out of conference and include that property tax deduction. I think it is very important and very helpful to getting a good tax relief package.

Another one that I worked on directly is making sure that car dealers and implement dealers—these are small businesses across the country—can continue to deduct the interest on their floor plan. So for their cars on the lot, the inventory that you go and look at when you buy a car, or, if they are in the ag business, the tractors and the equipment they have—they can deduct that interest. That is incredibly important for them to be able to do business. That has been added as we have advanced this package.

Another provision is IC-DISC. It sounds complicated, but it is simply an incentive for companies that will export. Big companies do a pretty good job of exporting, and they have a lot of ways to do it, but for small companies, when they are making product in our

country and are trying to send it to Australia or somewhere else, that is a tough proposition. We give them help through that IC-DISC program. Again, that is another example of how we targeted some of these tax deductions to small businesses or kept some of these programs that really help small businesses and, again, make this package as pro-growth as we possibly can.

At the end of the day, it is about keeping more of your hard-earned dollars after taxes, but it is also about growing this economy. Growing this economy is the rising tide that lifts all boats. That is what we are about. We can sit here and not do something like that and say: OK, business as usual. That is not what the American people want. The American people sent us here to make changes, real changes that are going to help us grow our economy, create more jobs, and create more opportunity; that are going to do more for border security; that are going to strengthen our military and strengthen law enforcement, the rule of law in this country; that are going to improve our healthcare. So these are the kinds of things we have to get done. These are the kinds of things the American people have sent us here and said: Hey, we need to get going on these things. That is exactly what we are doing.

I certainly call on all of our colleagues on both sides of the aisle to join together and get this done, get this tax relief done for the American people, and get it done before the year end.

With that, I will defer to my esteemed colleague from North Carolina. I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from North Carolina.

Mr. TILLIS. Mr. President, the tax cuts we passed last week—whether they are in North Carolina or North Dakota, working families are going to benefit from them. Over the course of the next days and weeks that we negotiate with the House on a final package that will go to the President, we are going to hear all kinds of interesting claims made on the Senate floor.

I was presiding, Mr. President, before you relieved me from the Chair, and I heard one of the speeches we are going to hear several times—we passed this tax bill so that we can actually now cut support for people who need the government safety net. That sounds absurd. It sounds absurd on several levels. No. 1, it is not a very kind thing to do. No. 2, it is not a very wise thing to do.

Let me put in another claim. I can try to put them together. They are saying that we are passing a tax increase on working families in America. What they forget is the dot, dot, dot—maybe 7 or 8 years from now if we decide to raise taxes. Highly unlikely. But in the here and now and next year, after this tax bill gets passed, working families are going to get a tax cut.

How on Earth can you look at a standard deduction doubling—we are going from \$6,000 to \$12,000 per individual and \$24,000 per family. What does the standard deduction mean? Some people may not understand it. It is pretty simple. That standard deduction means that money isn't going to get taxed. So we are increasing the number of people who will not pay taxes.

One of the brackets we haven't talked about, and I think we should, is the number of people who go to a zero tax bracket under the Senate plan and, to a large extent, under the House plan. Then we talk about the child tax credit. Now let's talk about a working mother, a single mom with a child. The first \$12,000 isn't going to be taxed, and then another \$2,000 per child would not be taxed before you would even be subject to tax. That is the reality of this plan. It is not an increase in taxes.

Those who oppose this plan are trying to talk about a hypothetical possibility 7 or 8 years from now that I don't believe is going to happen. One of the reasons why I believe it is highly unlikely to happen is because we are going to have economic growth from this tax plan.

The way you get economic growth—you also have to recognize that in the United States, we have the highest corporate tax rate in the world. When people are trying to set up shop today, they don't have to necessarily set up shop in the United States to do business in the United States; they go to the lowest cost jurisdiction. I don't fault a business for doing that. When I am confronted with maybe the desire to set up a business in, say, North Carolina or somewhere else in the United States, if it is going to cost me substantially more, of course I am going to make the business decision to go where I have the most resources necessary to produce the product or service that I want to provide.

By cutting corporate taxes and by cutting what we call the passthrough tax, which is handling all businesses, whether they are a C corporation or a passthrough entity—I won't get into the details, but they are the two different ways businesses set up to pay their taxes. By lowering that tax burden on businesses, we are going to see economic growth.

After the tax cuts are put into place, we are immediately going to see a reduction in the tax burden for working families. That is going to be from the increases in deductions and the lowering of the tax burden. Over time, we are going to see additional money going into the pockets of working families, because I firmly believe that through economic activity, we are going to see an upward increase in wages. We are going to see median incomes go up. We are going to see people lifted out of poverty. The reason I be-

lieve that is because we have done it in North Carolina. We were roundly criticized—the same way people did on this floor—when I was serving in the State legislature, and we delivered on a promise we made if we got a majority in the State of North Carolina. We went on to decrease the tax burden on businesses and decrease the tax burden on individuals, and we have seen our income to the State go up—more money, more resources in the State to do good things for people in North Carolina. One of the good things we do is continue to lower the tax burden because our economy is growing at rates it has not seen in decades in North Carolina. That is what is going to happen in the United States.

It also provides us with resources to help those who truly need help. The other argument that suddenly we are going to pay for this tax cut by harming people on Medicare and Medicaid is absurd. All of us here have mothers and fathers, aunts and uncles, maybe brothers and sisters who rely on Medicare, Medicaid, and Social Security as their primary source of income. How anybody can come to this floor and say that I am going to tell my 85-year-old mother—Mom, I am sorry if you are watching this because I know you hate it when I mention your age—who relies on Medicare and relies on Social Security that we are going to come to this Chamber and betray that trust and break that promise that we made to them is absurd.

Are we talking about things we can do so I can make a promise to these pages when they get old someday—I know it is hard for you to imagine you are going to get old someday, but you will. What we are talking about is making sure that we can fulfill that promise for the generations who have not yet relied on Medicare and Social Security. If we don't act, we are going to harm the very people whom other people in this Chamber profess to be helping.

We have a fiscal crisis out there that we have to deal with, but it has no connection to what we are trying to do with tax reform. People say we passed the tax reform bill so that we can harm other people and pay for the tax cuts through cuts to our entitlement programs or safety net programs. It is not happening. We justified this tax package based on what we believe to be economic growth. This tax bill will be funded through economic growth. This tax bill will be funded by more people making higher wages, more businesses being successful and hiring other people, and the United States being more competitive on the global stage. That is how we pay for this tax package.

Again, I speak from a bit of experience because we did tax reform over the last 5 years in North Carolina. It wasn't perfect. That is why we came back and made some changes after we

realized there were some unintended consequences, which is the last thing I will talk about.

We are now going into what they call conference. Today, what you are observing is a period of time that we have to pass through in the Chamber before we can vote to go to conference. When we go to conference, it means that the House and the Senate will get together and we will try to work out our differences. One of the things we have to do is work out some things that we have identified that may be unintended consequences of the bill, to make sure that we minimize any negative impact that wasn't thought through until we can begin to work through some of the models. That is going to happen. I think the conferencing process will produce a better bill.

But more than anything else, we need to recognize that it is time to deliver on a promise we made to the American people. We need to be the Congress that, for the first time in over 30 years, actually delivers on the promise of reducing the tax burden and getting the economy back on track—the way it hasn't been for quite some time.

That is why I am proud to have voted for the tax plan. That is why I will be proud to vote for the plan that goes to the President's desk. That is why I will be proud to stand in this Chamber, just a couple of years from now, and demonstrate that the courage we are displaying by moving forward with this bill is going to produce a result for the American people that benefits every single person all across the socioeconomic spectrum.

I appreciate the opportunity to tell the American people again: Don't necessarily believe everything that is going to be said in this Chamber in the next couple of days or couple of weeks. American people, don't be afraid when you hear that one or the other party is working hard so we can harm people who rely on our safety net. Don't believe it. It is not true. Don't believe that we have decided that it was a great political strategy to raise taxes 7 years from now. Don't believe that it is an immediate tax increase, because that is empirically untrue.

Believe that we are doing everything we can to fulfill our promise, and believe that, if we do this, everybody in the United States is going to benefit. We are going to be a stronger nation. We are going to be a more competitive Nation, and we are going to have a point in time in Congress when we actually came here and did what we said we were going to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. DURBIN. Mr. President, 16 years ago I introduced the DREAM Act. The idea behind the legislation was that if you were brought here to America as a child by your parents, you are undocumented, you grew up in this country, you don't have a serious criminal record, and you have completed school, you deserve a chance to earn your way into legal status into America. You had nothing to say about the decision of your family to come here. You have grown up in this country. If you want to be a part of our future, you should be given a chance. It was a pretty basic idea. It has been debated for a long time.

President Barack Obama stepped up and said: Since we haven't passed that law, I will create something called DACA, or Deferred Action for Childhood Arrivals.

Under that Executive order, the people I just described can be protected from being deported for 2 years at a time. They have to go through a criminal background check, they have to pay a \$500 fee, and they get the temporary ability to live in the United States without fear of being deported and to work in this country.

Well, 780,000 young people came forward and signed up and went on with their lives—going to school, getting jobs, becoming part of America. DACA-eligible people joined our military. They weren't American citizens, but 900 of them joined our military, willing to sacrifice their lives in defense of a country which doesn't legally recognize them as lawful immigrants. Some 20,000 of them became teachers in schools all across the United States. Most of them are students, who are working because they can't qualify for Federal assistance to go to school, and there are some amazing stories.

So there they were kind of in limbo—half here, half not here—uncertain about their future, but with the protection of that Executive order. President Trump came in and said: It is over. As of September 5, he ended this DACA protection—saying, prospectively, that the final day for it is March 5, 2018—for 780,000 people. The President then said to Congress: Now, do something. Pass a law. Take care of these people.

Well, 3 months have passed and we have done nothing—nothing. In fact, we have done little or nothing on the floor of the Senate for the last several months. We haven't done this, and it is still unresolved as to whether or not they are going to have a chance to be a part of America's future or for young people like them to have a similar chance—unresolved.

We have to do something about that and we have to do it soon because every day 120 of these young people lose their protection under DACA.

That is almost 1,000 a week. So far, 10,000 of them have fallen out of protection under DACA.

What does it mean under practical terms? First, it is the fear of being deported. You are no longer protected. You are undocumented in America. You can be deported: A knock on the door, and you are gone.

Do these young people know that? Of course they do. I see them every weekend. I sit down with them. They are emotionally distraught over the possibility of their lives ending as they know it—being deported to countries they have never been to before, facing languages they don't know.

Think about that possibility. You are 18 or 19 years old, and now you are being deported back to Bolivia, where you have never been. You may not speak Spanish very well, but now you are going to be tossed back into Bolivia where you came from.

So now the question is this: What will we do about this? Will Congress act or wait?

Some voices on the floor of the Senate have said: Well, let's try to get around to this next year. Well, you certainly can't look at the floor of the Senate today, or virtually any day, and say we are so swamped with work we just can't take this up. Of course we can, and we should.

I want to salute my Republican colleagues, a number of whom have stepped up and said: Let's sit down and work this out once and for all. These young people deserve a chance. Let's give them that chance. Their stories are nothing short of inspiring.

This is Yuriana Aguilar. Yuriana Aguilar was 5 years old when her family brought her here from Mexico. She grew up near Fresno, CA, where she was quite a good student. She was in the top 1 percent of her high school class and graduated as valedictorian. She was involved in a lot of activities, was a member of the high school Junior ROTC Program, volunteered at retirement homes, and, with a group called Tree Fresno, planted trees in her community.

She first learned about her immigration status when she was a senior in high school. She thought she was OK. She learned she was wrong. She tried to apply for financial aid, and they said: You are not documented. You are not legally in America. She came here at the age of 5, and she learned about it much later in life.

She didn't give up. She just said: This can't be the end of my story. She was accepted at the University of California, Merced. She majored in biological science, made the dean's list every semester, and was on the chancellor's honor list.

She conducted research in marine biology, as well as in atherosclerosis. Excuse me, Yuriana, if I messed that up; I am a liberal arts lawyer. It looks like

that. It is the question of the buildup of fat, cholesterol, and other substances in arteries. She continued her community service, volunteered for the Boys and Girls Club, for a local hospital, and with the church's Sunday school program.

After she graduated, she couldn't pursue her dream of becoming a scientist because she was undocumented, but she didn't give up. She said: This can't be it. So she volunteered at a research lab, where she wasn't going to get paid but where she was able to continue studying and learning.

Then, President Obama created DACA, the Executive order I referred to, in 2012. Because of that, she was allowed to apply to the University of California, Merced, for the Ph.D. program in quantitative and systems biology. Her research focused on sudden cardiac death, the leading cause of natural death in the United States.

Last year, Yuriana became the first undocumented person at the University of California, Merced, to receive a Ph.D. Listen to what the dean of the School of Natural Sciences said:

Yuriana's work is stunning, and it will have significant impact on our knowledge of the workings of the heart at the cellular level. The potential benefit of her research in cardiac care is enormous.

She is now a postdoctoral fellow and instructor at Rush University Medical Center in Chicago, a city I am honored to represent. I was just with her last week. This is a picture of her in her lab.

She continues her research on heart health, thanks to DACA, but it is coming to an end. President Trump has ended the program that allows her to stay and study in the United States of America.

She is not going to give up, she says. She wants to bring her medical knowledge and expertise back to the Central Valley in California, where she grew up. During her childhood, she saw how people's financial situations often determined their healthcare. She wants to establish a research-based hospital to make sure that the same top quality healthcare is available even for lower income families.

She sent me a letter. She told me about the day that DACA was announced. She was in a research lab doing what she loves to do. She had a human heart in her hand that was beating with an artificial valve outside the body, and when she saw the news, she cried. She said: "I'm finally out of the shadows."

So can she wait? Should she leave? Those are the basic questions we face. Should we do something now? Should we roll up our sleeves, Democrats and Republicans, and solve this problem? Should there be any doubt that we want Yuriana to stay in the United States and continue this amazing research?

Of course, we do. Here we are, trying to attract foreigners to come study in the United States on the mere chance that they will turn out to be as productive as this young lady with her Ph.D. is going to be. She made it through American schools. She beat the odds when it came to college and graduate degrees, without her having the help of government loans. She is a pretty determined young woman. Her determination is not only going to mean that she has an opportunity for a great life; it is an opportunity to make the lives of so many of us better.

This is a simple issue of justice and fairness. That is what is at the heart of it. People come to the floor and want to make this about so many other issues in the immigration system. Can I tell you this? Our immigration system is a mess. It is broken down. It has so many problems. I know. I sat for 6 months and drew up a comprehensive immigration bill with my fellow Republican and Democratic colleagues. We passed it in the Senate, and the House wouldn't even consider it. Our immigration system is broken.

Please do not put on Yuriana's shoulders the responsibility of fixing every part of our immigration system. Give her the chance that she needs to make America a better nation. Give her the justice that she deserves through her hard work and determination. That is what this comes down to. If we make the Dream Act the law of the land, young people like Yuriana can prove that they can work their way into legal status, work their way into citizenship, and become valuable parts of America's future.

Please, to my colleagues on both sides of the aisle, let's roll up our sleeves and do what we were sent to do—solve problems, pass laws, and make sure that we set the stage for America to be a better nation in years to come.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, a little bit later this afternoon, I am going to be offering a motion to instruct conferees in connection with the tax bill that may be one of the most simple, straightforward motions ever offered in this body.

I will read it in its entirety: We move that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1, be instructed to insist that the final conference report not increase the Federal budget deficit for the period of the fiscal years 2018 through 2027.

It could not be more straightforward: Don't increase the budget deficit. Why? This chart basically tells the story.

We are headed, literally, into uncharted territory with regard to our national debt. It is a threat to this

country. It is a threat to our national security. It is a threat to every man, woman, and, especially, to every child, because they are the people who are going to have to pay this debt.

This is the history of our debt, in constant dollars, going all the way back to the Revolutionary War, and it tells a very powerful story.

At the very beginning of our country, in 1790, we incurred a big piece of debt to pay for the Revolutionary War. They paid it off. There was another mountain of debt to pay for the Civil War. It was paid off. The debt goes up again to pay for World War I, and it was paid off. Then it goes up for the Great Depression and then to a peak in World War II.

What happened after World War II?

As we all know, World War II was fought—our country was defended, and victory was achieved—by something that has been called the "greatest generation," and the "greatest generation" paid its bills. It paid off the debt from World War II. It went down in the seventies and then back up again in the eighties. Here is where we are today. The bill that was passed in the dead of night, early on Saturday morning, adds \$1.5 trillion to that debt—\$1.5 trillion.

We are adding to the debt at a time of low unemployment, enormous growth in the stock market, and a relatively strong economy. It is not perfect, by any means, but compared to where we were 5 or 6 years ago, we are in positive territory on the economy. That is when you should pay down debt, not add to it unnecessarily.

If we were in a crisis, if we were in a recession, if we were in a conflict that required immediate mobilization, that is when you would want to add to the debt. That is what you borrow for. We are borrowing to pay park rangers' salaries, and we are borrowing to pay for the ordinary operation of government. Now we are borrowing to give major tax cuts during a time of relatively positive economic growth. I know that it is not as high as it should be and as high as we want it to be, but this bill we passed, which is going to add to the debt, is not going to do much of anything to assist us with growth.

The analysis of the Joint Committee on Taxation is that it will add eight-tenths of 1 percent to GDP growth in 10 years. That is almost immeasurable. It doesn't come close, by the way, for paying for itself. It doesn't come close—maybe 15 or 20 percent. By the way, that is an interesting number because all of the studies that I have seen about tax cuts and their effects on economic growth indicate that they do about 20 percent of their cost. The other 80 percent is eaten by our kids.

It is unethical what we are doing. If 5-year-olds knew what we were doing and could vote, we would all be out of a job because they are the ones who are going to have to pay this bill. You see

this mountain climbing, and it doesn't take a lot of imagination to see that we are going to be higher than at World War II in a matter of a few years, added to by this bill that we just passed the other night. It is unconscionable. It is unnecessary.

If, indeed, we were going to expand the economy by 3 or 4 percent a year and everybody were to say that that was what we were going for, then, maybe—OK?—3 percent a year times 10 is 30 percent growth. We are talking about eight-tenths of 1 percent over 10 years—not per year, over 10 years. My motion is very, very simple: Don't come back with a bill that adds to the deficit.

There are lots of ways that we can do tax reform. There are lots of ways that we can cut corporate taxes and make ourselves more competitive. We can do offshore tax cuts. There is a lot of ability to do this without hammering the deficit. In fact, I understand that, as of this morning, we improved the finances of this bill by mistake to the tune of \$389 billion—a mistake in the bill that we passed—because we did it so fast that nobody knew what was in it. I have a new rule. The faster a bill goes through the Congress, the worse it is, and I think that is what we have seen in this case.

We can deal with tax reform. We can increase our competitiveness. We can get our taxes aligned, particularly our business taxes, with the rest of the world without loading this debt onto our children. A tax cut, when all you are doing is borrowing to fill the hole, is not a cut. It is a shift of the tax from you to your kids.

You are on your deathbed. You are lying there, and you say to your children: Come on over. I will give you my last words.

They go over, and they are listening. They want wisdom.

What you say is this: Here is the credit card. We had a great trip to Acapulco. You can pay for it.

That is not responsible. Nobody would do that. Yet that is exactly what we are doing in this bill. It is wrong, and it is not necessary.

I think one of the questions that we are going to have to ask and answer and that we are going to see—it is going to play out—is what companies are going to do with this newfound income when the taxes are cut dramatically from 35 percent to 20 percent. Is that money going to go into new plants and equipment? Is it going to go into wages? Is it going to increase people's wages and productivity? Is it going to go into stock buybacks, which raise the values of the stocks? That is great for the owners, but it doesn't do a thing for the workers, and it doesn't do much for the U.S. economy.

Again, my motion could not be more straightforward and simple: Work on the tax bill in conference, but I think

that you are going to have a hard time making a good bill out of it. Whatever you do, come back with something that is deficit-neutral. By the way, that is where this discussion started.

Last January, the leadership in both Houses and in both parties was talking about deficit-neutral tax reform. Somewhere along the way, it became: Let's break the bank; let's add new debt for our kids; let's create a situation in which we are not going to have any slack when we need it. No business would run this way, and it is wrong for us to try to run the country this way.

I am going to make this motion. Many of my colleagues on both sides of the aisle have been talking to me and to the country for years about the dangers of the deficit. Suddenly, I predict, if this bill becomes law, at about the time the ink is dry, they are going to say: Oh, my Lord. We have a deficit. Look at that. I didn't know that. We are going to have to cut spending. We are going to have to cut Medicare, Medicaid, and Social Security because we have this huge deficit.

We don't have to add to it and make it worse in this tax bill.

That is what is really bothering me, because the very people who have been talking to me and to whom I have been listening for 20 years about how serious the deficit is, I was fool enough to believe. I think it is a serious problem, and I think we need to address it, but this is the opposite of addressing it. We are making it worse at the very time that we should be talking about paying down the debt, not adding to it.

We can do better. The American people expect more of us. We can do better, and I believe and deeply hope that we will come to our senses and do better in connection with this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I want to express strong support for Senator KING's motion and for the argument that he is making about the debt. I couldn't agree more.

I also rise to speak on my motion to instruct, which I will be offering in just a few moments, to direct the conference committee for this bill to add a provision that would return the corporate tax rate to its current levels if wages do not increase by at least \$4,000. That is the promise that has been made over and over to working men and women—that these cuts that are being made and changes that are being made will result in at least \$4,000 in increased wages, in people's pockets. I think they have the right to know that the majority means that when they say it and to make sure that that is written into the final bill.

The reason for this motion is very clear. As I indicated, Republicans have promised American families an increase in incomes of \$4,000, \$7,000, even

\$9,000. I think that is great, and I would strongly support that. There is no evidence that this approach will do that, and, so far, there has not been a willingness to put language in to guarantee that that is what will happen for middle-class working men and women.

President Trump has called this bill, in his words, a "great, big, beautiful Christmas present" for the American people. I would argue that, in reality, at this point, it is a great, big, beautiful Christmas present for the wealthiest 1 percent. As for middle-class families, not so much—it is more like a lump of coal.

It keeps a loophole that let's corporations write off their expenses when they ship jobs overseas, but if you move from one end of the country to Michigan for a great new job, you cannot write off your moving expenses. Big businesses can keep deducting their State and local taxes, but, sorry, middle-class families: You can only deduct a small portion of your State and local taxes. When they talk about making it simpler and closing loopholes, none of that is in this bill. In fact, oil companies will enjoy a brand new \$4 billion offshore tax loophole. Meanwhile, 87 million American households that earn less than \$200,000 a year will get a tax increase. I will say that again: 87 million American households that earn less than \$200,000 will get a tax increase. Health insurance premiums would go up 10 percent and keep going up, while 13 million fewer people will have health insurance coverage. If that is what is considered a great big beautiful Christmas present, I would imagine Michigan families would say: No, I will keep the gift receipt and take it back to the store.

Treasury Secretary Steve Mnuchin said: "On the personal side, middle-income families are getting cuts and rich people are getting very little cuts."

Unfortunately, when added all up, he was very tricky. He said on the personal tax side, but when adding it all up together, all of these proposals together mean that folks like Secretary Mnuchin and others in the Cabinet in their income brackets will be the real winners.

White House Budget Director Mick Mulvaney is making promises too. He said: "The White House, the President, is not going to sign a bill that raises taxes on the middle class, period."

I assume, then, that means he will not sign this bill.

Mr. President, I ask unanimous consent for 1 minute more.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. Thank you.

The White House also promised the average American family would get a \$4,000 raise in the tax plan. That is why I am here. What I am saying to the folks in Michigan is, the proof is in your paycheck.

That is what this motion is all about. If my Republican colleagues are serious about putting more money in the pockets of the middle class, which I want to do, I urge them to support this motion. We need to make sure that if folks are going to be promised at least \$4,000 more in their wages, they get it.

This motion would say, these new tax cuts only go forward if people get their \$4,000. The proof is in their paycheck. That is what this motion is about, and if my colleagues really believe what they are saying and what the President has said, they will support this motion to make sure that guarantee is there for middle-class families.

I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The question is on agreeing to the compound motion.

Mr. CORNYN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—51

Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeben	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Strange
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	McCain	Tillis
Enzi	McConnell	Toomey
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—2

Alexander Franken

The motion was agreed to.
The PRESIDING OFFICER. The Senator from Maine.

MOTION TO INSTRUCT

Mr. KING. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Maine [Mr. KING] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill H.R. 1 be instructed to insist that the final conference report not increase the Federal budget deficit for the period of fiscal years 2018 through 2027.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on the motion.

The Senator from Maine.

Mr. KING. Mr. President, this could not be a more simple motion. It simply says to the conferees to bring us back a tax bill that is deficit-neutral. It can be done. It should be done.

We are in a period now where we have no business adding to the Federal deficit. We know this bill will add at least \$1 trillion to the deficit—probably more—if the middle-class tax cuts are extended, as everyone expects they will be. This is a burden we are placing on our children and our grandchildren. We are giving ourselves a tax cut and letting them pay for it. I believe that is wrong. It is bad policy.

We are also utilizing whatever slack we have, as far as debt goes, now, when we are in relatively good times, and we will not have it available when we have a problem, such as a recession or some kind of—heaven forbid—attack on our country.

The motion is very simple. This is a time when we should be paying down debt and not adding to it. If our children—if our 5-year-olds—knew what we were doing in this bill and could vote, we would be out of a job.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask for our colleagues to vote no on the motion to instruct, unless you happen to believe that 2 percent and below growth is the new normal for the American economy, and we have nowhere to go but down as a country; that people don't react to incentives to keep more of what they earn and businesses invest more in jobs and in pay that people can take home and spend to enhance their standard of living; and unless you are satisfied with the fact that companies are incentivized to keep earnings abroad and not bring them back home and invest in pay and jobs here in America. If you believe there is no better, brighter future for

the American people, yes, vote for the King motion to instruct.

If you believe we can and will do better under this bill, vote no.

Mr. SASSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Corker	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden

NAYS—50

Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeben	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Strange
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	McCain	Tillis
Enzi	McConnell	Toomey
Ernst	Moran	Wicker
Fischer	Murkowski	Young
Flake	Paul	

NOT VOTING—2

Alexander Franken

The motion was rejected.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Michigan.

MOTION TO INSTRUCT

Ms. STABENOW. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill

H.R. 1 be instructed to insist that the final conference report includes a provision causing the corporate tax rate to revert to 35 percent in the event that real average household wages do not increase by at least \$4,000 by 2020 as a result of the enactment of the bill.

Ms. STABENOW. Mr. President, I am making a motion to instruct the conferees with language at the desk to put in place a guarantee that middle-class families will receive the raises my Republican colleagues are promising them. In other words, for people watching all of this, the proof is in your paycheck.

This motion would direct the conference committee for this bill to add a provision that would return the corporate tax rate to its current rate if wages do not increase by at least \$4,000. The President has said they will. Our Republican colleagues—we saw posters all last week saying at least \$4,000; in fact, we have heard as much as \$9,000.

This is important for families because corporate profits are already at record highs and wages are at record lows. If people are really going to get \$4,000 more in their pocket in wage increases, colleagues across the aisle should be willing to vote for this guarantee. The proof is in their paycheck.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, the United States has the highest corporate tax rate in the industrialized world. We are simply noncompetitive, which is why businesses are moving out of America, overseas, to lower taxed countries. If our colleagues on the other side of the aisle think that is a good idea, then they ought to vote with the distinguished Senator from Michigan, but we think it is a terrible idea to ship American jobs and American investment overseas.

We happen to agree, by the way, with Barack Obama's 2011 State of the Union Message as well as the positions taken by the distinguished ranking member of the Senate Finance Committee, Senator WYDEN, and the Democratic leader, Senator SCHUMER. We need to get back in the game, become more competitive, and all Americans will benefit from that.

We urge the Congress to maintain the current competitive corporate rate. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—44

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Nelson	

NAYS—54

Barrasso	Flake	Murkowski
Blunt	Gardner	Paul
Boozman	Graham	Perdue
Burr	Grassley	Portman
Capito	Hatch	Risch
Cassidy	Heitkamp	Roberts
Cochran	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Strange
Cruz	Lankford	Sullivan
Daines	Lee	Thune
Donnelly	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McConnell	Wicker
Fischer	Moran	Young

NOT VOTING—2

Alexander Franken

The motion was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5:10 p.m.

Thereupon, the Senate, at 4:29 p.m., recessed until 5:10 p.m. and reassembled when called to order by the Presiding Officer (Mr. LEE).

TAX CUTS AND JOBS ACT— Continued

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that Senators RUBIO and BOOKER be recognized to make motions to instruct and that their motions be the only motions in order remaining; further, that there be up to 10 minutes of debate on the motions concurrently, and upon the use or yielding back of time on the motions, all remaining time on the House message be expired, and the Senate vote on the Rubio and Booker motions to instruct in the order listed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida.

MOTION TO INSTRUCT

Mr. RUBIO. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. RUBIO] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to insist that any conference report shall increase the refundable per-child tax credit to no less than \$2,000 and that the credit be expanded to benefit more low-wage parents.

Mr. RUBIO. Mr. President, this has to do with the child tax credit. We had a debate about it last week. I want to explain to everybody why it is so important that we continue to focus on it. Irrespective of whether we agree with the final outcome and whether the numbers were high enough in the Senate bill—and I continue to believe they were not—they are significantly better than the House position on this matter. I want to explain why.

The loss of the personal exemption hits middle-income families to the tune of about \$600. That has to be made up for. If you add to that the fact that over the last 15 years because of inflation, the value of the child tax credit has declined by over \$300, that leads you to the conclusion that the break-even point for a child tax credit that deals with the middle-income family hit and the erosion of the value of the credit due to inflation brings you to \$1,900. As a result, if you wanted to actually help families be better off than they are today, which is the goal of tax reform, the \$2,000 amount in the Senate bill is basically the break-even point, plus \$100. The House, unfortunately, in their bill only calls for \$1,600.

The first part of this motion to instruct is to ensure that the increase in the child tax credit, to our conferees instructing, be no less. Maybe it is more, but it can be no less than the \$2,000 that is in the Senate bill.

The second part, which was the topic of our debate, is the impact on low-income workers or workers in the lower part of the income scale—firefighters, teachers, police officers, construction workers, welders, home health aides. These are working people, the backbone of our country, the people who have suffered the most over the last 25 or 30 years, as the economy has made some people very profitable but left far too many American workers behind. Their anxieties, their daily concerns, the challenges they are facing really underpin a lot of the anxiety in our country, both electoral, political, and economic. Their primary tax liability is the payroll tax. If you make \$40,000 a year, the biggest chunk of the taxes you pay is the payroll tax.

By the way, when I hear people say that people making \$40,000 or \$30,000 a year don't pay taxes, they are wrong. They pay taxes. They take money out of your paycheck. They paid a tax. It is irrelevant whether it is a payroll tax or

an income tax. Those are taxes. When I hear people say that, it is offensive. Working people across the income scale pay taxes. Unfortunately, that is not recognized in a lot of the debates that are going on here about working people.

One of the things the Senate bill does do is it lowers the threshold upon which the tax credit begins to apply from \$3,000 to \$2,500. Again, not nearly enough, but it is certainly better than the House position. We can't regress on that point.

The second part of this instruction is, it asks the conferees to ensure that the final bill expands benefits so more low-income, low-wage parents and workers will be able to benefit from the child tax credit.

I remain surprised that there is not more consensus to support the reality that we need to do more to help working people in this country, and the child tax credit is one of the best tools to do it. I hope that what comes back from the conference committee is as good as or better than what we put out in the Senate. If it is worse, there are going to be problems.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

MOTION TO INSTRUCT

Mr. BOOKER. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BOOKER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on H.R. 1 be instructed to insist that the final conference report does not contain any provisions that would increase the number of individuals who do not have health insurance or increase health insurance premiums.

Mr. BOOKER. Mr. President, my motion to instruct the Senate conferees would simply insist that the final conference report does not increase the number of individuals who do not have health insurance and does not increase health insurance premiums.

It has been stated on this floor by my colleagues on this side of the aisle that this bill is a blow to our deficit, that it is a blow to our budget, and that it is going to hurt families, particularly in States like mine, with the elimination of the State and local tax deductions. We also know that it could be a bill that could literally threaten the lives of Americans as well.

The nonpartisan Congressional Budget Office has said that it will increase premium costs by 10 percent and cause 13 million people to lose their coverage, increase premiums and hurt people.

We know that this bill as it is currently written threatens Americans who rely on Medicaid, including chil-

dren, people with disabilities, and seniors in nursing homes, because of the bill's potential to impact a State's ability to access funds for its Medicaid Program—again, the State and local tax deductions.

It is also going to possibly trigger cuts to Medicare. Because the bill that passed the Senate would possibly add \$1.5 trillion to the deficit, it could trigger automatic cuts to government programs, including an annual cut of \$25 billion to Medicare. A cut that size will significantly limit Medicare beneficiaries' access to essential health services in everything from cancer screenings to chemotherapy.

I urge my colleagues to support my motion. The Senate conferees must insist that the final conference report of this harmful bill at the very least does not contain any provision that would increase the number of Americans who do not have health insurance or that would increase health premiums for already cash-strapped American citizens.

Thank you.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak for 1 minute in opposition.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, this harkens back to a moment earlier in this debate when the Senator from Oregon, the ranking member of the Finance Committee, described the repeal of the individual mandate as driving a stake through the heart of ObamaCare. Think of what a confession this is by our colleagues on the other side of what a disaster ObamaCare is—that it is dead, that it is done if people are not forced against their wishes to purchase a product that does not suit their families' needs and/or that they cannot afford. What kind of business model—what kind of person?—could possibly justify having to force people to buy its product? This is not only an egregious affront to any sense of personal freedom, but it is proof positive that this doesn't work.

There is another aspect to this as well, and that is that the tax that we impose on people who cannot afford these ObamaCare plans but that they are forced to buy is a regressive tax that falls wildly disproportionately on lower and middle-income folks. In my State of Pennsylvania, 83 percent of the families who are hit with this tax live in households that earn less than \$50,000.

I urge my colleagues to reject this motion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOOKER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

VOTE ON MOTION TO INSTRUCT

The question is on agreeing to the motion by the Senator from Florida.

The motion was agreed to.

VOTE ON MOTION TO INSTRUCT

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from New Jersey.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	

NAYS—51

Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Strange
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	McCain	Tillis
Enzi	McConnell	Toomey
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NOT VOTING—2

Alexander Franken

The motion was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHIP AND COMMUNITY HEALTH CENTERS

Ms. STABENOW. Mr. President, I am coming to the floor again to focus on the fact that the clock is ticking for families in Michigan and across the country—men and women, children, older people, younger people who use the community health centers, as well as those who have their children covered under the Children's Health Insurance Program. The Federal funding for those programs stopped September 30—67 days ago. We have had votes. We have had bills. We have had nominations come before us. There have been divisiveness and controversy. It would be wonderful if we could stop for 1 day and do something that has bipartisan support.

The fact is that CHIP covers 9 million children, and 100,000 of those are in Michigan. We passed a bill out of the Finance Committee in September. I want to laud our chairman, Senator HATCH, and our ranking member, Senator WYDEN. It was a bipartisan bill. There was only one "no" vote. We reported it out. I assumed we would want to get this done before September 30, when the funding ran out.

Instead, here we wait, 67 days later. There are 9 million children at risk because of this inaction—100,000 children in Michigan.

The truth is that today, thanks to CHIP and thanks to a variety of healthcare efforts across the country, 97 percent of the children in our country have access to a doctor. In Michigan, it is actually higher; it is 97 percent of our children. So if a child has juvenile diabetes, if they have a cancer or asthma or just fall out of a tree and break their arm or have bronchitis or the flu, whatever it is that is happening to children, parents have the peace of mind under the MICHild Program to know that they can take their child to a doctor whom they have a relationship with and who knows their children, instead of going to the emergency room.

We also know that emergency rooms are the most expensive way to provide care. They are necessary. They are important for emergencies but not for the daily routines of life, when someone could be seeing a doctor. It costs more; uncompensated care costs more, and when someone uses the emergency room when they could be seeing a doctor, then everyone else pays for that with their insurance rates going up.

So MICHild in Michigan and the Children's Health Insurance Program across the country work. They save money. They save lives. In fact, as soon as January, in Michigan, families are going to start to get notices that the funding will go away, that the medical

care will go away. It is not a great way to start the new year: Merry Christmas. Happy New Year. Your child is not going to be able to go see their doctor anymore. We don't have to have that happen because we have strong bipartisan support for this.

It is the same thing with community health centers. Twenty-five million people are able to see a doctor or a nurse and get the care they need through a community health center in their community. There are 300,000 veterans who are able to see a doctor through a community health center, and there are 7.5 million children as well.

In Michigan, our health centers are all over the State. We have some 260 different clinics around Michigan that serve 681,000 people and, again, almost 13,000 veterans. Starting in January, they are going to begin to lose funding at different times—some in February, some in March, some in April—because of local funding streams. But starting in January, in Michigan, health centers are not going to have the funding they need. The majority of their funding—70 percent of their funding—comes through the program that expired September 30, and we know that this also doesn't have to happen.

My friend Senator ROY BLUNT and I have put in legislation. We have a letter signed by 70 Members—not 7—70 Members of this body, over two-thirds of this body signing a letter supporting the continuation of community health centers. Yet we can't get that brought up either.

We thought the original plan was to bring up CHIP, the Children's Health Insurance Program, and include community health centers with it, and get that done before September 30. The clock is ticking every single day, and it has not been done. Folks may be trying to hold it hostage politically for some reason or trying to work on some deal at the end of the year. In the meantime, families are worrying, men and women are worrying, and veterans are worrying about what is going to happen, whether or not they are going to continue to get their healthcare.

Let me go back to where I started. Today is 67 days, and tomorrow it will be 68 days since the funding for two healthcare programs that have had broad bipartisan support over the years and broad bipartisan support today—67 days since that funding has stopped.

I would like to close with a story from a gentleman named Darin, whose life was changed by one of Michigan's community health centers. He shared his story with me.

Darin was an unemployed truck-driver when he moved to Jackson, MI, 4 years ago. He hadn't seen a doctor for a decade, and, in his words, he was "a complete mess." He had diabetes, congestive heart failure, and he had no energy. He needed an oxygen tank to

walk. He started seeing Dr. Roy at the Center for Family Health, which is a great health clinic in Jackson. He told her he didn't want to just be stable; he wanted to get better. So they went to work so that he could get back on his feet and get back to work.

Darin got his diabetes under control. He improved his lung function, got rid of the oxygen tank, and quit his pain pills. Darin said:

I went from being . . . hardly able to move to where I feel like I can do almost anything. Dr. Roy saw me at my lowest, and she has seen me improve so much that she celebrates with me. Dr. Roy kicked me in the seat of the pants, and I will always thank her for it.

Darin got his kick in the seat of the pants, and, Mr. President, with all due respect, I believe Members of this body could use one too.

There are 25 million people who count on community health centers for their care—their children's care, the care of their moms and dads. There are 9 million children who are covered under the Children's Health Insurance Program. They have been waiting and worrying for long enough; 67 days is long enough. I am hopeful that there will be a sense of urgency from colleagues to get this done.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Utah.

TAX CUTS AND JOBS BILL

Mr. HATCH. Mr. President, last week, the Senate came another step closer to providing real tax relief to the middle class and providing a much needed boost to our economy. Yes, I am talking about the passage of the Tax Cuts and Jobs Act.

That bill spent years in the making. As my chief legislative focus for many years, tax reform is not some off-the-cuff effort. No, we have been researching, holding dozens of hearings, commissioning bipartisan working groups, and working with our friends on the other side of the Capitol and down the street at the White House for some time now.

This bill is going to put another \$2,200 in the pockets of the average American family. This bill is going to boost the economy. It is going to grow jobs and finally help end the wage stagnation we have been faced with for years.

This bill is going to unleash the American spirit, bringing businesses back home where they started and encouraging other businesses to both come from abroad, as well as to grow from within. Once again, America will be open for business.

I have not been alone in this process though, not by a long shot. In fact, tax reform has been a priority for many of my colleagues, including some who are no longer serving. I am talking, of

course, about people like Congressman Dave Camp and Senator Max Baucus, who did a lot to move this effort forward. I feel gratified to have been here and to have worked with my colleagues to get this far.

As efforts this year began in earnest, we set out to build on the work of our former colleagues and to give low- and middle-income Americans some much needed relief and to give our country an opportunity to compete in the global economy. Our bill will do that, but as we all know, these great reforms are not quite yet promised to the American people. There is still work to do as we work to iron out our differences with the House and make sure every section of this bill is ready to be eased into law or passed into law.

That said, I think we deserve to celebrate a little bit and, more importantly, to thank everyone for their work to get us to this point. So many people—both in and out of Congress—have worked hard to get us this far, and I want to express my appreciation for their efforts. Of course, I can't thank everyone in a single floor speech, but I do want to thank some who may be within earshot of this Chamber.

First and foremost, I need to thank Secretary Mnuchin and Director Cohn for their commitment to this effort and their help in getting it done. It is good to finally have an administration that is willing to lead out on tax reform. I also want to thank the distinguished majority leader who also did so much to secure the details of the bill and shepherd it through the Senate. Furthermore, I want to thank Chairman BRADY and Speaker RYAN over in the House of Representatives, as well. They, too, have been great partners and leaders in this endeavor.

I also need to thank the staff from the leader's office, including Sharon Soderstrom, Brandan Dunn, Antonio Ferrier, Hazen Marshall, Erica Suarez, Terry Van Doren, Don Stewart, and Jane Lee.

Of course, I want to thank the Members of the Senate Finance Committee who put in countless days, weeks, and months in preparing this legislation and helping to get it passed. All of our majority Members contributed greatly to this process, and I am most grateful.

I also want to thank the tax legislative assistants from each of the committee members who helped to craft this bill; namely, Chris Allen, Sam Beaver, Joseph Boddicker, Chris Conlin, Shay Hawkins, Randy Herndon, Bart Massey, Monica McGuire, Mike Quickel, Zachary Rudisill, Andrew Siracuse, Robert Sneed, Derek Theurer, and Mark Warren, all of whom did an outstanding job in helping us to produce this bill.

I also thank the committee's legislative directors: Charles Cogar, Ken Flanz, Chris Gillott, Brad Grantz,

Amber Kirchhoefer, Kurt Kovarik, Jessica McBride, Sarah Paul, Landon Stropko, Jay Sulzmann, Stephen Tausend, Pam Thiessen, and Christopher Toppings.

In addition to all of the Senators and staff on the Finance Committee, I need to thank some others. As we all know, this process has been a joint effort with our friends on the Budget Committee. I need to thank Senator ENZI, once again, for his leadership on that committee to give us the reconciliation instruction that made this all possible. Additionally, I would like to thank members of his staff, including Joe Brenckle, Jim Neill, Betsy McDonnell, Matt Giroux, Paul Vinovich, Becky Cole, Eric Ueland, Thomas Fueller, and the rest of the Budget Committee team.

Closer to home, I thank the staff of the Finance Committee, who have done so much of the heavy lifting here. I need to single out Mark Prater, my chief tax counsel, who has served the committee for decades, and whose knowledge and expertise on these matters is recognized by everyone here and by pretty much everyone everywhere else. I also express my thanks to the rest of my committee tax staff: Jennifer Acuna, Tony Coughlan, Christopher Hanna, Alex Monie, Eric Oman, Marty Pippins, Preston Rutledge, and Nick Wyatt.

Additionally, I need to thank my staff director, Jay Khosla, who quarterbacked the staff through this whole ordeal and who has spent many years with me as we have laid the groundwork and started construction on this undertaking. I want to thank the other members of my senior team as well, including Matt Hoffmann, Jeff Wrase, Julia Lawless, Jennifer Kuskowski, Chris Armstrong, and Bryan Hickman. I need to thank the communications staff on the committee: Katie Niederee, Nicole Hager, and Joshua Blume.

I also need to thank a couple of former staff members: Chris Campbell, my former staff director, who worked for years on this effort. While he is now at Treasury, I am sure he is celebrating right now along with us. I would also like to give a thank-you to Jim Lyons, my tax counsel, who, unfortunately, passed away a little over a year ago. He contributed greatly to this effort for a number of years, and his steady presence has definitely been missed.

Other bodies deserve our thanks as well. Tom Barthold and his team at the Joint Committee on Taxation made themselves available at all hours to help us get this bill written and ready to pass, as did the staff at the legislative counsel's office, led by Mark McGunagle and Jim Fransen, as well as those who work with Elizabeth MacDonough in the Parliamentarian's office.

I am so grateful to all of you for your sacrifices and talents that have al-

lowed us to craft this impressive package.

Unfortunately, though, there are too many people to thank in a single floor speech. So, please, let me express my gratitude to the countless individuals who have helped in this endeavor over the years. This would not have been possible without you.

Before I close, I would like to reiterate that we are not yet there though. I know I will not rest and that I can count on the rest of you to keep going until we have this over the finish line. We are so close to finally giving the American people the Tax Code, and, in turn, the economic growth not only they but their children and grandchildren deserve. It is my solemn commitment to keep working and get this done for all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

BIPARTISAN CONGRESSIONAL OVERSIGHT

Mr. GRASSLEY. Mr. President, I have been doing oversight of the executive branch for a very long time. I have done it as ranking member, I have done it as chairman, I have done it when my party held the White House, and I have done it when the other party held the White House.

Earlier this year, I stood up for the rights of my Democratic colleagues to do oversight of the Trump administration, even while they are in the minority. I did it because it was the right thing to do. Lots of people give lip service to the notion of bipartisan oversight, but very few actually practice it. It is tough. You have to be willing to work with colleagues in the other party to ask tough questions of your own political allies.

You can't just ask. If you actually want answers, you have to follow through. True bipartisan oversight is impossible unless it is a two-way street. If Democrats are unwilling to ask hard questions and force answers from their own political allies, then there is simply no way to move forward together in good faith. Both sides need to be committed to getting the whole story—not just the half they think helps their side. Regardless of whether my Democratic colleagues join me, I am interested in that whole story.

There are two major controversies plaguing the credibility of the Justice Department and the FBI right now. On the one hand, the Trump-Russia investigation, and then on the other hand, the handling of the Clinton investigation. Any congressional oversight related to either one of these topics is not credible without also examining the other.

Both cases were active during last year's campaign. Both cases have been linked to the firing of the FBI Director. I have been trying to explain this

to my Democratic colleagues for months. The political reality is, half of the country thinks our law enforcement establishment gave Hillary Clinton and her aides a pass. These questions go to the heart of the integrity of our Federal law enforcement and justice system.

They are not going to go away just because Clinton lost the election. The independent inspector general at the Justice Department certainly isn't ignoring that issue. Democrats and Republicans in Congress have asked the inspector general to look into a host of issues involving the handling of the Clinton investigation during the campaign. His hard work has already uncovered some pretty disturbing information.

Over the past week, the press has reported that an FBI agent was removed from the special counsel's team and demoted at the FBI due to—what do you think—political bias. The agent was at the very center of both of these high-profile investigations. High-ranking FBI agent Peter Strzok reportedly used his work phone to send anti-Trump and pro-Clinton text messages to another FBI agent with whom he was having an illicit and immoral relationship.

This man was the Deputy Assistant Director for the FBI's Counterintelligence Division. He worked on the investigation of former Secretary of State Hillary Clinton's use of a private server to conduct—what do you think—official business.

According to news reports and according to documents, it looks like he also helped draft Comey's controversial public statement ending that case of Hillary Clinton and emails. Specifically, he apparently edited out language that suggested legal jeopardy for Clinton. Press reports state he opened the FBI's investigation of allegations of collusion between the Trump campaign and Russia. It has been reported that he was one of the two FBI agents who interviewed former National Security Advisor Michael Flynn.

Can you imagine if the shoe were on the other foot? What if a high-ranking FBI official got caught expressing pro-Trump political bias on his work phone while leading what is supposed to be a professional, objective, and non-partisan search for the truth? Why, of course, if that were happening, Democrats would go ballistic, and they would have every right to go ballistic.

This man held a crucial position of public trust, charged with protecting this country from counterintelligence threats. He was a key part of Director Comey's Clinton investigation and his Russia investigation. I have been saying for months that these two cases are forever linked. You cannot separate them.

The same people in the same agency handled both cases at the same time, and now a huge segment of the Amer-

ican people have no faith that these cases were treated, as they should be, impartially. I don't blame the American people.

It is interesting that before he was fired, FBI Director Comey lectured our Judiciary Committee and lectured the public about how the men and women of the FBI "don't give a rip about politics."

I believe that for most of the hard-working, rank-and-file FBI agents, that is absolutely true. Their jobs normally don't involve controversial political questions, and their own political views aren't relevant because they are professionals.

But no human is perfect, and no organization is immune from error. It does no good for the leaders of the FBI to pretend that its senior management is above all reproach, that they would never show any improper political bias, and that they would never make mistakes.

The only way to protect against bias or misconduct is to recognize that it exists and to confront it, not to hide it from Congress and the American people.

The law and the facts, whatever they are, should guide the work of the FBI and the Justice Department. If politics infected the Department's decisions during a hotly contested national political campaign, we would have to look at it. That is true whether it occurred in the Clinton case, or in the Trump-Russia case, or if it included both.

Anyone claiming to do bipartisan oversight of the executive branch has to examine both. Ignoring either half of this story simply will not be credible with the other half of the country.

Everyone thought Hillary Clinton was going to be President—everyone. The perception of a huge segment of the public is that the whole Washington establishment worked overtime to get her name cleared before the Democratic Convention last summer. The FBI even called its case "Mid Year Exam."

Director Comey testified that the former Attorney General refused even to name the FBI's work and investigation. That is how political it became. It was really the Attorney General who was at that time insisting on calling it not an investigation but "a matter"—m-a-t-t-e-r—whatever that means.

We have learned that Director Comey started drafting his exoneration statement long before the investigation was done. It looks like there was a rush to clear her. It looks like the fix was in. I know Democrats don't want to hear that. They only want to talk about Trump.

There is a double standard here in the way they desperately want to go after the President but ignore all other potential wrongdoing in the previous administration. It stinks to high heaven.

But Democrats have visions of impeachment dancing in their heads. Rather than reserve judgment and carefully examine the facts—all of the facts—they are jumping to all sorts of conclusions.

The Judiciary Committee has an obligation to do a deep dive into the firing of James Comey and both of the two controversial political investigations that preceded it. Unfortunately, the Democrats are preventing any truly bipartisan path forward. They appear to be assuming the conclusion at the outset.

They complain publicly, and they complain privately that I am not doing enough to investigate "obstruction of justice," but "obstruction of justice" is a legal term of art. It is a conclusion, not evidence. That is not how I conduct my investigations.

I do not make my conclusions first and try to shoehorn the facts to fit my conclusions. I try to get the facts and then go where those facts lead.

Let's consider examples of where investigations have uncovered facts that point to "obstruction."

Bill Clinton and Richard Nixon both lied to investigators. That is obstruction, and that behavior got one of them impeached and forced the other to resign.

We also recently learned that Hillary Clinton's lawyers used a program called BleachBit to delete 33,000 emails under subpoena by the House of Representatives.

Now, those government records—and they are government records—can never be recovered. Those facts certainly look like obstruction, but we don't have all of the facts here yet.

So far, I have seen no credible evidence that President Trump has told anyone to lie. I also have seen no credible evidence that he or his aides have destroyed records being sought by investigators.

Many people firmly believe that the President fired the FBI Director in order to improperly halt an investigation of Lieutenant General Flynn.

Now, I am not only willing but I am eager to delve deeply into all of the circumstances surrounding Director Comey's removal, but to claim at the outset that his removal was obstruction of justice puts the cart before the horse.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by the well-known liberal law professor Alan Dershowitz.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Boston Globe, Dec. 5, 2017]

SENATOR DIANNE FEINSTEIN MAY BE PROVOKING A CONSTITUTIONAL CONFLICT

(By Alan M. Dershowitz)

Senator Dianne Feinstein may be provoking a constitutional conflict between the legislative and executive branches of our

government. The California Democrat has said that Congress is investigating whether President Trump engaged in obstruction of justice by firing FBI Director James Comey and taking other actions to halt the Russian investigation.

Feinstein said: "I think what we're beginning to see is the putting together of a case of obstruction of justice, I think we see this in the indictments—the four indictments and pleas that have just taken place.

"And I see it, most importantly, in what happened with the firing of Director Comey, and it is my belief that that is directly because he did not agree to lift the cloud of the Russia investigation, that's obstruction of justice."

No, it isn't.

Feinstein does not seem to understand that under our constitutional system of separation of powers, the president cannot be charged with a crime for merely exercising his authority under Article 2 of the Constitution. This authority includes firing the director of the FBI, for whatever reason or no reason. It also includes the authority to tell prosecutors who to prosecute and who not to. A president's motives may not be the basis for a criminal charge. Nor is it proper to psychoanalyze the president in a search for possible evil motives. All presidents act out of mixed motives, including self-aggrandizement, political advantage, partisan benefit, and personal pique.

Consider, for example, President Barack Obama's benighted decision, as a lame duck, to tie the hands of his successor by unilaterally changing the longstanding American policy with regard to the United Nations condemnation of Israel. The president, over the objection of many members of Congress and most Americans, instructed his UN ambassador not to veto a Security Council Resolution that declared the Western Wall, the Jewish Quarter of Jerusalem, and the access roads to Hebrew University and Hadassah Medical Center hospital, to be illegally occupied territory. Why did Obama exercise his authority in so pernicious a manner? I believe, and many Americans believe, that he did it out of spite and pique: to get even with Prime Minister Benjamin Netanyahu. If I am right, and I am sure that this was at least one of his motivating considerations, could he be charged with a crime for abusing his authority for personal vengeance? Of course not. We can condemn him, as I and others have. But we must all acknowledge that he had the authority to do what he did, regardless of his bad motives.

Ironically, it was the effort of the Trump administration to prevent the lame-duck president from tying the hands of the president-elect, by not vetoing the UN resolution, that formed the basis for the lying charge levied against General Michael Flynn. For whatever reason, Flynn lied—but what he lied about was entirely lawful.

Trump would have been within his constitutional authority to pardon Flynn, as Flynn hoped he would do. That would have kept him from cooperating with the special counsel and becoming a government witness. Had the president done that, he would have acted entirely lawfully, as President George H.W. Bush did when he pardoned Caspar Weinberger in order to stop the Iran-Contra investigation. Although special prosecutor Lawrence Walsh complained bitterly that the Bush presidential pardon had the intent and effect of completely closing down his investigation, no one suggested that Bush had committed the crime of obstruction of justice. Why? Because that was Bush and this is

Trump—a pure ad hominem distinction that should be given no weight by the law.

It would do violence to our constitutional separation of powers if a president could be charged with a crime simply for exercising his constitutional authority. Checks and balances do not include the power to criminalize—through the vague obstruction of justice statute—presidential actions authorized by Article 2. Both Presidents Richard Nixon and Bill Clinton were accused of obstruction of justice, but in both cases they were accused of going well beyond the mere exercise of their constitutional authority. Nixon was accused of telling subordinates to lie to the FBI, paying hush money to potential witnesses, and destroying evidence. Clinton was accused of trying to get witnesses, such as Monica Lewinsky, to lie. These charges constitute acts—*independent crimes*—that go well beyond a presidential authority. Trump has not been accused of any acts that would independently constitute crimes. The entire case against him, as outlined by Feinstein, consists of constitutionally authorized acts that were well within the president's authority under Article 2. That is an enormous and consequential difference under our system of separation of powers.

So, until and unless there is proof that Trump has committed an independent criminal act—beyond acts that are within his constitutional prerogative—it would be unconstitutional to charge him with obstruction of justice, regardless of what Feinstein and others believe his motive may have been.

Mr. GRASSLEY. Now, Professor Dershowitz is not a fan of Donald Trump, and he and I probably would not agree on many issues, generally speaking.

The title of his article is "Senator Dianne Feinstein may be provoking a constitutional conflict." Professor Dershowitz strongly disagrees with the ranking member's statement on "Meet the Press" the weekend that Comey was fired: ". . . directly because he did not agree to lift the cloud of the Russia investigation, that's obstruction of justice."

This is how Professor Dershowitz replied:

No, it isn't. . . . under our constitutional system of separation of powers, the president cannot be charged with a crime for merely exercising his authority under Article 2 of the Constitution. This authority includes firing the director of the FBI, for whatever reason or no reason.

That is not to say that the President can engage in illegal conduct. But the professor's point, as I understand it, is that when a President takes an action that is within the scope of clear constitutional authority and discretion, it should be a political question not a criminal one.

The Judiciary Committee still needs to investigate the circumstances surrounding Comey's firing and the Flynn investigation. Those facts may have nothing to do with the obstruction but could still provide important insight about the potential reforms of how the FBI and the Justice Department operate.

For example, he explains how President Trump could have halted any in-

vestigation of Flynn if he really wanted to. This is what the professor says:

Trump would have been within his constitutional authority to pardon Flynn, as Flynn hoped he would do. That would have kept him from cooperating with the special counsel and becoming a government witness. Had the president done that, he would have acted entirely lawful, as President George H.W. Bush did when he pardoned Caspar Weinberger in order to stop the Iran-Contra investigation. Although special prosecutor Lawrence Walsh complained bitterly that the Bush presidential pardon had the intent and effect of completely closing down his investigation, no one suggested that Bush had committed the crime of obstruction of justice.

Then, finally, Professor Dershowitz explains what real obstruction looks like and how it is different from a President's merely exercising his constitutional authority. So I, once again, quote the professor:

Both Presidents Richard Nixon and Bill Clinton were accused of obstruction of justice, but in both cases they were accused of going well beyond the mere exercise of their constitutional authority. Nixon was accused of telling subordinates to lie to the FBI, paying hush money to potential witnesses, and destroying evidence. Clinton was accused of trying to get witnesses, such as Monica Lewinsky, to lie. These charges constituted acts—*independent crimes*—that go well beyond presidential authority. Trump has not been accused of any facts that would independently constitute crimes. The entire case against him, as outlined by Feinstein, consists of constitutionally authorized acts that were well within the president's authority under Article 2. That is an enormous and consequential difference under our system of separation of powers.

But our constitutional system of checks and balances is too important to throw it aside when it isn't politically convenient. You don't have to be a Trump fan to worry about the consequences of taking shortcuts in going after your political opponents. That is why bipartisan investigations are so very valuable.

When it works, a bipartisan inquiry can provide comfort that all angles have been explored and explored thoroughly.

But it takes two to tango, as they say.

Earlier this year, Ranking Member FEINSTEIN expressed concerns about reports that former Attorney General Lynch asked Director Comey to downplay the FBI's investigation as merely, a "matter" instead of using the term "investigation" during the campaign. Yet, since then, the ranking member has told me plainly that she will not join in any oversight of the FBI's Clinton email investigation.

Even on Trump-Russia oversight, where we have been able to cooperate a great deal, there have been similar problems.

First, all year, I have wanted to learn more about the origins of the dossier that largely kick-started the FBI's investigation of the Trump campaign.

In July, the ranking member joined me in a bipartisan letter seeking voluntary cooperation from the firm that produced the dossier. The dossier was based largely on Russian sources within Russia and was put together by a former British spy. It made salacious and unverified claims about Trump. The company responsible for producing it—Fusion GPS—was uncooperative.

In response to our bipartisan request, it dumped on the committee about 32,000 pages of press clippings and 8,000 pages that were entirely blank. Since then, it has provided zero additional documents.

The founder of Fusion GPS initially indicated that he would rely on his Fifth Amendment right against self-incrimination rather than testify at the committee hearing in July. He later agreed to a private staff interview but refused to answer dozens of key questions.

I would like to compel him to answer questions and compel him to provide the documents that Senator FEINSTEIN and I both asked him in July to provide voluntarily, but under our committee rules, I don't have the authority to do that on my own.

Why would Democrats not want to follow up and get the documents from Fusion GPS that we already asked for together—in other words, in a bipartisan way? Do they not want to know more about how this company put together its anti-Trump dossier from Russian Government sources?

Well, in light of recent news, the resistance from Democrats to this line of Trump/Russia inquiry is now a little more understandable. It turns out that the Clinton campaign and the Democratic National Committee are the ones that paid Fusion GPS for the information they gathered from Russian Government sources.

I don't know whether the ranking member or her staff knew the facts earlier this year when I was trying to persuade her to do bipartisan followup work with Fusion GPS, but I do know that unless both sides are willing to ask tough questions no matter where the facts lead, there can be no bipartisan oversight.

We have learned that the Democratic National Committee paid for an anti-Trump dossier based on information from Russian Government sources. Second, we have learned that the inspector general uncovered evidence of partisan bias by a senior FBI official at the center of both the Clinton and the Trump-Russia investigations, which led to his dismissal from the Mueller team.

Before that news broke, back in October of this year, I wrote to the FBI official requesting voluntary cooperation and a private transcribed interview with the committee. The ranking member did not sign that letter. The committee has received no letter in

reply. We are still waiting for documents from the FBI about his and other officials' participation in the draft Comey statement.

The FBI should comply voluntarily, but if they don't, I would issue a subpoena to require that the documents be provided and that the witness sit for a deposition. However, under our committee rules, I don't have the authority to do that without support from the ranking member.

Finally, I have long had concerns that the scope of the FBI Clinton investigation was artificially narrow. Recent revelations about these text messages showing political bias only heighten these concerns.

In recent Federal court rulings, the FBI said that the scope of the investigation was limited in two ways. First, it was limited to two issues dealing with the handling of classified information. Second, the scope of the FBI review was limited to the time when former Secretary Clinton was at the State Department. But what if there was evidence of crime not related to the mishandling of classified information? What if the facts showed some obstruction such as intentional destruction of documents after she was Secretary of State? Why exclude those topics from the scope of the inquiry? Who made those decisions? Why were those decisions made? Was there any political bias in those decisions? Certain areas should not be declared off limits beforehand in an investigation. An investigation should go—common sense—where the facts take it.

In multiple letters to the FBI last year, I raised concerns about the scope of the FBI investigation. I asked Director Comey back in May of 2016 whether the Justice Department had improperly narrowed the scope of the investigation to look at the mishandling of classified information and ignore other important legal issues. I wish to quote from that letter:

If federal records on the private server were hidden or destroyed, then there may have been a violation of 18 USC Section 2071, which prohibits concealing or destroying such Federal records.

If any of the deleted emails were responsive to Congressional inquiries or to agency inquiries, such as ones from the State Department Inspector General, then there may have been violations of 18 USC Sections 1505 and 1519, respectively.

Later in my letter, I specifically asked whether the Justice Department limited the FBI's investigation in any way.

Then-Director Comey eventually responded months later. He claimed that the FBI did investigate whether the unlawful obstruction of Federal records occurred. But an FBI agent said under penalty of perjury that the FBI investigation did not include destruction of Federal records. So which is it? Who is telling the truth? The FBI agent who signed the affidavit, or is Mr. Comey

right? Did the FBI really examine whether Secretary Clinton and her associates used the server to avoid Federal records retention requirements, or did Mr. Comey simply pay lipservice to that concern and focus only on classification issues?

Understanding what really happened is incredibly important, and let me tell my colleagues why. During the course of the FBI's investigation, it recovered thousands of work-related emails that were not turned over to the State Department by Secretary Clinton. The FBI also recovered work-related emails that Secretary Clinton and her associates apparently deleted. All of this is clear evidence of alienation of Federal records. Indeed, even the FBI's now-public investigative files show that the FBI had knowledge that Federal records were deleted.

The FBI's interview summary of Secretary Clinton said that she was asked about "a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015." I am going to repeat that. She was asked about "a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015." PRN stands for Platte River Networks, the company that administered Secretary Clinton's nongovernment server. Kendall is David Kendall, her lawyer. Mills is Cheryl Mills, her former Chief of Staff at the State Department.

Paul Combetta, the administrator of her server, was also on the conference call and was interviewed multiple times by the FBI. He admitted that he lied to the FBI in his initial interviews and got immunity from the FBI in exchange for agreeing to tell them the truth. According to the summary of that interview, Mr. Combetta deleted Secretary Clinton's email archives on March 31, 2015.

So we have a conference call with Secretary Clinton's attorneys on March 31, 2015, and on that very same day, her emails are deleted by someone who was on that conference call, using special BleachBit software. The emails were State Department records under subpoena by Congress.

What did the FBI do to investigate this apparent obstruction? According to affidavits filed in Federal court, absolutely nothing. The FBI focused only on the handling of classified information. Maybe now we know why.

Recently released FBI records show that by May 2, 2016, Mr. Comey sent around a draft of his statement exonerating Secretary Clinton. The FBI interview with Mr. Combetta hadn't even happened yet. The exoneration statement was already in progress before the key witness had coughed up the truth about deleting Federal records under subpoena by Congress.

Did the FBI look at obstruction in the Clinton case? Mr. Comey said the FBI looked very hard at obstruction,

but that is hard to believe. Director Comey began drafting an exoneration statement in April or early May of 2016. That is months before he publicly announced that he would not recommend charges on July 5, 2016.

According to the testimony of senior FBI officials, Comey began drafting his statement early because the FBI knew where the investigation was headed. That is according to testimony of senior FBI officials. But at that point, the FBI had not yet interviewed 17 witnesses. That ought to be understood. They hadn't yet interviewed 17 witnesses. And one of those witnesses—can you believe it—was Secretary Clinton. Others included her closest aides and associates. How can you possibly know where an investigation is headed without interviewing the main witnesses and the subject of the investigation?

Maybe none of this raises any concerns for Democrats, but it should. The American people deserve to have the whole story. Congress and the public have a right to understand whether the fix was in from the very beginning. If so, then it must take steps to make sure it never happens again.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WALLACE "WALLY" MATTISON

Mr. LEAHY. Mr. President, Vermonters have a legacy of service unmatched in the Nation. While new generations carry on this tradition, we continue to owe so much to the bravery of those men and women who served in the past. One of the members of this distinguished community is Wallace "Wally" Mattison, a native of Bennington, VT. Mr. Mattison served in the famed 29th Infantry Division, 115th Regiment as a light machine gunner. He fought on the frontlines in Normandy and throughout Europe from 1943 to 1945, during which time he was wounded. His commitment unwavering, he returned to service after his recovery.

Our State and Nation have praised Mr. Mattison's essential contributions, but the recognition of his service extends beyond our shores. Earlier this month, France, a country Mr. Mattison helped liberate from Nazi control, awarded him with their highest civil and military distinction: the Legion of Honor. With the receipt of this award, he joins an exclusive group that includes Dwight Eisenhower, Douglas MacArthur, and select others

who have served and sacrificed on behalf of the citizens of France.

It is impossible to fully express the gratitude I feel for Mr. Mattison's service. Vermonters, Americans, and citizens of the world owe him a debt that cannot be repaid with words or awards. We can, however, share these stories of bravery and sacrifice. That is why today I would like to pay tribute to Wallace "Wally" Mattison, and I ask unanimous consent that a Bennington Banner article highlighting his past service and recent receipt of the Legion of Honor, entitled, "To us, you are a true hero," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bennington Banner, Nov. 23, 2017]

TO US, YOU ARE A TRUE HERO

(By Derek Carson)

For his service in France in World War II, Wallace "Wally" Mattison has been presented with France's highest civil and military distinction.

Mattison, a resident of Pownal and native of Bennington, was honored on Wednesday by Valery Freland, the Consul General of France in Boston. The ceremony took place at the Vermont Veterans Home. Mattison was incorporated into the 29th infantry division, 115th regiment in 1943, and served as a light machine gunner on the front lines of the Normandy invasion before participating in the Battles of Saint Lo and the Battle for Brest, during the latter of which he was shot while advancing on a German garrison. The bullet barely missed his spine. Upon his recovery in 1945, he continued to serve, participating in the capture of several German cities. He later served as a captain and acting chief of the Bennington Police Department.

Col. Al Faxon, chief operating officer of the Veterans Home, said that there had not been a Legion of Honor ceremony at the home during his tenure there, and he knew of no other recipients from Bennington. Freland said that Mattison was one of fewer than 10 Legion of Honor recipients this year in his district, which covers all of New England.

The French Legion of Honor was established by Napoleon Bonaparte in 1802. Mattison was honored as a chevalier, or knight, of the order. American recipients of the honor include many who have served France or the ideals it upholds, including Dwight Eisenhower, Douglas MacArthur, and the U.S. Military Academy at West Point as an institution. Today, there are about 93,000 members of the order around the world.

"It's such an honor to have this ceremony in our home," said Faxon. "Without our French allies, we probably would not have won the American Revolution . . . The French aided the colonists by providing military personnel, armaments, and loans. King Louis XVI approved financial assistance to the American colonists only four days after Benjamin Franklin and his comrades requested it. Could you imagine getting a bank loan in four days today?"

"If you see the king, tell him we said thank you," joked Faxon to Freland.

During the ceremony, Mattison was surrounded by several generations of his family. At first, he was determined to keep a straight face throughout, but after hearing words of praise from Faxon, State Rep. Mary Morrissey, U.S. Sens. Patrick Leahy and

Bernie Sanders, U.S. Rep. Peter Welch, and Gov. Phil Scott, he finally broke down and began to cry. "You people," he said, "are too good to me." When Faxon offered him the opportunity to say a few more words, Mattison declined.

"The Mattison family has a long and proud history of dedicated service," said Morrissey. "It was just several months ago that we were honoring Wally's brother Erwin for his 60 years of service with the Bennington Fire Department. Today we honor Wally, a purple heart recipient, for his brave and honorable World War II military service in France."

"Wally's service-above-self model is well-documented, both by his military service to our country and then for his 40 years of service for our community, county, and state, as a police officer who rose through the ranks to become a captain and acting police chief," she said.

Morrissey also read the letters from Governor and U.S. Congressional delegation, who she said all expressed their heartfelt regret that they were unable to attend. Leahy asked that a flag be flown over the U.S. Capitol in Mattison's honor: That flag was presented to Mattison, after being folded in the ceremonial fashion by Faxon and Lieutenant Junior Grade Daniel Tift.

Mattison will be honored by the Vermont State Legislature when it returns in January.

Finally, the time came for Freland to present Mattison with the award. Flanked by the U.S. and French flags, the consul general quoted French President Emmanuel Macron's words earlier this year, when he said, "It is a privilege to be speaking here before you today and I know who I owe that to. I owe it to all those who, a little over 70 years ago, rose up against a barbaric regime which seized my country, France. I owe it to the nations who heard the cry of these resistance fighters and who sent their children, from America, Africa, Oceania and Asia, to French shores to help."

"They did not all know what France was, but they knew that defeat for France also meant the defeat of the ideals that they shared, that they were proud of and for which they were willing to die. They knew that their freedom and their values depended on the freedom of other men and women living thousands of kilometers from them."

After Freland had finished reciting the lengthy list of honors and awards Mattison had received throughout his military career, Mattison added, "I got a good conduct medal, too!"

"We remember the ultimate sacrifice made by so many of your comrades, who are now laid to rest in France," said Freland to Mattison. "I know you are very modest, but to us, you are a true hero."

TRIBUTE TO REIDUN NUQUIST

Mr. LEAHY. Mr. President, the question would be suitable for the game show "Jeopardy:" Name the oldest long-distance hiking trail in the United States. Answer: What is the Long Trail?

The 272-mile trail that runs the spine of the Green Mountains in my home State of Vermont was built over the course of two decades, from 1910 to 1930, and has provided countless hikers with spectacular climbs and remote camping in the decades that followed. No hiker's pack would be complete on

the journey without a small pocket reference book simply known as the Long Trail Guide, a bible of sorts for these backwoods adventurers.

The guide was first published by the Green Mountain Club, the steward of the Long Trail, in 1917 and has since been revised 27 times. So when the club recently decided to chronicle 100 years of Long Trail Guide history to mark the anniversary, they turned to a very experienced hiker and a dedicated volunteer to take on the job: Reidun Nuquist.

I have had the pleasure of knowing Reidun and her husband, Andrew, for many years. They reside in my hometown of Montpelier, and like so many other Vermonters, they share a deep respect and appreciation for the natural wonders that make Vermont such a special place to live. They also share a generosity of spirit, dedicating much of their spare time to preserving our natural habitat and helping maintain the Long Trail for generations to come.

I was very pleased to read about Reidun's latest effort in a recent edition of the Vermont publication *Seven Days*, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REIDUN NUQUIST NAVIGATES A CENTURY OF
LONG TRAIL GUIDES
(By James Tabor)

In November 1944, an American soldier fighting in Europe wrote this in a letter home:

"I keep a worn out 1935 edition of the Guide Book in my foot locker to always remind me of what I'm fighting for."

That "Guide Book" just happened to be the Long Trail Guide, and the GI's words hint at how important these little tomes have been over the years, in so many ways to so many people. The plural "tomes" is appropriate here; while most people think of the guide as a book, there have been, in fact, 28 versions, all published by the Green Mountain Club, beginning with the first in 1917 and culminating in this year's Centennial Edition.

As that homesick soldier's note suggested, over the decades these volumes have achieved significance far beyond that of mere guidebooks, for two good reasons. One is that, as the number of weekenders who become (or aspire to become) end-to-enders signifies, the Long Trail is not just a trail. Hiking it is a coming-of-age accomplishment, a badge of honor, a bucket-list item, a family bonder and more. The other reason is that the inspiration, dedication and perspiration of the guides' editors and contributors have resulted in the kind of quality that labors of love generally produce.

Such longevity and excellence, the current GMC leadership realized, shouldn't go unchronicled.

"With the 100th anniversary edition, it became clear that the history of the guide had not been told and that this was the perfect opportunity to do so," GMC executive director Mike DeBonis said in a telephone interview.

That decision might have been simple, but finding an author was another story. Any

candidate would have to be an expert and diligent researcher. "This would not be an easy book to research or to write," DeBonis explained. "Because not all the backstory is written down in one place, it would require reading all the old guides, as well as finding and digging through archives and interviewing past editors and contributors."

Another consideration: One little book about a lot of other little books could have significant yawner potential. The author of this little book would have to be creative.

As it turned out, though, the perfect candidate was near at hand: Reidun Nuquist, a Norwegian-turned-Vermont, devoted outdoorswoman and longtime GMC devotee. And she had long been a contributor to the Long Trail guides.

Now 77, Nuquist immigrated to the U.S. in 1963 after marrying Andrew Nuquist, a past GMC president. The couple moved to Montpelier in 1970, and Reidun enjoyed a career as a librarian for the Vermont Historical Society and the University of Vermont's Bailey/Howe Library. She and Andy have one son, a fiftysomething Bostonian who inherited his parents' passion for the outdoors in general and hiking in particular.

Nuquist's own affinity for the Long Trail and the GMC produced, as DeBonis noted, "a tremendously strong connection to club history." In addition to being a Long Trailer herself—one who has hiked the trail end to end—Nuquist has served as president of the GMC's Montpelier chapter and spent more weekends than she can remember volunteering for grinding pick-and-shovel work on trail-maintenance crews. Frequent contributions to club newsletters and to the guidebooks—including a chapter in *A Century in the Mountains: Celebrating Vermont's Long Trail*—demonstrated her gift for writing.

And so, in May 2016, the GMC gave Nuquist the job of tackling the centennial retrospective.

When reached by phone, Nuquist explained how to pronounce her first name: "Rye like in bread, dune like in sand." If a voice can twinkle, hers did. A subsequent visit to her hillside home, with its neat woodpile and mustard-yellow doors, only reinforced that impression of buoyancy—all the more surprising given that she's currently battling serious illness. Ensnared in an easy chair, with a white knit cap and a shawl around her legs to ward off chill, Nuquist fielded questions with smiles and stamina for more than an hour.

Asked how she approached the Long Trail project, Nuquist admitted, "I was delighted to be asked to do the book, but I did wonder how I was going to approach a retrospective of 28 separate guides. I knew this had to be more than a bibliographic project. It had to be interesting to general readers."

She paused and grinned. "I figured the way to do that was to write about people."

So she did—a very good thing for readers of *A Century of Long Trail Guidebooks: A Retrospective*, published by the GMC in October. It's short—just 90 pages—and the table of contents indicates that it's much more than a "bibliographic project." For starters, rather than employing a predictable chronological progression, Nuquist divided the book into seven chapters that focus on the trail guides' essential elements: origin, evolution, illustrations, hiker advice, trail descriptions, maps and editors.

Her writing of these chapters renders a book that could have been literary Xanax into one that's alive with wit, irony and insight. Some examples:

The guidebook carried business advertisements through 1940 but just for the Long

Trail Lodge and state agencies, before they ceased altogether—something we may be grateful for.

Some past advice may strike us as quaint or amusing . . . For fending off mosquitoes, a hiker could follow John Muir's recipe for a repellent of "three parts of oil or pine tar, two parts of castor oil and one part of oil of pennyroyal."

Attentive readers were never shy about pointing out errors. The 1932 edition labeled two mountains as Vermont's third highest, Mount Ellen (4,135 feet) and Camel's Hump (4,093 feet). Theron Dean, having climbed both numerous times, was called on to referee. He awarded the distinction to Mount Ellen, intimating that the guidebook editors had been "in a slightly muddled condition after partaking of a church supper in Burlington."

Like much of her own writing, Nuquist's carefully chosen excerpts from the guides accomplish two key goals: leavening the pages with wry humor while delivering interesting, often fascinating information.

[The] first guidebook was also a yearbook and as such holds valuable club history. In addition to lists of officers, trustees, and committee and section members, it included bylaws and GMC articles of association. The latter stipulated that the club was to "make trails and roads in the Vermont mountains, to erect camps and shelter houses therein, to publish maps and guide books thereof" [author's emphasis]. The membership lists of local club sections (chapters) showed an impressive number of women; of the Brandon Section's thirty-one members, half were female.

The 2nd (1920) guidebook had detailed advice on what to carry and how to carry—down to what to put in each pocket: "Left shirt: handkerchief, postals [postcards], notebook, pencil. Right shirt: guide-hook, money securely pinned in bag or envelope. Left trousers: matches in flat tin box, waterproof. Right trousers: pocket knife, strong twine. Left hip: toilet paper. Fob pocket: compass on lanyard." The only thing left for the hiker was to select the contents of the right hip pocket!

Nuquist also quotes other writers—book authors, newsletter contributors, journal keepers, letter penners—liberally and to good advantage. Here, for example, is memoirist James Gordon Hinds describing his experience of overnighting with companion John Eames at Frank Beane's Hanksville farm one July.

We slept in the same bed but could hardly see one another—a soft but prominent ridge of feathers billowed between us. Gawd, but it was hot!

A bit further on, in a section devoted to hikers' travails with shelter-gnawing porcupines, Nuquist cites a verse from a 1989 Margaret MacArthur folk song:

They saw a lump of a beast all covered with spikes.

Not what they expected to see on their hike. "What'll we do?" "Get the guide book from the pack."

It says knock him on the nose with the back of the axe."

Over a century, a few people have been so important to the Long Trail's evolution that Nuquist might have considered a chapter titled "Titans of the Trail." Instead, she opted for the less obvious and more graceful approach of weaving their stories throughout her chapters as their ages and achievements suggest.

To cite a few examples, the aforementioned Dean was probably the editor of the

very first guidebook. Dr. Louis J. Paris was "the glue that held the GMC together in the early years." Charles P. Cooper, "the hardest working executive the Club has had," spent weeks, in all weather, nailing hand-painted white discs to trees and rail-crossing posts. "The GMC was his hobby," writes Nuquist, but, judging by his actions, it was much more than that.

The same could easily be said of Nuquist, for whom, over nearly half a century, the Long Trail has meant work, play, adventure, friendships, family and joy. All of which makes reading her new book nearly as much fun as hiking the trail itself.

CONFIRMATION OF KIRSTJEN NIELSEN

Mr. VAN HOLLEN. Mr. President, I rise in opposition to the nomination of Kirstjen Nielsen to serve as Secretary of Homeland Security. While I believe that Ms. Nielsen has a solid understanding of the Department that she seeks to lead, I am not yet convinced that she will be a counterweight to the rabid anti-immigration policies coming out of the White House.

I appreciated the opportunity to speak to Ms. Nielsen prior to the vote about my concern over the status of the Dreamers and temporary protected status, TPS, recipients. Dreamers were brought to this country through no fault of their own and are in limbo after the President abruptly canceled DACA and set arbitrary renewal and termination deadlines. TPS recipients, many of whom have been here for almost two decades, would have their lives endangered if forced to return to their home countries.

While I understand that Ms. Nielsen cannot make ironclad commitments on how she would handle these issues, I could not in good faith support her nomination without clearer guidance and assurances about how she and the administration intend to resolve these matters. Many of my colleagues who supported her predecessor, General Kelly, have complained bitterly that promises he made to them have not been kept. Moreover, both as General Kelly's chief of staff at DHS and later as his deputy at the White House, I have to assume the Ms. Nielsen has been very involved in the development and implementation of the immigration policies of this administration. My vote yesterday was not so much a vote against Ms. Nielsen, as it was a vote to protest the anti-immigration policies flowing from the Trump administration.

I am hopeful that, in the coming months, Ms. Nielsen will be able to provide a check on the worst impulses of this White House. I am not yet convinced that will happen and hope to be proven wrong. I do look forward to working with Ms. Nielsen once she is sworn in.

GAO CFPB RESPONSE

Mr. TOOMEY. Mr. President, I ask unanimous consent that a letter from the Government Accountability Office, GAO, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, December 5, 2017.

Subject: Bureau of Consumer Financial Protection: Applicability of the Congressional Review Act to Bulletin on Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act

Hon. PATRICK J. TOOMEY,
U.S. Senate.

DEAR SENATOR TOOMEY: You asked whether a Bulletin issued by the Bureau of Consumer Financial Protection (CFPB or the Bureau) on March 21, 2013, on Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act is a rule for purposes of the Congressional Review Act (CRA). CRA establishes a process for congressional review of agency rules and establishes special expedited procedures under which Congress may pass a joint resolution of disapproval that, if enacted into law, overturns the rule. Congressional review is assisted by CRA's requirement that all federal agencies, including independent regulatory agencies, submit each rule to both Houses of Congress and to the Comptroller General before it can take effect. For the reasons discussed below, we conclude that the Bulletin is a general statement of policy and a rule under the CRA.

BACKGROUND CFPB Bulletin

When consumers finance automobile purchases from an auto dealership, the dealer often facilitates indirect financing through a third-party lender, referred to as an indirect auto lender. In the Bulletin, CFPB "provides guidance about indirect auto lenders' compliance with the fair lending requirements of the Equal Credit Opportunity Act (ECOA) and its implementing regulation, Regulation B." Specifically, the Bulletin relates to policies used by some indirect auto lenders that allow dealers to mark up the interest rate charged to the consumer above the indirect auto lender's "buy rate." The lender then compensates the auto dealer based on the difference in interest revenues between the buy rate and the actual rate charged to the consumer in the contract executed with the auto dealer. In the Bulletin, CFPB states that the incentives created by such policies allow for a significant risk for pricing disparities on the basis of race, national origin or other prohibited bases.

The fair lending requirements of ECOA make it illegal for a creditor to discriminate in any aspect of a credit transaction on the basis of race or national origin, among other characteristics. The term "creditor" is defined to include "any assignee of an original creditor who participates in the decision to extend, renew, or continue credit." Regulation B, which implements ECOA, further defines a creditor to expressly include an "assignee, transferee, or subrogee of the creditor" who "in the ordinary course of business, regularly participates in a credit decision, including setting the terms of the credit." In the Bulletin, CFPB states that there are a variety of practices used by indirect lenders, but that information collected "suggests that the standard practices of indirect auto lenders likely constitute participation

in a credit decision under the ECOA and Regulation B."

In the Bulletin, CFPB discusses the legal theories under which indirect auto lenders who are determined to be creditors under ECOA could be held liable for pricing disparities on a prohibited basis when such disparities exist within an indirect auto lender's portfolio. In its final section, the Bulletin states that indirect auto lenders "should take steps to ensure that they are operating in compliance with the ECOA and Regulation B as applied to dealer markup and compensation policies," and then lists a variety of steps and tools that lenders may wish to use to address significant fair lending risks.

The Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires all federal agencies, including independent regulatory agencies, to submit a report on each new rule to both Houses of Congress and to the Comptroller General before it can take effect. The report must contain a copy of the rule, "a concise general statement relating to the rule," and the rule's proposed effective date. In addition, the agency must submit to the Comptroller General a complete copy of the cost-benefit analysis of the rule, if any, and information concerning the agency's actions relevant to specific procedural rulemaking requirements set forth in various statutes and executive orders governing the regulatory process.

CRA adopts the definition of rule under the Administrative Procedure Act (APA), which states in relevant part that a rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of nonagency parties. CFPB did not send a report on the Bulletin to Congress or the Comptroller General because, as stated in their letter to our Office, in their opinion the Bulletin is not a rule under CRA.

ANALYSIS

At issue here is whether a nonbinding general statement of policy, which provides guidance on how CFPB will exercise its discretionary enforcement powers, is a rule under CRA. CFPB states, and we agree, that the Bulletin "is a non-binding guidance document" that "identifies potential risk areas and provides general suggestions for compliance" with ECOA and Regulation B. Moreover, the Bulletin is a general statement of policy that offers clarity and guidance on the Bureau's discretionary enforcement approach.

CFPB argues, however, that because the Bulletin has no legal effect on regulated entities, the CRA does not apply. The Bureau asserts that "taken as a whole, the CRA can logically apply only to agency documents that have legal effect." It suggests that there are two categories of general statements of policy: (1) those that are intended as binding documents, to which CRA applies, and (2) those, like the Bulletin, that are non-binding and not subject to CRA. CFPB claims that the Bulletin is the type of general statement of policy that is not a rule under CRA. However, as explained below, CRA requirements apply to general statements of policy which, by definition, are not legally binding.

The Supreme Court has described "general statements of policy" as "statements issued by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power." In other words, as stated by the D.C. Circuit Court of Appeals in *Pacific Gas & Electric Company v. Federal Power Commission*, a statement of policy announces the agency's tentative intentions for the future:

"A general statement of policy . . . does not establish a 'binding norm.' It is not finally determinative of the issues or rights to which it is addressed. The agency cannot apply or rely upon a general statement of policy as law because a general statement of policy only announces what the agency seeks to establish as policy."

The Bulletin provides information on the manner in which CFPB plans to exercise its discretionary enforcement power. It expresses the agency's views that certain indirect auto lending activities may trigger liability under ECOA. For example, it states that an indirect auto lender's own markup and compensation policies may trigger liability under ECOA if they result in credit pricing disparities on a prohibited basis, such as race or national origin. It also informs indirect auto lenders that they may be liable under ECOA if a dealer's practices result in unexplained pricing disparities on prohibited bases where the lender may have known or had reasonable notice of a dealer's discriminatory conduct. In sum, the Bulletin advises the public prospectively of the manner in which the CFPB proposes to exercise its discretionary enforcement power and fits squarely within the Supreme Court's definition of a statement of policy.

Moreover, as the *Pacific Gas & Electric Company* decision quoted above makes plain, general statements of policy by definition are not legally binding, and our prior decisions have held that non-binding general statements of policy are rules under CRA. For example, we recently decided that Interagency Guidance on Leveraged Lending, issued jointly by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (referred to collectively as the Agencies), was a rule under CRA (Interagency Guidance decision). We found that the Interagency Guidance was a general statement of policy describing the Agencies' expectations for the sound risk management of leveraged lending activities. It explained the types of financial transactions that concern the Agencies and that might motivate them to initiate a supervisory review. The Bulletin similarly states CFPB's concerns that indirect lenders' markup and dealer compensation policies may result in discriminatory lending practices, and sets forth its expectations that indirect auto lenders take steps to ensure that these policies do not result in pricing disparities on prohibited bases.

We reached our conclusion in the Interagency Guidance decision, and in other prior GAO decisions, by examining CRA's definition of a "rule," which includes "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy." This definition has three key components: (1) an agency statement, (2) of future effect, and (3) designed to implement, interpret, or prescribe law or policy. We noted that this definition is broad, and includes both rules requiring notice and comment rulemaking and those that do not, such as general statements of policy.

We decided that the Interagency Guidance fell squarely within CRA as an agency action that constituted a "statement of general . . . applicability and future effect designed to implement, interpret or prescribe . . . policy." Similarly, the CFPB Bulletin at issue here is a statement of general applicability, since it applies to all indirect auto lenders; it has future effect; and it is designed to prescribe the Bureau's policy in enforcing fair lending laws.

Additionally, in a decision issued in 2001, we decided that a "record of decision" (ROD) issued by the Fish and Wildlife Service in connection with a federal irrigation project was a rule under CRA. We found that the ROD was a general statement of policy regarding water flow and ecosystems issues in both the Trinity and Sacramento Rivers whose essential purpose was to set policy for the future. In deciding that a general statement of policy is a rule for CRA purposes, this and other prior decisions cite to the legislative history of CRA, which confirms that rules subject to CRA requirements include general statements of policy.

CFPB did not raise any claims that the Bulletin would not be a rule under CRA pursuant to any of the three exceptions, and we can readily conclude that the Bulletin does not fall within any of the those exceptions. The Bulletin is of general and not particular applicability, does not relate to agency management or personnel, and is not a rule of agency organization, procedure or practice.

CONCLUSION

The Bulletin is a general statement of policy designed to assist indirect auto lenders to ensure that they are operating in compliance with ECOA and Regulation B, as applied to dealer markup and compensation policies. As such, it is a rule subject to the requirements of CRA.

If you have any questions about this opinion, please contact Robert J. Cramer, Managing Associate General Counsel.

Sincerely yours,

THOMAS H. ARMSTRONG,
General Counsel.

TRIBUTE TO STANLEY SPEAKS

Mr. WYDEN. Mr. President, today I wish to honor a longtime public servant and regional director of the northwest region of the Bureau of Indian Affairs in my State, Mr. Stanley Speaks. Stan has served the tribes of Oregon and the Pacific Northwest well since 1982. His distinguished career with the Federal Government spanned more than 59 years and has resulted in highly recognized and extraordinary accomplishments that stem from his established knowledge, experience, and management leadership.

Stan graduated from Northeastern State University in Tahlequah, OK, and later obtained a master's degree in education administration. By 1959, he had begun his long career with the Bureau of Indian Affairs. He served as the regional director in western Oklahoma and Kansas and came to the northwest region in 1982. There he served 14 agencies, 3 irrigation projects, and oversaw a trust land base of 6.3 million acres, covering five Northwest States. Stan also had the fiduciary trust responsibility to 45 Northwest Tribes with a

membership totaling 115,000 Native-American people. As a Tribal member of the Chickasaw Nation of Oklahoma, Stan was inducted into the Chickasaw National Hall of Fame in 2002.

Stan has devoted his life's work to the advancement of Tribes and Indian people. He has worked hard to uphold and protect Tribal treaty rights, and through his stewardship of trust property and natural resources, trust income has helped meet the individual and family needs of Tribal members. He became the regional director at a time when the Western Oregon Tribes were being restored.

Stan has long been a champion for Tribal veterans. He has supported housing, the expansion of veterans benefits, and access to healthcare. He, along with his lovely wife, Lois, are a staple at the annual veterans dinner sponsored by the Cow Creek Band of Umpqua Indians each July.

He has assisted the federally recognized Tribes in my home State of Oregon with both advice and financial assistance on a variety of business and economic development ventures. His efforts have created hundreds of job opportunities for Indian and non-Indian people in every Tribal community across Oregon and the Northwest.

Stan has achieved countless victories for Native Americans, which will have long lasting beneficial impacts for years to come. He has been critical in maintaining the relationship between the Federal Government and Indian Tribes. Oregon has benefited from Stanley Speaks' career management and leadership contributions. His legacies of achievement for our Tribes will live on to benefit not only this generation, but for generations yet to come. I thank Stan for his service to Indian Country and to this Nation.

TRIBUTE TO CHARLOTTE BOBICKI

Mr. BENNET. Mr. President, I wish to recognize and thank a dedicated community leader and civil servant, Charlotte Bobicki. She served as my regional representative in Alamosa, CO, and the San Luis Valley for 8 years.

Charlotte began her career as a first grade teacher in Albuquerque, NM. In the early 1960s, she taught second grade in Yellow Springs, MD, while her husband, Tom, served in the Army at Fort Detrick, MD.

In the late sixties, Charlotte and Tom returned to Alamosa, CO, where she was born and had attended college. Charlotte taught fifth and sixth graders at Alamosa Evans Intermediate School. She then worked with special education students before transitioning to Alamosa Middle School, where she taught math and science and served as the assistant principal. Later she became principal at Polston Primary School.

In 1997, Charlotte was elected as an Alamosa County Commissioner, where she served two 4-year terms. In 2005, Senator Ken Salazar hired her as his regional representative in Alamosa. When I was appointed to the Senate, I asked Charlotte to continue as the regional representative to Alamosa for the San Luis Valley, and she has served in that role for the last 8 years. Since then, I have repeatedly relied on her counsel and deep knowledge of the valley.

Her relationships and devotion to the community have been invaluable, and I will miss her insights and perspective. It has been an honor to work with Charlotte, and I wish her a long and happy retirement. I know our friendship will continue for years to come.

TRIBUTE TO MAJOR MICHAEL "PAKO" BENITEZ

Mr. ROUNDS. Mr. President, today I recognize Maj. Michael "Pako" Benitez for all of his hard work on behalf of myself, my staff, and the State of South Dakota while working in my Washington, DC, office.

Pako entered military service in 1997 and has devoted his career to the United States Armed Forces. Before his time in my office, Pako served as a flight commander and F-15E instructor weapons system officer. Pako's experiences and expertise have been a true asset to the office.

I extend my sincere thanks and appreciation to Pako for his service to our country. I wish him continued success in the years to come.

TRIBUTE TO SHELLI COFFEY

Mr. ROUNDS. Mr. President, today I recognize Shelli Coffey for all of her hard work on behalf of myself, my staff, and the State of South Dakota while working in my Washington, DC, office.

Shelli has spent her career working at the Federal Deposit Insurance Corporation, spending time in Chicago, New York, San Francisco, and Washington, DC. Shelli's insight into regulations and community banks has been a true asset to the office.

I extend my sincere thanks and appreciation to Shelli for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. CHARLES MCMILLAN

• Mr. HEINRICH. Mr. President, it is an honor to recognize Dr. Charles McMillan for his leadership and service at Los Alamos National Laboratory as he plans his retirement at the end of this year.

For 6 years, Dr. McMillan has served as director of Los Alamos, which employs some of the best and brightest minds in the Nation and is indispensable to our Nation's security and scientific and technology innovation.

It has been a pleasure to work with Dr. McMillan to support LANL's national security missions and position the lab so it will continue to play vital role in nuclear security, cutting-edge research, and scientific advances in the decades ahead.

Under Dr. McMillan's leadership, LANL has undertaken critical work to modernize our nuclear weapons complex through the Stockpile Stewardship Program.

The multidisciplinary science and engineering at LANL has also produced new materials and technologies with applications such as earth system modeling, supercomputing analysis, exploration of Mars, and improved responses to global health crises.

I have especially appreciated Dr. McMillan's commitment to working with the lab's surrounding communities in northern New Mexico.

The incredible success of Los Alamos depends on building trusting relationships with local communities.

I have been proud to work with Dr. McMillan to bring together LANL leadership, regional colleges, universities, and public schools to train more New Mexicans to become part of LANL's future workforce.

I am grateful for the steps Dr. McMillan has taken to engage with the regional coalition of LANL communities on important issues such as contracting with local small businesses and cleaning up legacy waste.

I commend Dr. McMillan for his incredible record of service to our Nation addressing some of our most complex issues and challenges.

It has been an honor for me to know Charlie, and I wish him the best in all of his future endeavors.

TRIBUTE TO MARGIE ALT

• Mr. MARKEY. Mr. President, Margie Alt belongs on the Mount Rushmore of environmental advocates. For more than three decades, first at U.S. PRIG and then Environment America, Margie has been one of the leading generals in this monumental fight to combat climate change and protect our environment.

It was Margie's vision that transformed U.S. PIRG and Environment America into the powerhouse environmental advocacy organization it is today, with more than 1 million members across the country. Because of her leadership, EA doesn't just stand for Environment America, it also stands for everywhere in America, because that is where she planted the seeds of grassroots change and political activation.

As a tireless consumer protection champion, she has ensured that America's air and water is clean, our beaches and waterways are protected, and the public is safeguarded from toxic threats. She led groundbreaking work to organize the majority of State Renewable Electricity Standards in America, laying the foundation for the clean energy revolution that is now unstoppable. Her voice, passion, and strategic brilliance have been indispensable as the environmental movement she helped build takes on climate deniers and corporate polluters.

For her entire career, Margie has stood up for the public's health, stood against the special interests who would despoil our lands, and stood for integrity and progress. She is truly Massachusetts' commitment to public service personified. America has been fortunate to have had Margie Alt's extraordinary leadership for these many years, and I have been fortunate to call her my friend.

TRIBUTE TO GEORGE NINCEHELSE

• Mr. ROUNDS. Mr. President, today I recognize George Nincehelsner, an intern in my Washington, DC, office, for all the hard work he has done on behalf of myself, my staff, and the State of South Dakota.

George recently graduated from the University of Nebraska where he majored in criminal justice and received minors in Arabic, national security, and global studies. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to George for all of the fine work he has done and wish him continued success in the years to come.

RECOGNIZING THE NATIONAL INTERSCHOLASTIC ATHLETIC ADMINISTRATORS ASSOCIATION

• Mr. YOUNG. Mr. President, today I wish to formally recognize the 40th anniversary of the National Interscholastic Athletic Administrators Association, NIAAA, which is headquartered in Indianapolis, IN. Since its founding in 1977, the NIAAA has established itself as a leading professional organization for educational-based athletic programs for academic institutions nationwide. This association plays a critical role in the development of our young people as athletic administrators work tirelessly to provide access to extracurricular activities, teach strong work habits, and promote civil engagement.

December of 2017 will mark the 40th year since launching the NIAAA mission. The organization has since grown to over 11,000 members nationwide.

Currently, its core curriculum consists of 45 courses with a budget over \$1.8 million. Despite the known fact that physical activity improves the overall personal development of young adults, evidence argues that the quality of coaching impacts the developmental effects of extramural sports. To ensure that positive, professional development is preserved, the NIAAA offers resources for secondary school athletic administrators to manage safe, high-quality athletic programs for all students. Along with professional educational opportunities, the NIAAA has participated in 10 years of scholarship donations totaling to \$120,000 and recognizing 600 students as scholarship essay winners.

The NIAAA's commitment to its mission and its efforts to provide developed leaders is inspiring. In acknowledgement of its success, the NIAAA became the first national association to be accredited by the North Central Association Commission on Accreditation and School Improvement in the post-secondary division. The NIAAA has also developed the only all-inclusive Professional Education Program and Certification Program for secondary school athletic administrators.

I ask my colleagues to join me in recognizing the NIAAA for their renowned administrators and for their dedication to America's youth. As one of Indiana's Senators, I am honored to represent the NIAAA and commend their commitment to responsible athletic administration.●

MESSAGES FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1164. An act to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens.

H.R. 3317. An act to amend title 18, United States Code, to increase the penalty for female genital mutilation, and for other purposes.

H.R. 3731. An act to provide overtime pay for employees of the United States Secret Service, and for other purposes.

The message also announced that pursuant to clause 11 of rule I, the Speaker removes the gentleman from Oregon, Mr. Walden, as a conferee and appoints the gentleman from Michigan, Mr. Upton, to fill the vacancy thereon to the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

ENROLLED BILL SIGNED

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 228. An act to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3317. An act to amend title 18, United States Code, to increase the penalty for female genital mutilation, and for other purposes; to the Committee on the Judiciary.

H.R. 3731. An act to provide overtime pay for employees of the United States Secret Service, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2192. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2199. A bill to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 6, 2017, she had presented to the President of the United States the following enrolled bill:

S. 371. An act to make technical changes and other improvements to the Department of State Authorities Act, Fiscal Year 2017.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Special Committee on Aging:

Special Report entitled "America's Aging Workforce: Opportunities and Challenges" (Rept. No. 115-191).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 2195. A bill to amend title 28, United States Code, to provide an Inspector General

for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 2196. A bill to amend chapter 83 of title 41, United States Code (popularly referred to as the Buy American Act) and certain other laws with respect to certain waivers under those laws, to provide greater transparency regarding exceptions to domestic sourcing requirements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN:

S. 2197. A bill to amend the Internal Revenue Code of 1986 to reform the credit for increasing research activities, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 2198. A bill to amend the Internal Revenue Code of 1986 to reinstate the financing for the Hazardous Substance Superfund, and for other purposes; to the Committee on Finance.

By Mr. FLAKE:

S. 2199. A bill to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes; read the first time.

By Mr. THUNE (for himself and Mr. NELSON):

S. 2200. A bill to reauthorize the National Integrated Drought Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COONS:

S. 2201. A bill to amend the Higher Education Act of 1965 to improve college access and college completion for all students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. NELSON, Mrs. FISCHER, Mr. BOOKER, and Mr. BLUNT):

S. 2202. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. GRAHAM, Ms. HARRIS, Ms. MURKOWSKI, Mr. DURBIN, Ms. HEITKAMP, and Mrs. FEINSTEIN):

S. 2203. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. CANTWELL (for herself, Mr. CORNYN, Mr. CRUZ, and Mrs. MURRAY):

S. Res. 349. A resolution commemorating the 100th Anniversary of the 2d Infantry Division; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 611

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 611, a bill to amend the McKinney-

Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

S. 949

At the request of Mr. DAINES, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 949, a bill to require the Director of the Office of Personnel Management to create a classification that more accurately reflects the vital role of wildland firefighters.

S. 950

At the request of Mr. DAINES, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 950, a bill to correct problems pertaining to human resources for career and volunteer personnel engaged in wildland fire and structure fire.

S. 1203

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1203, a bill to require the Administrator of the Environmental Protection Agency to establish a program under which the Administrator shall defer the designation of an area as a non-attainment area for purposes of the 8-hour ozone national ambient air quality standard if the area achieves and maintains certain standards under a voluntary early action compact plan.

S. 1514

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1514, a bill to amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

S. 1718

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1718, a bill to authorize the minting of a coin in honor of the 75th anniversary of the end of World War II, and for other purposes.

S. 1746

At the request of Mr. LEE, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 1746, a bill to require the Congressional Budget Office to make publicly available the fiscal and mathematical models, data, and other details of computations used in cost analysis and scoring.

S. 1870

At the request of Mr. HOEVEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1870, a bill to amend the Victims of Crime Act of 1984 to secure urgent resources vital to Indian victims of crime, and for other purposes.

S. 1879

At the request of Mr. BARRASSO, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator

from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1879, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1919

At the request of Mr. BOOKER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1919, a bill to end the use of body-gripping traps in the National Wildlife Refuge System.

S. 1945

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1945, a bill to regulate large capacity ammunition feeding devices.

S. 1990

At the request of Mr. TESTER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1990, a bill to amend title 38, United States Code, to increase the amounts payable by the Department of Veterans Affairs for dependency and indemnity compensation, to modify the requirements for dependency and indemnity compensation for survivors of certain veterans rated totally disabled at the time of death, and for other purposes.

S. 2109

At the request of Mr. CARPER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2109, a bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes.

S. 2155

At the request of Mr. CRAPO, the names of the Senator from Nevada (Mr. HELLER), the Senator from Delaware (Mr. COONS), the Senator from Missouri (Mr. BLUNT) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2155, a bill to promote economic growth, provide tailored regulatory relief, and enhance consumer protections, and for other purposes.

S. 2159

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2159, a bill to require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for

covered harassment and covered discrimination complaints, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2195. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, to help ensure that our Federal judicial system remains free of corruption, bias, and hypocrisy, today I rise to reintroduce the Judicial Transparency and Ethics Enhancement Act. This important bill would establish within the Judicial branch an Office of Inspector General to assist the Judiciary with its ethical obligations as well as to ensure taxpayer dollars are not lost to waste, fraud, or abuse. Ensuring a fair and independent judiciary is critical to our Constitutional system of checks and balances.

During my many years in Congress, I've worked hard to strengthen the oversight role of Federal Inspectors General who serve as the first line of defense against fraud, waste and abuse. The facts demonstrate that the institution of the Inspector General has been crucial in detecting, exposing and deterring problems within our government. In collaboration with whistleblowers, Inspectors General have been extremely effective in their efforts to expose and help correct these wrongs.

I've come to rely on IGs and whistleblowers to ensure that our tax dollars are spent according to the letter and spirit of the law. And when that doesn't happen, we in Congress need to know about it and take corrective action.

During the past fiscal year, Congress appropriated roughly \$7 billion in taxpayer dollars to support the Federal judiciary. Put in context, the Small Business Administration and the Corporation for National and Community Service each received less funding than the judiciary but both entities have an Office of Inspector General. If we in Congress believed that these entities could use an Inspector General, doesn't it make good sense that the Judiciary would deserve the same assistance?

Beyond fiduciary factors, the current practice of self-regulation of judges with respect to ethics and the judicial code of conduct has time and time again proven inadequate. In fact, in the past seven years, the Senate received articles of impeachment for not one but two Federal judges.

In the first case, former Judge Samuel B. Kent, although charged with multiple counts of sexual assault, pled guilty to obstruction of justice. It took a criminal investigation by the Department of Justice to uncover his false

statements made to his colleagues who were assembled to investigated him as well as substantiate the horrendous claims made against him.

In the second case, you will recall that the Senate found former Judge G. Thomas Porteous, Jr. guilty on multiple articles of impeachment, including accepting money from attorneys who had a case pending before him in his court and committing perjury by falsifying his name on bankruptcy filings. This Judge's misbehavior came to light through a federal criminal investigation, after which another judicial committee had to be organized to investigate their fellow judge.

Moreover, in each case the disgraced judge tried to game the system in order to retain his \$174,000 salary. Rather than resign their commissions, each first tried to claim disability status that would allow each to continue to receive payment, even if in prison. Then both played chicken with Congress daring us to strip them of their pay by impeaching and convicting them. I am pleased that we put our foot down and said "No."

The Judicial Transparency and Ethics Enhancement Act would establish an Office of Inspector General for the judicial branch. The IG's responsibilities would include conducting investigations of possible judicial misconduct, investigating waste fraud and abuse, and recommending changes in laws and regulations governing the federal judiciary. The bill would require the IG to provide the Chief Justice and Congress with an annual report on its activities, as well as refer matters that may constitute a criminal violation to the Department of Justice. Further, the bill establishes important whistleblower protections for judicial branch employees to help keep the judiciary accountable.

Judges are supposed to maintain impartiality. They're supposed to be free from conflicts of interest. An independent watchdog for the federal judiciary will help its members comply with the ethics rules and promote credibility within the judicial branch of government. The Judicial Transparency and Ethics Enhancement Act will not only help ensure continued public confidence in our federal courts and keep them beyond reproach, it will strengthen our judicial branch.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2195

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Transparency and Ethics Enhancement Act of 2017".

SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.

(a) ESTABLISHMENT AND DUTIES.—Part III of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 60—INSPECTOR GENERAL FOR THE JUDICIAL BRANCH

"Sec.

"1021. Establishment.

"1022. Appointment, term, and removal of Inspector General.

"1023. Duties.

"1024. Powers.

"1025. Reports.

"1026. Whistleblower protection.

"§ 1021. Establishment

"There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the 'Office').

"§ 1022. Appointment, term, and removal of Inspector General

"(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

"(b) TERM.—The Inspector General shall serve for a term of 4 years and may be reappointed by the Chief Justice of the United States for any number of additional terms.

"(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.

"§ 1023. Duties

"With respect to the judicial branch, the Office shall—

"(1) conduct investigations of alleged misconduct in the judicial branch (other than the United States Supreme Court) under chapter 16 that may require oversight or other action within the judicial branch or by Congress;

"(2) conduct investigations of alleged misconduct in the United States Supreme Court that may require oversight or other action within the judicial branch or by Congress;

"(3) conduct and supervise audits and investigations;

"(4) prevent and detect waste, fraud, and abuse; and

"(5) recommend changes in laws or regulations governing the judicial branch.

"§ 1024. Powers

"(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

"(1) make investigations and reports;

"(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

"(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memoranda, papers, and documents, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by civil action;

"(4) administer to or take from any person an oath, affirmation, or affidavit;

"(5) employ such officers and employees, subject to the provisions of title 5, governing

appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315 of such title; and

"(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

"(b) CHAPTER 16 MATTERS.—The Inspector General shall not commence an investigation under section 1023(1) until the denial of a petition for review by the judicial council of the circuit under section 352(c) of this title or upon referral or certification to the Judicial Conference of the United States of any matter under section 354(b) of this title.

"(c) LIMITATION.—The Inspector General shall not have the authority to—

"(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

"(2) punish or discipline any judge, justice, or court.

"§ 1025. Reports

"(a) WHEN TO BE MADE.—The Inspector General shall—

"(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and

"(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

"(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

"(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Office, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

"§ 1026. Whistleblower protection

"(a) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.

"(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following:

"60. Inspector General for the judicial branch 1021".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—COMMEMORATING THE 100TH ANNIVERSARY OF THE 2D INFANTRY DIVISION

Ms. CANTWELL (for herself, Mr. CORNYN, Mr. CRUZ, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 349

Whereas October 26, 2017, is the 100th anniversary of the organization of the 2d Infantry Division;

Whereas the 2d Infantry Division—

(1) was established in October 1917 at Bourmont, France, as the Second Division;

(2) was the first division organized on foreign soil; and

(3) has been proudly serving since 1917;

Whereas, the 2d Infantry Division is the only Army unit that has ever been commanded by a Marine Corps Officer because, at the time of activation, the 2d Infantry Division—

(1) was composed of both Army and Marine units; and

(2) was commanded during World War I by—

(A) Army officers Major General Omar Bundy and Major General James G. Harbord; and

(B) Marine Corps generals Brigadier General Charles A. Doyen and Major General John A. Lejeune;

Whereas, since the heroic start of the 2d Division, the 2d Division has played an integral part in United States history by serving in—

(1) World War I;

(2) World War II;

(3) the Korean War;

(4) the Cold War;

(5) Operation Iraqi Freedom;

(6) Operation Enduring Freedom; and

(7) current operations in Korea;

Whereas, the 2d Infantry Division—

(1) drew its first blood at the Battle of Belleau Wood, France in June 1918; and

(2) contributed to shattering the 4-year-old stalemate on the battlefield during the Chateau-Thierry campaign that followed;

Whereas, the 2d Division played a central role in other monumental struggles of World War I, such as—

(1) the defense of the Aisne;

(2) the Battle of Soissons in the Aisne-Marne Offensive;

(3) the Saint-Mihiel Offensive;

(4) the Meuse-Argonne Offensive; and

(5) the Battle of Blanc Mont Ridge;

Whereas, immediately after the 2d Infantry Division, commonly known as the “Indianhead Division”, was established, the 2d Infantry Division started to build a prestigious reputation for its service during World War I;

Whereas, following World War I, the 2d Infantry Division was 1 of only 3 United States divisions to remain on active duty, which is a strong testament to the accomplishments of the 2d Infantry Division;

Whereas the 2d Infantry Division—

(1) remained on occupation duty in Germany to enforce the Armistice until July 1919; and

(2) came to the United States for the first time in July 1919, having fought in every major United States engagement and emerging as the most decorated United States Di-

vision of the American Expeditionary Forces;

Whereas, in recognition of exemplary service during World War I, the 2d Infantry Division was the recipient of—

(1) French Croix de Guerre with Palm, Streamer embroidered AISNE-MARNE;

(2) French Croix de Guerre with Palm, Streamer embroidered MEUSE-ARGONNE; and

(3) French Fourragère;

Whereas the 2d Division established the new home of the Division in Fort Sam Houston, Texas, to test new concepts and innovations for the Army;

Whereas, in 1937, 2d Infantry Division became the first command reorganized under the new triangular concept, having 3 separate regiments in the division;

Whereas, Headquarters, 2d Division was redesignated on August 1, 1942, as Headquarters, 2d Infantry Division;

Whereas, in June 1944, the 2d Infantry Division was called to action and made the assault landing on Omaha Beach 1 day after D-Day, June 7, 1944, which began the liberation of northern Europe from Nazi control;

Whereas, during World War II, the 2d Infantry Division fought bravely in France, Germany, and Czechoslovakia from 1944 to 1945;

Whereas the 2d Infantry Division continued to provide invaluable service throughout World War II, including by—

(1) fighting for the liberation of France and Belgium;

(2) fighting for the liberation of Trévières on June 10, 1944;

(3) assaulting and securing Hill 192;

(4) capturing Tinchebray on August 15, 1944;

(5) capturing the vital port city of Brest, which was liberated in September 1944 after a fierce 28-day battle fought in streets and alleyways;

(6) fighting at the Battle of the Bulge, where the 2d Infantry Division pierced the dreaded Siegfried Line and held critical roads leading to the cities of Liège and Antwerp;

(7) capturing the city of Breisig on March 10 to 11, 1945;

(8) crossing the Rhine to relieve the 9th Armored Division in Hadamar and Limburg an der Lahn on March 21, 1945;

(9) capturing Merseburg on April 15, 1945;

(10) capturing Leipzig on April 18, 1945; and

(11) crossing into Czechoslovakia and attacking the city of Pilsen on 4 May, 1945;

Whereas 6 members of the 2d Infantry Division received the Congressional Medal of Honor for their gallantry actions during World War II;

Whereas, in recognition of exemplary service during World War II, the 2d Infantry Division was—

(1) the recipient of the Belgian Fourragère World War II;

(2) cited in the “Order of the Day” of the Belgian Army for action at Elsenborn Crest; and

(3) cited in the “Order of the Day” of the Belgian Army for action in the Ardennes;

Whereas the 2d Infantry Division returned home to Fort Lewis, Washington on April 15, 1946;

Whereas elements of the 2d Infantry Division arrived in Korea via Pusan, on July 31, 1950, becoming the first United States unit to arrive directly in Korea from the United States;

Whereas the 2d Infantry Division helped repel attackers on the Pusan Perimeter during a 16-day attack beginning on the night of

August 31, 1950, in a battle in which 2d Infantry Division clerks, bandsman, technical personnel, and supply personnel all joined the fight to repel the attackers;

Whereas, the 2d Infantry Division was the first unit to break out of the Pusan Perimeter and led the Eighth Army drive to the Manchurian Border;

Whereas, on November 26, 1950, with the intervention of the Chinese in the Korean War, the 2d Infantry Division was tasked with protecting the rear and right flank of the Eighth Army;

Whereas, the 23d Regimental Combat Team, 2d Infantry Division, and the French Battalion were cut off and surrounded by 3 Chinese Divisions on February 13, 1951 at Chipyong-ni, but fiercely fought freezing weather conditions and overwhelming Communist forces for more than 3 days, killing over 5,000 enemies while possessing about 1/10 of the enemies' strength;

Whereas the 23d Regimental Combat Team, 2d Infantry Division, gave the first major defeat to the Chinese at the battle of Chipyong-Ni, a turning point in the Korean War;

Whereas 20 members of the 2d Infantry Division earned the Congressional Medal of Honor during the Korean War;

Whereas, in recognition of exemplary service during the Korean War, the 2d Infantry Division was the recipient of—

(1) the Presidential Unit Citation Streamer embroidered HONGCHON;

(2) the Republic of Korea Presidential Unit Citation Streamer embroidered NAKTONG RIVER LINE; and

(3) the Republic of Korea Presidential Unit Citation Streamer embroidered KOREA;

Whereas, after 3 years of fighting in Korea, the 2d Infantry Division was transferred to Fort Lewis, Washington, arriving on October 7, 1954;

Whereas, the 2d Infantry Division was restructured with personnel and equipment from the 10th Infantry Division in the spring of 1958, and moved to Fort Benning, Georgia;

Whereas the 2d Infantry Division provided support for 3 brigades supported by armor, cavalry, and artillery under the Reorganization Objective Army Division concept in April 1964;

Whereas the 2d Infantry Division returned to Korea on July 1, 1965, and exchanged personnel and equipment with the 1st Cavalry Division;

Whereas the 2d Infantry Division was assigned to guard portions of the demilitarized zone to keep the peace and help deter war on the Korean peninsula;

Whereas members of the 1st Battalion, 23d Infantry, 2d Infantry Division, were killed in an North Korean ambush on November 2, 1966;

Whereas 16 members of the Armed Forces of the United States were killed by enemy attacks in the demilitarized zone;

Whereas Captain Arthur G. Bonifas and First Lieutenant Mark T. Barrett of the United Nations Joint Security Force were attacked and killed during a routine tree-trimming operation on August 18, 1976;

Whereas, in response, the United Nations Command launched Operation Paul Bunyan at 0700 hours on August 21, 1976, when a Republic of Korea Special Forces Company, the 9th Infantry, and B Company, 2d Engineer Battalion, moved in to cut down the infamous Panmunjeom Tree while supported by B-52 bombers and F-5 and F-11 fighter jets aboard a Midway Task Force aircraft carrier standing by just offshore;

Whereas members of the 2d Infantry Division, proudly wearing "Imjin Scout" patches, patrolled the demilitarized zone throughout the 1980s until 1992, and then remained deployed along the border;

Whereas the 3d Brigade, 2d Infantry Division—

(1) was reactivated at Fort Lewis, Washington on April 16, 1995, as part of I Corps; and

(2) became the first interim Brigade Combat Team in the Army in May 2000, later to be equipped with Stryker vehicles;

Whereas, in the defense of United States interests, the 4th Brigade deployed in support of Operation Iraqi Freedom from November 2003 to November 2004;

Whereas, in August 2004, the 2d Brigade, 2d Infantry Division, deployed with the Republic of Korea Army, representing the first operational deployment from the Republic of Korea;

Whereas the 2d Brigade Combat Team, 2d Infantry Division, was given control of the Eastern half of Ar-Ramadi under the direct command of the 1st Marine Division;

Whereas elements of the 2d Infantry Division were attached to the 2d Marine Division during Operation Iraqi Freedom, a reversal of their respective roles during World War I, where the 5th and 6th Marine Regiment of the 1st Marine Division fought under the United States Army 2d Infantry Division;

Whereas the 2d Brigade, 2d Infantry Division, fought in the Fallujah Offensive in November 2004, which provided Iraqis the opportunity to vote in the historic national elections of January 2005;

Whereas the 2d Brigade, 2d Infantry Division, provided humanitarian relief to hospitals, schools, and hundreds of Iraqi civilians who had been displaced;

Whereas the 2d Brigade, 2d Infantry Division, redeployed from Iraq to Fort Carson, Colorado in August 2005;

Whereas the 3d Stryker Brigade Combat Team, 2d Infantry Division, deployed from Fort Lewis, Washington, to assist the Iraqi security forces with counterinsurgency operations in the Ninewa Province in support of Iraqi Freedom from June 2006 to September 2007;

Whereas the 2d Infantry Division transformed into the Republic of Korea-United States Combined Division with a Republic of Korea Army unit on June 3, 2015, in a cooperative designed to strengthen the operational capabilities of both the Republic of Korea Army and the United States Army;

Whereas the 2d Infantry Division is the last remaining permanently forward-stationed division in the United States Army;

Whereas the 2d Infantry Division has been deterring aggression and maintaining peace on the Korean Peninsula since 1965;

Whereas the 2d Infantry Division received 2 Korean Presidential Unit Citations for its outstanding service in Korea from 1950 to the present; and

Whereas, since the establishment of the 2d Infantry Division in 1917—

(1) elements of the 2d Infantry Division have been present all over the world, assisting in combat and noncombat missions for 100 years;

(2) more than 13,200 members of the 2d Infantry Division have sacrificed their lives in combat; and

(3) 40 members of the 2d Infantry Division have received the Medal of Honor in total; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates "A Century of Service", the 100th anniversary of the 2d Infantry Division on October 26, 2017;

(2) commends the 2d Infantry Division, now known as the "Indianhead", for continuing to exemplify the motto of the 2d Infantry Division, "Second to None!" and "Fight Tonight!";

(3) honors the memory of the more than 13,200 members of the 2d Infantry Division who lost their lives in battle;

(4) expresses gratitude and support for all members and veterans of the 2d Infantry Division and their families; and

(5) recognizes that the 2d Infantry Division holds an honored place in United States history.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BARRASSO. Mr. President, I have 8 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. in room SD-406 to conduct a hearing on the following nomination: R. D. James, of Missouri, to be an Assistant Secretary of the Army, Department of Defense.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. to conduct a hearing entitled "Adapting to Defend the Homeland Against the Evolving International Terrorist Threat".

COMMITTEE ON JUDICIARY

The Committee on Judiciary is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. in room SD-226 to conduct a hearing entitled "Firearm Accessory Regulation and Enforcing Federal and State Reporting to the National Instant Criminal Background Check System (NCIS)".

COMMITTEE ON INDIAN AFFAIRS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-628 to conduct a hearing on S. 1870, "The Securing Urgent Resources Vital to Indian Victim Empowerment Act".

COMMITTEE ON INDIAN AFFAIRS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-628 to conduct a hearing on S. 644, "Navajo Utah Water Rights Settlement Act of 2017" and S. 1770, "Hualapai Tribe Waters Rights Settlement Act of 2017".

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 9:30 a.m. in room SD-562 to conduct a hearing entitled "America's Aging Workforce: Opportunities and Challenges".

SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

The Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-406 to conduct a hearing entitled "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters".

SUBCOMMITTEE ON NEAR EAST, SOUTH ASIA, AND COUNTERTERRORISM

The Subcommittee on Near East, South Asia, and Counterterrorism of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. to conduct a hearing entitled "Beyond ISIS: Countering Terrorism, Radicalization, and Promoting Stability in North Africa."

PRIVILEGES OF THE FLOOR

Mr. BLUNT. Mr. President, I ask unanimous consent that a military fellow in my office, Capt. Sam Burke, be granted floor privileges for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 2146

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 2146 and the bill be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2192

Mr. GRASSLEY. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2192) to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

Mr. GRASSLEY. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST
TIME—S. 2199

Mr. GRASSLEY. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2199) to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes.

Mr. GRASSLEY. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

UNANIMOUS CONSENT AGREE-
MENT—EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, as in executive session, I ask unanimous

consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for consideration of Calendar No. 167, the nomination of Susan Bodine to be an Assistant Administrator of EPA. I further ask that there be 30 minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on confirmation with no intervening action or debate, and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY,
DECEMBER 7, 2017

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 7; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of pro-

ceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 11 a.m.; I further ask that at 11 a.m., Senator STRANGE be recognized for up to 30 minutes; finally, that at 11:45 a.m., the Senate proceed to executive session to consider the Balash nomination as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Thursday, December 7, 2017, at 10 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF FINLAND'S CENTENNIAL

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. DUFFY. Mr. Speaker, today I rise on behalf of the Congressional Friends of Finland Caucus in recognition of Finland's Centennial. For a generation of Finns, this is the most significant commemorative year in their lifetime.

The significance of the anniversary comes with good reason. A century ago, on December 6, 1917, Finland declared itself an independent republic and rejected its status as an autonomous Grand Duchy of Russia. As is often the case, independence is not easily won. Soon after breaking away from Tsarist Russia, the country descended into civil war with neighbor pitted against neighbor. However, from the struggle of war, something incredible happened: the Finnish people emerged with renewed purpose and a new national identity.

After 100 years of democracy, Finland has become a shining example to the world of what monumental achievements can be made in a short time. Today, Finland is the pinnacle of Nordic values and culture, a proud member state of the European Union, and a key political and economic partner of the United States. The deep relationships between the United States and Finland cannot be overstated. The United States is the third largest trading partner of Finland and in addition, around 250 Finnish-owned companies, which directly employ about 34,000 people, are based in the United States. Truly, US-Finland relations have never been stronger.

And just a few short months ago, President Trump hosted President Niinistö at the White House. There the Presidents discussed Finland's leadership of the Arctic Council, the coalition to defeat ISIS, and cybersecurity. Furthermore, President Trump pledged an additional half-million dollars to the Fulbright Finland Foundation so that the United States could send more of our brightest students to study and form lasting relationships in Finland.

Our peoples share many common values and interests that make Finns and Americans readily identify with one another. Hard work and the drive to succeed have benefitted both our peoples and embody some of our most deeply-held virtues.

In light of these shared interests and the strong relationship between our peoples, I congratulate all Finns on 100 years of independence. Continued cooperation between our nations will make Finland's second century as robust and vibrant as the first and my colleagues in the House and I look forward to closely working with our Finnish counterparts towards that end. Thank you, Finland, for being a valued friend to the United States and happy centennial.

HONORING THE MINNESOTA CHAPTER OF THE COUNCIL ON AMERICAN ISLAMIC RELATIONS

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. WALZ. Mr. Speaker, I am honored to rise today in recognition of the tenth anniversary of the founding of the Council on American-Islamic Relations—Minnesota Chapter (CAIR-MN). CAIR-MN works, as part of a nationwide network of chapters, to diligently protect and enhance some of the fundamental principles that have shaped America since its inception. They fight to defend the constitutional right to religious freedom. They promote community engagement, inspire civic activism, and defend civil liberties. CAIR-MN's work with Muslims in America has expanded the notions of social justice in our communities and supported the active participation of all our nations' citizens and residents.

Today, too many Americans have a distorted, inaccurate, or unclear understanding of Muslims, who they are, and what they believe. Fortunately, for ten years now, CAIR-MN has taken on the truly difficult, necessary, and rewarding task of dispelling misinformation, enhancing our society's understanding of Muslims and Islam, and combatting bigotry and intolerance. It is my hope that CAIR-MN will continue its remarkable contribution to our society for many more decades to come.

Mr. Speaker, please join me in recognizing CAIR-MN for the ten years of invaluable service they have provided to the State of Minnesota and the United States of America.

RECOGNIZING THE MULTIFAITH ALLIANCE FOR SYRIAN REFUGEES AND AFYA FOUNDATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. ENGEL. Mr. Speaker, I rise to recognize an important event in my district-sponsored by the Multifaith Alliance for Syrian Refugees and the Afya Foundation. Last week, these two organizations collected much-needed supplies to benefit those who have suffered from the Syrian civil war.

The Multifaith Alliance for Syrian Refugees has a powerful story to tell. A coalition of over 90 organizations, it has facilitated a partnership between Israeli and Syrian organizations to help deliver critical humanitarian assistance, including food and medicine, to people inside Syria. Containers of donated assistance arrive at Israeli ports, where the Israeli Defense Forces transport the supplies to the Syrian

border for distribution by Syrian organizations inside Syria.

Joining the Multifaith Alliance for Syrian Refugees is the Afya Foundation, which has a record of collecting supplies for humanitarian crises all over the world.

The event in Yonkers, New York will build upon similar events and campaigns which have raised over \$66 million of life-saving assistance.

I applaud the participants in Yonkers, the Multifaith Alliance for Syrian Refugees, the Afya Foundation and all those Americans who have made an effort to help those in desperate need in Syria. I recognize that the Syrian crisis will not be resolved by sending humanitarian assistance. For that, we will need a political solution. However, if we can help a family access food and medicine, help them realize that America has not forgotten them, then we can offer them hope for an end to the violence and war.

HONORING CARTER GILMORE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Ms. LEE. Mr. Speaker, I rise today to honor the memory and service of a pillar of the Oakland community, the Honorable Carter Gilmore. Although Mr. Gilmore passed away in 2006, the Oakland African American Museum and Library will be unveiling an exhibit focused on his life and career on December 9th, 2017.

Carter Gilmore was born on May 30th, 1926 in Grapeland, Texas, and served in the US Navy during World War II. In 1947 he married Liz Hampton, and the couple soon moved to Oakland, where Mr. Gilmore worked as a plant manager for Granny Goose Foods.

In 1977, Mr. Gilmore made history when he became the first African American elected to the Oakland City Council. During his tenure, which lasted until 1990, Mr. Gilmore made important contributions to the City of Oakland through his role in the creation of the citizen's police review board, and the city's anti-blight ordinance, among many other initiatives and accomplishments.

In addition to his work on the City Council, Mr. Gilmore was also an active member of his church, Bethel Missionary Baptist, starting when he first moved to Oakland in the 1950's.

Mr. Gilmore's life was guided by a belief that we should all work to improve our communities, and the lives of our neighbors. He was also staunchly committed to civil rights.

That belief in social justice led him to join the Alameda branch of the NAACP, and he later served as the chapter president. He also served as president of the NAACP's Northern California division. In 1990, he helped lead the investigation into racial discrimination against

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

African American employees at UPS, resulting in the largest settlement in the NAACP's history to that point.

On a personal note, Carter was one of the first people to act as a mentor and advisor to me as I began my career working for Congressman Dellums. He always took time to help clarify issues for me, and he was a true trailblazer who educated our community about the importance of black political power. I will always remember his wise counsel and his friendship.

Though Carter Gilmore died in 2006, his trailblazing legacy as the City of Oakland's first African American elected to the City Council continues to inspire younger generations to aspire for heights that they may not have ever considered without his example.

Today, the Oakland African American Museum and Library is unveiling an exhibit dedicated to Carter Gilmore's life and legacy. Therefore, on behalf of California's 13th Congressional District, I join the family and friends of Carter Gilmore in celebrating his life of public service. I offer my sincerest gratitude to him for all that he did to pave the way for future generations of community-oriented leaders.

HONORING MELODY
WATTENBARGER

HON. MICHELLE LUJAN GRISHAM

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I rise today to recognize Ms. Melody Wattenbarger, the CEO and President of Roadrunner Food Bank of New Mexico. Ms. Wattenbarger has worked tirelessly to fight hunger for over 30 years.

As CEO and President of Roadrunner Food Bank, Melody created innovative approaches to aid families facing hunger across New Mexico. Her leadership enabled the food bank to assist 70,000 people each week. She created and strengthened key partnerships across communities, including partnerships with schools, doctors, private industry leaders, senior centers, and food pantries. Melody was the founding President of the board for the New Mexico Association of Food Banks from 1999 to 2004 and continues to hold a seat on the board.

Melody Wattenbarger's leadership in hunger relief has not only helped New Mexicans; she was the founding executive director of the High Plains Food Bank in Amarillo, Texas, she worked for the National Food Bank Network (Feeding America), and she regularly served on a variety of Feeding America committees. Melody was named the 2017 John van Hengel Fellow by Feeding America. The award "recognizes the recipient for their leadership, local impact, national influence, commitment, and entrepreneurial spirit in the area of hunger relief."

I am proud to honor Ms. Melody Wattenbarger for her leadership in the fight against hunger. Her efforts are inspirational to the entire community in New Mexico. I am confident that even in retirement she will remain an advocate for families experiencing

hunger and her community will be better for her involvement.

HONORING SERGEANT MAJOR
ROBERT HAWKINS

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. WALZ. Mr. Speaker, I rise today to recognize Sergeant Major Robert Hawkins of the United States Army for his extraordinary dedication to duty and service to our Nation. Sergeant Major Hawkins will soon transition from his current assignment as an Army Congressional Legislative Liaison Officer in the House of Representatives to serve in The Office of the Assistant Secretary of the Army for Acquisition, Logistics and Technology.

A native of Alexandria, Virginia, Sergeant Major Hawkins began his military career as an Airborne Infantryman in 1990. He subsequently served in assignments to Fort Kobbe, Republic of Panama; Fort Myers, Florida; Schofield Barracks, Hawaii; Fort Polk, Louisiana; Fort Bliss, Texas; Fort Campbell, Kentucky, and thrice at Fort Bragg, North Carolina. Sergeant Major Hawkins has served in multiple leadership and staff positions throughout his career. His combat deployments include one tour in Iraq in support of Operation Iraqi Freedom and three tours in Afghanistan in support of Operation Enduring Freedom.

In 2014, Sergeant Major Hawkins was selected as a Fellow in the Army Congressional Fellowship Program. He subsequently served twelve months as a Defense Legislative Fellow in my office, representing the First Congressional District of Minnesota. While working on my team, I came to know Sergeant Major Hawkins as a shining example of the Army Values set forth in the Noncommissioned Officer Creed. Competence is indeed Sergeant Major Hawkins' watchword, and his commitment to doing what good NCOs do, accomplishing the mission taking care of his teammates, was second to none.

For next two years, Sergeant Major Hawkins served as a Congressional Legislative Liaison Officer in the United States Army House Liaison Division. As the primary liaison between Members of the House of Representatives, their Staffs, Committees, and the Army, he has provided insight and understanding of Army policies, actions, operations, and requirements. His first-hand knowledge of the military, its culture, and traditions has been of tremendous value to Congressional offices. Sergeant Major Hawkins was especially effective in his service to Members and staff as he escorted them on fact-finding and oversight delegations within and outside the United States. Members and staff found him to be a thoughtful, intelligent, and dedicated Soldier in the best traditions of America's Armed Forces.

Mr. Speaker, it has been a pleasure to know and serve with Sergeant Major Hawkins during his time as an Army Congressional Fellow and Congressional Legislative Liaison Officer in the House of Representatives. On behalf of a grateful Nation, it is my honor to recognize the selfless service and sacrifice of Sergeant

Major Robert Hawkins and his family. I wish Sergeant Major Hawkins the very best as he begins a new chapter of dedicated service to our nation in the United States Army.

NORTHWEST INDIANA ISLAMIC
CENTER 25TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I congratulate the Northwest Indiana Islamic Center, as its members and leaders join together to celebrate the center's 25th anniversary. In honor of this special occasion, the Northwest Indiana Islamic Center will be hosting an anniversary dinner on December 10, 2017, at the Avalon Manor in Merrillville, Indiana.

In the early 1990's, a small group of the Muslim population in Northwest Indiana decided to purchase property in the area with a vision to provide a spiritual home for its members, offering religious education and a place for prayer, worship, and community services. The original structure, completed in 1992, was quickly outgrown as the membership grew. In 1999, a new prayer hall and community center were completed. Today, the center is home to over one hundred families, and Friday prayer services are attended by more than three hundred individuals. The Northwest Indiana Islamic Center provides numerous activities and services, accommodating Muslim and non-Muslim individuals and families throughout Northwest Indiana. These include consultation services, Qur'an reading and memorization services, ceremonial and religious services, interfaith dialogues, humanitarian relief services, and numerous youth programs, to name a few. In addition, there are two Islamic weekend schools and two Islamic full-time schools on its premises.

Northwest Indiana is not only grateful, but proud to have the support of the Northwest Indiana Islamic Center for the past twenty-five years. I would be remiss if I did not take a moment to recognize the exceptional leadership of this noteworthy organization. The Board of Trustees includes Arshad Malak, Hakam Safadi, Hytham Rifai, Nabil Shabeeb, and Wahbi Adad. The Board of Directors is comprised of President Abdul Fatah Adisa, Vice President Omar Estwani, Treasurer Isam Abdo, and Secretary Ferass Safadi, as well as former Presidents Fadel Shaaban and Shahabul Arfeen, and Osama Salameh, Ashraf Tebry, and Rami Musleh. For their significant contributions to their community, the members and leaders of the Northwest Indiana Islamic Center are worthy of the highest praise.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the Northwest Indiana Islamic Center on its 25th anniversary. For their remarkable dedication to service and for touching the lives of countless individuals, the organization's leaders and members are worthy of the blessings that have been bestowed upon them.

HONORING HARRY O. BLACKWELL

HON. BONNIE WATSON COLEMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mrs. WATSON COLEMAN. Mr. Speaker, I rise today to honor the memory of Trenton's beloved Harry O. Blackwell, affectionately known as "Chubby."

I was saddened to hear of his untimely passing; he was a tireless advocate for youth programming for decades in our capital city.

When we examine the life and passion of Chubby Blackwell, his compassion for the youth cannot be ignored. He dedicated his life to mentoring and teaching young people skills that could transform their future. Countless Trenton youth have memories of participating in sports leagues, golf lessons, and summer camps because of Chubby Blackwell.

Chubby's advocacy for children was effective because he made it his business to know the whole family. For many, Chubby Blackwell was that consistent and strong life force that kept them on the straight and narrow. Chubby had a zero tolerance for foolishness; his love was not always friendly—sometimes tough—but always consistent.

Today as we celebrate Chubby we celebrate a life of service to others whose impact will be felt for generations because his commitment was purposeful and motivated by love.

God Bless Chubby Blackwell and thank you to his beautiful family for having shared him with countless young people and indeed this entire community.

I urge my colleagues to join me in remembering the life of Chubby Blackwell and sending our sincere condolences to his friends, family, and to the families he has helped over the years. May Chubby be blessed and rest in peace.

RECOGNIZING MAYOR PRO-TEM
YVONNE JOHNSON**HON. MARK WALKER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. WALKER. Mr. Speaker, I rise today to recognize Mayor Pro-Tem Yvonne Johnson, from Guilford County. I am honored to acknowledge Mrs. Johnson as she receives The Order of the Long Leaf Pine. Awarded for exemplary service to the community and the State of North Carolina that is considered above and beyond the call of duty, the Order of the Long Leaf Pine is among the most prestigious awards conferred by the Governor. Mrs. Johnson has continually worked to make a positive impact in North Carolina. The citizens of Greensboro, Guilford County, and the entire state of North Carolina are truly fortunate to have Mrs. Johnson, an outstanding representative of our community and country. I join with her family, friends, and the Sixth District in thanking Mayor Pro-Tem Yvonne Johnson for her dedicated service to the city of Greensboro and the United States of America.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. WALZ. Mr. Speaker, I was absent for the votes on the Motion to Go To Conference on H.R. 1 (Roll Call No. 653) and the Motion to Instruct Conferees on H.R. 1 (Roll Call No. 654). Had I been present, I would have voted nay on Roll Call No. 653 and I would have voted yea on Roll Call No. 654.

REMEMBERING NEIL ETSON

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to remember Neil Etson of Olney, Illinois, who passed away on December 2, 2017, at the age of 93 surrounded by his family at the homestead he built fifty years ago.

Neil dedicated his life to service to others, serving his country, his church, and his community.

In May the Rotary Club of Richland County presented Neil with the Quilt of Valor for his service during World War II, where he served honorably as a Staff Sergeant with the 766th Military Police Battalion.

However, anyone who met him knows that Neil's first and foremost priority was his family, especially Frances, his wife of 66 years, their three children, ten grandchildren, and two great grandchildren.

The Olney community has lost a dedicated entrepreneur and community leader. Yet while we mourn his loss, we should remember that Neil Etson's legacy lives on in his family and in the three children's books that he authored based on a lifetime of stories shared with his family.

HONORING THE LIFE AND LEGACY
OF MRS. ANNIE JACKSON**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. HASTINGS. Mr. Speaker, I rise today to honor the life and legacy of Mrs. Annie Jackson of Fort Lauderdale, Florida, who passed away at the age of 99 on October 27, 2017. Mrs. Jackson was born in Waynesboro, Georgia and received her education in the Georgia State School system. She held a variety of jobs in her lifetime and retired from the Broward County School System, where she worked for over 29 years.

At the age of fourteen, Mrs. Jackson's spiritual life began at the Third Chapel Church in Midville, Georgia. She later joined and continued to serve at New Hope Baptist Church, until her health began to fail. Married to the late Mr. Jackson, Mrs. Jackson spent her time

ministering to the needs of her church, family, and community.

Mrs. Jackson led her family by example as a strong Christian loving mother, and endless server of her community. Fond memories of her will forever remain with her son Rayford Smith; her sisters Florence Smith and Mae Julian Smith; four grand-children; three great grandchildren; two great-great grandchildren; a great-great grandniece; her caretaker and host of other relatives and friends.

Mr. Speaker, Mrs. Annie Jackson will be remembered by the many people she touched in her 99 years of life. She was truly a shining star of the Fort Lauderdale community. I am so grateful to honor her life and legacy. She will be missed tremendously.

IN RECOGNITION OF MR. LARRY
SPIKES**HON. DAVID G. VALADAO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. VALADAO. Mr. Speaker, I rise today to thank Mr. Larry Spikes for thirty five years of dedicated service to the constituents of Kings County.

A Central Valley native, Larry Spikes attended California State University, Fresno, where he received his Bachelors of Science degree in Accounting in 1981 and later received his Master's degree in Public Administration in 1992. He and his wife, Kristine, have been married for thirty five years and have three children, their son, Austin and twin daughters, Madison and Taylor.

In 1981, Larry began his career at the County of Kings as an Accountant before transferring to the Administrative Office as Deputy County Administrative Officer (CAO) in 1986. He served in that capacity until November 1993, when he was named County Administrative Officer.

In 1996, Mr. Spikes served on California Governor Peter Wilson's Trial Court Funding Task Force on Court Employees and from 1997 to 2016, he served as the Representative for the California State Association of Counties (CSAC) on the California Law Enforcement Telecommunications Advisory Committee.

Additionally, Larry served as the President of the County Administrative Officer's Association of California from October 2002 to October 2003. In 2008, he was appointed as a board member for the California State Association of Counties Finance Corporation where he served until 2015. He was elected to a CAO's position on the County Medical Services Program Governing Board in 2012. Today, Mr. Spikes is currently serving on the Court Facilities Advisory Committee for California Supreme Court Chief Justice Tani Cantil Sakauye.

Outside of work, Mr. Spikes is a long-time member of the Rotary Club of Hanford and serves on the board of the Disabled American Veteran's Charities of Central California.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in commending Mr. Larry Spikes on

his retirement, for his service to the people of Kings County and wishing him well as he embarks on the next chapter of his life.

HONORING DAVID WEINSOFF

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. HUFFMAN. Mr. Speaker, I rise today in recognition of David Weinsoff for his 12 years of dedicated service as a member and Mayor of the Fairfax Town Council.

After graduating from University of New York at Binghamton with a bachelor's degree in History, Mr. Weinsoff pursued a Juris Doctor at the University of Bridgeport School of Law (now Quinnipiac College School of Law). Mr. Weinsoff has since built a distinguished legal career prosecuting citizen suits under the federal Clean Water Act, the California Coastal Act, and local government laws representing the government and nonprofit agencies.

In the mid-nineties Mr. Weinsoff relocated from San Francisco to Fairfax, California, with his wife and young child. In addition to building his private practice, Mr. Weinsoff deepened his commitment to public service and the environment through volunteer roles on the Town of Fairfax Planning Commission, Marin Municipal Water District's Watershed Citizens Advisory Committee, and as a founding member of the Fairfax Open Space Committee, among others. And, after retiring from seven years on the Marin Conversation League Board, he continued to support the organization as its legal counsel.

Mr. Weinsoff was elected to Fairfax Town Council in 2005. Over the course of his 12-year tenure, he would serve two terms as mayor and vice mayor, as well as on a wide array of community boards and organizations, including the Marin County Flood Zone 9 Advisory Board, the Ross Valley Fire Department Board, and the Measure "A" Committee. Known for his active leadership, the strength of his convictions and his commitment to public service, David's enduring contributions to Fairfax and to Marin County will be felt for years to come.

Mr. Speaker, David Weinsoff's service has left many lasting and positive impacts on his community, and I am certain he will continue his public service in a variety of ways in the days ahead. It is therefore fitting and appropriate that we honor him on the occasion of his final town council meeting, and extend to him our appreciation for his past—and future—civic engagement.

VILLAGE OF MAMARONECK VOLUNTEER FIRE DEPARTMENT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. ENGEL. Mr. Speaker, we are fortunate in New York's 16th Congressional District to

have some of the finest first-responders anywhere in the country. Nowhere is that more apparent than in the Village of Mamaroneck, where the Village Volunteer Fire Department has provided its citizens with courageous fire protection for 129 years.

The Village of Mamaroneck Volunteer Fire department is comprised of a highly skilled dedicated team committed to providing the highest level of safety, protection of life, property and the environment to those who live, work or play in our community. The five fire companies that comprise the department: Hook & Ladder Co., No. 1, Mamaro Engine & Hose Co. No. 1, Columbia Engine & Hose Co. No. 2, Volunteers Engine & Hose Co. No. 3, and Halstead Manor Engine & Hose Co. No. 4 operate out of four fire stations with over 200 volunteers. The Mamaroneck Fire Department operates with five Engines, two Aerial Trucks, two Utility Trucks, three Chiefs Vehicles, and one Fire Boat and responds to approximately 800 fire emergencies a year.

The Mamaroneck Fire Department has always done an outstanding job keeping its citizens safe, and as a result The New Jewish Home, Sarah Neuman is honoring the department at their 25th Anniversary celebration. They have chosen to acknowledge an incredible partner in the community. I too would like to congratulate the Village of Mamaroneck Fire Department Day in recognition of the significant impact they have made and continue to make in the community, and as a partner with The New Jewish Home, Sarah Neuman in serving the elders of our community.

ADVANCING HUMAN RIGHT TO COMBAT EXTREMISM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. SMITH of New Jersey. Mr. Speaker, today I held a hearing on advancing human rights to counter extremism. Today's hearing explored ways to combat violent extremism by advancing fundamental human rights—in particular, freedom of religion.

Advancing freedom of religion, both as an end in of itself and as means to achieve peace, stability and human flourishing, should be a core objective of U.S. foreign policy.

Religious liberty is opposed, however, by extremists who seek to impose their vision of an ideal society upon all. Oftentimes, the "choice" they give to those who seek to adhere to the beliefs they were raised in boils down to convert or die.

This clash manifests itself in numerous parts of the world, in varying degrees of intensity, but is particularly acute in certain Muslim-dominated regions, where groups such as ISIS, al-Nusra, Boko Haram and al-Shabaab seek to bring all under their sway.

To personalize this, let me tell you about a victim of Boko Haram that I have gotten to know.

On a trip to Nigeria, at an IDP camp in Jos, I met Habila Adamu.

Dragged from his home by Boko Haram terrorists, he was ordered to renounce his faith.

With an AK-47 pressed to his face, he was asked "are you ready to die as a Christian."

With amazing courage Habila answered, "yes, I am ready to die as a Christian."

He was asked a second time and he repeated his answer—"yes I am ready to die as a Christian."

This time, the terrorist pulled the trigger. A bullet ripped through Habila's face. He crumpled to the ground, left for dead.

By some miracle, he survived.

I asked Habila to come to Washington, D.C. to tell his story. At a Congressional hearing I chaired, Habila told my committee—"I am alive because God wants you to have this message—knowing Christ" is so much "deeper" than merely knowing Boko Haram's story of hate and intolerance.

He closed his testimony with this—"do everything you can to end this ruthless religious persecution . . . but know Christ first"

It should be stressed that extremist groups such as Boko Haram coerce and oppress not only members of other faiths, but also and in particular members of the Muslim faith whose interpretation of Islam differs from that of the extremists. They also target converts, whose consciences lead them to choose a different path.

To combat these extremists, the ideological battlefield is just as important as the territorial one. By emphasizing human rights principles, we counter extremist messaging, support moderate voices and promote the popular aspirations of people around the world who simply want to live in peace and freedom.

Last year, an important weapon in the fight against extremism was passed by Congress and signed into law: The Frank Wolf International Religious Freedom Act. This law provides tools and resources to our State Department to integrate religious freedom into our diplomacy the world over in order to counter violent extremism abroad.

In building upon the landmark International Religious Freedom Act of 1998, this law addresses the changed circumstances in the world since 1998 by designating non-state extremist groups such as Boko Haram and ISIS as "violent non-state actors," making it easier to ostracize and apply financial sanctions against their members, thereby helping starve extremists of resources.

The law strengthens the ability to investigate and monitor religious persecution, creating a "Designated Persons List" of violators while also setting up a database of those detained, imprisoned and tortured for their faith, so that the victims are not forgotten, but rather can be more readily advocated for. Indeed, the Frank Wolf Act elevates the Ambassador-at-Large for International Religious Freedom, thereby enhancing the ability to advocate on behalf of victims of religious persecution.

Finally, the Act requires that our Foreign Service Officers undergo training in religious liberty, so that they are able to integrate this important tool into their daily work.

Before we move on to my colleagues' remarks, I would like to thank my friend and colleague, Congressman FRANCIS ROONEY, the former United States ambassador to the Holy See, for his interest in this subject. Today's hearing was brought about in large part due to his persistent interest in these themes, and I

want to thank him for joining our subcommittee for this hearing today.

HONORING THE LIFE AND LEGACY OF MRS. NEZZIE MARION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2017

Mr. HASTINGS. Mr. Speaker, I rise today to honor the life and legacy Mrs. Nezzie O. Marion of Fort Lauderdale, Florida, who passed away at the age of 102 on October 14, 2017. Born on May 15, 1915 to Mr. & Mrs. Allanza and Katie Oglesby, Mrs. Marion was Georgia-born and raised.

Married to the late Mr. Willie Preston Marion in 1937, the young couple moved to Fort Lauderdale in 1940. Mrs. Marion's spiritual life began at a young age. She was a faithful member of the New Mount Olive Baptist Church for 77 years, where she served on the Usher Board and the Pulpit Aide Ministry.

Mrs. Marion led her family by example as a strong Christian loving mother, embodying what it means to be a true servant to her community. Fond memories of her will forever remain with her four children: Willie Marion, Polly Harden, Lonzie Marion, and Beverly Hardemon; two sisters: Mary Caldwell and Annie Wallace; eleven grandchildren, nineteen great grandchildren, and eight great-great grandchildren, along with a host of nieces, nephews, cousins, and other loved ones.

Mr. Speaker, Mrs. Nezzie O. Marion will be remembered by the many people she touched in her 102 years of life. She was truly a blessing to the Fort Lauderdale community. I am so pleased to honor her life and legacy. She will be dearly missed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 7, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 12

10 a.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Communications, Technology, Innovation, and the Internet

To hold hearings to examine digital decision-making, focusing on the building blocks of machine learning and artificial intelligence.

SR-253

Committee on Energy and Natural Resources

To hold an oversight hearing to examine the permitting processes at the Department of the Interior and the Federal Energy Regulatory Commission for energy and resource infrastructure projects and opportunities to improve the efficiency, transparency, and accountability of federal decisions for such projects.

SD-366

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine the cost of prescription drugs, focusing on an examination of the National Academies of Sciences, Engineering, and Medicine report "Making Medicines Affordable: A National Imperative".

SD-430

Committee on the Judiciary

To hold an oversight hearing to examine the Ensuring Patient Access and Effective Drug Enforcement Act.

SD-226

2 p.m.

Committee on Foreign Relations

Subcommittee on Africa and Global Health Policy

To hold hearings to examine the future of Zimbabwe.

SD-419

2:30 p.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard

To hold hearings to examine national ocean policy, focusing on stakeholder perspectives.

SR-253

DECEMBER 13

Time to be announced

Committee on Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Kenneth L. Marcus, of Virginia, to be Assistant Secretary for Civil Rights, and Johnny Collett, of Kentucky, to be Assistant Secretary for Special Education and Rehabilitative Services, both of the Department of Education, Scott A. Mugno, of Pennsylvania, to be an Assistant Secretary, and William Beach, of Kansas, to be Commissioner of Labor Statistics, both of the Department of Labor, and other pending nominations.

TBA

9:30 a.m.

Committee on Agriculture, Nutrition, and Forestry

To hold hearings to examine safeguarding American agriculture in a globalized world.

SR-328A

Committee on Foreign Relations

To hold hearings to examine using force, focusing on strategic, political, and legal considerations.

SD-419

10 a.m.

Committee on Armed Services

Subcommittee on Emerging Threats and Capabilities

To receive a closed briefing on Department of Defense global counterterrorism operations.

SVC-217

Committee on Armed Services

Subcommittee on Personnel

To hold hearings to examine an update on research, diagnosis, and treatment for traumatic brain injury/concussion in servicemembers.

SR-222

Committee on Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SH-216

Committee on Environment and Public Works

To hold an oversight hearing to examine the Nuclear Regulatory Commission.

SD-406

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine implementation of the 21st Century Cures Act, focusing on responding to mental health needs.

SD-430

Committee on the Judiciary

To hold hearings to examine the nominations of Elizabeth L. Branch, of Georgia, to be United States Circuit Judge for the Eleventh Circuit, R. Stan Baker, to be United States District Judge for the Southern District of Georgia, Charles Barnes Goodwin, to be United States District Judge for the Western District of Oklahoma, Matthew J. Kacsmayk, to be United States District Judge for the Northern District of Texas, Matthew Spencer Petersen, of Virginia, to be United States District Judge for the District of Columbia, and Eli Jeremy Richardson, to be United States District Judge for the Middle District of Tennessee.

SD-226

2:30 p.m.

Committee on the Judiciary

Subcommittee on Antitrust, Competition Policy and Consumer Rights

To hold hearings to examine the consumer welfare standard in antitrust.

SD-226

DECEMBER 14

10 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget, and John Edward Dupuy, of Virginia, to be Inspector General, Office of Personnel Management.

SD-342

HOUSE OF REPRESENTATIVES—Thursday, December 7, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

December 7, 2017.

I hereby appoint the Honorable DAVE BRAT to act as Speaker pro tempore on this day.

PAUL D. RYAN,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

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

RECOGNIZING NATIONAL MINERS DAY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, yesterday, the Nation observed National Miners Day, which was designated by Congress to honor the contributions and sacrifices of miners both past and present.

Mr. Speaker, I am the proud grandson of a Pennsylvania coal miner. National Miners Day does mark the anniversary of the worst mining accident in history on December 6, 1907, in Monongah, West Virginia. The disaster resulted in the death of 362 miners.

While technology in mining has continued to improve, mining remains difficult work. Every day, our Nation's miners work so hard excavating minerals for energy production and raw materials for many forms of manufacturing. In particular—my family heritage—I am very proud of our Pennsylvania coal miners who really dug the coal that fueled the industrial revolution and provided the energy for fueling our preparations to win World War I and World War II.

From coal to copper, and from gold to granite, miners work to provide materials that play an important role in our everyday lives. American miners today deliver the same commitment to the industry that they historically have. But thanks to advancements in technology, we are seeing the industry operate smarter, faster, and, most importantly, safer.

Americans benefit from the energy, metals, and minerals made available to us thanks to mining. It is as fundamental today as it was centuries ago.

Mr. Speaker, to all of our miners, I say: Thank you for all you have given to this important industry.

CONGRATULATING THE TITUSVILLE AREA HOSPITAL

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate the Titusville Area Hospital on a national recognition for overall excellence in patient perspective.

The award, which is presented by the National Organization of State Offices of Rural Health, was announced on National Rural Health Day. Titusville Area Hospital CEO Lee Clinton called the award a true honor and added that he is very proud of the care provided and the level of expertise offered to the citizens served at the Titusville Area Hospital.

He said: "All of our staff strives to provide each patient with the best possible experience every time. This award demonstrates our ability to exceed as a small, rural community hospital."

Mr. Speaker, our rural hospitals face complex challenges that range from financial concerns to a shortage of healthcare professionals. Thankfully, the Titusville Area Hospital is being recognized as a top performer that is increasing patient satisfaction, and I am proud that it sets the standard for other rural hospitals.

Mr. Speaker, I wholeheartedly congratulate CEO Lee Clinton and all of the staff of the Titusville Area Hospital on this outstanding achievement.

TRIBUTE TO JAMES THOMAS ESCO, SR.

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

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. James Thomas Esco, who was born in Canton, Mississippi in 1942, which is home to my good friend, Congressman BENNIE THOMPSON, who represents that

area. It is also home of The Canton Spirituals, one of the most outstanding gospel singing groups in the country.

Mr. James Thomas Esco was born a unique person. He was the 29th child of 30 in a blended family of Mr. Percy Lee and Mrs. Earline Esco. He loved his family and fell in love with his wife's 16 brothers and sisters. He was married to Mrs. Sadie Pearl Esco for 55 years.

He was as solid as a rock and a humanitarian with a heart of gold. He was always concerned about and looked out for the well-being of others. He was a hard worker. He worked in a factory and drove a taxi. He brought dignity to any work task which he performed. He stressed the importance of education and taught his children to get the best grades. He adored his wife's 16 siblings and supported them in their endeavors. He instilled in his children and seven grandchildren to be kind, to be respectful of others, to work hard, to get the things you want in life, to be active citizens of the United States, and, most importantly, to know Jesus.

These words and this biography were put together by the daughter of Mr. Esco. What a man. What a daughter. What a family.

Mr. Speaker, these are the kind of people who I am fortunate to represent, and I am indeed pleased to share them with the rest of the world.

With much love and respect, I am U.S. Representative DANNY DAVIS from the Seventh District of Illinois.

MONTHLY MOMENT OF SILENCE HONORING MILITARY MEMBERS

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

Mr. JONES. Mr. Speaker, in 2008, I introduced a resolution amending House rules, which would require that we open the first session day of every month with a moment of silence in honor of the military members who had been killed in war. Speaker NANCY PELOSI got word of my resolution and her office informed me that amending the rules would not be necessary.

Speaker PELOSI decided that she, and only she, would open the legislative month with that moment of remembrance. She kept her word and, monthly, met her commitment to our fallen American heroes.

Yesterday, I introduced the same legislation, H. Res. 643, and I called on the Speaker of the House to initiate this policy of honoring the military members we have lost fighting for this country.

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

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

Since Mr. RYAN became Speaker of the House in 2015, at least 165 brave American men and women have been killed in service. We in Congress have not sufficiently recognized or remembered those who have died for America.

It is my belief that since Speaker RYAN is in the line of succession to become President of the United States and Commander in Chief, it is his constitutional responsibility, and solely his responsibility, to show gratitude to those who have died for this country. I wrote to Speaker RYAN on December 5 asking that he begin this tradition in January of 2018.

In closing, I hope all of my colleagues will join me in support of H. Res. 643. America is at war. American military members are fighting and dying for this country. It is only through remembrance and prayer that the United States House of Representatives can truly show the bereaved families of those we lost that we share in their sadness.

Mr. Speaker, when I come to the floor to talk about death and war, I try to show the pain in the faces of those who have lost loved ones. The least we can do in this House is, once a month, have a moment of prayer in remembrance of those who have died for this country.

COMMEMORATING ADMIRAL LLOYD R. "JOE" VASEY

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

Ms. HANABUSA. Mr. Speaker, on behalf of the people of Hawaii and the veterans of the Pacific war, I speak today in support of H.R. 4300, the Admiral Lloyd R. "Joe" Vasey Pacific War Commemorative Display Establishment Act, which will establish a Pacific war memorial at Pearl Harbor.

Pacific Historic Parks, a nonprofit organization based in Honolulu, will design and build the memorial in coordination with the National Park Service. The project will not require Federal funds, and I am grateful for their partnership.

My sincere thanks to my friends and colleagues, Congressman ROB BISHOP, for joining me in introduction of this bill, and working with Ranking Member RAÚL GRIJALVA to ensure its swift consideration by the Natural Resources Committee.

"Thank you," "mahalo," to our over 990 cosponsors who built bipartisan support for this measure. I understand it will pass by unanimous consent later today.

Seventy-six years ago today, Imperial Japan attacked Pearl Harbor, pulling our country into World War II in the Pacific. The Pacific Theater was the scene of fierce fighting, and more than 150,000 U.S. casualties on the Philippines, Guam, the Solomon Islands, and many places in-between.

Brave Americans lost their lives in defense of our Nation. Today, at Pearl Harbor, the USS *Arizona* symbolizes the start of the war, and the USS *Missouri* marks its conclusion. But there is no memorial recognizing the experiences and sacrifices of those who fought in the Pacific.

Admiral Vasey served on the USS *Gunnel* during the Pacific war, and it is his vision that we are realizing with this memorial. After fighting for his country, he dedicated his life to the pursuit of peace in the Asia-Pacific region.

In addition to his service in the U.S. Navy, he founded the Pacific Forum Center for Strategic and International Studies—CSIS. Admiral Vasey served as the Senior Adviser for Policy, Pacific Forum CSIS; the former chief of strategic plans and policies for the U.S. Pacific Command; and the Secretary to the Joint Chiefs of Staff.

Admiral Vasey is 100 years old, and he will turn 101 on January 31, 2018. He carries with him the memories of those lost in combat and the honor and responsibility of the veterans who survived. Hopefully, with passage of H.R. 4300, Admiral Vasey and the remaining survivors will find some peace, knowing that the fallen soldiers will be properly honored and future generations will visit the memorial and learn of the battles that they fought.

We must share their stories of sacrifices in the hopes that we prevent future generations from waging war and participating in the historical racism that resulted in the internment of Japanese Americans, including both of my grandfathers.

This spirit of American history must not be forgotten. The lessons were hard, but they helped shape a better nation. This country owes Admiral Vasey and the members of the Greatest Generation a heartfelt "thank-you," "mahalo."

□ 1015

THE KATE STEINLE VERDICT AND THREE PRINCIPLES FOR IMMIGRATION POLICY

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

Mr. BUDD. Mr. Speaker, on July 1 of 2015, Kate Steinle was walking with her father on a pier in San Francisco. While she was on the pier, she was shot to death by an illegal immigrant who had been deported five times. He had been convicted of seven felonies.

Before he murdered Kate Steinle, the Federal Government had asked the city to turn him over so that he could be deported again. The city, following its policy of not cooperating with Federal immigration officials, released him from jail. He murdered Kate Steinle 3

months later. A few days ago, her killer was declared not guilty by a San Francisco jury. For now, there is no justice for Kate Steinle.

There is a question in this, though, for all of us. It is a question we should ask when we are confronted by a terrorist attack conducted by the asylees like the Boston bombing or the San Bernardino massacre, where one of the attackers was in the United States on a K-1 visa.

The question is: Why was this person in our country? In the case of Kate Steinle, we now know exactly why: the city of San Francisco's policy. The city is an accomplice to Kate Steinle's death. It is pure and simple.

They have defied and continue to defy Federal law. They defied it in general by refusing to cooperate with Federal immigration authorities as a blanket policy, and they defied it in the specific case that led to the death of Kate Steinle.

This is a radical policy, and I don't use that word lightly. You have an illegal immigrant convicted of multiple crimes, in addition to coming here illegally five times. The Federal Government tries to send the guy home a sixth time, and the city lets him go because they ignore the law, and then he murders someone.

The results of this city's extremism is a shattered family. The result is a father who will never see his daughter again. The result is a mother who has to face the worst nightmare of every parent. These are the terrible facts of this tragedy, Mr. Speaker, and there is nothing we can do in this body to change them.

What we can do is move forward towards an immigration policy that is based on sound principles. For the radicals, this will be a radical change. For everyday Americans, this is just common sense.

On this front, there are three fundamental principles to a sane immigration policy. First, Americans have the right to determine who becomes citizens through laws. It is right there in the Constitution. Article I, section 8, provides Congress with the explicit authority to regulate naturalization. A country without borders is not a country. It is just a geographic destination.

Second, who comes here should be in the best interest of Americans. The number of known criminals we need to be letting in is zero. The number of people who cannot read and cannot speak English we need to be admitting is zero. The number of radical Islamists and of drug addicts we need to be letting in—zero. We are ready and willing to welcome hardworking immigrants who are ready to pay taxes, to follow our laws, and to build our country together.

Third, we have the right to enforce our choices through immigration laws. We should stop sanctuary cities and enforce sanctions against those who hire

illegal labor. We should build President Trump's border wall, a policy that has worked unbelievably well in Israel. Most people agree that law enforcement is an effective deterrent against committing crimes. Illegal immigration is no different.

Mr. Speaker, according to the Pew Research Center, the population of illegal immigrants in my State of North Carolina has gone up 1,400 percent from 25,000 people in 1990 to 350,000 in the year 2014. We have got to get this under control. Any country where the Kate Steinle tragedy can happen is not a country with a sane immigration policy.

I hope we never again have to ask the question after a tragedy: Why is this person in our country? Because I hope the answer will be widely known, that we have a reasonable immigration system that benefits all Americans and does everything within reason not to bring in people who will hurt us. Kate Steinle proves that we are not there yet. But I believe that we can get there one day.

FOREIGN OWNERSHIP OF FEDERAL DEBT

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

Ms. KAPTUR. Mr. Speaker, the American public has caught on to our Republican colleagues' tax scam. They know their bill takes from our struggling middle class and rewards bountifully the billionaire class and transnational corporations—the very ones that will use the money to ship more of our jobs overseas.

In fact, the only permanent tax giveaways this bill will cause are for big corporations. The Joint Committee on Taxation estimates their bill will add \$1 trillion additionally to our debt minimum, and that doesn't count the interest.

This chart shows over time how much more of our gross domestic product—our economic prowess, what we produce every year in our country—is related to the national debt. The national debt has been exploding over time. Their bill makes it worse, not better. We should not so highly leverage our economy.

Their bill flies in the face of fiscal responsibility, and to what end? The bill would decrease Federal revenue by a projected \$5.5 trillion, tragically putting our national economic security at grave risk. What is put on the table for cuts? Social Security, Medicare, and Medicaid—all on the chopping block.

There is little in the Republican bill good for average Americans. With their legislation, our Republican colleagues will actually push America into deeper financial servitude to foreign investors buying our debt like China and Saudi Arabia. How does this make America

great again? Foreign investors will be financing more and more of U.S. debt.

This chart shows how much now is being financed by foreign interests. Way back, the American people used to buy Treasury securities, and we financed our own debt. But over time, what has happened is that because we were leveraging our economy too highly with debt—borrowed money—foreign interests started to buy our securities. They now own nearly half. Do you know what? That means we owe not just the principal they have borrowed, but interest. So over time, the hole is being dug deeper, and foreign interests literally have now become the largest holder of U.S. debt.

Under their scheme, foreign nations will snap up and buy more U.S. Treasury securities, and this will rob future investments that would benefit Americans because we are required to pay back not just the principal but the interest to foreign creditors. Imagine if that money that we are paying on interest to foreign creditors could actually be invested here in America through tax cuts that actually target middle class families to increase their buying power. But with this massive debt, the American Government is sliding on a slippery slope more beholden to foreign creditors, not the American people.

China is now our largest foreign creditor. If you look at the debt that we owe, you will see China has been growing as an owner of the United States of America. Over time, they already own \$1.2 trillion along with other Asian powers, or 19 percent of our foreign-owned debt. Our taxpayers are paying China principal plus interest—not a good formula for American independence.

Yet China's authorities are not hesitant to undermine American interests starting with democracy itself. But on economic issues, they dump steel to such an excessive level on global markets that it has crushed our domestic steel industry. They manipulate their currency to advantage the yuan, and they continue to rob intellectual property from American companies and universities every day. Being in the pocket of China to finance our debt is not in America's interest.

Other top countries buying U.S. debt include—get ready for this—the Cayman Islands with \$260 billion, and India and Saudi Arabia with between \$135 billion and \$248 billion; and that is a conservative estimate. Even Russia—Russia—owns \$86.2 billion of our debt—a country that interfered in our election process and in our closest allies in Europe's elections.

America best be careful because we are ending up in foreign servitude through the ownership of the U.S. debt. Defeating the Republican tax plan is one way to start righting the ship of state.

NORTH CAROLINA IS THE NUMBER ONE STATE FOR BUSINESS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, recently, Forbes magazine reported something that we North Carolinians have known for some time: North Carolina is the number one State for business.

To give credit where it is due, the Tar Heel State's successful business atmosphere is in large part due to the North Carolina Legislature which has cut personal and corporate tax rates since Republicans assumed the majority in 2010. This year the legislature enacted a budget that reduces the State's flat personal income tax rate from 5.499 to 5.25 in January of 2019.

In 2013, elected officials in Raleigh created an impressive probusiness policy agenda that reduced the State's corporate income tax from 6.9 percent in 2013 to 3 percent in 2017, which will drop to 2.5 percent in 2019. This pro-growth corporate income tax reduction has played a pivotal role in making North Carolina attractive to businesses.

The State of North Carolina is a wonderful place to start a business and to live, and people from other States are moving to the State in droves. Migration rates to North Carolina consistently rank in the highest percentiles in the Nation. Our State ranks second in lowest business costs in terms of labor, energy, and taxes. With rankings like that, it is no wonder that businesses rightly choose to operate out of North Carolina.

As a former small businessowner, it is a pleasure to hear that Forbes had recognized North Carolina's business bona fides. Thanks to the North Carolina Legislature, small and big businesses in North Carolina are competitive on a domestic and global scale.

Mr. Speaker, the officials in Raleigh worked hard to ensure North Carolina would become the most competitive State for business in the country. Here in Washington, we are building upon the success of North Carolina and bringing about a tested policy recipe for economic growth: fairer, simpler, and lower taxes.

Whether you are an individual struggling to make sense of your tax burden before April 15, or an American corporation that is trying to compete with America's competitors, or a small business that has faced the IRS's stifling complexity, you know that our Tax Code is broken. I have heard enough from Fifth District families, businesses, millennials, and other budding entrepreneurs to know that Congress must act now to bring about the economic expansion that Americans need and deserve.

That is why I was proud to cast my support in favor of H.R. 1, the Tax Cuts

and Jobs bill. This bill is Congress' answer to the will of the people. It delivers much-needed tax relief to taxpayers by lowering every marginal tax rate on the books that applies to working Americans. It enables our businesses to win here at home and expand our Nation's job growth. It will boost paychecks for generations to come.

By doubling the standard deduction, even more Americans will no longer need to itemize their deductions. For married couples filing jointly, this translates to \$24,000 yearly that is free from Federal taxes. By lowering the crippling taxes on businesses, workers will see an increase in their wages.

A report from the nonpartisan Tax Foundation found that a middle-income family in North Carolina would see its aftertax income increase by \$2,366. The same foundation found that the Tax Cuts and Jobs Act will create 975,000 new jobs nationally and grow wages by 4.4 percent for middle-income households.

As we have seen in North Carolina, when governments simplify and lower taxes, citizens reap the rewards of economic expansion, job growth, and higher wages. Despite all of the hard work done by North Carolina's Legislature and despite our State being rated the number one in which to do business, it is being held back by the Federal Tax Code. The current Tax Code is littered with trillions of dollars in special interest tax breaks that have held people back.

Even though North Carolina is number one, you will find that the four highest earning counties in the United States are all near Washington, D.C. The spending of the Federal Government fueled by the Tax Code and its giveaways undermine the foundations of our economy.

□ 1030

These special-interest tax carve-outs are driven by—you guessed it—special interests. It is time we stop rewarding the closely connected here in Washington and keep taxpayer dollars where they belong, with American workers, job creators, and businesses.

It is time the Federal Government stopped using the Tax Code to engineer people's decisions and allow Americans to live their lives based on their desire for higher wages, entrepreneurship, service, and economic exchange.

I urge my colleagues to follow North Carolina's lead and support the Tax Cuts and Jobs Act to lower taxes and increase paychecks, wages, and job growth, and to fix the Tax Code.

RECOGNIZING THE SONG "KUMBAYA"

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize a very im-

portant song to the history of the State of Georgia, "Kumbaya."

The first known recording of "Kumbaya" took place in 1926 near Darien, Georgia. The original name was "Come By Here," but now the song is internationally known as "Kumbaya."

While the exact origin of the song is uncertain, scholars believe it originated with the Gullah Geechee people, who are descendants of enslaved African Americans who lived on the Sea Islands in the coastal regions of Georgia.

It is largely believed that the song was a plea for God's intervention for this group of African Americans, asking Him to relieve them from a number of different hard times in the community: a sick family member, oppression, and more.

Robert Winslow Gordon, a staff member and eventually founder of the Library of Congress' Archives of Folk Song, was temporarily living in Georgia in 1926 and took the first recording of "Kumbaya" on a wax cylinder recorder numbered A839, still located in the Library of Congress today. He recorded a person in the Gullah Geechee community named H. Wylie, who sang the lyrics: "... need you Lord, come by here. Somebody need you, Lord, come by here ..." This recording of "Kumbaya" is one of the earliest items located in the Library of Congress' Archive of Folk Song. Today, Robert Winslow Gordon is buried in Darien, Georgia, home of that first recording of "Kumbaya."

Scholars think that "come by here" simply sounded like "kumbaya" to some listeners, a nonexistent word at the time that evolved into the song that we have here today. Other scholars think that the original song was not even "come by here," but instead "come by ya."

Since that time, the song has spread throughout our Nation and the world. Recordings can even be found sung by Americans throughout all different times in our Nation's history.

There are 1930s recordings from central Texas and in Florida, while many Americans were finding solace during the Jim Crow period. In the 1950s and 1960s, "Kumbaya" was sung by Pete Seeger; Peter, Paul, and Mary; and Joan Baez. The song has even been traced to Angola, transported by missionaries.

Even today, "Kumbaya" means something different to different groups of people, but we should never forget the original meaning of the song and who we believe may be the original creators of the song, the Gullah Geechee people.

The Gullah Geechee people live on the southeastern coast, from St. Augustine, Florida, up through Georgia and South Carolina, to their northernmost area of Wilmington, North Carolina. Most of these areas refer to the

people as Gullah, but in Georgia, we call them Geechee. They are the direct descendants of enslaved Americans who arrived here from west and central Africa to produce rice for slaveholding Americans.

There are many aspects of their culture that are unique, complex, and beautiful. Their language is based in creole and is the only distinctly African creole language in the United States. The Gullah Geechee people make sweetgrass baskets designed for rice production as a craft passed down to both men and women.

Although this culture and their traditions have modernized since the 19th century and early 20th century in America, today you can still see the Gullah Geechee people weaving sweetgrass baskets and living their culture in other ways if you drive through coastal Georgia.

I cannot overstate the importance this group of people has had on the development and history of the First Congressional District of Georgia, and I want to thank them for their contributions to this area.

Further, as creators of the song "Kumbaya," they have changed lives and have been a significant force not only in the First Congressional District of Georgia, but across the world and throughout American history. To recognize just how widespread this song has become, the Georgia General Assembly passed a resolution officially stating the impact this song has had on our State.

I hope you all will join me in our Nation's Capitol by also recognizing the importance of this song. I am very proud that it originated in the First Congressional District of Georgia, a district that I have the honor and privilege of representing. It is also an honor to have members of the Gullah Geechee community from my district here at the Capitol today.

Welcome to our Nation's Capitol. Thank you for your contribution to our Nation's history.

I WILL NOT BE MOVED

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

Mr. AL GREEN of Texas. Mr. Speaker, once again, I enjoy the preeminent privilege of speaking from the well of the House of Representatives. I am so honored to have this great opportunity.

Today, Mr. Speaker, I rise to acknowledge that, yesterday, a historic event took place right here in this House. Mr. Speaker, yesterday, 58 persons voted to impeach Donald John Trump, President of the United States of America. Mr. Speaker, that is 57 more than a good many people anticipated.

Mr. Speaker, there are some who would have the event be nothing more

than a footnote in history. Some would just have it be a nonevent. But, Mr. Speaker, it won't happen. It will not be just a footnote. It won't be a nonevent.

Mr. Speaker, this event will be looked upon by scholars as they look through time to understand what happened at this time. They will ponder it and find that those 58 persons were the first 58 to vote to impeach Donald John Trump—the first 58, not the last 58, Mr. Speaker. There will be another opportunity for us to remove Donald John Trump from the Presidency.

Mr. Speaker, when I took my vote yesterday, I voted for a lot of constituents. I just want to single out a few.

I voted for the man who stood on a corner under a bridge, cup in his hand, asking for help. When he saw me, he had a big smile on his face. I voted for him because his words to me, paraphrasing, were: I am so proud of what you are doing with that impeachment. This is a man standing in the streets of life, who sleeps in the streets of life.

I voted for the person who was on a serving line at a cafeteria—I eat in cafeterias quite regularly—who said: Right on; keep on.

I voted for the woman who saw me at church and said: AL GREEN, you are a troublemaker, but don't you stop until you impeach Trump.

Mr. Speaker, I voted for people who would never have this preeminent privilege that they have accorded me to stand here in the well of the Congress. I am not going to let them down, Mr. Speaker.

This was round one. I assure you, Mr. Speaker, that I don't give out, I don't give up, and I don't give in. I know that I am on the right side of righteousness, and I am going to stay there.

Here is where I stand. I will not be moved.

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

HONORING ALICE FUQUA MCCALL

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

Mr. HOLDING. Mr. Speaker, I rise today to recognize and thank an exceptional North Carolinian, Alice Fuqua McCall, who has spent nearly three decades working for Members of Congress.

Alice first began her career with Senator Jesse Helms back in 1986 as a special assistant. Alice was fresh out of college when she came to Washington, D.C., and was immediately hired to work for the Senator on Capitol Hill.

It was during this time, Mr. Speaker, that I first met Alice. We both served on Senator Helms' staff together, bringing conservative North Carolina values—and, in Alice's case, Southern charm—to our work in the Senate.

When Senator Helms retired in 2003, Senator Elizabeth Dole welcomed Alice to her staff in Raleigh to handle constituent services. Mr. Speaker, Alice spent 6 years working for Senator Dole in that role. During that time, she became well known in North Carolina for her personal attention to casework. She helped countless constituents navigate the many problems that arise when dealing with Federal agencies.

Following her time working in the Senate, Alice moved over to the House side, serving on the staff of former Congresswoman Renee Ellmers as her constituent services director. Alice's caring and compassionate demeanor made her a logical choice for that position.

That is why, Mr. Speaker, when I was first elected to serve as a Member of Congress, I couldn't think of anyone better suited to serve as my district director than Alice McCall. Her devotion to her work and the people of North Carolina made her an excellent hire.

This past summer, Alice retired from her Federal service after almost 5 years on my staff. The people of North Carolina were lucky to have her as an advocate. My office certainly misses her and will not be the same without her.

I will always think of Alice as a colleague and good friend from our time together with Senator Helms, and I wish her and her family well as she enjoys her much-deserved retirement.

STOP THE BLEED

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

Mr. MARSHALL. Mr. Speaker, when I say the term "CPR," everybody in the room knows what I am talking about; but when I mention "Stop the Bleed," few of us know what it is.

This past summer, I had the opportunity to take part in a Stop the Bleed training program offered for my good friends and fellow physicians at the American College of Surgeons. This simple training teaches individuals how to treat bleeding injuries and help save a life.

Every year, almost 200,000 Americans die from traumatic injuries sustained as a result of events, including vehicle crashes, falls, industrial and farm accidents, shootings, and natural disasters. The most common preventable cause of these deaths is losing too much blood in the minutes before trained responders can arrive. This is something we need to change.

The ability to recognize life-threatening bleeding and the ability to intervene effectively can save a life. Whether the injury was the result of a car crash, home accident, or farm accident, one person who is there at the right time and has the right skills can make all the difference.

Just like CPR training, a civilian familiar with basic bleeding control

techniques is better equipped to save a life. The effort to make this training available to the public is driven by the goal to reduce or eliminate preventable death from bleeding.

The American College of Surgeons, working in partnership with many other organizations, has now made the training needed to address such incidents available to the public. Through nationwide advocacy efforts, the American College of Surgeons will work to ensure that all people have access to training opportunities.

I would implore and encourage folks like the Boy Scouts, Girl Scouts, American Red Cross, and other organizations that teach CPR to add this very simple course on Stop the Bleed to that training course program. It is a very simple concept of putting pressure where the bleeding is occurring or how to make a quick tourniquet out of a belt or a piece of clothing.

Today, I also take this opportunity to encourage fellow congressional Members of Congress to get trained in Stop the Bleed.

□ 1045

CONTINUING RESOLUTION AND TAX BILL

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

Mr. HOYER. Mr. Speaker, we should not shut down the government of the United States. Democrats do not want government to shut down. It is, however, not in our hands. It takes a majority to pass any bill in this House: 218 votes. Our Republican colleagues have over 240 votes. We have 193. So it is not in our hands, Mr. Speaker.

The Republican Party has been given the responsibility and the duty to enact legislation to ensure the proper functioning of government. As the governing party, they can pass whatever they want to pass on this floor. Indeed, as the governing party, they have a responsibility to use their votes to keep the government running. They control the House, they control the Senate, and they control the White House. All the levers of power of legislating are in their hands.

But, we are here, Mr. Speaker, on the verge of a shutdown because of a familiar pattern where Republicans cannot unite as a party. They cannot agree among themselves on spending priorities. This has happened again and again and again. In fact, each time Congress has successfully enacted a funding bill since the majority took the majority in 2011, they had to have Democratic votes to pass that legislation every single time.

When we passed the continuing resolution in September, just about 3 months ago, we did so because Republican leaders asked for more time to

work on the priorities that confront this country and, responsibly, keeping government working. They had 3 months to do so, yet here we are with 1 day remaining and nothing to show for it.

Instead, they have spent the past 3 months—on priorities that I will outline in just a minute—working on a tax bill that is reckless, deeply unpopular, and harmful to the lives and livelihoods of millions of Americans and the economic well-being of our country that I call a death tax because it will explode the debt of the United States; a bill that would raise taxes on 78 million middle class households and kick 13 million Americans off of their health insurance coverage; a bill that would increase, as I have said, the deficit by \$1.5 trillion—indeed, much more than that, because we have to pay interest on the money that we are going to borrow to do the tax cut, while we fail to pay our bills—a bill that would trigger an automatic cut of Medicare by \$25 billion next year; a bill premised on a falsehood that tax cuts magically pay for themselves.

That is what the past 3 months have been wasted on, Mr. Speaker.

Not a single appropriations bill has been enacted by this Congress, not a single one. There are 12. They control the House, they control the Senate, and they control the Presidency.

Now our Republican colleagues, Mr. Speaker, are asking for 2 more weeks. Two more weeks, they say. Republicans are asking us for 2 more weeks because they claim they haven't had time to write a funding bill they can pass.

Ninety days. Every Democrat voted for what I call the “no drama” CR in September. Ninety Republicans voted “no” on an agreement we had to use the next 90 days to address the priorities of America. But 90 Republicans voted “no.”

They have had time to write and rewrite and rewrite and rewrite again a tax bill that advantages the wealthiest in America at the expense of the majority of Americans. That, Mr. Speaker, is how they have spent their time these past 3 months.

Write a funding bill to avert a shutdown?

No.

Reach an agreement that is responsible to fund the priorities of America?

No.

Write a tax bill that kicks millions off of their health coverage and raises taxes on millions more. That is what they have done for 90 days. That is what they chose to do.

Two more weeks?

If they want 2 more weeks, they have 240 votes to give themselves more time. But I am certainly not going to vote to give them 2 more weeks simply to work on the tax bill, which they have pledged to pass by Christmas.

However, if they passed it a year from now, it would have the same impact on America's taxes. The critical they have ignored and delayed. The political has been their sole focus.

I say to my Republican friends, Mr. Speaker: You won control of the government. Govern, govern. Be responsible. Focus on that which is critically important to the American people. Don't say you haven't had time to do the most important job you had. You had time. We voted—every one of us—to give you 90 days, to work either in a partisan sense, as you have done so much of the year; or in a bipartisan sense, which was much more positive and would have been much more productive.

There is a to-do list, Mr. Speaker, of critical legislative items that this House has to complete before the end of the year. It is a long and compelling list. Six of them have hard deadlines and must be done before we leave for the end of the year. For 90 days we didn't do them.

None of the six is a surprise either. Neither are any of the others that the American people expect us to do by the end of the year as well.

The majority has had months to work on bringing legislation to the floor on each one of them—months—yet here we are, in December, pushed up against the wall of a funding deadline.

And Republicans want 2 more weeks so they can focus on passing their tax bill before Christmas?

Not the priorities of America, but a tax bill, a deeply unpopular, appropriately so, tax bill.

Mr. Speaker, let me list what we need to do, what we ought to do, and what we should have done over the last 90 days. Let me just share with the American people who sent us here what the Republican majority has not gotten done in all of the months they have had complete control of the government:

Keep the government open and functioning by passing funding bills and sending them to the President for signature;

Reauthorize the Children's Health Insurance Program so that millions of our children will not lose healthcare insurance;

Provide funding for VA Choice to help care for our veterans, which must be done;

Reauthorize the flood insurance program, which is so critical to so many millions of Americans;

Extend expiring health programs, such as community health centers, on which so many others rely;

Reauthorize portions of the Intelligence Act to protect America's security, which will end before the end of the year.

Ninety days we have had to consider all of those items.

The American people also expect us to:

Provide the necessary resources to address the opioid addiction crisis, which they had 90 days to do that;

Reach an agreement on spending levels for critical priorities of the American people. We call it dealing with sequester, which is somewhat jargon, but we haven't done that;

Pass funding to keep government effectively serving our people. Ninety days to do that, and here we are;

Pass the Dream Act to provide certainty for those young people who were brought here as children and have grown up as Americans;

Take action to stabilize our health insurance markets. We haven't done that. We had 90 days;

Extend the expired Perkins Loan Program so college students, with the most need, can complete their degrees. We haven't done that in the last 90 days;

Reauthorize fire grants so that our domestic defenders and our first responders can have the resources they need for training, for personnel, and for equipment to keep our communities safe. We had 90 days to do that;

Prevent nearly 1 million people from losing access to Medicaid in Puerto Rico;

And I will end with: making sure that the people of Texas, the people of Florida, the people of Puerto Rico, and the people of the Virgin Islands have resources to rebuild and restore their communities devastated by Hurricanes Harvey, Irma, and Maria.

All of this we need to do by December 31.

What do we focus on?

A tax bill.

When will that tax bill take effect for taxes in 2018? When will you pay those?

By April 15, 2019.

Yet that is what we spend all of our time on. That is what we have spent all of our time on, not the priorities that I have just read, but a tax bill that will hurt America, hurt its financial status, hurt its middle-income workers, and, most of all, hurt the children who will pay back the money we will borrow to give the wealthiest in America a tax cut, those people making over \$900,000 a year. That crowd will get 62 percent of the resources, yet the Speaker says that we need to help struggling Americans.

I will tell you, Mr. Speaker, there is not a person at any one of my town meetings who came up to me and was worried about the people making \$900,000 or more—not one. Maybe it has happened to you, Mr. Speaker, but it hasn't happened to me.

Why are we at this point?

Because we have a governing party that refuses to govern; because we have a majority that has failed to do the business of the American people, even for something as fundamental as providing for the operations of government.

Mr. Speaker, we Democrats welcome the opportunity to sit down with our Republican colleagues and reach a compromise agreement to meet our responsibilities and address many of the pressing issues I have outlined earlier in this address.

My time is about up. Had we utilized the 90 days that we all voted—we on our side of the aisle, the Democrats voted—with our Republican friends, although 90 Republicans voted “no,” but we all voted “yes” to take 90 days to meet our responsibilities to the American people. It hasn’t been done. We have no confidence that giving 2 more weeks will make it happen.

Let’s get to work right now. Not on the tax bill. That could be passed at some point in time. I am against it. I will vote against it. I hope it fails. It is a bad bill. But let’s address these priorities. That is not what the intent of these 2 weeks are. It is to give 2 weeks so we can pass a bad tax bill that will hurt America, will hurt our children, and will hurt the middle class.

□ 1100

PEOPLE ARE PAYING ATTENTION

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

Mr. BLUMENAUER. Mr. Speaker, as I listened to the House Democratic whip lay out the case for the American public, I was struck by how stark the choices are and how much we are looking at failure at home and abroad.

We are watching the reckless action of Trump with his declaration that we are going to move the U.S. Embassy to Jerusalem, further isolating America. We are alone in this instance. People who are in the Arab world, European allies, are deeply concerned that this will have a destabilizing effect.

We are watching the countdown here as we are kind of scrambling to keep government open, when, for heaven’s sake, these have been clear for months. Republicans occupy all the levels of power. Why can’t they simply act to be able to send clear signals so the appropriators can work and government operates.

We have watched the expiration of the Children’s Health Insurance Program, wildly popular with people across the political spectrum to be able to have this significant enhancement of health for children in this country, even more important because of the Republicans’ relentless assault on the Affordable Care Act and destabilizing insurance markets. Yet State after State, including my home State of Oregon, is facing the difficult task of sending out notices to families that they are no longer going to have access to this critical healthcare.

In the backdrop of all of this, we are watching a Republican tax program

which would be the largest transfer of wealth in our Nation’s history paid for by mortgaging the future of our children and grandchildren a trillion and a half extra debt. When you put in the fact that we will have to pay interest on that, \$2.3 trillion to be able to give some of the largest corporations and the wealthiest Americans even more tax benefit, and we are neglecting fundamental responsibilities.

\$2.3 trillion tax benefits for some who don’t need it, and we still don’t have an infrastructure plan, which the President promised a trillion dollars of infrastructure spending to rebuild and renew America.

Well, I will tell you, there would be bipartisan support for any reasonable plan going forward. In fact, we have people in the American transportation industry who are saying: Raise our taxes.

The fuel tax has been raised in over half the States, including a number of red Republican States. There is a deal to be had when AAA and the American Trucking Associations say: Let’s provide the leadership, make the investment, put hundreds of thousands of Americans to work in ways that will enhance the environment, improve the economy, and give people a sense of pride that we can actually come together and get something done.

It is waiting there. Yet we are spending \$2.3 trillion to largely benefit the top 1 percent and the largest corporations, and we are ignoring needs like that.

The Treasury, we are told, has been doing studies that will prove that this will just pay for itself, and the Secretary of the Treasury has been asked: Show us the studies. What is the research? Where do you pick this number out of the air that is rejected by virtually every independent economist as well as past experience?

We see nothing.

The tax bill is constantly in flux. That is one of the prices that we pay, because they never followed regular order, they didn’t attempt to work on a bipartisan basis. There were no hearings held on this bill. As a member of the Ways and Means Committee, I was shocked. This bill changed sometimes hour by hour. They still don’t know what they have passed. They are talking about changing corporate tax rates, they are talking about dealing with some of the deductions that have been taken away, like for State and local taxes. It is in a state of flux.

What we do know is what was passed in the House is wildly unpopular. How do you take a tax cut that is unpopular by 75 percent of the population? It is because people are starting to look at it, and the closer they look, the more they are going to find it distasteful.

I am hopeful that we will be able someday to come to our senses, work together on things that will actually

make a difference for the American public rather than make things worse.

RECESS

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

Accordingly (at 11 o’clock and 5 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Steven E. Boes, Boys Town, Boys Town, Nebraska, offered the following prayer:

Today we remember the lives lost at Pearl Harbor and all the young men and women who serve today.

Lord God, in these troubled times of fires, floods, hurricanes, terror attacks, and mass shootings, help us to rely on Your strength to envision and build a stronger, more secure America.

Give us more visionaries like Father Edward Flanagan, who founded Boys Town on December 12, 100 years ago. Father Flanagan was an Irish immigrant who lived the American Dream and taught us all that even the most troubled child could grow up to be a useful citizen if given half the chance. He saw the best in the kids that others rejected as useless.

Help us, but especially each of our Representatives, to see the best in those who have different political or social views so that we can, together, build an America that enables and calls forth the best in its citizens.

Amen.

THE JOURNAL

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

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

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

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

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

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

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

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

Mr. DAVIDSON led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND STEVEN E. BOES

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

There was no objection.

Mr. BACON. Mr. Speaker, I rise today to thank and recognize Father Steven E. Boes, who joined us today to deliver the opening prayer.

Father Boes is the fifth executive director of Boys Town, which is in Nebraska's Second Congressional District and is celebrating its 100th birthday this month.

Father Boes was ordained as a priest in 1985 for the Archdiocese of Omaha and assumed his post at Boys Town in July 2005. He regularly attends sporting and school events at Boys Town High School and dines with kids in their family homes, and I have joined them.

Under his leadership, the number of children served through Boys Town's on-campus, family-style care and programs serving children in their homes and communities has doubled. The Family Home Program, started in 1974, has served 36,000 children to date.

Boys Town Foster Family Services program has cared for nearly 9,000 youth to date, and the In-Home Family Services program has helped approximately 102,600 youth without having to remove them from their homes. Boys Town also has emergency services that have served over 45,000 youth.

The man who started this all 100 years ago, Father Edward Flanagan, was truly a visionary for changing how America cared for families and children. He worked to close reformatories and juvenile facilities where children were abused, eventually opening Father Flanagan's Boys' Home, which became Boys Town. He has made a lifelong impact on thousands upon thousands who were given a rough start in life.

Boys Town now has nine locations across the country including Nevada; Louisiana; north Florida; central Florida; south Florida; Washington, D.C.; New England; Iowa; and Nebraska.

From Father Flanagan to Father Boes, many lives have been impacted.

I recognize Boys Town for 100 years of service to the community and America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECOGNIZING EDDY ACEVEDO

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

Ms. ROS-LEHTINEN. Mr. Speaker, today is a bittersweet day for our office because we bid farewell to my senior foreign policy adviser and subcommittee staff director, Eddy Acevedo—a native Miami boy and a proud Nicaraguan American.

For over a decade, Eddy and I have worked side by side to advance the issues critical to U.S. interests at home and around the globe. Eddy's depth of knowledge and his political acumen are only eclipsed by his passion and his kindness.

But don't let that fool you, Mr. Speaker. He is a bulldog when it comes to advancing our core ideals, like the respect for human rights and the promotion of democratic principles. That is why he is an ideal fit for his next role as deputy assistant administrator and chief legislative strategist with the USAID. I have no doubt that we will hear many great things from Eddy in the future.

Mr. Speaker, Eddy is more than just my most trusted adviser. He is my dear friend, and he will be very much missed. So our staff and our family wish him and his wife, Luly, all the best as they enter this next new, exciting chapter of their life together.

GOP TAX SCAM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, this holiday season the Republican majority has been working overtime on a tax plan that gives permanent tax cuts to wealthy families and corporations funded by raising taxes on middle class families.

As the Republican majority tries to disguise its tax plan as a beautifully wrapped gift, the American people need to know that there are negative healthcare effects hidden inside the plan.

By passing this tax plan, there would be automatic cuts to Medicare to the tune of \$25 billion a year. In addition, this plan could cause an extra 13 million people to become uninsured. The tax bill will explode our debt or will cut Medicare and Medicaid.

It has been more than 2 months since Congress should have reauthorized the

Children's Health Insurance Program and federally qualified health centers. This is the first time in history that these programs have been held hostage to the legislative process.

Instead of racing to reauthorize these popular bipartisan programs, the Republican majority instead has neglected children across the country solely to provide tax cuts to corporations and wealthy individuals.

Mr. Speaker, this plan is not for the many, but it is only for the few.

RECOGNIZING JERUSALEM AS THE CAPITAL OF ISRAEL

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

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to President Donald Trump and Ambassador Nikki Haley—South Carolina's former Governor—for the announcement that the United States will recognize Jerusalem as the capital city of Israel and relocate the American Embassy to the holy city which protects all religions.

As President Trump said at the White House: "This long overdue recognition of reality is in the best interests of both the United States and the pursuit of peace between Israel and the Palestinians."

America's bond with Israel is unique, and its strength is the foundation for peace through stability for all of the Middle East providing for prosperity for all countries.

The President's announcement strengthens that alliance, and I appreciate his honoring another of his campaign commitments. Friends of Israel know they have a true friend in the White House, which was heartfelt when I met last month with Sheldon and Miriam Adelson at the Washington Convention Center.

President Trump's team is leading boldly. The President is clear: peace is never beyond the grasp of those willing to reach for it.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism, just as America had resolved December the 7th, 1941.

END HUNGER NOW: FRUIT AND VEGETABLE PRESCRIPTION PROGRAM

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

Mr. MCGOVERN. Mr. Speaker, yesterday, my dear friend and colleague from Maine, Representative PINGREE, hosted a panel discussion on the Fruit and Vegetable Prescription Program.

Experts from Wholesome Wave, the American Heart Association, and War

on Poverty—Florida briefed congressional staff on how we can improve health outcomes for people living in poverty by increasing access to healthy, fresh produce. It is a simple concept with incredible results.

Currently, healthcare providers at 34 clinics across 10 States provide individuals and family members with prescriptions for fruits and vegetables and \$1 per day per family member to purchase these nutritious foods.

The program has significantly increased food security among its participants and has enabled these families to increase their vegetable consumption by an astounding 206 percent.

I ask my colleagues to join me in supporting the Local FARMS Act, H.R. 3941, Representative PINGREE's bipartisan legislation to expand the support and effort, and let us all work together to end hunger now.

THERE IS NO SUBSTITUTE FOR VICTORY

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

Mr. DAVIDSON. Mr. Speaker, today, on this day that lives in infamy, we recall MacArthur's message from the Philippines. He said famously:

From the Far East, I send you one single thought, one sole idea written in red on every beachhead from Australia to Tokyo: There is no substitute for victory.

Mr. Speaker, I ask the Corps of Cadets at the United States Military Academy to remember that on the football field on Saturday.

Go Army. Beat Navy.

DUCKS UNLIMITED

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

Mr. THOMPSON of California. Mr. Speaker, I rise to recognize the great contributions of Ducks Unlimited.

For 80 years, Ducks Unlimited has played an important role in the wetland conservation process in our country by fighting for critical conservation policies in our national and State capitols and conducting outreach and education to bring the next generation of sportsmen and -women into play.

They have raised billions of dollars to conserve more than 14 million acres, and they have biologists on the ground working with local partners to bring these projects across the finish line.

Ducks Unlimited has had great success in making critical habitat improvements to wetlands that support healthy flyway populations, clean air and water, and strong local economies.

RECOGNIZING DARREN LUTTRELL

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

Mr. COMER. Mr. Speaker, I rise today to recognize Mr. Darren Luttrell from Ohio County, in the First District of Kentucky.

Darren was named the 2017 Farmer of the Year by the Kentucky Farm Bureau at their 98th annual meeting held in Louisville, Kentucky. Throughout an extensive interview process, Darren's steadfast commitment to agricultural modernization, education, and community involvement shone through every facet of his career and personal life.

During his decades of experience in farm management and agricultural technology sales, Darren has not only doubled the size of his family farming operations, but has been an outstanding leader in the Ohio County Farm Bureau and his local chamber of commerce. Known to the students as Farmer Luttrell, he has inspired the next generation of agricultural leaders through his involvement with local schools.

I am thankful for Darren's advocacy for Kentucky agriculture, and I join Kentucky Farm Bureau and all those Darren has served throughout his career in wishing him the best of luck as he competes at the Swisher Sweets-Sunbelt Ag Expo Southeastern Farmer of the Year competition in Georgia in 2018.

RUSSIA'S EXPULSION FROM 2018 OLYMPICS

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

Ms. KAPTUR. Mr. Speaker, the International Olympic Committee has banned Russia from the 2018 Winter Olympics due to rampant and state-backed doping. The Olympic Committee says that Russia's scale of cheating is unprecedented.

Unfortunately, this is yet another example that the enemy of democracy knows no limits under the Putin regime. Russia's Government and its corruption—some say depravity—is so pervasive that it even tarnishes the dignified and ancient tradition of the Olympic Games.

Russia dishonors athletes around the world who make countless sacrifices and give their blood, sweat, and tears to compete. While this decision rightly penalizes Russia, Russia is looking ahead to host the 2018 World Cup in soccer. Putin will relish this global platform to spew out his propaganda to the world while thousands of Ukrainians are killed and millions more throughout central Europe are stifled under his repressive thumb.

The global community must be on alert. We must stand for liberty. We must counter Russia's corruption, interference, and aggression in all its forms.

As the 2018 World Cup nears, I call upon the international community to choose again an honorable field on which the world's athletes can compete.

Mr. Speaker, I include in today's RECORD a news article from The New York Times dated December 5, 2017, titled "Russia Banned from Winter Olympics by IOC."

□ 1215

PEARL HARBOR REMEMBRANCE DAY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, 76 years ago today, our Nation witnessed a devastating attack at a naval base in Pearl Harbor, Hawaii. That event hastened our entry into World War II.

The surprise attack by the Japanese on the morning of December 7, 1941, left 2,403 people dead. Among them were members of the U.S. Navy, Army, Marines, and also civilians. It was one of the deadliest attacks in American history. President Franklin D. Roosevelt described it as "a date which will live in infamy."

On this solemn day of commemoration, we remember and we reflect. Flags throughout our country are flown at halfstaff in honor of Pearl Harbor Remembrance Day.

Mr. Speaker, let us remember and honor the lives of those brave Americans who perished on this day 76 years ago. As President Roosevelt said: "No matter how long it will take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory." And we did.

God bless all of our Pearl Harbor victims and survivors, and God bless the United States of America.

GOP TAX BILL

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

Ms. ROSEN. Mr. Speaker, this week, Republicans are continuing to work behind closed doors to put finishing touches on their disastrous tax bill that will hurt countless families in Nevada and across this country.

Let's be clear: This monstrosity of a bill would eventually slam many of Nevada's hardworking families with a tax increase, while adding more than \$1 trillion to our national debt. To make matters worse, the Senate version of this bill would spike healthcare premiums and cause millions to lose their healthcare coverage. Also, billionaires and giant corporations can receive an unnecessary tax cut.

Mr. Speaker, Americans can clearly see that this is a bill that is just a giveaway to wealthy campaign donors and giant corporations at the expense of hardworking families. We need a Tax Code that is focused on putting money back in the pockets of all families, not one that creates even worse wealth and income inequality—and certainly not one that puts profits before people.

CONGRATULATING THE PENN MANOR FIELD HOCKEY TEAM

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

Mr. SMUCKER. Mr. Speaker, I rise today to congratulate the Penn Manor field hockey team on their 2017 State championship victory.

It was a remarkable season for these young women. The State championship victory capped off a perfect 28-0 season, and 23 of those victories were shutouts. Mr. Speaker, they scored 148 goals and only allowed 5. Leading scorers Gabby Bitts and Emma DeBerdine combined for 64 goals and 54 assists.

But what is also special about this team is their combined GPA. It is 3.63. It speaks volumes about the team, but also about their coaches and parents, because we know that success like this isn't achieved alone. I couldn't be prouder to represent these young women, and I look forward to the continued success of this program.

Congratulations to the Penn Manor field hockey team, the coaches, their families, and the faculty, staff, and students that helped make this championship possible.

REMEMBERING PEARL HARBOR

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

Ms. GABBARD. Mr. Speaker, my heart is in Hawaii today as we commemorate the 76th anniversary of the attack on Pearl Harbor, a day that forever changed Hawaii and our country.

We remember those who paid the ultimate price on that fateful day and the millions of Americans who answered the call to serve in the months and years that followed, including two of our former U.S. Senators, Inouye and Akaka.

We remember the famed "Go for Broke" 442nd Infantry Regiment and other units made up of young men who, despite seeing their friends and family members be sent off to internment camps, still stood up and volunteered to serve, putting their lives on the line for this country. They served bravely, sacrificed greatly, and became the most highly decorated unit in all of the U.S. Army's history.

We must never forget what happened at Pearl Harbor, the lessons learned, and the sacrifices of those who served.

There is no question that the stories of the Greatest Generation will live on forever in the hearts of a grateful nation.

PEARL HARBOR

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

Mr. POE of Texas. Mr. Speaker, it was a calm, cool Sunday sunrise over the Hawaiian Islands when the planes came over the horizon. They were carrying the emblem of the rising sun on their wings and fuselages, the symbol of the imperialist regime of the Kingdom of Japan. They were headed for a surprise attack on a place called Pearl Harbor, an American naval base. It was December 7, 1941.

Meanwhile, here in Washington, D.C., hypocritical diplomats from Japan were talking peace with the United States.

The Japanese planes bombed American battleships in the harbor. They bombed American aircraft on the ground. After the destruction was over, 2,403 Americans lay dead, murdered by the imperialist kingdom. It was the beginning of America's entry into World War II.

Nearly 4 years later, over 416,000 Americans were killed in the Second World War. Victory over Japan occurred on August 14, 1945, and the "rising sun of aggression" sank into the sunset of history.

We honor and remember Pearl Harbor and all the men and women of the Greatest Generation who served in that war.

And that is just the way it is.

NET NEUTRALITY

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

Ms. LEE. Mr. Speaker, I rise today to sound the alarm against the Federal Communications Commission's misguided proposal to repeal net neutrality rules.

Now, let me be clear. Net neutrality rules protect Americans' access to an open, free, and fair internet. The rules prevent internet companies from blocking websites or slowing down their load time simply because they disagree with what the website says. Repealing them would be undemocratic and very dangerous.

What is worse, we know that gutting net neutrality would have a detrimental impact on communities of color. From entrepreneurs to social justice advocates, the internet has been a powerful tool for communities of color to help draw attention to injustices in our society.

This new proposal will essentially kill this free expression and innovation. This is ridiculous. We can't allow

democracy and access to the internet to be restricted in the name of corporate profits.

I urge the FCC to reject this plan and stand with the vast majority of Americans who want to keep the internet open and free.

REMEMBERING PEARL HARBOR

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

Mr. YODER. Mr. Speaker, I rise today in remembrance of the attack on Pearl Harbor and in memory of those who gave their lives on that tragic day.

Today marks 76 years since the surprise attack on Pearl Harbor, where 2,403 Americans lost their lives. Many years have passed since that day, and, sadly, there are fewer and fewer survivors of the attacks left with us; however, it is vital that we never let their memory fade.

In my own district, a group of Pearl Harbor survivors, other veterans, and community members have dedicated themselves to preserving the memory of this attack. Every year, the city of Mission, Kansas, hosts a memorial to observe this date.

One of my constituents, Dorwin Lamkin, is a veteran, Pearl Harbor survivor, and has played a key role in organizing this event. I have had the privilege of attending this ceremony in the past, and I applaud them for continuing this important tradition.

Let us never forget the fallen and the survivors of Pearl Harbor, and may we work every day to honor their memory and sacrifice.

REPUBLICAN TAX BILL

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

Mr. KILDEE. Mr. Speaker, Republicans continue to rush their tax scam through Congress, raising taxes on tens of millions of people, borrowing over \$1 trillion, just to give massive tax breaks to the people at the very top of the economy.

For the last 3 months since we passed the temporary spending bill, what has been their focus?

Has it been to deal with the lack of reauthorization and full funding for children's health? No.

Have they focused at all on the need to deal with the Dream Act and those DREAMers who are here, knowing no other place than the United States? Have they done anything on that? No.

They have an obsession about one thing: tax cuts for the wealthiest.

Have they done anything at all to deal with this opioid crisis? The President talked about it, declared an emergency.

What have we seen from the other side? Nothing, except an obsession to

give tax breaks to the people at the top. For 3 months since we passed that temporary spending bill, that has been the singular obsession of the Republican majority.

That is not what the American people are looking for. That is not what they sent us here to do. We should do the work of the American people.

FEDERAL HISTORIC TAX CREDITS

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

Mr. HIGGINS of New York. Mr. Speaker, the Republican corporate tax cut bill is a massive takeaway from middle America and a massive giveaway to corporate America.

The Treasury Secretary says that these tax cuts will pay for themselves, and more. News flash for the Treasury Secretary: Tax cuts don't pay for themselves. They never have, not once, in human history.

What does pay for itself are Federal historic tax credits. When Federal historic tax credits are used to renew historical buildings, \$1.20 for every \$1 in tax credits is generated. When historic buildings are renewed, including in my community of Buffalo, New York, Main Streets across America are restored, jobs are created, and new business income and property tax revenues are generated.

The Federal historic tax credit does, in fact, pay for itself, and more, by helping cities and communities to become economically independent and self-sufficient.

MEDICARE AND MEDICAID CUTS

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

Ms. SCHAKOWSKY. Mr. Speaker, Leo Rosten, the author of "Joys of Yiddish," defines chutzpah as "that quality enshrined in a man who, having killed his mother and father, throws himself on the mercy of the court because he is an orphan."

Here is a new definition. Yesterday, Speaker RYAN reconfirmed that, after pushing through a tax scam that adds \$1.5 trillion to the deficit by giving tax cuts to the richest, Republicans will insist on slashing Medicare and Medicaid to reduce the deficit. He said: "We're going to have to get back next year at entitlement reform, which is how you tackle the debt and the deficit."

This is not just chutzpah. It is actual cruelty and callousness.

So I ask my Republican colleagues: Did you really come to Congress to take healthcare and long-term care from children, pregnant women, people with disabilities, families, and seniors?

Who are you?

GOP TAX PLAN

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

Mr. HUFFMAN. Mr. Speaker, our Republican colleagues who control the House, the Senate, and the White House are on the verge of another government shutdown. They have brought us to the brink, and now they are asking for more time to get their work done.

Why do they need more time? We have seen this coming. We have already granted one extension. But instead of working with Democrats to avoid a shutdown, they have been rushing through a tax scam. They have been obsessed with this reverse Robin Hood scheme to take money from the middle class and give it to corporations and the wealthiest 1 percent.

Meanwhile, we need to keep the VA open for business. We need to restore the Children's Health Insurance Program and community health centers. We need to provide safety for DACA recipients who are living in fear. We need to provide wildfire victims in California and the victims of the disastrous hurricanes who are waiting for emergency disaster funding the support they need to rebuild their lives.

Each of these priorities has bipartisan support. But instead of working together on these bipartisan solutions, a unified Republican government has been focused solely on further rigging the system to benefit special interests and billionaires.

No more extensions. Let's work to keep the government open and to address the real priorities of the American people.

□ 1230

TAX REFORM

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

Mr. HUIZENGA. Mr. Speaker, I come down here again finding myself in a position, not planning on speaking. I am down here to speak on a bill that I have on the floor—a bipartisan bill, I might add. I can't help but address what I am hearing from the other side.

First you are hearing: This is getting rushed through. We need to slow this down. We need to be thoughtful.

I ran in 2010 talking about tax reform. Many of my colleagues ran in 2010, 2012, 2014, and 2016 talking about tax reform and the need for it. Even President Obama talked about this, when he was saying we needed to lower the corporate rate from 35 percent down to 25 percent. Why? Because we are uncompetitive. We are uncompetitive as a country.

Now you are hearing the other side saying: Wait a minute. Wait a minute.

We have to slow this down, slow the whole train down.

What they want to do is protect the status quo. They want to protect the status quo, which I believe is unacceptable.

We know that there is great agreement between the House version and the Senate version, delivering \$24,000 on a standard deduction, which is going to bring real tax relief to working families; making sure that pass-throughs, those small businesses, those S-corporations and LLCs and sole proprietorships, actually get treated better and, at the least, the same way that a C-corporation would.

Here we are on the cusp of making sure that we advance the ball.

TAXES

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

Ms. ADAMS. Mr. Speaker, "Kill the bill, don't kill me"; "Tax the rich, not the sick"; these are the chants of hundreds of protestors who have taken to the Halls of Congress. I have never seen anything like it.

The American people know this GOP tax scam is one of the most dangerous pieces of legislation to come before this body. This legislation adds trillions to the deficit, cuts Medicaid, and increases healthcare premiums. It is an unpopular bill pushed by an unpopular President and an unpopular Congress.

Mr. President, the American people don't want your bill. They want healthcare, Medicaid, and Medicare. They want CHIP and community health centers.

Trump, RYAN, and MCCONNELL are bankrupting America's priorities to give tax cuts to the wealthy. Their bill is welfare for Wall Street.

In the past year, Republicans have attacked our healthcare, ignored our gun crisis, abandoned our DREAMers, failed to pass a long-term budget, and now this.

Enough is enough. It is time for Republicans to start working for their constituents, not their donors.

The SPEAKER pro tempore. The Chair would ask Members to address their remarks to the Chair.

TAX-AND-SPEND REPUBLICANS

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

Ms. MAXINE WATERS of California. Mr. Speaker, I just heard a Member from the opposite side of the aisle come to the floor to talk about what we are talking about. I am only talking about tax-and-spend Republicans.

Can you believe the Republicans who have been singing the song of conservatism for years? They called us "tax-and-spend liberals." And they talk

about the deficit. They even run signs talking about how much it is costing the American public every minute. But guess what. They are creating a deficit of \$1.5 trillion in this tax scam that they are passing.

Mr. Speaker, I rise to express my outrage over this harmful tax scam legislation passed by tax-and-spend Republicans. That is what I am saying: tax-and-spend Republicans.

Both the House and Senate bills explode the deficit by over \$1 trillion and raise taxes on the middle class in order to spend on tax cuts for the wealthy. After 10 years, those making \$75,000 or less would see a tax increase, while those making \$1 million or more would see their taxes decrease.

Under the House bill, tens of millions of working families nationwide would experience a tax increase by 2027.

I hope that the tax-and-spend Republicans on the other side of the aisle will come to their senses before sending a final bill to the President's desk.

Tax-and-spend Republicans: over a \$1 trillion deficit. Can you believe it?

TAX BILL

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

Mr. EVANS. Mr. Speaker, I rise again in strong opposition to H.R. 1, the so-called Tax Cuts and Jobs Act. This bill is an example of what happens when the wealthy exert their rule over hard-working Americans. Their bill should be called the "Job-Killing Tax Cut Act."

A leading organization fighting to combat hunger, Feeding America, has said that H.R. 1 would undermine efforts to assist those struggling with adequate food access.

In addition, the GOP leadership has yet to take up the CHIP bill.

This is wrong. Let's stop the games and get something done. We shouldn't have to sacrifice the health and wellness of one population for another, and that is exactly what this divisive GOP bill does. It puts the healthcare of our children, our families, and our seniors at risk by pitting their needs against one another.

Healthcare is not a choice, it is a right. The kids in the Commonwealth of Pennsylvania, who rely on CHIP for their basic healthcare needs, deserve more than this foolish game of politics. We need to come together, roll up our sleeves, do the right thing for our kids, and not engage in the sham version of this tax scam.

Mr. Speaker, I ask my colleagues on the other side of the aisle to engage in truth in advertising, calling the bill a true tax scam.

I oppose this bill because it is unnecessary, grows the national debt, is a giveaway to big corporations and the wealthy, and takes our attention away

from the real problems facing the American people—like jobs.

GOP TAX CUTS

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

Miss RICE of New York. Mr. Speaker, I rise today in opposition to this deficit-exploding tax cut for the wealthy and big corporations.

This bill will raise taxes on middle class families in my district on Long Island and add trillions to the deficit—and my Republican colleagues want to pay for it with cuts to education, healthcare, and Social Security.

They seem to think that the biggest problem in America is that corporations and millionaires are struggling to pay their taxes, but that is not what I am hearing from my constituents.

My constituents are asking: When will we take action to protect the DREAMers? When will we reauthorize CHIP? When will we take up the infrastructure bill that the President promised would be a priority?

Instead of solving those real, urgent problems, Republicans spent the first 9 months of the year trying to take away people's healthcare and the next 3 on trying to cut taxes for corporations on the backs of the middle class.

Mr. Speaker, I urge my colleagues once again to reject this ridiculous trickle-down fantasy, stop the backdoor assaults on healthcare and Social Security, and work with us to solve real problems for the people we serve.

PROVIDING FOR CONSIDERATION OF H.R. 477, SMALL BUSINESS MERGERS, ACQUISITIONS, SALES, AND BROKERAGE SIMPLIFICATION ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 3971, COMMUNITY INSTITUTION MORTGAGE RELIEF ACT OF 2017; AND PROVIDING FOR CONSIDERATION OF H.J. RES. 123, FURTHER CONTINUING APPROPRIATIONS ACT, 2018

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 647 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 647

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 477) to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-43 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended,

are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3971) to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-44 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; and (3) one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 123) making further continuing appropriations for fiscal year 2018, and for other purposes. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

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

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

GENERAL LEAVE

□ 1245

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 647.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, I hope you were listening as the Reading Clerk was going through this rule, because there was a lot of meat in this rule today.

Ordinarily, and, in fact, historically, we will do a bill and we will do a rule; we will do a rule and we will do a bill. This rule today makes three bills in order, three important bills in order.

I am proud to be able to carry this rule today. I hope my colleagues will see the merits of it as I do.

The rule provides a structured rule for the debate of two bills out of the Financial Services Committee. One is H.R. 477, Mr. Speaker, the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2017. The second is H.R. 3971, the Community Institution Mortgage Relief Act. The rule also provides for consideration of a continuing resolution, H.J. Res. 123, which provides appropriations through December 22, as final year decisionmaking and negotiating goes on. It also allows the Centers for Medicare & Medicaid Services, CMS, to reallocate existing funds for the CHIP program through December 31, 2017.

Mr. Speaker, I want to start off talking about the Financial Services bills. We will have some members from the Financial Services Committee come down. They can talk about it in details that I cannot.

It was a fascinating hearing that we had in the Rules Committee last night, Mr. Speaker. We had the chairman, Mr. HENSARLING from Texas, and we had the ranking member, Ms. WATERS. It was a conversation about how we protect people, how do we serve people better.

Now, the Community Institution Mortgage Relief Act, Mr. Speaker, is the result of small community banks and local credit unions saying: We are having a tough time providing mortgages to our members because the Consumer Financial Protection Bureau has created rules designed to protect consumers that are protecting them right out of access to a mortgage at all.

Mr. Speaker, it is a legitimate disagreement that we have here from time to time about how to protect people best, about how to love people best, but it is the right kind of conversation to be having. If we pass this rule today, we will be able to get into debate on that underlying bill.

The debate will not be about should we protect people, because we all agree that we should.

The debate will be about how should we protect those people, an issue on which legitimate, well-intentioned, thoughtful men and women can disagree. I look forward to this body working its will.

The second bill, Mr. Speaker, from the Financial Services Committee, H.R. 477, was introduced by a classmate of mine in that big class of 2011, Mr. HUIZENGA from Michigan. He has worked this bill through the process one step at a time, trying to build consensus so that, Mr. Speaker, as we were in the Rules Committee last night, the conversation between the chairman and the ranking member was: Hey, if we can make one more amendment in order, one more amendment that Mr. HUIZENGA and Mr. SHERMAN had worked out together, if we can make one more round of changes, we believe we can get this through on a bipartisan majority coming out of the Financial Services Committee.

Mr. Speaker, we don't celebrate those things, we don't talk about those things. The newspaper will be filled with discord coming out of this city tomorrow morning, but I can tell you that it gives me great pride to come on behalf of the Rules Committee today bringing forward these bills, not that are going to change the world overnight, but are going to make a big difference for real people facing real challenges across this country.

It turns out, Mr. Speaker, my experience is if we do a little bit together every day, a little bit today, a little bit tomorrow, a little bit the next day, we wake up a year from now finding out we have done a whole lot together on behalf of the American people.

Mr. Speaker, finally, the continuing resolution. I am not a fan of continuing resolutions, I just want to tell you. I got to talk to you about my enthusiastic, optimistic part of this rule earlier. I am going to lay some tough love on you now, Mr. Speaker. We are not supposed to be in the continuing resolution business. You know with your leadership, the leadership of the gentlewoman from New York, the leadership of the two gentlemen from Michigan here on the floor, this House passed on time, ahead of schedule, the funding bills to fund the priorities of the American people for fiscal year 2018.

Folks said we couldn't get it done, folks said we couldn't do it all. We did, and we did. We sent that to the Senate, Mr. Speaker, before the end of the fiscal year, which was back on September 30. The Senate hasn't been able to take it up yet, Mr. Speaker. The Senate hasn't been able to debate it yet, Mr. Speaker.

I don't know if the Senate is going to get it done in the next 2 weeks, but there are folks in this institution, Mr. Speaker, who say: You know what? We

couldn't get it done in the Senate over these last 2 months, so let's just go ahead and pass a continuing resolution for all of fiscal year 2018.

A continuing resolution, for folks who don't follow the appropriations process, means, hey, if it worked well last year, let's just do the same thing next year. Mr. Speaker, that is awful public policy.

We came together debating almost 500 amendments. Having moved every single appropriations bill through the Appropriations Committee, we came together not just in a bipartisan way in the committee, we came together here on the House floor, debated these issues, grappled with these issues, and produced a work product with which the American people can take great pride.

I don't want to give up on that work product, Mr. Speaker. I don't want to settle for the way things have been. I believe that we can do better.

By passing a 2-week continuing resolution today, we ensure that all the features of government continue to operate as the American people expect them to, and we provide another window for the Senate to come together and pass those appropriations bills as we have done here in the House.

I am optimistic about that coming to fruition, Mr. Speaker. I believe that we can get that done together.

Mr. Speaker, we can take up these bipartisan efforts from the Financial Services Committee, we can take up this important effort to continue the funding of the government if we pass this rule today.

With that, Mr. Speaker, I urge my colleagues to support the rule, and I reserve the balance of my time.

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

Mr. Speaker, I have great fondness for Mr. WOODALL. I think he is one of the best, most pleasant persons on the Rules Committee, and it grieves me that I have to, right off the bat here, take issue with him, but I have to take issue with the claim that Republicans completed their appropriation work on time.

I have got a timetable of the budget process that came from the website of the Budget Committee majority, on which my colleague, Mr. WOODALL, serves. Let's review the most important deadlines.

First, the President must submit his budget to Congress by the first Monday in February. The truth: this year, the administration released what they called a skinny budget on March 16 and didn't release the full budget until May 23. From our reckoning, that is 4 months late.

Second, the Congress must complete action on the budget by April 15. The truth: this year, Republicans weren't

able to get the fiscal year 2018 budget through Congress until October 26, over 6 months late and nearly a month into the new fiscal year.

Now, here is another deadline, again available on the Republican Budget Committee's website. The Appropriations Committee is supposed to complete their work by June 10. The truth: this year, they didn't report out any appropriations bills until after that deadline had passed.

Another deadline: the House is supposed to complete action on annual appropriations bills by June 30. The truth: not only did the Republican majority fail to meet that deadline, they weren't able to pass any of them separately at all. Instead, they lumped four bills together and passed them on July 27 and then passed an Omnibus with all 12 bills together on September 14, leaving 2 weeks only for the House and Senate to work out their differences, but the law said that they should have 3 months to do it.

I wouldn't bring this up except I know Mr. WOODALL believes, with all his heart, that what he is saying is right, because we have heard it before.

That leads me to the final deadline that they missed. Fiscal year 2018 began October 1, but here we are more than two months later on December 7. The Republican majority has still failed to fund the government, because they have been too busy working to kill the Affordable Care Act and to give big tax breaks to corporations and billionaires.

On time, Mr. Speaker? Any school child could tell you that you don't get credit for an assignment that is 2 months late.

Mr. Speaker, I include in the RECORD the timetable of the budget process from the website of the House Budget Committee majority.

TIME TABLE OF THE BUDGET PROCESS

Title III of the Congressional Budget Act establishes a specific timetable for the congressional budget process.

On or Before, Action to be completed:

First Monday in February, President submits his budget; February 15, Congressional Budget Office submits report to Budget Committees; Not later than 6 weeks after the President submits the budget, Committees submit views and estimates to Budget Committees. (Frequently, the House Budget Committee sets own date based on Legislative Calendar); April 1, Senate Budget Committee reports concurrent resolution on the budget; April 15, Congress completes action on the concurrent resolution on the budget. (This is not signed by the President)*; May 15, Annual appropriation bills may be considered in House; June 10, House Appropriations Committee reports last annual appropriation bill; June 15, Congress completes action on reconciliation legislation. (If required by the budget resolution); June 30, House completes action on annual appropriation bills; October 1, Fiscal year begins.

Ms. SLAUGHTER. Mr. Speaker, the majority has put before us today a 2-week continuing resolution to fund the government through December 22.

I have heard some in the majority question why anyone would take issue with this approach, but, Mr. Speaker, the question that should be asked is this one: What is the majority actually willing to get done over the next 2 weeks? Because it has now been more than 2 months since some vital national priorities have lapsed under their leadership.

The Children's Health Insurance Program, which provides healthcare to more than 9 million children across this Nation, expired on September 30. So did the community health centers, which serve more than 25 million people. Now, this expiration has put 2,800 centers in danger of closure and 9 million people at risk for losing their access to their healthcare.

The Perkins Loan Program, which many low-income students rely on for their education, was allowed to expire by the majority with no reauthorization in sight, despite broad bipartisan support for a bill to do just that. Unfortunately, the majority has been unwilling even to bring it up for a vote.

Are they now ready to take meaningful action to protect our children, our students, our public health, and our Nation?

Democrats haven't just been fighting to reauthorize programs that expired 2 months ago, we are also trying to address the priorities that we know our Nation will face in the weeks ahead. That includes passing hurricane relief funding to help the families that are still recovering from this horrendous hurricane season; and as all of us are fearful of and sad about, California is burning once again; reauthorizing section 702 of the Foreign Intelligence Surveillance Act, which we depend on, which is due to expire at the end of this month. The FISA court helps to keep our country safe.

Mr. Speaker, if past is prologue, this majority will be missing in action 2 weeks from now, just as they have been for months.

Just consider, for a moment, how they have squandered this year, wasting months on fruitless attempts to repeal the Affordable Care Act until persuaded by their constituents that they did not want that done. It remains the law of the land today after the public overwhelmingly demanded the majority stop that crusade.

Now they are trying to pass a tax cut for the wealthy that, if enacted, would represent one of the largest transfers of wealth from working families to the wealthy that our Nation has ever seen.

I want everybody to please pay attention to this, because it is proof positive of what is happening with this majority. According to the Joint Committee on Taxation and the Congressional Budget Office, under the majority's plan, those making \$40,000 to \$50,000 would pay an additional \$5.3 billion in taxes combined over the next decade.

Now, remember, they are going to pay more into the number of \$5.3 billion.

At the same time—attention, America—those earning \$1 million or more would see a \$5.8 billion cut. Have you ever seen anything as cut and dry? They absolutely want to take from the poor to give to the rich—Robin Hood in reverse.

So we are 2 months into the fiscal year, and the majority has been so preoccupied with the special interest agenda, that we haven't passed full year appropriations. This has robbed the Federal agencies and our economy of the certainty that they need.

The majority holds the House, the Senate, and the White House and still can't get anything done. So when Democrats see a continuing resolution for 2 weeks, we don't see a simple extension of the status quo; we see it for what it really is: kicking the can down the road in order to pursue reckless partisan politics, and it comes without any plan to tackle the major issues that face our Nation today.

Let me remind my colleagues how important it has been for both parties to work together, because in this process, both the CR and the tax bill, there are no Democrat fingerprints on any of it. For a lot of this stuff, there has even been no committee action.

Democrats have helped the majority pass every major funding bill since they assumed control in 2011. That is the result of bipartisanship.

This time, the majority decided not to compromise with us to reach a deal. Let's see if they can cobble together the votes to get this proposal over the finish line.

Even if it passes, we will be back here later this month to consider another short-term continuing resolution, and we still have no idea whether this bill, the one we are working on today, could even pass the Senate.

This is no way to run the United States of America. The lives of our countrymen are hanging in the balance.

All we do under this majority is to lurch from one self-inflicted crisis to the next. Our constituents deserve much better than this.

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

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

Mr. Speaker, I don't disagree with a lot of what my friend from New York had to say when it comes to the facts. I do disagree with the conclusions that are reached there, Mr. Speaker.

We do need to do a better job of working together. Now, sometimes that means Republicans and Democrats, sometimes that means the House and the Senate, sometimes that means the White House and the Congress. We need to hold each other accountable, but we also need to give each other credit for our successes.

The gentlewoman talked about important issues relating to education and improving workforce. We passed together in this institution a continuation of career and technical education funding. We reauthorized that program together, led by G.T. THOMPSON on my side of the aisle, by Mr. KRISHNAMOORTHY on your side of the aisle, by Chairwoman FOXX on our side of the aisle, by Ranking Member SCOTT on your side of the aisle. We grappled with that issue together. We did it together, because it was the right thing for the American people, and now it sits in the United States Senate without action.

□ 1300

We came together, and we funded the government. We grappled, line by line, section by section, we did it together, and now it sits in the United States Senate.

Mr. Speaker, what needs to be said, one can describe it as Republican incompetence. One can describe it as Democrat intransigence. But we, as a House, have come together and gotten our work done. The Senate cannot, and why the Senate cannot is because it requires 60 votes to get something done over there under Senate rules. In order to have 60 votes, you have to have Democrat votes.

If the Senate changed its rules tomorrow and made it just a Republican majority institution, they could move all of these bills without delay. Far from being a reflection of incompetence, it is a reflection of a commitment to a bipartisan effort on the Senate side.

We can poke them and poke them and poke them and, just one day, folks might get their wish, and we may make that a completely Republican streamlined process over there. But be careful what you wish for.

We don't have to kick each other in the shins all day long, every day, over here. We have success after success that we have earned together. We should spend more time celebrating those successes, Mr. Speaker. Among those successes is the bill I mentioned earlier, offered by the gentleman from Michigan (Mr. HUIZENGA).

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. HUIZENGA) to talk about the hard work, the effort, and the success that he has been able to accomplish in a bipartisan way.

Mr. HUIZENGA. Mr. Speaker, I thank my friend and classmate from Georgia, Mr. WOODALL, for the opportunity to be here.

Mr. Speaker, more and more baby boomers retire every day, and it has been estimated that approximately \$10 trillion of privately owned, small, and family-run businesses will either be closed or, if possible, sold to a new generation of entrepreneurs in the coming years.

Mergers and acquisitions—or M&A as it is oftentimes referred to—brokers play a critical role in facilitating the transfer of ownership of these smaller, privately held companies. However, today's one-size-fits-all system of broker-dealer regulation unnecessarily burdens business sellers and buyers with the pass-through of heavy regulatory compliance costs that do not provide significant incremental benefits in privately negotiated M&A transactions.

Today, Federal securities regulations technically require local mergers and acquisitions brokers to be registered and regulated by the Securities and Exchange Commission and FINRA, just like Wall Street investment bankers. Those bankers are trying to sell or buy publicly traded companies. That is right; anyone brokering the sale of a hometown small business in your district or in mine, like in Holland, Michigan, must be federally registered and regulated as a securities broker-dealer, in addition to State law requirements, regardless of the size of the business or the sale transaction.

Federal securities regulation was primarily designed to protect passive investors and public securities markets. Privately negotiated mergers and acquisitions transactions facilitated by these small business brokers are vastly different and do not typically relate to the transactions meant to be protected by the SEC and FINRA regulation and registration.

That is why I have continued to introduce bipartisan legislation known as the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act. This bipartisan bill would create a simplified system for brokers performing services in connection with the transfer of ownership of smaller, privately held companies.

I would like to thank Representatives SHERMAN and MALONEY, along with the work of Chairman HENSARLING and Ranking Member WATERS for what they have done. And as my friend from Georgia had pointed out, not every day do we have to just keep kicking each other in the shins. We actually can work together, and this is an example of doing that.

So the impact of this legislation would significantly reduce transaction costs, promote competition among these small business brokers, and facilitate private businesses and acquisitions of these small businesses.

This initiative promotes economic growth and development through these sales, and there is really substantial relief of regulatory burdens on small business professionals who serve these smaller business owners.

Business brokerage services are critically important to entrepreneurs who start, build, and eventually want to sell their private companies. Similarly, these services help new entrepreneurs acquire these businesses, while helping

existing companies grow, thus preserving and creating jobs in the communities that we all serve.

We have worked very closely with our colleagues across the aisle, and this has been a multi—not just multiyear—a multi-Congress effort over the last few different Congresses, and I am just pleased today that we can show the American people positive, effective, bipartisan work that is coming together.

It is legislation like H.R. 477 that demonstrates, frankly, that Congress can act in a bipartisan manner to positively impact the lives of Americans, and I urge swift consideration and passage of this important bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank my friend, the gentlewoman, the ranking member, for yielding, and I thank Mr. WOODALL for his comments. He and I have worked together on issues in the past. We worked together to try to protect our solar manufacturers in this country, so there are areas of agreement that we come to.

I think we also agree, I now hear, on this question of continuing resolutions. We both don't like them. And I think we do have to keep in mind that, today, we are 48 hours from the government closing, so I won't address any other subject than that question and the process that has led us to this moment where we are looking at another continuing resolution for 2 weeks.

I won't address the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act. While it may be an important piece of legislation, it is difficult to forget what has brought us to this moment where we are 48 hours from the government shutting down.

What is interesting to me about it is, it is true that the Republicans hold the majority in this House and set the agenda here; hold the majority in the Senate, set the agenda there. You have your Republican President, the leader of your party, your leader, who sets the agenda from the White House.

You have had the entire year to get a package of spending bills to the floor and through to the President. And here we are, 2 days away from a shutdown, because 2½ months ago, after nearly a year, the process came to a halt, and this body had to approve a 2½ month extension because we couldn't get the work done.

Now, instead of, over the last 2½ months, coming up with a full plan to fund the government and provide the certainty and security that the American people and our economy depend upon, after 2½ months, the best we can do is promise the people of the country and our economy 14 more days.

I mean, why are we here?

In the last 2½ months, have we seen any action? No, not on disaster relief

for those places that are struggling through the worst moments that they have experienced; not to make sure that we have healthcare, health insurance, which was a bipartisan program, the Children's Health Insurance Program. Anything? No.

So that DREAMers aren't deported? People who only know this country?

And think about this: since the President, himself—and this is an area where we have some agreement—declared that we have a national emergency, our people, our children, are dying due to this opioid crisis, and where is the solution there?

Where is the debate there?

Where is the effort on the floor of this House to deal with these big, pressing problems that our country faces?

We have had the last 2½ months; we could have done it during that period.

But what has been the focus? A singular obsession around a piece of legislation that is purported to be tax reform, but at close examination by just about any significant economist, Democrats, Republicans, and Independents is the greatest, most significant, massive shift of hard-earned wealth from working Americans to people who make more than \$900,000 a year.

The notion that, with all the difficulty we are facing in this country, with all the struggles we are having, with disasters that are yet to be corrected, with an opioid crisis that is yet to be attacked, with DREAMers who have uncertainty, with children with no certainty of healthcare, the most significant priority is not funding the government, but ensuring that people who make more than those suffering people, who make more than \$900,000 a year, get more?

That is not a reflection of the priorities of the American people; and that is why it is so difficult for us, who are ready, honestly—honestly ready to work hand in glove, knowing we are not going to win every fight, but give us a chance to sit at the table and have a conversation about where we might find some common ground.

And we do from time to time. It is not impossible. Even with my friends in this Chamber right now, we have found ways to work together. But we cannot do it, we cannot do it unless there is a commitment to do the work of the American people, and we have not seen that.

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

I would be interested sometime, Mr. Speaker, having a team building expert take a look at some of our proceedings here on the House floor and see if they think that the conversations that happen here bring us closer to working together on serious solutions, or push us further away.

I agree with my friend from Michigan; we need to get about the business

of the American people. The business of the American people is not figuring out who to blame, it is figuring out how to fix things. And to continue to perpetuate the inaccurate message that we don't collaborate on those issues is to do our bosses, the American people, a terrible disservice.

On bill after bill to combat the opioid epidemic, we have come together in this institution. We have passed these bills in a collaborative way and sent them to the United States Senate. Bill after bill on human trafficking, we have come together in this institution. We have passed these bills. We have sent those bills to the United States Senate.

Mr. Speaker, we are talking about funding the American Government. I have been in this Congress since 2011. I got to vote, for the very first time, on funding the Centers for Disease Control, which sits right in my back yard in the great State of Georgia.

I got to vote, for the very first time, on funding the National Institutes of Health, which do such amazing research, both for our seniors and for our children. The kind of talent that we have there, Mr. Speaker, boggles the mind. We came together, and we funded those institutions in the annual appropriations bill for the first time ever.

Now, we can spend our time together talking about who hates children and who hates old people, and why it is everybody is an untalented buffoon; or we can recognize that, on issue after issue, we come together and get about the business that our bosses sent us to get about.

I don't think any of us are going to be rewarded by figuring out who to blame. I think we are going to be rewarded by getting it fixed.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. TENNEY), who has worked, through the Financial Services Committee, again, in a bipartisan way, to deal with local community financial institutions and local home buyers who are getting shut out of the process by an overly burdensome Consumer Financial Protection Bureau.

Ms. TENNEY. Mr. Speaker, I thank my friend from Georgia, Mr. WOODALL, for yielding and for his great comments about bipartisanship.

Mr. Speaker, over the last 10 years, the community financial institution industry has undergone a dramatic transformation. Since 2006, more than 1,500 banks have failed, have been acquired, or have merged due to economic factors and the overwhelmingly expensive regulation brought forth by the passage of Dodd-Frank.

During that same period, there has been a drought in de novo banks. In fact, only five new bank charters and 16 new credit unions have chartered since that time.

Today, for the first time in 125 years, there are fewer than 6,000 banks and

roughly 6,000 credit unions serving all consumers in the United States. This is proof that community financial institutions need smart, commonsense, regulatory relief so they can properly serve local communities by assisting them with small business startups and consumer credit, particularly in a region like mine in upstate New York.

It is important that we pass this rule today to consider my bill, H.R. 3971, the Community Institution Mortgage Relief Act.

□ 1315

This bipartisan measure would offer real relief for institutions that are barely surviving in an excessive regulatory environment.

I thank my colleague, Mr. SHERMAN, for assisting us in a bipartisan way to bring this bill forward and to make it even better than we originally conceived it.

H.R. 3971 would exempt small community institutions from mandatory escrow requirements and would provide relief from new regulations that have nearly doubled the cost of servicing, with direct impact on the consumer for the cost of mortgage credit.

I know that certain institutions wish to continue to provide escrow services to their consumers, and under current law and under this provision, they are welcome to do that. However, for the smaller institutions, like the ones in my district, like GPO Federal Credit Union, for example, that rely on relationship banking, customers that walk in the door and know who your neighbors are and know who your friends are and whose children serve on the same sports teams and go to the same schools, this bill will greatly help them and help our consumers continue with that relationship.

By mandating that all institutions follow escrow requirements, it raises the cost of credit for those borrowers who can least afford it, and harms our small local institutions who can barely afford to stay alive.

This is a great commonsense bill. It is bipartisan, as every bill I have ever proposed in this Chamber has been since my first year as a freshman, and I will continue to do so.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this bill. I again thank my colleague from Georgia for his work. I urge everyone to support this commonsense bill that will help our small community banks and our credit unions.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first, let me thank the gentlewoman for yielding time to me and also for her tremendous leadership on so many issues, especially on the Rules Committee.

As a members of the Appropriations and Budget Committees, I rise in

strong opposition to this rule and the underlying bill, H.J. Res. 123, the fiscal year 2017 continuing resolution.

This bill kicks the can down the road for 2 weeks just so Republicans can continue focusing on the greatest tax scam in history.

As Ranking Member LOWEY has said: What do Republicans think that they can accomplish in the next 2 weeks that they haven't accomplished in the last 2 months?

Well, I say: Except, of course, trying to give tax breaks to their wealthy donors, millionaires, billionaires, and corporations, and raising taxes on middle-income and low-income families. That is what this is about.

This reckless, short-term resolution ignores many of our critical year-end priorities, like passing a clean Dream Act, a temporary protective status provision we need in the CR; raising budgetary caps; and emergency disaster funding for hurricanes and wildfires, children's health insurance programs, and community health centers. I could go on and on. That is what we should be debating and what should be in this resolution. Now is not the time for Congress to be asleep at the wheel. We need action, Mr. Speaker, and we need it now.

Despite the fact that Republicans control the House, the Senate, and the White House, once again, they refuse to do their job. It is so wrong to string people and communities out not knowing whether their government will function or stay open.

How irresponsible can you get?

We need to fully fund the government. Across the country, millions of people are living on the edge. Forty million Americans are living in poverty. Millions more are struggling to put food on the table and keep a roof over their head.

The SPEAKER pro tempore (Mr. RUSSELL). The time of the gentlewoman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield an additional 2 minutes to the gentlewoman.

Ms. LEE. Mr. Speaker, this is unacceptable. We are passing a short-term funding bill that underfunds education and workforce training at a time that Americans need it the most.

Instead, once again, what are they doing?

They are taking time to give tax cuts to corporations to send jobs overseas.

The American people expect us to create jobs, to strengthen our economy, to provide a basic standard of living for all. With sequester cuts looming, it is past time that we focus on our spending here at home and stop these increases to a bloated military budget, which really does nothing for our national security.

Instead of bringing our Nation to the brink of self-inflicted crisis, Republicans should work with us to meet the

needs of our Nation and a strong national security, which requires resisting these cuts to our State Department and to our foreign assistance. Unfortunately, this 2-week continuing resolution does just the opposite.

Mr. Speaker, I urge my colleagues to vote "no" on this rule and "no" on the underlying bill, and let's do our job. Let's do what the American people expect us to do, and that is to fully fund the government and look out for them in terms of not giving tax cuts to millionaires and billionaires and raising their taxes, because they deserve better from us.

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

Mr. Speaker, I opened with a discussion about how we all care about these American homeowners who are trying to get, oftentimes, into their first home, and how it is that we protect them better.

We disagreed about how to protect them.

Do you do it through the CFPB and Federal regulation? Or do you do it through more local hometown institutions being governed by their neighbors?

We agreed on what the need was, but we disagreed on how to get there.

What is so frustrating to me—I still feel like a relatively new Member of this institution, Mr. Speaker. I guess I am not any longer—is that we seem to have one standard when we are in the majority and a completely different standard when the other guy takes over the institution. It seems to me that principles should be principles irrespective of who sits in your chair.

The very first big vote I took when I got here in 2011, Mr. Speaker, was to fund the United States Government in February.

Why?

Because when Democrats ran every single facet of government—they controlled the House, they controlled the Senate, and they controlled the White House—they didn't get it done. They couldn't get it done. It is hard to do sometimes, Mr. Speaker.

I will take you back. You weren't in this institution at that time. The year is 2010. The first CR that they passed went from October 1 to December 3, about the same length of time as the one that we passed.

They weren't up to anything nefarious when that happened, Mr. Speaker, and I resent the implication that we have been during that same path. They needed a little extra time and they took it.

When that CR expired, Mr. Speaker, they then went and passed, lo and behold, a 2-week CR—a 2-week CR from December 4 to December 18. They needed a little more time. They passed one for 2 more weeks to get themselves a little more time.

That didn't work out, Mr. Speaker. They still weren't able to get it done in

those 2 weeks, so their next CR, Mr. Speaker, went from December 19 to December 21. Three days is what they found to be the right number to extend funding of the Federal Government so they could continue to get their work done, Mr. Speaker.

When that 3-day CR didn't work, they then punted altogether; and when my freshman class came in in 2011, we took over and we funded the government instead.

Mr. Speaker, we can describe what happened when my friends last controlled this institution as an abominable failure, or we can describe it as a frustrating failure but something that happens in this institution. It happened when my friends ran it. It happens when we run it. We need, on behalf of the American people, to get on a better track. Let me stipulate that is true.

But let me ask my friends to stipulate, Mr. Speaker, that for the first time in a long time we are on a better track because we came together in this institution and we got our work done. The Senate hasn't, and I am frustrated by that, but I want to give them a little more time.

For my friend from Michigan who asked the question, "What difference does 2 weeks make," I would ask anyone who has that question to Google "continuing resolution" and "Department of Defense."

If you think that continuing to fund the government one day at a time with a continuing resolution, or even 12 months of the time during a continuing resolution, if you think that is the definition of success, Google "continuing resolution" and "Department of Defense."

Every single day that we fail to take up in the United States Senate the large full-year funding appropriations bill, we do a disservice to every single man and woman in uniform.

If we have a choice here today, Mr. Speaker, between doing that disservice to those men and women for 2 weeks or 6 weeks or 8 weeks or 12 months, I choose to.

If you wonder what difference it makes, ask any man or woman in uniform. There is a reason, Mr. Speaker, as hard as the appropriations process is, that you and I took up the defense portion, the Homeland Security portion, the national security portion all the way back in the summer and passed it out of this House before the end of July, because we knew how important it was. We knew how mission critical it was, and we wanted to give the Senate the most time we possibly could.

I am frustrated, too, but let us not describe these failures as partisan failures, as an effort by one side or the other to subvert the process. These are failures. But 2 weeks, Mr. Speaker, is going to be less of a failure for our men

and women in uniform than would be 3 weeks, 4 weeks, or 12 months.

I am sorry that we are here, but this is the best circumstance that we can create to allow our Senate time to succeed.

They cannot succeed alone. Republicans cannot succeed there alone. It requires a bipartisan majority to succeed. Let us not pretend this is a partisan problem. This is an American challenge, and I believe we are up for it.

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

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

Mr. Speaker, the gentleman from Georgia said they need the Democrats. He must be aware that they only need us when the votes come.

There is not a Democrat fingerprint on that tax bill. We had nothing to say about any of it. And while we begged almost on our hands and knees to be a part of what they are doing, we are not. It always sounds good when we hear it on the floor: Bipartisan. Oh, look, we want to work together.

But then, oftentimes, as you know, Mr. Speaker, bills come to the Rules Committee with no committee action whatsoever and no possible description to be bipartisan.

Mr. Speaker, for years we have endured relentless Republican attacks on the Affordable Care Act, including just last week in the Senate's disastrous tax bill. By repealing the individual mandate, the Senate bill has knocked 13 million people from their health insurance.

I must have asked 20 times when they were doing those 60 times to try to repeal and replace the Affordable Care Act: Why do you want to take healthcare away from people?

I have never, to this day, gotten an answer as to why it is they so despise a healthcare bill that is working and has literally insured more Americans than have ever been insured before.

Then suddenly, just on a whim, one party decides—the one that has been fighting to kill it over and over again—that they will come at it piecemeal and just try to render it helpless by taking away the ability to even say it is time to go sign up again.

I am sure they thought they would do grievous harm, but it didn't work that way, and millions of people came out to sign up again because healthcare is one of the most critical needs for any American family.

To make matters worse, the bill also repeals most of the State and local tax deductions, and that is a deduction that helps middle class families in my State of New York.

New York, on average, gives back to the Federal Government of the United States \$40 billion; money that we send to Washington and get nothing back

for it, the way we are rewarded for that. I think that probably will not be happening anymore since the taxes are going to go up so much higher on the people of my State, unless they do away with what is absolutely one of the most atrocious things I have ever seen them do.

Mr. Speaker, it is evident that the tax bill was not designed to help middle class families put food on their table, but, instead, it gives corporation tax cuts to line the pockets of their shareholders.

I have yet to read or see the Senate tax bill, but I understand there are gifts in there for people who own jet planes. I don't represent any of those.

□ 1330

But taking care, again, of the rich, as demonstrated in the figures that supported my speech a while ago, that just short of \$6 billion, that goes from the poor people who make under \$40,000 to the rich people, the same office, the same amount of money, dollar for dollar, and absolutely proves what we are saying.

But you don't need to hear from it me. Don't take my word for it. Republican Congressman MARK SANFORD recently said in a moment of great candor: "From a truth-in-advertising standpoint, it would have been a lot simpler if we just acknowledged reality on this bill, which is it's fundamentally a corporate tax reduction and restructuring bill, period."

There is no tiny scintilla of reform in this bill. It is simply, as he points out, a way to lower the corporate tax and take care of the extraordinarily wealthy in this country who don't need it.

Mr. Speaker, I wish we could provide health for middle class families, which is what I believe the President of the United States thinks he did. I hear him say all the time that there is nothing in there to benefit him—except, probably, the estate tax, which we understand would save him about \$1 billion.

So, if we defeat the previous question, I will offer an amendment that will prohibit any legislation being considered on the floor that limits or repeals the State and local tax deduction or repeals the ACA individual mandate.

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, let me take a moment and remind everyone watching of the impacts of the majority's last shutdown in 2013. The impacts on our economy were significant. We lost \$24 billion in just those 2 weeks. The impacts on our economy, as I said, were very significant:

Federal loans to small businesses, homeowners, and families were brought to a halt.

Banks and other lenders were unable to access government verification services, which delayed private sector lending to small businesses and individuals alike.

Federal permitting was brought to a standstill, which delayed job-creating projects in the transportation and energy sectors.

Experts have estimated that all told, this 16-day shutdown cost our economy an estimated \$24 billion.

So, during this shutdown, again, vital services were put on hold.

At the National Institutes of Health, hundreds of patients were unable to enroll in possibly lifesaving clinical trials.

Federal agencies like the Food and Drug Administration and the Environmental Protection Agency were unable to conduct health and safety inspections.

Federal scientific research was also halted, and we lost a lot of scientists in this country because of all that. Five Nobel Prize winning scientists who worked for the Federal Government at the time of the shutdown, four of the five of them were laid off.

This is all according to a report issued by the Office of Management and Budget.

The public knows how devastating another shutdown could be. According to a poll conducted by Morning Consult and Politico released this week, there is bipartisan opposition, with 68 percent of Democrats, 62 percent of Republicans, and 61 percent of Independents all opposing a government shutdown.

I forgot to mention up there about Social Security checks and things for the Veterans Administration. They came to a halt.

So that is what makes this so frustrating. I agree with Mr. WOODALL. This is a frustrating part of what we are trying to do here. Every day it seems we get up and we face some kind of new disaster.

We could have crafted a bipartisan bill—we sure could have—that would have removed any question of whether a continuing resolution would pass the House and Senate.

We could have reauthorized the Children's Health Insurance Program, community health centers, Perkins loans, and more months ago, if only the majority were willing to work with Democrats. Instead, bipartisanship is all too often becoming a dirty word under the majority. I sadly say: It is the American people left to pay the price.

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

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

I thank my friend from New York for helping me to bring the rule today.

Mr. Speaker, I believe in truth in advertising, and of all the things that you heard the Reading Clerk read, when he went through word for word for word from this rule, you heard not one word about taxes today. Why? Because we are not talking about taxes today at all. Because nothing that we are doing today has anything to do with taxes at all. Because of all the successes that we are down here to partner on today, tax is not one of them.

What is on the list today?

Well, in the spirit of truth in advertising, Mr. Speaker, shutdowns aren't on the list either. In fact, the opposite is true. If we pass this rule today, we will fund the government. We will prioritize keeping the doors open.

Mr. Speaker, habits are hard things to break, and we are in two very bad habits in this institution. One is failing to see the merit in what the other side is offering. We have two Financial Services bills today that break that pattern, that see the merit in working together and collaborating together, and we bring two bills to the floor that this entire institution can be proud of.

We have another bad habit of ascribing to the other side's motives that I believe are not worthy of this institution at all. A government shutdown would be one of those things. We are, in good faith, working together—Republicans and Democrats, House and Senate, Congress and White House—to get about the business of the American people, and it is hard. But it is worth doing, and it is worth doing right.

If I have to choose between fast and right, I choose right. We have got a chance today, with the passage of this rule, to bring up two bills that our colleagues, in bipartisan ways, have worked through on the Financial Services Committee that will make a big difference to families and businesses across this Nation.

We have an opportunity today, if we pass this rule, to bring up a continuing resolution that guarantees to every single American that the doors are open, the lights are on, and we continue and have an opportunity for the Senate to move final legislation.

I want my colleagues to support this rule. I want my colleagues to support the underlying bills. But, Mr. Speaker, more than anything, I want my colleagues to take pride in the successes that we have achieved here today.

CHIP funding, Children's Health Insurance funding, is at risk, but not because we haven't succeeded. We have. All we need is one more signature from the Senate.

CDC funding may be at risk, but not because we haven't succeeded. We have. We just need that bill to get across the floor in the Senate.

Our troops are on the cusp of receiving a well-deserved pay raise. Why? Because we came together and we passed

it here. We just need it to get across the floor of the Senate.

And there is not one of those items or a dozen more that I could list, Mr. Speaker, that will move across the floor of the Senate in anything but a bipartisan way.

Do you want bipartisanship? If you want cooperation, if you want success, we have our chance today. Vote "yes" on this rule, Mr. Speaker. Vote "yes" on these underlying bills, and let's get together and get the Senate across the finish line as well.

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

AN AMENDMENT TO H. RES. 647 OFFERED BY
MS. SLAUGHTER

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

"SEC. 4. POINT OF ORDER AGAINST ANY TAX BILL THAT RAISES TAXES ON MIDDLE CLASS FAMILIES BY ELIMINATING OR LIMITING THE STATE AND LOCAL TAX DEDUCTION.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that repeals or limits the State and Local Tax Deduction (26 U.S.C. § 164).

(b) WAIVER IN THE HOUSE.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this subsection, the Chair shall put the question of consideration with respect to the rule or order, as applicable. The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn."

"SEC. 5. POINT OF ORDER AGAINST ANY TAX BILL THAT REPEALS THE INDIVIDUAL MANDATE UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that repeals or limits the individual mandate under the Patient Protection and Affordable Care Act (26 U.S.C. § 5000A).

(b) WAIVER IN THE HOUSE.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this subsection, the Chair shall put the question of consideration with respect to the rule or order, as applicable. The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn."

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

Adopting House Resolution 647, if ordered;

Suspending the rules and adopting H. Res. 259; and

Agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 236, nays 190, not voting 6, as follows:

[Roll No. 665]

YEAS—236

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

Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)

Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack

Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—190

Adams	Gallego
Aguilar	Garamendi
Barragán	Gomez
Bass	Gonzalez (TX)
Beatty	Gottheimer
Bera	Green, Al
Beyer	Green, Gene
Bishop (GA)	Grijalva
Blumenauer	Gutiérrez
Blunt Rochester	Hanabusa
Bonamici	Hastings
Boyle, Brendan F.	Heck
Brady (PA)	Higgins (NY)
Brown (MD)	Himes
Bustos	Hoyer
Butterfield	Huffman
Capuano	Jackson Lee
Carbajal	Jayapal
Cárdenas	Jeffries
Carson (IN)	Johnson (GA)
Cartwright	Johnson, E. B.
Castor (FL)	Jones
Castro (TX)	Kaptur
Chu, Judy	Keating
Cicilline	Kelly (IL)
Clark (MA)	Khanna
Clarke (NY)	Kihuen
Clay	Kildee
Cleaver	Kilmer
Clyburn	Kind
Cohen	Krishnamoorthi
Connolly	Kuster (NH)
Cooper	Langevin
Correa	Larsen (WA)
Costa	Larson (CT)
Courtney	Lawrence
Crist	Lawson (FL)
Crowley	Lee
Cuellar	Levin
Cummings	Lewis (GA)
Davis (CA)	Lieu, Ted
Davis, Danny	Lipinski
DeFazio	Loeb sack
DeGette	Lofgren
Delaney	Lowenthal
DeLauro	Lowey
DelBene	Lujan Grisham, M.
Demings	Luján, Ben Ray
DeSaulnier	Lynch
Deutsch	Maloney
Dingell	Carolyn B.
Doggett	Maloney, Sean
Doyle, Michael F.	Malone
Ellison	Matsui
Engel	McCollum
Eshoo	McEachin
Españat	McGovern
Esty (CT)	McNerney
Evans	Meeks
Foster	Meng
Frankel (FL)	Moore
Fudge	Moulton
Gabbard	Murphy (FL)
	Nadler
	Napolitano

NOT VOTING—6

Bridenstine	Franks (AZ)	Pocan
Brownley (CA)	Kennedy	Ryan (OH)

□ 1404

Mr. LARSON of Connecticut changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 238, nays 188, not voting 6, as follows:

[Roll No. 666]

YEAS—238

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

NAYS—188

Adams	Barragán	Beatty
Aguilar	Bass	Bera

Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doyle, Michael F.
Ellison
Engel
Eshoo
Españillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallo
Garamendi
Gomez
Gonzalez (TX)
Gotthelmer

Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross

O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrad er
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swallowell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—6

Bridenstine
Brownley (CA)
Doggett
Kennedy
Pocan
Scott, David

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1411

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONCERN AND CONDEMNATION OVER THE POLITICAL, ECONOMIC, SOCIAL, AND HUMANITARIAN CRISIS IN VENEZUELA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 259) expressing

concern and condemnation over the political, economic, social, and humanitarian crisis in Venezuela, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 8, not voting 5, as follows:

[Roll No. 667]

YEAS—419

Abraham
Adams
Aderholt
Aguiar
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Bass
Beatty
Bera
Bergman
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brooks (IN)
Brown (MD)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock

Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Dunn
Ellison
Emmer
Engel
Eshoo
Españillat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxy
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallagher
Gallo
Garamendi
Garrett
Gianforte

Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)

Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loeb sack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowe y
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
McMorris
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross

Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascarell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrad er
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions

Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozzi
Swallowell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—8

Amash
Biggs
Brooks (AL)
Duncan (TN)
Gosar
Griffith

NOT VOTING—5

Barton
Bridenstine
Brownley (CA)
Kennedy
Pocan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1418

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

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

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 212, nays 205, answered “present” 2, not voting 13, as follows:

[Roll No. 668]
YEAS—212

Abraham	Frelinghuysen	Moulton
Aderholt	Gabbard	Mullin
Allen	Garrett	Murphy (FL)
Amodei	Gianforte	Nadler
Arrington	Gibbs	Napolitano
Bacon	Gonzalez (TX)	Noem
Banks (IN)	Goodlatte	Norman
Barletta	Gottheimer	Nunes
Barr	Gowdy	O'Rourke
Barton	Granger	Olson
Beatty	Green, Al	Pascarella
Bilirakis	Griffith	Perlmutter
Bishop (MI)	Guthrie	Pingree
Bishop (UT)	Hanabusa	Polis
Black	Handel	Posey
Blumenauer	Harper	Ratcliffe
Blunt Rochester	Harris	Reichert
Bonamici	Heck	Rice (SC)
Brady (TX)	Hensarling	Roby
Brat	Higgins (LA)	Roe (TN)
Brooks (IN)	Himes	Rogers (KY)
Brown (MD)	Hollingsworth	Rohrabacher
Buchanan	Huizenga	Rooney, Francis
Bucshon	Hultgren	Ross
Bustos	Hunter	Rothfus
Butterfield	Jeffries	Royce (CA)
Byrne	Johnson (GA)	Ruppersberger
Calvert	Johnson (LA)	Russell
Carter (TX)	Johnson, Sam	Sanford
Cartwright	Kelly (IL)	Scalise
Castro (TX)	Kelly (MS)	Schneider
Chabot	Kelly (PA)	Schweikert
Cheney	Khanna	Scott (VA)
Chu, Judy	Kildee	Scott, Austin
Ciциlline	King (IA)	Scott, David
Clay	King (NY)	Sensenbrenner
Clyburn	Krishnamoorthi	Sessions
Cole	Kuster (NH)	Shea-Porter
Collins (NY)	Kustoff (TN)	Sherman
Comstock	Labrador	Shimkus
Cook	LaMalfa	Shuster
Cooper	Lamborn	Simpson
Courtney	Lewis (MN)	Sinema
Crawford	Lipinski	Smith (NE)
Cuellar	Long	Smith (NJ)
Culberson	Loudermilk	Smith (TX)
Curtis	Love	Smith (WA)
Davidson	Lucas	Speier
Davis (CA)	Luetkemeyer	Stefanik
Davis, Danny	Lujan Grisham,	Stewart
DeGette	M.	Suozi
DeLauro	Marino	Takano
DelBene	Marshall	Taylor
Demings	Massie	Thornberry
Dent	McCarthy	Tiberi
DesJarlais	McCaul	Titus
Deutch	McClintock	Torres
Donovan	McCollum	Trott
Duncan (SC)	McEachin	Tsongas
Duncan (TN)	McHenry	Wagner
Dunn	McMorris	Walker
Engel	Rodgers	Walorski
Estes (KS)	McNerney	Walters, Mimi
Farenthold	Meadows	Walz
Ferguson	Meeks	Wasserman
Fleischmann	Meng	Schultz
Fortenberry	Messer	Webster (FL)
Foster	Moolenaar	Welch
Frankel (FL)	Mooney (WV)	Westerman
Franks (AZ)	Moore	

Williams
Wilson (SC)

Womack
Yarmuth

Yoho
Young (IA)

NAYS—205

Adams	Graves (GA)
Aguilar	Graves (LA)
Amash	Graves (MO)
Babin	Green, Gene
Barragán	Grijalva
Bass	Grothman
Bera	Gutiérrez
Bergman	Hartzler
Beyer	Hastings
Biggs	Herrera Beutler
Bishop (GA)	Hice, Jody B.
Blackburn	Higgins (NY)
Blum	Hill
Bost	Holding
Boyle, Brendan	Hoyer
F.	Hudson
Brady (PA)	Huffman
Brooks (AL)	Hurd
Buck	Issa
Budd	Jackson Lee
Burgess	Jayapal
Capuano	Jenkins (KS)
Carbajal	Jenkins (WV)
Cárdenas	Johnson (OH)
Carson (IN)	Johnson, E. B.
Carter (GA)	Jones
Gibbs	Jordan
Castor (FL)	Joyce (OH)
Clark (MA)	Kaptur
Clarke (NY)	Katko
Cleaver	Keating
Coffman	Kihuen
Cohen	Kilmer
Collins (GA)	Kind
Comer	Kinzing
Conaway	Knight
Connolly	LaHood
Correa	Lance
Costa	Langevin
Costello (PA)	Larsen (WA)
Crist	Larson (CT)
Crowley	Latta
Cummings	Lawrence
Curbelo (FL)	Lawson (FL)
Davis, Rodney	Lee
DeFazio	Levin
Delaney	Lewis (GA)
Denham	Lieu, Ted
DeSantis	LoBiondo
Diaz-Balart	Loebbeck
Dingell	Lofgren
Doggett	Lowey
Doyle, Michael	Lujan, Ben Ray
F.	Lynch
Duffy	MacArthur
Ellison	Maloney
Emmer	Maloney, Sean
Espallat	Marchant
Esty (CT)	Mast
Evans	Matsui
Faso	McGovern
Fitzpatrick	McKinley
Flores	McSally
Fox	Meehan
Fudge	Mitchell
Gaetz	Neal
Gallagher	Newhouse
Gallego	Nolan
Garamendi	Norcross
Gomez	
Gosar	

ANSWERED “PRESENT”—2

Gohmert

Tonko

NOT VOTING—13

Bridenstine	Kennedy	Rooney, Thomas
Brownley (CA)	Lowenthal	J.
Cramer	Pocan	Sewell (AL)
DeSaulnier	Quigley	Vargas
Eshoo	Rice (NY)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1425

So the Journal was approved.
The result of the vote was announced as above recorded.

FURTHER CONTINUING APPROPRIATIONS ACT, 2018

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in consideration of H.J. Res. 123.

The SPEAKER pro tempore (Mr. BACON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, pursuant to House Resolution 647, I call up the joint resolution (H.J. Res. 123) making further continuing appropriations for fiscal year 2018, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 647, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 123

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2018

SEC. 101. FURTHER CONTINUING APPROPRIATIONS.

The Continuing Appropriations Act, 2018 (division D of Public Law 115-56) is amended by striking the date specified in section 106(3) and inserting “December 22, 2017”.

This division may be cited as the “Further Continuing Appropriations Act, 2018”.

DIVISION B—CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) ALLOCATION REDISTRIBUTION SPECIAL RULE

SEC. 201. CHIP ALLOCATION REDISTRIBUTION SPECIAL RULE FOR CERTAIN SHORTFALL STATES DURING FIRST QUARTER OF FISCAL YEAR 2018.

Section 2104(f)(2) of the Social Security Act (42 U.S.C. 1397dd(f)(2)) is amended—

(1) by amending subparagraph (B) to read as follows:

“(B) DETERMINATION OF REDISTRIBUTED AMOUNTS IF INSUFFICIENT AMOUNTS AVAILABLE.—

“(i) PRORATION RULE.—Subject to clause (ii), if the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

“(ii) SPECIAL RULE FOR FIRST QUARTER OF FISCAL YEAR 2018.—

“(I) IN GENERAL.—For the period beginning on October 1, 2017, and ending December 31, 2017, with respect to any amounts available for redistribution under paragraph (1) for fiscal year 2018, the Secretary shall redistribute under such paragraph such amounts to each emergency shortfall State (as defined in subclause (II)) in such amount as is equal to the amount of the shortfall described in subclause (II) for such State and period (as may be adjusted under subparagraph (C)) before the Secretary may redistribute such amounts to any shortfall State

that is not an emergency shortfall State. In the case of any amounts redistributed under this subclause to a State that is not an emergency shortfall State, such amounts shall be determined in accordance with clause (i).

“(II) EMERGENCY SHORTFALL STATE DEFINED.—For purposes of this clause, the term ‘emergency shortfall State’ means, with respect to the period beginning October 1, 2017, and ending December 31, 2017, a shortfall State for which the Secretary estimates, in accordance with subparagraph (A) (unless otherwise specified in this subclause), that the projected expenditures under the State child health plan and under section 2105(g) (calculated as if the reference under section 2105(g)(4)(A) to ‘2017’ were a reference to ‘2018’ and insofar as the allotments are available to the State under this subsection or subsection (e) or (m)) for such period will exceed the sum of the amounts described in clauses (i) through (iii) of subparagraph (A) for such period, including after application of any amount redistributed under paragraph (1) before such date of enactment to such State. A shortfall State may be an emergency shortfall State under the previous sentence without regard to whether any amounts were redistributed before such date of enactment to such State under paragraph (1) for fiscal year 2018.

“(III) APPLICATION OF QUALIFYING STATE OPTION.—During the period described in subclause (I), section 2105(g)(4) shall apply to a qualifying State (as defined in section 2105(g)(2)) as if under section 2105(g)(4)—

“(aa) the reference to ‘2017’ were a reference to ‘2018’; and

“(bb) the reference to ‘under subsections (e) and (m) of such section’ were a reference to ‘under subsections (e), (f), and (m) of such section’; and

(2) by adding at the end the following new subparagraph:

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as preventing a commonwealth or territory described in subsection (c)(3) from being treated as a shortfall State or an emergency shortfall State.”

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

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

I rise today to present H.J. Res. 123, a continuing resolution that maintains funding for Federal Government operations and prevents a shutdown.

Current funding legislation expires tomorrow, Friday, December 8. Congress must act now to prevent a government shutdown and preserve vital Federal programs that Americans rely on. This action is critical to our Nation’s stability, our national security, our economic health, and the well-being of the American people.

This simple, clean extension of funding provides fiscal year 2018 funding for government programs through December 22, an additional 2 weeks, and will allow time for leadership to reach a deal on overall topline spending levels for the 2018 fiscal year.

□ 1430

I would note that the executive branch supports adoption of this continuing resolution. Yesterday’s Statement of Administration Policy says: “This legislation funds the Federal Government at current spending levels without unnecessary extraneous provisions.”

It concludes that his advisers would recommend that the President sign the bill into law.

Mr. Speaker, I include in the RECORD the December 6 Statement of Administration Policy regarding H.J. Res. 123.

STATEMENT OF ADMINISTRATION POLICY
H.J. RES. 123—FURTHER CONTINUING APPROPRIATIONS ACT, 2018—REP. FRELINGHUYSEN, R-NJ

The Administration supports House passage of H.J. Res. 123, the Further Continuing Appropriations Act, 2018.

This legislation funds the Federal Government at current spending levels without unnecessary extraneous provisions through December 22, 2017, while the Congress continues to work on a longer-term funding agreement. The legislation also includes language to ensure that States and Territories have adequate funding for the Children’s Health Insurance Program (CHIP) through December.

The Administration believes that funding for national security, including for our military, to secure the Southern Border, and to enhance missile defense capabilities, must be prioritized in a long-term funding agreement, and will continue working with the Congress to achieve that goal.

If H.J. Res. 123 was presented to the President in its current form, his advisors would recommend that he sign the bill into law.

Mr. FRELINGHUYSEN. Mr. Speaker, the House has completed our appropriations work over 80 days ago, passing all 12 bills before the end of the last fiscal year for the first time in nearly a decade. This included critical, important funding for national defense and other important matters.

Unfortunately, the Appropriations Committee cannot proceed without an agreement with the Senate on overall funding levels. The reality is that we are running into a deadline this week, and this resolution is our best and only option at this time.

Once a broader budget agreement has been reached, which I hope will be soon, the committee will continue its work to complete final negotiations with the Senate on all 12 of the regular appropriations bills that will fully fund the Federal Government through September of next year.

Our committee is also moving quickly to act on a third emergency supplemental funding bill to help our communities across the Nation recover from recent major disasters.

In the meantime, Congress must do its job and pass the continuing resolution and then another one into the new year to keep the government open and ensure that all important Federal services are available to all Americans.

Mr. Speaker, I urge support of this necessary and responsible legislation, and I reserve the balance of my time.

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

It is extremely regrettable that we find ourselves here today. Democrats have said all year that there must be a deal to raise statutory budget caps in a manner that allows responsible investments in both defense and nondefense priorities, because both are critical to our continued safety, security, and prosperity.

The majority failed to engage all year, choosing instead to pass partisan appropriation bills that can never be signed into law.

More than 2 months ago, President Trump and Democratic congressional leaders struck an agreement to avoid a government shutdown and buy time for negotiations on new spending caps that would make it possible to enact a responsible, bipartisan full-year spending law. Precious little has been accomplished since then.

Now here we are again with the majority asking support for a 2-week stopgap continuing resolution. So I ask the majority: What do you expect to accomplish in the next 2 weeks that we have been unable to accomplish in the last 2 months? I want to repeat that. I would really like to know what you expect to accomplish in the next 2 weeks, when we haven’t been able to accomplish anything in the last 2 months.

The rationale to support a short-term stopgap continuing resolution is that the parties are engaged in good faith negotiations to develop a responsible, bipartisan spending package; negotiations are on a positive trajectory and additional time is simply needed to seal a deal. Can anyone in this Chamber claim that this is the case today?

The President continues to irresponsibly threaten a government shutdown and launch ad hominem attacks. Majority leadership is playing games with the contents of this and future continuing resolutions. Negotiations on new spending caps for defense and non-defense investments are stalled.

The majority is grasping for excuses as to why they have failed to protect 700,000 young Americans from deportation, reauthorize the Children’s Health Insurance Program, or move expeditiously on critical disaster assistance.

Is there any evidence whatsoever that this majority intends to fulfill these vital responsibilities to the American people?

Given these failures, I believe it is incumbent on Members of Congress to say enough is enough. The American people are sick of the games. They want results.

It is time for the Republican leadership and President Trump to get serious, engage with Democrats. We stand ready and willing to help develop a framework for a responsible, bipartisan spending agreement and to negotiate the details of a full year’s spending package.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS), my colleague, and the distinguished chairman of the State, Foreign Operations, and Related Programs Subcommittee.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in full support of the second fiscal year 2018 continuing resolution this year, which will fund the Federal Government through December 22 of this year.

This bill is a necessary measure to continue vital government programs and services. It also prevents uncertainty and harm in a shutdown.

This year, the committee worked at a historic pace to produce and then pass all 12 bills to fund the government. Chairman FRELINGHUYSEN should be recognized for this feat of leadership. It is important that we eventually send these bills to the President's desk.

As chairman of the State and Foreign Operations Subcommittee, I want to highlight that the funding provided in our bill supports continued leadership by the U.S. and advances our national security and economic interests. This funding is critical to addressing the many challenges that we face around the world.

Mr. Speaker, while CRs are never our preferred course of action, the bill before us today will give us more time to complete our work with the Senate and put together a final bill that will support the American people. Our current continuing resolution expires tomorrow, so we must act today.

Mr. Speaker, I urge my colleagues to vote "yes" on the CR.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Energy and Water Development, and Related Agencies Subcommittee.

Ms. KAPTUR. Mr. Speaker, I thank the ranking member, Congresswoman LOWEY from New York, for the phenomenal job that she has done this year, and commend Chairman FRELINGHUYSEN for trying to herd cattle on a very vast range.

Mr. Speaker, here we are again, mere hours away from a needless shutdown, a cliff created by the Republican majority.

Already we are 3 months into the 2018 fiscal year, and Congress is no closer to finalizing one of our chief constitutional responsibilities, and that is funding the departments of our Nation to do their jobs.

For a nation at war, the Department of Defense, the largest Department in this bill, can't let contracts because of this adolescent dallying by Congress.

I rise with frustration today, as the Appropriations Committee's sub-

committees did their job over the last year. They toiled away for months, chipping away in each subcommittee bill, but that proved to be a fruitless effort since we had no agreed upon budget caps within which to make those decisions, because the Republican majority produced no budget.

There is simply no good reason why we are here again kicking decisions down the road, and for 2 weeks. Let me remind my colleagues, we were over 7 months late last fiscal year before we fully funded our government.

This fits and starts, fits and starts surely is not what the American people deserve. For example, we know a million people, our fellow citizens in Puerto Rico, still don't have energy and power, and vast numbers lack access to fresh drinking water. We need that FEMA budget certain so contracts can be let for 2018. Federal funding for the Children's Health Insurance Program covering more than 220,000 children in Ohio expired 68 days ago.

Mrs. LOWEY. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this disruption to those responsible for managing healthcare adds an unnecessary burden under the circumstances they confront daily. Many States are now preparing to shut down their CHIP program in case Congress doesn't act. How is that for a Christmas or Hanukkah present to the children of America?

The Republican majority's priorities are out of line, and no leadership on budgetary caps, no leadership on working with Democrats to find common ground on funding priorities, no leadership to finalize government funding for the entire 2018 fiscal year, which began 3 months ago. Unacceptable.

Instead, Republicans choose to avoid doing what is critical. Rather than pass a tax bill that rewards the wealthiest in our country and wreaks havoc on America's hardworking middle class families, they ought to do the dutiful work of managing the funds to operate the departments that serve the people of the United States. The American people are worried, Mr. Speaker, and the majority has abdicated their leadership.

I urge my colleagues to keep their powder dry on any hasty vote on this bill, and demand the majority come to the table to finalize the fiscal year 2018 spending plan.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT), the chairman of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee on Appropriations.

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

Mr. Speaker, I rise also in support of H.J. Res. 123, which obviously would

extend funding for the Federal Government for the next 2 weeks.

We have had a highly condensed schedule this year, but the Appropriations Committee has made tremendous progress in an open and very deliberative process as we have moved forward over the last several months.

As an example, the Subcommittee on Agricultural Appropriations, which I have the privilege to chair, received input from over 350 individual Members, and we produced our bill in less than 2 months.

Just a few months ago, as most of my colleagues here in the House know, the House took up and we passed all 12 appropriation bills. The chairman and the leadership delivered on the promise that they would do so.

Now we are coming to the end of the year; there are final negotiations to be done. I and my colleagues agree that a CR is not the best option; however, I would ask my colleagues to support this resolution to ensure that we have basic services that continue for our constituents until we have the final time to complete our work.

Mrs. LOWEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the ranking member of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in strong opposition to this continuing resolution, which is yet again a complete abdication of our responsibilities.

Instead of adopting fully funded appropriations bills or an omnibus with an actual chance of passing this Congress, we remain mired in this unbreakable habit of passing continuing resolutions. This not only creates needless legislative and economic uncertainty, it costs the government, especially our military, billions in wasted taxpayer dollars. Moreover, this abdication reflects the Republican leadership's complete abandonment of our values and the needs of our constituents.

For one, we have yet to pass the Dream Act. Despite widespread support nationally and with growing fear of deportations, this Congress has ignored the 122 DREAMers who lose their protected status every day. These are Americans by any definition, and this is their home. I will not stand by as this President cruelly threatens to send these brave young people back to countries about which they have no memory.

When will this body fully address the horrific disasters that have ravaged Florida, Texas, Puerto Rico, the Virgin Islands, and California? Countless communities, including my own, are anxiously awaiting vital recovery assistance that only the Federal Government

can provide. These abdications are simply immoral. It doesn't end there.

Congress has failed to renew the Children's Health Insurance Program. States and families across America are scrambling to find replacement funds and healthcare alternatives for their children.

□ 1445

When did CHIP and protecting the health of our children become a partisan issue?

My Republican colleagues want to add more than \$1 trillion to the deficit for tax cuts for big corporations and the top 1 percent, while they are at it; but then they say we can't afford to spend a fraction of that on healthcare for children?

These priorities are backward and morally indefensible.

Instead of protecting Americans from the scourge of gun violence, Republicans are weakening our already feeble gun laws by passing more legislation that ensures more deadly gun violence in our towns and cities.

We need to pass an omnibus budget that doesn't threaten programs for our veterans and children or make drastic cuts to the Medicare and Medicaid programs that our seniors rely upon.

Instead of handing massive tax cuts to millionaires and powerful corporations, we should pass a budget that supports education, expands women's health, and provides real economic relief to the middle class.

In short, we have to break this body's obsession with promoting the interests of the well-off and special interests, and ignoring the needs of children, DREAMers, seniors, and the middle class.

This continuing resolution does nothing more than provide another short-term fix for the Republican leadership's unhealthy addiction. It is abominable, it is irresponsible, and we should set it aside and focus on making long-term decisions for the American people.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the chairwoman of the Appropriations Subcommittee on Defense.

Ms. GRANGER. Mr. Speaker, I rise today in support of this continuing resolution.

Our most solemn responsibility as Members of Congress is to provide for our Nation's security.

The world is more dangerous and unstable than at any time in recent history. The threat from North Korea grows each day. Russia continues to create instability in Ukraine, the Baltics, and the Balkans. China is militarizing the South China Sea and modernizing their military at an alarming pace.

Meanwhile, ISIS and al-Qaida continue to spread their perverted version

of Islam across Europe, Africa, Asia, and the Middle East.

We must send a clear message to our adversaries that our military is prepared to confront anyone who threatens us at any time.

A shutdown in the Department of Defense will only embolden our adversaries and threaten our national security. Our military needs stable, predictable, and timely funding to ensure it is prepared to meet the threats we face now and in the future.

Members demonstrated their commitment to rebuilding our military this past summer by passing the Make America Secure Appropriations Act, which included the defense appropriations bill for fiscal year 2018. Only a budget agreement that gives our men and women in uniform the funding they need and removes the threat of sequestration will provide them that certainty.

The House must pass this continuing resolution to allow time for an agreement to be reached that will fully fund our Nation's defense. Shutting down the government is not an option.

Mr. Speaker, I urge all Members to support this very important legislation.

Mrs. LOWEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking member of the Labor, Health and Human Services, Education, and Related Agencies Subcommittee.

Ms. DELAURO. Mr. Speaker, I rise to comment on this continuing resolution and on the past year of this Congress.

The biggest economic challenge of our time is that people are in jobs that do not pay them enough to live on. Wages are not keeping up with rising costs for healthcare, childcare, and housing. Too many families struggle to make ends meet, let alone put money in a college fund or go on vacation. That is what we should be focused on. We ought to be creating jobs and raising wages.

Yet, for the first 9 months of this year, this Congress attempted again and again to repeal the Affordable Care Act, which would have raised premiums and deductibles, thrown millions off insurance, and made healthcare unaffordable.

Then we spent our entire fall on the Republican tax scam. Big corporations, millionaires, billionaires write the rules to make this government work for them, and Republicans are their comrades-in-arms in rigging the game against the middle class.

Just a few days ago, Senator ORRIN HATCH said: "I have a rough time wanting to spend billions and billions and trillions of dollars to help people who won't help themselves, won't lift a finger, and expect the Federal Government to do everything."

Get out of the Senate Chamber. Understand what people's lives are about

today. Walk in their shoes and understand their struggles.

But this is the ugly truth of the Republican tax bill. This is what the vote was about. These are their values on display.

This tax scam is going to raise the deficit, and the Republicans will use it as an excuse to cut vital social safety net programs: Medicare, Medicaid, Social Security, LIHEAP, TANF, education programs, SNAP, food stamps.

Right now, funding is insufficient to provide childcare assistance to all who are eligible; yet, if we pass this tax bill, we will be under intense pressure to cut this assistance. That is what they want to do. This is wrong.

Now we are punting one of our core obligations as a Congress: funding our government programs.

This is unacceptable. It is a disturbing pattern and it is unsustainable. We should be negotiating spending levels for 2018.

The majority can never again speak about regular order. This year has been one partisan attempt after another to harm working class and middle class Americans so that they could fulfill their campaign promises.

We have no budget agreement. We have no resolve on the Children's Health Insurance Program. We have no resolve on a myriad of programs that people rely on to live their lives every day. There is no resolve on the DREAMers.

Why would we need another 2 weeks when they have had all this time to work on these issues?

The American people deserve better. I say: Shame on this Congress, and vote "no" on this continuing resolution extension.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON), the chairman of the Energy and Water Development, and Related Agencies Subcommittee.

Mr. SIMPSON. Mr. Speaker, first, I would like to acknowledge the chairman of the Appropriations Committee (Mr. FRELINGHUYSEN). Under his leadership, the committee reported and the whole House considered and passed all 12 appropriation bills for fiscal year 2018. This year is the first time since 2010 that the House passed all 12 appropriations bills.

I would hope my colleagues on the other side of the aisle would listen for just a minute.

In 2010, the Democrats controlled both the House, the Senate, and the White House.

Guess what. They passed all of the appropriations bills on time.

But you know what they also did?

They passed a CR until December 19. When they hadn't completed their work yet, even though they had passed all 12 appropriations bills in the House, they passed another CR until December

22. When they hadn't completed their work, guess what. They passed another CR until January.

Then, when we took the majority, we ended up finishing the appropriations process. So their outrage now is a little bit misplaced.

Now we need to finish the final details with our colleagues in the Senate, and we must do this to ensure that the government stays open.

Continuing resolutions at this time or of any length are not anyone's ideal solution to funding our government. Ideally, all 12 appropriations bills would be enacted by October 1. That process provides the Congress with its best opportunity to set priorities across government programs, and it provides the most stability for agencies to carry out these programs in an efficient and effective manner.

But when we need more time to complete those negotiations, supporting a CR to keep our government functioning is the only responsible vote for national security, for our economy, and for the general welfare of the American people.

As chairman of the Energy and Water Development, and Related Agencies Subcommittee, I am very familiar with the positive impacts the Federal Government has in each of these areas. Whether it is the Department of Energy maintaining our nuclear weapons stockpile, the Corps of Engineers dredging our ports and waterways so that goods and materials can move freely, or the Bureau of Reclamation providing tens of millions of people with water, we must avoid disruptions to these vital activities by passing this continuing resolution before us today.

Will we get all our work done by December 22?

I don't know.

But one thing I can guarantee is that we will not get it done by tomorrow, and a vote against this resolution is a vote to shut down the government. So if my colleagues on the other side of the aisle want to shut down the government, all they have to do is vote "no."

Mr. Speaker, I urge my colleagues to vote "yes."

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I really rise on behalf of the American people. All it takes is a simple pen and cooperation between appropriators to get the job done.

Just a few days ago, I listened to representatives from the city of Houston. They are only a sample of the hurting people who have suffered after hurricanes—one of the toughest hurricane seasons in the history of the United States. They indicated that there are 300,000 single-family homes and multi-family homes still under.

In my district alone, among other districts, from one part of the State to

the next, there are people living in shells of a house. We have yet had a response to be able to help those individuals who have either maxed out or don't have the insurance because they were not in a flood zone. That requires us to not do a CR, but to work on the appropriations.

I have got health clinics and the Texas Children's Hospital coming to me every day wondering about the Children's Health Insurance Program because people are hurting.

You see, I am not trying to oppose a bill for myself. I am opposing a bill that doesn't have the needs of the American people. It doesn't have healthcare in it. It doesn't have the hurricane funding in it. It doesn't have the funding we need for the Army Corps for pending projects to stop the major catastrophic flooding in Houston, Harris County; and it has low non-defense spending.

Let me be very clear. I want a prepared military. I want them to have the training and the equipment that they need. It doesn't have that as well.

So, frankly, I believe that we have to stand against a war on the American people, a tax bill that is moving along, but the appropriations is not; \$1.4 trillion taken out of the fat that does not exist so the bones of the American people's budget—so that a tax cut can go to the top 62 percent and 80 percent, but we can't have the funding that we need for the American people.

This is a war on the American people and, for once, Mr. Speaker, I have got to be on the winning side and fight for the American people.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON), the chairman of the Commerce, Justice, Science, and Related Agencies Subcommittee.

Mr. CULBERSON. Mr. Speaker, I want to thank Congresswoman JACKSON LEE, and I look forward to having her vote in support of this continuing resolution because she is committed, as I am, and everyone in Texas is committed to making sure the money continues to flow to the victims of Hurricanes Harvey, Irma, and Maria.

As Congresswoman JACKSON LEE knows, if this continuing resolution is defeated, if she votes against it, she is voting to stop the flow of money to the hurricane victims in Houston, and I know she doesn't want that to happen.

That is one of many reasons I rise today in support of this continuing resolution, because we want to ensure that the military has the funds it needs to operate.

As chairman of the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, I want to be sure that the FBI and the Department of Justice has the funds that they need to continue to protect the people of America against terrorism, to pro-

tect women and children against violence, to stop the scourge of human trafficking and sex trafficking, to stop the scourge of opioid trafficking and abuse, and to stop the international drug cartels from pouring their poison into this country.

I am proud of the work that this full committee has done, and the hard work of my subcommittee—the Commerce, Justice, Science, and Related Agencies Subcommittee—to ensure that the law enforcement agencies in this country have the funds they need; to ensure the Department of Commerce, the National Science Foundation, and NASA have the funds they need to make sure America continues to be the world leader in scientific and space exploration.

My colleagues on the Appropriations Committee, working along with the Houston delegation, including Ms. JACKSON LEE, we are working together arm in arm with the Florida delegation to create a hurricane relief package that will ensure that the people of Texas and Florida and Puerto Rico are adequately compensated for their losses, that we repair the damage to our flood control infrastructure.

But this is going to take time, Mr. Speaker. The Senate has not passed any appropriations bills, while the House has passed all 12 of them. We do not yet have an overall spending agreement on what level of funding is necessary for the military and for domestic purposes, and we have got to finish that hurricane relief package that Ms. JACKSON LEE and all of us have been such strong advocates for.

So I urge Ms. JACKSON LEE and the entire House to vote in support of the CR to make sure our hurricane victims are taken care of and the government continues to function.

□ 1500

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, my good friend just spoke on the floor of the House, and I certainly look forward to working with him and being committed to standing against any legislation that does not provide Hurricane Harvey funding, and the CR does not.

There is nothing in the CR that has anything to do with those who are suffering, with houses that are in disrepair or destroyed, as well as other items, Army Corps of Engineers items. That is why I stand ready not to be in a dispute, but to really raise the issue with my colleagues of how urgent it is to move to the appropriations process.

I mentioned in my remarks that I am concerned as much about military preparedness as I am about nondefense discretionary spending. I want everybody to be helped. I want the American people to be helped.

So my vote, whatever it might be, is going to be to drive this engine forward

to make sure resources get down to Harris County, Houston, Corpus Christi, and all the parts of Texas that are in need, and my fellow brothers and sisters in Puerto Rico, the U.S. Virgin Islands, and Florida.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER), the chairman of the Homeland Security Subcommittee.

Mr. CARTER of Texas. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I rise in support of this 2-year continuing resolution. This short-term CR is a necessary stopgap to keep the government operating until we can finalize an agreement for the top line numbers and finish our work on all 12 appropriations bills.

As some of my colleagues have noted, the House Appropriations Committee completed its work several months ago, passing all 12 of the bills out of this Chamber back in September, about 80 days ago. The other Chamber has not made the same progress, and the resolution before us today will buy us a little time to negotiate with our counterparts who are behind.

Once our budget deal is done, we will be able to begin those negotiations, and I am very confident we will be able to quickly finish our work.

I cannot overstate the importance of getting all 12 appropriations bills conferenced and across the line, but I would be remiss if I did not emphasize the critical operations funded in my bill. A final FY18 bill for the Department of Homeland Security is necessary to ensure our Nation is safe, secure, and resilient against terrorism and other threats.

Mr. Speaker, the American people count on us to get the job done. I urge my colleagues to support this short-term CR to avert a government shutdown and allow us to complete our work.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CALVERT), the chairman of the Committee on Appropriations Interior, Environment, and Related Agencies Subcommittee.

Mr. CALVERT. Mr. Speaker, I rise in support of the continuing resolution, or the CR. I want to commend Chairman FRELINGHUYSEN and the committee staff for their work on this legislation which provides for continuity of government operations through December 22. This CR will provide Congress time to work with the administration on a comprehensive budget agreement, which is necessary for Congress to complete its work on the fiscal year 2018 budget.

The House Appropriations Committee has worked tirelessly this year. Each of the 12 Appropriations sub-

committees scrubbed the fiscal year 2018 budget request, held numerous oversight hearings, marked up individual bills in subcommittee and full committee, and each of those bills came to the House floor where they were amended and passed in the full House.

In the case of the Interior, Environment, and Related Agencies Subcommittee, which I have the privilege to serve as chairman, 80 amendments were offered by both Republicans and Democrats prior to final passage. This is a demonstration that the House Appropriations Committee continues to be the workhorse committee in the House. Even with all this work completed, a great deal of work remains.

This CR provides a bridge necessary to give our bipartisan leadership the time it needs to determine the top line number in both defense and nondefense discretionary spending for fiscal year 2018. Once that agreement is in place, my Interior, Environment, and Related Agencies Subcommittee and other subcommittees will get to work negotiating a comprehensive fiscal year 2018 budget. It is vitally important that we complete this work.

Another reason why I support this short-term continuing resolution is so we have time to determine the needs to ensure that sufficient funds are available to respond to the fires burning in my home State of California. There are three major fires burning today in Los Angeles and Ventura Counties. The largest, the Thomas fire, which is north of Santa Paula, has already burned 96,000 acres. Earlier this morning, there was only 5 percent contained.

All Californians know about the infamous Santa Ana winds. They are blowing now. When these hot winds mix with the high temperatures and low humidity we are experiencing now in southern California, they make for very dangerous conditions.

The SPEAKER pro tempore (Mr. COLLINS of New York). The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield an additional 15 seconds to the gentleman from California.

Mr. CALVERT. Mr. Speaker, just one spark can result in devastating wildfire, putting life and property at risk.

Mr. Speaker, I urge passage of the continuing resolution.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), the chairman of the Labor, Health and Human Services, Education, and Related Agencies Subcommittee.

Mr. COLE. Mr. Speaker, I thank the chairman, and I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to urge support for H.J. Res. 123, the short-term continuing resolution.

I want to begin my remarks by, frankly, congratulating the chairman. It is his leadership, and my good friend on the other side, they have put together the bill in April that actually is funding the government today. A majority of Democrats voted for that in the House and the Senate. A majority of Republicans voted for it. The President signed it.

Under the chairman's leadership, all 12 bills passed well before the deadline that fund the government of September 30. He has been prepared to negotiate for 80 days. He hasn't been sitting around in those 80 days. He also passed two disaster relief bills and is working on a third one right now. I think you probably have the hardest working chairman and committee in Congress. The rest of the government, the Senate in particular, needs to catch up with us.

Now, to their credit, they are actually sitting down with the President today, and we are beginning to see some progress. We need this additional time to allow us to fund the government.

To my friends who oppose it, what is your alternative? Shutting down the government? I know they don't want to do that. They have always argued against it. I have always thought they were right when they argued against it, but if we follow their advice and reject this amendment, the government will shut down on Friday. That doesn't do any American any good.

Mr. Speaker, the chairman has offered the responsible alternative here. I urge its passage.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), the chairman of the Transportation, Housing and Urban Development, and Related Agencies.

Mr. DIAZ-BALART. Mr. Speaker, I want to first thank the chairman for, again, bringing the 12 bills, once again, through the process. This is just a short-term continuing resolution. It is a clean date extension, and this CR will give an opportunity to continue to move forward quickly, by the way, towards finalizing appropriations bills.

It is important to note that, for example, in the Transportation and HUD bill, we considered 22 amendments in committee, 39 amendments here on the floor. You see, this has been an open and fair process the entire way. Now we must—we must—move quickly to finish the job and conference all 12 of these bills.

In the meantime, however, we must keep the government open and funded. This is especially, by the way, important now that our communities are pulling together to recover from three devastating hurricanes, as well as the thousands of families threatened by raging wildfires in California.

Look, we can't take the risk of short-changing our first responders, our military, given the natural disasters at home and the threats from our adversaries abroad. A vote against this CR would do just that.

Again, just for the Transportation and Housing segment, this CR will support ongoing transportation and safety missions, air traffic control, housing for vulnerable citizens, including our veterans.

Mr. Speaker, I strongly urge a "yes" vote on the CR. We cannot let those folks down. We cannot shut the Federal Government down, and it allows us to finish the job, and I thank the chairman for his steadfast leadership.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT), the chairman of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee.

Mr. DENT. Mr. Speaker, I, too, rise to join my colleagues in urging the House to pass the continuing resolution before us. This is not the course of action any of us would prefer, obviously, but the House passed all 12 appropriations bills, and it was on the path to complete action on appropriations before the start of fiscal year 2018, but our ambition was overtaken by events, whether you want to blame the ponderous pace of the Senate or time devoted to important issues like ObamaCare or tax reform.

In any event, we need to pass this short-term continuing resolution to prevent disruption of important governmental programs and create a window in which budget caps discussions can occur.

All of us stand ready to conference our appropriations bills once a debate on budget caps is resolved.

I want to emphasize how important it is for us to pass each of the 12 appropriations bills. It is important that each be enacted rather than cherry-picking a few that may have the broadest support. It is dangerous to allow any part of the government to run on CR autopilot for a full year, when we have worked hard to include oversight provisions and targeted funding reductions in our bills. All of these would be lost with a yearlong CR.

And speaking about the programs in the Military Construction-VA bill, which I chair, a full-year CR prevents DOD from starting 204 new projects. This is the core of our MILCON program. Each year we appropriate funding for hundreds of new projects. DOD can manage in a short-term CR, but a full-year CR would be devastating.

On the VA side of our bill, while some of the VA programs are advance-funded to prevent a government shutdown from cutting off services to veterans, there are important new VA ac-

tivities that would be blocked by a full-year CR, like the new electronic health record VA is unveiling, or the Choice Program, or its successor for care outside the VA system.

Mr. Speaker, I urge Members to vote "yes" for this short-term measure to give us the time and tools we need to move forward on passage of all 12 appropriations bills, and also to avert a government shutdown. Again, I urge an affirmative vote on the CR.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), the distinguished chairman of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Speaker, I thank the distinguished chairman of the Appropriations Committee from New Jersey for his great work on this and so many other issues.

Mr. Speaker, I rise today to support the continuing resolution and especially to highlight a very important short-term provision in here that provides certainty for children, families, and States that rely on the Children's Health Insurance Program, known as CHIP.

This adjustment, which was introduced by Mr. COSTELLO from Pennsylvania and Mr. EMMER from Minnesota, will provide the Centers for Medicare and Medicaid Services with greater flexibility over existing dollars so that the agencies can ensure that CHIP programs across the country, including now in my home State of Oregon, can continue to have vital Federal funding that they need this month to continue CHIP.

This emergency funding will help families and States while Congress finishes the job of providing funding for children's health insurance, public health priorities, our community health centers, Medicare extenders that seniors rely on. All that work needs to get done.

It is important to note, we did not arrive at this place of needing a stopgap funding resolution because this House failed to act. We acted. We did our part. We did our part. I am disappointed that the House has passed CHAMPIONING HEALTHY KIDS Act, which passed this Chamber a couple months ago with bipartisan support, has yet to be hammered out in the Senate. Of course, over there they need 60 votes to get anything done. So a minority of the minority can lock things up, which they have done.

What makes the inaction on CHIP even more frustrating is that the House-passed bill mirrors the bipartisan policy framework that was voted out of the Senate Finance Committee under the able leadership of Chairman HATCH more than 2 months ago. Unfortunately, though, again, Democrats over there have failed to agree on how

to fund these programs. That is different than what we did.

Here in the House, the CHAMPIONING HEALTHY KIDS Act delivers high-quality healthcare, peace of mind to millions of Americans, providing 5 years of funding for the Children's Health Insurance Program, which is one of the longest extensions ever for the program.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Oregon.

Mr. WALDEN. Mr. Speaker, it would mean continued access to healthcare for approximately 9 million children across the country who are enrolled in CHIP, another 122,700 in Oregon alone.

Our House bill was fully funded. We did the heavy lift. We funded it through responsible reforms like asking seniors who make \$40,000 a month, that is \$480,000 a year, to pay about \$135 more for their Medicare. Rich seniors pay a little more, and I am sure these grandmothers and grandfathers would do that to help kids afford their health insurance, and that is what happened here.

Mr. Speaker, we paid it. It is ready to go. We need the Senate to act. I commend the Appropriations Committee and the leadership there for putting this provision in so we won't let kids fall through the gap.

□ 1515

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), chairman of the Health Subcommittee of the Energy and Commerce Committee.

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

Mr. Speaker, I must confess, today I was astonished to read an article in one of the online magazines that House Democratic leadership had asked their Members to vote against this stopgap funding bill because of the stalemate over the funding of the State Children's Health Insurance Program. We just heard the chairman of the Energy and Commerce Committee detail the work that has already been done on this bill.

Let me assure this Congress, there are probably people in here saying: What do you mean? We voted on this bill. We voted this bill out of the House weeks ago. It was offset. Everything that the Senate asked for, they were delivered: the 5-year timeframe, the funding levels the Senate asked for. They got everything they wanted.

Yes, it was offset in a responsible fashion, but now we are told House Democratic leadership says vote "no" on this continuing resolution because we don't like the stopgap funding for the State Children's Health Insurance Program.

What in the devil do they want to happen? We did our work. We did our work. We had our legislative hearings on this bill in the summertime. We did delay things, unfortunately, 1 day. There was a shooting at a House baseball game—you may remember that—that caused us some delay, but we came back 2 weeks later. We got our work done.

We had a responsible bill. It was reflective of everything that was requested by the Senate. It was offset, as was requested by a number of Members of this body, and it has languished over in the Senate since the early part of October. It is time for the Senate to take up and pass that bill so we don't have to have this continued discussion.

This continuing resolution is important because it stops a problem that some of our States are going to face. It was completely unnecessary. The other body could fix it, and they should.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. EMMER).

Mr. EMMER. Mr. Speaker, I thank the distinguished chair of the Appropriations Committee. I appreciate the time.

Mr. Speaker, in my home State of Minnesota, the Children's Health Insurance Program, better known as CHIP, provides coverage for thousands of low-income, pregnant women as well as new mothers and their children.

When funds for my State's CHIP program ran out, these Minnesotans were left wondering the fate of their healthcare. That is why we teamed up with Representative RYAN COSTELLO, Chairman WALDEN, and Subcommittee Chair BURGESS to introduce the CHIP Stability Act to bring certainty and support to Minnesotans and millions of families across the country. I am so grateful that our responsible, short-term funding solution is incorporated into this continuing resolution today.

But let me be clear: This is not enough. When the House passed the Championing Healthy Kids Act, a fully paid-for and long-term CHIP reauthorization solution, we put politics aside and America's most vulnerable first. It is my hope that the Senate will do the same very soon.

Mr. Speaker, I encourage all of my colleagues to support this continuing resolution so CHIP recipients are able to receive the coverage they need.

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

I reiterate, the Democrats have said all year there must be a deal to raise spending caps in order to enact appropriation bills. Instead of heeding that advice, the majority is once again stumbling from crisis to crisis trying to fund the government 2 weeks at a time.

Without a path forward to keep our country secure and make investments

to grow our economy, we should immediately lift the caps on defense and nondefense spending.

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

Mr. FRELINGHUYSEN. Mr. Speaker, in closing, I strongly urge my colleagues to vote "yes" on this responsible, necessary legislation. Let's keep the Federal Government open for business to serve our constituents across the Nation.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I voted against H.J. Res. 123, a stop-gap resolution that keeps the government open for another two weeks, through December 22, 2017. Once again Republicans, who control both the House and the Senate, cannot get their work done. Instead they continue to kick the can down the road.

The resolution keeps funding transportation at last year's levels rather than the higher funding levels provided by the FAST Act for 2018, meaning it cuts the mandated increases in transportation investment by more than \$950 million for Federal-aid highways and almost \$200 million for public transit investment. As a result, this bill withholds \$1.2 billion from Federal highway, public transit, and highway safety investments—preventing States, local governments, and public transit agencies from making critical investments, letting contracts, creating good-paying jobs, and working to relieve the Nation's crippling traffic congestion.

A two-week resolution gives Republicans more time to complete their massive tax scam bill, which benefits corporations and the wealthy at the cost of middle class workers, seniors, students, and our national debt. PAUL RYAN has said after the bill passes, Republicans will move to cut Medicare and Medicaid benefits.

Further, the resolution does not reauthorize the Children's Health Insurance Program (CHIP). Instead, it includes a technical fix to ensure no state runs out of CHIP funding in December. If Congress does not reauthorize CHIP by December 31st, Oregon will not have enough funds to fully fund CHIP on January 1, 2018.

The resolution does not include a permanent fire borrowing fix or additional disaster aid for communities devastated by wildfire or other natural disasters. Oregon suffered through one of the worst fire seasons in decades. Congress has twice provided USFS emergency funding to repay non-wildfire accounts this year. Without a permanent fire borrowing fix, USFS will continue to have to rob forest management accounts to pay for fire suppression—meaning our forests will continue to be overgrown and infested with insects and disease, powder kegs waiting to burn next year.

Finally, the resolution does not include any solutions for the Deferred Action for Childhood Arrivals (DACA) program. Roughly 800,000 law-abiding individuals are at risk of deportation otherwise. Congress must work together to ensure that individuals who were brought illegally into this country as children, through no fault of their own, are not targeted for deportation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is extremely disheartening that

this Congress is once again debating the merits of a temporary funding measure to keep the federal government funded. The American people sent their elected representatives to Washington to fulfill basic promises to fund the federal government and provide for the safety and prosperity of all Americans. A stopgap funding bill like the two-week extension before us today falls drastically short of our responsibilities to properly serve our constituents.

A continuing resolution should only be used as a temporary measure. Instead, the passage of CRs has become regular order. That is not how Congress was intended to work. This continued inaction is costing taxpayers billions in wasted dollars, not to mention the opportunity costs associated with short-term extensions. I find the complete lack of bipartisan talks in Congress alarming, particularly since countless families, seniors, and others rely on these programs for their wellbeing and safety.

In addition to our basic responsibility to fund the government, it is vitally important that we work to lift the crippling budget caps that have been holding back critical investments in our nation's infrastructure, benefits for our veterans, and other defense and nondefense priorities. Democrats in Congress were promised an opportunity to negotiate new spending caps after the last CR was adopted in September. Instead, the only spending measures we have seen leave this Chamber are partisan bills that can never reasonably expect to make it into law.

There also needs to be a recognition that many Americans have come to rely on the federal government for basic services or benefits they were promised after serving in our military. For example, I was deeply troubled by the Administration's recent effort to eliminate \$460 million for the HUD-VA Supportive Housing program, which provides rent assistance to homeless veterans and their families. It was only until veterans' advocates, state officials, and Members of Congress protested the dramatic reduction did VA Secretary Shulkin reverse course on the planned cuts.

Mr. Speaker, Republicans in Congress are putting politics over the wellbeing of our nation by passing temporary spending bills while also proposing dramatic cuts to social programs. Ultimately, it will be the American people and the U.S. economy who will be stuck dealing with the consequences. I urge my colleagues across the aisle to come together to engage in good-faith negotiations with me and my Democratic colleagues on bipartisan, full-year legislation to fund the federal government.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to urge my colleagues to act and pass much needed supplemental appropriations to help victims of the recent hurricanes in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands.

Hurricane Harvey brought unprecedented destruction to the Texas Gulf Coast, dropping a record 52 inches of rain and causing catastrophic flooding in Houston and all along the Gulf Coast.

Earlier this week, a report released by the Kaiser Family Foundation and Episcopal Health Foundation found that one in nine Texas Gulf Coast residents remain displaced, three months after Harvey's landfall. Four in ten Texas Gulf Coast residents report sustained damage to their homes and nearly half

of affected Texas Gulf Coast residents said they are not receiving the help they need to recover from the hurricane.

To date the federal government has provided \$10 billion in aid to Harvey victims in Texas, mostly advance payments through the National Flood Insurance Program. However, far more federal aid is needed to rebuild Houston, Harris County, and the Texas Gulf Coast.

After Hurricane Katrina hit Louisiana and Mississippi, and Hurricane Sandy impacted New York and New Jersey, Congress responded by passing substantial disaster supplemental bills. In 2013, Congress provided over \$50 billion for recovery and rebuilding efforts as a result of Sandy, and \$120 billion to rebuild New Orleans and surrounding areas.

I cannot and will not vote for a continuing resolution until House leadership puts disaster relief front and center and passes a substantial supplemental disaster bill that will help Texans fully recover from Harvey's destruction and prepare the Texas Gulf Coast before the next major storm strikes.

We cannot continue to kick-the-can down the road while thousands of families in Texas and other parts of our country continue to suffer, months after these terrible storms made landfall.

I urge my colleagues, regardless of state and party, to join me in standing up for disaster victims and calling on House leadership to pass a substantial emergency supplemental.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 647, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

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

SMALL BUSINESS MERGERS, ACQUISITIONS, SALES, AND BROKERAGE SIMPLIFICATION ACT OF 2017

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 647, I call up the bill (H.R. 477) to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 647, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-43 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 477

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2017".

SEC. 2. REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.

Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

"(13) REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an M&A broker shall be exempt from registration under this section.

"(B) EXCLUDED ACTIVITIES.—An M&A broker is not exempt from registration under this paragraph if such broker does any of the following:

"(i) Directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits, or has custody of the funds or securities to be exchanged by the parties to the transaction.

"(ii) Engages on behalf of an issuer in a public offering of any class of securities that is registered, or is required to be registered, with the Commission under section 12 or with respect to which the issuer files, or is required to file, periodic information, documents, and reports under subsection (d).

"(iii) Engages on behalf of any party in a transaction involving a public shell company.

"(C) DISQUALIFICATIONS.—An M&A broker is not exempt from registration under this paragraph if such broker is subject to—

"(i) suspension or revocation of registration under paragraph (4);

"(ii) a statutory disqualification described in section 3(a)(39);

"(iii) a disqualification under the rules adopted by the Commission under section 926 of the Investor Protection and Securities Reform Act of 2010 (15 U.S.C. 77d note); or

"(iv) a final order described in paragraph (4)(H).

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit any other authority of the Commission to exempt any person, or any class of persons, from any provision of this title, or from any provision of any rule or regulation thereunder.

"(E) DEFINITIONS.—In this paragraph:

"(i) CONTROL.—The term 'control' means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. There is a presumption of control for any person who—

"(I) is a director, general partner, member or manager of a limited liability company, or officer exercising executive responsibility (or has similar status or functions);

"(II) has the right to vote 20 percent or more of a class of voting securities or the power to sell or direct the sale of 20 percent or more of a class of voting securities; or

"(III) in the case of a partnership or limited liability company, has the right to receive upon dissolution, or has contributed, 20 percent or more of the capital.

"(ii) ELIGIBLE PRIVATELY HELD COMPANY.—The term 'eligible privately held company'

means a privately held company that meets both of the following conditions:

"(I) The company does not have any class of securities registered, or required to be registered, with the Commission under section 12 or with respect to which the company files, or is required to file, periodic information, documents, and reports under subsection (d).

"(II) In the fiscal year ending immediately before the fiscal year in which the services of the M&A broker are initially engaged with respect to the securities transaction, the company meets either or both of the following conditions (determined in accordance with the historical financial accounting records of the company):

"(aa) The earnings of the company before interest, taxes, depreciation, and amortization are less than \$25,000,000.

"(bb) The gross revenues of the company are less than \$250,000,000.

"(iii) M&A BROKER.—The term 'M&A broker' means a broker, and any person associated with a broker, engaged in the business of effecting securities transactions solely in connection with the transfer of ownership of an eligible privately held company, regardless of whether the broker acts on behalf of a seller or buyer, through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving, securities or assets of the eligible privately held company, if the broker reasonably believes that—

"(I) upon consummation of the transaction, any person acquiring securities or assets of the eligible privately held company, acting alone or in concert, will control and, directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company; and

"(II) if any person is offered securities in exchange for securities or assets of the eligible privately held company, such person will, prior to becoming legally bound to consummate the transaction, receive or have reasonable access to the most recent fiscal year-end financial statements of the issuer of the securities as customarily prepared by the management of the issuer in the normal course of operations and, if the financial statements of the issuer are audited, reviewed, or compiled, any related statement by the independent accountant, a balance sheet dated not more than 120 days before the date of the offer, and information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and material loss contingencies of the issuer.

"(iv) PUBLIC SHELL COMPANY.—The term 'public shell company' is a company that at the time of a transaction with an eligible privately held company—

"(I) has any class of securities registered, or required to be registered, with the Commission under section 12 or that is required to file reports pursuant to subsection (d);

"(II) has no or nominal operations; and

"(III) has—

"(aa) no or nominal assets;

"(bb) assets consisting solely of cash and cash equivalents; or

"(cc) assets consisting of any amount of cash and cash equivalents and nominal other assets.

"(F) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—On the date that is 5 years after the date of the enactment of the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2017, and every 5 years thereafter, each dollar amount in subparagraph (E)(i)(II) shall be adjusted by—

"(I) dividing the annual value of the Employment Cost Index For Wages and Salaries, Private Industry Workers (or any successor index), as published by the Bureau of Labor Statistics,

for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of such index (or successor) for the calendar year ending December 31, 2012; and

“(II) multiplying such dollar amount by the quotient obtained under subclause (I).

“(ii) **ROUNDING.**—Each dollar amount determined under clause (i) shall be rounded to the nearest multiple of \$100,000.”.

SEC. 3. EFFECTIVE DATE.

This Act and any amendment made by this Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

After 1 hour of debate, it shall be in order to consider the further amendment printed in part A of House Report 115-443, if offered by the Member designated in the report, which shall be considered read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, if it weren't for the last moment, a lot of things wouldn't get done in life, but last evening, the ranking member and I came to a meeting of the minds on a path forward for H.R. 477. So in the interest of efficiency of time for the House, I want to thank the ranking member for her willingness to work on a bipartisan basis to move this bill forward.

Unfortunately, Mr. Speaker, our small businesses labor under a gazillion regulations, some of which are quite good and quite helpful; but, in the aggregate, they can be a very heavy burden and cost upon our small businesses. One is an unnecessary registration system for small business brokers.

I want to thank the gentleman from Michigan (Mr. HUIZENGA) for his leadership to ensure that they have a simplified registration regime, which can help our small businesses as they are ready to engage in sales or mergers or other transactions. It is a good, bipar-

tisan piece of legislation. I thank him for his leadership.

Again, I thank the ranking member for working on a bipartisan basis, and I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself 5 minutes.

H.R. 477 seeks to provide a statutory exemption from registration with the Securities and Exchange Commission, or SEC, for certain brokers who facilitate the merger or acquisition of small businesses, known as M&A brokers.

When Congress first considered this exemption in a similar bill during the 113th Congress, our goal was to prompt the SEC to provide regulatory relief for these brokers from ill-fitting restrictions designed for persons helping companies raise capital rather than facilitating their transfer of ownership.

We succeeded. Two weeks after the House passed that bill, the SEC issued a no-action letter, which contained staff's view that, if an M&A broker complied with the terms and conditions of the letter, it would recommend that the SEC not take enforcement action against that broker for failing to register with the Commission.

Specifically, the no-action letter required the M&A broker to abide by certain commonsense restrictions to prevent such an exemption from being misused to raise capital or abused by bad actors.

According to the bill's proponents, H.R. 477 is still necessary to provide legal certainty since the no-action letter is merely the nonbinding opinion of SEC staff. I understand that concern; however, the bill inexplicably omits several of the conditions contained in the no-action letter that protect small businesses and their investors.

I am pleased that this Congress, Representative SHERMAN and Representative HUIZENGA have worked on a bipartisan basis to add these protections back in through an amendment. If so amended, I will support H.R. 477, which would strike the right balance between regulatory relief and the protection of small companies and their investors.

In particular, the amended bill would require an M&A broker that represents both the seller and the buyer to provide them with clear, written disclosures and obtain their consent to that conflict of interest; prohibit M&A brokers from misusing the exemption to raise capital rather than transfer ownership of small businesses; prohibit shell companies from using the exemption as a backdoor way to take a small business public; and prohibit fraudsters and other bad actors from using the exemption.

In addition, the bill would not change the statutory definition of broker, thereby preserving the SEC's ability to investigate and bring enforcement actions for violations of the antifraud provisions in the securities laws.

The bill also would limit the relief to mergers and acquisitions involving

companies with less than \$250 million in annual gross revenues, which is the total income of the company, or \$25 million in annual earnings, which is the amount of income minus expenses. The amendment would then provide the SEC with the authority to modify these thresholds as necessary or appropriate in the public interest or for the protection of investors.

As our Nation's baby boomers head into retirement and look to sell their privately owned businesses to a new generation of entrepreneurs, it is important that they are able to do so in an efficient and cost-effective manner. If amended, H.R. 477 would allow them to do just that, and so I would support the bill.

I would like to thank my colleagues. I would like to thank Mr. HENSARLING.

I would like to thank Mr. SHERMAN.

This is an important bill for all of us. We are all so supportive of our small businesses. We want them to do well, and we do not want them to be hindered by unnecessary regulations.

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

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Small Business Committee.

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

I rise in support of H.R. 477, and I want to thank Chairman HENSARLING and Chairman HUIZENGA for their hard work on this effort.

While we are finally seeing improvements in our economy, we will not experience its full potential until we fully unleash American small businesses.

As chairman of the House Small Business Committee, I frequently hear from small-business owners that regulations are preventing their growth and expansion. The bill before us today addresses one of the many regulatory hurdles that stand in the way of small business development. Reducing red tape on brokers would decrease the burdens on small businesses that are going through the next phase of their growth, including transitions in ownership.

This should be a time of expansion and increased opportunities, not higher cost and bureaucratic red tape. Let's work together on behalf of our Nation's small businesses so they can continue to grow today and create the jobs of tomorrow.

□ 1530

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HUIZENGA), who is the sponsor of the legislation and the chairman of the Financial Services Subcommittee on Capital Markets, Securities, and Investments.

Mr. HUIZENGA. Mr. Speaker, I appreciate the chairman's hard work on this.

The mission of the Securities and Exchange Commission is to protect investors; maintain fair, orderly, and efficient markets; and facilitate capital formation. As part of that mission, the SEC was mandated by law to conduct an annual forum focusing on small business capital formation.

For nearly a decade, the SEC Government-Business Forum on Small Business Capital Formation has highlighted the merger and acquisition broker proposal as one of its top recommendations to help small businesses.

The MAB proposal would address securities regulation of business brokers and merger and acquisition advisers who are in the business of facilitating the purchase and sale of privately held small companies. This proposal would significantly reduce their Federal regulation compliance costs, which can initially exceed \$150,000 per broker and, after that, cost \$75,000 per additional year. However, the SEC has never acted on this, despite their recommendation.

As we see more and more baby boomers retire, it has been estimated that \$10 trillion—with a T—of equity is locked up into these small, family-owned typically privately held businesses.

Today the Federal securities regulations require an M&A broker to be registered and regulated by the SEC and FINRA just like a Wall Street investment banker buying or selling publicly traded companies.

Anyone who is trying to sell a hometown business, like a family hardware store, a jewelry store, or even a pizza parlor, suddenly has to be treated like they are being sold or bought by a Wall Street investment bank regardless of their size. We don't think that is right.

But the impact of this legislation is meaningful because it reduces transaction costs, promoting competition among those small business brokers and facilitating private business merger, acquisitions, and sales of these small businesses. This small business initiative promotes economic growth and development.

So we have worked very closely across the aisle with our colleagues, and I thank them. Even in today's politically charged environment that we have, it is nice to show the American people that we can actually do some positive, efficient, and effective initiatives with bipartisan support.

I would like to thank my colleagues, Representatives POSEY, HIGGINS, SHERMAN, and MALONEY, as well as Chairman HENSARLING and Ranking Member WATERS for their efforts to reach a bipartisan consensus and to get the important legislation across the finish line.

I have been working on this now for three Congresses, and we believe that we have a very positive spot here where we can all support this. I want to en-

courage my colleagues to support and vote for H.R. 477 and demonstrate that Congress can actually work in a bipartisan manner and get some things done for the American people.

Mr. Speaker, I urge swift consideration.

Mr. HENSARLING. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Texas has 25 minutes remaining.

Mr. HENSARLING. Mr. Speaker, I will conclude by saying that, again, this is a commonsense reform. It is a balanced reform. It is good for small business. It is bipartisan. I urge all of my colleagues to adopt H.R. 477.

Again, I thank the ranking member and the gentleman from California for their leadership to work on a bipartisan basis.

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

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

AMENDMENT NO. 1 OFFERED BY MR. SHERMAN

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

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

The text of the amendment is as follows:

Page 2, line 18, strike "public".

Page 2, line 19, insert before the period the following " , other than a business combination related shell company".

Page 2, after line 19, insert the following:

(iv) Directly, or indirectly through any of its affiliates, provides financing related to the transfer of ownership of an eligible privately held company.

(v) Assists any party to obtain financing from an unaffiliated third party without—

(I) complying with all other applicable laws in connection with such assistance, including, if applicable, Regulation T (12 C.F.R. 220 et seq.); and

(II) disclosing any compensation in writing to the party.

(vi) Represents both the buyer and the seller in the same transaction without providing clear written disclosure as to the parties the broker represents and obtaining written consent from both parties to the joint representation.

(vii) Facilitates a transaction with a group of buyers formed with the assistance of the M&A broker to acquire the eligible privately held company.

(viii) Engages in a transaction involving the transfer of ownership of an eligible privately held company to a passive buyer or group of passive buyers. For purposes of the preceding sentence, a buyer that is actively involved in managing the acquired company is not a passive buyer, regardless of whether such buyer is itself owned by passive beneficial owners.

(ix) Binds a party to a transfer of ownership of an eligible privately held company.

Page 3, after line 16, insert the following (and redesignate subsequent clauses accordingly):

"(i) BUSINESS COMBINATION RELATED SHELL COMPANY.—The term 'business combination related shell company' means a shell company that is formed by an entity that is not a shell company—

"(I) solely for the purpose of changing the corporate domicile of that entity solely within the United States; or

"(II) solely for the purpose of completing a business combination transaction (as defined under section 230.165(f) of title 17, Code of Federal Regulations) among one or more entities other than the company itself, none of which is a shell company.".

Page 4, line 1, strike "officer exercising" and insert "corporate officer of a corporation or limited liability company, and exercises".

Page 4, line 4, strike "20" and insert "25".

Page 4, line 7, strike "20" and insert "25".

Page 4, line 12, strike "20" and insert "25".

Page 5, after line 18, insert the following flush-left text: "For purposes of this subclause, the Commission may by rule modify the dollar figures if the Commission determines that such a modification is necessary or appropriate in the public interest or for the protection of investors.".

Page 7, strike lines 15 through 25 and insert the following:

"(v) SHELL COMPANY.—The term 'shell company' means a company that at the time of a transaction with an eligible privately held company—

"(I) has no or nominal operations; and

"(II) has—".

The SPEAKER pro tempore. Pursuant to House Resolution 647, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I rise today to offer an amendment to H.R. 477, the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2017.

I want to thank the gentleman from Michigan (Mr. HUIZENGA) for working with me on this amendment. It has been a pleasure to work with him on this bill over a period of three Congresses.

With the adoption of this amendment, the bill will be in a form that will secure support from both sides of the aisle, not only my support, but, more importantly, the ranking member's support.

In the 113th Congress, the House of Representatives supported a similar bill to provide relief to the M&A community by providing that, in certain circumstances, a small business merger or acquisitions broker would not have to register.

As a result of that action by the House, which was not matched by action in the Senate, the Securities and Exchange Commission understood the wisdom of this House and introduced a no-action letter dated January 2014 to provide the same level of relief requested by the House.

In their no-action letter, however, the SEC placed several limitations on the exemption from registration that were not included in the House bill, but, with this amendment, will be included in this year's bill.

These limitations provided additional protections for investors and small businesses. It excluded bad actors and shell companies. It prohibited

passive buyers in the M&A transaction to ensure that companies cannot use this exemption from registration as a capital-raising mechanism. It prohibited an M&A broker from providing financing for the transfer. It prohibited M&A brokers from binding a party to a transfer of ownership. I think this is most important: it required that, to be eligible, a broker would have to disclose to both parties and get their consents if they are being paid by both parties. So if there is both a seller's commission and a buyer's commission, you have to tell the buyer and the seller.

Now, those who want to step outside this safe harbor can simply register. But those who will be exempt from registration need to comply with these six elements.

The Small Business Mergers, Acquisition, Sales, and Brokerage Simplification Act will codify the SEC's no-action letter and provide certainty to small business merger and acquisition brokers.

In the last Congress, I opposed the bill because it included only two of the six restrictions that were included by the SEC. With this amendment, the bill will include all of the restrictions. This is a bipartisan amendment and it includes all the limitations of the SEC's no-action letter. It has been a pleasure to work with the gentleman from Michigan (Mr. HUIZENGA) on it.

In addition, our amendment provides that the SEC has the rulemaking authority to determine the correct thresholds for gross revenues and of EBITDA—that is to say, earnings of the company before interest, taxes, depreciation, and amortization—in determining whether a company qualifies as an eligible company under this bill.

The SEC is the agency with the expertise to do this. I encourage them to examine this issue closely and to ensure that any threshold in place is evidence-based. I encourage them in future years to inflation-adjust whatever limitation dollar figures they have in their regulations.

I am pleased to offer this amendment with my colleague, Mr. HUIZENGA, whom I may have previously identified as the gentleman from Michigan. I offer it also with the support of the ranking member. I urge the passage of this amendment, as it will ensure bipartisan support for the bill.

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

Mr. HUIZENGA. Mr. Speaker, I claim the time in opposition to the amendment, even though I am not opposed.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HUIZENGA. Mr. Speaker, I appreciate the opportunity to address the amendment and the work of Mr. SHERMAN, Mrs. MALONEY, the ranking mem-

ber, and, obviously, our chairman as well. So I do agree and accept this amendment as a friendly amendment.

It does confirm what the no-action letter has put in place. I believe it properly makes sure that the SEC's role is preserved but that Congress has its imprimatur on this as well. It aligns the bill with the principles outlined in the SEC's no-action letter.

I think this is a good, reasonable amendment. I am pleased to work with the gentleman from California as well. I am glad that we can get this settled in a timely manner.

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

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from Michigan, and I yield back the balance of my time.

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

The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess.

□ 1614

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 4 o'clock and 14 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passage of H.R. 477;
Passage of H.J. Res. 123; and
The motion to suspend the rules and pass H.R. 2658.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SMALL BUSINESS MERGERS, ACQUISITIONS, SALES, AND BROKERAGE SIMPLIFICATION ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 477) to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 6, as follows:

[Roll No. 669]

YEAS—426

Abraham	Cartwright	Donovan
Adams	Castor (FL)	Doyle, Michael
Aderholt	Castro (TX)	F.
Aguilar	Chabot	Duffy
Allen	Cheney	Duncan (SC)
Amash	Chu, Judy	Duncan (TN)
Amodei	Cicilline	Dunn
Arrington	Clark (MA)	Ellison
Babin	Clarke (NY)	Emmer
Bacon	Clay	Engel
Banks (IN)	Cleaver	Eshoo
Barletta	Clyburn	Espallat
Barr	Coffman	Estes (KS)
Barragán	Cohen	Esty (CT)
Barton	Cole	Evans
Bass	Collins (GA)	Farenthold
Beatty	Collins (NY)	Faso
Bera	Comer	Ferguson
Bergman	Comstock	Fitzpatrick
Beyer	Conaway	Fleischmann
Biggs	Connolly	Flores
Billirakis	Cook	Fortenberry
Bishop (GA)	Cooper	Foster
Bishop (MI)	Correa	Fox
Bishop (UT)	Costa	Frankel (FL)
Black	Costello (PA)	Franks (AZ)
Blackburn	Courtney	Frelinghuysen
Blum	Cramer	Fudge
Blumenauer	Crawford	Gabbard
Blunt Rochester	Crist	Gaetz
Bonamici	Crowley	Gallagher
Bost	Cuellar	Gallego
Boyle, Brendan	Culberson	Garamendi
F.	Cummings	Garrett
Brady (PA)	Curbelo (FL)	Gianforte
Brady (TX)	Curtis	Gibbs
Brat	Davidson	Gohmert
Brooks (AL)	Davis (CA)	Gomez
Brooks (IN)	Davis, Danny	Gonzalez (TX)
Brown (MD)	Davis, Rodney	Goodlatte
Buchanan	DeFazio	Gosar
Buck	DeGette	Gottheimer
Bucshon	Delaney	Gowdy
Budd	DeLauro	Granger
Burgess	DelBene	Graves (GA)
Bustos	Demings	Graves (LA)
Butterfield	Denham	Graves (MO)
Byrne	Dent	Green, Al
Calvert	DeSantis	Griffith
Capuano	DeSaulnier	Grijalva
Carbajal	DesJarlais	Grothman
Cárdenas	Deuth	Guthrie
Carson (IN)	Diaz-Balart	Gutiérrez
Carter (GA)	Dingell	Hanabusa
Carter (TX)	Doggett	Handel

Harper	Massie	Ryan (OH)
Harris	Mast	Sánchez
Hartzler	Matsui	Sanford
Hastings	McCarthy	Sarbanes
Heck	McCaul	Scalise
Hensarling	McClintock	Schakowsky
Herrera Beutler	McCollum	Schiff
Hice, Jody B.	McEachin	Schneider
Higgins (LA)	McGovern	Schrader
Higgins (NY)	McHenry	Schweikert
Hill	McKinley	Scott (VA)
Himes	McMorris	Scott, Austin
Holding	Rodgers	Scott, David
Hollingsworth	McNerney	Sensenbrenner
Hoyer	McSally	Serrano
Hudson	Meadows	Sessions
Huffman	Meehan	Sewell (AL)
Huizenga	Meeks	Shea-Porter
Hultgren	Meng	Sherman
Hunter	Messer	Shimkus
Hurd	Mitchell	Shuster
Issa	Moolenaar	Simpson
Jackson Lee	Mooney (WV)	Sinema
Jayapal	Moore	Sires
Jeffries	Moulton	Slaughter
Jenkins (KS)	Mullin	Smith (MO)
Jenkins (WV)	Murphy (FL)	Smith (NE)
Johnson (GA)	Nadler	Smith (NJ)
Johnson (LA)	Napolitano	Smith (TX)
Johnson (OH)	Neal	Smith (WA)
Johnson, E. B.	Newhouse	Smucker
Johnson, Sam	Noem	Soto
Jones	Nolan	Speier
Jordan	Norcross	Stefanik
Joyce (OH)	Norman	Stewart
Kaptur	Nunes	Stivers
Katko	O'Halleran	Suozi
Keating	O'Rourke	Swalwell (CA)
Kelly (IL)	Olson	Takano
Kelly (MS)	Palazzo	Taylor
Kelly (PA)	Pallone	Tenney
Khanna	Palmer	Thompson (CA)
Kihuen	Panetta	Thompson (MS)
Kildee	Pascarell	Thompson (PA)
Kilmer	Paulsen	Thornberry
Kind	Payne	Tiberi
King (IA)	Pearce	Tipton
King (NY)	Pelosi	Titus
Kinzinger	Perlmutter	Tonko
Knight	Perry	Torres
Krishnamoorthi	Peters	Trott
Kuster (NH)	Peterson	Tsongas
Kustoff (TN)	Pingree	Turner
Labrador	Pittenger	Upton
LaHood	Poe (TX)	Valadao
LaMalfa	Poliquin	Vargas
Lamborn	Pollis	Veasey
Lance	Posey	Price (NC)
Langevin	Price (NC)	Quigley
Larsen (WA)	Raskin	Quigley
Larsen (CT)	Ratcliffe	Raskin
Latta	Ratcliffe	Rice (NY)
Lawrence	Reed	Richmond
Lee	Reichert	Royal-Allard
Levin	Renacci	Ruppersberger
Lewis (GA)	Rice (NY)	Rush
Lewis (MN)	Rice (SC)	Ryan (OH)
Lieu, Ted	Richmond	Sánchez
Lipinski	Roby	Sarbanes
LoBiondo	Roe (TN)	Schakowsky
Loeback	Rogers (AL)	Schiff
Lofgren	Rogers (KY)	Schrader
Long	Rohrabacher	Scott (VA)
Loudermilk	Rokita	Serrano
Love	Rooney, Francis	Sewell (AL)
Lowenthal	Rooney, Thomas	Shea-Porter
Lowey	J.	Sherman
Lucas	Ros-Lehtinen	Sires
Luetkemeyer	Rosen	Slaughter
Lujan Grisham,	Roskam	Smith (WA)
M.	Ross	Soto
Luján, Ben Ray	Rouzer	Suozi
Lynch	Rothfus	Swalwell (CA)
MacArthur	Rouzer	Takano
Maloney,	Roybal-Allard	Thompson (CA)
Maloney, Sean	Royce (CA)	Thompson (MS)
Marchant	Ruiz	Titus
Marino	Ruppersberger	Tonko
Marshall	Rush	Torres
	Russell	Tsongas
	Rutherford	Vargas
		Veasey
		Vela
		Velázquez
		Visclosky
		Wasserman
		Schultz
		Waters, Maxine

NOT VOTING—6

Bridenstine	Green, Gene	Lawson (FL)
Brownley (CA)	Kennedy	Poca

□ 1640

Mr. ESPAILLAT, Mrs. NAPOLITANO, Messrs. CAPUANO, LYNCH, MISS RICE of New York, Messrs. SIREs, HUFFMAN, and CARDENAS changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS ACT, 2018

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 123) making further continuing appropriations for fiscal year 2018, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 193, not voting 5, as follows:

[Roll No. 670]

YEAS—235

Abraham	Davis, Rodney	Jenkins (KS)
Aderholt	Denham	Jenkins (WV)
Allen	Dent	Johnson (LA)
Amodei	DeSantis	Johnson (OH)
Arrington	DesJarlais	Johnson, Sam
Babin	Diaz-Balart	Jordan
Bacon	Donovan	Joyce (OH)
Banks (IN)	Duffy	Katko
Baretta	Duncan (SC)	Kelly (MS)
Barr	Duncan (TN)	Kelly (PA)
Barton	Dunn	King (IA)
Bergman	Emmer	King (NY)
Bilirakis	Estes (KS)	Kinzing
Bishop (MI)	Farenthold	Knight
Bishop (UT)	Faso	Kustoff (TN)
Black	Ferguson	LaHood
Blackburn	Fitzpatrick	LaMalfa
Blum	Fleischmann	Lamborn
Bost	Flores	Lance
Brady (TX)	Fortenberry	Latta
Brat	Fox	Lewis (MN)
Brooks (IN)	Franks (AZ)	LoBiondo
Buchanan	Frelinghuysen	Long
Buck	Gallagher	Loudermilk
Bucshon	Gianforte	Love
Budd	Gibbs	Lucas
Burgess	Goodlatte	Luetkemeyer
Bustos	Gottheimer	MacArthur
Byrne	Gowdy	Marchant
Calvert	Granger	Marino
Carter (GA)	Graves (GA)	Marshall
Carter (TX)	Graves (LA)	Mast
Chabot	Graves (MO)	McCarthy
Cheney	Grothman	McCaul
Coffman	Guthrie	McClintock
Cole	Handel	McHenry
Collins (GA)	Harper	McKinley
Collins (NY)	Hartzler	McMorris
Comer	Hensarling	Rodgers
Comstock	Herrera Beutler	McSally
Conaway	Hice, Jody B.	Meadows
Cook	Higgins (LA)	Meehan
Costello (PA)	Hill	Messer
Cramer	Holding	Mitchell
Crawford	Hudson	Moolenaar
Crist	Huizenga	Mullin
Culberson	Hultgren	Murphy (FL)
Curbelo (FL)	Hunter	Newhouse
Curtis	Hurd	Noem
Davidson	Issa	Norman

Nunes	Ross	Taylor
O'Halleran	Rothfus	Tenney
Olson	Rouzer	Thompson (PA)
Palazzo	Royce (CA)	Thornberry
Palmer	Ruiz	Tiberi
Paulsen	Russell	Tipton
Pearce	Rutherford	Trott
Peters	Ryan (WI)	Turner
Peterson	Sanford	Upton
Pittenger	Scalise	Valadao
Poe (TX)	Schneider	Wagner
Poliquin	Schweikert	Walberg
Posey	Scott, Austin	Walden
Reed	Scott, David	Walker
Reichert	Sensenbrenner	Walorski
Renacci	Sessions	Walters, Mimi
Rice (SC)	Shimkus	Walz
Roby	Shuster	Weber (TX)
Roe (TN)	Simpson	Webster (FL)
Rogers (AL)	Sinema	Wenstrup
Rogers (KY)	Smith (MO)	Westerman
Rohrabacher	Smith (NE)	Williams
Rokita	Smith (NJ)	Wilson (SC)
Rooney, Francis	Smith (TX)	Womack
Rooney, Thomas	Smucker	Woodall
J.	Speier	Yoder
Ros-Lehtinen	Stefanik	Yoho
Rosen	Stewart	Young (AK)
Roskam	Stivers	Young (IA)

NAYS—193

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

Watson Coleman Wilson (FL) Yarmuth
Welch Wittman Zeldin

NOT VOTING—5

Bridenstine Kennedy Pocan
Brownley (CA) Lawson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1647

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. MCCARTHY. Mr. Speaker, I rise today for the purpose of making a scheduling announcement.

Mr. Speaker, I first want to thank all the Members for their flexibility in coming back to town this past Monday. As such, Members are advised that votes are no longer expected in the House tomorrow, Friday, December 8.

Members are further advised to be prepared for the House to be in session the week of December 18. First votes of that week will be expected at 6:30 p.m. on Monday, December 18.

We all know we have important work to do, including passing the historic Tax Cuts and Jobs Act for the American people. I think that will be an excellent Christmas present.

If there are any further changes to our schedule, I will be sure to let all Members know.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the majority leader for yielding.

Normally, of course, we would have a scheduling discussion tomorrow at the end of business, but in light of the fact that we are not meeting tomorrow, we will not have that colloquy.

Mr. Speaker, can the leader give us some indication of what might be considered next week? As we know, there are numerous items that need to be resolved before we leave here this year, and we need to obviously have some BCA, Budget Control Act, numbers arrived at so that the Appropriations Committee can move forward either on an omnibus or appropriations bills. We need to do flood insurance. We need to do FISA section 702. We need to do, obviously, the Children's Health Insurance Program, and other matters.

Mr. Speaker, can the leader, who has just said that we will be in—is he anticipating 4 days next week? Four days next week, and presumably 4 days or 5 days the following week? So let's say we have 9 legislative days.

Mr. Speaker, can the leader give us some idea of how we might accomplish the work that needs to be done in that timeframe?

Mr. MCCARTHY. Mr. Speaker, I will miss the colloquy tomorrow. I always look forward to speaking with my friend.

Mr. Speaker, as the gentleman knows, the Rules Committee has met, so we will see a Financial Services bill that they met on. Members will also get a list of all the suspensions. That will be by close of business tomorrow.

But the gentleman is right. There is a lot of work to be done. We have passed CHIP going forward. As the gentleman knows, in this bill that we just voted on, for those who voted yes, it continues funding for them for the rest of this year.

Mr. Speaker, as the gentleman knows, this House has passed all 12 appropriations bills, but we have more work to get done.

Knowing my friend is concerned, coming from the Appropriations Committee as well, I would hope you join with us. We would like to see the Senate take some actions. I know leadership from both sides of the aisle has just visited with the President. I hope we can come to an agreement so we can finish this out.

I also hope the gentleman would join with me in encouraging the Senate, not just on the appropriations bills, but the 352 bills that we have out of this House sitting over there.

Mr. Speaker, the part that the American people must know, most of those bills have very broad bipartisan support.

I am looking forward to a busy 9 days. It will not come up next week, but if it could, I would bring it up as soon as we come out of conference because I do believe the American people are waiting for the Tax Cuts and Jobs Act to continue what we have gone through.

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

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I hear the majority leader's hope that we will move appropriations bills on the Senate side. Obviously, one of the things that we have been trying to work on for the last 90 days, Mr. Speaker, has been trying to get to an agreement on the numbers that will replace the sequester numbers that certainly many people on your side don't want for the defense side of the budget.

Obviously, we believe that we had an agreement over the last 4 years for parity in spending. We would hope that we could reach an agreement similar to that agreement.

Furthermore, Mr. Speaker, I am sure that Mr. MCCONNELL, the majority leader, could bring appropriations bills to the floor, and he has not done that. We don't control the Senate, and those bills have not been brought to the floor. You can't pass them if they aren't brought to the floor.

Furthermore, Mr. Speaker, they need to be bipartisan bills, because the history is that the majority party, Mr. Speaker, has not been able to get a majority of votes. They did today, but the history is, since 2011, that has not happened; therefore, failing that, you need to work in a bipartisan fashion, Mr. Speaker, the Senate does, in order to get these bills done.

Mr. Speaker, in addition, I won't go into all the pieces of legislation that are pending that need to pass for the welfare of our country, the security of our country, and the assistance to our people. I would hope that we could proceed and proceed now. Frankly, I am available tomorrow, Mr. Speaker, and I am sure others are, to start talking about how we reach agreement on these critical issues, because 9 days, as we all know, is not very much time.

We have had 90 days. We unanimously voted for a continuing CR. Ninety of your members voted against it. I say respectfully, the reason we got 90 days to hopefully reach agreement on a number of critical issues, critical to us, and I think critical to you, was because every one of us on this side of the aisle voted for the CR, and 90 of the Republicans voted against it. It could never have gotten to a majority but for our votes.

I would hope that now that we have another 2 weeks that we start sitting down together, reaching agreement, and are prepared next week to start voting on bipartisan bills that both sides can support. Neither side will get all it wants, but that is the way I think that this House will proceed as a credit to the House and a credit to the American people.

Mr. MCCARTHY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, the gentleman is right, we have a great amount of work to do. We just voted on a bill that, I will guarantee you, 221 Members on this side who carried it, was not the bill they were seeking. They do not want to look at the troops and say they are not funded and they are not getting their pay raise that we voted on earlier.

Mr. Speaker, the gentleman, my friend, has told me, time and again, funding government is not a game. There was nothing in the bill that we just passed that both sides could not say that it was a bipartisan bill. There was nothing on our side of the aisle that we put into that bill that would give anybody on either side heartache.

But it was not a bill that we should have to have voted on, on this floor. We did 12 appropriations bills. We should not be voting for continuing resolutions. That is not why we are elected.

So let's do this. As we make our travel plans back, knowing that we will be back next week, let's make a commitment to one another, let's make a commitment to this country, that we will get our work done, that we will find the common ground, that we will not whip against a bill just to try to shut a government down, but will find the very best that this body could come to conclusion with, and that means funding our troops, and I look forward to working with all of you in the coming weeks.

Mr. HOYER. Mr. Speaker, reclaiming my time, my presumption is that the chairman of the Armed Services Committee, who voted against the CR in September, did not do it because he wasn't for funding the troops; did not do it because he didn't want to protect the security of our country; did not do it because he wanted to shut down the government, I presume. None of us did either.

We did it because we are very concerned about the fact that 90 days ago we voted for a CR that was noncontroversial, notwithstanding the fact that 90 on your side voted against it. It was noncontroversial, however. The President agreed to it. You agreed to it, I agreed to it. We had an agreement.

But the fact of the matter is that we have not used those 90 days productively in a bipartisan way to get to constructive resolutions of these issues. I agree with the gentleman, we ought to do that.

I will pledge to the gentleman that I and my leadership here and our Members will come at least 50 percent of the way. You are in charge. You have the responsibility. We understand that. But, as we have in the past, almost every time, whether it was Speaker Boehner or Speaker RYAN, it was this side of the aisle that kept the government open. It was this side of the aisle that made sure we didn't default on our debts.

So I want to be constructive. There is no point in further argument on this. It is to say, however, to all of us, I have talked to some of your Members privately. They are shaking their heads.

Why are we in this position?

We ought not to be in this position. Every one of us who sits in this body—every one of us ought to be saying to ourselves: we need to act constructively. Confrontation is not constructive; the failure to reach agreement.

You say you passed SCHIP. I pleaded with the gentleman not to put a partisan bill on the floor. We had agreed on the authorizing side. Unfortunately, we couldn't agree on the funding side because you wanted to cut things we thought ought not to be cut. Clearly, we could have gotten to an agreement.

In fact, you passed a bill on IPAB, \$17.6 billion unpaid for that would have paid for all of that. So, Mr. Leader, I will yield to you, if you want to; but I just plead with every one of the Members of this body: This is not good for the American people. You say you don't want a CR. You had 90 days to come to an agreement with us or with yourselves. You have 218 votes. You just showed us.

Mr. McCARTHY. Will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. McCARTHY. Mr. Speaker, not to continue a debate, because I know people have places to go, but you said we needed 218 to show it. We just showed 221. But the one thing I will tell you, when you talk about bipartisan, when you talked about that CR, 133 on this side voted for it; more than the majority of the majority. That is where bipartisanism comes.

I can sit back and we can rehash how many times we met about SCHIP. We can rehash coming to you and saying: Tell me where you want to go with that at the end of the day.

We can rehash where your ranking member asked us to pull back on the markup, and we did. But they still never came. I don't need to rewrite history and I don't need to walk away from where we tried to get to.

I am proud of the fact that we were able to pass it, with or without you. But we wanted you with us. You made the decision not to be with us, and that is okay. That is your decision. But, today, when you talked and bragged about all of the other times you were there, my only question is: What is different today?

Let's not make today continue for the future. Let's find the way that we work together. But at the end of the day, when they look back in history, there will be 221 on this side and there will be 175 on the other side that said government should shut down; and I don't think that is right.

I hope you have a good weekend.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I didn't hear my friend saying that when John Boehner, Eric Cantor, and the whip asked for votes to keep the government open.

They got 84 of their colleagues on your side of the aisle to join them, making a total of 87, and the majority of your Members voted against your own leadership on the bill that they were proposing. So don't lecture me about voting "no."

I voted "no" because I think we should not have had a CR. I voted "no" because I think there are too many things left undone. I voted "no" because the American people expect us to get our work done, not to twiddle our thumbs while Rome is burning.

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

The SPEAKER pro tempore. The Chair will remind all Members to direct their remarks to the Chair and not to each other in the second person.

VENEZUELA HUMANITARIAN ASSISTANCE AND DEFENSE OF DEMOCRATIC GOVERNANCE ACT OF 2017

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2658) to provide humanitarian assistance for the Venezuelan people, to defend democratic governance and combat widespread public corruption in Venezuela, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 29, not voting 15, as follows:

[Roll No. 671]

YEAS—388

Abraham	Castro (TX)	Diaz-Balart
Adams	Chabot	Dingell
Aderholt	Cheney	Doggett
Aguilar	Chu, Judy	Donovan
Amodel	Cicilline	Doyle, Michael
Arrington	Clark (MA)	F.
Babin	Clarke (NY)	Duffy
Banks (IN)	Clay	Duncan (SC)
Barletta	Cleaver	Dunn
Barr	Clyburn	Ellison
Barragán	Coffman	Emmer
Barton	Cohen	Engel
Bass	Cole	Eshoo
Beatty	Collins (GA)	Espallat
Bera	Collins (NY)	Estes (KS)
Bergman	Comer	Esty (CT)
Beyer	Comstock	Evans
Bilirakis	Conaway	Farenthold
Bishop (GA)	Connolly	Faso
Bishop (MI)	Cook	Ferguson
Bishop (UT)	Cooper	Fitzpatrick
Blumenauer	Correa	Fleischmann
Blunt Rochester	Costa	Flores
Bonamici	Costello (PA)	Fortenberry
Bost	Courtney	Foster
Boyle, Brendan	Cramer	Fox
F.	Crawford	Frankel (FL)
Brady (PA)	Crist	Frelinghuysen
Brady (TX)	Crowley	Fudge
Brooks (IN)	Cuellar	Gabbard
Brown (MD)	Culberson	Gallagher
Buchanan	Cummings	Gallo
Buck	Curbelo (FL)	Garamendi
Bucshon	Curtis	Garrett
Budd	Davis (CA)	Gianforte
Burgess	Davis, Danny	Gibbs
Bustos	Davis, Rodney	Gomez
Butterfield	DeFazio	Gonzalez (TX)
Byrne	DeGette	Gotthelmer
Calvert	Delaney	Gowdy
Capuano	DeLauro	Granger
Carbajal	DeBene	Graves (GA)
Cárdenas	Demings	Graves (LA)
Carson (IN)	Denham	Graves (MO)
Carter (GA)	Dent	Green, Al
Carter (TX)	DeSantis	Green, Gene
Cartwright	DeSaulnier	Grijalva
Castor (FL)	Deutch	Grothman

Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Latta
Lawrence
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loeback
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham,
M.
Luján, Ben Ray
MacArthur
Maloney,
Carolyn B.
Maloney, Sean

Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meng
Messer
Mitchell
Moolenaar
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascarell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Kuster (NH)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Richmond
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell

Rutherford
Ryan (OH)
Sánchez
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schradler
Schweikert
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozi
Swalwell (CA)
Takano
Taylor
Tennet
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman
Schultz
Watson Coleman
Webster (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Mooney (WV)
Perry
Bridenstine
Brownley (CA)
Franks (AZ)
Hunter
Kennedy

Rice (SC)
Roe (TN)
NOT VOTING—15

Sanford
Woodall
Pocan
Scott, David
Tiberi
Torres
Waters, Maxine

□ 1711

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADMIRAL LLOYD R. "JOE" VASEY PACIFIC WAR COMMEMORATIVE DISPLAY ESTABLISHMENT ACT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4300) to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 4300

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Admiral Lloyd R. 'Joe' Vasey Pacific War Commemorative Display Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSOCIATION.—The term "Association" means Pacific Historic Parks, a corporation that is—

(A) a cooperating association with the National Park Service;

(B) organized under the laws of the State of Hawaii; and

(C) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(3) COMMEMORATIVE DISPLAY.—The term "commemorative display" means the Pacific Theater of World War II Commemorative Display authorized to be established under section 4(a).

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) honor the brave members of the United States Armed Forces who fought on behalf of the United States of America in the Pacific Theater during World War II;

(2) provide a place to mourn the more than 150,000 American and allied lives lost in the Pacific Theater during World War II; and

(3) educate the public about United States battles in the Pacific Theater and its role in World War II.

SEC. 4. PACIFIC THEATER COMMEMORATIVE DISPLAY.

(a) AUTHORIZATION To ESTABLISH COMMEMORATIVE DISPLAY.—The Association may

establish and maintain a commemorative display to honor the members of the United States Armed Forces and Allies who served in the Pacific Theater during World War II.

(b) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to design, procure, prepare, install, or maintain the commemorative display, but the Director may accept and expend contributions of non-Federal funds and resources for such purposes.

(c) LOCATION OF COMMEMORATIVE DISPLAY.—

(1) IN GENERAL.—The Director may allow the commemorative display to be established at a suitable location at the Pearl Harbor site of the World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

(2) CONDITION.—The commemorative display may not be established at any location under the jurisdiction of the Director until the Director determines that an assured source of non-Federal funding has been established for the design, procurement, installation, and maintenance of the commemorative display.

(d) DESIGN OF THE COMMEMORATIVE DISPLAY.—The final design of the commemorative display shall be subject to the approval of the Director.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJOURNMENT FROM THURSDAY,
DECEMBER 7, 2017, TO MONDAY,
DECEMBER 11, 2017

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate, and 2 p.m. for legislative business.

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

There was no objection.

□ 1715

CONGRESSIONAL APP CHALLENGE

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

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate Jack Hong from Edina High School who won this year's Congressional App Challenge in Minnesota.

Every year, the Congressional App Challenge encourages students to create an original app by writing computer code. The competition inspires students across the country to explore computer science and STEM fields, fosters innovation, and promotes involvement by some who are historically underrepresented in tech fields.

Jack won this year's competition by designing an app called Pomo Timer that blocks distracting websites on the user's computer for short periods of time.

I would also like to recognize Madiha Rizvi of Brooklyn Park who won runner-up for creating an app called

NAYS—29

Allen
Amash
Bacon
Biggs
Black
Blackburn
Blum
Brat
Brooks (AL)
Davidson
DesJarlais
Duncan (TN)
Gaetz
Gohmert
Goodlatte
Gosar
Griffith
Hice, Jody B.
Jones
Jordan
Labrador
Marchant
Massie

Jobscope that helps young adults find jobs in their communities.

Zara Thomas and Omar Elamri from Minnetonka Middle School were also both honorable mentions for their apps.

Mr. Speaker, these students have shown ingenuity, imagination, and intellectual curiosity, and their inventive talent will take them far. I congratulate them on their achievement and wish them the best in future academics.

CONGRATULATING THE SHABAZZ HIGH SCHOOL FOOTBALL TEAM

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

Mr. PAYNE. Mr. Speaker, I rise today to congratulate the Shabazz High School Bulldogs football team for winning their State championship game against the Weequahic High School Indians. These schools—both in my neighborhood and in my district—have been rivals since 1938.

This is the second year in a row that they have gone head to head in the championship, but this year Shabazz beat Weequahic with a score of 35-0 to win the State championship for north Jersey, section 2, group 1. The Shabazz Bulldogs had a perfect season, finishing the year with a 12-0 record. It was their first perfect season since 1966.

The Shabazz Bulldogs were led to victory by Coach Darnell Grant, whose brother Barris Grant coached the Hillside High School Comets football team to its State championship this year as well. Both teams are in my district.

Mr. Speaker, I ask my colleagues to join me in congratulating Coach Grant and the Shabazz High School Bulldogs football team for their perfect year in sports this weekend.

CALIFORNIA WILDFIRES

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

Mr. WESTERMAN. Mr. Speaker, I rise today to plead on behalf of our country for immediate Senate action on the Resilient Federal Forests Act of 2017. The House passed this bipartisan bill on November 1, following a record wildfire season with millions of acres going up in smoke and ash.

Just this week, fires have flared up again in southern California with more than 110,000 acres currently burning and more than 200,000 individuals forced from their homes. Many schools are closed, residents hundreds of miles away are advised to stay indoors to avoid the smoke, and, more urgently, lives and property are at risk across Los Angeles and Ventura Counties.

The time for the Senate to act was 2 years ago when they failed to act on

similar legislation. We can't afford for the Senate to continue to do nothing. Pass the Resilient Federal Forests Act. Give the Forest Service the tools it needs to prevent and combat catastrophic wildfires. Fires are raging, lives are in danger, and the situation will get worse in the future if the Senate continues to fail to act.

HONORING RICHARD CULLEN OF VIRGINIA

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

Mr. McEACHIN. Mr. Speaker, today I rise to honor a fellow Virginian, Richard Cullen, who is in the midst of transitioning his law practice into "becoming one of the boys" again.

Richard Cullen is a dedicated public servant who has served our great Commonwealth in different capacities during his longstanding career at both the Federal and State levels.

Mr. Cullen was raised in Staunton, Virginia—located in our State's cherished Shenandoah Valley—and completed his education at the University of Richmond's T.C. Williams School of Law where he served as the editor-in-chief of the school's law review.

Richard began his career at the Federal level with former Congressman Butler of the Sixth Congressional District. He continued to serve Virginians at the State level when he was appointed in 1991 as the United States Attorney for the Eastern District of Virginia.

Richard also served at the State level, from 1997 to 1998, as the attorney general of Virginia. He is a Virginian's Virginian who values his community.

On behalf of our great Commonwealth, we thank Richard Cullen for his continued service.

HONORING PEARL HARBOR SURVIVOR AND WORLD WAR II VETERAN CLARENCE VAROS

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

Ms. CHENEY. Mr. Speaker, on this historic day in this Chamber where President Roosevelt appeared the day after the Pearl Harbor attack, I rise to honor a World War II veteran and Pearl Harbor survivor, Mr. Clarence Varos, who will turn 100 this weekend.

Born on December 10, 1917, Mr. Varos has served our country and State in many ways. As a member of the U.S. Navy, Mr. Varos fought through and survived the attack on Pearl Harbor. He risked his life in the defense of freedom as a gunner on the USS *Hyde*, transporting marines in the Pacific theater. After bravely serving our Nation in uniform, Mr. Varos went on to

dedicate 30 years of his life to the Union Pacific Railroad.

I want to thank Mr. Varos for all he has contributed to our great Nation and State. His sacrifice, bravery, and grit are an example to us all. I look forward to congratulating Mr. Varos in person at celebrations in his honor this weekend in Cheyenne. I would like to say happy birthday to Mr. Varos and thank him for his service.

OPPOSING OFFSHORE OIL AND GAS EXPLORATION IN THE EASTERN GULF OF MEXICO

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

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I rise to, once again, vigorously and unrelentingly oppose offshore oil and gas exploration in the eastern Gulf of Mexico. I know this is an imperfect graphic, but what I have got here is a map of the Gulf of Mexico showing the Military Mission Line, longitude 86 degrees, 41 minutes, where the military doesn't want offshore drilling east of it, and neither do we citizens of Florida.

This big blob here is where the oil companies want to go get oil and gas and tear up our Gulf of Mexico and change our coast from high-quality residential development to things like this: huge, steel-hulled offshore supply vessels coming in our residential bays and estuaries.

This is Sanibel Lighthouse. We don't want to see a commercial vessel like this in Sanibel Lighthouse, nor do we want to see one in the Gordon River of Naples surrounded by beautiful homes, trees, and second homes of retirees who have come to Naples to make it their home. This thing could be replicated in Fort Myers as well.

We can't let our coast be changed irreparably by industrialization to support unnecessary offshore drilling.

HONORING JOE GEORGE, AN AMERICAN HERO

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

Mr. BANKS of Indiana. Mr. Speaker, I rise today to honor Joe George, a sailor who showed exceptional bravery during the attack on Pearl Harbor. Joe defied direct orders from his superior officer and saved the lives of six men trapped on the embattled USS *Arizona*.

Mr. Speaker, for years, Joe's family and two veterans he saved have petitioned the Navy to acknowledge his bravery. I first heard his story from Warsaw, Indiana, middle school students Keller Bailey, Jason Benyousky, Ryun Hoffert, Geoffrey Hochstetler, and their adviser, Richard Rooker, regarding the National History Day project.

I introduced a resolution that highlights Joe's courage and calls for the Navy to recognize his selfless actions during the attack. Mr. Speaker, I am pleased that the Navy has recently announced that Joe George will be posthumously awarded the Bronze Star for his heroism. Joe George was an American hero and a shining example of the courage of the Greatest Generation.

TO ATTACK STUDENT LOAN DEBT, EMPOWER STUDENTS

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

Mr. GARRETT. Mr. Speaker, I appreciate the opportunity to address this Chamber and, indeed, America about the challenges that we face at this time in our country. There are many. Some exist within this Nation, some exist overseas, and some have many answers being batted around in Washington; whereas, others have nearly none.

One of those challenges that has hamstrung our youngest generation is the massive, dark cloud of student loan debt. When our colleague, Senator SANDERS, from the other side of the aisle addressed student loan debt during the Presidential campaign last year, he was correct in identifying a problem. The way that he chose to address it I would disagree with, as he suggested that we should provide for people something from the government. I would suggest that the people should provide for themselves.

There are two schools of thought, one that the people rely on the government, and one that the government should rely on the people.

So how do you address this massive black cloud of student loan debt that is handicapping our youngest and most creative generation? That is something that we have started to do today with the filing of H.R. 4584, the Student Security Act.

I speak to you tonight about a brighter future, a future where individuals are empowered to make decisions for themselves and where they can escape this looming cloud of debt so they might be free to do things that we have, heretofore, perhaps taken for granted in this country, like buy a new car, like start a family, or, in the words of former Presidential candidate Hillary Clinton, move out of mom and dad's basement.

But the most important thing that they are not able to do because of the black cloud of debt that faces them, Mr. Speaker, I would submit, is harness the creativity and the energy that is embodied by their ideas. This is a nation of ideas, and certainly when you are encumbered with over \$40,000 of

loan debt per person on average, you are not able to get that small business loan, and you are not able to start that new business to put those ideas into action and create jobs.

In fact, a recent poll last month indicated that the majority of millennials would sacrifice their very franchise, that is the right to vote, in exchange for relief from their student loan debt. All too often, heretofore, the words "student debt" in the Halls of Washington have scared up images of free college. Anyone knows—even Mr. SANDERS knows—that nothing is free; someone pays. But that is no excuse to ignore the problem. Why not allow individuals the option and opportunity to pay their own debt?

Over 40 million Americans—myself included—are paying back \$1.3 trillion in student debt, yet we have done nothing realistic to address this problem.

How do you address new problems? You must address new problems with new ideas. H.R. 4584, the Student Security Act, is just that.

I will stop as an aside to take a moment to thank a young man, Elliot Harding, a recent student from Charlottesville, Virginia, who came to me with this idea: What do we do as a nation if we lose the creativity of an entire generation because of this burdensome debt? Because that is what we are on the precipice of.

I contemplated it and decided that this isn't something I was able to let happen on my watch. So as a result, I was all ears as he explained the idea that became student security.

It is as follows: right now we know that the Social Security plan that our seniors—indeed, my very mother—rely upon to get by on a day-to-day basis is facing an imminent bankruptcy, that solvency is in question, and that by 2034, according to most estimates, there will be no solvency. That is a problem, too.

Many of you at home are wondering how I moved from student loan debt to Social Security, and that is the beauty of this idea. To empower individuals to make decisions for themselves and address these very real challenges, the Student Security Act would allow a student to write off \$550 of student loan debt for every month that they were willing to voluntarily forgo a Social Security benefit. The time value of money, my friends. We have forced no one to do anything. We have in no way, shape, or form changed one scintilla of the promise that is Social Security that we have made for generations to our seniors. But at the same time, we have provided an 11 percent increase in the solvency of that program, extending the life of that promise without raising taxes and without forcing a single soul to do a single thing against their will.

That would translate into \$6,600 per student, per year, that they were will-

ing to voluntarily forgo receipt of Social Security benefits.

The bill would cap at a maximum of \$40,150 in debt relief. This would correspond to a 6-year delay in receipt of Social Security benefits, and, again, no one would be forced to do a thing, but students who sought to remove from their lives the black cloud of student loan debt would be empowered to, at their own discretion, make this decision for themselves.

□ 1730

As they say in the TV world: But wait; there is more.

We ran this program past the Congressional Budget Office and then later past the Social Security Administration. What would the impact on Social Security be when empowering people to make decisions for themselves? And, by the way, how would we defray the costs as to people who are young now, who won't invest in Social Security until later, versus the fact they are students now?

The numbers are not good; they are great. We would allow cosigners on loans this option as well, to avail their children or grandchildren of these benefits should they choose to defer receipt of Social Security benefits, again to the amount of \$40,150. That would begin immediately.

That would also save, according to the Social Security Administration, \$700 billion, while also addressing the very real needs of American students currently hamstrung by a broken college finance system.

So what do we do with the Student Security Act?

We are delighted to welcome Congressman FERGUSON, Congressman BRAT, Congressman ROKITA, and Congressman MESSER. We invite our colleagues from both sides of the aisle to look at this outside-the-box, dynamic new way of addressing the solvency of Social Security and the insolvency of our youngest, most creative generation.

The data indicates that we would extend the viability of the Social Security program by 11 percent of what is needed to make it wholly solvent in perpetuity. That would be the equivalent of a 0.3 percent increase in the payroll tax, but without a tax increase and without taking anything from anyone without their voluntary entry into the program.

It would lift the black cloud of student loan debt to the tune of over \$40,000 per person in a world where 90 percent of debtors have less than \$40,000 in debt, and it would return to the coffers of this indebted Nation, by the Social Security Administration's estimates, \$700,000,000,000—sevenths of \$1 trillion.

So I stand here today and ask you to ask yourselves:

Do you trust people to make good decisions for other people?

Do you believe that people should rely on government or that government should rely on people?

Do you believe that this country can harness the ideas and the vision and the energy of what is inherently the most creative generation if we are able to free these young people from burdensome debt that stops them from engaging in key life events like buying a home and buying a car and getting married and starting a business?

Do you believe that we need to think outside the box to ensure that we keep the promise that is Social Security, which has been made in this country for generations?

If you, like me, believe this and are a Member, I invite you to join as a patron of H.R. 4584, regardless of your party affiliation or ideology. If you, like me, as a citizen, believe this is a good idea, I invite you to speak to your Representatives.

Mr. Speaker, this is an opportunity not only to change how we do business, but to empower people to empower themselves to create greater opportunity and prosperity in this country by harnessing the energy and ideas of our youngest and largest living generation and to keep the promise that we have made for generation after generation and to people like my mother that Social Security will remain reliable and solvent.

Again, I invite you to join on this legislation or contact your Representative and encourage them to join. H.R. 4584, the Student Security Act, is a new way of addressing an old problem that relies on the oldest solution, and that is individuals empowered to work for themselves.

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

PROGRESSIVE CAUCUS: GOP TAX SCAM

The SPEAKER pro tempore (Mr. MITCHELL). Under the Speaker's announced policy of January 3, 2017, the gentleman from Maryland (Mr. RASKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RASKIN. Mr. Speaker, I am delighted to be here on behalf of the Congressional Progressive Caucus.

We are going to have some discussion about recent developments in Congress over this week, and we are going to focus on the proposed tax legislation.

Mr. Speaker, I yield to the gentleman from Washington (Ms. JAYAPAL), vice chair of the Congressional Progressive Caucus. She is going to talk about what that plan means for working people in America.

Ms. JAYAPAL. Mr. Speaker, I thank Mr. RASKIN for his continued leadership in our caucus. It is such a pleasure to serve next to him on the Judiciary Committee. We have a lot of work to do. It is really terrific to be able to do it with him, to talk about the tax plan.

I don't think this is a tax plan. I think it is tax scam. I think it is a heist. I think that the middle class in this country is not going to benefit from this. Middle class Americans who are hoping for a tax break for the holidays are going to be sorely disappointed. Maybe they get a few lumps of coal.

In fact, polling shows, across the country, that this is the singularly most unpopular bill that Congress has considered in a very long time. Seventy-five percent of Americans across this country don't think it is a good idea. They are not fooled by the promises that are being made about what this bill does.

Let's really talk about what this bill does.

We know that the wealthiest will benefit. The wealthiest 1 percent will receive 50 percent of the tax cuts. In 2019, 18 percent of the tax cuts in this bill will go to the wealthiest 1 percent. But by 2027, that number climbs to 62 percent, with an average tax cut of \$33,000.

What else do we know about this bill?

We know that the largest corporations will benefit. To pay for this massive tax cut for corporations, the Senate tax bill will repeal the individual mandate part of the Affordable Care Act, something that Republicans have tried to do over and over again this year.

The American people have spoken up and said: No, we know that healthcare is a right, not a privilege. We want our healthcare. We know the Affordable Care Act is not perfect, but it has done much to protect the healthcare of people across this country.

Yet, in spite of that, the repeal of the individual mandate has been put into the Senate tax bill, and it would result in 13 million more people being uninsured. It would also result in a 10 percent increase in premiums for Americans across the country, according to the Congressional Budget Office.

We know, also, that this bill is wholly fiscally irresponsible. It is funny. For years, Republicans have yelled and screamed about the huge deficits we have, yet this bill would add between \$1 trillion and \$1.5 trillion in deficits to what we already have. That would lead to a mandatory cut in critical programs.

Let's just talk for a minute about what exactly this tax scam will mean for ordinary Americans across the country.

In order to pay for the tax cuts that we have talked about for the wealthiest and the largest corporations, it means that millions of working families and poor folks across this country are going to end up paying more. Not only that, there are incentives in this bill that would actually create an incentive for American companies to take jobs off of Main Street, close fac-

tories here in the United States, and move those jobs overseas. It will make it harder for families to make ends meet.

The Senate bill would raise taxes on 78 million middle class families, and millions of families across the country would lose their healthcare. In my district alone, nearly 31,000 constituents would lose their healthcare.

This bill would also put real roadblocks in the way of young people looking to get ahead.

Two of the eliminations of tax exemptions in this tax bill that offend me the most and should offend all Americans across the country are, number one, there is, essentially, a tax on being sick. There is a tax on long-term care for Americans across this country.

Right now, if you have a family member who is in long-term care or has a serious illness, the expenses that you pay for that individual, that family member, you can deduct those medical expenses. With this tax scam, the tax heist that is being proposed, you would no longer be able to deduct those medical expenses. So you are being taxed for being ill or for needing care as you get older.

In addition, we are taxing education. We already know that there is \$1.4 trillion in student loan debt across this country, more than even credit card debt in this country. Young people have to make these terrible choices about whether they are going to go \$80,000 into debt or whether they are not going to get higher education. That is wrong.

This tax bill would actually take away some of the tax benefits that we give to graduate students, for example, when they get help to be able to complete their graduate education. It would take away the exemptions that currently exist.

If you are a teacher and you buy pencils or paper or supplies for your classroom, that is currently a deductible expense. It would take that away for teachers, but not for corporations. If corporations buy supplies, that is tax deductible, but not if you are a teacher. That is just crazy.

It prioritizes the wealthy by allowing wealthy families to avoid the estate tax. Let's talk about the estate tax for just a minute.

There are 5,400 families across the country that pay the estate tax. It is a very small number of the wealthiest families. But, in fact, what this does is say that is even too much. We are going to double the exemption. Now, \$11 million, even fewer families are going to pay that, but it is going to cost middle class families a couple of hundred billion dollars in revenue.

The experts across the spectrum are arriving at the same conclusion: this bill is bad for regular working families.

The National Association of Realtors has said this: The Senate tax bill "puts

home values at risk and dramatically undercuts the incentive to own a home . . . our estimates show that home values stand to fall by an average of more than 10 percent, and even greater in high-cost areas."

How about the Fraternal Order of Police? "The FOP is very concerned that the partial or total elimination of SALT deductions," something very important to my home State of Washington, "will endanger the ability of our State and local government to fund these agencies and recruit the men and women we need to keep us safe."

That is a quote from the Fraternal Order of Police.

The American Council on Education has said this: "As a result, we are deeply concerned that at a time when post-secondary degrees and credentials have never been more important to individuals, the economy, and our society, the tax reform proposal approved by the Senate could make college more expensive and undermine the financial stability of higher education institutions."

Let's be clear about what is happening here. The Republicans have a plan, and it is like a little three-step dance:

First, transfer trillions of dollars of wealth from middle class families and the poorest amongst us to the wealthiest corporations who are already not paying their fair share.

Second, when you do that transfer, explode the deficit. The estimates are that \$1.4 trillion, \$1.5 trillion would be added to the deficit.

Finally, use the fact that you are exploding the deficit to actually cut programs that are critical to Americans across the country, like Medicare, Medicaid, and Social Security. We know that, as written, this bill would trigger mandatory spending cuts to Medicare and Medicaid of significant amounts.

So the reality is that we are in a situation where this is incredibly unpopular. The polling shows right now that Americans are not buying this tax scam: 68 percent say that the tax bill helps the wealthiest; 54 percent say the tax bill favors big Republican donors; 61 percent say that Medicare and Social Security cuts would ultimately end up being the vehicle that is used to pay for these tax cuts to the wealthiest; and 68 percent say that changes to the Affordable Care Act should not be in this tax bill.

□ 1745

Here is where we are. The House passed its bill on November 16. In the early hours of December 2, just last Friday, the Senate passed its version.

We are going into conference committee now, which means that a group of legislators from the House and a group of legislators from the Senate get together and they try to work out

the differences between the two bills. Then, ultimately, whatever that compromise is, if it is worked out, would come back for a vote in the House and the Senate.

So, now, more than ever, we need the voices of people across the country to call and to talk about the concerns that working people across this country have. We do need a real reform of the tax system to simplify it, to make sure that people are paying their fair share. But that is not what this is. This is a tax scam. It is a heist. It is transfer of trillions of dollars in wealth from middle class families and the most vulnerable to the wealthiest who do not need that money.

The reality is that we need to be investing in the American people. We need to be investing in jobs and in education. We need to be making sure that middle class families are getting a break, that they can actually think about a future for their kids, for the next generation, that is better than the one they have.

We have very little time, but, Mr. Speaker, I am very sure that we in the Progressive Caucus and we in the Democratic Caucus are going to do everything we can to fight for working people, for the most vulnerable among us, and to protect things like CHIP, the Children's Health Insurance Program, to protect temporary protected status for immigrants across the country, and to make sure we are passing a clean Dream Act. These are the kinds of priorities we should be focusing on, not lining the pockets of the wealthiest corporations and transferring jobs from the United States to tax havens elsewhere.

We have a lot of work to do to make sure that, in this very short period of time, people speak up and speak out and make sure that we do not pass this bill, make sure that we, instead, work together in a bipartisan way for tax reform that actually benefits working families.

Mr. Speaker, I thank Representative RASKIN for his leadership on the Progressive Caucus.

Mr. RASKIN. Mr. Speaker, I thank Representative JAYAPAL for her wonderful remarks and her terrific leadership here on behalf of the people of Washington and on behalf of middle class and working class Americans all across the country.

Mr. Speaker, may I trouble you to ask how much time I have remaining.

The SPEAKER pro tempore (Mr. FRANCIS ROONEY of Florida). The gentleman from Maryland has 47 minutes remaining.

Mr. RASKIN. Mr. Speaker, the Progressive Caucus greatly appreciates this time to talk with the American people. For me, it is always one of my favorite moments in the tremendously busy weeks that we have got here on Capitol Hill and in Congress.

I represent 800,000 people in Maryland's Eighth Congressional District, which includes Montgomery County, Frederick County, and Carroll County. I have the honor of going to work for them, essentially, 7 days a week. I live just about 25 minutes from Capitol Hill, and I take the Metro or drive to work, come back home, and I get to spend pretty much every day both with my district and with my colleagues here in Congress.

This is a special time of the week for me because so many of my colleagues are on airplanes or on trains going back to where they come from, and they spend a lot of their time on Mondays and Fridays traveling. I get to be here, and I get to work. I have a little more time to think, Mr. Speaker.

Because we are so buffeted by events, tweets, conflicts, and controversies, we don't always have time to think. I get to use the time on Mondays, Thursday nights, and Fridays to be a little bit more reflective and deliberative about what it is we are doing here in Washington.

I want to start by just bringing everybody up to date about an alarming new legislative development before I get back to the tax bill, which will be next week's problem.

Yesterday, the House of Representatives passed something that they call the Concealed Carry Reciprocity Act of 2017. The entire bill is fraudulent, beginning with its name, because it asserts that it has something to do with reciprocity, but it doesn't.

Right now, any State that has a law governing the issuance of concealed carry permits to its citizens can decide to work with its neighbor to allow a reciprocal arrangement. About half of the States have done that; they have deals with their neighbors.

But this act would wipe all of the reciprocity agreements out. It would impose one national standard on everybody in America, reducing everybody to the lowest, most permissive States in the Union in terms of concealed carry.

Now, in my State, in Maryland, we have a number of very serious hurdles to get over before you get the right to carry a loaded concealed weapon. You can't be mentally unstable or dangerous. You can't be a domestic offender. You can't be a violent criminal convict, a felon, or a misdemeanor. You have got to show that you know how to use weaponry, and so on. We take it very seriously.

Several dozen States have similar laws; others have much laxer and much looser laws. That is federalism. Everybody decides for themselves.

But this legislation that they passed yesterday would wipe out the State laws of every State in the country and drag us down to the bottom. It is not a race to the bottom; it is a plunge to the bottom.

They say that if you can get a concealed carry permit in any State—and in some States like Florida, there are 1.7 million people with concealed carry permits—you can go anywhere in the country. It is a passport to override the laws of every other State in the Union.

There are more than 14 million concealed carry permits in the United States, and now, suddenly, that is 14 million more people with guns who can come to your State, over your State laws, when you don't want it.

Oh, and guess what else they have snuck in here. The people who claim not to like litigation have created a whole new cause of action. They can sue the police officers if they feel the police officers have detained them too long. But, of course, the police officers are going to detain them too long because they have to figure out whether or not they have a right to the gun.

In the nationalization of concealed carry, have they created a bureaucracy, a computer where we are able to figure out whether someone is carrying a real concealed carry permit or a fake ID concealed carry permit? No, not at all. That is put upon you, your State, to try to figure it out. If you hold the person too long, they can sue you, and guess what: attorneys' fees for the police officers, attorneys' fees awarded against the sheriffs, attorneys' fees against our law enforcement officers for trying to keep us safe by trying to enforce our State laws.

Now, we have two opportunities to stop this. One is in the U.S. Senate.

I already spoke to one Senator who was absolutely dumbfounded and amazed that such legislation would even be introduced, after more than two centuries of the history of the United States, somebody would put in a bill to try to extinguish the State concealed carry laws all across the country and give other people who wouldn't have the right to get a gun in your State the right to come there; and this after some of the worst firearms massacres and disasters in our history: the Las Vegas attack, which led to the deaths of 59 of our countrymen and countrywomen, and the attack in Sutherland Springs, Texas, which killed dozens of people.

The gun violence has even come here to Washington and to the Capitol and to the Members of Congress, ourselves, and still we haven't done anything.

We don't take up a universal criminal background check to close the internet loophole, to close the private sale loophole of people selling guns in the parking lot at 7-Eleven, so we close the loopholes that make us an absolute outlier in terms of the civilized world. We don't take that up.

We don't take up legislation to ban military-style assault weapons, like the ones that were used in Newtown, Connecticut, to assassinate 20 schoolchildren at pointblank range. We don't take up that legislation.

We don't even take up the legislation that they promised, which we thought that they wanted to do, which was to get rid of the bump stocks. No, that faded away, too.

Instead, they bring us this proposal to drive us deeper into the cycles of gun violence and misery that the NRA and the GOP have taken us to in America.

So, there are two opportunities to stop this madness. One is in the United States Senate, but the other is this: the pretended champions of the U.S. Constitution are violating the Constitution; they are trampling the Constitution.

Why?

Well, the Congress of the United States is an institution with limited enumerated powers. We don't have the right to do whatever we want as Congress. We have to exercise a real power.

Well, what power is being exercised here?

Well, there are only a couple of possible candidates. One, they say we are regulating commerce, but that is patently absurd. There is no commerce that is being regulated in any way at all. It doesn't say anything about business and it doesn't say anything about money. There is no commerce.

The Supreme Court authority is very clear about that. That is why the Supreme Court struck down the Gun-Free School Zones Act, which my friends across the aisle were totally opposed to. They said: Well, that has nothing to do with commerce. The possession of a gun within a school zone has nothing to do with commerce. You have to strike it down.

Well, equally, the possession of your concealed carry weapon has nothing to do with commerce either. So that doesn't help them.

Then they would say: Well, really what we are doing is we are vindicating the Second Amendment. The Second Amendment gives you the right to do it.

There are a couple of odd things about that. One is that, if the Second Amendment gave you the right to take a concealed carry gun anywhere you want in the country, why has no court ever said that, and why aren't they just bringing a lawsuit?

The Federal courts across the land have been overwhelmingly clear that the Second Amendment does not give you a right to carry a loaded concealed gun. You don't get that right under the Second Amendment. If you have that right, you get it from your State government.

I thought that was something that my friends across the aisle believed in: federalism and State powers and State rights. But, no, they would say: Well, this is an enforcement of the Second Amendment.

I suppose the Supreme Court also struck down that bit of trickery in a

case called *City of Boerne v. Flores*, which dealt with the Religious Freedom Restoration Act. There, Congress said, overwhelmingly—I think it was unanimous—we are going to overrule, essentially, the laws of the States and say that any burden on people's religious free exercise is presumptively unconstitutional, unless you can show that there is a compelling interest in your State against it.

The Supreme Court said: Wait, where does Congress get the power to do that?

Congress said: Well, we are just enforcing people's free exercise rights.

The Supreme Court said: You don't enforce people's rights by changing the meaning of the right.

Similarly, you don't enforce the Second Amendment right, which, undoubtedly, exists under the 2008 *Heller* decision, which said you have a right to a handgun for self-defense, you have a rifle for purposes of hunting and recreation, but you don't extend those rights, change the meaning of those rights in the name of the Second Amendment and then say that is where Congress gets its power. On that theory, the Supreme Court said in the *RFRA* case—striking down the Religious Freedom Restoration Act as it applies to States—there would be no limit at all to Federal power, and that can't be right.

My friends celebrated yesterday having passed an unconstitutional bill—unconstitutional. We have no power to trample the handiwork of the States all over the country. The State legislatures have the power under the 10th Amendment, and Congress lacks the power in Article I to define what concealed carry policy is going to be in the States. That is up to the States.

So, if they want to become the absolute enemies of the State legislatures and State power and State rights, be my guest. But what they have is an unconstitutional piece of legislation as well as a deeply dangerous and ill-thought-out piece of legislation.

The last thing I want to say about it is, like almost everything else they bring to us now, there were no hearings on it.

Now, think about that. Here we are, one of the greatest legislative bodies on the planet Earth—Abraham Lincoln sat in this body; John F. Kennedy sat in this body; some of the greatest legislators who ever existed were here—and they are passing bills without so much as a single hearing. They just bring it up for a vote.

So we whip out our phones, and we are trying to google to find out about the issue. That is how I found out, for example, that more than 1,100 people carrying concealed carry weapons had committed homicides or mass shootings or killing of police or suicides—with their guns. And now they want open season.

If you want to allow anybody in your State to get a concealed carry weapon,

be our guest. Don't impose that rule on the people of Maryland. We don't want it, thank you very much. We have already decided what we have got, and that is true of State legislatures all across the land.

□ 1800

Their so-called reciprocity legislation is actually a demolition of reciprocity, because lots of States have entered into reciprocal agreements that will be extinguished by their law.

So without so much as a hearing, without any real debate or discussion, without them even realizing that they are violating the Constitution, they go ahead and pass this law.

All right. But that, of course, is just a distraction from the main order of business this month, which is demolition of America's middle class. I am sorry to put it in such cogent and compressed terms, but there is no other way to describe what The New York Times calls the worst piece of tax legislation ever introduced in the history of our country.

Now, America has gotten the point about the GOP tax plan. People know it is highway robbery. People know it is a mugging of the working class and the middle class by the largest corporations and the richest people in the country. They know it is an outrageous decision to drive the country into \$1.5 trillion more deficit, more debt, all to enrich the robber barons and the cyber barons of our time.

They want to cut corporate taxes from 35 percent to 20 percent at a time of record corporate profits.

Why? Why would you do that?

They say that if we bestow this extraordinary windfall, bonus present on corporate America, that somehow we are going to get more jobs out of it. But wait a second. We are at a time of record corporate profits right now. If all they needed was more profits, more dividends to create jobs, then we would be seeing them right now.

We are in a time of economic growth, and any economist you ask, who is not in the pay of the proponents, will tell you it is a deranged thing to cut corporate taxes at a time of record corporate profits.

Why would we do that?

They say it will lead to economic development. Nonsense. Show me one example where trickle-down economics has ever worked. It doesn't work, for a very simple reason. You give more money to the people at the top of society, they pocket it, they send it overseas to their Swiss bank accounts or to the Cayman Islands or more yachts. That is what they do with it.

If you want economic growth, you do what Franklin D. Roosevelt did. You invest in the middle class, you invest in working people.

Business growth comes from demand, and demand comes from a strong mid-

dle class that is able to buy stuff. If you starve the middle class, there is no demand. The rich take their money and they park it overseas. That is what our oligarchs do. That is what the Russian oligarchs do.

That is how Donald Trump has stayed in business. The Russian oligarchs have been renting out his condos and offices in the Trump Tower in New York and coming to the Trump Hotel. They have got their surplus profits they are exporting from Russia going right into the Trump enterprises. Our oligarchs do the exact same thing.

You want real growth, you want strong growth, you want fairness, you want a democratic society, you invest in the middle class, not the largest corporations, not the wealthiest people in the country.

Now, there is a strong link here to our campaign finance regime. Again, every public opinion poll shows Americans know it. You think you can fool the American people. You cannot fool the American people.

Americans know this tax bill is a great deal if you have your own lobbyist; it is a great deal if you have your own Political Action Committee; it is a great deal if you are in the Trump Cabinet, it is going to be perfect for you; and if your last name is Trump, this is absolute utopia. But if you don't have your own PAC, if you don't have your own lobbyist, watch out, watch out in this bill.

The Boston Globe's Annie Linskey had a great article with the title: "The Koch brothers (and their friends) want President Trump's tax cut. Very badly."

Tim Phillips, president of Americans for Prosperity, a Koch group, said: "It's the most significant Federal effort we've ever taken on."

Congratulations to the Koch brothers. They are about to get their own signature tax bill. All the GOP politicians are saying the same thing in the newspapers. You can just check it out.

They say the same thing: We are calling up the millionaires and billionaires for campaign contributions, and they say, "You deliver us that tax bill first. You get nothing from us until you deliver us that tax plan. You guys haven't done anything in Washington. You haven't thrown 30 or 40 million off their healthcare yet. We haven't gotten what we wanted. You deliver us that tax bill. That is what we want."

Of course, Trump's Cabinet needs no outside push even from the campaign donors. It is the wealthiest Cabinet in U.S. history.

Guess what it is worth. \$20 million? \$50 million? \$100 million? \$1 billion?

No. The Trump Cabinet is worth \$4.3 billion. \$4.3 billion is what their Cabinet is worth.

They all love the tax plan, and they should.

You know why?

They wrote it.

You know who they wrote it for? Them.

Just like for the Trump family, they are going to abolish the estate tax, which applies to only 2 out of every 1,000 richest people in the country. It is only the wealthiest people who pay the estate tax now, and they want to wipe it out, costing the rest of us \$65 billion or \$70 billion.

They want to collide, they want to contradict, they want to trample an essential principle of America that our Founders started off with, which is opposition to hereditary government, like kings, and opposition to hereditary wealth, hereditary aristocracy. The Founders, like Ben Franklin and Tom Paine and Alexander Hamilton, they knew that the intergenerational transmission of huge fortunes was a threat to democracy.

At a certain point, people don't want to just buy a bigger house or another house or a third house or a fourth house or a yacht. At a certain point, they want to buy a governorship, they want to buy a U.S. Senate seat, they want to buy the Presidency of the United States.

So what is at stake here is not just whether we are going to have some semblance of fairness in the economy. It is bad enough that we have got one of the most unequal economies on Earth today. That is bad enough. They want a government that is plutocratic, a government that responds only to the wealthiest class in society.

So they want to abolish the estate tax. They want to abolish the alternative minimum tax. That is the only reason that Donald Trump paid any taxes at all in the one year that we know he paid any taxes in the last 2 decades, the alternative minimum tax. So of course they want to get rid of that.

For the middle class, well, no breaks there. They want to get rid of the college student loan interest deduction. If you are struggling to get into the middle class, to go to college, if you had a deduction on the college student loan interest: Gone. They don't want it.

Healthcare expenses. You spend more than 10 percent of your income on healthcare expenses, long-term care for someone in your family who has Alzheimer's disease; you have a kid in your family who has autism going into a private school for kids with special needs, right now you can deduct that. They want to get rid of that.

They want to get rid of the State and local tax deduction, which half of my communities use, targeted right at those States, like Maryland, Connecticut, New Jersey, New York, California, and Illinois, that invest heavily in education and infrastructure. So they just want to get rid of that.

Here's something else, another snake writhing in the grass of this terrible

bill. They want to repeal the Johnson amendment. This is named after Lyndon Johnson when he was a Senator. So we are taking you back to the 1950s and 1960s. It was a very simple amendment that is essentially a logical corollary to the First Amendment, to the Establishment Clause and the Free Exercise Clause. It says that 501(c)(3) organizations, churches, universities, not-for-profit entities cannot engage in political campaigning, in electioneering.

Guess what the Koch brothers and the Mercers have tucked into this one. They are going to get rid of the Johnson amendment. So the Koch brothers, if they want to spend \$1 billion trying to define American politics in the name of plutocracy, now it will be tax deductible. Right now, they can spend it under Citizens United, they can spend whatever they want, but they have got to pay for it.

Now they put it into a church or to churches, the "Church of the Golden Plutocracy," and then they can deduct it on their taxes and the church can now be involved in politics, it can spend money in politics, it can electioneer, it can endorse candidates for office, and it remains a tax-exempt entity.

Now, the smart churches, which is most churches, have opposed it. They said: Don't give us that power, because the next step is people are going to turn around and say, "Wait a second. Why are we getting tax deductible contributions in churches? Why are we tax exempt if we are getting involved in politics like everybody else?"

That will be the logical question. Indeed, it threatens the very existence of the 501(c)(3) organization by tearing down that wall over tax-exempt contributions, which Sheldon Adelson and the Koch brothers and the Mercers want so badly. Very clever, their divine dark money loophole, very clever.

They are going to find a way that they can control our politics, deduct it from their taxes, and corrupt the entire not-for-profit sector, the churches and the synagogues and the mosques and so on.

I wish I could leave you with cheerier news tonight, but the U.S. Congress is on the verge of passing the worst tax proposal in American history that offends every value that we cherish in this country.

Why are the people who are pushing it, who are doing quadruple backflips in the middle of the night, hiding it from us?

It took us 2 years and 10 months to pass the 1986 bipartisan tax legislation. Here, this is behind the scenes in the dark, speed of light, dark of night, the whole thing.

Why are they willing to do it even though it is rejected now by 2-1 or 3-1 in every public opinion poll?

People understand it is highway robbery.

Why are they willing to do it?

Well, what is the worst that could happen to them?

Think about it. The worst that could happen to somebody who votes for this is they lose and they go to work for the Koch brothers, they go to work for the Mercers, they go to work for Sheldon Adelson, and the highway robbery is complete.

Now, popular protests stopped the plan to throw tens of millions of people off their healthcare. Despite the fact that the GOP controls the House, the Senate, the White House, and even the Supreme Court—they control all of it—yet popular protests around the country stopped it.

Mr. Speaker, that is the only thing that can stop us now, because so many of my colleagues across the aisle have decided to walk the plank for the Koch brothers and for the billionaire cabinet. They have decided to throw in with the oligarchs, the American oligarchs, and the plutocrats.

So popular protests, people speaking out and contacting their Members, will be our only hope of showing that this is an absolute insult and affront to American democracy; not just middle class economics, economics for everybody, but democratic politics; politics for everybody, not just the elite.

I thank the Speaker for granting us this opportunity to allow us to express our intense anxiety about what might happen next week. I wish the Speaker a good weekend. I hope that everyone will have the opportunity to consider the implications of what is taking place.

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

□ 1815

ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, there are a lot of big things going on. More things will be coming out. We have had an interesting day of it today.

Hopefully, the House and Senate—I think we are going to get a tax cut bill done. I think it is unfair to just call it a tax reform because it doesn't explain. We did tax cuts for everybody. We didn't change the percentage on the wealthiest Americans.

And I understand the thinking. Look, if we, as Republicans, change, we lower all the tax rates, then the Democrats will say: See, you're doing a big tax cut for the wealthy.

So I get it. But as the old saying in Washington goes: No matter how cynical you get, it's never enough to catch up; not in Washington.

Okay, so we didn't change the top percentage rate of tax on the wealth-

est Americans. That is the only one we didn't change. And so what has happened?

Our friends across the aisle have said: See, this is a tax cut to help the rich. That is the one tax rate we didn't change, so it wouldn't have mattered.

I would love to have just seen—all right, we are getting rid of all of these tax rates. We are going to have one tax rate, and I would love it to be the tax rate that the Bible suggests in the synagogue or church; and that is 10 percent of your firstfruits. And why not 10 percent to the government after 10 percent of the firstfruits to the church or synagogue, if those are your religious beliefs?

Let's see. I forget which candidate, one of the candidates used to say: Hey, if 10 percent is good enough for God, why shouldn't it be good enough for the government?

But anyway, it was a nice thought. But we are still doing a little bit of social engineering by trying, apparently, in the tax bill, to give a lot of help to the folks who need it. There are some things that I hope will return.

I have heard from folks in my district, some accountants who have clients that, they do pay enough in medical expenses. If they don't get to deduct that, they are going to be bankrupt so, hopefully, that will be something that comes back and gets put in our version.

The last people we need to harm are the people who have got no other place to go. They are on Social Security, they are heading toward the end of life on this planet, and then the government stabs them in the back. I mean, that is what Bill Clinton did back in 1993. Not only did he put a tax on their Social Security in 1993, he made it retroactive. So it wasn't just taxing Social Security for the future, it made it retroactive, and that was terribly tragic.

I wish we were making our tax cuts retroactive so that the working poor would get the help much quicker. But everybody in America is going to get some help with reduction, massive reduction of the largest tariff that any industrialized nation puts on its own goods when they are produced. It is called the corporate tax.

They make you think, oh, these greedy corporations, they are paying that tax. They don't pay that tax.

Just like Warren Barnett—Warren Buffett. Warren Barnett was a great trial lawyer. I don't know if he is still alive or not. I have heard him; he is an amazing guy, Democrat, amazing lawyer, really amazing trial lawyer.

But Warren Buffett, although he keeps saying publicly he wouldn't mind paying more taxes, his actions seem to indicate that they are paying massive amounts of money to lawyers to keep his company from paying the billions of dollars that I am told is owed. But

anyway, we will see what happens there.

I am very hopeful that we are going to get a tax deal done, and we are going to bring it to the floor of this House, and we are going to pass it, and we will sing God bless KEVIN BRADY and the Ways and Means Committee, at least those who made it possible, made it happen. PAUL RYAN has been very helpful in moving that direction on the tax bill, so that will be a great thing if we can get it done.

I am also grateful to the chairman of the Judiciary Committee today for the hearing that he required that we have. We had the FBI Director, Director Wray, come over and testify in front of us, and I am optimistic, with Director Wray. Of course, I was optimistic with Director Comey when I first got to question him because I saw Comey, oh, this is great. Finally, we have gotten rid of Mueller and all the damage he has done to the FBI.

As I pointed out to Director Wray today, he took over a very weakened FBI from the one that he took over as FBI Director under Bush, because when Director Mueller took over as FBI Director—I have tried to figure out why he would do this, and the only thing I can figure is he wanted a bunch of young, “yes people” working for him; because it goes pretty common sense that people with the most experience are going to be in a position to tell you, as the new FBI Director, when you are choosing to go down a road that is going to create problems; because FBI agents who have been there for 25 years, like so many of ours were, had been, they are an oddity now, but that was because Mueller wanted young, fresh, saluting “yes men” who would salute the flag, salute him, and not be in a position to say: Well, Director, could I make a suggestion, sir? You know, we did exactly what you were suggesting back in 1996, or 1993, or 1988, or 1986. We did that back then, and here is what happened. So if you would allow me, sir, I would recommend that we look at this, that, or the other.

Apparently, Director Mueller didn't want those kind of people in the FBI, so he started a 5-year, up-or-out program. So our thousands of FBI agents across the country, in the hundreds of offices that are apparently around—the 5-year, up-or-out program is basically this: if you are in a supervisory position anywhere in the world for 5 years, at the end of the 5 years, you either must get out of the FBI, or, the way it was interpreted by so many FBI agents, you are going to have to come ride a cubicle up here in Washington.

People all over the country and world who were working for the FBI said: I'm not taking my family to Washington, D.C., and, with all my training and experience, going to ride a cubicle somewhere. I need to be out protecting people, helping people.

As The Wall Street Journal pointed out in an article that wasn't—didn't seem like it was all that far into his 10 years—actually, it turned into 12, I believe, Director Mueller had, in devastating the FBI.

He made some huge mistakes, cost millions of dollars. Whether it was a software program, this program, that program, he had all these ideas, and there were plenty of people who had had enough experience in the different areas that, if he hadn't run them off, could have said: This is not a good idea, sir, if I could suggest—

He didn't want to hear from those people. He ran them off; thousands and thousands of years of law enforcement experience. He ran them off.

It would be interesting to see what the average age of the FBI agents were when he left, compared to when he started. And I realize, there are so many old goats that get long in the tooth, but you don't run them off because they are older. Those are some of the most valuable people you could have. The only reason you should run anybody off is if they have just been so cantankerous that it is a problem, they are not doing their job.

But he ran them off because they had been in a supervisory position for 5 years.

So you would see offices that had an agent in charge, 20, 25, 26 years of experience, and they would finish their 5 years and say: I'm getting out. I didn't want to get out. I wanted to serve my country, even though I make a lot less in the FBI. But you are forcing me out, so I will go make a whole lot more money. Wish I could still be here.

But FBI Director Mueller had other ideas. Director Mueller severely hampered the FBI. There was a lot of damage that was done. And perhaps if he hadn't run off so many good, experienced people, all those thousands and thousands of years of experience, perhaps there would have been more elder statesmen in the FBI when he was allowing FBI agents to manufacture, fabricate evidence, hide evidence, and just fabricate a case out of whole cloth against Senator Ted Stevens.

I have met him. He was kind of short with me, but that is no reason to prosecute somebody. But it was for the FBI, as Director Mueller created it, the way he wanted it.

But there was, apparently, nobody who would step up. The people who had enough experience and enough confidence in their positions to say: Director Mueller, you have got a grave injustice going on here. You are creating a case where there was none. You hammered this guy. You took all his evidence. You took his computer, all his documents. You raided his bank, got his bank records. You got all his records. He has got nothing except what you allow him to have back. You took everything.

And all of the evidence is pretty clear. He overpaid by hundreds of thousands of dollars for the improvement. There is no case here for saying he got \$600,000, \$700,000 improvements, whatever it was, to his home for free. He overpaid dramatically more than the improvements were worth or cost anybody else.

Supposedly, there was even a message that the contractor said: You are overpaying. And the Senator made clear: They watch me like a hawk. Just cash the check. I'd rather overpay than have them come after me someday.

□ 1830

And what happened?

You had an FBI that had run off too much experience—well, Director Mueller did—and there was nobody before the verdict that would step up and say: The FBI is doing the wrong thing here. This is injustice. We have rogue FBI agents that have got to be reined in. At least one.

Fortunately, there were FBI agents with consciences, unlike the lead agent that Mueller allowed to stay on, even after he got rid of the whistleblower. Mueller didn't want a whistleblower around; not somebody that would be honest, not somebody that would step forward and say: You created a case against a U.S. Senator when there was no case. He had done nothing wrong, and you tried it the week before his election, and he lost by, what, 1,000 or so votes?

And he would have won but for the FBI, under Director Mueller, destroying a man and robbing him of his finances, destroying his reputation, and Director Mueller, as FBI Director, got this man fired for nothing. Because the truth was he overpaid. He should have gotten adoration for what he did. But not in Mueller's FBI.

I haven't seen anything to indicate the prosecutors knew of the fabrication and the fraud by the lead FBI agent. If that ever materializes, then I would want to find out where those prosecutors are and make sure the world knows of the injustice that they participated in—actually, crime. It is a crime when you fraudulently charge and convict somebody of a crime and you know there is no crime. You know you fabricated the case, but such was Director Mueller's FBI.

I had great hope for James Comey coming in. Some things were asked today in our hearing about: Well, did President Trump ask for a loyalty oath from you?

Something like that.

I mean, there is nothing wrong with a President saying to a person that he has the power to remove or put in office: Now, I expect you to be loyal to me. What that would mean for a normal person is I expect you to come tell me if there is a problem. And I expect you to be loyal to me so that if there

is some problem I am creating, you come tell me, and you don't go do a memo and twist the memo around to try to make it look like I did something wrong. I expect you to be loyal to me and not do anything to me different than you would any other President; that you would serve your country and the President with distinction and just not go leaking things to try to hurt me. You know, just be loyal. That is not asking for anybody to commit a crime. It is not asking for anybody to obstruct justice. It is asking that you just be fair to me as your boss. Will you do that?

It makes sense to ask a question like that when you have already seen so much injustice done to you by the Justice Department.

We didn't even know when President Trump took office just how horrendous the injustices were that were lurking behind the closed doors at the Justice Department because it wasn't a Justice Department. It was a "Just Us" department. The way it sounds like it was going is: We will protect the people who we think will be in the next administration, and heaven help the people if they knock our chosen out of the executive office at 1600 Pennsylvania Avenue, because we will perform a coup, we will get them out. We will use the Justice Department because, let's face it, after all, there is just a very thin veneer at the top of political appointments. We are just under that level. We will still really control things.

That is kind of the way it sounds like it was going.

When you have got a guy like Andrew McCabe—you know, the Bible says, when you are married, the two become one—his wife running for office, getting hundreds of thousands of dollars, according to what we understand from Donna Brazile, you know, Hillary Clinton basically took over the Democratic National Committee. So if the DNC was giving money to McCabe's wife, they all knew who to thank. Let's face it, they knew Hillary Clinton deserved a thank-you note.

And the one who owed the thank-you note to Hillary Clinton has a husband who is going to prosecute her?

Probably not. Probably not.

Those are the kinds of things we are finding.

Today, in our hearing, FBI Director Wray was asked a series of questions about Peter Strzok. I thought about asking some questions about Strzok, but I figured so many people would have questions, I would go a different direction.

But Strzok was a former number two for counterintelligence. He was removed from Mueller's investigation team this summer after an inspector general discovered he was exchanging politically charged messages with a mistress, Lisa Page, who is an FBI At-

torney in the Office of the General Counsel.

We heard from Director Wray today that: Though many of us think of the FBI and think of "Federal Bureau of Investigation," that many FBI agents think the F doesn't stand for "Federal," but stands for "fidelity."

But apparently in the case of the number two person in counterintelligence, Peter Strzok, that fidelity was not an F; it was an I, "infidelity," because he was being unfaithful. He was engaged in infidelity and not fidelity. Nobody is selling that to us. He was engaged in infidelity and was enjoying, in the course of his infidelity, being disloyal to the man who would be and ultimately was his boss, the President of the United States, Donald Trump.

But instead of being fired for his improprieties, for his bias that was clearly affecting his job, Director Mueller, the man who did so much damage, ran off thousands of years of experience that could step forward and guide younger agents away from pitfalls. He ran them off. You are going to have younger agents without the proper guidance from the white hairs or no hairs. He ran them off. He didn't want people with too much experience and might question something that he ordered.

And when there is no accountability, there is nobody with more experience that can come alongside and say: Look, I have been here. I have seen a lot of things. Let me tell you, I see how you are going in this direction. Let me encourage you. Don't go there. I have seen too many people go that way.

No. Mueller made sure the consciences of the FBI, at least as many as he could run off, were gone. So instead of being fired, though, when they found out that Strzok hated President Trump's guts and worshipped Hillary Clinton and skewed the case—I mean, Strzok knew that if FBI Director Comey went out and said that Hillary Clinton had been grossly negligent, then he would have been stating on the record that Hillary Clinton had committed a crime. And since he wanted to protect Hillary Clinton so she could be President, he changed the language. So that Director Comey would not implicate Hillary Clinton in committing a crime, he changed the words "grossly negligent" to "excessively careless," as I understand it, and that wasn't necessarily a crime.

He was covering up. The man should have been gone.

So what do they do?

Well, he was reassigned to the FBI's HR department. It is unclear what Strzok's job duties were in his new position, but when he was asked about the nature of that move today, Director Wray stated that he did not consider it to be a demotion. It wasn't a disciplinary action. Director Wray did not want to discipline the guy for cov-

ering up for Hillary Clinton, for skewing the case, for mishandling the case to make sure that Hillary Clinton wasn't implicated. No, no, no. Clearly, he has a bias. Clearly, he hates Donald Trump before and after he is President, but that is no problem.

We sure don't want to lose a guy just because he hates Donald Trump and loves Hillary Clinton and excuses the Justice Department to suit his love for Hillary Clinton and his hate for Donald Trump. No, let's not demote him, let's not fire him. Let's just have a move here, maybe even make his life easier, I guess.

But in quoting from the response of Director Wray to a question posed by my friend ANDY BIGGS from Arizona, Mr. BIGGS said: "Okay. Mr. Strzok was reassigned. It seems it was an odd lateral move. Are you saying that was a lateral move for him?"

Director Wray said: "Reassigned away from the special counsel investigation to the human resources department. I understand that may sound to some of you like a demotion, but I can assure you that in a 37,000-person organization with a \$9 billion budget and offices all around the country and in 80 countries around the world, that I think our human resources department is extremely important, and a lot of what they do is cutting edge, best practice stuff. So it is a very different kind of assignment, certainly, but that is why I don't consider it disciplinary or a demotion."

So based on what Director Wray said, Peter Strzok was neither punished nor demoted after the IG discovered him engaging in politically biased conduct during the course of a key investigation that was of a political nature.

Look, nobody is demanding that our FBI agents not go vote on election day. They have that right. In some cases, they have an obligation because they know so much about what is going on. It is just very unfortunate when they know so much of what is going on and they know the people they are voting for appear to have committed crimes so we have got to change language and cover for them.

Not only was he not punished nor fired, but Peter Strzok was put into a position that Director Wray described as extremely important.

Strzok was sending these messages to a fellow FBI agent that he was having an extramarital affair with.

Why on Earth would you give someone who was caught sleeping around on his wife with a fellow employee an extremely important position? Why would you give them an extremely important position in the human resources department if you are Director of the FBI?

□ 1845

Mr. Speaker, I want to start fresh with a great FBI Director, but I am a

little concerned here. Do you think it is a good qualification when someone is caught being engaged in infidelity—not the fidelity you talked about the F in FBI standing for, but engaged in infidelity.

They broke their marriage oath, their marriage vow, and that is who you want handling your human resources? Because that is an extremely important position. So we need the guy who was skewing justice, that is who we need? It is kind of ridiculous. Strzok wasn't punished.

Mr. Speaker, I appreciate your indulgence.

I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Lasky, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 123. Joint resolution making further continuing appropriations for fiscal year 2018, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1266. An act to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 06, 2017, she presented to the President of the United States, for his approval, the following bill:

H.R. 228. To amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Monday, December 11, 2017, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3332. A letter from the Under Secretary, Acquisition, Technology, and Logistics, De-

partment of Defense, transmitting the Department's Report to Congress entitled "Corrosion Policy and Oversight Budget Materials for FY 2018", pursuant to 10 U.S.C. 2228; to the Committee on Armed Services.

3333. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a letter stating that the report on the amount of Department of Defense purchases from foreign entities, for FY 2017, will be submitted by the end of May 2018; to the Committee on Armed Services.

3334. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's Office of Inspector General Semiannual Report to Congress for the period April 1, 2017, through September 30, 2017, pursuant to the Inspector General Act of 1978, as amended, Public Law 95-452; to the Committee on Oversight and Government Reform.

3335. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a notification of a designation of acting officer, change in previously submitted reported information, and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3336. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a notification of a designation of acting officer, change in previously submitted reported information, and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3337. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's Inspector General's Semiannual Report to Congress, for the period April 1, 2017, through September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3338. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's Semiannual Management Report to Congress for the period of April 1, 2017, through September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3339. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the Corporation's Semiannual Report to the Congress by the Office of Inspector General and the Corporation's Management Response for the period April 1, 2017, through September 30, 2017, pursuant to the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3340. A letter from the Acting Commissioner, Social Security Administration, transmitting the Administration's Inspector General's semiannual report for April 1, 2017, through September 30, 2017, pursuant to Sec. 5(b) of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3341. A letter from the Administrator, U.S. Agency for International Development, transmitting the Agency's Semiannual Report to Congress for the period ending September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978, as amended; to

the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENSARLING: Committee on Financial Services. H.R. 4015. A bill to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry (Rept. 115-451). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 4324. A bill to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes; with an amendment (Rept. 115-452). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 1638. A bill to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes; with an amendment (Rept. 115-453, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Foreign Affairs discharged from further consideration. H.R. 1638 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FITZPATRICK (for himself, Miss RICE of New York, Mr. KATKO, Mr. GALLAGHER, Mr. HIGGINS of Louisiana, Mr. RUTHERFORD, Mr. GARRETT, and Mr. MCCAUL):

H.R. 4581. A bill to require the Secretary of Homeland Security to develop best practices for utilizing advanced passenger information and passenger name record data for counterterrorism screening and vetting operations, and for other purposes; to the Committee on Homeland Security.

By Mr. OLSON (for himself, Mr. GENE GREEN of Texas, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ROYBAL-ALLARD, Mr. LOWENTHAL, Mr. FOSTER, and Mr. DANNY K. DAVIS of Illinois):

H.R. 4582. A bill to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 4583. A bill to suspend all diplomatic presence in Cuba, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRETT (for himself, Mr. MESSER, Mr. ROKITA, Mr. FERGUSON, and Mr. BRAT):

H.R. 4584. A bill to provide loan forgiveness to borrowers of Federal student loans who agree to delay eligibility to collect Social Security benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 4585. A bill to prohibit the Federal Communications Commission from relying on the Notice of Proposed Rulemaking in the matter of restoring internet freedom to adopt, amend, revoke, or otherwise modify any rule of the Commission; to the Committee on Energy and Commerce.

By Mr. MCNERNEY (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4586. A bill to provide for the National Academies to study and report on a research agenda to advance the understanding of albedo modification strategies, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CARTWRIGHT:

H.R. 4587. A bill to require the Secretary of Defense to award grants to fund research on orthotics and prosthetics; to the Committee on Armed Services.

By Mr. COOK (for himself, Mr. FITZPATRICK, Mr. O'HALLERAN, and Mr. THOMPSON of California):

H.R. 4588. A bill to establish the Abraham Lincoln Medal for Public Sacrifice, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CORREA (for himself, Mr. COFFMAN, Ms. NORTON, Mr. GALLEGO, Ms. SHEA-PORTER, Mr. GONZALEZ of Texas, Ms. HANABUSA, Ms. ROYBAL-ALLARD, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SEAN PATRICK MALONEY of New York, and Mr. SIREN):

H.R. 4589. A bill to amend the Elementary and Secondary Education Act of 1965 to expand the military student identifier program to cover students with a parent who serves in the reserve component of the Armed Forces; to the Committee on Education and the Workforce.

By Mr. BURGESS (for himself, Mr. BRADY of Texas, Mr. COLE, and Mr. WENSTRUP):

H.R. 4590. A bill to provide an exception to certain mandatory minimum sentence requirements for a person employed outside the United States by a Federal agency, who uses, carries, or possesses the firearm during and in relation to a crime of violence committed while on-duty with a firearm required to be carried while on-duty; to the Committee on the Judiciary.

By Mr. KINZINGER (for himself, Mr. SUOZZI, Mrs. WAGNER, Mr. DIAZ-BALART, Mr. NUNES, Mr. WEBER of Texas, Mr. ZELDIN, Mr. OLSON, Mr. HUNTER, Mr. KING of New York, Mr. GALLAGHER, Mr. RUSSELL, Mr. THOMPSON of Pennsylvania, Ms. STEFANIK, and Mr. GOTTHEIMER):

H.R. 4591. A bill to impose sanctions with respect to Iranian persons that threaten the

peace or stability of Iraq or the Government of Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 4592. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4593. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4594. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4595. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mr. BEN RAY LUJAN of New Mexico (for himself and Ms. MICHELLE LUJAN GRISHAM of New Mexico):

H.R. 4596. A bill to make funds available to the Department of Energy National Laboratories for the Federal share of cooperative research and development agreements that support maturing Laboratory technology and transferring it to the private sector, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. MACARTHUR (for himself, Ms. ESTY of Connecticut, Mr. FOSTER, and Mr. CARSON of Indiana):

H.R. 4597. A bill to amend the Higher Education Act of 1965 to allow for the deferment of certain student loans during a period in which a borrower is enrolled in a drug treatment program; to the Committee on Education and the Workforce.

By Ms. MENG (for herself, Ms. VELÁZQUEZ, Mr. SOTO, and Miss GONZÁLEZ-COLÓN of Puerto Rico):

H.R. 4598. A bill to amend the Small Business Act to require public communications about disaster assistance resources to be made in multiple languages; to the Committee on Small Business.

By Ms. NORTON:

H.R. 4599. A bill to redesignate Rock Creek Park in the District of Columbia as Rock Creek National Park; to the Committee on Natural Resources.

By Mr. PALLONE (for himself, Mr. MEEKS, Mr. PAYNE, Mr. KING of New York, Mr. SIREN, Mr. ENGEL, Mr. NORCROSS, Mr. SEAN PATRICK MALONEY of New York, Mr. PASCRELL, Miss RICE of New York, Mrs. WATSON COLEMAN, Mrs. CAROLYN B. MALONEY of New York, Mr. LOBIONDO, Mr. NADLER, Ms. CLARKE of New York, and Mr. GOTTHEIMER):

H.R. 4600. A bill to waive and repay certain debts relating to assistance provided to individuals and households; to the Committee on Transportation and Infrastructure.

By Mr. PAULSEN (for himself and Ms. MOORE):

H.R. 4601. A bill to prioritize the fight against human trafficking in the United States; to the Committee on the Judiciary,

and in addition to the Committees on Education and the Workforce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS:

H.R. 4602. A bill to authorize the full funding of part B of the Individuals with Disabilities Education Act by making certain spending cuts to the Department of Defense; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. POE of Texas, Mr. CHABOT, Mr. MCCAUL, and Mr. DONOVAN):

H.R. 4603. A bill to provide for the continuation in effect of sanctions with respect to Yemen, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Ms. BLUNT ROCHESTER):

H.R. 4604. A bill to amend the Employee Retirement Income Security Act of 1974 to provide a fiduciary safe harbor for the selection of a lifetime income provider, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BANKS of Indiana:

H. Res. 648. A resolution expressing support for the designation of August 3, 2018, as "National Ernie Pyle Day"; to the Committee on Oversight and Government Reform.

By Ms. CLARKE of New York (for herself and Mr. EVANS):

H. Res. 649. A resolution expressing the sense of the House of Representatives with respect to Marcus Garvey; to the Committee on the Judiciary.

By Mr. DIAZ-BALART (for himself, Mr. HOLDING, and Mr. KILMER):

H. Res. 650. A resolution recognizing the results of the free and fair elections for the new Members of the Legislative Assembly of the Falkland Islands held on November 9, 2017; to the Committee on Foreign Affairs.

By Mr. ENGEL (for himself, Mr. HULTGREN, and Ms. BASS):

H. Res. 651. A resolution expressing the sense of the House of Representatives that Burundi is at risk of mass atrocities, and that the Government of Burundi should comply with constitutional limits on presidential terms and re-engage in regionally-brokered peace talks; to the Committee on Foreign Affairs.

By Ms. LEE (for herself, Ms. BORDALLO, Ms. JUDY CHU of California, Mr. CLAY, Mr. HASTINGS, Ms. KAPTUR, Ms. MOORE, Mr. TONKO, and Ms. NORTON):

H. Res. 652. A resolution supporting the practice of community-oriented policing and encouraging diversity hiring and retention in law enforcement; to the Committee on the Judiciary.

By Mr. LOWENTHAL (for himself, Ms. NORTON, Mr. GRIJALVA, Mr. MCNERNEY, Mr. GOMEZ, Ms. BONAMICI, Ms. SPIERER, Mr. KHANNA, Mr. FRANKS of Arizona, Mr. CONNOLLY, Mr. GUTIÉRREZ, Mr. POCAN, Mr. CICILLINE, Mr. FOSTER, Ms. LOPGREN, Mr. CARBAJAL, Ms. SCHAKOWSKY, Ms. LEE, Mr. MCGOVERN, Ms. CLARK of Massachusetts, Ms. MCCOLLUM, Mr. CAPUANO, Mr. EVANS, Mr. CORREA, Mr.

HIGGINS of New York, Mr. CROWLEY, Mr. PETERS, Mr. HASTINGS, Mr. SOTO, Ms. KAPTUR, Ms. JACKSON LEE, Mr. ELLISON, Ms. MATSUI, Mr. LEVIN, Mrs. NAPOLITANO, Mrs. WATSON COLEMAN, Mrs. TORRES, Mr. PALLONE, Ms. JUDY CHU of California, Ms. MOORE, Mr. RASKIN, Mr. SCHIFF, Mr. YARMUTH, Mr. HUFFMAN, Mr. SWALWELL of California, Mr. MOULTON, Mr. HULTGREN, Mrs. DEMINGS, Mr. CARTWRIGHT, Ms. ESHOO, Mr. CARSON of Indiana, Ms. SÁNCHEZ, Ms. TITUS, Mrs. BEATTY, Mr. GARRETT, Mr. KING of New York, Mrs. LAWRENCE, Mrs. DINGELL, and Mrs. DAVIS of California):

H. Res. 653. A resolution recognizing the 69th anniversary of the Universal Declaration of Human Rights and the celebration of "Human Rights Day"; to the Committee on Foreign Affairs.

By Mr. TONKO (for himself and Mr. LANCE):

H. Res. 654. A resolution expressing support for the designation of January 23, 2018, as "National Handwriting Day" and recognizing the importance of handwriting for cognitive, artistic, and educational benefit; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FITZPATRICK:

H.R. 4581.

Congress has the power to enact this legislation pursuant to the following:
ARTICLE I, SECTION 8, CLAUSE 1

By Mr. OLSON:

H.R. 4582.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section VIII

By Mr. WILSON of South Carolina:

H.R. 4583.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section VIII

By Mr. GARRETT:

H.R. 4584.

Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the United States Constitution

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 4585.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8

By Mr. MCNERNEY:

H.R. 4586.

Congress has the power to enact this legislation pursuant to the following:
Article I, section 8 of the United States Constitution.

By Mr. CARTWRIGHT:

H.R. 4587.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 1 of the Constitution states The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. COOK:

H.R. 4588.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. CORREA:

H.R. 4589.

Congress has the power to enact this legislation pursuant to the following:

(1) The U.S. Constitution including Article 1, Section 8.

By Mr. BURGESS:

H.R. 4590.

Congress has the power to enact this legislation pursuant to the following:

The attached language falls within Congress' enumerated authority to provide for the common defence and general welfare of the United States, found in Article I, Section 8, clause 1, and to make rules for the government, found in Article I, Section 8, clause 14 of the U.S. Constitution.

By Mr. KINZINGER:

H.R. 4591.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 18 of the U.S. Constitution

By Mrs. LOWEY:

H.R. 4592.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mrs. LOWEY:

H.R. 4593.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mrs. LOWEY:

H.R. 4594.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mrs. LOWEY:

H.R. 4595.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 4596.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. MACARTHUR:

H.R. 4597.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the Constitution of the United States of America

By Ms. MENG:

H.R. 4598.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Ms. NORTON:

H.R. 4599.

Congress has the power to enact this legislation pursuant to the following:

clause 2 of section 3 of article IV of the Constitution.

By Mr. PALLONE:

H.R. 4600.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. PAULSEN:

H.R. 4601.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. POLIS:

H.R. 4602.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. ROS-LEHTINEN:

H.R. 4603.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 08

By Mr. WALBERG:

H.R. 4604.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 51: Mr. BISHOP of Georgia.

H.R. 113: Mr. PALLONE.

H.R. 154: Mr. RUIZ.

H.R. 169: Mr. TAKANO.

H.R. 377: Mr. ISSA.

H.R. 435: Mr. ROYCE of California and Ms. BLUNT ROCHESTER.

H.R. 544: Ms. ADAMS.

H.R. 632: Mr. CLEAVER, Mr. REED, Mr. KRISHNAMOORTHY, Mr. LAWSON of Florida, Mr. RUPPERSBERGER, Mr. MCNERNEY, Mr. HUFFMAN, Mr. HIMES, Mr. GONZALEZ of Texas, Mr. BROWN of Maryland, Mr. JOHNSON of Georgia, Mr. LYNCH, and Ms. MOORE.

H.R. 681: Mr. HUDSON and Mr. RENACCI.

H.R. 731: Ms. MATSUI, Ms. SÁNCHEZ, Mrs. DAVIS of California, and Mr. BERA.

H.R. 798: Mr. DUFFY.

H.R. 867: Mr. CLAY.

H.R. 930: Mrs. BLACK.

H.R. 1044: Mrs. CAROLYN B. MALONEY of New York.

H.R. 1114: Mr. CLAY.

H.R. 1192: Mr. GROTHMAN.

H.R. 1204: Mr. SWALWELL of California.

H.R. 1406: Mr. KNIGHT.

H.R. 1444: Mr. GONZALEZ of Texas.

H.R. 1456: Mr. ISSA and Ms. MATSUI.

H.R. 1457: Mr. CRIST.

H.R. 1458: Mr. PAYNE.

H.R. 1552: Mr. WALBERG.

H.R. 1563: Mr. PASCRELL.

H.R. 1614: Mr. COFFMAN.

H.R. 1734: Ms. NORTON.

H.R. 1802: Mr. PEARCE.

H.R. 1898: Mr. JOHNSON of Ohio.

H.R. 1987: Mr. DESAULNIER, Mr. CARSON of Indiana, and Ms. BLUNT ROCHESTER.

H.R. 1997: Mr. QUIGLEY.

H.R. 2166: Mr. WILLIAMS, Mr. MEADOWS, and Ms. MCSALLY.

H.R. 2215: Mr. PANETTA.

H.R. 2267: Mr. COFFMAN.

H.R. 2319: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 2412: Ms. VELÁZQUEZ.

H.R. 2421: Mr. RUIZ.

H.R. 2431: Mr. PERRY.

H.R. 2472: Mr. LANGEVIN and Mr. SERRANO.

H.R. 2514: Mr. NADLER, Ms. PINGREE, and Mr. WELCH.

H.R. 2616: Ms. NORTON.

H.R. 2651: Ms. DELBENE and Mr. SWALWELL of California.

H.R. 2670: Ms. MATSUI.

H.R. 2707: Mr. COHEN.

H.R. 2790: Ms. MCCOLLUM.

H.R. 2820: Mr. PANETTA.
H.R. 2899: Mr. RASKIN.
H.R. 3079: Mr. FASO and Ms. LOFGREN.
H.R. 3092: Ms. JAYAPAL, Mr. HULTGREN, and Mr. CONAWAY.
H.R. 3095: Mr. O'ROURKE.
H.R. 3224: Mr. MCKINLEY.
H.R. 3314: Ms. JUDY CHU of California.
H.R. 3338: Mrs. LOWEY.
H.R. 3395: Mr. RUPPERSBERGER.
H.R. 3397: Ms. LOFGREN.
H.R. 3442: Mr. SMITH of Missouri.
H.R. 3445: Mr. SERRANO.
H.R. 3477: Mr. RUSH.
H.R. 3495: Mr. CARSON of Indiana.
H.R. 3510: Ms. NORTON and Mr. JONES.
H.R. 3558: Mr. RODNEY DAVIS of Illinois, Mr. DEFazio, and Mr. KHANNA.
H.R. 3596: Mr. JOHNSON of Georgia, Mr. WALZ, Ms. HANABUSA, Mr. HUDSON, Mrs. ROBY, and Ms. SINEMA.
H.R. 3600: Mr. GROTHMAN.
H.R. 3635: Mr. HARPER, Mr. CÁRDENAS, and Mr. CURBELO of Florida.
H.R. 3654: Mr. DOGGETT, Mr. PERLMUTTER, Ms. LEE, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Ms. SHEA-PORTER, Mr. ELLISON, Ms. MOORE, Mrs. BEATTY, Mr. HASTINGS, Ms. JAYAPAL, Mr. JEFFRIES, Mr. DANNY K. DAVIS of Illinois, Mr. RASKIN, Mr. TAKANO, Mr. LEWIS of Georgia, Mr. CICILLINE, Ms. BASS, Mr. TED LIEU of California, and Mr. BUTTERFIELD.
H.R. 3692: Mr. SENSENBRENNER.
H.R. 3730: Miss RICE of New York, Mr. LEWIS of Georgia, and Mrs. COMSTOCK.
H.R. 3759: Mr. CURBELO of Florida and Mr. BEYER.
H.R. 3767: Mr. THOMPSON of Pennsylvania and Mr. FASO.
H.R. 3776: Mr. GRAVES of Georgia.
H.R. 3780: Mr. SENSENBRENNER.
H.R. 3842: Mr. LANGEVIN and Ms. ROYBAL-ALLARD.
H.R. 3931: Ms. JENKINS of Kansas and Mr. PETERSON.
H.R. 3976: Mr. SAM JOHNSON of Texas, Mr. SIRES, Mr. DIAZ-BALART, Mr. JODY B. HICE of Georgia, Mr. PALAZZO, Mrs. NAPOLITANO, and Mr. THOMPSON of Pennsylvania.
H.R. 4006: Mr. CARSON of Indiana.
H.R. 4007: Mr. CROWLEY, Mrs. BEATTY, Ms. BONAMICI, Mr. BRADY of Pennsylvania, Mrs. BUSTOS, Mr. CLYBURN, Mr. COOPER, Mr. CORREA, Mr. CRIST, Mr. PRICE of North Caro-

lina, Mr. DELANEY, Ms. DELBENE, Mrs. DINGELL, Mr. DOGGETT, Mr. EVANS, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GONZALEZ of Texas, Mr. JOHNSON of Georgia, Mr. HIGGINS of New York, Mr. HIMES, Mr. HUFFMAN, Ms. KAPTUR, Mr. KILMER, Mr. BEN RAY LUJÁN of New Mexico, Mrs. CAROLYN B. MALONEY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. NOLAN, Mr. O'HALLERAN, Mr. RASKIN, Mr. THOMPSON of California, Mr. PETERS, Ms. SINEMA, Mr. SOTO, Ms. SPEIER, Ms. TITUS, Mr. SUOZZI, Mr. TONKO, Mr. VARGAS, Mrs. COMSTOCK, and Mr. LUETKEMEYER.
H.R. 4022: Mr. LAHOOD, Ms. JAYAPAL, Mr. MOULTON, Mr. DUFFY, Mr. POE of Texas, and Ms. LOFGREN.
H.R. 4058: Mr. FLEISCHMANN, Mr. RUSSELL, Mr. GOODLATTE, and Mr. THOMAS J. ROONEY of Florida.
H.R. 4143: Ms. CLARKE of New York, Mr. RUSH, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. CLARK of Massachusetts, Mr. HASTINGS, Mr. DANNY K. DAVIS of Illinois, and Mr. WALBERG.
H.R. 4152: Mrs. DEMINGS and Ms. MOORE.
H.R. 4202: Mr. LAHOOD, Mr. DENHAM, Mr. ROYCE of California, Mr. BISHOP of Michigan, Ms. TENNEY, Mr. DEFazio, Mr. LANGEVIN, and Mr. SMITH of Washington.
H.R. 4215: Ms. JENKINS of Kansas.
H.R. 4229: Mr. MCGOVERN, Mr. STIVERS, Mr. WALZ, and Mr. SENSENBRENNER.
H.R. 4238: Ms. STEFANIK.
H.R. 4271: Ms. SCHAKOWSKY, Ms. NORTON, and Mr. CUMMINGS.
H.R. 4323: Mr. O'ROURKE.
H.R. 4324: Mr. CARTER of Georgia.
H.R. 4369: Ms. NORTON and Mr. RYAN of Ohio.
H.R. 4392: Mr. COMER, Mr. SUOZZI, Ms. KELLY of Illinois, Ms. JUDY CHU of California, Mr. SCHNEIDER, Mrs. DAVIS of California, Mr. YOUNG of Alaska, Mr. TURNER, Ms. CLARK of Massachusetts, Mr. DESAULNIER, Mr. FITZPATRICK, Mr. CRAMER, Mr. QUIGLEY, Mr. CORREA, Mrs. NAPOLITANO, and Ms. FUDGE.
H.R. 4396: Mr. WELCH, Ms. FRANKEL of Florida, Mr. CRIST, Ms. CLARK of Massachusetts, Mr. KEATING, and Mr. LYNCH.
H.R. 4397: Mr. KNIGHT.
H.R. 4446: Mr. CARSON of Indiana.
H.R. 4473: Mr. PANETTA.
H.R. 4485: Ms. NORTON and Ms. CLARK of Massachusetts.

H.R. 4505: Mr. VISCLOSKY.
H.R. 4507: Mr. ADERHOLT, Mr. FLORES, Mr. NORMAN, Mr. WENSTRUP, Mr. LAMALFA, Mr. THOMAS J. ROONEY of Florida, Mr. GRAVES of Louisiana, Mr. WILSON of South Carolina, Mr. DAVIDSON, Mr. GRIFFITH, and Mr. KELLY of Pennsylvania.
H.R. 4513: Mr. CRAMER.
H.R. 4518: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BLUNT ROCHESTER, Mr. CAPUANO, Mr. CICILLINE, Mr. COURTNEY, Mrs. DEMINGS, Ms. ESHOO, Mr. EVANS, Mr. KHANNA, Mr. KIND, Mr. BEN RAY LUJÁN of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MOORE, Mr. PALLONE, Mr. PERLMUTTER, Mr. POCAN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SMITH of Washington, Ms. SPEIER, Mrs. TORRES, Ms. VELÁZQUEZ, Mr. CRIST, Ms. KUSTER of New Hampshire, Ms. BONAMICI, and Mr. KILDEE.
H.R. 4526: Mr. GOSAR and Mr. HARRIS.
H.R. 4535: Mr. GRIJALVA.
H.R. 4536: Mr. KING of New York.
H.R. 4541: Mr. PETERSON, Mr. RUIZ, Mr. LIPINSKI, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. CARSON of Indiana, Mr. O'ROURKE, Ms. CLARK of Massachusetts, Mr. HECK, Mr. SCHIFF, Ms. JACKSON LEE, Mr. YARMUTH, Mr. SERRANO, Mr. LEVIN, Mr. PANETTA, Mr. LOWENTHAL, and Ms. PINGREE.
H.R. 4548: Mr. LAWSON of Florida and Mr. MICHAEL F. DOYLE of Pennsylvania.
H.R. 4570: Mr. BACON and Ms. KUSTER of New Hampshire.
H.R. 4573: Ms. LEE and Mr. PAYNE.
H.R. 4577: Mr. KING of New York and Ms. JACKSON LEE.
H. Con. Res. 72: Mr. COOK and Mr. ENGEL.
H. Con. Res. 89: Mr. CONNOLLY and Mr. SIRES.
H. Con. Res. 95: Mrs. COMSTOCK, Mr. FOSTER, and Mr. KELLY of Pennsylvania.
H. Res. 69: Mr. PERRY and Ms. MATSUI.
H. Res. 199: Mr. ROUZER.
H. Res. 252: Mr. DUFFY.
H. Res. 257: Mr. GENE GREEN of Texas.
H. Res. 269: Mr. RUIZ.
H. Res. 466: Mr. CRIST and Mr. POE of Texas.
H. Res. 495: Mr. YARMUTH.
H. Res. 564: Mr. SANFORD and Mr. DUNCAN of Tennessee.
H. Res. 637: Mr. GROTHMAN.

SENATE—Thursday, December 7, 2017

The Senate met at 10 a.m. and was called to order by the Honorable LUTHER STRANGE, a Senator from the State of Alabama.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Father Steven E. Boes, executive director of Boys Town in Boys Town, NE.

The guest Chaplain offered the following prayer:

Lord God, we recognize today, on Pearl Harbor Day, the sacrifices of those young men and women who gave their lives for their country.

Lord God, in these troubled times of fires and floods and hurricanes and terror attacks and mass shootings, help us to rely on Your strength to envision and build a stronger and more secure America. Give us more visionaries like Father Edward Flanagan, who founded Boys Town on December 12, 100 years ago. Father Flanagan was an Irish immigrant who lived the American dream and taught us all that even the most troubled child could grow up to be a useful citizen if given half the chance. He saw the best in the kids whom others rejected as useless.

Help us but especially each of our Senators to see the best in those who have different political or social views so that we can, together, build an America that enables and calls forth the best in its citizens.

Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LUTHER STRANGE, a Senator from the State of Alabama, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. STRANGE thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

WELCOMING THE GUEST CHAPLAIN

Mrs. FISCHER. Mr. President, I rise today to thank Father Steven Boes from Boys Town for delivering our opening prayer this morning. The work he does to help at-risk youth across America is awe-inspiring, and I am proud to say that he is a Nebraskan.

Boys Town is a special place, and it is located in the heart of our country. In the late 1910s, while ministering to the homeless of Omaha, Father Edward Joseph Flanagan became interested in young people and their struggles to grow into responsible, productive adults. He wanted to help them improve their lives, and he soon founded Boys Town on December 12, 1917, as an orphanage for boys.

A few years later, Father Flanagan purchased Overlook Farm on the outskirts of Omaha, which soon became known as the Village of Boys Town. He knew that children would thrive if given love, a home, and a purpose. His message that every child deserves a loving home and a chance to create a positive future for themselves is one that resonates across social boundaries.

Today, Boys Town is one of the largest nonprofits in the country, serving underprivileged and at-risk children. Father Boes's leadership at Boys Town is a tribute to Father Flanagan's mission to build better communities by promoting stronger families. For nearly 100 years, Boys Town has worked tirelessly to nurture troubled children and heal broken families. Every year, the organization helps more than 2 million children and families across the United States.

Boys Town also has a renowned school, which offers a year-round traditional academic curriculum that focuses on helping students, especially those who are behind in their school work. It helps children in difficult circumstances find success in the classroom, as well as get back on track toward graduation.

The school's motto echoes that of the organization as a whole: "He ain't heavy, Father, he's my brother." I believe that motto is a great explanation of why we are celebrating Boys Town's 100th anniversary next week. For a century, through terrible depressions, horrible world wars, droughts, and

snowstorms, Boys Town has served as a glimmer of hope for many who are looking for help.

I don't think Father Flanagan would be surprised to learn that Boys Town has grown to include 12 regional headquarters across our great Nation or that his charity really has become a jewel of the nonprofits. His outlook created a firm foundation for helping our communities, and it is one that Father Boes continues to build on.

That deserves to be celebrated. I am happy that on July 6, 2015, the Boys Town Centennial Commemorative Coin Act was signed into law. This bill authorized the Secretary of the Treasury to mint five-dollar gold coins, one-dollar silver coins, and half-dollar coins in honor of Boys Town's 100th anniversary. Adorned with designs and sayings that capture the spirit and mission of Boys Town, these coins can act as good reminders of those who once helped us. I hope they also serve as encouragement to improve our communities and think about those who are less fortunate.

I wish Father Boes continued success going forward. We in the Senate are all rooting for him. Boys Town exemplifies the spirit of America, and it is the prize of the State of Nebraska. I am honored to be its Senator.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THANKING THE SENATOR FROM NEBRASKA AND THE GUEST CHAPLAIN

Mr. MCCONNELL. Mr. President, I wish to thank our colleague from Nebraska and our guest this morning for reminding us of the wonderful story of Boys Town. We were discussing the movie from the late 1930s starring Spencer Tracy and Mickey Rooney, as well as learning what has happened to Boys Town since then.

Thank you so much, Senator FISCHER and our guest, for bringing us up to date on the latest on Boys Town.

MEASURE PLACED ON THE CALENDAR—S. 2199

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2199) to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

NOMINATION OF JOSEPH BALASH

Mr. MCCONNELL. Mr. President, in addition to our important work on tax reform and to fund the government, this week the Senate is also continuing our efforts to confirm President Trump's nominees to his administration.

Soon the Senate will consider the nomination of Joseph Balash to serve as Assistant Secretary of the Interior for Land and Minerals Management. Through his career in both State government and as the Alaska commissioner of natural resources and his service here in the U.S. Senate, Mr. Balash has shown his talent and passion for affordable sources of energy and environmental protection.

The Alaska Department of Natural Resources manages one of the largest portfolios of land, water, oil, gas, renewables, timber, and minerals in the world. Mr. Balash's leadership of the department required collaboration with many diverse stakeholders and a dedication to the protection of Alaska's natural beauty. He worked closely with the Interior Department and the commissioner, and he has the skills necessary to fulfill this leadership role at the Department.

As the Assistant Secretary, Mr. Balash will be responsible for many of the Interior Department's critical functions, including the management of all Federal lands and waters, the management of their associated resources, and the appropriate regulation of surface coal mining. I look forward to working with Mr. Balash on many of these issues, especially those important to the coal miners in my home State of Kentucky.

I urge my colleagues to join me in supporting this nomination.

TAX REFORM BILL

Mr. MCCONNELL. Now, Mr. President, on another matter, yesterday the Senate formally voted to join our colleagues from the House to consider our tax reform bills in a conference committee. It is another important step toward delivering much needed relief to

the men, women, and families we represent. Now the committee members will reconcile the differences between the bills. When they finish their work, Members of both Chambers will have the opportunity to pass this tax reform legislation and send it to President Trump.

As I have said before, tax reform represents the single most important thing we can do right now to grow the economy and boost middle-class families. It will also incentivize businesses to bring investment and jobs home and keep them here. We want a tax bill that works for hard-working American families, one that can bring opportunity, help create new jobs, and keep more money in workers' paychecks. That means a typical family of four earning a median income could see a tax cut of approximately \$2,200.

This tax reform plan is our way of helping families get ahead and plan for their future. It has taken a lot of hard work to get to this point, and I wish to thank my Senate colleagues and our friends in the House and in the Trump administration for their efforts to fundamentally rethink our Tax Code.

I look forward to the conference committee's report so we can complete our efforts and deliver relief to those who need it most.

FUNDING THE GOVERNMENT

Mr. MCCONNELL. Now, Mr. President, on one final matter, the Senate must act before the end of the week to pass a clean, short-term funding bill to maintain critical operations of the Federal Government. Our colleagues in the House will send us the non-controversial provision soon, and then we will have an opportunity to consider it. I urge my colleagues to join me in voting to pass it. This short-term continuing resolution will provide us with the time we need to complete discussions on a long-term solution. It will also provide certainty to States to continue funding the Children's Health Insurance Program.

Later today, Speaker RYAN, Leader SCHUMER, Leader PELOSI, and I will meet with President Trump to continue discussing an agreement to fund the Federal Government. I look forward to working together with colleagues in a serious, bipartisan way to address a number of the priorities of our Nation in the coming weeks. I hope all Members will join me.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

ISSUES BEFORE CONGRESS

Mr. SCHUMER. Mr. President, I first would like to talk today about year-end business.

Congressional negotiators are making good headway on a budget deal that would meet our commitments to our military and also our urgent priorities here at home. I hope this progress continues this week.

Unfortunately, the progress in Congress is in stark contrast to the rhetoric coming from the White House. President Trump again suggested yesterday that a "shutdown could happen." If a shutdown happens, as the President seemed to be rooting for in his tweet earlier this year, it will fall on his shoulders. His party controls the Senate, the House, and the Presidency.

Nobody here wants to see a shutdown. We Democrats are not interested in one. That is why we are working with our Republican colleagues in good faith to resolve all of the issues we have to solve before the end of the year, and it is in this spirit that Leader PELOSI and I will go to the White House this afternoon to discuss all of the issues before us.

It is no secret that one of the major sticking points—if not the major sticking point—in the negotiations is funding levels for programs that invest directly in economic growth and a social safety net for the middle class. Democrats are pushing for sorely needed funding to combat the opioid crisis, to shore up pension plans, to support veterans' health, to relieve student loan debt, and build rural infrastructure.

Without a budget agreement that lifts spending caps on both defense and economic development in a fair and equitable manner, programs I have mentioned, and so many others—medical research comes to mind—could see their funding cut. Our veterans deserve better. People seeking recovery from opioid addiction deserve better. Hard-

working pensioners deserve better. We must do both things—support the military and programs that create jobs and growth here at home—in equal measure. Both are very important.

I know there are some on the far right who say all the jobs programs and economic growth programs are unimportant, but most of us, Democrats and Republicans, believe both are important. The idea that both are important has been the basis of successful budget agreements going back several years, including the agreement we reached last April, where the military side and the domestic job, economic growth side were treated equally.

Unfortunately, it appears that the Freedom Caucus—a rather small bloc of hard-right House conservatives—is trying to derail another successful parity agreement. According to press reports, the Freedom Caucus is pushing for a very short-term extension of funding for jobs and economic development, while pushing for a long-term extension and a large increase for funding in defense. That is a ruse designed to slash funding for education, healthcare, infrastructure, and scientific research—all the things the Freedom Caucus, against the will of the overwhelming vast majority of Americans, doesn't want the government to fund.

Make no mistake, the Freedom Caucus is gearing up to hurt the middle class on the budget, just like so many Republicans way beyond the Freedom Caucus did with their tax bill—just like on the tax bill. We Democrats are going to defend the middle class because they need our help, too, and they have been forgotten by our Republican colleagues throughout the year, but this time, the Freedom Caucus's actions, if they had their way, could lead to a disaster. Speaker RYAN must stand up and tell the Freedom Caucus, no, they cannot be allowed to hold hostage productive bipartisan budget negotiations with outrageous demands that hurt the middle class. If Speaker RYAN lets them have their way, it will cause a shutdown. It will be on the Freedom Caucus' shoulders, Leader RYAN's shoulders, and the President's shoulders because such a bill could not pass either the House or the Senate—we are giving them fair warning right now—not right at the deadline.

DREAM ACT

Mr. SCHUMER. Finally, Mr. President, let me say a word about the Dream Act. Earlier this week, my friend, the senior Senator from Illinois, came to the floor to update the Senate on the progress he is making in his negotiations with Senate Republicans on an agreement that would provide a significant investment in border security in exchange for the Dream Act.

As I have said in the past, Democrats support real border security. We will be

happy to join with Republicans to pass legislation to secure our border in exchange for the Dream Act. Those talks continue to make good progress. I hope we can reach an agreement soon.

SPECIAL COUNSEL MUELLER

Mr. SCHUMER. Now, Mr. President, a word on the special counsel. Over the past few weeks, I have continued to hear Republican lawmakers and partisan media hosts attack the integrity of Special Counsel Mueller in a shameful display meant to undermine his investigation into the connections between the Trump campaign and Russia. Spuriously attacking Robert Mueller, one of the most respected and trusted civil servants in our country, is the surest route to losing all credibility.

I remind everyone on the right who are trying to muddy the waters on the Mueller investigation that Robert Mueller was a career prosecutor who has served both Republican and Democratic administrations in the most trusted of roles. He was appointed by President Trump's own Deputy Attorney General. It defies credulity to lambaste him as partisan or biased. He is as straight a shooter as they come. This is bigger than one man. The attacks on Special Counsel Mueller and his investigation erode faith in the rule of law, that bedrock principle at the heart of our civic life.

If independent investigations into matters as grave as foreign interference in our elections succumb to intimidation and partisan slander, we will be no better than a third-world country. Rule of law will be gone, at least for the President of the United States, which is something Americans have treasured for centuries. What has always defined American democracy is an unyielding faith in the rule of law—its power to check our people, as well as our Presidents. Special Counsel Mueller is the rule of law at work in our 21st century American democracy. Intentionally and spuriously impugning his integrity—not because he has done anything wrong but because they don't like what he is doing; very partisan, very biased, very one-sided is their view—is not only inaccurate but damaging to a core ideal in our country—the independent and impartial rule of law. We must loudly reject the strident voices who engage in these attacks on both ends of Pennsylvania Avenue.

REPUBLICAN TAX BILL

Mr. SCHUMER. Finally, Mr. President, on the issue of taxes, with the passage of the Republican Senate bill last Friday, the Republican Party has shrugged off its history as the party of tax cuts and become the party of tax hikes on the middle class. The Republican tax bill will end up raising taxes

on millions of middle-class families to pay for corporate welfare.

As our Republican colleagues march us toward an enormous corporate tax cut, we have seen numerous companies start to announce plans to buy back more of their stock—not build factories, not create jobs, but to buy back their stock, which, of course, benefits the CEOs because the stock price goes up.

T-Mobile has announced \$1.5 billion in stock buybacks; Mastercard, \$4 billion; Bank of America, \$5 billion. Just this morning, three or more companies announced hundreds of millions of dollars' worth of buybacks. These companies, I would say to President Trump and I would say to my Republican colleagues, are not announcing new investments in their workforce or wage increases, as Republicans promised they would. They are announcing stock repurchasing programs that benefit their wealthy investors.

The tax bill will also saddle the next generation of leaders with larger deficits and debts, limiting our ability to make the kinds of investments we need to be making in education, infrastructure, and scientific research—a far surer path to good-paying jobs and raising wages than giving corporate America, already flush with cash, even more stock buybacks. For the same reason, those increased deficits, Republicans are now coming back and saying that they want to slash Social Security, Medicare, and Medicaid, making it even harder in America to access affordable healthcare and retire with dignity.

Speaker RYAN admitted it yesterday. He said: "We're going to have to get back next year at entitlement reform, which is how you tackle the debt and the deficit," and he specifically mentioned Medicare. They first create the deficit by these huge tax cuts for the wealthiest corporations and individuals, and then they take it out on the middle class by saying: We have no choice but to cut Medicare. What is the matter? I hope the American people will see this. I hope some of the news channels and radio commentators will note this, since those are the people who listen to them.

By the way, that is only what we know about the bill. It was muscled through the Chamber with such reckless haste, we are finding errors and consequences every day. In yesterday's POLITICO, Greg Jenner, a former top tax official in Bush's Treasury Department who helped write the 1986 tax reform bill, was quoted as saying:

The more you read [of the Republican tax bill], the more you go, "Holy crap, what's this?" We will be dealing with unintended consequences for months to come because the bill is moving too fast.

That is a Republican, a former tax official from President Bush's Treasury Department.

When we were debating the Affordable Care Act—a process that took over a year—the esteemed majority leader admonished: We need to slow down and get this right.

The tax bill, by comparison, spent hardly 2 weeks in the House and 3 weeks in the Senate, and it is a lot worse for the average middle-class person. I would say the same thing to the majority leader that he said to us: Slow down and get this right. There is no need to rush this hastily considered, highly complex, hugely consequential tax bill before some artificial deadline.

We have a responsibility to get this right for the American people, particularly the American middle class. I still believe the way to do it is through an open, transparent, and bipartisan debate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

INTERNATIONAL HUMAN RIGHTS DAY

Mr. CARDIN. Mr. President, on December 10 of this week, we will celebrate International Human Rights Day. It is the 69th anniversary of the United Nations' adoption of the Universal Declaration of Human Rights. It provided inalienable rights for everyone in this world to be entitled to basic human rights, regardless of their religion, regardless of their race, their color, their gender, their language, their politics, their national origin, their property, wealth, birth, whatever. You are entitled to basic human rights.

The declaration further goes on to say that the ignoring and contempt of human rights have been among the principal causes of the suffering of humanity. That clearly has been the case throughout the history of the world and is still relevant today—very relevant today.

The interesting thing about the universal declaration is that it acknowledges that we all have responsibilities. This is not just a country responsibility; we, as citizens of the world, have an obligation to challenge when human rights are violated anywhere in the world. That is our responsibility. It is interesting that one of the responsibilities I have as the ranking Senate Democrat on the Helsinki Commission, which is the organization that monitors our participants and the Organization for Security and Co-operation in Europe—that declaration, the Helsinki accords, which was entered into in 1975, was an acknowledgement of basic human rights; it is a responsibility of all the participating countries to adhere to basic human rights. The Helsinki accords also make it very clear that any member country of the OSCE has the right to challenge what is happening in any other country. We have a

responsibility as global citizens to speak out when basic human rights are being violated.

I also point out that this is one of the basic tenets of America's strength. One value embodied in our Constitution, embodied in our history, is a respect for human rights, and it makes America the unique Nation it is. Yes, we are looked upon as a global power because of our military and economy, but I must tell you, the real trademark of America, the real value we give to the international debate is the fact that we bring a commitment to basic human rights and values as part of our DNA. That has been very much demonstrated in so many ways.

I am proud of many of our accomplishments on behalf of international human rights. America's leadership on trafficking in persons—there have been Democrats and Republicans who have taken the lead on this to make it clear that we will not tolerate modern-day slavery. We took the lead on that; Congress took the lead on that. We passed the "Trafficking in Persons Report." We now monitor activities in every country in the world, including the United States, in order to protect against modern-day slavery.

I am proud of the passage of, first, the Magnitsky statute, which dealt with Russia, and now the global Magnitsky statute, which says: If a country does not hold accountable their gross violators of human rights, we will not give them access to our banking system or the ability to visit our country. When we passed that law, other countries followed suit. Europe has enacted the Magnitsky statute, Canada has enacted it, and individual countries have enacted it. We show leadership, and the world follows. We have effective tools to say that we will stand up and live up to our commitments to enforce human rights.

What we often do is put a spotlight on those human rights defenders who are being persecuted around the world. By putting a spotlight on it, we give them hope. That is what we did in regard to the human rights defenders in China, human rights defenders in so many places around the world.

Quite frankly, one of the principal functions of our missions in countries around the world is to be there to speak out for basic human rights, to speak out in support of the Universal Declaration of Human Rights. I am proud of our Foreign Service officers who carry that mission every day in every country around the world.

When potential nominees for Ambassadors come before our committee, the Senate Foreign Relations Committee, we question them as to their commitment to support American values on human rights and what they will do in the country they will be representing America in order to advance those causes. This is part of our responsi-

bility based upon the United Nations declaration, but it is also part of what we need to do in order for us to stay safe.

We know there is a direct correlation between a country's respect for human rights and the amount of conflict, the amount of violence, the amount of insurgency that takes place within that country. Violent extremists will have a place to breathe if a country doesn't respect the human rights of its citizens. It is in our national security interests, in addition to doing what is right as a nation and as a global citizen.

We have challenges today. We have autocratic leaders around the world who are violating every day the human rights of their citizens. We need to help lead the international community. We see attacks on journalism and the rights of free press, where it is, in many places in the world, not safe to comment freely about what is happening in a country.

The LGBT community has been under constant attack in many parts of the world, and we need to defend their rights. Human rights defenders are being imprisoned in so many countries around the world. We need to stand up for their rights. Yes, in trafficking in persons, Senator CORKER and I recently put a spotlight on what is happening in Libya, where they actually have slave auctions that are taking place, where people are being sold. We can't be silent about those types of activities or, in our own hemisphere, about what is happening in Venezuela, where there is a government that is denying its own people the right of access to international humanitarian aid. People are dying in hospitals because they can't get medical supplies. We need to speak out about that.

Many of us have come to the floor to talk about the challenges we have as global citizens on the number of refugees, the displaced persons we have. We have numbers now that we haven't seen since the end of World War II of people who do not have a home, who are refugees. We need to do something about that. The most recent mass number left Burma because of the persecution of the Rohingya Muslims, and they are now in Bangladesh in horrible conditions. We all have a responsibility to respond. There are a number of refugees from Syria—huge numbers—and it requires U.S. leadership.

This has been a bipartisan commitment in the Senate and a bipartisan commitment in the Congress, but I must tell you that I am disappointed by President Trump's failure to lead on this issue. He recently visited Asia. What an opportunity that would have been to have brought up the human rights struggles, whether they are in North Korea, which is the worst country in the world on human rights, or China, which has significant challenges, particularly with respect to its

religious minorities, but also as to the right of its people to have economic freedom. There are major problems in China and problems in the Philippines with its President and what he does in regard to extrajudicial killings. The President hardly mentioned human rights at all during his trip to East Asia.

He embraces leaders like Mr. Putin of Russia, who is a gross violator of the rights of his own people, and President Duterte of the Philippines, whom I already mentioned. President Trump embraces those types of leaders. We should be pointing out that Mr. Putin should be held accountable for his violations of human rights, and President Duterte should be held accountable for the extrajudicial killings that take place under his watch. The United States should be in the lead in bringing these issues to the public's attention.

Then there is the President's immigration policies. We have always been the leader in the world's effort to welcome those who have been persecuted in other countries. We talk about our historical commitment of welcoming the huddled masses who are yearning to breathe free. That is America. Now we are closing our borders to refugees—to those who are being persecuted? We say to the countries in the Middle East: Open up your borders to the refugees from Syria or open up your borders to the refugees from that region. Yet, in the United States, we cannot handle a few numbers?

We need to have much stronger and enlightened policies as we are now talking about people who have been long-term Americans. They only know America as their home. We are now telling the Dreamers or those under temporary protected status, because they have fled the gang violence in El Salvador or Honduras: You are no longer welcome in the only country you know, America. President Trump needs to lead on this issue because it is our global responsibility, and it is in the interest of our country.

Yes, Human Rights Day is coming up this week. Let's rededicate ourselves to fight on behalf of human rights globally. That is our responsibility. It is who we are as a nation, and it is who we are as global citizens.

I urge my colleagues to remember the words of John F. Kennedy when he said that, here on Earth, God's work must be our own. That is true. Let us carry on the work of respecting the human rights of all people in the world.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. STRANGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. STRANGE. Mr. President, I rise today to address my colleagues for the last time. After nearly a year in this Chamber, I am both its newest Member and the next to depart. As such, I have both the optimism of a young student and the battle scars of a man in the arena. Today I would like to offer my colleagues some observations from the perspective of my unique circumstances.

My fellow Senators and I come from different places. We were raised differently, and we have lived differently. In coming to serve in the world's greatest deliberative body, we have carried and tested different notions of America.

There is, however, one reality that transcends our individual experiences. In this Chamber, we are each humbled by history. The Senate has been a forum for some of the great debates of our Republic. It has shaped—and has been shaped by—citizen legislators from every State in the Union. We are awed by the strength of an institution that has weathered great challenges and the wisdom of those who first envisioned it.

As I rise today in that spirit, I would like to shed some light on a page of Senate history that bears great significance in our current political climate. As we know, across the aisle behind us is a space known as the Marble Room. In a building that is home to so many breathtaking historic sites, this alcove has a singular beauty and a story worth telling.

As part of the 1850s expansion of the Senate's Chambers, the Marble Room began as a public gathering place and has been frequented over the decades by politicians and protesters alike. When the Union Army camped on the grounds of the Capitol, soldiers even used its fireplaces for cooking.

For over 60 years, the Marble Room was steeped in the life of the American citizen. It hosted meetings with advocates, constituents, and the free press. It became a very tangible example of our Nation's experiment in representative government. In March of 1921, it took on a new, equally important purpose. The space was reserved by the Rules Committee as an escape for Senators from the crowded halls of the Capitol and the windowless, smoke-filled rooms where they often had to gather off the floor. It became the place where Senators of all stripes would come to catch their breath and take their armor off. Some would nap, some would eat lunch, some would read the newspapers, and all would end up forming bonds that rose above politics.

Today the Marble Room is almost always empty. This emptiness symbolizes something that worries me about today's politics. It is likely both a symptom and a cause of the partisan gridlock that often dominates this Chamber.

But the story of that room—the interplay between citizens and institution, between pragmatism and principle—is the story of the Senate and in some ways the story of republican government in America.

What was once an incubator for collegiality and bipartisanship has become a glaring reminder of the divisions that we have allowed to distract us from the business of the American people. We each remain humbled by the history of the Marble Room. We stand in awe of the traditions of this hallowed body, but too often we fail to let this history be our guide through today's political challenges.

My time in the Senate has reinforced for me what it means to balance principle and pragmatism and to serve the people of my State honorably, and it has taught me how to navigate the turbulent waters of Washington. I imagine that our predecessors who spent time together in the Marble Room wrestled with similar questions.

After all, the issues we face today are not all that different. This body has been strained before—it has bent but has not broken. Finding lasting solutions to our Nation's problems does not require reinventing the wheel. Our forefathers have done it before, and they have done it right across the hall.

I spent my early years growing up in Sylacauga, AL—familiar to my friend the senior Senator—about 40 miles outside of Birmingham. My first hometown is known as the Marble City for the swath of high-quality stone it sits upon, 32 miles long and as much as 600 feet deep.

Sylacauga marble is recognized for its pure white color and its fine texture. Here in the Nation's Capital, we are surrounded by it. It is set into the ceiling of the Lincoln Memorial and the halls of the Supreme Court, and it was used by renowned sculptor Gutzon Borglum to create the bust of Abraham Lincoln that is on display in the crypt downstairs.

Sylacauga marble is used in places infused with tradition and deep history. It is used to enshrine important landmarks. It ensures that memories of the past will stand the test of time to inform the decisions of the future.

In a small house in the Marble City, I was raised by a family that instilled in me a deep and abiding reverence for history and tradition. My father was a Navy veteran and my only uncle, a West Point graduate killed in service to our country in World War II, was, ironically, born on the Fourth of July.

As you can imagine, I didn't need to observe parades, flags, and fireworks to understand the sacrifice people have made to preserve our freedom. I just had to look in my mother's eyes on her only brother's birthday to remember that sacrifice. Forged in service and sacrifice, my family understood the blessing of living in America and the

price of passing its freedoms on to the next generation.

Thanks to this generation before me, the “greatest generation,” I grew up strong in Alabama. At a young age, I was introduced to the Boy Scouts of America, as many of my colleagues were. From volunteer troop leaders to the older scouts I looked up to, the Boy Scouts created an environment of selfless service. As a scout, I learned to appreciate the institutions of American society and my role as a citizen. By the age of 13, I was an Eagle Scout traveling to Washington, DC, on a school trip to see this great experiment in representative government up close. As I tell every young person who comes to see me, that made an enduring difference in my life.

I often wonder, if we all approached our duties here with the wide-eyed wonder of a young student on a field trip, whether we couldn’t accomplish a little more in Congress.

Of course, the strength of this body and the remarkable foresight of our Founding Fathers run deeper than an elementary school civics class or a trip to Washington. For me, the next pivotal moment came as an undergraduate student at Tulane University in the spring and summer of 1973.

I know many of my colleagues will not be surprised to know that I played basketball in college, and there is a reason why. I am the tallest Senator in history, as I have come to understand it. In between practice and part-time jobs, I did find time to watch the newly formed Senate Select Committee on Presidential Campaign Activities begin its investigation of the Watergate scandal.

In that moment, our Nation stepped into uncharted territory. The strength of our Constitution was tested like never before. Would the pursuit of justice overcome politics? Would the institution of the Presidency be forever changed? What are the responsibilities of citizens in the Republic when the Republic’s institutions are tested?

It was during that spring semester of 1973 that I began to understand the tremendous power of the rule of law. It is guarded by representatives who swear to protect, preserve, and defend the Constitution of the United States.

When my basketball playing years ran out, it was this realization that led me to go to law school. My new game would be learning the ins and outs of this system that ensured the rights our Founders envisioned. My new team would be my fellow classmates and students who would go on to practice law and serve our Nation at all levels of government.

As so many of our colleagues know, the path from practicing law to writing it is well traveled. I was fortunate to travel it with the help of some of Alabama’s finest public servants. As a young attorney, I first met one of them

for breakfast in the cafeteria at the Department of Justice. In those days, you could go to the Department of Justice without having to show an ID, and I quickly discovered, after I had gotten my breakfast, that I had forgotten my wallet. So Jeff Sessions had to pay for my meal. He has continued to pay it forward to this day, as a dear friend and mentor, and, of course, he is now the Attorney General of the United States of America.

Jeff Sessions is a gracious statesman and a man of principle, and it is not farfetched, in my opinion, to say that some of his temperament rubbed off on him from our State’s senior Senator and my dear friend, Senator RICHARD SHELBY. I so appreciate his presence here in the Chamber today.

Over 30 years ago, I was introduced to then-Congressman SHELBY by my friend, former Secretary of the Senate Joe Stewart, a person who revered this institution. As a young lawyer, I learned from a man fast becoming a legendary legislator. He would become one of my most treasured friends, sharing many days hunting together in the fields of Alabama and elsewhere and many more stories shared here in the halls of the Capitol.

Together, Jeff Sessions and RICHARD SHELBY represent the finest Alabama has to offer to our Nation. Following in their footsteps here in the Senate is an honor I will forever treasure.

The example of these men inspired me to get involved in public service. As the attorney general of Alabama, Jeff Sessions set an example. As the most influential, revered Senator in our State’s history, RICHARD SHELBY has guided the way, each with an unparalleled reverence for the rule of law.

I spoke earlier about the balance of pragmatism and principle. In doing so, I had my friends in mind. When I was elected attorney general for the State of Alabama in 2010, I drew heavily on their examples of principled conservative leadership.

In this body we are too often convinced that standing for deeply held principles is incompatible with pragmatism. In the 6 years I have served as attorney general, I learned that this could not be further from the truth.

Serving my State in that capacity required balance above all else, as the Presiding Officer, having been an attorney general himself, would understand. I had an obligation to the people of Alabama who elected me to fight for the conservative victories they were counting on, but I also had a solemn duty to rise above politics and follow the law and truth wherever it led.

Make no mistake, during my two terms as attorney general, I took every opportunity to defend the Constitution and the people of Alabama against Federal Government overreach—in other words, defending the rule of law, the oath that we take.

Together with other State attorneys general, I worked to protect farmers and ranchers from an EPA rule that would turn puddles in their fields into federally regulated ecosystems. We stood up against threats to religious liberty and the Second Amendment, and we took the fight over illegal executive amnesty all the way to the U.S. Supreme Court. On these and many other issues, we stood for the rule of law, and we won.

I don’t have to prove my commitment to conservative principles. At the same time, I have a record of upholding the rule of law even when my own party goes astray. I have the scars to show for it, believe me. Over my 6 years in the State capitol of Montgomery, I assembled a nationally renowned team of prosecutors behind a common goal: to root out public corruption.

This pursuit led to the convictions of several corrupt public officials in the State of Alabama, including a county sheriff complicit in human trafficking—the first successful prosecution of its kind in decades.

My team took on Alabama’s Republican speaker of the house for ethics violations, leading to his removal from office and a prison sentence. As you might imagine, we didn’t make any friends in the political establishment by doing so, but we shored up public trust in our representative government.

For their commitment to fighting public corruption, my team has been recognized by the National Association of Attorneys General as a gold standard. I personally had the opportunity to address my former colleagues from both sides of the aisle who are focusing on the same goal in their States. More than any fleeting partisan achievement, it is work like this of which I am the most proud.

When faced with crises, we rose to a calling higher than politics. After the tragic Deepwater Horizon oil spill of 2010 decimated communities and ecosystems along the gulf coast, I was appointed by the court as coordinating counsel for the Gulf Coast States in that historic litigation. Our team, working together with others, won the trial and negotiated a multibillion-dollar settlement for our State and other coastal States.

Our work on that spill case built consensus, and it found common ground. It brought together the interests of fiscal conservatives and environmental advocates, and we delivered results because it was the right thing to do. While the victims of the Alaska oil spill, which the Presiding Officer is well familiar with, had to wait many years for a resolution, we were able to deliver justice and set a gold standard for responding quickly and effectively to the needs of our coastal communities.

After all, the institutions our Founders laid out in the Constitution are

only as strong as the people's belief in their strength. When America no longer trusts that its representatives are remaining true to their oaths, the entire system loses its value.

As the most recent Senator to take that oath, I remember the feeling of the Bible under my left hand. I remember reflecting on a verse it contains that has brought me peace in times of challenge. Proverbs 19:21, which I keep by my bedside, says: "Many are the plans in a person's heart, but it is the Lord's purpose that prevails."

I remember raising my right hand here in the well, where so many others have gone before—many of whom likely found it difficult to discern exactly what the Lord's purpose was in that moment. Each of them came to this body in the face of significant national challenges. Some faced violent conflict, others an economic crisis. Our forebears would not be surprised by the issues before this body today, but I do believe they would be surprised and discouraged by the emptiness of the Marble Room.

Mr. President, the policy challenges we face are not new ones. This body debates a budget resolution every single year. Many years, it also faces questions of war and conflict overseas. And at least once a decade, it seems, we face some tectonic shift of the economy.

As a lifelong student of history, I am reassured by stories of the grave crises that have been addressed on this very floor. In this Chamber, the post-Civil War Senate ensured that the Nation stayed the course of healing and reunification. In this very Chamber, the Senate put politics aside to defeat the rise of fascism in Europe and guided the creation of a new 20th-century world order. On this floor, long-overdue support for civil rights was won, vote by vote.

This civil rights struggle is held vividly in the memory of my home State. In the early 1960s, my elementary school in Birmingham, AL, was segregated. By 1971, I was taking the court with three young Black men—my teammates, my classmates, and my friends—to play for the State basketball championship.

As our Nation evolves, the traditions and history of the Senate demand that this institution meet each new challenge, armed with the will of the American people.

And as I watched with the rest of the country, it was on this floor that the Senate restored faith in our institutions by delivering justice after Watergate. It was a real pleasure for me as a lawyer later in life to get to meet Fred Thompson, who served in this great body and was the counsel for the minority on the Watergate Committee, to see the example he set as a Senator and to call him a friend.

The idea that the chaos and upheaval we see today are unique falls flat in the

face of this monumental history. Pun-dits and politicians alike are too quick and easy to talk in superlatives, but chaos and change are nothing new to this country. The Senate was designed to endure, and rooms of marble are built to last.

Studying that Senate history puts the issues of today in perspective for us, but it also sheds light on the true challenge of our generation—a newer, more serious threat to the future of this institution and its traditions.

You see, the Senate was designed to accommodate conflict and profound disagreement. It was not, however, designed to tolerate the entrenched factionalism that dominates today's proceedings. It was not designed for the people's representatives to hunker down in private rooms, emerging only long enough to come to the Chamber and cast votes.

There are 100 seats in this Chamber. Each one was contested and hard-earned, but they are rarely all occupied. The less time we spend in the same room, the easier it becomes to view our colleagues on the other side of the aisle as obstacles instead of opportunities.

What do I mean by opportunities? Mr. President, I believe our generation of leaders will be judged by history on whether we strove to heal the divisions of this body and our Nation. In pursuit of that goal, every Member of this body has an opportunity to grow in understanding.

Yet it seems to me that "compromise" has become a dirty word in American politics, and that is a serious threat to our hopes of advancing meaningful policy, in my view.

It seems that reasonable Americans understand what we are called to do better than we do. I see the chairman of the Agriculture Committee here, who is a dear friend and maybe can put this better than I can. As he knows, a wise farmer in Alabama once told me: When my wife sends me to the store to buy a dozen eggs and there are only half a dozen left, I come home with a half-dozen.

I believe we have the power to bring home half a dozen here in the Senate and maybe even bring home a dozen for the American people. We have the power to be a profound force for good.

After all, compromise was baked into the Founders' design of this institution. At the heart of our system of checks and balances is an understanding that no one branch and certainly no one partisan faction will get all it wants, all the time.

From the very beginning, compromise allowed our Nation to embrace both the republicanism of Thomas Jefferson and the federalism of Alexander Hamilton. The very structure of this body is the result of the Connecticut Compromise of 1787, which accommodated proponents of both equal and proportional representation.

The authors of this very pragmatic solution, Roger Sherman and Oliver Ellsworth, are depicted on the wall right outside the Senate Chamber, not far from the Marble Room, where their example of finding common ground would be practiced for decades to come.

Mr. President, in the shadow of these founding debates, political voices today are arguing louder and louder about smaller and smaller things. It is easy for those outside this Chamber to insist that they know what should be done, and as long as we remain so deeply divided, those outside voices will always win.

When I leave the Senate, I hope to have lived up to the words of a different voice, familiar to those of us in the Chamber. On April 23, 1910, in a time of great change in this country, as the United States was coming to define a new world order, President Teddy Roosevelt delivered a now famous passage that bears repeating:

It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasm, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

Here today, our Nation faces challenges like it did during Watergate 43 years ago and like it did in the time of Roosevelt 107 years ago. When we have each left this great body, I know we would like to be remembered as men and women in the arena—as people who spent themselves in worthy causes.

I am convinced the worthiest cause we can join today is a return to the collegiality, the pragmatism, and, yes, dare I say, the compromise of the Marble Room.

So, Mr. President, as I leave the Senate, I am indebted to so many—to those who have helped me become the man I am today, to the colleagues who have welcomed me as a partner in the people's business and who are so kind to take time to be here today in the Chamber, and to the great State of Alabama, which I have had the immense honor to serve.

I thank God every day for the blessing of my wife, Melissa, and my children and grandchildren who are here with us today. Greeting every day assured by their love and support has made my work here and throughout my life possible.

I thank my staff in Alabama and here in Washington, many of whom are here joining us, who have risen to the task of serving our great State through

troubling times. Their tireless dedication reminds me there is a very bright future ahead for my State and for this institution.

I thank the staff of the Senate serving here on the floor and in the cloakrooms, the U.S. Capitol Police, and all of those who preserve, protect, and defend this hallowed institution.

I thank each of my colleagues for the privilege of joining them in service. The friends and working partners I have found here in the Senate give me great hope that, in the right hands, this experiment in representative government will long endure.

I thank the men of principle who have served Alabama with honor for years before me. I especially thank my friend RICHARD SHELBY for his friendship and his guidance during my time here in the Senate.

Finally, I thank the people of my State. Alabama is a beautiful place with millions of hard-working, good people who call it home. As I look back on my career, I am most proud of the last 7 years I have spent working on their behalf, both in Montgomery and here in Washington.

Mr. President, in preparing my remarks today, I spent a lot of time in the Marble Room. I reflected on the stone that built it and the bedrock of my hometown. I thought about the lawmakers who frequented it years ago. I thought about the challenges they faced, their own principled stands and pragmatic negotiations. Most importantly, I thought about the common ground they found there.

Off the record and away from the cameras, this space represents an opportunity to once again find balance. Balance between principle and pragmatism in the Senate would reflect the very spirit of America, which is defined by balance.

The zeal for adventure that won the West and put human footsteps on the face of the Moon is balanced by a reverence for tradition and our founding principles—individual liberty, the rule of law, and the pursuit of happiness. The entrepreneurial drive that built great cities and today drives innovators to ask “what’s next?” is balanced by a solemn remembrance of the struggle and sacrifice that have paved the way.

The Senate is a sacred place that was designed to embrace the spirit of America. To lose the art of balance and compromise in this body is to lose something essentially American. If we cannot find shared cause, shared purpose, in the quiet corners of the space across the hall, then we may never find it here on the floor of the Senate, where the critics are so quick to point out how the doers of deeds could have done them better.

As I prepare to leave this esteemed body, I urge my colleagues, who will face many more challenges ahead, to

take these words to heart. For the sake of our Nation, I urge them to return to the Marble Room.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

TRIBUTES TO LUTHER STRANGE

Mr. MCCONNELL. Mr. President, on behalf of all of our colleagues, I want to thank the junior Senator from Alabama for an extraordinary farewell. Due to the unusual circumstances of his arrival, his service here regretfully is limited to roughly a year, but I know all of our colleagues share the view that the Senator from Alabama has made an extraordinary difference for Alabama and for the Nation during his time here. I know I also express the views of all of our colleagues that we will miss him greatly.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise as a Member of this great body to say thank you to our good friend from Alabama for serving. It is such a shame that we have so many good people in this body and some really great people in this body who are here for such a short period of time, and to have a person like Senator STRANGE come before us and be part and try to make a difference.

I truly enjoyed his speech based on bipartisanship, which is what we are all here for, and seeing how we have digressed to the point where there is very little bipartisanship that goes on and then knowing that we can make that change and make a difference.

I want to thank the Senator. It has always been a joy to be around him. He has such a way and such a demeanor about him—his congeniality, his camaraderie and wanting to make this place work the way it is supposed to work and the way they have told us it did work.

With that I would say, Senator, I am grateful I got to know you. I am grateful that you have passed through these doors for all of us to call you our friend. I am sad that you are not staying.

I know there are bigger things in store for you. I know your life is going to be blessed, and with that, you blessed us by being part of us for a period of time.

Thank you, Senator.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I have had the unique privilege of knowing Senator STRANGE in that I have the privilege of being the chairman of the all-powerful—sometimes-powerful—Senate Agriculture Committee.

I hope every Senator will read your comments, sir. I think, perhaps, every Senator in their heart wishes, as you

do, that we could get along better. For better or for worse, I think we represent the Balkanization in this country, but we come here with the hope that, yes, through compromise, and, yes, that in working together, we can represent our people in a much better fashion. Your remarks, I think, really hit the nail on the head in terms of what we should be doing.

We do that on the Agriculture Committee. When LUTHER first came to the Senate and asked to be on the Agriculture Committee, I knew right then he was a special person and would be a special Senator. A lot of people get sentenced to the Agriculture Committee. It is a pleasant sentence, really, when you do that work. I have been privileged to be the chairman in the House and in the Senate for quite a few years. We will not get into that.

The Senator asked to be on the Ag Committee, and so, when we try to put together a farm bill, it is our responsibility—both the distinguished Ranking Member STABENOW and myself—to travel to various States. We have sat on the wagon with the farmer, the rancher, the grower, and said: What do you think? We listen to the farmer first, knowing that if you are fair to the farmer—they are the backbone of the Nation and underappreciated in our society today.

So I have been going to Kansas, Michigan, and Montana, and I said: I haven’t been down South, I am going to Alabama. I am going to go down there with our newest Member who wants to be on the Ag Committee and has already demonstrated his affection, not only for the committee but his commitment to represent farmers and growers and ranchers in Alabama. So we planned an event. We were going to listen to every commodity group, every farm organization, and any farmer who wanted to come in and talk to the chairman and the new member of the Ag Committee.

This was a special day for me and, as sometimes happens, planes don’t fly. Planes fly to Atlanta, but they don’t fly from there, which was the case when we were going down the night before, before we had this opportunity to visit with a lot of folks in Alabama. If you try to find a rental car that time of night, it is difficult. So we finally found a rental car after the third or fourth rental car opportunity, and then we drove to Montgomery.

Now, if you drive from Atlanta to Montgomery—people don’t usually recommend doing that, but I will tell you, from about 1:30 in the morning to about 4 a.m., it is an easy drive. Then you get to Montgomery, and you get to that square they have there in Montgomery where they have a statue of Hank Williams. So the first person to welcome me in Montgomery, AL, was Hank Williams. Of course, being a country and western aficionado—or at

least fan—I thought that was very special. So we went down and saw Hank. I saluted him.

Then we went off to the hotel. Of course, the hotel had given up our hotel reservations. So that posed a little bit of a problem. They finally made some accommodations for me, at least, but it didn't have a bed. It was an office room. Then I finally figured out it was a wall bed, and I pulled the wall bed down, but there were no sheets and pillows. I just sort of slept in my wardrobe, so to speak. Then I said: I can't sleep. It was getting to be 5:30, 6:30 a.m., and we were starting off about 7 in the morning.

I came down the elevator, and as happened, the elevator door opened up. Across from me was LUTHER. He said: How did you sleep, Mr. Chairman? I said: As well as could be expected. Finally, I told him what happened.

After all of that, I had probably one of the best days in my service in the Senate, visiting a State I had not visited before. I talked to every commodity group, every farm organization representative. We went out to many different farms. I learned firsthand that a big export factor to China is peanuts. If we are going to be making friends with China—or at least getting to a situation where we have a better relationship with any country—as you know, agriculture can be a tool for peace. It is a stabilizing factor. It becomes a national security situation. We talked about this at length.

I must say I was very impressed with the folks I met there and the respect they had for you, LUTHER, for wanting to be on the Ag Committee, obviously, and for your record as attorney general and your public service. To a person, they were committed to you and thanking you for your service on the Agriculture Committee.

So wherever you go, whatever you do, I know you are an Aggie. I know you will continue to fight for your farmers, and, as you know, we are going through a pretty rough patch.

Personally, I want to thank you for your friendship, and, personally, I want to thank you for the message you gave to all Senators here, which I think should be mandatory in our quest to see if we can't achieve a better situation in working together to find solutions. The Senator from West Virginia and I feel the same way, and I know whatever you are going to do, you will do so with dignity and with respect and with strong leadership.

Thank you, my friend.

Mr. STRANGE. Thank you.

Ms. COLLINS. Mr. President, I rise today to bid farewell and to express my gratitude to Senator LUTHER STRANGE as he leaves the U.S. Senate. During his too-brief tenure here, he established an admirable reputation for hard work, dedication to his State of Alabama and our Nation, and a commitment to principles.

Senator STRANGE was appointed to the Senate last February to fill the vacancy created when Senator Jeff Sessions became Attorney General of the United States. From the start, it was clear that Senator STRANGE's pride in his home State was matched only by his humility at being selected to represent the State he loves.

Building on the reputation he earned as attorney general for Alabama, Senator STRANGE established himself here as a determined advocate for the rule of law and defender of our Constitution. From preserving the Senate traditions that foster full and open debate to supporting our veterans and strengthening our national security and our economy, Senator STRANGE has worked on a number of important initiatives.

Senator STRANGE has met the obligations of his office with energy and dedication, and it has been an honor to serve with him in the U.S. Senate. I wish him and Melissa all the best in the years to come and look forward to many more contributions and accomplishments from this distinguished American.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I just want to say on the record how much I have enjoyed serving with the Senator from Alabama. He has meant a great deal to this institution, to this body during his short time here, and it is sad to see him go.

ORDER OF PROCEDURE

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate proceed to executive session, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Joseph Balash, of Alaska, to be an Assistant Secretary of the Interior.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

If no one yields time, the time will be charged equally.

The Senator from Minnesota.

FAREWELL TO THE SENATE

Mr. FRANKEN. Mr. President, a couple of months ago, I felt we had entered an important moment in the history of this country. We were finally beginning to listen to women about the ways in which men's actions affect them. The moment was long overdue. I was excited for that conversation and hopeful it would result in real change that made life better for women all across the country and in every part of our society.

Then the conversation turned to me. Over the last few weeks, a number of women have come forward to talk about how they felt my actions had affected them. I was shocked. I was upset, but in responding to their claims, I also wanted to be respectful of that broader conversation because all women deserve to be heard and their experiences taken seriously. I think that was the right thing to do. I also think it gave some people the false impression that I was admitting to doing things that, in fact, I haven't done. Some of the allegations against me are simply not true, others I remember very differently.

I said at the outset, the Ethics Committee was the right venue for these allegations to be heard and investigated and evaluated on their merits; that I was prepared to cooperate fully and that I was confident in the outcome.

An important part of the conversation we have been having the last few months has been about how men abuse their power and privilege to hurt women. I am proud that during my time in the Senate, I have used my power to be a champion of women and that I have earned the reputation as someone who respects the women I work alongside every day. I know there has been a very different picture of me painted over the last few weeks, but I know who I really am.

Serving in the U.S. Senate has been the great honor of my life. I know in my heart that nothing I have done as a Senator—nothing—has brought dishonor on this institution, and I am confident the Ethics Committee would agree.

Nevertheless, today I am announcing that in the coming weeks, I will be resigning as a Member of the U.S. Senate. I, of all people, am aware that there is some irony in the fact that I am leaving, while a man who has bragged on tape about his history of sexual assault sits in the Oval Office, and a man who has repeatedly preyed on young girls campaigns for the Senate with the full support of his party, but this decision is not about me; it is about the people of Minnesota. It has become clear that I can't both pursue the Ethics Committee process and, at the same time, remain an effective Senator for them.

Let me be clear. I may be resigning my seat, but I am not giving up my

voice. I will continue to stand up for the things I believe in as a citizen and as an activist, but Minnesotans deserve a Senator who can focus with all her energy on addressing the challenges they face every day.

There is a big part of me that will always regret having to walk away from this job with so much work left to be done, but I have faith the work will continue because I have faith in the people who have helped me do it.

I have faith in the dedicated, funny, selfless, brilliant young men and women on my staff. They have so much more to contribute to our country, and I hope that as disappointed as they may feel today, everyone who has worked for me knows how much I admire and respect them.

I have faith in my colleagues, especially my senior Senator, AMY KLOBUCHAR. I would not have been able to do this job without her guidance and wisdom. I have faith—or at least hope—that Members of the Senate will find the political courage necessary to keep asking the tough questions, hold this administration accountable, and stand up for the truth.

I have faith in the activists who organized to help me win my first campaign and who have kept on organizing to help fight for the people who needed us—kids facing bullying, seniors worried about the price of prescription drugs, Native Americans who have been overlooked for far too long, working people who have been taking it on the chin for a generation, everyone in the middle class, and everyone aspiring to join it.

I have faith in the proud legacy of progressive advocacy that I have had the privilege to be a part of. I think I probably repeated these words 10,000 times over the years, Paul Wellstone's famous quote: "The future belongs to those who are passionate and work hard." It is still true. It will always be true.

Most of all, I have faith in Minnesota. A big part of this job is going around the State and listening to what people need from Washington, but more often than not, when I am home, I am blown away by how much Minnesota has to offer the entire country and the entire world. The people I have had the honor of representing are brilliant and creative and hard-working. Whoever holds this seat next will inherit the challenge I have enjoyed for the last 8½ years, being as good as the people you serve.

This has been a tough few weeks for me, but I am a very, very lucky man. I have a beautiful, healthy family whom I love and who loves me very much. I am going to be just fine.

I would just like to end with one last thing. I did not grow up wanting to be a politician. I came to this relatively late in life. I had to learn a lot on the fly. It wasn't easy, and it wasn't al-

ways fun. I am not just talking about today. This is a hard thing to do with your life. There are a lot of long hours and late nights and hard lessons, and there is no guarantee that all your work and sacrifice will ever pay off. I won my first election by 312 votes. It could have easily gone the other way. Even when you win, progress is far from inevitable. Paul Wellstone spent his whole life working for mental health parity, and it didn't pass until 6 years after Paul died.

This year, a lot of people who didn't grow up imagining they would ever get involved in politics have done just that. They have gone to their first protest march or made their first call to a Member of Congress or maybe even taken the leap and put their names on a ballot for the first time.

It can be such a rush, to look around at a room full of people ready to fight alongside you, to feel that energy, to imagine that better things are possible. But you, too, will experience setbacks and defeats and disappointments. There will be days when you will wonder whether it is worth it.

What I want you to know is that even today, even on the worst day of my political life, I feel like it has all been worth it. "Politics," Paul Wellstone told us, "is about the improvement of people's lives." I know that the work I have been able to do has improved people's lives. I would do it all over again in a heartbeat.

For a decade now, every time I would get tired, discouraged, or frustrated, I would think about the people I was doing this for, and it would get me back up on my feet. I know the same will be true for everyone who decides to pursue a politics that is about improving people's lives, and I hope you know that I will be fighting alongside you every step of the way.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Alaska.

ORDER OF PROCEDURE

Mr. SULLIVAN. Madam President, I ask unanimous consent that following the disposition of the Balash nomination, the Senate proceed to the consideration of Executive Calendar No. 167, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SULLIVAN. Madam President, today I am gratified to be finally debating and voting on the nomination of Joe Balash to be the U.S. Assistant Secretary of the Interior for Lands and Minerals.

I have been coming to the floor, as have a lot of my colleagues, making the case about how it has taken too long to get good people into the Federal Government. I am sure I will have to give that speech maybe a few more times—I hope not—to finally get people who want to serve, who have been nominated by the President, to be con-

firmed by the Senate, to move them. It doesn't help the American people that we just delay well-qualified Americans who want to serve their country just for the sake of delay. It is happening, but I am not going to focus on that today.

I actually want to thank the Democratic Whip, Senator DURBIN, who was actually very helpful in trying to move this nomination, which has been stalled on the Senate floor for many weeks now. Joe Balash was nominated by the President in July. I appreciate the cooperative spirit from my colleague from Illinois, and I thank him again for that.

This is a very important position in the U.S. Government. The Assistant Secretary for Land and Minerals Management entails supervision and overseeing the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement. It is very important for the entire country. It is particularly important for my State, the great State of Alaska, and for so many others where Federal lands make up an enormous part of the State.

Yesterday, my colleague and friend, Senator LEE from Utah, talked to a number of us about how much Federal lands constitute different States in terms of the overall percentage. A lot of Americans don't know this. Usually, if you live on the east coast, you don't have Federal land as a big part of your State, but in Alaska, it is 61 percent; Idaho, 61 percent; Utah, 63 percent; Nevada, almost 80 percent. These positions in the Department of the Interior are enormously important.

This is a very important job, and I am glad to see we are finally getting to vote on it because it is important to help manage resources that we have in abundance but also protect the environment. We all love our environment. Alaska has the most pristine, beautiful environment in the world, and we know how to protect it. We also have enormous opportunities for jobs in energy on public land. What is in all the Federal statutes that Joe is going to be in charge of implementing is that you can do both. You can do both. You can protect the environment of this great Nation, and you can also utilize these incredible resources that we have on public lands. In essence, that is what his job is going to be all about.

I encourage my colleagues to look at Joe Balash's confirmation hearing and his background because he is probably one of the most qualified people to hold this job in the entire country—in the entire country. Joe Balash comes from a long, distinguished career of public service in Alaska. He was the commissioner of natural resources in Alaska, and he was the deputy commissioner of natural resources in Alaska, which

manages one of the largest portfolios of land, water, minerals, oil, gas, and timber of anyplace in the world—not just in the country, in the world. Very few countries have more resources than we do in Alaska, and for years, Joe Balash was in charge of managing those. That makes him super well qualified for this job.

As DNR commissioner, he oversaw 100 million acres of uplands, State land in Alaska—this is obviously bigger than most States in America; 40 to 60 million acres of submerged lands and tidelands; and resources that included managing over half a million barrels of oil production a day. Joe oversaw a workforce of over 1,100 people as the commissioner of natural resources and a budget of \$170 million a year.

Joe understands how to build consensus, how to navigate State and Federal lands issues and interests, and, importantly, how to work to responsibly develop our resources and grow our economy, while always understanding that our lands sustain us and that stringent environmental safeguards are absolutely necessary for all Americans.

Let me say one other thing about Joe Balash. You can look at the bio, you can look at the experience, but you also need to know the man. When I was the commissioner of the department of natural resources, Joe Balash worked for me as my deputy, and for the past almost 3 years, he has worked as my chief of staff here in the Senate.

Perhaps more than any other issue—experience, a super hard worker—he is a man of integrity, a man of character, and a man who cares deeply about his country and wants the best for Americans and for Alaskans.

I can't think of anyone more qualified—experience, character, integrity, knows the issues, cares about the environment—so I am strongly encouraging my colleagues to vote for Joe. He was voted out of the Environment and Natural Resources Committee in September with the support of every Senator in that committee, with the exception of one. When the committee looked at his experience and background and they heard about his integrity and character, there was enormous bipartisan support for Joe. I am hoping we will see that here in a few minutes when we come to vote.

I understand that one of my colleagues, unfortunately, is going to come down to the floor soon and encourage a vote against Joe. I am still not sure why. Maybe it is something related to a recusal issue between State and Federal lands in Alaska. I will be interested to hear what the recusal issue is.

Most recusal issues, by the way, as we look at confirmations in the Senate, relate to people who have interests in the private sector, and perhaps those private sector interests impact policy decisions. But when you have someone

who has worked on lands issues in a State, the idea of being recused because you have expertise in policy from your State job when you go into a Federal job, to me, seems, well, outrageous. We will see what that argument is.

I do know that Joe Balash will follow the rules and regulations as they relate to ethics and conflicts in a steadfast way because I know who he is. So I again encourage all of my colleagues to vote in favor of this extremely well-qualified nominee who has the character, knowledge, expertise, and experience for a very important job for the country and someone who is going to do a great job for Secretary Zinke and President Trump.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, the Department of the Interior is the steward and guardian of our public lands—our national parks, wildlife refuges, and wilderness areas. As the Supreme Court said more than a century ago, it is the Secretary of the Interior's responsibility to see that none of the public domain is given away to anyone who is not entitled to it.

As the steward and guardian of the public lands, the Secretary must represent the government and the people of the Nation as a whole, not the special interests or even the interests of a single State. But the Secretary does not do his job alone; he has delegated his authority and responsibility for land and minerals management to the Assistant Secretary for Land and Minerals Management. The Assistant Secretary exercises the Secretary's direction and supervision over the Bureau of Land Management. The Assistant Secretary needs to be someone who can discharge this important duty fairly and impartially. Equally important, though, he must be seen by the American people as someone capable of being a good steward of their public lands and not as someone who comes to the job with a predisposition to dispose of their public lands to special interests.

An impartial and unbiased decision-maker is a core element of the due process. The principle that no one can be the judge in his own case has been a hallmark of Anglo-American law for over 400 years. I believe confirming Mr. Balash to be Assistant Secretary of Land and Minerals Management would be contrary to this principle.

In 2014, Alaska's Department of Natural Resources filed a claim for 20,000 acres of the Arctic National Wildlife Refuge with the Bureau of Land Management. Alaska's Department of Natural Resources sought to remove the long-recognized boundary of the Refuge. It asked the Bureau of Land Management to convey the 20,000 acres of Refuge land that would then be outside

the Refuge's boundary to the State of Alaska so that those lands could then be leased for oil and gas development.

Mr. Balash was the head of Alaska's Department of Natural Resources at the time it made its claim to the Bureau of Land Management. The Bureau of Land Management properly rejected Alaska's claim. Alaska appealed the Bureau's decision to the Interior Board of Land Appeals, where the appeal is now pending. If the Senate confirms Mr. Balash to be the Assistant Secretary for Land and Minerals Management, he will be overseeing the Bureau of Land Management. He will exercise the Secretary's direction and supervision over the Bureau of Land Management. He will be in a position of reversing the Bureau of Land Management's decision which originally denied Alaska's claim.

Moreover, Secretary Zinke has the authority to take jurisdiction of the case away from the Board of Land Appeals and to delegate that authority to decide the case to Mr. Balash. Mr. Balash may become the Interior Department's judge in the case that he initiated as Alaska's commissioner of natural resources.

That is my main concern. I asked Mr. Balash his plans to recuse himself from participating in the Department's consideration of Alaska's claim. I believe Mr. Balash thinks that he will comply with whatever the department's ethics office says the rules are—which is basically a 1-year recusal from being involved in that situation. That said, Mr. Balash, even under these current rules, could be in the position of being the final arbiter on a case he previously brought on expanding Alaska's claim to the Arctic National Wildlife Refuge. He alone could make the decision. He alone could reverse the decision on the State of Alaska's claim to the Bureau of Land Management—a claim that was turned down. He could reverse that. For that reason, I am not supporting Mr. Balash's nomination to this position today.

There are so many things that we have right now that are an unrelenting assault on our public lands and our environment by this administration, and there are many on the other side of the aisle who are supporting that. We have seen an unprecedented use of the extraordinary procedures of the Congressional Review Act to nullify carefully crafted rules to protect the public lands and environment. We have seen the Secretary of the Interior unlawfully postpone implementation of other lawful rules. We have witnessed and seen legislation on the Arctic National Wildlife Refuge run through here without the proper processes and procedures. We saw the majority use the extraordinary procedure of budget reconciliation not to balance the budget, as it was intended, but to circumvent

regular order. Only this week, we witnessed President Trump launch an unprecedented and unlawful assault on our national monuments. Mr. Balash, I fear, will become maybe an unwilling but nonetheless a participant in these assaults on our public lands. That is why I cannot at this point give my support to this nomination.

I know my colleague from Alaska has worked with him. I respect his opinion on this position. I hope he will respect mine. I do not think that at this point in time, without a better recusal, I can support Mr. Balash's nomination.

I thank the Presiding Officer.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, President Trump has nominated Joseph Balash to be Assistant Secretary for Land and Minerals at the Department of the Interior. In that role, Balash will oversee the Bureau of Land Management, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement and the Office of Surface Mining Reclamation and Enforcement, and head "Interior's management of all federal lands and waters, and their associated mineral and non-mineral resources, as well as the appropriate regulation of surface coal mining."

Balash has worked for years in Alaska politics, including as the former commissioner of the Alaska Department of Natural Resources.

In 2013, as the acting commissioner of the Alaska Department of Natural Resources, Joe Balash advocated for exploration in the Arctic National Wildlife Refuge. Balash petitioned the U.S. Fish and Wildlife Service "to reconsider its decision to bar [Alaska] from conducting seismic studies in the Arctic National Wildlife Refuge."

Also, Balash has stated that he supports the Trump administration rewriting the 5-year plan for the offshore oil and gas leasing plan, which could likely lead to new areas being opened up to offshore drilling.

I am a strong supporter of protecting the Arctic National Wildlife Refuge and oppose opening up new areas of the Atlantic to offshore drilling. For these reasons, I oppose his nomination for Assistant Secretary for Land and Minerals at the Department of the Interior.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I am here with my colleague from the State of Alaska, Senator SULLIVAN. We have heard his comments, his very strong support of the nomination of Joe Balash to be the Assistant Secretary of the Interior for Land and Minerals Management. As he has indicated, he speaks as one who has great insight and knowledge, having worked with Mr. Balash for a period of years.

As we think about those who are willing to step up and serve in this new

administration, I think it is particularly telling that when we have personal knowledge, when we have had these relationships, when we know intimately of a person's work ethic, of their dedication to issues and their willingness to serve, we pay particular attention to that.

I, too, stand in strong support of Joe Balash for this position, and I thank the Secretary of the Interior for placing his trust, placing his confidence in Mr. Balash to serve on his team at the Department of the Interior.

We have an individual who knows intimately the subject area to which he has been appointed. Joe is from a community by the name of North Pole. We are all thinking about the North Pole as we get closer to Christmas. I suggest that just being from Alaska is enough to convince me that he is qualified for this position, but, honestly, the breadth and depth of his experiences and his commitment, his care, his passion, his dedication to serving not only the people but the lands that we hold so dear is a great tribute to Joe Balash.

I have known and worked closely with him for years now, from the time that he was at the department of natural resources with then-Commissioner Sullivan to the time that he served as the chief of staff for Senator SULLIVAN. Both of those jobs have allowed Mr. Balash to demonstrate time and again his competence, his expertise on a wide range of issues, particularly the stewardship of our public lands.

We had an opportunity while in the Energy and Natural Resources Committee to listen to a little bit of his background, his upbringing, and how he became so personally involved and intertwined with our public lands. Then, if you think about the role he played when he was at the State as commissioner of natural resources, he had direct responsibility, management, and protection of 101 million acres of the State of Alaska. This is larger than the entire State of California—101 million acres. He also had control of a State park system containing 3.3 million acres of land, more than twice the size of Delaware. He is used to dealing with large areas of land and the complicated and complex issues that are associated with them. He genuinely understands how we can develop our natural resources while protecting the environment and sustaining the health of wildlife and ecosystems.

He is able to balance, he is able to understand people, and he is able, as he has demonstrated as a manager, to manage land—managing energy, minerals, timber, water, and renewable energies in a State as diverse as Alaska.

In our State—I am sure that Senator SULLIVAN has noted this—we have a constitutional mandate. It is written into our State's constitution that we manage lands for the maximum benefit of our people. That means working

with folks from all different sorts of backgrounds; you don't get to pick and choose. We all have our opinions and many competing points of view. Joe was able to do that and do that well.

It is not easy to navigate, but I think Joe Balash has proven time and again that he is capable and is willing to work with everyone. Whether they are hunters, whether they are Tribes, whether they are in the environmental community, the conservation community, his ability to work with folks from all sides has been proven. Now he is ready to take this next step—to take it up a notch to the broader Federal level. I believe that he will make an exemplary Assistant Secretary, not just for those of us from Alaska but for our entire country.

He will oversee the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement. He will, largely, be the Department's point person for the management of our Nation's working lands, those lands that are not reserved for conservation purposes. It will be his responsibility to strengthen our energy and our mineral security for generations to come.

There is no doubt in my mind that he is the right person to take this on. I mentioned he is from North Pole. He was a two-time State wrestling champion. That takes a little bit of discipline. I think he will be well suited and will be an able partner with Secretary Zinke but, really, an advocate for the American people.

He has proven that he has the work ethic to produce the value that Americans need and deserve from their public lands. I know that his management of the Department's assets—whether it is promoting responsible energy development or ensuring access to Federal lands for sportsmen's activities—will be carried out with a dedication to transparency, to accountability, and to results.

On the sportsmen's side, I do understand he is an accomplished buck hunter, and we recognize him for that.

Mr. Balash was considered by those of us—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MURKOWSKI. Madam President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. Balash was considered by those of us on the Energy Committee at a hearing in early September. He was reported out 2 weeks later with strong bipartisan support. He has done everything that Members on both sides of the aisle have asked him to do. He has waited patiently over the course of nearly 3 months, as we seek to confirm him.

It was just mentioned by the ranking member that she has concerns about his ability and the recusal process. It was made very clear in committee with questions to Mr. Balash, as well as the follow-on with questions for the record, about some of the issues that Senator CANTWELL has raised. I think it is important to note that Mr. Balash pledged very clearly to consult with and follow the counsel of the agency's ethics office. He did that in committee, in a statement. He provided the same response in his QFRs. He said: I will consult with the Department's designated agency ethics official regarding this matter and fully comply with the ethics rules of the agency.

These are issues that have been asked, and they have been answered, certainly to the satisfaction of the Energy and Natural Resources Committee and to this chairman, and to those who reported favorably on him from the committee. We are at the point where the Senate has now asked to confirm Mr. Balash. I wish it had come a little bit earlier, but we are where we are.

Again, I thank the Secretary for nominating Joe Balash for this very, very important and key role at the Department of the Interior. I thank Joe for being willing to continue his service to our Nation. I join Senator SULLIVAN, and a lot of Alaskans, in being tremendously proud of him. I urge all Members to support Mr. Balash's nomination to be our next Assistant Secretary of the Interior for Land and Minerals Management.

I yield back all debate time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the Balash nomination?

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

The PRESIDING OFFICER (Mr. SASSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 310 Ex.]

YEAS—61

Alexander	Daines	Kennedy
Barrasso	Donnelly	King
Blunt	Enzi	Lankford
Boozman	Ernst	Lee
Burr	Fischer	Manchin
Capito	Flake	McCain
Carper	Gardner	McCaskill
Cassidy	Graham	McConnell
Cochran	Grassley	Moran
Collins	Hatch	Murkowski
Coons	Heitkamp	Paul
Corker	Heller	Perdue
Cornyn	Hoeven	Portman
Cotton	Inhofe	Risch
Crapo	Isakson	Roberts
Cruz	Johnson	Rounds

Rubio
Sasse
Schatz
Scott
Shelby

Strange
Sullivan
Thune
Tillis
Toomey

Warner
Wicker
Young

NAYS—38

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Casey
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand

Harris
Hassan
Heinrich
Hirono
Kaine
Klobuchar
Leahy
Markey
Menendez
Merkley
Murphy
Murray
Neilsen

Peters
Reed
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warren
Whitehouse
Wyden

NOT VOTING—1

Franken

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Susan Parker Bodine, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Thank you, Mr. President.

I rise today to speak about the confirmation of Susan Bodine to lead the Environmental Protection Agency's Office of Enforcement and Compliance Assurance.

For those who may not know, that is a big job. This is an incredibly important job. The EPA's enforcement office protects the health of our citizens and our environment by ensuring that everyone is playing by the same rules. When bad actors don't follow the rules that we have put in place to maintain a clean and healthy environment for all Americans, it is EPA's enforcement office that holds them accountable.

In the past, the actions taken by this office at EPA have led to reductions in toxic air pollution, as well as to the cleanup of contaminated lands and waterways across our country. In fact, last year alone, EPA's enforcement work required companies to invest some \$13.7 billion in similar cleanup efforts.

From the time that she was nominated, Susan Bodine's resume suggests, not just to me but to almost all of us, that she can play a very constructive role if she were confirmed to serve as head of EPA's enforcement office. Ms. Bodine has served as a staff member in both the House of Representatives and

the U.S. Senate for over a decade. She also spent time working in the administration of George W. Bush. Given that breadth of experience, I believe she has a good understanding of the relationship that should exist between the separate but equal branches of our government and the critical role that EPA's enforcement office plays.

When she was nominated for this position, Ms. Bodine was kind enough to come to my office and spend a considerable amount of time with me and with my staff to discuss the job and her qualifications, which I appreciated very much. She spoke of the work she had done for Senators INHOFE and BARRASSO, both of whom have taken seriously their oversight roles on the EPW Committee.

From the day Ms. Bodine and my staff and I met in my office, I have made explicitly clear to Ms. Bodine that while I think she is well qualified for this job, I also take seriously the oversight role that we play on the Environment and Public Works Committee.

From the day of that meeting with Ms. Bodine until now, my request has been consistent, yet fairly simple: The EPA should provide complete, adequate, and timely responses to the committee that oversees the work of that Agency. Absent a serious commitment to do so, I have consistently said that I would be unable to support moving forward almost any EPA nominees.

I have also said from the very beginning that I do not make such statements lightly or with any sense of joy, but I believe firmly that this body and its Members have a constitutional duty to perform rigorous oversight and that we must protect that responsibility regardless of which party happens to be in power. Over 200 days is far too long to wait for responses to serious inquiries, such as those about the toxic pesticides that this EPA has deemed safe after the previous administration proposed banning them. I know that no matter who is in charge, we can do better than that.

As my Democratic colleagues and I know all too well, we are not the majority party. We don't control the Senate or its activities or who is confirmed here or who is debated on the floor. For instance, despite my many objections and those of my colleagues, Bill Wehrum was confirmed to head up the EPA's Office of Air and Radiation. So my repeated requests have just been that—an ask with the hope that all of us, as Members of this body, could agree that certain responsibilities are more important than political wins. Some of my Republican colleagues have supported me in this, and I am grateful for that support.

As of late, I see that EPA is making a good-faith effort to begin to respond to our requests—requests of the minority within the Environment and Public

Works Committee. I am now satisfied with many of these responses—not all but many of these responses—that they have sent so far, and I am pleased that we are seeing some real progress. I am hopeful—and I think I speak for the Democratic Members of the Environment and Public Works Committee and the Democratic Members of the Senate—that this progress will continue.

I have been privileged to serve in this body for some 17 years now. I think my colleagues know me fairly well, and I think they know that I try to be fair. I have voted for President Trump's nominees and for the nominees of past Republican Presidents. I do not have and have never had an interest in delay for the sake of delay. In fact, I said just last week that if a subset of the letters that were due back from EPA were completed in short order and were truly responsive, we could make progress in nominations. The Agency has done its part, and now we are here today with Ms. Bodine set to be confirmed by this body—not next week, not next month, today. I hope that this is the beginning of a new chapter and that EPA's responses to our oversight requests will be more timely going forward.

Having said that, my sincere congratulations to Susan Bodine and her family, as well as thanks to her family for sharing with us a good woman. I look forward to continuing working with her in her new role. I think I speak again for my colleagues—Democratic and Republican—on the committee and in the Senate. We look forward to continuing to work with her in this new role she will play, if she is confirmed here in a few seconds. We want to make sure that in that role, she will ensure that EPA's enforcement office remains an indispensable and credible cop on the beat.

With that, Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the Bodine nomination?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Kansas.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MORAN. Mr. President, I ask unanimous consent that the Senate be

in a period of morning business, for debate only, and with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Nebraska.

NOMINATION OF STEVE GRASZ

Mr. SASSE. Mr. President, today the Judiciary Committee had the opportunity to advance the nomination of Steve Grasz, one of the foremost appellate attorneys in the State of Nebraska, and I would like to make one brief comment about that.

The Judiciary Committee has now heard and soon the full Senate will be hearing about the impeccable credentials of Mr. Grasz. Steve has served with distinction as Nebraska's chief deputy attorney general for nearly a dozen years. During that time, he defended our State's laws with integrity, humility, and decency. Whether he was litigating before the Eighth Circuit, before the Nebraska Supreme Court, or before the U.S. Supreme Court, Steve's character and professionalism earned the respect of Republicans and Democrats alike.

Members of the committee became familiar with Steve and in particular his recommendation from President Obama's U.S. attorney for Nebraska, Deborah Gilg. She wrote to the committee: "Steve has always enjoyed a reputation for honesty, impeccable integrity, and dedication to the rule of law." She continued by noting that Steve "possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him."

Steve has earned the support of Republicans and Democrats back in Nebraska, and I hope that when his nomination comes to the floor of the Senate, we will take to heart all of the support he has across the political spectrum and from well-respected lawyers across our State.

Thank you for the time, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey.

DACA

Mr. MENENDEZ. Mr. President, across the country, families are decorating their Christmas trees. They are singing along to holiday playlists. They are searching for that perfect gift for the ones they love. They are making travel plans to see their families. The holidays are a time for joy and togetherness, a time for faith and family, a time for gratitude and hope.

The holidays are not a time for fear. Yet, without action, Congress may leave hundreds of thousands of families

across America in fear this holiday season. I am referring, of course, to the 800,000 Dreamers across America whose lives have been thrown into jeopardy by the administration's decision to end the Deferred Action for Childhood Arrivals Program, or DACA.

DACA is a program that made it possible for 800,000 undocumented youth across this country—including 22,000 in my home State of New Jersey—to come out of the shadows, to step into the light, and to follow their dreams without fear of deportation.

It has been months since this administration decided to end DACA. Despite what some of my Republican colleagues say, the consequences of this cruel and reckless decision are not some distant threat; more than 11,000 Dreamers have already lost their DACA protections and work permits. So to anyone who thinks we have until March of next year to take action, you are surely mistaken. For these young people who grew up in the United States, who know no other home or country, who today live in fear of deportation, the crisis is here, and the crisis is now.

Ending DACA has created a national emergency that is playing out in our communities each and every day. Tens of thousands of DACA recipients are likely to lose their status on or before March 5. So what exactly are we waiting for, and why wait at all?

There is no legitimate reason for the President to have ended DACA—a crisis that was avoidable. Now it is here, and it is our job to fix it. President Trump essentially told Congress: The ball is in your court. Well, today I want to know from my colleagues: When are we going to take our shot? If we have the votes—and I believe we have the votes— isn't it time that we held a vote?

We know there is overwhelming support from the American people, Republicans and Democrats alike, for America's Dreamers. It is not fake news. Poll after poll, from Quinnipiac, to the Washington Post, to even FOX News, shows that the American people want a solution, and we know there is solid support for the Dream Act here in the Senate.

I have seen my colleagues share the photos of the Dreamers they meet. They post the stories about these brave, young people fighting to stay in the country they know and love. But they deserve more than an Instagram post or a friendly tweet; they deserve action. Every day that goes by, more and more Dreamers find themselves in danger of being sent back to countries they simply don't know or even remember.

Let's take a moment to remember exactly whose lives we are talking about when we talk about Dreamers. In my mind, we are talking about the "motherhood and apple pie" of the immigrant community and the question

of immigration. We are talking about young people brought here as children through no choice of their own. Every child who is a Dreamer is someone who knows only the United States of America as their country. The only flag they pledge allegiance to is the flag of the United States of America. The only national anthem they know is the "Star-Spangled Banner." These children grew up in America and are American in every sense of the word except on paper.

Dreamers are studying in our colleges, playing on our sports teams, serving in uniform in our military, risking their lives on behalf of what they consider to be their country, growing our economy, obeying our laws, and most of all, loving our country, too, because it is their country as well. They aren't undocumented aliens; they are Americans who happen to be undocumented. And that includes 22,000 Dreamers in my home State of New Jersey, promising students like Sara Mora, whom you see pictured here on the floor.

Sara grew up in Hillside, NJ. Her parents brought her to this country from Costa Rica at the age of 3. She was 3 years old. As Sara recently wrote in the Star Ledger, "New Jersey has been my home for as long as I can remember." Today, she is a hard-working college student, thanks to DACA. That is how she was able to get a work permit, find a job, and work her way through Union County College. Sara was preparing her applications to transfer to Seton Hall University and earn her 4-year degree when the Trump administration announced the end of DACA. Now, Sara says, her future is one "big question mark. Without DACA, I'll go back to zero—no driver's license, no job, no possibility of paying for my education. I'll have to wake up fearing deportation every day."

When will we accept some responsibility and recognize that it is our inaction here in the Senate that contributes to Sara's fear every day?

Take Adriana Gonzalez of Toms River, NJ. As the Asbury Park Press recently wrote, Adriana is "a flute player, a student ambassador, a girl who would play soccer with special needs children." Like most Dreamers, Adriana isn't known by her peers as an undocumented immigrant; she is known as a smart young woman with a bright future and something to contribute to her community.

How about Reiniero Amaya of Elizabeth, NJ. He is studying civil engineering at Fairleigh Dickinson University. I can't think of anything more backward than deporting a hard-working student who dreams of becoming a civil engineer. We need civil engineers. We give people from different parts of the world permits to come to the United States to do these engineering jobs that we don't have enough domestic

people to do. Here is a young man who grew up in America, who is American in every respect, and who is, in essence, pursuing a career path that would inure to the national economic interest. His story is just one more reminder that our country can't afford to lose America's Dreamers. They have so much to offer to our communities and our economy.

In fact, ending DACA is projected to cost New Jersey's economy over \$1.5 billion annually and reduce the overall economy of the United States by \$460 billion over the next decade.

DACA gave Dreamers like Reiniero the freedom to pursue his dreams. But it also gave him a sense of security. He recently wrote this on northjersey.com:

The day I received my work permit and my Social Security card was the day I finally felt proud of who I am. I felt recognized. I felt safe.

That sense of belonging, of acceptance, and of safety was ripped away by the President's decision to end DACA. So long as Congress fails to act, we are complicit in prolonging the very real fear that 800,000 Dreamers feel today—the fear that the knock on the door is not your family or neighbor but an immigration agent ready to whisk you away from your family; the fear that we see when these young people who believed in our government came forth, went through a criminal background check, gave all their information, and gave information on their family, all under the guise that they thought it was going to be confidential. Now all of that is at risk.

The willingness of DACA recipients to share their stories speaks volumes about their integrity, their courage, and the trust they put in us as elected officials. I am reminded of Psalm 56:3: "When I am afraid, I put my trust in You."

Well, Dreamers like Sara, Adriana, and Reiniero put their trust in the United States of America when they applied for DACA. They came out of the shadows. They registered with the Department of Homeland Security. They passed criminal background checks. They handed over personal details about themselves and their families to authorities they had been forced to hide for their entire lives.

DACA recipients went through all of this to get a 2-year renewable work permit and the promise of protection from deportation. That is the limited bargain they made, and the administration has eviscerated that limited promise and evicted fear in the hearts of all of these families.

So I ask my colleagues—Democrats and Republicans—was their faith, their trust, their belief in the U.S. Government's word a monumental mistake? Were they wrong to believe that we could put partisan politics aside and come together and do the right thing

in this case? Will the Senate go home for the holidays without lifting a finger to make sure these promising young students feel safe in their homes, in their schools, in their communities?

They have become an integral part of our American family, and many are starting families of their own. In fact, 25 percent of DACA recipients have U.S.-born children. Do we really want these young mothers and fathers to be torn from their children and sent back to the country that they never called home? Do we not have an obligation to protect American children from the trauma of losing a parent? Do we not have a moral responsibility to keep families together? Isn't that one of the basic concepts that we have?

Will we sit idly by with the implementation of the administration's policy, which says: Whether you are selling drugs in your streets—which I am all for deporting—or earning A's in our classrooms or serving in our military, everyone is fair game for deportation. No one is safe, not even children who know no other home. That is a wrong policy. That is not law and order. That is fear and chaos.

So where is our compassion and our sense of urgency? How many more Dreamers have to lose their DACA status before we stand up and do what is right? The time for temporary fixes is over. The time for empty gestures is over. The time for heartfelt words is over.

It is time for us to stand up for these young people, and it is time for us to act. It is time for us—Democrats and Republicans—to use whatever legislative vehicle is necessary to pass the Dream Act. Whether it is a continuing resolution or a straight vote here on the floor, it is time for us to get this done.

Let's put an end to the fear and uncertainty hanging over so many families this holiday season. Let's summon our collective compassion. Let's pass the Dream Act. Let's do it now. Let Congress not go home for the holidays unless we have a solution to this question. For me, it is a moral imperative that these young people, who know no other country but the United States and who are Americans in every other sense of the word, not have to live this holiday season in the fear that a knock on the door is from someone other than a family member or their neighbor.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF SUSAN BODINE

Mr. BARRASSO. Mr. President, the Environmental Protection Agency needs strong and experienced leadership. That is why I come to the floor today to speak in support of President Trump's nomination of Susan Parker Bodine to serve as the Assistant Administrator for the Office of Enforcement and Compliance Assurance at the EPA.

Her expertise and her experience make her an exceptional pick to lead this important office at the Agency. She has extensive environmental policy knowledge from years working as a private attorney, a staffer on Capitol Hill, and in leadership at the EPA.

From 2006 to 2009, during the Bush administration, she served as the Assistant Administrator for the EPA's Office of Solid Waste and Emergency Response. She also served as the staff director of the House Committee on Transportation and Infrastructure's Subcommittee on Water Resources and the Environment.

Most recently, Susan served as my chief counsel at the Senate Environment and Public Works Committee. That is why I know Susan is committed to finding commonsense ways to protect America's land, air, and water.

In this new role, she will work to help communities and small businesses comply with the law, while holding polluters accountable. Democrats and Republicans, alike, agree that she is the right person for the job.

Mathy Stanislaus, a former Obama EPA Assistant Administrator, said: "Ms. Bodine understands both the internal side of the agency and the proper balance of enforcement" and is a "standup person."

Ben Grumbles, a former George W. Bush Assistant Administrator and currently Maryland's secretary of the environment, said: "She's tough and fair and committed to public service."

Susan is an excellent pick to lead the EPA's Office of Enforcement. Taking on the critical task of enforcing our Nation's environmental laws is a big job. I can think of no better candidate for this job than Susan Bodine.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

TAX REFORM BILL

Mrs. FISCHER. Mr. President, I rise today to talk about my support for the

Senate tax reform bill and to encourage Congress to help American families.

Our economy and our workforce have changed over the last few decades, and our Tax Code must catch up. If we want to build a better future for our children, we must tackle problems for families juggling responsibilities between their homes and their workplaces.

We have a chance to make history. The Senate-passed bill included my Strong Families Act, which would be the first nationwide paid family leave policy passed by this body. This proposal has the potential to make life easier for working families across our country by providing a tax credit as large as 25 percent for employers who offer up to 12 weeks of paid family leave. Employees would be able to take this time without needing to choose between potentially falling behind on their bills or spending time caring for their loved ones. Caring for families today does not just mean taking care of children. My proposal helps to ease burdens on family caregivers taking care of aging parents as well.

The Senate Special Committee on Aging recently released a report focused on America's aging workforce and the opportunities and challenges associated with it. One of its findings is that a growing group of aging workers are also caregivers. In fact, one out of every four employees over the age of 50 serves as a family caregiver.

Some employers are implementing strategies to support them, but I believe that this credit will go a long way in encouraging additional employers to take proactive steps to help these workers. This proposal also gives businesses the flexibility to set up these plans in ways that make sense for their companies and does so without mandates that some simply cannot afford.

I also want to take this opportunity to briefly address some of the criticisms of my proposal. It has been said that a provision in this bill was designed to punish States and localities that have laws mandating paid leave already in place. If employers in States and localities that already require some paid leave go beyond what is mandated at the local level, they will be able to take advantage of this credit.

We designed this credit to be targeted toward lower and middle-income workers who do not currently have access to paid family leave. We want to expand that access.

Moreover, I was happy to see an addition that was included in the Senate tax bill regarding State and local taxes. Most Nebraskans will tell you that our property taxes are too high. I agree. I supported the proposal to allow for a State and local property tax deduction of up to \$10,000 on Federal taxes.

As this bill moves toward a conference committee, I urge our con-

ferees to keep this proposal and my Strong Families Act in the final bill. These provisions would help our families and they would help America's middle class.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LANKFORD. Mr. President, we are in the middle of a very protracted conversation about tax reform. This conversation started in January. I have heard people say that it has been rushed through at the end. We started in January, and we are starting month 12 of this process: hearings in the House; hearings in the Senate; different drafts coming out, shot down, starting over again, and coming back and forth. Now we are starting our 12th month of going through this process.

As we get close to the end, I want to outline a few things we are actually working on to be able to send back to this body and the American people—what is actually happening here. The focus of this from the beginning—from the very start—was two simple things: How can we reduce the rates for individuals so they can keep more of their own money and spend their own money, which stimulates the economy? The second aspect was this: How can we simplify the system? There is a lot of back and forth on the final details of it, but those two things are very clear.

This dramatically simplifies the tax structure that we have, and it reduces rates for people, so that people have more of their own money to be able to spend, and businesses have more of their own money to be able to invest in their businesses, to be able to pay their workers more, to be able to buy more equipment, and to be able to expand their businesses. That helps everybody in the economy. Whether you save your money or whether you spend your money, you are able to keep your own money.

So here is what this means for hardworking Americans and, in particular, in my State, for hardworking Oklahomans. Every bracket gets a tax deduction. In fact, as the Tax Foundation studied the Senate plan, going State by State, it looked at the middle-income family in Oklahoma, and the Tax Foundation stated that the middle-income family will have an increase in its take-home pay of \$2,200 over the next year. People will see it in their own paycheck from what is not being withheld anymore, because they are able to keep more of their own money.

The Senate plan doubles the standard deduction. For a single working adult,

the first \$12,000 of their money is not taxed at all. For a married couple, \$24,000 of their income is not taxed at all. We also double the Child Tax Credit to \$2,000, directly, to be able to protect the people who need the help the most.

What does that look like for us?

Take an Oklahoma family of four. That typical family of four in my State, with all incomes put together and with two working parents, makes about \$73,000, combining all of their incomes together. That family of four, with \$73,000 of total income for the family, will see a cut in their tax bill of \$2,200 next year. Typically, they pay about \$3,600 in Federal taxes. Next year, they pay \$1,500 in Federal taxes. It is a pretty dramatic shift for them.

Let's take a teacher in Oklahoma who has been teaching for a couple of years—a single mom, a couple of kids, with \$41,000 in total income and trying to make ends meet. That single mom with a couple of kids will see a tax reduction of \$1,400. That is incredibly significant in just her day-to-day life. I can assure you that every Oklahoman would be glad to see an extra \$100 or \$150 in their paycheck every single month. That buys a lot of groceries, and it sure does help.

This is a process that really does affect real people, and it has been lost in the conversations. It has been interesting to hear the debate and all the noise on it.

I am hearing things I am calling tax myths of this bill. The most common one is that it is actually going to increase taxes on those in poverty. So for people who are saying that this is going to increase taxes for those individuals, it does not. It actually does exactly the opposite—not only by reducing rates but by increasing the standard deduction, by increasing the child tax credit. It helps people that need help the most.

I have also heard individuals in the media saying: This is going to hurt people because the individual mandate—something unrelated to tax policy entirely—has been snuck into the tax bill. The individual mandate of the Affordable Care Act is a tax policy that was actually added to a healthcare bill.

So this is a tax bill dealing with the tax aspects that were snuck into the original Obama healthcare bill. How does that work? The individual mandate says: If you don't buy the insurance approved by the folks in Washington, DC, then, you get an extra tax on you.

Where does that tax go? In Oklahoma, 81 percent of the people who pay that extra tax make \$50,000 or less. That extra ObamaCare tax—that penalty that was put on there—was targeted directly at the middle class, and the middle class in Oklahoma pays that fine. Eighty-one percent of the fine that is paid is paid by people mak-

ing \$50,000 or less, in my State. We want to see that tax rate go down for those individuals, and we want to allow people to have a choice. That is a significant change for those individuals, who not only are trying to make ends meet, but they don't want to see one more tax laid on top of them.

Here is another myth I have heard. The tax cuts for the individuals aren't permanent. May I remind everyone that the tax changes for the individuals made by the Bush administration had the exact same effect. They had a 10-year life span. As we went out to the end of that 10-year life span, they were then renewed. This is the same type of experience, where this individual tax is put in place, and a future Congress will go back and evaluate: Are all of these tax rates correct? Is this the right formula that should be in place? And they will be able to evaluate them at that time—just like we did in 2011, when those tax rates were made permanent—look at them again, give them that future window, and evaluate: Is this the right direction?

There has been an interesting one I have heard several times by people saying this will hurt teachers and it will hurt schools. I even heard someone this past weekend specifically say: The Senate bill takes away classroom expenses from teachers. The ironic part about that is that the Senate bill actually doubles the deductibility for teachers and classroom expenses. The lie out there is that the Senate bill takes it away. The truth, if you read the bill, is that it actually doubles it so that teachers have twice as much that they can deduct.

Teachers make a limited salary already. The last thing we need to do is to hurt teachers as they are trying to take care of the kids in their own classes. So this doubles the deductibility for teachers for classroom expenses.

It also puts in place an extension of the 529. Many parents set aside a little bit of money every month to go toward their child's college education. This would allow that to also be used for education, if they choose to have those expenses, in kindergarten through 12th grade, as well as college. It increases that opportunity.

The House bill did have a portion in their bill about student loan interest and tuition waiver for graduate students. The Senate actually does not have those two areas, protecting graduate students in their tuition waiver expenses. I think that is important.

There has also been a great myth out there that Republicans are cutting Social Security, Medicare, and Medicaid with this bill. Can I tell you, there is nothing in this bill about Social Security, Medicare, and Medicaid. We are not trying to damage or change any of those programs. In fact, it was in one of the hearings just last month where

JCT, or the Joint Committee on Taxation, was asked that question directly, and they affirmed that there is nothing in this bill that is trying to change those policies. That is just a myth that is sitting out there.

What we need is a healthy, growing economy. Our economy has been flat for the last 8 years, growing at around 2 percent. Historically, the U.S. economy since World War II has grown at about 3 percent. That little 1 percentage point change may not seem like a big deal, but that is a lot of jobs across the country. It is increased wages across the country, and it is increased opportunity.

I feel sorry for college graduates who graduated in the past several years because they are trying to land a job in this economy and finding out how difficult it is to get a job. They wonder: Has it always been like that? It has not. Go back just a decade or two decades ago, and people were graduating out of college and landing into great jobs because the economy was growing faster.

If we don't do something to get this economy growing faster again, we will continue to have limited opportunities for all Americans, and people's paychecks will continue to be flat yet another decade. This is a way to nudge the economy, to say: Let's get it going again.

Quite frankly, my Democratic colleagues 8 years ago passed a \$1 trillion stimulus package and said that is what would nudge the economy, but the economy didn't budge at all. This is an opportunity to come back and say: Let's actually do this right, not having the government spend your money but allowing you to keep more of your money and allowing the free market—just from people spending, buying, and saving—to lift the economy. That lift makes a tremendous difference.

One last interesting conversation. There have been a lot of folks who talked about deficit or debt effects in this bill, that this bill could be up to \$1 trillion in addition to the deficit. This is typical Washington speak and the challenge of serving here in Washington.

There are 130 economists that looked at this. All turned in reports. Everybody has a different outlook. Economists study hard, they look at the numbers, and they run their models, but everyone is guessing, and I get that. They are educated guesses, but they are all guesses. It is the responsibility of us here, in this Chamber, to look at the models, to look at the study, and to determine: Does this work?

For instance, JCT in their study said there will be about a half trillion in deficit because of this bill. But what they didn't take into account, when you look at their actual numbers, is any real increase in international funding—any increase in our American

businesses that do business here in America and across the ocean. That is not really taken into account in theirs.

They also don't look at tremendous swaths of our economy because they don't have that in their model. But the JCT estimates that we will have half a trillion dollars in deficit spending. As I mentioned before, over the last 10 years, our economy is stuck at less than 2 percent GDP growth. In the context of the Senate bill, current policy assumes that tax extenders expire, meaning we start with a \$500 billion headwind. Our tax bill should not have to cover the effects of current policy extensions. The \$1 trillion gap that is left equates to around 0.4 percent increase in GDP over the 10-year budget window. CBO's current GDP baseline is 1.9 over 10, and given the pro-growth policies in our bill, we should fully expect to a .4 percent boost, getting us to 2.3 percent, which closes the deficit gap, and brings future growth much more in line with where we should be historically.

Moreover, by JCT's own admission, eight one-hundredths of a percent could yield \$500 billion in dynamic economic growth. So using those numbers, sixteen one-hundredths in boosted GDP should provide the sufficient revenue to cover any shortfall.

The focus of this is that, when you look at the studies and you ask the questions, they all have very conservative estimates—as they should, as economists. But if our economy even goes up to maybe 2.5 percent—so a half percentage point, which is typical for us—we are far in the black.

I understand that it is always a risk. My Democratic colleagues took a risk 8 years ago when they spent almost \$1 trillion in the stimulus package, saying: I hope this works. And it did not.

I understand it is a risk, but I think it is an appropriate risk, to be able to say: Let's allow Americans to keep more of their own money to invest in this economy on the risk that we grow the economy by 0.2 percent more to be able to break even. I think the American economy can grow much faster than that. She has for decades, up until the last decade. Let's get us back to our old normal and allow that to be our new normal.

There are a lot of questions on the tax policy, rightfully so. It is important to all of us. Let's get it right, but let's keep moving. Over the next couple of weeks, this body, along with Members of the House, will do a conference committee. It is a back-and-forth about how we resolve the differences between the House bill and the Senate bill. When that is done, it will have to pass the House, pass the Senate, and go to the President's desk.

In the days ahead, Americans will see the changes in their own paycheck as they see the rates go down and are able to keep more of their own money. The

rates of the median family are set to go down by 60 percent in this bill. It will be a tremendous benefit to them. I think that opportunity is one we shouldn't miss.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. DURBIN. Mr. President, as you know, and many do, 16 years ago I introduced a bill called the DREAM Act. The DREAM Act was written to cover young people, brought to the United States by their parents, who have grown up in this country but do not have legal status. They are undocumented. Some of them don't learn that until they are in high school or later. They think they are Americans. They have gone to school with a lot of American kids. They pledge allegiance to the flag. They sing our national anthem. They truly believed they were Americans and didn't learn until later in life that they had overstayed their visas. Their parents had overstayed their visas, is probably a better description, and that has affected their legal situation.

So I introduced this bill—a simple bill—that reads, if you have children in America who are caught up in that circumstance, we will give them a chance to get legal. They didn't make the decision to come here in the first place, but they ought to have a chance to become legal in America and become citizens. That is what the DREAM Act said, and we set up certain standards.

How do you become legal in America?

First, if you have a serious criminal record, goodbye. We don't want you. We don't need you. Second, if you are not going to finish school and are going to drop out, sorry, there is no future for you in this country—or a limited future. Third, would you consider serving in our U.S. military as a way of proving that you want to be a part of America's future? We set that up with the DREAM Act.

Time passed, and we didn't pass the bill. One of my colleagues in the Senate went on to be elected President of the United States, Barack Obama.

I reached out to him and asked: Mr. President, can you figure out a way to protect these young people who are subject to deportation through no fault of their own? He did. He came up with an Executive order called the DACA Program.

Under the DACA Program, young people, like those I described, came for-

ward. They paid a \$500 filing fee, then went through a criminal background check to make sure they had no problems, and they submitted their information. Each of them was given a 2-year renewable protection plan so they could live in America, not be deported, and be able to legally work.

What happened to those people? There were 780,000 of them who showed up, paid the fee, and got the protection under the DACA Program.

Then came a Presidential campaign—the last one—in which Donald Trump, as candidate for President, said: I am going to get rid of this DACA Program. I think it is wrong. It never should have been done by Executive order.

He said that and then was elected and set out to do it. Last September 5, he did just that. It was announced by the Attorney General of the United States. They said that by March 5 of 2018, the program would end.

What it means is, today and every day, more and more of these protected young people fall out of protection—about 120 a day. There are 10,000 of them who were protected by DACA who can now be deported, and the number will continue to grow until March 5, when the President said the program should end—when 1,000 young people a day in America will lose DACA protection, be subject to deportation, and will not be able to legally work.

When he eliminated the DACA Program on September 5, President Trump said to us: I challenge Congress. Do what you are supposed to do. Pass a law to take care of this.

I accepted that challenge, and I joined with Senator LINDSEY GRAHAM, the Republican of South Carolina. We introduced the Dream Act. We are ready to pass the Dream Act. I think there are the votes on the floor to pass the Dream Act.

Some of my Republican friends have said to me: We support it, but we want a show of good faith on your part that you will strengthen our border operations to reduce others from coming into this country.

I said: Sign me up. As a Democrat, I will join with you as a Republican to fund things that are sensible, realistic, and effective to take our tax dollars and make our borders safer. I accept that.

Now we are in a position in which the President's challenge has really come to the spot where we have to do something. We are going to leave here by December 22 to go home and enjoy the holidays. If we do not fix this problem before we leave, imagine what that will mean to these 780,000 young people. They don't know what their futures are going to hold.

Who are they?

There are 20,000 of them who teach in grade schools and middle schools and high schools across the United States—20,000 of these DACA-protected young

people. When they lose their right to legally work in America, they are finished as teachers—finished, out the door. These are 20,000 teachers who could be lost.

In addition, there are students who are in a pretty tricky situation. About 30 of them go to the Loyola University Chicago Stritch School of Medicine in Chicago. They won the competition to be accepted at that medical school because Loyola, unlike other medical schools, said they will open competition to DACA-eligible people. Some of them are the most brilliant kids in America who never dreamed that, in being undocumented, they could make it to medical school. They have. They are doing well.

There is a problem. You cannot finish medical school and move on to where you want to be unless you complete a residency after medical school. The residency is actually a job—a job involving a lot of hours in hospitals learning to be a doctor. All doctors go through it, and these medical students would go through it as well except, if they lose DACA protection, they cannot legally work; therefore, they cannot even apply to be residents and complete their medical educations. Our failure to act, our delay in acting, jeopardizes their medical educations.

Do we have a surplus of doctors in the United States? No. The AMA tells us just the opposite. Across Illinois, I can point to communities downstate and to neighborhoods in the Chicago area that are desperately in need of doctors. Can we waste a medical student at Loyola's medical school because the Senate is just too darned busy to take it up?

Does it look to the Presiding Officer like the Senate is too busy to take up an issue like this? The fact is, we have done precious little this year, and we have plenty of time. It is also a reality that a lot of people are watching carefully to see if we do our job.

A long time ago, I started coming to the floor of the Senate, telling the story of these Dreamers—the stories of these people who are protected by DACA. I can give the greatest speech in the world, and people will yawn, but when I tell them the stories of these lives and these people, it changes the conversation. They come to understand who they are and why this is critically important. Today is kind of a milestone. This is the 100th story I have told on the floor of the U.S. Senate. They are all in the CONGRESSIONAL RECORD for those who want to take a look at them.

It is the story of another one of these Dreamers. His story is particularly compelling. This is his photo.

His name is Kyungmin Cho. Kyungmin Cho was 7 years old when his family brought him from Seoul, South Korea, to the United States. He grew up in New Jersey.

From a young age, he was quite a good student and active in his community. In high school, he took multiple advanced placement courses. He was Vice President of the National Honor Society and president of his class. Here is a picture of him at his high school graduation. In high school, Kyungmin was a member of the Math and Science Academy and a member of the varsity track and field team. He was a volunteer at his church, and he taught summer school. At the same time, he was working over 40 hours a week.

You see, these kids, these young people—Dreamers—don't get Federal Government loans or Pell Grants so they have to work extra time to get the money to go to school. He worked 40 hours a week in a restaurant to help support his family and pay for his education. Now he is a student at Temple University's Fox School of Business and Management. He is studying accounting in the Honors Program. He continues to work two restaurant jobs a week for nearly 40 hours to help his family, but, last year, something else happened that was significant in his life.

Kyungmin Cho, an undocumented student in America, was allowed to enlist in the U.S. Army. The program he enlisted in is called The Military Accessions Vital to National Interest Program. It is known by the acronym MAVNI. This program allows immigrants like Kyungmin, with special skills “vital to the national interest,” to enlist in our Armed Forces. More than 900 DACA recipients with these skills, just like Kyungmin, have joined the military. They took the oath. They said they were willing to die for this country and serve in our military.

Some Trump administration officials have claimed that DACA recipients are taking jobs away from Americans, but Kyungmin and hundreds of others have vital skills that our military just couldn't find in other places.

Kyungmin, with many other Dreamers, is now waiting to ship out to basic training. He continues his undergraduate studies and works full time as he waits for a chance to serve the United States of America. He is willing to risk his life for a country that doesn't recognize him as a legal resident.

He wrote me a letter, which reads:

DACA means everything to me. It gives me the opportunity to work and support myself. . . . It is with great pride that I call myself American even though my status says otherwise.

I recently visited the Phoenix Military Academy, one of the six military academies that is part of the Chicago Public School System. I am proud to say Chicago Public Schools hosts the largest Junior ROTC Program in America, with 10,000 cadets. You ought to see them marching at the Memorial Day Parade—just wave after wave of

these uniformed, young high school students. It turns out that many of these cadets are Dreamers who want to do just what Kyungmin has done—volunteer to enlist in the U.S. military.

How can you question this man's commitment to America if he is willing to die for this country? How many kids in high school would step up with that kind of courage? He has demonstrated, and others have, too, that they can give a lot to our country.

Without DACA, if it ends March 5, it is over for Kyungmin and 900 others who have volunteered to serve our Nation. They are finished. They cannot continue their service to America, even though the skills they bring are necessarily vital to our national interests. For the thousands of Junior ROTC cadets in Chicago who drill every day and take this seriously, it is over for them too. There is no avenue left for them to step forward and serve our Nation.

Would America be better if we deported Kyungmin back to South Korea—a country he may not even remember? Will we be a stronger country if we lose this kind of courage and this kind of commitment of a young man who is willing to risk his life for a country that does not legally recognize him as part of its population?

In a few weeks, we are going to get to go home for the holidays. I am looking forward to it. I really am. It is a big holiday for my family, and I am sure it is for many others. Can we really go home and enjoy our families, knowing we have not answered the most basic question that the President said to us on September 5, when he asked: Can Congress act? Can you pass a law? Can you solve a problem? That is what it comes down to when it is DACA and the Dreamers.

When I introduced the Dream Act with Senator LINDSEY GRAHAM, the Republican of South Carolina, he said: The moment of reckoning is coming.

He is right. LINDSEY is right. It is a moment of reckoning for this young man. More importantly, it is a moment of reckoning for this Senate as to whether we are serious about why we were elected. If we cannot solve this basic problem in a matter of days and weeks, shame on us. We are not overworked, for goodness' sake. We are just not inspired to do it at this point, and we need to be inspired to do it.

We shouldn't do to this young man and to the thousands of others who count on us the unacceptable and walk away from our responsibility. Now is the time, before the end of this year, to let this young man know, when he is called to serve our country—and to proudly do so—that we have done everything we can to clear his path.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

REMEMBERING BOATSWAIN'S
MATE SECOND CLASS JOSEPH
LEON GEORGE

Mr. GARDNER. Mr. President, I rise to honor the heroism of Boatswain's Mate Second Class Joseph Leon George.

On December 7, 1941, 26-year-old Joe George served as a crew member aboard the USS *Vestal*, a repair ship that was moored next to the USS *Arizona* at Pearl Harbor. The attack on Pearl Harbor was a history-defining event for our Nation, one we humbly observe each year to remember and honor the 2,403 Americans who perished.

On that day, Joe George, along with so many other courageous heroes, would take swift and decisive action, putting his own life on the line to save sailors whom he had never met and would never know.

When the USS *Arizona* was attacked, the forward ammunition magazine of the ship exploded—we have all seen that very famous photograph of the *Arizona*—and engulfed countless sailors in the inferno. Joe George, from his post on the nearby repair boat, recognized six badly burned sailors who were trapped in the control tower on the *Arizona*'s main mast, with no escape options available.

Despite the fact that he was ordered to cut the line—to cut the rope—between the *Vestal* and the sinking *Arizona*, Joe relentlessly heaved a line, over and over, which spanned a distance of almost 80 feet between the two ships, until Joe was finally able to reach the sailors with his rope.

Joe's selfless actions saved six sailors who would have otherwise perished in the flames on the USS *Arizona* that day. While two of those six would succumb to their injuries shortly thereafter, the remaining four survivors have Joe to thank for their lives.

Amidst all the chaos that day, Joe George was never identified as the sailor who threw that lifeline. In fact, the four survivors diligently sought for information to recognize the man whom they were never able to thank—Joe George, the person who saved their lives.

It wasn't until 36 years later that the unknown sailor would be acknowledged when Joe George conducted an interview with the University of North Texas on August 5, 1978. Joe George contributed his experiences while serving during the Japanese attack at Pearl Harbor as part of the university's oral history for the "Day of Infamy."

This was the first time Joe would speak of the event, confirmed by his ship log records, commanding officer's remarks, and, most importantly, the two living survivors that have Joe to thank for their lives.

Joe's actions that day, which we find hard to match words that do it justice, are nothing short of what an American

hero is in servitude, dedication, and sacrifice.

While the years of searching for Joe and establishing the basis for proper recognition do not go unappreciated, it is with great respect and admiration that we take a moment to honor this distinguished sailor's actions so long ago.

The specific events of December 7, 1941, 76 years ago today, continue to age with each passing year, but the memories and stories of heroes like Joe thrive as our Nation reflects in humility and gratitude.

It is with great respect that I recognize this time today to honor Joe George. Some 76 years ago today, Joe's actions saved six sailors.

Today Joe's family will receive the Navy Bronze Star for Valor at the remembrance ceremony at Pearl Harbor in Hawaii. This is the first time a medal has been presented on the Memorial of the USS *Arizona*.

I was honored to work with Colorado Springs resident Donald Stratton to solidify this honor for Joe George. Don is one of the sailors who was saved, and he has been fighting for decades to make sure this day of recognition would take place. So 76 years later, we culminate the work of Don Stratton's mission to commemorate the man who the Stratton family has everything to be thankful for.

I am beyond words with excitement to be part of this momentous occasion with so many others who worked tirelessly over the years to make this happen. My hope is that Joe's valiant story joins the permanent foundation of our Nation's history for future generations to recognize, understand, and appreciate the sacrifice of the countless heroes who have come before them.

I had the incredible privilege of spending Veterans Day just a few weeks ago with Donald Stratton and his family in Colorado Springs. I was in his living room as he and his wife shared their experiences together.

Donald Stratton talked about what it was like to be on fire with five of his shipmates shimmying across that rope to the vessel and to their freedom, to their safety.

I was in that living room on Veterans Day when the family received a phone call from the Colorado Springs City Council, naming a bridge in honor of Donald Stratton. I saw the exuberance and joy that the family shared at that recognition.

Donald Stratton's service didn't end at Pearl Harbor. After a year in the hospital, he would return to the Pacific to fight in mission after mission.

Now, 76 years later, Donald Stratton's last mission is complete with the recognition of the man who saved his life.

I want to read a letter that will be presented at the memorial service at Pearl Harbor where Joe George, the

hero who saved so many lives, will be awarded the Bronze Star.

Dear Mr. Stratton and the George family, Dawn broke seven decades ago on this day to a world at war. The peaceful waters of this harbor churned in violent reaction to a vicious attack that changed forever the course of our nation. You know, you were here. All of you here today are united as families, soldiers, sailors and airmen through blood and sacrifice of so many who gave so much.

The recognition of Joe George is an exclamation point to the thousands of servicemembers on the U.S.S. *Arizona* and the men he saved, and the families that exist today—

Who are celebrating in Pearl Harbor today—

because of his heroic actions. This has been a long time coming, a last mission for rightful recognition. As the days march forward so too have far too many of our World War II veterans—please know that your work to achieve this one last salute to courage proves that you will never be forgotten. These still waters will ripple for eternity in awe of your tireless and unyielding dedication to this great country.

On August 15, 1945 my grandfather stationed in France wrote a letter to his family that started with these words, "Aha, that day, 14 August, is indeed a history making day, and last night at twelve o'clock when at last all the rumors were confirmed that the world was at peace I said a silent prayer and know that it won't be long until we are all together again." To all who are present today in spirit and in person—you are making history, bringing our nation together once again, as this final mission is accomplished giving due recognition for valor in combat, for heroic and meritorious service. In the words of Donald Stratton, on December 7, 1941, "Everybody had to be somewhere." Today's ceremony reminds our nation of how truly blessed we are because you were here.

Mr. President, this is very well likely the last memorial service at Pearl Harbor that will have survivors of the USS *Arizona* in attendance, and I hope that Americans across the country will take the time to reflect on the greatness of so many who have left us behind now but who left us a country that we can be so proud of. We have enjoyed 76 years of freedom thanks to them.

I yield the floor.

THE PRESIDING OFFICER (Mr. CASSIDY). The Senator from Georgia.

TAX REFORM BILL

Mr. PERDUE. Mr. President, last week the Senate finally broke through the gridlock and voted to change our archaic Tax Code once and for all. It only took 31 years to get here.

As to regulatory relief, so far this year this body and this administration have removed 860 regulations and rules, from the rule book here in Washington, that had been sucking the very life out of our free enterprise system over the last 8 years or so. But along with regulatory relief and unleashing our energy potential, this is the single most important thing we can do to unleash our economic growth and bring relief to

American workers. These changes to the Tax Code are a win for American families, American workers, and American businesses.

Let me give just a couple of examples. A family of four that makes a median income today of \$73,000 a year will see their tax bill go down by \$2,200 a month. That is a 60-percent reduction in their Federal income taxes. A single payer, a single mom with one child, making the median income, will get a 75-percent tax cut. The standard deduction is doubled. The child care credit is doubled to \$2,000. The individual mandate that was unleashed on the American people by ObamaCare is eliminated.

By the way, just in 2014 alone—that is the latest year we have any official record from the IRS—this insidious mandate fined 8 million Americans \$2 billion. The irony of that is that almost half of those people make less than \$25,000 a year.

In addition to those changes, the one I love and the one my mother and father will love—they were public school teachers—is that the teacher expense deduction has been doubled under this bill. In addition, 6 million taxpayers have been removed from the Federal income tax roll. That is just the half of it.

Businesses see their corporate tax rate go from 35 percent to 20 percent, allowing them to create jobs here in America and expand production and compete with the rest of the world. Due to our archaic repatriation tax, we are the last country in the world to have a double tax on profits made by U.S. companies around the world. That is \$2.6 trillion, by some estimates, that we hope will be reinvested here in the United States.

According to outside analysts, this bill creates 1 million new jobs, and the average compensation of the average family in America should go up by \$4,000—some estimate as high as \$9,000 per year.

The GDP only has to go from 1.9 percent to 2.1 percent to more than pay for all of this. That is not my estimate. That is the estimate of the Joint Committee on Tax. If you don't believe them, then, the Congressional Budget Office, with which we have all kinds of problems, say that we only have to grow the economy 0.4 percent. So anywhere from 1.9 to 2.3 percent growth would more than pay for this investment in the American worker. I would argue, because of the last two quarters, that we are already seeing 3 percent growth, primarily, because of the expectation that we are going to act on tax and because of the reality of the fact that we have been moving on the regulatory regime that has been perpetrated on the American worker these last 8 years.

There are a lot of benefits, but in my opinion the person who benefits from

this tax bill the most is that person in America who gets a job.

When it comes to the corporate rate, I personally have seen firsthand how important it is to have a rate that allows American workers to compete with their counterparts around the world. The most stimulative part of this tax bill, in my opinion, is this corporate tax cut, because of the impact it will have on our businesses and workers and because it creates a level playing field with the rest of the world.

Let's be very clear. My original goal was 15 percent because I know this is a dynamic situation, where the rest of the world today is going to move because of what we are doing.

Both the House and the Senate agreed on 20 percent. Now there is some talk about changing it in conference. My question is this. The House approved 20 percent and the Senate approved 20 percent. The purpose of this conference is to work between those two decisions to find the differences and mull those into a finer bill that both the House and Senate can vote on. My question for this body and for this conference is this: What is between 20 and 20? I don't understand. This should be a no-brainer.

The best thing we can do for people in the United States who work with their hands—these are people who punch a timeclock, just like I did when I was working my way through college—is to create a level playing field for the rest of the world and lower the corporate tax rate. The current rate sends jobs overseas and keeps our workers from competing on a level playing field. We have the best workforce in the history of the world, and yet we have hamstrung them such that other companies can come to the United States and buy our companies and take those jobs overseas. We need to get this tax rate competitive and as low as possible. Otherwise, other countries will immediately lower their rates, and we will still be at a significant disadvantage.

If we don't take bold action right now, we may not get the chance to do so again for another 30 years. We need to make sure we don't get outpaced by other countries, even after we make these tax changes.

Let me just describe why this is so important. Today, the U.S. tax rate is 35 percent. Asia right now averages about 18 percent. Europe is about 20 percent. So if we go to 20 percent, the rest of the world is going to move. We already know that the United Kingdom is moving to 15 percent. Others are talking about moving as well. We have a 50-percent differential. That difference allows other countries to come into this country, buy our companies and use that tax differential to pay for part of the acquisition costs. What that does is it takes jobs overseas and actually thwarts our ability to compete.

Because of this reality, because of this 50-percent differential, there are twice as many foreign companies buying U.S. companies, both C corporations and passthroughs, as there are U.S. companies buying foreign companies. We simply have to change that.

Let me give you some examples of how competitive and how dynamic this issue about the corporate tax rate is. Germany today has a 16 percent tax rate; that compares to our 35 percent top tax rate. The UK today is 19 percent, but as I said earlier, they have already announced that they are going to 17 percent next year. France and the Netherlands have also announced that they are going to take rates lower next year.

When the UK goes to 17 percent, France lowers theirs, the Netherlands lowers theirs—Germany is already sitting right there at 16 percent—if we increase this corporate tax rate from what we have already agreed to in our negotiations in this body, then we will replicate the 50-percent differential with the rest of the world almost immediately, so we will have accomplished nothing.

The greatest burden on the American worker, again, is this corporate tax rate of 35 percent. It is estimated that every 1 percent drop in the corporate tax rate could mean roughly 30,000 new jobs in an economy that is \$30 billion larger. We can't afford to play around with this corporate tax rate that we have already agreed on. It is time to stop that debate.

All of these changes in the Tax Code, though, were meant to lift up Americans, simply put. It is the family who will benefit from this. It is the individual who is trying to get an education, get that first job. It is those people who are going to retire and depend on a robust Federal Government to take care of them in their retirement. But right now, with this debt crisis, we are losing the ability to do the right thing.

Members of both sides of the aisle have previously supported many of these changes to the Tax Code. There was no reason to vote no on this bill, and there is no reason not to support them now. The United States made history the other night at about 2 a.m. on Saturday morning by approving this plan. We now have certain individuals from this body and the House who will go into a conference, and they will work out the differences between the House bill and the Senate bill. That is called democracy, and I am looking forward to seeing that bill come back to this body. We must not lose sight about what this is all about—to bring relief to Americans and help us become more competitive. We cannot take this standard of living for granted.

This body is great at spending money, but right now every dollar we spend of discretionary money, by definition, is borrowed money. This can no

longer be the case. This tax bill is clearly an investment in our future.

I am not embarrassed to say that I believe in capitalism. Capitalism is what has made this country different from any other country in the world so far. Right now, the economic miracle of this past century is based on three simple things: innovation, capital formation, and the rule of law. That, combined with the best workforce in the history of the world, has created this economic miracle. Yet we sit here today where my children, the next generation, will be the first generation in the history of our country to face lower economic prospects than the generation before them. That does not have to be the case. It is up to this body to stand up and do what is right for the next generation. This is a critical part—don't miss this—this is a critical part of solving our debt crisis. This is the least we owe to our children and our children's children.

We must continue doing all we can to make sure that we put this tax bill on President Trump's desk before Christmas. Our children and our children's children's futures depend on it.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

HEALTHCARE

Mr. ALEXANDER. Mr. President, let me tell you a story. Yesterday, I was in Nashville, and I went to Chick-fil-a on Charlotte Avenue about 2 p.m. in the afternoon, and I ordered six chicken nuggets, some mac and cheese, and some waffle fries. I was about to leave, and a lady walked up to me and said: Senator, thank you for what you are doing to help me with insurance.

I said: Well, what do you mean?

She said: My name is Marty Parish. I am a self-employed farmer, and the year before ObamaCare started, my monthly insurance premium was \$300. Next year, it is \$1,300, and that is very hard for me to afford.

I said: I guess you are one of those Americans who work hard and you don't get any government subsidy to help you pay for your health insurance.

She said: That is exactly right. I have to pay for the whole thing myself.

I said: Well, Marty Parish, I have a Christmas present for you. The Congress can pass, by the end of the month, legislation that would lower your premiums in the year 2019 by 18 percent. That is according to Avalere, one of the country's leading health consulting firms, which made the announcement yesterday.

So if your premiums are \$1,300 a month, that is a couple of thousand dollars less that you will have to pay, and that is still way too high. If the Senate and the House agree on a tax bill that removes the individual man-

date and the Congressional Budget Office is right, that will put some upward pressure on those same rates but only 10 percent. She was still going to get an 8-percent decrease in her rates in 2019, and that is about \$1,000 in her pocket. Those are real dollars.

Marty Parish has seen, if she is like the average Tennessean, her premiums rise 176 percent over the last 5 years, and she has seen them go up an average this year of 58 percent more. So a very good Christmas present for Marty Parish and men and women like her across this country would be for this Congress, before the end of the month, to pass what we call the Alexander-Murray and the Collins-Nelson legislation, which will lower premiums by 18 percent. More than that, that Christmas present, which is all wrapped up in a nice package and sitting in the White House, waiting for anybody who wants to consider it—according to the Congressional Budget Office, it will not just reduce premiums, but it will reduce the amount of Federal tax dollars that go to pay for ObamaCare subsidies. If the premiums are lower, the subsidies are going to be lower. And if the premiums are lower and the subsidies are lower, then the Federal debt is going to be lower.

So here you have, for my friend whom I met yesterday at Chick-fil-a, an 18-percent, on average, reduction in her 2019 insurance premiums. Fewer of her tax dollars are going to pay for Affordable Care Act subsidies, and there will be less Federal debt for her and her family. Because the President has said that he will not put up with it and because Senator MURRAY, the Democrat who is ranking on the HELP Committee, and I agree on this, there will be no bailout of insurance companies in these proposals.

Who would support something like this? Well, President Trump supports it. He told us that last week. In fact, he asked for it. He called me specifically a few weeks ago and said: I don't want people hurt in the next 2 years while we are still debating what to do in the long term about health insurance. Why don't you work with Senator MURRAY and see if you can put together a bill that keeps people from being hurt and that stabilizes the market so premiums don't go up so much?

I said: Mr. President, we are already working on that.

I have talked with him half a dozen times about that. I met with him at the White House, talked to him the other day, and he has said publicly and privately that he supports the Alexander-Murray legislation, and he supports the legislation supported by Senator COLLINS, a Republican, and Senator NELSON, a Democrat. So that is a pretty big one.

Senator MCCONNELL, the Republican majority leader, supports it. He has said that publicly and privately. He supports both of them.

Senator SCHUMER, who is the Democratic leader, said 2 or 3 weeks ago that every single Democrat in the Senate would vote for Alexander-Murray and that it had 60 votes, and Senator MCCONNELL should put it on the floor as soon as possible. He thought it would pass with a lot of votes.

Well, the bill hasn't changed except in one way. It has gotten better from the point of view not just of Democrats but of Republicans.

The idea that Senator COLLINS and Senator NELSON have come up with is the idea of creating an invisible risk pool or a reinsurance fund. To allow States to do that would permit those States to do what Maine has done, what Alaska has done, and what Minnesota is trying to do, and it is this: Alaska created such a fund; they call it a reinsurance fund. Maine calls it an invisible risk pool. They put money into taking care of the very sick people in the individual market in Alaska, and once they did that, well, they were able to lower rates for everybody else by 20 percent. That is in addition to the 18 percent that Avalere talked about in our bill—in addition to that. Maine did a similar thing in a little different way in their State.

Who else likes this idea? Well, Republicans in the House of Representatives like it. They, of course, are a full partner in this exercise. They will have to consider it and decide whether they are for it, but I think it would be pretty easy for them to support Collins-Nelson because it was in the repeal-and-replace bill for the Affordable Care Act that the House passed and voted for. In fact, the so-called compromise by Representative MEADOWS and Representative MCCARTHY included an invisible risk pool of up to \$15 billion to allow States—this is pretty good Republican philosophy—to make their own decisions about doing this and decide, as Maine did, Alaska did, and as Minnesota is trying to do, to say that we are going to create this fund, and we are going to take care of the very sick people who use most of the money we spend on healthcare. When we do that, we lower the rates for everybody else. In the Alaska case, because it lowered the rates for everybody else, again, premiums went down, subsidies went down, and Alaska was able to pay for 85 percent of its reinsurance fund with Federal dollars without any new Federal dollars going to Alaska. That is what happens when you allow States to use their own good judgment, and that is why Senator COLLINS, a Republican, and Senator BILL NELSON, a Democrat, have suggested it over here.

The other thing that the House of Representatives did in its Republican replace-and-replace bill was continue the cost-sharing payments for 2 years. Cost-sharing payments are payments that the Federal Government makes so that low-income Americans will not

have to make them when they buy their insurance. It makes them to the insurance companies, but the benefit from the lower rates is supposed to go to the individual consumer or to the taxpayer.

The House of Representatives, in its repeal-and-replace bill, understood—just as the distinguished Presiding Officer Senator CASSIDY, Senator GRAMHAM, and Senator JOHNSON understood—that if they are able to repeal and replace ObamaCare or make any significant major changes in it, it will take a couple of years to put it in place, and you don't want people to be hurt in the meantime. That is exactly what the President said to me when he called me a few weeks ago. He said: I don't want people hurt during this 2-year period.

So the House of Representatives put into their repeal-and-replace bill 2 years of cost-sharing payments, not to bail out insurance companies. It doesn't bail out insurance companies. The benefits go to individuals. They wanted to make sure that rates stayed down and people didn't get hurt.

The proposals we are talking about, the Christmas present I talked about to the young farmer in Tennessee—both have fundamentally been a part of the House repeal-and-replace bill. While I can't speak for the House of Representatives—what they do is their business—I believe as they study Alexander-Murray and Collins-Nelson, they will find that they like it because they have already voted for it once this year. The House of Representatives created the invisible risk pool. That was a real breakthrough in their ability to pass a bill. Then, second, they wanted to make sure that during this interim—the time we try to change the individual insurance market in this country—people aren't hurt.

So I have come to the floor today just to say that there is a lot going on today and next week. It involves defense spending. It involves the amount of money we can spend for the next year in our government. It involves a tax bill. The Senator from Georgia has just talked about it—a historic tax bill that I hope we can pass. But there is also an opportunity for every single one of us to give a Christmas present to the 9 million Americans who have been hammered by skyrocketing insurance premiums.

We don't need to debate whose fault that is. I don't need to say it is all the fault of the Affordable Care Act. Democrats don't need to say it is President Trump's sabotaging it. Let's forget that for a moment. Let's just say that the fact is, in Tennessee, premiums will go up in 2018 by 58 percent, and they are going to go up more the next year if we don't do something about it.

We have two bills here that will say to the self-employed farmer in Tennessee or Iowa or Louisiana or the

songwriter or the small business woman: We hear you. We know you can't afford these rates. If you are paying \$1,300 a month for two of you, that is way too high.

We can begin to take those rates down—according to Avalere, 18 percent in 2019. According to the Congressional Budget Office, if we don't take this action to pass the cost-sharing payments, rates will go up 25 percent. So if the present we have includes lower premiums, less debt, less money going to ObamaCare subsidies, and it doesn't bail out insurance companies, why should we not pass that? I think we will pass it.

I think it would be pretty hard to explain—I don't want to run into Marti Parish at Chick-fil-A in Nashville between Christmas and New Year's and say: I am sorry about that Christmas present. I could have lowered your rates 18 percent, and I could have done it in a way that didn't run up our Federal debt. I just couldn't get it done.

She would say to me: Wasn't the President for it?

I would say: Yes.

Hasn't the House already voted for that once?

I would say: Yes.

Didn't the Democratic leader say the Democrats were for it?

I would say: Yes.

She would say: Then why didn't it pass?

I would have a hard time coming up with an answer to that.

I hope that over the next few days, we are able to do what Democrats and Republicans have suggested and what 12 Democratic Senators and 12 Republican Senators have offered to this Senate in Alexander-Murray and what Senator COLLINS and Senator NELSON have offered in Collins-Nelson. Both ideas are very much like two provisions already voted on this year by the House of Representatives.

Let's realize that it is the Christmas season. A very nice Christmas present for 9 million hard-working Americans who don't get any government help to pay for their skyrocketing health insurance premiums would be to pass these bills into law so they can count on insurance premiums in 2019 that are, on average, 18 percent lower.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

DACA

Mrs. MURRAY. Mr. President, I come to the floor today as a voice for 800,000 young men and women who are counting on all of us to pass the Dream Act. We can't wait because they can't wait. Every day that passes is another day they are forced to keep their lives on hold. Right now, hundreds of thousands of young people in this country are de-

ferring their dreams of finishing a college degree, of becoming a doctor, buying a home, raising a family, starting a small business, or serving in our military—all because President Trump pulled the plug on the DACA Program 3 months ago.

Imagine that feeling of waking up day after day without any certainty about what comes next. Imagine that the country you love—the country where you grew up, where you are part of the community, where you pay your taxes, where you spend your time, your energy, and your money—will not commit to uphold this promise to you. That is just wrong.

Dreamers were brought to this country as children—some of them so young, they don't even remember it—and holding up their futures or sending them to a country they have never known makes no sense for them or for our country. It doesn't do anything to solve our broken immigration system, and it certainly doesn't reflect a country of opportunity or promise—something the United States has always aspired to.

My colleagues have been sharing stories from their States. Here are a few from my home State of Washington—just a few. I have heard so many in recent months.

Not long ago, I was in Tacoma, and I visited a community organization that has actually helped hundreds of men and women get enrolled in the DACA Program, including a woman named Adriana. She has always been a strong student. As early as middle school, she was representing her school district in statewide math and science competitions. Now, after becoming a certified nursing assistant, she is a program manager supervising others. Letting the DACA Program collapse would be a huge setback for Adriana and would end her authorization and her ability to work as a nursing assistant.

I heard from a sophomore at my alma mater, Washington State University, who was brought here to this country at the age of 9. Thanks to the DACA Program, she was able to get a job helping adults with disabilities, which has allowed her to pay for college tuition and support herself. She is a full-time student with a part-time job and still finds time to volunteer in her community. She is on track to graduate in 2019. She dreams of owning her own company someday.

I heard from another DACA recipient who owns a business in Washington State. He said that his college degree from the University of Washington—which he completed without any Federal funding, by the way, no help at all—symbolized one of his great life challenges. And, as he noted, he is now using his education, his skills, his earnings, and his taxes to contribute to the U.S. economy. He wrote: "This country is my home."

The thought that this country would slam the door shut on him or any other Dreamer after all they have put in their communities and our country is so backward. That is why we Senators who are elected to work for the people and address the big issues facing the country need to act.

I urge my Republican colleagues to consider the stories you heard from your own States. Think about the communities you represent and the young men and women who are studying and working and starting businesses in the communities you travel to and live in. Show them that President Trump's reckless, divisive agenda does not represent you, your party, or your own State. Work with Democrats to stand for the Dreamers in your district, who are unsure if they can keep their job at a hospital or as a firefighter or serve in our military to fight for our freedoms, who are unsure if they can stay in the only country they have known as home and remain with loved ones.

We need the help of every Member to push back against the policies and the rhetoric that hurt our friends and our neighbors, our coworkers, our students, and our loved ones, because, to paraphrase Dr. King, we know that only our light can drive out the dark forces of bigotry and division in this country.

I thank the countless DACA recipients who have bravely shared their stories in letters, in person, and at rallies across our country. I know it cannot be easy to speak up in these uncertain times, but I want Dreamers to know that there are a lot of us here in Congress and across the country who are inspired by your courage and resilience. We stand with you, and we will not stop until we get this across the finish line.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HASSAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MAX MENDEZ

Ms. HASSAN. Mr. President, it is my honor to announce our latest Granite Stater of the Month, an inspiring, resilient, and generous young man from Merrimack, NH.

Max Mendez, an 8-year-old boy—also known as Mighty Max and Professor Max—has battled leukemia for over a year, and he has proven to be a shining example of the values that make the Granite State and all of our communities strong.

As Max began treatment last year—procedures, blood draws, and tests—at

Boston Children's Hospital, he was often recognized for his courage and grit. The hospital had a supply of toys, and after these procedures, he would often be rewarded with one of them.

Max received so many toys that he started to donate some of them to other kids and realized that giving toys felt even better than receiving them.

In the face of his own severe health challenges, Max started Mighty Max's Mega Toy Drive to help supply Jimmy Fund Clinic, the Dana Farber Cancer Institute, and Boston Children's Hospital's hematology and oncology unit with presents for brave young patients like himself.

In true Granite State fashion, Max and his family received invaluable support from their community, including friends, local businesses, schools, sports teams, and the local police department.

Max's community donated toys, offered spaces, collection sites, and delivered donations to Max and the Mendez family. With extra help from his sister, McKayla, and the Lyna family, who helped advertise the toy drive and store donations, Mighty Max's Mega Toy Drive received roughly 3,000 toys ahead of the holiday season this year.

Mighty Max, the Mendez family, and all of the Granite Staters who supported the toy drive demonstrate the spirit that makes New Hampshire such a strong, resilient State.

While battling leukemia and enduring painful treatments, Max found it in himself to bring joy to others who face similar challenges. His entire community, including people Max will never meet, is stronger because of his generous spirit and hard work.

Max is an inspiration for all of us during this holiday season and beyond, and I am proud to call him our Granite Stater of the Month.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. WYDEN. Mr. President, this fall, I met with Dreamers in my home State of Oregon. At meetings in Eugene and in Portland, these young people gave powerful accounts of how the Trump administration has needlessly and cruelly injected fear into their lives and the lives of their families.

Right now, these Dreamers—these young people who have done nothing wrong, who have terrific grades, wonderful conduct, who are helping their families—are faced with the very real

threat that they may be ripped away from the only lives and the only country they have ever known. These young people might be little more than numbers on a page to those who spend their days waging political fights in the Nation's Capital, but this is not just some academic topic for the thousands of young people across the land who would be affected by these vicious policies. This is a real-life issue with real-life consequences and real-life dangers for many of our friends and neighbors.

It is real for those like Cynthia Aguilar, whom I met this fall at the University of Oregon in Eugene. She spoke eloquently about how her mother sacrificed so much for her, living paycheck to paycheck so Cynthia could have an education and a better life.

It is real for those like Eastern Oregon University student Daysi Bedolla, who spoke just as movingly when we met in Portland, as well as in La Grande at a townhall I held in her community. Not only does Daysi talk about the huge contributions that Dreamers are making in their hometowns and college campuses, she demonstrates her contributions each day at Eastern Oregon University as the school's student body president.

Cynthia, Daysi, and so many others are what I call the real dream team, and I am proud to be their teammate in this fundamental fight for fairness. It is not a small fight. In Oregon alone, there are an estimated 11,000 Dreamers—enough to fill almost every seat in the Memorial Coliseum—and every one of those young people has parents and brothers and sisters and friends in their communities. They have well-laid plans to work hard in school, make something of their lives, and start families of their own in the United States. The strength of their stories fuels our fight, and that is why I join colleagues today in insisting that the Dream Act come to the floor of this Senate. This has been a long battle.

I am proud to have been with the Dreamers every step of the way from the Dream Act legislation to President Obama's actions on DACA. I am also pleased to have worked with my colleagues to introduce legislation like the Protect Dreamer Confidentiality Act. This bill would ensure that the information Dreamers provided to the government isn't somehow used against them for immigration enforcement.

Congress has to come together and work in a bipartisan way on a fair path forward for Dreamers. This effort from the White House to punish innocent young people and split families goes against the values we cherish as Americans and further divides our country. These children have known nothing but the United States as their home. They have done nothing wrong and everything right. They deserve an opportunity to stay here. Our government

made a promise to Dreamers when we encouraged them to share their stories publicly, submit to background checks, and pay taxes. It would be wrong to go back on that promise now.

I am pleased to be on this floor to say that we are just going to battle every step along the way until there is justice done for the Dreamers.

REPUBLICAN TAX BILL

Mr. WYDEN. Mr. President, I thank Senator MORAN, who graciously gave me some time, and I want to briefly talk about one other subject.

I am the ranking Democrat on the Senate Finance Committee, and I am pleased to serve with my colleague from Louisiana who also serves on the committee and will be a conferee on the tax bill.

I would like to bring up a matter the President introduced yesterday. The President has long said that there was going to be a “fantastic tax bill”—his words, not mine—and obviously the American people don’t see it that way. Overwhelmingly, we see in surveys—I saw it in townhall meetings over the weekend, in a community Hillary Clinton won, in a community where Donald Trump was extremely popular—that this tax bill was incredibly unpopular.

The President admitted yesterday that there was a “tiny little sliver” of Americans who, as he said, “just through circumstances maybe don’t get the full benefit of the tax bill.” I am not sure what tax plan he is talking about, but it sure can’t be the one that hikes taxes on middle-class folks that Republicans are working out in the conference right now.

So I want to get to the numbers, just briefly, from the independent, non-partisan referees at the Joint Committee on Taxation. These are the folks we pay. The numbers they have given us really aren’t in line with what the President is talking about when he says only a “tiny little sliver” of Americans are going to be hurt and come out behind.

Thirteen million low- and middle-income Americans are facing an immediate tax hike of \$100 or more because of this bill. Apparently, in the President’s view, 13 million Americans is a “tiny little sliver.”

That is just the immediate impact. The bill gets worse and worse for middle-class folks with each passing year, and 2027 is when the numbers put your jaw on the floor. Under this plan that the President says is so “fantastic,” 150 million middle-class taxpayers either get a couple of crumbs or they get hit with an outright tax hike. I am going to say that once more. One hundred and fifty million Americans will get nothing but crumbs or an outright tax hike. That is what the President calls a “tiny little sliver”? It is pretty close to 90 percent of the middle class.

That is just the raw math of who is facing a tax hike. As I have said, this bill drives a dagger into the heart of the Affordable Care Act. Thirteen million Americans are going to lose their healthcare, and tens of millions more will get hit with a hidden tax hike in the form of higher insurance premiums. Then, of course, we all understand that the coverage requirement in the Affordable Care Act that Senate Republicans seek to remove is what makes it possible for us to get loop-hole-free, airtight protection for those who faced discrimination when they had a preexisting condition.

This is pretty troubling stuff, and it sure doesn’t strike me that when this administration says that only a “tiny little sliver” of people are going to get hurt—the reality shows something very different.

The fact is, after all the giveaways to the multinational corporations and the well-connected and high-fliers, this bill is going to cost more than \$1 trillion. It is a real head-scratcher, how you can spend so much money, help so few people, and convince yourself that what you are doing is so terrific.

Peddling the idea that there is just a “tiny little sliver” of people out there who don’t benefit from this tax plan, in my view, is preposterous, and the tens of millions of Americans this bill is going to hurt deserve far better.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS COMMUNITY CARE AND ACCESS ACT

Mr. MORAN. Mr. President, I am glad to see the Presiding Officer in the Chair because I came to talk about a topic that he and I share a great concern and compassion about—the veterans of our States and our Nation.

I first want to thank Senator JOHN MCCAIN, of Arizona. Many of my colleagues have spent a much longer time in the Senate than I have, and they have had the opportunity to work side by side with Senator MCCAIN more often than I have, but I am honored today to join him in legislation that we introduced earlier this week. It is S. 2184, the Veterans Community Care and Access Act of 2017.

I am honored to have the opportunity to work side by side with Senator

MCCAIN and other colleagues as we try to determine how best we can care for those who served our Nation. I wish to use this opportunity to pay tribute to the Senator from Arizona for his service to our Nation and what I know of his experience in Vietnam and his service to the Nation but what I also know of him in difficult circumstances in which he continues to work for the benefit and well-being of the people of our country. We both share—he is a veteran, not I—the ideals and beliefs that those who served our country deserve only the best from a grateful nation.

I have been a member of the Veterans’ Affairs Committee since I came to Congress with that goal in mind, and I continue to serve in the Senate as a member of the Veterans’ Affairs Committee. I serve now as the chairman of the appropriations subcommittee that funds the Department of Veterans Affairs. We have introduced the Veterans Community Care and Access Act because we want to call on the VA to do what it is they say they want to do. This bill fulfills priorities.

The reason this bill comes to the Senate floor at this point in time is that the Veterans Choice Program was created at a time of crisis at the VA in which veterans were not being served and not being well served, and Congress responded with a program to allow veterans to access care in their communities. It is before us again because that program expires presumably this month, perhaps early in January. The bill expires when the funding for the Veterans Choice Program is used up, and that is a matter of days or weeks away. The effort, in part, is to reauthorize the Veterans Choice Program but, more importantly, to make certain that we revitalize, update, improve, alter, and transform the Department of Veterans Affairs.

In my view, it would be a sad circumstance in which we reach the conclusion that we must simply reauthorize the Choice Program without using this opportunity to transform the VA into something better that can serve the needs of more veterans in a better way to fulfill the needs of those veterans.

The legislation that Senator MCCAIN and I have introduced does several things with regard to transforming the VA. It merges and modernizes the community care programs into one program. It provides greater access to care for veterans within the VA and within the community. In my view, this is not just about improving access or the quality of care in the community. It is about improving the opportunity of the VA to care for veterans within the VA. It establishes a framework for the VA to build a high-performing healthcare network. That network is designed to care for veterans where they can best

receive the care, where they can receive the best quality care, and where they can geographically attain the care they need.

In addition to that, it requires the VA to coordinate that care within that network across the system so that once a veteran is a patient of the VA, they are not forgotten, they are followed, and they, as an individual veteran, have a care coordinator within the Department of Veterans Affairs.

Regarding reform legislation on this VA community care, Secretary Shulkin, the Secretary of the Department of Veterans Affairs, told me: "We need more specificity." So we developed legislation that balances instruction and guidance from Congress with the VA's own proposal. Secretary Shulkin also told me that if too much is left to the regulation process, "the VA will keep things the way they are now"—that things will not change. This is a recognition of the bureaucracy that he manages, and it is a recognition of that bureaucracy's refusal to change.

Refusal to change, unfortunately, is what got us to the 2014 scandal—exhibited, particularly, in Phoenix—which revealed nationwide system failures and resulted in the deaths of veterans. It is also evidenced by refusal to change, which is shown the number of times we have had a crisis in which the VA has run out of money to pay for the Choice Program and again comes to us at the 11th hour telling us they need help financially to keep the Choice Program going. It is a reason why today we can't tell you how much money is needed or when the current resources will expire.

I don't want us to miss the opportunity to do something more than simply reauthorize the Choice Program. I want to use this opportunity to create a system that not only works for veterans but modernizes and transforms the VA into a 21st century healthcare system that will serve our veterans today and veterans for generations to come.

This legislation reforms the VA healthcare system by connecting independent demand and capacity assessments to objective access and quality standards, which are used, then, to provide the veterans access to care in their community. The point here is that the VA remains the gatekeeper. The point, also, is that the criteria—the broad outline by which community care should be and must be provided—is determined by Congress, not by rules and regulations from within the bureaucracy of the Department. This legislation creates the tools the VA must use to reform healthcare, safeguards our veterans from inconsistent experiences, and leads to poor health outcomes.

This effort was a collaboration, including a strong collaboration with the

Department of Veterans Affairs, but also with the General Accounting Office, the Congressional Research Service, the Department of Defense, RAND, various healthcare industry experts across the country, as well as veterans services organizations.

We worked closely with the entities that have investigated the VA. In the Appropriations subcommittee that I chair, we often have the IG or the GAO in front of us explaining one more time a flaw that occurred at the VA and what needs to be done to correct that flaw. We sought their input into how not to fix the consequences of a flaw but how to avoid a flaw. We want to fill in the gaps and develop solutions in advance of problems, and that requires real transformation within the VA.

We need to get the VA's house in order so they can do what they want to do, what they are required to do, and what the Americans demand of them—care for our veterans. There is too much dysfunction still happening at the VA for Congress not to take a stronger and more measured approach to reforming the VA healthcare system. It is unacceptable, in my view, for us to rely on "criteria the Secretary will develop" because that translates into a VA bureaucracy determining veteran eligibility in that regulatory process.

In large part, this legislation is derived, in my view from my experience as a Member of the Senate, in which not a day goes by that our office doesn't hear from veterans across Kansas and across the country. They bring to us the problems they have experienced, what all of us in the Senate would call casework. Somebody brings us a problem, and we work to solve it. The goal and my belief is that the outcome of this legislation reduces the amount of casework, which isn't about reducing our workload. It is about making certain that veterans don't have to come to their Congressman or Congresswoman and don't have to come to their U.S. Senator to get the services they are entitled to by law and by moral obligation. We don't learn from history. We need transformation. We need something more than just saying: Let's keep the current process in place for a while longer.

Following World War II, GEN Omar Bradley was assigned the task of overhauling the VA for the millions of Americans who were returning home from World War II. He said some important things at that point in time. Bradley rightfully kept the needs of veterans at the forefront. He said: "We are dealing with veterans, not procedures; with their problems, not ours."

The goal and the outcome of good legislation will be to reduce and, hopefully, over time, to eliminate most of the problems our veterans experience in dealing with the VA and in accessing the healthcare they have been promised.

The VA has done an admirable job in many, many instances, but way too many veterans fall through the cracks. I would estimate that our office receives 30 new cases every week, and most of them deal with the issue of healthcare, and many of those deal with the issue of community care.

We can reform this system. We can make it better for the veteran. We can make it better for the provider and for those hospitals and clinics across Kansas and around the country that are willing to serve the VA if there is a process in place by which they get paid and they get paid at a rate with which they can afford to care for those veterans. What I would say is that, in most instances, it is so they don't lose more money in caring for those veterans.

Just like at the conclusion of World War II, when General Bradley overhauled the VA, today's VA is in need of another major reform. Just as General Bradley did, we must keep the veterans' unique wants and needs in mind as we reshape and reform the delivery of healthcare. Veterans require and deserve the best our Nation has to offer. If the VA is serious about restoring the trust with veterans, then, the VA needs to be committed to creating a modern, functional healthcare system that increases access—both within the VA and within the community—for timely and quality care. We ought not miss this opportunity. We ought not shy away from legislation that helps to achieve that outcome.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. CASEY. Mr. President, I rise this afternoon to spend a couple of minutes talking about the Dream Act and the so-called DACA issue. There are so many acronyms here in Washington. Sometimes we rely too much on them, but in this case, a lot of Americans know what we are talking about—the Deferred Action for Childhood Arrivals.

This policy was put in place in the prior administration. Then in September, in this administration, the President made an announcement to end the program, to end the Deferred Action for Childhood Arrivals Program. The President imposed, I would argue, an arbitrary deadline of March 5 of next year, which is looming now. Something on the order of 20,000 DACA recipients have already lost their protection from detention and deportation, and I believe that it is critical for

Congress to act now to pass the bipartisan Dream Act.

What are we talking about here?

We are talking about young people who arrived in this country, in many cases, at very, very young ages—some of them babies, some of them young children at the time. When you hear their stories, you come away impressed that they have succeeded, that they have become part of the fabric of American life.

In a meeting a couple of months ago—sitting in a conference room, around a long conference table with other DACA recipients, because of the looming deadline and the potential that she could lose the status she has now and be deported—one DACA recipient said to me: The only country I have ever known doesn't want me—or at least she was reflecting that the policy the administration had enunciated seemed to send a message to her that she was not wanted.

This makes no sense at all on a number of fronts, and I will get to each of them in a moment, but I will start with the word "promise." These young people were made a promise by our government. It was made by the President of the United States of America when he said: Come forward, and we will protect you because you have taken that affirmative step forward.

That promise cannot be violated, in my judgment, by any President or, certainly, by inaction on the part of Congress. If this government is willing to break that promise to what most believe is something on the order of 800,000 young people who have lived in the United States since their childhoods and after our having allowed them to better contribute to their families and their communities, why would any government around the world, let alone our own people, believe any other promise that we would make?

Would we have that moment, I would hope that we would be confident that a foreign government that happens to be an ally would be able to take our word for something—take the word of the President, take the word of a Federal official or a Member of Congress—when we make an assertion.

We all remember the story in the context of the Cuban missile crisis, when an American official went to see President de Gaulle of France—an ally, a close ally, an ally for generations. In discussion with President de Gaulle of France, that envoy said: The President of the United States wants me to present evidence to you to prove that there are missiles in Cuba.

As we were told, President de Gaulle said: There is no reason for you to show the surveillance pictures. If the President of the United States says there are missiles in Cuba, I believe him, and you don't need to prove it to me.

Part of that was because, over the generations, leaders of our country had

built up a kind of credibility, a believability, that was very important to our international relationships—in this case, having to do with the French people.

Yet our government would break a promise to 800,000 young people—law-abiding young people, young people who have succeeded, in many of whom our country has invested by way of their educations. They have been educated in our school districts—educated in grade school and in high school and in our institutions of higher education in some instances. We are going to break a promise to them? Why would anyone trust us around the world if we would break a promise to 800,000 young people?

This is the responsibility not only of the administration but of both parties in both Houses because, if that promise is violated by inaction or action, then I think that we damage our credibility here at home, especially, but also around the world.

We know that there are economic consequences to this action or inaction. By one estimate, when I consider just Pennsylvania, here are some of the numbers. In Pennsylvania, the Deferred Action for Childhood Arrivals Program has allowed nearly 5,900 young people to come forward and to pass background checks to live and to work legally in this country. That was the promise. You come forward, and you allow a background check to proceed. You pass it, and you work legally in this country.

What kind of impact would play out in Pennsylvania if those 5,900 young people were to be lost because DACA would have ended?

The cost for our State would be, by one estimate, \$357 million. The national number is extraordinarily high. For the 800,000 young people who have lived in the United States since their childhoods, if DACA ends, the national economy will lose more than \$460 billion—that is billion with a "b" as opposed to the Pennsylvania number, which is in the millions—over the decade. So it would be, roughly, \$46 billion or so every year for 10 years. Why would we do that? Why would anyone want that to happen—to have that kind of economic hit to the national economy?

I think it is wrong just based upon its being a violation of a promise. It is a sacred obligation of any government, especially to the people who are living within the boundaries of the United States of America. That is offensive enough for me to speak out against action or inaction that would be against the interests of these young people. Even if you did not prioritize the violation of a sacred promise, you could also arrive at the conclusion that ending DACA would be a mistake for purely economic reasons if you were concerned about the national economy.

These young people, known as Dreamers, as I said, have lived in this country since they were very young. They are law-abiding residents. They have learned English. They pay taxes and have gone to school. They have secured jobs to support themselves and their families. For many of these Dreamers, America is, indeed, the only home they have ever known. Here are a couple of examples, in this case, from Pennsylvania.

Audrey Lopez, a Dreamer from Lancaster, PA, was brought to the United States from Peru when she was just 11 years old. Audrey spent most of her childhood in Pennsylvania, and her parents instilled in her the value of hard work and an education. Like so many Dreamers, Audrey Lopez only learned that she was undocumented when she started applying to college and learned that she did not have a Social Security number.

Despite her not having access to financial aid, Audrey worked hard and graduated from Millersville University of Pennsylvania in 2012. After graduation, she took a job in public service at Church World Services in assisting refugees with resettlement. This past fall, Audrey accepted a nearly full scholarship to American University, here in Washington, where she will obtain a master's in international development. She has chosen that course of study, in part, due to fear of deportation. She is hoping to arm herself with the tools to make her country a better place.

We should be supporting young, hard-working people like Audrey who want to work in the service of others and our Nation. Instead, there are people here in Washington who are threatening their futures—not only her future but our Nation's future—by making us less safe and damaging the economy.

I say "less safe" if that is the way we treat law-abiding individuals in our country, people who have lived here their whole lives. They may not have been born here—they may not have a number—but for all intents and purposes, they are Americans. They live in American communities and attend American schools. They have achieved things that we would hope every American would achieve, and they have worked hard. In some cases, they didn't realize they were any different from any other child until much later in life when they were told they might not have had a number or a special status that others around them might have had. In any case, in addition to being the wrong thing to do—violate a promise—and in addition to hurting our economy, if you end DACA, it will not be good for our security.

Again, why would anyone believe that we could enter into a hard and fast security agreement or protect our own people if we would not be willing to protect people in our own country who have followed the law? This would

be an insult and an outrage if it were hundreds of people, but we are talking about 800,000 who will be subject to losing their status and, ultimately, be deported because the U.S. Congress doesn't have the guts and doesn't have the integrity to protect them.

So this is a test, a test of the U.S. Congress—both Houses—and it is a test for the administration as well. I hope they can pass this test, the test of whether we keep our promise or whether we lie to the people. That is what this is about. This is about basic integrity, and there is no in-between here. You either keep your promise or you don't. We will see what the administration does, we will see what the Congress does, and we will see whether people care about the economy.

There is a lot of talk about growing the economy. How can we say we want to grow the economy, when you reject because of some ideology or some special interest—reject and compromise and damage the future of 800,000 people who live here? That is inexcusable and unforgivable. I hope we see some moral courage over the next couple of weeks when it comes to these young people. Ending DACA is bad for our economy, it tears away the integrity of our government, and it is bad for our security. If this program is ended, we are less safe as a country, without a doubt.

This is why Congress must move immediately to pass the bipartisan Dream Act. It is a bill I was proud to vote for and move forward in 2007 and 2010. The bill would allow Dreamers to become permanent residents if they meet the very stringent qualifications outlined in the bill. This means giving those 5,900 Pennsylvanians who have been granted DACA status some security and a future they can count on. This is why we can say America is a great country, when we keep our promises, when we protect our own folks in our communities, especially these individuals who work very hard.

So this is a basic test. I hope our government will meet it. I hope the administration will work with us to make sure we can finally pass into law a measure that will remove this uncertainty and remove the fear people live with.

Let me conclude with one observation. I was in a meeting a couple of weeks ago with a young woman who said: The only country I have ever known doesn't seem to want me.

Another young woman in the same meeting said her whole goal in life was pretty simple. She wanted to be a nurse. She said she wanted to heal people. She had done well in school, had followed all the rules, and now she may be in trouble, subject to deportation down the road, if somehow this DACA policy isn't upheld, if our promise is violated, our sacred promise to 800,000 people. This young woman was telling

a room full of people about this goal she had, this aspiration to be a nurse, and when she said, "All I want to do is heal people," she became very upset.

Another young woman who had achieved in school and had done well was a volunteer firefighter in Pennsylvania. She worries about it as well. Story after story, example after example of young people who have worked very hard their whole lives, have achieved in school, their friends are all around them, and their families are a part of these communities. Is our government going to violate a promise to them? Why would anyone believe our government after that on any promise if it violates a promise that fundamental? Why would anyone trust the U.S. Congress if these young people aren't protected?

I hope Congress will meet this test, support the Dream Act, and get it done. If we get that done, then we can say we are a government people should trust. If you don't get this done, it is a lot more difficult to make the case that our word is good here at home and that it is good internationally.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUNT). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 123, which was received from the House, and that there be 30 minutes of debate, equally divided in the usual form, in relation to H.J. Res. 123; further, that following the use or yielding back of that time, the joint resolution be considered read a third time and the Senate vote on the joint resolution with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 123) making further continuing appropriations for fiscal year 2018, and for other purposes.

Thereupon, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Senator from Alaska.

RECOGNIZING THE UAA WOMEN'S BASKETBALL TEAM AND THE GREAT ALASKA SHOOTOUT

Mr. SULLIVAN. Mr. President, every week I have been coming down to the floor to talk a little bit about my great State, about the wonders of its natural

landscape—a land that everybody should see for themselves—and we talk about special people. I know the Presiding Officer looks at this as one of the favorite times in his long week. We talk about the people who have made a difference in Alaska, our Alaskan of the Week. It is one of the best things I get to do here as Alaska's Senator because I get to talk about Alaska's beauty; the people who make my State so special; the kind, generous people full of rugged determination, full of patriotism, full of drive, full of life.

Living in the North in some of the most difficult terrain and extreme conditions of the world breeds competition in the best ways possible. It also sparks creativity all across the State. When creativity meets competition, great things can happen.

You saw great things happen on the basketball court late last month when University of Alaska Anchorage's women's basketball team, who are our Alaskans of the Week, won the championship at the Great Alaska Shootout in Anchorage, the seminal sports event of the year that for four decades has corresponded with Thanksgiving weekend.

Let me talk for a few minutes about the Great Alaska Shootout. In the late 1970s, a coach from the University of Alaska Anchorage's basketball team had a vision to put the fledgeling UAA basketball program on the map. How would he do that? He would create a preseason college basketball tournament, and he would make sure that participation in any tournament outside the contiguous lower 48 States didn't count against the limits for how many games a team was allowed to play. And so was born the Great Alaska Shootout.

For the past 40 years, tens of thousands of Alaskans from all over the State—and I would say Americans from all over the country—many who had never been to a professional game or even a college game, traveled to Anchorage to watch some of the best basketball in the country. In Anchorage, people opened their homes to the teams from the lower 48 to enjoy a home-cooked Thanksgiving dinner.

The teams and the players who came to Alaska over the last 40 years are legion—Patrick Ewing, Glenn Robinson, Sam Perkins, Ray Allen, Dwayne Wade, and Alaska's own Trajan Langdon, just to name a few. All the great college basketball coaches at one time or another came to our State—Coach K, Jim Valvano, Bobby Knight, Denny Crum, Roy Williams, Tom Izzo, Pat Summitt, and so many others. As one reporter put it, "It was an annual Thanksgiving week staple for ESPN and it made Anchorage the center of the college basketball world for one bright, shining week."

Time and again, the UAA Seawolves—both the men and women's teams—Division 2 programs, who were

up against some of the biggest Division 1 powerhouses in the country, showed the world what basketball in Alaska looked like, and it looked strong.

The Great Alaska Shootout was a gift to the world, to America, and to all of Alaska. Times have changed, and so have college basketball tournaments. More choices are available. Other States have begun to compete with Alaska. So this past Thanksgiving, sadly, was the Shootout's last tournament. But, again, UAA's basketball teams made us proud. All told, the men's teams won 39 games in 40 Shootouts. This past Thanksgiving Day, the UAA women, which has become a Division 2 powerhouse under the leadership of Coach Ryan McCarthy, claimed the women's championship in the final Shootout, beating the Division 1 University of Tulsa Golden Hurricanes 59 to 52 in a thriller. It was their seventh title in tournament history.

Everyone involved—the businesses that sponsored the Shootout over the years, the many avid fans who haven't missed a game, and all those who played in the Great Alaska Shootout over four decades—is deserving of recognition. But at this year's final Great Alaska Shootout, the UAA women's team showed us all the true meaning of grit and determination.

So here is to the Seawolves, our Alaskans of the Week. Here is to the history of the Great Alaska Shootout. It is a great day to be a Seawolf. Thanks for all the great games, the great memories, and a truly great Alaskan and American basketball tournament.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore emeritus, the Senator from Vermont.

Mr. LEAHY. Mr. President, first, I applaud the Senator from Alaska. He makes us all want to be there.

Mr. President, let me speak for a moment in my role as vice chairman of the Senate Appropriations Committee about the continuing resolution that the distinguished majority leader has just mentioned.

The current spending caps set in place by law will not responsibly fund the government or alleviate the consequences of sequestration on both our domestic priorities and our military readiness.

Since March 1, along with many others, I have constantly repeated that we must reach a bipartisan budget deal that is based on parity, free of poison pill riders, not waste taxpayer dollars on a useless border wall, which we will never be reimbursed for by Mexico. But with the current continuing resolution expiring tomorrow, we are running out of time to reach an agreement.

The continuing resolution before us today will allow us more time to reach a bipartisan agreement and keep the government's lights on during negotia-

tions. I will join with the distinguished majority leader in voting for this, but the key to successful negotiation during that time is parity. Sequestration has had devastating consequences on our country that are going to impact a generation, but we have to raise the caps on both sides of the ledger—defense and nondefense.

Anywhere you go, the vast majority of Americans will agree that it is not an academic exercise. The decisions we make here today have real impacts on people's lives.

There is no question that sequestration has hurt our military readiness, but it has also hurt our Nation's economy, and it has led to a decline in critical government services on which millions of Americans depend.

Our veterans have been shortchanged. An average of 558,000 veterans fail to get a healthcare appointment during the 30-day standard. The average wait time for the VA to process a benefit appeal is over 3 years.

Our infrastructure is crumbling. America, this great Nation, now gets a D-plus rating from the American Society of Civil Engineers. This means that the roads, the bridges, the dams, the drinking water, the public parks, and the schools we all use and depend on have a near-failing grade.

Education programs have suffered. The purchasing power of the maximum Pell Grant now covers only 29 percent of the average price for college.

Our elderly citizens are getting shortchanged. More than 1 million Social Security benefits appeals are backlogged an average of 605 days. An estimated 10,000 people die each year before their appeals are completed.

I could go on and on.

If we raise the caps for defense programs but do not also raise the caps to properly fund our nondefense priorities, we will still shortchange our men and women in uniform. If we don't invest in our Nation's economy and educate our youth, the military will not have the expertise, qualified soldiers, or advanced research that it needs to be the best in the world. If we don't invest in diplomacy, our world will become less safe and we will be less safe. As our Secretary of Defense said: If you are not going to invest in diplomacy, you better buy me more bullets. And we would fail to provide the level of care for our veterans that they deserve.

I have talked with both Republicans and Democrats. I am confident we can reach an agreement that addresses our country's needs and responsibly funds our government.

As we in the Congress work on it, it is discouraging that the President has cast doubt on these negotiations. He has even invited a "good [government] shutdown." His party is in charge, so I don't know why he would say that. Even more discouraging is a recent Washington Post story that said the

President has told his confidants that a government shutdown would be good for him politically.

Well, there are 325 million Americans who are going to be affected by a government shutdown. It is irresponsible. It is no way to govern. In all my years in the Senate, with Republican and Democratic Presidents alike, never have I heard such damaging rhetoric come from either a Republican or Democratic President of the United States.

The last Republican shutdown in 2013 dealt a devastating blow to the Nation's economic growth. It amounted to an estimated \$1.5 billion lost for each day of the 16 days of the shutdown. Federal workers were furloughed through no fault of their own for a combined total of 6.6 million days, stalling important research and grinding our government to a halt.

I know the Republicans are in charge of the House, the Senate, and the White House. If there is a Republican shutdown this fiscal year, it is because they want one. I have talked to a lot of Republicans and Democrats, whom I respect and work with every day, who hope the 2-week continuing resolution before us is an indication we will not go down that path. I hope these Republicans will work with Democrats to produce a responsible, bipartisan budget deal that meets the needs of our Nation.

We have squandered enough time. I stand ready, as I have been since March, when we negotiated a budget agreement that kept us from having a shutdown last time. I will work with the Republican leadership, as I did then, to secure the funding agreements we need to complete our appropriations work for this fiscal year. This 2-week continuing resolution will give us that chance.

I urge my Democratic colleagues to join with the Republican leader and vote aye.

Mr. President, how much time is remaining before the vote?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. LEAHY. And how much time is there on the other side?

The PRESIDING OFFICER. Nine minutes.

Mr. LEAHY. So we will not vote unless time is yielded back.

I believe there are no other speakers.

Mr. President, I ask unanimous consent that all time be yielded back on both the Republican and Democratic sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. FLAKE), the Senator from Kentucky (Mr. PAUL), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Pennsylvania (Mr. TOOMEY) would have voted 'yea.'

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

The PRESIDING OFFICER (Mr. YOUNG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 14, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—81

Alexander	Feinstein	Murray
Baldwin	Fischer	Nelson
Barrasso	Gardner	Perdue
Bennet	Graham	Peters
Blumenthal	Grassley	Portman
Blunt	Hassan	Reed
Boozman	Hatch	Risch
Brown	Heinrich	Roberts
Burr	Heitkamp	Rubio
Cantwell	Heller	Schatz
Capito	Hoeven	Schumer
Cardin	Inhofe	Scott
Carper	Isakson	Shaheen
Casey	Johnson	Shelby
Cassidy	Kaine	Stabenow
Cochran	Kennedy	Strange
Collins	King	Sullivan
Coons	Klobuchar	Tester
Corker	Lankford	Thune
Cornyn	Leahy	Tillis
Cortez Masto	Manchin	Udall
Cotton	McCaskill	Van Hollen
Daines	McConnell	Warner
Donnelly	Menendez	Whitehouse
Duckworth	Moran	Wicker
Durbin	Murkowski	Wyden
Enzi	Murphy	Young

NAYS—14

Booker	Hirono	Rounds
Cruz	Lee	Sanders
Ernst	Markey	Sasse
Gillibrand	McCain	Warren
Harris	Merkley	

NOT VOTING—5

Crapo	Franken	Toomey
Flake	Paul	

The joint resolution (H.J. Res. 123) was passed.

APPOINTMENT OF CONFEREES— H.R. 1

The PRESIDING OFFICER. Under the authority granted on a motion yesterday, the Chair appoints conferees on the part of the Senate on the disagreeing votes of the two Houses.

The Presiding Officer appointed Mr. HATCH, Mr. ENZI, Ms. MURKOWSKI, Mr. CORNYN, Mr. THUNE, Mr. PORTMAN, Mr. SCOTT, Mr. TOOMEY, Mr. WYDEN, Mr. SANDERS, Mrs. MURRAY, Ms. CANTWELL,

Ms. STABENOW, Mr. MENENDEZ, and Mr. CARPER conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that it be in order to make a motion to proceed to Executive Calendar Nos. 533, 534, and 535 today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 533.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Leonard Steven Grasz, of Nebraska, to be the United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 534.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 535.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DONALD HARLAN HANSEN

Mr. HATCH. Mr. President, I rise today to congratulate, recognize, and acknowledge the longtime public service that Donald Harlan Hansen has provided to the State of Utah.

This month, Donald Hansen will officially retire as the civil litigation chief for the Salt Lake County district attorney. He has worked for the district attorney since 2001, where he served as lead counsel in jury and bench trials before State and Federal courts and countless administrative proceedings.

Prior to his work with the Salt Lake County district attorney, he worked for the Utah Attorney General, in which capacity he served as litigation counsel for critical legal cases throughout the State. Utah-born and bred, Donald graduated from the University of Utah before obtaining his law degree from the S.J. Quinney College of Law.

Donald has been published in many legal proceedings and is admitted to practice law before the Utah Supreme Court, the U.S. District Court for the District of Utah, the Oregon Supreme Court, the U.S. District Court for the District of Oregon, the U.S. Tenth Circuit Court of Appeals, and the U.S. Supreme Court.

Donald currently lives in the Mill Creek area of Salt Lake and is the father of four children and the grandfather of 12. He is a dedicated public servant, and I wish him the very best in his retirement.

76TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

Mr. CARDIN. Mr. President, I wish to recognize and honor the 2,403 Ameri-

cans who lost their lives when Japanese naval forces launched a surprise attack on our Nation at Pearl Harbor, HI, 76 years ago. Today we remember the millions of Allied Forces who fearlessly and selflessly gave their lives to defeat fascism and defend our freedoms and way of life. We will never forget the sacrifices that were made during World War II, and the memory of the attack on Pearl Harbor inspires us to remain forever vigilant.

Just a few days ago, the Associated Press, AP, reported that the Department of Defense's POW/MIA Accounting Agency has identified 100 sailors and marines killed when the USS Oklahoma capsized during the Japanese attack on Pearl Harbor. Officials exhumed the bodies from a cemetery in Hawaii "after determining that advances in forensic science and genealogical help from families made it possible to identify the men." These marines and sailors have been classified as missing since World War II.

According to the AP, agency officials think they will be able to identify about 80 percent of the battleship's missing crewmembers by 2020. I imagine this is of great comfort to the families of those who were lost, many of whom may now be buried in their hometowns. This effort is yet another example of our obligations to those who have given "the last full measure of devotion" that this Nation and that government of the people, by the people, for the people shall not perish from the earth, as Abraham Lincoln so eloquently and poignantly put it at Gettysburg, PA.

We must be ready to counter threats to our Nation, both at home and abroad, that endanger the American people and our values. In President Franklin Delano Roosevelt's historic "Day of Infamy" speech, he pledged to "... make it very certain that this form of treachery shall never again endanger us." Our Nation must remain strong and vigilant, prepared to meet future challenges, particularly in the fight against those who wish us harm.

America's Greatest Generation was forged from the sacrifices required in the crucible of World War II. On this day, as we pause to remember and honor those sacrifices, we remind ourselves and the world that "American values" still stands for freedom and a determination to use our unmatched strength to defend those who are unable to defend themselves. On this anniversary, we also take time to honor the brave men and women who currently serve in our military and their families. We pray for their safe return as they continue to serve in harm's way.

ADDITIONAL STATEMENTS

TRIBUTE TO JUNE RYCHALSKI

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing June Rychalski for her service with the Montana Department of Military Affairs. She has served Montana with grace, diligence, a positive attitude, and genuine care for the people of the Treasure State.

During her 35 years of service, June has been secretary to the senior Army adviser, administrative assistant to the adjutant general and next month will complete her career with the Montana Veterans Affairs Division. June demonstrated compassion and professionalism on a daily basis. Her ability to help a grieving family member navigate the challenges of veteran burial honors or steer a distressed veteran in the right direction to attain benefits is highly commendable. Her presence in the in the Montana Department of Military Affairs will be missed, but the mentorship she provided agency personnel over the years will ensure that her legacy endures. To her coworkers, June was regarded as their greatest advocate.

When June retires, she plans to do what she has always done, continue to take good care of others. At age 83, June's example is inspiring. Her work ethic, compassion, and commitment to excellence represent the best of Montana values. Thank you, June, for your service. I wish you the best in retirement and appreciate all you have done for our State.●

TRIBUTE TO DAVE COURVOISIER

• Mr. HELLER. Mr. President, today I wish to congratulate Mr. Dave Courvoisier on his retirement from KLAS news station in Las Vegas. I am honored to recognize his dedication to reporting to the citizens of southern Nevada for 32 years, as well as his commitment to the communities he has served throughout his career.

A native midwesterner, Dave received both his bachelor's and master's degrees from the University of Illinois. He began his career at KCCC Radio in Carlsbad, NM, and then carried his talents to Grand Junction, CO, where he jumpstarted his television career at KJCT. Dave worked for various news outlets in Indiana, Missouri, and North Carolina before settling in Las Vegas with his wife in 1985.

Mr. Courvoisier quickly established himself as a tactful and passionate reporter for KVBC in Las Vegas. His numerous reports related to the issues of disadvantaged children yielded both national and local awards. In particular, Mr. Courvoisier is well-known for his involvement with Wednesday's Child, an adoption program, and he distinguished himself with his news feature series focused on helping foster

children find permanent homes. His commitment to this issue is also reflected in his personal life; he established a new chapter of Big Brothers, Big Sisters.

While Dave has led an incredibly successful reporting career, he believes his most important work to be raising his three daughters with his wife. As Nevada's senior Senator, I want to thank Mr. Courvoisier for his dedication to keeping the people of southern Nevada informed. I offer him the very best in his retirement and my well wishes for many successful and fulfilling years to come.●

TRIBUTE TO WALTER STRONG

● Mr. INHOFE. Mr. President, I am pleased to recognize Mr. Walter Strong on the occasion of his retirement. Walt has led the University of Oklahoma's Max Westheimer Airport, OUN, for 19 years and has a lifelong dedication to the aviation community. Under his leadership, the Max Westheimer Airport has demonstrated it is one of the best flight schools in the Nation, organizes successful pilot fly-ins, and maintains a youth outreach program to encourage the next generation to get involved in flying.

Mr. Strong began his career in aviation in the U.S. Air Force, working as an air traffic controller in both control tower and radar approach control facilities. Retiring after 20 years of service in the Air Force, Mr. Strong began working at the Oklahoma Aeronautics Commission, rising to the level of deputy director. He was one of Oklahoma's first airport inspectors. From 2004 to 2005, he served as the president of the Oklahoma Airport Operators Association. A pillar of the Oklahoma aviation community, Mr. Strong was awarded the "Airport Manager of the Year" in 2011, the same year that Max Westheimer Airport was recognized as "Airport of the Year." In 2016, under his leadership, the Max Westheimer Airport received the Willie F. Card Contract Tower Service Award from the Federal Aviation Administration, which recognizes one tower each year for embodying Willie Card's vision of a tower that places profound emphasis on both safety and efficiency.

At the Federal level, Mr. Strong has been a passionate advocate for aviation, serving on the board of the American Association of Airport Executives and as the chair of the U.S. Contract Tower Association and ensuring that all Members of Congress are aware of the importance of general aviation to their constituents and to their communities.

I know that I join his family, the Max Westheimer Airport, and the University of Oklahoma community in thanking him for his years of service and contributions to the aviation community. Congratulations on your retirement.●

TRIBUTE TO DORA SPAULDING

● Mr. SANDERS. Mr. President, I would like to congratulate and honor an exceptional Vermonter, Dora Spaulding, who this year is celebrating 50 years of dedicated service to the students at the Marion Cross Elementary School in Norwich, VT.

Ms. Spaulding has been the administrative assistant at the Marion Cross School for the past 10 years and was secretary to the principal for 40 years prior to that. Her story is all the more impressive when one considers that Dora Spaulding attended Marion Cross School herself, from first to eighth grade. It is hard to imagine today, but Dora was the only girl in her entire first-grade class.

As the school's administrative assistant, Ms. Spaulding is responsible for the payroll, purchasing, bus transport arrangements, facility rental schedule, and other administrative tasks for the school, but more than that, she is, in many ways, the face of the school. In fact, several members of my staff grew up in Norwich and attended the Marion Cross School and speak highly of her many contributions to the students, school, and the community.

Dora Spaulding embodies the spirit of dedicated public service. I applaud her for helping to steward countless young people over the past 50 years and for her tremendous commitment to education and community.●

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1266. An act to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 38. An act to amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 90. Concurrent resolution condemning ethnic cleansing of the Rohingya and calling for an end to the violence in and an immediate restoration of humanitarian access to the state of Rakhine in Burma.

ENROLLED BILL SIGNED

At 12:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1266. An act to authorize the Secretary of Veterans Affairs to enter into contracts

with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 5:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 123. Joint resolution making further continuing appropriations for fiscal year 2018, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 38. An act to amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 90. Concurrent resolution condemning ethnic cleansing of the Rohingya and calling for an end to the violence in and an immediate restoration of humanitarian access to the state of Rakhine in Burma; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2199. A bill to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1164. An act to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3643. A communication from the Acting Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Distance Learning and Telemedicine Loan and Grant Program" (RIN0572-AC37) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3644. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus subtilis strain BU1814; Exemption from the Requirement of a Tolerance" (FRL No. 9969-96) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3645. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sedaxane; Pesticide Tolerances" (FRL No. 9970-04) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3646. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Pesticide Tolerances" (FRL No. 9970-39) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3647. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the quarterly exception Selected Acquisition Reports (SARs) as of September 30, 2017 (OSS-2017-1286); to the Committee on Armed Services.

EC-3648. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the fiscal year 2017 report on Department of Defense purchases from foreign entities; to the Committee on Armed Services.

EC-3649. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Report to Congress on Corrosion Policy and Oversight Budget Materials for Fiscal Year 2017"; to the Committee on Armed Services.

EC-3650. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material" (RIN1992-AA56) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Energy and Natural Resources.

EC-3651. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry" (FRL No. 9971-50-OLEM) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3652. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS)" (FRL No. 9971-66-OAR) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3653. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs for Area and Mobile Sources" (FRL No. 9971-04-Region 6) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3654. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standards" (FRL No. 9971-83-Region 2) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3655. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Under the 2008 Ozone National Ambient Air Quality Standard (NAAQS)" (FRL No. 9971-58-Region 3) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3656. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Ohio; Redesignation of the Fulton County Area to Attainment of the 2008 Lead Standard; Withdrawal of Direct Final Rule" (FRL No. 9971-74-Region 5) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3657. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Minnesota; 2008 Ozone Transport" (FRL No. 9971-61-Region 5) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3658. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Illinois; Redesignation of the Chicago and Granite City Areas to Attainment of the 2008 Lead Standard; Withdrawal of Direct Final Rule" (FRL No. 9971-77-Region 5) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Environment and Public Works.

EC-3659. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Emergency Import Restrictions Imposed on Archaeological and Ethnological Materials from Libya" (RIN1515-AE34) received in the Office of the President of the Senate on December 1, 2017; to the Committee on Finance.

EC-3660. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Tier 2 Tax Rates for 2018" (FR Doc. 2017-25741) received

in the Office of the President of the Senate on December 6, 2017; to the Committee on Finance.

EC-3661. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Application of Excise Taxes With Respect to Donor Advised Funds in Certain Situations" (Notice 2017-73) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Finance.

EC-3662. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 5000A Guidance for Individuals with No Available Marketplace Bronze-Level Plan" (Notice 2017-74) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Finance.

EC-3663. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2017 Base Period T-Bill Rate" (Rev. Rul. 2017-23) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Finance.

EC-3664. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Physician Supervision Requirements in Critical Access Hospitals and Small Rural Hospitals; to the Committee on Finance.

EC-3665. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3666. A communication from the Acting Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3667. A communication from the Chief Operating Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Office of Inspector General's Semiannual Report for the period of April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3668. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report of the Office of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3669. A communication from the Solicitor General, Department of Justice, a report relative to a case pending before the Supreme Court (Raymond J. Lucia et al v. Securities and Exchange Commission); to the Committee on the Judiciary.

EC-3670. A communication from the Deputy General Counsel, Office of Investment and Innovation, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies—Administrative Fees" (RIN3245-AG65) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Small Business and Entrepreneurship.

EC-3671. A communication from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Democratic People's Republic of Korea; to the Committees on Banking, Housing, and Urban Affairs; and Foreign Relations.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-143. A resolution adopted by the Senate of the Commonwealth of Massachusetts memorializing its position on immigration; to the Committee on the Judiciary.

RESOLUTIONS

IN RESPONSE TO THE JANUARY 27, 2017
PRESIDENTIAL EXECUTIVE ORDER

Whereas, Immigrants founded this Commonwealth nearly 4 centuries ago, and

Whereas, This nation and this Commonwealth are proud of our strong tradition of welcoming immigrants and refugees to our shores, and

Whereas, Our nation and this Commonwealth have stood as a beacon of hope for refugees fleeing war, violence and persecution, and

Whereas, Immigrants play an essential part in strengthening the communities and enriching the society of this nation and this Commonwealth; and

Whereas, Important sectors of the Commonwealth's economy, including higher education, health care and innovation, depend heavily on immigrants' contributions, and

Whereas, The executive order prohibits many foreign students, workers and other visa holders from 7 targeted majority-muslim nations, including many who have already been vetted and documented, from entering the United States for at least 90 days, suspends the U.S. Refugee Admissions Program for 120 days and resumes the U.S. Refugee Admissions Program after 120 days only for nationals of countries as determined jointly by the Secretary of State, the Secretary of Homeland Security and the Director of National Intelligence; and

Whereas, The First Amendment of the Constitution protects the freedom of religion and this Executive order prioritizes the admission of refugees based on specific religions, and

Whereas, Much of the Executive order is inconsistent with the Nation's and the Commonwealth's strong tradition of welcoming immigrants and refugees to our shores, while not conclusively contributing to the important goal of keeping our residents safe and secure from terrorism, and

Whereas, The Executive order presents serious constitutional and other legal issues of due process, equal protection and discrimination on the basis of religion and national origin, Now therefore be it

Resolved, That the Massachusetts Senate:

(1) Reaffirms the Commonwealth's strong tradition of welcoming immigrants and refugees and rejecting discrimination based on race, ethnicity, gender or religion;

(2) Calls on President Trump to reconsider and rescind those portions of the Executive order that interfere with the rights of already documented students, workers, permanent residents and other visitors;

(3) Supports the legal actions of our attorney general and other plaintiffs to contest the legality of the Executive order in court, and be it further

Resolved, That copies of these resolutions shall be transmitted forthwith by the clerk of the Senate to the President of the United States and those Members of Congress from the Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 150. A resolution recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance.

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 1901. A bill to require global economic and political pressure to support diplomatic denuclearization of the Korean Peninsula, including through the imposition of sanctions with respect to the Government of the Democratic People's Republic of Korea and any enablers of the activities of that Government, and to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HATCH for the Committee on Finance.

*Kevin K. McAleenan, of Hawaii, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

By Mr. GRASSLEY for the Committee on the Judiciary.

Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit.

James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Terry A. Doughty, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Terry Fitzgerald Mooror, of Alabama, to be United States District Judge for the Southern District of Alabama.

Mark Saalfeld Norris, Sr., of Tennessee, to be United States District Judge for the Western District of Tennessee.

Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.

John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Robert Earl Wier, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASSIDY (for himself and Mr. DURBIN):

S. 2204. A bill to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program; to the Committee on Finance.

By Mr. HEINRICH (for himself and Mr. HELLER):

S. 2205. A bill to improve access by Indian tribes to support from the Schools and Libraries Universal Service Support program (E-rate) of the Federal Communications Commission, and for other purposes; to the Committee on Indian Affairs.

By Mr. DAINES:

S. 2206. A bill to release certain wilderness study areas in the State of Montana; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself, Mrs. McCASKILL, and Ms. HEITKAMP):

S. 2207. A bill to allow qualified volunteer first responders to qualify for public service loan forgiveness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY (for himself, Ms. COLLINS, Mrs. CAPITO, and Mr. VAN HOLLEN):

S. 2208. A bill to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Mr. CASSIDY, and Mr. TOOMEY):

S. 2209. A bill to amend title XIX of the Social Security Act to require States to count monetary winnings from lotteries and other lump-sum income of \$80,000 or more as if they were obtained over multiple months for purposes of determining income eligibility for medical assistance; to the Committee on Finance.

By Mr. MORAN (for himself and Mr. UDALL):

S. 2210. A bill to ensure the Chief Information Office of the Federal Communications Commission has a significant role in decisions related to information technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MANCHIN (for himself, Mr. CASEY, Mr. CORNYN, Mr. BLUMENTHAL, Mr. TILLIS, and Ms. COLLINS):

S. 2211. A bill to establish a national endangered missing advisory communications network, and for other purposes; to the Committee on the Judiciary.

By Ms. WARREN (for herself, Mr. SANDERS, Mr. CASEY, Mr. FRANKEN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Mr. Kaine, Ms. HASSAN, Mr. CARDIN, Mr. VAN HOLLEN, Mr. MARKEY, Ms. HIRONO, Mr. BOOKER, and Ms. HARRIS):

S. 2212. A bill to establish the "Biomedical Innovation Fund", and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. 2213. A bill to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL:

S.J. Res. 50. A joint resolution relating to the disapproval of the proposed foreign military sale to the Government of Georgia of Javelin Missiles and Javelin Command Launch Units; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. TILLIS, Mr. BLUMENTHAL, Mr. INHOFE, Ms. BALDWIN, Mr. RUBIO, Mr. BROWN, Mr. YOUNG, Mr. FRANKEN, Mr. MCCAIN, Mr. VAN HOLLEN, Ms. MURKOWSKI, Mr. MENENDEZ, Mr. MERKLEY, Mr. CASEY, Mr. WYDEN, and Ms. KLOBUCHAR):

S. Res. 350. A resolution recognizing the 69th anniversary of the Universal Declaration of Human Rights and the celebration of "Human Rights Day"; to the Committee on Foreign Relations.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. Res. 351. A resolution recognizing the bicentennial of the State of Mississippi on December 10, 2017; considered and agreed to.

By Mr. ALEXANDER (for himself and Mr. MERKLEY):

S. Res. 352. A resolution designating the week of December 3 through December 9, 2017, as "National Nurse-Managed Health Clinic Week"; considered and agreed to.

By Ms. COLLINS (for herself and Mr. KING):

S. Res. 353. A resolution designating December 16, 2017, as "Wreaths Across America Day"; considered and agreed to.

By Mr. RUBIO (for himself and Mr. MENENDEZ):

S. Res. 354. A resolution expressing the sense of the Senate regarding the courageous work and life of Argentinian prosecutor Alberto Nisman, and calling for a swift and transparent investigation into his tragic death in Buenos Aires on January 18, 2015; to the Committee on Foreign Relations.

By Mr. LANKFORD:

S. Res. 355. A resolution improving procedures for the consideration of nominations in the Senate; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 298

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 298, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 540

At the request of Mr. THUNE, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of

employees for employment duties performed in other States.

S. 1172

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1172, a bill to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender (LGBT) individuals, and for other purposes.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1353, a bill to require States to automatically register eligible voters to vote in elections for Federal offices, and for other purposes.

S. 1464

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to expand the exclusion for energy conservation subsidies provided by public utilities to include subsidies provided by public utilities and State and local governments for water conservation and storm water management.

S. 1842

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1842, a bill to provide for wildfire suppression operations, and for other purposes.

S. 1913

At the request of Mr. THUNE, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1913, a bill to amend the Federal Crop Insurance Act and the Federal Agriculture Improvement and Reform Act of 1996 to make the native sod provisions applicable to the United States and to modify those provisions, and for other purposes.

S. 2030

At the request of Mr. TILLIS, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 2030, a bill to deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020, and for other purposes.

S. 2032

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2032, a bill to make certain footwear eligible for duty-free treatment under the Generalized System of Preferences, and for other purposes.

S. 2055

At the request of Mr. PETERS, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 2055, a bill to amend the Public Health Service Act to better address substance use and substance use disorders among young people.

S. 2070

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2070, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

S. 2143

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 2143, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment, to expand coverage under such Act, to provide a process for achieving initial collective bargaining agreements, and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2152

At the request of Mr. HATCH, the names of the Senator from Arkansas (Mr. COTTON), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2201

At the request of Mr. COONS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2201, a bill to amend the Higher Education Act of 1965 to improve college access and college completion for all students.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES:

S. 2206. A bill to release certain wilderness study areas in the State of Montana; to the Committee on Energy and Natural Resources.

Mr. DAINES. Mr. President, as a fifth generation Montanan and an avid outdoorsman, I know how important access to our public lands are. Having hiked, camped, biked, and snowmobiled countless miles in the wilderness, forests, and other public lands of Montana, I share with other Montanans the desire to explore the beauty of our state. That is why today I am introducing the Protect Public Use of Public Lands Act. This bill follows calls from

countless Montanans and the U.S. Forest Service recommendations to open up Wilderness Study Areas (WSAs) that the Forest Service recommended to manage as non-wilderness after the congressionally mandated study in the 1970s. The bill would allow new uses to be considered in the public planning process. For too long these lands have remained in limbo and many forms of recreation have been significantly reduced. For this reason, the Montana Legislature passed a measure calling on Congress to take action on these Wilderness Study Areas, and I have continued to hear from County Commissioners, local Montanans, farmers, ranchers, and recreation groups since I have been in Congress of their support for action. Hearing this call I today introduce the Protect Public Use of Public Lands Act and ask my colleagues to join me in supporting this important measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as, follows:

S. 2206

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect Public Use of Public Lands Act".

SEC. 2. RELEASE OF CERTAIN WILDERNESS STUDY AREAS IN THE STATE OF MONTANA.

(a) FINDINGS.—Congress finds that—

(1) under the Montana Wilderness Study Act of 1977 (Public Law 95-150; 91 Stat. 1243), 9 wilderness study areas comprising a total of 973,000 acres of land in the State of Montana were set aside for the Secretary of Agriculture to evaluate the suitability of the wilderness study areas for designation as wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), with the evaluation to be completed not later than 5 years after the date of enactment of the Montana Wilderness Study Act of 1977 (Public Law 95-150; 91 Stat. 1243);

(2) between 1979 and 1986, the Chief of the Forest Service completed the studies of the 9 wilderness study areas and determined that 608,700 acres of the original 973,000 acres designated as wilderness study areas by the Montana Wilderness Study Act of 1977 (Public Law 95-150; 91 Stat. 1243) were unsuitable for inclusion in the National Wilderness Preservation System;

(3) since the completion of the studies required under the Montana Wilderness Study Act of 1977 (Public Law 95-150; 91 Stat. 1243), of the land designated as wilderness study areas by that Act—

(A) 171,000 acres have been designated as wilderness by Congress; and

(B) 663,000 acres remain as wilderness study areas until Congress acts;

(4) Congress has failed to act on the recommendations of the Chief of the Forest Service with respect to the remaining 7 wilderness study areas;

(5) the Montana State legislature passed House Joint Resolution 9, a resolution asking Congress to address the remaining 7 wilderness study areas;

(6) County commissions, sportsmen, farmers and ranchers, and outdoor recreation groups in the State of Montana support Congress acting to remove the land in the State described in subsection (c) to protect public use of public land; and

(7) for the purposes of section 3(a) of the Montana Wilderness Study Act of 1977 (Public Law 95-150; 91 Stat. 1244), the land in the State of Montana described in subsection (c) has been adequately studied for wilderness designation.

(b) RELEASE.—The land described in subsection (c) is no longer subject to section 3(a) of the Montana Wilderness Study Act of 1977 (Public Law 95-150; 91 Stat. 1244).

(c) DESCRIPTION OF LAND.—The land referred to in paragraphs (6) and (7) of subsection (a) and subsection (b) is—

(1) the approximately 151,000 acres of land comprising the West Pioneer Wilderness Study Area;

(2) the approximately 32,500 acres of land within the Blue Joint Wilderness Study Area not recommended for wilderness classification in the record of decision prepared by the Forest Service entitled "Bitterroot National Forest Plan" and dated September 1987;

(3) the approximately 94,000 acres of land comprising the Sapphire Wilderness Study Area;

(4) the approximately 81,000 acres of land comprising the Middle Fork Judith Wilderness Study Area; and

(5) the approximately 91,000 acres of land comprising the Big Snowies Wilderness Study Area.

By Mr. CORNYN (for himself, Mr. CASSIDY, and Mr. TOOMEY):

S. 2209. A bill to amend title XIX of the Social Security Act to require States to count monetary winnings from lotteries and other lump-sum income of \$80,000 or more as if they were obtained over multiple months for purposes of determining income eligibility for medical assistance; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2209

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prioritizing the Most Vulnerable Over Lottery Winners Act of 2017".

SEC. 2. TREATMENT OF LOTTERY WINNINGS AND OTHER LUMP-SUM INCOME FOR PURPOSES OF INCOME ELIGIBILITY UNDER MEDICAID.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(17), by striking "(e)(14), (e)(14)" and inserting "(e)(14), (e)(15)"; and

(2) in subsection (e)—

(A) in paragraph (14) (relating to modified adjusted gross income), by adding at the end the following new subparagraph:

"(J) TREATMENT OF CERTAIN LOTTERY WINNINGS AND INCOME RECEIVED AS A LUMP SUM.—

"(i) IN GENERAL.—In the case of an individual who is the recipient of qualified lottery winnings (pursuant to lotteries occur-

ring on or after January 1, 2018) or qualified lump sum income (received on or after such date) and whose eligibility for medical assistance is determined based on the application of modified adjusted gross income under subparagraph (A), a State shall, in determining such eligibility, include such winnings or income (as applicable) as income received—

"(I) in the month in which such winnings or income (as applicable) is received if the amount of such winnings or income is less than \$80,000;

"(II) over a period of 2 months if the amount of such winnings or income (as applicable) is greater than or equal to \$80,000 but less than \$90,000;

"(III) over a period of 3 months if the amount of such winnings or income (as applicable) is greater than or equal to \$90,000 but less than \$100,000; and

"(IV) over a period of 3 months plus 1 additional month for each increment of \$10,000 of such winnings or income (as applicable) received, not to exceed a period of 120 months (for winnings or income of \$1,260,000 or more), if the amount of such winnings or income is greater than or equal to \$100,000.

"(ii) COUNTING IN EQUAL INSTALLMENTS.—For purposes of subclauses (II), (III), and (IV) of clause (i), winnings or income to which such subclause applies shall be counted in equal monthly installments over the period of months specified under such subclause.

"(iii) HARDSHIP EXEMPTION.—An individual whose income, by application of clause (i), exceeds the applicable eligibility threshold established by the State, shall continue to be eligible for medical assistance to the extent that the State determines, under procedures established by the State (in accordance with standards specified by the Secretary), that the denial of eligibility of the individual would cause an undue medical or financial hardship as determined on the basis of criteria established by the Secretary.

"(iv) NOTIFICATIONS AND ASSISTANCE REQUIRED IN CASE OF LOSS OF ELIGIBILITY.—A State shall, with respect to an individual who loses eligibility for medical assistance under the State plan (or a waiver of such plan) by reason of clause (i)—

"(I) before the date on which the individual loses such eligibility, inform the individual—

"(aa) of the individual's opportunity to enroll in a qualified health plan offered through an Exchange established under title I of the Patient Protection and Affordable Care Act during the special enrollment period specified in section 9801(f)(3) of the Internal Revenue Code of 1986 (relating to loss of Medicaid or CHIP coverage); and

"(bb) of the date on which the individual would no longer be considered ineligible by reason of clause (i) to receive medical assistance under the State plan or under any waiver of such plan and be eligible to reapply to receive such medical assistance; and

"(II) provide technical assistance to the individual seeking to enroll in such a qualified health plan.

"(v) QUALIFIED LOTTERY WINNINGS DEFINED.—In this subparagraph, the term 'qualified lottery winnings' means winnings from a sweepstakes, lottery, or pool described in paragraph (3) of section 4402 of the Internal Revenue Code of 1986 or a lottery operated by a multistate or multijurisdictional lottery association, including amounts awarded as a lump sum payment.

"(vi) QUALIFIED LUMP SUM INCOME DEFINED.—In this subparagraph, the term 'qualified lump sum income' means income that is received as a lump sum from one of the following sources:

“(I) Monetary winnings from gambling (as defined by the Secretary and including gambling activities described in section 1955(b)(4) of title 18, United States Code).

“(II) Damages received, whether by suit or agreement and whether as lump sums or as periodic payments (other than monthly payments), on account of causes of action other than causes of action arising from personal physical injuries or physical sickness.

“(III) Income received as liquid assets from the estate (as defined in section 1917(b)(4)) of a deceased individual.”; and

(B) by striking “(14) EXCLUSION” and inserting “(15) EXCLUSION”.

(b) RULES OF CONSTRUCTION.—

(1) INTERCEPTION OF LOTTERY WINNINGS ALLOWED.—Nothing in the amendment made by subsection (a)(2) shall be construed as preventing a State from intercepting the State lottery winnings awarded to an individual in the State to recover amounts paid by the State under the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for medical assistance furnished to the individual.

(2) APPLICABILITY LIMITED TO ELIGIBILITY OF RECIPIENT OF LOTTERY WINNINGS OR LUMP SUM INCOME.—Nothing in the amendment made by subsection (a)(2)(A) shall be construed, with respect to a determination of household income for purposes of a determination of eligibility for medical assistance under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan) made by applying modified adjusted gross income under subparagraph (A) of section 1902(e)(14) of such Act (42 U.S.C. 1396a(e)(14)), as limiting the eligibility for such medical assistance of any individual that is a member of the household other than the individual who received qualified lottery winnings or qualified lump-sum income (as defined in subparagraph (J) of such section 1902(e)(14), as added by subsection (a)(2)(A) of this section).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 350—RECOGNIZING THE 69TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE CELEBRATION OF “HUMAN RIGHTS DAY”

Mr. COONS (for himself, Mr. TILLIS, Mr. BLUMENTHAL, Mr. INHOFE, Ms. BALDWIN, Mr. RUBIO, Mr. BROWN, Mr. YOUNG, Mr. FRANKEN, Mr. MCCAIN, Mr. VAN HOLLEN, Ms. MURKOWSKI, Mr. MENENDEZ, Mr. MERKLEY, Mr. CASEY, Mr. WYDEN, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 350

Whereas the Universal Declaration of Human Rights, adopted by the United Nations 69 years ago on December 10, 1948, represents the first comprehensive agreement among nations as to the specific rights and freedoms of all human beings;

Whereas the Universal Declaration of Human Rights upholds the basic principles of liberty and freedom enshrined in the Constitution of the United States and the Bill of Rights;

Whereas awareness of human rights—

(1) is essential to the realization of fundamental freedoms;

(2) promotes equality;

(3) contributes to preventing conflict and human rights violations; and

(4) enhances participation in democratic processes;

Whereas Congress has a proud history of promoting human rights that are internationally recognized; and

Whereas December 10 of each year is celebrated around the world as “Human Rights Day”: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 69th anniversary of the Universal Declaration of Human Rights and the celebration of “Human Rights Day”;:

(2) supports the ideals of human rights and reaffirms the Universal Declaration of Human Rights;

(3) encourages all nations to continue working towards freedom, peace, and security, which can be achieved through democracy, respect for human rights, and the rule of law; and

(4) encourages the people of the United States to observe “Human Rights Day” and continue a commitment to upholding freedom, democracy, and human rights across the globe.

SENATE RESOLUTION 351—RECOGNIZING THE BICENTENNIAL OF THE STATE OF MISSISSIPPI ON DECEMBER 10, 2017

Mr. WICKER (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas December 10, 2017, marks a historic bicentennial, denoting 200 years since the State of Mississippi was admitted to the Union;

Whereas this momentous occasion marks a time for Mississippians and all people of the United States to remember the past and celebrate the future, including the significant contributions of the State of Mississippi to the culture, governance, and intellect of the United States;

Whereas on March 1, 1817, President James Monroe signed into law “An Act to enable the people of the western part of the Mississippi territory to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states” (3 Stat. 348, chapter 23), setting the boundaries for the State of Mississippi;

Whereas on December 10, 1817, the United States approved the Mississippi Constitution and admitted the State of Mississippi as the 20th State of the Union;

Whereas the history of Mississippi is most deeply rooted in the people and land of Mississippi, which has produced a unique and rich culture distinct from any other State;

Whereas in the 200 years since the birth of Mississippi as a sovereign State, the citizens of Mississippi have made many significant achievements in agriculture, art, cuisine, industry, literature, music, science, and many other important areas;

Whereas Mississippians have shown their patriotism to the United States through their dedicated service to the protection of the United States through every major conflict;

Whereas the land of Mississippi has produced crops, timber, and protein for the United States and the world while surviving the devastation of hurricanes and other nat-

ural disasters over the course of the history of Mississippi; and

Whereas the Mississippi Bicentennial Celebration Commission is dedicated to celebrating all aspects of the past 200 years of history of Mississippi as a State and has planned numerous major events in coordination with communities, which will culminate on December 9, 2017, with the grand opening of—

(1) the Museum of Mississippi History; and

(2) the Mississippi Civil Rights Museum: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the momentous occasion of the bicentennial of the State of Mississippi on December 10, 2017;

(2) encourages all Mississippians to observe the day with appropriate ceremonies and activities; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the Governor of Mississippi;

(B) the National Archives; and

(C) the Mississippi Department of Archives and History.

SENATE RESOLUTION 352—DESIGNATING THE WEEK OF DECEMBER 3 THROUGH DECEMBER 9, 2017, AS “NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK”

Mr. ALEXANDER (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Whereas nurse-managed health clinics are nonprofit, community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas an advanced practice nurse leads each nurse-managed health clinic, and an interdisciplinary team of highly qualified health care professionals staffs each nurse-managed health clinic;

Whereas nurse-managed health clinics offer a broad scope of services, including treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas, as of September 2017, approximately 500 nurse-managed health clinics provided care across the United States and recorded more than 2,500,000 patient encounters annually;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients, compared to patients of other similar safety net providers, experience higher rates of generic medication fills and lower hospitalization rates;

Whereas the 2013 Health Affairs article “Nurse-Managed Health Centers and Patient-Homes Could Mitigate Expected Primary Care Physician Shortage” highlights the ability of nurse-managed health clinics to bring high quality care to individuals who may not otherwise receive needed services; and

Whereas nurse-managed health clinics offering both primary care and wellness services provide quality care in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of December 3 through December 9, 2017, as “National Nurse-Managed Health Clinic Week”;

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

SENATE RESOLUTION 353—DESIGNATING DECEMBER 16, 2017, AS “WREATHS ACROSS AMERICA DAY”

Ms. COLLINS (for herself and Mr. KING) submitted the following resolution; which was considered and agreed to:

S. RES. 353

Whereas, 26 years before the date of adoption of this resolution, the Wreaths Across America project began with an annual tradition, which occurs in December, of donating, transporting, and placing 5,000 Maine balsam fir remembrance wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, during the 26 years preceding the date of adoption of this resolution, more than 4,517,000 wreaths have been sent to locations, including national cemeteries and veterans memorials, in every State and overseas;

Whereas the mission of the Wreaths Across America project, to “Remember, Honor, Teach”, is carried out in part by coordinating wreath-laying ceremonies in all 50 States and overseas, including at—

- (1) Arlington National Cemetery;
- (2) veterans cemeteries; and
- (3) other locations;

Whereas the Wreaths Across America project carries out a week-long veterans parade from Maine to Virginia, stopping along the way to spread a message about the importance of—

- (1) remembering the fallen heroes of the United States;
- (2) honoring those who serve; and
- (3) reminding the people of the United States about the sacrifices made by veterans and the families of veterans to preserve freedoms in the United States;

Whereas, in 2016, approximately 1,200,000 remembrance wreaths were sent to more than 1,220 locations across the United States and overseas, which is an increase of more than 100 locations compared to the previous year;

Whereas, in December 2017, the tradition of escorting tractor-trailers filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery will be continued by—

- (1) the Patriot Guard Riders; and

- (2) other patriotic escort units, including—
 - (A) motorcycle units;
 - (B) law enforcement units; and
 - (C) first responder units;

Whereas hundreds of thousands of individuals volunteer each December to help lay remembrance wreaths;

Whereas, in 2017, the trucking industry in the United States continues to support the Wreaths Across America project by providing drivers, equipment, and related services to assist in the transportation of wreaths to more than 1,300 locations across the United States;

Whereas the Senate designated December 17, 2016, as “Wreaths Across America Day”;

Whereas, on December 16, 2017, the Wreaths Across America project will continue the proud legacy of bringing remembrance wreaths to Arlington National Cemetery: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 16, 2017, as “Wreaths Across America Day”;

(2) honors—

(A) the Wreaths Across America project;

(B) patriotic escort units, including—

- (i) motorcycle units;
- (ii) law enforcement units; and
- (iii) first responder units;

(C) the trucking industry in the United States; and

(D) the volunteers and donors involved in this worthy tradition; and

(3) recognizes—

(A) the service of veterans and members of the Armed Forces; and

(B) the sacrifices that veterans and members of the Armed Forces have made, and continue to make, for the United States, a great nation.

Ms. COLLINS. Mr. President, I am pleased to be joined by my colleague Senator ANGUS KING in sponsoring this resolution to designate December 16, 2017, as Wreaths Across America Day. Since its inception, the Wreaths Across America project has become an annual tradition of donating, transporting, and placing Maine balsam fir remembrance wreaths on the graves of our fallen heroes buried at Arlington National Cemetery, as well as at veterans cemeteries and memorials in every State and overseas. In the program’s 26 years, more than 4.5 million wreaths have been placed in honor of those who have served our country.

The origin of Wreaths Across America is an inspiring example of that generosity and gratitude. During the Christmas season in 1992, Morrill and Karen Worcester took time during their busiest season to donate and deliver wreaths from their company in Harrington, ME, to Arlington National Cemetery to honor the heroes who lie at rest there. At first, a small group of volunteers laid the wreaths with little notice. In recent years, however, the Arlington Wreath Project has grown to become a national phenomenon. The people of Maine are proud that this important and well-deserved tradition began in our State.

This year, on December 16, thousands of volunteers in Arlington, throughout our Nation, and overseas will carry out the mission of Wreaths Across America

to “Remember, Honor, Teach.” This will conclude a weeklong procession between Maine and Virginia, with stops along the way to pause and remember the men and women who have died to preserve our freedoms, spread the message about the importance of honoring those who serve, and remind the people of the United States about the sacrifices made by our veterans and their families. This procession helps to ensure that those sacrifices are never forgotten.

The Patriot Guard Riders, along with other dedicated escort groups, will accompany tractor-trailers filled with donated wreaths from Maine to Arlington National Cemetery. America’s trucking industry has long supported Wreaths Across America by providing drivers, equipment, fuel, and related services to assist in the transportation of wreaths across the country to more than 1,200 locations.

Wreaths Across America not only honors our departed heroes but also imparts the important message to veterans who are still with us that we honor their service. It tells our men and women in uniform today that we are grateful for their courage and devotion to duty. It tells the families of those serving our country that they are in our thoughts and prayers. And it tells the families of the fallen that we share their grief.

Throughout human history, the ever-green wreath has been offered as a tribute to heroes. On December 16, 2017, we will again offer this enduring symbol of valor and sacrifice as part of our never-ending obligation to thank those who wore the uniform of our country. In this season of giving, we will pay tribute to those who have given us the most precious gift of all—our freedom.

SENATE RESOLUTION 354—EXPRESSING THE SENSE OF THE SENATE REGARDING THE COURAGEOUS WORK AND LIFE OF ARGENTINIAN PROSECUTOR ALBERTO NISMAN, AND CALLING FOR A SWIFT AND TRANSPARENT INVESTIGATION INTO HIS TRAGIC DEATH IN BUENOS AIRES ON JANUARY 18, 2015

Mr. RUBIO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 354

Whereas the bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires, Argentina, on July 18, 1994, killed 85 people and wounded more than 300;

Whereas the investigation of the AMIA bombing had been marked by grave judicial misconduct, and the case had reached an impasse in 2004;

Whereas, in September 2004, Alberto Nisman was appointed as the Special Prosecutor in charge of the 1994 AMIA bombing investigation;

Whereas, on October 25, 2006, Argentine prosecutors Alberto Nisman and Marcelo

Martínez Burgos formally accused the Government of Iran of directing the bombing, and the Hezbollah militia of carrying it out;

Whereas Ibrahim Hussain Berro, a member of the terrorist group Hezbollah, was identified as the AMIA bomber;

Whereas Iranian nationals Ali Fallahijan (former Iranian intelligence minister), Mohsen Rabbani (former Iranian cultural attaché), Ahmad Reza Asghari (former Iranian diplomat), Ahmad Vahidi (former Iranian defense minister), Ali Akbar Velayati (former Iranian foreign minister), Mohsen Rezaee (former chief commander of the Iranian Islamic Revolutionary Guards Corps), and Ali Akbar Hashemi Rafsanjani (former President of Iran) were named as suspects in the bombing;

Whereas Lebanese national Imad Fayed Moughnieh (former head of Hezbollah's external security) was named as a suspect in the bombing;

Whereas, in November 2007, Interpol voted to put these 5 Iranian and 1 Lebanese suspects in the 1994 AMIA attack on its most wanted list, and reportedly has extended these red notices in July, 2017;

Whereas, in 2007, Guyanese national Abdul Kadir plotted to blow up John F. Kennedy International Airport in New York and was, according to Mr. Nisman, "the most important Iranian agent" in Guyana and influenced by Mohsen Rabbani;

Whereas, in May 2013, prosecutor Alberto Nisman published a 500-page indictment accusing Iran of establishing terrorist networks throughout Latin America, including in Argentina, Brazil, Paraguay, Uruguay, Chile, Colombia, Guyana, Trinidad and Tobago, and Suriname, dating back to the 1980s;

Whereas, according to the Department of State's 2016 Report on Terrorism, Hezbollah, Iran's proxy terrorist organization, continues to maintain an active presence in the Western Hemisphere as well as "some financial supporters, facilitators and sympathizers";

Whereas, in January 2013, the Government of Argentina under then-President Cristina Fernandez de Kirchner agreed with Iran in a Memorandum of Understanding to set up a so-called "truth commission" to investigate who was "really" responsible for the bombing, despite the fact that Iran and its proxy actors were and remain the only suspects in the attack;

Whereas, in May 2014, an Argentine court found this Memorandum of Understanding to be unconstitutional;

Whereas prosecutor Alberto Nisman was invited to testify before the United States Congress in February 2013, but was prevented from doing so by the Government of Argentina, who denied him permission to travel to Washington, DC;

Whereas the United States Federal Bureau of Investigation provided technical assistance and cooperated with Argentina law enforcement officials in the AMIA bombing investigation;

Whereas, on January 13, 2015, prosecutor Alberto Nisman alleged in a complaint that then-Argentinian President Cristina Fernandez de Kirchner and then-Minister of Foreign Relations Héctor Timerman conspired to cover up Iranian involvement in the 1994 terrorist bombing, and reportedly agreed to negotiate immunity for Iranian suspects and help get their names removed from the Interpol list;

Whereas prosecutor Alberto Nisman claimed that he had evidence of a "sophisticated criminal plan," reportedly including

wire-taps and phone calls "between people close to Mrs. Kirchner" and a number of Iranians, including Mohsen Rabbani, showing a planned exchange of Iranian oil for purchasing rights to Argentine grain to revive Argentina's economy;

Whereas prosecutor Alberto Nisman was scheduled to present his new findings to the Argentinian Congress on January 19, 2015;

Whereas prosecutor Alberto Nisman was found shot in the head in his apartment in Buenos Aires on January 18, 2015;

Whereas officials of the Government of Argentina under then-Argentine President Cristina Fernandez de Kirchner continued to discredit Mr. Nisman after his suspicious death, attempting to ruin his reputation;

Whereas then-Argentine President Cristina Fernandez de Kirchner created unfounded hypotheses with regard to Mr. Nisman's findings, including conspiracies she suggested were orchestrated by United States hedge funds and other entities she considers "hostile" to the President of Argentina;

Whereas, in May 2015, an Argentine Federal court had dismissed Nisman's findings against Ms. Kirchner and other officials and later the accusations were dropped by Javier De Luca, another Federal prosecutor;

Whereas that move raised questions in Argentina about the objectivity of Mr. De Luca, given his closeness to a group of Ms. Kirchner's supporters;

Whereas an independent investigation launched by Alberto Nisman's family released its own report by forensic experts and forensic pathologists showing that Mr. Nisman's death was not an accident or suicide, including claims that "the prosecutor had been shot in the back of the head", that "no gun powder residue was found on his hands", and that "Mr. Nisman's body had been moved to the bathroom once he was shot";

Whereas, in September 2016, Argentine President Mauricio Macri stated that "it's hard to believe that Nisman committed suicide. There are too many situations, indications, realities of those hours, those days, that don't match with a suicide.";

Whereas, in September 2016, Argentine President Mauricio Macri called for "a definitive investigation" into the death of Alberto Nisman, saying: "I want to generate the conditions, which I think I'm doing, to allow our justice system to freely investigate what really happened.";

Whereas, on September 22, 2017, forensic investigators of the Argentine Federal Police submitted a report to a Federal court concluding that slain prosecutor Alberto Nisman did not commit suicide, but rather was drugged, beaten, and fatally shot in the head on January 18, 2015;

Whereas, on December 7, 2017, former Argentine President Cristina Fernandez de Kirchner was charged with treason for attempting to cover up Iran's role in the 1994 AMIA bombing; and

Whereas no one yet has been brought to justice for the death of Alberto Nisman, nor have any of the named Iranian suspects for the AMIA bombing faced prosecution: Now, therefore, be it

Resolved, That the Senate—

(1) offers its sincerest condolences to the family of Argentinian prosecutor Alberto Nisman;

(2) recognizes Alberto Nisman's courageous work in dedicating his life to the investigation of the bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires, Argentina, which killed 85 people and wounded more than 300;

(3) applauds Argentine President Mauricio Macri for calling for a swift, transparent, and independent investigation into Alberto Nisman's tragic death;

(4) recognizes the arduous and technical work of the Argentine National Gendarmerie in reviewing evidence to produce credible, evidence-based findings;

(5) encourages the public release of the results of the investigation, including the forensic and pathological reports by the government, which would show whether Alberto Nisman took his own life, or if his death is a homicide;

(6) commends the Government of Argentina for exemplifying the rule of law and the importance of an independent justice system;

(7) urges the President of the United States to directly offer United States technical assistance to the Government of Argentina in solving the death of Alberto Nisman, as well as the ongoing investigation of the AMIA bombing;

(8) expresses serious concern about Iran's terrorist networks in Argentina and all of the Western Hemisphere, mindful of the findings of Mr. Nisman's investigation and reports on this matter, and encourages continued investigations of Iranian terrorist networks based on his work;

(9) urges an independent investigation into the findings of Mr. Nisman regarding the events that led to the memorandum signed between Argentina and Iran;

(10) likewise expresses serious concerns about attempts by former Argentine President Cristina Fernandez de Kirchner and her government to discredit Mr. Nisman and raise unfounded hypotheses on Mr. Nisman's AMIA findings and the circumstances of Mr. Nisman's death while the work of the courts on this matter still continues; and

(11) urges the President of the United States to continue to monitor Iran's activities in Latin America and the Caribbean as it is mandated by the Countering Iran in the Western Hemisphere Act of 2012 (Public Law 112-220).

SENATE RESOLUTION 355—IMPROVING PROCEDURES FOR THE CONSIDERATION OF NOMINATIONS IN THE SENATE

Mr. LANKFORD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 355

Resolved,

SECTION 1. CONSIDERATION OF NOMINATIONS.

(a) IN GENERAL.—

(1) POST-CLOTURE CONSIDERATION.—If cloture is invoked in accordance with rule XXII of the Standing Rules of the Senate on a nomination described in paragraph (2), there shall be no more than 8 hours of post-cloture consideration equally divided in the usual form.

(2) NOMINATIONS COVERED.—A nomination described in this paragraph is any nomination except for the nomination of an individual—

(A) to a position at level I of the Executive Schedule under section 5312 of title 5, United States Code; or

(B) to serve as a judge or justice appointed to hold office during good behavior.

(b) SPECIAL RULE FOR DISTRICT COURT NOMINEES.—If cloture is invoked in accordance with rule XXII of the Standing Rules of

the Senate on a nomination of an individual to serve as a judge of a district court of the United States, there shall be no more than 2 hours of post-cloture consideration equally divided in the usual form.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SULLIVAN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, December 7, 2017, at 10 a.m. to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, December 7, 2017, at 2 p.m. in SD-215 to conduct a hearing on the nomination of Kevin K. McAleenan, of Hawaii, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSION

The Committee on Health, Education, Labor, and Pension is authorized to meet during the session of the Senate on Thursday, December 7, 2017, at 10 a.m. in room SD-430 to conduct a hearing entitled "Implementation of the 21st Century Cures Act: Progress and the Path Forward for Medical Innovation".

COMMITTEE ON JUDICIARY

The Committee on Judiciary is authorized to meet during the session of the Senate on Thursday, December 7, 2017, at 10 a.m. in room SD-226 to conduct a hearing on the following nominations: Leonard Steven Gras, of Nebraska, to be United States Circuit Judge for the Eighth Circuit, James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit, Don R.

Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit, Terry A. Doughty, to be United States District Judge for the Western District of Louisiana, Terry Fitzgerald Moorer, to be United States District Judge for the Southern District of Alabama, Mark Saalfeld Norris, Sr., to be United States District Judge for the Western District of Tennessee, Claria Horn Boom, to be United States District Judge for the Eastern and Western Districts of Kentucky, John W. Broomes, to be United States District Judge for the District of Kansas, Rebecca Grady Jennings, to be United States District Judge for the Western District of Kentucky, and Robert Earl Wier, to be United States District Judge for the Eastern District of Kentucky.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, December 7, 2017, at 2 p.m. in room SH-219 to conduct a closed hearing.

PRIVILEGES OF THE FLOOR

Mr. GARDNER. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff, Matt Matis, for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 351, S. Res. 352, and S. Res. 353.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR MONDAY, DECEMBER 11, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, December 11; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Gras nomination; finally, that notwithstanding the provisions of rule XXII, the cloture motions filed during today's session ripen at 5:30 p.m., Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, DECEMBER 11, 2017, AT 4 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Monday, December 11, 2017, at 4 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7, 2017:

ENVIRONMENTAL PROTECTION AGENCY

SUSAN PARKER BODINE, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF THE INTERIOR

JOSEPH BALASH, OF ALASKA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

EXTENSIONS OF REMARKS

RECOGNIZING CHIEF GARY CRAFT

HON. JIMMY PANETTA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. PANETTA. Mr. Speaker, I rise today to recognize Chief Gary Craft for his retirement from the Monterey County District Attorney's Office.

Chief Craft began his career in 1976 as a reserve police officer for the Seaside Police Department. From there, he transferred to the Pacific Grove Police Department, where he spent the next four years as a uniformed patrol officer. In 1980, he took the knowledge that he gained from these two departments to the Monterey County Sheriff's Department, where he would spend the next fourteen years. During his tenure at the Sheriff's Office he served in various roles to protect the residents of Monterey County. Some of these roles included narcotics team member, special enforcement team member, and special unit and tactics team member. The Monterey County Sheriff's Office went on to name him "Lawman of the Year." Chief Craft later received an executive certificate from the California Peace Officers Standards and Training. The executive certificate is the highest level of certification that is given by the State of California.

In 1994, Chief Craft left the Monterey County Sheriff's Office and began the next phase of his career in public service. Chief Craft chose to bring his knowledge and experience to the Monterey County District Attorney's Office, where he would spend the next twenty-three years. During his tenure there, he held in many leadership roles including ten years as chief DA investigator. During his time at the District Attorney's Office, Chief Craft received numerous accolades including Investigator of the Year. In 2016, Chief Craft attended and graduated from the FBI National Academy. The FBI National Academy is a prestigious law enforcement education program that provides training to the top 1 percent of law enforcement executives. Classes include, amongst other subjects, psychology of communication, topics in contemporary law, and physical training. The grueling courses demand a sharp intellect, strong interpersonal skills, and perseverance. Chief Craft is also the first sworn peace officer from the Monterey County District Attorney's office to attend the FBI Academy.

Chief Craft's dedication to keeping the people of Monterey County safe deserves our highest commendation. His actions have demonstrated a deep commitment to public service and an eagerness to go the extra mile. As the Representative for the 20th Congressional District of California, I am deeply grateful for his service to our community. Mr. Speaker, I ask that my colleagues in the House join me

in congratulating Chief Gary Craft and wishing him a happy retirement.

IN RECOGNITION OF MS. JANET W. DAVIS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to extend my personal congratulations and best wishes to Ms. Janet Davis. Janet has been the driving force behind Kinetic Credit Union in Columbus, Georgia for more than 26 years and currently serves as the President and Chief Executive Officer (CEO). She will be retiring on January 31, 2018.

A native of Columbus, Georgia, Ms. Davis was born to the late Jimmy and Rebecca Davis, as one of two children. A product of the Muscogee County School System, she graduated from Kendrick High School in 1977. She went on to attend Columbus State College (now University) where she earned a Bachelor's degree in Business Administration.

For over four decades, Ms. Davis has been a highly trusted leader in the financial services industry. She has built quite an impressive career, which began during her tenure at Columbus Bank & Trust Company. In 1983, she began her career as a Share Draft Officer at The Infantry Center Federal Credit Union (now Kinetic Credit Union). She became the President and CEO of Kinetic Credit Union in 1991 and has since helped it to grow from a \$40 million institution into one of the top 10 credit unions in Georgia with more than \$380 million in assets.

Ms. Davis has received numerous honors and awards for her work. These include: the National Association of Federally-Insured Credit Unions Professional of the Year and the Moses C. Davis Award in 1998, the Columbus State University Alumni Service Award in 2005, the Georgia Credit Union Affiliates Lifetime Achievement Awards in 2010, the Columbus State University's Thomas Y. Whitley Distinguished Alumnus Award in 2011, and her induction into the Credit Union House Hall Leaders in 2016.

Ms. Davis served on a number of boards and was affiliated with several associations. She has served as Chair of the Georgia Credit Union League, Georgia Credit Union Affiliates, Georgia Credit Union Foundation, Georgia Service Corp Board, and CSI, she has been an active board member for the National Credit Union Foundation, National Association of Federally-Insured Credit Unions, Defense Credit Union Council, and CUNA Mutual Group, and she has served as a member of the Deluxe Collaborative in 2009–10.

In addition to her professional participation, she served as the president and as a Chair of

the Chattahoochee Valley Chapter of the local Better Business Bureau and Muscogee Educational Excellence Foundation, and a board member of the Greater Columbus Chamber of Commerce, Columbus Literacy Alliance, Columbus Partners in Education, Chattahoochee Valley Hall of Fame, American Cancer Society, and Columbus Hospice.

Dr. Benjamin E. Mays often said: "You make your living by what you get, you make your life by what you give." We are so grateful that Ms. Davis has given her time and talents to provide a premier financial institution for the residents of Southwest Georgia and Southeast Alabama. A woman of great integrity, her efforts, her dedication, and her expertise are unparalleled. Columbus, Georgia shined a little brighter because of Janet Davis.

Mr. Speaker, I ask my colleagues to join me in extending our sincerest appreciation and best wishes to Ms. Janet Davis upon the occasion of her retirement from an outstanding career in financial services.

IN RECOGNITION OF JOHN WALTON, JR. FOR 35 YEARS OF FEDERAL SERVICE

HON. MATT CARTWRIGHT

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor John Walton, Jr., President of the American Federation of Government Employees, Local 2809. John will retire from the Social Security Administration after 35 years of federal service on December 9, 2017.

A veteran of the of the United States Army, John served for 15 years before retiring with the rank of Staff Sergeant, E-6. After leaving the military, he began his career at the Social Security Administration. In 2003, while working for the Social Security Administration, John joined his local branch of the American Federation of Government Employees.

During his time with AFGE, John has been an active member of the union. He is the former Steward of AFGE Local 2809. Currently, he serves as the President for Local 2809. Under John's leadership, AFGE Local 2809 has been a prominent voice in the community advocating for the protection of labor rights and supporting the needs of working families.

It is an honor to recognize John as he enters a well-deserved retirement. I am grateful to him for a lifetime of devotion and for serving his country with distinction. His 35 years at Social Security are an impressive accomplishment, and I know he helped countless Americans with his service. I wish him all the best.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

IN RECOGNITION OF NORM &
ELAINE BRODSKY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Norm and Elaine Brodsky in recognition of their long-term commitment to local community and charitable causes. For almost 30 years, this North Brooklyn power couple has helped shape the Williamsburg neighborhood into the vibrant community it is today.

Elaine and Norm Brodsky have generously supported the local community and its charitable causes since opening CitiStorage, an archival storage and records management company, in Williamsburg, Brooklyn in 1990. They became full-time residents of the neighborhood in 2001, when Norm fulfilled his promise to build an apartment on the fourth floor of their office building/warehouse. Their family had been residents of Atlantic Beach for 32 years before moving to Brooklyn. The couple sold the company in 2007 but still live in Williamsburg, where they continue to be pillars of the community.

Norm, who was born in Brooklyn, attended Rider University and received his Doctorate of Law from Brooklyn Law School. He is currently involved in three entrepreneurial ventures—a chain of fast, casual Japanese restaurants in NYC, hotels in North Dakota, and an entrepreneurial, education company called Birthing of Giants. For more than 20 years Norm has written “Street Smarts,” a monthly column in Inc. magazine. He is the author of a well-respected business book, The Knack. He provides pro bono business consulting advice to a significant number of entrepreneurs who come to visit him in his office in Williamsburg, Brooklyn. Norm is also a strong advocate for the community's transit needs and has hosted meetings for local residents and businesses to weigh in on the impacts of the ongoing L train repairs.

Elaine, an Elmira College graduate and former teacher, also worked as a mental health professional and conducted family workshops for Inc. Magazine conferences for many years. The Brodskys have won several business awards for their company culture which has been featured in various business books and magazine articles. Elaine is a Board member of the League Education and Treatment Center and the Brooklyn Chamber of Commerce. She has been the Chair of the North Brooklyn Chamber of Commerce since its inception, over four years ago. The couple is actively involved with the North Brooklyn Angels mobile food truck which delivers meals and offers counseling services to the local neighborhood.

Elaine and Norm have been married for 48 years and are the proud parents of their two daughters, Beth and Rachel, and grandparents to Sophie, Eitan, and Ava.

Mr. Speaker, I ask my colleagues to join me in recognizing the magnanimous contributions of Norm and Elaine Brodsky, whose dedication to community is truly an inspiration.

HONORING THE MESSIAH COLLEGE
MEN'S SOCCER TEAM FOR WIN-
NING THE NCAA DIVISION III NA-
TIONAL CHAMPIONSHIP

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. PERRY. Mr. Speaker, today I extend sincere congratulations to the Messiah College Men's Soccer Team for winning the NCAA Division III National Championship. This is the 11th time the Messiah Falcons earned the title, “National Champions.”

The Falcons defeated the North Park Vikings in a 2–1 victory on December 2, 2018. The win completed a 24–2 campaign for the Falcons that matched their team record for single-season wins, while also making Messiah 11-for-11 in title game appearances.

The dedication and perseverance of these student athletes should inspire everyone. I extend my congratulations as well to head coach Brad McCarty, and the school officials, family and friends who supported these young men on their incredible journey.

On behalf of Pennsylvania's Fourth Congressional District, I commend and congratulate the Messiah College Men's Soccer Team on the hard work and determination that led to their National Championship.

RECOGNIZING LANCE LINARES

HON. JIMMY PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. PANETTA. Mr. Speaker, I rise today to recognize Mr. Lance Linares on the occasion of his retirement as CEO of the Community Foundation of Santa Cruz County after twenty-two years in the position. Lance's career began at KUSP, a Christian music broadcasting station in the area. Following his time at KUSP, Lance found his home at the Community Foundation of Santa Cruz County. The Community Foundation of Santa Cruz County helps non-profit agencies establish the funds they need in order to serve their communities. Under his leadership, the Community Foundation of Santa Cruz County's work has supported the arts, education, health, human services, environmental advocacy, and disaster relief.

Under Lance's leadership, the Community Foundation of Santa Cruz County grew from \$6 million in assets at the start of his tenure to over \$100 million in assets. Lance's ability to connect charitable and community oriented organizations with funds is just one example of his successes. He maintains that his efforts would not have been possible without the Santa Cruz community's support and charitable character. Many local philanthropic organizations who benefit from this support, such as the Jack and Peggy Baskin Center for Philanthropy, Healthy Kids Initiative, and Second Harvest Food Bank stand as a testament to these efforts. Lance's support of impact investment also helps support small businesses

which ultimately expand and foster economic growth in the community. As the representative for the 20th Congressional District of California, I am deeply grateful for Lance's commitment to serving our communities.

I would like to personally congratulate Mr. Linares on his well-earned retirement and wish him the best with his future endeavors. Mr. Speaker, I ask that my colleagues in the House join me in congratulating Mr. Lance Linares for his twenty-two years of service to the community of Santa Cruz and for bettering the lives of numerous individuals through the projects he has supported during his tenure.

RECOGNIZING MULBERRY BAPTIST
CHURCH ON THEIR 150TH ANNI-
VERSARY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to recognize Mulberry Baptist Church, of Emmerton, Virginia, on their 150th anniversary. The church was organized in 1868 when David Veney led a group of African-American worshippers to secure letters of proper dismissal and leave Jerusalem Baptist Church to organize a church. David Veney went on to become the first pastor and donated an acre of land for the first building. Mulberry Baptist has been led by 12 pastors in its 150 year history. Through the years, Mulberry has provided a quality Christian foundation for young people who moved from Richmond County upon completing their public school education. Currently, Mulberry has a congregation of approximately 275 members consisting of craftsmen, entrepreneurs, civil servants, doctors, ministers, and educators with weekly worship.

Mr. Speaker, I pray for Christ's guidance as the congregation comes together in His name and fellowship. May God always bless Mulberry Baptist Church as they continue to spread Christ's word and remain a light within the community.

CONGRATULATIONS TO DR.
MURPHY

HON. GARRET GRAVES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. GRAVES of Louisiana. Mr. Speaker, I rise today to extend a heartfelt thank you to Dr. Bruce Murphy for his service as president of Nicholls State University in Thibodaux, Louisiana. Dr. Murphy has spent his career investing in higher education and has tirelessly served as Nicholls' fifth president over the last four years. Throughout his tenure, many universities across the country struggled to attract and retain students, but Nicholls' actually increased enrollment four consecutive semesters. I am most impressed by his efforts to prepare students at Nicholls University for successful integration into the real world that awaits upon graduation. The school's partnership with Fletcher Community College, for example, has resulted in significant progress in

workforce development. Aside from his service as president of Nicholls State University, both President Murphy and his wife, Jeanne Murphy, are retired from the U.S. Army, having earned the rank of lieutenant colonel and colonel, respectively. Dr. and Mrs. Murphy generously served on our military academy review board. I am proud that they devoted time in their busy lives to play an active role in the recruitment of young Louisiana leaders to our nation's military service academies. Thank you Dr. Murphy for your commitment to excellence at Nicholls, your service to the state of Louisiana, and your service to our nation. My sincerest congratulations on an incredible career and your time served as Nicholls' president.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for Roll Call votes 658, 659, 660, and 661 on Wednesday, December 6, 2017. Had I been present, I would have voted Nay on Roll Call votes 658, 659, and 660, and I would have voted Yea on Roll Call vote 661.

RUSSIA BANNED FROM WINTER OLYMPICS BY I.O.C.

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Ms. KAPTUR. Mr. Speaker, I include in the RECORD the following article:

[From the New York Times, Dec. 5, 2017]

RUSSIA BANNED FROM WINTER OLYMPICS BY I.O.C.

(By Rebecca R. Ruiz and Tariq Panja)

LAUSANNE, SWITZERLAND.—Russia's Olympic team has been barred from the 2018 Winter Games in Pyeongchang, South Korea. The country's government officials are forbidden to attend, its flag will not be displayed at the opening ceremony and its anthem will not sound.

Any athletes from Russia who receive special dispensation to compete will do so as individuals wearing a neutral uniform, and the official record books will forever show that Russia won zero medals.

That was the punishment issued Tuesday to the proud sports juggernaut that has long used the Olympics as a show of global force but was exposed for systematic doping in previously unfathomable ways. The International Olympic Committee, after completing its own prolonged investigations that reiterated what had been known for more than a year, handed Russia penalties for doping so severe they were without precedent in Olympics history.

The ruling was the final confirmation that the nation was guilty of executing an extensive state-backed doping program. The scheme was rivaled perhaps only by the notorious program conducted by East Germany throughout the 1960s, '70s and '80s.

Now the sports world will wait to see how Russia responds. Some Russian officials had

threatened to boycott if the I.O.C. delivered such a severe punishment.

President Vladimir V. Putin seemed to predict a boycott of the Pyeongchang Games with a defiant dismissal of the doping scandal and a foreign policy in recent years that has centered on the premise that he has rescued Russia from the humiliation inflicted on it by the West after the collapse of the Soviet Union. His spokesman, Dmitri S. Peskov, said no boycott was under discussion before the announcement, however, and the news broke late in the evening in Moscow when an immediate official reaction was unlikely.

In barring Russia's team, Olympic officials left the door open for some Russian athletes. Those with histories of rigorous drug testing may petition for permission to compete in neutral uniforms. A panel appointed by the International Olympic Committee will rule on each athlete's eligibility.

Although it is unknown exactly how many will clear that bar, it is certain that the contingent from Russia will be depleted significantly. Entire sports—such as biathlon and cross-country skiing, in which Russia has excelled and in which its drug violations have been many—could be wiped out completely.

Olympic officials made two seemingly significant concessions to Russia:

Any of its athletes competing under a neutral flag will be referred to as Olympic Athletes from Russia. That is a departure from how the I.O.C. has handled neutral athletes in the past. For example, athletes from Kuwait, which was barred from the 2016 Summer Games, were identified as Independent Olympic Athletes last year in Rio de Janeiro.

Olympics officials said they might lift the ban on Russia in time for the closing ceremony, suggesting the nation's flag could make a symbolic appearance in the final hours of the Pyeongchang Games.

Thomas Bach, president of I.O.C., has said he was perturbed not only by Russia's widespread cheating but by how it had been accomplished: by corrupting the Olympic laboratory that handled drug testing at the Games, and on orders from Russia's own Olympic officials.

"This decision should draw a line under this damaging episode," Mr. Bach said at a news conference, noting that Alexander Zhukov, the president of Russia's Olympic Committee whom the I.O.C. suspended from its membership Tuesday, had issued an apology—something global regulators have long requested from the nation.

In an elaborate overnight operation at the 2014 Sochi Games, a team assembled by Russia's sports ministry tampered with more than 100 urine samples to conceal evidence of top athletes' steroid use throughout the course of competition. More than two dozen Russian athletes have been disqualified from the Sochi standings as a result, and Olympic officials are still sorting through the tainted results and rescinding medals.

At the coming Games, Mr. Bach said Tuesday, a special medal ceremony will reassign medals to retroactive winners from Sochi. But, in light of legal appeals from many of the Russian athletes who have been disqualified by the I.O.C., it is uncertain if all results from Sochi will be finalized in time.

The Russian Olympic Committee was also fined \$15 million on Tuesday, money that global officials said will be put toward drug-testing international athletes.

[Read The Times's report that first laid out the details of Russia's doping scheme, and the exclusive story of a whistle-blower's

personal diaries that were shared with investigators.]

The punishment announced Tuesday resembles what antidoping regulators had lobbied for leading up to the 2016 Summer Games, where Russia was allowed to participate but in restricted numbers. It is likely to face a legal appeal from Russia's Olympic Committee.

The decision was announced after top International Olympic Committee officials had met privately with Mr. Zhukov; Vitaly Smirnov, Russia's former sports minister who was last year appointed Mr. Putin to lead a national antidoping commission to redeem Russia's standing in global sports; and Evgenia Medvedeva, a two-time world skating champion.

"Everyone is talking about how to punish Russia, but no one is talking about how to help Russia," Mr. Smirnov said, sipping a hot beverage in the lobby of the Lausanne Palace Hotel before delivering his final appeal to officials. "Of course we want our athletes there, and we want the Russian flag and anthem," he said.

That appeal was rejected in light of the conclusions of Samuel Schmid, a former president of Switzerland whom the Olympic committee appointed last year to review the findings of a scathing investigation commissioned by the World Anti-Doping Agency.

"The analysis is clear and water-tight," Mr. Schmid said Tuesday. In a 30-page report, he affirmed the credibility of whistle-blowers and investigators who had followed their leads and evidence.

Tuesday's penalty was in line with what had been advocated by two key whistle-blowers whose accounts upended Russia's standing in global sports over the last several years and were cited in Mr. Schmid's report: Grigory Rodchenkov, the chemist who spent 10 years as Russia's antidoping lab chief and was key to carrying out the cheating schemes in Sochi; and Vitaly Stepanov, a former employee of Russia's antidoping agency who married a runner for Russia's national team and was the first to speak publicly about the nation's institutionalized cheating.

"The world knows that hundreds of Olympic dreams have been stolen by the doping system in the country where I was born," Mr. Stepanov wrote in an affidavit submitted to the International Olympic Committee this fall. He had suggested banning Russia's Olympic Committee for two years, or until the nation's antidoping operations are recertified by regulators. Russia and its individual athletes are all but certain to miss the 2018 Paralympics given regulators' refusal to recertify the nation last month.

"The evidence is clear, that the doping system in Russia has not yet been truly reformed," Mr. Stepanov wrote.

Dr. Rodchenkov is living in an undisclosed location in the United States under protection of federal authorities. In August, "Icarus," a film detailing Dr. Rodchenkov's move to the United States and tell-all account, was released. In addition to sworn testimony and forensic evidence, Mr. Schmid cited the film as further evidence in his report.

"Russia's consistent denials lack any credibility, and its failure to produce all evidence in its possession only further confirms its high-level complicity," Jim Walden, a lawyer for Dr. Rodchenkov, said Tuesday. The Russian sports ministry did not immediately respond to a request for comment.

Tuesday's decision could have consequences for another major sports event scheduled to be held in Russia, next year's

\$11 billion soccer World Cup. The nation's deputy prime minister, Vitaly Mutko, was Russia's top sports official during the 2014 Sochi Games and was directly implicated by Dr. Rodchenkov. As part of Tuesday's ruling, Mr. Mutko was barred for life from the Olympics.

Mr. Mutko is also the chairman of the local organizing committee for the World Cup, but FIFA said in a statement Tuesday that the I.O.C.'s punishments for Olympic doping would have "no impact" on its preparations for the tournament, which begins in June.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF LEGAL SERVICES OF NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Legal Services of New Jersey on its 50th anniversary. This milestone and the incredible work of Legal Services of New Jersey are truly deserving of this body's recognition.

Established in 1962, Legal Services of New Jersey (LSNJ) became the umbrella organization of the coordinated county legal services programs in 1963. Since then, LSNJ has provided a strong, unified administration of services across New Jersey and continues to be a leading voice and advocate for economically disadvantaged communities. Today, LSNJ serves clients in all twenty-one counties across New Jersey through its five regional programs, Legal Services of Northwest Jersey, Northeast New Jersey Legal Services, Essex-Newark Legal Services, Central Jersey Legal Services and South Jersey Legal Services. With twenty-three local offices throughout its network, LSNJ aims to be as accessible as possible. To date, over 2.4 million cases have been handled.

LSNJ affords low-income individuals resources, information and representation to pursue civil legal action. These services and aid help ensure that there is equal opportunity and protections for those who would otherwise be unable to secure a lawyer.

Mr. Speaker, once again, please join me in congratulating Legal Services of New Jersey as it celebrates its 50th anniversary this year. The organization continues to provide essential legal assistance to New Jersey's neediest residents.

PERSONAL EXPLANATION

HON. BILL FLORES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. FLORES. Mr. Speaker, I missed roll call vote 653 on the Motion to go to Conference on H.R. 1, the Tax Cuts and Jobs Act, taken on December 4, 2017. Had I been present for this vote, I would have voted YEA.

I was not present for this vote due to an emergency illness on Sunday and due to a

previously scheduled commitment with a large group of constituents in Waco, Texas.

Pro-growth tax reform that provides a simpler, fairer tax code will lead to more jobs and bigger paychecks for hardworking American families.

PERSONAL EXPLANATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted YEA on Roll Call No. 653.

IN RECOGNITION OF MR. RUBEN BURKS, DEDICATED UAW LEADER AND LIFE-LONG COMMUNITY ACTIVIST

HON. DANIEL T. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. KILDEE. Mr. Speaker, I am honored to recognize the lifelong service Mr. Burks has given to the United Automobile Workers and our community. He has upheld worker's rights by serving as the UAW Michigan CAP Chair and on UAW General Motors Sub Council 2. Additionally, his dedication to community activism has included service to the Special Olympics, Women's Council, March of Dimes, American Red Cross, and Easter Seals.

These accomplishments coupled with his dedication to our community are exemplary. As I continue representing Michigan's Fifth Congressional District, I stand by Mr. Burks' example of promoting unity by strengthening communities.

Mr. Burks is a testament to the power of one individual's ability to create meaningful, lasting change. As a conscientious and hardworking UAW leader, his love for the community and the laborers he served comprise a lasting legacy. After 62 years of membership at Local 598, Mr. Burks is bestowed the honor of the rededication of the 598 union hall as the "UAW Local 598 Ruben Burks Union Hall".

CELEBRATING THE 60TH WEDDING ANNIVERSARY OF WILLIAM AND MARILYN WILKINSON

HON. JACKIE WALORSKI

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mrs. WALORSKI. Mr. Speaker, I rise today to congratulate William and Marilyn Wilkinson of South Bend, Indiana, on celebrating 60 years of marriage.

William and Marilyn met in college and married in 1957. Reaching this milestone speaks volumes about the love and compassion they share for one another and the family they built together.

For nearly five decades, the Wilkinsons have called northern Indiana home. Their life revolves around faith, love, and family, and over the years they have made lasting contributions to our Hoosier community. William and Marilyn have not only spent their lives giving back to those in need, they have remained active in ensuring future generations have a bright future in this country.

In 1987, this passion to help others drove William and his son Jay to create PeopleLink, a staffing company in Mishawaka. The success of this family business is a reflection of the strength of William and Marilyn's partnership and their determination to achieve the American Dream.

They have instilled in their two children, five grandchildren, and four great-grandchildren the ideals of courage, kindness, determination, and service. Today is a celebration not only of their love, but also of the incredible legacy they have created.

It is truly an honor to represent such kind-hearted, hardworking Hoosiers who inspire us all to live more meaningful lives and make a positive difference in the world around us.

Mr. Speaker, on behalf of 2nd District Hoosiers, I wish to extend my heartfelt congratulations to William and Marilyn Wilkinson on their anniversary, and I join their family in celebrating the occasion.

PEARL HARBOR REMEMBRANCE DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the victims who were killed during the devastating attack on Pearl Harbor on December 7, 1941—a date which will live in infamy.

Seventy-six years ago today, more than 2,000 American citizens lost their lives and more than 1,000 others were injured in a surprise attack by the Imperial Japanese Navy.

The attack on Pearl Harbor shook our nation to its core. Up until this point, the United States had largely remained neutral during the Second World War. However, as a testament to our strength and our resolve, the United States declared war against the Japanese and entered World War II just one day following the attack. Contrary to what the Japanese had intended, the attack had only emboldened our nation to forge our own path to victory.

Tragedies such as the attack on Pearl Harbor serve as a stark reminder of the great personal sacrifices that our men and women in uniform must make in the service of protecting our nation. While many soldiers are fortunate enough to return from service, plenty of others have given up their lives in the act of duty. We are forever indebted to these men and women who have given their lives to protect our freedoms and way of life.

Pearl Harbor Remembrance Day is also about paying tribute to those who served—and survived—during the attack. Petty Officer Doris "Dorie" Miller was one such American who fought bravely during the conflict. Petty

Officer Miller displayed remarkable courage when his ship, the USS *West Virginia*, came under attack. As the fighting occurred, Miller dragged his ship's commander, who was mortally wounded by shrapnel, out of the line of fire to safety. He then manned a 50-caliber Browning anti-aircraft machine gun and shot down at least three of the 29 Japanese planes that went down that day until he was ordered to abandon ship. While Petty Officer Miller survived the attack on Pearl Harbor, he sadly lost his life during a second attack during the Battle of Makin Island when a Japanese submarine and aircraft attack sunk his ship.

Mr. Speaker, the attack on Pearl Harbor was a defining moment in United States history. Pearl Harbor Remembrance Day helps to remind us of the importance of defending our freedoms and the heavy cost of doing so. We are reminded on this day of those who lost their lives, but also the countless other veterans—such as Dorie Miller—who have made invaluable contributions to our success during the Second World War.

PERSONAL EXPLANATION

HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mrs. BEATTY. Mr. Speaker, on Monday, December 4, 2017, I was absent from the House Chamber during Roll Call votes 653 and 654. Had I been present, I would have voted nay on Roll Call vote 653 and yea on Roll Call vote 654.

CONGRATULATIONS COACH JOHN RODERIQUE

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. LONG. Mr. Speaker, I rise today to recognize Coach John Roderique, head coach of the Webb City High School football team. The football program at Webb City in southwest Missouri has been highly successful under his leadership.

After graduating from Webb City, Coach Roderique went to Pittsburg State University where he was a two-time All-American line-backer. He returned to his alma mater and became head coach in 1997, when he first led the Cardinals to the state championship after a perfect season. To take home the championship ring during his inaugural year is something most coaches can only dream of. Coach Roderique and the Cardinals would go on to take home 9 more of those rings and was the runner up twice. With 245 wins under his belt, Coach Roderique has the best percentage of success in all of Missouri high school football.

This spring, Coach Roderique was inducted into the Joplin Area Sports Hall of Fame. He is also a member of the Missouri Football Coaches Association Hall of Fame, an accolade only available to a select few of Mis-

souri's best leaders on the gridiron. Coaches have to be teachers, counselors and sometimes another parent to their team. To take on those three mammoth responsibilities at once is something that takes great commitment. Few have shown more commitment than Coach Roderique.

Mr. Speaker, on behalf of the 7th District of Missouri, I would like to congratulate Coach John Roderique on this most recent honor. Even though he does not need it, I wish Coach Roderique the best of luck in the next season and every season after.

HONORING WES KAHLEY OF PENNSYLVANIA ON HIS RETIREMENT AFTER MORE THAN 29 YEARS OF SERVICE IN LOCAL LAW ENFORCEMENT

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. PERRY. Mr. Speaker, today I extend my sincere congratulations to my constituent, Chief Wes Kahley of the York City Police Department, upon his upcoming retirement from almost 30 years in law enforcement.

I've long appreciated the commitment of people who devote themselves selflessly to serving our Nation and communities. After growing up in York, Mr. Kahley began his law enforcement career in 1998, where he rose through the ranks and later was named Chief of Police in 2010.

Mr. Kahley has earned the respect of his peers and the residents he served for his dedication to improving relations between police and the community. His tireless dedication, professionalism and sacrifice touched the lives of countless people and challenged all with whom he served to be the best. His legacy of service to our community will endure.

On behalf of Pennsylvania's Fourth Congressional District, I thank and congratulate Wes Kahley on his service and wish him and his family Godspeed, great happiness and success in their future adventures.

CONGRATULATING THE COTTONDALE FUTURE FARMERS OF AMERICA AGRICULTURAL COMMUNICATIONS TEAM

HON. NEAL P. DUNN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. DUNN. Mr. Speaker, I rise today to congratulate the Cottondale Future Farmers of America Agricultural Communications Team for representing the Second District of Florida at both the state and national FFA competitions. The Cottondale team—Caleb Reed, Laramie Pooser, Carl Young, and Kasey Lathan, along with their advisor, Stan Scurlock, placed first in the state competition and 11th nationally, where they were recognized as a National FFA Gold Team.

These bright students were tasked with creating and implementing a campaign to recog-

nize a member of their local FFA chapter through webpage design, opinion writing, video production, and more. Their devotion to learning about the agricultural communications industry is inspiring.

Agriculture is vital to the economy and livelihood of North Florida and I am confident the industry will continue to thrive with dedicated students like Caleb, Laramie, Carl, and Kasey leading the way.

Mr. Speaker, please join me in congratulating the Cottondale Future Farmers of America Agricultural Communications Team and wish them luck in their future endeavors.

RECOGNITION OF ARMY COLONEL EDWARD J. SWANSON

HON. KEITH J. ROTHFUS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. ROTHFUS. Mr. Speaker, today I wish to honor Army Colonel Edward J. Swanson, a native of Johnstown, Pennsylvania, for his extraordinary dedication to duty and service to our nation. After 30 years of exemplary service, Colonel Swanson will retire from active military duty in December 2017, leaving behind a legacy that will continue for generations to come.

Colonel Swanson was commissioned as a second lieutenant in the Chemical Corps upon graduation from Officer Candidate School in 1988 and has served with distinction throughout his career. After completing the Officer Basic Course, Airborne School, and Ranger School, he was assigned to the 1st Infantry Division in Germany, followed by the 4th Infantry Division in Colorado Springs, CO.

Since joining the Acquisition Corp, Colonel Swanson has served as an instrumental and dependable leader. He deployed to Kabul, Afghanistan in April of 2011, and served 13 months as the Security Cooperation Division Chief. Following this deployment, he successfully led Project Office for Warfighter Information Network-Tactical (WIN-T) for four years. His career culminated as the Chief of Staff for Program Executive Office Intelligence, Electronic Warfare and Sensors, a position he was handpicked to fill.

Colonel Swanson has performed at the top of his profession throughout his career and truly is an American patriot with the utmost character. He has spent his career ensuring that soldiers and their families are taken care of, as well as the safety and security of our nation. He has left a positive impression on every organization he has served.

With profound admiration and respect, we pay tribute to the accomplishments and sacrifices that he has made for our nation. We thank Colonel Swanson, and his children, Benjamin and Abbie, for their unwavering support. It is my honor to recognize them and wish them peace and happiness in retirement.

IN REMEMBRANCE OF GARRICK
MALLERY, A NOBLESVILLE,
INDIANA LEGEND

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor the life of Garrick Mallery, a pillar of the community in Noblesville, Indiana. Garrick was born on a farm east of Noblesville on December 21, 1927 to John and Della Cragun Mallery. Garrick's family were some of the original settlers to Noblesville in 1820. A 1945 graduate of Noblesville High School, Garrick attended Purdue University for one semester and played on the football team. He left Purdue to serve as an officer in the Cryptography Division in the U.S. Army. Returning to Purdue, Garrick earned a Bachelor's Degree in Agricultural Economics in 1951. During his days at Purdue, he was a member of Tau Kappa Epsilon fraternity, President of the Young Republican Club and hosted a weekly farm show on the Purdue radio station, WBAA. In 1954, Garrick married Nancy L. Everson. Together, he and Nancy had four children, Carol, John, David and Fred.

Garrick began selling real estate in 1948 while still in college and owned his own company. Initially, he was a partner in Aldred and Mallery, and later owned Garrick Mallery, Realtor. Prior to his passing, Garrick held the oldest active real estate license in the state of Indiana—69 years! He also worked as an appraiser, developer and started breeding and racing Standardbred horses in 1970, first in Noblesville, and later on their farm in Sheridan. He worked to expand the horse racing industry in Indiana.

Garrick's notable contributions to the Noblesville community include being a founding member of Noblesville Elementary Football League, finance chairman for the construction of Noblesville First United Methodist Church, 4-H leader, and president and director of the Noblesville Chamber of Commerce. In September 2017, Garrick was awarded the Hamilton County Commissioners' Continental Award, the highest honor bestowed upon Hamilton County residents who contribute to making the community a better place to live. Among his many contributions, Garrick organized Hamilton County's first Health Department. It was established in 1966 and only had three staff members at its inception. Today, it employs 28 full and part-time employees with a \$2.9 million annual budget. Garrick served as the first chairman of the Hamilton County Board of Health in 1966 until 1972, and then again in 2003 until his passing. His service on the board totaled 43 years. In that role, he helped guide the growth of the county Health Department, which is dedicated to communicable disease prevention, health promotion for residents of all ages in Hamilton County and to protecting the environment in which they live. He also organized the Hamilton County Soil and Water Conservation District and Hamilton County Savings and Loan.

In 1962, Garrick played Santa Claus in the inaugural Noblesville Christmas Parade, con-

tinuing for several years afterward. He reprised the role for the 50th anniversary of the parade, and then served as Grand Marshal in 2015. Garrick was a member of the American Society of Farm Managers and Rural Appraisers and former member of the Lions Club and the Elks Club.

Garrick was not just a citizen of Noblesville but was a part of the city's history. On behalf of all Hoosiers, I would like to salute Garrick Mallery for his service to the Noblesville community. His work with Hamilton County's Public Health Department and other organizations was unmatched and his presence will be greatly missed. Garrick was a treat to be around and I will always cherish the times I spent with him. I want to extend my heartfelt condolences to his sister, Jane, his children, Carol, John and David, his eight grandchildren, two great-grandchildren and the rest of his family in their time of mourning.

INTRODUCTION OF THE
GEOENGINEERING RESEARCH
EVALUATION ACT OF 2017

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. McNERNEY. Mr. Speaker, today I am introducing a bill to further our understanding of geoenvironmental engineering as a potential strategy to prevent the most detrimental impacts of climate change. The evidence of climate change and its effects can already be seen around the world. The situation in the Arctic is alarming, as sea ice is declining by more than 13 percent per decade. Increased global temperatures, warming oceans, rising sea levels, more intense hurricanes and droughts—the writing is on the wall.

Slowing these trends and eventually reversing them is the greatest challenge humankind has ever faced. Our first priority in addressing climate change should be to embrace climate mitigation strategies. This includes drastically reducing our emissions, embracing clean energy, and shifting our economies away from fossil fuels. This problem stops getting worse when we stop emitting greenhouse gases into the atmosphere, which means we have a long way to go.

Scientists have made very clear that as global temperatures rise there will be severe consequences to our society—it will harm public health, our economies, and our very way of life. While geoenvironmental engineering should be considered a potential last resort in preventing climate change, it is something we need to better understand.

My bill would direct the National Academies of Sciences, Engineering and Mathematics to lay out a research agenda and governance principles for geoenvironmental research. I want to be clear—this is not authorizing any large-scale deployment and, frankly, we are decades if not longer from any serious consideration of geoenvironmental engineering as a legitimate strategy for temporarily addressing climate change. The bill would authorize a rigorous review process to determine where we should make federal investments in this emerging research

field and how we should set up oversight of this research.

There is no substitute for drastically reducing carbon pollution. Our focus can no longer just be a question of how much we can mitigate against climate change, but also how fast we can do it. The urgency of climate change forces us to consider every option, and geoenvironmental engineering is one that should be researched as we continue our mitigation efforts.

I hope my colleagues will join me in supporting this well-vetted, thoughtful approach to better understanding geoenvironmental engineering and its potential to combat the effects of climate change.

INTRODUCTION OF THE ROCK
CREEK NATIONAL PARK ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Ms. NORTON. Mr. Speaker, today, I introduce a bill to redesignate the National Park Service-owned Rock Creek Park, in the District of Columbia, as "Rock Creek National Park." Renaming this park will highlight its significance to the nation, including visitors to the nation's capital, and will help get much-needed funding for the park's inviting trails, waterways and other unique features.

Rock Creek Park is already a national park, established by Congress in 1890 "for the benefit and enjoyment of the people of the United States," and is the oldest urban park and the third federal park ever created, after Yellowstone and Sequoia. Rock Creek Park was designed to preserve animals, timber, forestry and other interests in the park, and to ensure that its natural state is maintained as much as possible, for all American people, not just for D.C. residents.

Over time, several structures have been established or donated to further preserve Rock Creek Park. In 1892, for example, the federal government acquired Peirce Mill in Rock Creek Park, one of the mills used by local farmers during the 18th, 19th, and 20th centuries. In 1950, the Old Stone House, located at 3051 M Street NW., with its great pre-Revolutionary War architectural merit, was acquired by the park. The building was restored, and programs explain the house's rich history from the colonial period to the present day. The Fort Circle Parks were also acquired to interpret and preserve the Civil War Defenses of Washington, which created a ring of protection for the nation's capital during the Civil War.

Today, Rock Creek Park offers residents of the District of Columbia, Maryland, and Northern Virginia, as well as thousands of visitors, an escape from our increasingly urban environment. Residents and tourists alike also enjoy many activities in the park's 2,000 acres, including hiking and bike riding on the historical trails, horseback riding, picnicking, tennis and other recreational activities in some of the open fields. Our residents have expressed their appreciation by volunteering to clean up and maintain the trails and waterways.

Redesignating Rock Creek Park as Rock Creek National Park will help recognize the

national status of the park and protect and revitalize this remarkable resource in our nation's capital.

I strongly urge my colleagues to support this legislation.

HONORING 2017 MONSTER ENERGY
NASCAR CUP SERIES CHAMPION
MARTIN TRUEX, JR.

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. HUDSON. Mr. Speaker, I rise today to honor and celebrate Martin Truex, Jr. on winning the 2017 Monster Energy NASCAR Cup Series Championship in historic fashion.

The journey to Martin Truex Jr.'s success came with a lot of adversity, both on the track and in Martin's personal life. On the personal side, Martin and his partner, Sherry Pollex, faced one of life's toughest challenges when Sherry was diagnosed with Stage III ovarian cancer three years ago. Sherry has faced this challenge with the heart of a champion. She's continued to fight this dreaded disease even when it returned earlier this year, and Sherry has used her personal battle as an opportunity to advocate for cancer patients everywhere through her work with the Martin Truex, Jr. Foundation and SherryStrong.org. She has inspired millions through her work, and as Martin will tell you, Sherry is the true champion in their family.

On the track, Martin has faced his own adversity. In 2013, through no fault of his own, Martin ended up losing his ride. Instead of giving up, Martin turned this setback into an opportunity—he landed on his feet at Furniture Row Racing and became a champion four short years later.

Martin is a champion on the track and in life. Today I have the honor of congratulating Martin Truex, Jr. on winning of the 2017 Monster Energy NASCAR Cup Series Championship, and I can't think of anyone who deserves this victory more than him.

Mr. Speaker, please join me today in honoring a true champion in every sense of the word, Martin Truex, Jr.

RECOGNIZING THE 40TH ANNIVERSARY
OF THE NATIONAL INTER-
SCHOLASTIC ATHLETIC ADMINIS-
TRATORS ASSOCIATION (NIAAA)

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to recognize the 40th anniversary of the National Interscholastic Athletic Administrators Association (NIAAA), headquartered in Indianapolis. The NIAAA is an organization founded in 1977 to preserve, enhance and promote the educational value of inter-

scholastic athletics through the professional development of its member athletic administrators. Extracurricular activities, such as interscholastic athletics, emerged about a century ago as part of education reform with the idea to use extracurricular activities to help teach "soft skills"—strong work habits, grit, self-discipline, teamwork, leadership, and a sense of civic engagement. The NIAAA champions the profession of athletic administration through educational opportunities, advocating ethics, developing leaders, and fostering community.

The NIAAA, with its 11,000 individual members and athletic administrators nationwide, makes available the resources and support that our secondary school athletic administrators need to administer safe, high quality athletic programs that provide participation opportunities and positive experiences for students. The NIAAA became the first national association to be accredited by the North Central Association Commission on Accreditation and School Improvement in the post-secondary division. It has also developed and administers the only comprehensive Professional Education Program and Certification Program for secondary school Athletic Administrators.

Involvement in interscholastic athletics has shown a strong association with a variety of positive outcomes during the school years and beyond, including higher grade-point averages, lower dropout rates, lower truancy, better work habits, higher educational aspirations, lower delinquency rates, greater self-esteem, more psychological resilience, less risky behavior, more civic engagement (like voting and volunteering), and higher future wages and occupational attainment.

That is why the work of the NIAAA, and the school administrators and programs they recognize, including those in my district, deserve our recognition—for taking the steps to help ensure our secondary school athletic programs are the best they can be and students athletes have the opportunity to develop into the leaders our nation will depend on in the future.

Mr. Speaker, I ask my colleagues to join me in recognizing the NIAAA and the recognized exemplary programs and administrators for their commitment to America's future, its youth.

INTRODUCTION OF SUPPORTING
CHILDREN OF THE NATIONAL
GUARD AND RESERVE ACT

HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. CORREA. Mr. Speaker, in 2015, Congress for the first time enacted a military student identifier (MSI) program to track and collect data on military-connected students' education. However, this provision only requires states to identify and monitor the academic progress of active-duty military-connected students. This excludes the children of National Guard members and Reservists. Students with

parents in the National Guard and Reserves may face the same challenges, such as constant moving and the stress of parental deployment, as students whose parents are in active-duty service. That is why, today, I am introducing the "Supporting Children of the National Guard and Reserve Act."

The need for an MSI for all military-connected children, not just those in active-duty, is important because it allows educators, parents, and policymakers to make informed, evidence-based decisions on how to positively affect the educational progress of all their students.

PERSONAL EXPLANATION

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mr. GRIJALVA. Mr. Speaker, on November 14, 2017, I missed a recorded vote for Roll Call vote 631. I was called away from the floor for a phone call pertaining to the health of my mother.

The vote was on the National Defense Authorization Act for Fiscal Year 2018. Had I been present, I would have voted nay on Roll Call 631.

HONORING ROSA PARKS AND THE
POWER OF ONE

HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2017

Mrs. BEATTY. Mr. Speaker, Sixty-two years ago last week, an African-American seamstress named Rosa Parks refused to give up her seat on a segregated Montgomery, Alabama bus.

Her defiance and subsequent jailing sparked the peaceful, Montgomery Bus Boycott that eventually led to the desegregation of public transportation.

Though small in stature, Rosa Parks became an enormous figure in the Civil Rights Movement and earned the title: "Mother of the Civil Rights Movement."

Her life and actions showed me and so many Americans how the "Power of One" person can make a difference in the pursuit of what is right and just.

When I served in the state assembly, I championed legislation that made Ohio the first state in the nation to designate December 1st as Rosa Parks Day.

Monday of this week, I hosted a Community Leaders' Forum: "The Power of One: We Are Walking in It" to remind and educate hundreds of my constituents of the work of Rosa Parks.

I believe it is our collective responsibility to walk in the footsteps of Rosa Parks and honor the Power of One.

SENATE—Monday, December 11, 2017

The Senate met at 4 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Loving God, sovereign of our Nation, keep our frailty before us that we might set our hearts on You. Today, let Your peace go with our lawmakers, guiding them in their work and protecting them from life's storms. Lord, remind them that those who trust You will not lack any good thing. Though our Senators face many challenges, rescue them from each difficulty. May they remember that they live this day only once and should therefore strive today to bless all the people they can in every way they can. Give them the wisdom to be receptive to Your guidance, always trusting You to direct their steps.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The majority leader is recognized.

NEW YORK CITY ATTEMPTED TERROR ATTACK

Mr. MCCONNELL. Madam President, as we continue to learn more details about the attempted terror attack this morning in Manhattan, I wish to commend the law enforcement and intelligence community that quickly reacted to the attack. Their courage in the face of danger protected the lives of those around them.

NOMINATION OF LEONARD STEVEN GRASZ

Mr. MCCONNELL. Madam President, this week, the Senate will consider three more outstanding individuals nominated by President Trump to serve on our Nation's Federal circuit courts.

For 8 years, we had a President who selected judicial nominees based on a

so-called "empathy standard." It was an ideological litmus test designed to find nominees who would favor certain groups or individuals over others. While that may sound like a good standard for the party in the case for whom the judge has empathy, it doesn't sound so great if you are the other person.

On the other hand, President Trump has nominated talented individuals who will ensure that the Federal judiciary maintains its particular role in our constitutional system. The judicial nominees before the Senate this week are each well-credentialed and have the integrity and temperament to serve our Nation on the circuit courts. They are dedicated to upholding the rule of law and giving every litigant a fair shake. That is how the American people expect judges to decide cases, and the Senate is working to confirm President Trump's nominees, who will do just that.

First, the Senate will consider the nomination of Leonard Steven Grasz to serve on the Eighth Circuit Court of Appeals. Then it will consider the nomination of Texas Supreme Court Justice Don Willett to serve on the Fifth Circuit Court of Appeals. Finally, later this week, the Senate will consider the nomination of James Ho to serve on the Fifth Circuit Court of Appeals. Each of these nominees will make strong additions to the Federal bench, and I look forward to considering them in the coming days.

I wish to once again commend Chairman GRASSLEY for his leadership of the Senate Judiciary Committee. His excellent work has allowed us to bring these nominees to the floor.

Later today, the Senate will advance the nomination of Mr. Grasz, a talented individual with experience in both private practice and public service.

After graduating from law school at the University of Nebraska, Mr. Grasz began a distinguished career in law. Working as the chief deputy attorney general of Nebraska for nearly 12 years, he excelled, representing the State of Nebraska in numerous appellate cases, including before the U.S. Supreme Court.

Nebraska Governor Pete Ricketts, along with five other top State officials, wrote a letter to the Judiciary Committee supporting Mr. Grasz's nomination. Here is what they had to say:

Steve has become a leading expert on state and federal constitutional law. His demeanor and temperament have earned the respect of Nebraskans across the political spectrum in our state.

Mr. Grasz has won the support of prominent Nebraskans from both sides of the aisle. Our former colleague, Senator Ben Nelson, came to know Mr. Grasz when Senator Nelson was the Governor of Nebraska. Senator Nelson wrote:

Steve won my respect by putting considerable skills to work as an effective legal advocate for our state.

We sometimes found ourselves disagreeing on policy; nevertheless, I quickly learned that Steve was the kind of consummate professional who is capable of putting whatever personal views he may have aside when appropriate in his capacity as a public servant.

He was an asset to our state, and Nebraskans benefitted from having such a capable and thoughtful professional in public service.

Furthermore, the Obama administration's U.S. attorney for Nebraska worked with Mr. Grasz in the State, and she wrote in support of his nomination:

Steve has always enjoyed a reputation for honesty, impeccable integrity and dedication to the rule of law.

He possesses an even temperament well-suited for the bench, and always acts with respect to all [who] interact with him.

In addition, a letter from the current and previous presidents of the Omaha Bar Association stated that the Omaha legal community supports Mr. Grasz's nomination "without hesitation." The letter goes on to say that he "possesses the legal expertise, professionalism, character, and ethics that are demanded of a Judge on the Eighth Circuit Court of Appeals."

The local legal community—both government officials and private attorneys—overwhelmingly attest not just to Mr. Grasz's impressive qualifications but to his commitment to fairness and the rule of law.

Through his decades of legal practice, Mr. Grasz has shown that he is the right choice to serve on the Eighth Circuit. I am proud to join with our colleagues from Nebraska in supporting Mr. Grasz's nomination. I look forward to voting to advance this nomination later today and to confirming all three of these circuit court nominees this week.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. The Senator from Utah.

RECOGNIZING JAMES WILLIAMS AND NICK CLASON

Mr. HATCH. Madam President, before I turn to the main portion of my remarks, I would be remiss if I failed to recognize two staffers who were instrumental in helping us pass the Tax Cuts and Jobs Act earlier this month—James Williams, my senior policy adviser, and Nick Clason, a talented young staffer. Both worked long hours to help make tax reform a reality. I wanted to take just a brief moment to recognize them for the late nights they spent helping me to hash out the details of this bill. They are some of the hardest working members of my staff, and I hope they know how much I appreciate them.

AMERICA'S ROLE IN GLOBAL AFFAIRS

Madam President, I wish to turn to a subject of great importance to our national security. This morning's terrorist attack reminded all of us that danger is never far away from our Nation's shores. While details about the bombing in New York are still emerging, we already know one thing for certain: This was an attack not only on the American people but on the principles that we stand for. It was an attack on our freedom and our very way of life.

The violence we witnessed this morning stands as a stark reminder that America has many enemies. Overseas, animosity toward the United States grows stronger as the world grows ever more chaotic, so today I wish to speak on America's role in these turbulent times.

As the Trump administration works to return our country back to its rightful role as the leader of a broken world, you will find my foreign policy recommendations today to be not only intrinsically American but also inherently good. My solution to the chaos that now grips the world is the simple principle articulated by President Reagan over 30 years ago in his "evil empire" speech. Addressing the National Association of Evangelicals, he said these words:

America is good. And if America ever ceases to be good, America will cease to be great.

To be sure, we find ourselves in a world very different from that which

President Reagan faced. Today, the structured diplomatic environment we once operated in has come into question with the fall of local governments in much of the Middle East. Global alliances, while strong in the commitments and connectivity among member nations, are weak in direction and long-term purpose. Political narratives of states—once stable and predictable—must today compete with the conversations being had on the streets and in the classrooms by those with access to mobile phones and social media.

Since Reagan's time, the world has not only grown more complicated but also more dangerous. The threat of state-on-state military showdowns seems imminent—particularly with North Korea and Iran.

Where we had achieved military successes, we remain reluctant to declare victory, as is the case with ISIS, and to deal with the most intractable issues, such as the conflicts in Syria, Afghanistan, and Iraq, we seem to rely on partner nations that often work at cross purposes with our own objectives.

How has the United States engaged with this chaos? In many cases, President Obama sought to ignore it altogether. Indeed, if his foreign policy could be boiled down to two words, they would be these: "Stay out." The Obama administration spent the better part of 8 years making disengagement a cornerstone of American foreign policy, captured by the euphemism "off-shore balancing"—in other words, deferring to local actors to manage regional problems.

The Obama doctrine offered easy answers to complex problems, but easy answers are rarely the right answers, and a gradual U.S. withdrawal from an increasingly chaotic world under President Obama only made matters worse. Thanks to the hands-off approach of his predecessor, President Trump inherited a truly unprecedented state of world disorder.

Despite these great challenges, our ability to achieve good in the world has not diminished. If we are to achieve good in the world—if we are to restore peace and stability in these troubled times—then we must first rediscover our purpose in global affairs. We must make an honest assessment of where we have gone wrong in the past and how we can improve in the future.

In our engagement with the world, we seem to have drifted far from how we used to do things. The foreign policy of President Obama, for example, chose to transact in one of two words: "threats" and "interests." How big is the threat to national security that ISIS or a nuclear Iran possesses? What is the U.S. interest in Syria? How do we preserve American security and interests in the South Pacific? Under this myopic approach, anything that didn't fit neatly into either a threat or interest was of little importance. The

foreign policy of the Obama years put the United States in a short-term responsive mode, with little capacity to ask about the future.

Rediscovering our purpose in the world requires us to look beyond mere considerations of threats and interests. It requires us to reconnect with our core values by making them central to our foreign policy. Foremost among those values is promoting freedom. Freedom is what we stand for as a nation. As President Reagan said:

America is freedom—freedom of speech, freedom of religion, freedom of enterprise. And freedom is special and rare. It's fragile; it needs protection.

President Bush carried this tradition, squarely identifying the perpetrators of the 9/11 attacks as enemies of freedom. As he keenly observed, what divided the United States from its adversaries was not faith, not skin color, not gender or race, but hatred of America and the freedoms it stands for.

President Bush did not mince words in describing exactly who our enemy was. Following the 9/11 attacks, he described those who committed the attacks as belonging to "a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics, a fringe movement that perverts the peaceful teachings of Islam."

In his use of the phrase "Islamic extremism," President Bush was not afraid to call the enemy by its name, and neither were our Muslim allies who joined us in the fight against terrorism. In the name of political correctness, President Obama refused to use the words "Islamic extremism," insisting instead on the vague expression "violent extremism."

This small but consequential change caused deep conceptual and bureaucratic damage to our strategy and our institutions. Not only did the Obama administration distract us from gaining understanding of who the adversary is and the tools needed to fight and understand him, but it also deemed irrelevant once-successful government programs on the grounds that they did not adequately address this beltway term of "violent extremism." Meanwhile, jihadist groups outpaced and outmaneuvered Obama's sophistry by strategically embedding themselves within local populations in Syria and Iraq, disguising themselves as moderate and protective of local populations.

In place of the feckless foreign policy of the Obama years, I offer instead of global policy defined by one word: "purpose." With purpose, we can look to the future and address the kind of legacy we hope to leave behind. With purpose, we can define what it is we seek to achieve in the world, where we can make a difference, and how we can effect lasting change on a global scale.

Rediscovering our purpose in global affairs doesn't mean giving up our

focus on threats and interests. Quite the opposite, it means ensuring that the way in which we address threats and interests helps us achieve our ultimate goal—that of ensuring freedom in the world.

Today's world offers many opportunities to act with renewed purpose in the defense of freedom. In Syria, for example, a collapsing ISIS caliphate and a bloody civil war leave a traumatized population in their wake. While a political solution for all of Syria seems remote, we can work toward meaningful goals in the near term to help resettle internally displaced persons. Although much of the country remains at war, we should focus on helping the most vulnerable populations within these pockets of promise—those neighborhoods in Northwest Syria and along the Jordanian and Israeli borders. Within these pockets of promise, we can change people's lives—and ultimately, the region—by working with our local partners to build hospitals and schools with modern curricula.

In Iran, too, we can make a difference. The President's recent decision to decertify the Iran deal was itself a step in the right direction. The Iran deal singlehandedly gave international legitimacy to an enemy regime openly committed to the destruction of the United States and its allies. This deal was indeed a bad one; its only achievement, if it can be called such, was deferring the question of when, not whether, Iran will be able to achieve a nuclear weapon. It only hardened the hostile voices against the United States, allowing them to build a case that those who oppose the deal are enemies of the Iranian people. This assertion is plainly false. As the President noted in his address to the United Nations, the good people of Iran want change, and they are the regime's longest suffering victims.

The President now has the opportunity to act with renewed purpose in the region, dealing a final blow to the Ayatollah's antics. Moving forward, as we leverage military strength to disrupt the regime's hostile activities around the world, we can also actively use diplomatic channels to support the wishes of the Iranian people—to promote their freedoms and to help them realize the opportunities their government denies them.

Meanwhile, in North Korea, as we prepare for any scenario that might await us, we must acknowledge our ultimate strategic advantage—our allies. The greatest threat to Kim Jong Un is that he is completely isolated from his neighbors and his people.

As we seek diplomatic approaches to deescalating the tensions, we must ensure that it is the right kind of diplomacy with the right message—a message about the future of the region and the future of a new North Korea in that region. If Mr. Kim does not realize the

need to change his ways, then certainly he will get that message when he sees the might of his neighbors working with the United States toward shared objectives. That is the power of alliances, of strong and loyal partnerships.

Even as we resolve to do good in these situations, we must remain as vigilant and aggressive as ever in meeting the threats that no doubt will continue to test us. The key will be to stand true to ourselves and our allies. That is what we did when the President recognized Jerusalem as the capital of Israel last week. That is what I sought to do in my meetings with Prime Minister Theresa May and MI5 Director-General Andrew Parker during my visit to the United Kingdom last month. There, I highlighted the need to pass legislation to enable our two nations to work more closely together in the fight against terror and criminal activity.

We talked about my International Communications Privacy Act, which would create a clear legal framework for law enforcement officials who access data relevant to criminal investigations stored in other countries. We also spoke about legislation to implement the U.S.-U.K. data-sharing agreement, which would give law enforcement in our two countries reciprocal rights to access data stored in the other country under certain prescribed circumstances. I told the Prime Minister and the Director-General that I believe these two pieces of legislation are closely linked and that I am actively looking for vehicles to move them forward.

This is precisely what President Reagan meant when he welcomed Prime Minister Margaret Thatcher to Washington upon assuming the Presidency: Our two countries are "kindred nations of like-minded people and must face their tests together. . . . [For indeed], the responsibility for freedom is ours to share."

It is when America realizes its purpose—to do good in the world by defending freedom—that our greatness will be known. As we bring ourselves out from the margins of international affairs and piecing together the broken shards of that world order we have worked for decades to shape, let us help the administration and the country rediscover the purpose we were destined to pursue. Only then, and only together, will we be able to make America and the world great again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Madam President, I rise today in support of the nomination of Steve Grasz to the U.S. Court of Appeals for the Eighth Circuit. One of the most important things this Senate has done this year and will do for the remainder of the year—and, in fact, well into 2018—is to consider nominees to the Federal courts.

When I talk to Nebraskans, I constantly hear from women and men who tell me that the No. 1 issue they care about when they vote for President is the judiciary. Nebraskans want judges who understand that judges are not lawmakers. Nebraskans want judges who understand that a lifetime appointment isn't designed to do politics. Nebraskans want judges who understand that the courts are to uphold the laws fairly and impartially.

My colleagues and I on the Judiciary Committee agree with those Nebraskans from townhalls and coffee shops and Rotary clubs. In the Judiciary Committee, we have worked to advance a record number of judges who know exactly that. We are looking for thoughtful men and women of integrity. That is why it is a pleasure today, it is an honor today, to come to the floor in support of Steve Grasz.

Steve is a Nebraskan through and through. He is a fifth-generation Nebraskan who grew up on a family farm—walking beans, raising sheep and pigs, branding cattle. When he was a young man, life in the Nebraska Panhandle taught him hard work. He then moved east to Lincoln, where the University of Nebraska taught him the law.

Steve graduated at the top of his class and then put his law degree to work serving his fellow Nebraskans. He served as the chief deputy attorney general for our State for nearly a dozen years. Steve's job was to represent the people of Nebraska in court. That means he was bound by the law and by his professional duty to defend our laws, including our State's ban on the gruesome procedure known as partial-birth abortion.

In his role in the Nebraska AG's office, he litigated multiple cases in front of the U.S. Supreme Court, the Nebraska Supreme Court, and the U.S. Eighth Circuit, to which he has now been nominated by President Trump. Every time he represented us in court, Steve did so with integrity, with humility, and with decency. That is just what Nebraskans do.

Steve bleeds Husker red, but he is now ready to put on a judge's black robe. He knows that judges in America don't wear red or blue partisan jerseys. He knows that policy preferences, whether his or anyone else's, have no role in how a judge applies the law. He knows that, in his courtroom, two things matter and only two things—the facts and the law.

Anybody who wants to ensure that Steve will approach his job as a judge without partisan or ideological bias should listen to the words of hundreds of Nebraskans who have spoken out in support of Steve's nomination.

Democrat Ben Nelson, Nebraska's U.S. Senator from 2001 through 2013 and, before that, our Governor for 8 years, offered this testament to Steve's fitness for office:

I first got to know Steve when I served as Nebraska's Governor and he served as our state's Chief Deputy Attorney General. . . . With me as a Democrat and him as a Republican, we sometimes found ourselves disagreeing on policy; nevertheless, I quickly learned that Steve was the kind of consummate professional who is capable of putting whatever personal views he may have aside when appropriate in his capacity as a public servant. . . . If Steve is confirmed, I fully expect him to follow the law and the facts in each case because I know his loyalty is first to the rule of law, rather than to any personal views he holds on matters of policy. He possesses first-rate legal skills and a respectful, even-keeled temperament, key ingredients in the making of a good judge. As a Nebraskan, I hope our state has the opportunity to benefit yet again from Steve's public service in this new role.

Then there is Deborah Gilg, who was President Obama's choice to be U.S. attorney for the District of Nebraska, who served in that office from 2009 through 2016. She wrote glowingly to our committee of Steve:

Steve has always enjoyed a reputation for honesty, impeccable integrity and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him. . . . Without a doubt, he would be a tremendous asset to the bench as he demonstrates excellence in all that he does.

Madam President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 31, 2017.

Hon. CHARLES E. GRASSLEY,
Chairman, U.S. Senate,
Committee on the Judiciary, Washington, DC.
Hon. DIANNE FEINSTEIN,
Ranking Member, U.S. Senate,
Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: I write to you today to express my strong support for the nomination of L. Steven Grasiz to the United States Court of Appeals for the Eighth Circuit. I have no doubt that Steve possesses the skills, character, and temperament necessary to make him an excellent member of that court.

I first got to know Steve when I served as Nebraska's Governor and he served as our state's Chief Deputy Attorney General. During his nearly twelve-year tenure in that senior position, Steve won my respect by putting his considerable skills to work as an effective legal advocate for our state. With me as a Democrat and him as a Republican, we sometimes found ourselves disagreeing on policy; nevertheless, I quickly learned that Steve was the kind of consummate professional who is capable of putting whatever personal views he may have aside when appropriate in his capacity as a public servant. He was an asset to our state, and Nebraskans benefitted from having such a capable and thoughtful professional in public service. Today, he is unquestionably one of the foremost appellate lawyers in the state, making him an obvious choice for this seat on our federal appeals court.

If Steve is confirmed, I fully expect him to follow the law and the facts in each case because I know his loyalty is first to the rule of law, rather than to any personal views he

holds on matters of policy. He possesses first-rate legal skills and a respectful, even-keeled temperament, key ingredients in the making of a good judge. As a Nebraskan, I hope our state has the opportunity to benefit yet again from Steve's public service in this new role.

Sincerely,

BEN NELSON,
United States Senator for Nebraska, 2001–2013.

TIME HEALTH,
Omaha, NE, September 19, 2017.
Re L. Steven Grasiz.

Chairman CHUCK GRASSLEY,
Senate Judiciary Committee, Washington, DC.
Ranking Member DIANNE FEINSTEIN,
Senate Judiciary Committee, Washington, DC.

I am writing to enthusiastically recommend Steve Grasiz for the vacancy on the 8th Circuit Court of Appeals. I have known Steve since 1991 when he became Chief Deputy Attorney General for the State of Nebraska. At that time, I was the elected County Attorney and/or appointed County Attorney for several Western Nebraska rural counties. I relocated to Omaha in 2002 and in 2009 I became the U.S. Attorney for Nebraska until March 10, 2017. At present, I am the Vice-President, Chief Operating Officer and General Counsel for Time Health, a healthcare management corporation. I should also mention that I am a Democrat and it is with great confidence that I recommend Steve.

Steve has always enjoyed a reputation for honesty, impeccable integrity and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him. I am confident that he is well-versed in legal principles, has keen legal analytical skills and outstanding oral and written skills. Without doubt, he would be a tremendous asset to the bench as he demonstrates excellence in all that he does.

Finally, I think it is important to have a jurist that has an agricultural background and understands that not all things legal revolve around urban areas. He still owns land in Western Nebraska and quite clearly is a product of and proud of his agricultural roots.

I look forward to your support of his nomination.

Sincerely,

DEBORAH R. GILG,
Vice-President and General Counsel.

Mr. SASSE. Madam President, Steve's reputation for honesty and integrity and decency have earned him bipartisan support across Nebraska.

I am a bit sad in that, when I got here to Washington, this nomination took a bit more of a partisan turn before the committee. Happily, we have the chance to do the right thing here in the full Senate tonight and return to a bipartisan tone. I hope that my colleagues will listen to the broad array of Nebraskans of all ideological and partisan views and support Steve's nomination tonight.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.
NEW YORK CITY ATTEMPTED TERROR ATTACK

Mr. SCHUMER. Madam President, first, this morning, as everyone knows, there was an attempted terrorist attack in New York City, near the Port Authority bus terminal and very close to Times Square. I was about 15 blocks away when that happened. Thankfully, praise God, the attack was a failure, and the only serious injuries were sustained by the would-be perpetrator.

On mornings like this, I am even more thankful—and I am thankful all the time—for the service of the New York City Police Department, the Port Authority Police Department, the New York City Fire Department, and the bomb squad, that responded so quickly to the scene. Today was a startling reminder as to why the “See Something, Say Something” campaign is so crucial to keeping our city safe and why we must always, always, always be vigilant against the threat of terrorism.

Madam President, on judicial nominations, this evening, the Senate will vote on whether we should consider the nomination of Leonard Steven Grasiz to be a judge on the Eighth Circuit Court of Appeals. The nomination is significant because Grasiz is just the third nominee since 1989 to be unanimously deemed “not qualified” by the American Bar Association. To underscore that fact, the ABA has reviewed over 1,700 judicial nominees since 1989. Before this administration, only two were ever unanimously deemed “not qualified.” Those two nominated by President Bush were not confirmed. The nominee we are voting on this evening is the third.

A panel of nonpartisan legal experts unanimously concluded that this man is not fit to be a judge. What else do my colleagues need to know? They should all vote no this evening.

Instead of withdrawing the nomination and finding someone better, which is what President Bush did in a similar situation, some of my Republican colleagues have started attacking the ABA.

The junior Senator from Texas said:

The ABA's record on judicial nominations has been highly questionable. It has demonstrated over past decades repeatedly partisan interests and ideological interests.

I don't remember my colleague from Texas complaining when his party was touting then-Judge Gorsuch's favorable rating from the ABA. I heard over and over again from my Republican colleagues that he received a favorable rating from the ABA. All of a sudden, they attack it.

Leader MCCONNELL once likened a “well qualified” rating from the ABA to “getting straight A+’s on your report card.” That is what Leader MCCONNELL said. Now Members of his

party are singing a much different tune, as not one but two of President Trump's judicial nominees have received unanimously "not qualified" ratings.

Unfortunately, this is indicative of what has become part of the Republican playbook—a playbook that Donald Trump specializes in, and unfortunately my colleagues are joining right in. If you don't like the message, shoot the messenger. If you don't like what the CBO is saying about healthcare, attack the CBO even if it is your hand-picked Director. If you don't like what the Joint Committee on Taxation is saying about your tax bill, attack the JCT even if it is using the exact type of economic model that you asked it to use. If you don't like what the ABA is saying about judicial candidates, call it partisan even if you praised its judgment only a few months ago.

This is the Republican Party of President Trump, who, instead of mounting a credible defense of his record by using facts and arguments, will resort to shooting the messenger, whether that is Special Counsel Mueller, the CIA, the intelligence community, or the entire FBI. Imagine attacking the entire FBI. I know those agents. They are so dedicated to the country—they are nonpolitical—but when they investigate President Trump because he might be doing something wrong, he just attacks them recklessly.

The same thing has happened with our Republican colleagues. Like President Trump, when Republican lawmakers don't agree with what independent arbiters are saying, they try to discredit them. These attacks may suit their short-term political interests, but it is going to have a devastating effect on our country. A tax bill that explodes the deficit and raises taxes on millions of middle-class Americans may pass, but Republicans refuse to believe the analyses that say it does. Our Federal judiciary may be filled with unqualified candidates—lifetime appointments, mind you—because Republicans refuse to trust the advice of independent legal experts.

More importantly, these attacks in important ways diminish our democracy. We are a country founded on facts. People have different views once they view those facts, but we are founded on facts. That is what the Founding Fathers did at the Constitutional Convention—they debated, but they started from the same fact base. That is what the townhall meetings throughout America have done for two centuries and more. They are beautiful. They debate, they discuss, but people accept a row of given facts. That is what we are supposed to do here in the House and Senate, and for many years we did. Now, led by President Trump, facts don't seem to matter. Anything he doesn't like he calls fake news, even

though it is real. He contradicts himself. He says one thing one day and one thing the next, and it doesn't even matter. That is him, and he was elected, but why are our Republican colleagues so willfully going along? Why are they not saying that truth matters? Why do they attack the ABA, which has been nonpartisan and has had a grand tradition for decades? When the ABA approved Judge Gorsuch, they embraced it.

This is not a good thing for democracy. American democracy depends on our ability to work together on a common baseline of facts to find solutions that work in the real world. We can't do that if Republicans are going to discredit or ignore the judgments of agencies like the CBO, JCT, and ABA. We will end up with an even less productive debate here in Congress—something that no one will like and the American people can ill afford.

REPUBLICAN TAX BILL

Finally, Madam President, a word on the President's tax plan—the Republican tax plan. For months, Republicans have promised that the \$1.5 trillion tax plan would reduce the deficit through economic growth—never mind the multiple analyses that concluded the exact opposite.

Just today, three new analyses of the Senate Republican tax bill came to the conclusion that the bill would not reduce the deficit but, rather, explode it, including a report by the Trump administration's own Treasury Department.

The Tax Policy Center estimated that the tax plan would result in only \$179 billion of growth, leaving a \$1.4 trillion trail of red ink on the deficit and increasing our debt-to-GDP ratio by over 5 percent.

Another analysis of the Senate Republican plan using the Penn Wharton model found that even with assumptions favorable to economic growth, the Senate tax bill will increase debt by over \$1.5 trillion over the next decade.

Amazingly, the Trump administration's Treasury Department released a one-page report estimating that the bill would pay for itself but only if you factor in rosy assumptions of growth that were included in the President's budget and are widely discredited by economists of all stripes. The President's budget request assumed the passage of entitlement reform and an infrastructure bill, both of which have not been proposed or written, let alone enacted. So even with this audacious use of fake math, the Treasury Department's analysis has to assume that the yet-to-be-proposed bills are passed in order to say that it doesn't add to the deficit.

No amount of fake math can change the fact that the Republican tax bill will be a boon to the wealthiest Americans and largest corporations while in-

creasing taxes for millions of middle-class families and leaving 13 million people without healthcare. As all three reports prove today, it will add over \$1 trillion to the debt and deficit, starving our ability to invest in infrastructure, education, and scientific research, and endangering Social Security, Medicare, and Medicaid.

Republicans still have time to turn back from this ugly, awful bill, which is widely disliked by the American people, and work with Democrats on real, bipartisan tax reform that actually lowers taxes for middle-class families and stimulates economic growth without adding a penny to the deficit.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE FEES

Mr. NELSON. Madam President, we are just about to enter the holiday season. The traffic is already picking up. We could call it the great holiday migration that is going to be underway. Millions of people will be traveling to see their loved ones—their families, their friends—and they will be visiting by airplane. They are going to get a big surprise when they head to the airline ticket counter or try to check in online and face a blizzard of what the airlines call ancillary fees.

For years, many of us on the Commerce Committee have been pushing the Department of Transportation to adopt rules that would require a standardized disclosure statement for common airline fees, such as bag fees, change and cancellation fees, and priority boarding and seating fees. Comparing this to when one applies for a credit card, there is a box on the back of the application that shows the annual fee of the credit card, the interest rate, and any other fees. Consumers have this so they can compare adequate data to adequate data. We like to call it comparing apples to apples. Therefore, the consumer can know what it is they are looking for and choose the credit card they want. So it is a commonsense solution in the airline business that you would want to do for consumers, to make sense of all those different fees on an airline ticket.

Well, there was some progress on this earlier in the year when the Department of Transportation proposed a rule to require airlines to disclose bag fees to consumers when they purchased a ticket. Last week, however, the White House directed the Department of Transportation—the administration did this for all of those airline holiday

travelers. They put a big lump of coal in their Christmas stockings when they abruptly canceled the proposed rule of the Department of Transportation that you were going to know what those fees were upfront when you purchased the ticket, along with another rule that would have required airlines to tell the public how much money the airline is charging for all the other ancillary fees. Those proposed rules were withdrawn. Well, that is just not in the interest of the traveling public. That is not in the interest of consumers, and it should not be any skin off the airlines' back to just show what the fees are upfront so the consumer understands that.

Indeed, a new revenue source for the airlines is to have these additional charges. That is not what this Senator is arguing with, as long as those fees are properly and clearly disclosed.

Let me give you another example. Last year, on the FAA bill we passed into law, it required the Department of Transportation to implement two basic rules to protect airline customers—two very simple rules. The first was, if you have checked a bag and you have paid the airline a certain amount of money to check that bag, what happens if your bag doesn't arrive or if it is delayed beyond a certain number of hours? Shouldn't the airline, at least, refund that fee you paid for that bag to be delivered in a timely fashion? Well, it is a pretty simple concept. If you pay \$50 for a checked bag, you expect it to arrive with you, and if it doesn't, you should get an automatic refund. That is common sense, but the Department of Transportation hasn't done anything on that, and it is in the law. It is in the law we passed last year.

I will give you another example. The second requirement we put in last year's FAA bill is that airlines, when they seat children 13 or under, put them adjacent to a parent or an older sibling traveling with them. So the Department of Transportation, earlier in the year, designed a rule to ensure that parents would not have to fork over money for a preferred seat just to be able to sit next to their child.

The Department of Transportation was supposed to have finalized both of these rules by July of this year, but to date they have done nothing. Consumers traveling during the holidays are going to have the experience, if your bag doesn't show, since the rule hasn't been put in place by the Department of Transportation, even though it is the law that was passed last year—what is going to happen? Passengers with delayed bags will be losing out on the money they paid to check their bag, even if it doesn't get to them in a timely fashion.

What is going to happen to the parent with the underaged child? They are going to be boarding planes wondering if they will be able to beg someone to

give up their seat just to sit next to their child, even though that may be a preferred seat; in other words, a seat that costs more money.

Just about everyone else will be left playing airline fee roulette, not knowing what the new fee is that they are going to have to pay just to get the basic service. It is so common sense, why do we have to fight about this? We are not arguing that the airline doesn't have the right to charge the fee; we just want it disclosed to the person who is purchasing that ticket. It doesn't have to be the way it is now because consumers should have a right to know ahead of time what they are paying, and then they can compare options. When an airline charges a fee for a service, if they failed to deliver that service, passengers ought to get their money back. This is called basic fairness, but that is not what we are seeing out there.

I urge the leadership of the Department of Transportation—Secretary Chao and her staff—to go ahead and implement those two regulations that emanate from the law we passed and to do it quickly. I urge the Department of Transportation to treat airline passengers like they ought to be treated, which is as valued customers during this holiday season, as in every season.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MORAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Leonard Steven Gras, of Nebraska, to be the United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Leonard Steven Gras, of Nebraska, to be United States Circuit Judge for the Eighth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 312 Ex.]

YEAS—48

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Collins	Hoeben	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Strange
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Enzi	McConnell	Toomey
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—47

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murphy	

NOT VOTING—5

Blunt	McCain	Schatz
Cochran	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 47.

The motion is agreed to.

The Senator from North Dakota.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. HOEVEN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

- Mr. RUBIO. Mr. President, due to my mother's hospitalization and illness, I must remain in Florida and missed today's vote.●

TRIBUTE TO STAFF

Mr. STRANGE. Mr. President, today I wish to recognize the remarkable staff that has worked this year in my Senate offices. Individually, they bring expertise and professionalism to their tireless efforts on behalf of our State. Together, they have united in honorable service to the people of Alabama. It is with pride and admiration that I recognize Virginia Amason, Will Batson, Morgan Blankenship, Brent Blevins, Melissa Clarke, Paula Cox, David Daniels, Valerie Day, Avis DuBose, Jon Foltz, Jacob Gattman, Jordan Howard, Taylor Jetmundsen, John Little, Sandy Luff, Shanderla McMillian, Cecelia Meeks, Nick Moore, Maria Olson, Jake Proctor, Duncan Rankin, June Reeves-Weir, Cody Sanders, Jeff Sommer, Drew Tatum, Shana Teehan, Susan Thompson, Kevin Turner, Brookley Valencia, Dylan Vorbach, and Zandra Wilson.

As they continue their careers of public service, this staff bears the esteem of a grateful State and my utmost gratitude for a job well done.

ADDITIONAL STATEMENTS

TRIBUTE TO JACQUELINE S. GILLAN

- Mr. BROWN. Mr. President, today I wish to celebrate the career and accomplishments of an exceptional public safety advocate and a dear friend, Jacqueline S. Gillan. Jackie is a legend in the public health and public safety community. As both a public servant and as the president of Advocates for Highway and Auto Safety, she has championed the three cornerstones of traffic safety: safer drivers, safer vehicles, and safer roads. Her career in public service began in the government affairs office of the U.S. Department of Transportation, in the Carter administration. She went on to hold senior policy positions in the U.S. Senate and with three State transportation agencies, New Jersey, California, and the great state of Ohio, which is when I first met Jackie.

After leaving public service, she continued to fight for safer roads for all Americans. Jackie helped to launch Advocates nearly three decades ago and has been at the helm of Advocates since 1990. She has led with extraordinary vision, dogged determination, and keen political judgment.

Jackie helped pass numerous Federal and State laws advancing motor vehicle and motor carrier safety standards.

She was instrumental in achieving major advances, including requirements for airbags, electronic stability control, and back-up cameras. Her advocacy efforts had a significant impact on a dozen major transportation bills, ranging from the Intermodal Surface Transportation Efficiency Act in 1991 to the Fixing America's Surface Transportation Act in 2015.

A decade ago, after a tragic accident killed five members of Ohio's Bluffton University baseball team, I worked together with Jackie, Congressman JOHN LEWIS, Senator Kay Bailey-Hutchison, and many brave families—including John and Joy Betts—whose loved ones were killed in motorcoach crashes to enact the Nation's first comprehensive motorcoach safety law, the Motorcoach Enhanced Safety Act. It took longer than it should have to pass this commonsense bill into law, but Jackie was there every step of the way, helping us fight for these lifesaving safety improvements.

A native Californian, Jackie's introduction to public service began at home. Her father, Henry Gillan, served on the city council and was elected mayor of El Cerrito. Now, after decades fighting for the safety of ordinary Americans, Jackie has earned a long and happy retirement spent with her husband, Ernie Beyard; her children, Kristin Beyard and Alex Beyard; and Barkley, an exuberant English springer spaniel who is frequently sighted on walks around Capitol Hill.

There is no question countless lives have been saved and injuries averted and that many families will enjoy the upcoming holidays safely together because of Jackie's work. We are so grateful.●

REMEMBERING RAY TREVINO

- Mr. HELLER. Mr. President, today I wish to memorialize Raymond Trevino, a man who gave so much to the people of Reno and who recently passed away at the age of 74.

Known for his kind spirit and generous heart, Mr. Trevino was widely known for helping those in need receive a warm, healthy meal. Mr. Trevino, who first started as a volunteer a quarter of a century ago, served as the dining room director at Catholic Charities of Northern Nevada's St. Vincent Dining Room.

It should go without saying that Mr. Trevino, Catholic Charities of Northern Nevada's longest serving employee, was a compassionate man who made a positive impact in the community. As the Reno Gazette-Journal recently noted, it is estimated that he served over 1 million meals to low-income and homeless people during his 25 years of service.

Before setting up the dining room, Mr. Trevino, an Army veteran, was a casino food and beverage executive and the owner of five restaurants.

Mr. Trevino was honored with the Mother Theresa Humanitarian Award in 2013 for his work helping those in need. He was also presented with the Dolan Service Award by Dolan Auto Group for assisting struggling individuals and families in the community.

As a testament to the legacy he leaves behind, at this year's annual Thanksgiving, over 200 volunteers came out to participate in the lunch and help feed more than 1,000 people. During the lunch, attendees paid tribute to Mr. Trevino's work and shared memories of his years of service.

As Nevada's senior U.S. Senator, I know that Mr. Trevino will be sorely missed. My thoughts and prayers go out to his family and loved ones during this difficult time.●

REMEMBERING JUDGE FRED L. FOX II

- Mr. MANCHIN. Mr. President, today I wish to honor the Honorable Fred L. Fox, a proud Vietnam veteran and West Virginian, noble public servant, and very dear friend of mine, who left a significant imprint on our home State of West Virginia.

Fred was born in Charleston and raised in Sutton in lovely Braxton County. His grandfather, Fred Fox, Sr., or "grandfox," was a lawyer, a State senator, and a West Virginia Supreme Court justice. His father, John Fox, was a prosecuting attorney in Braxton County for more than a decade. Despite this family tradition, Fred grew up determined that he did not want to be a lawyer.

He loved our country, and after graduating from the Greenbrier Military Academy in 1956 and Davis and Elkins College in 1960, he enlisted in the U.S. Marine Corps and served from 1960 to 1963. Once he returned home with his new perspective, he finally did follow in his family's footsteps and enrolled at West Virginia University's College of Law, ranking second in his class, and remained in the Marine Corps Reserves.

Fred also graduated from the Naval Justice School in Newport, RI. His success in these endeavors prepared him for his first law experience at Furbee, Amos, Webb and Critchfield, a local firm in Fairmont. Fred began working as a personal attorney for my father and our lifelong friendship began.

However, soon after joining the firm at the height of the Vietnam war, Fred again answered the call of duty. He wanted to be a combat marine because, in his words, "It was the right thing to do." After nearly a year as an infantry company commander, Fred was wounded. He was awarded a Purple Heart, two Bronze Stars with combat "V," and two Vietnamese Crosses of Gallantry with Gold Star. Due to his injuries, Fred retired as a captain in 1969. I can recall Fred saying, "You don't win

Bronze Stars, they're awarded to you." His experience during Vietnam set the groundwork for how he viewed the rest of his endeavors. In his opinion, he certainly faced pressure as a judge, but he had already faced so much as a marine that nothing ever quite compared.

Even now, I remember Fred so clearly with his globe and anchor marine lapel pin and a warm smile on his face, and that is how I'll always remember him. I chose Fred to swear me in at my second inauguration as Governor, and it made the day even more special.

What made Fred's presence so comforting was that he wasn't afraid to admit he didn't know an answer. In fact, when he was elected as Marion County circuit court Judge in 1970, he frequently called upon one of his mentors, Judge Robert Maxwell of Elkins, for help. He followed Judge Maxwell's example and always maintained a good relationship with his colleagues. He had only been out of law school a few years, but because of his compassion, intelligence, and fairness, he was re-elected every 8 years until his retirement in 2010. Young judges and lawyers often called on him for advice thereafter, and he was happy to oblige.

His view of the law is something I will always admire, and I know has inspired countless young judges and lawyers. He was fiercely protective of the interests of the people before him in the courtroom, acknowledging the heavy responsibility of representing the entire justice system. He didn't necessarily agree with every verdict, but he respected every verdict because he trusted the system.

Following his 40-year career as Circuit Court Judge, he served 3 years as a senior-status judge. At the time of his retirement, he was the longest sitting circuit judge in the State. In 1995, he was appointed to serve a 10-month term with the West Virginia Supreme Court of Appeals. He was instrumental in the creation of the CASA Program, which provides a voice for abused and neglected children who find themselves in the court system, and it has changed countless lives for the better. Among his many recognitions, he was also rightfully nominated as a Marion County Public Servant of the Year.

What is most important is that Fred lived a full life, surrounded by dear friends, colleagues, and family. It is my hope that his loved ones are able to find peace, strength, and support in one another. This is a time to celebrate his life and legacy and to honor his memory in our thoughts and prayers. He touched countless lives, and his loss has left a deep void in our statewide community. He was a dear friend to Gayle and I and our family, and we will miss him dearly.

Again, I extend my most sincere condolences to his loving wife, Debra; his children Charlee Anne, Joseph, Logan, and Zach; his grandchildren Lindsay,

Kelsey, Nick, and Benjamin; his sister Janie; and the entire Fox family. I am honored to join the people of West Virginia and beyond in recognizing Fred's memory, as well as the unwavering love he had for his family, friends, the judicial system, our State of West Virginia, and our great Nation. His legacy of service will live on forever.●

TRIBUTE TO PAUL J. TAVARES

● Mr. WHITEHOUSE. Mr. President, today I pay tribute to a great friend and Rhode Islander, former general treasurer Paul J. Tavares. Paul and I ran for statewide office together in 1998. Fortunately, both of us won. Paul's campaign motto was "No tricks, no gimmicks, just a Treasurer who will do what is right." Paul had been a great State senator, and Rhode Islanders believed him—and he justified their faith.

Paul chalked up a strong record of accomplishment in the treasurer's office. Among his most notable achievements was the CollegeBoundfund, Rhode Island's 529 college savings program, one of the strongest such programs in the Nation. We worked together on reforming a broken crime victims' fund. When he retired after two terms, Paul had kept his promise as treasurer to leave the office in better shape than he found it.

In 2012, the Providence Housing Authority was in disarray and plagued by scandals. Providence's mayor, Angel Taveras, asked Paul to take over as interim executive director and clean up the mess. Paul promised he would. He quickly turned the agency around and ran it so well that city and housing authority officials convinced him to stay on. Paul recently told his colleagues in city government that it was time for him to go, and he will retire at the end of this year.

In his public life, Paul has been appointed to the East Providence School Committee; elected to the East Providence City Council, the Rhode Island Senate, and the office of the general treasurer; and appointed executive director of the East Providence and Providence housing authorities. In addition, Paul has given himself tirelessly to fraternal and charitable service in Rhode Island and is a loving father and husband. Someone once said there are three kinds of people in this world: those who make things happen, those who watch things happen, and those who wonder what happened. Paul made things happen, and his generosity and selflessness improved the lives of many Rhode Islanders.

As Paul retires from public service—once again—I thank him for being part of my life and for doing so much for our Ocean State. Paul fulfilled his pledge: There were no tricks, no gimmicks; just a public servant who did what was right. More importantly,

Paul lives his life the same way: no tricks, no gimmicks, just a man who does what is right. He never took himself too seriously, never let positions of power go to his head, and never forgot where he came from. He is an example to me of doing it right.

Rhode Island is fortunate to have devoted, energetic, and generous citizens like Paul Tavares. Godspeed, my friend.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Cuccia, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2017, the Secretary of the Senate, on December 8, 2017, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 123. Joint resolution making further continuing appropriations for fiscal year 2018, and for other purposes.

Under the authority of the order of the Senate of January 3, 2017, the enrolled joint resolution was signed on December 8, 2017, during the adjournment of the Senate, by the Acting President pro tempore (Mr. STRANGE).

MESSAGE FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 477. An act to amend the Securities and Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies.

H.R. 2658. An act to provide humanitarian assistance for the Venezuelan people, to defend democratic governance and combat widespread public corruption in Venezuela, and for other purposes.

H.R. 4300. An act to authorize the Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 477. An act to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2658. An act to provide humanitarian assistance for the Venezuelan people, to defend democratic governance and combat widespread public corruption in Venezuela, and for other purposes; to the Committee on Foreign Relations.

H.R. 4300. An act to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 8, 2017, she had presented to the President of the United States the following enrolled bill:

S. 1266. An act to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3672. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3673. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3674. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Adjustments for Inflation" (RIN1651-AB15) received in the Office of the President of the Senate on December 6, 2017; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-144. A resolution adopted by the General Court of the Commonwealth of Massa-

chusetts extending its support to the temporary protected status program and urging the Department of Homeland Security to continue the TPS program and support immigrant and refugees escaping war, natural disasters, and crime; to the Committee on the Judiciary.

RESOLUTIONS

Whereas, the Commonwealth has a long and proud history of being a state that supports, values and respects its immigrants and refugees escaping war and natural disasters; and

Whereas, Temporary Protected Status, or TPS, is an immigration status that provides employment authorization and protection from deportation for foreign nationals who cannot be safely returned to their home countries; and

Whereas, the Department of Homeland Security will consider whether to extend designations of TPS for all nationals that currently hold TPS including more than 300,000 Salvadoran, Honduran, Nicaraguan and Haitian immigrants; and

Whereas, in the Commonwealth of Massachusetts, the Department of Homeland Security will consider whether to extend the designation for 12,526 residents living with TPS; and

Whereas, it is estimated that ending TPS for immigrants from El Salvador, Haiti and Honduras would result in a \$6.9 billion reduction to Social Security and Medicare contributions over a decade and the deportation of these individuals would cost taxpayers approximately \$3.1 billion dollars; and

Whereas, that the Commonwealth recognizes the overwhelmingly positive contributions of TPS holders and their families to the economy, social fabric, diversity and well-being of our community; now therefore be it

Resolved, The Massachusetts General Court hereby extends its support to the Temporary Protected Status program and memorializes the Department of Homeland Security to continue the TPS program and support immigrant and refugees escaping war, natural disasters and crime; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the Vice President of the United States, the United States Secretary of Homeland Security, the Massachusetts Congressional Delegation and the United States Citizenship and Immigration Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 875. A bill to require the Comptroller General of the United States to conduct a study and submit a report on filing requirements under the Universal Service Fund programs (Rept. No. 115-192).

S. 1322. A bill to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes (Rept. No. 115-193).

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

S. Res. 139. A resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its contin-

ued violation of the International Covenants on Human Rights.

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1118. A bill to reauthorize the North Korea Human Rights Act of 2004, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ROBERTS for the Committee on Agriculture, Nutrition, and Forestry.

*Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself and Mr. CARPER):

S. 2214. A bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 2215. A bill to amend the Food Security Act of 1985 to better assist producers desiring to voluntarily transition into organic production systems; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. KENNEDY, Mr. BOOKER, Mr. CASSIDY, and Mrs. GILLIBRAND):

S. 2216. A bill to waive and repay certain debts relating to assistance provided to individuals and households; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. WHITEHOUSE):

S. Res. 356. A resolution expressing the sense of the Senate that Members of Congress should substitute teach at least 1 day per year in a public school to gain firsthand knowledge on how to address the prevailing challenges facing educators and how to remove obstacles to learning for students; considered and agreed to.

ADDITIONAL COSPONSORS

S. 633

At the request of Mr. GRASSLEY, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 633, a bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes.

S. 1421

At the request of Ms. HIRONO, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1421, a bill to support educational entities in fully implementing title IX and reducing and preventing sex discrimination in all areas of education.

S. 1570

At the request of Ms. BALDWIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1570, a bill to improve Federal population surveys by requiring the collection of voluntary, self-disclosed information on sexual orientation and gender identity in certain surveys, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

S. 1730

At the request of Ms. COLLINS, the names of the Senator from Indiana (Mr. YOUNG) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1730, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 1978

At the request of Ms. HEITKAMP, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1978, a bill to delay the annual fee on health insurance providers until 2020 and to make such fee tax deductible.

S. 2076

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 2076, a bill to amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

S. 2088

At the request of Mrs. FISCHER, the names of the Senator from Maine (Mr. KING), the Senator from Colorado (Mr. GARDNER), the Senator from Alabama (Mr. STRANGE) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 2088, a bill to amend

title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes.

S. 2101

At the request of Mr. DONNELLY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2101, a bill to award a Congressional Gold Medal, collectively, to the crew of the USS Indianapolis, in recognition of their perseverance, bravery, and service to the United States.

S. 2125

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2125, a bill to improve the State response to the opioid abuse crisis.

S. 2152

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Missouri (Mr. BLUNT), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2159

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2159, a bill to require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered harassment and covered discrimination complaints, and for other purposes.

S. CON. RES. 30

At the request of Mr. CRUZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Con. Res. 30, a concurrent resolution expressing the sense of Congress with respect to United States policy toward Tibet and that the treatment of the Tibetan people should be an important factor in the conduct of United States relations with the People's Republic of China.

S. RES. 220

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. Res. 220, a resolution ex-

pressing solidarity with Falun Gong practitioners who have lost lives, freedoms, and rights for adhering to their beliefs and practices and condemning the practice of non-consenting organ harvesting, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—EXPRESSING THE SENSE OF THE SENATE THAT MEMBERS OF CONGRESS SHOULD SUBSTITUTE TEACH AT LEAST 1 DAY PER YEAR IN A PUBLIC SCHOOL TO GAIN FIRSTHAND KNOWLEDGE ON HOW TO ADDRESS THE PREVAILING CHALLENGES FACING EDUCATORS AND HOW TO REMOVE OBSTACLES TO LEARNING FOR STUDENTS

Mr. KENNEDY (for himself and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 356

Whereas teachers play a critical role in shaping the minds and lives of children;

Whereas there were 3,100,000 full-time public school teachers in 2016;

Whereas approximately 200,000 teachers leave the profession each year;

Whereas in the 114th Congress, there were more than 3 times as many Members of Congress that had backgrounds in public service or politics than Members of Congress that had backgrounds in education; and

Whereas Members of Congress should be on the ground in public schools to understand the challenges that educators and students face, including—

- (1) a growing shortage of teachers;
- (2) issues of teacher pay;
- (3) a lack of resources, in both urban and rural areas;
- (4) teacher preparedness;
- (5) chronic absenteeism among students;
- (6) poverty; and
- (7) parental involvement: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of teachers to the United States;

(2) thanks teachers for their service; and

(3) recommends that each Member of Congress spend at least 1 day per year serving as a substitute teacher in a public school.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CRAPO. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate

on Monday, December 11, 2017, at 5:45 p.m. to conduct a business hearing.

PRIVILEGES OF THE FLOOR

Mr. CRAPO. Mr. President, I ask unanimous consent that Jessika Solleder, Truman Whitney, and Aaron Price, interns in my office, be granted floor privileges for the date of Tuesday, December 12, 2017.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINTING— S. RES. 351

Mr. HOEVEN. Mr. President, I ask unanimous consent that S. Res. 351 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE THAT MEMBERS OF CONGRESS SHOULD SUBSTITUTE TEACH AT LEAST 1 DAY PER YEAR IN A PUBLIC SCHOOL

Mr. HOEVEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 356, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 356) expressing the sense of the Senate that Members of Congress should substitute teach at least 1 day per year in a public school to gain firsthand knowledge on how to address the prevailing challenges facing educators and how to remove obstacles to learning for students.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HOEVEN. Mr. President, I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 356) was agreed to.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the preamble be agreed to and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR TUESDAY, DECEMBER 12, 2017

Mr. HOEVEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, December 12; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Grasz nomination; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that all time during recess, adjournment, morning business, and leader remarks count postclosure on the Grasz nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HOEVEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Tuesday, December 12, 2017, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

MICHAEL D. GRIFFIN, OF ALABAMA, TO BE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING. (NEW POSITION)

GREGORY J. SLAVONIC, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE FRANKLIN R. PARKER.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHAI RACHEL FELDBLUM, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2023. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

JOSEPH H. HUNT, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE STUART F. DELERY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. ANTHONY R. HALE
COL. GARRICK M. HARMON

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

BRETT L. HEDGEPEETH
RYAN M. YI

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JOANNA K. KOWALIK

To be major

MAHASIN M. HANGALAY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ALEKSANDR GUTMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

LAURA C. GILSTRAP
MANDY L. M. JOHNSON
DIANA TRANYU

HOUSE OF REPRESENTATIVES—Monday, December 11, 2017

The House met at noon and was called to order by the Speaker pro tempore (Mr. MARSHALL).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 11, 2017.

I hereby appoint the Honorable ROGER W. MARSHALL to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 1:50 p.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

36TH ANNIVERSARY OF THE EL MOZOTE MASSACRE

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

Mr. MCGOVERN. Mr. Speaker, 36 years ago, nearly 1,000 men, women, and children were murdered by Salvadoran soldiers in El Mozote, El Salvador. It is considered one of the worst massacres in modern Latin American history.

On December 2, I traveled to El Mozote with a delegation led by the Washington Office on Latin America. Four hours after leaving San Salvador, we arrived at El Mozote in the northern region of Morazan, near the border of Honduras.

Three decades ago, El Mozote included about 20 houses on open ground around a square. Facing the square was a church and, behind it, a small building known as the convent, used by the priest to change into his vestments when celebrating Mass. Nearby was a small schoolhouse.

Our delegation sat in the town square with survivors and victims of the mas-

sacre. We listened to their stories, shared prayers for their loss and suffering, toured the grounds where this atrocity took place, and visited memorials the community built to commemorate and preserve this tragic history. We also heard from lawyers from Cristosal, a U.S.-based NGO providing legal aid to the association of victims and survivors.

On December 10, 1981, the Salvadoran Army brigade based in San Miguel and the Atlacatl Battalion, an elite infantry unit based in San Salvador, arrived in El Mozote. Over the next 2 days, these troops methodically and viciously murdered the town's residents and those of nearby villages.

On the morning of December 11, troops assembled the people in the town square. They separated the men from the women and children and locked them in separate groups in the church, the convent, and various houses. According to eyewitness accounts, they then interrogated, tortured, and executed the men at several different sites.

Around noon, they began taking the women and girls in groups, separating them from their children and machine-gunning them after raping them. Many families were ordered to remain in their homes while soldiers set fire to their houses.

Over 140 of the children—some, mere infants—were jammed into the convent next to the church. There, soldiers blocked the doors, aimed guns through the windows, and fired into the mass of children, murdering them all in cold blood. They then threw an incendiary bomb into the building, collapsing the roof and adobe walls.

Mr. Speaker, I walked with members of the community to the site where the children were murdered. A garden cultivated in their memory blooms on the site where they perished. A mural on the side of the church facing the garden depicts tiny angels ascending to Heaven.

Beneath the mural are plaques with the names and ages of the children killed so brutally. They range from zero to 16 years. Walking on such hallowed ground, I was deeply moved and outraged by the atrocity that took place there.

In October 1990, the Salvadoran courts opened an investigation into the El Mozote case, and in January 1992, the civil war ended with peace accords signed between the Salvadoran Government and FMLN guerrillas. In November 1992, the U.S. Truth Commission

supervised exhumations of El Mozote remains by Argentine forensic experts, confirming that the stories told by the survivors were indeed true. Then everything was cut short when the Salvadoran Congress passed a sweeping amnesty law in 1993.

However, last year, in July 2016, the Salvadoran Supreme Court overturned the amnesty law as unconstitutional; and in October of 2016, a judge reopened the El Mozote case and began taking testimony, which continues today.

Now, there are many reasons why we in Congress should be engaged in the search for justice in the El Mozote case. First, in the postwar period, the U.S. has supported a strong and independent judiciary in El Salvador, capable of prosecuting corruption and human rights abuses. El Mozote is viewed as an exemplar case on whether this is possible to achieve.

Second, in the 1980s, the United States armed, trained, and equipped the Salvadoran Armed Forces, in particular, the army. At El Mozote, U.S. guns and bullets were used to massacre infants, children, women, and men.

Third, the U.S. established and trained the Atlacatl Battalion. Ostensibly an elite rapid reaction counterinsurgency force, it was a major actor in the mass murder at El Mozote. Nine years later, the unit also murdered six Jesuit priests and two women at the University of Central America in San Salvador.

Finally, at the time of the massacre, the Salvadoran high command denied that it even happened. The U.S. Embassy and State Department echoed those denials and denigrated The Washington Post and New York Times reporters who traveled to El Mozote and published detailed stories about the massacre.

Mr. Speaker, the U.S. should support the Salvadoran judge presiding over the El Mozote case and the Attorney General's Office, including releasing all information in our military and intelligence files relevant to that period of the civil war. It would be a significant contribution to ending the culture of impunity in El Salvador.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 2 p.m.

PRAYER

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

We ask Your blessing as we approach the end of the first session of this 115th Congress. You know well the contentiousness of this session. Look into the hearts of all the Members of this people's House to discern the good will within. May the good will You find be rewarded with Your grace. May any contrary spirit be banished.

In the days that come, help each Member to understand well and interpret positively, as they are able, the positions of those with whom they disagree. Grant to each the wisdom of Solomon and, to us all, the faith and confidence to know that no matter how difficult things appear to be, You continue to walk with our Nation, as You have done for over two centuries.

May all that is done in the people's House be for Your greater honor and glory. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LAMALFA led the Pledge of Allegiance as follows:

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

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

CONGRESS OF THE UNITED STATES,
Washington, DC, December 8, 2017.

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

DEAR SPEAKER RYAN: Effective today, December 8, 2017, at 12:00 noon ET, I hereby tender my resignation as a Member of the U.S. House of Representatives from Arizona's 8th Congressional District.

Serving in the People's House under God and the Constitution of the United States of America has been a true honor and privilege that I will deeply cherish throughout the remainder of my life.

Most sincerely,

TRENT FRANKS,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 8, 2017.

Hon. DOUG DUCEY,
Governor, State of Arizona, Phoenix, AZ.

DEAR GOVERNOR DUCEY: This letter is to notify you that I have submitted a letter to Speaker Paul Ryan tendering my resignation as a Member of the U.S. House of Representatives from Arizona's 8th Congressional District effective today, December 8, 2017 at 12:00 noon ET.

Serving Arizona in the People's House under God and the Constitution of the United States of America has been a true honor and privilege that I will deeply cherish throughout the remainder of my life.

Most sincerely,

TRENT FRANKS,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Arizona (Mr. Franks), the whole number of the House is 432.

MURDER IS NOT CAUSED BY GUNS, TRUCKS

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

Mr. WILSON of South Carolina. Mr. Speaker, The Times and Democrat of Orangeburg, South Carolina, published a thoughtful editorial on November 21, entitled: "Murder is not caused by guns, trucks."

The editorial begins:

"Every time violence hits close to home, the debate is renewed."

"... the Nation has been stunned by mass killings in Las Vegas, Texas, and New York City. In two of the incidents, guns were the weapon of terror. In New York—as has been the case in Europe in recent times—a truck was used to run over innocent people."

The editorial continues: "It is time to take a look beyond the surface issue such as weapons—and stop the blame game, says Marianne Clyde, a licensed therapist and expert in mental health in the workplace with more than 27 years of experience."

Clyde continues: "The world will change, not by overregulation, blaming, demonizing, but rather by one person at a time, taking personal responsibility for our thought processes and responses, creating an environment that creates unity and solutions that work."

The editorial concludes by noting that, "Clyde's point is to have individ-

uals look deeper and realize that her points back up the title of her writing: 'Murder is not caused by guns or trucks, but by our thinking.'"

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

RESTORING INTERNET FREEDOM ORDER

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

Mr. LAMALFA. Mr. Speaker, I rise today on the issue of FCC Chairman Pai's Restoring Internet Freedom Order.

The narrative out there is that this decision by the FCC will destroy the internet as we know it. I am here to say that simply is not true. The internet was free and open before the Obama administration implemented heavy-handed regulations in 2015, and it will continue to be free and open after these confusing regulations are repealed.

Chairman Pai's plan would simply roll back these regulations that stifle innovation and broadband investment. There are over 4,000 internet providers in this Nation. Do we want more to join or not?

From 1996 to 2015, a light-touch regulatory approach to the internet preserved the free market and private investment soared to the tune of \$1.5 trillion. This created the communications infrastructure we have in the United States today and opened the door for entrepreneurs to make America's internet economy the best in the world, not by using 1934 regulations that probably regulated telegraphs.

This decision will not take away anyone's privacy or hinder their access to the internet. Instead, it will stop the confusion between two governing bodies: the FCC trying to get in on the action of the Federal Trade Commission, which has always governed internet privacy.

This levels the playing field and keeps competition, instead of the censorship we are seeing on the internet by very few providers. I think this opens the door back up for these wrong-headed regulations of 2015, and gives us all more choices.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled joint resolution was signed by the Speaker on Thursday, December 7, 2017:

H.J. Res. 123, making further continuing appropriations for fiscal year 2018, and for other purposes.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 11, 2017, at 9:50 a.m.:

That the Senate agrees to Conference with the House of Representatives H.R. 1.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALMER) at 4 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

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

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

CYBERSECURITY AND INFRA-
STRUCTURE SECURITY AGENCY
ACT OF 2017

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3359) to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3359

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cybersecurity and Infrastructure Security Agency Act of 2017".

SEC. 2. CYBERSECURITY AND INFRASTRUCTURE
SECURITY AGENCY.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by adding at the end the following new title:

"TITLE XXII—CYBERSECURITY AND
INFRASTRUCTURE SECURITY AGENCY

"Subtitle A—Cybersecurity and
Infrastructure Security

"SEC. 2201. DEFINITIONS.

"In this subtitle:

"(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' has the meaning given such term in section 2215.

"(2) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given such term in section 2209.

"(3) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given such term in paragraph (5) of section 102 of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113; 6 U.S.C. 1501)).

"(4) FEDERAL ENTITY.—The term 'Federal entity' has the meaning given such term in paragraph (8) of section 102 of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113; 6 U.S.C. 1501)).

"(5) NON-FEDERAL ENTITY.—The term 'non-Federal entity' has the meaning given such term in paragraph (14) of section 102 of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113; 6 U.S.C. 1501)).

"(6) SECTOR-SPECIFIC AGENCY.—The term 'Sector-Specific Agency' means a Federal department or agency, designated by law or presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

"(7) SHARING.—The term 'sharing' has the meaning given such term in section 2209.

"(8) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

"(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

"(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

"(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

"(D) facilitating information sharing and operational coordination with threat response; and

"(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

"SEC. 2202. CYBERSECURITY AND INFRASTRUC-
TURE SECURITY AGENCY.

"(a) REDESIGNATION.—

"(1) IN GENERAL.—The National Protection and Programs Directorate of the Department shall, on and after the date of the enactment of this subtitle, be known as the 'Cybersecurity and Infrastructure Security Agency' (in this subtitle referred to as the 'Agency').

"(2) REFERENCES.—Any reference to the National Protection and Programs Direc-

torate of the Department in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Cybersecurity and Infrastructure Security Agency of the Department.

"(b) DIRECTOR.—

"(1) IN GENERAL.—The Agency shall be headed by a Director of Cybersecurity and Infrastructure Security (in this subtitle referred to as the 'Director'), who shall report to the Secretary.

"(2) REFERENCE.—Any reference to an Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and any other related program of the Department as described in section 103(a)(1)(H) as in effect on the day before the date of the enactment of this subtitle in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Director of Cybersecurity and Infrastructure Security of the Department.

"(c) RESPONSIBILITIES.—The Director shall—

"(1) lead cybersecurity and critical infrastructure security programs, operations, and associated policy for the Agency, including national cybersecurity asset response activities;

"(2) coordinate with Federal entities, including Sector-Specific Agencies, and non-Federal entities, including international entities, to carry out the cybersecurity and critical infrastructure activities of the Agency, as appropriate;

"(3) carry out the Secretary's responsibilities to secure Federal information and information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113));

"(4) coordinate a national effort to secure and protect against critical infrastructure risks, consistent with subsection (e)(1)(E);

"(5) upon request provide analyses, expertise, and other technical assistance to critical infrastructure owners and operators and, where appropriate, provide such analyses, expertise, and other technical assistance in coordination with Sector-Specific Agencies and other Federal departments and agencies;

"(6) develop and utilize mechanisms for active and frequent collaboration between the Agency and Sector-Specific Agencies to ensure appropriate coordination, situational awareness, and communications with Sector-Specific Agencies;

"(7) maintain and utilize mechanisms for the regular and ongoing consultation and collaboration among the Agency's Divisions to further operational coordination, integrated situational awareness, and improved integration across the Agency in accordance with this Act;

"(8) develop, coordinate, and implement—

"(A) comprehensive strategic plans for the activities of the Agency; and

"(B) risk assessments by and for the Agency;

"(9) carry out emergency communications responsibilities, in accordance with title XVIII;

"(10) carry out cybersecurity, infrastructure security, and emergency communications stakeholder outreach and engagement and coordinate such outreach and engagement with critical infrastructure Sector-Specific Agencies, as appropriate; and

"(11) carry out such other duties and powers prescribed by law or delegated by the Secretary.

“(d) DEPUTY DIRECTOR.—There shall be in the Agency a Deputy Director of Cybersecurity and Infrastructure Security who shall—

“(1) assist the Director in the management of the Agency; and

“(2) report to the Director.

“(e) CYBERSECURITY AND INFRASTRUCTURE SECURITY AUTHORITIES OF THE SECRETARY.—

“(1) IN GENERAL.—The responsibilities of the Secretary relating to cybersecurity and infrastructure security shall include the following:

“(A) To access, receive, and analyze law enforcement information, intelligence information, and other information from Federal Government agencies, State, local, tribal, and territorial government agencies (including law enforcement agencies), and private sector entities, and to integrate such information, in support of the mission responsibilities of the Department, in order to—

“(i) identify and assess the nature and scope of terrorist threats to the homeland;

“(ii) detect and identify threats of terrorism against the United States; and

“(iii) understand such threats in light of actual and potential vulnerabilities of the homeland.

“(B) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks). At the discretion of the Secretary, such assessments may be carried out in coordination with Sector-Specific Agencies.

“(C) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis, or assessments are provided or produced by the Department) in order to make recommendations, including prioritization, for protective and support measures by the Department, other Federal Government agencies, State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities regarding terrorist and other threats to homeland security.

“(D) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this title, including obtaining such information from other Federal Government agencies.

“(E) To develop, in coordination with the Sector-Specific Agencies with available expertise, a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency communications systems, and the physical and technological assets that support such systems.

“(F) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other Federal Government agencies, including Sector-Specific Agencies, and in cooperation with State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities.

“(G) To review, analyze, and make recommendations for improvements to the poli-

cies and procedures governing the sharing of information relating to homeland security within the Federal Government and between Federal Government agencies and State, local, tribal, and territorial government agencies and authorities.

“(H) To disseminate, as appropriate, information analyzed by the Department within the Department, to other Federal Government agencies with responsibilities relating to homeland security, and to State, local, tribal, and territorial government agencies and private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.

“(I) To consult with State, local, tribal, and territorial government agencies and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to threats of terrorism against the United States.

“(J) To ensure that any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties.

“(K) To request additional information from other Federal Government agencies, State, local, tribal, and territorial government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain such information.

“(L) To establish and utilize, in conjunction with the chief information officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

“(M) To coordinate training and other support to the elements and personnel of the Department, other Federal Government agencies, and State, local, tribal, and territorial government agencies that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

“(N) To coordinate with Federal, State, local, tribal, and territorial law enforcement agencies, and the private sector, as appropriate.

“(O) To exercise the authorities and oversight of the functions, personnel, assets, and liabilities of those components transferred to the Department pursuant to section 201(g).

“(P) To carry out the functions of the national cybersecurity and communications integration center under section 2209.

“(Q) To carry out requirements of the Chemical Facilities Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium nitrate established under subtitle J of title VIII.

“(2) REALLOCATION.—The Secretary may reallocate within the Agency the functions specified in sections 2203(b) and 2204(b), consistent with the responsibilities provided in paragraph (1) of this subsection, upon certifying to and briefing the appropriate congressional committees, and making available to the public, at least 60 days prior to any

such reallocation that such reallocation is necessary for carrying out the activities of the Agency.

“(3) STAFF.—

“(A) IN GENERAL.—The Secretary shall provide the Agency with a staff of analysts having appropriate expertise and experience to assist the Agency in discharging its responsibilities under this section.

“(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

“(C) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

“(4) DETAIL OF PERSONNEL.—

“(A) IN GENERAL.—In order to assist the Agency in discharging its responsibilities under this section, personnel of the Federal agencies referred to in subparagraph (B) may be detailed to the Agency for the performance of analytic functions and related duties.

“(B) AGENCIES SPECIFIED.—The Federal agencies referred to in subparagraph (A) are the following:

“(i) The Department of State.

“(ii) The Central Intelligence Agency.

“(iii) The Federal Bureau of Investigation.

“(iv) The National Security Agency.

“(v) The National Geospatial-Intelligence Agency.

“(vi) The Defense Intelligence Agency.

“(vii) Sector-Specific Agencies.

“(viii) Any other agency of the Federal Government that the President considers appropriate.

“(C) INTERAGENCY AGREEMENTS.—The Secretary and the head of an agency specified in subparagraph (B) may enter into agreements for the purpose of detailing personnel under this paragraph.

“(D) BASIS.—The detail of personnel under this paragraph may be on a reimbursable or non-reimbursable basis.

“(f) COMPOSITION.—The Agency shall be composed of the following divisions:

“(1) The Cybersecurity Division, headed by an Assistant Director.

“(2) The Infrastructure Security Division, headed by an Assistant Director.

“(3) The Emergency Communications Division under title XVIII, headed by an Assistant Director.

“(g) CO-LOCATION.—To the maximum extent practicable, the Director shall examine the establishment of central locations in geographical regions with a significant Agency presence. When establishing such locations, the Director shall coordinate with component heads and the Under Secretary for Management to co-locate or partner on any new real property leases, renewing any occupancy agreements for existing leases, or agreeing to extend or newly occupy any Federal space or new construction.

“(h) PRIVACY.—

“(1) IN GENERAL.—There shall be a Privacy Officer of the Agency with primary responsibility for privacy policy and compliance for the Agency.

“(2) RESPONSIBILITIES.—The responsibilities of the Privacy Officer of the Agency shall include—

“(A) assuring that the use of technologies by the Agency sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

“(B) assuring that personal information contained in Privacy Act systems of records of the Agency is handled in full compliance with fair information practices as specified in the Privacy Act of 1974;

“(C) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Agency; and

“(D) conducting a privacy impact assessment of proposed rules of the Agency on the privacy of personal information, including the type of personal information collected and the number of people affected.

“(i) SAVINGS.—Nothing in this title may be construed as affecting in any manner the authority, existing on the day before the date of the enactment of this title, of any other component of the Department or any other Federal department or agency.

“SEC. 2203. CYBERSECURITY DIVISION.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Agency a Cybersecurity Division.

“(2) ASSISTANT DIRECTOR.—The Cybersecurity Division shall be headed by an Assistant Director for Cybersecurity (in this subtitle referred to as the ‘Assistant Director’), who shall—

“(A) be at the level of Assistant Secretary within the Department;

“(B) be appointed by the President without the advice and consent of the Senate; and

“(C) report to the Director.

“(3) REFERENCE.—Any reference to the Assistant Secretary for Cybersecurity and Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Cybersecurity.

“(b) FUNCTIONS.—The Assistant Director shall—

“(1) direct the cybersecurity efforts of the Agency;

“(2) carry out activities, at the direction of the Director, related to the security of Federal information and Federal information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113));

“(3) fully participate in the mechanisms required under subsection (c)(7) of section 2202; and

“(4) carry out such other duties and powers as prescribed by the Director.

“SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Agency an Infrastructure Security Division.

“(2) ASSISTANT DIRECTOR.—The Infrastructure Security Division shall be headed by an Assistant Director of Infrastructure Security (in this section referred to as the ‘Assistant Director’), who shall—

“(A) be at the level of Assistant Secretary within the Department;

“(B) be appointed by the President without the advice and consent of the Senate; and

“(C) report to the Director.

“(3) REFERENCE.—Any reference to the Assistant Secretary for Infrastructure Protection in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Infrastructure Security.

“(b) FUNCTIONS.—The Assistant Director shall—

“(1) direct the critical infrastructure security efforts of the Agency;

“(2) carry, at the direction of the Director, the Chemical Facilities Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium

nitrate established under subtitle J of title VIII or successor program;

“(3) fully participate in the mechanisms required under subsection (c)(7) of section 2202; and

“(4) carry out such other duties and powers as prescribed by the Director.”.

(b) TREATMENT OF CERTAIN POSITIONS.—

(1) UNDER SECRETARY.—The individual serving as the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)) of the Department of Homeland Security on the day before the date of the enactment of this Act may continue to serve as the Director of the Cybersecurity and Infrastructure Security Agency of the Department on and after such date.

(2) DIRECTOR FOR EMERGENCY COMMUNICATIONS.—The individual serving as the Director for Emergency Communications of the Department of Homeland Security on the day before the date of the enactment of this Act may continue to serve as the Assistant Director for Emergency Communications of the Department on and after such date.

(3) ASSISTANT SECRETARY FOR CYBERSECURITY AND COMMUNICATIONS.—The individual serving as the Assistant Secretary for Cybersecurity and Communications on the day before the date of the enactment of this Act may continue to serve as the Assistant Director for Cybersecurity on and after such date.

(4) ASSISTANT SECRETARY FOR INFRASTRUCTURE SECURITY.—The individual serving as the Assistant Secretary for Infrastructure Protection on the day before the date of the enactment of this Act may continue to serve as the Assistant Director for Infrastructure Security on and after such date.

(c) REFERENCE.—Any reference to—

(1) the Office of Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Emergency Communications Division; and

(2) the Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Emergency Communications.

(d) OVERSIGHT.—The Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall provide to Congress, in accordance with the deadlines specified in paragraphs (1) and (2), information on the following:

(1) Not later than 60 days after the date of the enactment of this Act, a briefing on the activities of the Agency relating to the development and use of the mechanisms required pursuant to section 2202(c)(6) of the Homeland Security Act of 2002 (as added by subsection (a) of this section).

(2) Not later than one year after the date of the enactment of this Act, a briefing on the activities of the Agency relating to its use and improvement of the mechanisms required pursuant to section 2202(c)(6) of the Homeland Security Act of 2002 and how such activities have impacted coordination, situational awareness, and communications with Sector-Specific Agencies.

(3) Not later than 90 days after the date of the enactment of this Act, information on the Agency’s mechanisms for regular and ongoing consultation and collaboration, as required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002 (as added by subsection (a) of this section).

(4) Not later than one year after the date of the enactment of this Act, the activities of

the Agency’s consultation and collaboration mechanisms as required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002, and how such mechanisms have impacted operational coordination, situational awareness, and integration across the Agency.

(e) CYBER WORKFORCE.—Not later than 90 days after the date of the enactment of this subtitle, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall submit to Congress a report detailing how the Agency is meeting legislative requirements under the Cybersecurity Workforce Assessment Act (Public Law 113-246) and the Homeland Security Cybersecurity Workforce Assessment Act (enacted as section 4 of the Border Patrol Agent Pay Reform Act of 2014; Public Law 113-277) to address cyber workforce needs.

(f) FACILITY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall report to Congress on the most efficient and effective methods of consolidating Agency facilities, personnel, and programs to most effectively carry out the Agency’s mission.

(g) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 is amended—

(1) in title I, by amending subparagraph (H) of section 103(a)(1) (6 U.S.C. 113(a)(1)) to read as follows:

“(H) A Director of the Cybersecurity and Infrastructure Security Agency.”;

(2) in title II (6 U.S.C. 121 et seq.)—

(A) in the title heading, by striking “**AND INFRASTRUCTURE PROTECTION**”;

(B) in the subtitle A heading, by striking “**and Infrastructure Protection**”;

(C) in section 201 (6 U.S.C. 121)—

(i) in the section heading, by striking “**AND INFRASTRUCTURE PROTECTION**”;

(ii) in subsection (a)—

(I) in the heading, by striking “**AND INFRASTRUCTURE PROTECTION**”; and

(II) by striking “**and an Office of Infrastructure Protection**”;

(iii) in subsection (b)—

(I) in the heading, by striking “**AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION**”; and

(II) by striking paragraph (3);

(iv) in subsection (c)—

(I) by striking “**and infrastructure protection**”; and

(II) by striking “**or the Assistant Secretary for Infrastructure Protection, as appropriate**”;

(v) in subsection (d)—

(I) in the heading, by striking “**AND INFRASTRUCTURE PROTECTION**”;

(II) in the matter preceding paragraph (1), by striking “**and infrastructure protection**”;

(III) by striking paragraphs (5) and (6) and redesignating paragraphs (7) through (26) as paragraphs (5) through (24), respectively;

(IV) by striking paragraph (23), as so redesignated; and

(V) by redesignating paragraph (24), as so redesignated, as paragraph (23);

(vi) in subsection (e)(1), by striking “**and the Office of Infrastructure Protection**”; and

(vii) in subsection (f)(1), by striking “**and the Office of Infrastructure Protection**”;

(D) in section 204 (6 U.S.C. 124a)—

(i) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “**Assistant Secretary for Infrastructure Protection**” and inserting “**Director of the Cybersecurity and Infrastructure Security Agency**”; and

(ii) in subsection (d)(1), in the matter preceding subparagraph (A), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(E) in subparagraph (B) of section 210A(c)(2) (6 U.S.C. 124h(c)(2)), by striking “Office of Infrastructure Protection” and inserting “Cybersecurity and Infrastructure Security Agency”;

(F) by transferring section 210E (6 U.S.C. 124) to appear after section 2213 (as redesignated by subparagraph (H) of this paragraph) and redesignating such section 210E as section 2214;

(G) in subtitle B, by redesignating sections 211 through 215 (6 U.S.C. 101 note through 134) as sections 2221 through 2225, respectively, and inserting such redesignated sections, including the enumerator and heading of subtitle B (containing such redesignated sections), after section 2214, as redesignated by subparagraph (F) of this paragraph; and

(H) by redesignating sections 223 through 230 (6 U.S.C. 143 through 151) as sections 2205 through 2213, respectively, and inserting such redesignated sections after section 2204, as added by this Act;

(3) in title III, in paragraph (3) of section 302 (6 U.S.C. 182), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(4) in title V—

(A) in section 514 (6 U.S.C. 321c), by—

(i) striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(B) in section 523 (6 U.S.C. 321l)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”; and

(ii) in subsection (c), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”; and

(C) in section 524(a)(2)(B) (6 U.S.C. 321m(a)(2)(B)), in the matter preceding clause (i)—

(i) by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”; and

(ii) by striking “of the Assistant Secretary” and inserting “of the Director”;

(5) in title VIII, in section 899B(a) (6 U.S.C. 488a(a)), by inserting at the end the following new sentence: “Such regulations shall be carried out by the Cybersecurity and Infrastructure Security Agency.”;

(6) in title XVIII (6 U.S.C. 571 et seq.)—

(A) in section 1801 (6 U.S.C. 571)—

(i) in the section heading, by striking “**OFFICE OF EMERGENCY COMMUNICATIONS**” and inserting “**EMERGENCY COMMUNICATIONS DIVISION**”;

(ii) in subsection (a)—

(I) by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; and

(II) by adding at the end the following new sentence: “The Division shall be located in the Cybersecurity and Infrastructure Security Agency.”;

(iii) by amending subsection (b) to read as follows:

“(b) ASSISTANT DIRECTOR.—The head of the office shall be the Assistant Director for Emergency Communications. The Assistant Director shall report to the Director of the Cybersecurity and Infrastructure Security Agency. All decisions of the Assistant Direc-

tor that entail the exercise of significant authority shall be subject to the approval of the Director.”;

(iv) in subsection (c)—

(I) in the matter preceding paragraph (1), by inserting “Assistant” before “Director”;

(II) in paragraph (14), by striking “and” at the end;

(III) by redesignating paragraph (15) as paragraph (16); and

(IV) by inserting after paragraph (14) the following new paragraph:

“(15) fully participate in the mechanisms required under subsection (c)(7) of section 2202; and”;

(v) in subsection (d), by inserting “Assistant” before “Director”; and

(vi) in subsection (e), in the matter preceding paragraph (1), by inserting “Assistant” before “Director”;

(B) in sections 1802 through 1805 (6 U.S.C. 575), by striking “Director for Emergency Communications” each place it appears and inserting “Assistant Director for Emergency Communications”;

(C) in section 1809 (6 U.S.C. 579)—

(i) by striking “Director for Emergency Communications” and inserting “Assistant Director for Emergency Communications”; and

(ii) by striking “Office of Emergency Communications” each place it appears and inserting “Emergency Communications Division”; and

(D) in section 1810 (6 U.S.C. 580)—

(i) in subsection (a)(1), by striking “Director of the Office of Emergency Communications (referred to in this section as the ‘Director’)” and inserting “Assistant Director for the Emergency Communications Division (referred to in this section as the ‘Assistant Director’)”;

(ii) in subsection (c), by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; and

(iii) by striking “Director” each place it appears and inserting “Assistant Director”;

(7) in title XXI (6 U.S.C. 621 et seq.)—

(A) in section 2101 (6 U.S.C. 621)—

(i) by redesignating paragraphs (4) through (14) as paragraphs (5) through (15), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph:

“(4) the term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.”;

(B) in paragraph (1) of section 2102(a) (6 U.S.C. 622(a)), by inserting at the end the following new sentence: “Such Program shall be located in the Cybersecurity and Infrastructure Security Agency.”; and

(C) in paragraph (2) of section 2104(c) (6 U.S.C. 624(c)), by striking “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department appointed under section 103(a)(1)(H)” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”; and

(8) in title XXII, as added by this Act—

(A) in section 2205, as so redesignated, in the matter preceding paragraph (1), by striking “Under Secretary appointed under section 103(a)(1)(H)” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(B) in section 2206, as so redesignated, by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(C) in section 2209, as so redesignated—

(i) by striking “Under Secretary appointed under section 103(a)(1)(H)” each place it ap-

pears and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(ii) in subsection (b), by adding at the end the following new sentences: “The Center shall be located in the Cybersecurity and Infrastructure Security Agency. The head of the Center shall report to the Assistant Director for Cybersecurity.”; and

(iii) in subsection (c)(11), by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”;

(D) in section 2210, as so redesignated—

(i) by striking “section 227” each place it appears and inserting “section 2209”; and

(ii) in subsection (c)—

(I) by striking “Under Secretary appointed under section 103(a)(1)(H)” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”; and

(II) by striking “section 212(5)” and inserting “section 2225(5)”;

(E) in subsection (b)(2)(A) of section 2211, as so redesignated, by striking “section 227” and inserting “section 2209”;

(F) in section 2212, as so redesignated, by striking “section 212(5)” and inserting “section 2225(5)”;

(G) in section 2213, as so redesignated, in subsection (a)—

(i) in paragraph (3), by striking “section 228” and inserting “section 2210”; and

(ii) in paragraph (4), by striking “section 227” and inserting “section 2209”.

(h) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by inserting after “Under Secretaries, Department of Homeland Security.” the following new item:

“Director, Cybersecurity and Infrastructure Security Agency.”.

(i) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(1) in title II—

(A) in the item relating to the title heading, by striking “AND INFRASTRUCTURE PROTECTION”;

(B) in the item relating to the heading of subtitle A, by striking “and Infrastructure Protection”;

(C) in the item relating to section 201, by striking “and Infrastructure Protection”;

(D) by striking the item relating to section 210E;

(E) by striking the items relating to subtitle B of title II; and

(F) by striking the items relating to section 223 through section 230;

(2) in title XVIII, by amending the item relating to section 1801 to read as follows:

“Sec. 1801. Emergency Communications Division.”; and

(3) by adding at the end the following new items:

“TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

“Subtitle A—Cybersecurity and Infrastructure Security

“Sec. 2201. Definitions.

“Sec. 2202. Cybersecurity and Infrastructure Security Agency.

“Sec. 2203. Cybersecurity Division.

“Sec. 2204. Infrastructure Security Division.

“Sec. 2205. Enhancement of Federal and non-Federal cybersecurity.

“Sec. 2206. Net guard.

“Sec. 2207. Cyber Security Enhancement Act of 2002.

“Sec. 2208. Cybersecurity recruitment and retention.

“Sec. 2209. National cybersecurity and communications integration center.

"Sec. 2210. Cybersecurity plans.
 "Sec. 2211. Cybersecurity strategy.
 "Sec. 2212. Clearances.
 "Sec. 2213. Federal intrusion detection and prevention system.
 "Sec. 2214. National Asset Database.
 "Subtitle B—Critical Infrastructure Information
 "Sec. 2221. Short title.
 "Sec. 2222. Definitions.
 "Sec. 2223. Designation of critical infrastructure protection program.
 "Sec. 2224. Protection of voluntarily shared critical infrastructure information.
 "Sec. 2225. No private right of action."

SEC. 3. TRANSFER OF OTHER ENTITIES.

(a) OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—The Office of Biometric Identity Management of the Department of Homeland Security located in the National Protection and Programs Directorate of the Department of Homeland Security on the day before the date of the enactment of this Act is hereby transferred to the Management Directorate of the Department.

(b) FEDERAL PROTECTIVE SERVICE.—The Secretary of Homeland Security is authorized to transfer the Federal Protective Service, as authorized under section 1315 of title 40, United States Code, to any component, directorate, or other office of the Department of Homeland Security that the Secretary determines appropriate.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act may be construed as—
 (1) conferring new authorities to the Secretary of Homeland Security, including programmatic, regulatory, or enforcement authorities, outside of the authorities in existence on the day before the date of the enactment of this Act;

(2) reducing or limiting the programmatic, regulatory, or enforcement authority vested in any other Federal agency by statute; or

(3) affecting in any manner the authority, existing on the day before the date of the enactment of this Act, of any other Federal agency or component of the Department of Homeland Security.

SEC. 5. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act. This Act and such amendments shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentlewoman from California (Ms. BARRAGÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of the Cybersecurity and Infrastructure Security Agency Act.

Mr. Speaker, with each passing day, nation-states, hackers, and other cyber

criminals are finding new ways to attack our cyber infrastructure and expose new vulnerabilities.

As technology has advanced, more and more Americans have become dependent on computer networks and information technology, making everyone a potential victim.

In September, we learned that Equifax had been successfully hacked and 145.5 million people were affected by this breach. Last month, it is reported that 57 million people who use Uber might have had their personal information stolen in a cyber attack in 2016.

These attacks are not just aimed at American consumers, however. Our foreign adversaries are routinely engaging in cyber warfare as well.

In 2015, hackers traced back to the Chinese Government accessed sensitive material from the Office of Personnel Management on 22 million persons' security clearances. Last year, Russia was caught trying to undermine our democratic process.

These kinds of attacks are simply unacceptable. We must not allow them to continue. Fortunately, we have prioritized cybersecurity issues at the Committee on Homeland Security over the last few years and have taken strong, bipartisan action. In 2014, committee efforts resulted in the enactment of legislation that provided DHS expedited hiring authority, ensuring the DHS is assessing its cybersecurity workforce, and it clarified the Department's role in the cybersecurity of Federal networks.

In 2015, the Cybersecurity Act provided liability protections for public-to-private and private-to-private cyber threat information sharing. While these are important actions, we need to do more, and today we have a chance to do just that.

The legislation before us streamlines the infrastructure of the National Protection and Programs Directorate and redesignates it as the Cybersecurity and Infrastructure Security Agency. This realignment will achieve the DHS' goal of creating a stand-alone operational organization, focusing on and elevating the vital cybersecurity mission of the Department.

This bill requires the appointment of a Director who is responsible for leading cybersecurity and infrastructure programs and operations for the agency, developing and utilizing mechanisms for active and frequent collaboration with sector-specific agencies, and coordinating and implementing comprehensive strategic plans and risk assessments for the agency.

This action enjoys great support from the DHS. Less than two weeks ago, while addressing cybersecurity issues in testimony before our committee, then-Acting Secretary Elaine Duke stated: "In the face of these digital threats, it is a DHS priority to

work with Congress on legislation that would focus our cybersecurity and critical infrastructure mission at the NPPD."

Taking action today reaffirms that priority.

Cybersecurity is an issue that transcends partisan politics. In light of the risk and potential consequence of cyber attacks, we must stand together and strengthen the security of digital America and the resilience of our cyber networks.

I would like to thank the members of the Homeland Security Committee, Ranking Member THOMPSON, and the staff for all their hard work.

I would also like to thank the Energy and Commerce Committee chairman, Mr. WALDEN; the Transportation and Infrastructure Committee chairman, Mr. SHUSTER; and the Oversight and Government Reform Committee chairman, Mr. GOWDY, for their efforts to see this through.

Mr. Speaker, this is another bipartisan example of how varied stakeholders can come together and draft and pass important legislation. It is an opportunity we have today to elevate the importance of cybersecurity at the Department of Homeland Security to achieve its goal of protecting the United States. I urge my colleagues to support this vital piece of legislation.

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

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON ENERGY AND COMMERCE,
 Washington, DC, December 8, 2017.

Hon. MICHAEL T. MCCAUL,
 Chairman, Committee on Homeland Security,
 Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing to notify you that the Committee on Energy and Commerce will forgo action on H.R. 3359, Cybersecurity and Infrastructure Security Agency Act of 2017, so that it may proceed expeditiously to the House floor for consideration. This is done with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves the right to seek conferees on H.R. 3359 and expects your support when such a request is made.

Please include a copy of this letter outlining our mutual understanding with respect to H.R. 3359 in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

GREG WARDEN,
 Chairman.

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON HOMELAND SECURITY,
 Washington, DC, December 7, 2017.

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

DEAR CHAIRMAN WALDEN: Thank you for your letter regarding H.R. 3359, the "Cybersecurity and Infrastructure Security Agency Act of 2017." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Energy and Commerce will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Energy and Commerce does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee represented on the conference committee.

I will insert copies of this exchange in the report on the bill and in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, December 7, 2017.

Hon. MICHAEL T. MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I write concerning H.R. 3359, the "Cybersecurity and Infrastructure Security Agency Act of 2017." This bill would amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security and contains provisions within the jurisdiction of the Committee on Oversight and Government Reform. As a result of your having consulted with me concerning the provisions of the bill that fall within our Rule X jurisdiction, I agree to forgo consideration of the bill, so the bill may proceed expeditiously to the House floor.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3359 at this time we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and we will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would appreciate your response to this letter confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Homeland Security, as well as in the Congressional Record during floor consideration thereof.

Sincerely,

TREY GOWDY.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,

Washington, DC, December 7, 2017.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN GOWDY: Thank you for your letter regarding H.R. 3359, the "Cybersecurity and Infrastructure Security Agency Act of 2017." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Oversight and Government Reform will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this

time, the Committee on Oversight and Government Reform does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee represented on the conference committee.

I will insert copies of this exchange in the report on the bill and in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, December 7, 2017.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
Washington, DC.*

DEAR CHAIRMAN MCCAUL: I write concerning H.R. 3359, the Cybersecurity and Infrastructure Security Agency Act of 2017. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Transportation and Infrastructure will forego action on the bill. However, this is conditional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Further, this is conditional on our understanding that mutually agreed upon changes to the legislation will be incorporated into the bill prior to floor consideration. Lastly, should a conference on the bill be necessary, I request your support for the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

I would ask that a copy of this letter and your response acknowledging our jurisdictional interest as well as the mutually agreed upon changes to be incorporated into the bill be included in the Congressional Record during consideration of the measure on the House floor, to memorialize our understanding.

I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,

Washington, DC, December 7, 2017.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 3359, the "Cybersecurity and Infrastructure Security Agency Act of 2017." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee represented on the conference committee. The Committee on Homeland Security will include mutually agreed upon changes to the legislation into the bill prior to floor consideration.

I will insert copies of this exchange in the report on the bill and in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

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

Mr. Speaker, I rise in support of H.R. 3359, the Cybersecurity and Infrastructure Security Agency Act of 2017.

Mr. Speaker, H.R. 3359 would make long-overdue organizational changes within the Department of Homeland Security's National Protection and Programs Directorate, otherwise known as NPPD.

I am a strong supporter of this measure that seeks to empower the DHS to carry out one of its most important and difficult missions: helping Federal agencies and critical infrastructure owners and operators secure themselves against physical and cyber attacks.

Importantly, it would rename NPPD the Cybersecurity and Infrastructure Security Agency, or CISA, to better communicate its mission to stakeholders, agency partners, and the cyber talent the DHS needs to come work in the Federal Government.

Now, make no mistake, these are not mere administrative or bureaucratic changes. H.R. 3359 would transform NPPD into an operational agency on par with the TSA or Customs and Border Protection.

It seems that, with each passing day, we learn of new ways adversaries and cyber criminals are looking to exploit the cyber weaknesses of Federal agencies and our Nation's critical infrastructure. Last year, we found ourselves in uncharted territory when we learned that our electoral system was under attack by one of the world's most sophisticated cyber actors: the Russian Government.

Now, to respond to these evolving cyber threats, Congress has put its faith in the DHS; and, in turn, the DHS looks to NPPD, a small, under-resourced headquarters component established a decade ago to carry out a far more limited mission than the one it has today.

Over the past few years, Congress has expanded NPPD's cyber authorities and responsibilities without elevating

NPPD's standing commensurate with its growing mission.

Further, as NPPD has gotten better at delivering cybersecurity assistance and other services to public and private sector partners, it has seen a surge in demand for its services. For example, in the wake of the Russian efforts to hack the 2016 Presidential election, State and local elected officials are now requesting DHS cybersecurity services.

Secretaries of Homeland Security came to us during the Obama administration, and now under the Trump administration, to ask for our help in organizing the Directorate into an operational cybersecurity agency. It is time we grant this request.

Reorganizing and rebranding NPPD should enhance the DHS' standing with respect to its Federal and international peers, clarify its organizational mission, and boost workforce morale. Our expectation is that, with higher moral and mission clarity, the DHS will be able to better compete with the private sector and Federal agencies, like the NSA and the CIA, for a short supply of talented cyber professionals.

Finally, CISA will be in a better position to carry out its core cybersecurity and infrastructure protection activities, like risk and vulnerability assessments for hospitals, banks, the electrical grid, and now election systems. We need NPPD to carry out these activities swiftly, effectively, and in a way that respects privacy and civil liberties; and we cannot expect it to work with one hand tied behind its back.

This bill is the result of bipartisan negotiations, and I want to thank Chairman MCCAUL and Chairman RATCLIFFE for their commitment to see this through and working collaboratively to get this done.

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

Mr. MCCAUL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. RATCLIFFE), the chairman of the Subcommittee on Cybersecurity and Infrastructure Protection.

Mr. RATCLIFFE. Mr. Speaker, I rise today in support of the Cybersecurity and Infrastructure Security Agency Act of 2017.

Mr. Speaker, we are here today to take action on what I believe is the defining public policy challenge of our generation: the cybersecurity posture of the United States.

We have seen cyber attacks hit every sector of our economy with devastating impacts to both government agencies and to the private sector alike. It is our duty to ensure that we are doing our very best to defend against the very real threats that our cyber adversaries now pose.

The Department of Homeland Security is the Federal Government's lead civilian agency for cybersecurity.

Within it, the National Protection and Programs Directorate, or NPPD, leads our national effort to safeguard and to enhance the resilience of our Nation's physical and cyber infrastructure, helping Federal agencies and, when requested, also helping the private sector to harden their networks and to respond to cybersecurity incidents.

As the cyber threat landscape continues to evolve, Mr. Speaker, so should the Department of Homeland Security. H.R. 3359 elevates the cybersecurity and the infrastructure security missions of NPPD to strengthen the Federal Government's ability to act and react to the changing threat landscape.

The cybersecurity mission today is extremely challenging due to a number of factors: the ability of malicious actors to operate from anywhere in the world now, the linkages between cyberspace and our physical systems, and the difficulty of reducing vulnerabilities and consequences in complex cyber networks.

The Cybersecurity and Infrastructure Security Act of 2017 rises to this challenge and prioritizes the Department of Homeland Security's vital role in cyberspace. By authorizing the Cybersecurity and Infrastructure Security Agency within the DHS, this bill establishes the structure, the nomenclature, and the flexibility to best serve the American people.

The Cybersecurity and Infrastructure Security Agency will be structured to best work with partners at all levels of government, from the private and the nonprofit sectors, to share information and to build greater trust in order to make our cyber and our physical infrastructure more secure.

This bill provides the necessary overarching structure and the interdepartmental flexibility to best allow the DHS to execute its mission in both cybersecurity and the infrastructure security space.

Mr. Speaker, we consider this legislation at a great time of transition and opportunity for the DHS. Just last week, Kirstjen Nielsen was sworn in as the Secretary of Homeland Security. In addition to an impressive record of public service, Secretary Nielsen brings unprecedented cybersecurity experience and savvy to the agency, qualifications fitting the threat landscape that she now inherits.

□ 1645

We owe it to her and to the dedicated women and men working alongside her to ensure that DHS has the proper organization and resources to carry out its mission as the lead civilian cybersecurity agency in our Federal Government.

Mr. Speaker, I want to thank Chairman MCCAUL for his leadership and his dogged determination in this effort and getting this bill to the floor, as well as

the other committees of jurisdiction who worked closely to craft this compromise.

Mr. Speaker, the cybersecurity challenges we face are about more than protecting bottom lines or intellectual property or even our Nation's most sensitive classified information. Ultimately, our obligation as lawmakers to be protective cybersecurity stewards stems from a fundamental obligation to safeguard the American people. This is what we aim to do with this legislation, and I urge my colleagues to join me in supporting it.

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

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Speaker, I rise today in support of H.R. 3359, of which I am a proud cosponsor.

This bill provides an updated framework to reorganize and grant additional authorities to the Department of Homeland Security's cybersecurity and infrastructure protection missions.

Currently, the National Protection and Programs Directorate has responsibility for overseeing the Department's cyber roles; and while DHS has come a long way since inception in 2002, the rapid adaptation of threats in cyberspace demands that we continue to look for ways to evolve and demands that we who oversee this are more nimble and that we can adapt accordingly and keep outpacing our adversaries.

As we have seen, Russia, China, Iran, and various nonstate actors have all demonstrated a willingness to penetrate American networks. We have had high-ranking military officials in our military claim that we are already outgunned in cyberspace right now, and it is up to us to sound the alarm and make sure that we are staying ahead of our adversaries.

Mr. Speaker, I am proud to be part of that effort. I salute the chairman; and, given the Department of Homeland Security's central role in protecting the Federal Government's civilian networks, it is imperative that Congress, through its oversight role, ensures that the men and women at DHS have all the legal authorities they need to carry out this mission.

Mr. Speaker, this bill has been a priority of the Homeland Security Committee for several years, and I want to acknowledge the chairman for his continued leadership on this issue.

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

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. HIGGINS).

Mr. HIGGINS of Louisiana. Mr. Speaker, I rise today in support of H.R. 3359, the Cybersecurity and Infrastructure Security Agency Act of 2017, authored by my colleague, Homeland Security Committee Chairman MCCAUL. I am an original cosponsor of this bill.

Mr. Speaker, America faces a new, emerging peril: threats to our cyber systems and networks. This bill calls for the authorization of a designated cybersecurity agency within DHS by retasking the National Protection and Programs Directorate as the Cybersecurity and Infrastructure Security Agency. This change will allow DHS to provide specific focus on the ever-increasing cyber threats that face our Nation. This bill will help to ensure that the United States can respond to any attack against our Nation's cyber assets.

Mr. Speaker, I thank Chairman MCCAUL for his work on crafting this important piece of legislation, and I urge all my colleagues on both sides of the aisle to support its passage.

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

Mr. Speaker, H.R. 3359 has broad support on both sides of the aisle.

We talk a lot about the need to harden our cyber defenses against an evolving array of virtual threats. Reorganizing and rebranding NPPD as the Cybersecurity and Infrastructure Security Agency has the potential of enhancing DHS' cybersecurity capacity, boosting morale, and bringing its critical infrastructure protection workforce together in an unprecedented way.

As an operational agency, CISA will be positioned to foster better collaboration between the cyber and physical sides of the house, bringing its cybersecurity analysts together with chemical inspectors, protective security advisers, emergency communication specialists, and Federal Protective Service officers for a more holistic approach to critical infrastructure protection.

Mr. Speaker, mapping out a new agency is a complicated task, but this measure is long overdue. I urge my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

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

Mr. Speaker, I cannot go into the classified space in this setting, but I can tell you that our foreign adversaries are looking to hurt us and hit us every day, whether it be from Russia, from China, from Iran, from North Korea. The attacks have targeted Home Depot, Sony, Equifax, 20 million security clearances stolen, to other reports that I can't even get into. But it is a serious threat.

When people ask me what keeps me up at night, of course ISIS does and of course al Qaida does. What happened today in New York, I was just there this morning when the bomb went off. But a cyber attack could bring down our power grid, could bring down our stock market, our financial institutions, our energy sector. A major cyber attack on this Nation could cripple this Nation and its economy and the

lives of the people in the United States. Mr. Speaker, that is why this bill is so important, to elevate the civilian agency within the Department, to form a single agency that deals with cybersecurity.

I am very proud of the work my colleagues have done to get to this point. I have been, as Mr. RATCLIFFE said, very dogged in my determination, and I would urge that the Senate take up this measure because we cannot afford to delay because the threat is that great.

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

Mr. LANGEVIN. Mr. Speaker, let me begin by thanking Chairman MCCAUL and Ranking Member THOMPSON for their dedication to improving our cybersecurity posture. Since the Chairman and I founded the Congressional Cybersecurity Caucus together nearly a decade ago, I have come to firmly believe that cybersecurity is the national and economic security challenge of the 21st Century, and both Congress and the executive branch must take steps to recognize and mitigate the risks we face in our hyper-connected society. Thanks to the leadership of the Chairman and Ranking Member, the Committee on Homeland Security has consistently been at the forefront on these issues, and while much remains to be done, we are worlds away from when I originally took the cyber subcommittee gavel in 2007. The bill we have before us today is a testament to those efforts, and I strongly support this latest iteration of CISA to reorganize the National Protection and Programs Directorate (NPPD) and enhance the capabilities and the profile of DHS's cybersecurity activities.

As one of its core missions, DHS is charged with helping Federal agencies and critical infrastructure owners and operators secure themselves against physical and cyber attacks. For the past decade, that mission has been carried out by NPPD, a small headquarters component of the Department. Since its establishment, NPPD's role in defending the nation and the .gov domain from cyber intrusions has grown in concert with the increasing threat to our networks.

It's a growth that the Committee—and the Congress as a whole—has recognized and encouraged, with the passage of laws including the National Cybersecurity Protection Act of 2014, which authorized the National Cybersecurity and Communications Integration Center, and the Cybersecurity Act of 2015, which made NPPD the federal government's primary hub for cyber threat indicator sharing. Today, NPPD is home to two of the premiere computer security incident response teams in the world and has been recognized as the whole-of-government asset response lead in the National Cyber Incident Response Plan. It also continues to lead efforts in protecting federal networks through the Federal Network Resilience Division, which assists other agencies with risk management, guides enterprise security policy, and implements programs like Continuous Diagnostics and Mitigation and EINSTEIN.

NPPD is clearly acting in an operational capacity today, but despite this fact, Congress

has not yet elevated NPPD's standing to be commensurate with these added responsibilities. H.R. 3359 acknowledges the evolution of the component by transforming NPPD into an operational agency on par with TSA or Customs and Border Protection. As part of the reorganization, NPPD will be renamed the "Cybersecurity and Infrastructure Security Agency," or CISA, to accurately reflect its role.

This restructuring was the top legislative priority of DHS Secretary Jeh Johnson before he left office, and I am grateful that Secretary Kelly took up the mantle in the new Administration.

Bringing clarity with the new agency structure also stands to benefit the many cyber defenders working tirelessly at the Department to keep us safe. I have often said that all of the risk mitigation policies and intrusion detection systems in the world are nothing without a skilled workforce. Congress and the Department have been working jointly to reduce the shortage of cybersecurity analysts at NPPD, and it is my hope that an empowered Cybersecurity and Infrastructure Security Agency will be able to compete for the best cyber talent. After all, what mission is more exciting than protecting your fellow Americans from the canniest of adversaries attempting to do us harm in this new domain? I hope that all of the young people considering a career in this emerging field—young people like the brilliant CyberCorps students I enjoy speaking with—will look at Congress's support for DHS's cybersecurity work and jump at the opportunity to be in the vanguard at this new agency.

Mr. Speaker, I also want to speak about the important clarity H.R. 3359 brings to a broader policy debate that has been kicking around Washington, DC, for some time now.

I serve on the House Armed Services Committee, where I am privileged to act as Ranking Member of the Subcommittee on Emerging Threats and Capabilities. In this role, I oversee United States Cyber Command, and I have the utmost respect for the service members in uniform defending our country in the digital domain. I have also had the privilege to serve on the Permanent Select Committee on Intelligence, where I heard weekly about the all-too-often unsung heroes of our Intelligence Community and their efforts to protect our national interests in cyberspace.

I say this, Mr. Speaker, because I want to be clear that I have a deep understanding of and appreciation for our military and intelligence services' cybersecurity prowess.

But I also believe that the powers and authorities of those entities are rightly constrained when it comes to domestic activities. Protecting our domestic cyber assets in peacetime needs to be the responsibility of a civilian organization, and that organization is the Cybersecurity and Infrastructure Security Agency created under this bill. We saw this debate play out during consideration of the Cybersecurity Information Sharing Act of 2015, where it was also decided in favor of a civilian hub, the NCCIC that is at the heart of NPPD. I hope passage of H.R. 3359 will help move the debate on from where authorities should be housed and instead focus on the operationalization of said authorities.

Mr. Speaker, as I mentioned at the outset, this bill owes its existence to the collaborative

efforts of Chairman MCCAUL and Ranking Member THOMPSON. But it also reflects the bipartisan spirit of two of my good friends who head the Subcommittee on Cybersecurity and Infrastructure Protection, Mr. RATCLIFFE and Mr. RICHMOND. And, like any effort of this body, it owes a great deal to the staff who work tirelessly behind the scenes supporting our efforts. In particular, I would like to Kirsten Duncan and Moira Bergin, the Majority and Minority staff directors for the Cyber Subcommittee for helping to get this bill to the Floor. And I would also like to thank their predecessors, Brett DeWitt and Chris Schepis, for laying the groundwork for its consideration this Congress.

This bill is important. It's bipartisan. And it's overdue. I hope my colleagues will join me in supporting this important measure, and I hope the Senate moves swiftly to pass it through their Chamber.

Ms. JACKSON LEE. Mr. Speaker, I rise to speak in support of H.R. 3359, the Cybersecurity and Infrastructure Security Agency Act of 2017.

I thank Chairman MCCAUL for introducing this important piece of legislation that addresses the cybersecurity needs of our nation.

H.R. 3359, amends the Homeland Security Act of 2002 to redesignate the Department of Homeland Security's (DHS's) National Protection and Programs Directorate as the Cybersecurity and Infrastructure Security Agency (CISA).

Under its new designation the CISA would be headed by a Director of National Cybersecurity and Infrastructure Security, who will be responsible for leading national efforts to protect and enhance the security and resilience of U.S. cybersecurity, emergency communications, and critical infrastructure.

CISA will be composed of DHS components reorganized as: the Cybersecurity Division; the Infrastructure Security Division; and the Emergency Communications Division, which was previously the Office for Emergency Communications.

The agency will also have its own privacy officer to ensure compliance with relevant federal laws.

CISA must carry out DHS's responsibilities concerning chemical facilities antiterrorism standards.

The bill requires DHS to: develop, implement, and continually review a maritime cybersecurity risk assessment model to evaluate current and future cybersecurity risks;

seek input from at least one information sharing and analysis organization representing maritime interests in the National Cybersecurity and Communications Integration Center;

establish voluntary reporting guidelines for maritime-related cybersecurity risks and incidents;

request that the National Maritime Security Advisory Committee report and make recommendations to DHS about methods to enhance cybersecurity and information sharing among security stakeholders from federal, state, local, and tribal governments; public safety and emergency response agencies; law enforcement and security organizations; maritime industry participants; port owners and operators; and maritime terminal owners and operators; and

ensure that maritime security risk assessments include cybersecurity risks to ports and the maritime border of the United States.

As with other threats that this nation has faced and overcome, we must create the resources and the institutional responses to protect our nation against cyber threats while preserving our liberties and freedoms.

We cannot accomplish this task without the full cooperation and support of the private sector, computing research community and academia.

Earlier this Congress, I introduced H.R. 3202, the Cyber Vulnerability Disclosure Reporting Act, which was passed by the full Homeland Security Committee.

H.R. 3202 requires the Secretary of Homeland Security to submit a report on the policies and procedures developed for coordinating cyber vulnerability disclosures.

The report will include an annex with information on instances in which cyber security vulnerability disclosure policies and procedures were used to disclose details on identified weaknesses in computing systems that or digital devices at risk.

The report will provide information on the degree to which the information provided by DHS was used by industry and other stakeholders.

The reason that I worked to bring this bill before the committee is the problem often referred to as a "Zero Day Event," which describes the situation that network security professionals may find themselves when a previously unknown error in computing code is exploited by a cybercriminal or terrorist.

I am pleased that the Committee on Homeland Security passed H.R. 3202 to address the need to support information sharing regarding threats to computing networks.

I look forward to the Full House consideration of H.R. 3202.

In the first few weeks of this Congress I introduced a number of measures on the topic of cybersecurity to address gaps in our nation's cyber defensive posture:

SCOUTS Act—H.R. 940;
CAPITALS Act—H.R. 54;
SAFETI Act—H.R. 950;
Terrorism Prevention and Critical Infrastructure—H.R. 945; and
Cybersecurity and Federal Workforce Enhancement Act—H.R. 935.

H.R. 940, the "Securing Communications of Utilities from Terrorist Threats" or the "SCOUTS Act," directs the Secretary of Homeland Security, in coordination with the sector-specific agencies, to work with critical infrastructure owners and operators and State, local, tribal, and territorial entities to seek voluntary participation on ways that DHS can best defend against and recover from terrorist attacks that could have a debilitating impact on national security, economic stability, public health and safety, or any combination thereof.

H.R. 940, is relevant to today's hearing because it addresses the need for a two way communication process that enables private sector participants in information sharing arrangements with DHS to communicate their views on the effectiveness of the information provided; the method of information sharing; and their particular needs as time passes.

Specifically the bill establishes voluntary listening opportunities for sector specific entities

to communicate their challenges regarding cybersecurity, including what needs they may have for critical infrastructure protection; and how DHS is helping or not helping to meet those needs.

The Society of Maintenance and Reliability Professionals have endorsed H.R. 940, and input on the legislation included the Edison Electric Institute, an electric utility association.

H.R. 54, the Department of Homeland Security's Cybersecurity Asset Protection of Infrastructure under Terrorist Attack Logistical Structure or CAPITALS Act, which directs the Department of Homeland Security (DHS) to produce a report to Congress regarding the feasibility of establishing a DHS Civilian Cyber Defense National Resource.

H.R. 950, requires a report and assessment regarding Department of Homeland Security's response to terrorist threats to Federal elections. The Comptroller General of the United States is directed to conduct an assessment of the effectiveness of Department of Homeland Security actions to protect election systems from cyber-attacks and to make recommendations for improvements to the actions taken by DHS if determined appropriate.

H.R. 935, The "Cybersecurity and Federal Workforce Enhancement Act" identifies and trains people already in the workforce who can obtain the skills to address our nation's deficit in the number of workers and positions available for those with needed skills.

H.R. 940, the "Securing Communications of Utilities from Terrorist Threats" or the "SCOUTS Act," is the relevant to today's hearing because this bill focuses on the communications sent by DHS to sector specific entities and the ability of these entities to communicate to the agencies their perspective on the usefulness of the information; the form of communication that would be most helpful; and requires a report to Congress by DHS on the views of critical infrastructure owners and operators on the information sharing process related to cybersecurity.

Each of these bills will build upon an aggressive approach for securing cyber technology to manage critical infrastructure, chemical facilities, and port operations, ranging from communication and navigation to engineering, safety, and pipelines, that are critical to protect our nation's interest.

Over the past year, Russian actors' targeted U.S. election infrastructure, hackers escalated efforts to breach the domestic energy sector, and WannaCry and NotPetya ransomware wreaked havoc on public and private infrastructure around the world.

According to Symantec, a leading provider of cybersecurity solutions, said that "The world of cyber espionage experienced a notable shift towards more overt activity, designed to destabilize and disrupt targeted organizations and countries."

As cyber threats continue to evolve and become more sophisticated, so must U.S. efforts to confront them.

The Department of Homeland Security, through the National Protection and Programs Directorate (NPPD), plays a central role in the federal government's cybersecurity apparatus and in coordinating federal efforts to secure critical infrastructure.

DHS is charged with coordinating agency efforts to secure the (.gov) Domain, while

also serving as the hub for cybersecurity information sharing between and among the private sector and federal government.

It is my hope that as this Congress moves forward that we will seek out the best ways to bring the brightest and most qualified people into the government as cybersecurity professionals.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 3359, as amended.

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

A motion to reconsider was laid on the table.

SECURING GENERAL AVIATION AND COMMERCIAL CHARTER AIR CARRIER SERVICE ACT OF 2017

Mr. ESTES of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3669) to improve and streamline security procedures related to general aviation and commercial charter air carrier utilizing risk-based security standards, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3669

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017”.

SEC. 2. WEB-BASED SECURE FLIGHT COST AND FEASIBILITY STUDY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study to determine the cost and feasibility of establishing web-based access to Secure Flight for commercial charter air carriers.

SEC. 3. SCREENING IN AREAS OTHER THAN PASSENGER TERMINALS.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration is authorized to provide screening services to a commercial charter air carrier in areas other than primary passenger terminals of airports upon the request of such carrier.

(b) REQUEST.—A commercial charter air carrier that wants screening services to be provided to such carrier in an area other than a primary passenger terminal shall request the Federal Security Director for the airport at which such services are requested.

(c) AVAILABILITY.—A Federal Security Director may elect to provide screening services under this section if such services are available.

(d) AGREEMENTS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall enter into an agreement with a commercial charter air carrier for compensation from such carrier requesting the use of screening services under this section for all reasonable costs in addition to overtime costs that are incurred in the provision of such services.

(2) AVAILABILITY.—Any compensation received by the Transportation Security Administration pursuant to an agreement under this subsection shall be credited to the account used in connection with the provision of the screening services that are the subject of such agreement, notwithstanding section 3302 of title 31, United States Code.

SEC. 4. REPORT ON GENERAL AVIATION SECURITY AND SELECT AVIATION SECURITY TOPICS.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Aviation Security Advisory Committee, shall, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code, submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan, including an implementation schedule, for any of the following recommendations that were adopted by the Aviation Security Advisory Committee and with which the Administrator has concurred before the date of the enactment of this Act:

(1) The recommendation regarding general aviation access to Ronald Reagan Washington National Airport, as adopted on February 17, 2015.

(2) The recommendation regarding the vetting of persons seeking flight training in the United States, as adopted on July 28, 2016.

(3) Any other such recommendations relevant to the security of general aviation adopted before the date of the enactment of this Act.

SEC. 5. DESIGNATED STAFFING FOR GENERAL AVIATION.

The Administrator of the Transportation Security Administration is authorized to designate not fewer than one full time employee of the Administration to be responsible for engagement with general aviation stakeholders and manage issues related to general aviation.

SEC. 6. SECURITY ENHANCEMENTS.

Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Aviation Security Advisory Committee, shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of requiring security threat assessments for all candidates seeking flight school training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to further enhance the vetting of persons seeking such training in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. ESTES) and the gentlewoman from California (Ms. BARRAGÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. ESTES of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material.

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

There was no objection.

Mr. ESTES of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to represent the Fourth District of Kansas. My hometown, Wichita, Kansas, is proud to be known as The Air Capital of the World.

Over 100 years ago, Clyde Cessna began manufacturing planes outside of Wichita. Since then, Wichita has grown to be the leading center for aviation manufacturing around the world. In fact, 67 percent of the world's embedded general aviation fleet is manufactured in Kansas. We are proud of the work we do in Wichita, and general aviation has a good home in Kansas.

I worked for many years in the general aviation industry as a process improvement engineer. That is why I am putting forward this important piece of legislation that will help ensure general aviation remains safe and secure.

Mr. Speaker, I urge my colleagues to vote for H.R. 3669, the Securing General Aviation and Commercial Charter Air Carrier Service Act.

General aviation, which includes all noncommercial flights and commercial charters, accounts for nearly two-thirds of all towered operations in the United States. This does not account for the thousands of untowered operations in the United States that are only served by the general aviation community.

However, general aviation and commercial charter air service represent a small fraction of TSA's stakeholder community, causing their issues and concerns to fall to the bottom of the agency's priorities. This bill seeks to elevate some of these important but often overlooked security issues. The general aviation community has important safety concerns that deserve to be heard and acted upon by TSA.

Commercial charters are forced to use antiquated and unsecure systems to ensure their passengers' safety. Currently, the software needed to connect to TSA's Secure Flight system for vetting passengers costs tens of thousands of dollars. Commercial airlines serving 2½ million passengers a day can easily adopt the software; However, smaller operators do not have the passenger volume to absorb the cost.

Currently, TSA emails commercial charter operators large datasets in spreadsheet format that their operators must then check against passenger manifests. This unsecure method presents a serious security risk for this data, which could include sensitive personal information.

I have heard from commercial charter operators that access to the Secure Flight system is a top priority so that they can ensure the safety of the airspace and their passengers. TSA should explore creating a web-based program that these operators could access that

would have realtime passenger vetting information and would prevent the unintended distribution of sensitive security information.

Currently, private charter air carriers must use their own flight crews or private screening companies to screen passengers. In certain instances, these carriers would like to occasionally use on- or off-duty TSA agents to screen passengers due to the expertise and training that these agents possess. However, when private charters are performed on short notice, carriers are unable to bring off-duty TSA screeners into their own program due to certain FAA regulations. Language in this bill would allow private charters the flexibility to request and pay for this service without cost to the taxpayer.

Additionally, the Aviation Security Advisory Committee has approved several recommendations regarding improvements to security rules and regulations for general aviation and commercial charter air carrier programs. These important recommendations have yet to be implemented by TSA. This legislation requires TSA to develop an implementation plan and timeline in which to execute these outstanding recommendations.

The final issue this bill addresses is a lack of a full-time subject matter expert at TSA to interact with general aviation stakeholders and handle general aviation security issues. The industry has been forced to rely on individuals who are often given this portfolio temporarily and struggles to find a reliable point of contact for matters that arise. This bill authorizes the appointment of a full-time employee to handle this portfolio, thus giving the industry a knowledgeable and reliable liaison with TSA.

General aviation and the commercial air charter industry are important components of the aviation community. I believe that their important safety concerns deserve to be heard and acted upon by TSA.

Mr. Speaker, I thank the chairman for his help and assistance. I urge all Members to support this legislation, and I reserve the balance of my time.

Ms. BARRAGAN. Mr. Speaker, I rise in support of H.R. 3669, the Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017, and I yield myself such time as I may consume.

Mr. Speaker, general aviation flights, such as those that fly out of Compton/Woodley Airport in my district, are integral to our Nation's aviation system.

The Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017 seeks to improve and streamline security measures for general aviation and commercial charter air carriers. Importantly, H.R. 3669 incorporates two key Democratic amendments that were adopted with bipartisan support.

□ 1700

First, an amendment from the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) ensures that the Aviation Security Advisory Committee can continue to operate independently and clarifies that the TSA Administrator retains the authority to make security decisions.

As amended, the bill would drive TSA to move swiftly to act upon recommendations, with which it concurs, that the TSA's advisory committee issued regarding general aviation security.

Secondly, the bill incorporates an amendment by Representative BENNIE THOMPSON, our ranking member, to require TSA to conduct a feasibility study of requiring security threat assessments for all candidates seeking flight school training to operate large aircraft. Such a study would help inform our efforts in Congress to push TSA towards more effective and comprehensive vetting of flight students.

Under current TSA procedures, a student seeking flight training on aircraft weighing more than 12,500 pounds is not always vetted against the terrorist watch list prior to the commencement of such training. Sixteen years after 9/11 attacks, more must be done to block security loopholes that were exploited by the 9/11 hijackers. Making sure that anyone who wishes to pilot a large plane is subject to the same level of vetting that a passenger who boards the plane would receive is common sense.

Mr. Speaker, I urge my House colleagues to support this legislation, and I reserve the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KATKO).

Mr. KATKO. Mr. Speaker, I rise in strong support of H.R. 3669, the Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017, which has been championed by my good friend and colleague, Mr. ESTES.

As chairman of the Subcommittee on Transportation and Protective Security, I appreciate the significant security challenges facing all modes of America's transportation systems, including the often overlooked general aviation and commercial charter sectors.

As we saw this morning with the terrorist attack in New York City against a surface transportation hub, large commercial airliners are not the only target on terrorists' minds, and we must not allow ourselves to be negligent towards the security of all sectors of transportation security.

During his short time in Congress, Congressman ESTES has quickly become one of the most forward-leaning members of the Homeland Security Committee on issues relating to aviation security. Mr. ESTES' legislation will make significant strides in closing

security vulnerabilities in general aviation's ability to screen and vet passengers and crew, while better protecting individuals' personally identifiable information from potential exploitation.

Additionally, this bill will hold the Transportation Security Administration accountable to important security recommendations from the Aviation Security Advisory Committee, including those relating to the security vetting for flight school applicants in the United States.

This bill will ensure that the general aviation community, which is often overlooked by TSA, will have a voice within the agency by requiring TSA to designate personnel to be responsible for stakeholder engagement within the general aviation community.

Mr. Speaker, I was honored to have Representative ESTES join me and other bipartisan colleagues on a recent congressional delegation to the Middle East and Europe where we examined a number of aviation security threats and mitigation efforts. Our delegation, combined with our continuous oversight efforts at home, have provided with us a stark, firsthand understanding of the security vulnerabilities facing our Nation's aviation systems.

Because of this, I am extremely pleased that Mr. ESTES' bill is being considered here before the House today. I urge my colleagues to support the bill and our efforts to improve the security of American aviation.

Ms. BARRAGAN. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 3669, is a sensible piece of legislation that seeks to ensure general aviation transportation in our country is secure. H.R. 3669 includes language which passed the House in a bipartisan fashion as part of the Department of Homeland Security Authorization Act to ensure available TSA resources can be used to assist in securing commercial charter flights.

The bill also incorporates Democratic amendments to ensure the independence of the ASAC and to push TSA to study flight school student vetting. While large commercial aircraft operations receive the majority of TSA's attention and resources, we must not ignore the damage that could be inflicted by a terrorist attack on a general aviation flight.

Mr. Speaker, I encourage my colleagues to support H.R. 3669, and I yield back the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from Kansas (Mr. ESTES) that the House suspend the rules and pass the bill, H.R. 3669, as amended.

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

A motion to reconsider was laid on the table.

FINANCIAL INSTITUTION CUSTOMER PROTECTION ACT OF 2017

Mr. LUETKEMEYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2706) to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2706

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Financial Institution Customer Protection Act of 2017”.

SEC. 2. REQUIREMENTS FOR DEPOSIT ACCOUNT TERMINATION REQUESTS AND ORDERS.

(a) TERMINATION REQUESTS OR ORDERS MUST BE VALID.—

(1) IN GENERAL.—An appropriate Federal banking agency may not formally or informally request or order a depository institution to terminate a specific customer account or group of customer accounts or to otherwise restrict or discourage a depository institution from entering into or maintaining a banking relationship with a specific customer or group of customers unless—

(A) the agency has a valid reason for such request or order; and

(B) such reason is not based solely on reputation risk.

(2) TREATMENT OF NATIONAL SECURITY THREATS.—If an appropriate Federal banking agency believes a specific customer or group of customers is, or is acting as a conduit for, an entity which—

(A) poses a threat to national security;

(B) is involved in terrorist financing;

(C) is an agency of the Government of Iran, North Korea, Syria, or any country listed from time to time on the State Sponsors of Terrorism list;

(D) is located in, or is subject to the jurisdiction of, any country specified in subparagraph (C); or

(E) does business with any entity described in subparagraph (C) or (D), unless the appropriate Federal banking agency determines that the customer or group of customers has used due diligence to avoid doing business with any entity described in subparagraph (C) or (D), such belief shall satisfy the requirement under paragraph (1).

(b) NOTICE REQUIREMENT.—

(1) IN GENERAL.—If an appropriate Federal banking agency formally or informally requests or orders a depository institution to terminate a specific customer account or a group of customer accounts, the agency shall—

(A) provide such request or order to the institution in writing; and

(B) accompany such request or order with a written justification for why such termination is needed, including any specific laws or regulations the agency believes are being violated by the customer or group of customers, if any.

(2) JUSTIFICATION REQUIREMENT.—A justification described under paragraph (1)(B) may not be based solely on the reputation risk to the depository institution.

(c) CUSTOMER NOTICE.—

(1) NOTICE REQUIRED.—Except as provided under paragraph (2) or as otherwise prohibited from being disclosed by law, if an appropriate Federal banking agency orders a depository institution to terminate a specific customer account or a group of customer accounts, the depository institution shall inform the specific customer or group of customers of the justification for the customer's account termination described under subsection (b).

(2) NOTICE PROHIBITED.—

(A) NOTICE PROHIBITED IN CASES OF NATIONAL SECURITY.—If an appropriate Federal banking agency requests or orders a depository institution to terminate a specific customer account or a group of customer accounts based on a belief that the customer or customers pose a threat to national security, or are otherwise described under subsection (a)(2), neither the depository institution nor the appropriate Federal banking agency may inform the customer or customers of the justification for the customer's account termination.

(B) NOTICE PROHIBITED IN OTHER CASES.—If an appropriate Federal banking agency determines that the notice required under paragraph (1) may interfere with an authorized criminal investigation, neither the depository institution nor the appropriate Federal banking agency may inform the specific customer or group of customers of the justification for the customer's account termination.

(d) REPORTING REQUIREMENT.—Each appropriate Federal banking agency shall issue an annual report to the Congress stating—

(1) the aggregate number of specific customer accounts that the agency requested or ordered a depository institution to terminate during the previous year; and

(2) the legal authority on which the agency relied in making such requests and orders and the frequency on which the agency relied on each such authority.

(e) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term “appropriate Federal banking agency” means—

(A) the appropriate Federal banking agency, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) the National Credit Union Administration, in the case of an insured credit union.

(2) DEPOSITORY INSTITUTION.—The term “depository institution” means—

(A) a depository institution, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) an insured credit union.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. LUETKEMEYER) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. LUETKEMEYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and include extraneous material on this bill.

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

There was no objection.

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

Mr. Speaker, today the House will consider an amended version of H.R. 2706, the Financial Institution Customer Protection Act, legislation I introduced in an effort to provide greater transparency and accountability among banking regulators.

Over the past few years, members of the Financial Services Committee and others in the House have expressed bipartisan concern surrounding Operation Choke Point, the Department of Justice and FDIC-led initiative that sought to separate legal businesses from financial services they need to survive.

People may think Operation Choke Point is limited to payday lenders or the banks serving them, but it is not. This initiative has spread to many industries, including tobacco shops, pawn brokers, ATM operators, even amusement gaming companies, to name just a few. Even attorneys and third parties that serve these industries have been impacted.

The underlying problem here is significant. The Federal Government should not be able to intimidate financial institutions into dropping entire sectors of the economy as customers, based not on risk or evidence of wrongdoing, but purely on personal and political motivations.

This type of program sets an incredibly dangerous precedent that shouldn't be permitted under any Presidential administration. There needs to be a process in place to ensure that the banking regulators have the ability to pursue bad actors, but not to punitively target specific businesses or products that operate and are offered within the confines of the law.

This legislation offers a straightforward approach to a complicated problem. It simply dictates that Federal banking regulators cannot suggest, request, or order a financial institution to terminate a banking relationship unless the regulator has material reason beyond reputational risk. It also puts in place the requirement that agency management sign off on any account termination request or order.

The provisions contained in H.R. 2706 are so reasonable, in fact, that the FDIC has already used its authority to put them in place. Effective 2015, agency policy now requires supervisory staff to track and document account termination recommendations. Such

recommendations must now be made in writing and not through informal suggestion. FDIC regional leadership must be made aware of any such recommendation, and the basis for such recommendation cannot rely solely on reputational risk.

The original bill would have also struck the word “affecting” in FIRREA and replaced it with “by” or “against.” I maintain that this modest change would have helped to ensure that broad interpretations of the law are limited and that the original intent of the statute, helping to penalize fraud against or by financial institutions, is restored.

Attorney General Sessions announced the end of Operation Choke Point earlier this year, and we have noticed a dramatic decline in FIRREA subpoenas resembling those seen during the height of the initiative. The issues with FIRREA still need to be addressed, and while H.R. 2706 is not the opportunity to do that, I will continue to press for reasonable reforms and clarifications of the law.

Within the banking agencies, these account termination requests are still a significant problem. Just last week, I had a meeting with an industry that has seen a rash of account terminations in Missouri, Massachusetts, Rhode Island, California, Texas, and Wisconsin, to just name a few of the States that have been affected. We have to restore order, Mr. Speaker. Our goal should be to have more individuals and businesses in banks, not forced from them.

Mr. Speaker, I remind my colleagues that the House has passed by a voice vote two appropriations amendments prohibiting funding for Operation Choke Point. Members from both sides of the aisle have written letters and talked to regulators about the dangers of such a program. This is a very real issue and one that must be addressed.

Again, I want to emphasize that it is essential that DOJ and financial regulators maintain the ability to pursue bad actors or anyone they think could be a bad actor. This amended version includes language offered by Ranking Member WATERS to ensure that customer account termination notices don't interfere with ongoing criminal investigations. The checks and balances in this legislation would help to ensure accountability among the regulators and would in no way hinder the ability of any executive branch agency from going after individuals or businesses suspected of fraudulent activity.

This legislation offers a responsible approach to curbing the malpractice we have seen in Operation Choke Point. I want to thank the many colleagues who worked with me on this legislation, in particular, the gentleman from Washington (Mr. HECK), Chairman HENSARLING, and Ranking Member WATERS for helping to get this

considered on the suspension calendar today.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I would like to thank the gentleman from Missouri (Mr. LUETKEMEYER), who has been a wonderful person to work with, and the many members of the committee on our side of the aisle, particularly Ranking Member WATERS and Mr. HECK from Washington.

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

Mr. HECK. Mr. Speaker, I thank the gentleman for yielding. Most importantly, I want to express and extend my gratitude to the gentleman from Missouri. This has been a three-year journey for this particular legislation; not uncommon in this environment. But it was a difficult journey at times. At no step along the way did the gentleman from Missouri ever waiver from his commitment to working as collaboratively as possible, in a willingness to work to find a solution, and he did just that, and I thank him for that.

Mr. Speaker, I also want to thank Ranking Member WATERS for her efforts, without which this bill would never even have made it to the floor. I do believe that this bill is stronger as a consequence of the amendments that we have made, the changes that we have made to it; most importantly, those changes that will ensure that we do not interfere with the important work of law enforcement.

I have been very up-front about this. From my perspective, my interest in this bill grows out of my work on helping my State find ways to make sure our State-regulated marijuana businesses have access to banking services so that we can avoid the public safety risks that arise from huge cash stockpiles building up at these businesses.

Sadly, we have already seen these risks materialize. Before, on this floor, I had mentioned the name of Travis Mason, 23 years old, a Marine veteran, working as a security officer at a retail establishment for marijuana in Colorado, studying to become a law enforcement officer, who was, a year ago last summer, shot dead by perpetrators who believed that there was a stockpile of cash behind those doors.

□ 1715

Travis left behind a widow and, yes, three small children. He had a set of twins. So part of what this bill will help is that there be no more Travis Masons—no more Travis Masons. We are passing this bill, in fact, in part to prevent another tragedy like that.

Now, Mr. LUETKEMEYER and I worked together with the FDIC to provide clarity to their banks, and I think the

FDIC's financial institutions letter of January 2015 was a key breakthrough for banks in Washington State and others. It simply said for banks worried about customer risks, like the Bank Secrecy Act and antimoney laundering—which is the main concern, frankly, around marijuana businesses—the FDIC does not expect them to avoid entire industries, but rather to make determinations on a customer-by-customer basis.

This was assurance that Washington banks needed to begin providing banking services to well-regulated, good-actor marijuana businesses. So now a handful of Washington banks and credit unions are serving marijuana businesses. Our State banking regulator is working closely with the State marijuana regulator. Scores of Washington marijuana businesses have set up bank accounts. We are getting cash out of those businesses and into the financial system, where it can be monitored. We draw down that cash stockpile. We reduced the public safety risk that I talked about earlier. We have an improved public safety condition. It is a model that needs to be spread to other States who have adopted, as it were, expanded marijuana legislation.

I view this bill as codifying the FDIC's financial institutions letter and expanding it to other bank regulators so that all lenders can operate under this same principle: that we judge consumers individually rather than by the industry they are in.

Let me repeat that: that we judge consumers individually rather than by the industry that they are in.

Mr. LUETKEMEYER has been dedicated to that principle for years. I have been honored to work with him in this endeavor and I am pleased to be at this point where we have broad bipartisan support for this legislation.

Again, my hat is off to Mr. LUETKEMEYER. To all of my colleagues, I urge a vote in favor of this underlying bill, in favor of a more balanced regulatory scheme, and a bill in favor of increased public safety.

Mr. LUETKEMEYER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. HOLLINGSWORTH), who is a distinguished member of the Financial Services Committee.

Mr. HOLLINGSWORTH. Mr. Speaker, I appreciate the opportunity to lend my voice to an important piece of legislation. First, like others, I want to thank everybody who has worked very hard on this legislation. I know it is a matter of passion for many Members on both sides of the aisle in solving this problem for consumers.

One thing I am constantly asked about in the district is: In a democracy, why does it seem that the bureaucracy is in charge?

We keep coming back to this very same question with many pieces of legislation here in the House. I am excited

that we are going to resolve some of that with this piece of legislation.

As was talked about earlier, what has been going on is that someone can be excluded from the U.S. Federal banking system simply because they are in an industry that might not have the best reputation. They can be excluded from the Federal banking system. This is not something that we take lightly. It is something that is very serious that we talk about in terms of sanctioning North Korea, sanctioning Iran, and now we are excluding U.S. businesses simply because they may be operating in a certain industry instead of because of the activities that individual business or that individual is actually in.

So this bill is really about looking, as my friend, Mr. HECK, said, to the individual business and to the individual themselves and saying whether they pose a national security risk, not painting with a broad brush because of the desire of some in bureaucracy to exclude certain industries from the banking system.

What Hoosiers talk about back home is how tired they are of electing officials only to see bureaucracy drive their own agenda forward, not the people's agenda forward. With this piece of legislation, we are rolling some of it back and enabling those bureaucrats to provide an annual list to Congress of the accounts that they have closed and why they have been closed. It is that level of transparency and accountability that a democracy demands.

I am excited to stand with so many other members of the House Financial Services Committee and with so many Members, I hope, later today on the House floor and say that we will deliver that transparency.

Mr. CAPUANO. Mr. Speaker, I have no further speakers. Again, I would like to repeat what has already been said: this is a classic example of how this place is supposed to work. It takes a little time, but it works out in a bipartisan manner and in a thoughtful manner and deals with an issue that, though not important to some people, is very important to a handful of people in this country to simply level the playing field.

I want to, again, thank all of the people involved in this. It is nice to be involved in a piece of legislation that I can be proud of and that went through the process the right way and worked out the right way.

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

Mr. LUETKEMEYER. Mr. Speaker, I just want to reiterate that this bill is about greater transparency and accountability among the banking regulators.

The Federal Government should not be able to intimidate financial institutions into dropping entire sectors of the economy's customers based on per-

sonal and political motivations. It should be based on risk and evidence of wrongdoing.

Our new AG has stopped this practice, and the FDIC has incorporated many of the principles in this bill already into their standard operating procedures. But the importance of this bill is to codify in law for the regulators the guardrails that are necessary to keep this from happening to protect our citizens from this and many other activities by an overreach of the bureaucracy.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill, H.R. 2706, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

INVESTOR CLARITY AND BANK PARITY ACT

Mr. LUETKEMEYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3093) to amend the Volcker Rule to permit certain investment advisers to share a similar name with a private equity fund, subject to certain restrictions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3093

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investor Clarity and Bank Parity Act".

SEC. 2. NAMING RESTRICTIONS.

Section 13 of the Bank Holding Company Act of 1956 (12 U.S.C. 1851) is amended—

(1) in subsection (d)(1)(G)(vi), by inserting before the semicolon the following: “, except that the hedge fund or private equity fund may share the same name or a variation of the same name as a banking entity that is an investment adviser to the hedge fund or private equity fund, if—

“(I) such investment adviser is not an insured depository institution, a company that controls an insured depository institution, or a company that is treated as a bank holding company for purposes of section 8 of the International Banking Act of 1978;

“(II) such investment adviser does not share the same name or a variation of the same name as an insured depository institution, any company that controls an insured depository institution, or any company that is treated as a bank holding company for purposes of section 8 of the International Banking Act of 1978; and

“(III) such name does not contain the word ‘bank’”; and

(2) in subsection (h)(5)(C), by inserting before the period the following: “, except as permitted under subsection (d)(1)(G)(vi)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. LUETKEMEYER) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. LUETKEMEYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3093, the Investor Clarity and Bank Parity Act. I would like to start by thanking my colleague from Massachusetts (Mr. CAPUANO) for his work on this important bipartisan legislation.

This bill makes a modest amendment to section 619 of the Dodd-Frank Act, also known as the Volcker rule, by correcting an unintended consequence that occurred during implementation.

When the regulators issued the final rule to the Volcker rule, they imposed severe limitations on the ability of bank holding companies and their affiliates, including investment advisers, to sponsor hedge funds and private equity funds, also known as covered funds. As a result, a covered fund cannot use the name of a sponsor.

For example, if XYZ investment adviser is an affiliate of XYZ bank and sponsors a real estate fund, that real estate fund could not be named XYZ real estate fund. Not only is such a restriction at odds with industry practice, it reduces transparency and confuses investors about who is actually managing a covered fund.

H.R. 3093 eliminates this prohibition and simply allows an affiliate of a bank holding company, such as an investment adviser, to share a similar name with a private equity fund. In doing so, this legislation clarifies the original intent of the Volcker rule and, most importantly, helps investors have better insight into who is actually managing a covered fund.

Finally, H.R. 3093 is consistent with recommendations provided by the Treasury Department in its recent report on banks and credit unions.

I want to again thank my friend from Massachusetts for his work on this bill. The Volcker rule is in need of additional reforms. I appreciate that Mr. CAPUANO has started on the naming issue and that our colleagues on the

Senate Banking Committee have included modest Volcker reforms in Chairman CRAPO's regulatory relief legislation.

It is my hope, however, that this is the beginning of the conversation and that we can work again in a bipartisan, bicameral fashion to pass additional Volcker reforms, such as the designation of a single regulator to work with other regulators. In the meantime, I urge my colleagues to support this commonsense legislation today.

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

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

Mr. Speaker, I believe the gentleman from Missouri has stated everything that needs to be said. This is a simple bill that is a technical amendment to the Volcker rule that I strongly support. I know that many others have opposition to that. This is a minor change.

When you do a bill like Dodd-Frank, or any major bill, there are always things you make a mistake on and that you didn't see coming. This is one of them.

It is very simple. This simply allows a company to use names that they have been using forever. That is really all it is. I appreciate the gentleman's willingness and the committee's willingness to hear this simple bill.

Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill, H.R. 3093.

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

A motion to reconsider was laid on the table.

PROTECTING RELIGIOUSLY AFFILIATED INSTITUTIONS ACT OF 2017

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1730) to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1730

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Religiously Affiliated Institutions Act of 2017".

SEC. 2. PROTECTION OF COMMUNITY CENTERS WITH RELIGIOUS AFFILIATION.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by inserting after "threat of force," the following: "including by threat of force against religious real property,";

(2) in subsection (d)—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) if damage to or destruction of property results from the acts committed in violation of this section, which damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this title and imprisonment for not more than 3 years, or both; and"; and

(3) in subsection (f), by inserting before the period at the end the following: ", or real property owned or leased by a nonprofit, religiously affiliated organization".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Maryland (Mr. RASKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1730, currently under consideration.

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

There was no objection.

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

Mr. Speaker, the Protecting Religiously Affiliated Institutions Act of 2017 is a bill designed to address recent attacks on religious institutions. It amends the Church Arson Prevention Act to clarify that the act covers religious real property, such as religious community centers. It also increases the penalty for destruction of property offenses on religious property where the conduct results in more than \$5,000 in damages to the property.

This legislation is a direct response to the recent onslaught of bomb threats to various synagogues, mosques, churches, and religious community centers. In 2017, there have been more than 100 reported bomb threats against Jewish community centers, Jewish day schools, and other Jewish organizations and institutions in more than 38 States. Islamic centers and mosques have been burned in the States of Texas, Washington, and Florida. We must send the message that any attempt to instill fear in a religious community will not be tolerated.

From its inception, our country has recognized that freedom of religion is a fundamental right. It is just as impor-

tant to protect this right today, if not more so. We must continue to ensure that the American people can continue to practice their faith without obstruction.

I commend Representative DAVID KUSTOFF and Representative DEREK KILMER for introducing this bill, and I urge my colleagues to support this important legislation.

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

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

I rise in favor of the legislation. I want to thank the honorable gentleman from Virginia (Mr. GOODLATTE) for his leadership on this and also salute Representatives KUSTOFF and KILMER for their introduction of this legislation.

It is important legislation, Mr. Speaker, because it extends protections under current Federal law for religious real property. We know there is no religious free exercise for our people if they are too afraid to go to church or to synagogue or to the mosque.

Currently, section 247 of the Federal criminal code prohibits both the damaging of religious property because of the property's religious character and the intentional obstruction—by force or threats of force—of anyone's exercise of their religious beliefs.

H.R. 1730 clarifies that not just force but threats of force against religious property are included in this prohibition.

□ 1730

In addition, the bill provides that the damaging or obstructing of such property that results in damages exceeding \$5,000 constitutes a felony punishable by up to 3 years in prison.

Finally, H.R. 1730 clarifies that real property covered by the statute includes property leased by a nonprofit, religiously affiliated organization.

The importance of the bill, of course, is underscored by the recent upsurge, as Mr. GOODLATTE said, in bomb threats, hate crimes, and vandalism committed against churches, synagogues, mosques, and other communities of faith, a wave of hate that is now etched in the public's mind by the shocking events in Charlottesville, Virginia, in August, which began at a local synagogue.

The Hate Crimes Statistics for 2016 released by the FBI indicate that anti-Semitic hate crimes increased 20 percent from the prior year. There has been an alarming surge committed not just against synagogues, but against churches and mosques in 2017.

We know that violent attacks against religious facilities have always accompanied waves of racial terror in our history. In the 1960s, African-American churches in many parts of the country were vandalized, fire bombed, and burned during the struggle for civil

rights in the South. In the 1990s, there was a resurgence of arsons committed against African-American churches. In response, Congress passed the Church Arson Prevention Act in 1996 to make it clear that such behavior was also on the wrong side of the law.

Yet, in 2017, here we are again, facing another rise in hate crimes. We must do more to prevent and fight these threats to our most basic First Amendment freedoms that our people have, including the right of our citizens to practice their religion of choice.

While some may disagree with the religious practice of others, what they may not do is use physical obstruction, force, or threats of force to deny other people the right to worship as they choose. No American should ever have to choose between their faith and their personal security and the safety of their family. Therefore, I strongly support H.R. 1730, and I urge all of my colleagues to do the same.

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

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. KUSTOFF), the chief sponsor of this legislation.

Mr. KUSTOFF of Tennessee. Mr. Speaker, I rise today in support of H.R. 1730, the Protecting Religiously Affiliated Institutions Act of 2017. I introduced this bipartisan bill with the support of my friend, Representative DEREK KILMER of Washington State. Our legislation is essential in safeguarding religious institutions of all kinds from atrocious threats and acts of violence.

Earlier this year, we saw a disturbing rise in bomb threats at Jewish community centers, churches, and other religious institutions across the country. Our communities were in distress as cemeteries were vandalized because of their religious affiliation.

This kind of hate crime is simply unacceptable. After all, religious tolerance is the bedrock on which this great Nation was founded.

According to a report by the Anti-Defamation League, the number of anti-Semitic incidents in the United States increased dramatically, by 86 percent, in the first 3 months of 2017. We can attribute this year's increase to 155 vandalism incidents, including three cemetery desecrations and 161 hoax bomb threats against religious community centers. This is a dramatic increase of 127 percent over the same quarter in 2016.

On November 13, 2017, the FBI released its 2016 annual Hate Crime Statistics Act data documents. The study found that more than 100 hate crimes occurred at churches in the United States in 2016 alone.

Unfortunately, hate crimes motivated by religious affiliations accounted for 1,538 total offenses and

1,273 incidents that were reported by law enforcement.

Hate crimes do not just hurt one person. They cause great distress to our families, communities, and society as a whole. In my own home State of Tennessee, we, sadly, experienced multiple bomb threats at a local Jewish community center. These events shook the entire community.

In addition to the fear inflicted upon these institutions after a threat, there are tangible ramifications for the centers. Many community centers and places of worship are forced to temporarily close their doors as a result of these threats.

Families who rely on the center's services, such as Bible study and early childhood education programs, have been forced to choose between their faith community and their safety. Here, in the United States of America, people should not have to make that choice. Our Nation was founded on the idea of religious freedom, and our commitment to religious freedom must remain unshakable. It is time we say enough is enough. Religious intolerance has no place in this country.

The Protecting Religiously Affiliated Institutions Act of 2017 would ensure that individuals who make credible threats of violence against religious community centers and places of worship can be prosecuted for committing a hate crime under Federal law.

This bipartisan bill strengthens Federal criminal statutes to prevent threats while preserving our First Amendment rights. It is our moral imperative to protect the right of all Americans to worship freely and without fear, a right that is sewn into our Nation's very fabric. We must strongly condemn any acts of hate against people and all institutions of faith.

I thank Representative KILMER for his hard work on this legislation. I am proud of this bipartisan effort that we have led. I also thank all of the cosponsors of this bill and Chairman GOODLATTE for his leadership on the Judiciary Committee.

Mr. Speaker, I urge all of my colleagues to support this very important legislation.

Mr. RASKIN. Mr. Speaker, I include in the RECORD a letter from the American Jewish Committee and a letter from the Anti-Defamation League.

AJC, GLOBAL JEWISH ADVOCACY,
Washington, DC, November 1, 2017.

Hon. ROBERT GOODLATTE,
Chairman.

Hon. JOHN CONYERS,

Ranking Member, House Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLATTE AND RANKING MEMBER CONYERS: I write on behalf of the American Jewish Committee (AJC), the global Jewish advocacy organization, in strong support of H.R. 1730, the Combating Anti-Semitism Act of 2017 (which we understand will be renamed the Protecting Religiously Affiliated Institutions Act of 2017).

This critically needed bipartisan legislation, introduced by Rep. David Kustoff with Rep. Derek Kilmer as chief cosponsor, addresses long-standing gaps in Federal hate crimes law. H.R. 1730 amends the Church Arson Prevention Act of 1996 (18 U.S.C. §241) (CAPA), which covers attacks on religious real property, to bring all religiously affiliated institutions—such as community centers—under the scope of its protections. The bill also amends CAPA so as to encompass threats against, as well as acts that result in damage or destruction to, religious real property. Further, H.R. 1730 enhances the penalty for intentional damage to religious real property, which is at the moment only at a misdemeanor level unless there is bodily injury to a person.

In addition to closing these gaps in the law, enactment of H.R. 1730 will send a signal of zero tolerance for hate crimes against people of faith. Hate crimes against religious institutions are on the rise in our country. Since January 2017, at least five mosques have suffered arson attacks, while dozens of Jewish, Muslim, Christian, and other religious institutions have been vandalized. These attacks are intolerable. They infringe on the Constitution's protection of the free exercise of religion. Moreover, crimes against religious institutions are intended to create an atmosphere of fear that deters community members from attending worship services and social involvement. They pose a danger to the religious freedom and security of all Americans. In light of the violent anti-Semitic and racist white nationalist rally held in Charlottesville, Virginia, this legislation is more important than ever. We as a nation must take action in response.

For these reasons, AJC strongly urges your support for, and speedy action on, the Combating Anti-Semitism Act.

Respectfully,

RICHARD FOLTIN.

ADL, ANTI-DEFAMATION LEAGUE,
New York, NY, April 6, 2017.

Hon. DAVID KUSTOFF,

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KUSTOFF: On behalf of the Anti-Defamation League, I am writing to commend you for your leadership in introducing the Combating Anti-Semitism Act of 2017 to help ensure that our government is taking every possible step to protect members of America's religious communities.

Rising anti-Semitic incidents and the recent spate of bomb threats and vandalism against Jewish community institutions and cemeteries have sent a chilling message to the Jewish community.

When Members of Congress stand up to take action, communities targeted by hate motivated incidents and threats feel less vulnerable and isolated. This expression of solidarity and act of reassurance, in turn, shines a spotlight on anti-Semitism and bigotry and helps to promote a more effective response.

We look forward to the swift passage of this bill to reassure faith communities that the government is using all possible tools to deter future threats and to prosecute the perpetrators.

Anti-Semitism and bigotry are affecting countries all over the world, and the U.S. is no exception. But the rigor of America's response, the solidarity we demonstrate for each other across diverse communities, and the leadership of lawmakers like you is a model for the world.

Sincerely,

JONATHAN GREENBLATT,
CEO.

Mr. RASKIN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. KILMER), the distinguished coauthor of this legislation.

Mr. KILMER. Mr. Speaker, on February 27 of this year, about 250 men, women, and children gathered at the Stroum Jewish Community Center on Mercer Island in my home State of Washington.

It was a regular evening. The center was alive. People were swimming laps in the pool. They were lifting weights in the gym. Seniors were taking classes like the popular one on Bollywood dancing the center offers on Monday nights. They were assembling peacefully, united by their common faith. Then, they were targeted because of it.

On that night, a man, cowardly hiding behind the anonymity of a telephone, called in a bomb threat on the center. Children and their parents and seniors dropped everything and were evacuated as the police swept it with dogs.

How did we get to the point where places people come to take an aerobics class or drop off a child for Hebrew school become flash points of hate?

The threat to this center is, sadly, not unique. In the first 3 months of this year alone, there were 126 bomb threats called in to 85 Jewish community centers across the country. Imagine the disruption and the fear created by that.

Let's talk about the Jewish Federation of Greater Seattle, an organization that advocates for peace and provides classes and community activities and funds scholarships to Seattle-area students.

In 2006, a man walked into the federation's offices with two handguns. He fired shots through the office after gaining access by holding a 14-year-old girl at gunpoint as she called her aunt who worked in the building to buzz her in. He killed one woman and wounded a group of others. He then took them hostage, and a 911 operator talked him into surrendering.

Places of worship and faith-based nonprofits must take any threat seriously. Across the country, because of threats of violence, churches, mosques, synagogues, and nonprofit religious community centers associated with them must spend money that could have gone to classes, gym equipment, or food for the poor, instead, on locks, cameras, and security guards.

Mr. Speaker, that is why we are here today. Today is a victory for everyday people who come to a Representative with a problem and who are hurt.

Earlier this year, a friend from Washington State, who is here with us today, came to me and said: These threats are hate crimes. We are being targeted because of our faith. But unless someone acts on the threat, it doesn't count as a hate crime under the law.

That is how this bill came to be. This bill is about people coming to their

elected Representatives and being heard.

H.R. 1730 will amend the Church Arson Prevention Act to punish the cowards who make threats against our places of worship and religiously affiliated nonprofits. It will classify the act of making credible threats as hate crimes.

What happened in my State wasn't a fluke. The FBI has reported a rise in hate crimes. This affects every faith. There were an average of 16 hate crimes per day last year. American Jews were targeted with bomb threats. Islamic centers have faced arson. Christians have faced threats in the pews as they pray. This doesn't count the credible threats that I mentioned earlier that create chaos and make people feel as though they are targets for no other reason than the God to whom they worship.

So, Mr. Speaker, today is about coming together as Americans and saying enough is enough. It is about communities crying out, "Never again," and being heard by this body. It is about saying, as leaders, that we must never endorse hate.

Silence in the face of intolerance and violent threats isn't enough. We must condemn hate wherever and however it exists. Mr. Speaker, this is about the people of the Stroum Jewish Community Center and the faithful everywhere who should never have to fear.

Around this country, around this world, too many families have been impacted by religious intolerance and violence. Even my own family's family tree has felt that scourge.

The SPEAKER *pro tempore* (Mr. DUNN). The time of the gentleman has expired.

Mr. RASKIN. Mr. Speaker, I yield the gentleman from Washington an additional 30 seconds.

Mr. KILMER. Mr. Speaker, this bill acknowledges that, when someone tries to terrorize Americans based on their faith, we need to stand up and do something about it. We must embrace our common humanity and ensure that Americans, wherever they pray, however they come together, are respected.

I thank everyone who has worked on this: my colleague, the chairman, and his committee staff; and Rachel Appleton from my team.

Mr. Speaker, I urge support for this legislation.

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. Mr. Speaker, there are a lot of rights listed in our Bill of Rights. In the First Amendment of the Bill of Rights, there are five rights that are mentioned. The first right in the First Amendment is mentioned first, in my opinion, because it is the most important right, and that is the right of religious freedom.

If you notice the wording in that right, it protects the right to freely exercise one's religion. It is more than believe whatever you want to believe religiously. You have the right to practice your religion and freely exercise it. Wise words from the Founders and the writers of the Constitution and the Bill of Rights.

Now we have a situation in our country where that right is being threatened. Even this morning, the attempted terror attack should remind us that we need to be vigilant of the war on terror because people, in the name of terror, commit crimes against other Americans because they hate them. They hate their religion and what they stand for.

This year, more than 100 bomb threats and other threats of violence have been made against 81 Jewish community centers. A Jewish community center is not the synagogue, but sometimes it is close to it. It is where the Jewish kids and adults go for community.

There have been over 100 bomb threats just this year against 81 Jewish community centers in 33 States. Many of these centers were forced to close because of the threat that was made against them.

□ 1745

These attacks are clearly directed at these facilities due to the religious nature of the buildings and the religious activities that go on there.

Despite this fact, terroristic threats against community religious centers are currently not punished as hate crimes under Federal law.

This bipartisan legislation would amend the Church Arson Prevention Act to ensure that other individuals, who make bomb threats and other credible threats of violence against community religious centers based on the religious nature of that center, can be prosecuted under our law as a hate crime.

The bill also adds new language that would create a penalty of up to 5 years imprisonment if any violation of the statute results in damage or destruction to the property.

We must make it abundantly clear that we will not tolerate acts of violence and hate against any group in America, especially religious groups. It is incumbent upon us, as Congress, to make sure that the First Amendment is protected, and that is our job: to protect religious freedom.

I urge support of this legislation, and I thank the chairman for bringing it to the floor.

And that is just the way it is.

Mr. RASKIN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SCHNEIDER), my colleague on the House Judiciary Committee.

Mr. SCHNEIDER. Mr. Speaker, protecting the right of every American to

practice their religion is a fundamental tenet of our Constitution. That includes defending the security of churches, synagogues, mosques, temples, and other religiously affiliated institutions where Americans gather together to follow their faith.

This year, we have seen the troubling rise in anti-Semitic incidents in the United States, including bomb threats, vandalism, and cemetery desecrations. One of the most frequent targets have been Jewish community centers, or JCCs, including in my home State of Illinois, including the one in my very own community where my kids attended and played basketball and other sports to connect with their community.

These despicable threats aim to sow fear in families and communities. And they target our most vulnerable children in preschool, Hebrew school, or teens simply coming together to make friends.

Mr. Speaker, no parent in America should have to worry about the safety of their family because of their faith, yet current Federal law does not consider threats against community religious centers as hate crimes. It is unacceptable to limit the consequences faced by the perpetrators of this terror to misdemeanor charges. We need to fix this.

I am proud to have cosponsored this bipartisan legislation, to allow individuals, who make bomb threats and other credible threats of violence against community religious centers, to be prosecuted to the fullest extent of the law for committing a hate crime.

I thank my colleague from Washington for conceiving this important idea and inspiring this bill.

Mr. Speaker, I urge my colleagues in the House to follow the example of the Judiciary Committee and pass H.R. 1730, the Protecting Religiously Affiliated Institutions Act, with overwhelming bipartisan support.

Mr. GOODLATTE. Mr. Speaker, I have no more speakers, and I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), my distinguished colleague.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of H.R. 1730, the Protecting Religiously Affiliated Institutions Act of 2017. I thank Congressman KILMER for his vision and leadership on this critical issue.

This legislation would strengthen current Federal law to prohibit threats against religious property, increase the penalty for damaging religious property, and expand protected religious property to include not just houses of worship, but also religiously affiliated nonprofits, like Jewish community centers.

Over the past few years, there has been a frightening rise in incidents of racism, Islamophobia, anti-Semitism, and xenophobia in the U.S. and around the world. All too often, the perpetrators of hate target houses of worship and other religious centers.

From the Sikh temple shooting in Wisconsin in 2012, to Charleston's Emanuel AME Church shooting in 2015, to the mosque attack in London this summer, and the firebombing of a synagogue in Sweden just this past weekend, these violent, cowardly bigots go after what is most sacred to the communities they so odiously abhor.

While the hateful incidents that result in loss of life are undoubtedly the most tragic, any threat or attack against religious property can shake communities to their core.

The Jewish community of south Florida, sadly, knows this firsthand. Last year, a man planned to bomb a synagogue in Aventura in my congressional district during Passover. He was caught, thankfully, but incidents like this proliferating around the country are instilling fear, causing unease, and requiring additional security measures to be deployed. Sadly, in south Florida, this was not an isolated incident.

Mr. Speaker, I will say that, although not specifically an attack against a Jewish institution, I remember my children, then in preschool, attended preschool at our local JCC and, after the 9/11 attack, my husband racing to their school to take them out of school that day because of the panic that was instilled that automatically occurs in every Jewish family's life with children in a Jewish institution when there is a terrorist attack. We are constantly on edge as to whether or not our community is next.

It is deeply disturbing that the people in my community who attend synagogues and visit our Jewish community centers do so knowing these domestic terrorists intentionally want us to feel uneasy about it. Their mission is to instill fear in the hearts of Jews, Muslims, and other religious minorities so that we will not feel at home in America.

And they are not relenting. The most recent annual report on hate crimes by the FBI showed that there was nearly a 5 percent increase in incidents last year. It is the first time in 10 years that America has experienced consecutive annual increases in reported hate crimes.

More than half of the religiously based hate crimes were anti-Jewish, and a quarter of them were anti-Muslim. We cannot let bigoted threats and vandalism become the new normal.

We must pass this legislation to make it 100 percent clear that, in the view of Congress, when it comes to religious bigotry, there are not good people on both sides.

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

Mr. RASKIN. Mr. Speaker, I yield an additional 20 seconds to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. We must pass this legislation to make anti-Semitic and Islamophobic cowards think twice before they spread fear, while hiding behind a computer or a phone.

We must pass this legislation to ensure that America is always a refuge from religious persecution. I deeply wish this legislation were not needed, Mr. Speaker, but, sadly, it is. I urge my colleagues to support this important legislation.

Mr. RASKIN. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, the First Amendment protects every citizen's right to free exercise of religion, and we, in Congress, must be zealous and vigilant partners with the Constitution in that enterprise.

From Charleston, South Carolina, to Charlottesville, Virginia; from suburban Maryland, where racial bias incidents are up 80 percent in my congressional district in 2017, to California, Oregon, and all over the country, America has seen a surge in threats and violence against individuals and religious real property in our country, all in an effort to deter our citizens from practicing their faith, or simply to assault or kill them for doing so.

There has also been a rise in threats made by telephone, in person, by email, or by phone all over the country, including to churches, synagogues, and mosques. In the first 7 months of this year, there were 63 reported incidents against mosques across 26 States, spanning from Florida to Hawaii. Clearly, Congress must act. We have excellent legislation in H.R. 1730 to expand our law to include threats of force, as well as to toughen up the penalties for this kind of conduct.

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

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

Mr. Speaker, this is good, bipartisan legislation to protect the religious freedom of people of all faiths. It is particularly important that we stand up at a time when some religious faiths are under particular pressure from those who would attempt to smother their ability to freely exercise their religious beliefs by intimidation. This legislation speaks strongly to that.

Mr. Speaker, I thank Members on both sides of the aisle. I thank Mr. KUSTOFF, Mr. KILMER, and others for their good work.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1730, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 55 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2706, by the yeas and nays; and H.R. 1730, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

FINANCIAL INSTITUTION CUSTOMER PROTECTION ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2706) to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 395, nays 2, not voting 34, as follows:

[Roll No. 672]

YEAS—395

Abraham	DeGette	Johnson (LA)
Adams	Delaney	Johnson (OH)
Aderholt	DeLauro	Johnson, E. B.
Aguilar	DelBene	Johnson, Sam
Allen	Demings	Jones
Amash	Denham	Jordan
Amodei	Dent	Joyce (OH)
Arrington	DeSantis	Kaptur
Babin	DeSaulnier	Katko
Bacon	Deutch	Keating
Banks (IN)	Diaz-Balart	Kelly (IL)
Barr	Dingell	Kelly (MS)
Barragán	Doggett	Kelly (PA)
Barton	Donovan	Khanna
Beatty	Doyle, Michael	Kihuen
Bera	F.	Kildee
Bergman	Duffy	Kilmer
Beyer	Duncan (SC)	Kind
Biggs	Duncan (TN)	King (IA)
Bilirakis	Dunn	King (NY)
Bishop (GA)	Emmer	Kinzinger
Bishop (MI)	Engel	Knight
Bishop (UT)	Eshoo	Krishnamoorthi
Black	Espallat	Kuster (NH)
Blum	Estes (KS)	Kustoff (TN)
Blumenauer	Esty (CT)	Labrador
Blunt Rochester	Evans	LaHood
Bonamici	Farenthold	LaMalfa
Bost	Faso	Lamborn
Boyle, Brendan	Ferguson	Lance
F.	Fitzpatrick	Langevin
Brady (PA)	Fleischmann	Larsen (WA)
Brady (TX)	Flores	Larson (CT)
Brat	Fortenberry	Latta
Brooks (AL)	Foster	Lawrence
Brooks (IN)	Fox	Lawson (FL)
Brown (MD)	Frelinghuysen	Lee
Brownley (CA)	Fudge	Levin
Buck	Gabbard	Lewis (GA)
Bucshon	Gaetz	Lewis (MN)
Budd	Gallagher	Lieu, Ted
Burgess	Gallego	Lipinski
Bustos	Garamendi	LoBiondo
Byrne	Garrett	Loebach
Calvert	Gianforte	Loftgren
Capuano	Gibbs	Long
Carbajal	Gomez	Loudermilk
Cárdenas	Gonzalez (TX)	Love
Carson (IN)	Goodlatte	Lowenthal
Carter (GA)	Gosar	Lowey
Carter (TX)	Gottheimer	Lucas
Cartwright	Granger	Luetkemeyer
Castor (FL)	Graves (GA)	Lujan Grisham,
Castro (TX)	Graves (LA)	M.
Chabot	Graves (MO)	Luján, Ben Ray
Cheney	Green, Al	Lynch
Chu, Judy	Green, Gene	MacArthur
Cicilline	Griffith	Maloney,
Clark (MA)	Grijalva	Carolyn B.
Clyburn	Grothman	Maloney, Sean
Coffman	Guthrie	Marchant
Cohen	Hanabusa	Marino
Cole	Handel	Marshall
Collins (GA)	Harris	Massie
Collins (NY)	Hartzler	Mast
Comer	Hastings	Matsui
Comstock	Heck	McCarthy
Conaway	Hensarling	McCaul
Connolly	Herrera Beutler	McClintock
Cook	Hice, Jody B.	McCollum
Cooper	Higgins (LA)	McEachin
Correa	Higgins (NY)	McGovern
Costa	Hill	McHenry
Costello (PA)	Himes	McKinley
Courtney	Holding	McMorris
Cramer	Hollingsworth	Rodgers
Crawford	Hoyer	McNerney
Crist	Hudson	McSally
Crowley	Huizenga	Meadows
Cuellar	Hultgren	Meehan
Culberson	Hunter	Meeks
Cummings	Hurd	Meng
Curbelo (FL)	Issa	Mitchell
Curtis	Jayapal	Moolenaar
Davidson	Jeffries	Mooney (WV)
Davis (CA)	Jenkins (KS)	Moore
Davis, Rodney	Jenkins (WV)	Moulton
DeFazio	Johnson (GA)	Mullin

Murphy (FL)	Rosen	Takano
Nadler	Roskam	Taylor
Neal	Ross	Tenney
Newhouse	Rothfus	Thompson (CA)
Noem	Rouzer	Thompson (MS)
Nolan	Roybal-Allard	Thompson (PA)
Norcross	Royce (CA)	Thornberry
Norman	Ruiz	Tipton
Nunes	Ruppersberger	Titus
O'Halleran	Rush	Tonko
O'Rourke	Russell	Torres
Olson	Rutherford	Trott
Palazzo	Ryan (OH)	Turner
Pallone	Sánchez	Upton
Palmer	Sarbanes	Valadao
Panetta	Scalise	Vargas
Pascrell	Schakowsky	Veasey
Paulsen	Schiff	Vela
Payne	Schneider	Velázquez
Pearce	Schrader	Visclosky
Pelosi	Schweikert	Walberg
Perlmutter	Scott, Austin	Walden
Perry	Scott, David	Walker
Peters	Sensenbrenner	Walorski
Peterson	Serrano	Walters, Mimi
Pingree	Sessions	Wasserman
Pittenger	Sewell (AL)	Schultz
Poe (TX)	Shea-Porter	Waters, Maxine
Poliquin	Sherman	Watson Coleman
Polis	Shimkus	Weber (TX)
Posey	Shuster	Webster (FL)
Price (NC)	Sinema	Welch
Quigley	Slaughter	Wenstrup
Raskin	Smith (MO)	Westerman
Ratcliffe	Smith (NE)	Williams
Reed	Smith (NJ)	Wilson (FL)
Reichert	Smith (TX)	Wilson (SC)
Rice (SC)	Smith (WA)	Wittman
Roby	Smucker	Womack
Roe (TN)	Soto	Woodall
Rogers (AL)	Speier	Yarmuth
Rogers (KY)	Stefanik	Yoder
Rokita	Stewart	Yoho
Rooney, Thomas	Stivers	Young (AK)
J.	Suozzi	Young (IA)
Ros-Lehtinen	Swalwell (CA)	Zeldin

NAYS—2

Napolitano

NOT VOTING—34

Barletta	Gohmert	Rohrabacher
Bass	Gowdy	Rooney, Francis
Blackburn	Gutiérrez	Sanford
Bridenstine	Harper	Scott (VA)
Buchanan	Huffman	Simpson
Butterfield	Jackson Lee	Sires
Clarke (NY)	Kennedy	Tiberi
Clay	Messer	Tsongas
Cleaver	Pocan	Wagner
Davis, Danny	Renacci	Walz
DesJarlais	Rice (NY)	
Frankel (FL)	Richmond	

□ 1851

Mr. GRIJALVA, Mrs. WATSON COLEMAN, Messrs. TAKANO, VISCLOSKEY, and NADLER changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WAGNER. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 672.

Mrs. NAPOLITANO. Mr. Speaker, during rollcall Vote number 672 on H.R. 2706, I mistakenly recorded my vote as "nay" when I should have voted "yes."

PROTECTING RELIGIOUSLY AFFILIATED INSTITUTIONS ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1730) to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 27, as follows:

[Roll No. 673]

YEAS—402

Abraham	Collins (GA)	Fudge
Adams	Collins (NY)	Gabbard
Aderholt	Comer	Gaetz
Aguilar	Comstock	Gallagher
Allen	Conaway	Galleo
Amodei	Connolly	Garamendi
Arrington	Cook	Garrett
Babin	Cooper	Gianforte
Bacon	Correa	Gibbs
Banks (IN)	Costa	Gomez
Barr	Costello (PA)	Gonzalez (TX)
Barragán	Courtney	Goodlatte
Barton	Cramer	Gosar
Beatty	Crawford	Gottheimer
Bera	Crist	Granger
Bergman	Crowley	Graves (GA)
Beyer	Cuellar	Graves (LA)
Biggs	Culberson	Graves (MO)
Billirakis	Cummings	Green, Al
Bishop (GA)	Curbelo (FL)	Green, Gene
Bishop (MI)	Curtis	Griffith
Bishop (UT)	Davidson	Grijalva
Black	Davis (CA)	Grothman
Blum	Davis, Rodney	Guthrie
Blumenauer	DeFazio	Hanabusa
Blunt Rochester	DeGette	Handel
Bonamici	Delaney	Harris
Bost	DeLauro	Hartzler
Boyle, Brendan	DelBene	Hastings
F.	Demings	Heck
Brady (PA)	Denham	Hensarling
Brady (TX)	Dent	Herrera Beutler
Brat	DeSantis	Hice, Jody B.
Brooks (AL)	DeSaulnier	Higgins (LA)
Brooks (IN)	Deutch	Higgins (NY)
Brown (MD)	Diaz-Balart	Hill
Brownley (CA)	Dingell	Himes
Buck	Doggett	Holding
Bucshon	Donovan	Hollingsworth
Budd	Doyle, Michael	Hoyer
Burgess	F.	Hudson
Bustos	Duffy	Huffman
Byrne	Duncan (SC)	Huizenga
Calvert	Duncan (TN)	Hultgren
Capuano	Dunn	Hunter
Carbajal	Ellison	Hurd
Cárdenas	Emmer	Issa
Carson (IN)	Engel	Jayapal
Carter (GA)	Eshoo	Jeffries
Carter (TX)	Españillat	Jenkins (KS)
Cartwright	Estes (KS)	Jenkins (WV)
Castor (FL)	Esty (CT)	Johnson (GA)
Castro (TX)	Evans	Johnson (LA)
Chabot	Farenthold	Johnson (OH)
Cheney	Faso	Johnson, E. B.
Chu, Judy	Ferguson	Johnson, Sam
Cicilline	Fitzpatrick	Jones
Clark (MA)	Fleischmann	Jordan
Clarke (NY)	Flores	Joyce (OH)
Cleaver	Fortenberry	Kaptur
Clyburn	Foster	Katko
Coffman	Fox	Keating
Cohen	Frankel (FL)	Kelly (IL)
Cole	Frelinghuysen	Kelly (MS)

Kelly (PA)	Moulton	Scott, David
Khanna	Mullin	Sensenbrenner
Kihuen	Murphy (FL)	Serrano
Kildee	Nadler	Sessions
Kilmer	Napolitano	Sewell (AL)
Kind	Neal	Shea-Porter
King (IA)	Newhouse	Sherman
King (NY)	Noem	Shimkus
Kinzinger	Nolan	Shuster
Knight	Norcross	Sinema
Krishnamoorthi	Norman	Slaughter
Kuster (NH)	Nunes	Smith (MO)
Kustoff (TN)	O'Halleran	Smith (NE)
Labrador	O'Rourke	Smith (NJ)
LaHood	Olson	Smith (TX)
LaMalfa	Palazzo	Smith (WA)
Lamborn	Pallone	Smucker
Lance	Palmer	Soto
Langevin	Panetta	Speier
Larsen (WA)	Pascarell	Stefanik
Larson (CT)	Paulsen	Stewart
Latta	Payne	Stivers
Lawrence	Pearce	Suozzi
Lawson (FL)	Pelosi	Swalwell (CA)
Lee	Perlmutter	Takano
Levin	Perry	Taylor
Lewis (GA)	Peters	Tenney
Lewis (MN)	Peterson	Thompson (CA)
Lieu, Ted	Pingree	Thompson (MS)
Lipinski	Pittenger	Thompson (PA)
LoBiondo	Poe (TX)	Thornberry
Loeb	Poliquin	Tipton
Loeb	Polis	Titus
Long	Posey	Tonko
Loudermilk	Price (NC)	Torres
Love	Quigley	Trott
Lowenthal	Raskin	Turner
Lowe	Ratcliffe	Upton
Lucas	Reed	Valadao
Luetkemeyer	Reichert	Vargas
Lujan Grisham,	Rice (SC)	Veasey
M.	Roby	Vela
Luján, Ben Ray	Roe (TN)	Velázquez
Lynch	Rogers (AL)	Visclosky
MacArthur	Rogers (KY)	Wagner
Maloney,	Rokita	Walberg
Carolyn B.	Rooney, Francis	Walden
Maloney, Sean	Rooney, Thomas	Walker
Marchant	J.	Walorski
Marino	Ros-Lehtinen	Walters, Mimi
Marshall	Rosen	Wasserman
Mast	Roskam	Schultz
Matsui	Ross	Waters, Maxine
McCarthy	Rothfus	Watson Coleman
McCaul	Rouzer	Weber (TX)
McClintock	Roybal-Allard	Webster (FL)
McCollum	Royce (CA)	Welch
McEachin	Ruiz	Wenstrup
McGovern	Ruppersberger	Westerman
McHenry	Rush	Williams
McKinley	Russell	Wilson (FL)
McMorris	Rutherford	Wilson (SC)
Rodgers	Ryan (OH)	Wittman
McNerney	Sánchez	Womack
MeSally	Sarbanes	Woodall
Meadows	Scalise	Yarmuth
Meehan	Schakowsky	Yoder
Meeks	Schiff	Yoho
Meng	Schneider	Young (AK)
Mitchell	Schrader	Young (IA)
Moolenaar	Schweikert	Zeldin
Mooney (WV)	Scott (VA)	
Moore	Scott, Austin	

NAYS—2

Amash

NOT VOTING—27

Barletta	Gohmert	Rice (NY)
Bass	Growdy	Richmond
Blackburn	Gutiérrez	Rohrabacher
Bridenstine	Harper	Sanford
Buchanan	Jackson Lee	Simpson
Butterfield	Kennedy	Sires
Clay	Messer	Tiberi
Davis, Danny	Pocan	Tsongas
DesJarlais	Renacci	Walz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1859

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING MIAMI JEWISH HEALTH SERVICES; EMPATHICARE VILLAGE

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Miami Jewish Health Systems as they break ground on their cutting-edge memory care facility to be called the S. Donald Sussman EmpathicCare Village. This facility will serve as an essential resource to many elderly individuals in south Florida who find themselves in need of mental health services. The Sussman EmpathicCare Village will also host researchers working on cutting-edge memory care treatment.

This new facility is just the latest accomplishment in the Miami Jewish Health Systems' long tradition of service in our community. For over 75 years, this wonderful organization and its staff have provided compassionate healthcare with dignity and respect and helped those most in need in south Florida to live longer, healthier, and more enriched lives.

Mr. Speaker, I am honored that such an amazing institution is located in south Florida, and it is a pleasure to recognize that the S. Donald Sussman EmpathicCare Village is now a reality. Thanks again to MJHS, and mazel tov on a job well done.

SUPPORTING CYBERSECURITY AND INFRASTRUCTURE SECURITY

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

Mr. LANGEVIN. Mr. Speaker, earlier this evening, the House passed H.R. 3359, the Cybersecurity and Infrastructure Security Agency Act, and I would like to commend Homeland Security Committee Chairman MCCaul and Ranking Member THOMPSON for their efforts getting it through the House, along with my colleagues on the Homeland Security Committee.

This bipartisan bill makes long overdue changes to the organization of the National Protection and Programs Directorate, or NPPD, to reflect its growing operational role in cybersecurity. Despite it being notionally a headquarters component, NPPD is home to the government's premier cyber incident response teams; the 24/7 watch

floor and information sharing hub; and the Federal Network Resilience Division, tasked with supporting other agencies in defending their networks. NPPD is also charged with leading asset response activities under the National Cyber Incident Response Plan.

H.R. 3359 recognizes that these activities go far beyond NPPD's original mission and raises the renamed component to an agency on par with Customs and Border Protection or the TSA.

Mr. Speaker, I hope the bill makes crystal clear that DHS is the primary agency for domestic cybersecurity in peacetime, and I encourage young people looking at cybersecurity careers to consider joining the vanguard at this new agency. I look forward to its swift passage and consideration in the Senate.

SEX AND LABOR TRAFFICKING IN LIBYA

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

Mr. POE of Texas. Mr. Speaker, the auctioneer shouted: "Does anybody want to buy a worker? Here is a worker, a big strong man. He will dig.

"What is the bid? What is the bid?"

"Sold to the highest bid of \$400."

Mr. Speaker, West Africans go to Libya thinking that they will get a job in Europe but, instead, are sold in Libya to labor and sex traffickers. These Africans simply seek a new life, free from terrorism, persecution, and famine; however, they become victims of modern-day slavery.

In the years following the United States' overthrow of the Libyan Government, the nation became a failed state. Sinking further into despair, the failed state became a brothel of slavery: human sex and labor trafficking. People are bound to the slave block and sold at the marketplace of sex slavery and labor trafficking.

Mr. Speaker, slavery is a crime against humanity, and the United States must exercise caution when toppling regimes without understanding the long-term consequences like human slavery.

And that is just the way it is.

CONGRATULATING MONTCLAIR HIGH SCHOOL FOOTBALL TEAM

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

Mr. PAYNE. Mr. Speaker, I rise today to congratulate the Montclair High School Mounties football team for winning their State championship game against the Union City Soaring Eagles.

The Mounties' senior running back, Daniel Webb, returned the championship game's opening kickoff 92 yards

for a touchdown only 13 seconds after the game began. The Mounties never lost their lead. They beat Union City 35-14 and won New Jersey's North 1, Group 5 State championship. This was Montclair's third perfect season and fourth State championship in the past 6 years.

The championship is a big win for everyone in Montclair, New Jersey. For weeks, local businesses and community groups came together to support the Mounties. At the championship game, on December 1, more than 1,500 fans turned out to cheer their team on.

I ask my colleagues to join me in congratulating head coach John Fiore and the Montclair Mounties football team for their big win in a stellar year.

PREVENTING MATERNAL DEATHS

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

Mr. PAULSEN. Mr. Speaker, I rise today to speak in support of the Preventing Maternal Deaths Act. This bill would strengthen States' abilities to combat pregnancy-related and pregnancy-associated deaths.

Unfortunately, the number of these deaths in the United States has increased, according to the CDC. We also have the highest maternal mortality rate of any developed country, and we are the only country where maternal deaths continue to rise.

That is why this bill is so important: It helps States establish and support maternal mortality review committees to examine the causes of these deaths and then identify solutions that fit their community. It addresses disparities in maternal health outcomes and offers these committees the tools to collect the data they need to address—and, hopefully, to eliminate—the causes of these unnecessary tragedies.

Minnesota's committee has already shown promise but would benefit from the additional resources this legislation provides.

Mr. Speaker, this bill enjoys bipartisan support and could reduce the number of unnecessary pregnancy-related and pregnancy-associated deaths. By taking this important step, we can and will save lives.

NET NEUTRALITY

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

Ms. GABBARD. Mr. Speaker, in 3 days, the internet as we know it could change forever.

On December 14, the FCC will be taking a vote on whether or not to get rid of net neutrality protections that keep the internet open, fair, and equal for everyone. Repealing these protections will allow internet service providers

like Verizon, Comcast, and AT&T to control the levers of the internet—stifling access, deciding which websites you and I can visit and use, and making it virtually impossible for small businesses to compete against industry giants.

It will hurt our students, entrepreneurs, working families, and all who rely on the internet for things from education to healthcare to employment as a level playing field of opportunity.

The FCC must protect the people it is supposed to be serving, not big corporate interests, and make sure that the internet remains a place where everyone has a seat at the table.

SUPPORT YOUNG FARMERS AND VETERANS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of the Farmers of Tomorrow Act, a bill that Congresswoman CHERI BUSTOS and I recently introduced. Our bill was designed to make it easier for young farmers and veterans to purchase new land to begin a farming career.

New and beginning farmers can obtain ownership loans through USDA to buy land, but too many experience difficulty due to outdated experience requirements that do not take into account the variety of paths future farmers can take to prepare to run their operations.

The Farmers of Tomorrow Act allows new, beginning, or veteran farmers to count various experience toward the current 3-year experience requirement to make it easier to access USDA financing. This includes an honorable discharge from the United States military, successful completion of a farm management curriculum, at least 1 year as hired farm labor with management responsibilities, and more.

Access to land is essential for supporting the next generation of farmers. This legislation will help get more Americans involved in agriculture, while strengthening rural communities. I encourage all my colleagues to support it.

TAX PROPOSAL

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

Mr. KRISHNAMOORTHY. Mr. Speaker, this week the Republican leadership will reconcile the House and Senate tax proposals. In doing so, I strongly urge my colleagues to put politics aside and put working families first.

To do this, we need to enable employers and workers to invest in new skills

for emerging jobs in our evolving economy. We need to spur infrastructure investment. We need to promote innovation, entrepreneurship, and new business formation. We need to ensure that every American has access to a quality education that prepares them for a successful career.

We need to do all of this without exploding the national debt. The plans before the committee do not pay for themselves. Unfortunately, they do not guarantee against cuts to Medicare, Medicaid, and Social Security either, and they do not put working families first.

For the sake of our economy and for the sake of our seniors, students, and working families, I strongly urge the conferees to produce a bill that focuses on their needs.

□ 1915

RECOGNIZING SERGEANT VINCENT SCALISE

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

Ms. TENNEY. Mr. Speaker, I rise today to recognize Sergeant Vincent Scalise, the founder of the Central New York Veterans Outreach Center in Utica, New York.

Sergeant Scalise has served our Nation in the Army National Guard for over 19 years and was deployed to Afghanistan and Iraq with the 2nd Battalion, 108th Infantry. Sergeant Scalise has also responded to multiple natural disasters and homeland security missions, and was awarded the New York National Guard's Colonel Gouverneur Morris Citizen/Soldier Award.

In 2008, Sergeant Scalise saw an opportunity in the vacant YMCA building in downtown Utica for a veterans outreach center to serve veterans and their families in times of need. His vision and hard work has created a safe and welcoming refuge for veterans and their families.

Currently, the Central New York Veterans Outreach Center administers a Federal grant to aid veterans in danger of becoming homeless, and it has a food pantry onsite for veterans and their families, among a variety of other services. Work has begun to construct 18 onsite housing units, and the center has been awarded its fourth consecutive Federal veteran homeless prevention grant.

I commend Sergeant Scalise for his dedicated service to our country, community, and fellow veterans, and I wish the center many more years of growth and success.

HONORING ALBERT O. ORTA

(Mr. GARAMENDI asked and was given permission to address the House

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

Mr. GARAMENDI. Mr. Speaker, the recent passing of the father of my district director brings me to the floor today to speak about the extraordinary career of Albert O. Orta and his selfless service to our Nation.

He began his career in the U.S. Air Force at Lackland Air Force Base in 1947, where he became an expert on radar and communications equipment. In 1949, he married Mary Louise Guerrero, which resulted in 12 children, 31 grandchildren, and 29 great-grandchildren.

Mr. Orta was a busy man, but he also served his country after leaving the U.S. Air Force. He became an expert in radar engineering and communications, working on the B-29, B-36, B-47, and B-52, as well as fighter jets F-84, F-86A, F-89, F-102, and F-106.

His outstanding accomplishments and his willingness to serve our Nation faithfully and to the best of his abilities brought him praise from President Jimmy Carter and a host of generals all around this Nation.

Mr. Speaker, I ask my colleagues and the United States House of Representatives to join me in honoring Albert O. Orta for his distinguished career and his proud service to our country.

CALLING AN ANGEL

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

Mr. OLSON. Mr. Speaker, the Bible says angels come down from Heaven to end our pain.

On December 9, 2006, God called an angel home to end our pain. Her name was Chelsey Campbell. She died of cancer at age 16.

Our Lord put Chelsey in the hearts of two dear friends, Trish and Kevin Kline. They started the Snowdrop Foundation to end cancer for all kids. Kevin is a DJ on the 93Q Morning Zoo. Loyal listeners call Kevin "Gumpman." He is joined by two partners, Erica "La Reina Hermosa" Rico and Tim "Knucklehead" Tuttle.

Every Christmas, 93Q partners with Snowdrop and the Texas Children's Hospital for a radiothon. All December, stories are aired on iHeartRadio from parents and kids who are fighting cancer.

Please tune in. If you listen closely, you will hear Chelsey's voice and feel her heart.

APP CHALLENGE WINNERS

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

Ms. JAYAPAL. Mr. Speaker, I rise today to recognize West Seattle High

School students Will Rasmussen and Aidan Day as the winners of Washington's Seventh District Congressional App Challenge.

Will and Aidan developed an app that helps students and teachers maximize learning time in the classroom by automating the checking of attendance, which often takes several minutes of class. Will's and Aidan's design uses RFID technology to let students quickly tag into class using a keycard similar to ORCA cards, our region's transit access cards which allow passengers to pay their bus and train fare by swiping their cards.

Our diverse group of App Challenge judges praised Will's and Aidan's ingenuity. Microsoft enterprise specialist Hammad Rajjoub called it "a great idea to bring to life," because "time is the most important asset we all have." Other judges suggested scaling it up for use in other school districts.

Will's and Aidan's winning project is a model for all of us to use our creativity, knowledge, and ultimately the technology we create to benefit the greater good and improve our communities.

Congratulations, Will and Aidan.

GIRL SCOUTS OF WATAUGA COUNTY

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

Ms. FOXX. Mr. Speaker, as we approach Christmas, many of us consider the season of giving and some also think of Christmas cookies. Equally, when many consider giving back, or cookies, they think of the Girl Scouts. However, Mr. Speaker, it is important to note that Girl Scouts do more than sell cookies. They actively work to improve their communities all year long.

Five Girl Scouts in Watauga County recently received the bronze and silver awards for outstanding community service. A few troops earned awards for redecorating a library reading cave to encourage classmates to spend more time learning. Another Girl Scout taught a free dance class so that children who couldn't afford lessons wouldn't miss out. Last, one Girl Scout sought to help end hunger in Watauga County. She wrote thank-you cards to sponsors that provided funds for healthy Thanksgiving meals to feed the hungry.

These young women are a credit to their parents and to our communities. I congratulate these young women on their well-earned awards, and I look forward to their continued success.

RECOGNIZING WILLIAM ADAMCAK

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize the life of Mr. William Adamcak, who passed away on November 23, 2017, at 98 years of age.

Mr. Adamcak was a true patriot and an American war hero, serving in World War II, the Korean war, and the Vietnam war. He received the Purple Heart for his service in D-day during World War II. Even though he and the rest of the Allied forces faced heavy Nazi resistance, Mr. Adamcak led his men through the infamous Omaha Beach and into the French uplands, where they dug foxholes.

Huddled in their foxholes, they faced heavy mortar attack from the Germans. But through Mr. Adamcak's bravery, training, and leadership, he led his men to a successful completion of their mission.

Mr. William Adamcak was a living legend and hero, and I could not be more honored to recognize this man from the Greatest Generation on the House floor today. He will truly be missed.

CLOSE THE INVESTIGATION

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

Mr. GAETZ. Mr. Speaker, there is an intractable bias and prejudice that infects Robert Mueller's investigation of President Trump and his team.

Look no further than Peter Strzok. He was central to clearing Hillary Clinton by changing the information in her exoneration statement from grossly negligent to extremely careless. Then, somehow, he gets drafted into the Mueller probe and starts sending anti-Trump, pro-Hillary text messages to his mistress.

Then we learn that Bruce Ohr, who was also involved in the investigation, met with Fusion GPS officials proximate to their interactions that impacted the election. Now we have learned that the wife of Bruce Ohr—the wife of a senior official involved in this investigation—was moonlighting, working for Fusion GPS and bringing up scandalous, unverified, and salacious accusations against the President.

Even Mueller's number two, Andrew Weissmann, praised Sally Yates for defying a direct order from the President.

It is time to bring this witch hunt of an investigation to a close and move on to Make America Great Again.

150 YEARS OF HBCU EXCELLENCE

The SPEAKER pro tempore (Mr. TAYLOR). Under the Speaker's announced policy of January 3, 2017, the gentlewoman from North Carolina (Ms. ADAMS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include any extraneous material on the subject of this Special Order.

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

There was no objection.

Ms. ADAMS. Mr. Speaker, for the next 60 minutes, we have a chance to speak directly to the American people on issues of great importance to the Congressional Black Caucus, the Congress, our constituents, and all Americans.

I acknowledge all the members of the Congressional Black Caucus who are here, and most specifically, Congressman RICHMOND, who helped to organize this Special Order hour.

As we convene tonight, we are going to recognize our HBCUs, and more specifically, the nine HBCUs under the caption of: 150 Years of Excellence.

I rise today to honor our Historically Black Colleges and Universities, and in particular, the nine schools that are celebrating 150 years.

As a member of the CBC's Task Force on HBCUs and as co-chair of the bipartisan HBCU Caucus, I have the distinct pleasure of honoring all of the following schools of the HBCU 9 for this remarkable achievement: Alabama State University; Barber-Scotia College; Fayetteville State University; Howard University; Morehouse College; Morgan State University; St. Augustine University; Talladega College; and from my very own 12th District in North Carolina, Johnson C. Smith University.

The achievement of these schools across the past 150 years are beyond remarkable and their reputation as incubators of innovation and Black leadership is an incredible accomplishment in and of itself.

From humble beginnings, these schools have been able to persevere, despite decades of discrimination and intentional neglect, in order to provide African Americans a first class education.

Mr. Speaker, I stand here today as a living testament to the necessity and the importance of HBCUs. My mother, who raised me, was not an educated woman. She wasn't able to obtain a high school education. She didn't attend an HBCU, for that matter. But she understood how important education would be in my life. She did domestic work. She cleaned other folks' houses so I wouldn't have to because she understood how important it was for me to go to school.

But like those visionaries who founded these schools after surviving the horrors of slavery, my mom dreamed of a better future for me, her daughter. When I could not fully recognize the

potential in myself, it was an HBCU, North Carolina A&T State University, that saw something in me and made a committed investment toward my success.

North Carolina A&T State University gave a poor Black girl from the ghetto of Newark, New Jersey, an opportunity because it believed in opportunity and the fundamental importance of education that W.E.B. Du Bois spoke about when he said: "Of all the civil rights for which the world has struggled and fought for 5,000 years, the right to learn is undoubtedly the most fundamental."

A&T took me where I was. They got me to where I needed to be. They shaped and molded me into what they knew I could become. Just as our HBCUs have done for many of our colleagues who join me in the people's House today, our HBCUs are responsible for educating 20 Members of this esteemed body and one Member of the U.S. Senate.

But that is only a small part of the story that these schools are continuing to tell. HBCUs also contribute 50 percent of African-American professionals and public schoolteachers. They contribute 25 percent of all African-American STEM graduates, 40 percent of all African-American engineers, 50 percent of African-American lawyers, and 80 percent of African-American judges.

□ 1930

Most plainly, HBCUs are responsible for building today's African-American middle class—this is a record to be proud of—and, of all of these accomplishments, without the assistance and support from the government and our private sector partners that they need and deserve.

Mr. Speaker, as we stand here tonight, as the CBC, to honor HBCUs, we remain vigilant about the current dangers that they face. Many HBCUs still suffer from barriers for access for students, such as affordability, and the overall financial instability of both the students they serve and of the institutions themselves, due to a lack of access to funding.

As many of you know, one of my first tasks when I entered Congress was to launch the bipartisan HBCU Caucus, with my co-chair BRADLEY BYRNE from Alabama. Vice chairing our caucus is TERRI SEWELL and BENNIE THOMPSON, and FRENCH HILL on the Republican side. Since its inception, we have witnessed fortunate growth to a total of 58 Representatives and 2 Senators. We came together to create a national dialogue around HBCUs for our Members and their staffs about the issues impacting our schools. We also came together to draft meaningful bipartisan legislation.

In accomplishing the first aim, the willingness of Members to attend today illustrates that a national dialogue has

begun. Before we leave here today, our Members and our staffs, who couldn't join us tonight, will, hopefully, learn and know the issues. To achieve the third legislative goal, it will take the collective effort of all of us who have been entrusted to work here in the people's House.

Tomorrow, I and my colleagues on the Education and the Workforce Committee will debate a reauthorization of the Higher Education Act, a flawed piece of legislation that, in many respects, will devastate HBCUs and their students. Consideration of this measure illustrates how we need that collective effort from both sides of the aisle to work together now, more than ever.

Mr. Speaker, I ask my colleagues tonight, dedicated to the achievement of HBCU students and graduates, to come together to work to increase access and career opportunities. I hope we can all, tonight, vow to take substantive action and recognize that the government cannot take on this aim and this challenge alone. Let's work with our private partners to create pathways of opportunity for our students, placing them in fields that will make the African-American middle class larger and stronger than ever.

Let's vow to continue listening to our HBCUs and their able administrators, to ensure that they have the tools and the resources to make that happen, for only then can we ensure that these valuable institutions not only survive, but that they thrive. We have a number of universities in North Carolina for public HBCUs and six private HBCUs, and we are so very proud of all of our HBCUs throughout this Nation.

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. THOMPSON), my colleague.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I represent the Second District of Mississippi. I would like to pay tribute to those four Historically Black Colleges that reside in the Second District, but before I do, I want to, for the record, make sure that people understand the role of Historically Black Colleges and how they actually came to exist.

For those who think education has always been here for anyone who would want it, I just take you back to that 150 years ago that my colleague from North Carolina talked about. Well, that 150 years was the beginning of people recognizing that African Americans should have the opportunity to go to school, just like anyone else.

But, unfortunately, in this country, if you were of color, there were no provisions for you to have a college education. So, for a lot of people in this country, it didn't matter how bright they were, it was the fact that there were no institutions available for you to go.

It is also important to look at my situation in my area that I represent, Mr. Speaker. When I went to college, I had never met an African-American doctor, lawyer, dentist, or anything because they didn't exist. When I got to college, my college physician was an African American, but I went to Tougaloo College. He was a graduate of Tougaloo, and he had to go to medical school out of State because no medical school would admit him. But the most important thing I am saying is that for a lot of professionals who wanted to do good in their communities, they had to go out of State, so Historically Black Colleges were created.

I met Martin Luther King, Jr., on the campus of Tougaloo College when I was a student. Tougaloo College and Rust College, in another district, were the only two institutions of higher learning that would allow Martin Luther King, Jr., to speak on their campus, and they both were Historically Black Colleges. So, if for no other reason, Historically Black Colleges have helped level the playing field. They have exposed a number of African-American students to a broader view in terms of life and what happens, but they were also put in situations, Mr. Speaker, and an environment that they could relate to.

So, Tougaloo College, I salute you.

Jackson State University is the largest Historically Black College in the State of Mississippi, well renowned. They have over 10,000 students on its campus. It is the only State-supported university in the capital city. So we pay special tribute to Jackson State University. They are noted for a number of graduates, too many to name. They continue to excel in every facet of academia.

Alcorn State University, the oldest African-American land grant college in America, turns out a number of students who have gone on to excel not just in agriculture, but in medicine, law, and education.

Mississippi Valley State University, located in Itta Bena, Mississippi, was created to avoid integration. If you look at the charter for Mississippi Valley State University, it was created so Negroes could go to school in the Mississippi Delta and not be forced to integrate into the White colleges. So, for whatever reason, Mississippi Valley State University was created, and it thrives to this point.

Mr. Speaker, the most important thing I would like to say is that when I was a student at Jackson State University, I participated in a lawsuit that talked about equity in funding for Historically Black Colleges. It took us 27 years of litigation—*Ayers v. Mississippi Institutions of Higher Learning*—to prove that the Black schools were not getting the same resources as the White schools. We won the lawsuit and we are now talking about equity in those institutions.

As important is not just having the institutions, but those who are State-supported, to have the proper resources so their students can become and be the best that they can be. It is fitting and proper that we celebrate not just the nine HBCUs, but let's talk about all of them and the merit and worth that they have given to this country.

Mr. Speaker, I pay special tribute—and I think there are about 103 or 104 Historically Black Colleges—106. I stand corrected. So, again, they are doing a wonderful job, but it is the purpose for which they were created.

Some people will try to convince that there is no issue with race in America today, and I beg to differ that if it were not for those Historically Black Colleges, a lot of individuals would not be where they are today. If you talk to those 20 Members of the United States House of Representatives who are graduates of Historically Black Colleges, they will talk to you and tell you about the fabric and representation that going to those schools provided to them.

I am happy to say that not only is my daughter a graduate of two HBCUs, but my granddaughter is also attending Xavier University of Louisiana in New Orleans. She really didn't have a choice in the matter, but she thought she did; but at the end of the day, she is a second-year student there, and I am happy to say that she wouldn't have it any other way. So that HBCU education is already sinking in. Whatever she chooses to do, I am convinced that her perspective will be far broader because of her attendance at Xavier University of Louisiana.

Ms. ADAMS. Mr. Speaker, I thank the gentleman from Mississippi for not only that valuable information, but for the work that he has done over the years and for making an HBCU choice. I did the same thing for my daughter. I said: You go wherever you want, my money is going to an HBCU.

But nothing could be finer than to be at an HBCU. It really does so much to get our students to where they need to be, especially those who come the way I did: not fully prepared.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. BISHOP), from the Second District.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentlewoman for yielding.

This is certainly a very, very appropriate tribute. As a product of Morehouse College, I know firsthand the important contribution HBCUs have made in educating, training, and empowering outstanding leaders.

Morehouse College is celebrating its sesquicentennial this year. Throughout its 150-year history, Morehouse College has made a significant mark on our State, our Nation, and the world. Here, many notable men gained the knowledge and the training that enabled them to become some of the greatest

influences of our time, including Dr. Martin Luther King, Jr.; noted theologian, Dr. Howard Thurman; civil rights leader, Julian Bond; filmmaker Shelton “Spike” Lee; Olympic gold medalist Edwin Moses; CEO of the Silicon Valley Community Foundation, Emmett Carson; and many more.

Morehouse principles often instill a desire for public service to benefit mankind. In the United States Congress, Representative CEDRIC RICHMOND, the chairman of the Congressional Black Caucus; as well as many staff members and former Members of Congress, hold degrees from Morehouse College.

U.S. Presidents have relied on alumni, such as former Secretary of Homeland Security, Jeh Johnson; former Secretary of Health and Human Services, Dr. Louis Sullivan; former U.S. Surgeon General, Dr. David Satcher; and former U.S. Ambassador to the United Nations, James Nabrit.

Around the country, State and local governments have been led by alumni, such as Maynard Holbrook Jackson, the first African-American mayor of Atlanta, Georgia.

I have the honor and privilege of representing these two HBCUs in the Second Congressional District of Georgia: Albany State University and Fort Valley State University.

Albany State University, with its rich history, dating back to the trials and the triumphs faced by Joseph Winthrop Holley. Albany State University was first founded as the Albany Bible and Manual Institute in 1903. The school gained State funding in 1917, joined the University of Georgia system in 1932, began offering baccalaureate degrees in 1943, and came back strong after severe floods in 1996 as Albany State University, offering graduate programs and advanced degrees.

□ 1945

Today, the university has a total economic impact of \$143 million and supports 1,493 jobs in the Albany area. Its educational contributions are significant. Albany State is the third in the Nation for bachelor's degrees in education for African Americans. It offers 35 degree programs in education, nursing, criminal justice, business administration, public administration; and Albany State University has produced doctors, lawyers, NASA engineers, military officers, college university presidents, teachers, preachers, mayors, legislators, business people, millionaires, and Olympic medalists.

The Fort Valley State University, which I have the honor of representing, was founded 120 years ago. Fort Valley is Georgia's only 1890 land-grant institution charged with educating and empowering its students and its surrounding community.

As many of you are aware, 1890 institutions, including Fort Valley State

University, were created to ensure access to higher education in the agricultural and natural resource sciences to serve the underserved and reach the unreached.

Fort Valley has always been known to not only train and graduate tomorrow's talented leaders but to ensure that these leaders are as diverse as the communities they serve in their skill sets, their experiences, and their perspectives. Fort Valley State University has excelled at this job. It generates an economic impact of \$109 million for its local and regional economy and generates 1,125 jobs.

In addition to the educational, social, and community benefits a Fort Valley education provides, it is estimated that Fort Valley State University increases its graduates' lifetime earnings by 61 percent.

As you can see, Historically Black Colleges and Universities are a vital part of the fabric of our educational system. I congratulate them for their contributions to our Nation, and I look forward to their continued tutelage for generations of future leaders for this country and the world.

Ms. ADAMS. Mr. Speaker, I thank the gentleman from Georgia (Mr. BISHOP), the Morehouse man. I thank him very much for his contributions tonight and for all he has done.

Mr. Speaker, may I ask how much time I have left.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 39 minutes remaining.

Ms. ADAMS. Mr. Speaker, I yield to the gentlewoman from Ohio's Third District (Mrs. BEATTY).

Mrs. BEATTY. Mr. Speaker, it is, indeed, my honor to join my colleagues tonight to recognize and celebrate 150 years of excellence in education at HBCUs. I thank the congresswoman from North Carolina's 12th Congressional District (Ms. ADAMS) for leading the charge tonight.

And to our CBC chairman, Congressman CEDRIC RICHMOND, I thank him for allowing us to come forward and not only tell our stories about the 150 years, but to demonstrate to all of those, Mr. Speaker, who are watching tonight, that we set an example for others to follow.

The nine HBCUs celebrating their 150th anniversaries this year have been educating and transforming Black students across this Nation into leaders. For 150 years, HBCUs have weathered the violence of Jim Crow laws and funding cuts to continue to be the light in many of our overlooked communities.

While my alma mater, Central State University, hasn't been here for 150 years, it was established in 1887. And in 2014, it received the designation as a land-grant university, the last of the HBCUs to become a land-grant.

For 130 years, Central State University has been that light, that training

ground for African-American change makers—African-American change makers in a nation like you see in this picture. It was just a few months ago I traveled back for my homecoming to celebrate with friends and classmates, 130 years. It is 130 years of a university that has produced classmates like Nancy Wilson, Leontyne Price, Orlando Brown, Arsenio Hall, Jason Thomas, a United States Marine who was there during the aftermath of 9/11 and rescued people. Also, we have people like Elizabeth Eckford, one of the Little Rock Nine, a group of African-American students who, as we all remember, in 1957, were the first Black students ever to attend classes at Little Rock Central High School.

I am very thankful for 40-plus years of friendships with individuals like Zenobia Leavell. And when I think of Linda Brown, and as we call her “Lulu,” for organizing this picture, because we stand tall, and we represent all sectors of this community.

Central State provided an education for this little girl from Dayton, Ohio, when my mother and father sat down and they were able to put their dollars and cents together to not only send me, but to send every one of my siblings to an HBCU university. They said: We want you to go there, but we want you to come back. Little did they know that I would stand in the Halls of Congress and advocate for HBCU universities. Attending Central State University changed my life.

It is important for you to know, when we talk about HBCUs, I know it all too well. Just yesterday, I sat at our kitchen table with my grandbabies and their parents and my husband, and our conversation—I was so proud because, you see, it was Howard University, Morehouse College, and Spelman College that produced us. When you think about my husband, an attorney, a graduate of Howard University; when you think about Otto III, an attorney and entrepreneur and graduate of Morehouse College; when you think of Laurel Beatty Blunt, a common pleas court judge and a graduate of Spelman College; I am so proud that when I sat there and I looked at my grandbabies, Leah and Spencer, and as Leah beamed because she was wearing a T-shirt that said: I am Spelman-bound, Grammy; and then there is Spencer, who will be going to Morehouse, that is because we stand on the shoulders of so many.

Why do we come tonight? We come to tell you that 40 percent of all Black Members of Congress are graduates of HBCUs; 12.5 percent of all Black CEOs, HBCUs; half of all the Black professors at non-HBCUs; 50 percent of all Black lawyers, graduates of HBCUs; and 80 percent of all Black judges, graduates of HBCUs.

When I think about today, with Trump's administration and with their proposals to cut Pell grants, when I

think about the threats to hold construction grants, when I think about Republicans' assault on students in the Republican tax scam hike, it is a sad day in America.

We come today because we want our voices to be heard, because we know, in the words of one of our own, Barbara Jordan: "Education remains the key to both economic and political empowerment. That is why schools charged with educating African Americans have, perhaps, the deepest challenge of all."

Mr. Speaker, let me end by saying two things in the words of Nelson Mandela, and I think it sums it all up: "Education is the most powerful weapon you can have to change the world."

That is why I stand here with my colleagues, standing up for HBCUs, standing up that this administration will understand that we expect—no, we demand to get the appropriate funding so our children, our grandchildren, and generations yet unborn will have the same opportunities that I have had and so many more, because when HBCUs succeed, America succeeds.

Ms. ADAMS. Mr. Speaker, I thank the gentlewoman from Ohio (Mrs. BEATTY) for her participation and for all of the work that she continues to do, and we are so very proud of her acknowledgment tonight of our HBCUs.

Mr. Speaker, I yield to the gentlewoman from the 14th District in Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. Mr. Speaker, I want to thank the congresswoman from the great State of North Carolina (Ms. ADAMS) for her endless passion for education of the next generation and her strong support of our HBCUs. I also want to acknowledge our chairman, CEDRIC RICHMOND, our CBC chairman.

Mr. Speaker, I stand here today to recognize something truly incredible. This year, nine Historically Black Colleges and Universities are celebrating their 150th anniversaries, 150 years of excellence, of endurance, and of new opportunity, collective strengths, and a core belief in the value of education.

Mr. Speaker, we so often talk about the American Dream, and we talk about that ladder of success that any American can have if they work hard and get an education. We all know that that first rung of that ladder is clearly education, and if we do not keep our promise in America to educate, we are failing in our American commitment to excellence in developing all young people to obtain their greatness.

As we look upon these accomplishments of 150 years, we are reminded how important and how vital these schools have been to the advancement of African Americans.

Mr. Speaker, by establishing these amazing places or institutions of learning, against all odds, and by turning them into world-class institutions, African-American leaders have made it

clear that we hold the belief in education just as dearly as anyone else in America.

However, to ensure that some day we can celebrate these amazing institutions' 200th and 300th anniversaries, it is critical that we, as a country, resist the shameful attacks on our education system.

Unfortunately, Mr. Speaker, the current tax plan being negotiated by my Republican colleagues threatens our educational system like never before. It pains me to stand here tonight congratulating 150 years of academic excellence while a small group of Republicans are working behind closed doors to strip educational opportunities for millions of Americans.

I do not believe that this is what the constituents voted for. U.S. citizens did not vote for higher student loan payments, teachers digging deeper in their pockets to supply the basic needs for their students, and a punishing tax on university endowments.

This is truly a tax scam. But perhaps the most senseless attacks on this success are coming from the White House. Earlier this year, I was horrified to see the President refer to the HBCUs as "unconstitutional" simply because they were the answer to a fundamentally unequal education system.

And let me be clear, HBCUs were created because there were no other choices. However, this feeling of being horrified or disappointed, I had frequently this year. While I am horrified, unfortunately, it is no longer a surprise. After all, this is a President who refused to denounce the blatant racism in Charlottesville and whose Education Secretary foolishly called HBCUs the "pioneers of school choice." Clearly she doesn't know the history because there was no choice, Mr. Speaker.

□ 2000

While this can be unfortunate, disappointing, and even sickening, HBCUs were born out of adversity, and I see no reason to cave to the pressure now. We need to protect our HBCUs for future generations, for tomorrow's leaders because, as we continue to see, equality is a fight. Equality is a process.

I know a day will come, and I pray that I will be able to see with my own eyes, that equality in education and equality in this country is a reality. But until then, we must acknowledge today's successes, the successes of these amazing places, institutions of learning, and continue to fight for tomorrow's dreams of our next generation.

Ms. ADAMS. Mr. Speaker, I thank the gentlewoman from Michigan for her contribution tonight and for her support of Historically Black Colleges and Universities.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from North Carolina has 24½ minutes remaining.

Ms. ADAMS. Mr. Speaker, I yield to the gentleman from the Third District of Virginia (Mr. SCOTT), who is the ranking member on the Education and the Workforce Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for yielding. I also want to thank her for her leadership in organizing this Special Order and for her leadership of the Historically Black Colleges and Universities Caucus.

HBCUs provide a great value to America, and I am honored to represent a congressional district that is home to two HBCUs: Hampton University, which celebrates its 150th anniversary next year, and Norfolk State University.

Since their inception, HBCUs have been the cornerstone of postsecondary education for the African-American community. This was true 150 years ago and remains true today. HBCUs account for no more than 3 percent of all colleges and universities, yet they enroll almost 10 percent of all African-American undergraduate students and produce about 15 percent of all bachelor's degrees earned by African Americans.

They also produce 25 percent of African-American STEM graduates and 33 percent of African-American science and engineering Ph.D.'s. Approximately half of all African-American teachers graduated from HBCUs. Many of them choose to teach in high-minority, low-income school districts where they serve as role models for their communities.

As ranking member of the Committee on Education and the Workforce, I know the prominent role that HBCUs play in our higher education landscape. I believe that strengthening and supporting them must be a key priority as Congress looks ahead to taking action on the reauthorization of the Higher Education Act. However, it does not appear that the majority shares that belief.

The Committee on Education and the Workforce meets tomorrow morning at 10 to mark up H.R. 4508, a partisan rewrite of the Higher Education Act that was drafted in secret, introduced less than 2 weeks ago, and is now being considered in committee without a single hearing on the bill.

Mr. Speaker, HBCUs, those who lead them, those who support them, and those who hope their children might one day attend them, should be gravely concerned with H.R. 4508. This is a bad deal for students, a bad deal for schools, and a bad deal for working families.

This bill would decimate the Federal student aid for low-income students. It would significantly reduce available aid for grants—that is money that students don't have to pay back, forcing them to borrow more money. It leaves

the Pell Grant program as the only remaining grant aid, yet it fails to increase Pell dollars, fails to increase the Pell maximum award to account for inflation, and it expands eligibility to low-quality programs without any Federal oversight.

This bill changes the available terms for Federal student loans, making them far less generous than current law, and eliminates the Public Service Loan Forgiveness program, a program that attracts the best and the brightest to forgo higher salaries in exchange for public service.

H.R. 4508 caps loan amounts for graduate students and families, pushing them into higher interest, private markets, and even bars graduate students from participating in Federal work study.

The Republican bill fails to reauthorize the Perkins Loan Program, a campus-based aid program that allows low-income students to access low-cost loans, and eliminates other forms of campus-based aid.

Mr. Speaker, there is no way around it. This is a bad bill. H.R. 4508 will force students to borrow more money, pay more to borrow more, and pay more when they pay that money back. It makes college more expensive at every step of the process, putting college and graduate degrees further out of reach for low-income and minority students. Those are groups that are already underrepresented in our higher education system and served at higher rates by HBCUs and other minority-serving institutions.

Further, the bill makes no additional investment in minority-serving institutions and other underresourced institutions, institutions that tend to serve communities of color, and eliminates grant programs that support minority students who want to pursue postgraduate degrees. The bill would even incentivize institutions to forgo enrollment of high-risk students.

Lastly, the bill prioritizes low- or no-quality workforce training over more advanced credentialing, potentially exacerbating what is on track to become a two-tiered system of higher education: college and graduate school for the wealthy, and direct-to-workforce training for the poor.

While not every student seeks to pursue a 4-year degree or even a graduate degree, every student must have that option and opportunity to make that choice. According to the United Negro College Fund: "We remain deeply concerned that H.R. 4508 falls short of enabling college success for minority and low-income students who can help our country compete and win the global economy. On balance, the PROSPER Act would cause minority and low-income students to pay more to earn their college degrees at a time when they should be paying less. In addition, we are concerned that one theme of the

bill is to highlight short-term training options, when a 4-year college degree has a substantially greater payoff, in general, with higher lifetime earnings and lower unemployment—and this payoff may be the greatest for minority and low-income students. Further, a significant shortcoming of the bill is it fails to make any new investment in HBCUs which pull above their weight in producing African-American college graduates and, worse, it cuts the current Federal investment in these institutions."

Mr. Speaker, we want to ask what problem H.R. 4508 is trying to solve. Does the majority think there is too much money to send poor and minority students to college? Does the majority think that there are too many poor students and minority students accessing and completing their college education? Does the majority think that inequality in higher education is solved?

Mr. Speaker, as we rise to commemorate 150 years of HBCU excellence, let us remember that we still have a fight to fight. Let us reject H.R. 4508 and fight for a Higher Education Act that not only honors HBCU excellence, but also builds on it through investing in students and working families.

Mr. Speaker, I thank the gentlewoman from North Carolina for organizing this Special Order.

Ms. ADAMS. Mr. Speaker, I thank the gentleman from Virginia for his comments and for his work in education.

Mr. Speaker, I yield to the gentleman from the Second District of Pennsylvania (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I, too, would like to thank my good colleague from the great State of North Carolina for her leadership on this very important issue.

I am proud to stand here with so many of my friends and colleagues tonight for a topic near and dear to my heart: the continued viability and success and importance of HBCUs.

Our HBCUs play an incredible critical role in the stability and strength in our Nation. I truly believe, in order to build stronger neighborhoods, better schools, and other community-sustainable institutions, we must go block by block, we must celebrate the diversity, and we must salute the rich history of the HBCUs and the phenomenal contributions that they have made and will continue to make to our communities nationwide.

I am so proud to say that, for years, our HBCUs have produced amazing leaders who not only contribute to their respective fields, but who also pride themselves on making sure the next generation of African Americans succeed.

The Commonwealth of Pennsylvania is the proud home of two exceptional HBCUs: Cheyney University and Lin-

coln University. They share the distinction of being the first two HBCUs founded in America, a point of great pride to the Commonwealth of Pennsylvania. Many of my fellow members of the CBC have HBCUs in their States, but they started in Pennsylvania.

Many students and residents in the Second Congressional District call Lincoln and Cheyney their alma mater. Cheyney was founded on February 25, 1837, three decades before the Emancipation Proclamation. This year, Cheyney is celebrating its 180th anniversary.

Cheyney is located outside of Pennsylvania's Second Congressional District and is the oldest HBCU in the country. For years, Cheyney was known as a teachers college and has played an incredibly viable role within the Commonwealth, ensuring the elementary, secondary, middle school, and high school teachers at schools in the city of Philadelphia and across the Commonwealth of Pennsylvania are prepared and have the necessary skills in order to train our students for success in the classroom and beyond.

That brings us to Lincoln University. Lincoln was established as our Nation's first degree-granting HBCU. Lincoln was designated as the first institution in the world to provide higher education in the arts and sciences for young African-American males and is famous for two of the lions of Black American history: Langston Hughes, and the Supreme Court Justice Thurgood Marshall. Today, Lincoln is one of the largest employers in southern Chester County, Pennsylvania.

Our HBCUs nationwide are critical to the strength and stability of our Nation. Just like our cities, our schools compete for people. We have the power to continue to define the rich history and the legacies of our HBCUs.

I am proud to stand here today with our friends and colleagues to send a strong message that it is on us. It is our job to ensure that we protect these institutions that are true treasures and recognize their significant societal contributions by continuing to ensure their success.

I salute the Lincoln Lions and the Cheyney Wolves. Both of these institutions are very proud, and I am proud that they are institutions in the Commonwealth of Pennsylvania.

Ms. ADAMS. Mr. Speaker, I thank the gentleman from Pennsylvania for not only his support, but for his contributions to our Historically Black Colleges and Universities.

Mr. Speaker, I yield to the gentleman from the Sixth District of South Carolina (Mr. CLYBURN), our final speaker, the Democratic Assistant Leader.

Mr. CLYBURN. Mr. Speaker, I stand before this House tonight as the proud Representative of the congressional district that has seven of the eight HBCUs in South Carolina within its

borders: Allen and Benedict in Columbia; Claflin and South Carolina State in Orangeburg; Morris in Sumter; Voorhees, Denmark Tech in Denmark, South Carolina; and Clinton College in Rock Hill, South Carolina.

I listened intently as some of the speakers spoke before me, and I would like to give just a brief overview of the history of HBCUs.

You have heard from the previous speaker that the first HBCU was Cheyney State in 1837. Well, it is kind of interesting. That school was created a few decades before the Emancipation Proclamation, so it means that before slavery was abolished, HBCUs existed.

Now, one of the interesting things that took place during the Civil War was the creation of something called the Morrill Act. The gentleman from Vermont, Justin Morrill, introduced legislation to train people not just in agriculture, but in military training.

□ 2015

That law was signed by the President, President Abraham Lincoln, July 2, 1862.

Now, the interesting thing is that when the law was enacted, the Southern States refused to implement that law on behalf of people of color. They would not allow any person of color to attend those schools. Consequently, Justin Morrill went back before the Congress and, in 1880, created a second Morrill Act, this time mandating that these schools be established in the former slave States for people of color.

Now, I bring that up tonight because one of the speakers talked about President Trump signing a bill earlier this year and issuing what we call a signing statement. In his statement, he said that he is going to sign the bill, though he questioned the constitutionality of that section of the bill that funded Historically Black Colleges and Universities.

Just think about this: the history of this country was to deny educational opportunities to people of color, and now we have a President of the United States today saying that those schools that were established for the express purpose of educating those citizens, that legislation is unconstitutional.

If nothing else we have heard from this President bothers you, that one thing should bother every person in the United States of America.

Now, I have talked about those schools that I am proud to represent. I met with the President. Unfortunately, I heard stuff all over the weekend about the Congressional Black Caucus refusing to meet with President Trump. That is not true. The leadership of the Congressional Black Caucus did, in fact, meet with him, and though I don't hold a leadership position, they invited me to go along.

So I sat with the President in the Oval Office, and I told the President

something that I want to share with the listeners tonight about HBCUs.

I told the President the story of a young man whom a lot of people have heard of, Ronald McNair. Ronald McNair was an astronaut who lost his life in the blowup of the *Challenger*.

Ronald McNair came from the little town of Lake City, South Carolina, in the Sixth Congressional District that I proudly represent, and I got to know him and his family very well.

We were talking one day as he was getting ready to retire from astronaut school. In fact, that accident of the *Challenger* was to be his last flight. He was going to retire. He was coming home to be a professor at the University of South Carolina, also in my district. He said to me that when he graduated from high school in Lake City and went off to North Carolina A&T, he had to take remedial courses.

Now, everybody talked about Ron McNair. I shared this with the President. I told him, I said: Everybody talked about him having a physics degree from MIT. Nobody talks about the fact that he went to North Carolina A&T. And he said to me: Had it not been for North Carolina A&T, he never would have made it. Why? Because it was on that small campus he was nurtured. When they saw in him that he had the ability to be a great physicist, the ability to be a great astronaut, what he did not have was the background, the educational preparation that was not provided for him in that little rural town that he grew up in, and the same thing is taking place today.

There are communities in my congressional district where there are gifted young people, but they come from what we call Gullah Geechee communities from the seacoast, those islands off the seacoast where they are smart, highly intelligent, but they know only the culture that they grew up in. So they may not know how to make a subject and verb agree properly, and, therefore, when they go off to college, would have to take a remedial course in order to get those subjects and verbs to agree. But they are very bright, very smart students, and they have been intentionally undereducated by the States that many of them come out of.

I know, for more than 20 years, the Legislature in South Carolina did not fund these schools properly, and we went before the State supreme court. That case lasted for over 20 years, and recently the Supreme Court decided to take the school districts from under that order that it issued some time ago.

So these communities have been intentionally underfunded for their public schools, and these students graduate high school, go off to college, and they need the nurturing that they get from an HBCU.

So if anybody tells you that HBCUs are unconstitutional, that ought to tell

you all you need to know to stay away from that person.

I want to close by talking up my alma mater, South Carolina State University. There are a lot of good things to consider about South Carolina State, but one is this, and I want all of you to go and check the record.

You will find, if you check all the schools in the country that have produced general officers in the military, general officers of color, you will find that South Carolina State University, and South Carolina State College before it, has produced more African-American general officers than any other school in the country, and that includes the service academies.

I am very proud of what HBCUs have done, I am very proud of that HBCU that I attended, and I am very proud that Sister ALMA ADAMS, who co-chairs the HBCU Caucus, has allowed me to speak about it this evening.

Ms. ADAMS. Mr. Speaker, I want to thank the gentleman from South Carolina, and I can certainly associate myself with those remarks that you spoke about with Ron McNair. I, too, enrolled at North Carolina A&T not fully prepared, but they made a committed investment in me, and I was able to go on and receive my Ph.D. from the Ohio State University only because of North Carolina A&T, an HBCU which has done so much for all of our students.

I want to acknowledge Elizabeth City State University; Fayetteville State University; North Carolina A&T, my alma mater twice; North Carolina Central University; Winston-Salem State University; Barber-Scotia College; Bennett College; Johnson C. Smith University, in my 12th district; Livingstone College; St. Augustine's University; and Shaw University. All of these colleges reside in North Carolina, and we are so very proud of the work that they are doing.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from North Carolina has 1 minute remaining.

Ms. ADAMS. Mr. Speaker, let me just thank all of my colleagues for coming out tonight and to say that we are certainly very proud of our schools, and we celebrate them tonight and every day. We acknowledge the work that they have done. We acknowledge all of the corporate folks who have pledged to work with our HBCUs, our tech companies in connection with Howard University, and all of the other tech corporations that have stepped forward to help us and to help our schools and to continue to enable the young people who so ably deserve a college education are able to do that.

Mr. Speaker, I want to thank all of my colleagues who came tonight and those who will join us as we continue to work on behalf of Historically Black Colleges and Universities so that they

not only continue to survive, but that they thrive.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I rise to celebrate the 150th Anniversary of Historically Black Colleges and Universities (HBCUs). Nine HBCUs—Alabama State University, Barber-Scotia College, Fayetteville State University, Howard University, Johnson C. Smith University, Morehouse College, Morgan State University, St. Augustine's University, and Talladega College, celebrate 150 years of excellence this year.

HBCUs are pillars of the black community and important contributors to the strength of our nation. 40 percent of the Congressional Black Caucus (CBC) are graduates from one or more HBCUs and with their representation they continue to remind us of the importance of fighting for these institutions. HBCUs not only provide a college education for 300,000 students every year, but they are economic powerhouses. Since 2017 HBCUs have generated an annual economic impact of \$14.8 billion annually—nearly \$5 billion higher than in 2006.

I've seen the substantial impact of HBCUs in my district by the example Paul Quinn College has set. Paul Quinn College plays a major role in the economic success of its graduates by enhancing their education, training and leadership skills. A college degree opens the door to economic prosperity through greater employment and earnings potential. In fact, Paul Quinn College's class of 2014 can expect total earnings of \$53 million over their lifetimes—that's 77 percent more than they could expect to earn without their college credentials.

Paul Quinn College not only contributes to the economic success of its students, but it also provides a foundation for students to grow. Like many HBCUs, Paul Quinn College is committed to the holistic development of their students. Professors not only focus on academic excellence, but they also invest in the professional and individual development of their students.

HBCUs will always be a prominent force in our nation. As a member of the Congressional Black Caucus I recognize the importance of its funding and legacy in our country. Please join me in recognizing the legacy of HBCUs across our country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DANNY K. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE (at the request of Ms. PELOSI) for today on account of representational duties in congressional district.

ENROLLED JOINT RESOLUTION SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon

signed by the Speaker on Thursday, December 7, 2017;

H.J. Res. 123. Joint resolution making further continuing appropriations for fiscal year 2018, and for other purposes.

ADJOURNMENT

Ms. ADAMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 12, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3342. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army case number 15-04, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

3343. A letter from the Assistant General Counsel for Legislation, Regulation, and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material [Docket No.: AU-RM-17-PACNM] (RIN: 1992-AA56) received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3344. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Yemen that was declared in Executive Order 13611 of May 16, 2012, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

3345. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Amendments to Implement United States Policy toward Cuba [Docket No.: 171013999-7999-01] (RIN: 0694-AH47) received November 20, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

3346. A letter from the Director, Office of Administration, Executive Office of the President, transmitting an accounting of the transactions from the Unanticipated Needs Account for fiscal year 2017, pursuant to 3 U.S.C. 108(b); Public Law 95-570, Sec. 2(a); (92 Stat. 2449); to the Committee on Oversight and Government Reform.

3347. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-190, "Fiscal Year 2018 Budget Support Clarification Temporary Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3348. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-191, "At-Risk Tenant Protection Clarifying Temporary Amendment Act of

2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3349. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-192, "Operator's Permit and Drug Offense Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3350. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-194, "DMV Services Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3351. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-197, "Mobile DMV Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3352. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-193, "Exhaust Emissions Inspection Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3353. A letter from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting the Bonneville Power Administration's 2017 Annual Report, pursuant to the Third Powerplant at Grand Coulee Dam Act, 16 U.S.C. 835j, and the Chief Financial Officers Act, Public Law 101-576, applicable to Government corporations; to the Committee on Oversight and Government Reform.

3354. A letter from the Executive Secretary, Bureau for Europe and Eurasia, United States Agency for International Development, transmitting a report of a nomination and a change in previously submitted reported information, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3355. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the Office of Inspector General's Semiannual Report to Congress and the Corporation for National and Community Service's Response and Report on Final Action for the six-month period from April 1, 2017 through September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3356. A letter from the Secretary, Department of Labor, transmitting the Department's FY 2017 Agency Financial Report and Annual Performance Report, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3357. A letter from the Secretary, Department of the Treasury, transmitting the Department's Fiscal Year 2017 Agency Financial Report, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3358. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2017, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3359. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual Agency Financial Report for FY 2017, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3360. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's Major final rule — Setting and Adjusting Patent Fees during Fiscal Year 2017 [Docket No.: PTO-P-2015-0056] (RIN: 0651-AD02) received November 20, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

3361. A letter from the Secretary, Department of Energy, transmitting the Department's Fiscal Year 2016 Methane Hydrate Program Report to Congress, pursuant to the Methane Hydrate Research and Development Act of 2000, as amended by Sec. 968 of the Energy Policy Act of 2005; to the Committee on Science, Space, and Technology.

3362. A letter from the Chief, Border Security regulations, U.S. Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of User Fee Airports: Removal of Meadows Field Airport, Bakersfield, CA and the Addition of Griffiss International Airport, Rome NY; Van Nuys Airport, Van Nuys, CA; Cobb County Airport-McCollum Field, Kennesaw, GA; and Charlotte-Monroe Executive Airport, Monroe, NC [CBP Dec. 17-18] received November 20, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3363. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Publication of the Tier 2 Tax Rates received December 5, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3364. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Section 5000A Guidance for Individuals with No Available Marketplace Bronze-Level Plan [Notice 2017-74] received December 5, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3365. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — 2017 Base Period T-Bill Rate (Rev. Rul. 2017-23) received December 5, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3366. A letter from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's Final Report to Congress: The Money Follows the Person Rebalancing Demonstration, pursuant to 42 U.S.C. 1396a note; Public Law 109-171, Sec. 6071(g)(2) (as amended by Public Law 111-148, Sec. 2403(b)(2)); (124 Stat. 305); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. McCAUL: Committee on Homeland Security. H.R. 3359. A bill to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes; with an amendment (Rept. 115-454, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 1399. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes (Rept. 115-455). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 1730. A bill to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes; with an amendment (Rept. 115-456). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 1733. A bill to direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil (Rept. 115-457). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 2880. A bill to amend the Federal Power Act to promote closed-loop pumped storage hydropower, and for other purposes; with an amendment (Rept. 115-458). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOXX: Committee on Education and the Workforce. H.R. 1313. A bill to clarify rules relating to nondiscriminatory workplace wellness programs; with an amendment (Rept. 115-459, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOWDY: Committee on Oversight and Government Reform. H.R. 4171. A bill to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes (Rept. 115-460). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Energy and Commerce and Ways and Means discharged from further consideration. H.R. 1313 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committees on Energy and Commerce, Oversight and Government Reform, and Transportation and Infrastructure discharged from further consideration. H.R. 3359 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JOHNSON of Ohio (for himself, Mr. LATTA, Mr. CRAMER, Mr. FLORES, Mr. CUELLAR, and Mr. RYAN of Ohio): H.R. 4605. A bill to repeal restrictions on the export and import of natural gas; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Ohio (for himself, Mr. LATTA, Mr. CRAMER, Mr. FLORES, and Mr. CUELLAR):

H.R. 4606. A bill to provide that applications under the Natural Gas Act for the importation or exportation of small volumes of natural gas shall be granted without modification or delay; to the Committee on Energy and Commerce.

By Mr. LOUDERMILK (for himself, Mr. GOTTHEIMER, and Mr. DUFFY):

H.R. 4607. A bill to amend the Economic Growth and Regulatory Paperwork Reduction Act of 1996 to ensure that Federal financial regulators perform a comprehensive review of regulations to identify outdated or otherwise unnecessary regulatory requirements imposed on covered persons, and for other purposes; to the Committee on Financial Services.

By Mr. O'HALLERAN (for himself, Mr. COLE, Ms. SINEMA, and Mr. YOUNG of Alaska):

H.R. 4608. A bill to amend the Victims of Crime Act of 1984 to secure urgent resources vital to Indian victims of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. TIPTON:

H.R. 4609. A bill to provide for the conveyance of a Forest Service site in Dolores County, Colorado, to be used for a fire station; to the Committee on Natural Resources.

By Mr. POLIS (for himself, Mr. ROE of Tennessee, Mr. KIND, Mr. KELLY of Pennsylvania, Mr. ALLEN, Ms. BLUNT ROCHSTER, Ms. CLARK of Massachusetts, Mr. COSTELLO of Pennsylvania, Ms. DELBENE, Mr. GROTHMAN, Mr. HIGGINS of New York, Ms. KUSTER of New Hampshire, Mr. LOEBSACK, Mr. NORCROSS, Mr. PAULSEN, Mr. PERLMUTTER, Mr. POCAN, Miss RICE of New York, Mr. SABLON, Mr. SCHWEIKERT, Mr. DAVID SCOTT of Georgia, Mr. SHERMAN, Mr. TIBERI, Mr. TROTT, Ms. VELAZQUEZ, Ms. STEFANIK, Mr. MEEHAN, Mr. MOONEY of West Virginia, and Mrs. WALORSKI):

H.R. 4610. A bill to amend the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for the electronic delivery of pension plan information; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DEMINGS (for herself and Ms. PLASKETT):

H.R. 4611. A bill to provide an increase in premium pay for certain employees of the Federal Emergency Management Agency during fiscal years 2017 and 2018, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. HOLDING (for himself, Mr. BUTTERFIELD, Mr. MEADOWS, Ms. FOXX, Mr. MCHENRY, Mr. BUDD, Mr. WALKER, Mr. HUDSON, Mr. PRICE of North Carolina, and Mr. JONES):

H.R. 4612. A bill to designate the facility of the United States Postal Service located at 125 North Main Street in Louisburg, North Carolina, as the "Warren E. Massenburg Post Office Building"; to the Committee on Oversight and Government Reform.

By Mrs. McMORRIS RODGERS (for herself, Mr. KELLY of Pennsylvania, Mr. HUDSON, Mrs. BLACKBURN, Mr. LONG, Mr. BISHOP of Michigan, Mr. PAULSEN, and Mr. KRISHNAMOORTHY):

H.R. 4613. A bill to allow the use of claims, eligibility, and payment data to produce reports, analyses, and presentations to benefit Medicare, and other similar health insurance programs, entities, researchers, and health care providers, to help develop cost saving approaches, standards, and reference materials and to support medical care and improved payment models; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself, Mr. COSTELLO of Pennsylvania, Mr. KATKO, Mr. RUPPERSBERGER, Mr. DANNY K. DAVIS of Illinois, Mr. RUSH, Mr. MICHAEL F. DOYLE of Pennsylvania, Mrs. BUSTOS, and Mr. PERRY):

H.R. 4614. A bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from nuclear energy; to the Committee on Ways and Means.

By Ms. SINEMA (for herself and Mr. DESANTIS):

H.R. 4615. A bill to amend the Congressional Accountability Act of 1995 to require Members of Congress to reimburse the Treasury for amounts paid as awards and settlements resulting from violations of such Act consisting of acts of sexual harassment which were committed personally by the Members, and for other purposes; to the Committee on House Administration.

By Mr. MEEKS:

H. Res. 655. A resolution calling for Congress to investigate allegations of sexual misconduct against President Trump; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. JOHNSON of Ohio:

H.R. 4605.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8, Clause 3 of the U.S. Constitution

By Mr. JOHNSON of Ohio:

H.R. 4606.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8, Clause 3 of the U.S. Constitution

By Mr. LOUDERMILK:

H.R. 4607.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. O'HALLERAN:

H.R. 4608.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. TIPTON:

H.R. 4609.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. POLIS:

H.R. 4610.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mrs. DEMINGS:

H.R. 4611.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. HOLDING:

H.R. 4612.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7.

By Mrs. MCMORRIS RODGERS:

H.R. 4613.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MEEHAN:

H.R. 4614.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. SINEMA:

H.R. 4615.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5 of the United States Constitution and Article I, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 146: Mr. DENHAM.

H.R. 394: Mrs. COMSTOCK.

H.R. 488: Mr. RUIZ.

H.R. 502: Ms. WILSON of Florida, Mr. CUELLAR, and Ms. BASS.

H.R. 548: Mr. ROSS.

H.R. 632: Mr. BISHOP of Georgia, Mr. CORREA, Mr. THOMPSON of Mississippi, Mr. BEN RAY LUJÁN of New Mexico, Mr. KEATING, Mr. LARSON of Connecticut, Mr. RICHMOND, Mr. NORCROSS, Mrs. DAVIS of California, Mr. CUELLAR, Ms. SINEMA, Mr. GOHMERT, Mr. SCHNEIDER, Ms. ADAMS, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. LEWIS of Georgia, Mr. DAVID SCOTT of Georgia, Mr. BLUMENAUER, Mr. CONNOLLY, Mr. CAPUANO, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. YOHO.

H.R. 750: Mr. BLUMENAUER.

H.R. 846: Mr. HUIZENGA.

H.R. 881: Mr. RASKIN.

H.R. 946: Mr. RUIZ.

H.R. 1267: Mr. MARCHANT.

H.R. 1552: Mr. MULLIN, Mr. LAMALFA, and Mr. ROE of Tennessee.

H.R. 1555: Mr. SMITH of Missouri and Ms. MENG.

H.R. 1676: Mr. MARINO and Mr. CONAWAY.

H.R. 1730: Mr. COSTELLO of Pennsylvania, Mr. MEEHAN, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, and Ms. KAPTUR.

H.R. 1861: Mr. RUIZ.

H.R. 1865: Mr. COSTA.

H.R. 1889: Mr. RUIZ and Mr. LARSON of Connecticut.

H.R. 1939: Mr. RUIZ.

H.R. 1987: Mr. YARMUTH.

H.R. 2044: Mr. KIHUEN, Mr. DOGGETT, Mr. PANETTA, Mr. CICILLINE, Mr. CLAY, Mrs. DEMINGS, Mr. KILDEE, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 2076: Mr. BLUMENAUER.

H.R. 2092: Mr. BRAT.

H.R. 2106: Mr. SHIMKUS, Mr. WOODALL, Mr. LONG, Mr. KIND, Mr. CRIST, and Mr. WOMACK.

H.R. 2150: Mr. HIGGINS of New York and Mr. EVANS.

H.R. 2215: Ms. BROWNLEY of California.

H.R. 2219: Mr. MEEKS and Mrs. BEATTY.

H.R. 2287: Mr. POLIS.

H.R. 2413: Mr. CICILLINE.

H.R. 2416: Ms. NORTON.

H.R. 2491: Mr. PERLMUTTER.

H.R. 2570: Mr. ROSS.

H.R. 2589: Mr. CONNOLLY.

H.R. 2616: Mr. NEWHOUSE.

H.R. 2652: Mr. BUCHANAN.

H.R. 2687: Mr. PAYNE, Ms. LOFGREN, and Mr. DONOVAN.

H.R. 2723: Mr. AUSTIN SCOTT of Georgia.

H.R. 2740: Mr. PERRY, Mr. HULTGREN, Mr. KIND, and Mrs. MIAMI WALTERS of California.

H.R. 2899: Ms. SCHAKOWSKY and Mr. LOWENTHAL.

H.R. 2902: Mr. BROWN of Maryland, Mrs. DEMINGS, Mr. SCHIFF, and Mr. KRISHNAMOORTHY.

H.R. 2948: Mr. YODER.

H.R. 2996: Mr. CARTER of Georgia.

H.R. 3010: Mr. BANKS of Indiana.

H.R. 3011: Mr. LOWENTHAL.

H.R. 3030: Ms. BASS and Mr. LOWENTHAL.

H.R. 3139: Mr. LAMALFA.

H.R. 3239: Mr. RUIZ.

H.R. 3256: Mr. COFFMAN.

H.R. 3282: Mr. BRAT.

H.R. 3314: Miss RICE of New York.

H.R. 3331: Mr. MARSHALL.

H.R. 3397: Ms. JACKSON LEE.

H.R. 3409: Mr. HUNTER and Mr. CUELLAR.

H.R. 3464: Mr. TED LIEU of California, Mr. DEUTCH, and Ms. SLAUGHTER.

H.R. 3600: Mr. LAMALFA.

H.R. 3635: Mr. YOUNG of Iowa and Mr. MARSHALL.

H.R. 3687: Ms. SHEA-PORTER and Ms. HANABUSA.

H.R. 3696: Mr. JONES, Mr. BEYER, and Mr. LOWENTHAL.

H.R. 3730: Mr. YOUNG of Iowa and Mr. BLUMENAUER.

H.R. 3798: Mr. PETERS.

H.R. 3871: Ms. SLAUGHTER.

H.R. 3976: Mr. MARINO, Mr. THOMPSON of Mississippi, and Mrs. BEATTY.

H.R. 4006: Mr. PETERS.

H.R. 4059: Mr. COFFMAN.

H.R. 4092: Mr. THORNBERRY.

H.R. 4099: Mr. TIPTON.

H.R. 4143: Mr. CUMMINGS, Mr. EVANS, and Mr. LEWIS of Georgia.

H.R. 4144: Ms. JUDY CHU of California.

H.R. 4147: Ms. JUDY CHU of California.

H.R. 4170: Mr. RICHMOND.

H.R. 4202: Mr. MOULTON, Mr. CICILLINE, Ms. SLAUGHTER, and Mr. QUIGLEY.

H.R. 4207: Ms. SHEA-PORTER.

H.R. 4215: Mr. MARSHALL.

H.R. 4222: Mr. PANETTA.

H.R. 4223: Mr. SOTO.

H.R. 4229: Ms. PINGREE.

H.R. 4240: Mr. SIRES, Mr. SCHRADER, Ms. ESTY of Connecticut, Mr. PERLMUTTER, and Mr. CARSON of Indiana.

H.R. 4253: Ms. MATSUI.

H.R. 4306: Mr. THOMPSON of California.

H.R. 4311: Mr. BANKS of Indiana.

H.R. 4328: Mr. HIGGINS of New York and Mr. COFFMAN.

H.R. 4339: Ms. NORTON.

H.R. 4340: Mr. BABIN, Mr. HARRIS, and Mr. MEADOWS.

H.R. 4363: Ms. NORTON.

H.R. 4392: Ms. CLARKE of New York, Mr. BISHOP of Michigan, Mr. NEWHOUSE, Mrs. LAWRENCE, Mr. TONKO, Mr. EVANS, Mr. LARSEN of Washington, Mr. COSTA, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4396: Mr. LANGEVIN, Mr. JONES, and Mr. CARTER of Texas.

H.R. 4424: Mr. PEARCE.

H.R. 4434: Mr. ROSKAM.

H.R. 4444: Mr. COHEN, Mr. BRADY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. KEATING, Mr. PANETTA, Mr. WELCH, Mr. RASKIN, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Ms. JAYAPAL, Mr. POCAN, Mr. DESAULNIER, and Mr. CARBAJAL.

H.R. 4465: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 4473: Mr. MCKINLEY.

H.R. 4474: Mr. LYNCH, Mr. SWALWELL of California, Ms. CLARKE of New York, and Mr. PASCRELL.

H.R. 4476: Mr. CRAMER.

H.R. 4521: Mr. GRIJALVA and Mr. MOULTON.

H.R. 4526: Mr. SMITH of Missouri.

H.R. 4527: Ms. SHEA-PORTER, Mr. CARSON of Indiana, and Ms. MENG.

H.R. 4541: Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. VARGAS, Ms. KELLY of Illinois, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. MCGOVERN, Ms. BARRAGÁN, Mr. DANNY K. DAVIS of Illinois, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Mr. COSTA, Mr. DEUTCH, Mr. COHEN, Ms. SLAUGHTER, and Ms. ESHOO.

H.R. 4547: Mr. HIGGINS of New York, Mr. DANNY K. DAVIS of Illinois, Ms. SEWELL of Alabama, and Mr. LEWIS of Georgia.

H.R. 4582: Ms. NORTON and Ms. SCHAKOWSKY.

H.R. 4590: Mr. BABIN.

H.J. Res. 48: Ms. MOORE.

H. Con. Res. 8: Mr. SMITH of Washington.

H. Con. Res. 95: Mr. PETERS.

H. Res. 90: Mr. BROWN of Maryland.

H. Res. 164: Mr. RUIZ.

H. Res. 276: Mr. KIND.

H. Res. 310: Ms. BONAMICI.

H. Res. 314: Mr. RUIZ.

H. Res. 336: Mr. FASO.

H. Res. 407: Mr. LAMBORN.

H. Res. 466: Mr. RASKIN and Mr. CURBELO of Florida.

H. Res. 604: Mr. JONES.

H. Res. 640: Mr. CÁRDENAS.

H. Res. 643: Ms. CASTOR of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

70. The SPEAKER presented a petition of State Representative Luis Arroyo, relative to Illinois House Resolution 164, encouraging the 115th Congress to introduce and pass new legislation on the admission of Puerto Rico as the 51st state; to the Committee on Natural Resources.

71. Also, a petition of Mr. Gregory D. Watson, a citizen of Austin, TX, relative to urging Congress to propose, pursuant to Article V, an amendment to the United States Constitution that would, in addition to congressional proposal, likewise allow an identically-worded suggested federal constitutional amendment, approved by the legislatures of at least two-thirds of the several states, as an alternate means of proposing future amendments and that would further provide for a same-day nationwide referendum as the exclusive method of ratifying any future amendments; thus repealing all references to a national proposing convention, repealing all references to ratifying conventions conducted within the individual states, and repealing all references to state legislative ratification; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

100TH BIRTHDAY OF MARY
KOWALSKI

HON. DANIEL M. DONOVAN, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. DONOVAN. Mr. Speaker, I rise today to celebrate the 100th Birthday of Staten Island's Mary Kowalski.

On December 18, 1917, Mary Kowalski was born to joyous parents, Thomas and Nellie. A lifelong resident of Elm Park, Staten Island, Mary grew up in a loving household with two brothers and three sisters. She attended Saint Adalbert School and Ralph R. McKee High School. Several years after graduation, she received a job at the Procter and Gamble factory in the Port Ivory neighborhood where she worked for 36 years until her retirement. Before and after retirement, however, Mary loved to travel the world by land, air, or sea. As a devout Catholic, one of her favorite vacations was her holiday to the Vatican, a visit that she treasures to this day.

Mary is also an avid television viewer. She loves watching Jeopardy, Wheel of Fortune, The Bachelor, The Bachelorette, and Dancing with the Stars. Moreover, she is a massive sports fan. She loves watching NFL games, as well as her beloved Notre Dame Fighting Irish. Even though she wishes they would play better, she still loves to watch the Mets too. I certainly hope that this birthday wish is granted when baseball season starts again next year.

Mr. Speaker, I wish Mary Kowalski a very happy 100th birthday. Her love for her friends, family, community, and church knows no bounds. I am immensely proud to have her as a constituent, and I hope that her 100th year is the best one yet.

RECOGNITION OF CAITRÍONA
PERRY

HON. BRENDAN F. BOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, Caitríona Perry has been the Washington Correspondent for RTE, Ireland's public broadcaster, since 2013. She will soon be leaving D.C. to take up a new role as co-anchor of Six-One, the main evening news in Ireland.

As the paragon of 21st century multi-media journalism, Caitríona has provided high quality coverage and commentary on the many facets of American life via television, radio, and online content. She has provided live updates to bulletins throughout the day and night from Washington and from major events throughout the United States and overseas, including the

aftermath of the Haitian earthquake, the Oscars, and the Papal visit to Cuba.

Caitríona has been featured in, shot, edited, and produced everything from radio reports on the political happenings of the day, through television packages on the 2016 election to full programs on the Irish in the White House, the Irish in Canada, and the 2015 Special Olympics World Games in Los Angeles. She has reported on humanitarian and political stories from throughout Europe, from Australia, Canada and from the UK.

She grew up in Knocklyon, Dublin attending Sancta Maria College before receiving a First Class Honours degree in Journalism and a Masters in International Relations from Dublin City University. Prior to joining RTE, Caitríona was with the Irish national radio stations, Today FM and Newstalk.

A proud Irishwoman, Caitríona has strongly contributed to Ireland's links with the United States. She has hosted, contributed to and compered various Irish-American events throughout the country on behalf of the Ireland Fund and the Irish Network amongst others. Caitríona also founded the DCU Alumni Chapter in Washington, D.C.

Most recently, she fulfilled a life-long ambition when she penned her first book, "In America: Tales from Trump Country", published by Gill. A bestseller, "In America" was nominated for an Irish Book Award in November 2017.

In acknowledgement of her many achievements Caitríona was named a DCU Distinguished Alumni in 2015. She has also won several awards for her journalism, including multiple National Justice Media Awards for her television work and a PPI National Radio Award for her radio news reporting.

During her time in the United States, Caitríona has done meaningful work to shed a spotlight on modern U.S.-Ireland relations. Through her work, she has highlighted important issues, and informed audiences in both America and Ireland. Caitríona will be greatly missed in Washington, D.C. I am grateful for her efforts and know that she will continue to make a meaningful impact in her new role.

HONORING USC PHYSICIAN AS-
SISTANT PROFESSOR JANICE
TRAMEL

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Ms. BASS. Mr. Speaker, I am proud to echo the praise heaped on my friend and mentor, Janice V. Tramel, over the past weekend at a surprise ceremony held by the University of Southern California (USC) honoring her 40 years of service to her patients, to nursing and to the profession of Physician Assistant (PA).

She was instrumental in my own training as a Physician Assistant, first as a professor, then as a mentor, and eventually as a close friend.

A California native, Mrs. Tramel completed both a vocational nursing and registered nursing program prior to graduating from the USC Primary Care Physician Assistant Program in 1977 and joining the faculty two years later. Having learned under her, I later felt very proud to become her colleague on the PA faculty. As Director of Clinical Education from July 2013 through May 2017, she oversaw the clinical curriculum, clinical site development and student placements. She now holds PA-C Emeritus status.

Her passion as an educator has benefitted generations of students, not just locally but at the state and national levels.

She has served as a curriculum consultant, visiting lecturer, site visitor for the Accreditation Review Commission on Education of the Physician Assistant, and grant reviewer with the U.S. Department of Health & Human Services, Bureau of Health Professions. She was a gubernatorial appointee to the State of California Physician Assistant Committee, now known as the PA Board, from 1982 to 1992, serving as Committee Chair from 1987. But she has always returned to work with and for the underserved communities of Los Angeles.

Her specialties include family medicine, adolescent medicine, women's health, occupational health, as well as quality assurance and utilization review. Her research interests include evaluation of student performance, faculty development, learning styles, educational methodology and technology and standardized testing. In May 2012, she was inducted into the Pi Alpha National Honor Society for Physician Assistants. Not content to serve others in her professional life, she has been an active volunteer with disadvantaged young adults, community health and geriatric wellness programs.

I salute Janice Tramel for her lifelong commitment to serving and uplifting others, and for four decades of working to provide outstanding health care and train succeeding generations of care providers.

HONORING ANTHONY P. RESCIGNO,
PRESIDENT OF THE GREATER
NEW HAVEN CHAMBER OF COM-
MERCE, ON THE OCCASION OF
HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Ms. DeLAURO. Mr. Speaker, it is my great pleasure to rise today to join the many family, friends, and colleagues who have gathered to extend their congratulations to an outstanding member of our community, and my dear

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

friend, Anthony P. Rescigno, as he marks his retirement as President of the Greater New Haven Chamber of Commerce. For nearly two decades, Tony has led the Chamber with a unique combination of dedication and innovation, ensuring it has been a strong voice on behalf of and invaluable resource for its members.

Tony's professional career has spanned both the private and public sectors. After graduating from the University of New Haven, he began a remarkable career at Plasticrete in Hamden, Connecticut which would eventually culminate in he and twelve other employees purchasing the company and later creating a subsidiary, Plasticrete Distributors where he served as President. Tony entered public life in 1989 when he was elected First Selectman of North Haven, a position which he held for more than a decade. It was when he left public office that he took the reins at the Greater New Haven Chamber of Commerce.

Since its inception, the Greater New Haven Chamber of Commerce has strived to help businesses of all sizes and focus throughout the region to build on their success. Under Tony's direction, the Chamber sought to expand that mission through advocacy, education and networking. The Leadership Center, home to both Leadership Greater New Haven and Executive Orientation, offers aspiring community leaders and business executives a series of practical, hands-on training programs in professional development and education in social and economic issues. Understanding that attracting and retaining young, energetic professionals is vital to the growth and success of New Haven, PULSE is a group for local young professionals, ages 21–40, with a mission of connecting its members with each other and with the community through social and professional networking events, educational seminars and community service projects. The Chamber has also renewed its focus on advocating for its members with local, state, and national officials, as well as providing strategic business development planning and other resources.

For the last seventeen years, Tony's leadership has strengthened the Chamber's involvement in economic development across the region, encouraged the development of young professionals and entrepreneurs, and created invaluable partnership and networking opportunities for its members. While his daily presence will most certainly be missed, his vision and good work has left a legacy on which the Chamber can continue to build for many years to come.

I would be remiss if I did not take a moment to extend a personal note of thanks to Tony for his many years of friendship. Whether as President of the Chamber, First Selectman of North Haven, or business leader, Tony has always been a willing partner in helping to move our communities forward.

For his lifetime of invaluable contributions to Greater New Haven, I am honored to have this opportunity to extend my sincere thanks and heartfelt congratulations to Tony as he celebrates his retirement. I wish him and his wife, Lynne, all the best for many more years of health and happiness as they enjoy this next chapter of their lives.

CONGRATULATING MAJOR JASON LEE SCHENCK UPON HIS GRADUATION AS AN AIR FORCE LEGISLATIVE FELLOW

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Ms. GRANGER. Mr. Speaker, I rise today to thank Major Jason Lee Schenck for his successful tenure as an Air Force Legislative Fellow in my office.

For the past year, Major Schenck has been a diligent, valued member of my staff. In my capacity as Chairwoman of the Defense Appropriations Subcommittee, I have come to rely on his advice and counsel on issues affecting the military. Major Schenck's insight, intellect and ability to clearly communicate complex issues were invaluable assets during his tenure on Capitol Hill.

While serving in my office, Major Schenck met and married Navy Commander Josephine C. Nguyen, MD, who was serving as a Robert Wood Johnson Health Policy Fellow to Congressman KEVIN BRADY (TX–08).

Prior to his time on Capitol Hill, Major Jason Lee Schenck served as the Commander, 48th Comptroller Squadron and the 48th Fighter Wing Staff Agencies, Royal Air Force Lakenheath in the United Kingdom. While stationed in the U.K., Major Schenck was responsible for managing a \$215 million annual budget, overseeing pay services for over 6,400 personnel, and providing full spectrum financial management services in support of United States Air Forces in Europe's largest fighter wing.

Major Schenck is from Phillipsburg, New Jersey and enlisted in the United States Air Force in 1996. After earning a Bachelor of Science, Business & Management, cum laude, from the University of Maryland, he received his commission in 2004 through the Air Force Officer Training School, Maxwell AFB, Alabama.

Major Schenck's presence in my office will be missed by not only me, but by his coworkers as well. Please join me in thanking Major Schenck for his service, and in wishing him well in his new endeavor.

HONORING MR. RON PINCIARO

HON. ELIZABETH H. ESTY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Ms. ESTY of Connecticut. Mr. Speaker, I, along with my colleagues, Congressman JOHN LARSON, Congressman JOE COURTNEY, Congresswoman ROSA DELAURO, and Congressman JIM HIMES, rise today to honor Ron Pinciario upon his retirement after serving as Executive Director of CT Against Gun Violence for 16 years. Ron's leadership has been instrumental in advancing common sense policies that save lives and have made Connecticut one of the leading states in the fight to stop the tragedy of gun violence.

During his years of leadership, Ron has been a tireless advocate for ensuring all peo-

ple have the right to live free from violence. Thanks in no small part to his work, Connecticut is a leader in gun violence prevention policy, and our state is recognized as having the second strongest gun safety laws. In fact, gun deaths in Connecticut have declined by 28 percent since 2010, and leading academic researchers on violence have attributed Connecticut's decline in violence to smart policies. For instance, Ron's work with the Connecticut General Assembly helped ensure the passage of our state's prohibition on those under restraining orders for domestic violence from possessing firearms, reporting requirement for lost or stolen firearms, and long gun permit requirement. The organization has also ensured that policy discussions incorporate the problems faced by all Connecticut communities, rural, suburban, and urban, because all people have the right to live free from violence.

What's more, under Ron's leadership, CT Against Gun Violence has ensured gun violence prevention activists address gun suicides. Guns are used in nearly half of suicides in America, and CT Against Gun Violence has worked with policy makers to dispel misconceptions, such as the claim that there are no policy tools to protect people who attempt suicide. The lethality of firearms makes them a uniquely dangerous tool in the hands of people who would harm themselves, and CT Against Gun Violence has started important conversations about how to keep people from harm and save lives.

Following the tragedy at Sandy Hook School in 2012, Ron grieved with and rallied our community to build the strong public support we needed to pass tough new laws that expanded background checks for private firearms sales, created a permitting system for purchasing ammunition, and limited high capacity ammunition magazines. No community should face the horror Newtown families did in 2012, and thanks in large part to Ron's work with CT Against Gun Violence, our state has the means to prevent such future tragedies. Members of our military and veterans are at particular risk of gun suicide death, as more than 20 veterans or service members die by suicide each day. Ron's efforts are helping policy makers find ways to help those who have served us stay safe and address their mental health needs.

Mr. Speaker, Ron Pinciario has been a dedicated advocate for Connecticut communities, law enforcement, and families. He is an example to all citizens and public servants who has shown that we can affect true change when we take action to improve our state and nation. We are fortunate to count Ron as a friend and an ally in the effort to address gun violence in our country. Therefore, it is fitting and proper that we honor him here today.

IN RECOGNITION OF CITY COUNCILMAN ALFRED M. BROWN, JR. AND HIS SERVICE TO THE CITY OF CONCORD

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize City Councilman Alfred M. Brown Jr.

on nearly two decades of service to the City of Concord, North Carolina.

I've known Councilman Brown for many years, and throughout this time I have considered him a good friend. A lifelong Concord resident, Councilman Brown attended Concord High School and went on to attend the Citadel. After his time at the Citadel Councilman Brown worked at the Concord Telephone Company and Windstream for over forty years in the OSP Engineering Department where he gained valuable experience that enabled him as Councilman to help shape the City of Concord into the wonderful place it is today.

Over the years, Councilman Brown has been very active in our community as an active member of St. James Evangelical Lutheran Church, delegate to the Cabarrus-Rowan MPO Transportation Advisory Committee and a board member of the Concord-Kannapolis Transit System Authority. As you can tell, Councilman Brown lives to serve his community.

Residing in Concord, he has two children and has shown himself to be a consummate family man. I am extremely grateful for Councilman Brown's service to our community and I wish him continued success.

Mr. Speaker, please join me today in honoring City Councilman Alfred M. Brown Jr. for his service to the City of Concord.

HONORING RAUL ANTONIO
VAZQUEZ

HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. CORREA. Mr. Speaker, I rise to honor the memory of Raul Antonio Vazquez, who tragically lost his life on November 23, 2017 in Garden Grove, California.

Mr. Vazquez was a husband, father, son, brother, grandson, nephew, cousin, coach, and a friend. Mr. Vazquez was born in Fort Knox, Kentucky on November 8, 1967. In 1994, Mr. Vazquez moved to Orange County to pursue entrepreneurial ventures. It was there where he met his wife, Maricela Miranda, and later raised their three sons, Raul, Julian, and Joaquin, and daughter, Miranda.

Mr. Vazquez was an avid sports fan and loved spending time with his family. In his free time, Mr. Vazquez volunteered to coach and lead various organizations at his children's school, St. Cecilia School. All those he encountered were also met with his frequent jokes, selfless heart, and the power of his faith.

Mr. Speaker, it is with great privilege that I celebrate the memory of Mr. Raul Antonio Vazquez. A vibrant member of the Garden Grove community, taken from us too soon.

IN RECOGNITION OF THE 75TH
ANNIVERSARY OF CPS ENERGY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. CUELLAR. Mr. Speaker, I rise today to commemorate the 75th anniversary of CPS Energy's outstanding commitment to public utility and service for the City of San Antonio.

CPS Energy, formerly City Public Service, was acquired by the City of San Antonio in 1942. Throughout the 20th century, CPS Energy took part in a variety of business and service ventures. CPS Energy installed the first streetlight system downtown and introduced a customer service phone system in the 1950's. In the latter half of the 20th century, the company took part in the South Texas Project, a jointly owned nuclear power endeavor. Soon after, CPS Energy launched Project WARM helping those in need pay their winter utility bills. The project's fundraising efforts provided 4,000 families with assistance in the first years of its launch.

In 2002, CPS Energy, in partnership with the City of San Antonio and Bexar County, established the Residential Energy Assistance Program. The nonprofit organization has raised \$22.4 million and assisted more than 76,000 households housing low-income families with children, the elderly, or persons with disabilities.

CPS Energy has made recent notable investments in emissions control technology in its coal-fired power plants and has contributed to the increase in use of lower carbon fuels with its 2012 acquisition of the Rio Nogales natural gas plant in Seguin, TX. A leader in Texas for solar generation and one of the largest consumers of wind energy in the nation, CPS Energy has made significant strides towards access to environmentally conscious energy.

Through CPS Energy, the City of San Antonio has facilitated access to dependable and economical energy for 75 years.

Mr. Speaker, I am honored to have the opportunity to recognize CPS Energy.

COMMENDING THE CAPITAL TIMES
ON ITS 100TH ANNIVERSARY

HON. MARK POCAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. POCAN. Mr. Speaker, I rise today to congratulate the Capital Times on the publication's 100th Anniversary.

The Capital Times has been an integral part of our community since its founding on December 13, 1917. In the earliest years of the publication, the Capital Times earned its reputation as a champion of progressive values by fighting for workers, farmers, and small businesses.

From its humble beginnings on King Street, the Capital Times has expanded and adapted, yet has remained dedicated to the values upon which it was founded. Over the last one

hundred years, the Capital Times has never lost sight of its mission to serve its readers and the people of Wisconsin.

Since 1917, the Capital Times has been at the forefront of the most significant stories in Wisconsin and the United States. At a time when freedom of the press is being challenged and many news organizations are facing setbacks, the Capital Times continues its outstanding work.

Through its efforts to pursue truth, the Capital Times and its well-respected team of journalists have remained committed to progress and our future. It is my honor to now recognize the Capital Times in celebrating its 100th Anniversary and wish them many more years of success.

HONORING BANKS COUNTY
FARMERS

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize my neighbors who were recently honored at the Banks County Agricultural Awards Banquet.

For the past five years, this banquet has celebrated the agricultural success of my friends in Banks County. Each individual recognized at the banquet has promoted an industry that serves as a crucial part of Georgia's livelihood.

Agriculture isn't a field for just anyone. It is an industry for the optimist. With the ebb and flow of good and bad seasons, farmers persevere, producing food for our dinner tables with hard work and hope.

This year, I want to honor the following northeast Georgians: Daphne Crumley for Agribusiness of the Year, Ricky Martin for Farmer of the Year, Ralph Dalton for the Hall of Fame Award, and Pat Whitlock for receiving the Woman in Agriculture Award.

I thank these four farmers for their selfless dedication to their work, and I wish them continued success.

IN RECOGNITION OF CITY COUNCILMAN LAMAR BARRIER AND HIS SERVICE TO THE CITY OF CONCORD

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize City Councilman Lamar Barrier on over two decades of service to the City of Concord, North Carolina.

I've known Councilman Barrier for many years and I consider him to be a good friend. Growing up in Concord, Councilman Barrier attended Concord High School. He went on to graduate from the Kentucky College of Mortuary Science and has been a Funeral Service Practitioner at Wilkinson Funeral Home for over thirty years. Councilman Barrier stood

ready to answer the call by proudly serving his country during the Vietnam Era.

Over the years, Councilman Barrier has been very active in our community by supporting the Cabarrus County Boys and Girls Club, Concord High School Athletic Boosters Club, CVAN, and Cabarrus 4-H. In addition, he has served on the boards of Hospice and Palliative Care of Cabarrus County, and Community Health Centers at McGill and Logan. As you can tell, Councilman Barrier's servant heart never stops, no matter the day or time.

Residing in Concord, he and his wife, Christine, have two daughters and two grandchildren. I am extremely grateful for Councilman Barrier's service to our community and I wish him continued success.

Mr. Speaker, please join me today in honoring City Councilman Lamar Barrier for his service to the City of Concord.

RECOGNIZING THE MASONS AND THEIR COMMITMENT TO THE KING GEORGE COUNTY CIRCUIT COURT

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the Mason family on their service to the Circuit Court of King George County, Virginia. For the past 100 years, a Mason has served as the Circuit Court Clerk. Charles "Vic" Mason is the current Clerk and the third generation to hold the position.

In addition to serving as Clerk, Vic is the co-founder of the non-profit, Some Gave All Foundation, which honors members of the military that have lost their lives protecting our freedom. Vic and his wife, Christine, lost their son, Nicholas, while he was serving in Iraq.

Mr. Speaker, I ask you to join me in thanking the Masons for their continued service to King George County.

HONORING DR. JOSEPH L. WHITE

HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. CORREA. Mr. Speaker, I would like to take some time today to honor and remember a prominent member of my community, Dr. Joseph L. White, for his immense dedication and invaluable contributions while serving the community of Long Beach.

Dr. Joseph L. White passed away on November 22, 2017. Dr. White was a visionary who introduced and founded the Educational Opportunity Program (EOP) in 1967 at California State University, Long Beach (CSULB). This revolutionary model was later replicated by educational institutions throughout California and the United States, and allowed millions of minority, low-income, and first generation students of color to successfully attend and graduate from public and private colleges and universities. November of 2016 marked

the 50th anniversary of the EOP at CSULB and Dr. White was honored in the presence of dignitaries and other prominent members of the community for his contributions as an educator and the success of EOP. EOP serves approximately 2,500 students annually and is continuously growing. Dr. White was personally responsible for touching the lives of countless students who remember him with great fondness and respect.

In 1962, Dr. White was only the second black tenure-track faculty hired at CSULB. He was also the only black tenured psychologist in California. He was extremely troubled by the lack of diversity at CSULB and decided to act and enable change himself. He realized that colleges needed a vehicle to admit students with potential were unable to meet college admission standards and requirements. EOP was able to support minority students, giving them a wider range of opportunities and a promising future. It is no surprise that he is known as the "godfather of diversity" at CSULB.

Dr. White's work extended beyond CSULB and throughout the community. Dr. White's time as a professor of psychology at the University of California, Irvine and across the country will never go forgotten.

Mr. Speaker, Dr. White is an example to us all of us of the incredible value found in community engagement. I am honored to recognize Dr. White for doing his part in addressing the issue of the lack of diversity in public and private colleges and universities, and thank him for the positive impact he has made on the community and the country.

RECOGNIZING THE 200TH ANNIVERSARY OF BHA'U'LLAH'S, FOUNDER OF THE BAHAI FAITH, BIRTHDAY

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. DENT. Mr. Speaker, it is my privilege to recognize the Baha'i community of Pennsylvania's 15th congressional district as they celebrate the 200th birthday anniversary of Baha'u'llah, founder of the Baha'i faith.

In 1817, Baha'u'llah was born to a Persian noble family. As a young man, he was known for his charity and service to others, earning him the nickname "father of the poor." He founded the Baha'i Faith, a new and independent religion with its own scriptures, laws, teachings, and practices. The central tenet involves a message of justice, unity, and peace.

In response to his teachings, the Persian and Ottoman empires imprisoned and exiled Baha'u'llah for over 40 years. Despite the injustice and oppression he faced, Baha'u'llah continued to promote a message of the oneness of humanity. In every place to which he was banished, he touched the lives of all those around him, and his enemies became his friends and admirers.

Today, the Baha'i faith is a global religion with over five million followers around the world. And just over 120 years ago, it first arrived in the U.S. Wherever they live, Baha'is

champion the principles that Baha'u'llah proclaimed and strive to build a better world by being good citizens, serving their communities, and working side by side with others to promote the common good.

IN HONOR OF DUANE DAUNER, PRESIDENT AND CEO OF THE CALIFORNIA HOSPITAL ASSOCIATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. MCCARTHY. Mr. Speaker, when dedicated people reach the end of a long and full career, they care to be remembered for more than what they accomplished, but for how they accomplished it.

Duane Dauner is a peace maker, a consensus builder, and a man with an uncommon mix of expertise and compassion. He is a man who has deservedly gained a local, statewide, and national reputation for his knowledge and abilities.

Duane has over three decades of experience as the President and CEO of the California Hospital Association, serving the most populous state in America with diversity to match its size. From rural expanses in the farms and deserts to the great cities along California's coast and interior, Duane has more than capably responded to the health care needs of the people of California.

Building on his experience in the Kansas Hospital Association and the Missouri Hospital Association, Duane came to California with a personal commitment to provide every Californian with equitable access to affordable, safe, high-quality health care services. In large part because of his work and leadership, California experienced the slowest rate of health expenditure growth relative to the entire nation.

He took the lead to develop the Modern Pricing approach, a voluntary effort where hospitals can adjust their charges to develop a more user-friendly billing process. He improved the transparency of hospital data, helping to develop the California Hospital Assessment Reporting Taskforce (CHART), which adopted 50 hospital performance measures and still publicly reports hospital quality today. Under his leadership, the California Hospital Association established the 501(c)3 Hospital Quality Institute to prioritize initiatives that improve patient safety and quality.

His public recognition acknowledges his accomplishments. He has earned the American College of Health Care Executives highest honor, the Gold Medal Award, a Lifetime Achievement Award from the Healthcare Executive of Southern California, and the Ludlam-Gamble Award from the National Health Foundation, among many others.

I, along with House Minority Leader NANCY PELOSI, have both appreciated Duane's counsel and advice over the years, leaning upon him to inform our own health care policy decisions. The fact that we come from different sides of the aisle reflects not only the excellence of Duane's advice, but also the quality of his character.

Friends and colleagues have called him an "elder statesman," a "careful listener," a "decisive leader," and a man of "resolute character" with "a work ethic that never wavers." Duane is a person who has always done more than his job required and did it well. While the people of California and the nation will miss his leadership, we are all the better that he spent so much of his life serving our state and country.

HONORING MACEDONIA
MISSIONARY BAPTIST CHURCH

HON. WALTER B. JONES

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. JONES. Mr. Speaker, I rise today to honor Macedonia Missionary Baptist Church in my hometown of Farmville, North Carolina. This congregation recently celebrated 126 years of serving our Lord and Savior, Jesus Christ. The passion and commitment from this church has helped to spread the Word and Humility of Christ throughout the town of Farmville and surrounding communities for many, many years.

The ministry and community outreach performed by the people of Macedonia M.B. have helped meet the needs of so many. I am proud and honored to call these people my neighbors.

I want to thank the church family of Macedonia Missionary Baptist and Pastor Dr. Jerry W. Spruell as they continue to improve the quality of life for so many people and commend them on this milestone in their ministry. I pray that they will be blessed with many more years of service to our Lord and Savior, Jesus Christ.

As it is written in the book of Hebrews 6:10, "God is not unjust, He will not forget your work and the love you have shown Him as you helped His people and continue to help them."

Congratulations on your 126 years of service.

HONORING THE MADISON COUNTY
LOCAL HARVEST BANQUET

HON. DOUG COLLINS

OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize my Madison County neighbors for their recent success in raising money for the local foodbank at the Madison County Local Harvest Banquet.

Last year, the Madison County Extension Office launched this banquet to raise money for the local food bank, which assists families and friends in the area.

What began as a simple idea eventually grew into a community-wide effort. At the banquet, local farmers donated food, students from the local culinary school prepared meals, and community leaders volunteered to serve food.

In its inaugural year, participants raised over \$3,000, and this year, their efforts increased by nearly half, putting the grand total at \$4,375 raised for Madison County residents in need.

As the holiday season approaches, let us all follow the example that my Madison County neighbors have put forth. Let us look to one another with compassion, opening our hearts in order to help meet the needs of our communities.

I thank my friends in Madison County for their generosity, and I look forward to seeing the continued success of their charitable efforts.

RECOGNIZING LIEUTENANT
COMMANDER JAKE FERRARI

HON. ROBERT J. WITTMAN

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to recognize those men and women who continue to serve this great Nation with honor—men such as Lieutenant Commander (LCDR) Jake Ferrari, United States Navy.

For the past year, LCDR Ferrari, affectionately known in my office as "Snake," served on my staff as a Congressional Defense Fellow. A 2004 graduate of the United States Naval Academy, LCDR Ferrari is a proud Surface Warfare Officer who served onboard USS *Lake Champlain* (CG 57), USS *Tarawa* (LHA-1), USS *Milius* (DDG 69), and USS *Cape St. George* (CG 71). During his assignment in my office, LCDR Ferrari provided senior-level input for defense, veterans, foreign affairs and intelligence matters. Additionally, he executed his work as a liaison to the constituents of Virginia's First Congressional District with distinction.

Furthermore, LCDR Ferrari provided exceptional support to me as a staff liaison to the House Armed Services Committee in my role as the Seapower and Projection Forces Subcommittee Chairman. The year 2017 proved to be a pivotal time for the Navy's surface community, highlighted by the tragic collisions of the USS *Fitzgerald* and USS *McCain*. In response, LCDR Ferrari dutifully provided me with guidance on what the Navy's path forward should be in critical areas such as training, readiness, and manning. His recent experience in the surface community was invaluable to my work in Congress.

As the Co-Chair of the Congressional Shipbuilding Caucus, the Co-Chair of the Navy-Marine Corps Caucus, and the Chairman of the United States Naval Academy's Board of Visitors, I relied on LCDR Ferrari to organize quarterly events with government, military, and private sector leaders. These events allowed key decisionmakers to work together for the advancement of our future Naval Officers as well as the construction and repair of the ships on which they will serve.

LCDR Ferrari also directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion, and he le-

veraged his personal and operational experience in the Navy to respond to the most challenging inquiries. In addition to his efforts locally, LCDR Ferrari took on projects with regional, state, and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions. Specifically, LCDR Ferrari served as my direct liaison to the Federal Emergency Management Agency (FEMA) in the aftermath of the damage caused by Hurricane Maria in Puerto Rico. His diligent communication and coordination with FEMA benefitted many of my constituents with family residing in Puerto Rico.

LCDR Ferrari's work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers. I would also like to thank LCDR Ferrari for the service and sacrifice he has made, and continues to make, both for our Nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the First District of Virginia. I have no doubt that LCDR Ferrari will continue to serve the Navy honorably and with distinction.

I wish Jake, his wife Laura, and their children Lilly, Jack, Lucy, and Eleanor the best of luck as they continue their journey together as a Navy family. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that members of our all-volunteer force like Jake stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

I thank LCDR Jake Ferrari for doing a fantastic job. Best of luck to him and may God bless him, his family, and all the Sailors he is charged with leading.

IN RECOGNITION OF MAYOR J.
SCOTT PADGETT AND HIS SERVICE
TO THE CITY OF CONCORD

HON. RICHARD HUDSON

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize Mayor J. Scott Padgett for his more than two decades of service to the City of Concord, North Carolina.

I've known and worked with Mayor Padgett more than 20 years, and he's someone I've always considered a friend and partner when it came to helping the citizens of Concord. A longtime resident of Concord, Mayor Padgett received his undergraduate degree from Appalachian State University, a Master of Education Degree from the University of North Carolina at Charlotte, and an Advanced Degree from the University of North Carolina at Chapel Hill.

Mayor Padgett has spent most of his life as a public servant. Before he was elected to public office he served as the principal at Beverly Hills Elementary School in Concord and as a member of the Concord Planning and Zoning Commission. As part of the Planning

and Zoning Commission, he gained valuable experience that helped him shape the City of Concord into the wonderful place it is today when he was elected to the Concord City Council and eventually elected as Mayor.

Over the years, Mayor Padgett has been very active in our community, receiving multiple awards for his service. He has served on the boards of North Carolina League of Municipalities, N.C. Metropolitan Mayors Coalition, Cabarrus Boys & Girls Club, Cabarrus Bank & Trust, and the Rowan-Cabarrus Community College, while also being an active member of the Concord Rotary Club, and participant in the U.S. Conference of Mayors. Mayor Padgett received a Lifetime Achievement Award from the Cabarrus Regional Chamber of Commerce, and has been honored with the Order of The Long Leaf Pine, the highest honor that can be bestowed upon a North Carolinian. As you can tell, Mayor Padgett's servant heart never stops, no matter the day or time.

Residing in Concord with his wife, Teresa, he has one son and three grandchildren. Mayor Padgett has shown immense dedication to his career and his family over the years. I am extremely grateful for Mayor Padgett's service to our community and I wish him continued success in his well-deserved retirement.

Mr. Speaker, please join me today in honoring Mayor J. Scott Padgett for his service to the City of Concord.

HONORING JACQUELINE S. GILLAN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2017

Mr. McGOVERN. Mr. Speaker, I rise today to honor my good friend and tireless auto safety advocate, Jacqueline S. Gillan, on her retirement from her day-to-day leadership role at Advocates for Highway and Auto Safety, a group she helped found nearly three decades ago. Beginning in January 2018, Jackie will transition to President Emeritus at Advocates.

Jackie has dedicated her professional career to making our roads safer for all American families. She co-led Advocates starting in 1990 and has served as President since 2011. Prior to joining Advocates, she worked in senior policy positions in the Office of the Secretary of the U.S. Department of Transportation, the United States Senate, the Washington, D.C. office of the Governor of Ohio, and the California and New Jersey state transportation agencies.

Her extensive accomplishments include the successful enactment of numerous federal and state laws advancing motor vehicle and motor carrier safety standards; improving child safety; strengthening impaired driving laws; requiring safety belts, child restraints, and motorcycle helmet use; establishing teen driver programs; and providing adequate funding for highway and auto safety programs.

Mr. Speaker, I have had the distinct pleasure of working with Jackie for several years on transportation safety issues. I am always impressed with her skillful knack to bring together a diverse group of transportation stake-

holders to work to make our roads safer. But perhaps Jackie's greatest trait is her ability to tell the stories of truck crash victims with power and compassion. Her work with crash victims and their families—to make sure that every story is heard—is an incredible testament to her personal devotion to the issues she has worked on.

Jackie is truly one of the most effective advocates that I have had the privilege to work with during my congressional career. You will find no greater champion for road safety than Jackie Gillan. She exemplifies the best of public service and principled public policy. I have no doubt that our roads are safer because of her years of hard work. I wish Jackie and her family nothing but the best in her well-earned retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 12, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 13

Time to be announced

Committee on Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Kenneth L. Marcus, of Virginia, to be Assistant Secretary for Civil Rights, and Johnny Collett, of Kentucky, to be Assistant Secretary for Special Education and Rehabilitative Services, both of the Department of Education, Scott A. Mugno, of Pennsylvania, to be an Assistant Secretary, and William Beach, of Kansas, to be Commissioner of Labor Statistics, both of the Department of Labor, and other pending nominations.

TBA

9:30 a.m.

Committee on Agriculture, Nutrition, and Forestry

To hold hearings to examine safeguarding American agriculture in a globalized world.

SR-328A

Committee on Foreign Relations

To hold hearings to examine using force, focusing on strategic, political, and legal considerations.

SD-419

9:50 a.m.

Committee on Environment and Public Works

Business meeting to consider the nomination of R. D. James, of Missouri, to be an Assistant Secretary of the Army, Department of Defense.

SD-406

10 a.m.

Committee on Armed Services

Subcommittee on Emerging Threats and Capabilities

To receive a closed briefing on Department of Defense global counterterrorism operations.

SVC-217

Committee on Armed Services

Subcommittee on Personnel

To hold hearings to examine an update on research, diagnosis, and treatment for traumatic brain injury/concussion in servicemembers.

SR-222

Committee on Commerce, Science, and Transportation

Business meeting to consider S. 2202, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, S. 2200, to reauthorize the National Integrated Drought Information System, S. 1768, to reauthorize and amend the National Earthquake Hazards Reduction Program, the nomination of Barry Lee Myers, of Pennsylvania, to be Under Secretary of Commerce for Oceans and Atmosphere, and a routine list in the Coast Guard.

SH-216

Committee on Environment and Public Works

To hold an oversight hearing to examine the Nuclear Regulatory Commission.

SD-406

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine implementation of the 21st Century Cures Act, focusing on responding to mental health needs.

SD-430

Committee on the Judiciary

To hold hearings to examine the nominations of Elizabeth L. Branch, of Georgia, to be United States Circuit Judge for the Eleventh Circuit, R. Stan Baker, to be United States District Judge for the Southern District of Georgia, Charles Barnes Goodwin, to be United States District Judge for the Western District of Oklahoma, Matthew J. Kacsmayrk, to be United States District Judge for the Northern District of Texas, Matthew Spencer Petersen, of Virginia, to be United States District Judge for the District of Columbia, and Eli Jeremy Richardson, to be United States District Judge for the Middle District of Tennessee.

SD-226

2 p.m.

Conferees

Meeting of conferees on H.R. 1, to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

HC-5

2:30 p.m.

Committee on Foreign Relations

To hold hearings to examine the extradition Treaty between the Government of the United States of America and the Government of the Republic of Kosovo, signed at Pristina on March 29,

2016 (Treaty Doc. 115-02), the extradition Treaty between the United States of America and the Republic of Serbia, signed at Belgrade on August 15, 2016 (Treaty Doc. 115-01), the Treaty between the Government of the United States of America and the Government of the Republic of Kiribati on the Delimitation of Maritime Boundaries, signed at Majuro on September 6, 2013, and the Treaty between the Government of the United States of America and the Government of the Federated States of Micronesia on the Delimitation of a Maritime Boundary, signed at Koror on August 1, 2014 (Treaty Doc. 114-13), and the United Nations Convention on the Assignment of Receivables in International Trade, done at New York on December 12, 2001, and signed by the United States on December 30, 2003 (Treaty Doc. 114-07).

SD-419

Committee on the Judiciary
Subcommittee on Antitrust, Competition Policy and Consumer Rights
To hold hearings to examine the consumer welfare standard in antitrust.

SD-226

DECEMBER 14

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine assessing accomplishments and challenges of the Magnitsky Act.

SD-562

10 a.m.

Committee on Armed Services

To hold hearings to examine United States policy and strategy in the Middle East.

SD-G50

Committee on Foreign Relations

To receive a closed briefing on new counterterrorism guidance.

SVC-217

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget.

SD-342

Committee on the Judiciary

Business meeting to consider S. 2152, to amend title 18, United States Code, to provide for assistance for victims of child pornography, and the nominations of Stuart Kyle Duncan, of Lou-

isiana, to be United States Circuit Judge for the Fifth Circuit, David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit, Fernando Rodriguez, Jr., to be United States District Judge for the Southern District of Texas, Andrei Iancu, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and Duane A. Kees, to be United States Attorney for the Western District of Arkansas, Stephen R. McAllister, to be United States Attorney for the District of Kansas, Ronald A. Parsons, Jr., to be United States Attorney for the District of South Dakota, Ryan K. Patrick, to be United States Attorney for the Southern District of Texas, and Michael B. Stuart, to be United States Attorney for the Southern District of West Virginia, all of the Department of Justice.

SD-226

2 p.m.

Select Committee on Intelligence

To receive a closed briefing on certain intelligence matters.

SH-219

SENATE—Tuesday, December 12, 2017

The Senate met at 10 a.m. and was called to order by the Honorable BEN SASSE, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, our shelter in the time of storms, thank You for Your mercies that are new each day. Lord, through many dangers You have brought us, and we would not be guilty of ingratitude. We are grateful for catastrophes that haven't happened, for the unseen angels who have guarded our Nation and those we love. May our lawmakers remember that all efforts to defend ourselves will fail without Your sovereign will and loving providence. May our Senators not put their trust only in their ingenuity and courage but instead lean on You, the Author and Finisher of our faith. Today, lead our legislators on right paths as they trust You to clear the road on which they travel. Order their steps and direct their way, training them in Your school of humility so that they will strive to bring glory to You.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 12, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN SASSE, a Senator from the State of Nebraska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SASSE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF DON WILLETT

Mr. MCCONNELL. Mr. President, yesterday the Senate advanced the nomination of Mr. Leonard Steven Grasiz to be a judge on the Eighth Circuit Court of Appeals. Mr. Grasiz has sterling credentials and strong support from the Nebraska legal community. I proudly voted to advance his nomination, and the Senate will confirm him soon.

Next, we will vote to advance the nomination of another well-qualified individual, Texas Supreme Court Justice Don Willett, to serve on the Fifth Circuit Court of Appeals. Justice Willett respects the rule of law and our foundational legal principles, and he will be a strong addition to the Fifth Circuit.

His story is an inspirational one. Adopted at a young age and raised by a widowed mother in a town of 32 people, he was the first person in his family to graduate from high school. As our colleague Senator CORNYN said at the Senate Judiciary Committee hearing, "Justice Willett's life [reflects] the best of Texas, and the best of America."

From these humble beginnings, Justice Willett has led a remarkable career. After graduating from Duke School of Law, he clerked for Judge Jerre Williams of the Fifth Circuit Court of Appeals, the panel he has now been nominated to join.

He spent a short time in private practice before entering public service in then—Gov. George W. Bush's administration as a legal and policy adviser. When President Bush entered the White House, Justice Willett joined him as the Special Assistant to the President. In that role, he helped shape the domestic legal policy of the Bush administration, especially in the President's efforts to increase charitable activities in neighborhoods across the Nation.

The next year, he became Deputy Assistant Attorney General in the Justice Department's Office of Legal Policy. There, he oversaw both civil and criminal policy initiatives, including what became the PROTECT Act of 2003, which increased law enforcement's ability to prevent and prosecute violent crimes against children.

Afterward, Justice Willett returned to Texas to serve as the Deputy Attorney General for Legal Counsel. As the

top legal aide to then-Attorney General Greg Abbott, he advised the office on a wide variety of legal matters.

In 2005, he was appointed to serve as a justice on the Texas Supreme Court. Elected to a full term in 2006 and re-elected in 2012, Justice Willett has served with distinction on the Texas high court now for over a decade. During that time, he has ruled fairly and impartially.

Four of his former colleagues on the Texas Supreme Court wrote a letter to the Judiciary Committee supporting Justice Willett's nomination. They wrote, "His demonstrated belief is that the courts should enforce both constitutional rights and constitutional limitations and uphold the rule of law, but not enforce a personal agenda."

"On occasion," they continued, "we did not agree with each other or with him on the disposition of an appeal but we respected Don's opinions and never doubted his devotion to principle."

In addition, the retired Texas Supreme Court justice, Wallace Jefferson, recommended Justice Willett's nomination, writing that he will be "a thoughtful, hardworking, diligent, and influential member of the United States Court of Appeals for the Fifth Circuit."

Justice Willett has also been recognized for his excellence by the Texas Review of Law and Politics, which named him its Distinguished Jurist of the Year in 2014.

I would like to commend President Trump for nominating Justice Willett to the Fifth Circuit. Under Chairman GRASSLEY's leadership, the Judiciary Committee has done an excellent job processing this nomination and many others.

By joining the Fifth Circuit, Justice Willett will use his talents to continue to serve his State and his Nation. I look forward to advancing his nomination, and I urge my colleagues to join me in doing so.

JUSTICE FOR UNCOMPENSATED SURVIVORS TODAY (JUST) ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 274, S. 447.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 447) to require reporting on acts of certain foreign countries on Holocaust era assets and related issues.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Uncompensated Survivors Today (JUST) Act of 2017".

SEC. 2. REPORT ON HOLOCAUST ERA ASSETS AND RELATED ISSUES.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) **COVERED COUNTRIES.**—The term "covered countries" means participants in the 2009 Holocaust Era Assets Conference that are determined by the Secretary of State, or the Secretary's designee, in consultation with expert nongovernmental organizations, to be countries of particular concern relative to the issues listed in subsection (b).

(3) **WRONGFULLY SEIZED OR TRANSFERRED.**—The term "wrongfully seized or transferred" includes confiscations, expropriations, nationalizations, forced sales or transfers, and sales or transfers under duress during the Holocaust era or the period of Communist rule of a covered country.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that assesses and describes the nature and extent of national laws and enforceable policies of covered countries regarding the identification and the return of or restitution for wrongfully seized or transferred Holocaust era assets consistent with, and evaluated with respect to, the goals and objectives of the 2009 Holocaust Era Assets Conference, including—

(1) the return to the rightful owner of any property, including religious or communal property, that was wrongfully seized or transferred;

(2) if return of any property described in paragraph (1) is no longer possible, the provision of comparable substitute property or the payment of equitable compensation to the rightful owner in accordance with principles of justice and through an expeditious claims-driven administrative process that is just, transparent, and fair;

(3) in the case of heirless property, the provision of property or compensation to assist needy Holocaust survivors, to support Holocaust education, and for other purposes;

(4) the extent to which such laws and policies are implemented and enforced in practice, including through any applicable administrative or judicial processes; and

(5) to the extent practicable, the mechanism for and an overview of progress toward the resolution of claims for United States citizen Holocaust survivors and United States citizen family members of Holocaust victims.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that after the submission of the report described in subsection (b), the Secretary of State should continue to report to Congress on Holocaust era assets and related issues in a manner that is consistent with the manner in which the Department of State reported on such

matters before the date of the enactment of the Act.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 447), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, last week, the House and Senate passed a short-term funding bill to keep the government open as Republican and Democratic negotiators continue to work on a long-term spending deal. The negotiations are advancing well, but many issues remain to be resolved.

First and foremost, we must resolve the issue of the spending caps. If we do nothing, there will be painful and un-

necessary cuts to both defense spending and programs that invest directly in jobs and economic development for the middle class in early January. We must lift the spending caps for defense and also those urgent domestic priorities in equal measure. That has been the basis of the successful budget agreements going back several years and as recently as April of this year. There was parity between defense and nondefense, and that is how it ought to stay. That is what brought us home to a good agreement and no shutdowns in previous years.

As the opioid crisis continues to rage, dimming the bright future of so many Americans, we have a moral obligation to step up our country's support for addiction treatment and recovery. I have had a father cry in my arms because his son was online waiting to get into a treatment program, but it was too crowded. He had to wait, and his son died of an overdose before he could get in. We can't have that in America.

So many of our young people, the flower of our youth, are dying or being hurt so badly, addicted, with this opioid crisis. We cannot sit by, just as we cannot sit by with foreign threats that plague our country.

As veterans continue to struggle to find the quality healthcare they deserve after bravely serving this Nation, we should be making additional investments in veterans' healthcare and veterans hospitals. Just as we need to help our soldiers abroad, we need to help those who have fought for us, risked their lives for us, and now have healthcare problems.

As hundreds upon hundreds of thousands of miners, truckdrivers, construction workers, and food service workers approach retirement age, we have to make sure the pension plans promised to them have enough in the bank to fulfill that promise. These people painstakingly paid every month into their plans, and so did their employers. They would forgo larger salary increases so they could make sure they are taken care of when they retire.

Now that the pension funds—in good part because of the crash of 2008—don't have the money they need, these people should not be left out. Hard-working American families deserve to retire with the dignity and security they have earned. If we don't meet these pension obligations today, they are going to cost the government a whole lot more tomorrow. That is why Democrats are fighting for a pension solution in the year-end spending bill.

These are all urgent priorities. There are more. They can't wait another day, just as we must make sure our men and women in uniform have the resources and support they need to do their job. Let's do both in a bipartisan way.

As Democrats continue to push for desperately needed funding to combat the opioid crisis, improve veterans'

healthcare, and shore up pension plans, we will also be pushing to reauthorize CHIP—the Children's Health Insurance Program—and community health centers, as well as dealing with certain healthcare programs that have expired.

We have to do more for the Americans in Texas, Florida, Louisiana, Puerto Rico, and the U.S. Virgin Islands who are still recovering from devastating natural disasters.

We are in the process of negotiating with Republicans to provide a significant investment in border security in exchange for DACA. These talks continue to progress, and I am hopeful we can reach an agreement on that issue as well.

We have a lot to get done before the end of the year. We don't have much time to do it, but with the concerted effort of both parties, negotiating in good faith, I believe we can reach an agreement acceptable not to every Member of either Chamber but to large numbers of Members on both sides of the aisle so we can pass our agreement by a wide margin.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NET NEUTRALITY

Mr. THUNE. Mr. President, for more than two decades, under both Republican and Democratic Presidents and Republican and Democratic Congresses, the United States pursued a bipartisan light-touch approach to internet regulation. The internet as we know it today flourished under this light-touch approach, much to the benefit of American consumers and the domestic economy. It also made America the world leader in internet technology and positioned us to continue that leadership in the years to come.

In 2002, broadband internet was classified by the Federal Communications Commission, or FCC, our Nation's communications regulator, as an information service under title I of the Communications Act. This classification exempted the internet from burdensome regulations contained in title II of the Communications Act, which were designed in the Depression era for the old telephone monopolies.

Under the Obama administration, we saw repeated attempts to bring the internet under greater government control. Finally, in 2015, at the explicit direction of President Obama, the FCC did as it was told and reclassified broadband internet access service as a title II service, subjecting broadband internet to onerous common carrier

rules and opening the door to further regulation, including price regulation. Not surprisingly, with heavier regulation came a decline in broadband investment. Indeed, we have seen private investment in broadband infrastructure decline over the past 2 years. This decline should not be mistaken as a sign that broadband infrastructure is not needed. In fact, the opposite is true, as there are still 34 million Americans who lack access to broadband services at home.

In States like my home State of South Dakota, encouraging broadband deployment continues to be critical to ensuring that rural areas have the same economic opportunity as their urban counterparts. The Federal Government should not be putting up barriers to broadband deployment; it should be removing them. Congress and the FCC need to ensure regulatory framework is in place that protects consumers but that doesn't stand in the way of investment and innovation.

Prior to the FCC's 2015 actions to bring broadband under title II, and for more than a decade under the light-touch regulatory framework of title I, we saw unprecedented growth that revolutionized our daily lives and allowed us to stay better connected with our loved ones. The internet created new jobs and expanded opportunities for education and commerce. It became the greatest engine of innovation for our times.

Despite the fearmongering and doomsday rhetoric that continues to plague this debate, when the FCC moves forward and restores the internet to its pre-2015 regulatory status, the internet will continue to thrive and serve as an engine for future economic growth.

I commend Chairman Pai at the FCC and the entire Commission for all the hard work over the last year that has gotten us to this point. I also commend Chairman Pai for his commitment to transparency throughout this process. For the first time in the history of the Commission, under Chairman Pai's leadership, the public was able to view the Restoring Internet Freedom item 3 weeks prior to the FCC's vote. That is true of all documents to be considered by the Commission—a major departure from the previous administration's actions, which were often not made public until the very last minute. As a result of Chairman Pai's commitment to transparency, the public has the benefit of not only viewing the item but also participating in the process.

Despite attempts by those more interested in politicizing the issue and distracting from this debate, this item resulted in the most well informed and most exhaustive record of comments ever submitted to the FCC. The FCC is now well positioned to move forward to ensure that the internet is open and free. Regrettably, however, debate

doesn't end there. The outcry from opponents of the FCC's proposal is that the internet will fall apart without adequate consumer protections.

There is obviously immense passion that follows the issue of net neutrality. Americans care deeply about preserving a free and open internet, as do I and so many of my colleagues in the U.S. Senate on both sides of the aisle.

As I have stated repeatedly and I will say again today, congressional action is the only way to solve the endless back-and-forth on net neutrality rules that we have seen over the past several years. If my colleagues on the other side of the aisle and those who claim to support net neutrality rules want to enshrine protections for consumers with the backing of the law, I call on them today to join me in discussing legislation that would do just that. While we are not going to agree on everything, I believe there is much room for compromise.

Many of us in Congress already agree on many of the principles of net neutrality. True supporters of an open internet should be demanding such legislative protections today, not posturing while waiting for years during protracted legal proceedings or waiting for the political winds to shift.

If Republicans and Democrats have the political support to work together on such a compromise, we can enact a regulatory framework that will stand the test of time. I have stood willing to work with any and all supporters of net neutrality protections for many years now, and I continue to stand ready today.

It is time for Congress to settle this debate, and I welcome discussion on ways to ensure a free and open internet for decades to come.

TAX REFORM BILL

Mr. President, it has been a good week in the U.S. Senate. We are getting closer and closer to the finish line on tax reform. That means we are getting closer and closer to real relief for the American people. Our legislation is going to cut tax bills for American families, it is going to increase their wages, and it is going to give them access to new jobs and opportunities.

The tax bill the Senate passed on December 2 would cut income tax rates for American families starting next month. It would double the standard deduction. It would double the child tax credit. That would mean a substantially lower tax bill for American families next year. Under our bill, a family of four making \$73,000 a year would see a \$2,200 tax cut.

But our bill doesn't just provide immediate relief for families. Our bill also sets families up for economic health for the long-term by giving them access to higher wages, new jobs, and better opportunities.

How does it do this? By improving the playing field for American businesses. In order for individual Americans to thrive economically, we need American businesses to thrive.

Thriving businesses create jobs and provide opportunities; they increase wages and invest in their workers. But our current Tax Code has not been helping businesses thrive. For years now, our tax laws have left businesses of all sizes struggling under the burden of high tax rates and an outdated tax system that has left American businesses at a disadvantage in the global economy. Small businesses employ nearly half of American workers and create a majority of new jobs in this country, but right now small businesses face high tax rates that can make it difficult for these businesses to even survive, much less thrive and expand their operations.

Our bill fixes this. To start with, our bill implements a new deduction for passthrough businesses, such as partnerships, LLCs, and S corporations. This deduction would allow them to keep more of their money, which would allow them to reinvest in their operations to increase wages and to hire new workers.

Our bill also reforms current provisions in the Tax Code that frequently leave small businesses with little cash on hand. Under our legislation, small businesses would be able to recover the capital they have invested in inventory and machinery much more quickly and, in certain cases, immediately. This, in turn, would free up capital small businesses could use to expand and create jobs.

Our legislation also includes provisions that I helped develop that would simplify accounting rules for small businesses, which would also help reduce their tax burden, leaving more of their earnings to reinvest in their businesses and in their workers.

In addition to providing relief to small businesses, our bill will boost American wages by lowering our massive corporate tax rate. Our Nation's corporate tax rate is currently the highest in the industrialized world, which puts U.S. businesses at a major disadvantage next to their international competitors. Reducing the corporate tax rate will enable U.S. businesses to compete on a more level playing field, freeing up money that U.S. businesses can use to create jobs and to increase wages.

The White House Council of Economic Advisers estimates that reducing the corporate tax rate to 20 percent would increase wages for U.S. households by \$4,000. That is money that families could use to save for retirement, help pay for a child's education, replace an aging vehicle, or invest in their home.

Our bill would also boost wages and increase opportunities for Americans

by ending the outdated tax framework that is driving American companies to keep jobs and profits overseas. Our Nation currently operates under a so-called worldwide tax system. That means that American companies pay U.S. taxes on the profit they make here at home as well as on part of the profits they make abroad, once they bring that money back to the United States. The problem with this is that American companies are already paying taxes to foreign governments on the money they make abroad. When they bring that money home, they can end up having to pay taxes again on part of those profits at the highest tax rate in the industrialized world. It is no surprise that this discourages businesses from bringing their profits back to the United States to invest in their domestic operations, new jobs, and increased wages.

Our bill replaces our outdated worldwide tax system with a territorial tax system. Under our legislation, American companies would no longer face the double taxation that has encouraged them to send their investments and their operations overseas. Instead, U.S. companies would have a strong incentive to invest their profits at home in American jobs and American workers.

All in all, the Tax Foundation estimates that in addition to increasing wages, our bill would create nearly 1 million new jobs for American workers and boost the size of the economy by 3.7 percent.

This week, Members of the House and the Senate—myself included—are working on the final draft of comprehensive tax reform legislation. We hope to send a final bill to the President next week. I am thankful to have been able to be part of this tax-writing effort.

The bill we are finalizing, which is the product of years of work by Members of both parties, represents a once-in-a-generation opportunity to profoundly change the American people's lives for the better. Our tax bill will provide real, immediate, direct relief to Americans and do it now, and it will give Americans access to the kinds of jobs, wages, and opportunities they need for a secure and prosperous future. After years of economic stagnation, the bill we are drafting will usher in a new era of economic dynamism in this country, and it will send a message to the world that America is serious about competing and winning in the 21st century.

I am grateful to my colleagues on the House and Senate tax-writing committees for all the work they have done to put together this legislation, and I look forward to working with my colleagues on the conference committee to finish our final draft and to get this bill across the finish line for the American people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I approach this topic with a little bit of trepidation. Ordinarily when people make outrageous, outlandish, and unbelievable statements, I usually think it is best just to let them go because when people make these kinds of statements, I think they lose their own credibility, and maybe it doesn't bear any particular comment by anybody else or a desire or an attempt to refute it. But on the subject of tax reform, there have been some incredible statements that have been made, and I am going to mention a few of those because I think they really paint an ugly picture of what is supposed to be a debate on tax reform policy, but I think probably they relate more to sort of the nature of what passes for debate here in Washington, DC—and particularly the Congress—on matters of important public policy. In other words, there isn't a lot of debate. There is accusation after accusation. It gets repeated on social media, then the press picks it up, and then people just assume, well, it must be true since nobody has ever denied it or offered any contrary narrative.

For example, the House minority leader apparently had the time to read every bill that has ever been written since the year 1789 because she felt comfortable calling this tax bill, which is still in the process of being written—reconciling the House and Senate versions—she called it the “worst bill in the history of the United States Congress.” She has been busy if she has read every bill since 1789. Then she went further because that apparently wasn't enough for her. She said that our tax bill isn't just poor legislation; she said that it is an existential threat to the Nation and possibly the entire planet. Can you believe that? An existential threat to the Nation and possibly the entire planet.

Well, you can see why perhaps I was reluctant to come address these accusations, because I think anybody who would make those kinds of accusations has lost all credibility. But acting either as a prophet or an amateur astrologist—we are not quite sure—she called the prospect of passing tax reform “Armageddon.”

Well, it is hard to know what to say or do in the face of that sort of rhetoric because, frankly, this tax reform bill is a good thing. I wish our friends across the aisle, the Democrats, would join us

in trying to make it better. That is what happened the last time we tried to do this or this Congress tried to do it.

In 1986, a Republican President; a Democratic Senator from New Jersey, Senator Bill Bradley; Dan Rostenkowski from Chicago, chairman of the House Ways and Means Committee, a Democrat; and other Members of Congress came together to try to reform our Tax Code, and they were successful in doing it against all odds.

But today, we have an entirely different scenario. We have Republicans seeing that the economy is growing at a very slow rate and that wages for most workers have been flat for the last 10 years and realizing that our current Tax Code is counterproductive when it comes to encouraging investment, job creation, and wage growth in our country because we have the highest tax rate in the world for businesses that do business internationally. We thought, we need to do something about it, and so we set about reforming our Tax Code with three goals in mind.

One is to simplify the Tax Code. Everybody knows how complex it is and how much money people spend hiring an accountant or H&R Block or somebody to help them figure it out. Secondly, we figured that it would be important to give hard-working families a tax cut. So we have succeeded in reducing the tax break for every tax bracket in the Tax Code for working families. For example, for low-income families, we have a zero tax bracket now. For a joint-filing husband and wife, on the first \$24,000 they earn, there is no tax at all. And thanks to some great work by Senator RUBIO and Senator LEE, we have doubled the child tax credit. Those are good things. We have doubled the standard deduction—so fewer people have to itemize deductions to get the full benefit of the code—while maintaining the charitable deduction and the mortgage interest deduction and popular items like that. We have also said, for example, that a family earning roughly \$70,000 a year—the median income in America for a family of four—would see a benefit of roughly \$2,200 less tax liability.

I would think those would be good things that our friends across the aisle would want to work with us on. How do we simplify the code? How do we let people keep more of what they earn, more take-home pay, a better standard of living? How do we make America's economy more competitive since we have the highest tax rate in the world and we are seeing investment in businesses flee to other lower tax jurisdictions? You would think those would be the sorts of things on which our friends across the aisle would want to work with us but apparently not. Instead, what we get are these sort of reckless and really buffoonish allegations that cause the speaker to lose all credibility

in any sort of debate we might be having.

Unfortunately, the media tends to pick up on some of this rhetoric and jump on the bandwagon, but the media's worst claims are at least a little closer to Earth than what I recounted earlier. For example, the Washington Post said the tax reform "took place behind closed doors." Well, that is a tired old rhetoric and talking point. You would think the Washington Post could come up with something a little better than that and actually something that is a little more accurate than that. One columnist at the New York Times sighs that the package benefits donors at the expense of voters—what does that mean?—and that it "only modestly addresses the central socioeconomic challenge of our time." Well, I wonder what this reporter or columnist for the New York Times thinks is the central socioeconomic challenge of our time. I think one of those is for people to be able to pursue the American dream, to be able to find work, to be paid a decent wage, and to be able to keep more of what they earn, but that apparently isn't good enough for this columnist at the New York Times.

Certainly, these charges deserve a little more attention than the minority leader's asteroid attack, but they, too, are misguided.

When it comes to tax reform, the drafting process did not take place behind closed doors. I wonder why the Washington Post was so ill-informed and ignorant of the legislative process that they didn't see the 70 Senate hearings we have had on tax reform since 2011. They apparently didn't bother to turn on C-SPAN to see the debate and the amendment process in the Senate Finance Committee that produced the Senate bill, and they apparently are not paying much attention to what we are talking about here on the Senate floor as we are trying to reconcile the differences between the House bill and the Senate bill. So I guess they are just not paying much attention, which I thought newspapers and reporters were supposed to do.

The second major allegation—that we are ignoring working Americans and the middle class—is demonstrably false.

Many are wondering why tax cuts for families are temporary and the ones for corporations are permanent. Well, we know that businesses need long-term assurances about the tax environment so that they will invest and make plans. We wanted to make tax cuts for individuals permanent, too, but that requires 60 votes in the Senate, and every single one of our Democratic colleagues voted against the bill and they refused to participate in the process. So with only 52 votes to work with, we were unable to meet that 60-vote threshold. So on the one hand, they

criticize us for not making those tax cuts for individuals permanent, but then they deny us the votes we need in order to make that happen. It is not that we don't want to make these tax cuts permanent for the middle class; it is that the Democrats are preventing us from doing so.

I agree with my friend and colleague, the junior Senator from Florida, Mr. RUBIO, who has said that when it comes to debating tax reform, Republicans can't be the country club party. I certainly agree that is not who we are, but that is also not who we should be helping in this bill. We ought to be addressing low-income and middle-class Americans first.

Yes, we do lower the corporate rate, but historically that has been something Democrats have called for. I remember that in 2011, President Obama, in a joint session of Congress, called for reducing the highest corporate tax rate in the world, and he called upon Republicans and Democrats to work together to make that happen. And we have had others, like the ranking member on the Senate Finance Committee, the Senator from Oregon, Mr. WYDEN, who co-sponsored a bill that would have reduced the corporate tax rate from 35 percent to 24 percent. We do a little better than that in this bill. We take it down to 20 percent, which is close to the industrialized world average on tax rates, but the Senator from New York, the Democratic leader, has also called for lowering the corporate tax rate and making us more competitive in the global economy. Do you know what will happen when we do that? We will see investment come back to the United States, along with the jobs that go along with it. Who will benefit from that? Will the businesses that create those jobs benefit? I suppose they will, but the people who will really benefit will be the people who perform those jobs and who earn those wages: hard-working American families.

A group of nearly 140 economists say that, on balance, they believe the bill will enhance economic efficiency and result in most households enjoying lower marginal rates. That is economics talk for tax cuts. But what about fairness and simplification? Don't we all want a fairer tax code and one that is easier to navigate? I believe, once again, our bill delivers.

Those economists I mentioned say fairness would be served by reduction differences, and the tax treatment of individuals with similar incomes and simplification would be served by reducing the number of individuals who itemize for Federal tax purposes. That is exactly what we do by doubling the standard deduction.

Right now, about 3 out of 10 individual taxpayers itemize. Under our doubling the standard deduction, only 1 out of 10 will find it necessary to itemize.

The simple truth is, the Senate bill will lower tax bills on millions of working-class Americans. It will lower taxes, not raise them, on the working class. Again, by nearly doubling the standard deduction and lowering rates across the board and doubling the child tax credit, the Senate tax reform plan will lower taxes for every income group. The Senate tax plan was written with working families in mind, and the legislation reflects that goal.

As I said earlier, and I will say it again, a family of four earning a median income of about \$70,000 will see a \$2,200 savings in their tax bill each year. It may be easy for folks living in the rarified air in Washington, DC, to shrug that off and say \$2,200 is no big deal to me, but to the people I represent, \$2,200 in tax savings a year is a big deal. It can mean the difference between being able to save for retirement, help pay for a college education, or maybe take a vacation for the first time in a long time. That is the money they have earned, and we are simply saying you can keep more of it under this bill.

Finally, I want to mention the Federal deficit. Will the tax bill increase it? Well, yesterday the Office of Tax Policy at the Treasury Department released an analysis of expected tax revenue associated with the administration's economic growth initiatives. Among the key findings is, \$1.8 trillion of additional revenue would be generated over 10 years based on expected economic growth. The Congressional Budget Office uses the baseline of 1.9-percent economic growth. That is because, during the entire Obama Presidency, the U.S. Government and economy experienced an unprecedented low rate of economic growth since the Great Recession of 2008, but, historically, dating back to World War II, we have seen the economy grow at 3.2 percent. So why should we settle for 1.9 percent or 2 percent? We shouldn't.

Our friends on the other side have suddenly become deficit hawks after seeing the national debt double during the Obama administration. Let's not forget, they supported lowering these same corporate tax rates year after year and embraced other parts of our plan which we have incorporated. That is why their attacks, their histrionics, their screams of Armageddon are laughable, and, frankly, they insult the intelligence of Americans who are trying to figure this out. It is hard to figure out what is actually happening when you have somebody crying like Chicken Little that the sky is falling. It is hard for people to sort all of this out.

Well, as we continue to work on a conference committee report to reconcile the differences between the House and the Senate versions of the bill, our focus will be on those hard-working American families I men-

tioned earlier—people of modest income, people of average income.

Yes, we are going to make our businesses more competitive globally because that will benefit the same families we are trying to benefit by the individual tax cuts.

You can see why I perhaps was a little reluctant to come address some of these histrionics and outlandish and unbelievable claims, but I have also learned that if you don't respond—if you don't counter falsehood with truth—some people are simply going to believe the falsehood, so I thought it was important to do so. Let's remain clear-eyed, and let's get this work done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I come to the floor to talk about the Children's Health Insurance Program and Community Health Centers, but I do want to take a moment to respond to my friend and colleague, the distinguished Senator on the Republican side.

I can speak for myself and others, I know, on this side who very much want to see tax reform, very much want to close loopholes that take jobs overseas and support small businesses, but what is in front of us and what was voted on was a bill that, when fully implemented, would raise taxes on something like 87 million middle-class Americans. That doesn't make any sense at all.

All of the rosy estimates on economic growth were not backed up in legislative language. As to the \$4,000 wage increase that had been talked about as a minimum for people across the country to receive based on economic growth, I suggested we write that into law; that if, in fact, folks don't get their \$4,000, the tax breaks would stop—and folks aren't willing to do that.

I want to make sure folks in Michigan get their \$4,000 wage increase, and we don't get another bunch of promises with trickle-down economics, where everything goes to the top 1 percent, and folks in Michigan are still waiting for it to trickle down.

CHIP AND COMMUNITY HEALTH CENTERS

Mr. President, let me go to the subject I am here to talk about; that is, the fact that we are now on day 73 since the Children's Health Insurance Program and community health center funding has stopped. The Federal funding stopped on September 30.

I am very concerned. I was reading today that the House leadership has essentially been saying they don't want to see this continued as part of a year-end package in 2 weeks. My assumption was, we were going to see the Children's Health Insurance Program and community health centers wrapped into the bill in a couple of weeks that

would set the priorities for our country.

If it is true what was reported, there ought to be an alarm going out all across the country. The Children's Health Insurance Program—which we call MICHild in Michigan—covers 9 million children across the country. These are working families. These are working families who need some help to have insurance for their children—children who now go to the doctor instead of an emergency room. This actually saves dollars by children being able to have a regular relationship with a doctor, parents knowing they can take their children to the doctor instead of having to figure out how to address their concerns in the middle of the night in the emergency room.

So 9 million children right now are at risk because of inaction. It has been 73 days. I am very concerned that as soon as February, the MICHild Program will be running out of funding. In fact, this month, there are three States that are losing funding for the Children's Health Insurance Program: Arizona, with over 88,000 children who receive health insurance and are able to go to the doctor. Their moms and dads know that at least the kids are going to be able to see the doctor for their juvenile diabetes, their asthma, or simple things like a cold, flu, or serious things like cancer.

New Hampshire has 17,000—almost 18,000 children. In Oregon, 140,000 children right now receive their healthcare through the Children's Health Insurance Program. Starting in January, if there is no action, we will see millions of children losing their health insurance: California, Colorado, Delaware, Florida, Idaho, Massachusetts, Pennsylvania, Texas, Utah, and Virginia. Each month, we will see funding that will be eliminated. In total, we are talking about 9 million children.

This has been a bipartisan program. This came out of committee on a bipartisan vote in September with Senator HATCH and Senator WYDEN. I was pleased to join them in putting together a 5-year extension. It came out of committee with strong bipartisan support and only one "no" vote.

I assumed it was going to be brought up on the floor before September 30 and passed. Yet 73 days later, children and families across the country are still waiting.

The other piece of healthcare that has been so critical to families—to children and individuals across our country—is funding for community health centers, which, by the way, also has strong bipartisan support. Senator ROY BLUNT and I have put in legislation with Republicans and Democrats cosponsoring it. We have a letter that 70 different Members signed to our leadership saying they support extending community health center funding. Yet, again, there has been no action for 73 days.

Our assumption had been that the Children's Health Insurance Program would come to the floor, we would amend it to add health centers, and get it done before September 30. It has not happened. The community health centers serve 25 million patients in every part of our country. So 300,000 veterans rely on community health centers, and 7.5 million children, as well, rely on community health centers. I should add, we have 260 sites all across Michigan serving 681,000 people. Again, almost 13,000 Michigan veterans use our community health centers.

We have bipartisan support to continue funding, but the funding ended September 30. So what happens? Well, starting in January, Michigan's community health centers will lose \$12.8 million in funding because about 70 percent of the funding for health centers comes through the legislation we are now offering with bipartisan support. About 20,000 people will lose their healthcare. By June, Michigan's health centers will lose over \$80 million in funding, and almost 100,000 patients will lose healthcare. This is critically important as well. We are talking about 25 million people across the country.

Community health centers and the Children's Health Insurance Program is something we have come together on, on a bipartisan basis, over the years. There has to be a sense of urgency about this. We cannot leave at Christmas—we can't leave for the holidays without having a guarantee that children and families and individuals across our country will be able to have the health insurance and the medical care they have been receiving.

The best Christmas present—the best New Year's present we could give families—is to guarantee that moms and dads can take their kids to the doctor, if we have the Children's Health Insurance Program, and that people young and old across the country who use community health centers will still know they can count on them.

Let me close by just sharing a story from John, who is one of the more than 12,700 veterans served by Michigan's community health centers.

John had always been healthy. He didn't have health insurance. In fact, the last time he had seen a doctor was when he was still in the service back in 1975.

Last summer, he started having symptoms. He tried to ignore them, but his wife knew something was wrong. They tried to get help but faced long waits for him to be seen. That is when they contacted the Traverse Health Clinic.

The clinic was able to get John in right away, and his wife's fears were confirmed. He was diagnosed with congestive heart failure.

The team at Traverse Health Clinic helped get John admitted to the hos-

pital, coordinated services with the cardiologist, and got him signed up for health coverage. That is what community health centers do—connect people with the services they need to be treated or provide preventive care so that they can stay healthy.

In John's case, he says it changed his life. John said this:

There are a lot of people like me who were doing fine and now they're not. There are a lot of people like me who need a place like Traverse Health Clinic. I consider myself extremely fortunate. Now I have a doctor. I'm so thankful.

On behalf of the 25 million people who use community health centers and the 9 million children covered by the Children's Health Insurance Program, it is time that we act. They have been waiting for 73 days. We could do this in a few hours, in a day, on the Senate floor. I urge us to get this done.

Thank you.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Mr. President, I rise today in continued support of Steve Grasz's nomination to the U.S. Court of Appeals for the Eighth Circuit.

Some of those who have been attacking Mr. Grasz have claimed that he doesn't have the character or the temperament to treat litigants fairly and decide cases based on the facts and the law.

In evaluating those claims, I hope my colleagues in this body will listen to the hundreds of Nebraskans of all partisan and ideological stripes who have stood up in support of Steve's nomination. I urge everyone to listen to what those Nebraskans have to say specifically about his character and about his temperament.

One Nebraskan wrote to Mrs. FISCHER, the senior Senator from Nebraska, and to me, as well as to the Judiciary Committee:

I was the plaintiff in a First Amendment defamation and political speech action against the Nebraska Republican Party. . . . Mr. Grasz represented the Nebraska Republican Party. I was not successful in my lawsuit. However, I did have the opportunity to meet and interact with Mr. Grasz during the case and found him to be . . . a consummate professional. Based on my observations I believe his judicial temperament would be of the highest quality and all parties would be given equal opportunity. . . . I can think of no one better qualified or suited to be appointed to this prestigious judgeship than Steven Grasz.

Another Nebraskan wrote to us:

I know Steve personally having served as opposing counsel to him on cases. . . . Steve was a formidable opponent. . . . While he zealously advocated for his clients, he did so in a level-headed and even-keeled manner.

Yet another Nebraskan writes:

I . . . have . . . represented clients in cases where Mr. Grasz was opposing counsel. In all circumstances he demonstrates the utmost professionalism. . . . I am a registered Democrat and, quite frankly, am not a strong supporter of the current administration. How-

ever, as a practicing attorney dealing with complex litigation and appearing regularly in the federal courts of appeals, I want intelligent, thoughtful individuals appointed to the Bench who will administer the law and apply existing precedent. I have no doubt that Mr. Grasz can do that very effectively.

Also, consider the words of this Nebraskan:

Steve does not allow his role as an advocate to cloud his analyses and judgment. He reviews statutes, regulations, rule and common law with a clear eye, and he applies these authorities to the facts presented to him. . . . [H]is respect for precedent and his high regard for the works of other branches of government show his dedication to following the Constitution and our nation's laws as they are written.

Steve Grasz is a Nebraskan through and through. As I said here on the floor yesterday, Steve bleeds Husker red, but he is a guy who is well suited to take on the black robes of the judge, for he understands that we do not have blue or red partisan jerseys on our article III branch of government, the independent judiciary.

Steve is well suited to serve as a judge on the Eighth Circuit. I think that not just Nebraskans but folks across all the States represented in the Eighth Circuit are going to find a man of unbelievable temperament.

The ABA is a liberal advocacy organization. That is absolutely their right. What is not OK is for the ABA to masquerade as a neutral arbiter of professional qualifications.

Attacks on Steve's character have come out of this process because the two reviewers from the ABA cite again and again and again anonymous sources of his supposed rudeness. We have seen none of that in Nebraska. Again, hundreds of people have written to the senior Senator and to me and now to the Judiciary Committee in support of the President's decision to nominate Steve Grasz to the Eighth Circuit Court of Appeals.

Mr. President, I ask unanimous consent to have printed in the RECORD the specific letters I have just cited.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOATS LAW FIRM, P.C., L.L.O.,

Elkhorn, NE, September 21, 2017.

Re Nomination of Steven Grasz for 8th Circuit Appellate Judgeship.

Chairman CHUCK GRASSLEY,
Senate Judiciary Committee,
Washington, DC.

Ranking Member DIANNE FEINSTEIN,
Senate Judiciary Committee,
Washington, DC.

DEAR SENATORS GRASSLEY AND FEINSTEIN: Steven Grasz has been nominated as an appellate judge for the United States Court of Appeals for the Eighth Circuit. I write this letter of recommendation in support of his nomination and confirmation. I am a lifelong member of the Democratic party.

I have known Mr. Grasz since 2009 when we were involved in common litigation to the Nebraska Supreme Court (*Moats v. Republican Party of Nebraska*, 281 Neb. 411, 796

N.W.2d 584 (2011)) which was subsequently appealed to the United States Supreme Court where certiorari was denied. I was the plaintiff in a First Amendment defamation and political speech action against the Nebraska Republican Party arising out of a non-partisan office I sought in the Nebraska Unicameral in the fall of 2008. Mr. Grasz represented the Nebraska Republican Party.

I was not successful in my lawsuit. However I did have the opportunity to meet and interact with Mr. Grasz during the case and found him to be polite and courteous and extremely well informed and educated on this complicated subject matter. At no time did he ever show any inappropriate actions or behavior towards me or my family and was a consummate professional. Based on my observations I believe his judicial temperament would be of the highest quality and all parties would be given equal opportunity.

In life there is always another chapter to each of our collective stories. I am pleased to inform you, that my dealings with Mr. Grasz and his family extended beyond the case we were involved in. Our children were involved in competitive dance for the past four years and my wife and our children had the opportunity to interact with Mr. Grasz and his family in a social setting. My observations and interactions with him were always positive and productive notwithstanding him having been on opposite side of a very emotional case. He is a terrific husband and father, a brilliant legal scholar and oaring human being. I can think of no one better qualified or suited to be appointed to this prestigious judgeship than Steven Grasz.

Sincerely,

REX J. MOATS.

SEPTEMBER 18, 2017.

Re Nomination of L. Steven Grasz.

Chairman CHUCK GRASSLEY,
Senate Judiciary Committee,
Washington, DC.

Ranking Member DIANNE FEINSTEIN,
Senate Judiciary Committee,
Washington, DC.

CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: I write in support of the nomination of Steve Grasz to the United States Court of Appeals for the Eighth Circuit. I know Steve personally having served as opposing counsel to him on cases. I also know him by reputation in the Omaha legal community through his work on significant litigation.

Steve was a formidable opponent. He was willing to go the extra step to advance his clients' interests. While he zealously advocated for his clients, he did so in a level-headed and even-keeled manner. I've never seen him raise his voice. He listens and asks good questions. His temperament is well suited for the position to which he has been nominated.

There is no question Steve has the intellect to do the important work of a federal appellate court judge. He has published multiple law review articles which have contributed to the practice of law. Steve's pleadings and briefs are clear, thoughtful, and well written. He did not attempt to advance frivolous claims. In my experience with him, he works diligently and was always well prepared.

Unfortunately, with some lawyers, every conversation has to be memorialized in a letter out of fear that the lawyer will reverse course. That was not the case with Steve. His word was good.

Steve has both represented the government and represented individuals in claims

against the government. He has valuable litigation experience in cases involving Section 1983 claims and qualified immunity which make up a significant portion of the cases handled by federal appellate judges. His experience will serve him well while sitting on the other side of the bench.

I believe Steve is committed to upholding the laws and Constitution of the United States, and will do so as a member of the Eighth Circuit. I urge the Judiciary Committee to advance his nomination.

Respectfully Submitted,

TIMOTHY J. THALKEN.

SEPTEMBER 9, 2017.

Re Confirmation Hearing for L. Steven Grasz for Judge of the United States Court of Appeals for the Eighth Circuit.

Chairman CHUCK GRASSLEY,
Senate Judiciary Committee, Washington, DC.
Ranking Member DIANNE FEINSTEIN,
Senate Judiciary Committee, Washington, DC.

DEAR SENATOR GRASSLEY AND SENATOR FEINSTEIN: I am writing to express my support for Steven (Steve) Grasz to be confirmed as judge for the United States Court of Appeals for the Eighth Circuit. I have been a lawyer for twenty-one years, and had the good fortune to spend five of those years working with Steve on a variety of matters spanning from local litigation to federal regulatory and administrative actions. While Steve ably represented clients in state and federal venues, I observed firsthand the qualities that would make him an outstanding federal appellate court judge.

Steve possesses admirable analytical skills an ability to grasp complex and often highly abstract concepts in a manner that allows to communicate these concepts in a plain, understandable way. From a practical perspective, this is very important skill for any judge to possess because it is the vanishingly rare lawsuit in which the underlying dispute is so very narrow that the judge's ruling is limited only to the parties before the Court. Instead, judges' resolutions of disputes serve as guidelines for many other lawyers and their respective clients to follow in future transactions. This is especially true for Circuit-level opinions, which are widely disseminated. Well-reasoned, cogent judicial opinions are an invaluable resource for lawyers to turn to when advising Clients who may or may not be overly familiar with our justice system. Lawyers rely upon judicial opinions when advising clients about the relative risks and benefits of a particular course of action. Steve's ability to communicate difficult, often abstract concepts in plain terms will contribute greatly to this very important function of our legal system.

Importantly, Steve does not allow his role as advocate to cloud his analyses and judgment. He reviews statutes, regulations rule and common law with a clear eye, and applies these authorities to the facts presented to him. Steve advises clients and develops strategies based upon existing authorities, showing his respect for our system of governance and for each branch's contribution to it. His ability and willingness to evaluate particular facts in light of various authorities is a critical skill for judges to possess, and shows his deep respect, for precedential law. Similarly, his respect for precedent and his regard for the works of other branches of government show his dedication to following the Constitution and our nation's laws as they are written. This quality is critically important for a judge to have following the Constitution and our nation's laws as they are written is part and parcel of the develop-

ment and application of clear, lasting legal principles upon which all members of the public—not only lawyers and their clients—may rely in conducting the transactions of everyday life.

Finally, Steve has a temperament very well-suited in the bench. He is levelheaded and unfailingly courteous to opposing lawyers their respective clients, and to judges. I have seen Steve involved in challenging, stressful situations, yet his demeanor consistently remains composed and polite. He does not engage in personal criticism of judges, fellow lawyers, or litigants, nor does he allow the behavior of others to be anything other than courteous and professional. While certainly not every lawyer possesses this ability, it is a vital one for judges to have because our system of justice depends upon judges' ability to maintain decorum even when attorneys or litigants are not doing so. Through trying situations, Steve has consistently shown his ability and willingness to treat all attorneys and parties with respect, and he has conducted himself in the professional, composed manner that lawyers hope to see in judges at every level. His treatment of others ultimately honors the truth-seeking function our system of justice is intended to fulfill since he does not engage in obstructionist tactics or gamesmanship intended to drive up litigation costs or designed to deny other parties access to information bearing upon matter in dispute. As a lawyer, Steve sets an excellent example of someone working toward fair and just resolutions of disputes. This attribute would serve him very well as a judge and would directly benefit all persons impacted by the court's decisions.

Thank you for taking the time to review my letter of support for Steve. If you have any questions or concerns about my standpoint regarding his ample qualifications for being confirmed as judge for the United States Court of Appeals for the Eighth Circuit, please let me know.

Sincerely,

TIM DOLAN.

OMAHA, NE,

September 20, 2017.

Re Nomination of Steve Grasz, United States Court of Appeals for the Eighth Circuit.

Hon. CHUCK GRASSLEY,
U.S. Senator,
Senate Judiciary Committee, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to indicate my strong support for President Trump's nomination of Steve Grasz to the United States Court of Appeals for the Eighth Circuit.

Mr. Grasz was employed by the Kutak Rock law firm when I began working there right after law school. Mr. Grasz is very intelligent and has the legal background and skill to be an asset to the Court of Appeals. I have maintained my acquaintance with Mr. Grasz and have also represented clients in cases where Mr. Grasz was opposing counsel. In all circumstances he demonstrates the utmost professionalism.

I have no hesitation in stating that litigants could present to him the most complex legal issues and he would be able to analyze them intelligently and coherently. I have also had the opportunity to read materials he has written. Opinions by him would be a credit to the judiciary.

Although I personally believe that an individual's personal political, social, or religious practices and beliefs are irrelevant to qualifications for a judicial position, I realize that such considerations have been injected into judicial confirmation proceedings

over the past few years. I expect that certain factions may attempt to raise such issues regarding Mr. Grasiz who has actively served both his government and his community.

I am a registered Democrat and, quite frankly, am not a strong supporter of the current administration. However, as a practicing attorney dealing with complex litigation and appearing regularly in the federal courts of appeals, I want intelligent, thoughtful individuals appointed to the Bench who will administer the law and apply existing precedent. I have no doubt Mr. Grasiz can do that very effectively.

I appreciate your consideration of my recommendation. If there is any interest in further information, please feel free to have your staff contact me.

Sincerely,

DIANA J. VOGT,
For the Firm.

Mr. SASSE. I urge all of my colleagues to listen to all of the Nebraskans, again, of all backgrounds and across the partisan spectrum, as they have urged us to confirm Mr. Grasiz today.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII that at 4 p.m. on Tuesday, December 12, there be 30 minutes of postcloture time remaining on the Grasiz nomination, equally divided between the leaders or their designees, and that following the use or yielding back of that time, the Senate vote on the confirmation of the Grasiz nomination and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR 5-YEAR
OFFSHORE OIL AND GAS PLAN

Mr. NELSON. Mr. President, there are all kinds of reports swirling around Washington, and we are hearing from those reports that the Trump administration is about to give a huge, early Christmas present to the oil industry. The reports are, the Department of the

Interior is preparing to unveil a new 5-year plan for offshore oil and gas drilling—one that would open up the entire Atlantic coast of the United States to drilling. This new 5-year plan, which would go into effect in 2019, would replace the current 5-year plan that was finalized just last year and doesn't expire until 2022.

Why is the Department of the Interior in such a rush to waste taxpayers' money to write a new one? The answer is, the oil industry wants to start drilling in these areas now, and the Trump administration is going to let them do it. While it hasn't been released yet, we are hearing that the administration's new plan will open up the entire Atlantic coast to offshore drilling—from Maine to as far south as Cape Canaveral. Let me show you why that is a problem.

This is the east coast of the United States. This is Maine. This is Florida. This is Cape Canaveral. This is Fort Pierce, FL. Look what happens on the Atlantic coast off the eastern continental United States. These are all military testing areas. Every one of these hatched areas—every one of these blocks—is of a place that has limited access because of military testing.

Take, for example, all of this area off the east coast of Florida. There is a place called the Cape Canaveral Air Force Station. There is a place called the Kennedy Space Center. We are launching commercial and military rockets, and within another year and a half, we will be launching American rockets with American astronauts that will go, just like the space shuttle before them, to and from the International Space Station and will carry crews as well as the cargo they already carry.

When you are launching to the International Space Station or, in 2 years, when we launch the largest rocket ever from the Kennedy Space Center—the forerunner to the Mars Program, taking humans to Mars, or in the case of the new Mars rocket, called the SLS, the Space Launch System—where do you think it will drop its solid rocket boosters? It will drop them precisely out here, which is exactly why you cannot have oil rigs out here.

All of the commercial rockets that come out of Cape Canaveral right now put up a host of communications satellites; that is, a constellation of satellites. How do you think we get our pinpoint GPS here on Earth? Many of those rockets are coming right out of the Cape Canaveral Air Force Station, and, increasingly, there is commercial activity at the Kennedy Space Center, which is collocated with the Cape Canaveral Air Force Station.

What about all of those scientific satellites that are out there that give us precise measurements on what is happening to the climate so when we then track hurricanes, we know precisely

and have such great success in predicting the path and the voracity of a hurricane? All of those rockets are coming out of Cape Canaveral. They have first stages, and when the first stages burn up, they have to fall somewhere. You cannot have oil and gas production out here.

It would be the same off of Norfolk, VA. They also have a launching point there for NASA—Wallops Island. Yet, in the Norfolk area, all of the military does its training out in the Atlantic, and you are going to have a whole disruption.

Take, for example, all of the military assets—spy satellites—that go into orbit and are rocketed out of Cape Canaveral. Those first stages, when burned up, have to fall. That is why we have a location like the Cape Canaveral Air Force Station. It launches from west to east in order to get that extra boost of the Earth's rotation and, therefore, needs less fuel to get into orbit.

This is a prime location. You cannot put oil and gas out here. You cannot have oil rigs off of Cape Canaveral, where all of these military, NASA, and commercial rockets are going, as well as governmental payloads that are not military.

We have heard the loud opposition from the Department of Defense, the chambers of commerce, fishermen, and coastal communities all along the Atlantic that have weighed in against the administration's plan to allow drilling off their coasts.

We thought we had put this puppy to bed last year when the Obama administration backed off its plans to have these drilling areas. They backed off because of the opposition. They also backed off when it came to Florida. Why? Florida has more beaches than any other State. We don't have as much coastline. Alaska has the greatest coastline, but the last time I checked, Alaska didn't have a lot of beaches. The one that is blessed with the beautiful beaches is Florida. When it comes to beaches, that means people want to go to the beach, and that means there is a significant tourism-driven economy there. We learned what happened with just the threat of there being oil on the beach. Remember the Deepwater Horizon oil explosion off of Louisiana? Let me show you so you don't get confused with all of these colors.

In essence, all of this yellow over on the other side of Florida, in the Gulf of Mexico, means this area is off-limits. It is in law, and it is a good thing because when the Deepwater Horizon spilled off of Louisiana, the winds shifted, and that oil started drifting to the east. It got as far as Pensacola Beach, and it completely blackened the white, sugary sands. That photograph went all over the world. Pensacola Beach was covered up in oil, and the winds kept

carrying it forward. Some of it got into Choctawhatchee Bay and the sands of Destin, and some of the tar balls went as far east as the Panama City Beach. Then the winds shifted and carried it back, and that was the extent of the oil on the beach.

For 1 solid year—a tourist year—the tourists did not come to the west coast of Florida because they had seen the pictures of what had happened to Pensacola Beach, all of the way down the west coast—the Tampa Bay area, Sarasota, the Fort Myers area, Naples, Marco Island. The tourists did not come.

Now let's go back to the Atlantic. When you start to do this, you are now threatening the lifeblood of Florida's economy, its tourism-driven economy. It is not only a threat to the environment, but it is a threat to the multibillion-dollar, tourism-driven economy.

In 2010, we lost an entire season, as the tourists did not come to the west coast of Florida. That is why, when I gave the list of all of those entities, including the U.S. Department of Defense, they don't want it. It is because of the military areas. I also mentioned the chambers of commerce. They have awakened to the fact that oil on beaches is a killer of our economy. When this plan is announced later today, probably, it will not be unusual to see local governments spring into action, like the Broward County Board of Commissioners, which has already sent letters that oppose drilling off of Florida's coast.

Floridians understand this issue. That is why, in the past, we have had such bipartisan agreement all over Florida—Republicans and Democrats alike—to keep drilling off of our coast, but if Big Oil gets its way, every inch of the Continental Shelf is going to be drilled. We saw what happened less than a decade ago. The scientists would say we are still uncovering, for example, the full extent of that BP oil spill and its damage.

I urge our colleagues to take up the bill that was filed earlier this year by this Senator, Senator MARKEY, and others that would block an attempt by the administration to open up our coast to oil drilling.

The stakes are extremely high for the economy of our States all along the eastern coast. Georgia has a substantial tourism-driven economy. You know South Carolina has Myrtle Beach. What about North Carolina? What about Virginia's tourism-driven economy and especially with all of the military concentration there? You can go right on up the coast. The stakes are exceptionally high. We simply can't risk it.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Vermont.

FUNDING THE GOVERNMENT AND THE REPUBLICAN TAX BILL

Mr. SANDERS. Mr. President, as everybody knows, the Republican Party now controls the U.S. House, the U.S. Senate, and the White House. We also know that unless a budget agreement is reached by December 22, the U.S. Government will shut down, which will cause serious harm to our country, including the men and women in the Armed Forces and our veterans.

I do not know why the Republican Party, which controls all the branches of government, wants to shut down our government. I think that is wrong, and I think a shutdown will be very hurtful to people from coast to coast.

Earlier this year, President Trump tweeted: "Our country needs a good shutdown." I strongly disagree. I don't think we need a good shutdown; I think we need to reach an agreement on a budget that works for the middle class of our country and not just the wealthiest people.

It is no great secret that we are living in a nation that has almost unprecedented income and wealth inequality, at least since the 1920s. We have the top one-tenth of 1 percent owning almost as much wealth as the bottom 90 percent.

I don't believe that now is the time to give massive tax breaks to the wealthiest people in this country in a horrific tax bill and then at the end of 10 years raise taxes on 83 million middle-class families. I think that makes no sense. I don't think it makes much sense to be passing a tax bill that gives 62 percent of the benefits to the top 1 percent.

Apparently it is not good enough for my Republican colleagues that corporate America today is enjoying recordbreaking profits and that the CEOs of large corporations are earning more than 300 times what their employees make. What the tax bill would do is give over \$1 trillion in tax breaks to large, profitable corporations at a time when already one out of five of these major corporations is paying nothing in taxes. That is apparently not good enough—we need to lower taxes for large corporations even more.

Right now as we speak, legislation is being written behind closed doors by the House Freedom Caucus and other Members of the extreme rightwing to

provide a massive increase in funding for the Pentagon for the rest of the fiscal year, while only providing temporary and inadequate funding for the needs of the working families of this country, including education, affordable housing, nutrition, environmental protection, and other vital programs.

What we have seen over the last year is a Republican effort to throw 30 million people off of health insurance. What we then see is a Republican effort to give \$1 trillion in tax breaks to the top 1 percent and large corporations and at the end of 10 years raise taxes on middle-class families. Now what we are seeing on the part of the Republican Party is an effort to increase military spending by \$54 billion while ignoring the needs of a struggling middle class. We have to get our priorities right and maybe—just maybe—we have to start listening to what the American people want, not just what wealthy campaign contributors want.

In terms of the Republican so-called healthcare bill, the repeal of the Affordable Care Act, there is massive opposition from the American people. In terms of this tax bill, in case you haven't seen the last few polls, there is massive opposition to a tax bill that gives incredible tax breaks to people who don't need it and raises taxes on the middle class. Maybe—just maybe—we should start paying attention to the needs of working families.

For a start, let us be clear that since the passage of the Budget Control Act of 2011, Democrats and Republicans have agreed to operate with parity, which means if you are going to increase military spending, you increase programs that meet the needs of working families, domestic spending. There was parity in 2011 and parity three times after, and parity must continue. It is not acceptable to be talking about a huge increase in military spending and not funding the needs of a shrinking middle class, which desperately needs help in terms of education, in terms of nutrition, and so many other areas.

Furthermore, the American people are quite clear that they want us to move toward comprehensive immigration reform. They understand that it would be a terrible, terrible, terrible thing to say to the 800,000 young people who have lived, in most cases, their entire lives in the United States of America: We are ending the DACA Program. You are going to lose your legal status. You are not going to be able to go to school. You are not going to be able to hold a job. You are not going to be able to be in the military. We are taking away the legal status that you now have, and you will be subject to deportation. That is not what the American people want. They want to continue the DACA Program, and, in fact, they want comprehensive immigration reform—and now. Now is the time to deal with that.

I am happy to say that on this issue, there are a growing number of Republicans in the House and in the Senate who understand that in America, you are not going to throw 800,000 of our brightest young people, who are serving in the military and holding important jobs, out of this country by withdrawing their legal status.

I have been deeply involved, as have Senator BLUNT and others, in the Community Health Center Program, which is so important for the people of our country. Twenty-seven million Americans today receive their healthcare through community health centers, which provide primary care, provide mental health counseling—so important today—provide dental care, and provide low-cost prescription drugs. While my Republican colleagues have been busy trying to throw 30 million people off of health insurance, while they have been busy trying to give a trillion dollars in tax breaks for the rich and for large corporations, somehow they have not had the time to extend the CHIP program or the Community Health Center Program. How in God's Name can we be talking about tax breaks for billionaires and not extending a health insurance program for the children of our country? If the CHIP program is not reauthorized, 9 million children and working families will lose their health insurance.

Let us get our priorities right. Let us immediately pass legislation extending and funding the CHIP program and the Community Health Center Program.

In the Midwest, as you well know, and all over this country, we have a major crisis in terms of pensions. So many of our older workers are scared to death about retiring because they have very little or nothing in the bank as they end their work careers. If Congress does not act soon, the earned pension benefits of more than 1.5 million workers and retirees in multiemployer pension plans could be cut by up to 60 percent. People who have worked their entire lives, people who have put money into a pension program, people who have given up wage increases in order to gain decent pensions now stand the possibility of seeing their pensions cut by up to 60 percent. How can we do that? How do you tell someone who has worked their entire life, who is looking forward to a decent retirement, that we are going to cut their pension by up to 60 percent? We cannot do that. When a worker is promised a pension benefit after a lifetime of hard work, that promise must be kept. Congress needs to act before the end of the year to make sure that no one in America in a multiemployer pension plan will see their pension cut. Yes, I also think that is more important than tax breaks for billionaires.

We need to make a downpayment on universal childcare. In my State of Vermont and all over this country, it is

increasingly difficult for working families to find high-quality, affordable childcare. We must, in my view, double the funding for the Childcare and Development Block Grant to provide childcare assistance for 226,000 more children and move toward universal childcare for every kid in America. What the social sciences tell us is that there is no better investment than early childhood education. Every dollar we invest there is paid back many times over by kids doing better at school and by kids getting out, getting jobs, and becoming taxpayers.

There is another crisis in this country that has to be dealt with. Ten years ago, Congress passed the Public Service Loan Forgiveness Program to support Americans who enter public service careers—teachers, nurses, firefighters, police officers, social workers, and military personnel. One of the absurdities that exists in America today is that we have tens of millions of Americans who are paying outrageous interest rates on their student debt. People who have done the right thing by trying to get the best education they could are now being punished because they went to college, went to graduate school, and are having to pay a significant part of their income back to the government in terms of their student debt. Congress must address this issue, and there is legislation to make sure that, at the very least, if you are prepared to go into public service work—if you want to be a teacher, a nurse, a firefighter, a police officer, a social worker, or want to go into the military—we will forgive your debt. That is an issue that should be dealt with before the end of the year.

We have a crisis in terms of our rural infrastructure, and I come from a rural State. In the year 2017, soon to be 2018, how does it happen that in rural communities all over America there are inadequate broadband capabilities? How do you start a small business in a small town if you don't have good-quality broadband? How do the kids do well in school if they can't gain access to the internet? This is the United States of America, and we should not be trailing countries all over the world that have better broadband access at lower costs than we do. If we want to grow rural America, if we want our kids to stay in rural America, we have to deal with the collapsing infrastructure in this country, especially in rural America.

Mr. President, I don't have to tell you—because Ohio has been hit hard, as has Vermont, New Hampshire, and all over this country—that we have a terrible, terrible epidemic in terms of opioid addiction. I am trying to deal with this issue in the State of Vermont, and I know it is severe in Ohio. We have to be adequately funding programs that focus on prevention, making sure that our young people do not get trapped into a life of addiction.

We have to provide the kinds of treatment people need. We cannot ignore this. This is an epidemic that is sweeping this country. More people will die this year from opioid overdoses than died during the entire war in Vietnam. We have to adequately fund treatment and prevention for the epidemic that we are seeing in terms of opioids.

We ought to keep our promises to our veterans. We now have tens of thousands of positions at the Veterans Administration that have not been filled, and we need to make sure they are filled so that the veterans of our country, when they go into the VA, get high-quality care in a timely manner, which they are entitled to.

There was an article, I think it was in the Washington Post, a couple of weeks ago that talked about the fact that 10,000 people died in the last year, waiting for a decision on Social Security disability benefits. In other words, you have people who desperately need these benefits; they have applied for these benefits through the Social Security Administration, and they wait and they wait and they wait. Unbelievably, in the last year, 10,000 people died while they were waiting for a decision from the Social Security Administration. This has everything to do with the fact that there have been budget cuts in recent years that have been significant and have resulted in the loss of more than 10,000 employees in the Social Security Administration, the closing of 64 field offices, and reduced hours in many others. In Vermont, one field office has seen its staffing cut by 30 percent. We have to adequately fund the Social Security Administration so that our elderly and our disabled can get due process in terms of the benefits for which they have filed.

In 2016, the National Park Service recorded over 330 million visits to national parks and over \$11 billion in deferred maintenance. In other words, our national parks are very, very popular, but they are not getting the maintenance work they need. Meanwhile, the President wants to double fees for people visiting our beautiful national parks. This is an issue we must deal with.

The bottom line is that we are coming toward the end of the year, and we have a lot of work to do, but the work we do has to start reflecting the needs of the working people of this country, not just the billionaire class. We cannot give \$54 billion more to the military and ignore the needs of our children, our elderly, our sick, our poor. We have to come up with a budget proposal that works for all of us and not just wealthy campaign contributors. As a member of the Budget Committee, I expect to be very active in that process.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

HEALTHCARE

Ms. KLOBUCHAR. Mr. President, I stand today to call for bipartisan action on several things that are really critical. One of them has become routine, since it started as a bill that Democrats and Republicans did together. That was the Children's Health Insurance Program, something that my colleague from Vermont has referenced.

In my State, we have been a good-government State. We have had a budget surplus for years, and, believe it or not, we relied on the fact that Congress would come through and do what they were supposed to do and reauthorize the Children's Health Insurance Program, but that didn't happen. As a result, we have a slight budget deficit—something we haven't had for years. But it really hit home when I called our budget director in the State and I said: How did this happen when we have had these surpluses?

He said: Well, we actually thought that you guys would reauthorize the Children's Health Insurance Program, but you didn't.

Instead, what we have seen is a tax bill that adds over a trillion dollars to the debt. Even when you take into account any economic gain from that bill, a nonpartisan group said that it would, in fact, add \$1 trillion to the debt. That is what we are doing instead of reauthorizing the Children's Health Insurance Program, which makes no sense to me.

Funding for CHIP expired more than 2 months ago, even though, as I said, it is one of the success stories out of this Congress. Both parties have come together for years to support this program that provides healthcare to millions of children across the country.

In Minnesota, these funds support coverage for more than 125,000 kids. Just last week, my State estimated that failing to reauthorize CHIP would cost us \$178 million. That is why the deficit was at \$188 million. So the CHIP funding that our State has come to rely on through Democratic Presidents and Republican Presidents has suddenly gone away—that is why we have a deficit—while at the same time, a decision has been made by my colleagues on the other side to add over \$1 trillion to the debt. I don't know what to tell the people in my State, except that tax cuts for the wealthy appear to be a priority rather than reauthorizing this bill to help kids get their health insurance. Guess what. They don't understand that reasoning.

States like mine are running out of ways to make Federal funding last a little bit longer. Every single day that we don't act puts coverage at risk for millions of kids. Some States have already been forced to tell parents to start making other plans for their kids' healthcare. No parent should ever have to worry about whether their child will

have healthcare. We must keep this strong program going. I have also heard from families with kids who get treatment at the children's hospitals and clinics of Minnesota and who count on this program for the medical care they need. That is why we must pass the bipartisan bill Senators HATCH and WYDEN have put together to extend CHIP for 5 years—so we can stop this nonsense and tell people back at home that actually something is working here.

In 2015, the last time we renewed the program, it passed the Senate with 92 votes. We should demonstrate that same bipartisan spirit again. We should not hold these kids hostage with this bickering, and we certainly shouldn't be holding all of the States hostage either. This makes no sense. We must act before it is too late, or States like mine will not just have a deficit as a result of this, they will be forced to make difficult choices about insurance coverage for some of our most vulnerable constituents. CHIP is one part of our healthcare system that nearly everyone agrees works. We should be doing everything in our power to protect it.

In addition to CHIP, the American people want us to work together to make fixes to the Affordable Care Act. They don't want us to repeal it; we have seen that in the numbers. They want us to make some sensible changes. You can never pass a bill with that kind of breadth and reach without making some changes to it. I said on the day that it passed that it was a beginning and not an end.

I am a cosponsor of the bill Senator ALEXANDER and Senator MURRAY have put together because it is an important step forward and exactly the type of sensible, bipartisan legislation that we should pass. The bill has 11 Republican cosponsors and 11 Democratic cosponsors. Patient groups, doctor groups, and consumer groups have praised it, including the American Cancer Society, the American Diabetes Association, and those are just some of the A's. There are hundreds of national health groups who support this bill. They have Democratic members and they have Republican members. They just want to get something done.

Senators ALEXANDER and MURRAY held a series of hearings and discussions on commonsense solutions to bring down insurance costs with Senators on both sides of the aisle.

I fought for a provision in this bipartisan legislation that would help States like mine apply for and receive waivers. This was put together, by the way, in our State by a Republican legislature and a Democratic Governor. It is a plan that would bring down premium costs, a plan that made sense across the board and was broadly supported in our State. Our Federal Gov-

ernment should be encouraging that kind of flexibility. The waiver we are asking for is actually something we would like to see other States do. The provision we included in the Murray-Alexander bill would encourage other States to do exactly what we did; that is, apply for waivers for flexibility to bring down rates without getting penalized.

This bill would also expedite the review of waiver applications for proposals that have already been approved for other States.

This legislation also shortens the overall time period that States have to wait for the Federal Government to decide whether to approve their waivers. The last time I checked, I thought this administration was touting the fact that they like to get things done, that they want to move things faster, and that they don't like the redtape of bureaucracy. Well, here we have a bill that actually says that States shouldn't have to wait for the Federal Government to make decisions. Why can't we get it passed?

Not only does the bill improve the process for waivers—this is my favorite part because when you hear me talk about it, you might think, wow, this must be expensive. No. The nonpartisan Congressional Budget Office says that the Alexander-Murray bill would actually cut the deficit by \$3.8 billion over the next 10 years because it simply gives States the flexibility to cope with the issues they are having in their own States, to adjust to their own particular circumstances, and to make it easier for people to afford healthcare, while saving money for the Federal Government. It makes no sense to delay by even 1 day the passage of this legislation, nor does it make any sense to cut all those kids off of health insurance.

Renewing the Children's Health Insurance Program and passing Murray-Alexander would be important steps forward, but we still must do more. I don't think we are going to get all my prescription drug bills passed by the end of the year, but we should. We won't, but we should. That doesn't mean I am giving up. I think the American people aren't giving up because they have been able to see clear-eyed what is going on because they are starting to see what is happening with the cost of their prescription drugs. The costs are skyrocketing.

I have heard from people across Minnesota who are struggling to afford the medicine they need. This is about the woman in Duluth who told me that she chose not to fill her last prescription because that one drug would cost a full 25 percent of her income. This is about the woman in St. Paul who, even with Medicare, can't afford a \$663-a-month cost for medicine that she needs. This is about a woman from Crystal, MN, who told me: "I am practically going

without food to pay for my prescriptions.' It is heartbreaking that this is happening in America.

Reducing the costs of prescription drugs has bipartisan support in Congress, and the President has said that he cares about this. So why can't we get this done?

I have one bill that has 33 cosponsors that lifts the ban that makes it illegal for Medicare to negotiate prices for Part D prescription drugs for 41 million American seniors. Yes, right now, it is in law that we can't negotiate for 41 million seniors. Last time I checked, I think they would have a lot of bargaining power, but right now, we can't do that.

A bill Senator MCCAIN and I have would allow Americans to bring safe, less expensive drugs from Canada.

A third bill that Republican Senator GRASSLEY and I have is to stop something called pay-for-delay, where big pharmaceutical companies actually pay off their generic competitors to keep less expensive products off the market. How can that kind of practice be any good for American consumers? Guess what. It is not. We need to put an end to this outrageous practice. This bill would save taxpayers \$2.9 billion.

Senator LEE and I have a bill that would allow temporary importation of safe drugs that have been on the market in another country for at least 10 years when there isn't healthy competition for that drug in this country. Believe me, there are plenty of areas where we don't have healthy competition, where Americans aren't getting the kinds of deals they should get.

I have a bipartisan bill with Senators GRASSLEY, LEAHY, FEINSTEIN, LEE, and several others called the CREATES Act to put a stop to other pharmaceutical company tactics—such as refusing to provide samples—that delay more affordable generic drugs from getting to consumers. According to the Congressional Budget Office, this legislation would save approximately \$3.6 billion.

People in this Chamber are talking about saving money. How are they doing it? On the backs of kids. They are talking about saving money. How are they doing it? On the backs of Americans who would like to afford premiums.

I have laid out a number of bills that actually have been scored to save money. Passing the Alexander-Murray bipartisan bill would save us money. We have the actual accounting to show it. Allowing for less expensive drugs from other countries would save money for consumers. It is pretty easy to understand. It is called capitalism. It creates competition.

For our own American drug companies—we are proud that they have developed lifesaving cures. They are important employers in our country. But if they refuse to bring down those

prices and if they have a monopoly on the market, we should be bringing in competition. There are two ways to do it. One is generic, and that is making it easier to produce generic drugs, and also stopping big pharma companies from paying off generic companies—their competition—to keep their competitive products off the market. The other is simply allowing drugs from less expensive places, but safe places, like Canada. That is a bill I have put forward with Senator MCCAIN, but also Senator BERNIE SANDERS and I have worked on this, as well as many others. These are commonsense ideas. Yet we cannot even move to a vote. Why? Because the pharmaceutical companies don't want us to have that vote.

So I am asking my colleagues, No. 1, let's end the year with some common sense and pass two commonsense bills to help the American people with their healthcare, and those are the children's health insurance bill and the Alexander-Murray compromise to make some fixes to the Affordable Care Act. Then, when people are home for a week over the holidays, maybe they should start talking to their constituents, as I have. Maybe they should talk to their friends and their neighbors and see what they think about what is going on with prescription drug prices. Maybe they will come back with a New Year's resolution that they are no longer going to be completely beholden to the pharmaceutical companies, that they are willing to give the American people some relief and take these companies on and create some competition for America.

I thought this was supposed to be a capitalistic system. In a capitalistic system, you do not have monopolies for certain drugs. You do not have a drug like insulin, which has been around for decades, triple, so that one elderly constituent in my State actually saves the drops at the bottom of the injectors so they can use them the next day. That is what is happening, while at the pharmaceutical companies, they are taking home big bonuses at the end of the year.

I implore my colleagues, let's get these commonsense things done so you can go home and not think, when you are sitting there at your holiday dinner, that you have basically left millions of kids without healthcare, and then on New Year's, the next week, make a resolution to do what is right for your constituents, not for the pharmaceutical companies.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Rhode Island.

NET NEUTRALITY

Mr. REED. Mr. President, I rise to discuss the Trump administration's irresponsible plans to dismantle net neutrality.

This is a very important and timely issue for Rhode Islanders. The Federal Communications Commission's—the FCC's—efforts to repeal net neutrality protections could have a devastating impact on students, small businesses, and ordinary Rhode Islanders who cannot afford to pay higher premiums on internet traffic.

I have joined many of my Democratic colleagues in urging the FCC to abandon its reckless plan because it would radically alter the free and open internet as we know it and be an abdication of the FCC's responsibility to protect consumers.

Net neutrality does something incredibly important. It requires internet providers to treat all data equally. Net neutrality ensures a level playing field for everyone on the internet. It means free and open access to websites and information.

Over the past 20 years, the internet has become central to the lives of Rhode Islanders and, indeed, millions of Americans—practically every American. From students completing homework assignments to small businesses conducting e-commerce, or family members communicating with loved ones on the other side of the country or the world, the internet is now our primary means of communication. As such, I believe this is an issue of fundamental fairness and equality of opportunity.

This proposed repeal of net neutrality protections undermines the principles of a free and open internet and could be an unprecedented giveaway to big broadband providers, benefiting a few large corporations at the expense of their customers who use and rely on affordable access to the internet every day.

Net neutrality protections also ensure that all content is treated equally. Without these rules, large internet service providers may choose to block, throttle, or prioritize certain internet traffic. Without these protections, big internet service providers will be given the power to erect virtual toll booths for some customers and fast lanes for others. As a result, the repeal of net neutrality rules will likely be bad for consumers, businesses, students, and everyday Americans who cannot afford to pay additional premiums for internet access.

If these rules are repealed, internet providers can essentially say, if you want a quick download from a Web site, you have to pay more. They can go to businesses and ask them to pay more for this fast service. They can't do that today. Everyone is treated equally.

This is particularly important when it comes to small businesses. As I go around Rhode Island to small businesses, as I have done these last few weeks, one of the reasons they are growing is because they are starting to

take a presence on the internet. They have an internet business; they are beginning to sell across the country or across the globe. A small business in Wickford, RI, East Greenwich, RI, or Smithfield, RI, is not going to be able to pay the same premium for access that Amazon or a big corporation like Walmart can, and they will be squeezed further. The reason a lot of these small businesses are able to keep a store open in Rhode Island—or anyplace else in the country—and employ local workers is because they are starting to see a share of their profit come from the internet. They would like to see that grow, but if that diminishes, then the pressure on them to stay in business locally becomes acute.

These are real consequences, not hypothetical. If these rules are repealed and net neutrality is done away with, the consequences for businesses, communities, and individuals will be significant.

Let me make another example. Places of learning like our libraries, schools, and institutions of higher education all rely on offering internet access, which is already expensive. I did a press event at a public library, and they pay significant amounts of money so they have broadband access, and it is a mecca for everyone to come. The head librarian told me that they have people sitting on their doorsteps in the morning before they open and after they close so they can get a broadband signal from the library. Why are they doing that? You can't get a job today unless you can get online because that is where they post job offerings, that is where you have to send your resume, that is where you have to get the response back when you have a job interview. If you can't get on the internet, the chances of getting a job today are close to zero. It was a lot different 20, 30, or 40 years ago, when you could go down to the factory, fill out the form, pass it over the divider to the person in charge, and they would give you a telephone call back or you would come back in a few days and see how you were doing.

Local libraries are also the place where students across Rhode Island and the Nation gain access to the internet to do their homework, apply to college and financial aid, and explore the world around them. This is particularly the case in poorer neighborhoods. They can't afford to have computers or internet in their home. If you go to the public library in South Providence, right next to St. Michael's Church, in the afternoon, the kids are all there and are on the computers doing their homework. They can't do that, in many cases, at home. They simply don't have the access.

We are always sitting around here talking about how we have to educate our young people and how we have to get them ready for a technologically

challenging world, and then we are about to pull the rug right out from underneath them because that library will not be able to afford access to some sites that these young people need.

It is not just the young people who are using the libraries; it is also seniors who want to stay in touch with their families. There are functions that are so critical—as I mentioned before, you literally cannot apply for a job today unless you can get online. How does a person struggling, particularly in low-income, working-class neighborhoods, get online when they can't afford already expensive service, which could be more expensive if these rules are withdrawn and net neutrality is abandoned?

I heard about all of this in detail when I visited the Providence Public Library. Providence is an urban center, so there are other ways, perhaps, to compensate for access to libraries. But when you go to a rural area, those libraries are especially important. More than 83 percent of libraries report that they serve as their community's only provider of free internet and computing services in rural areas. If you need free service, the only place you can go to is the library. This is going to put another cost on them at a time when public-private support is being diminished.

We have a tax bill pending before us that is going to eviscerate charitable contributions. It is going to take away the deduction. Some of that money goes to our public libraries. If it doesn't go there, they will not have access.

I mentioned small businesses because, as I said, this is particularly critical. We have seen an improving economy, and for a lot of small businesses, that is because they are starting to have a presence on the internet. If that presence now comes with a higher price because the providers can say that if you want to get access and fast downloads, you have to pay X, once again, that X to a small mom-and-pop business could be huge. That X to an Amazon or Walmart is just a rounding error.

We know it is going to happen. It is not fair. It undercuts what we think is the heart and soul—I know it is the heart and soul of our economy in Rhode Island for small business, and it is another big benefit for the well-to-do businesses that can pay more and will pay more. This is not a direction we should be going.

Even more disturbing is that the FCC's proposed action may be based on a skewed public record. As we all know, under the Administrative Procedure Act, when a rule or change is proposed, they have to take public comments. There are credible reports that bots—the electronic networks of computers—impersonating Americans filed hundreds of thousands of phony comments

to the FCC during their net neutrality policymaking process, thus distorting the public record. Their supposedly fact-based and comment-based approach could be fictitious. It could be a product of special interests who decided to link together thousands, or maybe hundreds of thousands, of computers that randomly generated messages—or not so randomly, but deliberately generated messages.

What we have done is join our colleagues, and we have urged that the FCC abandon this proposal. As I said, I have joined many of my colleagues in asking, at least, that the FCC delay the vote on net neutrality until it can conduct a thorough investigation to ensure that it has a clear and accurate understanding of the public's view on this important topic. It is not based on a group of individuals and many electronically linked computers; it is based on the true sentiment of a broad range of the public. At least delay the proceeding until you can assure us that.

Unfortunately, that does not seem to be the case. This attempt appears to be part of a larger program the Trump administration is using to roll back regulations that protect ordinary working men and women throughout the country. The Chairman of the FCC, Ajit Pai, and the administration seem to say, very deliberately, that this is their goal. Just roll back regulations, without analysis that is appropriate, without a sensitivity to the benefits as well as the costs.

My view is that rather than trying to limit access to the internet, they should be doing things to make it easier, make it cheaper for small businesses, for libraries, for individual Americans to get on and use the internet, not to take advantage of the rule-making process to fatten the bottom line of big companies that are doing quite well already.

It is clear that the FCC should not vote this week, or ever, to repeal net neutrality protections that have benefited so many Rhode Islanders and Americans. I urge my colleagues to join me in opposition to the FCC's proposed dismantling of the net neutrality rules. It is important. It is important for our constituents. It is important for our small businesses. It is important for our future generations as they prepare for a very complicated and challenging world, and, for some of them, the only way to get access to the computer is the public library. The only access for a small business to the new marketplace on the net is being able to afford to be on the net. That is all in jeopardy today. I hope we can stop these net neutrality rule appeals, and do it immediately.

Mrs. MURRAY. Mr. President, as a U.S. Senator, one of the most important and consequential choices I make is whether or not to support a judicial nominee.

The men and women of the bench are often the final gatekeepers of our Nation's justice system—and the right kind of judge shows up to work every day to make the system work for every citizen, free from prejudice or bias.

With that principle in mind, I strongly oppose the three nominees for the circuit court whose nominations are before the U.S. Senate.

While President Trump has the right to make nominations, Members of this Senate also have the right to reject those nominations.

It is clear, based on the records of the three nominees before us, that is exactly what Members of this Senate ought to do.

Vote no.

Don't be a rubberstamp for this President's hateful agenda or his obvious disdain for the rule of law.

The first nominee this Senate should reject is Leonard Grasz, whom President Trump picked to serve on the Eighth Circuit Court of Appeals.

Mr. Grasz is a notable nominee but for all the wrong reasons.

He is notable because his peers at the American Bar Association unanimously found Mr. Grasz "not qualified"—just the third nominee in nearly 30 years to receive this distinction.

The ABA report shows his peers questioned whether Mr. Grasz could look past his "deeply-held social agenda and political loyalty to be able to judge objectively, with compassion and without bias.

These are serious red flags—and it is unconscionable for any of my colleagues to turn a blind eye to relevant information regarding Mr. Grasz's ability to do his job fairly.

I am also disturbed by the willingness of several of my colleagues on the other side of the aisle to slander the nonpartisan ABA as some sort of liberal front group instead of evaluating its factual assessment.

The ABA has done this body a great service of neutral and fair evaluation over many decades, for which Members of the Senate should be grateful.

I also have grave concerns regarding Don Willett, one of two nominees for the Fifth Circuit.

Mr. Willett has been unabashed in his criticism of equal rights for women—expressing caustic views on pay equity, justice for sexual assault survivors, and age discrimination.

He has resisted equality for LGBTQ Americans and defied the key same-sex marriage ruling from the U.S. Supreme Court.

No judge who thumbs their nose at the Supreme Court is fit for a lifetime appointment.

No person who compares the right of one person to marry the person they love to a "right to marry bacon" is fit to administer justice in this country.

President Trump's other nominee for the Fifth Circuit, James Ho, has a

similarly disturbing track record on LGBTQ rights.

He has also called for eliminating all restrictions on campaign finance and is an ardent defender of giving the executive branch even more power.

I can see why President Trump would want Mr. Ho on the court, but Mr. Ho's pattern of giving more leeway to the executive branch should be deeply concerning to everyone else.

In sum, the three nominees President Trump sent to this Senate for review fall far short of the standards this Senate should demand or that this country deserves.

I want to make clear that these nominees have a completely backward and harmful record on women's constitutionally protected reproductive rights—and would seek to undermine *Roe v. Wade*.

Stacking our courtrooms with judges who will bend to the will of one President's hateful, divisive agenda is wrong—and will not be forgotten.

I urge my colleagues on both sides of the aisle to take a stand. Reject President Trump's politically driven attacks on women's health and rights. Reject efforts to chip away at fundamental rights and respect for the LGBTQ community, and reject his judicial nominees who will serve only to give him the green light to expand his own power.

Vote no on circuit court nominees Leonard Grasz, Don Willett, and James Ho.

Mr. VAN HOLLEN. Mr. President, I rise to vote against Leonard Grasz's nomination to serve as a circuit judge for the Eighth Circuit. Mr. Grasz is one of two Trump judicial nominees who has received an "unqualified" ranking from the nonpartisan American Bar Association, ABA. I am appalled that Republicans advanced this nominee out of the Judiciary Committee and are bringing this vote to the floor.

Republicans have made it their mission to fill our judiciary with radical ideologues. The Trump administration has outsourced judicial nominations to the Federalist Society and the Heritage Foundation, and their nominees have included a nominee who believed in corporal punishment, one who questioned the constitutionality of the 14th Amendment, and one equated a woman's right to an abortion to chattel slavery. Many of these nominees are simply unfit to serve and undeserving of the prestige of receiving a lifetime appointment.

No judge nominated by the Obama administration received an "unqualified" ABA rating. When asked to clarify their rating for Mr. Grasz, a spokesperson for the ABA said that "[t]he evaluators and the Committee found that [Mr. Grasz's] temperament issues, particularly bias and lack of open-mindedness, were problematic. The evaluators found that the people inter-

viewed believed that the nominee's bias and the lens through which he viewed his role as a judge colored his ability to judge fairly." I am disappointed that, instead of insisting on qualified nominees, my colleagues have decided to instead attack the ABA's ranking system.

I sincerely hope that many of my colleague across the aisle will vote no against this nominee and demand more from the Trump administration.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPUBLICAN TAX BILL

Mr. WYDEN. Mr. President, a number of Senators have inquired about the status of the tax legislation and, particularly, the prospect of a real conference committee. It is clear that Republicans are talking among themselves, but apparently they feel, with respect to Democrats, this is a conference in name only.

What I would like to do is spell out what we know to date and talk a bit about what would really be in the public's interest. Specifically, late last night, the public learned through the press that Republicans have made no progress—their words, not mine—with respect to the tax bill.

They said that all of the major issues were still outstanding. Then, when all of them got up and made their way through their breakfast cornflakes, we were told that, magically, everything had just been worked out—that everything was worked out and that this bill would be ready to go.

I know they have been trying to move at the speed of light. We had yet another dose of fake math yesterday when the Treasury Department reported its so-called analysis to project that this bill would generate great growth, when, in fact, it comes up \$1 trillion short. So I would like to make sure the public understands what is on offer as of right now.

My sense is, with respect to the key issue, which is the well-being of the middle class, millions and millions of middle-class people are going to get hurt by this legislation, millions of them very quickly—for example, millions are going to lose their health insurance coverage. Millions more are going to have high premiums. By 2027, half of the middle class in America will actually be paying more in taxes.

Senate Republicans seem to be talking about a variety of issues, but not one of the tax issues they are talking about involves bettering the quality of life for America's middle class. We

don't hear any discussion of that. We hear plenty of discussion about multinational corporations. We hear plenty of discussion about rates. We hear discussions about pass-through businesses. But all of this is really like rearranging the chairs at the country club. Maybe one day the multinational corporations will do a little bit better; maybe the next day well-off heirs will do a little better. What I heard at my recent town hall meetings is that the American people want to make sure that the middle class is not always getting the shaft. They want to make sure, for example, that in the tax law, the breaks for the multinational corporations aren't permanent and the breaks for the middle class aren't temporary. They want everybody to have a chance to get ahead. It is not too late to change course.

There are 17 moderate Democrats, led by our colleagues Senator MANCHIN and Senator KAINE, who have said that they are hungry for a bipartisan approach to bringing both sides together. I have introduced two comprehensive, bipartisan bills with senior conservative Republicans—close allies of MITCH MCCONNELL's. We have made it very clear that we want a bipartisan bill.

In that all of these changes are now being discussed and our fellow Americans can read about them in the press, take a look and see if you see one idea—even one—that is going to make life better for the vast majority of working Americans, the folks who work so hard day in and day out, who are walking on an economic tightrope, trying to save money and trying to educate their kids. We don't hear about one single idea—not one—that would make life better for the middle class.

We will have more to say about this tomorrow as, I gather, there may be some kind of ceremonial conference committee that is scheduled as they try to sort through all of these reports that they are getting from lobbyists on K Street because, I guess, lobbyists know lots about what the Republicans in the leadership and on the conference committee are talking about.

I want Americans to just read through all of this and look, line by line, to try to find anything that is going to make life better for the middle class, because I cannot find it. That, as much as anything, shows what is wrong with the way this legislation is being pursued.

What a difference from the way Ronald Reagan pursued tax reform. Ronald Reagan said point blank that the working person should at least get as good a deal as the investor. He said that we ought to have the same rate of taxation for workers as we have for investors. In fact, with Ronald Reagan—and I voted for his bill—the corporations, in effect, gave up some money to help the workers. Now what we are seeing is

the workers getting the short end of the stick so that the multinational corporations can do even better. We will have more to say tomorrow.

I urge people to look through all of these stories and all of these press reports and see if they can find anything that involves a change to make life better for the hard-working middle class of our country.

REMEMBERING VERA KATZ

Mr. President, I also come this afternoon to talk about the passing of a vintage Oregonian and an extraordinary woman—Vera Katz—who became Oregon's first speaker of our house of representatives in 1985. After serving three terms as speaker, Vera Katz won Portland's mayoral race in 1992. The Oregonian noted recently that she moved Portland to become a "nationally recognized destination city," with developments ranging from the Portland Streetcar to the East Bank.

I hope that all Oregonians and visitors to our city will stop by the bronze sculpture of Mayor Katz. It captures perfectly her strength and her warmth. She was an extraordinary person whom we think about today, not just because of her memorable accomplishments but because of her extraordinary spirit. It was indomitable. She could not be subdued when she took on an important cause.

I remember in 1996, when floodwaters on the Willamette River threatened to overwhelm downtown Portland, that, in the middle of this chaos, this very slight but still unbelievably powerful woman, Vera Katz, led hundreds of volunteers to mount what we came to call a sandbags-and-plywood defense against the floodwater. That was quintessential Vera Katz.

In my townhalls at home, we often speak of the "Oregon way"—just finding the best ideas, looking for solutions, not standoffs. She lived and breathed that "Oregon way" ethos every day of her life. I am going to miss her, and I am especially going to miss some moments that will never be forgotten.

When we were working in the early seventies and I had gotten involved with the elderly, back then—I think the Presiding Officer, the Senator from North Dakota, probably remembers these days—that was a time when, if a town had a lunch program for senior citizens, that was a big deal. Nobody was aware that we might have all of the services that we now have—in-home services and a variety of transportation services. Back then, if a town had a lunch program for older people, that was a big deal. Vera Katz was then in the legislature, and I had been running the legal aid office for the elderly and was codirector of the Gray Panthers. All of the senior citizens wanted to really focus on holding down the cost of medicine, and they told me one day: We are going to go to the legisla-

ture, and we are going to take all of our pill bottles and stack them up on the table and show those legislators what it is like to really be an older person in having to cut pills in half in our trying to find a way to make ends meet.

As the Presiding officer, the Senator from North Dakota, knows, I had never been involved in politics or in public service back then. All I really wanted to do was to play in the NBA. So I didn't know if you could do that. I didn't know if you could take all of the pill bottles to the legislature, so I called Vera Katz.

I said: The seniors want to come down, Representative Katz. They want to hold up all the bottles. I really don't know what to do.

I could hear it through the phone because it just boomed out.

She said: The seniors want to bring their pill bottles to wake up the legislature?

I said: Yes, ma'am.

I could hear it through the phone when she said: Damn right. I want them to bring their pill bottles, and they are going to get a big welcome from me.

In all of those years in working with senior citizens, the very first person the seniors wanted to see was Vera Katz.

I asked them: How come we are always going to see Vera Katz?

They said: Because she always inspires us, and she always makes us laugh, and she always makes us want to get involved.

So this life force who, like my family, fled the Nazis, was an extraordinary public figure. Yes, she represented Portland, but she always stood up for all of Oregon.

In the days ahead, I will be back to the floor to talk some more about Vera Katz. She had a watermelon spitting contest with folks in rural Oregon just because she wanted to cement the bond between Portland and the rural part of the State. She was a wonderful woman. Our State grieves today as we think of her and her extraordinary contributions. In my having known her for more than 40 years, she is a role model for what public service ought to be all about.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

Under the previous order, there will now be 30 minutes of debate equally divided between the two leaders or their designees.

The Senator from Nebraska.

Mrs. FISCHER. Mr. President, the U.S. Senate has the opportunity today to vote on a nominee to the Eighth Circuit Court who exemplifies the qualities we all seek in a judge.

Steve Grasz from Nebraska is a nominee who has earned the respect of his peers. He believes in the rule of law. He has the education and the training. He has the experience needed to prepare him for this serious responsibility. Steve has a keen intellect and the humility that allows him to show respect toward all. He has an even and calm temperament—a judicial temperament.

Steve Grasz served as the chief deputy attorney general of Nebraska for 12 years. In that role, Mr. Grasz professionally and capably defended the laws of the State of Nebraska, authoring nine briefs in the U.S. Supreme Court. He has earned the respect of the Nebraska legal community. Timothy Engler, president of the Nebraska State Bar Association, has stated he always found Steve “to be professional, civil, and ethical in all respects.” In short, Steve is an outstanding Nebraskan and a talented legal mind.

The scores of recommendation letters we have received for Steve are a testament to his temperament, his integrity, and his character. These recommendations come from a diverse group of Nebraskans, from political officials to church pastors, business and community leaders, and Steve’s friends and neighbors.

Steve has bipartisan support from those who know him best. Nebraskans from across the political spectrum have pointed to Steve’s thoughtfulness, fairmindedness, high ethical standards, and brilliant abilities as a jurist. This includes former Democratic Governor and U.S. Senator Ben Nelson, who wrote that Steve “was an asset to our state and Nebraskans benefited from having such a capable and thoughtful professional in public service. Today, he is unquestionably one of the foremost appellate lawyers in the state, making him an obvious choice for this seat on our federal appeals court.”

Debra Gilg, the former U.S. attorney for Nebraska and a Democrat appointed by President Obama, said:

Steve has always enjoyed a reputation for honesty, impeccable integrity, and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him.

This is a nominee who should receive bipartisan support in the U.S. Senate as well.

I urge my colleagues on the other side of the aisle to put their lockstep partisan politics aside on these nominees and join with me and my Nebraska colleague in voting to confirm this decent man of integrity to the Eighth Circuit. I urge a “yes” vote on Steve Grasz.

Mr. President, I yield back all time. The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the Grasz nomination?

Mrs. FISCHER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 313 Ex.]

YEAS—50

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—2

Cochran	McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate’s action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 314 Ex.]

YEAS—50

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—2

Cochran	McCain

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Oregon.

DACA

Mr. WYDEN. Mr. President, I think that we are going to be joined here in a few moments by our colleague, the senior Senator from Illinois, Senator DURBIN, who, for years and years, has been leading the fight for the Dreamers—for the young people who are affected by DACA. He may be tied up for a bit, but as we begin—because we are going to be in a colloquy on some of these issues—I want to recognize his extraordinary contributions.

Nobody has been more focused and more relentless in terms of standing up for the rights of the Dreamers—the young people and the families who are caught up in DACA—than Senator DURBIN, the senior Senator from Illinois, and I want to make sure that his role is recognized at the outset.

I and Senator MERKLEY have spent a lot of time talking to these young people at home in our State, and we have held special forums on it. I am just stunned at what wonderful young people these folks are. Inevitably, their grades are at the top of their classes. They seem to be working two jobs, and they are sending money to relatives. They are just doing everything that we associate with hard work and thrift and ingenuity and with what has made our country so unique and so special in the world.

I want to talk a little bit about what I have heard and also set the record straight with respect to DACA, because there is an awful lot of reckless talk about this legislation, and much of it just does not resemble the truth. Misinformation is being spread to discredit DACA recipients and their contributions to the country, and those innocent lives are being damaged. Right now, Dreamers face the very real and frightening threat that they may be ripped away from the only lives that they know and the only country that they have ever known, and I want to spell out why.

The Congress is now up against an artificial deadline that was created by this President in his scrambling to come up with a solution for the 11,000 DACA recipients in Oregon and the hundreds of thousands all over the country. If nothing is done in the Congress this year, we know that these young people are going to be fearful, and they are going to go into the holidays while wondering what is ahead for them and their families. I just feel so strongly that they deserve better. They shouldn't be hanging in suspended animation—wondering what is going to happen to them, living in fear. My hope is that there will be action taken this year to help these young people. I feel

so strongly that the end-of-the-year wrapup legislation has to include legislation to finally allow these young people to realize their hopes and dreams in this country.

In his statement that announced the end of the DACA Program, the Attorney General said that our country must enforce our immigration laws, and he implied that the failure to enforce the laws somehow puts our country at risk of crime, violence, and terrorism. I can just say that, based on everything I have seen in Oregon, DACA recipients have not put our country at an increased risk of crime and terrorism, because, in fact, they are vital contributors to our Nation's success, including many who serve in our military.

It is just wonderful, and it is so good to see our colleague from Nevada here, who, along with Senator DURBIN, has championed the rights and interests of these young people. I know that she is going to speak shortly because she has seen the real-life consequences—the dangers—that are being inflicted on our young friends, our neighbors, and those who are so fearful about what will happen if Congress does not act before the end of the year.

This is not an abstraction for those like Mariana Medina, whose family brought her to the United States when she was 3. She went on to graduate from Tigard High School, which is just outside my hometown of Portland. This past June, Mariana graduated from Portland State University with a bachelor's degree in political science. She speaks eloquently and powerfully about how she really wants to give back to the people of Oregon by helping the children and the families who are most in need of help. What a wonderful role model Mariana is.

The debate is just as real for Ricardo Lujan, who graduated from Southern Oregon University in the spring. Ricardo is now the legislative director for the Oregon Student Association. There, he has been a strong advocate for legislation to give Oregon Dreamers a chance to get their own higher education degrees.

Ricardo worked full time while going to school full time in order to pay for essentials. He said: I want to make sure that I am contributing to affording an apartment and a car. He said that without DACA, he would not have his bachelor of science degree today. He said that this law is a beacon of hope to young people like himself.

In Oregon, there are now an estimated 11,000 Dreamers. All of these young people have parents and brothers and sisters and friends and people who know them in the community because they always want to help and chip in. They have roots in these communities. They have well-laid plans to work hard in school, make something of their lives, and start families of their own here in our country.

It seems to me that with the groundswell of support for these Dreamers, before the end of this year, this Congress ought to be able to come up with a bipartisan, fair way to put an opportunity path forward for these young Americans. The effort from the White House, I have to say, and I regret it, to punish these young people and split families seems to run contrary to the values we hold dear as Americans.

Our government, by the way, made a promise to these young people when the government encouraged them to share their stories publicly, submit to background checks, and pay taxes. That was something the government urged these young people to do—come forward, pay taxes, submit to background checks. We want to make sure that we are in a position—and I was hopeful when I heard about that pledge—to take action based on the fact that these young people were willing to come forward and say: We want to be contributing members of our country. We want to make sure that when the government asks us to come forward, we do. And they did so.

I close with this, because I know my colleague wants to speak—perhaps on the same subject—it would be wrong to turn our backs on these exceptional young people. I know my colleague from Nevada is going to keep fighting tooth and nail alongside so many of our colleagues.

Senator DURBIN was going to join me for a colloquy on some of these issues, and with the end of the year legislation barreling toward us, I think he was detained, but I want to thank him for his leadership. In fact, he has joined us now.

With the indulgence of my friend from Nevada, I would like to recognize my colleague from Illinois because no one in this Senate has put in the time or shown the tenacity and the years-long commitment to make this fight for justice for the Dreamers and those who are trying to work their way through the DACA Program to a better future for themselves and their communities. So I am very grateful to the Senator from Illinois.

I had mentioned in his absence that we thought at one time we would have a full-scale colloquy, and I have pretty much used up my time in terms of making some of the points about issues we have raised. With the indulgence of our friend from Nevada, I want to again thank the Senator from Illinois. We are on the cusp of being able to finally get justice to these Dreamers and those in DACA, and I want this body and people who are following this issue to know that we would not be in this position without the help and the advocacy of the senior Senator from Illinois.

I appreciate my friend from Nevada allowing us to have time for the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Oregon, and I certainly thank my colleague from Nevada for giving me an opportunity to speak for a few minutes. I also thank my friend from Oregon for being steadfast on this subject.

It has been 16 years since we passed the DREAM Act. We have been through a lot. We made it here on the floor of the Senate. We passed it on the floor of the Senate. There was an effort at comprehensive immigration reform which included the DREAM Act. It was a glorious day when it passed with a strong bipartisan vote and then a bitter disappointment in the months that followed when it languished on the floor of the House of Representatives and never was called for a hearing or a vote on the floor. So many of these thousands of young people who would be protected under the DREAM Act didn't know what the future would hold.

President Obama stepped in and created DACA through Executive order, and with DACA protection, some 800,000 young people were given a chance to be part of America—something they always dreamed of. They went to college, got jobs, and they did important things in their lives that they had put off and frankly reached the conclusion that they would never be able to do.

One of the things that many of them did, which surprised people, was to pursue their goal of being part of the U.S. military. We have an All-Volunteer military. These young people, undocumented in America, who have no legal status in our Nation, were prepared literally to give their lives for our country, the only country they have ever known. Is there any question in your mind as to their devotion to this Nation? Not in mine.

When you hear their stories, you will understand why. I have a story I want to tell you tonight. It is a story about Alan Torres.

Alan Torres was brought here as a child from Mexico. He grew up in North Dallas, TX, where he was a great student and athlete. In high school, he was placed in a program for advanced math and science. He took advanced placement courses in a variety of subjects which I dutifully avoided in high school, subjects such as physics, chemistry, anatomy, and physiology. He was captain of the high school varsity cross country team, where he won the district championship. He was the company commander in his high school's Junior ROTC. Not only was Alan an academic overachiever, he was also an artist on top of everything. His work was displayed and sold at regional level competitions, and he earned many awards.

His most vivid memory of high school, however, was none of these

things but of 9/11, the day of the terrorist attack on the United States. He was sitting in school, wearing his JROTC uniform in Texas, and he cried with his classmates when they heard what happened to America. He said he thought to himself, "I can't believe this happened to my nation." My Nation. You see, as a kid, Alan always believed this was his Nation. It wasn't until he was unable to do things many of his friends could do that he realized he was undocumented in America, with no legal status. He couldn't get a driver's license like his buddies did. He couldn't apply for financial aid to go to college.

Alan still pursued his dream despite these obstacles. By the time he graduated from high school, he was working three jobs to save up enough money to go to school. He attended a local community college because he didn't have any money. He needed low tuition. He received an associate's degree from Dallas Community College. Then he transferred to the University of Texas, Arlington. There, he got a bachelor's degree in information systems management. After all his hard work, he graduated from college debt-free. That is how hard he worked. He paid for his education out of his pocket because he couldn't count on any Federal loans or financial aid.

Today, Alan Torres—this young, undocumented man, protected by DACA—is a software engineer for IBM. He developed software that helps medical providers across the country to better manage the health of over 50 million patients.

He wrote me a letter saying:

[DACA] is what I would pray for all those nights when I would stay up late doing homework or lay awake full of anxiety for the future. It has allowed me to fulfill my potential and reach my goals without the fear of not knowing if I am going to wake up in a strange country tomorrow. . . . Dreamers are not perfect, but we work hard, love this country, and would love the opportunity to show it.

Alan is one of 31 Dreamers working for IBM. People like Alan are the reason that IBM and a lot of business leaders are calling us and saying: Are you crazy, Senator? You would deport Alan Torres? He earned his education in the country the hard way. He succeeded where others failed. He has the ambition and drive that we all pray for in our children and those we admire, and you want to tell this man to leave the United States of America?

These business leaders are pretty hard-nosed about this. For their part, they have an excellent employee, and they don't want to lose him.

More than 400 business leaders wrote a letter to Congress urging us to pass the bipartisan Dream Act or DACA or whatever you want to call it. The letter says:

Dreamers are vital to the future of our companies and our economy. With them, we

grow and create jobs. They are part of why we will continue to have a global competitive advantage.

That is the business viewpoint on this whole issue of the Dream Act.

In a few weeks, we want to go home for Christmas. We want to celebrate with our families. We understand that it is a special time of year for so many in America, this Christmas and Hanukkah season. We know we give thanks at Thanksgiving, but we give it again on Christmas Day as we count our blessings. One of the blessings we count on is the blessing of opportunity.

We know that in this great Nation, people have an opportunity to make a better life for themselves, their kids, for their future, and for our Nation. Think about Alan Torres over this Christmas, and think about 800,000 just like him, uncertain about what the new year will bring, uncertain because we have failed to act in Congress.

It was the President and Attorney General on September 5 who challenged us to do something. The President said: I am going to do away with Obama's Executive order, and now, Congress, do something. But all I hear from many of my colleagues is, well, let's see tomorrow if we can work this into the schedule or maybe next month or maybe the month after. We can't do that. There has to be a sense of urgency on our part too.

These young people—many of them have tearful speculation about their own future. I just talked to one of my colleagues from Colorado who came back from a meeting with half-a-dozen Dreamers, and as they told their story, they all broke down in tears. Do you know why? They are just about to give up hope—not on our country but on us—on the Senate, on the House, on politics, on Congress. I think we are better than that.

This Nation of immigrants has many people with many great stories. The Presiding Officer told a great story about his family and what it meant personally growing up. I have heard it and I am inspired by it, as I am and he is by many other stories we hear. This is what America is all about.

This issue really tests who we are and what we believe in and what our values will be. There are 100 ways to get to the finish line, but we need to do it by December 22. That is when we are supposed to break for Christmas. Let's make sure that as we break for Christmas, we give these young people, these Dreamers, these DACA people we have protected, a bright future for a happy new year, literally.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, I rise today with my colleagues to really put a face to what we are talking about here when we in Washington are making decisions that are impacting

the real lives of the people back home in our States.

I have to thank my colleague from Illinois, who has not only led the charge on this fight but has never given up for those Dreamers and their families, has really fought to show who they are because they are not numbers. They are real people.

I go home to my State, and on a regular basis I meet with Dreamers and their families, and it is no different. We sit around and we talk and tell stories about their struggle and their fight just to have that American dream. They are crying. Many are afraid to even tell their stories.

The first time I had an opportunity to sit with Dreamers, they had never told their story before because they were too afraid to tell it. They were too afraid that if they told it and left their home that day and went to work or went to school, that when they came back, their parents would not be there. It was the first time they came forward. It is no different now.

This administration and what they are doing is continuing the fear in our communities. That is why now more than ever we have to pass the Dream Act. Since this administration ended DACA, more than 11,000 DACA recipients have lost their status. Each week, 851 Dreamers are losing their protection. If we fail to pass legislation to protect Dreamers, 800,000 kids will be forced to watch their lives fall apart. They will lose their driver's licenses, their health insurance, their scholarships, their student loans, their work permits. They will face the constant threat of being detained, separated from their families, and forced out of the only home they know.

This is not just a crisis for these kids and their families, it is a crisis for our country, and it is a crisis for businesses across America. If Dreamers lose their jobs, employers will incur nearly \$3.4 billion in costs. The Center for American Progress estimates that our GDP will shrink by \$460.3 billion over the next decade. Over 800 business leaders from companies like Airbnb, Amazon, Facebook, Google, Lyft, and Microsoft have signed a letter to Congress, as you have heard, urging legislators to pass the Dream Act. The value Dreamers add to our economy is apparent to our country's most innovative businesses, it is apparent to religious groups and advocacy organizations all across the Nation. What is it Congress is missing? Why are some Members of this body unable to see all the contributions these kids make?

This is also a moral crisis. We cannot turn our back on Dreamers. We must embrace them. They are living examples of what America stands for as a nation, built through the sweat and hard work of generations of immigrants.

Immigrants are a fundamental part of our communities. They always have

been. They have built our railroads, our cities, our highways. They have founded businesses, invented groundbreaking technologies, and discovered lifesaving cures. Blue jeans, hamburgers, ketchup, YouTube, Google, Apple, even America's best idea—our national parks—these are iconic American inventions, and yet they were all created in whole or in part by immigrants.

Immigrants have held public office. One of Nevada's first Senators was an immigrant. His name was James Graham Fair, and he was born to a family in Ireland. His father brought him to the United States when he was a child to escape the potato famine. He grew up on a farm in Illinois and moved to Nevada in the 1850s to get involved in silver mining. He made a fortune when a repository of silver ore in northern Nevada, known as the Comstock Lode, was discovered. The discovery of this silver made him wealthy beyond belief. Overnight, he became one of Nevada's silver kings. He invested his fortune in railroads and real estate and eventually accumulated over \$40 million, and that is more than a billion dollars today.

In 1881, he was elected to represent Nevada in the U.S. Senate. In 1882, this Irish immigrant, a man who became a king because of the Comstock Lode, turned his back on other immigrants, and he voted in favor of the Chinese Exclusion Act. The Chinese Exclusion Act was a watershed moment in the history of American immigration policy because it was the first time the Federal Government restricted immigration on the basis of race. I tell you this story because, to me, the Chinese Exclusion Act exemplifies a vicious truth—that immigrants and their descendants are often the ones fighting to keep the next generation of immigrants out. Sadly, this Congress—a group that includes many descendants of immigrants—is in danger of making the same mistake.

When are we going to acknowledge what basic economics, history, and scientific research have always proven to be true; that immigrants make our economy stronger, that immigrants come to our country and start businesses, apply for patents, create jobs, and invent technologies that change our world.

The 800,000 Dreamers in this country don't want special treatment. They want the chance to live their lives and do all of those things without the fear of deportation looming over their heads. We have a President who is not just refusing to give them that chance but actively spreading lies and hate about who they are. I wish I could say this xenophobia—this hate—is something we have never seen before, but anti-immigrant sentiment is nothing new. These attempts to shut our doors are as old as our Nation itself.

We are a nation of immigrants. We are caught in a vicious cycle. We look to our ancestors for inspiration. We benefit from the contributions of immigrants, but every generation, we default to the arrogance of power and treat immigrants as scapegoats and shut them out.

A teacher from Sparks, NV, recently contacted my office to share the fear and uncertainty kids and families are feeling right now. David wrote:

I teach music at Diedrichsen Elementary School in Sparks, and my wife is the Assistant Principal at Desert Heights Elementary in Stead. . . . We are seeing an increase in stress, acting-out behaviors and absences in our students from immigrant families. Another friend of mine who teaches at a school with a large immigrant population has told me about days when large numbers of children are absent because of rumors of raids by ICE.

These are the consequences of using immigrants as scapegoats.

We are facing another watershed moment in our country's history. People will ask: Where were you when Dreamers' lives were hanging in the balance? Did you use your voice? Did you speak out?

It is time to stop this cycle. It is time to do the right thing and pass the Dream Act, not just because it will add billions of dollars to our economy but because threats to immigrants are a threat to our communities, our safety, our lives, and the future of this country.

The Dream Act is an investment in our future. Republicans in Congress are looking for a way to reduce the Federal deficit. Well, I have a solution for you. Passing the Dream Act would decrease the Federal deficit by \$2.2 billion over 10 years. It turns out that the refrain we always hear that immigrants are taking away jobs is a myth. The economy is not a zero-sum game. Research shows that immigrants drive growth. They generate new patents at twice the rate of native-born Americans. In 2014, they earned \$1.3 trillion and contributed \$105 billion in State and local taxes and nearly \$224 billion in Federal taxes. Immigrants are 30 percent more likely to start a business in the United States than nonimmigrants, and 18 percent of small business owners in the United States are immigrants. In 2007, these small businesses employed an estimated 4.7 million people and generated more than \$776 billion in revenue, but this fight is not just about our economy.

At its core, this fight is about 800,000 uncertain futures. When you meet Dreamers like I have, you will see they are not numbers, and they are not graphs. They are hard-working young people who are putting themselves through school and supporting their families.

They are young people like Maria, a Dreamer who was brought to the United States when she was 4 years old.

Now, 22, she is working as a teacher and director of the Infant Toddler Program at a Montessori school in Washoe County, NV. She already has an associate's degree, but she plans to enroll in the University of Nevada, Reno to pursue a bachelors in education, human development, and family studies.

Maria sent me a letter to tell me her story, and she wrote:

I, as a Dreamer, am being truly affected by not knowing what will happen with my future. Since we moved here, I have learned what the meaning of true work ethic is and how to be a positive asset to our nation. Being a DACA recipient means I can never have a criminal record, I pay taxes, I have a great job teaching our youth, and am still working hard to continue my education. . . . I am here thanks to the selflessness and courage my mother showed, and I believe any parent would do the same for their children without hesitation. My mother followed all the rules to quickly become a true hard working member of this nation.

In her letter, Maria told me all she wanted was a chance to follow the rules, show her potential, and continue working as a teacher.

Maria's story is both an immigrant's story and an American story. It is a story about what happens when we give Dreamers a chance. Maria's story is no different from Sergey Brin's, the co-founder of Google who came here from Russia. It is no different from Madeleine Albright's, the first female Secretary of State, an immigrant from Czechoslovakia. It is no different from that of John Muir's, a Scottish immigrant, or that of Joseph Pulitzer's, a Hungarian immigrant, or that of Albert Einstein's, a German refugee.

Dreamers' stories are no different from my own. My grandfather was born in Chihuahua, Mexico. He crossed the Rio Grande to come to this country. He served in our military, became a citizen, married my grandmother, and he raised a family. His son, my father, began his career as a parking attendant at the old Las Vegas Dunes Hotel. He worked his way up through the ranks to become the first Latino on the Clark County Commission and then president of the Las Vegas Convention and Visitors Authority. My mom and dad worked all of their lives so my sister and I could become the first in our family to earn a college degree.

My family taught me that when someone opens a door for you, you hold it open for the next person coming along after, and that is what I am in the Senate to do—to make sure every American gets that same opportunity my grandfather had, that my parents had, and that my sister and I had.

It is time to recognize that Dreamers are Americans, that their stories are no different from any of ours, that by taking away their protections, by allowing them to return to the shadows, we are allowing a vicious cycle to grind 800,000 dreams into the dust. It is time to learn from the mistakes of our pred-

ecessors. We must pass the Dream Act before the end of this year.

Thank you for listening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I want to thank Senator DURBIN for organizing this time and for his leadership and advocacy on behalf of Dreamers across the country.

Passing the Dream Act is about more than the law. It is about compassion and basic human decency. There is nothing compassionate or decent about revoking the status that 800,000 young people, including 600 in Hawaii, depend on to live, work, and study in the only country they have ever known.

Relying on a promise from the Federal Government, these young men and women came out of the shadows, handed over personal information, and underwent extensive background investigations to earn their DACA status, but the President's actions have put them all at risk. Like so many people, I have been moved by stories of how DACA has transformed the lives of Dreamers across the country.

Earlier today, I spoke with two young Dreamers who flagged me down in the hallway as I was going from one hearing to another, and they asked to speak with me. One had traveled from Arizona and is only a high school student. He was all dressed up, and he had a bowtie on. The other who flagged me down in another part of the building lives in California and is originally from South Korea. Both asked me to continue to fight to pass the Dream Act before the end of this year.

To see these young people politely approaching Members of Congress like me—I don't think a lot of them even had appointments, but they had to study the faces of the Members of Congress so, as they saw us in the hallway, they could come up to us. So the fact that they politely asked to speak with me, even as they literally are fighting for their lives, speaks volumes. We should open our hearts to them and support their cause.

Like so many of my colleagues, I have met with Dreamers from my home State of Hawaii to hear about how DACA has changed and enriched their lives. In October, I met with three young women studying at the University of Hawaii thanks to DACA.

Karen, Maleni, and Beatrice were, in many ways, like any other college student. They balance busy class schedules with part-time jobs and extracurricular activities. They have also lived in fear since the President and his Attorney General made the cruel and arbitrary decision to end DACA on September 5. Karen, Maleni, and Beatrice told me they hadn't received any notice about what would happen after the program ended on March 5, 2018, and depended on media updates that would

literally determine their futures. They shared hopes and concerns most of us would take for granted.

When their newly issued driver's licenses expire, they may not be able to fly home to California to visit their families because they will no longer have valid IDs. After turning their information over to the Federal Government, they worry for their parents and families, many of whom are undocumented. When their work authorizations expire, they will have to drop out of college because they can't afford tuition.

Karen is pursuing her master's degree in conservation biology and environmental science and hopes to have a career in research. She said:

If I lose my DACA, that means I'd lose my work permit which means I lose my graduate assistantship which means I can't [graduate]. So thinking about those logistics is definitely scary. Because I wouldn't be able to complete my education unless I found another way to fund it.

[Dreamers] are working to improve our lives, and the lives of our families, and hopefully, through our professions, your life too. We're becoming doctors and lawyers and teachers and any field you can imagine there's probably at least one of us represented. So give us a chance.

Even with all they have been through, Karen, Maleni, and Beatrice told me they don't regret signing up for DACA because, although their futures are now in jeopardy, for a few years they were given a chance at their American dream.

Dreamers like Karen, Maleni, and Beatrice are not asking for much. They are just asking us, as Karen said, "for a chance." They are asking us to keep the promise we made to them, and it is in our power to do that.

Around 10,000 Dreamers have already lost their DACA status since Attorney General Sessions announced the program's end. Every day Congress doesn't act, 122 Dreamers lose their DACA status. We are taking away these young people's chances of staying in school, pursuing meaningful careers, and even visiting their families at Christmas.

While the President once called Dreamers "absolutely incredible kids" and made promise after promise to protect them, he has gone back on his word time and again. We can't rely on his empty promises.

I ask my colleagues to put yourselves in the shoes of these Dreamers. What if your future in this country was uncertain after March 5? What if you were facing deportation to a country you don't even know so you have to start life all over again? What if your families lived in daily fear? If we can put ourselves in the shoes of Dreamers, what part of the Dreamers' uncertainty and living in fear can we not understand?

Is it because we are not them? Is it that we can only relate to someone's existence or experience only if we lived

it ourselves? If that is the only way we can relate to people's problems—people who come to us for help—then we are in a very sorry state.

Most of us who serve in the Senate are only one or two generations removed from immigrant status or immigrant backgrounds. I, myself, am an immigrant. I was not born in this country. I came here with a single mother. I know what it is like to come to a new country where you don't speak the language and where you have to learn, where you have to adjust. All my mother asked for was a chance to attain the American dream.

It really bothers me that at the time when we were talking about passing comprehensive immigration reform, Member after Member came to the floor of the Senate and talked about their immigrant backgrounds. Yet too many of them were perfectly happy to shut the door on immigrants in this country—over 11 million undocumented persons—to shut the door in their faces; forgetting that most of us come from immigrant backgrounds; forgetting that this country, apart from the original people who were here, American Indians, we are all immigrants.

So let's put ourselves in the shoes of our Dreamers. Let's open our hearts to them. These are young people who just want to have a chance at the American dream that too many of us take for granted now. Let's not only be able to empathize with people whose experiences we have lived. Let's not be there, let's not go there.

I call on my colleagues to support the Dream Act now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank my friend from Hawaii and Senator DURBIN for his work and Senator CORTEZ MASTO, who is off to a really good start in her first year in the Senate. I thank them for their work on this issue that is personal to Senator CORTEZ MASTO and Senator HIRONO because they are not that far removed from coming to this country.

My family has been here longer, but this issue is personal to me because of the people I met whom I will mention in my relatively short remarks. I want to tell some stories about people I have met.

Immigrants in my State and across this country make vital contributions to our economy and local communities. They are business owners and entrepreneurs. They are educators and students. They are workers and leaders in the community. They serve our Nation in the military.

For many immigrants brought here as children—and this is the key point—this is the only country they have ever known. They may speak Spanish at home or speak Arabic at home or they

may speak Bengali at home or they may speak Urdu at home, but they don't know those countries they came from because they were small children when they came.

President Trump promised to go after violent criminals, not innocent children. Unfortunately, his efforts have been aimed not at violent criminals who should, in fact, be removed from our country, but he has gone after so many innocent families and innocent children.

My daughter Emily is a legal aid lawyer for immigration in Columbus. She has told me stories of families who have played by the rules, they worked hard, they are active in their church, they hold full-time jobs, and they are raising their kids. Their kids are doing well in school, and the mother and father get deported, not because they have ever committed a crime but because they came here a number of years ago to escape violence in the countries they came from.

Those are not the same situations exactly as these DACA kids, but we know who these DACA children are—these Dreamers. We shouldn't be targeting young people who are contributing to this country—the country they grew up in, and the only home they have ever known. They are working, going to school, paying taxes, and serving in our military.

Ariel was brought to the United States as a baby when he needed medical treatment for a rare condition. He has lived here ever since. He attends Cuyahoga Community College, a few hours from my home. He is working toward a degree in business administration. He wants to be an entrepreneur who will create jobs in his community and my community. Other Dreamers have jobs, and they are contributing already to our community.

I heard from Elvis, who grew up in Northwest Ohio. He graduated from Ohio State and works at Nationwide. He told us:

The contributions of DACA recipients are not only present in metropolitan areas but also in rural ones. This is evident to me, someone who grew up in rural Ohio, and whose family continues to live there, every day.

Nathali in Columbus works as a product development and design engineer at Honda. She has lived here since she was 9. Her DACA status expires this summer. If she isn't protected, she will probably have to give up her job. She is contributing to America's economy, to Ohio's auto industry, and she pays taxes.

I heard from Vania in Delta, OH, a suburban farm community west of Toledo. She oversees the entire human resources department in her company, one of the largest bell pepper growers in the country. She said:

I was raised in this community, graduated high school and college here, and am cur-

rently giving back to it in my role. I have established myself as a contributing member of this community and for this reason, among many others, I deserve a chance to continue my work.

All she says is: I want to continue my work. I want to continue raising a family. I want to continue contributing to this country. I want to continue to work in my community. I want to continue to be a good citizen. She is not asking for a handout. She wants what most Americans want, to be able to keep doing her work.

There is no question our immigration system is broken, but we don't fix it by kicking out these contributing members of our communities who grew up here—underscore that. They may not have been born here, but they grew up here. They know our country. They live in Toledo and Dayton and Xenia, and they live in Mansfield. Those are their lives, as it was my life growing up in Mansfield.

We don't fix our immigration system by kicking out these contributing members who grew up here and made their home here—who are American in every sense except the paperwork. It is time for us to come together to put partisan considerations aside and pass a commonsense solution that protects these kids, protects these Dreamers, and upholds our American values.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I want to thank all my colleagues who have spoken today. I really want to thank Senator DURBIN, who has been a friend and a mentor of mine since I came to the Senate almost exactly 4 years ago. I thank him for his leadership right now—really leading us on both sides of the aisle, as a central focal point for the Dreamers—and for his words. I thank him for his leadership today and throughout this effort, making sure we don't leave for the holidays, leaving thousands of children in our country who know no other country—young adults—in a purgatory where they are anxiously waiting to see if this body will act.

This is a time where we have seen incredible activism. I cannot tell you how many times I have been stopped by Dreamers who drove for over 24 hours—drove across this country to come to the Capitol to make their case known. They love this country. They serve this country. They only know this country. They were here before they could even speak. They and their fellow American allies have been struggling and toiling and fighting for recognition. It reminds me of generations of Americans in the past who were fighting and toiling and struggling for recognition as citizens when citizenship was denied them.

I know stories from my own family, African Americans, who, literally, like many of these Dreamers—900 of these

Dreamers—have served in the military. I know these stories from my family—people who served in war, served in World War II, served in Korea, like my father, and came back to a country that did not recognize their citizenship rights.

Women, Jews, Irish—so much of the story of America is Americans struggling and toiling and fighting, often coming to the Capital of the United States of America, fighting for recognition of their citizenship rights. They are patriots.

The young people I have encountered in my home State and the young people I have encountered here in the Capitol are patriots. Patriotism is love of country. I am one of these folks who believe that love of country is better seen than heard. I am telling you right now, the Dreamers I have encountered, their service, their sacrifice, their contributions to this country should resonate.

We know the data. Billions of dollars of our economy is being fueled by Dreamers who are here serving in every imaginable capacity—there for their neighbors, there for their community, there for other children, there for America.

I sat across from Dreamers in New Jersey who now, because of the inaction here in Washington, because of the uncertainty, these folks—for whom we have collectively contributed to their education, contributed to their success, and are enjoying the fruits of their success—are now suddenly withdrawing from schools. They are feeling nervous that they are going to be ripped away from family members—younger siblings who are already recognized citizens—as they fight for their citizenship rights. I have seen the pain. I have seen the anxiety. I have shared the tears as they continue this fight, hoping this body will act.

There are folks like Liz. She is a Dreamer from Ridgefield, NJ. She literally created a startup business that employs over 800 people. She is a job creator, an entrepreneur, an innovator whom people rely on for their jobs, and we are going to turn around and say to Liz: You have to leave the United States of America, the only country you know.

What about people like Jesus Contreras? He was the paramedic from Houston who worked for 6 straight days, pulling all-nighter after all-nighter after Hurricane Harvey hit. Here is a guy who, when we faced a crisis and people's lives were on the line, stepped up. That is patriotism. That is love of country. You can't love your country unless you love your country men and women. The way you show you love your country men and women isn't just through the songs you sing and the pledges you make, it is the actions you take. In a crisis, he was there reaching out to American hands with his hand that is worthy.

Dreamers have been a gift to this Nation. They are hard-working patriots deserving of our respect. They come from a long tradition of people who have served this country, fought for this country, struggled for this country, who battled for respect from this country. They look up and say: I, too, am an American. Don't judge me by a piece of paper that says so. Look at my deeds. Look at my actions. Look at my life.

This, our wealth; this, our natural resource; the genius created in the image of God; we are going to cast these folks out of our Nation, and for what?

I believe that the opposite of justice is not injustice; it is inaction. It is indifference. It is apathy. This body has not acted. It has not shown a level of compassion to patriots. It has rewarded the service of these Dreamers and the sacrifice of these Dreamers with nothing but silence and inaction.

As other days before it, today I am glad that I stand with colleagues who will not be silent. This tradition in our country of solid citizens, of patriots who fought, who loved, who contributed to this country, this tradition that runs deep in my family, that runs deep in the families of so many here—when they were told they were not citizens, did not have equal rights—from suffragettes to civil rights activists—this body finally got it right and finally responded.

This is the dream of America. These young people are called Dreamers. This is the dream of America.

There was a man who talked about being denied his citizenship rights and who wrote a powerful poem that is as appropriate today as it was when he wrote it. His name is Langston Hughes. As these Dreamers struggle to be recognized for what they are—citizens of this country—as they put forth a dream that is no more precious or no more worthy than the dreams of my family, of your family, may the words of Langston Hughes speak to our spirits and our souls and motivate us. Langston said:

There is a dream in the land
With its back against the wall
By muddled names and strange
Sometimes the dream is called.

There are those who claim
This dream for theirs alone—
A sin for which we know
They must atone.

Unless shared in common
Like sunlight and like air,
The dream will die for lack
Of substance anywhere.

The dream knows no frontier or tongue,
The dream, no class or race.
The dream cannot be kept secure
In any one locked place.

This dream today embattled,
With its back against the wall—
To save the dream for one
It must be saved for all.

Mr. President, I tell you this with all of my heart: I have met these young

Americans. I have seen their service. I know their sacrifice. They have worn our uniforms, from our military uniforms to the uniforms of first responders. They have taught our children. They have benefited from our public schools—from our kindergartens, to our eighth grades, to our high schools, to our colleges, and to our universities. We have invested in them, and that investment is paying dividends. They are the American dream. They represent the best of who we are and who we aspire to be.

They collectively, with the other young people of this Nation, are our greatest hope for the future. If we cast them out, if we send them into the wildernesses of lands that are strange to them, to places where some of them don't even speak the tongue, it will be a sad day, a tragic day for them but even more so for us.

What does it say about a nation that turns its children away for no other reason than they came here when they were 2 or 3 and weren't born here? We are better than this. We are greater than this. Our Nation's ideals are loftier than this.

So in the same spirit that this body was slow to move to grant full citizenship rights to enslaved people, in the same way that this body was slow to move to finally grant citizenship rights to every woman in our country, and in the same spirit that this body was slow to move to grant full citizenship rights and voting rights and civil rights to African Americans, I hope we may summon in this generation, in a cause that is noble, the courage to do the right thing and not be stuck in inaction.

It is time for us to act as a body. It is time for us to recognize the full citizenship rights of those who have proven themselves already through the greatest actions one can do—service to another, service to our country, service to the ideals that we have.

Mr. President, thank you.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to join my colleagues on the floor today, and I want to thank our great and distinguished leader on this issue, Senator DURBIN, who has devoted so many years and so much energy and has been a model for me personally of what an advocate should be in the Senate and most especially on this issue, which has been preeminently important to me since my arrival here almost 7 years ago.

For a time, I was on the floor almost every week, periodically, with a photo of another Dreamer, and the reason was to make this issue real in the hearts of the American people, to bring their voices and faces to this body.

Today, I am joined in spirit by Alejandra Villamares. She is one of 8,000 Dreamers in Connecticut. I am

proud of each and every one of them. She is one of 700,000 Dreamers in the United States of America, and I hope that my colleagues are proud of them in their States, as well, because they are absolutely incredible people. Nobody's perfect, but in many ways, they embody the spirit and values of America. They work hard. They go to school. They are future engineers, scientists, nurses, and doctors. They are of immense value to our economy because they work and contribute, and they will better themselves through education, through their values. And they know what it means to be an American citizen. Even though they are not, they know the value of citizenship.

Alejandra came to this country when she was 1 year old. She was brought here by her parents, across the border from Mexico. Her family lived in a cramped, small house with her two uncles. They had very little money. She and her sister were bullied by students in elementary school because, of course, they had to learn English. They spoke with an accent. She told me: "My mother told me not to give up." That is what she wrote me a couple of days after the President of the United States announced that he would end the DACA Program. She wrote me 5 days after the Trump administration rescinded DACA, and her story has stuck with me, haunted me over these months, just as when I have met with Dreamers—as I did just this past Monday in Hartford, CT—to reassure them that I was going to fight every day that we have remaining in this session, their stories have haunted and moved and inspired me.

Alejandra was bullied, but even as she was bullied for speaking a different language—her native language—and learning English, even as her father was deported, even as her family was left without him and with even less support, they persevered.

She wrote to me: "I made it my mission to prove that I was worthy of being considered an American." How many of us, growing up, made it our mission to prove ourselves worthy of being an American? I daresay few of us considered that mission. Most of us take for granted that we are Americans, that we are citizens of the greatest country in the history of the world.

Slowly but surely she learned English, and it became her primary language. In 2012, she got a break: The Obama administration enacted DACA. She could come out of the shadows. She could have a place, some security. That step unlocked for her—literally unlocked for her—the American dream.

For all of us who take for granted what it means to be an American, who have never made it a mission to become an American, we often take for granted the American dream. Well, we belong here. No one is going to send us

away. No one is going to deport us to a land we have no knowledge of, to a place away from our friends and our families. But DACA meant something else as well, more than just emotional; it meant that she could go to college, and she did. She went to Wesley, where she is now a student. For once, she had the immense luxury of not being afraid. She could go to college and study—as she is now studying—film and international relations. She felt empowered to speak up and participate in her community.

She worked at Delaware Goes to College Academy and the Summer Learning Collaborative. They both promote education for disadvantaged youth. She was now not only learning and studying at one of the great universities in our country but giving back to others, enabling others to climb that same ladder, young people with disadvantages like hers to make the most of themselves and to achieve that American dream.

When Attorney General Sessions, with the President's approval, rescinded DACA in September, Alejandra wrote to me:

I wanted this to be my country so badly. One thing that I knew from the bottom of my heart was that I wanted to stay here, and that I was an American.

Anyone who looks at Alejandra, knows her story, and hears her words has to be heartbroken that a young woman seeking so deeply to be an American, to live the American dream and American values, to give back to this country that she loves, and never to take for granted what so many of us do—we have to be heartbroken to hear those words and her story.

I have heard my colleagues say: Well, why now? Why not wait until after the new year? Why not wait until March? Why not wait? Waiting until March would mean an extension of her anxiety, apprehension, and fear. It would also mean the extension of a humanitarian crisis.

Make no mistake, for 8,000 young people in Connecticut and 700,000 in the United States of America, threatening deportation to them is an unprecedented message to the world and to ourselves. It says something about who we are. To leave them hanging is not only unfair, it is unworthy of us as Americans.

More practically speaking, tens of thousands of DACA recipients are estimated to have already lost their protection from removal. Kicking the can down the road would mean continued anguish for those 700,000 young people, and it would mean breaking a promise. They came forward. They provided their addresses, their cell phone numbers, their tax information on the promise that it would not be used against them.

It would mean instability in the job market, and it would hurt our econ-

omy. That is why employers are coming forward and urging us to act now. Companies have been forced to consider whether they should fire DACA recipients and train new employees in anticipation of the March deadline. It would churn and create turmoil if we fail to act. In fact, it already is creating chaos and confusion because looming on the horizon ominously, inextricably, is the threat of mass deportation.

It would be a humanitarian nightmare, and it is a bureaucratic nightmare, as well, to wait. If the Dream Act is passed, the United States Citizenship and Immigration Services has work to do. They need to develop new regulations, process applications. This involves conducting security checks, biometric screening, notifying the applicants, and doing the paperwork. Experts say that this process could take up to 7 months in total. So we are already late. We are already late in beginning and accomplishing this task.

If we delay our action, thousands of Dreamers will lose their protections before the law is fully implemented. Young, contributing members of our society—like Alejandra—who have done nothing wrong will be dragged back into the shadows, to lose their drivers licenses, to lose their jobs, to lose their sense of security, to fear every day the sound of police sirens, as so many do right now.

The administration has literally thrown a timebomb to this body, and it is ticking. We have the power to diffuse it. We have the power to do the right thing. We have the power and we have the obligation to truly give those 700,000 Dreamers the ability to make the most of themselves and make the most of this country.

Often, when I think of the Dreamers, I think of my father, who came to this country in 1935. He was 17 years old. He knew virtually no one. He spoke almost no English. He had not much more than the shirt on his back, and he was a Dreamer, although he came here legally. He became a U.S. citizen. Nobody loved this country more than my dad.

I sometimes think how sad and ashamed he would be about the way we have denied Dreamers the opportunity and security that he felt coming here, escaping persecution in Germany. This country has never been perfect, but we are the greatest country in the history of the world because we are a nation of immigrants.

If you are ever discouraged or down about your lives or about the country, you may want to try going to the immigration naturalization ceremonies in your State. They happen in Connecticut every week in courthouses. I go as often as I can on Fridays, when they usually occur, in Hartford, New Haven, and Bridgeport, because it is so uplifting. It is so very inspiring to see

people who are moved and grateful beyond words—moved to tears—in becoming citizens of the United States.

The judges usually give me an opportunity to say a few words, and I thank them for wanting to become citizens. I tell them “You passed a test that most Americans couldn’t pass,” and they laugh, as perhaps some who are listening now would laugh because they know it is true.

They wanted to become American citizens, so they studied and they prepared. Many of them came long distances, escaping persecution—just as my dad did—and left behind families, loved ones, jobs, careers. They wanted to be citizens. They will never take it for granted, nor will Alejandra if she is given that opportunity. She wants it too. She is a Dreamer, not only in name but in spirit. I hope all of us keep her in mind and in heart when we think about what we are going to do in the next couple of weeks.

As for me, I am determined that we should not leave here for our holiday without acting on this measure. I know we can do it if both sides of the aisle are reasonable, responsible, and responsive. The vast majority of the American people are with Alejandra. They know her as a neighbor; they know her as a friend. Even though they may never have met her, they know people like her who are in their communities, and they know the immense contribution that she and others like her can make.

I know so many of them who share that simple goal to become a U.S. citizen, and it begins with permanent status, a path—a path to earn citizenship. Whatever it may be called, it begins with a sense of security and belonging.

I hope this body will pass the Dream Act and give Alejandra and so many like her that opportunity to accomplish the American dream.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 356.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Mary Kirtley Waters, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

If there is no further debate, the question is, Will the Senate advise and consent to the Waters nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO STEVE JOHNSON

Mr. HATCH. Mr. President, today I wish to recognize a longtime member of the Senate family who is concluding his tenure with us as this session comes to a close. His last day of service in the U.S. Senate will be December 22.

Steve Johnson, a resident of Annandale, VA, and a native of Freehold, NJ, is retiring as the manager of the Senate Dining Room after 22 years of service.

Steve has managed the Senate Dining Room with hospitality, professionalism, and graciousness. He is extremely knowledgeable about the history of the Senate Dining Room and has introduced many of our guests to the stained-glass George Washington Memorial Window, which is often the focal point for visitors.

The window was purchased by the Federal Government for the Capitol in 1910 from the artist, Maria Herndl, for \$1,000. The window’s Revolutionary War scene shows President George Washington on his white horse conversing with Marquis de LaFayette and Baron von Steuben, the drillmaster of the American Army. I only know the story behind the painting because Steve told me.

Steve sure knows his history, but his primary focus has always been on his team and the Members of this body. Under Steve’s leadership, the Senate Dining Room has been an ideal venue for conducting the important business

of the U.S. Senate. Throughout his career, he has been responsible for overseeing and implementing the requests of Members of the U.S. Senate and has done so with efficiency, poise, and thoughtfulness.

Steve has always been resourceful and, at times, creative. Once, a former Senator who, at the time, happened to be the Vice President of the United States, ordered a lunch that had not been on the Senate Dining Room menu for several years, but thanks to Steve’s ingenuity, Vice President Joe Biden enjoyed his chopped salad immensely.

On another occasion, Supreme Court Chief Justice William Rehnquist stopped by the Senate Dining Room after a long day on Capitol Hill and ordered chocolate chip cookies and milk. The cookies were not on the menu, nor were they in the kitchen, but they still showed up at the Chief Justice’s table, thanks to Steve’s quick thinking and resourcefulness.

Remarkably, during his Senate service, Steve also found the time to train and compete in 18 marathons. He has qualified and run the Boston Marathon seven times, and I hear that more marathons are in his future.

On behalf of myself and my colleagues, I wish to express our deep affection and gratitude to Steve Johnson for his 22 years of faithful service to the U.S. Senate. We will miss him dearly. We wish Steve and Joanne, his wife of 32 years, a happy and healthy retirement.

RECOGNIZING THE JOHN G. HEYBURN II INITIATIVE FOR EXCELLENCE IN THE FEDERAL JUDICIARY

Mr. MCCONNELL. Mr. President, today I wish to commemorate a groundbreaking program in my home State, the John G. Heyburn II Initiative for Excellence in the Federal Judiciary at the University of Kentucky. As I will explain, the initiative, under the leadership of my dear friend, Dr. Martha Heyburn, is both a testament to its namesake and a powerful representation of its leader. Through its work, this program will benefit and educate our citizens, students, and members of the Federal judiciary.

Judge John G. Heyburn II served on the U.S. District Court for the Western District of Kentucky for more than two decades. During his distinguished time on the bench, John excelled as a scholar, a jurist, and a public servant. He was a man of intellectual curiosity, which could be seen in his work and his relationships. In addition to his efforts in the Western District, Chief Justice William Rehnquist appointed John to serve on the Budget Committee of the U.S. Judicial Conference in 1994. John eventually became the committee’s chairman in 1997, where he was responsible for working with Congress to set

the budget for the Federal judiciary. In 2007, Chief Justice John Roberts appointed him to chair the Judicial Panel on Multidistrict Litigation, a body tasked with promoting efficiency and consistency in litigation across the Federal courts.

During his career on the Federal bench, Judge Heyburn lived out a vision, in his words, “to ever improve the legal system considered the envy of the world.” Through each of his roles, John sought to continue the development and improvement of the Federal judiciary, understanding that the quality of justice was inexorably tied to sound administration.

Throughout his life, I was proud to call John my friend. Like so many others who knew and cared for him, I was heartbroken by his passing in April of 2015.

After John’s death, his wife, Martha, was left with what she called “the unenviable task” of organizing his judicial papers. She expected to find his books, his notes, and his memos from a lengthy career on the Federal bench. What Martha found, however, surpassed even her grandest expectations.

For many of his most important cases, John maintained meticulous records of his decisions. For one case in particular, Martha found a collection of 26 drafted opinions, news clippings, source citations, and even the biographies of the law clerks who had helped John reach his final decision. She recalled that, during his career, John would work tirelessly on his opinions, struggling over individual words or sentences to ensure he got each and every word just right.

As she examined the vast quantity of research, documentation, and papers, Martha reached a conclusion that would ultimately inspire the establishment of the Heyburn Initiative. She knew “this doesn’t belong in [her] basement.” Martha recognized the historical importance of the documents she had found. She knew that these papers should be seen by wider audiences so future students of the law can learn from them and understand her husband’s decisions and the decision-making of the broader Federal judiciary. Martha believed that if there were any chance that John’s work could inspire a future student, it was her responsibility to help make that happen.

With this realization, Martha began to plan the future of the Heyburn Initiative. By organizing the papers and making them publically available, they would become the anchor of a national resource dedicated to understanding the Federal judiciary and its place in our democracy. Many of us are familiar with Presidential libraries and congressional centers throughout the country, but this project would be distinctive in its study of the Federal judiciary.

From an impressive career of service, John had accumulated a wealth of ma-

terials that would be of interest to many students and judicial researchers. However, Martha knew that, to make this new program attractive to a broad audience, she would need more papers than just those of her late husband.

Therefore, as is typical for a groundbreaker like Martha, she understood the best way to accomplish her goal would be to establish an archive with an ambitious mission. She wanted to create a repository for the papers of every article III judge in Kentucky’s history that she could acquire. An undertaking of this size had never been attempted before in judicial archiving in any State, but Martha knew that, if she could pull it off, it would be an incredible resource for Kentuckians and those who study the courts for generations to come. From the initial planning stages through today, the Initiative has already obtained the papers of about a dozen Federal judges from Kentucky, and I expect that number to grow.

Next, Martha decided that, to be of greater benefit to future generations, the documents in an archive would need to be put in their proper context. One of the best ways to do that would be to record oral histories from policymakers, contemporaries, and the judges themselves. These interviews provide a personal account of the history of our Commonwealth and our Nation. They are an incredible resource for students and researchers now and in the future. To date, many of the Federal judges in Kentucky have agreed to provide their own accounts for the archive, discussing their opinions, their work, and the judiciary.

Martha chose to gather oral histories from other members of the Federal Government as well to show the interactions among the three branches at any particular moment in time, but to accomplish this feat, Martha would need resources and a staff to make her vision a reality.

She entered into an agreement with the University of Kentucky to host this portion of the Heyburn Initiative. Martha chose John’s charge, “to ever improve the legal system considered the envy of the world,” to be the initiative’s mission statement, and I was proud to stand with her in Lexington in October of 2016 as she publically unveiled her vision. The initiative became her effort to enshrine her husband’s legacy and to inspire future generations into public service.

With a permanent home and a vision for the future, the Heyburn Initiative launched its second component. After the passing of Associate Justice Antonin Scalia in February of 2016, Martha recognized a new level of awareness about the importance of the Federal courts throughout our Nation. That attention sparked her interest in developing an approachable and pro-

grammatic feature to the Heyburn Initiative by hosting speakers and conferences for the benefit of students, current judges, and the public.

By hosting these events in the Commonwealth of Kentucky, Martha sought to make our State a destination for scholars and jurists, and she has already found great success in her efforts. In its first year, Martha hosted Chief Justice John Roberts and Associate Justice Neil Gorsuch at the Heyburn Initiative in Lexington. Both of these renowned jurists presented their views on the judiciary’s particular place in our system of government.

During each of these visits, Martha ensured that the distinguished speakers participated in both public events and in meetings with law students. Her aim for these carefully organized interactions with some of the most influential jurists in our country was to provide an opportunity for inspiration and learning. She hoped that the students would be inspired by the speakers and, in turn, the speakers might be inspired by the students.

Martha also views Heyburn Initiative events as opportunities to showcase our home State. With a “uniquely Kentucky” event, she wanted the visitors to remember more than just a judicial conference. Martha wanted the judges and justices to remember the culture of Kentucky. That is why, for example, when Chief Justice Roberts came to Lexington, she organized a group to attend a University of Kentucky men’s basketball game, a coveted experience in the Commonwealth.

In the Heyburn Initiative’s first year, it has already achieved much success and has set itself on course for a bright future, and the credit for all the achievements belongs to Martha. Her vision and tenacity grew this program from an idea into a national resource for students, judges, and scholars. I know that the Heyburn Initiative will continue to be a fitting legacy for John because Martha is leading it.

After so many accomplishments in 1 year, Martha has her sights set on further growth and success. She sees the Heyburn Initiative as an example for other States—to develop a home for the judiciary’s rich history and an inspiration for its future. I would like to congratulate my dear friend and her family on her many achievements, and I look forward to seeing the great things that Martha will continue to do.

TRIBUTE TO LIEUTENANT COMMANDER WENDY LEWIS

Mr. THUNE. Mr. President, today I recognize Lieutenant Commander Wendy Lewis of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, who has served as a fellow to the Commerce, Science, and Transportation Committee for the past 3 years. I thank

Lieutenant Commander Lewis for all of the hard work she has done for me, my staff, and the entire committee.

Lieutenant Commander Lewis has had a significant impact during her time as a fellow. Her expertise as a ship driver and manager of our Nation's natural resources has meaningfully informed the committee's efforts. She has worked on several pieces of legislation that have become law, including the National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act and the Weather Research and Forecasting Innovation Act of 2017. Her contributions have enhanced the ability of the National Oceanic and Atmospheric Administration to carry out its missions and bettered the lives of those who work there.

I would like to extend my sincere thanks and appreciation to Lieutenant Commander Lewis for all of the fine work she has done and for her continued service to our Nation. I wish her success in the years to come.

TRIBUTE TO DAVID RADCLIFFE

Mr. VAN HOLLEN. Mr. President, today I wish to recognize the tremendous service of David Radcliffe, who joined our staff as a Brookings fellow this year. David's expertise in defense, veterans, and homeland security issues was invaluable, helping to ensure we met the needs of Maryland. David came to our office with a wealth of policy knowledge from his civilian work at the Department of Defense and his military service as an Army Ranger. He not only adapted quickly to his work in the Senate, he helped define his role in a new office. His versatility, kindness, and equanimity endeared him to constituents across the State. David was unfazed by any change in plans or new last-minute requests, simply responding, "Semper Gumby"—always be flexible. His strong principles, willingness to pitch in wherever needed, and sense of humor made him a great colleague and terrific staffer in my office. We owe him a debt of gratitude, and we will miss him greatly. My whole staff and I wish him well as he embarks on his next journey in service to our country.

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1730. An act to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes.

H.R. 2706. An act to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository in-

stitution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

H.R. 3093. An act to amend the Volcker Rule to permit certain investment advisers to share a similar name with a private equity fund, subject to certain restrictions, and for other purposes.

H.R. 3359. An act to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

H.R. 3669. An act to improve and streamline security procedures related to general aviation and commercial charter air carrier utilizing risk-based security standards, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1730. An act to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes; to the Committee on the Judiciary.

H.R. 2706. An act to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3093. An act to amend the Volcker Rule to permit certain investment advisers to share a similar name with a private equity fund, subject to certain restrictions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3359. An act to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3669. An act to improve and streamline security procedures related to general aviation and commercial charter air carrier utilizing risk-based security standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Ms. MURKOWSKI for the Committee on Energy and Natural Resources.

*Timothy R. Petty, of Indiana, to be an Assistant Secretary of the Interior.

*Linda Capuano, of Texas, to be Administrator of the Energy Information Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL (for herself, Mr. YOUNG, and Mr. MARKEY):

S. 2217. A bill to require the Secretary of Commerce to establish the Federal Advisory Committee on the Development and Implementation of Artificial Intelligence, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET (for himself and Mr. GARDNER):

S. 2218. A bill to provide for the conveyance of a Forest Service site in Dolores County, Colorado, to be used for a fire station; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself, Mr. RUBIO, and Mr. NELSON):

S. 2219. A bill to reduce the number of preventable deaths and injuries caused by underride crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRUZ (for himself and Mr. MARKEY):

S. 2220. A bill to provide for the development, construction and operation of a backup to the Global Positioning System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON:

S. 2221. A bill to repeal the multi-State plan program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAINES (for himself, Mr. BOOKER, Ms. MURKOWSKI, and Ms. WARREN):

S. 2222. A bill to amend the Internal Revenue Code of 1986 to allow for distributions from 529 accounts for expenses associated with registered apprenticeship programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. RUBIO, Mrs. SHAHEEN, Mr. BOOKER, Mr. PETERS, Mr. COONS, Mr. MARKEY, Mr. WICKER, Mrs. CAPITO, Ms. WARREN, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. WARNER, Mrs. FEINSTEIN, Mr. MURPHY, Mr. KING, Mr. CARPER, Mr. WYDEN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. HEINRICH, Mr. BROWN, Mr. JOHNSON, Mr. FRANKEN, and Ms. STABENOW):

S. Res. 357. A resolution expressing the sense of the Senate that international education and exchange programs further United States national security and foreign policy priorities, enhance United States economic competitiveness, and promote mutual understanding and cooperation among nations, and for other purposes; considered and agreed to.

By Mr. ISAKSON (for himself and Ms. BALDWIN):

S. Res. 358. A resolution designating December 3, 2017, as "National Phenylketonuria Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 266

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 322

At the request of Mr. PETERS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 447

At the request of Ms. BALDWIN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 447, a bill to require reporting on acts of certain foreign countries on Holocaust era assets and related issues.

S. 487

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 654

At the request of Mr. TOOMEY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 793

At the request of Mr. BOOKER, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. CARDIN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 794

At the request of Mr. CARPER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes.

S. 821

At the request of Mr. RUBIO, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 821, a bill to promote access for United States officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes.

S. 1051

At the request of Mr. RUBIO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1051, a bill to encourage visits between the United States and Taiwan at all levels, and for other purposes.

S. 1091

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1091, a bill to establish a Federal Task Force to Support Grandparents Raising Grandchildren.

S. 1132

At the request of Mr. CASSIDY, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1132, a bill to amend title XVIII of the Social Security Act to make permanent the removal of the rental cap for durable medical equipment under the Medicare program with respect to speech generating devices.

S. 1503

At the request of Ms. WARREN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1503, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1633

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1633, a bill to promote innovative approaches to outdoor recreation on Federal land and to open up opportunities for collaboration with non-Federal partners, and for other purposes.

S. 1738

At the request of Mr. WARNER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program.

S. 1767

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1767, a bill to reauthorize the farm to school program, and for other purposes.

S. 1842

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1842, a bill to provide for wildfire suppression operations, and for other purposes.

S. 1850

At the request of Mr. MANCHIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1850, a bill to amend the Public Health Service Act to protect the con-

fidentiality of substance use disorder patient records.

S. 1871

At the request of Mr. CASSIDY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1871, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 1901

At the request of Mr. GARDNER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1901, a bill to require global economic and political pressure to support diplomatic denuclearization of the Korean Peninsula, including through the imposition of sanctions with respect to the Government of the Democratic People's Republic of Korea and any enablers of the activities of that Government, and to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

S. 1989

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mrs. McCASKILL), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. COONS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2107

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2107, a bill to amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, and for other purposes.

S. 2135

At the request of Mr. CORNYN, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 2135, a bill to enforce current law regarding the National Instant Criminal Background Check System.

S. 2143

At the request of Mrs. MURRAY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2143, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved

wages, hours, or other terms or conditions of employment, to expand coverage under such Act, to provide a process for achieving initial collective bargaining agreements, and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2144

At the request of Mr. VAN HOLLEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2144, a bill to provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements.

S. 2159

At the request of Mrs. GILLIBRAND, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 2159, a bill to require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered harassment and covered discrimination complaints, and for other purposes.

S. 2202

At the request of Mr. THUNE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2202, a bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes.

S. RES. 150

At the request of Mr. RUBIO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 150, a resolution recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance.

S. RES. 250

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 250, a resolution condemning horrific acts of violence against Burma's Rohingya population and calling on Aung San Suu Kyi to play an active role in ending this humanitarian tragedy.

S. RES. 285

At the request of Ms. WARREN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 285, a resolution honoring the life and achievements of Dr. Samuel DuBois Cook.

S. RES. 346

At the request of Ms. HEITKAMP, the name of the Senator from Massachu-

setts (Ms. WARREN) was added as a cosponsor of S. Res. 346, a resolution recognizing the importance and effectiveness of trauma-informed care.

S. RES. 350

At the request of Mr. COONS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 350, a resolution recognizing the 69th anniversary of the Universal Declaration of Human Rights and the celebration of "Human Rights Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. BOOKER, Ms. MURKOWSKI, and Ms. WARREN):

S. 2222. A bill to amend the Internal Revenue Code of 1986 to allow for distributions from 529 accounts for expenses associated with registered apprenticeship programs; to the Committee on Finance.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2222

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

SECTION 1. DISTRIBUTIONS FROM 529S FOR REGISTERED APPRENTICESHIP PROGRAMS.

(a) IN GENERAL.—Section 529(e)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) CERTAIN EXPENSES ASSOCIATED WITH REGISTERED APPRENTICESHIP PROGRAMS.—The term ‘qualified higher education expenses’ shall include books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary in an apprenticeship program registered and certified with the Secretary of Labor under section 1 of the National Apprenticeship Act (29 U.S.C. 50).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made and distributions paid after December 31, 2017.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 357—EXPRESSING THE SENSE OF THE SENATE THAT INTERNATIONAL EDUCATION AND EXCHANGE PROGRAMS FURTHER UNITED STATES NATIONAL SECURITY AND FOREIGN POLICY PRIORITIES, ENHANCE UNITED STATES ECONOMIC COMPETITIVENESS, AND PROMOTE MUTUAL UNDERSTANDING AND COOPERATION AMONG NATIONS, AND FOR OTHER PURPOSES

Mr. MERKLEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. RUBIO, Mrs. SHAHEEN, Mr. BOOKER, Mr. PETERS, Mr.

COONS, Mr. MARKEY, Mr. WICKER, Mrs. CAPITO, Ms. WARREN, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. WARNER, Mrs. FEINSTEIN, Mr. MURPHY, Mr. KING, Mr. CARPER, Mr. WYDEN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. HEINRICH, Mr. BROWN, Mr. JOHNSON, Mr. FRANKEN, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 357

Whereas hundreds of thousands of United States secondary and post-secondary students, from congressional districts in all 50 States, study overseas each year;

Whereas, according to the Department of State, more than 1,000,000 international students and other international education and exchange participants annually help create mutual understanding by living, studying, and working in local communities throughout the United States;

Whereas international education and exchange programs serve an effective and proven diplomatic function with countries key to United States foreign policy and national security priorities, encouraging goodwill towards the United States;

Whereas promoting the United States as a destination for international students and professionals, while encouraging United States students and professionals to gain international experience abroad, are wise investments in our Nation's economic competitiveness;

Whereas it is imperative that United States students understand how to interact with their peers from around the world and operate in multicultural environments;

Whereas it is important to diversify the pool of United States citizens participating in international study and exchange experiences, including groups that have been historically underrepresented in these programs;

Whereas students and other young people are the world's future leaders and innovators;

Whereas there are multitudes of private, not-for-profit organized and funded exchange programs and many that are funded by the United States Government;

Whereas international education and exchange programs exist at multiple levels of the educational spectrum, including high school, undergraduate, graduate, educator, citizen, cultural, and sports programs;

Whereas according to an economic analysis of international student enrollment data and tuition data by NAFSA: Association of International Educators—

(1) international students consistently have a positive impact on the United States economy and job creation in every State and Congressional district;

(2) international students studying at United States colleges and universities contributed \$32,800,000,000 to the United States economy and supported more than 400,000 jobs during the 2015-16 academic year, which represents a 7.2 percent increase in job support and creation and a 7 percent increase in money contributed to the economy compared to the previous academic year;

Whereas exchange experiences enable international visitors to become informal ambassadors for their home countries while they are in the United States and for the United States when they return to their home countries by sharing an appreciation for common values, counteracting stereotypes, and enhancing mutual respect for cultural differences;

Whereas research indicates that the United States needs to encourage more students to graduate with expertise in foreign languages, cultures, and politics to fill the demands of business, government, and universities;

Whereas international education and exchange programs are a particularly effective way for American students to develop foreign language capability and cultural awareness, which are skills that United States employers seek to remain globally competitive; and

Whereas international education and exchange programs shape the views and opinions of participants, many of whom are or will become leaders in their communities, both in the United States and abroad:

Now, therefore, be it
Resolved, That the Senate—

(1) recognizes that international education and exchange programs—

(A) enhance national security;

(B) further United States foreign policy goals and economic competitiveness; and

(C) promote mutual understanding and cooperation among nations;

(2) encourages international education and exchange programs to ensure that the United States maintains a broad international knowledge base;

(3) supports international education and exchange programs as a means of strengthening foreign language skills and fostering a better understanding of the world by United States citizens, especially youth;

(4) commends the American and international education and exchange participants, volunteers, educators, program alumni, host families, high schools, colleges, universities, and host communities for their involvement in such programs; and

(5) celebrates the integral role international education and exchange programs play for the United States and its people.

SENATE RESOLUTION 358—DESIGNATING DECEMBER 3, 2017, AS “NATIONAL PHENYLKETONURIA AWARENESS DAY”

Mr. ISAKSON (for himself and Ms. BALDWIN) submitted the following resolution; which was considered and agreed to:

S. RES. 358

Whereas phenylketonuria (in this preamble referred to as “PKU”) is a rare, inherited metabolic disorder that is characterized by the inability of the body to process the essential amino acid phenylalanine and which causes intellectual disability and other neurological problems, such as memory loss and mood disorders, when treatment is not started within the first few weeks of life;

Whereas PKU is also referred to as Phenylalanine Hydroxylase Deficiency;

Whereas newborn screening for PKU was initiated in the United States in 1963 and was recommended for inclusion in State newborn screening programs under the Newborn Screening Saves Lives Act of 2007 (Public Law 110-204);

Whereas approximately 1 out of every 15,000 infants in the United States is born with PKU;

Whereas PKU is treated with medical food;

Whereas the 2012 Phenylketonuria Scientific Review Conference affirmed the recommendation of lifelong dietary treatment for PKU made by the National Institutes of Health Consensus Development Conference Statement 2000;

Whereas, in 2014, the American College of Medical Genetics and Genomics and Genetic Metabolic Dieticians International published medical and dietary guidelines on the optimal treatment of PKU;

Whereas medical foods are medically necessary for children and adults living with PKU;

Whereas adults with PKU who discontinue treatment are at risk for serious medical issues, such as depression, impulse control disorder, phobias, tremors, and pareses;

Whereas women with PKU must maintain strict metabolic control before and during pregnancy to prevent fetal damage;

Whereas children born from untreated mothers with PKU may have a condition known as “maternal phenylketonuria syndrome”, which can cause small brains, intellectual disabilities, birth defects of the heart, and low birth weights;

Whereas, although there is no cure for PKU, treatment involving medical foods, medications, and restriction of phenylalanine intake can prevent progressive, irreversible brain damage;

Whereas access to health insurance coverage for medical food varies across the United States and the long-term costs associated with caring for untreated children and adults with PKU far exceed the cost of providing medical food treatment;

Whereas gaps in medical foods coverage has a detrimental impact on individuals with PKU, their families, and society;

Whereas scientists and researchers are hopeful that breakthroughs in PKU research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving PKU; and

Whereas the Senate is an institution that can raise awareness of PKU among the general public and the medical community:

Now, therefore, be it
Resolved, That the Senate—

(1) designates December 3, 2017, as “National Phenylketonuria Awareness Day”;

(2) encourages all people in the United States to become more informed about phenylketonuria and the role of medical foods in treating phenylketonuria; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the National PKU Alliance, a nonprofit organization dedicated to improving the lives of individuals with phenylketonuria.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 9 request for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 10 a.m. in room SD-366 to consider the following nominations: Linda Capuano, of Texas, to be Administrator of the En-

ergy Information Administration, Department of Energy, and Timothy R. Petty, of Indiana, to be an Assistant Secretary of the Interior.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 10 a.m. in room SD-366 to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 10 a.m. in room SD-430 to conduct a hearing entitled “The Cost of Prescription Drugs: An Examination of the National Academies of Sciences, Engineering, and Medicine Report ‘Making Medicines Affordable: A National Imperative’”.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 10 a.m. to conduct a hearing entitled “Oversight of the Ensuring Patient Access and Effective Drug Enforcement Act”.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 2:30 p.m. in room SH-219 to conduct a closed hearing.

SUBCOMMITTEE ON COMMUNICATION, TECHNOLOGY, INNOVATION, AND THE INTERNET

The Subcommittee on Communication, Technology, Innovation, and the Internet of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 10 a.m. to conduct a hearing entitled “Digital Decision-Making: the Building Blocks of the Machine Learning and Artificial Intelligence”.

SUBCOMMITTEE OCEAN, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Subcommittee Ocean, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 2:30 p.m. in room SR-253 to conduct a hearing entitled “National Ocean Policy: Stakeholder Perspectives”.

SUBCOMMITTEE ON EUROPE AND REGIONAL SECURITY COOPERATION

The Subcommittee on Europe and Regional Security Cooperation of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 10 a.m. in room SR-253 to conduct a hearing entitled “European Energy Security: U.S. Interests and Coercive Russian Diplomacy”.

SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH POLICY

The Subcommittee on Africa and Global Health Policy of the Committee

on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, December 12, 2017, at 2 p.m. to conduct a hearing entitled "The Future of Zimbabwe".

EXPRESSING THE SENSE OF THE SENATE THAT INTERNATIONAL EDUCATION AND EXCHANGE PROGRAMS FURTHER UNITED STATES NATIONAL SECURITY AND FOREIGN POLICY PRIORITIES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 357, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 357) expressing the sense of the Senate that international education and exchange programs further United States national security and foreign policy priorities, enhance United States economic competitiveness, and promote mutual understanding and cooperation among nations, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 357) was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the preamble be agreed to and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

NATIONAL PHENYLKETONURIA AWARENESS DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 358, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 358) designating December 3, 2017, as "National Phenylketonuria Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

**ORDERS FOR WEDNESDAY,
DECEMBER 13, 2017**

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 12 noon, Wednesday, December 13; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Willett nomination; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Willett nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Wednesday, December 13, 2017, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 12, 2017:

DEPARTMENT OF STATE

MARY KIRTLEY WATERS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).

THE JUDICIARY

LEONARD STEVEN GRASZ, OF NEBRASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

HOUSE OF REPRESENTATIVES—Tuesday, December 12, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 12, 2017.

I hereby appoint the Honorable ROGER W. MARSHALL to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

WESTERN PENNSYLVANIA FOOTBALL

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

Mr. KELLY of Pennsylvania. Mr. Speaker, I rise today to honor one of our football teams back home. These are the Ramblers from Erie Cathedral Prep. This is an outstanding football team.

Oftentimes, when we come here, we talk about things and we tend to go around what is going on in our district and things that we are proud of. I think in things like these types of championships that are won, while it happened last weekend, it is something that every single player will remember for the rest of his life, their parents will remember it, and the members of the community will remember it. So to be able to stand here today to talk about the Ramblers is really an opportunity for me and truly an honor.

This is the second straight Pennsylvania Quad A State Championship. Cathedral Prep beat Imhotep Charter last week by a score of 38-28. This year's

championship makes the Ramblers back-to-back Pennsylvania State champions, and it is their fourth State football title overall. Led by Coach Mike Mischler, the Ramblers have now gone 42-2, appearing in the finals each year and racking up 28 consecutive wins over the last three seasons.

Now, achieving back-to-back State titles sets these Ramblers apart even in the storied history of western Pennsylvania high school football, and they deserve every bit of adulation that they have received. They are a great source of pride for not only the city of Erie, but all of northwestern Pennsylvania.

It is also worth mentioning that the Wilmington High School Greyhounds in Lawrence County gave it their all in a loss last week in Pennsylvania's PIAA Class 2A State title game at Hersheypark Stadium.

Now, this was the Greyhounds' third trip to the title game under legendary Coach Terry Verrelli, who announced his retirement after 40 years on the job right after the game. In those 40 years, Coach Verrelli amassed 314 wins, making him only the 15th high school football coach in Pennsylvania's esteemed football history to reach the 300-win plateau. More valuable than any of his victories on the field are the countless victories he helped his young players achieve in their lives off the field.

I think that sometimes we miss the really strong point about competition at the scholastic level or any level. I would tell you for both these teams, this Erie Prep team, for a lot of these young men, this mission started when they were playing little midget football or pee wee football, and it continued all through their lives. The same thing—their parents supporting them as they go along and their communities supporting them as they go along. These guys are always one moment, one thought, and one memory away from being right back on this field in Hershey, Pennsylvania, and winning the State title.

The same with the Greyhounds. When you talk about high school football history, people talk about Texas and they talk about Pennsylvania. But I got to tell you, the Friday Night Lights story started in Pennsylvania, so with all due respect to my friends from Texas, the Keystone State was the first when it came to Friday Night Lights and the great pride it brought to these communities.

The 2017 teams at Cathedral Prep and Wilmington High School in Pennsylva-

nia's Third District, along with the championship-winning Pine-Richland Rams—which is just outside the Third District, and they won the State championship—again, they add to this really storied history of football in western Pennsylvania. More importantly, they add to the local lore and pride that strengthen communities like Erie and New Wilmington, Pennsylvania.

The hard work, perseverance, and hometown pride that allowed each of these teams to reach the championship is a reflection on the communities, the families, and the people who live in these towns.

So, again, I say to the Cathedral Prep Ramblers, to Wilmington High, and to the Pine-Richland Rams: On outstanding, history-making seasons, congratulations. Great job, guys.

Although I am a Golden Tornado from Butler, Pennsylvania, I am proud to say: Go Ramblers, Go Greyhounds, and Go Rams.

THE GOP TAX PLAN

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

Mr. BLUMENAUER. Mr. Speaker, by now, enough of the harsh reality of the Republican tax plan has been discovered by Americans. That is why most are opposed. They oppose a huge transfer of wealth to those who don't need it from the majority of middle class Americans who do need help.

They are against giving hundreds of billions of dollars to the largest corporations and the richest Americans with increased borrowing on our children and grandchildren. Their proposal would cost about \$2.3 trillion in increased debt and interest.

They are raising taxes on almost 9 million middle-income people with very high medical bills. The Alzheimer's tax is a bad idea and people hate it.

People noticed that the huge permanent tax breaks for businesses and the wealthy—they have got theirs—but the tax relief for middle-income Americans is temporary and will disappear over time.

By 2023, the average American who makes \$30,000 a year or less will see a tax increase. By 2027, all tax brackets under \$75,000 are going to see a tax increase. Because the Republicans will change the way that tax brackets are adjusted for inflation, we are going to see people pulled up into ever higher

tax rates—a stealth tax increase. For middle class Americans, their tax relief is a political football while the rich and the powerful are protected.

Of course, there are other strange things that are going to come out on an ongoing basis because of the crazy way this has been put together, and it is still being massaged behind the scenes. For example, we found just last weekend that some professionals who make between \$500,000 and \$650,000 a year are going to pay a marginal tax rate of over 100 percent. For that extra \$100 they make, they are going to pay \$107 in taxes. Absolutely insane.

People are noticing that this proposal is triggering spending cuts for Medicare—\$25 billion scheduled for next year—and Medicaid cuts for the elderly and disabled are on the horizon.

There are more reasons to oppose this proposal than I have time to list here this morning, but perhaps the most fundamental flaw has not been given nearly enough attention. The Republicans would change taxation based on how you make your money, not how much you make.

The very highest taxes will be on the way that 80 percent of Americans make their income. W-2 salary and wages are going to pay the highest rate. It is going to be collected on each paycheck and very hard to cut corners.

This is going to open a whole new industry when people find that a CPA who works for a corporation making exactly the same money as somebody who is an independent professional doing exactly the same job but pays far more in taxes, people are going to cash in on a whole new industry in terms of how people can change how their income is characterized.

There will be a professional corporation, a passthrough business, a proprietor, partnerships, and closely held corporations. They will all be treated differently based on ownership, the day-to-day level of involvement, and the organizational structure. In short, all the people who employ lobbyists are going to be able to find a way to pay a lower tax rate than people who just get a paycheck for salary and wages.

Since when does reform of the tax system take this perverted form?

In fact, those people who are going to be changing the form to those other structures will be able to deduct, as corporations will, their State and local property taxes, but individuals will not. It is unfair and it is unwise. This massive transfer of wealth to the people who need it the least, financed by our children and grandchildren with higher debt, and creating a different class of taxpayer based not on how much you make but how clever you are to be able to utilize differences that are created by the army of lobbyists who are at work here on Capitol Hill. It should be rejected.

REMEMBERING THE SACRIFICES MADE BY OUR MEN AND WOMEN IN UNIFORM

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

Mr. MARSHALL. Mr. Speaker, I rise today to say thanks to our Active Duty military men and women who serve our country and protect our freedoms; and a special thanks to those soldiers from my home State of Kansas, the soldiers from Fort Riley who represent the Big Red One, the First Infantry Division, whose lapel pin I proudly wear today; and to say thanks to the soldiers of Fort Riley and the airmen and -women at McConnell Air Force Base who so proudly serve this country.

As we approach the holiday season, many of us will be surrounded by loved ones. But we must not forget those in uniform who sacrifice time with their families during the holidays for the safety of our Nation.

Keeping our troops in our thoughts is not enough, however. Congress must move past the brinksmanship and procrastination that leave our government funding moving from one continuing resolution to the next. Failure to provide funding for a full fiscal year not only creates self-imposed crises and uncertainties about paychecks, but it robs our national defense agencies of the ability to plan, to make smart funding decisions, and to ensure our warfighters are being sent to battle with every advantage at their disposal.

Fiscal reductions and budgetary uncertainties have eroded the readiness of our military. Defense Secretary Mattis stated that the sequestration has done more to harm our troops' readiness than any enemy abroad. As threats continue to expand across the globe, it is imperative that our troops have the resources needed to complete their mission successfully and return home safely.

As the holiday season approaches, I want to urge those at home to remember the sacrifices being made by our soldiers to ensure we celebrate the holidays safely. I also urge my colleagues to address these crises by passing a full-year spending bill for the military, to raise the defense spending caps, and to give our troops the raise they deserve. While our troops have performed exceptionally under an uncertain budget and limited resources, it is past time Congress does its part.

PASS A HURRICANE DISASTER SUPPLEMENTAL AND SUPPORT HARVEY VICTIMS

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise for the thousands of hurricane disaster victims in our dis-

trict in Houston and Harris County, Texas, along the Texas Gulf Coast, who are suffering this holiday season due to the Federal Government's inaction and Congress' delay in passing an adequate disaster supplemental bill.

People from Texas, Louisiana, Puerto Rico, and the Virgin Islands are all U.S. citizens.

Hurricane Harvey's destruction was beyond anything witnessed in living memory in Texas. The Houston area typically gets 49 inches of rain throughout the year. A record 52 inches of rain fell in Houston and the Texas Gulf Coast, causing catastrophic flooding in our Nation's fourth largest city.

Harvey damaged over 300,000 homes and apartments in the city of Houston alone. Statewide, nearly 600,000 homes have been inspected by FEMA for flood or wind damage. Most tragically, 88 Texans lost their lives in Harvey's wrath.

Texans are a proud and independent people. We take pride in our self-reliance and can-do attitude. This was best seen in the actions of our brave first responders and countless volunteers from all over the country who rescued their neighbors during the worst flooding.

Unfortunately, many Harvey victims, and especially our seniors and low-income families, continue to be in great need and must rely on others for help. A report released last week by the Kaiser Family Foundation found that African-American Texans, Hispanic Texans, and Texans with lower income were the most likely to have suffered property damage or loss of income due to Harvey.

□ 1015

The same report found that over 50 percent of all Harvey disaster victims in Texas have been denied assistance from the Federal Government or are still waiting for a final answer.

To date, the Federal Government has provided just \$10 million in aid for Harvey victims. Much more Federal aid is needed to rebuild Houston, Harris County, and the Texas Gulf Coast.

After Hurricane Katrina hit Louisiana and Mississippi, Congress responded by passing a series of disaster spending bills that provided \$120 billion to rebuild New Orleans and surrounding areas. The Governor of Texas has requested \$60-plus billion.

Three months after Sandy made landfall, Congress passed a \$50 billion disaster relief bill to help New York and New Jersey rebuild.

Yesterday, I learned the House leadership is planning on delaying the disaster supplemental for Harvey and the other hurricanes that ravaged Florida, Puerto Rico, and the Virgin Islands for another month, until after Christmas and New Year's. These funds are needed now.

December 25, Christmas Day, will mark the 4-month anniversary of Harvey's landfall. Mr. Speaker, the people

of Texas deserve better. Today, thousands of Texans in my district and throughout Houston and the Gulf Coast are living in tents, in their cars, and in flooded, moldy houses that are unsafe for our children and the elderly. America can do better than this.

During this season of giving, Congress must act and help these disaster victims in need or Texas will suffer a second man-made disaster by the United States Congress.

CONGRATULATING QUAKER VALLEY HIGH SCHOOL FOOTBALL TEAM

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

Mr. ROTHFUS. Mr. Speaker, not only was western Pennsylvania hit by a flurry of snow this past weekend, but by great pride in high school football. This past Saturday, my hometown Quaker Valley High School football team won the State championship trophy in the Pennsylvania Interscholastic Athletic Association Class 2A division.

With preseason rankings that would merit them as underdogs and a new coach that stepped in just before the start of the season, the Quakers tackled their way into history. They defeated their opponents handily by 17 points.

Mr. Speaker, these State champions are to be commended for their grit and perseverance. It was an excellent game to cap off an outstanding season.

Congratulations to Coach Jerry Veshio, the entire coaching staff, and the players who are excelling in this western Pennsylvania tradition.

CONGRATULATING PINE-RICHLAND HIGH SCHOOL FOOTBALL TEAM

Mr. ROTHFUS. Mr. Speaker, on Saturday, in front of a crowd exceeding 2,000 people at snow-covered Hersheypark Stadium, western Pennsylvania's Pine-Richland Rams charged victoriously into the history books.

With a 41-21 victory, the Rams won the State championship in the Pennsylvania Interscholastic Athletic Association Class 6A division. Indeed, it was an unforgettable win that cemented their exceptional State championship season.

Congratulations to Coach Eric Kasperowicz, the entire coaching staff, and the players for excelling in this great western Pennsylvania tradition.

Well done, Rams. Your dedication and hard work has made Pine-Richland High School and all of western Pennsylvania proud.

RESPECT THE HOME RULE ACT

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

Ms. NORTON. Mr. Speaker, 44 years ago this month, Congress passed the District of Columbia Home Rule Act. A Republican President signed it. A Democratic Congress, together with the Republican President, freed the Nation's Capital from government by three unelected commissioners.

The irony is that the self-government the District of Columbia enjoys today is a virtual replica of what a Republican Congress and a Republican President granted to the District of Columbia right after the Civil War. It granted the Home Rule Act and, of course, a Delegate to Congress.

But, with Reconstruction and Democratic control, Democrats took back what Republicans had granted and, once again, Democrats denied the District of Columbia self-government.

Then, 44 years ago, with bipartisan support, after 100 years of struggle, the District of Columbia finally won what we call home rule.

My colleagues should respect their own history. It was Richard Nixon who signed the Home Rule Act, acting on the most revered, as far as we are told, Republican principles of local control, that local residents should always have a democratically elected local government controlled entirely by their government. The District has become one of the most successful jurisdictions in the United States since home rule, with a \$14 billion budget.

Before and after home rule however, District of Columbia residents have always paid Federal income taxes. Today, D.C. residents rank number one—that is first—per capita in taxes paid to support the government of the United States.

In signing the bill for the Home Rule Act, President Nixon wrote: "One of the major goals of this administration is to place responsibility for local functions under local control and to provide local governments with the authority and resources they need to serve their communities effectively."

Since Congress granted the Home Rule Act, it has shown no interest in governing the District of Columbia, but it requires the D.C. budget to actually be passed again here, by Congress, for the sole purpose of seeking to overturn local laws that Members of Congress don't support.

The basis for our federation of States is that each has its own laws and they must be respected, yet there are eight different laws pending here to be overturned by the Congress of the United States.

I believe I will be able to retain most of these laws for the District of Columbia, but why should I have to spend any of my time protecting local laws passed by my local jurisdiction?

They range from trying to get rid of all the District's gun laws; making the District pay for private schools out of local funds; the medical aid in dying

law, which six States already have and DC would not be allowed to have, although two Republican leaders have such bills in their States; no budget autonomy law; repeal of the non-discrimination law that the District has based on reproductive choices of family members; no local funds for marijuana commercialization, though that is now done by eight States; and the prohibition on spending for abortions for low-income women. That is done by 17 States.

This is a sampling of what is pending, Mr. Speaker. Congress allows these same laws to exist in their own local jurisdictions.

The way to commemorate self-government for the District of Columbia granted by Congress 44 years ago is for Congress itself to respect the Home Rule Act it passed in 1973.

SHASH JAA NATIONAL MONUMENT AND INDIAN CREEK NATIONAL MONUMENT

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

Mr. CURTIS. Mr. Speaker, as you can see in this picture, Indian Creek, located in southeastern Utah in my congressional district, is home to some of the most beautiful and majestic scenery in the world, but it has also become an epicenter of an ongoing conflict between those whose livelihoods depend on multiple uses of these public lands and groups focused on advocating for limited use of those lands.

Almost exactly 1 year ago, President Obama, over the objections of many stakeholders, utilized the Antiquities Act to unilaterally designate 1.35 million acres of land as the Bears Ears National Monument. Last week, President Trump came to Utah to help resolve this issue by reauthorizing this monument into two much smaller national monuments, the Indian Creek and the Shash Jaa National Monument.

Although both executive actions have ignited widespread anger and resentment on each side of this issue, I still believe that both sides share many common goals and values and can work together for the benefit of Utah. We can all agree that these important lands must be responsibly managed for future generations to appreciate.

Now that Utah has two, more manageable monuments, the time has come for Congress to act to ensure that these archeological treasures and sacred Tribal lands are protected the right way. I believe the right way to manage these lands is to have input from Utah's Tribal members, local citizens, and government officials.

Additionally, there needs to be a management plan that protects important archeological sites and sacred Tribal land while also maintaining

multiple uses of these lands, such as recreation, hunting, and grazing.

Lastly, the legislative process and constitutionally mandated system of checks and balances are the best way to both determine the best management of these lands as well as the creation of any new national parks, monuments, recreation, and conservation areas. That is why I have joined other members of Utah's House delegation to introduce the Shash Jaa National Monument and Indian Creek National Monument Act, which creates the first tribally comanaged monument area. It will safeguard these new monuments by establishing management councils comprised of representatives of local government and Native Americans.

This bill also authorizes law enforcement officials to protect these sacred and significant archeological sites and antiquities from looters, while preserving the multiple use and access to these lands for recreation, grazing, and hunting.

As a Member of Congress, my job is to bring forth solutions that add stability to this region and complement our mutually shared goals. That is the Utah way. It is my hope that, as Congress considers my Shash Jaa National Monument and Indian Creek National Monument bill, we can we bring all sides together to manage these important areas in the right way.

NET NEUTRALITY

Mr. CURTIS. Mr. Speaker, this Thursday, the Federal Communications Commission is set to vote on their Restoring Internet Freedom proposal, to revisit the FCC's previous open internet order of 2015.

Over the past few weeks, I have received thousands of calls and emails from my constituents expressing their support for net neutrality and for an open and free internet. I have personally read every single one of these emails, conducted townhall meetings, and listened to the phone calls. Today, I would like to share my views on this critical issue.

Many in this Chamber may not know that Utah is currently experiencing somewhat of a technical startup phenomenon. My district is known as one of the best places in the United States to start a business.

I recognize that the great success that we have been able to achieve in Utah and throughout the U.S. is largely due to the progress and advance of the internet. This is the most important technological advancement of our time, and the internet has become the backbone of our economy.

I believe the internet is successful despite government, not because of government. Because the internet has been open and free, we have seen exciting innovation and progress that was previously unimaginable.

Like so many of my constituents and colleagues in Congress, I support the

principles of net neutrality and am opposed to any blocking, throttling, or paid prioritization of the internet. Because I do not favor a burdensome government regulatory framework over the internet, I feel a great burden to assure those in my district that the internet will remain open and free. The way to do this is for Congress to act.

It is more than time that Congress step up and modernize the statutes that control how the internet is regulated. A vast number of my constituents and small businesses are concerned about the future of the internet. They worry that large corporations will win out and deprive them of their ability to be competitive.

As a Congress, we can give them the protection that they need. It has been more than 20 years since Congress last reformed our national telecommunications laws. It is my sincere hope that we will come together in a bipartisan way to update this outdated regulatory framework and to ensure that the internet continues to be fair, open, and free so that it continues to benefit customers and advance and innovate, unhindered by burdensome government regulations.

□ 1030

THERE THEY GO AGAIN

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

Mr. GALLEGO. Mr. Speaker, there they go again. Donald Trump and PAUL RYAN are dusting off a familiar Republican playbook.

I will break it down for you:

Step one, slash taxes for millionaires and billionaires;

Step two, explode the deficit;

Step three, use rising deficits to justify cuts to Medicare and Medicaid;

Step four, accuse Democrats of being irresponsible for opposing said cuts;

Step five, repeat. Repeat as the rich get richer, repeat as the deficit grows larger, repeat as working families struggle, and repeat as the social safety net disintegrates.

We saw it a decade ago under President Bush, and we are seeing it again right now.

But you don't have to take my word for it, Mr. Speaker. The Republican tax bill will add \$1.5 trillion to our national debt over the next decade, yet PAUL RYAN is already claiming that we need to cut entitlements to get America's finances under control.

Last week, RYAN warned: "We're going to have to get back next year at entitlement reform. . . . Frankly, it's the healthcare entitlements that are the big drivers of our debt . . . that's really where the problem lies."

Not true, Mr. Speaker.

Our problem doesn't lie with life-saving healthcare programs like Medi-

care and Medicaid. Our problem lies with this monstrosity of a tax bill.

What if we tried a different approach?

What if, instead of slashing Medicare to pay for tax cuts for Trump's cronies, we said no to this scam of a tax bill?

What if we said no to raising taxes on middle class families?

What if we said no to hurting students to help the largest companies in the world?

What if we said no to a tax bill written by high-paid lobbyists for wealthy donors behind closed doors?

What if, just once, the Republican majority actually passed a bill to make life easier for Americans living paycheck to paycheck?

It is a crazy idea, right?

But if Republicans come to their senses and want to work on real tax reform for working Americans, they know where to find us, but I won't hold my breath.

CONGRATULATING ANDREA SANCHEZ

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

Mr. YOH. Mr. Speaker, I rise today to congratulate Ms. Andrea Sanchez—and I am excited about this—from Gainesville, Florida, for winning our district's 2017 Congressional App Challenge. Her app, iVolunteer, solves a problem she saw in her school and helps students log their volunteer hours, as well as incentivizing community service by letting students compete against their peers to see who can log the most hours.

Other submissions we received included an app that teaches students how to code and one designed to give people realtime information in natural disasters.

These apps came from young students who recognized a problem they were facing and employed various skills and creativity in designing and building their apps.

Because of STEM education, students are not only learning critical technological skills that will serve them in the future, but they are creating the next generation of apps, software programs, and more—possibly, the next IT company.

Supporting STEM education gives our students an opportunity to become leaders in the field that positively impacts America and the world alike.

IMPEACH PRESIDENT TRUMP

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

Mr. AL GREEN of Texas. Mr. Speaker, once again, I enjoy the preeminent privilege of standing in the well of the

Congress of the United States of America. I do not take lightly the opportunity that the people of this country have afforded me.

Mr. Speaker, the topic that I will address today is not the one that I had in mind when contemplating this moment.

Mr. Speaker, I have been moved by the words of a father—a father who spoke this morning on national television; a father who talked about his daughter and how his daughter had been a victim of bigotry; a father who talked about how his daughter had been spoken of in terms that were untrue; and a father who had been led to believe, he himself, that his daughter could be changed.

He went to various professionals to try to seek help because his daughter was a lesbian, and they discovered that this was who she was, Mr. Speaker. This was not some charade, not some facade, not some disease, this was who she was. This is who God created, Mr. Speaker.

And the saddest part of this story, Mr. Speaker, is that it doesn't have a happy ending. Because of bigotry and the way people have been misled, this daughter took her life.

I literally had tears well up in my eyes as I heard the story. I am saddened by what happened, and I am saddened to know that a person associated with that bigotry may find his way to the Senate of the United States of America.

Mr. Speaker, people ask: What harm does it do to allow bigotry to emanate from the highest offices in this country?

There is some of your evidence, Mr. Bigotry, and those who perpetrate it. There is some of your evidence of how it can be harmful.

But there is more evidence.

When you speak ill of people who are exercising their constitutional right to protest, and you call their mothers dogs when you call them SOBs, you are creating harm to society, especially when it emanates from the highest office in the land.

What harm does it cause to society when you associate the majesty and the dignity of the Presidency with those who would go to Charlottesville screaming "blood and soil," proclaiming, "Jews will not replace us." When you associate the majesty and the dignity of the Presidency with these people, you are doing harm to society, Mr. Speaker.

So, Mr. Speaker, I will answer the question that has been posed. It is a question that I think is a fair one and ought to be answered. Here is the answer. You will surmise what the question is by virtue of my giving the answer. The answer is: there will be another vote to impeach this President. There will be another vote because I will not stand by and watch this coun-

try, the country I love, be brought into shame and disrepute because of a person who is unfit to hold the office of President.

Mr. Speaker, history will judge us all. For those who find that this is unacceptable and unbearable, I am sorry, but the country is greater than we are. Government of the people, by the people, is greater than we are. Maintaining and saving the Republic is greater than we are, in one sense, but, in another sense, it really is who we are.

I have a tie on that says: We, the people. We, the people, we are the ones who can make a difference. There will be another vote.

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

BIG BROTHER IS WATCHING

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

Mr. POE of Texas. Mr. Speaker, it reads like a page out of George Orwell's "1984:" spies, secret courts, and searches of Americans without a warrant. It is clear: Big Brother is watching us.

Most Americans may not be fully aware of what is taking place behind closed doors of government spy agencies, but the reality is our government is spying on ordinary, everyday Americans.

How?

Through an old piece of legislation, originally signed into law by President Carter in 1978, called the Foreign Intelligence Surveillance Act, or FISA.

FISA allows our government to spy on foreign agents, including terrorists, primarily overseas. The government collects all of this information and puts it into a database. If they want to use or search the database, they go to a secret court, and that court issues a secret warrant to search the database.

This court operates behind closed doors and issues those secret warrants to go after—remember—bad guys overseas.

As the subcommittee chairman of terrorism, I have no problem with our government going after terrorists who seek to harm Americans.

What I do have a problem with, Mr. Speaker, is the government uses these databases that they seize and then looks in those databases about Americans and their activities, violating their Fourth Amendment rights because they don't have a warrant to go into these databases to look for Americans. Remember, they are searching for terrorists.

Here is what happens: While seizing the communications of a suspected foreign agent—maybe an al-Qaida terrorist talking to another al-Qaida terrorist—the government, incidentally,

picks up communications of American citizens. These communications may not have anything to do with terrorism.

This data is kept. The government puts it in their database, and they say it is legal. This information on Americans was seized based on this secret warrant of foreigners issued by a FISA judge.

Occasionally, the government then decides to go into this database that was inadvertently seized—as they call it—without a Fourth Amendment warrant on Americans, and checks to see how many times an American name, or other identifying information, comes up. If they find something, they use this data on the American citizen.

Now, Mr. Speaker, they still don't have a warrant to search Americans' information, even if it was incidentally collected.

They search this database to see, for example, if Bobby Oglethorpe is committing a crime in the United States, maybe having nothing to do with terrorism. Maybe it is a robbery, maybe it is an IRS fraud, maybe it violates other laws of the United States. But, remember, they are looking for that without a warrant.

They seize the information, and, quite frankly, we don't know how many times they seize this information on Americans.

Our Judiciary Committee has continually asked the intelligence community: How many times have you searched? They refuse to tell us how many searches and seizures there are on Americans in that database.

Very suspicious, isn't it, Mr. Speaker?

According to The Washington Post, 90 percent of the account holders, whose communications were collected, were not targets. The bad guys overseas, they were Americans: 90 percent of them.

Nearly half of the surveillance files contained names, email addresses, and other details that the NSA marked as belonging to American citizens or residents.

So, what information are they getting?

They get communications, texts, and emails.

Without a warrant, remember, secret courts issuing secret warrants, and they don't tell anybody about it.

Under section 702 of the FISA legislation, this warrantless search of Americans is legal. But this, in my opinion, violates the U.S. Constitution.

As a former judge, I am very concerned about the loss of our Fourth Amendment right of privacy in the United States, based on this unconstitutional law. The Fourth Amendment is sacred to this country and to the Founders who drafted it. It is up to Congress to uphold Americans' Fourth Amendment rights.

Despite intense debate in the House Judiciary Committee, I am still concerned the House leadership is planning to reintroduce and reauthorize the FISA legislation and not have these reforms to protect Americans' privacy. A reauthorization of FISA with weak language only seeks to put Americans' privacy at stake and violates the U.S. Constitution.

Any 702 reauthorization should simply require that if you want to look at the data that was incidentally seized on Americans, get a search warrant or stay out of that data; otherwise, it violates the Constitution.

And that is just the way it is.

OPEN ENROLLMENT

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

Ms. KAPTUR. Mr. Speaker, I rise to urge Americans to sign up for their health insurance by this Friday, at midnight, if they haven't already done so for the 2018 year. This Friday, December 15, is the deadline to sign up for open enrollment for them and for their family.

□ 1045

If you don't do that, you won't have a chance, really, to buy that health insurance next year. If you haven't already bought your health insurance for 2018, to get details about available plans, please visit the website, healthcare.gov, or call 1-800-318-2596—that is healthcare.gov, or 1-800-318-2596. You will actually get to talk to a real person.

In order to get in touch with someone local who can help you sign up for insurance in your own area, you call that same number, 1-800-318-2596, or you can go to the website that is called localhelp.healthcare.gov—localhelp.healthcare.gov.

Health insurance is vital. It can protect us from astronomical cost when a serious accident or illness occurs, because the average cost of a 3-day hospital stay is \$30,000. A broken leg, on average, costs \$7,500. Having a baby, on average, in States like Ohio, costs \$6,000.

Health insurance is your lifeline. It helps protect you and your family from unexpected costs and, frankly, possible bankruptcy, because over two-thirds of people in our country that go bankrupt do so because of health bills they can't pay.

What happens is, if they have a house, they lose the house. It is confiscated to pay the medical bills. They lose their credit rating. It is a terrible thing that happens to people when they get sick, and it is just a roll of the dice on who is going to get cancer, who is going to get appendicitis, who is going to become ill, who is going to be hit in a hit-and-run accident around this country.

Coverage choices are affordable on these exchanges, and, in many cases, financial help is available. During last year's enrollment period, believe it or not, 8 in 10 people qualified for financial help. For most people, that meant they could find insurance premiums for as little as \$100 a month or less.

For example, CareNet, a provider network in Ohio, recently helped to enroll a gentleman who has cancer and was previously uninsured. Can you imagine that? Who can afford these infusions? This man spent an entire year without oncology treatment and certainly needs multiple surgeries now. Because of the Affordable Care Act and through the help of CareNet, he found a plan that costs \$100 a month. He thought he would have to pay much more, but he will now be able to begin treatment at the beginning of 2018. Thank God he got coverage.

Actually, many working people can qualify for Medicaid. For example, a family of four earning \$33,000 in Ohio can get coverage through Medicaid. Please know you can apply for and enroll in Medicaid at any time of the year. Even if you don't have health insurance, you should definitely look into that if you do not have health insurance.

Every American is required to have health insurance through their employer—but a lot of employers don't provide it—through Medicare, Medicaid, or through purchase of plans on the individual marketplace. Health insurance provides you and your family with health security and piece of mind, paying costs when you need medical care.

The marketplace provides access to quality and affordable health coverage, which requires insurers to cover certain benefits such as prescriptions, emergency care, mental healthcare, and preventive services. It is important to highlight that more than 68 million people rely on Medicaid, and 9 million children rely on the Children's Health Insurance Program.

Now, Republicans in Congress have let the children's program lapse. Unfortunately, Federal funding for that program helps over 220,000 children in Ohio, and 73 days ago, the Republican Congress said: Sorry, America's children, we are going to put you on hold for the moment.

Whether that program will be funded or not is all caught up in these end-of-year discussions that are occurring here at a very high level. America's children should be covered with insurance.

The Republican-led Congress has also let Federal funding for community health centers, a resource critical to millions of our families, lapse also since September 30. They best restore that. Why hurt the American people? Why would you do that?

Once again, please visit healthcare.gov or call 1-800-318-2596 to

sign up for your health insurance for 2018. Do what is responsible, and do what is lifegiving.

MOUNT NITTANY VINEYARD AND WINERY WINS BEST OF CATEGORY AWARD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate a great agribusiness, a successful part of our number one industry in Pennsylvania, which is agriculture.

One out of every seven Pennsylvanians owe their job directly or indirectly to agriculture, and today I rise to congratulate one of those agribusinesses, the Mount Nittany Vineyard and Winery, for winning a Best of Category award at this year's Atlantic Seaboard Wine Association competition. Mount Nittany Vineyards and Winery took home one gold, six silver, and two bronze awards in the mid-Atlantic competition.

Located just 6 miles from State College and Penn State University, Mount Nittany Vineyard and Winery is located above the historic village of Linden Hall. It boasts breathtaking views across Penns Valley to the Tussey Mountain range.

Mount Nittany Vineyard and Winery won Best of Category for its 2016 Geisenheim wine. Joe and Betty Carroll founded the winery, and it opened for business in 1990. Mount Nittany Vineyard and Winery now produces 16,000 gallons of wine each year and harvests anywhere from 12 to 15 tons of grapes annually.

It is now owned and managed by Joe and Betty's daughter and son-in-law, Linda and Steve Weaver. Linda and Steve continue to produce award-winning wines, including fruit wines out of locally sourced cherries, apples, blueberries, and raspberries.

Mr. Speaker, proudly, Linda and Steve Weaver will be on Capitol Hill tomorrow for the Atlantic Seaboard Wine Association awards ceremony. I wholeheartedly congratulate the Weavers on this outstanding recognition. I wish them the best as they continue to grow, make, and produce their fine wines in Centre County.

APPLAUDING CONTINE CORPORATION ON OSHA DESIGNATION

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize the exceptional achievement of Contine Corporation in Erie, Pennsylvania.

Contine Corporation is a manufacturer of mechanical and electromechanical assemblies built to customer specifications. In its more than three decades in operation, it has

expanded the facility three times, acquired a plastic injection molding business, and developed quality employees and suppliers to serve its customers.

Recently, Contine Corporation received approval from the Occupational Safety and Health Administration, or OSHA, as a SHARP participant. SHARP stands for Safety and Health Achievement Recognition Program. This is one of the highest honors OSHA awards to a worksite.

Since 1995, OSHA has been recognizing small business worksites that have shown a continuous commitment to improving the safety and health of their workplace through the OSHA Consultation Program. Fewer than 1,600 worksites across the country currently share the honor of SHARP recognition.

Mr. Speaker, I congratulate Constance Ellrich, owner of the Contine Corporation; safety manager, Randall Groves; and the entire Contine workforce for its dedication to workforce safety.

Ensuring a safe and healthy working environment protects a business' viability, and, most importantly, it protects American workers.

RECESS

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

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God, Father of us all, we give You thanks for giving us another day. Ever faithful to Your promises, we ask Your presence with Your people, now and forever.

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

Help the Members of Congress make clear judgments that will propel us into a blessed future. Remove any shadowy cloud so that they might follow the patterns of Your inspirations.

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WESTERMAN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

HONORING GREG ALIA DAY

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

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to recognize that this Thursday, December 14, is Greg Alia Day: a day to recognize law enforcement and their families for their dedication in promoting the protection of American families.

I appreciate the hard work and devotion of Kassy Alia in recognizing her husband in such a positive way with Greg Alia Day, truly giving back to the community and recognizing his service to the American people.

Greg was a fine young man and also a 7-year veteran of the Forest Acres Police Department. I was fortunate to have the privilege to travel with Greg and Boy Scout Troop 100 of St. Joseph Catholic Church in Columbia to Philmont Scout Ranch at Cimarron, New Mexico. I learned then what a dedicated person he was.

His legacy and courage will live on through the great work of his wife, Kassy; his son, Sal; and his parents, Dr. Richard and Alexis Alia.

To the many law enforcement and families across the country: We thank you for your service, dedication, and sacrifice, which I saw over the weekend with Sheriff Michael Hunt from Aiken, Sheriff Leon Lott from Richland, and Sheriff Jay and Kim Koon from Lexington.

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

RECOGNIZING GRAYDON CARTER

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

Mr. COHEN. Mr. Speaker, today I recognize the career of Hall of Fame Magazine Editor Graydon Carter.

Graydon Carter is one of the great journalists of our time. He retires today after 25 years as the editor at Vanity Fair. He cofounded and was editor of Spy magazine, as well as the New York Observer. At Vanity Fair, he gave a venue to writers like Michael Lewis; Dominick Dunne; and Christopher Hitchens, one of the great journalists of our time.

Upon Christopher Hitchens' passing, Graydon said he was a wit, a charmer, and a troublemaker; and to those who knew him well, he was a gift from—dare I say it—God.

From his beginnings at Spy magazine and through his days at the New York Observer and Vanity Fair, he pointed out the shortcomings of Donald Trump. He gave him the epithet: short-fingered vulgarian.

For that and much more, Graydon Carter will be remembered as a great journalist, a great human being, a great raconteur, and a great friend.

GUNNERY SERGEANT DALE SIGLER

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

Mr. MCKINLEY. Mr. Speaker, I rise today to honor Gunnery Sergeant Dale Sigler from Moundsville, West Virginia.

Dale's life has been one of leadership and service to his community and country. At the age of 17, during the height of World War II, he got his parents' permission and enlisted in the United States Navy, even before he had finished high school. He served in the Navy until 1946 before returning home to finish his education. Upon graduation, he then joined the Marines and led an exemplary military career as a gunnery sergeant.

Dale retired after 20 years of military service, but his desire to serve the community didn't stop there. He went on to serve as a chaplain for the local chapters of The American Legion, Veterans of Foreign Wars, and Marine Corps League. He was recently awarded a Lifetime Achievement Award for his dedicated service.

Gunnery Sergeant Sigler, we salute you and offer you our deepest gratitude. You, sir, are truly a great American.

REPUBLICAN TAX SCAM

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

Mr. JEFFRIES. Mr. Speaker, the Republican tax scam will raise taxes on 36 million middle class Americans, undermine Medicare, and explode the deficit. It will saddle our children and grandchildren with more than \$1 trillion in additional debt simply to pay for an unnecessary, un-American, unconscionable tax cut for millionaires, billionaires, special interests, corporations, and big donors.

To justify this reckless Ponzi scheme, the Treasury Department has produced a 1-page analysis.

Really? One page? That is the best you can do?

You are insulting the intelligence of the American people, insulting the intelligence of this Congress, and insulting the intelligence of our Democratic republic.

The American people deserve a better deal.

HONORING THE ALSTON FAMILY OF MENA, ARKANSAS

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

Mr. WESTERMAN. Mr. Speaker, I rise today to recognize a truly remarkable family from the Fourth Congressional District of Arkansas.

The Alston family from Mena was recently named Arkansas Farm Family of the Year. The Holly Springs Homestead, run by Luke and Deedee Alston, is a diverse farm of Angus cattle, chicken houses, and a large variety of fruits and vegetables grown at its location in Polk County.

Not only is the family—which includes sons Ryan and Drey—active in traditional farming, but the Alstons are also a leader in Arkansas agritourism, with a variety of crops bringing families to the Holly Springs Homestead. Their work supports the Polk County economy and brings pride to their friends and neighbors.

I send my congratulations to the Alston family on this prestigious honor, as well as all the county farm family winners across Arkansas.

REPUBLICAN TAX PLAN

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

Mr. HIGGINS of New York. Mr. Speaker, the Trump White House and the U.S. Treasury Secretary continue to issue formal reports about the Republican corporate tax cut plan. These reports are devoid of fact or credibility and have been categorically rejected by each and every respectable tax expert.

These tax cuts will pay for themselves and fuel \$2 trillion in economic growth over the next decade.

Not true. Tax cuts have never come close to paying for themselves, not once or ever in human history.

Corporate tax cuts will trickle down to increase annual household income in America by between \$4,000 and \$9,000.

No one believes this or them. For the White House Council of Economic Advisers to say this is official misconduct and a blatant fraud perpetrated against middle America.

Mr. Speaker, this big, corporate tax cut is a massive giveaway to corporate America and a major takeaway from middle America.

CELEBRATING THE CAREER OF MARIA DIAZ

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to celebrate the career of Maria Diaz, who will be retiring after more than 35 years serving at the Social Security Administration in my hometown of Miami.

My staff and I have had an opportunity to know and work with her over the last 17 years that she has served as a public affairs specialist. Throughout that time, she has been an invaluable resource to us and our constituents.

Maria started working at the Social Security Administration in 1982 in what she thought would be a temporary job, but she quickly grew to love her work and those she had an opportunity to serve. Over the last three decades, with her calm demeanor and ever-present smile, Maria has made a significant impact in the lives of countless individuals in our community.

Mr. Speaker, Maria Diaz is the embodiment of the ideal public servant. She has dedicated her life to faithfully and diligently serving those most in need in South Florida.

On behalf of a grateful community, I wish her the best of luck in the next exciting chapter of her life.

Felicidades, amiga.

NEW YORK STRONG

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, yesterday, a terrorist tried to attack the lifeblood of New York City: our subway system. It is another somber reminder that New York City, a beacon of hope and freedom, remains a target for terrorists.

We had the first World Trade Center bombing in 1993, another one on 9/11 in 2001, the Chelsea bombing last year, the truck attack earlier this year, and another bombing yesterday.

In addition, the New York Police Department openly talks about 27 other attempts to harm New Yorkers, which were thwarted. By now, it should be clear that we cannot play politics with

Federal funding for local law enforcement and homeland security. The funding for States and cities, especially high-threat areas, must not be delayed, diminished, or cut off.

While we are still learning more about this latest attack, one thing is clear: the terrorist wanted to strike fear into the hearts of every New Yorker, but he failed. New Yorkers will always persevere in the face of diversity. Our trains are running. Our people are back to work.

I wish the three people injured yesterday a swift and speedy recovery. I want to express my gratitude to the law enforcement of New York City and the heroic response of our first responders. We are all very grateful to them for what they do for us every day.

BEETLE KILL

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

Mr. LAMALFA. Mr. Speaker, it is amazing that there was 25 percent more tree death this past spring and summer after near record precipitation last winter.

We are seeing the beetle kill and the tree die-off at amazing rates. You can see the forests that are devastated in the West each year. They aren't necessarily all forested areas, but you see what the effects look like in communities on the east side of the State and in the north.

The devastation must end. We must manage our forests. We have, again, the beetle kill. We have trees dying off. There are billions of board feet of trees dying off that are assets of the American people. We should have our forests managed so they are sustainable, healthy, and good for the wildlife.

We need action taken by the USDA and the U.S. Forest Service. We are meeting with those folks to try to get a new direction. Under the previous administration, we got a lot of talk and a lot of smoke. We need action that is going to be positive so that the West doesn't have to burn every year, leaving negative effects to air quality and the economy.

□ 1215

GOP TAX SCAM

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

Mrs. BUSTOS. Mr. Speaker, you have been hearing a lot about this tax plan, but it is really a tax scam.

It is not a mistake that congressional Republicans are going after hardworking middle class families. In fact, it is an intentional attack against them.

Let me explain briefly. They have laid out a simple three-step process. Here they are:

Step one, pass a tax scam that they know will raise taxes on millions of middle class families in order to give tax cuts to corporate special interests and billionaires. That alone will saddle our children with more than \$1 trillion in debt.

Step two, flip out about this new debt.

Step three, then demand cuts to Social Security and Medicare.

For months, congressional Republicans have denied that this is what they are doing.

Well, let me tell you what happened last week. Speaker RYAN said this: "We're going to have to get back next year at entitlement reform, which is how you tackle the debt and the deficit."

He says that entitlements are what he is going to go after.

Well, do you know what entitlements are?

Medicare and Social Security, under his definition.

Mr. Speaker, I urge my colleagues to reject this tax scam. Instead, let's offer a better deal to the American public.

REMEMBERING MAYOR ED LEE

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

Ms. LEE. Mr. Speaker, today I rise with a very heavy heart upon learning of the passing of a great human being: San Francisco's Mayor Ed Lee.

My thoughts and prayers are with his family—his wife, Anita, and two daughters—and the entire city and county of San Francisco and the bay area.

My condolences are also with Leader PELOSI and Congresswoman JACKIE SPEIER, two San Francisco leaders who loved Ed and will miss him tremendously.

Ed was an unshakable champion for social justice, a tireless public servant, and, personally, a friend. He always put a smile on my face when he considered me as and called me his sister, being two Lees.

He was such a kind and thoughtful person and a truly great leader. Even before he was mayor, Ed was a champion for the people of San Francisco as a community organizer and a civil rights attorney. As the first Asian-American mayor of San Francisco, he broke new ground for the city. As mayor, he fought to expand affordable housing, address the homelessness crisis, and ensure that residents could earn a living wage.

Ed will be missed tremendously. He helped so many people in his life and he touched so many lives. Mayor Lee set the higher standards for mayors and all elected officials as a true public servant. As we grieve, we take comfort in knowing that he has left an inspiring and lasting legacy of uplifting and empowering families. We will always re-

member his beautiful smile and his passion for making life better for others. May his soul rest in peace.

FISCAL YEAR 2018 REPUBLICAN BUDGET

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

Mrs. LAWRENCE. Mr. Speaker, I rise today to address the Republican spending plans.

Republicans in Congress have passed a tax giveaway to corporations and left behind everyday Americans. Now Republicans are refusing to address constituents' urgent priorities: from children's healthcare to disaster relief, to certainty for DREAMers, and more.

They refuse to bring a clean reauthorization for the Children's Health Insurance Program—CHIP—which serves 9 million children and 370,000 pregnant women. They want to drastically cut other healthcare funding while saying they support CHIP.

Republicans are also planning to cut Medicare and Medicaid. These cuts would be devastating for millions of people who depend on Medicaid for essential health services; children, seniors, low-income individuals, and people with disabilities.

Mr. Speaker, this budget will hurt children, women, and all Americans just to pay for a tax giveaway, and it is simply unacceptable.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 12, 2017, at 11:23 a.m.:

That the Senate passed S. 447.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNITY INSTITUTION MORTGAGE RELIEF ACT OF 2017

Ms. TENNEY. Mr. Speaker, pursuant to House Resolution 647, I call up the bill (H.R. 3971) to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes, and ask

for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 647, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-44 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3971

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Institution Mortgage Relief Act of 2017".

SEC. 2. COMMUNITY FINANCIAL INSTITUTION MORTGAGE RELIEF.

(a) EXEMPTION FROM ESCROW REQUIREMENTS FOR LOANS HELD BY SMALLER CREDITORS.—Section 129D of the Truth in Lending Act (15 U.S.C. 1639d) is amended—

(1) by adding at the end the following:

“(k) SAFE HARBOR FOR LOANS HELD BY SMALLER CREDITORS.—

“(1) IN GENERAL.—A creditor shall not be in violation of subsection (a) with respect to a loan if—

“(A) the creditor has consolidated assets of \$25,000,000 or less; and

“(B) the creditor holds the loan on the balance sheet of the creditor for the 3-year period beginning on the date of the origination of the loan.

“(2) EXCEPTION FOR CERTAIN TRANSFERS.—In the case of a creditor that transfers a loan to another person by reason of the bankruptcy or failure of the creditor, the purchase of the creditor, or a supervisory act or recommendation from a State or Federal regulator, the creditor shall be deemed to have complied with the requirement under paragraph (1)(B).”; and

(2) by striking the term “Board” each place such term appears and inserting “Bureau”.

(b) MODIFICATION TO EXEMPTION FOR SMALL SERVICERS OF MORTGAGE LOANS.—Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following:

“(n) SMALL SERVICER EXEMPTION.—The Bureau shall, by regulation, provide exemptions to, or adjustments for, the provisions of this section for a servicer that annually services 30,000 or fewer mortgage loans, in order to reduce regulatory burdens while appropriately balancing consumer protections.”.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

After 1 hour of debate, it shall be in order to consider the further amendment printed in part B of House Report 115-443, if offered by the Member designated in the report, which shall be considered read and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. TENNEY) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, over the last 10 years, the community financial institution industry has undergone a dramatic transformation. Since 2006, more than 1,500 banks have failed, been acquired, or merged, due to economic factors and the overwhelmingly expensive regulation brought forth by the passage of the Dodd-Frank Act.

During this same period, there has been a drought in *de novo* banks. In fact, only five new banks charters and 16 new credit union charters have been granted.

Today, for the first time in over 125 years, there are fewer than 6,000 banks and, roughly, 6,000 credit unions serving all consumers in the United States. This is proof that the community financial institutions need smart, commonsense regulatory relief so they can properly serve local communities by assisting with small business startups and consumer credit.

My bill, H.R. 3971, the Community Institution Mortgage Relief Act, would alleviate harmful burdens on small institutions across the Nation while saving money for low-income borrowers. This bipartisan measure would exempt small community-based institutions from mandatory escrow requirements.

My bill will also provide relief from new regulations that have nearly doubled the cost of servicing loans, specifically to low-income borrowers. I know that certain institutions will wish to continue to provide the same escrow services to their consumers, and they are welcome to do that.

By offering these real changes, smaller institutions—like the GOP Federal Credit Union, for example, in my district—can once again focus their full attention on relationship lending in the community without worry of government overregulation.

Once again, the current law mandates that all institutions follow escrow requirements, which raises the cost of credit for those borrowers who can least afford it, while harming small local institutions.

Mr. Speaker, I specifically thank the gentleman from California (Mr. SHERMAN) for working with me on this bill, and I appreciate his support throughout the process.

Mr. Speaker, I urge all of my colleagues to vote for the bill.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent

that the gentleman from Texas (Mr. HENSARLING), the chairman of the Financial Services Committee, control the remainder of the time.

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

There was no objection.

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

Mr. Speaker, I rise today in opposition to H.R. 3971.

Contrary to what is implied by its title, H.R. 3971 would not provide regulatory relief to community banks. Instead, this bill would allow a large number of mortgage services to drop important consumer protections and set the stage for a return of the harmful practices of the subprime meltdown and the worst financial crisis since the Great Depression.

Dodd-Frank tasked the Consumer Financial Protection Bureau with implementing mortgage rules under the Truth in Lending Act that would restrict the types of practices that led to the financial crisis. This bill would harm consumers by raising the Consumer Financial Protection Bureau's exemption threshold on escrow accounts requirements for higher priced mortgage loans. Mortgages are classified as higher priced if the annual percentage rate—or APR—exceeds the average prime offer rate by 1.5 percent, and higher priced mortgage loans often reflect riskier or subprime borrowers.

Pursuant to the Dodd-Frank Act, the Consumer Financial Protection Bureau issued escrow rules that require borrowers with higher priced mortgage loans to escrow their homeowners insurance, property taxes, and private mortgage insurance for at least the first 5 years of their mortgage.

Escrow accounts are an important consumer protection mechanism, especially for higher risk borrowers, because they ensure that homeowners have funds for these expenses, thereby reducing mortgage default or loss of the property. In fact, before the Consumer Financial Protection Bureau issued its final rule on escrow requirements in 2013, a Federal Reserve study from 2011 found that consumers with higher priced mortgages that did not have an escrow account in the first year after the consummation of their mortgage had higher instances of default.

Escrow accounts also keep homeowners from being blindsided by additional costs at the end of each year and provide a more accurate monthly cost estimate for homeownership when the loan is originated. That is why the Consumer Financial Protection Bureau's rules are designed to ensure that homeowners understand and can meet the full cost of homeownership.

Even though escrow accounts are particularly important for these higher

priced loans, they are certainly not unique. In fact, most homeowners escrow these funds. Loans insured by the Federal Housing Administration and the U.S. Department of Agriculture must have borrower escrow accounts, and conventional mortgages with a loan-to-value ratio of 80 percent or higher require them as well.

I have not heard a single convincing argument as to what is so burdensome about banks with \$25 billion in assets ensuring that their borrowers have enough money set aside every month to pay their taxes and insurance.

Furthermore, banks with less than \$2 billion in assets that serve rural or underserved areas are already exempt from the Consumer Financial Protection Bureau's escrow requirements, which reflects the Bureau's commitment to balanced and tailored regulations. This bill would make a dramatic leap from the Consumer Financial Protection Bureau's targeted relief and exempt banks up to \$25 billion in assets, or over 98 percent of banks, from the escrow requirement. They would get this exemption regardless of whether they are serving underserved borrowers and without any evidence that this large exemption would increase access to credit for those who need it.

The Consumer Financial Protection Bureau also addressed the fact that large servicers, especially servicers that serviced loans they did not own for an extended period of time, often did not adequately communicate with customers or appropriately track paperwork. During the crisis, this contributed to millions of unnecessary foreclosures and, later on, several billion-dollar settlements for abusive and fraudulent business practices.

In its rule, the Consumer Financial Protection Bureau also provides other flexibilities through exemptions to the Real Estate Settlement Procedures Act loan servicing and escrow account administration requirements to only small bank servicers, if they and their affiliates own the loans they service, and service no more than 5,000 loans each year. H.R. 3971 would increase this exemption by 500 percent, from 5,000 loans a year to 30,000 loans, allowing significantly larger bank servicers to avoid these important consumer safeguards, and only requiring the lenders to hold the loans in portfolio for 3 years.

□ 1230

So let's be clear, homeowners do not get to choose their own mortgage servicer, and the least we can do is ensure that they are adequately protected after they sign on the dotted line.

As we saw leading up to the 2008 financial crisis, servicers often choose profits over people, and that is why we need the Consumer Bureau to look out for the needs of consumers. The Consumer Bureau has continued to do its

job in spite of the unrelenting Republican campaign to slow it down or eliminate it completely.

Simply put, H.R. 3971 would enable larger servicers, whose incentives are not aligned with the owners of the loans or the borrowers, to be able to revive the abusive practices involved with predatory lending that contributed to the 2008 financial crisis. This is the second time in less than 2 weeks that I have come before you to discuss a bill that would erode vital consumer protections under the Truth in Lending Act for borrowers with high-priced mortgage loans.

I cannot support legislation that would keep consumers looking at high-cost mortgages from the vital protections and scrutiny they deserve. For all these reasons, I oppose H.R. 3971.

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

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

Mr. Speaker, I rise in strong support of H.R. 3971, the Community Institution Mortgage Relief Act. It is an important bill that is cosponsored by a bipartisan group of Members—again, bipartisan. It was approved in the Financial Services Committee with a strong bipartisan vote of 41–19, and it has a long track record of bipartisan support, and all Members should take note of this.

I want to thank the gentlewoman from New York (Ms. TENNEY), who is a fine member of the Financial Services Committee. I want to thank her for introducing the legislation and really helping lead our congressional effort to provide needed regulatory relief for our small community banks and credit unions, to give them relief from rules that are unfairly restricting our constituents' access to mortgage credit. This is mortgage credit that would help Americans achieve a greater level of financial independence by being able to achieve perhaps their version of the American Dream, a home they can actually afford to keep.

H.R. 3971 is a narrowly focused, modest effort to resolve concerns related to the Consumer Financial Protection Bureau's rules implementing Dodd-Frank Act provisions on escrows and mortgage servicing. The CFPB's escrow requirements for property taxes and insurance are unnecessary, they are impractical, and they are a significant expense that just makes it harder for community banks and credit unions to offer mortgage loans to their customers and members.

These escrow accounts are the accounts that people use to pay their taxes and pay their homeowners insurance. With the amendment soon to be introduced by the gentleman from California (Mr. SHERMAN), a cosponsor of this legislation, this bipartisan bill would simply relieve certain small

community banks and credit unions from the obligation to provide escrow accounts if they have consolidated assets of \$10 billion or less and hold the mortgage on their balance sheet for 3 years.

Again, Mr. Speaker, if they are holding the mortgage on their balance sheet, they have every incentive—every incentive to protect the collateral and ensure that tax and insurance payments are current. There is no reason to force them, these community banks and credit unions, to go through this very expensive process of escrowing, particularly if the customer or the credit union member doesn't want it.

A large majority of community banks do not currently escrow because of the cost of which I have spoken. And requiring them to do so, Mr. Speaker, is only going to stop them from making loans; fewer home loans, fewer people with homeownership opportunity.

You know, a community banker in Missouri recently told us that the CFPB's rule has forced his bank to "limit in-house residential real estate lending." The banker went on to say: "This is hurting the housing market and our community." That just shouldn't be happening, Mr. Speaker.

A credit union official in Pennsylvania told us that this bureaucratic CFPB requirement has caused his credit union members to become "very upset and confused as to why they were unable to pay their taxes how they always had."

He went on to write: "These members had managed their tax and insurance payments for years without institution interference, but suddenly they feel like the government now told them they were not responsible enough to manage their own affairs."

This echoes precisely what we learn from a credit union leader in Pennsylvania who wrote a letter saying that "changes to mortgage servicing rules have made it more expensive and more time consuming. Servicing rules and regulations have become a full-time regulatory and compliance nightmare." Again, Mr. Speaker, fewer home loans means fewer homes for our constituents. It is not right.

To fix these problems, H.R. 3971 would also increase the small servicer exemption threshold from 5,000 mortgages to 20,000 mortgages annually, which better delineates small servicers from the large servicers. A community bank or credit union that services fewer than 20,000 mortgages should not be subject to the same regulatory scrutiny as the big financial institution that has a \$2 trillion servicing portfolio.

Again, these important reforms will give smaller credit unions and community banks greater flexibility to ensure more of their members and customers can get a loan to buy a home and stay in their home.

Again, Mr. Speaker, Ms. TENNEY's bill has strong bipartisan support. It has in the past; I expect it will have it again today. It solves a real problem for our constituents, and I urge adoption of the measure.

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

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

Mr. Speaker, I think it is important for us to realize that, in present law, community banks of \$2 billion or less are exempted from requiring escrow accounts on higher priced loans if they serve rural and underserved areas. So we are talking about present law that gives this exemption. And not only does it exempt these real community banks of \$2 billion or less, the banks are required to serve rural communities and underserved areas.

This is so important because, oftentimes, these are loans to riskier customers. These are loans where they are charging a higher interest rate. These are loans where they are taking more risk, and so when we hear those on the opposite side of the aisle talking about different ways to service the rural communities, this is one way that the law allows that kind of attention to rural communities and underserved areas. They say: Small community banks, you don't have to have escrow accounts, and so what we are saying to you is give your attention to these rural and underserved areas where they are higher priced loans, they are riskier accounts, and we are not going to require you to have to force upon these kinds of accounts the rules that will be forced upon different kinds of financial institutions.

If we adopt this bill, it would not be about community banks at all. And I have to disagree with my chairman of the committee who talked about this, in some way, enhancing community banks' ability to service rural and underserved areas. They are talking about expanding the exemption from \$2 billion or less to \$25 billion. That is not a community bank. We don't have any community banks that are worth \$25 billion or more. I want everybody to be clear what this bill is attempting to do.

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

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. LUETKEMEYER), the chairman of the Financial Services Subcommittee on Financial Institutions and Consumer Credit.

Mr. LUETKEMEYER. Mr. Speaker, I thank the gentleman from Texas (Mr. HENSARLING), our distinguished chairman of the committee.

I want to start by thanking the gentlewoman from New York (Ms. TENNEY), who has become a real advocate for small financial institutions and their customers. Escrow requirements are costly and burdensome for

community banks and credit unions. Many institutions lack the resources to create and maintain escrow accounts in house, and outsourcing the work is, in many cases, cost prohibitive. But this doesn't mean that these financial institutions shouldn't be in the business of mortgage lending.

H.R. 3971 amends the Truth in Lending Act to direct the Consumer Financial Protection Bureau to exempt from certain escrow requirements a loan secured by a first lien on a principal dwelling if the loan is held by a creditor with assets of \$25 billion or less.

Under the bill, the Bureau must also provide either exemptions to or adjustments from the mortgage loan servicing and escrow requirements of the Real Estate Settlement Procedures Act. That relief applies only to servicers of 30,000 or fewer mortgage loans. These aren't high thresholds, nor are the institutions that will benefit large or complex.

The gentlewoman's legislation is targeted squarely on the small banks and credit unions servicing Main Street; the financial institutions that have relationships with their customers.

This is an important aspect of the bill that isn't delineated in the legislative text. I can tell you, as someone who has made loans in my community for more than 30 years, that these small institutions care about their customers. Community bankers help people fulfill their dreams of homeownership because they care about the customer and economic health of their community.

The unfortunate reality is that, across the Nation, these banks and credit unions are exiting the residential mortgage business. I heard from one just a few days ago. It isn't necessarily one rule that is driving this trend. It is the onslaught of rules from the CFPB and the Federal prudential regulators that, in totality, make mortgage lending and servicing cost prohibitive.

These rules aren't helping consumers. They are forcing banks to cut off services and access to mortgage credit. They are bushing borrowers to large financial institutions and nonbank servicers, the very entities that the ranking member and some of my friends on the other side of the aisle say pose the greatest threat to consumers.

The gentlewoman's legislation ensures that consumers continue to have various credit choices by allowing smaller institutions to remain in the mortgage market without being deterred by the high cost of regulatory compliance. The increase in the small servicer exemption threshold will better delineate small servicers from the large servicers and give credit unions and community banks greater flexibility. This flexibility will help to ensure that more of their customers have

access to the mortgage market and achieve the dream of homeownership.

We shouldn't be driving that business away from small servicers, and we shouldn't subject community institutions, in this instance, to the same regulatory regime as larger ones.

This is an issue the Financial Services Committee has worked on for several years, always with bipartisan support. I want to thank the gentlewoman from New York for picking up this legislation and for diligently working on this matter. I hope my colleagues will join me in supporting H.R. 3971 and other measures that allow our Nation's smaller financial institutions, their customers, and their communities to thrive.

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

Mr. Speaker, I think it is important to further explain what this bill would do and why it could be harmful.

Under the present law, the Real Estate Settlement Procedures Act would require that the servicers handle no more than 5,000 or less loans. Why is this important? It is important because when you have servicers that are handling a relatively small number of these kinds of accounts, they can pay attention to them.

Don't forget, these are loans by community banks. They are riskier, they are higher priced loans, they are directed toward rural communities and communities that basically you have to pay a lot of attention to when you give out these loans. And now this bill would say: Yes, we know that when you are servicing a small number, 5,000 or less, that the services have to pay attention because they are under the rule of the Real Estate Settlement Procedures Act, and that act says not only do you have to pay attention and you have to contact your borrower when you are going to transfer the loan—and let me tell you how important this is.

This is so important because when you transfer a loan, if you don't give the kind of notification to the borrower that they will understand that the originator of the loan no longer has the servicing or has the same servicing contract that is now going to move to another servicer, then people, oftentimes, end up not sending their payment to the right place. And guess what, I have seen this go on for months, and then people end up in a situation where they are defaulting on the loan, and the new servicers are putting them in a position where now their homes are in danger.

□ 1245

So this contact, this oversight, this attention that you pay to these small borrowers is so important, and that is why the 5,000.

Now, with this bill, they want to take it up to 30,000. What does that

mean? It means that we are going to see the kind of problems that we have seen in the subprime meltdown that we have gone through.

We have found that servicers caused us the most problems. Of course, they didn't service the loans adequately. They lost them. They had people applying over and over again.

First of all, we discovered that many of the servicers had no training, that they were literally hired off the street, and that they were basically saying to senior citizens, 75 and 80 years old: We lost your paper. Reapply again. Reapply again. We are sorry.

It has been just an awful situation that was created because the servicers could not handle the volume that they were contracted with, oftentimes, for the financial institution that they were supposed to be doing this work for.

So, here you have a bill that literally is not about community banks. This is about increasing the number of banks that can now have the kind of protection that we were giving to the very small community banks. So don't believe this is about community banks.

In addition to that, what you are doing is you are changing the rules and the laws under the Real Estate Settlement Procedures Act that protects these rural borrowers and these small, high-risk loans that are in these communities that need a special kind of help.

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

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds just to say we are losing a community bank or credit union a day in America, and we are losing them because they are drowning in a sea of Dodd-Frank regulations; and as they perish, so do the dreams of many of our constituents.

Mr. Speaker, if a small community bank or credit union makes a loan and keeps it on their books, guess what. They want the loan repaid. They are going to make sure that the taxes are kept current. They are going to make sure the insurance is kept current. They don't need the burdensome regulation coming out from some Washington bureaucrat telling them how to do their business. They want to ensure the loan gets paid anyway.

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

Mr. ROTHFUS. Mr. Speaker, I rise in support of H.R. 3971, the Community Institution Mortgage Relief Act, and I thank Representative TENNEY for her hard work on this piece of legislation.

At the Financial Institutions and Consumer Credit Subcommittee, we often talk about right-sizing regulations. If we want to have a robust financial system that balances smart

regulation and consumer protections with the need to make capital available to American consumers, we need to consider targeted opportunities to tailor requirements to fit the size and nature of the financial institution. Representative TENNEY's legislation does just that.

This Community Institution Mortgage Relief Act directs the CFPB to exempt creditors with \$25 billion or less in assets from certain costly escrow and impound requirements on loans secured by a first lien on a consumer's principal dwelling. These requirements are especially burdensome for community financial institutions. They often force institutions to pass increased costs on to their consumers. This can drive business away from small banks and credit unions which are already suffering from overregulation and other economic challenges. As a result, in some cases, community financial institutions have exited the mortgage business altogether. This does not help consumers, and it further imperils our shrinking number of community banks and credit unions.

This bill offers a targeted, reasonable fix so that these institutions can continue to serve their customers. This is smart. It is reasonable. It is common sense, particularly for those who understand how overregulation from Washington, D.C., has hurt consumer choice.

I encourage my colleagues to support this legislation.

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

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. WILLIAMS), a fellow Texan and a member of the Financial Services Committee.

Mr. WILLIAMS. Mr. Speaker, I rise today in favor of H.R. 3971, the Community Institution Mortgage Relief Act of 2017.

I would like to also thank the gentlewoman from New York (Ms. TENNEY) for her hard work on this piece of legislation and her leadership on this issue.

An overwhelming majority of my Financial Services Committee colleagues recognized the need for this bill, and I hope that the full House will also recognize that very same need by voting in favor of this meaningful legislation.

Mr. Speaker, the problem right now is that community banks are being crushed by the sheer weight, magnitude, and intricacy of habitual Washington regulations, and this is all thanks to the crippling effects of the failed Dodd-Frank.

Currently, community financial institutions are facing overly burdensome rules implemented by the CFPB. The fact of the matter is we need H.R. 3971 in order to provide needed regulatory relief to small financial institutions.

By making two simple, minor changes, community financial institutions will be able to better serve their customers. To be clear, the institutions we are trying to help are not big banks, and they do not have the capabilities of the big banks.

To comply with current burdensome escrow rules, community financial institutions must devote more resources, time, and employees to compliance, and those costs get passed down to the consumer.

Oftentimes, under the pressure of the current regulatory framework, these financial institutions will choose not to participate in the escrow market at all simply because the rules are financially and technically hindering. By directing the CFPB to provide relief, to lower the thresholds, we can help make things just a little bit easier on these vital community banks.

Overall, we should not allow oppressive regulations to drive opportunity away from small servicers. Big banks and community financial institutions are not the same, and we should not treat them as such.

As a small-business owner myself of over 44 years and a steadfast defender of Main Street, I do not hesitate to support this measure. It is good for this country. I see the need for the good people of central Texas to have more options.

Our job here in Washington, many miles away from our communities and those we love, is to do what we can to make their lives easier. Mr. Speaker, H.R. 3971 makes life easier and takes a step in the direction of making America better.

In God we trust. Merry Christmas.

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

It is important to understand why we have a Consumer Financial Protection Bureau and why it is the centerpiece of the Dodd-Frank reforms.

Prior to the Consumer Financial Protection Bureau, we did not have anybody looking out for consumers, and so that led us into the crisis that this country experienced in 2008 that took us into a recession and almost a depression.

When I come before you with opposition to this kind of legislation, it is because I know and understand—and we should all understand—what we can do to protect our consumers and how we can work with community banks and what that means when we are talking about a bill like this, where real community banks of \$2 billion or less are dealing with populations that I have alluded to over and over again in the presentation of my opposition to this bill: the rural communities and those communities that are underserved and where these are riskier loans and where they need not only the attention of the small community banks, but the

servicers who service these loans, and knowing that the servicers who service a small number of loans can, in fact, pay the attention to them that is required by RESPA and make sure that the people are understanding, when there are transfers and they are in contact with them constantly—and this goes for everything from transfers to modifications—and how to deal with high-risk loans, who may need to modify those loans, who they would talk to, how they would talk to them.

I want to tell you, if you expand this, and you have servicers that are handling 30,000 or more, these borrowers are not going to get this kind of attention. So these escrows that we are talking about are extremely important, and we should know exactly who we are protecting and who we are not protecting.

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

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. BARR), chairman of the Financial Services Subcommittee on Monetary Policy and Trade.

Mr. BARR. Mr. Speaker, I thank Chairman HENSARLING for his leadership, and especially a thank-you to the gentlewoman from New York (Ms. TENNEY), my friend, for her outstanding leadership on this issue; and I rise in support of her legislation, the Community Institution Mortgage Relief Act.

Homeownership is part of the American Dream; however, an ill-conceived rule promulgated by the Consumer Financial Protection Bureau has made it harder for Americans to purchase a home.

In typical one-size-fits-all Washington bureaucrat fashion, the Bureau's rule places excessive escrow and mortgage servicing requirements on the backs of smaller community financial institutions and mortgage servicers.

What the Bureau missed is that these lenders are rarely in subprime lending and frequently hold the loan in portfolio for the term of the loan. This means these lenders have a very strong incentive to ensure that taxes and insurance premiums are being paid because they are taking on 100 percent of the downside risk if the borrower fails to hold up their side of the deal, and, therefore, an escrow account isn't necessary.

However, as a direct result of the rule, there is less consumer choice and more expense. That is because many community financial institutions are leaving the market or have been forced to charge home buyers more so they can afford to hire the extra professional staff they need to comply with this rule.

For these reasons, I support the Community Institution Mortgage Relief

Act, which exempts community financial institutions with assets of \$25 billion or less from much of the regulatory burden of the Bureau's rule.

Again, I want to thank my good friend from New York, Congresswoman CLAUDIA TENNEY, and our chairman, Congressman JEB HENSARLING, for their leadership on this issue, and I urge my colleagues to vote for the Community Institution Mortgage Relief Act.

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

I am paying special attention to this legislation, and I take pause when I see bills like H.R. 3971 that are just a small part of Republicans' relentless attack on the work of the Consumer Bureau.

The Consumer Bureau's work on high-cost loans and consumer protections for them was well thought through and the result of careful research.

Leading up to the 2008 financial crisis, many looking to fulfill the American Dream and purchase a house were convinced to take out higher cost loans without any regard for their ability to repay. They were sold false promises about the costs of their mortgage without adequate information and protections.

The Consumer Bureau took years to talk to experts, hear from advocates, and do the research to come up with a strong rule to prevent those types of abuses from occurring again, while also providing regulatory relief to banks that serve rural and underserved communities. So let me take pause and, again, focus everyone on rural and underserved communities.

I am oftentimes appalled by the fact that we have too many legislators who represent rural communities and underserved communities, but when it comes to looking out for their financial interests, they are not doing it. Yet they go back to these communities and they talk about all the other kinds of issues. They talk about people who are not saluting the flag properly. They will talk about freedom of choice issues, and they will rally folks around everything except their financial interests.

□ 1300

If rural communities are being hurt, oftentimes it is because the very people who say they represent them are not, indeed, representing them, and we can see this in this kind of discussion.

So, again, we are focused on making sure that rural and underserved communities are served properly, that they are not thrown to the wolves and thrown into situations where they can't be paid attention to after they take out these loans.

When they take out these loans, they need servicers who are trained, servicers who are committed, servicers

who understand why rural and underserved communities need special protection, and who will work with them, who will contact them, who will work with them to work out situations where loan modifications may be required or requested.

Mr. Speaker, I am going to continue to oppose. I understand that there are others who would like to open this up, and I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Utah (Mrs. LOVE), an outstanding member of the Financial Services Committee.

Mrs. LOVE. Mr. Speaker, I rise in support of H.R. 3971, the Community Institution Mortgage Relief Act, because the ability to purchase a home is one of the most sacred financial goals we have as Americans. This is an important path to home ownership, and we are doing everything we can to make sure it remains accessible.

This bill will help do that by ensuring that community banks and credit unions stay in the mortgage lending business and continue to provide potential homeowners with diverse credit options in their communities.

I would like to thank Representative CLAUDIA TENNEY from New York for providing such a great relief to community institutions.

Unfortunately, as we have seen too often, this is one more instance where government efforts to protect people are inadvertently having the opposite effect. Though intended to protect homeowners, the CFPB's final rule and guidance on escrow and mortgage service requirements are so burdensome and costly for smaller institutions, that we are driving mortgage businesses away from them.

This comes on top of an already burdensome regulatory environment in which our small financial institutions are facing rules and regulations that were made for larger banks, causing them to close their doors at a rate of one small institution a day.

We need a more tailored regulatory environment that balances the credit needs of consumers with appropriate consumer protections. This legislation would do that by exempting lenders with assets of \$20 billion or less from escrow requirements on high-priced mortgage loans they hold in portfolio and would provide much-needed regulatory relief for small servicers.

With smaller staff and fewer resources, existing escrow rules are financially and technically prohibitive for small community institutions. In addition, these smaller lenders often hold the liability in portfolio for the term of the loan, making an escrow account unnecessary, because the lender has a strong interest in protecting its collateral by ensuring that taxes and insurance premiums get paid.

When it comes to purchasing or refinancing a home, it is tremendously im-

portant that consumers have credit options. We preserve those options by allowing community institutions to enter or remain in the mortgage market.

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

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Utah.

Mrs. LOVE. Mr. Speaker, the fact is, in my district, and in many other districts, there are small banks that are getting out of the mortgage lending business, and they cannot provide those options for the communities that they live in.

We need to do everything we can to make sure that we are allowing these institutions to stay in the market without being deterred by the high cost of regulatory compliance, and thank goodness H.R. 3971 achieves those goals. I support it.

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

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The gentlewoman from California has 1½ minutes remaining.

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

Mr. Speaker, this bill is strongly opposed by all of the consumer groups: Americans for Financial Reform, Center for American Progress, Center for Responsible Lending, the National Consumer Law Center, and Public Citizen.

Why are they so opposed to this bill? This bill would, again, amend the Truth in Lending Act—that is TILA—and the Real Estate Settlement Procedures Act—that is RESPA—to widen the size of two exemptions that the Consumer Financial Protection Bureau has already provided for smaller sized institutions on escrow accounts for higher priced mortgage loans and servicing requirements for small mortgage servicers.

Under the bill, escrow accounts would no longer be required for riskier, high-priced loans at institutions with less than \$25 billion in assets. Currently, the exemption applies to firms with less than \$2 billion in assets. The smaller service exception for increased notification requirements to consumers would be increased, again, from servicers with 5,000 loans to those with 30,000 loans.

Why do all of these consumer groups oppose this legislation? Because it is obvious what is happening here. We are taking away the protection from those who need it the most. We are not doing anything for community banks. There are no \$25 billion community banks.

Mr. Speaker, I would ask that my colleagues in this House oppose this bill. It goes in the opposite direction of what we have done to try and give protection to those consumers who need

protection the most, and the Dodd-Frank reform has done this, and I would just ask opposition to this bill.

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

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the gentlewoman from New York started this debate with an amazing statistic when she said that over 1,500 small banks and financial institutions have been forced to merge or be acquired or go out of business altogether since the passage of the Dodd-Frank bill.

Those of us who opposed the Dodd-Frank bill at that time said this would happen, and that is exactly what happened. The big have gotten bigger.

I read recently that the five largest Wall Street banks had 22 percent of total deposits in this Nation before Dodd-Frank, but last year, when I read the update, they now have 44 percent of total deposits.

There is a big government, big business duopoly that controls too much of the life of this country, and in every overregulated industry, it ends up being consolidated and controlled in the hands of a few big giants, and that is what has happened in this case.

I remember when my wife and I bought our first house. We signed about two or three pages many years ago. Three and a half years ago, we bought a lake house, and we had to sign over 100 pages of documents that, being a lawyer and a judge, I knew that all it was was meaningless paperwork for bureaucrats and lawyers.

This is important legislation. I have had many bankers across the State of Tennessee who have told me how harmful and how difficult it has been for the smaller institutions to comply with all the rules and regulations and red tape.

Mr. Speaker, we need to pass this bill, and I urge its support.

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

Mr. Speaker, the Consumer Financial Protection Bureau's regulations address many questionable practices that contributed to the collapse of the housing market. Such practices were widespread in the mortgage servicing industry. The Bureau's servicing rules apply across the board, while providing a narrow exemption for small servicers.

This exemption minimizes the regulatory compliance burden on small and community banks. Expanding current exemptions to larger institutions, however, just opens the door wide to abuses by larger banks primarily doing business not in the communities, the rural communities and the underserved communities, but outside of the communities where they are based, and by

nonbanks, which still make most of the riskier subprime mortgage loans.

Mr. Speaker, I continue to ask opposition to this legislation, and I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BUDD), a very hardworking member of the Financial Services Committee.

Mr. BUDD. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise today in support of the gentlewoman from New York's legislation, H.R. 3971, and I thank her for her leadership on this very important issue.

As many of my friends here today know, Dodd-Frank and the Consumer Financial Protection Bureau have made life very difficult for many. Luckily, the Community Institution Mortgage Relief Act will, once again, solve a problem that they created, this time regarding escrow and mortgage servicing requirements.

The CFPB rule regarding these accounts has done nothing more than accelerate industry consolidation in this space, particularly causing harm to rural consumers, leaving them with even less financing options.

This bill reverses that problem, though, and will help bring local banks and financial institutions back into the picture. This bill simply lets them re-enter the mortgage market and directs the CFPB to exempt them from the escrow account requirement of Dodd-Frank.

Now, though this is a bipartisan bill, some of my friends on the other side of the aisle may claim that this bill removes consumer safeguards, but I would argue that this CFPB rule that they support creates an unnecessary burden on local banks and credit unions, which, in the end, hurts local communities and people that they claim to protect with this very rule.

Mr. Speaker, I am glad this bill remains largely bipartisan and, as I said, returns power back to the community financial institutions and ensures that consumers have credit through various credit choices.

I want to thank Representative TENNEY for her steadfast leadership on this issue, and I urge adoption of her legislation.

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

The SPEAKER pro tempore. The gentlewoman from California has 8½ minutes remaining.

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

Mr. Speaker, I want to move now to say a word about what my colleague is attempting to do. I appreciate my colleague from California (Mr. SHERMAN), who is going to offer an amendment that would lower the extremely high

exemption thresholds in the underlying bill.

I think that, having talked to him, I do understand that he believes that this is important to expand opportunity rather than to limit the ability for protection for certain of our consumers who come from these areas that I have described as rural and areas that are underserved.

This amendment that he is going to present would allow creditors, again, with less than \$10 billion in assets, to be exempted from escrow requirements on higher priced mortgage loans if they hold loans in portfolios for 3 years and allow servicers that service 20,000 loans or less to be exempted from enhanced consumer protection requirements under the Real Estate Settlement Procedures Act.

His amendment changes it a little bit from \$25 billion to \$10 billion, that is still too much, and from 30,000 loans or less to 20,000 loans or less to be exempted from, again, enhanced consumer protection requirements under the Real Estate Settlement Procedures Act.

Although I am pleased that this amendment would tighten up the language in the underlying bill somewhat, I remain concerned about the impacts it could have on many consumers. The bill is called the Community Institution Mortgage Relief Act of 2017, and the title implies that it will relieve our Nation's smaller financial institutions from regulatory burdens.

Now, we all know that community banking is not purely a function of size, but when the Consumer Bureau conducted research for its escrow requirements rulemaking, it found that none of the entities it identified as operating predominantly in rural or underserved areas had total assets as of the end of 2009 greater than \$2 billion.

□ 1315

And when the Consumer Bureau researched mortgage service and practices, it concluded: "The problematic practices that have plagued the servicing industry, particularly in recent years, are, to a large extent, a function of a business model in which servicing is viewed as a discrete line of business and profit center."

However, they also found that approximately 96 percent of community bank and small credit union services that only purchase a hold, mortgage service, and rights for mortgage loans, they actually own or originate service 5,000 or fewer loans. Yet this amendment would exceed the Consumer Bureau's research base that sets that threshold by billions of dollars and its carefully researched loan service and threshold by 400 percent.

So if the amendment is adopted, I must continue to oppose the bill because it would undermine the work of the Consumer Bureau and weaken consumer protections in homeownership.

Congress should not be complicit in these acts by passing legislation that further erodes the rights and protections of America's consumers. We must continue to do all that we can to ensure mortgage loan borrowers are fully aware of the terms and conditions of their mortgage loans and how much they will owe in obtaining these loans.

If we are successful in convincing our colleagues today that they should not support this bill, I will be happy to work with my colleague, who I know has good intentions, to see what we can do to address what I think are some of his concerns. But for now, I must oppose the bill, and even with the amendment, it does not satisfy the concerns that I have addressed here. It does nothing to protect those in the rural communities and the underserved communities, and it does nothing to help community banks.

So I am opposed both to the bill and to the amendment, and I ask for a "no" vote.

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

Mr. HENSARLING. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes remaining.

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

Mr. Speaker, I listened very carefully to my colleague, the ranking member, and I know how much respect she has—bordering, perhaps, on religious fealty—to the Consumer Financial Protection Bureau, and I must admit, now that it is being led by our former colleague Mick Mulvaney of South Carolina, I am taking a renewed interest in their actions and their pronouncements. I am just curious, as time goes by, whether the ranking member will continue to show such faith and confidence in that particular institution.

Here is what we know, Mr. Speaker. All across America, we continue to lose one community bank or credit union a day. They are not perishing of natural causes. They are perishing from the sheer weight, volume, load, cost, complexity, and expense of the Dodd-Frank regulatory burden, of which this CFPB rule is just one aspect.

Again, as my colleague, the chairman of the Financial Institutions and Consumer Credit Subcommittee—I believe it was he who pointed it out. There is not any one particular regulation that may cause the demise of these financial institutions, but it is the totality of them all. And as they perish, so perishes the American Dream of homeownership for so many of our constituents, particularly in rural areas like much of the Fifth District of Texas that I have the honor and pleasure of representing.

Mr. Speaker, it is important that we save our community financial institu-

tions. They play a vital role in our economy. It takes small banks and credit unions to fund our small businesses, which are the job engine of America. But again, they are being crushed by a regulatory burden.

So I want to thank the gentlewoman from New York (Ms. TENNEY) for bringing, again, just one needed, vital regulatory relief bill.

Again, let's make sure, Mr. Speaker, everybody knows what this bill is talking about.

Number one, already in current law, there is an exemption for small financial institutions dealing with having mortgage servicing and mortgage escrows. We are trying to bring it to a more reasonable level, an exemption that already exists. And I assume that the ranking member believes in the exemption or she would offer legislation to repeal it in total. So now we are debating how large this exemption ought to be.

Given how many of our constituents still are in need of mortgage opportunities, given the demise of our community banks and credit unions, I think what we are trying to do here is most reasonable. Soon, the gentleman from California on the other side of the aisle, a respected Democratic member of the committee, will offer an amendment that I believe the sponsor of the legislation—I, myself, am willing to accept because we are trying to work on a bipartisan basis.

There is a lot of bipartisan legislation that goes to the House Financial Services Committee. I wish the ranking member would participate in more of it, as she did last week. I am sorry she is losing out on this opportunity today, so I am happy to work with the gentleman from California on a bipartisan basis to get this legislation done.

Another important note to be had, Mr. Speaker, is we get this implication from the ranking member that, oh, my Lord, if we pass this bill, H.R. 3971, all of a sudden, all consumer protection law disappears from the books. Well, I have got good news: it doesn't.

After the passage of H.R. 3971, all of these mortgages will still be subject to the Equal Credit Opportunity Act; they will still be subject to regulation B; they will still be subject to the Fair Housing Act; they will still be subject to the Fair Credit Reporting Act; they will still be subject to the Home Mortgage Disclosure Act; they will still be subject to the Homeowners Protection Act; they will still be subject to the Real Estate Settlement Procedures Act.

I have got a whole sheet here, Mr. Speaker.

Again, that is a red herring. At the end of the day, this is about ensuring our constituents, particularly in rural areas, have access to mortgage credit and that community banks and credit unions that are absolutely suffering

under the weight of the load aren't forced to escrow when they keep a mortgage on their books for 3 years. They are going to make sure the taxes are paid. They are going to make sure the insurance is paid. Instead, all that regulation does is burdens them and causes them to make fewer mortgage loans and, in some cases, no mortgage loans.

So, again, I just want salute the gentlewoman from New York. I want to thank her for her leadership and what she is doing for her constituents in rural New York, and I urge everybody to adopt H.R. 3971.

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

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

AMENDMENT NO. 1 OFFERED BY MR. SHERMAN

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

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

The text of the amendment is as follows:

Page 1, line 16, strike "\$25,000,000,000" and insert "\$10,000,000,000".

Page 2, line 20, strike "30,000" and insert "20,000".

The SPEAKER pro tempore. Pursuant to House Resolution 647, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Speaker, this bill began with a proposal by Mr. LUETKEMEYER of Missouri two Congresses ago. Last Congress, I introduced it, and now the gentlewoman from New York is carrying the bill.

Mr. Speaker, I wouldn't be here supporting this bill in any form if it undermined Dodd-Frank—I cosponsored Dodd-Frank—or if it undermined the CFPB, an institution that I think is very important and was created by Dodd-Frank.

With the amendment that I am proposing, this bill goes back to the text that I introduced last year. That text came before the Financial Services Committee and secured the vote of all Republicans and 60 percent of the Democrats. Now, you can't get all the votes all the time, but if you can get, for any particular draft, 100 percent of the Republicans and 60 percent of the Democrats on the committee, that, I think, is bipartisan legislation.

Now, the first part of this bill and, by far, the most important part deals with loans made by small institutions that would otherwise be required to have an impound account. An impound account is when the bank collects from you not only your mortgage payment but collects, every month, some money toward your property taxes and toward your insurance, and then the bank pays those bills for you.

Small institutions are not set up in order to keep track of how much property tax to collect and pay or fire and

other homeowners insurance. They would rather rely on the borrower, somebody they know, to pay their fire insurance, to pay their property taxes.

Now, we can count on them to make sure that they are not giving this responsibility to somebody who can't handle it, because they are required, under this bill, to hold the mortgage for 3 years in their portfolio.

Keep in mind that the whole requirement only relates to the first 5 years. So here, they have to keep it in their portfolio for 3 years. This, I think, ensures that the bank or credit union or other small institution will make sure that the property taxes and property insurance are paid, while, at the same time, it won't take out of the market those small institutions that can't set up special impound accounts.

A second part of this bill deals with simply telling the CFPB to make whatever adjustments it thinks are appropriate for small institutions with regard to the small servicer exemption. That leaves that authority with the CFPB. Under this amendment, the rule, whatever they decide to do for smaller institutions applies to those that are servicing not 30,000, but only 20,000 total loans, because it makes sense to have different, less complicated rules for smaller servicers.

So I don't think my amendment is sufficient to gain support for the bill from the ranking member. The bill in its amended form, it was sufficient to get 60 percent of the Democrats to vote for it in committee last year.

Mr. Speaker, I want to thank the gentlewoman from New York for her work on this issue and what I understand is her support for this amendment, and I reserve the balance of my time.

Ms. TENNEY. Mr. Speaker, I claim the time in opposition to the amendment, although I am not opposed.

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

There was no objection.

Ms. TENNEY. Mr. Speaker, I thank Chairman HENSARLING, and I thank the gentleman from California for his amendment and work on this bill.

I think this amendment is acceptable, and adopting it will still allow the bill to provide some regulatory relief to our small community banks and credit unions, and it will also assist in helping our low-income borrowers in districts like mine, NY-22, where we have lost so many community banks. I think that this will help encourage lending and allow small community banks to again lend to people who are in lower income levels.

I urge my colleagues to adopt the amendment, and I thank the gentleman again from California (Mr. SHERMAN), for his hard work on the bill and for this bipartisan effort.

I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, seeing no further speakers, I yield back the balance of my time.

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

The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1330

MOTION TO RECOMMIT

Ms. TITUS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. TITUS. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Titus moves to recommit the bill H.R. 3971 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

SEC. 3. PROTECTING CONSUMERS FROM EXCESSIVE HOUSING COSTS AND PREDATORY LENDERS.

(a) IN GENERAL.—No creditor or servicer may make use of the amendments made by this Act if the creditor or servicer has either been—

(1) found to have committed or engaged in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service; or

(2) convicted of fraud under Federal or State law in connection with a residential mortgage loan.

(b) DEFINITIONS.—For purposes of this section, the terms “State” and “consumer financial product or service” have the meaning given those terms, respectively, under section 1002 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Ms. TITUS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada is recognized for 5 minutes in support of her motion.

Ms. TITUS. Mr. Speaker, this is the final amendment to the bill. It will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My motion to recommit is just a commonsense measure that I believe everybody in this House can support

because it would prevent the bad actors from being able to use the exemptions in the underlying bill to dodge the consumer protections that are found in both the Truth in Lending Act and the Real Estate Settlement Procedures Act.

My motion says if a lender has committed or engaged in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a financial product or service, or if they have been convicted of fraud under Federal or State law in connection with a residential mortgage loan, they cannot avail themselves of the bill's decreased requirements.

As you know, Mr. Speaker, I represent the heart of the Las Vegas valley. More than 43 million visitors come to my district every year from all around the world to enjoy our first class resorts, hotels, entertainment, and the natural beauty around us. It is also, though, home to over 2 million people.

Less than a decade ago, southern Nevada, unfortunately, had the additional distinction of being at the epicenter of the foreclosure crisis that was caused by the Great Recession. At its peak, nearly 70 percent of all homes in the Las Vegas valley were under water, and the foreclosure rate was five times the national average. For 62 straight months, Nevada led the Nation in foreclosures and delinquent mortgages. This is the number—just think about this—219,000 foreclosures occurred during that period.

Newspapers from coast to coast read like obituaries as home after home was boarded up, homelessness skyrocketed, and major developments along the Las Vegas strip that were under construction went belly-up, leaving high-rise rusting skeletons in the middle of the desert. We lost 80,000 construction jobs during that period.

We were one of the first States to be hit so hard by the recession and one of the last States to recover. But housing prices are coming back and new construction is taking place.

Unfortunately, it seems that my colleagues on the other side of the aisle want to turn back the clock and go back to the abusive practices, including predatory lending, that contributed to the Great Recession.

Supporters of this legislation—you have heard them—say it is needed to provide relief for smaller sized institutions and smaller sized mortgage servicers. But that is really the red herring here. The CFPB has already, as you heard too, provided a targeted exemption to cover those folks.

This bill is really about protecting the large servicers that failed to provide necessary loan documentation and to communicate openly with their customers, in turn contributing to millions of unnecessary disclosures and

settlements for abusive business practices during the financial crisis.

Nevada, in fact, had to bring lawsuits against financial institutions like Countrywide and Bank of America that engaged in this predatory lending.

My motion to recommit would ensure that such lending practices and loan servicing activities cannot resurface at the expense of consumers.

This is especially important also in light of the fact that at the same time we are eroding consumer protections put in place after the financial crisis, my Republican colleagues are also simultaneously taking away affordable housing from my constituents. The "Job Cuts and Tax Act" passed by this House eliminates tax-exempt private activity bonds, a move that will stifle investments in affordable housing.

The Nevada Housing Division, for example, has already suspended its mortgage credit certificate program which provides an average of \$2,000 a year in Federal income tax savings to first-time home buyers and veterans because of the threat of this provision.

Furthermore, multifamily housing bonds make affordable housing possible for seniors, people with disabilities, veterans, and low-income families. Without the tax exemption on these bonds, Nevada can lose up to 7,000 rental homes.

So, Mr. Speaker, I ask you: How can this body pass a bill that eliminates affordable rental homes; makes ownership more expensive for first-time home buyers; and opens the door, again, to predatory lending practices that target low-income borrowers and put them at risk of foreclosure?

This mix of anticonsumer and antiaffordable housing policies does not bode well for a country that suffered a housing crisis just a decade ago, so I would urge my colleagues to vote in favor of this motion to recommit.

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

Mr. HENSARLING. Mr. Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I am looking at this motion to recommit, and, on its best day, it may be superfluous and redundant; and on its worst day, it may be confusing. But I fear, in many respects, it is just a smokescreen to give many of my friends on the other side of the aisle an excuse not to vote for the underlying legislation, H.R. 3971.

Already the CFPB has full UDAAP authority to deal with unfair, deceptive, and abusive acts. That already exists. So this is a red herring that somehow people are using the lack of the passage of the MTR as a rationale not to support H.R. 3971, which is vitally needed for so many of our community financial institutions to be able to

make home mortgage loans to hard-working Americans who deserve their chance at the American Dream.

Again, as I said earlier during this debate, Mr. Speaker, all of these mortgages continue to be subject to the Equal Credit Opportunity Act, the Fair Housing Act, the Fair Credit Reporting Act, the Home Mortgage Disclosure Act, the Homeownership Counseling Act, the Homeowners Protection Act, the Real Estate Settlement Procedures Act, the Secure and Fair Enforcement for Mortgage Licensing Act, the Truth in Lending Act, Regulation Z, and the list goes on and on and on.

That is simply an excuse. The MTR is an excuse not to save our struggling community banks and our citizens in rural America who deserve the services of these community banks and credit unions.

Again, on its best day, it is superfluous and redundant. On its worst day, it is introducing confusing language into an already settled area of the law for consumer protection.

Mr. Speaker, I urge all Members to reject the motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

DIRECTING SECRETARY OF ENERGY TO REVIEW AND UPDATE REPORT ON ENERGY AND ENVIRONMENTAL BENEFITS OF RE-REFINING OF USED LUBRICATING OIL

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1733) to direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1733

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

SECTION 1. ENERGY SAVINGS FROM LUBRICATING OIL.

Not later than one year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget, shall—

(1) review and update the report prepared pursuant to section 1838 of the Energy Policy Act of 2005;

(2) after consultation with relevant Federal, State, and local agencies and affected industry and stakeholder groups, update data that was used in preparing that report; and

(3) prepare and submit to Congress a coordinated Federal strategy to increase the beneficial reuse of used lubricating oil, that—

(A) is consistent with national policy as established pursuant to section 2 of the Used Oil Recycling Act of 1980 (Public Law 96-463); and

(B) addresses measures needed to—

(i) increase the responsible collection of used oil;

(ii) disseminate public information concerning sustainable reuse options for used oil; and

(iii) promote sustainable reuse of used oil by Federal agencies, recipients of Federal grant funds, entities contracting with the Federal Government, and the general public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Illinois (Mr. RUSH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 1733, was introduced by Energy and Commerce Committee member SUSAN BROOKS from Indiana on March 27 of this year. The legislation went through regular order, and it was reported by the full committee, without amendment, by a voice vote.

This bill, H.R. 1733, requires the Secretary of Energy to review and update a report on the energy and environmental benefits of re-refining used lubricating oil. The bill reauthorizes a study that was previously directed under the Energy Policy Act of 2005.

We know that recycling used lubricating oil provides environmental benefits. It does, in fact, reduce energy consumption, and, yes, it produces high-quality products for consumers.

H.R. 1733 is a good bipartisan bill. I want to thank Mrs. BROOKS for her hard work on this important issue and the other side of the aisle for working with us to bring the bill to the floor this afternoon.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1733, and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 1733, which would update a 2006 Department of Energy report on the energy and environmental benefits of re-refining used lubricating oil.

Mr. Speaker, H.R. 1733 represents a commonsense bill aimed at saving energy and protecting the environment by finding additional ways to reuse lubricating oil.

Mr. Speaker, these measures may include increasing the collection of used oil, distributing public information on sustainable reuse, and encouraging the recycling of used oils.

Mr. Speaker, the U.S. is responsible for almost one-quarter of the global lubricating oil market; however, unfortunately, Mr. Speaker, we are currently behind our European counterparts in our ability to recycle this product.

Mr. Speaker, this bill will help conserve energy and protect the environment by providing a Federal strategy to re-refine lubricating oil that can be used in all different types of gas and diesel engines.

Mr. Speaker, I would like to commend my colleague from the Energy and Commerce Committee, Mrs. BROOKS from Indiana, for sponsoring this bipartisan bill, and I urge all my colleagues to support this legislation.

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

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Indiana (Mrs. BROOKS), who is a member of the committee and the author of this bill.

□ 1345

Mrs. BROOKS of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in favor of H.R. 1733.

Like many Hoosiers, I believe in the value of recycling and the benefits it brings to Indiana and our country. This bill would help us understand how we can better recycle lubricating oil.

H.R. 1733 requires a 2006 study mandated by the Energy Policy Act of 2005 be updated to reflect current information about the benefits or re-refined lubricating oil and how its production and use could be increased in the country.

Re-refining removes contaminants from the oil and blends additives to restore the oil to its original effectiveness. Used oil can be re-refined infinitely and is suitable for use in many types of gas and diesel engines. In fact,

the Federal Government already requires re-refined oil to be used within many agencies' vehicle fleets and many State and local governments require its use as well.

Ensuring that Congress has up-to-date data on the value of recycled oil will allow legislators to make smarter decisions when developing environmental and energy policies moving forward. By updating this study, companies across the country that produce re-refined oil, like Indiana's own Crystal Clean, will have a better understanding of the latest trends regarding this product and how they can better anticipate the needs of the Federal Government.

I am proud to say that Members on both sides of the aisle supported this bill when it passed through the Energy and Commerce Committee because it is environmentally conscious and supports an all-of-the-above energy strategy.

I thank my colleague, the gentleman from Massachusetts (Mr. KENNEDY) for his continued support on this bill, and the Ranking Member on the Energy Subcommittee, Mr. RUSH, as we introduced this together earlier this year to move this through committee.

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

Mr. RUSH. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further speakers. I would remind my colleagues that this is a bipartisan bill. I would like to think we can pass this on a voice vote. I, again, commend the gentlewoman from Indiana, our committee, and the staff for getting this done. We hope that the Senate will take it up soon.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 1733.

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

A motion to reconsider was laid on the table.

PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2872) to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2872

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Hydropower Development at Existing Nonpowered Dams Act".

SEC. 2. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 34. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

"(a) EXPEDITED LICENSING PROCESS FOR NON-FEDERAL HYDROPOWER PROJECTS AT EXISTING NONPOWERED DAMS.—

"(1) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses and preliminary permits, as appropriate, for any facility the Commission determines is a qualifying facility.

"(2) RULE.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule establishing an expedited process for issuing and amending licenses and preliminary permits for qualifying facilities under this section.

"(3) INTERAGENCY TASK FORCE.—In establishing the expedited process under this section, the Commission shall convene an interagency task force, with appropriate Federal and State agencies and Indian tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate a qualifying facility.

"(4) LENGTH OF PROCESS.—The Commission shall ensure that the expedited process under this section will result in a final decision on an application for a license by not later than 2 years after receipt of a completed application for the license.

"(b) DAM SAFETY.—

"(1) ASSESSMENT.—Before issuing any license for a qualifying facility, the Commission shall assess the safety of existing non-Federal dams and other non-Federal structures related to the qualifying facility (including possible consequences associated with failure of such structures).

"(2) REQUIREMENTS.—In issuing any license for a qualifying facility, the Commission shall ensure that the Commission's dam safety requirements apply to such qualifying facility, and the associated qualifying nonpowered dam, over the term of such license.

"(c) INTERAGENCY COMMUNICATIONS.—Interagency cooperation in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license for a qualifying facility under this section, and interagency communications relating to licensing process coordination pursuant to this section, shall not—

"(1) be considered to be *ex parte* communications under Commission rules; or

"(2) preclude an agency from participating in a licensing proceeding under this part.

"(d) IDENTIFICATION OF NONPOWERED DAMS FOR HYDROPOWER DEVELOPMENT.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Commission, with the Secretary of the Army, the Secretary of the Interior, and the Secretary of Agriculture, shall jointly develop a list of existing nonpowered Federal dams that the Commission and the Secretaries agree have the greatest potential for non-Federal hydropower development.

"(2) CONSIDERATIONS.—In developing the list under paragraph (1), the Commission and the Secretaries may consider the following:

"(A) The compatibility of hydropower generation with existing purposes of the dam.

“(B) The proximity of the dam to existing transmission resources.

“(C) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.

“(D) The effects of hydropower development on release or flow operations of the dam.

“(3) AVAILABILITY.—The Commission shall—

“(A) provide the list developed under paragraph (1) to—

“(i) the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources, of the House of Representatives; and

“(ii) the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources, of the Senate; and

“(B) make such list available to the public.

“(e) DEFINITIONS.—For purposes of this section:

“(1) QUALIFYING CRITERIA.—The term ‘qualifying criteria’ means, with respect to a facility—

“(A) as of the date of enactment of this section, the facility is not licensed under, or exempted from the license requirements contained in, this part;

“(B) the facility will be associated with a qualifying nonpowered dam;

“(C) the facility will be constructed, operated, and maintained for the generation of electric power;

“(D) the facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

“(E) the operation of the facility will not result in any material change to the storage, release, or flow operations of the associated qualifying nonpowered dam.

“(2) QUALIFYING FACILITY.—The term ‘qualifying facility’ means a facility that is determined under this section to meet the qualifying criteria.

“(3) QUALIFYING NONPOWERED DAM.—The term ‘qualifying nonpowered dam’ means any dam, dike, embankment, or other barrier—

“(A) the construction of which was completed on or before the date of enactment of this section;

“(B) that is or was operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, drinking water, or flood control purposes; and

“(C) that, as of the date of enactment of this section, is not generating electricity with hydropower generating works that are licensed under, or exempted from the license requirements contained in, this part.”.

SEC. 3. OBLIGATION FOR PAYMENT OF ANNUAL CHARGES.

Section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) is amended by adding at the end the following:

“(5) Any obligation of a licensee for payment of annual charges under this subsection shall commence when the construction of the applicable facility commences.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Illinois (Mr. RUSH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 2872, was introduced by Energy and Commerce Committee member LARRY BUCSHON in June of this year. The legislation went through regular order and was reported by the full committee with a bipartisan amendment by a voice vote.

This bill promotes hydropower by development at existing nonpowered dams by establishing an expedited licensing process that will result in a final decision on an application in 2 years or less. We know hydropower is a clean, renewable, and reliable source of energy that provides low-cost electricity to millions of Americans.

As we have learned through hearings at the Energy and Commerce Committee, the current regulatory process places new hydropower projects at existing nonpowered dams at a significant disadvantage. The current process takes way too long and it creates too much uncertainty, burdening consumers with additional unnecessary costs and preventing jobs and economic opportunities.

This bill, H.R. 2872, makes important changes to the process to enable FERC to issue a decision in 2 years or less. The legislation also requires that FERC, as well as the U.S. Army Corps of Engineers and the Department of the Interior, to develop a list of existing nonpowered Federal dams that have the greatest potential for non-Federal hydropower development.

This is a good bipartisan bill. I thank Dr. BUCSHON for his hard work on this important issue and for working with our colleagues across the aisle to bring the bill to the floor.

Mr. Speaker, I urge all my colleagues to support this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, December 12, 2017.

Hon. GREG WALDEN,

Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN WALDEN: I write concerning H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Transportation and Infrastructure will forego action on the bill. However, this is conditional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction.

tion. Lastly, should a conference on the bill be necessary, I request your support for the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

I would ask that a copy of this letter and your response acknowledging our jurisdictional interest be included in the Congressional Record during consideration of the measure on the House floor, to memorialize our understanding.

I look forward to working with the Committee on Energy and Commerce as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 12, 2017.

Hon. BILL SHUSTER,

Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter concerning H.R. 2872, Promoting Hydropower Development at Existing Nonpowered Dams Act.

I appreciate your committee's willingness to forego action on H.R. 2872 so that this legislation may be brought before the House of Representatives in an expeditious manner. I agree that foregoing consideration of the bill does not prejudice your committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within your committee's Rule X jurisdiction. In addition, should a conference on the bill be necessary, I will support your request for the appropriate appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

I will place a copy of your letter and this response into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

GREG WALDEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, December 12, 2017.

Hon. GREG WALDEN,

Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 2872, Promoting Hydropower Development at Existing Nonpowered Dams Act. The bill contains provisions within the Rule X jurisdiction of the Natural Resources Committee.

In the interest of permitting you to proceed expeditiously to floor consideration of this very important bill, the Committee foregoes further consideration of the bill. I do so with the understanding that the Natural Resources Committee does not waive any future jurisdictional claim over the subject matter contained in the bill that fall within its Rule X jurisdiction. I also request that you support my request to name members of the Natural Resources Committee to any conference committee to consider such provisions. Finally, please place this letter into the committee report on H.R. 2872 and into the Congressional Record during consideration of the measure on the House floor.

Thank you for the cooperative spirit in which you and your staff have worked regarding this matter and others between our respective committees.

Sincerely,

ROB BISHOP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 12, 2017.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR CHAIRMAN BISHOP: Thank you for your letter concerning H.R. 2872, Promoting Hydropower Development at Existing Non-powered Dams Act.

I appreciate your willingness to forgo action on the bill so that it can proceed expeditiously to floor consideration. I agree that the Natural Resources Committee does not waive any future jurisdictional claim over the subject matter contained in the bill that fall within its Rule X jurisdiction. I will support your request to name members of the Natural Resources Committee to any conference committee to consider such provisions. Finally, I will place this letter into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

GREG WALDEN,
Chairman.

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

Mr. Speaker, I rise in strong support of H.R. 2872, the Promoting Hydropower Development at Existing Non-powered Dams Act.

Mr. Speaker, I commend my colleague from the Energy and Commerce Committee, Mr. BUCSHON from Indiana, for sponsoring this bipartisan piece of legislation. I would also like to acknowledge the committee staffs from both the majority and minority sides for working together in good faith to develop a bill that resolved the differences between the two sides as we proceeded through the committee process in order to get the bill onto the floor here today.

Mr. Speaker, I am a huge proponent of hydropower as a safe, reliable, carbon-free way of providing energy to millions of Americans, especially when the licensing process is conducted in a reasonable and transparent manner that takes into account environmental safeguards as well as the rights and interests of the affected local communities.

Mr. Speaker, I believe that H.R. 2872 encompasses all of these objections. H.R. 2872 would allow FERC, in consultation with Federal and State resource agencies, as well as Native American Tribes, to establish an expedited licensing process for installing hydropower generation at existing dams that don't produce electricity by exempting these projects from regulation under the Federal Power Act.

Mr. Speaker, under this bill, FERC would be required to provide a final decision on license applications within 2 years of receiving a completed application for new generation projects at

nonpowered dams that are completely constructed as of the date of the bill's enactment and which aren't generating electricity through hydropower. Eligible projects, Mr. Speaker, must not result in any material change to the storage, release, or flow operations of the dam.

H.R. 2872 would also require FERC to establish an interagency task force, consisting of relevant Federal and State agencies, as well as Native American Tribes, that would all coordinate the authorizations necessary to license the facility.

FERC would also be required to gauge the safety of non-Federal dams under consideration and to require the facility to meet the Commission's dam safety requirements throughout the term of the license.

Additionally, Mr. Speaker, FERC would work with the U.S. Army Corps of Engineers, as well as the Interior and Agriculture Departments, to develop a list of existing nonpowered federally owned dams with the greatest potential for non-Federal hydropower development.

Finally, Mr. Speaker, H.R. 2872 would exempt hydropower applicants from having to pay annual fees associated with the licenses until construction actually commences on the project.

Mr. Speaker, H.R. 2872 represents a major step in the right direction for increasing our ability to issue hydropower permits in a fair, transparent, and expedited way, and I urge all of my colleagues to support this notable bill.

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

Mr. UPTON. Mr. Speaker, I want to say that I appreciate the gentleman's willingness to work on these bills together. I really appreciate his hard work.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BUCSHON), the sponsor of this legislation, in support of this bill.

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

Whether it is turning on the light above the kitchen table in a home or powering heavy machinery in a factory, the American people expect there to be reliable and affordable energy to power their lives and our economy. That is why it is important that we take advantage of all forms of American-made energy.

According to Department of Energy estimates, there are more than 50,000 suitable nonpowered dams across the country that collectively have the technical potential to add 12 gigawatts of hydropower capacity. To put that in context, that is the same potential capacity as two dozen coal-fired power plants.

Back home in Indiana, there are six nonpowered dams located in the Eighth District that could benefit from an expedited permitting process that pro-

motes hydropower generation and provides quality Hoosier jobs.

Unfortunately, unnecessary government red tape is preventing us from taking advantage of clean, renewable energy from hydropower at existing nonpowered dams. The current regulatory process simply takes too long, taking up to a decade to approve a project, which stifles the investment needed to bring additional capacity at existing dams online.

We have the opportunity to change this with H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act. Specifically, this legislation cuts through the red tape and instructs FERC to create an expedited permitting process that will result in a final decision on an application in just 2 years or less.

Streamlining the permitting process for qualifying nonpowered dam projects represents an important first step in modernizing our existing infrastructure. Additionally, it will incentivize investments in clean hydropower development, allowing us to take advantage of an American source of energy.

I applaud both sides of the aisle for their work to reach a bipartisan solution, and I ask my colleagues to support H.R. 2872.

Mr. RUSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LOEBSACK), an outstanding member of the subcommittee.

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

Mr. Speaker, I rise today in support of H.R. 2872, the Promoting Hydropower Development at Existing Non-powered Dams Act.

Iowa has become a national leader in renewable energy. Currently, my State provides over 40 percent of its electricity from renewable sources, including over 37 percent from wind power alone. But there is a lot of potential.

In 2012, the U.S. Department of Energy found that there is over 12,000 megawatts of untapped hydropower potential in the Nation's existing dams. That is enough electricity to power 4 million homes. That same report ranked Iowa 10th in available energy capacity in the United States if these nonpowered dams were converted, with the potential to generate 427 megawatts.

□ 1400

Renewable energy development like hydropower has created thousands of good-paying jobs across Iowa. My district is the home of three hydroelectric generation plants and will soon be the home of the second largest hydro plant in the State, the Red Rock Hydroelectric Project. Upon completion, Red Rock will produce upwards of 36 megawatts of energy. That is enough electricity to power the nearby city of

Pella, and it has led to hundreds of jobs across the State of Iowa.

However, projects like Red Rock and others have been slowed by a cumbersome licensing process as has been mentioned by folks on both sides of the aisle here. Congress must work to streamline the hydropower licensing processes so that more clean, renewable energy and domestic energy can be brought onto the grid for the American consumer, while also ensuring that these projects do not harm the environment. This is why I am proud to have worked with Mr. BUCSHON and my colleagues on the Energy and Commerce Committee to bring this commonsense, job-creating, bipartisan legislation to the floor today.

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

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the full committee.

Mr. WALDEN. Mr. Speaker, I thank my colleagues on both sides of the aisle for their great work on this: Mr. RUSH from Illinois and, of course, the former chairman of the Energy and Commerce Committee, my friend, Mr. UPTON, and our other committee members who put so much into these important pieces of legislation.

To date, the committee has worked in a bipartisan manner to examine and advance thoughtful solutions that prioritize consumers, support American businesses and jobs, and protect the environment. These commonsense, bipartisan bills we are considering today continue this very strong and bipartisan effort.

As many of you have heard me discuss before, hydropower plays an integral role in electricity generation across our great country as well as in my home State of Oregon. In fact, nearly 43 percent of electricity in Oregon comes from this dependable base load power resource, and it has supported jobs along the Columbia River and throughout the State.

Two of the three bills under consideration today build upon the committee's work promoting this emissions-free energy resource. In fact, the House of Representatives has already passed 10 Energy and Commerce Committee bills that promote hydropower and modernize the licensing process so we can get these projects to market faster.

H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act, is authored by my good friend from Indiana and committee member, LARRY BUCSHON. Dr. BUCSHON's legislation would promote hydropower development by expediting the licensing process for these types of facilities: dams that could have hydropower put on them, but don't right now. We want to take advantage of that power.

H.R. 2872 also requires the Federal Energy Regulatory Commission, U.S.

Army Corps of Engineers, and Department of the Interior to develop a list of existing nonpowered Federal dam facilities across the country that have the greatest potential for non-Federal hydropower development.

What we want to know is: Where are these dams already in existence so we can put a generator on, in effect, and generate electricity and create electricity without emission?

The second hydropower bill under consideration was authored by our distinguished Oversight and Investigations Subcommittee vice chairman, MORGAN GRIFFITH, from Virginia. Now, Mr. GRIFFITH's bill, H.R. 2880, the Promoting Closed-Loop Pumped Storage Hydropower Act, unanimously passed the committee last week. This promotes what is called closed-loop pumped storage hydropower development by streamlining the licensing for such facilities.

Fundamentally, what happens is you generate power; and, when there is surplus power, it pumps, puts water on top of a reservoir, and then when you need to generate energy at peak times, the water comes back down through a pipe, through another generator, back into a lower elevation reservoir, and you repeat the cycle. It just really acts like a battery in some respects and produces, again, emissions, free hydropower.

The third bill under consideration today was authored by our committee member Representative SUSAN BROOKS from Indiana, H.R. 1733. Now, this directs the Secretary of Energy to update the Federal strategy for recycling used lubricating oil.

Recycling used lubricating oil provides environmental benefits, reduces energy consumption, which is important, and produces high-quality products for consumers across our country.

Mr. Speaker, cumulatively, these bills underscore the Energy and Commerce Committee's willingness to reach across the aisle and work together in a bipartisan way to find commonsense solutions that make a difference for people across the country that improve the environment and generate emissions-free energy.

Mr. Speaker, I thank my colleagues and the staff on both sides of the committee for their great work in this case.

Mr. Speaker, I urge all of my colleagues to support these measures and get them to the President's desk.

Mr. RUSH. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I, too, have no further speakers.

Mr. Speaker, I again commend members on both sides of the aisle for getting this bill to the floor, and the staff. I appreciate the leadership for scheduling this, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the mo-

tion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 2872, as amended.

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

A motion to reconsider was laid on the table.

PROMOTING CLOSED-LOOP PUMPED STORAGE HYDROPOWER ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2880) to amend the Federal Power Act to promote closed-loop pumped storage hydropower, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2880

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Closed-Loop Pumped Storage Hydropower Act".

SEC. 2. CLOSED-LOOP PUMPED STORAGE PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 34. CLOSED-LOOP PUMPED STORAGE PROJECTS.

"(a) EXPEDITED LICENSING PROCESS FOR CLOSED-LOOP PUMPED STORAGE PROJECTS.—

"(1) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses and preliminary permits, as appropriate, for closed-loop pumped storage projects.

"(2) RULE.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule establishing an expedited process for issuing and amending licenses and preliminary permits for closed-loop pumped storage projects under this section.

"(3) INTERAGENCY TASK FORCE.—In establishing the expedited process under this section, the Commission shall convene an interagency task force, with appropriate Federal and State agencies and Indian tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate closed-loop pumped storage projects.

"(4) LENGTH OF PROCESS.—The Commission shall ensure that the expedited process under this section will result in final decision on an application for a license by not later than 2 years after receipt of a completed application for such license.

"(b) DAM SAFETY.—Before issuing any license for a closed-loop pumped storage project, the Commission shall assess the safety of existing dams and other structures related to the project (including possible consequences associated with failure of such structures).

"(c) EXEMPTIONS FROM OTHER REQUIREMENTS.—

"(1) IN GENERAL.—In issuing or amending a license or preliminary permit pursuant to the expedited process established under this section, the Commission may grant an exemption from any other requirement of this part with respect to any part of the closed-loop pumped storage project (not including any dam or other impoundment).

“(2) *CONSULTATION.*—In granting an exemption under paragraph (1), the Commission shall consult with the United States Fish and Wildlife Service and the State agency exercising administration over the fish and wildlife resources of the State in which the closed-loop pumped storage project is or will be located, in the manner provided by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

“(3) *TERMS AND CONDITIONS.*—In granting an exemption under paragraph (1), the Commission shall include in any such exemption—

“(A) such terms and conditions as the Fish and Wildlife Service, National Marine Fisheries Service, and the State agency described in paragraph (2) each determine are appropriate to prevent loss of, or damage to, fish and wildlife resources and to otherwise carry out the purposes of the Fish and Wildlife Coordination Act; and

“(B) such terms and conditions as the Commission deems appropriate to ensure that such closed-loop pumped storage project continues to comply with the provisions of this section and terms and conditions included in any such exemption.

“(4) *FEES.*—The Commission, in addition to the requirements of section 10(e), shall establish fees which shall be paid by an applicant for a license for a closed-loop pumped storage project that is required to meet terms and conditions set by fish and wildlife agencies under paragraph (3). Such fees shall be adequate to reimburse the fish and wildlife agencies referred to in paragraph (3) for any reasonable costs incurred in connection with any studies or other reviews carried out by such agencies for purposes of compliance with this section. The fees shall, subject to annual appropriations Acts, be transferred to such agencies by the Commission for use solely for purposes of carrying out such studies and shall remain available until expended.

“(d) *TRANSFERS.*—Notwithstanding section 5, and regardless of whether the holder of a preliminary permit for a closed-loop pumped storage project claimed municipal preference under section 7(a) when obtaining the permit, the Commission may, to facilitate development of a closed-loop pumped storage project—

“(1) add entities as joint permittees following issuance of a preliminary permit; and

“(2) transfer a license in part to one or more nonmunicipal entities as co-licensees with a municipality, if the municipality retains majority ownership of the project for which the license was issued.

“(e) *INTERAGENCY COMMUNICATIONS.*—Interagency cooperation in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license for a closed-loop pumped storage project submitted pursuant to this section, and interagency communications relating to licensing process coordination pursuant to this section, shall not—

“(1) be considered to be *ex parte* communications under Commission rules; or

“(2) preclude an agency from participating in a licensing proceeding under this part.

“(f) *DEVELOPING ABANDONED MINES FOR PUMPED STORAGE.*—

“(1) *WORKSHOP.*—Not later than 6 months after the date of enactment of this section, the Commission shall hold a workshop to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

“(2) *GUIDANCE.*—Not later than 1 year after the date of enactment of this section, the Commission shall issue guidance to assist applicants for licenses or preliminary permits for closed-loop pumped storage projects at abandoned mine sites.

“(g) *QUALIFYING CRITERIA FOR CLOSED-LOOP PUMPED STORAGE PROJECTS.*—

“(1) *IN GENERAL.*—The Commission shall establish criteria that a pumped storage project shall meet in order to qualify as a closed-loop pumped storage project eligible for the expedited process established under this section.

“(2) *INCLUSIONS.*—In establishing the criteria under paragraph (1), the Commission shall include criteria requiring that the pumped storage project—

“(A) cause little to no change to existing surface and groundwater flows and uses; and

“(B) is unlikely to adversely affect species listed as a threatened species or endangered species under the Endangered Species Act of 1973.”

SEC. 3. OBLIGATION FOR PAYMENT OF ANNUAL CHARGES.

Section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) is amended by adding at the end the following:

“(5) Any obligation of a licensee for payment of annual charges under this subsection shall commence when the construction of the applicable facility commences.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Illinois (Mr. RUSH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 2880, was introduced by Energy and Commerce Committee member MORGAN GRIFFITH in June of this year. The legislation went through regular order, and it was reported by the full committee with a bipartisan amendment by a voice vote.

The bill promotes closed-loop pumped storage hydropower projects by establishing an expedited licensing process that is going to result in a final decision on an application in 2 years or less.

We know that hydropower is a clean, renewable, and reliable source of energy that provides low-cost electricity to millions of Americans across the country. Closed-loop pumped storage is different than conventional hydro. These types of projects move water between two reservoirs located at different elevations in order to store energy and then generate that electricity.

As we have learned through hearings at the Energy and Commerce Committee, the complete regulatory process places new pumped storage hydropower projects at a significant disadvantage.

Pumped storage hydro has been around for almost 100 years, but with more intermittent renewables coming online, the need for grid-scale storage

is more important than ever. The current process to license pumped storage takes way too long and creates too much uncertainty, burdening consumers with additional unnecessary costs and preventing jobs and economic opportunities.

This bill makes important changes to the process to enable FERC to issue a decision in 2 years or less. The legislation also requires FERC to hold a workshop to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

This bill is a good, bipartisan bill. I thank Mr. GRIFFITH for his hard work on this important issue and for working with our colleagues across the aisle to bring this bill to the floor.

Mr. Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 2880, the Promoting Closed-Loop Pumped Storage Hydropower Act.

Mr. Speaker, as I have stated many times before, I am a strong supporter of hydropower, which provides clean, renewable, carbon-free, reliable energy for millions of American businesses and households. Therefore, Mr. Speaker, I must commend my Energy and Commerce Committee colleague Mr. GRIFFIN from Virginia for sponsoring this important, bipartisan piece of legislation. I must also applaud the work of the committee staff from both sides of the aisle for their tireless work in negotiating a bill that I believe all Members can fully support.

Mr. Speaker, closed-loop pump hydroelectric storage facilities operate in a capacity similar to batteries in that when there is a surplus of energy, water is pumped to an upper reservoir, and when more energy is needed, that water can then be released to produce electricity through the use of turbines.

Mr. Speaker, H.R. 2880 would require FERC to create an expedited licensing process for closed-loop pumped storage projects within 2 years of receiving a completed application. FERC would also be required to issue a rule establishing the new process within 180 days of this bill's enactment.

Mr. Speaker, in order to ensure local stakeholder input and collaboration, FERC will establish an interagency task force representing Federal and State agencies, as well as Native American Tribes, that would coordinate the authorizations needed to license the facility.

H.R. 2880, Mr. Speaker, would also direct FERC to evaluate the safety of any dam or other existing structure that would be associated with a project and specify that potential projects could not cause significant changes to surface and groundwater uses or adversely impact threatened or endangered species.

Mr. Speaker, H.R. 2880 would, for the first time, allow additional entities, including private partners, to join as co-licensees with municipalities in order to take advantage of the municipal preference. That preference would continue for such a private-public partnership even at the point that the municipality does not retain a majority interest in the project.

H.R. 2880, Mr. Speaker, also mandates FERC to hold a workshop and issue guidance within 6 months of enactment to assist license applicants for closed-loop pumped storage projects at abandoned mine sites. Mr. Speaker, this provision would allow for these abandoned mines, many of which may already have the infrastructure in place to accommodate these projects, to be repurposed, potentially putting unemployed mining communities back to work.

So, Mr. Speaker, H.R. 2880 is a much-needed, bipartisan, critical piece of legislation that would help to increase the number of low-carbon hydropower projects, while also taking into account the needs and interests of impacted local stakeholders. I strongly support this bill, Mr. Speaker, and I urge all of my colleagues to do the same.

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

□ 1415

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GRIFFITH), the author of the bill.

Mr. GRIFFITH. Mr. Speaker, I want to thank Chairman WALDEN and Chairman UPTON for their cooperation and input. The teams on both sides of the aisle, the chairman of the full committee, and the chairman of the subcommittee have worked really hard to advance this important bill, and I thank them.

Hydropower is an essential component of an all-of-the-above energy strategy. We have a tremendous opportunity to expand renewable hydropower production. However, without some much-needed licensing improvements, we risk losing investment opportunities in new hydropower infrastructure.

In particular, closed-loop pumped storage hydro projects offer the opportunity to store energy for use when it is needed. In essence, it is a giant natural battery. H.R. 2880, the Promoting Closed-Loop Pumped Storage Hydropower Act, establishes an expedited licensing process for these projects.

This bill cuts unnecessary red tape that currently accompanies approval of these projects, hindering energy security and job creation.

I am excited about the possibility that some are exploring to build these facilities in abandoned mines and/or the coal fields of central Appalachia.

As a part of this, H.R. 2880 also requires FERC to hold a workshop to explore the potential opportunities for development of closed-loop projects in abandoned mine sites.

I am hopeful this will be a real benefit to our coal field regions in the form of jobs, economic development, and energy security; and I am proud of what we are doing here in an effort to make this happen.

If we can repurpose some of these mines or bring jobs in to central Appalachia that don't currently exist, it is an energy region and it is a region that understands the energy issues, and as people want to get rid of coal—I support keeping coal—but all of the above requires we also do hydropower.

I urge my colleagues to help us create new jobs in these regions by supporting this bipartisan, commonsense legislation promoting closed-loop hydropower development.

Mr. RUSH. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. PETERS), another notable outstanding member of the subcommittee.

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

I also thank Mr. GRIFFITH for introducing the Promoting Closed-Loop Pumped Storage Hydropower Act. He did valuable work to make this the bipartisan version we see today.

More electricity from hydropower is key to meeting our clean energy goals, to reducing harmful emissions that pollute our air and water and contribute to climate change.

Hydropower is one of the few carbon-free energy sources that provides a steady baseload of electricity. This bill will give closed-loop hydropower projects an expedited process for approval from FERC. It will consider interagency input through a new task force and provide appropriate protection for wildlife and endangered species while helping us grow emissions-free energy.

These closed-loop projects often integrate other forms of renewable energy, like solar, to develop a power generation cycle that is clean, secure, and reliable.

In San Diego, where large rivers and typical hydropower generation are less common, closed-loop pumped storage hydropower offers an innovative solution and can have other benefits to the region's energy and reservoir systems.

In my district, the Lake Hodges Pumped Storage Project has provided clean energy since 2012, and a new project at the San Vicente Reservoir is being considered now.

We must consider to have productive bipartisan conversations like these that produce the ultimate goal of streamlining the regulatory process so that hydropower projects can be approved more quickly while still meeting high environmental standards.

I would also like to thank Energy and Commerce Committee leadership and staff for helping advance this bill to the floor, and I urge my colleagues to support this bill.

Mr. RUSH. Mr. Speaker, I have no further speakers on this side, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further speakers either.

Again, I want to commend my colleagues for pushing this legislation, for working with both sides of the aisle. Again, my congrats to my counterpart, my ranking member on the Energy Subcommittee, and all my colleagues.

Mr. Speaker, I would urge my colleagues to vote "yes," and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 2880, as amended.

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

A motion to reconsider was laid on the table.

EXTENDING AUTHORITY TO CONDUCT TELEWORK TRAVEL EXPENSES TEST PROGRAMS

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4171) to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4171

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

SECTION 1. EXTENSION OF AUTHORITY TO CONDUCT TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5711(g) of title 5, United States Code, is amended by striking “7 years after the date of the enactment of the Telework Enhancement Act of 2010” and inserting “on December 31, 2020”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as though enacted on December 1, 2017.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4171, a bill I introduced with Congressman CONNOLLY, to extend Federal agencies' authority to conduct a telework pilot program.

The Telework Enhancement Act of 2010 provided Federal agencies, and specifically the U.S. Patent and Trademark Office, with the authority to conduct a pilot program to incentivize telework. The pilot program allows agencies to waive the reimbursement of travel costs for teleworking employees who return to headquarters for mandatory training programs.

Both agencies and employees benefit from this arrangement. Agencies benefit from having an additional tool for recruitment and retention. Agencies also realize cost savings by allowing employees to work at different locations.

For example, according to the USPTO, its telework program saved \$77.4 million in fiscal year 2016 alone. The savings are related to lower real estate costs and increased personnel retention.

In turn, teleworking employees can work from almost anywhere in the United States. The teleworking program moves USPTO employees into the communities that they serve. For example, in my State of Montana, the pilot program allowed the USPTO to place patent examiners in Bozeman, Butte, Billings, and Missoula.

Teleworking can grow opportunities in our communities that aren't close to highly populated areas that house Federal agencies. It has the promise of bringing more good-paying jobs to Montana and other rural areas across the country.

Now that agencies are seeing the cost savings associated with telework, this pilot program can be wound down. Absent congressional action, this program expired last week. However, the USPTO has requested an extension in order to allow it to budget for increased travel expenses related to paying for employees to return to agency headquarters in northern Virginia or one of its regional offices. This bill extends the program for 3 years.

I thank the congressman from Virginia (Mr. CONNOLLY), for working with me in a bipartisan fashion to bring this bill to the floor. I urge my colleagues to support the bill.

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

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

Mr. Speaker, I want to thank Representative GIANFORTE and Representative CONNOLLY for their work on this bipartisan bill to extend the authority for agencies to conduct telework pilot programs for travel expenses. The cur-

rent authority for this program expired on December 9 of this year, so passage of this bill is urgently needed. The bill extends the program until December 13 of 2020.

In February of 2012, the United States Patent and Trademark Office used this authority to initiate the Telework Enhancement Act Pilot Program. This program allows USPTO employees to work throughout the country and waives the requirement that the agency pay their travel costs for mandatory trips back to its headquarters.

According to the USPTO, the program significantly expanded the agency's teleworking workforce and allowed it to hire and retain a highly skilled workforce. The USPTO also estimates that this program has saved the agency more than \$77 million in fiscal year 2016, including \$17 million in avoided real estate costs and nearly \$32 million in reduced recruitment expenses.

The agency also cites increased productivity, work hours, employee morale, and decreased environmental impacts as benefits of the pilot. Given its benefits, it makes sense to authorize an extension of this pilot program.

Mr. Speaker, I include in the RECORD a letter that the Oversight Committee received from The National Treasury Employees Union yesterday supporting the bill.

THE NATIONAL TREASURY
EMPLOYEES UNION,
December 11, 2017.

DEAR REPRESENTATIVE: As National President of the National Treasury Employees Union, representing over 150,000 federal employees in 31 different agencies, I am writing to express NTEU's views on HR 4171, a bill to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, which is scheduled to be considered by the House tomorrow.

NTEU represents the trademark attorneys at the U.S. Patent and Trademark Office (PTO). The enhanced telework program has allowed employees to work and live in various communities across the nation, saving PTO office property costs and reducing employee turnover. We support the bipartisan legislation for a short-term extension of the pilot, which we believe has been a success for both the PTO and employees. We believe, with the expiration of this new extension, that the agency will have the experience to be able to allow national telework while covering employee travel costs.

Sincerely,

ANTHONY M. REARDON,
National President.

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

Mr. GIANFORTE. Mr. Speaker, I would make the gentlewoman from Florida (Mrs. DEMINGS) aware that I have no further speakers and I am prepared to close.

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

Mrs. DEMINGS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentlewoman from Florida and the author of the legislation and manager for their leadership on this issue as members of the Oversight Committee and indicate that I rise to support H.R. 4171.

I am a member of the Judiciary Committee and have worked very hard on patent and trade issues, and particularly the patent office, and I see this as raising the caliber of opportunity of different types of employees, which are very important. The patent office is a skilled entity, and clearly, this gives a greater opportunity for those individuals to work in places beyond Washington, D.C.

I also think it is important to note that telework is advancing, and it should not be considered less work than anyone who is at an office. I would hope that, as we look at legislation dealing with telework, that telework would not diminish the benefits that an employee gets and they would not be distinguished because they are working at home, if it was allowed, versus in an office.

So I think this is an important responsibility of the Oversight Committee, and clearly, I rise to support that. Keeping in mind that the House Judiciary Committee and the House Oversight Committee have worked together on a number of issues, I might just comment on, I think, an element that needs the cooperation of the Judiciary Committee as well.

I think, today, many of us heard of a statement being offered by the Oval Office. I would like to read part of it into the RECORD. It deals with the standards of accountability and protocol and decorum. It was sent by the Oval Office.

"Lightweight Senator Kirsten Gillibrand, a total flunky for Chuck Schumer and someone who would come to my office 'begging' for campaign contributions not so long ago (and would do anything for them), is now in the ring fighting against . . ."—I will just say the Oval Office.

This requires oversight of the appropriate committees because it is a question of protocol, dignity of the office.

I would offer to say, as a woman, I am outraged that these comments were made. I don't know what it means to say "would do anything." We all know that we do not have public finance, and members of various parties and levels of government raise fundraising dollars to communicate to their constituents. I would imagine that they go to any number of individuals who live in their State.

□ 1430

I think that Senator GILLIBRAND obviously went to an individual who lived in her State, but to silence a sitting Senator on her expression of outrage over treatment of women and to utilize a theme that has been used for decades

regarding how women rise—this is the larger question, how women rise.

Are they Ph.D.'s? Are they law enforcement? Are they secretaries or doctors? Are they teachers? Are they in businesses in Hollywood? Are they in aviation? How do they rise?

This squarely talks about, overall, all women and, frankly, I think it is important, in an oversight capacity, that the women who have asked to be heard as it relates to issues of the Oval Office should be heard, as all, in a process of combining committees, such as Oversight and Judiciary. That is our appropriate protocol.

All that I have said, I have always said that these issues should be allowed the appropriate investigation and due process, and that, I think, would be what the American people would want us to do.

So I thank the gentlewoman for yielding. I could not be on the floor, and I would be remiss, if I did not bring to the attention of my colleagues the dastardly comment that does not fit the office and, really, characterizes women, American women, since this is an issue and a statement made here in the United States, characterizes women in a highly inappropriate manner; and a professional colleague in an equal branch of government to be castigated by the Oval Office, I think an apology is warranted.

But I think an investigation is warranted for those women who have made allegations who have yet, to date, been heard, and I might add, they have yet, to date, been sued, so they have not had their day in court to be able to answer any such allegations.

I hope that our respective chairpersons and committees will investigate this in the most appropriate way forward.

And any woman that is of a generation of this time, millennials or other women, have had the allegations made against them that the only way they have risen is because they have acted in a certain manner, I don't think that that is appropriate and appropriate decorum.

With that, I support this legislation. I look forward to the answer to our request for full hearings on these women who have to have their say and to be heard regarding the protocols of the Oval Office.

The SPEAKER pro tempore. The gentlewoman and Members of the body are reminded to refrain from engaging in personalities against Members of the Senate.

Mrs. DEMINGS. Mr. Speaker, I have no additional speakers. I yield back the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr.

GIANFORTE) that the House suspend the rules and pass the bill, H.R. 4171, as amended.

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

A motion to reconsider was laid on the table.

CONVERSE VETERANS POST OFFICE BUILDING

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1208) to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1208

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

SECTION 1. CONVERSE VETERANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, shall be known and designated as the "Converse Veterans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Converse Veterans Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1208, introduced by the gentleman from Texas (Mr. CUELLAR). The bill names the United States Post Office at 9155 Schaefer Road in Converse, Texas, after the veterans from Converse. H.R. 1208 honors the veterans of Converse, Texas, for their service to this Nation.

I look forward to hearing more about the brave exploits of the Converse veterans from my colleague and the bill's sponsor, Representative HENRY CUELLAR.

In the meantime, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 1208, a bill to designate the facility of the United States Post Office located at 9155 Schaefer Road in Converse, Texas, as the Converse Veterans Post Office Building.

Every day, brave men and women in our military make great sacrifices to defend this Nation and protect our freedom. While we can never repay them for their service, naming the Converse Post Office in their honor is the least we can do.

Mr. Speaker, we should pass this bill and name this post office so that we might recognize the selfless service of our veterans and honor the sacrifices they have made for this Nation.

Mr. Speaker, I, too, urge the passage of H.R. 1208, and I reserve the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I would like to make the gentlewoman from Florida aware that I have no further speakers, and I am prepared to close.

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

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

Mr. CUELLAR. Mr. Speaker, I thank the gentlewoman from Florida for yielding and for her leadership on this issue dealing with veterans.

I also want to thank my friend from Montana for his leadership in support of veterans across the Nation.

Today, Mr. Speaker, I rise to present H.R. 1208, which will rename the post office facility in my district as the Converse Veterans Post Office Building.

Across my district, I have fine men and women of all walks of life that have honorably served our country. It is critical that we honor their service and their dedication to our Nation.

Converse alone is home to over 3,000 veterans, according to the U.S. Census Bureau. Dedicating this post office to our veterans will serve as an enduring reminder of the sacrifices that our friends, our neighbors, our families have made while serving their country. These individuals put country ahead of self, and I am proud to recognize them with the dedicating of this post office facility.

Today, I want to acknowledge one sacrifice from one individual; that is an individual from Converse, Texas, a veteran by the name of Quintin E. Cain. Mr. Cain served 23 years in the Army as a medic, where he would receive numerous medals and recognitions.

After being honorably discharged, he continued to serve the country, his country, by using the medical training that he had to train combat medic students as a civilian. We owe our freedom to veterans such as Mr. Cain, which is

why I am recognizing him and, of course, the other veterans, by dedicating this post office. He is just one example of many veterans who have made countless sacrifices for their country in the face of danger.

The bravery and the commitment of our veterans to our Nation demonstrates what it really means to be an American, the essence of being an American.

I would also like to take a moment to thank the veterans organizations throughout my district for their tireless work in providing care to our veterans when they need it. There are good men and women who work hard and provide that care to our veterans. Let us remember and express gratitude to these courageous people, the veterans, their families, as well as their care providers.

In the words of President John F. Kennedy, when he said, "A nation reveals itself not only by the men it produces, but also by the men it honors and the men it remembers"—and I would like to add, and women also—correct President John F. Kennedy.

This bill allows us to show our appreciation for the veterans, the men and women of Converse, Texas, and across the Nation, and make sure that their service and sacrifice to our country is not forgotten.

Mrs. DEMINGS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 1208.

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

A motion to reconsider was laid on the table.

SERGEANT JOHN BASILONE POST OFFICE

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2815) to designate the facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, as the "Sergeant John Basilone Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2815

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

SECTION 1. SERGEANT JOHN BASILONE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, shall be known and designated as the "Sergeant John Basilone Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant John Basilone Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 2815, introduced by the gentleman from New Jersey (Mr. LANCE). The bill names the United States Post Office at 30 East Somerset Street in Raritan, New Jersey, after Sergeant John Basilone.

Sergeant Basilone was among the first wave of marines to storm the shores of Iwo Jima on February 19, 1945. I thank Representative LANCE for introducing this bill to pay tribute to the life and sacrifice of Sergeant Basilone.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LANCE) to explain his bill.

Mr. LANCE. Mr. Speaker, I rise today to honor an American hero and a proud son of New Jersey, Gunnery Sergeant John Basilone, and I offer this bill to name the post office in Raritan, New Jersey, in his honor.

Gunnery Sergeant Basilone is an exemplar of brave service in our Armed Forces, and a member of the Greatest Generation, whose collective bravery and selflessness won World War II and liberated millions from oppression.

In Congress, there are many actions we take to honor and remember those who serve our Nation. These commendations matter. Younger generations ask whose name is inscribed on monuments and flag posts or on Federal properties; and in retelling these stories, we inspire young Americans to appreciate the generations that came before in public service.

Sergeant Basilone, indeed, has a tremendous story. Born on November 4, 1916, in Buffalo, New York, he was 1 of 10 siblings born to Salvatore and Dora Basilone. His father, an immigrant from Italy, and his mother, a native of Manville, New Jersey, decided to raise their family in the Somerset County, New Jersey, Borough of Raritan.

At just barely 18 years of age, a young Basilone decided to enlist in the United States Army in the 1930s. He would begin his military career with a tour of the Philippines.

In the Army, he was popular, extremely well-liked. He boxed and contributed to a sense of camaraderie that put the young men who were a world away from home at ease. He would later be honorably discharged from the Army and return home.

But in 1940, the trumpet summoned him again, and he re-enlisted, this time in the Marines. He would be dispatched to the height of battle in the Pacific theater.

Sergeant Basilone and many fellow marines were part of Operation Watchtower to regain territory in Guadalcanal, the site of a Japanese airfield. On August 7, 1942, the group took the airfield and defended it bravely from Japanese attempts to reconquer the territory.

In October of 1942, the Japanese began another land attack to regain control of Guadalcanal. Sergeant Basilone fought bravely for 2 days and ultimately contributed to the annihilation of a considerable portion of the Japanese regiment.

In a moment of selfless service to his fellow marines, Sergeant Basilone endured brutal enemy fire during the assault to assist nearby machine gunners in trouble.

Seeing the immediate danger, he killed eight encroaching Japanese soldiers and quickly provided aid and equipment to the pinned marines. He saved many lives that day and, in later testimony, his fellow marines credited Sergeant Basilone's gallantry and heroic conduct for saving their lives, actions that would earn him the Medal of Honor in recognition of his actions at Guadalcanal.

□ 1445

Sergeant Basilone would return home for a short time, selling war bonds to continue doing what he could for the country he loved and the work of which he was so proud.

However, staying stateside was not where he wanted to be. He volunteered to go back to the Pacific. Before he left Camp Pendleton and returned to battle, he married Lena Mae Riggi on July 10, 1944.

One of Gunnery Sergeant Basilone's greatest traits was his tremendous regard for the safety of his fellow warriors. He could not let the narrow escape in Guadalcanal happen again, so he worked diligently to train recruits on proper machine-gun use. His trainees became known as the Basilone Boys.

One of his recruits, William Douglas Lansford, spoke of the pride and confidence Gunnery Sergeant Basilone instilled in him. "We wanted to be just like him," Lansford was known to have said.

While he could have remained stateside at home with his new wife, he insisted on staying with the Basilone Boys. Gunnery Sergeant Basilone and his men stormed the shores of Iwo Jima with the first wave of marines on February 19, 1945.

The Japanese returned heavy fire. Sergeant Basilone ran toward one of the block houses, the source of Japanese fire, and quickly destroyed it with grenades and demolitions. After this, he scrambled to rescue an American tank that was trapped in a minefield.

But in a moment that will forever live in our hearts, Sergeant Basilone and a handful of his fellow marines were then hit by heavy mortar fire. He died alongside the brave men who stepped forward to serve this country and the men he wanted to return to battle to protect and defend.

Thanks to his bravery and his fellow marines, the Allied Forces were able to complete the invasion. He would be awarded, posthumously, the Navy Cross, the United States Navy's highest decoration, for his sacrifice and service on that fateful day, becoming the only marine in the war to receive both the Navy Cross and the Medal of Honor.

In the generations that have followed, Sergeant Basilone has rightfully taken his place as an American hero of the Second World War. Raritan has held a parade in his honor every September. His statue stands in the heart of the borough. His legacy of love and service to the country has been maintained by his extended family, such as his niece Kim Van Note, through the Basilone Foundation. Kim joins us today in the House gallery.

Gunnery Sergeant Basilone, more than self, his country loved, and it is that great love of country and an American spirit I hope that inspires future generations for years—might I suggest, decades—to come. It is the least we can do in the House of Representatives to name Raritan's post office in his honor. I am honored to sponsor this legislation.

Mr. GIANFORTE. I reserve the balance of my time.

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

Mr. Speaker, I am honored to join my colleagues in consideration of H.R. 2815, a bill to designate the facility of the United States Post Office located at 30 East Somerset Street in Raritan, New Jersey, as the Sergeant Basilone Post Office.

We have already heard he was born in 1916 and enlisted in the United States Army at the young age of 18. While serving in the Philippines, Sergeant Basilone developed a reputation as a championship boxer.

He returned to the United States in 1937 to begin work as a truck driver, but we have heard that that was not enough. He reenlisted in the Marines in 1940.

Sergeant Basilone earned the reputation as the marine who proved that the opposition was not invincible. Sergeant Basilone was a hero. As stated, upon his death, he was awarded a Navy Cross, the Navy's highest decoration.

Mr. Speaker, we must pass this bill to name the post office in Raritan, New Jersey, after their hometown hero so that future generations might continue to be inspired by his selfless and heroic service.

Mr. Speaker, I urge the passage of H.R. 2815, and I reserve the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I would like to make the gentlewoman from Florida aware that I have no further speakers, and I am prepared to close.

Mrs. DEMINGS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL), my colleague.

Mr. PASCRELL. Mr. Speaker, Sergeant Basilone was the first enlisted marine to receive the Congressional Medal of Honor in the war. In 1943, the Sunday News captured his picture with his award, the first that he would receive and the first of anyone in that war. I have had it in my office for the years that I have been on this particular issue, Mr. Speaker.

It is a great honor to salute Sergeant Basilone's family, a native of New Jersey, and a hero of our Italian-American community.

He started serving his country, as you already heard, very early in the U.S. Army; and then 3 years later, he enlisted in the U.S. Marine Corps, where he was sent to a position on the Tenaru River in Guadalcanal and placed in command of two sections of heavy machine guns.

Despite being outnumbered, Sergeant Basilone and his men successfully defended Henderson airfield from the Japanese assault. In the process, he crossed enemy lines to replenish ammunition, he repaired artillery, and he went several days and nights without food or sleep to lead his troops. He led his troops to victory.

Sergeant Basilone's unprecedented heroics in the Pacific theater during World War II have become part of the Marine Corps lore, and for his brave service, we worked together a few years back to immortalize John Basilone with a postage stamp. How fitting, today, we want to name a post office after him.

Thanks to the campaign that spread through the Italian-American clubs and veterans halls nationwide, the United States Postal Service's Distinguished Marines stamp series included John Basilone, beginning in 2005.

He embodied the best we could hope for in a servicemember and was a true New Jersey guy: a scrappy fighter who always wanted to be on the front lines.

After his first tour, the Marine Corps offered to commission him as an offi-

cer, but Basilone responded: I ain't no officer. I ain't no museum piece. I belong back with my outfit.

He opted to return to the front lines rather than ride out the war helping promote war bonds here at home.

Tragically, Sergeant John Basilone died when he returned to the front lines while fighting at Iwo Jima, 27 years old. He earned the Congressional Medal of Honor, the Navy Cross, the Purple Heart, and the deep appreciation of a grateful nation.

John Basilone's story was brought to life to the masses in the 2010 award-winning HBO miniseries "The Pacific." Montclair State University has a Basilone dormitory, and just last year, the U.S. Navy commissioned a destroyer as the USS *Basilone*.

I marched in that parade several years ago. I know that the people of Raritan, New Jersey, have never forgotten their favorite son, and they will be honored to have a Basilone Post Office.

Mr. Speaker, on behalf of the Italian American Congressional Delegation, I thank my colleague LEONARD LANCE for introducing this measure, and I encourage my colleagues and all Americans to learn about the storied history of Sergeant Basilone.

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

Mr. GIANFORTE. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 2815.

The question was taken.

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

Mr. GIANFORTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RUTLEDGE PEARSON POST OFFICE BUILDING

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3638) to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3638

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

SECTION 1. RUTLEDGE PEARSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, shall be known and designated as the “Rutledge Pearson Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Rutledge Pearson Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3638, introduced by the gentleman from Florida (Mr. LAWSON). The bill names the United States Post Office at 1100 Kings Road in Jacksonville, Florida, after Rutledge Pearson.

Rutledge Pearson was an educator and instrumental leader in the civil rights movement. He is remembered for his ability to attract young people to the fight for civil rights. Tragically, he was killed in a car accident in 1967. Today, we honor his legacy and service to his community in Jacksonville.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 3638, a bill to designate the facility of the United States Post Office located at 1100 Kings Road in Jacksonville, Florida, as the Rutledge Pearson Post Office Building.

Born in 1929, Rutledge Pearson graduated from New Stanton High School in 1947, before attending Tillatson College on a baseball scholarship. Following his graduation, he began playing for the Negro League's Birmingham Black Barons, but because of his race, the Jacksonville Beach Seabirds refused to allow Mr. Pearson to play on their team, deciding they would rather close the park.

His rejection, however, inspired him, and he went on to become an influential member of Jacksonville's education system and civil rights movements. He served at every level in the

NAACP, and he continued to energize and inspire young people around his community, as he did in the classroom every day.

Mr. Speaker, I am proud to be a co-sponsor of this legislation to honor Mr. Rutledge Pearson. I urge the passage of H.R. 3638, and I reserve the balance of my time.

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

Mrs. DEMINGS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LAWSON).

□ 1500

Mr. LAWSON of Florida. Mr. Speaker, I am honored to stand before you today as we move to honor the legacy of Rutledge Pearson by naming the Jacksonville Post Office in his honor. He was a tremendous leader. Rutledge Pearson was a civil rights leader, an American history teacher, and a distinguished baseball player. His legacy in Jacksonville, and especially for civil rights, is long lasting, and this is the fitting way to honor his contribution to our community.

As a young man, Rutledge Pearson had a successful baseball career, as we heard from the Congressman, with the Birmingham Black Barons of the Negro League. His talent granted him the opportunity to play major league baseball in his hometown.

However, as we heard earlier, because of his race, the Jacksonville Beach Seabirds rejected Pearson from joining the team. In fact, park officials, as was stated also earlier, said that they would rather close the park than to have this outstanding hero, baseball player, and educator play in his hometown.

This experience prepared Pearson to pursue a career in education, and, like most of us, when you pursue a career in education, you break down a lot of barriers. Rutledge Pearson was elected president of the Jacksonville branch of the NAACP and was later elected to be president of the Florida State Conference of the NAACP.

He was known for his ability to attract young people, which all of us do today, to get young people involved in the NAACP and many community organizations. Pearson was instrumental as a leader in the fight for civil rights. Little did I know that I would be on the floor speaking for this great person whom I learned about many years ago in a history class.

Pearson was instrumental in all of his efforts, especially locally and nationally, helping change Jacksonville's culture as it is today in its landscape.

Mr. Speaker, I want to thank the gentleman for the time, and I urge a “yes” vote to honor Rutledge Pearson for his contribution to the city of Jacksonville and to our Nation.

Also, little did I know, in 1970, that I would be sitting in a class in college

with Rutledge Pearson's niece. It is so exciting to have Congress honor this great leader among people throughout the State of Florida.

Mrs. DEMINGS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 3638.

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

A motion to reconsider was laid on the table.

BORINQUEENERS POST OFFICE BUILDING

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4042) to designate the facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, as the “Borinqueneers Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4042

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

SECTION 1. BORINQUEENERS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, shall be known and designated as the “Borinqueneers Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Borinqueneers Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4042 introduced by the gentleman from Florida (Mr. SOTO). The

bill names the United States Post Office at 1415 West Oak Street in Kissimmee, Florida, after the Borinqueneers.

H.R. 4042 honors the 65th Infantry Regiment of the U.S. Army known as the Borinqueneers. Congress created a special unit of Puerto Rican soldiers shortly after Puerto Rico became part of the United States in 1898. Despite years of segregation and discrimination, the Borinqueneers served admirably in World War I, World War II, and the Korean war. We owe a great debt to the many soldiers who served in this unit and fought to defend our freedom.

In April 2016, the Borinqueneers were awarded the Congressional Gold Medal by the leaders of the United States House and Senate. We honor their service and sacrifice to the country.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I am pleased to join my colleagues, particularly my colleague from central Florida, in consideration of H.R. 4042, a bill to designate the facility of the United States Post Office located in Kissimmee, Florida, as the Borinqueneers Post Office Building.

Originating in 1899, as part of the Puerto Rican Regiment of the Volunteer Army, the 65th Regiment became a part of the U.S. Army in 1908. The unit distinguished itself throughout Europe in World War II.

The 65th Regiment rapidly gained a reputation as one of the bravest and most reliable regiments and, by November 1950, had become the leading regiment by the 3rd Infantry Division.

In June of 2014, the Borinqueneers became just the second Hispanic Americans to be awarded the Congressional Gold Medal, as they were honored for the bravery and distinguished service for which they broke down racial barriers in defense of our Nation.

Mr. Speaker, I am proud to cosponsor this bill, and I look forward to passing this legislation in honor of the 65th Regiment for their service, their sacrifice, and lasting contributions to our country.

Mr. Speaker, I urge the passage of H.R. 4042, and I reserve the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I would like to make the gentlewoman from Florida aware that I have no further speakers and I am prepared to close.

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

Mrs. DEMINGS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SOTO).

Mr. SOTO. Mr. Speaker, I rise today in support of the bill, H.R. 4042. I would like to thank the gentleman from Montana and my colleague, the gentlewoman from Orlando, Florida, for their kind and historic words.

This bill would name the United States Post Office at 1415 West Oak Street in Kissimmee, Florida, after the 65th Infantry, also known as the Borinqueneers, named after the indigenous Taino word for Puerto Rico, “Borinquen,” which means, “the land of the brave Lord,” where the name of the Borinqueneers was derived from.

This was a segregated unit, one of only a few that we have in history, much like the heralded Tuskegee Army, and they fought for our country bravely even while facing discrimination and segregation. They quickly gained a well-deserved reputation as one of the 3rd Infantry’s most reliable units.

Their bravery inspired General Douglas MacArthur, then the Supreme Commander for the Allied Powers, to write: “The Puerto Ricans forming the ranks of the gallant 65th Infantry give daily proof on the battlefields of Korea of their courage, determination and resolute will to victory, their invincible loyalty to the United States and their fervent devotion to those immutable principles of human relations which the Americans of the continent and Puerto Rico have in common. They are writing a brilliant record of heroism in battle, and I am indeed proud to have to have them under my command. I wish that we could count on many more like them.”

I had the opportunity a couple of months ago to go to the demilitarized zone in Korea, and I thought, as I saw those hills and those mountains that were filled with trees and with forests again, about the stark difference that some of my constituents, whom I have gotten to speak with personally, saw there in Korea. There was nothing left but muddy, cold hills, freezing temperatures. These folks, who lived their whole lives on an island in the Caribbean, were surrounded by both the Chinese and Korean Armies. And to talk with some of our local veterans like Luis Pastrana and Lou Boria—who actually lives in Congresswoman DEMINGS’ district in Apopka—about how different what they faced that day is compared to the semi-serene DMZ now. Obviously, we face other threats there. It reminded me of just how far they had gone and what they did, literally crossing the globe to make sure that our country was safe.

As the gentleman from Montana and the gentlewoman from Florida mentioned, we ultimately recognized that valor and the fact that they fought so bravely, even in the face of discrimination, on June 10, 2014—the Congressional Gold Medal, becoming the second Hispanic set of Americans here after Roberto Clemente received this award. Many folks who were born and raised on the island and served in Korea, in World War II, and ultimately in Vietnam after the unit was desegregated, now live in Kissimmee, Flor-

ida, and in central Florida, and are represented by many of us, including Congresswoman DEMINGS.

This is a very important place to recognize a group of heroes who defied expectations and really cemented a legacy of heroism that all Americans can be proud of. I want to thank the members of the Oversight and Government Reform Committee for passing this bill favorably with unanimous consent, and I urge my colleagues to support this bill.

Mrs. DEMINGS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 4042.

The question was taken.

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

Mr. GIANFORTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

DR. WALTER S. MCAFEE POST OFFICE BUILDING

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3655) to designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the “Dr. Walter S. McAfee Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3655

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

SECTION 1. DR. WALTER S. MCAFEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, shall be known and designated as the “Dr. Walter S. McAfee Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Dr. Walter S. McAfee Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3655, introduced by the gentleman from New Jersey (Mr. SMITH). The bill names the United States Post Office at 1300 Main Street in Belmar, New Jersey, after Dr. Walter S. McAfee.

Dr. Walter McAfee was a scientist, educator, and adviser to the U.S. Army Communications-Electronics Command. He is credited as the first person to calculate the speed of the Moon.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the sponsor of the bill.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend, the gentleman from Montana, for yielding and for the support that he and the ranking member provided for this important legislation.

It is an honor to bring H.R. 3655 to the House today to designate the facility of the U.S. Postal Service located at 1300 Main Street in Belmar, New Jersey, as the Dr. Walter S. McAfee Post Office Building.

Dr. Walter McAfee was a scientist, educator, and adviser to the U.S. Army Communications-Electronics Command and the Fort Monmouth community.

Mr. Speaker, I reached out to the leaders of the Information Age Learning Center, also known as InfoAge, several months ago and asked them if they could recommend a member of their community who they believed ought to be honored in this way, and they recommended Dr. McAfee.

As some of you may know, InfoAge has been the leading organization preserving scientific history, innovation, and communications located at the former Army camp, Camp Evans, and subpost of Fort Monmouth.

Dr. McAfee was instrumental in the success of Project Diana, an effort by scientists at Camp Evans that pierced the Earth's outer atmosphere with high frequency signals, in other words, radar. It was his mathematical calculations that enabled the team to bounce the first radio signals off the Moon's surface. Without the success of his calculations that allowed for communication to occur between Earth and space, the achievements of launching the satellites into space or sending a man to the Moon would have not been possible.

It is the achievement of this extraordinary man that actually helped

launch us into the space age. During his time at Fort Monmouth, Dr. McAfee also developed sensors which were used to detect and track enemy movements during the Vietnam war. He served as director of a NATO study on surveillance and target acquisition, high-priority technologies, during the Cold War.

Dr. McAfee was the first African American to be promoted to GS-16, a supergrade civilian position in the U.S. Army Materiel Command, AMC, and to be inducted into the AMC Hall of Fame. Throughout his lifetime, his achievements were recognized through dozens of awards and honors that he received for his contribution to science and to the defense of the United States and our allies.

□ 1515

He was known for his love of learning, his high ethical standards, and great sense of humor.

He passed away in 1995 in Belmar, New Jersey. He and his wife, Viola, were married for close to 54 years and are survived by their daughters, Diane Mercedes McAfee and Marsha Bera-Morris.

I thank my colleagues for their anticipated support for this legislation.

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

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

Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 3655, a bill to designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the Dr. Walter S. McAfee Post Office Building.

Dr. McAfee was born in Texas in 1914 and earned degrees in mathematics and physics before receiving a Ph.D. in nuclear physics from Cornell University in 1949.

You have already heard that Dr. McAfee launched this country into the space age. Dr. McAfee also made important contributions, as you have heard, to this country as an adviser to the U.S. Army during the Vietnam war.

Mr. Speaker, we should pass this bill to commemorate the illustrious career of Dr. McAfee and the legacy he leaves behind through his impressive scientific accomplishments.

Mr. Speaker, I urge the passage of H.R. 3655.

I have no further speakers, and I yield back the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 3655.

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

A motion to reconsider was laid on the table.

JAMES C. "BILLY" JOHNSON POST OFFICE BUILDING

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4285) to designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the "James C. 'Billy' Johnson Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4285

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

SECTION 1. JAMES C. "BILLY" JOHNSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, shall be known and designated as the "James C. 'Billy' Johnson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "James C. 'Billy' Johnson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4285, introduced by the gentleman from New Jersey (Mr. LoBIONDO).

The bill names the United States post office building at 123 Bridgeton Pike in Mullica Hill, New Jersey, after James C. "Billy" Johnson.

Billy Johnson joined the United States Army in 1941 as a private and was later commissioned as an officer. Second Lieutenant Johnson was killed in action in 1944.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LoBIONDO), who is the sponsor of the bill.

Mr. LoBIONDO. Mr. Speaker, I thank the gentleman from Montana for yielding.

Mr. Speaker, I rise today to bring H.R. 4285, to designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica

Hill, New Jersey, as the James C. "Billy" Johnson Post Office Building, to the floor for consideration.

Second Lieutenant Johnson was born and raised in my district in Richwood, New Jersey, in 1920. Due to his strong desire to serve his country, Billy enlisted as a private in the United States Army in 1941. He was later commissioned as an officer.

He was assigned to the 370th Infantry Regiment, 92nd Division during the height of the Italian Campaign in World War II. Second Lieutenant Johnson made the ultimate sacrifice for his country when he was tragically killed in action in October of 1944.

It is because of his steadfast commitment to his country, along with his valor and dedication to his country, that I support the naming of this post office after Second Lieutenant Johnson.

Mr. Speaker, I urge passage of this legislation.

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

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

Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 4285, a bill to designate the facility of the United States Postal Service located in Mullica Hill, New Jersey, as the James C. "Billy" Johnson Post Office Building.

You have heard he was a native of Richwood, New Jersey. He attended elementary school at Mullica Hill and graduated from Glassboro High School before attending Benedict College. In 1941, he began his military service in the United States Army.

You have heard he was assigned to the Canon Company, the 370th Infantry Regiment, 92nd Division. Regretfully, he made the ultimate sacrifice in 1944, when he was tragically killed. But his legacy lives on. He serves as an inspiration to those who have benefited from his sacrifice.

Mr. Speaker, we should pass this bill to commemorate the sacrifice that Second Lieutenant Johnson made to his country. I urge the passage of H.R. 4285.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 4285.

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

A motion to reconsider was laid on the table.

CONDEMNING THE PERSECUTION OF CHRISTIANS AROUND THE WORLD

Mr. ROYCE of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 407) condemning the persecution of Christians around the world, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 407

Whereas the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) found that religious persecution is not confined to a particular region or regime and reaffirmed the commitment of the United States that religious freedom, which is the freedom of thought and conscience and the right to practice theistic and non-theistic beliefs, is the right of every individual and should never be arbitrarily abridged by any government;

Whereas the persecution of Christians is a global problem, occurring in countries across Asia, Africa, the Middle East, and the Americas;

Whereas Christians face persecution not only from Islamic extremist groups, like the Islamic State and Boko Haram, but also from other religious extremist groups and from officials at all levels of government;

Whereas the Middle East has been a home to Christians since the first century A.D., but the Christian population in the Middle East has significantly decreased over the past few decades as a result of persecution, displacement, and genocide;

Whereas such persecution ranges from social harassment and discrimination to physical violence, imprisonment, torture, enslavement, rape, and death;

Whereas Christians in Syria and Iraq have faced assault, torture, imprisonment, enslavement, and execution in a genocidal campaign by the Islamic State;

Whereas according to 2017 reports from international non-governmental organizations, the Christian population in Iraq decreased from 1,400,000 people in 2003 to just 275,000 people in 2016, as a result of displacement and genocide caused by religious extremism;

Whereas Christian holy sites in Syria have been destroyed by the Islamic State;

Whereas in 2016, approximately 200 Christians in Iran were arrested, while others have been beaten, tortured, subjected to feigned public executions, and even sentenced to death for their faith, and at least 90 remain in illegal detention;

Whereas in Saudi Arabia, Christians as well as other religious minorities face imprisonment, torture, and deportation and must practice their faith in secrecy because their houses of worship are not allowed;

Whereas on April 9, 2017, Palm Sunday, 44 people were killed in bomb attacks by the Islamic State on Coptic churches in Egypt;

Whereas the Islamic State has also claimed responsibility for the attack on a bus on May 26, 2017, in which 29 Coptic Christians were killed while traveling to a monastery in Minya, Egypt;

Whereas since the fall of the Gaddafi regime, Libya has served as a haven for militant Islamist extremist groups, like the Islamic State, which has resulted in more violent forms of Christian persecution;

Whereas the Islamic State claimed responsibility for the killing of 51 Coptic Christians in Libya in February and March of 2015;

Whereas Christian migrants from northern Africa traveling through Libya on their way to Europe have been abducted, trafficked, and forced to convert to Islam at the hands of the Islamic State;

Whereas in Afghanistan there are reports that converts to Christianity have been murdered or sent to mental hospitals;

Whereas Christians in Pakistan face accusations of blasphemy, punishable by death, and convictions and sentences for blasphemy are given despite little or no evidence;

Whereas according to Open Doors USA, approximately 600 Christian churches were attacked in Pakistan in 2016;

Whereas both Christians and Muslims in Nigeria have been massacred by Islamic extremist groups like Boko Haram;

Whereas Christian converts in Somalia often face public execution;

Whereas in 2017, a mob of 100 men attacked a Christian church in Uganda, beating and raping members of the congregation;

Whereas in May 2017, a Christian governor in Indonesia was found guilty of blasphemy and sentenced to two years in prison, in what was widely seen as a challenge to religious pluralism in Indonesia;

Whereas communist regimes have a strong history of oppressing and persecuting Christians as well as other religious minorities;

Whereas since 2013, in the Zhejiang Province of China, crosses have been removed from over 1,500 churches as part of that province's anti-cross campaign;

Whereas in China, members of Christian churches, as well as other religious minorities, that are not registered with the government face increased persecution from the Chinese state, including the risk of imprisonment and torture;

Whereas in North Korea, the practice of Christianity is prohibited and if caught, Christians are sent to forced labor camps;

Whereas in November 2016, Vietnam adopted a new "Law on Belief and Religion" that falls dramatically short of internationally accepted standards for human rights and curtails the right to religious freedom for over 8,000,000 Christians in that country;

Whereas in Mexico and Colombia, Christian church leaders have been assaulted, threatened, and in some cases killed by transnational criminal organizations and paramilitary armed groups attempting to intimidate and silence them;

Whereas religious discrimination, including the persecution of Christians, is a global human rights problem; and

Whereas the right to religious freedom is a universal right recognized by the Universal Declaration of Human Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns all violations of religious freedom and affirms that religious freedom is a fundamental right of every individual that should never be arbitrarily abridged by any government;

(2) condemns the persecution of Christians around the world;

(3) calls on discriminatory countries to cease their persecution of Christians and religious minorities and combat religious persecution carried out by extremist non-state actors; and

(4) urges the President and the heads of the governments of all countries around the world to uphold the right to religious freedom and condemn the global persecution of Christians and other religious minorities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material in the RECORD on this measure.

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

There was no objection.

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin here by thanking the gentleman from Wisconsin, Representative GLENN GROTHMAN, for his work on this resolution.

As many in our country are preparing to celebrate this season of peace and joy, thousands of Christian believers around the world are marking the holiday in a much more somber way. They are marking this holiday under a threat of persecution and under a threat of violence.

Pope Francis has said: "When we read the history of the first centuries, we read of so much cruelty toward Christians. I tell you: There is the same cruelty today, and to a greater extent."

Those were his words.

According to research, Christians today are more targeted for attack than any other body of believers.

While about 30 percent of the world's population identifies as Christian, 80 percent of all reported acts of religious persecution right now are directed at Christians. Open Doors charity reports that, each month, around the world, 300 Christians are murdered—this would be for their faith—and more than 200 churches and properties are destroyed. This is each month.

Over 770 acts of violence are committed against Christians, including beatings, abductions, rapes, arrests, and forced marriages.

For example, across the Middle East there are historic Christian communities that are only one or two generations away from extinction. These were the indigenous people to this region. In Iraq, there are now fewer than 250,000 Christians remaining of a community that once had more than 1.4 million believers.

Last Congress, the House took the lead in declaring the violence against Christians committed by ISIS in Iraq and Syria as genocide. Since then, Congress has pushed hard to make sure that these vulnerable communities are protected and receive the assistance that they need.

I have visited these communities up in northern Iraq, and I can attest to

the amount of persecution that they have been through.

Of course, our brave men and women in uniform deserve our praise for leading the fight to destroy ISIS, the so-called caliphate, allowing for the safe return of Christians and other religious minorities in the region.

We are blessed to live in this country free to enjoy our religious festivals in peace and security. We must not turn a blind eye to the atrocities happening elsewhere in the world.

With passage of this measure, we acknowledge the disturbing rise in persecution of Christians around this globe and recommit our Nation to support the religious freedom of all people.

We also call on other world leaders to end persecution of Christians and other religious minorities that are also persecuted at the national, local government, and community level. This includes persecution, of course, by violent non-state actors like terrorist groups Boko Haram and ISIS.

With this call to action, we work to advance our Nation's historic goal to promote "peace on Earth and goodwill toward men."

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

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

Mr. Speaker, I rise in support of this measure. I want to thank Mr. GROTHMAN from Wisconsin for authoring this resolution. I also thank my good friend and the chairman of the Foreign Affairs Committee, Ed ROYCE, for his leadership as always.

Mr. Speaker, freedom of worship is a basic human right, yet we see religious minorities all over the world subjected to persecution and violence.

In Iraq and Syria, ISIS has forced Christians in Mosul to convert to Islam, to pay a protection tax, and to flee or face execution. ISIS has carried out genocide against the Yazidis, the Christians, and the Shias. In Europe, we see synagogues fire-bombed and a surge of anti-Semitism across the continent. In Burma, we see government security forces engaged in ethnic cleansing against the Rohingya.

□ 1530

Freedom of religion has been a bedrock principle of open and democratic societies for centuries. It is enshrined in our founding documents, in the Universal Declaration of Human Rights, and in charters of democracies all over the world.

The freedom to worship as a person chooses or not to worship at all is a broad right that should not be restrained by a government or a fanatical group. Religious persecution holds societies back, undercuts progress, and is usually associated with a much broader assault on basic human rights.

Here in the United States, we must make it clear that it is not enough to

just guarantee religious liberty to our own people. We must speak out and act when we see this freedom, this liberty, and any other freedom under attack anywhere and hold accountable those responsible for human rights abuses.

In places like China, we see freedom of speech under attack. In Chechnya, we see LGBT individuals targeted, tortured, and executed by Putin's cronies just for whom they love. We see women's reproductive rights under attack.

We must also speak out against attacks on our press, on our right to organize, on equality for LGBT persons, and on women's right to control their own bodies. This legislation helps us send a clear message that protecting all human rights is a priority for the United States.

Finally, Mr. Speaker, we all know that America's first immigrants came here because they were fleeing religious persecution in their home countries. It would be hypocritical of us to condemn current-day religious persecution around the world and then to slam our doors shut in the face of those trying to flee such persecution. America must remain a place where those facing persecution or death can find refuge.

Mr. Speaker, I support this measure and urge my colleagues to do the same, and I reserve the balance of my time.

Mr. ROYCE of California. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. GROTHMAN), the author of this resolution.

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

Mr. Speaker, I rise in support of my resolution, H. Res. 407, condemning the persecution of Christians around the world.

The persecution of Christians is a global human rights problem that Congress needs to address. According to Open Doors' 2017 World Watch List, approximately 1 in 12 Christians around the world is experiencing persecution for their faith.

North Korea, which is one of the world's most repressive regimes, is a serious violator of international religious Christian rights, which is not surprising, given it is a communist country. Communist countries throughout history have done what they can to suppress and destroy Christians.

Human rights groups have reported that members of underground churches in North Korea have been arrested, beaten, tortured, or killed.

In another communist country, China, religious groups, including Christians, are required to register with the government. Those that do not face imprisonment and torture.

In 2016, 232 Protestants were imprisoned for their religious activities. As part of the country's anti-cross campaign, some 2,000 crosses and buildings have been demolished since 2014, according to State Department estimates.

In the Middle East, the Islamic State and other jihadist militant groups have forced Christians in Iraq, Syria, Libya, and other countries in the region to flee or risk enslavement, execution, or death. Since the U.S. invasion of Iraq in 2003, the number of Christians in Iraq has plunged from 1.5 million to just a couple hundred thousand.

In Libya, ISIS and other extremist groups have gained a stronghold in the country since the fall of Qadhafi.

I reluctantly have to point out that the Christian persecution going on in Libya and Iraq has happened after the United States decided to get involved in these countries, so we have a special responsibility to look out for the Christians there.

In Egypt, ISIS claimed responsibility for killing over 70 Coptic Christians earlier this year.

The persecution of Christians in the Middle East doesn't end with terrorists. It is institutional, as well.

Pakistan has some of the most extreme blasphemy laws in the world. In June of 2016, two Christians received death sentences for blasphemy convictions.

In Iran, approximately 200 Christians were arrested last year. At least 90 remain in illegal detention.

Acts of persecution against Christians across the globe is a violation of international law, which is why Congress must act.

Sadly, in our own country, the United States, sometimes Christians can be forced to participate in ceremonies with which they don't agree. It is kind of hard to believe that this is going on in the United States of America.

H. Res. 407 will condemn the persecution of Christians around the world. It calls for all discriminatory countries and groups to cease their persecution of religious minorities and urge world leaders to uphold the universal human right to religious freedom.

I encourage all of my colleagues to support this bipartisan resolution.

Mr. ENGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank my friend and colleague for yielding and for his incredible leadership as the ranking member on this important committee. I also thank Chairman ROYCE for his work on this issue, bringing the bill to the floor, and truly being a visionary legislator in shining a spotlight on the systematic persecution of Christians around the world. It is frightening, it is wrong, and we need to do everything we can to stop it.

Freedom of religion is a core American principle and a key component for peace and stability around the world. There are too many examples of Christian persecution. Congress must clearly condemn those atrocities.

As cofounder and co-chair of the Hellenic Caucus, I have long advocated for reforms in Turkey to respect the rights of the Ecumenical Patriarchate and reopen the Halki seminary.

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

Mr. ENGEL. Mr. Speaker, I yield the gentlewoman an additional 1 minute.

Mrs. CAROLYN B. MALONEY of New York. Boko Haram has wreaked havoc in Nigeria, killing innocent Christians and Muslims alike.

Coptic Christians in Egypt and elsewhere face the constant threat of violence, and we have seen some tragedies for this community just in the past year. The number of Coptic Christians that have been killed is truly astounding. They have laws now that, if a wall falls or any church needs repair, you cannot even repair the church.

These are just a few examples of spots around the world where Christian persecution is rampant.

Persecution against Christians and other religious minorities around the world is a security crisis, and the United States Government must remain vigilant in monitoring and response. It should be a unanimous vote in support of this important resolution.

I thank my colleagues on both sides of the aisle for bringing this to the attention of Congress and, hopefully, the world.

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

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

Mr. Speaker, protecting human rights has been and must remain a cornerstone of our foreign policy. Around the world, we see religious liberties under siege in places like Iraq, Syria, Burma, and certainly in Iran. But we also see threats to free press, rights to organize, persecution for sexual orientation, and even reproductive rights in places like China, Chechnya, and other places as well. So we must send a clear message to the world that the United States does not and will not stand idly by, and helping pass this measure helps us to say just that.

I want to thank Chairman ROYCE, as always, for his cooperation. This is strong, important, bipartisan legislation, and we should pass it unanimously.

Mr. Speaker, I urge my colleagues to join me supporting H. Res. 407, and I yield back the balance of my time.

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

Mr. Speaker, I also want to thank Mr. ENGEL for his leadership in bringing these issues to the floor and, certainly, our colleague, the cosponsor of this resolution, CAROLYN MALONEY. I thank, again, Congressman GLENN GROTHMAN for authoring this important resolution here.

Christians around the world are being assaulted, raped, tortured, and

murdered. Believers in North Korea, for example, have "disappeared" by the hundreds. They are hidden away in labor camps for decades. Many of them are worked to death, as you know by the conditions in those camps. The reason they are there is they attempted to practice their faith: Christianity.

We know that, at the hands of ISIS, brutal atrocities have risen to the level of genocide. Wherever ISIS goes, you see the consequence in the terror that is visited upon Christians, Yazidis, Jews, and other races.

In terms of the positioning that ISIS had in the Middle East, they had ready access to the Christian communities. Having visited those Christian communities in the aftermath of those attacks as they escaped into the Kurdish regions, it was absolutely heart-wrenching to hear the accounts of the survivors about what had happened among the Christians and Yazidis.

These are just a few of the examples of the persecution against Christians that is happening around the world.

I urge my colleagues to join me in this call to world leaders to work to stop the global persecution of Christians.

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

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of House Resolution 407 condemning the persecution of Christians around the world, as amended.

I am proud to stand shoulder to shoulder with all those who have been persecuted for their religious views and remain committed to fighting with you as we embark on the journey of promoting freedom of conscience, speech, association, religion, and all other freedoms that are inalienable to all humankind.

As a Member of the Tom Lantos Human Rights Commission, I continue to work with my colleagues in a bipartisan manner in order to amplify the important work of upholding religious freedom, facilitating human dignity, and protecting human rights.

As a Member of Congress, one of our charges is to understand how to improve religious freedom and diplomacy across the globe and here at home.

A good measure for this congressional call of fostering religious freedom and diplomacy is H. Res. 407 that calls on:

(1) discriminatory regimes to cease their persecution of not only Christians but all religious minorities, and

(2) the President and heads of the governments of all democratic countries to uphold the right to religious freedom and condemn the persecution of Christians and minorities.

This resolution highlights the United States foreign policy commitment to the protection and promotion of religious freedom across the globe from Indonesia, to Pakistan to Nigeria to China to name a few.

The persecution of religious minorities is a global problem, occurring in countries across the Middle East, Africa, Asia, and the Americas.

Christians, for example, face persecution not only from Islamic extremist groups, like the

Islamic State and Boko Haram, but also from other religious extremist groups and from officials at all levels of certain foreign government.

Such persecution of religious minorities ranges from social harassment and discrimination to physical violence, imprisonment, torture, enslavement, rape, and death.

Over 200 million Christians experience persecution across the globe, the majority of those are found in the Middle East. But it is important to note that Christianity is not a Western imposition on historically Islamic countries in the Middle East.

The Middle East has been a home to Christians since the first century A.D., but unfortunately the Christian population in the Middle East has significantly decreased over the past few decades as a result of persecution, displacement, and genocide.

Not only Christian lives, but also Christian holy sites have been destroyed by the Islamic State.

And not only Christians, but anyone who opposed their ruthless war on peace.

In many places, Christians must practice their faith in secrecy because churches are not allowed, and makeshift churches in homes are raided.

A loud example of this persecution is aimed at the Coptic Christians in Egypt that have faced persecution for over 50 years, and on April 9, 2017, Palm Sunday, 44 people were killed in bomb attacks by the Islamic State on Coptic churches.

The Islamic State has claimed responsibility for the attack on a bus on May 26, 2017, in which 29 Coptic Christians were killed while traveling to a monastery in Minya, Egypt;

This important resolution describes numerous instances where Christians have been attacked by terrorist groups, groups that hide behind religion as a pretext to destroy minority groups and to recklessly and harmfully seek power.

Religious minority persecution has been on the rise in Asia, primarily due to religious nationalism.

Recently, in Bangladesh, hundreds of Christians are being forced off their property, and legal action rarely results in the favor of a Christian party.

In Burma/Myanmar, since late August 2017, more than 645 thousand ethnic Rohingya have fled a campaign of ethnic cleansing by Burma's security forces and sought asylum in Bangladesh.

The Rohingya massacre is another example of religious minority persecution, overlooked and disregarded by a government that, as some may surmise, values power over people.

Not surprisingly, Christians and other dissidents of the government in North Korea are forced into harsh labor camps, where approximately 70,000 Christians are imprisoned in 2017.

All that is to say that religious discrimination is a global human rights problem and the right to religious freedom is a universal right recognized by the Universal Declaration of Human Rights.

In the 114th Congress, I introduced and continue to support legislation by my colleagues that seek to protect religious freedom and democracy which are the very bedrock of the United States Constitution.

Fighting for human rights across the globe is one of my passions and I have sought to promote and protect religious freedom such as H. Res. 290, a resolution I introduced in the last Congress condemning blasphemy laws that serve as a pretext to persecute religious minorities; that resolution was co-sponsored by our former colleague, Joseph Pitts of Pennsylvania.

Within the context of H. Res. 407 and other legislation addressing human rights, some of the issues we continue to grapple with include:

Expanding the Country of Particular Concern (CPC) list to include more countries who have not improved in their treatment of religious minorities or upholding religious freedoms;

The need for an Annual Countries of Particular Concerns Designations;

Double hatting of sanctions and indefinite waivers;

The need to designate non-state actors as violators of religious freedom;

Prosecuting Islamic state militants; and

The need to have a high functioning Department of State with appropriate leadership for both senior and junior staff, and sufficient funding.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 407, as amended.

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

A motion to reconsider was laid on the table.

REAFFIRMING A STRONG COMMITMENT TO THE UNITED STATES-MEXICO PARTNERSHIP

Mr. ROYCE of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 336) reaffirming a strong commitment to the United States-Mexico partnership.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 336

Whereas shared cultural ties, values, and beliefs connect the citizens of the United States and Mexico and have long been the foundation from which the friendly, bilateral relationship has flourished;

Whereas the United States and Mexico have benefited from a bilateral, mutually beneficial partnership focused on advancing the economic and security interests of both countries;

Whereas it is in the national interests of the United States and Mexico to continue deepening economic cooperation and security cooperation;

Whereas consecutive United States and Mexican administrations have increased bilateral defense and law enforcement cooperation on counterterrorism and counter-narcotics issues, including the illicit trafficking of weapons, money, people, and drugs across the United States southern border;

Whereas cooperation with Mexico during the administration of President Peña Nieto

has led to the extradition of more than 270 individuals facing criminal charges in the United States;

Whereas, the January 19, 2017, extradition of drug kingpin Joaquin "El Chapo" Guzman to New York was a major victory for both countries that would not have been possible without a robust United States-Mexico security partnership;

Whereas the Mérida Initiative was established in 2007 and enabled a new level of security cooperation between the United States and Mexico on a range of issues including efforts to combat transnational organized crime and promote justice reform;

Whereas the United States and Mexico have begun cooperation to address the trafficking and production of heroin and fentanyl threatening the lives of citizens in both countries;

Whereas the United States has provided almost \$2.8 billion in security assistance to Mexico through the Mérida Initiative between fiscal year 2008 and fiscal year 2017;

Whereas the United States and Mexico enjoy close diplomatic cooperation and Mexico has consistently voted with the United States at the United Nations on challenges related to Syria, North Korea, and Ukraine;

Whereas the United States and Mexico have closely collaborated at the Organization of American States (OAS) on issues related to Venezuela, where Mexico has played a leading role;

Whereas Mexico is an important security and defense partner to the United States, and regularly participates in training activities in coordination with United States Northern Command (NORTHCOM) and the North American Aerospace Defense Command (NORAD); and

Whereas the United States and Mexico launched the High Level Economic Dialogue on September 20, 2013, to help advance United States-Mexico economic and commercial priorities to promote mutual economic growth, job creation, educational exchanges and innovation, and global competitiveness: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its strong commitment to a United States-Mexico partnership based on mutual respect and the promotion of shared democratic values and principles;

(2) supports continued bilateral cooperation through the High Level Economic Dialogue on issues related to the economic well-being and security of both countries;

(3) encourages continued security cooperation between the United States and Mexican law enforcement agencies and militaries, including on violence reduction in Mexico, counterterrorism and the increased trafficking of heroin and fentanyl;

(4) supports continued engagement with Mexico to tackle regional issues and work together in international fora, including the United Nations and the Organization of American States; and

(5) supports efforts by the Government of Mexico to strengthen the rule of law, reduce corruption, and advance civil and human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include any extraneous material in the RECORD.

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

There was no objection.

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the ranking member of the Foreign Affairs Committee, Mr. ENGEL. This is his bill. Let me also say that the chairman of the Homeland Security Committee, MIKE MCCAUL, who was his primary cosponsor for this, has worked hard on this resolution. It represents a broad, bipartisan acknowledgment of the importance of the relationship between the United States of America and the country of Mexico.

The United States and Mexico share strong ties. Passage of this resolution will signal this body's commitment to strengthening our bilateral relationship with Mexico, a relationship that impacts Americans on a daily basis.

Today, the United States is grappling with challenges, just as Mexico is grappling with some challenges. We have a deadly drug crisis where more than 1,000 people a week die from opioid-related overdoses. This is a crisis that started with overprescribed pain medication here in the United States but is now fueled by heroin and fentanyl supplied by drug cartels.

We have got to strengthen our partnership with Mexico and continue working with Mexican security forces to stem the tide of these illegal drugs entering into our communities and to harden our shared border against terrorism and criminality.

This resolution also affirms the strong commercial relationship between our two countries. Mexico was the second largest export market for U.S. goods last year. It affirms our long history of cooperation on environmental and natural resource issues.

For example, this past September, our two countries signed an agreement to improve reservoir levels in Lake Mead and in the Colorado River Basin that will help prevent water shortages currently affecting Americans in the Southwest United States.

□ 1545

There are, of course, areas that I think we can improve the U.S.-Mexico relationship. Mexico needs to do more to combat the corruption that has taken its toll on its citizens' trust.

But this resolution comes at an important time in the U.S. with our relationship with Mexico and should signal to the people of Mexico that the people of the United States want to continue

to work with Mexico on matters of mutual concern, from security to combating the illegal drug trade, to strengthening our respective economies.

Mr. Speaker, I urge all of my colleagues to support this resolution, and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of this measure.

Mr. Speaker, I thank our chairman, ED ROYCE, for working with me to bring this measure to the floor, and I thank Congressman MCCAUL, the lead Republican sponsor of this resolution, as well. I am pleased to be the lead sponsor on this resolution.

After more than a decade of good progress in the U.S.-Mexico partnership, this year we have seen some things change course in a troubling way. It is a problem, and it needs to be stopped. That is why I offer this measure reaffirming our strong commitment to our relationship with Mexico. We don't want anyone there to have any kinds of questions. We believe in a strong U.S.-Mexico relationship.

Mr. Speaker, I also thank our ranking member on the Western Hemisphere Subcommittee, Mr. SIREs, and Mr. CASTRO for their efforts on this resolution and their support day in and day out for a robust U.S.-Mexico partnership.

Mr. Speaker, it is hard to overstate how important the U.S.-Mexico relationship is and the tremendous impact it has on Americans every single day. Mexico is a friend and ally. Mexico is our third largest trading partner. It is a country with which we share deep person-to-person, family, and cultural ties, and it is a country where we have painstakingly cultivated a vibrant, critical relationship between our two countries.

Over the past century, there have been many highs and lows in the U.S.-Mexico relationship. Unfortunately, sometimes, recently, we have had a lot of lows with talk about building walls and other derogatory talk about Mexicans. We don't want that to continue. We want to establish and reaffirm the strong U.S.-Mexico relationship.

In 2007, I became chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee. That was the same day that the Merida Initiative was announced by Presidents Bush and Calderon, which led to a new level of security cooperation between the United States and Mexico.

That effort wasn't perfect then and it isn't today. The civilian toll of Mexico's drug war is still far too high, and human rights violations at the federal, state, and local level in Mexico remain a serious problem. But what we gained from the Merida Initiative was an entirely new way of collaborating with the Mexican Government on a wide range of security issues.

Presidents Obama and Pena Nieto built on Merida's foundation, and one of the results was a remarkable achievement in the last hours of the Obama administration, which was the extradition of drug kingpin "El Chapo" Guzman to my hometown of New York City to stand trial. Without a strong U.S.-Mexico partnership, that would not have been possible. A decade ago, it probably would not have happened at all.

And while we absolutely don't need to waste billions of taxpayer dollars on a 2,000-mile-long wall against our southern border, what we do need is to maintain our partnership on security matters with the Mexican Government.

We want the Mexican Government to continue to reach out to us with information regarding suspected terrorists. We want to say that the Mexican Government will cooperate with us and extradite the next drug kingpin to the United States, and it goes on and on. So we cannot overemphasize just how important the U.S.-Mexico partnership is and how it keeps Americans safe on a day-to-day basis.

H. Res. 336 underscores the importance of a U.S.-Mexico relationship built on mutual respect. Mutual respect means building bridges, not walls, between our two countries; it means recognizing the vast contributions of Mexican Americans to our country and not classifying an entire population as drug dealers and rapists; it means not singling out an esteemed judge based solely on his race.

Congress has an important opportunity today to be the adult in the room and let the Mexican Government and the Mexican people know that our relationship with them is very, very important and will continue to be important. Mr. Speaker, I urge my colleagues to support this measure. I am pleased that we have support for this on both sides of the aisle.

I thank Chairman ROYCE, as always, for his cooperation and his partnership, and I reserve the balance of my time.

Mr. ROYCE of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TORRES), my good friend and colleague on the Foreign Affairs Committee, and a very valued member of the Foreign Affairs Committee.

Mrs. TORRES. Mr. Speaker, I rise in strong support of H. Res. 336, which reaffirms our strong commitment to the United States-Mexico partnership.

Mexico is our neighbor and one of our most important strategic allies. Under NAFTA and the Merida Initiative, our countries have expanded our economic and security cooperation in ways that involve almost every aspect of our lives. Our work with Mexico goes beyond the Federal Government. It is in our State and local governments. It is in our businesses and in our churches.

H. Res. 336 holds up the idea that working with Mexico has been good for our security and our economy. No one is saying that our relationship is perfect. We still have real security problems to address, especially the smuggling of guns, drugs, and money across our borders, and we need to do more—a lot more—to lift up those communities that have not benefited from NAFTA; but, on the whole, we are better off when we work together.

Working together is what makes it possible to have those tough conversations about those issues where we disagree, so we shouldn't even need to pass a resolution like this. It should be assumed. It should be common sense. But the rhetoric across this administration has made it necessary for Congress to speak out in defense of our neighbor and our ally, and we are here today speaking out.

I thank Representative ENGEL and Representative MCCAUL for their leadership, and I thank Chairman ROYCE for his ongoing work in bringing this resolution forward and ongoing work in the committee to ensure that we work on a bipartisan level.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. ROYCE of California. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. Speaker, let me close on a positive note. I believe that it is not too late to reverse course on this latest direction of U.S.-Mexico ties. At a difficult moment in our bilateral relationship, I am heartened to stand here on the House floor and listen to my colleagues on both sides of the aisle offer such robust support for the U.S.-Mexico relationship.

I again thank Chairman ROYCE and Mr. MCCAUL for their help and support of this resolution. What we need is to maintain and even strengthen our cooperation on security and economic matters with the Mexican Government. Passage of H. Res. 336 today is an excellent step. Congress really needs to lead the way.

So I thank, again, my colleagues on both sides of the aisle for supporting this resolution, and I pledge to do everything I can to continue to enhance the very important U.S.-Mexico relationship.

I think it is important to state that this relationship is not only important to Mexico, but it is important to the United States for so many different reasons. That is why I think it is important for Congress to reaffirm its support, strong support, for the U.S.-Mexico relationship.

Mr. Speaker, I thank my colleagues on both sides of the aisle for supporting this resolution, and I yield back the balance of my time.

Mr. ROYCE of California. Mr. Speaker, again, I thank the author, the rank-

ing member of the Foreign Affairs Committee, Mr. ENGEL, and I thank Congresswoman NORMA TORRES, as well, and the chairman of the Homeland Security Committee, MIKE MCCAUL, for their work on this important resolution recognizing the U.S.-Mexico partnership and recognizing our important economic relationship. As our countries continue to work together, this resolution signals our commitment to strengthen our ties with our Mexican neighbors.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 336.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REAFFIRMING THE STRATEGIC PARTNERSHIP BETWEEN THE UNITED STATES AND CANADA

Mr. ROYCE of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 357) reaffirming the strategic partnership between the United States and Canada, recognizing bilateral cooperation that advances United States national interests, and urging increased bilateral cooperation on security, economic issues, and energy, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 357

Whereas history, proximity, commerce, security, and shared democratic values underpin a close relationship between the United States and Canada;

Whereas this year marks 150 years of the Canadian Confederation;

Whereas Americans and Canadians have the longest international border and one of the largest commercial relationships in the world, with \$1.7 billion of trade and nearly 400,000 people crossing the shared border daily;

Whereas Canada is the United States second-largest trading partner and the largest export destination for United States goods and services, and a majority of States of the United States consider Canada their top export destination, with 15 States counting Canada as their top point of origin for imports;

Whereas the United States and Canada cooperate extensively within the North Atlantic Treaty Organization (NATO), and through a "Tri-Command Framework" with United States Northern Command (NORTHCOM), Canadian Joint Operations Command (CJOC), and North American Aerospace Defense Command (NORAD);

Whereas Canada has been a critical ally of the United States in the global war on terror, deploying approximately 2,800 Canadian troops in the NATO-led International Security Assistance Force (ISAF) in Afghanistan from 2006–2011, the fifth-largest national contingent in the ISAF;

Whereas 158 Canadian Armed Forces personnel bravely gave their lives while participating in the ISAF in Afghanistan;

Whereas Canada has 830 Canadian Armed Forces personnel currently serving in the Middle East in support of the United States-led coalition to counter the Islamic State;

Whereas longstanding bilateral border security cooperation between the United States and Canada protects vital United States security interests while promoting trade and travel;

Whereas the Western Hemisphere Travel Initiative, Beyond the Border Initiative, United States-Canada NEXUS Trusted Traveler Program, Border Enforcement Security Taskforces (BEST), Shiprider Integrated Cross Border Maritime Law Enforcement program, Cross Border Crime Forum, Integrated Border Enforcement Teams, and United States preclearance operations conducted at eight Canadian airports enhance United States-Canadian border security efforts;

Whereas Canada is the world's sixth-largest petroleum producer in the world and is the United States largest foreign supplier of energy, including oil, uranium, natural gas, and electricity;

Whereas Canada is the largest source of imported oil for United States refineries and while the United States produces 90 percent of the natural gas it uses, of the remaining natural gas that the United States imports, 97 percent comes from Canada;

Whereas Canada is a net exporter of electricity to the United States, with more than 30 active electricity transmission connectors between the two countries;

Whereas Canada is a strategic leader in international affairs, a member of the G7 and G20, and an important voice for democratic principles, market-oriented policies, and human rights in the United Nations, Organization for Economic Co-operation and Development (OECD), and Organization of American States; and

Whereas, on February 13, 2017, President Donald Trump and Prime Minister Justin Trudeau of Canada held their first official meeting and reaffirmed the importance of the United States-Canadian relationship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its robust commitment to the critical importance of the United States-Canada partnership;

(2) supports stronger trade relations with the Government of Canada and the creation of more American jobs;

(3) encourages greater security collaboration in the areas of defense, border security, cyber-security, and Arctic security; and

(4) supports an increased focus on energy security through greater energy infrastructure integration, including oil and natural gas and renewable sources, planning, and coordination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material in the RECORD.

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

There was no objection.

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to recognize the leadership of Mr. DUNCAN, who, until recently, served as the chairman of the Western Hemisphere Subcommittee, and Mr. GREGORY MEEKS, the ranking member, in bringing this important resolution forward.

I also want to recognize Mr. HUIZENGA, chairman of the Capital Markets, Securities, and Investments Subcommittee of the Financial Services Committee, who led the delegation this past fall with the Canada-United States Inter-Parliamentary Group in Windsor, Canada.

This resolution affirms the already strong partnership we enjoy with our neighbors to the north, while recognizing that this bilateral relationship has advanced U.S. national interests.

Canada and the U.S. share the longest international border of any countries in the world. Canada is one of the largest trading partners with the U.S., and our largest agricultural export market. U.S. exports of goods and services to Canada supported 1.6 million jobs in the United States last year.

In addition, the U.S. and Canada enjoy a very close and vital security relationship, which is seen most acutely in our close border security collaboration, as well as in defense arrangements such as NORAD and our shared NATO mutual security commitments.

Our two countries have an exceptionally close energy relationship. Canada is our largest supplier of oil, natural gas, electricity, and uranium. Our two countries collaborate on environmental concerns, particularly with our shared responsibility for the Great Lakes, which are the world's largest freshwater ecosystem and contain 20 percent of the Earth's surface freshwater.

This relationship gives Congress the opportunity to reaffirm, through this resolution, our important and close bilateral ties with Canada and to renew our commitment to growing and improving that relationship to the benefit of both countries.

Mr. Speaker, I urge my colleagues to join me in support of this measure, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 8, 2017.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN BRADY: Thank you for consulting with the Foreign Affairs Committee and agreeing to forgo a sequential referral request on House Resolution 357, Reaffirming the strategic partnership between the United States and Canada, so that the resolution may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future.

I will seek to place our letters on H. Res. 357 into the Congressional Record during floor consideration. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 11, 2017.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing with respect to H. Res. 357, reaffirming the strategic partnership between the United States and Canada, on which the Committee on Ways and Means was granted an additional referral.

As a result of your having consulted with us on H. Res. 357, I agree to waive formal consideration of this resolution so that it may move expeditiously to the floor. The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the resolution or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H. Res. 357.

Sincerely,

KEVIN BRADY,
Chairman.

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

Mr. Speaker, I rise in support of this measure.

Mr. Speaker, I want to, first of all, thank the gentleman from South Carolina (Mr. DUNCAN), who, until recently, was the chairman of the Western Hemisphere Subcommittee. We will have him back on the committee any time he wants to come. I thank him for authorizing this resolution reaffirming the importance of the strategic partnership between the United States and Canada.

I also appreciate the efforts of my good friend Mr. MEEKS as the lead

Democratic sponsor, and again, I thank Chairman ROYCE for working to bring this measure to the House floor.

□ 1600

It is only appropriate, after spending time on the House floor discussing the importance of the U.S. relationship of our neighbor to the South, that we also focus on the strategic partnership between the United States and our neighbor to the North, which, of course, is Canada.

Canada is our second largest trading partner. Interesting, Canada is our second largest trading partner—and Mexico is our third largest trading partner—with about \$1.7 billion in goods and services and 400,000 citizens in both countries crossing the border on a daily basis. Think about that, 400,000 citizens from both countries cross the U.S.-Canadian border on a daily basis.

The preclearance process makes it easy for Americans traveling to Canada to clear U.S. customs while at a number of airports in Canada and arrive back home almost as if they were on a domestic flight. Of course, our relationship goes far beyond commerce and tourism, and I am particularly pleased that H. Res. 357 takes note of the extensive cooperation between the United States and Canada at NATO.

Canada has been and remains a key U.S. ally in several international conflicts around the world, including in Afghanistan, where Canada employed 2,800 troops to the NATO-led International Security Assistance Force from 2006 to 2011.

I also want to note the crucial role that Canada has played in holding Venezuelan President Nicolas Maduro and his lackeys accountable through both multilateral action at the OAS—Organization of American States—and targeted sanctions. Most recently, I was very pleased that Canadian Foreign Minister Freeland hosted the Lima Group in Toronto in October.

Mr. Speaker, unfortunately, the U.S.-Canada relationship needs to be rejuvenated, needs to not be taken for granted. We have to work at that over time, and I think it is important that we all work at that.

As a global entity, the U.S.-Canada relationship should be a relatively even one to manage. We don't want to have jobs at risk by creating a trade war with Canada. Trade disputes between two big neighbors are normal. We should not be escalating manageable disagreements in a way that could hurt workers in both of our countries.

So I believe that we should let all the leaders know that the House is leading the way, and we hope that everyone follows Congress' lead today in affirming the importance of the U.S.-Canada relationship.

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

Mr. ROYCE of California. Mr. Speaker, I yield 4 minutes to the gentleman

from South Carolina (Mr. DUNCAN). He is the author of this resolution.

Mr. DUNCAN of South Carolina. Mr. Speaker, I thank the chairman and the Foreign Affairs Committee for helping move this resolution.

Mr. Speaker, being the former chairman of the Western Hemisphere Subcommittee on the House Foreign Affairs Committee, I rise to encourage the passage of H. Res. 357 to reaffirm the strategic partnership between the United States and Canada.

As my good friend and former United States Ambassador to Canada, David Wilkins taught me that Canada is one of our strongest allies and one of our largest and best trading partners, and we are dependent on cooperation between the nations to promote trade, security, and energy issues.

It is imperative that we protect the close partnership with Canada and the interdependent North American energy market. Enforcing the strength of our relationship with Canada would expand the size of our energy market, create more jobs, reduce energy cost for consumers, and enhance North American energy security and interdependence. I remind the administration that energy issues should be a top priority in any NAFTA negotiation, as Canada is the largest supplier of energy to the United States. Now, this includes oil, uranium, natural gas, and electricity.

We share the longest undefended border, the largest bilateral trading relationship, and one of the deepest security and energy partnerships in the world. Today, 32 States consider Canada their primary trading partner. The comprehensive trade and investment relationship, which the United States has with Canada, supports millions of jobs in goods and services on both sides of the border. The importance of this bilateral relationship is critical for both countries.

Let me conclude by saying it is vital that we continue to look for ways to strengthen our relationship with Canada, and I hope that my colleagues will support this resolution to reaffirm the importance of U.S.-Canada relations.

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

Mr. Speaker, in closing, let me say that this year marks the 150th anniversary of the Canadian Confederation. So it is appropriate that we are considering this important resolution on the House floor before 2017 comes to a close.

As was said by all the other Members, the U.S. and Canada share so much more than just our extensive borders and daily commerce. We share people-to-people ties that run generations deep and continue on a daily basis.

Today, by passing H. Res. 357, Congress has an opportunity to show our commitment to and gratitude for the U.S.-Canada relationship. We also have

an opportunity to show the world how two nations can get along with miles and miles of continuous borders.

I urge my colleagues to join me in supporting this important resolution. I again thank Chairman ROYCE and the former chairman of the Western Hemisphere Subcommittee for their work.

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

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to once again thank Representative DUNCAN and Mr. MEEKS and Mr. HUIZENGA and Mr. ENGEL for their commitment to the U.S.-Canada relationship and for bringing this important resolution forward.

This resolution affirms the already strong partnership that we enjoy with our neighbors to the North while recognizing that this bilateral relationship has advanced our national interests.

In addition to working together on trade, on border security, on energy, Canada is also a valuable partner in security. As my colleagues know, Canada is a founding member of NATO and leads a NATO battalion in Latvia—I happen to have seen that battalion recently in Latvia—while maintaining 200 Canadian military trainers in Ukraine.

Our shared values and proximity have rendered Canada one of our most important allies, and this resolution allows this body to stand together in affirming that relationship. I urge my colleagues to support this important resolution.

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

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 357, as amended.

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

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

DECEMBER 12, 2017.

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

DEAR SPEAKER RYAN: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), as amended, I am pleased to reappoint the following individuals to the United States-China Economic and Security Review Commission. These appointments would be effective January 1, 2018.

Ms. Carolyn Bartholomew of Washington, D.C.

Mr. Michael Wessel of Falls Church, VA
Thank you for your attention to these appointments.

Sincerely,

NANCY PELOSI,
Democratic Leader.

RECESS

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

Accordingly (at 4 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1634

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 4 o'clock and 34 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2396, PRIVACY NOTIFICATION TECHNICAL CLARIFICATION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 4015, CORPORATE GOVERNANCE REFORM AND TRANSPARENCY ACT OF 2017

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 115-462) on the resolution (H. Res. 657) providing for consideration of the bill (H.R. 2396) to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions, and providing for consideration of the bill (H.R. 4015) to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1638, IRANIAN LEADERSHIP ASSET TRANSPARENCY ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 4324, STRENGTHENING OVERSIGHT OF IRAN'S ACCESS TO FINANCE ACT

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 115-463) on the resolution (H. Res. 658) providing for consideration of the bill (H.R. 1638) to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes, and providing for consideration of the

bill (H.R. 4324) to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to recommit on H.R. 3971; and

Passage of H.R. 3971, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

COMMUNITY INSTITUTION MORTGAGE RELIEF ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (H.R. 3971) to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes, offered by the gentlewoman from Nevada (Ms. TITUS), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 190, nays 233, not voting 8, as follows:

[Roll No. 674]

YEAS—190

Adams	Clarke (NY)	Engel
Aguilar	Clay	Eshoo
Barragán	Cleaver	Espallat
Bass	Clyburn	Esty (CT)
Beatty	Cohen	Evans
Bera	Connolly	Foster
Beyer	Cooper	Frankel (FL)
Bishop (GA)	Correa	Fudge
Blum	Costa	Gabbard
Blumenauer	Courtney	Galleo
Blunt Rochester	Crist	Garamendi
Bonamici	Crowley	Gomez
Boyle, Brendan	Cuellar	Gonzalez (TX)
F.	Cummings	Gottheimer
Brady (PA)	Davis (CA)	Green, Al
Brown (MD)	Davis, Danny	Green, Gene
Brownley (CA)	DeFazio	Grijalva
Bustos	DeGette	Hanabusa
Butterfield	Delaney	Hastings
Capuano	DeLauro	Heck
Carbajal	DelBene	Higgins (NY)
Cárdenas	Demings	Himes
Carson (IN)	DeSaulnier	Hoyer
Cartwright	Deutch	Huffman
Castor (FL)	Dingell	Jackson Lee
Castro (TX)	Doggett	Jayapal
Chu, Judy	Doyle, Michael	Jeffries
Cicilline	F.	Johnson (GA)
Clark (MA)	Ellison	Johnson, E. B.

Jones	McNerney	Schakowsky
Kaptur	Meeks	Schiff
Keating	Meng	Schneider
Kelly (IL)	Moore	Schrader
Khanna	Moulton	Scott (VA)
Kihuen	Murphy (FL)	Scott, David
Kildee	Nadler	Serrano
Kilmer	Napolitano	Shea-Porter
Kind	Neal	Sherman
Krishnamoorthi	Nolan	Sinema
Kuster (NH)	Norcross	Sires
Langevin	O'Halleran	Slaughter
Larsen (WA)	O'Rourke	Smith (WA)
Larson (CT)	Pallone	Soto
Lawrence	Panetta	Speier
Lawson (FL)	Pascrell	Suozzi
Lee	Payne	Swalwell (CA)
Levin	Pelosi	Takano
Lewis (GA)	Perlmutter	Thompson (CA)
Lieu, Ted	Peters	Thompson (MS)
Lipinski	Peterson	Titus
Loeb	Pingree	Tonko
Lofgren	Polis	Torres
Lowenthal	Price (NC)	Tsongas
Lowey	Quigley	Vargas
Lujan Grisham,	Raskin	Veasey
M.	Rice (NY)	Vela
Luján, Ben Ray	Richmond	Velázquez
Lynch	Rosen	Visclosky
Maloney,	Roybal-Allard	Wasserman
Carolyn B.	Ruiz	Schultz
Maloney, Sean	Ruppersberger	Waters, Maxine
Matsui	Rush	Watson Coleman
McCollum	Ryan (OH)	Welch
McEachin	Sánchez	Wilson (FL)
McGovern	Sarbanes	Yarmuth

NAYS—233

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

Rice (SC)	Sessions	Wagner
Roby	Shimkus	Walberg
Roe (TN)	Shuster	Walden
Rogers (AL)	Simpson	Walker
Rogers (KY)	Smith (MO)	Walorski
Rohrabacher	Smith (NE)	Walters, Mimi
Rokita	Smith (NJ)	Weber (TX)
Rooney, Francis	Smith (TX)	Webster (FL)
Rooney, Thomas	Smucker	Wenstrup
J.	Stefanik	Westerman
Ros-Lehtinen	Stewart	Williams
Roskam	Stivers	Wilson (SC)
Ross	Taylor	Wittman
Rothfus	Tenney	Womack
Rouzer	Thompson (PA)	Woodall
Royce (CA)	Thornberry	Yoder
Russell	Tiberi	Yoho
Rutherford	Tipton	Young (AK)
Sanford	Trott	Young (IA)
Schweikert	Turner	Zeldin
Scott, Austin	Upton	
Sensenbrenner	Valadao	

NOT VOTING—8

Bridenstine	Kennedy	Sewell (AL)
DesJarlais	Pocan	Walz
Gutiérrez	Scalise	

□ 1702

Messrs. HILL, BILIRAKIS, FARENTOLD, GRAVES of Missouri, COSTELLO of Pennsylvania, ROSS, Ms. HERRERA BEUTLER, Messrs. ROSKAM, WALDEN, HURD, Mrs. McMORRIS RODGERS, Messrs. AUSTIN SCOTT of Georgia, GOODLATTE, and DUNCAN of Tennessee changed their vote from "yea" to "nay."

Mr. NOLAN and Ms. MOORE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 294, nays 129, not voting 8, as follows:

[Roll No. 675]

YEAS—294

Abraham	Blum	Collins (NY)
Aderholt	Bost	Comer
Aguilar	Boyle, Brendan	Comstock
Allen	F.	Conaway
Amash	Brady (TX)	Connolly
Amodei	Brat	Cook
Arrington	Brooks (AL)	Cooper
Babin	Brooks (IN)	Correa
Bacon	Buchanan	Costa
Banks (IN)	Buck	Costello (PA)
Barletta	Bucshon	Cramer
Barr	Budd	Crawford
Barragán	Burgess	Cuellar
Barton	Bustos	Culberson
Beatty	Byrne	Curbelo (FL)
Bera	Calvert	Curtis
Bergman	Carbajal	Davidson
Beyer	Carter (GA)	Davis (CA)
Biggs	Carter (TX)	Davis, Rodney
Bilirakis	Cartwright	DeGette
Bishop (GA)	Chabot	Delaney
Bishop (MI)	Cheney	DelBene
Bishop (UT)	Coffman	Denham
Black	Cole	Dent
Blackburn	Collins (GA)	DeSantis

Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Esty (CT)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxy
Frelinghuysen
Gabbard
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Hanabusa
Handel
Harper
Harris
Hartzler
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Himes
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Keating
Kelly (MS)
Kelly (PA)
Kilmer
Kind
King (IA)
King (NY)
Kinzinger

Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larsen (WA)
Latta
Lawson (FL)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loeb sack
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham,
M.
MacArthur
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Meeks
Messer
Mitchell
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Newhouse
Noem
Norman
Nunes
O'Halleran
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Roby

NAYS—129

Adams
Bass
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Butterfield
Capuano
Cardenas
Carson (IN)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)

Clay
Cleaver
Clyburn
Cohen
Courtney
Crist
Crowley
Cummings
Davis, Danny
DeFazio
DeLauro
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.

Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruppersberger
Russell
Rutherford
Sanford
Schneider
Schradler
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozi
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Vargas
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman
Schultz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Kelly (IL)
Khanna
Kihuen
Kildee
Langevin
Larson (CT)
Lawrence
Lee
Levin
Lewis (GA)
Lofgren
Lowenthal
Lowe
Lujan, Ben Ray
Lynch
Maloney,
Carolyn B.
Matsui
McCollum
McEachin
McGovern

Bridenstine
DesJarlais
Gutiérrez

McNerney
Meng
Moore
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Pingree
Price (NC)
Quigley
Raskin
Richmond
Rosen
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sanchez
Sarbanes

NOT VOTING—8

Kennedy
Pocan
Scalise

□ 1709

Ms. MOORE changed her vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "Nay" on Rollcall No. 674 and "Yea" on Rollcall No. 675.

ISIS IN AFRICA

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

Mr. POE of Texas. Mr. Speaker, as ISIS loses ground in Syria and Iraq, we must remain vigilant. There is a growing terrorist threat in Africa. Between January and September of 2016, the African continent suffered at least 1,426 incidents of terrorism-related violence.

Terrorism is a major challenge to peace, security, and development in Africa. Recently, the threat has grown to directly impact U.S. servicemembers serving in Africa.

Last May, a Navy SEAL was killed in an operation against al-Qaida affiliate al Shabaab, the first U.S. servicemember killed in action in Somalia since the 1993 infamous Black Hawk Down incident. Last month, an ambush by Islamist militants in Niger left four U.S. Green Berets killed. Recently, the U.S. conducted its first airstrikes against ISIS in Somalia.

Mr. Speaker, the writing is on the wall. The terrorist cancer in Africa is metastasizing. It is on its way to becoming a full-blown threat to African and American interests.

Having been displaced by war in Syria and Iraq, ISIS is finding a new home in Africa to carry out its reign of terror, and we must be mindful and vigilant.

Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sires
Slaughter
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Veasey
Velázquez
Visclosky
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

Sewell (AL)
Walz

And that is just the way it is.

□ 1715

RECOGNIZING MONTEREY COUNTY AND SANTA CRUZ COUNTY FARM BUREAUS

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

Mr. PANETTA. Mr. Speaker, I rise today to recognize the Farm Bureaus of Monterey County and Santa Cruz County.

This year, those farm bureaus will mark 100 years of serving our agriculture communities across the central coast of California. We know that those in agriculture are consistently evolving as they constantly contend with Mother Nature, mandates, immigration, and the ever-changing market.

Fortunately, the local farm bureaus' leadership and consultation has always been there to help our over 600 farmers stay competitive and keep our communities strong. The farm bureaus are an essential ingredient as to why our number one industry on the central coast is agriculture and why my home can claim the title of being the berry bowl and salad bowl of the world.

I thank and recognize the Santa Cruz County and Monterey County Farm Bureaus for their past, present, and future work for our agriculture industry and for our communities that feed our families throughout our Nation and the world.

RECOGNIZING FORMER GEORGIA STATE REPRESENTATIVE JOHN YATES

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember the life of former Georgia State Representative John Yates, who passed away on December 11 at the age of 96.

Representing Griffin, Georgia, just south of Atlanta, he was first elected to the Georgia General Assembly in 1988, and over time became one of the most inspiring officials in the State.

When he retired from government, Representative Yates was the only World War II veteran serving in the Georgia General Assembly. He was drafted into the Army in 1942, and flew a Piper Cub airplane, a small plane with a top speed of less than 100 miles an hour. He flew 200 missions adjusting artillery fire on the enemy, including at the Battle of the Bulge, earning six Air Medals and four battle stars.

After the war, he went back to school to earn his college degree and embarked on a 35-year journey with Ford Motor Company, eventually becoming a depot manager.

Representative Yates served the State of Georgia with the most humble attitude and went to great lengths to help Georgia's veterans. Anyone who was lucky enough to know Representative Yates could learn from his attitude, knowledge, and experience.

Mr. Speaker, I had the honor and privilege of serving with Representative Yates. He was a great American, a true American hero, and a fine man. He will be missed.

CONDEMNING THE SLAVE TRADE IN LIBYA

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

Mr. PAYNE. Mr. Speaker, by now, we have all seen the horrifying video of a slave auction in Libya. It is outrageous. Migrants and refugees, most of them Black Africans, are being preyed upon, held in detention camps, and bought and sold like property.

Mr. Speaker, the United States cannot stand by as an idle spectator to the plague of slavery in Libya. People are not property.

Last week, members of the Congressional Black Caucus and I met with Libya's Ambassador. She agreed that the Libyan Government will conduct a transparent investigation, but they do not have the capacity to do so. That does not absolve the United States of its responsibilities.

We must immediately investigate allegations of slavery and forced labor in Libya. We need to impose sanctions if Libya fails to end slave auctions and forced labor. We must ensure the U.S. Department of State and the U.S. Agency for International Development are adequately staffed to respond to the situation in Libya.

Mr. Speaker, Congress should adopt the bipartisan H. Res. 644, which will do all these things and more.

ATTACK ON RULE OF LAW AND DEMOCRATIC INSTITUTIONS

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

Mr. GAETZ. Mr. Speaker, I take the floor tonight, along with many of my colleagues, to fight back against an attack on the rule of law and our democratic institutions.

Right now, the investigations into Donald Trump and the prior investigation into Hillary Clinton have been infected with the virus of severe bias.

Hillary Clinton went under investigation for the mishandling of classified information and her dealings through the Clinton Foundation, which was essentially investigated by her own fan

club. Meanwhile, Robert Mueller obtained his team by fishing in the never-Trump aquarium.

Only through the antidote of transparency can we end this erosion of the rule of law and restore the American people's confidence in the institutions that we must trust to live in a civilized society.

The people in this country have a right to know what has happened within the FBI, the Department of Justice, and within Robert Mueller's team as he probes the President and his transition. But there is so much in hearing after hearing that members of the Judiciary Committee, the Intelligence Committee, and the Oversight Committee have been told we don't have a right to know as the Representatives of the people.

Let's begin with the tarmac meeting between Loretta Lynch and former President Bill Clinton.

We as the American people apparently don't have a right to know what was truly discussed. In information and reports that have been submitted to the Congress, there is extensive redacted information. So we don't get to see the substance of those communications between Loretta Lynch and former President Bill Clinton. It is deeply troubling.

We also don't get to know what the informant would tell us who had information about Russia's attempts to impair the United States' uranium assets through the now infamous Uranium One deal.

We know that there was an informant. We now know that informant wanted to come forward and give information about bribery and kickbacks that undermine America's interests.

Unfortunately, people at the Justice Department who still remain in substantial positions of power went and sought a gag order so that the Congress wouldn't learn what was happening and so the American people wouldn't learn what was happening.

Then we learn that an inspector general who wanted to raise the flag of concern regarding the deeply troubling conduct of Hillary Clinton was essentially shut down.

Mr. McCullough has now given interviews upon his departure from the intelligence community indicating that he went to James Clapper. He said that these mishaps, these potential violations of law, were serious and that they put America's national security in jeopardy. What he heard back from Mr. Clapper was that these revelations would create heartburn for the Clinton campaign.

It is ludicrous, when we have got potential bribes and kickbacks, and we have got the Clinton Foundation functioning essentially as a passthrough money laundering operation, that we wouldn't have all of the information that an inspector general would bring forward.

Mr. McCullough gave interviews where now he said that his family, his job, his agency, his mission was threatened by people in the deep state. That is not the America we need to live in. Transparency is the antidote to this type of corruption and this type of truly intolerable conduct.

Here is what we do know. We do know that the Democratic National Committee was off paying for a salacious and false dossier from the Fusion GPS company about the current President, Donald Trump. We don't know whether or not the FBI contributed funds toward that cause.

Think about that for a moment. When we asked the Attorney General and the FBI Director, were taxpayer funds used to go and obtain a dossier to discredit the President both before and after his election, we were told that we don't have a right to know and that the taxpayers don't have a right to know if their money was used in this way. It is troubling.

We also know that Nellie Ohr, the wife of a top Department of Justice official, Bruce Ohr, was actually getting paid by Fusion GPS, the company that ultimately produced this false dossier.

If that is not a conflict of interest, if that doesn't impair the credibility of this investigation, I don't know what does.

We also don't know who is in charge. We asked questions to the Attorney General regarding the nature of his recusal. Can the Attorney General appoint a second special counsel to evaluate the Clinton Foundation?

We got contradictory answers.

So as we prepare for the Deputy Attorney General Mr. Rosenstein's testimony before the Judiciary Committee tomorrow, we don't know if it is Mr. Rosenstein who can appoint a special counsel. We don't know if it is the Attorney General who has the power to do that.

We do know that the American people want it. Harvard University released a poll that said over 60 percent of the American people believe there should be a second special counsel to investigate Clinton and the Clinton Foundation, largely as a consequence of this intractable bias that we continue to see in the intelligence community.

So let's look at that bias as it is applied to Mr. Mueller and his team.

We have no idea how Bob Mueller picked the members of his team. I asked FBI Director Christopher Ray: Did people get on the Mueller team because they hate President Trump? Was there any vetting? Was there any review? Did we look at political contributions, political activity or activism from these folks?

The FBI Director would not answer my question.

So here we are, unclear as to whether or not the standard to investigate the

President was a preexisting bias against him.

Mr. Speaker, I don't believe that it is a coincidence that the Mueller team is populated by people who bring that bias with them and who seemingly have acted upon it.

Mr. Weissmann, who is Mueller's number two, attended Hillary Clinton's election night party. Are you really telling me we couldn't find a number two in the Mueller investigation who wasn't at Hillary Clinton's election night party? For goodness sake.

We also know that Mr. Weissmann sent emails to Sally Yates, praising her for directly defying an order from the President. That should have disqualified Mr. Weissmann, but we don't know if that was, in fact, the qualifying factor that led him to be on this team.

Aaron Zebley is also a member of the Mueller team. He represented Justin Cooper, who set up the Hillary Clinton email server. Could we not have found people for the Mueller team who were not involved in setting up an email server for Hillary Clinton?

He also used a hammer to smash BlackBerry's, destroying evidence. Mr. Zebley may be a witness, yet he is on the Mueller team.

Jeannie Rhee. She defended the Clinton Foundation against FOIA requests and now is involved in persecuting the President. In fact, over half of the members of the Mueller team have financially contributed to the campaigns of Barack Obama or Hillary Clinton, or both, and none of them contributed to Donald Trump.

I don't think it is a coincidence. I think it is ridiculous that the Congress doesn't have any information about how these people were selected, how they were vetted, how they were approved.

But it is not just the Mueller team. It is also the Department of Justice. Bruce Ohr, the head of counter intelligence, meets with Christopher Steele, who is the author of the dossier during the campaign. Then after the campaign, he meets with Glenn Simpson.

All the while, Bruce Ohr, working at the Department of Justice, has a spouse getting paid by the very people developing these lies about the President to discredit him. It is smoking-gun evidence of bias and conflict of interest.

But it is not just the Mueller team and the Department of Justice. It is also the FBI. Andrew McCabe is the current Deputy Director of the FBI. When he was the assistant agent in charge of the Washington field office, he was sending out emails just weeks before the 2016 election saying that the Hillary Clinton investigation would be given special status, that it would be handled by a small team at headquarters.

What that means is that Hillary Clinton got different treatment than any

other American who would have been charged with the mishandling of classified information in the Washington, D.C., area.

Absolutely outrageous. That special treatment didn't lead to a more rigorous review. We know now that James Comey was drafting the exoneration statement before even interviewing key witnesses, including Hillary Clinton herself.

□ 1730

Then you have Peter Strzok, also at the FBI. Mr. Strzok has now been discredited and demoted because he was sending 10,000 text messages back and forth with his mistress about how much he loved Hillary Clinton and hated President Trump. I don't think it is a coincidence that Mr. Strzok is the person who went in and changed the term "grossly negligent," which is a crime, to "extremely careless," in the exoneration statement about Hillary Clinton.

The Attorney General needs to do his job. He needs to appoint a special counsel to investigate Hillary Clinton because she was never investigated in earnest in the first place. He needs to tell Robert Mueller to put up or shut up.

If there is evidence of collusion, let us see it. We are almost a year into this investigation, and the only thing I see is a bias that continues to erode our institutions and our rule of law, and this Congress should stand for it no more.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PERRY).

Mr. PERRY. Mr. Speaker, I thank my good friend, the gentleman from Florida (Mr. GAETZ), for bringing this issue to the floor.

Mr. Speaker, this can all be cleared up, pretty quickly, with a little bit of transparency and with a little bit of sunlight. It comes down to the issue of: Do we have impartial justice in this country or don't we?

We are all familiar with Lady Justice. She has a blindfold over her eyes, she is holding the scale, and the scale is straight across. It is not leaning one way or the other. But, in this case, it seems—and I am going to say that kind of tongue-in-cheek—it seems like it is, like the scale is not right across, Mr. Speaker. It is heavily on one side, and the other side is way up in the air.

And let me just make a couple of points:

Deputy Director McCabe refers to the Clinton email investigation as "special."

Why is it special?

Where is it on that scale?

Is it up high or is it down low?

Why is it called special?

Why did Secretary Clinton have a team from headquarters investigate her, as opposed to the Washington field office?

Think about this:

If the FBI called you, it wouldn't be for a meeting or an interview. It would be called your deposition. You would sit there with your lawyer, and you would answer questions. And it wouldn't be when it was convenient for you. It would be when it was convenient for the FBI.

Secretary Clinton gets to have a meeting with the FBI for an interview on a Saturday morning of a holiday weekend. Now, contrast that on the scales of justice with Paul Manafort. Paul Manafort gets his home broken into in the middle of the night and dragged out of bed while he and his wife are sleeping. Something doesn't seem right to me.

You talk about the meeting on the tarmac. The FBI, in their emails, it was revealed that they wanted to get the agent that divulged the fact that that meeting occurred out on the tarmac. They weren't interested in what the meeting was about just days before Secretary Clinton was going to be deposed before this House of Representatives and be questioned and interviewed about her role in Benghazi.

Why does that happen?

It seems like the scales of justice, once again, are tipped.

Peter Strzok. He interviewed Heather Samuelson, Cheryl Mills, Bryan Pagliano, and Paul Combetta, and they all got immunity. They all got immunity.

Who gives somebody immunity without anything in return?

Okay, they got immunity. We get it. We want to know what was on the other side of that equation. I mean, this is not to apologize for, or to stick up for, Mike Flynn or for Paul Manafort. If they have committed crimes, that needs to be dealt with appropriately. Lying, period, is never appropriate.

But they didn't get this deal. These folks did get the deal. And, at the same time while they got the deal, we know via their email and interviews that they actually did lie to the FBI. Some of these folks lied to the FBI, yet Michael Flynn pleads guilty, and these guys and gals get immunity.

Do the scales of justice, Mr. Speaker, seem like they are a little bit askew?

Mr. Combetta—if that is how you pronounce his name—we know that he was out there searching for ways on the internet about how to scrub a computer. Nothing to see here, right? That seems a little odd, doesn't it?

Cheryl Mills, she got immunity, allegedly, to give up her laptop. So she got immunity; we got that. She can't be prosecuted. We got the laptop. Shouldn't the American people know what was on the laptop? Why is that information not available? Why is it that this Congress, this jurisdiction of oversight, as applied in the Constitution, has to beg and cajole the FBI and

the Department of Justice to provide documents so that we can see what happened, so that we can know, so that the American people and their representatives can know how this dossier—if you want to call it that—was constructed and how it was used? Why must we beg for that information, and why can't we get it?

Mr. Speaker, this can all be cleared up; just provide the information. There doesn't have to be another special prosecutor. Mr. Mueller can continue with his investigation and find the truth because we all want the truth. We want the truth that is impartial, not something that is fabricated because we now have an FBI that is pursuing individuals, as opposed to crimes.

The American people need to know that this isn't a tinhorn dictatorship and that we don't have government officials using the power of the Federal Government to work against their political rivals. They need to know that they can trust their FBI, and right now it doesn't seem like they can have confidence in that.

It seems like if you are on the wrong side of the scale, Mr. Speaker, it is a bad day for you. But if you are connected and you have people working for you like—oh, I don't know—Peter Strzok, Bruce Ohr, and his wife now, Andrew Weissmann, or Jeannie Rhee, I mean, as the days go on, we just keep on finding out more and more and more. And we don't find it out because they are offering it. We find it out because we have to pull it from them and just beg them and require them to come in here and force the information out of them. That is not how this is supposed to work.

We need to have confidence in our FBI, and we need to have confidence in our Department of Justice. American citizens need to have confidence in their judicial system to know that the blindfold is still on Lady Justice, that the scales are even, that we are all going to be treated evenly, and that crimes are going to be investigated, not individuals. And that there is not going to be some kind of a witch hunt or a lynch mob mentality at the Federal Government level against people with whom the political ruling class disagrees.

If it requires another special counsel, so be it. If not, it would be great if we could just clear all of this up by providing the information that this House of Representatives and the American people demand. There is no reason to keep it. It is not classified; it is not sensitive. It is information that all of us need to know so we know how our Federal Government is operating and who is being truthful with us. And then we can have confidence in the fidelity of our FBI and our Department of Justice.

Mr. GAETZ. Mr. Speaker, I yield to the gentleman from Georgia (Mr. JODY B. HICE).

Mr. JODY B. HICE of Georgia. Mr. Speaker, I thank the gentleman from Florida (Mr. GAETZ) for yielding.

I am greatly honored to be here to participate in this important discussion. We all want transparency, and for that to be in our government is critical to all of us. I am honored to be on the Oversight and Government Reform Committee where this is part of the responsibilities entrusted to us.

But after repeated scandals and misconduct, it is patently obvious to me that former Secretary of State Hillary Clinton plays by her own rules, and simply does so because of her own status, her own positions of power and influence in the government, and has been in those roles for decades. She has been getting a free pass to follow or ignore the law as she chooses, whereas it seems, on the other hand, as has already been discussed this evening, President Trump and his administration seems to get a special counsel just for sneezing. It is insane what is going on, and we, as Americans, must prioritize equal justice under the law.

Lady Justice must remain blind, and her scales must remain balanced. This is a fundamental principle for all of us as Americans—something we cherish and something we hold on to—and we are watching it change right before our eyes. It seems as though Lady Justice is peeking underneath that blindfold, and that is simply unacceptable.

Mr. Speaker, I am honored that we are coming to draw attention to this horror and this change that is taking place. The principle of blind justice is one of the most basic fundamental principles that we have in this country, and without it we are watching individuals like Mrs. Clinton and her allies act above the law and get away with things they simply ought not be getting away with. And the truth is, a breach of justice for one is a breach of justice for all of us.

Let me give you a quick example. Back in August of 2016, The New York Times reported on generous foreign donations to the Clinton Foundation, and this was done while Hillary Clinton was Secretary of State. That, in itself, ought to raise some red flags, shouldn't it? Foreign countries. And then we find out that many of these foreign countries had already tremendous human rights violations: Kuwait, for example, Saudi Arabia, Qatar, and several others, just to name a few, yet they are giving tons of money to the Clinton Foundation, while she is Secretary of State.

And then the Clintons say: Well, we were open; we disclosed all of the information about who was giving what. They tried to convince us that they went above and beyond to disclose their donors, but they did not do so.

For example, we found they failed to disclose \$2.35 million in donations from a family foundation that was linked to

the mining company, Uranium One, which we happen to be talking about tonight.

Well, who is Uranium One?

Of course, we know by now that this is a company that was taken over by Russia's state-owned nuclear energy firm, Rosatom, another decision that was signed off by Secretary of State Hillary Clinton.

The dots are pretty easy to start connecting. We, at least, have some red flags here.

Furthermore, there was a whopping \$145 million given to the Clinton Foundation by Uranium One's owners. I don't know about everyone else here, but I would certainly know it if I received over \$100 million from Russian donors. Talk about Russian collusion. Shall we talk about it? Let's have this discussion. That is the whole point of what we are talking about here this evening. I would also be very concerned that someone receiving this kind of money was free of bias or coercion when they are getting this type of money.

But let me land the plane here. There is a full-fledged investigation going on here into President Trump's interactions with Russia, but where is the investigation on Hillary Clinton's activities with the Russians?

The Obama administration attempted to sweep this situation under the rug. They let her off the hook. That is a disgrace. It is in complete disregard for our Nation's laws. And, perhaps, that in itself ought to be something else that is looked into: the Obama administration's role in all of this.

I am grateful that Attorney General Sessions is taking these allegations seriously. I am hopeful that we can get to the bottom of this and ensure that justice is served.

The FBI must investigate this thoroughly. We must have transparency to make sure that Hillary Clinton is held accountable and reaffirm that no one is above the law.

Enough is enough. We have got to go into this further.

Mr. Speaker, I thank the good gentleman from Florida (Mr. GAETZ) for his leadership on this.

Mr. GAETZ. Mr. Speaker, I yield to the gentleman from Ohio (Mr. JORDAN).

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

Mr. Speaker, did the Comey FBI and the Obama Justice Department coordinate with the Democratic Party to go after the Republican Party? Did the FBI and the Justice Department work hand in glove with the Clinton campaign to go after the Trump campaign? That is the fundamental question. That is the fundamental question.

And think about what we have learned in the last several weeks:

First, we learned that the DNC and the Clinton campaign paid for the dossier. The DNC and the Clinton campaign, which we now know are one and

the same, paid for the dossier. They first paid their law firm, who then paid Fusion GPS, who then paid Christopher Steele, who then paid Russians. This is a great irony.

We have Special Counsel Mueller investigating possible coordination between the Trump campaign and Russia to influence the 2016 Presidential election, yet we know, just as sure as I am standing on the House floor tonight, the Clinton campaign paid Russians to do what? Influence the 2016 Presidential election.

They paid for the dossier. It has been reported—and I think it happened—but it has been reported the dossier became the basis to secure warrants at the FISA court. In other words, they took this dossier, this disproven dossier, fake news, National Enquirer, garbage dossier, they dressed it all up, they spruced it all up, they took it to the FISA court and then got a judge to say: Okay, that is enough to spy on Americans.

That is what has been reported. And all of the evidence points to that actually taking place.

So they used this dossier, this disproven dossier, to spy on Americans.

And then what have we learned in just the past 5 days?

□ 1745

Bruce Ohr, the Associate Deputy Attorney General; Bruce Ohr, four doors down from Mr. Rosenstein; Bruce Ohr, the top guy at the Justice Department, in 2016, during the campaign, is meeting with the guy who wrote the dossier, meeting with Christopher Steele.

Bruce Ohr, the top guy at the Justice Department, the Associate Deputy Attorney General, and four doors down from Mr. Rosenstein is also meeting with Glenn Simpson, the guy who founded Fusion GPS, the people who paid for the dossier.

So you have got Bruce Ohr, the top official at the Justice Department, hanging out with the guy who wrote and the guy who paid for the dossier during the campaign.

Here is the kicker. I mean, you can't make this stuff up. Here is the kicker. At the same time that Bruce Ohr is meeting with him, we learn that Bruce Ohr's wife is being paid by Fusion GPS, working for the people who paid Christopher Steele to write the dossier that we believe was taken to the FISA court to secure warrants to spy on Americans associated with the Trump campaign.

We know all that happened. That is all public. We know that is the truth. Now, what Mr. GAETZ is saying—and this is why I appreciate the work that Mr. GAETZ and my colleagues are doing on this—and what we are saying: Look, give us the documents. Answer our questions, for crying out loud. And if you won't, then appoint a special counsel—a second special counsel so the American people can get the truth.

Because if this, in fact, happened—and I think it did—where you had the Justice Department, the FBI working with one campaign to go after the other campaign, working with the Clinton campaign to go after President Trump's campaign, then that is as wrong as it gets. That is something that should never take place in the United States of America.

That is why this is so important. That is why the work that Congressman GAETZ and other colleagues are doing is so important.

Again, if you are not going to do the job, Justice Department, at least appoint a second special counsel so we can get answers and we can hold people accountable who did this in this great country.

Mr. GAETZ. Mr. Speaker, I thank the gentleman from Ohio (Mr. JORDAN) for joining us on the floor this evening. I particularly thank him for his work in the Judiciary Committee and the Oversight Committee. The gentleman is correct. We just want our questions answered. We just want to know: Did these things occur that would seem to evidence collusion on the part of the Democratic Party and the Clinton campaign with Russians to influence the outcome of the election?

But our own Justice Department and our own FBI won't answer those questions. Tomorrow we have Mr. Rosenstein before the Judiciary Committee. I hope he does give us answers.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BIGGS), a fellow member of the Judiciary Committee.

Mr. BIGGS. Mr. Speaker, I thank the gentleman from Florida (Mr. GAETZ) for leading this Special Order tonight, and I am grateful for his work on this very important issue.

Mr. Speaker, I will tell you that I am very appreciative of my colleagues who also continue to work on this very important task, because this reminds me of playing a basketball game where you get there and there is a five-on-five game, except for it is not really five-on-five because the other team has got the referees on their side, they have got the scorekeeper on their side, they have got the statistics on their side, they have got the person that runs the clock on their side.

That is really what has happened here. We know that is what has happened here because of the conflict of interest and bias that has taken over and controls the Robert Mueller special investigations team. That is a team that is biased. He has got conflict of interest. Nobody is going to get a fair shake from that team.

Why is that?

Well, let's just think about this. A couple of weeks ago, we had the FBI—excuse me—Attorney General Jeff Sessions come in. He is a great guy. I asked him specifically: Do you have

any procedure to vet conflict of interest or bias on Mueller's special team or in the Department of Justice?

He said: No, we don't. We don't have that.

He doesn't have a question there. He doesn't have a process. He says: It is up to each individual to determine if they have got that conflict of interest or bias.

Well, we had Director Wray in last week. I asked him the same question. He said basically the same thing: No, we don't have a process.

Mueller doesn't have a process. In fact, it is as if the process is you need to have a conflict or bias in order to get on Mueller's special counsel team. That is what this is stacked up to be.

Well, that is where we are today. And tomorrow, when Deputy Rosenstein comes in, I am looking forward to asking him the same questions because there is conflict and there is bias. My colleagues have all iterated that tonight. It just happens over and over and over again. To get on that team, you have to have a conflict or bias.

Well, so what else is important? What else has come out of these hearings?

Well, I tell you what else has come out. I said to Director Wray: Look, we know there is a problem here. Attorney General Sessions told us that the responsibility of the person involved is to make sure they don't have a conflict. We know that there is a huge cloud that sits right there.

Well, this is outrageous. No firm in the private sector would ever allow that to go on. But here we have this—it is like a drip, drip, drip from a faucet. Every day or two, here is another conflict of interest that comes out. Maybe Mr. Strzok, maybe Mr. Ohr, maybe Mr. Ohr's wife, maybe Mr. Weissmann, maybe Mr. Zebley, maybe Mr. COOPER, maybe Jeannie Rhee. It just goes on and on.

You know what? This is ridiculous. So I asked Director Wray: Look, you have got the inspector general looking at the Hillary Clinton investigation right now and all these other investigations. What will you do if he says there was irregularities in the Hillary Clinton investigation?

He said: I would try to "unring the bell."

Think about that. He says he is willing to unring the bell. I asked him what he meant. So he talked about personnel decisions. Maybe someone needs to be let go, disciplined, retrained, whatever. Maybe they will come up with a process to vet conflicts of interest and bias investigations.

But I pressed him a little bit harder. I asked him: When you get to unring the bell, if you have irregularities in the Hillary Clinton investigation, will you commit to reopen the investigation?

Now, he didn't commit, but he indicated very strongly he would reopen that Hillary Clinton investigation.

That is what needs to happen now. We know that there were irregularities. We know that that is what the inspector general is going to find. And I tell you this: We have got to stop making this administration play a stacked team when the other team has nothing but biased and conflicted investigators who control the clock, who control the score, who control the statistics, who control the referees. That is what you have going on here, and it must stop, and it must stop now.

With that in mind, if Attorney General Sessions, if Director Wray, and if Mr. Rosenstein do not provide the information Congress has asked, they should be held in contempt.

Mr. GAETZ. Mr. Speaker, I thank the gentleman from Arizona (Mr. BIGGS) for his leadership on the Judiciary Committee. He is absolutely right. We have to get answers to these questions. And if we don't, then Congress can never have confidence in the outcome of any investigation. And if we can't have confidence, then our constituents, the American people, certainly can't either.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GOHMERT), another member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, I do appreciate the concerns of my friends here in Congress because this is just incredible.

You know, many of us have read, understood what happened during Watergate, and we thought surely there have been enough things put in as checks to prevent an administration from totally co-opting the Department of Justice. No one President should be able to have an administration that is powerful enough that it could be a self-sustaining party where all of the powers, whether it is the IRS that has people in key places that prevent people from guilt giving, for example, proper tax status to opponents of an administration so that they stand a better chance of being defeated in running for a second election.

It happened in the Obama administration. And to the great embarrassment or what should be embarrassment of the Obama administration, of the IRS, and of the United States Congress, nothing was done. It appears crimes were committed. Nothing was done.

We are just aghast.

How could this happen?

Surely the DOJ would jump into the IRS and correct this and stop this so that the IRS could not be weaponized as a political tool. I mean, Nixon may have dreamed of that at some point, but we are not aware of it.

I mean, it is just hard to believe that anybody would anticipate using the powers of government in such a flagrant form as we are finding out almost every day now. New allegations, not just—not allegations; new facts show that corruption and political ani-

mus and anything but justice was being conducted for a number of years in the Department of Justice.

You know, as an assistant district attorney in east Texas, as a judge getting to know and hearing so many different Federal agents testify, most people felt like, gosh, if the FBI comes in, these are the guys in the white hats. But much of America has seen what can only be styled as real corruption that has turned those white hats into a stinking brown for some of the top people.

We heard Christopher Wray, the FBI Director, saying: You know, I think of the FBI and I think about these thousands of great Federal agents across the country who care about their country and protecting people's lives and protecting the law.

Well, yeah, I think about that, too, until my mind comes back here to Washington, and not just a swamp, but areas that have become a cesspool. It is unbelievable to think—I mean, I saw “All the President's Men” the other night about Watergate and Deep Throat. And as I watched, oh, my gosh, you mean somebody in the White House may have had contact with somebody that may have had funds that could be used?

I mean, you look at what is coming out in the news every day and it makes that look like Keystone Cops—nothing compared to the extent that this administration used the Justice Department.

And going back to the IRS, what did Rosenstein or all these other great Justice Department officials do for us in cleaning up the mess at the IRS?

Nothing, nothing, nothing.

What did Eric Holder and Loretta Lynch do to clean things up?

Well, they just kept dumping more and more dirt in that washing machine.

Just when you thought it couldn't get any worse, then you find that a reporter sees the husband of someone being investigated in a clandestine meeting, in an area they thought nobody would notice.

And what do they want to do at the Justice Department?

We find out they want to go after that reporter. They want to go after that reporter because this reporter actually was reporting some things that might help get some things cleaned up.

They say: We don't want things cleaned up. We want to keep our little cesspool tight and friendly, where we know all the players and all the swamp rats.

We have got to have a massive clean out of what has been happening, but it is not happening.

□ 1800

Then we find out, gee, there was this investigation regarding Russia trying to violate the law, pay bribes, pay pay-

offs, anything they could do to corner the market on uranium and get United States uranium in their own control. And, gee, who ends up having their fingerprints on that? A guy named Rosenstein.

In fact, then you see one of the people involved in the investigation of corruption and uranium and payoffs, well, there is Rod Rosenstein's name. Now, he has an assistant sign for him asking the judge to seal the records so we can't know exactly what all was done by the FBI.

It is kind of like we find out there is someone, the undercover agent that the FBI was using, that the Justice Department was using, and they get an agreement, a nondisclosure agreement. I mean, the only reason I can think of they would want a nondisclosure agreement at the FBI is so that the informant wouldn't turn around and talk about how dirty they have been. I mean, why would they get a nondisclosure agreement?

I might expect the guy who was the informant demanding a nondisclosure agreement from the FBI and from the Justice Department: You can't talk about what all I did; you can't talk about the things I did because the people I was working undercover for you on, they might try to kill me, so I demand a nondisclosure agreement from the Justice Department, from the FBI, so you won't disclose things that will get me killed.

But, no, that is not what happened. Under the Obama administration, Loretta Lynch “Injustice Department,” we have a nondisclosure agreement that the person who risked his life couldn't disclose what was going on. Sounds like somebody, to me, at the FBI and the Justice Department had a pretty dirty conscience and they didn't want to be outed. And at every turn: Oh, well, that was sealed. Oh, well, that is a nondisclosure agreement. Oh, you can't have access to that.

The FBI and the Justice Department and people that we have been questioning have really kind of gotten themselves in a position where they are above the law. They are above Congress. And in this country, the branch that the Founders thought would have the least control ever—that was the judiciary; they are small; they don't really have any power—they are legislating and running the executive branch from under their robes.

At the same time, you have got the executive branch and the Department of Justice that has become a new playground for people who want to write like Kafka, ginning up charges, knocking down doors in the wee hours of the morning: Oh, were they a threat?

Well, no, not really, but we just need to intimidate them. It is what we do in the Justice Department nowadays. We are the Department of intimidation.

I am telling you, Mr. Speaker, there has got to be a material change. There

has got to be. There are too many people currently in the Justice Department and the top of the FBI—not these fine young agents across the country who have given everything they had, even though Mueller removed their ability to have wise counsel because he got rid of the long-toothed people that had the experience and the wisdom to know how to bring these agents along. He purged the training materials so FBI agents could not know how to discern if somebody had been radicalized.

There is just so much, that almost needs to start from scratch; and we are having to deal with the players like Rosenstein who have been in that system as they were part of the process while it was corroding and, really, infecting.

I thank my friends for caring enough about what is going on to stand up and raise Cain. But, like I said, you know, just when you think, well, that has got to be the final shoe dropping, then we have this story that the wife of the demoted DOJ official actually worked for the firm that put together, was behind, the anti-Trump dossier that we believe may very likely have been used in order to surveil the Trump campaign, in order to use the DOJ, working in collusion with not only Russia, but also the Hillary Clinton campaign, in order to elect a candidate who had no chance otherwise.

Well, a funny thing happened on the way to using the DOJ and Fusion GPS and the Russians in order to get Hillary Clinton elected—she didn't get elected. But that certainly doesn't owe anything to Nellie Ohr or Bruce Ohr or these people who have been occupying the Department of Justice as it tainted and turned from, what Christopher Wray says, an F that stood for "fidelity" to, now, an I that stands for "infidelity."

Let's get back to fidelity in the Justice Department. Let's get back to an incorruptible Justice Department. I am hoping and praying we are heading that direction, but I am just not seeing it yet.

Mr. GAETZ. Mr. Speaker, I thank the gentleman from Texas. His perspective as a former prosecutor and former judge certainly sheds a tremendous amount of light on the stark days that we found ourselves in with this biased effort against the President of the United States.

I would also like to thank the gentleman from Ohio (Mr. JORDAN), the gentleman from Pennsylvania (Mr. PERRY), the gentleman from Georgia (Mr. JODY B. HICE), and the gentleman from Arizona (Mr. BIGGS) for their contributions not only to this Special Order, but to this critical discussion we are having in the country.

I will conclude with this, Mr. Speaker. Tomorrow, the Deputy Attorney General will raise his right hand and swear to be truthful before the Judici-

ary Committee, and we will ask these tough questions about coordination with Democrats and the DNC and, potentially, the FBI to gin up this false information about the President.

We will ask why a senior official at the Department of Justice had a spouse who was working for the company that was trying to discredit our President both before and after the election. And I hope he doesn't give the same answers that we heard from the Director of the FBI, Mr. Wray.

Mr. Wray said in response to almost all these questions: Well, we have got an inspector general. Inspector generals sniff around all these things, and if there is something wrong, we will make reforms after we hear back.

The time is now. The danger to our country is clear and present if we allow our duly-elected President to be undermined by these unfair and biased tactics. So I am hopeful that we will move past the jargon and just give straight answers to the American people to these very legitimate questions that so many of our constituents are asking.

We should also remember that the inspector general process is far from perfect. We heard from an inspector general, Mr. McCullough, who said that, when he brought forward claims, he was threatened, his family was threatened, his job was threatened, his agency was threatened, and that he did not have an opportunity to tell the American people the truth.

Mr. Speaker, the American people deserve the truth. The truth is that there was no collusion between the Trump campaign and Russia. If there was any collusion, it was the Democrats, it was the DNC, and it was this nexus between Mr. Ohr and his spouse working for the very people who were engaged in these devious tactics.

We deserve better, and we are going to be demanding better tomorrow in the Judiciary Committee.

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

WHAT IS HAPPENING HERE IN CONGRESS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, one of the tasks of having the second Special Order Hour is to find myself sitting here in this Chamber listening to the most absurd, ridiculous conversation that I think I have ever heard anywhere. My esteemed colleagues were here for the last hour in a different world, in a completely different universe, not of this world, but a different universe. And I am thinking: What in the world are they saying?

By my recollection, every one of our intelligence agencies said that Russia

was involved in the campaign and developing information that was supporting the current President. I am thinking: I think that is what I heard over the last 9, 10, almost 14 months now. And yet my colleagues are up here and in a different world.

I will tell you what it is all about. This wasn't the subject matter that I was going to talk to tonight, but it was really about another scam, another scheme that is being perpetrated. This is all about, this last hour's discussion was all about somehow turning the table so that Special Counsel Mueller is demeaned, his work is somehow not authentic so that the investigation that is coming closer and closer to the Oval Office is discredited, setting the stage for what may very, very well be an extremely important task that this House has.

As that investigation continues, we will hear even more shrill discussions from the President's supporters tearing down that investigation, undermining the integrity of it, so that when that task comes to the House of Representatives in an impeachment resolution, they will simply say: Well, his entire investigation is discredited and, therefore, we are not going to proceed.

The American public isn't buying it, gentlemen. The American public is not blind. They are not deaf. They are listening, and they are understanding that an honest investigation is underway, based upon what our intelligence agencies discovered, based upon the fact—the fact—that the Russians did hack the DNC and did hack the chairman of the Hillary Clinton campaign and then weaponized those emails that were stolen. That is a fact, gentlemen, and you cannot wash away that fact.

And from there, we now have a special prosecutor, a special counsel in place who is carrying on an investigation, and indictments have come forward and penalties have been assessed and people have pleaded guilty.

All of that is the fact, and it is pointing closer and closer to the White House; and, therefore, I understand, gentlemen, I understand why you are so upset. I suppose if I were somehow to stand here and be an advocate for the President, I might be upset, too, because the net is drawing tighter, because information is coming clearer.

So come to the floor, do what you can, do what you can to undermine the investigation; do what you can, through your falsehoods, through your incorrect interpretations of plain facts, to undermine the integrity of an investigation. I understand why you would be intent upon doing so.

But the purpose of this evening isn't that. It is something that will affect America for the next two decades, at least. The purpose of this hour is to talk to the American people about what is happening here while these foolish floor discussions are going on.

What is happening here in Congress at this moment, this week, is one of the biggest transfers of wealth ever in America's history; the transfer of wealth from the working men and women of America, from the poor, from the elderly, to the superwealthy of America.

What is happening here in Congress now, in a conference committee, is the drafting of legislation, tax legislation, that will dramatically affect the American economy for decades.

□ 1815

Transferring wealth, benefits that the elderly receive in Medicare, transferring benefits that the poor receive in food stamps, in Meals on Wheels, in Medicare, Medicaid, children's health programs; transferring those necessary benefits that these men and women need to survive, to be able to live; transferring those benefits to the superwealthy in a tax proposal that gives to the largest American corporations and to the top 1 percent, over \$5 trillion over the next decade, that is what is happening.

Here is a fact: American corporations that have already seen their share of burden to finance this government, to educate the Americans, to keep our military, to deal with national security, they have seen their share of the Federal revenues drop from some 20 percent—actually, 30 percent in 1939, 15 percent in 1960, down to somewhere in the 5 to 10 percent range. At the same time, the burden is shifted to the middle class. That is what is happening.

Here is what should be happening. Here is the way we ought to look at it. On The Mall here in Washington, we have the FDR Memorial. Etched in the marble is this: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have little."

I presented this upside down almost on purpose because that is precisely what our Republican colleagues are doing. They are taking that value and turning it upside down. Instead of doing more for those who have little, they are doing much for those who already control the greatest amount of wealth ever in the handful of a few people since the 1400s, when the Spanish Empire was ripping off the Western Hemisphere. That is what is happening.

Of all of this money, the top 1 percent and America's biggest corporations are gaining, and the rest of Americans, over the next 5 to 7 years, are going to pay for that. We have to stop this tax cut. We have to stop it because it is terrible public policy.

American corporations don't need more money. It was reported today that Apple—the world's largest, most valuable corporation, Apple, in my State of California—is sitting on \$2.5 trillion of cash today in the United

States, and another \$2.5 trillion of cash outside the United States, and they want their tax rate reduced. They are almost paying nothing now because they are able to escape American taxes.

They say: Lower the corporate tax rate so that there will be investment in America.

It ain't so. In the last 20 years, there has been a cataclysmic change in the way in which corporations use their profits.

In the 1970s, 50, 60 percent of the after-tax profits of corporations went into building their business, building new equipment, new manufacturing plants, adding employees, increasing wages. The remaining 40 percent or so went to dividends.

Where are we today?

Less than 10 percent goes to increasing a company's manufacturing, the company's employment, wages for workers.

Where does the rest of it go?

It goes to stock buybacks and to dividends. It goes to the shareholders.

And who are the shareholders?

The top 1 percent.

This is the scam of all times. They say we have got to reduce the taxes on corporations so that they will employ more Americans. If only they would.

I am sure you have heard of AT&T. Do you know what the effective tax rate of AT&T is?

Not 35 percent, not 30 percent, not even 20 percent, as this tax bill would set as the maximum rate of corporations. The effective tax rate for the last 10 years for AT&T has been 8 percent. Eight percent.

And during that time, did they use that after-tax profit to add employees, to increase wages?

No. They laid off 80,000 American workers.

What did they use that money for?

Stock buybacks, corporate executives, \$124 million to the CEO just 2 years ago.

I could go on and on, but I would like to bring to this debate Mr. CICILLINE, who has determined that there is a better deal, better wages, better future, better jobs.

Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank my colleague and friend from California for not only organizing this evening's Special Order hour, but for his long-term advocacy for working people in this country and for his extraordinary advocacy for the people of the State of California.

As my colleague described what the Republicans are attempting to do in this tax proposal, it is very clear to me that this isn't tax reform. It is not a tax bill. It is a tax scam. It is a scam in that the American people are being sold a bill of goods.

All across this country tonight, there are millions of Americans who will go to sleep tonight worrying about whether or not they are going to be able to make it through the next week, whether they have enough to pay their bills, to take care of their family, to set aside a little for their retirement. The reason that they are worried about this is they are not making enough money.

So what the Republicans propose to do in this tax bill will make that problem worse. We have spoken over the last several months about an agenda that is really at the heart of this problem, that raises incomes for families, that reduces the costs in people's lives, and that ensures that they have the tools to be successful in the 21st century.

It is an agenda that really focuses on addressing the fundamental and economic anxiety facing millions of American families all across our country. We know it is because people are struggling. They are just not making enough money.

The same can't be said of the biggest corporations in this country, where we are seeing record profits, Wall Street through the roof. So people understand something is not working right in our economy. They are struggling. They haven't seen their wages go up for a very long time. America hasn't had a raise in a long time, yet corporate profits are through the roof and the stock market is through the roof, and people are saying: This isn't working.

So what we should be doing is investing in the creation of good-paying jobs that will result in better jobs, better wages, and a better future. But what this Republican proposal does is it relies on this old Republican theory of trickle-down economics: if we just let people at the very top have more money, it is going to trickle down to the rest of us and we will all benefit.

We know this doesn't work. We have seen time and time again this doesn't work. And part of the reason it doesn't work is because people at the top can only buy so much stuff. The way you really grow the economy is you grow the middle class. Make sure people have a job, have money in their pockets to buy the goods and services that business produces.

If you go to any small business in my State of Rhode Island and you ask small-business owners, "What do you need to add an employee, to add jobs to your company," they will give you the same answer, "I need customers. I need people to buy what I make and I sell."

That is why growing the middle class and focusing on raising incomes of working people is actually how you create jobs. Those are the job creators: working people, the middle class of this country who are creating the demand that leads to job growth.

But what this tax scam does is it gives 67 percent of the tax cuts to the

top 1 percent, huge benefits for the biggest corporations in this country, further incentivizes companies to ship American jobs overseas, and to realize profits from doing that. It cuts important deductions, in the House bill at least, for student loan interest, medical expenses, State and local taxes. It is going to raise taxes on 87 million Americans, middle class folks, working people.

In order to finance this tax cut for the richest people in this country and the biggest corporations that don't need it, the middle class and working people are going to pay for it and the next generation is going to be burdened with \$1.5 trillion in debt over the next 10 years.

We are borrowing money to give tax cuts to big corporations, the wealthiest people in this country, and we are going to shoulder the next generation with that burden?

Shame on them.

So this conference committee is meeting and going to come up with some proposal that apparently is going to be pleasing to their donors.

We know in the Senate some of the donors had the provisions of the bill before Members of the Senate had them. They came out with handwritten notes in the margins because they were so desperate to get this done for the moneyed class. In fact, some of our colleagues admitted it and said something like: Look, if we don't pass this, our donors said, Don't bother calling us.

What we need is tax reform that provides a tax cut to working people and the middle class. We could have done that in a bipartisan way. The last time there was tax reform, there were hundreds of witnesses, months of testimony. This stuff is complicated.

What happened in the House?

Not one hearing, not one witness. Jammed through, as Congressman RASKIN said, in the dark of night, at the speed of light. Because the more the American people hear about this tax scam, they know it is not for them. They know they are not going to benefit. They know the same old corporate special interests that have so much influence in this town helped write this bill, and that they are going to benefit from it and they are determined to jam this through, regardless of the public sentiment.

The American people are against this bill 2-1. That number is going to grow the more people learn about it. That doesn't seem to matter.

So I thank the gentleman for inviting me tonight and allowing me to speak. He has been here longer than I have. I can say with all honesty that the day that bill passed the House was one of the worst days I have ever been in this Chamber because I know how this tax scam, this effort by the Republicans in the House is really going to hurt the American people. I have never

seen a situation in which public sentiment was so strongly opposed to this measure. Despite that, our colleagues are moving forward with it.

I don't know that my colleague has seen an occasion like this before, but I would like to hear Mr. GARAMENDI's thoughts on that.

Mr. GARAMENDI. Mr. Speaker, I actually have seen something like this before. Last summer, the repeal of the Affordable Care Act, or at least the attempt to repeal the Affordable Care Act, where 24 million Americans were going to lose their health insurance, this House rammed it right through, just totally ignoring the welfare. And I am not talking about corporate welfare. I am talking about the well-being of 24 million Americans who stood to lose their insurance.

Now that is being repeated. In fact, in this legislation, there is a provision that it would only cause 13 million Americans to lose their insurance.

So not only are they doing this tax scam, as the gentleman so well described it, but they put in a provision that would cause 13 million Americans to lose their insurance over the next several years, and 4 million Americans next year.

□ 1830

A person might say: What morality do you have? What are your values when you do that kind of thing?

So, yes, I have seen it, and we are seeing it once again.

So what is the value? It is not this. It is not the test of our progress of what we do for those who have little. It is the upside down of that. It is: How can we do more for those who have much, the top 1 percent:

Mr. CICILLINE is from Rhode Island. I am from California. I think the view from ocean to ocean and somewhere in between, there has got to be some sanity here, if you will.

Mr. CICILLINE. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from Rhode Island.

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

I think the other thing that is very important to acknowledge here, and I think we have heard the Speaker say this—we have heard Senator RUBIO make reference to this—is that the American people, I hope, understand that this is part one of a multipart story. Our Republican colleagues have made it very clear that this tax scam, this sort of giveaway to corporate America and the richest people in this country, is just part one.

Next year, after you give away \$1.5 trillion, unpaid for, you come back next year and you say: We have no money. We are going to have to cut Social Security, cut Medicare, cut Medicaid, cut Pell grants, cut investments in healthcare, and cut investments in

rebuilding the infrastructure of our country.

So our Republican colleagues are setting this up as an effort to gut Medicare and Medicaid. Let's be clear about that. You can't give away \$1.5 trillion that you don't have.

And next year they are going to be heard to say: Geez, we have no money. We have to cut all of these programs that middle class Americans and working families rely on to survive and to prosper and to get a shot. And their answer is going to be: There is no money.

And why isn't there any money? Because we gave it away to millionaires and billionaires and corporations and people who didn't need it. As a result of it, you are going to pay for it by cutting Medicare and cutting Social Security and cutting Pell grants.

The immorality of this is stunning.

So I think we have to not only defeat this tax scam, but call it out for what it is. This is an effort by our Republican colleagues to finally get what they want. I think our Speaker has said: I dreamed about it, or, I drank beer thinking about cuts to Medicare and Medicaid.

They call them entitlements. They are not entitlements. These are earned benefits that people get after a lifetime of hard work, of playing by the rules, of doing what is right.

This is phase one of a multiphase plan which will hurt working people in this country, and we have to call them out on it.

Mr. GARAMENDI. I thank the gentleman. He is absolutely correct.

It used to be, I think just 2 or 3 months ago, that, on this floor, you would hear the sound of the deficit hawks. You would hear them screaming, crying out about the huge deficit. And, indeed, we do have a huge deficit. If you take a look at the growth of the deficit, this is 2027. At the end of this tax bill, it is growing at \$500 billion a year without the additional deficit created by the tax bill. They would cry. They would lament the situation.

Suddenly—maybe it is because it is winter, and, like the Canadian geese, they flew south—they have disappeared. They are nowhere to be found around Washington, D.C. But I suspect, with the new year, as the days grow longer, as it warms up, the deficit hawks will return, and they will come back with a vengeance, just as the gentleman said.

Wait a minute. The gentleman didn't say it. He repeated what the Speaker of the House of Representatives said, what our Republican colleagues voted for in their budget proposal just ahead of this tax proposal. They said it very, very clearly. They intend to take \$500 billion out of Medicare, right out of the healthcare for seniors.

They intend—they did it in their budget. They did it in their words. The Speaker did it in his own words. They

intend to cut Medicare \$500 billion and Medicaid by \$1.5 trillion so that the deficit that they created with the tax scam that gives all of that money to the wealthy and to the corporations, they are going to take it right out of the pockets of the elderly. They are going to take it right out of the pockets of the poor.

Keep in mind that some 50 to 60 percent of Medicaid money goes to seniors in nursing homes and in extended care facilities.

Something is dramatically wrong. Where is the morality of this? Where is the human value? Where are the words? Where are the words of FDR? Blowing in the wind, long gone.

Mr. CICILLINE, I have noticed we have been joined by one of our colleagues. I don't know if she wants to join me.

Mr. CICILLINE. A very distinguished colleague.

Mr. GARAMENDI. We will just continue.

Mr. CICILLINE. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Speaker, it is important to note here—I think my memory is correct on this—that the \$1.5 trillion in debt which will be generated by this tax giveaway is exactly the same number that they cut from Medicare and Medicaid in the budget they just voted on. So we don't have to wonder whether that is the plan. They have already done it in the budget that they have proposed. And as you said, the Speaker, Senator RUBIO, and others have already acknowledged this.

So this should be clear. We are going to vote, and have already voted, to give a tax cut.

Mr. GARAMENDI. The word "we" is incorrect.

Mr. CICILLINE. The gentleman is correct. They have already voted to cut \$1.5 trillion to give a tax cut to the wealthiest people in this country, to the biggest corporations; and in order to pay for that, they intend to gut Medicare and Medicaid and a whole range of other very important investments we make, that our country makes, in supporting and strengthening the middle class.

It shouldn't be a surprise to anyone when, next year, as the gentleman said, the deficit hawks return in the warm weather to say: Oh, my goodness, there is no money. We are going to have to end the guarantee of Medicare. We are going to have to cut Social Security. We are going to have to eliminate or cut Pell grants. We are going to reduce all of these investments which matter so much to working families in this country.

They are intent on doing that. They have tried to do it for the last several years, but not to the magnitude of success that they expect when they drain the coffers by giving away the money,

which is exactly their strategy. And it is why we have to fight hard against this tax scam because it is not just a tax giveaway to people who don't need it. It is what it will do to the economy.

I think there was a New York Times analysis of 38 economists. Not one, not any economist I have ever heard of yet, has said that this tax cut will pay for itself.

We keep hearing our Republican colleagues: Oh, this is going to pay for itself. The economy is going to grow, and jobs are going to. It is a pipe dream. There is not a single economist, Republican, Democrat, Independent, who says these tax cuts will pay for themselves because, of course, they won't.

Who will pay for them? The middle class of this country.

Mr. GARAMENDI. Mr. Speaker, we have heard that argument over and over. If I am not mistaken, the economy is working pretty close to maximum right now, 3 percent. The unemployment rate is 4 percent or in that range, maybe a little lower, and the Federal Reserve is looking at increasing the interest rate to slow down the economy. Our Republican friends say they need to beef up the economy.

So tell me how it works. When the Federal Government borrows more money for this deficit, that will cause interest rates to go up because they are competing with other folks who want to borrow money. The Federal Reserve is increasing interest rates. So we can look for interest rates going up. The economy is slowing down.

So how does this increase? It just doesn't work in macroeconomic terms in any way.

But I don't want to be an economist. What I want to be is just factual. So if I might, for a moment, these are 10 popular deductions that the Republicans are limiting or repealing in their tax bill, the list of horrors: limits the State and local tax deduction, which is a big problem for California, a big problem for New York, a big problem for, really, every State because every State has taxpayers who deduct State and local taxes.

For California, in my district, 32 percent of the taxpayers use this deduction, and it is over \$10,000. We are a high-cost State, housing and so forth.

Mr. CICILLINE. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Speaker, one thing to remember there is that States that are investing in their infrastructure, investing in public safety, that are asking for local taxpayers to do their part, you punish them, and you incentivize States that are not making that investment. It is bad public policy.

Mr. GARAMENDI. The gentleman mentioned this one, but I think we need to focus on it.

Right now, if you are going to go to college, almost every person is going to have to borrow money. Student debt is over \$1.2 trillion. Young men and women who graduate are burdened by that student debt. They are not buying cars. They are not building any business. They are trying to pay off the debt. They are able to deduct the interest on that debt. It helps them out a little bit.

So what do our Republican friends do? They eliminate the interest deduction on student debt. The gentleman has spoken to this.

Mr. CICILLINE. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from Rhode Island.

Mr. CICILLINE. I started to interrupt. I was just going to say that, for young people, what this tax scam does is particularly damaging because it not only saddles the next generation with \$1.5 trillion of debt, but in addition to that, it makes their cost of pursuing higher education more expensive.

Who in their right mind thinks it is a good idea to make it harder or more expensive for young people to go to college? We ought to be making it easier and more affordable, less difficult. Young people are already graduating with enormous debt, going to a tough job market in terms of what they can earn, and the Republicans are taking away the deduction so they can finance a tax debt for the richest people in this country.

Mr. GARAMENDI. That is precisely what they are doing.

The gentleman talked earlier about a better plan. He talked about better education, about better opportunities. We know. And the gentleman and I have been on this floor talking about how to build the American economy. In that discussion, we know that the economy grows on research. It grows on research at universities all across this Nation.

What do our Republican friends do in their tax bill? They are going to make it extremely difficult to do research at the universities by placing a very onerous tax on graduate students who are working in those research institutions.

Right now, graduate students get paid a stipend, a small amount of money to do the research in those research institutions, and they get their tuition free. Our Republican colleagues, for reasons that make no sense whatsoever, would tax that tuition that is not paid. So these young men and women in these graduate studies are going to have to pay a tax, and they never receive any cash to pay the tax.

What would be the result? Universities across the entire Nation are saying: Stop it. Don't do this. We will not be able to hire graduate students to do research because they cannot afford it.

How stupid. If we are going to have a better economy, if we are going to have

better jobs, better wages, education is the essential foundation for that. And yet what do they do here with this? They go right after the students.

When it comes time for cuts—the gentleman said it before—Pell grants, other kinds of stipends, other kinds of assistance for education, gone. One of the fundamentals of the Democratic program is a better education, a better educated workforce so that there will be better jobs, better wages, better economy.

Mr. CICILLINE. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Speaker, an important part of that is doubling the investment in apprenticeship programs, career and technical education, making sure we are creating pathways to produce better wages, better jobs for a better future. And the last thing families need, because the focus has to be on raising family incomes, is a tax scam that is going to raise their taxes.

That is exactly the reverse of what most middle class and working families need. They need more money in their pockets, not less.

And when I hear my Republican colleagues say: This is a tax cut for middle class, that is not true. For 87 million Americans, their taxes will go up. For many Americans, the deductions that they take will be eliminated, and 67 percent of the tax cuts go to the top 1 percent.

So it is important, again, that they are trying to jam this through quickly because I think they understand that, if they don't, the more the American people learn about it, the less they like it, and the more they are going to attempt to stop it.

Mr. GARAMENDI. I have gone through three of the horrors here, the student loans and the graduate deductions.

We have seen disasters across America: floods, hurricanes, California fires, thousands of homes lost in California. So what does this brilliant tax thing do? It eliminates the casualty loss deduction.

□ 1845

It eliminates the casualty loss deduction. So if your home burns down in a fire—maybe it is one of the catastrophic fires that are now burning in California—your home is gone. Comes time the next year to pay your taxes, you can deduct the loss that you had incurred. Not anymore. Not what our brilliant tax writers on the Republican side would do. The casualty loss disappears.

If that is not enough, you have lost your home, you have lost your job, and you need to move. You need to move your family. They eliminate the moving expense deduction.

How is a family going to get a better job?

You used to be able—you would today—to eliminate—you would be able to write off the moving expense. But not with the tax bill.

Mr. CICILLINE. Except if you are a corporation. They keep that deduction. So think about that. If you have to move to follow your job, you can't deduct that from your taxes; but if your company moves your job overseas, the corporations can deduct the cost of moving your job.

Mr. GARAMENDI. But the individual can't deduct the moving expense to follow the job.

Mr. CICILLINE. Correct. Correct.

Mr. GARAMENDI. Mr. Speaker, something is terribly wrong here. Four in my family are teachers. It is a little thing, but it means everything. It is little. Teachers are able to deduct from their taxes \$250 for expenses that they have paid for classroom supplies. Gone. It is gone. If you want to hurt the system, stick it to the teachers.

Why would you do that?

It is not a big thing. It is a little thing, but it means everything to that classroom. It is the additional paper, the crayons, the chalkboard, whatever.

How small is that? Is that a better deal for America?

I don't think so.

The casualty loss deduction hurts. Three hundred homes in my district were lost in the October fires. The casualty loss deduction is gone. I don't know, maybe they will be able to rebuild. But when it comes time to address that deficit, I can assure you that they will do everything they can to cut the programs that would support that family as they attempt to rebuild.

So you get the program, you lose on the front end, your tax deduction is gone, and you lose on the back end when you go to get mortgage assistance.

There has got to be a better plan. There has got to be a better way to do it.

Mr. Speaker, over the years, in the last several months, Mr. CICILLINE and his colleagues on the Democratic Caucus have put together a program for a better life for Americans. It involves much of what we talked about here. It involves a tax program that is balanced, one that provides the incentives for businesses to stay in the United States. We haven't talked about the corporate tax program that allows for territorial taxing, a specific effort in this legislation to encourage corporations to go offshore where their corporate income will never be taxed.

That is not a better plan. That is not a better program for building American jobs and wages. It is a way for corporations to continue to escape. Someday soon I would hope Mr. CICILLINE and his colleagues would bring to this floor—the three of them who have put together this program on how we can build the American economy—well, the

gentleman can talk in specific ways about how we can have educational programs, apprenticeship training programs, and job training programs, how we can encourage corporations to invest in America, and how we can Make It In America.

I would love to join Mr. CICILLINE and talk about a bill that we are soon going to introduce that would require that, when we export a strategic national asset—our oil and natural gas—that it would be on American-built ships with American sailors. We could employ hundreds of thousands of people in our shipyards by changing the laws and by providing incentives for Americans to stay here and to work here.

Mr. Speaker, I know this is Mr. CICILLINE's effort. I know the gentleman wants to get to it. Perhaps we can wrap up.

Mr. CICILLINE. Absolutely. Mr. Speaker, I thank the gentleman again for including me. I look forward to the opportunity to come back and talk in more detail about the economic agenda that we collectively have put forward as the House Democrats working with the Senate Democrats that is focused on better jobs and better wages for a better future, the creation of 10 million full-time, good-paying jobs, expanded investments in apprenticeships and work-based learning, ensuring that we are providing investments in career and technical education, affordable childcare, reducing the cost of prescription drugs, rebuilding the infrastructure of our country. The list goes on and on, all focused on creating good-paying, full-time jobs, raising family incomes, reducing the costs that families bear on everything from cable bills to prescription drugs and healthcare, and making sure people have the skills necessary for the jobs of the 21st century so they can be successful.

It is exactly the opposite of what is going to be achieved in this Republican tax scam.

Mr. Speaker, I look forward to coming back with my distinguished colleagues, CHERI BUSTOS from Illinois, HAKEEM JEFFRIES from New York, and Mr. GARAMENDI so that we can talk in a lot of detail about our economic agenda that will focus on supporting and strengthening working people in this country and giving a better deal to the American people than the raw deal they are getting from our colleagues on the other side of the aisle.

Mr. GARAMENDI. Mr. Speaker, I thank Mr. CICILLINE so very much for joining me tonight.

I really want to go back and plow this field one more time. I am just a farm boy from California. I don't know that we have said it enough nor have we said it all. We do know that in this tax scam there is a \$1.4 trillion reduction in corporate taxes with no assurance that that is going to create jobs in America. But quite the opposite. It

will be a great boon for the super-wealthy, who will see their stock values go up as that additional after-tax income for the corporations is spent on stock buybacks, dividends, and executive pay.

We know that the alternative minimum tax will disappear, and that is about \$900 billion to the, again, top income earners.

We know in California and across the Nation that the State and local tax deduction will be gone. That will probably cost those 32 percent of the taxpayers—the tax filers in my district that use that deduction—\$1,000 to \$2,000 in additional taxes.

We know this is going to go on and on, and we know that the deficit is going to be increased. There may be some growth. There has been one analysis that said there may be a couple hundred billion dollars of growth, but it is not going to make up for the \$1.5 trillion deficit on top of the existing deficit.

We know the deficit hawks will be back. They have said it very clearly. They are going to come back and they are going to cut Medicare and Medicaid. We know they are going to take it out of the healthcare for the poor. They know they want to end insurance in the Affordable Care Act for 13 million Americans. All of that has been laid out. We know all of those things.

Oh, just in case you are one of those people who have high medical costs, like a senior 50 years of age, who has a serious medical condition and you have been able to deduct from your taxes the medical costs, forget it. Our Republican friends are eliminating the medical cost deduction.

Why would they do that? Why would they take after people who have serious medical problems?

Their out-of-pocket costs are covering all of that.

This is a long story, but for my colleagues here on the floor, Democratic and Republican, be very, very careful because this particular tax bill, should it ever become law, is going to take this Nation a decade, maybe two decades, to get out of from underneath the extraordinary burden that it is going to place on the American economy, on the working men and women, and on the poor in America.

The things we need to do, Mr. CICILLINE talked about infrastructure. The President says: I am going to have a \$1 trillion infrastructure program.

Really? Really? He is going to do that?

He just ripped the guts out of the American Treasury.

Where is the money?

Oh, it is going to be private money. No. He has already given up on that. His words, not mine.

So where is the public investment?

Five trillion dollars disappears. Five trillion dollars. Some of it made up by

the elimination of these deductions that I have talked about.

Still, there is at least a \$1.5 trillion hole. The only way that they can possibly make up that after giving away all of that money to the corporations, all of that money to the super-wealthy—and did I mention the estate tax?

I probably should have. The House bill eliminated the estate tax.

What does that mean to our esteemed President?

Well, he says that he is worth \$10 billion.

Who am I to argue with him?

If he is, and he were to die, it means \$4 billion less tax to his children. Four billion. Now, others say he is only worth \$4 billion. So let's take \$4 billion. For his children, it is simply a tax reduction of \$1 billion.

What does that amount to?

That is what this is about. This is all about the wealthy. This is all about those who have much. It is most definitely not about what FDR said. Etched in stone on the FDR Memorial: "The test of our progress is not whether we add more to the abundance of those who have much. It is whether we provide enough for those who have little."

So where is our heart? So what is our moral value? Is it morality? Is it right to add more to those who have much? Or is the purpose, the central value of this Nation the opposite, to add more to those who have too little?

That is where I am. That is where my Democratic colleagues are. I am afraid my Republican colleagues are proving the opposite.

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

GUN VIOLENCE

The SPEAKER pro tempore (Mr. BACON). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentlewoman from Illinois (Ms. KELLY) for 30 minutes.

GENERAL LEAVE

Ms. KELLY of Illinois. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

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

There was no objection.

Ms. KELLY of Illinois. Mr. Speaker, I yet again rise along with my colleagues because Americans are dying and this House is doing nothing. They are dying every day in their homes, in our schoolyards, and, yes, even at events hosted by Members of this House. Still we do nothing.

Mr. Speaker, every day, 93 Americans lose their lives to gun violence, and still this House has not acted.

If anything, last week, the majority passed through a dangerous bill that will put more lives, especially the lives of law enforcement officers, at risk.

Mr. Speaker, these are fathers and mothers, daughters and sons, beloved friends and dear colleagues. These are people in every one of our communities and in every one of our districts. Not one Member of this House can come to the floor and say that their community—their neighbors and their district—hasn't been affected by gun violence. Not one Member, yet we still do nothing as bullets fly and mothers cry. We do nothing as we lose children and police officers. The death, destruction, and carnage continue, and still we do nothing.

In less than a decade, two Members of this House have been shot and a staffer murdered, and even that can't move us to act and save American lives.

Mr. Speaker, at what cost does our continued silence come?

Earlier this year, I pledged to read the names of 5,950 gun violence victims into the CONGRESSIONAL RECORD—a number that should have special significance to the Speaker.

Today we continue honoring those taken from us by gun violence, and we pledge to honor their legacy through action that saves lives.

So I asked my social media followers to share their personal stories of how gun violence has torn their families and communities apart. These are their names and stories:

Lenore Draper, a community activist working to stop the violence.

Kenneth D. Mitchell, Jr., served three tours of duty in Afghanistan, Iraq, and Kuwait. He lost his life to gun violence here in America, leaving behind three sons, one of whom will never meet his father.

Thomas R. Lee was killed in Harvey, Illinois, on August 13, 2008.

Patricia May Springer.

Malcolm Dowdy was killed leaving a Memorial Day party. He had just purchased a home, was getting married, was on the dean's list, and was the proud father of a 17-month-old. His mom, Michelle, asked me to read his name.

Katie Kearns, just 24 years old, was murdered in rural Kankakee County.

John Thomas Larimer, just age 27, gave his life protecting two friends at the Aurora, Colorado, theater shooting.

Jessica Ghawi was also killed at the tragedy in Aurora, Colorado. Her mother, Sandy, asked me to read her name today.

□ 1900

Jonathan Schaffer.

Camilo Senchyna-Beltran, killed while celebrating the completion of paramedic school. Tomorrow should have been his 30th birthday.

Sterling "Steelo" G. McKenzie.

Rami Cooks.

Lashea Cretain was shot five times by a boyfriend in 1996, and survived. She reached out on Twitter, asking me to tell her story. She still lives with those bullets.

Steven Laurence, 21, a friend of my staffer, Mia.

Kenneth Bowens.

Diane Mokos Kriz, the mother of four girls, was murdered while stopping at her church on the way to the hospital where she worked. Her sister, Charlene, asked me to read her name.

Lindsay Key.

Calvin Thompson, Jr.

Kenzo Dix, just 15 years old, killed in an accident with a loaded, but unlocked, gun.

Bill Venable, 17, and his father, Billy Venable.

Tim Boyd of Chicago Heights.

Kerry Parks was killed in a drive-by shooting. Her friend Lucy asked me to read her name. She said that Kerry "was my best friend and was just playing out in her front yard like we always did. She was full of life, love, and smiles."

Maurice Hobbs.

Betsy Lowther, who left behind a husband, a daughter, and grandson. Her niece Amy asked me to read her name. She said her aunt "was a generous, loving, vibrant woman who struggled with depression."

James Williams, 21 years old.

Larry Perrine, 17 years old.

Galen Gibson, 18 years old.

Professor N. Saez.

Ricky Riggins.

Joyce Penabaker. I was asked to read her name by her son Khary. He said: "I chose to tell my daughter about my mom, her grandmother, and how she died by suicide with a gun when I was very young. I wanted my daughter to know what has motivated me to get active in the gun violence prevention movement."

Christy Owens.

Patrick Wyatt McKinley. His mother, Jeanette, asked me to read his name. He was killed in front of his home on New Year's Eve 2004, a day that should be a celebration of new beginnings.

Steven Shears.

Kimberlee Thomas and her father, Keith Thomas.

Kay Weins was taken while showing compassion to a stranger. She left behind two sons and several beautiful grandchildren. Her cousin Edward asked me to read her name.

Mr. Speaker, I yield to the gentlewoman from the Commonwealth of Massachusetts (Ms. CLARK). Since her election, Congresswoman CLARK has been a dedicated leader in efforts to protect the health and safety of American families. Congresswoman CLARK cares deeply about this issue and was the architect of the gun violence prevention sit-in.

Ms. CLARK of Massachusetts. First, I thank my colleague from Illinois, Congresswoman KELLY, for her leadership in this fight to reduce gun violence and for bringing us together this evening, as she has so many times, speaking so eloquently about gun violence, the effect in her district, and around our country.

Tonight, I would like to focus on a particular type of gun violence. It is one that happens every 16 hours in America, when a woman is fatally shot by a former or current intimate partner.

Here are some more horrific facts:

In 8 out of 10 gun deaths involving intimate partners, the victims are women.

The majority of mass shooters killed their intimate partner during their rampage, and the perpetrators of domestic violence are the shooters in more than half of all mass shootings.

Abused women are five times more likely to be killed by their abuser if their abuser has access to a firearm.

All of this adds up to a grisly reality: American women are 16 times more likely to be killed by gunshot than women in any other developed country. You don't have to look very hard to see there is something very wrong with this picture.

The most powerful Nation in the world, with our proud tradition of innovation and ingenuity, appears to be completely impotent in reducing gun violence. At least that is what our Republican leaders would like us to believe.

We do not debate or have votes on legislation that can help a domestic violence victim who wants to protect her family or wants to prevent her abusive partner from getting their hands on a gun. But if you are the gun lobby, you get a vote to allow those with a history of domestic violence to access guns.

I am here to remind my colleagues that these actions come with a devastating price. The names I am going to read tonight are names of Massachusetts women whose domestic abusers have shot them to death.

These are women who have died just in the last 5 years in Massachusetts. They are the ones who never get a vote in this Chamber. They are the ones the majority has not even tried to help:

Eugenia Gomes Monteiro.

Aracelys Valdez DeLeon.

Nicole White.

Amanda Glover.

Jeannine O'Connor.

Kelly Sugarman.

Yahaira Hernandez.

Lisa Trubnikova.

Michelle Batista.

Matilde Gabin.

Mabilia Maranhao.

Elizabeth A. Coyne.

Ramonita Colon.

Audilia DaVeiga.

Julie Treadwell.

Glomerys Martinez.

Donna Zollo.

Tyshiana Atkins.

Belinda Torres.

Keosha N. Gilmore.

Lori Levangie.

These women and other victims of gun violence deserve better, and we are doing nothing to prevent future deaths. These are just a portion of those who die every single day in this country. We can do better and we must do better.

Again, I thank my colleague for all her work to make sure that we fulfill a promise to keep our families at home secure.

Ms. KELLY of Illinois. Mr. Speaker, I am sorry the Congresswoman had to read all of those names. Maybe, as we go on, things will change. We will learn and things will change.

Mr. Speaker, I yield to the gentlewoman from the great State of California (Ms. LEE), a member of the Appropriations Committee.

Since her election to Congress, Congresswoman LEE has been a fearless and dedicated leader on ending poverty and health disparities in our Nation's communities, including gun violence.

Like many who serve in this House, she is someone who has attended too many funerals and comforted too many grieving mothers, fathers, and colleagues because of gun violence.

Ms. LEE. Mr. Speaker, I thank Congresswoman KELLY for her tremendous leadership on so many fronts, especially as chair of the Congressional Black Caucus Health Braintrust and for her tireless work in helping us focus on the fact that gun violence should be treated as a public health crises and that it is just that.

Congress needs to do something to stop this epidemic of gun violence that is destroying so many communities all around the country. On an average day, 93 innocent lives in America are cut short, due to gun violence. These senseless deaths also disproportionately impact communities of color.

As a Representative from California's 13th Congressional District, I know all too well the devastating impact that gun violence has on our communities.

In fact, the Center for Disease Control recently reported that African-American children have the highest rates of firearm mortality overall. They are about 10 times more likely than White children to be killed by guns. Latino children are twice as likely as White children to be killed by guns. But no child—and I mean no child—regardless of their background, wealth, ZIP Code, or race, should be killed by gun violence. No child. It pains me, and I know it pains their parents and family members, to know that such promising young people have left us too soon.

Tonight, let me just read the names of a few of Oakland's children who have

lost their lives to gun violence this year:

Anibal Andres Ramirez, who was only 13. He was Oakland's youngest gun victim this year. He was shot outside the new Walnut Plaza community center in east Oakland.

Luis Urquidez, who was 17 when his friend accidentally shot him. What in the world was that gun doing around this young boy?

Deangelo Hal, who was 17 when he, once again, accidentally shot himself with a stolen gun.

Keith Lawrence, who was 17 and a student at Skyline High School. Keith was found shot dead in a parking lot.

Soane Mausia, who was 18 when he and his brother were shot by men outside of their east Oakland home.

Joaquin Byrd, who was 18 and also a student at Skyline High School. He was shot during a fight at a fast food restaurant.

Sultan Bey, who was 18. He was college-bound and had dreams of becoming a computer engineer. He was shot while picking up a friend.

Mr. Speaker, this only happens in America. There are too many guns in America. At some point, we have to stand up and say: Enough is enough.

Let me say that 5 years ago this week, a deranged gunman walked into Sandy Hook Elementary School and massacred 20 children—20 beautiful elementary school children, whom we continue to remember, murdered in cold blood. Yet Republicans in Congress refuse to lift a finger in support of legislation to prevent these kinds of tragedies from happening.

Shame on every Republican who chooses devotion to the NRA over the lives of Americans. We simply must take action to bring commonsense gun reform to our Nation's gun laws. That is what the American people sent us here to do, to govern in their best interest.

That is why we stand here tonight with Congresswoman KELLY and demand that the Speaker take action and bring commonsense legislation for a vote.

Give us a vote, Mr. Speaker.

Ms. KELLY of Illinois. Mr. Speaker, Congresswoman LEE's words remind me of what I hear sometimes: we need to wait before we do anything; this group or that group or someone just died, and we are already talking about what we are going to do. It has been 5 years since Newtown, and we still have done nothing.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. DEMINGS). She sees this issue through a number of lenses: a mom, a wife of law enforcement, and a career law enforcement officer herself.

Mrs. DEMINGS. Mr. Speaker, first of all, I echo the comments I have heard from other colleagues to thank my colleague from Illinois, Representative

KELLY, for her unwavering commitment to this issue.

Mr. Speaker, I rise to speak for those who have died in the United States as a result of senseless gun violence. I want to reflect this evening on where we have been, where we are now, and where we must go from here.

When I took office 1 year ago, I was so excited to give my first speech on the House floor. But I never dreamed my first speech would be a tribute to a former friend and colleague.

My first floor speech was to honor Sergeant Debra Clayton, a law enforcement officer who was shot and killed while trying to apprehend a murder suspect, a person who should have never had a gun in his possession in the first place.

Since then, two more law enforcement officers from central Florida, Officer Matthew Scott Baxter and Sergeant Richard Samuel Howard, have been shot and killed, both officers of the Kissimmee Police Department.

I was sworn into Congress just 6 months after the mass shooting in Orlando at the Pulse nightclub where 49 people who were involved in what my bishop likes to call a late-night fellowship—not doing anything wrong, not in the wrong place—were killed by a lone gunman.

At that time, it was the worst mass shooting in modern American history. But in the short time since then, the number 49 has been surpassed as 59 people were killed in Las Vegas just a few months ago.

□ 1915

What this says is things are not getting better, and Congress has failed to take responsible action. Since the Newtown shooting, Congress has held at least 50 moments of silence for the victims of gun violence. But, Mr. Speaker, please tell me: How does a moment of silence protect the next victim?

I join my colleagues in honoring the victims who have died tragically of gun violence in our Nation. The victims deserve to be remembered. Their families deserve recognition, and the victims and their families deserve action.

John 13:17 says: "Now that you know these things, you will be blessed if you do them." Well, we now know these things. In other words, when you know better, Mr. Speaker, you are supposed to do better.

We also know that the vast majority of the American people across the Nation want action.

As a former law enforcement officer, I had a duty to enforce the laws to protect the innocent; and, Mr. Speaker, as Members of Congress, we have a duty to enact laws that protect the innocent. We need to stand up to the gun lobby and take on their indiscriminate sales of bump stocks and other modifications that make weapons deadlier or more suited for criminal violence.

We need to strengthen programs that work, such as the National Instant Criminal Background Check System, and drastically improve mental health screening and treatment.

And I continue to oppose concealed carry reciprocity, as I did last week on the floor, because it would allow persons from outside your State to bring their firearms anywhere in your State, making the job of law enforcement officers on the street who have the responsibility of sorting it all out more difficult and, potentially, more dangerous.

Mr. Speaker, the men, women, mothers, fathers, sons, daughters, brothers, and sisters gunned down in our country deserve remembrance. They also deserve courage from their leaders. They deserve action from their leaders. I once again call on this body to provide some.

Debra Clayton, Matthew Baxter, and Sam Howard.

Again, I thank my colleague from Illinois for her unwavering commitment and leadership on this issue.

Ms. KELLY of Illinois. Mr. Speaker, I thank Congresswoman DEMINGS for those remarks, and I thank her for reminding us of the law enforcement officers who have lost their lives protecting us.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. ESTY), from the town of Newtown. Congresswoman ESTY is a tireless advocate for commonsense legislation that will save American lives. She knows all too well the cost that gun violence takes on our communities and on our families. Like many who serve in this House, she is someone who has attended funerals, comforted, and continues to comfort so many grieving mothers and fathers because of gun violence.

Ms. ESTY of Connecticut. Mr. Speaker, I thank Ms. KELLY for yielding. Ms. KELLY has been such a stalwart voice for all who are all too often forgotten in what we are seeing happen in this country, a voice for those who are not lost, because sometimes we say "lost to gun violence." These are not lives that are lost. These are lives that are ripped from us, taken from us, brutally ended.

In the 5 years since the horrific shootings in Newtown, Connecticut, in my district, 170,000 Americans have been taken from us, sons and daughters of this great country, 170,000 souls.

We should just reflect on that, what that means, what each and every one of those people might have done if they had lived.

Mr. Speaker, I thank Representative KELLY for being a tireless voice, which we need in these challenging times.

Mr. Speaker, 5 years ago tonight, it was cold and snowy in Connecticut. The families of Newtown had picked up their children from school. They were getting ready for the holidays. It was

already snowy and cold, no one having any thought on December 12 that, in 2 days, their lives—and America's lives—would be changed by the reality of what gun violence has done and is doing to this country.

So, tonight, I want to read the names of the 20 children and six educators who were brutally gunned down and murdered in Sandy Hook Elementary School in Newtown, Connecticut:

Charlotte Bacon, Daniel Barden, Rachel D'Avino, Olivia Engel, Josephine Gay, Ana Marquez-Greene, Dylan Hockley, Dawn Hochsprung, Madeleine Hsu, Catherine Hubbard, Chase Kowalski, Jesse Lewis, James Mattioli, Grace McDonnell, Anne Marie Murphy, Emilie Parker, Jack Pinto, Noah Pozner, Caroline Previdi, Jessica Rekos, Avielle Richman, Lauren Rousseau, Mary Sherlach, Victoria Soto, Benjamin Wheeler, and Allison Wyatt.

Mr. Speaker, we can and we must do better in this great country. We must do better for all those who have been taken from us. We must do better by taking action in this, the people's House.

The people are watching, the people are waiting, and they deserve that we do our best—and not to honor only with words and silence and prayers, important as those are, but to honor, even more importantly, by taking action to save future lives.

Again, my thanks and my admiration to Representative KELLY for her extraordinary leadership and persistence.

Ms. KELLY of Illinois. Mr. Speaker, I thank Congresswoman ESTY for her words, her commitment, and her voice in making sure that those 26 lives will never be forgotten.

Mr. Speaker, my colleagues and I have been reading names for nearly half an hour, and we still have stacks and stacks of names—the names of Americans taken by gun violence—to still read. And, tragically, every day the list of names grows and grows as we do nothing to stop it.

Children are murdered in their kindergarten classroom and we remain silent. Mothers and their children are killed in Cracker Barrel parking lots and we still do not act.

Hadiya Pendleton, a smart, charming, and talented young woman who performed at Barack Obama's inauguration has been resting for nearly 5 years. How much longer must she wait, Mr. Speaker?

Country concerts, nightclubs, and even a congressional baseball practice have been shooting galleries, and the majority callously often calls for thoughts and prayers and moments of silence.

Mr. Speaker, it is time to crawl out from under the gun lobby checkbook and do something—anything—to save American lives.

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

Mrs. BEATTY. Mr. Speaker, I would like to thank my good friend and colleague, Congresswoman ROBIN KELLY for tonight's special order hour on gun violence.

Congresswoman KELLY is a stalwart leader against gun violence and serves as a visible, out-front advocate for putting an end to the gun violence epidemic.

Far too many children, families, and communities have been devastated and destroyed by a gun inappropriately in the hands of a shooter.

We have seen far too many deaths, too many young African-Americans with guns, too many killed by guns.

My district in Central Ohio has seen an alarming rise in gun violence.

Just this week, Columbus saw its 130th homicide of the year, which is closing in on an all-time record.

We can and must do better.

I stand with Congresswoman KELLY in her relentless efforts, calling on the Congress to honor victims through action.

We can join together to pass commonsense gun laws—background checks; no fly-no buy; and safety locks.

Gun violence is a health epidemic—one that we cannot address in isolation.

We must fund mental health programs, we must address the needs of urban communities, and we must provide sustainable community and economic development initiatives to reduce violence—like community policing coupled with commonsense gun reforms.

Tonight, Congresswoman KELLY puts a face on the victims of gun violence. I join and salute her for reading the names of victims.

As we read the names, let us remember that, gun violence isn't a Democrat or Republican issue—it is an American issue requiring an American solution.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 447. An act to require reporting on acts of certain foreign countries on Holocaust era assets and related issues; to the Committee on Foreign Affairs.

ADJOURNMENT

Ms. KELLY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 13, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3367. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Ap-

proval and Promulgation of Air Quality Implementation Plans; Maryland; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone Standard [EPA-R03-OAR-2017-0398; FRL-9971-14-Region 3] received November 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3368. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Baltimore, Maryland Nonattainment Area [EPA-R03-OAR-2017-0396; FRL-9971-13-Region 3] received November 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3369. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — State of Nebraska; Approval of Nebraska's Air Quality Implementation Plan, Operating Permits Program, and 112(l) Program; Revision to Nebraska Administrative Code [EPA-R07-OAR-2017-0485; FRL-9971-15-Region 7] received November 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3370. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Air Plan Approval; GA; Emission Reduction Credits [EPA-R04-OAR-2009-0226; FRL-9971-12-Region 4] received November 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3371. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — State of Nebraska; Approval of Nebraska Air Quality Implementation Plans; Adoption of a New Chapter Under the Nebraska Administrative Code [EPA-R07-2017-0386; FRL-9971-16-Region 7] received November 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3372. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — State of Missouri; Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard [EPA-R07-OAR-2017-0515; FRL-9971-22-Region 7] received November 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3373. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — State of Missouri; Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard [EPA-R07-OAR-2015-0356; FRL-9971-21-Region 7] received November 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALDEN: Committee on Energy and Commerce. H.R. 2872. A bill to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes; with an amendment (Rept. 115-461, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 657. A resolution providing for consideration of the bill (H.R. 2396) to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions, and providing for consideration of the bill (H.R. 4015) to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry (Rept. 115-462). Referred to the House Calendar.

Mr. BUCK: Committee on Rules. House Resolution 658. A resolution providing for consideration of the bill (H.R. 1638) to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other proposes, and providing for consideration of the bill (H.R. 4324) to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes (Rept. 115-463). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Natural Resources and Transportation and Infrastructure discharged from further consideration. H.R. 2872 referred to the Committee of the Whole House on the state of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills referred as follows:

Mr. WALDEN: Committee on Energy and Commerce. H.R. 2872. A bill to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes; with an amendment; referred to the Committees on Natural Resources and Transportation and Infrastructure for a period ending not later than December 12, 2017, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(m) of rule X, and clause 1(r) of rule X respectively.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NUNES (for himself and Mr. KELLY of Pennsylvania):

H.R. 4616. A bill to amend the Patient Protection and Affordable Care Act to provide for a temporary moratorium on the employer mandate and to provide for a delay in the implementation of the excise tax on high cost employer-sponsored health coverage; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself, Mrs. WALORSKI, and Mr. KUSTOFF of Tennessee):

H.R. 4617. A bill to amend the Internal Revenue Code of 1986 to provide for a temporary moratorium on the medical device excise tax; to the Committee on Ways and Means.

By Ms. JENKINS of Kansas:

H.R. 4618. A bill to amend the Internal Revenue Code of 1986 to provide for a temporary moratorium on certain taxes affecting purchases of prescription medication; to the Committee on Ways and Means.

By Mr. CURBELO of Florida (for himself, Mrs. MURPHY of Florida, and Miss GONZÁLEZ-COLÓN of Puerto Rico):

H.R. 4619. A bill to amend the Patient Protection and Affordable Care Act to provide temporary relief from the annual fee imposed on health insurance providers, to the extent that such fee is due to Puerto Rican health insurance; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NOEM (for herself and Ms. SINEMA):

H.R. 4620. A bill to amend the Patient Protection and Affordable Care Act to provide temporary relief from the annual fee imposed on health insurance providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. COHEN, and Mr. MCGOVERN):

H.R. 4621. A bill to galvanize United States Government programs in support of brain health for global victims of autism, hydrocephalus and Alzheimer's and other forms of dementia, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself and Mr. DESAULNIER):

H.R. 4622. A bill to reduce the number of preventable deaths and injuries caused by underride crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROKITA:

H.R. 4623. A bill to require each Executive agency to reduce the workforce of the agency after the enactment of a law that requires the consolidation or elimination of a program or project within the agency, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. VEASEY (for himself, Mr. AGUILAR, Ms. NORTON, Mr. ELLISON, Mr. TAKANO, Mr. GUTIÉRREZ, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. VARGAS, Mr. AL GREEN of Texas, and Ms. JACKSON LEE):

H.R. 4624. A bill to amend section 240(c)(7)(C) of the Immigration and Nation-

ality Act to eliminate the time limit on the filing of a motion to reopen a removal proceeding if the basis of the motion is fraud, negligence, misrepresentation, or extortion by, or the attempted, promised, or actual practice of law without authorization on the part of, a representative; to the Committee on the Judiciary.

By Mr. DELANEY (for himself, Mr. OLSON, Mr. TED LIEU of California, Mr. KHANNA, Mr. CLEAVER, Mr. DESAULNIER, and Mr. MICHAEL F. DOYLE of Pennsylvania):

H.R. 4625. A bill to require the Secretary of Commerce to establish the Federal Advisory Committee on the Development and Implementation of Artificial Intelligence, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, Education and the Workforce, Foreign Affairs, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE (for herself, Ms. KAPTUR, Mr. COHEN, Ms. LEE, and Mr. HASTINGS):

H.R. 4626. A bill to preserve knowledge and promote education about jazz in the United States and abroad; to the Committee on House Administration, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONOVAN (for himself, Mr. PAYNE, Mr. MCCAUL, and Mr. KING of New York):

H.R. 4627. A bill to amend the Homeland Security Act of 2002 to authorize expenditures to combat emerging terrorist threats, including vehicular attacks, and for other purposes; to the Committee on Homeland Security.

By Mr. GIBBS:

H.R. 4628. A bill to amend the Federal Water Pollution Control Act to allow for modified permits for industrial minerals remaining operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 4629. A bill to direct the Department of Transportation to issue regulations to require enhanced security measures for shipments of security sensitive material, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 4630. A bill to amend title 49, United States Code, to ensure military airports are eligible for certain grant funds; to the Committee on Transportation and Infrastructure.

By Mr. QUIGLEY (for himself, Mr. RODNEY DAVIS of Illinois, Mr. LOUDERMILK, Mr. BRAT, Mr. COOPER, and Mr. SOTO):

H.R. 4631. A bill to require the Director of the Government Publishing Office to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mr. JONES, and Mr. TAKANO):

H.R. 4632. A bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOMACK (for himself, Mrs. McMORRIS RODGERS, Mr. BISHOP of Georgia, Mr. RUSSELL, and Mr. CARTER of Texas):

H.R. 4633. A bill to amend title 10, United States Code, to permit individuals who are eligible for assistance under a Department of Defense educational assistance program or authority to use such tuition assistance for licensing and certification programs offered by entities other than an institution of higher education; to the Committee on Armed Services.

By Mr. BACON (for himself, Mr. FORTENBERRY, and Mr. SMITH of Nebraska):

H. Res. 656. A resolution honoring the 100th anniversary of Boys Town; to the Committee on Education and the Workforce.

By Mr. NOLAN:

H. Res. 659. A resolution amending the Rules of the House of Representatives to establish a point of order against legislation that cuts Social Security, Medicare, or Medicaid benefits; to the Committee on Rules.

By Mr. LOWENTHAL (for himself, Ms. BARRAGAN, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. CARTWRIGHT, Mr. CLEAVER, Mr. HUFFMAN, Mr. KILMER, Ms. LEE, Mr. TED LIEU of California, Mr. LIPINSKI, Ms. LOFGREN, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. PETERS, Mr. POCAN, Mr. QUIGLEY, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SOTO, Mr. TONKO, and Ms. GABBARD):

H. Res. 660. A resolution recognizing the 2d anniversary of the adoption of the international Paris Agreement on climate change; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOWENTHAL (for himself, Mr. CHABOT, Ms. TSONGAS, Mr. SHERMAN, Mr. ENGEL, Mr. ROYCE of California, Ms. LOFGREN, Mr. YOHO, and Mr. ROHRBACHER):

H. Res. 661. A resolution reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. KUSTER of New Hampshire introduced a bill (H.R. 4634) for the relief of Arpita

Kurdekar, Girish Kurdekar, and Vandana Kurdekar; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. NUNES:

H.R. 4616.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. PAULSEN:

H.R. 4617.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. JENKINS of Kansas:

H.R. 4618.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Article I, Section 9:

No money shall be drawn from the Treasury, but in consequence of appropriations made by Law.

By Mr. CURBELO of Florida:

H.R. 4619.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3 of the United States Constitution

By Mrs. NOEM:

H.R. 4620.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. SMITH of New Jersey:

H.R. 4621.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. COHEN:

H.R. 4622.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. ROKITA:

H.R. 4623.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted Congress under Article I of the United States Constitution, including the power granted Congress under Article I, Section 8, Clause 18, of the United States Constitution.

By Mr. VEASEY:

H.R. 4624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. DELANEY:

H.R. 4625.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Ms. JACKSON LEE:

H.R. 4626.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1, 8, and 18 of the United States Constitution.

By Mr. DONOVAN:

H.R. 4627.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GIBBS:

H.R. 4628.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).

By Ms. NORTON:

H.R. 4629.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution.

By Mr. PEARCE:

H.R. 4630.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18 of the United States Constitution.

By Mr. QUIGLEY:

H.R. 4631.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

By Ms. SPEIER:

H.R. 4632.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. WOMACK:

H.R. 4633.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section Eight.

By Ms. KUSTER of New Hampshire:

H.R. 4634.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 4 of the United States Constitution, the Naturalization Clause: "The Congress shall have Power To establish an uniform Rule of Naturalization. . . ."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 435: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CICILLINE, Mrs. WATSON COLEMAN, and Mr. BISHOP of Georgia.

H.R. 444: Mr. SWALWELL of California.

H.R. 535: Mr. STIVERS.

H.R. 548: Ms. MCSALLY.
 H.R. 619: Mr. ROUZER.
 H.R. 632: Mr. KIND, Mr. NEAL, Mr. PRICE of North Carolina, Mr. GIBBS, Ms. PLASKETT, Mrs. DEMINGS, Mrs. LOWEY, Mr. SARBANES, Ms. ROYBAL-ALLARD, and Mr. KENNEDY.
 H.R. 681: Mr. ROSS, Mr. MOOLENAAR, Mr. KNIGHT, and Mr. MCKINLEY.
 H.R. 747: Ms. JAYAPAL and Mr. EVANS.
 H.R. 750: Mr. YOUNG of Iowa.
 H.R. 754: Mr. WENSTRUP, Mr. ROKITA, and Ms. JENKINS of Kansas.
 H.R. 820: Mr. COOPER, Mr. WESTERMAN, Mrs. HARTZLER, Mr. AUSTIN SCOTT of Georgia, Mr. HILL, Mr. KELLY of Mississippi, Mr. GOMEZ, Mr. LYNCH, Mr. DANNY K. DAVIS of Illinois, Mr. CLEAVER, Mr. BERA, and Mr. MCEACHIN.
 H.R. 1057: Mr. COOK.
 H.R. 1143: Ms. ROYBAL-ALLARD.
 H.R. 1160: Mr. BLUMENAUER.
 H.R. 1298: Mr. HIGGINS of New York and Mr. LANGEVIN.
 H.R. 1318: Mr. LOWENTHAL.
 H.R. 1406: Mr. CARSON of Indiana, Mr. MCNERNEY, Mr. BERA, and Mr. YOUNG of Iowa.
 H.R. 1456: Ms. GABBARD and Mr. BERA.
 H.R. 1494: Ms. ROS-LEHTINEN.
 H.R. 1552: Mr. SANFORD.
 H.R. 1734: Ms. SINEMA.
 H.R. 1777: Ms. MENG.
 H.R. 1838: Mr. BERA.
 H.R. 1847: Ms. ROS-LEHTINEN.
 H.R. 1861: Ms. MATSUI.
 H.R. 1939: Mr. CARTER of Georgia.
 H.R. 1987: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
 H.R. 2077: Mr. BERA and Mr. SCHNEIDER.
 H.R. 2093: Mr. LOWENTHAL, Ms. LOFGREN, Ms. ESHOO, and Mr. RASKIN.
 H.R. 2164: Mr. DEFazio.
 H.R. 2219: Mr. LYNCH, and Mr. MESSER.
 H.R. 2234: Mr. BLUMENAUER.
 H.R. 2345: Mr. LARSON of Connecticut, Mr. CALVERT, and Mr. CURTIS.
 H.R. 2358: Mr. ELLISON.
 H.R. 2366: Mr. BLUMENAUER.
 H.R. 2472: Mr. CÁRDENAS.
 H.R. 2514: Mr. VELA, Mr. LANGEVIN, Mrs. BUSTOS, Mr. LEWIS of Georgia, and Mr. BRADY of Pennsylvania.
 H.R. 2542: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
 H.R. 2595: Mr. TED LIEU of California and Mr. CICILLINE.
 H.R. 2652: Mr. DESANTIS.
 H.R. 2740: Ms. SPEIER, Mr. LARSEN of Washington, and Ms. JENKINS of Kansas.
 H.R. 2747: Mr. MEEHAN and Ms. MENG.
 H.R. 2773: Mr. BOST.
 H.R. 2790: Mr. KEATING and Ms. ROS-LEHTINEN.

H.R. 2820: Ms. ESTY of Connecticut.
 H.R. 2832: Mr. BUCK.
 H.R. 2856: Ms. TENNEY.
 H.R. 2862: Mr. LOBIONDO.
 H.R. 3108: Mr. TED LIEU of California.
 H.R. 3127: Mr. ROKITA.
 H.R. 3128: Mr. ROKITA.
 H.R. 3238: Ms. WASSERMAN SCHULTZ.
 H.R. 3300: Mr. MEADOWS.
 H.R. 3378: Mr. BERA.
 H.R. 3397: Ms. ESHOO and Mr. QUIGLEY.
 H.R. 3402: Mr. MACARTHUR.
 H.R. 3513: Mr. SWALWELL of California and Mr. HUIZENGA.
 H.R. 3545: Mr. JOHNSON of Ohio, Mr. PAULSEN, and Mr. BERA.
 H.R. 3596: Mr. LOUDERMILK.
 H.R. 3635: Mr. LANCE.
 H.R. 3671: Mrs. LOWEY.
 H.R. 3730: Ms. PINGREE, Mr. MCGOVERN, Mr. MARINO, Mr. COMER, Ms. ESHOO, and Mr. YODER.
 H.R. 3759: Mr. LOWENTHAL, Ms. JENKINS of Kansas, and Mr. MCGOVERN.
 H.R. 3820: Mr. BLUMENAUER.
 H.R. 3842: Mr. BUTTERFIELD, Mr. COHEN, and Ms. FUDGE.
 H.R. 3848: Mr. NORCROSS.
 H.R. 3867: Mr. POSEY.
 H.R. 3879: Miss RICE of New York.
 H.R. 3889: Mr. SANFORD.
 H.R. 3931: Mr. FRELINGHUYSEN.
 H.R. 4007: Mr. RUTHERFORD.
 H.R. 4099: Mr. ROYCE of California and Ms. SPEIER.
 H.R. 4133: Mr. LAMBORN.
 H.R. 4143: Mr. BERA and Mr. COFFMAN.
 H.R. 4145: Miss RICE of New York.
 H.R. 4146: Ms. KUSTER of New Hampshire.
 H.R. 4179: Ms. ROYBAL-ALLARD and Ms. HANABUSA.
 H.R. 4183: Mr. BLUMENAUER.
 H.R. 4207: Ms. PINGREE.
 H.R. 4223: Mr. CICILLINE.
 H.R. 4234: Mrs. BROOKS of Indiana.
 H.R. 4255: Mr. EVANS.
 H.R. 4258: Mr. CAPUANO, Ms. VELÁZQUEZ, Mrs. BEATTY, and Ms. NORTON.
 H.R. 4260: Ms. MOORE.
 H.R. 4274: Mr. COFFMAN, Mr. GARRETT, and Mr. BROOKS of Alabama.
 H.R. 4311: Mr. DESANTIS.
 H.R. 4318: Mrs. BROOKS of Indiana.
 H.R. 4345: Mr. RODNEY DAVIS of Illinois, Mr. PAULSEN, Mr. SMUCKER, Mrs. MIMI WALTERS of California, Mr. GIBBS, Mr. NEWHOUSE, Mr. MEEHAN, Mr. COSTELLO of Pennsylvania, Mr. FASO, Mrs. BROOKS of Indiana, Mr. LANCE, Mr. MACARTHUR, Mr. UPTON, Mr. DIAZ-BALART, Mr. WALDEN, Mr. RUTHERFORD, Mr. DONOVAN, Mr. HIGGINS of New York, Ms. JACKSON LEE, Ms. WILSON of Florida, Mr.

VARGAS, Mr. ELLISON, Mr. SOTO, Mr. HASTINGS, Mr. MEEKS, Mrs. MURPHY of Florida, Mr. LAWSON of Florida, and Mr. PERLMUTTER.
 H.R. 4382: Ms. MENG, Mr. SOTO, and Ms. NORTON.
 H.R. 4391: Ms. ESHOO.
 H.R. 4392: Mr. PASCRELL, Mr. SIRES, Mr. SHUSTER, Mr. ROGERS of Alabama, Mr. REICHERT, and Mr. KHANNA.
 H.R. 4395: Mr. HECK and Mr. COOK.
 H.R. 4396: Mr. KATKO, Ms. JAYAPAL, Mr. SOTO, Ms. SCHAKOWSKY, Mr. CARTWRIGHT, Mr. EVANS, Mr. GENE GREEN of Texas, and Mr. SARBANES.
 H.R. 4397: Mr. HUNTER.
 H.R. 4423: Mr. CARTER of Texas.
 H.R. 4458: Mr. ROKITA.
 H.R. 4459: Mr. LARSON of Connecticut.
 H.R. 4461: Mr. SMITH of Nebraska.
 H.R. 4465: Mr. BEN RAY LUJÁN of New Mexico.
 H.R. 4473: Mr. WITTMAN and Mr. YODER.
 H.R. 4474: Miss RICE of New York.
 H.R. 4494: Mr. BARLETTA, Mr. VEASEY, Ms. HERRERA BEUTLER, Mr. ROYCE of California, and Mr. MARCHANT.
 H.R. 4537: Mr. MESSER.
 H.R. 4541: Mr. HUFFMAN and Mr. DESAULNIER.
 H.R. 4547: Mr. MEEHAN, Mr. BISHOP of Michigan, Mr. MARCHANT, and Mr. RENACCI.
 H.R. 4563: Mr. GENE GREEN of Texas.
 H.R. 4565: Ms. KUSTER of New Hampshire and Mr. TAYLOR.
 H.R. 4573: Mr. JOHNSON of Georgia.
 H.R. 4577: Mrs. WATSON COLEMAN.
 H.R. 4578: Mrs. WATSON COLEMAN.
 H.R. 4581: Mrs. WATSON COLEMAN and Mrs. DEMINGS.
 H.R. 4585: Mr. CICILLINE, Mr. O'ROURKE, Mr. MOULTON, Ms. JAYAPAL, Mr. HUFFMAN, Mr. BEN RAY LUJÁN of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Ms. HANABUSA, Ms. KAPTUR, Mr. POLIS, Mrs. WATSON COLEMAN, Mr. CRIST, Ms. CLARK of Massachusetts, and Mr. RASKIN.
 H.R. 4587: Mr. RUIZ, Mr. JONES, Mr. BEYER, Mr. LOWENTHAL, Mr. COHEN, Ms. NORTON, Mr. GALLEG0, Mr. POCAN, and Mr. YOHO.
 H. Con. Res. 13: Ms. ESTY of Connecticut, Mr. GARRETT, Mr. MEEKS, Mr. RUPPERSBERGER, and Mr. GOTTHEIMER.
 H. Con. Res. 74: Ms. MOORE.
 H. Con. Res. 95: Ms. JACKSON LEE and Mr. DELANEY.
 H. Res. 129: Mr. NORMAN.
 H. Res. 407: Mrs. CAROLYN B. MALONEY of New York.
 H. Res. 529: Mr. PERLMUTTER.
 H. Res. 624: Mr. SHIMKUS.
 H. Res. 643: Mr. AUSTIN SCOTT of Georgia.
 H. Res. 648: Mr. MESSER.

EXTENSIONS OF REMARKS

RECOGNIZING THE RETIREMENT
OF CHAUNCY D. BUCHHEIT

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Chauncy D. Buchheit, Executive Director of the Southeast Missouri Regional Planning and Economic Development Commission in Perryville, MO. Mr. Buchheit began his work for the Commission in 1980 and was named Economic Developer of the Year by the Missouri Economic Development Council in 2003.

He has helped make communities better throughout Southeast Missouri as he worked to help both the public and private sectors identify needs, secure funding and pave the way for economic development. For almost 40 years, Chauncy has proven to be a valuable resource for cities and towns in the 7-county region he serves.

As he retires at the end of 2017, Chauncy's enthusiastic participation in economic growth, his valuable expertise and his genuine sense of caring for Southeast Missouri will be genuinely missed by all of us who were privileged to work together with him to make Missouri better.

It is my great pleasure to honor Chauncy D. Buchheit today before the United States House of Representatives for his passionate dedication to the people of Southeast Missouri.

A LETTER FROM CONSTITUENT
LINDA SOBEL KATZ URGING
CONGRESS TO HELP CANCER PA-
TIENTS GET THE CARE THEY
DESERVE

HON. JAMIE RASKIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. RASKIN. Mr. Speaker, I rise today to share with my colleagues a beautiful letter I received from my constituent Linda Sobel Katz, a former legislative aide to one of my predecessors in the House of Representatives from Maryland's 8th Congressional District, Representative Michael Barnes. To summarize Linda's thoughts would be a disservice to her passionate and eloquent message about America's priorities today, so I will simply include in the RECORD her letter:

"In the late 70s and early 80s, I was honored to be an aide to Maryland Congressman Mike Barnes on international human rights issues. It was my job to help Rep. Barnes speak out for those suffering discrimination and worse in their homelands. The climate in

Congress was different then. Democrats and Republicans willingly forged coalitions to protect and rescue individuals from hostile leadership far from our shores. As a communications consultant, this is the path I have chosen for my life's work—to champion causes to help better humanity and our environment.

"Never did I ever think I would need to speak out for myself, especially to the esteemed U.S. Congress—once a beacon of democracy, fairness, and justice to the free world and those silenced by totalitarianism.

"As an American citizen who deeply cherishes our land, I am horrified by the indifference of the majority in Congress who would strike out against innocent Americans. First, against children who are losing their CHIP coverage. To what gain? And now, against Americans suffering from one of humankind's worst diseases—cancer. To what benefit?

"What you are doing is causing a sense of powerlessness and despair among those you have a sworn duty to protect. I am such a constituent. As of this writing, you still have not restored the Children's Health Insurance Program, CHIP, which expired September 30. And you show the worst side of your natures by denying coverage for cancer treatment to those over 65 and paying for Medicare.

"I have been raising my granddaughter Sabrina, as her legal guardian, for the past 10 years since the death of her mother when Sabrina was four. During this time, I also spent seven years caring for a husband with Alzheimer's. Formerly co-owner of an insurance agency, my husband Hershel was denied long-term care coverage because of two prior heart attacks in his 40s and 50s. CHIP has been a godsend.

"We paid for Hershel's huge health needs out of pocket, and it was nerve-wracking to consider whether our family could survive financially.

"I am grateful that we are able to live in my home of nearly 40 years in a comforting neighborhood of Silver Spring, just outside the Nation's Capital.

"Less than a year after my husband's passing in November 2015—with no symptoms, other than a yellow tinge to my eyeballs, and feeling in good health—I was diagnosed with pancreatic cancer, one of the most deadly forms of this insidious disease. I have been in chemotherapy at Georgetown University Hospital for a year and remain stable after an initial setback that prevented me from undergoing a previously planned Whipple surgery to remove the tumor.

"But chemotherapy is not a permanent fix and has its own limiting side effects. With my oncologist, we must explore clinical trials and other emerging treatments to find a way for me to stay alive so I can continue to raise my granddaughter, now 13 and in 8th grade. Robust federal funding for cancer research is so critical to the survival of cancer patients. And so is the reassurance of coverage for treatment through Medicare.

"Dear Members of Congress, do not wash your hands of cancer patients on Medicare. So many of us continue to contribute to family life and society in myriad, constructive

ways. Surely, you must have family members, friends, and constituents suffering from cancer through no fault of their own. Why strip away our hope and ability to live fully and be useful members of our communities? Why choose to be cruel, heartless, and mindless leaders lacking compassion for your fellow citizens? You are fostering an unjust world, not the America that sets the example for civil behavior and wins universal respect.

"I have a personal wish to live five more years so that I can continue to raise my beautiful, bright, and wise granddaughter and see her graduate from high school and be launched into a future of service and commitment in a gracious and caring world.

"Yes, she does wonder what will happen to her if I die because cancer treatment is no longer accessible to me, especially knowing that her U.S. government precipitated this hostile action. What a tremendous burden for a young teen!

"So, I ask: What will you do to ensure that children have a healthy future and that cancer patients get the care they deserve? Our health care system should be a model in a world still craving for leadership from America. Do not let us down."

In closing, Mr. Speaker, I urge my colleagues to heed this thoughtful message and ensure that children in our country have meaningful access to health care; to have the courage to stand up for the cancer patients, the sick and suffering, the chronically-ill and their families who rely on Medicare to keep them alive; and to demonstrate, as Linda says, true American leadership. America is counting on Congress. Let us act with wisdom and decency comporting with our highest values.

RECOGNIZING THE SERVICE OF
MR. GAYRON FERGUSON

HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. COMER. Mr. Speaker, I rise to pay special recognition to Mr. Gayron Ferguson, Jr. for his service to our troops and his remarkable leadership through The Hugs Project of Western Kentucky.

Mr. Ferguson's patriotic aptitude is evident through his leadership of The Hugs Project and his over 10 years of volunteer work supporting our troops. Through this great organization, Mr. Ferguson donates his time to sending care packages to our brave men and women serving abroad.

Because of Mr. Ferguson's robust leadership, more than 40,000 care packages have made their way to over 12,000 troops in the Middle East. With his helping hand and enthusiasm for giving back to others, those serving overseas can receive a little piece of home through The Hugs Project.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

It is individuals like Mr. Ferguson whose patriotic spirit and sense of compassion creates lasting impacts on our communities and ultimately create a better world through service and consideration of others, especially our troops. I congratulate Mr. Ferguson on his years of volunteerism through The Hugs Project and the joy he has brought over the years to countless men and women serving abroad.

On behalf of the First District of Kentucky, I am honored to recognize Mr. Gayron Ferguson as an outstanding leader in service to our troops and wish him continued success in his future endeavors.

PERSONAL EXPLANATION

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Ms. SEWELL of Alabama. Mr. Speaker, during Roll Call votes held on December 12, 2017, I was inescapably detained handling important matters related to my District and the State of Alabama. Had I been present, I would have voted YES on the Democratic Motion to Recommit H.R. 3971, and NO on Final Passage of H.R. 3971.

TESTIMONY OF JAYLA JOHNSON

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. FITZPATRICK. Mr. Speaker, I include in the RECORD, the testimony of Jayla Johnson.

Mr. Speaker, distinguished members of Congress and fellow citizens. I am from Council Rock North High School located in Newtown Bucks County. I am Jayla Johnson. I come from an area that's majority white and upper middle class. I am the model minority. Let me tell you all about it. Last year during spirit week on pride day I was in school when I saw a student walk around with a confederate flag draped on him. I hope you're wondering WHY and HOW that happened. The school allowed the student to walk through the halls for more than half the day due to their first amendment right. Now what about my safety? I reported the incident to my administration in which they said they could kindly ask the student to remove it in due time. I confronted the student within minutes and in their response was that he got it from his parents. To me that basically said he did not know the hate behind it, and did not see it as a problem. This conversation led to my family and I having a mandatory meeting with my superintendent, in hopes to change the school's policy handbook. I was somewhat not satisfied because I wanted more action to be done and take place than just words on a piece of paper, that is easily not read by many. From then and the hate that is shown in my school I started a club called V.O.I.C.E. meaning, Voices Of Inequality at Council rock north Everyday. This club is for students who want to make a difference and have dialogue on topics that we are not familiar with whether that is with where we live and or who we

interact with. Be an up stander rather than a bystander. So I propose this question to you all in Congress, how can you make a change? Does that come from making a policy for ALL schools regarding no tolerance for racism, bigotry, and so many other isms? Let's rather make it mandatory students take a class to help them learn and be better United States Citizens? We are here at school to learn and leave to serve but how can we serve the world when we are not taught about it in school and or familiar with all races and ethnicities. I hope to hear back from Congress in hopes to change the world for us since we are the leading future. Thank you for listening and please take this into consideration. Once again I am Jayla Johnson and I speak for the unheard voices and will continue to.

PERSONAL EXPLANATION

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. RENACCI. Mr. Speaker, had I been present, I would have voted YEA on Roll Call No. 672, and YEA on Roll Call No. 673.

GUS KENWORTHY OLYMPICS 2018 TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. TIPTON. Mr. Speaker, I rise today to honor Gus Kenworthy of Telluride, Colorado. Mr. Kenworthy will be one of hundreds of other athletes competing in the 2018 Olympics in PyeongChang, South Korea as part of Team USA.

Mr. Kenworthy is an accomplished freestyle skier who has competed in slopestyle and halfpipe competitions for most of his adult life. His hard work and dedication has led to numerous commendations. From 2011 to 2013 he won the Association of Free-skiing Professionals World Championships overall titles. In 2013 while competing in the X Games he was awarded the bronze medal in slopestyle skiing as well as two silver medals in 2016 for the superpipe and slopestyle competitions.

Next years' Olympics won't be the first time Mr. Kenworthy is competing in the Olympic Games. In 2014, he represented Team USA in the Sochi Olympics and won a silver medal in the slopestyle event. His qualifying events for the 2018 games in the halfpipe will take place at Copper Mountain December 6 through 8, and for slopestyle in Breckenridge on December 15.

Mr. Speaker, I am honored that Mr. Kenworthy will be representing not only the United States but the people of Telluride, Colorado in the 2018 Olympics. I stand with the people of the Third District in recognizing him for his achievements and wishing him luck in next years' Olympic events.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for Roll Call votes 672 and 673 on Monday, December 11, 2017. Had I been present, I would have voted Yea on Roll Call votes 672 and 673.

HONORING THE GOLIAD HIGH SCHOOL VARSITY VOLLEYBALL TEAM

HON. FILEMON VELA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. VELA. Mr. Speaker, I rise today to honor the Goliad High School Varsity Volleyball team. On November 18th, the Goliad Tigerettes won their second consecutive UIL Class 3A Texas State Volleyball Championship. They defeated the Callisburg Wildcats with an impressive 3-1 game record.

Under the leadership of Superintendent Dave Plymale, Goliad High School Principal Brenda Gohmert, Athletic Director Bobby Nicholson, Athletic Trainer Gary Hobbs, Head Coach Jess Odom, Assistant Coaches Lindsey Youngblood and Kelly Hill, Manager Kylie Neuvar, and Student Trainer Grace Schubert, the team consisting of Freshmen players Molle Henicke and Karleigh Hill, Sophmores Brooke Yanta and Ashlyn Davis, Juniors Cassidy Nicholson, Amaya Brown, Kaci Hotz, Kelly Thomas and Maddie Council, and Seniors Kaitlyn Duval, Mallory Hermes and Savannah Shaw have cemented themselves as one of the top athletic teams in Texas.

The Tigerette's success reflects an impressive level of skill and teamwork, and I applaud the coaches, administrators, families, and friends who supported the Tigerettes.

Mr. Speaker, I ask my colleagues to join me in recognizing this impressive accomplishment. On behalf of Congress and the Goliad community, we extend our congratulations on consecutive state titles and wish each player success in their future endeavors.

TRIBUTE HONORING OF DR. CHARLES P. NEIMEYER, U.S. MA- RINE CORPS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. JONES. Mr. Speaker, I am proud to rise today and pay tribute to Dr. Charles P. Neimeyer. A great American, Dr. Neimeyer will be retiring from Federal Service this month after serving 11 years as the Director and Chief of Marine Corps History, Quantico, Virginia. Prior to his time at Quantico, Dr.

Neimeyer had an accomplished career as the Dean of Academics at the Naval War College, Forrest Sherman Chair of Public Diplomacy in Newport, Rhode Island, and the former Vice President of Academic Affairs at Valley Forge Military Academy and College. During his 20 year career as a military officer in the U.S. Marine Corps, Dr. Neimeyer served in a variety of posts and stations, including tours in all three active U.S. Marine Divisions and service at the White House under Presidents George H.W. Bush and William J. Clinton. He retired from active duty at the rank of Lieutenant Colonel in 1996.

Dr. Neimeyer is a graduate of the University of Maryland and successfully earned distinguished graduate degrees from Georgetown University and the U.S. Naval War College. He is the author of a variety of historical monographs and countless national security affairs articles. His most recent work, *War in the Chesapeake: The British Campaigns to Control the Bay, 1813–1814*, was published by the U.S. Naval Institute in 2015, and went on to win the prestigious Simmons-Shaw award in 2017 given by the Marine Corps Heritage Foundation for the best scholarly work by a federal historian.

Dr. Neimeyer's service as the Director of the Marine Corps History Division has been marked with great success. During his tenure, he was able to increase the historical output of his division by over 1000 percent. He also re-organized the division's branches and sent historians "down range" to cover the wars in Iraq and Afghanistan, thereby ensuring the preservation of the critical operational history of our nation's foremost fighting service, the United States Marine Corps.

In addition, Dr. Neimeyer established the Marine Corps University Journal at Quantico. This journal now publishes cutting edge scholarship and work from students, faculty, and outside authors. The journal is leading the way toward a greater understanding of today's complex national security strategies. Because of these endeavors, Dr. Neimeyer's historical expertise on the United States Marine Corps has been sought out over the years by senior level officials in both the public and private sectors.

Most recently, Dr. Neimeyer served as a member of the board of inquiry that reevaluated the Marines we formerly believed to have been Iwo Jima flag raisers on February 23, 1945. Thanks to the professionalism of Dr. Neimeyer, and the other board members, the Marine Corps and the nation now know the identities of the actual flag raisers on top of Mount Suribachi on that fateful day. As a result of this experience, Dr. Neimeyer volunteered to serve as the staff historian for the Iwo Jima Association of America—a veteran's organization dedicated to preserving the history and heritage of the Battle of Iwo Jima.

I would like to express my sincere gratitude for Dr. Neimeyer's service both as a Marine officer and as the Chief of Marine Corps History. Over the past several years, Dr. Neimeyer provided invaluable and relevant historical information to my office. His timely data was always on target and nothing short of the exceptional quality I would expect from the chief historian of the United States Marine Corps. I am very appreciative of Dr.

Neimeyer's service to our nation and thankful for the outstanding support his wife, Janet Louise, daughter, Kelli Klein, and two sons, Patrick and Christopher, gave him throughout his life. I want to thank Dr. Charles P. Neimeyer once again for his 20 years of service as an active duty Marine, and 17 years as a federal civil servant. I wish his beloved family fair winds and following seas as he and his wife embark on a new chapter in life.

RECOGNIZING JERUSALEM AS CAPITAL OF ISRAEL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. POE of Texas. Mr. Speaker, the Holy City of Jerusalem is recognized as one of the oldest cities in the world. It is also the eternal capital of the State of Israel and the Jewish people. Founded during the dawn of civilization, the city has been destroyed twice, captured and recaptured 44 times, and controlled by numerous great empires including the Babylonians, Persians, Greeks, Romans, and Ottomans throughout its 6,000 year history. Throughout the centuries, Jerusalem has always been the spiritual capital of the Jewish people.

The Jewish people's connection to Jerusalem is clearly recorded in the Bible, with the city being mentioned by name 811 times. King David, the Biblical and historic King of Israel, made Jerusalem his capital in 1,000 BC. His son, Solomon, built the Holy Temple that was the center of the Jewish faith on Mount Moriah in the Old City of Jerusalem. After its destruction by the Babylonians in 586 BC, it was rebuilt years later only to again be destroyed by the Romans in the year 70 CE. Remnants of the ancient temple still remain with the Temple Mount and its outer wall, known as the Western Wall, serving as the holiest site in Judaism today.

When the Romans destroyed the Temple and Jerusalem, it expelled its Jewish inhabitants, forbidding them from settling in the rebuilt city. Meanwhile, Muslim and Christian armies battled for the city, erecting their own shrines over top of the Jewish ones. We cannot ignore the importance the Temple Mount also holds to Christians and Muslims, being the location where Jesus prayed. Nevertheless, Jerusalem has for far longer been the center of the Jewish world. The city remained in political turmoil for centuries until the rebirth of the State of Israel and its unification under the Jewish State.

In 1949, the Jewish people declared Jerusalem the capital of their new nation. As David Ben-Gurion, Israel's first prime minister, stated: "there has always been and always will be one capital only—Jerusalem the eternal. Thus it was 3,000 years ago—and thus it will be, we believe, until the end of time." The city has since flourished as the capital of Israel, being a place where all faiths can peacefully worship. While the future of the full city has yet to be decided, it cannot be denied that Jerusalem is the political, cultural, and spiritual center of Israel.

I applaud President Trump's courageous decision to recognize Jerusalem as the capital of Israel and to relocate the U.S. embassy to the city. It is the obvious decision reflecting our strong commitment to the State of Israel and the Jewish people's historical ties to the land. The status quo of Jerusalem's holy sites should be maintained until a lasting peace agreement is decided on by the two sides.

JIM DOODY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. TIPTON. Mr. Speaker, I rise today to honor Jim Doody. Mr. Doody's hard work led to the opening of the Western Slope Vietnam War Memorial Park at the Fruita Visitor Center in Fruita, Colorado. Shortly after his work on the memorial, he went on to serve as a member of the Grand Junction City Council from 2005 to 2009 and as Mayor of Grand Junction for two of those years.

Mr. Doody was compelled to honor the brave men and women that sacrificed so much to fight for this country and wanted to permanently display that appreciation. To celebrate our veterans he worked to create the Western Slope Vietnam War Memorial Park. His dedication to the project was clear when he drove across the United States to pick up a UH-1H 'Huey' helicopter for static display at the memorial, and his work led to the park opening on July 4, 2003.

Mr. Doody continues to work to maintain the memorial to this day. Mr. Doody helps fundraise for continued maintenance needs and has aided in designing the three bronze statues of a mother and father welcoming home their son at the memorial. On top of all this, he ensures that every November 11th there is a ceremony at the memorial where people can gather and recognize veterans.

I was fortunate to attend the ceremony on November 11, 2017. At the ceremony it was evident that Mr. Doody did not create this memorial for the purpose of commendation, but he nonetheless deserves to be recognized for his service to veterans and the community.

Mr. Speaker, just as Mr. Doody pays homage to our men and women that served, it is my honor to pay tribute to him for the work that he does on the Western Slope Vietnam Memorial Park. On behalf of the Third District of Colorado, I would like to thank Mr. Doody for his generous service to his community.

INTRODUCTION OF THE SAVE OUR COMMUNITIES FROM RISKY TRAINS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Ms. NORTON. Mr. Speaker, in light of recent train derailments across the country and ongoing transportation security threats, I rise to introduce the Save Our Community from

Risky Trains Act, which directs the U.S. Department of Transportation (DOT) to find ways to the greatest extent possible to reroute trains that are carrying certain hazardous materials from selected high-threat urban areas, including the District of Columbia. This legislation is needed now more than ever, especially given DOT's recent announcement that it will rescind a requirement that rail tank cars carrying crude oil be outfitted with an advanced braking system designed to prevent derailments.

Derailments of rail cars carrying hazardous materials are a serious concern and should be a priority of Congress. In 2016, 16 cars of a CSX freight train derailed in a dense residential neighborhood of the nation's capital, disrupting Metrorail, passenger rail, and freight rail service and putting families at risk. Among the derailed freight train cars, cars carrying sodium hydroxide, calcium chloride and ethanol—which is flammable and led to a Metrorail shutdown—spilled. The neighborhood was lucky that there were no injuries, but the continuing threat to the safety and security of urban communities is clear.

In 2007, the House passed the Rail and Public Transportation Security Act of 2007, which included my amendment to protect the District and similar communities nationwide from dangerous hazardous material shipments by mandating that federal regulations and penalties be developed to increase security and safety for the shipment of these materials through high-threat urban areas. My amendment was not included in the final bill signed into law. While freight companies have begun working with DOT to voluntarily reroute the shipment of certain materials that are toxic or poisonous by inhalation, or explosive from these communities, there is no federal law requiring them to reroute the materials.

This bill would require the Secretary of Transportation to issue regulations to require enhanced security measures for shipments of security-sensitive materials. The bill also requires railroad carriers to use the most secure route and storage pattern to avoid moving certain hazardous materials by rail through selected high-threat urban areas. These security sensitive materials include a highway route-controlled quantity of a Class 7 (radioactive) material; more than 25 kilograms of a division 1.1, 1.2, or 1.3 explosive; more than one liter per package of a material poisonous by inhalation; shipment in other than a bulk packaging of 2,268 kilograms gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car or freight container is required; and select agents or toxins regulated by the Centers for Disease Control and Prevention.

High-profile derailments in North Dakota, Virginia, West Virginia, and Canada demonstrate the need for this legislation. Ethanol, which is flammable, still travels through big cities, and even within a few blocks of the U.S. Capitol. This bill will protect our communities from the risk created by trains carrying hazardous materials.

I urge support for this bill.

RECOGNIZING SI SI HAN

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. SWALWELL of California. Mr. Speaker, along with my colleague, Congresswoman BARBARA LEE, I rise to recognize Si Si Han in celebration of her life.

Si Si was born in Burma on November 16, 1971. She came to the United States in 2002 when she married her husband, Ryan Saw. San Lorenzo would eventually become home for Si Si, Ryan, and their 10-year old daughter, Ashly.

Si Si worked for Caltrans for more than 10 years. Members of the Cal Trans team who worked with Si Si closely said that, rain or shine, she always had a smile on her face.

Early in the morning on December 2, 2017, Si Si was collecting tolls on the eastern span of the Bay Bridge. Only a few minutes into her shift, a box truck collided with the toll booth in which Si Si was working, killing her.

Si Si was not scheduled to work that morning, but she was always willing to help out when needed. Si Si tried to work mornings often so that she had more time to spend with her family. Those closest to Si Si said that she worked tirelessly to provide her daughter with the best opportunities available.

Si Si was a dedicated mother, wife, and daughter. She was a valued friend and colleague among her Caltrans District 4 family as well. One colleague described Si Si as "the light of the bridge."

Today, we stand to honor the memory of Si Si Han. Her generosity and kindness will never be forgotten. We are grateful to have had Si Si as a member of our Bay Area community. Our thoughts and prayers are with her family and friends, and may her warm spirit forever light the bridge she tended.

HONORING THE LIFE OF COL. WELSEY L. FOX, USMC (RET.)

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to honor the life of Col. Wes Fox. Col. Fox enlisted in the United States Marine Corps in 1950 at the start of the Korean War to begin his 43-year career. Wes served 16 years as a noncommissioned officer before commissioning as a second lieutenant and retiring as a colonel.

Col. Fox valiantly served the nation and became a recipient of the Medal of Honor for his actions in Vietnam. He led his men through heavy fire, even picking up the weapon of a Marine killed in action, to continue fighting the enemy. Col. Fox sustained severe injuries from shrapnel, continued to lead his Marines, and called in air support. After the battle was over, Fox refused medical treatment, set up an supervised a defensive perimeter, and remained until all the Marines were evacuated. According to his Medal of Honor citation, "his

indomitable courage, inspiring initiative, and unwavering devotion to duty in the face of grave personal danger inspired his Marines to such aggressive actions that they overcame all enemy resistance and destroyed a large bunker complex." Col. Fox retired from the Marines in 1993 with decorations including the Bronze Star and Purple Heart.

After retirement, Col. Fox served as the Deputy Commandant of First Battalion in the Corps of Cadets at Virginia Tech. Col. Fox authored two books: "Marine Rifleman: Forty-Three Years in the Corps (Memories of War)" and "Six Essential Elements of Leadership: Marine Corps Wisdom from a Medal of Honor Recipient." I am honored to have known Wes and to have served as a witness to the countless lives he touched through his selfless service and leadership. He is survived by his wife, Dottie; three daughters; four brothers; four sisters; and nine grandchildren.

Mr. Speaker, I ask you to join me and countless others as we recognize the many contributions of Colonel Wesley L. Fox.

HONORING MARJORIE DICKINSON, UPON HER RETIREMENT FROM THE UNIVERSITY OF CALIFORNIA, DAVIS (UC DAVIS)

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. GARAMENDI. Mr. Speaker, I rise today to recognize the distinguished career of Marjorie Dickinson, a tireless advocate for California higher education. Since 1987, Marjorie has served as the Assistant Chancellor for Government and Community Relations for the University of California, Davis. As the first person to be appointed to the position, her impact on shaping the university's Government and Community Relations program cannot be understated.

Marjorie and her team serve to represent UC Davis to local, state, and federal government officials, advocating for the university community on a wide array of issues. Her work has cultivated positive relationships within the local community while also balancing a national perspective, helping UC Davis continue to be a leader in the field of higher education whose impact is truly global.

A product of the University of California system herself, having graduated from the University of California, Berkeley, Marjorie has also served with the California Post-Secondary Education Commission. Her entire career is a testament to her dedication to higher education in our state, and her passion for the University of California is constantly on display.

Marjorie's remarkable tenure is coming to an end, but she is preparing to embark on the next phase of her life: a well-earned retirement. We want to express our sincere gratitude to Marjorie for her three decades of service, and we are joined by the entire UC Davis community in wishing her nothing but the best for the future.

HONORING THE LIFE OF HAROLD
"BABE" ERDOS**HON. TIM RYAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. RYAN of Ohio. Mr. Speaker, today I rise to remember the life of Harold "Babe" Erdos who died on July 21, 2017 after a long battle with cancer. Babe lived in Morristown, Ohio with his wife Sue.

Babe was a third-generation coal miner and a union man. He was a union member for 46 years and United Mine Worker of America member for 43 years with Local Union 1304. After working underground for many years, he joined the staff of the United Mine Workers of America (UMWA) as a union organizer. In this position, he used his family's stories and experiences to advocate for miners. In 1983, he became actively involved in the political component of UMWA where he worked to influence legislators and to inform miners about legislation that would affect them. Even after retirement, he remained actively involved in the political action of the union. Babe considered this group of miners as a family rather than simply a profession. While Babe is perhaps most known for his work with the coal miners, he also served in the United States Army during the Vietnam War and later in life he was elected Mayor of his hometown of Cadiz, Ohio.

But above all, Babe was a dedicated husband, father, union member, and member of the community. Those who had the pleasure of knowing him spoke of his character and commitment to representing working class people. He is remembered as a man who never complained and always carried himself with a dignity that defined who he was. He leaves behind an enormous legacy and some big shoes to fill in the union. I extend my deepest sympathies to Babe's family, friends, and Union family. I know he is deeply missed by all.

STOP UNDERRIDES ACT OF 2017

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. COHEN. Mr. Speaker, I rise in support of the Stop Underrides Act, a bipartisan, bicameral bill I introduced earlier today along with my colleague on the Transportation & Infrastructure Committee, Rep. DESAULNIER from California, and in the Senate, Senators GILLIBRAND and RUBIO, to prevent deadly truck underride crashes.

An underride crash is when a car slides under the body of a large truck, such as a semi-trailer, during an accident. In these instances, the safety features of passenger vehicles are not able to prevent passenger compartment intrusion and often result in severe or fatal injuries even at low speeds.

Too many lives have been lost or forever altered by these preventable crashes and the time has come for Congress to act.

The Stop Underrides Act does just that—lays out a path to bring an end to these terrible and all too often fatal accidents by requiring all large truck trailers to have front, side, and rear underride guards.

These guards, if installed would have likely prevented the death of Michael Higginbotham, who was killed in an underride crash in Memphis and whose parents, Randy and Laurie Higginbotham, have inspired me to take action on this long overdue issue.

It's simple. This legislation will save lives, it's the right thing to do, and that is the bottom line.

This is common sense legislation and I urge my colleagues to support the passage of the Stop Underrides Act.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. LARSON of Connecticut. Mr. Speaker, on December 7, 2017 I missed Roll Call vote 671. Had I been present, I would have voted ye.

RECOGNIZING THE CONTRIBUTIONS OF STANTON GILDENHORN ON THE OCCASION OF HIS 75TH BIRTHDAY

HON. JAMIE RASKIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Mr. RASKIN. Mr. Speaker, I rise today to recognize the great contributions that have been rendered to our country and to my home state of Maryland by my constituent and wonderful friend, Stanton Gildenhorn. I offer these remarks just a few days ahead of Stan's 75th birthday next week.

Stan is a well-known public servant, politico, and television personality in our community. He got his start as the youngest staffer in President John F. Kennedy's White House and later worked for the U.S. Securities and Exchange Commission.

Stan earned a J.D. from the George Washington University School of Law and worked as an attorney in private practice for many years, including in Rockville. He also put his superior legal skills to good use to benefit our community by working at non-profit organizations like the Montgomery County Humane Society and serving as both the Chairman and Counsel for the Montgomery County Democratic Central Committee.

A passionate political thinker and strategist, Stan has managed or worked on dozens of campaigns in the last 40 years, at nearly every level of government, and chaired the Montgomery County Charter Review Commission. He was a fixture on national and local television shows for decades, and continues to offer valuable and incisive political commentary today.

I am honored to recognize the important contributions of my constituent, Mr. Stanton Gildenhorn today and hope this chamber will join me in wishing him a happy 75th birthday.

HONORING JACKIE GILLAN, PRESIDENT OF ADVOCATES FOR HIGHWAY AND AUTO SAFETY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 2017

Ms. SCHAKOWSKY. Mr. Speaker, I rise to celebrate the career of Jackie Gillan, President of Advocates for Highway and Auto Safety. Jackie will soon be retiring after nearly 30 years with Advocates.

For decades, Jackie has been at the forefront of transportation safety—in and out of government. Her record of public service is impressive. She served as a staffer at the U.S. Department of Transportation during the Carter Administration and in the U.S. Senate. She has also worked at state transportation agencies in New Jersey, Ohio, and California.

I know Jackie from her post-government career as a champion for consumer safety. She joined Advocates as a board member in 1989. She became Vice President a year later and President in 2011.

Under her leadership, Advocates has worked effectively at the federal and state levels to improve child safety; strengthen laws against impaired driving; require seatbelts, child restraints, and motorcycle helmets; establish teen driver programs; and increase funding for highway and auto safety. In 2002, two-year-old Cameron Gulbransen was killed in a tragic back-over accident. With Jackie's help, I passed a bill in Cameron's memory to require back-up cameras in passenger vehicles. The fight did not stop there though. We fought for years afterward to implement the law until the National Highway Traffic Safety Administration finalized a rule in 2014. Thanks to Jackie's tireless efforts, back-up cameras are now standard in Model Year 2018 passenger vehicles.

This year, we have been working together to pass the HOT CARS Act, which would help prevent child heatstroke deaths by requiring rear seat reminders. Jackie has been an ally in numerous other efforts as well, from limiting the sale of cars under open recall to ensuring the safe deployment of autonomous vehicles.

Jackie leaves her current role with an impressive legacy of crashes prevented, injuries averted, and lives saved. But I don't expect Jackie to disappear into retirement. As she moves from President to President Emeritus of Advocates for Highway and Auto Safety, I am confident that she will continue to be a safety champion. And whether they know it or not, everyone on the road today owes a little bit of gratitude to Jackie Gillan.

SENATE—Wednesday, December 13, 2017

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, thank You that our life's pilgrimage is a process and discovery. Open our eyes today that we may see wonderful things in Your precepts, gaining wisdom from Your world. Help our lawmakers to strive to ensure that their thoughts, words, and deeds will please You. Today, we surrender to Your providence, trusting You to order our steps. Lord, teach us to illuminate our world with the wisdom of Your Divine insights, so that Your will may be done on Earth. Transform life's deserts so that they will blossom like roses. Bring flowing springs to the parched grounds of our lives, so that we may live abundantly.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The majority leader is recognized.

NOMINATION OF JAMES HO

Mr. MCCONNELL. Madam President, this week, the Senate is continuing to consider President Trump's outstanding judicial nominees. Yesterday, we confirmed a talented individual to be a circuit court judge, and soon we will confirm another. Next, we will advance the nomination of James Ho to be a judge of the Fifth Circuit Court of Appeals. Mr. Ho is another well-qualified individual, and, like all of President Trump's judicial nominees, he is dedicated to upholding the rule of law and serving as an impartial arbiter on the bench.

Similar to Justice Willett, whom I discussed yesterday, Mr. Ho has an inspirational story. Immigrating to the United States from Taiwan at the age of 1, he learned English by watching "Sesame Street." He went on to grad-

uate from the University of Chicago Law School with high honors and earned a clerkship with Judge Jerry E. Smith of the Fifth Circuit. In 2001, Mr. Ho joined the Department of Justice as the Special Assistant to the Assistant Attorney General for Civil Rights and later worked in the Office of Legal Counsel. In addition to his service in the executive branch, he worked here in the Senate as chief counsel for the Judiciary Committee's Subcommittee on the Constitution. Afterward, he went across the street to clerk for Associate Justice Clarence Thomas.

After his distinguished and successful legal career in Washington, Mr. Ho returned to Texas, joining a top law firm and specializing in appellate litigation. He then served as the solicitor general of Texas, succeeding our colleague Senator TED CRUZ. It was while he was serving in that role that he won the Supreme Court Best Brief Award from the National Association of Attorneys General. He went on to earn the award two more times. After his time in State government, Mr. Ho returned to his private practice firm and currently serves as the cochair of its appellate and constitutional law group. He has presented oral arguments in State and Federal courts around the country, including the Supreme Court.

It is clear that Mr. Ho possesses impressive credentials, with the experience necessary to excel on the Fifth Circuit. He also earned the praise of prominent Democrats who believe he will make an excellent addition to the Federal court.

Ron Kirk, the Obama administration's Trade Representative and the former mayor of Dallas, supported Mr. Ho's nomination to the Judiciary Committee. He wrote:

Jim possesses the temperament, integrity, and intellect that anyone, Republican or Democrat, should insist on in a federal judge. He is wickedly smart, and is among the most brilliant appellate lawyers in the United States. If there is one thing that my liberal and conservative colleagues agree on, it is that Jim just has it in his DNA to be a great judge.

A Commissioner on the U.S. Commission on Civil Rights appointed by President Obama also recommended Mr. Ho in a letter to the Judiciary Committee. She knows him from his volunteer work with the National Asian Pacific American Bar Association. She wrote that he "has a strong reputation as an intelligent, reasonable, fair and principled lawyer."

I would like to commend President Trump for another very strong nomination. I would also like to express my gratitude to Chairman GRASSLEY and

the members of the Judiciary Committee for their work to process the President's judicial nominees.

I look forward to advancing Mr. Ho's nomination soon.

THE INTERNET

Mr. MCCONNELL. Madam President, one of the great advances of our time has been the development and expansion of the internet and wireless technologies. The internet connects people across the globe in an unprecedented way. It brings together producers and consumers, students and educators, and even Members of the Senate with our constituents.

It is difficult to exaggerate the impact the internet has on our society and our economy each and every day. Even a few decades ago, the technologies many of us take for granted today would have been totally unfathomable.

But the success of the Internet wasn't an accident. Today's internet—and all the incredible innovations that utilize it—aren't the product of unnecessary and burdensome government regulations that hindered growth. Instead, they were the direct result of a bipartisan desire to create an environment of advancement—one that utilized a light regulatory touch. Innovators were free to create and develop what they wanted to, without having to think about complying with overbearing Washington regulation.

As the internet grows, so does the United States. Our Nation has led the world in internet technology, and citizens throughout the country and the world have enjoyed the benefits.

However, the previous administration seemed bent on subjecting the internet to a whole host of new regulations—rules designed in the age of the rotary phone and rooted in the railroad era of the 1800s. Through unprecedented government overreach, the Obama administration argued that this change would fix a problem. But there wasn't a problem that needed fixing.

Therefore at the behest of President Obama in 2015, the partisan majority at the Federal Communications Commission rejected our decades-old approach and reclassified broadband internet access. This overreach subjected it to new burdens and regulations and threatened the marketplace freedom and innovation that brought us the internet we have come to know today.

It shouldn't shock any of my colleagues to hear that an increase in burdensome regulations created uncertainty for businesses of all sizes and

negatively impacted investment. In the last 2 years, broadband investment has suffered a serious decline, even though many Americans, including large numbers in rural States like Kentucky, lack access to crucial internet services at home.

Earlier this year, President Trump changed direction from the previous administration. He elevated Ajit Pai to serve as the Chairman of the FCC, and tomorrow, the Commission will vote to repeal the misguided 2015 rule.

Chairman Pai submitted a proposal to restore freedom to the internet and to classify broadband internet access once again as an information service, just like it was until 2015.

When the FCC votes tomorrow, they will be voting to return the internet to a consumer-driven marketplace free of innovation-stifling regulations.

Opponents of Chairman Pai's plan have expressed their concerns about unfair or disruptive business practices that may hurt consumers' access to the internet. However, his proposal will actually restore the Federal Trade Commission's authority to protect consumers and police companies that engage in unfair practices.

Chairman Pai's proposal will also require internet service providers to clearly disclose how they treat their customers' data so that consumers can choose the services that are right for them.

I look forward to their vote in support of the open internet and to Congress's actions in the future to keep the internet open for consumers in a lasting way.

Before I continue onto another matter, I feel that it is necessary to take a moment to discuss the vitriolic and divisive debate over this topic.

As my colleagues know, I am a strong defender of political speech, and I have fought for decades to protect the rights of all Americans to question government policies. However, the discussion on this issue took on a new tone. While the First Amendment protects political speech, it is no excuse for bad conduct.

Instead of debating the effects of a proposal, some of the far left engaged in personal attacks, even going as low as to promulgate attacks citing Chairman Pai's children. This type of behavior does nothing to elevate our Nation's discourse or forward a particular policy. I hope that we can all agree that this type of harassment deserves universal condemnation.

FUNDING OUR MILITARY

Mr. McCONNELL. Now, on another matter, Madam President, over the last eight years, our foreign policy was guided by a Commander in Chief who wished to draw down conventional military power from across the globe. Iran, China, and Russia have sought to

fill this vacuum and exploit the perception that America was withdrawing.

This Republican Congress has made a commitment to work with President Trump to rebuild our military and give our men and women in uniform the resources they need to face the challenges of a dangerous world.

We know there is more work to do in restoring our military's combat readiness and meeting the full needs of the force. Earlier this year, we passed a funding measure that was an important departure from the Obama years.

The President has renewed our commitment to Afghanistan, and is trying to train and equip a force that can meet the daunting challenge posed by North Korea.

To begin rebuilding our military, we ignored the Obama-era demand that any increase in defense funding must be equally matched to nondefense increases. We did that earlier this year, and we must do it once again.

As we continue to discuss a plan to fund the government, we must prioritize efforts to provide for our warfighters. The Defense Department suffered a disproportionate reduction under the Budget Control Act—one that has real consequences for readiness. If we are not able to come to a funding agreement, our military—and many other critical functions of the Federal Government—will suffer intolerable budget cuts next year.

I hope that my colleagues on the other side of the aisle will work with us in a serious manner to make sure that we are able to responsibly fund the government so that our military has the tools it needs to keep us safe.

TAX CUTS AND JOBS BILL

Mr. McCONNELL. Now, on one final matter, Madam President, later today, the Tax Cuts and Jobs Act conference committee will host an open meeting to discuss its progress in resolving the differences between the House and Senate versions of the bill.

The conferees have been working diligently to produce a report that both Chambers can vote on soon. Once they complete their work, Congress will be able to fulfill our commitment to the American people and deliver real tax reform.

For too long, the hardworking men and women of Kentucky and our Nation have endured a struggling economy and a broken tax code. Rates are too high. The structure is too complicated to understand, and it is too easy for the wealthy and the well-connected to exploit. Incentives are so nonsensical that some actually encourage corporations to ship American jobs overseas.

It is time for a change. Passing pro-family and pro-growth tax reform is the single most important action we can take right now to grow our econ-

omy and help the middle class get ahead.

Families deserve a tax system that works for them; and along with President Trump and his team, this Republican-led Congress is working to deliver. This is our chance to set a new course—to undo the damage that our outdated Tax Code has inflicted on the economy over the last decade.

For the Americans who were left behind by the Obama economy, this is our opportunity to provide relief. We want to make your taxes lower, simpler, and fairer. We want to bring investment and jobs back home and keep them here. The bottom line is this: We want to take more money out of Washington's pocket and put more money into the pockets of the middle class. I am confident the conference committee will finalize a bill that does just that.

It will also repeal ObamaCare's individual mandate tax, delivering relief to low- and middle-income Americans who have struggled under an unpopular and unworkable law.

In addition to this once-in-a-generation tax relief, our legislation will also provide for our Nation's energy future. By further developing Alaska's oil and gas potential, this bill will help create jobs, support energy independence, and promote our national security.

The forthcoming conference report represents our chance to provide a real benefit to families and small businesses across the Nation. I am grateful to the members of the conference committee for their hard work to resolve the differences between the two bills. I look forward to voting for the final product soon.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ELECTION OF DOUG JONES

Mr. SCHUMER. Madam President, as we know, last night a Democrat won in the State of Alabama for the first time in a quarter century.

Last night's election of Doug Jones was not only the repudiation of a candidate unfit to serve in this body; it was an affirmation of a candidate who represents the very best of public service.

I read Doug Jones' bio. One story stands out in my mind. As a second-year law student, Doug Jones skipped class to attend the trial of the Klansman ringleader of the 1963 bombing of the 16th Street Baptist Church—an event, as we all remember, that shook the conscience of our country and helped launch a mighty movement for civil rights. Although a young Doug Jones was moved by the disposition of justice in that trial, he was left with the impression that other members of the conspiracy had escaped the reach of the law. So 24 years later, when Doug Jones became the U.S. attorney in Alabama, he pursued charges against two more Klan members involved in the bombing, winning their conviction, and delivered a long-delayed but mighty righteous justice.

Doug Jones deserved to win the race last night. He is a fine man, was an excellent candidate, and is going to make an outstanding Senator for the people of Alabama. I congratulate Senator-Elect Jones and look forward to welcoming him to this Chamber and our caucus.

Two additional points in regard to the election, which has a link to the Chamber here:

First, the election of a Democrat in such a conservative State, which hadn't had a Democratic Senator since 1996—they elected one in 1990, I guess—is a clarion call for bipartisanship. The American people are clamoring for us to work together, to eschew the politics of divisiveness and once again conduct our politics with civility, decency, and an eye toward compromise. That is what Doug Jones represented as a candidate, it is what he campaigned on, and his election should signal to all of my Republican colleagues that the American people, from the deepest red States to the deepest blue States, yearn for our politics to function again in a bipartisan way.

The election of a Democrat in such a conservative State is a clarion call for bipartisanship. The people of Alabama have spoken, and they have sent a message asking both Democrats and Republicans to work together to solve our greatest challenges. That is how Doug Jones campaigned. Roy Moore did not try to pursue any scintilla of bipartisanship, and it might have been one of the reasons he lost, particularly in the suburbs of Birmingham and other cities. I hope we in this body will take this election in earnest and pursue a course of bipartisanship.

REPUBLICAN TAX BILL

The election of Doug Jones should have another effect on this Chamber as well. It would be unseemly and imprudent to rush a massive piece of partisan legislation through this Chamber before Doug Jones is seated. To rush such a huge piece of legislation when the people of Alabama have just sent us a new Senator and try to jam it through before he gets here would be so wrong. Doug Jones will be the duly elected Senator from the State of Alabama in a few short weeks. The Governor didn't appoint him. The people chose him. It would be wrong for Senate Republicans to jam through this tax bill without giving the newly elected Senator from Alabama the opportunity to cast his vote. The people of Alabama deserve to have their representative in the Senate to debate the biggest issues of the day, and the tax bill certainly falls under that category.

Today, we Senate Democrats are calling on Leader McConnell to hit pause on his tax bill and not hold a final vote on it until Doug Jones is sworn into the Senate. That is exactly what Republicans argued when Scott Brown was elected in 2010. Referring to healthcare, Leader McConnell said it would be "gamesmanship" to pursue big-ticket legislation before Scott Brown was seated. He asked us to "honor the wishes of the people of Massachusetts." Leader Reid, in fact, acceded to that wish and waited until Scott Brown was a Senator before there were any further votes on healthcare. "We're going to wait until the new senator arrives until we do anything more on healthcare," he said.

As too often has happened, Senator McConnell does one thing when Republicans are in charge and a different thing when Democrats are in charge. Here is another example. McConnell says: New Senator—in that case, Scott Brown—slow down work on major legislation, and Reid acceded.

We are calling on Senator McConnell to do the same thing today. Let's see if he does. We are calling on Senator McConnell to do just as Senator Reid did—to honor the wishes of the people of a State that has newly elected a Senator and to wait to move forward on the tax bill until Senator Jones arrives.

If Republicans insist on barreling ahead—and I understand the pressure is on them from their hard-right multi-billionaire paymasters—they will be pouring gasoline on the fire. Their tax bill—written in back rooms, rushed through this Chamber with such recklessness—which gives enormous breaks to the wealthy and corporations while it raises taxes on millions, many of them in the middle class, is being roundly rejected by the American people. Poll after poll shows by ratios equal to, a little less than, or a little more than two to one that the Amer-

ican people reject this bill. They know what is in it. They don't know all of the details, but they know it favors the wealthy and powerful over them, over the middle class. They know that, even if they are getting a small tax break, the vast majority of the tax breaks go to the wealthiest and the most powerful, and they don't like it. Above all, they know this tax bill will clobber the suburbs, drastically cutting back on the State and local deductions and other deductions they cut back on, which will be a gut punch to millions of middle-class and upper middle-class Americans who live in the suburbs. They are the very same people who are turning away from President Trump, who helped to propel Doug Jones to victory last night, and who helped to propel Mr. Northam to be Governor of Virginia when his opponent Gillespie was calling for a \$10,000 tax break for the middle class.

The longer this bill sits behind closed doors, the worse it is getting. Rather than improving it for the middle class, they are cutting the rate further on the wealthiest of Americans, according to all reports—to reduce the top rate another 2.5 percent, only going to people who make over \$300,000 a year, while raising taxes on the middle class. What is going on in the heads of our Republican colleagues? Why would they do something that seems so wrong for America and so against what the American people want? We know why. The Koch brothers and the Club for Growth, funded largely by billionaires and millionaires, and all these other groups are fanatic: Just cut taxes on the rich.

I don't even hear them arguing for helping the middle class, except in TV ads that are deceptive, in my judgment. But they are doing it for that reason. Our Republican colleagues, by trying to appease these very wealthy people—a small number of greedy people—are writing their political doom, in my opinion.

The longer this bill sits behind closed doors, the worse it is getting. It is not improving things for the middle class. It is making them worse. Instead of learning from their mistakes, instead of heeding one of the lessons of the election last night, Republicans are doubling down on helping the wealthy and powerful and doing nothing for, if not harming, the middle class.

In 2010 on the floor of the Senate, Leader McConnell said:

We need to move in a new direction—a dramatically new direction. That is the message of Virginia. That is the message of New Jersey. That is the message of Massachusetts.

You could replace Massachusetts with Alabama and say the exact same thing today. In sum, on process, on policy, and on politics, pausing this tax bill and going back to the drawing board is the right thing for Republicans to do. I hope, for the sake of this country, they will do just that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NET NEUTRALITY

Ms. CANTWELL. Madam President, today we are closing in on a critical decision that will have a lasting impact on the innovation-driven economy of the United States. The Chairman of the FCC has decided to repeal a critical consumer protection known as net neutrality. This is a wrongheaded move. It is misguided. It is being driven by big cable interests that want to continue to gouge consumers and charge them more, making sure that consumers either pay or have their internet lines slowed down.

This decision turns the success of what has been an essential 21st-century innovation over to those in big corporations, instead of making sure that Main Street innovators continue to do what they do best. I don't think the American people want cable companies to be the gatekeeper on the internet. They want to have the FCC continue to play a role in making sure that an open internet is there for all, so that small businesses, entrepreneurs, and innovators can continue to build on the success of communicating with their consumers and their business partners without having artificially slowed-down lines.

Who would this impact if the FCC moves forward?

You could say that seniors would be impacted with regard to receiving their telehealth medicine and that students would be impacted in the slowing down of their education. Families who access educational tools for their children could also see charges, and the open highway that has been so important in making sure that new internet businesses are started could be impacted.

The No. 1 reason we have to fight this decision—making sure that we do everything we can to stop the FCC from implementing this rule and giving consumers the protection of net neutrality—is that it will harm our internet economy. Last summer we had a townhall meeting about this, where I heard from many of my constituents. I then sent in many business cases to Chairman Pai so that he would understand why this impacts us so much.

Let's make sure that we understand what is happening. The FCC had rules that had prevented companies from throttling, or blocking, and it had paved the way for many great successes. In the United States, we have Fortune 500 companies and a tech industry that is responsible for 7 percent

of our Nation's GDP and 6.9 million jobs in the United States of America.

Why would you change the rules now? Why would you leave after having made sure critical protections were in place and, instead, replace them with the ability for certain companies—cable, specifically—to wreak havoc on this economy?

Thirteen percent of Washington State's economy depends on a healthy internet sector. The internet economy for our State supports 250,000 jobs, and at a time when the Nation has not had enough wage growth, these tech jobs have been a bedrock for the middle class.

Chairman Pai is clearly not focused on the 250,000 jobs and the 13 percent of our State's economy. Just this past weekend, I and my colleague, Congresswoman DELBENE, met with many of these small businesses. Their message was loud and clear: Please stop Chairman Pai from ruining the internet by taking away key protections that make sure our businesses run successfully.

Chairman Pai is abdicating his role. He is abandoning the consumers whom he has sworn an oath to serve, and he is turning his back on innovators. He has really changed the direction for us and our innovation economy. I know that he thinks this is a light touch, but I guarantee you that it is a "no touch" regulation. What we need is to make sure that these companies do not artificially charge consumers, small businesses, and Main Street more for what they already are doing now and doing successfully. Obviously, an open internet rule and the rules that we are living under now have fueled an innovation economy. Every business plan of every startup relies on the company's ability to be able to contact its consumers.

With this much of our economy at stake, let's not continue to make mistakes. Let's continue to fight here in the Senate and make sure that we stop Chairman Pai and the FCC from having the resources to implement this rule. It is so important now that we continue to fight for small businesses, for Main Street entrepreneurs, and for the innovation economy.

We deserve to have an open internet. As the small businesses and innovators just said to me this past weekend in Seattle, this is really like siding with the big companies and saying that they are going to make all of the decisions, that they are the ones that are going to be in control. They are not going to be for competition, and they are not going to be for this level of innovation. They are going to slow down what is one of the best parts of our economy.

I hope that our colleagues will join the fight and stop the FCC, in any manner possible, from implementing what is, literally, a very, very anti-competitive strategy and one that is

very, very focused on big corporations, instead of the innovation economy of the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Madam President, I thank all of my colleagues, led by Senator CANTWELL, for joining me on the floor this afternoon.

We are speaking on behalf of millions of our constituents and of the tens of millions of Americans who support a free and open internet. I am proud to come to the floor to discuss an issue of national importance to both our economy and our democracy—net neutrality.

Now, a lot of people have recently stopped and asked me: What exactly is net neutrality?

The technical answer is that network neutrality, or net neutrality, is the principle that internet service providers—you know their names: Verizon, AT&T, Charter, Comcast—cannot discriminate against content providers, against websites. They are the people to whom you pay by check each month and who make sure that you have broadband service. You know who they are. The simpler explanation is this: No one owns the internet. Everyone can use the internet. Anyone can improve the internet.

Yet that will not be the case if the Trump administration and Ajit Pai, the Chairman, and Republicans have their way. They want to get rid of the Federal Communications Commission's net neutrality rules so that the ISPs, the internet service providers, can indiscriminately charge more for internet fast lanes, slow down websites, block websites, make it harder—and, maybe, even impossible—for inventors, entrepreneurs, and small businesses—the lifeblood of the American economy—to connect to the internet.

That is why we are here this afternoon on the floor, and it is why supporters of a free and open internet are vigorously opposed to this politically craven attempt to weaken the principle of net neutrality that has allowed the internet to flourish.

Tomorrow the Federal Communications Commission is voting on a proposal that will cut at the very heart of a free and open internet. They are voting to roll back net neutrality protections and send a love letter to the big broadband companies that stand to make huge profits without these rules.

So what are Chairman Pai and his broadband buddies really trying to do?

The first thing they will do is to gut the rule against blocking. What does that mean? It means that an internet service provider could block any website it wants. That includes a website of a competing service or a website with a contrary political view—whatever they want.

Second, Chairman Pai would gut the rule against throttling. What does that

mean? It means that the internet service provider could slow down any website it wants.

Third, Chairman Pai would gut the rule that bans paid prioritization. What does that mean? It means that the internet service provider could charge websites for an internet fast lane, meaning that those websites could load more quickly, while the websites that could not afford the internet's "E-ZPass" would be stuck on a gravel path and take more time to load, frustrating consumers with long buffering times.

Fourth, Chairman Pai would gut the forward-looking general conduct rule. What does that mean? The general conduct rule protects consumers from harms such as data caps and other discriminatory behavior that ISPs will think of in the coming months or years ahead.

Fifth, Chairman Pai would create an unregulated interconnection market. What does that mean? It means that the Federal Communications Commission would lose authority to oversee places at which ISPs connect to the internet and extract fees.

Finally, Chairman Pai wants to prevent States and localities from adopting their own net neutrality protections.

What will be the replacement for these enforceable net neutrality rules today? What will replace them? Absolutely nothing. Chairman Pai will leave it to the internet service providers to, simply, regulate themselves in this unpoliced internet "Wild West."

Chairman Pai claims that the Federal Trade Commission—not the Federal Communications Commission, which is the Commission of expertise over telecommunications—somehow provides a sufficient backstop to bad behavior by the ISPs, but that is simply not true.

Under the Federal Trade Commission, the big broadband barons would establish their own net neutrality policies. That is like letting the bullies develop their own playground rules. If the ISP wants to block websites, slow down competitors' websites, and charge innovators and entrepreneurs to reach their customers, they will be free to do so. That is because the Federal Trade Commission can only step in if a broadband provider violates its own net neutrality policies—that is, the policy created by the broadband company itself. Yet, if an internet service provider has a written policy that charges websites for internet fast lanes, there is nothing the Federal Trade Commission can do about it.

That is ridiculous, and it is wrong. Allowing the broadband industry to set its own net neutrality protections is like letting the fox guard the hen-house.

OK, so the Federal Trade Commission oversight will not work. Chairman Pai

claims that he has another solution. It is called transparency. He argues that, if ISPs are transparent about their net neutrality practices, consumers and businesses can simply choose to use a broadband provider with the net neutrality practices that best suit them. But what good is transparency when most Americans have little or no choice for high-speed broadband access?

Consider this that 62 percent of Americans have only one choice for high-speed, fixed broadband. That is right. Nearly two-thirds of the country have only one choice from whom they can purchase broadband. That means, if a household's only choice for high-speed broadband is not transparent about its plans to set up internet fast and slow lanes, the consumer has two choices—one, to accept the internet service provider's terms or, two, to live without the internet. That is a false choice. People do not want to live without the internet in the 21st century.

Chairman Pai claims that internet service providers actually support net neutrality but just not the open internet order under which we are living today. That is like saying that you support democracy but not the Constitution. It is like saying that you like math but you hate numbers. It makes no sense.

The broadband barons have been fighting for years, both at the Federal Communications Commission and in the courts, to block net neutrality rules. It is crystal clear, and it has been for years. The broadband companies are deeply opposed to net neutrality because they want to drive up their profits by setting up internet fast and slow lanes and charge consumers more for less. It is a simple formula.

Chairman Pai also claims that broadband investment has been discouraged by the open internet order. That is false. Investment in our broadband infrastructure is stronger than ever, and with the deployment of 5G technologies on the horizon, we can expect this strong investment to continue. Broadband investment in the aggregate has increased in the 2 years since the FCC passed the open internet order. Beyond just measuring dollars spent, broadband speeds also increased after the 2015 order, meaning the ISPs have been improving the services they offer to their consumers. Consider this: In 2016 almost half of the venture capital funds invested in this country went toward internet-specific and software companies. That is \$25 billion worth of investments.

We have hit the sweet spot. Investment in broadband and wireless technologies is high, job creation is high, and venture capital investment in online startups is high. Chairman Pai threatens to disrupt this appropriate balance and squash innovation online.

It is clear that Americans do not want what the FCC is proposing. It seems as though the only supporter of this plan is the broadband industry.

If Chairman Pai and his Republican colleagues turn a deaf ear to millions of Americans standing up to net neutrality and approve their plan tomorrow, we will continue this fight elsewhere. When the Obama-era rules were challenged by the internet service providers in 2015, I led a congressional amicus brief with Congresswoman ESHOO in support of the rules. Congresswoman ESHOO and I plan to do it again this time and lead an amicus brief in defense of net neutrality. I also intend to file a Congressional Review Act, or CRA, resolution of disapproval with a number of my colleagues so that the U.S. Senate can vote to undo Chairman Pai's proposal and restore the 2015 open internet order.

The Trump administration is waging an all-out assault on our core protections: DACA, the Affordable Care Act, the Paris climate accord, and the Clean Power Plan. Now Trump's Federal Communications Commission has put net neutrality in its sights.

For all of those who rely upon the free and open internet, whether it is for commerce, education, healthcare or entertainment, I urge you to join me in this fight to create a firestorm of opposition to this assault on net neutrality. This is a fundamental attack on the openness of the internet that must be beaten, and we must now form an army of ordinary Americans as the voices that will fight the special interests and lobbyists in this city who want to shut down net neutrality forever.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, there are a handful of innovations over the years that have redefined the United States and the entire world. The cotton gin, railroads, electricity, and the automobile are just a few examples. However, without question, broadband internet is one of the defining innovations of our time. Broadband internet connects both rural and urban communities to vital services such as telemedicine, educational resources, and international commerce. In fact, broadband internet is absolutely essential for communications in the modern era. It lets us keep in touch with our loved ones no matter where they live, and it has boosted productivity across every single industry. Perhaps most importantly, broadband internet revolutionized our economy and has led to millions of new jobs.

The ability to instantly reach consumers wherever they live has allowed American small businesses and startups to compete with large global corporations in a way that would have been simply unimaginable just a couple of decades ago.

Michigan is home to over 850,000 small businesses and a growing number of startups. The new ideas and creative solutions they generate put America on the cutting edge of a global and interconnected economy. Michigan small businesses are able to compete and innovate because of the free and open structure of the internet, but, unfortunately, these opportunities are at risk.

Tomorrow the FCC will vote to eliminate current net neutrality protections that stop large corporations from stifling small businesses and harming the American people. I think the facts are very straightforward, and the FCC is wrong. They should stop what they are doing and keep the current protections in place.

The current rules that I have consistently supported prevent internet service providers from blocking, slowing, or prioritizing web traffic for their own financial gain at the expense of small businesses and every day internet users. The FCC's actions to roll back these protections could usher in a new era of a two-tiered internet—one for the large corporations that can pay for the fast lane and a slow lane for the rest of us. This will allow internet service providers and multinational corporations to compete unfairly against startups, slowing down their traffic and playing gatekeeper to potential customers.

Let me be clear. Repealing net neutrality is anti-innovation, repealing net neutrality is anti-competition, and repealing net neutrality is anti-consumer.

The FCC should not consider this proposal tomorrow to degrade internet service, especially during a time when over 20 million households in rural America, including far too many in my home State of Michigan, still lack access to high-speed broadband internet.

The FCC has a lot of work to do to close the digital divide, and repealing net neutrality is taking our country backward, not forward. If the internet doesn't work for growing small businesses and startups, our economy will be hurt for generations to come. High-speed broadband and net neutrality in the 21st century is every bit as vital as electricity was in the 20th century. All Americans deserve access, regardless of their income or their ZIP Code.

We accomplished the goal of bringing electricity to every household in this country in the last century, even in the most rural areas, by making it a national priority. We need to make access to broadband internet with strong net neutrality protections a national priority today.

By preserving net neutrality, we put students, artists, advocates, entrepreneurs, and other visionaries, who could be inventing the future and creating the next big thing, ahead of a handful of multinational corporations.

The FCC should call off this dangerous vote and, instead, work to ensure that the internet remains a hub of entrepreneurship, creativity, and competition.

CHILDREN'S HEALTH INSURANCE PROGRAM

Madam President, over 2 months ago I stood here in this Chamber, urging my colleagues to pass legislation that will prevent kids enrolled in the Children's Health Insurance Program from losing their healthcare. The Children's Health Insurance Program, or CHIP, provides healthcare coverage to over 100,000 children in my home State of Michigan and more than 9 million children nationwide.

I recall welcoming the news that Senate Finance Committee Chairman HATCH and Ranking Member WYDEN had reached a bipartisan agreement to extend the healthcare benefits for these children. They worked together and went through regular order. The Finance Committee held a hearing and a markup on the bill in October.

We all know that regular order has become a very rare event in the Senate today, and I appreciate the bipartisan effort to have a Senate vote on a bill that is absolutely critical to our Nation's children. I certainly expected that this bipartisan bill would come to the floor and pass with broad bipartisan support, thus bringing relief to families across the Nation who are worried about whether their children will continue to have healthcare in 2018. Unfortunately, in the months since those good-faith efforts, we still have not seen a vote on this important legislation. This is inexcusable. We must take action now.

States are already beginning to notify families that their children's healthcare plans may be canceled if Congress does not act. States such as Louisiana, Texas, Virginia, and others have announced that they may run out of funds within weeks. In my home State of Michigan, I have heard from parents who are worried about whether their children will still be able to see their pediatrician next year. I have also heard from pediatricians who take care of these children how children will be hurt if their healthcare is taken away.

It would be unconscionable to rip healthcare services away from children during the most formative years of their lives. It would be unconscionable to put new roadblocks up for families whose children need physicals and vaccines before they can go to school. It would be unconscionable to increase healthcare costs for working families who are just trying to keep their children healthy and give them the opportunity to prosper.

This is not a partisan issue. In 1997, President Bill Clinton worked with a Republican majority both in the Senate and in the House of Representatives to successfully pass the Chil-

dren's Health Insurance Program into law. That legislation passed with 85 votes in the Senate because providing needed health services to children should never be a partisan issue.

The CHIP program has been reauthorized on a bipartisan basis since its inception because it is effective. CHIP is working for our Nation's children, and we should be too.

I urge my colleagues across the aisle to call for a vote on this legislation to extend CHIP and pass it without delay. Let's do what is right for our country's children and families and pass this bipartisan legislation now.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

NET NEUTRALITY

Mr. LEAHY. Madam President, this week, the Federal Communications Commission—FCC—is preparing to give a giant, early Christmas present to a few, deep-pocketed telecom companies, as it prepares to repeal critical net neutrality protections. Net neutrality is the simple principle that the internet should be kept free and open by preventing the corporations who control the connections to selectively throttle or block certain content, especially that of competitors.

Repealing net neutrality rules will benefit just a few powerful corporations—and it will do so at the expense of small businesses, consumers, and hard-working Americans, whose persistent and passionate voices on this issue have been completely ignored by the FCC's Republican majority.

Despite calling for public hearings when the current net neutrality protections were developed, Chairman Pai has failed to heed his own advice now that he is in charge of the FCC.

It seems the only people he listens to are those with deep enough pockets to afford high-powered lobbyists. If you are a concerned citizen or small business owner, your voice doesn't matter to this FCC. As someone who held public hearings on this issue in 2014, I can tell you that there is widespread and overwhelming support for net neutrality just about everywhere except at the FCC itself.

If the Chairman took the time to listen, as I did, he would hear from small business owners like Cabot Orton at the Vermont Country Store, who told me, "We're not asking for special treatment, incentives, or subsidies. All the small business community asks is simply to preserve and protect Internet commerce as it exists today, which has served all businesses remarkably well."

Just today, we received a letter from businesses in Northern New England, including Vermont's own Ben & Jerry's, Cabot Creamery Cooperative, and King Arthur Flour, discussing the "crippling effect" a repeal of net neutrality rules would have on rural businesses.

I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

Chairman Pai would hear from libraries, which for some rural communities are the only way to access the internet.

As Vermont's State librarian, Martha Reid, told me: "All Americans—including the most disenfranchised citizens, those who would have no way to access the Internet without the library—need to be able to use Internet resources on an equal footing."

Chairman Pai would also hear from independent content creators whose voices are too often not heard on traditional media. As actress, writer, and producer Ruth Livier told me: "In the unprecedented world of an open, non-discriminatory Internet, no longer did low-budgets and no connections mean there was no way in. Never again could we be disregarded by anyone who essentially asks, 'Who are you to have your story be told?'"

These are the voices being ignored. They are the people, the Americans, who stand to lose the most in the Chairman Pai's misguided plan.

This is not about partisanship. Republicans and Democrats alike, in my State and every other State, benefit from the power of an open Internet, and equally stand to be harmed if the rules of the road ensuring its openness go away.

I know there are some people with a lot of money who want to do away with net neutrality. They are even filing fake comments with the FCC saying they want to repeal these protections. One of those comments came to my attention. It had my name and my home address on it. Most people, when they saw it, just laughed, because they knew it was fake.

None of us should support a process that willfully dismisses the voices of our constituents. I hope that all Senators will join me in calling on the FCC to abandon this reckless vote to repeal net neutrality.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 13, 2017.

Hon. AJIT PAI,
Chairman, Federal Communications Commission,
Washington, DC.

DEAR FCC CHAIRMAN AJIT PAI: We are a group of businesses from Northern New England with strong ties to the rural and agricultural business community. We are writing today out of deep concern about the FCC's proposal to roll back the current net neutrality rules based on Title II of the Communications Act. We urge you to maintain the existing rules instead.

As members of the business community in this region, we regularly witness how small rural businesses, including the farms and cooperatives that many of us source from, already struggle with limited access to broadband and limited options for Internet service providers. The repeal of net neutrality would compound the challenges faced

by these businesses, adding cost and creating a competitive disadvantage to running a successful business in rural America.

Uninhibited access to the internet is already a fundamental necessity for operating a successful business in rural areas. Looking to the future, this is only going to become more important. In our work with farmers in this region, we see how this particular group of businesses is increasingly reliant on the internet for access to technical information and support, and for access to information about markets.

The changes proposed by the FCC would remove the only existing legal foundation strong enough to ensure net neutrality protections are enforceable: Title II of the Communications Act, as implemented in the agency's 2015 Open Internet Order.

Under this change, internet providers would gain new powers to steer businesses and customers one way or another. For example, Internet access providers could charge new fees for prioritized access to customers. While big companies and farms might be able to afford a pay-to-play prioritized 'fast lane' to users, small and medium sized businesses cannot; at the very least, such new fees would put them at a distinct disadvantage with larger competitors. Internet access providers could also charge rural businesses new fees for access to websites and services. They could favor certain businesses by slowing down traffic or exempting competitors' traffic from users' data caps. They could also block websites and apps outright. This would create immense uncertainty for companies in every sector of the economy who rely on open, unencumbered connectivity as a key enabler for their business and productivity. It could also greatly limit or bias farmers' access to products, services, and information they need to run their business.

Ultimately, repealing net neutrality will have a crippling effect on rural economies, further restricting access to the internet for rural businesses at a point in time where we need to expand and speed this access instead. We urge you to maintain strong net neutrality rules and focus on advancing policies that foster fair competition.

Sincerely,

STONYFIELD,
Londonderry, New
Hampshire.
KING ARTHUR FLOUR,
Norwich, Vermont.
FOODSTATE,
Londonderry, New
Hampshire.
BOLOCO,
Hanover, New Hamp-
shire.
GRANDY OATS,
Hiram, Maine.
CABOT CREAMERY
COOPERATIVE,
Waitsfield, Vermont.
BEN AND JERRY'S,
South Burlington,
Vermont.
MAINE GRAINS,
Skowhegan, Maine.

cc: Sen. Susan Collins, Sen. Angus King, Sen. Jeanne Shaheen, Sen. Margaret Hassan, Sen. Patrick Leahy, Sen. Bernie Sanders, Rep. Chellie Pingree, Rep. Bruce Poliquin, Rep. Ann McLane Kuster, Rep. Carol Shea-Porter, Rep. Peter Welch.

Mr. LEAHY. I yield the floor.
The PRESIDING OFFICER. The Sen-
ator from Minnesota.

Ms. KLOBUCHAR. Madam President,
I rise to join with the Senator from

Vermont in opposition to the FCC's planned vote to end net neutrality protections.

Tomorrow, as he noted, the FCC will hold a vote on Chairman Pai's plan to eliminate net neutrality. These rules have kept the internet free and open, and in a day where a lot of things aren't working, this was something that was actually working. People were able to access the internet, people in my State who maybe didn't have a lot of resources. Kids were able to access the internet to do their homework. It was working. If the FCC votes to abandon net neutrality, it will put internet service providers, not consumers, in charge of determining the future of the internet.

Net neutrality holds internet service providers—big mega-internet service providers—accountable for providing the internet access consumers expect while protecting innovation and competition. It is the bedrock of a fast, free, and open internet.

Net neutrality has allowed the internet to become one of the great American success stories, transforming not only how we communicate with our friends and our family but the way we do business, how consumers buy goods, and how we educate our kids. These protections have worked. We have rural kids who couldn't access classes before who are able to get these classes on the internet. We have small businesses that are able to advertise their services in a way that no one would have known that they existed. One of my favorite ones is a company called Weave Got Maille, and they are doing chain jewelry. It is just a group of about 10, 15 employees up there who started with nothing but one chain. Then they were able to come up with a cool nickname, and then they were able to advertise on the internet directly to consumers. Now they are one of the biggest employers in the town right on the Canadian border.

These internet protections that have allowed small businesses to blossom have allowed consumers to access the internet like everyone else. They have worked, but with the FCC's vote tomorrow, the internet may soon be changing.

Earlier this year, when Chairman Pai announced his proposal to eliminate net neutrality protections, Americans took the opportunity to make their voices heard during the public comment hearing, and the proposal received a record 23 million comments. While many of these comments are written by consumers worried about the future of the internet, there is reason to be concerned about that process. Approximately 1 million fraudulent comments were filed with the FCC, and an additional half a million comments were filed with Russian email addresses. Sound familiar? I think so.

I think everyone in this Chamber knows Russia has been trying to influence our democracy in every way they can—from hacking to putting out propaganda, to now trying to insert itself into a comment process for our free and open internet, something that has been the hallmark of American society, something they don't have in Russia. Just think, an additional half a million comments were filed from Russian email addresses. This is troubling because, in America, the public comment process matters. It is one of the few opportunities Americans have to weigh in directly with the FCC. That is why I joined several of my colleagues in calling on Chairman Pai to delay the vote until the FCC fully investigated these fake and foreign comments. Despite our calls, the FCC is still moving ahead with its vote. Despite 23 million comments, they are still moving ahead with their vote.

Under Chairman Pai's plan, the FCC gives internet service providers the ability to significantly change consumers' experience online. Internet service providers may soon be able to block, slow, and prioritize web traffic for their own financial gain, not for the average citizens' gain but for their gain. This means, internet service providers could begin sorting online traffic into fast or slow lanes and charging consumers extra for high-speed broadband. They would also be able to slow consumers' connections once they have hit a certain data limit or if they are viewing content from a competitor, and internet service providers may even block content they don't want their subscribers to access. So much for an open internet.

The only protections maintained under the proposed order are requirements for service providers to disclose their internet traffic policies. However, for consumers with only one choice for internet service, like many in my State and like many in rural areas, there is no real opportunity to comparison shop or find a new provider if they are unhappy with their service. This means that even though consumers may be aware that their internet service provider is blocking or slowing their connection, they actually don't have a choice so what does that information matter to them anyway? This proposal will harm consumers, particularly in rural areas. It will limit competition, and it will hurt small business, entrepreneurship, and innovation.

What I have seen around this place is that everyone is talking about rural broadband. They want to expand broadband. I want to expand broadband. Well, you can expand broadband all you want, but it is not going to matter if people aren't able to afford to access it.

A truly open internet encourages economic growth and provides opportu-

nities for businesses to reach new markets, drive innovation, and create jobs. Small businesses remain engines of job creation, and net neutrality levels the playing field, allowing small companies to compete with more established brands. That is what America is about—allowing more innovation and small companies to come up and compete.

Unfortunately, for small businesses and startups across the country, the net neutrality repeal will mean new barriers when competing online. Without unrestricted access to the internet, entrepreneurs may be forced to pay for equal footing to compete online rather than focus on expanding their business. Small businesses unable to pay for access to faster internet service may soon find themselves struggling to compete from the slow lane, not the fast lane. This proposal will hurt the very people creating jobs and keeping our economy competitive.

As a strong supporter of a free and open internet, it is clear that repealing net neutrality is a step in the wrong direction. We are facing an increasingly global and interconnected economy, and it is critical that the internet remain a hub of entrepreneurship, creativity, and fair competition.

The fight to protect net neutrality is far from over, and we need to keep the pressure on. We have seen merger after merger after merger. We have seen consolidated businesses, bigger and bigger and bigger. So now what is the next step here? To limit net neutrality to make it harder for the small guys, for the ones who are trying to get into the market to compete. It is not just an isolated philosophy; it is actually part of a larger philosophy, which means that smaller companies, that individuals are going to have a hard time getting into the market and getting free access like the big guys.

That is why we ask Chairman Pai to reconsider this vote on Thursday and to come up with a new policy that doesn't hurt the people of America.

It is no surprise today that the poll I saw said the vast majority of Americans don't favor getting rid of net neutrality, and in fact it showed the vast majority of Republicans don't favor getting rid of net neutrality. So we ask Chairman Pai, who was appointed chairman by a Republican President, to reconsider this decision.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Massachusetts.

REPUBLICAN TAX BILL

Ms. WARREN. Mr. President, we are in the middle of a historically important debate here in Washington. Republicans have hatched a partisan proposal behind closed doors that would shovel a trillion dollars in tax giveaways to giant corporations and the

wealthy while undermining the healthcare and raising taxes for millions of middle-class families. If it passes, it could affect the lives of every single American for an entire generation.

Now, last night, the people of Alabama elected a new Senator to represent them here in Washington. So now Republicans who control the Senate face a choice. Will they allow Senator-elect Doug Jones to take his seat among his colleagues before a final vote on their tax plan?

We actually know something about that kind of choice in my home State of Massachusetts. On January 19, 2010, Massachusetts elected a new Senator to represent them here in Washington. The result was just as shocking to Democrats as last night's result was to Republicans. It also came when we were in the middle of another historically important policy debate here in Washington—healthcare. A lot of people thought Democrats should ram through the final version of their bill in Congress before Brown could be seated.

Now, I could stand here and read you quote after quote after quote from Republicans, who now control the Senate, talking about how unfair that would be, how corrupt that would be, and how anti-democratic that would be. I could go on and on about how today's Senate majority leader, MITCH MCCONNELL, said this would be gamesmanship, but I am going to talk about what Democrats actually did.

Democrats rejected the idea of ramming through the bill before Brown could take his seat in the Senate. Almost immediately, Jim Webb, a Democratic Senator from Virginia, called for a suspension of any healthcare vote until after Brown arrived. The day after the Massachusetts election, the Senate majority leader, Harry Reid, said publicly: "We're going to wait until the new Senator arrives until we do anything more on health care."

Massachusetts Democratic Senator John Kerry held a joint press conference with Republican Scott Brown that same week, where he said:

Seating Scott Brown as expeditiously as possible is important. We want to respect the election results. And nobody wants to delay this process.

President Obama, whose entire healthcare agenda was on the line, said this:

Here's one thing I know and I just want to make sure that this is off the table: The Senate certainly shouldn't try to jam anything through until Scott Brown is seated. People in Massachusetts spoke. He's got to be part of that process.

Now, this wasn't an easy decision. Waiting for Brown slowed down the adoption of healthcare for 2 additional months. More importantly, it meant Democrats lost their filibuster-proof majority and, as a consequence, the

final bill couldn't achieve nearly as much as Democrats had hoped for, but we did it anyway.

We did it because democracy matters, even when it means it might slow down a President's agenda. Democracy matters, even when a Senate seat held for decades by a liberal lion is taken over by a conservative. Democracy matters, especially when it is inconvenient.

If we are honest, we know that there hasn't been a lot of democracy around this tax bill. This is a bill that was written and rewritten in the dead of night, behind closed doors. It is filled with errors and unintended consequences. It is animated by a rotten wealth transfer from millions of hard-working Americans to a handful of corporations and billionaires.

But up until now, we have at least respected the principle that each State gets to pick its Senators, and those Senators get to vote for or against the final product. This afternoon, we are being told that Republicans have a final tax deal. Nobody has seen it, but we could be voting on it in the next couple of days. There is no reason to ram through that kind of massive restructuring of our economic system before Alabama gets its new Senator unless Republicans are concerned that their deal won't withstand a couple of more weeks of public scrutiny.

The election of Doug Jones will not change which party controls the Senate. The election of Doug Jones will not give him or Democrats the power to block the tax bill or any other piece of legislation, but it will respect the people of Alabama and their choice. It should happen before any more tax votes take place in the Senate.

NET NEUTRALITY

Mr. President, almost 60 years ago, America entered the space age. We pushed the bounds of human knowledge to do, see, and create things that fundamentally changed the way we live our lives. The government was right smack at the center of all of it, dedicating resources and manpower to explorations of science, medicine, engineering, and technology. The Defense Advanced Research Projects Agency, or DARPA, was a product of that commitment, and it was there at DARPA that a bunch of government and government-funded researchers created the internet.

In the intervening decades, what started in that government Agency provided the building blocks for what we experience as the internet today. Creative minds in government, at colleges and universities, in businesses, and at homes and garages all across the country toyed and tinkered and pushed us into the digital age.

Today, internet use is nearly universal. Although internet access remains limited in many rural and low-income areas, students of all ages go

online to access educational tools and conduct research for many school assignments. Entrepreneurs and small businesses sell goods and transact business online. Families come together to watch their favorite movies or shows. The internet and broadband services have become an important part of our lives.

Government is just as important now as it was back when the internet was created. By enforcing and implementing America's communications laws and rules, the Federal Communications Commission, the FCC, plays a critical role in making sure that the internet remains fair and open.

In 2015, the FCC enshrined that commitment in an open internet order, establishing net neutrality rules—strong, public interest rules that prevented big companies from deciding how or when we use the internet, rules that have the overwhelming support of the vast majority of Americans, Republican or Democrat.

But big internet companies don't want the FCC to work in the public interest; they want the internet to work for them. Long before the FCC passed net neutrality rules, those giants were working to establish control over the open internet. After net neutrality rules were passed, they stepped up their attack, deploying armies of lobbyists and lawyers and investing massive amounts of money to bury net neutrality rules.

Now they have the champagne chilled and ready to pop open. They have a President and a GOP-controlled Congress that is more interested in stuffing the pockets of the rich and powerful than taking care of the workers, small businesses and entrepreneurs, students, children, the sick, the elderly, and just about everybody else. President Trump's choice to lead the FCC, Ajit Pai, is dedicated to transforming the FCC from an agency that works in the public interest into a big business giveaway group.

Pai has been a vocal opponent of net neutrality rules for a very long time. After President Trump won the election, Pai gleefully declared that net neutrality's days were numbered. Pai claims that nondiscrimination rules harm giant internet companies by making it more difficult for them to create new and better products. He thinks that if these giants can discriminate against small businesses or individuals, then these giants can pick who gets the fast lane into your television set and who is stuck off on the dirt roads. If these giants can dictate which startups get a foothold and which ones are left on the ground, then the giants will be better off. Of course, he is right—the giants will be better off, but everyone else will be a lot worse off.

Chairman Pai is so committed to these internet giants that he is willing

to rewrite the Federal rules in order to help them out. He is even willing to rewrite the rules so State and local governments won't be allowed to pass any consumer protection laws to protect their own citizens. Chairman Pai's notion of a fair and open internet is one that works for the highest bidder and it just leaves everyone else behind.

Tomorrow, the FCC will vote on whether to eliminate the protections that ensure that the internet remains fair and open to all Americans—protections that the vast majority of Americans support. Pai has barreled full speed ahead despite disturbing reports that potentially hundreds of thousands of comments submitted during the public comment period were fake, and he has ignored the FCC's responsibility to turn over documents of consumer complaints about discriminatory behavior by internet providers.

If the FCC eliminates net neutrality protections, giant internet companies will pop open those champagne bottles. They will have the power to block access, to filter content, to charge more—three powerful ways that they will pick the next round of America's winners and losers. That is not the way it should work in America. The internet doesn't belong to big internet companies; it belongs to all of us, and all of us should be part of this fight.

Net neutrality matters. For the entrepreneur working around the clock on a shoestring budget to build an invention that can change the world, net neutrality matters. For the small family business that depends on online customers to keep its lights on and its doors open, net neutrality matters. For the blog writer or local journalist who works each day to bring us important news about our communities, our government, and our world, net neutrality matters. For every American who uses the internet for any reason, net neutrality matters.

Ingenuity is in America's DNA. It is that spirit of curiosity and adventure that has put us at the forefront of the search for what is next. Government works best when it makes sure everyone has equal access to the resources that make that possible.

In Massachusetts, Free Press, the Massachusetts Chapter of the ACLU, Fight for the Future, and countless other groups have led the fight to defend net neutrality and help citizens make their voices heard.

I urge every American to speak out about why net neutrality matters. I urge the FCC to abandon its plan to kill net neutrality rules, and I ask the FCC to defend an internet that is fair and open to all.

Thank you, Mr. President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I introduced the Senate's first strong net neutrality bill back in 2006. I rise today to

give my strongest possible condemnation of what the Federal Communications Commission's head, Mr. Pai, is seeking to do, which is to roll back protections that ensure a truly free and open internet for our people.

This is a handout. It is a holiday gift to a collection of giant internet companies to increase their profits at the expense of the consumer.

Before I actually begin my remarks, I see Senator FRANKEN is on the floor, as well. I would like the public to know how important his leadership has been on these issues. He and I have partnered on these issues ever since he came to the Senate. He was on the key committee, the Judiciary Committee. He has been a go-to figure in a key spot on this issue.

I want to continue this discussion after Senator WARREN's terrific presentation. I know my colleague is going to speak on this, as well.

I want the public to know that Senator FRANKEN has made a big difference for the consumer on these issues. Those of us who have been toiling in these precincts are very appreciative of what he has done.

I want people to understand what net neutrality is, because Senator FRANKEN and I have talked about this over the years. I think there is a little confusion over what it is. Net neutrality means that after you pay your internet access fee, you get to go where you want, when you want, and how you want. It is the essence of ensuring that everybody gets a fair shake, that all bits are created equal. It is the foundation of what has kept the internet free and open.

Before I get into my prepared remarks, I want people to understand what happens if you don't have net neutrality. If you don't have net neutrality, in effect, big companies can manipulate who is going to win and who is going to lose in the marketplace. They will continue to manipulate who wins and who loses until and after we get fewer services and the consumer gets higher prices. So this is not some kind of abstract discussion.

Let me flesh out some of these remarks for a few minutes because I know my colleagues have been waiting, as well.

Since the origins of the internet, the defining feature has been that all information—all bits, as we know it—gets the same fair shake. If you are a big company or a mom-and-pop ice cream shop with a website, your content gets to everybody's home at the same speed. That is what net neutrality is all about. Net neutrality keeps internet service providers from favoring one type of content over another.

The market has changed since 2006 because the market for access to the internet has changed. Where once there were legions of dial-up providers and DSL resellers, we were seeing a few

monopolies and duopolies dominating neighborhoods across the country. With their power to dictate where you could go and what you could see on the net, they had and continue to have the power to suppress those sites and those services that you would have chosen yourself in a free marketplace, driving them out of business.

Again, to lay out what this means for people who are following this, that means that instead of Netflix, YouTube, or Amazon, you could be forced to get your video content from something called go90, whatever the heck that is. It certainly isn't a service that has been able to compete in a free internet market. But all that changes when Verizon can charge you more to get to YouTube or Facebook than it costs to reach their own service.

Without strong net neutrality protections, AT&T might provide—and we always put it in quotes—"free data" for customers streaming HBO. That is pretty good if you watch HBO, but without net neutrality, it could starve other creators and subscribers necessary to survive, until soon enough, as Senator FRANKEN has pointed out in some of our discussions, free data is gone. That is it. Free data goes away, and the American consumer—which is my fear when you think about what it really means to somebody sitting in Minnesota at home, and I see my colleague Senator MERKLEY from Oregon as well. The free data goes away under what I described, and the consumer at home in Minnesota or Oregon is stuck with few choices at higher prices than they have today. That is what the loss of net neutrality means.

I care deeply, as my colleagues do, about innovation and startups and small businesses. Senator WARREN was eloquent on this point. There are going to be a lot of people who aren't a startup. They are going to ask: What does it mean to me? What it means—I have just walked people through an example—is, that typical person is going to be stuck with fewer choices at higher prices.

Two years ago, Tom Wheeler, then the head of the Federal Communications Commission, put in place a strong framework, something with teeth that was enforceable, called title II of the Communications Act, to make sure the government, the FCC, had the tools to protect net neutrality.

Chairman Wheeler, like Chairman Pai, worked for industry for much of his career in Washington, but rather than serve his former employers, Tom Wheeler said: I am going to use my experience working in the private sector, my experience in how companies operate, to design and implement constructive and effective consumer protections. What a contrast between the two Chairs of the Federal Communications Commission. Both of them are from industry. Both of them did well in indus-

try. We consider it a good thing in America that we have a prospering private economy. Tom Wheeler used it and that expertise to help the public. That is not what we are seeing today.

There isn't any need to fix what isn't broken. There are strong net neutrality protections in place right now. Since the 2015 rules went into place, our economy has grown up around this leading principle of equal access to information and customers.

The day before Thanksgiving, Chairman Pai released his proposal to strike down the 2015 rules that ensure real net neutrality but also prevent States from introducing their own approach to net neutrality.

Rather than listening to the millions of voices who spoke up on behalf of real net neutrality and against this proposal to allow pay-for-play or what I really call—I say to the Senator from Minnesota—a trickle-down telecommunications policy, which is to just let the big guys make as much money as they want, and maybe something eventually trickles down to rural Minnesota or rural Oregon.

Chairman Pai is going to keep pushing pay-for-play and is expected to ignore the will of the public and demolish net neutrality rules.

The first key vote is tomorrow, December 14. What I have been doing is spending a good chunk of my waking hours—obviously, we have the tax issue, which is enormously important. This is enormously important, too, to tell the American people this is a time to make their voices heard. My message to the American people on net neutrality is to get loud. This debate is far from over.

We know Chairman Pai plays a strong hand tomorrow—there is no question about that—but then it goes to the courts. Some of our colleagues are looking at approaches here on the floor. I want, as much as anything, to make sure the American people know we understand—Senator FRANKEN and Senator MERKLEY—that political change doesn't start in government buildings in Washington, DC, and trickle down is bottoms up. If ever there was an issue for bottoms up, it is net neutrality.

Not only are the majority of Americans opposed to Chairman Pai's proposal, many of the comments solicited for input are fake. These fake comments have been attributed to bots and false identities or linked to Russian IP addresses.

Any argument that this agency, the Federal Communications Commission, has a transparent process with comments from the American people is not true. This is not government for the people. This is government for the special interests.

Just a couple of other points, and let me wrap this up so my colleagues can have the floor.

Chairman Pai has been out there arguing falsely, in my view, that without title II protections, Big Cable will make more money and use those profits to invest in infrastructure. This is what I call the trickle-down theory about telecommunications.

First of all, the existing regime was called title II—tough rules. It has not been a roadblock in investment and broadband. In fact, cable giants have continued to invest in broadband infrastructure even when strong net neutrality protections were put in place in 2015.

Publicly available documents show that investment by internet service providers was 5 percent higher during the 2 years after strong net neutrality rules were adopted than for the 2 years prior. Comcast, for example, has increased its investment by 25 percent since 2013.

Big Cable, in their own statements, show that none of the major internet service providers told their investors that net neutrality protections negatively impact their investments. That is based on publicly verifiable documents.

What we have is Chairman Pai making the argument that net neutrality provisions with teeth are going to be pretty much the end of investment and sort of Western civilization as we know it. Public documents show otherwise. Publicly available documents show otherwise.

The FCC Chairman once claimed that a policy of voluntary net neutrality would be another way to go. Any talk of a voluntary solution to net neutrality is just nonsense.

Allowing a net neutrality provider to follow net neutrality has about as much of a chance of working—there is about as much of a chance that the big cable companies will honor voluntary net neutrality as there is of getting Ava and William Wyden, my 10-year-old twins, to voluntarily limit the number of desserts they have at dinner. It is not going to happen. It is not going to happen, folks. It is not going to work for open and fair access to the internet; it wouldn't work with Ava and Will Wyden.

On the same exact date as the Federal Communications Commission produced its rulemaking rollback to title II, Comcast removed the pledge on its website that it does not prioritize internet traffic or create paid fast lanes—so much for voluntary policy.

In my view, the only way the potential of the internet can be fully tapped is by ensuring that one form of content is not provided a preference over another form of content by their internet service provider.

The Trump Federal Communications Commission is barreling ahead to blow up this level playing field that is so crucial to innovation and free speech.

I close only by way of saying that this is also a lifeline for the startups.

Those startups are dreaming of being the next YouTube, Google, or eBay. This is not about Google or eBay. This is about the startups.

I would be staying to hear my colleague Senator FRANKEN make his remarks on net neutrality but for the fact that we are about to start the tax conference. I close my remarks where I opened them. Senator FRANKEN has been our go-to person on these issues since he came to the Senate. We are so grateful he looked at this issue through the prism of what it means for the person without power and clout. I thank him for his leadership.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President. I thank the Senator from Oregon, my friend, for his extraordinarily kind words. He, too, has been a leader introducing the first net neutrality bill back in 2006, before I came to the Senate.

I rise to talk about tomorrow's vote at the FCC on a proposal that would throw out the strong net neutrality rules Americans have fought so hard for. They are rules that ensure that all content on the internet receives equal treatment from broadband providers regardless of who owns it or how deep their pockets are.

Plain and simple, these rules are about ensuring that the internet remains the platform for innovation, economic growth, and freedom of expression, as it has always been.

As I reflect on my time in the Senate, there are, of course, moments that stand out as particularly significant. One such moment came in February 2015, when American consumers and businesses celebrated the FCC's landmark vote to preserve a free and open internet by reclassifying broadband providers as common carriers under title II of the Communications Act.

While I had long urged the FCC to ground net neutrality rules in the agency's authority under title II, it wasn't just the outcome of this vote that made such an impression on me then, or now, as I am looking back.

The FCC's 2015 vote came after the agency received nearly 4 million public comments, making it the then most commented on FCC issue by a factor of three. The vast majority of these comments urged the agency to enact strong rules protecting net neutrality, protecting the equal treatment of all content on the internet, which has been the architecture of the internet since the very beginning. Americans from across the political spectrum organized to ensure that their voices were heard, and they were. This was democracy in action.

Now, as Chairman Pai pushes forward to undo the open internet order, we have seen another awe-inspiring demonstration of grassroots advocacy. Millions of Americans from every corner

of the Nation and background imaginable are joining the movement online and in the streets to ask the chairman to rethink his dangerous proposal and to preserve net neutrality.

When things get tough, as they have, time and time again in the last year, Americans have resisted in protest. It is these movements that make the difference. Just look at the Republicans' failed attempt to repeal and replace the Affordable Care Act.

Ironically, the kind of civic participation that has aspired so many of us in recent months and has affected real change depends, in no small part, on an open internet. If the Chairman ultimately has his way, we will be entering a world where every voice might not matter, a world where a handful of multibillion-dollar companies have the power to bury sites offering alternative viewpoints or control how users get their information, a world where the deepest pockets can pay for a fast lane while their competitors stall in a slow lane.

See, it is because of net neutrality that people from across the Nation can connect with each other, share their ideas on the internet, and organize a community effort just like the Project Net Neutrality protests we have seen at Verizon stores across the country.

I have spent nearly the entirety of my time in the Senate pushing for strong net neutrality rules. I have always called it the "free speech issue of our time" because it embraces our most basic constitutional freedoms. Unrestricted public debate is vital to the functioning of our democracy. Now, perhaps more than ever, the need to preserve a free and open internet is abundantly clear, so we can't give up now.

Three years ago, the FCC sustained strong net neutrality rules, and millions of Americans voiced their support for them. The FCC must maintain and fully enforce the important court-tested rules that are already in place. Also, perhaps more importantly, the agency must respect the democratic process and the voices that made themselves so clear in 2014 and over the course of the last few months. There is just too much at stake.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Minnesota for being such a champion on this issue, and many others, where it is a question of whether we have government of and by the powerful or government by and for the people of the United States of America. We have seen issue after issue after issue this year on healthcare, on taxes, and now on net neutrality, and I thank the Senator from Minnesota for his advocacy.

Mr. President, last night we had an election. I have heard many of my colleagues on the Republican side say that

elections have consequences. Now, however, we see that they are attempting to deliberately slow down the opportunity for the newly elected Senator from Alabama to come here and serve in the U.S. Senate. They took quite a different view when the question was a special election in Massachusetts, when a Republican Senator was elected to take the seat once held by Ted Kennedy. The Democrats concurred and the President of the United States, President Obama, concurred that he should be seated; that nothing should be jammed through in a fashion that tried to bypass the weight and opinion of the people of the State of Massachusetts in who would represent them. But this Chamber seems ready, under this majority leadership, to absolutely try to trample the people of Alabama, who said where they stand last night. This Chamber wants to deny them that voice here on the floor of the Senate.

Back a few years ago, in June of 2013, there was a House election in Missouri, and a Republican was elected to that empty seat. Jason Kander, the Democratic secretary of state in Missouri, said that he should absolutely be seated in Missouri's Eighth District. JASON SMITH, the candidate chosen by Missouri, was seated in the House of Representatives, I believe within 18 hours—within 18 hours—so the people of Missouri could have fair representation. So Democratic Senators and a Democratic President and a Democratic secretary of state in a Southern State said to honor the people of the United States. I call upon the majority leader to defend the people of Alabama and seat their Senator and do it under the same 18-hour standard.

We are here today to talk about another example of the powerful versus the people. We have seen time and time again, over the course of the last few months, the President of the United States standing up for the powerful and trying to crush the people of the United States, trying to rip healthcare from 30 million Americans in order to give special benefits to the richest Americans. We have seen the President of the United States sign in the Oval Office a measure that would enable a powerful company, when in a dispute with a consumer, to choose the judge, to pay the judge, to promise a judge future business. What kind of fairness is that for an ordinary American up against a powerful company, where the powerful company gets to choose a judge? Yet my Republican colleagues voted overwhelmingly to crush the opportunity of an ordinary citizen versus a powerful company in a consumer dispute.

Then we have the tax bill. The tax bill says that if you earn less than \$30,000, you get a tax increase, and if you are in the middle class, 87 million of you will get an increase in your

taxes. And by the way, we are going to give several trillion dollars to the very richest Americans and the most powerful corporations. It is another example of a bank heist on the National Treasury—our Treasury—to deliver benefits to the best off, to the richest in America.

Oregon is about 1 percent of the national population. If you take 1 percent of \$1 trillion, that is \$10 billion. I can tell my colleagues what we can do for families in Oregon with \$10 billion. We can invest in needed infrastructure to have a stronger economy and put a lot of people to work with living-wage jobs. We can add teachers to our public school classrooms so that our classrooms offer better opportunity for our children to learn and to thrive. We can make college more affordable. We can improve our community health clinics to make sure healthcare is available to all, which is so critical to quality of life. But no. My Republican colleagues say: Let's give this money to the richest Americans. Let's raid the National Treasury and enrich the best off among us.

That is because we have a fundamental cycle of corruption in campaigns that is enabling such a bizarrely inappropriate bill to ever get heard on the floor of the Senate. I say "bizarrely inappropriate" because our government wasn't founded to mimic the powerful kingdoms of Europe that govern by and for the richest. We had a vision of government of, by, and for the people.

Now we have this issue of net neutrality, and once again President Trump and the Republicans are weighing in to crush ordinary people in favor of powerful corporations. The internet has become essential to all of us in our daily lives. We consult it to find out where to go to a restaurant or what movies are playing. We check the internet to find out what the sports scores are and what is the latest news. We order our airline tickets. We do so many things on the internet during the course of our everyday lives. Yet here is President Trump saying: We want to take that level playing field of fairness for consumers across America and let some powerful companies decide who gets to provide information, which websites to allow to have information and which ones we are going to slow down, whom we are going to put in the fast lane and whom we are going to put in the slow lane.

The internet is so critical to the freedom of information. This is really an assault on freedom of information. It was James Madison who said that "the advancement and diffusion of knowledge is the only guardian of true liberty." Yet my colleagues and President Trump want to give powerful companies the ability to control what information is shared in America.

Think of a highway. We have a highway and everyone gets to use it, and

you can be in the slow lane if you choose because you want to save fuel, or you can get in the fast lane and pass somebody who is going more slowly. We don't have someone saying: Hey, we are only going to allow the richest Americans to drive in the fast lane. We are only going to allow the most powerful corporations to be in the fast lane. For the rest of you, you get to go to the slow lane. I don't care if there is a truck going 25 miles per hour, you are going to be stuck behind it unless you pay me a whole lot of money to get out of that lane.

The internet for the rich and powerful is wrong, and we have to stop it. If the Federal Communications Commission doesn't get the message this Thursday, we need to overturn their rule here on the floor of the Senate.

I get a chart each day showing me the calls from yesterday. Here I have a bar saying how many people called about net neutrality and which side of the issue they weighed in on. So 544 people called in favor of net neutrality, and according to this chart, zero people called in favor of powerful corporations instead controlling the internet. I have since been informed we did get 1 call, so let's make it 544 to 1 instead of 544 to zero. Have you ever seen an issue where you have that kind of ratio of ordinary people weighing in and saying: Don't let the powerful take over our internet. People want a level playing field for consumers, a level playing field for distributing knowledge, a level playing field for entrepreneurs so that the new startups can compete with the Googles and the Amazons of our country.

I ask you, if you had a choice between two websites last night to follow the election in Alabama and one was in the fast lane and could replenish its numbers instantly and one was going so slow that the numbers were going to take 5 minutes to get posted, which site would you have gone to? Of course you would have gone to the site that can update quickly. That is the point.

We shouldn't allow powerful companies to extort Americans over the information flowing through the internet. It is not fair to American citizens. It is not fair to American entrepreneurs. It is not fair to the distribution of knowledge. We must defeat it.

Thank you, Mr. President.

THE PRESIDING OFFICER. The Senator from Missouri.

TAX REFORM BILL

MR. BLUNT. Mr. President, the good news about the tax bill that I believe we will pass over the next few days is that it will go into effect on the first day of January and people will quickly see, no matter how loud others are talking, the exact facts. For work done in January, people who get that check in January or February or whenever they get paid for their January work—there is going to be a substantial tax

decrease for working families at all levels. Our friends want to talk about what happens after 2025 or 2027, but surely the Congress can do its job between now and then.

This is a pro-growth policy. There are two ways to increase people's take-home pay, and we are going to pursue both of them. One is to take less out of your pay right now. That will happen not a year from now and not a year and a half from now; that will happen next month. So next month, when people get their paychecks, it will be clear to them who had the facts and who didn't have the facts on this. The second way it will increase people's pay is by having better jobs to start with. Hundreds of economists who have looked at this bill say that it will make the United States of America the best place to invest money and create jobs, and I think we will know sooner rather than later that that happens.

So good tax policy, commonsense regulation, and judges—another thing we are working on this week—make a difference in how people look at the economy that they want to invest in and an economy that they want to grow. Why would judges make a difference? Judges make a difference because judges create a sense of fairness in the court. They create a sense of an ability to get your case heard. And they create a sense that what the law says hopefully is what the judge will decide rather than what the judge thinks the law should say.

We are making great progress in all of those areas if we add good tax policy to what has been happening.

Right now, Mr. President, we are talking about judges, and President Trump has a unique opportunity to shape the long-term view of the judiciary. This week we are going to confirm three circuit judges, and I wish to speak in just a little while about what that means.

At the start of President Trump's term, 12 percent of all of the Federal judiciary seats were vacant. No President has had that kind of opportunity since President Clinton had that opportunity now almost 25 years ago when he started his first year. And the President will have the opportunity—and is making the most of it—to fill those vacancies.

I believe President Trump made the right choice when he selected Justice Gorsuch to serve on the Supreme Court. There was a record as a circuit judge; you can look at what he had decided. The Presiding Officer and I and other Members of the Senate can look at what he has decided and anticipate, after 10 years of that record, what his record would look like. It makes a difference. I have no doubt that President Trump will continue to nominate judges who will rule as did Justice Scalia, whose unfortunate death created the most recent vacancy.

Justice Scalia, by the way, served on the Supreme Court for 26 years after the person who nominated him left the White House and 13 years after President Reagan died. So the legacy of what happens here is important.

Justice Scalia was profound in his sense that the work of the Court was not to decide what the legislature should have done; the work of the Court was to decide what the law and the Constitution said. There are ways to change the law, and there are ways to amend the Constitution, but a person on the Court needs to look at what the Constitution and the laws say.

While Supreme Court vacancies tend to get a lot of attention, it is just as important that the Senate nominate and confirm the jobs the President and the Senate share. It is our responsibility too.

The Constitution could have said: Will report to the Senate, and, unless there is some big objection, that person becomes a judge. That is not what it says. It says: The Senate will confirm.

As of this morning, there are slightly more than 140 lifetime vacancies on the courts to be filled. So far this year, we have confirmed 10 circuit court judges. By the time we leave this week, I think we will have confirmed 12 circuit judges this year. That will be close to a post-World War II record. It has been a long time since World War II, and it has been a long time since a President has had the opportunity to do that.

Why do we need to do that? First of all, the people of this country have a right to seek justice and to believe that the rule of law will prevail. The Supreme Court hears about 100 to maybe 150 cases in a year, but the 12 circuit courts—where you appeal a lower Federal court ruling to—hear many cases, and about 7,000 of those cases are appealed to the Supreme Court; the Supreme Court deals with 100 to 150 of them. So the judges in the 12 circuits often write what, in our structure, is essentially final law; the final rule of any court is at the circuit level.

The Federal Bar Association says that the “number of federal judicial vacancies throughout the federal court system is straining the capacity of the federal courts to [do their job].”

In cooperation with the President, we have a job to do here. The capacity to hear these cases is important. Justice delayed is justice denied.

Filling these vacancies is also critical to ensuring that the balance of the Constitution is in place. This was a brandnew idea when James Madison and others thought of putting a machine together. They sometimes referred to the Constitution as the instrument that would be the guideline for a machine—a machine that was so finely balanced that it would govern itself.

The courts—the judiciary—the legislative branch, and the executive branch

all have unique powers, and those unique powers were designed to keep the government in check. This concept, new in 1787, has worked well for us, but it doesn't work if one of the groups is allowed to become out of balance. So filling these vacancies matters.

The leadership of the majority leader and the leadership of Chairman GRASSLEY in his committee make a difference. As we move forward with the confirmation process for three more nominees this week, we are advancing our goal of restoring the courts to judges who will determine what the law says, not what they think it should say.

I urge my colleagues to support these well-qualified nominees. But I also urge my colleagues on the other side to stop using the process to frustrate the other work of the government. There is a right to 30 hours of debate, which is what we are in right now; we are in 30 hours of debate on a circuit judge, but nobody is talking about that circuit judge. Other bills could have been brought to the floor, and other issues that could have been dealt with aren't being dealt with because the minority has decided to abuse their power—to say that we are going to have 30 hours of debate about this judicial nominee, and then have no debate about the judicial nominee.

It doesn't mean we don't need to confirm the judges, but it does mean, if we did so in a way that made sense for the people we work for, we would be doing other business now, and these three judges would have already been confirmed. They will be confirmed this week.

My belief is that if the rules designed to protect the minority in the Senate are abused, they will not last forever. Eventually, you have to say: OK, facts are facts. This rule isn't being used this way, and the Senate has to do the people's work. If rules have to be changed to do that, I am for changing those rules.

Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 4 p.m. on Wednesday, December 13, there be 30 minutes of postcloture time remaining on the Willett nomination, equally divided between the leaders or their designees; that following the use or yielding back of that time, the Senate vote on the confirmation of the Willett nomination; and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, this week is a great week for the State of Texas and for the Federal judiciary because

this week we will be confirming two exemplary judges from the State of Texas to the U.S. Court of Appeals for the Fifth Circuit: Texas Supreme Court Justice Don Willett and former Texas Solicitor General Jim Ho. These will be the 11th and 12th court of appeals nominees who we will have confirmed this year—a modern-day record.

Indeed, I looked up just the other day the number of assigned slots on the Federal courts of appeals. It is 179. This means the 12 that have been nominated and confirmed this year represent roughly 7 percent of the appellate bench. That is a powerful accomplishment for the first year of this Presidency, a powerful accomplishment for this Republican majority in the Senate, and a powerful legacy that will extend decades into the future, protecting our constitutional rights, protecting the Bill of Rights, protecting the First Amendment, free speech, religious liberty, protecting the Second Amendment, and protecting all the fundamental liberties we enjoy as Americans.

With respect to Don Willett and Jim Ho, I have known both of them for decades. Both are close friends. Both are brilliant lawyers. Both have spent decades earning a reputation as principled constitutionalists who will remain faithful to the law and will not impose their own policy preferences from the bench.

Beyond that, both Don and Jim are testaments to the American dream. They have both taken different paths to the Fifth Circuit, but both of their stories encapsulate what is so incredible about this great Nation.

Justice Willett was born Donny Ray Willett—his birth certificate doesn't say Donald; it says Donny Ray—in July of 1966, to an unwed teenage mother. He was a sickly and frail newborn who was not even expected to survive until Christmas. But he was nursed back to health and then adopted by an incredible couple who were unable to have their own children.

Justice Willett grew up in a double-wide trailer in a small town of just 32 people, surrounded by cotton and cattle. His town had a cotton gin and a Catholic church. That is about it.

Justice Willett suffered heartbreak early in life. His father passed away at age 40, just 2 weeks after Justice Willett turned 6 years old. He was raised by his widowed mother, who waited tables at the local truck stop. She would leave the trailer for her 6 a.m. shift before Justice Willett even woke up in the morning. He would wake himself up, get fed, dressed, and then catch the bus to a neighboring town to go to school.

Justice Willett was the first person in his family to even finish high school, let alone go to college and then to law school. He has four degrees. He got his bachelor's from Baylor with a triple

major in economics, finance, and public administration. He then received a master's degree in political science, a law degree, and an LLM degree from Duke.

After law school, he clerked on the Fifth Circuit—the court on which he will soon be serving—for Judge Jerre Williams. Then, after 2½ years at a large law firm, he decided to dedicate his career to public service. He worked for Gov. George W. Bush in Texas and then for President Bush in DC. He and I worked closely together in that regard. After his time in DC, he happily returned to the great State of Texas to serve as the deputy attorney general for legal counsel. Don served alongside me, working under Greg Abbott, then the attorney general. We had offices just down the hall from each other.

In 2005, he was appointed by Gov. Rick Perry to serve as an associate justice on the Texas Supreme Court, and he was reelected by the people of Texas to that court in 2006 and again in 2012.

I can't tell you how proud I am to see Justice Willett confirmed as a judge on the Fifth Circuit and to see his lifetime of service continue in this new arena.

Jim Ho took a different path to the Fifth Circuit, but his story is just as powerful as an example of the American dream.

Jim was born in Taipei, Taiwan. He immigrated to the United States with his family when he was just 1 year old. For the first few years of his life, his family lived with relatives in Queens, NY. Jim learned English watching Sesame Street. His family then moved to Southern California, where he attended high school and then went on to college at Stanford University.

In 1996, Jim enrolled at the University of Chicago Law School, where he graduated with high honors in 1999. He then moved to Texas for the first time in his life, accepting a clerkship in Houston with Judge Jerry Smith on the U.S. Court of Appeals for the Fifth Circuit—again, the same court on which he is preparing to serve. It was during the end of his clerkship in Houston that he started dating his law school classmate, now his wife Allyson, a Houston native and another dear friend of mine.

In 2000, Jim moved to Washington, DC, to join the law firm of Gibson Dunn & Crutcher. In 2001, he joined the U.S. Department of Justice as a Special Assistant to the Assistant Attorney General for Civil Rights, working under now-U.S. Labor Secretary Alex Acosta. Later that year, he joined the Department's Office of Legal Counsel. After 2 years at OLC, he came here to the Senate, where he served as the first chief counsel of my colleague, the senior Senator from Texas, JOHN CORNYN. After 2 years as Senator CORNYN's chief counsel, Jim went to clerk at the Supreme Court for Justice Clarence Thomas.

At the end of the clerkship, Jim and Allyson finally fulfilled their dream of going back to Texas, where Jim rejoined the law firm of Gibson Dunn & Crutcher in Dallas.

Then, in 2008, my tenure as solicitor general of Texas was coming to a close. Attorney General Abbott had told me that if I were going to leave, I would have to find my successor. I picked up the phone and called my longtime friend, Jim Ho. I talked to Jim about coming to succeed me as solicitor general. Jim agreed to take on the job and did a remarkable job as the chief appellate lawyer for the State of Texas, representing Texas before the U.S. Supreme Court and all the State and Federal appellate courts.

Jim served as solicitor general from April 2008 until December 2010, when he returned to Dallas and once again rejoined Gibson Dunn as a partner. A few years later, he became cochair of the firm's appellate and constitutional law practice group. Jim has done many extraordinary things, but nothing more so than marrying his wife Allyson, who is, like Jim, a Supreme Court advocate and one of the most talented constitutional lawyers in the country.

Allyson is my former law partner. When I left the job of solicitor general and went to the Morgan Lewis law firm, I promptly recruited Allyson to come lead the Supreme Court practice with me. I am proud to say that over the past 5 years, Jim's wife Allyson has argued more business cases before the U.S. Supreme Court than any lawyer in Texas.

Jim has become a pillar of the legal community in Texas, and the outpouring of support he has received demonstrates that. To take just one example, I have a letter from Ron Kirk, the former mayor of Dallas and a former member of President Obama's Cabinet and, incidentally, the Democratic nominee for the U.S. Senate who Senator CORNYN defeated in 2002. By any measure, he is a strong and prominent Democrat in the State of Texas. Mr. Kirk writes:

The last time Texans got to fill a seat on the Fifth Circuit, it was Judge Gregg Costa, who this body confirmed by a well-deserved unanimous vote. As a lifelong Democrat and devoted member of the Obama cabinet, I ask you to give Jim Ho the same unanimous consent.

I agree, and I hope our Democratic friends in this body will set aside the partisan rancor that has so characterized this year and will listen to the words of one of their own, a member of Obama's Cabinet, and a prominent Democrat from Texas, urging that Jim Ho be confirmed unanimously.

Sadly, Senate Democrats insisted on and provided a party-line vote in the Judiciary Committee. It is my hope that this full body will demonstrate more wisdom and less partisan animosity than the Judiciary Committee Democrats demonstrated.

Both Jim and Don, I am convinced, will make excellent judges on the Fifth Circuit. They are brilliant. They are principled. They are humble men of deep character. They love their families. They are wonderful fathers. I am confident that not only will they faithfully follow the law in the court of appeals, but I predict Jim Ho and Don Willett will become judicial superstars. They will become jurists to which other Federal judges across the country look. Their opinions will be cited heavily. They will be followed in other courts of appeals. Their careful and meticulous analysis and their fidelity to the law will be held up as exemplars for judges across the country to follow. That is a great accomplishment for the Federal judiciary, a great accomplishment for the Senate, and a great week for the State of Texas.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Wyoming.

TAX REFORM BILL

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the tax relief and tax reduction legislation that the conference committee is currently working on. To me and to all Americans, this is a very important piece of legislation. I think it is going to get even better as the House and the Senate work to hammer out the differences to help lower the tax rates for American families.

When you look at this legislation, there are so many policies that will help to make America's economy grow. Families across the country will get a tax break. It is what they need. It is what they have been looking for, for a long time. Main Street businesses will also get a tax break. When people get a raise like that, they invest in their families, and they invest in their communities. They create jobs. Wages go up. The economy grows, and our Nation gets stronger.

You don't have to take my word for it. Respected mainstream economists are saying exactly the same thing. They agree that our economy needs to grow. They agree that the legislation we are working on—which passed the Senate, passed the House, and is being joined together—will deliver the growth that our Nation needs.

In October the Council of Economic Advisers put out a report looking at some of the ideas for tax relief. This is a group that advises the President on economic issues. Their report found that the tax plan, like the one Republicans wrote, will grow the economy between 3 percent and 5 percent. That is real growth. It is strong growth, and it is good news for America.

There was another study that came out in October. That was by a group of economists at the Massachusetts Institute of Technology and Boston University. They did their own calculations and used their own numbers, and they

found the exact same good news for the American economy. Just like the other report, this one said that the Republican tax plan would grow the economy by between 3 percent and 5 percent.

A third study was released in November. It was by the Tax Foundation. Again, it is a respected group of economists who study this kind of issue for a living. They looked specifically at the legislation as it was introduced in the Senate Finance Committee and, then, passing the Senate. This group found that the plan would increase the size of the economy by 3.7 percent. That is the same range, between 3 and 5 percent, but more specifically, 3.7 percent.

Then, there was a fourth analysis by one more group of nine respected independent economists. This group wrote about their conclusions in a letter to the Treasury Secretary on November 26. They wrote that they expect this tax relief plan to boost the economy by 3 percent over the next 10 years.

We have four different entities, four different estimates, four different groups of prominent economists. They looked at the tax relief plan. They looked at it in different ways and used different analyses, and they all found that it would grow the American economy by very similar amounts, all by at least 3 percent.

There was one other study that some people have been talking about. This was an estimate by a group called the Joint Committee on Taxation. This group predicts that growth under the Republican plan will increase, but by just 0.8 percent over those next 10 years. That works out, roughly, to eight one-hundredths of 1 percent a year. All of these other groups say at least 3 percent, maybe 5 percent, and this other group says less than 1 percent over a decade. It is hard to believe.

Why is this one group, which is being quoted often by the Democrats, so far out of line, out of the mainstream, with what other economists are saying? The reason they reached such a different conclusion is that they did their analysis very differently from all the other groups. This committee combines a few different economic models into their estimate. That is reasonable. When we look closely at the models they combined, we found that they counted the most pessimistic models much more heavily than they did the more realistic models. So, of course, they are going to come up with an overly pessimistic conclusion.

I think it can be useful to take these more negative views into account. Nobody thinks we should just pick from the rosier scenario or base our policies on one prediction. That is not what is happening here. We have four different groups of economists that predict strong economic growth of at least 3 percent. The one outlier is much more pessimistic, much more cautious.

Another thing to remember is that even this very cautious estimate says that the economy will get bigger because of the Republican plan than if we did nothing at all. Even the pessimistic group is saying: Oh, yes, the economy will grow under the Republican plan. They say it will reduce deficits by an additional \$400 billion over the next 10 years.

I think we are going to do a whole lot better than that because our economy is going to grow much faster. Under President Obama and Washington Democrats, we had 8 years of policies that held back our economy and caused it to grow at a very tepid, slow pace. Economists looked at these policies, and they said that if things continue on that path, we can expect the economy to grow by about the 1.8 percent we have been seeing through the Obama administration.

With Republicans setting the agenda, those policies are history and so is this slow economic growth that had been created during the Obama years. Look what just happened in the last two economic quarters of this year. Over these 6 months, our economy grew at a pace of more than 3 percent. The economy has created more than 2 million jobs since President Trump was elected a little over a year ago. The economy is responding—responding to policies that Republicans have been talking about and to what we have been doing in terms of eliminating so many punishing, burdensome, expensive regulations that have caused such a drag on our economy.

When we pass legislation like this tax relief act, it will give businesses confidence that we are keeping our promises. It gives them confidence that they can keep hiring, keep investing, and keep creating more jobs.

Take a look at the fact that there are 2 million more new jobs since election day of last year. Someone said: Oh, no, you have to wait until Inauguration Day to start counting. I disagree. I will tell you that in my home State of Wyoming, on election night, when the results were in and it was known that Donald Trump had been elected President of the United States, there was immediate optimism, immediate confidence, and an immediate positive spring in people's steps. The decision at that point by the American electorate said: Yes, it is time for this economy to take off. And it has.

When someone comes out with an estimate about economic growth and they don't take into account all of these different things, I think, maybe, they are living in the past, when they were looking at an economic growth model of 1.8 percent. I think, maybe, they got so used to the anemic growth we had in the Obama years that they are still expecting that to continue into the future. They are not taking into account that things are different

now, that Republicans are passing our economic plans, and that the burdensome regulations and the redtape has been cut. They are not taking into account that President Trump is in the White House.

Those things make a very big difference when it comes to sustaining this progress that we have seen over the past year. Four out of five studies agree that the Republican tax plan will deliver the kind of economic growth that the American people want and the American economy needs—a strong, healthy, and growing economy.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NET NEUTRALITY

Mr. BLUMENTHAL. Mr. President, I am willing to wager that the term “net neutrality” has no meaning to many Americans. It is a term that refers to a practice and a set of rules that are likely a total mystery to the vast majority of the people who are affected by them. As often happens in Washington, DC, the terms of art are highly technical and obtuse and obscure, but the effects of these rules matter to almost every American, openly, and they will be of increasing importance to Americans if the current net neutrality rules are reversed tomorrow.

That is why I am here. The Federal Communications Commission, under the leadership of its new Chairman, Ajit Pai, has a reckless and needless plan to repeal those rules that are vital to a level playing field and fair access to consumers of the internet content that they value and need. To put it very simply, Chairman Pai’s plan would disastrously disadvantage small businesses. It would harm our economy. It would threaten the internet’s incredible success, including innovation. It would harm consumers by giving them higher prices and possibly lower speeds in accessing what they want from the internet.

The background here is pretty simple. In 2015, the FCC adopted its open internet order to preserve the open nature of the internet. The internet has thrived on its openness. That is, in a sense, its spirit and its great advantage. It is uniquely American in that way—open and accessible.

The order created three very bright line rules: no blocking, no throttling, no paid prioritization. Nobody could stop access or block it. Nobody could diminish the availability—no throttling and no paid authorization. That is to say that nobody is to get a benefit from faster speeds simply because he is

paying more. Those rules really put the internet at stake—the vitality and innovative energy is at stake here.

Blocked sites, slower speeds, fast lanes and slow lanes, and more fees will be our future on the internet if these rules are revoked, as Chairman Pai says they will be tomorrow. Some of today’s internet service providers will benefit. They already have clear conflicts of interest. They own content companies. They want their customers to spend more time on their content. Comcast, for example, owns the media giant NBCUniversal. Verizon owns Yahoo and AOL.

We are having a hearing this afternoon that involves Comcast and NBCUniversal, and I am deeply troubled by the expiration of the conditions that have been put on the merger. Those conditions help to protect competition and consumers. They have a questionable effect in that purpose, but even the modest comfort or protection they provide will completely evaporate as the conditions expire. So I will ask today that there be an investigation by the Department of Justice to sustain and continue those conditions and ask that the court that approved them actually extend them to meet the needs of competition and consumers.

Our current net neutrality rules prevent companies from becoming gatekeepers, toll takers, in a way that favors their own content. If they are the gatekeepers and the toll takers, they are the ones who block, and they are the ones who collect the fees. If they have the ability to pick and choose between the content providers that belong to their competitors or the content providers that are independent, they are going to choose their own content providers. They are going to favor their own over the others. Gutting the net neutrality rules, in effect, gives them free rein to favor their own content and their own political views.

If the internet service providers are able to block content or charge higher fees for access, eventually the ones who will suffer will be the consumers. They will pay higher prices, or the content will be slowed in reaching them. Make no mistake. Companies that are willing to pay the toll for fast lanes will transfer those costs to consumers. They are not going to just absorb the additional expense. The folks who have no idea what the term “net neutrality” means—who may have never heard it—are the ones who are going to pay the freight. They are going to be the ones who suffer the consequences.

These rules are for a reason. They were not simply picked out of the air. They are not some product of some overactive regulatory imagination. They have meaning and consequence for ordinary people who use the internet, which is one of the economic giants of our generation. We are, in effect, throttling, blocking, and raising

prices for the people who depend on innovation and access and openness.

The right thing for Chairman Pai to do is to cancel tomorrow’s party-line vote and abandon this misguided plan to destroy the free and open internet. He is acting, in essence, at the behest of the economic giants—the cable companies—that stand to benefit because they will raise prices and favor their own content.

No matter what he decides, the fight is only really beginning. We will no doubt bring legislation to the U.S. Senate—not an easy task to pass it. Any final action in the FCC unquestionably, undoubtedly, will be challenged in the courts. I am actually hopeful that we can avoid litigation. Litigation is always a last resort. But there will be litigation because the 2015 open internet order was actually based on 10 years of evidence in a fact-based docket. Again, it was not pulled out of the air; it was based on factfinding and thought and redrafting that then, in fact, resulted in litigation that was upheld in the courts. In fact, in the court of appeals, it was judged to be legal and rationally rooted in real fact. That is the internet order that should be sustained.

I hope that Chairman Pai will postpone this misguided plan. I hope that he will abandon it. There is no need to recklessly repeal the net neutrality rules without demonstrating a significant and substantial change in factual circumstances. That is what is required statutorily—a significant and substantial change in factual circumstances to justify revoking and repealing a rule that was based on circumstance and fact.

In the meantime, millions of Americans have already given their opinions. They have weighed in. They have said to the FCC: Stop playing with the internet in a way that favors the big guys—the cable companies—the ones who will block or throttle and raise prices.

We should not allow Chairman Pai to silence their comments, to ignore them, or disregard them.

The FCC has a responsibility here. It is a public trust. It matters to the millions of Americans who have never heard and will probably never hear that term “net neutrality” and who will never understand what its consequences are until they see them personally, up close, firsthand—higher prices, blocking, throttling. That is the evil we can and must avoid.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENDOWMENT FOR THE ART AND NATIONAL ENDOWMENT FOR THE HUMANITIES FUNDING

Mr. COONS. Mr. President, I come to the floor today to talk about the vital importance of the connection between the arts, education, and progress.

I am from a little town in Delaware named Hockessin. Hockessin was not much when I grew up there. We had about 1,500 people, some dairy farms and mushroom farms. Over the last 40 years, it has gradually developed.

A not much widely noted big day happened back in 1994 in Hockessin, DE, when one of America's greatest jazz performers, Cab Calloway, passed away in the little town of Hockessin, DE. Cab Calloway gave his name to a remarkable performing arts school. This is a school that 25 years ago was created dedicated to the idea that if you want to elevate learning, if you want to strengthen education, you should make sure you have a robust range of opportunities to engage with the arts.

I thought I would use that as an example today to talk for a few minutes about why what we do here can be important across our whole country and why a connection between the arts and education can make a lasting difference for families all across our country.

Back in 1965, when I was just 2 years old, a group of Senators, Republican and Democratic, came together to create two things—the National Endowment for the Humanities and the National Endowment for the Arts. These two federally funded national programs are absolutely critical educational, economic, and cultural drivers that have impacted thousands of communities across the United States.

Why is this a subject of any contention or discussion here? Well, because unfortunately our President's budget this year proposed to eliminate funding for both of these organizations—both the National Endowment for the Arts and the National Endowment for the Humanities—proposed to be removed, zeroed out, cancelled, despite their almost more than 50-year record of successful impact and service across the country.

In my little State of Delaware, the National Endowment for the Arts and the National Endowment for the Humanities funded all sorts of valuable programs with significant impacts. Last year, I invited the head of the National Endowment for the Arts to come and visit us in Delaware and to pull together the whole range of folks who received some grants from them—\$681,000 last year. It is about 17 percent of all the funding for arts in my State. It helped support 100 grants to nonprofits all up and down our State.

I will give a few examples. The Grand Opera House has a summer in the park

series because of the National Endowment for the Arts. The University of Delaware Community Music School holds a musical theater camp every summer, serving dozens of kids—about 80 kids. The Christiana Cultural Arts Center in downtown Wilmington brings vibrant, cutting-edge arts programming to a neighborhood that might not otherwise enjoy it. The Creative Vision Factory provides individuals with behavioral health disorders an opportunity for self-expression, empowerment, and recovery through the arts. I can give many more examples, but these are four of the hundreds.

The National Endowment for the Humanities gives a comparable number of grants and supports programs up and down our State. I will mention one—art conservation at Winterthur. Winterthur, which is a magnificent museum and collection of the American arts, has a partnership with museums in places around the world—from Haiti, to Iraq, to Syria—where, because of conflict, critical pieces of cultural history have been at risk of being lost. Because of these NEH grants to Winterthur, those partnerships have been strengthened.

We have been blessed to have in my friend Governor Jack Markell and his wife Carla, over the last 8 years, strong, longstanding support for the arts in our State. We have lots of leading individuals in our State. Tatiana Copeland, for example, helped build the Queen Theater and helped support the Delaware Symphony Orchestra. They work in partnership with the Delaware Division of the Arts. A gentleman named Paul Weagraff is now the executive director of the Delaware Division of the Arts under the new administration of Governor Carney.

I am hopeful that we here in the Senate can sustain bipartisan support for arts and humanities funding and that the young people of Delaware, our communities, and our families will continue to enjoy the blessings that these investments in creativity bring. How much are we talking about? It is about \$150 million—\$149.8 million, to be specific—this fiscal year for each of these two endowments. That is a tiny percentage of the total Federal budget. Now, \$150 million may sound like a lot, and \$680,000 of grants for my whole State of Delaware may sound like a lot, but across these two endowments for the arts and humanities, \$300 million in Federal money has a dramatic impact. It leverages private funding 9 to 1. In recent studies looking at the impact of the National Endowment for the Arts, they concluded that they were particularly focused and particularly effective and that where there is a leadership grant given by the NEA, it leverages \$9 more for every Federal dollar used.

I think Federal funding for the arts and humanities has to remain a pri-

ority. I think it is important that we embrace the model that the Cab Calloway School has championed in Delaware and across the country where educational excellence is shown by working together with the expressive and creative arts.

It was William Butler Yeats—a famous Irish poet—who once said that education is not the mere filling up of a pail, it is the lighting of a fire. If you want to ignite the aspirations, hopes, and dreams of young people, don't just engage them in trigonometry, biology, chemistry, and physics—although those subjects can be interesting, engaging, or challenging—light the fire of their spirit with art, give their spirit room to soar, give them an opportunity to paint on the canvas of their lives, and give them the gift of artistic training and skills, and there is no limit to where they can go. That has been our experience in Delaware. That has been our experience across the country.

It is my hope that we will find a way on a bipartisan basis to continue to sustain investment in the humanities and the arts.

In 1960, President Kennedy said:

There is a connection, hard to explain logically but easy to feel, between achievement in public life and progress in the arts.

Citing three important periods in history, he said:

The age of Pericles was also the age of Phidias. The age of Lorenzo de Medici was also the age of Leonardo da Vinci. The age of Elizabeth was also the age of Shakespeare, and the new frontier for which I campaign in public life can also be a new frontier for American art.

It is important that we remember here that the modest amounts of Federal money we invest in the arts bear enormous positive, multiplied benefits to the people of our country and to our place in the world.

I am grateful for all who work in arts education, and I am grateful for the opportunity to work on a bipartisan basis to sustain our Federal investment in the arts and humanities.

I thank the Presiding Officer.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise today to continue my tribute to Nebraska's heroes, the current generation of men and women who lost their lives defending our freedom in Iraq and Afghanistan. Each of these Nebraskans has a special story to tell.

CHIEF WARRANT OFFICER CHRISTOPHER
ALLGAIER

Today, Mr. President, I recall the life and service of CWO Christopher Allgaier, a native of Omaha, NE.

Growing up, Chris lived a pretty typical life as a Nebraska boy. During high school, he played video games and went to movies with his friends. With his family, he was a frequent visitor to Big Fred's Pizza in Omaha; the regular cheese pizza was his go-to. On Friday nights, he was known to go watch fellow classmates at high school football games, and on Saturdays in the fall, he did what a lot of Nebraskans do—he would attend or watch Husker football games.

Along with his sister Sharon and brother Rob, Chris grew up in a Catholic household. His family attended St. Robert Bellarmine Catholic Church in Omaha.

At Creighton Prep High School, Chris was a member of the Creighton Prep National Honor Society, National Spanish Honor Society, and the school science club. He was very dedicated to academics, and he graduated with the highest academic honors in 1991. During Chris's senior year at Creighton Prep, he became very interested in fixed-wing aircraft and flying.

After high school graduation, Chris continued his studies at another Jesuit institution, St. Louis University, where he continued his interest in aircraft by studying aeronautical administration.

Shortly after receiving his bachelor's degree, Chris enlisted in the U.S. Army. This surprised his family and friends. His father attributes Chris's decision to his son's sense of duty and interest in aeronautics. Chris graduated from basic combat training at Fort Jackson before attending his advanced individual training in aviation mechanics. The idea of Chris working in aviation mechanics always struck his father Bob as somewhat funny. Growing up, Chris didn't like getting his hands dirty or helping to change the oil in the family vehicles.

Due to his strong academic record and interest in aeronautics, Chris was persuaded to apply to Warrant Officer Candidate School. Chris liked the idea of becoming a warrant officer so he could specialize and become an expert in aviation. He graduated at the top of his class from Warrant Officer Candidate School and became a helicopter pilot.

While performing his duties in the Army, Chris also took classes at Embry-Riddle Aeronautical University. He graduated with a master's degree in aeronautical science in 2001—the same year the September 11 terrorist attacks shook the lives of all Americans.

Chief Warrant Officer Allgaier deployed to South Korea for over a year before going to Afghanistan in 2003 and Iraq in 2005. While deployments are

usually tough for any family, 2005 was especially difficult for the Allgaiers because Chris's mother Sally passed away.

In 2006, Chris was assigned to the 3rd General Support Aviation Battalion, 82nd Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, NC. The unit deployed to Afghanistan in 2007. He flew CH-47 Chinook helicopters in transport missions. During this time, Chris flew a lot of night operations. His father said that Chris would call him every couple of weeks between missions just to catch up. Those were phone calls that Bob always looked forward to receiving.

The Upper Sangin Valley in Helmand Province was the center of fighting in Afghanistan in 2007. A British newspaper called it "the deadliest area in Afghanistan."

On the night of May 30, 2007, Chris flew another night operation transporting approximately 30 servicemembers from the 82nd Airborne Division in the Upper Sangin Valley. Shortly after dropping the soldiers off for their important mission, insurgents shot down his CH-47 Chinook. The crash killed Chris and four other servicemembers.

Chief Warrant Officer Allgaier's memorial service was held on June 6 at a Catholic church in Omaha. Hundreds of people, including over 100 Patriot Riders, turned out to pay their final respects.

Chris was laid to rest on June 18, 2007, in Arlington National Cemetery. Fellow CWO Paul Wetzel said that "losing Chris will definitely leave a void in the aviation community that can't be filled by anybody else. There will be other pilots in the future, but none will ever equal Chris Allgaier."

Chris is survived by his wife Jennie and three daughters—Natalie, Gina, and Joanna.

In 2010, Chris was honored by the unveiling of Christopher Allgaier Street in the neighborhood in which he grew up. Rob discussed how his brother was his hero during the ceremony. He said:

[Chris] didn't see himself that way. He didn't see himself as a martyr or as a hero. He was an American who was doing his duty. They're not doing it for an ulterior motive. They're doing it because they believe in it and it is the right thing to do.

CWO Chris Allgaier was awarded the Bronze Star and the Purple Heart posthumously.

I join Nebraskans and Americans across this country in saluting his willingness and his family's sacrifice to keep us free. I am honored to tell his story.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. YOUNG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CAPTAIN THOMAS J. HUDNER AND
COLONEL WESLEY L. FOX

Mr. COTTON. Mr. President, a month ago, we lost another Medal of Honor recipient, CAPT Thomas J. Hudner, who died at the ripe old age of 93. Not long after, we lost a second one, Col. Wesley L. Fox, who died at the distinguished age of 86. These are two different men who led two different lives, each equally deserving of praise and honor. Still, I can't help but wonder if there is a reason their deaths came so suddenly and close together. It is almost as if our Lord took them in one fell swoop so the greater loss would inspire greater gratitude for their sacrifice.

What Captain Hudner of the U.S. Navy did to earn his medal is remarkable for the simple fact that he could have been court-martialed for doing it. It was December 1950 in Korea. Just days before, the Chinese People's Liberation Army had crossed the Yalu River and thrown back U.S. forces on the cusp of victory. Then-Lieutenant Hudner was a naval aviator flying one of six Navy Corsairs near the Chosin Reservoir, 5 miles behind enemy lines, when he saw his squadron mate, ENS Jesse L. Brown, get hit by enemy fire and crash-land on a snowy mountainside.

What Lieutenant Hudner probably should have done is stick to the plan. What he did instead was an act of pure bravery. He intentionally crash-landed his plane not far from Ensign Brown's, tried to rescue him from the burning wreckage—all in subzero temperatures—but Ensign Brown was trapped. His knee was crushed between the fuselage and the control panel. When help arrived, their hatchet couldn't hack through the plane's metal, and no one could get close enough to amputate his leg. They had to leave him behind. Ensign Brown's last words were: "Tell Daisy I love her."

It might be appropriate to note here that Ensign Brown was Black and Lieutenant Hudner was White, but I mention it almost as an afterthought because to the two of them, that is just what it was—a postscript, an addendum, a mere detail. They were comrades in arms, wearing the red, white, and blue, not seeing the color of each other's skin. The only color that mattered to them, and that they shared in common, besides the color of our flag, was the navy blue of their uniform. Just 2 years after Harry Truman had integrated the Armed Forces, Lieutenant Hudner and Ensign Brown's friendship was a symbol of America's promise. He went on to have a successful career, but for giving us a moral example from that day, we should all be thankful.

Colonel Fox, meanwhile, was a legend in the Marine Corps. He served for 43 years, leaving only when forced to by

mandatory retirement at the age of 62. In that time, he held every enlisted rank except sergeant major and every officer rank except for general. He once admitted:

My first four years as a Marine I didn't own one stitch of civilian clothes—everything I did was in a Marine uniform. I'd go home on leave, working in the hay fields or whatever, I wore my Marine utilities. Go in town to see the movies, I wore my Marine dress.

That is just how proud Wesley Fox was to be a marine, and it was that deeply felt love for his fellow marines that drove him in his service. Like Lieutenant Hudner, he fought in Korea. In fact, he was wounded, and after he recovered, he was so eager to get back to the fight that he wrote to the commandant asking to be deployed once again.

The battle that earned him his place in history was in the jungles of Vietnam. It was February 1969, deep in the A Shau Valley in Vietnam. Then-First Lieutenant Fox was fighting in the last major Marine offensive of the war—Operation Dewey Canyon. His unit was Alpha Company, 1st Battalion, 9th Marines. It earned the nickname “The Walking Dead” for suffering so many casualties during the war. They came under heavy fire from a larger force. Yet the fearless Lieutenant Fox led a charge against the enemy. He was wounded but refused medical attention, instead concentrating on leading the attack, coordinating air support, and supervising the evacuation of the dead and injured.

It was a stunning show of valor, and for it, he, too, would earn the Medal of Honor. His citation read, in part:

His indomitable courage, inspiring initiative and unwavering devotion to duty in the face of grave personal danger inspired his Marines to such aggressive action that they overcame all enemy resistance and destroyed a large bunker complex. Captain Fox's heroic actions reflect great credit upon himself and the Marine Corps, and uphold the highest traditions of the U.S. Naval Service.

As I said, these were two different men and two different stories but the same courage and service to the same great country. They showed the same selflessness—one risking his life for his friend and the other risking his life for his marines. So I think it is fitting that we celebrate their lives together because they both showed us the utter selflessness of courage. They didn't fight and display such bravery because they hated our enemies but because they loved our country, and they loved their comrades in arms. It is a good lesson, I would say, for this time of year.

So I want to honor the memory of CAPT Thomas J. Hudner and Col. Wesley L. Fox. They were true American patriots, and may they rest in peace.

REMEMBERING THOMAS GALYON

Mr. President, last year, I stood on this floor and said a few words about a

fellow Arkansan: Thomas Galyon of Rogers. We had just met to discuss his work with the Arkansas chapter of the National ALS Association. He had been diagnosed with ALS in 2014, and never one to let the grass grow under his feet, he had been a tireless advocate for ALS research ever since then.

Well, I am sorry to report that Tom died last month on November 22. He lived 3 years after his diagnosis, which is about average these days for people with ALS. With his death, the National ALS Association lost one of its great champions.

Tom was always bursting with energy. He was born in 1946 in Abingdon, VA, and he graduated from Emory & Henry College. He spent 33 years in the tourism industry, and after a rather brief and, I must say, failed stint in retirement, he went back to work as the property manager for the Center for Nonprofits at St. Mary's in Northwest Arkansas. As luck would have it, the ALS Association was headquartered in that very building, so he could give both organizations his all.

When we met last year, Tom asked me to help fix a problem that people with ALS have when applying for disability insurance. There is a 5-month waiting period to receive benefits, you see. Though that might be a prudent anti-fraud measure in many cases, for people with ALS, it consumes a lot of their remaining time in this world. So I joined with Senator WHITEHOUSE to sponsor the ALS Disability Insurance Access Act, which would waive the waiting period for people with ALS. Tom's death should be a reminder of the urgent need to defeat this disease and to finally pass this bill into law. It is the least we can do to commemorate a man who gave this effort so much because, even in death, Tom's commitment was complete. By his request, his brain and spinal cord were donated to the Brain Bank of Miami, FL, to continue the search for a cure for ALS. It is not hard to understand why.

He himself used to stress the positive in every situation. His motto was “Blue skies always,” and he certainly did all he could to bring blue skies into his life and the lives of those around him.

So now that he has joined our Heavenly Father in the blue skies, I want to recognize him and the family he leaves behind: His wife of 44 years, Sally Armstrong, their two children, and their two grandchildren.

Our State is better off for Tom having lived in it, and all of us are better off for having known him. May he rest in peace.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

AMERICA'S GLOBAL DIPLOMACY AND THE STATE DEPARTMENT

Mr. CARDIN. Mr. President, I come to the floor today to share my deep concern over the current state of America's global diplomacy. A multitude of decisions made by this administration in the last year have caused me to pause and repeatedly ask why, but in no area have I been more perplexed than the actions that have taken place at the State Department.

Ever since the Secretary of State took the helm, there has been a slow, unexplained erosion of the Department and, along with it, the values that it promotes and the vital role it plays around the world. By now, many are familiar with the list of concerns that seasoned diplomats, national security officials, and Members of this body have been raising with increasing alarm over the last weeks and months.

More than 30 key ambassadorships remain without named nominees. Dozens of important senior-level posts remain vacant. Career officials are being cut out of important policy decisions or overruled by leadership, including, sometimes, even on legal issues. The Foreign Service is being hollowed out, with a significantly lower number in the incoming classes, putting at risk the next generation of leaders. Opportunities for midlevel employees are extremely limited, with a freeze on most transfers and promotions. Our most experienced officials—the Department's equivalent of 2-, 3-, and 4-star generals—have been departing or, effectively, forced out and not replaced at the same rate.

I honor the experienced career officials who are stepping in to fill vacancies and are carrying out the Department's important work, but there are limits to what officials can accomplish in an acting role. It is now December. We cannot afford to have a Department that remains hamstrung because of rudderless stagnation at the top.

Let's be clear. This is not just about numbers or unfilled positions. The numbers do not tell the full story. While the employees at the State Department and USAID can and have been carrying on, it is not an easy task when employees feel that the message they receive from the top is that they and their work are not valued. Understandably, this has an impact on morale, which is now devastatingly low.

In embarking on what has been dubbed a “redesign” of the Department, the leadership at State has regrettably left the men and women who so capably and loyally serve it behind. I have heard from many employees who are not just concerned about their own future or careers but who are concerned about the direction of the Department itself and the viability of its

legacy. The State Department's leadership has had more than enough time to assess what can be improved. It is beyond time to show the men and women serving at State and USAID that they are not only a valued but a vital part of our national diplomacy and national security strategy.

For weeks, Secretary Tillerson has promised to announce significant progress on his plan to move the Department forward. Tuesday, in a speech to the State Department and USAID personnel, the message was once again underwhelming. Secretary Tillerson continues to tinker around the edges while the Department's core functions are deliberately hollowed out.

While I am encouraged to see him announce a few small but important steps in the right direction, I am worried that he still has not gotten the overall message. Despite calls from me and others on the Foreign Relations Committee and pleas from current and former employees, diplomats, and military leaders, Secretary Tillerson has yet to lift the hiring freeze that remains in place. He announced it would be lifted for the family members of employees—a welcome step but not enough. Freezing or limiting opportunities for family members to join their spouses who are serving abroad never made sense in the first place.

I am, therefore, still left wondering why the hiring freeze has been in place at all, when nearly every other Federal agency lifted it earlier this year. I cannot understand how it has benefited our foreign and civil service. So again I am left asking: Why? Why should we tolerate a massive exodus of diplomatic and development expertise at the State Department and USAID? Our President said recently that we do not need to worry about the fact that many of the senior-level positions at the State Department remain unfilled because when it comes to foreign policy, his opinion is the only one that matters. Why on Earth would he say that? For the thousands of Foreign Service officers around the world working to advance the ideals of the United States, this was a horrible and offensive message.

I am concerned that this administration does not understand how critical a role the State Department and USAID play in our national security policy. They are every bit as vital and critical an element of our national security as the Department of Defense, the intelligence community, our law enforcement, or the countless others in the Federal Government who work tirelessly every day to protect our security, extend our prosperity, and promote our values.

We put our country in danger when we do not give adequate voice and resources to all of our country's national security tools. Former Secretary of State Madeleine Albright said: "In a

turbulent and perilous world, the men and women of the Foreign Service are on the front lines every day, on every continent for us."

Diplomacy is an investment we make so that we don't have to go to war. Nickel-and-diming it is not in our national security interest.

I made no secret about my deep concerns regarding the current management practices of the Department's leadership, the reorganization and budget debacles, the current senior-level vacancies, and the deep costs that our Foreign Service and development professionals are paying. The United States' foreign policy leadership around the world is also paying the price, and we will continue to pay the price if things aren't turned around quickly.

Even with the few changes Secretary Tillerson announced this week, I believe there are still multiple issues that need to be addressed. I raised many of them recently in a letter to the Secretary with my fellow Democratic colleagues on the Senate Foreign Relations Committee. If the Secretary truly wishes for the State Department and our country to succeed, he will seriously consider the following concerns:

First, improve transparency. All Senators on the Senate Foreign Relations Committee should receive regular briefings that thoroughly address proposed reorganization plans and decisions.

Second, we need to know the details and timeline for reorganization. The Department must provide a clear timeline—something it has failed to do to date—and provide details about what it is planning.

While there are some parts of the reorganization that we find to be positive, such as improving information technology, I remain concerned that the reorganization may be marginalizing or eliminating critical bureaus and offices that help to inform U.S. foreign policy. I understand that many of these ideals may not come to fruition, but it is essential for us to receive details in a timely way so that the Senate Foreign Relations Committee can carry out its critical oversight function. Again, we are now in the eleventh month of this administration, and we don't yet know when they are going to be submitting their plans for reorganization, and we have not been kept adequately informed.

Third, I would mention filling senior vacancies. The Department must prioritize key senior vacancies and work with the White House to swiftly move forward qualified nominees. The significant vacancies for senior-level management and policy positions in such critical bureaus as Counterterrorism and Political-Military Affairs are deeply troubling. Approximately 30 countries still do not have named Am-

bassador nominees, including South Korea, Jordan, Egypt, and Saudi Arabia. Despite claims that the Senate's slow pace is to blame for the lack of confirmed nominees, the fact is that the Foreign Relations Committee has promptly processed the vast majority of nominees, and only a handful are currently awaiting a Senate vote. We cannot confirm nominees who have not been nominated.

Finally, let me talk about the need to uphold the mission of the Department. The Department's mission statement must continue to reflect the values we hold as Americans. Proposed changes send a troubling signal about the administration's vision for the Department and its role in foreign policy. The promotion of democracy and respect for human rights around the world must remain a central part of the State Department's overall mission.

I agree that improving the efficiency and effectiveness of the Department is critical to our national security given the countless challenges we face as a nation. Reforms to information technology, human resources, and procurement systems are long overdue, and I support the efforts of the Department to streamline special envoys and special representative positions.

I hope, moving forward, the Department will consider Congress as a partner in these endeavors, as well as broader efforts to strengthen America's diplomatic capabilities. However, if the Department continues down its current path, I can assure you that my colleagues and I will use every legislative option we have to address these concerns.

My goal is to ensure that the employees in the State Department have all the resources and support they require to complete their tasks and ensure that the United States remains a global diplomatic leader. I will do everything in my power to guarantee that this goal is accomplished.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. HASSAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HASSAN. Thank you, Mr. President.

NET NEUTRALITY

I rise today to join my colleagues to oppose the Federal Communications Commission's planned vote tomorrow to dismantle net neutrality rules. As this proposal has been considered, I have been troubled by the impact this decision will have on consumers and small businesses, as well as by the process itself, which has been seriously flawed with regard to gaining public input on this critical issue.

Access to a free and open internet is at the forefront of the lives of nearly every American. Consumers, entrepreneurs, innovative small businesses, and, in turn, our Nation's economy, have all benefited from equal access to content on the internet, no matter the internet service provider. An open internet has been essential to civic engagement, social and economic mobility, and the fight to make progress for our underrepresented populations, just as we saw with the national Women's March at the beginning of this year, which was largely organized through online activism. An open internet is critical to our economy and our democracy, and net neutrality has guaranteed this equal access. But tomorrow's vote by the FCC would change all of that.

Under the plan from FCC Chairman Ajit Pai, the control of the internet experience will be taken from the consumer in Keene or the small business in Nashua and handed over to their internet service providers. Undoing net neutrality would give broadband providers the power to discriminate against certain web pages, applications, and streaming and video services by slowing them down, blocking them, or favoring certain services while charging more to access others. This is particularly disturbing at a time when many consumers have, at most, one or two options for broadband providers, leaving those who don't like the steps a provider is taking without a choice to change.

Additionally, dismantling net neutrality rules will hurt small businesses and will stifle innovation. Under these rules, internet service providers would be allowed to force businesses to pay to play online. While larger, well-established companies would likely be able to compete, startups and entrepreneurs across the Nation might not be able to afford such fees, causing instability and limiting the reach of their new businesses.

In New Hampshire, innovative small businesses are the backbone of our economy, creating good jobs and stimulating economic growth. But undoing net neutrality could limit the ability of that next great business to get off the ground.

A Manchester small business owner recently wrote to my staff to say: "I believe that Net Neutrality should stay in effect as it allows every business to be on the same footing." The business owner also said that under this proposal, "If you are leveraging the internet to boost your business, it will affect it dramatically."

That business owner is not alone. Just today, several members of the rural and agricultural business community in New England, including Stoneyfield from Londonderry, NH, wrote to Chairman Pai to say: "Repealing net neutrality would have a crippling

effect on rural economies, further restricting access to the internet for rural business at a point in time where we need to expand and speed this access instead."

Hundreds of people have called my office to voice their support for net neutrality. People across the Nation recognize that the plan proposed by the Republican-led FCC will truly impact their way of life.

In response to Chairman Pai's proposals, millions have also written to the FCC to state their position on this issue, but it seems that this process has been corrupted, with internet bots placing hundreds of thousands of comments in favor of repealing net neutrality. Roughly 400,000 of those comments may have, it seems, originated from Russia email addresses. Additionally, 50,000 consumer service complaints have been excluded from public record, according to a Freedom of Information Act request filed by the National Hispanic Media Coalition.

On any FCC decision, public input is vital, and on this decision, which impacts every single American, it is unacceptable that the public's opinion may have been distorted by fraudulent comments and additional anomalies.

Last week, I—along with 27 of my colleagues—wrote to Chairman Pai calling for a delay in this vote until we have a clear understanding of what happened during the policymaking process. Unfortunately, Chairman Pai has continued rushing toward this vote, and, as has been all too common with the Trump administration, the Republican-led FCC is favoring the priorities and voices of corporate special interests rather than listening to hard-working Americans who want to keep net neutrality.

The Commission has failed to address the concerns that these comments are artificially generated, has not held one public hearing on net neutrality, and is moving forward at an alarming pace, without regard for what eliminating these rules would mean for our economy and our consumers.

Undoing net neutrality will fundamentally change the concept of a free and open internet that so many Granite Staters and Americans have come to know and have benefited from. Approving this plan would be a reckless decision.

I am going to continue fighting for priorities that put consumers first, that help small businesses innovate and thrive, and that advance an open and free internet.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM BILL

Mr. HOEVEN. Mr. President, I come to the Senate floor to once again talk about the need to pass tax reform for hard-working Americans. The House has passed a bill, the Senate has passed a bill, and now, of course, we are working through the conference committee to get the very best product we can for the American people.

This tax relief is not just about reducing the tax burden on hard-working Americans and making sure they can keep more of their hard-earned dollars after tax, but it is also very much about economic growth. The tax relief package we are putting together that is coming together through the conference efforts, working to improve on both the House version and the Senate version, is designed to grow our economy. That is incredibly important because over the last decade, what we have seen are stagnant wages and income. So workers are working as hard as ever—harder than ever—but they are not seeing that growth in their paycheck. That is why we have to make this tax relief package pro-growth, so at the end of the day, that worker has a lower tax burden, but they also have a rising wage and more income. It is the combination of those two things that really—it is the rising tide that lifts all boats, if you will. That is how we generate that higher standard of living for workers and taxpayers across this great Nation.

So that is what we are working to do: tax relief, grow the economy, create more jobs—and create them here at home versus overseas—and higher wages and income.

These are just some of the statistics from the tax relief package that we put together. These are provided by the nonpartisan Tax Foundation as well as the White House Council of Economic Advisers. The objective is to grow wages by \$4,000 over the 10-year scoring period, making sure our workers are seeing real wages. The estimate right now is that this tax bill is pro-growth and will generate, on average, \$4,000 in higher wages, combined with an average tax cut of about \$2,200. That is an average family—a family of four with median income.

It will generate almost 1 million new jobs, and that is what, of course, pushes wages higher. When you create more jobs, it is that demand for labor that pushes wages higher. That is how it works. We are talking about almost 1 million new jobs over the 10-year period and a 3.7-percent larger economy. So growing the economy, creating more jobs, and it is that demand for labor on the part of business that pushes wages and income higher.

When we look at the next chart I have, we see that we provide tax relief across all incomes. So it is really focused on lower income, middle class,

making sure that, like I said, wage earners are saving more of their hard-earned dollars, but the effort is to cut taxes across all income groups, and that is what we do. It starts by taking the seven brackets we have and reducing them. It is just kind of simple math.

The House plan reduces the number of brackets to only three. We keep the seven different brackets. The reason for that is because the objective is to lower everyone's tax rate, and we are better able to do that by keeping the seven tax rates.

Some might say: You want to do simplification. We do want to do simplification, and we do tax simplification. There is no question that we do tax simplification because the complexity in calculating your taxes is calculating your taxable income, your adjusted gross income subject to taxes. That is the complicated part. Whether we have three different rates to apply to it or seven different rates to apply, depending on which bracket you fall into, that really doesn't add complexity.

So we keep the simplification intact while we make sure that we provide tax relief across all of the different tax brackets or tax rates. That is what we see in this second chart.

In addition, we keep or expand many of the tax deductions or tax provisions that are important to families, and that starts with the child tax. Well, I should say it actually starts with the standard deduction. We double, in essence, the standard deduction. For an individual, right now it is a little over \$6,000 a person. We double that standard deduction to \$12,000. For a married couple, you are talking over \$24,000 that is covered under the standard deduction, no tax.

In addition, if you are an individual and you have dependents, either children or maybe taking care of a parent or something like that, you get \$18,000 in that standard deduction. Why is that important? Because by doubling that standard deduction, we go from 7 out of 10 filers not itemizing to something like 9 out of 10 tax filers not itemizing. This means real simplification. It means doing your tax return on maybe just a one-page form. This means you are not only reducing rates but also greatly simplifying the Tax Code.

We keep other provisions that are very important for American families and, in fact, enhance them. For example, the child tax credit is doubled. So not only do we double the standard deduction, but we also double the child tax credit. We go from \$1,000 to \$2,000 per child. This is going to make a huge difference for families.

Also, for family businesses, family farms, and small business we double the estate tax, the death tax unified credit, and include the step-up in basis. It is hugely important to make sure

you can transition a small business, farm, or ranch from one generation to the next.

To save for college, we enable the 521 savings accounts to continue for parents. Another very important one is we encourage businesses to provide paid family and medical leave by giving them a tax credit to partially offset an employee's pay while caring for a child or family member.

Other things we keep, in terms of deductions that are very important, again, to hard-working families are as follows:

The mortgage interest deduction. We make sure they can continue to deduct the interest on their home mortgage.

The deduction of charitable contributions. It is obviously very important for the greater good of our society that people can continue to contribute to charities they believe in and support and that they can deduct those charitable contributions.

The child and dependent care tax credits, the adoption tax credit, and the earned-income tax credit. We make sure people can continue to contribute to their 401(k) accounts on a basis that is tax-advantaged.

Then, medical expense deductions. Obviously, for our seniors, this is very important. For somebody who has a medical condition or an illness, being able to deduct those medical expenses is extremely important.

This is about making sure hard-working Americans can have not only tax relief but also the pro-growth aspect they see in the rising wages of incomes.

That is what I want to talk about in this third chart, which goes to supporting our businesses across this great country. Small business is the backbone of our economy. Small businesses, farms, and ranches are the absolute backbone of our economy. Small businesses typically are passthrough businesses, which means the income flows through the business and is then taxed at the individual level. So part of the tax relief we are providing to small businesses comes from the reduction in the individual rates, as I have already gone through, because that income has flowed through.

Passthroughs can be a partnership, a sub-S corporation, a limited liability partnership, a limited liability corporation. These are all passthroughs. So when the income flows through that small business to the individual, because we have lowered the rates, that already provides a lower net tax on those small businesses and the people who own and work and invest in those small businesses.

The other thing we do is provide a 20-percent distribution deduction—a reduction in the taxable amount as far as income distributed by those businesses. We have gone through various iterations. We started at about 17 per-

cent. We had hoped to move it higher. I think we will end up around 20 percent. What this means is, when income flows through that passthrough business, 20 percent is deducted before you calculate the income. For example, if you flow through \$1,000, you would be taxed on the \$800. Now, apply those lower tax rates I talked about, and you can see clearly that you significantly reduce that tax rate on these small businesses.

Why is that so important? It enables small businesses to keep more of their hard-earned dollars, to invest in equipment, to expand and grow their business. It enables them to hire more people, like perhaps these great young people we have here working as pages. It enables them to raise wages and income and to grow their business, or, for an entrepreneur, to maybe start up a business.

So it is those dollars that instead of going to taxes, stay with the business. They are invested in the businesses, create more jobs, more opportunity, and higher wages. That is the pro-growth aspect of this tax relief I mentioned at the outset.

The other way this tax is really pro-growth is also for larger C-corps bringing down that rate. Of course, smaller businesses use the C-corp as well, but by bringing down that rate, we make companies in America more competitive in the global economy. Companies that do business not only here in America but in other countries around the world have to decide where they are going to invest. Are they going to invest and grow their plant and operations here in America or are they going to grow their plant and operations somewhere else? Of course, if they grow here, they are hiring people here. They are paying wages and salaries here in America rather than in some other country. We want companies that do business internationally or globally growing their operations here, not overseas.

Right now, economists estimate that, currently, in excess of \$2.5 trillion is held overseas by these companies and is not brought back to the United States and invested here because we have one of the highest tax rates in the world. Our corporate tax rate is one of the highest in the world.

So when we talk about the current 35-percent tax rate, companies look at that and say: Why would we bring back earnings from another country, say, Ireland—pick a country anywhere in the world. Why would we bring those earnings back and pay a really high tax, versus reinvesting overseas or somewhere else where the tax is much lower, and we can be more competitive?

This is what we are having to deal with, and that is why we lower the corporate rate—because that then creates the incentive to come back, invest dollars in the United States, and create

more jobs here in America, and, in so doing, as they bring that revenue back, which is called repatriation, they generate tax revenues which help us provide more tax relief for hard-working Americans.

So that is what I mean. That is the two-fer aspect of this tax relief plan. It is making sure individuals have real tax relief so they keep more of what they earned, but it is also about making sure they earn more, that their wages and income grow, and that there are more jobs and opportunities here in America. That is absolutely the focus of this tax relief plan and what we are working to achieve.

Both the House and Senate have passed versions of this tax bill. We are now working to get the very best product we can through the conference committee. We are making real progress, and we need to continue to work together and get this tax relief done. We have been working on it for a long time. A lot of effort has gone into it. It is time now to finish it up this week, to vote on it, and to get this tax relief passed before the end of the year so, as Americans go into 2018, they know they are able to keep more of their hard-earned tax dollars and we also have a vibrant economy, where there is going to be more jobs and opportunity and higher income and wages.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). For the information of the Senate, under the previous order, 30 minutes of postcloture time remained on the Willett nomination as of 4 p.m.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I was interested to hear my colleague and friend from North Dakota talking about this tax bill because, sadly, there has not been a lot of bipartisan work on the bill.

I really agree there is a consensus that tax reform is it long overdue, but we need tax reform that simplifies the Tax Code, bolsters the middle class, and helps small businesses create jobs. I think those principles could have been the basis for really good bipartisan work here in the Senate, and in Congress, generally, to come up with a bill that would have done all of those things, but, unfortunately, the legislation in front of us does none.

The result is a partisan tax bill, written in secret and without public hearings, adds to the national debt, punishes the middle class and small businesses, and gives massive tax cuts to corporations and the wealthy.

Last week, I came to the floor to share the concerns of Granite Staters about this legislation. They were amplified at a forum I had on Monday at Southern New Hampshire University, where I heard from students, graduate students, and higher education leaders in the State about the damage this bill

would do to our State and to our national economy.

I have heard some reports today that there will be changes that come out of the conference committee that may address some of the concerns about the bill's impact on education. I hope that is true. Unfortunately, I haven't heard what those changes are. I don't know if any Democrats here have heard what those changes are. Unfortunately, these negotiations, like the bill, are being done in secret, and the future of students and so many people in New Hampshire and the country hang in the balance.

In particular, what I heard at the forum with the students and educators was that the bill as it passed the House would raise taxes on New Hampshire students and would make it financially impossible for many of them to continue their educations.

As passed, the House tax bill would eliminate the ability of individuals to deduct the interest they pay on their student loan debt. Nationwide, student loan debt has roughly tripled since 2004 and now totals a staggering \$1.3 trillion—more than the total credit card debt in the country. It is particularly burdensome for those of us in New Hampshire because New Hampshire's 2016 graduating class had the highest per capita student loan debt in the country—an average of \$36,367.

The Republican leader's tax bill would make this crisis far worse not only for current students but for those who graduated many years ago but are still burdened by student loan debt. It would prevent nearly 80,000 Granite Staters from deducting interest on their student loans.

The House legislation would also make it far more expensive to get an advanced degree because it eliminates tax-free waivers for tuition assistance. I am hearing recent reports that this provision may be taken out of the final bill. I certainly hope that is the case because as currently written, it would put graduate school financially out of reach for many students.

A Dartmouth College student pursuing a Ph.D. in biomedical sciences wrote that counting tuition waivers as earned income would raise his yearly taxes by more than \$10,000. He said he would no longer be able to afford rent and groceries and would have to consider dropping out of school.

Ken Ferreira, the associate vice president for student financial services at Franklin Pierce University, told me, in no uncertain terms, that tuition waivers are not income, and it is wrong to tax them. I could not agree more.

Tyler Kane is pursuing a master's degree in environmental engineering at the University of New Hampshire. He told me he already owes close to \$40,000 in student loans and works nearly 60 hours a week. After paying rent and other expenses, his stipend leaves him

with less than \$200 a month. If his tuition waiver becomes taxable, that would be a tax increase of \$2,500, and it would wreck his budget, leaving him in a \$33-a-month hole. Along with many of his graduate student colleagues, he would have to consider dropping out of school.

It makes no sense to increase the burden of student debt and to impose new taxes on graduate students struggling to get by so we can give the biggest corporations in this country and the wealthiest a tax cut.

It is estimated that by 2020, two-thirds of all jobs in the United States will require some form of higher education. Yet today less than 45 percent of Americans have at least a 2-year degree. As I talk with small business owners across New Hampshire, one of their biggest challenges is finding skilled workers. The last thing we need to do is make education more expensive and unaffordable for millions of young Americans. As one New Hampshire businessman told me, it is like eating our own seed corn. For the United States to stay competitive in the global economy, we can't afford to discourage talented young people from going to college or pursuing a graduate degree.

I also had the opportunity to talk with Nate Stafford. He is pursuing a Ph.D. at the University of Hampshire. Because he serves as a teaching assistant, the university provides a tuition waiver of nearly \$27,000, which would be taxed under the provision of the House bill. If his tuition waiver were taxed, that would force him to consider opting out of graduate school entirely.

I also heard from university administrators, who shared their concerns.

Sister Paula Marie Buley, president of Rivier University, pointed out that the proposed new taxes on students is "a tax on our future."

Jan Nesbit, the senior vice provost for research at the University of New Hampshire, warned that taxing graduate students' tuition waivers would have a cascading impact that would raise undergraduate tuition across the board because losing graduate students would affect both teaching assistants and research and drive up costs.

I heard from Cari Moorhead, the interim dean of the graduate school at the University of New Hampshire. She pointed out that many international students at UNH would be lost and noted that Canada has recently seen more than a 40-percent increase in international students. They are very pleased to be benefiting from the brain drain from the United States because of the financial barriers that we are putting up for graduate students.

The other damaging aspect of this legislation, which I think many people are not aware of, is that the tuition assistance that many companies provide to their employees would count as taxable income. Forty years ago, Congress

provided employers with the flexibility to offer up to \$5,250 in annual tax-free educational benefits to employees. This was designed to advance competitiveness and fill the need for more skilled workers. If we eliminate those benefits, how many of those employees who are looking to advance themselves through education will not be able to do that?

In so many ways, this tax overhaul legislation would take America backward, not forward. Tax reform should be about helping Americans prepare for the jobs of the 21st century; it shouldn't make it harder to afford college or graduate school. Tax reform should be about strengthening the middle class, not burdening it with higher taxes. Tax reform should be about growing the economy, not growing the deficits and the debt.

Like my colleagues on this side of the aisle, I am eager to work to genuinely reform the Tax Code. Reform is long overdue, but the bill we have before us is not reform. We need a bipartisan bill that puts the middle class first, puts small businesses first, and doesn't leave a massive debt for our children and grandchildren.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. MANCHIN. Mr. President, all the nearly 50,000 children who are on West Virginia CHIP want this Christmas is to have their healthcare. That is not a lot to ask for from a child.

As a legislative body, we were elected to serve the needs of all of our constituents, and that includes protecting our most vulnerable—our children. How many times do you hear us give speeches, whether it is in this body or whether it is back home—it is all about our children. The future of our country is about our children. The future of our State is about our children. Our future generation—whatever we do, the promise of the world—is about our children. And all they are asking for is to have their healthcare.

It seems as though we are so consumed with partisan gridlock and posturing that we would allow the expiration of health insurance for children. It is almost unconscionable for us to be in this situation, and the children have no control of their own healthcare coverage, and their parents can't really afford basic healthcare. They are the working people who are above the poverty guidelines and doing everything they can to put bread on the table and take care of their families, and their children have no access to healthcare without CHIP.

On September 30, Congress not only failed to reauthorize a bipartisan, non-controversial program for children, we failed the 9 million children in this country who rely on the program to stay healthy. There are 9 million chil-

dren who are depending on CHIP, the funding of CHIP, and the basic priorities we should have for our most vulnerable, and we have done nothing. Our No. 1 job as Senators, as parents, and as human beings is to care for and protect our children, but this body cannot even find the humanity to do that.

In West Virginia alone, almost 50,000 children use CHIP over the course of the year, and more than 20,000 children who are currently on the program are going to lose it in February when the money runs out. Through CHIP, these children have access to basic medical care, which includes prescriptions, immunizations, dental coverage, vision, and mental health coverage. For more than 2 months, their healthcare has been hanging in the balance because of the negligence of the body, our dysfunction, playing Democrat and Republican at a higher level of our party than our purpose of being here, which is to do our job.

Millions of families are in a state of uncertainty, worrying about how to pay for their child's basic healthcare needs or, for many families, lifesaving services. I believe it is our duty to ensure that our children are taken care of, for they are truly our country's future and legacy. I believe that no matter how much your family makes or where you come from, the most important thing you have is healthcare for your children so that they have a healthy start.

There are five promises every adult should make to a child. This was started under Colin Powell, the five promises.

The first one is, every child needs to have a loving, caring adult in their life; someone who they know unconditionally loves them, right, wrong, or indifferent. It is not always the biological parents or biological family. It could be a neighbor. It could be someone reaching out. It could be a church or service. It could be an afterschool program.

Second, every child must have a safe place. A safe place might not always be the home where they live.

Third, every child must have a healthy start. We talked about nutrition. We talked about healthcare. That is part of it. If we can't teach a child how to keep themselves healthy, how to take care of themselves nutritionally in all different ways, they are not going to grow up to be a productive adult. They will have health concerns. They will have health challenges. It is up to us to make sure they have that healthy start.

Fourth, every child should have a livable skill. That means education. In this country, we make sure every child has free education, K-12, and we make sure there is assistance so they can go through a college program. If we can work with them and help them with financial literacy, they wouldn't be

bound with so much debt. I think we can help in a lot of different ways.

The fifth promise is the hardest one to teach. It is the hardest one because this promise is that every child should grow up to be a loving, caring adult and give something back. If these children see that we don't care and that our priority is not healthcare and that having a healthy start in life is not one of our priorities, what are they going to do when it is their turn, when they become the responsible adults? What are they going to do? Are they going say: Well, you know, I don't know, we didn't have too good of an example because we saw all the bickering and fighting back and forth, politics trumping everything, so I guess maybe that is not a big priority for us.

I hope they have more discipline than we have had here. I hope they have more compassion, more empathy than we have shown. That is what I hope. I hope that we change our ways now and make sure our failure to come together stops and stops now and that we come together for the CHIP program and the healthcare for every child who depends on this for a healthy start in life.

That is why I stand before you today—to encourage my colleagues to come together and find a solution and protect healthcare for over 9 million children across this country. I have talked to families and children all across West Virginia who are at risk of losing their healthcare coverage.

For many families, CHIP is a temporary helping hand while they are down and out. It is a perfect example of how, in West Virginia and in America, we put out a hand to help those people in need. There is a difference between a handout and a hand-up. These people need a hand-up when they hit hard times.

I have a letter from a mother in West Virginia.

I have encouraged the people of West Virginia to put a real family, a real face behind the challenges they have so that it is not just something we are speaking about in a political arena—it is basically something that happens in real life, and it is affecting people.

This letter comes from Annetta:

My name is Annetta, and I am the mother of a now 18-year-old son named Dalton. WVCHIP is important to me because when Dalton was 15, it was discovered he had a pituitary brain tumor as well as a condition known as Chiari malformation. If you are not familiar, Chiari is a condition where the brain protrudes out the back of the head, similar to a herniated disc in the spine. Most times, Chiari requires surgery to relieve pressure out of the head.

I had lost my health insurance at work and could not afford to get a private insurance during this time. Thankfully I was approved for CHIP. His neurosurgeon nor his endocrinologist ever had any issues accepting CHIP; they didn't have any issues with authorizations for MRIs or bone scans, which he had every few months.

I am very thankful to have had insurance like CHIP, and I feel there are so many children like my precious son that will suffer if

the program ends. I feel some could be detrimental to not only the children but also the parents who are not eligible for Medicaid services. We live in a state where jobs are not so plentiful and the ones we have pay much less than other States.

I hope WVCHIP is saved.

This is a mother reaching out, saying that her son was saved because of CHIP. She couldn't afford it. She was above the poverty guidelines. She was working and trying to make it, and someone told her it might be more advantageous to go on welfare. There is still an awful lot of pride and dignity in people's lives. They will fight for that dignity, and we ought to fight to give them assistance during the toughest times.

I am calling on my colleagues to right this wrong and to reauthorize CHIP before we leave for Christmas. There are so many deadlines we are trying to make. I know the speed the tax bill is moving through is because it is a priority to get done before Christmas. Even though we don't have a crisis, even though the stock market is doing greater than ever, even though unemployment is lower than ever, there is a timetable at warp speed that this is moving through. Yet we have not addressed what we need most, which is healthcare for our children. I don't know where the urgency is for tax reform that would trump the urgency and the need for healthcare for children.

With that, I urge all of my colleagues to please take a look at this, and let's correct this wrong and not go home for Christmas until all these children have healthcare.

Mr. President, I yield the floor.

Mr. BARRASSO. Mr. President, I yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Willett nomination?

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 315 Ex.]

YEAS—50

Alexander	Boozman	Cassidy
Barrasso	Burr	Collins
Blunt	Capito	Corker

Cornyn	Hoeven	Roberts
Cotton	Inhofe	Rounds
Crapo	Isakson	Rubio
Cruz	Johnson	Sasse
Daines	Kennedy	Scott
Enzi	Lankford	Shelby
Ernst	Lee	Strange
Fischer	McConnell	Sullivan
Flake	Moran	Thune
Gardner	Murkowski	Tillis
Graham	Paul	Toomey
Grassley	Perdue	Wicker
Hatch	Portman	Young
Heller		

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murphy	

NOT VOTING—3

Cochran	McCain	Murray

The nomination was confirmed.
The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 316 Ex.]

YEAS—53

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heitkamp	Rounds
Cassidy	Heller	Rubio
Collins	Hoeven	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Strange
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Donnelly	McCaskill	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—44

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Udall
Coons	Manchin	Van Hollen
Cortez Masto	Markey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Nelson	

NOT VOTING—3

Cochran	McCain	Murray

The PRESIDING OFFICER (Mr. LEE). On this vote, the yeas are 53, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for consideration of Calendar No. 193, the nomination of Owen West to be an Assistant Secretary of Defense. I further ask that there be 30 minutes of debate on the nomination, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on confirmation with no intervening action or debate; and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE
CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for consideration of Calendar No. 241, the nomination of J. Paul Compton to be General Counsel of the Department of Housing and Urban Development. I further ask that there be 120 minutes of debate on the nomination, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on confirmation with no intervening action or debate; and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CAPTAIN ERIC
BALLIET

Mr. DONNELLY. Mr. President, today I wish to recognize and honor the extraordinary service and sacrifice of Captain Eric Balliet of the Fort Wayne Fire Department. Service to his community and compassion were qualities that defined Eric's life.

Eric was a 19-year veteran with the Fort Wayne Fire Department who devoted his life to the Fort Wayne community. A compassionate and devout father, husband, friend, and leader, Eric was someone whom everyone knew and loved in the community. He will be remembered as a hero.

On September 27, 2017, Eric was leading a training exercise. After performing the physically demanding drill, Eric suffered a heart attack and passed away. He led the fire department as a captain, and Fire Chief Eric Lahey called Eric's passing "a great loss for the Fort Wayne fire department." Lahey also said, "He was a good firefighter. A good man. We're going to miss him." At the time of his passing, Eric was eligible and scheduled for promotion to the rank of battalion chief and was promoted posthumously to that rank. He put his life on the line so that Hoosiers could have the chance to live in peace and safety, and we are eternally grateful.

Eric was born and raised in Fort Wayne. He graduated from Northrop High School in 1994 and earned an associate's degree from Ivy Tech. He not only served his community as a firefighter but also as a paramedic with Three Rivers Ambulance Authority, a deputy coroner with the Allen County Coroner's Office, captain of traffic division in the Allen County Sheriff's Reserves, and dean of campers at the Great Lake Burn Camp.

Eric was a member of Pathway Christian Church. He adored his two children and loved spending time with them. He was known for his ability to make anyone laugh and for his genuine care for everyone he came across. He is remembered for his service and sacrifice.

He is survived and deeply missed by his wife, Alicia, and their twin children, Lucas and Alyssa; father, Gail; mother, Deborah; brother, Aaron; sister, Tina; grandparents, in-laws, nieces, nephews, and cousins; and his fellow firefighters. He loved his job as a Fort Wayne firefighter, and no amount of gratitude can repay Eric or his loved ones for his sacrifice.

Through his compassion and his dedication to his community, Eric exemplified Hoosier values. His memory will not soon be forgotten. May God welcome Eric home and give comfort to his family and friends.

ADDITIONAL STATEMENTS

TRIBUTE TO MEKENNA CARMAN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to McKenna Carman for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

McKenna is a native of Arizona. She is a student at Arizona State University, where she is studying political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank McKenna for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO AUTUMN JENSEN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Autumn Jensen for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Autumn is a native of Lander. She is a sophomore at the University of Wyoming, studying political science and statistics. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Autumn for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.●

TRIBUTE TO JAKE KENNEDY

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Jake Kennedy for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Jake is a native of California. He is a graduate of Bucknell University, where he studied political science and government. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Jake for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO ALEX LUPSAIU

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Alex Lupsaiu for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Alex is a native of California. He attended the University of California, Los Angeles, and the University of Oxford, where he studied philosophy. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Alex for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

MESSAGE FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1208. An act to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Office Building".

H.R. 1733. An act to direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the refining of used lubricating oil.

H.R. 2872. An act to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes.

H.R. 2880. An act to amend the Federal Power Act to promote closed-loop pumped storage hydropower, and for other purposes.

H.R. 3638. An act to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building".

H.R. 3655. An act to designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the "Dr. Walter S. McAfee Post Office Building".

H.R. 3971. An act to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes.

H.R. 4171. An act to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes.

H.R. 4285. An act to designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the "James C. 'Billy' Johnson Post Office Building".

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), as amended, the Minority Leader re-appointed the following individuals to the United States-China Economic and Security Review Commission, effective January 1, 2018: Ms. Carolyn Bartholomew of Washington, DC and Mr. Michael Wessel of Falls Church, Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1208. An act to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1733. An act to direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the refining of used lubricating oil; to the Committee on Energy and Natural Resources.

H.R. 2872. An act to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2880. An act to amend the Federal Power Act to promote closed-loop pumped

storage hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3638. An act to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3655. An act to designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the "Dr. Walter S. McAfee Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3971. An act to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4171. An act to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4285. An act to designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the "James C. 'Billy' Johnson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3675. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Investment Company Reporting Modernization" (RIN3235-AL42) received in the Office of the President of the Senate on December 12, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-3676. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Certain Requirements" (RIN1004-AE54) received during adjournment of the Senate in the Office of the President of the Senate on December 8, 2017; to the Committee on Energy and Natural Resources.

EC-3677. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Voluntary Consensus Standards Update: Formaldehyde Emission Standards for Composite Wood Products; Withdrawal of Direct Final Rule" (FRL No. 9971-38) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3678. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019" (FRL No. 9971-73-OAR) re-

ceived in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3679. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2012 Annual National Ambient Air Quality Standards for Fine Particles" (FRL No. 9971-88-Region 10) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3680. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Contingency Measures for the 1997 PM2.5 Standards; California; San Joaquin Valley; Correction of Deficiency" (FRL No. 9972-02-Region 9) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3681. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard; Withdrawal of Direct Final Rule" (FRL No. 9971-68-Region 7) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3682. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard; Withdrawal of Direct Final Rule" (FRL No. 9971-69-Region 7) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3683. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque and Bernalillo County; Regional Haze Progress Report State Implementation Plan" (FRL No. 9971-43-Region 6) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3684. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs; Withdrawal of Direct Final Rule" (FRL No. 9971-56-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3685. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia;

Amendment to Ambient Air Quality Standard for Ozone; Withdrawal of Direct Final Rule" (FRL No. 9971-41-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3686. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings; Withdrawal of Direct Final Rule" (FRL No. 9971-93-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3687. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating, Miscellaneous Plastic Parts Surface Coating, and Pleasure Craft Surface Coatings; Withdrawal of Direct Final Rule" (FRL No. 9971-98-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3688. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report; Withdrawal of Direct Final Rule" (FRL No. 9971-78-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3689. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard; Withdrawal of Direct Final Rule" (FRL No. 9971-70-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3690. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Wisconsin; Regional Haze Progress Report; Withdrawal of Direct Final Rule" (FRL No. 9971-75-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3691. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Michigan; Regional Haze Progress Report; Withdrawal of Direct Final Rule" (FRL No. 9971-80-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3692. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Air Plan Approval; Illinois; Regional Haze Progress Report; Withdrawal of Direct Final Rule" (FRL No. 9971-79-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3693. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Florida; Stationary Sources Emissions Monitoring; Withdrawal" (FRL No. 9971-72-Region 4) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3694. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; CT; Decommissioning of Stage II Vapor Recovery Systems" (FRL No. 9966-28-Region 1) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3695. A communication from the Deputy Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revolving Loan Fund Program Changes and General Updates to PWEDA Regulations" (RIN0610-AA69) received in the Office of the President of the Senate on December 8, 2017; to the Committee on Environment and Public Works.

EC-3696. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Cancellation of Advancing Care Coordination Through Episode Payment and Cardiac Rehabilitation Incentive Payment Models; Changes to Comprehensive Care for Joint Replacement Payment Model; Extreme and Uncontrollable Circumstances Policy for the Comprehensive Care for Joint Replacement Payment Model" (RIN0938-AT16) (CMS-5524-F and CMS-5524-IFC) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Finance.

EC-3697. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2017-0206—2017-0213); to the Committee on Foreign Relations.

EC-3698. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "United States Tobacco Product Exports That Do Not Conform to Tobacco Product Standards"; to the Committee on Health, Education, Labor, and Pensions.

EC-3699. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Idaho National Laboratory (INL) in Scoville, Idaho, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3700. A communication from the Acting Secretary of Homeland Security, transmitting, pursuant to law, the fiscal year 2016 annual report for the Department's Office for Civil Rights and Civil Liberties; to the Committees on Homeland Security and Govern-

mental Affairs; the Judiciary; and Select Committee on Intelligence.

EC-3701. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-190, "Fiscal Year 2018 Budget Support Clarification Temporary Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3702. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-191, "At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3703. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-192, "Operator's Permit and Drug Offense Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3704. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-193, "Exhaust Emissions Inspection Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3705. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-194, "DMV Services Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3706. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-197, "Mobile DMV Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3707. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3708. A communication from the Vice President for Congressional and Public Affairs, Millennium Challenge Corporation, transmitting, pursuant to law, the Corporation's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3709. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3710. A communication from the Acting Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-3711. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3712. A communication from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the Federal Housing Administration's fiscal year 2017 Annual

Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3713. A communication from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's fiscal year 2017 Annual Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3714. A communication from the Human Resources Specialist, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, (20) reports relative to vacancy announcements within the Department; to the Committee on the Judiciary.

EC-3715. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, a report relative to H.R. 3354, the Make America Secure and Prosperous Appropriations Act; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*Barry Lee Myers, of Pennsylvania, to be Under Secretary of Commerce for Oceans and Atmosphere.

*Coast Guard nominations beginning with Rear Adm. (1h) Pat DeQuattro and ending with Rear Adm. (1h) David G. Throop, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2017. (minus 2 nominees: Rear Adm. (1h) Steven J. Andersen; Rear Adm. (1h) Keith M. Smith)

*Coast Guard nomination of Rear Adm. Andrew S. McKinley, to be Rear Admiral (Lower Half).

*Coast Guard nomination of Capt. James M. Kelly, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Capt. Thomas Allan and ending with Capt. Matthew W. Sibley, which nominations were received by the Senate and appeared in the Congressional Record on October 23, 2017.

Mr. THUNE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with George Bamford and ending with Tabitha A. Schiro, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 2017.

*Coast Guard nominations beginning with Stephen J. Adler and ending with Torrence B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 2017.

*Coast Guard nominations beginning with Lawrence F. Ahlin and ending with Russell R. Zuckerman, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 2017.

*Coast Guard nomination of Meghan K. Steinhaus, to be Commander.

By Mr. BARRASSO for the Committee on Environment and Public Works.

*R. D. James, of Missouri, to be an Assistant Secretary of the Army.

By Mr. ALEXANDER for the Committee on Health, Education, Labor, and Pensions.

*James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

*Kate S. O'Scannlain, of Maryland, to be Solicitor for the Department of Labor.

*Mitchell Zais, of South Carolina, to be Deputy Secretary of Education.

*Preston Rutledge, of the District of Columbia, to be an Assistant Secretary of Labor.

*William Beach, of Kansas, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

*Scott A. Mugno, of Pennsylvania, to be an Assistant Secretary of Labor.

*Johnny Collett, of Kentucky, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. BALDWIN (for herself, Mr. JOHNSON, and Ms. KLOBUCHAR):

S. 2223. A bill to amend the Agricultural Act of 2014 to clarify forest, rangeland, and watershed restoration services under good neighbor agreements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DONNELLY (for himself, Mr. JOHNSON, and Ms. KLOBUCHAR):

S. 2224. A bill to establish best practices for teaching financial literacy, and to establish an annual estimate of student borrowing costs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself and Mr. TILLIS):

S. 2225. A bill to reauthorize the Blue Ridge National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. RUBIO (for himself, Mr. KENNEDY, and Mr. NELSON):

S. 2226. A bill to prohibit recipients of disaster recovery relief assistance from the Department of Housing and Urban Development from penalizing applicants that declined assistance from the Small Business Administration; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PORTMAN (for himself and Ms. CANTWELL):

S. 2227. A bill to reauthorize the Money Follows the Person Demonstration Program; to the Committee on Finance.

By Mr. LEE:

S. 2228. A bill to amend the Higher Education Act of 1965 to provide for accreditation reform, to require institutions of higher education to publish information regarding student success, to provide for fiscal accountability, and to provide for school accountability for student loans; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN):

S. Res. 359. A resolution commending the Government of Bangladesh for its compassion during the Rohingya humanitarian crisis and commending Pope Francis for his message of peace; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN):

S. Res. 360. A resolution calling for international accountability for the crimes against humanity committed by the Burmese military against the Rohingya in Burma; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 925

At the request of Mrs. ERNST, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 925, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 1055

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1055, a bill to restrict the exportation of certain defense articles to the Philippine National Police, to work with the Philippines to support civil society and a public health approach to substance abuse, to report on Chinese and other sources of narcotics to the Republic of the Philippines, and for other purposes.

S. 1118

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1118, a bill to reauthorize the North Korea Human Rights Act of 2004, and for other purposes.

S. 1161

At the request of Ms. DUCKWORTH, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1161, a bill to amend title 38, United States Code, to eliminate copayments by the Department of Veterans Affairs for medicines relating to preventative health services, and for other purposes.

S. 1835

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1835, a bill to provide support to States to establish invisible high-risk pool or reinsurance programs.

S. 2038

At the request of Mr. MORAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2038, a bill to amend title

38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

S. 2076

At the request of Ms. CORTEZ MASTO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2076, a bill to amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

S. 2152

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2159

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2159, a bill to require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered harassment and covered discrimination complaints, and for other purposes.

S. 2184

At the request of Mr. MORAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2184, a bill to amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes.

S. 2200

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2200, a bill to reauthorize the National Integrated Drought Information System, and for other purposes.

S. 2219

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2219, a bill to reduce the number of preventable deaths and injuries caused by override crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes.

S. RES. 139

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Res. 139, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 359—COMMENDING THE GOVERNMENT OF BANGLADESH FOR ITS COMPASSION DURING THE ROHINGYA HUMANITARIAN CRISIS AND COMMENDING POPE FRANCIS FOR HIS MESSAGE OF PEACE

Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 359

Whereas Bangladesh has taken in Rohingya refugees fleeing persecution in Burma since the 1970s;

Whereas at least 300,000 Rohingya refugees were still in Bangladesh prior to August 25, 2017;

Whereas an August 25, 2017, attack on security posts in Burma by the military group Arakan Rohingya Salvation Army resulted in a brutal and methodical reprisal by the Burmese military on Rohingya villages;

Whereas more than 624,000 Rohingya refugees have fled to Bangladesh since August 25, 2017, alone, most located in or near the coastal city of Cox's Bazar;

Whereas the Rohingya refugee crisis is the fast-growing refugee crisis in the world;

Whereas the Government of Bangladesh has accepted nearly 1,000,000 Rohingya refugees in total despite facing their own domestic challenges;

Whereas the Government of Bangladesh has notably allowed full access for international relief organizations;

Whereas, on September 22, 2017, Bangladeshi Prime Minister Sheikh Hasina urged before the United Nations General Assembly an end to the violence against the Rohingya and full implementation in Burma of the recommendations made by Kofi Annan's Advisory Commission on the Rakhine State;

Whereas, on November 23, 2017, the Government of Bangladesh and the Government of Burma signed a Memorandum of Understanding on a repatriation agreement;

Whereas the Memorandum of Understanding on a repatriation agreement is modeled after a flawed 1992–1993 repatriation pact between Bangladesh and Burma, and does not resolve critical questions on the potential repatriation process for Rohingya refugees, including verification of residency, where refugees would be permitted to return, and whether they would enjoy equal access and rights;

Whereas, on November 25, 2017, the Bangladeshi Foreign Minister Abdul Hassan Mahmood Ali said that Bangladesh would support the United Nations High Commissioner for Refugees being involved in any process to repatriate Rohingya refugees to Burma;

Whereas Pope Francis, who has been recognized for his humility, dedication to the poor, and commitment to dialogue and reconciliation, has previously denounced the "persecution of our Rohingya brothers" who were being "tortured and killed, simply because they uphold their Muslim faith";

Whereas Pope Francis traveled to Burma on November 27, 2017, and urged "a peace based on respect for the dignity and rights of each member of society, respect for each ethnic group and its identity";

Whereas Pope Francis, in a visit to Bangladesh on November 30, 2017, recognized the generosity of Bangladeshis in caring for Rohingya refugees and called on the international community to "take decisive measures to address this grave crisis, not only by working to resolve the political issues that have led to the mass displacement of people, but also by offering immediate material assistance to Bangladesh in its effort to respond effectively to urgent human needs"; and

Whereas the United Nations has estimated a need of \$434,000,000 to respond to the Rohingya refugee crisis: Now, therefore be it Resolved, That the Senate—

(1) commends the Government of Bangladesh for its admirable compassion and tolerance in accepting Rohingya refugees;

(2) commends the United Nations agencies, nongovernmental organization (NGO) partners, and all aid workers providing relief to Rohingya refugees in Bangladesh, and urges the Government of Bangladesh to continue to help coordinate critical humanitarian work and ensure ease of access for those carrying out such efforts;

(3) urges the Government of Bangladesh and the Government of Burma to consult and coordinate with the United Nations High Commissioner for Refugees, the International Organization for Migration, and NGO partners on any and all safe and voluntary repatriation efforts;

(4) urges the Government of Bangladesh and the Government of Burma to address the flaws of the November 23, 2017, Memorandum of Understanding on repatriation through consultation and agreement with the United Nations High Commissioner for Refugees;

(5) urges all parties involved in the repatriation process to reject any actions which could continue or worsen the harsh conditions faced by Rohingya refugees, including the confinement of the Rohingya in camps, contained ghettos, or villages where movement is restricted in Burma, or on the flood-prone Bhashan Char island in the Bay of Bengal in Bangladesh, or any other location that would result in further isolation; and

(6) commends Pope Francis for his thoughtful remarks about the future of Burma that respects rule of law, the democratic order, and the dignity and rights of all of its people.

SENATE RESOLUTION 360—CALLING FOR INTERNATIONAL ACCOUNTABILITY FOR THE CRIMES AGAINST HUMANITY COMMITTED BY THE BURMESE MILITARY AGAINST THE ROHINGYA IN BURMA

Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 360

Whereas actions by the military of Burma, known as the Tatmadaw, including continuing assaults on personnel and territory controlled by armed ethnic organizations, military offensives immediately preceding and following national peace conferences, and human rights abuses against noncombatant civilians in conflict areas, undermine the confidence in establishing a credible nationwide ceasefire agreement to end Burma's civil war;

Whereas Burmese military officials have a long-standing history of targeting ethnic groups and armed ethnic organizations in Burma, in addition to the Rohingya, and whereas there are ongoing conflicts currently in the Shan, Kachin, and Rakhine states;

Whereas August 25, 2017, attacks on security posts in Burma by the military group Arakan Rohingya Salvation Army resulted in a brutal, systematic, and disproportionate reprisal by the Burmese military and security forces on Rohingya villages;

Whereas more than 624,000 Rohingya refugees have fled to Bangladesh since the Burmese military commenced its scorched-earth campaign, with the burning of villages and local monuments, and reports of widespread rape, starvation, killing, and forcible deportation;

Whereas Burmese military officials have promulgated fabrications about the Rohingya to sow negative public perception of the minority ethnic group, including that they are not Burmese, that they are uniformly implicated in terrorist activities and controlled by international terrorist groups with the intention of creating an Islamic State, that they attacked their own people and burned down their own villages in order to gain international sympathy, and that they are fleeing to Bangladesh for economic reasons or to create the appearance of ethnic cleansing;

Whereas the Government of Burma has consistently denied access to the United Nations Fact-Finding Mission on Myanmar established to investigate human rights violations around the country;

Whereas the Commander in Chief of the Burmese military, Senior General Min Aung Hlaing, has made statements communicating his antipathy for the Rohingya people, including on March 27, 2017, where he reportedly said that “[t]he Bengalis in Rakhine state are not Myanmar citizens and they are just people who come and stay in the country,” and on September 2, 2017, where he reportedly said that the ongoing military operations against the Rohingya were aimed at “unfinished business” from World War II;

Whereas a Human Rights Watch report entitled, “‘All of My Body Was Pain’: Sexual Violence Against Rohingya Women and Girls in Burma,” documented the Burmese military’s widespread acts of sexual violence against women and girls since August 25, 2017;

Whereas Article 7 of the Rome Statute of the International Criminal Court includes murder, forced deportation, rape, and persecution among its definition of “crimes against humanity”;

Whereas, on September 11, 2017, in his opening statement for the United Nations Human Rights Council’s 36th session, United Nations High Commissioner for Human Rights Zeid Ra’ad al Hussein reiterated his concern about the pattern of gross violation of human rights of the Rohingya in Burma, calling the persecution a “textbook case of ethnic cleansing”;

Whereas, on October 23, 2017, the Department of State suspended travel waivers for Burmese military leaders, found that all Burmese military units and officers involved in operations in northern Rakhine State are ineligible for United States assistance programs, rescinded invitations for Burmese security leaders to travel to United States-sponsored programs, and pressed for access for the United Nations Fact-Finding Mission on Myanmar to hold responsible those who have committed violence against the Rohingya;

Whereas, on November 3, 2017, the international human rights organization Human Rights Watch called for the United Nations Security Council to refer Burma to the International Criminal Court in light of Burma’s failure to investigate mass atrocities against the Rohingya;

Whereas, on November 6, 2017, the United Nations Security Council issued Presidential Statement SC/13055 calling on Burma to “end the excessive military force and intercommunal violence that had devastated the Rohingya community in Rakhine State” in Burma;

Whereas, on November 16, 2017, the United Nations General Assembly Third Committee approved draft resolution A/C.3/72/L.48 calling for an end to the abuse of human rights against the Rohingya by Burmese authorities, accountability for the perpetrators, and unrestricted access for United Nations investigators in Burma;

Whereas, on November 22, 2017, Secretary of State Rex Tillerson declared that the Burmese military’s crackdown “constitutes ethnic cleansing against the Rohingyas”;

Whereas, on November 28, 2017, the United Nations Committee on the Elimination of Discrimination against Women called on Burma to report within six months on rapes and sexual violence against Rohingya women and girls by its security forces in northern Rakhine State and further to take measures to punish soldiers responsible for these acts;

Whereas the United Nations Human Rights Council held a Special Session on December 5, 2017, where it adopted a resolution strongly condemning the alleged systematic and gross violations of human rights and abuses committed against the Rohingya in Burma and requested the High Commissioner for Human Rights to continue to track the progress concerning the human rights situation of Rohingya people; and

Whereas the United Nations High Commissioner for Human Rights Zeid Ra’ad al Hussein recommended on December 5, 2017, the establishment of “a new impartial and independent mechanism, complementary to the work of the Fact-Finding Mission, to assist individual criminal investigations of those responsible”: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the adoption of the resolution (A/HRC/RES/S-27/1) on the situation of human rights of Rohingya Muslims and other minorities in Burma by the United Nations Human Rights Council on December 5, 2017;

(2) condemns the Burmese military for its atrocities against the Rohingya, which constitute ethnic cleansing and crimes against humanity;

(3) reaffirms the longstanding international prohibitions and norms against the use of ethnic cleansing and crimes against humanity in any circumstance and calls on the United Nations to pass resolutions condemning the human rights violations by Burmese security forces against the Rohingya;

(4) urges the Government of Burma to allow for full, unhindered humanitarian access to the affected areas, and to allow the United Nations Fact-Finding Mission to Myanmar to examine the human rights violations by military and security forces in Burma and others abuses, with a particular focus on the situation in Rakhine State;

(5) urges State Counsellor Aung San Suu Kyi to fully implement the Final Report of the Advisory Commission on Rakhine State;

(6) urges the Government of Burma to take immediate steps to close internally displaced persons (IDP) camps and the Rohingya ghet-

to at Aung Mingalar in Sittwe while respecting the rights and dignity of populations currently residing in these camps, and to further lift restrictions on freedom of movement of Rohingya living in villages throughout northern Rakhine State;

(7) calls on the Secretary of State and the Secretary of the Treasury to impose targeted sanctions and travel restrictions against senior leaders of the Burmese military implicated in atrocities, including its multiple holding companies and banks;

(8) urges the international community to assist with the economic development of the Rakhine State, one of the poorest states in Burma, in which poverty exacerbates tensions between ethnic groups;

(9) urges the Government of Burma to conduct a comprehensive and transparent investigation—with the support of a credible international third party—to examine abuses against the Rohingya and hold perpetrators accountable;

(10) urges the United Nations to establish an independent mechanism to assist individual criminal investigations of those responsible for atrocity crimes against the Rohingya and refer those responsible to the International Criminal Court;

(11) calls on the United Nations Security Council to impose a comprehensive arms embargo against Burma; and

(12) calls upon the nations of the world to revoke travel visas for Burmese Commander-in-Chief Senior General Min Aung Hlaing and all other members of the Burmese military responsible for the ethnic cleansing campaign and crimes against humanity against the Rohingya.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BLUNT. Mr. President, I have 12 request for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 9:30 a.m. in room SR-328A to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SH-216 to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 9:50 a.m. in room SD-406 to consider the nomination R. D. James, of Missouri, to be an Assistant Secretary of the Army for Civil Works, Department of Defense.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SD-406 to conduct a hearing entitled "Oversight of the Nuclear Regulatory Commission".

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 9:30 a.m. to conduct a hearing entitled "Using Force: Strategic, Political, and Legal Considerations".

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 2:30 a.m. to conduct a hearing entitled "Treaties".

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SD-430 to conduct a hearing entitled "Implementation of the 21st Century Cures Act: Responding to Mental Health Needs".

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, in room S-216 to conduct a hearing on the following nominations: Johnny Collett, of Kentucky, to be Assistant Secretary for Special Education and Rehabilitative Services, Mitchell Zais, of South Carolina, to be Deputy Secretary, and James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, all of the Department of Education, William Beach, of Kansas, to be Commissioner of Labor Statistics, Kate S. O'Scannlain, of Maryland, to be Solicitor, and Scott A. Mugno, of Pennsylvania, and Preston Rutledge, of the District of Columbia, both to be an Assistant Secretary, all of the Department of Labor, and other pending nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SD-226 to conduct a hearing on the following confirmation: Elizabeth L. Branch, of Georgia, to be United States Circuit Judge for the Eleventh Circuit, R. Stan Baker, to be United States District Judge for the Southern District of Georgia, Charles Barnes Goodwin, to be United States District Judge for the Western District of Oklahoma, Matthew J. Kacsmayk, to be United States District Judge for the Northern

District of Texas, Matthew Spencer Petersen, of Virginia, to be United States District Judge for the District of Columbia, and Eli Jeremy Richardson, to be United States District Judge for the Middle District of Tennessee.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Service is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. to conduct a closed hearing.

SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SR-253 to conduct a hearing research, diagnosis, and treatment for traumatic brain injury/concussion in servicemembers.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 2 p.m. in room SD-226 to conduct a hearing entitled "The Consumer Welfare Standard in Antitrust: Outdated or a Harbor in Sea of Doubt?".

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Nima Binara, a detailee on my Judiciary Committee staff, be granted floor privileges for the remainder of the 115th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Alisha Bi, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY,
DECEMBER 14, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 14; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Ho nomination; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Ho nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

DACA

Mr. NELSON. Mr. President, Senator DURBIN has been leading a group of us talking about DACA, or the Dreamers. I wish to tell the Senate two stories.

I wish to tell you about Elisha Dawkins. He was a baby who was brought from the Bahamas at age 6 months. He grew up in America. He grew up in Jacksonville, FL. He never knew anything about his roots. He only knew that he was in America.

He served two tours in Iraq. He came back and joined the Navy Reserve. He had a top secret clearance and was sent to the very sensitive post of Guantanamo, where he was given a job as a photographer—obviously, a very sensitive position.

Through an application for a passport and checking on the background of the passport, it came to be learned that he had come to America as an infant, and for what reason—for the life of me, it has not been explained—he was arrested and thrown in jail by a U.S. attorney. Once this case came to the light of day and some of us started speaking out about it, a Federal district judge took it in her hands to lecture the U.S. attorney, and only because of that, Elisha Dawkins was released from jail.

As a result, we then started getting into it, and Elisha Dawkins was finally given his citizenship, and he is now serving in his native Jacksonville. He is a nurse.

Here is an individual who had served two tours in Iraq and was in a top secret clearance in the service to the Navy Reserve in Guantanamo. This just shouldn't happen. Individuals in good faith have gone about carrying on—some not even knowing; and Elisha certainly didn't know of his undocumented status—but now we have many others. These individuals, in good faith, have divulged personal information to the Department of Homeland Security, which could eventually deport them, and that is why it is critical that we pass the Dream Act as soon as possible.

I have heard from DACA recipients from all around the country, but especially I have heard from a lot of the 30,000 who are in the State of Florida. I have heard from DACA recipients who are valedictorians, medical students, even priests. Many are the primary breadwinners for their families.

Senator DURBIN has already highlighted some of my constituents over

the years, including Cristina Velasquez, a graduate of Miami Dade community college who will soon graduate from Georgetown University and fulfill her dream of becoming a teacher for Teach For America.

Cristina came to America at age 6 from Venezuela, a country whose problems Senator DURBIN and I, but also the Presiding Officer today, have consistently been concerned about—the plight of Venezuela.

If we fail to pass the Dream Act, are we saying that we are going to send Cristina back to the Maduro dictatorship in Venezuela, a dictatorship that can't even provide the basic staples for its citizens? Are we going to allow this young lady—who grew up thinking she was an American, now graduating from Georgetown—to channel her skills and her passion toward bettering our communities in need as a teacher? It doesn't make any sense to deport these kids.

The contributions that Dreamers have made are countless, and Cristina and Elisha are just two examples. These Dreamers will continue to better our communities if only we will pass the legislation that Senator DURBIN is sponsoring and many of us are cosponsoring.

Rhetorically—this was going to be a time of question and answers, but Senator DURBIN allowed me to kick off this session, and I see that we have many other Senators to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Thank you, Mr. President, for the recognition.

Mr. President, the President of the United States terminated the Deferred Action for Childhood Arrivals Program, otherwise known as DACA, 3 months ago. He gave Congress 6 months to act. We are no closer today to helping our Dreamers than the day the President so callously canceled the program.

We have almost 800,000 young people whose lives, dreams, and futures hang in the balance. They are scared. Their families are scared. Everything they have worked for is at risk.

Dreamers represent some of our very best and brightest. They are going to school, holding down jobs, volunteering in our communities. They want to be doctors, lawyers, engineers. They want to start businesses.

They came here as children, and they are American through and through. They love our country as much as any of us, and they want to stay and contribute.

We have almost 7,000 Dreamers in my home State of New Mexico. Carlos is one of them. Carlos was brought to New Mexico from Mexico when he was less than 1 year old. New Mexico is the only home Carlos has ever known.

Because of Carlos's immigration status, his opportunities were limited. He

couldn't play sports in school, and he couldn't go on field trips, even though he pledged allegiance to the United States, just like his classmates.

Carlos registered with DACA 2 years ago, and in his words, he was given "wings." He is now a full-time student at New Mexico State University, studying to be a mechanical engineer. He volunteers as a firefighter. He works as a server at a local restaurant, and he began a drive to help Hurricane Harvey victims.

Carlos says: "We, as Dreamers, have proven ourselves to be worthy of being here in the United States."

Carlos's story can be told hundreds of thousands of times over. Congress must act, and we must act now. We owe it to these young people. We must give Carlos and all other Dreamers their wings.

Passing the Dream Act is the morally right thing to do, but it is also the economically smart thing to do. Dreamers' contributions to the U.S. economy are astounding. Their jobs span the spectrum. They work in health, education, nonprofits, wholesale, retail, business, and hold professional jobs. Most of the top 25 Fortune 500 companies employ Dreamers, and that is why more than 400 CEOs of major U.S. companies have urged Congress to pass the Dream Act.

If Congress fails to act, it will cost us 700,000 jobs—as many as 30,000 jobs a month—causing chaos for employers, and we could see a \$460 billion decrease in economic output over a decade. Social Security and Medicare contributions could drop by \$39.3 billion over the same period.

In my State, New Mexico would lose nearly 6,000 DACA workers and take a \$385 million hit. We simply cannot afford it.

We have a bipartisan Dream Act before us. Senator DURBIN is working with our Republican colleagues, Republican friends, to get us over the finish line. Let's do the right thing by these young people, and let's do it now so Carlos can become an engineer and so hundreds of thousands of Dreamers can stop living in fear and move forward with their lives. It is our moral obligation to do this.

We also must do right by the 11 million immigrants in our Nation who are working, raising families, contributing to our economy, and helping in our communities. Congress must stop kicking the can down the road. We must do our job. We must debate and pass comprehensive immigration reform. Law-abiding immigrants who are contributing to our Nation should be given a pathway to citizenship.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, on September 5 of this year, Attorney General Jeff Sessions announced the repeal of the Deferred Action for Childhood Arrivals Program, known as DACA. That same day, President Trump called on Congress to come up with a solution to legalize DACA.

He challenged us; he said to the Senate, and he said to the House: I am going to eliminate this Executive order of President Obama. Now it is your turn. Pass a law if you want to protect 780,000 young people who had signed up under DACA.

DACA was the direct result of the DREAM Act, which I introduced 16 years ago, to try to protect young people who came to the United States, brought here by their parents at an early age, who grew up here and don't have a future. They don't have a home. They don't have a legal status. They don't have a country to call their own.

It strikes me that these young people themselves did nothing wrong. I can even argue that their parents did what every parent would do—the best thing they could for their kids. But in this situation, trying to focus on what their future will be, their future is clearly in doubt, and right now many of them are worried about what is going to happen next.

You see, without the protection of DACA, they can be deported. They are undocumented. They can't legally work in the United States, and many of them have wondered whether they should continue school or what they will do when they can't go to work. These are real-life challenges, and many times they break down emotionally as they talk about the uncertainty of their future.

Just outside this Capitol is a beautiful Mall, and smack dab in the middle of it are two white tents. They are tents that have been built by these young Dreamers in an effort to process hundreds of people, just like themselves, who are coming to Washington to tell their stories to Senators and Congressmen in the hopes that we will do something.

There are some in the Senate who don't want to help them at all. They don't believe they should receive any help in any way whatsoever. There are others who say: Let's put it off. Let's do it sometime, maybe next year. Next year is coming soon, and under the President's decision, on March 5 of 2018—just a few weeks from now—there will be no DACA protection whatsoever.

It means that today, 122 a day of these DACA-protected young people will fall out of protected status. March 5 of next year, the number goes to 1,000 a day—1,000 a day—who will be subject to deportation, uncertain about what their future might be.

I think it is time for us to do something, and I hope that we can do it on a bipartisan basis and do it in a timely fashion. It is important that we fix our entire immigration system, but let's not try to do everything that needs to be done on immigration when we should be taking care of these young people as our highest and first priority.

I am ready to sign up for immigration reform. I was there before. It was called the Gang of 8—four Democrats and four Republicans. A few years ago, we came up with a comprehensive bill to pass the Senate. The Republicans in the House refused to even call for a hearing, let alone a vote on the floor.

We should do our part to pass the new DACA, the new Dream Act. Do it before we leave this year. Do it this year so that we can spare these young people the anxiety and stress and fear they have because of the current situation and so that we can meet President Trump's challenge.

I didn't like the fact that he eliminated DACA, but it is fair for him to say to us: You have 6 months, Congress. Now do something.

I am not in control here. I am in the minority, being a Democrat. It is up to Republican leaders here.

All I hear from Republican leaders is: Let's wait until next year and see if we have time to get around to this. We have the time, all the time we need now, to do this.

I want to thank a number of people. First, I want to thank the 34 Republican House Members who, last week, sent a letter to the Speaker of the House, PAUL RYAN, saying that we should fix the DACA system before we leave this year. Thank you to those 34 Republicans.

In this Chamber, I want to thank 6 or 10 Republican Senators who have either cosponsored the Dream Act or are now actively engaged in helping to rewrite its replacement in the Senate. I am sure this kind of bipartisanship is a surprise to those who follow Congress, but it is an indication that many people share my belief that it is a simple matter of justice to give these young people their chance to become part of America's future.

I started a few years ago, when the Dreamers worked up the courage to declare publicly that they were undocumented—frightening their parents but giving them some unity and identity in America. I started coming to the floor when they sent me their color photos and telling their stories because there is no speech I could give that matches the stories of their lives. Each time I tell a story, I know it makes a difference. I know the people who are watching this on C-SPAN and those who are in the Galleries here in the Senate pay close attention because we are talking about real lives and real people.

Tonight I want to tell you about Carla Martinez. Carla Martinez was

brought to the United States from Mexico at the age of 8. She grew up in the Austin and Pflugerville area of Texas, and she was an excellent student. In middle school and high school, she enrolled in advanced placement and community college courses, and she was recognized as an AP scholar student. In high school, she participated in the band, and she worked and volunteered in her community. During her senior year, Carla would go to school from 9 a.m. until 2:30 in the afternoon, then she would work from 3 in the afternoon until 11 at night and only then start her homework.

In August 2012, Carla began her studies at the University of Texas, San Antonio, obtaining a bachelor's degree in civil engineering. A student like Carla, who is undocumented, did not qualify for Federal Government assistance. It meant there was no Pell grant to help her pay for college or a Federal loan to help her pay for college. She had to work to earn the money to pay her way through school. Something which many people would shrink away from, she accepted the reality of being undocumented in America. Because she was ineligible for financial aid, she worked to support herself, and she often had to choose between food and buying books.

During college, Carla was also an officer in a number of organizations, including the Society of Women Engineers. She was a College of Engineering Ambassador, which means she had to maintain a very high GPA at the University of Texas. During her summers, Carla interned at Alpha Testing and the San Antonio Water System while she also worked as an engineering camp counselor.

In August of 2016, Carla was the first DACA recipient to study abroad with the University of Texas at San Antonio's Education Abroad Program. She studied in as part of the first group of students to participate in the Urbino, Italy, civil engineering program.

Because she couldn't get financial aid, studying abroad was more difficult for her than the other students who were part of the program. Not only did she need the money to go to college, she needed to raise the money to pay for the study abroad. She never gave up.

One of her professors said:

Carla is a very dedicated student. She has excellent organizational skills and works well with her classmates. She is a team player. Her involvement with the College is fantastic—she has been an ambassador.

In May 2017, Carla graduated from the University of Texas at San Antonio with a civil engineering degree and two job offers. Today she works full-time at M&S Engineering as a water/wastewater engineer.

Her dreams for the future are to go back to school and get a master's in business and engineering and to give

back by creating a scholarship program to help fund other engineering students.

Carla wrote me a letter about her worries because of President Trump's decision to take away her protection from being deported from the United States. Here is what she said: "Every day that passes, it's a day closer to not being able to work, not having a driver's license, and not being able to financially provide for my family as the head of the household."

People like Carla are the reason more than 400 business leaders signed a letter to all Members of Congress urging us to do something and pass a bipartisan Dream Act. The letter says:

Dreamers are vital to the future of our companies and our economy. With them, we grow and create jobs. They are part of why we continue to have a global competitive advantage.

That gathering of Dreamers out on the Mall, just away from the Capitol dome here, are a lot of young people just like Carla. They are coming here in the hopes that Members of Congress will slow down in the hallways on the way to their office or to a committee hearing and just hear for a moment their stories—stories just like Carla's—stories that really beg us to do something. We know we have to, we know we should, and there is absolutely no reason to delay it.

Why would we want this amazing young woman, who has done so many extraordinary things in her life, to live with this uncertainty 1 minute more than she has to? Why wouldn't we step up and do what we are supposed to do?

I am working on this with colleagues. A number of Republican Senators have been sitting down in my office, even today, trying to work out the details on a compromise. We are not quite there, but there was a determination in our meeting today to get there, to put something together.

I would like to do this before we leave for the holidays. I think it is only right that we try our very best to achieve that, and I think we can. I think if Members of both sides show good faith, we can reach that goal.

I want to especially thank LINDSEY GRAHAM, my cosponsor of the Dream Act, and JEFF FLAKE of Arizona, another cosponsor, who have stepped up and really just shown extraordinary commitment to this cause. We also have LISA MURKOWSKI and CORY GARDNER as well who are cosponsors of the same legislation, and there are other Senators who are working with us behind the scenes to get this done. Some of them I know are taking a political risk to do it, but they believe it is the right thing to do, and they want to be on the record to be part of the solution. I am looking forward to working with them.

In a few weeks—maybe only 10 days now—Congress is going to adjourn to

go home for the holidays, but Dreamers can't go home for the holidays because they really don't have a home. They are homeless in America because they are waiting on us to come up with the legislation that defines their status and gives them a future. Hundreds of thousands of Dreamers can't enjoy the holidays the way many of us can because of their concern about being deported from the United States of America, separated from parents, brothers and sisters, friends, family, and loved ones.

When we introduced the Dream Act, Senator LINDSEY GRAHAM, a Republican from South Carolina, said: "The moment of reckoning is coming." Well, that moment is here. Congress has the responsibility to do our job to make the Dream Act the law of the land before the end of this year or bear the responsibility for forcing hundreds of thousands of talented young immigrants out of the workforce and putting them at risk of immediate deportation.

The question we face is very basic. Will the United States of America be a better nation if Carla is forced to leave? This woman's determination, her drive, and her talent have brought her to this glorious moment when she finally graduated college. With this degree and with this education, she can offer us so much more and really serve America and its future.

This is the country she loves. She deserves the respect of this country, and she deserves the determination of the Members of the Senate to take this up as a highest priority in the closing days of this Senate session.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I thank the Senator from Illinois for all the work he does on behalf of Dreamers throughout the country. His leadership in this effort is absolutely inspiring.

I am here to speak out in favor of passing a clean Dream Act to create a pathway to citizenship for young immigrants who enrich our country and strengthen our economy and national security. The passage of the Dream Act is critical to the thousands of Dreamers living in Illinois.

I want to share one young woman's story. This is Christian Villalobos. Christian traveled from Mexico with her mother and younger sister because her mother was fleeing an abusive marriage. At only 6 years old, Christian was brought to the United States not knowing a word of English. She needed to adapt quickly to her new home.

Christian worked hard in school to learn English and made great efforts to excel in all of her academic subjects. Then, when she was in the third grade, she was diagnosed with a learning disability, which might have caused her to become frustrated and to see a de-

cline in her grades. However, in her own words, she said:

I didn't let that get in the way and I did not let bad influences in my neighborhood get to me. There, in the back of my head, there was always a little voice saying, "Education is the way to a better life."

Christian pushed through and finished middle school and high school as an honor student and, despite her constant hard work and proven academic record, she faced an unexpected obstacle—adults in her life who doubted her ability to attain a college education. As she tells it, many adults in her life simply assumed that an undocumented student like Christian could not obtain a college education. While these doubts broke her heart, she was not deterred.

Christian's hard work, grit, and academic merit all earned her admission to Northern Illinois University where she received a private scholarship. She also worked multiple retail jobs selling flowers, shoes, and clothing to fund her education. Although her future was uncertain, Christian never let up on her academics or her many work responsibilities to put herself through school.

Finally, in the last few years of her college education, she received some relief with the implementation of the DACA Program. In 2015, she became the first person in her family to graduate with a bachelor's degree.

She had a job offer right after graduation which, as anyone can tell you, is not an easy feat. Although her DACA work permit expired that summer, when she had intended to start working full-time, her company was so invested in having her come on board that they worked with Christian to ensure that her DACA work permit was renewed. Their investment was worthwhile. Within the first 2 years at her company, Christian reached No. 1 in sales nationwide. She is now a branch manager of her company and consistently one of the top performers in sales.

Christian also opened doors for other DACA recipients who have joined her at her company and are also excelling in their roles. She is just one of thousands of Dreamers who positively contribute to our Nation.

It is evident that our businesses and communities benefit and thrive from the work ethic and the perseverance Dreamers like Christian possess. There are no truer American values than to work hard, accomplish your goals, and to have the ability to fully contribute to society.

Unfortunately, due to the Trump administration's elimination of DACA, nearly 800,000 of our young people like Christian are now vulnerable to deportation. Thousands of young people who participated in the DACA Program and who are legally in the United States may no longer be able to serve as doctors, teachers, students, and, yes, even servicemembers in our military. This

decision will also tear families and communities apart.

I implore my colleagues in the Senate to recognize the contributions of our DACA recipients throughout the country. I urge my colleagues to not shortchange the thousands of Dreamers who learn and work alongside our families and friends. We must do everything we can to make sure the Dream Act is addressed before the holidays.

I will not turn my back on Dreamers like Christian, and I will fight to protect DACA recipients as we work to make the Dream Act the law of the land.

Thank you.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise to join my colleagues in expressing my support for taking action on the Dream Act, as well as to express my continued opposition to the administration's decision to end the Deferred Action for Childhood Arrivals.

I thank my colleague Senator DURBIN for organizing today's remarks, as well as for his years of leadership and tireless advocacy on behalf of the Dreamers, along with Senator GRAHAM, who is leading this very important bill with Senator DURBIN.

It is critically important that the Senate pass the Dream Act and not wait any longer to take action. There are 22,000 eligible DACA recipients who did not meet the administration's deadline to renew their statuses, and as a result, about 122 Dreamers are now losing their DACA statuses every day. That is more than 11,000 who have already lost their statuses as of today, and that number will continue to increase every single day that we fail to act. This is nothing on which we can wait—wait a week, wait 1 month, wait 2 months. Every single day, it affects more people. So, while some have suggested that we wait until March to fix this issue, the reality is that the Senate needs to take action now.

Since it was first established in 2012, DACA has helped nearly 800,000 young people who have lived since childhood in the United States to better contribute to their families and communities, including more than 6,000 who are in my State. I recently met with the archbishop of the Twin Cities, along with some of these Dreamers, and we talked about how important this was to the fabric of life in our

community, to our economy in Minnesota—where we have one of the lowest unemployment rates in the country—to the Dreamers, and to their communities, themselves.

The Dreamers were brought to our country as children, and they know only one home. That is the United States of America. The average Dreamer has called this country home since he was about 6½ years old. That is the average. Dreamers serve in our military; they pay taxes; and they contribute to communities across our country. More than 97 percent of Dreamers are now in school or in the workforce—97 percent—and all DACA recipients are required to meet the program's education requirements. In fact, 72 percent of all DACA recipients who are currently in school are pursuing bachelor's degrees or higher. According to the American Association of Medical Colleges, more than 100 students with DACA status applied to medical school last year. This is at a time when we have a shortage of doctors in my State, particularly in the rural areas.

The administration's decision to end DACA has created tremendous uncertainty and the risk of deportation for the Dreamers who work and study in the States across our Nation. It, simply, doesn't make economic sense. One recent study estimated that ending this policy would cost the country over \$400 billion over the next 10 years.

I would like to point out to my colleagues that for immigrants as a whole, 25 percent of our U.S. Nobel laureates were born in other countries and that 70 of our Fortune 500 companies are headed up by immigrants. Why would we cut off this talent flow? Look at these DACA recipients. Ninety-seven percent of the Dreamers are working or are in school.

That is why I strongly disagree with the President's decision to end DACA, as do many Republicans, Democrats, business, labor, and religious leaders, and it is why I support the bipartisan Durbin-Graham Dream Act. America is truly a country built by immigrants, but just as importantly, these immigrants and their families have helped America succeed. They have been part of our Nation's greatest achievements.

I look at my own family.

On my dad's side, my great-grandparents came from Slovenia. My great-grandfather worked in the mine, and my grandpa worked in the mine because they needed people to mine iron ore in order to make all of the armaments and all of the ships that helped us to win World War II. That happened. They were so proud of what they had done to contribute to our country's efforts.

On my mom's side, my actual grandparents, who were Swiss, came to this country—my grandma as a 3-year-old, to Wisconsin, with her parents.

My grandpa, when he was about 18 years old, came over. He found out that

there was a limit on Swiss immigrants. He somehow got through Canada and then got through to Wisconsin. He met my grandma and had my mom and her brother, my Uncle Dick, and, at some point, decided that he would try to change his status from "alien" to "legal immigrant." That was when the Congress had just passed the Alien Registration Act. Because World War II was before us, he had to register. That went smoothly, so he decided to apply for citizenship. That was when they discovered that he had entered the country twice—once when he had said that he was going to Canada, on Ellis Island—but he went to Canada only for a week—and the second time when he had gotten through to Wisconsin.

I don't know what would have happened to my grandpa now. Back then, he went through the immigration hearing; he got his status. There is a picture of him in his bow tie—in an old black and white—and he is smiling. He was much older than when he had come to our country and become a citizen. I don't know what would have happened, because what he had done wasn't really legal.

Back then, they said: Do you know what? We want you in our country. You are a worker. You have raised two kids. You live in Milwaukee. We want you to be a citizen. They gave him that citizenship just a few weeks before the United States entered World War II. Otherwise, I guess he would have been deported to Switzerland right in the middle of the war.

That is my story, and everyone has an immigrant story.

The Senate-passed bill, when we did comprehensive reform—and I was one of the people very involved in that on the Judiciary Committee—included a version of the DREAM Act, which would have created a path to citizenship for those eligible for DACA who had graduated from high school and gone on to complete higher education or to serve in the military. We must end this uncertainty for Dreamers. That is why I have joined with so many of my colleagues in calling on Leader McConnell to hold a vote.

Here is a Dreamer whom I will never forget. I was trying to find examples for people in my State so that they may understand what this "Dreamer" term is all about, and I found one a few years ago—Joseph Medina. At the time, he was 99 years old, and he was a decorated Army veteran. We lost him only last month at age 103. He told me his story back when he was 99.

He was brought to our country from Mexico when he was 5 years old. He had no idea that he was not born in our country. He grew up in Sleepy Eye, MN. Then he signed up to serve in World War II. That was when they had found out that he was, in fact, undocumented and had not been born in our country. Back then, as he had de-

scribed it to me, the military had wanted people to serve, so they had him go to Canada. At the direction of our military, he went to Canada for 1 night, stayed—his words—in a nice hotel and then came back to Minnesota, and—magic—he was legal. He served under General MacArthur in the Pacific. He then came back to the United States, met his wife, got married, and had kids. His son served in the Vietnam war.

I had the privilege of hosting him at the World War II Memorial, which he had never seen before—with his son, who is a Vietnam vet—so that he could see the memorial for the first and the last time. With us were two Dreamers from high schools in the suburban Twin Cities area who wanted to serve in the Air Force but couldn't because we don't have the same rules we had during World War II. It was, basically, because of their statuses that they couldn't serve.

We lost Joseph Medina—the advocate that he was not only in words but by example—just last month. I think of his service, and when I see him standing in front of that memorial with those two Dreamers who weren't themselves allowed to serve, it really hits home to me and to everyone who has heard his story as to what these Dreamers are all about.

We all have our stories, and we owe it to these Dreamers and we owe it to our country and the values of our country to stand up for these Dreamers. I stand with my colleagues on both sides of the aisle who have spoken out in support of the Dream Act and who agree that we must take action in the Senate to protect these Dreamers in the name of Joseph Medina and in the name of all of our relatives who have always come from somewhere. Let's get this done.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WALL STREET AND WORKERS' WAGES

Mr. BROWN. Mr. President, this month, this body has spent much of its time pushing a tax bill that rewards corporations that ship jobs overseas while doing nothing for hard-working families. It has spent time cutting taxes on the wealthiest people in the country—cutting taxes for corporations that ship jobs overseas and giving them more incentives to do it by the way they have actually constructed the bill and rewarding their largest billionaire contributors. At the same

time, they have ignored the Children's Health Insurance Program.

Letters are going out to families. There are 200,000 children in my State who are enrolled in the Children's Health Insurance Program. Parents in many States are getting letters from the government that read: Sorry, your insurance is going away. Because of the inaction of this body—of Senators and House Members who have insurance provided for by taxpayers—we are not doing our jobs. We get insurance paid for by taxpayers while 200,000 children in Ohio and 60,000, 70,000, 80,000, 90,000, 100,000 families are going to lose theirs. That is it.

We are giving tax cuts to the richest people in the country and tax breaks to corporations that ship jobs overseas instead of fixing the healthcare law, instead of doing the Children's Health Insurance Program—instead of doing infrastructure, instead of doing the things that we should be doing. Forget about what we are not doing to serve the public; the priorities reflected in this tax bill are completely backward, which has become pretty standard in this Congress.

Time and again, our economy, our leaders, our politics reward Wall Street, not just instead of workers; we reward Wall Street at the expense of workers. The people of Ohio and people around the country are working harder than ever and working longer than ever, but they have less and less to show for it.

Imagine this: 44 percent of Americans who have an emergency—that would be four out of nine Americans—cannot afford that emergency expense of \$400. Four out of every nine Americans cannot come up with \$400 to pay for an emergency, but Wall Street is doing just fine. It is getting richer. So what do we do? We give more tax cuts and more tax breaks to corporations that outsource jobs, and we give more help in the Banking, Housing, and Urban Affairs Committee for some of the most profitable banks in America. Yet we can't do anything for workers, and we can't do anything for families.

The wealth held on Wall Street has gone up. Corporate profits have gone up. CEO salaries have gone up. CEO salaries are 271 times greater than workers' pay. For a worker who makes \$20,000—I almost can't even do the math—it is 271 times that. Imagine that. For every \$1 a worker makes in the country, the average CEO makes \$271. How much do they need? Do you know what the answer to that is? Let's give tax cuts to the people making \$271 and maybe a few crumbs for the workers making \$1. Is that fair?

Over the next few months, I am going to lay out the case for how Wall Street undermines American workers and lay out some of the changes that we need to make in this country to grow our middle class and make hard work pay

off. Each installment of this series, which we are calling Wall Street's War on Workers, will be posted on my medium page. You can follow along at www.medium.com/@SenatorBrown.

Today, I want to talk about workers' paychecks. It is pretty simple. It is really simple. Wall Street doesn't want you to get a raise. It doesn't sound plausible. You heard that right. Wall Street doesn't want you to get a raise. Let me explain. Wall Street tries to convince us that when the stock market does well, the economy does well and vice versa.

Well, look around. Visit the town where I grew up, Mansfield. Visit Chillicothe, visit Dover, New Philly, visit Lima, Middletown or Hamilton. Visit a community in my State that was once a proud industrial town that has been hit by globalization. Talk to the workers.

Stock prices are still going up. Yes, they are, and the President of the United States likes to take credit for that as if that is the only story. Talk to workers who haven't had a meaningful raise in years. Talk to workers who have seen their retirement cut. Talk to workers who have watched their healthcare premiums rise. Talk to workers who have seen the cost of childcare and saving for their kids' college and paying off their student loans go up and up and up. That is what happened.

For most Americans, the idea that a stock market rally means more money in their pocket is laughable. That is why, when the President—even today, when he was talking about this tax cut, he was promising that we are doing all these tax cuts for middle-class Americans. Well, if you want to give tax cuts to middle-class Americans, give tax cuts to middle-class Americans. Don't cut taxes on corporations, cutting them 43 percent—that is what the bill does—if they would let us read it. The last time I read it, that is what it said. They cut the corporate tax rate by 43 percent. They say that money will trickle down, you will get a raise, there will be more jobs. It has never really worked that way. It didn't work in North Carolina that way. It hasn't worked in Ohio that way. It simply doesn't happen.

The President stands there and says: We are going to give the best tax cuts for Christmas you ever saw. He brags about the stock market going up. One of the reasons two-thirds of Americans don't much like this President is because they heard him brag about the stock market and how great that is, but there is nothing in their own pockets when he does that. The money is not trickling down. Workers aren't seeing a \$4,000 raise. Nobody really believes that.

The White House made up some phony study that said all this money is going to workers' pockets. It never

works that way. It didn't work that way when President Bush—in 2001, 2003, President Bush did a big tax cut bill. Let me give you one statistic about that tax cut bill in 2001 and 2003, those two bills. In that tax cut bill, 27 percent of the benefits went to the richest 1 percent—27 percent.

The pages are pretty good in math because they are still taking math class—27 percent of the benefits of that tax bill went to the richest 1 percent. That sounds pretty outrageous, because the richest 1 percent didn't really need it. Now, in this tax bill, 62 percent of the benefits in this tax bill go to the richest 1 percent—62 percent of the benefits in this tax bill go to the 1 percent. Why is that? Well, one reason is that a number of Members of Congress have said this. When they go across the street to Republican headquarters to make their fundraising calls, their contributors say: Don't call me back for campaign money until you give me and my friends a tax cut.

Get that. Don't call me for campaign money until you go back across the street and give me and my rich friends a tax cut. How corrupt is that? How awful is that? How unfeeling is that? How counterproductive is that for our economy?

The data backs that up. Workers' share of income has fallen over the last four decades. Wage inequality has risen, especially at the largest companies. Some may argue that workers who have retirement accounts share in the benefits when the stock market does well. Only 50 percent of private sector workers have these types of accounts at all, and they use them to make long-term investments for their retirement. The short-term profits that drive so much of corporate decision making have little effect on accounts workers will not touch for several decades. Just because workers have retirement accounts doesn't mean they are able to save. In fact, 70 percent of Americans have less than \$1,000 in retirement savings.

Remember I said four out of nine or 44 percent of Americans couldn't come up with \$400 in emergency spending for a trip to the dentist or \$400 to fix a car? Four out of nine Americans couldn't come up with that. Well, it is even worse because 70 percent of Americans have less than \$1,000 in retirement savings. Do you know why they have less than \$1,000 in retirement savings? Because their wages haven't gone up for a decade or so.

The fact is, a paycheck is how most workers pay their bills every month and put food on the table each night. Wall Street has a lot to say about how much should be in that paycheck.

Remember, at the beginning of this speech, I stated that Wall Street doesn't want you to get a raise. Some of my colleagues—particularly those who get a lot of money from Wall

Street and think Wall Street should run the country even more than they do—but when I said Wall Street doesn't want people to have a raise, here is how that works.

Last month, Bank of America downgraded Chipotle's stock because an analyst decided the company employees were working too many hours and getting paid too much. Wall Street downgraded their stock because the analyst said their workers were making too much.

Do you remember what happened when American Airlines gave their employees a raise? They were punished in the stock exchange. They were getting paid too much. The banks decided that Chipotle employees worked too many hours and earned too much money. The stock declined by 3 percent. It didn't matter that they were profitable, employees were happy. It didn't matter that their employees were productive. It didn't matter that they were a good company. Their stock price went down because the analyst said they were paying their workers too much. Some of you have been to Chipotle. I am guessing their workers are not making \$100,000 a year. I guess they are making \$10, \$12 an hour.

I went to my high school reunion a couple of years ago. I sat across from a woman who worked at a major national bank, a well-known bank. I don't need to cite the name. When I worked at my family farm growing up, I used to put my \$120-every-2-week paycheck in that bank. It has been sold several times and is now part of a major Wall Street bank. She has worked there 30 years. She has been a teller in that bank for 30 years. She makes \$30,000 a year. She has 30 years of service in this bank and makes \$30,000 a year. Do you want me to list what the top management of that bank makes? Tens of millions of dollars in compensation, stock options, and stock buybacks, huge dividends because they own so much of the bank. This woman makes \$30,000 a year. What is right about an economy like that?

The entry level wage at Chipotle is between \$9 and \$10 an hour. It is typical for fast food. It is clearly not enough to lift a family of three out of poverty. So Chipotle wanted to give raises to their workers, and Wall Street slapped them for doing it. Wall Street's attacks on workers' wages have not been limited to Chipotle.

I mentioned American Airlines. They announced pay raises for their pilots and flight attendants earlier this year. Wall Street punished the company, dropping its stock by 5 percent.

Citibank, one of the Wall Street firms we sometimes talk about, is a \$2 trillion bank—somewhere close to that. I may be wrong about that, but there are six banks in the country whose assets are over \$1 trillion, as high as—I think JPMorgan Chase is higher.

Citibank analysts actually wrote this about American Airlines:

This is frustrating. Labor is being paid first again. Shareholders get leftovers.

Think of that. So they gave their workers, their pilots—I assume the Senator from North Carolina and Leigh and all the people at the desk there—I think that probably you want airline pilots to be paid pretty well. I think you do. Flight attendants make all the flying we do a little bit easier. This company wanted to pay them more and Wall Street says:

This is frustrating. Labor is being paid first again. Shareholders get leftovers.

Really? Think about this. Companies are more profitable, CEOs are getting paid more and more, and executive compensation is up, stock prices are up, and workers are getting paid less. Then, when they want to pay the flight attendants and the pilots a little more, they complain because labor is being paid first again. Never mind that the labor in question simply pushed to get paid the same as their counterparts at United and Delta. Think about that.

American Airlines decided they should pay their workers who do roughly the same job the same as United and Delta. They thought that would be a good thing for competition reasons, for hiring workers, and maybe even for Wall Street. Wall Street said: No, really, we don't want that to happen.

I wonder how much that analyst at Citibank is paid. Some of you would call that class warfare, but I would call it an interesting fact if I knew what it was, but imagine the nerve of saying that shareholders get the leftovers. When is the last time Wall Street got the leftovers?

By "labor," what we are talking about is people who create wealth for the company. It is the workers who create wealth. Management is important, of course, setting the direction of the company and doing all that management does in most corporations and does well, but rank-and-file workers—whether it is the woman who cleans the floor or the food service people in the basement, or whether it is the data entry person or whether it is the mid-level management person, whether it is the sales force, whether it is the CFO, workers create wealth for their companies, and shouldn't they share in some of that wealth? Don't you think pilots provide a lot of productivity and wealth to that company?

A JPMorgan analyst described the raises to the American Airlines pilots a different way. He said it is a "wealth transfer of nearly \$1 billion to its labor groups." Think about that.

One of the things that amuses me—except it bothers me more—whenever we talk about a wage increase, do you know what companies always say? They say: If we raise the minimum wage for these \$7 or \$8 or \$9 workers,

we are going to have to raise prices and lay people off, but they never say that when a top management employee gets a \$1 million raise. You only have to lay people off and raise the price of the product if you raise the minimum wage, but if you give somebody a six- or seven-figure bonus, you don't have to worry, that is not going to cause anything. That is how phony these arguments are that they make and frankly how revolting these arguments are.

Wall Street didn't call it a wealth transfer of \$1 billion to its labor group. Wall Street didn't call it a wealth transfer when the CEO of JPMorgan got a 4-percent raise and was paid—anybody want to guess? Do any of the pages want to guess? Does any of the staff want to guess? Their CEO is paid \$28 million a year, but that happens to be the same company where the woman I sat across from at a high school reunion makes \$30,000 a year after 30 years of service. I don't wish him any ill will, certainly, for the \$28 million he makes. The people who work directly with the public, who have to listen directly to the complaints, who have to spend money coming to work and wearing nice clothes because they are a bank teller, making \$30,000 a year? What is fair about that? None of the banks complained about that being a wealth transfer.

Remember that line, a wealth transfer of \$1 billion to its labor group? None of the banks complained about a wealth transfer when Wells Fargo CEO John Stumpf was allowed to retire with tens of millions of dollars in compensation after overseeing a massive scandal that caused the bank's stock to tank.

Do you know what I hear in the Banking Committee from time to time? These CEOs, if their company has cheated people, their company has made a huge mistake that caused problems for the company, they often come in and say: You know, we are sorry—we are kind of sorry—and we are going to give up our bonus. They say they are going to give up their bonus. They are already making \$8 or \$10 or \$12 or \$15 million. Now they are going to give up their bonus. How generous of them.

If paying employees is a wealth transfer, as the JPMorgan analyst said, but CEO bonuses are not a wealth transfer, it raises the question: Who exactly does Wall Street think the wealth belongs to? Who does it think is creating the wealth for these companies? Companies can't be profitable without the workers. Wall Street seems to think the whole cake belongs to the CEOs and stockholders while workers only deserve crumbs.

It has not always been like this.

In the past, banks actually invested in businesses and the workers on Main Street, but the corporate business models have changed. According to a recent analysis, only 15 percent of Wall Street

funds are invested in businesses, down from the majority of funds several decades ago. Instead of investing in real businesses, in real towns that create real jobs and build real communities, they spend billions buying back stock and handing out CEO bonuses. This change has worked out pretty well for Wall Street.

Even though Wall Street has 4 percent of all U.S. jobs, it accounts for 25 percent of all corporate profits. Pretty good, huh? It is not for that teller who works at the bank in Mansfield, OH, but for the stockholders and the CEO. As anyone can tell you, it hasn't worked out that well for most people.

CEOs are evaluated on the quarterly performance of their company's stock. They are compensated, in large part, with company shares, but most Americans don't think in terms of 3-month earnings quarters. They think in terms of school years, they think in terms of 30-year mortgages, and they think in terms of how many years before I retire and how much money do I have to save to be able to.

Main Street investors and workers only make a profit when a company's stock market value continues to rise over time. Wall Street and Main Street's interests no longer match up. That is the problem with our economy today. Wall Street's interest are not the same as Main Street's interests. Wall Street does well, Wall Street gets bigger and bigger compensation, and workers see their wages stagnate. Folks in the corporate boardroom are

not forced to consider what is in the long-term interest of workers, what is in the long-term interest of small-time investors, what is in the long-term interest of the communities that have helped them grow and made them rich. For them, workers are nothing more than a line item in a budget that ought to be minimized. It is why they have no problem taking pay out of the pockets of workers—pay that would otherwise drive innovation and productivity—all to boost short-term profits for CEOs and speculators.

When you get short-term profits, you are going to get more money in your bonus, you are going to get more money in your stock buybacks, and you are going to get more money in your executive compensation. All of it is set up and all of it is aimed at helping top management and top stockholders enrich themselves. It is not giving back to the community, not creating workers' wealth, and not investing in the future. It is all about short-term profits because that means huge compensation for the CEOs of America. Nothing in their business model forces these executives to view the workers making burritos at Chipotle as real people with real families.

I will go back to that. Chipotle did the right thing, and they gave raises to their employees. American Airlines did the right thing, and they gave raises to their employees. But the stock market, Wall Street crushed them for it, and that is what has to change.

Until the banks and Wall Street respect a hard day's work and understand that work must have a value for the economy to grow, we will continue to see the consequences. The gap between Wall Street and Main Street will keep growing. Workers' wages will decline. Our middle class will shrink. Wall Street executives and CEOs will get bigger and bigger bonuses.

We will continue here to give tax cuts to the richest people in the country, and our economy and our economic growth will continue to lag. The rich get richer and the middle class shrinks. That is the formula. The rich get richer and the middle class shrinks. Haven't we had enough of that? Why should we still be doing that?

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:02 p.m., adjourned until Thursday, December 14, 2017, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate December 13, 2017:

THE JUDICIARY

DON R. WILLETT, OF TEXAS, TO BE A CIRCUIT JUDGE, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

HOUSE OF REPRESENTATIVES—Wednesday, December 13, 2017

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 13, 2017.

I hereby appoint the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

DACA

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

Mr. GUTIÉRREZ. Mr. Speaker, every day, 122 people with DACA lose their protection from deportation. They lose their government-issued identification that allowed them to stay in this country and work legally.

DACA is the Deferred Action for Childhood Arrivals program that the President ended in September and which will completely expire in March. But let's be clear: people don't have until March. People are already losing their DACA coverage on a daily basis.

So when reporters and politicians say that Congress can stall until March to enact the Dream Act, they are flat wrong. We cannot wait until March. The Dream Act and the protections of the DACA program are not light switches we can turn on and off. Every day we delay the passage of the Dream Act, another 122 DACA recipients lose their status. They go from being documented to being undocumented, and their worlds are turned upside down.

It is not just their lives, but also the lives of American citizens who love

them, who employ them, and who rely on them.

Young DREAMers came forward and reported to the Department of Homeland Security and paid their own money for a criminal background check by the FBI. In fact, many of them have successfully completed their paperwork and biometrics three times. They paid all of this processing—the paperwork, the background checks, and the fingerprints—with their own money.

By definition, they arrived in the United States as children, and, by definition, they all arrived at least 10 years ago—a year and a half before Obama even got sworn in as President.

There are 800,000 of them—800,000 young Americans who have been playing by the rules, doing everything their government has asked them to do, and who have been living productive lives in communities in every State of the Union. As of today, more than 12,000 have lost their DACA status and protection.

Let me tell you about a few of them. Mayron owns three businesses. He lives in Washington State and has lived in the U.S. since he was 11 years old. His DACA expires on December 22, the day after the CR is set to expire and the day we are all supposed to go home and return to our families for the Christmas holiday and New Year's.

He submitted his DACA renewal well before the application deadline that was arbitrarily set for last October. But he made a mistake. His check was for \$465, not \$495, so he will be deportable as of December 22. He has lived his entire life in the United States, yet, if Republicans and the President have their way, he will be sent back to Honduras. His three businesses and those who work there? Who knows what will happen to them.

Another DACA recipient named Saul is from California. Thanks to the security and stability provided by DACA, he has pursued a career in education. I was a teacher, and I know that the monetary rewards are few, but the rewards for your soul are many, and the rewards to our society of having dedicated teachers are just as priceless.

But without DACA and without the Dream Act, Saul has no future in teaching, and we may squander the passion he would bring to a classroom. His DACA expires on December 29, and this is anything but a Merry Christmas for him as we drag our feet here in the Congress of the United States.

Finally, there is Brittany in New York. She is a childcare provider who

works with infant twins—one of whom has a severe health condition. Her employers are now scrambling because Brittany's DACA expired last Thursday, and she has no clear legal path forward. The family said: We are devastated at the thought that she may not be able to work in this country and know we won't find another caregiver who is as reliable, nurturing, and unshakeable as Brittany.

Most Americans don't understand why taking away legal status from a childcare provider who is employed, cherished, and loved by her employers will somehow create law and order. How does creating more undocumented immigrants help? It doesn't make America great. It doesn't even strengthen security or our economy. I don't think it even benefits the Republican Party politically to send this young American woman like her away.

But it is up to Republicans and Democrats to stand up for Brittany, Saul, and Mayron. Democrats must be clear that we value the contributions of these young people and will not allow their stories to be ignored.

Republicans—even the brave ones who have said that they are for solving the plight of the DACA kids—must do more than write a letter or whisper quietly in the Halls that they hope something happens.

It is up to us right now. I am not leaving, and I am not shutting up until we do.

GOD WORKS IN MYSTERIOUS WAYS

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

Mr. BROOKS of Alabama. Mr. Speaker, this is a very difficult speech for me to give.

God works in mysterious ways.

When you are an elected official, missed votes require an explanation. That is why I disclose this otherwise very personal, very private, and very humbling matter.

On Halloween night, after votes, as I stood on the Capitol steps, my doctor called and said: Congressman BROOKS, bad news. You have high-risk prostate cancer. I felt an adrenaline rush as a chill went up and down my spine.

By way of background, prostate cancer kills almost 27,000 American men each year and is the third leading cause of cancer deaths behind only lung and colorectal cancers. Seventy-one percent of prostate cancer patients

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

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

die in less than 5 years if the prostate cancer has spread beyond the abdominal cavity. In stark contrast, almost all prostate cancer patients live longer than 5 years if the cancer is discovered early and killed before it spreads.

For example, my father discovered his prostate cancer early. He lived four decades after his prostatectomy. My grandfather discovered his prostate cancer too late. He died not long thereafter.

After my doctor's diagnosis, I called my wife, Martha, who was back home in Huntsville welcoming trick-or-treaters and shared the bad news. That night was one of the loneliest nights apart in our 41-year marriage. I kept thinking about my wonderful family: What do I do next? How do I beat this cancer?

Overnight, I formed a plan and began implementing it.

In an emotional meeting, I informed my Washington staff of my cancer, that I was immediately flying to Huntsville after a CT scan that afternoon, and that, for medical reasons, I would be in Alabama the rest of the week.

Based on advice from friends and doctors, I chose Dr. Scott Tully as my treating physician. Dr. Tully is widely respected and has performed more than 3,000 prostatectomies. On Thursday, Martha and I drove to Birmingham to obtain Dr. Tully's insight about treatment options and risks. He advised a radical prostatectomy.

At Dr. Tully's direction, I undertook a heart stress test and a nuclear bone scan. Finally, I got some good news. My CT scan and nuclear bone scan revealed no cancer beyond the prostate. My heart stress test confirmed that I am strong enough to undergo the 2- to 3-hour surgery.

Prostate cancer mortality data is compelling. Speed is critical in the fight against prostate cancer. In compliance with the 2017 House calendar that set end-of-year votes on December 14, and at some risk to myself, Dr. Tully and I delayed my surgery until December 15—this Friday—and set a postsurgery medical procedure for December 20. My plan was to recuperate at home during the holidays with my family and return to Washington for a full workload when Congress reconvenes on January 3.

Unfortunately, last week the House Speaker abruptly changed the House voting calendar that I relied on to set my surgery. As a result, next week I will miss House floor votes unless I am unexpectedly medically cleared to travel.

There are three insights from my experience that I wish to share with the public. First, don't ever, ever take your health or family for granted. During the holidays, enjoy your family because no one—no one—is promised tomorrow.

Second, I encourage age-appropriate men to have regular PSA tests. While PSA tests do not diagnose cancer, my PSA spike persuaded me to have the prostate biopsy that revealed my high-risk prostate cancer early enough for me to enjoy a very good cure prognosis.

Third, I ran for the Senate in 2017. I finished third out of nine candidates in the Republican primary. Had I won, I would not have had time for my physical and PSA test. I would not have had a prostate biopsy. I would not now know about my high-risk prostate cancer that requires immediate surgery.

In retrospect, and paradoxically, losing the Senate race may have saved my life. Yes, God does work in mysterious ways.

CELEBRATING THE 381ST BIRTHDAY OF THE NATIONAL GUARD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in honor of the 381st birthday of the National Guard.

A component of the United States Army, the National Guard is primarily composed of citizen soldiers who hold down full-time civilian jobs or attend school. At the same time, National Guard members are available to provide support and protection for their States or to be called for military operations for the country. They serve their community and their country.

Each U.S. State, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the U.S. Virgin Islands maintain both an Army National Guard and an Air National Guard.

The Massachusetts General Court issued an order on December 13, 1636, requiring all able-bodied men between the ages of 16 and 60 to create a standing Army for protection. With that order, what we now know as America's National Guard was born. The idea was simple: establish an Army of citizen soldiers who could be called upon to fight when needed.

In honor of the National Guard's birthday, here are some lesser known facts about the branch: each member of the National Guard is sworn to uphold two constitutions, Federal and State. The term "National Guard" didn't become an official term until 1916. 50,000 members of the National Guard were called to take on various missions during the 9/11 attacks in 2001. Only two Presidents have served in the National Guard in its modern structure: Harry S. Truman and George W. Bush.

The National Guard is older than the Army. Militias were used as early as 1636 to protect British colonies. The U.S. Army wasn't formed until the beginning of the Revolutionary War.

American Samoa is the only territory of the United States to not have a National Guard unit.

National Guard units were called minutemen during the American Revolution due to their rapid response ability.

The most senior member of each State National Guard unit is the adjutant general. Some States elect the adjutant general while others have their Governor appoint someone to that position.

The National Guard formed one of the first all-African-American units in U.S. military history, the 54th Massachusetts Volunteers. Their creation was met with mixed reactions, but the unit serves to this day, and the first African American to receive a Medal of Honor, William Harvey Carney, hailed from it.

The National Guard is second only to the United States Army in terms of number of members.

Mr. Speaker, I commend all those who join the ranks of the esteemed National Guard. They answer the call of duty to protect their community and their country. We are grateful for their service and proud of their commitment.

Happy 381st birthday to the National Guard.

□ 1015

HONORING SHERIFF'S DEPUTY DAVID SOLIS

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

Mr. RUIZ. Mr. Speaker, I rise to honor the outstanding service and heroism of one of California's finest, Riverside County Sheriff's Deputy David Solis, who serves in Coachella, California.

On May 25, 2017, Deputy Solis engaged in a chase with a suspect in a vehicle, which led to a foot pursuit. The suspect unexpectedly drew a firearm and shot Deputy Solis six times at close range. Though he was critically injured, Deputy Solis continued to feed his team information, ensuring other officers could secure the area, which led to the eventual capture of the suspect.

Incredibly, Deputy Solis was back to work after just 4 months of recovery. His bravery, strength, and professionalism exemplify the very best in law enforcement, which is why his department selected him to receive the Public Safety Officer Medal of Valor for exhibiting "extraordinary valor above and beyond the call of duty." It is the highest decoration for public safety officers.

Deputy Solis, you truly embody these values. Your courage has made our entire valley a safer place. You and all law enforcement officers put yourselves in harm's way each day to keep us safe.

On behalf of my wife, Monica, and the entire 36th Congressional District, I thank you, Martha, and your children—Caleb, Jonah, Grace, Jeremy, and Penny—for your service and sacrifice.

GOP TAX PLAN

Mr. RUIZ. Mr. Speaker, the tax plan being considered in conference right now will be devastating for the people I represent, in particular, seniors, homeowners, students, and taxpaying middle class Californians.

According to every nonpartisan estimate out there, this tax plan will blow a giant hole in our deficit, a \$1 trillion hole, in fact.

So my first question is: Who is going to pay for it?

Well, next year it will be our seniors, to the tune of \$25 billion in cuts to Medicare.

And 10 years from now?

We will be looking at cuts to programs that invest in our children and our future, like Pell grants for our students.

My next question is: Who will actually benefit?

Well, it won't be California homeowners, who, on average, will see their taxes go up by \$800 a year. It won't be hardworking families in southern California, who will be double-taxed on their income.

It will be corporations that will get free rein to ship jobs overseas, because any income "earned" abroad will be completely tax free.

It will be the wealthiest 1 percent who get more than 50 percent of the tax cuts in this plan, while sticking our children with the bill.

I want to simplify and modernize our Tax Code to give middle class families the purchasing power they need to improve their lives and spark the economy. This plan, unfortunately, will further burden the middle class for the benefit of millionaires.

So, let's start over. Let's come back to the table to make real, bipartisan tax reform a reality and to give real tax cuts to all the people we serve.

HONORING PAUL WENGER

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

Mr. DENHAM. Mr. Speaker, today, I rise to honor a true friend and advocate of agriculture. For the past 8 years, Paul Wenger has led the California Farm Bureau with passion and dedication, ensuring that one of our State's most vital industries remains at the forefront worldwide. As a longtime native of California's Tenth District and the city of Modesto, Paul has consistently been engaged in making our community a better place.

As a third-generation farmer, Paul grows almonds and walnuts on the family farm, which includes property pur-

chased by his grandfather in 1910. His farming operation also includes a marketing component for processed almonds and walnuts through his Wood Colony Nut Company.

Paul attended Modesto Junior College, or MJC, before transferring to Cal Poly San Luis Obispo, where he earned a degree in animal science.

From 1990 to 1994, he served as president of the Stanislaus County Farm Bureau. Three years later, Paul became a statewide officer, when he was elected second vice president. He was then elected first vice president in 2005. He also served as a member of the Bureau's board of directors and chaired its water advisory committee and water development task force.

Since 2009, Paul has served as president of the statewide California Farm Bureau. He has been on the front lines fighting for water rights and supplies, less government overreach, immigration reform, and sustainable working lands that are essential to keeping farming and ranching alive.

In 2014, he received the Stanislaus Farm Bureau's Distinguished Service Award and has been long praised for his effective messaging, engagement, passion, and unwavering principles.

Paul has successfully given California a strong voice at the national table by serving on the board of directors for the American Farm Bureau.

Alongside his work to advocate for our region at the State and national level, Paul has dedicated countless hours to our local community as well. He served on the Salida Volunteer Fire Department, the Hart-Ransom School Board of Trustees, the Central Valley Farmland Trust Trustee Council, and the Stanislaus Land Trust and Agricultural Pavilion boards, just to name a few. He has been very active.

Paul's tenure as president ends this year, but I am confident he will continue to play a vital role in the advocacy and evolution of our agriculture industry.

I thank Paul for his hard work and continued friendship. I thank his wife, Deborah, his three sons, and their grandchildren for graciously sharing Paul with the farmers, ranchers, and our community, who have relied on his leadership.

Mr. Speaker, please join me in honoring and recognizing my good friend for his unwavering leadership, accomplishments, and contributions on behalf of the agriculture industry.

HONORING THE LIFE OF LOWELL HAWTHORNE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. CLARKE) for 5 minutes.

Ms. CLARKE of New York. Mr. Speaker, I rise today in tribute to a great man, a loving husband and father, a visionary entrepreneur, a phi-

lanthropist and humanitarian, my beloved and dear friend, Mr. Lowell Hawthorne of the Bronx, New York.

Lowell Hawthorne immigrated to the United States from the beautiful island nation of Jamaica in 1981 and, like most immigrants to our country, began his pursuit of the American Dream.

After working his way up the administrative ranks of the New York City Police Department as an accountant handling police pensions, he was bitten by the entrepreneurial bug and started a home-based business doing tax returns for coworkers and friends on the force.

Determined to provide for his family a life that he never had, in 1989, inspired by his father and sisters, who were bakers, and with the financial support of his wife and siblings, he would go on to open the first Golden Krust Bakery, on East Gun Hill Road in the Bronx, New York. His specialties included the Jamaican beef patty, Caribbean baked goods, and other culinary delights.

From there, his entrepreneurial talents, work ethic, and dogged determination allowed him to soar, methodically expanding his empire to include over 120 stores in nine States across the country. Golden Krust Caribbean Bakery & Grill would become the first Caribbean-American-owned business in the United States to be granted a franchise license. Producing more than 50 million beef, chicken, and vegetable patties a year, Golden Krust is also the largest Caribbean-American-owned business in the Nation.

Lowell has been described by his employees as a nice boss, a wonderful guy, a God-fearing man, also, as someone who cared deeply for his staff, his family, his community, and the beloved land of his birth, Jamaica.

He leaves to cherish his legacy his devoted wife of 34 years, Lorna, and his four children, who all worked for the company: Daren, Omar, Monique, and Haywood.

I admire Lowell for bringing our shared love of Jamaican culture to life on a larger scale through food and fellowship. His success story is an inspiration to all who continue to dream the American Dream. I personally was honored to have known him.

As part of a tight-knit Caribbean diaspora and Jamaican community, he was considered a beloved part of my extended family, so much so that my mother adopted him, as mothers often do, and took him under her wing and into her heart. Lowell was more than a friend; he was a brother.

Today, I honor his life and living legacy. I will miss my friend and will cherish him always. On behalf of the people of the Ninth Congressional District of New York, the Clarke family, and myself, I wish to express my most deepest, profound condolences to the family and friends of the honorable Lowell Hawthorne.

PLANNED PARENTHOOD INVESTIGATION

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

Mrs. ROBY. Mr. Speaker, a few days ago, we learned of the Department of Justice's decision to open an investigation in the appalling practice of abortion providers harvesting and trafficking aborted babies' body parts for profit—finally.

Mr. Speaker, as my colleagues surely remember, in July of 2015, senior Planned Parenthood officials were caught on camera discussing how abortion procedures could systematically be altered in order to preserve certain organs so that they could be sold to researchers. They talked of “crushing” here and “crushing” there, being careful to preserve little parts of a baby's body because they are valuable on the research market. They talked of menus for organs and how lucrative these arrangements could be.

It was sick, callous, and completely inhuman. It also happens to be against the law. Soon thereafter, several of my colleagues and I called for an investigation into these disturbing revelations.

But, Mr. Speaker, our demands fell on deaf ears. Attorney General Loretta Lynch turned a blind eye and didn't pursue an investigation. Even after multiple congressional committees referred their own investigations to the authorities at the Department of Justice, nothing was done.

At the time, I said it was disappointing, but hardly surprising. We all know how much political weight Planned Parenthood throws around in this town. But, Mr. Speaker, in this country, no one is above the law.

That is why I was so pleased to receive word that the Department of Justice, now under the leadership of Attorney General Jeff Sessions, appears to be following up on the evidence and taking our calls for an investigation seriously.

In a letter to the Senate Judiciary Committee, Assistant Attorney General Stephen Boyd, who I am proud to say was formerly my chief of staff, requested unredacted documents from the committee's investigation into the suspected harvesting and trafficking of fetal tissue. He said, for now, the documents are for investigative use only, and a formal resolution may be required for further proceedings, such as a grand jury.

I appreciate the Department of Justice's attention to this, and I know I am not the only one who will be watching this closely.

When the terrible videos first surfaced in 2015, I immediately came to the House floor and stood right here in the well and spoke out about this outrageous activity. Someone later told me I was the first one to speak on the

floor, and, Mr. Speaker, I will be the last, if I have to.

I said then: “I promise . . . we are not done talking about this.” Today, I am glad that has proven to be true.

□ 1030

LET'S TAKE CARE OF THOSE AT THE BOTTOM

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

Mr. AL GREEN of Texas. Mr. Speaker, again, I express my gratitude for the opportunity to speak from the well of the Congress of the United States of America.

Mr. Speaker, I believe that there is some misinformation being accorded the American people. Misinformation because there seems to be a belief among those who are pushing a tax plan that will put us an additional \$1.5 trillion, more or less, in debt. There seems to be the notion being pushed that somehow by giving major corporations major breaks, these major corporations will make a major concession and they will move major amounts of dollars down to those who work at the very lower levels of their businesses: those who clean the floors. Those who are there, they are called the night crew, and they make it possible for those who come in, in the daylight, to have a clean office and a better work environment.

There seems to be a notion that somehow there will be a trickle down to them. I don't see the empirical evidence to support this position. I encourage my friends who believe in trickle down to move to bubble up and allow the minimum wage to be raised. Raise the minimum wage and make it a living wage.

If you can get it to those at the top, why not assure those at the bottom some degree of benefit from the \$1.5 trillion?

You but only have to decide that you will make a part of this tax bill a raise in the minimum wage. Make it so. You can do it. And if you should do it, you will find that there will be some people who will appreciate the fact that you didn't just look out for those at the top, that you also decided that you were going to take care of those at the bottom.

Finally this, Mr. Speaker, to those who believe that people will pull themselves up by bootstraps that they don't have, please know this:

Dear brothers and sisters: People who are poor cannot do more with less. There is a belief that if you are rich, you need more to do more. But if you are poor, you can do more with less. If poor people could do more with less, there would be no poor people.

Let's take care of those at the bottom. Let the system bubble up, as opposed to trickle down.

MODERNIZING SNAP

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

Mr. CONAWAY. Mr. Speaker, I rise today to discuss an issue that is receiving a lot of attention both in the media and in the House Agriculture Committee, and that is our Nation's largest anti-hunger problem, the Supplemental Nutrition Assistance Program, or SNAP.

As we approach the upcoming farm bill, I would offer a brief perspective, something that I have been keeping in the front of my mind throughout all of these conversations.

Mr. Speaker, SNAP is about families that are living paycheck to paycheck here in our Nation. It is about helping households across this country, not so much worry about where the next meal is coming from, but letting them worry more about their children's education, their own work, and, quite frankly, their own future. It is about helping every citizen realize the American Dream by modernizing a program that helps lift folks out of poverty, rather than trapping them there.

Mr. Speaker, this will not be easy. There will be people who demonize our efforts. Some will even criticize the process. We will have those who paint doomsday scenarios about what we are trying to get done. Some will say it is too much, too soon, and too fast.

Mr. Speaker, nothing could be further from the truth. Our committee has spent 3 years examining every aspect of this program. We have heard from citizens across this Nation who have been helped by SNAP, and we identified modest improvements that we believe will better serve those in greatest need.

Mr. Speaker, we must get this policy right. As I said, we must get this policy right.

I can tell you, Mr. Speaker, that these reforms are about maintaining the American value of generosity, a generosity that says no American should go to bed hungry each night. But, Mr. Speaker, it also strengthens that great American tradition of self-efficiency that compels us to work to improve our own stations in life.

By doing this, by modernizing SNAP, by making these changes that incentivize work, encouraging collaboration, and promote and improve access, we will be ensuring better nutrition for our American families. And, as budgets tighten in our country and across this government, we will be preserving a program that must be preserved for future generations.

HONORING JIM HASLAM

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

Mr. DUNCAN of Tennessee. Mr. Speaker, one of the finest men I have

ever known, Jim Haslam, turns 87 today.

Mr. Haslam is one of the greatest leaders Tennessee has ever had, and he is certainly our greatest philanthropist.

He came to the University of Tennessee at the age of 17 to play football for the legendary football coach, General Robert Neyland. He played on some of the greatest teams in Tennessee history, teams that won almost every game, losing only four games in the 3 years that Jim Haslam played.

In 1958, he bought a small gas station in Gate City, Virginia, on the Tennessee line. I believe I read at one point that he paid just \$6,000 for that four-pump station. Through much hard work and long hard hours, he slowly built that one little gas station into the Pilot Flying J chain. He is still involved in the business today.

We frequently tell people in the military: Thank you for your service.

That is a good thing to do. However, we don't show nearly enough appreciation for people who start small businesses, turn them into bigger businesses, and provide good jobs for people and their families.

The Pilot Flying J Company now has over 750 travel centers in 43 States and in Canada, and provides jobs for over 27,000 people. Very few people in this world can say that they are providing jobs for 27,000 people.

Jim Haslam has now contributed over \$100 million to the University of Tennessee. He and his family have contributed very large sums of money to almost every good cause in east Tennessee, in addition to the university.

He and his wife, Natalie, do not just contribute money. They are very active in all sorts of civic and charitable groups in Knoxville.

He is also a very patriotic man and has great love for this country. He served his country in our Nation's military.

He is one of the biggest contributors to the Republican Party in this Nation and is personally involved in many campaigns. He has been a very good friend and supporter for both me and my late father, and I am very grateful to him.

Most important of all, Jim Haslam has been a good family man. He and his late wife raised three children. Then, many years ago, he married Natalie, a longtime friend; and between them, they raised six outstanding children.

One of his sons, Bill Haslam, is our great Governor in Tennessee and a chairman of the Republican Governors Association.

His other son, Jimmy Haslam, now leads the Pilot Flying J Company and owns and operates the Cleveland Browns football team.

Through hard work, honesty, dedication, and simple human kindness, Jim Haslam has lived the American Dream.

He has touched thousands of lives in good and positive ways. This Nation is the greatest country in the history of this world because of people like Jim Haslam. This Nation is a better place today because of the life he has led. I salute him on his 87th birthday and give him best wishes for many, many more.

GRANDFATHER RANGER DISTRICT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to congratulate the Grandfather Ranger District of the Pisgah National Forest and community partners.

Recently, the Grandfather Ranger District of the Pisgah National Forest received the coveted 2017 Restored and Resilient Landscapes Award from the U.S. Forest Service southern region.

The Ranger District received this award due to efforts to produce a healthy and more diverse forest. This project, which began in 2012, has exceeded its goal of restoring 40,000 acres of forest for parkgoers to enjoy.

Specifically, collaborative partners have worked together to remove understory fuels to decrease wildfire risk, restore shortleaf pines, and increase wildlife openings, while improving areas for deer and other wildlife to forage.

These combined efforts of the Grandfather Ranger District and collaborative partners have yielded fantastic results for our community and our forests.

I know that these efforts will benefit generations of outdoor enthusiasts and conservationists for years to come. I salute the Grandfather Ranger District and the many partners who earn the Restored and Resilient Landscapes Award.

RECESS

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

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

Lord, You are powerful and strong, yet You bend to Your people and show them mercy and sustaining grace.

Help the leaders of our Nation make wise decisions in our day. May they look to You for guidance every step of the way until we stand in Your light forever. Set us all on a path that will lead to peace and security.

Bless us this day and every day, and may all that is done within the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. LAWRENCE) come forward and lead the House in the Pledge of Allegiance.

Mrs. LAWRENCE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

URGING PRESIDENT TO NOMINATE A SOCIAL SECURITY COMMISSIONER

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to strongly urge President Trump to nominate a Social Security Commissioner without further delay.

The Social Security Administration has been without a Senate-confirmed Commissioner for over 1,700 days. That is almost 5 years. This is totally unacceptable. The American people need a Commissioner, and they need one now.

Without a Commissioner, Social Security is just spinning its wheels. Important decisions are being put off and service has deteriorated.

I ask the President to act now to nominate a Commissioner so that Social Security can provide the service Americans want, need, and deserve.

COMMEMORATING FORMER PERRIS MAYOR DARYL BUSCH

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

Mr. TAKANO. Mr. Speaker, I rise today to honor the life of Daryl Busch, the former mayor of Perris, California, who passed away earlier this month.

As a U.S. Navy veteran, a small-business owner, and a pillar of the Perris community, Mayor Busch's commitment to public service was never in doubt. His professionalism, class, and compassion are just a few of the many reasons he was elected mayor of Perris for six consecutive terms.

During his tenure, the city emerged from serious financial challenges to become a stable and growing community, and his leadership was critical to completing the Metrolink extension, which now connects Perris to neighboring communities. The foundation he built during his 17 years of public service will benefit the city and its residents for years to come.

My thoughts are with Kay, his wife of 57 years, their son, Barry, and the rest of the Busch family.

KEEPING OUR CHILDREN INSURED

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

Mr. YODER. Mr. Speaker, I rise today to discuss the importance of helping children who, through no fault of their own, have no health insurance. These are children who are ineligible for Medicaid, and their family cannot afford private insurance. CHIP, or Children's Health Insurance Program, helps these children receive coverage.

In Kansas, more than 79,000 vulnerable children are enrolled in CHIP. That is why I have worked to preserve and strengthen it during my time in Congress.

Last month, I voted for reauthorizing CHIP for 5 more years, through 2022. This invaluable benefit to kids in Kansas and across the country was included as part of a bipartisan bill called the CHAMPIONING HEALTHY KIDS Act, which passed the House last month and now awaits further action in the Senate.

Mr. Speaker, it is my hope that the Senate will act quickly to pass this bill and reauthorize the important CHIP program to ensure that families and children who rely on this program remain covered.

GOP TAX BILL INCENTIVES: AUTOMATION OVER JOB CREATION

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

Mrs. LAWRENCE. Mr. Speaker, I rise today to address my concerns with the GOP tax bill.

Calling this bill the Tax Cuts and Jobs Act is simply wrong.

Adding \$1.5 trillion to our deficit and assuming—and basically hoping—corporations will create jobs is irresponsible. There is no guarantee jobs will be created and no incentive for job training. This is wrong.

In America, we have a skilled trade crisis. We cannot continue to operate our economy and jobs without skilled trades. We must give incentives to invest in new technology and equipment for our corporations, but we must do that while demanding that they also invest in skilled trade training and investment.

Tax reform was a real chance to close the skills gap, reinvest in our workers, and create a 21st century job training program.

IMPORTANCE OF TAX REFORM

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

Mr. MITCHELL. Mr. Speaker, I rise today to emphasize the importance of the reductions and reforms reflected in H.R. 1, which the conference committee will work on today.

People in my district and across America await meaningful tax reform. Most Americans paid too much in taxes. In fact, the Bureau of Labor Statistics reported last year that Americans paid more money in taxes than they spent on food and clothing. It is no wonder that nearly 60 percent of Americans believe our current Tax Code is unfair—it is.

America's Tax Code is currently chock full of special interest deals, while families living paycheck to paycheck and job creators need lower and simpler taxes now.

Throughout this process, my approach has been to evaluate this tax legislation from one question: Will this improve the lives of the vast majority of the people in my district?

That answer is, absolutely, yes.

The Tax Foundation projects that the House plan will save the average family in Michigan about \$2,200 a year. That is real money.

Americans deserve to keep more of what they earn. I look forward to reviewing the conference report and finalizing the tax reduction package that will provide relief to all Americans.

LET'S VOTE NOW

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

Mr. SCHRADER. Mr. Speaker, I rise today to urge House Republicans to put

aside partisan politics and pass the Dream Act.

This fall, I have shared story after story from the House floor of young Oregonians who have benefited from DACA. Sitting at this desk behind me is a discharge petition which will bring a vote on the Dream Act now.

Unfortunately, this will require 24 of my Republican colleagues to join us in support. As of today, we only have two. This is despite the fact, if leadership put that bill on the floor, it would have overwhelming bipartisan support. We must act on this.

It is clear that the administration is, at best, problematic. When asked about the status of DACA, this President said: They shouldn't be very worried; I have got a big heart. But it was only a few short months later that he announced an end to the DACA program.

The Dream Act must be passed by Christmas. We should do it today. Continuing to delay a vote on the Dream Act basically puts 800,000 recipients at risk, is irresponsible, and puts those lives in limbo.

These young folks are doctors and teachers. The path forward is foggy, at best, right now. They deserve a better future. Let's vote now.

RECOGNIZING 2017 CONGRESSIONAL APP CHALLENGE WINNERS

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

Mr. NEWHOUSE. Mr. Speaker, I rise today to recognize three high school students from Kennewick, Washington, as the winners of Washington's Fourth District 2017 Congressional App Challenge.

Seth Florman, Damon Fuller, and Kyler Zimmerman spent many hours creating and refining an app they named Powerhouse, which enables the user to take on the role of businessowner of an energy company. These students designed the app to illustrate an energy company's responsibilities to the community and to draw attention to the challenges energy providers face.

Thank you to our panel of judges and to the engineers at Pacific Northwest National Laboratory who will be providing the winners with a tour of their great facility.

The Congressional App Challenge highlights the value of computer science and coding, and I am proud to represent central Washington, where schools and teachers are dedicated to encouraging students to excel in STEM education.

This year, the Fourth Congressional District's App Challenge had the highest number of entries since my office began participating in the contest, which is a testament to the creativity of our young people.

I ask my colleagues to join me in congratulating Seth, Damon, and Kyler on their wining app, Powerhouse, and I look forward to their continued educational and professional success.

RECOGNIZING ORANGE COUNTY CIF CHAMPIONS

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

Mr. CORREA. Mr. Speaker, I rise today to recognize not one, not two, but three championship high school football teams in my district.

Anaheim's own Katella High School varsity football team won their first ever CIF Division 11 championship victory. On December 1, the Katella Knights varsity football team brought a championship title to their school for the first time in the school's history.

On December 2, Orange High School, another public school in my district, brought home the Division 13 CIF title.

Also on December 2, Mater Dei High School's varsity football team won their first CIF Southern Section Division 1 title since 1999.

Mr. Speaker, please join me in congratulating these fine athletes, their coaches, and their outstanding football programs.

I must say congratulations to the Knights, Panthers, and Monarchs. All three teams will be playing for their State titles in their respective divisions this Saturday.

RECOGNIZING NICKLAUS CHILDREN'S NEW OUTPATIENT CENTER IN PINECREST

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize Nicklaus Children's Hospital in Miami on the opening of its new Sports Health and Urgent Care Center.

With this new center, Nicklaus continues its proud tradition as one of the leading pediatric institutions in the Nation. Located in my congressional district, just down the street from my home in Pinecrest, this center will provide injury prevention and performance training programs, as well as rapid care, to our young athletes through the cutting-edge therapy services found at Nicklaus Children's Hospital. It will also serve as a resource to families to take their young children, sadly, in times of medical emergencies.

For decades, Nicklaus Children's Hospital has inspired hope and promoted lifelong health in south Florida by providing the best care to kids in our community. It prides itself in bettering south Florida one patient at a time.

So I invite everyone to come out and meet the staff of the new Nicklaus

Sports Health and Urgent Care Center this Friday, December 15, at the Suniland Shopping Center in Pinecrest from 9 to 11 a.m.

HONORING MAYOR VI LYLES

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

Ms. ADAMS. Mr. Speaker, I rise today to honor Mayor Vi Lyles, who recently made history as the first African-American woman elected mayor of Charlotte, North Carolina.

A selfless and devoted public servant, Lyles' journey began in a deeply segregated South, requiring her to overcome numerous obstacles. After more than three decades in public service, she retired from the city of Charlotte and was then elected to serve two consecutive terms as a member of the Charlotte City Council, rising to mayor pro tem. Her leadership helped mold our city into one of the fastest growing cities in America and a beacon of the South.

Mayor Lyles, mother and grandmother, is one of my heroes and a role model to many. Like strong African-American leaders who came before her, like Shirley Chisholm and Fannie Lou Hamer, Lyles' election shattered yet another glass ceiling.

As the 59th mayor of Charlotte, the story of Vi Lyles will be an inspiration to young girls and boys and women throughout North Carolina and the Nation for generations to come.

Join me in welcoming and congratulating our new mayor, Mayor Vi Lyles. I look forward to our continued partnership to move Charlotte forward.

□ 1215

STOP THE BLEED

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

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to help raise awareness for the Stop the Bleed training course.

Recently, I had the opportunity to take this course, offered by the American College of Surgeons. This simple training teaches you how to treat bleeding injuries and help save a life. The most common preventable cause of death after an accident is losing too much blood after trained responders arrive.

This past June, I saw the difference having these lifesaving skills can make when several of my colleagues and friends were shot while we were practicing for the Congressional Baseball Game.

We were fortunate to have the skills of former Army medic, my colleague, Congressman BRAD WENSTRUP, who was

able to apply a tourniquet to Majority Whip STEVE SCALISE and help save STEVE's life.

Each year, more than 180,000 people die from injuries sustained from car crashes, falls, industrial and farm accidents, shootings, and natural disasters. Every American could potentially save a life by learning these very simple skills.

I commend this campaign and I hope by raising awareness we will equip more Americans to do just that.

GUN VIOLENCE

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

Mr. EVANS. Mr. Speaker, I rise to speak about something truly heartbreaking. Five years ago, 20 children and 6 adults were ruthlessly gunned down at Sandy Hook Elementary School in Newtown, Connecticut.

Since then, no meaningful gun legislation has been passed in this Congress, in spite of widespread public support for commonsense gun reform.

And guess what. We had another fatal shooting in Las Vegas, where almost 60 people were gunned down. And there was another one in Texas, where churchgoers were shot down while praying.

In the last 4 years, two Members have been shot. Talk about hitting close to home.

According to the CDC, on average, 93 Americans are killed with guns every day in our country. This is simply unacceptable. Our Nation also has the highest homicide by firearm rate among the world's most developed nations.

In October 2017, there were over 232 homicides in Philadelphia, meaning that the homicide rate was 8 percent higher than during the same time last year. The city of Philadelphia knows all too well the lives lost at the hands of gun violence.

Promoting public safety and making our neighborhoods stronger and safer block by block is something I will continue to fight for.

Mr. Speaker, the American people are tired of excuses and inactions. This is truly a matter of life and death. We need to look out for our Nation's future and we need to stop this block by block.

QUESTIONS SURROUNDING OCTOBER AMBUSH IN NIGER

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

Ms. WILSON of Florida. Mr. Speaker, I rise today to remind Congress and the Nation that there are still many questions surrounding the October ambush in Niger during which my constituent, Sergeant La David Johnson and three

members of his unit were killed by Islamist militants.

This week, two news organizations reported disturbing details that raise questions about the true nature of the unit's mission in Niger. There also is a question of who exactly was making the decisions on that fateful night: Was it the soldiers or their commanders back at base?

According to one report, after being separated from the unit for 48 hours, Africa Command believed that Sergeant Johnson was still alive and may have been captured, tortured, and executed.

The true story of what happened to Sergeant Johnson may be, in the end, a source of embarrassment for the Pentagon and this Nation, but the agency owes his family and the American people the truth, however ugly it may be.

Mr. Speaker, I am committed to keeping this issue on the front burner and in everyone's mind until we know what happened to Sergeant La David Johnson.

RELATING TO SELECTION OF MEMBERS TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore (Mr. YODER). Without objection, the Speaker or a designee and the minority leader or a designee shall each name a total of 15 Members, Delegates, or the Resident Commissioner from the respective party of such individual who are not members of the Committee on Ethics to be available to serve on investigative subcommittees of that committee during the 115th Congress, pursuant to clause 5(a)(4) of rule X.

There was no objection.

APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of today, of the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 115th Congress:

Mrs. WAGNER, Missouri
Mrs. WALORSKI, Indiana
Mrs. HANDEL, Georgia
Mrs. MIMI WALTERS, California
Mr. PAULSEN, Minnesota

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

DECEMBER 13, 2017.

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

DEAR MR. SPEAKER: Pursuant to the order of December 13, 2017, and clause (5)(a)(4)(A) of Rule X of the Rules of the House of Representatives, I designate the following Members to be available to serve as members of an Investigative Subcommittee established by the Committee on Ethics during the 115th Congress:

Representative Joaquin Castro of Texas
Representative Pramila Jayapal of Washington

Representative A. Donald McEachin of Virginia

Representative Norma J. Torres of California

Representative Niki Tsongas of Massachusetts

Best Regards,

NANCY PELOSI,
Democratic Leader.

PROVIDING FOR CONSIDERATION OF H.R. 1638, IRANIAN LEADERSHIP ASSET TRANSPARENCY ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 4324, STRENGTHENING OVERSIGHT OF IRAN'S ACCESS TO FINANCE ACT

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 658 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 658

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1638) to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-47. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and con-

trolled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4324) to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment recommended by the Committee on Financial Services now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-48 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; and (3) one motion to recommit with or without instructions.

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

Mr. BUCK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. BUCK. Mr. Speaker, I rise today in support of the rule and the underlying legislation.

This rule provides for consideration of two bills dealing with Iran and its

continued support of international terrorism. In addition, the rule makes in order all submitted amendments.

These bills were the subject of hearings in the Financial Services Committee and were marked up and reported favorably to the House. Both bills received bipartisan support in the committee, and I would expect that we will see significant bipartisan support on the House floor.

Mr. Speaker, it is no secret that Iran's leaders have a threat to our way of life. We don't have to look any further than Iranian support for lethal attacks on U.S. troops in Iraq and Afghanistan, particularly through IEDs, to witness Iran's hostility toward us. Going back several decades, Iran has routinely terrorized the Middle East and has sought to export terror worldwide.

Iran's numerous threats to annihilate our friend and ally, Israel, are a steady drumbeat that should continuously remind us of Iran's threat.

In 2001, the Ayatollah Khamenei is quoted as saying: "It is the mission of the Islamic Republic of Iran to erase Israel from the map of the region."

In 2002, a leader of Hezbollah, which is a known extension of the Iranian regime, said: "If Jews all gather in Israel, it will save us the trouble of going after them worldwide."

But lest we think these are the views of the past, the Ayatollah was quoted in 2014 saying that "this . . . regime of Israel . . . has no cure but to be annihilated."

And we could go on. The evidence of Iran's intent on the destruction of Israel is nearly endless. Just yesterday, the commander of Iran's revolutionary guards offered to support Palestinians if they choose to stage an armed uprising to take by force Israel's newly recognized capital: Jerusalem.

Any country whose leaders actively support terrorism against Israel and whose leaders take an official position that the nation of Israel should be eliminated from the Earth are, and always must be, a sworn enemy of the United States.

But it is not just Israel. Other Middle Eastern allies in the United States have been the target of Iran's hostility as well. Namely, Saudi Arabia has been increasingly threatened by the Iranian regime.

In 2011, our FBI and DEA agents successfully disrupted a plot by Iran to assassinate the Saudi Arabian Ambassador to the U.S. here in Washington, D.C. The uncovered plot included bombing a restaurant in D.C. at which the Saudi Arabian Ambassador was planning to eat. The bombing would almost certainly have killed innocent Americans as well.

The list could go on.

Iran has fomented unrest in Iraq, has sought to subject Sunni Muslims to Shiite militias, has supplied the Syrian

regime in its years-long civil war, has supported Hezbollah and Hamas, has flagrantly disregarded international law by building a nuclear program, and has taunted the United States.

□ 1230

Who can forget the image of U.S. Navy sailors, hands behind their heads, forced to kneel under gunpoint on an Iranian military vessel? Or the thinly veiled attacks on U.S. troops in Iraq using proxy militant groups? Or the numerous incidents in the Persian Gulf involving harassment of the U.S. Navy?

Yet, against this backdrop, the United States entered into an agreement with Iran. The agreement, commonly referred to as the "Iran deal," was opposed by a bipartisan majority in the House. It relaxed sanctions on Iran, opened channels for business investment, and allowed Iran a pathway forward on a nuclear bomb.

Further, while having the impact of a treaty between two nations, the Obama administration chose to call the agreement by another name and, in so doing, bypassed the United States Senate. This political commitment by President Obama to Iran is the reason for these two bills today.

The first bill, H.R. 1638, the Iranian Leadership Asset Transparency Act, targets the finances of Iran's ruling class. Its goal is threefold: One, aid U.S. authorities in their efforts to eliminate money laundering by the Iranian regime; two, expose the sectors of the Iranian economy that are controlled by Iran's rulers; and three, show the Iranian people how their corrupt government accumulates wealth for itself at the expense of the people.

The Iran deal removes sanctions on many of the known corrupt government entities. This bill will provide the transparency necessary to reveal the level of corruption within Iran and to inform Congress and others about how to combat the flow of money to terrorists. It further exposes the ruling class by publishing this information in the most common languages spoken within Iran.

The second bill that will be considered under this rule is H.R. 4324, the Strengthening Oversight of Iran's Access to Finance Act. This bill will instruct the Treasury Department to report on transactions of financial institutions related to the export of aircraft to Iran.

Under the Iran deal, President Obama removed restrictions on the sale of American aircraft to Iran. In 2016, the Treasury Department authorized the export of more than 200 aircraft to Iran Air, Iran's state-owned air carrier. Yet we know that Iran Air has been the transporter of choice for Iran's revolutionary guards as they have ferried weapons systems around the Middle East.

The absurdity of this deal to increase the revolutionary guards' capacity to

move weapons is self-evident. The bill before us today will require certification by financiers of the aircraft exportation deals that none of the aircraft exported will be used for terrorism or Iran's weapons of mass destruction program.

Due to Iran Air's continued role in transporting materials used for terrorism, this is one step that we should take to help hold lending institutions accountable for their support of aircraft exports to Iran.

Mr. Speaker, many of us in Congress know how bad the Iran deal was for our security and our allies' security. That is why there was bipartisan opposition to the deal last Congress. While in the end we were unsuccessful in prevailing upon the administration to abandon its bad idea, we should continue to stand in the gap against Iran's ongoing efforts to undermine peace in the Middle East and destroy our friends and, ultimately, the United States.

Today, we have two bills that will help our ongoing efforts to thwart Iran's terrorist ambitions. I urge my colleagues to support this rule and these bills.

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

Mr. HASTINGS. Mr. Speaker, I thank my friend, the gentleman from Colorado (Mr. BUCK), for yielding me the customary 30 minutes of debate. I yield myself such time as I may consume.

Mr. Speaker, when the Joint Comprehensive Plan of Action came before Congress, I made my objections very clear. I believed then, as I do now, that the Iran deal too quickly removed the sanctions that brought Iran to the negotiating table in the first place, allowing Iran to remain a nuclear threshold state.

However, like it or not, the JCPOA is now law, and it will be wrong to undermine it for purely political reasons. Unfortunately, that is, in my opinion, what my Republican colleagues are doing here today. This is not the way to handle our country's foreign policy.

Mr. Speaker, the most important question that you need to ask yourself at this time does not have to do with the substance of the legislation this rule provides for, but, rather, why on Earth this body is wasting what precious legislative time remains to bring these bills to the floor today.

The checklist of important items that need to be addressed is long and time is short. Thanks to the inability of my Republican colleagues to govern, even within their own conference, we face the specter of yet another government shutdown next week. The Band-Aid that Republicans came up with last week to provide funding for the Children's Health Insurance Program, which insures some 9 million children, expires at the end of the year. Utah, Colorado, Arizona, California, Ohio, Minnesota, the District of Columbia,

and Oregon are just some of the States that have had to inform families that CHIP funding is nearing its end.

Why is this? Historically, the Children's Health Insurance Program funding has been a largely bipartisan effort. And why shouldn't it be? We are simply talking about helping to cover roughly 9 million low-income children and pregnant women.

It has been over 2 months since CHIP's authorization lapsed, and it is far past time for a sensible solution to this problem. Does today's legislation solve this issue? No, it does not.

We also have 800,000-plus DREAMers waiting for word from this Republican-controlled Congress. Will my friends across the aisle allow these fine young people to remain in the only country they have ever known as home? Will you let those DREAMers who have served this country bravely stay in this country so that they may start their own families here in the United States, start their own businesses, and go to college?

The idea that my friends would drag their feet on such an issue, let alone actually allow DREAMers to be deported, is anathema to what this country stands for, and it will darken the beacon this country has been for millions of people since our founding: a place where those of differing backgrounds but dedicated to freedom and the rule of law come and make a life for themselves.

Mr. Speaker, Republicans control the House; they control the Senate; they control the White House; and what has that control translated into for the American people? Absolutely nothing at this point. In fact, it is looking increasingly more like the first year of a unified Republican government in over a decade will end with nothing getting done.

In an attempt to distract from their failures, Republicans have taken to blaming, and I quote them, "obstructionist Democrats." They point to this side of the aisle as the cause of their governing woes. That is a neat trick, but the American people are not going to fall for it, and I think you saw that last night in Alabama where new stars fell on Alabama.

It wasn't the Democrats who tried to take healthcare away from 32 million people. It was Republicans. Thank goodness they failed. It is not the Democrats who are trying to give the wealthy and rich corporations a tax break on the backs of hardworking Americans. It is the Republicans. I hope this equally misguided effort likewise fails.

I have some advice for my Republican friends. If, like this side of the aisle, you spent more time working on policies that help the American people instead of the wealthy and rich corporations that are doing just fine, you would likely see more legislative success.

Democrats remain ready to work in a bipartisan way to accomplish all that remains left to do this year. We are ready to fund the government and provide for smart investments for the future of our country. We are ready to pull the hundreds of thousands of DREAMers out of unnecessary limbo and provide them with the status they deserve. We are ready to provide the funding and authorization needed to give millions of low-income children the health insurance they need.

The list goes on and on. But, Mr. Speaker, if Republicans continue to not even allow Democrats in the room to address these issues and if they continue to burn legislative time on the bills we have before us today, then it won't be just the Republican majority that pays the price. It will be the American people.

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

Mr. BUCK. Mr. Speaker, we have two witnesses on their way. We started a little bit early. I reserve the balance of time.

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

Mr. Speaker, I am expecting another speaker. If we defeat the previous question, I am going to offer an amendment to the rule to bring up the bipartisan bicameral bill H.R. 3440, the Dream Act.

Just last week, a group of 34 of my Republican colleagues sent a letter to Speaker RYAN urging a vote before the year's end on legislation that would protect the DACA recipients. This means, if we defeat the previous question and bring up the Dream Act, the bill would garner enough bipartisan support to pass the House today.

Mr. Speaker, I ask how much longer will this body be complicit in the Trump administration's assault on DREAMers? It is time we listen to the vast majority of Americans and this body and act to protect these courageous young people.

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

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, when my speaker arrives, I will allow Mrs. TORRES to discuss this matter further. Mr. Speaker, at this time, I reserve the balance of my time.

Mr. BUCK. Mr. Speaker, at this point, I reserve the balance of my time.

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

Mr. Speaker, continuing, we are faced, as I said earlier, with another government shutdown. The National Flood Insurance Program, which is particularly critical to those of us in

coastal States, is set to expire. The Republican Band-Aid to keep the Children's Health Insurance Program funded will run out, leaving millions of children without the healthcare they need.

The authorization of an important intelligence tool to keep this country safe is set to expire, and millions of Americans in California, Texas, Florida, Puerto Rico, and the Virgin Islands desperately wait to find out if they will receive the resources they need to recover from the devastating hurricanes and the wildfires that we have seen this year and that are continuing in California.

I have said repeatedly that FEMA is not only dealing with hurricanes and floods, they are dealing with tornadoes and with all sorts of matters, and the wildfires manifestly have kept them occupied over the course of time.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Mrs. TORRES), my good friend, as I previously noted, to discuss the proposal that I spoke of with reference to the DREAMers.

Mrs. TORRES. Mr. Speaker, it has been 2 weeks since I last stood here to ask the House to bring the Dream Act to a vote. Thirty-four of my colleagues, my Republican colleagues, have sent a letter to Republican Speaker RYAN asking for action to protect DREAMers before the holidays because they understand the urgency.

What are we waiting for? Republicans continue to state that we have until March to resolve this issue, but that is simply not true. 122 DREAMers lose protection every single day.

□ 1245

That means that 122 intelligent, hardworking Americans, by every right except birth, are losing their ability to continue their education, to work and contribute to our economy.

Are we willing to stop the deportations of hundreds of thousands of young DREAMers or not?

This is not a partisan question. This is the question of who we are as Americans. Let's put an end to the fear and uncertainty that DREAMers have been living with these past few months.

We have been clear. This Congress must not finish this year without providing a permanent fix for DREAMers, their families, and the communities that depend on them. It is unconscionable. This is not who we are.

Mr. Speaker, many of my Republican colleagues support action on the Dream Act before the holidays. Many have said so publicly. The majority of Americans want us to act now.

Mr. Speaker, 1,708 DACA recipients have lost their status since I last stood here 2 weeks ago. This isn't hard. The fix is right in front of us. It has been here all along.

We all know that the votes are here today, if this body only had the courage to act. And I know that the Dream

Act would pass today if we only allowed it.

I ask my colleagues to vote against the previous question so that we can immediately begin to bring the Dream Act and act on the floor today.

Mr. BUCK. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the former chair of the Foreign Affairs Committee.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend from Colorado (Mr. BUCK) for the time.

I want to thank Chairman HENSARLING because these bills that we are combining today came out of his committee. I want to thank him for his leadership in bringing these important bills before us today.

I rise in support of H.R. 1638, the Iranian Leadership Asset Transparency Act. I want to thank my good friend from Maine, BRUCE POLIQUIN, for his work in authoring this bill. It is a critical step, a necessary step in holding the Iranian regime accountable for its money laundering, for its terror financing, and other wide-ranging criminal activities.

The Islamic Revolutionary Guard Corps, known by its initials, its acronym, IRGC, has long been at the heart of the Iranian criminal enterprise, controlling the better part of Iran's economy in key sectors like oil, gas, telecommunications, and transportation.

The IRGC's business empire and monopoly of these economic sectors provides the regime with billions of dollars that it uses to do what? To feed the people, to clothe the people, to educate the children?

No. To repress the Iranian people and to export the terror that it has done so much damage in throughout the world, and its hateful ideology abroad.

Two years ago, I held a hearing of our Subcommittee on the Middle East and North Africa, where we explored the role of the IRGC and, again, that is the Islamic Revolutionary Guard Corps. We looked at the role of the IRGC in Iran's economy and we raised these very concerns, Mr. Speaker.

So I want to thank Chairman HENSARLING for his leadership on this issue and his consistent efforts to hold Iran accountable, because that is what we are trying to do, hold these terrorists accountable.

This is one of the many issues where the Financial Services and the Foreign Affairs Committees have done a great job of working together to implement targeted sanctions against the Iranian regime for its illicit activity.

For years, our Treasury Department has been working to identify and to sanction IRGC leaders. They have shell companies. We have been looking at what these shell companies are. Let's identify and let's sanction them. Their proxies. Let's designate and warn foreign companies about the risk of doing

business with the IRGC's connected entities. As fast as the IRGC can create new ones, we shut them down, new ones pop up.

Unfortunately, the misguided JCPOA has made the Treasury's job even harder, with the IRGC collecting billions from their financial windfall created by new outside investments in the very sectors previously targeted by our sanctions.

So it is important now more than ever that the Treasury publicizes the assets controlled by the Islamic Revolutionary Guard Corps and the rest of Iran's corrupt leadership for two reasons, Mr. Speaker.

First, so that the long-suffering people of Iran, with whom we have no problem—we want to help the people of Iran so that these people have a window into the regime's pervasive theft and corruption that deprives them of the most basic of commodities.

Second, so that businesses stop funneling cash into these criminal enterprises that are financing terror throughout the world.

This bill will help shine a necessary light on these nefarious actions of Iran both inside and outside of the country, and I urge its swift passage.

Mr. HASTINGS. Mr. Speaker, I would advise my good friend that I have no further speakers and I will be prepared to close when he is prepared.

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

Mr. BUCK. Mr. Speaker, I have two more speakers. I yield 5 minutes to the gentleman from Maine (Mr. POLIQUIN), a member of the Subcommittee on Terrorism and Illicit Finance.

Mr. POLIQUIN. Mr. Speaker, I speak today and rise in support of the rule for H.R. 1638, the Iranian Leadership Asset Transparency Act.

Mr. Speaker, I want to thank Chairman HENSARLING also for moving this very important bipartisan piece of legislation through the House Financial Services Committee.

Additionally, I want to thank my colleagues on the other side of the aisle who supported my bill last year. Unfortunately, it got stuck in the Senate, so we are doing it over again this year in the House.

Mr. Speaker, the primary responsibility of every Member of Congress is to help keep our families safe. Embedded with that promise is to support and defend our Constitution.

Mr. Speaker, moms and dads in Maine and across America are increasingly alarmed by the frequency of terrorist attacks here at home, with another attempted attack 2 days ago in New York City.

Mr. Speaker, today, there are 1,000 ongoing investigations of terrorist activity by the FBI in all 50 States.

Mr. Speaker, that is why H.R. 1638 is so important. It is a commonsense bill that will help keep our families safe

and free. In doing so, we should never make this a political issue.

Mr. Speaker, the Iranian Government is one of the chief sponsors of terrorism and instability throughout the world. Their senior political and military leaders and the Islamic Revolutionary Guard Corps train, arm, and fund terrorist organizations around the world. They have become experts at using the internet and social media to radicalize, to recruit, and to direct terrorist attacks around the globe, including here in the United States of America.

Mr. Speaker, the Iranian Government has American blood on its hands.

Now, there are approximately 70 to 80 top political and military leaders in Iran that control about one-third of its entire economy. They use their power to corrupt the telecommunications, the construction, and other important industries in that country.

A recent investigation by Reuters found that the Supreme Leader in Iran alone has accumulated tremendous personal wealth through a foundation claiming to help the poor. So while the corruption has grown, the average Iranian citizen earns the equivalent of \$15,000 per year.

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

Mr. BUCK. Mr. Speaker, I yield an additional 1 minute to the gentleman from Maine.

Mr. POLIQUIN. Mr. Speaker, the citizens of Iran and the people of the world should know how much wealth has been accumulated by these chief sponsors of terrorism and what the money is being used for.

Companies across the globe looking to possibly do business with Iran should also understand what they are dealing with before they invest.

That is why my Iranian Leadership Asset Transparency Act is a straightforward, main, commonsense bill. It simply requires the U.S. Treasury Department to collect, to maintain, and to post online the list of these 70 or 80 senior political and military leaders in Iran, their personal assets, and how that money was acquired and what it is being used for.

My bill requires the Treasury Department to post this information on their website in English as well as the three major languages that are used and spoken, rather, in Iran: Farsi, Arabic, and Azeri. The information should be available, easily downloaded, and shared by everyone who wants to see this.

Mr. Speaker, I might also add that this information comes from publicly available sources. It is not classified information.

Now, I have heard folks say: Well, this is not a good idea to expose the Iranian Government's corruption in their funding of terrorism, because, if you do, we might not be able to work with these people.

Are you kidding me?

These are the radicals who regularly chant "Death to America." It doesn't make sense to hope that they will abandon their support for terrorism by not shedding light on their corruption. Mr. Speaker, hope is not a national security strategy.

My bill helps make sure Congress gets its priorities straight when it comes to this issue. Protecting American families here at home and helping to safeguard our troops overseas, where they are fighting for our freedom, is the right thing to do.

Mr. Speaker, so let's use one click of a computer from any corner of the globe to help expose the illicit activities of the chief sponsor of terrorism in this world. Secrecy and corruption breed more terrorism by governments like those in Iran.

Let us stand up, Mr. Speaker, for every peace-loving nation around this world, and let's stand up to protect our families here at home.

Mr. Speaker, I greatly appreciate the time and the consideration. Please vote "yes" for H.R. 1638, the Iranian Leadership Asset Transparency Act.

Mr. BUCK. Mr. Speaker, I would just ask, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Colorado has 13½ minutes remaining. The gentleman from Florida has 17½ minutes remaining.

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

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. WILLIAMS), the vice chairman of the Subcommittee on Monetary Policy and Trade.

Mr. WILLIAMS. Mr. Speaker, I am happy to come to the floor this afternoon to support House Resolution 658, the combined rule providing for consideration of H.R. 1638 and H.R. 4324.

H.R. 1638, the Iranian Leadership Asset Transparency Act, sponsored by the gentleman from Maine (Mr. POLIQUIN), is commonsense legislation. The bill would publicize assets associated with Iran's Government and military leadership. It would require a report to Congress on the assets that these leaders control, how they were acquired, and how each and every one of these Iranian leaders uses them.

The American people, the American businesses, and the international community deserve to know who controls money and assets in Iran.

I am also proud to be the sponsor of H.R. 4324, the Strengthening Oversight of Iran's Access to Finance Act. My legislation would improve congressional oversight of any financing that the Treasury authorizes for aircraft sales to Iran.

Every 6 months, the Treasury would need to certify to us that finance authorizations would not benefit an Iranian person who is transporting items for the proliferation of weapons of mass destruction, nor providing transportation for sanctioned entities.

□ 1300

Treasury would also have to certify to us that these authorizations don't pose a significant money laundering or terrorism finance risk to the U.S. financial system.

If the Treasury Department cannot make this certification, the Department must tell us why, and it must explain to Congress the course of action it intends to take.

I urge all of my colleagues to support this rule, and I urge them to support H.R. 1638 and H.R. 4324.

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

Mr. Speaker, as we approach the end of 2017, and with just a few legislative days left, the Republican majority is focusing on the wrong things. Plain and simple, the bills before us today are more evidence of that.

Over the next couple of weeks, we face a terrifyingly long to-do list, the outcome of which will affect every single American.

Let me be very clear. My friend from Maine and my friend from Texas, my friend from Maine, especially, passionately put forward significant matters having to do with Iran. My recollection is that I, for one, as did many members of the Democratic Party, voted for the transparency that he calls for and are likely to do so again.

While this is an important matter, it is not nearly as critical at this time that we be occupying this kind of legislative time. The simple fact of the matter is we could have put this on the suspension calendar and not been exercising ourselves in the Rules Committee, occupying legislative time that could be addressing the Flood Insurance Program, the Children's Health Insurance Program, and intelligence tools that keep this country safe that are about to expire.

We could have been addressing the hurricane relief for Puerto Rico, the Virgin Islands, and southwest Louisiana.

We could have been addressing the fires in California, Oregon, Montana, and other areas of the country.

We could have been addressing the flood in Texas that devastated portions of that area, as well as, during that same period of time, we had tornadoes and other issues indicating how critical it is that we support these matters.

We could have been dealing with a real infrastructure measure. Everybody in this country knows that our roads and bridges are in despicable shape at this point, and it is not as if we do not have the ability to do something about it. We don't have the political will.

So we are wasting legislative time here today with these daunting tasks before us, and this is what the Republican majority chooses to focus on: trying to pass a tax bill, for example, that gives most of the benefits to the wealthy and rich corporations while

adding over more than \$1 trillion to the deficit.

I have said before: Look out. When we finish whatever this tax bill is—and now it is being called what it is, a tax cut and not tax reform that is needed in this country. When we finish with that, the next words out of many of my colleagues' mouths next year are going to be, "We need to address the entitlements," meaning Medicare, Social Security, and Medicaid. I can assure you that that is what we will hear from my former deficit hawk friends who are now in charge of this country.

Mr. Speaker, I urge my Republican friends, for the sake of the American people, to abandon this reckless tact and return to regular order. That is something that we are not doing and have not done. We have had more closed rules in this session of Congress than in the history of the United States Congress.

They need to work with Democrats in a bipartisan way. I think Alabama told us that last night, and I hope that that message is pervasive and allows for us in this body, as well as in the other body, to understand the importance of everybody, all of these brilliant people that Americans sent here to work, to work together to solve many of the issues of this country and address its needs in a meaningful way, not the needs of the wealthy few. Given everything there is to do, anything less is abdication of our duty as legislators.

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

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

Mr. Speaker, as my family and I sit around the dinner table, my wife, Perry, and my two children, we talk politics, not surprisingly, and there are times where we distinguish good from bad, and we know that Iran is an enemy of the good in this world. It terrorizes the Middle East. It seeks to eliminate Israel. It pursues the destruction of the United States. And yet, for some reason, the prior administration struck a deal with the Iranian regime, the same regime that has American blood on its hands. The two bills before us today begin the difficult work of once again ensuring Iran is stopped in its pursuit of weapons of mass destruction and in its support of terrorism.

I thank Chairman HENSARLING for bringing these bills forward and for my colleagues from the Financial Services Committee who have joined me on the floor today to make the case for this effort. I thank Chairman SESSIONS for his leadership on the Rules Committee and for providing the debate on this issue today.

Mr. Speaker, I urge my colleagues to join me in supporting the rule, supporting the underlying bills, and putting pressure on Iran to abandon terror and embrace peace.

The material previously referred to by Mr. HASTINGS is as follows:

AN AMENDMENT TO H. RES. 658 OFFERED BY
MR. HASTINGS

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

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

The Republican majority may say "the vote on the previous question is simply a

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 1 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1320

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 1 o'clock and 20 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 658; and

Adopting House Resolution 658, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION
OF H.R. 1638, IRANIAN LEADERSHIP
ASSET TRANSPARENCY
ACT, AND PROVIDING FOR CON-
SIDERATION OF H.R. 4324,
STRENGTHENING OVERSIGHT OF
IRAN'S ACCESS TO FINANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 658) providing for consideration of the bill (H.R. 1638) to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes, and providing for consideration of the bill (H.R. 4324) to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes, on which the yeas and nays were ordered. The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 229, nays 189, not voting 13, as follows:

[Roll No. 676]

YEAS—229

Abraham	Bucshon	Denham
Aderholt	Budd	Dent
Allen	Burgess	DeSantis
Amash	Byrne	DesJarlais
Amodei	Calvert	Diaz-Balart
Arrington	Carter (GA)	Donovan
Babin	Carter (TX)	Duffy
Bacon	Chabot	Duncan (SC)
Banks (IN)	Cheney	Duncan (TN)
Barletta	Coffman	Dunn
Barr	Cole	Emmer
Barton	Collins (GA)	Estes (KS)
Bergman	Collins (NY)	Farenthold
Biggs	Comer	Faso
Bilirakis	Comstock	Ferguson
Bishop (MI)	Conaway	Fitzpatrick
Bishop (UT)	Cook	Fleischmann
Blackburn	Costello (PA)	Flores
Blum	Cramer	Fortenberry
Bost	Crawford	Fox
Brat	Culberson	Frelinghuysen
Brooks (AL)	Curbelo (FL)	Gaetz
Brooks (IN)	Curtis	Gallagher
Buchanan	Davidson	Garrett
Buck	Davis, Rodney	Gianforte

Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long

Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.

Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NAYS—189

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

Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Español
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman

Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowe
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney

Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley

Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sanchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter

Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Black
Brady (TX)
Bridenstine
Harris
Johnson (OH)

Kennedy
Noem
Pocan
Sensenbrenner
Stefanik

Visclosky
Walz
Young (AK)

□ 1349

Ms. MCCOLLUM, Mrs. NAPOLI-TANO, Mr. COHEN, and Ms. MICHELLE LUJAN GRISHAM of New Mexico changed their vote from “yea” to “nay.”

Messrs. PAULSEN and MOONEY of West Virginia changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. STEFANIK. Mr. Speaker, I was speaking with constituents and unintentionally missed the vote on rollcall 676, the Previous Question on H. Res. 658. Had I been present, I would have voted “Yea” on rollcall No. 676.

Mr. BRADY of Texas. Mr. Speaker, I was unavoidably detained to cast my vote in time. Had I been present, I would have voted “Yea” on rollcall No. 676.

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

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

RECORDED VOTE

Mr. HASTINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 238, noes 182, not voting 11, as follows:

[Roll No. 677]

AYES—238

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barietta
Barr
Barton
Bergman

Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan

Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)

Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Fox
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
McHenry
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)

Jenkins (WV)
Johnson (LA)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long

Renacci
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schneider
Schweikert
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozi
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—182

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy

Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch

Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Español
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Higgins (NY)
Himes

Hoyer	Maloney, Sean	Sánchez
Huffman	Matsui	Sarbanes
Jackson Lee	McCollum	Schakowsky
Jayapal	McEachin	Schiff
Jeffries	McGovern	Schrader
Johnson (GA)	McNerney	Scott (VA)
Johnson, E. B.	Meeks	Scott, David
Kaptur	Meng	Serrano
Keating	Moore	Sewell (AL)
Kelly (IL)	Moulton	Shea-Porter
Khanna	Nadler	Sherman
Kihuen	Napolitano	Sires
Kildee	Neal	Slaughter
Kilmer	Nolan	Smith (WA)
Kind	Norcross	Soto
Krishnamoorthi	O'Rourke	Speier
Kuster (NH)	Pallone	Swalwell (CA)
Langevin	Panetta	Takano
Larsen (WA)	Pascarell	Thompson (CA)
Larson (CT)	Payne	Thompson (MS)
Lawrence	Pelosi	Titus
Lawson (FL)	Perlmutter	Tonko
Lee	Peters	Torres
Levin	Peterson	Tsongas
Lewis (GA)	Pingree	Vargas
Lieu, Ted	Polis	Veasey
Lipinski	Price (NC)	Vela
Loeb sack	Quigley	Velázquez
Lofgren	Raskin	Wasserman
Lowenthal	Rice (NY)	Schultz
Lowey	Richmond	Waters, Maxine
Lujan Grisham,	Rosen	Watson Coleman
M.	Roybal-Allard	Ruiz
Luján, Ben Ray	Ruiz	Ruppersberger
Lynch	Ruppersberger	Welch
Maloney,	Rush	Wilson (FL)
Carolyn B.	Ryan (OH)	Yarmuth

NOT VOTING—11

Bridenstine	Johnson (OH)	Sensenbrenner
Farenthold	Kennedy	Visclosky
Harris	Pocan	Walz
Hastings	Rice (SC)	

□ 1357

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2396, PRIVACY NOTIFICATION TECHNICAL CLARIFICATION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 4015, CORPORATE GOVERNANCE REFORM AND TRANSPARENCY ACT OF 2017

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 657 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 657

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2396) to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and rank-

ing minority member of the Committee on Financial Services; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4015) to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-46 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

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

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. WOODALL. Mr. Speaker, I have had the opportunity, over the last couple of weeks, to bring a number of bills from the Financial Services Committee to the floor. We talk so much about regular order and having a process where the committees are doing their work, where the authorizers are deep into the details, and then we are bringing those bills to the floor for the entire House to vote on. We have that opportunity again today.

Mr. Speaker, the rule today brings two bills to the floor: H.R. 2396, which is the Privacy Notification Technical Clarification Act, it brings that under a structured rule, making in order the only amendment that was offered, a bipartisan amendment, offered by Mr. CLAY and Mr. TROTT; and it also brings H.R. 4015 to the floor, Mr. Speaker,

which is the Corporate Governance Reform and Transparency Act of 2017. We did not have any germane amendments offered to that measure in the Rules Committee last night, so we bring that under a closed rule today.

Mr. Speaker, I remind my colleagues—as is the way of my chairman on the Rules Committee—notice was sent out to all Members, and will continue to be sent out to all Members, for each set of bills that we consider in the Rules Committee soliciting any amendments or ideas that folks may have. We sent out that notification, but, for these two bills, we received only one germane amendment.

Mr. Speaker, I won't go into great detail about these individual bills because we are fortunate to have the sponsors here on the floor for the rule today. But what I do want to say is that this is another series in a line of commonsense, authorizing pieces of legislation, things that move through committee in a bipartisan way, that are going to make life just a little bit easier for the American people.

We have a chance today, if we support this noncontroversial rule, to bring these two noncontroversial bills to the floor and make that difference together, a difference we all came to Washington to make.

Mr. Speaker, I ask all of my colleagues to consider supporting this rule as well as supporting the two underlying pieces of legislation.

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

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

Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to this rule. This rule that we are looking at today has two bills under it, and this is the 56th closed rule allowing no amendments that we are bringing to the floor this year. Over the past year, we have not considered any legislation under an open rule that would allow Republicans or Democrats to bring forward amendments here on the floor.

When the 115th Congress opened, Speaker RYAN promised regular order bills would make their way to the floor after hearings and markups. Instead, we have seen bill after bill rushed to the floor. Many bills haven't even gone through committee or skipped hearings. That is true for the failed healthcare bill, and it is also true for the tax bill currently in conference, the major bill this Congress.

This tax bill, that somehow we understand there is a "deal" on before the conference committee even met, was crafted behind closed doors, and no Member was able to offer their ideas on the House floor. I offered several bipartisan amendments in the Rules Committee, but they were locked out, as were amendments from every other

Democrat and Republican that chose to offer amendments.

The tax legislation would explode our debt. It is a giveaway to wealthy corporations and does nothing to help the middle class.

Now, the benefit of having an open process is creating better ideas: having Democrats and Republicans bring forward those ideas, see who can muster a majority of votes here on the floor of the House, and include that in a tax bill. We are a legislature. That is how we are supposed to work.

Instead, a bill was crafted behind closed doors to raise taxes on 78 million Americans and add \$1.7 trillion to the debt. When you add to the debt, that is a tax on future Americans. Instead of taxing them today, you are taxing them tomorrow. The tax-and-spend Republican Party continues to add to the deficit and add to the debt day after day after day.

Mr. Speaker, we only have a few legislative days left before the end of the year, and we have very important work to do, like reauthorizing the Children's Health Insurance Program and funding the government for the remainder of the fiscal year.

There are millions of Americans who have been negatively affected by devastating hurricanes and wildfires in Puerto Rico, Texas, Florida, and the Virgin Islands, and Congress has not stepped up to the plate.

There are also over 800,000 aspiring Americans who are at risk of being deported from the only country they have ever known as home because of the reckless actions of President Trump. Congress needs to act to find a real solution so DREAMers can continue to work legally in the communities that they live in, and they continue to thrive and give back to make our country even greater.

We have a lot of critical tasks ahead, which is why I am really surprised, with all of this work to do, and only 7 or 8 days to do it, that here we are considering two bills where we will have our debate, but they are not bills of great importance. We are using our floor time—very limited, 7 days before the end of the year—when we could be debating tax reform and offering amendments, when we could be addressing the needs of the DREAMers, where we could actually be doing something about the deficit, reining in out-of-control wasteful government spending. We are not doing any of that.

We are doing two minor bills that are favors for public companies, or whoever they are. I am happy to talk about them. I am going to do my role in debating them. One I am even fairly supportive of. But they are completely separated from the actual concerns of the American people.

No wonder the approval rating of this institution is under 15 percent, because we continue to debate these minor bills

under a closed process, when, this very week, we could have had an open process for tax reform. We could be voting on 10 or 20 amendments a day, passing some and rejecting some. I have no problem if I bring forward some Democratic amendment and it fails. That is the process. That is fair.

But we have bipartisan, common-sense amendments that should be part of tax reform. Representative SCHWEIKERT and I have a bill to provide a de minimis exemption on taxation for use of cryptocurrencies, to allow them to be used for amounts under \$600 in everyday purchases and to remove the specter of IRS enforcement.

Let's put it in. Let's have a vote on it. Let's see if a majority of Congress agrees with me. I hope they do. If not, I am a big boy. It is my job. I can go home. But to not even be able to fight for the issues that my constituents have hired me to fight for is not only the frustration I have, and not only the frustration many Republicans have, but it is the frustration the American people have with this institution.

Now, let's get to these bills. Typically, the Financial Services Committee did not hold a hearing on either of these rules. It is a closed rule.

The first one, H.R. 2396, the Privacy Notification Technical Clarification Act, would remove privacy notice requirements for financial institutions to consumers that share or sell a customer's personal information with third parties.

We are all for reducing unnecessary regulations. When I get to the next bill, the Republicans are actually trying to add paperwork and regulations. This one does, but it picks a very poor one to get rid of. It gets rid of privacy notices for financial institutions that tell consumers that they can share or sell their personal information. Of all of the places to cut paperwork, why would you want to cut the one piece that consumers and retail investors actually care about?

Back in September, 143 million Americans had their personal and sensitive information shared widely, as a result of a data breach at Equifax. Congress should be looking at ways to better secure our sensitive information—a cybersecurity bill, better information sharing—instead of actually making it easier for our personal information to be shared more widely and giving you, as the consumer, less ability to find out where it is being shared.

A hearing would be helpful to understand the full effects of this legislation to see what the unintended consequences are. We do know that it would eliminate clear disclosure to consumers about their privacy rights—never a good thing, especially in these times—including a consumer's ability to opt out from having their information sold to certain third parties. We can do better.

The other bill, H.R. 4015, the Corporate Governance Reform and Transparency Act, makes a change to how proxy advisory firms provide information to shareholders. It would require that they make their recommendations available to companies.

This bill is problematic from a number of perspectives. Here is what it does. Proxy advisory firms provide independent advisory services for investors and have fiduciary responsibility to their investors.

Under this legislation, they would actually have to open themselves up to lobbying for companies and add additional paperwork. They would have to register with the SEC, whereas they now don't, before trying to issue vote recommendations or trying to change the corporate board.

Here is who the players are in this fight: On the one hand, you have public companies; on the other, you have investors, which means your pension fund, and mine, Mr. Speaker. It means university endowments. I know you all don't like those, and you are going to tax them soon. It means, perhaps, using an individual investor, through a mutual fund or other vehicle. So investors on one side, public corporations on the other.

But the problem is: it is not the shareholders of the public companies, it is the insular governance and management structure of those organizations. Many of them do need to be shaken up in the name of efficiency.

There are many examples of investor pressure that has been applied to good effect: to meaningful reforms and corporate governance; preventing conflict of interest, making sure that the board oversees the CEO are not just his golfing buddies, and he is on the board, or she is on the board, of their companies, too.

I have generally been on the side of investor empowerment in that: not to the extreme, not to make it impossible to be a CEO on a publicly traded company, to run a publicly traded company. But, if anything, we should make sure that the actual owners of the companies are empowered to make the changes they need to increase efficiency.

□ 1415

This bill goes the wrong way. It adds red tape and paperwork. It adds regulations to investors and prevents them from being able to exert influence in the same way they do today, adding one degree of additional regulation and paperwork to allow them to do the kinds of good governance activities in terms of running competitive fights for boards of directors.

Now, I get that there is another side. There can be a steamy underbelly to investor engagement as well. There are some investors who only care about short-term gains, who try to institute

practices or bully management around in a way that is not conducive to long-term value but, rather, just pump-and-dump schemes that they try to make money off of, and I totally get that.

But in general, it is the owners of a company to whom the fiduciary responsibility of the directors and the CEO lie; and we should empower them, for better or for worse, to make the changes to increase the overall productivity of the company.

We should not burden investors with additional red tape, as Republicans are doing, by creating more bureaucracy and paperwork and compliance costs with this bill.

Frankly, I was surprised to see this bill come out of Financial Services Committee because Republicans have been fairly consistent in trying to remove regulations from Dodd-Frank. That has generally been the approach. I supported the removal of some of those unnecessary regulations. Others are important regulations, like this privacy disclosure that I don't think is a good idea.

But here, they are actually adding reporting requirements above and beyond Dodd-Frank. They are out "Dodd-Franking" Dodd-Frank. Republicans are saying there is not enough reporting; there is not enough paperwork; there is not enough money going to lawyers and accountants. In Dodd-Frank, we are going to require that they file even more paperwork with the SEC.

I think that is the wrong way to go, Mr. Speaker, and I urge my colleagues on both sides of the aisle to resist this effort to burden shareholders who actually own companies with additional costs and paperwork and prevent them from making necessary management improvements to the companies that, at the end of the day, are run for them, not for the benefit of management.

That is why I oppose this bill. Shareholders should have a right to impartial information about the company in which they have invested. We should minimize paperwork where possible. I have been proud to support a number of bipartisan proposals to do that. This bill goes the opposite way.

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

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say sometimes there is a lot of pressure on the Rules Committee. You come down here and you have got some of the most knowledgeable folks on both sides of the issue, on both sides of the Chamber, and you have got to be prepared to refute detail after detail after detail that might confuse folks back home.

It gives me great pleasure today to not have to spend any time refuting anything that my friend just said because the important thing about developing a reputation is that it is just

laughable to suggest that Republicans are coming to the floor today to undermine privacy. It is laughable to suggest that Republicans are coming to the floor today to increase paperwork and red tape. And it is not only laughable, but it is inaccurate to suggest that it is Republicans coming to do this, Mr. Speaker. These are bipartisan bills coming to the floor today.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. TROTT). His bill passed out of committee 40-20; a huge bipartisan vote coming out of committee. It went through a hearing; it went through a markup; it was everything that makes this institution work properly. I appreciate him for bringing the issue forward to talk about the tremendous bipartisan effort that he has put together.

Mr. TROTT. Mr. Speaker, I thank my friend from Georgia for yielding and for his hard work on this rule.

Mr. Speaker, I rise in support of the rule today, which allows for consideration of H.R. 2396, the Privacy Notification Technical Clarification Act.

I would like to begin by thanking Chairman HENSARLING for guiding this bill through committee, and Chairman SESSIONS for his work on bringing this rule to the floor. I also want to thank Mr. CLAY for his very helpful amendment.

One of the reasons I came to Congress was to reduce the regulatory burden in our country so that businesses could have the freedom to grow, thrive, and create jobs for hardworking Americans. This bill is about modernizing one of those outdated regulations that has been a burden to businesses and consumers alike, the privacy notification rules.

Now, a couple of minutes ago, my friend from Colorado gave a very nice speech about DACA, about tax reform, about the public opinion of this institution; but the speech had nothing to do with consideration of this rule today. When he finally got around to talking about the rule, he said we should not allow the rule to move forward because the underlying bill, H.R. 2396, in light of the Equifax scandal, we should not be eliminating privacy notices and allow banks to circumvent those rules because it is going to hurt consumers.

None of this is correct. This bill is a very simple bill. It deals with auto finance companies and it relieves them from the burden of having to send out privacy notices to consumers year after year when the policy hasn't changed. If the auto finance companies change the policy, they have to send out new privacy notices. If a consumer calls up and says, "I know the policy hasn't change, but I would like to see the rule," they can go on the website or they can ask that the policy be mailed to them. This bill in no way harms consumers.

Now, just last year, we passed the bipartisan bill that allowed banks to stop sending privacy notices to consumers if nothing in the policy had changed. This noncontroversial measure passed by voice vote, with Members on both sides of aisle realizing that companies were wasting enormous amounts of paper and money sending out duplicative and unnecessary privacy notices year after year.

The bill achieved its goal. Millions of dollars that would have been spent on paper and postage were instead put back into our local communities. My bill builds on this success and extends the provision to companies lending money to people buying vehicles.

This means that those who extend credit to consumers who buy vehicles from Ford, GM, Harley-Davidson, and other iconic American companies would receive the same benefit as banks, and, more importantly, consumers would no longer be bombarded with a never-ending stream of little print privacy notices and policies that haven't changed.

This is a bipartisan, commonsense measure. I encourage my colleagues to support the rule and allow debate to begin on this legislation.

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

I include in the RECORD the Republican bill summary from the majority on the Rules Committee for H.R. 4015.

COMMITTEE ON RULES

Pete Sessions, Chairman—December 11, 2017

H.R. 4015—CORPORATE GOVERNANCE REFORM AND TRANSPARENCY ACT OF 2017

Purpose: To improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry.

Background and Legislative History: Each year, public companies hold shareholder meetings at which the company's shareholders vote for the company's directors and on other significant corporate actions that require shareholder approval. As part of this annual process, the Securities and Exchange Commission (SEC) requires public companies to provide their shareholders with a proxy statement before shareholder meetings. A proxy statement includes all important facts about the matters to be voted on at a shareholder meeting, including, for example, information on board of director candidates, director compensation, executive compensation, related party transactions, securities ownership by certain beneficial owners and management, and eligible shareholder proposals. The information contained in the statement must be filed with the SEC before soliciting a shareholder vote on the election of directors and the approval of other corporate actions. Solicitations, whether by management or shareholders, must disclose all important facts about the issues on which shareholders are asked to vote.

In general, state corporate law governs shareholder voting rights, including the types of corporate actions that require shareholder approval. However, Section 14 of

the Securities Exchange Act of 1934 (Exchange Act) authorizes the SEC to promulgate rules governing the solicitation of proxies for most public companies. SEC Regulation 14A governs proxy solicitations and sets forth the categories of information that must be disclosed in proxy solicitations.

Largely as a result of the SEC's regulations, proxy advisory firms now wield outsized influence in the U.S. proxy system. In particular, regulators, market participants, and academic observers have highlighted potential conflicts of interest inherent in the business models and activities of proxy advisory firms. For example, as indicated above, proxy advisor firms may feel pressured by their largest clients—many of whom are activist investors—to issue vote recommendations that reflect those clients' specific agendas. In addition, proxy advisory firms often provide voting recommendations to investment advisers on matters for which they also provide consulting services to public companies.

Mr. POLIS. Mr. Speaker, the reason I do this is, my colleague from Georgia somehow said that it was laughable, this characterization that it is adding paperwork.

That is exactly what this bill does. In fact, in this exhibit, this is a Republican summary of their own bill. It says: "The information contained in the statement must be filed with the SEC. . . ."

The whole bill is about adding paperwork. That is what the bill does. You can argue it is paperwork all you want because corporate CEOs want it and many existing board members want it. Investors don't want it. But we are talking about additional paperwork, and there is nothing in that statement that you can refute because the Republican bill summary explains that that is what they are doing. I mean, there is no disagreement.

And he is correct. I am sure there are some Democrats who support these bills, some Republicans who support them, some Republicans and Democrats who might oppose these bills, but that is what the bill does, it adds paperwork. That is why I mentioned I was surprised to see it come out of the Financial Services Committee that, in general, had been more interested in reducing paperwork. Here, they are interested in adding compliance cost and paperwork to investors.

Mr. Speaker, I have to say that if we defeat the previous question, I will offer an amendment to the rule to bring up SEAN PATRICK MALONEY's bill, H.R. 4585, which would block the FCC's rule rolling back net neutrality from taking effect to ensure the internet remains open to all Americans.

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the distinguished gen-

tleman from New York (Mr. SEAN PATRICK MALONEY) to discuss the proposal.

Mr. SEAN PATRICK MALONEY of New York. Mr. Speaker, I thank the gentleman from Colorado for yielding.

Mr. Speaker, I rise today to urge my colleagues to defeat the previous question so we can turn our attention to the issue that is so critical for this body to address right now. I speak of the Federal Communications Commission's decision and its assault on net neutrality.

The FCC is expected to vote tomorrow to eliminate the rules that protect our internet. They are about to fix something that is not broken.

Now, maybe the words "net neutrality" make your eyes glaze over, but this issue is critical to anyone who uses the internet, which is really all of us, and it is not that complicated.

We call the rules that protect the current internet "net neutrality" because they, more or less, keep the internet neutral for everyone. A neutral internet means we all have access to the same legal content and services no matter where or how we get our internet.

These rules aren't new, and they are working. In fact, when you think about it, one of the last places where quality really reigns in our society is on the internet. We don't discriminate against the content or the intellectual creations of one young entrepreneur versus a big business or an established entity. It is one of the few places left in America where we are all on equal footing.

That is the current net neutrality system that we must protect. The folks who want to end net neutrality say they need to rewrite these rules to spur innovation.

Really, Mr. Speaker?

It is hard to look at the internet as it has blossomed in America and say we lack innovation. Innovation is everywhere. Look at all the new apps, websites, devices, and services that we all rely on every day.

This innovation exists not in spite of net neutrality. This innovation exists, in large part, because of net neutrality. Net neutrality is not a bug, Mr. Speaker. Net neutrality is a feature, and that is why we must protect it.

Of course, the real reason that people want to end net neutrality is money and profitability. Getting rid of net neutrality would expose consumers to all sorts of practices that, right now, are banned; practices like throttling, which means the internet company doesn't have to provide the same access to all companies. So they don't like one company, they can slow down your access to that site. They could block the site entirely.

They could tell a streaming service, like Netflix, that they have to pay more or make their site work differently. These extra costs for Netflix

are going to get passed on to all of us, the consumers.

While some of us have a few choices when it comes to internet service providers, most of us don't.

How many have more than one option when it comes to internet in your home or office?

These companies have a functional monopoly, so many of them can do basically whatever they want and not lose customers. That is why we need some commonsense rules in place to protect consumers. These rules are called net neutrality.

So what can we do to stop the FCC from harming this free internet?

Well, I have introduced legislation in just the last couple of days that would block this proposal and protect the internet. H.R. 4585, the Save Net Neutrality Act, would simply prevent the FCC from relying on this process they have used to roll these rules back. It is really that simple. And we know the FCC's rulemaking process was so messed up, so corrupted, so screwed up that it is being investigated right now by the New York attorney general.

So I urge all of my colleagues on both sides of the aisle to defeat the previous question so we can move to debate my bill, the Save Net Neutrality Act, and address this critical issue. This is our chance to protect the internet, as it has always existed, an internet that is working fine as it is.

To the FCC, we say: If it ain't broke, don't fix it.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say that I agree with my friend. I, too, said to the FCC in 2015: If it ain't broke, don't fix it.

I thought the first 20-plus years of the internet were marked by innovation and freedom, and I wanted to keep that innovation and freedom flowing.

The Obama administration wanted to insert itself into the internet infrastructure in ways that it had never inserted government in infrastructure before. And from the numbers that I have seen—my friend may have different numbers—suggests that infrastructure investment has declined over those 2 years, first time in the history of internet infrastructure investment.

Mr. Speaker, reasonable men and women can disagree, but, understand, internet freedom and innovation is exactly what we all want to protect. Unfortunately, it is not what this rule is focused on today. This rule today is focused on simplification and expansion coming out of the Financial Services Committee.

Mr. Speaker, one of the gentlemen I had the pleasure of being elected with in 2011 is the gentleman from Wisconsin (Mr. DUFFY). He is one of the sponsors of one of these bills we have before us today. He has been a leader in the financial services field in his 7 years here.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. DUFFY) to talk about the impact that his legislation will have on the process today.

Mr. DUFFY. Mr. Speaker, I appreciate the gentleman yielding me this time.

Before I get to my bill, if I could just address a few points that have been brought up in this debate, which I am surprised at the fact that the Rules Committee doesn't actually talk about the rule. We talk about a whole bunch of different issues, but maybe I am new to this game.

I have to say that the gentleman from Georgia is correct. Infrastructure investment in the internet has gone down over the last 2 years.

I would agree: If it is not broken, why did President Obama try to fix it?

It was working really well for 20 years, and we had great innovation.

In regard to the tax bill, that is being debated. I think we are looking at some unique arguments that are being made. The Democrats are over there and they are fighting for the poor middle class American, and all Republicans are fighting for the rich. It is a great line. I love the line. But let's look to the wealthiest communities in America.

□ 1430

Go look right outside of D.C. Look in Northern Virginia. Are those wealthy communities, those counties in Virginia, are they Republican or Democrat? They are Democrat. L.A., San Francisco, Chicago, Boston, New York are all really rich communities that elect Democrats.

The wealthiest and biggest corporations, think of the tech industry in California or the biggest in America. What are they? They are Democrats. And that is why. When the tax debate comes up, you see Democrats fighting for loopholes and preferences for their big, wealthy friends.

And that is why, when Republicans here in this House said maybe to write off the mortgage interest on a \$1 million home, that might be a little too much, maybe we should lower it to \$500,000 of mortgage interest deductions, my Democratic friends freaked out.

Oh, no, the poor, middle class people in my community who have a \$1 million mortgage, they are just having a tough time getting by—that was the argument that was made, fighting for the loopholes and preferences for the wealthiest Americans, while we are fighting for the middle class.

You talk about investment in my bill? You want to talk about pension funds? What has happened to pension funds in America? What has happened to American 401(k)'s? They have gone through the roof because we are lowering rules and regulations in a smart way, and we are going to reform our

Tax Code to let families and businesses keep more of their income because they can spend it better than anyone in this town. They do it well.

So if you want to tank the markets, do what you have been doing and tank tax reform.

I want to get to my bill. This is on proxy advisory firms. I have taken awhile to get here, but the role of proxy advisory firms in the U.S. economy and shaping corporate governance is profound. These firms, they counsel pension funds and mutual funds and institutional investors on how to vote the shares of the corporations that they own.

You think, well, that is pretty benign. That is not a big issue.

Well, the shares of institutional investors' ownership in 1987 was 46 percent. Today, institutional investors own 75 percent of American corporations, billions of shares institutional investors control and look to proxy advisers for advice.

There are just two firms that control 97 percent of the market. So two companies, basically, are having a huge influence on American corporate governance, and they are involved in the writing and analysis and reports and voting recommendations that affect fundamental corporate transactions like mergers and acquisitions, approval of corporate directors and shareholder proposals—a huge impact on corporate governance.

And they are not immune from conflicts of interest. For example, in addition to providing recommendations to institutional investors about how to vote, proxy advisory firms may also advise companies about corporate governance issues, rate companies on corporate governance, help companies approve those ratings, and advise proponents about how to frame proposals to get the most votes.

I am going to come back to that in a second, but there was a Stanford University study that said institutional investors with assets under management of \$100 billion or more, they only make 10 percent of the voting decisions, which means they offload 90 percent to proxy advisory firms.

So I don't know if you are familiar with the Mafia, but you have got the old storekeeper on the block, and he is robbed one night—right?—gets beaten up and robbed, and the next day, the thugs come in and go: Hey, hey, I hear you were robbed last night. You pay a little fee, we'll take care of you and make sure you are not robbed anymore.

That is exactly what proxy advisory firms are doing. They are like: Oh, you got a bad recommendation. Let me tell you what. You buy our services, and we can help you in the future. Just pay the ransom, and we will help take care of you in future recommendations.

This is not the way corporate governance should work. So my bill brings

transparency and accountability to proxy advisory firms.

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

Mr. WOODALL. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Wisconsin, the sponsor of this legislation.

Mr. DUFFY. I thought that is what Democrats want: making them more responsive; bringing more competition into the industry; making it better for investors; specifically, again, a bipartisan bill. Republicans and Democrats voted for this legislation.

But we will ensure that proxy advisory firms are registered with the SEC. Oh, how bad is that, registering with the SEC, a little oversight?

We are going to disclose potential conflicts of interest. How radical is that idea?

Shouldn't we tell people that we have a conflict of interest, and shouldn't all parties be aware of it?

I don't know why my friends across the aisle, or the gentleman from Colorado would be opposed to that.

Maintain a code of ethics. That is not shocking. I think most people would agree to that point.

And make publicly available the methodologies for formulating proxy recommendations and analysis.

Again, this is transparency. This is a commonsense bill that both Republicans and Democrats have voted for because we have recognized—and again, I am not a big regulation guy, as the gentleman from Colorado had pointed out. But when you consolidate a great deal of power in two companies that have a huge impact on American corporate governance, that makes a lot of people uncomfortable; and to have a little more oversight, to have a little more transparency, to have a little more accountability is a really, really good thing.

Some of the smallest companies have been the biggest complainers about how these proxy advisory firms have held them hostage. So let's support the small innovators, the big job creators in America that are complaining about the big proxy advisory firms. Let's stand with them and the families that they employ, and the future families, if they are successful, that they will employ, and let's give a little more control to proxy adviser firms.

I ask all to support this great bill.

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

I can see my good friend, Mr. DUFFY, is very excited about this, very engaged. It is a hard issue. I don't think many Democrats are that excited either way. They are all going to decide where they stand because it is just a fight between corporate CEOs and big institutional investors. They are both fine. I mean, you have got to pick one or the other in voting "yes" or "no" on this bill.

I think, as Democrats, we are more interested in how the people are doing who are working for those companies. How are we doing about sustainable practices over time?

Yes, every Democrat and Republican will cast their vote here either for institutional investors or for corporate CEOs and insular boards. Fine.

It does add paperwork. We talked about that. Mr. DUFFY said: Oh, it adds paperwork. Democrats should like it.

Yes, maybe there are some. I think some Democrats voted for it in committee. There are Democrats that want to increase paperwork. I am not one of them. I want to decrease paperwork and streamline it.

But, no, I am sure there will be some Democrats who support it. There are probably Democrats who, themselves, agree with the corporate CEOs over the institutional investors.

I have taken a company public. I have run private companies. I have seen this world. I think it is a good thing that the share of institutional investment has increased. I don't have the statistics in front of me. The gentleman from Wisconsin said something along the lines of 46 to 75 percent of the capital is institutional.

The big problem in public corporate governance is not too much shareholder engagement; it is not enough. When you have a diffuse shareholder base, when you don't have institutional investors, when you have, proverbially, 200 people who each own half a percent of the company or even more and they never talk and don't know each other, the ability of management to run amok in their own interests, to the detriment of the shareholders, plagues our public marketplaces.

So to have sophisticated, active investors who own enough and can work together, sometimes through these proxy fights when it comes to it, to be able to maximize long-term value is a good thing. It is a good thing.

Of course, everybody can point to times that it has been good for companies and times it has been bad. Generally speaking, this bill is adding paperwork to move the bar the wrong way, to move it towards management, away from shareholders.

I agree you need a balance. I wouldn't support a bill that moved it all the way to shareholders either. You are just encouraging agitators to get in on a short-term basis and speculative basis.

But I think we are close to the right place; and if you ask me where I would move it, I would move it a little the other way to empower shareholders. In fact, I have a bill that does that. It is part of a bigger bill, but it is a bill that gives shareholders more of a direct say over the pay of top executives because, again, there is a problem with insular corporate boards. Part of the answer is empowering institutional investors and empowering individual investors.

So, look, Democrats will hold their nose and vote for either corporate CEOs or for big investors, and that is fine. I firmly think that the best interests of our economy and the people and sustainability lie in moving it toward the investors.

This bill moves it the wrong way and adds paperwork and costs to the investors. So I really think it moves the wrong way, which is why I oppose this bill, and I urge my colleagues to vote "no."

There was also a discussion, Mr. DUFFY mentioned why aren't we just talking about the rule. It is because, Mr. Speaker, like 56 other rules, it is a closed rule.

What else can we say about closed rules? We have said everything. There are no amendments. I could spend an hour complaining about how they are not allowing amendments in and it is closed and so are 56 other rules, but it is more productive to get to the underlying issues because we have had the debate on closed rules 56 times just in the last 10 months.

That is a record, Mr. Speaker. You should be proud of presiding over a record number of closed rules for a United States Congress. But it is not very interesting to talk about for another hour.

So they will talk about an interesting bill, a minor bill. I think I discussed that. I mean, we have a government shutdown; we have an issue with tax reform; we have DREAMers; we have a million things we could be doing. This is a minor bill.

Okay. Let's talk about the merits of giving the current corporate boards that might be too insular and the current CEOs and management a little more power, like this bill does, by increasing red tape and paperwork on investors versus the merits of empowering investors. Fine, we will have that discussion. We will cast our ballots. We will see what happens.

Another issue that is very important and timely that this Congress should get to is the one my good friend Mr. SEAN PATRICK MALONEY raised. When we defeat the previous question, we can bring up an issue that, again, is not a partisan issue.

As the cofounder of Apple, Steve Wozniak, said, the end of net neutrality would end the internet as we know it. It is an issue every American citizen is looking to us to take leadership on.

In my time in office, I have had to make a number of controversial votes, whether it is for the Affordable Care Act or repeal of this or that, and often-times I hear from constituents on both sides. I remember we got thousands of letters for the Affordable Care Act, thousands of letters against it—very typical.

Net neutrality has been a unique and singular experience in my 9 years in

Congress. We received 1,500 calls and over 5,000 emails about the issue, and I asked my staff to double-check this because I didn't believe this, and they did. One hundred percent of the emails and calls were for net neutrality. That is right. Not a single constituent of mine contacted me on the other side.

In a district that has a plurality of unaffiliated voters and a similar number of Republicans and Democrats, they are never shy to contact me. So it is not partisan. It certainly united Republicans, unaffiliated voters, and Democrats in my district to be unanimously for net neutrality, which surprised me. But it also means that Congress should not be tone deaf to that, and that is why it is important to defeat the previous question.

Republican Senators like Senator THUNE have come together to call on colleagues to come together and protect net neutrality. My good friend and colleague from Colorado MIKE COFFMAN announced that we should—the FCC should delay their vote and that we should protect net neutrality.

It is common sense, Mr. Speaker, and by defeating the previous question, we can get on to an issue that the American people care about rather than a fight between CEOs and investors and which side you take. It is about protecting your internet in your home so you can access the content of your choice—a consumer issue and an issue for small businesses.

We had a digital roundtable last night, Mr. Speaker. I think thousands of people from my district watched as I had several experts, including several small businesses from Colorado, talk about the importance of net neutrality to them in creating jobs and being able to have a predictable and sustainable business model, and then being able to compete with large, entrenched companies and be disruptive with new innovation.

So I hope that we can defeat the previous question and get on to that. If we don't, I am going to ask my colleagues to vote "no" on the bill that adds paperwork and costs, requiring SEC filings for the investors who are fighting bills, who are fighting proxy fights, and then I urge my colleagues to look closely at the privacy bill.

That one, again, I would not characterize as a major bill. I will be voting "no." I understand there might be some Republicans and Democrats voting "yes" on that one as well. But, you know, whether they delete that clause or not is hardly the game changer for the economy that tax reform will be.

I have ideas, bipartisan ideas, bills that I have sponsored with my Republican colleagues that should be part of tax reform, that would help the economy go, that would create far more jobs than a two-sentence disclosure, whether it is there or not, and, frankly, more important, also, than this,

whether the proxy fight people have to file with the SEC. I mean, I am sure they will be able to do it. I mean, yes, you Republicans want to give them more paperwork and create more bureaucracy, but I am sure they will survive.

□ 1445

But let's do something important like open process tax reform. We could be debating amendments right now and voting on them like our job—you know, like 100 amendments from Republicans and Democrats. I would even be open to let's just consider bipartisan amendments, throw out amendments that only Republicans support or only Democrats support.

To be fair, you are in the majority, Mr. Speaker, how about just amendments that Republicans alone support or are bipartisan? You don't have to do any Democratic amendments only because let's just have an open process. Let's allow some amendments.

Every amendment was locked out of tax reform. I offered like, what, 16 myself? I remember my colleague Mr. WOODALL was there. They were commonsense ideas. There was a little fix I did with Mr. TIPTON from Colorado for Kombucha, that is fermented tea, and it had to do with the tax treatment, de minimis. Senator CORY GARDNER supports it in the Senate, our Republican Senator. Noncontroversial, next-to-no fiscal impact, and the Rules Committee still didn't even allow me to debate the amendment on the floor for 10 minutes, for 5 minutes, for 1 minute.

Mr. Speaker, enough with these closed rules, and I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

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

Mr. Speaker, we have a couple problems with this rule. First of all, the rule brings to the floor the wrong bills. These are minor bills. I will give a recap in a moment, but oh, my goodness. Two sentences of a disclosure and a little more filing costs for pensions and investors. Okay. We will get past that. They probably won't become law anyway. You can blame it on the Senate, you can blame it on the House, but most of these things we do don't become law.

I understand that many of my colleagues are frustrated with the Senate, but whatever the case, we just do these things.

But there is stuff that might become law, that could become law, like tax reform; like the fact that the government is shutting down next week if we don't continue the funding. We have a clock ticking on our debt ceiling. We have 800,000 aspiring Americans who don't even know if they can go to work legally, like they can today, in another

few months because of President Trump's decision to end their provisional status.

These are real issues—the cost of healthcare going up for my constituents and yours. But we are not doing that. We are bringing up two bills. I will give you the summary of them. Even these two bills, closed process, no amendments. If I was able to offer floor amendments, as I said, I could offer an amendment that would actually move the balance the other way toward investors and empowering investor activism, perhaps even look at giving them a safer pay, if you will, over executive pay, and reining in some of the problems of this bill. But we are not allowed. We are not allowed to offer any amendments here on the floor.

[illegible]

That is 56 times Republicans have brought bills to the floor and haven't allowed Democrats or Republicans to offer amendments.

Look, my colleagues can say: Oh, Democrats weren't great on this, and they had too many when they controlled it. You know what? First of all, Republicans set a record. This is the most number of closed rules ever.

Secondly, I am not here to defend the Democrats. If the Democrats were in charge, they should offer more open amendments. There is no question. But Republicans, whatever they complained about the Democrats, they outdid them by a big factor. Ten months, 56 bills that no single Member of the House is allowed to offer an amendment on just to have a fair up-or-down vote. It is wrong. It is wrong.

That is why I hope my colleagues can defeat this rule to say: Enough is enough.

Mr. Speaker, we have to defeat this rule and move on to the issues important to the American people, and I yield back the balance of my time.

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

Mr. Speaker, my friend from Colorado is right. Time management is an important issue here on the floor, and we have got to manage it, whether it is closing statements or whether it is floor time throughout the day.

Every bill we bring to the floor is not going to be the most important bill that we bring to the floor, Mr. Speaker, by definition.

I hope that my colleagues were listening intently to my friend from Colorado, not necessarily during his open-

ing statement, and certainly not during his closing statement, but during the middle statement where he was talking about his vast knowledge of corporate boards and corporate structures.

I have the pleasure of serving on the Rules Committee with Mr. POLIS, Mr. Speaker, and there are not going to be many Members of this institution who have either been more successful in their private life, not just talking about it, but doing it, when it comes to leading institutions, and Members who work harder to try to find some common ground to move things forward.

I was just telling Ms. Rossi on my staff, Mr. Speaker, that it troubles me more when Mr. POLIS is on the floor and we can't find agreement, because I believe very often he tries harder than most to find that agreement here. Mr. Speaker, you see it on the front page of the newspaper day after day after day, folks talk about this institution as if we will never find agreement with each other.

There are some issues of principle where finding agreement is hard, where we just fundamentally disagree with one another.

It is not the case today, though, Mr. Speaker. Today, the case is that we have two bills that moved through regular order in the Financial Services Committee. That means, Mr. Speaker, that the committee took up the legislation first, that the committee sorted out the legislation first, and, Mr. Speaker, these bills, both of them, passed the Financial Services Committee with big bipartisan votes.

There are many opportunities for us to come to the floor and talk about things that divide us that we will never find agreement on. That is not today. Today, we have a chance to come to the floor and talk about differences that we can make together. Differences that are not just bipartisan, but differences that are nonpartisan; good ideas that can make a difference one life, one bill at a time.

Mr. Speaker, these bills are coming today under a closed rule for one, under a structured rule for the other. That is true. For the uninitiated, Mr. Speaker, that means that amendments aren't going to be offered. It doesn't mean that amendments weren't allowed. Mr. Speaker.

We sent out the call to the entire House of Representatives, 435 Members. We said we have two bills coming before the Rules Committee; we want you to send us all of your ideas, all of the different ways that you think these two bills can be improved.

We got back one idea. One. And we made it in order for a vote on the floor of the House. Dadgummit, Mr. Speaker, I think it is going to make the bill better. I intend to support that amendment that we made in order. It is a Democrat amendment. It came from

my friend Mr. CLAY on the other side of the aisle. I intend to support it because I think it is going to make the bill better.

Are there issues that are complex, that are partisan, that are structured in such a way that having an open rule isn't the choice that gets made? Of course there are. Of course there are.

I think my friend is right to criticize the majority when the process gets closed down in this way. But today, Mr. Speaker, I think my friend is wrong to suggest that the process is being closed down. The process was opened up to the entire institution. One amendment was received, one amendment was made in order. I hope, Mr. Speaker, that will be a practice that we continue going forward. Two good bills today, Mr. Speaker, if my colleagues support this rule: one from my friend Mr. TROTT, one from my friend Mr. DUFFY, and the bipartisan amendment offered by my friend Mr. CLAY.

Mr. Speaker, I urge all of my colleagues to support this rule, and then I hope they will come back to the floor and support the underlying bills as well.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 657 OFFERED BY
MR. POLIS

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4585) to prohibit the Federal Communications Commission from relying on the Notice of Proposed Rulemaking in the matter of restoring internet freedom to adopt, amend, revoke, or otherwise modify any rule of the Commission. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Cause 1(c) of rule XIX shall not apply to the consideration of H.R. 4585.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

IRANIAN LEADERSHIP ASSET TRANSPARENCY ACT

GENERAL LEAVE

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 658 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1638.

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

□ 1456

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1638), to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes, with Mr. MITCHELL in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chair, I rise in strong support of H.R. 1638, the Iranian Leadership Asset Transparency Act, introduced by my colleague and dear friend from Maine (Mr. POLIQUIN).

This legislation requires the Treasury Secretary to report to Congress on the assets held by the Islamic Republic of Iran's most senior political and military leaders, and on the probable sources and uses of those assets.

A classified version, if necessary, would be available, as appropriate, to Congress, and a public version of the report would be posted on the Treasury

Department's website in English and in the major languages used within Iran that could easily be downloaded.

The genius of this latter point is that it will allow the average Iranian to understand and circulate information of how their leaders are, in a phrase, robbing them blind, as well as aiding and abetting terrorists.

Iran's top political, military, and business leaders, if there is much of a distinction between those roles in Iran, fund terrorist-related activity, we know this, and through intricate financial arrangements that give them great flexibility in moving their money.

According to the nongovernmental organization Transparency International, Iran's economy is characterized by high levels of official and institutional corruption, and there is substantial involvement by Iran's security forces, particularly involving the Islamic Revolutionary Guard Corps.

Unsurprisingly, then, members of Iran's senior political and military leadership have acquired significant personal and institutional wealth by using their positions to secure control of major portions of the Iranian national economy.

Some estimates put their iron grip at a third or more of the country's economy, and some individual holdings in the billions of dollars; all at a time when the average Iranian citizen earns the equivalent of about \$15,000 a year.

The unwise sanctions relief provided through the Obama administration's nuclear deal with Iran resulted in the unwarranted removal of many Iranian entities that are tied to government corruption from the list of entities sanctioned by the United States.

□ 1500

Thankfully, however, the Trump administration has, in recent months, levied a number of needed new sanctions on Iranian individuals and entities. Still, the Transparency International index of perceived public corruption in Iran is higher than ever.

As well, the Treasury Department has identified Iran as a country of "primary concern for money laundering." Separately, the State Department has continually identified Iran as the world's foremost state sponsor of terrorism. Iran is, the State Department tells us, a country that has "repeatedly provided support for acts of international terrorism," and "continues to sponsor terrorist groups around the world, principally through its Islamic Revolutionary Guard Corps."

The bill before us today, the Iranian Leadership Asset Transparency Act, requires the Treasury Department again to list the known assets of senior Iranian officials in a form that is easily understandable and accessible to individual Iranians, as well as to those in the financial or business sector who might be concerned—hopefully con-

cerned—about inadvertently doing business with a corrupt Iranian entity.

The bill also requires the Treasury to evaluate the effectiveness of existing sanctions against Iran and make any appropriate recommendations for improving the effectiveness of sanctions.

The bill passed the Financial Services Committee last month with a bipartisan support vote of 43-16. The House approved a nearly identical bill just 18 months ago by a very strong vote of 282-143.

As passed by the committee, this year's version has an important addition, a sense of the Congress section, that urges the Treasury Secretary, in addition to other sources, to seek information for the report from private sector sources that search, analyze, and, if necessary, translate publicly available, high veracity, official records overseas, and provide methods of searching and analyzing such data in ways useful to law enforcement.

These source of services provide information that could augment information that is gathered, often by classified means, and provide a final public report that helps give the world a better picture of the true nature of Iran's economy.

Mr. Chairman, I urge immediate passage of Mr. POLIQUIN's thoughtful and bipartisan bill. I appreciate his leadership to bring us here today, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 6, 2017.

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

DEAR CHAIRMAN HENSARLING: Thank you for consulting with the Committee on Foreign Affairs on H.R. 1638, the Iranian Leadership Asset Transparency Act.

I agree that the Foreign Affairs Committee may be discharged from further action on this bill so that it may proceed expeditiously to the Floor, subject to the understanding that this waiver does not in any way diminish or alter the jurisdiction of the Foreign Affairs Committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. The Committee also reserves the right to seek an appropriate number of conferees to any House-Senate conference involving this bill, and would appreciate your support for any such request.

I ask that you place our exchange of letters into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 7, 2017.

Hon. ED ROYCE,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN ROYCE: Thank you for your December 6th letter regarding H.R.

1638, the "Iranian Leadership Asset Transparency Act", as amended.

I am most appreciative of your decision to forego action on H.R. 1638 so that it may move expeditiously to the House floor. I acknowledge that although you are waiving action on the bill, the Committee on Foreign Affairs is in no way waiving its jurisdictional interest in this or similar legislation. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this letter in our committee's report on H.R. 1638 and in the Congressional Record during floor consideration of the same.

Sincerely,

JEB HENSARLING,
Chairman.

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

Mr. Chairman, the legislation before us now, H.R. 1638, the Iranian Leadership Asset Transparency Act, represents what the Republican majority has become very good at doing, advancing bad public policy while claiming to advance the public interest.

H.R. 1638, the Iranian Leadership Asset Transparency Act, would require the Secretary of the Treasury to report to Congress on the estimated total assets under direct or indirect control of certain senior Iranian leaders and other figures, along with a description of how these assets were acquired and are employed, regardless of whether such individuals are subject to U.S. sanctions.

Although increasing transparency into corrupt regimes is a laudable goal, H.R. 1638 works counter not only to its own stated objectives, but also U.S. national security interests.

First, the level of scrutiny that would be needed to produce a credible report would place a very real strain on the Treasury Department, diverting significant resources away from Treasury investigators who are tasked with targeting conduct that is actually sanctionable; implementing existing U.S. sanction programs; and uncovering illicit conduct across the globe, including, importantly, efforts to identify the web of business interests that continue to enable North Korea to evade U.S. and international sanctions.

In addition to diverting scarce and critical resources, the bill's required report will have little use as a compliance tool, given that the most important parts would be classified, undercutting the legislation's own stated objective to help make financial institutions' required compliance with remaining sanctions more easily understood.

In fact, the creation of such a list, which would not be tied to any prohibition or legal action, would more than likely create confusion among the Office of Foreign Assets Control's regulated public and also mislead companies to believe that the Treasury list

replaces the due diligence efforts that they should otherwise be doing prior to engaging in business in Iran.

Moreover, because the report would be largely classified, the bill would do little to draw the Iranian public's attention to the corruption and unjust enrichment of their leaders, which is another stated purpose of the bill. In fact, any classified portion would inevitably be rejected by both the Iran regime and its people as U.S. propaganda, and a predictable attack on the country's government by the United States.

The true purpose of this legislation is to create reputational risk for companies that might seek to do legitimate business with Iran. For this reason, the bill would be a strategic mistake, as its report would undoubtedly be seized upon by Iran as an intentional effort to discourage international investment in Iran, which would be viewed by Iran and likely by the major world powers who joined us in the JCPOA as well as a violation of the expressed U.S. commitment under the nuclear deal not to interfere with the full realization of the relief provided to Iran under the accord.

When a nearly identical version of this bill was considered last Congress, the Obama White House threatened to veto the bill, stating that it would, "endanger our ability to ensure Iran's nuclear program is and remains exclusively peaceful."

Moreover, the Obama administration cautioned that the report called for in the bill would also compromise critical intelligence sources and methods. On that score, I would also note that the reporting requirement in the legislation calls for information about how sanctions evasion and illicit conduct is practiced, and potential countermeasures.

It seems far from prudent to give tips to our adversaries about how we learn about their misconduct and how we plan to respond. This legislation would have very limited practical utility, despite the huge diversion of resources it would take to produce. It also fails to meet its own stated objectives, including serving any usefulness as a compliance tool.

Finally, the measure would also likely have a negative impact on the continued viability of the nuclear deal, which is clearly a central objective. I am hard-pressed to think of a single piece of legislation that works so strongly against every single policy goal it claims to advance. Few issues are more important to global peace and security than preventing Iran from acquiring nuclear weapons. This bill would do nothing to advance that goal. In fact, if enacted, it could do grave damage to the important progress that has been made.

Mr. Chairman, I would urge my colleagues to join me in opposing this

measure, and I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield myself 10 seconds simply to remind the ranking member that in the State Department's latest Country Reports on Terrorism, Iran is labeled the "world's foremost state sponsor of terrorism."

Why we would want less information as opposed to more information on that rogue state is beyond me.

Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. POLIQUIN), the sponsor of the legislation and a distinguished member of the Financial Services Committee.

Mr. POLIQUIN. Mr. Chairman, I appreciate the opportunity to speak on behalf of my bill, and I am grateful to you for moving this very important bipartisan bill through the House Financial Services Committee.

I also want to thank my colleagues on the other side of the aisle who supported this bill last year. Unfortunately, it got stuck in the Senate, so we have got to do it again this year, but I am thrilled to be here.

Mr. Chairman, the primary responsibility of every Member of Congress, whether you are on the left side or the right side of the aisle, no matter what State you are from, what part of the country you are from, the major responsibility, the primary responsibility is to support and defend our Constitution. To me, that means protecting our families and those American citizens abroad.

Now, our moms and dads in Maine, Mr. Chairman, and across this country, are increasingly alarmed by the frequency of terrorist attacks here at home; another attempted 2 days ago in New York City. Today, Mr. Chairman, there are 1,000 investigations dealing with terrorist activities across this land in all 50 States. That is why H.R. 1638 is so important. This bill will help keep our families safe and keep them free.

In doing so, we must make sure this issue is not a political issue. National security never should be a political issue. Mr. Chairman, the Iranian Government, as Mr. HENSARLING just mentioned, is the chief state sponsor of terrorism and instability in this world.

These senior political leaders and their military leaders, including the Islamic Revolutionary Guard Corps, they train, they arm, and they fund terrorist organizations around the world. They have become experts at using the internet and social media to radicalize, recruit, and direct terrorists around the globe, including here in the United States of America.

Mr. Chairman, the Iranian Government has American blood on its hands. Now, Mr. Chairman, there are approximately 70 to 80 top political and military leaders in Iran that control about one-third of their domestic economy.

They use their power to corrupt the telecommunications industry, the construction industry, and other important ones in that land.

Reuters has conducted an investigation through publicly available information that found the Supreme Leader of Iran alone has accumulated tremendous personal wealth through a foundation claiming to help the poor. Now, while the corruption has grown in Iran, the average citizen there earns the equivalent of \$15,000 per year.

Mr. Chairman, the citizens of Iran and the people of this world should know how much wealth has been accumulated by those that sponsor terrorism and what that money is being used for.

Companies across the globe that are looking to do business with Iran should understand what they might be getting into. So I disagree with my colleague from California, the ranking member, who says that this is going to possibly create confusion; that it will possibly cause businesses around the world to hesitate from investing in Iran.

Well, guess what, Mr. Chairman. That is a good idea.

My Iranian Leadership Asset Transparency Act is a straightforward, main, commonsense bill. It simply requires the Department of Treasury to collect, to maintain, and to post online the list of these 70 to 80 senior political and military leaders and the assets, their personal assets, how this money was acquired, and what it is being used for.

As Mr. HENSARLING mentioned, it will require the Treasury Department to post this on their website in English as well as in Farsi, Arabic, and Azeri, the three languages that are mostly used in that country.

I might also add that my colleague on the other side of the aisle might be a little bit confused about this issue, but the information posted on this website will be that that is publicly available. There will be no information that should not be posted there that only Congress should have access to.

I have heard, Mr. Chairman, critics of this bill saying: Well, you know, it is not a good idea to expose the Iranian Government's corruption in funding of terrorism because, if you do so, well, the Iranian political and military leaders might not want to work with us.

Are you kidding?

These are the radicals who regularly chant "Death to America."

The CHAIR. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Chairman, I yield an additional 1 minute to the gentleman from Maine.

□ 1515

Mr. POLIQUIN. Hoping that these folks also abandon their support of terrorism by not shedding light on their corruption doesn't make any sense. Hope, Mr. Chairman, is not a national security strategy.

My bill makes sure that Congress gets its priorities straight. Protecting American families here at home and safeguarding our troops around the world who are fighting for our freedom is what we should be doing every way we can, and that is what this bill does.

Mr. Chairman, I would like to say that using one click of a computer from any corner of the globe to help expose illicit activities by the chief state sponsor of terrorism is a very, very good idea.

Let's stand up for all the peace-loving nations in the world. Let's stand up to help our families protect their kids. Let's stand up to protect our homeland. I ask everyone, Republicans and Democrats, please vote "yes" for H.R. 1638, the Iranian Leadership Asset Transparency Act.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. HECK), who is a member of the Financial Services Committee and who is my friend.

Mr. HECK. I thank the ranking member, Mr. Chairman, for yielding.

Mr. Chairman, this bill targets the leadership of Iran, and, frankly, that is probably a worthy goal in some regards. I think it eventually envisions publicizing negative information about them, and that might be an effective tool as well. We all know that. We have been through campaigns. We know negative advertising works.

That said, I oppose this legislation, and I do so for two reasons. The first is resources are finite. They are not unlimited; they are finite. Tracking down all the assets of these named Iranian leaders takes significant time, effort, and personnel.

Where are those resources supposed to come from?

All around this city, everybody is agitating for deeper cuts to nondefense discretionary accounts. If we are going to make cuts, we are going to have to make some tough choices.

The personnel responsible for implementing this bill would be diverted from terrorist financing and money laundering. Let me say that again. The people, the personnel responsible for implementing this bill would be diverted from terrorist financing and money laundering.

Propaganda about corruption of Iranian leadership—which I stipulate to here up front—could be valuable, but it can't be more valuable than stopping actual terrorist financing. Terrorist financing should be our target. Money laundering should be our target, not garden-variety corruption.

We had a lengthy discussion in committee just yesterday about using money laundering authorities to fight human trafficking. For God's sake, that has to seem more valuable than propaganda. It has to.

So until we solve these tight budget constraints, I think we need to make

the hard choice about what our priorities are and how to prioritize resources for stopping, again, money laundering and terrorism financing. Leave this effort for a world where the sequester has been lifted.

The second reason why I oppose this legislation, I can't help wondering: Shouldn't we apply this principle more broadly?

The idea here is that we should investigate and publicize it when a country's leadership has undisclosed assets, especially if those are overseas. That is the point of this legislation. We should investigate and publicize it when a country's leadership is using government resources to enrich itself. But why—why—just apply that principle to Iran?

I am informed in my point of view here by wisdom I found in this black, leather-bound book that I gratefully received when I was sworn into office 5 years ago. In fact, the passage that I will cite you actually occurs in two places. Let me share it with you now:

"How can you say to your brother, 'Brother, let me take the speck out of your eye,' when you, yourself, fail to see the plank in your own eye? You hypocrite, first take the plank out of your own eye, and then you will see clearly to remove the speck from your brother's eye."

So I wonder: When is this Congress going to turn its attention to the plank in our eye?

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROYCE), who is the chairman of the Foreign Affairs Committee and a senior member of the Financial Services Committee.

Mr. ROYCE of California. Mr. Chairman, with all due respect to the arguments on moral equivalency with respect to Iran, the reality is that this is a government that starts its morning prayers with: "Death to America. Death to Israel." The Ayatollah makes it clear he means it.

So, yes, we should try to remove the plank from our eye, but we should not remove our eyes from the fact that what we have in terms of policy being directed from the Ayatollah and the Islamic Revolutionary Guard Corps is a policy that calls for the destruction of the United States of America.

Now, Mr. Chairman, this bill has a powerful goal, and it is to expose the corrupt nature of the Iranian regime. But when we talk about why, the answer is because the personnel responsible for carrying out these assassinations, that have us concerned about carrying out terror are, in fact, the leadership in Iran of these organizations that we attempt to identify here. That is the job of doing terror research and cutting off terror finance. That is what we are supposed to be doing.

This regime claims to be more than a government. It claims to be a revolu-

tion. They call themselves the Islamic Revolution. But when you look at it closely, as this bill requires the Treasury Department to do, the regime in Tehran resembles something else, a criminal enterprise, because, from the Supreme Leader to the Revolutionary Guard, these so-called servants of the Revolution control one-third of the Iranian economy because they seized it. They seized everybody's private property in terms of these companies. The Supreme Leader's empire alone is worth \$95 billion.

This is called the Execution of Imam Khomeini's Order, or Setad. It holds stakes in just about every sector of the Iranian industry, including finance, oil, and telecommunications.

These funds are not simply used to enrich Iranian officials. That is not our problem here. It is not that they are propping up the regime. It is thanks to Iran's lack of money laundering control they are easily used to destabilize the entire region. That is what they are doing now by funding terrorism abroad and fueling Iran's ballistic missile program at home.

These ICBMs, by the way, they announce, are intended for us.

So that is why, as this bill says, the Treasury Department—and the bill notes this—has identified Iran as a jurisdiction of primary money laundering concern. This means that any transaction with Iran risks supporting the regime's ongoing illicit activities, their terrorists activities.

Mr. Chairman, I thank my colleague, Mr. POLIQUIN, for introducing this bill and Chairman HENSARLING for working with us to get it to the floor.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER), who is a longtime supporter of diplomacy with Iran and a strong supporter of the nuclear deal.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate her advocacy on this.

This is serious business. There are people—no secret—in the administration and there are people in Congress who would like to undermine this agreement. The mixed signals that have been sent by the administration are truly disturbing.

One has to wonder what North Korea is thinking about, that there are people who suggest that we ought to go ahead and blow it up when, in fact, they are abiding by the terms of the agreement, and officials in the administration agree with this. What sort of deterrent is that to North Korea in terms of its reckless action with nuclear weapons? It seems to reinforce that behavior.

But there are also elements in Iran, hardliners who didn't agree with this agreement, who felt that it was too evenhanded, who felt that the leadership gave up too much, and who don't

want closer relationships with the United States or the other Western powers that worked with us—including China and Russia—to enact this historic agreement, which, as I pointed out, was agreed to even by officials in the Trump administration that Iran has abided by.

Are they a nation of bad actors? Absolutely. There are forces within the government that are very destructive. But the point is we focused on something that all of us agree is absolutely critical, and that is not having Iran rushing forward to become another nuclear state. We have seen that the breakout time under this agreement has lengthened. It is acting as we intended.

It was also one of those rare areas where we actually had Germany, Great Britain, France, Russia, and China working with us to negotiate an agreement.

Now, this is going to be perceived as an effort by the United States to undermine the agreement. Should we give them and the hardliners in Iran an excuse to walk away because we violated it? What is going to be the assessment of our allies who are deeply committed to this and have resisted efforts to unravel it?

We need all the help we can get in the international arena. We have watched this administration systematically isolate us, this last week with the reckless decision to go ahead and relocate the Embassy—or at least claim we are going to relocate the Embassy—condemned by virtually everybody else in the world. We are standing alone with an action to destabilize a very volatile situation.

This comes forward at a time when Iran is abiding by it, to go ahead and crank up the report on the assets of a variety of Iran's senior political, religious, and military leaders, including people who aren't subject to the sanctions.

It is placing, it has been mentioned, strain on the Department that has finite resources—it needs to focus on things—taking away resources from efforts to target on actual sanctionability. It seems to be decidedly wrongheaded.

It is interesting that Congress had until this week to reimpose the sanction lifted under the agreement per Trump's decertification in October. Congress chose not to. I think that was a wise decision. To me, it indicates, at least, that the agreement has been largely successful.

But, if we are going to jeopardize the framework, giving the hardline elements an opportunity to claim that we are repudiating, while giving a green light to some of the folks there who have no intention of being able to work on a cooperative basis, we ought not to fan the flames. We ought to be trying to nurture opportunities for cooperation.

We should focus on areas where they are doing things we don't agree with. If you want to target some specific sanctions that we somehow haven't imposed that are within the purview of the framework and wouldn't violate it, go ahead. But having these actions, I think, sends the wrong signal. It is the wrong resource.

Mr. Chairman, I think it is important to reject this legislation.

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. EMMER), who is a hard-working member of the Financial Services Committee.

Mr. EMMER. Mr. Chairman, since our founding, and as Ronald Reagan emphasized regularly, America has stood as a shining city upon a hill whose beacon light guides freedom-loving people everywhere. Today we have an opportunity to shine a little brighter.

As we continue our battle to defeat terrorism, the Islamic Republic of Iran remains dangerously corrupt. While the average Iranian earns a mere \$15,000 a year, corrupt, top political and military leaders control an estimated one-third of the nation's total economy. These same leaders are, more often than not, the same ones who repeatedly provide support for acts of terrorism in the Middle East and continue to sponsor terrorist groups around the world.

Unfortunately, the Iranian Government continues to tolerate this corruption, which is why the State Department has named Iran as a country of primary concern for money laundering and it continues to be listed as a state sponsor of terrorism.

These officials who perpetuate such destructive and destabilizing behavior should and need to be exposed.

Today, I encourage my colleagues to support H.R. 1638, the Iranian Leadership Asset Transparency Act. This bill will require a list of the known assets of senior Iranian officials to be made publicly available in all three of Iran's major languages. Specifically, the U.S. Treasury Secretary will submit a report to Congress on the assets held by Iran's most senior political, military, and business leaders and on the probable sources and uses of the assets.

□ 1530

This report will serve as yet another tool in the toolbox of businesses and financial institutions, both foreign and domestic, to better comply with existing sanction regimes and international financial restrictions.

It will provide clarity and certainty for companies when determining the legitimacy of their business partners if they decide that doing business with Iran is in their interest.

Moreover, with this information, with better knowledge of where their money is going, Iranians who wish to

invest not in terrorism or in corruption, but in freedom, can.

Today, we can help the freedom-loving people of Iran. We can help shine a light on Iran's corruption, and America can continue to be a shining city on a hill.

I appreciate the work of my colleague from Maine (Mr. POLIQUIN), whom I am proud to serve with on the Terrorism and Illicit Finance Subcommittee. I thank Chairman HENSARLING and Monetary Policy and Trade Subcommittee Chairman BARR for moving such an important bill through the committee and to the floor today. I urge all of my colleagues to vote in support of H.R. 1638.

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

Mr. Chair, I would like the author of this bill, Mr. POLIQUIN, and perhaps the chairman of our committee, Mr. HENSARLING, to answer the question that I am about to propose, and that is this: We have allies with us in this agreement. This is an agreement that was worked on for a long time. We have Russia, China, Germany, England, and France. What are our allies saying about our attempt to interfere with the agreement?

What are they saying about whether or not we can be trusted to live up to the commitments that we have made?

What are they saying about our attempts to add to, lengthen, and create new, really, what have become obstacles to peace?

I would ask my friends on the opposite side of the aisle, as they talk about targeting certain leaders—I don't know what leaders they are talking about—and wanting to know about their assets and where their assets came from and how they are being used, I ask my friends on the opposite side of the aisle: Are you willing to do that for certain leaders in our own country?

I just heard from one of the speakers, I believe it was Mr. ROYCE from California, who identified the worth of one of the supposed leaders. It seems to me that it did not nearly match the worth of many of those who are in our Cabinet and who are in higher places in our government. And I wonder what we are trying to do.

First, answer the question, if you will, about what our allies are saying. And secondly, answer the question about disclosure as it relates to those at the highest office in our country and those who are serving in the Cabinet.

Also, when you talk about money laundering, answer the question about the relationship between the leader of this country and Deutsche Bank, that is known as a money laundering bank, that is involved with the President of the United States.

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

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from

Ohio (Mr. DAVIDSON), who is never an apologist for the leading state sponsor of terrorism in the world. He is a proud member of the Financial Services Committee.

Mr. DAVIDSON. Mr. Chairman, I just have to say, I am in shock. I am listening to the kind of thinking that, if it had caught on in the eighties, may have allowed the Cold War to continue.

When I enlisted in the Army, I was privileged to serve in Germany, wear our country's uniform, and see the fruit of generations of work. I also saw the concern that Germans had that Ronald Reagan was going to cause World War III and that actual leadership was somehow a problem.

Instead what we saw was that Mr. Gorbachev didn't tear down the wall. The United States of America didn't tear down the wall. The East German people tore down their own wall.

And why did they do that?

They did that because they knew the truth of what was on the other side.

Mr. POLIQUIN's bill is a major effort to try to help the people of Iran get their country back. They are under a strong authoritarian leadership system that has oppressed their people and caused harm throughout the region and, in fact, throughout the planet.

Meanwhile, I am so thankful that this is a bipartisan bill. The Members opposed to this would have asked more public disclosure of public company CEOs than they would of enemies of our country, and that is hard to understand.

Mr. Chair, I was sent here to represent the people of the Eighth District of Ohio and to support and defend the United States of America. I don't think there is anyone who has sworn an oath to support and defend 80 leaders in Iran.

This bill does not violate the JCPOA. It doesn't touch it. It simply says we are going to gather this information.

As far as diverting resources, this is the leading state sponsor of terror. It is precisely focused on the problem, and it gives the people of Iran a chance for freedom that so many people of the world enjoy.

I am thankful that we have the opportunity to try to make this difference. I encourage every Member of the House to vote for it, and those who thought they were opposed, to reconsider a rational, measured action to try to change the world for good.

Ms. MAXINE WATERS of California. Mr. Chair, the gentleman from Maine (Mr. POLIQUIN) will give some information that I think is very important to understand how this bill would work.

The gentleman who just spoke said that this has nothing to do with the agreement. Then what is it you are adding to? What is it you are trying to change or make better? If it has nothing to do with the agreement, then why are we doing it?

Mr. POLIQUIN. Will the gentleman yield?

Ms. MAXINE WATERS of California. I yield to the gentleman from Maine to respond to that description of what this bill is all about.

Mr. POLIQUIN. Mr. Chairman, to the gentlewoman from California and to the other side of the aisle, I do want to make sure I make a few things clear.

First of all, I am not sure if it was the gentlewoman or someone else saying: Why in the dickens would we divert resources away from fighting terrorism to post this information on the Treasury website? It costs too much.

Well, with all due respect, the CBO estimates it will cost \$500,000 to do this for 2 years. The United States Treasury Department has a budget of \$14 billion per year. That is number one.

Ms. MAXINE WATERS of California. Reclaiming my time, I thank you for wanting to talk about something else, but I yielded to you to see if you could help me with information about what was stated that the gentleman who spoke before you said that this bill had nothing to do with the agreement.

Mr. POLIQUIN. Will the gentleman yield?

Ms. MAXINE WATERS of California. Is the gentleman prepared to respond to the question that I have raised?

If you are going to talk about what this bill has to do with the agreement, when the gentleman said it has nothing to do with the agreement, then I yield to the gentleman from Maine.

Mr. POLIQUIN. Mr. Chairman, the dangerous Iran nuclear deal that was put together a year and a half or 2 years ago has absolutely nothing to do with exposing the wealth that has cumulated through corruption by the top 70 to 80 Iranian political and military leaders and posting that for the world to see. I am sure the ranking member knows this has zero to do with the Iran nuclear deal.

Ms. MAXINE WATERS of California. Reclaiming my time, we know that there are individuals who are sanctionable in the deal.

What I thought you were attempting to do is to expand that and to identify more leaders and try and understand where the assets come from, what they use them for, whether or not they are involved in money laundering. But the gentleman said it had nothing to do with the deal.

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

The Acting CHAIR (Mr. JODY B. HICE of Georgia). The Chair would remind all Members to direct their remarks to the Chair, please.

Mr. HENSARLING. Mr. Chairman, I yield myself 30 seconds just to say in the time the ranking member was speaking, I went back, yet again, to read the nine-page bill. Nowhere is the JCPOA mentioned in the bill.

Iran was the leading state sponsor of terrorism before the JCPOA. They re-

main the world's foremost state sponsor of terrorism after the JCPOA. We ought to know something about the leadership of this terrorist nation, and I think the next speaker will tell us even more.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. BUDD), another outstanding member of the Financial Services Committee.

Mr. BUDD. Mr. Chairman, I rise today in support of Mr. POLIQUIN's bill, the Iranian Leadership Asset Transparency Act, and I thank him for his leadership on this issue.

It is not uncommon these days to see Iranian fingerprints all over the instability and unrest that plague the Middle East. That is why our own State Department classifies Iran as a country of primary concern for money laundering and international terror financing.

Just this weekend, Mr. Chair, we saw their handiwork yet again. This time, it was Lebanon, where the now largely Iranian-backed Hezbollah influenced government called for economic sanctions on the United States. Why?

Simply for recognizing Jerusalem as the capital of Israel.

Just a few at the top in this corrupt Iranian regime are flush with cash, but they support illicit causes and terror in the Middle East, all the while the average Iranian gets by on an average salary of \$15,000 a year.

Accountability for those profiting at the top, at the expense of those suffering at the bottom, is long overdue. Luckily, Mr. POLIQUIN's bill helps us to achieve this goal by requiring that the Treasury Department provide a report to Congress on the financial assets of these senior Iranian officials involved in corruption and illicit finance.

Also, if enacted, this bill will shed light on Iranian terror activities and let the Iranian people know how their leaders actually operate. This is a key aspect of the bill, since most news is disseminated through government-controlled outlets. True information is hard to come by.

The bottom line is this: This is an important piece of legislation that I believe will help disrupt the Iranian terror network. I urge all my Democrat colleagues to support this measure. Let's send a message to this regime that this body, the people's House, is united on this front, and let's send a message to the Iranian people that we are with them as well.

I again thank my friend, Mr. POLIQUIN from Maine, for his leadership on this issue, and I urge adoption of his legislation.

Ms. MAXINE WATERS of California. May I inquire as to how much time I have remaining.

The Acting CHAIR. The gentlewoman from California has 10½ minutes remaining.

Ms. MAXINE WATERS of California. Mr. Chairman, I have here a Statement of Administrative Policy from the previous President, where he advised us when this bill came before the House before that it would be vetoed by the administration.

I will read to you from one of the paragraphs in the veto message. He said, in addition: "This bill's required public postings also may be perceived by Iran, and likely our Joint Comprehensive Plan of Action, JCPOA, partners as an attempt to undermine the fulfillment of our commitments, in turn, impacting the continued viability of this diplomatic arrangement that peacefully and verifiably prevents Iran from acquiring a nuclear weapon."

If the JCPOA were to fail on that basis, it would remove the unprecedented constraints on and monitoring of Iran's nuclear program, lead to the unraveling of the international sanctions regime against Iran, and deal a devastating blow to the credibility of America's leadership and our commitments to our closest allies.

I think that is a very powerful statement. I do know that Iran is in compliance. We have a very strict and strong monitoring program, and they are in compliance.

□ 1545

So the questions become: If indeed they are in compliance, why would we interfere with the plan? Why would we jeopardize this plan that has been worked on with our strong allies in an attempt to try and find another way to say that Iran must be scrutinized?

Everything in this plan has to do with discontinuing the development of nuclear capability. I think we should respect the work that we have done with our allies and discontinue all of these attempts to undermine the deal that we have entered in with and caused our allies to distrust us.

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

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. LANCE), a member of the House Energy and Commerce Committee.

Mr. LANCE. Mr. Chairman, I rise in strong support of the Iranian Leadership Asset Transparency Act, and I thank Chairman HENSARLING and Representative POLIQUIN for their leadership on this issue.

We must be scrutinizing the financial dealings of senior Iranian political and military leaders. It is in the national security interest of the United States to understand the international web of finances that supports terror operations and other nefarious causes.

I am pleased that this bill includes an amendment I proposed to target the head of the Atomic Energy Organization of Iran, a position currently held by Ali Akbar Salehi, to the list of Iranian leaders named in this legislation.

Given Iran's violations of international law and its clear ties to international terrorism—it is, after all, the leading state sponsor of terrorism across the globe—we should be monitoring the finances of the head of its nuclear program to ensure compliance with sanctions and other laws.

For years, the Iranian regime has been mired in institutionalized corruption, to the detriment of the people of that great country. In the nexus of nuclear weapons, state-sponsored terrorism, money laundering, secret financial agreements, and mass pilfering from the Iranian people is cause for great alarm. This legislation is a response to all of that. It is completely bipartisan in nature. It is the way we should act in the House of Representatives in a bipartisan capacity. The national security interests of the United States know no partisan bounds.

Mr. Chairman, we need all of the tools at our disposal to investigate the finances of this terrorist regime.

I urge a "yes" vote on Mr. POLIQUIN's legislation.

Ms. MAXINE WATERS of California. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining on my side?

The Acting CHAIR. The gentleman from Texas has 5¾ minutes.

Mr. HENSARLING. Mr. Chairman, I yield 2½ minutes again to the gentleman from Maine (Mr. POLIQUIN), the sponsor of the legislation.

Mr. POLIQUIN. Mr. Chairman, I did want to respond to the gentlewoman from California and to other folks who are on the other side of this bill.

First of all, I think it is very clear to the world that the Iranian Government has been cheating on the nuclear deal almost since day one. I think it was within months, Mr. Chairman, that they test-fired both medium-range and long-range ballistic missiles, in violation of an 8-year ban on developing those conventional weapons.

So I think it is kind of silly for us to be debating here about a government that sponsors terrorism and vows to wipe Israel off the face of the Earth and kill as many Americans as they can, as a leadership regime that is going to abide by this agreement when they have proven they are not.

Second of all, as I have mentioned several times, my bill has nothing to do with this agreement. But, then again, someone on the other side of the aisle, Mr. Chairman, also said: Well, we think American officials, American leaders, should be responsible for disclosing that.

Well, here is the difference: America does not sponsor terrorism. The Iranian Government does.

That is exactly what we are trying to get at, Mr. Chairman. I am trying to understand what folks who will not

support this bill are going to say when they go back home at Christmastime, when they had an opportunity to shed sunlight on the top political and military leaders in Iran who are ripping off the Iranian people and who are sponsoring terrorism, why it is a bad idea to make sure this information is public to the world as well as to the Iranian people. I would like to understand what they are going to say when they go back home and talk to their constituents.

Mr. Chairman, I am grateful for this opportunity. This is a terrific bill. It does something very common sense: put pressure through sunlight, through transparency, on the chief sponsor of terrorism in the world—the Iranian regime.

Ms. MAXINE WATERS of California. Mr. Chairman, I appreciate the information that is being shared by my colleague, Mr. POLIQUIN. I am going to yield more time to him to explain to me: The missiles that he is describing in Iran, that are not a part of the deal, of the plan, are they similar to the missiles that are being fired with nuclear warheads from North Korea.

Mr. POLIQUIN. Will the gentlewoman yield?

Ms. MAXINE WATERS of California. I yield to the gentleman from Maine.

Mr. POLIQUIN. Mr. Chairman, can the gentlewoman repeat the question again? I didn't understand it.

Ms. MAXINE WATERS of California. Mr. Chairman, I said: The missiles that he is referring to, that he is concerned about with Iran, that are not a part of the plan, are they similar to the ballistic missiles that are being fired from North Korea with nuclear warheads possibly on them?

Mr. POLIQUIN. Mr. Chairman, the missiles that I was referring to are very clear to the gentlewoman from California. They deal specifically with the Iran nuclear deal, which is a dangerous deal for this world and for this country. It has nothing to do with any issue dealing with North Korea.

Ms. MAXINE WATERS of California. Are they more dangerous than the missiles from North Korea?

Mr. POLIQUIN. What difference does that have to do with the—

Ms. MAXINE WATERS of California. Mr. Chairman, reclaiming my time, I will tell Mr. POLIQUIN what difference it makes.

Here we are with threats from North Korea and the President of the United States unwilling to be involved with diplomacy, who, rather, would like to basically mimic and mock the leader of North Korea by calling him "Little Rocket Man," and by telling the Secretary of State: Don't talk to him. It is no use to talk with him.

So here we have North Korea, who has already indicated that they have missiles that will reach us right here in the United States, anywhere in the

United States, and Mr. POLIQUIN is telling me about his concern about missiles in Iran that are not a part of the nuclear deal.

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

Mr. HENSARLING. Mr. Chairman, I have no other speakers, and I believe I have the right to close.

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

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

The Acting CHAIR. The gentlewoman from California has 6 minutes remaining.

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

Mr. Chairman, I include in the RECORD a statement from J Street that is in opposition to this legislation.

J STREET,
December 12, 2017.

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBERS OF CONGRESS: J Street urges Members to oppose H.R. 1638 and H.R. 4324, which would undermine or violate the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear activities.

J Street again urges Members to oppose the "Iranian Leadership Asset Transparency Act" (H.R. 1638). As we noted in our statement opposing the bill when it was introduced last year, it risks harming the U.S. Government's ability to ensure Iranian and third party compliance with the agreement and to counter Iran's dangerous non-nuclear behavior by redirecting and tying up the very USG personnel and resources charged with those tasks.

J Street also urges Members to oppose the so-called "Strengthening Oversight of Iran's Access to Finance Act" (H.R. 4324), which is clearly intended to lead to a U.S. violation of the JCPOA.

This bill would impose additional certification requirements on the administration in order to carry out current U.S. obligations related to commercial aircraft sales under the JCPOA. These new obligations require the administration to certify that Iran is not engaged in certain non-nuclear activity, or issue a national security waiver saying they'll allow the planes to be sold anyway. In other words, it imposes new, unilateral terms for continuation of the JCPOA that are unrelated to Iran's nuclear conduct.

It has been widely reported in connection with the president's recent refusal to make the necessary certification to Congress under the Iran Nuclear Agreement Review Act that the president resents having to undertake official actions to keep the United States in compliance with the JCPOA. Proponents of this legislation clearly hope to make use of the president's apparent resistance to taking such steps by adding a new certification requirement that they hope he will also fail to meet—thereby blocking the sale of commercial aircraft and forcing a U.S. violation of the agreement.

Anyone doubting that this is the point of the bill need look no further than the first finding, which makes clear that this bill is a gratuitously anti-Obama, anti-JCPOA vehicle, and not a serious.

Ms. MAXINE WATERS of California. Mr. Chairman, I also include in the

RECORD a Statement of Administration Policy from the previous Obama administration, which I read a paragraph from.

STATEMENT OF ADMINISTRATION POLICY
H.R. 5461—IRANIAN LEADERSHIP ASSET
TRANSPARENCY ACT

The Administration shares the Congress' goals of increasing transparency and bringing Iran into compliance with international standards in the global fight against terror finance and money laundering. However, this bill would be counterproductive toward those shared goals.

The bill requires the U.S. Government to publicly report all assets held by some of Iran's highest leaders and to describe how these assets are acquired and used. Rather than preventing terrorist financing and money laundering, this bill would incentivize those involved to make their financial dealings less transparent and create a disincentive for Iran's banking sector to demonstrate transparency. These onerous reporting requirements also would take critical resources away from the U.S. Department of the Treasury's important work to identify Iranian entities engaged in sanctionable conduct. Producing this information could also compromise intelligence sources and methods.

One of our best tools for impeding destabilizing Iranian activities has been to identify Iranian companies that are controlled by the Islamic Revolutionary Guards Corps (IRGC) or other Iranians on the list of Specially Designated Nationals and Blocked Persons (SDN List) to non-U.S. businesses, so that they can block assets or stop material transfers. This process is labor-intensive and requires the judicious use of our national intelligence assets. Redirecting these assets to preparing this onerous public report would be counterproductive and will not reduce institutional corruption or promote transparency within Iran's system.

In addition, this bill's required public postings also may be perceived by Iran and likely our Joint Comprehensive Plan of Action (JCPOA) partners as an attempt to undermine the fulfillment of our commitments, in turn impacting the continued viability of this diplomatic arrangement that peacefully and verifiably prevents Iran from acquiring a nuclear weapon. If the JCPOA were to fail on that basis, it would remove the unprecedented constraints on and monitoring of Iran's nuclear program, lead to the unraveling of the international sanctions regime against Iran, and deal a devastating blow to the credibility of America's leadership and our commitments to our closest allies.

As we address our concerns with Iran's nuclear program through implementation of the JCPOA, the Administration remains clear-eyed regarding Iran's support for terrorism, its ballistic missile program, human rights abuses, and destabilizing activity in the region. The United States should retain all of the tools needed to counter this activity, ranging from powerful sanctions to our efforts to disrupt and interdict illicit shipments of weapons and proliferation-sensitive technologies. This bill would adversely affect the U.S. Government's ability to wield these tools, would undermine the very goals it purports to achieve, and could even endanger our ability to ensure that Iran's nuclear program is and remains exclusively peaceful.

If the President were presented with H.R. 5461, his senior advisors would recommend that he veto this bill.

Ms. MAXINE WATERS of California. Mr. Chairman, we are opposed to this

bill not because we are not concerned about the security of our country and security of our allies in the Middle East. The Members on the opposite side of the aisle don't care any more than we care, but we respect when our leadership and our country gets involved and negotiates with another country, such as they have done with Iran, and they come to some agreements. We would like our country to live up to the agreement.

When we have included in that agreement a description of the monitoring that will be done, and when that monitoring is being carried out, and when it is represented to us by those that we have in charge of that monitoring that that country, Iran, is in compliance, we believe them. And when we trust our negotiators, when we trust our country, when we trust our leadership, and Iran is in compliance, there is no reason to try and undo the deal. There is no reason to come behind the agreement and what has been negotiated and begin to think of ways that they believe we ought to expand that agreement. We could, in the Congress of the United States, come up with a new idea every day. With all of the Members of this House, with all of the different thoughts and, possibly, ideas, and everybody thinking they are smarter than everybody else, we could come up with all kinds of plans to interfere with that agreement.

But I would advise the Members of this House and the Members on the opposite side of the aisle that they do not need to do this. This is a bad idea. I would advise them to put faith in the negotiations that have gone on and to accept the representations about compliance that we are being given. We are being assured that not only is the monitoring taking place, but Iran is in compliance.

So, again, I am so worried about our role in this country today and the fact that our leadership is being diminished day by day because of the way that our President and the White House is handling our relationships with other countries. As a matter of fact, we see a President that is endangering us and destroying relationships constantly.

I mention that we have in this deal Russia, China, Germany, England, and France. I asked the question: What are our allies in this agreement saying about our attempts to interfere with the agreement? Do they agree with them? Are they consulted? Are they unhappy about what is being done?

I suppose they could do the same in their countries every day. They could come up with new ways to interfere with the agreement. They could begin to ask questions about us and why we are doing what we are doing. They could even ask questions about why are we concerned about the assets of those who are not sanctionable when we are not concerned about the assets of our own President.

Mr. Chairman, this is Mr. POLIQUIN's bill. He wants to know about the assets of leaders in Iran.

Has he seen his President's tax returns? Does he know about his assets? Does he know about where they have come from? Does he know about how they are utilized?

I don't think so.

So I think it is very, very important for us to do everything that we can to have our allies trust us, to live up to the deals that we make, not to ask more of others than we are willing to do ourselves, no.

We are not sponsors of terrorism. We are a people who have always tried to avoid war. Unfortunately, we have engaged in it, and we know that it is not the best answer to trying to deal with the problems that we encounter around the world. I do believe that we honestly try to avoid war and that we work for peace.

This is working for peace, and peace in the Middle East is one of the most important goals that we should have. I see the opportunities for that eroding every day.

So I would ask Mr. POLIQUIN to think about what he is doing. I believe that his intentions are good, but I think it is a bad bill.

Mr. Chairman, I ask for a "no" vote on this bill. It is not needed. I think it creates problems with our allies, and they begin to wonder whether or not they can trust us. We are an honorable people and we are leaders in the world, even though it is being questioned more and more.

Mr. Chairman, I ask Members to vote "no" on this bill, and I yield back the balance of my time.

The Acting CHAIR (Mr. RODNEY DAVIS of Illinois). The Chair reminds all Members to address their remarks to the Chair.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Texas has 3¾ minutes remaining.

□ 1600

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

Mr. Chairman, I find it fascinating how often the ranking member criticized our own President and didn't have one critical comment for the President of Iran, the nation which our State Department, including the Obama State Department, has labeled as the world's foremost state sponsor of terrorism. But yet, in the last almost hour we have not heard one single critical word.

We hear much about the JCPOA, the Iran nuclear deal, perhaps one of the worst arrangements, international agreements that has ever been entered into by our country, but look as I may, in the legislation—and it is 9 pages long, not 900—you will not see the JCPOA in it.

Mr. POLIQUIN's bill, the Iranian Leadership Asset Transparency Act, is just that. It is seeking to have greater international transparency for the leaders of this rogue nation, regardless of the JCPOA.

Let's remember what the gentleman from Ohio reminded us, that it was because of information, including radio-free Europe, that went across the Iron Curtain that ultimately brought that curtain down and freed millions. We want to make sure the Iranian people know about their own leadership.

Our own State Department has said the Iranian Islamic Revolutionary Guard Corps' Quds Force along with Iranian partners, allies, and proxies continue to play a destabilizing role in military conflicts in Iraq, Syria, and Yemen, but the ranking member says: Oh, let's not say anything about their leadership because we might hurt their feelings.

The State Department goes on to say: Iran continued to recruit fighters from across the region to join Iranian-affiliated Shia militia forces engaged in conflicts in Syria and Iraq and has even offered a path to citizenship for those who heed this call. And yet the ranking member says let's not report on the leadership of this rogue regime because they are very sensitive people.

The State Department goes on to say: Hezbollah continued to work closely with Iran in these conflict zones, playing a major role in supporting the Syrian Government's efforts to maintain control in the territory and providing training and a range of other support for Iranian-aligned groups in Iraq, Syria, and Yemen. Yet we continue to hear from the ranking member that we shouldn't learn anything about their leadership. Again, we might step on their toes after the JCPOA, and we wouldn't want to do that. We wouldn't want to be insensitive to international terrorists.

In 2016, Hezbollah's leader, Hassan Nasrallah, boasted: "We are open about the fact that Hezbollah's budget, its income, its expenses, everything it eats and drinks, its weapons and rockets are from the Islamic Republican of Iran."

I mean, how much more do we need to know? Why do we continue to have Members of the United States Congress come to the floor of this institution and somehow want to seemingly protect the leaders of this rogue regime?

We want to know more information. We want to disseminate this information. We want the whole world to know about the leadership of the world's foremost state sponsor of terrorism. It is exactly what the gentleman from Maine is trying to do. I salute him for his leadership.

I encourage all Members to vote "aye" for his bill.

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

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-47. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1638

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iranian Leadership Asset Transparency Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Iran is characterized by high levels of official and institutional corruption, and substantial involvement by Iran's security forces, particularly the Islamic Revolutionary Guard Corps (IRGC), in the economy.

(2) Many members of Iran's senior political and military leadership have acquired significant personal and institutional wealth by using their positions to secure control of significant portions of Iran's national economy.

(3) Sanctions relief provided through the Joint Comprehensive Plan of Action has resulted in the removal of many Iranian entities that are tied to governmental corruption from the list of entities sanctioned by the United States.

(4) The Department of Treasury in 2011 designated the Islamic Republic of Iran's financial sector as a jurisdiction of primary money laundering concern under section 311 of the USA PATRIOT Act, stating "Treasury has for the first time identified the entire Iranian financial sector; including Iran's Central Bank, private Iranian banks, and branches, and subsidiaries of Iranian banks operating outside of Iran as posing illicit finance risks for the global financial system."

(5) Iran continues to be listed by the Financial Action Task Force (FATF) among the "Non-Cooperative Countries or Territories"—countries which it perceived to be non-cooperative in the global fight against terror finance and money laundering.

(6) Iran and North Korea are the only countries listed by the FATF as "Non-Cooperative Countries or Territories" against which FATF countries should take measures.

(7) The Transparency International index of perceived public corruption ranks Iran 130th out of 168 countries surveyed.

(8) The State Department identified Iran as a "major money-laundering country" in its International Narcotics Control Strategy Report (INCSR) for 2016.

(9) The State Department currently identifies Iran, along with Sudan and Syria, as a state sponsor of terrorism, "having repeatedly provided support for acts of international terrorism".

(10) The State Department's "Country Reports on Terrorism", published last in July 2017, noted that "Iran continued to sponsor terrorist groups around the world, principally through its Islamic Revolutionary Guard Corps—Qods Force (IRGC-QF). These groups included Lebanese Hizballah, several Iraqi Shia militant groups, Hamas, and Palestine Islamic Jihad. Iran,

Hizballah, and other Shia militia continued to provide support to the Assad regime, dramatically bolstering its capabilities, prolonging the civil war in Syria, and worsening the human rights and refugee crisis there.”

(11) The Iranian Government's tolerance of corruption and nepotism in business limits opportunities for foreign and domestic investment, particularly given the significant involvement of the IRGC in many sectors of Iran's economy.

(12) The IRGC and the leadership-controlled bonyads (foundations) control an estimated one-third of Iran's total economy, including large portions of Iran's telecommunications, construction, and airport and port operations. These operations give the IRGC and bonyads vast funds to support terrorist organizations such as Hezbollah and Hamas.

(13) By gaining control of major economic sectors, the IRGC and bonyads have also served to further disadvantage the average Iranian.

SEC. 3. REPORT REQUIREMENT RELATING TO ASSETS OF IRANIAN LEADERS AND CERTAIN SENIOR POLITICAL FIGURES.

(a) **IN GENERAL.**—Not later than 270 days after the date of enactment of this Act, and annually thereafter (or more frequently if the Secretary of the Treasury determines it appropriate based on new information received by the Secretary) for the following 2 years, the Secretary of the Treasury shall, in furtherance of the Secretary's efforts to prevent the financing of terrorism, money laundering, or related illicit finance and to make financial institutions' required compliance with remaining sanctions more easily understood, submit a report to the appropriate congressional committees containing—

(1) the estimated total funds or assets held in accounts at U.S. and foreign financial institutions that are under direct or indirect control by each natural person described in subsection (b) and a description of such assets;

(2) an identification of any equity stake such natural person has in an entity on the Department of the Treasury's list of Specially Designated Nationals or in any other sanctioned entity;

(3) a description of how such funds or assets or equity interests were acquired, and how they have been used or employed;

(4) a description of any new methods or techniques used to evade anti-money laundering and related laws, including recommendations to improve techniques to combat illicit uses of the U.S. financial system by each natural person described in subsection (b);

(5) recommendations for how U.S. economic sanctions against Iran may be revised to prevent the funds or assets described under this subsection from being used by the natural persons described in subsection (b) to contribute to the continued development, testing, and procurement of ballistic missile technology by Iran;

(6) a description of how the Department of the Treasury assesses the impact and effectiveness of U.S. economic sanctions programs against Iran; and

(7) recommendations for improving the ability of the Department of the Treasury to rapidly and effectively develop, implement, and enforce additional economic sanctions against Iran if so ordered by the President under the International Emergency Economic Powers Act or other corresponding legislation.

(b) **PERSONS DESCRIBED.**—The natural persons described in this subsection are the following:

- (1) The Supreme Leader of Iran.
- (2) The President of Iran.
- (3) Members of the Council of Guardians.
- (4) Members of the Expediency Council.
- (5) The Minister of Intelligence and Security.
- (6) The Commander and the Deputy Commander of the IRGC.

(7) The Commander and the Deputy Commander of the IRGC Ground Forces.

(8) The Commander and the Deputy Commander of the IRGC Aerospace Force.

(9) The Commander and the Deputy Commander of the IRGC Navy.

(10) The Commander of the Basij-e Mostaz'afin.

(11) The Commander of the Qods Force.

(12) The Commander in Chief of the Police Force.

(13) The head of the IRGC Joint Staff.

(14) The Commander of the IRGC Intelligence.

(15) The head of the IRGC Imam Hussein University.

(16) The Supreme Leader's Representative at the IRGC.

(17) The Chief Executive Officer and the Chairman of the IRGC Cooperative Foundation.

(18) The Commander of the Khatam-al-Anbia Construction Head Quarter.

(19) The Chief Executive Officer of the Basij Cooperative Foundation.

(20) The head of the Political Bureau of the IRGC.

(21) The head of the Atomic Energy Organization of Iran.

(c) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(1) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(2) **PUBLIC AVAILABILITY.**—The unclassified portion of such report shall be made available to the public and posted on the website of the Department of the Treasury—

(A) in English, Farsi, Arabic, and Azeri; and

(B) in precompressed, easily downloadable versions that are made available in all appropriate formats.

(d) **SOURCES OF INFORMATION.**—In preparing a report described under subsection (a), the Secretary of the Treasury may use any credible publication, database, web-based resource, public information compiled by any government agency, and any information collected or compiled by a nongovernmental organization or other entity provided to or made available to the Secretary, that the Secretary finds credible.

(e) **DEFINITIONS.**—For purposes of this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate.

(2) **FUNDS.**—The term “funds” means—

(A) cash;

(B) equity;

(C) any other intangible asset whose value is derived from a contractual claim, including bank deposits, bonds, stocks, a security as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)), or a security or an equity security as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

(D) anything else that the Secretary determines appropriate.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that in preparing the reports required under section 3, the Secretary of the Treasury should consider acquiring information from sources that—

(1) collect and, if necessary, translate high-velocity, official records; or

(2) provide search and analysis tools that enable law enforcement to have new insights into commercial and financial relationships.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 115-463. Each such amendment may be

offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SCHNEIDER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115-463.

Mr. SCHNEIDER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 23, strike “to contribute to” and all that follows through “by Iran;” on page 5, line 25 and insert the following: “to contribute—”

(A) to the continued development, testing, and procurement of ballistic missile technology by Iran; and

(B) to human rights abuses.

The Acting CHAIR. Pursuant to House Resolution 658, the gentleman from Illinois (Mr. SCHNEIDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHNEIDER. Mr. Chair, I rise in support of this bipartisan amendment to H.R. 1638, the Iranian Leadership Asset Transparency Act.

I would like to thank my colleague from Texas, Judge POE, for joining me in this effort.

Iran is a bad and dangerous actor in a volatile region of the world, which is why Congress has enacted sanctions in response to Tehran's dangerous ballistic missile program and support for terrorist proxy groups, including Hezbollah. We must hold senior Iranian leadership accountable for destabilizing actions in the region and around the world.

The legislation on the floor today is an effort to shine a light and focus our efforts on assets held by top Iranian officials, including the Supreme Leader, members of the Council of Guardians, members of the Expediency Council, and high-ranking military leaders.

Specifically, the bill requires the Secretary of the Treasury to report to Congress information on the assets held by senior Iranian leaders. Included in this report are recommendations on how to improve the effectiveness of U.S. sanctions to prevent these assets and funding from being used by Iranian officials to further develop Iran's ballistic missile program.

My amendment simply, but importantly, expands this requirement to include Iran's human rights abuses. We should be using every tool in our toolbox to make clear to Iran that its human rights abuses are unacceptable.

The human rights situation in Iran is appalling, and abuses permeate many

aspects of Iranian society. In Iran, repression and persecution of members of different religious faiths, including Sunni Muslims, Christians, and Baha'is is pervasive. The State Department's International Religious Freedom Report of 2016 cites at least 103 members of minority religious groups imprisoned for their religious activities. Since 1979, Iran has executed more than 200 Baha'i leaders and, over the past 10 years, has conducted more than 850 arbitrary arrests of Baha'i individuals.

Sexual orientation and gender identity are not protected categories from discrimination under Iranian law, and same-sex acts are punishable by flogging and possibly even death.

Arbitrary and unlawful killings are numerous. The State Department's annual Human Rights Report says the Iranian Government announced 114 executions by August of 2016 and that unofficial reports suggest a total of 469 executions by the end of that year. The U.N. puts this number even higher at 530 executions in 2016.

Freedom of speech is limited, media is censored, and publications have been banned and closed by the government. Harassment and detainment of journalists continue, and Iran's citizens are not allowed to criticize the government, Supreme Leader, or official religion.

The electoral system in Iran is neither free nor fair. In 2016, 79 percent of the candidates running for the Assembly of Experts and 58 percent running for the Islamic Consultative Assembly were disqualified by the Guardian Council.

And we cannot forget about the Americans and other foreigners who Iran has unjustly detained and continues to hold on fabricated charges, including the following individuals whose family members testified before the House Foreign Affairs Committee earlier this year: Baquer and Siamak Namazi, Nizar Zakka, and, of course, Robert Levinson, who has been held for more than 10 years.

These are just a handful of examples of egregious human rights abuses by the Iranian Government. This amendment helps ensure that funds held by senior Iranian leaders do not contribute to these human rights abuses and that U.S. sanctions are best positioned to improve Iran's human rights situation.

I hope that my colleagues will join me in supporting this important amendment.

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

Mr. POE of Texas. Mr. Chair, I claim time in opposition to the amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE of Texas. Mr. Chairman, I thank Mr. SCHNEIDER for bringing this amendment. I am glad to be a cosponsor of the amendment.

Mr. Chair, the Iranians are a serious threat to the world, to international security. Iran's foreign policy is very clear. The Ayatollah has said it numerous times and continues to say that the foreign policy of Iran is: First, destroy Israel; second, destroy the United States. They have never wavered on this goal, and they are doing everything they can militarily to eventually try to reach those two goals.

But the greatest victims of the mullah's regime in Tehran are the people of Iran. They have been held hostage by the Supreme Leader who obviously cares more about ballistic missiles and international terrorism than taking care of the livelihood of the people who live under this regime.

The regime has become a notorious international leader in suppression, execution, torture, and inhumanity. The world knows about what is taking place in Iran, and the good people of Iran have no political space for expression or dissent. If they decide to dissent from the actions of the Ayatollah, well, it is off to jail or they are hung in the public square. We saw what the regime did to the protesters of the Green Movement in 2009.

Despite what some people still try to say, the current government is not seeking any sort of moderation. Over 3,000 executions have taken place under the regime's so-called President Rouhani. Scores of human rights defenders and political activists are still in prison or under House arrest, and they haven't been charged with anything and, of course, they haven't been tried.

The United States needs to prioritize elevating the voices of the Iranian people who are persecuted under oppression by this regime. These Iranians really represent the best of the Iranian civilization, and they are going to be the future of Iran.

We should take note of what is happening to them. It should be the U.S. foreign policy to focus significant attention on the serious human rights violations taking place in Iran.

I am happy to support and join Mr. SCHNEIDER in this amendment which will require the Treasury Department to issue recommendations as to how we can better prevent the mullahs from continuing the violent assault on human rights of the Iranian people. The United States must be at the forefront of this battle for human rights and decency for the Iranian people.

We must call out the Ayatollah and the mullahs for what they are doing. They are persecuting, violating human rights of the Iranian people. The Iranian regime is the number one state sponsor of world terror, and it also rains down terror on its own people. We

need to put the squeeze on them even if it hurts their little feelings.

I urge support of this amendment, and I reserve the balance of my time.

Mr. SCHNEIDER. Mr. Chair, I thank my colleague, Judge POE, and I yield back the balance of my time.

Mr. POE of Texas. Mr. Chair, I thank the gentleman once again for bringing this amendment to the floor. I gladly support it.

And that is just the way it is.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHNEIDER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. MENG

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 115-463.

Ms. MENG. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 3, strike "and" at the end.

Page 6, after line 3, insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

(7) an assessment of the impact and effectiveness of U.S. economic sanctions programs against Iran; and

The Acting CHAIR. Pursuant to House Resolution 658, the gentlewoman from New York (Ms. MENG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. MENG. Mr. Chair, I rise today to offer an amendment that I think every Member of this body can support, no matter how they intend to vote on final passage of H.R. 1638.

This amendment simply seeks to insert a single new requirement into the report required by H.R. 1638, and that new requirement is as follows: "an assessment of the impact and effectiveness of U.S. economic sanctions programs against Iran."

□ 1615

Whether you voted for the Iran deal or against it, or whether you think economic sanctions are an effective diplomatic tool or something that sounds better than it is, I hope Members will support this amendment.

We should make evidence-based policy decisions in this body, whenever possible, and, toward that end, we should know whether or not the sanctions that we pass here work.

If we are going to require a new report from the Treasury in this bill, and that report must include "a description of how Treasury assesses the impact and effectiveness of U.S. economic sanctions programs against Iran," I think it is only appropriate to ask for the assessment itself; and that is what this amendment does.

Let me put it another way. Understanding how we count votes in America is important, but at the end of an election, I want to know the final tally. Who won? Who lost? What did we learn?

Similarly, I think it is important that if the Treasury is going to have to produce a new report on sanctions against Iran pursuant to H.R. 1638, that we understand exactly how the Treasury intends to assess the impact and effectiveness of those sanctions.

Even more importantly, though, I think this report should include the results of that assessment, particularly when it comes to sanctions we have authorized. That is all this amendment seeks to require, and I hope everyone in this body will support it.

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

Mr. HENSARLING. Mr. Chairman, I claim the time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. Mr. Chairman, I want to thank the gentlewoman from New York for her amendment. I note that she was a supporter of H.R. 5461, a nearly identical bill that passed the House in the last Congress. I think that her amendment is a valuable addition to H.R. 1638. Indeed, we should always know the effectiveness of the programs that we promote. In this case, we do need to understand how effective economic sanctions may be. So I appreciate her leadership.

Mr. Chairman, I would urge all Members to vote "aye" on the amendment, and I yield back the balance of my time.

Ms. MENG. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. MENG).

The amendment was agreed to.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. RODNEY DAVIS of Illinois, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1638) to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes, and, pursuant to House Resolution 658, he reported the

bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 4 o'clock and 20 minutes p.m.), the House stood in recess.

□ 1647

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTERMAN) at 4 o'clock and 47 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 657;

Adoption of House Resolution 657, if ordered; and

Passage of H.R. 1638.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 2396, PRIVACY NOTIFICATION TECHNICAL CLARIFICATION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 4015, CORPORATE GOVERNANCE REFORM AND TRANSPARENCY ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 657) providing for consideration of the bill (H.R. 2396) to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions, and providing for consideration of the bill (H.R. 4015) to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 236, nays 187, not voting 8, as follows:

[Roll No. 678]

YEAS—236

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

McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)

Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers

Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—187

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

Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Lawrence
Larsen (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McEachin
McGovern
McNerney
Meeks
Meng

Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Shea-Porter
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suo zzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez

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

Bridenstine
Kennedy
McCollum

Nolan
Pocan
Sensenbrenner

Visclosky
Wal

NOT VOTING—8

□ 1711

Mr. LYNCH changed his vote from “yea” to “nay.”

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

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

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

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 240, noes 184, not voting 7, as follows:

[Roll No. 679]

AYES—240

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

Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan

Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey

Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise

Schneider
Schweikert
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suo zzi
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott

Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—184

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

Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larsen (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)

Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Shea-Porter
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—7

Bridenstine
Kaptur
Kennedy

Pocan
Sensenbrenner
Visclosky

Walz

□ 1719

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IRANIAN LEADERSHIP ASSET TRANSPARENCY ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 1638) to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 289, nays 135, not voting 7, as follows:

[Roll No. 680]

YEAS—289

Abraham	Cramer	Hartzler
Aderholt	Crawford	Hastings
Aguilar	Crist	Hensarling
Allen	Cuellar	Herrera Beutler
Amash	Culberson	Hice, Jody B.
Amodel	Curbelo (FL)	Higgins (LA)
Arrington	Curtis	Hill
Babin	Davidson	Holding
Bacon	Davis, Rodney	Hollingsworth
Banks (IN)	Delaney	Hoyer
Barletta	Denham	Hudson
Barr	Dent	Huizenga
Barragán	DeSantis	Hultgren
Barton	DesJarlais	Hunter
Bera	Deutch	Hurd
Bergman	Diaz-Balart	Issa
Biggs	Donovan	Jenkins (KS)
Bilirakis	Duffy	Jenkins (WV)
Bishop (MI)	Duncan (SC)	Johnson (LA)
Bishop (UT)	Dunn	Johnson (OH)
Black	Emmer	Johnson, Sam
Blackburn	Engel	Jordan
Blum	Españillat	Joyce (OH)
Bost	Estes (KS)	Katko
Boyle, Brendan	Farenthold	Kelly (MS)
F.	Faso	Kelly (PA)
Brady (TX)	Ferguson	Kihuen
Brat	Fitzpatrick	Kind
Brooks (AL)	Fleischmann	King (IA)
Brooks (IN)	Flores	King (NY)
Brown (MD)	Fortenberry	Kinzing
Brownley (CA)	Fox	Knight
Buchanan	Frankel (FL)	Kustoff (TN)
Buck	Frelinghuysen	Labrador
Bucshon	Gaetz	LaHood
Budd	Gallagher	LaMalfa
Burgess	Garrett	Lamborn
Byrne	Gianforte	Lance
Calvert	Gibbs	Larson (CT)
Carbajal	Gohmert	Latta
Cárdenas	Gomez	Lawson (FL)
Carter (GA)	Goodlatte	Lewis (MN)
Carter (TX)	Gosar	Lieu, Ted
Chabot	Gottheimer	Lipinski
Cheney	Gowdy	LoBiondo
Coffman	Granger	Long
Cole	Graves (GA)	Loudermilk
Collins (GA)	Graves (LA)	Love
Collins (NY)	Graves (MO)	Lowe
Comer	Green, Gene	Lucas
Constock	Griffith	Luetkemeyer
Conaway	Grothman	Lynch
Cook	Guthrie	MacArthur
Correa	Handel	Maloney, Sean
Costa	Harper	Marchant
Costello (PA)	Harris	Marino

Marshall	Reichert	Smucker
Mast	Renacci	Soto
McCarthy	Rice (NY)	Stefanik
McCaul	Rice (SC)	Stewart
McClintock	Roby	Stivers
McHenry	Roe (TN)	Suozzi
McKinley	Rogers (AL)	Taylor
McMorris	Rogers (KY)	Tenney
Rodgers	Rohrabacher	Thompson (PA)
McSally	Rokita	Thornberry
Meadows	Rooney, Francis	Tiberi
Meehan	Rooney, Thomas	Tipton
Meng	J.	Titus
Messer	Ros-Lehtinen	Trott
Mitchell	Rosen	Turner
Moolenaar	Roskam	Upton
Mooney (WV)	Ross	Valadao
Mullin	Rothfus	Vargas
Murphy (FL)	Rouzer	Vela
Newhouse	Royce (CA)	Wagner
Noem	Ruiz	Walberg
Norcross	Ruppersberger	Walden
Norman	Russell	Walker
Nunes	Rutherford	Walorski
O'Halleran	Sanford	Walters, Mimi
Olson	Scalise	Wasserman
Palazzo	Schneider	Schultz
Pallone	Schrader	Weber (TX)
Palmer	Schweikert	Webster (FL)
Panetta	Scott, Austin	Wenstrup
Paulsen	Scott, David	Westerman
Pearce	Sessions	Williams
Perry	Sherman	Wilson (SC)
Peters	Shinkus	Wittman
Peterson	Shuster	Womack
Pittenger	Simpson	Woodall
Poe (TX)	Sinema	Yoder
Poliquin	Sires	Yoho
Posey	Smith (MO)	Young (AK)
Quigley	Smith (NE)	Young (IA)
Ratcliffe	Smith (NJ)	Zeldin
Reed	Smith (TX)	

NAYS—135

Adams	Foster	McGovern
Bass	Fudge	McNerney
Beatty	Gabbard	Meeks
Beyer	Gallago	Moore
Bishop (GA)	Garamendi	Moulton
Blumenauer	Gonzalez (TX)	Nadler
Blunt Rochester	Green, Al	Napolitano
Bonamici	Grijalva	Neal
Brady (PA)	Gutiérrez	Nolan
Bustos	Hanabusa	O'Rourke
Butterfield	Heck	Pascarell
Capuano	Higgins (NY)	Payne
Carson (IN)	Himes	Pelosi
Cartwright	Huffman	Perlmutter
Castor (FL)	Jackson Lee	Pingree
Castro (TX)	Jayapal	Polis
Chu, Judy	Jeffries	Price (NC)
Cicilline	Johnson (GA)	Raskin
Clark (MA)	Johnson, E. B.	Richmond
Clarke (NY)	Jones	Roybal-Allard
Clay	Kaptur	Rush
Cleaver	Keating	Ryan (OH)
Clyburn	Kelly (IL)	Sánchez
Cohen	Khan	Sarbanes
Connolly	Kildee	Schakowsky
Cooper	Kilmer	Schiff
Courtney	Krishnamoorthi	Scott (VA)
Crowley	Kuster (NH)	Serrano
Cummings	Langevin	Sewell (AL)
Davis (CA)	Larsen (WA)	Shea-Porter
Davis, Danny	Lawrence	Slaughter
DeFazio	Lee	Smith (WA)
DeGette	Levin	Speier
DeLauro	Lewis (GA)	Swalwell (CA)
DeBene	Loeb	Takano
Demings	Loeb	Thompson (CA)
DeSaulnier	Loftgren	Thompson (MS)
Dingell	Lowenthal	Tonko
Doggett	Lujan Grisham,	Tsongas
Doyle, Michael	M.	Veasey
F.	Luján, Ben Ray	Velazquez
Duncan (TN)	Maloney,	Waters, Maxine
Ellison	Carolyn B.	Watson Coleman
Eshoo	Massie	Welch
Esty (CT)	Matsui	Wilson (FL)
Evans	McCollum	Yarmuth
	McEachin	

NOT VOTING—7

Bridenstine	Sensenbrenner	Walz
Kennedy	Torres	
Pocan	Visclosky	

□ 1726

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SENSENBRENNER. Mr. Speaker, due to severe illness, I missed today's vote series. Had I been present, I would have voted "yea" on rollcall No. 676, "yea" on rollcall No. 677, "yea" on rollcall No. 678, "yea" on rollcall No. 679, and "yea" on rollcall No. 680.

STRENGTHENING OVERSIGHT OF IRAN'S ACCESS TO FINANCE ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 658, I call up the bill (H.R. 4324) to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 658, in lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-48 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4324

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Oversight of Iran's Access to Finance Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Under the Joint Comprehensive Plan of Action (JCPOA), informally known as the Iran nuclear deal, the Obama administration agreed to license the sale of commercial passenger aircraft to Iran, the world's foremost state sponsor of terrorism and a jurisdiction of primary money laundering concern.

(2) In April 2015, prior to the adoption of the JCPOA, Secretary of the Treasury Jacob Lew, in publicly advocating for its provisions, stated: "Make no mistake: deal or no deal, we will continue to use all our available tools, including sanctions, to counter Iran's menacing behavior. Iran knows that our host of sanctions focused on its support for terrorism and its violations of human rights are not, and have never been, up for discussion."

(3) In March 2016 remarks to the Carnegie Endowment for International Peace, Secretary Lew, in reference to U.S. commitments under the JCPOA, stated: "While we have lifted the nuclear sanctions, we continue to enforce sanctions directed at support for terrorism and regional destabilization, and missile and human rights violations."

(4) In an April 2016 forum at the Council on Foreign Relations, Secretary Lew stated that, under the JCPOA, the U.S. committed to lifting its nuclear sanctions, "but the U.S. financial

system is not open to Iran, and that is not something that is going to change”.

(5) In September 2016, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued licenses permitting the export of up to 97 aircraft for use by Iran Air, the Islamic Republic of Iran's flagship state-owned carrier. These licenses included authorization for U.S. financial institutions “to engage in all transactions necessary to provide financing or other financial services” in order to effectuate the sales. In November 2016, OFAC licensed an additional 106 aircraft for purchase by Iran Air, which are also eligible for financing authorized by OFAC.

(6) The Department of the Treasury had sanctioned Iran Air in 2011 for its use of commercial passenger aircraft to transport rockets, missiles, and other military cargo on behalf of the Islamic Revolutionary Guard Corps (IRGC) and Iran's Ministry of Defense and Armed Forces Logistics, both of which had been designated under Executive Order 13382 for weapons proliferation-related activities. In October 2017, the IRGC went on to be designated under Executive Order 13224 for its support of the IRGC-Qods Force, which has provided support to terrorist groups such as Hizballah, Hamas, and the Taliban.

(7) Among Iran Air's sanctionable activities, the airline delivered missile or rocket components to the Assad government in Syria, which like Iran is classified as a state sponsor of terrorism.

(8) The Assad regime is responsible for a civil conflict that has claimed an estimated 400,000 lives, including through the government's deployment of chemical weapons and barrel bombs against unarmed civilians and children.

(9) Despite being delisted in 2016, Iran Air has continued to fly known weapons resupply routes to government-controlled areas of Syria. According to research by the Foundation for Defense of Democracies, between Implementation Day of the JCPOA on January 16, 2016, and May 4, 2017, Iran Air operated at least 134 flights to Syria, which included stops in Abadan, Iran, a suspected IRGC logistical hub for airlifts to the Assad regime.

(10) In November 2016 correspondence to the Chairman of the House Committee on Financial Services, the Department of the Treasury noted that the commitment to delist Iran Air under the JCPOA “does not affect our ability to designate, or re-designate, any Iranian airline that engages in sanctionable activity. The United States retains the ability to designate any individual or entity that engages in sanctionable activities under our authorities targeting conduct outside the scope of the JCPOA, including Iran's support for terrorism, human rights abuses, ballistic missile program, and other destabilizing activities in the region.”.

(11) In April 2017, Iran announced a deal for Aseman Airlines to purchase up to 60 commercial aircraft, a transaction that would require authorization by OFAC. Aseman Airlines' chief executive officer, Hossein Alaie, has for decades served as a senior member of the IRGC.

SEC. 3. CERTIFICATIONS FOR AIRCRAFT-RELATED TRANSACTIONS BY UNITED STATES AND FOREIGN FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Not later than 30 days after authorizing a transaction by a United States or foreign financial institution in connection with the export or re-export of a commercial passenger aircraft to Iran (or, for an authorization made after January 16, 2016, but before the date of the enactment of this Act, not later than 60 days after such date of enactment), and every 180 days thereafter for the duration of the authorization, the Secretary of the Treasury shall submit the report described under subsection (b) to the appropriate congressional committees.

(b) REPORT WITH RESPECT TO FINANCIAL INSTITUTIONS' IRAN-RELATED TRANSACTIONS AND DUE DILIGENCE.—With respect to a financial institution and a transaction described under subsection (a), a report is described under this subsection if it contains—

(1) a list of financial institutions that, since January 16, 2016, have conducted transactions authorized by the Secretary in connection with the export or re-export of commercial passenger aircraft to Iran;

(2) either—

(A) a certification that—

(i) the transaction does not pose a significant money laundering or terrorism financing risk to the United States financial system;

(ii) the transaction will not benefit an Iranian person that, since the date that is one year preceding the date of the certification—

(I) has knowingly transported items used for the proliferation of weapons of mass destruction, including systems designed in whole or in part for the delivery of such weapons; or

(II) has knowingly provided transportation services or material support for, or on behalf of, any person designated under Executive Orders 13224, 13382, or 13572; and

(iii) any financial institution described under subsection (b)(1) has had since the date such authorization was made, or, if the authorization is no longer in effect, had for the duration of such authorization, appropriate policies, procedures, and processes in place to avoid engaging in sanctionable activities that may result from the financial institutions' exposure to Iran; or

(B) a statement that the Secretary is unable to make the certification described under subparagraph (A) and a notice that the Secretary will, not later than 60 days after the date the determination is submitted to the appropriate congressional committees, issue a report on non-certification described under subsection (c) to the appropriate congressional committees.

(c) REPORT ON NON-CERTIFICATION.—With respect to a financial institution and a transaction described under subsection (a), a report on non-certification is described under this subsection if it contains—

(1) a detailed explanation for why the Secretary is unable to make the certification described under subsection (b)(2);

(2) a notification of whether the Secretary will—

(A) not amend the authorization of the transaction with respect to a financial institution, notwithstanding such non-certification;

(B) suspend the authorization until the Secretary is able to make such certification;

(C) revoke the authorization; or

(D) otherwise amend the authorization; and

(3) an explanation of the reasons for any action to be taken described under paragraph (2).

(d) WAIVER.—The President may waive, on a case-by-case basis, the provisions of this Act for up to one year at a time upon certifying to the appropriate congressional committees that—

(1) the Government of Iran has—

(A) made substantial progress towards combating money laundering and terrorism financing risk emanating from Iran; or

(B) has significantly reduced Iran's—

(i) destabilizing activities in the region; or

(ii) material support for terrorist groups; or

(2) such waiver is important to the national security interests of the United States, with an explanation of the reasons therefor.

(e) TERMINATION.—This section shall cease to be effective on the date that is 30 days after the date on which the President certifies to the appropriate congressional committees that—

(1)(A) the Secretary does not find, under section 5318A of title 31, United States Code, that reasonable grounds exist for concluding that Iran is a jurisdiction of primary money laundering concern; and

(B) Iran has ceased providing support for acts of international terrorism; or

(2) terminating the provisions of this section is vital to the national security interests of the United States, with an explanation of the reasons therefor.

(f) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the committees on Financial Services and Foreign Affairs of the House of Representatives and the committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate.

(2) FINANCIAL INSTITUTION.—The term “financial institution” means a United States financial institution or a foreign financial institution.

(3) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning given that term under section 561.308 of title 31, Code of Federal Regulations.

(4) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(6) UNITED STATES FINANCIAL INSTITUTION.—The term “United States financial institution” has the meaning given the term “U.S. financial institution” under section 561.309 of title 31, Code of Federal Regulations.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

After 1 hour of debate, it shall be in order to consider the further amendment printed in part B of House Report 115-463, if offered by the Member designated in the report, which shall be considered read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

□ 1730

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I am pleased to support H.R. 4324, which is a commonsense piece of legislation sponsored by my good friend and fellow Texan, Mr. WILLIAMS. His work as a member of the Financial Services Committee and as

vice chairman of the Monetary Policy and Trade Subcommittee has been invaluable.

Mr. Speaker, as our colleagues know, under the Iran nuclear bill, also known as the Joint Comprehensive Plan of Action, or JCPOA, the Obama administration committed the U.S. to license the sale of aircraft to Iran.

In addition to authorizing the sales, these licenses have authorized banks to engage in financing, even though Iran remains classified by the Treasury Department as a jurisdiction of primary money laundering concern. On top of that, the State Department continues to label Iran as the world's foremost state sponsor of terrorism.

The recipient of these aircraft would be Iran Air, the state-owned airline that was sanctioned as recently as 2011 for supporting the Islamic Revolutionary Guard Corps, which itself has been designated by the Trump administration as a terrorist organization. So, Mr. Speaker, so far, so bad.

And yet, while I and many of my colleagues from both sides of the aisle find these aircraft sales and their financing deeply disturbing, Mr. WILLIAMS' bill is about something far, far simpler. All his bill would do is bring about the implications of the aircraft finance for Iran out into the sunlight. In other words, Mr. Speaker, it is a reporting requirement—nothing more, nothing less.

It would simply require Treasury to help Congress understand who is involved in these transactions. If it is an airline, has that airline stopped supporting terrorists or other sanctioned persons. If it is a bank, does that bank have the due diligence in place to guard against the immense illicit finance risk endemic to Iran.

All this legislation does is have Treasury certify this information for Congress. And, if Treasury can't make those certifications, it simply has to notify us what plans it has in response, even if it has no plans in response.

So, when we hear today from the other side of the aisle how this bill may impose new conditions on Iran or somehow stand in the way of commitments under the JCPOA, I suggest, again, everyone read the bill. It is simple. It is common sense. In fact, we should be considering this under the expedited process of the suspension calendar.

This legislation provides, again, for a simple reporting requirement, Mr. Speaker; that is it, a reporting requirement.

If my friends who oppose this bill don't care enough to even request the information from the executive branch, especially information that may reveal the use of their constituents' bank deposits for the benefit of enablers of terrorism, well, Mr. Speaker, that is a sad, sad day for congressional oversight and a sad day for the United States Congress.

But there are people who have read the bill, if everybody in this institution hasn't, people, for example, associated with the Foundation for Defense of Democracies, who wrote recently in a November 22 policy brief for the Foundation's Center on Sanctions and Illicit Finance: "The proposed bill supports Treasury's robust licensing approval process by codifying steps that are likely already central to the Department's evaluation process."

They go on to write, Mr. Speaker: "While not imposing any new standards for the approval of sales to Iran, codifying the existing standards in law through this bill makes the licensing process more transparent and gives the American people—through their elected representatives—a clear picture of a significant component of the sanctions relief provided to Iran under the nuclear agreement."

Mr. Speaker, I include this report in the RECORD.

[From the Foundation for Defense of Democracies, Nov. 22, 2017]

CONGRESS SUPPORTS FINANCIAL
TRANSPARENCY FOR IRANIAN TRANSACTIONS
(By Annie Fixler, Tyler Stapleton)

The House Financial Services Committee approved last week the Strengthening Oversight of Iran's Access to Finance Act, which codifies in law a set of conditions that the U.S. Treasury must use to evaluate licenses for the sale of commercial aircraft to Iran.

The bill requires the secretary of the Treasury to report within 30 days whether transactions related to the export and re-export of aircraft to Iran pose a "significant money laundering or terrorism financing risk to the United States financial system." The secretary must also determine whether the transactions benefit any Iranian person that has knowingly transported or otherwise supported the proliferation of weapons of mass destruction or provided material support to persons included on Treasury's sanctions lists. If the secretary cannot certify that the transaction meets these conditions, he must explain whether the licenses authorizing the transaction will be revoked, modified, or remain valid despite the potential for illicit transactions or benefits going to sanctioned persons.

Under the July 2015 nuclear agreement known as the Joint Comprehensive Plan of Action, or JCPOA, the United States committed to allowing the sale of commercial aircraft to Iran provided the planes are used "exclusively for commercial passenger aviation." The JCPOA specifically states that if aircraft are either used for a prohibited purpose or transferred or re-sold to individuals or entities on Washington's sanctions lists, the U.S. would view this as grounds to cease its approval of aircraft sales—but, by implication, not abrogate the nuclear deal in full.

Upon the implementation of the JCPOA in January 2016, Treasury issued a Statement of Licensing Policy (SLP) and additional guidance reiterating and expanding on the relevant language from the nuclear deal. The SLP and related guidance indicate that Treasury would view license applications favorably but would review applications on a case-by-case basis and "include appropriate conditions to ensure" that no sanctioned persons were involved in the transaction.

The SLP and related guidance are clearly consistent with the JCPOA, which does not

require the United States to issue licenses for aircraft sales without conditions. Accordingly, the SLP does not guarantee that all applications will be approved. If Washington determines that certain criteria are necessary in order to ensure that commercial aircraft are used appropriately, it is permitted to reject an application that does not meet those criteria.

The proposed bill supports Treasury's robust licensing approval process by codifying steps that are likely already central to the department's evaluation process. First, for more than two decades, Treasury has been at the forefront of efforts to implement global anti-money laundering and counter-terrorism financing standards. The bill emphasizes that these standards should be a critical component in the evaluation of licenses vis-à-vis Iranian aircraft transactions. Second, the bill's requirement that no persons knowingly supporting proliferation benefit from the deal mirrors Treasury's statement that no persons on sanctions lists be involved in the transactions.

While not imposing any new standards for the approval of sales to Iran, codifying the existing standards in law through this bill makes the licensing process more transparent and gives the American people—through their elected representatives—a clearer picture of a significant component of the sanctions relief provided to Iran under the nuclear agreement.

The most novel component of the bill is that it requires the secretary of the Treasury to issue a report listing all U.S. or foreign financial institutions that have conducted authorized transactions in connection with the export or re-export of commercial aircraft to Iran. While not classified, this information is not currently part of the public record. Objections to the publication of a list of companies and banks involved in aircraft sales revolve around exposing businesses to reputational risks for transacting with Iran. Yet it is unavoidable for there to be reputational risk for doing business—even legal business—with the world's leading state sponsor of terrorism.

Mr. HENSARLING. In closing, Mr. Speaker, the gentleman, my fellow Texan, has given all Members an opportunity, no matter what their views on the JCPOA, the Iran nuclear deal, to simply support transparency and Congress' right to basic information. I hope that my colleagues will seize that opportunity.

And, again, I thank Mr. WILLIAMS from Texas for his leadership and his excellent work.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. HIMES), a senior member of the Financial Services Committee and the Intelligence Committee.

Mr. HIMES. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I respectfully disagree with the chairman of the Financial Services Committee. This is not simply the gathering of information. This is not simply oversight.

Under H.R. 4324, a condition would be imposed on the sale of commercial aircraft to Iran. The Iran nuclear deal was

very clear. It is broadly committed to “allow for the sale of commercial passenger aircraft and related parts and services to Iran.” The only condition on the U.S. commitment is that “licensed items and services be used exclusively for commercial passenger aviation.”

H.R. 4324 would impose a new condition, a new condition which would require certification by the Secretary of State and all of the process that would ensue.

It is not a stretch—in fact, it is fairly clear—that if H.R. 4324 were to pass, the Iranians and others could credibly claim that we have violated our obligations under the JCPOA. Now, nobody should be surprised by that.

Despite the advice of his National Security Advisor, despite the advice of the Secretary of Defense, despite the advice of pretty much everyone around him, President Trump chose not to recertify Iranian compliance with the Iran nuclear deal.

We have seen bill after bill, including the bill just voted on, attempting to reverse the Iran nuclear deal, and we have heard this since this deal first came to the floor.

Let's reflect for one second on what the implications are:

This bill puts the Iran nuclear deal at risk. It arguably takes American aircraft manufacturers out of competition for lucrative contracts. My colleague from Washington will address this shortly.

I don't understand how putting American jobs at risk and taking American manufacturers out of contention in favor of companies like Airbus is about keeping America great again. I don't understand why, when we focus on jobs, this should be an action we should take.

However, I will say something, and I speak as a member of the Permanent Select Committee on Intelligence. Prior to the passage of the Iran nuclear deal, it is not an exaggeration to say I didn't worry every night in a way that we worry today about North Korea. I went to bed every night thinking about Iranian centrifuges spinning, about military technology being created that could ultimately deliver a nuclear weapon to Israel or to Europe or to the United States, and our intelligence community believed that we were 2 to 3 months away from an Iranian nuclear weapon, kind of where we are today on North Korea.

I suspect everybody in this Chamber doesn't want to be where we are on North Korea with another state, with Iran.

I understand the skepticism on Iran, and I agree with everything that the chairman said with respect to Iran being a state sponsor of terrorism, with Iran being a location of money laundering, and I could go on, with Iran being an absolutely appalling regime.

But I speak as a member of the Intelligence Committee for a lot of people in this room when I say that, for the first time in a long time subsequent to the passage of the Iran deal, whatever you think of Iran—and not many of us think much of Iran—we don't go to bed every single night worrying about the possibility of waking up to a nuclear-weaponized Iran.

Why would we put that at risk?

I agree with the chairman that transparency is important, and I agree with everybody that Iran needs to be watched very, very skeptically. But why would we want to be with Iran exactly where we are today with North Korea?

Is this effort, which, in my opinion, is simply a continuation of the efforts to end the Iran deal, to reverse President Obama's legacy, is it worth going to bed at night not just worried about North Korea, but worried about Iran? I would suggest that it is not.

I don't want to go back to the pre-Iran deal era when I became an expert on centrifuges, on Uranium-235, on hardened bunkers and the weaponry that we produced to penetrate hardened bunkers and to the realization that, if we had to go to war against Iran to prevent a nuclear Iran, the consequences would be as awful as if we went to war with North Korea to prevent a North Korea nuclear-weaponized state.

Why would we do this? Why would we put at risk a deal that has given comfort to a lot of us for some period of time?

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 1 minute to the gentleman from Connecticut.

Mr. HIMES. Mr. Speaker, this deal is not a perfect deal. I don't know that there are perfect deals in this realm. But I do know that, for the next 7, 8, or 9 years, we are not going to have the worry that so many of us had before the Iran deal.

Let's engage on that. Let's figure out what comes behind the Iran deal. Let's figure out other ways to address the behavior of Iran with respect to terrorism and the money laundering. Let's remember that this deal was about removing the existential threat, not making Iran a perfect regime, but removing the existential threat to the United States of America, and let's not put that deal at risk.

Mr. Speaker, I thank the ranking member, and I urge a strong “no” vote against this legislation.

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. WILLIAMS), my friend, the sponsor of this legislation, and a great member of the Financial Services Committee.

Mr. WILLIAMS. Mr. Speaker, it is truly a privilege to speak in support of

my bill, H.R. 4324, the Strengthening Oversight of Iran's Access to Finance Act.

Mr. Speaker, H.R. 4324 will improve congressional oversight of any financing that Treasury authorizes for aircraft sales to Iran.

Every 6 months, Treasury would need to certify to us that finance authorizations would not benefit an Iranian person who is transporting items for the proliferation of weapons of mass destruction nor providing transportation for sanctioned entities. Treasury would also have to certify to us that those authorizations don't pose a significant money laundering or terrorism finance risk to the U.S. financial system, and that any banks engaging in this business have appropriate due diligence procedures in place. If the Treasury Department cannot make this certification, the Department must tell us why, and it must explain to Congress the course of action it intends to take.

I note that my bill was reported out of the Financial Services Committee last month by a vote of 38–21, with five of my Democratic colleagues voting in its favor.

□ 1745

Many of my colleagues on the other side of the aisle will label this bill as a simple attempt to dismantle the Obama administration's Iran nuclear deal. We have already heard it.

Mr. Speaker, this debate is not about U.S. commitments under the Joint Comprehensive Plan of Action, or JCPOA. It is not about reimposing nuclear sanctions. It is not about prohibiting these aircraft sales or the financing of these sales.

What this legislation is about is providing Congress with information on the implications of these deals so that we can better understand their impact on the integrity of our financial system.

I would like to take a step back and discuss how we got to this point and why this legislation is necessary. As most of you know, under the JCPOA, the Obama administration committed the United States to license the sale of commercial aircraft to Iran. In addition to providing licenses for aircraft sales, the licenses also allowed for banks to engage in the financing of these aircraft.

All of this was permitted, despite the fact that Iran remained classified as a jurisdiction to primary money laundering concern by the Treasury Department and as the world's foremost state sponsor of terror by the State Department.

Let us be abundantly clear on the facts. It was the Obama Treasury Department that highlighted the role that Iran and Iranian aircraft played in the destabilizing activity across the Middle East and in supporting the atrocities committed by the rogue Assad regime in Syria.

On September 9, 2012, David S. Cohen, the Treasury Undersecretary for Terrorism and Financial Intelligence under President Obama, released the following statement:

"The identification of Iranian aircraft also further highlights Iran's ongoing effort to support the Assad regime's weapons of mass destruction programs and crackdown against the Syrian people."

This quote followed the Treasury Department's announcement to impose sanctions against entities that support the Assad regime in Syria.

So quoting from the same September 9, 2012, Treasury statement: "As a result of the Iran Threat Reduction and Syria Human Rights Act, foreign financial institutions that knowingly engage in significant transactions with . . . Iran Air, Mahan Air, or Yas Air, including any of 117 aircraft operated by these airlines, risk losing access to the U.S. banking system."

Mr. Speaker, this week I received a memo from the National Iranian American Council urging members to oppose my bill. This is the same council that opposes President Trump's travel ban, which was recently upheld by a Supreme Court decision of 7-2, and the same organization that took concern with new sanctions imposed on Iran's support for Hezbollah.

This memo and the pro-Iran principles that it represents could not be a better endorsement for the Strengthening Oversight of Iran's Access to Finance Act.

I would ask this to my colleagues on both sides: At what point did we relegate ourselves to negotiating with those who wish us harm? At what point did we prioritize the interest of a rogue government that paints their bombs with sayings like "Death to Israel" and "Death to America"? When did that happen?

There are simply two sides to this issue. You can either protect the interests of the United States, her citizens, and the U.S. financial institutions, or you can make important the wishes of the Ayatollah and his revolutionary guard.

Which side do you choose to be on? That is the question.

I represent the red, white, and blue.

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

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

Mr. WILLIAMS. My commitment to the safety and well-being of these United States is unwavering.

I urge my colleagues to do the same: support the red, white, and blue, and support H.R. 4324.

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

Mr. Speaker, H.R. 4324, the Strengthening Oversight of Iran's Access to Fi-

nance Act, would impose a new and unilateral certification requirement on the administration in order to meet current U.S. obligations under the Iran nuclear deal known as the Joint Comprehensive Plan of Action, or JCPOA, with respect to the sale and financing of commercial passenger aircraft to Iran.

This certification requirement would call for the Treasury Secretary to consider factors that fall well outside the scope of the nuclear deal and beyond the specific conditions that the U.S. is allowed to place on the license of commercial aircraft to Iran under the nuclear accord.

By moving the goal posts on our commitments under the deal, H.R. 4324 clearly aims to force the United States into a violation of the agreement. Under the Iran nuclear deal, the United States is broadly committed to allow for the sale of commercial passenger aircraft and related parts and services to Iran. This involves licensing the sale of aircraft and related parts and services to Iran, including the financing for such sales.

Under the JCPOA Annex II, the only condition on the U.S. commitment is that licensed items and services must be used exclusively for commercial passenger aviation. Moreover, the only allowable conditions the U.S. can place on authorizations for the sale of commercial passenger aircraft to Iran apply to the licensed aircraft themselves and the use of such licensed aircraft, not on activities or services provided that have no relationship to the licensed aircraft or related goods or services.

Yet, H.R. 4324 would impose new conditions on the licensed sale of aircraft to Iran, including, notably, the condition that the recipient airline has not used nonlicensed aircraft for purposes other than commercial passenger aviation. That is, under this bill, the administration would have to certify that Iran is not engaged in certain activity unrelated to Iran's nuclear conduct but also unrelated to the use of the aircraft itself. If the Treasury Secretary is unable to make such a difficult certification, the Secretary must then report to Congress as to whether the Secretary intends to suspend, revoke, amend, or approve, notwithstanding such noncertification, any license facilitating the sale of commercial aircraft to Iran.

Supporters of the bill will likely note that the bill will not require the Secretary of the Treasury to suspend or revoke an authorization in the event that the Secretary is unable to make the necessary certification, but the obvious political conclusion is that the Secretary will be forced to revoke such license if the Secretary is unwilling to make the certification.

As we have now seen, the President detests the fact that his administra-

tion has to take affirmative steps to keep the deal in place, and he refused to do so. In the case of the last recurring 90-day congressional certification requirement, proponents of this bill undoubtedly hope Trump will react the same way to these additional certifications and block the sale of commercial aircraft, which is a key element of the deal.

In a break from reason and logic, this legislation plays directly into the hands of the President, who is desperate to find any pretext to say that Iran is in violation of the deal or to force Iran to walk away, and thereby, avoid having to take the blame for pulling the plug on the deal.

But let me be clear. By seeking to render impermissible that which is expressly permitted by the JCPOA, the legislation is clearly intended to undermine the nuclear agreement.

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

Mr. HENSARLING. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. BARR), the chairman of the Financial Services Subcommittee on Monetary Policy and Trade.

Mr. BARR. Mr. Speaker, I rise today in support of the Strengthening Oversight of Iran's Access to Finance Act introduced by my good friend, the gentleman from Texas (Mr. WILLIAMS).

Since the seizure of the U.S. Embassy and the taking of 66 American hostages during the 1979 revolution, Iran has taken a long view on its global ambition, supporting terrorist proxies like Hamas, Hezbollah, and the Houthis in Yemen.

From 1983, when Iran-supported Hezbollah bombed a U.S. Marines barracks in Lebanon, killing 243 servicemembers, to the killing of over 500 soldiers in Iraq by the elite Quds Force leader, Qasem Soleimani, Iran has earned its reputation as the world's leading state sponsor of terrorism.

Most recently, Iran Air, an Iranian state-owned airline, was sanctioned by the Treasury Department in 2011 for using its commercial passenger aircraft to transport weapons to terrorists helping the Assad regime in Syria and for transporting military cargo to the Islamic Revolutionary Guard Corps. This is in addition to what the world already well knows, that the Iranian regime has covered up and lied about its nuclear program for decades, deceiving international inspectors, agreeing to intrusive inspections, and then allowing those inspections to be implemented only provisionally and selectively.

Iran's Supreme Leader, Ayatollah Khamenei, regularly chants "Death to America" and ultimately calls for the annihilation of the Jewish people.

In 2015, the Obama administration made a historic mistake by agreeing to the ill-conceived Joint Comprehensive Plan of Action, or as it is also called,

the Iran nuclear agreement or JCPOA. The agreement removed financial sanctions on Iran, enabling greater financial resources for Iranian-funded terrorism.

Adding insult to injury, later, in 2016, due to the agreement, the Obama Treasury Department authorized the sale of more than 200 planes to Iran, the same Iranian airline that was sanctioned in 2011, and the Department also authorized U.S. banks to finance these transactions. But there is evidence that the carrier has continued its illicit behavior.

According to an April 2017 hearing in our subcommittee, Dr. Emanuele Ottolenghi, a senior fellow at the Foundation for the Defense of Democracies, testified that Iran Air operated at least 114 flights to Syria between January 16, 2016, which was Implementation Day of the JCPOA, and March 30, 2017. These flights are known as weapons resupply routes and stopovers in Iran with a suspected IRGC logistical hub that supports airlifts to the Assad regime.

In communications with the committee, Dr. Ottolenghi later confirmed that Iran Air had run at least 134 such flights between Implementation Day and May 4, 2017, which means the Iran nuclear agreement facilitated Iran helping the brutal murderous regime of Assad.

In exchange, what did the United States get out of this?

Only managed access to suspect nuclear sites in which international inspectors must appeal to Iran, Russia, and China in a bureaucratic process that takes at least 24 days, during which Iran can remove anything covert and in violation of the agreement.

International inspectors have also been denied access to military sites, the most likely places in Iran where illicit nuclear activity is occurring. But even if the JCPOA was delivering on its core promise of a denuclearized Iran, the agreement was sold with specific assurance that the JCPOA would not limit the United States' ability to stop Iran's nonnuclear activities and their support of terror activities.

Then Secretary of State John Kerry, in defense of the agreement, selling the agreement to Democrats and Republicans in the Congress, testified that: "If we catch them funding terrorism, they are going to have a problem with the U.S. Congress."

Mr. Speaker, apparently not, because Members of Congress don't have a problem with this evidence that Iran is funding terrorist proxies and the Assad regime.

For these reasons, it is imperative that Congress pass the Strengthening Oversight of Iran's Access to Finance Act, which would require the Treasury to provide a report to Congress describing these connections. This is a reporting bill. Even if you support the

JCPOA, you should support congressional oversight.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. HECK), a member of the Financial Services Committee, so he can clear up some of the information that we just heard.

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

Mr. Speaker, I want to start with a question.

Why is this bill so long?

Last year, we had a bill, H.R. 5729, to block the sale of Boeing aircraft to Iran. It was short and clear. It was only 2 pages long. I didn't like it and I didn't support it; but the truth is, I always respect people putting forth their honest beliefs.

H.R. 5729, last year, blocked the licenses to sell U.S. planes—straightforward. Torpedoing the plane sales endangered the JCPOA because, as we have indicated, it is an affirmative requirement and an obligation on the U.S. to approve plane sales if a sales agreement is reached. That was part of the deal: You won't build or continue to develop nuclear weapons, we will do certain things, including sell you planes.

Everyone knew what the bill would do and they could decide if they thought that was a good idea or a bad idea. It was very straightforward. It was effectively a proxy on the JCPOA.

This year, we have another bill to block the sale of aircraft to Iran. It is neither short nor clear. In fact, it is six times as long as last year's bill.

□ 1800

It subjects the licenses to an ongoing and complex certification requirement. It literally names and shames U.S. banks providing financing. And, again, it does this purposefully so that it might deter the sale of airplanes so that it might undermine the JCPOA.

Frankly, what I interpret, what I have heard this evening, is tantamount to that. This is, yet again, a proxy on the JCPOA. If you are against the JCPOA, vote "yes." If you are for it, vote "no."

This bill, however, obscures its end purpose, that objective of undermining the JCPOA behind process and ambiguity. Why?

If you oppose the sale of aircraft, oppose it. Have the courage of your convictions. Don't just engage in this fearmongering. No matter how many times you say that people in Iran chant "Death to Israel, Death to America," and whatever other form of fearmongering you engage in, at least have the courage of your own convictions. You did last year.

Stand up for what you believe in. If you want Iran to buy Airbus aircraft instead of Boeing aircraft, then say that. Stand up for yourself. Stand up for what you believe.

But let's be clear. That is what this bill will do. Don't dance around.

For my part, I think blocking the sale of American planes is a big mistake on so many levels. Let's be clear. It doesn't deny Iran the use of aircraft; it just will deny them American-made aircraft. It will deny American machinists jobs to work on them.

And need I remind anybody here what it means to be an engineer or a machinist at an aircraft company in this country? It means the kind of jobs that we all aspire to for our constituents. You know the kind; the kind that pay enough that you can buy a home, have decent healthcare, save enough money to send your kid to college if you want to, have regular vacations, and have a secure retirement. Those are the kinds of jobs we are taking away if we pass this bill.

It doesn't just prevent Iran from misusing aircraft, as has been suggested. It just prevents Americans from having maintenance and service agreements that keep eyes on the aircraft because, you see, if Airbus sells them these planes, we have no idea. If they are American-made planes, they come with after-sale maintenance and service agreements. We will have eyes on the planes.

It doesn't force Iran back to the bargaining table. It just jeopardizes and cuts the legs out from under the gains we have made in the JCPOA that I thought my colleague and friend from Connecticut spoke about so eloquently. We don't go to sleep at night worried that Iran is getting closer to a bomb, as we would have, as North Korea has.

So my friends, in summary, passage of this legislation will do three things:

Number one, it will cost America jobs, and good-paying jobs;

Number two, it will make us less safe because it will undermine the JCPOA and, in so doing, not allow us to ensure that these planes are not being used for a nefarious purpose;

And number three, it will actually make us less safe as well, in the sense that if it does, in fact, defeat the purpose of JCPOA—The SPEAKER pro tempore (Mr. WALBERG). The time of the gentleman has expired.

Ms. MAXINE WATERS of California. I yield an additional 1 minute to the gentleman from Washington.

Mr. HECK. If it does cut the legs out from JCPOA, as is its purpose, as is clear, then, of course, we are back on the track of Iran developing nuclear weapons as North Korea has. Fewer jobs and less safe; not sure what it is about that proposition that would be appealing to anyone.

So, my friends, I urge you, in the strongest terms possible, be for American jobs. Be for America being safer. Be for us living up to our commitments, and vote "no" on this legislation.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from

New York (Mr. ZELDIN), a member of the Financial Services Committee.

Mr. ZELDIN. Mr. Speaker, I rise in support of H.R. 4324, which I cosponsor, the Strengthening Oversight of Iran's Access to Finance Act, introduced by Congressman ROGER WILLIAMS.

I stand with the courage of my convictions while I listen to others stand with the courage, apparently, of a conviction to coddle the world's largest state sponsor of terrorism.

I have a problem, and I am not going to apologize for it, and my colleagues aren't going to apologize for it; when we have an adversary of our Nation overthrowing foreign governments, financing terror, developing intercontinental ballistic missiles in violation of U.N. Security Council resolutions, calling Israel the Little Satan and America the Great Satan, pledging to wipe Israel off the map, chanting "Death to America."

Just a few weeks ago, the CIA dropped 470,000 documents collected in May of 2011, in the raid of Osama bin Laden's compound. In those documents, it shows a strong relationship between Iran and al-Qaida, and Iran offering finance and arms for carrying out attacks against America.

I signed up to run for the United States Congress and take an oath to protect this country, and, right now, while we are here this holiday season—tonight is the second night of Hanukkah. We are about to have Christmas, New Year's—we have people who are overseas, sometimes on their 8th, 9th, 10th deployment, willing to risk everything in defense of our freedoms and liberties, putting themselves in harm's way.

So when 10 Navy sailors end up getting held hostage and embarrassed with photography and videography, being shamed by the Iranians, and then we say, as a matter of response, thank you? That was our response when they released our 10 detained Navy sailors.

And you want to question the conviction of Congressman WILLIAMS introducing legislation that is incredibly important for protecting the United States and our servicemembers and our allies; and you want to mock us for having a problem with them chanting "Death to America?" Whose side are you on?

For anyone who has the courage of conviction to coddle the world's largest state sponsor of terror.

Since the U.S. entered the JCPOA, Iran's state-owned airline, Iran Air, has used its access to the U.S. aviation industry to purchase planes that aided the Assad regime in carrying out its war crimes in Syria against its own citizens, innocent women and children.

Courage of convictions to stand with the United States, with our allies, and on behalf of the women and children being targeted by the Assad regime in Syria. We have a problem with that, and we want to do something about it.

Don't try to shame us into being apologetic and unwilling and afraid to stand up for all of those right principles. That is the courage and conviction that I stand up with today, with Congressman WILLIAMS, with Chairman HENSARLING, and all the others who are encouraging a strong "yes" vote for more accountability, for a stronger national defense, for a better future.

Ms. MAXINE WATERS of California. Mr. Speaker, I would like everybody to know we are not trying to shame anybody. If we were going to shame someone, we would shame them and that party about connection to Russia.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. PRICE), an ardent supporter of the Iran nuclear agreement.

Mr. PRICE of North Carolina. Mr. Speaker, I stand in opposition to this bill. The Iran nuclear agreement stands as a major diplomatic achievement that has destroyed Iran's capacity to develop a nuclear weapon.

Detractors point to Iran's bad behavior in other realms—ballistic missiles, support for Hezbollah, violations of human rights. We acknowledge these problems. Nobody is talking about coddling Iran or apologizing for Iran. I resent that implication by the last speaker.

The fact is, we take these problems and these challenges very, very seriously; but we also note that there is not a one of them that wouldn't be much more serious if we were dealing with a nuclear-capable state. So we have got to protect this agreement. We have got to be wary of any proposals that would directly or indirectly threaten it.

And that brings us to the bill before us, H.R. 4324, the so-called Strengthening Oversight of Iran's Access to Finance Act, which would make it much more difficult for Iran to purchase commercial aircraft from firms that do business with the United States.

Now, as we all know, Iran's ability to replenish its aging civil aviation fleet, which was depleted by decades of sanctions, was a key incentive for Tehran to sign on to the JCPOA.

Kenneth Katzman of the Congressional Research Service said: "Iran would view the bill's enactment into law as a breach of the JCPOA. The agreement contains a clear U.S. commitment to undertake such sales to Iran."

But this bill imposes reporting and certification requirements that could well prompt the Treasury Department to cease issuing licenses allowing for such sales if this certification were to be contingent on non-nuclear factors, factors outside the deal.

Richard Nephew, the lead sanctions expert for the U.S. negotiating team, put it this way. He said: "My take on this bill is that, if implemented the way I expect, it probably would violate the JCPOA."

Now, I suppose we have to entertain the possibility that that actually is what the authors of this bill have in mind. Maybe that is the idea, to give the Trump administration and the Iranian hardliners a way of sabotaging the agreement.

Already, President Trump has tried to undermine the JCPOA by refusing to certify Iran's compliance with the deal when, by all accounts, Iran is, in fact, complying.

Now, by directly blocking a specific provision of the agreement, namely, the permissible sale of commercial passenger aircraft, this legislation would send a clear message to Iran that the United States does not negotiate in good faith. It would imply that we expect to have it both ways, with Iran dismantling its nuclear facilities and getting nothing in return.

The bill before us today would also break faith with our P5+1 negotiating partners in a reckless and dangerous way.

Because of this agreement, Mr. Speaker, the breakout time for Iran to develop enough weapons-grade material for a nuclear weapon went from 2 or 3 months to more than a year.

Because of this agreement, the international community has 24/7 access to Iran's nuclear sites, an unprecedented degree of access, intrusive inspections.

And because of this agreement, we possess an enforcement mechanism to ensure Iran's compliance. Why on Earth would we give up these capabilities by failing to uphold our end of the bargain?

That is the way agreements work. We uphold our end of the bargain. We don't sabotage agreement by deceptive legislation like that bill before us.

So, in light of renewed tensions on the Korean Peninsula, now is especially not the time for the United States to go back on its word to our allies and to the international community.

Mr. Speaker, I urge my colleagues to vote "no" on H.R. 4324.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HILL), an outstanding member of the Financial Services Committee.

Mr. HILL. Mr. Speaker, I thank my friend, Mr. WILLIAMS, for introducing H.R. 4324, the Strengthening Oversight of Iran's Access to Finance Act. This act is needed.

Tonight, we are not here to rehash the failings of the JCPOA, but we are really here to honor Secretary Kerry's commitment of oversight of Iran outside that agreement. He made it quite clear to Congress in his briefings that we would monitor the world's largest exporter of terror around the world; that we would do everything outside the agreement to enforce sanctions; that we would not stop reviewing their behavior.

This piece of legislation comes at an important time, as the Trump administration is taking significant steps to protect our homeland by reviewing actions around rogue regimes and sponsors of terror around the world, including Iran.

Now, my friend from Washington brought up the subject of the American worker, and, of course, we all are blessed by the brilliance and success of Boeing. We couldn't come to our jobs without them.

But there are 5,000 airlines in the world, Mr. Speaker. There are 10,000 Boeing aircraft in service, and there are 5,700 airplanes on order from the Boeing corporation to help make up that \$41 billion of annual revenue.

The question here is not about selling airplanes, the question here is about protecting the homeland and interests of our country around the world.

Unfortunately, civil aviation is commingled with military Quds Force action; not just in what has been said tonight about transporting military action to Syria, supporting a war that has killed some 500,000 people, but what about Boeing transport from Damascus to Caracas?

□ 1815

What about the Boeing aircraft operated by the Iranian regime back and forth between Russia and Iran, back and forth between Tehran and Damascus, between Damascus and Venezuela?

It is not just the civilian aircraft, Mr. Speaker, and that is why we want to be alert, and our American citizens need to know if their bank deposits are being used to extend credit to a regime that seeks pleasure in murdering innocent people, murdering our men and women in uniform and even innocent civilians in their own country.

We may differ on our views on the JCPOA, but we can all agree that nothing in the nuclear deal prevents the sharing of information between an administration and this Congress about financing aircraft for the world's largest state supporter of terrorism. That is what this piece of legislation is trying to achieve. That is what Mr. WILLIAMS' point is in bringing it to the floor, and I appreciate his thoughtful work to implement this much-needed policy and to help keep the citizens in my district safe from Iran's global terror advance.

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

Mr. Speaker, I am going to read a letter addressed to the Members of Congress from a highly respected organization that is pro-Israel and pro-peace advocacy. I am a member, and I look to the recommendations, the advice, and the assistance of this organization on all issues related to the Middle East and related to Iran and related to

Israel. It is known as J Street, and I am a proud member and a proud participant.

J Street urges Members:

Oppose the so-called Strengthening Oversight of Iran's Access to Finance Act, that is H.R. 4324, which is clearly intended to lead to a U.S. violation of the JCPOA.

This bill would impose additional certification requirements on the administration in order to carry out current U.S. obligations related to commercial aircraft sales under the JCPOA.

These new obligations require the administration to certify that Iran is not engaged in certain nonnuclear activity or issue a national security waiver saying they will allow the planes to be sold anyway. In other words, it imposes new unilateral terms for a continuation of the JCPOA that are unrelated to Iran's nuclear conduct.

It has been widely reported in connection with the President's recent refusal to make the necessary certification to Congress under the Iran Nuclear Agreement Review Act that the President resents having to undertake official actions to keep the United States in compliance with the JCPOA.

Proponents of this legislation clearly hope to make use of the President's apparent resistance to taking such steps by adding a new certification requirement that they hope he will also fail to meet, thereby blocking the sale of commercial aircraft and forcing a U.S. violation of the agreement.

Anyone doubting that this is the point of the bill need look no further than the first finding, which makes clear that this bill is a gratuitously anti-Obama, anti-JCPOA vehicle and not a serious attempt to legislate on a bipartisan basis on threats emanating from Iran.

No one who wants to see the JCPOA continue to be implemented should support this bill.

Finally, Mr. Speaker, Dylan Williams, the vice president of government affairs who signed this bill, said:

Congress just gave the administration powerful tools to conquer other countries, support of the Assad regime when it passed new sanctions on Iran, Russia, and North Korea a few months ago that the President signed into law. Implementation and assessment of the impact of that law should occur before consideration of any new sanctions legislation.

Again, in addition to the supporters of this body who have worked very hard to try and convince the Members of this body to be on the side of peace, to try and get the Members to understand the seriousness of undermining the JCPOA, the Members of this body who work very hard for peace and who join with groups like J Street and advocate for peace are trying to make sure that the United States stands up to its agreements, understanding how this undermines our leadership in the world.

If we sit down and we negotiate with other countries, as we have done on the JCPOA, and they expect us to live up to the agreements and then they hear that we have various Members of Congress with ideas of their own putting together legislation that is supported by the opposite side of the aisle, coming in not with one piece of legislation,

not with two pieces of legislation, but we don't know how many will continue if they are successful in passing the legislation that they are putting before us, if this continues, then I am certain that our allies will not trust us. They will not want to negotiate with us on other deals that are important to peace in this world. I would simply ask the Members on the opposite side of the aisle to pay attention to highly respected, credible organizations like J Street and take their advice about how to give support to the JCPOA.

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

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BUDD), a hard-working member of the Financial Services Committee.

Mr. BUDD. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today in support of Mr. WILLIAMS' legislation, H.R. 4324. I want to thank him for his leadership on this front.

Mr. Speaker, it is no secret that much of the terror funding and the civil unrest that we see in the Middle East can be traced directly back to Iran.

Since we have lifted sanctions on that regime—and, in particular, against state-owned entities like Iran Air—we have opened up ourselves to potentially financing Iran's destabilizing activity in the region.

Congress has a right to know if banks are linked to financing or doing business with Iran, again, the world's largest state sponsor of terror.

This bill is significant, considering what we have recently seen with Iran Air. As recently as 2011, Iran Air was transporting weapons and missiles on behalf of the Islamic Revolutionary Guard Corps; and even this year—not 2011, but this year—we have seen Iran Air continue to fly well-known weapons resupply routes to pro-Assad-controlled areas of Syria.

Iran will always continue to find new and creative ways to bypass sanctions and to fund their worldwide terror network. We have to be on constant alert. Mr. WILLIAMS' legislation gives us the tools to do exactly that.

His bill gives the people's House, this House, more oversight on business that the Treasury Department authorizes with Iran. This is important because it conveys the importance of staying alert about our financial institutions when they get involved financially with Iran.

Mr. Speaker, once again, I thank my colleague and my friend, Mr. WILLIAMS, for his leadership on this issue, and I urge adoption of this bill.

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

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentlewoman

from Florida (Ms. ROS-LEHTINEN), the chairman emeritus of the House Foreign Affairs Committee and chairman of its Subcommittee on the Middle East and North Africa.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank our esteemed leader for this time, and I rise in strong support of H.R. 4324, the Strengthening Oversight of Iran's Access to Finance Act, authored by our good friend Mr. WILLIAMS of Texas, who is swinging for the fences.

When the Obama administration signed this terrible Iran nuclear deal, in addition to the lifting of sanctions and sending billions of dollars to this hideous regime, it also authorized licenses for the export of commercial passenger planes to Iran.

After selling the world a bill of goods, the administration then turned around and agreed to allow the sale of planes to the world's biggest exporter of terror. Not only that, but U.S. financial institutions would be needed to finalize these sales, meaning American taxpayers' dollars could be used to finance these sales.

The results were predictable, Mr. Speaker. Iran has been using its commercial planes to transport fighters, to transport weapons, to transport material to Hezbollah in Syria, just to mention one. The list could go on and on, many illicit activities.

This is not something that Americans would be supporting, let alone underwriting. That is why Mr. WILLIAMS' bill is so important, and I thank Mr. HENSARLING for bringing it to the floor. It protects the U.S. financial system, and it protects the taxpayers by giving us in Congress greater oversight. That is what this bill is about: oversight over business that the Treasury authorizes with Iran.

As we have heard speaker after speaker, Iran is the number one leading state sponsor of terror. It is responsible for the deaths of countless brave American men and women fighting overseas. It is the destabilizing force in Syria, to name just one of the countries.

The Supreme Leader calls for the destruction of our most trusted ally, the democratic Jewish State of Israel; and the calls for "death to America," Mr. Speaker, they go on and on, and it is written on walls.

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

Mr. HENSARLING. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, the JCPOA was flawed. We all know that. It was weak and it was dangerous.

Let's ask our constituents, our taxpayers, if they want their dollars to fund the purchase of planes for the number one state sponsor of terror. I think that the answer would be "no."

We are actually being asked to supposedly support American jobs by help-

ing Iran, the number one terror state, to buy planes so this horrid human-rights abuser of a country, this killer of Americans can use these very planes to continue exporting its terror activities throughout the world.

This is preposterous. It is a false choice.

Mr. Speaker, this bill protects the American consumer; it protects our constituents; it protects the taxpayer; and it gives us in Congress the proper oversight. Let's pass what this is: a commonsense bill.

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

The SPEAKER pro tempore. The gentlewoman from California has 4 minutes remaining. The gentleman from Texas has 5½ minutes remaining.

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

On October 13, 2017, the Director General of the International Atomic Energy Agency—that is, the IAEA, the U.N. nuclear watchdog that, since January 2016, has been monitoring and verifying Iran's implementation of its nuclear-related commitments—released a statement noting that, "At present, Iran is subject to the world's most robust nuclear verification regime," confirming that Iran remains in compliance with its JCPOA commitments.

The same day, President Trump announced that he had refused to certify the national security value of the Iran nuclear deal, which gave Congress 60 days to fatally undermine the agreement by re-introducing some or all of the suspended sanctions; although, Congress did not do so.

Despite the fact that the President did not withdraw from the nuclear accord, his disdain for the agreement has always been clear. In a highly confrontational speech, President Trump forcefully denounced the Islamic republic and attacked the deal for failing to curb Iran's destabilizing regional activities, despite the fact the accord was never meant to address every aspect of Iran's malignant activities. It was always intended to focus on Iran's nuclear program.

As an arms control agreement, the deal has, so far, been successful.

□ 1830

Trump has threatened to upend the nuclear deal unless Congress amends it to make its terms more restrictive. The President is looking to find any rationale he can to walk away from the deal without having to take the blame. This legislation is precisely what he has been looking for.

But American unilateralism, at this point, would be a disaster and would make forging a common front against Iran nearly impossible in the future. That is one way of ensuring failure at

the outset of a diplomatic effort to pursue a new multilateral agreement, would be to violate an existing one with the same partners.

The President's insistence on renegotiating the JCPOA to extend the duration of several of its constraints make inspections more intrusive and expand its coverage to missiles. It is dangerous and unrealistic, given that every other signatory of the agreement has objected to changing its terms while Iran remains compliant.

If Congress passes this bill, it would give the administration the path it needs to rip up the nuclear card without the constraints placed on Iran by the deal. The administration's hostile attitude towards Iran and stark absence of diplomacy will inevitably put the United States on a path of escalation with Iraq. There is an obvious link with North Korea here as well. Hopefully, at some point, the President may determine that diplomacy has a role in managing the North Korean nuclear missile challenges.

But America's ability to offer a credible, diplomatic path will be seriously undermined if we cannot be trusted to stand by our agreement dealing with Iran to destabilize regional activities. Its ambition to remake large swaths of the Middle East in its image entails a broad range of challenges. Without the JCPOA, however, those challenges become even more daunting.

I urge my colleagues not to give up on our best chance of containing Iran's pursuit of nuclear weapons through peaceful means and to join me in rejecting this terrible bill.

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

Mr. HENSARLING. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from South Carolina (Mr. NORMAN), a member of the Small Business Committee.

Mr. NORMAN. Mr. Speaker, I thank Chairman HENSARLING for yielding. This really isn't that complicated. The JCPOA is a failed policy that was put up by a President who had no interest in protecting this country as it should be. President Trump is finally bringing this back to this country.

Mr. Speaker, I rise today in strong support of H.R. 4324, the Strengthening Oversight of Iran's Access to Finance Act. This important legislation is critical to hold Iran accountable and ensure the integrity of U.S. sanctions against Iran.

Mr. Speaker, I want to thank ROGER WILLIAMS for his great work on this legislation. The Iran deal allows the United States to license the sale of passenger aircraft to Iran to update their civilian commercial airliner fleet. Despite the deal, Iran's behavior has not changed, and they still remain a principal state sponsor of international terrorism, a direct contributor in propelling up the Syrian regime, and a major facilitator of money laundering.

However, enabling commercial aircraft sales could only fortify Iran's rogue behavior. Many, including the Department of Treasury, are concerned that commercial aircraft could be used for noncivilian purposes, considering the state-controlled airline, Iran Air, has facilitated Iran's destabilization of Syria by transporting missile and rocket components to the Syrian regime.

Justice Louis Brandeis once stated that, "Sunlight is said to be the best of disinfectants," and that is what this legislation seeks to do. It simply adds a crucial layer of reporting requirements, certifying that the sale of passenger aircraft does not pose a money laundering risk or violate U.S. sanctions.

Iranian continues to threaten the stability of the Middle East, and it poses a threat to U.S. national interests. Holding Iran accountable and preventing them from continuing to destabilize Syria should not be controversial at all.

Mr. Speaker, I respectfully urge all of my colleagues to strongly support this legislation.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

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

Mr. Speaker, from time to time in my Congressional career I come to the House floor, and I have a surreal moment. Iran is the world's foremost state sponsor of terror, and we have Members on the other side of the aisle saying: Well, we shouldn't learn anything about them. We shouldn't learn about who is financing their aircraft. We shouldn't learn whether or not aircraft will be converted for military purposes.

Iran is a regime where every day the leadership wakes up shouting: "Death to Israel, Death to America." Yet I have friends on the other side of the aisle who say: Well, we shouldn't have any reporting on Iran because it might hurt their feelings.

This is a surreal moment, Mr. Speaker, an absolute surreal moment. We have been told over and over that somehow this stops the JCPOA, the nuclear deal with Iran. I wish it did, but it doesn't. I would suggest to my friends on the other side of the aisle, if they actually read the bill, it is 10 pages long, 6 pages of findings. You can put the findings aside and read the 4 pages. It is a reporting bill.

It has certifications. And guess what the implications are if the administration can't give the proper certifications? Nothing. The deal continues to go on. It is perhaps the single worst foreign policy agreement in the history of America that legitimizes Iran's nuclear program and, on its best day, slows up their nuclear weapons by

maybe a few years, at best, on its best day.

When the JCPOA was sold to us by the previous administration, we were told: This would be for civilian aircraft use only. Don't worry about it. This is not going to exacerbate terrorism in any way. But we know Boeing itself says their aircraft, which are being sold to Iran, can be used for combat purposes, and, in fact, have been. Iran Air was cited in 2011. It was sanctioned for supporting the Islamic Revolutionary Guard Corps, which has been designated as a terrorist organization.

This isn't just theory, Mr. Speaker. It is a fact. Then we had my colleague, the gentleman from Washington, say: Well, it is important that we sell aircraft to Iran so companies can make profits. Well, using his logic, maybe we ought to sell weapons to North Korea if some company can make a profit. I think not, Mr. Speaker.

There are some things that are more important. Our security is even more important than the profit of any one particular company. So, again, this is a simple reporting requirement.

I want to thank the gentleman from Texas (Mr. WILLIAMS) for his leadership here. It is incredibly important that we understand from those who sold us this terrible Iranian deal, they need to make good on their promises.

We need to make sure that civilian aircraft are being used for civilian purposes. We need to make sure that the banks who are financing these deals are not financing terrorism. Yet those on the other side of the aisle say: No, let's put our heads in the sand. Let's just trust—let's trust the world's foremost state sponsor of terrorism. They will do the right thing. Let's just ignore this terrorism thing.

No. No, Mr. Speaker. That is why it is so important that we enact H.R. 4324, and I urge all my colleagues to vote for it. It is important to America.

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of H.R. 4324, the Strengthening Oversight of Iran's Access to Finance Act, introduced by my friend ROGER WILLIAMS. This bill is critical to Congress' sustained effort to roll back the most egregious concessions from the Obama Administration's disastrous nuclear deal with Iran.

Mr. Speaker, I have spoken many times about how the Iran deal endangers our national security, namely by acquiescing to Iran's ambition to become a nuclear threshold in less than a decade. As if this concession—and the woefully inadequate inspections regime President Obama agreed to—were not troubling enough, the deal came with dozens of additional sweeteners for Iran that were folded into the main text of the agreement and an unknown number of side-deals.

These inducements were wrong on principle and they are downright dangerous in practice. On principle, Iran should not be gently incentivized to come clean about its nuclear

program—it should be strictly compelled to comply with international norms. In practice, these numerous U.S. concessions to Iran effectively handed the world's largest sponsor of terrorism more resources to advance its campaign for regional hegemony. By providing \$115 billion in sanctions relief, a \$1.7 billion ransom payment, and an \$8.6 million payment for excess heavy water that violated the terms of the deal, the Obama Administration's calamitous deal generated a windfall for the Iranian regime.

Mr. Speaker, one especially troubling concession was the Obama Administration's agreement in the text of the deal to sell commercial passenger aircraft to Iran while at the same time lifting sanctions on Iran Air, a national carrier notorious for ferrying Iran's military manpower and materiel around the region. Iran Air was sanctioned by the United States in July 2011 under Executive Order 13382 for "for providing material support and services to the Islamic Revolutionary Guards Corps and Iran's Ministry of Defense and Armed Forces Logistics." Lest we believe Iran Air has straightened up its act since 2011, the Washington Free Beacon reported in August on images from this summer showing Iranian militiamen flying Iran Air to join the civil war in Syria.

Mr. Speaker, it's also clear that Iran has never had a greater incentive than it does today to double down on its hegemonic schemes as it expands its footholds in Iraq, Syria, Lebanon, Yemen, and elsewhere in the region. We have long known of Iran's genocidal intentions toward our critical and democratic ally, Israel. For years Iran has poured money and resources into Hizballah and Hamas to develop proxies that can threaten Israel on its borders. Today, however, Iran is closer than ever to achieving its own toehold near the Israeli-controlled Golan Heights from which to menace Israel and terrorize its people.

Why, in this context, would the United States knowingly furnish Iran with aircraft it needs to move its military assets around the region? Yet, as we speak, a sale of 80 Boeing aircraft to Iran Air, worth as much as \$16.6 billion, is on track to proceed unless the Administration wisely intervenes or Congress hits the brakes.

Mr. Speaker, H.R. 4324 is crucial to applying necessary and thorough scrutiny to this deal or others like it. This bill will require the Department of the Treasury to certify that the beneficiaries of any such deal do not include Iranians known to be involved in transporting materiel or other resources for designated individuals or groups. Given Iran Air's sinister past, it is only logical to demand this sort of certification.

Furthermore, the bill would require the Treasury to certify that any such transaction does not pose a "significant money laundering or terrorism financing risk to the U.S. financial system." Again, considering that Iran remains the world's largest financier of terrorism and on the Financial Action Task Force's blacklist of countries that pose a high risk of money laundering, it is only responsible to establish this sort of standard for major U.S. transactions with Iranian companies.

Mr. Speaker, I also rise today to support H.R. 1638, the Iranian Leadership Asset

Transparency Act, introduced by my friend BRUCE POLIQUIN. This bill requires common sense reporting to Congress on the terrorism financing and money laundering threat posed by Iran to help us address it more effectively.

Mr. Speaker, I urge my colleagues to support these timely and critical measures.

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

AMENDMENT NO. 1 OFFERED BY MR. GAETZ

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

The SPEAKER pro tempore (Mr. BANKS of Indiana). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 18, strike “or”.

Page 6, after line 18 insert the following (and redesignate the subsequent subclause accordingly):

(II) has knowingly transported items used to establish in Syria a permanent military presence of either Iranian military forces or Iranian backed militia; or

The SPEAKER pro tempore. Pursuant to House Resolution 658, the gentleman from Florida (Mr. GAETZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GAETZ. Mr. Speaker, I would like to thank the gentleman from Texas, Chairman HENSARLING, for his guidance and leadership in assisting me with this amendment. I would also like to thank the gentleman from Texas (Mr. WILLIAMS) for ensuring this Congress takes the strongest possible position as it relates to Iran and ensuring that we use every arrow in the proverbial quiver, financially speaking, so that U.S. assets and U.S. resources are not used to proliferate terror in a way that is consistent with Iran's paradigm and their budding hegemony.

Across the Middle East, we see Iran funding terrorist proxies, destabilizing the region, threatening their neighbors, and functioning as an eyesore for the world. So I am glad to be here offering an amendment to ensure that, as we use the tools at our disposal to limit Iran's power to be a destabilizing sponsor of terror, we pay particular focus to the activities going on currently in Syria.

In Syria now, a ceasefire has had an unintended consequence of giving Iran space to be able to move in and make attempts to harden long-term military assets, installations, so that troops could be housed and potentially launch other attacks and fund and equip Iran's terrorist proxies throughout the area.

It is no surprise that the facility that Iran most recently worked on would have housed upwards of 5,000 soldiers. It is believed that, potentially, Israel took action to ensure that the construction did not continue on that particular facility.

My amendment, Mr. Speaker, conditions the provisions of this bill on an

attestation that Iran has not set up permanent, present military in southern Syria. I think that is critically important.

In the last conversation I had with Prime Minister Netanyahu, he indicated that Israel was most concerned, in all of the world, about the risks posed by Iran setting up a permanent military presence in southern Syria, and that that would cause potentially kinetic conflict, war, and even more dramatic, catastrophic outcomes.

Again, I thank Chairman HENSARLING and Mr. WILLIAMS for their strong leadership. I offer this amendment to back our ally, Israel, and to ensure that Iran does not have the capability to establish a permanent military presence in southern Syria.

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

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

The question is on the amendment offered by the gentleman from Florida (Mr. GAETZ).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SWALWELL of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SWALWELL of California. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Swalwell of California moves to recommit the bill H.R. 4324 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 6, line 23, strike “and”.

Page 7, line 7, add “and” at the end

Page 7, after line 7, insert the following:

(iv) no financial institution participating in such transaction is engaged in business with a foreign entity that has been found by the Secretary, in consultation with the Director of National Intelligence, to have engaged in or authorized cyber-attacks targeting any election held in the United States;

□ 1845

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. SWALWELL of California. Mr. Speaker, this is the final amendment to the bill. It will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to a final passage vote, as amended.

My amendment would add an additional certification requirement from the Treasury Secretary for financial institutions.

Mr. Speaker, I agree with my colleagues across the aisle. Iran is a threat to our national security, and we should seek to hold them accountable, protect Americans, and defend our allies. The first major step in the last decade to do so was with the Iran nuclear agreement taking a nuclear power off the table. But we should also seek to hold accountable Iran's chief enabler and best friend in the world, Russia, which my amendment will seek to do.

My amendment would add a requirement that the Treasury Secretary certify that an institution financing the export of commercial aircraft to Iran did not engage in business with any foreign entity which engaged in or authorized cyber attacks targeting American elections. This is a commonsense provision to ensure that companies are aware of the effects their financial dealings have on supporting those who engage in election interference.

We should think carefully about letting financial institutions do business with countries that choose to conduct this new cyber warfare. While it may have been unthinkable before 2016 that a foreign adversary would interfere in one of our elections, we know now that the threat is all too real.

Our intelligence community concluded that Russia interfered in our 2016 elections; and it also concluded that this was ordered by President Vladimir Putin, with the goal of helping its preferred candidate, Donald Trump. Why this is something that the President and some of my colleagues across the aisle still question is beyond shocking. It is also a slap in the face of the dedicated men and women who serve and toil for our intelligence communities.

The 2016 election, Mr. Speaker, is behind us. We shouldn't relitigate it. We should learn, though, from how a foreign adversary, a friend of Iran, sought to influence the American voter. This is not a Democratic Party or Republican Party issue. It is about our freedom of choice: who gets to choose when we go to the ballot box.

Iran is not our friend. Guess who else is not our friend? Iran's friend Russia. But if you don't believe me, if you are cynical enough, as the President is, to dismiss the findings of our intelligence community, then believe the Russians. Believe their own declarations.

In September, a Duma parliament member, Nikonov Vyacheslav, stated that the United States intelligence community slept while Russia elected a new United States President of the United States.

Does anyone in this House want to do something about that?

In this attack, did Russia work with the Trump campaign?

That is a serious question that remains outstanding. Every day seems to bring new revelations about the connections between the Trump campaign and Russia. We must do all we can to allow Bob Mueller and his team to pursue that evidence unimpeded by Presidential obstruction.

We also must be able to conduct our investigations on the House Intelligence Committee to do all we can to get to the bottom, to tell the American people how we were so vulnerable, who in the United States was responsible, whether the U.S. Government response was adequate, and what we can do to make sure it never happens again.

I fear, Mr. Speaker, that the President and many of his own enablers in Congress are seeking to fire Bob Mueller, which would set us back and greatly affect our ability to prevent another attack by Russia. But what we can do with this amendment today is not only stand up to Iran, but also stand up to their chief enabler, someone who finances them and assists the terror that they enact across the globe.

Vote for this motion to recommit, and, by doing so, Members will show their concern not only about Iran, but also about their chief enabler. Members will show their concern for our democracy and the interference that Iran's best friend, Russia, carried out in our last election.

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

Mr. HENSARLING. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, my friends on the other side of the aisle seem to be schizophrenic. They can't seem to figure out whether they want to coddle Iran or to "stand up to" Iran. We were also told that H.R. 4324 was designed to "blame and shame" financial institutions, and now they offer a motion to recommit to blame and shame financial institutions.

So here is what is going on, Mr. Speaker: What we have is a regime that wakes up every morning shouting "Death to America; death to Israel," and yet we have a motion to recommit trying to relitigate the 2016 Presidential election.

We have a regime which has been certified as the world's foremost state sponsor of terrorism whom we are trying to hold accountable and from whom we are trying to get information, and our friends on the other side of the aisle are trying to relitigate the 2016 Presidential election.

We know that the Iranian Revolutionary Guard Corps supports the Assad regime in Syria. According to the U.N., the Assad government, with the help of Iran, has now carried out 27 chemical weapon attacks since the

start of the Syrian conflict, including an April 2017 sarin gas attack that killed more than 80 people, including scores of women and children, and my friends on the other side of the aisle want to relitigate the 2016 Presidential election.

Mr. Speaker, Iran continues to imprison foreign nationals, including Americans—including Americans—including 81-year-old Baquer Namazi, who has lost his teeth in prison due to malnutrition. We have had another American prisoner, a student at Princeton, who has suffered health problems, and yet my friends on the other side of the aisle, with their motion to recommit, want to relitigate the 2016 Presidential election.

This is a serious moment, Mr. Speaker. H.R. 4324 by the gentleman from Texas is an important piece of legislation to ensure that civilian aircraft sales to Iran remain civilian aircraft and that our financial institutions are not unwittingly helping to finance this rogue terrorist regime, and it is no time to relitigate an election that my friends on the other side of the aisle lost.

We need to reject the motion to recommit, and we need to enact H.R. 4324.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. SWALWELL of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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HOOR OF MEETING ON TOMORROW

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

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PAYING TRIBUTE TO SURF LEGEND BRUCE BROWN

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

Mr. ROHRBACHER. Mr. Speaker, I rise today to pay tribute to surf legend and filmmaker Bruce Brown, who, at 80 years of age, died this week.

Bruce Brown challenged a generation of Americans to follow our dream and to find our perfect wave. He reached out to introduce us to the magic experience of being propelled by the power of nature on an ocean wave. Adventure and a rush of excitement was only as far away as a local beach.

Bruce Brown made movies about surfing. "Endless Summer" was his best known. But his films were more than entertainment. He spoke to our soul and our spirit of adventure. He inspired us to go for it, to take on towering waves, just as other Americans scaled the tallest mountain peaks and even journeyed to the Moon.

Isn't that what America was all about? Isn't that what America is all about?

My first surfboard was a large, single-fin Velzy. Dale Velzy owned a surf shop in San Clemente and financed Bruce Brown's first film, "Slippery When Wet."

The surf culture Bruce Brown helped get born is still here. Outsiders are intrigued by it. You know when you are part of it.

Bruce Brown showed us the way. A few days ago, he passed on and is paddling into the distant sunset. He followed his dream, he found his perfect wave, and he rode it as far as it would take him.

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TAX REFORM ON STUDENTS

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

Mrs. WATSON COLEMAN. Mr. Speaker, education is supposed to be the great equalizer, but instead of investing in our students, Republicans, through their tax scam, are attempting to widen that equality gap.

Young people want to pursue higher education, and Republicans want to punish them with higher taxes so we can give away benefits to millionaires and billionaires.

Students are gaining knowledge that can actually make a difference in this world, but the Republicans' tax plan will only serve to deter them from that goal.

It is right here in black and white. Republicans are trying to eliminate student loan interest deductions. They want to tax college endowments that provide scholarships and student aid. They are taxing graduate tuition benefits that would make graduate school unattainable for low- and middle-income students.

So this Republican attack on college and graduate students says loud and clear: Low income? No rich parents? Good luck. Pay up.

It is an absolute disgrace.

RECOGNIZING WOODWARD TOWNSHIP SUPERVISOR CLYDE GLOSSNER FOR 47 YEARS OF SERVICE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to honor the career of Clyde Glossner, who has served the Woodward Township in Clinton County as supervisor for nearly 50 years.

Supervisor Glossner, who is 84, will retire this year after 47 years of service. Next Tuesday, he will oversee his last board of supervisors meeting.

Supervisor Glossner has been a resident of the township his entire life. He is a member of the Forty and Eight organization and the Masons in Lock Haven.

He and his wife of 60 years, Wilma, were married in 1955 in First Evangelical United Brethren Church in Lock Haven. In September 1955, Clyde and Wilma purchased their home in Woodward Township. They still live there today, and they have three grown sons.

In his earlier years, Supervisor Glossner worked as a food inspector for the Pennsylvania Department of Agriculture. He has shown his dedication to his neighbors through his years of public service, and the community will gather next Tuesday, December 19, at the Dunnstown Fire Hall to honor him.

Mr. Speaker, I commend Supervisor Glossner for a life of service, and I wish him well in his retirement.

TAX REFORM

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

Mrs. BEATTY. Mr. Speaker, what is happening in Washington? With the holidays coming up, I would like to know why the Republican majority seems so intent on putting coal in the stockings of everyday Americans.

Last week, the House passed a continuing resolution that did little but move the threat of a government shutdown to just a few days before Christmas.

The Republican tax bill is a brazen attempt to put money in the pockets of the superwealthy and well-connected at the expense of seniors, our students, middle class families, and hardworking Americans.

The American people don't deserve this tax hike. It is a billionaires-first Republican tax scam, and they don't deserve a government that reels from shutdown crisis to crisis doing nothing but creating uncertainty in our country.

What we should be doing is fixing CHIP. The Children's Health Insurance Program provides real, permanent tax

relief to those who need it most: our 9 million children, 250,000 in my district.

Mr. Speaker, the American people deserve better. They deserve better jobs, better wages, and a better future.

□ 1900

FIVE-YEAR ANNIVERSARY OF SANDY HOOK SHOOTING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from Connecticut (Ms. ESTY) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. ESTY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the subject of tonight's Special Order.

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

There was no objection.

Ms. ESTY of Connecticut. Mr. Speaker, tomorrow, December 14, marks the 5-year anniversary of the horrific school shooting in the home community of Sandy Hook Elementary School.

That day shocked the Nation. Twenty schoolchildren and six educators—20 6-year-olds and 7-year-olds—were ripped from the community of Newtown and from the United States.

I remember that day. I was a newly elected Member of Congress learning about what it means to serve in this august body. I was with about 40 or 50 of my colleagues learning about our duties when I started to get emails and text messages that something terrible had happened at home. By noon, I learned the worst. Dozens of children had been gunned down, in cold blood, along with their teachers.

I threw my things in the back of the car and I drove from Boston. I called my mother, I called my minister, and I prayed for wisdom and I prayed for guidance and the courage to face those families.

I arrived in Newtown while families were being notified that their children who they had put on the bus that morning, thinking about Hanukkah or Christmas or thinking about the snow that was already on the ground, would never come home.

It is sad. It is sad and it is inexcusable that I stand here 5 years later. In that time, this Chamber, the people's House, has not taken up the people's business.

As of this fall, in fact, over 90 percent of Americans still support having universal background checks on all gun sales to keep guns out of the hands of dangerous people. Over 90 percent of American households that have guns also support that commonsense legisla-

tion. Yet, in this House, we have not been given the opportunity to vote on that legislation. In those 5 years, 170,000 Americans have lost their lives to gun violence. Think about that: 170,000.

Newtown, like my hometown of Cheshire, is about 30,000 people. That is multiple Newtowns all day, every single one. Every single one of those Americans was a son or a daughter of someone and had friends and neighbors and loved ones. Again, in that time, this body has not acted.

Two weeks ago, I was in church in Danbury, Connecticut. I was at services with a congregation I try to get to every 6 months or so. I saw a couple of people I didn't expect to see. I saw the mother of one of the little girls who was killed 5 years ago. I saw the daughter of the principal. They were there for guidance, for wisdom, for courage to fight the battle that the American people are waging for this House to take action on.

The American people know the right thing to do. Our law enforcement know the right thing to do. The vast majority of responsible gun owners know the right thing to do. Yet, somehow, this body has failed to act.

But it is never too late. Now is the time for us to step up. Now is the time for us to shoulder our responsibilities so that no other community has to go through what Newtown has gone through. Although, in that time, we have now seen Las Vegas, we have seen Charleston, we have seen Orlando. There are killing fields now in America. That is not right. It doesn't need to be.

I am joined tonight by several of my colleagues who are passionate advocates for gun sense and gun safety in America.

Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Mr. Speaker, I thank my friend and colleague, Congresswoman ESTY, for leading this Special Order hour and for yielding to me.

Mr. Speaker, I will never forget the Sandy Hook tragedy that happened 5 years ago tomorrow. It was like yesterday.

I was at Harvard University. I was seated next to Congresswoman ESTY when the news broke about the shooting in the district she had just been elected to serve.

The more we learned that day, the more devastating and heartbreaking the news became. Innocent children were taken away from their parents, from their brothers and sisters, and from their community.

I hoped and prayed that day that we would never see a tragedy like Sandy Hook. But, of course, our country continues to be unique in the number of people we have lost to mass shootings and gun violence.

As a Member of Congress, I cannot stand by and allow our communities to

continue to be upturned by the loss of innocent lives. There are too many things we can do to address this epidemic.

We should allow Federal agencies to study gun violence as a public health crisis, because it is. We should keep guns out of the hands of individuals on the terrorist watch list and those convicted of hate crimes. We should close the gun show loopholes, Mr. Speaker, and reinstate the assault weapons ban.

You will note that none of the proposals I just mentioned would in any way infringe on the Second Amendment or limit the ability of Americans to protect themselves or their families. So there should be no reason why our Republican colleagues can't join us and pass sensible reforms that will save lives, like the lives we could have saved at Sandy Hook.

I hope and pray that this Congress has the courage to curb this epidemic of gun violence, because I don't want to continue to see the Sandy Hooks, the Charleston Nines, the Orlandos, or what we saw this year in cities like Las Vegas or small towns like Sutherland Springs.

One of the things we can do to honor the memory of the victims of those tragedies and all victims of gun violence is to make sure that no more families have to experience the same senseless loss.

Again, I thank my colleague and friend for being courageous and for standing up and fighting for better gun laws so that we can save lives. I thank her for being a champion and leading tonight's effort.

Ms. ESTY of Connecticut. Mr. Speaker, I yield to the gentleman from California (Mr. THOMPSON), my friend and the leader in our effort, who is an expert in guns. He has experienced more than his share of gun violence as a decorated servicemember fighting our Nation's battles, and he has now led us for the last 5 years in our efforts for a safer, better society and a better world as the head of our Gun Violence Prevention Task Force.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentlewoman for yielding and also for her leadership in regard to gun violence prevention and all the work that she has done and all of the effort she has put forward to try and bring some common sense to this issue.

The speaker before me said that she will never forget what happened at Sandy Hook and where she was when that tragedy took place. I don't think there are any of us who know what Sandy Hook was or were in Congress when Sandy Hook happened or care about this issue who will ever forget where we were.

For me, I was in my home State of California, in the Sacramento Valley, in a duck blind. I was duck hunting. Yes, I am a hunter. I am a gun owner.

I carried a weapon in Vietnam during the Vietnam war. I strongly support the Second Amendment.

But I truly and passionately believe that, as a responsible gun owner, I have a responsibility, as does every responsible gun owner in the United States of America, to speak out to make sure that everyone who handles and owns a firearm does it safely and responsibly and that we do everything we can to make sure that people who shouldn't get their hands on firearms don't.

I know you can't stop everybody, but we should be doing everything we can to minimize the likelihood that someone who shouldn't have a firearm—a criminal, a domestic abuser, someone who is dangerously mentally ill—doesn't get their hands on firearms.

Last week, families who lost loved ones in the Sandy Hook massacre came here to Capitol Hill to share their grief and to call for action to deal with this terrible, terrible thing we call gun violence. This was a day after the House passed the dangerous Concealed Carry Reciprocity bill that would let criminals convicted of violent crimes carry loaded concealed guns in virtually every State in the country.

Instead of honoring the 20 precious little children and the 6 brave and dedicated educators who were slaughtered at Sandy Hook, the Republican leadership put the gun lobby ahead of State laws and ahead of gun violence prevention.

We have had 40 moments of silence since Sandy Hook. Forty moments of silence. Meanwhile, there have been 1,500 mass shootings since that awful day in December, 5 years ago.

64,000 people in the United States of America have been killed by someone using a gun. Last week, the families of those victims asked us one thing. They asked us to honor their loved ones with action, stop the gun lobby's reckless and profit-driven agenda, and stand up for communities all across this country.

As I have said before, I am a gun owner. I have owned and used guns all of my life. I support the Second Amendment.

I am here tonight to call on the Republican leadership to come to the table. Let's move commonsense, bipartisan legislation that will keep us safe, keep our communities safe, and still honor the Second Amendment.

I care about the people in my district, as I know all of you care about the people in your districts. I have a son who is a deputy sheriff. I certainly don't want him to go out on a call and meet up with somebody who shouldn't have a gun. I have got grandchildren in my community. I certainly don't want them exposed to people who shouldn't have guns.

I am here tonight to call on the Republican leadership to do something about this. Let's move this common-

sense, bipartisan legislation. We can start by expanding background checks to make it harder for criminals and the dangerously mentally ill to get their hands on guns. This should be the first line of defense. Congress should make that happen.

Ninety-two percent of the American people believe we should expand background checks. What is the harm in checking to ensure that someone is not a criminal or to ensure that someone is not dangerously mentally ill before we allow them to buy a gun and take it off into the community where they can possibly do some harm?

We put these ideas up before this leadership and there has been silence. No hearings on the bill, no votes on the bill.

Well, if the Republican leadership doesn't like our ideas about how to curb gun violence, then how about putting together a select committee of both Democrats and Republicans? Charge that select committee with working on the issue of gun violence prevention and to come up with some ideas that will keep our communities safe.

□ 1915

We owe it to the families of Sandy Hook and to all those who have lost someone to gun violence. We dishonor their memory when we do nothing, and that is what is happening under this leadership: we are doing nothing. That is shameful. We need to make sure that we do everything we can to help prevent gun violence.

Ms. ESTY of Connecticut. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON LEE), ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations of the House Judiciary Committee and vice chair of the Gun Violence Prevention Task Force.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman for yielding, and I thank her for her leadership. I am sure she is leading on this devastating day and devastating loss in her district that she would much prefer not to do.

As I listened to my colleagues, each of us giving our own separate story of where we were the day of Sandy Hook, all I can say, and what I remember, is that I became breathless; I became unbelieving. It was a very painful day. It was a sickening day, horrifying, and I was questioning: Is this really happening, or did this really happen?

As a member of the Judiciary Committee, and as I have listened over the years of some of the more descriptive accounts of Sandy Hook, some of the stories of such bravery of the principal and teachers who lost their lives, or those who tried to intervene on this deranged gunman—who, by the way, killed his mother before he came to that school—there is nothing more that you can say. Breathless. Similar

to the actions of former President Barack Obama.

I can distinctly remember him being before the national audience, the people of the United States, as I recall, in the White House, and wiping a tear, or tears, away from his eyes. I think the whole Nation, at that time, crumbled. A Commander in Chief, known for his strong, stoic leadership, could not comprehend what had happened to these children at Sandy Hook.

I think all of us believe this would be a galvanizing call to action. All of us took notice. We never expected Las Vegas with 50-plus killed in 2017, never expected Orlando in 2016 with 50 killed, or Virginia Tech that happened a few years before.

It amazes me that we are here in commemoration and not here in celebration of what we accomplished for those who yet live: the little ones who go every day to school, the college students, the people who go to clubs, the church-going people. What did we accomplish? Why are we being rebuffed?

Mr. Speaker, I want to say to the Sandy Hook families, of whom I met as well, what brave men and women. Here they are spending their time trying to be the soldiers of reason around gun safety. It is horrifying to admit that gun violence now seems to be a staple of American life.

The United States ranks number one in the world in terms of firearms per capita, with 88.8 guns per 100, and has the highest homicide by firearm rate in the developed world. The problem is so endemic that gun violence is now the third leading cause of death for children in the United States.

How many parents crumble themselves or fall over a casket of a dead child? We know in Chicago that children die by drive-by shootings through no fault of their own. Chicago has tough gun laws, and there is a mockery being made by those who oppose gun safety laws, but you recognize that the surrounding areas that Chicago is in the midst of—the States—they have no constraints of much, so the guns are transported into States like Illinois and cities like Chicago.

An average of 1,297 children die annually from gun-related injuries. And our colleague and friend, ROBIN KELLY, reminds us all the time of the gun violence that continues in cities like Chicago.

Guns are linked to roughly 33,000 deaths in the United States per year. About two-thirds of them are suicides.

According to the Pew Research Center, a majority of Americans across partisan lines support gun policy proposals, such as barring people with mental illness from buying guns, prohibiting gun purchases by people on Federal no-fly or watch lists, something we have been trying to pass forever—a reasonable response to the safety of Americans.

As a member of the Homeland Security Committee, I cannot imagine why that would not be a unifying legislative initiative—and background checks for private gun sales and sales at gun shows and universal background checks.

There is always the rebuttal: “Guns don’t kill, people do.” But people with varying conditions take up guns because they are allowed to do so with unfettered gun purchases. It is well known—the percentage of membership of the NRA. That is why I was glad to listen to Chairman THOMPSON, who is a gun owner, a gun user, but how fortunate we are to have him lead the committee, because he can unabashedly, as a war veteran, combat war veteran, say that it doesn’t make sense in America to be able to have unfettered gun use.

The majority must cut its close ties to the powerful gun lobby to facilitate useful gun control legislation necessary immediately. America has six times as many firearm homicides as Canada and nearly 16 times as many as Germany.

The United Nations data shows that America far and away leads other developed countries when it comes to gun-related homicides. America has 4.4 percent of the world’s population, but almost half of the civilian-owned guns around the world.

In December 2012, a gunman walked into Sandy Hook Elementary School in Newtown, Connecticut, and killed 20 children, 6 adults, and himself—someone who had killed his mother before he came. Since then, there have been at least 1,518 mass shootings, with at least 1,715 people killed, and 6,000 wounded.

Who would have ever imagined that a man would be at the top of a hotel and massively kill so many. Who would ever imagine that there is a law on the books that prevent the Centers for Disease Control and the NIH to study the impact of gun violence as a health crisis. This Congress has. Republicans have.

So, in spite of mass shootings, we have unfortunate opposition and down-right obstructionism on getting good gun safety legislation on the floor of the House.

I am not a stranger to this. I come from Texas. There are a lot of guns in Texas. And I would like to think that a majority of my fellow Texans handle their guns safely and understand the value of gun safety legislation.

But when I introduced the first city ordinance to hold parents responsible for children that got guns and shot each other, it was an uprising, a revolution. It was a packed chamber. People were wearing their colonial clothing, playing flutes, singing patriotic songs, and saying that we were stepping on the Second Amendment.

But medical doctors and parents who had lost children because those chil-

dren had gotten guns and shot their sibling, they understood that it was a small measure to stop children from getting their parents’ guns on a summer day, or after school, and injuring or killing their little brother or sister.

Is there any common sense?

So today, I join in honoring the Sandy Hook families, an honor that I know they did not wish to have. They would rather have their precious little ones.

As I close, I want to make two points:

There is no doubt that people are dying because of gun violence, that we exceed the rational civilized perspective of how many guns are in this country, and that our children are dying. Seven children and adolescents lose their lives to gun violence each day, 75 percent of which are under the age of 12 years old. A lot of these are through accidental shootings where children get guns.

I leave you with this perspective: a great nation. Yes, we send young people into war. That is one of the arguments: 18-year-olds have guns, yes, as they stand up for their country, in an organized, regularized manner to defend this Nation, and we thank them for their young patriotism.

But I venture to say, as I visit far-away places—war zones—young soldiers understand the difference of an AR-15 or an AK rifle in war, as opposed to being on the streets. And our officers, who are doing their duty, good officers, who are in the course of good police work, who have to do a stop, and they run into someone who now has been given latitude to the concealed carry reciprocity bill, to just carry a gun any way you want, and if you come to a State that has strict and positive gun safety laws, that officer has to be able to be judge and jury to determine whether your random license from somewhere else is credible.

As my colleague said: That is the Christmas gift that they are giving to the children of America, rather than the universal background check or the forbidding of individuals on a terrorist list carrying guns. That is not the gift that they are willing to give.

They are giving our children, under the twinkling of the lights, rather than the loving arms of safety and security—they are giving them bullets and automatic weapons and the right for people to go on the streets and kill in churches, like that in Texas and that in South Carolina.

Mr. Speaker, I finish by saying that even the smallest of amendments, when we did the concealed weapons carry, the one that would disallow those with convictions of domestic violence and stalking, my Republican friends voted it down. Or an amendment that said that if you committed a hate crime, and convicted of such, my Republican friends voted it down.

So I am not giving up, and I thank the gentlewoman for having us come today. My celebration tonight is of the courage of families who suffered so much to continue their journey to stand up and be counted for what is right in America, and that is real gun safety legislation.

Mr. Speaker, on October 1, 2017 the deadliest mass shooting in the history of the United States occurred in Las Vegas, Nevada when, in a heinous act of terror and hatred, 58 persons were killed and 515 others were injured in a shooting at an outdoor concert near the Mandalay Bay Resort and Casino in Las Vegas.

Until then, June 13, 2016 marked the deadliest mass shooting in the history of the United States in Orlando, Florida, when, in another heinous act of terror and hatred, 49 persons were killed at Pulse, a popular nightclub, meeting place, and sanctuary for Central Florida's vibrant and dynamic LGBTQ community; sadly, the Las Vegas mass shooting surpassed that dreadful shooting in numbers of dead and injured.

The horrifying events in Las Vegas mark the 273rd mass shooting in the U.S. in the 275 days that have passed so far in 2017, according to Gun Violence Archive.

Mass shootings are a near daily occurrence in America, but what happened in Las Vegas stands out: It was the deadliest such incident in U.S. history, with more than 58 killed and 515 injured.

Including that massacre, the four deadliest U.S. mass shootings have occurred over the past 10 years.

A mass shooting is defined by Gun Violence Archive as any incident in which four or more are shot and/or killed in a single event, at the same general time and location not including the shooter.

Recent U.S. mass shootings include:

1. Las Vegas, 2017: 50+ killed
2. Orlando, 2016: 50 killed
3. Virginia Tech, 2007: 32 killed
4. Sandy Hook, 2012: 27 killed
5. San Ysidro, 1984: 21 killed
6. San Bernadino, 2015: 14 killed
7. Edmond, 1986: 14 killed
8. Fort Hood, 2009: 13 killed
9. Columbine, 1999: 13 killed

There have been more than 11,600 deaths linked to gun violence so far in 2017, which is roughly equivalent to nearly four 9/11 attacks in terms of the total number killed on September 11, 2001.

Comparatively, more than 15 thousand were killed by gun violence in 2016, and there were 383 mass shootings.

It is horrifying to admit that gun violence now seems to be a staple of American life.

The United States ranks No. 1 in the world in terms of firearms per capita—with 88.8 guns per 100 people—and it has the highest homicide-by-firearm rate in the developed world.

The problem is so endemic that gun violence is now the third leading cause of death for children in the U.S.

An average of 1,297 children die annually from gun-related injuries.

Guns are linked to roughly 33 thousand deaths in the U.S. per year; about two-thirds of them are suicides.

According to Pew Research Center, a majority of Americans (across partisan lines) support gun policy proposals such as barring people with mental illnesses from buying guns; prohibiting gun purchases by people on federal no-fly or watch lists; and background checks for private gun sales and sales at gun shows.

The majority must cut its close ties to the powerful gun lobby to facilitate useful gun control legislation necessary immediately.

America has six times as many firearm homicides as Canada, and nearly 16 times as many as Germany.

United Nations data shows that America far and away leads other developed countries when it comes to gun-related homicides.

America has 4.4 percent of the world's population, but almost half of the civilian-owned guns around the world.

In December 2012, a gunman walked into Sandy Hook Elementary School in Newtown, Connecticut, and killed 20 children, six adults, and himself.

Since then, there have been at least 1,518 mass shootings, with at least 1,715 people killed and 6,089 wounded.

The fairly broad definition of "mass shooting" includes not only shootings in which four or more people were murdered, but shootings in which four or more people were shot at all (excluding the shooter).

Even under this broad definition, mass shootings make up a tiny portion of America's firearm deaths, which totaled more than 33,000 in 2014.

On average, there is more than one mass shooting for each day in America.

Whenever a mass shooting occurs, supporters of gun rights often argue that it is inappropriate to bring up political debates about gun control in the aftermath of a tragedy.

For example, former Louisiana Governor Bobby Jindal, a strong supporter of gun rights, criticized former President Barack Obama for "trying to score cheap political points" when Obama mentioned gun control after a mass shooting in Charleston, South Carolina.

But if this argument is followed to its logical end, then it will never be the right time to discuss mass shootings.

Under the broader definition of mass shootings, America has nearly one mass shooting a day.

So if Congress is forced to wait for a time when there is not a mass shooting to talk gun control, Congress could find itself waiting for a very long time.

States with more guns have more gun deaths.

Within the United States, a wide array of empirical evidence indicates that more guns in a community leads to more homicide.

Higher populations, more stress, more immigrants, and more mental illness does not correlate with more gun deaths.

States with tighter gun control laws have fewer gun-related deaths.

A 2016 review of 130 studies in 10 countries, published in *Epidemiologic Reviews*, found that new legal restrictions on owning and purchasing guns tended to be followed by a drop in gun violence—a strong indicator that restricting access to guns can save lives.

The good news is that all firearm homicides, like all homicides and crime, have declined

over the past two decades—although that may have changed in 2015 and 2016, with a recent rise in murders nationwide.

There is still active debate among criminal justice experts about why this crime drop is occurring—but one theory that researchers have widely debunked is the idea that more guns have deterred crime—in fact, the opposite may be true, based on research compiled by the Harvard School of Public Health's Injury Control Center.

Although America's political debate about guns tends to focus on grisly mass shootings and murders, a majority of gun-related deaths in the U.S. are suicides.

Research that shows greater access to guns dramatically increases the risk of suicide.

The states with the most guns report the most suicides.

Perhaps the reason access to guns so strongly contributes to suicides is that guns are much deadlier than alternatives like cutting and poison.

Reducing access to guns can be so important to preventing suicides: stalling an attempt or making it less likely to result in death makes a huge difference—it opens the opportunity for someone to help or for the suicidal person to reach out to someone to help.

That is why limiting access to lethal means is so powerful.

Since police shooting of Michael Brown in Ferguson, Missouri, on August 9, 2014, police have killed at least 2,902 people as of May 2017.

Given that states with more guns tend to have more homicides, it is not too surprising that, as a study in the *American Journal of Public Health* found, states with more guns also have more cops die in the line of duty.

Researchers looked at federal data for firearm ownership and homicides of police officers across the U.S. over 15 years.

They found that states with more gun ownership had more cops killed in homicides: Every 10 percent increase in firearm ownership correlated with 10 additional officers killed in homicides over the 15-year study period.

The findings could help explain why U.S. police officers appear to kill more people than cops in other developed countries.

For police officers, the higher rates of guns and gun violence in America means they not only will encounter more guns and violence, but they can expect to encounter more guns and deadly violence, making them more likely to anticipate and perceive a threat and use deadly force as a result.

Over the past 20 years, Americans have clearly shifted from supporting gun control measures to greater support of "protecting the right of Americans to own guns."

This shift has happened even as major mass shootings, such as the attacks on Columbine High School and Sandy Hook Elementary School, have received more press attention.

Although mass shootings are often viewed as some of the worst acts of gun violence, they seem to have little effect on public opinion about gun rights.

That helps explain why Americans' support for the right to own guns appears to be rising over the past 20 years even as more of these mass shootings make it to the news.

Although Americans say they want to protect the right to bear arms, they are very much supportive of many gun policy proposals—including some fairly contentious ideas, such as more background checks on private and gun show sales and banning semi-automatic and assault-style weapons.

This type of contradiction is not exclusive to gun policy issues.

For example, although most Americans in the past said they do not support Obamacare, but most of them also said they like the specific policies in the health-care law.

On average, 7 children and adolescents lose their lives to gun violence each day, 75 percent of which are under the age of 12 years old.

So many people die annually from gun violence in the United States that the death toll between 1968 and 2011 eclipses the total lives lost in all the armed conflicts in the history of the United States.

On June 7, 2015, a gunman shot and killed nine people at the Emanuel African Methodist Episcopal Church Charleston, South Carolina, one of the oldest and largest black congregations in the South.

On November 11, 2009, at Fort Hood, near Killeen, Texas, a gunman shot and killed 13 people, and wounded 30 others.

On August 5, 2012 in Oak Creek, Wisconsin, a gunman shot and killed six people, and injured three others, at the Sikh Temple of Oak Creek.

On July 7, 2015 in Chattanooga, Tennessee a gunman shot and killed five people, including two U.S. Marines and a Naval Officer, and shot and injured two others at a recruiting center and U.S. Naval Reserve Center.

On December 2, 2015 in San Bernardino, California, two gunmen killed 14 people and injured 21 others at the Inland Regional Center.

On December 14, 2012, a gunman murdered 26 persons, including 20 children and 6 school administrators and teachers, at Sandy Hook Elementary in Newtown, Connecticut.

On August 8, 2015, a gunman brutally murdered his ex-girlfriend and her six children and husband in one of the most notorious cases of domestic violence in the history of Houston, Texas.

On April 16, 2007, a gunman killed 32 persons and injured 17 others at Virginia Polytechnic Institute and State University in Blacksburg, Virginia.

Mass shootings occur more frequently in states that do not require background checks for all gun sales.

Analyses of mass shootings in the United States between 2009 and 2015 document that the majority of mass shootings occur in venues where the carrying of firearm is not restricted.

In states that require background checks for all handgun sales, including guns offered in unlicensed sales online and at gun shows, there are 52 percent fewer mass shootings.

Congress must take action to prevent other incidents such as the recent act of terror and hatred in Las Vegas, Nevada that resulted in the tragic loss of 58 innocent lives.

We extend our deepest sympathies to all those affected by this tragedy and recognize the skill and heroism of the law enforcement

officers and first responders who came to the aid of others.

We commend the efforts of those who are working to care for the injured and investigate this horrific incident.

We extend our heartfelt condolences and prayers to the families of the fallen, and to all those affected in the community of Las Vegas and in the United States.

And I pledge to continue to work to reduce gun violence and prevent mass shooting.

Mr. LANGEVIN. Madam Speaker, I'd like to thank the gentlelady from Connecticut for organizing this special order and for her commitment to honoring the victims of the tragic shooting at Sandy Hook Elementary School on December 14, 2012.

I rise to join her in remembrance and to call on my colleagues to take immediate action to end gun violence across our nation.

The horrific shooting spree in Newtown, Connecticut, five years ago shocked us all. Twenty innocent children and six brave educators fell victim to unspeakable violence—the work of a deeply disturbed young man armed with a semiautomatic rifle and two handguns.

More than ever, it revealed the desperate need to reform our gun laws.

But five years later, we have nothing to show for it but more mass shootings—more innocent lives lost. We have made no meaningful progress, and we have not passed any commonsense legislation, like banning high-capacity magazines, which the Sandy Hook shooter used.

It is far past time to enact laws to strengthen our background check system, closing loopholes that allow unlicensed gun dealers to sell firearms to Americans without background checks at gun shows and over the internet, putting us all at risk.

Instead, my Republican colleagues continue to try to weaken gun safety laws by passing legislation like the Concealed Carry Reciprocity Act, which would override state law and allow domestic abusers, teenagers, and people untrained in gun safety to carry concealed weapons freely across the nation.

Moreover, they block federal funds from being used to even research gun violence, for fear it will be used to “advocate gun control.”

This is simply unacceptable and morally irresponsible. As members of Congress, it is our duty to pass laws to make our communities safer. The only way to respond to mass shootings like the one at Sandy Hook Elementary is to take action that will prevent such tragedies from happening in the future.

Since 2012, more than 170,000 other lives have been ended by gun violence, more than 170,000 families devastated. The gun violence epidemic continues to plague our nation, and we must act now to stop it.

Ms. ESTY of Connecticut. Mr. Speaker, as we have heard so eloquently from my colleagues, everyone agrees that we should keep guns out of the hands of dangerous people. But, in fact, this House and this administration have been moving in the opposite direction.

Just last week, hundreds of Americans whose loved ones had been killed by guns in the last few years came to Washington for a long-planned memorial vigil, a national vigil, to honor

those whose lives had been taken from us from gun violence. On that very day, this House decided to call up an offensive dangerous piece of legislation on concealed carry permits.

This bill will make it easier for domestic violence abusers to pursue their victims across State lines carrying loaded concealed weapons into States that do not allow that, overriding the choices of States like mine in Connecticut that have strict laws to protect domestic violence victims, who are five times more likely to be killed if there is a gun in the household.

That is why my State has taken action to protect women and children from death by gun from domestic abusers. But now my State—if this law gets passed by the Senate and signed by the President—my State's choices will be overridden. The law enforcement in my State will be at greater risk.

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That is not protecting the American people. That is putting them at risk.

Recently, the administration decided to take the names of all fugitives. One of the categories of those who are not permitted legally to own weapons are people who are fugitives from justice. It seems like a fairly sensible rule, just like it is a sensible rule to not have those who are believed to be terrorists to legally purchase guns.

Yet, this administration recently took tens of thousands of names of people who have been on the National Instant Criminal Background Check System as prohibited from purchasing a gun legally. Because of their criminal history, the fact that they are fugitives from justice, tens of thousands of those names have been taken out of the records. They have been sent back to the States, saying they should look at them again.

In so doing, how long is it going to be before one of those dangerous people buys a gun because the name is no longer in the system?

And who knows if it is going to be your child or your child or your loved one or your neighbor. That is not what we are sent here to do.

The families of Newtown have persevered. Despite all odds, they have found the courage to get up every day. Some are pursuing brain research to figure out how to encourage empathy. Some have written beautiful music, composed poetry. Some have started programs in schools to teach children how to be kind to each other. Some have stepped forward as extraordinary citizen activists and come to Washington and pound the halls, the marbled halls of State capitols around the country. They are true American heroes fighting for what they believe in and a better society.

And some, in some ways I think the bravest among them, have chosen to bring new children into this world—the

sort of optimism and courage that I can't fathom if my child at 6 or 7 years old had been gunned down in those classrooms in the Sandy Hook Elementary School. But if they can have that resolve and that courage and that faith in this country, so can we.

A good and a great nation takes care of its citizens. A good and a great nation responds to the cries of the people. A good and a great nation, above all, protects its children.

Madam Speaker, we have the opportunity to do that. Thoughts and prayers and moments of silence are not enough. The American people deserve action. When I get on a plane tomorrow to fly back to Connecticut to attend memorial services on the 5-year anniversary of those tragic and shocking murders of children in Sandy Hook Elementary School, I would like to be able to tell them that we are doing our job and our duty in this House by taking action and honoring their memories with truly taking action to protect them.

I want to thank my colleagues for joining me here tonight.

Madam Speaker, I yield to the gentlewoman from the State of Connecticut (Ms. DeLAURO), my colleague.

Ms. DeLAURO. Madam Speaker, I want to thank my colleagues who are here this evening. I also want to thank my colleague, Congresswoman ESTY, for her indomitable efforts and work in making sure that we focus our time and our attention to the prevention of gun violence.

Madam Speaker, I rise to honor and to commemorate the victims of the Sandy Hook Elementary School shooting in Newtown, Connecticut, 5 years ago. We lost 20 beautiful innocent children and 6 wonderful caring adults. While the grief and pain of the families who lost a loved one at Sandy Hook endures, we can all find hope and strength in the resilience of Newtown, and, together, we must honor their loss with action.

Tonight, I want to share an essay from "Bullets into Bells: Poets and Citizens Respond to Gun Violence." Abbey Clements, a teacher at Sandy Hook, wrote the following: "154 shots. They heard them all. I thought they were folding chairs falling. We huddled into the coats and backpacks. Some of them cried. Some of them laughed—how could they know? And if they knew, how could they believe? We shared a water bottle, a blue one, passing it around. Little arms poking out to take it. We waited. We had to believe the police were who they said they were. I opened the door. They scattered. A few in my outstretched arms. We ran. We were lucky. Surviving is a gift and a burden. What do you do with that?"

"For me, as soon as I could, I started to fight. I fight to keep guns out of the hands of dangerous people. I fight to

keep guns locked up and away from curious toddlers and depressed teens. I fight against arming teachers, and I fight to keep guns out of college dorms and classrooms. Lockdowns, active-shooter drills, and backpacks that morph into shields aren't the answer.

"Parents shouldn't have to worry about whether or not their kids will make it home from school. A year or two after the tragedy, one mom told me that, every day after school, she left a gift for her daughter sitting on her bed—a celebration for making it home."

Those are the words of Abbey Clements, a teacher at Sandy Hook.

It is our job to make sure that those children get home safe from school. We have the ability to do that in this institution. What we need is the will to do it.

Again, I thank my colleague, Congresswoman ESTY, for her leadership in this effort.

Ms. ESTY of Connecticut. Madam Speaker, I thank the gentlewoman from Connecticut for her stirring words. Abbey Clements is an extraordinary woman, and her daughter, Sarah, is now a college student here in Washington and is helping take up that charge of being one of the citizen activists and one of the citizen leaders who understands that democracies empower and charge us to correct that which is wrong.

What is happening in this country is wrong. These are not tragedies from above. These are not natural disasters. These are man-made tragedies and man-made deaths, and it is up to us to do better.

Again, I want to thank my colleagues for joining me here this evening. I will take their wishes, their words, their energy, their passion, and their commitment to action back with me to Newtown tomorrow evening.

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

LETTER SUPPORTING SPECIAL COUNSEL ROBERT S. MUELLER

The SPEAKER pro tempore (Mrs. HANDEL). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentlewoman from California (Ms. MAXINE WATERS) for 30 minutes.

GENERAL LEAVE

Ms. MAXINE WATERS of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

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

There was no objection.

Ms. MAXINE WATERS of California. Madam Speaker, for the past several days, there has been an organized at-

tempt to discredit and undermine the work of Special Counsel Robert Mueller. I rise today to speak on behalf of many Members of Congress who believe Special Counsel Mueller is doing a great job.

At this time, I am circulating a letter, and other Members of Congress are joining me. This is a letter of support for Special Counsel Mueller urging that he not be interfered with and that he is allowed to continue this very important investigation in the interest of the security of our country.

I will be circulating this letter for another 24 hours. However, at this time, I would like to read the contents of the letter into the RECORD. This, again, is a letter in support of Special Counsel Mueller. The letter is addressed to the Honorable Rod J. Rosenstein, Deputy Attorney General, U.S. Department of Justice.

The letter reads as follows:

Dear Deputy Attorney General,

We write to express our support for the work of Special Counsel Robert S. Mueller, III, and to urge you to ensure that he be allowed to continue his investigation—unfettered by political influence or threats to his authority—to its natural and appropriate conclusion based on the law, the facts, and the evidence.

The Special Counsel is Conducting a Methodical Investigation, Yielding Results.

It is unimaginable that Republicans would seek to intervene, discredit, obstruct, or terminate the special counsel's investigation. Thus far, from every public indication, it appears that Mr. Mueller is conducting a thorough and methodical investigation. He and his investigators have not sought, and instead avoided, the public spotlight. His team has not leaked or hinted at criminal allegations for which they have yet to develop charges. Furthermore, the charges that have been filed to date have been sufficiently strong and well founded as to elicit guilty pleas from President Donald Trump's former National Security Advisor, Lieutenant General Michael Flynn, and a former policy adviser to Donald Trump's Presidential campaign, George Papadopoulos.

The Appointment of a Special Counsel Was Necessary and Proper.

As you know, pursuant to U.S. Department of Justice Order Number 3915-2017, which you issued on May 17, 2017, Mr. Mueller was appointed to serve as special counsel and authorized to conduct an investigation into matters, "including any links and/or coordination between the Russian Government and individuals associated with the campaign of President Donald Trump; and any matters that arose or may arise directly from the investigation; and any other matters within the scope of 28 CFR 600.4(a)," which includes "authority to investigate and prosecute Federal crimes committed in the course of, and with intent to interfere with, the special counsel's investigation, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses."

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Your decision to appoint a special counsel to conduct such an investigation was necessary and proper, given the U.S. intelligence community's assessment that "Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S.

Presidential election, the consistent goals of which were to undermine public faith in the U.S. democratic process" and that "Putin and the Russian Government developed a clear preference for President Trump"; the obvious potential that individuals, who had served on President Donald J. Trump's campaign, as well as individuals currently serving as political appointees in the Trump administration, could be targets of, or witnesses in, any such investigation; and Attorney General Jeff Sessions recused himself from "any matters related in any way to the campaigns for President of the United States."

The Selection of Robert S. Mueller III to Serve As Special Counsel Was Very Much Appropriate.

Under the circumstances described above, your selection of Robert Mueller to serve as the special counsel to conduct the investigation was an appropriate and commendable decision. Mr. Mueller has earned a reputation as a nonpartisan, professional investigator, making him an ideal choice to lead the investigation into the highly important, complex, and sensitive matters to which he has been charged. Mr. Mueller's record demonstrates that he would not allow bias, influence, or other extraneous considerations to impact his investigation, and any suggestion otherwise is just not credible.

Mr. Mueller is a former Director of the Federal Bureau of Investigation, FBI, who was originally appointed by a Republican President. He was vetted and, twice, unanimously confirmed by the Senate. Specifically, when appointed in 2001 by President George W. Bush, Mueller was confirmed as FBI Director by a vote of 98-0 in the Senate, and when Mueller was nominated for a second term, in 2011, during President Barack Obama's administration, he was again unanimously confirmed in the Senate by a vote of 100-0.

Mr. Mueller has earned bipartisan support. Republican Members of the Senate attested to Mr. Mueller's integrity and professionalism during Mr. Mueller's confirmation hearings, which took place on July 30 and 31, 2001. For example, with regard to Mr. Mueller's nomination to serve as FBI Director, then Senator, now Attorney General, Jeff Sessions stated:

"It is great to see Mr. Mueller, nominated to take one of the most important positions in our country. It is a position that requires, in my view, serious experience, great integrity, and a proven record of accomplishment. And you have all of those things, Robert Mueller. When I was in the Department of Justice, Robert Mueller's reputation was known throughout the Department of Justice, and he was known not for any political reason, but because he was recognized as a professional's professional, a man whose skill at doing the job assigned to him was second to none. There is no doubt in my mind that there is no more professional prosecutor, no more professional person in America with experience in the Department of Justice, ready to handle the job of FBI Director than Robert Mueller."

Likewise, Senator Mitch McConnell stated: "I believe Mr. Mueller will provide strong and effective leadership. Mr. Mueller has both impressive management and law enforcement experience. He is well-schooled in avoiding the problems and pitfalls inherent in criminal investigations and prosecutions. Mr. Mueller is not 'of the FBI, and therefore I believe institutional loyalty will not blind him to making the hard' decision he needs to make.

Senator McConnell also expressed his belief that Mr. Mueller's commitment "to vigorously enforcing the law without regard to politics or partisanship."

Speaker of the House Paul Ryan has also commented on Mr. Mueller's lack of partisan bias. As reported in a July 24, 2017, Washington Examiner article, Speaker Ryan said: "I don't think many people are saying Robert Mueller is a biased partisan. He's really, sort of, anything but."

On October 11, 2017, Kenneth Starr, who was appointed in 1994 as the independent counsel who was tasked with investigations involving President Bill Clinton and then First Lady Hillary Clinton, commented on Robert Mueller and the manner in which his investigation is proceeding. Mr. Starr stated that Mr. Mueller is conducting his investigation "aggressively and professionally." Mr. Starr also stated: "We're not seeing 'leaks' out of the investigation as far as we know, and what we know of Bob Mueller and his background is that he is someone of total, rock-ribbed integrity."

Regulations Limiting the Removal of a Special Counsel Must Be Followed.

Mr. Mueller must be allowed to complete his investigation and should not be threatened with removal. However, a few Republicans have indicated their support for Mr. Mueller, for his ouster. Notwithstanding the overwhelming reasons for Mr. Mueller to be allowed to continue and complete his investigation, the rule of law demands that the Trump administration follow executive branch regulations, which restrict the circumstances under which a special counsel can be removed. Specifically, 28 CFR 600.7(d) regarding the removal or discipline of a special counsel provides: "The special counsel may be disciplined or removed from office only by the personal action of the Attorney General. The Attorney General may remove a special counsel for misconduct, dereliction of duty, incapacity, conflict of interest, or for other good cause, including violation of departmental policies. The Attorney General shall inform the special counsel in writing of the specific reason for his or her removal."

Since Attorney General Sessions is recused, you, in your capacity as acting Attorney General—that is, Mr. Rosenstein—regarding Special Counsel Mueller's investigation, are the only individual empowered to remove Mr. Mueller under regulation. Furthermore, the regulation clearly states that Mr. Mueller may only be removed for good cause, which has not been demonstrated. The administration is required to follow its own regulations and not remove Mr. Mueller from his investigation.

Politically Motivated Challenges of Special Counsel Mueller and His Investigation Must Not Be Allowed to Threaten the Investigation.

Despite Special Counsel Mueller's investigation of integrity, as attested to by these Republican leaders, and despite the clear progress that Mr. Mueller is making in his investigation, the rightwing media, some Republican Members of Congress, and Donald Trump, himself, have attempted to advance a false narrative that Special Counsel Mueller's investigation is biased—this is what they say—and some have advocated for Mr. Mueller's removal. On June 15, 2017, referring in general terms to the Russia investigation, President Trump stated on social media: "You are witnessing the single greatest witch hunt in American political history—led by some very bad and conflicted people."

In Congress, four Republican Members, led by Representative Matt Gaetz and including

former Representative Trent Franks, who has now resigned amidst an Ethics Committee investigation into his own conduct, have cosponsored a resolution calling for Mueller to step down. Those Members have attempted to advance baseless claims of the existence of a conflict due to Mr. Mueller's previous service as FBI Director. Those arguments do not have merit, and appear intended, at best, to redirect the public's focus toward matters that are wholly unrelated to the investigation to which Mr. Mueller has been tasked. At worst, those arguments are intended to stop or preemptively tarnish the perception of the special counsel's work. The issues referenced in that Republican resolution pertain to allegations against former President Bill Clinton and former Presidential candidate Hillary Clinton related to a 2009-2010 matter, which has nothing to do with Mr. Mueller's directive to investigate "links and/or coordination between the Russian Government and individuals associated with the campaign of President Donald Trump."

As quoted in a December 12, 2017, Politico article, Representative Matt Gaetz stated that he told President Trump that he was "concerned" that Mr. Mueller's investigation "was infected with bias." Representative Gaetz said the President responded: "That's why you guys have got to do your job." Representative Gaetz further stated that he informed the President that you would be testifying—that is, Mr. Rosenstein—before the House Judiciary Committee on December 13, 2017, in response to which Representative Gaetz said President Trump "encouraged us to exercise our oversight responsibilities." This conversation, as described by Representative Gaetz, suggests that President Trump is encouraging the ring leaders of the recent criticisms against Mr. Mueller in order to pressure you to affect the investigation through the congressional oversight process. That is unacceptable.

Some have alleged that Mr. Mueller's removal of a member of this team, Peter Strzok, over text messages sent by Mr. Strzok that were critical of President Trump suggests bias or a lack of objectivity on the special counsel's team. However, upon learning of the text messages, Mr. Mueller immediately removed Mr. Strzok from the investigation. In reality, this incident and Mr. Mueller's swift response demonstrates Mr. Mueller's integrity as well as his desire and commitment to conduct an investigation that is beyond reproach.

You must not allow the targets of the investigation, or issues being investigated, to escape thorough independent inquiry through the removal, or hindrance, of the special counsel. We thank you, Mr. Rosenstein, for your careful attention to this matter, and we stand ready to support you in upholding the rule of law.

This, ladies and gentlemen, is the letter that I am circulating to Mr. Rosenstein. This is the letter that is being signed on by other Members of Congress. This is the letter that I will circulate for the next 24 hours so that we will give Members the opportunity to sign on to this letter.

□ 2000

This letter should be on your desk very soon.

Madam Speaker, I yield to the gentlewoman from Ohio, Representative MARCY KAPTUR, who signed up to speak here this evening.

Ms. KAPTUR. Madam Speaker, I would like to thank the gentlewoman and ranking member of the Financial Services Committee for this very important Special Order and for her incredible work in assuring justice in our country on so many, many fronts.

Madam Speaker, I rise tonight because of deep concern regarding our Republican colleagues on the Judiciary Committee who are attempting to kick the legs out from under Special Counsel Robert Mueller's investigation into Russia's meddling in our elections last year.

Yes, they called Deputy Attorney General Rod Rosenstein to testify on whether bias has tainted that investigation.

You know what is interesting about this?

All of the intelligence agencies of our country agree that there was more than meddling in last year's elections.

I actually pray for Robert Mueller every night because what the involvement of Russia in our elections has meant, you know, that's not a country that really welcomes debate and open conversation. They kill their enemies.

Robert Mueller is going to get at the very core of what Russia is doing not just in our country, but what it will instruct us Russia is doing in Europe and many other places around the world.

I listened to some of our colleagues on the Judiciary Committee today, and I just want to put this on the record: Robert Mueller has given his life to this country through his entire years of service.

I have never personally sat to dinner with this man or I don't think I have even shaken his hand, but I admire him for his true patriotism.

I watched some of the individuals on the Judiciary Committee today and wondered if they knew that he had been in the Marine Corps during Vietnam. He actually rose to the level of captain. He was awarded the Bronze Star Medal with the Combat V for victory. He is the recipient of the Purple Heart. He was a Navy and Marine Corps captain and got the Commendation Medal for his valor in combat.

How many of those individuals questioning his integrity can even compare to that with their little fingernail?

Combat Action Ribbon, Republic of Vietnam Gallantry Cross. That was his early career.

As an attorney, he went into service to our country as an assistant U.S. district attorney on one coast, and then on the other coast as U.S. district attorney.

He is very evenhanded, and he worked his way up then in the Justice Department, rising to the level of Deputy Attorney General. He had been an Assistant Attorney General. His entire life has been spent in dangerous jobs.

To take on Russia, you put your own life in someone else's hands, actually. I

can read a list—but I won't tonight—of all of the leaders and rising leaders of countries that wish to be free that Russia has summarily killed, for which there is no justice.

Madam Speaker, I rise somewhat out of outrage tonight listening to some of our colleagues here who demanded that we disband Special Counsel Mueller's investigation. Counsel Mueller is a Republican. I should not like him for that reason, right, because I am a Democrat? But I know there is something bigger to him, and that is defending the American people against all enemies, foreign and domestic. He has put his life on the line since he was a teenager for this country.

Our country was founded on the principle of equality under the law. Our democracy, in the safeguarding of those principles, depends on genuine free elections. Not only must we pass laws here that assure that, but they have to be enforced.

We have to unequivocally confirm the truth behind the extent of Russian meddling in our election. That is what we need. We know they did. Now we want to know every piece of it.

How did they hack those voting machines? How did they use special ads that appeared around the country targeted to special audiences?

We have to restore the faith of the American people in their very vote in order to maintain this democratic republic.

Throughout his career, Special Counsel Mueller has proven himself time and time and time and time again to be a man of integrity.

I might say, this comes from a woman who tried to become an FBI agent when she was in college and was rejected not because she didn't have the academic abilities, but because in those days they didn't admit women to the FBI. Times have changed a lot, but I know that Robert Mueller is the best that America has.

Due process is one of the most carefully guarded of our constitutional protections, and we must see this investigation through to its ultimate end.

There can be no chicken hawks in this House or those who point fingers whose careers do not demonstrate the kind of patriotism Robert Mueller has demonstrated throughout his career.

Madam Speaker, I was actually shocked at how the questioning went this afternoon without the kind of respect and understanding of what it takes to preserve a republic that is free and independent of outside meddling.

I want to thank the gentlewoman for allowing me to speak. I am embarrassed at some of the questions that the Republican majority has been hammering over in the Judiciary Committee and some of the other committees as the investigation intensifies and becomes more complete. The American people have a right to know.

I guess the question every American has to ask: In whose hands would you place your life? A man who has served this country, who is now, I believe, 73 years old—over 70 years old?

He has proved everything, but he has proven also that he has been a total patriot.

I would ask the same of those who so frivolously waste their words in efforts to try to suppress an investigation that we know is essential to the preservation of our vote and our freedoms.

Ms. MAXINE WATERS of California. Madam Speaker, I yield to Representative JACKSON LEE.

Ms. JACKSON LEE. Madam Speaker, I thank the gentlewoman for yielding to me and for her leadership on this very important issue.

She is standing in the gap because all that we have heard from Republicans and their media advocates is that their intention, of course, is to create a 21st century Saturday night massacre.

In my questioning of the Deputy Attorney General, that is the exact terminology that I utilized, which is: Was the Deputy Attorney General and the Department of Justice prepared to defend Special Counsel Mueller against a potential Saturday night massacre?

Of course, that is the Watergate massacre perpetrated by President Nixon in firing the Attorney General, and then requiring and firing the special prosecutor and—getting someone to fire—literally creating a institutional crisis.

Madam Speaker, it is clear, as evidenced by the words of Sean Hannity on December 5, FOX News, who led off his broadcast with the outrageous charge that Mueller is frankly a disgrace by the American justice system and has put the country now on the brink of becoming a banana republic.

Not surprisingly, disgraced former House Speaker Newt Gingrich, who enthusiastically praised the appointment of Robert Mueller as special counsel as a superb choice to be special counsel because his reputation is impeccable for honesty and integrity, has done a complete 180-degree turn and now declares falsely that the very top at the Justice Department and the FBI have become corrupt.

I was pleased to join this letter and to join with Congresswoman WATERS, along with my other colleagues, for a very important statement.

I also believe that this statement must be backed up with legislation, such as H.R. 3654, which I have offered, the Special Counsel Independence Protection Act.

But basically I think we have a situation where if we do not make this a public announcement of indicating that between the administration, the President, and others, along with Republicans in this House, there is an entrapment being set up for Special Counsel Mueller to be considered biased because of the staffing actions of

which, by the way, those individuals have been replaced or they have been transferred to other positions.

There is no doubt that a man who served in Vietnam, a man who came back to the Justice Department as an entry-level employee to be able to serve his country, there is no question that there is no evidence of any corruption.

Madam Speaker, I would conclude my remarks by saying the importance of this legislation and this letter is because Director Mueller is working his way into the White House, and the issues of Russian collusion and the issues dealing with criminality are approaching the front door. We must protect this investigation.

Madam Speaker, in recent days, the shrill but politically-charged attacks on Special Counsel Robert Mueller have reached a deafening roar.

For example, on December 5, Fox News host Sean Hannity led off his broadcast with the outrageous charge that 'Mueller is frankly a disgrace to the American justice system and has put the country now on the brink of becoming a banana republic.

Not surprisingly, disgraced former House Speaker Newt Gingrich, who enthusiastically praised the appointment of Robert Mueller as Special Counsel as a 'superb choice to be special counsel' because 'his reputation is impeccable for honesty and integrity' has done a complete 180-degree turn and now declaims falsely that at "the very top, the Justice Department and the FBI became corrupted."

These despicable accusations by Trump acolytes and ultraconservative zealots against a distinguished public servant and veteran who has served his country with honor and unimpeachable integrity for more than a half-century are outrageous.

But the public sees them for what they are: a thinly disguised attempt by a panicked White House and its right-wing media allies to inflame and persuade base Trump supporters to question the impartiality of the Special Counsel's investigation that daily uncovers more evidence of wrongdoing and collusion by operatives of the Trump campaign, transition, and White House.

In light of the barrage of baseless attacks against Special Counsel Mueller by Trump apologists and right-wing media, it is urgent that Congress act immediately to protect the independence and integrity of Special Counsel Mueller's investigation into Russian interference in the 2016 Presidential election, including questions surrounding collusion between Russian operatives and Trump campaign officials.

That is why I am calling upon the House leadership to bring H.R. 3654, the 'Special Counsel Independence Protection Act,' to the floor for debate and a vote by the full House at the earliest time possible.

This legislation, which I introduced on August 15, 2017, insulates the Special Counsel from the whims of this President by permitting the removal of the Special Counsel only where:

The attorney general files an action in federal district court in Washington, D.C., and

files a contemporaneous action with the House Judiciary Committee and the Senate Judiciary Committee; and

A panel of three federal judges sitting in Washington, D.C., finds removal appropriate based on a finding of misconduct, dereliction of duty, incapacity, conflict of interest or other good cause.

We are on the verge of a constitutional crisis as Trump operatives try to dismantle, destroy, and undermine Special Counsel Mueller's investigation.

This cannot be allowed to happen.

The state of our democracy hinges upon our ability to ensure the integrity of our elections and the rule of law.

And the necessary and ongoing work of the Special Counsel must be insulated against outside influence and interference.

Ms. MAXINE WATERS of California. Madam Speaker, I thank both of the Members of Congress who came down here this evening and shared in the information that we are going to forward to Rod Rosenstein because it is so important that we let him know that our special counsel has support. We appreciate what he is doing and we are going to stand with him.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. MCCARTHY) for today on account of illness.

ADJOURNMENT

Ms. JACKSON LEE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 14, 2017, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3374. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sedaxane; Pesticide Tolerances [EPA-HQ-OPP-2016-0537; FRL-9970-04] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3375. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerances [EPA-HQ-OPP-2017-0095; FRL-9970-39] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3376. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) [EPA-HQ-OAR-2017-0667; FRL-9971-66-OAR] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3377. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry [EPA-HQ-SFUND-2015-0781; FRL-9971-50-OLEM] (RIN: 2050-AG61) received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3378. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus Subtilis* strain BU1814; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2016-0687; FRL-9969-96] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3379. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs for Area and Mobile Sources [EPA-R06-OAR-2017-0192; FRL-9971-04-Region 6] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standards [EPA-R02-OAR-2017-0459; FRL-9971-83-Region 2] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Under the 2008 Ozone National Ambient Air Quality Standard (NAAQS) [EPA-R03-OAR-2015-0656; FRL-9971-58-Region 3], pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3382. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Air Plan Approval; Ohio; Redesignation of the Fulton County Area to Attainment of the 2008 Lead Standard [EPA-R05-OAR-2017-0256; FRL-9971-74-Region 5] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3383. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Minnesota; 2008 Ozone Transport [EPA-R05-OAR-

2016-0327; FRL-9971-61-Region 5] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Air Plan Approval; Illinois; Redesignation of the Chicago and Granite City Areas to Attainment of the 2008 Lead Standard [EPA-R05-OAR-2016-0593; FRL-9971-77-Region 5] received December 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3385. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 22-201, "Business Improvement Districts Tax Exemption Temporary Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3386. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 22-203, "Southwest Waterfront Park Bus Prohibition Temporary Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3387. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 22-200, "Government Employer-Assisted Housing Temporary Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3388. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 22-199, "Medical Respite Services Exemption Temporary Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3389. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 22-198, "Public Employee Relations Board Term Limit Temporary Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENSARLING: Committee on Financial Services. H.R. 4258. A bill to promote the development of local strategies to coordinate use of assistance under sections 8 and 9 of the United States Housing Act of 1937 with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency, and for other purposes (Rept. 115-464. Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COFFMAN (for himself and Ms. ESTY of Connecticut):

H.R. 4635. A bill to direct the Secretary of Veterans Affairs to increase the number of

peer-to-peer counselors providing counseling for women veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SCHAKOWSKY (for herself, Ms. NORTON, Mr. QUIGLEY, Mr. CARTWRIGHT, Ms. LEE, Ms. MCCOLLUM, Mr. NADLER, Mr. POCAN, Ms. SPEIER, Mr. LOEBSACK, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. HUFFMAN, Ms. LOFGREN, Mr. TAKANO, Mr. KHANNA, Mr. POLIS, Mr. KENNEDY, Ms. VELÁZQUEZ, and Mr. MCNERNEY):

H.R. 4636. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the renewable energy credit, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 4637. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by modifying requirements with respect to employer-established IRAs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Ms. JAYAPAL, Ms. NORTON, Mrs. COMSTOCK, Mrs. WAGNER, Mr. LIPINSKI, Mr. SCHIFF, Mr. DELANEY, Ms. PINGREE, Mr. MCGOVERN, and Ms. KUSTER of New Hampshire):

H.R. 4638. A bill to establish a National Commission on Fibrotic Diseases; to the Committee on Energy and Commerce.

By Ms. ROSEN (for herself and Ms. JENKINS of Kansas):

H.R. 4639. A bill to amend title 10 United States Code, to establish a punitive article in the Uniform Code of Military Justice on domestic violence, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR (for himself, Mr. WITTMAN, and Mr. SCOTT of Virginia):

H.R. 4640. A bill to designate public colleges and universities that provide research, data, and recommendations on physical science, social science, economic analysis, policy analysis, risk analysis, monitoring, predicting, and planning for coastal flooding as National Centers of Excellence in Coastal Flood Research and Education; to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN:

H.J. Res. 124. A joint resolution making further additional continuing appropriations for fiscal year 2018, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H. Res. 662. A resolution emphasizing disapproval of six anti-Israel United Nations resolutions and reaffirming United States support for the State of Israel and its people; to the Committee on Foreign Affairs.

By Mr. JONES (for himself, Mr. LYNCH, and Mr. MASSIE):

H. Res. 663. A resolution urging the release of information regarding the September 11, 2001, terrorist attacks upon the United States; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. LANCE, Mr. PASCRELL, Mr. LOBIONDO, Mr. DESANTIS, Mr. SIRE, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, and Mr. CURBELO of Florida):

H. Res. 664. A resolution calling for the immediate extradition or rendering to the United States of convicted felons William Morales, Joanne Chesimard, and all other fugitives from justice who are receiving safe harbor in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. BROWNLEY of California introduced a bill (H.R. 4641) to authorize the President to award the Medal of Honor to John L. Canley for acts of valor during the Vietnam War while a member of the Marine Corps; which was referred to the Committee on Armed Services.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. COFFMAN:

H.R. 4635.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Ms. SCHAKOWSKY:

H.R. 4636.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7

By Mr. KIND:

H.R. 4637.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7, Clause 1

"All Bills for raising Revenue shall originate in the House of Representatives"

By Mr. KING of New York:

H.R. 4638.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. ROSEN:

H.R. 4639.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 12, 13, 14, 15, 16, 18 of the U.S. Constitution: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as

may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. TAYLOR:

H.R. 4640.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. BROWNLEY of California:

H.R. 4641

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. FRELINGHUYSEN:

H.J. Res. 124.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 140: Mr. SANFORD.

H.R. 173: Mr. JOHNSON of Ohio, Ms. MCSALLY, and Mr. WESTERMAN.

H.R. 495: Mr. CARTER of Georgia.

H.R. 545: Mr. NEWHOUSE.

H.R. 632: Ms. DEGETTE, Ms. DELBENE, Mr. LIPINSKI, Mr. PASCRELL, Mr. RUSH, Mr. ZELDIN, Mr. CARSON of Indiana, Mr. GENE GREEN of Texas, Mr. SHERMAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. DELANEY, Ms. FUDGE, and Ms. BASS.

H.R. 667: Mr. GENE GREEN of Texas and Mr. KIND.

H.R. 747: Ms. ADAMS.

H.R. 785: Mr. THORNBERRY.

H.R. 858: Mr. ELLISON, Ms. CLARK of Massachusetts, and Mr. PANETTA.

H.R. 909: Mr. ROUZER.

H.R. 912: Mr. SEAN PATRICK MALONEY of New York and Mr. POLIS.

H.R. 913: Mr. ELLISON.

H.R. 947: Mr. CARTWRIGHT.

H.R. 1134: Mr. BERA.

H.R. 1155: Ms. ESTY of Connecticut.

H.R. 1272: Mr. CLAY.

H.R. 1314: Ms. MCSALLY.

H.R. 1456: Mr. STIVERS and Mr. LARSEN of Washington.

H.R. 1457: Mr. MESSER.

H.R. 1555: Mr. ROHRBACHER.

H.R. 1569: Mr. PERLMUTTER.

H.R. 1615: Ms. CLARKE of New York, Mr. KHANNA, and Mr. NORCROSS.

H.R. 1720: Mr. FASO.

H.R. 1818: Ms. HANABUSA, Mr. WOMACK, Mr. GOMEZ, Mr. MARINO, Mr. GARRETT, Mr. KNIGHT, Mr. AMODEI, Mr. QUIGLEY, and Ms. ROS-LEHTINEN.

H.R. 1889: Ms. SÁNCHEZ.

H.R. 1970: Ms. MENG.

H.R. 1987: Ms. CLARK of Massachusetts.

H.R. 1997: Mr. SIREs and Ms. FRANKEL of Florida.

H.R. 2166: Mr. BILIRAKIS.

H.R. 2234: Mr. FITZPATRICK and Mr. DENHAM.

H.R. 2293: Mr. SESSIONS.

H.R. 2317: Mr. RUIZ.

H.R. 2436: Ms. SLAUGHTER.

H.R. 2472: Mr. COFFMAN.

H.R. 2616: Ms. BONAMICI.

H.R. 2657: Mr. PETERSON.

H.R. 2687: Mrs. BEATTY, Mr. SCHIFF, Mr. DANNY K. DAVIS of Illinois, Ms. PINGREE, Ms. SEWELL of Alabama, and Mr. CUMMINGS.

H.R. 2913: Mr. PANETTA.

H.R. 2946: Mr. GIBBS.

H.R. 3409: Mr. FLORES.

H.R. 3444: Mr. SWALWELL of California and Ms. MCCOLLUM.

H.R. 3495: Mr. LYNCH, Mr. SARBANES, Mr. GENE GREEN of Texas, Mr. RUSH, and Mr. PASCRELL.

H.R. 3596: Mr. DANNY K. DAVIS of Illinois, Ms. GABBARD, Mrs. COMSTOCK, Mr. SIMPSON, and Mr. MAST.

H.R. 3600: Mr. HARRIS.

H.R. 3637: Mr. BLUMENAUER and Ms. SHEAPORTER.

H.R. 3730: Mr. ELLISON, Mr. NEWHOUSE, and Ms. MENG.

H.R. 3738: Mr. RUSH, Mr. DANNY K. DAVIS of Illinois, Ms. BARRAGÁN, and Ms. HANABUSA.

H.R. 3767: Mr. BARR.

H.R. 3776: Mr. MEADOWS.

H.R. 3848: Mr. BLUMENAUER.

H.R. 3851: Mr. POE of Texas and Mr. SIREs.

H.R. 3881: Mrs. BUSTOS, Mr. RODNEY DAVIS of Illinois, Mr. KILMER, and Mr. SHERMAN.

H.R. 3923: Mr. LEVIN.

H.R. 4007: Mr. COSTA, Mr. LARSEN of Washington, Mr. LYNCH, Mr. MOULTON, Mr. RUSH, and Mr. MACARTHUR.

H.R. 4061: Mr. AGUILAR, Mr. HULTGREN, Mr. CONNOLLY, Mr. HOLLINGSWORTH, Mr. BUDD, Mr. LOUDERMILK, and Ms. BLUNT ROCHESTER.

H.R. 4077: Ms. SINEMA and Mr. JONES.

H.R. 4078: Ms. JACKSON LEE, Mr. CUELLAR, and Mr. PALAZZO.

H.R. 4133: Mr. CRAMER.

H.R. 4143: Mr. THOMPSON of California, Mr. LOBIONDO, Mr. CORREA, and Mr. PETERS.

H.R. 4144: Mr. FITZPATRICK.

H.R. 4152: Mr. BRADY of Pennsylvania.

H.R. 4163: Mr. LIPINSKI.

H.R. 4219: Mr. MITCHELL and Mr. BYRNE.

H.R. 4223: Mr. LANCE.

H.R. 4240: Mr. LEVIN.

H.R. 4265: Mr. CARTWRIGHT.

H.R. 4274: Mrs. LOVE.

H.R. 4306: Mr. KIND.

H.R. 4340: Mr. ROKITA.

H.R. 4360: Mr. LIPINSKI.

H.R. 4369: Ms. BORDALLO.

H.R. 4372: Mr. STIVERS.

H.R. 4391: Mr. RUSH.

H.R. 4396: Mr. LARSEN of Washington, Mr. DOGGETT, Ms. KELLY of Illinois, Ms. MAXINE WATERS of California, Miss RICE of New York, Ms. ROYBAL-ALLARD, Ms. DELAURO, Mrs. LOWEY, Ms. KAPTUR, and Mr. PAYNE.

H.R. 4413: Mr. CALVERT and Mr. CONAWAY.

H.R. 4443: Ms. BONAMICI.

H.R. 4444: Ms. KELLY of Illinois, Mr. MCGOVERN, Ms. ESTY of Connecticut, and Ms. LEE.

H.R. 4459: Mr. BLUMENAUER.

H.R. 4494: Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. KNIGHT, Mr. BOST, Mr. GROTHMAN, Mr. BROOKS of Alabama, Ms. JENKINS of Kansas, Mr. CONAWAY, and Mr. ISSA.

H.R. 4505: Mr. LOWENTHAL.

H.R. 4510: Mr. O'HALLERAN.

H.R. 4541: Mr. RASKIN, Mr. PAYNE, Ms. MCCOLLUM, Mr. McEACHIN, Mr. LAWSON of Florida, Ms. JUDY CHU of California, Ms. SÁNCHEZ, Mr. TONKO, Mr. KHANNA, Ms. BORDALLO, and Mr. CARTWRIGHT.

H.R. 4547: Mr. SMITH of Nebraska, Mr. BUCHANAN, and Mr. KELLY of Pennsylvania.

H.R. 4548: Mr. BEN RAY LUJÁN of New Mexico, Ms. WASSERMAN SCHULTZ, Mr. THOMPSON of Mississippi, Mr. AL GREEN of Texas, Mr. SIREs, Miss RICE of New York, Ms. PINGREE, Mr. LOWENTHAL, and Mr. LIPINSKI.

H.R. 4572: Ms. JACKSON LEE, Ms. PLASKETT, Ms. NORTON, and Mr. AL GREEN of Texas.

H.R. 4582: Mrs. BUSTOS.

H.R. 4585: Mr. CAPUANO, Ms. ROSEN, Ms. SLAUGHTER, Mr. HIGGINS of New York, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MCGOVERN, Mr. DELANEY, and Mr. DEUTCH.

H.R. 4589: Mr. GOMEZ.

H.R. 4608: Ms. MOORE.

H.R. 4614: Mr. RODNEY DAVIS of Illinois.

H.R. 4617: Mr. MESSER, Mr. BANKS of Indiana, and Mr. KATKO.

H. Con. Res. 28: Mr. ISSA, Mr. VALADAO, and Mr. LANCE.

H. Con. Res. 81: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 69: Ms. ROSEN.

H. Res. 443: Mrs. LOVE.

H. Res. 464: Mr. YOUNG of Iowa.

H. Res. 466: Mr. MCCAUL.

H. Res. 477: Mr. CARTER of Georgia.

H. Res. 570: Mr. DESANTIS.

H. Res. 603: Mr. DONOVAN.

EXTENSIONS OF REMARKS

HONORING METRA CEO DON ORSENO ON HIS RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Don Orseno on the occasion of his retirement from Metra, Northeast Illinois's commuter rail agency. Don's retirement is well-deserved after 4 years leading the agency and 44 years in the railroad industry.

Don began his railroading career in 1974 when he was hired by the Chicago Rock Island and Pacific Railroad Company as a commuter train ticket taker, later working his way up to become a locomotive engineer. These experiences gave Don the applied knowledge that helped propel him to the top spot at one of the nation's premier commuter railroads. After joining Metra in 1984, Don continued his upward trajectory by advancing to Deputy Executive Director before his appointment as CEO/Executive Director in 2013 and confirmation in 2014.

Don's leadership at Metra could not have come at a more critical point in the agency's history, as he faced an uphill battle in tackling the many issues with Metra's operational performance and overall health. Leading a \$1 billion commuter rail agency that runs 750 trains per day across a 3700-square mile, six-county region is a challenge under normal circumstances, but Don quickly showed he was the right fit for the job. Under Don's tenure, Metra has pursued ambitious modernization efforts while dealing with political uncertainties and complex regulatory mandates. Don's recent successes at Metra include improving on-time performance, expanding train car rehabilitation programs, modernizing the ticketing and fare system, and beginning the installation of wireless internet on Metra trains.

Don is not just an excellent leader and seasoned railroader, but he is also a great person and those of us who have worked with him or have come to know him are fortunate for that opportunity. Metra is a better place because of Don and he will be missed as he starts a new chapter to spend more time with his wife, Charm, two children, and five grandchildren.

I ask my colleagues to join me in thanking Don Orseno for his many years of service to Chicagoland commuters and wishing him well in his retirement.

RECOGNIZING THE LIFE OF FALLEN SOLDIER ARMY SERGEANT (SGT) ADRIAN NOE OROSCO

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Sergeant (SGT) Adrian Noe Orosco who paid the ultimate sacrifice while defending our nation on December 9, 2005, during Operation Iraqi Freedom. SGT Orosco was killed when a vehicle-borne improvised explosive device detonated near his dismounted position during combat operations in Baghdad, Iraq. SGT Orosco was assigned to the 1st Squadron, 11th Armored Cavalry Regiment, Fort Irwin, California.

Elizabeth Orosco, SGT Orosco's wife, paid tribute to her husband on a memorial website. "He was a wonderful father and a beautiful person," Mrs. Orosco wrote. "He was the love of my life and I had ten beautiful years with him. I love him. I miss him and he's not forgotten." Sergeant (SGT) Reynaldo Salazar served with SGT Orosco. He also paid tribute to SGT Orosco on a memorial website. "I met Adrian at Fort Irwin, California," SGT Salazar wrote. "He was a great soldier and foremost a father, husband, and friend. I will never forget you, brother, and I will always remember you." Janey Medina, SGT Orosco's aunt, also wrote a tribute on a memorial website "I know in my heart Adrian is in heaven today, watching over all of the rest of the family left behind," Ms. Medina wrote. "I truly grieve and miss him very much. He came to visit me before he left to serve in the war. I felt it was something he truly wanted to do in his life. He was proud of his career in the Army. I loved Adrian. I loved him like a son."

According to the Associated Press, SGT Orosco, a native of Corcoran, California, played football and was a member of the band. He graduated from Corcoran High School in 1997. SGT Orosco enlisted in the Army in November 2001.

Noe Orosco, SGT Orosco's father, had many fond memories of his son. "He was always happy, that boy," Mr. Orosco said. "In grade school, he enjoyed assembling model airplanes and rockets." Alexander Medina, SGT Orosco's uncle, recounted his nephew's military service. "He fully understood the circumstances and consequences of everything going on," Mr. Medina said. "He still believed it was the right thing to do."

SGT Orosco is survived by his father, Noe Orosco; his wife, Elizabeth; his three children, Adrian Orosco, Junior, Andrew Orosco, and Isabelle Orosco; his uncle, Alexander Medina; and his aunt, Janey Medina.

SGT Orosco proudly served America. His service and sacrifice will always be remembered.

CELEBRATING THE MEMORY OF JOANNE COONTZ

HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. CORREA. Mr. Speaker, we have lost an incredible individual to our society. Joanne Coontz, a trailblazer for women in the City of Orange has recently passed away at the age of 88.

Ms. Coontz was the city's first female council member and the first woman elected as mayor. She will always be remembered for her political pioneering and her tremendous dedication to the community. During her long political career, Ms. Coontz contributed and advocated to various causes, some of which include the expansion of the Orange Public Library and the creation of its history center. Moreover, Ms. Coontz helped establish a Veterans Memorial at Depot Park and Pitcher Park.

After her time in politics, she spent the rest of her life helping her community through nonprofits such as Friendly Center and the Orange Community Historical Foundation, volunteering with the Orange Unified School District, and much more.

Ms. Coontz has contributed to the City of Orange in numerous ways and will always be remembered as one of the first trailblazers. The City of Orange will never be quite the same without Ms. Coontz.

Mr. Speaker, it is with great privilege that I celebrate the memory of Ms. Joanne Coontz. A vibrant member of the City of Orange community, taken from us too soon.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI MARINE MASTER SERGEANT (MSGT) BRIAN PATRICK MCANULTY

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of fallen Mississippi Marine Master Sergeant (MSGT) Brian Patrick McAnulty who paid the ultimate sacrifice while defending our nation on December 11, 2006, during Operation Iraqi Freedom. MSGT McAnulty was killed when the CH-53 helicopter he was riding in crashed just after take-off in Anbar province, Iraq. MSGT McAnulty was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, Twentynine Palms, California.

MSGT McAnulty grew up in Vicksburg, Mississippi, and graduated from Warren Central

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

High School in 1985. MSgt McNulty then attended Hinds Community College in Raymond, Mississippi for three semesters before enlisting in the United States Marine Corps in April 1988.

A Department of Defense (DoD) news release included details of MSgt McNulty's personal life and his many professional accomplishments. His first assignment was to Marine Corps Security Force Battalion, Norfolk, VA, for service onboard the aircraft carrier USS John F. Kennedy (CV-67) In 1991, he was assigned to Fleet Anti-terrorism Security Team (FAST) Company, Norfolk, Virginia. In 1992, MSgt McNulty was selected for service with Marine Security Guard Battalion. Later he was assigned to Marine Security Guard detachments in Asuncion, Paraguay, Seoul, Korea, and Budapest, Hungary. In 1996, orders brought him to 1st Marine Division, Camp Pendleton, California, for duty with 2nd Battalion, 4th Marines. During that same assignment, he deployed with Battalion Landing Team 2/4 as part of the 31st Marine Expeditionary Unit from November 1998 until April 1999.

MSgt McNulty would further distinguish himself in 2001. When he was reassigned to Marine Security Guard Battalion and trained to serve in the coveted position of detachment commander. MSgt McNulty commanded Marine Security Guard detachments at U.S. embassies in war-torn Bujumbura, Burundi, and in the dangerous city of Bogota, Colombia. After excelling as a detachment commander and being named "Detachment of the Year" in South America, MSgt McNulty was selected to serve as an instructor/advisor at the Marine Security Guard school in Quantico, Virginia from April 2004 to April 2006. Weeks prior to this assignment, during civil unrest in Haiti, MSgt McNulty's expertise in embassy security and low intensity conflict was needed. He was sent to the U.S. embassy in Port-au-Prince, Haiti, to ensure the readiness of the embassy's Marine detachment and provide tactical advice to security personnel.

When MSgt McNulty returned to the United States, he assumed the duties of instructor at the Marine Security Guard Battalion headquarters in Quantico, VA, where he revamped the weapons training for the Marine Security Guard Battalion and was directly responsible for improving the overall marksmanship capability of Marine Guards. This proved vital to the battalion's role in the Global War on Terrorism. In conjunction with teaching duties, he continued an active security role within the Marine Security Guard Battalion. In December 2004, when terrorists attacked the US Consulate in Jeddah, Saudi Arabia, MSgt McNulty was immediately sent in to provide extra security and provide tactical and personal guidance to the Marines. In March 2006, MSgt McNulty was transferred to 3rd Battalion, 4th Marines, 1st Marine Division in Twentynine Palms, California, and served as the company Gunnery Sergeant for Weapons Company and later as the Operations Chief. He deployed to Iraq with 3rd Battalion, 4th Marines for combat operations in direct support of Operation Iraqi Freedom.

Brian McNulty, MSgt McNulty's brother, described his brother's devotion to service in an Associated Press news article. "He loved

what he was doing," Brian said. "He wouldn't have rather been anywhere else."

His many awards include the Navy And Marine Corps Commendation Medal (With Gold Star), the Navy And Marine Corps Achievement Medal (With 3 Gold Stars), the Navy Unit Commendation (With Bronze Star), the Navy Meritorious Commendation Medal (With 3 Bronze Stars), the Marine Corps Good Conduct Medal (With 4 Bronze Stars), the National Defense Service Medal (With 1 Bronze Star), the Armed Forces Expeditionary Medal, the Southwest Asia Service Medal, the Iraqi Campaign Medal, Global War On Terrorism Service Medal, Korean Defense Service Medal, the Sea Service Deployment Ribbon (5th Award), the Navy And Marine Corps Overseas Service Ribbon, the Kuwait Liberation Medal, the Marine Security Guard Ribbon (3rd Award), the Expert Pistol (6th Award), and the Expert Rifle (9th Award).

MSgt McNulty is survived by his parents, Robert and Frances McNulty; brother and sister-in-law, Brett and Stacy McNulty; and his two nieces, Cora McNulty and Lily McNulty.

MSgt McNulty distinguished himself throughout his military career. His service and sacrifice will always be remembered.

CONGRATULATING BRIANNA
HALLER OF THE FATIMA COM-
ETS CROSS COUNTRY TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Brianna Haller of the Fatima Comets Cross Country team on winning the Class 2 Girls Individual Cross Country State Championship.

Brianna Haller and her coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing Brianna Haller on a job well done.

IN RECOGNITION OF BILL
NALEVANKO FOR TWENTY-
SEVEN YEARS OF FEDERAL
SERVICE

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor Bill Nalevanko, who will retire from the National Park Service on January 3, 2018. Bill spent twenty-seven years in federal service, twenty of which were with the National Park Service at the Steamtown, a national historic site dedicated to Scranton's industrial heritage and steam railroad transportation.

Bill began his tenure with the National Park Service as Volunteer-in-Park in 1996, shortly

after Steamtown's grand opening in 1995. He worked his way up the ranks, becoming a seasonal employee and eventually a Public Information Officer and Webmaster for the historic site. For two decades, Bill has helped thousands of park visitors discover the wealth of history featured at the Steamtown National Historic Site.

It is an honor to recognize Bill as he enters a well-deserved retirement. I am grateful to him for his career of service helping to preserve the history of America's railroads. His twenty-seven years on the job is a credit to his community devotion, and I wish him all the best in his retirement.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for Roll Call votes 674 and 675 on Tuesday, December 12, 2017. Had I been present, I would have voted Yea on Roll Call vote 674 and Nay on 675.

RECOGNIZING THE LIFE OF FALL-
EN SOLDIER ARMY STAFF SER-
GEANT (SSG) MILTON RIVERA-
VARGAS

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Staff Sergeant (SSG) Milton Rivera-Vargas who paid the ultimate sacrifice on December 8, 2005, during Operation Iraqi Freedom. SSG Rivera-Vargas suffered a heart attack and died while on guard duty in Kalsu, Iraq. SSG Rivera-Vargas was assigned to the 1st Battalion, 296th Infantry Regiment, Puerto Rico Army National Guard, Sabana Grande, Puerto Rico.

Minerva Rivera, SSG Rivera-Vargas' niece, paid tribute to her uncle on a memorial website. "My uncle was the best person around," Minerva said. "He always had a smile on his face. He always protected us in every way. It has been three years since he passed away and there is not a day that passes that I don't think of him or speak of him. I still remember the last day I saw him. The last thing he told us was to pray for him and to not worry about him because he would be home soon. That day never came."

SSG Rivera-Vargas was laid to rest at Los Robles Memorial park in Cabo Rojo, Cabo Rojo Municipality, Puerto Rico, USA.

SSG Rivera-Vargas proudly served our nation. His service and sacrifice will always be remembered.

CONGRATULATING THE FATIMA
COMETS GIRLS CROSS COUNTRY
TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Fatima Comets Girls Cross Country team on winning the Class 2 Cross Country State Championship.

This team and their coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing the Fatima Comets Girls Cross Country team for a job well done.

HONORING THE 50TH ANNIVER-
SARY OF NEW HOPE BAPTIST
CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to honor the 50th anniversary of New Hope Baptist Church in Hampton, Virginia.

New Hope Baptist Church began as New Hope Mission in 1967. Former members of New Emmanuel Baptist Church in Newport News, Virginia felt compelled to establish their own place of worship, and they began to meet and cultivate their fellowship. The group originally began meeting in a store on North Avenue and later at Carver High School, both in Newport News. Reverend C.B. Potts served as the mission's spiritual leader during this time. The mission officially became New Hope Baptist Church in October of 1967.

Reverend C.B. Potts oversaw the church's move into their first building on April 10, 1969. With more space, proper furnishings, and a growing community presence, the church soon experienced an increase in membership and the creation of their first choir. Pastor G.I. Melton, installed as pastor in 1970, provided guidance and direction throughout this period. Under his leadership, the church saw over 100 new members and the creation of the Children's Church Ministry and Transportation Ministry. This growth continued over the years, and under the leadership of Pastor Melton the congregation broke ground on a new sanctuary in 1980. The construction of New Hope Baptist Church's new sanctuary was completed in August of 1981, two months after the death of Pastor Melton. Today, New Hope Baptist Church has grown beyond any of its founders' expectations. Members of New Hope Baptist Church have seen the expansion of the church through membership and the creation of many ministries such as the Women's Fellowship, Men's Fellowship, Evangelism Team, Seniors' Ministry, Tutorial Ministry, and many more. In January 1995, Rev. Dr. Christopher C. Carter, Sr. was installed as Pastor. In 2004, Pastor Carter led the congregation as

they broke ground on a 12,000 square foot facility located in Hampton, Virginia, where they worship today.

Over the years, the congregation of New Hope Baptist Church has been dutifully led in prayer and service by the following men of faith—Rev. C.B. Potts, Rev. W.W. Butler, Rev. G.I. Melton, Rev. Dr. Ivan Harris, Rev. Virgil Newkirk, and Rev. Dr. Christopher C. Carter, Sr.

Mr. Speaker, as New Hope Baptist Church celebrates its 50th anniversary, the church's congregation can look back on its history with pride. I would like to congratulate Pastor Carter and the entire New Hope Baptist Church community on this special occasion. I wish the church another 50 years of growth and fellowship.

CONGRATULATING THE FESTUS
TIGERS BOYS CROSS COUNTRY
TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Festus Tigers Boys Cross Country team on winning the Class 3 Cross Country State Championship.

This team and their coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing the Festus Tigers Boys Cross Country team for a job well done.

TRIBUTE TO GRAYDON CARTER ON
HIS RETIREMENT FROM VANITY
FAIR

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. COHEN. Mr. Speaker, I rise today to pay a special tribute and recognize the career of hall of fame magazine editor Graydon Carter. Graydon Carter is one of the great journalists of our time and retires today after 25 years as editor of Vanity Fair. He co-founded Spy Magazine which he also edited, as well as The New York Observer. And at Vanity Fair, he gave writers like Michael Lewis and Dominick Dunne a venue, and Christopher Hitchens, one of the great journalists of our time. Graydon said about Christopher Hitchens upon his passing that he was "a wit, a charmer and a troublemaker and to those who knew him well, he was a gift from—dare I say it?—God." I'm sure Hitch would have said the same about Graydon. From the beginning of Spy Magazine and through the days of The New York Observer and Vanity Fair, he pointed out the shortcomings of Donald Trump. And he gave him the appellation "short-fingered vulgarian." For that and much more, Graydon Carter will be remembered—a

great journalist, a great human being, a great raconteur, and a friend. Graydon Carter will also be remembered for publishing such great writers as David Halberstam, Walter Isaacson, David Kamp, Nicholas Lemann, Jeffrey E. Stern and William Langewiesche, and for printing the brilliant photographic images of such artists as Annie Leibovitz, Mark Selinger and Jonas Freedwall Karlson. With a showman's charisma, he brought glamor and politics together, throwing some of the best-remembered parties in New York, Los Angeles and Washington, including hosting the annual White House Correspondents Association Vanity Fair after-party, the most sought-after invitation in D.C. A gourmet, his signature restaurants The Waverly Inn in the West Village and Monkey Bar on the Upper East Side are destinations in good taste. Graydon Carter was also the producer of documentaries including "Gonzo: The Life and Work of Hunter S. Thompson" and "The Kid Stays in the Picture," about legendary Hollywood producer Robert Evans and was a regular at both the Sundance and Cannes film festivals. Print journalism is tough and Graydon Carter will also be remembered for his successful navigation through the current age of media disruption. I wish him all the best in retirement.

RECOGNIZING THE LIFE OF FALL-
EN MISSISSIPPI SOLDIER ARMY
SPECIALIST (SPC) TERRY
KISHAUN GORDON

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Specialist (SPC) Terry "Dantez" Kishaun Gordon who paid the ultimate sacrifice while defending our nation on December 18, 2013, during Operation Enduring Freedom. SPC Gordon was killed when the Black Hawk UH-60 he was riding in crashed in Naw Bahar, Afghanistan. Also killed were Chief Warrant Officer 2 (CW2) Randy L. Billings, Sergeant (SGT) Peter Bohler, Sergeant First Class (SFC) Omar W. Forde, Chief Warrant Officer 2 (CW2) Joshua B. Silverman, and Staff Sergeant (SSG) Jesse L. Williams. SPC Gordon was assigned to 1st Squadron, 6th Cavalry Regiment, 1st Combat Aviation Brigade, 1st Infantry Division, Fort Riley, Kansas.

Following the crash, a statement was issued from Fort Riley. "We offer our heartfelt condolences to the families and friends of these 'Big Red One Soldiers,'" Major General Paul E. Funk, II, 1st Infantry Division and Fort Riley Commanding General, said. "We stand ready to support them and I urge our community and the nation, while remembering their sacrifices this holiday season, to do the same."

According to the Associated Press, SPC Gordon, a Quitman, Mississippi native, graduated from Quitman High School in 2011. While in high school, SPC Gordon served as a member of the high school's U.S. Army Junior Reserve Officers Training Corps (JROTC) Michael McDonald, Quitman High School principal, described SPC Gordon as a great young

man. "His leadership and confidence was clearly evident," Mr McDonald said. "He just oozed confidence and he was dependable and well-respected among the students here." A Mankato Times article states that SPC Gordon loved helicopters and that he knew early on that he was meant for the Army because he could fly on a Black Hawk.

Miriam Gordon, SPC Gordon's aunt, said he was a happy child who loved his family, friends, and his country. "Every time you saw him, he had a smile," Mrs. Gordon said. "He always did little pranks and jokes. If you were having a bad day and saw him, you had a great day. He brought the goodness out of people. He was bigger than anything I could ever imagine as far as being a model child. Sometimes they stray, but this child didn't stray."

SPC Gordon and his fallen comrades were honored on January 9, 2013, during a memorial service held at Fort Riley, Kansas. Nearly 500 people attended the service that was held at the Morris Hill Chapel. Lieutenant Colonel (LTC) Matt Weinshel commanded the crew while deployed in Afghanistan. "Each of these soldiers knew the risks they assumed," LTC Weinshel said. "They loved their mission and each other. They truly loved flying and told me so on several occasions." During the service, speakers told those in attendance that the soldiers were focused on their work, but also smiled and offered hugs to break the tension while preparing helicopters for missions during deployment.

SPC Gordon is survived by his father, Terry W. Gordon; his mother, Sabina R. Edwards; his sister, Terruna Gordon; his stepfather, David Edwards; and his two half-brothers, David Edwards, Jr., and William Edwards.

SPC Gordon proudly serviced America. His sacrifice to protect the freedoms we all enjoy will not be forgotten.

RECOGNIZING WAWA'S COMMITMENT TO FIGHTING HUNGER, HONORING GRAND OPENING

HON. BRENDAN F. BOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. BRENDON F. BOYLE of Pennsylvania. Mr. Speaker, I rise today to call attention to Wawa, Inc., a Pennsylvania based company that will be opening up their very first store in our nation's capital tomorrow. The citizens of Pennsylvania are well acquainted with Wawa food stores; it's where many of them go for their morning coffee as well as a common destination for fresh food at lunch or dinner time.

Therefore I would like to recognize Wawa as a Pennsylvania company with a firm commitment to fighting hunger and serving the greater good. At Thursday's grand opening, Wawa will announce its "Lending a Helping Hoagie Program," which will donate a portion of the new location's first week of hoagie sales to the Capital Area Food Bank. Along with that program, Wawa will present the food bank with a grant of \$10,000 to help launch its sustainable "Fresh Community Market" initiative.

Wawa's efforts in the fight against hunger do not end there. Its Share Donation Food Program is a smart, compassionate program that quickly distributes leftover hot food—that would otherwise go to waste—to the communities that need it most. Additionally, until the end of this year, Wawa will continue its "Check Out Hunger" campaign that allows customers to donate to Feeding America Food Banks at checkout.

I am proud to say that this Pennsylvania institution, with the help of its loyal customers around the country, directly fights hunger in the communities it serves. Wawa stands as an example of a company that recognizes that its obligations do not end at its bottom line. It demonstrates that corporations do not have to choose between being prosperous and undertaking initiatives to help communities. I applaud Wawa for its commitment to fighting hunger, and hope that other companies will follow its example and find innovative ways to make a difference in their community.

CONGRATULATING THE FESTUS TIGERS GIRLS CROSS COUNTRY TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Festus Tigers Girls Cross Country team on winning the Class 3 Cross Country State Championship.

This team and their coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing the Festus Tigers Girls Cross Country team for a job well done.

HONORING GILLETTE CHILDREN'S SPECIALTY HEALTHCARE ON ITS 120TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Ms. McCOLLUM. Mr. Speaker, I rise to recognize Gillette Children's Specialty Healthcare of Saint Paul, Minnesota on its 120th anniversary of providing world class, compassionate care for children and their families.

Before the turn of the 20th Century, two pioneering leaders, Jessie Haskins and Dr. Arthur Gillette, recognized the acute need to provide a place where children with disabilities could receive state-of-the-art care that was tailor-made to fit their needs. At their urging, in 1897 the Minnesota legislature created what would later be named Gillette Children's Hospital, the first such institution in the country to focus exclusively on treating children with disabilities. Today, not far from its first location on the shores of Lake Phalen, Gillette Children's Specialty Healthcare is celebrating 120 years

of outstanding service to the public and groundbreaking treatment of children in our community and from around the globe.

Gillette Children's serves an incredibly important calling in our state and country. By staying focused on what a child can do, rather than what they cannot, Gillette Children's helps to make the difference in how a child will recover and grow after receiving care. Caring for children and families from all across the United States and around the world, Gillette Children's has improved the lives of countless children and their families since day one.

It is often said, that Gillette Children's has soul. This is because it not just a hospital, but a special place that connects entire families. By providing lifelong care to individuals who were first treated there as children and now are adults, Gillette Children's creates deep and meaningful bonds between the children, staff and volunteers. This unique practice is one of many reasons why Gillette Children's stands out as an extraordinary example of excellence in care and community stewardship.

As medical technology has improved, so too has Gillette Children's capacity to treat young patients who experience some of the most complex, traumatic and rare conditions. Home to the James R. Gage Center for Gait and Motion Analysis, the hospital is one of only seven such accredited centers in the country that helps to improve mobility and walking among children who have walking and movement disorders.

Since its founding in 1897, staff devotion to compassionate and supportive care for children undergoing treatment and recovery has remained steadfast. Today, each child's emotional well-being remains at the core of Gillette Children's approach to medical care. Mr. Speaker, please join me in honoring the 120th anniversary of Gillette Children's Specialty Healthcare for all that it does to improve the lives of children in Minnesota and beyond.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI MARINE CORPORAL (CPL) MICHAEL BRANDON PRESLEY

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Marine Corporal (Cpl) Michael Brandon Presley who paid the ultimate sacrifice while defending our nation on December 14, 2005, during Operation Iraqi Freedom. Cpl Presley died at Landstuhl Regional Medical Center in Germany from wounds he sustained on December 12 from a suicide, vehicle-borne improvised explosive device, while conducting combat operations against enemy forces in Fallujah, Iraq. Cpl Presley was assigned to 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

According to the Associated Press, Cpl Presley, a Batesville, Mississippi native, was a standout student at North Delta School. Cpl

Presley was a lineman for the school's 2000 state football championship team when it won the Class 3A title. John Howell, North Delta School principal, said Cpl Presley kept in touch with his teachers while he was stationed overseas. "The neat thing that made him stand out for those of us who taught him was the way he made a point to reconnect with us periodically," Mr. Howell said. "Often when you teach, you have to guess at the work that you're doing. Brandon let us know that he appreciated us, and that made him stand out more than other students I have taught."

The official website of the U.S. Marine Corps included a detailed account of Cpl Presley's service and commitment to the Marine Corps. Cpl Presley joined the Marine Corps on September 22, 2003. He served with the 1st Marine Aircraft Wing, Okinawa, Japan, and subsequently reported to the 2d Combat Engineer Battalion for duty as a motor transport operator in March 2005. Cpl Presley was a skilled operator remembered for his broad smile, love of life, and his devotion to duty. His accomplishments and warrior spirit will forever grace the passage spaces of 2d Marine Division while attached to 1st Battalion, Sixth Marines.

Details of Cpl Presley's bravery were included on a memorial website. The author recounted the details of the day Cpl was mortally wounded. "Corporal Presley was the vehicle commander for the second Medium Tactical Vehicle Replacement (MTVA) in the convoy," the author wrote. "As the convoy passed a taxi that had pulled off to the right side of the route, the taxi pulled out and into the path of Cpl Presley's vehicle. When Corporal Presley observed this, he immediately started to initiate escalation of force procedures. Due to the fact that the vehicle was non-responsive, Cpl Presley drew his M16 A4 and was preparing to engage the lone occupant of the taxi. As he did this, the SVBIED initiated its device early, before it had actually impacted the MTVA. This action undoubtedly saved the life of the MTVA driver. Cpl Presley was wounded by shrapnel in the blast and later died from his wounds. Cpl Presley's quick actions saved not only his driver, but also the cargo that they were carrying, the Iraq ballots. He valiantly put his fellow Marines and mission accomplishment ahead of his own safety."

A relative of Cpl Presley recounted the day of his memorial service. "There were two huge fire ladder trucks parked across from the funeral home. Their ladders were fully extended," the relative wrote. "Draped between them was a huge American flag. As the procession made its way to the church from the funeral home, there were firefighters, local police, state police, sheriffs, active and retired military lining the street and all standing at attention and saluting as the process passed by. It was really amazing to witness."

Cpl Presley was laid to rest at Magnolia Cemetery in Batesville, Mississippi. Cpl Presley is survived by his mother Pam Cousar; his stepfather, John Cousar; his brother, Colin Hawkins; and his grandparents, Mary Sue Presley, Mary Frances Woods and Mitchell Woods.

Cpl Presley served our nation with courage and bravery. His service and sacrifice to protect the freedoms we all enjoy will not be forgotten.

CONGRATULATING THE HELIAS CRUSADERS VOLLEYBALL TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Helias Crusaders Volleyball team on winning the Class 3 Volleyball State Championship.

This team and their coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing the Helias Crusaders Volleyball team for a job well done.

PROTECTING NORTH KOREAN REFUGEES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I held a hearing on the current situation facing North Korean asylum seekers and assessed both China's obligation to protect refugees and the effectiveness of global efforts to stop what the U.N. Commission of Inquiry on Human Rights in North Korea called crimes against humanity experienced by refugees.

At a recent House Foreign Affairs Committee hearing, North Korean defector Ambassador Thae Yong-ho testified about the strategic value of both disseminating information into North Korea and the protection of North Korean refugees in China.

Drawing on an analogy about the fall of the Berlin Wall, Ambassador Thae claimed that there may be a similar result if China stopped repatriations of refugees and the U.S. and the international community expanded "soft power" news and information flows into North Korea.

As the Congress continues to look at ways to best apply maximum diplomatic and financial pressure on the regime of Kim Jong-un, this hearing explored the strategic relevance of further pressing the Chinese government to protect North Korean refugees and evaluate the impact of surging outside information into North Korea.

Amid escalating tensions on the Korean Peninsula, we cannot forget those suffering under the North Korean regime and those North Korean refugees who are in China.

North Korean asylum seekers are at imminent risk of repatriation, torture, sexual violence, forced abortions, hard labor and even execution. China's repatriation of North Koreans is a stark violation of both the spirit and the letter of the 1951 Refugee Convention and 1967 Protocol to which China has acceded.

The Chinese government has a lot to answer for. It is no wonder that the UN Commission on Inquiry for North Korea Human Rights concluded that the Government of the Peo-

ple's Republic of China is aiding and abetting in crimes against humanity by forcibly repatriating North Korean refugees.

As many as 90 percent of North Korean women refugees in China fall prey to traffickers who sell the refugees into sexual slavery or forced marriages.

Labor trafficking is also pervasive. The government of North Korea and the government and businesses in China, Russia, and elsewhere in the world, profit from the trafficking of North Korean laborers.

In recent months, Chinese authorities reportedly deported hundreds of South Korean missionaries and NGO workers who have provided crucial help to the North Korean refugees in China.

The international community—especially the United Nations, the Trump Administration and the U.S. Congress—must insist that China honor its treaty obligations and end its egregious practice of systematic repatriation of North Korean refugees.

Chinese officials and businesses, complicit in repatriation of North Korean refugees or those who profit from the labor trafficking should be held accountable.

The Congress has given the Administration the sanction tools that if used would send the right message—whether through the North Korea Sanctions Enforcement Act, the Global Magnitsky Act, or those sanctions attached to China's Tier 3 designation for trafficking in persons.

All should be used strategically and swiftly to send a clear message. For too long the world has tolerated China's failures to protect refugees. Those complicit in the repatriations of refugees and those who profit from the trafficking of North Koreans will be held accountable.

The ending of repatriations should be a bellwether for judging China's willingness to curtail Kim Jong-un's nuclear ambitions.

In addition to the protection of North Korea refugees, this hearing also assessed global efforts to surge news and information into North Korea.

Expansion of existing efforts to disseminate information into North Korea is critically important if for nothing else than to tarnish and undermine the Kim family's cult of personality.

The Kim family cult must be taken seriously as a national security threat and a barometer of Kim Jong-un's power. This cult of personality—sometimes called Juche—has inspired devotion from the North Korean people because of the cradle to grave propaganda they endure.

We must undermine the Kim family cult and the propaganda that grants Kim Jong-un almost god-like status. This status has allowed three generations of the Kim family to starve and abuse the North Korean people and divert scarce resources to the military and nuclear programs.

We must have an information surge into North Korea. Human rights groups are smuggling DVDs and USB sticks with video about the Kim family's sins into North Korea right now. Balloons are launched across the border with promises of a better life in South Korea. Radio programs broadcast daily messages and news, urging North Korea's "elite" to defect and turn against Kim Jong-un.

We know some of these efforts are having effect. We saw several high-level defections of diplomats, military officers, and the families of North Korea's elites in the last year. The number of asylum-seekers, depressed for several years by upgraded security efforts in China, has again begun to rise.

Efforts to get information into North Korea must be expanded dramatically. Washington should be leading this covert effort, working primarily with North Korea defectors groups in South Korea and with other human rights organizations.

The North Korean defector groups should be front and center in this effort—they know North Korea and they know the minds of its people. They know what information is needed to permanently tarnish the Kim family cult and what will motivate military leaders to defect.

Yesterday's hearing took place amid growing tensions on the Korean Peninsula. We must seek all viable options to deal with and resolve the North Korean issue, not only in military/diplomatic terms, but also in terms of human rights and freedom of the North Korean people.

I welcome and thank all of our witnesses. I valued hearing their observations and insights.

PERSONAL EXPLANATION

HON. MARK SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. SANFORD. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted YEA on Roll Call No. 672 and YEA on Roll Call No. 673.

RECOGNIZING AND CELEBRATING THE 25TH ANNIVERSARY OF SPACE CENTER HOUSTON

HON. BRIAN BABIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. BABIN. Mr. Speaker, I rise today to recognize and celebrate the twenty-fifth anniversary of Space Center Houston, the Official Visitor Center of the NASA Johnson Space Center.

Since opening in 1992, Space Center Houston has welcomed nearly twenty million visitors and currently hosts nearly one million visitors annually in its 250,000 square-foot educational complex. The Manned Space Flight Foundation, a private entity separate from NASA, funds Space Center Houston, its educational programs and the preservation of artifacts in its space science museum. Educational emphasis is placed on science, technology, engineering, and mathematics (STEM) in a fun and engaging way.

At Space Center Houston you can see the history and future of human spaceflight under one roof and it is the only Smithsonian Affiliate museum in Houston. The Visitor's Center is home to a one-of-a-kind exhibit displaying the world's only shuttle replica (Independence)

mounted on an original Shuttle Carrier Aircraft (NASA 905). For the first time, only at Space Center Houston, you can see the spacecraft from the first and last lunar landings under the same roof. Currently, Space Center Houston is partnering with the Smithsonian National Air and Space Museum to display both the Apollo 11 and Apollo 17 command modules to commemorate the fiftieth anniversary of our nation's extraordinary achievement of man's first step on the Moon in 1969.

Through Space Center Houston, the foundation can teach future generations how far we've come with the space program and emphasize how far we have to go to touch the rest of our universe.

Mr. Speaker, as the Congressman who represents Space Center Houston, and as Chairman of the House Subcommittee on Space, it is my distinct honor to recognize Space Center Houston on this milestone occasion.

CONGRATULATING THE NEW HAVEN SHAMROCKS BOYS CROSS COUNTRY TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the New Haven Shamrocks Boys Cross Country team on winning the Class 1 Cross Country State Championship.

This team and their coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing the New Haven Shamrocks Boys Cross Country team for a job well done.

RECOGNIZING THE LIFE OF FALL- EN MISSISSIPPI SOLDIER ARMY SPECIALIST (SPC) RAPHAEL SAPTIAN DAVIS

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Specialist (SPC) Raphael Saptian Davis who paid the ultimate sacrifice while defending our nation on December 2, 2003, during Operation Iraqi Freedom. SPC Davis was killed when his vehicle was struck by an improvised explosive device in Tampa, Iraq. SPC Davis was assigned to B Company, 223rd Engineer Battalion, Mississippi Army National Guard, based in Calhoun City, Mississippi.

According to the Associated Press, SPC Davis grew up in the Mississippi Delta. He lived with his mother in Tutwiler, Mississippi. SPC Davis graduated from Tallahatchie High School in Webb, Mississippi in 1998. SPC Davis attended Holmes Community College in Goodman, Mississippi where he was pursuing a degree in engineering. He then attended

Hinds Community College in Jackson, Mississippi. Davis joined the Mississippi Army National Guard in 2001. SPC Davis was deployed during his second year of college.

Clifton Bailey, SPC Davis' father, remembers the last time he talked with his son on the phone. "He called me on November 16th," Mr. Bailey said. "He tracked me down until he found me at work. I never heard him sound so happy. He told me he was coming home. We all assumed he meant Tutwiler, but he knew he was going to his heavenly home. He was calling to say goodbye." Betty Davis Pimpton, SPC Davis' mother, said she always worried about her son as any mother would. "You always hope for the best, never thinking about the worst that can happen," Mrs. Pimpton said. "I was really proud of his service. He enjoyed it and wanted to make a career out of it."

Lakeitha Johnson, a classmate of SPC Davis, paid tribute to him on a memorial website. "There isn't a day that goes by when I don't think about my classmate and friend, Raphael," Lakeitha said. "I think everyone here agrees that the last two years without him have been tough. Even though his loss has left a huge void in our community, I always think of him and smile. I know that you are in heaven smiling down on us and we love you and miss you so much. We'll see you when we reach that other shore, Raph."

SPC Davis was the father of three children, Raphael Davis, Junior, Ravin Davis, and Razavier Seon Davis. His youngest child, Razavier Seon Davis, was born four weeks before SPC Davis was killed. Deetra Tucker, mother of Razavier, was also a member of the Mississippi Army National Guard.

A funeral was held for SPC Davis at West Tallahatchie High School in Webb, Mississippi. SPC Davis was laid to rest in the family cemetery located on Sharkey Road in Glendora, Mississippi. SPC Davis' sisters and brothers wrote a special tribute to their brother which was printed in the program for the funeral. It read, "Ralph, our beautiful brother, there's really no need for words. Your life spoke loud and clear. You were not perfect and that's okay. No human being is. You are still our brother and we love you. There's a lot of press these days about how there are no heroes or great men for our children to look up to. They were wrong. Ralph, you are a hero and we will make sure that all of your nieces and nephews know you were that special hero. We love you."

SPC Davis is survived by his father, Clifton Bailey; his mother, Betty Davis Pimpton; his girlfriend, Deetra Tucker; the mother of his two oldest children, Kimberlie Blount; his three children, Raphael Davis, Junior, Ravin Davis, and Razavier Seon Davis; his eleven brothers, Cedric Davis, Demarcus Davis, Lamonte Harris, Clifton Davis, Junior, Zavier Bailey, Bernard Berryhill, Taierry Brown, Areail Wallace, Steve Hill, Terrence Steele, and Maurice Steele; his two sisters, Wynde Bailey, and Premmie Stevenson.

SPC Davis will always be remembered for his service and sacrifice to protect America and to preserve the freedoms we all enjoy.

GODSPEED MARTIN WHITMER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. WILSON of South Carolina. Mr. Speaker, we are thinking of my family friend Martin Whitmer and his wife, the former Julie Thurmond, as Martin is scheduled for open heart surgery this Thursday, December 14. We pray for his family in this difficult time and have faith that he will recuperate quickly to become even stronger than before.

IN HONOR OF LANETT WINNING
AHSAA CLASS 2A HIGH SCHOOL
FOOTBALL TITLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Lanett High School for winning the Alabama High School Athletic Association (AHSAA) Class 2A football state title for the first time ever.

The Panthers sealed their victory by beating Leroy High School 33-15 on December 8 at Bryant-Denny Stadium in Tuscaloosa, Alabama.

Mr. Speaker, please join me in congratulating the students and faculty of Lanett High School, the coaches, the players and all the Panthers fans on this exciting achievement. Go Panthers.

RECOGNIZING THE BAYTOWN SUN
ON ITS DESIGNATION AS A
TEXAS STATE HISTORICAL
MARKER

HON. BRIAN BABIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. BABIN. Mr. Speaker, I rise today to recognize The Baytown Sun for its designation as an official Texas State Historical Marker.

The Baytown Sun can trace its roots to the weekly newspaper The Goose Creek Gasser, established by Frank Boyer in 1919, two months before construction began on the Humble Oil & Refining Company's Baytown Refinery. The Gasser was created to serve the rapidly growing tri-cities of Goose Creek, Pelly, and Baytown, which evolved from oil boom towns to a permeant community. In 1924, new ownership the paper's name to the semi-weekly tribune, and again in 1929 to the daily tribune, when it's circulation was around 4,500.

The financial strain of the great depression led the owners of Goose Creek's Tribune, The Pelly Telegram, and Baytown's Tri-Cities News-Herald to merge into a single paper, the Tri-Cities Sun, operating out of the Tribune's building. First published on July 19, 1931, it was renamed The Daily Sun two years later.

Goose Creek, Pelly and Baytown consolidated in 1948, and the paper, renamed The Baytown Sun, became the sole daily newspaper in the old tri-cities area. In 1949, the facility was greatly expanded, including a new press and, for the first time an air conditioned work space. That year, The Sun surpassed a circulation of 8,000 and employed forty individuals. In 1965 the sun moved to its current location. The first papers printed at the new location went out to more than 12,700 subscribers.

Longtime Publishers and editors of the Sun included William Pendergraft, Robert Matherne, Fred Hartman, and Preston Pendergrass. Janie Gray has served as Publisher since 2010.

Since 1919, The Baytown Sun and its predecessors have primarily focused on the area's local news and history, while providing readers with matters of state, national and international importance. Today, The Baytown Sun covers Southeast Harris County, Chambers County, and Southeast Liberty County.

Mr. Speaker, it is my distinct honor to recognize The Baytown Sun on its designation as a Texas State Historical Marker.

TRIBUTE TO COMMISSIONER
TIMOTHY (TIM) BRADFORD

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, Tim Bradford graduated from Richard T. Crane High School on the Westside of Chicago where he was an outstanding athlete and well-liked student. He secured a job at Western Electric before obtaining and rising to a senior level position at Quaker Oats where he worked for more than twenty-five years. He later became a successful entrepreneur and owned a dock fish feed franchise and had an interest in a St. Louis based Miller Beer distributorship. Tim was passionate about life, civic engagement and politics. He served as commissioner and President of the Olympia Fields Park District and Administrator of Rich Township. Tim's greatest legacy will be his service to the community and helping those in need is his passion, his mission. He was a well-respected pillar of the community who made sure that the south suburban community of Cook County was never overlooked.

To say that he was immersed in politics would be an understatement. Tim worked around the clock and became known as the Godfather of south suburban politics. He served as vice chair for Cook County Democrats, a Commissioner of the Metropolitan Water Reclamation District, Rich Township Committeeman, Rich Township Administrator, Matteson Rotary Club, Olympia Fields Police Board and countless other civic organizations, boards and commissions. Notwithstanding all of his external activities and affiliations, Tim was totally devoted to his wife of 51 years, Mary-Ann and all other members of the Bradford clan, his mother, his brothers, his children, grandchildren, nieces, nephews, other family members and friends. Timothy (Tim)

Bradford was an extraordinary man filled with boundless energy, a great mind and a heart filled with love for his family and anyone that he might meet.

Love is patient, love is kind, love is generous, love is Commissioner Timothy (Tim) Bradford.

RECOGNIZING THE LIFE OF FALL-
EN MISSISSIPPI SOLDIER ARMY
STAFF SERGEANT (SSG) ROBERT
LEE LOVE, JUNIOR

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Staff Sergeant (SSG) Robert Lee Love, Junior who paid the ultimate sacrifice while defending our nation on December 1, 2006, during Operation Iraqi Freedom. SSG Love died from injuries he sustained when an improvised explosive device detonated near his vehicle during combat operations in Ar Ramadi, Iraq. SSG Love was assigned to the 16th Engineer Battalion, 1st Brigade Combat Team, 1st Armored Division, Glessen, Germany.

According to the Associated Press, SSG Love, a Livingston, Alabama native, graduated from Livingston High School in 1996. Mary Love, SSG Love's mother, said he enlisted in the Army following graduation and served in the military a total of eight years. Prior to deployment, SSG Love lived in Germany with his wife, Army Staff Sergeant (SSG) Brianna K. Love. The couple had a three-year-old daughter, Brianna. SSG Robert Love also had an 11-year-old daughter, Tanessa.

The Meridian Star newspaper interviewed members of SSG Love's family. Mary Love said her son was liked by everyone. "He was a very sweet person who got along with everybody," Mary Love said. "Everybody loved him and he loved everybody." Robert Lee Love, Senior, SSG Love's father, said the loss of their son was difficult. "It has been hard, but we are holding up," Mr. Love said.

Graveside services for SSG Love were held on December 20, 2006 at the Pentecostal Memorial Gardens Cemetery in Russell, Mississippi. Elder Keith Tisdale and Bishop Marcell Evins officiated the funeral. SSG Love is survived by his wife, Brianna; his two daughters, Brianna, and Tanessa; his father, Robert L. Love, Senior; his mother, Mary Love; his two sisters, Rickitta Thomas and Evelyn Ford; and two brothers, Reginald Love and Jeremy Love.

SSG Love proudly served America and gave his life to protect the freedoms we all enjoy.

TRIBUTE TO JOHNNIE MYERS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. DUNCAN of Tennessee. Mr. Speaker, In honor of Mrs. Johnnie Elizabeth

Hammontree Myers, I would like to celebrate the amazing life she lived with my colleagues and others.

Johnnie was a long time close, personal friend to both me, and my father, Congressman John J. Duncan, Sr. There couldn't have been a stronger supporter of the Republican cause.

Born in 1919, in Greenback, Tennessee, Johnnie was brought up attending Pine Grove Presbyterian Church where she would become an elder, clerk, and life time member.

She volunteered her time in the community as well. She was a past chair of the Loudon County March of Dimes, president of the Loudon County Republican Women, and was the first female vice-chairman of the Loudon County Republican Party.

She was a staunch, dedicated Republican, but more importantly, she was a strong Christian and truly patriotic American.

When she wasn't serving her church, or our community, she was enjoying life to the fullest.

She cheered on the University of Tennessee men's basketball team as often as she could with the season tickets she held since 1962.

She also loved to embark on trips to new places including Hawaii, Alaska, Israel, and Europe.

Johnnie is an example to us all to live life each day with humility, compassion for others, and grateful hearts. She will be greatly missed by me, my family, and our community.

Mr. Speaker, this Nation is a better place today because of the life that Johnnie Myers led, and I hope that many people will read this tribute honoring one really outstanding woman.

HONORING THE CAREER OF DR.
DAVID ZOLDOSKE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. COSTA. Mr. Speaker, I rise today to congratulate Dr. David Zoldoske on the occasion of his retirement after 35 years of dedicated service to the Jordan College of Agricultural Sciences and Technology at California State University, Fresno (Fresno State). He has been a leader in the effort for sustainable irrigation techniques across California.

David earned his Bachelor's degree in Agricultural Economics from Fresno State. He worked as a student research assistant, specializing in irrigation, before being hired as a full-time research technician in 1983.

David has worked at Fresno State for over 30 years. He currently serves as Director for the Center for Irrigation and Technology, the California Water Institute, and was also named the Executive Director of Water Initiatives at Fresno State. Through this capacity, he guides the university's water technology, water resource management, and policy initiatives.

David has served in a number of leadership positions throughout his career. He served as the President of the Irrigation Association, and the American Society of Agronomy California Chapter. David was also the founding Execu-

tive Director for the Water Resources and Policy Initiative for the California State University System, Senior Fellow with the California Council on Science and Technology, as well as member of the "SMART" Water Application Executive Committee. David has also been named an Honorary Member of the American Society of Irrigation Consultants.

David has been a member of the California Department of Food and Agricultural Nitrogen Tracking and Reporting Task Force. He was Co-Chair of the Model Water Efficient Landscape Ordinance Committee, Vice-Chair of the California Department of Water Resources Strategic Planning Caucus for New Water Technology, and served as a member of the A-2 Subcommittee to the SBx7-Agriculture Stakeholders Committee.

Over the years, David has received numerous awards from his colleagues and peers. This includes being named "Person of the Year" by both the Irrigation Association in 2013 and the California Irrigation Institute in 2015.

Mr. Speaker, it is with great pleasure that I applaud Dr. David Zoldoske for his many years of tireless work on behalf of the Central Valley. His dedication to education is extremely commendable. I have personally worked with David for years in my capacity as a Member of Congress and I can proudly call him my friend. I ask my colleagues to join me today in recognizing the commitment, dedication and success of Dr. David Zoldoske, and wish him well as he embarks on new endeavors.

RECOGNIZING THE LIFE OF FALL-
EN MISSISSIPPI U.S. AIR FORCE
CAPTAIN (CAPT) KERMIT O.
EVANS

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of U.S. Air Force Captain (Capt) Kermit O. Evans who paid the ultimate sacrifice while defending our nation on December 3, 2006, during Operation Iraqi Freedom. Captain Evans died when the Marine Corps CH-46 helicopter he was riding in made an emergency water landing in western Anbar province. Captain Evans was assigned to the 27th Civil Engineer Squadron, Cannon Air Force Base, New Mexico. He deployed with the 332nd Air Expeditionary Wing, Balad Air Base, Iraq. He was one of four service members who died in the accident.

According to the Associated Press, Captain Evans, a Hollandale, Mississippi native, was an avid sports fan and athlete who was pleasant and giving. Margaret Evans, Captain Evans' mother, said her son liked taking things apart and putting them back together. "He also had an inquisitive personality that probably landed him in his military career as an explosives ordnance disposal technician," Mrs. Evans said. "He liked to see how things work."

Captain Evans graduated from Mississippi State University where he earned a degree in

chemical engineering. Captain Evans enlisted in the U.S. Air Force in August 2001. Following graduation, Captain Evans entered officer training school at Maxwell Air Force Base, Alabama and received his commission as a second lieutenant in November 2001. He was promoted to captain in November 2005. In the second phase of his Air Force career, Captain Evans entered Explosive Ordnance Disposal School at Eglin Air Force Base, Florida. Following graduation, he was stationed at Cannon Air Force Base, New Mexico. While he was serving at Cannon Air Force Base, his unit earned the Sergeant Stryzak Award as the best EOD flight in Air Combat Command. Captain Evans was the head of the bomb squad at the 27th Civil Engineer Squadron, Cannon Air Force Base, New Mexico. In 2011, Cannon AFB officials honored their fallen comrade. They renamed the street in front of the 27th CE Squadron building as Kermit Evans Avenue.

Lieutenant Colonel (Lt Col) Stephen Wood, 27th Civil Engineer Squadron Commander, said Captain Evans considered the Air Force as a career at a young age. He said Captain Evans had a solid Air Force career as a civil engineer, but wanted to do more, and began exploring bomb disposal. "That top level stratification was repeated throughout his career," Lt Col Wood said.

A funeral service was held for Captain Evans at Nellis Air Force Base in Las Vegas, Nevada. A memorial service was held at the Simmons High School Gymnasium in Hollandale, Mississippi. Captain Evans was laid to rest at Arlington National Cemetery in Arlington, Virginia on December 12, 2006.

Captain Evans is survived by his parents, Charles and Margaret Evans; his wife, Perneatha; his son, Kermit Evans, Jr.; and his brother, Kervin Evans.

Captain Evans proudly served our nation. He entered into the military ready to fight for the freedoms we all enjoy. His sacrifice will not be forgotten.

HARK

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2017

Mr. SESSIONS. Mr. Speaker, I include in the RECORD a poem, on behalf of Albert Carey Caswell, to honor the men and women of The Armed Forces and the families of the Fallen this Christmas.

HARK

(By: Albert Caswell)

Hark the herald Angels sing
Glory to the new born king
As our Lord up to heaven a new one brings,
Peace on earth and mercy mild
Across this Nation a mother just lost her child,
Who on battlefields of honor stood tall the while
God and sinners reconciled
As our Father looks upon his new Angel and smiles,
Joyful all ye nations rise
For our freedom this day a hero died,
Join the triumph of the skies

A new Angel is on the rise.
 Hark the herald Angels sing
 Glory to the new born king
 As a mother this Christmas stands with tear
 in her eyes,
 For us all her baby died.
 Hail the everlasting Lord
 Heroes like this heaven was made for,
 Light and life to all he brings
 As up in heaven his new Angel sings,
 Here with healing in his wings
 As down below in their sleep,
 To his loved ones in his tears in comfort he
 whispers again we'll meet,
 Mild he lay his glory by born that no man
 may die
 As now in men and women of honor we un-
 derstand why
 Bringing hope to all the land
 As did this magnificent hero in his short life
 span.
 Peace to every child and man
 As too was his plan.
 Hark the herald Angels sing
 Glory to the new born king
 Come all ye faithful, joyful and triumphant
 As do those who stand guard so abundant,
 Come ye oh come ye to Bethlehem
 Come and behold him,
 Come and behold them,
 Born the King of Angels,
 Come let us adore him
 Come let us adore him
 Oh come let us adore him
 Oh come let us adore them,
 The Fallen.
 Sing choir of Angels, sing in exultation
 For those who did not waver, who on this
 day have met our savior,
 Sing all our citizens of heaven above
 To all our heroes who gave the greatest love,
 Glory to God, glory in the highest
 Oh come let us adore him
 Oh come let us adore him
 Oh come let us adore him
 Oh come let us adore them,

All the men and women who have died in war
 then,
 And the families who live in pain the more
 then.
 Christ the Lord
 Hark the herald Angels sing, glory to the
 newborn King.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 14, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 19

10 a.m.
 Committee on Banking, Housing, and
 Urban Affairs
 Business meeting to consider the nomi-
 nations of Scott Garrett, of New Jer-

sey, to be President, Kimberly A. Reed, of West Virginia, to be First Vice President, Mark L. Greenblatt, of Maryland, to be Inspector General, and Spencer Bachus III, of Alabama, Judith Delzoppo Pryor, of Ohio, and Claudia Slacik, of New York, each to be a Member of the Board of Directors, all of the Export-Import Bank.

SD-538

Committee on Foreign Relations

To hold hearings to examine United States strategy for Syria after ISIS.

SD-419

2 p.m.

Committee on Foreign Relations

To hold hearings to examine the nominations of Peter Hendrick Vrooman, of New York, to be Ambassador to the Republic of Rwanda, and Joel Danies, of Maryland, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, both of the Department of State.

SD-419

2:30 p.m.

Committee on Rules and Administration

To hold hearings to examine S. Res. 355, improving procedures for the consideration of nominations in the Senate; to be immediately followed by a business meeting to consider S. Res. 355, improving procedures for the consideration of nominations in the Senate.

SR-301

DECEMBER 20

10:30 a.m.

Committee on Environment and Public Works

Subcommittee on Transportation and Infrastructure

To hold hearings to examine freight movement.

SD-406

HOUSE OF REPRESENTATIVES—Thursday, December 14, 2017

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

PRAYER

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

During these cold, early-darkening days, we ask Your special blessing upon those who labor in the Nation's Capitol.

Help the Members of the House and those of the Senate to act wisely and carefully in the important work they do. In the waning days of the session, may they continue to heed the voices of all their constituents, both those who voted for them and those who did not.

May all that is done within the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LANCE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

CONGRATULATING FOOTBALL STATE CHAMPIONS

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

Mr. LANCE. Mr. Speaker, I rise today to congratulate three State high school football champions in New Jersey's Seventh Congressional District: Westfield High School, North Hunterdon High School, and Somerville High School.

Westfield High School finished its year with its third consecutive State championship and with its 37-consecutive-game winning streak intact. The North Hunterdon Lions won their division, and Somerville High School finished as State football champions with award-winning Coach Jeff Vanderbeek at the helm.

I congratulate the communities and families supporting our student athletes. I also congratulate all of the faculty and coaches who devote themselves to cultivating and nurturing the talent of these athletes.

Each of those public schools, in addition to athletic achievement, has also been recognized for academic achievement regularly across the Nation, highlighting that New Jersey's reputation of having among the best public schools in the Nation continues.

TAX POLICY LEAVES BEHIND NATIVE AMERICANS

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

Mr. KILDEE. Mr. Speaker, as Republicans continue to rush their tax plan through both Houses of Congress, they leave behind tens of millions of Americans to give deficit-exploding tax breaks to the absolute wealthiest. They are also leaving behind some really important Americans: our Native American brothers and sisters.

For years, issues of taxation and how Federal tax policy impacts Tribal governments have been the subject of discussion, and for those years that we have talked about the need for tax reform, there have been continuous promises made to Tribal governments that we will deal with these inequities, these issues of double taxation in Tribes.

For example, a Tribal member who gets an adoption through a Tribal court doesn't qualify for an adoption tax credit. That is just one example of the many ways that Federal tax policy does not anticipate or recognize Tribal governments. But they have been left behind again.

This bill should be written in a way that actually addresses the real problems in the Tax Code. It does not.

BILL OF RIGHTS DAY

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

Mr. LAMALFA. Mr. Speaker, today I wish to commemorate Bill of Rights Day. Initially, this was passed by Congress in August of 1941 as a joint resolution, signed by Franklin Delano Roosevelt on November 27, 1941, where, in his words: "I . . . do hereby designate December 15, 1941, as Bill of Rights Day. And I call upon the officials of the government, and upon the people of the United States, to observe the day by displaying the flag of the United States on public buildings and by meeting together for such prayers and such ceremonies as may seem to them appropriate."

The Bill of Rights was first introduced by James Madison, who later became the fourth President. Initially, 12 amendments were proposed. Two were not ratified. One did become ratified later on in compensation of Congress in 1992.

There were 14 original copies produced of the Bill of Rights at the time, one for each of the 13 States and one for the National Archives. Twelve of them survive today.

When Franklin Delano Roosevelt signed that proclamation on December 15, 1941, he had no way of knowing what was coming. Just 9 days later, those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them. They come in time to take these rights for granted and to assume their protection is assured. We, however, have seen these privileges lost in other continents and other countries.

Indeed, prescient words for the time.

CALIFORNIA WILDFIRES

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

Mr. PANETTA. Mr. Speaker, in California, wildfires have become a year-round threat. Because of these fires, communities across our great State have suffered devastating loss of life and property.

Last year, in my district on the central coast of California, we had the most expensive fire in United States history, the Soberanes fire. This year, we have had some of the deadliest and costliest fires in California history in Napa and Sonoma. This week, we watch fires burn in the hills from Los Angeles and Santa Barbara to Oakland and Big Sur.

Governor Jerry Brown calls this "the new normal." We should call it unacceptable, and we must do something.

We must fully fund the cost of fire suppression. We must include California fire relief in this year's disaster package. We must think outside the box when it comes to fire prevention and focus our efforts to better manage our forests in the future.

TRUCKERS' ELECTRONIC TRACKING DEVICE

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

Mr. BABIN. Mr. Speaker, millions of American truck drivers helped elect President Trump last November, and I am calling on him to step in and give them a hand.

President Obama left office back in January, but a \$2 billion regulation that he wrote in 2015 to require electronic tracking devices be put in every truck in America is still scheduled to go into effect this Monday. Yes, an Obama regulation that shamefully seems to remain on the books is going into effect this Monday under a Republican Congress and White House.

The Department of Transportation can give a 90-day waiver for all truckers from this mandate, giving several waivers for specific industries, including one just this week. Instead of offering fairness and relief, they are picking winners and losers.

Millions of American truckers are pleading 24/7 for relief from this mandate using the hashtag #eldorme, but it has fallen on deaf ears at the Department of Transportation.

Mr. President, you call the shots in this administration. Please issue an executive order today and instruct the Department of Transportation to give all truckers relief from this mandate for 3 months. Don't implement this colossal Obama mandate a week before Christmas.

The SPEAKER pro tempore (Mr. WOMACK). Members are advised to direct their remarks to the Chair.

NEWTOWN ANNIVERSARY

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

Mr. SCHNEIDER. Mr. Speaker, on this day in 2012, we watched together in horror as news broke of a shooting in Newtown, Connecticut. Twenty innocent children and six brave educators were gunned down at Sandy Hook Elementary School.

In the 5 years since, this House has paused 40 times for moments of silence to recognize the victims of mass shootings. The names are now familiar: Emanuel AME, Pulse nightclub, Las Vegas, and Sutherland Springs.

Since Newtown, there have been more than 1,700 mass shooting events, nearly one every single day.

Across the country, there have been nearly 170,000 gun deaths—let me repeat that figure—170,000 gun deaths since Newtown.

But in those 5 years, this House has taken no significant action to improve our gun safety laws. We are not debating universal background checks or restricting assault weapons or even banning the bump stock used 2 months ago in Las Vegas, the worst mass shooting in our history.

I have met some of the parents of Newtown. We all grieve for them and their loss. But our moments of silence are not enough. The 26 who lost their lives deserve more. We must honor them with action.

I urge this House to end the obstruction and finally consider legislation that would improve safety for all of our communities.

TAX REFORM

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

Mr. CURTIS. Mr. Speaker, the House is in the midst of historic tax reform. Now that the House and Senate have almost reached agreement, I would like to take a moment to express a few ideals that I hope will be guiding principles as we complete this process.

The final tax bill should cut taxes for all Americans while also retaining important incentives making homeownership, raising a family, and obtaining higher education possible.

Additionally, the bill should continue to uphold American values by encouraging our people to be generous and charitable.

The lowering of our corporate tax rates is critical. As a former business owner, I know firsthand the difficulty of the tax burden.

Most importantly, the bill must help working American families keep more of their hard-earned money.

I am confident that Congress will deliver on its promise to simplify the Tax Code and to cut taxes for all Americans. I know that this historic legislation will spur economic growth and prosperity.

A PARTISAN TAX BILL

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

Mr. SCHRADER. Mr. Speaker, how do you make a bad, partisan tax bill better? For my Republican colleagues, apparently that means cutting tax rates for the wealthy even more than the original bill, as we have heard over the last couple days.

Where is the fairness for average, hardworking Americans?

Medical expenses are no longer deductible.

Student loans and tuition waivers are no longer deductible.

Interest is not deductible for families, but it is for business.

The mortgage interest deduction is reduced.

State and local taxes are not fully deductible.

Small businesses don't get the same tax cuts that big businesses do.

No help for capital gains.

No help for dividends, advertising, or entertaining.

Other business expense is no longer deductible.

Renewable energy tax credits go away.

Private activity bonds that help veterans and many others are also gone.

Worst of all, individual tax cuts flip back and are rescinded in a few years, while corporations go on forever.

Where is the fairness for seniors, for our youth, for our families, and for small businesses? Not in this partisan tax bill.

CONGRATULATING THE UNIVERSITY OF CENTRAL MISSOURI'S WOMEN'S SOCCER TEAM

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

Mrs. HARTZLER. Mr. Speaker, I rise today to congratulate the University of Central Missouri's women's soccer team on winning the NCAA Division II national championship. This is the Jennies first NCAA women's soccer national championship in program history.

The Jennies completed the season with a perfect record of 26 and 0, making them only the third women's Division II national champion to finish a season with a perfect record. The team's 26 wins set a new single-season NCAA Division II women's record.

In addition to winning the national championship, the Jennies had five athletes join the Division II Conference Commissioners Association All-American teams.

The team's outstanding accomplishments mark a great milestone for the University of Central Missouri's athletics department and its head coach of 11 years, Lewis Theobald.

Please join me in congratulating the Central Missouri Jennies on this momentous achievement.

OBSERVING THE SANDY HOOK ANNIVERSARY

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

Mr. McEACHIN. Mr. Speaker, I stand here today on the anniversary of the tragic shooting at Sandy Hook Elementary School.

On December 14, 2012, Newtown, Connecticut, lost 20 innocent children—most, 6 years old—to gun violence. We also lost six brave teachers and staff

who did everything possible to protect the students in their care.

As a father, I cannot imagine anything more painful than the loss of a child. As an American, I struggle to imagine a more horrific tragedy than that which happened in Newtown.

Mr. Speaker, many of us thought this tragedy would fairly move the needle on policy. That did not happen. Just last week, the House passed major legislation loosening gun safety laws.

I want to remind my colleagues in the majority that it is not too late to act. We cannot bring back those whom we have lost, but we can and must ensure that more families do not face the pain that Newtown families faced.

I urge my colleagues in the majority to join this side of the aisle in supporting commonsense gun safety reform. Thoughts and prayers are not enough. Help us to end this scourge.

□ 0915

PRIVACY NOTIFICATION TECHNICAL CLARIFICATION ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 657, I call up the bill (H.R. 2396) to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 657, the amendment in the nature of a substitute recommended by the Committee on Financial Services, printed in the bill, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2396

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy Notification Technical Clarification Act".

SEC. 2. EXCEPTION TO ANNUAL NOTICE REQUIREMENT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

"(g) ADDITIONAL EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—

"(1) IN GENERAL.—A financial institution that has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section shall not be required to provide an annual disclosure under this section if—

"(A) the financial institution makes its current policy available to consumers on its website and via mail upon written request sent to a designated address identified for the purpose of requesting the policy or upon telephone request made using a toll free consumer service telephone number; and

"(B) the financial institution conspicuously notifies consumers of the availability of the current policy, including—

"(i) with respect to consumers who are entitled to a periodic billing statement, a message on or with each periodic billing statement; and

"(ii) with respect to consumers who are not entitled to a periodic billing statement, through other reasonable means such as on its website or with other written communication, including electronic communication, sent to the consumer.

"(2) TREATMENT OF MULTIPLE POLICIES.—If a financial institution maintains more than one set of policies described under paragraph (1) that vary depending on the consumer's account status or State of residence, the financial institution may comply with the website posting requirement in paragraph (1)(A) by posting all of such policies to the public section of the financial institution's website, with instructions for choosing the applicable policy."

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 115-462, if offered by the Member designated in the report, which shall be considered read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 2396, the Privacy Notification Technical Clarification Act, which is an important bill cosponsored by a bipartisan group of Members of the House and a bill that was approved by the Financial Services Committee with a strong bipartisan vote of 2-1, quite literally: 40-20. Additionally, this bill builds upon an issue that has a long track record of strong bipartisan support in Congress.

I thank Congressman TROTT, a member of the Financial Services Committee, for introducing this legislation and for leading congressional efforts to modernize the privacy notification process for consumers and to provide regulatory relief for our struggling financial institutions.

There is a serious issue, Mr. Speaker, with the sheer volume, complexity,

weight, load, and cost of the regulatory burden upon, particularly, our struggling community financial institutions, our community banks, and credit unions.

It is no one specific regulation, but the totality, the combination of them all, are causing us to lose a community bank or credit union a day in America. As we lose them, our constituents lose their opportunity for credit opportunities to share in their version of the American Dream. It makes it more costly, more difficult for them to finance someone to go to college, for them to perhaps buy an auto to get them to work, or perhaps capitalize their own small business. So we frequently hear from our community financial institutions.

I heard from a community banker in Nebraska, not long ago, who explained: "I have explained about how things have changed since I started in banking 10 years ago. In efforts for our government to make things more fair or easier for consumers, it has actually become increasingly more difficult for people to obtain favorable loan terms and, not to mention, obtain loans in a timely manner."

I heard from a banker in Alabama about real estate regulations, who said: They were intended to help customers, but it is actually hurting them. As wait times increase and banks are no longer offering certain products, not all of these people can be protected from themselves, no matter how many rules and regs the banks follow to protect them.

I heard from a community banker in Utah, who said: I have been in banking for 29 years. In that time, the regulatory burden has increased dramatically. The ability to help customers and small businesses succeed in rural America has been greatly hampered by regulation intended to protect the customer from Wall Street banks, but in the process, smaller community banks, such as mine, have been caught in the fray or broad brush of regulations.

A banker in Oklahoma said that, because of Dodd-Frank regulations: "We no longer offer/purchase house loans."

The list goes on and on and on.

So this is one regulation that simply says: under the Gramm-Leach-Bliley Act, if a financial institution doesn't change their privacy notification, they don't have to send out a piece of paper annually—a piece of paper like this that 99 percent of the time customers throw away and don't read in the first place.

Don't take my word for it. Professor Adam Levitin, who is a frequent Democrat witness before the House Financial Services Committee testified before our committee: "One thing that I think should go the way of the dodo bird are the Gramm-Leach-Bliley privacy notices. Nobody reads them."

That is a Democrat witness, Mr. Speaker. It is not a Republican witness. It is a Democrat witness.

He goes on to say: "There's no reason anyone should—even the large banks—should be spending money on giving these notices."

But that is not what this bill does. It just simply says, if a financial institution does not change their privacy notification, they don't have to send out a paper notification that creates more costs, that gets passed on to the customer, and that nobody reads in the first place.

Number one, it is important regulatory relief for our financial institutions. But it is also important when we think in terms of the sheer volume of financial disclosures that our constituents receive.

This goes back to the fact, Mr. Speaker, if you disclose everything, you effectively disclose nothing because you overwhelm the customer.

So we must vigilantly ensure that our constituents are receiving effective disclosure, not just voluminous disclosure, but effective disclosure of material items written in clear, understandable, common language. Again, not voluminous disclosure of irrelevant items written in legalese and fine print. That doesn't do anybody any good, Mr. Speaker.

Again, I want to thank the gentleman from Michigan for his leadership. The bill that he is bringing today has earned bipartisan support because it is a simple technical correction to clarify that customers have to be physically mailed an annual privacy notice only when the privacy policies have actually changed from the previous year.

Importantly, this bill was carefully crafted to maintain and retain current privacy and opt-out policies and does not exempt any financial services provider from an initial privacy notice, nor does it allow any loopholes for an institution to avoid issuing an updated notice.

In fact, this legislation, Mr. Speaker, does not change privacy provisions at all, just how they are delivered. Let me repeat: the legislation does not change privacy provisions at all, just how they are delivered.

Again, Mr. TROTT's bill has strong bipartisan support. It provides a simple and flexible approach that modernizes privacy notification to the benefit of our customers and to the benefit of our financial institutions.

Mr. Speaker, I urge adoption of the measure and urge every Member to vote for it, and I reserve the balance of my time.

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

Mr. Speaker, I rise today to speak in opposition to H.R. 2396, the Privacy Notification Technical Clarification Act.

Contrary to the bill's title, this bill is far from a technical clarification. So

I want to be very clear about what this bill would actually do.

H.R. 2396 would reduce the meaningful and clear disclosures that financial institutions must currently provide to their customers every year, even if those companies share their customers' nonpublic personal information broadly with nonaffiliated third-party companies.

Unlike other privacy bills Congress has considered, this bill comes with no guardrails whatsoever to discourage the company from broadly sharing consumer-sensitive personal information.

While the bill provides several alternative mechanisms to deliver privacy reminders, one option would result in the customer receiving no written disclosure at all.

The current annual privacy notices serve as a reminder describing a customer's right to restrict the sharing of their nonpublic, personal information to nonaffiliated third parties and information about how to exercise this right if they so choose.

This privacy right was created in the Gramm-Leach-Bliley Act, which was signed into law in 1999. I served on the conference committee, so I know firsthand that the initial and annual privacy notices in the Gramm-Leach-Bliley Act were enacted partly in response to public concerns about the sale of personal data for marketing purposes that were highlighted in a number of legal actions brought by State attorneys general at the time.

In 1999, for example, there was a settlement between the Minnesota attorney general and U.S. Bank resolving allegations that the bank misrepresented its practice of selling highly personal and confidential information about its customers to telemarketers.

These concerns are just as relevant today. In fact, I find the timing of the consideration of this bill very troubling, as it is being brought to the floor just months after the massive Equifax data breach.

In the Equifax breach, 145.5 million Americans had their Social Security numbers, dates of birth, and other sensitive financial and personally identifiable information exposed to thieves.

Equifax is not the only major credit bureau to experience a large data breach. About 2 years ago, Experian, one of the other three major credit bureaus in this country, had a breach that exposed millions of T-Mobile customers' information.

These breaches are on top of a long list of other breaches we have seen at other companies where sensitive customer information was compromised. Consumers have called on their Representatives in Congress to enact tougher laws that would strengthen their control over their personal information, not weaken it.

Consumers are increasingly wary about the unfettered sharing of their

personal information by financial firms to nonaffiliated third parties that can result in consumer profiling, fraud, aggressive target marketing, and identity theft.

Unfortunately, this bill goes in the opposite direction. Instead of working to strengthen consumers' privacy protections, H.R. 2396 would ease obligations on financial institutions to provide notices to their customers describing their privacy practices and policies, and importantly, fully explaining to these customers their right to restrict the sharing of their information to nonaffiliated third parties.

This is commonly referred to as a consumer's right to opt out of having a financial institution share their information to companies that are outside of their common corporate structure or organization. These nonaffiliated third-party companies are generally not ones that the consumers have an existing relationship with, meaning that they have not received a product or service from the company in the past.

The proponents of H.R. 2396 may say the bill has nothing to do with Equifax, or that Equifax would not be covered, if the amendment being offered later today is agreed to. But the bill would roll back privacy notice requirements for many financial institutions that engage in vehicle financing, including megabanks like Wells Fargo, even if they broadly share their customers' nonpublic, personal information with other companies.

□ 0930

Let's discuss Wells Fargo and their auto lending practices and their work with nonaffiliated third parties. Earlier this year, the Democratic staff of the Financial Services Committee produced a report on Wells Fargo's egregious misconduct, which has consulted in extensive consumer harm.

For example, Wells Fargo charged over 570,000 consumers for automobile insurance policies they did not need, which resulted in at least 20,000 customers, including Active Duty servicemembers, having their vehicles inappropriately repossessed. These auto insurance policies were provided through a nonaffiliated third-party company called National General Insurance.

The bank has also demonstrated a clear pattern of misusing millions of their customers' information to open accounts in their name without their permission.

So why should Congress consider relaxing the privacy requirements for a recidivist bank like Wells Fargo?

Let me also address arguments that suggest customers don't read these notices anyway. That is a quote that we hear oftentimes.

As I have discussed, I think consumers are paying closer attention now after the Equifax incident. Proponents

say that a company posting a link on their website isn't so bad, and the Consumer Financial Protection Bureau allowed for it.

But the Consumer Financial Protection Bureau provided an alternative to the annual privacy notices for companies that do not share data in ways that trigger consumers' opt-out rights under the law. Over the last decade, Congress has heard repeatedly from banks and credit unions that if a company does not share personal information with an unaffiliated third party that allows consumers to opt out from having it shared, and if they do not change their privacy policies, they should be exempt from the annual notice requirements. In those instances, the customer does not have the ability to opt out of having the information shared.

After several years of research and debate, we made that targeted change in the last Congress. Since then, other companies, specifically captive auto finance companies, have made the case they should have more flexibility satisfying the annual notice requirement because they have a unique and close relationship with automobile dealers they work with that still requires them to send the annual notice.

This unaffiliated third-party relationship triggers a consumer's right under the law to opt out and not have their information shared. I offered an amendment in committee that would have granted this targeted relief, but it was rejected.

So, while I appreciate that H.R. 2396 provides flexibility to captive auto finance companies, the bill is not limited to them and goes much, much further. Mr. Speaker, over 30 consumer, community, privacy, and civil rights groups have publicly opposed this bill, including U.S. PIRG, and so do I. This is an area where more study is needed before policymakers craft sweeping changes.

The bottom line is that I believe we should not open the door too widely at this time to give this same degree of flexibility to all and every financial institution, including recidivist banks like Wells Fargo.

Furthermore, there needs to be more, not less, privacy protections and consumer control relating to personal information following the massive data breach at Equifax this year.

Mr. Speaker, for all of these reasons, I urge opposition to H.R. 2396, and I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds to say that I listened very carefully. It was a fascinating speech from the ranking member. Too bad it has absolutely nothing to do with the bill that is before us. Ms. WATERS was speaking of privacy policies. The bill has to do with notification.

But I do agree with the ranking member that we do need more effective

disclosure. In H.R. 2396, we require financial institutions to make their current policies available on its website at all times. That actually improves disclosure. The only people who can be for the status quo are those who own paper mills so that we can waste more paper.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. TROTT), the sponsor of this legislation and an outstanding, hardworking member of the Financial Services Committee.

Mr. TROTT. Mr. Speaker, I thank the gentleman from Texas (Mr. HENSARLING), the chairman of the Financial Services Committee, for yielding me time and for bringing this bill to the floor.

Mr. Speaker, I rise in support of H.R. 2396, the Privacy Notification Technical Clarification Act.

Mr. Speaker, I thank my good friend, Mr. CLAY, for his leadership on this bill. It has been a pleasure to work across the aisle on this commonsense measure with someone for whom I have such great respect.

This bill makes a simple technical correction to Federal law. Under the legislation, financial institutions are no longer required to mail duplicative and confusing privacy notifications every year when no changes have been made to the policy. Privacy information must be made available on the company website, and financial institutions must send paper copies to consumers upon request.

Under this legislation, companies are required to provide a toll-free number so customers can request the policy at any time.

Additionally, consumers will be reminded of their right to opt out of information-sharing when they receive their bills. If you are like me, you throw away these documents. They are confusing, dense, and full of fine-print legalese. I can never tell if anything has changed, and I am a lawyer.

This legislation will ensure that consumers are alerted of changes and will no longer be inundated with junk mail.

This measure will also help companies provide better service to their customers. Some companies spend over \$2 million annually on these mailings—money that could be put to better use making more car loans or perhaps even lowering the cost of their product.

During a recent hearing on this bill, a community banker told us about a similar provision that had passed for banks last year. He spoke about how positive it had been for his community and his customers. He took the money he would have spent on postage and paper and gave it back to the community in the form of more loans. This, in turn, helped people start new businesses, create more jobs, and even resulted in a few mortgages being made to purchase new homes.

I believe every Member should support getting rid of outdated, unneces-

sary regulations. This bill will allow those who lend money when we buy a new car to realize the same savings and efficiencies as banks. Not only will this legislation reduce unnecessary costs, it will improve transparency and accountability, and ensure individuals better understand when a company has actually changed its privacy policy.

A few minutes ago, the ranking member spoke in opposition to this bill. I am not sure what bill she read, but it was not H.R. 2396. The bill in no way puts consumers' privacy information at risk. It in no way denies consumers important privacy protections. It in no way has anything to do with Equifax. It has nothing to do with Wells Fargo. It has nothing to do with servicemembers having their cars improperly repossessed. It has nothing to do with consumer profiling. It has nothing to do with fraud. And—she didn't bring it up—it has nothing to do with the President's tax returns.

This bill should have been on the suspension calendar. There are only two groups that can oppose this bill: the United States Postal Service, because it is going to mean less business for them; and, as the chairman mentioned, paper mills.

The ranking member did, in fact, offer an amendment. The amendment was so convoluted that if I was a bank, a financial institution, or a car lender, I would prefer to do the mailings, because the amendment, at the end of the day, was really just a haven for class action lawyers to file frivolous lawsuits when someone didn't put something on their website exactly as outlined in the amendment.

This is a pro-consumer piece of legislation. I have letters from the American Financial Services Association, the National Bankers Association, the American Bankers Association, the Consumer Bankers Association, and the National Association of Minority Automobile Dealers. I also have a letter signed by the Ford Motor Credit Company, General Motors Financial Company, Nissan Motor Acceptance Corporation, Toyota Financial Services, and VW Credit in support of H.R. 2396.

Mr. Speaker, I include in the RECORD these letters.

AMERICAN FINANCIAL
SERVICES ASSOCIATION,
Washington, DC, April 20, 2017.

Hon. DAVE TROTT,
Washington, DC.

DEAR REP. TROTT: The American Financial Services Association (AFSA) supports the "Privacy Notification Technical Clarification Act," which amends the Gramm-Leach-Bliley Act (GLBA) to update the exception for certain annual notices provided by financial institutions.

The GLBA requires financial institutions (FIs) to issue privacy notices to consumers if the FIs share consumers' non-public personal information with affiliates or third parties. Such disclosures are required to occur when a relationship is first established between

the FI and the consumer, as well as annually in written form as long as the relationship continues, even if no changes to the disclosure policies have occurred.

Annual privacy notices without policy changes are redundant, unnecessary, and confusing. They contain several pages of small-print legalese, which have little value for consumers. In fact, they are largely discarded—unread—immediately upon receipt. However, producing and mailing these notices costs millions of dollars.

In the fall of 2014, the CFPB finalized a rule allowing FIs to post their annual privacy notices online instead of delivering them individually if they meet a series of conditions, including not sharing the consumers' nonpublic personal information with unaffiliated third parties. In December 2015, Congress went further by enacting an outright exemption from the mailing requirement for FIs that: (1) do not share non-public personal information about consumers to unaffiliated third parties, and (2) have not changed its disclosure policies and practices since the most recent disclosure was sent to consumers.

Unfortunately, certain FIs cannot take advantage of the exemption. We ask Congress to pass the Privacy Notification Technical Clarification Act to level the playing field for all FIs. If a financial institution's privacy policy has not materially changed, the institution should be permitted to satisfy the intent of GLBA by delivering its privacy notice through an electronic medium, or by mail upon request.

Sincerely,

BILL HIMPLER,
Executive Vice President.

NATIONAL BANKERS ASSOCIATION,
Washington, DC, December 12, 2017.

Hon. WILLIAM LACY CLAY,
Washington, DC.

Hon. DAVID TROTT,
Washington, DC.

DEAR REPRESENTATIVES CLAY AND TROTT: On behalf of the National Bankers Association (NBA), I write to express our member banks' support for H.R. 2396, the Privacy Notification Technical Corrections Act. The NBA is the nation's leading trade organization for the country's minority and women-owned depository institutions. We write in support of H.R. 2396 because our member banks believe updating the delivery of privacy notices should be modernize and reflective of the technological choices available to institutions and customers. As you are aware, the CFPB and Congress have made changes to the privacy notification process in 2014 and 2015. These changes excluded specific financial institutions and we believe a simple method for alternative delivery for these companies is warranted.

Producing and mailing privacy notices costs millions of dollars. Eliminating the requirement would reduce the cost of delivering financial services, save paper and discontinue this annual nuisance. At the same time, it would also make the mailings more significant to the consumer because they would only come after a change in policy. The primary function of the annual notice is to remind consumers of their right to opt out of information-sharing for marketing purposes, but it is not obvious that mailing a paper disclosure is the most effective or reliable medium for accomplishing this objective.

H.R. 2396 is a sensible and balanced approach that enjoys broad bipartisan support, that we believe addresses concerns shared by

our bankers regarding the need for modernization in the delivery of privacy notifications. We commend you for your leadership on this important issue, and we would urge your colleagues to support this legislation.

Respectfully,

MICHAEL A. GRANT,
President, National Bankers Association.

H.R. 2396, the Privacy Notification Technical Clarification Act, a bipartisan bill introduced by Rep. David Trott (MI) and Financial Institutions and Consumer Credit Subcommittee Ranking Member William Lacy Clay Jr. (MO) and the substitute language, would simplify the notice requirements for financial institutions that have not changed their privacy policies. In addition to the relief provided by the FAST Act for financial institutions that only share information within the statutory exceptions, it would create a simple disclosure mechanism using the Internet for financial institutions that have not changed their privacy practices. The ABA supports H.R. 2396.

H.R. 2706, the Financial Institution Customer Protection Act. This legislation, as introduced by House Financial Institutions and Consumer Credit Subcommittee Chairman Blaine Luetkemeyer would dictate that federal banking agencies could not request nor order a financial institution to terminate a banking relationship unless the regulator has material reason. The legislation further states that account termination requests or orders would be required to be made in writing and rely on information other than reputational risk. We thank Chairman Luetkemeyer for his attention to this issue as he well knows that banks are in the business of providing financial services for law-abiding customers, and they share a common goal with law enforcement of maintaining the integrity of the payments system. If there is reasonable concern regarding a customer, it works best when banks work together with our regulatory agencies and law enforcement. This legislation supports that concept. The ABA supports H.R. 2706.

H.R. 2954, the Home Mortgage Disclosure Adjustment Act. This legislation, as introduced by Rep. Tom Emmer (MN), would provide community banks with relief from compliance burdens that are ill-suited and unnecessary for community banks.

Specifically, the bill exempts small banks and credit unions from new reporting requirements of the Home Mortgage Disclosure Act (HMDA) if they are lenders that have originated 1,000 or fewer closed-end mortgages in each of the two preceding calendar years or are lenders that have originated 2,000 or fewer open-end lines of credit (such as a typical home equity loan) in each of the two preceding calendar years. Additionally, the bill repeals the HMDA amendments included in the Dodd-Frank Act and withdraws the CFPB's rule to impose the new and modified HMDA data points scheduled to take effect in January of next year.

The pending HMDA changes were imposed after the financial crisis. Although well-intentioned, the new reporting requirements were overly broad in their coverage and have the potential to add significant cost and regulatory burden, as well as privacy concerns for customers, to small institutions which have an excellent track record of fairly and honestly serving their customers' needs.

So great is the cost of compliance with these new regulations that many smaller banks may be forced to reconsider their ability to continue to make mortgage and other

covered loans. H.R. 2954 provides needed relief to keep more lending options available in the markets that these banks serve. The ABA supports H.R. 2954.

H.R. 3299, THE "PROTECTING CONSUMERS' ACCESS TO CREDIT ACT OF 2017"

The decision by the Second Circuit Court in the Madden v. Midland Funding, LLC case undermined a long-standing legal principle, the "valid-when-made" doctrine, which establishes that if a loan is valid when it is made with respect to its interest rate then it cannot become invalid or unenforceable when assigned to another party. CBA strongly supports H.R. 3329 that solidifies the "valid-when-made" doctrine, which has been a cornerstone of U.S. banking law for over 100 years and prevent uncertainty for financial institutions.

H.R. 2706, THE "FINANCIAL INSTITUTION CUSTOMER PROTECTION ACT OF 2017"

CBA strongly supports H.R. 2706, the "Financial Institution Customer Protection Act," that would require federal banking regulatory agencies to establish requirements for the termination of bank accounts and prohibit federal banking regulators from formally or informally suggesting, requesting, or ordering a depository institution to terminate a customer account except in circumstances affecting the security of our country or specific illegal activity.

H.R. 2396, THE "PRIVACY NOTIFICATION TECHNICAL CLARIFICATION ACT"

CBA supports H.R. 2396, the Privacy Notification Technical Correction Act, to reduce unnecessary paperwork by streamlining the reporting of bank privacy policies. Specifically, H.R. 2396 would relieve a bank of its annual privacy policy notice requirement if it has not changed its policies and practices, makes its current policy publicly available, notifies customers of the availability of the notice on periodic billing statements or electronically, and posts all notices if it maintains more than one policy.

CONCLUSION

CBA stands ready to work with Congress to ensure a sound regulatory framework for financial institutions and promote competition in the financial marketplace. On behalf of the members of CBA, we appreciate the opportunity to submit this letter in support of a number of legislative proposals that would ease regulatory burdens and provide greater access to capital for consumers.

NATIONAL ASSOCIATION OF
MINORITY AUTOMOBILE DEALERS,
Largo, MD, December 12, 2017.

Hon. DAVID TROTT,
Washington, DC.

Hon. WILLIAM LACY CLAY,
Washington, DC.

DEAR REPRESENTATIVES TROTT AND CLAY: On behalf of the National Association of Minority Automobile Dealers (NAMAD), I write to express our members support for H.R. 2396, the Privacy Notification Technical Corrections Act. NAMAD is the nation's leading trade organization for the country's ethnic minority dealers. Our primary objective is to pursue the meaningful presence and participation of minority businesses and diverse employees across all aspects of the automotive economic sector, including:

Increasing the number of minority-owned dealerships in communities across America.

Advocating workplace and supplier diversity in the automotive manufacturing environment.

Supporting minority engagement in the automotive retail sales and service sectors.

We write in support of H.R. 2396 because it is a sensible and balanced approach that enjoys broad bipartisan support, which we believe addresses concerns related to modernizing the delivery of privacy notifications shared by the indirect auto financing companies that work with our dealers as well as those dealers that also provide in-house financing of their own directly to consumers.

As you all know, the CFPB and Congress have made changes to the privacy notification process in 2014 and 2015. These changes excluded specific financial institutions and we believe a simple method for alternative delivery for these companies is warranted. Eliminating this requirement would reduce the cost of delivering financial services, save paper, and discontinue this annual nuisance. At the same time, it would also make the mailings more significant to the consumer because they would only come after a change in policy. The primary function of the annual notice is to remind consumers of their right to opt out of information-sharing for marketing purposes, but it is not obvious that mailing a paper disclosure is the most effective or reliable medium for accomplishing this objective.

NAMAD appreciates the commonsense solution proposed in H.R. 2396 as our members believe the delivery of privacy notices should be modernized and reflective of the current suite of technological choices available to institutions and customers. We commend you for your leadership on this important issue, and we would urge your colleagues to support this legislation.

Sincerely,

DAMON LESTER,
President.

—
DECEMBER 13, 2017.

DEAR MEMBER OF CONGRESS: The undersigned vehicle financial institutions (FIs), consisting of captive finance companies directly affiliated with a manufacturer and who engage in dealer facilitated financing or indirect auto financing, are pleased to express our support for H.R. 2396, the Privacy Notification Technical Clarification Act. We thank Representatives David Trott (R-MI) and William Lacy Clay, Jr. (D-MO) for introducing commonsense legislation to amend the Gramm-Leach-Bliley Act (GLBA) by updating the exception for certain annual notices provided by vehicle FIs to allow for an electronic delivery mechanism. We urge Members of Congress to support this important bipartisan legislation.

The GLBA requires FIs to issue privacy notices to consumers if the FIs share consumers' non-public personal information with affiliates or unaffiliated third parties. These disclosures are required to be sent annually by mail, even if no changes to the policy have occurred. Unfortunately, annual privacy notices without policy changes are redundant, unnecessary, and confusing to our consumers. They contain several pages of small-print legalese, which have little value for consumers. In fact, they are largely discarded—unread—immediately upon receipt. However, producing and mailing these notices is financially costly and time consuming.

For background, in December 2015, Congress provided for an outright exemption from the mailing requirement for FIs that: (1) do not share non-public personal information about consumers to unaffiliated third parties, and (2) have not changed disclosure policies and practices since the most recent disclosure was sent to consumers. Unfortunately, vehicle FIs remain unable to even

utilize an electronic delivery mechanism for these notices.

We ask members of the House of Representatives to pass H.R. 2396 to help level the playing field. Specifically, if a vehicle FI's privacy policy has not materially changed, the company should be permitted to satisfy the intent of GLBA by delivering its privacy notice through an electronic medium, or by mail upon request. The legislation also includes a requirement that a website address or toll-free number would be included in regular communications to consumers, such as monthly statements, as well as a description of where to locate procedures for the consumer to opt-out at any time. This would ensure that our consumers have ready access to privacy policies 365 days a year, including a paper notice if they choose to receive it.

We respectfully request your support in favor of H.R. 2396. Thank you for your consideration.

Sincerely,

FORD MOTOR CREDIT
COMPANY.
GENERAL MOTORS
FINANCIAL COMPANY, INC.
NISSAN MOTOR ACCEPTANCE
CORPORATION.
TOYOTA FINANCIAL
SERVICE.
VW CREDIT, INC.

Mr. TROTT. Mr. Speaker, it will lower the costs for these companies, which will help consumers obtain more loans. This is a bipartisan, commonsense piece of legislation with true community benefits.

Mr. Speaker, I urge all Members to support H.R. 2396.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), a senior member of the Financial Services Committee and the ranking member of the Small Business Committee.

Ms. VELÁZQUEZ. Mr. Speaker, let me take this opportunity to thank Ranking Member WATERS for her extraordinary leadership on these issues.

Mr. Speaker, I rise in opposition to H.R. 2396, the Privacy Notification Technical Clarification Act.

This bill claims to amend the Gramm-Leach-Bliley Act to exempt vehicle finance companies from providing customers with annual privacy statements if the company hasn't released recently changed its policies and practices and the company makes its policy available online.

But this bill goes far beyond providing a small exemption and tailored flexibility to captives and vehicle finance companies, as the proponents of this bill will have you believe, and something I am really ready to support. This bill will exempt all financial institutions from providing customers with annual privacy notices.

As currently drafted, under the bill, financial institutions such as payday lenders, check cash servicers, and large institutions like Wells Fargo are exempted from providing annual privacy notices and are unconstrained on who they can share their customers' per-

sonal information with. This goes far beyond the original intent of the bill.

As we have seen in the growing number of data breaches at companies like Equifax, the protection of consumers' personal information is something Congress must consider carefully.

While I continue to think that it makes sense for captive auto finance companies to have some degree of flexibility, to the extent they only share customers' personal information with the dealership, this legislation is far too broad.

Mr. Speaker, to that end, I ask my colleagues to oppose this measure.

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. LUETKEMEYER), the chairman of the Financial Services Subcommittee on Financial Institutions and Consumer Credit.

Mr. LUETKEMEYER. Mr. Speaker, I thank the gentleman from Michigan for his diligent work on this issue. I also thank Chairman HENSARLING from Texas for all of the leadership that he has given us throughout the year on this particular issue as well.

Several years ago, the gentleman from California (Mr. SHERMAN) and I introduced bipartisan legislation to require depository institutions to provide privacy information to their customers only if they had changed any policy or practice related to that customer's privacy. That bill was ultimately signed into law by President Obama. It has eliminated millions of confusing and often-ignored mailings that cost millions of dollars to produce each year.

While our legislation provided relief to banks and credit unions, it did not extend relief to other financial companies regulated under the Gramm-Leach-Bliley Act; namely, captive finance companies that operate in a manner largely similar to depository institutions.

The safeguards featured in the bill from the 114th Congress and codified into law are included in Mr. TROTT's bill. This relief will not be granted to a financial company that has changed its policies or practices with regard to disclosure of nonpublic personal information; only if it kept it the same.

There is also a requirement that the privacy notice must be made available to consumers in a variety of ways. Consumers will continue to have access to privacy notices through online resources and billing statements.

Requirements for financial institutions to release annual privacy notices to customers, even when no changes have been made, are both redundant and a waste of resources. With the passage of this bill, information included in these mailings would likely be more significant to the consumer because they would only come after a change in privacy policy.

Mr. Speaker, this is about accountability for the institution to their customer for holding that information. It

is about access for the customer to their own information, with regards to privacy of it. A good example, as pointed out by the ranking member, was Equifax. But let's stop and talk about Equifax for a second.

□ 0945

What happened? They had, I believe, the largest breach in history, 150 million people.

Mr. Speaker, there is probably you and I and everybody in this room and probably the 12 people watching right now who are affected by this, but I guarantee you that you and I and all in this room and the 12 people watching, nobody kept their privacy notices that were sent out last year, did we? They are all in file 13 somewhere, long forgotten, and all of the information in those privacy notices is forgotten about and not even probably read to begin with.

So it is important. The gentleman's bill here has in here that the privacy notice can be accessed online. And in the Equifax breach, anybody who was concerned could then go online and check for the privacy policies of Equifax and see what the policies were and whether they were adhered to by the company itself in notifying them, in taking care of their concerns, in reimbursing them. Whatever was in the notice was in that online notice as well. So it provided that access, which the consumer is not going to have in a piece of paper. That is probably going to get in file 13.

I can tell you, Mr. Speaker, when I was home last weekend, I got one of those things. You know what, I looked at it, opened the envelope, and said: "I don't want to read this." I threw it away. This is nonsense. This is a waste of time and resources.

And, in this situation with the Equifax breach, I think this bill points out the great things that can happen if you enact this legislation from the standpoint of allowing consumers to have access, 24/7, to the notifications and the privacy policies.

Mr. Speaker, I want to again thank the gentleman from Michigan for picking up the mantle on this issue, and I ask my colleagues to join me in supporting H.R. 2396. Mr. Speaker, I thank the gentleman for bringing the bill before us today.

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

I have heard, more than once, Members speaking for consumers, saying: These privacy notices are not that important. Nobody reads them. They throw them in the wastebasket.

Well, I don't know how Members would know that, and I don't think that we should be satisfied that consumers are being represented that way with indications that they don't really care about these notices and the oppor-

tunity to opt out so that their information won't be shared.

But let me tell you what consumers are saying to us. I have, here, letters that have been sent by consumer organizations that really do care about what is happening with this bill today, and I would like to share that information with you.

Let me just tell you who these consumer organizations are and whom they represent:

There is Americans for Financial Reform. Americans for Financial Reform is a nonpartisan and nonprofit coalition of more than 200 civil rights, consumer, labor, business, investor, faith-based, civic, and community groups formed in the wake of the 2008 crisis, working to lay the foundation for a strong, stable, and ethical financial system, one that serves the economy and the Nation as a whole.

Then there is Allied Progress. Allied Progress is a consumer watchdog organization that uses hard-hitting research to stand up to Wall Street and powerful special interests and hold their allies in Congress and the White House accountable.

Then there is Center for Digital Democracy. The Center for Digital Democracy is recognized as one of the leading consumer protection and privacy organizations in the United States; and since its founding in 2001 and, prior to that, through its predecessor organization, the Center for Media Education, CDD has been at the forefront of research, public education, and advocacy, protecting consumers in the digital age.

Then there is Consumer Action. Through multilingual financial education materials, community outreach, and issue-focused advocacy, Consumer Action empowers underrepresented consumers, nationwide, to assert their rights in the marketplace and to financially prosper.

There is the Consumer Federation of America. The Consumer Federation of America is an association of nonprofit consumer organizations that was established way back in 1968 to advance consumer interests through research, advocacy, and education. Today, nearly 300 of these groups participate in the federation and govern it through their representatives on the organization's board of directors. CFA is a research, advocacy, education, and service organization.

Then there is Consumer Watchdog. Consumer Watchdog is a nonprofit organization dedicated to providing an effective voice for taxpayers and consumers in an era when special interests dominate public discourse, government, and politics, and they describe themselves as deploying an in-house team of public interest lawyers, policy experts, strategists, and grassroots activists to expose, confront, and change corporate and political injustice in

every way, every day, saving Americans billions of dollars and improving countless lives. For decades, Consumer Watchdog has been the Nation's most aggressive consumer advocate, taking on politicians of both parties and the special interests that fund them.

Then there is the National Association of Consumer Advocates. The National Association of Consumer Advocates is a nonprofit association of more than 1,500 attorneys and consumer advocates committed to representing consumers' interests. Our members, they say, are private and public sector attorneys, legal services attorneys, law professors, and law students whose primary focus is the protection and representation of consumers. They have represented hundreds of thousands of consumers victimized by fraudulent, abusive, and predatory business practices.

As a national organization fully committed to promoting justice for consumers, NACA's members and their clients are actively engaged in promoting a fair and open marketplace that forcefully protects the rights of consumers, particularly those of modest means. NACA also has a charitable and educational fund incorporated under 501(c)(3).

There is another very prominent consumer organization, the National Consumer Law Center, working on behalf of low-income clients. Since 1969, the nonprofit National Consumer Law Center has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people, including older adults in the United States. This organization's expertise includes policy analysis and advocacy, consumer law and energy publications, litigation, expert witness services, and training and advice for advocates.

This organization works with nonprofit and legal services organizations, private attorneys, policymakers, and Federal and State government and courts across the Nation to stop exploitative practices, help financially stressed families build and retain wealth, and advance economic fairness.

Then there is Privacy Times. Privacy Times is the leading subscription-only newsletter covering privacy and freedom of information law and policy. It is read largely by attorneys and professionals who must stay abreast of the legislation, litigation, and executive branch activities, as well as consumer news, technology trends, and business developments. Since 1981, Privacy Times has provided its readers with accurate reporting, objective analysis, and thoughtful insight into the events that shape the ongoing debate over privacy and freedom of information.

Then there is the Privacy Rights Clearinghouse. Privacy Rights Clearinghouse, a nonprofit consumer education and advocacy organization located in San Diego, California, their mission is to engage, educate, and empower consumers to protect their privacy. They engage in outreach, provide educational materials and services to individuals nationwide, and have an active media presence. The PRC uses the information we learn directly, they say, from consumers to form the basis of their advocacy work.

Then there is Public Citizen. Public Citizen has a team of researchers. They uncover the facts. Their staff brings their findings to the public through the media as well as one-on-one interactions. Their advocates bring the voice of the public to the halls of power on behalf of consumers.

Then there is Public Knowledge. Public Knowledge promotes freedom of expression and open internet and access to affordable communication tools and creative works. They work to shape policy on behalf of the public interest.

Then there is Reinvestment Partners. Reinvestment Partners' mission is to advocate for economic justice and opportunity. They do this by providing direct services to people, revitalizing places, and advocating for just policies. Founded as a project of Legal Services in 1986 as the Community Reinvestment Association of North Carolina, the agency has worked to ensure fair lending to underserved communities in order to build and protect wealth. In 2012, they changed their name to recognize the expanded diversity of their programs and their local and State and national outreach.

And then there is U.S. PIRG. U.S. PIRG is an advocate for the public interest, working to win concrete results on real problems that affect millions of lives and standing up for the public against powerful interests when they push the other way. They say: "The problems we face don't care if you are liberal or conservative, if you live in a red or blue State. They affect each and every one of us." That is why, for decades, they have taken a nonpartisan, facts-driven, results-oriented approach to their work.

Mr. Speaker, I do not like hearing that our consumers don't care, that they don't need a yearly notification about their privacy rights, that they simply throw this information that describes their rights into the wastebasket; and I am so pleased that, over the years and through the history of this Nation when too many consumers have been ignored, taken advantage of, didn't know what their rights were, all of these organizations that I have taken time to share with you today work on behalf of consumers. They work not only in organizing and educating, but they send this information to their Members of Congress. All of

these organizations have sent in this information not only about their backgrounds, but about this bill.

Mr. Speaker, I reserve the balance of my time

Mr. HENSARLING. Mr. Speaker, I yield myself 1 minute to say I hope that schoolchildren from around the Nation have been listening to this debate because they would be educated on the House version of the filibuster.

I thought that the ranking member was going to break out the Washington, D.C., phone book and begin to read from it. It was a fascinating discussion of a litany of Washington-based special interest groups. I know they appreciated the shout-out; I know it will help them in their fundraising efforts; but it has absolutely nothing—nothing—to do with the bill that we are debating, nothing to do with the bill that we are debating.

□ 1000

So the ranking member said how important it is that consumers receive an annual—an annual—notice of the privacy policies of financial institutions. Well, under this bill, H.R. 2396, they don't get it annually, they get it monthly. They get it weekly. They get it daily. They get it hourly.

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

Mr. HENSARLING. I yield myself an additional 1 minute.

In fact, under H.R. 2396, the privacy notification must be continuous. It has to be put on the website. This helps the consumer. The consumer has access 24/7 to the privacy notification under the gentleman from Michigan's bill, as opposed to the status quo being defended by my friends on the other side of the aisle, who say, once a year—once a year—you ought to get a piece of paper that is probably going to end up in the round file anyway.

Again, Mr. Speaker, this debate has nothing to do with the privacy policies of financial institutions. It has everything to do with the notification of such policies. What we provide for is the continuous notification; and should that policy change, then, and only then, does that necessitate the killing of trees.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LOUDERMILK), an outstanding member of the Financial Services Committee.

Mr. LOUDERMILK. Mr. Speaker, I thank the gentleman from Texas for yielding time so that I can speak, and not just in support of this legislation, but in strong support of the legislation by my colleague and friend from Michigan (Mr. TROTT).

In the short time I have been in Congress, Mr. Speaker, one thing I have come to realize, there are some people in this Chamber who never met a regulation that they didn't like. Regardless of how effective or ineffective or mis-

guided that regulation is, or how outdated the regulation is, they always just want to hold on to a piece of government regulation.

I, too, appreciate the ranking member for going through the litany of mission statements of special interest groups here in Washington, D.C. But this is precisely what the American people are tired of. They are tired of the Washington, D.C., swamp. They are tired of the special interests, and they want legislation that affects them personally. This piece of legislation will affect millions of Americans directly.

Now, I am not just speaking today from prepared remarks, which I have, but I am speaking from someone with experience in this area. I spent 30 years, Mr. Speaker, in the IT services business. Ten of those years I spent protecting some of our Nation's secrets, through military intelligence, and then working in the defense industry. Twenty of those years I had my own business, and we were responsible for protecting the sensitive information of businesses and their customers. So I am well versed in the idea of protection, and, as a constitutional conservative, I am very sensitive to privacy protection.

This piece of legislation is common-sense legislation. It is exactly what the American people want us to pass, and I can give you some great examples of why, because one of the aspects of security, especially data security, is being continually aware of the threat.

Now, what happens—and I remember when this happened. I was still in my IT business when the original legislation was passed; and all of a sudden, I am receiving a privacy notice of what my rights are, and, unlike most Americans, I sat down and actually read all of it.

Now, where the confusion came in is when, a year later, I receive another one, and then I receive another one, and I am literally comparing the two to see what has changed, and I find out that nothing has changed.

So what was the reaction after that? Every time I get a notice in a big envelope, instead of just a bank statement, I would just take it and throw it in the trash, not knowing if something has actually changed, which would be important.

Now, Mr. LUETKEMEYER, another colleague of mine on the Financial Services Committee, passed a bill 2 years ago to provide correction to that problem. All Mr. TROTT's bill is doing now is expanding that to other industries.

This is a consumer protection bill because now, if someone in those industries, if there is a change, they receive a notice, they know that there has been a change.

But, as the chairman has pointed out time and time again, this is actually going to give more immediate access to know what the privacy policy is of financial institutions, to identify if

there have been any changes because they can go online to see it. I mean, you can get that instantaneous with these devices that almost everyone carries. It is time to bring us up into the current century and the technology that we have.

So I commend my colleague on actually bringing commonsense legislation, the type of legislation that Americans want, that consumers want. They want to know what their rights are, but they don't want to be inundated with useless information continually, over and over again, because then they would actually not be aware of what their rights are and what has changed.

Now, this is especially beneficial to Georgia because Georgia has become an auto manufacturing hub. And as we continue to grow this economy, and more people—I believe in the next few days, when we pass this tax bill, you are going to see a rise in people buying automobiles. Why? Because they are going to have more money in their back pocket. They are going to spend more money, and they are going to be taking out more loans.

So we need to make sure that they know immediately what their privacy rights are, and this bill will make it to where those will be available online. This simply makes—it right-sizes government by making government smarter, more effective, and, actually, that the regulation is tailored toward the consumer, not toward the special interest groups and the trial lawyers in Washington, D.C.

Mr. Speaker, I strongly support this legislation. I urge my colleagues to join me in a favorable vote for this.

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

Again, it is interesting how my colleagues on the opposite side of the aisle describe their consumers. These are people, they say, who don't want to be inundated with useless information. They are saying that the privacy information is of no use.

It is interesting that Mr. LOUDERMILK said he read his privacy notice, unlike most other Americans who don't read their privacy notice. I think that is very interesting to describe himself as someone who read his privacy notice, but able to speak for all other Americans who don't read their privacy notice.

What is very interesting also about his comments is he refers to the consumer groups as special interests, while he is representing the banks and the financial institutions, the real special interests.

Why is it Representatives who come to this Congress to represent people who vote for them somehow see their responsibility to protect the real special interests, such as the financial institutions who have lobbyists running up and down these Halls every day, who

make contributions to Members of Congress, rather than the consumers who are represented by the kinds of groups that I have taken time to describe here this morning, because these individuals and the average citizen do not have paid lobbyists from financial institutions and banks representing them here.

So it is also interesting that Mr. LOUDERMILK talked about how many of these consumers are going to be buying automobiles because of the tax fraud bill that he is referring to that is being advanced by the opposite side of the aisle. The only thing that bill is going to do for consumers, which will hurt our economy, is create a \$1.5 trillion debt.

Well, he said that consumers were going to be buying more cars. Yeah, the wealthy will be, the ones who are given the breaks in this tax bill. The wealthy may be buying more automobiles, but the very people who are represented by these consumers that I have shared the information on this morning, they won't be able to buy automobiles because they are going to be harmed. It is only the wealthy, only those who are making extraordinary amounts of money, and corporations, that are going to benefit from the tax bill.

I don't even know how and why he talked about it in the same breath that we are talking about our consumers being able to be respected with privacy information that they would get because we have laws that give them the right to have this information.

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

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. TROTT), the sponsor of this legislation.

Mr. TROTT. Mr. Speaker, we are having an argument here about a bill that has strong bipartisan support. When you boil it all down, the argument is pretty simple, and the question for us to consider this morning, and I would submit we have more important things to work on than that question, but that is what we are debating this morning, so let's consider it.

The question we are arguing about is: Do consumers, when they get their mail and they find an envelope filled with 30 pages of small-print legalese, boilerplate language, do they open up that envelope and pour themselves a cup of coffee and settle in—we have 9 inches of snow today back in Michigan, so they settle in next to a fire and spend the next 2 hours reading that privacy notice? That is the question.

The ranking member has been quite critical of the speeches that have been given this morning, submitting that people do read these notices, and who are we to judge whether people read these notices.

We are not making judgment, we are just submitting, on a commonsense

basis, an argument that people don't read these notices; people throw these notices away. And that logic and common sense would dictate that if the privacy notice changes, and a new notice arrives, and the consumer realizes, gosh, I got a new privacy notice because the policy changed; I don't get it when the policy doesn't change; I'd better read this. If they are ever going to read it, that is the time they are going to read it.

But if the ranking member is correct in her analysis, and that millions of consumers are waiting by the mailbox each and every day so that they can study, dissect, compare, and contrast these privacy notices, then she is correct. This bill would add an extra step because, instead of going to the mailbox, they would have to click on the website or perhaps call a toll-free number and have the document mailed to them. So if that burden is more important, because people are reading these notices, then her arguments are compelling.

Now, let's examine all those groups that she spent so much time telling us about this morning, all those proconsumer watchdog groups. All those groups are interested in one thing. They are interested in making sure the laws are as complicated and convoluted as possible because all those groups, including the ranking member, believe, incorrectly, all business is bad; all banks are bad; we have to make it as convoluted and as complicated as possible so that class action lawyers can find a reason to file frivolous lawsuits to sue them, because that is what consumers need.

That is illogical because when these class action lawsuits and all these convoluted regulations get placed on the books and the banks have to hire hundreds of lawyers to deal with compliance, who do you think pays for that? The consumer pays for it.

So this bill saves a little money, saves a few trees. Maybe we will have a few more forests for our grandchildren. It is a simple bill, and I feel bad for some of the Democrats, the 20 in our committee—

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

Mr. HENSARLING. I yield the gentleman from Michigan an additional 30 seconds.

Mr. TROTT. I feel bad for all those Democrats who support this bill because, apparently, they are against consumers, too. This bill has got nothing to do with any of the arguments that the ranking member has proffered this morning. I ask for strong support for H.R. 2396.

Ms. MAXINE WATERS of California. Mr. Speaker, I have no other Members, so I yield myself the balance of my time to close.

It is very simple. The consumer groups that I took time to help people

to understand who they are and what they do, representing the consumers, are the folks who are concerned about people knowing their rights. This is what they work at doing.

Those of us who align ourselves with consumer groups care about the average citizen. We care that the average citizen gets the kind of information that is going to make their lives much easier.

The people on the opposite side of the aisle represent banks and financial institutions. We are not opposed to business, and we work with businesses in various ways.

□ 1015

We are opposed to rip-offs. We are opposed to fraud. We are opposed to denying consumers the opportunity to know their rights.

But those Members of Congress who come here and basically mimic and mock the consumers by talking about those consumers who wait by their mailboxes for privacy information certainly are not representing the citizens of their district.

I can tell you this: When you take a look at who the real special interests are, who is representing the interests of the special interests, who in this House stands up for banks, financial institutions, and Wall Street and hedge funds, you look at the opposite side of the aisle, time and time again, and you will find them putting all of their time and their effort into representing those special interests.

For those of us who stand on the side of the average citizen, yes, we align ourselves with consumer groups. No, we don't dismiss them as unnecessary people just messing around in the business of big business.

These are the representatives, again, of people who don't have fancy lobbyists walking these Halls and following the Members of Congress, getting into their area and influencing them.

Mr. Speaker, I stand today with our consumers. I applaud all of our consumer groups and I stand on the side of our consumers being able to know their rights and all of the work that went into providing this opportunity in law. I stand with them and I resist any effort by the opposite side of the aisle to deny the right of our citizens to be notified about their rights and their ability to opt out if they do not want their information shared with these unaffiliated groups.

Mr. Speaker, I am very proud. I know that we are doing what our citizens want us to do, why they sent us to this Congress.

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

Mr. HENSARLING. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 3½ minutes remaining.

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

Mr. Speaker, there have been several surreal moments on the House floor this week, and today certainly is one more of them.

The debate today is not between regulation and deregulation, but in many respects, the debate is between smart regulation and dumb regulation. What we have today is a dumb regulation that forces a number of financial institutions annually to send out a paper notification even if they don't change their privacy policy; cut down trees, engage an expense—by the way, an expense that, my guess is, doesn't come out of executive bonuses, but probably comes out of the credit availability and the credit cost to the customer. It gets passed on to the consumer.

What we are also having a debate about—and I would encourage all my friends on the other side of the aisle, if in doubt, read the bill.

In this particular case, guess what, Mr. Speaker. It is a 2-page bill. It really doesn't take that long to read. If you read it, what you will find out is that this is a bill that is pro-consumer because we go from a notification that happens once a year to a continuous notification. We improve the consumer notification by ensuring that it is consistently on the website of the financial institution.

What we hear from the ranking member is: No. I want to stay in the 20th century. Gramm-Leach-Bliley is a law from the 20th century.

But, Mr. Speaker, we are in the 21st century. Why don't we ensure that the privacy notification for the consumer is actually on the website?

This is what is truly pro-consumer, not forcing people to go and subsidize the paper mills and the U.S. Postal Service by sending out a notification on paper that doesn't change anything and merely confuses consumers. If you are really pro-consumer, then try to respect their markets and try not to pass additional cost on to them.

Again, regardless of what you have heard from the other side of the aisle, this is everything to do with how we notify people of privacy policies, not the underlying privacy policy itself. It is 21st century. It is not 20th century. It is pro-consumer, regardless of all the special interests and Washington, D.C.-based lobbyists that the ranking member has cited.

The gentleman from Michigan brings us pro-consumer legislation, the Privacy Notification Technical Clarification Act. I am kind of embarrassed that we are having to spend this much time debating something that should have been on our expedited suspension calendar. It is almost like there is just simply a knee-jerk reaction anytime we attempt to modify any government regulation.

This is pro-consumer. Frankly, it is pro-environment. Every Member of the

House should embrace H.R. 2396. I am sorry we have had to take up so much time for it, but there are thousands and thousands of regulations that hurt our financial institutions, that hurt our consumers. We are trying to get rid of every dumb one, one at a time.

Again, this should be passing unanimously. I don't understand it, but I am glad the American people could see this debate for what it is.

Mr. Speaker, again, let's be pro-consumer, let's be pro-community financial institution, let's be pro-environment, and let's enact H.R. 2396.

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

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

AMENDMENT NO. 1 OFFERED BY MR. CLAY

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

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

The text of the amendment is as follows:

Page 3, line 11, strike "financial institution" and insert "vehicle financial company".

Page 3, line 18, strike "financial institution" and insert "vehicle financial company".

Page 3, line 24, strike "and".

Page 4, line 1, strike "financial institution" and insert "vehicle financial company".

Page 4, line 6, strike "or with" and insert "the front page of".

Page 4, beginning on line 10, strike "on its" and insert "through a link on the landing page of the company's".

Page 4, line 13, strike the period and insert "; and".

Page 4, after line 13, insert the following:

"(C) the vehicle financial company—

"(i) provides consumers with the ability to opt out, subject to any exemption or exception provided under subsection (b)(2) or (e) of section 502 or under regulations prescribed under section 504(b), of having the consumer's nonpublic personal information disclosed to a nonaffiliated third party; and

"(ii) includes a description about where to locate the procedures for a consumer to select such opt out in each periodic billing statement sent to the consumer."

Page 4, line 15, strike "financial institution" and insert "vehicle financial company".

Page 4, line 18, strike "financial institution" and insert "vehicle financial company".

Page 4, line 21, strike "financial institution" and insert "vehicle financial company".

Add at the end the following:

"(3) VEHICLE FINANCIAL COMPANY DEFINED.—For purposes of this subsection, the term 'vehicle financial company' means—

"(A) a financial institution that—

"(i) is regularly engaged in the business of extending credit for the purchase of vehicles;

"(ii) is affiliated with a vehicle manufacturer; and

"(iii) only shares nonpublic personal information of consumers with nonaffiliated third parties that are vehicle dealers; or

"(B) a financial institution that—

"(i) regularly engages in the business of extending credit for the purchase or lease of vehicles from vehicle dealers; or

“(ii) purchases vehicle installment sales contracts or leases from vehicle dealers.”.

The SPEAKER pro tempore. Pursuant to House Resolution 657, the gentleman from Missouri (Mr. CLAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, the amendment offered makes important changes to our bill, H.R. 2396, which is a straightforward, commonsense measure that seeks to streamline the privacy information consumers get from financial institutions and makes the information available much more frequently via electronic delivery.

We have been working on what I consider to be a simple but necessary fix to a 20-year-old law throughout this year, and I believe the amendment we have presented for your consideration will undoubtedly benefit consumers. We have worked with our colleagues on the Financial Services Committee to modify and strengthen the underlying bill, and I appreciate everyone's efforts.

Mr. Speaker, I would also like to thank the committee's ranking member, Ms. WATERS, for her and her staff's efforts to improve our bill. I consider this amendment to be an effort to improve the underlying legislation. While Ms. WATERS still has some outstanding concerns, I do appreciate her working with us.

The amendment clarifies the process by which consumers can opt out of having their information shared with unaffiliated third parties. It limits the application of the alternative delivery mechanism to vehicle financial companies—that is simply what the amendment does—rather than all financial institutions, as defined under the Gramm-Leach-Bliley Act and other technical and conforming changes.

Mr. Speaker, we believe these changes make our bill stronger and we urge the adoption of the amendment.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I claim time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Ms. MAXINE WATERS of California. Mr. Speaker, I appreciate Mr. CLAY's effort to make the bill better. He is absolutely correct, we have been attempting to work together to see if there was a way that we could deal with the issue at hand and absolutely ensure that our consumers not only have a right to information that explains to them what their rights are and how they can opt out when their information is being sold, really, to unaffiliated organizations.

Mr. Speaker, just in case people are not following exactly what we are talking about when we talk about opt-out

rights, let me draw your attention to the fact that you oftentimes are receiving loads of mail in your mailbox, everything from somebody who is selling pet food to clothing, to services, to all kinds of products, and you don't know why they are sending you all this junk. Well, they are sending you this junk because somebody sold your information to all of these organizations because you didn't know that you had not opted out. You maybe didn't know what your rights are. But citizens have a right to have that information, and they have a right to be respected and not thought to be simply throwing it into the wastebasket.

It doesn't matter whether it is for all businesses in the United States or just for automobile dealers. It is about every citizen having the right to have their privacy protected and not having people sell their information to unaffiliated organizations that will cause them to be pressured or solicited over and over again and their mailboxes filled with information because their privacy information has been sold to one of those unaffiliated organizations.

Mr. Speaker, I think that Mr. CLAY is attempting to streamline the bill. I appreciate the efforts that he has put into attempting to do this, but this does not correct the problem. This undermines the efforts of all of these consumer groups that worked for years to get these notices sent to our consumers.

Mr. Speaker, despite the fact that we have tried and we have worked and we have listened to each other, I would ask for a “no” vote on the amendment.

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

Mr. CLAY. Mr. Speaker, just in closing, let me offer some clarification.

In the fall of 2014, the CFPB finalized a rule allowing financial institutions to post their annual privacy notices online instead of delivering them individually if they met a series of conditions, including not sharing the customer's nonpublic information with unaffiliated third parties.

In December of 2015, Congress went further by enacting an outright exemption from the mailing requirement for financial institutions that, one, do not share nonpublic personal information about a consumer with unaffiliated third parties; and, two, have not changed its disclosure policy and practices since the most recent disclosure was sent to consumers.

□ 1030

Institutions that provide financing for vehicle purchases or leases do not meet the criteria set forth by Congress and are, therefore, required to continue issuing paper privacy notices to consumers.

Mr. Speaker, this amendment helps to improve this bill. It modernizes this requirement. I just urge the body to

adopt the amendment, and I yield back the balance of my time.

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

The question is on the amendment offered by the gentleman from Missouri (Mr. CLAY).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was moved to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. MAXINE WATERS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. MAXINE WATERS of California. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Maxine Waters of California moves to recommit the bill H.R. 2396 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

In subsection (g)(3) of the matter proposed to be inserted by section 2 of the bill, insert after subparagraph (B) the following flush-left text: “For purposes of this subsection, the term ‘vehicle financial company’ does not include a financial institution that is engaging or has engaged in a pattern or practice of unsafe or unsound banking practices and other violations related to consumer harm.”.

Add at the end the following:

“(4) ADDITIONAL DEFINITIONS.—For purposes of this section:

“(A) FEDERAL CONSUMER FINANCIAL LAW.—The term ‘Federal consumer financial law’ has the meaning given that term under section 1002 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481).

“(B) PATTERN OR PRACTICE OF UNSAFE OR UNSOUND BANKING PRACTICES AND OTHER VIOLATIONS RELATED TO CONSUMER HARM.—The term ‘pattern or practice of unsafe or unsound banking practices and other violations related to consumer harm’ means engaging in all of the following activities, to the extent each activity was discovered or occurred at least once in the 10 years preceding the date of the enactment of this Act:

“(i) Having unsafe or unsound practices in the institution's risk management and oversight of the institution's sales practices, as evidenced by—

“(I) an institution lacking an enterprise-wide sales practices oversight program that enables the institution to adequately monitor sales practices to prevent and detect unsafe or unsound sales practices and mitigate risks that may result from such unsafe and unsound sales practices; and

“(II) an institution lacking a comprehensive customer complaint monitoring process that—

“(aa) enables the institution to assess customer complaint activity across the institution;

“(bb) adequately monitors, manages, and reports on customer complaints; and

“(cc) analyzes and understands the potential risks posed by the institution’s sales practices.

“(ii) Engaging in unsafe and unsound sales practices, as evidenced by the institution—

“(i) opening more than one million unauthorized deposit, credit card, or other accounts;

“(II) performing unauthorized transfers of customer funds; and

“(III) performing unauthorized credit inquiries for purposes of the conduct described in subclause (I) or (II).

“(iii) Lacking adequate oversight of third-party vendors for purposes of risk-mitigation, to prevent abusive and deceptive practices in the vendor’s provision of consumer products or services.

“(iv) Having deficient policies and procedures for sharing customers’ personal identifiable information with third-party vendors for litigation purposes that led to inadvertent disclosure of such information to unintended parties.

“(v) Violating Federal consumer financial laws with respect to mortgage loans, including charges of hidden fees and unauthorized or improper disclosures tied to home mortgage loan modifications.

“(vi) Engaging in unsafe or unsound banking practices related to residential mortgage loan servicing and foreclosure processing.

“(vii) Violating the Servicemembers Civil Relief Act.”.

Ms. MAXINE WATERS of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of her motion.

Ms. MAXINE WATERS of California. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My motion would prevent institutions that have engaged in a pattern or practice of unsafe or unsound banking practices and other violations related to consumer harm from being able to evade important consumer protections.

When companies repeatedly exhibit indifference to consumer protection and demonstrate that they are incapable of complying or are unwilling to comply with U.S. laws and regulations, they should not be allowed to benefit from those bad actions.

As I have already mentioned, under this bill, as amended, companies like Wells Fargo would be free to share or sell customer information with any company, with minimal reminders to their customers.

We all know that Wells Fargo has engaged in illegal student loan servicing practices, inappropriate checking accounts, overdraft fees, unlawful mortgage lending practices, overcharging veterans for refinanced loans, enrolled customers in life insurance policies without their consent, delayed mort-

gage closing dates until after the expiration of the borrower’s interest rate lock to levy additional fees, and charged over 570,000 customers with auto insurance policies they did not need, which resulted in at least 20,000 customers, including Active-Duty servicemembers, having their vehicles inappropriately repossessed.

Companies like Wells Fargo are why I introduced H.R. 3937, the Megabank Accountability and Consequences Act, to make sure that lenders that have engaged in abusive practices face real consequences for their wrongdoing. It is time we truly hold companies that demonstrate a pattern of harming consumers accountable. These institutions must no longer be allowed to abuse hardworking Americans.

Mr. Speaker, I urge adoption of my motion, and I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, again, I would encourage the ranking member and all Members on the other side of the aisle to read the underlying bill. It is 2 pages long. It has now been amended by perhaps a 1-page amendment. This has nothing to do with Wells Fargo. It has nothing to do with Equifax. It is limited to the annual paper notification from auto finance companies, pure and simple.

Again, for those who listened to the earlier debate, the question is whether or not these auto finance companies are going to be forced to spend money that comes out of their customers’ pockets to send out a paper notification of privacy policies even when the policy doesn’t change, or whether or not we should modernize into the 21st century and ensure that there is continuous notification on a website and that a paper notification only goes out upon a change, an actual change.

What the ranking member is doing with the motion to recommit is once again empowering the unconstitutional and unaccountable CFPB to engage in even more activities that harm consumers. It ought to be rejected, and we ought to ensure that we adopt H.R. 2396 and simplify and modernize one regulation that is harming consumers and harming financial institutions.

Mr. Speaker, I urge rejection of the motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

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

Passage of H.R. 2396, if ordered;

The motion to recommit on H.R. 4324; and

Passage of H.R. 4324, if ordered.

The vote was taken by electronic device, and there were—yeas 185, nays 235, not voting 11, as follows:

[Roll No. 681]

YEAS—185

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

NAYS—235

Abraham	Babin	Biggs
Aderholt	Bacon	Bilirakis
Allen	Banks (IN)	Bishop (MI)
Amash	Barr	Bishop (UT)
Amodei	Barton	Black
Arrington	Bergman	Blackburn

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

NOT VOTING—11

Barletta	Kennedy	Pocan
Blumenauer	Knight	Visclosky
Bridenstine	Marchant	Walz
Katko	Moore	

□ 1101

Messrs. FITZPATRICK, BACON, MARSHALL, GROTHMAN, Ms. HERRERA BEUTLER, and Mr. YOHO changed their vote from “yea” to “nay.”

Messrs. CARSON of Indiana, GRIJALVA, DOGGETT, Ms. WILSON of Florida, Messrs. GUTIERREZ, and CLEAVER changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 275, nays 146, not voting 10, as follows:

[Roll No. 682]

YEAS—275

Abraham	DesJarlais	Knight
Aderholt	Diaz-Balart	Krishnamoorthi
Allen	Donovan	Kustoff (TN)
Amodei	Duffy	Labrador
Arrington	Duncan (SC)	LaHood
Babin	Duncan (TN)	LaMalfa
Bacon	Dunn	Lamborn
Banks (IN)	Emmer	Lance
Barr	Estes (KS)	Latta
Barragán	Farenthold	Lawrence
Barton	Faso	Lewis (MN)
Beatty	Ferguson	Lipinski
Bera	Fitzpatrick	LoBiondo
Bergman	Fleischmann	Loeb sack
Biggs	Flores	Long
Bilirakis	Fortenberry	Loudermilk
Bishop (GA)	Fox	Love
Bishop (MI)	Frelinghuysen	Lucas
Bishop (UT)	Gaetz	Luetkemeyer
Black	Gallagher	MacArthur
Blackburn	Garrett	Maloney, Sean
Blum	Gianforte	Marino
Bost	Gibbs	Marshall
Brady (TX)	Gohmert	Massie
Brat	Gomez	Mast
Brooks (AL)	Goodlatte	McCarthy
Brooks (IN)	Gosar	McCaul
Brownley (CA)	Gowdy	McClintock
Buchanan	Granger	McHenry
Buck	Graves (GA)	McKinley
Bucshon	Graves (LA)	McMorris
Budd	Graves (MO)	Rodgers
Burgess	Griffith	McSally
Bustos	Grothman	Meadows
Butterfield	Guthrie	Meehan
Byrne	Hanabusa	Meeks
Calvert	Handel	Messer
Carbajal	Harper	Mitchell
Carson (IN)	Harris	Moolenaar
Carter (GA)	Hartzler	Mooney (WV)
Carter (TX)	Hensarling	Mullin
Cartwright	Herrera Beutler	Murphy (FL)
Chabot	Hice, Jody B.	Newhouse
Cheney	Higgins (LA)	Noem
Clay	Hill	Norman
Cleaver	Holding	Nunes
Coffman	Hollingsworth	O'Rourke
Cole	Hudson	Olson
Collins (GA)	Huizenga	Palazzo
Collins (NY)	Hultgren	Palmer
Comer	Hunter	Paulsen
Comstock	Hurd	Pearce
Conaway	Issa	Perlmutter
Cook	Jenkins (KS)	Perry
Cooper	Jenkins (WV)	Peterson
Correa	Johnson (GA)	Pittenger
Costa	Johnson (LA)	Poe (TX)
Costello (PA)	Johnson (OH)	Poliquin
Cramer	Johnson, E. B.	Posey
Crawford	Johnson, Sam	Ratcliffe
Cuellar	Jordan	Reed
Culberson	Joyce (OH)	Reichert
Curbelo (FL)	Keating	Renacci
Curtis	Kelly (MS)	Rice (SC)
Davidson	Kelly (PA)	Roby
Davis, Rodney	Kildee	Roe (TN)
Delaney	Kind	Rogers (AL)
Denham	King (IA)	Rogers (KY)
Dent	King (NY)	Rohrabacher
DeSantis	Kinzinger	Rokita

Rooney, Francis	Shimkus	Veasey
Rooney, Thomas J.	Shuster	Wagner
Ros-Lehtinen	Simpson	Walberg
Rosen	Sinema	Walden
Roskam	Smith (MO)	Walker
Ross	Smith (NE)	Walorski
Rothfus	Smith (NJ)	Walters, Mimi
Rouzer	Smith (TX)	Weber (TX)
Royce (CA)	Smucker	Webster (FL)
Ruiz	Stefanik	Westrup
Russell	Stivers	Westerman
Rutherford	Suozzi	Williams
Sanford	Taylor	Wilson (SC)
Scalise	Tenney	Wittman
Schneider	Thompson (PA)	Womack
Schrader	Thornberry	Woodall
Schweikert	Tiberi	Yoder
Scott, Austin	Tipton	Yoho
Scott, David	Torres	Young (AK)
Sensenbrenner	Turner	Young (IA)
Sessions	Upton	Zeldin
Sherman	Valadao	

NAYS—146

Adams	Gonzalez (TX)	Norcross
Aguilar	Gottheimer	O'Halleran
Amash	Green, Al	Pallone
Bass	Green, Gene	Panetta
Beyer	Grijalva	Pascarell
Blunt Rochester	Gutiérrez	Payne
Bonamici	Hastings	Pelosi
Boyle, Brendan	Heck	Peters
F.	Higgins (NY)	Pingree
Brady (PA)	Himes	Polis
Brown (MD)	Hoyer	Price (NC)
Capuano	Huffman	Quigley
Cárdenas	Jackson Lee	Raskin
Castor (FL)	Jayapal	Rice (NY)
Castro (TX)	Jeffries	Richmond
Chu, Judy	Jones	Royal-Allard
Cicilline	Kaptur	Ruppersberger
Clark (MA)	Kelly (IL)	Rush
Clarke (NY)	Khanna	Ryan (OH)
Clyburn	Kihuen	Sánchez
Cohen	Kilmer	Sarbanes
Connolly	Kuster (NH)	Schakowsky
Courtney	Langevin	Schiff
Crist	Larsen (WA)	Scott (VA)
Crowley	Larson (CT)	Serrano
Cummings	Lawson (FL)	Sewell (AL)
Davis (CA)	Lee	Shea-Porter
Davis, Danny	Levin	Sires
DeFazio	Lewis (GA)	Slaughter
DeGette	Lieu, Ted	Smith (WA)
DeLauro	Lofgren	Soto
DelBene	Lowenthal	Speier
Demings	Lowe	Swalwell (CA)
DeSaulnier	Lujan Grisham,	Takano
Deutch	M.	Thompson (CA)
Dingell	Luján, Ben Ray	Thompson (MS)
Doggett	Lynch	Titus
Doyle, Michael	Maloney,	Tonko
F.	Carolyn B.	Tsongas
Ellison	Matsui	Vargas
Engel	McCollum	Vela
Eshoo	McEachin	Velázquez
Espallat	McGovern	Wasserman
Esty (CT)	McNerney	Schultz
Evans	Meng	Waters, Maxine
Foster	Moore	Watson Coleman
Frankel (FL)	Moulton	Welch
Fudge	Nadler	Wilson (FL)
Gabbard	Napolitano	Yarmuth
Galleo	Neal	
Garamendi	Nolan	

NOT VOTING—10

Barletta	Kennedy	Visclosky
Blumenauer	Marchant	Walz
Bridenstine	Pocan	
Katko	Trott	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1109

Mses. MOORE and WASSERMAN SCHULTZ changed their vote from “yea” to “nay.”

Messrs. DELANEY and KEATING changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STRENGTHENING OVERSIGHT OF IRAN'S ACCESS TO FINANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (H.R. 4324) to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes, offered by the gentleman from California (Mr. SWALWELL), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 188, nays 233, not voting 10, as follows:

[Roll No. 683]

YEAS—188

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

Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suoizzi
Swalwell (CA)

Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela

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

NOT VOTING—10

Barletta	Kennedy	Walz
Blumenauer	Marchant	Wittman
Bridenstine	Pocan	
Katko	Visclosky	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

NAYS—233

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

□ 1115

Messrs. GAETZ, JORDAN, and GROTHMAN changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 252, nays 167, not voting 12, as follows:

[Roll No. 684]

YEAS—252

Abraham	Denham	Huizenga
Aderholt	Dent	Hultgren
Allen	DeSantis	Hunter
Amodei	DesJarlais	Hurd
Arrington	Deutch	Issa
Babin	Diaz-Balart	Jenkins (KS)
Bacon	Donovan	Jenkins (WV)
Banks (IN)	Duffy	Johnson (LA)
Barr	Duncan (SC)	Johnson (OH)
Barton	Dunn	Johnson, Sam
Bergman	Emmer	Jordan
Biggs	Estes (KS)	Joyce (OH)
Bilirakis	Farenthold	Kelly (MS)
Bishop (MI)	Faso	Kelly (PA)
Bishop (UT)	Ferguson	King (IA)
Black	Fitzpatrick	King (NY)
Blackburn	Fleischmann	Kinzing
Blum	Flores	Knight
Bost	Fortenberry	Kustoff (TN)
Boyle, Brendan	Fox	Labrador
F.	Frankel (FL)	LaHood
Brady (TX)	Frelinghuysen	LaMalfa
Brat	Gaetz	Lamborn
Brooks (AL)	Gallagher	Lance
Brooks (IN)	Garrett	Latta
Buchanan	Gianforte	Lewis (MN)
Buck	Gibbs	Lipinski
Bucshon	Gohmert	LoBiondo
Budd	Gonzalez (TX)	Long
Burgess	Goodlatte	Loudermilk
Byrne	Gosar	Love
Calvert	Gottheimer	Lucas
Carter (GA)	Govdy	Luetkemeyer
Carter (TX)	Granger	MacArthur
Chabot	Graves (GA)	Maloney, Sean
Cheney	Graves (LA)	Marino
Coffman	Graves (MO)	Marshall
Cole	Green, Gene	Mast
Collins (GA)	Griffith	McCarthy
Collins (NY)	Grothman	McCaul
Comer	Guthrie	McClintock
Comstock	Handel	McHenry
Conaway	Harper	McKinley
Cook	Harris	McMorris
Costello (PA)	Hartzler	Rodgers
Cramer	Hensarling	McSally
Crawford	Herrera Beutler	Meadows
Cuellar	Hice, Jody B.	Meehan
Culberson	Higgins (LA)	Meng
Curbelo (FL)	Hill	Messer
Curtis	Holding	Mitchell
Davidson	Hollingsworth	Moorenaar
Davis, Rodney	Hudson	Mooney (WV)

Mullin
Murphy (FL)
Newhouse
Noem
Norcross
Norman
Nunes
O'Halleran
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.

NAYS—167

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DeBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Ellison
Engel
Eshoo
Español
Esty (CT)

Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schneider
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NJ)
Smith (TX)
Smucker
Soto
Stefanik
Rohrabacher
Stivers
Suozi
Taylor
Tenney

Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vargas
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman
Schultz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

McNerney
Meeks
Moulton
Nadler
Napolitano
Neal
Nolan
O'Rourke
Pallone
Panetta
Pascarella
Payne
Pelosi
Perlmutter
Peters
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Veasey
Vela
Velázquez
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—12

Barletta
Blumenauer
Bridenstine
Crist
Katko
Kennedy
Marchant
Moore
Pocan
Smith (NE)
Visclosky
Walz

□ 1126

Mr. FASO changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KATKO. Mr. Speaker, I was absent today for family reasons. Had I been present, I would have voted "nay" on rollcall No. 681, "yea" on rollcall No. 682, "nay" on rollcall No. 683, and "yea" on rollcall No. 684.

PERMISSION FOR MEMBER TO BE
CONSIDERED AS FIRST SPONSOR
OF H.R. 3771

Mr. COHEN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 3771, a bill originally introduced by Representative Conyers of Michigan, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

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

There was no objection.

AUTHORIZING THE CLERK TO
MAKE CORRECTIONS IN EN-
GROSSMENT OF H.R. 4324,
STRENGTHENING OVERSIGHT OF
IRAN'S ACCESS TO FINANCE ACT

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 4324, the Clerk be directed to insert the word "and" after the semicolon in section 3(b)(1) of the bill.

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

There was no objection.

CORRECTION TO ENGROSSMENT
OF H.R. 2396, PRIVACY NOTIFI-
CATION TECHNICAL CLARIFICATION
ACT

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2396, the Clerk be directed to make the correction I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the correction.

The Clerk read as follows:

In amendment number 1, the instruction relating to page 4, line 21 is modified to read as follows:

Page 4, line 21, strike "financial institution's" and insert "vehicle financial company's".

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

There was no objection.

BORINQUEENERS POST OFFICE
BUILDING

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on suspending the rules and passing the bill (H.R. 4042) to designate the facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, as the "Borinqueneers Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill.

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

A motion to reconsider was laid on the table.

□ 1130

SERGEANT JOHN BASILONE POST
OFFICE

Mr. GIANFORTE. Mr. Speaker, I ask unanimous consent that the text of the bill (H.R. 2815) to designate the facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, as the "Sergeant John Basilone Post Office", as proposed to be passed under suspension of the rules, be modified by the amendment I have placed at the desk.

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

The Clerk read as follows:

Amendment by Mr. GIANFORTE

Strike all after the enacting clause and insert the following:

SECTION 1. GUNNERY SERGEANT JOHN
BASILONE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, shall be known and designated as the "Gunnery Sergeant John Basilone Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gunnery Sergeant John Basilone Post Office".

Mr. GIANFORTE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on suspending the rules and passing the bill, as amended.

The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, as amended.

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

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, as the 'Gun-nery Sergeant John Basilone Post Office'."

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader of the schedule for the week to come.

Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY).

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

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

On Tuesday and the balance of the week, the House will meet as early as 10 a.m. for legislative business.

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

This list will include several bills from the Science Committee that are part of the House Innovation Initiative. These bills support Americans pursuing careers in science, technology, engineering, and math, with a focus on veterans and individuals historically underrepresented in those fields.

Mr. Speaker, my friend and I recently cohosted the third Congressional Hackathon, and I think he and I would agree that STEM education is an issue of national competitiveness, and I look forward to the House passing these bills next week.

In addition, the House will consider two measures from the Financial Services Committee. First, H.R. 4015, the Corporate Governance Reform and Transparency Act sponsored by Representative SEAN DUFFY. This bill will improve the quality of the proxy research while increasing transparency for public companies and their investors.

Second, H.R. 3312, the Systemic Risk Designation Improvement Act sponsored by Representative BLAINE LUETKEMEYER. This bill replaces Dodd-Frank's arbitrary thresholds with a process that analyzes each institution of its individual risk factors.

Mr. Speaker, the House will also consider the conference report to accompany H.R. 1, the Tax Cuts and Jobs Act sponsored by Representative KEVIN BRADY. This historic legislation will cap off a 31-year journey to reform America's broken Tax Code. We will double the standard deduction, making the first \$12,000 of income for an individual and \$24,000 for a family tax free.

We will increase the child tax credit because investing in families is among the most important investments we make. We will reduce the tax rate on small businesses to the lowest rates that have been seen in 40 years. And we do all this while simplifying the Tax Code so Americans can file in minutes on a form the size of a postcard.

Republicans have championed cutting taxes and growing our economy for years, and I am excited to deliver this important promise.

Finally, Mr. Speaker, additional legislative items are expected, including legislation related to government funding and a number of other end-of-the-year priorities. I will be sure to inform all Members if additional items are added to our schedule.

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

First of all, Mr. Speaker, I want to say that the majority leader and I, as well as his predecessor, Mr. Cantor, have worked together on what we call a Hackathon, which is a meeting annually of individuals involved in the high-tech community in how better to communicate, how better to process information, how better to make transparent the work of this body and make the actions of this body accessible to the general public as they happen.

I want to thank the majority leader for continuing to cosponsor this effort with me and to be a leader on this effort. We just had the President sign—I think yesterday, maybe the day before—a piece of legislation, which will try to make the government more facile in bringing its technology up to date so that it can operate more efficiently and more effectively.

So I thank the majority leader for working together in a positive way to make this institution work better and to make it more accessible and better known to the American people. I thank him also for the schedule that he has put forward.

Mr. Speaker, the majority leader mentioned a number of things that the tax bill that is going to be coming before us will do. I don't believe that the conference report is available for review at this point in time.

Can the majority leader perhaps enlighten me as to whether or not the conference report is available now to be reviewed? Or, if not, when it will be available?

Mr. Speaker, I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, I thank my friend for yielding.

I expect the report to be filed online tomorrow. As you know, you have got to go through and make sure, from joint tax, filling in the dollar figures, and all anticipation is it will be online tomorrow for all of America to read.

Mr. HOYER. Mr. Speaker, I thank the gentleman. It is my understanding that that will be on the floor as early as Tuesday of next week. Is that accurate?

Mr. Speaker, I yield to the gentleman from California.

Mr. MCCARTHY. Yes, that is accurate.

Mr. HOYER. Mr. Speaker, I would simply observe that what the majority leader did not mention—again, I have not seen the conference report, so this is not based upon a review of the conference report, but this is based upon the Senate bill and the House bills that were passed by both bodies—was that it will increase the debt of our country by some \$1.5 trillion and a minimum of \$1 trillion. It will raise taxes on some 78 million Americans between \$50,000 of income and \$150,000 of income.

I am assuming that the elimination of the mandate is still in the conference report. I am not sure, but the information I have is that it is still in the report. Mr. Speaker, that will cost 13 million people to be uninsured as a result.

I have information, Mr. Speaker, that what the conference report does is reduce taxes on some of the wealthiest people in America. I am not sure how they offset that—maybe with a mandate, maybe with something else—but 62 percent of the bill's resources go to the top 1 percent in America.

Mr. Speaker, Speaker RYAN spoke on this floor about the average family making \$59,000 a year. He mentioned that that family will get, under the House bill—again, I haven't seen the conference report—\$1,182 per year in a tax cut.

What the Speaker did not mention is that the family in the top 1 percent will get a tax cut of \$1,198 per week. Per week, Mr. Speaker. In other words, 52 times what the struggling American will get, what the American who Speaker RYAN said may not be able to come up with \$500 if they have a crisis with a refrigerator or their heating unit, something of that nature, or their car breaks down will get.

Mr. Speaker, we on this side of the aisle do not believe that this bill addresses relief for the struggling working men and women of this country.

Mr. Speaker, it is clear, in all of the polling, that the average working American shares that view. They believe correctly that this is a tax cut for the rich and a few sprinkles to the middle class. I am sure the leader will have something to say on that.

In addition, Mr. Speaker, it is ironic that what will happen in this tax bill is we will phase out. We will—again, I

have not seen the conference report, so I don't know exactly whether that is true or not, but in both the House and Senate bills, we phased out—we didn't phase out, we proposed to be phased out. The benefits to those middle-income, hardworking Americans will see their benefits phased out. That will not be true of corporations. It will not be true of the wealthiest in our country.

So it is troubling, Mr. Speaker, that a bill of this magnitude is being rushed to judgment. In 1986, the gentleman, in making his announcement, said we have been working on this for 31 years. Now, I presume he was talking about from 1986 to 2017.

What he did not say, Mr. Speaker, is, in 1986, we had 30 days of public hearings on a bill. Thirty days of public hearings. What he did not say is that we had 450 witnesses during those public hearings testifying about the taxes. What he did not say is that there were nearly 4 months of hearings on the 1986 reform bill. And what he did not say is that the Ways and Means Committee conducted 26 days of markup.

This bill has received less than 7 days of markup in both bodies and in the conference. This is being rushed to judgment. The American people, by substantial numbers, believe this bill is not good for them.

Now, Mr. COLLINS said that he talked to a donor and the donor said: Don't call me again if you don't pass this tax bill.

I get that. I don't know who the donor was and I don't know how rich the donor was, but obviously the donor thought that he had a real stake or she had a real stake in this tax bill.

We regret that we are not doing as we did in 1986, because what the majority leader did not mention either was that the 1986 bill was a bipartisan bill with President Reagan and Speaker O'Neill supporting it, and with Chairman Rostenkowski, a Democratic chair of the House Ways and Means Committee; and a Republican chair of the Senate Finance Committee, Bob Packwood from Oregon, supporting the bill. It was a bipartisan bill. And what the majority leader did not mention is the 1986 bill did not add a single cent to the deficit. It was paid for.

Mr. Speaker, this bill is a much lesser product than it could have been. We on this side of the aisle, Mr. Speaker, think we need tax reform. We are prepared to support tax reform. We believe we need to bring down the corporate rate. We believe we need to make sure that small businesses can prosper and grow into large businesses.

What we don't believe in, Mr. Speaker, is simply having a bill that advantages the best-off in our country and says that the advantages we give to the middle class will be phased out in a little bit, about 5 years.

□ 1145

So, Mr. Speaker, we will, according to the majority leader, consider this

bill next week. It will not be bipartisan, and that is a shame. It will not be positive for the country because it will put us even more deeply into debt, and the people who pay that bill, ultimately, will be our children.

And on both sides of the aisle—we don't have a lot of Members on the floor, but I say to every Member on the floor, every Member on this floor, I am sure, at some point in time you have given a speech somewhere that said: "We care about the debt. We are going to bring down the debt." This bill does not do it. This bill exacerbates the debt.

Anybody who believes that this bill is going to pay for itself through dynamic scoring and economic growth is kidding themselves. It is a rationalization to vote for a bill for which the main imperative is political, not policy, because my Republican colleagues, Mr. Speaker, believe that, if they don't pass this bill, they will lose the next election.

I have heard that argument over and over and over again. That is not a reason to vote for this bill. It is a reason to say: Let's go back to the table. Let's include Mr. NEAL in the consideration, the ranking member. Let's include Mr. WYDEN, the ranking member of the Senate Finance Committee. Let's include Mr. MCCARTHY and me to try to see if we can reach a bipartisan, positive, constructive piece of legislation which will, like the 1986 legislation, enjoy the support of a wide range of the American people and their Representatives.

Mr. Speaker, we had an election yesterday in Alabama. Mr. Jones won that election. Mr. STRANGE, the incumbent Republican representing Alabama right now, lost the primary. He has no mandate.

Why rush this bill through? This bill, if it were passed on December 31 of next year, would affect the 2018 taxes that would be filed in April of 2019. The need to rush this bill, Mr. Speaker, seems to be that, and the reason for having no hearings, the reason for having no witnesses, is because this bill, on its merit, cannot sustain itself.

Now, let me read you a quote, Mr. Speaker: "I think the message of the moment is that the American people, all across the country, are asking us, even in the most liberal State, Massachusetts, to stop this healthcare bill. I think that means there will be no more healthcare votes in the Senate prior to the swearing in of Scott Brown, whenever that may be."

That statement was made on January 20, 2010, by the present majority leader who was then, of course, the minority leader. And his proposition was: You ought to wait until Scott Brown is here so that Massachusetts can have its vote counted. But hypocritically, he has changed his tune today when Alabama, a very conservative State, the

opposite of Massachusetts, has voted to elect Doug Jones to the Senate.

I don't hear Mr. MCCONNELL or anybody else saying: Let's wait for the duly elected Member of the United States Senate from Alabama to be seated so that he will have an opportunity to vote on this extraordinarily consequential vote and, in my opinion, negative consequences to our country.

Mr. Speaker, I am sure the majority leader might have some comments he wants to make in response, and, therefore, I yield to the gentleman from California (Mr. MCCARTHY).

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

There were a lot of questions about the schedule. I took notes because there were a lot of things said, but let me first make sure I can try to get through all of them.

You first mentioned many times, what I did not mention. Now, I was asked a question, when would we vote on the tax bill, so I want to be very clear. I answered the question. I said, yes, we will vote on it Tuesday. You said you have heard that it could be Tuesday, so I just said yes, and I didn't mention others because I wasn't asked other questions. But now that you have, let's walk through this.

One of your first arguments was debt. Do you realize, in this progrowth, tax-cutting, job creation bill, if it just grows four-tenths of 1 percent, it pays for all of it?

But what is interesting here is—don't take my word for it—what happens every day to the market when they realize Congress and the Senate is 1 day closer to passing the tax bill? Everybody with a 401(k) gets a pay raise.

The market has set more than 59 records since the election and our movement to passing a tax bill, and that is for all Americans who invested. Everybody's retirement is getting a little better because of it.

Now, what about on the jobs perspective? Well, Broadcom, which was created in America but left America based upon the current Tax Code, on the day of the announcement of our tax bill, said: We are coming back. It is not just that we are bringing so many jobs back. We are going to spend \$3 billion a year in R&D. We are going to spend \$6 billion in manufacturing.

And that is \$20 billion a year in revenue for that company that is going to pay taxes now in America.

But I wonder, that is a big company. Do you know what I just read the other day? A company announcing they are going to Syracuse, New York, based upon our tax bill.

Yes, things are changing in America. People are excited about it.

But it is not just those that are going to hire these thousands of Americans to work. I want to make sure it happens in Maryland as well, so I wanted to look at your district, so here we go.

My good friend represents Maryland's Fifth. He has done it for quite some time. Here are a few facts.

Currently, you have 47 percent of filers in Maryland Five that take the standard deduction, so they will be better off because they will get a doubling the day the President signs it.

Another 11 percent have itemized deductions that are less than our new higher standard deduction, so they, too, will save. Not only are they going to save money, they are going to save time. Instead of spending weeks trying to fill out a tax form, it is going to be done in minutes. And you know when they fill out their tax form, they are going to get money.

But they don't have to wait until April 15. Not only in your district, but across this country, check your check come February, because you know what is going to be in that check? More money because the standard deduction goes up.

So that is 58 percent of my friend's district is better off on day one. But from what you tell me, you don't think that is good enough to vote for. A majority of your district is better off on day one. That is not even talking about the small businesses.

Do you know, the small businesses in your district, those that are earning \$400,000, they are going to save \$19,000. I know we are dear friends, but I am not sure if I have ever known that you have owned a business.

You know my background. When I was 20, I started my first business. There were three lessons I learned that have never left me: I was the first one to work; I was the last one to leave; and I was the last one to be paid.

This is going to create more entrepreneurship, more opportunity, and more people are going to be hired.

Now, I know you are worried about the debt, but it just strikes me, this year, you voted for a budget just a couple of months ago—I am not going to go back to another Congress—that increased the deficit by \$6.8 trillion. So we are only worried about the debt at certain times?

Well, this bill is actually going to grow the economy, as we have watched quarter after quarter after quarter of the administration.

Now, I have got to make sure I got all of it.

You talked about hearings. We have had 59 public hearings. We printed out, before we even ran to continue the majority, about what we would do on tax.

But let's get to the core. That was your district. Let's say to all Americans, it doesn't matter where you live. So anybody, it doesn't matter if you sit on that side of the aisle, on this side of the aisle. It doesn't matter if you are Democrat, Republican, or you are a Socialist. It doesn't matter what you are. You are an American first.

And you know what your constituents are going to see? Let's take the

average family, the average family of four, making \$55,000. You can write this down. You know how much tax they are going to pay? Zero. Zero. But that still is not good enough for you.

It is very interesting, in my social science studies, what the party on the other side of the aisle used to say they were for. I believe, back in the day, if you would have stood up here and said, "I have got a tax bill that is going to make sure the average family of four, on the first \$55,000, is going to pay zero," they not only would be excited, they would vote for it.

And you talk to me about bipartisanship. I really think that is a question for you, bipartisanship.

Is it bipartisanship when we reach out to you about CHIP, about healthcare for children, a place not to play politics?

We even stopped a hearing and a markup that we had scheduled well in the future because you came to us, your side of the aisle, and asked us to because you thought you could come to an agreement. Then we were told by your leadership, no, nobody could vote for it. We put things in the bill that we thought you would even want, but, no, you still voted "no."

And how many times have you told me on this floor, I think it was just a few months ago—and I will quote you, if I may—about government funding, because I was concerned because I had read some articles in *The New York Times* that suggested, "as a minority party struggling to show resistance in an era of President Trump, the Democrats are now ready to let the lights of government go dark." I read that to you because I wanted to know was that true or was that false.

Well, you said to me, when I asked my friend whether that rumor was true, he replied: "... nobody on my side is talking about wanting to shut down the government. We don't want to shut down the government" was your quote.

You continued to say: "I would assure my friend that it is neither our intent nor our desire. As a matter of fact, we want to work quickly to avoid that happening. That is not good for, obviously, the American people; it is not good for managers trying to plan on how to deliver services; and it is certainly not good for our Federal employees. So I would want to work with you to make sure that doesn't happen."

Mr. Speaker, that was in March, just 9 months ago. I wonder what changed in those 9 months because just last week—and I tell my friend, there was no partisanship in putting a continuing resolution on the floor for 2 weeks. There was no poison pill on this side of the aisle. It was a clean one. And I watched, sitting at this desk, how the vote was going, and I watched the other side, Mr. Speaker. I watched people, not that they just voted "no."

They were whipped into the position to vote "no." I watched the tally. And once that tally got past the magic number of 218, I watched my good friend put his thumb up, because he gave the okay to those 14 Democrats in his conference that were sitting there, that were told not to vote until it passed. I just wonder what happened to bipartisanship on something that is so bipartisan.

I know the thousands of Federal employees you have in your district, but that is just—I listened, Mr. Speaker, to the leader of the Democratic Party on the other side who said, just 2 days prior, the only person talking about the shutdown is President Trump. Well, the only person taking action and whipping to get to a shutdown was on this floor.

We have had open hearings, Republican and Democrats. We have had an open, bipartisan, bicameral conference. They have walked through an entire bill. We have made sure Americans are going to get a tax cut and jobs are going to be created. It is already happening before the bill is even signed.

I am not sure if I didn't mention something else, because you try to correct if something was not mentioned. But I want to make sure I answered all those questions for you because I know, not just in your district, that every family of four making \$55,000 will pay nothing, that all the small businesses that are going to hire new people—and I differ from you.

Maybe you will whip strongly against it like you whipped strongly against the CR and keeping government open. But I still think, when I look upon that tally on the tax bill, I think there will be some on your side. And why do I think that? Because they told me so.

□ 1200

But I still think, when I look upon that tally on the tax bill, I think there will be some on your side. And why do I think that? Because they told me so.

The only difference will be, at the end of the day, if they don't, if you keep the strong arm, and instead of releasing the thumb up once it passes and put it down, that is the only reason we won't have bipartisanship on the floor that day.

But I believe in America. I believe in this floor, and I believe in the individuals who fight so strongly to get here to represent their constituents; that they know the new jobs in their district, they know how much those families will save, and they will not let politics get the best of them. They will go against the tide to stop it. They believe that it will even be better. I look forward to that day.

I also look forward to my friend coming back to the quote he told me 9 months ago, because you know what? It is close to Christmas. We have military men and women defending us. The

gentleman talked about that bill the President recently signed that, yes, he worked to strong-arm with me, that is going to make government more effective, efficient, and accountable. It also had a pay raise for our men and women. And when he voted “no,” he told them they weren’t getting their raise. But worse, he went even further.

The gentleman questioned whether they could actually have the funds to continue the battle where they needed to be. We have been through shut-downs. We know nobody wins. I believe what he told me 9 months ago. I just want him to come back.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments. He made a number of points.

First, generally, I have been here long enough to have heard the debate for the 1981 bill, the so-called supply side, Jack Kemp. Vice President Bush referred to it as “voodoo economics.” And point of fact, as the gentleman knows, because I am sure he knows the record, we increased the debt under Ronald Reagan 189 percent. Larger than any other President with whom I have served over the last 37 years; 189 percent. Stockman said: We knew it wasn’t going to balance the budget. We just said that for political purposes. Stockman said that. He was Director of the OMB under Ronald Reagan.

Then in 2001 and 2003, we had tax cuts. We heard the same arguments, how it was going to grow robustly the economy. It brought in the deepest recession anybody in this Chamber, other than perhaps SAM JOHNSON, who I think is probably our oldest Member, because the rest of us didn’t experience the depression, it ushered in not the biggest growth rate in America, but the least job-producing 8 years of any American President whom I have served with, and the deepest recession that anybody in this body has experienced, and a hemorrhaging of jobs.

In fact, the stock market, which the gentleman refers to, had a 25 percent decline in value over the 8 years of the Bush administration, with two tax cuts where exactly the same argument for growth was made, and it didn’t happen.

On the other hand, I was here in 1993, when we raised taxes, not much, but a little bit, particularly for infrastructure, and the prediction, Mr. Leader, on your side of the aisle: we would tank as an economy; we would have a terrible recession.

Exactly the opposite happened. You were dead, not you personally, but those who made that representation were 180 degrees wrong.

First of all, we balanced the budget 4 years in a row. Nobody has done that other than President Clinton. Now, you can say you were in charge of the Congress, you were, and I would respond to you: Why couldn’t you do it under George Bush when you had everything? There is no answer to that.

In terms of the experience that we have had when we had tax cuts, the debt did, in fact, explode; 189 percent increase in the national debt. That was approximately 2½ times the increase under Obama and the increase under George Bush. But we continue to argue there is going to be great growth. No reputable economist agrees with that proposition. Well, you read them out to me. I will be glad to hear them.

The stock market increase under this President has gone up. It went up 300 percent under Barack Obama. Three hundred percent. Three hundred percent, from 6,500 to over 18,000.

He had the largest job production, and I told my friend, in 2016, as opposed to 2017, hear, my friends, there were 279,000 more jobs created in 2016, under Barack Obama, than have been created under this President. Mr. Speaker, 279,000 more. Now, that is not a great deal, but in terms of growth, there was more growth of jobs in 2016, when Obama was President of the United States, than has occurred under Donald Trump. Check the records. I am sure you will review and say: Let’s see if HOYER is just giving us some malarkey.

The gentleman talks about this great tax benefit. What he didn’t mention, and what I was referring to, by the way, was when you were giving the schedule, not in response to the question, but that aside, doesn’t mention the State and local taxes.

Now, I am not exactly sure what has happened to State and local taxes, but in my State, it will have a very substantial negative effect. Why? Because we have a significant income tax. Why? Because it is a progressive tax, and it puts the burden on those who have more.

Now, you may disagree with that. Just have a flat tax no matter what you have, and you pay the same thing. I am not sure exactly what you have done.

The shutdown you talk about. You had 90 people vote against a CR that you recommended they vote for in September, which was a clean CR. You would not have passed that CR. You would have shut down government. You are responsible for keeping government open, “you” being your party. You are in the majority. The only reason that CR passed was because we voted for it. You had 90 of your people vote against it; 90, who apparently didn’t want to pay the military, apparently didn’t want to protect them overseas. That proposition, like they say, won’t hunt, because the chairman of the Armed Services Committee voted against that CR. Why? Because he thought it was harmful to the national security of our country. Secretary Mattis believes the CR is damaging.

It is inappropriate, in my view, when we do something and say: We don’t like this bill, and the only party with whom I have served who would consciously,

purposely shut down the government, I tell my friend, Mr. Speaker, is the Republican Party. They did it in 1995, under Newt Gingrich, and they did it last year with Mr. CRUZ coming over here and saying: Shut down the government unless they repeal the ACA. Shut it down, consciously.

We have never done that. Have we had to shut down because we couldn’t get agreement? We have done that for a few days. But for 16 days you shut it down consciously. And guess what? When you voted to open up the government, guess who voted against it? Mr. Mulvaney, the Director of the OMB. He voted against opening up the government. I guess he was against the Armed Forces. I guess he was against defending our country, if that’s your proposition.

CHIP. You are right. You waited. We didn’t get an agreement. But we waited long after September 30, when the gentleman says he is very concerned about funding it. The authorization expired. Now, you passed, ultimately, a bill that we didn’t vote for. You passed it on your own. If you really were that concerned, you would have passed it before the authorization expired on September 30. We passed it some weeks later, and we passed it with a piece of funding in there that is going to undermine, for instance, just as one example, vaccinations for children, because you funded it, in part, by reducing substantially the Prevention Fund, which seeks to prevent illness.

On bipartisanship, very frankly, we had a 2-week CR, you are right, a 2-week CR. You got a 2-week CR. The only thing you have worked on, from our perspective, is the tax bill, and you did not include us in those discussions. You had closed hearings.

We had a conference hearing yesterday. Mr. NEAL tried to move an amendment out of order. It wasn’t accepted. It was a done deal. Done deal in secret.

I tell my friend, I reread a little bit of “Young Guns” last night. It talked about transparency. It talked about openness. It talked about doing things one at a time, not packaging a lot of bills.

The reason we all hate CRs is because nobody knows what is in a CR. We lard it down, and this CR is larded down with numerous bills. We are talking about the tax bill, but the CR that the gentleman talked about is five or six major pieces of legislation put in one package. Take it or leave it.

That is not the way to run this organization, and that is what you guys said in “Young Guns.” And I agree with you, but it is not what you have done. It is what you said, but it is not what you have done.

Let me just close on this. Frankly, I was going to talk about the CR, but I am talking about it now.

We don’t have a budget caps deal. Today is the 14th; so we are essentially

17 days from the end of the year. We don't have a caps deal. We don't have a disaster supplemental for Texas, Florida, Puerto Rico, and the Virgin Islands that is proposed to be in this CR, as I understand it, and the fires in California. The gentleman is absolutely correct, and we are going to support helping the folks of California who have been devastated by these fires. The gentleman is absolutely correct.

We don't have anything on DREAMers. We think that is critically important. I said to the majority leader 4 months ago that we felt this was critically important and we needed to get this done. I think, as I have said to the gentleman, we have over 300 votes on this floor for a bill to get this done.

Alexander-Murray. I don't think, I don't know, I haven't seen the conference report, but Alexander-Murray, which tries to stabilize the availability of healthcare at a reasonable price to the American people, I don't think that is in the tax bill, as I understand it.

VA Choice funding, I think, is in the CR. I haven't seen exactly what it says.

Opioids funding. I have a crisis in my district. In every district in America, opioids is a critical issue. There is no funding in the CR, as I understand it, for that.

The fire grants program for our emergency responders, no money for that.

Perkins loans, nothing for that. The debt limit is going to come later.

National Flood Insurance Program, nothing for that, as I understand it.

Medicare and other health extenders, 702 of FISA to keep America secure and strong and safe. As I understand it, none of that is being dealt with.

The reason we voted against the last CR is because we are tired of kicking things down the road. We are tired of kicking the can down the road. We want to get to an agreement on a bipartisan basis to pass legislation that is positive for our country, and that is why we may vote against this next CR, because we ought to stop just kicking the can down the road. And we are going to kick the can, as I understand it, down the road to some point in time to January 19, is the discussion.

Mr. Leader, Mr. Speaker, we are prepared to sit down to try to reach agreement on these issues that have got to be reached. If we don't reach them, America will be less safe, less secure, less healthy as an economy and less healthy, literally, in terms of making sure that the healthcare available to America is on a stable path.

Mr. Speaker, I will yield to the majority leader and then make a few comments, and then we will close. I yield to my friend.

□ 1215

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

I do look forward to these colloquies, and I first want to make sure history

has it right. 137 economists sent a letter to Congress supporting our tax reform effort and saying it will accelerate growth. I don't know if the gentleman dislikes these 137, but these are economists. I don't judge the difference.

History says President Obama added more than \$8 trillion to the national debt.

Now, how does that measure against all of the others?

Well, that is more than 43 prior Presidents combined. That is what history shows.

My friend is correct. He has been here much longer than I have. He actually had the majority for 40 years. He didn't balance the budget during that time. There was a common denominator that got the budget balanced in those 4 years, and that was the Republican majority who had to fight for it to get there.

The gentleman raised some other issues. He brought an issue up with a number of days. I don't think we should waste any time. He brought an issue up of we don't have a cap agreement to be able to work forward. It wasn't the gentleman, but it was his leader on the other side who decided not to go to the meeting at the White House.

The gentleman says that we should not waste our time on the floor. It wasn't this side, but we did have to take time up on this floor to make a motion to impeach the President. We took that time up on the floor. We didn't take the time up for CHIP and for the others.

I do remember the quote from my friend. We differ, sometimes philosophically, but we are friends and we are friends because I admire him. I admire principles. There are times when I have watched the gentleman stand for what he has said for years, and maybe his party has a different position. He doesn't hide from it. It is what he told the American public he would do, and he voted that way. And he will stand and oppose me because it is what he said in the past and what he said he would do.

But this is not something new. He has always said: "Funding our government is not a game. When one side wins and the other side loses, a shutdown is not a political football to be tossed around so casually." I was personally shocked last week.

I wondered what would have happened as I watched your operation whip people to a "no;" as we watched the time click; as you watched, you held those who stood by the voting booth who wanted to vote "yes" but could not.

Had we not gotten enough votes to keep government open, would your side of the aisle have applauded? Would your side of the aisle thought they won victory?

And you do go back and it is correct, there were 90 Members on this side of the aisle who didn't vote for a CR, but you, like myself, understand a CR is usually a responsibility of both because it is bipartisan. No one is getting anything, and no one wants to end in that position.

We don't want to be in a CR and we don't want to vote for a CR. That is why we came to you so many times in the past when it came to CHIP. But, yes, I understand sometimes people can use it for politics. Let's push it all to the end so maybe we get an advantage with something else.

We wanted an agreement. That is why staff of those four leaders have been meeting, and actually came to a pretty close agreement.

So what do they do next?

Take it to the next level. Let's go to the White House because the White House has been in those meetings at the same time because the President has to sign the bill, the Senate, the House, and leaders on both sides. But when that meeting came just a few short weeks ago, your leaders wouldn't show up. And I take you at your word that you are willing to sit down. The rest of your leadership has to be willing to sit down, too.

But this idea that we want to hold government hostage, so many times I have heard the gentleman in the past say that was wrong. He asked about the things that haven't been done.

The thing I love the most—I believe in metrics. They have to be honest metrics. I will share them with you because I share them with our side of the aisle because I want us to be judged. I want us to know exactly where we are. And if we are not where we said we are going to be, we should actually work harder.

So I took the first Congress of every new President since George H.W. Bush. I wanted to see how many bills came through committee. Because the gentleman is right. When he read the "Young Guns" book—and I am not saying to buy it in any shape or form because I don't want to cause any ethics issues, but I don't get any money from it anyway. I give it to the veterans.

Mr. HOYER. Well, I keep pushing it for you.

Mr. MCCARTHY. I don't even know if it is in print. I want the bills to come through committee because that is where the expertise is; that is where the open public process is; that is where amendments get to be offered, won or lost. More bills in a first Congress since George H.W. Bush have gone through committee.

Now, let's measure how many bills have gotten off this floor.

Does the gentleman realize that more bills have been passed out of this Congress than any Congress in the first term of a President in modern history back to George H.W. Bush?

And we did it by going through a transparent, open process; exactly what we pledged we would do in that book. So, yes, I am glad you read it and I am glad you took the words, and I would love to show you the graphs.

But let's walk back to this: government funding is important. Let's talk about it. Here are the facts: By mid-July, all 12 appropriations bills passed both subcommittee and full committee. That was July. On July 27, we passed the four appropriations bills off the House floor, which provided for critical national security. Now, my friend and nearly all of the Democrats voted "no."

On September 14, we passed the remaining eight appropriations bills off this floor. Now, my friend and nearly all of the Democrats voted "no."

But the most disappointing vote, as I mentioned, was last week on December 7 to fund the government. My friend and the Democrats all voted "no."

When I was young and I didn't always get my way, I would go to my parents and I would complain. But it is really odd that we got to this floor in a different nature, that someone would complain about something not getting done and never vote for anything.

Mr. Speaker, I like my friend. I want my friend, who, for decades, has talked about not playing games with the funding of government. I don't know where you have gone, but I want you to come back. I think America needs you back. I think that leadership will be important for both sides. And I will tell you, I would have been disappointed in you if I watched you applaud if you were successful in shutting down the government. Because I know that is not the man you are. I know that is not the person and the principles of what you stand for.

All of those votes that you said this side of the aisle didn't vote for, I stood and voted for those because leadership is different. We do take votes that are tougher than others. We do have to put politics aside, and we do have to look out for the best of this country. It may not be the mood of the politics on TV that maybe wants to fight more, or throw another motion on the floor to impeach, but there is a time that we should rise above.

I think going into the end of this year, we should think anew and act anew. I think America should not see a bad Christmas because one side of the aisle wanted to shut it down, and not for any other reason than they voted "no" on all of the bills that would have kept it open. If you had a cause, if you had a desire, and if you had a big desire, you would have shown up to the meeting to actually get the answer.

We could have a cap agreement. We could be done with it. We could make sure our men and women get the raises they deserve. We could make sure that those in battle theater have every op-

portunity so they are able to carry out their mission that we asked them to do in the safest manner possible. That is what I want to see.

Mr. HOYER. "Come back, Shane." Maybe many of you are not old enough to remember that wonderful movie. Shane rode off and the little boy intoned, "Come back, Shane."

I haven't gone anywhere. Democrats have no ability to shut down the government on the floor of this House. Hear me: We don't have the votes to shut down government and we don't want to shut down government.

Maybe the leader also wants those 90 of his—he is not our leader. He is the leader of the majority party, and 90 of his people did not follow him. I presume he must be much more concerned about that.

With all due respect, he is my friend, but not my leader. We voted to give 90 days and nothing was accomplished in that 90 days other than working on a tax bill that we think is a disaster for this country. Nothing.

The gentleman talks about passing these appropriations bills. We knew they wouldn't pass the Senate and we told him so. We said: Let's do it on a bipartisan basis.

But, no. By the way, Mr. Speaker, it was the least regular order prior to an omnibus at the end of a year in dealing with appropriations bills that I have ever seen. They packaged, I think it was four or five the first time—four, I think, and then the balance of eight.

We didn't consider them individually. We didn't have an opportunity to consider them thoughtfully, no. It was one big package, for or against. I said I read that book. It was anything but regular order.

By the way, Mr. Speaker, the majority party that passed them is the majority in the United States Senate; and not a single one of those bills, not a single one, has passed out of the Senate. Not a single one has gone to the President of the United States. Not one. The Republicans are in charge of the House and the Senate. Not a single bill has gone to the President of the United States.

Harry Reid is no longer there just to beat on: Oh, it is Harry Reid.

Now, what it would have taken to pass some of those appropriations bills in the Senate is some compromise, but that didn't happen. So don't wring your hands about how bad it is that we haven't had bipartisanship on the appropriations bills—we haven't—or bipartisanship on the CR when you lose 90 of your people. Ninety Republicans voted against a simple CR. You say simple CR, nothing to be partisan about, et cetera. Ninety of your people voted "no."

Mr. MCCARTHY. Will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. MCCARTHY. Let's make sure we are comparing apples to apples. That had a debt ceiling in it.

Mr. HOYER. Let me reclaim my time just so the gentleman can further explain.

Does that mean 90 of your people did not want to pay the bills of the United States and default on our debt?

Mr. Speaker, I yield to my friend.

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

But if you are going to compare a CR that you said was simple, it is not simple. We all know that. If you are going to compare it to the CR that you voted against last week, that had no debt ceiling on it. You explained to me numerous times of how many CRs you voted for in the past in this body and how Democrats came over with Republicans. Because, you know what, you and I both know that is normally how it works.

A CR is not an advantage for one or the other. And this is what I am most upset with. Our Founding Fathers created a body that could have compromise. But for some reason, in today's society, it is not just that you want one side to win. You want to try to crush the other side. That is not crushing one side or the other. That is actually hurting the American public.

So in a situation where we know that a continuing resolution is going to be short term, in 2 weeks, yes, I would expect half of the votes to come from your side and half of the votes to come from ours. That is what has happened in the past. I am just wondering where that went.

Mr. HOYER. Reclaiming my time, let me say to the gentleman very respectfully: Do not expect cooperation from our side if we don't get cooperation from your side, if we don't get some inclusion in making decisions.

□ 1230

We are, after all, 194 Members of this body. From time to time, you and I do work together. When we work together, we get majorities and we pass pieces of legislation.

You have not passed a single controversial fiscal bill on this floor without our substantial help until last week. You got about 230 on that last bill. But let me tell you, the reason we voted against it is because we knew exactly what was going to happen: nothing. There would be no agreement to CHIP; there is no agreement on CHIP. There would be no agreement on FISA; there has been no agreement on FISA. There would be no agreement on flood control; there has been no agreement on flood control. So we knew that we were not going to get any bipartisan buy-in, so all we were doing is delaying the inevitable.

Let me tell you, when we did defeat the homeland security bill—you remember that, I am sure; we did, and

you were in the majority—you came back to the floor and said that we are going to meet tomorrow. We reached an agreement, and we passed it.

Very frankly, you have never heard us say that, as a policy, in order to get the ACA repealed or Gingrich wanted to get some fiscal thing done, that we would shut down the government. Three times you shut it down in 1995 and 1996. Three times, intentionally. That was your policy.

Yes, if you are going to take the government hostage and force us to do something that we think is inimical to the best interests of this country, yes, Mr. Leader, you will leave us with no other option: to pretend that we are keeping government moving but not getting any agreement.

I talked to you very sincerely 4 months ago about one of the things that we wanted to get done before the end of this year is getting DREAMers protected who are now vulnerable and very scared that they are going to be sent back to someplace they do not know, have not lived in, brought here as children through no fault of their own, gone to elementary school, junior high school, high school, college, served in the military, working at jobs, and vetted to make sure that they haven't done anything wrong. They are afraid of being sent back home—not back home. Excuse me. I say that. That is not their home. This is their home.

Nothing has been done on that. I know you have a task force and talked about it, but we haven't done anything. There is no reason why we can't. I think we have 300 votes on this floor to get that done.

Mr. MCCARTHY. Will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. MCCARTHY. The gentleman is correct. There are many times we have worked together, on sanctions, on homeland and others. We work very well together.

The gentleman knows I came to you about CHIP when the committee was directed, on your side of the aisle, not to do anything with the majority party, so I came to you because of our history.

Mr. HOYER. Reclaiming my time, I don't know who the gentleman is relying on for that information, but I will tell you I have talked to Mr. PALLONE. That is not correct.

I don't know who you think directed him not to reach an agreement, but I will tell you, after you made that assertion, I think last week or the week before, I went to Mr. PALLONE. I asked him that, and he said absolutely not.

Mr. Speaker, I yield to my friend.

Mr. MCCARTHY. I came to the gentleman. I was under the impression. A Member came to me and said that. Maybe that is not true. Maybe that is not what Mr. PALLONE wants.

But I came to you and said: Let's get together and work this out. I don't want to make CHIP partisan in any shape or form. We met, and we tried to work.

You came back to me and said: You have to go alone.

I said: That is not how I want to do it.

So what we did was we took everything we heard from the hearings. In good faith, the chairman of that committee, GREG WALDEN, stopped a markup because you requested—not you, but your ranking member. They weren't prepared. They wanted more time.

So we want to do everything in our power; but, at the end of the day, you couldn't be there. Twice, your side of the aisle voted against CHIP. You can't argue against it now. You voted against it.

When you talk about appropriations, I am very proud of what we did on appropriations. We haven't been able to do that in quite some time. But there were, in those first four bills—every single one of those 12 bills went through subcommittee and full committee. There were 126 amendments on the first four and 342 on the second.

Mr. HOYER. Mr. Speaker, I reclaim my time for just a second, and then I will yield back to the gentleman.

Is the gentleman proud that you control the House, you control the Senate, and you haven't sent a single appropriations bill to the President? Not a single one. Not one.

Mr. Speaker, I yield to the gentleman.

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

No. That is why I want you to join with me and get the Senate to move, because, as the gentleman knows, you don't control the Senate when you have 51 or 52 Members. Do you know what happens? It takes 60.

Now, I don't firmly believe in that, but that is the way they play it over in the Senate. That is why, when you don't have a cap agreement, that you need all four leaders to go to the White House. But when the two won't show up, the best thing to do is, is you don't show up, then don't complain I don't have an agreement.

The best way to complain is get all 12 bills off this floor with a simple majority. If that is good enough for America inside Congress, it should be good enough on the Senate side. But, unfortunately, that is not the case. So your side is able to hold it up, and I'm ashamed of that as well.

Mr. HOYER. Mr. Speaker, reclaiming my time, what it would have meant, you would have had to compromise. That is why the Senate has that 60-vote rule. I am not crazy about it myself, but that is why they have the 60-vote rule. They think it is good because that is why they kept it. They think it is good because it requires

compromise; it requires agreement; it requires moving ahead on a piece of legislation.

I will tell you, I served on the Appropriations Committee for 23 years, and we reached agreement between Republicans and Democrats on almost every bill. And when we had the bills, they weren't partisan bills, and they got a lot of Republican votes, almost always, when we were in charge—not all the time, almost always.

If you are a party of no compromise, then you can't move things in the United States Senate. I get that. But that is the reason. That is the reason, because you couldn't reach compromise.

Very frankly, a lot of the bills have come out of the committee. Do you know why they came out of committee? Because they were bipartisan. But they haven't been brought to the floor by Mr. MCCONNELL, and they haven't been sent to the President of the United States, so somewhat crocodile tears.

Yes, you passed those 12 bills just like you can pass the CRs, on your own, without any help from us. If the government shuts down, it is because you can't get the majority of your party to pass bills.

Mr. MCCARTHY. No. No. No.

Mr. HOYER. You are in charge. There is no doubt when we were in charge and you didn't support us, we passed every piece of legislation we wanted to pass on this floor with 218 Democrats. We were united as a party. Now, we lost some, but never enough to make it so that we didn't get 218. You lost 90. You can say it was on the debt; you can say it was on national security; you can say whatever you want on it; but you brought a bill to the floor, and 90 of your people voted against it to keep government open and to keep government operating.

Very frankly, we voted with you so that we could get some work done, and we haven't gotten work done. That is what frustrates us. That is what frustrates the American people.

I will tell my friend, at the end of the day, after this Congress is gone, historians are not going to be kind, notwithstanding the fact you say you passed so many bills. You passed so many bills on a partisan basis, and you used, essentially, the 51 vote because you didn't want to compromise. We get it. You don't want to compromise. You don't want to work with us. You didn't have any hearing on this tax bill. We were not included in any phase of the marking up and fashioning of this tax bill.

Now, I am about ready to yield back the balance of my time. I am sure that everybody who wants to give a 1-minute or a Special Order is very happy to hear that.

Mr. Speaker, I yield to my friend.

Mr. MCCARTHY. Mr. Speaker, I thank my friend for yielding.

The gentleman is correct about compromise, but there is a real big difference between compromise and obstruction, to obstruct, when you talked about the Senate. It takes 60 votes to even get on to a bill. I know as well as my friend that you can utilize the Senate and the leadership of the House to stop something if you want to.

I will tell my friend that I am disappointed. What will you say to the 62,000? What will you say to the 62,000 Federal employees who live in your district? What will you say to them about every quote you made in the past that you should not play games with funding and shutting down the government?

You may think you can make that statement here. Your leader may think that she can say that only the President was talking about a shutdown. The President never whipped one vote to shut it down. He whipped it to stay open. History won't be kind.

Yes, we will come to a conclusion next week.

Mr. HOYER. Mr. Speaker, in reclaiming my time, does the gentleman remember President Trump saying that a good shutdown will be good for government? Do you remember him saying that, when you tell me about how he has been down here lobbying? He said: A "good shutdown" may be good for government.

Mr. Speaker, I yield to my friend.

Mr. MCCARTHY. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I understand what his words said. I also watched his actions. I also watched what he did last week to get Members to vote to keep it open because things did change. There was not compromise even though the bill was a compromise because there was no poison pill in it.

If we are going to carry everything ourselves, maybe we should put something in it. It was a compromise, but, unfortunately, you changed on the other side. You decided now is the time to shut the government down, try to blame somebody else.

The American people will see through that, and I will guarantee you that 62,000 people who work for the Federal Government in the Maryland Fifth District will not take that as an answer.

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

Mr. Speaker, I would, again, reiterate: the majority party can do whatever it wants on this floor. It could have kept government open. It could have kept policies moving with its votes. Time after time after time on critical issues confronting this country, they couldn't come up with a majority.

As a matter of fact, on one occasion, Mr. MCCARTHY was the whip, Mr. Cantor was the majority leader, and Mr. Boehner was the Speaker. They offered

a bill to keep government moving. They only got 84 of their colleagues, approximately one-third of their colleagues on their side of the aisle, to vote with them.

I don't want to hear about us shutting down government. We can't shut down government. They are in charge. The majority has the votes. You can do whatever you want. We get it. We may not like it any more than you liked it, but we get it.

But we voted on the hope that we would get some work done. We haven't moved anyplace except on the tax bill, which we think is bad for this country, in the last 90 days since we passed—and we passed. The CR would not have passed without us.

And, yes, we will not be held hostage. Yes, we will oppose what we think is a very, very bad tax bill and we think is an effort to avoid getting the work of this House done.

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

The SPEAKER pro tempore (Mr. BUDD). The Chair would remind Members to direct their remarks to the Chair.

--- HOUR OF MEETING ON TOMORROW

Mr. MCCARTHY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 5:30 p.m. tomorrow.

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

There was no objection.

--- ADJOURNMENT FROM FRIDAY, DECEMBER 15, 2017, TO MONDAY, DECEMBER 18, 2017

Mr. MCCARTHY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, December 15, 2017, it adjourn to meet on Monday, December 18, 2017, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

--- PAYING TRIBUTE TO TIM FRABLE

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

Mr. GIANFORTE. Mr. Speaker, America lost a hero this week, and I lost a friend.

Tim Frable trained at Malmstrom Air Force Base in Montana and flew missions in a P-51 over Japan during World War II. During one mission, he had to ditch into the Pacific. He and a wing mate floated for days before being rescued.

Tim was my science teacher in junior high school. He told his ocean rescue story in 5-minute installments at the end of class each day. Because of his storytelling, no one missed class.

Tim loved Montana. In 1976, he brought me and 17 other classmates from Pennsylvania to Red Lodge to hike into the back country. We hiked to Black Canyon Lake, Grasshopper Glacier, Froze-to-Death Plateau, and onto the Absaroka Lake Plateau.

Tim had a tremendous impact on many lives in his 93 years, including my own. I will always be grateful for his service to our country and for his dedication as a teacher. I will miss my friend Tim Frable.

□ 1245

--- CELEBRATING THE LIFE OF MAYOR ED LEE

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

Ms. PELOSI. Mr. Speaker, it is with profound sorrow that I rise to pay tribute to a dear friend and an extraordinary leader, Mayor Ed Lee of San Francisco.

All who knew Mayor Lee understood him to be a true gentleman of great warmth, positivity, and kindness. His passing is not only a tragic official loss for our city, but an immense personal loss for all who were fortunate to call him friend.

Mayor Lee's first priority was always the people. His strong moral compass was rooted in his identity as the hard-working son of an immigrant family of modest means and was guided by his years as a community organizer and civil rights lawyer.

Ed fundamentally understood that the strength of a community is measured by its success in meeting the needs of all its people. He knew the rhythms and the workings of San Francisco at the most granular level, and dedicated decades to improving the lives of all San Franciscans.

As mayor, Ed Lee served with exceptional dignity and great effectiveness. His values-based, pragmatic leadership helped drive the city into a strong economic expansion.

His firm commitment to equality made immense progress toward securing affordable housing and a living wage for all. His unwavering belief in justice helped combat the moral crisis of homelessness in San Francisco, particularly for our veterans. His bold, hopeful vision for the future further secured San Francisco's role as a model city for the Nation.

Mayor Ed Lee's public service leaves an enduring, inspiring legacy that generations of San Franciscans will enjoy. As Ecclesiasticus says: The people will tell of His wisdom and the congregation will continue to sing His praise.

Mayor Lee never had an unkind word for anyone, and no one ever had an unkind word for him. Even though our hearts are broken, we think of the person Ed Lee was, and we smile.

Mayor Lee took deep pride in serving as the first Asian-American mayor of San Francisco. But his greatest source of joy was his beloved family. Our city owes a debt of gratitude to his wife, Anita; and his daughters, Brianna and Tania, for sharing this exceptional person with us.

My deepest love and prayers are with his family. May it bring them some measure of comfort that so many people throughout the world mourn with them and continue to be inspired by him.

Mr. Speaker, I am pleased that we are joined by so many Members of Congress from the California delegation and from the Asian Pacific American Caucus as well.

TAX CUTS BILL

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

Mr. DUNN. Mr. Speaker, I rise today because I am excited.

For the first time in decades, I can dare to hope that we will not crush our children's future with debt.

As our House and Senate colleagues work hard to shape the details of a final bill, we can see the goal line:

We will lower rates across the board for hardworking taxpayers in all brackets;

We will provide relief to small businesses and farms throughout our Nation so that America can compete and win; and

We will simplify the Tax Code.

Mr. Speaker, you shouldn't need an army of lawyers and accountants to do your taxes. Americans deserve a Tax Code where everyone plays by the same rules and a code that projects a lifetime of savings.

Mr. Speaker, I urge all Members to work together, give America the healthy economy it deserves, and support the Tax Cuts and Jobs Act.

REAUTHORIZE CHILDREN'S HEALTH INSURANCE PROGRAM

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

Mr. PAYNE. Mr. Speaker, children's health is not a partisan issue. It is a human issue.

Nevertheless, the majority party let the Children's Health Insurance Program expire months ago. As a result, States across the country are going to be forced to terminate millions of underserved children's only lifeline to a doctor.

Rather than working with Democrats, the Republican leadership passed a bill that would extend CHIP, but strip health coverage from as many as 668,000 American children. Partisanship has poisoned this well.

Mr. Speaker, nearly 231,000 children in New Jersey rely on CHIP to get them to the doctor. Many more people in my State rely on community health centers, Medicare, and the Affordable Care Act's prevention fund to stay healthy.

Congress must protect these programs. I urge my colleagues to pass a bill before the end of the year to extend the funding for these critically important healthcare programs, including CHIP and community health centers, without taking healthcare away from more than half a million Americans.

CHILDREN'S HEALTH INSURANCE PROGRAM

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

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to call on my colleagues in Congress to quickly pass a 5-year extension of the Children's Health Insurance Program.

In Iowa, around 85,000 children rely on CHIP for their health. This is very important to so many families in our Third District. I am grateful a short-term solution was included as part of the continuing resolution passed last week; however, we must do more.

On November 3, the House passed legislation to extend funding for CHIP for 5 years, with the support of every Iowa Representative. However, since that time, we have been waiting for our colleagues in the Senate to act. They need to act now.

We must work together to fund this critical program which has bipartisan support and bicameral support. The health of our children is at stake. Children in low- and middle-income families will be those hit the hardest if we do not fully fund CHIP. With Iowa families left without coverage and access to needed medical services for their children, we must act.

I urge my colleagues in the House and Senate to include an extension of CHIP in the important bills we will be considering in the weeks ahead, because families shouldn't be worrying about losing coverage for their children.

As Congress continues to work on the many important issues facing our country, I know I, and other colleagues, will continue to support this.

HONORING THE LIFE OF TIMOTHY "TIM" BRADFORD

(Mr. DANNY K. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, my good friend Timothy "Tim" Bradford passed away last week.

Tim was a commissioner of the Cook County Metropolitan Water Reclamation District, but he was much more than that. Tim grew up on the west side of the city of Chicago, moved to the south suburbs, and became known as the godfather of politics in south suburban Cook County.

He was in love with everybody he met, involved in everything that existed, and I simply express condolences to his wife and family on his passing.

MEDIA HELPED ELECT A SENATOR

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

Mr. SMITH of Texas. Mr. Speaker, the liberal media helped elect a U.S. Senator from Alabama. Their alliance with the Democratic Party is now so close, we should call them mediocrats. Admittedly, the mediocrats got an assist from some Republicans, as well as the candidate himself.

The primary lesson to be learned from the election is that Republicans must confront media bias. They must constantly point it out and remind the American people of this corrosive effect on our election process. Republicans should join the President exposing fake news.

The media should trust the American people with the facts, not tell them what to think. Because the media is so biased, their credibility with the American people is at an all-time low.

For the sake of our country and for the sake of fair elections, I hope the media will return to their paramount responsibility: providing the American people with unbiased news.

MOMENT OF TRUTH

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

Mr. HUFFMAN. Mr. Speaker, Donald Trump claims he has "nothing to do with Russia," but we have seen damning revelations: secret meetings, business and financial entanglements, and elaborate attempts to conceal information.

In any other era, these would be bombshells, but our nonstop media cycle, fueled by Trump's constant infusions of drama, make it hard to connect the dots. It is not that we lack evidence of Trump-Russia ties, it is that there is so much, it makes your head spin.

So today, I am beginning a "moment of truth" series of speeches to point out facts that show an administration

that is compromised and that not only colluded with Russia, but has obstructed justice to keep us from knowing the truth.

One of many smoking guns is from 2015, when Trump's associate, Felix Sater, was seeking financing from a Russian bank facing American sanctions to build a Trump Tower in Moscow. This email from Sater to Trump's personal attorney speaks for itself: "I'll get Putin on this program, and we'll get Donald elected."

There is a lot more to come.

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

FIFTH ANNIVERSARY OF SANDY HOOK SHOOTING

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

Ms. JACKSON LEE. Mr. Speaker, I rise today to pay tribute and commemorate the sad fifth anniversary of the Sandy Hook Elementary School shooting, which took the lives of 20 innocent children and six brave educators.

Last night, I stood on the floor of the House and indicated how breathless I felt when the news came in: One child, 2 children, 3 children, 4 children, 5 children, 6 children, 7 children, 8 children, 9 children, 10 children, 11 children, 12 children, 13 children, 14 children, 15 children, 16 children, 17 children, 18 children, 19 children, 20 children, and the brave adults who tried to save their lives, including the mother of the perpetrator.

I rise today to join in the call for acts of kindness. Tomorrow, I will be giving out books at the Blackshear Elementary School. I will be giving out shoes in my district to the Forest Brook Middle School.

I hope that we understand what it is not about: guns don't kill; people do. Guns kill.

Mr. Speaker, I would ask that we have real gun safety legislation. At the same time, I hope that, as we look toward the needs of our Nation, the Children's Health Insurance Program and those who are suffering from hurricanes will be part of our kindness.

I take a moment for these children. I honor the Sandy Hook children and the brave adults who tried to save their lives. May God bless them all.

Mr. Speaker, today I rise to join my colleagues in honoring and remembering all of the victims of the tragic shootings at the Sandy Hook Elementary School in Newtown, CT five years ago.

Nearly five years after a mass shooter murdered 20 children and six adults at Sandy Hook elementary school, Republican politicians are still blocking any attempt to pass tougher federal gun control laws.

The lack of congressional action has prompted outrage, despair, and a sense that the gun debate is intractable.

As the Founder and Co-Chair of the Congressional Children's Caucus and a senior Member of the Judiciary Committee, I have listened to the tragic testimony of individuals who have survived or lost loved ones as a result of gun violence.

It is still painful for those who recall the news from Newtown, Connecticut on that day five years ago.

The story of Sandy Hook was particularly frightening for those of us who are parents or grandparents.

The community and the families directly impacted continue to reel from the inconceivable tragedy that took place at Sandy Hook Elementary on December 14, 2012.

Our hearts still ache with sadness and disbelief for the families and loved ones of the children and women who lost their lives in this senseless act of violence.

I also recognize and applaud the heroic efforts made by the teachers, administrators, and law enforcement officials who acted quickly to secure and protect the lives of the children who survived this deadly encounter.

I, along with other parents in America, know that the healing process continues for the parents, siblings, and friends of the 20 children who died on December 14, 2012.

Our prayers go to the families and colleagues of the teachers, counselor, and principle of the school who were also killed in defense of the children in their charge.

This tragedy unlike any other in recent memory touched so many hearts and minds both in the United States and around the world that this weekend is particularly poignant.

The parents and grandparents who dropped off their children and grandchildren in the early morning hours of December 14, 2012, could never have imagined that by 10 a.m. on that morning they would have to face this tragedy.

The deaths at Sandy Hook as well as those at Aurora and Columbine will be etched in our collective memories.

These are moments when lives were needlessly lost due to gun violence.

The nation united in grief one year ago, and many of us who strong support sensible gun safety laws thought the moment had finally arrived when the policy makers, parents, teachers, and law enforcement could join efforts to make our schools, parks, sidewalks, and homes safer from gun violence.

We could all agree that the tragedy should not have occurred, but we could not find the common ground that would take any meaningful step to reduce gun violence in the United States.

We must join together in recognizing that this tragedy can happen in any community and we must immediately begin to address the underlying problems that would lead a young man to take up arms against defenseless women and children.

The tragedy of Sandy Hook took us all by surprise, but there are hundreds of other tragedies around the nation that involve children falling victim to gun violence.

Annually in the United States there are over 30,000 gun related deaths.

The total number of deaths associated with 13 years of war in both Afghanistan and Iraq is 6,778 service men and women.

No other nation had the level of gun violence per-capita as the United States unless they were actively engaged in a civil war or conflict with another nation.

There are some things that cannot be rationalized by any means—one of the things that we as policy makers have to face is the threat of gun violence to our nation, communities, and families.

I read with heartache the September 28, 2013, New York Times article, "Children and Guns: The Hidden Toll," published in September of this year.

Some of the stories were tragic as they are familiar to those of us who work to reduce gun violence.

Lucas Heagren, 3 years old, killed by a gun he found where his father temporarily hid it under a couch.

Days later, Cassie Culpepper, age 11, who was shot and killed by her brother who thought a gun his father gave him to scare coyotes was unloaded.

A few weeks later, Alex Whitfield, age 11 was killed by a Glock pistol found in a closet by a 15 year old.

These children are the hidden victims of a nation obsessed with guns at almost any cost.

The children of gun violence may be any child or grandchild—including your own.

They may be from any home found in any neighborhood or rural community in this nation.

The tragedies of gun deaths of children are not just what your child knows about gun safety, but more often what another child with access to a firearm does not know.

More important—is the lack of adults' knowledge regarding gun safety that can lead to preventable gun related child deaths.

Some parents are the source of their own children becoming victims of gun violence because they mistakenly attempted to clean a loaded gun or handled a loaded gun improperly.

Many of these deaths are not part of official records.

The New York Times conducted research in Georgia, Minnesota, North Carolina, and Ohio going back to 1999.

They collected data from medical examiners in Florida, Illinois and Texas.

They found over 259 accidental firearm deaths of children under the age of 15.

These numbers are about twice as many as were reported in federal statistics.

Homicide is the second leading cause of death for young people ages 15 to 24.

Homicide is the leading cause of death for many minorities in this country.

82.8 percent of young people who are killed, are victims of a killing through a firearm.

Every 30 minutes, a child or teenager in America is injured by a gun.

Every 3 hours and 15 minutes, a child or a teenager loses their life to a firearm.

And in 2010, 82 children under 5 years of age lost their lives due to guns.

Less than 20 states have laws that hold adults criminally responsible if they act negligently in the storage of firearms that may lead to children having access to them.

National data is needed on all forms of firearm related deaths for policy makers, the public and media to fully comprehend the scope

of the problem of gun violence in the United States.

The challenge to gaining access to this information is state laws that do not consider death certificate information as public information and who may not voluntarily report numbers to the Department of Justice.

At around the same time that the children in Newtown, CT faced a deranged gun man, thousands of miles away in China, another man also attacked a group of school children.

Again, a tragedy that no one in the community could have anticipated; however, because the man in China was armed only with a knife, he wounded instead of killed 20 children.

The lives of 20 children in China were spared because their attacker did not have in his possession a gun.

I believe the solution to these acts of violence can be found by taking a multifaceted approach.

There are those who will say that “guns don’t kill people, people kill people.”

The statistics for the harm that people are capable of doing with guns to themselves and others is alarming.

People are indeed killing people, with guns.

We need to reform how we view guns in this country and also how we address mental health challenges in our communities.

We must act now.

This is the right moment to demonstrate that the safety of our children is one of our most sacred priorities.

It is imperative that this Congress brings to the House for immediate consideration the following gun safety laws.

First, there must be an immediate ban on all assault weapons.

Second, we must close gun show loopholes which allow for the sale of weapons without a background check.

Third, we must reform our current mental health system to provide support for families to enable them to get immediate assistance for mental health issues.

In addition, there should be pathways for families who are facing these challenges to gain emergency access to publicly funded or private counseling services.

Fourth, we must look at the design of primary and secondary schools in which these schools may need to have reinforced bullet proof window and reinforced secure entrances.

Lastly, we must expand current state laws to hold adults accountable and responsible for the security of their weapons.

We can help to prevent tragedies like this one from happening again.

According to the U.S. Centers for Disease Control and Prevention, gun violence claims the lives of over 30,000 people.

For every person who dies from a gunshot wound, two others are wounded.

Every year, approximately 100,000 Americans are victims of gun violence.

In addition to those who are killed or injured, there are countless others whose lives are forever changed by the deaths of and injuries to their loved ones.

In 2010, guns took the lives of 31,076 Americans in homicides, suicides and unintentional shootings.

This is the equivalent of more than 85 deaths each day and more than three deaths each hour.

There were 73,505 Americans treated in hospital emergency departments for non-fatal gunshot wounds in 2010.

Firearms were the third-leading cause of injury-related deaths nationwide in 2010, following poisoning and motor vehicle accidents.

Between 1955 and 1975, the Vietnam War killed over 58,000 American soldiers—less than the number of civilians killed with guns in the U.S. in an average two-year period.

In the first seven years of the U.S.-Iraq War, over 4,400 American soldiers were killed. Almost as many civilians are killed with guns here in the U.S. over the course of 7 weeks rather than 7 years.

U.S. homicide rates are 6.9 times higher than rates in 22 other populous high-income countries combined, despite similar non-lethal crime and violence rates.

The firearm homicide rate in the U.S. is 19.5 times higher. Guns were used in 11,078 homicides in the U.S. in 2010, comprising almost 35% of all gun deaths, and over 68% of all homicides.

Over a million people have been killed with guns in the United States since 1968, when Dr. Martin Luther King, Jr. and Robert F. Kennedy were assassinated.

On average, 33 gun homicides were committed each day for the years 2005–2010.

Regions and states with higher rates of gun ownership have significantly higher rates of homicide than states with lower rates of gun ownership.

Where guns are prevalent, there are significantly more homicides, particularly gun homicides.

For years, I have introduced and reintroduced gun safety legislation and supported the efforts of my colleagues who have also worked diligently to protect the lives of our nation’s children through adequate gun safety.

I reintroduced H.R. 277, the Child Gun Safety and Gun Access Prevention Act of 2011.

This legislation would prevent anyone under the age of 21 from being eligible to own a handgun and would prohibit youth from possessing semiautomatic assault weapons.

Under this legislation parents and supervising adults will be held accountable if a juvenile is able to gain possession of dangerous firearms that are located in their household.

The statistics are clear, firearms in a household must be properly and adequately stored.

A gun in the home is 22 times more likely to be used in a completed or attempted suicide (11), criminal assault or homicide (7), or unintentional shooting death or injury (4) than to be used in a self-defense shooting.

Higher household gun ownership correlates with higher rates of homicides, suicides, and unintentional shootings.

Keeping a firearm in the home increases the risk of suicide by a factor of 3 to 5 and increases the risk of suicide with a firearm by a factor of 17.

Keeping a firearm in the home increases the risk of homicide by a factor of 3.

A 2009 study found that people in possession of a gun are 4.5 times more likely to be shot in an assault.

My legislation also requires a parent to accompany a minor when attending a gun show.

Our focus should also be on the owners of guns. Parents need to keep guns and ammunition out of the reach of teenagers.

Parents should be responsible for securing from their minor children access to dangerous firearms.

Further, my bill is a preventative measure, my legislation encourages school districts to prove or participate in firearm safety programs.

It also addresses the underlying concerns related to violence and suicide.

It amends the Public Health Service Act to direct the Secretary of Health and Human Services to support programs to promote mental health services among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents.

This is a multifaceted approach to address this multifaceted issue.

In the 113th Congress I introduced H.R. 65, the Child Gun Safety and Gun Access Prevention Act of 2013, which amends the Brady Handgun Violence Prevention Act by raising the age of handgun eligibility to 21 and prohibits persons under age 21 from possessing semiautomatic assault weapons or large capacity ammunition feeding devices, with some exceptions.

The bill places limitations and obligations on the transfer of firearms regarding juvenile violations of Brady Act provisions and the transfer of a handgun, ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device to a person who is under age 21.

Prohibits any licensed importer, manufacturer, or dealer from transferring a firearm to any person (other than a licensed importer, manufacturer, or dealer) unless the transferee is provided with a secure gun storage or safety device.

Authorizes the Attorney General to suspend or revoke any firearms license, or to subject the licensee to a civil penalty of up to \$10,000, if the licensee has knowingly violated this prohibition.

The bill also places prohibitions on keeping a loaded firearm or an unloaded firearm and ammunition within any premises knowing or recklessly disregarding the risk that a child: is capable of gaining access to it, and may use the firearm to cause death or serious bodily injury.

Finally, the bill authorizes the Attorney General to provide grants to enable local law enforcement agencies to develop and sponsor gun safety classes for parents and children.

I also introduced H.R. 2665, a bill to ensure secure gun storage and gun safety devices.

The bill amends the federal criminal code to repeal provisions that create exceptions to the prohibition against a licensed importer, manufacturer, or dealer transfer of a firearm to any person other than a licensed importer, manufacturer, or dealer unless the person receiving the firearm is provided with a secure gun storage or safety device; and grants immunity from a qualified civil liability action to a person who has lawful possession and control of a handgun and who uses such a device.

This Congress, I introduced H.R. 4268, the Gun Safety: Not Sorry Act which imposes a seven-day waiting period on the purchase of certain weaponry including bump stocks in response to more recent mass shootings.

Recent U.S. mass shootings include:

1. Las Vegas, 2017: 50+ killed
2. Orlando, 2016: 50 killed
3. Virginia Tech, 2007: 32 killed
4. Sandy Hook, 2012: 27 killed
5. San Ysidro, 1984: 21 killed
6. San Bernardino, 2015: 14 killed
7. Edmond, 1986: 14 killed
8. Fort Hood, 2009: 13 killed
9. Columbine, 1999: 13 killed

I also join in support of the families and survivors of the Community of Newtown, Connecticut who lost loved ones to give them space so that they can heal.

Events such as the tragedy at Sandy Hook Elementary School touch all of us as compassionate, caring people which was demonstrated through the wave of support expressed by this nation.

To keep the memory of the 20 children and six adults killed on that tragic day vibrant—a website has been created by the families—mysandyhookfamily.org.

I encourage you to visit this memorial website and learn more about Charlotte, Josephine, Daniel, Avielle, Rachel, Jessica, Victoria, Benjamin, Anne Marie, Dawn, Carline, Ana, Madeleine, Catherine, Noah, James, Mary, Emilie, Lauren, Allison, Chase, Dylan, Jesse, Olivia, Jack and Grace.

Mr. Speaker, it is our responsibility to do all that we can do to reverse this level of gun violence. We must pass commonsense gun safety.

AN AMERICAN HERO

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

Mr. GARRETT. Mr. Speaker, 47 years ago, August 11, a baby boy was born to a mother and father in Detroit, Michigan, named Brian Terry.

Some 18 years after that, Brian made a commitment to serve his country by enlisting in the United States Marine Corps, where he served 3 years honorably, including a tour of duty in harm's way in Iraq.

Discharged from the Marine Corps honorably in 1994, Brian Terry followed his calling to serve by becoming a police officer. He then made another commitment not to serve just his community, but our Nation. In 2007, he joined the Customs and Border Protection.

But this wasn't good enough for what his mother characterized as a brave, strong defender of people. Brian decided to join the elite Border Tactical Team of the Border Patrol unit.

Seven years ago today, Brian was part of a four-person team tasked with pursuing and apprehending a "rip" crew. This rip crew has been alleged to be affiliated with the Mexican drug cartels. What they did was exploit those who took advantage of the unwillingness of those in leadership in this country to perform that basic, principled responsibility, which is to secure our borders.

□ 1300

The rip crew would rob drug mules as they carried drugs across the border, but would also routinely detain and shake down those who snuck through our porous borders. This cartel-affiliated rip crew had weapons, and they used those weapons to rob, terrorize, and exploit in the worst possible ways people who were essentially invited here by our failure to do our jobs.

Seven years ago today, Brian Terry and three of his colleagues set out not just to protect our border, but to protect innocent people, who came with their entire life savings, because we chose to leave that border porous.

Yesterday, the House Homeland Security Committee took up H.R. 4433. H.R. 4433 is entitled Securing DHS Firearms Act of 2017. We learned during testimony on this bill that in a 2-year period, just over 200 firearms were stolen from people who worked for the Department of Homeland Security, or lost. At least one person was killed by these firearms. I would concur that that is unacceptable.

I certainly support the bill, but having served in the United States Army as a leader of soldiers on deployment, all of whom were issued at least one weapon, I wonder if it literally requires an act of Congress to suggest that the DHS promulgate regulations to oversee the loss or theft of DHS supplied weapons.

Yes, over 200 weapons is horrible. Yes, one life lost is horrible. But should there be an act of Congress?

Because, as I recall, as a leader in the army while deployed overseas, we had protocol for dealing with lost weapons, with lost sensible items, and with lost COMSEC. We didn't need an act of Congress to tell us to promulgate it.

While I support this bill, it began to make me wonder and then think of a Bible verse, Matthew 7:3:

"Why do you look at the speck of sawdust in your brother's eye and pay no attention to the plank in your own eye?"

Certainly it is unacceptable that over 200 weapons should be lost or stolen from DHS employees in a period of 2 years. But it is, quite literally, one-tenth of the scale of the weaponry that our government intentionally put into the stream of commerce to be used by those who would visit harm not only on their neighbors and family members south of our border, but right here on our own soil.

So, weapons like this, to the quantity of over 200, were lost or stolen from members of DHS. Meanwhile, 7 years ago, weapons like this were put into the stream of commerce by our very government. Weapons like this took the lives of at least one person. Weapons like this, put into the stream of commerce by our very government, have taken, at the very least, 70 times as many lives.

Yesterday, the Committee on Homeland Security promulgated a bill—an act of Congress—to address 200-some weapons like this that have cost at least one human life. And 7 years after Brian Terry set out on patrol that fateful night in Arizona, days before he was to fly home to Michigan to see his family for Christmas, nobody is talking about the weapons like this that our government intentionally placed into the stream of commerce, where we knew, to a metaphysical certainty, they would go to those who would do harm to their neighbors and their families and Americans.

Seven years later, we have seen justice. The killers of Brian Terry have been arrested. The first man arrested for having shot Mr. Terry in the back with a military-style rifle, leaving him to bleed to death in the medical chopper that flew him out in an effort to save his life, had, I think, ironically, already been deported from this country seven times.

The night that Brian Terry set out to protect not only the borders of this Nation, but the people who seek to enter it because we will not uphold our responsibility, the man who killed him was about robbing the very people who were coming here because we allowed it by not doing our jobs, and he had already been deported seven times.

Now, we know that close to 70 people have died because we intentionally, as a nation, put into the stream of commerce military-style weapons. In fact, we have lost track of over 1,400 of the over 2,000 weapons that the Obama administration thought it would be a good idea to intentionally let go to Mexico.

The weapon pictured next to me is a Barrett M-82 .50-caliber anti-personnel and -materiel rifle. There are Members of this body who have spoken on how this weapon should be illegal because, conceivably, it can take down an airplane.

Why do I digress?

Because that weapon was recovered in the hideout known to be used by the most notorious murderer in North America in the last 100 years: El Chapo Guzman.

The United States Government watched while a weapon that some Members of this body would suggest can take down an airplane was trafficked to a man who is trafficked in death to the point where the next slide I show will blow any thinking person's mind.

Many of the 160,000, roughly, deaths of civilians in Mexico can be traced directly back to this man. And we know, because it was recovered, that at least one of the military-style weapons that he received came from us.

So, 7 years ago today, an American hero named Brian Terry, who had served as a law enforcement professional, as a marine in Iraq, and on the

elite border tactical squadron, set out to protect America, but to also protect those who sought to enter it, whether legally or illegally. And, when he did so, he did so understanding fully, as those who take an oath to defend this Nation do, that some things in this world are worth standing, fighting, and dying for. And, tragically, 7 years ago tonight, Brian Terry made that sacrifice.

I had no intention of standing and speaking on this today until H.R. 4433, the Securing DHS Firearms Act of 2017, came before the Homeland Security Committee yesterday, but it struck me as ironic. Not only did I serve in uniform as a combat arms officer for nearly 6 years, but I spent just under 10 years as a prosecutor, and I have a passion for a number of things, but foremost among these is justice.

So while it gives my heart some condolence, I can't begin to imagine the feelings on the 7th anniversary of the family members of this American hero, knowing that, while the people who pulled the trigger have been convicted, the weapons that they used were provided to them by the very Nation that he died to protect.

Mr. Speaker, with that, I would submit this: I have faith that in life or after life, there will always ultimately be justice.

I will tell you this: In the case of those who, with intent, put the firearms into the hands of the individuals who took the life of this American hero, I hope that justice comes in this life and not the next.

So, while we move about our business of promulgating laws to dictate to the DHS that they should have a policy to address the loss of firearms, I hope we don't take our eye off the ball of the very firearms that we intentionally trafficked, like the two that were recovered from the scene of the murder of Brian Terry, and that we will continue until we find it to seek justice for this man and act in a manner such that there are no more Brian Terry tragedies going forward.

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

ROBERT MUELLER INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Maryland (Mr. RASKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RASKIN. Mr. Speaker, I am here to discuss a very serious issue, which are the mounting threats and criticism of Robert Mueller's investigation into criminality taking place in the course of the Presidential election with interference by the Russians and possible collusion with various Americans working with him.

But I want to start by putting this in a general context, Mr. Speaker. Tom

Paine said: "In the monarchies, the king is law; but in the democracies, the law is king."

We place everything on the rule of law here in the United States of America. It is how we control the people who occupy the highest offices of government and control vast amounts of resources that belong to the people of the United States.

In the monarchies and in the dictatorships, the people have no control over those who occupy government; but in the democracies, in the constitutional societies, we exercise control over the people who lead the government to make sure that they don't abuse their power for improper purposes: for private gain, for the enrichment of particular classes, or for the perpetuation of their own political power.

Now, when we took office at the beginning of this year, Mr. Speaker, we received an Intelligence Committee report, signed by 18 intelligence agencies: the FBI, the CIA, the NSA, the Defense Intelligence Agency, and on and on.

They all told us the same thing, which is that Vladimir Putin had attempted to interfere and had interfered in the American election through cyber espionage and cyber sabotage in an effort to determine the outcome of our election. That took place. We knew that way back when we first took office.

Now, in the House Committee on Oversight and Government Reform, which I serve on, and in the House Judiciary Committee, which I serve on, we were told—and we have been told for months going all the way back to the beginning of the year—that we don't need to investigate this assault on the sovereignty of the American people in our own election because there is an excellent lawyer and law enforcement official in charge of the special counsel investigation: Robert Mueller.

Indeed, Robert Mueller is a man of extraordinary and, perhaps, singular qualification. He is a decorated war hero from the Vietnam war; a U.S. attorney, who had been the U.S. attorney for both the Commonwealth of Massachusetts and the State of California; a former Director of the FBI.

And do you know what?

Robert Mueller is a registered Republican. He was named as special counsel by another registered Republican and another widely heralded and highly-qualified law enforcement official: Rod Rosenstein, who had been a career attorney in the Department of Justice, and then the U.S. attorney appointed by President Bush in the great State of Maryland, my home State; and who is presently the Deputy Attorney General of the United States, appointed by another Republican: Attorney General Sessions.

So Attorney General Sessions appointed Rod Rosenstein, who is the

Deputy Attorney General, a Republican; and Rod Rosenstein appointed another Republican and a widely admired and highly-qualified law enforcement official, Robert Mueller, to take over as the special counsel.

□ 1315

Now, with all these Republicans in charge of the investigation and with the Republicans here in Congress saying, "no, we won't do any investigations of our own," despite past practice, we have to ask why Special Counsel Robert Mueller this week has suddenly come under withering fire by our GOP colleagues in the most ferocious organized attack on a Federal prosecution and prosecutor I have ever seen.

Well, the answer, alas, is obvious. They are attacking Special Counsel Robert Mueller and his fine team of lawyers and investigators because Mueller and his team are doing their jobs and justice is being done. There have already been two guilty pleas arising from this investigation: one from President Trump's former National Security Advisor, General Flynn, who pled guilty to lying to the FBI about Trump-Russia; and another criminal confession and guilty plea from the former foreign policy assistant, George Papadopoulos, who also took full responsibility for his criminal conduct in lying about Trump-Russia to the FBI.

And there have been sweeping criminal indictments handed down by the Mueller team, the special counsel, against Paul Manafort, Trump's former campaign manager, and his associate, Rick Gates.

Now, for all we know, this might be the end of it. The special counsel isn't talking. He is not leaking. He is doing his job. But it is also possible that the investigation is just getting started and that they are closing in on even higher targets: perhaps Jared Kushner, the all-purpose Trump aide and the President's son-in-law, perhaps he is within the scopes of this investigation; perhaps Donald Trump, Jr.; and perhaps the President of the United States himself, Donald Trump.

And so the White House has issued its apparently desperate and cornered animal orders. The President cries chaos and let's slip the dogs of war against Special Counsel Mueller and the rule of law. This week, Trump has called the Mueller investigation—an investigation led by a Republican, who is named by a Republican, who is named by a Republican—he calls this investigation "the single greatest witch hunt of a politician in American history."

And I don't want to hear from any of my colleagues, either, GOP on the other side. Well, you can't take seriously what the President says because he is disconnecting from reality or he is paranoid or he is delusional, unless you are willing to try to activate the

provisions of the 25th Amendment. We must take the President's word seriously.

And, in the meantime, of course, our friends across the aisle, Mr. Speaker, are going along with everything the President says and everything that he does, and they are enabling his attempt to defame the special counsel, Mr. Mueller, and to attack the work of the FBI.

The President calls the FBI an agency in tatters, and an onslaught has followed in the media. On FOX News, a full-scale campaign against the FBI has arisen with lots of people comparing the FBI to the KGB, which is amusing because, if that were true, they would like the FBI—because Donald Trump's best buddy in foreign relations and FOX News' beloved kleptocrat authoritarian dictator abroad is Vladimir Putin, the former chief of the KGB. But they compare our FBI, the tens of thousands of men and women who have given their lives to law enforcement in our country, they compare the FBI to the KGB under a totalitarian government.

Newt Gingrich calls Mueller corrupt, Newt Gingrich who was officially reprimanded right here, Mr. Speaker, right where we stand today, by this body. In a vote of 395-28, he was reprimanded and disciplined for violating the rules of this body, and he calls the former FBI Director, Special Counsel Mueller corrupt in an effort to undermine and discredit the special counsel investigation.

And now this propaganda campaign comes to the official channels of the House of Representatives. Yesterday, Deputy Attorney General Rod Rosenstein appeared before the House Judiciary Committee for an oversight hearing, and I was appalled and I was amazed at the way our GOP colleagues attacked him with a series of completely phony, overblown, and misleading accusations.

They are in full-scale assault mode now. They are in a frenzied wild goose chase to find anything possible to discredit Special Counsel Mueller and his investigators in his team.

And guess what, they finally found their villain. This week they found their villain, whom they pounced on him. It is an FBI agent named Peter Strzok, who was working on the Mueller investigation but was removed from it this summer when it was discovered that he had sent a bunch of text messages to his apparent girlfriend criticizing a number of politicians, including Donald Trump, whom he called an idiot, Mr. Speaker. I think he was watching one of the Presidential debates where he sent a text message to his girlfriend, writing: "OMG, he is an idiot." That is the way I am reading the texts that were revealed to us yesterday.

Now, he was probably one of millions of people to send that exact same text

across the country. It wasn't a very nice thing to say, but he said it. He also called BERNIE SANDERS, the Democratic candidate for President, the Vermont U.S. Senator, an idiot. He called Trump an idiot; he called SANDERS an idiot; and he had even more choice, unspeakable words for my friend, the former Governor of Maryland, Martin O'Malley, which I don't think I can repeat on the floor, Mr. Speaker.

All right. Mr. Strzok was speaking his mind in these private texts, but it raised the potentiality of bias in one of the agents working on the team. And so what did Mr. Mueller do when he learned of it? He fired him immediately. He got him off of the investigation, removed him from the investigation, and put him into a different part of the FBI. He removed him immediately from the investigation.

Unlike President Trump, for example, who took 18 days to fire General Flynn after learning that Flynn was a serial liar about his connections with Russia.

So it took President Trump 18 days. Mr. Mueller fired the guy immediately because people make mistakes, they do the wrong thing, and Mueller said: I don't want him on my team. He removed him, and they put him somewhere else.

Now, that should have been the end of the matter; right? It sounds like the end of the story is not a big deal. But, on the eve of our hearing yesterday, we received a dump of hundreds of these private text messages between Mr. Strzok and his friend, Ms. Page, and they make, no doubt, for titillating, fascinating, engrossing reading as these two people make their observations about the Presidential campaign. It's like "Anna Karenina" or "House of Cards." It is fascinating. It is the kind of trivial gossip that people get into sometimes in this town.

I was amazed to learn that the Department of Justice itself—not Mueller, not his team, but the Department of Justice—the formal public affairs channel had actually orchestrated this dump of text messages that were revealed in the course of an ongoing Department of Justice investigation, inspector general investigation. They took this material from the middle of an investigation, called up a whole bunch of reporters and brought them in to show them these texts.

Why?

Well, nobody could really explain it. I asked Mr. Rosenstein yesterday, and he couldn't explain what really—he said: Well, it had been approved.

I said: "Was there any precedent for it? Was there any precedent for the Department of Justice revealing material that turned up in the middle of an ongoing investigation to reporters?"

He couldn't name any. It wasn't even in the press conference.

So that took place. That strikes me as very odd that there are people in the Department of Justice who apparently are cooperating with this effort to undermine the integrity and the strength of the special counsel investigation.

Well, the key thing to understand is that all of those text messages are totally irrelevant. The great text message love story saga, which was dumped on us, is an irrelevant distraction. Mr. Mueller got rid of Mr. Strzok, removed him from the team, end of story.

Of course, FBI agents, prosecutors are allowed to have a political party. Mueller's got one; it is Republican. Rosenstein's got one; he is a Republican. That is fine. You can be Republican. You can be Democrat. You are not allowed to have your political ideas affect your work to the point that you are biased.

So I take it Mr. Mueller figured that those text messages suggested the possibility of bias, not just against BERNIE SANDERS and Martin O'Malley, but also against Donald Trump, and they said: Okay. We will remove him from the team. He is gone.

But yesterday, that is all the Republicans wanted to talk about, this great trumped up, fake text message scandal—totally irrelevant.

The only one who, to his credit, tried to make it relevant was a Republican colleague who said this is fruit of the poisonous tree, and he repeated it numerous times. He intoned the words, "fruit of the poisonous tree."

Well, I am a law professor, so I know what "fruit of the poisonous tree" means. It is a Fourth Amendment doctrine which says that, if you have got an illegal search or seizure by the government, you cannot use evidence that is obtained by virtue of an illegal search or an illegal seizure against someone in court. If the government tries to use it, then the so-called exclusionary rule is activated, and you exclude evidence that is derived from an illegal search or seizure.

But there is no illegal search or seizure, and there is not even an allegation of an illegal search or seizure. All they have got is text messages between two lovebirds, and that is it.

I asked Mr. Rosenstein yesterday, I said: Was there an illegal search or seizure? Is there an allegation of an illegal search or seizure?

No, none at all.

So what is the relevance of all that stuff? Nothing. They found one FBI agent who is removed during the summertime for trashing a bunch of politicians on both sides of the aisle. They find that guy. They talk only about the fact that he called the President of the United States an idiot, which we must concede hardly makes him an original critic of the President. Okay. They find that one guy, and then suddenly they want to use that to claim that bias infects the whole operation, the whole investigation.

And why are they doing that? Well, look, if they just want to put up a propaganda smoke screen, that is within their First Amendment rights to do so and within their rights under the Speech or Debate Clause. The problem is that there is mounting fear and anxiety that this is trying to set the stage for President Trump to fire Robert Mueller, perhaps the most admired law enforcement official and prosecutor in the country, that they are setting the stage to fire him with all this trumped-up stuff about a bunch of texts between some lovebirds. That is it. That is all they have got.

After all this time, that is what they are using to try to discredit Robert Mueller and his team, who, at the time of his appointment, they described as unimpeachable, beyond reproach, and so on. But now that he is doing his job and it looks like the momentum of the investigation is leading to the very top of the U.S. Government, they may be looking for a reason to fire him.

Well, this is an emergency, a constitutional emergency if this is going to happen. This is why we are blowing the whistle on it.

I am delighted to be joined by a great legislator, someone whose career is woven into the fabric of the U.S. House of Representatives. He is the minority whip of this body, and I am just delighted to yield now to the gentleman from Maryland (Mr. HOYER).

□ 1330

Mr. HOYER. I thank the gentleman for yielding and for taking this opportunity on the Special Order. I think, as an aside, I need to apologize to him for making him wait so long for this Special Order.

I also want to tell the American people, Mr. Speaker, that the gentleman who has taken this Special Order is probably the constitutional expert not only in this body, but one of the constitutional experts in our country. He is a great legislator himself. Although he is new to this body, he is not new to being a legislative leader at all. He has been a legislative leader in our State for many years. He is a wonderful teacher and somebody who has great political courage and is willing to stand and say that the emperor has no clothes. He is willing to call attention to the fact that our democracy is at risk, that our due process is at risk.

He used the phrase "trumped up." What an interesting phrase that is that we have used for many years. I don't know that it has had as much relevance in years past as it now may have.

Mr. Speaker, I thank my friend, Mr. RASKIN, for leading this Special Order. Our system of government, as he has pointed out, is based on the rule of law. We are a government of laws, not of men.

What that means is that it is not personalities, not dictators, not kings

that rule our land. It is the law, the law of our Constitution, the law of our legislators, and the common law that we pursue as interpreted by our court systems. Its foundation is the constitutional principle that all are equal under the law. No one is exempt.

The appointment of a special prosecutor earlier this year to look into the possibility of the administration or Trump campaign officials colluding with a foreign adversary or obstructing justice falls into a long tradition in our country of using independent counsel to investigate those in the most senior offices of our government.

Our Founding Fathers would say that is a check and balance; that is a protection against the usurpation of democracy.

The choice of former FBI Director Bob Mueller to be that independent investigator was an extraordinarily wise one; a decision greeted with support from across the political spectrum, precisely because Mr. Mueller is so widely respected for his independence and his commitment to the law above all else.

And, parenthetically, although it is not necessarily relevant, he is a Republican. He is not, however, driven by the politics of left or right or Republican or Democrat. He is a man of the law, a man who seeks the truth, a man who has dedicated his career to assuring that we remain a land of liberty under law.

We have already seen a demonstration of that commitment in the prompt firing of a subordinate investigator for an act that was not illegal, as the gentleman from Maryland, our constitutional scholar, has pointed out, but, however, threatened to impugn the objectivity of the investigation.

In other words, he removed somebody who he thought might undermine the credibility of this investigation because he is so committed to this investigation being objective and unquestionably fair. Mr. Mueller has made it abundantly clear that he will not tolerate any hint of bias in this investigation.

So far, it appears that his investigation is bearing fruit, having uncovered serious crimes and secured three indictments as well as guilty pleas from two key subjects. Guilty pleas.

This was not a question of: We had a trial and somebody convinced 12 people that he was guilty.

This was a case where the individual said: "I am guilty. I did what was alleged. I know that it is illegal, and I should bear the consequences."

That included, of course, the National Security Advisor—who was National Security Advisor, I think, for 25 days, or close to that number—Mr. Flynn.

As the investigation has advanced, Mr. Speaker, we have seen troubling statements from the President and his

advisers seeking to sow uncertainty about the legitimacy of the special counsel's activities and undermine confidence in him.

But it is not so much the confidence in him that is critical. It is confidence in the law. It is confidence in the process. It is confidence that, in fact, we are a nation of laws, and whether we are President or peasant, we will be held accountable if, in fact, we break the laws.

What is being done to undermine this process threatens the independence of the investigation and those who are undertaking it. It is dangerous to our democracy and to our freedom.

Now, in recent days, we have heard calls by the President and his allies to launch a counterinvestigation of the special prosecutor's investigation. Those of us who know history know that that is so often the defense of those who seek authoritarian power, of those who believe they are above the law, of those who believe they can intimidate others so that they will never be held accountable for wrongdoing.

This preposterous suggestion has but one purpose: to cast a shadow of doubt over the findings of Mr. Mueller's inquiry by attempting to frame it in a partisan way.

In fact, Mr. Mueller was appointed by a Republican-appointed Deputy Attorney General. It is tactics like this one that we see so often overseas in countries ruled by dictators and those seeking to become dictators. This willful effort to erode confidence in any institution that must be seen as impartial is harmful because if nobody and nothing is impartial, if everyone and everything is tainted by politics and interest, then no one can possess the moral authority to hold accountable one who wishes to be entirely unaccountable.

That, Mr. Speaker, is the reason I think that the President has also attacked the fourth estate, the newspapers, the broadcasters, the people whose duty it is to bring facts to the people so that they, the people, can make a rational judgment in a democracy, for it is in their hands that the power ultimately resides; and if you undermine those who give them the facts, then you undermine their ability to make decisions.

This ultimately is what the special prosecutor's work is all about: accountability, ensuring that every person is held to the same high standard of behavior under the laws of our Nation.

So, Mr. Speaker, I urge my colleagues in both parties—this is not about party. This is about country. This is about patriotism. This is about the rule of law. If we lose that respect for law, we will lose our country. It will be a different, lesser country.

I urge my colleagues, from both parties, from every ideological corner, let us not forget the most fundamental

principle that binds us together as Americans and as public servants: That all are created equal; that all of us, all Americans, are equal under the law.

That doesn't mean we are the same, but it means, in the eyes of the law, we are equal as we stand to be held accountable, or to be held innocent, or not involved, or not owing somebody else for wrongdoing. We need to uphold it by our words and by our deeds.

The special prosecutor's work must continue unimpeded, and it must continue to be respected. Yesterday, in the Judiciary Committee, that was not the case. To defend the indefensible undermines respect for law.

I want to thank my friend again, Mr. JAMIE RASKIN, from Montgomery County, Maryland, for this Special Order. As I said, he is a great constitutional scholar and teacher, a great legislator. More importantly than that, he is an individual who loves his country and, throughout his life, has fought to make the country all that the Founding Fathers meant it to be.

I thank him for coming to this floor and for his efforts to ensure that Mr. Mueller's investigation can continue to be seen as impartial and with its objective unquestioned, and that is accountability, accountability and justice, and equal justice under the law. That is our bedrock. That is our touchstone. That is our guiding star. That is what Professor RASKIN, Congressman RASKIN, Citizen RASKIN is talking about today, and we all ought to thank him for that.

Mr. RASKIN. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) very much for his kind words and for his patriotism. I thank him for also pointing out the critical importance of civic equality to this discussion because civic equality implies that none of us is above the law.

Of the many dangerous things I have heard uttered over the last couple of weeks with respect to this investigation, perhaps none is more sinister or disturbing than the suggestion that the President cannot be guilty of obstruction of justice because the President himself oversees the whole government.

Well, at that point, we may as well hang it all up and go back to monarchy because the governing principle of our Constitution is we have no kings here. We have no kings here. So I thank Mr. HOYER for that.

James Madison wrote that the very definition of "tyranny" is the collapse of all powers into one. We are trying to defend the separation of powers and we are trying to defend the rule of law against all of it being drowned in a political agenda.

Mr. Speaker, I am joined now by my very distinguished colleague on the House Judiciary Committee. I yield to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I am a little late and I don't know exactly what

has been discussed. I serve on the Judiciary Committee with the gentleman, and what we have seen in the Judiciary Committee is scary.

I am honored to be a Member of the United States Congress. I am honored to be an American citizen. I see a threat to the independence of the United States Congress in upholding its oath and looking out for the best interests of its people and to our country.

I have Republican friends, as the gentleman does, on the other side of the aisle, and I know that they, in representing their constituents, are not fond of the totalitarian Russian Government and philosophy that threatens NATO countries like Lithuania, and Estonia, and Latvia, and Ukraine, and Georgia, with the power of the Russian military.

They do not like democracy. They do not like America, and they do not like what we represent. They don't like freedom of the press. They don't like freedom of religion. They don't like freedoms of elections. They don't have really free elections. They say they do, but they kill their opponents or they put them in jail on trumped-up charges, and they count the votes. There is nothing good about Russia in regards of democracy, and even within their constitution after they formed a country after the Soviet Union fell apart.

Our Republican colleagues are like sheep, following the President in attacking the FBI; in attacking the Justice Department; in attacking heroic Americans who have risked their lives in the FBI, and heroic Americans like Robert Mueller, who served in Vietnam and risked his life and was wounded there, I believe. And they threaten them and talk to them as if they are complicit with the Clinton campaign and trying to do something to harm President Trump.

Mr. Mueller is a Republican, appointed first by a Republican, Bush, and then later by a Democrat, Obama. He is as fine a human being as I have come in contact with in my 11 years in Congress, and maybe as fine a human being as I have come in contact with in my 68 years on Earth.

□ 1345

Mr. Rosenstein said glowing things about him yesterday and how heroic he is and how strong he is, how dedicated he is, how patriotic he is, and how honest he is.

For the Republicans to be trying to take this man down and to take down others who serve in the FBI, the only reason they are doing this is because they are finding information in their charge that implicates the President of the United States in activities that are questionable as far as his oath of office and border on treason. Because of that, they attack the FBI, which is the top

layer or the cream of the crop of law enforcement.

And the President goes out and talks about our wonderful first responders, but the top of the line he is against because they question him.

That is when your country no longer exists, when it is all about the leader, not about institutions, and not about other individuals who are doing their jobs in a proper manner.

FBI Director Wray said nothing but good things about Robert Mueller. I think Robert Mueller's job is in jeopardy from this President, who likes to fire people, which is what he did on television, and he still thinks he is on television. It is a big performance art. It is all about performance art, and the star is Donald Trump. He acts and he is the show; and the show goes on, and there is nothing else.

To fire Mueller is part of the show, to question what he has done in arresting Manafort and Gates, guilty pleas, I think, from one of the gentlemen he arrested—was it Papadopoulos?—and then a guilty plea from Flynn. They don't plead guilty unless they are guilty.

Mueller is doing his job. He is trying to protect America. I think he is the man of the year and will be the man of the year next year. He is the one person between us and a kleptocracy and group of oligarchs, but kleptocrats who are using their positions in government to benefit themselves financially and to build up their wealth.

This tax bill we are talking about is part of the same thing. It is oligarchs. No inheritance tax, meaning they get hundreds of millions of dollars—hundreds of millions of dollars—and the President goes and says to a middle class family earning \$75,000: You will have \$2,000 that you can spend any way you want, or you can even save it.

\$2,000 is tip change at Orange Julius to those people, the big money, hundreds of millions and hundreds of thousands and millions of dollars as the inheritance tax being repealed and the AMT being repealed and other changes.

And then they said: Oh, well, we only reduced the tax on the wealthiest from 39 percent to 37 because they weren't going to get to deduct as much of their State and local taxes, and it was going to hurt them more.

Well, there are people who aren't in the top bracket who aren't going to get to reduce their State and local taxes, and they gave them nada. They gave all of it to the wealthiest.

And that is what this is about. This is about the wealthiest people taking this country over and an oligarchy, and Trump is representative of them. It is about him. It is not about institutions. It is not about the Constitution. It is not about people. It is not about the First Amendment.

So many of the people who support him are good, hardworking, decent

American people who don't want to be in bed with Russia and don't want to give up our democracy and don't want to give up our free elections to hacking and to internet social media games, and that is what we have had.

Mr. Speaker, I thank the gentleman for having this Special Order.

Mr. Speaker, I have a bill I took over for Mr. CONYERS with Mr. WALTER JONES, a Republican, that says you can't fire Mr. Mueller without cause and gives a redress in court. SHEILA JACKSON LEE has another. We have to be aware and alert. And if this happens, the people have to let their Representatives know, and particularly the Republican Representatives know, that they won't stand for it and they won't have another Saturday Night Massacre, because Rosenstein said Mr. Mueller has done nothing to be fired. He probably would not fire him, which means Rosenstein will be fired, and that is the end of the rule of law, and that is what makes us different from other countries, makes us different from dictators and autocrats.

Mr. RASKIN. Mr. Speaker, I thank the gentleman for his leadership. I thank him for invoking the critical Watergate analogy, the Saturday Night Massacre with the firing of Archibald Cox and other Department of Justice officials who refused to cover up for the President's crimes and misdeeds. I thank him for his legislation that would try to empower the special counsel not to be fired without a court's say-so at least, to build another check and balance.

I thank him, also, for invoking what is also taking place in Washington right now, which is this massive assault on the American middle class through this so-called tax cut bill, this tax scam, which would actually raise taxes for tens of millions of Americans while transmitting billions of dollars up the income and wealth ladder.

Ever since we have arrived here, the whole government has felt like a money-making operation for a person, a family, a small group of billionaires in the Cabinet, a handful of people in the country like the Koch brothers and the Mercers. We cannot allow either this assault on the basic middle class economics of the country to go through or this assault on the Constitution and the rule of law, which we witnessed so vividly yesterday in the House Judiciary Committee.

I want to thank the gentleman for his service and for being one of the first to blow the whistle about what is taking place here.

GENERAL LEAVE

Mr. RASKIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the subject of this Special Order.

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

There was no objection.

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

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President and Members of the Senate, whether originating as the Member's own words or being reiterated from another source.

LET HIS HOLINESS THE DALAI LAMA GO HOME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for the remainder of the hour as the designee of the minority leader.

Mr. MCGOVERN. Mr. Speaker, this week, people all around the world are commemorating Human Rights Day, the annual celebration of the adoption of the Universal Declaration of Human Rights.

Article 13 of the declaration affirms that everyone has the right to leave any country, including his own, and return to his country. I have that right. As a citizen of the United States, I can leave my country whenever I choose, and I have the right to return whenever I like. For me, this right is not theoretical. I exercise it every time I travel abroad and every time I return home.

But, Mr. Speaker, His Holiness the Fourteenth Dalai Lama, born and educated in Tibet, has not seen his homeland since he was forced into exile in 1959.

The Dalai Lama, the spiritual leader of Tibet, describes himself as a simple Buddhist monk. He was recognized as the reincarnation of the previous Thirteenth Dalai Lama when he was only 2 years old, and he was only 6 when he began his monastic studies. But well before he finished his education, at the young age of 15, he was called upon to assume political leadership after China's invasion of Tibet in 1950.

For the next 9 years, he worked to preserve Tibet's autonomy and Tibet's culture. But after years of growing resentment against restrictions imposed by the Chinese Communists, a full-scale revolt broke out in March 1959, and the Dalai Lama was forced to flee as the uprising was crushed by Chinese troops. On March 31, 1959, he began a permanent exile in India, settling in Dharamsala in northern India.

Since then, he has not returned to Tibet, or, more accurately, he has never been permitted to return. He has spent more than 60 years in exile.

Today, the Dalai Lama is 82 years old, a man renowned all over the world for his commitment to peace. He has consistently advocated for policies of nonviolence, even in the face of extreme aggression.

In 1989, he won the Nobel Peace Prize in recognition of what was then his nearly 30-year nonviolent campaign to end China's domination of his homeland.

In 2007, the Congress awarded him the Congressional Gold Medal, and at the time, then-President George W. Bush called him a man of faith and sincerity and peace.

Now, I have long believed that the Dalai Lama is part of the solution to resolving Tibetan grievances. There was a time, from 1959 until 1979, when the Tibetan goal was independence. But since the 1970s, the Dalai Lama has been looking for a way to resolve the situation of the Tibetan people through negotiations. In the late 1980s, he proposed the Middle Way Approach as a path toward Tibetan autonomy within China.

His commitment to nonviolence and his recognition as the spiritual leader of Tibetans worldwide confers on him an undeniable legitimacy that would be of great benefit were China willing to restart the dialogue that has been suspended since 2010.

But the Chinese Government has not recognized or taken advantage of this opportunity to achieve a peaceful resolution. Instead, Chinese authorities continue to view the Dalai Lama with suspicion, disparage him, and accuse him of fomenting separatism. They seem to believe that, with his inevitable death, they will be assured of consolidating their hold on Tibet.

Well, I would not be so sure. Today, all around the world, we are seeing the consequences of repression of religious and ethnic minorities. For the Chinese, there is still time to recognize that inclusion and respect for human rights of Tibetans offers the best path to security.

So today, I call on China to follow a different path. I call on the Chinese authorities to affirm the right of the Fourteenth Dalai Lama to return to his homeland, whether to visit or to stay. I call on them to welcome him home, afford him the respect he deserves as a man of peace, and sit down with him to resolve Tibetan grievances so as to prevent the deepening of tensions and eruption of conflict.

Were China to take such a step, I believe the international reaction would be very positive. I would be among the first to recognize and congratulate an important gesture.

Mr. Speaker, we need to be in the business of preventing and transforming conflicts instead of being forced to respond to their consequences after the fact.

Mr. Speaker, I urge my colleagues to join me in calling on the Chinese authorities to allow the Dalai Lama to return to his homeland. The Chinese Government should allow His Holiness the Dalai Lama, who is revered all around the world, the ability to go

back to his home, to go back to where he was born.

This is a time for bold action, and I urge my colleagues to speak out along with me in urging the Chinese Government to do the right thing. Now is the time to raise our voices—now, before it is too late.

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

HONORING THE LIFE OF CAPTAIN JOHN YATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Georgia (Mr. LOUDERMILK) for 30 minutes.

Mr. LOUDERMILK. Mr. Speaker, I don't intend to take 30 minutes, but the time that I do spend is very important, because I want to honor a very, very special person.

First of all, let me start off by wishing you a Merry Christmas. I say that because, as we are getting into the season, many of us are thinking about family and friends and spending Christmastime at home, which I hope to be able to do as well.

Every Christmas season my thought goes back about 73 years ago. You see, my dad was a medic in World War II, and December 16, which will be just a few days from now, will be the 73rd anniversary of one of the largest, most significant battles of World War II: the Battle of the Bulge.

My father was a medic in the Battle of the Bulge, and I still remember the stories he used to tell of the cold weather and the snow and how, when the Germans broke through the Siegfried Line, they decimated American forces—we lost thousands and thousands of troops in those few days—how the snow was just so heavy and so thick that many were trapped in their foxholes, unable to escape. Many retreated back to areas of safety and the lines behind.

But I don't want to talk about my dad here today. I want to talk about someone else, a dear friend of mine, someone I got to serve in the Georgia Legislature with. It was another young Georgian from Spalding County who was a pilot in the Army Air Corps.

Now, Captain John Yates was not what you may think of. Most people think of an Army Air Corps pilot flying a B-29 or a B-25 Mitchell. What John Yates flew was a small, single-engine Piper Cub aircraft. He was a liaison pilot.

Now, most people aren't familiar with what a liaison pilot is, but they played a very crucial and critical role in the victory in Europe in World War II and even in the Pacific theater.

You see, as a pilot, I have a lot of appreciation for someone who will fly a very small plane. I mean, I am a pretty tall guy. I don't fit in the cockpit of a Piper Cub very well.

□ 1400

That is why I have never actually flown one. But John Yates would climb into the cockpit of this small, single-engine aircraft—which are still in use today. Many of them are used in the bush areas of Alaska because of how lightweight they are, and small, and compact. They don't take a whole lot of runway.

But he would climb into this small, aluminum airplane and would fly just above the treetops to draw enemy fire. He actually flew a plane to be shot at. This wasn't like close air support airplanes we have today that have titanium shells that can absorb a lot of impact. No, this was just a small plane with an aluminum skin around the fuselage.

But his purpose was to fly close to the enemy to try to spot the enemy and cause the enemy to fire at him so our artillery and our other aircraft would actually know where the enemy forces were and where their heavy artillery was. That is an incredible job for someone to do, especially a young person, maybe in his twenties, as he was serving in World War II.

After 60 years from the time that he flew those Piper Cub aircraft, I had the opportunity to serve with John Yates in the Georgia Legislature. There is one thing I appreciated about John, as we find from a lot of veterans, and as a veteran myself—I know that same feeling—once you serve, you always have this desire to serve in another capacity.

In 1989, John was elected to the Georgia House of Representatives. I came several years later to serve with him. But John continued his fight for his fellow servicemen and for his country in the Georgia Legislature, as he was chairman of the House Defense and Veterans' Affairs Committee and was always on the front lines of fighting for veterans' care, to ensure that the government provided to veterans the care that they needed and the services that they deserved.

He understood the meaning of patriotism. He lived as a patriot. Everything he did portrayed the idea of patriotism. One thing I liked about John Yates is one of his favorite quotes was from Winston Churchill. That quote was: "Never give up. Never give up. Never give up."

That is something that we can take hold of ourselves today, especially as Americans. We have a history of never giving up, a fortitude of not just taking defeat and running away, but taking defeat and turning it into a victory.

John Yates never quit serving. All he looked for was the ability to serve in the next mission that he was called for. On December 11 of this year, John Yates went on to his next mission in Heaven.

We are going to miss John Yates. The State of Georgia is going to miss John

Yates. But I stand here today, Mr. Speaker, to honor one of those true American patriots who stood in the face of battle and faced the enemy face-to-face; and when he came home, he followed that desire to continue to serve, and he served until he passed away just a few days ago.

HONORING HEROES OF CONGRESSIONAL BASEBALL SHOOTING

Mr. LOUDERMILK. Mr. Speaker, I would like to just take a moment and recognize another anniversary. Six months ago today, on a baseball field just a few miles from here, I and several of our colleagues found ourselves in a combat zone of our own.

It doesn't seem like it has been 6 whole months since a crazed gunman walked onto our field and started shooting at us. But the reason I want to bring that up today is because every person on that field that day who was shot at is still in this House today and still walking around in Washington, D.C.

By the grace of God, we were protected during that time, and I just want to thank everyone for their prayers and support, and those who responded to that event and came out and saved the lives of many of us.

STEVE SCALISE, the whip whom we serve with here; Matt Mika, one of our staff members; Zack Barth, a congressional staffer; and Capitol Police Special Agent Crystal Griner all were wounded during that battle, and it really was a battle.

But I also want to highlight some of those who did not leave the field that day, who stayed and helped others; people like my good friend from Mississippi, Congressman TRENT KELLY, an Army Reservist, who, when he identified the shooter, did not panic, but he alerted others, and then eventually led many to safety behind a concrete building.

Representative MO BROOKS stayed and helped apply a tourniquet to Zack Barth who had been shot in the calf.

Representative BRAD WENSTRUP, who is also a colonel in the Army Reserves, a combat doctor, was out on the edge of the field and could have easily run away, but he stayed and was one of the first to be able to run out and give aid to STEVE SCALISE out on the field as he lay near second base.

Retired Lieutenant General Representative JACK BERGMAN was able to actually lead several of our players and staff members to safety inside of the dugout away from the gunfire.

Brian Kelly, a civilian staff member on the team, stayed with me throughout the gunfire as we tried to lend aid to Matt Mika who was lying next to the Capitol Police SUV throughout the entire incident.

Finally, my thanks go out to Special Agent David Bailey, who I personally watched on numerous occasions put his own life in danger as he would move

out into the line of fire to draw fire away from myself and Brian Kelly. He saw that, whenever the shooter was not shooting at Capitol Police, they were shooting at us so he would purposely move himself in the line of fire, and again, miraculously protected us, even as one of the rounds hit his cellphone which deflected away from his body.

Lastly, I want to thank the Alexandria Police Department, who came to our aid and eventually took down the shooter.

Moments like this are surreal to me and to others, and it is important that we go back and reflect and remember these moments. Because the only way that we can correct mistakes from our past, is if we go back and we relive them and we look at what caused this.

As we stand here today, one of the things that I see that we need in America that we have lost is the idea of civility. We have heard here on the floor today differing opinions regarding policy; ideas of what is good for this country, what is right for this country. That is part of the strength of this country. That is the freedom that we have, which is to bring different ideas.

The whole idea of this Chamber is to bring different ideas and different policy opinions to the floor and debate them, and those ideas and opinions that have the support of a majority of the Members are moved forward.

But at some point in the past, we have transitioned beyond just arguing over ideas and we bring rhetoric that is distasteful. We attack the person and their families. I just believe that we can do a whole lot better in this Nation if we, once again, find the ability to agree to disagree and respect the rights, freedom, and the liberty of the other person to have their opinion. If we can do that, then we can engage in discourse and we will lessen the amount of violence that we see that is driven by political rhetoric.

That would be the message that I would pass off to America on the anniversary of the shooting because that is the idea that people like John Yates lived their lives for and fought their battles for, was for the freedom that we have in this Nation to continue to exist.

I believe America's greatest days are ahead of us, but we have got a little work to do to actually grasp hold of it.

Mr. Speaker, I thank you for allowing me to honor the memory of my good friend and colleague, John Yates.

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

FEDERALISM ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I heard my colleagues across the aisle dis-

cussing the issue of Special Counsel Mueller. Since there are one or two possibilities about some of the things they said regarding Republicans, especially on a committee, either Mr. COHEN's memory is terrible or he is falsely, intentionally misrepresenting things.

I am not saying that is the case. I am saying it is one or the other, and I will get to that momentarily.

The hearing we had this week in the Judiciary Committee with Deputy Attorney General Rod Rosenstein was deeply troubling to those who want the Department of Justice to be about justice; those who want to see the FBI be that great arbiter, that great entity that will ensure that justice is done. We need an entity like that.

The ATF, their reputation was sorely soiled back during the attack by the ATF on Waco at the facility where some folks had been sucked into basically a cult. It didn't have to happen. And as we found out, local law enforcement said that they knew that David Koresh went to Sam's Club right there on Belle Meade—I think they said Tuesday. And if the ATF had told us they wanted to arrest him, we could have helped them arrange to pick him up as he walked out of Sam's Club with grocery sacks in his arms. There would have been no incident. No lives would have been lost, no children burned up in a fire, no people killed. It was so unnecessary, but the ATF apparently wanted to make a point and wanted to have a big show. Actually, there were constitutional issues there.

I read in the paper that a gentleman who served with me at Fort Benning in Georgia, during my time in the Army, had advised the post commander out at Fort Bliss that he should not allow the U.S. Army tanks or equipment to be used, in violation of the posse comitatus, unless he had a direct order from the President himself.

As we found out after the fact, the President made clear that: Oh, that was Reno's deal. You have to talk to her about that.

So, clearly, he did not order the U.S. military to use equipment and allow their equipment to be used against civilian American citizens. So there were all kinds of terrible things that came out and it really made the ATF look bad.

□ 1415

I was a fan of the ATF, the Federal ATF. I knew them to have done some great things, and I had some very dear friends, and still do have some very dear and very great friends, who are in the ATF.

But the point is that such horrendous judgment in the ATF set up what they knew or should have known would probably result in losses of lives, including severe injuries to ATF themselves. I don't think they lost anybody,

but they certainly were severely wounded and treated there in Waco. But that kind of outrageous judgment that puts political and news interests ahead of just doing the job and seeing justice done ends up being such a terrible blot on the reputation of any entity that it is hard to work back from that.

I still hear people who refer to that incident nearly 25 years ago, and still it is such a blot on the ATF that it is hard for people to consider the ATF without thinking how terribly, just inappropriate, the ATF acted at times and caused people to wonder: Is that the general rule, or was that an exception? People, after some other episodes, began to think it is the rule with the ATF. Some claim: Let's get rid of it.

What has gone on now and is currently going on now with the Deputy Attorney General taking all three positions that he sees no evil, he hears no evil—he doesn't know of any evil going on. He thinks everything is like the poet said: "God's in His Heaven, all's right with the world." I believe the author had a little girl saying that.

But it is not right with the world. It is terribly wrong. America and the world sit in a position of Western civilization where potentially the most incredible and amazing strides in healthcare, in energy, and all kinds of areas of life on this Earth have been made better exponentially, and the United States of America is at the very heart of those great developments.

A majority in the United States throughout our history would always say: We call those blessings from God.

Now, maybe it is and maybe it isn't a majority, but we are ever getting closer to a position where this grand experiment in self-judgment is potentially on the verge of being lost. History is not being taught as zealously as it once was. Places like Hillsdale College or Liberty or Regent, there are some places where it is being taught. I had fantastic history teachers, which is what I majored in at Texas A&M because I knew I was going to do 4 years in the Army, at least, and if we were at war when my 4 years were up, I would have continued to serve.

But our students don't know history anymore. Why? Because President Carter decided that the Federal Government intervention into education, even though it is not an enumerated power under the Constitution, and it is, therefore, a power that is reserved to the States and the people and not the Federal Government, we have been acting extra-constitutionally, that means outside the Constitution, for quite some time going back to the late seventies under President Carter.

Our students have suffered as a result. They don't know history. Someone had advised me that even though history is not an important part of the federally mandated test, there are

things that in different subjects are mandated by the Federal Government. Here is an element that students should know about the subject. I was advised that the one area that the federally mandated test, the only area historically that students were required to know, is that when the United States dropped two atomic bombs, one on Hiroshima and one on Nagasaki, it raised serious questions about the United States' morality, which is absolutely fictitious unless the ignorance of the authors requiring such a thing did not allow them to know the truth.

The truth is that Truman was advised that because the Emperor of Japan had ordered the Japanese people to fight for their homes to the death, then the Allied Forces would have to land in Japan. They would have had to move across the country, and it was considered a very fair and possibly quite conservative estimate that there could be 10 million people losing their lives if Allied Forces had to land and were fighting the Japanese people home to home to home.

So the morality of the issue is: Would we morally be better off in this absolute war that the Japanese started against the United States, would we be better off losing the horrible tragedy of 300,000 or so lives, or would we be better off having 5 or so million Japanese people killed and 5 or so million Allied Forces being lost?

The morally correct decision was that a Democrat, a man who apparently really wrestled with the issue from a moral standpoint, decided to put the American bombers at risk, those flying the planes and taking the atomic bombs, and to put 200,000 or 300,000 or so people at risk in an effort to avoid losing 5 million or so Japanese and an equal number or more of the Allied Forces. I think he made the correct moral decision.

So that doesn't raise moral issues about the United States. It raises ignorance issues about the federally mandated test. We would be so much better off if we got back to allowing local school boards to decide and States to decide—as they had been for many decades—deciding what their students should learn. That was the beauty of a federalist situation where States would have so much power.

But as is often the case when the Federal Government takes over an area like education, then it gets worse. I was on the board of directors of the Texas A&M Association of Former Students, and I can recall the president advising us that the official SAT had to change the scoring system for the SAT because students across the board were doing so much worse than they did when classes around my era, in the 1970s, had done, that we had done, overall, so much better than the students who came through after the Federal Government took over education.

So I don't know if it was accurate, but I had educators back at that time say that there is a formula; so it is hard to say. But if you scored, say, 1,400 out of 1,600 on the SAT in the seventies, then under the new scoring system it would probably be scored closer to 1,600, 1,500 to 1,600, maybe a couple hundred points that they had to add to the system, because after we had a Federal Department of Education, then students started doing worse. So to keep it from looking like the Department of Education here in Washington made education as poor as it helped to do, we had to raise the SAT scores basically on an arbitrary basis.

We know that the students coming through in the eighties, nineties, and then this new millennium have the potential to do better than we ever did, but because the Federal Government got involved, I don't think it is just a great irony when the Federal Government took over education under President Carter that, wow, ironically, isn't it amazing, at the same time students were doing worse and worse. So that is what often happens when the Federal Government gets involved.

We saw that with Waco. If they had gotten the help of the local law enforcement, there would have been no loss of life, in all reality, but the ATF was going to bust in and make a big show out of it, and it cost an awful lot of lives.

You would like to think that, when the FBI comes in, you don't have to worry, they are going to do the right thing. I know so many incredible, outstanding FBI agents. But for Mr. COHEN to continue to say, even after he has been advised and reminded that I have been raising Cain about Robert Mueller for over a decade, I guess, he came in, sworn in in January of '07, as I understand it. Initially, when I questioned Robert Mueller as FBI Director when I first got to Congress, I was carrying that image of the great FBI, the image that so many of the agents still carry, thousands of them still carry, but with more and more difficulty because of the cesspools that have developed here in Washington and the way in which it has been used, as we saw with the IRS, during the Obama administration, weaponized and used as a political instrument.

Now, how do we know that? We didn't know near as much as we continue to find out, but Robert Mueller ran off thousands of years of experience, and I contend it was because he wanted nothing but yes people. He didn't want the experienced people around the country who might try to point out to the director when he made one of his many mistakes as FBI Director or chose software programs, chose law enforcement programs that created problems because they had more experience than he did, he did not really want people around the country to have more expe-

rience than he did because they might question something that he ordered inappropriately, and he just wanted people to salute him, salute the flag, figuratively speaking, and drive forward.

That means when Mueller wanted somebody to bust down the door in the middle of the night, even though there was no threat of the individual fleeing, no threat of the individual hiding evidence, it was done, as we are now seeing the Mueller special counsel group, team, SWAT unit, unofficial SWAT, of course, but we are seeing them use these types of tactics.

Now, I don't really know Paul Manafort. He doesn't seem like a fellow that I would enjoy getting along with. Nonetheless, it certainly appeared that he was very materially mistreated because Mueller wanted to make sure he got his point, and he knocked down the door, or at least went in in the middle of the night, however they got in. We have heard this before, this heavy-handed Federal Government, and there was no reason for that other than bullying, mean, Federal agents at the top wanting to bully people around.

We saw that kind of conduct with Mike Flynn as he was set up. He had been, as part of the transition team, talking to people at the FBI about different issues, and now we know Strzok was part of that, this man that absolutely loathed President-elect Trump, he loathed everything about Trump and those he was going to be bringing into office. We didn't know how badly they despised or loathed the President and Republicans supporting him until we got more information.

□ 1430

But these kind of things are things that Robert Mueller should have known. He should have known the Department of Justice's reputation and hope for being considered righteous was all riding on him and what he did. Yet he rode in with his black hat—figuratively, for those in the mainstream media who don't understand those type of references—and he began to overreach.

We heard yesterday from the guy that appointed Mueller, Rod Rosenstein, that, to have a special counsel, you have to believe that a crime was committed. So it would seem to reason that Mueller was appointed to investigate something that they had reason to believe that possibly a crime had been committed.

Yet because of whether it is incompetence or zeal in wanting Mueller to go on a witch hunt, to just keep searching until you find something, even if it is a poor guy like Scooter Libby who devoted his life to helping his country, we need somebody's scalp. It doesn't look like Donald J. Trump was colluding with the Russians, so we have got to have somebody's scalp. Let's intimidate some people. Let's

bully our way into homes in the middle of the night. Let's do whatever we have got to do and maybe we will scare somebody into admitting something.

Like many are saying, Michael Flynn didn't lie. To be a lie, you have to have intent to deceive. But whether they are right or wrong about that, the word is he was bankrupted by an overzealous bully.

All my friends on the left are talking about bullying. I was small for my age. In my class, I was bullied. I had a black eye, a bloody nose. A fifth grade teacher, after a big bully took my football and I tried to get it back and ended up with a bloody nose and a black eye—our teacher loved the bully back then—pulled me in front of class while I was trying to get my nose to stop bleeding and told the class: This is what happens when little boys try to play with big boys.

I know something about being bullied and I recognize it in a government group when I see it. The Mueller team has been bullies, but that is what Mueller wanted. Why do you think he went and hired Weissmann, who destroyed thousands and thousands of employees' lives who worked for Arthur Andersen in a joust at windmills that cost these people their livelihoods, caused more pain and suffering than imaginable, for what the Supreme Court said, 9-0: You are a fool. This was not a crime. You made this up?

That is who Mueller wanted on his team. This is the same Robert Mueller, as I have been pointing out for years, who has been grossly unfair in running off the thousands of years of experience that he did so he could have great people, wonderful people.

Not only were they new and young, but he was eliminating the older folks who had the experience that could bring them along, because Mueller wanted them created in his image and to get rid of all the wisdom of the ages that could be found throughout the FBI before he took over.

I am sure there are a bunch of people that needed to go, but you don't destroy an entire entity like the Federal Bureau of Investigation just because you want a bunch of yes men. That is what Bob Mueller did. That man shouldn't have been close to being a special counsel. He couldn't stand Trump.

As the Washingtonian magazine was glorifying James Comey—I believe it was in a 2013 issue where they said, basically, in essence, if the world were burning down, James Comey knew that the one person who would be standing with him would be Bob Mueller—Comey is the very guy who admitted leaking information out in order to try to get a special counsel appointed.

As I covered with Mr. Rosenstein yesterday, this is part of an FBI typical employment agreement. Everybody is supposed to sign this thing and swear

to it: "All information acquired by me in connection with my official duties with the FBI and all official material to which I have access remain the property of the United States of America. I will surrender upon demand by the FBI, or upon my separation from the FBI, all materials containing FBI information in my possession."

If a man like Comey goes to a meeting in his official capacity of FBI Director with the President of the United States and he comes out of this and types up a memo, even though it appears it was a pretty less than unbiased memo trying to make President Trump look bad, so he commemorates it with a memo, that memo, as I discussed with Mr. Rosenstein yesterday, is probably government property. That is government information, government property. And the question is: Did he commit a crime when he leaked that information?

There is a decent chance it is, yes.

So where is the FBI in its investigation of James Comey's potential crime?

When you look at the record and you go back, now we know from that one incident this is the person to whom he leaked, and then that got to The New York Times. Well, here is another meeting where he was the principal character there, the most likely person to have leaked.

Well, lo and behold, his same conduit for leaking information that he has admitted to ends up being in place in this story. There may be at least six other places where he has leaked information, and some of them will be crimes, but because the special counsel was all about trying to strip the winner of a Presidential election, we are not going after Comey. We are not going after any of these other people. They are trying to find something.

As we know from the text messages of FBI Agent Strzok, they wanted an insurance policy so that, in case Trump won, they could still get rid of him. Poor Strzok believed that no one in this country should vote—not a single person, not even Donald Trump's family—should vote for him. It ought to be 100 million to zero.

But, Mr. Speaker, it is so clear, in my days of trying cases in Federal court and State court, where you are asking questions of a jury panel to see who would be fair enough to sit on a jury, we can see that these people who were working and have been—and some still are—for the FBI, for the Department of Justice, have no business getting close to this investigation unless they are a target of investigation.

Andrew Weissmann should never have been a part of the special counsel team.

Peter Strzok, this is only some of the text message he sent, but he says:

He asked me who I'd would vote for, guessed Kasich.

It goes on:

God Trump is a loathsome human.

Yet he may win.

Good for Hillary.

It is.

Would he be a worse President than Cruz? Trump? Yes, I think so.

This, of course, is an exchange between Peter Strzok, or PS, and his mistress, Lisa Page, who is also working for the FBI. These people had done irreparable damage to the FBI. But worse than that, they have made a mockery of justice in the United States.

What really gets me is I know how upset I was in the Bush administration when I saw somebody doing wrong. I didn't care if he was appointed by a Republican or a Democrat. I didn't care that President Bush had appointed a man or a woman to a position. What I cared about was them being righteous and doing the right thing.

Now, where is my Democratic friend who will stand up and say this isn't right?

We know Alan Dershowitz, a great Democrat, brilliant intellect, has done it. But where are people across the aisle who would do what I did during the Bush Presidency, pick up the phone and say: This is an outrage. What has happened under this Attorney General should never have happened. He has got to go?

Where is the Democrat who has a sense of moral outrage when the justice system is just shaken to its core by people who want to take out a President because they didn't support him, they didn't want him to be there, they didn't think any American should vote for him, and they are destroying the sense of justice and our justice system?

It is time for Americans to wake up. It is time to clean house, get rid of Mueller, and get some fair people in there to investigate.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded that remarks in debate in the House may not engage in personalities toward the President, whether originating as the Member's own words or being reiterated from another source.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 15, 2017, at 5:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2017-0563; FRL-9969-16] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3391. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's temporary final rule — Investment Company Reporting Modernization [Release Nos.: 33-10442; 34-82241; IC-32936; File No.: S7-08-15] (RIN: 3235-AL42) received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ziram; Pesticide Tolerances [EPA-HQ-OPP-2016-0536; FRL-9970-38] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3393. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2017-0196; FRL-9970-92-Region 9] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3394. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2016-0600; FRL-9968-95] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3395. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ethofumesate; Pesticide Tolerances [EPA-HQ-OPP-2016-0314; FRL-9969-13] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3396. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nitrpyrin; Pesticide Tolerances [EPA-HQ-OPP-2016-0295; FRL-9967-73] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3397. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyethyleneimine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2016-0616; FRL-9970-06] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3398. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Emission Reduction Credit Banking [EPA-R09-OAR-2017-

0130; FRL-9970-68-Region 9] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3399. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2016-0740; FRL-9970-93-Region 9] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3400. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Revision of Air Quality Implementation Plans; State of New York; Regional Haze State and Federal Implementation Plans [EPA-R02-OAR-2017-0013; FRL-9971-28-Region 2] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3401. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; ID; 2012 PM2.5 Standard Infrastructure Requirements [EPA-R10-OAR-2015-0856; FRL-9971-33-Region 10] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1,3-dibromo-5,5-dimethylhydantoin; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-1033; FRL-9968-30] received November 28, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3403. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting Certification Related to Condition 7(C)(i) of Senate Executive Resolution 75 (1997) Concerning Advice and Consent to the Ratification of the Chemical Weapons Convention; to the Committee on Foreign Affairs.

3404. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting 21 notifications of a federal vacancy, designation of acting officer, nomination, action on nomination, and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3405. A letter from the Secretary, Department of Labor, transmitting the Department's Office of Inspector General Semi-annual Report to Congress for the period April 1, 2017, through September 30, 2017, pursuant to the Inspector General Act of 1978, as amended, Public Law 95-452; to the Committee on Oversight and Government Reform.

3406. A letter from the Vice President, Congressional and Public Affairs, Millennium Challenge Corporation, transmitting the Corporation's Agency Financial Report for FY 2017, including annual audited financial statements, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3407. A letter from the General Counsel, Executive Office for Immigration Review,

Department of Justice, transmitting the Department's final rule — Procedures Further Implementing the Annual Limitation on Suspension of Deportation and Cancellation of Removal [EOIR Docket No.: 180; AG Order No.: 4034-2017] (RIN: 1125-AA25) received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

3408. A letter from the Chief, Trade and Commercial Regulations Branch, U.S. Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Donations of Technology and Related Support Services To Enforce Intellectual Property Rights [USCBP-2016-0076] [CBP Dec. 17-21] (RIN: 1515-AE21) received December 12, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3409. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that, by reason of the statutory debt limit, the Secretary will be unable to fully invest the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(1)(2); Public Law 89-554, Sec. 8348(1)(2) (as added by Public Law 99-509, Sec. 6002(c)); (100 Stat. 1933); jointly to the Committees on Ways and Means and Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follow:

Mr. HENSARLING: Committee on Financial Services. H.R. 4292. A bill to reform the living will process under the Dodd-Frank Wall Street Reform and Consumer Protection Act; with an amendment (Rept. 115-465). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TIPTON:

H.R. 4642. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to include in the Veterans Choice Program all veterans enrolled in the patient enrollment system of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEFazio:

H.R. 4643. A bill to amend title 49, United States Code, with respect to the duties of the Administrator of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GIANFORTE:

H.R. 4644. A bill to withdraw certain National Forest System land in the Emigrant Crevice area located in the Custer Gallatin National Forest, Park County, Montana, from the mining and mineral leasing laws of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. GIANFORTE:

H.R. 4645. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon

County, Montana, as components of the Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. PALMER (for himself, Mr. BYRNE, Mrs. ROBY, Mr. ROGERS of Alabama, Mr. BROOKS of Alabama, Mr. ADERHOLT, and Ms. SEWELL of Alabama):

H.R. 4646. A bill to designate the facility of the United States Postal Service located at 1900 Corporate Drive in Birmingham, Alabama, as the "Lance Corporal Thomas E. Rivers, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY (for himself and Mrs. DINGELL):

H.R. 4647. A bill to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes; to the Committee on Natural Resources.

By Mr. EMMER (for himself and Mr. HULTGREN):

H.R. 4648. A bill to delay the effective date of certain regulations relating to home mortgage disclosures, to suspend certain data sharing requirements, and for other purposes; to the Committee on Financial Services.

By Mr. MICHAEL F. DOYLE of Pennsylvania (for himself, Mr. COSTELLO of Pennsylvania, and Mr. TAKANO):

H.R. 4649. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for energy storage technologies, and for other purposes; to the Committee on Ways and Means.

By Mr. AGUILAR (for himself, Ms. TITUS, and Mrs. WATSON COLEMAN):

H.R. 4650. A bill to amend the Homeland Security Act of 2002 to develop and make available guidance relating to domestic preparedness for and collective response to terrorism regarding active shooter and mass casualty incident response assistance, and for other purposes; to the Committee on Homeland Security.

By Mr. BIGGS (for himself, Mr. POSEY, Mr. HARRIS, and Mr. SCHWEIKERT):

H.R. 4651. A bill to provide that the final rule of the Bureau of Consumer Financial Protection titled "Home Mortgage Disclosure (Regulation C)" shall have no force or effect; to the Committee on Financial Services.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mr. ROE of Tennessee, Mr. COHEN, Mr. DUNCAN of Tennessee, Mrs. BLACK, Mr. FLEISCHMANN, and Mr. KUSTOFF of Tennessee):

H.R. 4652. A bill to amend title XIX of the Social Security Act to make permanent the Tennessee disproportionate share hospital (DSH) allotment under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. CARTWRIGHT:

H.R. 4653. A bill to provide for a prescription drug take-back program for members of the Armed Forces and veterans, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, the Judiciary, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRAMER (for himself, Mr. LOEBSACK, Mr. EMMER, Mrs. NOEM, and Mr. PETERSON):

H.R. 4654. A bill to amend the Agricultural Act of 2014 to require the Secretary of Agriculture to use certain data in determining an actual or benchmark county yield, and for other purposes; to the Committee on Agriculture.

By Mr. DONOVAN (for himself, Mr. JOHNSON of Ohio, Mr. MARINO, Mr. RUTHERFORD, Ms. BARRAGAN, Ms. TENNEY, Mr. BACON, Mr. KING of New York, Mr. STEWART, Ms. KUSTER of New Hampshire, Miss RICE of New York, Mr. GOWDY, and Mr. BISHOP of Utah):

H.R. 4655. A bill to amend title 18, United States Code, to prohibit the importation or transportation of child sex dolls, and for other purposes; to the Committee on the Judiciary.

By Ms. HERRERA BEUTLER (for herself and Mr. KILMER):

H.R. 4656. A bill to extend a prohibition relating to permits for discharges incidental to the normal operation of certain vessels; to the Committee on Transportation and Infrastructure.

By Mr. KING of New York (for himself and Mr. MEEKS):

H.R. 4657. A bill to amend title 11 of the United States Code, to allow full subrogation, including subrogation to the priority rights of the United States, of claims for the payment of customs duties; to the Committee on the Judiciary.

By Mr. KRISHNAMOORTHY (for himself and Mr. TAKANO):

H.R. 4658. A bill to provide consumer protections for students; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUETKEMEYER (for himself, Mr. LUCAS, Mr. VELA, Mr. O'HALLERAN, and Mr. DAVID SCOTT of Georgia):

H.R. 4659. A bill to require the appropriate Federal banking agencies to recognize the exposure-reducing nature of client margin for cleared derivatives; to the Committee on Financial Services.

By Mrs. WAGNER (for herself, Ms. FOXX, Mr. CONAWAY, Mr. BRADY of Texas, Mr. YOHIO, Mr. LAMBORN, Mr. BABIN, Mr. WILSON of South Carolina, Mr. YODER, Mr. ROKITA, Mr. LUETKEMEYER, Mr. MOONEY of West Virginia, Mr. JODY B. HICE of Georgia, Mrs. BLACK, Mr. BILIRAKIS, Mr. DUNCAN of South Carolina, Mr. ROSKAM, Mr. JOHNSON of Ohio, Mr. ROTHFUS, Mr. SMITH of New Jersey, Mrs. BLACKBURN, Mr. GIBBS, Mr. ABRAHAM, Mr. MULLIN, Mr. BYRNE, Mr. HUIZENGA, Mr. NORMAN, Mr. MESSER, Mr. GOSAR, and Mrs. HARTZLER):

H.R. 4660. A bill to prohibit discrimination against the unborn on the basis of sex, and for other purposes; to the Committee on the Judiciary.

of Texas to identify federal regulations promulgated during the last eight years, especially those promulgated under the authority of the Environmental Protection Agency, the United States Department of the Interior, and the United States Department of Energy, and determine whether they should be revised, delegated to state agencies, or eliminated in order to ease the overly burdensome regulatory patchwork on the oil and gas industry in Texas; to the Committee on Oversight and Government Reform.

149. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 37, urging the Congress to increase appropriations from the Harbor Maintenance Trust Fund to ensure that the nation's ship channels are appropriately maintained and safe; to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. TIPTON:

H.R. 4642.

Congress has the power to enact this legislation pursuant to the following: section 8 of article I of the Constitution

By Mr. DeFAZIO:

H.R. 4643.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3, and Clause 18 of the Constitution.

By Mr. GIANFORTE:

H.R. 4644.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. GIANFORTE:

H.R. 4645.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. PALMER:

H.R. 4646.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7

The Congress shall have Power To . . . establish Post Offices and post Roads . . .

By Mr. FORTENBERRY:

H.R. 4647.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for this bill is pursuant to Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. EMMER:

H.R. 4648.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. MICHAEL F. DOYLE of Pennsylvania:

H.R. 4649.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

148. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 26, urging the executive branch and the Congress to work in conjunction with the State

By Mr. AGUILAR:

H.R. 4650.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 18 of the United States Constitution.

By Mr. BIGGS:

H.R. 4651.

Congress has the power to enact this legislation pursuant to the following:

Article I of the U.S. Constitution

By Mrs. BLACKBURN:

H.R. 4652.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. CARTWRIGHT:

H.R. 4653.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 1 of the Constitution states The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. CRAMER:

H.R. 4654.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is in clause 18 of section 8 of article I of the Constitution. Also, clause 3 of section 8 of article I of the Constitution.

By Mr. DONOVAN:

H.R. 4655.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and/or Article I, Section 8, Clause 18.

By Ms. HERRERA BEUTLER:

H.R. 4656.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution.

By Mr. KING of New York:

H.R. 4657.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. KRISHNAMOORTHY:

H.R. 4658.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Subsection 18: 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LUETKEMEYER:

H.R. 4659.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests lies in Article 1, Section 7, Clause 2 of the Constitution, which allows for every bill passed by the House of Representatives and the Senate and signed by the President to be codified into law; and therefore implicitly allows Congress to repeal any bill that has been passed by both chambers and signed into law by the President.

Additionally, the Constitution grants to Congress the explicit power to regulate commerce in and among the states, as enumerate

in Article 1, Section 8, Clause 3, the Commerce Clause.

By Mrs. WAGNER:

H.R. 4660.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause

Section 8 of Article I to make all laws necessary and proper for the carrying into execution of powers vested by the Constitution in the Government of the United States

Section 5 of the 14th Amendment

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 113: Mr. YOUNG of Iowa.

H.R. 519: Mr. CURTIS.

H.R. 632: Mr. RUIZ, Mr. SCHIFF, and Mr. GOTTHEIMER.

H.R. 866: Mrs. CAROLYN B. MALONEY of New York.

H.R. 1192: Mr. GIBBS, Mr. PEARCE, and Mr. GRAVES of Georgia.

H.R. 1205: Mr. FITZPATRICK, Mr. DENHAM, and Mr. HIGGINS of Louisiana.

H.R. 1243: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. COLLINS of New York.

H.R. 1318: Mr. FITZPATRICK and Mr. POLIQUIN.

H.R. 1456: Mr. FLEISCHMANN, Mr. MITCHELL, and Mr. DUNCAN of Tennessee.

H.R. 1457: Mr. GOTTHEIMER and Ms. VELÁZQUEZ.

H.R. 1487: Mr. PERLMUTTER.

H.R. 1528: Mr. SABLAN.

H.R. 1664: Mrs. CAROLYN B. MALONEY of New York and Mr. ESPAILLAT.

H.R. 1825: Mrs. BROOKS of Indiana, Mr. BERA and Mr. COHEN.

H.R. 1836: Mr. MEEKS.

H.R. 1861: Mr. AL GREEN of Texas.

H.R. 1889: Mrs. MURPHY of Florida.

H.R. 1896: Mr. PETERS.

H.R. 2215: Mrs. CAROLYN B. MALONEY of New York.

H.R. 2219: Mr. SIRES, Mr. HULTGREN, and Mr. POE of Texas.

H.R. 2267: Mr. GUTIÉRREZ.

H.R. 2295: Mr. KILDEE.

H.R. 2340: Mr. FITZPATRICK.

H.R. 2366: Mr. MCGOVERN.

H.R. 2401: Mr. FITZPATRICK.

H.R. 2569: Mr. KRISHNAMOORTHY.

H.R. 2584: Ms. GRANGER and Mr. KIND.

H.R. 2640: Mr. SWALWELL of California and Mr. DESAULNIER.

H.R. 2646: Mr. POE of Texas.

H.R. 2651: Mr. ROUZER.

H.R. 2719: Ms. BLUNT ROCHESTER, Ms. FRANKEL of Florida, and Mr. BLUMENAUER.

H.R. 2740: Mr. WITTMAN and Mr. COURTNEY.

H.R. 2813: Mr. POCAN.

H.R. 2826: Mr. CARTER of Georgia.

H.R. 2851: Mr. MITCHELL.

H.R. 2899: Mr. GOMEZ.

H.R. 2902: Ms. CLARKE of New York.

H.R. 2996: Mr. BUCK.

H.R. 3032: Mr. RUIZ and Mr. KENNEDY.

H.R. 3079: Mrs. LOVE.

H.R. 3255: Ms. PINGREE.

H.R. 3282: Mr. BERGMAN.

H.R. 3320: Mr. YODER.

H.R. 3444: Mr. LOWENTHAL.

H.R. 3495: Mr. LOEBSACK, Ms. CASTOR of Florida, Ms. ESHOO, Mr. THOMPSON of Cali-

fornia, Mr. DESAULNIER, and Mr. BLUMENAUER.

H.R. 3545: Mr. HOLDING.

H.R. 3576: Mr. MITCHELL and Mr. SMITH of Missouri.

H.R. 3596: Mr. BROWN of Maryland.

H.R. 3600: Mr. SAM JOHNSON of Texas.

H.R. 3666: Mr. DEFazio.

H.R. 3776: Mr. FRANCIS ROONEY of Florida.

H.R. 3798: Mr. YOUNG of Iowa and Mr. NEWHOUSE.

H.R. 3806: Mr. BRADY of Pennsylvania.

H.R. 3851: Mr. WILSON of South Carolina.

H.R. 3881: Mr. RUIZ.

H.R. 3913: Mrs. NAPOLITANO, Mr. BEN RAY LUJAN of New Mexico, and Ms. SCHAKOWSKY.

H.R. 3931: Mr. KENNEDY.

H.R. 4072: Mr. RUIZ.

H.R. 4143: Mr. JOHNSON of Georgia.

H.R. 4202: Mr. GOMEZ, Ms. ROYBAL-ALLARD, and Ms. WASSERMAN SCHULTZ.

H.R. 4207: Mr. POLIS and Mr. GIBBS.

H.R. 4221: Mrs. COMSTOCK.

H.R. 4222: Ms. SLAUGHTER.

H.R. 4229: Mr. ROKITA, Mr. PITTENGER, Mr. COMER, and Mr. HIGGINS of New York.

H.R. 4265: Mr. GRAVES of Georgia.

H.R. 4306: Ms. BONAMICI.

H.R. 4328: Mr. SEAN PATRICK MALONEY of New York.

H.R. 4360: Mr. DELANEY.

H.R. 4392: Mr. MARINO, Ms. PINGREE, Mr. FASO, Mr. WITTMAN, and Mr. DUNCAN of Tennessee.

H.R. 4396: Mr. GALLEGO.

H.R. 4437: Mr. FRANCIS ROONEY of Florida.

H.R. 4444: Mr. CLAY and Mr. SIRES.

H.R. 4459: Mr. GARAMENDI.

H.R. 4473: Mrs. RADEWAGEN.

H.R. 4474: Mr. LAWSON of Florida and Mr. ESPAILLAT.

H.R. 4485: Mr. PALLONE and Mrs. DEMINGS.

H.R. 4505: Ms. SPEIER.

H.R. 4506: Mr. KHANNA.

H.R. 4518: Mrs. MURPHY of Florida, Mr. CÁRDENAS, Ms. JUDY CHU of California, Ms. MENG, Mr. RASKIN, Mr. SERRANO, Mr. WELCH, Mr. MEEKS, Ms. JAYAPAL, Mr. HASTINGS, Mr. QUIGLEY, Ms. BASS, Mr. RYAN of Ohio, Mr. FOSTER, Mr. NORCROSS, Ms. SÁNCHEZ, Mr. VARGAS, Ms. ESTY of Connecticut, Mr. SWALWELL of California, Mrs. DINGELL, Ms. LOFGREN, Mr. SIRES, Mr. LANGEVIN, Mr. KIHUEN, Ms. CLARK of Massachusetts, Ms. BROWNLEY of California, Mr. CLEAVER, Mr. CARBAJAL, Mr. CONNOLLY, Mr. ESPAILLAT, Miss RICE of New York, Mr. SCHNEIDER, Mr. YARMUTH, and Mr. MCNERNEY.

H.R. 4526: Mr. DESJARLAIS.

H.R. 4527: Mr. MCGOVERN.

H.R. 4541: Mr. BISHOP of Georgia, Ms. SEWELL of Alabama, Mr. WELCH, Ms. LOFGREN, Mr. BLUMENAUER, and Mr. CICILLINE.

H.R. 4545: Mr. GOTTHEIMER.

H.R. 4547: Ms. JENKINS of Kansas.

H.R. 4573: Ms. ROSEN, Mr. BEYER, and Mr. BLUMENAUER.

H.R. 4616: Mr. MESSER.

H.R. 4633: Mrs. HARTZLER.

H.J. Res. 33: Mr. KIHUEN, Ms. ESTY of Connecticut, Mr. GOMEZ, Mr. QUIGLEY, and Mr. LANGEVIN.

H.J. Res. 121: Mr. ALLEN.

H. Con. Res. 63: Mrs. DINGELL.

H. Res. 274: Mr. BILIRAKIS.

H. Res. 495: Mr. BRADY of Pennsylvania.

H. Res. 528: Mr. PETERS and Mrs. LAWRENCE.

SENATE—Thursday, December 14, 2017

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, we are grateful for Your marvelous works and power. Keep us from becoming weary in doing what is right, as You remind us that a harvest of blessings is certain. Give strength to our lawmakers and bless them with Your peace. We praise You that You are the strength of our lives and we need not fear for the future. As You guide our Senators with Your wisdom, create in them a hunger and thirst for righteousness, preparing them to be filled with Your Divine nourishment. Lord, thank You for not withholding blessings from those who walk upright.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. STRANGE). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. McCONNELL. Mr. President, today the Senate will continue another

historic week confirming more of President Trump's impressive judicial nominees to the Federal bench—Steven Grasz, confirmed; Don Willett, confirmed. And soon we will add James Ho to the list by confirming him to serve on the Fifth Circuit Court of Appeals.

He is an exceptionally well-qualified nominee whose career in both public service and the private sector has garnered respect from both sides of the aisle. The former Democratic mayor of Dallas supported his nomination, calling him “among the most brilliant appellate lawyers in the United States.”

When we vote to confirm Mr. Ho, we will be adding another fair and impartial judge to the Federal bench, and by doing so, the Senate will take another important step to ensure that the Federal judiciary fulfills its proper role in our constitutional system. Each of them will be an asset to our Nation's courts.

Under Chairman GRASSLEY's leadership, the Senate Judiciary Committee has done outstanding work to move these judicial nominees to the floor. I am grateful for his efforts, and I urge all of my colleagues to join me in voting to confirm Mr. Ho soon.

FUNDING OUR MILITARY

Mr. President, on another matter, our Nation faces a myriad of threats from around the globe, and it is the Senate's responsibility to provide the service chiefs with the resources to train and equip our warfighters and to provide them with the resources they need to keep us safe.

The diverse challenges posed by Iran, China, Russia, North Korea, ISIL, al-Qaida, and its affiliates span the spectrum of warfighting, and our force must be trained and prepared to operate on sea, air, land, and in cyber space. These challenges were only compounded by the Obama administration's focus on reducing the size of our conventional force, withdrawing our forward presence, and placing an unrealistic reliance upon allies and Special Operations forces.

In stark contrast to the previous administration, this Republican-led Congress and the Trump administration have taken the initial steps to rebuild our military. We are working to ensure that the needs of the force are met and our servicemembers have the tools and training necessary to fulfill their missions.

In our ongoing discussions surrounding government funding, we must continue to prioritize our Nation's men and women in uniform. It is illogical for this Senate to repeatedly vote to pass National Defense Authorization

Acts at one level of authority and not meet that commitment with the necessary appropriations act; and this funding cannot be held hostage to the Obama-era demand that increases in defense funding be matched by equal increases in nondefense spending. Congress ignored that demand earlier this year, and we must do it again now.

The reason is simple: Under the Budget Control Act, the Department of Defense has received a disproportionate funding cut—and will again if Congress fails to come to an agreement. That type of blow would unacceptably diminish our military's readiness and damage our national security.

I hope that Members can work together to provide the necessary funds to our military—and to all parts of our government—so that the men and women of our all-volunteer force can continue to keep our country safe.

TAX CUTS AND JOBS BILL

Now, on a final matter, Mr. President, yesterday, Congress moved closer to delivering much-needed tax relief to American families and small businesses as Members of the House and the Senate held a public meeting of the Tax Cuts and Jobs Act conference committee. The conferees discussed the best way to provide tax reform to families and small businesses across our country. Throughout this process, we have focused on the middle class and on those left behind by the Obama economy—like many of the families in Kentucky who I represent.

By overhauling our broken and outdated Tax Code, we are working to seize this once-in-a-generation opportunity to grow paychecks, create more jobs, and help our economy reach its full potential. The plan before the conference committee will also end many of the perverse incentives for corporations to ship American jobs overseas. We want to bring those jobs and investments home and keep them here.

Once the committee completes its work to reconcile the differences between each Chamber's bill, every Member of Congress will have the opportunity to cast a vote to provide meaningful tax relief to middle-class Americans. That should be something we all can support. And when Congress does, this bill will go to the President's desk to become law.

I would like to thank every Member who has contributed to making tax reform a reality, following years of hearings and proposals and a multitude of amendments as this legislation proceeded through regular order.

This is a chance to work together to get the economy going again and lift

up the families that the Obama Administration's policies left behind. I hope that we can take this opportunity to move beyond partisanship to deliver real tax reform for the middle class. Many of the provisions of this bill are based on ideas that our friends across the aisle used to say they supported. I hope our friends will support them again.

I would like to once again commend the conferees for their work, and I look forward to voting on the committee report soon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. MORAN. Mr. President, I come to the floor to speak about business that is important to Kansas and important to the country but especially important to the providers of healthcare for children, the children, and their families who receive that coverage and care; that is, the Medicaid CHIP program. It was established in 1997.

I call to the attention of my colleagues the importance of us acting in the next several days in regard to the reauthorization extension of the CHIP program. It has helped provide coverage to children of low-income families in my State and those individuals who would otherwise be left without any insurance and most likely, in every case, the funds necessary to cover healthcare costs for the well-being of those young men and women.

This program is funded through a multiyear authorization that requires Congress to take action each time the program reaches the end of that authorization. The end of that authorization occurred on September 30, now several months ago. While I have been assured in my State that there are sufficient funds to get us through the end of the year, I am concerned. In fact, the belief is, we may have enough funds to pay for our insurance program through March. That certainly is probably not the case across the United States, and we need to act within a few short days. I hope this is an issue that is addressed, as the continuing resolution that funds the Federal Government expires on December 22. As we respond to that circumstance, we ought to respond to the expiration of the CHIP program that occurred on September 30.

Waiting to reauthorize that program has already created an unnecessary burden, but if we waited any longer, it would create even more unnecessary burdens for families of more than 9

million children who are currently receiving healthcare through that program.

Temporary funding measures have kept the program solvent since the program expired, but now is the time to act, to provide some certainty and make sure the funds continue to be available. In Kansas, it would leave about 79,000 children without coverage or other good options.

Many of our Nation's best children's hospitals serve a great deal of patients through that CHIP program. We are fortunate in our area to have Children's Mercy Hospital in Kansas City, and those hospitals and other providers rely upon the CHIP program to pay their bills as well. With all the costs associated with healthcare and with the inability of people to pay, the burden then falls upon hospitals and others to figure out how they survive. In Kansas, almost every hospital—127 of them in our State—continues to hang on by a thread, and some may not survive. This is another opportunity for us to strengthen and provide certainty that a mechanism will be in place so that when they provide care to children of Medicaid families, they will be reimbursed. That benefits all of us in our healthcare delivery system and provides more stability and more certainty in these challenging times for healthcare providers across Kansas.

I am happy the House of Representatives has passed reauthorization. They did their bill. It is now time for the Senate to act. The Finance Committee has taken its action, but this bill is still pending on the floor of the U.S. Senate. During this Christmas season, this holiday time, parents should not have to wonder what they will do in the absence of this insurance program that allows their children to receive routine care and, in many instances, lifesaving care.

Continuing to delay action on this bill is not in the best interest of the American people. It would be nice, it would be appreciated by Americans to see the U.S. Senate work on a program that has broad bipartisan support but still, for some reason, can't get it across the finish line. That finish line, I suppose, was September 30, but I would say that finish line is now the end of the year, and specifically December 22, with the CR expiring at that point in time. It is time for Congress to take action in that regard.

My plea on the Senate floor this morning is for the U.S. Senate to take legislative action and reauthorize this program, provide certainty, and care for our country's children who are, without this program, in significant jeopardy of having an absence of healthcare.

I appreciate the opportunity to address the U.S. Senate.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, on the year-end negotiations, they are making headway—that is good—but many issues still remain to be resolved.

We need to provide funding for community health centers, CHIP, and areas that have been hit by disasters. We need to pass a bipartisan deal to pair the Dream Act with border security and pass a budget deal that fully funds both our national security and our economic security, in the common parlance known as "parity."

If we don't lift the spending caps for defense and also urgent domestic priorities—jobs, the economy—both will come under the specter of sequestration. Lifting those spending caps in equal measure has been the basis of successful budget agreements going back several years.

There has been parity between defense and nondefense for the last three budget negotiations. That is how it ought to stay. That is what brought us to good agreements. That is what averted shutdowns. Unfortunately, it appears that the Freedom Caucus in the House, which doesn't represent the mainstream of America or even the mainstream of Republicans, is trying to derail another successful parity agreement. Unfortunately, Speaker RYAN, as he is doing far too often, to the detriment of the country and his party, is just following its lead.

Last night, the House posted what is called a CROmnibus—a very short-term extension of funding for jobs and economic development that will lead to cuts in those areas but a long-term extension and a large increase of funding for defense. This is merely a ruse that is designed to slash funding for education, healthcare, infrastructure, and scientific research—all things the Freedom Caucus doesn't want the government to fund—against the will of the overwhelming majority of Americans.

At this late hour, it is also an unfortunate waste of precious time. Earlier this week, 44 Senate Democrats sent a letter to our Republican colleagues that explicitly warned them that Democrats could not support such an approach. Because 60 votes are needed to advance a spending bill here in the Senate, House Republicans should have known not to waste everyone's time with a partisan spending bill that could never pass in the Senate.

The CROmnibus is nothing but a spectacle—a charade, a sop—to some

militant, hard-right people who don't want the government to spend money on almost anything. It is a perilous waste of time as the clock ticks closer and closer to the end of the year.

It is time for our Republican colleagues—especially in the House, where the Freedom Caucus is like the tail wagging the dog—to get serious about working with Democrats toward a real parity agreement. Every hour that the House spends on the CRomnibus is an hour that could be spent on our working on a deal to avert a shutdown and solve the many pressing issues that Congress must grapple with before the end of the year.

If Speaker RYAN decides to press forward with a CRomnibus, it will quickly fail in the Senate, and we can get back to negotiating a real bipartisan agreement that will provide certainty and full funding to both our national defense and the middle class. Speaker RYAN has gone along with this approach three times in a row—or the House Republicans have. I think RYAN was the Speaker for two of those three and was the chairman of the Ways and Means Committee for the third. Right now, Speaker RYAN is pursuing a dead-end strategy. Instead, we urge him to continue working with Democrats on a bipartisan, long-term agreement that will keep the government open and fund our major priorities—defense, with jobs and the economy on the other side.

By the way, even on the other side of the ledger, the things that affect our security, like the border and the FBI, are funded on the nondefense side, and you have to have security in every way in this terrorism-ridden world in which we live.

REPUBLICAN TAX BILL

Mr. President, a word on the Republican tax bill. On both process and substance, it appears that the Republicans' conference committee is making all the mistakes that the Republicans made when they passed their bill in the first place. Even though there is still not a final agreement on the text of the tax bill, Republican leaders promise a vote on the committee report as early as Monday of next week. I am not sure that my colleagues will have had enough time to have read and digested the bill that passed this Chamber a few weeks ago, let alone an entirely new conference report that will include many changes. It is the same rushed, awful process as before, and it can only result in mistakes and unintended consequences that could wreak havoc on the economy. Why are our Republican colleagues rushing this bill through? I think that they are ashamed of it.

Every day, the more people know about the bill, the more they don't like it. Just in the polling data today, it shows that the popularity of the bill continues to plummet, and a poll out

today said it is not just that the people do not like the bill but that those who vote for it will be affected at election time. The poll today asked people if they were more or less likely to vote for a Congressman who would vote for this bill or to vote for a Senator who would vote for this bill. Many in the public said that they were less likely to vote for a Congressman who would vote for this awful bill. The public knows that it is awful. Why? They know that Republicans are doubling down in this new proposal on the core mistake of their bill by tilting it even further in favor of the wealthy.

I saw on TV this morning a guy from the Club for Growth and a guy from—I forgot the name—another group. These are narrow, narrow groups that have very little support and that are funded by the hard-right group of billionaires who want to see their taxes cut. They don't even talk about what is in the bill. They try to talk about its being a job creator, but they dare don't say, like so many of my Republican colleagues, how disproportionately it goes to those in the upper incomes and not to the middle class.

Amazingly enough, behind closed doors, they have made a bad bill even worse. One of the most significant changes that have been made by the conference committee will be to lower the top tax rate 2 percentage points more than in the original bill. Let's help those millionaires get an even lower tax rate than they have now, for they are doing so poorly. This is crazy. There are a lot of wealthy people in America. God bless them. I don't resent their wealth, but they don't need a tax break. On the other hand, there are hundreds of millions of struggling middle-class people, and they could use that kind of money. Yet millions of people in this bill who are middle class, upper middle class, and who are struggling to be middle class get a tax increase. Instead of lowering the rate on the highest income people, why not use the money to help those in the middle?

Despite all of the concerns about raising middle-class taxes, which makes the bill as unpopular as I just mentioned, the one big thing that Republicans go back and change is the rate paid by the wealthiest of Americans. They lower it. When it comes down to a choice between the middle class and the wealthy and the middle class and big corporations, the Republicans just instinctively, atavistically—in a knee-jerk way—choose the wealthy and the powerful over the middle class. That is why they are struggling.

I believe that is why President Trump's numbers are as low as they have ever been. People are getting a feel—a smell—in that President Trump talks about the middle class, but when he acts, like in this tax bill, it is to help the wealthiest and the most pow-

erful. That happens with issue after issue.

I see that my colleague DICK BLUMENTHAL, the Senator from Connecticut, has come to the floor. He is going to talk about net neutrality, I believe. Again, help the big cable companies and the corporations, and make it harder for the middle class when it comes to cable service and the cost of cable.

Republicans claim that lowering the top rate is an attempt to address tax hikes that would result from their plan to gut the State and local deduction, but reducing the top rate only helps the very wealthy—couples who make over \$1 million in the last draft that we heard about—but they are already the prime beneficiaries of this tax plan.

I have a feeling that President Trump was hearing from his handful of wealthy friends who pay a lot in State and local taxes, many from my home State of New York. He decided, well, I will lower their taxes even more. But 99 percent of State and local deductions are taken by Americans with incomes under \$1 million. More than half of the taxpayers who take the SALT deduction make less than \$100,000. Reducing the top rate does nothing to help the 99 percent of taxpayers who take SALT. It only helps the top 1 percent, who make over \$1 million. But this is what, it seems, the President and our Republican colleagues in the House and the Senate keep doing.

As I have said from the start, eliminating or cutting the State and local deduction would hurt the middle class across the country. It would raise taxes on millions, lower home values for millions more, and gut our State and local programs—education, law enforcement, infrastructure. None of those programs were addressed in the conference. Instead, the richest Americans will likely get an even bigger tax break.

There is no reason to rush the bill through the Senate.

Tuesday night, as our Presiding Officer knows, we had an election in Alabama. This Chamber is waiting for the seating of a new Senator. Shouldn't the people of Alabama have their voices in the Senate present for a vote on the tax bill?

Again I would say to my friend the majority leader, slow down and wait for Senator-Elect Jones to arrive before taking any more votes on the tax bill. Democrats waited for Republican Senator Scott Brown in 2010, but now that the shoe is on the other foot, Republicans don't seem to want to do the same. It is the right thing to do, and it will give every Senator and the American people more time to consider the legislation.

NET NEUTRALITY

Finally, Mr. President, a word on the FCC's vote today on net neutrality. We depend on a free and open internet to spur innovation and job creation. Our

economy works best when innovators and entrepreneurs and businesses of all sizes compete on a level playing field. Net neutrality, very simply, says that everyone deserves the same, fair access to the internet. Consumers, small businesses, students, everyone from the elderly couple using Skype to talk to their grandchildren who are half a country away, to the startup company operating out of its founder's basement—everyone deserves the same access to and quality of internet as the big corporations.

When I was growing up in Brooklyn, my father owned a small exterminating business. If his competitor down the street had received a preferred electricity rate, he would have rightly been outraged, and the law would have protected him from unfair treatment. We don't reserve certain highways for a single trucking company, and we don't limit phone service to handpicked stores. We shouldn't reserve high-speed internet for a favored few corporations either. Yet now President Trump's appointed Chairman of the FCC, Ajit Pai, is on the verge of eliminating net neutrality, which will bring to an end the free and open internet that has enabled so many successful companies and has created so many jobs.

Our internet is the envy of the world. Why are we changing it in a way that could harm it? If net neutrality is eliminated, the internet may resemble a toll road, with the highest bidders cruising along private fast lanes while the rest of us inch along on a single, traffic-choked public lane. We could be forced to purchase internet packages, much like cable packages, and pay for more popular sites. It is hard to imagine an entrepreneur building the world's next revolutionary, billion-dollar company while she sits in bumper-to-bumper traffic online. It is hard to imagine that average consumers are going to get a good deal if internet service providers are unshackled and offer premium service to premium customers.

Again, President Trump talks one way and acts another. He talks like he is helping the middle class. He is fully supportive of the FCC and his hand-picked Chairman while he hurts the middle class and helps the big interests when it comes to the internet.

By ending net neutrality, Chairman Pai and the Trump administration are once again siding with corporate interests against consumers and small business. Once again, the Trump administration is picking CEOs over citizens—just as in the tax bill and now on net neutrality—and thwarting the comments of millions of Americans who have sent comments to the FCC asking them to save net neutrality and to keep the internet free and open to everyone.

The American people have spoken. I hope Chairman Pai and President Trump are listening.

Before I yield the floor, I want to thank my friend, the senior Senator from Connecticut, for his valiant and strong struggle to keep the internet free, open, and available to the little guy and gal equally as it is to the big shots.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to thank the senior Senator from New York, our minority leader, for his very powerful and eloquent remarks on net neutrality. He has been a leader in protecting consumers in so many areas, and this one is preeminently important.

We are here on a day when the FCC may well repeal the net neutrality order. I spoke at length about it yesterday, and I am struck by the mockery that the FCC will make of consumer protection if it proceeds with this very misguided and mistaken course. It is a course that will be reversed, I believe, in the courts if it is followed, and it should be reversed in this body as well. It is profoundly important to the future of the internet to have access and affordability to innovation, to our economy, and to job creation. The open and accessible internet is part of our lifeblood economically and culturally in this country. Part of what makes America great is the freedom of access and innovation.

FIFTH ANNIVERSARY OF THE SANDY HOOK MASS SHOOTING

Mr. President, I want to talk today on the occasion of the fifth anniversary of the Sandy Hook massacre in my State of Connecticut. It was one of the saddest days of my life and one of the worst days of my public career when I went to the elementary school in Newtown, CT, along with a number of my colleagues who will be speaking today as well, Congresswoman ESTY and Senator MURPHY.

In the Judiciary Committee, just moments ago, Senator FEINSTEIN circulated a framed copy of the front page of the Daily News of Wednesday, December 15, 2012—5 years ago, almost to the day. That front page has photographs of the 20 beautiful children who were lost in that unspeakable act of terror and horror. They are 20 wonderful human beings who would be 11 years old today. Their great teachers were killed as well.

Having valued and known their parents as friends and fellow advocates in the effort to achieve commonsense legislation against gun violence, I know how deeply that pain is still felt. The healing is far from over. The grief never ends. The prayers and thoughts of mine go every day to the loved ones who lost those children and educators.

Prayers and thoughts are not enough. It never has been after any of these massacres, and it never will be after the mass killings or for the one-by-one

deaths in our communities—90 every day in this great country. Gun violence kills 90 people every day, and 150,000 have perished since Sandy Hook.

So as we commemorate this awful day, 5 years ago, let us rededicate ourselves to act to honor those victims with action, to honor all those with action. It is never too soon to honor the victims with action.

On that front page of the Daily News, there is a line that says "New York's Hometown Newspaper." New York wasn't the hometown to those Sandy Hook victims, but America felt that Sandy Hook was every town in America, and it is indeed quintessentially an American town, filled with wonderful people who hugged and grieved together that day.

That night, in the St. Rose of Lima Church, and in the days following, when there were calling hours and funerals, one after the other, it seemed like they would never end. In some ways they have never ended, because those families' losses are still real and urgent. For us the task of honoring those 20 beautiful children and the 6 educators ought to be real and urgent, even more so today than it was then.

That day we prayed in the St. Rose of Lima Church. I said to the congregation that the whole world is watching. The whole world was watching. The world is watching America to see whether we will act.

We are not the only country with mental health problems. Our rate of mental illness is no greater than any other developed industrial country, but our rate of gun violence is off the charts compared to other countries. There is no excuse for it. There is no rational explanation for it.

As we prayed and grieved then, in the wake of that senseless, horrific tragedy, Congress turned its back. It turned its back on those courageous and strong families who came here in the weeks following, talking to our colleagues, across the aisle and on this side, asking for commonsense measures, background checks. There was a bipartisan measure then to extend background checks and achieve other gun violence prevention measures, which unfortunately failed on this floor to gain enough votes. We had 55, but we needed 60. From the Gallery on that day, someone shouted: "Shame."

December 14, 2012, will be forever a stain on our Nation's history. That day will forever be a black mark on the United States of America, but so will the day that those commonsense measures were rejected in this Chamber. That shame was richly deserved on that day.

Congress saw the photos of those innocent babies, those wonderful children. It saw their grieving parents. It saw the lines of terrified and traumatized children that day being led to safety out of their elementary school.

It saw the war zone that the school became when that mass killing turned it into something that no teacher, no educator ever could have foreseen. Those educators helped save lives.

Congress saw and heard the stories of how brave educators sought to shield their children from the bullets coming from that assault weapon on that day. Unfortunately, the vice-like grip of the gun lobby and, principally, the NRA—let's be blunt about who is leading that lobby—prevailed. In the 1,825 days since the Sandy Hook tragedy, despite the 150,000 people who have perished from gun violence since then, Congress has chosen inaction. It has disregarded public safety and the clear will of the American people. It has heeded instead the campaign contributions of the gun lobby, and it has failed to act. It has been complicit in the continuing scourge of gun violence by its inaction. It has been complicit in those deaths. It has been an aider and abettor, in fact, to the 90 killings each day as a result of gun violence. Shame on Congress if it fails to act now.

Today I am not just heartbroken; I am furious. I am angry beyond words about Congress's complicity, about the inaction we have seen, about Congress's abject failure to take commonsense steps that will protect the American people, about its failure to meet this public health crisis with the kind of action that the American people deserve and need. If 90 people every day were perishing from Ebola or some contagious disease—even the flu—there would be an outcry, an outrage, and we would be clamoring to do something.

Here, the solutions are self-evident. None of them is a panacea. None is a single, magic solution to this problem. The trap raised by the gun lobby that none will necessarily deal with the mass killing that just happened is, indeed, a trap we should reject.

The ban on bump stocks might have prevented Las Vegas but not Charleston. The closing of the 72-hour loophole that permits purchasers to buy a gun if the background check has not been completed in 72 hours might not have prevented Las Vegas, but it would have prevented Charleston. Dylann Roof purchased the gun only because he was able to circumvent the background check as a result of that 72-hour loophole.

The ban on certain kinds of high capacity magazines might not have prevented San Bernardino or Orlando, but it would have helped to prevent Sandy Hook.

We will never know whether any of these measures would prevent every one of the killings that we cite, but each of them can save lives, and if we save one life, we will have saved the world.

Shame on Congress for allowing this tragic anniversary to be followed by so many more—Sutherland Springs, Las

Vegas, Orlando, Charleston, and each and every day in the news. Every day, none of our communities is immune from this scourge. It is truly a public health crisis.

I am hopeful that there may well be a crack in the united partisan front emerging. I am proud to be part of a very powerful bipartisan alliance involving our colleagues, Senators Scott and Cornyn, across the aisle, as well as Senator MURPHY and other Senators on this side of the aisle. I hope we can make modest and crucial improvements to the National Instant Criminal Background Check system.

The NICS system should be fixed. The Fix NICS Act will provide incentives and encourage States to do better reporting. Right now there are immense gaps in reporting in the States and even in the Federal Government, which is why, in fact, perhaps, Sutherland Springs occurred, because of a failure to report by the Air Force a domestic violence conviction by court-martial that would have barred the shooter from lawfully obtaining a weapon, had it been reported accurately.

The Fix NICS bill would ensure that Federal and State authorities comply with existing law and accurately report relevant criminal history records to the background check system. This step is the least we can do, not the most, but it is the bare minimum.

While there is broad support for this modest but significant measure, the Republican leadership in the House is already attempting to sabotage it by linking it and pairing it with the truly dangerous Concealed Carry Reciprocity Act. That act would sabotage the laws of States like Connecticut that seek to protect our citizens. It would, in effect, provide that permits from other States be treated like driver's licenses, no matter how lenient or even nonexistent the provisions may be for obtaining permits in those other States. It would eviscerate rights of States like Connecticut to protect our citizens with higher standards.

These basic measures to prevent gun violence have no threat whatsoever to gun ownership. They ensure that people who are a danger to themselves or others and convicted criminals and others already barred from buying weapons will not be permitted to carry a lethal firearm.

I respect the Second Amendment. It is the law of the land. No firearm should be taken away from law-abiding citizens. But the idea that there is nothing Congress can do to make a difference and save American lives is unacceptable and false. It is a political copout resoundingly rejected by the vast majority of Americans.

Ninety-five percent of Americans want background checks applied to all purchases. They overwhelmingly favor fixes to the present background check

system that make the oversight of purchases more accurate, and they favor commonsense measures that will protect innocent human beings like the 20 beautiful children and sixth grade educators lost that day in Sandy Hook.

When I feel most discouraged and disgusted, I think of those families. I think of the parents of Olivia Engel, and I think of the parents of all of those beautiful children and wonder, as I am sure they often do, what lives they would be leading today. What would Olivia Engel be doing on this day filled with Sun and beauty? In Connecticut, this morning, it snowed. At 6 or 11, snow would still be a wonderful thing, never to be taken for granted by any child. This holiday—all of the wonder and beauty of this holiday—is never taken for granted by a 6-year-old or an 11-year old. The possibilities, opportunities, dreams, and hopes were shattered on that day and lost forever.

I was at the calling hours for one of the children killed at Sandy Hook, and it was a gut-wrenching moment—every one of them. I spoke to the mother of one of those children, and I said: When you are ready, we should do something about gun violence.

She said, without hesitation, through reddened eyes and cracking voice: I am ready now. I am ready now.

America should be ready. America is ready. This body should follow America's lead—honor with action. If nothing else is remembered of that day 5 years ago, let us honor with action those strong and courageous families who have suffered this unspeakable horror, this unimaginable grief, and who have come here in years past to ask us to honor with action the victims, survivors, and loved ones of Sandy Hook and of all gun violence horrors in this country.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Connecticut for his words. The Senator from Connecticut is a former prosecutor who knows law enforcement backward and forward. I can only imagine the grief felt in his State. As a neighboring New England State, I recall the vigils, the people coming to pray, and the sadness from what happened in our neighboring State of Connecticut. But as so many have said, we can express grief—and we should—but we have to do what the Senator from Connecticut and others have suggested, which is actually take some steps that might stop these things. So I applaud him for what he said.

Let me speak on another issue. This week, we voted on three circuit court nominees, just one step below the Supreme Court. All three of these nominees are extreme. One is objectively unqualified. The fact that we are so

quickly casting floor votes on these troubling nominations, all of whom were reported out of the Judiciary Committee just last week, is a symptom of the Republicans' willingness to abandon decades of Senate tradition so that this body can serve as a rubberstamp for President Trump's nominees. The Senate will not be the conscience of the Nation or the check and balance it was always designed to be, but instead, a rubberstamp for the President.

Let me just cover a couple of things. Don Willett is a sitting justice on the Texas Supreme Court. That should mean something. Sitting judges have an obligation to exercise good judgment; to not say anything that would lead individuals to question their impartiality. A question I ask nominees all the time is: Can someone who comes into your court—whether they are Republican or Democrat, plaintiff, defendant, rich, poor, whatever—look at you and say: Well, at least this judge is going to show impartiality. Maybe I will win or maybe I will lose, but it will not be because the judge wasn't impartial. When you look at this sitting justice, Don Willett, he fails the standard of impartiality.

A few weeks ago, I questioned him about his tweet telling a young transgender woman, who was interested in playing softball to "Go away, A-Rod." Justice Willett claimed that this tweet was in jest. But, let me say it again—a sitting justice telling a transgender teen to "go away" sends an unmistakable message to marginalized, vulnerable communities: Not all are welcome in my courtroom. Well, that is not a laughing matter.

This was not the first time that Justice Willett has worn his bias on his sleeve. As an aide to George W. Bush while he was Governor of Texas, he objected to then-Governor Bush declaring a "Business Women's Week." He opposed the proclamation's mention of "glass ceilings, pay equity . . . [and] sexual discrimination/harassment." He dismissed these very real barriers to women in the workforce as "hype." For these and other reasons, I seriously question his judgment or that he would be seen by people coming into his courtroom as impartial.

Then we have James Ho, who is another troubling nominee. His views on social issues are, not surprisingly, extreme. He has even offered effusive praise for Jeff Mateer, another Trump nominee who has publicly proclaimed that transgender children are part of "Satan's plan." Even as a judge, he has complained about the Supreme Court. Remember, these judges are supposed to follow the precedent of the Supreme Court. He has complained about the Supreme Court's *Obergefell* decision. He said that it is going to lead to "people marrying their pets." I don't think any legal scholar anywhere from the

right to the left would agree with that interpretation. Mr. Ho praised Mateer for "protecting and enforcing the . . . civil liberties of every Texan." Well, it is not every Texan—just those he agrees with.

Of course, this race to confirm Mr. Ho that is zipping through here means that we will not have fully vetted him for this lifetime appointment. When he served in the Justice Department's Office of Legal Counsel, he authored a memorandum that was cited in one of the shameful "torture memos." These torture memos have turned out to be a blot on the conscience of the United States. Mr. Ho has refused to answer questions about his involvement, despite the fact that the torture memos are now very much in the public domain. Unfortunately, these kinds of non-answers are considered sufficient as of late, since Republicans are more interested in rubberstamping President Trump's judicial nominees than asking serious questions of them as a coequal branch of government. I cannot believe that any Republican leadership would allow a nominee of a Democrat who would have been involved in the drafting of a key and controversial memorandum to be confirmed unless they are willing to answer questions about it.

Then we have Steven Grasz, whom the American Bar Association unanimously rated him as unqualified for the Federal bench. In the past 40 years, I recall seeing a unanimously unqualified rating only a few times, and those people never made it through. After an exhaustive review including more than 200 interviews about Mr. Grasz, the ABA concluded he could not separate his personal beliefs from his duties as a judge—a fundamental obligation of a judge. This is almost unprecedented to have a rating like this.

To have at least a qualified rating from the ABA is a basic qualification for a nominee to the Federal bench. Certainly, Republicans would insist on it if it was a Democrat's nominee. The Republicans made it very clear that if a Democrat nominated somebody who got a "not qualified" rating—I don't recall it happening, but if they did—they made it very clear that person would never be considered. Well, here is somebody who is declared "not qualified," and yet they whipped him through. You would think "qualified" would at least be the bottom line for a nomination. You would think whoever is President, they are at least nominating somebody who could hit the threshold of being considered qualified.

Republicans are now casting aside the ABA as a biased institution; some have accused the ABA of opposing Mr. Grasz simply because of his opposition to abortion. Well, that is absurd. The ABA has rated 46 of President Trump's 50 nominees as "qualified." Let's not delude ourselves, does anyone think

that any of the 46 Trump nominees that the ABA rated as qualified support abortion rights? They would never get out of the White House if they did. So that argument—like so many others used to support these extreme nominees—does not pass the laugh test.

As the longest serving member of the United States Senate and a former chairman of the Judiciary Committee, I have spoken up about the steady erosion of the Committee's norms and traditions. The Committee has processed un-vetted, extreme nominees at an unprecedented rate. President Trump will have four times as many circuit court nominees confirmed in his first year than did President Obama. The reason President Trump has four times as many circuit court nominees confirmed in his first year than did President Obama is because Republicans removed any and all guardrails on our confirmation process—the guardrails they insisted on when there was a Democratic President. No matter how careful the Democratic President was in picking that person, they had to have these guardrails. I thought, actually, the guardrails made sense.

The second you have a President who nominates extreme judges, they decided we don't need those guardrails anymore because President Trump would never make a mistake. Nominees have had hearings scheduled before we even had the ABA ratings. Multiple circuit court nominees are regularly stacked on single panels. That is something Republicans insisted should not be done when there was a Democratic President. Now, unfortunately, the chairman—who is a friend of mine and a man I respect—has reversed his own blue-slip policy. He has begun to advance nominees without favorable blue strips from both home State Senators. That is the first time this has been done in the last two Presidents.

I fear we are doing lasting damage to our nomination process. I fear we are making the advice and consent process a completely laughable exercise. The three nominees who are set forth this week are evidence of that.

I am going to vote no on each of them because they are not qualified. I have voted for many Republican nominees. I might disagree with them philosophically, but they were qualified, just as I voted for many Democratic nominees. Some I disagreed with, but they were qualified. These nominees aren't qualified. They are extreme. I want the standard I always asked for; that whoever you are, when you come into a courtroom, you can look at the judge and say: OK, whether I am a plaintiff or defendant, rich or poor, facing the State as the respondent, no matter my political background, I am going to be treated fairly. I will win or lose my case on the merits, not on the judge's bias.

We are closing our door to that. We are closing our door to it when the

President of the United States turns the selection process over to an extreme political, partisan group and then asks Republicans to rubberstamp it. I respect my Republican colleagues, but I can't imagine many of them ever standing for a Democratic President doing anything like this. I wouldn't.

I wish they would bring the Senate back to where we should be, where we can be, and where the country is better off when we are.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SULLIVAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. WARREN. Mr. President, 2 days ago, the GOP-controlled Senate confirmed Leonard Steven Grasz to a Federal appeals court. This is a man who is so aggressively ideological that he earned a rating of "not qualified" from the American Bar Association.

The ABA reached that conclusion, in part, after speaking with many of Mr. Grasz's peers who expressed concerns "that Mr. Grasz" strongly held social views and/or his deeply rooted political allegiances would make it impossible for him to have an unbiased and open mind on critical issues."

Those individuals have ample reason to be concerned. Among his many appalling views, Mr. Grasz believes discrimination against LGBTQ individuals is A-OK. He supports the harmful and discredited practice of conversion therapy and he opposes reproductive rights and the Republicans just confirmed him to a lifetime appointment as a Federal judge who will make life-changing decisions for millions of Americans.

The other judicial nominee the GOP-controlled Senate confirmed this week, Donny Willett, doesn't fall very far from that tree either. Mr. Willett, a current justice on the Texas Supreme Court, isn't shy about his radical right-wing views. He has bragged about being the most conservative justice on the Texas Supreme Court, and he has a record to show for it.

Mr. Willett believes judges should be able to easily overturn State and local laws that protect workers, including minimum wage laws and laws that allow workers to unionize. This view is so out of the mainstream that other conservative judges, including Chief Justice John Roberts and Judge Robert Bork, have rejected him.

Mr. Willett's radical views don't stop there. He has ruled to limit the rights of same-sex couples. He has mocked transgender individuals. He has demonstrated hostility to issues that affect working women, including pay equity,

discrimination, and sexual harassment. Mr. Willett has ruled against efforts to help remedy discrimination in Texas schools. On issue after issue, Mr. Willett's record shows a stunning disregard of the issues that impact millions of Americans.

The truth is, Mr. Grasz and Mr. Willett are not unique. They are just a few of the many nominees whose records show they cannot fairly and impartially dispense equal justice under the law.

Right now, the GOP-controlled Senate is executing a breathtaking plan to fill our courts with rightwing, radical nominees like Mr. Grasz and Mr. Willett. It is a plan that has been long in the making. For years, Republicans have worked hand in hand with billionaire-funded, rightwing groups to ensure that our courts advance the interests of the wealthy and the powerful over everyone else.

First, after President Obama was elected, Republicans abused the filibuster to stop reasonable mainstream judges from filling vacancies on Federal courts. They didn't stop those nominees because of their qualifications. They didn't stop them because of their records. The Republicans stopped those nominees because they didn't want judges who cared more about justice than about protecting the powerful.

Then, once the filibuster was gone and Republicans had gained the majority in the Senate, they slowed the judicial nominations process to a crawl. Vacancies stacked up, and the courts became overloaded with cases.

Finally, last year, Republicans took their assault on our judicial system to new heights, refusing to consider any nominee put forward by the President to fill a Supreme Court vacancy. They threw the Constitution and Senate precedent right out the window to advance their radical agenda. It was shocking, and it was shameful.

Now that there is a Republican President who is committed to tilting our courts further in favor of the rich and the powerful, Republicans are looking to fill our courts with judges who share that commitment, no matter how unqualified they may be.

This week, the Senate will vote on one more of those judicial nominees, James Ho, a man who, like Mr. Grasz and Mr. Willett, will work to hand our courts over to powerful, pro-corporate interests. When it comes to money and politics, Mr. Ho's view is the more the better. He has argued that there should be no limits on campaign contributions, none—democracy for sale. According to Mr. Ho, the reason government is so corrupt isn't because there is too much secret money slithering through our political system but because government makes it too hard for those big donors to succeed in the private sector.

Tell that to the working families, the students, the teachers, and the small businesses that will be paying higher taxes to give those fat cat donors giant tax cuts.

Mr. Ho has also defended discrimination against LGBTQ individuals. While he was solicitor general of Texas, Mr. Ho defended Texas's ban on same-sex marriage. More recently, he has heaped praise on a Federal district court nominee who, among other disgusting statements, said that transgender children are part of "Satan's plan."

Here is another troubling aspect of Mr. Ho's record: his view on whether torture is illegal. While Mr. Ho worked in the Justice Department, he authored a memo relating to the treatment of prisoners of war. That memo is cited in one of the torture memos that became the basis for the Bush administration's illegal and immoral practice of torturing terrorism suspects. That memo was not provided to the Judiciary Committee, and Mr. Ho has refused to fully answer questions regarding his involvement in what ultimately became the Bush administration's policy on torture—information that every Senator should demand to see before we vote on his nomination.

Grasz, Willett, and Ho—just about all of Trump's judicial nominees—have a lot in common. They will put powerful interests before the rights of workers, before the rights of women, before the rights of LGBTQ individuals, people of color, religious minorities, and pretty much everyone else. Their radical, rightwing views mean that in their courts, it will be easier for giant corporations and wealthy individuals to get relief and harder for everyone else to find justice. That is the perverted, upside-down justice system that every Member of this Congress should be working to fix.

Now more than ever, we need judges who will stand up for equal justice for all, not just for the rich and the powerful. The records of the nominees before us this week show that they cannot meet that standard. That is why I voted no on the nominations of Mr. Grasz and Mr. Willett, and that is why I will be voting no on Mr. Ho. I urge my colleagues to do the same.

Mr. President, I yield.

Mrs. FEINSTEIN. Mr. President, I come to the floor today to discuss the three judicial nominations we are considering this week: Steven Grasz, for the Eighth Circuit Court of Appeals, and James Ho and Don Willett, both for the Fifth Circuit Court of Appeals.

Before I talk about those nominees, I would like to offer some background on the importance of circuit courts and remind my colleagues why we have so many judicial vacancies.

The Supreme Court hears between 100 and 150 cases each year out of the more than 7,000 it is asked to review. But in 2015 alone, more than 55,000 cases were filed in Federal appeals courts.

These cases range from crime and terrorism to bankruptcy and civil matters, and the judges who hear these cases will affect millions of Americans.

So it is extremely important who is confirmed to these lifetime positions. Federal judges have a tremendous impact on individuals, businesses, and the law. In a way, circuit courts serve as the de facto Supreme Court to the vast majority of individuals who bring cases. They are the last word.

These nominations are very important. That is why it is so concerning that Republicans for years refused to allow judgeships to be filled.

The simple fact is the rush to fill judicial vacancies is the direct result of Senate Republicans' historic obstruction of judicial nominees during President Obama's administration.

During President Obama's last 2 years in office, just 22 judicial nominees were confirmed. That is the fewest in a Congress since Harry Truman was President. In contrast, during the last 2 years of the George W. Bush administration, Senate Democrats confirmed 68 judicial nominees.

At the end of last year, three circuit court nominees and 20 district court nominees had been approved by the Judiciary Committee and were waiting for votes on the Senate floor. Republicans refused to schedule votes for those nominees, many of whom Republicans themselves voted for, so they could hold those seats open. Four more circuit court nominees and 52 district court nominees were pending in committee and never even received a hearing.

Now, 1 year later, the Senate is voting this week to confirm the 10th, 11th, and 12th circuit court nominees this year. Republicans went from delaying all nominees to cramming them through at a breakneck pace.

The 11 circuit court nominees who have already been confirmed are more than any President in the first year of office since Richard Nixon.

Two nominees we are considering this week, James Ho and Don Willett, lay out the Republican playbook.

These seats on the Fifth Circuit have been vacant since 2012 and 2013, even though the Obama White House tried to work with my colleagues from Texas to fill these seats with consensus nominees.

But once President Trump entered the White House, they wasted no time in rushing to put conservative judges in those seats.

Don Willett was nominated on October 3, James Ho on October 16.

Just a month later, on November 15, the Judiciary Committee held a hearing for both circuit court nominees on the same day, and cloture was filed immediately on both nominations after the committee advanced them.

The speed at which these judges are being rammed through the process is stunning.

In fact, on four occasions in the last 6 months our committee has held hearings for two circuit court nominees at the same time. This happened only three times in all 8 years of the Obama administration.

This is a problem because it gives Senators less time to review each nominee's record and less time to ask each nominee questions. Candidly, it makes it very difficult for us to exercise our constitutional duty to "advise and consent."

We are already seeing the ramifications. Just yesterday, the White House announced that two of its nominees would not be moving forward. One nominee, Brett Talley, had already been voted out of the Judiciary Committee, but we learned of troubling undisclosed information while he was pending on the floor. This may not have happened if we had sufficient time and cooperation to fully review these nominees.

In the month of November, the Judiciary Committee had hearings for five circuit court nominees. I have served on this committee since 1993, and we have never held hearings for five circuit court nominees in a single month before. That is during a month when we spent a week at home for Thanksgiving.

Republicans refused to advance seven circuit court nominees last year, but now we are speeding through the process to fill those seats with conservative judges. Fairness aside, we should all be concerned that we are giving lifetime appointments to potentially unqualified nominees.

Now, I would like to talk about the three nominees we're considering this week. This week, Steven Grasz was confirmed to the Eighth Circuit.

The American Bar Association has rated 1,755 judicial nominees since 1989, and only two of those have been unanimously rated "not qualified" based on concerns over their impartiality.

One was a nominee for the Fifth Circuit in 2006 who was never confirmed. The other is Steven Grasz.

Let me repeat that. This week, for the first time since at least 1989, the Senate voted to confirm a nominee who was unanimously rated as "not qualified" by the American Bar Association.

The ABA doesn't rate nominees based on what the evaluators think. Rather, they review a nominee's written record, talk to the nominee, and interview many people who have direct personal and professional knowledge about the nominee.

Here are just two direct quotes from the ABA's review:

"Mr. Grasz's professional peers expressed concerns about his views of stare decisis, and questioned his commitment to it."

"[A] number of Mr. Grasz's professional colleagues expressed the view that, in terms of judicial temperament

... Mr. Grasz is not 'free from bias.' Specifically, they expressed the view that he would be unable to separate his role as an advocate from that of a judge."

These are stunning indictments of a man who was confirmed to a lifetime seat on a circuit court.

Some of my Republican colleagues argue that the ABA is biased. The numbers just don't bear that out.

Over the last 30 years, during both Republican and Democratic Administrations, the ABA has rated nearly 1,800 nominees and rated only two "not qualified" based on their temperament.

I voted against Mr. Grasz's nomination and am very concerned that he was confirmed on Tuesday. He did not have the support of a single Democratic Senator.

Next I would like to talk about James Ho, nominated to the Fifth Circuit.

During his time at the Office of Legal Counsel, Mr. Ho wrote a legal analysis of the scope of the term "cruel, inhuman, and degrading treatment," which is prohibited under Common Article 3 of the Geneva Conventions.

Unfortunately, this memo remains classified, and we haven't seen it.

The reason we know this memo exists is because Jay Bybee cited it in one of the so-called torture memos, which were used to justify torture and have since been widely discredited.

The Bybee memo also appears to have relied on Mr. Ho's analysis to argue that because the term "cruel, inhuman, and degrading treatment" "appears to ... have a rather limitless reach," conduct that qualifies as torture should be defined more narrowly than what is prohibited under international law.

It is this kind of flawed legal reasoning that allowed the U.S. Government to torture people, and I have argued that no vote should have taken place on Mr. Ho's nomination until we had access to that memo.

The Justice Department has provided us access to similar memos written by nominees for judgeships, so there is no reason to deny us access to the memo James Ho authored.

I can't possibly vote in favor of a nominee to a lifetime appointment who may have helped provide the legal basis for torture, and it is a shame we are voting on this nominee this week.

Finally, I would like to speak about Don Willett's nomination to the Fifth Circuit.

At his hearing, my first question was about his 1998 comments on a draft proclamation for then-Governor George W. Bush to honor the Texas Federation of Business and Professional Women in 1998.

Let me quote from them: "I resist the proclamation's talk of 'glass ceilings,' pay equity (an allegation that some studies debunk), the need to place

kids in the care of rented strangers, sexual discrimination/harassment, and the need generally for better “working conditions” for women (read: more government).”

I asked Justice Willett if these were still his beliefs, and he refused to answer. I asked again, and again, he refused to answer. Senator DURBIN asked the same question, and Justice Willett refused to disavow these beliefs.

As the National Women’s Law Center wrote, “Mr. Willett’s skepticism of the existence of sex discrimination should disqualify him from the bench. Litigants coming before Mr. Willett . . . would have reason to question whether their claims of discrimination, including sexual harassment and pay discrimination, would be fairly and impartially heard or, instead, treated as ‘hype’ to ‘debunk.’”

I could not support Justice Willett’s nomination.

Ms. WARREN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CORNYN pertaining to the submission of S. Res. 361 are printed in today’s RECORD under “Submitted Resolutions.”)

Mr. CORNYN. Mr. President, on a separate and happier note, today is a great day for our Nation’s Federal judiciary. Yesterday afternoon, we confirmed Justice Don Willett, who currently serves on the Texas Supreme Court, who has been nominated by President Trump to the United States Court of Appeals for the Fifth Circuit. Soon we will be voting on Jim Ho, the former solicitor general of the State of Texas, who has also been nominated to the Fifth Circuit Court of Appeals.

These are two outstanding nominees, and they reflect the best of Texas. They are each fathers, lawyers, scholars, public servants, and active participants in their communities. I wish to take just a few minutes to discuss each of their unique stories, as well as their sterling records of professional accomplishment.

Don Willett was raised in Talty, a small town outside of Dallas, TX. He was adopted at a young age and raised by a single mom for most of his life. She must have been one heck of a lady because her son went on to achieve great things from those humble beginnings.

He attended Baylor for undergraduate and Duke Law School. He clerked on the same court to which he has been nominated and now confirmed, the Fifth Circuit Court of Appeals. He worked in private practice

and served Governor, and then President, George W. Bush.

That is not all, though. He went on to work at the Department of Justice’s Office of Legal Policy and later served as deputy attorney general of Texas before his appointment to the Texas Supreme Court. He was elected to his first full term in 2006 and reelected in 2012.

While serving on my State’s highest court, Justice Willett was recognized for his excellence by the Texas Review of Law and Politics, which named him as its “Distinguished Jurist of the Year” in 2014.

Justice Willett’s confirmation now is good news, and, perhaps, the best news for him personally is that he will no longer have to run for election, as he has had to do as a member of the Texas Supreme Court, because, of course, his appointment now is for life tenure.

Jim Ho’s story is no less remarkable. Jim was born in Taiwan, and his parents immigrated to New York when he was a toddler. Jim learned English by watching Sesame Street.

When he was young, his parents moved to California, where Jim later attended Stanford before moving on to law school at the University of Chicago. As an adult, in his professional life, Jim clerked for Judge Jerry Smith on the Fifth Circuit, the court to which he has now been nominated and will be confirmed, and he later clerked for Justice Clarence Thomas on the U.S. Supreme Court.

Jim has worked in a variety of legal capacities in the private sector. He has also served at the Civil Rights Division and the Office of Legal Counsel at the Department of Justice.

It is when he was at the Civil Rights Division that I first met Jim and I offered him a job on my Judiciary Committee staff, where he served as my chief counsel. Later, serving as solicitor general, he had the highest win rate before the U.S. Supreme Court of any person who has served in that role. When I was attorney general of Texas, we created this position of solicitor general because we had line lawyers who would, literally, handle cases for State agencies and who would handle those cases all the way to the Supreme Court, but really they didn’t have the experience or training as an appellate advocate that we needed to speak with a single voice for the entire State before the Federal courts. Jim held that role and performed with distinction. As I said, he was enormously successful in his appellate advocacy.

Jim also bears the distinction as the first Asian-American solicitor general of Texas, and he has taught as an adjunct professor at the University of Texas and is published in numerous scholarly journals.

Simply put, Jim Ho and Don Willett are two stars in the Texas legal firmament. They were extensively vetted by the bipartisan Texas Federal Judi-

cial Evaluation Committee, appointed by Senator CRUZ and myself, as well as the Office of White House Counsel and the Department of Justice. I am glad we are now elevating them to the Federal bench.

I wish to commend the President on these excellent nominations, and I thank my colleagues for their votes to support these two exceptionally qualified men.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

REPUBLICAN TAX BILL

Mr. REED. Madam President, as Republicans in both Chambers rush to conclude their secret negotiations on the final details of their tax bill, I want to make clear to my colleagues what should be obvious about this legislation. We may not yet know the results of all of their horse-trading leading up to the final legislation, but the American people are watching this process. It is plain to see that, should this Republican bill become law, Republicans will have knowingly and deliberately made worse the most dangerous threats that we face to our economic and national security. Worse yet, they will have drained the public coffers that our children and our children’s children will need to take up these challenges.

We all know what these challenges are. We face unprecedented income and wealth inequality that threatens to stifle the social mobility that is the hallmark of the American Dream. There is also declining productivity, which has kept middle-class wages stagnant, and bred economic anxiety for too many parents wondering if their children will attain a higher standard of living—much higher, they hope—than they have achieved. We have a surging deficit from decades of trickle-down economics and unpaid-for wars that, if left unaddressed, could apply huge pressure to our ability to keep our most basic promises to the American people, not to mention meeting our obligations as a world power.

To the families watching what is going on in Washington right now, the Republican end game appears to be to invite fiscal crisis due to irresponsible tax cuts for the wealthy and corporations, and then, because we have already given trillions of dollars away in tax cuts, to demand that Congress shred Social Security, Medicare, Medicaid, and other vital programs in order to pay our bills. We know this is the road that this bill sets us upon, and the

American people certainly see this coming. So let no one who votes for this bill say that they did not know the consequences of their actions. This will not be remembered as tax reform, but rather as a serious mistake to be corrected in the future.

How do middle-class Americans know that Republicans did not write this bill for them? Because they have watched Republican economics rig the tax system in favor of the wealthy and corporations for years, even as wealth and income inequality have reached historic levels. They took the Republicans at their word when Republicans promised that the Bush tax cuts of 2001 and 2003, which skewed tax relief to the top 1 percent over the bottom 20 percent of Americans by more than 6 to 1, would eventually trickle down. That is what they thought, but on the eve of the great recession, aftertax income for the richest 1 percent had soared while middle-class wages continued to stagnate. We are still waiting for the Bush tax cuts to trickle down and to pay for themselves. They likely never will.

These Republican proposals make matters even worse by financing tax giveaways for big business and the rich on the backs of those just trying to get by. Economists, relying on the Federal Survey of Consumer Finances, recently determined that the top 1 percent of American households now hold about 40 percent of the Nation's wealth, which is a 50-year high. This legislation overwhelmingly benefits them while raising taxes on 48 percent of American taxpayers by 2027.

Many of the families whose taxes will go up have already been through tough economic times during the Great Recession. Productivity in the American workforce has been declining, and wages have grown at an even slower pace than that. These families don't need numbers from the Bureau of Labor Statistics to know our Nation's recovery was historically slow. But our middle-class weathered the Great Recession as Americans have always done. Now, because of the lopsidedness and deficit-busting features of the Republican tax bill, Moody's Analytics has warned that this "fiscal policy mistake" could very well take us prematurely into an economic bust. Middle-class families have just emerged from the last crisis of Republican economics, still battered and bruised, and they know that, if Republicans force a plan like this on the Nation again, it will be their children who are on the hook to pay for it.

Make no mistake, there are times when running a deficit is advisable or even economically necessary—particularly when times are tough and families need help to stay in the working class and get back on their feet. But regressive tax cuts just sit on our credit card with little to show for all that red ink, and the tab we are leaving the

next generation is still running from 16 years ago.

Like many of my colleagues, I was here to take the tough votes and make the hard choices that led to the Clinton-era surplus. The failed experiments of supply-side economics turned that surplus into a CBO-projected deficit of over \$10 trillion over the next decade. And even if we accept all of the rosy assumptions of dynamic scoring and take it on faith, yet again, that wealth will trickle down and that no recession will come in the next decade—all of which are assumptions on which I wouldn't wager anything—the Joint Committee on Taxation calculates that this bill would still increase the deficit by over \$1 trillion. Facts do not go away simply because we ignore them, and if Republicans continue to ignore the budget hole their policies create, then this massive deficit and the budget pressures that follow it will be their legacy for future generations.

More importantly, however, I must ask: What national priorities will our colleagues on the other side deem too expensive after we have given 1 trillion more borrowed dollars to the wealthy? What choices will Republicans try to force on the American people when they decide there simply isn't enough for the Armed Forces, the jobless, the sick, and the elderly? Republican leadership is already vowing to take up "entitlement reform" next year, which is Washington-speak for giving the top 1 percent everything they want and then forcing practically everyone else to choose who loses their Social Security, Medicare, or Medicaid to plug the budget hole. Therefore, before Republicans blow apart the Federal budget yet again, it is worth reviewing the massive costs the American people are already committed to pay.

First, as I have discussed before, this bill essentially guarantees that we will struggle to meet the needs of our national defense. Our war deficits from the past 16 years alone are projected to add over \$1 trillion to the national debt by 2023 and over \$8 trillion by 2056. We all know we must modernize the nuclear triad, which will cost \$1.2 trillion in 2017 dollars over the next 30 years. A 355-ship Navy would cost, on average, \$102 billion per year through 2047. Necessary additions to the end strengths of the Army, Air Force, and Marine Corps will cost an additional \$18 billion, \$6 billion, and \$3.6 billion, respectively. Where will this money come from, since we have already given it away to the wealthiest Americans?

This chart shows what happens to the defense budget when large-scale tax reductions are put into effect, starting in the Reagan era of the 1980s. One of President Reagan's first initiatives was to build up defense. This chart shows the percentage of GDP devoted to defense spending. President Reagan promised to make America strong. To

actualize his feeling and view of peace through strength, he built up the defense budget significantly—going from a little over 5 percent of GDP when he took office up to almost 7 percent. But in the mid-1980s, he also engineered tax cuts that lowered taxes on the wealthy in proportion to lower income Americans, and eventually, those tax cuts and the deficit caught up with defense spending. As we notice, through the later 1980s and all the way into the 1990s, except for one respite, we had a declining defense budget. In the first year of the George Herbert Walker Bush administration, there was another attempt to decrease defense spending. So the line went up a bit, but after that, of course, with deficits increasing, with other pressures mounting on the budget, defense spending plummeted.

Then, within the Clinton administration, there was a conscious effort to reduce defense spending. The so-called Cold War peace dividend took place. At the same time, though, because of the tough votes on tax reform that we took, we were building up a significant surplus.

We saw again here, with the beginning of the George W. Bush administration, an increase in defense spending. Once again, that was a product of the desire of the President to lower taxes, which he did, but more importantly, was the unexpected and catastrophic attack on the United States on September 11, 2001. That, together with the later decisions to go into Iraq and maintain our presence in Afghanistan, led us to increase defense spending, but, once again—once again—a growing deficit with tax cuts, with no increases to pay for wartime operations, saw the defense budget peak and then begin to decline, and we are in that decline right now.

If history is any judge, when we pass these tax cuts, I think we will see a further decline as defense spending is squeezed by an already-acknowledged increased deficit and by the difficulty of cutting other programs to relieve budget pressures. We are not positioning ourselves well. As I previously mentioned, we are already looking ahead at necessary expenditures totaling trillions of dollars over the future, and if we don't make them, it will leave our Armed Forces, and indeed our position in the world, in a very precarious position.

The irony will be that many of my colleagues will come down here and vote one day soon on a huge tax reduction for the wealthiest, including a \$1.5 trillion deficit increase, and on the next day say: "We need more money for our military, that is the most important thing." If our military were the most important thing, we would be voting on a bill to provide that type of financial support and relief to the military today, and letting the tax cuts for the wealthy wait.

This is one of the remarkable periods in our history; probably the first time in our history, that we have conducted a war for 16 years, and have yet to ask the American people, in any significant way, to participate by paying their fair share for the national defense. In fact, throughout this period, with rare exceptions, we have cut taxes, and the cuts have basically benefited the wealthiest Americans. That is why all of this together has caused former Secretaries of Defense Leon Panetta, Ash Carter, and Chuck Hagel to indicate that this tax bill is ill-advised. Following 16 years of debt-financed war, providing even bigger deficit-busting tax cuts doesn't make any sense for our national security.

My previous comments, along with the comments of former Secretaries of Defense and others seem to have touched a nerve with Speaker RYAN because, when asked specifically, he took some umbrage at these comments. In an interview with NPR, he said he simply could not understand where our concerns were coming from. To put it bluntly, I am comfortable siding with three former Secretaries of Defense over the Speaker when it comes to budgeting for the men and women of our Armed Forces, for the reasons I outlined in my discussion of the history of defense spending and tax cuts over the last 30-plus years. Inevitably, the tax cuts to the wealthy and corporations, because of the way this bill is structured, will put pressure on defense spending. What I don't want to happen is to have people down here 2 months from now pounding the desks about how we are not responding to the needs of our troops, saying that we haven't made them the most important thing in our lives, or that we are neglecting our national defense. Frankly, they have ignored this whole topic by committing to give tax cuts and increase the deficit. That is the wrong priority, in my view.

As the chart clearly demonstrates, these tax cuts eventually catch up with us. They produced defense cuts—maybe not immediately, but we are not working on a situation like we had in 2001. When President George W. Bush instituted his tax cuts, we had a \$5 trillion surplus on the books. That was because we took those tough votes in the 1990s to increase taxes and to build up a surplus.

We don't have that pad any longer. We are already \$10 trillion in the hole, so the effect of these cuts will be much quicker and much more dramatic when it comes to the situation we will face not only in terms of supporting our military, but actually taking major steps to upgrade the platforms, the technology, the training, the readiness, and the quality of life of the Armed Forces. We don't have a \$5 trillion surplus to dip into to pay off the wealthiest while we try to fix defense. We are

in a situation where advocacy for this tax cut, in my view, totally and deliberately ignores the costs we are going to have to pay to protect ourselves. For the first time in our history, we have conducted almost 20 years of war, and we have asked our troops and their families to serve, but we haven't asked any other American to stand up, at least with their financial support, and help us deal with the crises we face across the globe.

It is not just our Armed Forces that will be squeezed and crowded out of the Federal budget because of these Republican proposals; the middle class and the working poor will also have to do a lot more with a lot less.

Many of my colleagues have already pointed out that the CBO has estimated that 13 million Americans will lose their health insurance because Republicans will repeal the individual mandate to pay for tax cuts. They can try to spin this as an expansion of choices, but the bottom line is that more people will be sick, and fewer of them will get the care they need.

Other middle-class American families can expect to lose access to critical tax advantages that allow them to remain self-sufficient during hard times. This approach promises to crush families on two fronts. It will force more families who are down on their luck to slip out of the working class, and then, because of massive deficits, the social safety net will be weakened when these families need it the most. This legislation will likely trigger a \$25 billion cut to Medicare in 2018 alone, and with the Republicans' entitlement reform on the docket for next year—publically announced by Speaker RYAN—this may just be the tip of the iceberg. If we pass this tax bill, under our pay-go rules, we are in a position where we will be facing a \$25 billion cut to Medicare just next year, in 2018. Indeed, for many Americans, this vote is not about taxes, it is about Medicare—what they thought they had earned and are entitled to, what their children believe they need in order to withstand the obvious health problems as one ages.

This does not even begin to cover the struggles facing working-class Americans every day. We are in the midst of a historic decline in labor force participation that economists are struggling to explain, and many States that are experiencing deep declines in labor force participation are among those hardest hit by the opioid epidemic. A few weeks ago, President Trump declared a public health emergency on opioids. Where are the resources coming from to face that national emergency? There will not be that much left after this tax cut.

What we are beginning to see—this is not cause and effect, but it is a correlation—is that a lot of individuals are leaving the workforce because they feel displaced by new technology or because

they are noncompetitive or for a number of reasons, and this seems to correlate very highly in those States with large losses with this opioid epidemic. In my home State of Rhode Island, this epidemic is real. It is taking the lives of individuals. On a national scale, it is something that has already been proclaimed a public health emergency by the President. Again, where will the money come from after these tax cuts? Will the problem just go away? I doubt it. The money is going away, but not the problem.

We have to ask ourselves: If we are in a national public health emergency, why aren't we standing up and providing the resources to help Americans face this problem? It goes back to the same logic: If we are in our 16th or 17th year of war, why aren't we standing up and saying that we better put up some money for the troops, their equipment, and their families?

No—what my colleagues are saying is: We had better cut taxes for the wealthiest Americans, for corporations. We have to create loopholes for passthrough entities that give advantages to private equity concerns, legal firms, accountants, and others.

As we look at these problems, millions of Americans are sitting around their dinner tables, and they don't believe we need to give trillion-dollar tax cuts to corporations that have international operations. They are more likely thinking about more mundane things closer to their lives, such as, what about the roads and bridges in my community? Why does this country have an investment backlog in transportation of \$836 billion for highways and bridges and \$122 billion for transit? Why aren't we doing the big infrastructure bill that the President indicated during the campaign—which is going to cost real money? Instead, we are giving real money away.

This makes a huge difference—because pursuing tax cuts first doesn't just neglect infrastructure, it neglects jobs. The jobs infrastructure projects create are middle-class jobs. These are not the private equity analysts. These are not the sophisticated financial engineers. These are the laborers, the structural engineers, and the men and women who pour the concrete. They are not going to get much out of this tax bill. At the family dinner table, they are probably wondering how they can afford to send their children to college.

How can they even continue to send their children to elementary and secondary schools that are in a horrendous state of repair? The Department of Education has estimated it would cost \$197 billion to bring all public schools in the United States to good condition, and there is a \$30 billion funding gap in annual capital construction and new facility funding. This is not just a Rhode Island problem; this is

a problem in every State of the Union. Public school buildings are decrepit, and we are sending children to those schools. If this legislation passes, where will we find the money to help State and local communities deal with these issues so that children can go to schools that are modern, up-to-date places where they can learn?

Once you get past the elementary and secondary education levels, today everyone insists the jobs of the future all require more than a high school education. We have a generation that has racked up about \$1.3 trillion in student loans and is facing a job market that provides few opportunities and not enough opportunities to pay them off. They are worried. People are worried that their children—many of whom are still living with them after college—will never be able to pay off these loans. Where is the multibillion-dollar package of assistance, aid, and loan forgiveness that will allow this generation of Americans to have the same benefits that my generation had? That is not the situation today. Everyone in this Chamber knows this because, when they go home, they hear from parents who are wondering when their child will ever get out from underneath the significant debt they have.

These are all real problems that working families face. There is another problem that is looming and will exacerbate these problems even more dramatically. According to the McKinsey Global Institute, up to 30 percent of the work done by 60 percent of occupations today is vulnerable to automation. By 2030, 75 million to 375 million—up to 14 percent—of the global workforce will need to change jobs. These advances in artificial intelligence could cause a huge erosion in human jobs.

What are families doing? What should we be doing? Frankly, we should be thinking of ways we can help people make the transition, and prepare them for what we know is coming. We know there is going to be a huge loss of jobs. We know that, when people drop out of the workforce, when companies get smaller, their pension obligations don't get that much smaller. We are also facing huge shortages in terms of pensions.

One of the ironies I suggest will happen—"irony" is too gentle a word—is that these corporations that are getting huge tax benefits are not going to raise wages. They are not going to turn it over to the people who work for them. They will buy back their stock, and some of these companies will buy back their stock even though their pension plans are not fully funded. That is not only an irony but an additional problem with the approach we are taking to this legislation.

The jobs in danger are not all entry-level positions. This is not about somebody who has a pick and a shovel and is displaced by a machine. We are talk-

ing about jobs, for example, in radiology. With computers and artificial intelligence today, doctors will admit they can read x-rays better than many technicians. They can do it in such a way that you don't need as many radiologists to review the records. They can be much more efficient. We are talking about jobs that are not core, entry-level jobs done by people who can easily do something else. We are talking about people who have master's degrees, who have years of training. This is going to come very quickly. What do they do? How do they compensate? Where do they get a job?

We know that this is going to happen, and we are weakening ourselves financially from being able to respond. Yet the legislation that is being proposed is oblivious to what we know is going to happen.

People will come here and say: "We need more money for national defense." Why don't we do that now, instead of giving a big tax cut and raising the deficit?

In a few years or few months, people will say: "This opioid crisis is out of control; it is even worse than it was when the President declared it an emergency." Let's do something.

We don't have the money. In a very few years, when people say, "We are losing hundreds of thousands of good jobs; let's do something," the answer will be "Sorry, we can't."

By the way, we don't have much of a safety net for those people who are being displaced by these machines because we have eroded that too. We have huge challenges before us. The American people are watching us. They know these things. They are seeing in their workplace machines gradually replacing human beings. If you are a driver for UPS and you haven't figured out yet that these big companies are buying autonomous vehicles, they are using drones to deliver packages, et cetera—they understand what is coming. They see their children with huge debt living at home because they can't afford to buy a home, given their school loans. They sense the fragility of not only their own job but also the support for their parents on Medicare and Medicaid.

One of the things I thought was interesting when I heard we were going on to entitlement reform is the fact that the biggest amount of money spent in Medicaid go to nursing homes, and it goes to individuals who are not the poorest of poor. They are middle-class people, seniors, or people with long-term disabilities who have exhausted most of their funds. They have sold their house or mortgaged their house, et cetera, and they are the ones who are taking the bulk of the Medicaid money and funding. If we cut Medicaid, what we are going to do is tell a lot of middle-class people: You are out; you are out of this nursing

home. Or we are going to tell their sons and daughters: You thought you had a problem paying off your children's tuition; you thought you had a problem at work because you haven't had a raise in several years. Guess what. Unless you come up with \$1,000 extra a month, your mother is out of that nursing home.

That is the reality. That is what Americans around their kitchen tables and coffee shops are talking about. They are not talking about big tax cuts for the wealthiest corporations and individuals. It is no surprise that, if you look at any of the polling with respect to this tax bill, the American people are against it. My colleagues, particularly on the other side, are committed to getting something through that the American people don't want. They have said it. The polling has been extensive: We don't want this; we have real problems at home.

I am here to say that I believe this is a great mistake. I don't think any of us going forward should be in a position to say: Someone should have told me; someone should have told me that we need trillions of dollars to improve our defense above and beyond the current money we are spending. Somebody should have told me that hundreds of thousands—if not millions—of good jobs are going away because of artificial intelligence. Someone should have told me that young people are drowning under college debt, and we should fix that. Someone should have told me that we are in a situation where working conditions and the prospect of work is so fragile for so many people.

I think this is a great mistake. I hope my colleagues will reflect on what we are about to do and reject it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

MR. FLAKE. Madam President, I ask unanimous consent that notwithstanding rule XXII, at 1:45 p.m. today, all postcloture time be yielded back and the Senate vote on the confirmation of the Ho nomination and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

THE PRESIDING OFFICER. Without objection, it is so ordered.

NAFTA

MR. FLAKE. Madam President, I rise today because I believe that some here in Washington are under the illusion about what would happen if we were to withdraw from the North American Free Trade Agreement, or NAFTA.

Some people still, inexplicably, believe that this would be a good thing. They believe the relationship between the United States and Mexico and Canada is somehow a raw deal for Americans. Let's talk about Mexico for a while.

In reality, Mexico spends 26 percent of its GDP in its purchasing of goods

from the United States, while we spend less than 1 percent of our GDP—I think it is 0.2 percent—in our purchasing of goods from them. Again, for those who obsess over trade deficits with Mexico, Mexico spends 26 percent of its GDP in its purchasing of goods from the United States while we spend less than 1 percent of our GDP in our purchasing of goods from them. Prior to NAFTA, our total trade with Mexico was under \$80 billion. Now that trade approaches \$600 billion. That is a good thing. That is good for us, and it is good for Mexico. Trade is not a zero-sum game.

These folks also seem to think that terminating NAFTA will have no lasting impact on this Nation or its economy. In reality, pulling out of NAFTA would have sweeping negative consequences for Americans all over the country. Let me briefly describe what America would look like without NAFTA.

It would be an America with fewer jobs and higher unemployment. Some of these jobs that would be lost would not return for decades, maybe even for a generation. Other jobs would never return. It would be a poorer America without NAFTA. The gross domestic product would drop. Much of the positive growth that we have seen recently may be erased. In the last year, we have seen impressive GDP numbers. We have achieved great growth through strong, conservative policies—in our having a better regulatory environment, in particular. I hope the days of 1-percent growth are behind us, but if we scrap NAFTA, that may not be the case. An America without NAFTA would be one crippled by subsidies.

I agree with my colleague from Kansas and the Senate Agriculture, Nutrition, and Forestry Committee chairman, Senator ROBERTS. He recently explained that the withdrawal from NAFTA would add to farmers' demands for increased farm subsidies at a time when Congress simply cannot afford that. These farmers would prefer to sell their crops at reasonable prices, but in our exiting NAFTA, they will certainly ask for economic protection through increased farm subsidies. I believe that many of these subsidies are automatically added and that these subsidies would substantially grow the national debt and dramatically curtail any ability to rein in government spending.

Without NAFTA, we will likely find ourselves in a less secure America. The withdrawal from NAFTA will destabilize the Mexican economy and create a crisis on our southern border. Terminating this agreement will seriously undercut the important progress that has been made over the past several decades—that of improving drug enforcement and stabilizing the Mexican economy. Efforts toward privatization, criminal justice reform, and modernization have been good for the Mexican economy. In turn, it has been good for our economy as well.

According to the Department of Homeland Security, the number of people trying to cross illegally into the United States from Mexico has fallen to the lowest level in 46 years. That is largely due to there being a better economy in Mexico. If we pull out of NAFTA and allow Mexico to plunge into economic chaos and uncertainty, it will, certainly, drive up the number of those who want to come to the United States.

These are the real ramifications of terminating NAFTA—an America with higher unemployment, a lower GDP, more Federal subsidies, particularly for agriculture, and increased illegal immigration.

All of this—exiting NAFTA—would come before we would face the ultimate challenge of negotiating a new trade agreement to replace NAFTA. Anyone who suggests that this process is quick or easy is sadly mistaken. In today's global economy, people and nations have more choices than ever.

For evidence of this, look no further than to the disastrous decision to withdraw from the Trans-Pacific Partnership. Canada and Mexico, like other TPP nations, could decide to move ahead without the United States. These countries have more choices than ever. It used to be that we were the only game in town. That is not the case anymore. These countries have and will move on without us. They could simply refocus their efforts on alternative markets and explore new trade partners. It is a dangerous game when we in America are no longer seen as a reliable trade partner. We will have countries that will be reluctant to enter into agreements with us and that will simply not want to renegotiate.

Let's not be swayed by those who would have us believe that the impact of exiting this trade agreement would somehow be minor or short-lived. There are some who say that we have to exit the agreement in order to negotiate a better agreement. As I have explained, just exiting the agreement will have real ramifications—canceled contracts, particularly for those in agriculture when you are dealing with commodities. Let's not be misled by those who are under the illusion that negotiating an entirely new trade agreement, as I have said, will be simple or painless. It will not be.

In closing, we have seen the limits to the philosophy of ethno-nationalism and economic nationalism. We have seen those limits politically, gratefully, this week in Alabama. Let's not follow those who believe in that philosophy or who are advocating an ethnocentric, or an extreme, nationalistic trade policy. That would be disastrous for the economy of the United States in its moving forward.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. CAPITO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM BILL

Mrs. CAPITO. Madam President, I come here today to again speak in support of comprehensive tax reform. For weeks, I have worked to highlight the enormous benefits that our tax reform efforts will have for the economy. I am very excited about the point where I think we are now because I know this will help our middle-income families, workers, and businesses of all sizes.

I think it should not be lost that the tax reform bill doubles the standard deduction. In my small State of West Virginia, 83 percent of the people living there don't itemize. They are going to use the standard deduction, and that is going to be doubled. It also significantly increases the child tax credit, which is great for families and great for young families with children trying to make ends meet.

It will make America's businesses more competitive around the world, which I think will lead to higher wages and more opportunities for our workers.

I encouraged my colleagues to join these efforts as the Senate proposal worked its way through the Senate Finance Committee and again as it came to the Senate floor for debate. Next week, we hope to see the conference committee report on the Senate floor.

Last week, I explained why I was proud to cast my vote for this critical legislation. I expressed my optimism that the Senate and the House would come together, reconcile the differences between the two bills, and settle on an agreement that would provide real relief and real opportunity for the American people.

Today, we are closer than ever to getting comprehensive, pro-growth tax reform across the finish line, and that is why I am standing here to explain why it is so important that we move it all the way through this process and pass these reforms.

I asked you to take my word, and I have for the last several weeks and months, but now, today, I ask you to not simply take my word on this. Throughout the process, when I have been back at home in West Virginia, I have heard from constituents, friends, and even strangers who are really rooting for this effort. They are rooting for it because they understand what a difference it will make in their lives. Whether I am at a roundtable discussion or at the grocery store, so many West Virginians have shared with me what tax reform would mean for them and their families. They have encouraged me and they have encouraged us to get this done because they know

what tax reform would do for our State in terms of jump-starting the economy.

One West Virginian I recently heard from, Donald from Beckley, recently wrote to me on behalf of his sons and grandchildren, who he said will “reap the rewards” of the tax reform bill. He wrote:

There are too many minimum wage jobs in West Virginia and not enough higher-paying jobs for advancement. There is no ladder for the young people to climb anymore.

Donald added that he would be very surprised if the tax bill doesn't help solve this problem. If we don't see higher wages, which we believe we will, Donald said that he would be surprised. I know we are going to see higher wages. He said: “I really hope that the Senate and House get this bill to the President's desk before Christmas so he can sign it.”

This week, similar support was echoed by a number of groups and organizations in West Virginia. The National Federation of Independent Business said that both the House- and Senate-passed tax reform proposals “recognize the need for small business tax relief, which means businesses could reinvest in their businesses and employees, create local jobs in rural and urban areas of West Virginia.”

I had to kind of laugh when they said “urban” areas in West Virginia. I am not sure we truly have urban areas. We have many rural areas. But we have great towns in West Virginia.

The NFIB went on to say: “We can't afford to miss this once-in-a-generation opportunity to help Main Street businesses grow and create jobs.”

The West Virginia Chamber of Commerce, which represents businesses small and large in the State, also expressed support for the tax reform effort this week by calling it a “real win-win” and noting that “by making tax rates more competitive, small businesses will be able to reinvest in growing their operations and creating more jobs, and individuals will be able to determine how best to spend their hard-earned money, further stimulating economic growth.” The chamber also pointed out that this effort is expected to grow jobs in our State by roughly 5,000 new jobs. To some States, 5,000 might not sound like a lot, but in a State such as ours, 5,000 jobs would be welcomed and welcomed heartily. They also highlighted that West Virginians are expected to see an average reduction of nearly \$2,000 in their Federal taxes that they pay. That is a significant amount of money for hard-working families across our State, to be able to determine how they want to spend their money.

Additionally, the State director of the West Virginia chapter of Americans for Prosperity recently said:

This is a huge step for taxpayers. This is going to make American businesses competitive again. It's going to put more money in the pockets of West Virginians.

Finally, our West Virginia manufacturers—we have a great manufacturing sector—weighed in by saying:

Manufacturers large and small know this reform will mean more jobs in America, more investment in America, and more men and women making things in America. . . . Our elected leaders now need to seize this opportunity, get tax reform across the finish line, and send it to President Donald Trump's desk.

I couldn't agree more.

Many of the folks I have quoted represent numerous businesses and numerous people who work in and for those businesses.

To get this economy growing is incredibly important, and that is what we are going to do. It is time to seize this once-in-a-generation opportunity. It is time to get tax reform across the finish line. It is time to send this pro-growth legislation to President Trump's desk. Families, workers, and small businesses in West Virginia and across this country are counting on us. They are counting on us to do the right thing, to be big and bold, to get this economy moving. That will result in more jobs, higher wages, more investment, and more opportunity and optimism about the future of our country.

I thank the Presiding Officer, and I look forward to voting for this bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. CASEY. Madam President, I want to cover two topics. There is so much to cover between now and the end of the year, but I want to focus today on two issues. One is the Children's Health Insurance Program, and the second is the so-called Deferred Action for Childhood Arrivals, the so-called DACA Program, and in particular the individuals affected by this policy, the Dreamers. I will start with that issue.

The Dreamers, of course, are something on the order of 800,000 young people who were promised that if they came forward and made disclosures, their government would protect them. That is the basic promise that our government made. This is a significant moment in their lives and in the life of the Nation as to whether we are going to keep what I would argue is a sacred promise to 800,000 young people and in my home State of Pennsylvania, at last count, thousands, as many as 5,900, approximately.

In this case, we are talking about this issue because a promise was made, and then in the transition from one administration to the other, a different approach was taken. In September, President Trump decided to end the Deferred Action for Childhood Arrivals

Program. This announcement required those whose DACA waivers would expire within 6 months to submit a renewal application in just 1 month—not a lot of time to get that done.

Unfortunately, many DACA recipients were unable to meet this short deadline, and others who managed to get their applications in time were still rejected due to postal delays—not because of something that young person did but due to postal delays. While the administration has said these individuals may be able to resubmit, many are immediately at risk of deportation.

Just imagine that. In fact, it is impossible for me to imagine it, and maybe it is impossible for anyone in this building to imagine that you are an individual who came forward because of this program, because of a promise your government made to you that you would be protected if you came forward. You came forward after years of living in this country—many years wouldn't add up to a long life because these individuals are obviously very young. Some of them came when they were just a couple years old or a couple of months old, and they know no other country. In fact, one individual whom I met with around a big conference table of about 15 to 20 DACA recipients said to me in this meeting a couple of months ago, she said: The only country that I know, doesn't want us. That was her assessment of what the ending of this program should mean to her.

So that is what they are at risk of. They are not just at risk of some theoretical consequence. They are literally at risk of deportation after living here all these years and not knowing any other country because of their circumstances.

It is estimated that 12,000 DACA recipients have already lost their protection—12,000 young people—and that number will grow to some 20,000 by March. Why would our country break a promise to 12,000 individuals and then 20,000 and then potentially much, much higher numbers? So we can't wait one more day, in my judgment, to help these Dreamers.

Dreamers across Pennsylvania and the Nation already are living in fear and feeling the consequences of this horrific decision.

ICE, Immigration and Customs Enforcement, has already picked up a young Dreamer during a routine traffic stop whose DACA waiver had expired. This Dreamer had been waiting to reapply for protection after his initial application was rejected due to—I will say it again—postal delays. While the administration has said they would allow these applications that were rejected due to postal delays the chance to reapply, the administration has been silent on what these individuals should do in the interim. For many Dreamers, this means they must choose between

risking deportation and continuing to work and provide for their children and their families, depending on the circumstance.

These Dreamers have done everything right, and their applications were rejected, not due to any action they did not take, but they were rejected for other reasons—due to a failure of our government. Yet, now, they are paying the price.

Risking ICE detention and deportation to countries within which they have never lived as adults is totally contrary to our values. Dreamers are young people who have lived in this country since they were children. They are law-abiding residents who have learned English, paid taxes, gone to school, secured jobs that support themselves and their families.

This program has enabled almost 800,000 young people to grow and thrive in America. These impressive young people provide enormous contributions to our society, including paying an estimated \$2 billion every year in State and local taxes. The economic loss to Pennsylvania is estimated to be in the hundreds of millions. To be exact, by one estimate, it is a \$357.1 million loss to the State's GDP. How about the Nation overall? By one estimate, if this were to go forward and these young people were to be deported in the numbers some are talking about, it is a national number that is in the hundreds of billions of dollars—by one estimate, north of \$400 billion. That is the impact.

So we have to get this done one way or the other. It would be a terrible failure of our government; worse than that, it would be an insult to our country, and it would be breaking a sacred promise.

CHILDREN'S HEALTH INSURANCE PROGRAM

Madam President, just a few remarks rather quickly about a major program we are also debating; that is, the Children's Health Insurance Program. We know CHIP expired on September 30. It is a total failure of the government to allow that to happen. It is hard to comprehend that even as some are debating about the size of a corporate tax break, which will be permanent, there is uncertainty, and any uncertainty about the Children's Health Insurance Program is also an insult to the country. Nine million children and their healthcare and the security of their families is on the line. So we need to get the Children's Health Insurance Program passed.

The tragic irony is, the Finance Committee, of which I am a member, passed a bipartisan bill: The Keep Kids' Insurance Dependable and Secure Act, the so-called KIDS Act of 2017, reauthorizes the CHIP program for 5 years. There is no reason why—no reason whatsoever—that KIDS Act could not be voted on and passed on the floor of the Senate this afternoon or tomorrow or Monday

without any impediment to getting that done, but it is being held up, I guess, as a negotiation tactic or as a way to get a deal on something else.

Children's healthcare should not be subject to any deal or any leverage or any engagement on other issues. We should get it done. If people can spend hours and hours and days and now weeks giving big corporations a permanent tax cut that exceeds \$1 trillion, we ought to make sure an existing, effective, bipartisan program for children gets reauthorized.

I yield the floor.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I want to speak for a few minutes on two subjects. I don't have prepared remarks so I am going to speak from the heart.

Let me talk first about the CHIP program. One of my favorite people in the U.S. Senate is my colleague from Pennsylvania, Senator CASEY, and he just spoke very eloquently about a program called the Children's Health Insurance Program, which is part of our Medicaid Program. It provides health insurance for the children of America who are too poor to be sick.

That bill will pass. The Children's Health Insurance Program will be renewed. I want to look the American people in the eye right now and tell them: Do not worry. Do not worry.

This is an extraordinarily able program that has served the people of this country and our country well, and I don't want anybody to be unnecessarily frightened at Christmas. If you are a mom or a dad or a child or concerned citizen out there today and you hear that CHIP is in danger, with all the respect I can muster, I want to say it is not. Don't believe it. The CHIP program will be renewed.

TAX REFORM BILL

Mr. President, now, let me just talk a second about taxes. In a few days, we are going to vote on a tax system, and that vote will be a vote, as much as anything, on people's opinion about the current tax system. No reasonable person can look at America's current tax system and be impressed. For one thing, it is enormously complicated. It is 10 million words. You can stand on it and paint this ceiling.

I don't want to just talk about technicalities here because most Americans don't have time to worry about section 106(a) or section 807(b). They are too busy getting up every day and going to work and obeying the law and paying their taxes. They just want to know what the bottom line is.

So let me tell them what the bottom line is. We are going to pass a tax bill that is going to cut about \$1.4 billion in taxes for the American people and the American businesswomen and the American businessmen over 10 years.

Let me talk, first, about the impact on people—ordinary people, Mr. Presi-

dent, like you and I. We are going to double the standard deduction. Why is that important? Right now, about 70 percent of Americans take the standard deduction. After we double it, probably about 90 percent will. The President is right. You will be able to file your taxes on a postcard if you want to. For Americans who have children, we are going to double the children's tax credit. We are going to lower every marginal tax rate. I know you have been told we are only going to help the wealthy. That is just not true. We are lowering every single tax rate. I am very proud of the fact that this bill starts—it doesn't end, but it starts with helping our middle class.

In my State, a mom and dad working hard, making \$75,000 a year—mom makes 30-plus thousand and dad makes 30-plus thousand, and they have two children—right now, they pay about \$3,500, \$3,700 in Federal income taxes. Now, of course, that is not all they pay. They pay payroll taxes, they pay State taxes, and they pay local taxes. In fact, government taxes everything now at all levels. Government now taxes the food we eat, the clothes we wear, the cars we drive, the homes we live in. Government started thinking it owns all our money. Government taxes us when we work. Government taxes us when we play. Government taxes us when we die. So when I tell you that a couple making \$73,000, \$75,000 in my State is paying \$3,750, roughly, in Federal income tax, I don't want you to think that is all.

The point I am trying to make is, after we pass this bill, that couple is going to pay about \$1,500, \$1,700, \$1,400 in Federal income taxes. That mom and dad who, as I said before, get up every day and go to work and obey the law and try to do the right thing by their kids and try to save a little money for retirement and try to teach their children values is going to have an extra couple thousand dollars in their paycheck, and that is a lot of money. It is to me, and I know it is to you, and it is going to be a lot of money for that mom and dad.

This bill is also going to help every businesswoman and businessman in America. Yes, it is going to help our large corporations. Right now, we tax them at a rate of 35 percent. This bill is going to reduce that to 21 percent, but it is not just going to help large businesses, it is going to help small businesses as well. I am talking about the subchapter S corporations and the LLCs and the LLPs and the sole proprietorships. I am talking about the family farms. I am talking about the American who decided to take a risk to create some jobs, start a small business, went and took a second mortgage on her home, maybe employs four or five people. If she fails in her business, government is not going to be there to bail her out. She is going to lose her

home, but she wants to take a risk, to be her own boss, to create jobs in America. We are going to cut her taxes too.

The passthrough rate, the top marginal tax rate, by my calculations after this bill is passed, is going to be about 29.6 percent. Right now, the top marginal tax rate for that businesswoman would be about 43 percent. And you say: Well, the small businesses get a 26-percent rate. Why do the big corporations get 21 percent?

Because the big corporations pay taxes twice. Saying they are going to pay 21 percent in our bill isn't the only part of it. When they declare dividends, they have to pay taxes again. So that is the reason for the disparity.

Let me tell you why this is important. So many of my colleagues—in fact, every one of my colleagues in the Senate says that they are for jobs. We are all for jobs, but you can't be for jobs if you are against business. You can't.

Businessmen and businesswomen need four things from government. They need reasonable regulation—not no regulation, reasonable regulation; they need a decent infrastructure; they need a skilled workforce; and they need low taxes. That is what government is supposed to provide. And then, in a free enterprise system like ours, government needs to get out of its way and let the free enterprise system work, which has lifted more people out of poverty than all the social programs put together.

Our bill is going to provide lower taxes. We have a lot of differences of opinion in this body. Some of my colleagues—most of whom happen to be Democrats—believe that it is possible to tax this country into prosperity. Once again, I say this with all the respect I can muster: They are in good faith in believing that. This is America. You can believe what you want. But if they believe that, then they were in the quad throwing a frisbee during economics 101. And that is just a fact.

Some of the opponents of this bill have suggested that tax policy has absolutely nothing to do with our economy, with economic growth. Once again, with all the respect I can muster, I would ask them very respectfully: What planet did you just parachute in from? Average Americans understand, ordinary Americans understand, people who work for a living understand that when you tax something, you get less of it, and when you tax it less, you get more of it.

This is a solid bill. It is not perfect. If I were king for a day—I am not, and I don't want to be—I would make some changes. But reasonable people disagree sometimes, and I believe this body will come together.

I hope we get some Democratic votes because I think that in their hearts,

some of our Democratic friends want to vote for this bill. They do. We will see whether or not they do, but I believe they do. But we are going to pass this legislation, and the American people are going to be better off. It is not going to add to the deficit. I would not vote for this legislation if I thought it would hurt us long term in terms of our deficit.

Thank you, Mr. President.

I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

FIFTH ANNIVERSARY OF THE SANDY HOOK MASS SHOOTING

Mr. MURPHY. Mr. President, I am on the floor this afternoon to mark 5 years since the unthinkable—since 20 6-year-olds and 7-year-olds and 6 of their educators were killed in an elementary school in Connecticut. It changed this country in the way that we think about gun violence. And it certainly changed me. I want to offer a few thoughts today as we once again memorialize those beautiful children whose lives were cut far, far too short.

It is easy to spend today—especially those of us who come from Connecticut, who are very intimately connected to the tragedy and to those families—drowning in sadness. There is really no way to conceive of what it is like as a parent to lose a child that young, in that manner, in 5 short minutes in a hail of bullets emanating from a tactical assault weapon. Twenty kids who had just walked into their classroom, bright and cheery, were gone.

It is easy to hang your head, thinking of all of the things that haven't happened. I have been down to this floor over 50 times, often at my wit's end, raising my voice at my colleagues in frustration at our quiet and unintentional endorsement of the slaughter that happens in this country because we haven't passed a single piece of legislation trying to make sense of our Nation's gun laws. In fact, to the extent we have made changes in gun laws, it has compounded the problem, not remedied it.

But I want to spend my brief time here today not focusing on the sadness of today—it is there; it is inescapable—and not focusing on what we haven't done but focusing on so many miracles, big ones and small ones, that have occurred in and around the lives of those who have been affected in Newtown, CT, over the last 5 years.

First, there are these individual miracles that have happened within these families. Again, very few people understand the kind of crippling pain that comes with this loss. While these families will never be the same, they have found ways to rebound. They have found ways to still capture joy in their lives. Some have added to their num-

bers by welcoming new children into their family since then. They have rediscovered passions. They have made sure that the surviving children—the siblings—have been able to live lives of optimism rather than live lives of perpetual fear.

I have gotten to know so many of these families. The parents and the kids are now close, personal friends of mine. Watching the rebirth of these families instills a sense of faith in the human spirit that is hard to explain. Those are small miracles, but they are important ones to remember on this 5-year anniversary.

The miracles also come in ways that lives have been changed and saved through the efforts that have sprung forth out of this tragedy. So many of the families joined together with their friends and started up small charitable organizations in the wake of the Sandy Hook shooting, trying to find a way to take the beauty of these kids and transfer it to others. They are almost too numerous to mention.

The Ana Grace Project gives out a scholarship every year at Western Connecticut State University for incoming freshmen who are interested in studying music because for her whole life, Ana Grace was surrounded by music.

The Vicki Soto Memorial Fund donates five books every year to every K-6 classroom in her hometown of Stratford. She was one of the teachers—heroes of that day. Kids have the opportunity to read and to learn to love reading—which is what she taught to these kindergarten kids—because of her foundation.

The Charlotte Helen Bacon Foundation pays for therapy dogs for kids and families in need, reflecting Charlotte's love of dogs.

The Catherine Violet Hubbard Foundation opened an animal sanctuary on 32 acres in Newtown to help animals that had been rescued from abusive or neglectful environments because of Catherine's love of animals.

The list goes on and on. These are small, beautiful miracles that are happening all across Connecticut and all across the country in trying to honor the memory of these kids and their educators.

Then there are miracles that have happened in the context of public policy. A year ago this week, I sat at the White House with a few of the Sandy Hook parents, quietly in the back of an auditorium, as President Obama signed into law the 2016 Mental Health Reform Act, which would not have become law without the input and activism of the Sandy Hook parents and many other survivors of gun violence.

Our gun violence problem is not a mental health problem, *per se*. There is no inherent connection between mental illness and gun violence. But there is no mistaking that the shooter in Newtown—as has been the case in so many

other of these mass slaughters—had deep mental health problems that went untreated. There have been public policy victories.

So today, on the 5-year anniversary, I hope that my friends here will celebrate these small but meaningful miracles that have happened over the last 5 years, and I hope that you will be reminded that we cannot take one day or one moment for granted. Those moms and dads who sent their kids to school that morning never imagined that would be the last time they would be able to interact with their children. So none of us should think that we will have another chance to say what we want to say to somebody we care about. None of us should think we can put off saying “I love you” for another moment. Those small things that we do for each other matter desperately.

I think about one story that I will leave you with from that morning. Daniel Barden is one of the young boys killed in that elementary school. His older brother went to school at a different time than he did. He would get up earlier and go down to the bus stop earlier than Daniel would, so they normally wouldn’t really see each other in the morning. For some reason, the morning of the shooting at Sandy Hook, Daniel got up earlier than he normally did. He saw that his brother was at the end of the driveway waiting for the bus. He ran out of the house and down the driveway to say goodbye to his brother—goodbye for the day. It was just a small, tiny act of kindness that Daniel thought probably would be forgotten by his brother by the end of that day, but it has meant the world to that family, the idea that Daniel got the chance to walk down the driveway and say goodbye to his brother before he went to school that day and never came back.

Don’t ever think you will have another chance to say what you want to say to a loved one, to someone who means something in your life.

A few months ago, one of the Sandy Hook parents arrived unexpectedly in my office. I got word from the front desk that she was there. She just wanted to stop in for a few minutes. I said: Of course, send her back. This mom had lost her child. I have come to know her very well. She burst into my office and she flung her arms around me and she whispered into my ear: Keep going. She unclasped her arms and looked at me and said: That is all I wanted to come and tell you. After a few pleasantries, she walked out the door.

Keep going. That is what Newtown has done over the last 5 years. That is what those families have found the courage to do over the last half a decade.

For those of us who believe the laws of this country must change in order to protect kids like those who lost their lives in Sandy Hook, it is what we do.

As we mark 5 years since the violence at Sandy Hook Elementary School, we keep going.

I yield the floor.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the Ho nomination?

Mr. BENNET. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 317 Ex.]

YEAS—53

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heitkamp	Rounds
Cassidy	Heller	Rubio
Collins	Hoeven	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Strange
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Donnelly	McCaskill	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—43

Baldwin	Gillibrand	Reed
Bennet	Harris	Sanders
Blumenthal	Hassan	Schatz
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Kaine	Stabenow
Cardin	King	Tester
Carper	Klobuchar	Udall
Casey	Leahy	Van Hollen
Coons	Markey	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Nelson	
Franken	Peters	

NOT VOTING—4

Cochran	McCain
Manchin	Murray

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to re-

consider is considered made and laid upon the table and the President will be immediately notified of the Senate’s action.

The Senator from Utah.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LEE. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NET NEUTRALITY

Mr. LEE. Mr. President, earlier today, the FCC voted to reverse a major impediment to a free and open internet—the title II internet regulations that were imposed under President Obama in 2015. These regulations are commonly referred to as net neutrality. For the sake of convenience, that is what I will call it.

I want to congratulate FCC Chairman Ajit Pai for his brave accomplishment today. He has fought for what he knows is right, and he has done so in the face of tremendous pressure and, at times, overwhelming opposition. I also want to use this opportunity to correct the record about what it is that the FCC has actually accomplished.

There is an astonishing amount of misinformation about this issue, and there is a lot of hyperbole surrounding it. If you believe the passionate voices defending these regulations, then you may believe that the FCC just jeopardized the entire internet as we know and love it and sometimes loathe it. These activists tend to paint a scary vision of America without net neutrality—a vision in which large internet service providers prey on ordinary consumers and startup businesses, a vision in which internet access would be rationed or bundled up in very expensive, unaffordable packages. One viral tweet even suggested that Google would start charging two bucks apiece for internet searches.

These are falsehoods, every one of them, and they will be exposed as such in the coming days, weeks, and months, when the internet hums right along just like usual and skyscrapers in all of our major cities remain standing. In the wake of that, we are going to look back at these dire predictions, these mere hysterics, like the Y2K bug or the Mayan apocalypse of 2012. In the present, these exaggerations have real-world consequences that go far above and beyond scaring the public.

In the last 6 months, Chairman Pai and his family have been attacked in the grossest and most unacceptable

terms. Even his children have been singled out for intimidation. These kinds of attacks have absolutely no place in our public discourse. Why don't we tone down the rhetoric and see if we can get to the truth about net neutrality. We can start with a little background.

In 2015, the Democratic-controlled FCC issued the so-called open internet order. This order made dramatic changes to how the internet is classified for purposes of Federal regulation.

Until 2015, broadband internet was classified as an information service. As such, it was subject to light-touch regulations that allowed innovators to build without seeking permission from the Federal Government. This classification reflected common sense, and it reflected the intent of Congress.

The internet is a fast-moving information superhighway. If slow-moving government regulators had gotten involved decades ago, it could have inhibited innovation—the same kind of innovation that keeps service fast and keeps prices low for all Americans.

Not only was this a commonsense arrangement, it facilitated a virtual renaissance of innovation and discovery in this increasingly important part of our economy. This renaissance gave us things like smartphones, ridesharing, and super-fast fiber-optic internet services. It gave us 3G, 4G, and then, soon, 5G wireless service. This period also gave us Twitter. One could argue that maybe this wasn't all good but mostly good.

Overall, the light-touch regulatory arrangement works pretty well for ordinary users, big companies, and entrepreneurs who are just starting out in their garages. Contrary to net neutrality's most aggressive defenders, the internet of 2014 was not some sort of hopeless hellscape; it was actually pretty awesome.

The FCC threatened all of that in the early weeks of 2015 when it reclassified broadband internet as a "telecommunications service." This innocuous-sounding change subjected the internet to a whole host of regulations that were originally meant for New Deal-era telephone monopolies like Ma Bell. In essence, the government imposed 1930s-style regulations on 21st-century technology. This outdated arrangement has worked about as well as one might expect. Broadband internet investment has fallen significantly since the net neutrality regulations were proposed in 2011. Dr. George Ford of the Phoenix Center estimates that between 2011 and 2015, just the threat of internet regulation scared off \$200 billion in investment.

Since the regulations were imposed in 2015, broadband internet investment has declined by 5.6 percent. That is billions of lost dollars over just 2 years. As Chairman Pai has noted, this is the first ever decline in broadband invest-

ment outside of a recession, and this recession just happens to be self-imposed. It may not seem like a big deal to you that government is squeezing out billions in internet investment, but it hurts you and it hurts your fellow citizens in material ways, in ways that might not always be obvious. Less investment means less fiber optic cable, fewer towers, and fewer wi-fi hotspots. This translates into spottier coverage and slower speeds for Americans, especially those living on the periphery of society, in poverty, or in rural areas. FCC regulations make it harder for these Americans to have equal access to the internet.

These regulations have also entrenched the market power of large internet service providers while hurting their smaller competitors. By their very nature, regulations impose conformity on a market. They limit companies' ability to distinguish themselves from their rivals by offering innovative services. This works out fine for the companies at the top. They have already made it. In fact, it can work out really well for some of them. They can kick back without worrying about some young punk coming along and changing the game. It works out less well for the young punks, the startups who want to win customers away from old-school companies.

That is how it works in the theory, at least, and there is good evidence that this is exactly what is happening in practice. Small ISPs have been far more critical of net neutrality regulations than large ISPs. A group of two dozen small internet providers recently wrote that the regulations hang like a black cloud over their business, slowing or even halting their deployment of new technology. Likewise, 19 municipal internet providers told the FCC that they "often delay or hold off" on introducing new services because they cannot afford a potential complaint. Internet providers that serve predominantly rural areas have voiced similar concerns, reporting that they have reduced network expansion in parts of the country that are already underserved.

These examples show that net neutrality regulations are harming competition and increasing the consolidation of power in the internet industry, not decreasing it. Internet regulations have, in effect, sheltered large ISPs from competition and from the need to change. Be sure to think about that the next time you are on hold with customer support.

As Americans chart a path forward in the coming years, we will face an important choice: Do we want an internet that is run by regulators or do we want an internet that is run by innovators? The innovators have had a really strong track record over the last 30 years with regard to the internet. So they are the ones I am siding with, not with the regulators.

How can we empower the innovators? More importantly, how can we empower the millions of families who rely on fast and reliable internet service each and every day?

The FCC did its part by repealing net neutrality regulations and returning to the regulatory framework that governed the internet—successfully, I would add—until 2015. This move reclassifies the internet as an information service, but it goes well beyond that. The FCC will require every ISP to disclose information about its network management practices. If these companies block or throttle web traffic, rest assured that the public will know about it.

Importantly, this order restores enforcement power to the Federal Trade Commission to protect consumers from unfair or deceptive practices. The FTC had policed the internet successfully for years prior to 2015. Now the cop is back on the beat. The FCC's action today is a return to normalcy for the internet, but we should not rest easy. A future administration could undo all of Chairman Pai's hard work at a moment's notice if Congress doesn't act to solidify his accomplishment.

Over the summer, I introduced legislation entitled the Restoring Internet Freedom Act, which would prohibit the FCC from imposing utility-style regulations on the internet ever again. Passing this act would give companies the regulatory certainty they need to invest in improvements for their customers. We should not discount how important Congress can be in determining the success or in directing the failure of things like the internet.

In 1996 President Clinton and Congress inaugurated the light-touch regulations of the internet. They wanted the information superhighway to be unfettered by Federal or State regulations. They were rewarded—and we were rewarded—with a tremendous outpouring of innovation that has improved the lives of, basically, all Americans and people throughout the world. I say that we emulate their wise example and see what free men and free women can invent in the next 20 years.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. VAN HOLLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

REPUBLICAN TAX Bill

Mr. VAN HOLLEN. Mr. President, I come to the floor this afternoon because of the reports that the House and Senate conference committees on the

tax plan are nearing an agreement or may have reached an agreement. By all accounts, this would be shaping up to be one of the greatest legislative heists in American history.

It is hard to imagine that you could take a tax code that is already stacked in favor of the very wealthy and very powerful special interests and actually make it worse, but that is exactly what we are hearing coming out of the conference committee. This is being worked on, essentially, by our Republican House colleagues and our Republican Senate colleagues.

The actual conference committee is a bit of a charade because all the real discussions going on with respect to the tax bill are done behind closed doors, with lobbyists who are putting on the finishing touches.

Here is what we are hearing from the reports that are coming out. We have already gotten details; some of the details had been released.

From the Associate Press: "Ample tax cuts for business, wealthy in new GOP tax accord." That is the headline about the tax plan that will be coming to this Senate soon.

The reality is that any tax cuts for middle-class families are going to be a lot smaller than the tax cuts for the very wealthy, and they are only temporary.

Also, make no mistake, you are going to see millions of middle-class families actually see a tax increase, but those who will get some small tax relief will see it only on a temporary basis, and then it will disappear. The corporate tax cuts—they are forever under this Republican plan.

Here is the headline of the Washington Post about what is coming out of the House-Senate Republican conference committee: "Republicans reach compromise tax plan, expanding tax cuts for the wealthy."

Let's get this straight. We had a Senate bill and a House bill. The Senate bill actually reduced the top rate—that is the rate that applies to the wealthiest in this country—to 38.5 percent. It is currently 39 percent; they reduced it to 38.5 percent. In the House, they kept the top rate where it was. So the Senate bill is 38.5 percent; the House bill is around 39 percent. Republicans from the House and the Senate go behind closed doors, and where does it end up? They actually cut that top rate for the wealthiest folks in this country to a place that is lower than either of the tax bills that went into conference.

So you take these bills and go behind closed doors, and all of a sudden, the wealthy—who are already doing really well under the House tax plan and the Senate Republican tax plan—do even better because they are dropping that top tax rate to 37 percent.

For those who think that a drop from 39 to 37 percent doesn't sound like a lot, I will tell you, if you are making \$1

million, that is an average tax cut of \$20,000 a year when millions of American middle-class families are seeing their taxes go up and so many others are getting crumbs and, again, just temporary crumbs.

We were promised this would be very different. This is what President Trump's Secretary of the Treasury, Steve Mnuchin, told us: "There will be no absolute tax cut for the upper class." That is clearly false because the upper class is getting a big tax windfall. Not only that, but as I just said, those tax windfalls are getting larger in the bill coming out of the conference than they were going in.

What we are seeing is a lot of promises that sounded really nice to the American people, but it turns out it has been a scam. What people were told was that this was going to be out there to help working folks, and that is not what they are getting. That is why all the public surveys show that the American public doesn't like what they see, and that is why there is this effort to rush this through so quickly.

My plea today is that there is still time. There is still time to turn back from this tax plan that is going to do so much harm to our country in the coming years.

There certainly is an opportunity here for our Members on the Republican side to take a final look at what is coming out of this conference and decide to turn back and work on a bipartisan basis for real tax reform, not just something masquerading as tax reform, which is really a tax break for the big corporations.

Exhibit A as to why this is not tax reform is the broken promise with respect to closing the carried interest loophole. People will remember President Trump talking about that. I don't know what is going to come out of conference in the end, but what I do know is that neither the House bill nor the Senate bill closed the carried interest tax break. For hedge fund managers who are making big bucks, that is the loophole that allows them to pay a lower tax rate than the folks working for them in their office—for the secretaries who work in their office, for the folks who come in and clean the offices. The hedge fund managers, through the carried interest loophole, actually pay a lower tax rate in many cases than those folks who are working for them.

In fact, it is such an outrageous loophole that Donald Trump got big headlines during the 2016 campaign. He promised during the campaign that he was going to close that loophole. In fact, when he was asked on the campaign trail for an example of what was wrong with the current Tax Code, for an example of how powerful special interests got their day using their lobbyists in Washington, he said: Take a look at that carried interest loophole.

In fact, Candidate Trump specifically said: "The hedge fund guys are getting away with murder." That is what he said on the campaign trail.

We are about to vote on a bill that claims it is tax reform; yet neither the House bill nor the Senate bill that went into conference touched this loophole. By all accounts, the bill coming back to the Senate doesn't close it either.

It is not as if we didn't have a chance to fix it. In fact, right here on the Senate floor, Senator TAMMY BALDWIN offered a motion to close the loophole, to do exactly what Candidate Trump said that he wanted to do. But every single one of our Republican colleagues voted against closing the carried interest loophole. I guess that means, in now-President Trump's words from the campaign, that this tax bill will let those hedge fund managers "get away with murder."

Don't tell us that this is about getting rid of special interest loopholes when it doesn't eliminate exhibit A of a special interest tax break that Candidate Trump talked about. It is exhibit A of broken promises. He said: Let's not let those hedge fund managers get away with murder when it comes to the Tax Code. Yet nothing was done about it in this piece of legislation.

It gives you a clear understanding that this is not about tax reform, not about getting rid of those loopholes. What it is about is stacking the deck even further in favor of very powerful corporate special interests and the very wealthy against middle-class, working Americans.

After all, President Trump said: This tax bill is going to put the middle class first. In fact, here is what he said, again, when he was running for President: "Everybody is getting a tax cut, especially the middle class."

More recently, this is what the Republican Leader Senator MCCONNELL said: "Nobody in the middle class"—nobody in the middle class—"is going to get a tax increase." That is untrue, and the Republican leader has acknowledged that. But that is not what was promised to the American people, not by Senate Republicans and not by the President of the United States.

In fact, under the House and Senate bills, more than 10 million families—10 million families—who make less than \$200,000 a year are going to see immediate tax increases. What happened to that promise of no tax increases for anyone in the middle class? It is already broken.

Instead of putting middle-class families first, the biggest tax cuts, by far, go to people making more than \$1 million a year. In fact, those families making more than \$1 million a year get an average tax cut of \$35,000 a year right away. Just to give people some perspective, this is a tiny sliver of

American households, fortunate households. We want more millionaires, but how do you explain in a bill masquerading as a middle-class tax cut that it is the millionaires who are doing so much better than everybody else?

Just to give you some perspective, for every 1,000 American families, there are four who make more than \$1 million a year. That is great for them, and we want them to do well, but why we would give them the biggest tax cuts, rather than folks in the middle who are working hard every day, is something our Republican colleagues will have to explain.

We are now talking about 710,000 wealthy families getting that tax cut of an average \$35,000 a year, compared to 10 million middle-class families who are going to see tax increases—tax increases. It gets worse because the tax cuts for families are only temporary. At first, many people will pay more right away. Other families may see a little tax break right away, but it goes away, except for the corporate tax cuts, which are permanent. In fact, some families are going to see permanent tax increases to pay for the permanent tax cuts for corporations.

This chart is from the nonpartisan professionals. This is the Joint Committee on Taxation. As we can see, when this bill fully kicks in, here is what the situation looks like. If you make \$75,000 a year or less, your taxes are going to go up when it is fully kicked in. I am going to say that again. If you make \$75,000 or less, your taxes are going up when this plan fully kicks in.

As you can see, in addition to that, that means, of course, that your after-tax income is going to go down. This chart takes into account the idea that because we are going to give tax cuts to corporations, some people are going to see some lift in their income. So what this chart tells us, which is very important, is that even if you take that into account, people's after-tax income, if they are at \$75,000 or below—what they have for their family, what they have to pay the mortgage or pay the rent—is going down.

Then there are some folks between \$75,000 and \$100,000 who pretty much, when this is phased in, will see no real change.

But let's look out here. Let's look at the folks who make over \$1 million. When this kicks in, they are going to be doing even better—much better—when it comes to their after-tax income. How much income do they have after paying taxes for their families? Even after many of the tax cuts phase out, the after-tax income for folks at the top will go up. Why? Because folks at the very top are the ones who have most of the stock holdings in our major corporations. So they are the ones who will continue to benefit over

time from those permanent tax cuts to corporations.

So this is a really important chart done by the professionals here in Congress that lets people know the answer to the very important question, which is this: How much will I actually have in my pocket after taxes for my family when this thing fully kicks in? That is what that tells us.

In fact, this chart really undermines entirely the Republican claim that there is going to be some kind of big trickle-down benefit from this tax plan to most families. We have tried trickle-down before. We tried it in 2001 and 2003 with the Bush tax cuts. Trickle-down ran into the wall of reality around the country. After-tax incomes for the folks at the top went way up. The debt went way up. Everybody else was standing still or falling behind. That is what happened, and that is what will happen again.

Now, we were promised by the Secretary of the Treasury that they were going to do this analysis that showed that if you cut taxes for all of these folks at the top—the wealthiest Americans—and you cut taxes for corporations, it was somehow going to create so much economic growth that the additional tax revenue from that additional growth would actually pay for the tax cuts. They promised we were going to get this big analysis. At the end of the day, they couldn't produce it; could they? They couldn't produce it.

Instead, just a little while ago, we got one page. We got one page from the Department of the Treasury. Nobody put their name on it because the Secretary of the Treasury couldn't find any professional person to put their name on this one page. When you actually read it, you know why. It is because it just assumes the answer to the question. It assumes there is going to be all of this additional economic growth. Although, if you actually read it, they even acknowledge that the tax plan itself will not generate enough economic growth. They talk about other policies that are going to generate all of that other economic growth to allow the tax cuts for corporations and others to pay for themselves. They don't tell you what it is. The Presiding Officer could make up a number or I could make up a number. That is all they did. They made up a number and put it on a page.

I really hope our Republican colleagues, who were serious when they asked the Treasury Department for that analysis, will recognize that they got taken for a total ride by the Treasury Department, because this doesn't pass the laugh test. This is intellectually dishonest, and I am sure that the folks who put it out know that.

So if it is not going to happen by magic—and economic growth is not going to happen by magic—how are we

going to see the benefits that were promised by our Republican colleagues, that when you give those big tax cuts to corporations, it is going to result in higher wages and all of this economic growth? We know it is not going to be true because they couldn't come up with any serious analysis. We also know that it is not true because the CEOs of these corporations are themselves telling us it is not true.

Here is what happened just a little while ago. The Wall Street Journal had a forum. They invited CEOs. At this forum, they asked the CEOs in the room to raise their hands if they planned to use the tax cuts their corporations were getting to invest in their own businesses, to invest in their workers. Guess what. Hardly any of those CEOs raised their hands. In fact, Gary Cohn, one of President Trump's top economic advisers, looked around the room and saw just a few hands raised, and he asked: "Why aren't the other hands up?"

The reason the other hands weren't up is because the CEOs of those corporations do not plan to use their big tax breaks to give their workers wages or to invest in their businesses. These corporations are making record profits now, and they are not using those profits for those purposes. In fact, as has been widely reported, those corporations plan to use their tax windfall for stock buybacks and to provide higher dividends to their stockholders. So stockholders are going to do great. CEOs are going to do great. Everyone else is going to be left holding the \$1.5 trillion debt that they are putting on the national credit card.

Here is what MarketWatch reported. This is the MarketWatch, December 8, headline: "Share buybacks spike—dropping a strong hint at what CEOs plan to do with tax savings."

This is before the tax plan was even passed. People were just salivating at the idea that they are going to get this windfall that is going to go to CEOs and other executives and big shareholders.

Here is the subheadline in MarketWatch: "Forget trickle-down economics: Shareholders, not workers, will be big beneficiaries of tax reform."

Next sentence: "Long-term investors and workers hoping that the tax overhaul and repatriation holiday will encourage investment in growth and a rise in wages should brace for a disappointment."

No Senator should tell us a few months from now that they were not warned that this is exactly what is going to happen.

Do my colleagues want to know who a good chunk of those shareholders who are salivating about this windfall are? Well, 35 percent of the shareholders in American corporations are foreign stockholders. Thirty-five percent of those folks who are waiting for

that big corporate tax windfall are for foreign stockholders. In fact, the Senate tax bill gives these wealthy foreign shareholders a \$31 billion tax cut in 2019 alone. In the House bill, it is even bigger: \$50 billion in tax breaks to foreign shareholders in 2019 alone, paid for by increasing taxes on millions of middle-class Americans.

For those Americans who are getting a small tax cut, let's take a look at how their tax cut compares to the windfall for big corporations. Here is how skewed it is. In the year 2019, the House bill gives \$11 billion more in tax breaks to foreign shareholders than it does to every single working-class and middle-class family in all of the States that voted for Donald Trump in 2016 combined—combined. Think about that. For every single middle-class family in every one of those States who voted for Donald Trump—those who are actually getting some tax cuts—you add it all up and foreign shareholders get \$11 billion more than they do. Again, millions of middle-class taxpayers in these States are actually going to see their taxes go up so that the money goes into the pockets of foreign shareholders—so much for putting America first, so much for putting middle-class taxpayers first.

So just to be clear, it means that all of these families in all of the States that voted for Donald Trump with incomes of \$100,000 or less, if you add up their small tax cuts, it is still \$11 billion less than the tax cuts for foreign shareholders. That is for the folks who are actually getting tax cuts in those Trump States. As I say, millions are actually going to see their taxes go up.

Now, I want to focus on one other promise that was made by President Trump and Republicans about their tax plan. They said it is going to bring jobs back to America from overseas. As we look at this plan coming out of conference committee, this may be the worst and meanest of all the broken promises, because when you look at this plan and you talk to economists who don't care about political party, they will tell you that this plan is actually going to increase the incentive of American businesses to move their jobs and operations and factories overseas.

Let's just take a quick look at this because I am appealing to my Republican colleagues to fix this before it is too late.

First, it is important to understand that the Republican tax plan now will allow U.S. corporations to pay zero taxes on their foreign profits. If you have a company overseas, currently you have to pay U.S. taxes on the proceeds on that after you have paid the foreign government, but under the Republican plan, you pay zero taxes on those overseas profits. So under the new plan that reportedly is emerging, corporations will have a 21-percent

U.S. tax rate, but if you move your business or company overseas, it is zero, not 21 percent.

Now, just like today, those corporations that move their businesses overseas will have to pay taxes to those foreign governments on the profits they make overseas. Lots of those corporations can shift those profits to parts of the world where there is zero income tax liability, and Republicans in the House and Senate claim that they solve this problem by going to a minimum tax on certain foreign profits.

Here is how our Republican colleagues claim they fix this problem. Let's say a company either has its headquarters or puts its profits in the Cayman Islands. I hope my colleagues will follow this and fix this while there is still time. You have \$2 million in profits in the Cayman Islands, so you pay zero foreign taxes because the Cayman Islands doesn't have any tax. Of course, under this plan, you pay zero U.S. tax—except our Republican colleagues said they have a plan to address this problem; that is, in this situation, there will be a 10-percent minimum tax. So on the \$2 million in profits in the Cayman Islands, you would actually pay a tax of \$200,000. That sounds good. At least that is a small fix, supposedly. But then in the same bill there is a huge loophole to this fix, and that is that corporations get an exemption from this minimum 10 percent tax if they move their factories overseas. If you move jobs overseas, you can escape that 10 percent minimum tax because in the Senate bill corporations get an exemption that equals 10 percent of the value of all their offshore factories and equipment. The House bill is similar. What does that mean? That means that if you are a corporation, you get an exemption from the foreign minimum tax by shipping factories and jobs overseas.

Here is the math. A corporation made \$2 million in the Cayman Islands. Remember, they were going to pay \$200,000 in taxes on that. But now they move the factory overseas. That is worth \$100 million, and it makes a \$5 million profit. Now they add up their overseas profits, and they are now below that—they are 7 percent—and they pay no foreign minimum tax on that.

Since then, Gene Sperling and many economists have raised alarm bells about this. Yet our Republican colleagues seem to have blinders on about the commitment they made to make sure that we don't offshore more American jobs. This will offshore American jobs.

This bill is full of broken promises. I ask my colleagues to go back and look at what was promised by Candidate Trump, President Trump, and our Republican colleagues, because the tax bill doesn't do that. I also urge my colleagues to allow the newly-elected Sen-

ator from Alabama, Doug Jones, to have a vote on this incredibly consequential piece of legislation. He was just elected by the will of the people of Alabama, and we should not rush headlong into passing this bill, which will impact the people of Alabama like everybody else, without his having a chance to vote on it.

This is something Senator McCONNELL mentioned in a similar situation many years ago when Scott Brown from Massachusetts was elected to fill the seat of Senator Kennedy. He asked people to wait and allow Senator Brown to weigh in on the healthcare bill. They did. Doug Jones and the people of Alabama deserve the same respect, and the people of this country deserve a Senate that is duly elected to make this very important decision.

There is still time. There is still time to turn back in the conference committee. There is still time for Senators to say that the bill that is emerging doesn't match the promises that were made. We can go back to the drawing board and come up with real, bipartisan tax reform. Let's do that.

The PRESIDING OFFICER. The Senator from Alaska.

RECOGNIZING THE 4TH BRIGADE COMBAT TEAM, 25TH INFANTRY DIVISION

Mr. SULLIVAN. Mr. President, once a week when we are in session, I come to the floor to recognize a person or group of people in my great State of Alaska who make it very special. We call them our Alaskan of the Week.

Alaska is beautiful, it is big, and it is special. Right now, much of the State is gearing up for the skiing season. Snow is out, and there is nothing more beautiful and invigorating than taking to the slopes of Alaska. It is also a great time to see the Northern Lights dancing in the sky. So I urge everybody to come out to Alaska. Winter or summer, it will be the trip of a lifetime.

Of course, it is much more than snow and beautiful dancing lights; our people are what make us so special—rugged, independent, generous, and giving to their families, their communities, our State, and our country.

Alaska is a patriotic State—I would argue, the most patriotic State in our great Nation. For one, we have the most veterans per capita of any State in America. We have the very best military forces, and we have a lot of them. Let me name just a few.

We have the Army's 1st Stryker Brigade, based at Fort Wainwright. Chike Springer, one of my staffers helping me out here, served there in the 1st Stryker Brigade's Aviation Task Force. We have the Northern Warfare Training Center; the 59th Signal Battalion; the 17th Combat Sustainment Support Battalion; the Air Force's

Third Wing, 11th Air Force; the 176th Wing; the 673rd Air Base Wing; the Air Force reservists of the 477th Fighter Group; the 354th at Eielson; and the 213th Space Warning Squadron at Clear Air Force Station. You get the picture—some of the best military forces. The 49th Missile Defense Battalion, the cornerstone of America's missile defense, protecting the entire Nation, is right there at Fort Greely. These are the thousands of men and women in the Reserves and on Active Duty who are stationed in our great State. We are proud of them, and we owe them and their families a huge debt of gratitude for their service, especially now that we are approaching the holiday season.

Today, I want to particularly recognize the men and women who make up the 4th Brigade Combat Team, 25th Infantry Division—the only airborne brigade combat team in the Pacific theater and in the Arctic. As my colleagues on the Armed Services Committee know, they are referred to in Alaska and throughout the Army as the 4-25. This unit, over 3,000 men and women strong, is our Alaskans of the Week.

I want to talk a little bit about the 4-25. It has a very strong lineage and heritage. Although it was created relatively recently—in 2004—and was the first new U.S. airborne unit created since the end of World War II, its heritage springs from the 25th Infantry Division, which was first activated in 1941 and played a seminal role in World War II and all of our country's conflicts since.

Just like the 25th Infantry Division, the 4-25 has played a major role in our country's conflicts since its inception. Members of the 4-25 have deployed to Iraq in support of Operation Iraqi Freedom, to Afghanistan in support of Operation Enduring Freedom, and just last September, a couple months ago, they were again deployed to Afghanistan to train and advise Afghan security forces.

As part of a larger drawdown of our military and the Army—a misguided drawdown by the previous administration, announced in 2015—the 4-25 was part of 40,000 Active-Duty Army soldiers to be cut, just gotten rid of. This would have been an enormous strategic mistake for the Army and for America's national security, especially as it related to the 4-25, the only mountain, cold weather, airborne BCT in the entire Arctic and Asia Pacific. They are also a critical reserve force for any contingency on the Korean Peninsula given how close we in Alaska are to Korea.

So what happened? Alaskans circled the wagons. Rallies with hundreds, if not thousands, of my fellow Alaskans came out in our great State, urging the Department of Defense and the U.S. Army: Don't make this mistake. Don't cut this unit. Keep it intact.

Here in Washington, we did our work. I had a heart-to-heart with a number of senior Army and DOD officials with one simple goal in mind: to get them to personally visit this unit, to come see them train, to see how capable they were, and to understand their strategic value to America's national security. And that happened. Many senior Army officials—the Army Chief of Staff and the Secretary of the Army—went to Alaska, went to JRTC, and watched the 4-25 in action.

I remember standing on the second floor of a building in a mock Middle Eastern town watching members of the 4-25 jump into an LZ at JRTC in the middle of the night for a nighttime airfield seizure operation. There is something awe-inspiring about watching 1,000 airborne paratroopers silently fall out of the night sky to seize terrain—something that probably sends chills up the spine of our Nation's enemies.

Fast-forward to today. Of the 40,000 soldiers slated to be cut from the U.S. Army, only one unit was spared—one—and it was the 4-25. Why did this happen? It happened because they made it happen. This great unit saved themselves. When the Army's top brass went to Alaska, went to Fort Polk and watched them train at JRTC, they saw what a great unit this was and realized they were making a big mistake. When General Milley, Chief of Staff of the Army, made the final decision to reverse the previous decision of the Army and retain the 4-25, he said it was “one of the most trained and ready units in the entire United States Army.” That was the Chief of Staff of the Army.

The 4-25 didn't rest. They are deployed, back in Afghanistan. Unfortunately, while deployed, just a few days ago, on December 11, Alaska lost a son and the 4-25 lost one of its own as part of this mission. It is heartbreaking for the families and for the unit. These brave young men and women are willing to sacrifice and have already sacrificed, and our prayers are with them during these holidays.

They are our Alaskans of the Week.

I plan on visiting them overseas during the holidays. My wife Julie will also be attending an event this weekend in Anchorage for the families of those who are deployed, showing our support and our respect for the men and women in this unit and their families, because, as many know, when a family is deployed, it is not just the young man and woman in the unit who sacrifice, it is the entire family.

To the families, we say thank you, from the bottom of our hearts, for your service and sacrifice. To the men and women who make up the 4-25, we also say thank you for all you are doing for us—for serving us, for keeping us safe, for protecting this country, when Americans are enjoying the holidays.

I look forward to seeing you in theater. Please be assured that all Mem-

bers of this body—Senators, Democrats, Republicans—know your record of service and wish all of you Godspeed this holiday season. Thank you for being our Alaskans of the Week.

Army Strong. Arctic Tough. Sparta Lives.

COAST GUARD AUTHORIZATION ACT

Mr. SULLIVAN. Mr. President, I rise today to commend this body. My colleagues, every single Senator, voted in unanimous consent to move forward on the National Defense Authorization Act, which was signed into law just this week by President Trump. In particular, I want to thank the chairman of the Armed Services Committee, JOHN MCCAIN, who did so much to shepherd this important piece of legislation through this body and to the President's desk. I thank Senator MCCAIN for all his service and sacrifice to America for decades.

The NDAA, as we all know, is an important, critical piece of legislation, boosting our national security, rebuilding our military readiness, and protecting the men and women in uniform who serve our Nation. It has been a piece of legislation that for 56 consecutive years on a bipartisan basis has moved through the Senate and the House to be signed by the President. Many times you hear there is not a lot of bipartisanship that is going on in Washington. On issues like this, there is. This bill, which authorizes almost \$700 billion for our troops who need it, passed the Senate unanimously.

Not all the members of the military had their bill, which authorized spending and funding for what they are doing, moved through the Congress. Unfortunately, our men and women in the U.S. Coast Guard—our Nation's fifth branch of service—have been, once again, left behind. The NDAA covers the Army, Air Force, Navy, and Marines.

The Coast Guard Authorization Act focuses on the heroic men and women in the Coast Guard. This year, we worked hard on that bill, S. 1129, the Coast Guard Authorization Act of 2017. I sponsored this bill with Chairman JOHN THUNE, the chairman of the Commerce Committee; Ranking Member BILL NELSON; and Senator LISA MURKOWSKI. This bipartisan bill—and it is very bipartisan—will give the Coast Guard the resources it needs to protect our waterways and coastlines, block illegal traffickers and smugglers of drugs, and more efficiently procure future Coast Guard cutters, which our country, and my State, desperately need. It is a very, very important bill.

In constructing this legislation, we worked in a bipartisan manner for months. However, despite broad support from both Republicans and Democrats, it appears the Coast Guard Authorization Act—a critical bill for

homeland security, for the safety of our mariners and fishermen, and for showing support to the thousands of men and women who serve in the Coast Guard—has become stuck.

As chairman of the committee responsible for the U.S. Coast Guard, I must speak up for the men and women of this important service and the critical services they provide. This bill should have been moving months ago. Not only does this bill contain critical needs and authorizations and funding authorizations for the Coast Guard, it also contains provisions of vital importance to our maritime and fishing communities. Included in this legislation is important language to permanently fix an issue that has been around for years—one that pertains to incidental discharges for those in our fishing fleets. It is also known as the Vessel Incidental Discharge Act, or VIDA, as part of the Coast Guard bill.

Currently, vessel owners and operators are forced to comply with a patchwork of burdensome Federal and State regulations for vessel ballast water and incidental discharges. This creates inefficiency, adds costs, and inhibits economic prosperity for my State and for the country, while not providing a uniform standard to protect the environment, which is also critical. This fix that is in the Coast Guard bill would provide the maritime industry, the fishing industry, with a consistent, uniform regulatory structure, restoring cost-effective commerce while also ensuring environmental protection of our Nation's ports, waterways, and fisheries. Notably, for a large number of my constituents, this provision—the VIDA provision in the Coast Guard bill—provides a permanent exemption on incidental vessel discharge for all fishing vessels and small commercial boats.

It is very important because previous legislation required even small fishing vessels to get a discharge permit from the EPA to simply hose down their decks. These fishing vessels and small vessels are facing potential noncompliance if we fail to pass the Coast Guard bill soon. They should not be penalized for the refusal of some of my colleagues—very few of my colleagues—who are opponents of this important fix to allow for what we think is a bipartisan, negotiated solution to move forward.

The fix in this bill on VIDA is supported by all segments of the maritime industry, with U.S. and international vessel owners and operators, fishing vessels—both large and small—passenger vessels, charter boat operators, labor unions, the Navy League of the United States, marine terminals, and port authorities throughout the country, just to name a few, all in support.

There is broad bipartisan support and agreement by Democrats and Republicans that this bill—with the VIDA

provision in the Coast Guard Authorization Act—should move forward. I was going to come here this evening and ask unanimous consent that we pass the bill now. Out of respect for some of my colleagues who are still working in good faith on this issue, I have decided to refrain from that, but we are losing patience.

There have been numerous suggested compromises to help get a few Senators to yes on this. We have accepted almost every single one of them. We are negotiating in good faith. We even held a big meeting this afternoon with many staff on another suggestion, which the EPA said was an unworkable idea.

I believe we are now down to one single issue on this important piece of legislation. Out of respect for my colleagues—one of whom I just got off the phone with, the Senator from Michigan, whom I have a very close working relationship on the committee that oversees the Coast Guard because he is my ranking member—we are going to try to work through the weekend and resolve this. I hope that the remaining Senators act in good faith. What we don't want to see, as we accept every single compromise put forward, is the goalpost continuously being moved.

The deadline is fast approaching for our fishermen and maritime fleet. We must get this done. The deadline has long past to show that we respect, care for, and want to do all we can to support the men and women in the Coast Guard the way we support the other military services, as we saw this week when President Trump passed a very bipartisan NDAA.

I call on all of my colleagues to work through the weekend so that we can get to yes on this very important bill—the Coast Guard bill—and so that we can support them the way we are supporting the other men and women in our military.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I first thank my friend from Alaska for his enthusiasm for getting the Coast Guard legislation completed. As a fellow ocean State, albeit a somewhat smaller ocean State, we are strong supporters of our Coast Guard and appreciate very much their service on our waters.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for my 189th "Time to Wake Up" speech to discuss the Republican tax bill. Who knew? Folks watching today's debate from home are probably wondering what the tax bill has to do with climate change. That is a good question. They might also ask, as I do, why the tax bill includes massive giveaways to fossil fuel producers or what

opening up precious wilderness to oil drilling has to do with tax reform.

The chairman of the Senate Finance Committee said: "We need a simpler tax code that puts more money back into the pockets of workers and families." Republicans, he said, want to create "a fairer, more predictable system for taxpayers across the country."

Their tax plan is none of those things. Its benefits are weighted heavily to big corporations, not workers and families. The corporate tax cuts are permanent, while the modest breaks for some workers disappear after a few years. What is fair or predictable about that?

The chairman also said:

I want a bipartisan process that renders a bipartisan result. . . . I think we need a vigorous and open debate in the Senate, which, in my view, should include a full process in committee and regular order on the Senate floor.

We got none of that. Republicans have rammed this bill through, using every procedural and parliamentary trick at their disposal, as a purely partisan measure, in the dead of night, producing amendments in handwritten chicken scratch in the margins of the bill at the last minute.

If we were to ask middle-class families their top priorities for fixing our tax system, I don't think very many would say: You know, we really need to let oil companies pump crude in an Alaskan wildlife refuge. But that is what they do.

The Arctic National Wildlife Refuge was established in 1960 to preserve "unique wildlife, wilderness, and recreational values." It now encompasses almost 20 million acres, with around 8-million acres designated as wilderness. The U.S. Fish and Wildlife Service manages the refuge, which is roadless, trailless, and represents the best of wild Alaska in a world where wilderness is increasingly scarce and vanishing far too fast.

The Republican tax bill opens the refuge's 1.5 million-acre coastal plain to the oil drillers. Opening the Arctic National Wildlife Refuge to oil and gas development does little to provide energy security. The oil-producing potential of the area is estimated by the U.S. Geological Survey to be, at a maximum, around 12 billion barrels total of recoverable oil. In 2016, the United States consumed 7.2 billion barrels of petroleum products just in that year. So all of the oil we get from the Arctic National Wildlife Refuge, which will take decades, represents fewer than 2 years of current consumption, and that is according to the most optimistic estimate.

The budget resolution required that this venture raise \$1 billion over 10 years. Republicans need that \$1 billion to fund the big tax cuts they are giving out to the wealthy and to big corporations. When the numbers were finally

crunched, though, drilling in that Arctic coastal plain couldn't produce those numbers. Did this reality dissuade my Republican colleagues? No. Instead, they have proposed to make up the difference by selling off 7 million barrels from the Strategic Petroleum Reserve—the United States' emergency supply of crude oil, which actually does help guarantee our energy security. They want to sell reserve oil to fund those cuts for the wealthy and the big corporations.

An auction last week of oil and gas leases in another part of Northern Alaska bodes ill for Republican hopes about drilling in the wilderness preserve. On 900 tracts of land offered up to oil and gas companies, the Bureau of Land Management fielded just seven bids—900 tracts of land, 7 bids.

Why is that?

For one thing, low prices for crude oil make the prospect of exploring undeveloped Alaskan wilderness less appealing. In general, current industry appetite for high-risk "frontier" exploration is very low, observed an energy analysis at Raymond James & Associates. The Arctic National Wildlife Refuge "would suffer from much the same thing."

A second problem is that oil companies are likely overstating their achievable existing reserves already. They will have to leave a lot in the ground of what they are now claiming as reserves. Buying more when you cannot sell what you already have is not a great strategy. Low-cost renewables and excess supply will further drive oil prices down and down if the laws of supply and demand hold true.

This may be one reason the World Bank just announced in this new story, dated 2 days ago, that it will end its financial support for oil and gas exploration within the next 2 years. It is in response to the growing threat that is posed by climate change. That is where they are going. We are going the wrong way.

The sad irony of Arctic drilling is that the American Arctic will feel the effects of burning fossil fuels most severely. The U.S. Global Change Research Program's "Climate Science Special Report," authored by scientists and experts from top universities and across the Federal Government, found that while all regions of the United States will see significant warming by the end of the century, Alaska is expected to take the hardest hit—potentially over 12 degrees Fahrenheit warmer by 2100, which is under the high-emission scenario shown down here at the bottom right.

The northern edge of Alaska, including the historic whale-hunting village of Utqiagvik—and please forgive me, the people of Utqiagvik, for mangling the village's pronunciation—could see temperature increases of 18 degrees Fahrenheit. This village, which is only

about 300 miles west of the area in the Arctic National Wildlife Refuge targeted for oil and gas development, is already seeing its coastlines overrun by rising seas, its permafrost melting beneath its buildings, and its beaches washing out to sea in strong winter storms as the protective shoreline sea ice forms later and later each year.

Here is another news flash from Utqiagvik: 320 miles north of the Arctic Circle, a weather station in America's northernmost city of Utqiagvik has been collecting temperature data since the 1920s. Just recently, the average temperature went so off the chart at the weather station there that the instrumentation shut down the recording because the algorithm that monitored this figured that something must have gone wrong with the instrumentation because the numbers were so out of whack.

The numbers were not out of whack. It was actually very real climate change that changed the environment and sent that signal that blew through the algorithm that the scientists had set up.

But, in this building, in this room, the warnings from our best scientists about the consequences of our carbon emissions just don't count. The hyped economics about oil drilling don't count here. The weird budgetary jujitsu required to shoehorn this environmental hit into a tax bill doesn't matter here. What matters here is that the oil companies want to drill in the Arctic National Wildlife Refuge, and so Republicans are making it happen.

Republicans claim to be cleaning up the Tax Code, but their so-called tax reform leaves in place most of the oil and tax giveaways that have benefited that industry for decades. The Big Oil giants, like BP, Shell, ExxonMobil, Chevron, and ConocoPhillips, have enjoyed nearly \$1 trillion in profits over the past 10 years. Yes, let's rush to their assistance. Never mind the beleaguered American families, many of whom will see taxes go up from this bill. Let's rush to the defense of those companies with \$1 trillion in profits over the past 10 years. They continue to benefit from multibillion-dollar tax subsidies.

I am proud to have repeatedly cosponsored Senator MENENDEZ's bill that would close the loopholes for the Big Oil giants, saving \$22 billion for taxpayers and debt holders over the next decade. The Republican bill not only leaves most of the old loopholes in place, but it offers new giveaways to the oil and gas industries. A last-minute change scribbled in during the Senate vote-arama will allow traded oil and gas partnerships to use the so-called passthrough loophole that the Republicans claim is designed to help small businesses.

While the Republican tax plan boosts the fossil fuel polluters with this new

tax gift, it singles out renewable energy to undermine those jobs. The way this works is that, under the historic bipartisan agreement that many of us worked on in 2015, developers of new wind energy were given a period in which tax credits for projects for which construction begins by the end of 2019 would be protected. There was a bargain struck in this body. We came together, and we agreed on a bipartisan result. This tax bill breaks that deal and breaks that result for wind and for solar. For wind, it was until the end of 2019. For solar, it was through 2021.

These tax credits have been vital to the growth of the renewable industry across the country. It has grown in red States and in blue States. In fact, the five States that get the largest percentage of their electricity from wind and that have all of those wind energy jobs are Iowa, Kansas, South Dakota, Oklahoma, and North Dakota. Texas produces the most wind power of any State. The Republican tax bill is likely to upend the progress that we have made on renewables, disrupt ongoing projects, and ruin those jobs—all with clever provisions, the trick being to render those renewable tax credits that we bargained for practically valueless.

Renewable developers don't usually turn a profit in the early years. So they don't have taxes against which to apply the tax credits. They sell the tax credits to others, and they use the revenue from selling the tax credits to support those wind and solar investments. The clever fossil fuel trick in the Senate bill—specifically, the corporate AMT and base erosion so-called provisions—would make these credits worthless to the businesses that have been buying them. With no buyers for the tax credits, funds for new wind and solar projects will dry up.

There is even more nonsense in the House bill that takes direct aim at the wind and solar credits, including changing the rules on how projects would qualify for the credits, not just in the future but also retroactively. They go back to undo deals that have already been done. So \$20 billion in projects have frozen up, developers say, just from the threat of these changes.

Renewable energy industry organizations, including the American Wind Energy Association, the American Council on Renewable Energy, the American Conservation Coalition, Citizens for Responsible Energy Solutions, the Conservative Energy Network, and Conservatives for Clean Energy, all warn that the tax bill will jeopardize growth and jobs in wind and solar projects.

"If these provisions are retained," the groups wrote to Senators, "they will result in broad instability and uncertainty for businesses and investors across many sectors, including the clean energy sector."

Gosh, I hope my Republican friends will listen to our wind and solar producers, particularly the ones in their home States. I hope they will listen to the people who are counting on the jobs of those \$20 billion in projects that have now been put on the shelf. I hope they will listen to American taxpayers, who are sick of midnight-deal corporate welfare like this.

If they do listen, they can scrap this terrible bill. They can sit down and work with Democrats. It would be a novelty, but we would welcome it. We could have a bipartisan tax bill that works for the middle class, for the economy, and for the environment, but with the oil and gas industry calling the shots around here, fat chance of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I thank my friend, the Senator from Rhode Island, for two things—one, for being a constant voice on the need for us to diversify our energy sources and supplies and for recognizing the enormous challenge around climate change.

I come from a State that is not too dissimilar from his in terms of its having a great deal of shoreline. We see the effects of the changing climate each and every day. At high tide, we have parts of the city of Norfolk that have never before flooded that flood on a regular basis.

Mr. WHITEHOUSE. On a sunny day.

Mr. WARNER. On a sunny day.

We have a church that has to regularly change its schedule of worship, not because the Lord has asked them to change the schedule of worship but because it floods on a regular basis.

Let me also thank him for his comments about the tax legislation. I share his concern as somebody who feels very strongly that there is a right way and a wrong way to do tax reform. Unfortunately, the product I believe we will be voting on next week, not only the provisions the Senator from Rhode Island talked about, will also add close to \$2 trillion to our debt.

In many ways, it does not even take care of the problems we are supposed to solve, in terms of the ability of companies to bring back profits from overseas in a way to reinvest in this country. Frankly, it exacerbates the problem where companies can further hide their profits abroad.

I share his doubt about whether our colleagues will join us in starting anew, but if they would, I would join with them and others in trying to make sure we do tax reform in a fair, balanced way that is fiscally responsible. I thank Senator WHITEHOUSE for his comments.

DACA

Mr. WARNER. Mr. President, I stand today to talk about a different subject;

that is, to stand in solidarity with over 12,000 of my Virginia constituents who are students, entrepreneurs, members of our military, and individuals who have the distinction of being Dreamers, like the nearly 800,000 Dreamers across our country.

These people, many of them young folks, are worried about facing deportation—not for anything they have done wrong but because the vast majority of these young people were brought to this country as children many years ago. Today, unfortunately, due to no actions of their own, they are caught up in some of the worst of our Nation's politics.

Up until this past September, these young people were living in the United States legally under the Deferred Action for Childhood Arrivals Program or what has been called DACA. As part of this program, these young people came out of the shadows, paid a fee, went through an extensive background check, and complied with all the other requirements of the DACA Program. Unfortunately, Dreamers and their families are now in a perilous situation because, unfortunately, President Trump ended the DACA Program, literally putting hundreds of thousands of these young people in a state of legal limbo.

Unfortunately, while a number of my colleagues on the other side of the aisle want to work through this problem, we hear the Republican leadership has done nothing to provide that permanent solution for these hard-working young Americans. That is who they are, folks who have lived here oftentimes for decades. This is not how the greatest country on Earth should treat anyone, especially these young people who, in most cases, have only one nation they have called home, and that is our country, the United States.

I am not the only one who thinks this. As I mentioned, there are colleagues on both sides of the aisle who have been coming to the floor for weeks making this point. The fact is, more than three-quarters of Americans of all political stripes support a pathway to permanent legal status for Dreamers. Here in the Senate, my friends, Senator LINDSEY GRAHAM and Senator DICK DURBIN, have introduced the bipartisan Dream Act and have been actively working toward its passage.

In the Senate and the House, there are enough votes to pass this bipartisan legislation if leadership would only bring it to the floor, and that is just not the case in the Senate. Last week, my friend Congressman SCOTT TAYLOR, a fellow Virginian and a Republican, led a bipartisan group of 30 Members in the House again asking the House leadership to find a legislative solution—not next year, not next month but now.

Unfortunately, it seems like folks on the other side of the aisle would rather

treat this as a political issue and a political pawn to be negotiated, probably not even this year but at some future date. By doing so, they leave these young people in a state of limbo and really subject to a great deal of legal uncertainty. For many of these young people, as they cycle out of the program—close to 1,000 a week—even if we come up with a legal solution, their ability to rejoin the program and reclaim their legal status may be extinguished. The truth is, this is not just another political leverage point.

Let me take a moment or two and talk about some of the folks who are affected in my State—folks in my State, folks whom I call real Virginians.

I think about one young student from Northern Virginia, whom I chose as my guest to the President's State of the Union Address a few years ago. I was so impressed with her work ethic and her passion for improving the lives of others that I asked her to serve after that as an intern in my office, where she did great work serving fellow Virginians.

I think about a law student I met recently in Williamsburg who was born in England and brought here when she was just 1 year old. Right now, it is getting close to the holidays. She is probably tucked away in some corner of the library studying for her law school exams. She told me she wanted to get that law degree to help fellow Virginians when she graduates. I say we shouldn't stand in her way.

I think again about a young man I met from Newport News whose mother brought him to the United States when he was just 6 years old. Sadly, his mother passed away before he graduated from high school, but I know when he walked across the stage of that graduation as valedictorian of his class, his mom would have been proud. Hopefully, if this program is renewed when he graduates from Virginia Tech next year with a degree in engineering, he will put those skills to work.

These are just a few examples about the smart, successful, young Virginians who also carry the categorization of being called Dreamers. The truth is, in Virginia, we have a vibrant and growing immigrant community that contributes to all facets of life in the Commonwealth.

While I talk today about Dreamers, I also want to make mention of another program that is caught up in some of these last-minute negotiations, the so-called TPS individuals—oftentimes individuals from El Salvador, Honduras, Nicaragua, and certain folks who have lived in this country for decades whose legal status is also in jeopardy.

The truth is, whether they are a Dreamer or someone who has been a beneficiary of the TPS Program, the truth is, immigrants in Virginia are all across our community. They are doctors, caretakers, small business owners, high-tech entrepreneurs. Quite

honestly, they are also our next-door neighbors. They are motivated, talented individuals who want to help and continue contributing to the Commonwealth of Virginia and to our country.

What we tell them every day that we fail to act, every day that more and more of these young people fall out of eligibility, we tell them, in pretty direct ways, that actually even though they have served, studied, and worked here, that at least some in this Chamber don't really want them here. They would rather urge them to take their talents elsewhere.

As somebody who has been in business longer than I have been in politics, I can state that these young people are an enormous asset, and urging them to leave the Commonwealth or our country is a bad business decision.

As I said, unfortunately, with every day that passes, more and more Dreamers face the very real and terrifying prospect of being oftentimes sent to a country they barely know or may not know at all for an offense they were too young to even know they committed. That is just not right.

It is not right that their lives should hang in the balance as they wait and wait and wait for Congress to solve this problem—a problem that I know, if it were brought to the floor, would receive overwhelming bipartisan support. These young people can't wait any longer and shouldn't wait any longer. It is time to pass the Dream Act right now.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUNT). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 430. I ask consent that there be 10 minutes of debate, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relat-

ing to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 405 and 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Matthew Z. Leopold, of Florida, to be an Assistant Administrator of the Environmental Protection Agency; and David Ross, of Wisconsin, to be an Assistant Administrator of the Environmental Protection Agency.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Leopold and Ross nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 499 and 500.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Scott W. Brady, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years; and Andrew E. Lelling, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc

with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Brady and Lelling nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 548 through 551 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(d):

To be rear admiral

Rear Adm. (lh) Pat DeQuattro
Rear Adm. (lh) William G. Kelly
Rear Adm. (lh) John P. Nadeau
Rear Adm. (lh) Joanna M. Nunan
Rear Adm. (lh) David G. Throop

The following named officer for appointment to serve as the Director of the Coast Guard Reserve in the grade indicated under title 14, U.S.C., section 53(b):

To be rear admiral (lower half)

Rear Adm. Andrew S. McKinley

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203(a):

To be rear admiral (lower half)

Capt. James M. Kelly

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(e):

To be rear admiral (lower half)

Capt. Thomas Allan
Capt. Laura M. Dickey
Capt. Douglas M. Fears
Capt. John W. Mauger
Capt. Nathan A. Moore
Capt. Brian K. Penoyer
Capt. Matthew W. Sibley

NOMINATIONS PLACED ON THE SECRETARY'S
DESK

IN THE COAST GUARD

PN1259 COAST GUARD nominations (10) beginning GEORGE BAMFORD, and ending TABITHA A. SCHIRO, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1260 COAST GUARD nominations (71) beginning STEPHEN J. ADLER, and ending TORRENCE B. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1261 COAST GUARD nominations (171) beginning LAWRENCE F. AHLIN, and ending RUSSELL R. ZUCKERMAN, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1277 COAST GUARD nomination of Meghan K. Steinhaus, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF STEVEN GRASZ,
JAMES HO, AND DON WILLETT

Mr. DURBIN. Mr. President, this week, Senate Republicans sought to confirm the 10th, 11th, and 12th circuit court nominees of the year. The Republican-controlled Senate has been moving at warp speed to try to confirm President Trump's circuit court nominees as quickly as possible. Twelve circuit court nominees is the same number of nominees confirmed in the first years of Presidents Obama, Bush, and Clinton combined.

In quickly rushing through President Trump's picks for these critical lifetime appointments, my Republican colleagues have been abandoning long-standing norms of due diligence and careful scrutiny. They want to rubberstamp these nominees despite a lack of complete information about the nominees' records and despite clear warning signs about the nominees' ideologies, temperaments and judgment.

Consider the nominees that came before us this week.

Eighth Circuit nominee Steven Grasz received a rare unanimous "not qualified" rating from the American Bar Association. Only 4 out of 1,755 nominees reviewed by the ABA since 1989 have received this rating. For those who are not aware, the ABA has worked since

the Eisenhower administration to conduct a confidential peer review process for vetting judicial candidates. For their review of Mr. Grasz, the ABA conducted 207 interviews with his peers. These interviews revealed some very troubling things. People familiar with Mr. Grasz raised serious concerns about his objectivity, his gratuitously rude conduct, and his deeply held partisan loyalty. Those are major red flags for a lifetime appointment to the Federal bench.

After the ABA's review committee voted Mr. Grasz unanimously "not qualified" for the bench, rather than reconsidering their support for the nominee, a number of my Republican colleagues decided to aggressively attack the ABA. One Senator described the ABA as "blatant partisans with a sad track record of hackery."

These criticisms are over the top. The ABA peer review and vetting process provides the Senate with valuable information to consider when we decide how to vote on nominees. President Obama took ABA ratings seriously enough that he did not nominate anyone who received a "not qualified" rating.

Of course, Senators do not have to vote on nominees solely based upon ABA ratings. For example, I voted in committee for Kansas District Court nominee Holly Teeter despite the "not qualified" rating that she was given by the ABA. I have voted against nominees who received "well qualified" ratings, such as Neil Gorsuch, because I had serious questions about their judgment and their objectivity.

It would be foolish for Senators to ignore the ABA's peer review process altogether. In Mr. Grasz's case, his ABA rating is just one of many troubling signs. Just look at some of the controversial things Mr. Grasz has said and written. He wrote in a law review article that courts can ignore jurisprudence that they consider to be "questionable." He wrote that the legacy of *Roe v. Wade* was "moral bankruptcy." He described the possibility of Nebraska recognizing same-sex marriages as a "grave danger." He falsely claimed that the term "sexual orientation" could include bigamy and pedophilia. He tried to amend the Omaha city charter because he was upset about a 2012 city ordinance protecting LGBT employees from workplace discrimination.

In Mr. Grasz's case, I share the ABA's unanimous view that he lacks the proper temperament and judgment to sit on the circuit court, and I am deeply concerned about his extreme views. That is why I opposed his nomination.

I also could not support the nomination of James Ho for the Fifth Circuit, for several reasons. First, I am very troubled by Mr. Ho's responses when I asked him whether waterboarding is torture and illegal under U.S. law. He

said, "It has always been my understanding that Congress enacted legislation for the purpose of expressing its serious opposition to waterboarding as illegal under U.S. law." That is not an answer about what the law says; that is an evasion. Mr. Ho should have said, with no equivocation and no uncertainty, that waterboarding is illegal, that it is cruel, inhuman, and degrading and that it is torture. That is the law under the 2006 McCain Torture Amendment.

This is a critical issue for me. I am deeply troubled that we are, once again, seeing nominees come before the Senate, like Mr. Ho and Greg Katsas, who are tap dancing around this issue. We need to take a clear stand when it comes to waterboarding.

This is not some abstract hypothetical for Mr. Ho. He wrote a 2002 Office of Legal Counsel memo for John Yoo that was cited in the infamous Bybee torture memo. It is critical that the Senate get access to Mr. Ho's memo. The Bybee torture memo was a dark chapter in our Nation's history, and Mr. Ho's work was cited in it more than once. I cannot in good conscience vote for Mr. Ho's nomination without seeing what he wrote.

In 2014, when former OLC attorney David Barron was nominated by President Obama to the First Circuit, Chairman GRASSLEY insisted on seeing his OLC memos. Chairman GRASSLEY wrote of Mr. Barron: "The Senate simply cannot evaluate whether this nominee is fit for lifetime appointment to one of the nation's most important courts without complete access to his writings." The chairman's standard should apply to Mr. Ho's nomination as well.

I also have serious concerns with personal views that Mr. Ho has publicly expressed—in particular, his writings in opposition to campaign finance laws and the op-ed Mr. Ho wrote in praise of Jeff Mateer, who has described transgender children as part of "Satan's plan." I could not support Mr. Ho's nomination.

I also was compelled to oppose the nomination of Don Willett to the Fifth Circuit. Justice Willett provided us with one of the more troubling nomination hearings we have had in recent years. The key moment was when Senator FEINSTEIN asked him if he stood by beliefs he expressed in a 1998 memo. In this memo, Willett explained his opposition to the issuance of a gubernatorial proclamation declaring "Business Women's Week" in Texas.

Willett's memo said:

I resist the proclamation's talk of 'glass ceilings,' pay equity (an allegation that some studies debunk), the need to place kids in the care of rented strangers, sexual discrimination/harassment, and the need generally for better 'working conditions' for women (read: more government.) . . . I strongly resist anything that shows we believe the hype.

When Senator FEINSTEIN asked Justice Willett if he still held these beliefs, he was silent for 10 and a half painful seconds before he asked Senator FEINSTEIN to repeat the question. She did, and I repeated the question too; yet Justice Willett never gave the committee a straight answer. He should have, if he wanted to earn my vote.

Justice Willett is a prolific tweeter, and he has sent tweets that appear to mock same-sex marriage and transgender students. This raises questions about his judicial temperament. Justice Willett also has expressed troubling views about what he calls “judicial passivism.” He said it is “corrosive” when judges “are not active in preserving the limits our Framers actually enshrined.” Justice Willett seems to think that courts should be activist in limiting laws that he sees as burdening economic freedoms, such as regulations that protect the health and safety of working people.

In short, Justice Willett has not convinced me that he is in the mainstream when it comes to temperament and judgment, and I could not support his nomination.

Before I was a Senator, I was a lawyer in downstate Illinois, and I looked up to Federal judges. I thought that, to get that job, you had to be a cut above. Otherwise, you wouldn’t make it through the Senate’s rigorous advice and consent process, but sadly, this Republican Senate is turning advice and consent into a rubberstamp assembly line when it comes to Trump nominees.

Republicans want to pack the courts with judges who will support President Trump’s agenda, and so they are hurrying to confirm as many of his picks as possible, even if they are not qualified or if we don’t have all the information we need to evaluate them or if the nominees won’t give us straight answers at their hearings. Our Federal judiciary is being diminished as a result.

I wish my Republican colleagues would stand up for an independent judiciary and a meaningful advice and consent process. We should not be rushing to hand lifetime appointments to problematic nominees. Instead, we should take our due diligence and vetting obligations seriously and only put people on the bench whose qualifications, integrity, independence, and judgment are indisputable.

Because that was not the case with this week’s nominees, I could not support them.

THE EL MOZOTE MASSACRE

Mr. LEAHY. Mr. President, those of us who remember the massacre at El Mozote, El Salvador, are reminded that last week was the 36th anniversary of that horrific tragedy.

For those who are not aware, on December 11, 1981, Salvadoran soldiers, in-

cluding an elite battalion trained and equipped by the United States, systematically murdered more than 900 innocent men, women, and children. The Salvadoran military high command falsely denied the crimes had occurred, and their denials were echoed by the U.S. Embassy and the State Department. For more than 35 years, the perpetrators of the massacre avoided justice, due to the cover-up and an amnesty law passed in 1993, but in 2016, the Salvadoran Supreme Court overturned that law and the case was reopened. Let us hope that those who ordered, participated in, and covered up those crimes against humanity will finally receive the punishment they deserve.

On December 2, good friend Congressman JIM MCGOVERN traveled to El Salvador. More than any other Member of Congress, JIM has been a tireless advocate for human rights and justice in that country. After returning to Washington, on December 11, JIM spoke about the El Mozote massacre in the House of Representatives. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Five-Minute Special Order, Monday,
December 11, 2017]

36TH ANNIVERSARY OF THE EL MOZOTE MASSACRE

(By James P. McGovern (MA))

Mr. Speaker, thirty-six years ago, nearly one thousand men, women and children were murdered by Salvadoran soldiers in El Mozote, El Salvador. It’s considered one of the worst massacres in modern Latin American history.

On December 2nd, I traveled to El Mozote with a delegation led by the Washington Office on Latin America. Four hours after leaving San Salvador, we arrived at El Mozote in the northern region of Morazán, near the border of Honduras.

Three decades ago, El Mozote included about 20 houses on open ground around a square. Facing the square was a church and, behind it, a small building known as “the convent,” used by the priest to change into his vestments when celebrating Mass. Nearby was a small school house.

Our delegation sat in the town square with survivors and victims of the massacre. We listened to their stories, shared prayers for their loss and suffering, toured the grounds where this atrocity took place, and visited memorials the community built to commemorate and preserve this tragic history. We also heard from lawyers with Cristosal, a U.S.-based NGO providing legal aid to the association of victims and survivors.

On December 10, 1981, the Salvadoran army brigade based in San Miguel and the Atlacatl Battalion, an elite infantry unit based in San Salvador, arrived in El Mozote. Over the next two days, these troops methodically and viciously murdered the town’s residents and those of nearby villages.

On the morning of December 11th, troops assembled the people in the town square. They separated the men from the women and children and locked them in separate groups in the church, the convent, and various

houses. According to eye-witness accounts, they then interrogated, tortured, and executed the men at several different sites.

Around noon, they began taking the women and girls in groups, separating them from their children and machine-gunning them after raping them. Many families were ordered to remain in their homes while soldiers set fire to the houses.

Over 140 of the children, some mere infants, were jammed into “the convent” next to the church. There, soldiers blocked the doors, aimed guns through the windows, and fired into the mass of children, murdering them all in cold blood. They then threw an incendiary bomb into the building, collapsing the roof and adobe walls.

I walked with members of the community to the site where the children were murdered. A garden cultivated in their memory blooms on the site where they perished. A mural on the side of the church facing the garden depicts tiny angels ascending to heaven.

Beneath the mural are plaques with the names and ages of the children killed so brutally. They range from zero to sixteen years. Walking on such hallowed ground, I was deeply moved and outraged by the atrocity that took place there.

In October 1990, the Salvadoran courts opened an investigation into the El Mozote case, and in January 1992, the civil war ended with peace accords signed between the Salvadoran government and FMLN guerrillas. In November 1992, the U.N. Truth Commission on El Salvador supervised exhumations of El Mozote remains by Argentine forensics experts, confirming that the stories told by survivors were indeed true. Then, everything was cut short when the Salvadoran congress passed a sweeping amnesty law in 1993.

However, last year, in July 2016, the Salvadoran Supreme Court overturned the amnesty law as unconstitutional. And in October 2016, a judge reopened the El Mozote case and began taking testimony, which continues today.

There are many reasons why we in Congress should be engaged in the search for justice in the El Mozote case.

First, in the post-war period, the U.S. has supported a strong and independent judiciary in El Salvador, capable of prosecuting corruption and human rights abuses. El Mozote is viewed as an exemplar case on whether this is possible to achieve.

Second, in the 1980s, the United States armed, trained and equipped the Salvadoran armed forces, in particular, the Army. At El Mozote, U.S. guns and bullets were used to massacre infants, children, women and men.

Third, the U.S. established and trained the Atlacatl Battalion. Ostensibly an elite rapid reaction counter-insurgency force, it was a major actor in the mass murder at El Mozote; nine years later, the unit also murdered six Jesuit priests and two women at the University of Central America in San Salvador.

Finally, at the time of the massacre, the Salvadoran High Command denied that it had happened. The U.S. embassy and State Department echoed those denials and denigrated the Washington Post and New York Times reporters who traveled to El Mozote and published detailed stories about the massacre.

Mr. Speaker, the U.S. should support the Salvadoran judge presiding over the El Mozote case and the Attorney General’s Office, including releasing all information in our military and intelligence files relevant to that period of the civil war. It would be a

significant contribution to ending the culture of impunity in El Salvador.

REMEMBERING EDWIN M. LEE

Ms. HARRIS. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague, the senior Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HARRIS. Mr. President, Californians and San Franciscans have lost a tireless champion for diversity, equity, and inclusion. Mayor Edwin M. Lee was the son of Chinese immigrants and the city's first Asian-American mayor. Mayor Lee grew up in public housing and moved from Seattle to the Bay Area to attend law school at UC Berkeley in the mid-1970s. As a former civil rights attorney, Mayor Lee began his career in public service fighting for fair housing and went on to serve in five different city departments under four mayors before becoming mayor himself. As mayor of one of America's largest cities, Mayor Lee worked hard to transform San Francisco into a hub for innovation and technology while still upholding the city's longstanding values of equity and justice.

Mrs. FEINSTEIN. Throughout his career, Mayor Lee broke down barriers while approaching public service with tremendous skill, efficiency, and purpose. On behalf of the city of San Francisco, Mayor Lee led the fight to protect our immigrant communities, build and rehabilitate affordable housing, and expand investment in public transportation and critical infrastructure projects, among countless other fights on behalf of his city.

Ms. HARRIS. For 65 remarkable years, Mayor Lee demonstrated to all those he worked with, knew, and came to serve that through humble and steadfast leadership each one of us can create a more inclusive and just community for future generations.

Mrs. FEINSTEIN. He was our friend, and we will miss his wise counsel and fearless leadership. The thoughts of San Franciscans and Californians are with Mayor Lee's wife, Anita, his daughters, Brianna and Tania, his family, city leaders, and the people of San Francisco at this difficult time.

ADDITIONAL STATEMENTS

TRIBUTE TO THE ALSTON FAMILY

• Mr. BOOZMAN. Mr. President, today I wish to recognize and congratulate Luke and Deedee Alston of Polk County. The Alstons were recently named the 2017 Arkansas Farm Family of the Year.

The owners of Holly Springs Homestead—a cattle, poultry and agritourism farm near Mena, AR—Luke and Deedee, along with their sons

Ryan and Drey, are fifth-generation farmers who are working the land as their parents and grandparents did before them. Holly Springs Homestead is an Arkansas Century Farm that was established in 1897 and has been in operation for 120 years.

The Alstons took a leap of faith a few years ago, leaving corporate jobs to return to the family farm full-time. Luke proudly says that he was born to farm, and it is a lifelong dream to look over the hood of a tractor every day. Through hard work and determination, the Alstons are enjoying tremendous success not only commercially but also in their efforts to educate visitors to the homestead about agriculture and the many reasons it is so important to our State's past and future.

As 2017 Arkansas Farm Family of the Year, Luke and Deedee will represent Arkansas well and use this award as a platform to promote farming and agriculture and foster respect for all the farmers, ranchers, and producers who contribute so much to our economy and food supply. They will also compete for the honor of being named the 2018 Swisher Sweets/Sunbelt Expo Southeastern Farmer of the Year in Moultrie, GA.

I wish the Alstons good luck in that competition and once again congratulate them on all their hard work that has culminated in this well-deserved honor.●

TRIBUTE TO BOB BURNISON

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Bob Burnison of Richland County for many years of volunteer service and leadership in his local community. Bob has a long history of supporting charitable activities in north-eastern Montana. His efforts have inspired others to volunteer their time and strengthened the spirit of giving. When folks like Bob come together to help others, it brightens the holiday season for everyone.

This Christmas is the 39th year that Bob has been involved with collecting donations for the Salvation Army. Over the years, Bob has organized scores of volunteers to help make each giving season a success. This commitment to helping others is commendable considering Bob's professional obligations as the undersheriff of Richland County. He has given over four decades of service in law enforcement. The vast majority of the donations Bob has helped generate have remained in the local community to help offset essential living costs for those in need. Neighbors helping neighbors is a cornerstone for sustaining healthy communities, and local leaders like Bob are often a catalyst for this type of activity.

With nearly four decades of volunteer service and over four decades of public

service, Bob has done a good job leading by example. Organizations across Richland County have pitched in to make sure the spirit of giving remains strong, and the next generation of volunteers are finding the joy that comes with helping others. Merry Christmas, Bob, and thank you for preserving the charitable traditions in your community.●

“MEMOIRS OF A STATE INTERN”

• Mr. ISAKSON. Mr. President, today I submit for the RECORD a poem written by one of my Georgia interns, Mr. Dalton Kane of Suwanee, GA, a student at the University of Georgia.

“Memoirs of a Senate Intern” by Dalton Kane, a.k.a. “Dolvin”:

The sound of footsteps echoes throughout the halls of the Russell Building as senators hurry to and fro before a salient vote. Chiefs of staff fervently address the concerns of elite constituents while legislative staff assistants frantically seek out last-minute details of the bill. Meanwhile, back home in the district, case workers tirelessly assist constituents with their government agency-based woes and field reps travel all across the state to ensure every voice is heard. Behind the scenes, an IT guy (who's probably a die-hard liberal) labors ceaselessly to make it all happen. This is democracy in action—the realization of a three-hundred-year-old experiment that connects the government to its people. Yet, there is one important link to this Constitutional dream that has been forgotten. That link is the Senate intern.

Located at the lowest echelon of power, the senate intern watches his phone light up like a Christmas tree as the constituency descends upon the office. He answers call after call with the simple reassurance that it will be passed on. Yet, as the mountain of the constituency begins to overwhelm him, he may slowly start to lose hope. However, as he glances at the Reagan portrait hanging before him, he knows that he is the gate between the senator and his constituency, and he must carry on. And I Dalton, aka Dolvin, have come to find myself in this valued position fall semester of 2017.●

REMEMBERING JAMES DOUGLAS MACY

• Mr. WYDEN. Mr. President, last month, Oregon lost one of our most esteemed landscape architects, James Douglas Macy. Doug dedicated his life to protecting places that brought Oregon's unmatched natural beauty to millions of visitors. He will be sorely missed.

Doug grew up on a cattle ranch in Madras, OR, where he soaked up the natural beauty of his dramatic surroundings. It was there that his passion for landscape architecture first took hold. That passion grew as Doug studied landscape architecture at the University of Oregon and moved to Portland where he founded the urban design firm Walker Macy.

Doug blended his passionate advocacy for the protection of Oregon's natural treasures with his dedication to

civic causes, the arts, and beautifying outdoor spaces. Through his design firm, he has influenced and mentored generations of landscape architects who have shaped cities and public spaces across the Pacific Northwest and beyond.

Anyone who has visited my hometown of Portland has felt Doug's influence in his designs of some of the city's most beloved spaces, including Pioneer Courthouse Square, Waterfront Park, and the Vietnam Veterans of Oregon Memorial. He was behind much of the revitalization that turned downtown Portland into a thriving, diverse, and green city where so many people enjoy living.

Visitors can also get a sense of Doug's love of nature in his designs for projects at national parks, including Crater Lake, private natural preserves like Opal Creek Ancient Forest Center, the scenic wonders of the Columbia River Gorge, State parks such as Oregon's Cottonwood Canyon, and hundreds of municipal parks and open spaces. Doug's work didn't stop there; his work can also be seen on college campuses, museums, vineyards, hospitals, and scenic highways.

In addition, Doug was a selfless citizen who donated his time and professional expertise to a countless number of causes, such as the Pacific Northwest College of Art, the Portland Parks Foundation, and the Portland Japanese Garden, which recently opened an expansion designed with Doug's guidance.

Doug will be remembered by those whose lives he touched and for creating beautiful and inspiring places for people across the West. He will especially be remembered as a dedicated father to his son Aaron, who died tragically in 1999, and as a caring sibling to his sisters Marilyn Macy Brown and Rebecca Macy and his brother Gregg Macy.

Today I honor the esteemed life and career of James Douglas Macy and recognize his enduring legacy as a landscape architect who fiercely protected and improved Oregonians' quality of life and many unique public and cultural resources throughout the Northwest.●

MESSAGE FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1638. An act to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1638. An act to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 584. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes (Rept. No. 115-194).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1769. A bill to require a new or updated Federal website that is intended for use by the public to be mobile friendly, and for other purposes (Rept. No. 115-195).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 1869. A bill to reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator (Rept. No. 115-196).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for Mr. MCCAIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Anthony J. Cotton, to be Lieutenant General.

Air Force nomination of Col. Sharon A. Shaffer, to be Brigadier General.

Air Force nomination of Col. Robert J. Marks, to be Brigadier General.

Air Force nominations beginning with Col. Ronald G. Allen, Jr. and ending with Col. Alice W. Trevino, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2017. (minus 1 nominee: Col. Jeffrey H. Hurlbert)

Army nomination of Maj. Gen. Christopher G. Cavoli, to be Lieutenant General.

Army nomination of Lt. Gen. Stephen J. Townsend, to be General.

Navy nomination of Rear Adm. Nancy A. Norton, to be Vice Admiral.

Navy nomination of Rear Adm. Richard A. Brown, to be Vice Admiral.

Air Force nomination of Col. Mitchel Neurock, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. Hubert C. Hegtvad and ending with Brig. Gen. John B. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 1, 2017.

Mr. INHOFE for Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nomina-

tions lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Arianne R. Morrison, to be Major.

Air Force nomination of Richard A. Hanrahan, to be Major.

Air Force nominations beginning with Aleck A. Brown and ending with John D. Ritter, which nominations were received by the Senate and appeared in the Congressional Record on December 1, 2017.

Army nomination of Jennifer A. Mahoney, to be Major.

Army nominations beginning with Yon T. Chung and ending with Michael B. Payne, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2017.

Army nominations beginning with Nathele J. Anderson and ending with Brian R. Horton, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2017.

Army nominations beginning with Thomas W. Green and ending with Kenneth M. Koop, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2017.

Army nomination of Adam R. Liberman, to be Colonel.

Army nomination of Michael E. Steelman, to be Colonel.

Army nomination of Gerald D. Gangaram, to be Major.

Army nomination of Brian R. Johnson, to be Major.

Army nominations beginning with Scott T. Ayers and ending with Tyesha L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2017. (minus 1 nominee: Shawn D. Smith)

Army nomination of Peter J. Armstrong, to be Colonel.

Army nomination of Ali S. Zaza, to be Colonel.

Army nomination of Phillip T. Buckler, to be Major.

Army nomination of Vernice K. Favor-Williams, to be Lieutenant Colonel.

Army nomination of Heather M. Lee, to be Major.

Navy nominations beginning with William L. Arnest and ending with Karen J. Wood, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2017.

Navy nomination of Sharif H. Calfee, to be Captain.

By Mr. GRASSLEY for the Committee on the Judiciary.

Andrei Iancu, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Duane A. Kees, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

Stephen R. McAllister, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

Ronald A. Parsons, Jr., of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Ryan K. Patrick, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Michael B. Stuart, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI (for herself, Ms. COLLINS, Mr. PETERS, Mr. WHITEHOUSE, and Ms. CANTWELL):

S. 2229. A bill to direct the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to conduct coastal community vulnerability assessments related to ocean acidification, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself and Ms. HEITKAMP):

S. 2230. A bill to require the Secretary of Housing and Urban Development to improve services for survivors of domestic violence, dating violence, sexual assault, or stalking; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself and Mr. HATCH):

S. 2231. A bill to amend the Higher Education Act of 1965 to provide for institutional ineligibility based on low cohort repayment rates and to require risk sharing payments of institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING:

S. 2232. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for the integration of distributed energy resources, to modernize electricity grid infrastructure, to provide for the consideration of non-wires alternatives, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself, Ms. MURKOWSKI, and Ms. CORTEZ MASTO):

S. 2233. A bill to protect Native children and promote public safety in Indian country; to the Committee on Indian Affairs.

By Mr. WICKER (for himself and Ms. HASSAN):

S. 2234. A bill to require the Federal Trade Commission to develop cybersecurity resources for consumer education and awareness regarding the purchase and use of devices that are part of the Internet of Things, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DONNELLY (for himself and Mr. CRUZ):

S. 2235. A bill to establish a tiered hiring preference for members of the reserve components of the Armed Forces; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND (for herself, Mr. CRUZ, Mr. BOOKER, Mrs. ERNST, Ms. MURKOWSKI, Ms. BALDWIN, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mr. GARDNER, Mr. PORTMAN, Mr. GRAHAM, Mr. SULLIVAN, Mr. CORNYN, Ms. HARRIS, Ms. HASSAN, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. HIRONO, Ms. WARREN, and Mrs. MCCASKILL):

S. 2236. A bill to require covered discrimination and covered harassment awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered discrimination and covered harass-

ment complaints, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN (for himself and Mr. MANCHIN):

S. 2237. A bill to amend the Federal Financial Institutions Examination Council Act of 1978 to improve the examination of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. 2238. A bill to amend the Ohio & Erie Canal National Heritage Canalway Act of 1996 to repeal the funding limitation; to the Committee on Energy and Natural Resources.

By Ms. STABENOW:

S. 2239. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the scheduling of appointments, the accountability of third party administrators, and payment to providers under such Act, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself, Mr. MARKEY, Mr. BLUMENTHAL, and Ms. HIRONO):

S. 2240. A bill to direct the Election Assistance Commission to carry out a pilot program under which the Commission shall provide funds to local educational agencies for initiatives to provide voter registration information to secondary school students in the 12th grade; to the Committee on Rules and Administration.

By Mr. KING:

S. 2241. A bill to amend the Patient Protection and Affordable Care Act by clarifying that State Exchanges are prohibited from imposing fees or assessments on issuers of excepted benefits and standalone dental plans not sold through an Exchange; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself, Mr. MCCAIN, Mr. SULLIVAN, Mr. RUBIO, Mr. RISCH, Mr. TILLIS, Mr. STRANGE, and Mr. INHOFE):

S. Res. 361. A resolution expressing the sense of the Senate that the United States Government shall, both unilaterally and alongside the international community, consider all options for exerting maximum pressure on the Democratic People's Republic of Korea (DPRK), in order to denuclearize the DPRK, protect the lives of United States citizens and allies, and prevent further proliferation of nuclear weapons; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. CRUZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 45, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

S. 223

At the request of Ms. COLLINS, the name of the Senator from North Da-

kota (Mr. HOEVEN) was added as a cosponsor of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 818

At the request of Mr. BURR, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 818, a bill to amend the Internal Revenue Code of 1986 to allow individuals with disabilities to save additional amounts in their ABLE accounts above the current annual maximum contribution if they work and earn income.

S. 946

At the request of Mr. FLAKE, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 946, a bill to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

S. 1774

At the request of Mr. HATCH, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 1774, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 2152

At the request of Mr. HATCH, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2157

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2157, a bill to require drug manufacturers to disclose the prices of prescription drugs in any direct-to-consumer advertising and marketing to practitioners of a drug.

S. 2219

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2219, a bill to reduce the number of preventable deaths

and injuries caused by underride crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes.

S. 2226

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 2226, a bill to prohibit recipients of disaster recovery relief assistance from the Department of Housing and Urban Development from penalizing applicants that declined assistance from the Small Business Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Ms. HEITKAMP):

S. 2230. A bill to require the Secretary of Housing and Urban Development to improve services for survivors of domestic violence, dating violence, sexual assault, or stalking; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Help End Abusive Living Situations Act" or the "HEALS Act".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "domestic violence project" means a project administered by a victim service provider designed to meet the needs of survivors of domestic violence, dating violence, sexual assault, or stalking;

(2) the term "homeless" has the meaning given the term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302);

(3) the terms "homeless individual with a disability", "permanent housing", "tenant-based", "transitional housing", and "victim service provider" have the meanings given those terms in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360);

(4) the term "rapid re-housing project" means supportive services and short- or medium-term tenant-based rental assistance, as necessary, to help a homeless individual or family, with or without a disability, move as soon as possible into permanent housing and achieve stability in that housing; and

(5) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 3. STRENGTHENING HOUSING RESOURCES PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Not later than 180 days after the date of enactment of this Act, the Secretary shall take the following measures to improve services provided to survivors of domestic violence, dating violence, sexual assault, and stalking:

(1) **EQUAL CONSIDERATION.**—For purposes of scoring applicants in the notice of funding availability for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) in any fiscal year, the Secretary shall give equal consideration to—

(A) rapid re-housing projects;

(B) projects that provide permanent supportive housing; and

(C) domestic violence projects that maximize client choice, including transitional housing that provide services and help participants to secure permanent housing.

(2) **TRANSITIONAL HOUSING PROJECTS.**—

(A) **IN GENERAL.**—The Secretary shall authorize any defunded transitional housing project to reapply for funding.

(B) **TREATMENT AS RAPID RE-HOUSING PROJECT.**—The Secretary shall consider a program receiving funds under section 40299 of the Violence Against Women Act of 1994 (34 U.S.C. 12351) to be a rapid re-housing project if the program—

(i) provides not less than 6 months of housing assistance to survivors; and

(ii) meets other criteria established by the Secretary.

(3) **EVALUATION.**—The Secretary shall develop—

(A) measurable criteria upon which applicants are evaluated to demonstrate their collaboration with victim service providers to develop local policy priorities focused on survivors of domestic violence, dating violence, sexual assault, or stalking, including survivor-centered coordinated entry processes that appropriately assess and prioritize those survivors and take into account the safety and confidentiality needs of those survivors; and

(B) mechanisms that promote the provision of technical assistance and support for programs to improve outcomes instead of re-allocating or not awarding funds.

(4) **RESEARCH AGENDA.**—The Secretary shall develop a research agenda that focuses on survivors of domestic violence, dating violence, sexual assault, and stalking and the housing modalities that best support them, especially the critical safety concerns and the link between trauma and residential stability.

SEC. 4. INCREASING ACCESS TO SAFE HOUSING FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Section 427(b)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11366a(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(B) by inserting after clause (vi) the following:

“(vii) success in addressing the safety needs of homeless survivors of domestic violence, dating violence, sexual assault, and stalking;”;

(2) in subparagraph (B)—

(A) in clause (iv)(VI), by striking “and” at the end;

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv)(VI) the following:

“(v) how the recipient will measure the success of the victim service providers in meeting the housing, safety, and trauma needs of victims of domestic violence, dating violence, sexual assault, or stalking, with an explanation of how the recipient will allow flexibility on other metrics that may be impacted by the needs of survivors; and”;

(3) in subparagraph (F)(ii), by striking “, and” at the end;

(4) by redesignating subparagraph (G) as subparagraph (H); and

(5) by inserting after subparagraph (F) the following:

“(G) success of the recipient in meeting the housing, safety, and trauma needs of survivors of domestic violence, dating violence, sexual assault, or stalking, including access to safe housing; and”.

SEC. 5. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on—

(1) the trends in allocating resources to address the housing needs of survivors of domestic violence, dating violence, sexual assault, and stalking; and

(2) the increase in the allocation of resources for domestic violence projects beginning after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 361—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES GOVERNMENT SHALL, BOTH UNILATERALLY AND ALONGSIDE THE INTERNATIONAL COMMUNITY, CONSIDER ALL OPTIONS FOR EXERTING MAXIMUM PRESSURE ON THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK), IN ORDER TO DENUCLEARIZE THE DPRK, PROTECT THE LIVES OF UNITED STATES CITIZENS AND ALLIES, AND PREVENT FURTHER PROLIFERATION OF NUCLEAR WEAPONS

Mr. CORNYN (for himself, Mr. MCCAIN, Mr. SULLIVAN, Mr. RUBIO, Mr. RISCH, Mr. TILLIS, Mr. STRANGE, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 361

Whereas the Democratic People's Republic of Korea (DPRK) is a brutal Communist regime that has consistently pursued a nuclear weapons program since the early 1960s;

Whereas the DPRK has a long history of humanitarian abuses against its own people;

Whereas in the 1970s and 1980s, the DPRK kidnapped foreign nationals from countries including Japan, South Korea, China, France, and Italy to train DPRK spies;

Whereas the DPRK has unjustly detained visiting United States citizens, including Otto Warmbier, who died after being detained for more than a year;

Whereas the DPRK and Republic of Korea (ROK) in 1992 signed a Joint Declaration on the Denuclearization of the Korean Peninsula, promising to cease testing and production of nuclear weapons;

Whereas the United States agreed to provide energy assistance to the DPRK in exchange for a nuclear-free Korean peninsula in 1994;

Whereas the United States Government revealed in October 2002 that the DPRK admitted operating a secret nuclear weapons program in violation of agreements and international commitments;

Whereas, following six-party talks in 2005, the DPRK agreed to abandon its nuclear

weapons program in exchange for energy assistance, economic cooperation, and steps toward normalization with the United States and Japan;

Whereas the DPRK proceeded to conduct multiple missile tests and its first nuclear weapons test in 2006;

Whereas the DPRK agreed to disable its nuclear facilities in exchange for energy assistance in February 2007 and “to provide a complete and correct declaration of its nuclear programs” in October 2007, but ultimately did not fulfill its commitment;

Whereas the DPRK tested a long-range missile directed at the United States in 2009;

Whereas the DPRK attacked and sunk the South Korean ship Cheonan, murdering 46 sailors in 2010;

Whereas DPRK forces fired approximately 170 artillery shells and rockets at Yeonpyeong Island, hitting ROK military and civilian targets and killing two ROK marines and two civilians in November 2010;

Whereas the DPRK agreed to cease long-range missile and nuclear tests in exchange for United States food aid in February 2012;

Whereas the DPRK proceeded to test yet another long-range missile in April 2012;

Whereas the DPRK has conducted almost three times the number of ballistic missile and nuclear weapons tests during Kim Jong-un's six years in power than in the nearly 60 years before him under Kim Il-sung and Kim Jong-il;

Whereas Kim Jong-un's regime has accelerated the pace of its nuclear weapons and ballistic missiles program, by—

(1) conducting 86 ballistic missile tests, successfully testing both ground-launched and submarine-launched solid fuel missiles;

(2) conducting 20 ballistic missile flight tests in 2017, including a recent test that is reported to be capable of carrying a nuclear warhead and reaching anywhere in the continental United States;

(3) improving upon missile ranges and testing re-entry capability; and

(4) conducting a total of four nuclear weapon tests, including three that have occurred since January 2016 and a claimed hydrogen bomb test with a yield estimated to be 150 kilotons;

Whereas a high ranking DPRK defector has publicly testified that as long as Kim Jong-un remains in power there is no chance to improve the human rights conditions in the DPRK and that Kim Jong-un will never relinquish the country's nuclear capabilities;

Whereas the collective development and testing of DPRK's nuclear weapons program pose a real and critical threat to the United States and global stability;

Whereas the United Nations Security Council has passed nine sanctions resolutions regarding North Korea's nuclear missile and space development programs since North Korea's first nuclear test in 2006;

Whereas the United States Congress passed the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114-122) in February 2016 and the Countering America's Adversaries Through Sanctions Act (Public Law 115-44) in July 2017 to provide sanction authorities to deter the DPRK's provocative behavior;

Whereas the United Nations Security Council unanimously adopted a resolution to sanction the DPRK economy in September 2017;

Whereas the Director of National Intelligence (DNI), in its 2017 Worldwide Threat Assessment, assessed that North Korea's “weapons of mass destruction program, public threats, defiance of the international

community, confrontational military posturing, cyber activities, and potential for internal instability pose a complex and increasingly grave national security threat to the United States and its interests”;

Whereas the DNI further assessed that Kim is intent on proving the DPRK's capability to strike the contiguous United States with nuclear weapons;

Whereas the People's Republic of China accounts for 80 to 90 percent of trade with DPRK;

Whereas the People's Republic of China acts as the DPRK's primary advocate and must join the United States in a committed effort to dismantling the DPRK nuclear and missile programs; and

Whereas the President has authority to impose secondary sanctions on any financial institution or other entity that conducts business with DPRK entities in order to apply maximum pressure on the regime to abandon their nuclear weapons and ballistic missile programs: Now, therefore, be it

Resolved, That the Senate—

(1) expresses that the United States of America should not tolerate the DPRK's possession of nuclear weapons or continued development of nuclear weapon and ballistic missile capabilities;

(2) believes the United States and the international community, including the United Nations Security Council and United States regional allies, should develop and immediately implement the strictest sanctions regime and continue to exhaust every reasonable diplomatic option necessary to achieve the complete, verifiable, and irreversible dismantlement of the DPRK's nuclear weapons and ballistic missile programs;

(3) expresses that the United States Government should plan for every military contingency necessary to defend the American people and ensure regional and global security;

(4) acknowledges that the ROK and Japan, both treaty allies of the United States, would likely face immediate retaliation by the DPRK in response to any potential military action by the United States and therefore that any military action by the United States should be coordinated with the Governments of the ROK and Japan;

(5) asserts that Congress is unified in its condemnation of the DPRK's dangerous pursuit of nuclear weapons and ballistic missile capability and should be appropriately consulted prior to any use of military force; and

(6) recognizes that Congress possesses the authority under Article I of the Constitution of the United States to declare war, and affirms that the authorization of Congress is needed prior to any pre-emptive or preventative ground war on the Korean Peninsula initiated by United States forces.

Mr. CORNYN. Mr. President, as the Presiding Officer knows, today I am submitting a resolution, joined by the junior Senator from Alaska, the Presiding Officer, and the senior Senator from Arizona, Mr. MCCAIN, as well as Senators RISCH, INHOFE, RUBIO, TILLIS, and STRANGE. The purpose of this resolution is to expressly declare that Congress is unified in its condemnation of the increasingly hostile and perpetually intransigent behavior of the Democratic People's Republic of Korea.

North Korea, as the world knows, has been dangerously pursuing its nuclear weapons capabilities for a long time.

Since dictator Kim Jong Un took power 6 years ago, he has ordered at least four nuclear tests, including the September detonation of what his regime and outside experts generally agree was a hydrogen bomb.

Despite great efforts made by the United States, including a recent Executive order by our President, North Korea's history as a bad-faith negotiator continues unabated on the world's stage. It obstinately violates diplomatic norms and human rights at will and was recently redesignated as a state sponsor of terrorism.

We simply can't afford to wander naively down a path of appeasement when lessons learned over more than half a century have laid bear North Korea's behavioral patterns. They have exposed the regime's militant refusal to cooperate with the world community and simply denuclearize.

Our resolution asserts that the United States, as well as the United Nations Security Council and our regional allies, should continue to implement the strictest of sanctions regime possible required to change the bad behavior of North Korea.

Further, we have to continue to exhaust every reasonable diplomatic option to achieve the complete, verifiable, and irreversible dismantlement of North Korea's nuclear weapons and ballistic programs. Our resolution recognizes that the President has constitutional responsibilities to protect the United States, but it emphasizes that a congressional authorization is necessary prior to committing U.S. forces to sustain military operations on the Korean Peninsula.

Of course, we hope that the worst outcome—open military conflict—will never come to pass, but, as it continues to increase its nuclear yield and ballistic missile capabilities, North Korea has become one of, if not the single, greatest threat to peace in the world.

As the resolution makes clear, the United States must continue to take all necessary precautions through a mix of diplomacy, economic sanctions, and contingency planning. Our focus should be on exerting as much pressure as we can on North Korea to end its nuclear weapons and ballistic missiles programs.

I hope our colleagues will join us in adopting this resolution in short order to send a very important and clear message about the gravity of the threat and the severity with which we are confronting it.

AUTHORITY FOR COMMITTEES TO MEET

Mr. FLAKE. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m. to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m. to hold a hearing entitled "New Counterterrorism Guidance".

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m., in room to conduct a hearing on the nomination of Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m., in room SD-226 to conduct a hearing on S. 2152, "Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2017" and on the following nominations: Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit, Fernando Rodriguez, Jr., to be United States District Judge for the Southern District of Texas, Andrei Iancu, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and Duane A. Kees, to be United States Attorney for the Western District of Arkansas, Stephen R. McAllister, to be United States Attorney for the District of Kansas, Ronald A. Parsons, Jr., to be United States Attorney for the District of South Dakota, Ryan K. Patrick, to be United States Attorney for the Southern District of Texas, and Michael B. Stuart, to be United States Attorney for the Southern District of West Virginia, all of the Department of Justice.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 2 p.m. to conduct a closed hearing.

PRIVILEGES OF THE FLOOR

Mr. FLAKE. Mr. President, I ask unanimous consent that JASON SMITH, a Coast Guard fellow from the Commerce, Science, and Transportation

Committee, be granted floor privileges for the duration of the 115th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTING ANIMAL CRUELTY AND TORTURE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 654 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 654) to revise section 48 of title 18, United States Code, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 654) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Animal Cruelty and Torture Act" or the "PACT Act".

SEC. 2. REVISION OF SECTION 48.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

"§ 48. Animal crushing

"(a) OFFENSES.—

"(1) CRUSHING.—It shall be unlawful for any person to purposely engage in animal crushing in or affecting interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

"(2) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, if—

"(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

"(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

"(3) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

"(b) EXTRATERRITORIAL APPLICATION.—This section applies to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

"(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the

United States or its territories or possessions; or

"(2) the animal crush video is transported into the United States or its territories or possessions.

"(c) PENALTIES.—Whoever violates this section shall be fined under this title, imprisoned for not more than 7 years, or both.

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—This section does not apply with regard to any conduct, or a visual depiction of that conduct, that is—

"(A) a customary and normal veterinary, agricultural husbandry, or other animal management practice;

"(B) the slaughter of animals for food;

"(C) hunting, trapping, fishing, a sporting activity not otherwise prohibited by Federal law, predator control, or pest control;

"(D) medical or scientific research;

"(E) necessary to protect the life or property of a person; or

"(F) performed as part of euthanizing an animal.

"(2) GOOD-FAITH DISTRIBUTION.—This section does not apply to the good-faith distribution of an animal crush video to—

"(A) a law enforcement agency; or

"(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

"(3) UNINTENTIONAL CONDUCT.—This section does not apply to unintentional conduct that injures or kills an animal.

"(4) CONSISTENCY WITH RFRA.—This section shall be enforced in a manner that is consistent with section 3 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-1).

"(e) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

"(f) DEFINITIONS.—In this section—

"(1) the term 'animal crushing' means actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242);

"(2) the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

"(A) depicts animal crushing; and

"(B) is obscene; and

"(3) the term 'euthanizing an animal' means the humane destruction of an animal accomplished by a method that—

"(A) produces rapid unconsciousness and subsequent death without evidence of pain or distress; or

"(B) uses anesthesia produced by an agent that causes painless loss of consciousness and subsequent death."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by striking the item relating to section 48 and inserting the following:

"48. Animal crushing."

ORDERS FOR MONDAY, DECEMBER 18, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 3 p.m., Monday, December 18; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and proceed to the consideration of Calendar Nos. 241 and 193 under the previous order, en bloc, with the debate time on the nominations to run concurrently; finally, that at 5:30 p.m., the Senate vote on confirmation of the nominations in the order listed with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY,
DECEMBER 18, 2017, AT 3 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:19 p.m., adjourned until Monday, December 18, 2017, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 14, 2017:

ENVIRONMENTAL PROTECTION AGENCY

MATTHEW Z. LEOPOLD, OF FLORIDA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DAVID ROSS, OF WISCONSIN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF JUSTICE

SCOTT W. BRADY, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

ANDREW E. LELLING, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

JAMES C. HO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(D):

To be rear admiral

REAR ADM. (LH) PAT DEQUATTRO
REAR ADM. (LH) WILLIAM G. KELLY
REAR ADM. (LH) JOHN P. NADEAU
REAR ADM. (LH) JOANNA M. NUNAN
REAR ADM. (LH) DAVID G. THROOP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 53(B):

To be rear admiral (lower half)

REAR ADM. ANDREW S. MCKINLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be rear admiral (lower half)

CAPT. JAMES M. KELLY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(E):

To be rear admiral (lower half)

CAPT. THOMAS ALLAN
CAPT. LAURA M. DICKEY
CAPT. DOUGLAS M. FEARS
CAPT. JOHN W. MAUGER
CAPT. NATHAN A. MOORE
CAPT. BRIAN K. PENOYER
CAPT. MATTHEW W. SIBLEY

COAST GUARD NOMINATIONS BEGINNING WITH GEORGE BAMFORD AND ENDING WITH TABITHA A. SCHIRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2017.

COAST GUARD NOMINATIONS BEGINNING WITH STEPHEN J. ADLER AND ENDING WITH TORRENCE B. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2017.

COAST GUARD NOMINATIONS BEGINNING WITH LAWRENCE F. AHLIN AND ENDING WITH RUSSELL R. ZUCKERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2017.

COAST GUARD NOMINATION OF MEGHAN K. STEINHAUS, TO BE COMMANDER.

EXTENSIONS OF REMARKS

HONORING THE RETIREMENT OF
AMY T. SAJDA

HON. DONALD S. BEYER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. BEYER. Mr. Speaker, I rise today to honor and recognize the outstanding contributions made by Ms. Amy T. Sajda, who will retire from the Defense Logistics Agency in Fort Belvoir, Virginia, on February 28, 2018.

Ms. Sajda's distinguished government career spans over 32 years, and her record of achievement during this period reflects greatly upon herself and upon the organization at which she has served, including her most recent role as DLA's Director of the Office of Small Business Programs. Her contributions to the national defense were significant and she will be missed as she moves on to new and exciting opportunities.

Ms. Sajda, originally from Bellmawr, New Jersey, entered the Federal service working for the Defense Industrial Supply Center, a Major Subordinate Command of the Defense Logistics Agency, in Philadelphia, Pennsylvania in July 1985. There, she held a series of positions in contracting, eventually becoming a contracting officer in August 1988. Ms. Sajda attended Glassboro State College (now Rowan University), the University of Phoenix, and is the recipient of special achievement and performance awards, including the Exceptional Civilian Service Award in 2009 and the Meritorious Civilian Service Award in 2014. In 2014, she was selected into the Executive Development Program and attended the Federal Executive Institute in Charlottesville, Virginia; a program designed to provide a Department of Defense framework for developing future civilian leaders.

In 1991, Ms. Sajda joined the Defense Logistics Agency Headquarters as a procurement analyst providing contracting expertise and guidance to field contracting activities. From 1993 through 2006 she participated in numerous Procurement Management Reviews of DLA's contracting activities, ensuring the integrity of the procurement process; becoming the Procurement Management Review Program Manager in 2004. In 2007 Ms. Sajda was selected to implement the Base Realignment and Closure Act 2005 decision to transfer procurement management and related support functions for Depot-Level Reparable from the Military Services to DLA. Her procurement expertise and conscientious commitment to serving the warfighter facilitated the smooth transfer a year ahead of schedule at a savings of \$357 million.

Ms. Sajda reached a career benchmark in 2011 with her selection as DLA's Director of the Office of Small Business Programs. In this role she is responsible for increasing the amount of Federal contract dollars awarded to

small businesses. Her guidance and vision propelled DLA to steadily increase the amount awarded to small businesses during her tenure culminating in award of over 33.5 percent of eligible contract dollars to small businesses in fiscal year 2017 for an Agency high \$10 billion dollars.

Mr. Speaker, I am pleased to recognize Amy T. Sajda's contributions to the Defense Logistics Agency and the American people, and I ask that my colleagues join me in congratulating her on her retirement from civil service. She epitomizes the dedication and professionalism that make our Federal civil service a model all over the world.

COMMITTEE ON FOREIGN AFFAIRS
MARKUP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. SMITH of New Jersey. Mr. Speaker, today the House Committee on Foreign Affairs held a markup of very important pieces of legislation. I wish to commend Chairman Royce and the Ranking Member for the bipartisan approach to advancing a number of important measures.

Briefly, I want to comment on the Chairman's H.R. 2219 on increasing the role of the financial industry in combatting human trafficking.

This bill will force an appraisal of best practices to stop the flow of funds from human trafficking and integrate the Treasury Department into a whole-of-government effort to combat the scourge of human trafficking. In this regard, it echoes provisions in H.R. 2200, which passed the House earlier this year.

Wisely, it takes a "follow the money" approach, and asks the question, why do traffickers traffic? Because that is where the money is. Unlike hard to transport drugs, which are sold only once to end users and then consumed—human traffickers cynically see people as a commodity which can be bought and sold, used and exploited, over and over again. This will help staunch the flow of funds from such exploitation, and thereby disincentivize those whose greed drives them to reduce their fellow human beings as a means to an end.

Last week our subcommittee held a hearing on Advancing Human Rights to Combat Extremism. One of the takeaways underscored the need on supporting key allies in the Muslim world who bravely stand up against the extremists. In this fight, we have no more important ally than Jordan. I, therefore, strongly support the Chairman's "United States-Jordan Defense Cooperation Extension Act."

The War Crimes Rewards Expansion Act, an amendment to the State Department Basic Authorities Act of 1956, is yet another effort to

provide for the means to punish those who engage in genocide or war crimes. Since we continue to see such crimes committed in countries such as Syria, Iraq and the Central African Republic, we must continue our efforts to apply justice to those who so heartlessly take the lives of entire groups of people.

While there is an International Criminal Court, and regional tribunals have been established to punish these criminals in countries such as Yugoslavia, Rwanda and Sierra Leone, these criminals too often manage to escape punishment. Russia or China often block our efforts to engage the ICC, and even when the court is empowered to move forward, very little is accomplished.

That was why I introduced the concurrent resolution in the last Congress to create a special court for Syria. Unfortunately, while the House overwhelmingly passed that measure, the Senate declined to consider it.

Nevertheless, we must continue to press forward with efforts to make it easier to bring perpetrators of genocide and war crimes to trial—both to bring justice for their victims and as a warning to others that their actions don't provide for impunity. That is why I support Representative Foxx's bill.

CELEBRATING THE MILITARY
SERVICE OF SENIOR AIRMAN
KATIE MAE COGBILL, USAF

HON. BRIAN BABIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. BABIN. Mr. Speaker, I rise today to thank a great woman for her military service and to recognize her unprecedented accomplishments, Senior Airman Katie Mae Cogbill of the United States Air Force. Airman Cogbill was born on November 26, 1989 in Big Spring, Texas to Vickie Scales and Wayne Dial.

Airman Cogbill exemplifies all that is right with our young people of today and is an example of the great accomplishments one can achieve with determination and dedication.

After graduating from Bridge City High School, Katie married her husband, Daniel and on July 29, 2010 their son Barrett was born. That is when the course of Airman Cogbill's life changed and little did she know her destiny defined.

Barrett was diagnosed with Autism and Katie's fight for resources to help her son began. While fighting financial stress and a lack of resources, Katie's strength and hope never wavered. Her love, tenacity and dedication to her family led her to join the United States Air Force in 2014.

In addition to financial stability, Katie receives therapy benefits for Barrett and was shown that the Air Force fulfills its promise to take care of its people. Barrett now exceeds expectations and thrives.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today, Katie is known as Senior Airman Katie Cogbill, 19th Medical Operations Squadron at Little Rock Air Force Base where she works as an Aerospace Medical Services Technician and is responsible for the patients of the Women's Health Clinic.

Katie's Air Force career is impressive and she has received several awards and recognition for her work ethic and dedication to her patients. Her most impressive and recent award was the 2017 Air Force Medical Service Aerospace Medical Technician of the Year for Air Medical Command, coined by 19th, MDG Commander, Col. Dawn Brooks.

Mr. Speaker, I rise to congratulate Airman Cogbill for this prestigious award and thank her for her selfless service to our great nation and the United States Air Force.

TRIBUTE TO THE RAILSWEST MUSEUM

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate the RailsWest Museum of Council Bluffs, Iowa, for maintaining 150 years of railroad history in Council Bluffs and Pottawattamie County, Iowa. RailsWest Museum is located in the former depot of the Chicago, Rock Island Pacific railroads.

The RailsWest Museum is operated by the Historical Society of Pottawattamie County and the building and grounds have been renovated to preserve its rich history. The depot that houses the current museum was built in 1899, but the original depot was built in 1870. During its years in operation the depot saw thousands of local soldiers leave Council Bluffs for military duty, and it was also a welcome sight when many of them returned home after their military service. The Rock Island Line's last day of operation was March 31, 1980. Today, the museum promotes 150 years of railroad history with displays, artifacts, and exhibits.

Mr. Speaker, I commend and congratulate the RailsWest Museum for their dedicated and devoted service in preserving the railroad history of Council Bluffs and Pottawattamie County. It is with great pride that I recognize them today. I ask that my colleagues in the United States House of Representatives join me in congratulating the RailsWest Museum's accomplishments and in wishing the staff and volunteers nothing but the best.

CONGRATULATING KEWANEE, ILLINOIS FOR BEING NAMED A FINALIST FOR THE 2017 GOVERNOR'S HOMETOWN AWARD

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Kewanee, Illinois for being named a finalist for the 2017 Governor's Hometown Award due to its outstanding Step Ladder Tutoring Program.

The Step Ladder Tutoring Program targets middle school special education, borderline, and struggling general education students who need academic assistance. Certified middle school teachers serve as site coordinators for the Step Ladder Tutoring Program, while a system of community volunteers, middle school students, high school students, college students and AmeriCorps members serve as tutors for the program. During the 2014–2015 school year, all eighth grade students receiving assistance were promoted to the ninth grade. 75 percent of the students had improved skills in math and reading, and 80 percent of the students had improved attendance rates and an overall improved attitude toward school and learning.

The generous and ambitious volunteers and leaders of the Step Ladder Tutoring Program make me especially proud to serve Illinois' 17th Congressional District.

Mr. Speaker, I would like to again formally congratulate Kewanee, Illinois for being named a finalist for the 2017 Governor's Hometown Award and recognize all who organize and contribute to the Step Ladder Tutoring Program for their outstanding efforts and accomplishments.

IN RECOGNITION OF THE RETIREMENT OF MARK WHITE

HON. DAVID A. TROTT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. TROTT. Mr. Speaker, I rise today to celebrate the retirement of Wixom, Michigan resident, Senior Inspector Mark White of Homeland Security, Customs and Border Protection.

We honor Mark for his years of bravery and protection of our land, sea, and air borders.

During his time at the Detroit border, Mark committed himself to the interception of contraband. He apprehended numerous pieces of drug paraphernalia and in 1995, he seized nearly \$2.7 million dollars' worth of munitions bound for illegal exportation in Operation Exodus.

His most notable act of bravery occurred in October of 1997 at the Detroit Windsor Tunnel. A gunman under the influence of drugs attempted to hijack cars at inspection lanes and shot a civilian. Mark fatally wounded the gunman and provided first aid to the injured civilian. This act of heroism earned him a number of awards, including the U.S. Customs Service Meritorious Service Award for Valor.

Since 2000, Mark has worked as the Senior Inspector at Oakland County International Airport and spends his free time as a lacrosse coach for the Walled Lake Gladiators.

After 31 years of service, Mark will retire this December, and will return to his home state of Pennsylvania with his wife and daughter.

I applaud Senior Inspector Mark White for his service to the State of Michigan.

THE LONG ARM OF CHINA: EXPORTING AUTHORITARIANISM WITH CHINESE CHARACTERISTICS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, I made the following remarks at the hearing held by the Congressional-Executive Commission on China which I co-chair with Senator MARCO RUBIO:

This hearing is the second in a series looking at China's foreign influence operations and the impact on universally-recognized human rights. With the Congress and U.S. public focused on Russian influence operations, Chinese efforts have received little scrutiny and are not well understood. This must change.

Attempts by the Chinese government to guide, buy, or coerce political influence, control discussion of "sensitive" topics, and export its authoritarian practices globally are widespread and pervasive.

Long-time allies Australia, New Zealand, and Canada have been rocked by scandals involving Chinese sponsored influence operations targeting politicians, businesses, and academic institutions.

Australia in particular is in the midst of a national crisis and all like-minded democratic allies should be supporting their efforts to root out those elements intended to corrupt or coopt Australian political and academic institutions.

All countries pursue soft power initiatives to promote a "positive" global image and build goodwill, but the Chinese government's use of technology, coercion, pressure, and the promise of market access is unprecedented and poses clear challenges to the freedoms of democratic societies.

An example of Chinese rewards given to companies and individuals for abiding by the Chinese government's rules is the case of publisher Springer Nature, the world's largest academic book publisher.

Springer Nature removed more than 1,000 articles from the websites of the Journal of Chinese Political Science and International Politics in order to comply with China's censorship directives and was later "rewarded" for its censorship by signing a lucrative strategic partnership with the Chinese tech giant Tencent Holdings.

In addition to academic publishers, the Chinese government is going to school on college and universities. American institutions are being seduced by the promised infusion of much-needed wealth from China.

But one always has to pay a price—play by China's rules, don't ruffle feathers and don't discuss or write about "sensitive topics." Universities committed to academic freedom are bound to run into problems eventually.

I have held two hearings on the threat to academic freedom posed by Confucius Institutes and the creation of U.S. campuses in China.

We should all be for creative research partnerships and expanding educational opportunities for U.S. students, but not at the cost of fundamental freedoms.

I have asked the General Accounting Office (GAO) to investigate academic partnerships between the U.S. colleges and the Chinese government. The first report came out last Spring.

The GAO is now in the process of conducting investigations of Confucius Institutes. I have written to all U.S. colleges with Confucius Institutes and asked them to make their contracts public and available for public inspection.

Many foreign businesses in China have already faced similar dilemmas. Some, like Apple, which recently removed from its Chinese app store applications that help users bypass China's "Great Firewall." The networking site LinkedIn agreed to censor content and Facebook is promising to do the same in order to get access to the Chinese market.

Chinese operations to curtail the activities of dissidents and critics of the Communist Party are also pervasive, troubling, and must be stopped. We have heard multiple stories from U.S. citizens and foreign nationals living in the U.S. about efforts to intimidate, censor, and silence them.

The case of Chinese billionaire Guo Wengui is just the latest example of egregious behavior. High-ranking Chinese security ministry officials, in the US on transit visas no less, met with Mr. Guo multiple times in order to threaten and convince him to leave the U.S.

Chinese agents have repeatedly violated U.S. sovereignty and law according to the Wall Street Journal report on the incident.

These incidents and those we will discuss today are just the tip of the iceberg.

The Commission's 2017 Annual Report contains several recommendations to counter Chinese foreign influence operations—including expanding the mandate of the Foreign Agents Registration Act (FARA) to include Chinese government media organizations and think-tanks, expanded Internet Freedom initiatives and efforts to counter Chinese propaganda and disinformation at the State Department. I encourage those interested to look at our recommendations.

As we start to grapple with the scale and scope of Chinese influence operations, we will be looking for new legislative ideas and I hope our witnesses today can provide recommendations for the Commission's action.

We must be clear from the outset that we support better relations with the people of China and the United States. The issues we are discussing here today are part of influence operations conducted by the Chinese Communist Party and the Chinese government.

President Xi Jinping, who has concentrated more power than any Chinese leader since Mao, is determined to make the world safe for authoritarianism. Beijing is intent on exporting its censorship regime, intimidating dissidents and their families, sanitizing history, and stifling critical discussions of its repressive policies.

These actions pose direct threats to deeply held core values and fundamental freedoms enjoyed by all democratic societies. We must find ways to effectively and resolutely push back. Doing so should be a critical national interest.

CONGRATULATING LANARK, ILLINOIS FOR BEING NAMED A PROJECT WINNER FOR THE 2017 GOVERNOR'S HOMETOWN AWARD

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Lanark, Illinois for being named a project winner for the 2017 Governor's Hometown Award due to its project, Workation 2016.

A group of volunteers from Lanark First Brethren Church, who were previously involved in Alaskan mission work camp programs, believed they needed a more local, neighbor-helping-neighbor type of program in Lanark. From this idea, Workation 2016 was created. This project sought requests from older residents that had small projects that they were not able to accomplish on their own. Volunteers would then complete these maintenance projects, safety upgrades, or landscaping projects at no cost to the resident. 30 different projects around town were completed by 30 volunteers. According to the volunteers, the greatest benefit of the program is the relationships that are developed and the rewarding feeling of making a home safer or more comfortable for a resident.

The hard work and generosity visible through Lanark's Workation 2016 project makes me especially proud to serve Illinois' 17th Congressional District.

Mr. Speaker, I would like to again formally congratulate Lanark, Illinois for being named a project winner for the 2017 Governor's Hometown Award.

RECOGNIZING JUDGE WALTER F. DRAG UPON HIS RETIREMENT

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. REED. Mr. Speaker, I rise today to recognize Judge Walter F. Drag, who is retiring after more than three decades of judicial service to the City of Dunkirk, New York.

Judge Drag was recommended for appointment as Acting City Court Judge on January 1, 1985, and became City Court Judge in 1990. Over that time, he has heard thousands of cases and upheld the law with distinction. In addition, he maintained a private law practice until 2007, and spent several stints teaching law as a college professor.

Among Judge Drag's many accomplishments as City Court Judge is the establishment of a Treatment Court in 2002 for individuals charged with crimes related to substance abuse. In the years since then, more than seven hundred people have participated, with the majority successfully completing the treatment program.

It is a privilege to congratulate Judge Walter F. Drag on a distinguished career of service to the City of Dunkirk, and to wish him all the best in retirement. He leaves behind a legacy that will benefit the residents of his community for years to come.

TRIBUTE TO JODY REYNOLDS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jody Reynolds of Des Moines, Iowa, for being named one of *dsm Magazine's* 2017 "Sages Over 70."

The "Sages Over 70" award honors community leaders who continue to serve as mentors and leaders when others have retired. Jody has been a tireless advocate for children her entire life. Her experience with birth complications with her third child opened her eyes to what services were and were not available, and led her to advocacy. She's helped to raise \$109 million for Variety—The children's Charity over the years, and served as the first female president of Variety International. One of the many words of advice she offered to the magazine was to press forward through adversity, and to also enjoy the journey.

Mr. Speaker, I am proud to recognize Jody for being named a "Sage Over 70" by *dsm Magazine*, and applaud her for her service to her community. I ask that my colleagues in the United States House of Representatives join me in congratulating Jody for this outstanding achievement and in wishing her nothing but the best.

HONORING PEDDRICK M. YOUNG, SR. OF PENNSYLVANIA ON HIS RETIREMENT AFTER MORE THAN 29 YEARS OF SERVICE IN LOCAL GOVERNMENT

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. PERRY. Mr. Speaker, today I extend my sincere congratulations to my constituent, Peddrick M. Young, Sr., upon his retirement from almost 30 years of service with the Lower Allen Township Board of Commissioners.

First, I thank Mr. Young for his service to our Nation in the United States Marine Corps. I've long appreciated the commitment of people who devote themselves selflessly to serving our Nation.

Mr. Young also has a demonstrated record of service to our communities. He previously retired from his position as facilities manager with Commerce Bank, staff to the Pennsylvania House of Representatives, and staff assistant in the U.S. House to one of my predecessors, the late Congressman Bill Goodling.

Mr. Young's civic service included the Pennsylvania Crime Stoppers, Pennsylvania State Association of Township Commissioners, and many others. He also served as an active member of many community service organizations.

Mr. Young's tireless dedication, professionalism and sacrifice touched the lives of countless people and challenged all with whom he served to be the best. His legacy of service to our communities will endure.

On behalf of Pennsylvania's Fourth Congressional District, I thank and congratulate

Peddrick M. Young, Sr. on his service and wish him and his family Godspeed, great happiness and success in their future adventures.

**RECOGNIZING THE LENA-WINSLOW
PANTHERS FOOTBALL TEAM FOR
THEIR STATE CHAMPIONSHIP
TITLE**

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to honor the Lena-Winslow Panthers Football Team for their Class 1A championship win against the Tuscola Warriors.

The Panthers held a 21–7 lead at half-time, with 267 yards of total offense. By the fourth quarter, the Warriors had closed the Panthers' lead to one point. The Warriors had a chance at a game winning touchdown when Panther player Rahveon Valentine broke up a pass on fourth down with only 10 seconds remaining in the game. This secured Lena-Winslow's third state championship title in the last eight years and the program's first-ever unbeaten season.

Mr. Speaker, as a former athlete, I understand how important this is to the young men, the coaches and the community. They never gave up. They kept playing their best, and their team spirit and belief in themselves helped them become state champions. Their efforts and resilience should inspire us all.

HONORING MRS. JUANITA KNOTT

HON. JOHN J. FASO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. FASO. Mr. Speaker, it is with profound respect that I rise today to recognize and celebrate Mrs. Juanita Knott for being named a "New York State Registered Historian". This designation is reserved for those special few in our state who exemplify ingenuity and have an authentic passion for promoting local history.

Mrs. Knott has served the Town of Stuyvesant as its historian for over twenty years. Through actively conserving, interpreting, and presenting the town's history in unique and engaging ways, she has unearthed the wonders, heroes, and stories of Stuyvesant's past. Understanding local history is a key way in which we discover a shared identity and strengthen our democracy. That is why historians like Mrs. Knott play such a vital role in communities throughout New York and nationwide.

I am grateful for Mrs. Knott's years of dedicated service to the Stuyvesant community, to the 19th District, and to New York state. I wish her the best as she continues to preserve the historical integrity of Stuyvesant. Her work will be remembered for generations to come.

TRIBUTE TO PAUL DANFORTH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Paul Danforth of Des Moines, Iowa, for being named one of *dsm Magazine's* 2017 "Sages Over 70."

The "Sages Over 70" award honors community leaders who continue to serve as mentors and leaders when others have retired. Paul is a longtime leader in the clinical social work community, having the distinction of being the first African-American to have a private practice in Des Moines and serving as an instructor at three universities. He's been a longtime advocate for social justice, and has devoted countless hours to making a difference for the community's most vulnerable people. One of the many words of advice he gave to the magazine included to not give up, and to think positively.

Mr. Speaker, I am proud to recognize Paul for being named a "Sage Over 70" by *dsm Magazine*, and applaud him for his service to his community. I ask that my colleagues in the United States House of Representatives join me in congratulating Paul for this outstanding achievement and in wishing him nothing but the best.

**HONORING CHIEF DAVE BROWN ON
THE OCCASION OF HIS RETIRE-
MENT**

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. RUIZ. Mr. Speaker, I am honored to congratulate Hemet Police Chief David M. Brown on his retirement after more than 30 years in law enforcement. His dedication to ensuring the residents of Hemet are safe and secure is truly commendable. Today, I want to recognize his outstanding life achievements and years of service.

Chief Brown is an esteemed member of our community. He moved to the San Jacinto Valley when he was a child and graduated from Hemet High School. He obtained a Bachelor's Degree in Behavioral Science from California State Polytechnic University and a Master's Degree in Leadership and Organizational Studies from Azusa Pacific University.

His commitment to keeping our citizens safe earned him many promotions over the years, starting as a patrol officer and eventually becoming Chief of Police. During his early years with Hemet Police Department, Chief Brown was one of the founding members of the department's first gang team, raising awareness about gang issues and providing enforcement training to fellow officers and members of the community. Throughout his stellar career in law enforcement, Chief Brown has excelled in several other positions, including field training officer, gang investigator, and SWAT team commander.

Chief Brown is an exceptional leader in our community, dedicating his life to public serv-

ice. He has served as President of the Riverside County Police Chiefs' and Sheriff's Association, President of the Inland SWAT Commanders Association, a member of the Statewide Committee on Regionalized SWAT Teams, and a member of the CA Police Chiefs' Municipal Policing Resource Workgroup. His wealth of proven leadership experience earned him the award of "Man of the Year" by the Hemet/San Jacinto Valley Chamber of Commerce in 2013 and 2015.

Chief Brown has dedicated his life serving the residents of Hemet. His valuable contributions and arduous work strengthening our community will be felt for years to come.

On behalf of the entire 36th Congressional District, I am humbled to honor and recognize Chief Brown. I offer my sincerest congratulations on his accomplishments and years of public service. I wish him, his wife, and his children all the best on his well-deserved retirement.

**CONGRATULATING MS. PAM VAN
KIRK FOR BEING NAMED AN IL-
LINOIS LIBRARY LUMINARY FOR
2017**

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Ms. Pam Van Kirk for being named an Illinois Library Luminary for 2017.

Pam Van Kirk's library career started at sixteen years old with typing catalog cards at the Western Illinois Library System. She holds a Bachelor of Arts from Monmouth College and a Master's in Library Science from Rosary College. In 1998, Pam became the director of the Galesburg Public Library after working in school libraries in Illinois and Colorado for 19 years. In 2010, she retired as director of the Galesburg Public Library to serve as president of the Illinois Library Association in 2012 and 2013.

Pam was a member of the Galesburg Area Chamber of Commerce and served on the board of the Downtown Galesburg Business Association. She also served on the board of directors for the Illinois Center for the Book and the Alliance Library System, where she participated in regional and statewide library conferences. Pam has been named Administrator of the Year by the Alliance Library System and a Paul Harris Fellow for her contributions to Galesburg. She has served as a mentor to many librarians. Her cheerful and determined attitude has made a positive impact on the Illinois library community.

I'm very proud of Pam's work and am pleased she has gained the title of Illinois Library Luminary. Mr. Speaker, I want to again formally congratulate Pam on her award, and I join the rest of our community to wish her every success in the future.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF ST. JOHN'S LUTHERAN CHURCH

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 14, 2017

Ms. MATSUI. Mr. Speaker, I rise today to recognize the 150th Anniversary of St. John's Lutheran Church. As the church's congregation celebrates this valued center of worship, I ask all my colleagues to join me in honoring this historical place in Sacramento.

The first service at St. John's Lutheran was held on September 29th, 1867, when Pastor Matthais Goethe led the church's first members in prayer. Two months later, 23 founding members signed St. John's Lutheran's first charter. Although the building itself has been relocated twice, once in 1873 and again in 1912, it has remained a vibrant meeting place for both the faithful and other members of our Sacramento community.

Today, St. John's is more beloved than ever by its community. The congregation is renowned for geniality and generosity, and the church welcomes all who would take communion, worship, or simply observe with open arms. Despite its venerable age, this Sacramento institution shows no sign of slowing down.

Mr. Speaker, as our community celebrates the 150th Anniversary of St. John's Lutheran Church, I ask all my colleagues to join me in honoring this staple of the Sacramento area and all it has provided to the community.

TRIBUTE TO JOYCE CHAPMAN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Joyce Chapman of Des Moines, Iowa, for her being named one of *dsm Magazine's* 2017 "Sages Over 70."

The "Sages Over 70" award honors those community leaders who continue to serve as mentors and leaders when others have retired. Joyce dedicated 55 years to West Bank in Des Moines, where she became the first female executive vice president, established the bank's foundation which provides grants to charities, and served as a mentor to other women in the banking industry. Today, women make up half of the officers of the bank to which she devoted so many decades. She was also honored to be the first female president of the West Des Moines Chamber of Commerce. One of the many words of advice she offered to the magazine was to "show up each day to contribute and make a difference."

Mr. Speaker, I am proud to recognize Joyce for being named a "Sage Over 70" by *dsm Magazine*, and applaud her for her service to her community. I ask that my colleagues in the United States House of Representatives join me in congratulating Joyce for this outstanding achievement and in wishing her nothing but the best.

IN MEMORY OF MARK B. IHDE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 14, 2017

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Mark B. Ihde, who served as Sheriff of Sonoma County for seven years and worked as the Chief Operating Officer of the local chapter of Goodwill Industries until he passed away on November 14, 2017 at the age of 69.

Mark was born in Santa Rosa, California to Maurice and Louise Ihde. He had tremendous respect and admiration for his parents. He inherited his optimism and leadership style from his father. Mark was a loving husband to Barbara and a proud father, grandfather and great-grandfather.

A graduate of Mt. Whitney High School, in Visalia, California, Mark was a track and field athlete and a tuba player in the marching band. He earned his Associate Degree in Criminal Justice from the College of the Sequoias and studied Law Enforcement Administration at Sacramento State University. He was an FBI Academy graduate in Executive Development and Leadership.

Mark had a successful 27-year career with the Sonoma County Sheriff's Department, where he served as Sheriff from 1990 to 1997. As Sheriff, Mark restored public trust in the department, adopted a community policing model and improved collaboration with local police departments.

Mark worked as a consultant and served on many boards, including the local chapter of Goodwill Industries. The board drafted him to become their Chief Executive Officer in 2017. Following his prostate cancer diagnosis, he continued to work for Goodwill, organizing work meetings in his home within a week of his passing. He led Goodwill to become a thriving local business, more than doubling the number of stores.

Mr. Speaker, Mark B. Ihde had a passion for life, adventure and community. He was a loving, generous and kind man, known for his great smile and quick wit. It is fitting and proper that we remember him here today.

RECOGNIZING KENNY BARMAN

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Kenny Barman on his retirement as a Clover Township Trustee. For 44 years, Mr. Barman has demonstrated a strong commitment to improving his community.

Over the course of his elected service, Mr. Barman focused on keeping roads and equipment in good condition. During his time as a trustee, he was able to witness many positive changes in the community such as the building of a new township building. The Woodhull Municipal Building is now a shared structure with the village and township—another important project carried out during his tenure. Mr. Barman also helped the township through some tough times. During the snowstorm of

1979, many residents were left housebound for up to a week while area roads were closed for days. Mr. Barman gathered funds to purchase special equipment to plow the roads. He was a true public servant through times good and bad.

Mr. Speaker, it is my pleasure to recognize Kenny Barman for his longtime commitment to serving his community. Mr. Barman has undoubtedly had a positive impact on the citizens of Clover Township. I congratulate him on a well-earned retirement and wish him the very best in his future endeavors.

HONORING THE LIFE AND LEGACY OF ANDRE LACY

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 14, 2017

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor the life and legacy of Indianapolis businessman, Andre Lacy, an icon in the Indianapolis community. Andre was born and raised in Indianapolis and graduated from nearby Shortridge High School in 1957. Andre's grandfather H.J. Lacy founded their family business, U.S. Corrugated Fiber Box Company, in 1912. Andre spent most of his career working, leading and transforming U.S. Corrugated into the successful distribution company it is today. Andre's first experience in the family business was at age nine. After his father's unexpected death in 1959, Andre, while still in college, came home to help his mother Edna with day-to-day operations. Andre graduated in 1961 with a Bachelor's Degree in Economics from Denison University in Ohio and his professional career began as an analyst at U.S. Corrugated Fiber Box Company. In 1972 under Andre's direction, U.S. Corrugated was renamed Lacy Diversified Industries (LDI) to reflect its expanded interests. LDI has made several dozen acquisitions since 1972 and while it has since sold many of its holdings LDI still owns OIA Global, UltiMed Inc., and an office building on the Circle in downtown Indianapolis. Andre served as the Chief Executive Officer of LDI from 1983 until his retirement in 2006 and was the Chairman of the Board from 1991 until his passing.

Andre's remarkable career as a transformative figure both within his family business and in his community is truly unmatched. Andre served as a board member for several companies including Patterson Companies, Inc., Ethyl Corporation, Albemarle Corporation, Tredegar Corporation, First Colony Insurance Co., IPALCO, National Bank of Indianapolis, and Merchants National Bank. He has held leadership positions with numerous civic organizations including as a trustee at Rose-Hulman Institute of Technology, board member of the Community Leaders Allied for Superior Schools and The Nature Conservancy of Indiana. Andre is a former chairman of the 500 Festival, Indiana Chamber of Commerce, and the United Way of Central Indiana, where he and his late wife, Julia, were Meridian Society members. Meridian Society members are the movers and shakers of our community. They lead the charge in improving the lives of thousands of people in Central Indiana

through their leadership, dedication and generous gifts of \$25,000 or more annually. In 2016, Andre and Julia donated more than \$25 million dollars to Butler University's Business School, which now bears his family's name. This is the largest gift from an individual or family in the history of Butler University. In addition to his monetary donation, Andre donated his time and expertise to both the faculty and students at Butler University. From 2009 until his passing, Andre served as chairman of the Indiana State Fair Commission and was the driving force in the \$63 million renovation of the Indiana State Fairgrounds Coliseum. Andre and Julia donated \$2 million dollars to jumpstart this campaign.

In October of 2017, he was inducted into the Indiana Academy for lifetime achievement and contributions throughout the state by The Independent Colleges of Indiana. He was recently recognized as the 2017 Indiana Philanthropy Awards recipient by the Indiana Chapter of The Association of Fundraising Professionals.

Typically, the Sagamore of the Wabash honor is given for wisdom, public commitment, and a concern for the well-being of others. Andre embodied this award to the fullest, as he has been recognized as a Sagamore of the Wabash by Governors Roger Branigan, Robert Orr and Mitch Daniels. The Sagamore of the Wabash is the highest honor an Indiana governor can bestow.

In November of 2017 Andre was awarded the Whistler Award by The Greater Indianapolis Progress Committee. The annual Whistler Award recognizes individuals who, outside the regular duties of their chosen professions, have brought together the public and private sectors for civic improvement in Indianapolis. Andre's name will be added to a limestone and granite monument located in the Charles L. Whistler Memorial Plaza at the City Market in downtown Indianapolis.

Andre's legacy as a brilliant business and community leader will live on through his countless contributions to the Hoosier State. Andre had a well-known passion for motorcycling and adventure seeking. He tragically passed away at the age of 78 following a motorcycle crash on a private tour of Botswana. He lived his life to the fullest and chased his dreams and passions with such great vigor. Andre was a great son of Indianapolis, a leader in Indiana, who deeply loved our country. He will be missed by me and so many. I want to extend my most heartfelt condolences to his three sons, J.A., Mark, and Peter, and their families in their time of mourning as they carry on the Lacy Family legacy.

TRIBUTE TO DON BLUMENTHAL

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Don Blumenthal of West Des Moines, Iowa, for being named one of dsm Magazine's 2017 "Sages Over 70."

The "Sages Over 70" award honors community leaders who continue to serve as men-

tors and leaders when others have retired. Don grew up in his father's scrap-iron yard company, and launched several businesses over his career beginning in 1964 with Steel Warehousing, Inc. Don and his wife, Margo, are just as well-known through for their philanthropic efforts in the Des Moines area, supporting organizations such as Youth Emergency Services and Shelter, United Way of Central Iowa, Varsity—The Children's Charity, Animal Rescue League of Iowa, and the Blank Park Zoo. One of his many words of wisdom he has offered to the magazine is to "remember the community that has made your life possible."

Mr. Speaker, I am proud to recognize Don for being named a "Sages Over 70" by dsm Magazine, and applaud him for his service to his community. I ask that my colleagues in the United States House of Representatives join me in congratulating Don for this outstanding achievement and in wishing him nothing but the best.

IN RECOGNITION OF LORI S. LIU

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Ms. SPEIER. Mr. Speaker, I rise to honor Lori Liu who is leaving public service after four years on the Brisbane City Council, the last year as Mayor of this storied town near San Francisco Bay. Lori's deep commitment to public service is evident from her accomplishments and contributions to her community. She is a champion of education, children, the arts, recreation, economic development and the environment.

Lori was first elected to the council in 2013. While on the council, she served on, or as representative to, a number of organizations, including the Association of Bay Area Governments, the Peninsula Clean Energy Board of Directors, the County Library JPA, the council's Economic Development Subcommittee, the Health and Safety Subcommittee, the League of California Cities, the liaison to the Parks and Recreation Commission, the Airport Community Roundtable, the Planning Commission, the liaison to the Open Space and Ecology Committee, the Community Choice Energy Advisory Committee and many others. You may justifiably surmise from this lengthy list that Lori is well-versed in a variety of issues affecting the residents of Brisbane and the region.

Her leadership is notable as she tackled one of the most longstanding opportunities and challenges in the community. the Baylands Project. Lori was indefatigable as she conducted council meetings and listened closely to the community through hours of discussions involving possible offices, open space, housing, environmental cleanup and restoration, and the overall concept of a sustainable community. She carefully weighed the impacts of this project on Brisbane and our region.

She was instrumental in laying the groundwork to build a new library which will be constructed starting next year. Libraries are community spaces that connect generations and

nurture life-long learning. The Brisbane Library will include a Maker's Space to spark the creativity of the next generation of innovators, spaces for children and teens, a quiet study area, an outdoor garden, a community center, and the first public arts project triggered by a city ordinance.

Lori has a long track record of working on environmental issues. In fact, when she moved to Brisbane in 2004, her very first volunteer activity was to attend an Earth Day clean up event. While on the council, she helped to secure a grant to renovate Crocker Park Trail. This funding will make the trail more usable for bicyclists, joggers and parents with strollers. It will also establish a safe pedestrian and bike-friendly connection between residential development at the Ridge and Lipman Middle School. Due in part to Lori's outstanding work, Brisbane received the Platinum level Spotlight Award from the Institute for Local Government for environmental leadership and best practices. With her support, the city signed up to have all municipal electric accounts serviced by 100 percent renewable energy.

Lori understands that a high quality of life for residents depends on a healthy balance of physical and financial security, education, functioning infrastructure, clean air and clean water, and recreation and entertainment. Life without music and fun would not be complete, so Lori supported the launch of two spectacular, family-friendly community events, the Marina Kite Festival and the Star City Music Festival. The kite festival celebrated its first anniversary this June and the music festival will have its premier in July next year.

Lori holds a B.A. from Tufts University and a J.D. from Northwestern University School of Law. She and her husband Raymond Liu live in Belmont with their two young children, Samantha and Noah.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Lori Liu for her exemplary service on the Brisbane City Council. Her public service made Brisbane a better place to live, work and visit. I personally regret that she is leaving office and hope she will return to offer Brisbane her skills and talents in addressing the issues facing her beloved city. I have no doubt that Lori will continue to make enormous contributions to any effort she undertakes.

HONORING THE ACHIEVEMENTS OF CITALLI ORTIZ AS THE 2017 WOMEN'S YOUTH WORLD CHAMPION

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. RUIZ. Mr. Speaker, I rise to honor the determination, perseverance, and accomplishments of Citalli Ortiz, a young constituent who became the first female boxer in the Coachella Valley to win the gold medal for Team USA in the 2017 Women's Youth World Championships.

Citalli is a Coachella Valley High School student with an inspiring commitment and passion for boxing. Her dedication to giving her all in the ring has led her to become the first female boxer from Coachella Valley Boxing Club gym to achieve such high recognition.

She began boxing when she was a little girl, inspired by her father, Alex Ortiz, and her older sister, who was also a boxer. Her training started when a couple of boys were teasing and punching Citlalli. Her father saw this and took the opportunity to teach her how to use some boxing moves for self-defense, including the "one-two" move. Citlalli defended herself successfully against the boys, and decided to become a boxer, following in her sister's footsteps.

Citlalli's road to success hasn't always been easy. In the beginning, trainers did not want to work with her due to her weight. As a result, her father decided to become her trainer and empowered her to fight for her dreams. After long hours of training in the gym, Citlalli achieved her first victory at the age of 12 at the Desert Showdown.

Citlalli brings agility and strength to the ring in every fight. She has won medals and beat national champions at the 2016 USA Junior and Youth Boxing Championships in Nevada, the 2016 USA Boxing Junior Olympic, and the Prep National and Youth Open Championships in Texas. Citlalli is also the 2016 Oxnard National PAL Champion, 3x Desert Showdown Champion, and the 2015 Gene Lewis Champion. To this day, she remains undefeated.

Throughout her 8 years in boxing, Citlalli has witnessed a large gender disparity in the ring. She is committed to become a professional boxer so she can represent women in boxing. Citlalli's greatest inspirations are female professional boxers such as Cecilia Braekhus and Hannah Gabriel. Her goal is to represent USA at the 2020 Olympics in Tokyo.

Mr. Speaker, I am proud to recognize Citlalli Ortiz. On behalf of California's 36th Congressional District, I commend her accomplishments and passion for boxing. I look forward to her many more victories in the ring.

RECOGNIZING RETIRED UNITED STATES AIR FORCE CAPTAIN NATHAN NELSON

HON. MATT GAETZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. GAETZ. Mr. Speaker, today I rise to recognize a true American hero and patriot.

Captain Nelson, USAF, Retired, enlisted in the military in 2006. After 4 years of enlisted service, Nelson applied to Officer Training School with the encouragement of his commanding officer. He attended Officer Training School in Montgomery, Alabama in 2011, followed by Intelligence Officer Training at Goodfellow AFB in San Angelo, TX.

Once Nelson finished training there, he was assigned to Joint Base Lewis-McChord as the Director of Intelligence for the 22nd Special Tactics Squadron.

Nelson was serving on his third tour in Afghanistan as the Special Tactics Intelligence, Surveillance, and Reconnaissance liaison. While assisting a combat controller assigned to a 7th Special Forces Group ODA, Nelson was hit by a 107mm rocket and suffered a spinal cord injury from the blast.

In addition to that injury, Nelson also suffered severe shrapnel wounds, multiple spinal

fractures, severe tissue damage to his left ankle, collapsed lungs, major shrapnel damage to his torso and lower extremities, and severely bruised organs. He also underwent a massive blood transfusion and tracheotomy, and suffered numerous other injuries.

Nelson spent 18 months in physical therapy, underwent 9 surgeries, and 46 units of blood. His injuries left him paralyzed from the chest down.

Nelson served 9 years honorably in the USAF and retired in November of 2015.

For his service to the country, Nelson received the Meritorious Service Medal, Purple Heart, Air Force Commendation Medal, Army Commendation Medal, and the Army Achievement Medal, among many others.

Nelson has not let his injuries dampen his tenacious spirit or hinder him from continuing to serve his country. He currently holds a Bachelor of Arts Degree in Intelligence Studies, and an MBA in Finance. Nelson also helps countless veterans and active duty members by serving as my Deputy Director of Military Affairs for Florida's First Congressional District. His guidance and expertise is an invaluable asset to me and my team. His determination, bravery, and fortitude are an inspiration to all who are blessed to know and work with him.

To honor his great sacrifice for our country, Nelson will be gifted a mortgage-free home from nonprofit Building Homes for Heroes, an organization that builds and modifies homes to gift mortgage-free to wounded veterans and their families. Nelson, his wife Jennifer, and their daughter Eva will be welcomed into their new home for the very first time in Santa Rosa Beach, FL.

I would like to extend my gratitude to Nate and his family for all they've sacrificed for their country and their community.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize and honor Nathan Nelson, Jen, and Eva, and congratulate them on their well-deserved, new home.

RECOGNIZING THE LIFE AND SERVICE OF RUTH BANCROFT

HON. MARK DeSAULNIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. DeSAULNIER. Mr. Speaker, I rise today to recognize the life and service of Ruth Bancroft, renowned expert on drought-tolerant plants, founder of the Ruth Bancroft Garden, and resident of Walnut Creek.

Ruth had a keen intellect and an insatiable curiosity about plants and nature. She collected and categorized seashells and planted flower gardens around the home she shared with her husband and three children on the Bancroft property.

With the help of the New York-based Garden Conservancy, the Bancroft family formed the nonprofit Ruth Bancroft Garden on Bancroft Road which is protected by a conservation easement. It opened to the public in the early 1990s. In August, the garden broke ground on a visitor and education center with space for events and classes as well as of-

fices for staff. Ruth worked in the garden every day until she was 97 years old.

Ruth was an inspiration and a friend. She was a stalwart in the Contra Costa community and we shared a passion for conservation and the environment. She passed away on November 26, 2017 at the age of 109. She is survived by her children Peter Bancroft, Nina Dickerson and Kathy Hidalgo and four grandchildren. Her friend, family, and our community will miss her dearly.

CONGRATULATING ROCK ISLAND, ILLINOIS FOR BEING NAMED A PROJECT WINNER FOR THE 2017 GOVERNOR'S HOMETOWN AWARD

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Rock Island, Illinois for being named a project winner for the 2017 Governor's Hometown Award due to its outstanding Kids Invested in Natural Growth (KING) Program.

The Kids Invested in Natural Growth Program is provided by the Martin Luther King Center. The program provides a variety of activities for youth ages 6 through 18, including homework help, sports and recreation, service learning, mentoring, life skills, and character development. The program's goal is to provide safe and enriching activities and encourage academic success. The Kids Invested in Natural Growth Program reaches approximately 1,200 kids each year. Thirty-five dedicated volunteers make the yearlong commitments to the sports component. An additional 15 volunteers are involved in the afterschool and summer programs.

The generous and caring volunteers and leaders of the Kids Invested in Natural Growth (KING) Program in the City of Rock Island make me especially proud to serve Illinois' 17th Congressional District.

Mr. Speaker, I would like to again formally congratulate Rock Island, Illinois for being named a finalist for the 2017 Governor's Hometown Award and recognize all who organize and contribute to the Kids Invested in Natural Growth (KING) Program for their outstanding efforts and accomplishments.

HONORING MR. JOHN F. TRENTACOSTA

HON. ELIZABETH H. ESTY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Ms. ESTY of Connecticut. Mr. Speaker, I rise today to honor John Trentacosta upon his retirement as President and CEO of Newtown Savings Bank in Newtown, Connecticut. For two decades, John has provided experienced and insightful leadership at Newtown Savings Bank, and his contributions have been crucial to guiding the institution through both successful and challenging economies.

John is a native of Bronx, New York, and completed his undergraduate degree at Manhattan College before going on to earn his

Master of Business Administration at Iona College. He began working in finance in New York before moving with his wife Linda to Connecticut in 1988. Throughout his long and successful career in the financial industry, John has served in a number of leadership roles, such as Chief Financial Officer, for a variety of institutions. Following a decade of working at the Bank of New Haven, John joined Newtown Savings Bank as President and CEO in 1998. His experience and leadership have been instrumental in continuing the organization's success for the future.

In addition to his successful career, John has shared his time and expertise with a number of community and professional organizations in Connecticut. He currently serves on the Western Connecticut State University Foundation Board, and has previously been Director of Habitat for Humanity of New Haven and Chairperson of the Newtown Rotary Golf Fundraiser Event. John has also served as a board member of the Connecticut Society of CPAs' Educational Trust Fund, a member of the Connecticut Community Bankers Association's Executive Committee, and a member of the Greater Danbury Chamber of Commerce board.

Mr. Speaker, in his two decades of leadership at Newtown Savings Bank, John Trentacosta has been a successful leader in Connecticut's financial services industry, and he has also been a true partner to our community. Therefore, it is fitting and proper that we honor him here today.

TRIBUTE TO STEPHEN ROBERTS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Stephen Roberts of Des Moines, Iowa, for being named one of *dsm Magazine's* 2017 "Sages Over 70."

The "Sages Over 70" award honors community leaders who continue to serve as mentors and leaders when others have retired. Stephen, a senior shareholder in the Davis Brown law firm, was an early advocate for women at the firm which lead to the quick hiring of its first five female attorneys. Stephen is well-known for his past service as chairman and national committee member for the Republican Party of Iowa, and has also been active with the American Cancer Society for over 40 years. One of the many words of advice he gave to the magazine included to "give something back to the community. You'll get more out of it than what you put in."

Mr. Speaker, I am proud to recognize Stephen for being named a "Sage Over 70" by *dsm Magazine*, and applaud him for his service to his community. I ask that my colleagues in the United States House of Representatives join me in congratulating Stephen for this outstanding achievement and in wishing him nothing but the best.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. BLUMENAUER. Mr. Speaker, had I been present for the vote today on the Democratic Motion to Recommit H.R. 2396 (Roll Call No. 681), I would have voted aye. The motion would require financial institutions found to have engaged in deceptive or fraudulent practices to continue to annually report their policies and practices regarding the disclosure of nonpublic, personal information.

Additionally, had I been present for the vote on H.R. 2396 (Roll Call No. 682), I would have voted no. This bill would ease the annual privacy notice requirements for financial institutions that share consumers' non-public personal information with nonaffiliated third party companies, weakening important consumer protections.

I'm deeply frustrated that the House has, yet again, decided to take up a measure intended to violate U.S. obligations under the Iran nuclear agreement. Though the nuclear agreement explicitly commits the United States to resuming the licensing of new commercial aircraft sales to Iran for civilian use, H.R. 4324 would impose additional certification requirements on the Treasury Department in order to carry out these current obligations.

Given Trump's clear disdain for having to take affirmative action to keep the agreement intact, this attempt by Congressional Republicans to force his administration to act further on the sale of commercial aircraft is shameful. Thus, had I been present for the vote on the Motion to Recommit H.R. 4324 (Roll Call No. 683), I would have voted aye. Had I been present for the vote on final passage of H.R. 4324 (Roll Call No. 684), I would have voted no.

RECOGNIZING THE RIVERDALE RAMS' GOLF TEAM FOR THEIR STATE CHAMPIONSHIP TITLE

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to honor The Riverdale Rams' Golf Team for winning the state championship in the Class 1A tournament.

Riverdale won by six shots over Hillsboro. The boys played through gusty winds and occasional rain showers and witnessed their lead slip to a mere two shots, but held strong to pull out a victory. This title makes school history, both as the Rams' first-ever golf title and first-ever state team title. I congratulate the Rams on their outstanding victory in their Class 1A win—a testament to the impressive leadership provided by Coach Trent Groves and teammates Tyler Bussert and Anthony Ruthey.

Mr. Speaker, as a former athlete, I understand how important this is to the young men, the coaches and the community. Their efforts and resilience should inspire us all.

HONORING THE LIFE OF COL. WESLEY L. FOX, USMC (RET.)

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to honor the life of Col. Wes Fox. Col. Fox enlisted in the United States Marine Corps in 1950 at the start of the Korean War to begin his 43-year career. Wes served 16 years as a noncommissioned officer before commissioning as a second lieutenant and retiring as a colonel.

Col. Fox valiantly served the nation and became a recipient of the Medal of Honor for his actions in Vietnam. He led his men through heavy fire, even picking up the weapon of a Marine killed in action, to continue fighting the enemy. Col. Fox sustained severe injuries from shrapnel, continued to lead his Marines, and called in air support. After the battle was over, Fox refused medical treatment, set up and supervised a defensive perimeter, and remained until all the Marines were evacuated. According to his Medal of Honor citation, "his indomitable courage, inspiring initiative, and unwavering devotion to duty in the face of grave personal danger inspired his Marines to such aggressive actions that they overcame all enemy resistance and destroyed a large bunker complex." Col. Fox retired from the Marines in 1993 with decorations including the Bronze Star and Purple Heart.

After retirement, Col. Fox served as the Deputy Commandant of First Battalion in the Corps of Cadets at Virginia Tech. Col. Fox authored two books: "Marine Rifleman: Forty-Three Years in the Corps (Memories of War)" and "Six Essential Elements of Leadership: Marine Corps Wisdom from a Medal of Honor Recipient." I am honored to have known Wes and to have served as a witness to the countless lives he touched through his selfless service and leadership. He is survived by his wife, Dottie; three daughters; four brothers; four sisters; and nine grandchildren.

Mr. Speaker, I ask you to join me and countless others as we recognize the many contributions of Colonel Wesley L. Fox.

HONORING SUE SOUTHERN OF HALEYVILLE, AL

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. ADERHOLT. Mr. Speaker, I would like to recognize the talents, achievements and dedication of Mrs. Sue Southern of Haleyville, Alabama on the occasion of her retirement as Municipal Court Clerk of the city of Haleyville, Alabama, which is in Alabama's 4th Congressional District.

Sue Southern began her career with Haleyville 29 years ago back in 1988 and since then has worked alongside numerous municipal judges, attorneys, mayors and members of the city council. I was fortunate to be one of those municipal judges during her time of service. I worked alongside of Sue in the mid-1990s as a young municipal judge for the

city, having just graduated from law school a couple of years earlier.

As someone who worked alongside Sue for several years, I can say without a doubt, she always strove to make sure that every person who came through the court system was treated fairly and with dignity, yet she made sure the trains ran on time, as they say.

During her almost three decades as municipal court clerk, Sue has taken a particular interest in strengthening domestic violence laws in the state of Alabama. She has seen numerous cases come through the court system, of women who had nowhere to turn and no way to escape abusive relationships. Sue worked to change this and give a voice to countless women across Alabama.

Sue's family is also immeasurably important to her. She is married to David Southern and has two children, Brian Berry and Jason Berry. Sue also has four grandchildren: Blake, Madison, David and Katie.

Sue will be missed by those she has served for so many years, but I know she will continue to be active in her community. She has earned this retirement with her many years of dedication. I wish her all the best in her retirement.

RECOGNIZING THE LIFE AND SERVICE OF JOSEPH ALLEN DUFFEL

HON. MARK DeSAULNIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. DESAULNIER. Mr. Speaker, I rise today to recognize the life and service of Joseph Allen Duffel, prominent Bay Area builder and real estate developer and resident of Orinda.

Joe's sharp intellect and irreverent sense of humor were his signature traits. He founded Duffel Financial and Construction Company in 1954, which grew to become one of Northern California's most active real estate development and building firms. His love of family, reverence for education, strong work ethic, and drive led him to many successes throughout his life. He continued to work as the active CEO of the company to the very end.

In addition to his career in building and development, Joe had a passion for politics. He ran for State Senator in 1966 against George Miller, Sr. That political involvement catapulted him into becoming the advance man for Ronald Reagan during his campaign for the presidency in 1968. He personally advanced Reagan's appearances at the state delegations in most of the southern states. He later served as a delegate to four Republican conventions and was appointed by Governor Deukmejian to the California Transportation Commission where he served for 12 years after being reappointed by Deukmejian and Governor Pete Wilson.

Joe was also proud to have served in many capacities in business, community, and local political organizations. He served as president of the Orinda Rotary Club, president of the Bay Area Mortgage Association, and president of the Homebuilders Association of Northern California (formerly known as the B.I.A., or Building Industry Association of which Joe was

a founding member). He served on the board of directors for California Symphony, and was a 40-year active member of The Family, a San Francisco social and charitable club. Joe and his wife, Jackie were longtime members of the Lafayette Orinda Presbyterian Church.

Joe was an inspiration and a friend. He was a stalwart in the Contra Costa community. He passed away on December 1, 2017 at the age of 94. Joe will be deeply missed.

TRIBUTE TO JIM COWNIE

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jim Cownie of Des Moines, Iowa, for being named one of *dsm Magazine's* 2017 "Sages Over 70."

The "Sages Over 70" award honors community leaders who continue to serve as mentors and leaders when others have retired. After graduating from Notre Dame, Jim founded Heritage Communications which would become the ninth-largest cable TV operator in the country when he sold the company in 1987 and went into real estate development. Jim and his wife, Patty, have been longtime supporters of the United Way of Central Iowa and the Iowa State Fairgrounds. One of the many words of advice he offered to the magazine was to volunteer. "That's more important than money," he said. He continued, "We can't have a great city without great volunteers and philanthropists."

Mr. Speaker, I am proud to recognize Jim for being named a "Sage Over 70" by *dsm Magazine*, and applaud him for his service to his community. I ask that my colleagues in the United States House of Representatives join me in congratulating Jim for this outstanding achievement and in wishing him nothing but the best.

CELEBRATING THE LIFE AND LEGACY OF EDWIN M. LEE, MAYOR OF THE CITY AND COUNTY OF SAN FRANCISCO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Ms. PELOSI. Mr. Speaker, I rise with my fellow San Francisco Representative, JACKIE SPEIER, as well as my Congressional colleagues, Representatives BARBARA LEE, JUDY CHU, MADELEINE BORDALLO, LOU CORREA, KEITH ELLISON, ANNA ESHOO, AL GREEN, JIMMY GOMEZ, COLLEEN HANABUSA, JARED HUFFMAN, RO KHANNA, RAJA KRISHNAMOORTHY, TED LIEU, ALAN LOWENTHAL, MARK TAKANO, NORMA TORRES, GRACE MENG, STEPHANIE MURPHY, GRACE NAPOLITANO, ADAM SCHIFF, ERIC SWALWELL, JIM COSTA, and NYDIA VELÁZQUEZ, in great sorrow to pay tribute to a dear friend and an extraordinary leader: Mayor Edwin M. Lee, who died suddenly and tragically on December 12.

Ed Lee served as Mayor of the City and County of San Francisco with devotion and

distinction. All who knew Ed understood him as a true gentleman of great warmth, positivity and kindness.

His passing is not only a tragic official loss for our city but also an immense personal loss for all who were fortunate enough to call him friend.

Even through our heartbreak, we think of the exceptional person Ed Lee was, and we smile.

Born the fourth of six children to hard-working Chinese immigrant parents of modest means, Ed was raised in public housing, and lost his father at the age of 15.

Ed excelled at academics, winning a scholarship to Bowdoin College in Maine, where he graduated summa cum laude in 1974. He then graduated Boalt Hall School of Law at the University of California, Berkeley in 1978.

Ed began his career as a community organizer and civil rights lawyer fighting for fair housing and on behalf of immigrant communities.

He started his public service as director of the San Francisco Human Rights Commission, going on to serve as Purchasing Manager, Director of Public Works and City Administrator.

Ed then served seven remarkable years as Mayor of San Francisco, an office he held with exceptional dignity and great effectiveness. He took pride in being the first Asian American Mayor of a city with such a rich and robust Asian American heritage.

Ed's firm commitment to equality made strong progress toward securing affordable housing and a living wage for all.

His unwavering belief in justice helped combat the moral crisis of homelessness in San Francisco, particularly for our veterans.

And his bold, hopeful vision for the future further secured San Francisco's role as a model city for the nation.

In all aspects of his life, Mayor Lee's first priority was always the people.

He fundamentally understood that the strength of a community is measured by its success in meeting the needs of all its people.

Mayor Lee's greatest source of joy was his beloved family. Our city owes a debt of gratitude to his wife Anita and his daughters Brianna and Tania for sharing this remarkable man with us.

Our deepest love and prayers are with his family. May it bring them some measure of comfort that so many mourn with them and continue to be inspired by him.

During this difficult time, our full support is also with Acting Mayor London Breed, the Board of Supervisors and all the people of San Francisco.

RECOGNIZING THE 125TH ANNIVERSARY OF THE SALVATION ARMY OF ROCK ISLAND COUNTY, ILLINOIS

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate the Salvation Army on its 125th anniversary in Rock Island County, Illinois.

The Salvation Army opened in Moline in 1892, 27 years after it was founded in London.

The Moline Salvation Army was started after immigrants from Europe and Sweden came to the area in the 1890s in order to find work at John Deere. After arriving in the region, a group of Swedish men wrote back to their home country to ask that officers be sent to start a church. The Salvation Army's first services were held in a rented space above a saloon in the Browning Block Building on the southwest corner of 15th Street and 5th Avenue in Moline in 1892. A Rock Island Salvation Army opened just one year later. In 1993, the two merged to become the Moline Salvation Army, which has been in its current location since 2000.

The Salvation Army has given women the same leadership opportunities as men. Women serve as pastors, Bible teachers and social service workers; they also lead ministries and carry the same rank as male counterparts.

The Salvation Army's original mission has evolved over the years. It was first founded with the basic social services principles of taking care of the physical and emotional needs of the hungry and homeless, but has grown to take on disaster relief services, child care centers, summer camps, holiday assistance, services for the aging, veterans programs, shelters for women and children, family and career counseling, vocational training, correctional services, and substance abuse rehabilitation.

Mr. Speaker, I again want to congratulate The Salvation Army on its 125th anniversary in Rock Island County and wish it another successful 125 years.

HONORING FRAN MACALLISTER

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. MESSER. Mr. Speaker, I rise today to honor a dear friend, Fran MacAllister, who passed away on December 8, 2017.

Fran was born in Portland, Indiana on February 1, 1922. She attended Ball State University and helped in the World War II efforts by working as an accountant for a company that manufactured wings for bombers and volunteered as a nurse's aide for the Red Cross. Fran was deeply involved in the music and arts communities and played the organ and accordion. She shared her love for the arts with her family and enjoyed spending time with them in her favorite place, Naples, Florida. Fran also devoted her time to Habitat for Humanity, the local YMCA board, and the League of Women Voters.

On a personal note, Fran was a devoted wife to my good friend P.E. MacAllister who is one of my life heroes; a scholar, gentleman, sports fan, a devout Presbyterian, an extraordinary civic and business leader in Indiana, and one of the wisest and most decent men I have ever known.

Fran will be mourned most by those who knew her best, and she will be missed by all. Fran is survived by her husband, P.E., daughters Daphne (Walter), and Jodi; grandchildren Megan, Eryn, Corinne, Olivia, Thomas, Coulter, and Barrett and great-grandchildren Elena and Matthew, whom I give my deepest

sympathies. Fran lived a gratifying life and had profound impact on countless Hoosiers, and her life should be an inspiration to us all.

THANKING THEODORE R. BECHTOL, JR. FOR HIS DEDICATED SERVICE TO THE HOUSE

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. HARPER. Mr. Speaker, I rise today to pay special tribute to one of the truly outstanding individuals who works at the U.S. Capitol, Mr. Theodore R. Bechtol, Jr.

Better known to many of us as the Superintendent of the U.S. Capitol Grounds, Ted is responsible for preserving and maintaining more than 290 acres of the historic landscape and infrastructure across the U.S. Capitol campus.

Prior to being promoted to his current position in 2007, Ted served as the Deputy Superintendent for U.S. Capitol Grounds. As part of Ted's responsibilities, he ensures the routine and periodic landscape maintenance, comprehensive tree care, and upkeep of the supporting infrastructure, vehicles, and equipment are completed. Additionally, snow removal, trash collection, and support for major events, such as the annual December Christmas Tree Lighting Ceremony, are key responsibilities for supporting our U.S. Capitol campus. In total, Ted has taken part in 13 U.S. Capitol Christmas Tree events.

Throughout Ted's years at the U.S. Capitol, he worked hard to bring recognition to the historical significance of the grounds and helped to produce cultural landscape reports. His depth of knowledge about Frederick Law Olmsted, the American landscape architect who designed the U.S. Capitol Grounds, has changed how each section of the grounds are cared for, with a focus on historical horticulture.

Ted has also consulted on historical horticulture work at many institutions throughout the east coast.

Under his leadership, the U.S. Capitol Grounds have received designation as an accredited arboretum, a notable industry standard.

On Friday, January 5, 2018, Ted Bechtol will retire from his position as Superintendent of the U.S. Capitol Grounds for the Architect of the Capitol.

In retirement, he will be spending more time with his granddaughter, working on home improvement projects, and enjoy hiking and beach trips. He will continue to explore American history trails—he and his wife recently hiked Gettysburg and Civil War trails.

Although we are sad to see someone with Ted's accomplishments leave the service of the institution, I offer him my sincere best wishes in his retirement.

TRIBUTE TO JAN AND KARL KNOCK

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jan and Karl Knock for being inducted into the Creston High School Hall of Fame as Distinguished Contributors on Friday, September 29, 2017.

Karl and Jan were deeply involved in the Creston school district by providing programs and opportunities for students. One of those programs is the school's Environmental and Spatial Technology class (EAST). They have also been involved with the Character Counts program and with diversity programs. Karl was a 1968 graduate of Creston schools and after moving back to Creston with Jan in 1989, wanted to make Creston a place where today's students can thrive.

Mr. Speaker, I am honored to recognize Jan and Karl for receiving this award, and for providing the youth in Iowa's 3rd district the education that they will need to be successful. It is with great pride that I recognize leaders like Jan and Karl in the United States Congress and I ask that my colleagues in the United States House of Representatives join me in congratulating him for this outstanding achievement and in wishing them both nothing but the best.

HONORING BERTHA ROGERS AND BRIGHT HILL PRESS & LITERARY CENTER OF THE CATSKILLS

HON. JOHN J. FASO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. FASO. Mr. Speaker, it is with great respect and admiration that I rise today to recognize the illustrious career of Bertha Rogers, the Founding Director of Bright Hill Press & Literary Center of the Catskills, on the occasion of her retirement and the twenty-fifth anniversary of Bright Hill Press. With her husband, Ernest M. Fishman, Bertha co-founded Bright Hill Press in 1992. Since then, through her dedicated work as an educator, mentor and an artist, Bright Hill has become an epicenter of free thinking and creativity, and a haven for writers both young and old.

Bertha is gifted with remarkable literary talent. Her work has appeared in hundreds of literary journals and in several collections, and her translation of Beowulf was published in 2000. She has been the recipient several NYSCA and NYFA grants and residency fellowships to the McDowell Colony, the Millay Artists Colony, Jentel, Caldera, Saltonstall, Hedgebrook, and Hawthornden International Writers Residence (Scotland). Using this talent, Bertha has left a permanent mark on the Treadwell community through her work at Bright Hill.

What started as weekly poetry readings, Bright Hill has grown to become an established and respected literary organization, attracting authors and poets both locally and

worldwide. Largely the result of Bertha's time and efforts, Bright Hill now offers youth and adult writing workshops, reading series, small press publishing, and boasts an impressive literary library. Bertha's excitement for literature and poetry, combined with an authentic passion for teaching, has fostered an increased appreciation for writing and the arts in the Catskills.

It is an honor to recognize Bertha and Bright Hill for their distinctive milestones. Leaving behind an organization marked by ingenuity, creativity, and passion, Bertha has given Bright Hill a buildable legacy which will grow in future years. I wish Bertha every happiness as she embarks on this new chapter, and I am confident that even in retirement she will continue to be an advocate for the literary arts. The 19th District and New York State are a better place because of Bertha and Bright Hill Press. I thank them for helping to make the Catskills a cultural center.

**HONORING DEBRA HOOD OF
HALEYVILLE, AL**

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. ADERHOLT. Mr. Speaker, I would like to recognize the talents, achievements and dedication of Mrs. Debra Hood on the occasion of her retirement as City Clerk of Haleyville, Alabama.

Debra Hood began her career with Haleyville 30 years ago and worked alongside numerous mayors and members of the city council. She has also worked with numerous municipal judges and attorneys in the municipal court system. As municipal judge for the city of Haleyville, I had the privilege to work alongside Debra back in the mid-1990s. Debra's goal was always to advance the city of Haleyville and make it a better place to live, work and raise a family.

During her three decades as clerk, Debra Hood has taken a particular interest in community and economic development. Her work has directly helped the city of Haleyville to continue to be one of the most prosperous communities in Winston County.

Debra, along with other local leaders, played a valuable role in keeping hundreds of jobs in Haleyville through Exxel Outdoors. Exxel provides 100 jobs for area citizens and is one of the major manufacturers of sleeping bag in the nation.

I would be remiss if I did not point out the most important job Debra has had as city clerk: the chief election official of the city. She has overseen numerous municipal elections in the past 30 years, ensuring that the people of Haleyville had their voices heard at the ballot box.

Debra's family is also immeasurably important to her. She and her husband Gary have two children, daughter Dana Saylor and son Bruce Hood. Debra and Gary have six grandchildren: Sydney, Bryant, Titus, Elijah, Abigail and Lydia.

Representing the city of Haleyville, my hometown, and the Fourth Congressional District, I appreciate the hard work and the dedi-

cation that Debra has given the city over the past three decades.

Debra will be missed by those she has served for so many years, but I know she will continue to be active in her community. She has earned this retirement with her years of dedication. I wish her all the best in her retirement.

**RECOGNIZING TOM THOMS, JIM
MILLMAN AND TOM ROWE FOR
THEIR EXTRAORDINARY COMMUNITY SERVICE**

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to recognize Tom Thoms, Jim Millman and Tom Rowe for their extraordinary service to children and families.

These three bicyclists took a 1,827 mile, 21 day bicycle ride from Itasca, Minnesota to Venice, Louisiana. These men set out on this journey with one common goal: to help break the cycle of child abuse by raising money and bringing attention to this pressing issue. They originally set a goal of raising \$42,000, but they drastically exceeded that goal by raising a total of \$108,494. All of the money raised went to three Quad-City charities—Alternatives, the Child Abuse Council, and Bethany for Children & Families. The men spent 146 hours on their bikes, which is the equivalent of six days and one night. Collectively, their bicycle tires spun more than eight million times.

Mr. Speaker, I would like to recognize Mr. Thoms, Mr. Millman, and Mr. Rowe, once again, for their outstanding efforts and selfless community service. The generous actions of individuals such as these men make me especially proud to serve Illinois' 17th Congressional District.

**IN RECOGNITION OF COMPUTER
SCIENCE EDUCATION WEEK**

HON. STEPHANIE N. MURPHY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. MURPHY of Florida. Mr. Speaker, when I think about America's future, I know that its success will be driven by the bright, technologically-savvy minds of our young people.

That is why I am honored to recognize the winner of my district's 2017 Congressional App Challenge: Carlson Sharpless, a senior at Lake Brantley High School in Altamonte Springs, Florida.

Translating a good idea into lines of code, Carlson created an app called "Grammarlets," a tutoring program designed to help students practice their grammar skills for the SATs. His creation stood out among several impressive and unique apps submitted by students seeking to solve everyday problems.

What these students have accomplished is an example of the kind of innovative thinking and entrepreneurial spirit that central Florida is known for.

As a nation, it's important that we continue to make meaningful investments in STEM

education and that we empower our students with the tools needed to invent, to innovate, and to improve the lives of all Americans.

TRIBUTE TO RANDY HUGHES

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Randy Hughes. Randy was inducted into the Creston High School Hall of Fame as Distinguished Faculty on Friday, September 29, 2017.

For 36 years, Randy served the Creston community as an educator to their youth. He taught social studies with a relaxed style with which students could relate. He brought current events into the curriculum and related them to our country's history. He coached students for the Academic Decathlon for 10 years, served as the Student Council advisor and coached girls' tennis. After retirement from Creston high school, Randy taught at Southwestern Community College and continued to be an active part of the Creston community.

Mr. Speaker, I am honored to recognize Randy for receiving this award, and for providing the youth in Iowa's 3rd district the education that they will need to be successful. It is with great pride that I recognize leaders like Randy in the United States Congress and I ask that my colleagues in the United States House of Representatives join me in congratulating him for this outstanding achievement and in wishing him nothing but the best.

**IN RECOGNITION OF MS. IRIS
LIZZETTE VÉLEZ**

HON. DAVID G. VALADAO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. VALADAO. Mr. Speaker, I rise today to thank Iris Lizzette Vélez for her service to my office and the constituents of California's Twenty First Congressional District of California over the past year.

Iris Vélez was born on April 3, 1960 in the beach town of Guánica, Puerto Rico to Iris Lucía Santana Colón and Félix Gilberto Vélez Quiñones. Both high school teachers, her parents instilled in Iris the importance and love of learning at a young age. Iris and her three siblings spent most of their time feeding animals, harvesting crops, and fishing on their grandparents' farm in San German, Puerto Rico. It was during this time that Iris developed a true love and respect for nature.

After spending her youth in Puerto Rico and completing her high school education at the age of sixteen, Ms. Vélez attended the Pontifical Catholic University of Puerto Rico, where she received a Bachelor's of Arts in Political Science and Government. Following the completion of her undergraduate studies, Ms. Vélez went on to complete two Master's degrees—the first in Political Science at Tulane University in New Orleans, Louisiana, and the second in Public Relations at Sacred Heart University in Santurce, Puerto Rico.

In 1980, Iris began her eight-year teaching career as a Professor of Political Science at the Pontifical Catholic University of Puerto Rico but, in 1988, she was able to combine her passions of nature, political science, and public affairs while serving as the Public Affairs Specialist for the National Park Service at the San Juan National Historic Site. After two years of service, Ms. Vélez moved on to work for the United States Forest Service first as a Public Affairs Specialist and later as Program Manager.

In February of 2017, Ms. Vélez accepted a Congressional Fellowship in my Washington, D.C. office through the Brookings Institution. During her time in my office, Iris was a vital member of my team having handled legislative issues relating to natural resources, forestry, and energy policy. Iris was also instrumental in organizing constituent outreach programs to teach fire safety to the people of the California's Twenty First Congressional District. Outside of work, Iris enjoys meeting new people, exploring different places, and attending live musical performances.

On December 15, 2017, Ms. Vélez's time in my office will come to an end as she moves on to continue her dedication to public service. While I know she is very excited about her upcoming journey, she will be greatly missed as a member of my team.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in commending Iris Lizzette Vélez for her public service to the people of California's Central Valley and wishing her well as she begins the next chapter of her life.

**RECOGNIZING TYLER BUSSERT
FOR HIS STATE TITLE IN CLASS
1A GOLF**

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Tyler Bussert, a senior at Riverdale High School, for earning the Class 1A title for the Illinois State Golf Championship.

Tyler Bussert shot a 36-37-73 both days at the state meet for a 146 total to earn his title as state champion, and I would like to recognize Tyler for this tremendous accomplishment. Tyler's first place win follows a ninth place finish as a sophomore and second place finish as a junior in the state championship. As a former athlete, I understand the amount of

hard work and commitment it takes to earn such a title. Tyler is a competitor with strong dedication and work ethic. I am proud to see such young talent in our community, and to see him represent Port Byron on a state-wide platform.

Mr. Speaker, I would like to again formally congratulate Tyler Bussert on his title, and I join the rest of the community in wishing him every success in the future.

**IN RECOGNITION OF THE SERVICE
OF PHILLIP TODD STEPHENS**

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. BRADY of Texas. Mr. Speaker, today I rise to recognize Phillip Todd Stephens and his over thirteen years of dedicated service to Team Brady and the people of the Eighth Congressional District of Texas.

A native of Louisville, Kentucky, Todd began his life of public service as a Medical Specialist in the United States Army, which included a posting in the Demilitarized Zone of the Korean Peninsula.

Upon completing his service in the military, Todd went on to earn two Bachelor's Degrees in Philosophy and Political Science at the University of Kentucky and a Master's Degree in Political Science from Eastern Kentucky University.

Soon after his graduation, Todd returned to public service and began working in the Kentucky General Assembly—first in the office of the President of the State Senate and later as a bill drafter for the Committee on Veterans, Military Affairs, and Public Protection.

In 2004, Todd relocated to Washington, D.C., where he served as a Legislative Assistant in my congressional office for two years. Dedicated to working for the people of the Eighth District, Todd and his wife, Sarah, relocated their young family to The Woodlands, TX, in 2006. Todd served as my Director of Regional Issues, handling disaster relief efforts, local transportation issues, and many additional policy concerns directly affecting our communities. In 2013, Todd began working tirelessly as the District Director of my congressional offices in Conroe and Huntsville.

Todd's steady and caring personality has guided him throughout his many years of service, and his dry humor and wit have time and again worked to encourage those around him and build relationships with the people of our

community. He is an active member of Celebration Church and a volunteer with his son's Boy Scout troop—in addition to being a Texas burger and BBQ connoisseur.

Todd and Sarah, who also worked as my District Director, along with their children, Avery and Owen, are a perfect illustration of a family committed to serving their community.

On December 28, 2017, Todd will complete his final day of over thirteen years in my congressional office. While he will be sorely missed by my staff and me, I am fully confident that he will excel in his new role with The Woodlands Township. I am proud to join the entire Eighth District of Texas in thanking Todd for his years of public service and wishing him the best in the next chapter of his life.

TRIBUTE TO WAHL OPTICAL

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Wahl Optical of Council Bluffs, Iowa, for celebrating 80 years in business. Wahl Optical was founded in 1937 by Dr. G.H. Wahl. Today, they have two optometrists on staff who perform many services for their customers.

Bob Wahl, the current owner of his family business, has been working there since 1977. He came into the store to get his glasses fixed and started waiting on customers and answering the telephone. His father saw this and convinced his son to come on board to work in the family business. Bob decided to stay and give it a chance.

Over the years, Wahl Optical has built the reputation of being a friendly business, willing to go above and beyond for their customers. Bob said, "I take a lot of pride in making sure people in the Council Bluffs area have every opportunity to look as fashionable as they want to be."

Mr. Speaker, I commend and congratulate Wahl Optical for its many years of dedicated and devoted service to Council Bluffs, Iowa and the surrounding area. It is with great pride that I recognize them today and I ask that my colleagues in the United States House of Representatives join me in congratulating Wahl Optical for this outstanding achievement and in wishing them nothing but continued success.

HOUSE OF REPRESENTATIVES—Friday, December 15, 2017

The House met at 5:30 p.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 15, 2017.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Dan C. Cummins, Peoples Church, Jacksonville, Texas, offered the following prayer:

Our Father in Heaven, during this Christmas season may we remember it is better to give than to receive. And the best gift is the one given to those who cannot repay.

And let us remember the homeless this holiday season, for so was our Savior's family on the night of his birth.

And while the world went to be taxed, God taught the world about giving your best to perfect strangers, for in so doing we may be entertaining angels unaware.

And like the wise men, let us never consider the distance or difficulty of our journey to offer our gifts to the King. And may we follow the example of this King, who being the very image of God, humbled himself to save others,

laying down his life on the cross for their sin. That was the most perfect Christmas gift of all.

In Jesus' name I pray.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BRADY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRADY of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON H.R. 1, TAX CUTS AND JOBS ACT

Mr. BRADY of Texas submitted the following conference report and statement on the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018:

CONFERENCE REPORT (H. REPT. 115-466)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1),

to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE I

SEC. 11000. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the "Tax Cuts and Jobs Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Individual Tax Reform

PART I—TAX RATE REFORM

SEC. 11001. MODIFICATION OF RATES.

(a) IN GENERAL.—Section 1 is amended by adding at the end the following new subsection:

“(j) MODIFICATIONS FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) subsection (i) shall not apply, and

“(B) this section (other than subsection (i)) shall be applied as provided in paragraphs (2) through (6).

“(2) RATE TABLES.—

“(A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The following table shall be applied in lieu of the table contained in subsection (a):

“If taxable income is:

Not over \$19,050	10% of taxable income.
Over \$19,050 but not over \$77,400	\$1,905, plus 12% of the excess over \$19,050.
Over \$77,400 but not over \$165,000	\$8,907, plus 22% of the excess over \$77,400.
Over \$165,000 but not over \$315,000	\$28,179, plus 24% of the excess over \$165,000.
Over \$315,000 but not over \$400,000	\$64,179, plus 32% of the excess over \$315,000.
Over \$400,000 but not over \$600,000	\$91,379, plus 35% of the excess over \$400,000.
Over \$600,000	\$161,379, plus 37% of the excess over \$600,000.

“(B) HEADS OF HOUSEHOLDS.—The following table shall be applied in lieu of the table contained in subsection (b):

“If taxable income is:

Not over \$13,600	10% of taxable income.
Over \$13,600 but not over \$51,800	\$1,360, plus 12% of the excess over \$13,600.
Over \$51,800 but not over \$82,500	\$5,944, plus 22% of the excess over \$51,800.
Over \$82,500 but not over \$157,500	\$12,698, plus 24% of the excess over \$82,500.
Over \$157,500 but not over \$200,000	\$30,698, plus 32% of the excess over \$157,500.
Over \$200,000 but not over \$500,000	\$44,298, plus 35% of the excess over \$200,000.
Over \$500,000	\$149,298, plus 37% of the excess over \$500,000.

“(C) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The following table shall be applied in lieu of the table contained in subsection (c):

The tax is:

The tax is:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

“If taxable income is:

Not over \$9,525	
Over \$9,525 but not over \$38,700	
Over \$38,700 but not over \$82,500	
Over \$82,500 but not over \$157,500	
Over \$157,500 but not over \$200,000	
Over \$200,000 but not over \$500,000	
Over \$500,000	

“(D) **MARRIED INDIVIDUALS FILING SEPARATE RETURNS.**—The following table shall be applied in lieu of the table contained in subsection (d):

“If taxable income is:

Not over \$9,525	
Over \$9,525 but not over \$38,700	
Over \$38,700 but not over \$82,500	
Over \$82,500 but not over \$157,500	
Over \$157,500 but not over \$200,000	
Over \$200,000 but not over \$300,000	
Over \$300,000	

“(E) **ESTATES AND TRUSTS.**—The following table shall be applied in lieu of the table contained in subsection (e):

“If taxable income is:

Not over \$2,550	
Over \$2,550 but not over \$9,150	
Over \$9,150 but not over \$12,500	
Over \$12,500	

“(F) **REFERENCES TO RATE TABLES.**—Any reference in this title to a rate of tax under subsection (c) shall be treated as a reference to the corresponding rate bracket under subparagraph (C) of this paragraph, except that the reference in section 3402(g)(1) to the third lowest rate of tax applicable under subsection (c) shall be treated as a reference to the fourth lowest rate of tax under subparagraph (C).

“(3) ADJUSTMENTS.—

“(A) **NO ADJUSTMENT IN 2018.**—The tables contained in paragraph (2) shall apply without adjustment for taxable years beginning after December 31, 2017, and before January 1, 2019.

“(B) **SUBSEQUENT YEARS.**—For taxable years beginning after December 31, 2018, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (1) and (2) of subsection (f) (applied without regard to clauses (i) and (ii) of subsection (f)(2)(A)), except that in prescribing such tables—

“(i) subsection (f)(3) shall be applied by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof,

“(ii) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse or head of household, and

“(iii) subsection (f)(8) shall not apply.

“(4) SPECIAL RULES FOR CERTAIN CHILDREN WITH UNEARNED INCOME.—

“(A) **IN GENERAL.**—In the case of a child to whom subsection (g) applies for the taxable year, the rules of subparagraphs (B) and (C) shall apply in lieu of the rule under subsection (g)(1).

“(B) **MODIFICATIONS TO APPLICABLE RATE BRACKETS.**—In determining the amount of tax imposed by this section for the taxable year on a child described in subparagraph (A), the income tax table otherwise applicable under this subsection to the child shall be applied with the following modifications:

“(i) **24-PERCENT BRACKET.**—The maximum taxable income which is taxed at a rate below 24 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 24-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

“(ii) **35-PERCENT BRACKET.**—The maximum taxable income which is taxed at a rate below 35 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 35-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

“(iii) **37-PERCENT BRACKET.**—The maximum taxable income which is taxed at a rate below 37 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 37-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

“(C) **COORDINATION WITH CAPITAL GAINS RATES.**—For purposes of applying section 1(h) (after the modifications under paragraph (5)(A))—

“(i) the maximum zero rate amount shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the amount in effect under paragraph (5)(B)(i)(IV) for the taxable year, and

“(ii) the maximum 15-percent rate amount shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the amount in effect under paragraph (5)(B)(ii)(IV) for the taxable year.

“(D) **EARNED TAXABLE INCOME.**—For purposes of this paragraph, the term ‘earned taxable income’ means, with respect to any child for any taxable year, the taxable income of such child reduced (but not below zero) by the net unearned income (as defined in subsection (g)(4)) of such child.

“(5) **APPLICATION OF CURRENT INCOME TAX BRACKETS TO CAPITAL GAINS BRACKETS.**—

“(A) **IN GENERAL.**—Section 1(h)(1) shall be applied—

The tax is:

10% of taxable income.
\$952.50, plus 12% of the excess over \$9,525.
\$4,453.50, plus 22% of the excess over \$38,700.
\$14,089.50, plus 24% of the excess over \$82,500.
\$32,089.50, plus 32% of the excess over \$157,500.
\$45,689.50, plus 35% of the excess over \$200,000.
\$150,689.50, plus 37% of the excess over \$500,000.

The tax is:

10% of taxable income.
\$952.50, plus 12% of the excess over \$9,525.
\$4,453.50, plus 22% of the excess over \$38,700.
\$14,089.50, plus 24% of the excess over \$82,500.
\$32,089.50, plus 32% of the excess over \$157,500.
\$45,689.50, plus 35% of the excess over \$200,000.
\$80,689.50, plus 37% of the excess over \$300,000.

The tax is:

10% of taxable income.
\$255, plus 24% of the excess over \$2,550.
\$1,839, plus 35% of the excess over \$9,150.
\$3,011.50, plus 37% of the excess over \$12,500.

“(i) by substituting ‘below the maximum zero rate amount’ for ‘which would (without regard to this paragraph) be taxed at a rate below 25 percent’ in subparagraph (B)(i), and

“(ii) by substituting ‘below the maximum 15-percent rate amount’ for ‘which would (without regard to this paragraph) be taxed at a rate below 39.6 percent’ in subparagraph (C)(ii)(I).

“(B) **MAXIMUM AMOUNTS DEFINED.**—For purposes of applying section 1(h) with the modifications described in subparagraph (A)—

“(i) **MAXIMUM ZERO RATE AMOUNT.**—The maximum zero rate amount shall be—

“(I) in the case of a joint return or surviving spouse, \$77,200,

“(II) in the case of an individual who is a head of household (as defined in section 2(b)), \$51,700,

“(III) in the case of any other individual (other than an estate or trust), an amount equal to ½ of the amount in effect for the taxable year under subclause (I), and

“(IV) in the case of an estate or trust, \$2,600.

“(ii) **MAXIMUM 15-PERCENT RATE AMOUNT.**—The maximum 15-percent rate amount shall be—

“(I) in the case of a joint return or surviving spouse, \$479,000 (½ such amount in the case of a married individual filing a separate return),

“(II) in the case of an individual who is the head of a household (as defined in section 2(b)), \$452,400,

“(III) in the case of any other individual (other than an estate or trust), \$425,800, and

“(IV) in the case of an estate or trust, \$12,700.

“(C) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning after 2018, each of the dollar amounts in clauses (i) and (ii) of subparagraph (B) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any increase under this subparagraph is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.

“(6) SECTION 15 NOT TO APPLY.—Section 15 shall not apply to any change in a rate of tax by reason of this subsection.”.

(b) DUE DILIGENCE TAX PREPARER REQUIREMENT WITH RESPECT TO HEAD OF HOUSEHOLD FILING STATUS.—Subsection (g) of section 6695 is amended to read as follows:

“(g) FAILURE TO BE DILIGENT IN DETERMINING ELIGIBILITY FOR CERTAIN TAX BENEFITS.—Any person who is a tax return preparer with respect to any return or claim for refund who fails to comply with due diligence requirements imposed by the Secretary by regulations with respect to determining—

“(1) eligibility to file as a head of household (as defined in section 2(b)) on the return, or

“(2) eligibility for, or the amount of, the credit allowable by section 24, 25A(a)(1), or 32, shall pay a penalty of \$500 for each such failure.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11002. INFLATION ADJUSTMENTS BASED ON CHAINED CPI.

(a) IN GENERAL.—Subsection (f) of section 1 is amended by striking paragraph (3) and by inserting after paragraph (2) the following new paragraph:

“(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

“(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

“(i) the C-CPI-U for the preceding calendar year, exceeds

“(ii) the CPI for calendar year 2016, multiplied by the amount determined under subparagraph (B).

“(B) AMOUNT DETERMINED.—The amount determined under this clause is the amount obtained by dividing—

“(i) the C-CPI-U for calendar year 2016, by

“(ii) the CPI for calendar year 2016.

“(C) SPECIAL RULE FOR ADJUSTMENTS WITH A BASE YEAR AFTER 2016.—For purposes of any provision of this title which provides for the substitution of a year after 2016 for ‘2016’ in subparagraph (A)(ii), subparagraph (A) shall be applied by substituting ‘the C-CPI-U for calendar year 2016’ for ‘the CPI for calendar year 2016’ and all that follows in clause (ii) thereof.”.

(b) C-CPI-U.—Subsection (f) of section 1 is amended by striking paragraph (7), by redesignating paragraph (6) as paragraph (7), and by inserting after paragraph (5) the following new paragraph:

“(6) C-CPI-U.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘C-CPI-U’ means the Chained Consumer Price Index for All Urban Consumers (as published by the Bureau of Labor Statistics of the Department of Labor). The values of the Chained Consumer Price Index for All Urban Consumers taken into account for purposes of determining the cost-of-living adjustment for any calendar year under this subsection shall be the latest values so published as of the date on which such Bureau publishes the initial value of the Chained Consumer Price Index for All Urban Consumers for the month of August for the preceding calendar year.

“(B) DETERMINATION FOR CALENDAR YEAR.—The C-CPI-U for any calendar year is the average of the C-CPI-U as of the close of the 12-month period ending on August 31 of such calendar year.”.

(c) APPLICATION TO PERMANENT TAX TABLES.—

(1) IN GENERAL.—Section 1(f)(2)(A) is amended to read as follows:

“(A) except as provided in paragraph (8), by increasing the minimum and maximum dollar

amounts for each bracket for which a tax is imposed under such table by the cost-of-living adjustment for such calendar year, determined—

“(i) except as provided in clause (ii), by substituting ‘1992’ for ‘2016’ in paragraph (3)(A)(ii), and

“(ii) in the case of adjustments to the dollar amounts at which the 36 percent rate bracket begins or at which the 39.6 percent rate bracket begins, by substituting ‘1993’ for ‘2016’ in paragraph (3)(A)(ii).”.

(2) CONFORMING AMENDMENTS.—Section 1(i) is amended—

(A) by striking “for ‘1992’ in subparagraph (B)” in paragraph (1)(C) and inserting “for ‘2016’ in subparagraph (A)(ii)”, and

(B) by striking “subsection (f)(3)(B) shall be applied by substituting ‘2012’ for ‘1992’” in paragraph (3)(C) and inserting “subsection (f)(3)(A)(ii) shall be applied by substituting ‘2012’ for ‘2016’”.

(d) APPLICATION TO OTHER INTERNAL REVENUE CODE OF 1986 PROVISIONS.—

(1) The following sections are each amended by striking “for ‘calendar year 1992’ in subparagraph (B)” and inserting “for ‘calendar year 2016’ in subparagraph (A)(ii)”:

(A) Section 23(h)(2).

(B) Paragraphs (1)(A)(ii) and (2)(A)(ii) of section 25A(h).

(C) Section 25B(b)(3)(B).

(D) Subsection (b)(2)(B)(ii)(II), and clauses (i) and (ii) of subsection (j)(1)(B), of section 32.

(E) Section 36B(f)(2)(B)(ii)(I).

(F) Section 41(e)(5)(C)(i).

(G) Subsections (e)(3)(D)(ii) and (h)(3)(H)(i)(II) of section 42.

(H) Section 45R(d)(3)(B)(ii).

(I) Section 55(d)(4)(A)(ii).

(J) Section 62(d)(3)(B).

(K) Section 63(c)(4)(B).

(L) Section 125(i)(2)(B).

(M) Section 135(b)(2)(B)(ii).

(N) Section 137(f)(2).

(O) Section 146(d)(2)(B).

(P) Section 147(c)(2)(H)(ii).

(Q) Section 151(d)(4)(B).

(R) Section 179(b)(6)(A)(ii).

(S) Subsections (b)(5)(C)(i)(II) and (g)(8)(B) of section 219.

(T) Section 220(g)(2).

(U) Section 221(f)(1)(B).

(V) Section 223(g)(1)(B).

(W) Section 408A(c)(3)(D)(ii).

(X) Section 430(c)(7)(D)(vii)(II).

(Y) Section 512(d)(2)(B).

(Z) Section 513(h)(2)(C)(ii).

(AA) Section 831(b)(2)(D)(ii).

(BB) Section 877A(a)(3)(B)(i)(II).

(CC) Section 2010(c)(3)(B)(ii).

(DD) Section 2032A(a)(3)(B).

(EE) Section 2503(b)(2)(B).

(FF) Section 4261(e)(4)(A)(ii).

(GG) Section 5000A(c)(3)(D)(ii).

(HH) Section 6323(i)(4)(B).

(II) Section 6334(g)(1)(B).

(JJ) Section 6601(j)(3)(B).

(KK) Section 6651(i)(1).

(LL) Section 6652(c)(7)(A).

(MM) Section 6695(h)(1).

(NN) Section 6698(e)(1).

(OO) Section 6699(e)(1).

(PP) Section 6721(f)(1).

(QQ) Section 6722(f)(1).

(RR) Section 7345(f)(2).

(SS) Section 7430(c)(1).

(TT) Section 9831(d)(2)(D)(ii)(II).

(2) Sections 41(e)(5)(C)(ii) and 68(b)(2)(B) are each amended—

(A) by striking “1(f)(3)(B)” and inserting “1(f)(3)(A)(ii)”, and

(B) by striking “1992” and inserting “2016”.

(3) Section 42(h)(6)(G) is amended—

(A) by striking “for ‘calendar year 1987’” in clause (i)(II) and inserting “for ‘calendar year 2016’ in subparagraph (A)(ii) thereof”, and

(B) by striking “if the CPI for any calendar year” and all that follows in clause (ii) and inserting “if the C-CPI-U for any calendar year (as defined in section 1(f)(6)) exceeds the C-CPI-U for the preceding calendar year by more than 5 percent, the C-CPI-U for the base calendar year shall be increased such that such excess shall never be taken into account under clause (i). In the case of a base calendar year before 2017, the C-CPI-U for such year shall be determined by multiplying the CPI for such year by the amount determined under section 1(f)(3)(B).”.

(4) Section 59(j)(2)(B) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(5) Section 132(f)(6)(A)(ii) is amended by striking “for ‘calendar year 1992’” and inserting “for ‘calendar year 2016’ in subparagraph (A)(ii) thereof”.

(6) Section 162(o)(3) is amended by striking “adjusted for changes in the Consumer Price Index (as defined in section 1(f)(5)) since 1991” and inserting “adjusted by increasing any such amount under the 1991 agreement by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 1990’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof”.

(7) So much of clause (ii) of section 213(d)(10)(B) as precedes the last sentence is amended to read as follows:

“(ii) MEDICAL CARE COST ADJUSTMENT.—For purposes of clause (i), the medical care cost adjustment for any calendar year is the percentage (if any) by which—

“(I) the medical care component of the C-CPI-U (as defined in section 1(f)(6)) for August of the preceding calendar year, exceeds

“(II) such component of the CPI (as defined in section 1(f)(4)) for August of 1996, multiplied by the amount determined under section 1(f)(3)(B).”.

(8) Subparagraph (B) of section 280F(d)(7) is amended to read as follows:

“(B) AUTOMOBILE PRICE INFLATION ADJUSTMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The automobile price inflation adjustment for any calendar year is the percentage (if any) by which—

“(I) the C-CPI-U automobile component for October of the preceding calendar year, exceeds

“(II) the automobile component of the CPI (as defined in section 1(f)(4)) for October of 1987, multiplied by the amount determined under 1(f)(3)(B).

“(ii) C-CPI-U AUTOMOBILE COMPONENT.—The term ‘C-CPI-U automobile component’ means the automobile component of the Chained Consumer Price Index for All Urban Consumers (as described in section 1(f)(6)).”.

(9) Section 911(b)(2)(D)(ii)(II) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(10) Paragraph (2) of section 1274A(d) is amended to read as follows:

“(2) ADJUSTMENT FOR INFLATION.—In the case of any debt instrument arising out of a sale or exchange during any calendar year after 1989, each dollar amount contained in the preceding provisions of this section shall be increased by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 1988’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest multiple of \$100 (or, if such increase is a multiple of \$50, such increase

shall be increased to the nearest multiple of \$100.”.

(11) Section 4161(b)(2)(C)(i)(II) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(12) Section 4980I(b)(3)(C)(v)(II) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(13) Section 6039F(d) is amended by striking “subparagraph (B) thereof shall be applied by substituting ‘1995’ for ‘1992’” and inserting “subparagraph (A)(ii) thereof shall be applied by substituting ‘1995’ for ‘2016’”.

(14) Section 7872(g)(5) is amended to read as follows:

“(5) ADJUSTMENT OF LIMIT FOR INFLATION.—In the case of any loan made during any calendar year after 1986, the dollar amount in paragraph (2) shall be increased by an amount equal to—

“(A) such amount, multiplied by
“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 1985’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest multiple of \$100 (or, if such increase is a multiple of \$50, such increase shall be increased to the nearest multiple of \$100).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

PART II—DEDUCTION FOR QUALIFIED BUSINESS INCOME OF PASS-THRU ENTITIES

SEC. 11011. DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

“SEC. 199A. QUALIFIED BUSINESS INCOME.

“(a) IN GENERAL.—In the case of a taxpayer other than a corporation, there shall be allowed as a deduction for any taxable year an amount equal to the sum of—

“(1) the lesser of—
“(A) the combined qualified business income amount of the taxpayer, or

“(B) an amount equal to 20 percent of the excess (if any) of—

“(i) the taxable income of the taxpayer for the taxable year, over

“(ii) the sum of any net capital gain (as defined in section 1(h)), plus the aggregate amount of the qualified cooperative dividends, of the taxpayer for the taxable year, plus

“(2) the lesser of—

“(A) 20 percent of the aggregate amount of the qualified cooperative dividends of the taxpayer for the taxable year, or

“(B) taxable income (reduced by the net capital gain (as so defined)) of the taxpayer for the taxable year.

The amount determined under the preceding sentence shall not exceed the taxable income (reduced by the net capital gain (as so defined)) of the taxpayer for the taxable year.

“(b) COMBINED QUALIFIED BUSINESS INCOME AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘combined qualified business income amount’ means, with respect to any taxable year, an amount equal to—

“(A) the sum of the amounts determined under paragraph (2) for each qualified trade or business carried on by the taxpayer, plus

“(B) 20 percent of the aggregate amount of the qualified REIT dividends and qualified publicly traded partnership income of the taxpayer for the taxable year.

“(2) DETERMINATION OF DEDUCTIBLE AMOUNT FOR EACH TRADE OR BUSINESS.—The amount de-

termined under this paragraph with respect to any qualified trade or business is the lesser of—

“(A) 20 percent of the taxpayer’s qualified business income with respect to the qualified trade or business, or

“(B) the greater of—

“(i) 50 percent of the W-2 wages with respect to the qualified trade or business, or

“(ii) the sum of 25 percent of the W-2 wages with respect to the qualified trade or business, plus 2.5 percent of the unadjusted basis immediately after acquisition of all qualified property.

“(3) MODIFICATIONS TO LIMIT BASED ON TAXABLE INCOME.—

“(A) EXCEPTION FROM LIMIT.—In the case of any taxpayer whose taxable income for the taxable year does not exceed the threshold amount, paragraph (2) shall be applied without regard to subparagraph (B).

“(B) PHASE-IN OF LIMIT FOR CERTAIN TAXPAYERS.—

“(i) IN GENERAL.—If—

“(I) the taxable income of a taxpayer for any taxable year exceeds the threshold amount, but does not exceed the sum of the threshold amount plus \$50,000 (\$100,000 in the case of a joint return), and

“(II) the amount determined under paragraph (2)(B) (determined without regard to this subparagraph) with respect to any qualified trade or business carried on by the taxpayer is less than the amount determined under paragraph (2)(A) with respect such trade or business,

then paragraph (2) shall be applied with respect to such trade or business without regard to subparagraph (B) thereof and by reducing the amount determined under subparagraph (A) thereof by the amount determined under clause (ii).

“(ii) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the excess amount as—

“(I) the amount by which the taxpayer’s taxable income for the taxable year exceeds the threshold amount, bears to

“(II) \$50,000 (\$100,000 in the case of a joint return).

“(iii) EXCESS AMOUNT.—For purposes of clause (ii), the excess amount is the excess of—

“(I) the amount determined under paragraph (2)(A) (determined without regard to this paragraph), over

“(II) the amount determined under paragraph (2)(B) (determined without regard to this paragraph).

“(4) WAGES, ETC.—

“(A) IN GENERAL.—The term ‘W-2 wages’ means, with respect to any person for any taxable year of such person, the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year.

“(B) LIMITATION TO WAGES ATTRIBUTABLE TO QUALIFIED BUSINESS INCOME.—Such term shall not include any amount which is not properly allocable to qualified business income for purposes of subsection (c)(1).

“(C) RETURN REQUIREMENT.—Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.

“(5) ACQUISITIONS, DISPOSITIONS, AND SHORT TAXABLE YEARS.—The Secretary shall provide for the application of this subsection in cases of a short taxable year or where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the taxable year.

“(6) QUALIFIED PROPERTY.—For purposes of this section:

“(A) IN GENERAL.—The term ‘qualified property’ means, with respect to any qualified trade or business for a taxable year, tangible property of a character subject to the allowance for depreciation under section 167—

“(i) which is held by, and available for use in, the qualified trade or business at the close of the taxable year,

“(ii) which is used at any point during the taxable year in the production of qualified business income, and

“(iii) the depreciable period for which has not ended before the close of the taxable year.

“(B) DEPRECIABLE PERIOD.—The term ‘depreciable period’ means, with respect to qualified property of a taxpayer, the period beginning on the date the property was first placed in service by the taxpayer and ending on the later of—

“(i) the date that is 10 years after such date, or

“(ii) the last day of the last full year in the applicable recovery period that would apply to the property under section 168 (determined without regard to subsection (g) thereof).

“(c) QUALIFIED BUSINESS INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified business income’ means, for any taxable year, the net amount of qualified items of income, gain, deduction, and loss with respect to any qualified trade or business of the taxpayer. Such term shall not include any qualified REIT dividends, qualified cooperative dividends, or qualified publicly traded partnership income.

“(2) CARRYOVER OF LOSSES.—If the net amount of qualified income, gain, deduction, and loss with respect to qualified trades or businesses of the taxpayer for any taxable year is less than zero, such amount shall be treated as a loss from a qualified trade or business in the succeeding taxable year.

“(3) QUALIFIED ITEMS OF INCOME, GAIN, DEDUCTION, AND LOSS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified items of income, gain, deduction, and loss’ means items of income, gain, deduction, and loss to the extent such items are—

“(i) effectively connected with the conduct of a trade or business within the United States (within the meaning of section 864(c), determined by substituting ‘qualified trade or business (within the meaning of section 199A)’ for ‘nonresident alien individual or a foreign corporation’ or for ‘a foreign corporation’ each place it appears), and

“(ii) included or allowed in determining taxable income for the taxable year.

“(B) EXCEPTIONS.—The following investment items shall not be taken into account as a qualified item of income, gain, deduction, or loss:

“(i) Any item of short-term capital gain, short-term capital loss, long-term capital gain, or long-term capital loss.

“(ii) Any dividend, income equivalent to a dividend, or payment in lieu of dividends described in section 954(c)(1)(G).

“(iii) Any interest income other than interest income which is properly allocable to a trade or business.

“(iv) Any item of gain or loss described in subparagraph (C) or (D) of section 954(c)(1) (applied by substituting ‘qualified trade or business’ for ‘controlled foreign corporation’).

“(v) Any item of income, gain, deduction, or loss taken into account under section 954(c)(1)(F) (determined without regard to clause (ii) thereof and other than items attributable to notional principal contracts entered into in transactions qualifying under section 1221(a)(7)).

“(vi) Any amount received from an annuity which is not received in connection with the trade or business.

“(vii) Any item of deduction or loss properly allocable to an amount described in any of the preceding clauses.

“(4) TREATMENT OF REASONABLE COMPENSATION AND GUARANTEED PAYMENTS.—Qualified business income shall not include—

“(A) reasonable compensation paid to the taxpayer by any qualified trade or business of the taxpayer for services rendered with respect to the trade or business,

“(B) any guaranteed payment described in section 707(c) paid to a partner for services rendered with respect to the trade or business, and

“(C) to the extent provided in regulations, any payment described in section 707(a) to a partner for services rendered with respect to the trade or business.

“(d) QUALIFIED TRADE OR BUSINESS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified trade or business’ means any trade or business other than—

“(A) a specified service trade or business, or

“(B) the trade or business of performing services as an employee.

“(2) SPECIFIED SERVICE TRADE OR BUSINESS.—The term ‘specified service trade or business’ means any trade or business—

“(A) which is described in section 1202(e)(3)(A) (applied without regard to the words ‘engineering, architecture,’) or which would be so described if the term ‘employees or owners’ were substituted for ‘employees’ therein, or

“(B) which involves the performance of services that consist of investing and investment management, trading, or dealing in securities (as defined in section 475(c)(2)), partnership interests, or commodities (as defined in section 475(e)(2)).

“(3) EXCEPTION FOR SPECIFIED SERVICE BUSINESSES BASED ON TAXPAYER’S INCOME.—

“(A) IN GENERAL.—If, for any taxable year, the taxable income of any taxpayer is less than the sum of the threshold amount plus \$50,000 (\$100,000 in the case of a joint return), then—

“(i) any specified service trade or business of the taxpayer shall not fail to be treated as a qualified trade or business due to paragraph (1)(A), but

“(ii) only the applicable percentage of qualified items of income, gain, deduction, or loss, and the W-2 wages and the unadjusted basis immediately after acquisition of qualified property, of the taxpayer allocable to such specified service trade or business shall be taken into account in computing the qualified business income, W-2 wages, and the unadjusted basis immediately after acquisition of qualified property of the taxpayer for the taxable year for purposes of applying this section.

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term ‘applicable percentage’ means, with respect to any taxable year, 100 percent reduced (not below zero) by the percentage equal to the ratio of—

“(i) the taxable income of the taxpayer for the taxable year in excess of the threshold amount, bears to

“(ii) \$50,000 (\$100,000 in the case of a joint return).

“(e) OTHER DEFINITIONS.—For purposes of this section—

“(1) TAXABLE INCOME.—Taxable income shall be computed without regard to the deduction allowable under this section.

“(2) THRESHOLD AMOUNT.—

“(A) IN GENERAL.—The term ‘threshold amount’ means \$157,500 (200 percent of such amount in the case of a joint return).

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2018, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

The amount of any increase under the preceding sentence shall be rounded as provided in section 1(f)(7).

“(3) QUALIFIED REIT DIVIDEND.—The term ‘qualified REIT dividend’ means any dividend from a real estate investment trust received during the taxable year which—

“(A) is not a capital gain dividend, as defined in section 857(b)(3), and

“(B) is not qualified dividend income, as defined in section 1(h)(11).

“(4) QUALIFIED COOPERATIVE DIVIDEND.—The term ‘qualified cooperative dividend’ means any patronage dividend (as defined in section 1388(a)), any per-unit retain allocation (as defined in section 1388(f)), and any qualified written notice of allocation (as defined in section 1388(c)), or any similar amount received from an organization described in subparagraph (B)(ii), which—

“(A) is includible in gross income, and

“(B) is received from—

“(i) an organization or corporation described in section 501(c)(12) or 1381(a), or

“(ii) an organization which is governed under this title by the rules applicable to cooperatives under this title before the enactment of subchapter T.

“(5) QUALIFIED PUBLICLY TRADED PARTNERSHIP INCOME.—The term ‘qualified publicly traded partnership income’ means, with respect to any qualified trade or business of a taxpayer, the sum of—

“(A) the net amount of such taxpayer’s allocable share of each qualified item of income, gain, deduction, and loss (as defined in subsection (c)(3) and determined after the application of subsection (c)(4)) from a publicly traded partnership (as defined in section 7704(a)) which is not treated as a corporation under section 7704(c), plus

“(B) any gain recognized by such taxpayer upon disposition of its interest in such partnership to the extent such gain is treated as an amount realized from the sale or exchange of property other than a capital asset under section 751(a).

“(f) SPECIAL RULES.—

“(1) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

“(A) IN GENERAL.—In the case of a partnership or S corporation—

“(i) this section shall be applied at the partner or shareholder level,

“(ii) each partner or shareholder shall take into account such person’s allocable share of each qualified item of income, gain, deduction, and loss, and

“(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W-2 wages and unadjusted basis immediately after acquisition of qualified property for the taxable year in an amount equal to such person’s allocable share of the W-2 wages and the unadjusted basis immediately after acquisition of qualified property of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary).

For purposes of clause (iii), a partner’s or shareholder’s allocable share of W-2 wages shall be determined in the same manner as the partner’s or shareholder’s allocable share of wage expenses. For purposes of such clause, partner’s or shareholder’s allocable share of the unadjusted basis immediately after acquisition of qualified property shall be determined in the same manner as the partner’s or shareholder’s allocable share of depreciation. For purposes of this sub-

paragraph, in the case of an S corporation, an allocable share shall be the shareholder’s pro rata share of an item.

“(B) APPLICATION TO TRUSTS AND ESTATES.—Rules similar to the rules under section 199(d)(1)(B)(i) (as in effect on December 1, 2017) for the apportionment of W-2 wages shall apply to the apportionment of W-2 wages and the apportionment of unadjusted basis immediately after acquisition of qualified property under this section.

“(C) TREATMENT OF TRADES OR BUSINESS IN PUERTO RICO.—

“(i) IN GENERAL.—In the case of any taxpayer with qualified business income from sources within the commonwealth of Puerto Rico, if all such income is taxable under section 1 for such taxable year, then for purposes of determining the qualified business income of such taxpayer for such taxable year, the term ‘United States’ shall include the Commonwealth of Puerto Rico.

“(ii) SPECIAL RULE FOR APPLYING LIMIT.—In the case of any taxpayer described in clause (i), the determination of W-2 wages of such taxpayer with respect to any qualified trade or business conducted in Puerto Rico shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services in Puerto Rico.

“(2) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, qualified business income shall be determined without regard to any adjustments under sections 56 through 59.

“(3) DEDUCTION LIMITED TO INCOME TAXES.—The deduction under subsection (a) shall only be allowed for purposes of this chapter.

“(4) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations—

“(A) for requiring or restricting the allocation of items and wages under this section and such reporting requirements as the Secretary determines appropriate, and

“(B) for the application of this section in the case of tiered entities.

“(g) DEDUCTION ALLOWED TO SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVES.—

“(1) IN GENERAL.—In the case of any taxable year of a specified agricultural or horticultural cooperative beginning after December 31, 2017, there shall be allowed a deduction in an amount equal to the lesser of—

“(A) 20 percent of the excess (if any) of—

“(i) the gross income of a specified agricultural or horticultural cooperative, over

“(ii) the qualified cooperative dividends (as defined in subsection (e)(4)) paid during the taxable year for the taxable year, or

“(B) the greater of—

“(i) 50 percent of the W-2 wages of the cooperative with respect to its trade or business, or

“(ii) the sum of 25 percent of the W-2 wages of the cooperative with respect to its trade or business, plus 2.5 percent of the unadjusted basis immediately after acquisition of all qualified property of the cooperative.

“(2) LIMITATION.—The amount determined under paragraph (1) shall not exceed the taxable income of the specified agricultural or horticultural for the taxable year.

“(3) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this subsection, the term ‘specified agricultural or horticultural cooperative’ means an organization to which part I of subchapter T applies which is engaged in—

“(A) the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product,

“(B) the marketing of agricultural or horticultural products which its patrons have so

manufactured, produced, grown, or extracted, or

“(C) the provision of supplies, equipment, or services to farmers or to organizations described in subparagraph (A) or (B).

“(h) ANTI-ABUSE RULES.—The Secretary shall—

“(1) apply rules similar to the rules under section 179(d)(2) in order to prevent the manipulation of the depreciable period of qualified property using transactions between related parties, and

“(2) prescribe rules for determining the unadjusted basis immediately after acquisition of qualified property acquired in like-kind exchanges or involuntary conversions.

“(i) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2025.”.

(b) TREATMENT OF DEDUCTION IN COMPUTING ADJUSTED GROSS AND TAXABLE INCOME.—

(1) DEDUCTION NOT ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) is amended by adding at the end the following new sentence: “The deduction allowed by section 199A shall not be treated as a deduction described in any of the preceding paragraphs of this subsection.”.

(2) DEDUCTION ALLOWED TO NONITEMIZERS.—Section 63(b) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) the deduction provided in section 199A.”.

(3) DEDUCTION ALLOWED TO ITEMIZERS WITH-OUT LIMITS ON ITEMIZED DEDUCTIONS.—Section 63(d) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) the deduction provided in section 199A.”.

(4) CONFORMING AMENDMENT.—Section 3402(m)(1) is amended by inserting “and the estimated deduction allowed under section 199A” after “chapter 1”.

(c) ACCURACY-RELATED PENALTY ON DETERMINATION OF APPLICABLE PERCENTAGE.—Section 6662(d)(1) is amended by inserting at the end the following new subparagraph:

“(C) SPECIAL RULE FOR TAXPAYERS CLAIMING SECTION 199A DEDUCTION.—In the case of any taxpayer who claims the deduction allowed under section 199A for the taxable year, subparagraph (A) shall be applied by substituting ‘5 percent’ for ‘10 percent’.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 172(d) is amended by adding at the end the following new paragraph:

“(8) QUALIFIED BUSINESS INCOME DEDUCTION.—The deduction under section 199A shall not be allowed.”.

(2) Section 246(b)(1) is amended by inserting “199A,” before “243(a)(1)”.

(3) Section 613(a) is amended by inserting “and without the deduction under section 199A” after “and without the deduction under section 199”.

(4) Section 613A(d)(1) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B), the following new subparagraph:

“(C) any deduction allowable under section 199A.”.

(5) Section 170(b)(2)(D) is amended by striking “and” in clause (iv), by striking the period at the end of clause (v), and by adding at the end the following new clause:

“(vi) section 199A(g).”.

(6) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting at the end the following new item:

“Sec. 199A. Qualified business income.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11012. LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Section 461 is amended by adding at the end the following new subsection:

“(1) LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.—

“(1) LIMITATION.—In the case of taxable year of a taxpayer other than a corporation beginning after December 31, 2017, and before January 1, 2026—

“(A) subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

“(B) any excess business loss of the taxpayer for the taxable year shall not be allowed.

“(2) DISALLOWED LOSS CARRYOVER.—Any loss which is disallowed under paragraph (1) shall be treated as a net operating loss carryover to the following taxable year under section 172.

“(3) EXCESS BUSINESS LOSS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘excess business loss’ means the excess (if any) of—

“(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to trades or businesses of such taxpayer (determined without regard to whether or not such deductions are disallowed for such taxable year under paragraph (1)), over

“(ii) the sum of—

“(I) the aggregate gross income or gain of such taxpayer for the taxable year which is attributable to such trades or businesses, plus

“(II) \$250,000 (200 percent of such amount in the case of a joint return).

“(B) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2018, the \$250,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(4) APPLICATION OF SUBSECTION IN CASE OF PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

“(A) this subsection shall be applied at the partner or shareholder level, and

“(B) each partner’s or shareholder’s allocable share of the items of income, gain, deduction, or loss of the partnership or S corporation for any taxable year from trades or businesses attributable to the partnership or S corporation shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

For purposes of this paragraph, in the case of an S corporation, an allocable share shall be the shareholder’s pro rata share of an item.

“(5) ADDITIONAL REPORTING.—The Secretary shall prescribe such additional reporting requirements as the Secretary determines necessary to carry out the purposes of this subsection.

“(6) COORDINATION WITH SECTION 469.—This subsection shall be applied after the application of section 469.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

PART III—TAX BENEFITS FOR FAMILIES AND INDIVIDUALS

SEC. 11021. INCREASE IN STANDARD DEDUCTION.

(a) IN GENERAL.—Subsection (c) of section 63 is amended by adding at the end the following new paragraph:

“(7) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) INCREASE IN STANDARD DEDUCTION.—Paragraph (2) shall be applied—

“(i) by substituting ‘\$18,000’ for ‘\$4,400’ in subparagraph (B), and

“(ii) by substituting ‘\$12,000’ for ‘\$3,000’ in subparagraph (C).

“(B) ADJUSTMENT FOR INFLATION.—

“(i) IN GENERAL.—Paragraph (4) shall not apply to the dollar amounts contained in paragraphs (2)(B) and (2)(C).

“(ii) ADJUSTMENT OF INCREASED AMOUNTS.—In the case of a taxable year beginning after 2018, the \$18,000 and \$12,000 amounts in subparagraph (A) shall each be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(ii) thereof.

If any increase under this clause is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11022. INCREASE IN AND MODIFICATION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

“(h) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026, this section shall be applied as provided in paragraphs (2) through (7).

“(2) CREDIT AMOUNT.—Subsection (a) shall be applied by substituting ‘\$2,000’ for ‘\$1,000’.

“(3) LIMITATION.—In lieu of the amount determined under subsection (b)(2), the threshold amount shall be \$400,000 in the case of a joint return (\$200,000 in any other case).

“(4) PARTIAL CREDIT ALLOWED FOR CERTAIN OTHER DEPENDENTS.—

“(A) IN GENERAL.—The credit determined under subsection (a) (after the application of paragraph (2)) shall be increased by \$500 for each dependent of the taxpayer (as defined in section 152) other than a qualifying child described in subsection (c).

“(B) EXCEPTION FOR CERTAIN NONCITIZENS.—Subparagraph (A) shall not apply with respect to any individual who would not be a dependent if subparagraph (A) of section 152(b)(3) were applied without regard to all that follows ‘resident of the United States’.

“(C) CERTAIN QUALIFYING CHILDREN.—In the case of any qualifying child with respect to whom a credit is not allowed under this section by reason of paragraph (7), such child shall be treated as a dependent to whom subparagraph (A) applies.

“(5) MAXIMUM AMOUNT OF REFUNDABLE CREDIT.—

“(A) IN GENERAL.—The amount determined under subsection (d)(1)(A) with respect to any qualifying child shall not exceed \$1,400, and such subsection shall be applied without regard to paragraph (4) of this subsection.

“(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2018, the \$1,400 amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by
 “(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(ii) thereof.

If any increase under this clause is not a multiple of \$100, such increase shall be rounded to the next lowest multiple of \$100.

“(6) EARNED INCOME THRESHOLD FOR REFUNDABLE CREDIT.—Subsection (d)(1)(B)(i) shall be applied by substituting ‘\$2,500’ for ‘\$3,000’.

“(7) SOCIAL SECURITY NUMBER REQUIRED.—No credit shall be allowed under this section to a taxpayer with respect to any qualifying child unless the taxpayer includes the social security number of such child on the return of tax for the taxable year. For purposes of the preceding sentence, the term ‘social security number’ means a social security number issued to an individual by the Social Security Administration, but only if the social security number is issued—

“(A) to a citizen of the United States or pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act, and

“(B) before the due date for such return.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11023. INCREASED LIMITATION FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 170(b)(1) is amended by redesignating subparagraph (G) as subparagraph (H) and by inserting after subparagraph (F) the following new subparagraph:

“(G) INCREASED LIMITATION FOR CASH CONTRIBUTIONS.—

“(i) IN GENERAL.—In the case of any contribution of cash to an organization described in subparagraph (A), the total amount of such contributions which may be taken into account under subsection (a) for any taxable year beginning after December 31, 2017, and before January 1, 2026, shall not exceed 60 percent of the taxpayer’s contribution base for such year.

“(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the applicable limitation under clause (i) for any taxable year described in such clause, such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iii) COORDINATION WITH SUBPARAGRAPHS (A) AND (B).—

“(I) IN GENERAL.—Contributions taken into account under this subparagraph shall not be taken into account under subparagraph (A).

“(II) LIMITATION REDUCTION.—For each taxable year described in clause (i), and each taxable year to which any contribution under this subparagraph is carried over under clause (ii), subparagraph (A) shall be applied by reducing (but not below zero) the contribution limitation allowed for the taxable year under such subparagraph by the aggregate contributions allowed under this subparagraph for such taxable year, and subparagraph (B) shall be applied by treating any reference to subparagraph (A) as a reference to both subparagraph (A) and this subparagraph.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2017.

SEC. 11024. INCREASED CONTRIBUTIONS TO ABLE ACCOUNTS.

(a) INCREASE IN LIMITATION FOR CONTRIBUTIONS FROM COMPENSATION OF INDIVIDUALS WITH DISABILITIES.—

(1) IN GENERAL.—Section 529A(b)(2)(B) is amended to read as follows:

“(B) except in the case of contributions under subsection (c)(1)(C), if such contribution to an

ABLE account would result in aggregate contributions from all contributors to the ABLE account for the taxable year exceeding the sum of—

“(i) the amount in effect under section 2503(b) for the calendar year in which the taxable year begins, plus

“(ii) in the case of any contribution by a designated beneficiary described in paragraph (7) before January 1, 2026, the lesser of—

“(I) compensation (as defined by section 219(f)(1)) includible in the designated beneficiary’s gross income for the taxable year, or

“(II) an amount equal to the poverty line for a one-person household, as determined for the calendar year preceding the calendar year in which the taxable year begins.”.

(2) RESPONSIBILITY FOR CONTRIBUTION LIMITATION.—Paragraph (2) of section 529A(b) is amended by adding at the end the following: “A designated beneficiary (or a person acting on behalf of such beneficiary) shall maintain adequate records for purposes of ensuring, and shall be responsible for ensuring, that the requirements of subparagraph (B)(ii) are met.”

(3) ELIGIBLE DESIGNATED BENEFICIARY.—Section 529A(b) is amended by adding at the end the following:

“(7) SPECIAL RULES RELATED TO CONTRIBUTION LIMIT.—For purposes of paragraph (2)(B)(ii)—

“(A) DESIGNATED BENEFICIARY.—A designated beneficiary described in this paragraph is an employee (including an employee within the meaning of section 401(c)) with respect to whom—

“(i) no contribution is made for the taxable year to a defined contribution plan (within the meaning of section 414(i)) with respect to which the requirements of section 401(a) or 403(a) are met,

“(ii) no contribution is made for the taxable year to an annuity contract described in section 403(b), and

“(iii) no contribution is made for the taxable year to an eligible deferred compensation plan described in section 457(b).

“(B) POVERTY LINE.—The term ‘poverty line’ has the meaning given such term by section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).”.

(b) ALLOWANCE OF SAVER’S CREDIT FOR ABLE CONTRIBUTIONS BY ACCOUNT HOLDER.—Section 25B(d)(1) is amended by striking “and” at the end of subparagraph (B)(ii), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end the following:

“(D) the amount of contributions made before January 1, 2026, by such individual to the ABLE account (within the meaning of section 529A) of which such individual is the designated beneficiary.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 11025. ROLLOVERS TO ABLE PROGRAMS FROM 529 PROGRAMS.

(a) IN GENERAL.—Clause (i) of section 529(c)(3)(C) is amended by striking “or” at the end of subclause (I), by striking the period at the end of subclause (II) and inserting “, or”, and by adding at the end the following:

“(III) before January 1, 2026, to an ABLE account (as defined in section 529A(e)(6)) of the designated beneficiary or a member of the family of the designated beneficiary.

Subclause (III) shall not apply to so much of a distribution which, when added to all other contributions made to the ABLE account for the taxable year, exceeds the limitation under section 529A(b)(2)(B)(i).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 11026. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.

(a) IN GENERAL.—For purposes of the following provisions of the Internal Revenue Code of 1986, with respect to the applicable period, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term “qualified hazardous duty area” means the Sinai Peninsula of Egypt, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger), for services performed in such location. Such term includes such location only during the period such entitlement is in effect.

(c) APPLICABLE PERIOD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the applicable period is—

(A) the portion of the first taxable year ending after June 9, 2015, which begins on such date, and

(B) any subsequent taxable year beginning before January 1, 2026.

(2) WITHHOLDING.—In the case of subsection (a)(5), the applicable period is—

(A) the portion of the first taxable year ending after the date of the enactment of this Act which begins on such date, and

(B) any subsequent taxable year beginning before January 1, 2026.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of this section shall take effect on June 9, 2015.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

SEC. 11027. TEMPORARY REDUCTION IN MEDICAL EXPENSE DEDUCTION FLOOR.

(a) IN GENERAL.—Subsection (f) of section 213 is amended to read as follows:

“(f) SPECIAL RULES FOR 2013 THROUGH 2018.—In the case of any taxable year—

“(1) beginning after December 31, 2012, and ending before January 1, 2017, in the case of a taxpayer if such taxpayer or such taxpayer’s spouse has attained age 65 before the close of such taxable year, and

“(2) beginning after December 31, 2016, and ending before January 1, 2019, in the case of any taxpayer,

subsection (a) shall be applied with respect to a taxpayer by substituting ‘7.5 percent’ for ‘10 percent’.”.

(b) MINIMUM TAX PREFERENCE NOT TO APPLY.—Section 56(b)(1)(B) is amended by adding at the end the following new sentence: “This

subparagraph shall not apply to taxable years beginning after December 31, 2016, and ending before January 1, 2019”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 11028. RELIEF FOR 2016 DISASTER AREAS.

(a) **IN GENERAL.**—For purposes of this section, the term “2016 disaster area” means any area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act during calendar year 2016.

(b) **SPECIAL RULES FOR USE OF RETIREMENT FUNDS WITH RESPECT TO AREAS DAMAGED BY 2016 DISASTERS.**—

(1) **TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.**—

(A) **IN GENERAL.**—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified 2016 disaster distribution.

(B) **AGGREGATE DOLLAR LIMITATION.**—

(i) **IN GENERAL.**—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified 2016 disaster distributions for any taxable year shall not exceed the excess (if any) of—

(I) \$100,000, over

(II) the aggregate amounts treated as qualified 2016 disaster distributions received by such individual for all prior taxable years.

(ii) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to clause (i)) be a qualified 2016 disaster distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified 2016 disaster distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

(iii) **CONTROLLED GROUP.**—For purposes of clause (ii), the term “controlled group” means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(C) **AMOUNT DISTRIBUTED MAY BE REPAYED.**—

(i) **IN GENERAL.**—Any individual who receives a qualified 2016 disaster distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(ii) **TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to clause (i) with respect to a qualified 2016 disaster distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified 2016 disaster distribution in an eligible rollover distribution (as defined in section 402(c)(4) of the Internal Revenue Code of 1986) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(iii) **TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to clause (i) with respect to a qualified 2016 disaster distribution from an indi-

vidual retirement plan (as defined by section 7701(a)(37) of the Internal Revenue Code of 1986), then, to the extent of the amount of the contribution, the qualified 2016 disaster distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(D) **DEFINITIONS.**—For purposes of this paragraph—

(i) **QUALIFIED 2016 DISASTER DISTRIBUTION.**—Except as provided in subparagraph (B), the term “qualified 2016 disaster distribution” means any distribution from an eligible retirement plan made on or after January 1, 2016, and before January 1, 2018, to an individual whose principal place of abode at any time during calendar year 2016 was located in a disaster area described in subsection (a) and who has sustained an economic loss by reason of the events giving rise to the Presidential declaration described in subsection (a) which was applicable to such area.

(ii) **ELIGIBLE RETIREMENT PLAN.**—The term “eligible retirement plan” shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(E) **INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.**—

(i) **IN GENERAL.**—In the case of any qualified 2016 disaster distribution, unless the taxpayer elects not to have this subparagraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(ii) **SPECIAL RULE.**—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(F) **SPECIAL RULES.**—

(i) **EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.**—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified 2016 disaster distribution shall not be treated as eligible rollover distributions.

(ii) **QUALIFIED 2016 DISASTER DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.**—For purposes of the Internal Revenue Code of 1986, a qualified 2016 disaster distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of the Internal Revenue Code of 1986.

(2) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(A) **IN GENERAL.**—If this paragraph applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii)(I).

(B) **AMENDMENTS TO WHICH SUBSECTION APPLIES.**—

(i) **IN GENERAL.**—This paragraph shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to any provision of this section, or pursuant to any regulation under any provision of this section, and

(II) on or before the last day of the first plan year beginning on or after January 1, 2018, or such later date as the Secretary prescribes.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subclause (II) shall be applied by substituting the date which is 2 years after the date otherwise applied under subclause (II).

(ii) **CONDITIONS.**—This paragraph shall not apply to any amendment to a plan or contract unless such amendment applies retroactively for such period, and shall not apply to any such

amendment unless the plan or contract is operated as if such amendment were in effect during the period—

(I) beginning on the date that this section or the regulation described in clause (i)(I) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

(c) **SPECIAL RULES FOR PERSONAL CASUALTY LOSSES RELATED TO 2016 MAJOR DISASTER.**—

(1) **IN GENERAL.**—If an individual has a net disaster loss for any taxable year beginning after December 31, 2015, and before January 1, 2018—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting “\$500” for “\$500 (\$100 for taxable years beginning after December 31, 2009)”.

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) **NET DISASTER LOSS.**—For purposes of this subsection, the term “net disaster loss” means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) **QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.**—For purposes of this paragraph, the term “qualified disaster-related personal casualty losses” means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in a disaster area described in subsection (a) on or after January 1, 2016, and which are attributable to the events giving rise to the Presidential declaration described in subsection (a) which was applicable to such area.

PART IV—EDUCATION

SEC. 11031. TREATMENT OF STUDENT LOANS DISCHARGED ON ACCOUNT OF DEATH OR DISABILITY.

(a) **IN GENERAL.**—Section 108(f) is amended by adding at the end the following new paragraph:

“(5) **DISCHARGES ON ACCOUNT OF DEATH OR DISABILITY.**—

“(A) **IN GENERAL.**—In the case of an individual, gross income does not include any amount which (but for this subsection) would be includible in gross income for such taxable year by reasons of the discharge (in whole or in part) of any loan described in subparagraph (B) after December 31, 2017, and before January 1, 2026, if such discharge was—

“(i) pursuant to subsection (a) or (d) of section 437 of the Higher Education Act of 1965 or the parallel benefit under part D of title IV of such Act (relating to the repayment of loan liability),

“(ii) pursuant to section 464(c)(1)(F) of such Act, or

“(iii) otherwise discharged on account of the death or total and permanent disability of the student.

“(B) **LOANS DESCRIBED.**—A loan is described in this subparagraph if such loan is—

“(i) a student loan (as defined in paragraph (2)), or

“(ii) a private education loan (as defined in section 140(7) of the Consumer Credit Protection Act (15 U.S.C. 1650(7))).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to discharges of indebtedness after December 31, 2017.

SEC. 11032. 529 ACCOUNT FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION.

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—Section 529(c) is amended by adding at the end the following new paragraph:

“(7) **TREATMENT OF ELEMENTARY AND SECONDARY TUITION.**—Any reference in this subsection to the term ‘qualified higher education expense’ shall include a reference to—

“(A) expenses for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school, and

“(B) expenses for—

“(i) curriculum and curricular materials,

“(ii) books or other instructional materials,

“(iii) online educational materials,

“(iv) tuition for tutoring or educational classes outside of the home (but only if the tutor or instructor is not related (within the meaning of section 152(d)(2)) to the student),

“(v) dual enrollment in an institution of higher education, and

“(vi) educational therapies for students with disabilities,

in connection with a homeschool (whether treated as a homeschool or a private school for purposes of applicable State law).”.

(2) **LIMITATION.**—Section 529(e)(3)(A) is amended by adding at the end the following: “The amount of cash distributions from all qualified tuition programs described in subsection (b)(1)(A)(ii) with respect to a beneficiary during any taxable year shall, in the aggregate, include not more than \$10,000 in expenses described in subsection (c)(7) incurred during the taxable year.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions made after December 31, 2017.

PART V—DEDUCTIONS AND EXCLUSIONS

SEC. 11041. SUSPENSION OF DEDUCTION FOR PERSONAL EXEMPTIONS.

(a) **IN GENERAL.**—Subsection (d) of section 151 is amended—

(1) by striking “In the case of” in paragraph (4) and inserting “Except as provided in paragraph (5), in the case of”, and

(2) by adding at the end the following new paragraph:

“(5) **SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.**—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) **EXEMPTION AMOUNT.**—The term ‘exemption amount’ means zero.

“(B) **REFERENCES.**—For purposes of any other provision of this title, the reduction of the exemption amount to zero under subparagraph (A) shall not be taken into account in determining whether a deduction is allowed or allowable, or whether a taxpayer is entitled to a deduction, under this section.”.

(b) **APPLICATION TO ESTATES AND TRUSTS.**—Section 642(b)(2)(C) is amended by adding at the end the following new clause:

“(iii) **YEARS WHEN PERSONAL EXEMPTION AMOUNT IS ZERO.**—

“(I) **IN GENERAL.**—In the case of any taxable year in which the exemption amount under section 151(d) is zero, clause (i) shall be applied by substituting ‘\$4,150’ for ‘the exemption amount under section 151(d)’.

“(II) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning in a calendar year after 2018, the \$4,150 amount in subparagraph (A) shall be increased in the same manner as provided in section 6334(d)(4)(C).”.

(c) **MODIFICATION OF WAGE WITHHOLDING RULES.**—

(1) **IN GENERAL.**—Section 3402(a)(2) is amended by striking “means the amount” and all that follows and inserting “means the amount by which the wages exceed the taxpayer’s withholding allowance, prorated to the payroll period.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 3401 is amended by striking subsection (e).

(B) Paragraphs (1) and (2) of section 3402(f) are amended to read as follows:

“(1) **IN GENERAL.**—Under rules determined by the Secretary, an employee receiving wages shall on any day be entitled to a withholding allowance determined based on—

“(A) whether the employee is an individual for whom a deduction is allowable with respect to another taxpayer under section 151;

“(B) if the employee is married, whether the employee’s spouse is entitled to an allowance, or would be so entitled if such spouse were an employee receiving wages, under subparagraph (A) or (D), but only if such spouse does not have in effect a withholding allowance certificate claiming such allowance;

“(C) the number of individuals with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable a credit under section 24(a) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit;

“(D) any additional amounts to which the employee elects to take into account under subsection (m), but only if the employee’s spouse does not have in effect a withholding allowance certificate making such an election;

“(E) the standard deduction allowable to such employee (one-half of such standard deduction in the case of an employee who is married (as determined under section 7703) and whose spouse is an employee receiving wages subject to withholding); and

“(F) whether the employee has withholding allowance certificates in effect with respect to more than 1 employer.

“(2) **ALLOWANCE CERTIFICATES.**—

“(A) **ON COMMENCEMENT OF EMPLOYMENT.**—On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding allowance certificate relating to the withholding allowance claimed by the employee, which shall in no event exceed the amount to which the employee is entitled.

“(B) **CHANGE OF STATUS.**—If, on any day during the calendar year, an employee’s withholding allowance is in excess of the withholding allowance to which the employee would be entitled had the employee submitted a true and accurate withholding allowance certificate to the employer on that day, the employee shall within 10 days thereafter furnish the employer with a new withholding allowance certificate. If, on any day during the calendar year, an employee’s withholding allowance is greater than the withholding allowance claimed, the employee may furnish the employer with a new withholding allowance certificate relating to the withholding allowance to which the employee is so entitled, which shall in no event exceed the amount to which the employee is entitled on such day.

“(C) **CHANGE OF STATUS WHICH AFFECTS NEXT CALENDAR YEAR.**—If on any day during the calendar year the withholding allowance to which the employee will be, or may reasonably be expected to be, entitled at the beginning of the employee’s next taxable year under subtitle A is different from the allowance to which the employee is entitled on such day, the employee

shall, in such cases and at such times as the Secretary shall by regulations prescribe, furnish the employer with a withholding allowance certificate relating to the withholding allowance which the employee claims with respect to such next taxable year, which shall in no event exceed the withholding allowance to which the employee will be, or may reasonably be expected to be, so entitled.”.

(C) Subsections (b)(1), (b)(2), (f)(3), (f)(4), (f)(5), (f)(7) (including the heading thereof), (g)(4), (l)(1), (l)(2), and (n) of section 3402 are each amended by striking “exemption” each place it appears and inserting “allowance”.

(D) The heading of section 3402(f) is amended by striking “EXEMPTIONS” and inserting “ALLOWANCE”.

(E) Section 3402(m) is amended by striking “additional withholding allowances or additional reductions in withholding under this subsection. In determining the number of additional withholding allowances” and inserting “an additional withholding allowance or additional reductions in withholding under this subsection. In determining the additional withholding allowance”.

(F) Paragraphs (3) and (4) of section 3405(a) (and the heading for such paragraph (4)) are each amended by striking “exemption” each place it appears and inserting “allowance”.

(G) Section 3405(a)(4) is amended by striking “shall be determined” and all that follows through “3 withholding exemptions” and inserting “shall be determined under rules prescribed by the Secretary”.

(d) **EXCEPTION FOR DETERMINING PROPERTY EXEMPT FROM LEVY.**—Section 6334(d) is amended by adding at the end the following new paragraph:

“(4) **YEARS WHEN PERSONAL EXEMPTION AMOUNT IS ZERO.**—

“(A) **IN GENERAL.**—In the case of any taxable year in which the exemption amount under section 151(d) is zero, paragraph (2) shall not apply and for purposes of paragraph (1) the term ‘exempt amount’ means an amount equal to—

“(i) the sum of the amount determined under subparagraph (B) and the standard deduction, divided by

“(ii) 52.

“(B) **AMOUNT DETERMINED.**—For purposes of subparagraph (A), the amount determined under this subparagraph is \$4,150 multiplied by the number of the taxpayer’s dependents for the taxable year in which the levy occurs.

“(C) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning in a calendar year after 2018, the \$4,150 amount in subparagraph (B) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(ii) thereof.

If any increase determined under the preceding sentence is not a multiple of \$100, such increase shall be rounded to the next lowest multiple of \$100.

“(D) **VERIFIED STATEMENT.**—Unless the taxpayer submits to the Secretary a written and properly verified statement specifying the facts necessary to determine the proper amount under subparagraph (A), subparagraph (A) shall be applied as if the taxpayer were a married individual filing a separate return with no dependents.”.

(e) **PERSONS REQUIRED TO MAKE RETURNS OF INCOME.**—Section 6012 is amended by adding at the end the following new subsection:

“(f) **SPECIAL RULE FOR TAXABLE YEARS 2018 THROUGH 2025.**—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (a)(1) shall not

apply, and every individual who has gross income for the taxable year shall be required to make returns with respect to income taxes under subtitle A, except that a return shall not be required of—

“(1) an individual who is not married (determined by applying section 7703) and who has gross income for the taxable year which does not exceed the standard deduction applicable to such individual for such taxable year under section 63, or

“(2) an individual entitled to make a joint return if—

“(A) the gross income of such individual, when combined with the gross income of such individual's spouse, for the taxable year does not exceed the standard deduction which would be applicable to the taxpayer for such taxable year under section 63 if such individual and such individual's spouse made a joint return,

“(B) such individual and such individual's spouse have the same household as their home at the close of the taxable year,

“(C) such individual's spouse does not make a separate return, and

“(D) neither such individual nor such individual's spouse is an individual described in section 63(c)(5) who has income (other than earned income) in excess of the amount in effect under section 63(c)(5)(A).”

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) WAGE WITHHOLDING.—The Secretary of the Treasury may administer section 3402 for taxable years beginning before January 1, 2019, without regard to the amendments made by subsections (a) and (c).

SEC. 11042. LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC. TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 is amended by adding at the end the following new paragraph:

“(6) LIMITATION ON INDIVIDUAL DEDUCTIONS FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of an individual and a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) foreign real property taxes shall not be taken into account under subsection (a)(1), and

“(B) the aggregate amount of taxes taken into account under paragraphs (1), (2), and (3) of subsection (a) and paragraph (5) of this subsection for any taxable year shall not exceed \$10,000 (\$5,000 in the case of a married individual filing a separate return).

The preceding sentence shall not apply to any foreign taxes described in subsection (a)(3) or to any taxes described in paragraph (1) and (2) of subsection (a) which are paid or accrued in carrying on a trade or business or an activity described in section 212. For purposes of subparagraph (B), an amount paid in a taxable year beginning before January 1, 2018, with respect to a State or local income tax imposed for a taxable year beginning after December 31, 2017, shall be treated as paid on the last day of the taxable year for which such tax is so imposed.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 11043. LIMITATION ON DEDUCTION FOR QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Section 163(h)(3) is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(i) IN GENERAL.—In the case of taxable years beginning after December 31, 2017, and before January 1, 2026—

“(I) DISALLOWANCE OF HOME EQUITY INDEBTEDNESS INTEREST.—Subparagraph (A)(ii) shall not apply.

“(II) LIMITATION ON ACQUISITION INDEBTEDNESS.—Subparagraph (B)(ii) shall be applied by substituting ‘\$750,000 (\$375,000)’ for ‘\$1,000,000 (\$500,000)’.

“(III) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE DECEMBER 15, 2017.—Subclause (II) shall not apply to any indebtedness incurred on or before December 15, 2017, and, in applying such subclause to any indebtedness incurred after such date, the limitation under such subclause shall be reduced (but not below zero) by the amount of any indebtedness incurred on or before December 15, 2017, which is treated as acquisition indebtedness for purposes of this subsection for the taxable year.

“(IV) BINDING CONTRACT EXCEPTION.—In the case of a taxpayer who enters into a written binding contract before December 15, 2017, to close on the purchase of a principal residence before January 1, 2018, and who purchases such residence before April 1, 2018, subclause (III) shall be applied by substituting ‘April 1, 2018’ for ‘December 15, 2017’.

“(ii) TREATMENT OF LIMITATION IN TAXABLE YEARS AFTER DECEMBER 31, 2025.—In the case of taxable years beginning after December 31, 2025, the limitation under subparagraph (B)(ii) shall be applied to the aggregate amount of indebtedness of the taxpayer described in subparagraph (B)(i) without regard to the taxable year in which the indebtedness was incurred.

“(iii) TREATMENT OF REFINANCINGS OF INDEBTEDNESS.—

“(I) IN GENERAL.—In the case of any indebtedness which is incurred to refinance indebtedness, such refinanced indebtedness shall be treated for purposes of clause (i)(III) as incurred on the date that the original indebtedness was incurred to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

“(II) LIMITATION ON PERIOD OF REFINANCING.—Subclause (I) shall not apply to any indebtedness after the expiration of the term of the original indebtedness or, if the principal of such original indebtedness is not amortized over its term, the expiration of the term of the 1st refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such 1st refinancing).

“(iv) COORDINATION WITH EXCLUSION OF INCOME FROM DISCHARGE OF INDEBTEDNESS.—Section 108(h)(2) shall be applied without regard to this subparagraph.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11044. MODIFICATION OF DEDUCTION FOR PERSONAL CASUALTY LOSSES.

(a) IN GENERAL.—Subsection (h) of section 165 is amended by adding at the end the following new paragraph:

“(5) LIMITATION FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(A) IN GENERAL.—In the case of an individual, except as provided in subparagraph (B), any personal casualty loss which (but for this paragraph) would be deductible in a taxable year beginning after December 31, 2017, and before January 1, 2026, shall be allowed as a deduction under subsection (a) only to the extent it is attributable to a Federally declared disaster (as defined in subsection (i)(5)).

“(B) EXCEPTION RELATED TO PERSONAL CASUALTY GAINS.—If a taxpayer has personal casualty gains for any taxable year to which subparagraph (A) applies—

“(i) subparagraph (A) shall not apply to the portion of the personal casualty loss not attributable to a Federally declared disaster (as so defined) to the extent such loss does not exceed such gains, and

“(ii) in applying paragraph (2) for purposes of subparagraph (A) to the portion of personal cas-

ualty loss which is so attributable to such a disaster, the amount of personal casualty gains taken into account under paragraph (2)(A) shall be reduced by the portion of such gains taken into account under clause (i).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses incurred in taxable years beginning after December 31, 2017.

SEC. 11045. SUSPENSION OF MISCELLANEOUS ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Section 67 is amended by adding at the end the following new subsection:

“(g) SUSPENSION FOR TAXABLE YEARS 2018 THROUGH 2025.—Notwithstanding subsection (a), no miscellaneous itemized deduction shall be allowed for any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11046. SUSPENSION OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Section 68 is amended by adding at the end the following new subsection:

“(f) SECTION NOT TO APPLY.—This section shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11047. SUSPENSION OF EXCLUSION FOR QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.

(a) IN GENERAL.—Section 132(f) is amended by adding at the end the following new paragraph:

“(8) SUSPENSION OF QUALIFIED BICYCLE COMMUTING REIMBURSEMENT EXCLUSION.—Paragraph (1)(D) shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11048. SUSPENSION OF EXCLUSION FOR QUALIFIED MOVING EXPENSE REIMBURSEMENT.

(a) IN GENERAL.—Section 132(g) is amended—

(1) by striking “For purposes of this section, the term” and inserting “For purposes of this section—

“(1) IN GENERAL.—The term”, and

(2) by adding at the end the following new paragraph:

“(2) SUSPENSION FOR TAXABLE YEARS 2018 THROUGH 2025.—Except in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station, subsection (a)(6) shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11049. SUSPENSION OF DEDUCTION FOR MOVING EXPENSES.

(a) IN GENERAL.—Section 217 is amended by adding at the end the following new subsection:

“(k) SUSPENSION OF DEDUCTION FOR TAXABLE YEARS 2018 THROUGH 2025.—Except in the case of an individual to whom subsection (g) applies, this section shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11050. LIMITATION ON WAGERING LOSSES.

(a) IN GENERAL.—Section 165(d) is amended by adding at the end the following: “For purposes of the preceding sentence, in the case of taxable

years beginning after December 31, 2017, and before January 1, 2026, the term ‘losses from wagering transactions’ includes any deduction otherwise allowable under this chapter incurred in carrying on any wagering transaction.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11051. REPEAL OF DEDUCTION FOR ALIMONY PAYMENTS.

(a) **IN GENERAL.**—Part VII of subchapter B is amended by striking by section 215 (and by striking the item relating to such section in the table of sections for such subpart).

(b) **CONFORMING AMENDMENTS.**—

(1) **CORRESPONDING REPEAL OF PROVISIONS PROVIDING FOR INCLUSION OF ALIMONY IN GROSS INCOME.**—

(A) Subsection (a) of section 61 is amended by striking paragraph (8) and by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively.

(B) Part II of subchapter B of chapter 1 is amended by striking section 71 (and by striking the item relating to such section in the table of sections for such part).

(C) Subpart F of part I of subchapter J of chapter 1 is amended by striking section 682 (and by striking the item relating to such section in the table of sections for such subpart).

(2) **RELATED TO REPEAL OF SECTION 215.**—

(A) Section 62(a) is amended by striking paragraph (10).

(B) Section 3402(m)(1) is amended by striking “(other than paragraph (10) thereof)”.

(C) Section 6724(d)(3) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(3) **RELATED TO REPEAL OF SECTION 71.**—

(A) Section 121(d)(3) is amended—

(i) by striking “(as defined in section 71(b)(2))” in subparagraph (B), and

(ii) by adding at the end the following new subparagraph:

“(C) **DIVORCE OR SEPARATION INSTRUMENT.**—For purposes of this paragraph, the term ‘divorce or separation instrument’ means—

“(i) a decree of divorce or separate maintenance or a written instrument incident to such a decree,

“(ii) a written separation agreement, or

“(iii) a decree (not described in clause (i)) requiring a spouse to make payments for the support or maintenance of the other spouse.”.

(B) Section 152(d)(5) is amended to read as follows:

“(5) **SPECIAL RULES FOR SUPPORT.**—

“(A) **IN GENERAL.**—For purposes of this subsection—

“(i) payments to a spouse of alimony or separate maintenance payments shall not be treated as a payment by the payor spouse for the support of any dependent, and

“(ii) in the case of the remarriage of a parent, support of a child received from the parent’s spouse shall be treated as received from the parent.

“(B) **ALIMONY OR SEPARATE MAINTENANCE PAYMENT.**—For purposes of subparagraph (A), the term ‘alimony or separate maintenance payment’ means any payment in cash if—

“(i) such payment is received by (or on behalf of) a spouse under a divorce or separation instrument (as defined in section 121(d)(3)(C)),

“(ii) in the case of an individual legally separated from the individual’s spouse under a decree of divorce or of separate maintenance, the payee spouse and the payor spouse are not members of the same household at the time such payment is made, and

“(iii) there is no liability to make any such payment for any period after the death of the payee spouse and there is no liability to make any payment (in cash or property) as a sub-

stitute for such payments after the death of the payee spouse.”.

(C) Section 219(f)(1) is amended by striking the third sentence.

(D) Section 220(f)(7) is amended by striking “subparagraph (A) of section 71(b)(2)” and inserting “clause (i) of section 121(d)(3)(C)”.

(E) Section 223(f)(7) is amended by striking “subparagraph (A) of section 71(b)(2)” and inserting “clause (i) of section 121(d)(3)(C)”.

(F) Section 382(l)(3)(B)(iii) is amended by striking “section 71(b)(2)” and inserting “section 121(d)(3)(C)”.

(G) Section 408(d)(6) is amended by striking “subparagraph (A) of section 71(b)(2)” and inserting “clause (i) of section 121(d)(3)(C)”.

(4) **ADDITIONAL CONFORMING AMENDMENTS.**—Section 7701(a)(17) is amended—

(A) by striking “sections 682 and 2516” and inserting “section 2516”, and

(B) by striking “such sections” each place it appears and inserting “such section”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) any divorce or separation instrument (as defined in section 71(b)(2) of the Internal Revenue Code of 1986 as in effect before the date of the enactment of this Act) executed after December 31, 2018, and

(2) any divorce or separation instrument (as so defined) executed on or before such date and modified after such date if the modification expressly provides that the amendments made by this section apply to such modification.

PART VI—INCREASE IN ESTATE AND GIFT TAX EXEMPTION

SEC. 11061. INCREASE IN ESTATE AND GIFT TAX EXEMPTION.

(a) **IN GENERAL.**—Section 2010(c)(3) is amended by adding at the end the following new subparagraph:

“(C) **INCREASE IN BASIC EXCLUSION AMOUNT.**—In the case of estates of decedents dying or gifts made after December 31, 2017, and before January 1, 2026, subparagraph (A) shall be applied by substituting ‘\$10,000,000’ for ‘\$5,000,000’.”.

(b) **CONFORMING AMENDMENT.**—Subsection (g) of section 2001 is amended to read as follows:

“(g) **MODIFICATIONS TO TAX PAYABLE.**—

“(1) **MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.**—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent’s death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(A) the tax imposed by chapter 12 with respect to such gifts, and

“(B) the credit allowed against such tax under section 2505, including in computing—

“(i) the applicable credit amount under section 2505(a)(1), and

“(ii) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

“(2) **MODIFICATIONS TO ESTATE TAX PAYABLE TO REFLECT DIFFERENT BASIC EXCLUSION AMOUNTS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section with respect to any difference between—

“(A) the basic exclusion amount under section 2010(c)(3) applicable at the time of the decedent’s death, and

“(B) the basic exclusion amount under such section applicable with respect to any gifts made by the decedent.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2017.

PART VII—EXTENSION OF TIME LIMIT FOR CONTESTING IRS LEVY

SEC. 11071. EXTENSION OF TIME LIMIT FOR CONTESTING IRS LEVY.

(a) **EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.**—Subsection (b) of section 6343 is amended by striking “9 months” and inserting “2 years”.

(b) **PERIOD OF LIMITATION ON SUITS.**—Subsection (c) of section 6532 is amended—

(1) by striking “9 months” in paragraph (1) and inserting “2 years”, and

(2) by striking “9-month” in paragraph (2) and inserting “2-year”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

PART VIII—INDIVIDUAL MANDATE

SEC. 11081. ELIMINATION OF SHARED RESPONSIBILITY PAYMENT FOR INDIVIDUALS FAILING TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

(a) **IN GENERAL.**—Section 5000A(c) is amended—

(1) in paragraph (2)(B)(iii), by striking “2.5 percent” and inserting “Zero percent”, and

(2) in paragraph (3)—

(A) by striking “\$695” in subparagraph (A) and inserting “\$0”, and

(B) by striking subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to months beginning after December 31, 2018.

Subtitle B—Alternative Minimum Tax

SEC. 12001. REPEAL OF TAX FOR CORPORATIONS.

(a) **IN GENERAL.**—Section 55(a) is amended by striking “There” and inserting “In the case of a taxpayer other than a corporation, there”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 38(c)(6) is amended by adding at the end the following new subparagraph:

“(E) **CORPORATIONS.**—In the case of a corporation, this subsection shall be applied by treating the corporation as having a tentative minimum tax of zero.”.

(2) Section 53(d)(2) is amended by inserting “, except that in the case of a corporation, the tentative minimum tax shall be treated as zero” before the period at the end.

(3)(A) Section 55(b)(1) is amended to read as follows:

“(1) **AMOUNT OF TENTATIVE TAX.**—

“(A) **IN GENERAL.**—The tentative minimum tax for the taxable year is the sum of—

“(i) 26 percent of so much of the taxable excess as does not exceed \$175,000, plus

“(ii) 28 percent of so much of the taxable excess as exceeds \$175,000.

The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

“(B) **TAXABLE EXCESS.**—For purposes of this subsection, the term ‘taxable excess’ means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.

“(C) **MARRIED INDIVIDUAL FILING SEPARATE RETURN.**—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting 50 percent of the dollar amount otherwise applicable under clause (i) and clause (ii) thereof. For purposes of the preceding sentence, marital status shall be determined under section 7703.”.

(B) Section 55(b)(3) is amended by striking “paragraph (1)(A)(i)” and inserting “paragraph (1)(A)”.

(C) Section 59(a) is amended—

(i) by striking “subparagraph (A)(i) or (B)(i) of section 55(b)(1) (whichever applies) in lieu of the highest rate of tax specified in section 1 or 11 (whichever applies)” in paragraph (1)(C) and inserting “section 55(b)(1) in lieu of the highest rate of tax specified in section 1”, and

(ii) in paragraph (2), by striking “means” and all that follows and inserting “means the amount determined under the first sentence of section 55(b)(1)(A).”.

(D) Section 897(a)(2)(A) is amended by striking “section 55(b)(1)(A)” and inserting “section 55(b)(1)”.

(E) Section 911(f) is amended—

(i) in paragraph (1)(B)—

(I) by striking “section 55(b)(1)(A)(ii)” and inserting “section 55(b)(1)(B)”, and

(II) by striking “section 55(b)(1)(A)(i)” and inserting “section 55(b)(1)(A)”, and

(ii) in paragraph (2)(B), by striking “section 55(b)(1)(A)(ii)” each place it appears and inserting “section 55(b)(1)(B)”.

(4) Section 55(c)(1) is amended by striking “, the section 936 credit allowable under section 27(b), and the Puerto Rico economic activity credit under section 30A”.

(5) Section 55(d), as amended by section 11002, is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively,

(B) in paragraph (2) (as so redesignated), by inserting “and” at the end of subparagraph (B), by striking “, and” at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D), and

(C) in paragraph (3) (as so redesignated)—

(i) by striking “(b)(1)(A)(i)” in subparagraph (B)(i) and inserting “(b)(1)(A)”, and

(ii) by striking “paragraph (3)” in subparagraph (B)(iii) and inserting “paragraph (2)”.

(6) Section 55 is amended by striking subsection (e).

(7) Section 56(b)(2) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(8)(A) Section 56 is amended by striking subsections (c) and (g).

(B) Section 847 is amended by striking the last sentence of paragraph (9).

(C) Section 848 is amended by striking subsection (i).

(9) Section 58(a) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(10) Section 59 is amended by striking subsections (b) and (f).

(11) Section 11(d) is amended by striking “the taxes imposed by subsection (a) and section 55” and inserting “the tax imposed by subsection (a)”.

(12) Section 12 is amended by striking paragraph (7).

(13) Section 168(k) is amended by striking paragraph (4).

(14) Section 882(a)(1) is amended by striking “, 55.”.

(15) Section 962(a)(1) is amended by striking “sections 11 and 55” and inserting “section 11”.

(16) Section 1561(a) is amended—

(A) by inserting “and” at the end of paragraph (1), by striking “, and” at the end of paragraph (2) and inserting a period, and by striking paragraph (3), and

(B) by striking the last sentence.

(17) Section 6425(c)(1)(A) is amended to read as follows:

“(A) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over”.

(18) Section 6655(e)(2) is amended by striking “and alternative minimum taxable income” each place it appears in subparagraphs (A) and (B)(i).

(19) Section 6655(g)(1)(A) is amended by inserting “plus” at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 12002. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY OF CORPORATIONS.

(a) CREDITS TREATED AS REFUNDABLE.—Section 53 is amended by adding at the end the following new subsection:

“(e) PORTION OF CREDIT TREATED AS REFUNDABLE.—

“(1) IN GENERAL.—In the case of any taxable year of a corporation beginning in 2018, 2019, 2020, or 2021, the limitation under subsection (c) shall be increased by the AMT refundable credit amount for such year.

“(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the AMT refundable credit amount is an amount equal to 50 percent (100 percent in the case of a taxable year beginning in 2021) of the excess (if any) of—

“(A) the minimum tax credit determined under subsection (b) for the taxable year, over

“(B) the minimum tax credit allowed under subsection (a) for such year (before the application of this subsection for such year).

“(3) CREDIT REFUNDABLE.—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as a credit allowed under subpart C (and not this subpart).

“(4) SHORT TAXABLE YEARS.—In the case of any taxable year of less than 365 days, the AMT refundable credit amount determined under paragraph (2) with respect to such taxable year shall be the amount which bears the same ratio to such amount determined without regard to this paragraph as the number of days in such taxable year bears to 365.”.

(b) TREATMENT OF REFERENCES.—Section 53(d) is amended by adding at the end the following new paragraph:

“(3) AMT TERM REFERENCES.—In the case of a corporation, any references in this subsection to section 55, 56, or 57 shall be treated as a reference to such section as in effect before the amendments made by Tax Cuts and Jobs Act.”.

(c) CONFORMING AMENDMENT.—Section 1374(b)(3)(B) is amended by striking the last sentence thereof.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) CONFORMING AMENDMENT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2021.

SEC. 12003. INCREASED EXEMPTION FOR INDIVIDUALS.

(a) IN GENERAL.—Section 55(d), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR TAXABLE YEARS BEGINNING AFTER 2017 AND BEFORE 2026.—

“(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 2017, and before January 1, 2026—

“(i) paragraph (1) shall be applied—

“(I) by substituting ‘\$109,400’ for ‘\$78,750’ in subparagraph (A), and

“(II) by substituting ‘\$70,300’ for ‘\$50,600’ in subparagraph (B), and

“(ii) paragraph (2) shall be applied—

“(I) by substituting ‘\$1,000,000’ for ‘\$150,000’ in subparagraph (A),

“(II) by substituting ‘50 percent of the dollar amount applicable under subparagraph (A)’ for ‘\$112,500’ in subparagraph (B), and

“(III) in the case of a taxpayer described in paragraph (1)(D), without regard to the substitution under subclause (I).

“(B) INFLATION ADJUSTMENT.—

“(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2018, the amounts described in clause (ii) shall each be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(ii) AMOUNTS DESCRIBED.—The amounts described in this clause are the \$109,400 amount in subparagraph (A)(i)(I), the \$70,300 amount in subparagraph (A)(i)(II), and the \$1,000,000 amount in subparagraph (A)(ii)(I).

“(iii) ROUNDING.—Any increased amount determined under clause (i) shall be rounded to the nearest multiple of \$100.

“(iv) COORDINATION WITH CURRENT ADJUSTMENTS.—In the case of any taxable year to which subparagraph (A) applies, no adjustment shall be made under paragraph (3) to any of the numbers which are substituted under subparagraph (A) and adjusted under this subparagraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

Subtitle C—Business-related Provisions

PART I—CORPORATE PROVISIONS

SEC. 13001. 21-PERCENT CORPORATE TAX RATE.

(a) IN GENERAL.—Subsection (b) of section 11 is amended to read as follows:

“(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be 21 percent of taxable income.”.

(b) CONFORMING AMENDMENTS.—

(1) The following sections are each amended by striking “section 11(b)(1)” and inserting “section 11(b)”.

(A) Section 280C(c)(3)(B)(ii)(II).

(B) Paragraphs (2)(B) and (6)(A)(ii) of section 860E(e).

(C) Section 7874(e)(1)(B).

(2)(A) Part I of subchapter P of chapter 1 is amended by striking section 1201 (and by striking the item relating to such section in the table of sections for such part).

(B) Section 12 is amended by striking paragraphs (4) and (6), and by redesignating paragraph (5) as paragraph (4).

(C) Section 453A(c)(3) is amended by striking “or 1201 (whichever is appropriate)”.

(D) Section 527(b) is amended—

(i) by striking paragraph (2), and

(ii) by striking all that precedes “is hereby imposed” and inserting:

“(b) TAX IMPOSED.—A tax”.

(E) Sections 594(a) is amended by striking “taxes imposed by section 11 or 1201(a)” and inserting “tax imposed by section 11”.

(F) Section 691(c)(4) is amended by striking “1201.”.

(G) Section 801(a) is amended—

(i) by striking paragraph (2), and

(ii) by striking all that precedes “is hereby imposed” and inserting:

“(a) TAX IMPOSED.—A tax”.

(H) Section 831(e) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(I) Sections 832(c)(5) and 834(b)(1)(D) are each amended by striking “sec. 1201 and following.”.

(J) Section 852(b)(3)(A) is amended by striking “section 1201(a)” and inserting “section 11(b)”.

(K) Section 857(b)(3) is amended—

(i) by striking subparagraph (A) and redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively,

(ii) in subparagraph (C), as so redesignated—

(I) by striking “subparagraph (A)(ii)” in clause (i) thereof and inserting “paragraph (1)”,

(II) by striking “the tax imposed by subparagraph (A)(ii)” in clauses (ii) and (iv) thereof and inserting “the tax imposed by paragraph (1) on undistributed capital gain”,

(iii) in subparagraph (E), as so redesignated, by striking “subparagraph (B) or (D)” and inserting “subparagraph (A) or (C)”, and

(iv) by adding at the end the following new subparagraph:

“(F) **UNDISTRIBUTED CAPITAL GAIN.**—For purposes of this paragraph, the term ‘undistributed capital gain’ means the excess of the net capital gain over the deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only.”

(L) Section 882(a)(1), as amended by section 12001, is further amended by striking “or 1201(a)”.

(M) Section 904(b) is amended—

(i) by striking “or 1201(a)” in paragraph (2)(C),

(ii) by striking paragraph (3)(D) and inserting the following:

“(D) **CAPITAL GAIN RATE DIFFERENTIAL.**—There is a capital gain rate differential for any year if subsection (h) of section 1 applies to such taxable year.”, and

(iii) by striking paragraph (3)(E) and inserting the following:

“(E) **RATE DIFFERENTIAL PORTION.**—The rate differential portion of foreign source net capital gain, net capital gain, or the excess of net capital gain from sources within the United States over net capital gain, as the case may be, is the same proportion of such amount as—

“(i) the excess of—

“(I) the highest rate of tax set forth in subsection (a), (b), (c), (d), or (e) of section 1 (whichever applies), over

“(II) the alternative rate of tax determined under section 1(h), bears to

“(ii) that rate referred to in subclause (I).”

(N) Section 1374(b) is amended by striking paragraph (4).

(O) Section 1381(b) is amended by striking “taxes imposed by section 11 or 1201” and inserting “tax imposed by section 11”.

(P) Sections 6425(c)(1)(A), as amended by section 12001, and 6655(g)(1)(A)(i) are each amended by striking “or 1201(a).”

(Q) Section 7518(g)(6)(A) is amended by striking “or 1201(a)”.

(3)(A) Section 1445(e)(1) is amended—

(i) by striking “35 percent” and inserting “the highest rate of tax in effect for the taxable year under section 11(b)”, and

(ii) by striking “of the gain” and inserting “multiplied by the gain”.

(B) Section 1445(e)(2) is amended by striking “35 percent of the amount” and inserting “the highest rate of tax in effect for the taxable year under section 11(b) multiplied by the amount”.

(C) Section 1445(e)(6) is amended—

(i) by striking “35 percent” and inserting “the highest rate of tax in effect for the taxable year under section 11(b)”, and

(ii) by striking “of the amount” and inserting “multiplied by the amount”.

(D) Section 1446(b)(2)(B) is amended by striking “section 11(b)(1)” and inserting “section 11(b)”.

(4) Section 852(b)(1) is amended by striking the last sentence.

(5)(A) Part I of subchapter B of chapter 5 is amended by striking section 1551 (and by striking the item relating to such section in the table of sections for such part).

(B) Section 535(c)(5) is amended to read as follows:

“(5) **CROSS REFERENCE.**—For limitation on credit provided in paragraph (2) or (3) in the case of certain controlled corporations, see section 1561.”

(6)(A) Section 1561, as amended by section 12001, is amended to read as follows:

“SEC. 1561. LIMITATION ON ACCUMULATED EARNINGS CREDIT IN THE CASE OF CERTAIN CONTROLLED CORPORATIONS.

“(a) **IN GENERAL.**—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to one \$250,000 (\$150,000 if any component member is a corporation described in section 535(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3). Such amount shall be divided equally among the component members of such group on such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amount.

“(b) **CERTAIN SHORT TAXABLE YEARS.**—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a) with respect to such group, divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.”

(B) The table of sections for part II of subchapter B of chapter 5 is amended by striking the item relating to section 1561 and inserting the following new item:

“Sec. 1561. Limitation on accumulated earnings credit in the case of certain controlled corporations.”.

(7) Section 7518(g)(6)(A) is amended—

(A) by striking “With respect to the portion” and inserting “In the case of a taxpayer other than a corporation, with respect to the portion”, and

(B) by striking “(34 percent in the case of a corporation)”.

(C) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2017.

(2) **WITHHOLDING.**—The amendments made by subsection (b)(3) shall apply to distributions made after December 31, 2017.

(3) **CERTAIN TRANSFERS.**—The amendments made by subsection (b)(6) shall apply to transfers made after December 31, 2017.

(d) **NORMALIZATION REQUIREMENTS.**—

(1) **IN GENERAL.**—A normalization method of accounting shall not be treated as being used with respect to any public utility property for purposes of section 167 or 168 of the Internal Revenue Code of 1986 if the taxpayer, in computing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, reduces the excess tax reserve more rapidly or to a greater extent than such reserve would be reduced under the average rate assumption method.

(2) **ALTERNATIVE METHOD FOR CERTAIN TAXPAYERS.**—If, as of the first day of the taxable year that includes the date of enactment of this Act—

(A) the taxpayer was required by a regulatory agency to compute depreciation for public utility property on the basis of an average life or composite rate method, and

(B) the taxpayer's books and underlying records did not contain the vintage account data necessary to apply the average rate assumption method,

the taxpayer will be treated as using a normalization method of accounting if, with respect to such jurisdiction, the taxpayer uses the alter-

native method for public utility property that is subject to the regulatory authority of that jurisdiction.

(3) **DEFINITIONS.**—For purposes of this subsection—

(A) **EXCESS TAX RESERVE.**—The term “excess tax reserve” means the excess of—

(i) the reserve for deferred taxes (as described in section 168(i)(9)(A)(ii) of the Internal Revenue Code of 1986) as of the day before the corporate rate reductions provided in the amendments made by this section take effect, over

(ii) the amount which would be the balance in such reserve if the amount of such reserve were determined by assuming that the corporate rate reductions provided in this Act were in effect for all prior periods.

(B) **AVERAGE RATE ASSUMPTION METHOD.**—The average rate assumption method is the method under which the excess in the reserve for deferred taxes is reduced over the remaining lives of the property as used in its regulated books of account which gave rise to the reserve for deferred taxes. Under such method, during the time period in which the timing differences for the property reverse, the amount of the adjustment to the reserve for the deferred taxes is calculated by multiplying—

(i) the ratio of the aggregate deferred taxes for the property to the aggregate timing differences for the property as of the beginning of the period in question, by

(ii) the amount of the timing differences which reverse during such period.

(C) **ALTERNATIVE METHOD.**—The “alternative method” is the method in which the taxpayer—

(i) computes the excess tax reserve on all public utility property included in the plant account on the basis of the weighted average life or composite rate used to compute depreciation for regulatory purposes, and

(ii) reduces the excess tax reserve ratably over the remaining regulatory life of the property.

(4) **TAX INCREASED FOR NORMALIZATION VIOLATION.**—If, for any taxable year ending after the date of the enactment of this Act, the taxpayer does not use a normalization method of accounting for the corporate rate reductions provided in the amendments made by this section—

(A) the taxpayer's tax for the taxable year shall be increased by the amount by which it reduces its excess tax reserve more rapidly than permitted under a normalization method of accounting, and

(B) such taxpayer shall not be treated as using a normalization method of accounting for purposes of subsections (f)(2) and (i)(9)(C) of section 168 of the Internal Revenue Code of 1986.

SEC. 13002. REDUCTION IN DIVIDEND RECEIVED DEDUCTIONS TO REFLECT LOWER CORPORATE INCOME TAX RATES.

(a) **DIVIDENDS RECEIVED BY CORPORATIONS.**—

(1) **IN GENERAL.**—Section 243(a)(1) is amended by striking “70 percent” and inserting “50 percent”.

(2) **DIVIDENDS FROM 20-PERCENT OWNED CORPORATIONS.**—Section 243(c)(1) is amended—

(A) by striking “80 percent” and inserting “65 percent”, and

(B) by striking “70 percent” and inserting “50 percent”.

(3) **CONFORMING AMENDMENT.**—The heading for section 243(c) is amended by striking “RETENTION OF 80-PERCENT DIVIDEND RECEIVED DEDUCTION” and inserting “INCREASED PERCENTAGE”.

(b) **DIVIDENDS RECEIVED FROM FSC.**—Section 245(c)(1)(B) is amended—

(1) by striking “70 percent” and inserting “50 percent”, and

(2) by striking “80 percent” and inserting “65 percent”.

(c) **LIMITATION ON AGGREGATE AMOUNT OF DEDUCTIONS.**—Section 246(b)(3) is amended—

(1) by striking “80 percent” in subparagraph (A) and inserting “65 percent”, and

(2) by striking “70 percent” in subparagraph (B) and inserting “50 percent”.

(d) **REDUCTION IN DEDUCTION WHERE PORTFOLIO STOCK IS DEBT-FINANCED.**—Section 246A(a)(1) is amended—

(1) by striking “70 percent” and inserting “50 percent”, and

(2) by striking “80 percent” and inserting “65 percent”.

(e) **INCOME FROM SOURCES WITHIN THE UNITED STATES.**—Section 861(a)(2) is amended—

(1) by striking “100/70th” and inserting “100/50th” in subparagraph (B), and

(2) in the flush sentence at the end—

(A) by striking “100/80th” and inserting “100/65th”, and

(B) by striking “100/70th” and inserting “100/50th”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

PART II—SMALL BUSINESS REFORMS

SEC. 13101. MODIFICATIONS OF RULES FOR EXPENSING DEPRECIABLE BUSINESS ASSETS.

(a) **INCREASE IN LIMITATION.**—

(1) **DOLLAR LIMITATION.**—Section 179(b)(1) is amended by striking “\$500,000” and inserting “\$1,000,000”.

(2) **REDUCTION IN LIMITATION.**—Section 179(b)(2) is amended by striking “\$2,000,000” and inserting “\$2,500,000”.

(3) **INFLATION ADJUSTMENTS.**—

(A) **IN GENERAL.**—Subparagraph (A) of section 179(b)(6), as amended by section 11002(d), is amended—

(i) by striking “2015” and inserting “2018”, and

(ii) in clause (ii), by striking “calendar year 2014” and inserting “calendar year 2017”.

(B) **SPORT UTILITY VEHICLES.**—Section 179(b)(6) is amended—

(i) in subparagraph (A), by striking “paragraphs (1) and (2)” and inserting “paragraphs (1), (2), and (5)(A)”, and

(ii) in subparagraph (B), by inserting “(\$100 in the case of any increase in the amount under paragraph (5)(A))” after “\$10,000”.

(b) **Section 179 Property To Include Qualified Real Property.**—

(1) **IN GENERAL.**—Subparagraph (B) of section 179(d)(1) is amended to read as follows:

“(B) which is—

“(i) section 1245 property (as defined in section 1245(a)(3)), or

“(ii) at the election of the taxpayer, qualified real property (as defined in subsection (f)), and”.

(2) **QUALIFIED REAL PROPERTY DEFINED.**—Subsection (f) of section 179 is amended to read as follows:

“(f) **QUALIFIED REAL PROPERTY.**—For purposes of this section, the term ‘qualified real property’ means—

“(1) any qualified improvement property described in section 168(e)(6), and

“(2) any of the following improvements to nonresidential real property placed in service after the date such property was first placed in service:

“(A) Roofs.

“(B) Heating, ventilation, and air-conditioning property.

“(C) Fire protection and alarm systems.

“(D) Security systems.”.

(c) **REPEAL OF EXCLUSION FOR CERTAIN PROPERTY.**—The last sentence of section 179(d)(1) is amended by inserting “(other than paragraph (2) thereof)” after “section 50(b)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 2017.

SEC. 13102. SMALL BUSINESS ACCOUNTING METHOD REFORM AND SIMPLIFICATION.

(a) **MODIFICATION OF LIMITATION ON CASH METHOD OF ACCOUNTING.**—

(1) **INCREASED LIMITATION.**—So much of section 448(c) as precedes paragraph (2) is amended to read as follows:

“(c) **GROSS RECEIPTS TEST.**—For purposes of this section—

“(1) **IN GENERAL.**—A corporation or partnership meets the gross receipts test of this subsection for any taxable year if the average annual gross receipts of such entity for the 3-taxable-year period ending with the taxable year which precedes such taxable year does not exceed \$25,000,000.”.

(2) **APPLICATION OF EXCEPTION ON ANNUAL BASIS.**—Section 448(b)(3) is amended to read as follows:

“(3) **ENTITIES WHICH MEET GROSS RECEIPTS TEST.**—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if such entity (or any predecessor) meets the gross receipts test of subsection (c) for such taxable year.”.

(3) **INFLATION ADJUSTMENT.**—Section 448(c) is amended by adding at the end the following new paragraph:

“(4) **ADJUSTMENT FOR INFLATION.**—In the case of any taxable year beginning after December 31, 2018, the dollar amount in paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$1,000,000, such amount shall be rounded to the nearest multiple of \$1,000,000.”.

(4) **COORDINATION WITH SECTION 481.**—Section 448(d)(7) is amended to read as follows:

“(7) **COORDINATION WITH SECTION 481.**—Any change in method of accounting made pursuant to this section shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(5) **APPLICATION OF EXCEPTION TO CORPORATIONS ENGAGED IN FARMING.**—

(A) **IN GENERAL.**—Section 447(c) is amended—

(i) by inserting “for any taxable year” after “not being a corporation” in the matter preceding paragraph (1), and

(ii) by amending paragraph (2) to read as follows:

“(2) a corporation which meets the gross receipts test of section 448(c) for such taxable year.”.

(B) **COORDINATION WITH SECTION 481.**—Section 447(f) is amended to read as follows:

“(f) **COORDINATION WITH SECTION 481.**—Any change in method of accounting made pursuant to this section shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(C) **CONFORMING AMENDMENTS.**—Section 447 is amended—

(i) by striking subsections (d), (e), (h), and (i), and

(ii) by redesignating subsections (f) and (g) (as amended by subparagraph (B)) as subsections (d) and (e), respectively.

(b) **EXEMPTION FROM UNICAP REQUIREMENTS.**—

(1) **IN GENERAL.**—Section 263A is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) **EXEMPTION FOR CERTAIN SMALL BUSINESSES.**—

“(1) **IN GENERAL.**—In the case of any taxpayer (other than a tax shelter prohibited from using

the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year, this section shall not apply with respect to such taxpayer for such taxable year.

“(2) **APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.**—In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

“(3) **COORDINATION WITH SECTION 481.**—Any change in method of accounting made pursuant to this subsection shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(2) **CONFORMING AMENDMENT.**—Section 263A(b)(2) is amended to read as follows:

“(2) **PROPERTY ACQUIRED FOR RESALE.**—Real or personal property described in section 1221(a)(1) which is acquired by the taxpayer for resale.”.

(c) **EXEMPTION FROM INVENTORIES.**—Section 471 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **EXEMPTION FOR CERTAIN SMALL BUSINESSES.**—

“(1) **IN GENERAL.**—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year—

“(A) subsection (a) shall not apply with respect to such taxpayer for such taxable year, and

“(B) the taxpayer’s method of accounting for inventory for such taxable year shall not be treated as failing to clearly reflect income if such method either—

“(i) treats inventory as non-incidental materials and supplies, or

“(ii) conforms to such taxpayer’s method of accounting reflected in an applicable financial statement of the taxpayer with respect to such taxable year or, if the taxpayer does not have any applicable financial statement with respect to such taxable year, the books and records of the taxpayer prepared in accordance with the taxpayer’s accounting procedures.

“(2) **APPLICABLE FINANCIAL STATEMENT.**—For purposes of this subsection, the term ‘applicable financial statement’ has the meaning given the term in section 451(b)(3).

“(3) **APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.**—In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

“(4) **COORDINATION WITH SECTION 481.**—Any change in method of accounting made pursuant to this subsection shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(d) **EXEMPTION FROM PERCENTAGE COMPLETION FOR LONG-TERM CONTRACTS.**—

(1) **IN GENERAL.**—Section 460(e)(1)(B) is amended—

(A) by inserting “(other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3))” after “taxpayer” in the matter preceding clause (i), and

(B) by amending clause (ii) to read as follows: “(ii) who meets the gross receipts test of section 448(c) for the taxable year in which such contract is entered into.”.

(2) **CONFORMING AMENDMENTS.**—Section 460(e) is amended by striking paragraphs (2) and (3), by redesignating paragraphs (4), (5), and (6) as

paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) RULES RELATED TO GROSS RECEIPTS TEST.—

“(A) APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.—For purposes of paragraph (1)(B)(ii), in the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

“(B) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to paragraph (1)(B)(ii) shall be treated as initiated by the taxpayer and made with the consent of the Secretary. Such change shall be effected on a cut-off basis for all similarly classified contracts entered into on or after the year of change.”

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) PRESERVATION OF SUSPENSE ACCOUNT RULES WITH RESPECT TO ANY EXISTING SUSPENSE ACCOUNTS.—So much of the amendments made by subsection (a)(5)(C) as relate to section 447(i) of the Internal Revenue Code of 1986 shall not apply with respect to any suspense account established under such section before the date of the enactment of this Act.

(3) EXEMPTION FROM PERCENTAGE COMPLETION FOR LONG-TERM CONTRACTS.—The amendments made by subsection (d) shall apply to contracts entered into after December 31, 2017, in taxable years ending after such date.

PART III—COST RECOVERY AND ACCOUNTING METHODS

Subpart A—Cost Recovery

SEC. 13201. TEMPORARY 100-PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.

(a) INCREASED EXPENSING.—

(1) IN GENERAL.—Section 168(k) is amended—

(A) in paragraph (1)(A), by striking “50 percent” and inserting “the applicable percentage”, and

(B) in paragraph (5)(A)(i), by striking “50 percent” and inserting “the applicable percentage”.

(2) APPLICABLE PERCENTAGE.—Paragraph (6) of section 168(k) is amended to read as follows:

“(6) APPLICABLE PERCENTAGE.—For purposes of this subsection—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘applicable percentage’ means—

“(i) in the case of property placed in service after September 27, 2017, and before January 1, 2023, 100 percent,

“(ii) in the case of property placed in service after December 31, 2022, and before January 1, 2024, 80 percent,

“(iii) in the case of property placed in service after December 31, 2023, and before January 1, 2025, 60 percent,

“(iv) in the case of property placed in service after December 31, 2024, and before January 1, 2026, 40 percent, and

“(v) in the case of property placed in service after December 31, 2025, and before January 1, 2027, 20 percent.

“(B) RULE FOR PROPERTY WITH LONGER PRODUCTION PERIODS.—In the case of property described in subparagraph (B) or (C) of paragraph (2), the term ‘applicable percentage’ means—

“(i) in the case of property placed in service after September 27, 2017, and before January 1, 2024, 100 percent,

“(ii) in the case of property placed in service after December 31, 2023, and before January 1, 2025, 80 percent,

“(iii) in the case of property placed in service after December 31, 2024, and before January 1, 2026, 60 percent,

“(iv) in the case of property placed in service after December 31, 2025, and before January 1, 2027, 40 percent, and

“(v) in the case of property placed in service after December 31, 2026, and before January 1, 2028, 20 percent.

“(C) RULE FOR PLANTS BEARING FRUITS AND NUTS.—In the case of a specified plant described in paragraph (5), the term ‘applicable percentage’ means—

“(i) in the case of a plant which is planted or grafted after September 27, 2017, and before January 1, 2023, 100 percent,

“(ii) in the case of a plant which is planted or grafted after December 31, 2022, and before January 1, 2024, 80 percent,

“(iii) in the case of a plant which is planted or grafted after December 31, 2023, and before January 1, 2025, 60 percent,

“(iv) in the case of a plant which is planted or grafted after December 31, 2024, and before January 1, 2026, 40 percent, and

“(v) in the case of a plant which is planted or grafted after December 31, 2025, and before January 1, 2027, 20 percent.”

(3) CONFORMING AMENDMENT.—

(A) Paragraph (5) of section 168(k) is amended by striking subparagraph (F).

(B) Section 168(k) is amended by adding at the end the following new paragraph:

“(8) PHASE DOWN.—In the case of qualified property acquired by the taxpayer before September 28, 2017, and placed in service by the taxpayer after September 27, 2017, paragraph (6) shall be applied by substituting for each percentage therein—

“(A) ‘50 percent’ in the case of—

“(i) property placed in service before January 1, 2018, and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2018,

“(B) ‘40 percent’ in the case of—

“(i) property placed in service in 2018 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2019,

“(C) ‘30 percent’ in the case of—

“(i) property placed in service in 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2020, and

“(D) ‘0 percent’ in the case of—

“(i) property placed in service after 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service after 2020.”

(b) EXTENSION.—

(1) IN GENERAL.—Section 168(k) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(iii), clauses (i)(III) and (ii) of subparagraph (B), and subparagraph (E)(i), by striking “January 1, 2020” each place it appears and inserting “January 1, 2027”, and

(ii) in subparagraph (B)—

(I) in clause (i)(II), by striking “January 1, 2021” and inserting “January 1, 2028”, and

(II) in the heading of clause (ii), by striking “PRE-JANUARY 1, 2020” and inserting “PRE-JANUARY 1, 2027”, and

(B) in paragraph (5)(A), by striking “January 1, 2020” and inserting “January 1, 2027”.

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 460(c)(6)(B) is amended by striking “January 1, 2020 (January

1, 2021” and inserting “January 1, 2027 (January 1, 2028”.

(B) The heading of section 168(k) is amended by striking “ACQUIRED AFTER DECEMBER 31, 2007, AND BEFORE JANUARY 1, 2020”.

(c) APPLICATION TO USED PROPERTY.—

(1) IN GENERAL.—Section 168(k)(2)(A)(ii) is amended to read as follows:

“(ii) the original use of which begins with the taxpayer or the acquisition of which by the taxpayer meets the requirements of clause (ii) of subparagraph (E), and”.

(2) ACQUISITION REQUIREMENTS.—Section 168(k)(2)(E)(ii) is amended to read as follows:

“(ii) ACQUISITION REQUIREMENTS.—An acquisition of property meets the requirements of this clause if—

“(I) such property was not used by the taxpayer at any time prior to such acquisition, and

“(II) the acquisition of such property meets the requirements of paragraphs (2)(A), (2)(B), (2)(C), and (3) of section 179(d).”

(3) ANTI-ABUSE RULES.—Section 168(k)(2)(E) is further amended by amending clause (iii)(I) to read as follows:

“(I) property is used by a lessor of such property and such use is the lessor’s first use of such property,”.

(d) EXCEPTION FOR CERTAIN PROPERTY.—Section 168(k), as amended by this section, is amended by adding at the end the following new paragraph:

“(9) EXCEPTION FOR CERTAIN PROPERTY.—The term ‘qualified property’ shall not include—

“(A) any property which is primarily used in a trade or business described in clause (iv) of section 163(j)(7)(A), or

“(B) any property used in a trade or business that has had floor plan financing indebtedness (as defined in paragraph (9) of section 163(j)), if the floor plan financing interest related to such indebtedness was taken into account under paragraph (1)(C) of such section.”.

(e) SPECIAL RULE.—Section 168(k), as amended by this section, is amended by adding at the end the following new paragraph:

“(10) SPECIAL RULE FOR PROPERTY PLACED IN SERVICE DURING CERTAIN PERIODS.—

“(A) IN GENERAL.—In the case of qualified property placed in service by the taxpayer during the first taxable year ending after September 27, 2017, if the taxpayer elects to have this paragraph apply for such taxable year, paragraphs (1)(A) and (5)(A)(i) shall be applied by substituting ‘50 percent’ for ‘the applicable percentage’.

“(B) FORM OF ELECTION.—Any election under this paragraph shall be made at such time and in such form and manner as the Secretary may prescribe.”.

(f) COORDINATION WITH SECTION 280F.—Clause (iii) of section 168(k)(2)(F) is amended by striking “placed in service by the taxpayer after December 31, 2017” and inserting “acquired by the taxpayer before September 28, 2017, and placed in service by the taxpayer after September 27, 2017”.

(g) QUALIFIED FILM AND TELEVISION AND LIVE THEATRICAL PRODUCTIONS.—

(1) IN GENERAL.—Clause (i) of section 168(k)(2)(A), as amended by section 13204, is amended—

(A) in subclause (II), by striking “or”,

(B) in subclause (III), by adding “or” after the comma, and

(C) by adding at the end the following:

“(IV) which is a qualified film or television production (as defined in subsection (d) of section 181) for which a deduction would have been allowable under section 181 without regard to subsections (a)(2) and (g) of such section or this subsection, or

“(V) which is a qualified live theatrical production (as defined in subsection (e) of section

181) for which a deduction would have been allowable under section 181 without regard to subsections (a)(2) and (g) of such section or this subsection.”.

(2) **PRODUCTION PLACED IN SERVICE.**—Paragraph (2) of section 168(k) is amended by adding at the end the following:

“(H) **PRODUCTION PLACED IN SERVICE.**—For purposes of subparagraph (A)—

“(i) a qualified film or television production shall be considered to be placed in service at the time of initial release or broadcast, and

“(ii) a qualified live theatrical production shall be considered to be placed in service at the time of the initial live staged performance.”.

(h) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the amendments made by this section shall apply to property which—

(A) is acquired after September 27, 2017, and

(B) is placed in service after such date.

For purposes of the preceding sentence, property shall not be treated as acquired after the date on which a written binding contract is entered into for such acquisition.

(2) **SPECIFIED PLANTS.**—The amendments made by this section shall apply to specified plants planted or grafted after September 27, 2017.

SEC. 13202. MODIFICATIONS TO DEPRECIATION LIMITATIONS ON LUXURY AUTOMOBILES AND PERSONAL USE PROPERTY.

(a) **LUXURY AUTOMOBILES.**—

(1) **IN GENERAL.**—280F(a)(1)(A) is amended—

(A) in clause (i), by striking “\$2,560” and inserting “\$10,000”,

(B) in clause (ii), by striking “\$4,100” and inserting “\$16,000”,

(C) in clause (iii), by striking “\$2,450” and inserting “\$9,600”, and

(D) in clause (iv), by striking “\$1,475” and inserting “\$5,760”.

(2) **CONFORMING AMENDMENTS.**—

(A) Clause (ii) of section 280F(a)(1)(B) is amended by striking “\$1,475” in the text and heading and inserting “\$5,760”.

(B) Paragraph (7) of section 280F(d) is amended—

(i) in subparagraph (A), by striking “1988” and inserting “2018”, and

(ii) in subparagraph (B)(i)(II), by striking “1987” and inserting “2017”.

(b) **REMOVAL OF COMPUTER EQUIPMENT FROM LISTED PROPERTY.**—

(1) **IN GENERAL.**—Section 280F(d)(4)(A) is amended—

(A) by inserting “and” at the end of clause (iii),

(B) by striking clause (iv), and

(C) by redesignating clause (v) as clause (iv).

(2) **CONFORMING AMENDMENT.**—Section 280F(d)(4) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2017, in taxable years ending after such date.

SEC. 13203. MODIFICATIONS OF TREATMENT OF CERTAIN FARM PROPERTY.

(a) **TREATMENT OF CERTAIN FARM PROPERTY AS 5-YEAR PROPERTY.**—Clause (vii) of section 168(e)(3)(B) is amended by striking “after December 31, 2008, and which is placed in service before January 1, 2010” and inserting “after December 31, 2017”.

(b) **REPEAL OF REQUIRED USE OF 150-PERCENT DECLINING BALANCE METHOD.**—Section 168(b)(2) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2017, in taxable years ending after such date.

SEC. 13204. APPLICABLE RECOVERY PERIOD FOR REAL PROPERTY.

(a) **IMPROVEMENTS TO REAL PROPERTY.**—

(1) **ELIMINATION OF QUALIFIED LEASEHOLD IMPROVEMENT, QUALIFIED RESTAURANT, AND QUALIFIED RETAIL IMPROVEMENT PROPERTY.**—Subsection (e) of section 168 is amended—

(A) in subparagraph (E) of paragraph (3)—

(i) by striking clauses (iv), (v), and (ix),

(ii) in clause (vii), by inserting “and” at the end,

(iii) in clause (viii), by striking “, and” and inserting a period, and

(iv) by redesignating clauses (vi), (vii), and (viii), as so amended, as clauses (iv), (v), and (vi), respectively, and

(B) by striking paragraphs (6), (7), and (8).

(2) **APPLICATION OF STRAIGHT LINE METHOD TO QUALIFIED IMPROVEMENT PROPERTY.**—Paragraph (3) of section 168(b) is amended—

(A) by striking subparagraphs (G), (H), and (I), and

(B) by inserting after subparagraph (F) the following new subparagraph:

“(G) Qualified improvement property described in subsection (e)(6).”.

(3) **ALTERNATIVE DEPRECIATION SYSTEM.**—

(A) **ELECTING REAL PROPERTY TRADE OR BUSINESS.**—Subsection (g) of section 168 is amended—

(i) in paragraph (1)—

(I) in subparagraph (D), by striking “and” at the end,

(II) in subparagraph (E), by inserting “and” at the end, and

(III) by inserting after subparagraph (E) the following new subparagraph:

“(F) any property described in paragraph (8).”, and

(ii) by adding at the end the following new paragraph:

“(8) **ELECTING REAL PROPERTY TRADE OR BUSINESS.**—The property described in this paragraph shall consist of any nonresidential real property, residential rental property, and qualified improvement property held by an electing real property trade or business (as defined in 163(j)(7)(B)).”.

(B) **QUALIFIED IMPROVEMENT PROPERTY.**—The table contained in subparagraph (B) of section 168(g)(3) is amended—

(i) by inserting after the item relating to subparagraph (D)(ii) the following new item:

“(D)(v) 20”

, and

(ii) by striking the item relating to subparagraph (E)(iv) and all that follows through the item relating to subparagraph (E)(ix) and inserting the following:

“(E)(iv) 20

(E)(v) 30

(E)(vi) 35”.

(C) **APPLICABLE RECOVERY PERIOD FOR RESIDENTIAL RENTAL PROPERTY.**—The table contained in subparagraph (C) of section 168(g)(2) is amended by striking clauses (iii) and (iv) and inserting the following:

“(iii) Residential rental property 30 years

(iv) Nonresidential real property .. 40 years

(v) Any railroad grading or tunnel bore or water utility property 50 years”.

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (i) of section 168(k)(2)(A) is amended—

(i) in subclause (II), by inserting “or” after the comma,

(ii) in subclause (III), by striking “or” at the end, and

(iii) by striking subclause (IV).

(B) Section 168 is amended—

(i) in subsection (e), as amended by paragraph (1)(B), by adding at the end the following:

“(6) **QUALIFIED IMPROVEMENT PROPERTY.**—

“(A) **IN GENERAL.**—The term ‘qualified improvement property’ means any improvement to

an interior portion of a building which is non-residential real property if such improvement is placed in service after the date such building was first placed in service.

“(B) **CERTAIN IMPROVEMENTS NOT INCLUDED.**—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator, or

“(iii) the internal structural framework of the building.”, and

(ii) in subsection (k), by striking paragraph (3).

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2017.

(2) **AMENDMENTS RELATED TO ELECTING REAL PROPERTY TRADE OR BUSINESS.**—The amendments made by subsection (a)(3)(A) shall apply to taxable years beginning after December 31, 2017.

SEC. 13205. USE OF ALTERNATIVE DEPRECIATION SYSTEM FOR ELECTING FARMING BUSINESSES.

(a) **IN GENERAL.**—Section 168(g)(1), as amended by section 13204, is amended by striking “and” at the end of subparagraph (E), by inserting “and” at the end of subparagraph (F), and by inserting after subparagraph (F) the following new subparagraph:

“(G) any property with a recovery period of 10 years or more which is held by an electing farming business (as defined in section 163(j)(7)(C)).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13206. AMORTIZATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) **IN GENERAL.**—Section 174 is amended to read as follows:

“SEC. 174. AMORTIZATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

“(a) **IN GENERAL.**—In the case of a taxpayer’s specified research or experimental expenditures for any taxable year—

“(1) except as provided in paragraph (2), no deduction shall be allowed for such expenditures, and

“(2) the taxpayer shall—

“(A) charge such expenditures to capital account, and

“(B) be allowed an amortization deduction of such expenditures ratably over the 5-year period (15-year period in the case of any specified research or experimental expenditures which are attributable to foreign research (within the meaning of section 41(d)(4)(F))) beginning with the midpoint of the taxable year in which such expenditures are paid or incurred.

“(b) **SPECIFIED RESEARCH OR EXPERIMENTAL EXPENDITURES.**—For purposes of this section, the term ‘specified research or experimental expenditures’ means, with respect to any taxable year, research or experimental expenditures which are paid or incurred by the taxpayer during such taxable year in connection with the taxpayer’s trade or business.

“(c) **SPECIAL RULES.**—

“(1) **LAND AND OTHER PROPERTY.**—This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

“(2) **EXPLORATION EXPENDITURES.**—This section shall not apply to any expenditure paid or

incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

“(3) **SOFTWARE DEVELOPMENT.**—For purposes of this section, any amount paid or incurred in connection with the development of any software shall be treated as a research or experimental expenditure.

“(d) **TREATMENT UPON DISPOSITION, RETIREMENT, OR ABANDONMENT.**—If any property with respect to which specified research or experimental expenditures are paid or incurred is disposed, retired, or abandoned during the period during which such expenditures are allowed as an amortization deduction under this section, no deduction shall be allowed with respect to such expenditures on account of such disposition, retirement, or abandonment and such amortization deduction shall continue with respect to such expenditures.”.

(b) **CHANGE IN METHOD OF ACCOUNTING.**—The amendments made by subsection (a) shall be treated as a change in method of accounting for purposes of section 481 of the Internal Revenue Code of 1986 and—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary, and

(3) such change shall be applied only on a cut-off basis for any research or experimental expenditures paid or incurred in taxable years beginning after December 31, 2021, and no adjustments under section 481(a) shall be made.

(c) **CLERICAL AMENDMENT.**—The table of sections for part VI of subchapter B of chapter 1 is amended by striking the item relating to section 174 and inserting the following new item:

“Sec. 174. Amortization of research and experimental expenditures.”.

(d) **CONFORMING AMENDMENTS.**—

(1) Section 41(d)(1)(A) is amended by striking “expenses under section 174” and inserting “specified research or experimental expenditures under section 174”.

(2) Subsection (c) of section 280C is amended—

(A) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—If—

“(A) the amount of the credit determined for the taxable year under section 41(a)(1), exceeds

“(B) the amount allowable as a deduction for such taxable year for qualified research expenses or basic research expenses,

the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.”.

(B) by striking paragraph (2),

(C) by redesignating paragraphs (3) (as amended by this Act) and (4) as paragraphs (2) and (3), respectively, and

(D) in paragraph (2), as redesignated by subparagraph (C), by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2021.

SEC. 13207. EXPENSING OF CERTAIN COSTS OF REPLANTING CITRUS PLANTS LOST BY REASON OF CASUALTY.

(a) **IN GENERAL.**—Section 263A(d)(2) is amended by adding at the end the following new subparagraph:

“(C) **SPECIAL TEMPORARY RULE FOR CITRUS PLANTS LOST BY REASON OF CASUALTY.**—

“(i) **IN GENERAL.**—In the case of the replanting of citrus plants, subparagraph (A) shall apply to amounts paid or incurred by a person (other than the taxpayer described in subparagraph (A)) if—

“(I) the taxpayer described in subparagraph (A) has an equity interest of not less than 50

percent in the replanted citrus plants at all times during the taxable year in which such amounts were paid or incurred and such other person holds any part of the remaining equity interest, or

“(II) such other person acquired the entirety of such taxpayer's equity interest in the land on which the lost or damaged citrus plants were located at the time of such loss or damage, and the replanting is on such land.

“(ii) **TERMINATION.**—Clause (i) shall not apply to any cost paid or incurred after the date which is 10 years after the date of the enactment of the Tax Cuts and Jobs Act.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

Subpart B—Accounting Methods

SEC. 13221. CERTAIN SPECIAL RULES FOR TAXABLE YEAR OF INCLUSION.

(a) **INCLUSION NOT LATER THAN FOR FINANCIAL ACCOUNTING PURPOSES.**—Section 451 is amended by redesignating subsections (b) through (i) as subsections (c) through (j), respectively, and by inserting after subsection (a) the following new subsection:

“(b) **INCLUSION NOT LATER THAN FOR FINANCIAL ACCOUNTING PURPOSES.**—

“(1) **INCOME TAKEN INTO ACCOUNT IN FINANCIAL STATEMENT.**—

“(A) **IN GENERAL.**—In the case of a taxpayer the taxable income of which is computed under an accrual method of accounting, the all events test with respect to any item of gross income (or portion thereof) shall not be treated as met any later than when such item (or portion thereof) is taken into account as revenue in—

“(i) an applicable financial statement of the taxpayer, or

“(ii) such other financial statement as the Secretary may specify for purposes of this subsection.

“(B) **EXCEPTION.**—This paragraph shall not apply to—

“(i) a taxpayer which does not have a financial statement described in clause (i) or (ii) of subparagraph (A) for a taxable year, or

“(ii) any item of gross income in connection with a mortgage servicing contract.

“(C) **ALL EVENTS TEST.**—For purposes of this section, the all events test is met with respect to any item of gross income if all the events have occurred which fix the right to receive such income and the amount of such income can be determined with reasonable accuracy.

“(2) **COORDINATION WITH SPECIAL METHODS OF ACCOUNTING.**—Paragraph (1) shall not apply with respect to any item of gross income for which the taxpayer uses a special method of accounting provided under any other provision of this chapter, other than any provision of part V of subchapter P (except as provided in clause (ii) of paragraph (1)(B)).

“(3) **APPLICABLE FINANCIAL STATEMENT.**—For purposes of this subsection, the term ‘applicable financial statement’ means—

“(A) a financial statement which is certified as being prepared in accordance with generally accepted accounting principles and which is—

“(i) a 10-K (or successor form), or annual statement to shareholders, required to be filed by the taxpayer with the United States Securities and Exchange Commission,

“(ii) an audited financial statement of the taxpayer which is used for—

“(I) credit purposes,

“(II) reporting to shareholders, partners, or other proprietors, or to beneficiaries, or

“(III) any other substantial nontax purpose, but only if there is no statement of the taxpayer described in clause (i), or

“(iii) filed by the taxpayer with any other Federal agency for purposes other than Federal

tax purposes, but only if there is no statement of the taxpayer described in clause (i) or (ii),

“(B) a financial statement which is made on the basis of international financial reporting standards and is filed by the taxpayer with an agency of a foreign government which is equivalent to the United States Securities and Exchange Commission and which has reporting standards not less stringent than the standards required by such Commission, but only if there is no statement of the taxpayer described in subparagraph (A), or

“(C) a financial statement filed by the taxpayer with any other regulatory or governmental body specified by the Secretary, but only if there is no statement of the taxpayer described in subparagraph (A) or (B).

“(4) **ALLOCATION OF TRANSACTION PRICE.**—For purposes of this subsection, in the case of a contract which contains multiple performance obligations, the allocation of the transaction price to each performance obligation shall be equal to the amount allocated to each performance obligation for purposes of including such item in revenue in the applicable financial statement of the taxpayer.

“(5) **GROUP OF ENTITIES.**—For purposes of paragraph (1), if the financial results of a taxpayer are reported on the applicable financial statement (as defined in paragraph (3)) for a group of entities, such statement shall be treated as the applicable financial statement of the taxpayer.”.

(b) **TREATMENT OF ADVANCE PAYMENTS.**—Section 451, as amended by subsection (a), is amended by redesignating subsections (c) through (j) as subsections (d) through (k), respectively, and by inserting after subsection (b) the following new subsection:

“(c) **TREATMENT OF ADVANCE PAYMENTS.**—

“(1) **IN GENERAL.**—A taxpayer which computes taxable income under the accrual method of accounting, and receives any advance payment during the taxable year, shall—

“(A) except as provided in subparagraph (B), include such advance payment in gross income for such taxable year, or

“(B) if the taxpayer elects the application of this subparagraph with respect to the category of advance payments to which such advance payment belongs, the taxpayer shall—

“(i) to the extent that any portion of such advance payment is required under subsection (b) to be included in gross income in the taxable year in which such payment is received, so include such portion, and

“(ii) include the remaining portion of such advance payment in gross income in the taxable year following the taxable year in which such payment is received.

“(2) **ELECTION.**—

“(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the election under paragraph (1)(B) shall be made at such time, in such form and manner, and with respect to such categories of advance payments, as the Secretary may provide.

“(B) **PERIOD TO WHICH ELECTION APPLIES.**—An election under paragraph (1)(B) shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary to revoke such election. For purposes of this title, the computation of taxable income under an election made under paragraph (1)(B) shall be treated as a method of accounting.

“(3) **TAXPAYERS CEASING TO EXIST.**—Except as otherwise provided by the Secretary, the election under paragraph (1)(B) shall not apply with respect to advance payments received by the taxpayer during a taxable year if such taxpayer ceases to exist during (or with the close of) such taxable year.

“(4) **ADVANCE PAYMENT.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘advance payment’ means any payment—

“(i) the full inclusion of which in the gross income of the taxpayer for the taxable year of receipt is a permissible method of accounting under this section (determined without regard to this subsection),

“(ii) any portion of which is included in revenue by the taxpayer in a financial statement described in clause (i) or (ii) of subsection (b)(1)(A) for a subsequent taxable year, and

“(iii) which is for goods, services, or such other items as may be identified by the Secretary for purposes of this clause.

“(B) **EXCLUSIONS.**—Except as otherwise provided by the Secretary, such term shall not include—

“(i) rent,

“(ii) insurance premiums governed by subchapter L,

“(iii) payments with respect to financial instruments,

“(iv) payments with respect to warranty or guarantee contracts under which a third party is the primary obligor,

“(v) payments subject to section 871(a), 881, 1441, or 1442,

“(vi) payments in property to which section 83 applies, and

“(vii) any other payment identified by the Secretary for purposes of this subparagraph.

“(C) **RECEIPT.**—For purposes of this subsection, an item of gross income is received by the taxpayer if it is actually or constructively received, or if it is due and payable to the taxpayer.

“(D) **ALLOCATION OF TRANSACTION PRICE.**—For purposes of this subsection, rules similar to subsection (b)(4) shall apply.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) **COORDINATION WITH SECTION 481.**—

(1) **IN GENERAL.**—In the case of any qualified change in method of accounting for the taxpayer's first taxable year beginning after December 31, 2017—

(A) such change shall be treated as initiated by the taxpayer, and

(B) such change shall be treated as made with the consent of the Secretary of the Treasury.

(2) **QUALIFIED CHANGE IN METHOD OF ACCOUNTING.**—For purposes of this subsection, the term “qualified change in method of accounting” means any change in method of accounting which—

(A) is required by the amendments made by this section, or

(B) was prohibited under the Internal Revenue Code of 1986 prior to such amendments and is permitted under such Code after such amendments.

(e) **SPECIAL RULES FOR ORIGINAL ISSUE DISCOUNT.**—Notwithstanding subsection (c), in the case of income from a debt instrument having original issue discount—

(1) the amendments made by this section shall apply to taxable years beginning after December 31, 2018, and

(2) the period for taking into account any adjustments under section 481 by reason of a qualified change in method of accounting (as defined in subsection (d)) shall be 6 years.

PART IV—BUSINESS-RELATED EXCLUSIONS AND DEDUCTIONS

SEC. 13301. LIMITATION ON DEDUCTION FOR INTEREST.

(a) **IN GENERAL.**—Section 163(j) is amended to read as follows:

“(j) **LIMITATION ON BUSINESS INTEREST.**—

“(1) **IN GENERAL.**—The amount allowed as a deduction under this chapter for any taxable

year for business interest shall not exceed the sum of—

“(A) the business interest income of such taxpayer for such taxable year,

“(B) 30 percent of the adjusted taxable income of such taxpayer for such taxable year, plus

“(C) the floor plan financing interest of such taxpayer for such taxable year. The amount determined under subparagraph (B) shall not be less than zero.

“(2) **CARRYFORWARD OF DISALLOWED BUSINESS INTEREST.**—The amount of any business interest not allowed as a deduction for any taxable year by reason of paragraph (1) shall be treated as business interest paid or accrued in the succeeding taxable year.

“(3) **EXEMPTION FOR CERTAIN SMALL BUSINESSES.**—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year, paragraph (1) shall not apply to such taxpayer for such taxable year. In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if such taxpayer were a corporation or partnership.

“(4) **APPLICATION TO PARTNERSHIPS, ETC.**—

“(A) **IN GENERAL.**—In the case of any partnership—

“(i) this subsection shall be applied at the partnership level and any deduction for business interest shall be taken into account in determining the non-separately stated taxable income or loss of the partnership, and

“(ii) the adjusted taxable income of each partner of such partnership—

“(I) shall be determined without regard to such partner's distributive share of any items of income, gain, deduction, or loss of such partnership, and

“(II) shall be increased by such partner's distributive share of such partnership's excess taxable income.

For purposes of clause (ii)(II), a partner's distributive share of partnership excess taxable income shall be determined in the same manner as the partner's distributive share of nonseparately stated taxable income or loss of the partnership.

“(B) **SPECIAL RULES FOR CARRYFORWARDS.**—

“(i) **IN GENERAL.**—The amount of any business interest not allowed as a deduction to a partnership for any taxable year by reason of paragraph (1) for any taxable year—

“(I) shall not be treated under paragraph (2) as business interest paid or accrued by the partnership in the succeeding taxable year, and

“(II) shall, subject to clause (ii), be treated as excess business interest which is allocated to each partner in the same manner as the non-separately stated taxable income or loss of the partnership.

“(ii) **TREATMENT OF EXCESS BUSINESS INTEREST ALLOCATED TO PARTNERS.**—If a partner is allocated any excess business interest from a partnership under clause (i) for any taxable year—

“(I) such excess business interest shall be treated as business interest paid or accrued by the partner in the next succeeding taxable year in which the partner is allocated excess taxable income from such partnership, but only to the extent of such excess taxable income, and

“(II) any portion of such excess business interest remaining after the application of subclause (I) shall, subject to the limitations of subclause (I), be treated as business interest paid or accrued in succeeding taxable years.

For purposes of applying this paragraph, excess taxable income allocated to a partner from a partnership for any taxable year shall not be taken into account under paragraph (1)(A) with respect to any business interest other than ex-

cess business interest from the partnership until all such excess business interest for such taxable year and all preceding taxable years has been treated as paid or accrued under clause (ii).

“(iii) **BASIS ADJUSTMENTS.**—

“(I) **IN GENERAL.**—The adjusted basis of a partner in a partnership interest shall be reduced (but not below zero) by the amount of excess business interest allocated to the partner under clause (i)(II).

“(II) **SPECIAL RULE FOR DISPOSITIONS.**—If a partner disposes of a partnership interest, the adjusted basis of the partner in the partnership interest shall be increased immediately before the disposition by the amount of the excess (if any) of the amount of the basis reduction under subclause (I) over the portion of any excess business interest allocated to the partner under clause (i)(II) which has previously been treated under clause (ii) as business interest paid or accrued by the partner. The preceding sentence shall also apply to transfers of the partnership interest (including by reason of death) in a transaction in which gain is not recognized in whole or in part. No deduction shall be allowed to the transferor or transferee under this chapter for any excess business interest resulting in a basis increase under this subclause.

“(C) **EXCESS TAXABLE INCOME.**—The term ‘excess taxable income’ means, with respect to any partnership, the amount which bears the same ratio to the partnership's adjusted taxable income as—

“(i) the excess (if any) of—

“(I) the amount determined for the partnership under paragraph (1)(B), over

“(II) the amount (if any) by which the business interest of the partnership, reduced by the floor plan financing interest, exceeds the business interest income of the partnership, bears to

“(ii) the amount determined for the partnership under paragraph (1)(B).

“(D) **APPLICATION TO S CORPORATIONS.**—Rules similar to the rules of subparagraphs (A) and (C) shall apply with respect to any S corporation and its shareholders.

“(5) **BUSINESS INTEREST.**—For purposes of this subsection, the term ‘business interest’ means any interest paid or accrued on indebtedness properly allocable to a trade or business. Such term shall not include investment interest (within the meaning of subsection (d)).

“(6) **BUSINESS INTEREST INCOME.**—For purposes of this subsection, the term ‘business interest income’ means the amount of interest includible in the gross income of the taxpayer for the taxable year which is properly allocable to a trade or business. Such term shall not include investment income (within the meaning of subsection (d)).

“(7) **TRADE OR BUSINESS.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘trade or business’ shall not include—

“(i) the trade or business of performing services as an employee,

“(ii) any electing real property trade or business,

“(iii) any electing farming business, or

“(iv) the trade or business of the furnishing or sale of—

“(I) electrical energy, water, or sewage disposal services,

“(II) gas or steam through a local distribution system, or

“(III) transportation of gas or steam by pipeline,

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, by a public service or public utility commission or other similar body of any State or political subdivision thereof, or by the governing or ratemaking body of an electric cooperative.

“(B) **ELECTING REAL PROPERTY TRADE OR BUSINESS.**—For purposes of this paragraph, the term ‘electing real property trade or business’ means any trade or business which is described in section 469(c)(7)(C) and which makes an election under this subparagraph. Any such election shall be made at such time and in such manner as the Secretary shall prescribe, and, once made, shall be irrevocable.

“(C) **ELECTING FARMING BUSINESS.**—For purposes of this paragraph, the term ‘electing farming business’ means—

“(i) a farming business (as defined in section 263A(e)(4)) which makes an election under this subparagraph, or

“(ii) any trade or business of a specified agricultural or horticultural cooperative (as defined in section 199A(g)(2)) with respect to which the cooperative makes an election under this subparagraph.

Any such election shall be made at such time and in such manner as the Secretary shall prescribe, and, once made, shall be irrevocable.

“(B) **ADJUSTED TAXABLE INCOME.**—For purposes of this subsection, the term ‘adjusted taxable income’ means the taxable income of the taxpayer—

“(A) computed without regard to—

“(i) any item of income, gain, deduction, or loss which is not properly allocable to a trade or business,

“(ii) any business interest or business interest income,

“(iii) the amount of any net operating loss deduction under section 172,

“(iv) the amount of any deduction allowed under section 199A, and

“(v) in the case of taxable years beginning before January 1, 2022, any deduction allowable for depreciation, amortization, or depletion, and

“(B) computed with such other adjustments as provided by the Secretary.

“(9) **FLOOR PLAN FINANCING INTEREST DEFINED.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘floor plan financing interest’ means interest paid or accrued on floor plan financing indebtedness.

“(B) **FLOOR PLAN FINANCING INDEBTEDNESS.**—The term ‘floor plan financing indebtedness’ means indebtedness—

“(i) used to finance the acquisition of motor vehicles held for sale or lease, and

“(ii) secured by the inventory so acquired.

“(C) **MOTOR VEHICLE.**—The term ‘motor vehicle’ means a motor vehicle that is any of the following:

“(i) Any self-propelled vehicle designed for transporting persons or property on a public street, highway, or road.

“(ii) A boat.

“(iii) Farm machinery or equipment.

“(10) **CROSS REFERENCES.**—

“(A) For requirement that an electing real property trade or business use the alternative depreciation system, see section 168(g)(1)(F).

“(B) For requirement that an electing farming business use the alternative depreciation system, see section 168(g)(1)(G).”.

(b) **TREATMENT OF CARRYFORWARD OF DISALLOWED BUSINESS INTEREST IN CERTAIN CORPORATE ACQUISITIONS.**—

(1) **IN GENERAL.**—Section 381(c) is amended by inserting after paragraph (19) the following new paragraph:

“(20) **CARRYFORWARD OF DISALLOWED BUSINESS INTEREST.**—The carryover of disallowed business interest described in section 163(j)(2) to taxable years ending after the date of distribution or transfer.”.

(2) **APPLICATION OF LIMITATION.**—Section 382(d) is amended by adding at the end the following new paragraph:

“(3) **APPLICATION TO CARRYFORWARD OF DISALLOWED INTEREST.**—The term ‘pre-change loss’

shall include any carryover of disallowed interest described in section 163(j)(2) under rules similar to the rules of paragraph (1).”.

(3) **CONFORMING AMENDMENT.**—Section 382(k)(1) is amended by inserting after the first sentence the following: “Such term shall include any corporation entitled to use a carryforward of disallowed interest described in section 381(c)(20).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13302. MODIFICATION OF NET OPERATING LOSS DEDUCTION.

(a) **LIMITATION ON DEDUCTION.**—

(1) **IN GENERAL.**—Section 172(a) is amended to read as follows:

“(a) **DEDUCTION ALLOWED.**—There shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

“(1) the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, or

“(2) 80 percent of taxable income computed without regard to the deduction allowable under this section.

For purposes of this subtitle, the term ‘net operating loss deduction’ means the deduction allowed by this subsection.”.

(2) **COORDINATION OF LIMITATION WITH CARRYBACKS AND CARRYOVERS.**—Section 172(b)(2) is amended by striking “shall be computed” and all that follows and inserting “shall—

“(A) be computed with the modifications specified in subsection (d) other than paragraphs (1), (4), and (5) thereof, and by determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter,

“(B) not be considered to be less than zero, and

“(C) not exceed the amount determined under subsection (a)(2) for such prior taxable year.”.

(3) **CONFORMING AMENDMENT.**—Section 172(d)(6) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; and”, and by adding at the end the following new subparagraph:

“(C) subsection (a)(2) shall be applied by substituting ‘real estate investment trust taxable income (as defined in section 857(b)(2) but without regard to the deduction for dividends paid (as defined in section 561))’ for ‘taxable income’.”.

(b) **REPEAL OF NET OPERATING LOSS CARRYBACK; INDEFINITE CARRYFORWARD.**—

(1) **IN GENERAL.**—Section 172(b)(1)(A) is amended—

(A) by striking “shall be a net operating loss carryback to each of the 2 taxable years” in clause (i) and inserting “except as otherwise provided in this paragraph, shall not be a net operating loss carryback to any taxable year”, and

(B) by striking “to each of the 20 taxable years” in clause (ii) and inserting “to each taxable year”.

(2) **CONFORMING AMENDMENT.**—Section 172(b)(1) is amended by striking subparagraphs (B) through (F).

(c) **TREATMENT OF FARMING LOSSES.**—

(1) **ALLOWANCE OF CARRYBACKS.**—Section 172(b)(1), as amended by subsection (b)(2), is amended by adding at the end the following new subparagraph:

“(B) **FARMING LOSSES.**—

“(i) **IN GENERAL.**—In the case of any portion of a net operating loss for the taxable year which is a farming loss with respect to the taxpayer, such loss shall be a net operating loss carryback to each of the 2 taxable years preceding the taxable year of such loss.

“(ii) **FARMING LOSS.**—For purposes of this section, the term ‘farming loss’ means the lesser of—

“(I) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to farming businesses (as defined in section 263A(e)(4)) are taken into account, or

“(II) the amount of the net operating loss for such taxable year.

“(iii) **COORDINATION WITH PARAGRAPH (2).**—For purposes of applying paragraph (2), a farming loss for any taxable year shall be treated as a separate net operating loss for such taxable year to be taken into account after the remaining portion of the net operating loss for such taxable year.

“(iv) **ELECTION.**—Any taxpayer entitled to a 2-year carryback under clause (i) from any loss year may elect not to have such clause apply to such loss year. Such election shall be made in such manner as prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 172 is amended by striking subsections (f), (g), and (h), and by redesignating subsection (i) as subsection (f).

(B) Section 537(b)(4) is amended by inserting “(as in effect before the date of enactment of the Tax Cuts and Jobs Act)” after “as defined in section 172(f)”.

(d) **TREATMENT OF CERTAIN INSURANCE LOSSES.**—

(1) **TREATMENT OF CARRYFORWARDS AND CARRYBACKS.**—Section 172(b)(1), as amended by subsections (b)(2) and (c)(1), is amended by adding at the end the following new subparagraph:

“(C) **INSURANCE COMPANIES.**—In the case of an insurance company (as defined in section 816(a)) other than a life insurance company, the net operating loss for any taxable year—

“(i) shall be a net operating loss carryback to each of the 2 taxable years preceding the taxable year of such loss, and

“(ii) shall be a net operating loss carryover to each of the 20 taxable years following the taxable year of the loss.”.

(2) **EXEMPTION FROM LIMITATION.**—Section 172, as amended by subsection (c)(2)(A), is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

“(f) **SPECIAL RULE FOR INSURANCE COMPANIES.**—In the case of an insurance company (as defined in section 816(a)) other than a life insurance company—

“(1) the amount of the deduction allowed under subsection (a) shall be the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, and

“(2) subparagraph (C) of subsection (b)(2) shall not apply.”.

(e) **EFFECTIVE DATE.**—

(1) **NET OPERATING LOSS LIMITATION.**—The amendments made by subsections (a) and (d)(2) shall apply to losses arising in taxable years beginning after December 31, 2017.

(2) **CARRYFORWARDS AND CARRYBACKS.**—The amendments made by subsections (b), (c), and (d)(1) shall apply to net operating losses arising in taxable years ending after December 31, 2017.

SEC. 13303. LIKE-KIND EXCHANGES OF REAL PROPERTY.

(a) **IN GENERAL.**—Section 1031(a)(1) is amended by striking “property” each place it appears and inserting “real property”.

(b) **CONFORMING AMENDMENTS.**—

(1)(A) Paragraph (2) of section 1031(a) is amended to read as follows:

“(2) **EXCEPTION FOR REAL PROPERTY HELD FOR SALE.**—This subsection shall not apply to any exchange of real property held primarily for sale.”.

(B) Section 1031 is amended by striking subsection (i).

(2) Section 1031 is amended by striking subsection (e).

(3) Section 1031, as amended by paragraph (2), is amended by inserting after subsection (d) the following new subsection:

“(e) APPLICATION TO CERTAIN PARTNERSHIPS.—For purposes of this section, an interest in a partnership which has in effect a valid election under section 761(a) to be excluded from the application of all of subchapter K shall be treated as an interest in each of the assets of such partnership and not as an interest in a partnership.”.

(4) Section 1031(h) is amended to read as follows:

“(h) SPECIAL RULES FOR FOREIGN REAL PROPERTY.—Real property located in the United States and real property located outside the United States are not property of a like kind.”.

(5) The heading of section 1031 is amended by striking “PROPERTY” and inserting “REAL PROPERTY”.

(6) The table of sections for part III of subchapter O of chapter 1 is amended by striking the item relating to section 1031 and inserting the following new item:

“Sec. 1031. Exchange of real property held for productive use or investment.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to exchanges completed after December 31, 2017.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange if—

(A) the property disposed of by the taxpayer in the exchange is disposed of on or before December 31, 2017, or

(B) the property received by the taxpayer in the exchange is received on or before December 31, 2017.

SEC. 13304. LIMITATION ON DEDUCTION BY EMPLOYERS OF EXPENSES FOR FRINGE BENEFITS.

(a) NO DEDUCTION ALLOWED FOR ENTERTAINMENT EXPENSES.—

(1) IN GENERAL.—Section 274(a) is amended—
(A) in paragraph (1)(A), by striking “unless” and all that follows through “trade or business,”

(B) by striking the flush sentence at the end of paragraph (1), and

(C) by striking paragraph (2)(C).

(2) CONFORMING AMENDMENTS.—

(A) Section 274(d) is amended—

(i) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and

(ii) in the flush text following paragraph (3) (as so redesignated)—

(I) by striking “, entertainment, amusement, recreation, or use of the facility or property,” in item (B), and

(II) by striking “(D) the business relationship to the taxpayer of persons entertained, using the facility or property, or receiving the gift” and inserting “(D) the business relationship to the taxpayer of the person receiving the benefit”.

(B) Section 274 is amended by striking subsection (l).

(C) Section 274(n) is amended by striking “AND ENTERTAINMENT” in the heading.

(D) Section 274(n)(1) is amended to read as follows:

“(1) IN GENERAL.—The amount allowable as a deduction under this chapter for any expense for food or beverages shall not exceed 50 percent of the amount of such expense which would (but for this paragraph) be allowable as a deduction under this chapter.”.

(E) Section 274(n)(2) is amended—

(i) in subparagraph (B), by striking “in the case of an expense for food or beverages.”,

(ii) by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively,

(iii) by striking “of subparagraph (E)” the last sentence and inserting “of subparagraph (D)”.

(iv) by striking “in subparagraph (D)” in the last sentence and inserting “in subparagraph (C)”.

(F) Clause (iv) of section 7701(b)(5)(A) is amended to read as follows:

“(iv) a professional athlete who is temporarily in the United States to compete in a sports event—

“(I) which is organized for the primary purpose of benefiting an organization which is described in section 501(c)(3) and exempt from tax under section 501(a),

“(II) all of the net proceeds of which are contributed to such organization, and,

“(III) which utilizes volunteers for substantially all of the work performed in carrying out such event.”.

(b) ONLY 50 PERCENT OF EXPENSES FOR MEALS PROVIDED ON OR NEAR BUSINESS PREMISES ALLOWED AS DEDUCTION.—Paragraph (2) of section 274(n), as amended by subsection (a), is amended—

(1) by striking subparagraph (B),

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively,

(3) by striking “of subparagraph (D)” in the last sentence and inserting “of subparagraph (C)”.

(4) by striking “in subparagraph (C)” in the last sentence and inserting “in subparagraph (B)”.

(c) TREATMENT OF TRANSPORTATION BENEFITS.—Section 274, as amended by subsection (a), is amended—

(1) in subsection (a)—

(A) in the heading, by striking “OR RECREATION” and inserting “RECREATION, OR QUALIFIED TRANSPORTATION FRINGES”, and

(B) by adding at the end the following new paragraph:

“(4) QUALIFIED TRANSPORTATION FRINGES.—No deduction shall be allowed under this chapter for the expense of any qualified transportation fringe (as defined in section 132(f)) provided to an employee of the taxpayer.”.

(2) by inserting after subsection (k) the following new subsection:

“(l) TRANSPORTATION AND COMMUTING BENEFITS.—

“(1) IN GENERAL.—No deduction shall be allowed under this chapter for any expense incurred for providing any transportation, or any payment or reimbursement, to an employee of the taxpayer in connection with travel between the employee's residence and place of employment, except as necessary for ensuring the safety of the employee.

“(2) EXCEPTION.—In the case of any qualified bicycle commuting reimbursement (as described in section 132(f)(5)(F)), this subsection shall not apply for any amounts paid or incurred after December 31, 2017, and before January 1, 2026.”.

(d) ELIMINATION OF DEDUCTION FOR MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—Section 274, as amended by subsection (c), is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following new subsection:

“(o) MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—No deduction shall be allowed under this chapter for—

“(1) any expense for the operation of a facility described in section 132(e)(2), and any ex-

pense for food or beverages, including under section 132(e)(1), associated with such facility, or

“(2) any expense for meals described in section 119(a).”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts incurred or paid after December 31, 2017.

(2) EFFECTIVE DATE FOR ELIMINATION OF DEDUCTION FOR MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—The amendments made by subsection (d) shall apply to amounts incurred or paid after December 31, 2025.

SEC. 13305. REPEAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by striking section 199 (and by striking the item relating to such section in the table of sections for such part).

(b) CONFORMING AMENDMENTS.—

(1) Sections 74(d)(2)(B), 86(b)(2)(A), 135(c)(4)(A), 137(b)(3)(A), 219(g)(3)(A)(ii), 221(b)(2)(C), 222(b)(2)(C), 246(b)(1), and 469(i)(3)(F)(iii) are each amended by striking “199.”.

(2) Section 170(b)(2)(D), as amended by subtitle A, is amended by striking clause (iv), and by redesignating clauses (v) and (vi) as clauses (iv) and (v).

(3) Section 172(d) is amended by striking paragraph (7).

(4) Section 613(a), as amended by section 11011, is amended by striking “and without the deduction under section 199”.

(5) Section 613A(d)(1), as amended by section 11011, is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13306. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) DENIAL OF DEDUCTION.—

(1) IN GENERAL.—Subsection (f) of section 162 is amended to read as follows:

“(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

“(1) IN GENERAL.—Except as provided in the following paragraphs of this subsection, no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or governmental entity in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

“(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any amount that—

“(i) the taxpayer establishes—

“(I) constitutes restitution (including remediation of property) for damage or harm which was or may be caused by the violation of any law or the potential violation of any law, or

“(II) is paid to come into compliance with any law which was violated or otherwise involved in the investigation or inquiry described in paragraph (1),

“(ii) is identified as restitution or as an amount paid to come into compliance with such law, as the case may be, in the court order or settlement agreement, and

“(iii) in the case of any amount of restitution for failure to pay any tax imposed under this title in the same manner as if such amount were

such tax, would have been allowed as a deduction under this chapter if it had been timely paid.

The identification under clause (ii) alone shall not be sufficient to make the establishment required under clause (i).

“(B) LIMITATION.—Subparagraph (A) shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

“(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by reason of any order of a court in a suit in which no government or governmental entity is a party.

“(4) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.

“(5) TREATMENT OF CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—For purposes of this subsection, the following nongovernmental entities shall be treated as governmental entities:

“(A) Any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)).

“(B) To the extent provided in regulations, any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050W the following new section:

“SEC. 6050X. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

“(a) REQUIREMENT OF REPORTING.—

“(1) IN GENERAL.—The appropriate official of any government or any entity described in section 162(f)(5) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

“(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

“(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

“(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

“(2) SUIT OR AGREEMENT DESCRIBED.—

“(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

“(i) it is—

“(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

“(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

“(ii) the aggregate amount involved in all court orders and agreements with respect to the

violation, investigation, or inquiry is \$600 or more.

“(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary shall adjust the \$600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

“(3) TIME OF FILING.—The return required under this subsection shall be filed at the time the agreement is entered into, as determined by the Secretary.

“(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

“(1) the name of the government or entity, and

“(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

“(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term ‘appropriate official’ means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.”.

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050W the following new item:

“Sec. 6050X. Information with respect to certain fines, penalties, and other amounts.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 13307. DENIAL OF DEDUCTION FOR SETTLEMENTS SUBJECT TO NONDISCLOSURE AGREEMENTS PAID IN CONNECTION WITH SEXUAL HARASSMENT OR SEXUAL ABUSE.

(a) DENIAL OF DEDUCTION.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

“(q) PAYMENTS RELATED TO SEXUAL HARASSMENT AND SEXUAL ABUSE.—No deduction shall be allowed under this chapter for—

“(1) any settlement or payment related to sexual harassment or sexual abuse if such settlement or payment is subject to a nondisclosure agreement, or

“(2) attorney’s fees related to such a settlement or payment.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 13308. REPEAL OF DEDUCTION FOR LOCAL LOBBYING EXPENSES.

(a) IN GENERAL.—Section 162(e) is amended by striking paragraphs (2) and (7) and by redesignating paragraphs (3), (4), (5), (6), and (8) as paragraphs (2), (3), (4), (5), and (6), respectively.

(b) CONFORMING AMENDMENT.—Section 6033(e)(1)(B)(ii) is amended by striking “section 162(e)(5)(B)(ii)” and inserting “section 162(e)(4)(B)(ii)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or

incurred on or after the date of the enactment of this Act.

SEC. 13309. RECHARACTERIZATION OF CERTAIN GAINS IN THE CASE OF PARTNERSHIP PROFITS INTERESTS HELD IN CONNECTION WITH PERFORMANCE OF INVESTMENT SERVICES.

(a) IN GENERAL.—Part IV of subchapter O of chapter 1 is amended—

(1) by redesignating section 1061 as section 1062, and

(2) by inserting after section 1060 the following new section:

“SEC. 1061. PARTNERSHIP INTERESTS HELD IN CONNECTION WITH PERFORMANCE OF SERVICES.

“(a) IN GENERAL.—If one or more applicable partnership interests are held by a taxpayer at any time during the taxable year, the excess (if any) of—

“(1) the taxpayer’s net long-term capital gain with respect to such interests for such taxable year, over

“(2) the taxpayer’s net long-term capital gain with respect to such interests for such taxable year computed by applying paragraphs (3) and (4) of sections 1222 by substituting ‘3 years’ for ‘1 year’, shall be treated as short-term capital gain, notwithstanding section 83 or any election in effect under section 83(b).

“(b) SPECIAL RULE.—To the extent provided by the Secretary, subsection (a) shall not apply to income or gain attributable to any asset not held for portfolio investment on behalf of third party investors.

“(c) APPLICABLE PARTNERSHIP INTEREST.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in this paragraph or paragraph (4), the term ‘applicable partnership interest’ means any interest in a partnership which, directly or indirectly, is transferred to (or is held by) the taxpayer in connection with the performance of substantial services by the taxpayer, or any other related person, in any applicable trade or business. The previous sentence shall not apply to an interest held by a person who is employed by another entity that is conducting a trade or business (other than an applicable trade or business) and only provides services to such other entity.

“(2) APPLICABLE TRADE OR BUSINESS.—The term ‘applicable trade or business’ means any activity conducted on a regular, continuous, and substantial basis which, regardless of whether the activity is conducted in one or more entities, consists, in whole or in part, of—

“(A) raising or returning capital, and

“(B) either—

“(i) investing in (or disposing of) specified assets (or identifying specified assets for such investing or disposition), or

“(ii) developing specified assets.

“(3) SPECIFIED ASSET.—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), commodities (as defined in section 475(e)(2)), real estate held for rental or investment, cash or cash equivalents, options or derivative contracts with respect to any of the foregoing, and an interest in a partnership to the extent of the partnership’s proportionate interest in any of the foregoing.

“(4) EXCEPTIONS.—The term ‘applicable partnership interest’ shall not include—

“(A) any interest in a partnership directly or indirectly held by a corporation, or

“(B) any capital interest in the partnership which provides the taxpayer with a right to share in partnership capital commensurate with—

“(i) the amount of capital contributed (determined at the time of receipt of such partnership interest), or

“(ii) the value of such interest subject to tax under section 83 upon the receipt or vesting of such interest.

“(5) **THIRD PARTY INVESTOR.**—The term ‘third party investor’ means a person who—

“(A) holds an interest in the partnership which does not constitute property held in connection with an applicable trade or business; and

“(B) is not (and has not been) actively engaged, and is (and was) not related to a person so engaged, in (directly or indirectly) providing substantial services described in paragraph (1) for such partnership or any applicable trade or business.

“(d) **TRANSFER OF APPLICABLE PARTNERSHIP INTEREST TO RELATED PERSON.**—

“(1) **IN GENERAL.**—If a taxpayer transfers any applicable partnership interest, directly or indirectly, to a person related to the taxpayer, the taxpayer shall include in gross income (as short term capital gain) the excess (if any) of—

“(A) so much of the taxpayer’s long-term capital gains with respect to such interest for such taxable year attributable to the sale or exchange of any asset held for not more than 3 years as is allocable to such interest, over

“(B) any amount treated as short term capital gain under subsection (a) with respect to the transfer of such interest.

“(2) **RELATED PERSON.**—For purposes of this paragraph, a person is related to the taxpayer if—

“(A) the person is a member of the taxpayer’s family within the meaning of section 318(a)(1), or

“(B) the person performed a service within the current calendar year or the preceding three calendar years in any applicable trade or business in which or for which the taxpayer performed a service.

“(e) **REPORTING.**—The Secretary shall require such reporting (at the time and in the manner prescribed by the Secretary) as is necessary to carry out the purposes of this section.

“(f) **REGULATIONS.**—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to 1061 and inserting the following new items:

“Sec. 1061. Partnership interests held in connection with performance of services.

“Sec. 1062. Cross references.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13310. PROHIBITION ON CASH, GIFT CARDS, AND OTHER NON-TANGIBLE PERSONAL PROPERTY AS EMPLOYEE ACHIEVEMENT AWARDS.

(a) **IN GENERAL.**—Subparagraph (A) of section 274(j)(3) is amended—

(1) by striking “The term” and inserting the following:

“(i) **IN GENERAL.**—The term”.

(2) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and conforming the margins accordingly, and

(3) by adding at the end the following new clause:

“(ii) **TANGIBLE PERSONAL PROPERTY.**—For purposes of clause (i), the term ‘tangible personal property’ shall not include—

“(I) cash, cash equivalents, gift cards, gift coupons, or gift certificates (other than arrangements conferring only the right to select and receive tangible personal property from a limited array of such items pre-selected or pre-approved by the employer), or

“(II) vacations, meals, lodging, tickets to theater or sporting events, stocks, bonds, other securities, and other similar items.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2017.

SEC. 13311. ELIMINATION OF DEDUCTION FOR LIVING EXPENSES INCURRED BY MEMBERS OF CONGRESS.

(a) **IN GENERAL.**—Subsection (a) of section 162 is amended in the matter following paragraph (3) by striking “in excess of \$3,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 13312. CERTAIN CONTRIBUTIONS BY GOVERNMENTAL ENTITIES NOT TREATED AS CONTRIBUTIONS TO CAPITAL.

(a) **IN GENERAL.**—Section 118 is amended—

(1) by striking subsections (b), (c), and (d),

(2) by redesignating subsection (e) as subsection (d), and

(3) by inserting after subsection (a) the following new subsections:

“(b) **EXCEPTIONS.**—For purposes of subsection (a), the term ‘contribution to the capital of the taxpayer’ does not include—

“(1) any contribution in aid of construction or any other contribution as a customer or potential customer, and

“(2) any contribution by any governmental entity or civic group (other than a contribution made by a shareholder as such).

“(c) **REGULATIONS.**—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including regulations or other guidance for determining whether any contribution constitutes a contribution in aid of construction.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made after the date of enactment of this Act.

(2) **EXCEPTION.**—The amendments made by this section shall not apply to any contribution, made after the date of enactment of this Act by a governmental entity, which is made pursuant to a master development plan that has been approved prior to such date by a governmental entity.

SEC. 13313. REPEAL OF ROLLOVER OF PUBLICLY TRADED SECURITIES GAIN INTO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.

(a) **IN GENERAL.**—Part III of subchapter O of chapter 1 is amended by striking section 1044 (and by striking the item relating to such section in the table of sections of such part).

(b) **CONFORMING AMENDMENTS.**—Section 1016(a)(23) is amended—

(1) by striking “1044.”, and

(2) by striking “1044(d).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to sales after December 31, 2017.

SEC. 13314. CERTAIN SELF-CREATED PROPERTY NOT TREATED AS A CAPITAL ASSET.

(a) **PATENTS, ETC.**—Section 1221(a)(3) is amended by inserting “a patent, invention, model or design (whether or not patented), a secret formula or process,” before “a copyright”.

(b) **CONFORMING AMENDMENT.**—Section 1231(b)(1)(C) is amended by inserting “a patent, invention, model or design (whether or not patented), a secret formula or process,” before “a copyright”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to dispositions after December 31, 2017.

PART V—BUSINESS CREDITS

SEC. 13401. MODIFICATION OF ORPHAN DRUG CREDIT.

(a) **CREDIT RATE.**—Subsection (a) of section 45C is amended by striking “50 percent” and inserting “25 percent”.

(b) **ELECTION OF REDUCED CREDIT.**—Subsection (b) of section 280C is amended by redesignating paragraph (3) as paragraph (4) and by

inserting after paragraph (2) the following new paragraph:

“(3) **ELECTION OF REDUCED CREDIT.**—

“(A) **IN GENERAL.**—In the case of any taxable year for which an election is made under this paragraph—

“(i) paragraphs (1) and (2) shall not apply, and

“(ii) the amount of the credit under section 45C(a) shall be the amount determined under subparagraph (B).

“(B) **AMOUNT OF REDUCED CREDIT.**—The amount of credit determined under this subparagraph for any taxable year shall be the amount equal to the excess of—

“(i) the amount of credit determined under section 45C(a) without regard to this paragraph, over

“(ii) the product of—

“(I) the amount described in clause (i), and

“(II) the maximum rate of tax under section 11(b).

“(C) **ELECTION.**—An election under this paragraph for any taxable year shall be made not later than the time for filing the return of tax for such year (including extensions), shall be made on such return, and shall be made in such manner as the Secretary shall prescribe. Such an election, once made, shall be irrevocable.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13402. REHABILITATION CREDIT LIMITED TO CERTIFIED HISTORIC STRUCTURES.

(a) **IN GENERAL.**—Subsection (a) of section 47 is amended to read as follows:

“(a) **GENERAL RULE.**—

“(1) **IN GENERAL.**—For purposes of section 46, for any taxable year during the 5-year period beginning in the taxable year in which a qualified rehabilitated building is placed in service, the rehabilitation credit for such year is an amount equal to the ratable share for such year.

“(2) **RATABLE SHARE.**—For purposes of paragraph (1), the ratable share for any taxable year during the period described in such paragraph is the amount equal to 20 percent of the qualified rehabilitation expenditures with respect to the qualified rehabilitated building, as allocated ratably to each year during such period.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 47(c) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by amending clause (iii) to read as follows:

“(iii) such building is a certified historic structure, and”,

(ii) by striking subparagraph (B), and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) in paragraph (2)(B), by amending clause (iv) to read as follows:

“(iv) **CERTIFIED HISTORIC STRUCTURE.**—Any expenditure attributable to the rehabilitation of a qualified rehabilitated building unless the rehabilitation is a certified rehabilitation (within the meaning of subparagraph (C)).”.

(2) Paragraph (4) of section 145(d) is amended—

(A) by striking “of section 47(c)(1)(C)” each place it appears and inserting “of section 47(c)(1)(B)”, and

(B) by striking “section 47(c)(1)(C)(i)” and inserting “section 47(c)(1)(B)(i)”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts paid or incurred after December 31, 2017.

(2) **TRANSITION RULE.**—In the case of qualified rehabilitation expenditures with respect to any building—

(A) owned or leased by the taxpayer during the entirety of the period after December 31, 2017, and

(B) with respect to which the 24-month period selected by the taxpayer under clause (i) of section 47(c)(1)(B) of the Internal Revenue Code (as amended by subsection (b)), or the 60-month period applicable under clause (ii) of such section, begins not later than 180 days after the date of the enactment of this Act, the amendments made by this section shall apply to such expenditures paid or incurred after the end of the taxable year in which the 24-month period, or the 60-month period, referred to in subparagraph (B) ends.

SEC. 13403. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

“SEC. 45S. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

“(a) ESTABLISHMENT OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the paid family and medical leave credit is an amount equal to the applicable percentage of the amount of wages paid to qualifying employees during any period in which such employees are on family and medical leave.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ‘applicable percentage’ means 12.5 percent increased (but not above 25 percent) by 0.25 percentage points for each percentage point by which the rate of payment (as described under subsection (c)(1)(B)) exceeds 50 percent.

“(b) LIMITATION.—

“(1) IN GENERAL.—The credit allowed under subsection (a) with respect to any employee for any taxable year shall not exceed an amount equal to the product of the normal hourly wage rate of such employee for each hour (or fraction thereof) of actual services performed for the employer and the number of hours (or fraction thereof) for which family and medical leave is taken.

“(2) NON-HOURLY WAGE RATE.—For purposes of paragraph (1), in the case of any employee who is not paid on an hourly wage rate, the wages of such employee shall be prorated to an hourly wage rate under regulations established by the Secretary.

“(3) MAXIMUM AMOUNT OF LEAVE SUBJECT TO CREDIT.—The amount of family and medical leave that may be taken into account with respect to any employee under subsection (a) for any taxable year shall not exceed 12 weeks.

“(c) ELIGIBLE EMPLOYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘eligible employer’ means any employer who has in place a written policy that meets the following requirements:

“(A) The policy provides—

“(i) in the case of a qualifying employee who is not a part-time employee (as defined in section 4980E(d)(4)(B)), not less than 2 weeks of annual paid family and medical leave, and

“(ii) in the case of a qualifying employee who is a part-time employee, an amount of annual paid family and medical leave that is not less than an amount which bears the same ratio to the amount of annual paid family and medical leave that is provided to a qualifying employee described in clause (i) as—

“(I) the number of hours the employee is expected to work during any week, bears to

“(II) the number of hours an equivalent qualifying employee described in clause (i) is expected to work during the week.

“(B) The policy requires that the rate of payment under the program is not less than 50 percent of the wages normally paid to such employee for services performed for the employer.

“(2) SPECIAL RULE FOR CERTAIN EMPLOYERS.—

“(A) IN GENERAL.—An added employer shall not be treated as an eligible employer unless

such employer provides paid family and medical leave in compliance with a written policy which ensures that the employer—

“(i) will not interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under the policy, and

“(ii) will not discharge or in any other manner discriminate against any individual for opposing any practice prohibited by the policy.

“(B) ADDED EMPLOYER; ADDED EMPLOYEE.—For purposes of this paragraph—

“(i) ADDED EMPLOYEE.—The term ‘added employee’ means a qualifying employee who is not covered by title I of the Family and Medical Leave Act of 1993, as amended.

“(ii) ADDED EMPLOYER.—The term ‘added employer’ means an eligible employer (determined without regard to this paragraph), whether or not covered by that title I, who offers paid family and medical leave to added employees.

“(3) AGGREGATION RULE.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

“(4) TREATMENT OF BENEFITS MANDATED OR PAID FOR BY STATE OR LOCAL GOVERNMENTS.—For purposes of this section, any leave which is paid by a State or local government or required by State or local law shall not be taken into account in determining the amount of paid family and medical leave provided by the employer.

“(5) NO INFERENCE.—Nothing in this subsection shall be construed as subjecting an employer to any penalty, liability, or other consequence (other than ineligibility for the credit allowed by reason of subsection (a) or recapturing the benefit of such credit) for failure to comply with the requirements of this subsection.

“(d) QUALIFYING EMPLOYEES.—For purposes of this section, the term ‘qualifying employee’ means any employee (as defined in section 3(e) of the Fair Labor Standards Act of 1938, as amended) who—

“(1) has been employed by the employer for 1 year or more, and

“(2) for the preceding year, had compensation not in excess of an amount equal to 60 percent of the amount applicable for such year under clause (i) of section 414(g)(1)(B).

“(e) FAMILY AND MEDICAL LEAVE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, the term ‘family and medical leave’ means leave for any 1 or more of the purposes described under subparagraph (A), (B), (C), (D), or (E) of paragraph (1), or paragraph (3), of section 102(a) of the Family and Medical Leave Act of 1993, as amended, whether the leave is provided under that Act or by a policy of the employer.

“(2) EXCLUSION.—If an employer provides paid leave as vacation leave, personal leave, or medical or sick leave (other than leave specifically for 1 or more of the purposes referred to in paragraph (1)), that paid leave shall not be considered to be family and medical leave under paragraph (1).

“(3) DEFINITIONS.—In this subsection, the terms ‘vacation leave’, ‘personal leave’, and ‘medical or sick leave’ mean those 3 types of leave, within the meaning of section 102(d)(2) of that Act.

“(f) DETERMINATIONS MADE BY SECRETARY OF TREASURY.—For purposes of this section, any determination as to whether an employer or an employee satisfies the applicable requirements for an eligible employer (as described in subsection (c)) or qualifying employee (as described in subsection (d)), respectively, shall be made by the Secretary based on such information, to be provided by the employer, as the Secretary determines to be necessary or appropriate.

“(g) WAGES.—For purposes of this section, the term ‘wages’ has the meaning given such term by subsection (b) of section 3306 (determined

without regard to any dollar limitation contained in such section). Such term shall not include any amount taken into account for purposes of determining any other credit allowed under this subpart.

“(h) ELECTION TO HAVE CREDIT NOT APPLY.—

“(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

“(2) OTHER RULES.—Rules similar to the rules of paragraphs (2) and (3) of section 51(j) shall apply for purposes of this subsection.

“(i) TERMINATION.—This section shall not apply to wages paid in taxable years beginning after December 31, 2019.”.

(b) CREDIT PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) in the case of an eligible employer (as defined in section 45S(c)), the paid family and medical leave credit determined under section 45S(a).”.

(c) CREDIT ALLOWED AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clauses (ix) through (xi) as clauses (x) through (xii), respectively, and by inserting after clause (viii) the following new clause:

“(ix) the credit determined under section 45S.”.

(d) CONFORMING AMENDMENTS.—

(1) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) is amended by inserting “45S(a),” after “45P(a).”.

(2) ELECTION TO HAVE CREDIT NOT APPLY.—Section 6501(m) is amended by inserting “45S(h),” after “45H(g).”.

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45S. Employer credit for paid family and medical leave.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid in taxable years beginning after December 31, 2017.

SEC. 13404. REPEAL OF TAX CREDIT BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by striking subparts H, I, and J (and by striking the items relating to such subparts in the table of subparts for such part).

(b) PAYMENTS TO ISSUERS.—Subchapter B of chapter 65 is amended by striking section 6431 (and by striking the item relating to such section in the table of sections for such subchapter).

(c) CONFORMING AMENDMENTS.—

(1) Part IV of subchapter U of chapter 1 is amended by striking section 1397E (and by striking the item relating to such section in the table of sections for such part).

(2) Section 54(l)(3)(B) is amended by inserting “(as in effect before its repeal by the Tax Cuts and Jobs Act)” after “section 1397E(I)”.

(3) Section 6211(b)(4)(A) is amended by striking “, and 6431” and inserting “and” before “36B”.

(4) Section 6401(b)(1) is amended by striking “G, H, I, and J” and inserting “and G”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2017.

PART VI—PROVISIONS RELATED TO SPECIFIC ENTITIES AND INDUSTRIES

Subpart A—Partnership Provisions

SEC. 13501. TREATMENT OF GAIN OR LOSS OF FOREIGN PERSONS FROM SALE OR EXCHANGE OF INTERESTS IN PARTNERSHIPS ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES.

(a) AMOUNT TREATED AS EFFECTIVELY CONNECTED.—

(1) IN GENERAL.—Section 864(c) is amended by adding at the end the following:

“(B) GAIN OR LOSS OF FOREIGN PERSONS FROM SALE OR EXCHANGE OF CERTAIN PARTNERSHIP INTERESTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, if a nonresident alien individual or foreign corporation owns, directly or indirectly, an interest in a partnership which is engaged in any trade or business within the United States, gain or loss on the sale or exchange of all (or any portion of) such interest shall be treated as effectively connected with the conduct of such trade or business to the extent such gain or loss does not exceed the amount determined under subparagraph (B).

“(B) AMOUNT TREATED AS EFFECTIVELY CONNECTED.—The amount determined under this subparagraph with respect to any partnership interest sold or exchanged—

“(i) in the case of any gain on the sale or exchange of the partnership interest, is—

“(I) the portion of the partner's distributive share of the amount of gain which would have been effectively connected with the conduct of a trade or business within the United States if the partnership had sold all of its assets at their fair market value as of the date of the sale or exchange of such interest, or

“(II) zero if no gain on such deemed sale would have been so effectively connected, and

“(ii) in the case of any loss on the sale or exchange of the partnership interest, is—

“(I) the portion of the partner's distributive share of the amount of loss on the deemed sale described in clause (i)(I) which would have been so effectively connected, or

“(II) zero if no loss on such deemed sale would have been so effectively connected. For purposes of this subparagraph, a partner's distributive share of gain or loss on the deemed sale shall be determined in the same manner as such partner's distributive share of the non-separately stated taxable income or loss of such partnership.

“(C) COORDINATION WITH UNITED STATES REAL PROPERTY INTERESTS.—If a partnership described in subparagraph (A) holds any United States real property interest (as defined in section 897(c)) at the time of the sale or exchange of the partnership interest, then the gain or loss treated as effectively connected income under subparagraph (A) shall be reduced by the amount so treated with respect to such United States real property interest under section 897.

“(D) SALE OR EXCHANGE.—For purposes of this paragraph, the term ‘sale or exchange’ means any sale, exchange, or other disposition.

“(E) SECRETARIAL AUTHORITY.—The Secretary shall prescribe such regulations or other guidance as the Secretary determines appropriate for the application of this paragraph, including with respect to exchanges described in section 332, 351, 354, 355, 356, or 361.”.

(2) CONFORMING AMENDMENTS.—Section 864(c)(1) is amended—

(A) by striking “and (7)” in subparagraph (A), and inserting “(7), and (8)”, and

(B) by striking “or (7)” in subparagraph (B), and inserting “(7), or (8)”.

(b) WITHHOLDING REQUIREMENTS.—Section 1446 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

“(f) SPECIAL RULES FOR WITHHOLDING ON DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) IN GENERAL.—Except as provided in this subsection, if any portion of the gain (if any) on any disposition of an interest in a partnership would be treated under section 864(c)(8) as effectively connected with the conduct of a trade or business within the United States, the transferee shall be required to deduct and withhold a tax equal to 10 percent of the amount realized on the disposition.

“(2) EXCEPTION IF NONFOREIGN AFFIDAVIT FURNISHED.—

“(A) IN GENERAL.—No person shall be required to deduct and withhold any amount under paragraph (1) with respect to any disposition if the transferor furnishes to the transferee an affidavit by the transferor stating, under penalty of perjury, the transferor's United States taxpayer identification number and that the transferor is not a foreign person.

“(B) FALSE AFFIDAVIT.—Subparagraph (A) shall not apply to any disposition if—

“(i) the transferee has actual knowledge that the affidavit is false, or the transferee receives a notice (as described in section 1445(d)) from a transferor's agent or transferee's agent that such affidavit or statement is false, or

“(ii) the Secretary by regulations requires the transferee to furnish a copy of such affidavit or statement to the Secretary and the transferee fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.

“(C) RULES FOR AGENTS.—The rules of section 1445(d) shall apply to a transferor's agent or transferee's agent with respect to any affidavit described in subparagraph (A) in the same manner as such rules apply with respect to the disposition of a United States real property interest under such section.

“(3) AUTHORITY OF SECRETARY TO PRESCRIBE REDUCED AMOUNT.—At the request of the transferor or transferee, the Secretary may prescribe a reduced amount to be withheld under this section if the Secretary determines that to substitute such reduced amount will not jeopardize the collection of the tax imposed under this title with respect to gain treated under section 864(c)(8) as effectively connected with the conduct of a trade or business within the United States.

“(4) PARTNERSHIP TO WITHHOLD AMOUNTS NOT WITHHELD BY THE TRANSFEE.—If a transferee fails to withhold any amount required to be withheld under paragraph (1), the partnership shall be required to deduct and withhold from distributions to the transferee a tax in an amount equal to the amount the transferee failed to withhold (plus interest under this title on such amount).

“(5) DEFINITIONS.—Any term used in this subsection which is also used under section 1445 shall have the same meaning as when used in such section.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this subsection, including regulations providing for exceptions from the provisions of this subsection.”.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to sales, exchanges, and dispositions on or after November 27, 2017.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to sales, exchanges, and dispositions after December 31, 2017.

SEC. 13502. MODIFY DEFINITION OF SUBSTANTIAL BUILT-IN LOSS IN THE CASE OF TRANSFER OF PARTNERSHIP INTEREST.

(a) IN GENERAL.—Paragraph (1) of section 743(d) is to read as follows:

“(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in the partnership if—

“(A) the partnership's adjusted basis in the partnership property exceeds by more than \$250,000 the fair market value of such property, or

“(B) the transferee partner would be allocated a loss of more than \$250,000 if the partnership assets were sold for cash equal to their fair market value immediately after such transfer.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of partnership interests after December 31, 2017.

SEC. 13503. CHARITABLE CONTRIBUTIONS AND FOREIGN TAXES TAKEN INTO ACCOUNT IN DETERMINING LIMITATION ON ALLOWANCE OF PARTNER'S SHARE OF LOSS.

(a) IN GENERAL.—Subsection (d) of section 704 is amended—

(1) by striking “A partner's distributive share” and inserting the following:

“(1) IN GENERAL.—A partner's distributive share”.

(2) by striking “Any excess of such loss” and inserting the following:

“(2) CARRYOVER.—Any excess of such loss”, and

(3) by adding at the end the following new paragraph:

“(3) SPECIAL RULES.—

“(A) IN GENERAL.—In determining the amount of any loss under paragraph (1), there shall be taken into account the partner's distributive share of amounts described in paragraphs (4) and (6) of section 702(a).

“(B) EXCEPTION.—In the case of a charitable contribution of property whose fair market value exceeds its adjusted basis, subparagraph (A) shall not apply to the extent of the partner's distributive share of such excess.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 2017.

SEC. 13504. REPEAL OF TECHNICAL TERMINATION OF PARTNERSHIPS.

(a) IN GENERAL.—Paragraph (1) of section 708(b) is amended—

(1) by striking “, or” at the end of subparagraph (A) and all that follows and inserting a period, and

(2) by striking “only if—” and all that follows through “no part of any business” and inserting the following: “only if no part of any business”.

(b) CONFORMING AMENDMENT.—

(1) Section 168(i)(7)(B) is amended by striking the second sentence.

(2) Section 743(e) is amended by striking paragraph (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 2017.

Subpart B—Insurance Reforms

SEC. 13511. NET OPERATING LOSSES OF LIFE INSURANCE COMPANIES.

(a) IN GENERAL.—Section 805(b) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) CONFORMING AMENDMENTS.—

(1) Part I of subchapter L of chapter 1 is amended by striking section 810 (and by striking the item relating to such section in the table of sections for such part).

(2)(A) Part III of subchapter L of chapter 1 is amended by striking section 844 (and by striking the item relating to such section in the table of sections for such part).

(B) Section 831(b)(3) is amended by striking “except as provided in section 844.”

(3) Section 381 is amended by striking subsection (d).

(4) Section 805(a)(4)(B)(ii) is amended to read as follows:

“(ii) the deduction allowed under section 172.”.

(5) Section 805(a) is amended by striking paragraph (5).

(6) Section 805(b)(2)(A)(iv) is amended to read as follows:

“(iv) any net operating loss carryback to the taxable year under section 172, and”.

(7) Section 953(b)(1)(B) is amended to read as follows:

“(B) So much of section 805(a)(8) as relates to the deduction allowed under section 172.”.

(8) Section 1351(i)(3) is amended by striking “or the operations loss deduction under section 810.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2017.

SEC. 13512. REPEAL OF SMALL LIFE INSURANCE COMPANY DEDUCTION.

(a) **IN GENERAL.**—Part I of subchapter L of chapter 1 is amended by striking section 806 (and by striking the item relating to such section in the table of sections for such part).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 453B(e) is amended—

(A) by striking “(as defined in section 806(b)(3))” in paragraph (2)(B), and

(B) by adding at the end the following new paragraph:

“(3) **NONINSURANCE BUSINESS.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the term ‘noninsurance business’ means any activity which is not an insurance business.

“(B) **CERTAIN ACTIVITIES TREATED AS INSURANCE BUSINESSES.**—For purposes of subparagraph (A), any activity which is not an insurance business shall be treated as an insurance business if—

“(i) it is of a type traditionally carried on by life insurance companies for investment purposes, but only if the carrying on of such activity (other than in the case of real estate) does not constitute the active conduct of a trade or business, or

“(ii) it involves the performance of administrative services in connection with plans providing life insurance, pension, or accident and health benefits.”.

(2) Section 465(c)(7)(D)(v)(II) is amended by striking “section 806(b)(3)” and inserting “section 453B(e)(3)”.

(3) Section 801(a)(2) is amended by striking subparagraph (C).

(4) Section 804 is amended by striking “means—” and all that follows and inserting “means the general deductions provided in section 805.”.

(5) Section 805(a)(4)(B), as amended by this Act, is amended by striking clause (i) and by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(6) Section 805(b)(2)(A), as amended by this Act, is amended by striking clause (iii) and by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively.

(7) Section 842(c) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(8) Section 953(b)(1), as amended by section 13511, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13513. ADJUSTMENT FOR CHANGE IN COMPUTING RESERVES.

(a) **IN GENERAL.**—Paragraph (1) of section 807(f) is amended to read as follows:

“(1) **TREATMENT AS CHANGE IN METHOD OF ACCOUNTING.**—If the basis for determining any item referred to in subsection (c) as of the close of any taxable year differs from the basis for such determination as of the close of the preceding taxable year, then so much of the difference between—

“(A) the amount of the item at the close of the taxable year, computed on the new basis, and

“(B) the amount of the item at the close of the taxable year, computed on the old basis, as is attributable to contracts issued before the taxable year shall be taken into account under section 481 as adjustments attributable to a

change in method of accounting initiated by the taxpayer and made with the consent of the Secretary.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13514. REPEAL OF SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS FROM PRE-1984 POLICYHOLDERS SURPLUS ACCOUNT.

(a) **IN GENERAL.**—Subpart D of part I of subchapter L is amended by striking section 815 (and by striking the item relating to such section in the table of sections for such subpart).

(b) **CONFORMING AMENDMENT.**—Section 801 is amended by striking subsection (c).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) **PHASED INCLUSION OF REMAINING BALANCE OF POLICYHOLDERS SURPLUS ACCOUNTS.**—In the case of any stock life insurance company which has a balance (determined as of the close of such company’s last taxable year beginning before January 1, 2018) in an existing policyholders surplus account (as defined in section 815 of the Internal Revenue Code of 1986, as in effect before its repeal), the tax imposed by section 801 of such Code for the first 8 taxable years beginning after December 31, 2017, shall be the amount which would be imposed by such section for such year on the sum of—

(1) life insurance company taxable income for such year (within the meaning of such section 801 but not less than zero), plus

(2) $\frac{1}{5}$ of such balance.

SEC. 13515. MODIFICATION OF PRORATION RULES FOR PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) **IN GENERAL.**—Section 832(b)(5)(B) is amended—

(1) by striking “15 percent” and inserting “the applicable percentage”, and

(2) by inserting at the end the following new sentence: “For purposes of this subparagraph, the applicable percentage is 5.25 percent divided by the highest rate in effect under section 11(b).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13516. REPEAL OF SPECIAL ESTIMATED TAX PAYMENTS.

(a) **IN GENERAL.**—Part III of subchapter L of chapter 1 is amended by striking section 847 (and by striking the item relating to such section in the table of sections for such part).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13517. COMPUTATION OF LIFE INSURANCE TAX RESERVES.

(a) **IN GENERAL.**—

(1) **APPROPRIATE RATE OF INTEREST.**—The second sentence of section 807(c) is amended to read as follows: “For purposes of paragraph (3), the appropriate rate of interest is the highest rate or rates permitted to be used to discount the obligations by the National Association of Insurance Commissioners as of the date the reserve is determined.”.

(2) **METHOD OF COMPUTING RESERVES.**—Section 807(d) is amended—

(A) by striking paragraphs (1), (2), (4), and (5),

(B) by redesignating paragraph (6) as paragraph (4),

(C) by inserting before paragraph (3) the following new paragraphs:

“(1) **DETERMINATION OF RESERVE.**—

“(A) **IN GENERAL.**—For purposes of this part (other than section 816), the amount of the life insurance reserves for any contract (other than a contract to which subparagraph (B) applies) shall be the greater of—

“(i) the net surrender value of such contract, or

“(ii) 92.81 percent of the reserve determined under paragraph (2).

“(B) **VARIABLE CONTRACTS.**—For purposes of this part (other than section 816), the amount of the life insurance reserves for a variable contract shall be equal to the sum of—

“(i) the greater of—

“(I) the net surrender value of such contract, or

“(II) the portion of the reserve that is separately accounted for under section 817, plus

“(ii) 92.81 percent of the excess (if any) of the reserve determined under paragraph (2) over the amount in clause (i).

“(C) **STATUTORY CAP.**—In no event shall the reserves determined under subparagraphs (A) or (B) for any contract as of any time exceed the amount which would be taken into account with respect to such contract as of such time in determining statutory reserves (as defined in paragraph (4)).

“(D) **NO DOUBLE COUNTING.**—In no event shall any amount or item be taken into account more than once in determining any reserve under this subchapter.

“(2) **AMOUNT OF RESERVE.**—The amount of the reserve determined under this paragraph with respect to any contract shall be determined by using the tax reserve method applicable to such contract.”.

(D) by striking “(other than a qualified long-term care insurance contract, as defined in section 7702B(b)), a 2-year full preliminary term method” in paragraph (3)(A)(iii) and inserting “, the reserve method prescribed by the National Association of Insurance Commissioners which covers such contract as of the date the reserve is determined”.

(E) by striking “(as of the date of issuance)” in paragraph (3)(A)(iv)(I) and inserting “(as of the date the reserve is determined)”.

(F) by striking “as of the date of the issuance of” in paragraph (3)(A)(iv)(II) and inserting “as of the date the reserve is determined for”.

(G) by striking “in effect on the date of the issuance of the contract” in paragraph (3)(B)(i) and inserting “applicable to the contract and in effect as of the date the reserve is determined”.

(H) by striking “in effect on the date of the issuance of the contract” in paragraph (3)(B)(ii) and inserting “applicable to the contract and in effect as of the date the reserve is determined”.

(3) **SPECIAL RULES.**—Section 807(e) is amended—

(A) by striking paragraphs (2) and (5),

(B) by redesignating paragraphs (3), (4), (6), and (7) as paragraphs (2), (3), (4), and (5), respectively,

(C) by amending paragraph (2) (as so redesignated) to read as follows:

“(2) **QUALIFIED SUPPLEMENTAL BENEFITS.**—

“(A) **QUALIFIED SUPPLEMENTAL BENEFITS TREATED SEPARATELY.**—For purposes of this part, the amount of the life insurance reserve for any qualified supplemental benefit shall be computed separately as though such benefit were under a separate contract.

“(B) **QUALIFIED SUPPLEMENTAL BENEFIT.**—For purposes of this paragraph, the term ‘qualified supplemental benefit’ means any supplemental benefit described in subparagraph (C) if—

“(i) there is a separately identified premium or charge for such benefit, and

“(ii) any net surrender value under the contract attributable to any other benefit is not available to fund such benefit.

“(C) **SUPPLEMENTAL BENEFITS.**—For purposes of this paragraph, the supplemental benefits described in this subparagraph are any—

“(i) guaranteed insurability,

“(ii) accidental death or disability benefit,

“(iii) convertibility,
 “(iv) disability waiver benefit, or
 “(v) other benefit prescribed by regulations, which is supplemental to a contract for which there is a reserve described in subsection (c).”, and

(D) by adding at the end the following new paragraph:

“(6) REPORTING RULES.—The Secretary shall require reporting (at such time and in such manner as the Secretary shall prescribe) with respect to the opening balance and closing balance of reserves and with respect to the method of computing reserves for purposes of determining income.”.

(4) DEFINITION OF LIFE INSURANCE CONTRACT.—Section 7702 is amended—

(A) by striking clause (i) of subsection (c)(3)(B) and inserting the following:

“(i) reasonable mortality charges which meet the requirements prescribed in regulations to be promulgated by the Secretary or that do not exceed the mortality charges specified in the prevailing commissioners’ standard tables as defined in subsection (f)(10),” and

(B) by adding at the end of subsection (f) the following new paragraph:

“(10) PREVAILING COMMISSIONERS’ STANDARD TABLES.—For purposes of subsection (c)(3)(B)(i), the term ‘prevailing commissioners’ standard tables’ means the most recent commissioners’ standard tables prescribed by the National Association of Insurance Commissioners which are permitted to be used in computing reserves for that type of contract under the insurance laws of at least 26 States when the contract was issued. If the prevailing commissioners’ standard tables as of the beginning of any calendar year (hereinafter in this paragraph referred to as the ‘year of change’) are different from the prevailing commissioners’ standard tables as of the beginning of the preceding calendar year, the issuer may use the prevailing commissioners’ standard tables as of the beginning of the preceding calendar year with respect to any contract issued after the change and before the close of the 3-year period beginning on the first day of the year of change.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 808 is amended by adding at the end the following new subsection:

“(g) PREVAILING STATE ASSUMED INTEREST RATE.—For purposes of this subchapter—

“(1) IN GENERAL.—The term ‘prevailing State assumed interest rate’ means, with respect to any contract, the highest assumed interest rate permitted to be used in computing life insurance reserves for insurance contracts or annuity contracts (as the case may be) under the insurance laws of at least 26 States. For purposes of the preceding sentence, the effect of nonforfeiture laws of a State on interest rates for reserves shall not be taken into account.

“(2) WHEN RATE DETERMINED.—The prevailing State assumed interest rate with respect to any contract shall be determined as of the beginning of the calendar year in which the contract was issued.”.

(2) Paragraph (1) of section 811(d) is amended by striking “the greater of the prevailing State assumed interest rate or applicable Federal interest rate in effect under section 807” and inserting “the interest rate in effect under section 808(g)”.

(3) Subparagraph (A) of section 846(f)(6) is amended by striking “except that” and all that follows and inserting “except that the limitation of subsection (a)(3) shall apply, and”.

(4) Section 848(e)(1)(B)(iii) is amended by striking “807(e)(4)” and inserting “807(e)(3)”.

(5) Subparagraph (B) of section 954(i)(5) is amended by striking “shall be substituted for the prevailing State assumed interest rate,” and inserting “shall apply,”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) TRANSITION RULE.—For the first taxable year beginning after December 31, 2017, the reserve with respect to any contract (as determined under section 807(d) of the Internal Revenue Code of 1986) at the end of the preceding taxable year shall be determined as if the amendments made by this section had applied to such reserve in such preceding taxable year.

(3) TRANSITION RELIEF.—

(A) IN GENERAL.—If—

(i) the reserve determined under section 807(d) of the Internal Revenue Code of 1986 (determined after application of paragraph (2)) with respect to any contract as of the close of the year preceding the first taxable year beginning after December 31, 2017, differs from

(ii) the reserve which would have been determined with respect to such contract as of the close of such taxable year under such section determined without regard to paragraph (2), then the difference between the amount of the reserve described in clause (i) and the amount of the reserve described in clause (ii) shall be taken into account under the method provided in subparagraph (B).

(B) METHOD.—The method provided in this subparagraph is as follows:

(i) If the amount determined under subparagraph (A)(i) exceeds the amount determined under subparagraph (A)(ii), 1/8 of such excess shall be taken into account, for each of the 8 succeeding taxable years, as a deduction under section 805(a)(2) or 832(c)(4) of such Code, as applicable.

(ii) If the amount determined under subparagraph (A)(ii) exceeds the amount determined under subparagraph (A)(i), 1/8 of such excess shall be included in gross income, for each of the 8 succeeding taxable years, under section 803(a)(2) or 832(b)(1)(C) of such Code, as applicable.

SEC. 13518. MODIFICATION OF RULES FOR LIFE INSURANCE PRORATION FOR PURPOSES OF DETERMINING THE DIVIDENDS RECEIVED DEDUCTION.

(a) IN GENERAL.—Section 812 is amended to read as follows:

“SEC. 812. DEFINITION OF COMPANY’S SHARE AND POLICYHOLDER’S SHARE.

“(a) COMPANY’S SHARE.—For purposes of section 805(a)(4), the term ‘company’s share’ means, with respect to any taxable year beginning after December 31, 2017, 70 percent.

“(b) POLICYHOLDER’S SHARE.—For purposes of section 807, the term ‘policyholder’s share’ means, with respect to any taxable year beginning after December 31, 2017, 30 percent.”.

(b) CONFORMING AMENDMENT.—Section 817A(e)(2) is amended by striking “, 807(d)(2)(B), and 812” and inserting “and 807(d)(2)(B)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13519. CAPITALIZATION OF CERTAIN POLICY ACQUISITION EXPENSES.

(a) IN GENERAL.—

(1) Section 848(a)(2) is amended by striking “120-month” and inserting “180-month”.

(2) Section 848(c)(1) is amended by striking “1.75 percent” and inserting “2.09 percent”.

(3) Section 848(c)(2) is amended by striking “2.05 percent” and inserting “2.45 percent”.

(4) Section 848(c)(3) is amended by striking “7.7 percent” and inserting “9.2 percent”.

(b) CONFORMING AMENDMENTS.—Section 848(b)(1) is amended by striking “120-month” and inserting “180-month”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to net premiums for taxable years beginning after December 31, 2017.

(2) TRANSITION RULE.—Specified policy acquisition expenses first required to be capitalized in a taxable year beginning before January 1, 2018, will continue to be allowed as a deduction ratably over the 120-month period beginning with the first month in the second half of such taxable year.

SEC. 13520. TAX REPORTING FOR LIFE SETTLEMENT TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by section 13306, is amended by adding at the end the following new section:

“SEC. 6050Y. RETURNS RELATING TO CERTAIN LIFE INSURANCE CONTRACT TRANSACTIONS.

“(a) REQUIREMENT OF REPORTING OF CERTAIN PAYMENTS.—

“(1) IN GENERAL.—Every person who acquires a life insurance contract or any interest in a life insurance contract in a reportable policy sale during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of such person,

“(B) the name, address, and TIN of each recipient of payment in the reportable policy sale,

“(C) the date of such sale,

“(D) the name of the issuer of the life insurance contract sold and the policy number of such contract, and

“(E) the amount of each payment.

“(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to such person, except that in the case of an issuer of a life insurance contract, such statement is not required to include the information specified in paragraph (1)(E).

“(b) REQUIREMENT OF REPORTING OF SELLER’S BASIS IN LIFE INSURANCE CONTRACTS.—

“(1) IN GENERAL.—Upon receipt of the statement required under subsection (a)(2) or upon notice of a transfer of a life insurance contract to a foreign person, each issuer of a life insurance contract shall make a return (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of the seller who transfers any interest in such contract in such sale,

“(B) the investment in the contract (as defined in section 72(e)(6)) with respect to such seller, and

“(C) the policy number of such contract.

“(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to each seller whose name is required to be set forth in such return.

“(c) REQUIREMENT OF REPORTING WITH RESPECT TO REPORTABLE DEATH BENEFITS.—

“(1) IN GENERAL.—Every person who makes a payment of reportable death benefits during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of the person making such payment,

“(B) the name, address, and TIN of each recipient of such payment,

“(C) the date of each such payment,

“(D) the gross amount of each such payment, and

“(E) such person’s estimate of the investment in the contract (as defined in section 72(e)(6)) with respect to the buyer.

“(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to each recipient of payment whose name is required to be set forth in such return.

“(d) DEFINITIONS.—For purposes of this section:

“(1) PAYMENT.—The term ‘payment’ means, with respect to any reportable policy sale, the amount of cash and the fair market value of any consideration transferred in the sale.

“(2) REPORTABLE POLICY SALE.—The term ‘reportable policy sale’ has the meaning given such term in section 101(a)(3)(B).

“(3) ISSUER.—The term ‘issuer’ means any life insurance company that bears the risk with respect to a life insurance contract on the date any return or statement is required to be made under this section.

“(4) REPORTABLE DEATH BENEFITS.—The term ‘reportable death benefits’ means amounts paid by reason of the death of the insured under a life insurance contract that has been transferred in a reportable policy sale.”

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by section 13306, is amended by inserting after the item relating to section 6050X the following new item:

“Sec. 6050Y. Returns relating to certain life insurance contract transactions.”

(c) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 6724 is amended—

(A) by striking “or” at the end of clause (xxiv) of paragraph (1)(B), by striking “and” at the end of clause (xxv) of such paragraph and inserting “or”, and by inserting after such clause (xxv) the following new clause:

“(xxvi) section 6050Y (relating to returns relating to certain life insurance contract transactions), and”, and

(B) by striking “or” at the end of subparagraph (HH) of paragraph (2), by striking the period at the end of subparagraph (II) of such paragraph and inserting “, or”, and by inserting after such subparagraph (II) the following new subparagraph:

“(JJ) subsection (a)(2), (b)(2), or (c)(2) of section 6050Y (relating to returns relating to certain life insurance contract transactions).”

(2) Section 6047 is amended—

(A) by redesignating subsection (g) as subsection (h),

(B) by inserting after subsection (f) the following new subsection:

“(g) INFORMATION RELATING TO LIFE INSURANCE CONTRACT TRANSACTIONS.—This section shall not apply to any information which is required to be reported under section 6050Y.”, and

(C) by adding at the end of subsection (h), as so redesignated, the following new paragraph:

“(4) For provisions requiring reporting of information relating to certain life insurance contract transactions, see section 6050Y.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) reportable policy sales (as defined in section 6050Y(d)(2) of the Internal Revenue Code of 1986 (as added by subsection (a)) after December 31, 2017, and

(2) reportable death benefits (as defined in section 6050Y(d)(4) of such Code (as added by subsection (a)) paid after December 31, 2017.

SEC. 13521. CLARIFICATION OF TAX BASIS OF LIFE INSURANCE CONTRACTS.

(a) CLARIFICATION WITH RESPECT TO ADJUSTMENTS.—Paragraph (1) of section 1016(a) is amended by striking subparagraph (A) and all that follows and inserting the following:

“(A) for—

“(i) taxes or other carrying charges described in section 266; or

“(ii) expenditures described in section 173 (relating to circulation expenditures),

for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years; or

“(B) for mortality, expense, or other reasonable charges incurred under an annuity or life insurance contract;.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions entered into after August 25, 2009.

SEC. 13522. EXCEPTION TO TRANSFER FOR VALUABLE CONSIDERATION RULES.

(a) IN GENERAL.—Subsection (a) of section 101 is amended by inserting after paragraph (2) the following new paragraph:

“(3) EXCEPTION TO VALUABLE CONSIDERATION RULES FOR COMMERCIAL TRANSFERS.—

“(A) IN GENERAL.—The second sentence of paragraph (2) shall not apply in the case of a transfer of a life insurance contract, or any interest therein, which is a reportable policy sale.

“(B) REPORTABLE POLICY SALE.—For purposes of this paragraph, the term ‘reportable policy sale’ means the acquisition of an interest in a life insurance contract, directly or indirectly, if the acquirer has no substantial family, business, or financial relationship with the insured apart from the acquirer’s interest in such life insurance contract. For purposes of the preceding sentence, the term ‘indirectly’ applies to the acquisition of an interest in a partnership, trust, or other entity that holds an interest in the life insurance contract.”

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 101(a) is amended by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after December 31, 2017.

SEC. 13523. MODIFICATION OF DISCOUNTING RULES FOR PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) MODIFICATION OF RATE OF INTEREST USED TO DISCOUNT UNPAID LOSSES.—Paragraph (2) of section 846(c) is amended to read as follows:

“(2) DETERMINATION OF ANNUAL RATE.—The annual rate determined by the Secretary under this paragraph for any calendar year shall be a rate determined on the basis of the corporate bond yield curve (as defined in section 430(h)(2)(D)(i), determined by substituting ‘60-month period’ for ‘24-month period’ therein).”

(b) MODIFICATION OF COMPUTATIONAL RULES FOR LOSS PAYMENT PATTERNS.—Section 846(d)(3) is amended by striking subparagraphs (B) through (G) and inserting the following new subparagraph:

“(B) TREATMENT OF CERTAIN LOSSES.—

“(i) 3-YEAR LOSS PAYMENT PATTERN.—In the case of any line of business not described in subparagraph (A)(ii), losses paid after the 1st year following the accident year shall be treated as paid equally in the 2nd and 3rd year following the accident year.

“(ii) 10-YEAR LOSS PAYMENT PATTERN.—

“(I) IN GENERAL.—The period taken into account under subparagraph (A)(ii) shall be ex-

tended to the extent required under subclause (II).

“(II) COMPUTATION OF EXTENSION.—The amount of losses which would have been treated as paid in the 10th year after the accident year shall be treated as paid in such 10th year and each subsequent year in an amount equal to the amount of the average of the losses treated as paid in the 7th, 8th, and 9th years after the accident year (or, if lesser, the portion of the unpaid losses not theretofore taken into account). To the extent such unpaid losses have not been treated as paid before the 24th year after the accident year, they shall be treated as paid in such 24th year.”

(c) REPEAL OF HISTORICAL PAYMENT PATTERN ELECTION.—Section 846, as amended by this Act, is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(e) TRANSITIONAL RULE.—For the first taxable year beginning after December 31, 2017—

(1) the unpaid losses and the expenses unpaid (as defined in paragraphs (5)(B) and (6) of section 832(b) of the Internal Revenue Code of 1986) at the end of the preceding taxable year, and

(2) the unpaid losses as defined in sections 807(c)(2) and 805(a)(1) of such Code at the end of the preceding taxable year, shall be determined as if the amendments made by this section had applied to such unpaid losses and expenses unpaid in the preceding taxable year and by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018, and any adjustment shall be taken into account ratably in such first taxable year and the 7 succeeding taxable years. For subsequent taxable years, such amendments shall be applied with respect to such unpaid losses and expenses unpaid by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018.

Subpart C—Banks and Financial Instruments

SEC. 13531. LIMITATION ON DEDUCTION FOR FDIC PREMIUMS.

(a) IN GENERAL.—Section 162, as amended by sections 13307, is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

“(r) DISALLOWANCE OF FDIC PREMIUMS PAID BY CERTAIN LARGE FINANCIAL INSTITUTIONS.—

“(1) IN GENERAL.—No deduction shall be allowed for the applicable percentage of any FDIC premium paid or incurred by the taxpayer.

“(2) EXCEPTION FOR SMALL INSTITUTIONS.—Paragraph (1) shall not apply to any taxpayer for any taxable year if the total consolidated assets of such taxpayer (determined as of the close of such taxable year) do not exceed \$10,000,000,000.

“(3) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means, with respect to any taxpayer for any taxable year, the ratio (expressed as a percentage but not greater than 100 percent) which—

“(A) the excess of—

“(i) the total consolidated assets of such taxpayer (determined as of the close of such taxable year), over

“(ii) \$10,000,000,000, bears to

“(B) \$40,000,000,000.

“(4) FDIC PREMIUMS.—For purposes of this subsection, the term ‘FDIC premium’ means any assessment imposed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)).

“(5) TOTAL CONSOLIDATED ASSETS.—For purposes of this subsection, the term ‘total consolidated assets’ has the meaning given such term

under section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5365).

“(6) AGGREGATION RULE.—

“(A) IN GENERAL.—Members of an expanded affiliated group shall be treated as a single taxpayer for purposes of applying this subsection.

“(B) EXPANDED AFFILIATED GROUP.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(I) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(II) without regard to paragraphs (2) and (3) of section 1504(b).

“(ii) CONTROL OF NON-CORPORATE ENTITIES.—A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this clause).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13532. REPEAL OF ADVANCE REFUNDING BONDS.

(a) IN GENERAL.—Paragraph (1) of section 149(d) is amended by striking “as part of an issue described in paragraph (2), (3), or (4).” and inserting “to advance refund another bond.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 149(d) is amended by striking paragraphs (2), (3), (4), and (6) and by redesignating paragraphs (5) and (7) as paragraphs (2) and (3).

(2) Section 148(f)(4)(C) is amended by striking clause (xiv) and by redesignating clauses (xv) to (xvii) as clauses (xiv) to (xvi).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to advance refunding bonds issued after December 31, 2017.

Subpart D—S Corporations

SEC. 13541. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK-THROUGH FOR ELIGIBILITY PURPOSES.—Section 1361(c)(2)(B)(v) is amended by adding at the end the following new sentence: “This clause shall not apply for purposes of subsection (b)(1)(C).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2018.

SEC. 13542. CHARITABLE CONTRIBUTION DEDUCTION FOR ELECTING SMALL BUSINESS TRUSTS.

(a) IN GENERAL.—Section 641(c)(2) is amended by inserting after subparagraph (D) the following new subparagraph:

“(E)(i) Section 642(c) shall not apply.

“(ii) For purposes of section 170(b)(1)(G), adjusted gross income shall be computed in the same manner as in the case of an individual, except that the deductions for costs which are paid or incurred in connection with the administration of the trust and which would not have been incurred if the property were not held in such trust shall be treated as allowable in arriving at adjusted gross income.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13543. MODIFICATION OF TREATMENT OF S CORPORATION CONVERSIONS TO C CORPORATIONS.

(a) ADJUSTMENTS ATTRIBUTABLE TO CONVERSION FROM S CORPORATION TO C CORPORATION.—Section 481 is amended by adding at the end the following new subsection:

“(d) ADJUSTMENTS ATTRIBUTABLE TO CONVERSION FROM S CORPORATION TO C CORPORATION.—

“(1) IN GENERAL.—In the case of an eligible terminated S corporation, any adjustment required by subsection (a)(2) which is attributable to such corporation’s revocation described in paragraph (2)(A)(ii) shall be taken into account ratably during the 6-taxable year period beginning with the year of change.

“(2) ELIGIBLE TERMINATED S CORPORATION.—For purposes of this subsection, the term ‘eligible terminated S corporation’ means any C corporation—

“(A) which—

“(i) was an S corporation on the day before the date of the enactment of the Tax Cuts and Jobs Act, and

“(ii) during the 2-year period beginning on the date of such enactment makes a revocation of its election under section 1362(a), and

“(B) the owners of the stock of which, determined on the date such revocation is made, are the same owners (and in identical proportions) as on the date of such enactment.”.

(b) CASH DISTRIBUTIONS FOLLOWING POST-TERMINATION TRANSITION PERIOD FROM S CORPORATION STATUS.—Section 1371 is amended by adding at the end the following new subsection:

“(f) CASH DISTRIBUTIONS FOLLOWING POST-TERMINATION TRANSITION PERIOD.—In the case of a distribution of money by an eligible terminated S corporation (as defined in section 481(d)) after the post-termination transition period, the accumulated adjustments account shall be allocated to such distribution, and the distribution shall be chargeable to accumulated earnings and profits, in the same ratio as the amount of such accumulated adjustments account bears to the amount of such accumulated earnings and profits.”.

PART VII—EMPLOYMENT

Subpart A—Compensation

SEC. 13601. MODIFICATION OF LIMITATION ON EXCESSIVE EMPLOYEE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE EMPLOYEE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (B), (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (5)(E) and (6)(D) of section 162(m) are each amended by striking “subparagraphs (B), (C), and (D)” and inserting “subparagraph (B)”.

(B) Paragraphs (5)(G) and (6)(G) of section 162(m) are each amended by striking “(F) and (G)” and inserting “(D) and (E)”.

(b) MODIFICATION OF DEFINITION OF COVERED EMPLOYEES.—Paragraph (3) of section 162(m) is amended—

(1) in subparagraph (A), by striking “as of the close of the taxable year, such employee is the chief executive officer of the taxpayer or is” and inserting “such employee is the principal executive officer or principal financial officer of the taxpayer at any time during the taxable year, or was”;

(2) in subparagraph (B)—

(A) by striking “4” and inserting “3”, and

(B) by striking “(other than the chief executive officer)” and inserting “(other than any individual described in subparagraph (A))”, and

(3) by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, or”, and by adding at the end the following:

“(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2016.”.

(c) EXPANSION OF APPLICABLE EMPLOYER.—

(1) IN GENERAL.—Section 162(m)(2) is amended to read as follows:

“(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term ‘publicly held corporation’ means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

“(A) the securities of which are required to be registered under section 12 of such Act (15 U.S.C. 78l), or

“(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).”.

(2) CONFORMING AMENDMENT.—Section 162(m)(3), as amended by subsection (b), is amended by adding at the end the following flush sentence:

“Such term shall include any employee who would be described in subparagraph (B) if the reporting described in such subparagraph were required as so described.”.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered employee, including after the death of the covered employee.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) EXCEPTION FOR BINDING CONTRACTS.—The amendments made by this section shall not apply to remuneration which is provided pursuant to a written binding contract which was in effect on November 2, 2017, and which was not modified in any material respect on or after such date.

SEC. 13602. EXCISE TAX ON EXCESS TAX-EXEMPT ORGANIZATION EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Subchapter D of chapter 42 is amended by adding at the end the following new section:

“SEC. 4960. TAX ON EXCESS TAX-EXEMPT ORGANIZATION EXECUTIVE COMPENSATION.

“(a) TAX IMPOSED.—There is hereby imposed a tax equal to the product of the rate of tax under section 11 and the sum of—

“(1) so much of the remuneration paid (other than any excess parachute payment) by an applicable tax-exempt organization for the taxable year with respect to employment of any covered employee in excess of \$1,000,000, plus

“(2) any excess parachute payment paid by such an organization to any covered employee. For purposes of the preceding sentence, remuneration shall be treated as paid when there is no substantial risk of forfeiture (within the meaning of section 457(f)(3)(B)) of the rights to such remuneration.

“(b) LIABILITY FOR TAX.—The employer shall be liable for the tax imposed under subsection (a).

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) APPLICABLE TAX-EXEMPT ORGANIZATION.—The term ‘applicable tax-exempt organization’ means any organization which for the taxable year—

“(A) is exempt from taxation under section 501(a),

“(B) is a farmers’ cooperative organization described in section 521(b)(1),

“(C) has income excluded from taxation under section 115(I), or

“(D) is a political organization described in section 527(e)(1).

“(2) COVERED EMPLOYEE.—For purposes of this section, the term ‘covered employee’ means

any employee (including any former employee) of an applicable tax-exempt organization if the employee—

“(A) is one of the 5 highest compensated employees of the organization for the taxable year, or

“(B) was a covered employee of the organization (or any predecessor) for any preceding taxable year beginning after December 31, 2016.

“(3) REMUNERATION.—For purposes of this section:

“(A) IN GENERAL.—The term ‘remuneration’ means wages (as defined in section 3401(a)), except that such term shall not include any designated Roth contribution (as defined in section 402A(c)) and shall include amounts required to be included in gross income under section 457(f).

“(B) EXCEPTION FOR REMUNERATION FOR MEDICAL SERVICES.—The term ‘remuneration’ shall not include the portion of any remuneration paid to a licensed medical professional (including a veterinarian) which is for the performance of medical or veterinary services by such professional.

“(4) REMUNERATION FROM RELATED ORGANIZATIONS.—

“(A) IN GENERAL.—Remuneration of a covered employee by an applicable tax-exempt organization shall include any remuneration paid with respect to employment of such employee by any related person or governmental entity.

“(B) RELATED ORGANIZATIONS.—A person or governmental entity shall be treated as related to an applicable tax-exempt organization if such person or governmental entity—

“(i) controls, or is controlled by, the organization,

“(ii) is controlled by one or more persons which control the organization,

“(iii) is a supported organization (as defined in section 509(f)(3)) during the taxable year with respect to the organization,

“(iv) is a supporting organization described in section 509(a)(3) during the taxable year with respect to the organization, or

“(v) in the case of an organization which is a voluntary employees’ beneficiary association described in section 501(c)(9), establishes, maintains, or makes contributions to such voluntary employees’ beneficiary association.

“(C) LIABILITY FOR TAX.—In any case in which remuneration from more than one employer is taken into account under this paragraph in determining the tax imposed by subsection (a), each such employer shall be liable for such tax in an amount which bears the same ratio to the total tax determined under subsection (a) with respect to such remuneration as—

“(i) the amount of remuneration paid by such employer with respect to such employee, bears to

“(ii) the amount of remuneration paid by all such employers to such employee.

“(5) EXCESS PARACHUTE PAYMENT.—For purposes of determining the tax imposed by subsection (a)(2)—

“(A) IN GENERAL.—The term ‘excess parachute payment’ means an amount equal to the excess of any parachute payment over the portion of the base amount allocated to such payment.

“(B) PARACHUTE PAYMENT.—The term ‘parachute payment’ means any payment in the nature of compensation to (or for the benefit of) a covered employee if—

“(i) such payment is contingent on such employee’s separation from employment with the employer, and

“(ii) the aggregate present value of the payments in the nature of compensation to (or for the benefit of) such individual which are contingent on such separation equals or exceeds an amount equal to 3 times the base amount.

“(C) EXCEPTION.—Such term does not include any payment—

“(i) described in section 280G(b)(6) (relating to exemption for payments under qualified plans),

“(ii) made under or to an annuity contract described in section 403(b) or a plan described in section 457(b),

“(iii) to a licensed medical professional (including a veterinarian) to the extent that such payment is for the performance of medical or veterinary services by such professional, or

“(iv) to an individual who is not a highly compensated employee as defined in section 414(q).

“(D) BASE AMOUNT.—Rules similar to the rules of 280G(b)(3) shall apply for purposes of determining the base amount.

“(E) PROPERTY TRANSFERS; PRESENT VALUE.—Rules similar to the rules of paragraphs (3) and (4) of section 280G(d) shall apply.

“(6) COORDINATION WITH DEDUCTION LIMITATION.—Remuneration the deduction for which is not allowed by reason of section 162(m) shall not be taken into account for purposes of this section.

“(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to prevent avoidance of the tax under this section, including regulations to prevent avoidance of such tax through the performance of services other than as an employee or by providing compensation through a pass-through or other entity to avoid such tax.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 42 is amended by adding at the end the following new item:

“Sec. 4960. Tax on excess tax-exempt organization executive compensation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13603. TREATMENT OF QUALIFIED EQUITY GRANTS.

(a) IN GENERAL.—Section 83 is amended by adding at the end the following new subsection:

“(i) QUALIFIED EQUITY GRANTS.—

“(I) IN GENERAL.—For purposes of this subtitle—

“(A) TIMING OF INCLUSION.—If qualified stock is transferred to a qualified employee who makes an election with respect to such stock under this subsection, subsection (a) shall be applied by including the amount determined under such subsection with respect to such stock in income of the employee in the taxable year determined under subparagraph (B) in lieu of the taxable year described in subsection (a).

“(B) TAXABLE YEAR DETERMINED.—The taxable year determined under this subparagraph is the taxable year of the employee which includes the earliest of—

“(i) the first date such qualified stock becomes transferable (including, solely for purposes of this clause, becoming transferable to the employer),

“(ii) the date the employee first becomes an excluded employee,

“(iii) the first date on which any stock of the corporation which issued the qualified stock becomes readily tradable on an established securities market (as determined by the Secretary, but not including any market unless such market is recognized as an established securities market by the Secretary for purposes of a provision of this title other than this subsection),

“(iv) the date that is 5 years after the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier, or

“(v) the date on which the employee revokes (at such time and in such manner as the Secretary provides) the election under this subsection with respect to such stock.

“(2) QUALIFIED STOCK.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified stock’ means, with

respect to any qualified employee, any stock in a corporation which is the employer of such employee, if—

“(i) such stock is received—

“(I) in connection with the exercise of an option, or

“(II) in settlement of a restricted stock unit, and

“(ii) such option or restricted stock unit was granted by the corporation—

“(I) in connection with the performance of services as an employee, and

“(II) during a calendar year in which such corporation was an eligible corporation.

“(B) LIMITATION.—The term ‘qualified stock’ shall not include any stock if the employee may sell such stock to, or otherwise receive cash in lieu of stock from, the corporation at the time that the rights of the employee in such stock first become transferable or not subject to a substantial risk of forfeiture.

“(C) ELIGIBLE CORPORATION.—For purposes of subparagraph (A)(ii)(I)—

“(i) IN GENERAL.—The term ‘eligible corporation’ means, with respect to any calendar year, any corporation if—

“(I) no stock of such corporation (or any predecessor of such corporation) is readily tradable on an established securities market (as determined under paragraph (1)(B)(iii)) during any preceding calendar year, and

“(II) such corporation has a written plan under which, in such calendar year, not less than 80 percent of all employees who provide services to such corporation in the United States (or any possession of the United States) are granted stock options, or are granted restricted stock units, with the same rights and privileges to receive qualified stock.

“(ii) SAME RIGHTS AND PRIVILEGES.—For purposes of clause (i)(I)—

“(I) except as provided in subclauses (II) and (III), the determination of rights and privileges with respect to stock shall be made in a similar manner as under section 423(b)(5),

“(II) employees shall not fail to be treated as having the same rights and privileges to receive qualified stock solely because the number of shares available to all employees is not equal in amount, so long as the number of shares available to each employee is more than a de minimis amount, and

“(III) rights and privileges with respect to the exercise of an option shall not be treated as the same as rights and privileges with respect to the settlement of a restricted stock unit.

“(iii) EMPLOYEE.—For purposes of clause (i)(II), the term ‘employee’ shall not include any employee described in section 4980E(d)(4) or any excluded employee.

“(iv) SPECIAL RULE FOR CALENDAR YEARS BEFORE 2018.—In the case of any calendar year beginning before January 1, 2018, clause (i)(II) shall be applied without regard to whether the rights and privileges with respect to the qualified stock are the same.

“(3) QUALIFIED EMPLOYEE; EXCLUDED EMPLOYEE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified employee’ means any individual who—

“(i) is not an excluded employee, and

“(ii) agrees in the election made under this subsection to meet such requirements as are determined by the Secretary to be necessary to ensure that the withholding requirements of the corporation under chapter 24 with respect to the qualified stock are met.

“(B) EXCLUDED EMPLOYEE.—The term ‘excluded employee’ means, with respect to any corporation, any individual—

“(i) who is a 1-percent owner (within the meaning of section 416(i)(1)(B)(ii)) at any time during the calendar year or who was such a 1 percent owner at any time during the 10 preceding calendar years,

“(ii) who is or has been at any prior time—

“(I) the chief executive officer of such corporation or an individual acting in such a capacity, or

“(II) the chief financial officer of such corporation or an individual acting in such a capacity,

“(iii) who bears a relationship described in section 318(a)(1) to any individual described in subclause (I) or (II) of clause (ii), or

“(iv) who is one of the 4 highest compensated officers of such corporation for the taxable year, or was one of the 4 highest compensated officers of such corporation for any of the 10 preceding taxable years, determined with respect to each such taxable year on the basis of the shareholder disclosure rules for compensation under the Securities Exchange Act of 1934 (as if such rules applied to such corporation).

“(4) ELECTION.—

“(A) TIME FOR MAKING ELECTION.—An election with respect to qualified stock shall be made under this subsection no later than 30 days after the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier, and shall be made in a manner similar to the manner in which an election is made under subsection (b).

“(B) LIMITATIONS.—No election may be made under this section with respect to any qualified stock if—

“(i) the qualified employee has made an election under subsection (b) with respect to such qualified stock,

“(ii) any stock of the corporation which issued the qualified stock is readily tradable on an established securities market (as determined under paragraph (1)(B)(iii)) at any time before the election is made, or

“(iii) such corporation purchased any of its outstanding stock in the calendar year preceding the calendar year which includes the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, unless—

“(I) not less than 25 percent of the total dollar amount of the stock so purchased is deferral stock, and

“(II) the determination of which individuals from whom deferral stock is purchased is made on a reasonable basis.

“(C) DEFINITIONS AND SPECIAL RULES RELATED TO LIMITATION ON STOCK REDEMPTIONS.—

“(i) DEFERRAL STOCK.—For purposes of this paragraph, the term ‘deferral stock’ means stock with respect to which an election is in effect under this subsection.

“(ii) DEFERRAL STOCK WITH RESPECT TO ANY INDIVIDUAL NOT TAKEN INTO ACCOUNT IF INDIVIDUAL HOLDS DEFERRAL STOCK WITH LONGER DEFERRAL PERIOD.—Stock purchased by a corporation from any individual shall not be treated as deferral stock for purposes of subparagraph (B)(iii) if such individual (immediately after such purchase) holds any deferral stock with respect to which an election has been in effect under this subsection for a longer period than the election with respect to the stock so purchased.

“(iii) PURCHASE OF ALL OUTSTANDING DEFERRAL STOCK.—The requirements of subclauses (I) and (II) of subparagraph (B)(iii) shall be treated as met if the stock so purchased includes all of the corporation’s outstanding deferral stock.

“(iv) REPORTING.—Any corporation which has outstanding deferral stock as of the beginning of any calendar year and which purchases any of its outstanding stock during such calendar year shall include on its return of tax for the taxable year in which, or with which, such calendar year ends the total dollar amount of its outstanding stock so purchased during such calendar year and such other information as the

Secretary requires for purposes of administering this paragraph.

“(5) CONTROLLED GROUPS.—For purposes of this subsection, all persons treated as a single employer under section 414(b) shall be treated as 1 corporation.

“(6) NOTICE REQUIREMENT.—Any corporation which transfers qualified stock to a qualified employee shall, at the time that (or a reasonable period before) an amount attributable to such stock would (but for this subsection) first be includible in the gross income of such employee—

“(A) certify to such employee that such stock is qualified stock, and

“(B) notify such employee—

“(i) that the employee may be eligible to elect to defer income on such stock under this subsection, and

“(ii) that, if the employee makes such an election—

“(I) the amount of income recognized at the end of the deferral period will be based on the value of the stock at the time at which the rights of the employee in such stock first become transferable or not subject to substantial risk of forfeiture, notwithstanding whether the value of the stock has declined during the deferral period,

“(II) the amount of such income recognized at the end of the deferral period will be subject to withholding under section 3401(i) at the rate determined under section 3402(t), and

“(III) the responsibilities of the employee (as determined by the Secretary under paragraph (3)(A)(ii)) with respect to such withholding.

“(7) RESTRICTED STOCK UNITS.—This section (other than this subsection), including any election under subsection (b), shall not apply to restricted stock units.”

(b) WITHHOLDING.—

(1) TIME OF WITHHOLDING.—Section 3401 is amended by adding at the end the following new subsection:

“(i) QUALIFIED STOCK FOR WHICH AN ELECTION IS IN EFFECT UNDER SECTION 83(i).—For purposes of subsection (a), qualified stock (as defined in section 83(i)) with respect to which an election is made under section 83(i) shall be treated as wages—

“(1) received on the earliest date described in section 83(i)(1)(B), and

“(2) in an amount equal to the amount included in income under section 83 for the taxable year which includes such date.”

(2) AMOUNT OF WITHHOLDING.—Section 3402 is amended by adding at the end the following new subsection:

“(t) RATE OF WITHHOLDING FOR CERTAIN STOCK.—In the case of any qualified stock (as defined in section 83(i)(2)) with respect to which an election is made under section 83(i)—

“(1) the rate of tax under subsection (a) shall not be less than the maximum rate of tax in effect under section 1, and

“(2) such stock shall be treated for purposes of section 3501(b) in the same manner as a non-cash fringe benefit.”

(c) COORDINATION WITH OTHER DEFERRED COMPENSATION RULES.—

(1) ELECTION TO APPLY DEFERRAL TO STATUTORY OPTIONS.—

(A) INCENTIVE STOCK OPTIONS.—Section 422(b) is amended by adding at the end the following: “Such term shall not include any option if an election is made under section 83(i) with respect to the stock received in connection with the exercise of such option.”

(B) EMPLOYEE STOCK PURCHASE PLANS.—Section 423 is amended—

(i) in subsection (b)(5), by striking “and” before “the plan” and by inserting “, and the rules of section 83(i) shall apply in determining which employees have a right to make an election under such section” before the semicolon at the end, and

(ii) by adding at the end the following new subsection:

“(d) COORDINATION WITH QUALIFIED EQUITY GRANTS.—An option for which an election is made under section 83(i) with respect to the stock received in connection with its exercise shall not be considered as granted pursuant to an employee stock purchase plan.”

(2) EXCLUSION FROM DEFINITION OF NON-QUALIFIED DEFERRED COMPENSATION PLAN.—Subsection (d) of section 409A is amended by adding at the end the following new paragraph:

“(7) TREATMENT OF QUALIFIED STOCK.—An arrangement under which an employee may receive qualified stock (as defined in section 83(i)(2)) shall not be treated as a nonqualified deferred compensation plan with respect to such employee solely because of such employee’s election, or ability to make an election, to defer recognition of income under section 83(i).”

(d) INFORMATION REPORTING.—Section 6051(a) is amended by striking “and” at the end of paragraph (14)(B), by striking the period at the end of paragraph (15) and inserting a comma, and by inserting after paragraph (15) the following new paragraphs:

“(16) the amount includible in gross income under subparagraph (A) of section 83(i)(1) with respect to an event described in subparagraph (B) of such section which occurs in such calendar year, and

“(17) the aggregate amount of income which is being deferred pursuant to elections under section 83(i), determined as of the close of the calendar year.”

(e) PENALTY FOR FAILURE OF EMPLOYER TO PROVIDE NOTICE OF TAX CONSEQUENCES.—Section 6652 is amended by adding at the end the following new subsection:

“(p) FAILURE TO PROVIDE NOTICE UNDER SECTION 83(i).—In the case of each failure to provide a notice as required by section 83(i)(6), at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such notice, an amount equal to \$100 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$50,000.”

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to stock attributable to options exercised, or restricted stock units settled, after December 31, 2017.

(2) REQUIREMENT TO PROVIDE NOTICE.—The amendments made by subsection (e) shall apply to failures after December 31, 2017.

(g) TRANSITION RULE.—Until such time as the Secretary (or the Secretary’s delegate) issues regulations or other guidance for purposes of implementing the requirements of paragraph (2)(C)(i)(II) of section 83(i) of the Internal Revenue Code of 1986 (as added by this section), or the requirements of paragraph (6) of such section, a corporation shall be treated as being in compliance with such requirements (respectively) if such corporation complies with a reasonable good faith interpretation of such requirements.

SEC. 13604. INCREASE IN EXCISE TAX RATE FOR STOCK COMPENSATION OF INSIDERS IN EXPATRIATED CORPORATIONS.

(a) IN GENERAL.—Section 4985(a)(1) is amended by striking “section 1(h)(1)(C)” and inserting “section 1(h)(1)(D)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to corporations first becoming expatriated corporations (as defined in section 4985 of the Internal Revenue Code of 1986) after the date of enactment of this Act.

Subpart B—Retirement Plans**SEC. 13611. REPEAL OF SPECIAL RULE PERMITTING RECHARACTERIZATION OF ROTH CONVERSIONS.**

(a) IN GENERAL.—Section 408A(d)(6)(B) is amended by adding at the end the following new clause:

“(iii) CONVERSIONS.—Subparagraph (A) shall not apply in the case of a qualified rollover contribution to which subsection (d)(3) applies (including by reason of subparagraph (C) thereof).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13612. MODIFICATION OF RULES APPLICABLE TO LENGTH OF SERVICE AWARD PLANS.

(a) MAXIMUM DEFERRAL AMOUNT.—Clause (ii) of section 457(e)(11)(B) is amended by striking “\$3,000” and inserting “\$6,000”.

(b) COST OF LIVING ADJUSTMENT.—Subparagraph (B) of section 457(e)(11) is amended by adding at the end the following:

“(iii) COST OF LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2017, the Secretary shall adjust the \$6,000 amount under clause (ii) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2016, and any increase under this paragraph that is not a multiple of \$500 shall be rounded to the next lowest multiple of \$500.”

(c) APPLICATION OF LIMITATION ON ACCRUALS.—Subparagraph (B) of section 457(e)(11), as amended by subsection (b), is amended by adding at the end the following:

“(iv) SPECIAL RULE FOR APPLICATION OF LIMITATION ON ACCRUALS FOR CERTAIN PLANS.—In the case of a plan described in subparagraph (A)(ii) which is a defined benefit plan (as defined in section 414(j)), the limitation under clause (ii) shall apply to the actuarial present value of the aggregate amount of length of service awards accruing with respect to any year of service. Such actuarial present value with respect to any year shall be calculated using reasonable actuarial assumptions and methods, assuming payment will be made under the most valuable form of payment under the plan with payment commencing at the later of the earliest age at which unreduced benefits are payable under the plan or the participant's age at the time of the calculation.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13613. EXTENDED ROLLOVER PERIOD FOR PLAN LOAN OFFSET AMOUNTS.

(a) IN GENERAL.—Paragraph (3) of section 402(c) is amended by adding at the end the following new subparagraph:

“(C) ROLLOVER OF CERTAIN PLAN LOAN OFFSET AMOUNTS.—

“(i) IN GENERAL.—In the case of a qualified plan loan offset amount, paragraph (1) shall not apply to any transfer of such amount made after the due date (including extensions) for filing the return of tax for the taxable year in which such amount is treated as distributed from a qualified employer plan.

“(ii) QUALIFIED PLAN LOAN OFFSET AMOUNT.—For purposes of this subparagraph, the term ‘qualified plan loan offset amount’ means a plan loan offset amount which is treated as distributed from a qualified employer plan to a participant or beneficiary solely by reason of—

“(I) the termination of the qualified employer plan, or

“(II) the failure to meet the repayment terms of the loan from such plan because of the severance from employment of the participant.

“(iii) PLAN LOAN OFFSET AMOUNT.—For purposes of clause (ii), the term ‘plan loan offset

amount’ means the amount by which the participant's accrued benefit under the plan is reduced in order to repay a loan from the plan.

“(iv) LIMITATION.—This subparagraph shall not apply to any plan loan offset amount unless such plan loan offset amount relates to a loan to which section 72(p)(1) does not apply by reason of section 72(p)(2).

“(v) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term ‘qualified employer plan’ has the meaning given such term by section 72(p)(4).”

(b) CONFORMING AMENDMENTS.—Section 402(c)(3) is amended—

(1) by striking “TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT” in the heading and inserting “TIME LIMIT ON TRANSFERS”, and

(2) by striking “subparagraph (B)” in subparagraph (A) and inserting “subparagraphs (B) and (C)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan loan offset amounts which are treated as distributed in taxable years beginning after December 31, 2017.

PART VIII—EXEMPT ORGANIZATIONS**SEC. 13701. EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.**

(a) IN GENERAL.—Chapter 42 is amended by adding at the end the following new subchapter:

“Subchapter H—Excise Tax Based on Investment Income of Private Colleges and Universities

“Sec. 4968. Excise tax based on investment income of private colleges and universities.

“SEC. 4968. EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

“(a) TAX IMPOSED.—There is hereby imposed on each applicable educational institution for the taxable year a tax equal to 1.4 percent of the net investment income of such institution for the taxable year.

“(b) APPLICABLE EDUCATIONAL INSTITUTION.—For purposes of this subchapter—

“(1) IN GENERAL.—The term ‘applicable educational institution’ means an eligible educational institution (as defined in section 25A(f)(2))—

“(A) which had at least 500 tuition-paying students during the preceding taxable year,

“(B) more than 50 percent of the tuition-paying students of which are located in the United States,

“(C) which is not described in the first sentence of section 511(a)(2)(B) (relating to State colleges and universities), and

“(D) the aggregate fair market value of the assets of which at the end of the preceding taxable year (other than those assets which are used directly in carrying out the institution's exempt purpose) is at least \$500,000 per student of the institution.

“(2) STUDENTS.—For purposes of paragraph (1), the number of students of an institution (including for purposes of determining the number of students at a particular location) shall be based on the daily average number of full-time students attending such institution (with part-time students taken into account on a full-time student equivalent basis).

“(c) NET INVESTMENT INCOME.—For purposes of this section, net investment income shall be determined under rules similar to the rules of section 4940(c).

“(d) ASSETS AND NET INVESTMENT INCOME OF RELATED ORGANIZATIONS.—

“(1) IN GENERAL.—For purposes of subsections (b)(1)(C) and (c), assets and net investment income of any related organization with respect to an educational institution shall be treated as assets and net investment income, respectively, of the educational institution, except that—

“(A) no such amount shall be taken into account with respect to more than 1 educational institution, and

“(B) unless such organization is controlled by such institution or is described in section 509(a)(3) with respect to such institution for the taxable year, assets and net investment income which are not intended or available for the use or benefit of the educational institution shall not be taken into account.

“(2) RELATED ORGANIZATION.—For purposes of this subsection, the term ‘related organization’ means, with respect to an educational institution, any organization which—

“(A) controls, or is controlled by, such institution,

“(B) is controlled by 1 or more persons which also control such institution, or

“(C) is a supported organization (as defined in section 509(f)(3)), or an organization described in section 509(a)(3), during the taxable year with respect to such institution.”

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 42 is amended by adding at the end the following new item:

“SUBCHAPTER H—EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13702. UNRELATED BUSINESS TAXABLE INCOME SEPARATELY COMPUTED FOR EACH TRADE OR BUSINESS ACTIVITY.

(a) IN GENERAL.—Subsection (a) of section 512 is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR ORGANIZATION WITH MORE THAN 1 UNRELATED TRADE OR BUSINESS.—In the case of any organization with more than 1 unrelated trade or business—

“(A) unrelated business taxable income, including for purposes of determining any net operating loss deduction, shall be computed separately with respect to each such trade or business and without regard to subsection (b)(12),

“(B) the unrelated business taxable income of such organization shall be the sum of the unrelated business taxable income so computed with respect to each such trade or business, less a specific deduction under subsection (b)(12), and

“(C) for purposes of subparagraph (B), unrelated business taxable income with respect to any such trade or business shall not be less than zero.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except to the extent provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2017.

(2) CARRYOVERS OF NET OPERATING LOSSES.—If any net operating loss arising in a taxable year beginning before January 1, 2018, is carried over to a taxable year beginning on or after such date—

(A) subparagraph (A) of section 512(a)(6) of the Internal Revenue Code of 1986, as added by this Act, shall not apply to such net operating loss, and

(B) the unrelated business taxable income of the organization, after the application of subparagraph (B) of such section, shall be reduced by the amount of such net operating loss.

SEC. 13703. UNRELATED BUSINESS TAXABLE INCOME INCREASED BY AMOUNT OF CERTAIN FRINGE BENEFIT EXPENSES FOR WHICH DEDUCTION IS DISALLOWED.

(a) IN GENERAL.—Section 512(a), as amended by this Act, is further amended by adding at the end the following new paragraph:

“(7) INCREASE IN UNRELATED BUSINESS TAXABLE INCOME BY DISALLOWED FRINGE.—Unrelated business taxable income of an organization

shall be increased by any amount for which a deduction is not allowable under this chapter by reason of section 274 and which is paid or incurred by such organization for any qualified transportation fringe (as defined in section 132(f)), any parking facility used in connection with qualified parking (as defined in section 132(f)(5)(C)), or any on-premises athletic facility (as defined in section 132(j)(4)(B)). The preceding sentence shall not apply to the extent the amount paid or incurred is directly connected with an unrelated trade or business which is regularly carried on by the organization. The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance providing for the appropriate allocation of depreciation and other costs with respect to facilities used for parking or for on-premises athletic facilities.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2017.

SEC. 13704. REPEAL OF DEDUCTION FOR AMOUNTS PAID IN EXCHANGE FOR COLLEGE ATHLETIC EVENT SEATING RIGHTS.

(a) **IN GENERAL.**—Section 170(l) is amended—
(1) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—No deduction shall be allowed under this section for any amount described in paragraph (2).”, and

(2) in paragraph (2)(B), by striking “such amount would be allowable as a deduction under this section but for the fact that”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2017.

SEC. 13705. REPEAL OF SUBSTANTIATION EXCEPTION IN CASE OF CONTRIBUTIONS REPORTED BY DONEE.

(a) **IN GENERAL.**—Section 170(f)(8) is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2016.

PART IX—OTHER PROVISIONS

Subpart A—Craft Beverage Modernization and Tax Reform

SEC. 13801. PRODUCTION PERIOD FOR BEER, WINE, AND DISTILLED SPIRITS.

(a) **IN GENERAL.**—Section 263A(f) is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) **EXEMPTION FOR AGING PROCESS OF BEER, WINE, AND DISTILLED SPIRITS.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the production period shall not include the aging period for—

“(i) beer (as defined in section 5052(a)),

“(ii) wine (as described in section 5041(a)), or

“(iii) distilled spirits (as defined in section 5002(a)(8)), except such spirits that are unfit for use for beverage purposes.

“(B) **TERMINATION.**—This paragraph shall not apply to interest costs paid or accrued after December 31, 2019.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (5)(B)(ii) of section 263A(f), as redesignated by this section, is amended by inserting “except as provided in paragraph (4),” before “ending on the date”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to interest costs paid or accrued in calendar years beginning after December 31, 2017.

SEC. 13802. REDUCED RATE OF EXCISE TAX ON BEER.

(a) **IN GENERAL.**—Paragraph (1) of section 5051(a) is amended to read as follows:

“(1) **IN GENERAL.**—

“(A) **IMPOSITION OF TAX.**—A tax is hereby imposed on all beer brewed or produced, and removed for consumption or sale, within the United States, or imported into the United States. Except as provided in paragraph (2), the rate of such tax shall be the amount determined under this paragraph.

“(B) **RATE.**—Except as provided in subparagraph (C), the rate of tax shall be \$18 for per barrel.

“(C) **SPECIAL RULE.**—In the case of beer removed after December 31, 2017, and before January 1, 2020, the rate of tax shall be—

“(i) \$16 on the first 6,000,000 barrels of beer—

“(I) brewed by the brewer and removed during the calendar year for consumption or sale, or

“(II) imported by the importer into the United States during the calendar year, and

“(ii) \$18 on any barrels of beer to which clause (i) does not apply.

“(D) **BARREL.**—For purposes of this section, a barrel shall contain not more than 31 gallons of beer, and any tax imposed under this section shall be applied at a like rate for any other quantity or for fractional parts of a barrel.”.

(b) **REDUCED RATE FOR CERTAIN DOMESTIC PRODUCTION.**—Subparagraph (A) of section 5051(a)(2) is amended—

(1) in the heading, by striking “\$7 A BARREL”, and

(2) by inserting “(\$3.50 in the case of beer removed after December 31, 2017, and before January 1, 2020)” after “\$7”.

(c) **APPLICATION OF REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—Subsection (a) of section 5051 is amended—

(1) in subparagraph (C)(i)(II) of paragraph (1), as amended by subsection (a), by inserting “but only if the importer is an electing importer under paragraph (4) and the barrels have been assigned to the importer pursuant to such paragraph” after “during the calendar year”, and

(2) by adding at the end the following new paragraph:

“(4) **REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—

“(A) **IN GENERAL.**—In the case of any barrels of beer which have been brewed or produced outside of the United States and imported into the United States, the rate of tax applicable under clause (i) of paragraph (1)(C) (referred to in this paragraph as the ‘reduced tax rate’) may be assigned by the brewer (provided that the brewer makes an election described in subparagraph (B)(ii)) to any electing importer of such barrels pursuant to the requirements established by the Secretary under subparagraph (B).

“(B) **ASSIGNMENT.**—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the reduced tax rate provided under this paragraph, which shall include—

“(i) a limitation to ensure that the number of barrels of beer for which the reduced tax rate has been assigned by a brewer—

“(I) to any importer does not exceed the number of barrels of beer brewed or produced by such brewer during the calendar year which were imported into the United States by such importer, and

“(II) to all importers does not exceed the 6,000,000 barrels to which the reduced tax rate applies,

“(ii) procedures that allow the election of a brewer to assign and an importer to receive the reduced tax rate provided under this paragraph,

“(iii) requirements that the brewer provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

“(iv) procedures that allow for revocation of eligibility of the brewer and the importer for the reduced tax rate provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (ii) which the Secretary deems to be material to qualifying for such reduced rate.

“(C) **CONTROLLED GROUP.**—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the brewer, as described under paragraph (5).”.

(d) **CONTROLLED GROUP AND SINGLE TAXPAYER RULES.**—Subsection (a) of section 5051, as amended by this section, is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B), and

(B) by redesignating subparagraph (C) as subparagraph (B), and

(2) by adding at the end the following new paragraph:

“(5) **CONTROLLED GROUP AND SINGLE TAXPAYER RULES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), in the case of a controlled group, the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) and the 2,000,000 barrel quantity specified in paragraph (2)(A) shall be applied to the controlled group, and the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) and the 60,000 barrel quantity specified in paragraph (2)(A) shall be apportioned among the brewers who are members of such group in such manner as the Secretary or their delegate shall by regulations prescribe. For purposes of the preceding sentence, the term ‘controlled group’ has the meaning assigned to it by subsection (a) of section 1563, except that for such purposes the phrase ‘more than 50 percent’ shall be substituted for the phrase ‘at least 80 percent’ in each place it appears in such subsection. Under regulations prescribed by the Secretary, principles similar to the principles of the preceding two sentences shall be applied to a group of brewers under common control where one or more of the brewers is not a corporation.

“(B) **FOREIGN MANUFACTURERS AND IMPORTERS.**—For purposes of paragraph (4), in the case of a controlled group, the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) shall be applied to the controlled group and apportioned among the members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term ‘controlled group’ has the meaning given such term under subparagraph (A). Under regulations prescribed by the Secretary, principles similar to the principles of the preceding two sentences shall be applied to a group of brewers under common control where one or more of the brewers is not a corporation.

“(C) **SINGLE TAXPAYER.**—Pursuant to rules issued by the Secretary, two or more entities (whether or not under common control) that produce beer marketed under a similar brand, license, franchise, or other arrangement shall be treated as a single taxpayer for purposes of the application of this subsection.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to beer removed after December 31, 2017.

SEC. 13803. TRANSFER OF BEER BETWEEN BONDED FACILITIES.

(a) **IN GENERAL.**—Section 5414 is amended—

(1) by striking “Beer may be removed” and inserting “(A) **IN GENERAL.**—Beer may be removed”, and

(2) by adding at the end the following:

“(b) **TRANSFER OF BEER BETWEEN BONDED FACILITIES.**—

“(1) **IN GENERAL.**—Beer may be removed from one bonded brewery to another bonded brewery, without payment of tax, and may be mingled

with beer at the receiving brewery, subject to such conditions, including payment of the tax, and in such containers, as the Secretary by regulations shall prescribe, which shall include—

“(A) any removal from one brewery to another brewery belonging to the same brewer,

“(B) any removal from a brewery owned by one corporation to a brewery owned by another corporation when—

“(i) one such corporation owns the controlling interest in the other such corporation, or

“(ii) the controlling interest in each such corporation is owned by the same person or persons, and

“(C) any removal from one brewery to another brewery when—

“(i) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and

“(ii) the transferor has divested itself of all interest in the beer so transferred and the transferee has accepted responsibility for payment of the tax.

“(2) TRANSFER OF LIABILITY FOR TAX.—For purposes of paragraph (1)(C), such relief from liability shall be effective from the time of removal from the transferor's bonded premises, or from the time of divestment of interest, whichever is later.

“(3) TERMINATION.—This subsection shall not apply to any calendar quarter beginning after December 31, 2019.”.

(b) REMOVAL FROM BREWERY BY PIPELINE.—Section 5412 is amended by inserting “pursuant to section 5414 or” before “by pipeline”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any calendar quarters beginning after December 31, 2017.

SEC. 13804. REDUCED RATE OF EXCISE TAX ON CERTAIN WINE.

(a) IN GENERAL.—Section 5041(c) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RULE FOR 2018 AND 2019.—

“(A) IN GENERAL.—In the case of wine removed after December 31, 2017, and before January 1, 2020, paragraphs (1) and (2) shall not apply and there shall be allowed as a credit against any tax imposed by this title (other than chapters 2, 21, and 22) an amount equal to the sum of—

“(i) \$1 per wine gallon on the first 30,000 wine gallons of wine, plus

“(ii) 90 cents per wine gallon on the first 100,000 wine gallons of wine to which clause (i) does not apply, plus

“(iii) 53.5 cents per wine gallon on the first 620,000 wine gallons of wine to which clauses (i) and (ii) do not apply,

which are produced by the producer and removed during the calendar year for consumption or sale, or which are imported by the importer into the United States during the calendar year.

“(B) ADJUSTMENT OF CREDIT FOR HARD CIDER.—In the case of wine described in subsection (b)(6), subparagraph (A) of this paragraph shall be applied—

“(i) in clause (i) of such subparagraph, by substituting ‘6.2 cents’ for ‘\$1’,

“(ii) in clause (ii) of such subparagraph, by substituting ‘5.6 cents’ for ‘90 cents’, and

“(iii) in clause (iii) of such subparagraph, by substituting ‘3.3 cents’ for ‘53.5 cents’.”.

(b) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—Paragraph (4) of section 5041(c) is amended by striking “section 5051(a)(2)(B)” and inserting “section 5051(a)(5)”.

(c) ALLOWANCE OF CREDIT FOR FOREIGN MANUFACTURERS AND IMPORTERS.—Subsection (c) of section 5041, as amended by subsection (a), is amended—

(1) in subparagraph (A) of paragraph (8), by inserting “but only if the importer is an electing

importer under paragraph (9) and the wine gallons of wine have been assigned to the importer pursuant to such paragraph” after “into the United States during the calendar year”, and

(2) by adding at the end the following new paragraph:

“(9) ALLOWANCE OF CREDIT FOR FOREIGN MANUFACTURERS AND IMPORTERS.—

“(A) IN GENERAL.—In the case of any wine gallons of wine which have been produced outside of the United States and imported into the United States, the credit allowable under paragraph (8) (referred to in this paragraph as the ‘tax credit’) may be assigned by the person who produced such wine (referred to in this paragraph as the ‘foreign producer’), provided that such person makes an election described in subparagraph (B)(ii), to any electing importer of such wine gallons pursuant to the requirements established by the Secretary under subparagraph (B).

“(B) ASSIGNMENT.—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the tax credit provided under this paragraph, which shall include—

“(i) a limitation to ensure that the number of wine gallons of wine for which the tax credit has been assigned by a foreign producer—

“(I) to any importer does not exceed the number of wine gallons of wine produced by such foreign producer during the calendar year which were imported into the United States by such importer, and

“(II) to all importers does not exceed the 750,000 wine gallons of wine to which the tax credit applies,

“(ii) procedures that allow the election of a foreign producer to assign and an importer to receive the tax credit provided under this paragraph,

“(iii) requirements that the foreign producer provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

“(iv) procedures that allow for revocation of eligibility of the foreign producer and the importer for the tax credit provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (iii) which the Secretary deems to be material to qualifying for such credit.

“(C) CONTROLLED GROUP.—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the foreign producer, as described under paragraph (4).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wine removed after December 31, 2017.

SEC. 13805. ADJUSTMENT OF ALCOHOL CONTENT LEVEL FOR APPLICATION OF EXCISE TAX RATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 5041(b) are each amended by inserting “(16 percent in the case of wine removed after December 31, 2017, and before January 1, 2020” after “14 percent”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wine removed after December 31, 2017.

SEC. 13806. DEFINITION OF MEAD AND LOW ALCOHOL BY VOLUME WINE.

(a) IN GENERAL.—Section 5041 is amended—

(1) in subsection (a), by striking “Still wines” and inserting “Subject to subsection (h), still wines”; and

(2) by adding at the end the following new subsection:

“(h) MEAD AND LOW ALCOHOL BY VOLUME WINE.—

“(1) IN GENERAL.—For purposes of subsections (a) and (b)(1), mead and low alcohol by volume

wine shall be deemed to be still wines containing not more than 16 percent of alcohol by volume.

“(2) DEFINITIONS.—

“(A) MEAD.—For purposes of this section, the term ‘mead’ means a wine—

“(i) containing not more than 0.64 gram of carbon dioxide per hundred milliliters of wine, except that the Secretary shall by regulations prescribe such tolerances to this limitation as may be reasonably necessary in good commercial practice,

“(ii) which is derived solely from honey and water,

“(iii) which contains no fruit product or fruit flavoring, and

“(iv) which contains less than 8.5 percent alcohol by volume.

“(B) LOW ALCOHOL BY VOLUME WINE.—For purposes of this section, the term ‘low alcohol by volume wine’ means a wine—

“(i) containing not more than 0.64 gram of carbon dioxide per hundred milliliters of wine, except that the Secretary shall by regulations prescribe such tolerances to this limitation as may be reasonably necessary in good commercial practice,

“(ii) which is derived—

“(I) primarily from grapes, or

“(II) from grape juice concentrate and water,

“(iii) which contains no fruit product or fruit flavoring other than grape, and

“(iv) which contains less than 8.5 percent alcohol by volume.

“(3) TERMINATION.—This subsection shall not apply to wine removed after December 31, 2019.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wine removed after December 31, 2017.

SEC. 13807. REDUCED RATE OF EXCISE TAX ON CERTAIN DISTILLED SPIRITS.

(a) IN GENERAL.—Section 5001 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) REDUCED RATE FOR 2018 AND 2019.—

“(1) IN GENERAL.—In the case of a distilled spirits operation, the otherwise applicable tax rate under subsection (a)(1) shall be—

“(A) \$2.70 per proof gallon on the first 100,000 proof gallons of distilled spirits, and

“(B) \$13.34 per proof gallon on the first 22,130,000 of proof gallons of distilled spirits to which subparagraph (A) does not apply,

which have been distilled or processed by such operation and removed during the calendar year for consumption or sale, or which have been imported by the importer into the United States during the calendar year.

“(2) CONTROLLED GROUPS.—

“(A) IN GENERAL.—In the case of a controlled group, the proof gallon quantities specified under subparagraphs (A) and (B) of paragraph (1) shall be applied to such group and apportioned among the members of such group in such manner as the Secretary or their delegate shall by regulations prescribe.

“(B) DEFINITION.—For purposes of subparagraph (A), the term ‘controlled group’ shall have the meaning given such term by subsection (a) of section 1563, except that ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears in such subsection.

“(C) RULES FOR NON-CORPORATIONS.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraphs (A) and (B) shall be applied to a group under common control where one or more of the persons is not a corporation.

“(D) SINGLE TAXPAYER.—Pursuant to rules issued by the Secretary, two or more entities (whether or not under common control) that produce distilled spirits marketed under a similar brand, license, franchise, or other arrangement shall be treated as a single taxpayer for purposes of the application of this subsection.

“(3) **TERMINATION.**—This subsection shall not apply to distilled spirits removed after December 31, 2019.”.

(b) **CONFORMING AMENDMENT.**—Section 7652(f)(2) is amended by striking “section 5001(a)(1)” and inserting “subsection (a)(1) of section 5001, determined as if subsection (c)(1) of such section did not apply”.

(c) **APPLICATION OF REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—Subsection (c) of section 5001, as added by subsection (a), is amended—

(1) in paragraph (1), by inserting “but only if the importer is an electing importer under paragraph (3) and the proof gallons of distilled spirits have been assigned to the importer pursuant to such paragraph” after “into the United States during the calendar year”, and

(2) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) **REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—

“(A) **IN GENERAL.**—In the case of any proof gallons of distilled spirits which have been produced outside of the United States and imported into the United States, the rate of tax applicable under paragraph (1) (referred to in this paragraph as the ‘reduced tax rate’) may be assigned by the distilled spirits operation (provided that such operation makes an election described in subparagraph (B)(ii)) to any electing importer of such proof gallons pursuant to the requirements established by the Secretary under subparagraph (B).

“(B) **ASSIGNMENT.**—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the reduced tax rate provided under this paragraph, which shall include—

“(i) a limitation to ensure that the number of proof gallons of distilled spirits for which the reduced tax rate has been assigned by a distilled spirits operation—

“(I) to any importer does not exceed the number of proof gallons produced by such operation during the calendar year which were imported into the United States by such importer, and

“(II) to all importers does not exceed the 22,230,000 proof gallons of distilled spirits to which the reduced tax rate applies,

“(ii) procedures that allow the election of a distilled spirits operation to assign and an importer to receive the reduced tax rate provided under this paragraph,

“(iii) requirements that the distilled spirits operation provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

“(iv) procedures that allow for revocation of eligibility of the distilled spirits operation and the importer for the reduced tax rate provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (iii) which the Secretary deems to be material to qualifying for such reduced rate.

“(C) **CONTROLLED GROUP.**—

“(i) **IN GENERAL.**—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the distilled spirits operation, as described under paragraph (2).

“(ii) **APPORTIONMENT.**—For purposes of this paragraph, in the case of a controlled group, rules similar to section 5051(a)(5)(B) shall apply.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distilled spirits removed after December 31, 2017.

SEC. 13808. BULK DISTILLED SPIRITS.

(a) **IN GENERAL.**—Section 5212 is amended by adding at the end the following sentence: “In

the case of distilled spirits transferred in bond after December 31, 2017, and before January 1, 2020, this section shall be applied without regard to whether distilled spirits are bulk distilled spirits.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distilled spirits transferred in bond after December 31, 2017.

Subpart B—Miscellaneous Provisions

SEC. 13821. MODIFICATION OF TAX TREATMENT OF ALASKA NATIVE CORPORATIONS AND SETTLEMENT TRUSTS.

(a) **EXCLUSION FOR ANCSA PAYMENTS ASSIGNED TO ALASKA NATIVE SETTLEMENT TRUSTS.**—

(1) **IN GENERAL.**—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

“SEC. 139G. ASSIGNMENTS TO ALASKA NATIVE SETTLEMENT TRUSTS.

“(a) **IN GENERAL.**—In the case of a Native Corporation, gross income shall not include the value of any payments that would otherwise be made, or treated as being made, to such Native Corporation pursuant to, or as required by, any provision of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including any payment that would otherwise be made to a Village Corporation pursuant to section 7(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(j)), provided that any such payments—

“(1) are assigned in writing to a Settlement Trust, and

“(2) were not received by such Native Corporation prior to the assignment described in paragraph (1).

“(b) **INCLUSION IN GROSS INCOME.**—In the case of a Settlement Trust which has been assigned payments described in subsection (a), gross income shall include such payments when received by such Settlement Trust pursuant to the assignment and shall have the same character as if such payments were received by the Native Corporation.

“(c) **AMOUNT AND SCOPE OF ASSIGNMENT.**—The amount and scope of any assignment under subsection (a) shall be described with reasonable particularity and may either be in a percentage of one or more such payments or in a fixed dollar amount.

“(d) **DURATION OF ASSIGNMENT; REVOCABILITY.**—Any assignment under subsection (a) shall specify—

“(1) a duration either in perpetuity or for a period of time, and

“(2) whether such assignment is revocable.

“(e) **PROHIBITION ON DEDUCTION.**—Notwithstanding section 247, no deduction shall be allowed to a Native Corporation for purposes of any amounts described in subsection (a).

“(f) **DEFINITIONS.**—For purposes of this section, the terms ‘Native Corporation’ and ‘Settlement Trust’ have the same meaning given such terms under section 646(h).”.

(2) **CONFORMING AMENDMENT.**—The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139G. Assignments to Alaska Native Settlement Trusts.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2016.

(b) **DEDUCTION OF CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.**—

(1) **IN GENERAL.**—Part VIII of subchapter B of chapter 1 is amended by inserting before section 248 the following new section:

“SEC. 247. CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.

“(a) **IN GENERAL.**—In the case of a Native Corporation, there shall be allowed a deduction for any contributions made by such Native Corporation to a Settlement Trust (regardless of

whether an election under section 646 is in effect for such Settlement Trust) for which the Native Corporation has made an annual election under subsection (e).

“(b) **AMOUNT OF DEDUCTION.**—The amount of the deduction under subsection (a) shall be equal to—

“(1) in the case of a cash contribution (regardless of the method of payment, including currency, coins, money order, or check), the amount of such contribution, or

“(2) in the case of a contribution not described in paragraph (1), the lesser of—

“(A) the Native Corporation’s adjusted basis in the property contributed, or

“(B) the fair market value of the property contributed.

“(c) **LIMITATION AND CARRYOVER.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the deduction allowed under subsection (a) for any taxable year shall not exceed the taxable income (as determined without regard to such deduction) of the Native Corporation for the taxable year in which the contribution was made.

“(2) **CARRYOVER.**—If the aggregate amount of contributions described in subsection (a) for any taxable year exceeds the limitation under paragraph (1), such excess shall be treated as a contribution described in subsection (a) in each of the 15 succeeding years in order of time.

“(d) **DEFINITIONS.**—For purposes of this section, the terms ‘Native Corporation’ and ‘Settlement Trust’ have the same meaning given such terms under section 646(h).

“(e) **MANNER OF MAKING ELECTION.**—

“(1) **IN GENERAL.**—For each taxable year, a Native Corporation may elect to have this section apply for such taxable year on the income tax return or an amendment or supplement to the return of the Native Corporation, with such election to have effect solely for such taxable year.

“(2) **REVOCATION.**—Any election made by a Native Corporation pursuant to this subsection may be revoked pursuant to a timely filed amendment or supplement to the income tax return of such Native Corporation.

“(f) **ADDITIONAL RULES.**—

“(1) **EARNINGS AND PROFITS.**—Notwithstanding section 646(d)(2), in the case of a Native Corporation which claims a deduction under this section for any taxable year, the earnings and profits of such Native Corporation for such taxable year shall be reduced by the amount of such deduction.

“(2) **GAIN OR LOSS.**—No gain or loss shall be recognized by the Native Corporation with respect to a contribution of property for which a deduction is allowed under this section.

“(3) **INCOME.**—Subject to subsection (g), a Settlement Trust shall include in income the amount of any deduction allowed under this section in the taxable year in which the Settlement Trust actually receives such contribution.

“(4) **PERIOD.**—The holding period under section 1223 of the Settlement Trust shall include the period the property was held by the Native Corporation.

“(5) **BASIS.**—The basis that a Settlement Trust has for which a deduction is allowed under this section shall be equal to the lesser of—

“(A) the adjusted basis of the Native Corporation in such property immediately before such contribution, or

“(B) the fair market value of the property immediately before such contribution.

“(6) **PROHIBITION.**—No deduction shall be allowed under this section with respect to any contributions made to a Settlement Trust which are in violation of subsection (a)(2) or (c)(2) of section 39 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e).

“(g) **ELECTION BY SETTLEMENT TRUST TO DEFER INCOME RECOGNITION.**—

“(1) *IN GENERAL.*—In the case of a contribution which consists of property other than cash, a Settlement Trust may elect to defer recognition of any income related to such property until the sale or exchange of such property, in whole or in part, by the Settlement Trust.

“(2) *TREATMENT.*—In the case of property described in paragraph (1), any income or gain realized on the sale or exchange of such property shall be treated as—

“(A) for such amount of the income or gain as is equal to or less than the amount of income which would be included in income at the time of contribution under subsection (f)(3) but for the taxpayer's election under this subsection, ordinary income, and

“(B) for any amounts of the income or gain which are in excess of the amount of income which would be included in income at the time of contribution under subsection (f)(3) but for the taxpayer's election under this subsection, having the same character as if this subsection did not apply.

“(3) *ELECTION.*—

“(A) *IN GENERAL.*—For each taxable year, a Settlement Trust may elect to apply this subsection for any property described in paragraph (1) which was contributed during such year. Any property to which the election applies shall be identified and described with reasonable particularity on the income tax return or an amendment or supplement to the return of the Settlement Trust, with such election to have effect solely for such taxable year.

“(B) *REVOCATION.*—Any election made by a Settlement Trust pursuant to this subsection may be revoked pursuant to a timely filed amendment or supplement to the income tax return of such Settlement Trust.

“(C) *CERTAIN DISPOSITIONS.*—

“(i) *IN GENERAL.*—In the case of any property for which an election is in effect under this subsection and which is disposed of within the first taxable year subsequent to the taxable year in which such property was contributed to the Settlement Trust—

“(I) this section shall be applied as if the election under this subsection had not been made,

“(II) any income or gain which would have been included in the year of contribution under subsection (f)(3) but for the taxpayer's election under this subsection shall be included in income for the taxable year of such contribution, and

“(III) the Settlement Trust shall pay any increase in tax resulting from such inclusion, including any applicable interest, and increased by 10 percent of the amount of such increase with interest.

“(ii) *ASSESSMENT.*—Notwithstanding section 6501(a), any amount described in subclause (III) of clause (i) may be assessed, or a proceeding in court with respect to such amount may be initiated without assessment, within 4 years after the date on which the return making the election under this subsection for such property was filed.”

(2) *CONFORMING AMENDMENT.*—The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting before the item relating to section 248 the following new item:

“Sec. 247. Contributions to Alaska Native Settlement Trusts.”

(3) *EFFECTIVE DATE.*—

(A) *IN GENERAL.*—The amendments made by this subsection shall apply to taxable years for which the period of limitation on refund or credit under section 6511 of the Internal Revenue Code of 1986 has not expired.

(B) *ONE-YEAR WAIVER OF STATUTE OF LIMITATIONS.*—If the period of limitation on a credit or refund resulting from the amendments made by paragraph (1) expires before the end of the 1-year period beginning on the date of the enact-

ment of this Act, refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

(c) *INFORMATION REPORTING FOR DEDUCTIBLE CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.*—

(1) *IN GENERAL.*—Section 6039H is amended—

(A) in the heading, by striking “**SPONSORING**”, and

(B) by adding at the end the following new subsection:

“(e) *DEDUCTIBLE CONTRIBUTIONS BY NATIVE CORPORATIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.*—

“(1) *IN GENERAL.*—Any Native Corporation (as defined in subsection (m) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m))) which has made a contribution to a Settlement Trust (as defined in subsection (t) of such section) to which an election under subsection (e) of section 247 applies shall provide such Settlement Trust with a statement regarding such election not later than January 31 of the calendar year subsequent to the calendar year in which the contribution was made.

“(2) *CONTENT OF STATEMENT.*—The statement described in paragraph (1) shall include—

“(A) the total amount of contributions to which the election under subsection (e) of section 247 applies,

“(B) for each contribution, whether such contribution was in cash,

“(C) for each contribution which consists of property other than cash, the date that such property was acquired by the Native Corporation and the adjusted basis and fair market value of such property on the date such property was contributed to the Settlement Trust,

“(D) the date on which each contribution was made to the Settlement Trust, and

“(E) such information as the Secretary determines to be necessary or appropriate for the identification of each contribution and the accurate inclusion of income relating to such contributions by the Settlement Trust.”

(2) *CONFORMING AMENDMENT.*—The item relating to section 6039H in the table of sections for subpart A of part III of subchapter A of chapter 61 is amended to read as follows:

“Sec. 6039H. Information With Respect to Alaska Native Settlement Trusts and Native Corporations.”

(3) *EFFECTIVE DATE.*—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2016.

SEC. 13822. AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.

(a) *IN GENERAL.*—Subsection (e) of section 4261 is amended by adding at the end the following new paragraph:

“(5) *AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.*—

“(A) *IN GENERAL.*—No tax shall be imposed by this section or section 4271 on any amounts paid by an aircraft owner for aircraft management services related to—

“(i) maintenance and support of the aircraft owner's aircraft, or

“(ii) flights on the aircraft owner's aircraft.

“(B) *AIRCRAFT MANAGEMENT SERVICES.*—For purposes of subparagraph (A), the term ‘aircraft management services’ includes—

“(i) assisting an aircraft owner with administrative and support services, such as scheduling, flight planning, and weather forecasting,

“(ii) obtaining insurance,

“(iii) maintenance, storage and fueling of aircraft,

“(iv) hiring, training, and provision of pilots and crew,

“(v) establishing and complying with safety standards, and

“(vi) such other services as are necessary to support flights operated by an aircraft owner.

“(C) *LESSEE TREATED AS AIRCRAFT OWNER.*—

“(i) *IN GENERAL.*—For purposes of this paragraph, the term ‘aircraft owner’ includes a person who leases the aircraft other than under a disqualified lease.

“(ii) *DISQUALIFIED LEASE.*—For purposes of clause (i), the term ‘disqualified lease’ means a lease from a person providing aircraft management services with respect to such aircraft (or a related person (within the meaning of section 465(b)(3)(C)) to the person providing such services), if such lease is for a term of 31 days or less.

“(D) *PRO RATA ALLOCATION.*—In the case of amounts paid to any person which (but for this subsection) are subject to the tax imposed by subsection (a), a portion of which consists of amounts described in subparagraph (A), this paragraph shall apply on a pro rata basis only to the portion which consists of amounts described in such subparagraph.”

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 13823. OPPORTUNITY ZONES.

(a) *IN GENERAL.*—Chapter 1 is amended by adding at the end the following:

“Subchapter Z—Opportunity Zones

“Sec. 1400Z-1. Designation.

“Sec. 1400Z-2. Special rules for capital gains invested in opportunity zones.

“SEC. 1400Z-1. DESIGNATION.

“(a) *QUALIFIED OPPORTUNITY ZONE DEFINED.*—For the purposes of this subchapter, the term ‘qualified opportunity zone’ means a population census tract that is a low-income community that is designated as a qualified opportunity zone.

“(b) *DESIGNATION.*—

“(1) *IN GENERAL.*—For purposes of subsection (a), a population census tract that is a low-income community is designated as a qualified opportunity zone if—

“(A) not later than the end of the determination period, the chief executive officer of the State in which the tract is located—

“(i) nominates the tract for designation as a qualified opportunity zone, and

“(ii) notifies the Secretary in writing of such nomination, and

“(B) the Secretary certifies such nomination and designates such tract as a qualified opportunity zone before the end of the consideration period.

“(2) *EXTENSION OF PERIODS.*—A chief executive officer of a State may request that the Secretary extend either the determination or consideration period, or both (determined without regard to this subparagraph), for an additional 30 days.

“(c) *OTHER DEFINITIONS.*—For purposes of this subsection—

“(1) *LOW-INCOME COMMUNITIES.*—The term ‘low-income community’ has the same meaning as when used in section 45D(e).

“(2) *DEFINITION OF PERIODS.*—

“(A) *CONSIDERATION PERIOD.*—The term ‘consideration period’ means the 30-day period beginning on the date on which the Secretary receives notice under subsection (b)(1)(A)(ii), as extended under subsection (b)(2).

“(B) *DETERMINATION PERIOD.*—The term ‘determination period’ means the 90-day period beginning on the date of the enactment of the Tax Cuts and Jobs Act, as extended under subsection (b)(2).

“(3) *STATE.*—For purposes of this section, the term ‘State’ includes any possession of the United States.

“(d) *NUMBER OF DESIGNATIONS.*—

“(1) *IN GENERAL.*—Except as provided by paragraph (2), the number of population census

tracts in a State that may be designated as qualified opportunity zones under this section may not exceed 25 percent of the number of low-income communities in the State.

“(2) EXCEPTION.—If the number of low-income communities in a State is less than 100, then a total of 25 of such tracts may be designated as qualified opportunity zones.

“(e) DESIGNATION OF TRACTS CONTIGUOUS WITH LOW-INCOME COMMUNITIES.—

“(1) IN GENERAL.—A population census tract that is not a low-income community may be designated as a qualified opportunity zone under this section if—

“(A) the tract is contiguous with the low-income community that is designated as a qualified opportunity zone, and

“(B) the median family income of the tract does not exceed 125 percent of the median family income of the low-income community with which the tract is contiguous.

“(2) LIMITATION.—Not more than 5 percent of the population census tracts designated in a State as a qualified opportunity zone may be designated under paragraph (1).

“(f) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—A designation as a qualified opportunity zone shall remain in effect for the period beginning on the date of the designation and ending at the close of the 10th calendar year beginning on or after such date of designation.

“SEC. 1400Z-2. SPECIAL RULES FOR CAPITAL GAINS INVESTED IN OPPORTUNITY ZONES.

“(a) IN GENERAL.—

“(1) TREATMENT OF GAINS.—In the case of gain from the sale to, or exchange with, an unrelated person of any property held by the taxpayer, at the election of the taxpayer—

“(A) gross income for the taxable year shall not include so much of such gain as does not exceed the aggregate amount invested by the taxpayer in a qualified opportunity fund during the 180-day period beginning on the date of such sale or exchange,

“(B) the amount of gain excluded by subparagraph (A) shall be included in gross income as provided by subsection (b), and

“(C) subsection (c) shall apply.

“(2) ELECTION.—No election may be made under paragraph (1)—

“(A) with respect to a sale or exchange if an election previously made with respect to such sale or exchange is in effect, or

“(B) with respect to any sale or exchange after December 31, 2026.

“(b) DEFERRAL OF GAIN INVESTED IN OPPORTUNITY ZONE PROPERTY.—

“(1) YEAR OF INCLUSION.—Gain to which subsection (a)(1)(B) applies shall be included in income in the taxable year which includes the earlier of—

“(A) the date on which such investment is sold or exchanged, or

“(B) December 31, 2026.

“(2) AMOUNT INCLUDIBLE.—

“(A) IN GENERAL.—The amount of gain included in gross income under subsection (a)(1)(A) shall be the excess of—

“(i) the lesser of the amount of gain excluded under paragraph (1) or the fair market value of the investment as determined as of the date described in paragraph (1), over

“(ii) the taxpayer's basis in the investment.

“(B) DETERMINATION OF BASIS.—

“(i) IN GENERAL.—Except as otherwise provided in this clause or subsection (c), the taxpayer's basis in the investment shall be zero.

“(ii) INCREASE FOR GAIN RECOGNIZED UNDER SUBSECTION (a)(1)(B).—The basis in the investment shall be increased by the amount of gain recognized by reason of subsection (a)(1)(B) with respect to such property.

“(iii) INVESTMENTS HELD FOR 5 YEARS.—In the case of any investment held for at least 5 years,

the basis of such investment shall be increased by an amount equal to 10 percent of the amount of gain deferred by reason of subsection (a)(1)(A).

“(iv) INVESTMENTS HELD FOR 7 YEARS.—In the case of any investment held by the taxpayer for at least 7 years, in addition to any adjustment made under clause (iii), the basis of such property shall be increased by an amount equal to 5 percent of the amount of gain deferred by reason of subsection (a)(1)(A).

“(c) SPECIAL RULE FOR INVESTMENTS HELD FOR AT LEAST 10 YEARS.—In the case of any investment held by the taxpayer for at least 10 years and with respect to which the taxpayer makes an election under this clause, the basis of such property shall be equal to the fair market value of such investment on the date that the investment is sold or exchanged.

“(d) QUALIFIED OPPORTUNITY FUND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified opportunity fund’ means any investment vehicle which is organized as a corporation or a partnership for the purpose of investing in qualified opportunity zone property (other than another qualified opportunity fund) that holds at least 90 percent of its assets in qualified opportunity zone property, determined by the average of the percentage of qualified opportunity zone property held in the fund as measured—

“(A) on the last day of the first 6-month period of the taxable year of the fund, and

“(B) on the last day of the taxable year of the fund.

“(2) QUALIFIED OPPORTUNITY ZONE PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified opportunity zone property’ means property which is—

“(i) qualified opportunity zone stock,

“(ii) qualified opportunity zone partnership interest, or

“(iii) qualified opportunity zone business property.

“(B) QUALIFIED OPPORTUNITY ZONE STOCK.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘qualified opportunity zone stock’ means any stock in a domestic corporation if—

“(I) such stock is acquired by the qualified opportunity fund after December 31, 2017, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

“(II) as of the time such stock was issued, such corporation was a qualified opportunity zone business (or, in the case of a new corporation, such corporation was being organized for purposes of being a qualified opportunity zone business), and

“(III) during substantially all of the qualified opportunity fund's holding period for such stock, such corporation qualified as a qualified opportunity zone business.

“(ii) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

“(C) QUALIFIED OPPORTUNITY ZONE PARTNERSHIP INTEREST.—The term ‘qualified opportunity zone partnership interest’ means any capital or profits interest in a domestic partnership if—

“(i) such interest is acquired by the qualified opportunity fund after December 31, 2017, from the partnership solely in exchange for cash,

“(ii) as of the time such interest was acquired, such partnership was a qualified opportunity zone business (or, in the case of a new partnership, such partnership was being organized for purposes of being a qualified opportunity zone business), and

“(iii) during substantially all of the qualified opportunity fund's holding period for such interest, such partnership qualified as a qualified opportunity zone business.

“(D) QUALIFIED OPPORTUNITY ZONE BUSINESS PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified opportunity zone business property’ means tangible property used in a trade or business of the qualified opportunity fund if—

“(I) such property was acquired by the qualified opportunity fund by purchase (as defined in section 179(d)(2)) after December 31, 2017,

“(II) the original use of such property in the qualified opportunity zone commences with the qualified opportunity fund or the qualified opportunity fund substantially improves the property, and

“(III) during substantially all of the qualified opportunity fund's holding period for such property, substantially all of the use of such property was in a qualified opportunity zone.

“(ii) SUBSTANTIAL IMPROVEMENT.—For purposes of subparagraph (A)(ii), property shall be treated as substantially improved by the qualified opportunity fund only if, during any 30-month period beginning after the date of acquisition of such property, additions to basis with respect to such property in the hands of the qualified opportunity fund exceed an amount equal to the adjusted basis of such property at the beginning of such 30-month period in the hands of the qualified opportunity fund.

“(iii) RELATED PARTY.—For purposes of subparagraph (A)(i), the related person rule of section 179(d)(2) shall be applied pursuant to paragraph (8) of this subsection in lieu of the application of such rule in section 179(d)(2)(A).

“(3) QUALIFIED OPPORTUNITY ZONE BUSINESS.—

“(A) IN GENERAL.—The term ‘qualified opportunity zone business’ means a trade or business—

“(i) in which substantially all of the tangible property owned or leased by the taxpayer is qualified opportunity zone business property (determined by substituting ‘qualified opportunity zone business’ for ‘qualified opportunity fund’ each place it appears in paragraph (2)(D)),

“(ii) which satisfies the requirements of paragraphs (2), (4), and (8) of section 1397C(b), and

“(iii) which is not described in section 144(c)(6)(B).

“(B) SPECIAL RULE.—For purposes of subparagraph (A), tangible property that ceases to be a qualified opportunity zone business property shall continue to be treated as a qualified opportunity zone business property for the lesser of—

“(i) 5 years after the date on which such tangible property ceases to be so qualified, or

“(ii) the date on which such tangible property is no longer held by the qualified opportunity zone business.

“(e) APPLICABLE RULES.—

“(1) TREATMENT OF INVESTMENTS WITH MIXED FUNDS.—In the case of any investment in a qualified opportunity fund only a portion of which consists of investments of gain to which an election under subsection (a) is in effect—

“(A) such investment shall be treated as 2 separate investments, consisting of—

“(i) one investment that only includes amounts to which the election under subsection (a) applies, and

“(ii) a separate investment consisting of other amounts, and

“(B) subsections (a), (b), and (c) shall only apply to the investment described in subparagraph (A)(i).

“(2) RELATED PERSONS.—For purposes of this section, persons are related to each other if such persons are described in section 267(b) or 707(b)(1), determined by substituting ‘20 percent’ for ‘50 percent’ each place it occurs in such sections.

“(3) DECEDENTS.—In the case of a decedent, amounts recognized under this section shall, if

not properly includible in the gross income of the decedent, be includible in gross income as provided by section 691.

“(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including—

“(A) rules for the certification of qualified opportunity funds for the purposes of this section,

“(B) rules to ensure a qualified opportunity fund has a reasonable period of time to reinvest the return of capital from investments in qualified opportunity zone stock and qualified opportunity zone partnership interests, and to reinvest proceeds received from the sale or disposition of qualified opportunity zone property, and

“(C) rules to prevent abuse.

“(f) FAILURE OF QUALIFIED OPPORTUNITY FUND TO MAINTAIN INVESTMENT STANDARD.—

“(1) IN GENERAL.—If a qualified opportunity fund fails to meet the 90-percent requirement of subsection (c)(1), the qualified opportunity fund shall pay a penalty for each month it fails to meet the requirement in an amount equal to the product of—

“(A) the excess of—

“(i) the amount equal to 90 percent of its aggregate assets, over

“(ii) the aggregate amount of qualified opportunity zone property held by the fund, multiplied by

“(B) the underpayment rate established under section 6621(a)(2) for such month.

“(2) SPECIAL RULE FOR PARTNERSHIPS.—In the case that the qualified opportunity fund is a partnership, the penalty imposed by paragraph (1) shall be taken into account proportionately as part of the distributive share of each partner of the partnership.

“(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection with respect to any failure if it is shown that such failure is due to reasonable cause.”.

(b) BASIS ADJUSTMENTS.—Section 1016(a) is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by inserting after paragraph (37) the following:

“(38) to the extent provided in subsections (b)(2) and (c) of section 1400Z–2.”.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

“SUBCHAPTER Z. OPPORTUNITY ZONES”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle D—International Tax Provisions

PART I—OUTBOUND TRANSACTIONS

Subpart A—Establishment of Participation Exemption System for Taxation of Foreign Income

SEC. 14101. DEDUCTION FOR FOREIGN-SOURCE PORTION OF DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by inserting after section 245 the following new section:

“SEC. 245A. DEDUCTION FOR FOREIGN SOURCE-PORTION OF DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

“(a) IN GENERAL.—In the case of any dividend received from a specified 10-percent owned foreign corporation by a domestic corporation which is a United States shareholder with respect to such foreign corporation, there shall be allowed as a deduction an amount equal to the foreign-source portion of such dividend.

“(b) SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘specified 10-percent owned foreign corporation’ means any foreign corporation with respect to which any domestic corporation is a United States shareholder with respect to such corporation.

“(2) EXCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) with respect to the shareholder and which is not a controlled foreign corporation.

“(c) FOREIGN-SOURCE PORTION.—For purposes of this section—

“(1) IN GENERAL.—The foreign-source portion of any dividend from a specified 10-percent owned foreign corporation is an amount which bears the same ratio to such dividend as—

“(A) the undistributed foreign earnings of the specified 10-percent owned foreign corporation, bears to

“(B) the total undistributed earnings of such foreign corporation.

“(2) UNDISTRIBUTED EARNINGS.—The term ‘undistributed earnings’ means the amount of the earnings and profits of the specified 10-percent owned foreign corporation (computed in accordance with sections 964(a) and 986)—

“(A) as of the close of the taxable year of the specified 10-percent owned foreign corporation in which the dividend is distributed, and

“(B) without diminution by reason of dividends distributed during such taxable year.

“(3) UNDISTRIBUTED FOREIGN EARNINGS.—The term ‘undistributed foreign earnings’ means the portion of the undistributed earnings which is attributable to neither—

“(A) income described in subparagraph (A) of section 245(a)(5), nor

“(B) dividends described in subparagraph (B) of such section (determined without regard to section 245(a)(12)).

“(d) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

“(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to any dividend for which a deduction is allowed under this section.

“(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1) (determined by treating the taxpayer as having elected the benefits of subpart A of part III of subchapter N).

“(e) SPECIAL RULES FOR HYBRID DIVIDENDS.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any dividend received by a United States shareholder from a controlled foreign corporation if the dividend is a hybrid dividend.

“(2) HYBRID DIVIDENDS OF TIERED CORPORATIONS.—If a controlled foreign corporation with respect to which a domestic corporation is a United States shareholder receives a hybrid dividend from any other controlled foreign corporation with respect to which such domestic corporation is also a United States shareholder, then, notwithstanding any other provision of this title—

“(A) the hybrid dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the receiving controlled foreign corporation for the taxable year of the controlled foreign corporation in which the dividend was received, and

“(B) the United States shareholder shall include in gross income an amount equal to the shareholder’s pro rata share (determined in the same manner as under section 951(a)(2)) of the subpart F income described in subparagraph (A).

“(3) DENIAL OF FOREIGN TAX CREDIT, ETC.—The rules of subsection (d) shall apply to any hybrid dividend received by, or any amount included under paragraph (2) in the gross income of, a United States shareholder.

“(4) HYBRID DIVIDEND.—The term ‘hybrid dividend’ means an amount received from a controlled foreign corporation—

“(A) for which a deduction would be allowed under subsection (a) but for this subsection, and

“(B) for which the controlled foreign corporation received a deduction (or other tax benefit) with respect to any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States.

“(f) SPECIAL RULE FOR PURGING DISTRIBUTIONS OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Any amount which is treated as a dividend under section 1291(d)(2)(B) shall not be treated as a dividend for purposes of this section.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including regulations for the treatment of United States shareholders owning stock of a specified 10 percent owned foreign corporation through a partnership.”.

(b) APPLICATION OF HOLDING PERIOD REQUIREMENT.—Subsection (c) of section 246 is amended—

(1) by striking “or 245” in paragraph (1) and inserting “245, or 245A”, and

(2) by adding at the end the following new paragraph:

“(5) SPECIAL RULES FOR FOREIGN SOURCE PORTION OF DIVIDENDS RECEIVED FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.—

“(A) 1-YEAR HOLDING PERIOD REQUIREMENT.—For purposes of section 245A—

“(i) paragraph (1)(A) shall be applied—

“(I) by substituting ‘365 days’ for ‘45 days’ each place it appears, and

“(II) by substituting ‘731-day period’ for ‘91-day period’, and

“(ii) paragraph (2) shall not apply.

“(B) STATUS MUST BE MAINTAINED DURING HOLDING PERIOD.—For purposes of applying paragraph (1) with respect to section 245A, the taxpayer shall be treated as holding the stock referred to in paragraph (1) for any period only if—

“(i) the specified 10-percent owned foreign corporation referred to in section 245A(a) is a specified 10-percent owned foreign corporation at all times during such period, and

“(ii) the taxpayer is a United States shareholder with respect to such specified 10-percent owned foreign corporation at all times during such period.”.

(c) APPLICATION OF RULES GENERALLY APPLICABLE TO DEDUCTIONS FOR DIVIDENDS RECEIVED.—

(1) TREATMENT OF DIVIDENDS FROM CERTAIN CORPORATIONS.—Paragraph (1) of section 246(a) is amended by striking “and 245” and inserting “245, and 245A”.

(2) COORDINATION WITH SECTION 1059.—Subparagraph (B) of section 1059(b)(2) is amended by striking “or 245” and inserting “245, or 245A”.

(d) COORDINATION WITH FOREIGN TAX CREDIT LIMITATION.—Subsection (b) of section 904 is amended by adding at the end the following new paragraph:

“(5) TREATMENT OF DIVIDENDS FOR WHICH DEDUCTION IS ALLOWED UNDER SECTION 245A.—For purposes of subsection (a), in the case of a domestic corporation which is a United States shareholder with respect to a specified 10-percent owned foreign corporation, such shareholder’s taxable income from sources without the United States (and entire taxable income) shall be determined without regard to—

“(A) the foreign-source portion of any dividend received from such foreign corporation, and

“(B) any deductions properly allocable or apportioned to—

“(i) income (other than amounts includible under section 951(a)(1) or 951A(a)) with respect to stock of such specified 10-percent owned foreign corporation, or

“(ii) such stock to the extent income with respect to such stock is other than amounts includible under section 951(a)(1) or 951A(a). Any term which is used in section 245A and in this paragraph shall have the same meaning for purposes of this paragraph as when used in such section.”.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 951 is amended by striking “subpart” and inserting “title”.

(2) Subsection (a) of section 957 is amended by striking “subpart” in the matter preceding paragraph (1) and inserting “title”.

(3) The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting after the item relating to section 245 the following new item:

“Sec. 245A. Deduction for foreign source-portion of dividends received by domestic corporations from certain 10-percent owned foreign corporations.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after (and, in the case of the amendments made by subsection (d), deductions with respect to taxable years ending after) December 31, 2017.

SEC. 14102. SPECIAL RULES RELATING TO SALES OR TRANSFERS INVOLVING SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

(a) SALES BY UNITED STATES PERSONS OF STOCK.—

(1) IN GENERAL.—Section 1248 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.—In the case of the sale or exchange by a domestic corporation of stock in a foreign corporation held for 1 year or more, any amount received by the domestic corporation which is treated as a dividend by reason of this section shall be treated as a dividend for purposes of applying section 245A.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales or exchanges after December 31, 2017.

(b) BASIS IN SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION REDUCED BY NONTAXED PORTION OF DIVIDEND FOR PURPOSES OF DETERMINING LOSS.—

(1) IN GENERAL.—Section 961 is amended by adding at the end the following new subsection:

“(d) BASIS IN SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION REDUCED BY NONTAXED PORTION OF DIVIDEND FOR PURPOSES OF DETERMINING LOSS.—If a domestic corporation received a dividend from a specified 10-percent owned foreign corporation (as defined in section 245A) in any taxable year, solely for purposes of determining loss on any disposition of stock of such foreign corporation in such taxable year or any subsequent taxable year, the basis of such domestic corporation in such stock shall be reduced (but not below zero) by the amount of any deduction allowable to such domestic corporation under section 245A with respect to such stock except to the extent such basis was reduced under section 1059 by reason of a dividend for which such a deduction was allowable.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions made after December 31, 2017.

(c) SALE BY A CFC OF A LOWER TIER CFC.—

(1) IN GENERAL.—Section 964(e) is amended by adding at the end the following new paragraph:

“(4) COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.—

“(A) IN GENERAL.—If, for any taxable year of a controlled foreign corporation beginning after December 31, 2017, any amount is treated as a dividend under paragraph (1) by reason of a sale or exchange by the controlled foreign corporation of stock in another foreign corporation held for 1 year or more, then, notwithstanding any other provision of this title—

“(i) the foreign-source portion of such dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the selling controlled foreign corporation for such taxable year,

“(ii) a United States shareholder with respect to the selling controlled foreign corporation shall include in gross income for the taxable year of the shareholder with or within which such taxable year of the controlled foreign corporation ends an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the amount treated as subpart F income under clause (i), and

“(iii) the deduction under section 245A(a) shall be allowable to the United States shareholder with respect to the subpart F income included in gross income under clause (ii) in the same manner as if such subpart F income were a dividend received by the shareholder from the selling controlled foreign corporation.

“(B) APPLICATION OF BASIS OR SIMILAR ADJUSTMENT.—For purposes of this title, in the case of a sale or exchange by a controlled foreign corporation of stock in another foreign corporation in a taxable year of the selling controlled foreign corporation beginning after December 31, 2017, rules similar to the rules of section 961(d) shall apply.

“(C) FOREIGN-SOURCE PORTION.—For purposes of this paragraph, the foreign-source portion of any amount treated as a dividend under paragraph (1) shall be determined in the same manner as under section 245A(c).”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales or exchanges after December 31, 2017.

(d) TREATMENT OF FOREIGN BRANCH LOSSES TRANSFERRED TO SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 is amended by adding at the end the following new section:

“SEC. 91. CERTAIN FOREIGN BRANCH LOSSES TRANSFERRED TO SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

“(a) IN GENERAL.—If a domestic corporation transfers substantially all of the assets of a foreign branch (within the meaning of section 367(a)(3)(C), as in effect before the date of the enactment of the Tax Cuts and Jobs Act) to a specified 10-percent owned foreign corporation (as defined in section 245A) with respect to which it is a United States shareholder after such transfer, such domestic corporation shall include in gross income for the taxable year which includes such transfer an amount equal to the transferred loss amount with respect to such transfer.

“(b) TRANSFERRED LOSS AMOUNT.—For purposes of this section, the term ‘transferred loss amount’ means, with respect to any transfer of substantially all of the assets of a foreign branch, the excess (if any) of—

“(1) the sum of losses—

“(A) which were incurred by the foreign branch after December 31, 2017, and before the transfer, and

“(B) with respect to which a deduction was allowed to the taxpayer, over

“(2) the sum of—

“(A) any taxable income of such branch for a taxable year after the taxable year in which the loss was incurred and through the close of the taxable year of the transfer, and

“(B) any amount which is recognized under section 904(f)(3) on account of the transfer.

“(c) REDUCTION FOR RECOGNIZED GAINS.—The transferred loss amount shall be reduced (but not below zero) by the amount of gain recognized by the taxpayer on account of the transfer (other than amounts taken into account under subsection (b)(2)(B)).

“(d) SOURCE OF INCOME.—Amounts included in gross income under this section shall be treated as derived from sources within the United States.

“(e) BASIS ADJUSTMENTS.—Consistent with such regulations or other guidance as the Secretary shall prescribe, proper adjustments shall be made in the adjusted basis of the taxpayer's stock in the specified 10-percent owned foreign corporation to which the transfer is made, and in the transferee's adjusted basis in the property transferred, to reflect amounts included in gross income under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Certain foreign branch losses transferred to specified 10-percent owned foreign corporations.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transfers after December 31, 2017.

(4) TRANSITION RULE.—The amount of gain taken into account under section 91(c) of the Internal Revenue Code of 1986, as added by this subsection, shall be reduced by the amount of gain which would be recognized under section 367(a)(3)(C) (determined without regard to the amendments made by subsection (e)) with respect to losses incurred before January 1, 2018.

(e) REPEAL OF ACTIVE TRADE OR BUSINESS EXCEPTION UNDER SECTION 367.—

(1) IN GENERAL.—Section 367(a) is amended by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) CONFORMING AMENDMENTS.—Section 367(a)(4), as redesignated by paragraph (1), is amended—

(A) by striking “Paragraphs (2) and (3)” and inserting “Paragraph (2)”, and

(B) by striking “PARAGRAPHS (2) AND (3)” in the heading and inserting “PARAGRAPH (2)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transfers after December 31, 2017.

SEC. 14103. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.

(a) IN GENERAL.—Section 965 is amended to read as follows:

“SEC. 965. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.

“(a) TREATMENT OF DEFERRED FOREIGN INCOME AS SUBPART F INCOME.—In the case of the last taxable year of a deferred foreign income corporation which begins before January 1, 2018, the subpart F income of such foreign corporation (as otherwise determined for such taxable year under section 952) shall be increased by the greater of—

“(1) the accumulated post-1986 deferred foreign income of such corporation determined as of November 2, 2017, or

“(2) the accumulated post-1986 deferred foreign income of such corporation determined as of December 31, 2017.

“(b) REDUCTION IN AMOUNTS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS OF SPECIFIED FOREIGN CORPORATIONS WITH DEFICITS IN EARNINGS AND PROFITS.—

“(1) *IN GENERAL.*—In the case of a taxpayer which is a United States shareholder with respect to at least one deferred foreign income corporation and at least one E&P deficit foreign corporation, the amount which would (but for this subsection) be taken into account under section 951(a)(1) by reason of subsection (a) as such United States shareholder's pro rata share of the subpart F income of each deferred foreign income corporation shall be reduced by the amount of such United States shareholder's aggregate foreign E&P deficit which is allocated under paragraph (2) to such deferred foreign income corporation.

“(2) *ALLOCATION OF AGGREGATE FOREIGN E&P DEFICIT.*—The aggregate foreign E&P deficit of any United States shareholder shall be allocated among the deferred foreign income corporations of such United States shareholder in an amount which bears the same proportion to such aggregate as—

“(A) such United States shareholder's pro rata share of the accumulated post-1986 deferred foreign income of each such deferred foreign income corporation, bears to

“(B) the aggregate of such United States shareholder's pro rata share of the accumulated post-1986 deferred foreign income of all deferred foreign income corporations of such United States shareholder.

“(3) *DEFINITIONS RELATED TO E&P DEFICITS.*—For purposes of this subsection—

“(A) *AGGREGATE FOREIGN E&P DEFICIT.*—

“(i) *IN GENERAL.*—The term ‘aggregate foreign E&P deficit’ means, with respect to any United States shareholder, the lesser of—

“(I) the aggregate of such shareholder's pro rata shares of the specified E&P deficits of the E&P deficit foreign corporations of such shareholder, or

“(II) the amount determined under paragraph (2)(B).

“(ii) *ALLOCATION OF DEFICIT.*—If the amount described in clause (i)(II) is less than the amount described in clause (i)(I), then the shareholder shall designate, in such form and manner as the Secretary determines—

“(I) the amount of the specified E&P deficit which is to be taken into account for each E&P deficit corporation with respect to the taxpayer, and

“(II) in the case of an E&P deficit corporation which has a qualified deficit (as defined in section 952), the portion (if any) of the deficit taken into account under subclause (I) which is attributable to a qualified deficit, including the qualified activities to which such portion is attributable.

“(B) *E&P DEFICIT FOREIGN CORPORATION.*—The term ‘E&P deficit foreign corporation’ means, with respect to any taxpayer, any specified foreign corporation with respect to which such taxpayer is a United States shareholder, if, as of November 2, 2017—

“(i) such specified foreign corporation has a deficit in post-1986 earnings and profits,

“(ii) such corporation was a specified foreign corporation, and

“(iii) such taxpayer was a United States shareholder of such corporation.

“(C) *SPECIFIED E&P DEFICIT.*—The term ‘specified E&P deficit’ means, with respect to any E&P deficit foreign corporation, the amount of the deficit referred to in subparagraph (B).

“(4) *TREATMENT OF EARNINGS AND PROFITS IN FUTURE YEARS.*—

“(A) *REDUCED EARNINGS AND PROFITS TREATED AS PREVIOUSLY TAXED INCOME WHEN DISTRIBUTED.*—For purposes of applying section 959 in any taxable year beginning with the taxable year described in subsection (a), with respect to any United States shareholder of a deferred foreign income corporation, an amount equal to such shareholder's reduction under paragraph

(1) which is allocated to such deferred foreign income corporation under this subsection shall be treated as an amount which was included in the gross income of such United States shareholder under section 951(a).

“(B) *E&P DEFICITS.*—For purposes of this title, with respect to any taxable year beginning with the taxable year described in subsection (a), a United States shareholder's pro rata share of the earnings and profits of any E&P deficit foreign corporation under this subsection shall be increased by the amount of the specified E&P deficit of such corporation taken into account by such shareholder under paragraph (1), and, for purposes of section 952, such increase shall be attributable to the same activity to which the deficit so taken into account was attributable.

“(5) *NETTING AMONG UNITED STATES SHAREHOLDERS IN SAME AFFILIATED GROUP.*—

“(A) *IN GENERAL.*—In the case of any affiliated group which includes at least one E&P net surplus shareholder and one E&P net deficit shareholder, the amount which would (but for this paragraph) be taken into account under section 951(a)(1) by reason of subsection (a) by each such E&P net surplus shareholder shall be reduced (but not below zero) by such shareholder's applicable share of the affiliated group's aggregate unused E&P deficit.

“(B) *E&P NET SURPLUS SHAREHOLDER.*—For purposes of this paragraph, the term ‘E&P net surplus shareholder’ means any United States shareholder which would (determined without regard to this paragraph) take into account an amount greater than zero under section 951(a)(1) by reason of subsection (a).

“(C) *E&P NET DEFICIT SHAREHOLDER.*—For purposes of this paragraph, the term ‘E&P net deficit shareholder’ means any United States shareholder if—

“(i) the aggregate foreign E&P deficit with respect to such shareholder (as defined in paragraph (3)(A) without regard to clause (i)(II) thereof), exceeds

“(ii) the amount which would (but for this subsection) be taken into account by such shareholder under section 951(a)(1) by reason of subsection (a).

“(D) *AGGREGATE UNUSED E&P DEFICIT.*—For purposes of this paragraph—

“(i) *IN GENERAL.*—The term ‘aggregate unused E&P deficit’ means, with respect to any affiliated group, the lesser of—

“(I) the sum of the excesses described in subparagraph (C), determined with respect to each E&P net deficit shareholder in such group, or

“(II) the amount determined under subparagraph (E)(ii).

“(ii) *REDUCTION WITH RESPECT TO E&P NET DEFICIT SHAREHOLDERS WHICH ARE NOT WHOLLY OWNED BY THE AFFILIATED GROUP.*—If the group ownership percentage of any E&P net deficit shareholder is less than 100 percent, the amount of the excess described in subparagraph (C) which is taken into account under clause (i)(I) with respect to such E&P net deficit shareholder shall be such group ownership percentage of such amount.

“(E) *APPLICABLE SHARE.*—For purposes of this paragraph, the term ‘applicable share’ means, with respect to any E&P net surplus shareholder in any affiliated group, the amount which bears the same proportion to such group's aggregate unused E&P deficit as—

“(i) the product of—

“(I) such shareholder's group ownership percentage, multiplied by

“(II) the amount which would (but for this paragraph) be taken into account under section 951(a)(1) by reason of subsection (a) by such shareholder, bears to

“(ii) the aggregate amount determined under clause (i) with respect to all E&P net surplus shareholders in such group.

“(F) *GROUP OWNERSHIP PERCENTAGE.*—For purposes of this paragraph, the term ‘group ownership percentage’ means, with respect to any United States shareholder in any affiliated group, the percentage of the value of the stock of such United States shareholder which is held by other includible corporations in such affiliated group. Notwithstanding the preceding sentence, the group ownership percentage of the common parent of the affiliated group is 100 percent. Any term used in this subparagraph which is also used in section 1504 shall have the same meaning as when used in such section.

“(c) *APPLICATION OF PARTICIPATION EXEMPTION TO INCLUDED INCOME.*—

“(1) *IN GENERAL.*—In the case of a United States shareholder of a deferred foreign income corporation, there shall be allowed as a deduction for the taxable year in which an amount is included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section an amount equal to the sum of—

“(A) the United States shareholder's 8 percent rate equivalent percentage of the excess (if any) of—

“(i) the amount so included as gross income, over

“(ii) the amount of such United States shareholder's aggregate foreign cash position, plus

“(B) the United States shareholder's 15.5 percent rate equivalent percentage of so much of the amount described in subparagraph (A)(ii) as does not exceed the amount described in subparagraph (A)(i).

“(2) *8 AND 15.5 PERCENT RATE EQUIVALENT PERCENTAGES.*—For purposes of this subsection—

“(A) *8 PERCENT RATE EQUIVALENT PERCENTAGE.*—The term ‘8 percent rate equivalent percentage’ means, with respect to any United States shareholder for any taxable year, the percentage which would result in the amount to which such percentage applies being subject to a 8 percent rate of tax determined by only taking into account a deduction equal to such percentage of such amount and the highest rate of tax specified in section 11 for such taxable year. In the case of any taxable year of a United States shareholder to which section 15 applies, the highest rate of tax under section 11 before the effective date of the change in rates and the highest rate of tax under section 11 after the effective date of such change shall each be taken into account under the preceding sentence in the same proportions as the portion of such taxable year which is before and after such effective date, respectively.

“(B) *15.5 PERCENT RATE EQUIVALENT PERCENTAGE.*—The term ‘15.5 percent rate equivalent percentage’ means, with respect to any United States shareholder for any taxable year, the percentage determined under subparagraph (A) applied by substituting ‘15.5 percent rate of tax’ for ‘8 percent rate of tax’.

“(3) *AGGREGATE FOREIGN CASH POSITION.*—For purposes of this subsection—

“(A) *IN GENERAL.*—The term ‘aggregate foreign cash position’ means, with respect to any United States shareholder, the greater of—

“(i) the aggregate of such United States shareholder's pro rata share of the cash position of each specified foreign corporation of such United States shareholder determined as of the close of the last taxable year of such specified foreign corporation which begins before January 1, 2018, or

“(ii) one half of the sum of—

“(I) the aggregate described in clause (i) determined as of the close of the last taxable year of each such specified foreign corporation which ends before November 2, 2017, plus

“(II) the aggregate described in clause (i) determined as of the close of the taxable year of each such specified foreign corporation which

precedes the taxable year referred to in subclause (I).

“(B) CASH POSITION.—For purposes of this paragraph, the cash position of any specified foreign corporation is the sum of—

“(i) cash held by such foreign corporation,

“(ii) the net accounts receivable of such foreign corporation, plus

“(iii) the fair market value of the following assets held by such corporation:

“(I) Personal property which is of a type that is actively traded and for which there is an established financial market.

“(II) Commercial paper, certificates of deposit, the securities of the Federal government and of any State or foreign government.

“(III) Any foreign currency.

“(IV) Any obligation with a term of less than one year.

“(V) Any asset which the Secretary identifies as being economically equivalent to any asset described in this subparagraph.

“(C) NET ACCOUNTS RECEIVABLE.—For purposes of this paragraph, the term ‘net accounts receivable’ means, with respect to any specified foreign corporation, the excess (if any) of—

“(i) such corporation’s accounts receivable, over

“(ii) such corporation’s accounts payable (determined consistent with the rules of section 461).

“(D) PREVENTION OF DOUBLE COUNTING.—Cash positions of a specified foreign corporation described in clause (ii), (iii)(I), or (iii)(IV) of subparagraph (B) shall not be taken into account by a United States shareholder under subparagraph (A) to the extent that such United States shareholder demonstrates to the satisfaction of the Secretary that such amount is so taken into account by such United States shareholder with respect to another specified foreign corporation.

“(E) CASH POSITIONS OF CERTAIN NON-CORPORATE ENTITIES TAKEN INTO ACCOUNT.—An entity (other than a corporation) shall be treated as a specified foreign corporation of a United States shareholder for purposes of determining such United States shareholder’s aggregate foreign cash position if any interest in such entity is held by a specified foreign corporation of such United States shareholder (determined after application of this subparagraph) and such entity would be a specified foreign corporation of such United States shareholder if such entity were a foreign corporation.

“(F) ANTI-ABUSE.—If the Secretary determines that a principal purpose of any transaction was to reduce the aggregate foreign cash position taken into account under this subsection, such transaction shall be disregarded for purposes of this subsection.

“(d) DEFERRED FOREIGN INCOME CORPORATION; ACCUMULATED POST-1986 DEFERRED FOREIGN INCOME.—For purposes of this section—

“(1) DEFERRED FOREIGN INCOME CORPORATION.—The term ‘deferred foreign income corporation’ means, with respect to any United States shareholder, any specified foreign corporation of such United States shareholder which has accumulated post-1986 deferred foreign income (as of the date referred to in paragraph (1) or (2) of subsection (a)) greater than zero.

“(2) ACCUMULATED POST-1986 DEFERRED FOREIGN INCOME.—The term ‘accumulated post-1986 deferred foreign income’ means the post-1986 earnings and profits except to the extent such earnings—

“(A) are attributable to income of the specified foreign corporation which is effectively connected with the conduct of a trade or business within the United States and subject to tax under this chapter, or

“(B) in the case of a controlled foreign corporation, if distributed, would be excluded from

the gross income of a United States shareholder under section 959.

To the extent provided in regulations or other guidance prescribed by the Secretary, in the case of any controlled foreign corporation which has shareholders which are not United States shareholders, accumulated post-1986 deferred foreign income shall be appropriately reduced by amounts which would be described in subparagraph (B) if such shareholders were United States shareholders.

“(3) POST-1986 EARNINGS AND PROFITS.—The term ‘post-1986 earnings and profits’ means the earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986, and by only taking into account periods when the foreign corporation was a specified foreign corporation) accumulated in taxable years beginning after December 31, 1986, and determined—

“(A) as of the date referred to in paragraph (1) or (2) of subsection (a), whichever is applicable with respect to such foreign corporation, and

“(B) without diminution by reason of dividends distributed during the taxable year described in subsection (a) other than dividends distributed to another specified foreign corporation.

“(e) SPECIFIED FOREIGN CORPORATION.—

“(1) IN GENERAL.—For purposes of this section, the term ‘specified foreign corporation’ means—

“(A) any controlled foreign corporation, and

“(B) any foreign corporation with respect to which one or more domestic corporations is a United States shareholder.

“(2) APPLICATION TO CERTAIN FOREIGN CORPORATIONS.—For purposes of sections 951 and 961, a foreign corporation described in paragraph (1)(B) shall be treated as a controlled foreign corporation solely for purposes of taking into account the subpart F income of such corporation under subsection (a) (and for purposes of applying subsection (f)).

“(3) EXCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) with respect to the shareholder and which is not a controlled foreign corporation.

“(f) DETERMINATIONS OF PRO RATA SHARE.—

“(1) IN GENERAL.—For purposes of this section, the determination of any United States shareholder’s pro rata share of any amount with respect to any specified foreign corporation shall be determined under rules similar to the rules of section 951(a)(2) by treating such amount in the same manner as subpart F income (and by treating such specified foreign corporation as a controlled foreign corporation).

“(2) SPECIAL RULES.—The portion which is included in the income of a United States shareholder under section 951(a)(1) by reason of subsection (a) which is equal to the deduction allowed under subsection (c) by reason of such inclusion—

“(A) shall be treated as income exempt from tax for purposes of sections 705(a)(1)(B) and 1367(a)(1)(A), and

“(B) shall not be treated as income exempt from tax for purposes of determining whether an adjustment shall be made to an accumulated adjustment account under section 1368(e)(1)(A).

“(g) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

“(1) IN GENERAL.—No credit shall be allowed under section 901 for the applicable percentage of any taxes paid or accrued (or treated as paid or accrued) with respect to any amount for which a deduction is allowed under this section.

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the amount (expressed as a percentage) equal to the sum of—

“(A) 0.771 multiplied by the ratio of—

“(i) the excess to which subsection (c)(1)(A) applies, divided by

“(ii) the sum of such excess plus the amount to which subsection (c)(1)(B) applies, plus

“(B) 0.557 multiplied by the ratio of—

“(i) the amount to which subsection (c)(1)(B) applies, divided by

“(ii) the sum described in subparagraph (A)(ii).

“(3) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1) (determined by treating the taxpayer as having elected the benefits of subpart A of part III of subchapter N).

“(4) COORDINATION WITH SECTION 78.—With respect to the taxes treated as paid or accrued by a domestic corporation with respect to amounts which are includible in gross income of such domestic corporation by reason of this section, section 78 shall apply only to so much of such taxes as bears the same proportion to the amount of such taxes as—

“(A) the excess of—

“(i) the amounts which are includible in gross income of such domestic corporation by reason of this section, over

“(ii) the deduction allowable under subsection (c) with respect to such amounts, bears to

“(B) such amounts.

“(h) ELECTION TO PAY LIABILITY IN INSTALLMENTS.—

“(1) IN GENERAL.—In the case of a United States shareholder of a deferred foreign income corporation, such United States shareholder may elect to pay the net tax liability under this section in 8 installments of the following amounts:

“(A) 8 percent of the net tax liability in the case of each of the first 5 of such installments,

“(B) 15 percent of the net tax liability in the case of the 6th such installment,

“(C) 20 percent of the net tax liability in the case of the 7th such installment, and

“(D) 25 percent of the net tax liability in the case of the 8th such installment.

“(2) DATE FOR PAYMENT OF INSTALLMENTS.—If an election is made under paragraph (1), the first installment shall be paid on the due date (determined without regard to any extension of time for filing the return) for the return of tax for the taxable year described in subsection (a) and each succeeding installment shall be paid on the due date (as so determined) for the return of tax for the taxable year following the taxable year with respect to which the preceding installment was made.

“(3) ACCELERATION OF PAYMENT.—If there is an addition to tax for failure to timely pay any installment required under this subsection, a liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), a cessation of business by the taxpayer, or any similar circumstance, then the unpaid portion of all remaining installments shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed). The preceding sentence shall not apply to the sale of substantially all the assets of a taxpayer to a buyer if such buyer enters into an agreement with the Secretary under which such buyer is liable for the remaining installments due under this subsection in the same manner as if such buyer were the taxpayer.

“(4) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under paragraph (1) to pay the net tax liability under this section in installments and a deficiency has been assessed with respect to such net tax liability, the deficiency shall be prorated to the installments payable under paragraph (1). The part of the deficiency so prorated to any installment the date for payment of which has not arrived shall

be collected at the same time as, and as a part of, such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

“(5) ELECTION.—Any election under paragraph (1) shall be made not later than the due date for the return of tax for the taxable year described in subsection (a) and shall be made in such manner as the Secretary shall provide.

“(6) NET TAX LIABILITY UNDER THIS SECTION.—For purposes of this subsection—

“(A) IN GENERAL.—The net tax liability under this section with respect to any United States shareholder is the excess (if any) of—

“(i) such taxpayer's net income tax for the taxable year in which an amount is included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section, over

“(ii) such taxpayer's net income tax for such taxable year determined—

“(I) without regard to this section, and

“(II) without regard to any income or deduction properly attributable to a dividend received by such United States shareholder from any deferred foreign income corporation.

“(B) NET INCOME TAX.—The term ‘net income tax’ means the regular tax liability reduced by the credits allowed under subparts A, B, and D of part IV of subchapter A.

“(i) SPECIAL RULES FOR S CORPORATION SHAREHOLDERS.—

“(1) IN GENERAL.—In the case of any S corporation which is a United States shareholder of a deferred foreign income corporation, each shareholder of such S corporation may elect to defer payment of such shareholder's net tax liability under this section with respect to such S corporation until the shareholder's taxable year which includes the triggering event with respect to such liability. Any net tax liability payment of which is deferred under the preceding sentence shall be assessed on the return of tax as an addition to tax in the shareholder's taxable year which includes such triggering event.

“(2) TRIGGERING EVENT.—

“(A) IN GENERAL.—In the case of any shareholder's net tax liability under this section with respect to any S corporation, the triggering event with respect to such liability is whichever of the following occurs first:

“(i) Such corporation ceases to be an S corporation (determined as of the first day of the first taxable year that such corporation is not an S corporation).

“(ii) A liquidation or sale of substantially all the assets of such S corporation (including in a title 11 or similar case), a cessation of business by such S corporation, such S corporation ceases to exist, or any similar circumstance.

“(iii) A transfer of any share of stock in such S corporation by the taxpayer (including by reason of death, or otherwise).

“(B) PARTIAL TRANSFERS OF STOCK.—In the case of a transfer of less than all of the taxpayer's shares of stock in the S corporation, such transfer shall only be a triggering event with respect to so much of the taxpayer's net tax liability under this section with respect to such S corporation as is properly allocable to such stock.

“(C) TRANSFER OF LIABILITY.—A transfer described in clause (iii) of subparagraph (A) shall not be treated as a triggering event if the transferee enters into an agreement with the Secretary under which such transferee is liable for net tax liability with respect to such stock in the same manner as if such transferee were the taxpayer.

“(3) NET TAX LIABILITY.—A shareholder's net tax liability under this section with respect to any S corporation is the net tax liability under this section which would be determined under subsection (h)(6) if the only subpart F income taken into account by such shareholder by reason of this section were allocations from such S corporation.

“(4) ELECTION TO PAY DEFERRED LIABILITY IN INSTALLMENTS.—In the case of a taxpayer which elects to defer payment under paragraph (1)—

“(A) subsection (h) shall be applied separately with respect to the liability to which such election applies,

“(B) an election under subsection (h) with respect to such liability shall be treated as timely made if made not later than the due date for the return of tax for the taxable year in which the triggering event with respect to such liability occurs,

“(C) the first installment under subsection (h) with respect to such liability shall be paid not later than such due date (but determined without regard to any extension of time for filing the return), and

“(D) if the triggering event with respect to any net tax liability is described in paragraph (2)(A)(ii), an election under subsection (h) with respect to such liability may be made only with the consent of the Secretary.

“(5) JOINT AND SEVERAL LIABILITY OF S CORPORATION.—If any shareholder of an S corporation elects to defer payment under paragraph (1), such S corporation shall be jointly and severally liable for such payment and any penalty, addition to tax, or additional amount attributable thereto.

“(6) EXTENSION OF LIMITATION ON COLLECTION.—Any limitation on the time period for the collection of a liability deferred under this subsection shall not be treated as beginning before the date of the triggering event with respect to such liability.

“(7) ANNUAL REPORTING OF NET TAX LIABILITY.—

“(A) IN GENERAL.—Any shareholder of an S corporation which makes an election under paragraph (1) shall report the amount of such shareholder's deferred net tax liability on such shareholder's return of tax for the taxable year for which such election is made and on the return of tax for each taxable year thereafter until such amount has been fully assessed on such returns.

“(B) DEFERRED NET TAX LIABILITY.—For purposes of this paragraph, the term ‘deferred net tax liability’ means, with respect to any taxable year, the amount of net tax liability payment of which has been deferred under paragraph (1) and which has not been assessed on a return of tax for any prior taxable year.

“(C) FAILURE TO REPORT.—In the case of any failure to report any amount required to be reported under subparagraph (A) with respect to any taxable year before the due date for the return of tax for such taxable year, there shall be assessed on such return as an addition to tax 5 percent of such amount.

“(8) ELECTION.—Any election under paragraph (1)—

“(A) shall be made by the shareholder of the S corporation not later than the due date for such shareholder's return of tax for the taxable year which includes the close of the taxable year of such S corporation in which the amount described in subsection (a) is taken into account, and

“(B) shall be made in such manner as the Secretary shall provide.

“(j) REPORTING BY S CORPORATION.—Each S corporation which is a United States shareholder of a specified foreign corporation shall report in its return of tax under section 6037(a) the amount includible in its gross income for

such taxable year by reason of this section and the amount of the deduction allowable by subsection (c). Any copy provided to a shareholder under section 6037(b) shall include a statement of such shareholder's pro rata share of such amounts.

“(k) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of the net tax liability under this section (as defined in subsection (h)(6)) shall not expire before the date that is 6 years after the return for the taxable year described in such subsection was filed.

“(l) RECAPTURE FOR EXPATRIATED ENTITIES.—

“(1) IN GENERAL.—If a deduction is allowed under subsection (c) to a United States shareholder and such shareholder first becomes an expatriated entity at any time during the 10-year period beginning on the date of the enactment of the Tax Cuts and Jobs Act (with respect to a surrogate foreign corporation which first becomes a surrogate foreign corporation during such period), then—

“(A) the tax imposed by this chapter shall be increased for the first taxable year in which such taxpayer becomes an expatriated entity by an amount equal to 35 percent of the amount of the deduction allowed under subsection (c), and

“(B) no credits shall be allowed against the increase in tax under subparagraph (A).

“(2) EXPATRIATED ENTITY.—For purposes of this subsection, the term ‘expatriated entity’ has the same meaning given such term under section 7874(a)(2), except that such term shall not include an entity if the surrogate foreign corporation with respect to the entity is treated as a domestic corporation under section 7874(b).

“(3) SURROGATE FOREIGN CORPORATION.—For purposes of this subsection, the term ‘surrogate foreign corporation’ has the meaning given such term in section 7874(a)(2)(B).

“(m) SPECIAL RULES FOR UNITED STATES SHAREHOLDERS WHICH ARE REAL ESTATE INVESTMENT TRUSTS.—

“(1) IN GENERAL.—If a real estate investment trust is a United States shareholder in 1 or more deferred foreign income corporations—

“(A) any amount required to be taken into account under section 951(a)(1) by reason of this section shall not be taken into account as gross income of the real estate investment trust for purposes of applying paragraphs (2) and (3) of section 856(c) to any taxable year for which such amount is taken into account under section 951(a)(1), and

“(B) if the real estate investment trust elects the application of this subparagraph, notwithstanding subsection (a), any amount required to be taken into account under section 951(a)(1) by reason of this section shall, in lieu of the taxable year in which it would otherwise be included in gross income (for purposes of the computation of real estate investment trust taxable income under section 857(b)), be included in gross income as follows:

“(i) 8 percent of such amount in the case of each of the taxable years in the 5-taxable year period beginning with the taxable year in which such amount would otherwise be included.

“(ii) 15 percent of such amount in the case of the 1st taxable year following such period.

“(iii) 20 percent of such amount in the case of the 2nd taxable year following such period.

“(iv) 25 percent of such amount in the case of the 3rd taxable year following such period.

“(2) RULES FOR TRUSTS ELECTING DEFERRED INCLUSION.—

“(A) ELECTION.—Any election under paragraph (1)(B) shall be made not later than the due date for the first taxable year in the 5-taxable year period described in clause (i) of paragraph (1)(B) and shall be made in such manner as the Secretary shall provide.

“(B) SPECIAL RULES.—If an election under paragraph (1)(B) is in effect with respect to any real estate investment trust, the following rules shall apply:

“(i) APPLICATION OF PARTICIPATION EXEMPTION.—For purposes of subsection (c)(1)—

“(I) the aggregate amount to which subparagraph (A) or (B) of subsection (c)(1) applies shall be determined without regard to the election,

“(II) each such aggregate amount shall be allocated to each taxable year described in paragraph (1)(B) in the same proportion as the amount included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section is allocated to each such taxable year.

“(III) NO INSTALLMENT PAYMENTS.—The real estate investment trust may not make an election under subsection (g) for any taxable year described in paragraph (1)(B).

“(ii) ACCELERATION OF INCLUSION.—If there is a liquidation or sale of substantially all the assets of the real estate investment trust (including in a title 11 or similar case), a cessation of business by such trust, or any similar circumstance, then any amount not yet included in gross income under paragraph (1)(B) shall be included in gross income as of the day before the date of the event and the unpaid portion of any tax liability with respect to such inclusion shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed).

“(n) ELECTION NOT TO APPLY NET OPERATING LOSS DEDUCTION.—

“(1) IN GENERAL.—If a United States shareholder of a deferred foreign income corporation elects the application of this subsection for the taxable year described in subsection (a), then the amount described in paragraph (2) shall not be taken into account—

“(A) in determining the amount of the net operating loss deduction under section 172 of such shareholder for such taxable year, or

“(B) in determining the amount of taxable income for such taxable year which may be reduced by net operating loss carryovers or carrybacks to such taxable year under section 172.

“(2) AMOUNT DESCRIBED.—The amount described in this paragraph is the sum of—

“(A) the amount required to be taken into account under section 951(a)(1) by reason of this section (determined after the application of subsection (c)), plus

“(B) in the case of a domestic corporation which chooses to have the benefits of subpart A of part III of subchapter N for the taxable year, the taxes deemed to be paid by such corporation under subsections (a) and (b) of section 960 for such taxable year with respect to the amount described in subparagraph (A) which are treated as a dividends under section 78.

“(3) ELECTION.—Any election under this subsection shall be made not later than the due date (including extensions) for filing the return of tax for the taxable year and shall be made in such manner as the Secretary shall prescribe.

“(o) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including—

“(1) regulations or other guidance to provide appropriate basis adjustments, and

“(2) regulations or other guidance to prevent the avoidance of the purposes of this section, including through a reduction in earnings and profits, through changes in entity classification or accounting methods, or otherwise.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 965 and inserting the following:

“Sec. 965. Treatment of deferred foreign income upon transition to participation exemption system of taxation.”.

Subpart B—Rules Related to Passive and Mobile Income

CHAPTER 1—TAXATION OF FOREIGN-DE-RIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME

SEC. 14201. CURRENT YEAR INCLUSION OF GLOBAL INTANGIBLE LOW-TAXED INCOME BY UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 951 the following new section:

“SEC. 951A. GLOBAL INTANGIBLE LOW-TAXED INCOME INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.

“(a) IN GENERAL.—Each person who is a United States shareholder of any controlled foreign corporation for any taxable year of such United States shareholder shall include in gross income such shareholder’s global intangible low-taxed income for such taxable year.

“(b) GLOBAL INTANGIBLE LOW-TAXED INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘global intangible low-taxed income’ means, with respect to any United States shareholder for any taxable year of such United States shareholder, the excess (if any) of—

“(A) such shareholder’s net CFC tested income for such taxable year, over

“(B) such shareholder’s net deemed tangible income return for such taxable year.

“(2) NET DEEMED TANGIBLE INCOME RETURN.—The term ‘net deemed tangible income return’ means, with respect to any United States shareholder for any taxable year, the excess of—

“(A) 10 percent of the aggregate of such shareholder’s pro rata share of the qualified business asset investment of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year (determined for each taxable year of each such controlled foreign corporation which ends in or with such taxable year of such United States shareholder), over

“(B) the amount of interest expense taken into account under subsection (c)(2)(A)(ii) in determining the shareholder’s net CFC tested income for the taxable year to the extent the interest income attributable to such expense is not taken into account in determining such shareholder’s net CFC tested income.

“(c) NET CFC TESTED INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘net CFC tested income’ means, with respect to any United States shareholder for any taxable year of such United States shareholder, the excess (if any) of—

“(A) the aggregate of such shareholder’s pro rata share of the tested income of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year of such United States shareholder (determined for each taxable year of such controlled foreign corporation which ends in or with such taxable year of such United States shareholder), over

“(B) the aggregate of such shareholder’s pro rata share of the tested loss of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year of such United States shareholder (determined for each taxable year of such controlled foreign corporation which ends in or with such taxable year of such United States shareholder).

“(2) TESTED INCOME; TESTED LOSS.—For purposes of this section—

“(A) TESTED INCOME.—The term ‘tested income’ means, with respect to any controlled foreign corporation for any taxable year of such

controlled foreign corporation, the excess (if any) of—

“(i) the gross income of such corporation determined without regard to—

“(I) any item of income described in section 952(b),

“(II) any gross income taken into account in determining the subpart F income of such corporation,

“(III) any gross income excluded from the foreign base company income (as defined in section 954) and the insurance income (as defined in section 953) of such corporation by reason of section 954(b)(4),

“(IV) any dividend received from a related person (as defined in section 954(d)(3)), and

“(V) any foreign oil and gas extraction income (as defined in section 907(c)(1)) of such corporation, over

“(ii) the deductions (including taxes) properly allocable to such gross income under rules similar to the rules of section 954(b)(5) (or to which such deductions would be allocable if there were such gross income).

“(B) TESTED LOSS.—

“(i) IN GENERAL.—The term ‘tested loss’ means, with respect to any controlled foreign corporation for any taxable year of such controlled foreign corporation, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

“(ii) COORDINATION WITH SUBPART F TO DENY DOUBLE BENEFIT OF LOSSES.—Section 952(c)(1)(A) shall be applied by increasing the earnings and profits of the controlled foreign corporation by the tested loss of such corporation.

“(d) QUALIFIED BUSINESS ASSET INVESTMENT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified business asset investment’ means, with respect to any controlled foreign corporation for any taxable year, the average of such corporation’s aggregate adjusted bases as of the close of each quarter of such taxable year in specified tangible property—

“(A) used in a trade or business of the corporation, and

“(B) of a type with respect to which a deduction is allowable under section 167.

“(2) SPECIFIED TANGIBLE PROPERTY.—

“(A) IN GENERAL.—The term ‘specified tangible property’ means, except as provided in subparagraph (B), any tangible property used in the production of tested income.

“(B) DUAL USE PROPERTY.—In the case of property used both in the production of tested income and income which is not tested income, such property shall be treated as specified tangible property in the same proportion that the gross income described in subsection (c)(1)(A) produced with respect to such property bears to the total gross income produced with respect to such property.

“(3) DETERMINATION OF ADJUSTED BASIS.—For purposes of this subsection, notwithstanding any provision of this title (or any other provision of law) which is enacted after the date of the enactment of this section, the adjusted basis in any property shall be determined—

“(A) by using the alternative depreciation system under section 168(g), and

“(B) by allocating the depreciation deduction with respect to such property ratably to each day during the period in the taxable year to which such depreciation relates.

“(3) PARTNERSHIP PROPERTY.—For purposes of this subsection, if a controlled foreign corporation holds an interest in a partnership at the close of such taxable year of the controlled foreign corporation, such controlled foreign corporation shall take into account under paragraph (1) the controlled foreign corporation’s

distributive share of the aggregate of the partnership's adjusted bases (determined as of such date in the hands of the partnership) in tangible property held by such partnership to the extent such property—

“(A) is used in the trade or business of the partnership,

“(B) is of a type with respect to which a deduction is allowable under section 167, and

“(C) is used in the production of tested income (determined with respect to such controlled foreign corporation's distributive share of income with respect to such property).

For purposes of this paragraph, the controlled foreign corporation's distributive share of the adjusted basis of any property shall be the controlled foreign corporation's distributive share of income with respect to such property.

“(4) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines appropriate to prevent the avoidance of the purposes of this subsection, including regulations or other guidance which provide for the treatment of property if—

“(A) such property is transferred, or held, temporarily, or

“(B) the avoidance of the purposes of this paragraph is a factor in the transfer or holding of such property.

“(e) DETERMINATION OF PRO RATA SHARE, ETC.—For purposes of this section—

“(1) IN GENERAL.—The pro rata shares referred to in subsections (b), (c)(1)(A), and (c)(1)(B), respectively, shall be determined under the rules of section 951(a)(2) in the same manner as such section applies to subpart F income and shall be taken into account in the taxable year of the United States shareholder in which or with which the taxable year of the controlled foreign corporation ends.

“(2) TREATMENT AS UNITED STATES SHAREHOLDER.—A person shall be treated as a United States shareholder of a controlled foreign corporation for any taxable year of such person only if such person owns (within the meaning of section 958(a)) stock in such foreign corporation on the last day in the taxable year of such foreign corporation on which such foreign corporation is a controlled foreign corporation.

“(3) TREATMENT AS CONTROLLED FOREIGN CORPORATION.—A foreign corporation shall be treated as a controlled foreign corporation for any taxable year if such foreign corporation is a controlled foreign corporation at any time during such taxable year.

“(f) TREATMENT AS SUBPART F INCOME FOR CERTAIN PURPOSES.—

“(1) IN GENERAL.—

“(A) APPLICATION.—Except as provided in subparagraph (B), any global intangible low-taxed income included in gross income under subsection (a) shall be treated in the same manner as an amount included under section 951(a)(1)(A) for purposes of applying sections 168(h)(2)(B), 535(b)(10), 851(b), 904(h)(1), 959, 961, 962, 993(a)(1)(E), 996(f)(1), 1248(b)(1), 1248(d)(1), 6501(e)(1)(C), 6654(d)(2)(D), and 6655(e)(4).

“(B) EXCEPTION.—The Secretary shall provide rules for the application of subparagraph (A) to other provisions of this title in any case in which the determination of subpart F income is required to be made at the level of the controlled foreign corporation.

“(2) ALLOCATION OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—For purposes of the sections referred to in paragraph (1), with respect to any controlled foreign corporation any pro rata amount from which is taken into account in determining the global intangible low-taxed income included in gross income of a United States shareholder under subsection (a), the portion of such global intangible low-taxed income which

is treated as being with respect to such controlled foreign corporation is—

“(A) in the case of a controlled foreign corporation with no tested income, zero, and

“(B) in the case of a controlled foreign corporation with tested income, the portion of such global intangible low-taxed income which bears the same ratio to such global intangible low-taxed income as—

“(i) such United States shareholder's pro rata amount of the tested income of such controlled foreign corporation, bears to

“(ii) the aggregate amount described in subsection (c)(1)(A) with respect to such United States shareholder.”.

(b) FOREIGN TAX CREDIT.—

(1) APPLICATION OF DEEMED PAID FOREIGN TAX CREDIT.—Section 960 is amended adding at the end the following new subsection:

“(d) DEEMED PAID CREDIT FOR TAXES PROPERLY ATTRIBUTABLE TO TESTED INCOME.—

“(1) IN GENERAL.—For purposes of subpart A of this part, if any amount is includible in the gross income of a domestic corporation under section 951A, such domestic corporation shall be deemed to have paid foreign income taxes equal to 80 percent of the product of—

“(A) such domestic corporation's inclusion percentage, multiplied by

“(B) the aggregate tested foreign income taxes paid or accrued by controlled foreign corporations.”.

(2) INCLUSION PERCENTAGE.—For purposes of paragraph (1), the term ‘inclusion percentage’ means, with respect to any domestic corporation, the ratio (expressed as a percentage) of—

“(A) such corporation's global intangible low-taxed income (as defined in section 951A(b)), divided by

“(B) the aggregate amount described in section 951A(c)(1)(A) with respect to such corporation.”.

(3) TESTED FOREIGN INCOME TAXES.—For purposes of paragraph (1), the term ‘tested foreign income taxes’ means, with respect to any domestic corporation which is a United States shareholder of a controlled foreign corporation, the foreign income taxes paid or accrued by such foreign corporation which are properly attributable to the tested income of such foreign corporation taken into account by such domestic corporation under section 951A.”.

(2) APPLICATION OF FOREIGN TAX CREDIT LIMITATION.—

(A) SEPARATE BASKET FOR GLOBAL INTANGIBLE LOW-TAXED INCOME.—Section 904(d)(1) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) any amount includible in gross income under section 951A (other than passive category income).”.

(B) EXCLUSION FROM GENERAL CATEGORY INCOME.—Section 904(d)(2)(A)(ii) is amended by inserting “income described in paragraph (1)(A) and” before “passive category income”.

(C) NO CARRYOVER OR CARRYBACK OF EXCESS TAXES.—Section 904(c) is amended by adding at the end the following: “This subsection shall not apply to taxes paid or accrued with respect to amounts described in subsection (d)(1)(A).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by inserting after the item relating to section 951 the following new item:

“Sec. 951A. Global intangible low-taxed income included in gross income of United States shareholders.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December

31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14202. DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by adding at the end the following new section:

“SEC. 250. FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME.

“(a) ALLOWANCE OF DEDUCTION.—

“(1) IN GENERAL.—In the case of a domestic corporation for any taxable year, there shall be allowed as a deduction an amount equal to the sum of—

“(A) 37.5 percent of the foreign-derived intangible income of such domestic corporation for such taxable year, plus

“(B) 50 percent of—

“(i) the global intangible low-taxed income amount (if any) which is included in the gross income of such domestic corporation under section 951A for such taxable year, and

“(ii) the amount treated as a dividend received by such corporation under section 78 which is attributable to the amount described in clause (i).

“(2) LIMITATION BASED ON TAXABLE INCOME.—

“(A) IN GENERAL.—If, for any taxable year—

“(i) the sum of the foreign-derived intangible income and the global intangible low-taxed income amount otherwise taken into account by the domestic corporation under paragraph (1), exceeds

“(ii) the taxable income of the domestic corporation (determined without regard to this section), then the amount of the foreign-derived intangible income and the global intangible low-taxed income amount so taken into account shall be reduced as provided in subparagraph (B).

“(B) REDUCTION.—For purposes of subparagraph (A)—

“(i) foreign-derived intangible income shall be reduced by an amount which bears the same ratio to the excess described in subparagraph (A) as such foreign-derived intangible income bears to the sum described in subparagraph (A)(i), and

“(ii) the global intangible low-taxed income amount shall be reduced by the remainder of such excess.

“(3) REDUCTION IN DEDUCTION FOR TAXABLE YEARS AFTER 2025.—In the case of any taxable year beginning after December 31, 2025, paragraph (1) shall be applied by substituting—

“(A) ‘21.875 percent’ for ‘37.5 percent’ in subparagraph (A), and

“(B) ‘37.5 percent’ for ‘50 percent’ in subparagraph (B).

“(b) FOREIGN-DERIVED INTANGIBLE INCOME.—For purposes of this section—

“(1) IN GENERAL.—The foreign-derived intangible income of any domestic corporation is the amount which bears the same ratio to the deemed intangible income of such corporation as—

“(A) the foreign-derived deduction eligible income of such corporation, bears to

“(B) the deduction eligible income of such corporation.

“(2) DEEMED INTANGIBLE INCOME.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘deemed intangible income’ means the excess (if any) of—

“(i) the deduction eligible income of the domestic corporation, over

“(ii) the deemed tangible income return of the corporation.

“(B) DEEMED TANGIBLE INCOME RETURN.—The term ‘deemed tangible income return’ means, with respect to any corporation, an amount

equal to 10 percent of the corporation's qualified business asset investment (as defined in section 951A(d), determined by substituting 'deduction eligible income' for 'tested income' in paragraph (2) thereof and without regard to whether the corporation is a controlled foreign corporation).

“(3) DEDUCTION ELIGIBLE INCOME.—

“(A) IN GENERAL.—The term ‘deduction eligible income’ means, with respect to any domestic corporation, the excess (if any) of—

“(i) gross income of such corporation determined without regard to—

“(I) any amount included in the gross income of such corporation under section 951(a)(1),

“(II) the global intangible low-taxed income included in the gross income of such corporation under section 951A,

“(III) any financial services income (as defined in section 904(d)(2)(D)) of such corporation,

“(IV) any dividend received from a corporation which is a controlled foreign corporation of such domestic corporation,

“(V) any domestic oil and gas extraction income of such corporation, and

“(VI) any foreign branch income (as defined in section 904(d)(2)(J)), over

“(ii) the deductions (including taxes) properly allocable to such gross income.

“(B) DOMESTIC OIL AND GAS EXTRACTION INCOME.—For purposes of subparagraph (A), the term ‘domestic oil and gas extraction income’ means income described in section 907(c)(1), determined by substituting ‘within the United States’ for ‘without the United States’.

“(4) FOREIGN-DERIVED DEDUCTION ELIGIBLE INCOME.—The term ‘foreign-derived deduction eligible income’ means, with respect to any taxpayer for any taxable year, any deduction eligible income of such taxpayer which is derived in connection with—

“(A) property—

“(i) which is sold by the taxpayer to any person who is not a United States person, and

“(ii) which the taxpayer establishes to the satisfaction of the Secretary is for a foreign use, or

“(B) services provided by the taxpayer which the taxpayer establishes to the satisfaction of the Secretary are provided to any person, or with respect to property, not located within the United States.

“(5) RULES RELATING TO FOREIGN USE PROPERTY OR SERVICES.—For purposes of this subsection—

“(A) FOREIGN USE.—The term ‘foreign use’ means any use, consumption, or disposition which is not within the United States.

“(B) PROPERTY OR SERVICES PROVIDED TO DOMESTIC INTERMEDIARIES.—

“(i) PROPERTY.—If a taxpayer sells property to another person (other than a related party) for further manufacture or other modification within the United States, such property shall not be treated as sold for a foreign use even if such other person subsequently uses such property for a foreign use.

“(ii) SERVICES.—If a taxpayer provides services to another person (other than a related party) located within the United States, such services shall not be treated as described in paragraph (4)(B) even if such other person uses such services in providing services which are so described.

“(C) SPECIAL RULES WITH RESPECT TO RELATED PARTY TRANSACTIONS.—

“(i) SALES TO RELATED PARTIES.—If property is sold to a related party who is not a United States person, such sale shall not be treated as for a foreign use unless—

“(I) such property is ultimately sold by a related party, or used by a related party in connection with property which is sold or the provision of services, to another person who is an unrelated party who is not a United States person, and

“(II) the taxpayer establishes to the satisfaction of the Secretary that such property is for a foreign use.

For purposes of this clause, a sale of property shall be treated as a sale of each of the components thereof.

“(ii) SERVICE PROVIDED TO RELATED PARTIES.—If a service is provided to a related party who is not located in the United States, such service shall not be treated described in subparagraph (A)(ii) unless the taxpayer established to the satisfaction of the Secretary that such service is not substantially similar to services provided by such related party to persons located within the United States.

“(D) RELATED PARTY.—For purposes of this paragraph, the term ‘related party’ means any member of an affiliated group as defined in section 1504(a), determined—

“(i) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(ii) without regard to paragraphs (2) and (3) of section 1504(b).

Any person (other than a corporation) shall be treated as a member of such group if such person is controlled by members of such group (including any entity treated as a member of such group by reason of this sentence) or controls any such member. For purposes of the preceding sentence, control shall be determined under the rules of section 954(d)(3).

“(E) SOLD.—For purposes of this subsection, the terms ‘sold’, ‘sells’, and ‘sale’ shall include any lease, license, exchange, or other disposition.

“(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 172(d), as amended by this Act, is amended by adding at the end the following new paragraph:

“(9) DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME.—The deduction under section 250 shall not be allowed.”.

(2) Section 246(b)(1) is amended—

(A) by striking “and subsection (a) and (b) of section 245” the first place it appears and inserting “, subsection (a) and (b) of section 245, and section 250”,

(B) by striking “and subsection (a) and (b) of section 245” the second place it appears and inserting “subsection (a) and (b) of section 245, and 250”.

(3) Section 469(i)(3)(F)(iii) is amended by striking “and 222” and inserting “222, and 250”.

(4) The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 250. Foreign-derived intangible income and global intangible low-taxed income.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

CHAPTER 2—OTHER MODIFICATIONS OF SUBPART F PROVISIONS

SEC. 14211. ELIMINATION OF INCLUSION OF FOREIGN BASE COMPANY OIL RELATED INCOME.

(a) REPEAL.—Subsection (a) of section 954 is amended—

(1) by inserting “and” at the end of paragraph (2),

(2) by striking the comma at the end of paragraph (3) and inserting a period, and

(3) by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 952(c)(1)(B)(iii) is amended by striking subclause (I) and redesignating subclauses (II) through (V) as subclauses (I) through (IV), respectively.

(2) Section 954(b) is amended—

(A) by striking the second sentence of paragraph (4),

(B) by striking “the foreign base company services income, and the foreign base company oil related income” in paragraph (5) and inserting “and the foreign base company services income”, and

(C) by striking paragraph (6).

(3) Section 954 is amended by striking subsection (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 14212. REPEAL OF INCLUSION BASED ON WITHDRAWAL OF PREVIOUSLY EXCLUDED SUBPART F INCOME FROM QUALIFIED INVESTMENT.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 is amended by striking section 955.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 951(a)(1)(A) is amended to read as follows:

“(A) his pro rata share (determined under paragraph (2)) of the corporation's subpart F income for such year, and”.

(B) Section 851(b) is amended by striking “section 951(a)(1)(A)(i)” in the flush language at the end and inserting “section 951(a)(1)(A)”.

(C) Section 952(c)(1)(B)(i) is amended by striking “section 951(a)(1)(A)(i)” and inserting “section 951(a)(1)(A)”.

(D) Section 953(c)(1)(C) is amended by striking “section 951(a)(1)(A)(i)” and inserting “section 951(a)(1)(A)”.

(2) Section 951(a) is amended by striking paragraph (3).

(3) Section 953(d)(4)(B)(iv)(II) is amended by striking “or amounts referred to in clause (ii) or (iii) of section 951(a)(1)(A)”.

(4) Section 964(b) is amended by striking “, 955.”.

(5) Section 970 is amended by striking subsection (b).

(6) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14213. MODIFICATION OF STOCK ATTRIBUTION RULES FOR DETERMINING STATUS AS A CONTROLLED FOREIGN CORPORATION.

(a) IN GENERAL.—Section 958(b) is amended—

(1) by striking paragraph (4), and

(2) by striking “Paragraphs (1) and (4)” in the last sentence and inserting “Paragraph (1)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) the last taxable year of foreign corporations beginning before January 1, 2018, and each subsequent taxable year of such foreign corporations, and

(2) taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14214. MODIFICATION OF DEFINITION OF UNITED STATES SHAREHOLDER.

(a) IN GENERAL.—Section 951(b) is amended by inserting “, or 10 percent or more of the total value of shares of all classes of stock of such foreign corporation” after “such foreign corporation”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States

shareholders with or within which such taxable years of foreign corporations end.

SEC. 14215. ELIMINATION OF REQUIREMENT THAT CORPORATION MUST BE CONTROLLED FOR 30 DAYS BEFORE SUBPART F INCLUSIONS APPLY.

(a) **IN GENERAL.**—Section 951(a)(1) is amended by striking “for an uninterrupted period of 30 days or more” and inserting “at any time”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

CHAPTER 3—PREVENTION OF BASE EROSION

SEC. 14221. LIMITATIONS ON INCOME SHIFTING THROUGH INTANGIBLE PROPERTY TRANSFERS.

(a) **DEFINITION OF INTANGIBLE ASSET.**—Section 936(h)(3)(B) is amended—

(1) by striking “or” at the end of clause (v),

(2) by striking clause (vi) and inserting the following:

“(vi) any goodwill, going concern value, or workforce in place (including its composition and terms and conditions (contractual or otherwise) of its employment); or

“(vii) any other item the value or potential value of which is not attributable to tangible property or the services of any individual.”, and

(3) by striking the flush language after clause (vii), as added by paragraph (2).

(b) **CLARIFICATION OF ALLOWABLE VALUATION METHODS.**—

(1) **FOREIGN CORPORATIONS.**—Section 367(d)(2) is amended by adding at the end the following new subparagraph:

“(D) **REGULATORY AUTHORITY.**—For purposes of the last sentence of subparagraph (A), the Secretary shall require—

“(i) the valuation of transfers of intangible property, including intangible property transferred with other property or services, on an aggregate basis, or

“(ii) the valuation of such a transfer on the basis of the realistic alternatives to such a transfer, if the Secretary determines that such basis is the most reliable means of valuation of such transfers.”.

(2) **ALLOCATION AMONG TAXPAYERS.**—Section 482 is amended by adding at the end the following: “For purposes of this section, the Secretary shall require the valuation of transfers of intangible property (including intangible property transferred with other property or services) on an aggregate basis or the valuation of such a transfer on the basis of the realistic alternatives to such a transfer, if the Secretary determines that such basis is the most reliable means of valuation of such transfers.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to transfers in taxable years beginning after December 31, 2017.

(2) **NO INFERENCE.**—Nothing in the amendment made by subsection (a) shall be construed to create any inference with respect to the application of section 936(h)(3) of the Internal Revenue Code of 1986, or the authority of the Secretary of the Treasury to provide regulations for such application, with respect to taxable years beginning before January 1, 2018.

SEC. 14222. CERTAIN RELATED PARTY AMOUNTS PAID OR ACCRUED IN HYBRID TRANSACTIONS OR WITH HYBRID ENTITIES.

(a) **IN GENERAL.**—Part IX of subchapter B of chapter 1 is amended by inserting after section 267 the following:

“SEC. 267A. CERTAIN RELATED PARTY AMOUNTS PAID OR ACCRUED IN HYBRID TRANSACTIONS OR WITH HYBRID ENTITIES.

“(a) **IN GENERAL.**—No deduction shall be allowed under this chapter for any disqualified related party amount paid or accrued pursuant to a hybrid transaction or by, or to, a hybrid entity.

“(b) **DISQUALIFIED RELATED PARTY AMOUNT.**—For purposes of this section—

“(1) **DISQUALIFIED RELATED PARTY AMOUNT.**—The term ‘disqualified related party amount’ means any interest or royalty paid or accrued to a related party to the extent that—

“(A) such amount is not included in the income of such related party under the tax law of the country of which such related party is a resident for tax purposes or is subject to tax, or

“(B) such related party is allowed a deduction with respect to such amount under the tax law of such country.

Such term shall not include any payment to the extent such payment is included in the gross income of a United States shareholder under section 951(a).

“(2) **RELATED PARTY.**—The term ‘related party’ means a related person as defined in section 954(d)(3), except that such section shall be applied with respect to the person making the payment described in paragraph (1) in lieu of the controlled foreign corporation otherwise referred to in such section.

“(c) **HYBRID TRANSACTION.**—For purposes of this section, the term ‘hybrid transaction’ means any transaction, series of transactions, agreement, or instrument one or more payments with respect to which are treated as interest or royalties for purposes of this chapter and which are not so treated for purposes the tax law of the foreign country of which the recipient of such payment is resident for tax purposes or is subject to tax.

“(d) **HYBRID ENTITY.**—For purposes of this section, the term ‘hybrid entity’ means any entity which is either—

“(1) treated as fiscally transparent for purposes of this chapter but not so treated for purposes of the tax law of the foreign country of which the entity is resident for tax purposes or is subject to tax, or

“(2) treated as fiscally transparent for purposes of such tax law but not so treated for purposes of this chapter.

“(e) **REGULATIONS.**—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance providing for—

“(1) rules for treating certain conduit arrangements which involve a hybrid transaction or a hybrid entity as subject to subsection (a),

“(2) rules for the application of this section to branches or domestic entities,

“(3) rules for treating certain structured transactions as subject to subsection (a),

“(4) rules for treating a tax preference as an exclusion from income for purposes of applying subsection (b)(1) if such tax preference has the effect of reducing the generally applicable statutory rate by 25 percent or more,

“(5) rules for treating the entire amount of interest or royalty paid or accrued to a related party as a disqualified related party amount if such amount is subject to a participation exemption system or other system which provides for the exclusion or deduction of a substantial portion of such amount,

“(6) rules for determining the tax residence of a foreign entity if the entity is otherwise considered a resident of more than one country or of no country,

“(7) exceptions from subsection (a) with respect to—

“(A) cases in which the disqualified related party amount is taxed under the laws of a for-

eign country other than the country of which the related party is a resident for tax purposes, and

“(B) other cases which the Secretary determines do not present a risk of eroding the Federal tax base,

“(8) requirements for record keeping and information reporting in addition to any requirements imposed by section 6038A.”.

(b) **CONFORMING AMENDMENT.**—The table of sections for part IX of subchapter B of chapter 1 is amended by inserting after the item relating to section 267 the following new item:

“Sec. 267A. Certain related party amounts paid or accrued in hybrid transactions or with hybrid entities.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 14223. SHAREHOLDERS OF SURROGATE FOREIGN CORPORATIONS NOT ELIGIBLE FOR REDUCED RATE ON DIVIDENDS.

(a) **IN GENERAL.**—Section 1(h)(11)(C)(iii) is amended—

(1) by striking “shall not include any foreign corporation” and inserting “shall not include—

“(I) any foreign corporation”,

(2) by striking the period at the end and inserting “, and”, and

(3) by adding at the end the following new subclause:

“(II) any corporation which first becomes a surrogate foreign corporation (as defined in section 7874(a)(2)(B)) after the date of the enactment of this subclause, other than a foreign corporation which is treated as a domestic corporation under section 7874(b).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to dividends received after the date of the enactment of this Act.

Subpart C—Modifications Related to Foreign Tax Credit System

SEC. 14301. REPEAL OF SECTION 902 INDIRECT FOREIGN TAX CREDITS; DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.

(a) **REPEAL OF SECTION 902 INDIRECT FOREIGN TAX CREDITS.**—Subpart A of part III of subchapter N of chapter 1 is amended by striking section 902.

(b) **DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.**—Section 960, as amended by section 14201, is amended—

(1) by striking subsection (c), by redesignating subsection (b) as subsection (c), by striking all that precedes subsection (c) (as so redesignated) and inserting the following:

“SEC. 960. DEEMED PAID CREDIT FOR SUBPART F INCLUSIONS.

“(a) **IN GENERAL.**—For purposes of subpart A of this part, if there is included in the gross income of a domestic corporation any item of income under section 951(a)(1) with respect to any controlled foreign corporation with respect to which such domestic corporation is a United States shareholder, such domestic corporation shall be deemed to have paid so much of such foreign corporation’s foreign income taxes as are properly attributable to such item of income.

“(b) **SPECIAL RULES FOR DISTRIBUTIONS FROM PREVIOUSLY TAXED EARNINGS AND PROFITS.**—For purposes of subpart A of this part—

“(1) **IN GENERAL.**—If any portion of a distribution from a controlled foreign corporation to a domestic corporation which is a United States shareholder with respect to such controlled foreign corporation is excluded from gross income under section 959(a), such domestic corporation shall be deemed to have paid so much of such foreign corporation’s foreign income taxes as—

“(A) are properly attributable to such portion, and

“(B) have not been deemed to have to been paid by such domestic corporation under this

section for the taxable year or any prior taxable year.

“(2) **TIERED CONTROLLED FOREIGN CORPORATIONS.**—If section 959(b) applies to any portion of a distribution from a controlled foreign corporation to another controlled foreign corporation, such controlled foreign corporation shall be deemed to have paid so much of such other controlled foreign corporation’s foreign income taxes as—

“(A) are properly attributable to such portion, and

“(B) have not been deemed to have been paid by a domestic corporation under this section for the taxable year or any prior taxable year.”.

(2) and by adding after subsection (d) (as added by section 14201) the following new subsections:

“(e) **FOREIGN INCOME TAXES.**—The term ‘foreign income taxes’ means any income, war profits, or excess profits taxes paid or accrued to any foreign country or possession of the United States.

“(f) **REGULATIONS.**—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 78 is amended to read as follows:

“SEC. 78. GROSS UP FOR DEEMED PAID FOREIGN TAX CREDIT.

“If a domestic corporation chooses to have the benefits of subpart A of part III of subchapter N (relating to foreign tax credit) for any taxable year, an amount equal to the taxes deemed to be paid by such corporation under subsections (a), (b), and (d) of section 960 (determined without regard to the phrase ‘80 percent of’ in subsection (d)(1) thereof) for such taxable year shall be treated for purposes of this title (other than sections 245 and 245A) as a dividend received by such domestic corporation from the foreign corporation.”.

(2) Paragraph (4) of section 245(a) is amended to read as follows:

“(4) **POST-1986 UNDISTRIBUTED EARNINGS.**—The term ‘post-1986 undistributed earnings’ means the amount of the earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 1986—

“(A) as of the close of the taxable year of the foreign corporation in which the dividend is distributed, and

“(B) without diminution by reason of dividends distributed during such taxable year.”.

(3) Section 245(a)(10)(C) is amended by striking “902, 907, and 960” and inserting “907 and 960”.

(4) Sections 535(b)(1) and 545(b)(1) are each amended by striking “section 902(a) or 960(a)(1)” and inserting “section 960”.

(5) Section 814(f)(1) is amended—

(A) by striking subparagraph (B), and

(B) by striking all that precedes “No income” and inserting the following:

“(1) **TREATMENT OF FOREIGN TAXES.**—”.

(6) Section 865(h)(1)(B) is amended by striking “902, 907,” and inserting “907”.

(7) Section 901(a) is amended by striking “sections 902 and 960” and inserting “section 960”.

(8) Section 901(e)(2) is amended by striking “but is not limited to—” and all that follows through “that portion” and inserting “but is not limited to that portion”.

(9) Section 901(f) is amended by striking “sections 902 and 960” and inserting “section 960”.

(10) Section 901(j)(1)(A) is amended by striking “902 or”.

(11) Section 901(j)(1)(B) is amended by striking “sections 902 and 960” and inserting “section 960”.

(12) Section 901(k)(2) is amended by striking “, 902,”.

(13) Section 901(k)(6) is amended by striking “902 or”.

(14) Section 901(m)(1)(B) is amended to read as follows:

“(B) in the case of a foreign income tax paid by a foreign corporation, shall not be taken into account for purposes of section 960.”.

(15) Section 904(d)(2)(E) is amended—

(A) by amending clause (i) to read as follows:

“(i) **NONCONTROLLED 10-PERCENT OWNED FOREIGN CORPORATION.**—The term ‘noncontrolled 10-percent owned foreign corporation’ means any foreign corporation which is—

“(I) a specified 10-percent owned foreign corporation (as defined in section 245A(b)), or

“(II) a passive foreign investment company (as defined in section 1297(a)) with respect to which the taxpayer meets the stock ownership requirements of section 902(a) (or, for purposes of applying paragraphs (3) and (4), the requirements of section 902(b)).

A controlled foreign corporation shall not be treated as a noncontrolled 10-percent owned foreign corporation with respect to any distribution out of its earnings and profits for periods during which it was a controlled foreign corporation. Any reference to section 902 in this clause shall be treated as a reference to such section as in effect before its repeal.”.

(B) by striking “non-controlled section 902 corporation” in clause (ii) and inserting “non-controlled 10-percent owned foreign corporation”.

(16) Section 904(d)(4) is amended—

(A) by striking “noncontrolled section 902 corporation” each place it appears and inserting “noncontrolled 10-percent owned foreign corporation”.

(B) by striking “NONCONTROLLED SECTION 902 CORPORATIONS” in the heading thereof and inserting “NONCONTROLLED 10-PERCENT OWNED FOREIGN CORPORATIONS”.

(17) Section 904(d)(6)(A) is amended by striking “902, 907,” and inserting “907”.

(18) Section 904(h)(10)(A) is amended by striking “sections 902, 907, and 960” and inserting “sections 907 and 960”.

(19) Section 904(k) is amended to read as follows:

“(k) **CROSS REFERENCES.**—For increase of limitation under subsection (a) for taxes paid with respect to amounts received which were included in the gross income of the taxpayer for a prior taxable year as a United States shareholder with respect to a controlled foreign corporation, see section 960(c).”.

(20) Section 905(c)(1) is amended by striking the last sentence.

(21) Section 905(c)(2)(B)(i) is amended to read as follows:

“(i) shall be taken into account for the taxable year to which such taxes relate, and”.

(22) Section 906(a) is amended by striking “(or deemed, under section 902, paid or accrued during the taxable year)”.

(23) Section 906(b) is amended by striking paragraphs (4) and (5).

(24) Section 907(b)(2)(B) is amended by striking “902 or”.

(25) Section 907(c)(3)(A) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) interest, to the extent the category of income of such interest is determined under section 904(d)(3),” and

(B) by striking “section 960(a)” in subparagraph (B) and inserting “section 960”.

(26) Section 907(c)(5) is amended by striking “902 or”.

(27) Section 907(f)(2)(B)(i) is amended by striking “902 or”.

(28) Section 908(a) is amended by striking “902 or”.

(29) Section 909(b) is amended—

(A) by striking “section 902 corporation” in the matter preceding paragraph (1) and inserting “specified 10-percent owned foreign corporation (as defined in section 245A(b) without regard to paragraph (2) thereof)”,

(B) by striking “902 or” in paragraph (1),

(C) by striking “by such section 902 corporation” and all that follows in the matter following paragraph (2) and inserting “by such specified 10-percent owned foreign corporation or a domestic corporation which is a United States shareholder with respect to such specified 10-percent owned foreign corporation.”, and

(D) by striking “SECTION 902 CORPORATIONS” in the heading thereof and inserting “SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS”.

(30) Section 909(d) is amended by striking paragraph (5).

(31) Section 958(a)(1) is amended by striking “960(a)(1)” and inserting “960”.

(32) Section 959(d) is amended by striking “Except as provided in section 960(a)(3), any” and inserting “Any”.

(33) Section 959(e) is amended by striking “section 960(b)” and inserting “section 960(c)”.

(34) Section 1291(g)(2)(A) is amended by striking “any distribution—” and all that follows through “but only if” and inserting “any distribution, any withholding tax imposed with respect to such distribution, but only if”.

(35) Section 1293(f) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) a domestic corporation which owns (or is treated under section 1298(a) as owning) stock of a qualified electing fund shall be treated in the same manner as a United States shareholder of a controlled foreign corporation (and such qualified electing fund shall be treated in the same manner as such controlled foreign corporation) if such domestic corporation meets the stock ownership requirements of subsection (a) or (b) of section 902 (as in effect before its repeal) with respect to such qualified electing fund.”.

(36) Section 6038(c)(1)(B) is amended by striking “sections 902 (relating to foreign tax credit for corporate stockholder in foreign corporation) and 960 (relating to special rules for foreign tax credit)” and inserting “section 960”.

(37) Section 6038(c)(4) is amended by striking subparagraph (C).

(38) The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by striking the item relating to section 902.

(39) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 960 and inserting the following:

“Sec. 960. Deemed paid credit for subpart F inclusions.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14302. SEPARATE FOREIGN TAX CREDIT LIMITATION BASKET FOR FOREIGN BRANCH INCOME.

(a) **IN GENERAL.**—Section 904(d)(1), as amended by section 14201, is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) foreign branch income.”.

(b) **FOREIGN BRANCH INCOME.**—

(1) **IN GENERAL.**—Section 904(d)(2) is amended by inserting after subparagraph (1) the following new subparagraph:

“(J) FOREIGN BRANCH INCOME.—

“(i) **IN GENERAL.**—The term ‘foreign branch income’ means the business profits of such United States person which are attributable to 1 or more qualified business units (as defined in section 989(a)) in 1 or more foreign countries. For purposes of the preceding sentence, the amount of business profits attributable to a qualified business unit shall be determined under rules established by the Secretary.

“(ii) **EXCEPTION.**—Such term shall not include any income which is passive category income.”.

(2) **CONFORMING AMENDMENT.**—Section 904(d)(2)(A)(ii), as amended by section 14201, is amended by striking “income described in paragraph (1)(A) and” and inserting “income described in paragraph (1)(A), foreign branch income, and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 14303. SOURCE OF INCOME FROM SALES OF INVENTORY DETERMINED SOLELY ON BASIS OF PRODUCTION ACTIVITIES.

(a) **IN GENERAL.**—Section 863(b) is amended by adding at the end the following: “Gains, profits, and income from the sale or exchange of inventory property described in paragraph (2) shall be allocated and apportioned between sources within and without the United States solely on the basis of the production activities with respect to the property.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 14304. ELECTION TO INCREASE PERCENTAGE OF DOMESTIC TAXABLE INCOME OFFSET BY OVERALL DOMESTIC LOSS TREATED AS FOREIGN SOURCE.

(a) **IN GENERAL.**—Section 904(g) is amended by adding at the end the following new paragraph:

“(5) **ELECTION TO INCREASE PERCENTAGE OF TAXABLE INCOME TREATED AS FOREIGN SOURCE.**—

“(A) **IN GENERAL.**—If any pre-2018 unused overall domestic loss is taken into account under paragraph (1) for any applicable taxable year, the taxpayer may elect to have such paragraph applied to such loss by substituting a percentage greater than 50 percent (but not greater than 100 percent) for 50 percent in subparagraph (B) thereof.

“(B) **PRE-2018 UNUSED OVERALL DOMESTIC LOSS.**—For purposes of this paragraph, the term ‘pre-2018 unused overall domestic loss’ means any overall domestic loss which—

“(i) arises in a qualified taxable year beginning before January 1, 2018, and

“(ii) has not been used under paragraph (1) for any taxable year beginning before such date.

“(C) **APPLICABLE TAXABLE YEAR.**—For purposes of this paragraph, the term ‘applicable taxable year’ means any taxable year of the taxpayer beginning after December 31, 2017, and before January 1, 2028.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

PART II—INBOUND TRANSACTIONS

SEC. 14401. BASE EROSION AND ANTI-ABUSE TAX.

(a) **IMPOSITION OF TAX.**—Subchapter A of chapter 1 is amended by adding at the end the following new part:

“PART VII—BASE EROSION AND ANTI-ABUSE TAX

“Sec. 59A. Tax on base erosion payments of taxpayers with substantial gross receipts.

“SEC. 59A. TAX ON BASE EROSION PAYMENTS OF TAXPAYERS WITH SUBSTANTIAL GROSS RECEIPTS.

“(a) **IMPOSITION OF TAX.**—There is hereby imposed on each applicable taxpayer for any taxable year a tax equal to the base erosion min-

imum tax amount for the taxable year. Such tax shall be in addition to any other tax imposed by this subtitle.

“(b) **BASE EROSION MINIMUM TAX AMOUNT.**—For purposes of this section—

“(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the term ‘base erosion minimum tax amount’ means, with respect to any applicable taxpayer for any taxable year, the excess (if any) of—

“(A) an amount equal to 10 percent (5 percent in the case of taxable years beginning in calendar year 2018) of the modified taxable income of such taxpayer for the taxable year, over

“(B) an amount equal to the regular tax liability (as defined in section 26(b)) of the taxpayer for the taxable year, reduced (but not below zero) by the excess (if any) of—

“(i) the credits allowed under this chapter against such regular tax liability, over

“(ii) the sum of—

“(I) the credit allowed under section 38 for the taxable year which is properly allocable to the research credit determined under section 41(a), plus

“(II) the portion of the applicable section 38 credits not in excess of 80 percent of the lesser of the amount of such credits or the base erosion minimum tax amount (determined without regard to this subclause).

“(2) **MODIFICATIONS FOR TAXABLE YEARS BEGINNING AFTER 2025.**—In the case of any taxable year beginning after December 31, 2025, paragraph (1) shall be applied—

“(A) by substituting ‘12.5 percent’ for ‘10 percent’ in subparagraph (A) thereof, and

“(B) by reducing (but not below zero) the regular tax liability (as defined in section 26(b)) for purposes of subparagraph (B) thereof by the aggregate amount of the credits allowed under this chapter against such regular tax liability rather than the excess described in such subparagraph.

“(3) **INCREASED RATE FOR CERTAIN BANKS AND SECURITIES DEALERS.**—

“(A) **IN GENERAL.**—In the case of a taxpayer described in subparagraph (B) who is an applicable taxpayer for any taxable year, the percentage otherwise in effect under paragraphs (1)(A) and (2)(A) shall each be increased by one percentage point.

“(B) **TAXPAYER DESCRIBED.**—A taxpayer is described in this subparagraph if such taxpayer is a member of an affiliated group (as defined in section 1504(a)(1)) which includes—

“(i) a bank (as defined in section 581), or

“(ii) a registered securities dealer under section 15(a) of the Securities Exchange Act of 1934.

“(4) **APPLICABLE SECTION 38 CREDITS.**—For purposes of paragraph (1)(B)(ii)(II), the term ‘applicable section 38 credits’ means the credit allowed under section 38 for the taxable year which is properly allocable to—

“(A) the low-income housing credit determined under section 42(a),

“(B) the renewable electricity production credit determined under section 45(a), and

“(C) the investment credit determined under section 46, but only to the extent properly allocable to the energy credit determined under section 48.

“(c) **MODIFIED TAXABLE INCOME.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘modified taxable income’ means the taxable income of the taxpayer computed under this chapter for the taxable year, determined without regard to—

“(A) any base erosion tax benefit with respect to any base erosion payment, or

“(B) the base erosion percentage of any net operating loss deduction allowed under section 172 for the taxable year.

“(2) **BASE EROSION TAX BENEFIT.**—

“(A) **IN GENERAL.**—The term ‘base erosion tax benefit’ means—

“(i) any deduction described in subsection (d)(1) which is allowed under this chapter for the taxable year with respect to any base erosion payment,

“(ii) in the case of a base erosion payment described in subsection (d)(2), any deduction allowed under this chapter for the taxable year for depreciation (or amortization in lieu of depreciation) with respect to the property acquired with such payment,

“(iii) in the case of a base erosion payment described in subsection (d)(3)—

“(I) any reduction under section 803(a)(1)(B) in the gross amount of premiums and other consideration on insurance and annuity contracts for premiums and other consideration arising out of indemnity insurance, and

“(II) any deduction under section 832(b)(4)(A) from the amount of gross premiums written on insurance contracts during the taxable year for premiums paid for reinsurance, and

“(iv) in the case of a base erosion payment described in subsection (d)(4), any reduction in gross receipts with respect to such payment in computing gross income of the taxpayer for the taxable year for purposes of this chapter.

“(B) **TAX BENEFITS DISREGARDED IF TAX WITHHELD ON BASE EROSION PAYMENT.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), any base erosion tax benefit attributable to any base erosion payment—

“(I) on which tax is imposed by section 871 or 881, and

“(II) with respect to which tax has been deducted and withheld under section 1441 or 1442, shall not be taken into account in computing modified taxable income under paragraph (1)(A) or the base erosion percentage under paragraph (4).

“(ii) **EXCEPTION.**—The amount not taken into account in computing modified taxable income by reason of clause (i) shall be reduced under rules similar to the rules under section 163(j)(5)(B) (as in effect before the date of the enactment of the Tax Cuts and Jobs Act).

“(3) **SPECIAL RULES FOR DETERMINING INTEREST FOR WHICH DEDUCTION ALLOWED.**—For purposes of applying paragraph (1), in the case of a taxpayer to which section 163(j) applies for the taxable year, the reduction in the amount of interest for which a deduction is allowed by reason of such subsection shall be treated as allocable first to interest paid or accrued to persons who are not related parties with respect to the taxpayer and then to such related parties.

“(4) **BASE EROSION PERCENTAGE.**—For purposes of paragraph (1)(B)—

“(A) **IN GENERAL.**—The term ‘base erosion percentage’ means, for any taxable year, the percentage determined by dividing—

“(i) the aggregate amount of base erosion tax benefits of the taxpayer for the taxable year, by

“(ii) the sum of—

“(I) the aggregate amount of the deductions (including deductions described in clauses (i) and (ii) of paragraph (2)(A)) allowable to the taxpayer under this chapter for the taxable year, plus

“(II) the base erosion tax benefits described in clauses (iii) and (iv) of paragraph (2)(A) allowable to the taxpayer for the taxable year.

“(B) **CERTAIN ITEMS NOT TAKEN INTO ACCOUNT.**—The amount under subparagraph (A)(ii) shall be determined by not taking into account—

“(i) any deduction allowed under section 172, 245A, or 250 for the taxable year,

“(ii) any deduction for amounts paid or accrued for services to which the exception under subsection (d)(5) applies, and

“(iii) any deduction for qualified derivative payments which are not treated as a base erosion payment by reason of subsection (h).

“(d) **BASE EROSION PAYMENT.**—For purposes of this section—

“(1) *IN GENERAL.*—The term ‘base erosion payment’ means any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer and with respect to which a deduction is allowable under this chapter.

“(2) *PURCHASE OF DEPRECIABLE PROPERTY.*—Such term shall also include any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer in connection with the acquisition by the taxpayer from such person of property of a character subject to the allowance for depreciation (or amortization in lieu of depreciation).

“(3) *REINSURANCE PAYMENTS.*—Such term shall also include any premium or other consideration paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer for any reinsurance payments which are taken into account under sections 803(a)(1)(B) or 832(b)(4)(A).

“(4) *CERTAIN PAYMENTS TO EXPATRIATED ENTITIES.*—

“(A) *IN GENERAL.*—Such term shall also include any amount paid or accrued by the taxpayer with respect to a person described in subparagraph (B) which results in a reduction of the gross receipts of the taxpayer.

“(B) *PERSON DESCRIBED.*—A person is described in this subparagraph if such person is a—

“(i) surrogate foreign corporation which is a related party of the taxpayer, but only if such person first became a surrogate foreign corporation after November 9, 2017, or

“(ii) foreign person which is a member of the same expanded affiliated group as the surrogate foreign corporation.

“(C) *DEFINITIONS.*—For purposes of this paragraph—

“(i) *SURROGATE FOREIGN CORPORATION.*—The term ‘surrogate foreign corporation’ has the meaning given such term by section 7874(a)(2)(B) but does not include a foreign corporation treated as a domestic corporation under section 7874(b).

“(ii) *EXPANDED AFFILIATED GROUP.*—The term ‘expanded affiliated group’ has the meaning given such term by section 7874(c)(1).

“(5) *EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO SERVICES.*—Paragraph (1) shall not apply to any amount paid or accrued by a taxpayer for services if—

“(A) such services are services which meet the requirements for eligibility for use of the services cost method under section 482 (determined without regard to the requirement that the services not contribute significantly to fundamental risks of business success or failure), and

“(B) such amount constitutes the total services cost with no markup component.

“(e) *APPLICABLE TAXPAYER.*—For purposes of this section—

“(1) *IN GENERAL.*—The term ‘applicable taxpayer’ means, with respect to any taxable year, a taxpayer—

“(A) which is a corporation other than a regulated investment company, a real estate investment trust, or an S corporation,

“(B) the average annual gross receipts of which for the 3-taxable-year period ending with the preceding taxable year are at least \$500,000,000, and

“(C) the base erosion percentage (as determined under subsection (c)(4)) of which for the taxable year is 3 percent (2 percent in the case of a taxpayer described in subsection (b)(3)(B)) or higher.

“(2) *GROSS RECEIPTS.*—

“(A) *SPECIAL RULE FOR FOREIGN PERSONS.*—In the case of a foreign person the gross receipts of which are taken into account for purposes of paragraph (1)(B), only gross receipts which are taken into account in determining income which is effectively connected with the conduct of a

trade or business within the United States shall be taken into account. In the case of a taxpayer which is a foreign person, the preceding sentence shall not apply to the gross receipts of any United States person which are aggregated with the taxpayer's gross receipts by reason of paragraph (3).

“(B) *OTHER RULES MADE APPLICABLE.*—Rules similar to the rules of subparagraphs (B), (C), and (D) of section 448(c)(3) shall apply in determining gross receipts for purposes of this section.

“(3) *AGGREGATION RULES.*—All persons treated as a single employer under subsection (a) of section 52 shall be treated as 1 person for purposes of this subsection and subsection (c)(4), except that in applying section 1563 for purposes of section 52, the exception for foreign corporations under section 1563(b)(2)(C) shall be disregarded.

“(f) *FOREIGN PERSON.*—For purposes of this section, the term ‘foreign person’ has the meaning given such term by section 6038A(c)(3).

“(g) *RELATED PARTY.*—For purposes of this section—

“(1) *IN GENERAL.*—The term ‘related party’ means, with respect to any applicable taxpayer—

“(A) any 25-percent owner of the taxpayer,

“(B) any person who is related (within the meaning of section 267(b) or 707(b)(1)) to the taxpayer or any 25-percent owner of the taxpayer, and

“(C) any other person who is related (within the meaning of section 482) to the taxpayer.

“(2) *25-PERCENT OWNER.*—The term ‘25-percent owner’ means, with respect to any corporation, any person who owns at least 25 percent of—

“(A) the total voting power of all classes of stock of a corporation entitled to vote, or

“(B) the total value of all classes of stock of such corporation.

“(3) *SECTION 318 TO APPLY.*—Section 318 shall apply for purposes of paragraphs (1) and (2), except that—

“(A) ‘10 percent’ shall be substituted for ‘50 percent’ in section 318(a)(2)(C), and

“(B) subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person.

“(h) *EXCEPTION FOR CERTAIN PAYMENTS MADE IN THE ORDINARY COURSE OF TRADE OR BUSINESS.*—For purposes of this section—

“(1) *IN GENERAL.*—Except as provided in paragraph (3), any qualified derivative payment shall not be treated as a base erosion payment.

“(2) *QUALIFIED DERIVATIVE PAYMENT.*—

“(A) *IN GENERAL.*—The term ‘qualified derivative payment’ means any payment made by a taxpayer pursuant to a derivative with respect to which the taxpayer—

“(i) recognizes gain or loss as if such derivative were sold for its fair market value on the last business day of the taxable year (and such additional times as required by this title or the taxpayer's method of accounting),

“(ii) treats any gain or loss so recognized as ordinary, and

“(iii) treats the character of all items of income, deduction, gain, or loss with respect to a payment pursuant to the derivative as ordinary.

“(B) *REPORTING REQUIREMENT.*—No payments shall be treated as qualified derivative payments under subparagraph (A) for any taxable year unless the taxpayer includes in the information required to be reported under section 6038B(b)(2) with respect to such taxable year such information as is necessary to identify the payments to be so treated and such other information as the Secretary determines necessary to carry out the provisions of this subsection.

“(3) *EXCEPTIONS FOR PAYMENTS OTHERWISE TREATED AS BASE EROSION PAYMENTS.*—This sub-

section shall not apply to any qualified derivative payment if—

“(A) the payment would be treated as a base erosion payment if it were not made pursuant to a derivative, including any interest, royalty, or service payment, or

“(B) in the case of a contract which has derivative and nonderivative components, the payment is properly allocable to the nonderivative component.

“(4) *DERIVATIVE DEFINED.*—For purposes of this subsection—

“(A) *IN GENERAL.*—The term ‘derivative’ means any contract (including any option, forward contract, futures contract, short position, swap, or similar contract) the value of which, or any payment or other transfer with respect to which, is (directly or indirectly) determined by reference to one or more of the following:

“(i) Any share of stock in a corporation.

“(ii) Any evidence of indebtedness.

“(iii) Any commodity which is actively traded.

“(iv) Any currency.

“(v) Any rate, price, amount, index, formula, or algorithm.

Such term shall not include any item described in clauses (i) through (v).

“(B) *TREATMENT OF AMERICAN DEPOSITORY RECEIPTS AND SIMILAR INSTRUMENTS.*—Except as otherwise provided by the Secretary, for purposes of this part, American depository receipts (and similar instruments) with respect to shares of stock in foreign corporations shall be treated as shares of stock in such foreign corporations.

“(C) *EXCEPTION FOR CERTAIN CONTRACTS.*—Such term shall not include any insurance, annuity, or endorsement contract issued by an insurance company to which subchapter L applies (or issued by any foreign corporation to which such subchapter would apply if such foreign corporation were a domestic corporation).

“(i) *REGULATIONS.*—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including regulations—

“(1) providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including through—

“(A) the use of unrelated persons, conduit transactions, or other intermediaries, or

“(B) transactions or arrangements designed, in whole or in part—

“(i) to characterize payments otherwise subject to this section as payments not subject to this section, or

“(ii) to substitute payments not subject to this section for payments otherwise subject to this section and

“(2) for the application of subsection (g), including rules to prevent the avoidance of the exceptions under subsection (g)(3).”.

(b) *REPORTING REQUIREMENTS AND PENALTIES.*—

(1) *IN GENERAL.*—Subsection (b) of section 6038A is amended to read as follows:

“(b) *REQUIRED INFORMATION.*—

“(1) *IN GENERAL.*—For purposes of subsection (a), the information described in this subsection is such information as the Secretary prescribes by regulations relating to—

“(A) the name, principal place of business, nature of business, and country or countries in which organized or resident, of each person which—

“(i) is a related party to the reporting corporation, and

“(ii) had any transaction with the reporting corporation during its taxable year,

“(B) the manner in which the reporting corporation is related to each person referred to in subparagraph (A), and

“(C) transactions between the reporting corporation and each foreign person which is a related party to the reporting corporation.

“(2) **ADDITIONAL INFORMATION REGARDING BASE EROSION PAYMENTS.**—For purposes of subsection (a) and section 6038C, if the reporting corporation or the foreign corporation to whom section 6038C applies is an applicable taxpayer, the information described in this subsection shall include—

“(A) such information as the Secretary determines necessary to determine the base erosion minimum tax amount, base erosion payments, and base erosion tax benefits of the taxpayer for purposes of section 59A for the taxable year, and

“(B) such other information as the Secretary determines necessary to carry out such section. For purposes of this paragraph, any term used in this paragraph which is also used in section 59A shall have the same meaning as when used in such section.”.

(2) **INCREASE IN PENALTY.**—Paragraphs (1) and (2) of section 6038A(d) are each amended by striking “\$10,000” and inserting “\$25,000”.

(c) **DISALLOWANCE OF CREDITS AGAINST BASE EROSION TAX.**—Paragraph (2) of section 26(b) is amended by inserting after subparagraph (A) the following new subparagraph:

“(B) section 59A (relating to base erosion and anti-abuse tax).”.

(d) **CONFORMING AMENDMENTS.**—

(1) The table of parts for subchapter A of chapter 1 is amended by adding after the item relating to part VI the following new item:

“PART VII. BASE EROSION AND ANTI-ABUSE TAX”.

(2) Paragraph (1) of section 882(a), as amended by this Act, is amended by inserting “ or 59A,” after “section 11.”.

(3) Subparagraph (A) of section 6425(c)(1), as amended by section 13001, is amended to read as follows:

“(A) the sum of—

“(i) the tax imposed by section 11, or subchapter L of chapter 1, whichever is applicable, plus

“(ii) the tax imposed by section 59A, over”.

(4)(A) Subparagraph (A) of section 6655(g)(1), as amended by sections 12001 and 13001, is amended by striking “plus” at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

“(ii) the tax imposed by section 59A, plus”.

(B) Subparagraphs (A)(i) and (B)(i) of section 6655(e)(2), as amended by sections 12001 and 13001, are each amended by inserting “and modified taxable income” after “taxable income”.

(C) Subparagraph (B) of section 6655(e)(2) is amended by adding at the end the following new clause:

“(iii) **MODIFIED TAXABLE INCOME.**—The term ‘modified taxable income’ has the meaning given such term by section 59A(c)(1).”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to base erosion payments (as defined in section 59A(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued in taxable years beginning after December 31, 2017.

PART III—OTHER PROVISIONS

SEC. 14501. RESTRICTION ON INSURANCE BUSINESS EXCEPTION TO PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) **IN GENERAL.**—Section 1297(b)(2)(B) is amended to read as follows:

“(B) derived in the active conduct of an insurance business by a qualifying insurance corporation (as defined in subsection (f)).”.

(b) **QUALIFYING INSURANCE CORPORATION DEFINED.**—Section 1297 is amended by adding at the end the following new subsection:

“(f) **QUALIFYING INSURANCE CORPORATION.**—For purposes of subsection (b)(2)(B)—

“(1) **IN GENERAL.**—The term ‘qualifying insurance corporation’ means, with respect to any taxable year, a foreign corporation—

“(A) which would be subject to tax under subchapter L if such corporation were a domestic corporation, and

“(B) the applicable insurance liabilities of which constitute more than 25 percent of its total assets, determined on the basis of such liabilities and assets as reported on the corporation’s applicable financial statement for the last year ending with or within the taxable year.

“(2) **ALTERNATIVE FACTS AND CIRCUMSTANCES TEST FOR CERTAIN CORPORATIONS.**—If a corporation fails to qualify as a qualified insurance corporation under paragraph (1) solely because the percentage determined under paragraph (1)(B) is 25 percent or less, a United States person that owns stock in such corporation may elect to treat such stock as stock of a qualifying insurance corporation if—

“(A) the percentage so determined for the corporation is at least 10 percent, and

“(B) under regulations provided by the Secretary, based on the applicable facts and circumstances—

“(i) the corporation is predominantly engaged in an insurance business, and

“(ii) such failure is due solely to runoff-related or rating-related circumstances involving such insurance business.

“(3) **APPLICABLE INSURANCE LIABILITIES.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘applicable insurance liabilities’ means, with respect to any life or property and casualty insurance business—

“(i) loss and loss adjustment expenses, and

“(ii) reserves (other than deficiency, contingency, or unearned premium reserves) for life and health insurance risks and life and health insurance claims with respect to contracts providing coverage for mortality or morbidity risks.

“(B) **LIMITATIONS ON AMOUNT OF LIABILITIES.**—Any amount determined under clause (i) or (ii) of subparagraph (A) shall not exceed the lesser of such amount—

“(i) as reported to the applicable insurance regulatory body in the applicable financial statement described in paragraph (4)(A) (or, if less, the amount required by applicable law or regulation), or

“(ii) as determined under regulations prescribed by the Secretary.

“(4) **OTHER DEFINITIONS AND RULES.**—For purposes of this subsection—

“(A) **APPLICABLE FINANCIAL STATEMENT.**—The term ‘applicable financial statement’ means a statement for financial reporting purposes which—

“(i) is made on the basis of generally accepted accounting principles,

“(ii) is made on the basis of international financial reporting standards, but only if there is no statement that meets the requirement of clause (i), or

“(iii) except as otherwise provided by the Secretary in regulations, is the annual statement which is required to be filed with the applicable insurance regulatory body, but only if there is no statement which meets the requirements of clause (i) or (ii).

“(B) **APPLICABLE INSURANCE REGULATORY BODY.**—The term ‘applicable insurance regulatory body’ means, with respect to any insurance business, the entity established by law to license, authorize, or regulate such business and to which the statement described in subparagraph (A) is provided.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 14502. REPEAL OF FAIR MARKET VALUE METHOD OF INTEREST EXPENSE AP-PORTIONMENT.

(a) **IN GENERAL.**—Paragraph (2) of section 864(e) is amended to read as follows:

“(2) **GROSS INCOME AND FAIR MARKET VALUE METHODS MAY NOT BE USED FOR INTEREST.**—All

allocations and apportionments of interest expense shall be determined using the adjusted bases of assets rather than on the basis of the fair market value of the assets or gross income.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

TITLE II

SEC. 20001. OIL AND GAS PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **COASTAL PLAIN.**—The term “Coastal Plain” means the area identified as the 1002 Area on the plates prepared by the United States Geological Survey entitled “ANWR Map – Plate 1” and “ANWR Map – Plate 2”, dated October 24, 2017, and on file with the United States Geological Survey and the Office of the Solicitor of the Department of the Interior.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) **OIL AND GAS PROGRAM.**—

(1) **IN GENERAL.**—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) shall not apply to the Coastal Plain.

(2) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—The Secretary shall establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain.

(B) **PURPOSES.**—Section 303(2)(B) of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2390) is amended—

(i) in clause (iii), by striking “and” at the end;

(ii) in clause (iv), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(v) to provide for an oil and gas program on the Coastal Plain.”.

(3) **MANAGEMENT.**—Except as otherwise provided in this section, the Secretary shall manage the oil and gas program on the Coastal Plain in a manner similar to the administration of lease sales under the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) (including regulations).

(4) **ROYALTIES.**—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the royalty rate for leases issued pursuant to this section shall be 16.67 percent.

(5) **RECEIPTS.**—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), of the amount of adjusted bonus, rental, and royalty receipts derived from the oil and gas program and operations on Federal land authorized under this section—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(c) **2 LEASE SALES WITHIN 10 YEARS.**—

(1) **REQUIREMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall conduct not fewer than 2 lease sales area-wide under the oil and gas program under this section by not later than 10 years after the date of enactment of this Act.

(B) **SALE ACREAGES; SCHEDULE.**—

(i) **ACREAGES.**—The Secretary shall offer for lease under the oil and gas program under this section—

(I) not fewer than 400,000 acres area-wide in each lease sale; and

(II) those areas that have the highest potential for the discovery of hydrocarbons.

(ii) **SCHEDULE.**—The Secretary shall offer—

(I) the initial lease sale under the oil and gas program under this section not later than 4 years after the date of enactment of this Act; and

(11) a second lease sale under the oil and gas program under this section not later than 7 years after the date of enactment of this Act.

(2) **RIGHTS-OF-WAY.**—The Secretary shall issue any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation necessary to carry out this section.

(3) **SURFACE DEVELOPMENT.**—In administering this section, the Secretary shall authorize up to 2,000 surface acres of Federal land on the Coastal Plain to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) during the term of the leases under the oil and gas program under this section.

SEC. 20002. LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended by striking “exceed \$500,000,000 for each of fiscal years 2016 through 2055.” and inserting the following: “exceed—

“(A) \$500,000,000 for each of fiscal years 2016 through 2019;

“(B) \$650,000,000 for each of fiscal years 2020 and 2021; and

“(C) \$500,000,000 for each of fiscal years 2022 through 2055.”.

SEC. 20003. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) **DRAWDOWN AND SALE.**—

(1) **IN GENERAL.**—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve 7,000,000 barrels of crude oil during the period of fiscal years 2026 through 2027.

(2) **DEPOSIT OF AMOUNTS RECEIVED FROM SALE.**—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) **EMERGENCY PROTECTION.**—The Secretary of Energy shall not draw down and sell crude oil under subsection (a) in a quantity that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) **LIMITATION.**—The Secretary of Energy shall not drawdown or conduct sales of crude oil under subsection (a) after the date on which a total of \$600,000,000 has been deposited in the general fund of the Treasury from sales authorized under that subsection.

And the Senate agree to the same.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

KEVIN BRADY,
DEVIN NUNES,
PETER J. ROSKAM,
DIANE BLACK,
KRISTI L. NOEM,

From the Committee on Energy and Commerce, for consideration of sec. 20003 of the Senate amendment, and modifications committed to conference:

FRED UPTON,
JOHN SHIMKUS,

From the Committee on Natural Resources, for consideration of secs. 20001 and 20002 of the Senate amendment, and modifications committed to conference:

ROB BISHOP,
DON YOUNG,

Managers on the Part of the House.

ORRIN G. HATCH,
MICHAEL B. ENZI,

LISA MURKOWSKI,
JOHN CORNYN,
JOHN THUNE,
ROB PORTMAN,
TIM SCOTT,
PATRICK J. TOOMEY,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), the Tax Cuts and Jobs Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I

INDIVIDUAL TAX PROVISIONS

A. Reduction and Simplification of Individual Income Tax Rates (sec. 1001 of the House bill, sec. 11001 of the Senate amendment, and sec. 1 of the Code)

PRESENT LAW

In general

To determine regular tax liability, an individual taxpayer generally must apply the tax rate schedules (or the tax tables) to his or her regular taxable income. The rate schedules are broken into several ranges of income, known as income brackets, and the marginal tax rate increases as a taxpayer's income increases.

Tax rate schedules

Separate rate schedules apply based on an individual's filing status. For 2017, the regular individual income tax rate schedules are as follows:

TABLE 1.—FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2017¹

If taxable income is:	Then income tax equals:
<i>Single Individuals</i>	
Not over \$9,325	10% of the taxable income
Over \$9,325 but not over \$37,950	\$932.50 plus 15% of the excess over \$9,325
Over \$37,950 but not over \$91,900	\$5,226.25 plus 25% of the excess over \$37,950
Over \$91,900 but not over \$191,650	\$18,713.75 plus 28% of the excess over \$91,900
Over \$191,650 but not over \$416,700	\$46,643.75 plus 33% of the excess over \$191,650
Over \$416,700 but not over \$418,400	\$120,910.25 plus 35% of the excess over \$416,700
Over \$418,400	\$121,505.25 plus 39.6% of the excess over \$418,400
<i>Heads of Households</i>	
Not over \$13,350	10% of the taxable income
Over \$13,350 but not over \$50,800	\$1,335 plus 15% of the excess over \$13,350
Over \$50,800 but not over \$131,200	\$6,952.50 plus 25% of the excess over \$50,800
Over \$131,200 but not over \$212,500	\$27,052.50 plus 28% of the excess over \$131,200
Over \$212,500 but not over \$416,700	\$49,816.50 plus 33% of the excess over \$212,500
Over \$416,700 but not over \$444,550	\$117,202.50 plus 35% of the excess over \$416,700
Over \$444,550	\$126,950 plus 39.6% of the excess over \$444,550

TABLE 1.—FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2017¹—Continued

If taxable income is:	Then income tax equals:
<i>Married Individuals Filing Joint Returns and Surviving Spouses</i>	
Not over \$18,650	10% of the taxable income
Over \$18,650 but not over \$75,900	\$1,865 plus 15% of the excess over \$18,650
Over \$75,900 but not over \$153,100	\$10,452.50 plus 25% of the excess over \$75,900
Over \$153,100 but not over \$233,350	\$29,752.50 plus 28% of the excess over \$153,100
Over \$233,350 but not over \$416,700	\$52,222.50 plus 33% of the excess over \$233,350
Over \$416,700 but not over \$470,700	\$112,728 plus 35% of the excess over \$416,700
Over \$470,700	\$131,628 plus 39.6% of the excess over \$470,700
<i>Married Individuals Filing Separate Returns</i>	
Not over \$9,325	10% of the taxable income
Over \$9,325 but not over \$37,950	\$932.50 plus 15% of the excess over \$9,325
Over \$37,950 but not over \$76,550	\$5,226.25 plus 25% of the excess over \$37,950
Over \$76,550 but not over \$116,675	\$14,876.25 plus 28% of the excess over \$76,550
Over \$116,675 but not over \$208,350	\$26,111.25 plus 33% of the excess over \$116,675
Over \$208,350 but not over \$235,350	\$56,364 plus 35% of the excess over \$208,350
Over \$235,350	\$65,814 plus 39.6% of the excess over \$235,350
<i>Estates and Trusts</i>	
Not over \$2,550	15% of the taxable income
Over \$2,550 but not over \$6,000	\$382.50 plus 25% of the excess over \$2,550
Over \$6,000 but not over \$9,150	\$1,245 plus 28% of the excess over \$6,000
Over \$9,150 but not over \$12,500	\$2,127 plus 33% of the excess over \$9,150
Over \$12,500	\$3,232.50 plus 39.6% of the excess over \$12,500

¹ Rev. Proc. 2016-55, 2016-45 I.R.B. 707, sec. 3.01.

Unearned income of children

Special rules (generally referred to as the “kiddie tax”) apply to the net unearned income of certain children.¹ Generally, the kiddie tax applies to a child if: (1) the child has not reached the age of 19 by the close of the taxable year, or the child is a full-time student under the age of 24, and either of the child's parents is alive at such time; (2) the child's unearned income exceeds \$2,100 (for 2017); and (3) the child does not file a joint return.² The kiddie tax applies regardless of whether the child may be claimed as a dependent by either or both parents. For children above age 17, the kiddie tax applies only to children whose earned income does not exceed one-half of the amount of their support.

Under these rules, the net unearned income of a child (for 2017, unearned income over \$2,100) is taxed at the parents' tax rates if the parents' tax rates are higher than the tax rates of the child.³ The remainder of a child's taxable income (i.e., earned income, plus unearned income up to \$2,100 (for 2017), less the child's standard deduction) is taxed at the child's rates, regardless of whether the kiddie tax applies to the child. For these purposes, unearned income is income other than wages, salaries, professional fees, other amounts received as compensation for personal services actually rendered, and distributions from qualified disability trusts.⁴ In general, a child is eligible to use the preferential tax rates for qualified dividends and capital gains.⁵

The kiddie tax is calculated by computing the “allocable parental tax.” This involves adding the net unearned income of the child

¹ Sec. 1(g). Unless otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended (the “Code”).

² Sec. 1(g)(2).

³ Special rules apply for determining which parent's rate applies where a joint return is not filed.

⁴ Sec. 1(g)(4) and sec. 911(e)(2).

⁵ Sec. 1(h).

to the parent's income and then applying the parent's tax rate. A child's "net unearned income" is the child's unearned income less the sum of (1) the minimum standard deduction allowed to dependents (\$1,050 for 2017⁶), and (2) the greater of (a) such minimum standard deduction amount or (b) the amount of allowable itemized deductions that are directly connected with the production of the unearned income.⁷

The allocable parental tax equals the hypothetical increase in tax to the parent that results from adding the child's net unearned income to the parent's taxable income.⁸ If the child has net capital gains or qualified dividends, these items are allocated to the parent's hypothetical taxable income according to the ratio of net unearned income to the child's total unearned income. If a parent has more than one child subject to the kiddie tax, the net unearned income of all children is combined, and a single kiddie tax is calculated. Each child is then allocated a proportionate share of the hypothetical increase, based upon the child's net unearned income relative to the aggregate net unearned income of all of the parent's children subject to the tax.

Generally, a child must file a separate return to report his or her income.⁹ In such case, items on the parents' return are not affected by the child's income, and the total tax due from the child is the greater of:

1. The sum of (a) the tax payable by the child on the child's earned income and unearned income up to \$2,100 (for 2017), plus (b) the allocable parental tax on the child's unearned income, or

2. The tax on the child's income without regard to the kiddie tax provisions.¹⁰

Under certain circumstances, a parent may elect to report a child's unearned income on the parent's return.¹¹

Capital gains rates

In general

In the case of an individual, estate, or trust, any adjusted net capital gain which otherwise would be taxed at the 10- or 15-percent rate is not taxed. Any adjusted net capital gain which otherwise would be taxed at rates over 15-percent and below 39.6 percent is taxed at a 15-percent rate. Any adjusted net capital gain which otherwise would be taxed at a 39.6-percent rate is taxed at a 20-percent rate.

The unrecaptured section 1250 gain is taxed at a maximum rate of 25 percent, and 28-percent rate gain is taxed at a maximum rate of 28 percent. Any amount of unrecaptured section 1250 gain or 28-percent rate gain otherwise taxed at a 10- or 15-percent rate is taxed at the otherwise applicable rate.

In addition, a tax is imposed on net investment income in the case of an individual, estate, or trust. In the case of an individual, the tax is 3.8 percent of the lesser of net investment income, which includes gains and dividends, or the excess of modified adjusted gross income over the threshold amount. The threshold amount is \$250,000 in the case of a joint return or surviving spouse, \$125,000 in the case of a married individual filing a separate return, and \$200,000 in the case of any other individual.

Definitions

Net capital gain

In general, gain or loss reflected in the value of an asset is not recognized for income tax purposes until a taxpayer disposes of the asset. On the sale or exchange of a capital asset, any gain generally is included in income. Net capital gain is the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for the year. Gain or loss is treated as long-term if the asset is held for more than one year.

A capital asset generally means any property except (1) inventory, stock in trade, or property held primarily for sale to customers in the ordinary course of the taxpayer's trade or business, (2) depreciable or real property used in the taxpayer's trade or business, (3) specified literary or artistic property, (4) business accounts or notes receivable, (5) certain U.S. publications, (6) certain commodity derivative financial instruments, (7) hedging transactions, and (8) business supplies. In addition, the net gain from the disposition of certain property used in the taxpayer's trade or business is treated as long-term capital gain. Gain from the disposition of depreciable personal property is not treated as capital gain to the extent of all previous depreciation allowances. Gain from the disposition of depreciable real property is generally not treated as capital gain to the extent of the depreciation allowances in excess of the allowances available under the straight-line method of depreciation.

Adjusted net capital gain

The "adjusted net capital gain" of an individual is the net capital gain reduced (but not below zero) by the sum of the 28-percent rate gain and the unrecaptured section 1250 gain. The net capital gain is reduced by the amount of gain that the individual treats as investment income for purposes of determining the investment interest limitation under section 163(d).

Qualified dividend income

Adjusted net capital gain is increased by the amount of qualified dividend income.

A dividend is the distribution of property made by a corporation to its shareholders out of its after-tax earnings and profits. Qualified dividends generally includes dividends received from domestic corporations and qualified foreign corporations. The term "qualified foreign corporation" includes a foreign corporation that is eligible for the benefits of a comprehensive income tax treaty with the United States which the Treasury Department determines to be satisfactory and which includes an exchange of information program. In addition, a foreign corporation is treated as a qualified foreign corporation for any dividend paid by the corporation with respect to stock that is readily tradable on an established securities market in the United States.

If a shareholder does not hold a share of stock for more than 60 days during the 121-day period beginning 60 days before the ex-dividend date (as measured under section 246(c)), dividends received on the stock are not eligible for the reduced rates. Also, the reduced rates are not available for dividends to the extent that the taxpayer is obligated to make related payments with respect to positions in substantially similar or related property.

Dividends received from a corporation that is a passive foreign investment company (as defined in section 1297) in either the taxable year of the distribution, or the preceding taxable year, are not qualified dividends.

A dividend is treated as investment income for purposes of determining the amount of deductible investment interest only if the taxpayer elects to treat the dividend as not eligible for the reduced rates.

The amount of dividends qualifying for reduced rates that may be paid by a regulated investment company ("RIC") for any taxable year in which the qualified dividend income received by the RIC is less than 95 percent of its gross income (as specially computed) may not exceed the sum of (1) the qualified dividend income of the RIC for the taxable year and (2) the amount of earnings and profits accumulated in a non-RIC taxable year that were distributed by the RIC during the taxable year.

The amount of qualified dividend income that may be paid by a real estate investment trust ("REIT") for any taxable year may not exceed the sum of (1) the qualified dividend income of the REIT for the taxable year, (2) an amount equal to the excess of the income subject to the taxes imposed by section 857(b)(1) and the regulations prescribed under section 337(d) for the preceding taxable year over the amount of these taxes for the preceding taxable year, and (3) the amount of earnings and profits accumulated in a non-REIT taxable year that were distributed by the REIT during the taxable year.

Dividends received from an organization that was exempt from tax under section 501 or was a tax-exempt farmers' cooperative in either the taxable year of the distribution or the preceding taxable year; dividends received from a mutual savings bank that received a deduction under section 591; or deductible dividends paid on employer securities are not qualified dividend income.

28-percent rate gain

The term "28-percent rate gain" means the excess of the sum of the amount of net gain attributable to long-term capital gains and losses from the sale or exchange of collectibles (as defined in section 408(m) without regard to paragraph (3) thereof) and the amount of gain equal to the additional amount of gain that would be excluded from gross income under section 1202 (relating to certain small business stock) if the percentage limitations of section 1202(a) did not apply, over the sum of the net short-term capital loss for the taxable year and any long-term capital loss carryover to the taxable year.

Unrecaptured section 1250 gain

"Unrecaptured section 1250 gain" means any long-term capital gain from the sale or exchange of section 1250 property (i.e., depreciable real estate) held more than one year to the extent of the gain that would have been treated as ordinary income if section 1250 applied to all depreciation, reduced by the net loss (if any) attributable to the items taken into account in computing 28-percent rate gain. The amount of unrecaptured section 1250 gain (before the reduction for the net loss) attributable to the disposition of property to which section 1231 (relating to certain property used in a trade or business) applies may not exceed the net section 1231 gain for the year.

HOUSE BILL

Modification of rates

The House bill replaces the individual income tax rate structure with a new rate structure.

⁶ Sec. 3.02 of Rev. Proc. 2016-55, *supra*.

⁷ Sec. 1(g)(4).

⁸ Sec. 1(g)(3).

⁹ Sec. 1(g)(6). See Form 8615, Tax for Certain Children Who Have Unearned Income.

¹⁰ Sec. 1(g)(1).

¹¹ Sec. 1(g)(7).

TABLE 2.—FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2018 UNDER THE HOUSE BILL

If taxable income is:	Then income tax equals:
<i>Single Individuals</i>	
Not over \$45,000	12% of the taxable income
Over \$45,000 but not over \$200,000	\$5,400 plus 25% of the excess over \$45,000
Over \$200,000 but not over \$500,000	\$44,150 plus 35% of the excess over \$200,000
Over \$500,000	\$149,150 plus 39.6% of the excess over \$500,000
<i>Heads of Households</i>	
Not over \$67,500	12% of the taxable income
Over \$67,500 but not over \$200,000	\$8,100 plus 25% of the excess over \$67,500
Over \$200,000 but not over \$500,000	\$41,225 plus 35% of the excess over \$200,000
Over \$500,000	\$146,225 plus 39.6% of the excess over \$500,000
<i>Married Individuals Filing Joint Returns and Surviving Spouses</i>	
Not over \$90,000	12% of the taxable income
Over \$90,000 but not over \$260,000	\$10,800 plus 25% of the excess over \$90,000
Over \$260,000 but not over \$1,000,000	\$53,300 plus 35% of the excess over \$260,000
Over \$1,000,000	\$312,300 plus 39.6% of the excess over \$1,000,000
<i>Married Individuals Filing Separate Returns</i>	
Not over \$45,000	12% of the taxable income
Over \$45,000 but not over \$130,000	\$3,400 plus 25% of the excess over \$45,000
Over \$130,000 but not over \$500,000	\$26,650 plus 35% of the excess over \$130,000
Over \$500,000	\$156,150 plus 39.6% of the excess over \$500,000
<i>Estates and Trusts</i>	
Not over \$2,550	12% of the taxable income
Over \$2,550 but not over \$9,150	\$306 plus 25% of the excess over \$2,550
Over \$9,150 but not over \$12,500	\$1,956 plus 35% of the excess over \$9,150
Over \$12,500	\$3,128.50 plus 39.6% of the excess over \$12,500

The dollar amounts for bracket thresholds are all adjusted for inflation and then rounded to the next lowest multiple of \$100 in future years.¹² Unlike present law, which uses a measure of the Consumer Price Index for All Urban Consumers (“CPI-U”), the new inflation adjustment uses the Chained Consumer Price Index for All Urban Consumers (“C-CPI-U”).

Phaseout of benefit of the 12-percent bracket

For taxpayers with adjusted gross income in excess of \$1,000,000 (\$1,200,000 in the case of married taxpayers filing jointly), the benefit of the 12-percent bracket, as measured against the 39.6-percent bracket, is phased out at a rate of 6-percent for taxpayers whose AGI is in excess of these amounts. Thus, in the case of a married taxpayer filing a joint return, if AGI is in excess of \$1,200,000, the benefit of \$24,840 (27.6-percent of \$90,000) phases out over an income range of \$414,000. The phaseout thresholds are indexed for inflation.

Simplification of tax on unearned income of children

The provision simplifies the “kiddie tax” by effectively applying ordinary and capital gains rates applicable to trusts and estates to the net unearned income of a child. Thus, as under present law, taxable income attributable to earned income is taxed according to an unmarried taxpayers’ brackets and rates. Taxable income attributable to net unearned income is taxed according to the brackets applicable to trusts and estates, with respect to both ordinary income and income taxed at preferential rates. Thus, under the provision, the child’s tax is unaffected by the tax situation of the child’s parent or the unearned income of any siblings.

¹² Some thresholds are defined as 1/2 of dollar amounts and thus may be multiples of \$50.

Maximum rates on capital gains and qualified dividends

The provision generally retains the present-law maximum rates on net capital gain and qualified dividends. The breakpoints between the zero- and 15-percent rates (“15-percent breakpoint”) and the 15- and 20-percent rates (“20-percent breakpoint”) are based on the same amounts as the breakpoints under present law, except the breakpoints are indexed using the C-CPI-U in taxable years beginning after 2017. Thus, for 2018, the 15-percent breakpoint is \$77,200 for joint returns and surviving spouses (one-half of this amount for married taxpayers filing separately), \$51,700 for heads of household, \$2,600 for estates and trusts, and \$38,600 for other unmarried individuals. The 20-percent breakpoint is \$479,000 for joint returns and surviving spouses (one-half of this amount for married taxpayers filing separately), \$452,400 for heads of household, \$12,700 for estates and trusts, and \$425,800 for other unmarried individuals.

Therefore, in the case of an individual (including an estate or trust) with adjusted net capital gain, to the extent the gain would not result in taxable income exceeding the 15-percent breakpoint, such gain is not taxed. Any adjusted net capital gain which would result in taxable income exceeding the 15-percent breakpoint but not exceeding the 20-percent breakpoint is taxed at 15 percent. The remaining adjusted net capital gain is taxed at 20 percent.

As under present law, unrecaptured section 1250 gain generally is taxed at a maximum rate of 25 percent, and 28-percent rate gain is taxed at a maximum rate of 28 percent.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

Temporary modification of rates

The Senate amendment temporarily replaces the individual income tax rate structure with a new rate structure.

TABLE 3.—FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2018 UNDER THE SENATE AMENDMENT

If taxable income is:	Then income tax equals:
<i>Single Individuals</i>	
Not over \$9,525	10% of the taxable income
Over \$9,525 but not over \$38,700	\$952.50 plus 12% of the excess over \$9,525
Over \$38,700 but not over \$70,000	\$4,453.50 plus 22% of the excess over \$38,700
Over \$70,000 but not over \$160,000	\$11,339.50 plus 24% of the excess over \$70,000
Over \$160,000 but not over \$200,000	\$32,939.50 plus 32% of the excess over \$160,000
Over \$200,000 but not over \$500,000	\$45,739.50 plus 35% of the excess over \$200,000
Over \$500,000	\$150,739.50 plus 38.5% of the excess over \$500,000
<i>Heads of Households</i>	
Not over \$13,600	10% of the taxable income
Over \$13,600 but not over \$51,800	\$1,360 plus 12% of the excess over \$13,600
Over \$51,800 but not over \$70,000	\$5,944 plus 22% of the excess over \$51,800
Over \$70,000 but not over \$160,000	\$9,948 plus 24% of the excess over \$70,000
Over \$160,000 but not over \$200,000	\$31,548 plus 32% of the excess over \$160,000
Over \$200,000 but not over \$500,000	\$44,348 plus 35% of the excess over \$200,000
Over \$500,000	\$149,348 plus 38.5% of the excess over \$500,000
<i>Married Individuals Filing Joint Returns and Surviving Spouses</i>	
Not over \$19,050	10% of the taxable income
Over \$19,050 but not over \$77,400	\$1,905 plus 12% of the excess over \$19,050
Over \$77,400 but not over \$140,000	\$8,907 plus 22% of the excess over \$77,400
Over \$140,000 but not over \$320,000	\$22,679 plus 24% of the excess over \$140,000
Over \$320,000 but not over \$400,000	\$65,879 plus 32% of the excess over \$320,000

TABLE 3.—FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2018 UNDER THE SENATE AMENDMENT—Continued

If taxable income is:	Then income tax equals:
Over \$400,000 but not over \$1,000,000	\$91,479 plus 35% of the excess over \$400,000
Over \$1,000,000	\$301,479 plus 38.5% of the excess over \$1,000,000
<i>Married Individuals Filing Separate Returns</i>	
Not over \$9,525	10% of the taxable income
Over \$9,525 but not over \$38,700	\$952.50 plus 12% of the excess over \$9,525
Over \$38,700 but not over \$70,000	\$4,453.50 plus 22% of the excess over \$38,700
Over \$70,000 but not over \$160,000	\$11,339.50 plus 24% of the excess over \$70,000
Over \$160,000 but not over \$200,000	\$32,939.50 plus 32% of the excess over \$160,000
Over \$200,000 but not over \$500,000	\$45,739.50 plus 35% of the excess over \$200,000
Over \$500,000	\$150,739.50 plus 38.5% of the excess over \$500,000
<i>Estates and Trusts</i>	
Not over \$2,550	10% of the taxable income
Over \$2,550 but not over \$9,150	\$255 plus 24% of the excess over \$2,550
Over \$9,150 but not over \$12,500	\$1,839 plus 35% of the excess over \$9,150
Over \$12,500	\$3,011.50 plus 38.5% of the excess over \$12,500

Unlike present law, which uses a measure of the CPI-U, the new inflation adjustment uses the C-CPI-U.

The provision’s rate structure does not apply to taxable years beginning after December 31, 2025.

Temporary simplification of tax on unearned income of children

The Senate amendment follows the House bill in applying ordinary and capital gains rates applicable to trusts and estates to the net unearned income of a child, but does not apply these changes to taxable years beginning after December 31, 2025.

Maximum rates on capital gains and qualified dividends

The Senate amendment follows the House bill and generally retains the present-law maximum rates on net capital gain and qualified dividends.

Paid preparer due diligence requirement for head of household status

The Senate amendment directs the Secretary of the Treasury to promulgate due diligence requirements for paid preparers in determining eligibility for a taxpayer to file as head of household. A penalty of \$500 is imposed for each failure to meet these requirements.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement temporarily replaces the existing rate structure with a new rate structure.

TABLE 4.—FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2018 UNDER THE CONFERENCE AGREEMENT

If taxable income is:	Then income tax equals:
<i>Single Individuals</i>	
Not over \$9,525	10% of the taxable income
Over \$9,525 but not over \$38,700	\$952.50 plus 12% of the excess over \$9,525
Over \$38,700 but not over \$82,500	\$4,453.50 plus 22% of the excess over \$38,700
Over \$82,500 but not over \$157,500	\$14,089.50 plus 24% of the excess over \$82,500
Over \$157,500 but not over \$200,000	\$32,089.50 plus 32% of the excess over \$157,500
Over \$200,000 but not over \$500,000	\$45,689.50 plus 35% of the excess over \$200,000
Over \$500,000	\$150,689.50 plus 37% of the excess over \$500,000
<i>Heads of Households</i>	
Not over \$13,600	10% of the taxable income

TABLE 4.—FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2018 UNDER THE CONFERENCE AGREEMENT—Continued

If taxable income is:	Then income tax equals:
Over \$13,600 but not over \$51,800	\$1,360 plus 12% of the excess over \$13,600
Over \$51,800 but not over \$82,500	\$5,944 plus 22% of the excess over \$51,800
Over \$82,500 but not over \$157,500	\$12,698 plus 24% of the excess over \$82,500
Over \$157,500 but not over \$200,000	\$30,698 plus 32% of the excess over \$157,500
Over \$200,000 but not over \$500,000	\$44,298 plus 35% of the excess over \$200,000
Over \$500,000	\$149,298 plus 37% of the excess over \$500,000
Married Individuals Filing Joint Returns and Surviving Spouses	
Not over \$19,050	10% of the taxable income
Over \$19,050 but not over \$77,400	\$1,905 plus 12% of the excess over \$19,050
Over \$77,400 but not over \$165,000	\$8,907 plus 22% of the excess over \$77,400
Over \$165,000 but not over \$315,000	\$28,179 plus 24% of the excess over \$165,000
Over \$315,000 but not over \$400,000	\$64,179 plus 32% of the excess over \$315,000
Over \$400,000 but not over \$600,000	\$91,379 plus 35% of the excess over \$400,000
Over \$600,000	\$161,379 plus 37% of the excess over \$600,000
Married Individuals Filing Separate Returns	
Not over \$9,525	10% of the taxable income
Over \$9,525 but not over \$38,700	\$952.50 plus 12% of the excess over \$9,525
Over \$38,700 but not over \$82,500	\$4,453.50 plus 22% of the excess over \$38,700
Over \$82,500 but not over \$157,500	\$14,089.50 plus 24% of the excess over \$82,500
Over \$157,500 but not over \$200,000	\$32,089.50 plus 32% of the excess over \$157,500
Over \$200,000 but not over \$300,000	\$45,689.50 plus 35% of the excess over \$200,000
Over \$300,000	\$80,689.50 plus 37% of the excess over \$300,000
Estates and Trusts	
Not over \$2,550	10% of the taxable income
Over \$2,550 but not over \$9,150	\$255 plus 24% of the excess over \$2,550
Over \$9,150 but not over \$12,500	\$1,839 plus 35% of the excess over \$9,150
Over \$12,500	\$3,011.50 plus 37% of the excess over \$12,500

The provision's rate structure does not apply to taxable years beginning after December 31, 2025.

The conference agreement does not follow the House bill in phasing out the benefit of the 12-percent bracket for taxpayers with adjusted gross income in excess of \$1,000,000 (\$1,200,000 in the case of married taxpayers filing jointly).

The conference agreement follows the House bill and generally retains present-law maximum rates on net capital gains and qualified dividends.

The conference agreement follows the House bill in simplifying the tax on the unearned income of children. This provision does not apply to taxable years beginning after December 31, 2025.

The conference agreement follows the Senate amendment and directs the Secretary of the Treasury to promulgate due diligence requirements for paid preparers in determining eligibility for a taxpayer to file as head of household.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

1. Increase in standard deduction (sec. 1002 of the House bill, sec. 11021 of the Senate amendment, and sec. 63 of the Code)

PRESENT LAW

Under present law, an individual who does not elect to itemize deductions may reduce his or her adjusted gross income ("AGI") by the amount of the applicable standard deduction in arriving at his or her taxable income. The standard deduction is the sum of the basic standard deduction and, if applicable,

the additional standard deduction. The basic standard deduction varies depending upon a taxpayer's filing status. For 2017, the amount of the basic standard deduction is \$6,350 for single individuals and married individuals filing separate returns, \$9,350 for heads of households, and \$12,700 for married individuals filing a joint return and surviving spouses. An additional standard deduction is allowed with respect to any individual who is elderly or blind.¹³ The amount of the standard deduction is indexed annually for inflation.

In the case of a dependent for whom a deduction for a personal exemption is allowed to another taxpayer, the standard deduction may not exceed the greater of (i) \$1,050 (in 2017) or (ii) the sum of \$350 (in 2017) plus the individual's earned income.

HOUSE BILL

The House bill increases the standard deduction for individuals across all filing statuses. Under the provision, the amount of the standard deduction is \$24,400 for married individuals filing a joint return, \$18,300 for head-of-household filers, and \$12,200 for all other taxpayers. The amount of the standard deduction is indexed for inflation using the C-CPI-U for taxable years beginning after December 31, 2019.¹⁴

The provision eliminates the additional standard deduction for the aged and the blind.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment temporarily increases the basic standard deduction for individuals across all filing statuses. Under the provision, the amount of the standard deduction is temporarily increased to \$24,000 for married individuals filing a joint return, \$18,000 for head-of-household filers, and \$12,000 for all other individuals. The amount of the standard deduction is indexed for inflation using the C-CPI-U for taxable years beginning after December 31, 2018.

The additional standard deduction for the elderly and the blind is not changed by the provision.

The increase of the basic standard deduction does not apply to taxable years beginning after December 31, 2025.¹⁵

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

2. Repeal of the deduction for personal exemptions (sec. 1003 of the House bill, sec. 11041 of the Senate amendment, and sec. 151 of the Code)

PRESENT LAW

Under present law, in determining taxable income, an individual reduces AGI by any personal exemption deductions and either the applicable standard deduction or his or her itemized deductions. Personal exemp-

tions generally are allowed for the taxpayer, his or her spouse, and any dependents. For 2017, the amount deductible for each personal exemption is \$4,050. This amount is indexed annually for inflation. The personal exemption amount is phased out in the case of an individual with AGI in excess of \$313,800 for married taxpayers filing jointly, \$287,650 for heads of household, \$156,900 for married taxpayers filing separately, and \$261,500 for all other filers. In addition, no personal exemption is allowed in the case of a dependent if a deduction is allowed to another taxpayer.

Withholding rules

Under present law, the amount of tax required to be withheld by employers from a taxpayer's wages is based in part on the number of withholding exemptions a taxpayer claims on his Form W-4. An employee is entitled to the following exemptions: (1) an exemption for himself, unless he allowed to be claimed as a dependent of another person; (2) an exemption to which the employee's spouse would be entitled, if that spouse does not file a Form W-4 for that taxable year claiming an exemption described in (1); (3) an exemption for each individual who is a dependent (but only if the employee's spouse has not also claimed such a withholding exemption on a Form W-4); (4) additional withholding allowances (taking into account estimated itemized deductions, estimated tax credits, and additional deductions as provided by the Secretary of the Treasury); and (5) a standard deduction allowance.

Filing requirements

Under present law, an unmarried individual is required to file a tax return for the taxable year if in that year the individual had income which equals or exceeds the exemption amount plus the standard deduction applicable to such individual (*i.e.*, single, head of household, or surviving spouse). An individual entitled to file a joint return is required to do so unless that individual's gross income, when combined with the individual's spouse's gross income for the taxable year, is less than the sum of twice the exemption amount plus the basic standard deduction applicable to a joint return, provided that such individual and his spouse, at the close of the taxable year, had the same household as their home.

Trusts and estates

In lieu of the deduction for personal exemptions, an estate is allowed a deduction of \$600. A trust is allowed a deduction of \$100; \$300 if required to distribute all its income currently; and an amount equal to the personal exemption of an individual in the case of a qualified disability trust.

HOUSE BILL

The House bill repeals the deduction for personal exemptions.

The provision modifies the requirements for those who are required to file a tax return. In the case of an individual who is not married, such individual is required to file a tax return if the taxpayer's gross income for the taxable year exceeds the applicable standard deduction. Married individuals are required to file a return if that individual's gross income, when combined with the individual's spouse's gross income, for the taxable year is more than the standard deduction applicable to a joint return, provided that: (i) such individual and his spouse, at the close of the taxable year, had the same household as their home; (ii) the individual's spouse does not make a separate return; and (iii) neither the individual nor his spouse is a dependent of another taxpayer who has income (other than earned income) in excess of \$500 (indexed for inflation).

¹³ For 2017, the additional amount is \$1,250 for married taxpayers (for each spouse meeting the applicable criterion) and surviving spouses. The additional amount for single individuals and heads of households is \$1,550. An individual who qualifies as both blind and elderly is entitled to two additional standard deductions, for a total additional amount (for 2017) of \$2,500 or \$3,100, as applicable.

¹⁴ Thus, the standard deduction is the same for 2018 and 2019.

¹⁵ The standard deduction continues to be indexed with the C-CPI-U after this sunset.

The provision repeals the enhanced deduction for qualified disability trusts.

Under the provision, the Secretary of the Treasury is to develop rules to determine the amount of tax required to be withheld by employers from a taxpayer's wages.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment suspends the deduction for personal exemptions.¹⁶

The Senate amendment follows the House bill in modifying the requirements for those who are required to file a tax return.

The provision does not apply to taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment and suspends the deduction for personal exemptions. The suspension does not apply to taxable years beginning after December 31, 2025.

The conference agreement generally follows the House bill in modifying the withholding rules to reflect that taxpayers no longer claim personal exemptions under the conference agreement.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017. The conference agreement provides that the Secretary may administer the withholding rules under section 3402 for taxable years beginning before January 1, 2019, without regard to the amendments made under this provision. Thus, at the Secretary's discretion, wage withholding rules may remain the same as under present law for 2018.

3. Alternative inflation adjustment (secs. 1001 and 1005 of the House bill, sec. 11002 of the Senate amendment, and sec. 1 of the Code)

PRESENT LAW

Under present law, many parameters of the tax system are adjusted for inflation to protect taxpayers from the effects of rising prices. Most of the adjustments are based on annual changes in the level of the Consumer Price Index for All Urban Consumers ("CPI-U").¹⁷ The CPI-U is an index that measures prices paid by typical urban consumers on a broad range of products, and is developed and published by the Department of Labor.

Among the inflation-indexed tax parameters are the following individual income tax amounts: (1) the regular income tax brackets; (2) the basic standard deduction; (3) the additional standard deduction for aged and blind; (4) the personal exemption amount; (5) the thresholds for the overall limitation on itemized deductions and the personal exemption phase-out; (6) the phase-in and phase-out thresholds of the earned income credit;

(7) IRA contribution limits and deductible amounts; and (8) the saver's credit.

HOUSE BILL

The House bill requires the use of the Chained Consumer Price Index for All Urban Consumers ("C-CPI-U") to adjust tax parameters currently indexed by the CPI-U. The C-CPI-U, like the CPI-U, is a measure of the average change over time in prices paid by urban consumers. It is developed and published by the Department of Labor, but differs from the CPI-U in accounting for the ability of individuals to alter their consumption patterns in response to relative price changes. The C-CPI-U accomplishes this by allowing for consumer substitution between item categories in the market basket of consumer goods and services that make up the index, while the CPI-U only allows for modest substitution within item categories.

Under the provision, indexed parameters in the Code switch from CPI-U indexing to C-CPI-U indexing going forward in taxable years beginning after December 31, 2017. Therefore, in the case of any existing tax parameters that are not reset for 2018, the provision indexes parameters as if CPI-U applies through 2017 and C-CPI-U applies for years thereafter; the provision does not index all existing tax parameters from their base years using the C-CPI-U. Tax parameters with cost-of-living adjustment base years of 2016 and later are indexed solely with C-CPI-U. Therefore, tax values that are reset for 2018 are indexed by the C-CPI-U in taxable years beginning after December 31, 2018.¹⁸

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment generally follows the House bill.¹⁹

The provision requiring C-CPI-U indexing after 2017 is permanent. Thus, after certain temporary tax parameters sunset, such as bracket thresholds and the increased basic standard deduction, corresponding present law values in the Code are indexed appropriately with the C-CPI-U.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

B. Treatment of Business Income of Individuals, Trusts, and Estates

1. Deduction for qualified business income (sec. 1004 of the House bill, sec. 11011 of the Senate amendment, and sec. 199A of the Code)

PRESENT LAW

Individual income tax rates

To determine regular tax liability, an individual taxpayer generally must apply the tax rate schedules (or the tax tables) to his or her regular taxable income. The rate schedules are broken into several ranges of income, known as income brackets, and the marginal tax rate increases as a taxpayer's income increases. Separate rate schedules apply based on an individual's filing status (i.e., single, head of household, married filing

jointly, or married filing separately). For 2017, the regular individual income tax rate schedule provides rates of 10, 15, 25, 28, 33, 35, and 39.6 percent.

Partnerships

Partnerships generally are treated for Federal income tax purposes as pass-through entities not subject to tax at the entity level.²⁰ Items of income (including tax-exempt income), gain, loss, deduction, and credit of the partnership are taken into account by the partners in computing their income tax liability (based on the partnership's method of accounting and regardless of whether the income is distributed to the partners).²¹ A partner's deduction for partnership losses is limited to the partner's adjusted basis in its partnership interest.²² Losses not allowed as a result of that limitation generally are carried forward to the next year. A partner's adjusted basis in the partnership interest generally equals the sum of (1) the partner's capital contributions to the partnership, (2) the partner's distributive share of partnership income, and (3) the partner's share of partnership liabilities, less (1) the partner's distributive share of losses allowed as a deduction and certain nondeductible expenditures, and (2) any partnership distributions to the partner.²³ Partners generally may receive distributions of partnership property without recognition of gain or loss, subject to some exceptions.²⁴

Partnerships may allocate items of income, gain, loss, deduction, and credit among the partners, provided the allocations have substantial economic effect.²⁵ In general, an allocation has substantial economic effect to the extent the partner to which the allocation is made receives the economic benefit or bears the economic burden of such allocation and the allocation substantially affects the dollar amounts to be received by the partners from the partnership independent of tax consequences.²⁶

State laws of every State provide for limited liability companies ("LLCs"), which are neither partnerships nor corporations under applicable State law, but which are generally treated as partnerships for Federal tax purposes.²⁸

Under present law, a publicly traded partnership generally is treated as a corporation

²⁰ Sec. 701.

²¹ Sec. 702(a).

²² Sec. 704(d). In addition, passive loss and at-risk limitations limit the extent to which certain types of income can be offset by partnership deductions (sections 469 and 465). These limitations do not apply to corporate partners (except certain closely-held corporations) and may not be important to individual partners who have partner-level passive income from other investments.

²³ Sec. 705.

²⁴ Sec. 731. Gain or loss may nevertheless be recognized, for example, on the distribution of money or marketable securities, distributions with respect to contributed property, or in the case of disproportionate distributions (which can result in ordinary income).

²⁵ Sec. 704(b)(2).

²⁶ Treas. Reg. sec. 1.704-1(b)(2).

²⁷ The first LLC statute was enacted in Wyoming in 1977. All States (and the District of Columbia) now have an LLC statute, though the tax treatment of LLCs for State tax purposes may differ.

²⁸ Under Treasury regulations promulgated in 1996, any domestic nonpublicly traded unincorporated entity with two or more members generally is treated as a partnership for federal income tax purposes, while any single-member domestic unincorporated entity generally is treated as disregarded for Federal income tax purposes (i.e., treated as not separate from its owner). Instead of the applicable default treatment, however, an LLC may elect to be treated as a corporation for Federal income tax purposes. Treas. Reg. sec. 301.7701-3. These are known as the "check-the-box" regulations.

¹⁶ The provision also clarifies that, for purposes of taxable years in which the personal exemption is reduced to zero, this should not alter the operation of those provisions of the Code which refer to a taxpayer allowed a deduction (or an individual with respect to whom a taxpayer is allowed a deduction) under section 151. Thus, for instance, sec. 24(a) allows a credit against tax with respect to each qualifying child of the taxpayer for which the taxpayer is allowed a deduction under section 151. A qualifying child, as defined under section 152(c), remains eligible for the credit, notwithstanding that the deduction under section 151 has been reduced to zero.

¹⁷ Generally, the Code adjusts calendar year values for cost of living by using the percentage by which the price index for the preceding calendar year exceeds the price index for a base calendar year. Sec. 1(f).

¹⁸ One exception is the increased standard deduction which is indexed by C-CPI-U in taxable years beginning after December 31, 2019 and therefore is the same in 2018 and 2019.

¹⁹ The Senate Amendment indexes all tax values that are temporarily reset for 2018, including the basic standard deduction, with the C-CPI-U in taxable years beginning after December 31, 2018.

for Federal tax purposes.²⁹ For this purpose, a publicly traded partnership means any partnership if interests in the partnership are traded on an established securities market or interests in the partnership are readily tradable on a secondary market (or the substantial equivalent thereof).³⁰

An exception from corporate treatment is provided for certain publicly traded partnerships, 90 percent or more of whose gross income is qualifying income.³¹

S corporations

For Federal income tax purposes, an S corporation³² generally is not subject to tax at the corporate level.³³ Items of income (including tax-exempt income), gain, loss, deduction, and credit of the S corporation are taken into account by the S corporation shareholders in computing their income tax liabilities (based on the S corporation's method of accounting and regardless of whether the income is distributed to the shareholders). A shareholder's deduction for corporate losses is limited to the sum of the shareholder's adjusted basis in its S corporation stock and the indebtedness of the S corporation to such shareholder. Losses not allowed as a result of that limitation generally are carried forward to the next year. A shareholder's adjusted basis in the S corporation stock generally equals the sum of (1) the shareholder's capital contributions to the S corporation and (2) the shareholder's pro rata share of S corporation income, less (1) the shareholder's pro rata share of losses allowed as a deduction and certain non-deductible expenditures, and (2) any S corporation distributions to the shareholder.³⁴

In general, an S corporation shareholder is not subject to tax on corporate distributions

unless the distributions exceed the shareholder's basis in the stock of the corporation.

Electing S corporation status

To be eligible to elect S corporation status, a corporation may not have more than 100 shareholders and may not have more than one class of stock.³⁵ Only individuals (other than nonresident aliens), certain tax-exempt organizations, and certain trusts and estates are permitted shareholders of an S corporation.

Sole proprietorships

Unlike a C corporation, partnership, or S corporation, a business conducted as a sole proprietorship is not treated as an entity distinct from its owner for Federal income tax purposes.³⁶ Rather, the business owner is taxed directly on business income, and files Schedule C (sole proprietorships generally), Schedule E (rental real estate and royalties), or Schedule F (farms) with his or her individual tax return. Furthermore, transfer of a sole proprietorship is treated as a transfer of each individual asset of the business. Nonetheless, a sole proprietorship is treated as an entity separate from its owner for employment tax purposes,³⁷ for certain excise taxes,³⁸ and certain information reporting requirements.³⁹

HOUSE BILL

Qualified business income of an individual from a partnership, S corporation, or sole proprietorship is subject to Federal income tax at a rate no higher than 25 percent. Qualified business income means, generally, all net business income from a passive business activity plus the capital percentage of net business income from an active business activity, reduced by carryover business losses and by certain net business losses from the current year, as determined under the provision.

Determination of rate

25-percent rate

The provision provides that an individual's tax is reduced to reflect a maximum rate of 25 percent on qualified business income. Qualified business income includes the capital percentage, generally 30 percent, of net business income. The percentage differs in the case of specified service activities or in the case of a taxpayer election to prove out a different percentage.

Taxable income (reduced by net capital gain) that exceeds the maximum dollar amount for the 25-percent rate bracket applicable to the taxpayer, and that exceeds qualified business income, is subject to tax in the next higher brackets.

The provision provides that a 25-percent tax rate applies generally to dividends received from a real estate investment trust (other than any portion that is a capital gain dividend or a qualified dividend), and applies generally to dividends that are includable in gross income from certain cooperatives.

Nine-percent rate

A special rule provides a reduced tax rate of 11, 10, or nine percent in the case of an individual's qualified active business income below an indexed threshold of \$75,000 (in the case of a joint return or a surviving spouse) (the "nine-percent bracket threshold amount"). The indexed \$75,000 threshold is three quarters of that amount for individuals filing as head of household and half that amount for other individuals. The reduced rate is not available to estates and trusts.

The reduced rate is phased in. The reduced rate is 11 percent (that is, one percentage point below the 12 percent rate) for taxable years beginning in 2018 and 2019, and is 10 percent (that is, two percentage points below the 12 percent rate) for taxable years beginning in 2020 and 2021. For taxable years beginning in 2022 and thereafter the reduced rate is nine percent (that is, three percentage points below the 12 percent rate).

The reduced tax rate applies to the least of three amounts, the taxpayer's: (1) qualified active business income, (2) taxable income reduced by net capital gain, or (3) nine-percent bracket threshold amount (described above). Qualified active business income for a taxable year means the excess of the taxpayer's net business income from any active business activity over his or her net business loss from any active business activity. An active business activity is an activity that involves the conduct of any trade or business and that is not a passive activity for purposes of the passive loss rules of section 469 determined without regard to paragraphs (2) and (6)(B) of section 469(c) (that is, generally, the taxpayer materially participates in the trade or business activity). Qualified active business income includes income from any trade or business activity, including service businesses. No capital percentage limitation applies in determining qualified active business income.

A phaseout applies to the amount subject to the 11-, 10-, or nine-percent rate. The amount taxed at one of these rates is reduced by the excess of taxable income over an indexed applicable threshold amount, \$150,000 in the case of married individuals filing jointly. The applicable threshold amount is three quarters of that amount for individuals filing as head of household and half that amount for other individuals.

For example, assume that in 2022, an individual (married filing jointly) has \$70,000 of qualified active business income and \$40,000 of other income, resulting in taxable income of \$110,000. The \$70,000 of qualified active business income is subject to tax at nine percent. Alternatively, assume that in 2022, another individual has \$160,000 of qualified active business income and \$10,000 of other income resulting in taxable income of \$170,000. The excess of the taxpayer's \$170,000 taxable income over the \$150,000 applicable threshold amount is \$20,000. Taking into account the phaseout, this \$20,000 amount reduces the \$75,000 amount that, absent the phaseout, would be subject to the nine-percent rate, reversing the benefit of the nine-percent rate for \$20,000 of the taxpayer's qualified active business income. The effect is that \$55,000 is subject to the nine percent rate.

Qualified business income

Qualified business income is defined as the sum of 100 percent of any net business income derived from any passive business activity plus the capital percentage of net business income derived from any active business activity, reduced by the sum of 100 percent of any net business loss derived from any passive business activity, 30 percent (except as otherwise provided under rules for

²⁹ Sec. 7704(a).

³⁰ Sec. 7704(b).

³¹ Sec. 7704(c)(2). Qualifying income is defined to include interest, dividends, and gains from the disposition of a capital asset (or of property described in section 1231(b)) that is held for the production of income that is qualifying income. Sec. 7704(d). Qualifying income also includes rents from real property, gains from the sale or other disposition of real property, and income and gains from the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil, or products thereof), or the marketing of any mineral or natural resource (including fertilizer, geothermal energy, and timber), industrial source carbon dioxide, or the transportation or storage of certain fuel mixtures, alternative fuel, alcohol fuel, or biodiesel fuel. It also includes income and gains from commodities (not described in section 1221(a)(1)) or futures, options, or forward contracts with respect to such commodities (including foreign currency transactions of a commodity pool) where a principal activity of the partnership is the buying and selling of such commodities, futures, options, or forward contracts. However, the exception for partnerships with qualifying income does not apply to any partnership resembling a mutual fund (*i.e.*, that would be described in section 851(a) if it were a domestic corporation), which includes a corporation registered under the Investment Company Act of 1940 (Pub. L. No. 76-768 (1940)) as a management company or unit investment trust (sec. 7704(c)(3)).

³² An S corporation is so named because its Federal tax treatment is governed by subchapter S of the Code.

³³ Secs. 1363 and 1366.

³⁴ Sec. 1367. If any amount that would reduce the adjusted basis of a shareholder's S corporation stock exceeds the amount that would reduce that basis to zero, the excess is applied to reduce (but not below zero) the shareholder's basis in any indebtedness of the S corporation to the shareholder. If, after a reduction in the basis of such indebtedness, there is an event that would increase the adjusted basis of the shareholder's S corporation stock, such increase is instead first applied to restore the reduction in the basis of the shareholder's indebtedness. Sec. 1367(b)(2).

³⁵ Sec. 1361. For this purpose, a husband and wife and all members of a family are treated as one shareholder. Sec. 1361(c)(1).

³⁶ A single-member unincorporated entity is disregarded for Federal income tax purposes, unless its owner elects to be treated as a C corporation. Treas. Reg. sec. 301.7701-3(b)(1)(i). Sole proprietorships often are conducted through legal entities for nontax reasons. While sole proprietorships generally may have no more than one owner, a married couple that files a joint return and jointly owns and operates a business may elect to have that business treated as a sole proprietorship under section 761(f).

³⁷ Treas. Reg. sec. 301.7701-2(c)(2)(iv).

³⁸ Treas. Reg. sec. 301.7701-2(c)(2)(v).

³⁹ Treas. Reg. sec. 301.7701-2(c)(2)(vi).

determining the capital percentage, below) of any net business loss derived from any active business activity, and any carryover business loss determined for the preceding taxable year. Qualified business income does not include income from a business activity that exceeds these percentages.

Net business income or loss

To determine qualified business income requires a calculation of net business income or loss from each of an individual's passive business activities and active business activities. Net business income or loss is determined at the activity level, that is, separately for each business activity.

Net business income is determined by appropriately netting items of income, gain, deduction and loss with respect to the business activity. The determination takes into account these amounts only to the extent the amount affects the determination of taxable income for the year. For example, if in a taxable year, a business activity has 100 of ordinary income from inventory sales, and makes an expenditure of 25 that is required to be capitalized and amortized over 5 years under applicable tax rules, the net business income is 100 minus 5 (current-year ordinary amortization deduction), or 95. The net business income is not reduced by the entire amount of the capital expenditure, only by the amount deductible in determining taxable income for the year.

Net business income or loss includes the amounts received by the individual taxpayer as wages, director's fees, guaranteed payments and amounts received from a partnership other than in the individual's capacity as a partner, that are properly attributable to a business activity. These amounts are taken into account as an item of income with respect to the business activity. For example, if an individual shareholder of an S corporation engaged in a business activity is paid wages or director's fees by the S corporation, the amount of wages or director's fees is added in determining net business or loss with respect to the business activity. This rule is intended to ensure that the amount eligible for the 25-percent tax rate is not erroneously reduced because of compensation for services or other specified amounts that are paid separately (or treated as separate) from the individual's distributive share of passthrough income.

Net business income or loss does not include specified investment-related income, deductions, or loss. Specifically, net business income does not include (1) any item taken into account in determining net long-term capital gain or net long-term capital loss, (2) dividends, income equivalent to a dividend, or payments in lieu of dividends, (3) interest income and income equivalent to interest, other than that which is properly allocable to a trade or business, (4) the excess of gain over loss from commodities transactions, other than those entered into in the normal course of the trade or business or with respect to stock in trade or property held primarily for sale to customers in the ordinary course of the trade or business, property used in the trade or business, or supplies regularly used or consumed in the trade or business, (5) the excess of foreign currency gains over foreign currency losses from section 988 transactions, other than transactions directly related to the business needs of the business activity, (6) net income from notional principal contracts, other than clearly identified hedging transactions that are treated as ordinary (i.e., not treated as capital assets), and (7) any amount received from an annuity that is not used in the trade

or business of the business activity. Net business income does not include any item of deduction or loss properly allocable to such income.

Carryover business loss

The carryover business loss from the preceding taxable year reduces qualified business income in the taxable year. The carryover business loss is the excess of (1) the sum of 100 percent of any net business loss derived from any passive business activity, 30 percent (except as otherwise provided under rules for determining the capital percentage, below) of any net business loss derived from any active business activity, and any carryover business loss determined for the preceding taxable year, over (2) the sum of 100 percent of any net business income derived from any passive business activity plus the capital percentage of net business income derived from any active business activity. There is no time limit on carryover business losses. For example, an individual has two business activities that give rise to a net business loss of 3 and 4, respectively, in year one, giving rise to a carryover business loss of 7 in year two. If in year two the two business activities each give rise to net business income of 2, a carryover business loss of 3 is carried to year three (that is, $<7> - (2 + 2) = <3>$).

Passive business activity and active business activity

A business activity means an activity that involves the conduct of any trade or business. A taxpayer's activities include those conducted through partnerships, S corporations, and sole proprietorships. An activity has the same meaning as under the present-law passive loss rules (section 469). As provided in regulations under those rules, a taxpayer may use any reasonable method of applying the relevant facts and circumstances in grouping activities together or as separate activities (through rental activities generally may not be grouped with other activities unless together they constitute an appropriate economic unit, and grouping real property rentals with personal property rentals is not permitted). It is intended that the activity grouping the taxpayer has selected under the passive loss rules is required to be used for purposes of the passthrough rate rules. For example, an individual taxpayer has an interest in a bakery and a movie theater in Baltimore, and a bakery and a movie theatre in Philadelphia. For purposes of the passive loss rules, the taxpayer has grouped them as two activities, a bakery activity and a movie theatre activity. The taxpayer must group them the same way that is as two activities, a bakery activity and a movie theatre activity, for purposes of rules of this provision.

Regulatory authority is provided to require or permit grouping as one or as multiple activities in particular circumstances, in the case of specified services activities that would be treated as a single employer under broad related party rules of present law.

A passive business activity generally has the same meaning as a passive activity under the present-law passive loss rules. However, for this purpose, a passive business activity is not defined to exclude a working interest in any oil or gas property that the taxpayer holds directly or through an entity that does not limit the taxpayer's liability. Rather, whether the taxpayer materially participates in the activity is relevant. Further, for this purpose, a passive business activity does not include an activity in connec-

tion with a trade or business or in connection with the production of income.

An active business activity is an activity that involves the conduct of any trade or business and that is not a passive activity. For example, if an individual has a partnership interest in a manufacturing business and materially participates in the manufacturing business, it is considered an active business activity of the individual.

Capital percentage

The capital percentage is the percentage of net business income from an active business activity that is included in qualified business income subject to Federal income tax at a rate no higher than 25 percent.

In general, the capital percentage is 30 percent, except as provided in the case of application of an increased percentage for capital-intensive business activities, in the case of specified service activities, and in the case of application of the rule for capital-intensive specified service activities.

The capital percentage is reduced if the portion of net business income represented by the sum of wages, director's fees, guaranteed payments and amounts received from a partnership other than in the individual's capacity as a partner, that are properly attributable to a business activity exceeds the difference between 100 percent and the capital percentage. For example, if net business income from an individual's active business activity conducted through an S corporation is 100, including 75 of wages that the S corporation pays the individual, the otherwise applicable capital percentage is reduced from 30 percent to 25 percent.

Increased percentage for capital-intensive business activities.—A taxpayer may elect the application of an increased percentage with respect to any active business activity other than a specified service activity (described below). The election applies for the taxable year it is made and each of the next four taxable years. The election is to be made no later than the due date (including extensions) of the return for the taxable year made, and is irrevocable. The percentage under the election is the applicable percentage (described below) for the five taxable years of the election.

Specified service activities.—In the case of an active business activity that is a specified service activity, generally the capital percentage is 0 and the percentage of any net business loss from the specified service activity that is taken into account as qualified business income is 0 percent.

A specified service activity means any trade or business activity involving the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, financial services, brokerage services, any trade or business where the principal asset of such trade or business is the reputation or skill of one or more of its employees, or investing, trading, or dealing in securities, partnership interests, or commodities. For this purpose a security and a commodity have the meanings provided in the rules for the mark-to-market accounting method for dealers in securities (sections 475(c)(2) and 475(e)(2), respectively).

Capital-intensive specified service activities.—A taxpayer may elect the application of an exception with respect to any active business activity that is specified service activity, provided the applicable percentage (described below) for the taxable year is at least 10 percent. If the election is validly made, the capital percentage and the percentage of net business loss with respect to the activity

are not 0 percent, but rather, the applicable percentage for the taxable year.

Calculation of applicable percentage.—The applicable percentage is the percentage applied in lieu of the capital percentage in the case of either of the foregoing elections. The applicable percentage (not the capital percentage) then determines the portion of the net business income or loss from the activity for the taxable year that is taken into account in determining qualified business income subject to Federal income tax at a rate no higher than 25 percent.

The applicable percentage is determined by dividing (1) the specified return on capital for the activity for the taxable year, by (2) the taxpayer's net business income derived from that activity for that taxable year. The specified return on capital for any active business activity is determined by multiplying a deemed rate of return, the short-term AFR plus 7 percentage points, times the asset balance for the activity for the taxable year, and reducing the product by interest expense deducted with respect to the activity for the taxable year. The asset balance for this purpose is the adjusted basis of property used in connection with the activity as of the end of the taxable year, but without taking account of basis adjustments for bonus depreciation under section 168(k) or expensing under section 179. In the case of an active business activity conducted through a partnership or S corporation, the taxpayer takes into account his distributive share of the asset balance of the partnership's or S corporation's property used in connection with the activity. Regulatory authority is provided to ensure that in determining asset balance, no amount is taken into account for more than one activity.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017. A transition rule provides that for fiscal year taxpayers whose taxable year includes December 31, 2017, a proportional benefit of the reduced rate under the provision is allowed for the period beginning January 1, 2018, and ending on the day before the beginning of the taxable year beginning after December 31, 2017.

SENATE AMENDMENT

In general

For taxable years beginning after December 31, 2017 and before January 1, 2026, an individual taxpayer generally may deduct 23 percent of qualified business income from a partnership, S corporation, or sole proprietorship, as well as 23 percent of aggregate qualified REIT dividends, qualified cooperative dividends, and qualified publicly traded partnership income. Special rules apply to specified agricultural or horticultural cooperatives. A limitation based on W-2 wages paid is phased in above a threshold amount of taxable income. A disallowance of the deduction with respect to specified service trades or businesses is also phased in above the threshold amount of taxable income.⁴⁰

Qualified business income

Qualified business income is determined for each qualified trade or business of the taxpayer. For any taxable year, qualified business income means the net amount of qualified items of income, gain, deduction, and loss with respect to the qualified trade or business of the taxpayer. The determination of qualified items of income, gain, deduction, and loss takes into account these

items only to the extent included or allowed in the determination of taxable income for the year. For example, if in a taxable year, a qualified business has \$100,000 of ordinary income from inventory sales, and makes an expenditure of \$25,000 that is required to be capitalized and amortized over 5 years under applicable tax rules, the qualified business income is \$100,000 minus \$5,000 (current-year ordinary amortization deduction), or \$95,000. The qualified business income is not reduced by the entire amount of the capital expenditure, only by the amount deductible in determining taxable income for the year.

If the net amount of qualified business income from all qualified trades or businesses during the taxable year is a loss, it is carried forward as a loss from a qualified trade or business in the next taxable year. Similar to a qualified trade or business that has a qualified business loss for the current taxable year, any deduction allowed in a subsequent year is reduced (but not below zero) by 23 percent of any carryover qualified business loss. For example, Taxpayer has qualified business income of \$20,000 from qualified business A and a qualified business loss of \$50,000 from qualified business B in Year 1. Taxpayer is not permitted a deduction for Year 1 and has a carryover qualified business loss of \$30,000 to Year 2. In Year 2, Taxpayer has qualified business income of \$20,000 from qualified business A and qualified business income of \$50,000 from qualified business B. To determine the deduction for Year 2, Taxpayer reduces the 23 percent deductible amount determined for the qualified business income of \$70,000 from qualified businesses A and B by 23 percent of the \$30,000 carryover qualified business loss.

Domestic business

Items are treated as qualified items of income, gain, deduction, and loss only to the extent they are effectively connected with the conduct of a trade or business within the United States.⁴¹ In the case of a taxpayer who is an individual with otherwise qualified business income from sources within the commonwealth of Puerto Rico, if all the income is taxable under section 1 (income tax rates for individuals) for the taxable year, the "United States" is considered to include Puerto Rico for purposes of determining the individual's qualified business income.

Treatment of investment income

Qualified items do not include specified investment-related income, deductions, or loss. Specifically, qualified items of income, gain, deduction and loss do not include (1) any item taken into account in determining net long-term capital gain or net long-term capital loss, (2) dividends, income equivalent to a dividend, or payments in lieu of dividends, (3) interest income other than that which is properly allocable to a trade or business, (4) the excess of gain over loss from commodities transactions, other than those entered into in the normal course of the trade or business or with respect to stock in trade or property held primarily for sale to customers in the ordinary course of the trade or business, property used in the trade or business, or supplies regularly used or consumed in the trade or business, (5) the excess of foreign currency gains over foreign currency losses from section 988 transactions, other than transactions directly related to the business needs of the business

activity, (6) net income from notional principal contracts, other than clearly identified hedging transactions that are treated as ordinary (i.e., not treated as capital assets), and (7) any amount received from an annuity that is not used in the trade or business of the business activity. Qualified items under this provision do not include any item of deduction or loss properly allocable to such income.

Reasonable compensation and guaranteed payments

Qualified business income does not include any amount paid by an S corporation that is treated as reasonable compensation of the taxpayer. Similarly, qualified business income does not include any guaranteed payment for services rendered with respect to the trade or business,⁴² and to the extent provided in regulations, does not include any amount paid or incurred by a partnership to a partner who is acting other than in his or her capacity as a partner for services.⁴³

Qualified trade or business

A qualified trade or business means any trade or business other than a specified service trade or business and other than the trade or business of being an employee.

Specified service business

A specified service trade or business means any trade or business involving the performance of services in the fields of health,⁴⁴ law, engineering, architecture, accounting, actuarial science, performing arts,⁴⁵ consulting,⁴⁶

⁴² Described in sec. 707(c).

⁴³ Described in sec. 707(a).

⁴⁴ A similar list of service trades or business is provided in section 448(d)(2)(A) and Treas. Reg. sec. 1.448-1T(e)(4)(i). For purposes of section 448, Treasury regulations provide that the performance of services in the field of health means the provision of medical services by physicians, nurses, dentists, and other similar healthcare professionals. The performance of services in the field of health does not include the provision of services not directly related to a medical field, even though the services may purportedly relate to the health of the service recipient. For example, the performance of services in the field of health does not include the operation of health clubs or health spas that provide physical exercise or conditioning to their customers. See Treas. Reg. sec. 1.448-1T(e)(4)(ii).

⁴⁵ For purposes of the similar list of services in section 448, Treasury regulations provide that the performance of services in the field of the performing arts means the provision of services by actors, actresses, singers, musicians, entertainers, and similar artists in their capacity as such. The performance of services in the field of the performing arts does not include the provision of services by persons who themselves are not performing artists (e.g., persons who may manage or promote such artists, and other persons in a trade or business that relates to the performing arts). Similarly, the performance of services in the field of the performing arts does not include the provision of services by persons who broadcast or otherwise disseminate the performance of such artists to members of the public (e.g., employees of a radio station that broadcasts the performances of musicians and singers). See Treas. Reg. sec. 1.448-1T(e)(4)(iii).

⁴⁶ For purposes of the similar list of services in section 448, Treasury regulations provide that the performance of services in the field of consulting means the provision of advice and counsel. The performance of services in the field of consulting does not include the performance of services other than advice and counsel, such as sales or brokerage services, or economically similar services. For purposes of the preceding sentence, the determination of whether a person's services are sales or brokerage services, or economically similar services, shall be based on all the facts and circumstances of that person's business. Such facts and circumstances include, for example, the manner in which the taxpayer is compensated for the services provided (e.g., whether the compensation for the services is contingent upon the consummation of the transaction that

Continued

⁴⁰ For purposes of this provision, taxable income is computed without regard to the 23 percent deduction.

⁴¹ For this purpose, section 864(c) is applied substituting "qualified trade or business (within the meaning of section 199A)" for "nonresident alien individual or a foreign corporation" or "a foreign corporation."

athletics, financial services, brokerage services, including investing and investment management, trading, or dealing in securities, partnership interests, or commodities, and any trade or business where the principal asset of such trade or business is the reputation or skill of one or more of its employees. For this purpose a security and a commodity have the meanings provided in the rules for the mark-to-market accounting method for dealers in securities (sections 475(c)(2) and 475(e)(2), respectively).

Phase-in of specified service business limitation

The exclusion from the definition of a qualified business for specified service trades or businesses phases in for a taxpayer with taxable income in excess of a threshold amount. The threshold amount is \$250,000 (200 percent of that amount, or \$500,000, in the case of a joint return) (the "threshold amount"). The threshold amount is indexed for inflation. The exclusion from the definition of a qualified business for specified service trades or businesses is fully phased in for a taxpayer with taxable income in excess of the threshold amount plus \$50,000 (\$100,000 in the case of a joint return). For a taxpayer with taxable income within the phase-in range, the exclusion applies as follows.

In computing the qualified business income with respect to a specified service trade or business, the taxpayer takes into account only the applicable percentage of qualified items of income, gain, deduction, or loss, and of allocable W-2 wages. The applicable percentage with respect to any taxable year is 100 percent reduced by the percentage equal to the ratio of the excess of the taxable income of the taxpayer over the threshold amount bears to \$50,000 (\$100,000 in the case of a joint return).

For example, Taxpayer has taxable income of \$280,000, of which \$200,000 is attributable to an accounting sole proprietorship after paying wages of \$100,000 to employees. Taxpayer has an applicable percentage of 40 percent.⁴⁷ In determining includible qualified business income, Taxpayer takes into account 40 percent of \$200,000, or \$80,000. In determining the includible W-2 wages, Taxpayer takes into account 40 percent of \$100,000, or \$40,000. Taxpayer calculates the deduction by taking the lesser of 23 percent of \$80,000 (\$18,400) or 50 percent of \$40,000 (\$20,000). Taxpayer takes a deduction for \$18,400.

Tentative deductible amount for a qualified trade or business

In general

For each qualified trade or business, the taxpayer is allowed a deductible amount equal to the lesser of 23 percent of the qualified business income with respect to such trade or business or 50 percent of the W-2 wages with respect to such business (the "wage limit"). However, if the taxpayer's taxable income is below the threshold amount, the deductible amount for each qualified trade or business is equal to 23 percent of the qualified business income with respect to each respective trade or business.

W-2 wages

W-2 wages are the total wages⁴⁸ subject to wage withholding, elective deferrals,⁴⁹ and deferred compensation⁵⁰ paid by the quali-

fied trade or business with respect to employment of its employees during the calendar year ending during the taxable year of the taxpayer.⁵¹ W-2 wages do not include any amount which is not properly allocable to the qualified business income as a qualified item of deduction. In addition, W-2 wages do not include any amount which was not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.

In the case of a taxpayer who is an individual with otherwise qualified business income from sources within the commonwealth of Puerto Rico, if all the income is taxable under section 1 (income tax rates for individuals) for the taxable year, the determination of W-2 wages with respect to the taxpayer's trade or business conducted in Puerto Rico is made without regard to any exclusion under the wage withholding rules⁵² for remuneration paid for services in Puerto Rico.

Phase-in of wage limit

The application of the wage limit phases in for a taxpayer with taxable income in excess of the threshold amount. The wage limit applies fully for a taxpayer with taxable income in excess of the threshold amount plus \$50,000 (\$100,000 in the case of a joint return). For a taxpayer with taxable income within the phase-in range, the wage limit applies as follows.

With respect to any qualified trade or business, the taxpayer compares (1) 23 percent of the taxpayer's qualified business income with respect to the qualified trade or business with (2) 50 percent of the W-2 wages with respect to the qualified trade or business. If the amount determined under (2) is less than the amount determined (1), (that is, if the wage limit is binding), the taxpayer's deductible amount is the amount determined under (1) reduced by the same proportion of the difference between the two amounts as the excess of the taxable income of the taxpayer over the threshold amount bears to \$50,000 (\$100,000 in the case of a joint return).

For example, H and W file a joint return on which they report taxable income of \$520,000. W has a qualified trade or business that is not a specified service business, such that 23 percent of the qualified business income with respect to the business is \$15,000. W's share of wages paid by the business is \$20,000, such that 50 percent of the W-2 wages with respect to the business is \$10,000. The \$15,000 amount is reduced by 20 percent⁵³ of the difference between \$15,000 and \$10,000, or \$1,000. H and W take a deduction for \$14,000.

any designated Roth contributions (as defined in section 402A).

⁵¹ In the case of a taxpayer with a short taxable year that does not contain a calendar year ending during such short taxable year, the Committee intends that the following amounts shall be treated as the W-2 wages of the taxpayer for the short taxable year: (1) only those wages paid during the short taxable year to employees of the qualified trade or business, (2) only those elective deferrals (within the meaning of section 402(g)(3)) made during the short taxable year by employees of the qualified trade or business, and (3) only compensation actually deferred under section 457 during the short taxable year with respect to employees of the qualified trade or business. The Committee intends that amounts that are treated as W-2 wages for a taxable year shall not be treated as W-2 wages of any other taxable year.

⁵² As provided in sec. 3401(a)(8).

⁵³ $(\$520,000 - \$500,000) / \$100,000 = 20$ percent.

Qualified REIT dividends, cooperative dividends, and publicly traded partnership income

A deduction is allowed under the provision for 23 percent of the taxpayer's aggregate amount of qualified REIT dividends, qualified cooperative dividends, and qualified publicly traded partnership income for the taxable year. Qualified REIT dividends do not include any portion of a dividend received from a REIT that is a capital gain dividend⁵⁴ or a qualified dividend.⁵⁵ A qualified cooperative dividend means a patronage dividend,⁵⁶ per-unit retain allocation,⁵⁷ qualified written notice of allocation,⁵⁸ or any similar amount, provided it is includible in gross income and is received from either (1) a tax-exempt benevolent life insurance association, mutual ditch or irrigation company, cooperative telephone company, like cooperative organization,⁵⁹ or a taxable or tax-exempt cooperative that is described in section 1381(a), or (2) a taxable cooperative governed by tax rules applicable to cooperatives before the enactment of subchapter T of the Code in 1962. Qualified publicly traded partnership income means (with respect to any qualified trade or business of the taxpayer), the sum of the (a) the net amount of the taxpayer's allocable share of each qualified item of income, gain, deduction, and loss (that are effectively connected with a U.S. trade or business and are included or allowed in determining taxable income for the taxable year and do not constitute excepted enumerated investment-type income, and not including the taxpayer's reasonable compensation, guaranteed payments for services, or (to the extent provided in regulations) section 707(a) payments for services) from a publicly traded partnership not treated as a corporation, and (b) gain recognized by the taxpayer on disposition of its interest in the partnership that is treated as ordinary income (for example, by reason of section 751).

Determination of the taxpayer's deduction

The taxpayer's deduction for qualified business income is equal to the lesser of the combined qualified business income amount for the taxable year or an amount equal to 23 percent of the taxpayer's taxable income (reduced by any net capital gain⁶⁰) for the taxable year. The combined qualified business income amount is the sum of the deductible amounts determined for each qualified trade or business for the taxable year and 23 percent of the qualified REIT dividends and qualified cooperative dividends received by the taxpayer for the taxable year.

Specified agricultural or horticultural cooperatives

For taxable years beginning after December 31, 2018 but not after December 31, 2025, a deduction is allowed to any specified agricultural or horticultural cooperative equal to the lesser of 23 percent of the cooperative's taxable income for the taxable year or 50 percent of the W-2 wages paid by the cooperative with respect to its trade or business. A specified agricultural or horticultural cooperative is a organization to which subchapter T applies that is engaged in (a) the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, (b) the marketing of agricultural or horticultural products

⁵⁴ Defined in sec. 857(b)(3).

⁵⁵ Defined in sec. 1(h)(11).

⁵⁶ Defined in sec. 1388(a).

⁵⁷ Defined in sec. 1388(f).

⁵⁸ Defined in sec. 1388(c).

⁵⁹ Described in sec. 501(c)(12).

⁶⁰ Defined in sec. 1(h).

the services were intended to effect). See Treas. Reg. sec. 1.1448-1T(e)(4)(iv).

⁴⁷ $1 - (\$280,000 - \$250,000) / \$50,000 = 1 - 30,000 / 50,000 = 1 - .6 = 40$ percent.

⁴⁸ Defined in sec. 3401(a).

⁴⁹ Within the meaning of sec. 402(g)(3).

⁵⁰ Deferred compensation includes compensation deferred under section 457, as well as the amount of

that its patrons have so manufactured, produced, grown, or extracted, or (c) the provision of supplies, equipment, or services to farmers or organizations described in the foregoing.

Special rules and definitions

For purposes of the provision, taxable income is determined without regard to the deduction allowable under the provision.

In the case of a partnership or S corporation, the provision applies at the partner or shareholder level. Each partner takes into account the partner's allocable share of each qualified item of income, gain, deduction, and loss, and is treated as having W-2 wages for the taxable year equal to the partner's allocable share of W-2 wages of the partnership. The partner's allocable share of W-2 wages is required to be determined in the same manner as the partner's share of wage expenses. For example, if a partner is allocated a deductible amount of 10 percent of wages paid by the partnership to employees for the taxable year, the partner is required to be allocated 10 percent of the W-2 wages of the partnership for purposes of calculating the wage limit under this deduction. Similarly, each shareholder of an S corporation takes into account the shareholder's pro rata share of each qualified item of income, gain, deduction, and loss, and is treated as having W-2 wages for the taxable year equal to the shareholder's pro rata share of W-2 wages of the S corporation.

Qualified business income is determined without regard to any adjustments prescribed under the rules of the alternative minimum tax.

The provision does not apply to a trust or estate.

The deduction under the provision is allowed only for Federal income tax purposes.

For purposes of determining a substantial underpayment of income tax under the accuracy related penalty,⁶¹ a substantial underpayment exists if the amount of the understatement exceeds the greater of five percent (not 10 percent) of the tax required to be shown on the return or \$5,000.

Authority is provided to promulgate regulations needed to carry out the purposes of the provision, including regulations requiring, or restricting, the allocation of items of income, gain, loss, or deduction, or of wages under the provision. In addition, regulatory authority is provided to address reporting requirements appropriate under the provision, and the application of the provision in the case of tiered entities.

The provision does not apply to taxable years beginning after December 31, 2025.

Additional examples

The following examples provide a comprehensive illustration of the provision.

Example 1

H and W file a joint return on which they report taxable income of \$520,000 (determined without regard to this provision). H is a partner in a qualified trade or business that is not a specified service business ("qualified business A"). W has a sole proprietorship qualified trade or business that is a specified service business ("qualified business B"). H and W also received \$10,000 in qualified REIT dividends during the tax year.

H's allocable share of qualified business income from qualified business A is \$300,000, such that 23 percent of the qualified business income with respect to the business is \$69,000.⁶² H's allocable share of wages paid by

qualified business A is \$100,000, such that 50 percent of the W-2 wages with respect to the business is \$50,000.⁶³ As H and W's taxable income is above the threshold amount for a joint return, the application of the wage limit for qualified business A is phased in. Accordingly, the \$69,000 amount is reduced by 20 percent⁶⁴ of the difference between \$69,000 and \$50,000, or \$3,800.⁶⁵ H's deductible amount for qualified business A is \$65,200.⁶⁶

W's qualified business income and W-2 wages from qualified business B, which is a specified service business, are \$325,000 and \$150,000, respectively. H and W's taxable income is above the threshold amount for a joint return. Thus, the exclusion of qualified business income and W-2 wages from the specified service business are phased in. W has an applicable percentage of 80 percent.⁶⁷ In determining includible qualified business income, W takes into account 80 percent of \$325,000, or \$260,000. In determining includible W-2 wages, W takes into account 80 percent of \$150,000, or \$120,000. W calculates the deductible amount for qualified business B by taking the lesser of 23 percent of \$260,000 (\$59,800) or 50 percent of includible W-2 wages of \$120,000 (\$60,000).⁶⁸ W's deductible amount for qualified business B is \$59,800.

H and W's combined qualified business income amount of \$127,300 is comprised of the deductible amount for qualified business A of \$65,200, the deductible amount for qualified business B of \$59,800, and 23 percent of the \$10,000 qualified REIT dividends (\$2,300). H and W's deduction is limited to 23 percent of their taxable income for the year (\$520,000), or \$119,600. Accordingly, H and W's deduction for the taxable year is \$119,600.

Example 2

H and W file a joint return on which they report taxable income of \$200,000 (determined without regard to this provision). H has a sole proprietorship qualified trade or business that is not a specified service business ("qualified business A"). W is a partner in a qualified trade or business that is not a specified service business ("qualified business B"). H and W have a carryover qualified business loss of \$50,000.

H's qualified business income from qualified business A is \$150,000, such that 23 percent of the qualified business income with respect to the business is \$34,500. As H and W's taxable income is below the threshold amount for a joint return, the wage limit does not apply to qualified business A. H's deductible amount for qualified business A is \$34,500.

W's allocable share of qualified business loss is \$40,000, such that 23 percent of the qualified business loss with respect to the business is \$9,200. As H and W's taxable income is below the threshold amount for a joint return, the wage limit does not apply to qualified business B. W's deductible amount for qualified business B is a reduction to the deduction of \$9,200.

H and W's combined qualified business income amount of \$13,800 is comprised of the deductible amount for qualified business A of \$34,500, the reduction to the deduction for

qualified business B of \$9,200, and the reduction to the deduction of \$11,500 attributable to the carryover qualified business loss. H and W's deduction is limited to 23 percent of their taxable income for the year (\$200,000), or \$46,000. Accordingly, H and W's deduction for the taxable year is \$13,800.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with modifications.

Deduction percentage

Under the conference agreement, the percentage of the deduction allowable under the provision is 20 percent (not 23 percent).

Threshold amount

The conference agreement reduces the threshold amount above which both the limitation on specified service businesses and the wage limit are phased in. Under the conference agreement, the threshold amount is \$157,500 (twice that amount or \$315,000 in the case of a joint return), indexed. The conferees expect that the reduced threshold amount will serve to deter high-income taxpayers from attempting to convert wages or other compensation for personal services to income eligible for the 20-percent deduction under the provision.

The conference agreement provides that the range over which the phase-in of these limitations applies is \$50,000 (\$100,000 in the case of a joint return).

Limitation based on W-2 wages and capital

The conference agreement modifies the wage limit applicable to taxpayers with taxable income above the threshold amount to provide a limit based either on wages paid or on wages paid plus a capital element. Under the conference agreement, the limitation is the greater of (a) 50 percent of the W-2 wages paid with respect to the qualified trade or business, or (b) the sum of 25 percent of the W-2 wages with respect to the qualified trade or business plus 2.5 percent of the unadjusted basis, immediately after acquisition, of all qualified property.

For purposes of the provision, qualified property means tangible property of a character subject to depreciation that is held by, and available for use in, the qualified trade or business at the close of the taxable year, and which is used in the production of qualified business income, and for which the depreciable period has not ended before the close of the taxable year. The depreciable period with respect to qualified property of a taxpayer means the period beginning on the date the property is first placed in service by the taxpayer and ending on the later of (a) the date 10 years after that date, or (b) the last day of the last full year in the applicable recovery period that would apply to the property under section 168 (without regard to section 168(g)).

For example, a taxpayer (who is subject to the limit) does business as a sole proprietorship conducting a widget-making business. The business buys a widget-making machine for \$100,000 and places it in service in 2020. The business has no employees in 2020. The limitation in 2020 is the greater of (a) 50 percent of W-2 wages, or \$0, or (b) the sum of 25 percent of W-2 wages (\$0) plus 2.5 percent of the unadjusted basis of the machine immediately after its acquisition: \$100,000 × .025 = \$2,500. The amount of the limitation on the taxpayer's deduction is \$2,500.

In the case of property that is sold, for example, the property is no longer available for

⁶¹ Sec. 6662(d)(1)(A).

⁶² \$300,000 × .23 = \$69,000.

⁶³ \$100,000 × .5 = \$50,000.

⁶⁴ (\$520,000 – \$500,000)/\$100,000 = 20 percent.

⁶⁵ (\$69,000 – \$50,000) × .2 = \$3,800.

⁶⁶ \$69,000 – \$3,800 = \$65,200.

⁶⁷ 1 – (\$520,000 – \$500,000)/\$100,000 = 1 – \$20,000/\$100,000 = 1 – .2 = 80 percent.

⁶⁸ Although H and W's taxable income is above the threshold amount for a joint return, the wage limit is not binding as the 23 percent of includible qualified business income of qualified business B (\$59,800) is less than 50 percent of includible W-2 wages of qualified business B (\$60,000).

use in the trade or business and is not taken into account in determining the limitation. The Secretary is required to provide rules for applying the limitation in cases of a short taxable year of where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the year. The Secretary is required to provide guidance applying rules similar to the rules of section 179(d)(2) to address acquisitions of property from a related party, as well as in a sale-leaseback or other transaction as needed to carry out the purposes of the provision and to provide anti-abuse rules, including under the limitation based on W-2 wages and capital. Similarly, the Secretary shall provide guidance prescribing rules for determining the unadjusted basis immediately after acquisition of qualified property acquired in like-kind exchanges or involuntary conversions as needed to carry out the purposes of the provision and to provide anti-abuse rules, including under the limitation based on W-2 wages and capital.

Specified service trade or business

The conference agreement modifies the definition of a specified service trade or business in several respects. The definition is modified to exclude engineering and architecture services, and to take into account the reputation or skill of owners.

A specified service trade or business means any trade or business involving the performance of services in the fields of health, law, consulting, athletics, financial services, brokerage services, or any trade or business where the principal asset of such trade or business is the reputation or skill of one or more of its employees or owners, or which involves the performance of services that consist of investing and investment management trading, or dealing in securities, partnership interests, or commodities. For this purpose a security and a commodity have the meanings provided in the rules for the mark-to-market accounting method for dealers in securities (sections 475(c)(2) and 475(e)(2), respectively).

Determination of the taxpayer's deduction

The taxpayer's deduction for qualified business income for the taxable year is equal to the sum of (a) the lesser of the combined qualified business income amount for the taxable year or an amount equal to 20 percent of the excess of taxpayer's taxable income over any net capital gain⁶⁹ and qualified cooperative dividends, plus (b) the lesser of 20 percent of qualified cooperative dividends and taxable income (reduced by net capital gain). This sum may not exceed the taxpayer's taxable income for the taxable year (reduced by net capital gain). Under the provision, the 20-percent deduction with respect to qualified cooperative dividends is limited to taxable income (reduced by net capital gain) for the year. The combined qualified business income amount for the taxable year is the sum of the deductible amounts determined for each qualified trade or business carried on by the taxpayer and 20 percent of the taxpayer's qualified REIT dividends and qualified publicly traded partnership income. The deductible amount for each qualified trade or business is the lesser of (a) 20 percent of the taxpayer's qualified business income with respect to the trade or business, or (b) the greater of 50 percent of the W-2 wages with respect to the trade or business or the sum of 25 percent of the W-2 wages with respect to the trade or business

and 2.5 percent of the unadjusted basis, immediately after acquisition, of all qualified property.

Deduction against taxable income

The conference agreement clarifies that the 20-percent deduction is not allowed in computing adjusted gross income, and instead is allowed as a deduction reducing taxable income. Thus, for example, the provision does not affect limitations based on adjusted gross income. Similarly the conference agreement clarifies that the deduction is available to both non-itemizers and itemizers.

Treatment of agricultural and horticultural cooperatives

For taxable years beginning after December 31, 2017 but not after December 31, 2025, a deduction is allowed to any specified agricultural or horticultural cooperative equal to the lesser of (a) 20 percent of the cooperative's taxable income for the taxable year or (b) the greater of 50 percent of the W-2 wages paid by the cooperative with respect to its trade or business or the sum of 25 percent of the W-2 wages of the cooperative with respect to its trade or business plus 2.5 percent of the unadjusted basis immediately after acquisition of qualified property of the cooperative. A specified agricultural or horticultural cooperative is a organization to which subchapter T applies that is engaged in (a) the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, (b) the marketing of agricultural or horticultural products that its patrons have so manufactured, produced, grown, or extracted, or (c) the provision of supplies, equipment, or services to farmers or organizations described in the foregoing.

Treatment of trusts and estates

The conference agreement provides that trusts and estates are eligible for the 20-percent deduction under the provision. Rules similar to the rules under present-law section 199 (as in effect on December 1, 2017) apply for apportioning between fiduciaries and beneficiaries any W-2 wages and unadjusted basis of qualified property under the limitation based on W-2 wages and capital.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

C. Simplification and Reform of Family and Individual Tax Credits

1. Enhancement of child tax credit and new family credit (sec. 1101 of the House bill, sec. 11022 of the Senate amendment, and sec. 24 of the Code)

PRESENT LAW

An individual may claim a tax credit for each qualifying child under the age of 17. The amount of the credit per child is \$1,000. A child who is not a citizen, national, or resident of the United States cannot be a qualifying child.

The aggregate amount of child credits that may be claimed is phased out for individuals with income over certain threshold amounts. Specifically, the otherwise allowable child tax credit is reduced by \$50 for each \$1,000 (or fraction thereof) of modified adjusted gross income ("AGI") over \$75,000 for single individuals or heads of households, \$110,000 for married individuals filing joint returns, and \$55,000 for married individuals filing separate returns. For purposes of this limitation, modified AGI includes certain otherwise excludable income earned by U.S. citizens or residents living abroad or in certain U.S. territories.

The credit is allowable against both the regular tax and the alternative minimum tax ("AMT"). To the extent the child credit exceeds the taxpayer's tax liability, the taxpayer is eligible for a refundable credit⁷⁰ (the "additional child tax credit") equal to 15 percent of earned income in excess of \$3,000 (the "earned income" formula).

Families with three or more children may determine the additional child tax credit using the "alternative formula," if this results in a larger credit than determined under the earned income formula. Under the alternative formula, the additional child tax credit equals the amount by which the taxpayer's Social Security taxes exceed the taxpayer's earned income credit ("EIC").

Earned income is defined as the sum of wages, salaries, tips, and other taxable employee compensation plus net self-employment earnings. At the taxpayer's election, combat pay may be treated as earned income for these purposes. Unlike the EIC, which also includes the preceding items in its definition of earned income, the additional child tax credit is based only on earned income to the extent it is included in computing taxable income. For example, some ministers' parsonage allowances are considered self-employment income, and thus are considered earned income for purposes of computing the EIC, but the allowances are excluded from gross income for individual income tax purposes, and thus are not considered earned income for purposes of the additional child tax credit since the income is not included in taxable income.

Any credit or refund allowed or made to an individual under this provision (including to any resident of a U.S. possession) is not taken into account as income and is not be taken into account as resources for the month of receipt and the following two months for purposes of determining eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

HOUSE BILL

The provision expands the child tax credit into a new family tax credit. The family credit consists of a \$1,600 credit per qualifying child under the age of 17, and a \$300 credit for each of the taxpayer (both spouses in the case of married taxpayers filing a joint return) and each dependent of the taxpayer who is not a qualifying child under age 17.

The provision generally retains the present-law definition of dependent. However, under the provision, a qualifying child is eligible for the \$1,600 credit only if such child is a citizen or national of the United States.

The family credit phases out at AGI of \$230,000 for married taxpayers filing joint returns and \$115,000 for other individuals. The credit is refundable under rules similar to the present law additional child tax credit. That is, to the extent the credit exceeds the taxpayer's tax liability, the taxpayer is eligible for a refundable credit equal to 15 percent of earned income in excess of \$3,000.⁷¹ The refundable credit is limited to \$1,000 times the number of qualifying children under the age of 17 claimed on the return.

⁷⁰The refundable credit may not exceed the maximum credit per child of \$1,000.

⁷¹The alternate formula described in the present law section applies to the refundable portion of the family credit as well.

⁶⁹Defined in sec. 1(h).

This \$1,000 per child dollar limitation is indexed for inflation, with a base year of 2017, rounding up to the nearest \$100. Accordingly, in 2018 the limitation will be \$1,100.

The provision requires that the taxpayer include the name and taxpayer identification number of each qualifying child and dependent on the tax return for each taxable year.⁷²

The \$300 credit for the taxpayer, spouse, and non-child dependents of the taxpayer expires for taxable years beginning after December 31, 2022.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The provision temporarily increases the child tax credit to \$2,000 per qualifying child. Additionally, the age limit for a qualifying child is temporarily increased by one year, such that a taxpayer may claim the credit with respect to any qualifying child under the age of 18. This increase in the age limit expires for taxable years after December 31, 2024.

The credit is further modified to temporarily provide for a \$500 nonrefundable credit for qualifying dependents other than qualifying children. The provision generally retains the present-law definition of dependent.

Under the temporary provision, beginning in 2018, the threshold at which the credit begins to phase out is increased to \$500,000 for all taxpayers. These amounts are not indexed for inflation.

The provision temporarily lowers the earned income threshold for the refundable child tax credit to \$2,500. As under present law, the maximum amount refundable may not exceed \$1,000 per qualifying child. Under the provision, this \$1,000 threshold is indexed for inflation with a base year of 2017, rounding up to the nearest \$100 (such that the threshold is \$1,100 in 2018). A temporary rule provides that, for the taxable years for which the above-described changes are in effect, in order to receive the refundable portion of the child tax credit, a taxpayer must include a Social Security number for each qualifying child for whom the credit is claimed on the tax return.

The temporary provision (other than the increase in the age limit, which expires one year earlier) expires for taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement temporarily increases the child tax credit to \$2,000 per qualifying child. The credit is further modified to temporarily provide for a \$500 nonrefundable credit for qualifying dependents other than qualifying children. The provision generally retains the present-law definition of dependent.

Under the conference agreement, the maximum amount refundable may not exceed \$1,400 per qualifying child.⁷³ Additionally, the conference agreement provides that, in order to receive the child tax credit (*i.e.*, both the refundable and non-refundable portion), a taxpayer must include a Social Security number for each qualifying child for

whom the credit is claimed on the tax return. For these purposes, a Social Security number must be issued before the due date for the filing of the return for the taxable year. This requirement does not apply to a non-child dependent for whom the \$500 non-refundable credit is claimed.⁷⁴

Further, the conference agreement retains the present-law age limit for a qualifying child. Thus, a qualifying child is an individual who has not attained age 17 during the taxable year.

Finally, the conference agreement modifies the adjusted gross income phaseout thresholds. Under the conference agreement, the credit begins to phase out for taxpayers with adjusted gross income in excess of \$400,000 (in the case of married taxpayers filing a joint return) and \$200,000 (for all other taxpayers). These phaseout thresholds are not indexed for inflation.

As was the case with the Senate amendment, the provision expires for taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

2. Credit for the elderly and permanently disabled (sec. 1102(a) of the House bill and sec. 22 of the Code)

PRESENT LAW

Certain taxpayers who are over the age of 65 or retired on account of permanent and total disability may claim a nonrefundable credit. The maximum credit is 15 percent of \$5,000 for a return where one individual qualifies and \$7,500 on a joint return where both spouses qualify.⁷⁵ Thus, the maximum credit amounts are \$750 and \$1,125, respectively.

The credit base is reduced by one half of the amount by which the taxpayer's adjusted gross income exceeds \$7,500 if the taxpayer is unmarried, \$10,000 if the taxpayer is married and files a joint return, or \$5,000 if the taxpayer is married and files a separate return.⁷⁶ Thus, the credit base is phased down to zero when adjusted gross income exceeds \$17,500 for an unmarried person, \$20,000 for a married couple filing a joint return where only one spouse qualifies for the credit, \$25,000 for a joint return where both spouses qualify, and \$12,500 for a married person filing a separate return.

Additionally, the credit base is reduced by certain items of income otherwise exempt from tax: (1) benefits under Title II of the Social Security Act; (2) retirement benefits under the Railroad Retirement Act of 1974; (3) disability benefits paid by the Veterans Administration, except for benefits payable on account of personal injuries or sickness resulting from active service in the Armed Forces; and (4) pensions, annuities, and disability benefits exempted from tax by any provision not in the Code.⁷⁷

To qualify for the credit, a taxpayer must, at the end of the taxable year, be at least 65 years old or retired on account of permanent and total disability.⁷⁸ Permanent and total disability exists if, at the time of retirement, the taxpayer was "unable to engage in any substantial gainful activity by reason of any medically determinable physical or men-

tal impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months."⁷⁹

HOUSE BILL

The House bill repeals the credit for the elderly and permanently disabled.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

3. Repeal of credit for plug-in electric drive motor vehicles (sec. 1102(c) of the House bill and sec. 30D of the Code)

PRESENT LAW

A credit is available for new four-wheeled vehicles (excluding low speed vehicles and vehicles weighing 14,000 pounds or more) propelled by a battery with at least 4 kilowatt-hours of electricity that can be charged from an external source.⁸⁰ The base credit is \$2,500 plus \$417 for each kilowatt-hour of additional battery capacity in excess of 4 kilowatt-hours (for a maximum credit of \$7,500). Qualified vehicles are subject to a 200,000 vehicle-per-manufacturer limitation. Once the limitation has been reached the credit is phased down over four calendar quarters.

HOUSE BILL

The provision repeals the credit for plug-in electric drive motor vehicles.

Effective date.—The provision is effective for vehicles placed in service in taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

4. Termination of credit for interest on certain home mortgages (sec. 1102(b) of the House bill and sec. 25 of the Code)

PRESENT LAW

Qualified governmental units can elect to exchange all or a portion of their qualified mortgage bond authority for authority to issue mortgage credit certificates ("MCCs").⁸¹ MCCs entitle homebuyers to a nonrefundable income tax credit for a specified percentage of interest paid on mortgage loans on their principal residences. The tax credit provided by the MCC may be carried forward three years. Once issued, an MCC generally remains in effect as long as the residence being financed is the certificate-recipient's principal residence. MCCs generally are subject to the same eligibility and targeted area requirements as qualified mortgage bonds.⁸²

HOUSE BILL

No credit is allowed with respect to any MCC issued after December 31, 2017.

Effective date.—The provision applies to taxable years ending after December 31, 2017. Credits continue for interest paid on mortgage loans on principal residences for which MCCs have been issued on or before December 31, 2017.

SENATE AMENDMENT

No Provision.

⁷² See a description of sec. 1103 of the House bill for modifications to the taxpayer identification number requirement.

⁷³ Unlike both the House bill and the Senate amendment, the conference agreement uses an indexing convention that rounds the \$1,400 amount to the next lowest multiple of \$100.

⁷⁴ Additionally, a qualifying child who is ineligible to receive the child tax credit because that child did not have a Social Security number as the child's taxpayer identification number may nonetheless qualify for the non-refundable \$500 credit.

⁷⁵ Sec. 22(a).

⁷⁶ Sec. 22(d).

⁷⁷ Sec. 22(c)(3).

⁷⁸ Sec. 22(b).

⁷⁹ Sec. 22(e)(3).

⁸⁰ Sec. 30D.

⁸¹ Sec. 25.

⁸² Sec. 143.

CONFERENCE AGREEMENT

The conference agreement does not contain the House bill provision.

5. Modification of taxpayer identification number requirements for the child tax credit, earned income credit, and American Opportunity credit (sec. 1103 of the House bill, sec. 11022 of the Senate amendment and secs. 24, 25A and 32 of the Code)

PRESENT LAW

Earned income credit

Low and moderate-income taxpayers may be eligible for the refundable earned income credit ("EIC"). Eligibility for the EIC is based on the taxpayer's earned income, adjusted gross income, investment income, filing status, and work status in the United States. The amount of the EIC is based on the presence and number of qualifying children in the worker's family, as well as on adjusted gross income and earned income.

The earned income credit generally equals a specified percentage of earned income⁸³ up to a maximum dollar amount. The maximum amount applies over a certain income range and then diminishes to zero over a specified phase-out range. For taxpayers with earned income (or adjusted gross income ("AGI"), if greater) in excess of the beginning of the phase-out range, the maximum EIC amount is reduced by the phase-out rate multiplied by the amount of earned income (or AGI, if greater) in excess of the beginning of the phase-out range. For taxpayers with earned income (or AGI, if greater) in excess of the end of the phase-out range, no credit is allowed.

An individual is not eligible for the EIC if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds \$3,450 (for 2017). This threshold is indexed for inflation. Disqualified income is the sum of: (1) interest (taxable and tax-exempt); (2) dividends; (3) net rent and royalty income (if greater than zero); (4) capital gains net income; and (5) net passive income (if greater than zero) that is not self-employment income.

The EIC is a refundable credit, meaning that if the amount of the credit exceeds the taxpayer's Federal income tax liability, the excess is payable to the taxpayer as a direct transfer payment.

Child tax credit⁸⁴

An individual may claim a tax credit of \$1,000 for each qualifying child under the age of 17. A child who is not a citizen, national, or resident of the United States cannot be a qualifying child.

The aggregate amount of allowable child credits is phased out for individuals with income over certain threshold amounts. Specifically, the otherwise allowable aggregate child tax credit ("CTC") amount is reduced by \$50 for each \$1,000 (or fraction thereof) of modified adjusted gross income ("modified AGI") over \$75,000 for single individuals or heads of households, \$110,000 for married individuals filing joint returns, and \$55,000 for married individuals filing separate returns. For purposes of this limitation, modified AGI includes certain otherwise excludable income⁸⁵ earned by U.S. citizens or residents living abroad or in certain U.S. territories.

The child tax credit is allowable against both the regular tax and the alternative minimum tax ("AMT"). To the extent the credit exceeds the taxpayer's tax liability, the taxpayer is eligible for a refundable credit (the "additional child tax credit") equal to 15 percent of earned income in excess of a threshold dollar amount of \$3,000 (the "earned income" formula).

Families with three or more qualifying children may determine the additional child tax credit using the "alternative formula" if this results in a larger credit than determined under the earned income formula. Under the alternative formula, the additional child tax credit equals the amount by which the taxpayer's Social Security taxes exceed the taxpayer's EIC.

As with the EIC, earned income is defined as the sum of wages, salaries, tips, and other taxable employee compensation plus net self-employment earnings. Unlike the EIC, the additional child tax credit is based on earned income only to the extent it is included in computing taxable income. For example, some ministers' parsonage allowances are considered self-employment income and thus are considered earned income for purposes of computing the EIC, but the allowances are excluded from gross income for individual income tax purposes and thus are not considered earned income for purposes of the additional child tax credit.

American Opportunity credit⁸⁶

The American Opportunity credit provides individuals with a tax credit of up to \$2,500 per eligible student per year for qualified tuition and related expenses (including course materials) paid for each of the first four years of the student's post-secondary education in a degree or certificate program. The credit rate is 100 percent on the first \$2,000 of qualified tuition and related expenses, and 25 percent on the next \$2,000 of qualified tuition and related expenses.

The American Opportunity credit is phased out ratably for taxpayers with modified AGI between \$80,000 and \$90,000 (\$160,000 and \$180,000 for married taxpayers filing a joint return). The credit may be claimed against a taxpayer's AMT liability.

Forty percent of a taxpayer's otherwise allowable modified credit is refundable. A refundable credit is a credit which, if the amount of the credit exceeds the taxpayer's Federal income tax liability, the excess is payable to the taxpayer as a direct transfer payment.

No credit is allowed to a taxpayer who fails to include the taxpayer identification number of the student to whom the qualified tuition and related expenses relate.

Taxpayer identification number requirements

Any individual filing a U.S. tax return is required to state his or her taxpayer identification number on such return. Generally, a taxpayer identification number is the individual's Social Security number ("SSN").⁸⁷ However, in the case of an individual who is not eligible to be issued an SSN, but who has a tax filing obligation, the Internal Revenue Service ("IRS") issues an individual taxpayer identification number ("ITIN") for use in connection with the individual's tax filing requirements.⁸⁸ An individual who is eligible to receive an SSN may not obtain an ITIN for purposes of his or her tax filing obligations.⁸⁹ An ITIN does not provide eligibility

to work in the United States or claim Social Security benefits.

Examples of individuals who are not eligible for SSNs, but potentially need ITINs in order to file U.S. returns include a nonresident alien filing a claim for a reduced withholding rate under a U.S. income tax treaty, a nonresident alien required to file a U.S. tax return,⁹⁰ an individual who is a U.S. resident alien under the substantial presence test and who therefore must file a U.S. tax return,⁹¹ a dependent or spouse of the prior two categories of individuals, or a dependent or spouse of a nonresident alien visa holder.

An individual is ineligible for the EIC (but not the child tax credit) if he or she does not include a valid SSN and the qualifying child's valid SSN (and, if married, the spouse's SSN) on his or her tax return. For these purposes, the Code defines an SSN as a Social Security number issued to an individual, other than an SSN issued to an individual solely for the purpose of applying for or receiving federally funded benefits.⁹² If an individual fails to provide a correct taxpayer identification number, such omission will be treated as a mathematical or clerical error by the IRS.

A taxpayer who resides with a qualifying child may not claim the EIC with respect to the qualifying child if such child does not have a valid SSN. The taxpayer also is ineligible for the EIC for workers without children because he or she resides with a qualifying child. However, if a taxpayer has two or more qualifying children, some of whom do not have a valid SSN, the taxpayer may claim the EIC based on the number of qualifying children for whom there are valid SSNs.

HOUSE BILL

Under the provision, any qualifying child claimed by the taxpayer on the tax return must use, as that child's identifying number, a Social Security number that is valid for employment in the United States in order to be eligible for the CTC. Under the provision, if a child's identifying number was other than a Social Security number (such as an ITIN), the taxpayer would be eligible to receive the \$300 credit for dependents other than qualifying children, assuming such child otherwise qualified as a dependent of the taxpayer.⁹³

Additionally, under the provision, taxpayers who use as their taxpayer identification number a Social Security number issued for non-work reasons, such as for purposes of receiving Federal benefits or for any other reason, are not eligible for the EIC.

Lastly, under the provision, in order to claim the American Opportunity credit, the identification number provided with respect to the student to whom the tuition and related expenses relate must be a Social Security number.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

Under the Senate amendment, as a part of the temporary modifications to the child tax

⁸³ Earned income is defined as (1) wages, salaries, tips, and other employee compensation, but only if such amounts are includible in gross income, plus (2) the amount of the individual's net self-employment earnings.

⁸⁴ See description of sec. 1101 of the House bill for the House bill and Senate amendment modifications to the child tax credit.

⁸⁵ Sec. 911.

⁸⁶ See description of sec. 1201 of the House bill for the bill's modifications to the American Opportunity credit.

⁸⁷ Sec. 6109(a).

⁸⁸ Treas. Reg. Sec. 301.6109-1(d)(3)(i).

⁸⁹ Treas. Reg. Sec. 301.6109-1(d)(3)(ii).

⁹⁰ For instance, in the case of an individual that has income which is effectively connected with a United States trade or business, such as the performance of personal services in the United States.

⁹¹ Such an individual would have a filing requirement without regard to whether the individual is lawfully present or has work authorization.

⁹² Sec. 205(c)(2)(B)(i)(II) (and that portion of sec. 205(c)(2)(B)(i)(III) relating to it) of the Social Security Act.

⁹³ See description of sec. 1101 of the House bill.

credit, for the taxable years 2018 through 2025, in order to receive the refundable portion of the child tax credit, a taxpayer must include a Social Security number for each qualifying child for whom the credit is claimed on the tax return.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement does not contain the House bill provision.⁹⁴

6. Procedures to reduce improper claims of earned income credit (sec. 1104 of the House bill and new secs. 32(c)(2)(B)(vii) and 6011(i) of the Code)

PRESENT LAW

Earned income credit

Low- and moderate-income workers may be eligible for the refundable earned income credit (“EIC”). Eligibility for the EIC is based on earned income, adjusted gross income (“AGI”), investment income, filing status, number of children, and immigration and work status in the United States. The maximum amount of the EIC applies over a certain income range and then diminishes to zero over a specified phaseout range. The EIC is a refundable credit, meaning that if the amount of the credit exceeds the taxpayer’s Federal income tax liability, the excess is payable to the taxpayer as a direct transfer payment.

The EIC generally equals a specified percentage of earned income up to a maximum dollar amount. Earned income is the sum of employee compensation includible in gross income (generally the amount reported in Box 1 of Form W-2, Wage and Tax Statement, discussed below) plus net earnings from self-employment determined with regard to the deduction for one-half of self-employment taxes.⁹⁵ Special rules apply in computing earned income for purposes of the EIC.⁹⁶ Net earnings from self-employment generally includes the gross income derived by an individual from any trade or business carried on by the individual, less the deductions attributable to the trade or business that are allowed under the self-employment tax rules, plus the individual’s distributive share of income or loss from any trade or business of a partnership in which the individual is a partner.⁹⁷

Employment taxes and quarterly reporting by employers

Employment taxes include employer and employee taxes on employee wages under the Federal Insurance Contributions Act (“FICA”) and income taxes required to be withheld by employers from employee wages (“income tax withholding”).⁹⁸ Income tax withholding rates vary depending on the amount of wages paid, the length of the payroll period, and the number of withholding allowances claimed by the employee. Employers are required also to withhold the employee share of FICA tax from employee wages. For these purposes, wages is defined

broadly to include all remuneration, subject to exceptions specifically provided in the relevant statutory provisions.

Employers generally submit quarterly reports to IRS on Form 941, Employer’s Quarterly Federal Tax Return, showing the number of employees to whom wages were paid during the quarter, the total wages paid to employees, total FICA taxes (employer and employee) on the wages, and total income tax withheld from the wages.⁹⁹ In addition, by January 31 after the end of a calendar year, an employer must provide each employee with Form W-2, Wage and Tax Statement, showing the total wages paid to the employee during the calendar year and certain other information.¹⁰⁰ The information contained on each employee’s W-2 is also provided to the IRS, accompanied by Form W-3, Transmittal of Wage and Tax Statements, showing the total number of Forms W-2 and aggregate information for all employees, such as aggregate wages reported on Forms W-2. IRS then compares the W-3 wage totals to the Form 941 (or Form 944) wage totals.

HOUSE BILL

Modification of the definition of “earned income”

The provision clarifies that a taxpayer is required to claim all allowable deductions in computing net earnings from self-employment for EIC purposes.

Quarterly reporting of wages by employers

The provision modifies employer reporting requirements associated with the deduction and withholding of certain employment taxes on wages. Under the provision, employers must report, along with the aggregate wages paid and employment taxes collected on Form 941 or Form 944, the name and address of each employee and the amount of reportable wages received by each of those employees.

Effective date.—Modification of the definition of “earned income”

The provision applies to taxable years ending after the date of enactment.

Effective date.—Quarterly reporting of wages by employers

The provision applies to taxable years ending after the date of enactment, subject to the authority of the Secretary to delay for such period as the Secretary determines to be reasonable to allow adequate time to modify systems to permit compliance with the additional reporting requirements.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

7. Certain income disallowed for purposes of the earned income tax credit (sec. 1105 of the House bill, new secs. 32(n) and 32(c)(2)(C) of the Code, and secs. 6051, 6052, 6041(a), and 6050(w) of the Code)

PRESENT LAW

Earned income credit

Low- and moderate-income workers may be eligible for the refundable earned income

credit (“EIC”). Eligibility for the EIC is based on earned income, adjusted gross income (“AGI”), investment income, filing status, number of children, and immigration and work status in the United States. The maximum amount of the EIC applies over a certain income range and then diminishes to zero over a specified phaseout range. The EIC is a refundable credit, meaning that if the amount of the credit exceeds the taxpayer’s Federal income tax liability, the excess is payable to the taxpayer as a direct transfer payment.

The EIC generally equals a specified percentage of earned income up to a maximum dollar amount. Earned income is the sum of employee compensation includible in gross income plus net earnings from self-employment determined with regard to the deduction for one-half of self-employment taxes.¹⁰¹ Special rules apply in computing earned income for purposes of the EIC.¹⁰²

Information reporting

Present law imposes a variety of information reporting requirements on participants in certain transactions.¹⁰³ These requirements are intended to assist taxpayers in preparing their income tax returns and to help the Internal Revenue Service (“IRS”) determine whether such returns are correct and complete.

The primary provision governing information reporting by payors requires an information return by every person engaged in a trade or business who makes payments aggregating \$600 or more in any taxable year to a single payee in the course of the payor’s trade or business.¹⁰⁴ Payments to corporations generally are excepted from this requirement. Payments subject to reporting include fixed or determinable income or compensation, but do not include payments for goods or certain enumerated types of payments that are subject to other specific reporting requirements.¹⁰⁵ Detailed rules are provided for the reporting of various types of investment income, including interest, dividends, and gross proceeds from brokered transactions (such as a sale of stock) paid to U.S. persons.¹⁰⁶

Special information reporting requirements exist for employers required to deduct and withhold tax from employees’ income.¹⁰⁷ In addition, any service recipient engaged in a trade or business and paying for services is required to make a return according to regulations when the aggregate of payments is \$600 or more.¹⁰⁸

There are also information reporting requirements for merchant acquiring entities and third party settlement organizations with respect to payments made in settlement of payment card transactions and third

¹⁰¹ Sec. 32(c)(2)(A).

¹⁰² Sec. 32(c)(2)(B).

¹⁰³ Sec. 6031 through 6060.

¹⁰⁴ The information return generally is submitted electronically as a Form-1099 or Form-1096, although certain payments to beneficiaries or employees may require use of Forms W-3 or W-2, respectively. Treas. Reg. sec. 1.6041-1(a)(2).

¹⁰⁵ Sec. 6041(a) requires reporting as to fixed or determinable gains, profits, and income (other than payments to which section 6042(a)(1), 6044(a)(1), 6047(c), 6049(a), or 6050N(a) applies and other than payments with respect to which a statement is required under authority of section 6042(a), 6044(a)(2) or 6045). These payments excepted from section 6041(a) include most interest, royalties, and dividends.

¹⁰⁶ Secs. 6042 (dividends), 6045 (broker reporting) and 6049 (interest) and the Treasury regulations thereunder.

¹⁰⁷ Sec. 6051(a).

¹⁰⁸ Sec. 6041A.

⁹⁴ But see description of sec. 11022 of the conference agreement for a description of modifications with respect to the taxpayer identification number requirements pertaining to the child tax credit.

⁹⁵ Sec. 32(c)(2)(A).

⁹⁶ Sec. 32(c)(2)(B).

⁹⁷ Sec. 1402(a); Chief Counsel Advice 200022051.

⁹⁸ Secs. 3101-3128 (FICA) and 3401-3404 (income tax withholding). Employment taxes also include taxes under the Railroad Retirement Act (“RRTA”), sections 3201-3241, and tax under the Federal Unemployment Taxes Act (“FUTA”), sections 3301-3311. Sections 3501-3510 provide additional employment tax rules.

⁹⁹ Treas. Secs. 31.6011(a)-1(a)(1), 31.6011(a)-4(a)(1), 31.6011(a)-1(a)(5). If the total amount of FICA taxes and withheld income tax for a year is \$1,000 or less, instead of filing Form 941 for each quarter, the employer is permitted file annually on Form 944, Employer’s Annual Federal Tax Return. Separate forms and filing requirement apply with respect to RRTA and FUTA taxes.

¹⁰⁰ Sec. 6051(a). Employees are required to include a copy of Form W-2 when filing their income tax returns.

party payment network transactions occurring in that calendar year.¹⁰⁹

The payor of amounts described above is required to provide the recipient of the payment with an annual statement showing the aggregate payments made and contact information for the payor.¹¹⁰ The statement must be supplied to taxpayers by the payors by January 31 of the following calendar year.⁷ Payors generally must file the information return with the IRS on or before January 31 of the year following the calendar year to which such returns relate.¹¹¹

Failure to comply with the information reporting requirements results in penalties, which may include a penalty for failure to file the information return,¹¹² to furnish payee statements,¹¹³ or to comply with other various reporting requirements.¹¹⁴ No penalty is imposed if the failure is due to reasonable cause.¹¹⁵ Any person who is required to file an information return, but who fails to do so on or before the prescribed filing date is subject to a penalty that varies based on when, if at all, the correct information return is filed and the correct payee statement is furnished.

Books or records

Every person liable for any tax imposed by the Code, or for the collection thereof, must keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary may from time to time prescribe.¹¹⁶ Whenever necessary, the Secretary may require any person, by notice served upon that person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary deems sufficient to show whether or not that person is liable for tax. Persons subject to income tax are required to keep books or records sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by that person in any return of such tax or information.¹¹⁷ The books or records are required to be kept available at all times for inspection by the IRS, and must be retained so long as the contents thereof may become material in the administration of any internal revenue law.¹¹⁸

HOUSE BILL

The provision limits earned income for purposes of the earned income credit to amounts substantiated by the taxpayer on statements furnished or returns filed under third party information reporting requirements, or amounts substantiated by the taxpayer's books and records. The authority of the IRS to make returns, render statements, or keep records and, pursuant to the Code, to make corresponding adjustments to income to reflect substantiated amounts for purposes other than the EIC remains unaffected by this provision.

Effective date.—The provision is effective for taxable years ending after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

8. Limitation on losses for taxpayers other than corporations (sec. 11012 of the Senate amendment and sec. 461(l) of the Code)

PRESENT LAW

Loss limitation rules applicable to individuals

Passive loss rules

The passive loss rules limit deductions and credits from passive trade or business activities.¹¹⁹ The passive loss rules apply to individuals, estates and trusts, and closely held corporations. A passive activity for this purpose is a trade or business activity in which the taxpayer owns an interest, but in which the taxpayer does not materially participate. A taxpayer is treated as materially participating in an activity only if the taxpayer is involved in the operation of the activity on a basis that is regular, continuous, and substantial.¹²⁰ Deductions attributable to passive activities, to the extent they exceed income from passive activities, generally may not be deducted against other income. Deductions and credits that are suspended under these rules are carried forward and treated as deductions and credits from passive activities in the next year. The suspended losses from a passive activity are allowed in full when a taxpayer makes a taxable disposition of his entire interest in the passive activity to an unrelated person.

Excess farm loss rules

A limitation on excess farm losses applies to taxpayers other than C corporations.¹²¹ If a taxpayer other than a C corporation receives an applicable subsidy for the taxable year, the amount of the excess farm loss is not allowed for the taxable year, and is carried forward and treated as a deduction attributable to farming businesses in the next taxable year. An excess farm loss for a taxable year means the excess of aggregate deductions that are attributable to farming businesses over the sum of aggregate gross income or gain attributable to farming businesses plus the threshold amount. The threshold amount is the greater of (1) \$300,000 (\$150,000 for married individuals filing separately), or (2) for the five-consecutive-year period preceding the taxable year, the excess of the aggregate gross income or gain attributable to the taxpayer's farming businesses over the aggregate deductions attributable to the taxpayer's farming businesses.

HOUSE BILL

No provision.

SENATE AMENDMENT

For taxable years beginning after December 31, 2017 and before January 1, 2026, excess business losses of a taxpayer other than a corporation are not allowed for the taxable year. Such losses are carried forward and treated as part of the taxpayer's net operating loss ("NOL") carryforward in subsequent taxable years. Under the bill, NOL carryovers generally are allowed for a taxable year up to the lesser of the carryover amount or 90 percent (80 percent for taxable years beginning after December 31, 2022) of taxable income determined without regard to the deduction for NOLs.

An excess business loss for the taxable year is the excess of aggregate deductions of the taxpayer attributable to trades or busi-

nesses of the taxpayer (determined without regard to the limitation of the provision), over the sum of aggregate gross income or gain of the taxpayer plus a threshold amount. The threshold amount for a taxable year is \$250,000 (or twice the otherwise applicable threshold amount in the case of a joint return). The threshold amount is indexed for inflation.

In the case of a partnership or S corporation, the provision applies at the partner or shareholder level. Each partner's distributive share and each S corporation shareholder's pro rata share of items of income, gain, deduction, or loss of the partnership or S corporation are taken into account in applying the limitation under the provision for the taxable year of the partner or S corporation shareholder. Regulatory authority is provided to apply the provision to any other passthrough entity to the extent necessary to carry out the provision. Regulatory authority is also provided to require any additional reporting as the Secretary determines is appropriate to carry out the purposes of the provision.

The provision applies after the application of the passive loss rules.¹²²

For taxable years beginning after December 31, 2017 and before January 1, 2026, the present-law limitation relating to excess farm losses does not apply.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. Thus, excess business losses not allowed are carried forward and treated as part of the taxpayer's net operating loss ("NOL") carryforward in subsequent taxable years as determined under the NOL rules provided under the conference agreement.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

9. Reform of American opportunity tax credit and repeal of lifetime learning credit (sec. 1201 of the House bill and sec. 25A of the Code)

PRESENT LAW

American Opportunity credit

The American Opportunity credit provides individuals with a tax credit of up to \$2,500 per eligible student per year for qualified tuition and related expenses (including course materials) paid for each of the first four years of the student's post-secondary education in a degree or certificate program. The credit rate is 100 percent on the first \$2,000 of qualified tuition and related expenses, and 25 percent on the next \$2,000 of qualified tuition and related expenses. The credit may not be claimed for more than four taxable years with respect to any student.

The American Opportunity credit is phased out ratably for taxpayers with modified AGI between \$80,000 and \$90,000 (\$160,000 and \$180,000 for married taxpayers filing a joint return). The credit may be claimed against a taxpayer's AMT liability.

Forty percent of a taxpayer's otherwise allowable modified credit is refundable. A refundable credit is a credit which, if the amount of the credit exceeds the taxpayer's Federal income tax liability, the excess is payable to the taxpayer as a direct transfer payment.

A taxpayer may not claim the American Opportunity credit if the qualified tuition and related expenses for the enrollment or

¹⁰⁹ Sec. 6050W.

¹¹⁰ Sec. 6041(d).

¹¹¹ Sec. 6071(d).

¹¹² Sec. 6721.

¹¹³ Sec. 6722.

¹¹⁴ Sec. 6723.

¹¹⁵ Sec. 6724.

¹¹⁶ Sec. 6001.

¹¹⁷ Treas. sec. 1.6001-1(a).

¹¹⁸ Treas. sec. 1.6001-1(e).

¹¹⁹ Sec. 469.

¹²⁰ Regulations provide more detailed standards for material participation. See Treas. Reg. sec. 1.469-5 and -5T.

¹²¹ Sec. 461(j).

¹²² Sec. 469.

attendance of a student, if such student has been convicted of a Federal or State felony offense consisting of the possession or distribution of a controlled substance before the end of the taxable year.¹²³

Lifetime learning credit

Individual taxpayers may be eligible to claim a nonrefundable credit, the Lifetime Learning credit, against Federal income taxes equal to 20 percent of qualified tuition and related expenses incurred during the taxable year on behalf of the taxpayer, the taxpayer's spouse, or any dependents. Up to \$10,000 of qualified tuition and related expenses per taxpayer return are eligible for the Lifetime Learning credit (*i.e.*, the maximum credit per taxpayer return is \$2,000).

In contrast to the American Opportunity credit, a taxpayer may claim the Lifetime Learning credit for an unlimited number of taxable years.¹²⁴ Also in contrast to the American Opportunity credit, the maximum amount of the Lifetime Learning credit that may be claimed on a taxpayer's return does not vary based on the number of students in the taxpayer's family—that is, the American Opportunity credit is computed on a per-student basis while the Lifetime Learning credit is computed on a family-wide basis. The Lifetime Learning credit amount that a taxpayer may otherwise claim is phased out ratably for taxpayers with modified AGI between \$56,000 and \$66,000 (\$112,000 and \$132,000 for married taxpayers filing a joint return) in 2017.

HOUSE BILL

The House bill modifies the American Opportunity credit¹²⁵ by providing that a credit may be claimed with respect to a student for five taxable years (rather than four taxable years under present law). For a credit claimed with respect to the student's fifth taxable year, the credit is half the value of the American Opportunity credit that is applicable to the first four taxable years (the refundable portion of the credit is 40-percent of the half-value credit). Additionally, the provision allows a student to claim the American Opportunity credit for any of the first five years of postsecondary education.

The operation of this provision is as follows. Assume that a student enters college in the Fall of 2018, attending for eight consecutive semesters, such that the student graduates in the Spring of 2022. Assume that qualifying tuition and fees for each semester is in excess of \$5,000. For each of taxable years 2018, 2019, 2020 and 2021, an individual claiming the credit on behalf of the student would be eligible for the maximum credit of \$2,500 (of which \$1,000 is refundable). For taxable year 2022, a taxpayer claiming the credit on behalf of the student may be eligible for a \$1,250 credit (of which \$500 is refundable). Alternatively, if no credit were claimed with respect to the student in 2022, and the student were to decide to attend graduate school in the Fall of 2024, the student may claim the half-value fifth year credit (\$1,250 (\$500 refundable)) for the 2024 taxable year.

The provision repeals the lifetime learning credit.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

10. Consolidation and modification of education savings rules (sec. 1202 of the House bill, sec. 11033 of the Senate amendment, and secs. 529 and 530 of the Code)

PRESENT LAW

Coverdell education savings accounts

A Coverdell education savings account is a trust or custodial account created exclusively for the purpose of paying qualified education expenses of a named beneficiary.¹²⁶ Annual contributions to Coverdell education savings accounts may not exceed \$2,000 per designated beneficiary and may not be made after the designated beneficiary reaches age 18 (except in the case of a special needs beneficiary). The contribution limit is phased out for taxpayers with modified AGI between \$95,000 and \$110,000 (\$190,000 and \$220,000 for married taxpayers filing a joint return); the AGI of the contributor, and not that of the beneficiary, controls whether a contribution is permitted by the taxpayer.

Earnings on contributions to a Coverdell education savings account generally are subject to tax when withdrawn.¹²⁷ However, distributions from a Coverdell education savings account are excludable from the gross income of the distributee (*i.e.*, the student) to the extent that the distribution does not exceed the qualified education expenses incurred by the beneficiary during the year the distribution is made. The earnings portion of a Coverdell education savings account distribution not used to pay qualified education expenses is includible in the gross income of the distributee and generally is subject to an additional 10-percent tax.¹²⁸

Tax-free (and free of additional 10-percent tax) transfers or rollovers of account balances from one Coverdell education savings account benefiting one beneficiary to another Coverdell education savings account benefiting another beneficiary (as well as redesignations of the named beneficiary) are permitted, provided that the new beneficiary is a member of the family of the prior beneficiary and is under age 30 (except in the case of a special needs beneficiary). In general, any balance remaining in a Coverdell education savings account is deemed to be distributed within 30 days after the date that the beneficiary reaches age 30 (or, if the beneficiary dies before attaining age 30, within 30 days of the date that the beneficiary dies).

Qualified education expenses include qualified elementary and secondary expenses and qualified higher education expenses. Such qualified education expenses generally include only out-of-pocket expenses. They do not include expenses covered by employer-provided educational assistance or scholarships for the benefit of the beneficiary that are excludable from gross income.

The term qualified elementary and secondary school expenses, means expenses for: (1) tuition, fees, academic tutoring, special needs services, books, supplies, and other equipment incurred in connection with the enrollment or attendance of the beneficiary at a public, private, or religious school pro-

viding elementary or secondary education (kindergarten through grade 12) as determined under State law; (2) room and board, uniforms, transportation, and supplementary items or services (including extended day programs) required or provided by such a school in connection with such enrollment or attendance of the beneficiary; and (3) the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is in elementary or secondary school. Computer software primarily involving sports, games, or hobbies is not considered a qualified elementary and secondary school expense unless the software is predominantly educational in nature.

The term qualified higher education expenses includes tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the designated beneficiary at an eligible education institution, regardless of whether the beneficiary is enrolled at an eligible educational institution on a full-time, half-time, or less than half-time basis.¹²⁹ Moreover, qualified higher education expenses include certain room and board expenses for any period during which the beneficiary is at least a half-time student. Qualified higher education expenses include expenses with respect to undergraduate or graduate-level courses. In addition, qualified higher education expenses include amounts paid or incurred to purchase tuition credits (or to make contributions to an account) under a qualified tuition program for the benefit of the beneficiary of the Coverdell education savings account.¹³⁰

Section 529 qualified tuition programs

In general

A qualified tuition program is a program established and maintained by a State or agency or instrumentality thereof, or by one or more eligible educational institutions, which satisfies certain requirements and under which a person may purchase tuition credits or certificates on behalf of a designated beneficiary that entitle the beneficiary to the waiver or payment of qualified higher education expenses of the beneficiary (a "prepaid tuition program"). Section 529 provides specified income tax and transfer tax rules for the treatment of accounts and contracts established under qualified tuition programs.¹³¹ In the case of a program established and maintained by a State or agency or instrumentality thereof, a qualified tuition program also includes a program under which a person may make contributions to an account that is established for the purpose of satisfying the qualified higher education expenses of the designated beneficiary of the account, provided it satisfies certain specified requirements (a "savings account program"). Under both types of qualified tuition programs, a contributor establishes an account for the benefit of a particular designated beneficiary to provide for that beneficiary's higher education expenses.

In general, prepaid tuition contracts and tuition savings accounts established under a qualified tuition program involve prepayments or contributions made by one or more

¹²⁶ Sec. 530.

¹²⁷ In addition, Coverdell education savings accounts are subject to the unrelated business income tax imposed by section 511.

¹²⁸ This 10-percent additional tax does not apply if a distribution from an education savings account is made on account of the death or disability of the designated beneficiary, or if made on account of a scholarship received by the designated beneficiary.

¹²⁹ Qualified higher education expenses are defined in the same manner as for qualified tuition programs.

¹³⁰ Sec. 530(b)(2)(B).

¹³¹ For purposes of this description, the term "account" is used interchangeably to refer to a prepaid tuition benefit contract or a tuition savings account established pursuant to a qualified tuition program.

¹²³ Sec. 25A(b)(2)(D).

¹²⁴ Sec. 25A(a)(2).

¹²⁵ The provision also repeals the Hope credit, a precursor to the American Opportunity credit which since 2009 has been largely superseded in the Code by the American Opportunity credit.

individuals for the benefit of a designated beneficiary. Decisions with respect to the contract or account are typically made by an individual who is not the designated beneficiary. Qualified tuition accounts or contracts generally require the designation of a person (generally referred to as an “account owner”)¹³² whom the program administrator (oftentimes a third party administrator retained by the State or by the educational institution that established the program) may look to for decisions, recordkeeping, and reporting with respect to the account established for a designated beneficiary. The person or persons who make the contributions to the account need not be the same person who is regarded as the account owner for purposes of administering the account. Under many qualified tuition programs, the account owner generally has control over the account or contract, including the ability to change designated beneficiaries and to withdraw funds at any time and for any purpose. Thus, in practice, qualified tuition accounts or contracts generally involve a contributor, a designated beneficiary, an account owner (who oftentimes is not the contributor or the designated beneficiary), and an administrator of the account or contract.

Qualified higher education expenses

For purposes of receiving a distribution from a qualified tuition program that qualifies for favorable tax treatment under the Code, qualified higher education expenses means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution, and expenses for special needs services in the case of a special needs beneficiary that are incurred in connection with such enrollment or attendance. Qualified higher education expenses generally also include room and board for students who are enrolled at least half-time. Qualified higher education expenses include the purchase of any computer technology or equipment, or Internet access or related services, if such technology or services were to be used primarily by the beneficiary during any of the years a beneficiary is enrolled at an eligible institution.

Contributions to qualified tuition programs

Contributions to a qualified tuition program must be made in cash. Section 529 does not impose a specific dollar limit on the amount of contributions, account balances, or prepaid tuition benefits relating to a qualified tuition account; however, the program is required to have adequate safeguards to prevent contributions in excess of amounts necessary to provide for the beneficiary's qualified higher education expenses. Contributions generally are treated as a completed gift eligible for the gift tax annual exclusion. Contributions are not tax deductible for Federal income tax purposes, although they may be deductible for State income tax purposes. Amounts in the account accumulate on a tax-free basis (*i.e.*, income on accounts in the plan is not subject to current income tax).

A qualified tuition program may not permit any contributor to, or designated beneficiary under, the program to direct (directly or indirectly) the investment of any contributions (or earnings thereon) more than two times in any calendar year, and must provide separate accounting for each des-

ignated beneficiary. A qualified tuition program may not allow any interest in an account or contract (or any portion thereof) to be used as security for a loan.

HOUSE BILL

Under the House bill, no new contributions are permitted into Coverdell savings accounts after December 31, 2017. However, rollovers of account balances from one Coverdell education savings account to another pre-existing Coverdell education savings account benefiting another beneficiary remain permitted after this date. Additionally, the provision allows section 529 plans to receive rollover contributions from Coverdell education savings accounts.

The provision modifies section 529 plans to allow such plans to distribute not more than \$10,000 in expenses for tuition incurred during the taxable year in connection with the enrollment or attendance of the designated beneficiary at a public, private or religious elementary or secondary school. This limitation applies on a per-student basis, rather than a per-account basis. Thus, under the provision, although an individual may be the designated beneficiary of multiple accounts, that individual may receive a maximum of \$10,000 in distributions free of tax, regardless of whether the funds are distributed from multiple accounts. Any excess distributions received by the individual would be treated as a distribution subject to tax under the general rules of section 529.

The provision also modifies section 529 plans to allow such plan distributions to be used for certain expenses, including books, supplies, and equipment, required for attendance in a registered apprenticeship program. Registered apprenticeship programs are apprenticeship programs registered and certified with the Secretary of Labor.

Finally, the provision specifies that nothing in this section shall prevent an unborn child from qualifying as a designated beneficiary. For these purposes, an unborn child means a child *in utero*, and the term child *in utero* means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb.

Effective date.—The provision applies to contributions and distributions made after December 31, 2017.

SENATE AMENDMENT

The Senate amendment modifies section 529 plans to allow such plans to distribute not more than \$10,000 in expenses for tuition incurred during the taxable year in connection with the enrollment or attendance of the designated beneficiary at a public, private or religious elementary or secondary school. This limitation applies on a per-student basis, rather than a per-account basis. Thus, under the provision, although an individual may be the designated beneficiary of multiple accounts, that individual may receive a maximum of \$10,000 in distributions free of tax, regardless of whether the funds are distributed from multiple accounts. Any excess distributions received by the individual would be treated as a distribution subject to tax under the general rules of section 529.

The provision also modifies the definition of higher education expenses to include certain expenses incurred in connection with a homeschool. Those expenses are (1) curriculum and curricular materials; (2) books or other instructional materials; (3) online educational materials; (4) tuition for tutoring or educational classes outside of the home (but only if the tutor or instructor is not related to the student); (5) dual enroll-

ment in an institution of higher education; and (6) educational therapies for students with disabilities.

Effective date.—The provision applies to distributions made after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

11. Reforms to discharge of certain student loan indebtedness (sec. 1203 of the House bill, sec. 11031 of the Senate amendment, and sec. 108 of the Code)

PRESENT LAW

Gross income generally includes the discharge of indebtedness of the taxpayer. Under an exception to this general rule, gross income does not include any amount from the forgiveness (in whole or in part) of certain student loans, provided that the forgiveness is contingent on the student's working for a certain period of time in certain professions for any of a broad class of employers.¹³³

Student loans eligible for this special rule must be made to an individual to assist the individual in attending an educational institution that normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of students in attendance at the place where its education activities are regularly carried on. Loan proceeds may be used not only for tuition and required fees, but also to cover room and board expenses. The loan must be made by (1) the United States (or an instrumentality or agency thereof), (2) a State (or any political subdivision thereof), (3) certain tax-exempt public benefit corporations that control a State, county, or municipal hospital and whose employees have been deemed to be public employees under State law, or (4) an educational organization that originally received the funds from which the loan was made from the United States, a State, or a tax-exempt public benefit corporation.

In addition, an individual's gross income does not include amounts from the forgiveness of loans made by educational organizations (and certain tax-exempt organizations in the case of refinancing loans) out of private, nongovernmental funds if the proceeds of such loans are used to pay costs of attendance at an educational institution or to refinance any outstanding student loans (not just loans made by educational organizations) and the student is not employed by the lender organization. In the case of such loans made or refinanced by educational organizations (or refinancing loans made by certain tax-exempt organizations), cancellation of the student loan must be contingent on the student working in an occupation or area with unmet needs and such work must be performed for, or under the direction of, a tax-exempt charitable organization or a governmental entity.

Finally, an individual's gross income does not include any loan repayment amount received under the National Health Service Corps loan repayment program, certain State loan repayment programs, or any amount received by an individual under any State loan repayment or loan forgiveness program that is intended to provide for the increased availability of health care services in underserved or health professional shortage areas (as determined by the State).

HOUSE BILL

The House bill modifies the exclusion of student loan discharges from gross income,

¹³²Section 529 refers to contributors and designated beneficiaries, but does not define or otherwise refer to the term “account owner,” which is a commonly used term among qualified tuition programs.

¹³³Sec. 108(f).

by including within the exclusion certain discharges on account of death or disability. Loans eligible for the exclusion under the provision are loans made by (1) the United States (or an instrumentality or agency thereof), (2) a State (or any political subdivision thereof), (3) certain tax-exempt public benefit corporations that control a State, county, or municipal hospital and whose employees have been deemed to be public employees under State law, (4) an educational organization that originally received the funds from which the loan was made from the United States, a State, or a tax-exempt public benefit corporation, or (5) private education loans (for this purpose, private education loan is defined in section 1407(7) of the Consumer Protection Act).¹³⁴

Under the provision, the discharge of a loan as described above is excluded from gross income if the discharge was pursuant to the death or total and permanent disability of the student.¹³⁵

Additionally, the provision modifies the gross income exclusion for amounts received under the National Health Service Corps loan repayment program or certain State loan repayment programs to include any amount received by an individual under the Indian Health Service loan repayment program.¹³⁶

Effective date.—The provision applies to discharges of loans after, and amounts received after, December 31, 2017.

SENATE AMENDMENT

The Senate amendment generally follows the House bill. However, the Senate amendment does not contain the provision in the House bill excluding amounts received under the Indian Health Service loan repayment program from income.

Additionally, the Senate amendment does not apply to discharges of indebtedness occurring after December 31, 2025.

Effective date.—The provision is effective for discharges of indebtedness after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

12. Repeal of deduction for student loan interest (sec. 1204 of the House bill and sec. 221 of the Code)

PRESENT LAW

Certain individuals who have paid interest on qualified education loans may claim an above-the-line deduction for such interest expenses, subject to a maximum annual deduction limit.¹³⁷ Required payments of interest generally do not include voluntary payments, such as interest payments made during a period of loan forbearance. No deduction is allowed to an individual if that indi-

vidual is claimed as a dependent on another taxpayer's return for the taxable year.¹³⁸

A qualified education loan generally is defined as any indebtedness incurred solely to pay for the costs of attendance (including room and board) of the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer as of the time the indebtedness was incurred in attending on at least a half-time basis (1) eligible educational institutions, or (2) institutions conducting internship or residency programs leading to a degree or certificate from an institution of higher education, a hospital, or a health care facility conducting postgraduate training. The cost of attendance is reduced by any amount excluded from gross income under the exclusions for qualified scholarships and tuition reductions, employer-provided educational assistance, interest earned on education savings bonds, qualified tuition programs, and Coverdell education savings accounts, as well as the amount of certain other scholarships and similar payments.

The maximum allowable deduction per year is \$2,500.¹³⁹ For 2017, the deduction is phased out ratably for taxpayers with AGI between \$65,000 and \$80,000 (\$135,000 and \$165,000 for married taxpayers filing a joint return). The income phase-out ranges are indexed for inflation and rounded to the next lowest multiple of \$5,000.

HOUSE BILL

The provision repeals the deduction for student loan interest.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

13. Repeal of deduction for qualified tuition and related expenses (sec. 1204 of the House bill and sec. 222 of the Code)

PRESENT LAW

For taxable years beginning before January 1, 2017, an individual is allowed an above-the-line deduction for qualified tuition and related expenses for higher education paid by the individual during the taxable year.¹⁴⁰ Qualified tuition includes tuition and fees required for the enrollment or attendance by the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer with respect to whom the taxpayer may claim a personal exemption, at an eligible institution of higher education for courses of instruction of such individual at such institution. The expenses must be in connection with enrollment at an institution of higher education during the taxable year, or with an academic term beginning during the taxable year or during the first three months of the next taxable year. The deduction is not available for tuition and related expenses paid for elementary or secondary education.

The maximum deduction is \$4,000 for an individual whose AGI for the taxable year does not exceed \$65,000 (\$130,000 in the case of a joint return), or \$2,000 for other individuals whose AGI does not exceed \$80,000 (\$160,000 in the case of a joint return).¹⁴¹ No deduction is allowed for an individual whose AGI exceeds the relevant AGI limitations, for a married individual who does not file a joint return, or

for an individual with respect to whom a personal exemption deduction may be claimed by another taxpayer for the taxable year. The deduction is not available for taxable years beginning after December 31, 2016.

HOUSE BILL

The provision repeals the deduction for qualified tuition and related expenses.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

14. Repeal of exclusion for qualified tuition reductions (sec. 1204 of the House bill and sec. 117(d) of the Code)

PRESENT LAW

Qualified tuition reductions for certain education provided to employees (and their spouses and dependents¹⁴²) of certain educational organizations are excludible from gross income.¹⁴³ The tuition reduction is subject to nondiscrimination rules.¹⁴⁴ The exclusion generally applies below the graduate level, and to teaching and research assistants who are students at the graduate level, but does not apply to any amount received by a student that represents payment for teaching, research or other services by the student required as a condition for receiving the tuition reduction. Amounts that are excludible from gross income for income tax purposes are also excluded from wages for employment tax purposes.

HOUSE BILL

The provision repeals the exclusions from gross income and wages for qualified tuition reductions.

Effective date.—The provision applies to amounts paid or incurred after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

15. Repeal of exclusion for interest on United States savings bonds used for higher education expenses (sec. 1204 of the House bill and sec. 135 of the Code)

PRESENT LAW

Interest earned on a qualified United States Series EE savings bond issued after 1989 is excludable from gross income if the proceeds of the bond upon redemption do not exceed qualified higher education expenses paid by the taxpayer during the taxable year.¹⁴⁵ Qualified higher education expenses include tuition and fees (but not room and board expenses) required for the enrollment or attendance of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer at certain eligible higher educational institutions. The amount of qualified higher education expenses taken into account for purposes of the exclusion is reduced by the

¹⁴²Individuals described under the rules of Sec. 132(h).

¹⁴³Educational organization described in section 170(b)(1)(A)(ii). Sec. 117(d)(2).

¹⁴⁴The exclusion applies with respect to highly compensated employees, within the meaning of Sec. 414(q), only if such tuition reductions are available on substantially the same terms to each member of a group of employees which is defined under a reasonable classification established by the employer, such that the benefit does not discriminate in favor of highly compensated employees.

¹⁴⁵Sec. 135.

¹³⁴15 U.S.C. 1650(7).

¹³⁵Although the provision makes specific reference to those provisions of the Higher Education Act of 1965 that discharge William D. Ford Federal Direct Loan Program loans, Federal Family Education Loan Program loans, and Federal Perkins Loan Program loans in the case of death and total and permanent disability, the provision also contains a catch-all exclusion in the case of a student loan discharged on account of the death or total and permanent disability of the student, in addition to those specific statutory references.

¹³⁶Section 108 of the Indian Health Care Improvement Act established the Indian Health Service loan repayment program to assure a sufficient supply of trained health professionals needed to provide health care services to Indians. Pub. L. No. 94-437, as amended by Pub. L. No. 100-713, sec. 108, and Pub. L. No. 102-573, sec. 106, and as amended, and permanently reauthorized by Pub. L. No. 111-148, sec. 10221.

¹³⁷Sec. 221.

¹³⁸Sec. 221(c).

¹³⁹Sec. 221(b)(1).

¹⁴⁰Sec. 222(a).

¹⁴¹Sec. 222(b)(2)(B).

amount of such expenses taken into account in determining the Hope, American Opportunity, or Lifetime Learning credits claimed by any taxpayer, or taken into account in determining an exclusion from gross income for a distribution from a qualified tuition program or a Coverdell education savings account, with respect to a particular student for the taxable year.

The exclusion is phased out for certain higher-income taxpayers, determined by the taxpayer's modified AGI during the year the bond is redeemed. For 2017, the exclusion is phased out for taxpayers with modified AGI between \$78,150 and \$93,150 (\$117,250 and \$147,250 for married taxpayers filing a joint return). To prevent taxpayers from effectively avoiding the income phaseout limitation through the purchase of bonds directly in the child's name, the interest exclusion is available only with respect to U.S. Series EE savings bonds issued to taxpayers who are at least 24 years old.

HOUSE BILL

The House bill repeals exclusion for interest on Series EE savings bond used for qualified higher education expenses.

Effective date.—The provision generally applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

16. Repeal of exclusion for educational assistance programs (sec. 1204 of the House bill and sec. 127 of the Code)

PRESENT LAW

Up to \$5,250 annually of educational assistance provided by an employer to an employee is excludable from the employee's gross income, provided that certain requirements are satisfied.¹⁴⁶ Nondiscrimination rules¹⁴⁷ apply and the educational assistance must be provided pursuant to a separate written plan of the employer. The exclusion applies to both graduate and undergraduate courses, and applies only with respect to education provided to the employee (*i.e.*, it does not apply to education provided to the spouse or a child of the employee). Amounts that are excludable from gross income for income tax purposes are also excluded from wages for employment tax purposes.

For purposes of the exclusion, educational assistance means the payment by an employer of expenses incurred by or on behalf of the employee for education of the employee including, but not limited to, tuition, fees and similar payments, books, supplies, and equipment. Educational assistance also includes the provision by the employer of courses of instruction for the employee (including books, supplies, and equipment). Educational assistance does not include (1) tools or supplies that may be retained by the employee after completion of a course, (2) meals, lodging, or transportation, and (3) any education involving sports, games, or hobbies.

HOUSE BILL

The provision repeals the exclusions from gross income and wages for educational assistance programs.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

17. Rollovers between qualified tuition programs and qualified ABLE programs (sec. 1205 of the House bill, sec. 11025 of the Senate amendment and secs. 529 and 529A of the Code)

PRESENT LAW

Qualified ABLE programs

The Code provides for a tax-favored savings program intended to benefit disabled individuals, known as qualified ABLE programs.¹⁴⁸ A qualified ABLE program is a program established and maintained by a State or agency or instrumentality thereof. A qualified ABLE program must meet the following conditions: (1) under the provisions of the program, contributions may be made to an account (an "ABLE account"), established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account; (2) the program must limit a designated beneficiary to one ABLE account; and (3) the program must meet certain other requirements discussed below. A qualified ABLE program is generally exempt from income tax, but is otherwise subject to the taxes imposed on the unrelated business income of tax-exempt organizations.

A designated beneficiary of an ABLE account is the owner of the ABLE account. A designated beneficiary must be an eligible individual (defined below) who established the ABLE account and who is designated at the commencement of participation in the qualified ABLE program as the beneficiary of amounts paid (or to be paid) into and from the program.

Contributions to an ABLE account must be made in cash and are not deductible for Federal income tax purposes. Except in the case of a rollover contribution from another ABLE account, an ABLE account must provide that it may not receive aggregate contributions during a taxable year in excess of the amount under section 2503(b) of the Code (the annual gift tax exemption). For 2017, this is \$14,000.¹⁴⁹ Additionally, a qualified ABLE program must provide adequate safeguards to ensure that ABLE account contributions do not exceed the limit imposed on accounts under the qualified tuition program of the State maintaining the qualified ABLE program. Amounts in the account accumulate on a tax-deferred basis (*i.e.*, income on accounts under the program is not subject to current income tax).

A qualified ABLE program may permit a designated beneficiary to direct (directly or indirectly) the investment of any contributions (or earnings thereon) no more than two

times in any calendar year and must provide separate accounting for each designated beneficiary. A qualified ABLE program may not allow any interest in the program (or any portion thereof) to be used as security for a loan.

Distributions from an ABLE account are generally includable in the distributee's income to the extent consisting of earnings on the account.¹⁵⁰ Distributions from an ABLE account are excludable from income to the extent that the total distribution does not exceed the qualified disability expenses of the designated beneficiary during the taxable year. If a distribution from an ABLE account exceeds the qualified disability expenses of the designated beneficiary, a pro rata portion of the distribution is excludable from income. The portion of any distribution that is includable in income is subject to an additional 10-percent tax unless the distribution is made after the death of the beneficiary. Amounts in an ABLE account may be rolled over without income tax liability to another ABLE account for the same beneficiary¹⁵¹ or another ABLE account for the designated beneficiary's brother, sister, stepbrother or stepsister who is also an eligible individual.

Except in the case of an ABLE account established in a different ABLE program for purposes of transferring ABLE accounts,¹⁵² no more than one ABLE account may be established by a designated beneficiary. Thus, once an ABLE account has been established by a designated beneficiary, no account subsequently established by such beneficiary shall be treated as an ABLE account.

A contribution to an ABLE account is treated as a completed gift of a present interest to the designated beneficiary of the account. Such contributions qualify for the per-donee annual gift tax exclusion (\$14,000 for 2017) and, to the extent of such exclusion, are exempt from the generation skipping transfer ("GST") tax. A distribution from an ABLE account generally is not subject to gift tax or GST tax.

Eligible individuals

As described above, a qualified ABLE program may provide for the establishment of ABLE accounts only if those accounts are established and owned by an eligible individual, such owner referred to as a designated beneficiary. For these purposes, an eligible individual is an individual either (1) for whom a disability certification has been filed with the Secretary for the taxable year, or (2) who is entitled to Social Security Disability Insurance benefits or SSI benefits¹⁵³ based on blindness or disability, and such blindness or disability occurred before the individual attained age 26.

A disability certification means a certification to the satisfaction of the Secretary, made by the eligible individual or the parent or guardian of the eligible individual, that the individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, or is blind (within the meaning of section 1614(a)(2) of the Social

¹⁴⁶ Sec. 127(a).

¹⁴⁷ The employer's educational assistance program must not discriminate in favor of highly compensated employees, within the meaning of Sec. 414(q). In addition, no more than five percent of the amounts paid or incurred by the employer during the year for educational assistance under a qualified educational assistance program can be provided for the class of individuals consisting of more-than-five-percent owners of the employer and the spouses or dependents of such more-than-five-percent owners.

¹⁴⁸ Sec. 529A.

¹⁴⁹ This amount is indexed for inflation. In the case that contributions to an ABLE account exceed the annual limit, an excise tax in the amount of six percent of the excess contribution to such account is imposed on the designated beneficiary. Such tax does not apply in the event that the trustee of such account makes a corrective distribution of such excess amounts by the due date (including extensions) of the individual's tax return for the year within the taxable year.

¹⁵⁰ The rules of section 72 apply in determining the portion of a distribution that consists of earnings.

¹⁵¹ For instance, if a designated beneficiary were to relocate to a different State.

¹⁵² In which case the contributor ABLE account must be closed 60 days after the transfer to the new ABLE account is made.

¹⁵³ These are benefits, respectively, under Title II or Title XVI of the Social Security Act.

Security Act). Such blindness or disability must have occurred before the date the individual attained age 26. Such certification must include a copy of the diagnosis of the individual's impairment and be signed by a licensed physician.¹⁵⁴

Qualified disability expenses

As described above, the earnings on distributions from an ABLE account are excluded from income only to the extent total distributions do not exceed the qualified disability expenses of the designated beneficiary. For this purpose, qualified disability expenses are any expenses related to the eligible individual's blindness or disability which are made for the benefit of the designated beneficiary. Such expenses include the following expenses: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses, which are approved by the Secretary under regulations and consistent with the purposes of section 529A.

Transfer to State

In the event that the designated beneficiary dies, subject to any outstanding payments due for qualified disability expenses incurred by the designated beneficiary, all amounts remaining in the deceased designated beneficiary's ABLE account not in excess of the amount equal to the total medical assistance paid such individual under any State Medicaid plan established under title XIX of the Social Security Act shall be distributed to such State upon filing of a claim for payment by such State. Such repaid amounts shall be net of any premiums paid from the account or by or on behalf of the beneficiary to the State's Medicaid Buy-In program.

Treatment of ABLE accounts under Federal programs

Any amounts in an ABLE account, and any distribution for qualified disability expenses, shall be disregarded for purposes of determining eligibility to receive, or the amount of, any assistance or benefit authorized by any Federal means-tested program. However, in the case of the SSI program, a distribution for housing expenses is not disregarded, nor are amounts in an ABLE account in excess of \$100,000. In the case that an individual's ABLE account balance exceeds \$100,000, such individual's SSI benefits shall not be terminated, but instead shall be suspended until such time as the individual's resources fall below \$100,000. However, such suspension shall not apply for purposes of Medicaid eligibility.

HOUSE BILL

The House bill allows for amounts from qualified tuition programs (also known as 529 accounts) to be rolled over to an ABLE account without penalty, provided that the ABLE account is owned by the designated beneficiary of that 529 account, or a member of such designated beneficiary's family.¹⁵⁵

¹⁵⁴No inference may be drawn from a disability certification for purposes of eligibility for Social Security, SSI or Medicaid benefits.

¹⁵⁵For these purposes, a member of the family means, with respect to any designated beneficiary, the taxpayer's: (1) spouse; (2) child or descendant of a child; (3) brother, sister, stepbrother or stepsister; (4) father, mother or ancestor of either; (5) stepfather or stepmother; (6) niece or nephew; (7) aunt or uncle; (8) in-law; (9) the spouse of any individual de-

Such rolled-over amounts count towards the overall limitation on amounts that can be contributed to an ABLE account within a taxable year.¹⁵⁶ Any amount rolled over that is in excess of this limitation shall be includible in the gross income of the distributee in a manner provided by section 72.¹⁵⁷

Effective date.—The provision applies to distributions after December 31, 2017.

SENATE AMENDMENT

The Senate amendment generally follows the House Bill. Under the Senate amendment, the provision is not effective for distributions after December 31, 2025.

Effective date.—The provision applies to distributions after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

18. Repeal of overall limitation on itemized deductions (sec. 1301 of the House bill, sec. 11046 of the Senate amendment, and sec. 68 of the Code)

PRESENT LAW

The total amount of most otherwise allowable itemized deductions (other than the deductions for medical expenses, investment interest and casualty, theft or gambling losses) is limited for certain upper-income taxpayers.¹⁵⁸ All other limitations applicable to such deductions (such as the separate floors) are first applied and, then, the otherwise allowable total amount of itemized deductions is reduced by three percent of the amount by which the taxpayer's adjusted gross income exceeds a threshold amount.

For 2017, the threshold amounts are \$261,500 for single taxpayers, \$287,650 for heads of household, \$313,800 for married couples filing jointly, and \$156,900 for married taxpayers filing separately. These threshold amounts are indexed for inflation. The otherwise allowable itemized deductions may not be reduced by more than 80 percent by reason of the overall limit on itemized deductions.

HOUSE BILL

The House bill repeals the overall limitation on itemized deductions.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill. Under the Senate amendment, the suspension of the overall limitation on itemized deductions does not apply to taxable years beginning after December 31, 2025.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

D. Simplification and Reform of Deductions and Exclusions

1. Modification of deduction for home mortgage interest (sec. 1302 of the House bill, sec. 11043 of the Senate amendment, and sec. 163(h) of the Code)

PRESENT LAW

As a general matter, personal interest is not deductible.¹⁵⁹ Qualified residence interest is not treated as personal interest and is allowed as an itemized deduction, subject to limitations.¹⁶⁰ Qualified residence interest

scribed in (2)-(8); and (10) any first cousin of the designated beneficiary.

¹⁵⁶ 529A(b)(2)(B).

¹⁵⁷ 529(c)(3)(A).

¹⁵⁸ Sec. 68.

¹⁵⁹ Sec. 163(h)(1).

¹⁶⁰ Sec. 163(h)(2)(D) and (h)(3).

means interest paid or accrued during the taxable year on either acquisition indebtedness or home equity indebtedness. A qualified residence means the taxpayer's principal residence and one other residence of the taxpayer selected to be a qualified residence. A qualified residence can be a house, condominium, cooperative, mobile home, house trailer, or boat.

Acquisition indebtedness

Acquisition indebtedness is indebtedness that is incurred in acquiring, constructing, or substantially improving a qualified residence of the taxpayer and which secures the residence. The maximum amount treated as acquisition indebtedness is \$1 million (\$500,000 in the case of a married person filing a separate return).

Acquisition indebtedness also includes indebtedness from the refinancing of other acquisition indebtedness but only to the extent of the amount (and term) of the refinanced indebtedness. Thus, for example, if the taxpayer incurs \$200,000 of acquisition indebtedness to acquire a principal residence and pays down the debt to \$150,000, the taxpayer's acquisition indebtedness with respect to the residence cannot thereafter be increased above \$150,000 (except by indebtedness incurred to substantially improve the residence).

Interest on acquisition indebtedness is allowable in computing alternative minimum taxable income. However, in the case of a second residence, the acquisition indebtedness may only be incurred with respect to a house, apartment, condominium, or a mobile home that is not used on a transient basis.

Home equity indebtedness

Home equity indebtedness is indebtedness (other than acquisition indebtedness) secured by a qualified residence.

The amount of home equity indebtedness may not exceed \$100,000 (\$50,000 in the case of a married individual filing a separate return) and may not exceed the fair market value of the residence reduced by the acquisition indebtedness.

Interest on home equity indebtedness is not deductible in computing alternative minimum taxable income.

Interest on qualifying home equity indebtedness is deductible, regardless of how the proceeds of the indebtedness are used. For example, personal expenditures may include health costs and education expenses for the taxpayer's family members or any other personal expenses such as vacations, furniture, or automobiles. A taxpayer and a mortgage company can contract for the home equity indebtedness loan proceeds to be transferred to the taxpayer in a lump sum payment (e.g., a traditional mortgage), a series of payments (e.g., a reverse mortgage), or the lender may extend the borrower a line of credit up to a fixed limit over the term of the loan (e.g., a home equity line of credit).

Thus, the aggregate limitation on the total amount of a taxpayer's acquisition indebtedness and home equity indebtedness with respect to a taxpayer's principal residence and a second residence that may give rise to deductible interest is \$1,100,000 (\$550,000, for married persons filing a separate return).

HOUSE BILL

The House bill modifies the home mortgage interest deduction in the following ways.

First, under the provision, only interest paid on indebtedness used to acquire, construct or substantially improve the taxpayer's principal residence may be included in the calculation of the deduction. Thus,

under the provision, a taxpayer receives no deduction for interest paid on indebtedness used to acquire a second home.

Second, under the provision, a taxpayer may treat no more than \$500,000 as principal residence acquisition indebtedness (\$250,000 in the case of married taxpayers filing separately). In the case of principal residence acquisition indebtedness incurred before the date of introduction (November 2, 2017), this limitation is \$1,000,000 (\$500,000 in the case of married taxpayers filing separately).¹⁶¹ Although the term principal residence acquisition indebtedness is not defined in the statute, it is intended that this “grandfathering” provision apply only with respect to indebtedness incurred with respect to a taxpayer’s principal residence.

Last, under the provision, interest paid on home equity indebtedness is not treated as qualified residence interest, and thus is not deductible. This is the case regardless of when the home equity indebtedness was incurred.

Effective date.—The provision is effective for interest paid or accrued in taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment suspends the deduction for interest on home equity indebtedness. Thus, for taxable years beginning after December 31, 2017, a taxpayer may not claim a deduction for interest on home equity indebtedness. The suspension ends for taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement provides that, in the case of taxable years beginning after December 31, 2017, and beginning before January 1, 2026, a taxpayer may treat no more than \$750,000 as acquisition indebtedness (\$375,000 in the case of married taxpayers filing separately). In the case of acquisition indebtedness incurred before December 15, 2017¹⁶² this limitation is \$1,000,000 (\$500,000 in the case of married taxpayers filing separately).¹⁶³ For taxable years beginning after December 31, 2025, a taxpayer may treat up

to \$1,000,000 (\$500,000 in the case of married taxpayers filing separately) of indebtedness as acquisition indebtedness, regardless of when the indebtedness was incurred.

Additionally, the conference agreement suspends the deduction for interest on home equity indebtedness. Thus, for taxable years beginning after December 31, 2017, a taxpayer may not claim a deduction for interest on home equity indebtedness. The suspension ends for taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

2. Modification of deduction for taxes not paid or accrued in a trade or business (sec. 1303 of the House bill, sec. 11042 of the Senate amendment, and sec. 164 of the Code)

PRESENT LAW

Individuals are permitted a deduction for certain taxes paid or accrued, whether or not incurred in a taxpayer’s trade or business. These taxes are: (i) State and local real and foreign property taxes;¹⁶⁴ (ii) State and local personal property taxes;¹⁶⁵ (iii) State, local, and foreign income, war profits, and excess profits taxes.¹⁶⁶ At the election of the taxpayer, an itemized deduction may be taken for State and local general sales taxes in lieu of the itemized deduction for State and local income taxes.¹⁶⁷

Property taxes may be allowed as a deduction in computing adjusted gross income if incurred in connection with property used in a trade or business; otherwise they are an itemized deduction. In the case of State and local income taxes, the deduction is an itemized deduction notwithstanding that the tax may be imposed on profits from a trade or business.¹⁶⁸

Individuals also are permitted a deduction for Federal and State generation skipping transfer tax (“GST tax”) imposed on certain income distributions that are included in the gross income of the distributee.¹⁶⁹

In determining a taxpayer’s alternative minimum taxable income, no itemized deduction for property, income, or sales tax is allowed.

HOUSE BILL

Under the provision, in the case of an individual, as a general matter, State, local, and foreign property taxes and State and local sales taxes are allowed as a deduction only when paid or accrued in carrying on a trade or business, or an activity described in section 212 (relating to expenses for the production of income).¹⁷⁰ Thus, the provision allows only those deductions for State, local, and foreign property taxes, and sales taxes, that are presently deductible in computing income on an individual’s Schedule C, Sched-

ule E, or Schedule F on such individual’s tax return. Thus, for instance, in the case of property taxes, an individual may deduct such items only if these taxes were imposed on business assets (such as residential rental property).

The provision contains an exception to the above-stated rule in the case of real property taxes. Under this exception, an individual may claim an itemized deduction of up to \$10,000 (\$5,000 for married taxpayer filing a separate return) for property taxes paid or accrued in the taxable year, in addition to any property taxes deducted in carrying on a trade or business or an activity described in section 212. Foreign real property taxes may not be deducted under this exception.

Under the provision, in the case of an individual, State and local income, war profits, and excess profits taxes are not allowable as a deduction.

It is intended that persons required to report refunds of State and local income taxes under section 6050E should no longer be required to report such refunds of tax relating to taxable years beginning after December 31, 2017. A technical amendment may be needed to reflect this intent.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill. However, under the Senate amendment, the suspension of the deduction for State and local taxes expires for taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement provides that in the case of an individual,¹⁷¹ as a general matter, State, local, and foreign property taxes and State and local sales taxes are allowed as a deduction only when paid or accrued in carrying on a trade or business, or an activity described in section 212 (relating to expenses for the production of income).¹⁷² Thus, the provision allows only those deductions for State, local, and foreign property taxes, and sales taxes, that are presently deductible in computing income on an individual’s Schedule C, Schedule E, or Schedule F on such individual’s tax return. Thus, for instance, in the case of property taxes, an individual may deduct such items only if these taxes were imposed on business assets (such as residential rental property).

Under the provision, in the case of an individual, State and local income, war profits, and excess profits taxes are not allowable as a deduction.

The provision contains an exception to the above-stated rule. Under the provision a taxpayer may claim an itemized deduction of up to \$10,000 (\$5,000 for married taxpayer filing a separate return) for the aggregate of (i) State and local property taxes not paid or accrued in carrying on a trade or business, or an activity described in section 212, and (ii)

¹⁶¹ Special rules apply in the case of indebtedness from refinancing existing principal residence acquisition indebtedness. Specifically, the \$1,000,000 (\$500,000 in the case of married taxpayers filing separately) limitation continues to apply to any indebtedness incurred on or after November 2, 2017, to refinance qualified residence indebtedness incurred before that date to the extent the amount of the indebtedness resulting from the refinancing does not exceed the amount of the refinanced indebtedness. Thus, the maximum dollar amount that may be treated as principal residence acquisition indebtedness will not decrease by reason of a refinancing.

¹⁶² The conference agreement provides that a taxpayer who has entered into a binding written contract before December 15, 2017 to close on the purchase of a principal residence before January 1, 2018, and who purchases such residence before April 1, 2018, shall be considered to have incurred acquisition indebtedness prior to December 15, 2017 under this provision.

¹⁶³ Special rules apply in the case of indebtedness from refinancing existing acquisition indebtedness. Specifically, the \$1,000,000 (\$500,000 in the case of married taxpayers filing separately) limitation continues to apply to any indebtedness incurred on or after December 15, 2017, to refinance qualified residence indebtedness incurred before that date to the extent the amount of the indebtedness resulting from the refinancing does not exceed the amount of the refinanced indebtedness. Thus, the maximum dollar amount that may be treated as principal residence acquisition indebtedness will not decrease by reason of a refinancing.

¹⁶⁴ Sec. 164(a)(1).

¹⁶⁵ Sec. 164(a)(2).

¹⁶⁶ Sec. 164(a)(3). A foreign tax credit, in lieu of a deduction, is allowable for foreign taxes if the taxpayer so elects.

¹⁶⁷ Sec. 164(b)(5).

¹⁶⁸ See H. Rep. No. 1365 to accompany Individual Income Tax Bill of 1944 (78th Cong., 2d Sess.), reprinted at 19 C.B. 839 (1944).

¹⁶⁹ Sec. 164(a)(4).

¹⁷⁰ The proposal does not modify the deductibility of GST tax imposed on certain income distributions. Additionally, taxes imposed at the entity level, such as a business tax imposed on pass-through entities, that are reflected in a partner’s or S corporation shareholder’s distributive or pro-rata share of income or loss on a Schedule K-1 (or similar form), will continue to reduce such partner’s or shareholder’s distributive or pro-rata share of income as under present law.

¹⁷¹ See sec. 641(b) regarding the computation of taxable income of an estate or trust in the same manner as an individual.

¹⁷² The proposal does not modify the deductibility of GST tax imposed on certain income distributions. Additionally, taxes imposed at the entity level, such as a business tax imposed on pass-through entities, that are reflected in a partner’s or S corporation shareholder’s distributive or pro-rata share of income or loss on a Schedule K-1 (or similar form), will continue to reduce such partner’s or shareholder’s distributive or pro-rata share of income as under present law.

State and local income, war profits, and excess profits taxes (or sales taxes in lieu of income, etc. taxes) paid or accrued in the taxable year. Foreign real property taxes may not be deducted under this exception.

The above rules apply to taxable years beginning after December 31, 2017, and beginning before January 1, 2026.

The conference agreement also provides that, in the case of an amount paid in a taxable year beginning before January 1, 2018, with respect to a State or local income tax imposed for a taxable year beginning after December 31, 2017, the payment shall be treated as paid on the last day of the taxable year for which such tax is so imposed for purposes of applying the provision limiting the dollar amount of the deduction. Thus, under the provision, an individual may not claim an itemized deduction in 2017 on a prepayment of income tax for a future taxable year in order to avoid the dollar limitation applicable for taxable years beginning after 2017.

Effective date.—The provision is effective for taxable years beginning after December 31, 2016.

3. Repeal of deduction for personal casualty and theft losses (sec. 1304 of the House bill, sec. 11044 of the Senate amendment, and sec. 165 of the Code)

PRESENT LAW

A taxpayer may generally claim a deduction for any loss sustained during the taxable year, not compensated by insurance or otherwise. For individual taxpayers, deductible losses must be incurred in a trade or business or other profit-seeking activity or consist of property losses arising from fire, storm, shipwreck, or other casualty, or from theft.¹⁷³ Personal casualty or theft losses are deductible only if they exceed \$100 per casualty or theft. In addition, aggregate net casualty and theft losses are deductible only to the extent they exceed 10 percent of an individual taxpayer's adjusted gross income.

HOUSE BILL

The House bill repeals the deduction for personal casualty and theft losses. However, notwithstanding the repeal of the deduction, the provision retains the benefit of the deduction, as modified by the Disaster Tax Relief and Airport and Airway Extension Act of 2017,¹⁷⁴ for those individuals who sustained a personal casualty loss arising from hurricanes Harvey, Irma, or Maria.

Effective date.—The provision is effective for losses incurred in taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment temporarily modifies the deduction for personal casualty and theft losses. Under the provision, a taxpayer may claim a personal casualty loss (subject to the limitations described above) only if such loss was attributable to a disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The above-described limitation does not apply with respect to losses incurred after December 31, 2025.

Effective date.—The provision is effective for losses incurred in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

4. Limitation on wagering losses (sec. 1305 of the House bill, sec. 11051 of the Senate amendment, and sec. 165 of the Code)

PRESENT LAW

Losses sustained during the taxable year on wagering transactions are allowed as a deduction only to the extent of the gains during the taxable year from such transactions.¹⁷⁵

HOUSE BILL

The House bill clarifies the scope of “losses from wagering transactions” as that term is used in section 165(d). Under the provision, this term includes any deduction otherwise allowable under chapter 1 of the Code incurred in carrying on any wagering transaction.

The provision is intended to clarify that the limitation on losses from wagering transactions applies not only to the actual costs of wagers incurred by an individual, but to other expenses incurred by the individual in connection with the conduct of that individual's gambling activity.¹⁷⁶ The provision clarifies, for instance, an individual's otherwise deductible expenses in traveling to or from a casino are subject to the limitation under section 165(d).

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill. However, the Senate amendment does not apply to taxable years beginning after December 31, 2025.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

5. Modifications to the deduction for charitable contributions (sec. 1306 of the House bill, secs. 11023, 13703, and 13704 of the Senate amendment, and sec. 170 of the Code)

PRESENT LAW

In general

The Internal Revenue Code allows taxpayers to reduce their income tax liability by taking deductions for contributions to certain organizations, including charities, Federal, State, local, and Indian tribal governments, and certain other organizations.

To be deductible, a charitable contribution generally must meet several threshold requirements. First, the recipient of the transfer must be eligible to receive charitable contributions (*i.e.*, an organization or entity described in section 170(c)). Second, the transfer must be made with gratuitous intent and without the expectation of a benefit of substantial economic value in return. Third, the transfer must be complete and generally must be a transfer of a donor's entire interest in the contributed property (*i.e.*, not a contingent or partial interest contribution). To qualify for a current year charitable deduction, payment of the contribution must be made within the taxable year.¹⁷⁷ Fourth, the transfer must be of money or property—contributions of services are not deductible.¹⁷⁸ Finally, the transfer must be substantiated and in the proper form.

¹⁷⁵ Sec. 165(d).

¹⁷⁶ The provision thus reverses the result reached by the Tax Court in *Ronald A. Mayo v. Commissioner*, 136 T.C. 81 (2011). In that case, the Court held that a taxpayer's expenses incurred in the conduct of the trade or business of gambling, other than the cost of wagers, were not limited by sec. 165(d), and were thus deductible under sec. 162(a).

¹⁷⁷ Sec. 170(a)(1).

¹⁷⁸ For example, as discussed in greater detail below, the value of time spent volunteering for a

As discussed below, special rules limit the deductibility of a taxpayer's charitable contributions in a given year to a percentage of income, and those rules, in part, turn on whether the organization receiving the contributions is a public charity or a private foundation. Other special rules determine the deductible value of contributed property for each type of property.

Contributions of partial interests in property

In general

In general, a charitable deduction is not allowed for income, estate, or gift tax purposes if the donor transfers an interest in property to a charity while retaining an interest in that property or transferring an interest in that property to a noncharity for less than full and adequate consideration.¹⁷⁹ This rule of nondeductibility, often referred to as the partial interest rule, generally prohibits a charitable deduction for contributions of income interests, remainder interests, or rights to use property.

A charitable contribution deduction generally is not allowable for a contribution of a future interest in tangible personal property.¹⁸⁰ For this purpose, a future interest is one “in which a donor purports to give tangible personal property to a charitable organization, but has an understanding, arrangement, agreement, etc., whether written or oral, with the charitable organization that has the effect of reserving to, or retaining in, such donor a right to the use, possession, or enjoyment of the property.”¹⁸¹

A gift of an undivided portion of a donor's entire interest in property generally is not treated as a nondeductible gift of a partial interest in property.¹⁸² For this purpose, an undivided portion of a donor's entire interest in property must consist of a fraction or percentage of each and every substantial interest or right owned by the donor in such property and must extend over the entire term of the donor's interest in such property.¹⁸³ A gift generally is treated as a gift of an undivided portion of a donor's entire interest in property if the donee is given the right, as a tenant in common with the donor, to possession, dominion, and control of the property for a portion of each year appropriate to its interest in such property.¹⁸⁴

Other exceptions to the partial interest rule are provided for, among other interests: (1) remainder interests in charitable remainder annuity trusts, charitable remainder unitrusts, and pooled income funds; (2) present interests in the form of a guaranteed annuity or a fixed percentage of the annual value of the property; (3) a remainder interest in a personal residence or farm; and (4) qualified conservation contributions.

charitable organization is not deductible. Incidental expenses such as mileage, supplies, or other expenses incurred while volunteering for a charitable organization, however, may be deductible.

¹⁷⁹ Secs. 170(f)(3)(A) (income tax), 2055(e)(2) (estate tax), and 2522(c)(2) (gift tax).

¹⁸⁰ Sec. 170(a)(3).

¹⁸¹ Treas. Reg. sec. 1.170A-5(a)(4). Treasury regulations provide that section 170(a)(3), which generally denies a deduction for a contribution of a future interest in tangible personal property, has “no application in respect of a transfer of an undivided present interest in property. For example, a contribution of an undivided one-quarter interest in a painting with respect to which the donee is entitled to possession during three months of each year shall be treated as made upon the receipt by the donee of a formally executed and acknowledged deed of gift. However, the period of initial possession by the donee may not be deferred in time for more than one year.” Treas. Reg. sec. 1.170A-5(a)(2).

¹⁸² Sec. 170(f)(3)(B)(ii).

¹⁸³ Treas. Reg. sec. 1.170A-7(b)(1).

¹⁸⁴ Treas. Reg. sec. 1.170A-7(b)(1).

¹⁷³ Sec. 165(c).

¹⁷⁴ Pub. L. No. 115-63.

Qualified conservation contributions

Qualified conservation contributions are not subject to the partial interest rule, which generally bars deductions for charitable contributions of partial interests in property.¹⁸⁵ A qualified conservation contribution is a contribution of a qualified real property interest to a qualified organization exclusively for conservation purposes. A qualified real property interest is defined as: (1) the entire interest of the donor other than a qualified mineral interest; (2) a remainder interest; or (3) a restriction (granted in perpetuity) on the use that may be made of the real property (generally, a conservation easement). Qualified organizations include certain governmental units, public charities that meet certain public support tests, and certain supporting organizations. Conservation purposes include: (1) the preservation of land areas for outdoor recreation by, or for the education of, the general public; (2) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem; (3) the preservation of open space (including farmland and forest land) where such preservation will yield a significant public benefit and is either for the scenic enjoyment of the general public or pursuant to a clearly delineated Federal, State, or local governmental conservation policy; and (4) the preservation of an historically important land area or a certified historic structure.

*Percentage limits on charitable contributions**Individual taxpayers*

Charitable contributions by individual taxpayers are limited to a specified percentage of the individual's contribution base. The contribution base is the taxpayer's adjusted gross income ("AGI") for a taxable year, disregarding any net operating loss carryback to the year under section 172.¹⁸⁶ In general, more favorable (higher) percentage limits apply to contributions of cash and ordinary income property than to contributions of capital gain property. More favorable limits also generally apply to contributions to public charities (and certain operating foundations) than to contributions to nonoperating private foundations.

More specifically, the deduction for charitable contributions by an individual taxpayer of cash and property that is not appreciated to a charitable organization described in section 170(b)(1)(A) (public charities, private foundations other than nonoperating private foundations, and certain governmental units) may not exceed 50 percent of the taxpayer's contribution base. Contributions of this type of property to nonoperating private foundations generally may be deducted up to the lesser of 30 percent of the taxpayer's contribution base or the excess of (i) 50 percent of the contribution base over (ii) the amount of contributions subject to the 50 percent limitation.

Contributions of appreciated capital gain property to public charities and other orga-

nizations described in section 170(b)(1)(A) generally are deductible up to 30 percent of the taxpayer's contribution base (after taking into account contributions other than contributions of capital gain property). An individual may elect, however, to bring all these contributions of appreciated capital gain property for a taxable year within the 50-percent limitation category by reducing the amount of the contribution deduction by the amount of the appreciation in the capital gain property. Contributions of appreciated capital gain property to nonoperating private foundations are deductible up to the lesser of 20 percent of the taxpayer's contribution base or the excess of (i) 30 percent of the contribution base over (ii) the amount of contributions subject to the 30 percent limitation.

Finally, contributions that are for the use of (not to) the donee charity get less favorable percentage limits. Contributions of capital gain property for the use of public charities and other organizations described in section 170(b)(1)(A) also are limited to 20 percent of the taxpayer's contribution base. Property contributed for the use of an organization generally has been interpreted to mean property contributed in trust for the organization.¹⁸⁷ Charitable contributions of income interests (where deductible) also generally are treated as contributions for the use of the donee organization.

TABLE 3.—CHARITABLE CONTRIBUTION PERCENTAGE LIMITS FOR INDIVIDUAL TAXPAYERS¹⁸⁸

	Ordinary Income Property and Cash	Capital Gain Property to the Recipient ¹⁸⁹	Capital Gain Property for the use of the Recipient
Public Charities, Private Operating Foundations, and Private Distributing Foundations	50%	¹⁹⁰ 30%	20%
Nonoperating Private Foundations	30%	20%	20%

Corporate taxpayers

A corporation generally may deduct charitable contributions up to 10 percent of the corporation's taxable income for the year.¹⁹¹ For this purpose, taxable income is determined without regard to: (1) the charitable contributions deduction; (2) any net operating loss carryback to the taxable year; (3) deductions for dividends received; (4) deductions for dividends paid on certain preferred stock of public utilities; and (5) any capital loss carryback to the taxable year.¹⁹²

Carryforwards of excess contributions

Charitable contributions that exceed the applicable percentage limit generally may be carried forward for up to five years.¹⁹³ In general, contributions carried over from a prior year are taken into account after contributions for the current year that are subject to the same percentage limit. Excess contributions made for the use of (rather than to) an organization generally may not be carried forward.

Qualified conservation contributions

Preferential percentage limits and carryforward rules apply for qualified conservation contributions.¹⁹⁴ In general, the 30-percent contribution base limitation on con-

tributions of capital gain property by individuals does not apply to qualified conservation contributions. Instead, individuals may deduct the fair market value of any qualified conservation contribution to an organization described in section 170(b)(1)(A) (generally, public charities) to the extent of the excess of 50 percent of the contribution base over the amount of all other allowable charitable contributions. These contributions are not taken into account in determining the amount of other allowable charitable contributions. Individuals are allowed to carry forward any qualified conservation contributions that exceed the 50-percent limitation for up to 15 years. In the case of an individual who is a qualified farmer or rancher for the taxable year in which the contribution is made, a qualified conservation contribution is allowable up to 100 percent of the excess of the taxpayer's contribution base over the amount of all other allowable charitable contributions.

In the case of a corporation (other than a publicly traded corporation) that is a qualified farmer or rancher for the taxable year in which the contribution is made, any qualified conservation contribution is allowable up to 100 percent of the excess of the cor-

poration's taxable income (as computed under section 170(b)(2)) over the amount of all other allowable charitable contributions. Any excess may be carried forward for up to 15 years as a contribution subject to the 100-percent limitation.¹⁹⁵

A qualified farmer or rancher means a taxpayer whose gross income from the trade or business of farming (within the meaning of section 2032A(e)(5)) is greater than 50 percent of the taxpayer's gross income for the taxable year.

*Valuation of charitable contributions**In general*

For purposes of the income tax charitable deduction, the value of property contributed to charity may be limited to the fair market value of the property, the donor's tax basis in the property, or in some cases a different amount.

Charitable contributions of cash are deductible in the amount contributed, subject to the percentage limits discussed above. In addition, a taxpayer generally may deduct the full fair market value of long-term capital gain property contributed to charity.¹⁹⁶

¹⁸⁵ Secs. 170(f)(3)(B)(iii) and 170(h).

¹⁸⁶ Sec. 170(b)(1)(G).

¹⁸⁷ *Rockefeller v. Commissioner*, 676 F.2d 35, 39 (2d Cir. 1982).

¹⁸⁸ Percentages shown are the percentage of an individual's contribution base.

¹⁸⁹ Capital gain property contributed to public charities, private operating foundations, or private distributing foundations will be subject to the 50-percent limitation if the donor elects to reduce the fair market value of the property by the amount

that would have been long-term capital gain if the property had been sold.

¹⁹⁰ Certain qualified conservation contributions to public charities (generally, conservation easements), qualify for more generous contribution limits. In general, the 30-percent limit applicable to contributions of capital gain property is increased to 100 percent if the individual making the qualified conservation contribution is a qualified farmer or rancher or to 50 percent if the individual is not a qualified farmer or rancher.

¹⁹¹ Sec. 170(b)(2)(A).

¹⁹² Sec. 170(b)(2)(C).

¹⁹³ Sec. 170(d).

¹⁹⁴ Sec. 170(b)(1)(E).

¹⁹⁵ Sec. 170(b)(2)(B).

¹⁹⁶ Capital gain property means any capital asset or property used in the taxpayer's trade or business, the sale of which at its fair market value, at the time of contribution, would have resulted in gain

Contributions of tangible personal property also generally are deductible at fair market value if the use by the recipient charitable organization is related to its tax-exempt purpose.

In certain other cases, however, section 170(e) limits the deductible value of the contribution of appreciated property to the donor's tax basis in the property. This limitation of the property's deductible value to basis generally applies, for example, for: (1) contributions of inventory or other ordinary income or short-term capital gain property;¹⁹⁷ (2) contributions of tangible personal property if the use by the recipient charitable organization is unrelated to the organization's tax-exempt purpose;¹⁹⁸ and (3) contributions to or for the use of a private foundation (other than certain private operating foundations).¹⁹⁹

For contributions of qualified appreciated stock, the above-described rule that limits the value of property contributed to or for the use of a private nonoperating foundation to the taxpayer's basis in the property does not apply; therefore, subject to certain limits, contributions of qualified appreciated stock to a nonoperating private foundation may be deducted at fair market value.²⁰⁰ Qualified appreciated stock is stock that is capital gain property and for which (as of the date of the contribution) market quotations are readily available on an established securities market.²⁰¹ A contribution of qualified appreciated stock (when increased by the aggregate amount of all prior such contributions by the donor of stock in the corporation) generally does not include a contribution of stock to the extent the amount of the stock contributed exceeds 10 percent (in value) of all of the outstanding stock of the corporation.²⁰²

Contributions of property with a fair market value that is less than the donor's tax basis generally are deductible at the fair market value of the property.

Enhanced deduction rules for certain contributions of inventory and other property

Although most charitable contributions of property are valued at fair market value or the donor's tax basis in the property, certain statutorily described contributions of appreciated inventory and other property qualify for an enhanced deduction valuation that exceeds the donor's tax basis in the property, but which is less than the fair market value of the property.

As discussed above, a taxpayer's deduction for charitable contributions of inventory property generally is limited to the taxpayer's basis (typically, cost) in the inventory, or if less, the fair market value of the property. For certain contributions of inventory, however, C corporations (but not other taxpayers) may claim an enhanced deduction equal to the lesser of (1) basis plus one-half of the item's appreciation (i.e., basis plus one-half of fair market value in excess of basis) or (2) two times basis.²⁰³ To be eligible

for the enhanced deduction value, the contributed property generally must be inventory of the taxpayer, contributed to a charitable organization described in section 501(c)(3) (except for private nonoperating foundations), and the donee must (1) use the property consistent with the donee's exempt purpose solely for the care of the ill, the needy, or infants, (2) not transfer the property in exchange for money, other property, or services, and (3) provide the taxpayer a written statement that the donee's use of the property will be consistent with such requirements.²⁰⁴ Contributions to organizations that are not described in section 501(c)(3), such as governmental entities, do not qualify for this enhanced deduction.

To use the enhanced deduction provision, the taxpayer must establish that the fair market value of the donated item exceeds basis.

A taxpayer engaged in a trade or business, whether or not a C corporation, is eligible to claim the enhanced deduction for certain donations of food inventory.²⁰⁵

Selected statutory rules for specific types of contributions

Special statutory rules limit the deductible value (and impose enhanced reporting obligations on donors) of charitable contributions of certain types of property, including vehicles, intellectual property, and clothing and household items. Each of these rules was enacted in response to concerns that some taxpayers did not accurately report—and in many instances overstated—the value of the property for purposes of claiming a charitable deduction.

Vehicle donations.—Under present law, the amount of deduction for charitable contributions of vehicles (generally including automobiles, boats, and airplanes for which the claimed value exceeds \$500 and excluding inventory property) depends upon the use of the vehicle by the donee organization. If the donee organization sells the vehicle without any significant intervening use or material improvement of such vehicle by the organization, the amount of the deduction may not exceed the gross proceeds received from the sale. In other situations, a fair market value deduction may be allowed.

Patents and other intellectual property.—If a taxpayer contributes a patent or other intellectual property (other than certain copyrights or inventory)²⁰⁶ to a charitable organization, the taxpayer's initial charitable deduction is limited to the lesser of the taxpayer's basis in the contributed property or the fair market value of the property.²⁰⁷ In addition, the taxpayer generally is permitted to deduct, as a charitable contribution, certain additional amounts in the year of contribution or in subsequent taxable years based on a specified percentage of the qualified donee income received or accrued by the charitable donee with respect to the contributed intellectual property. For this purpose, qualified donee income includes net income received or accrued by the donee that properly is allocable to the intellectual property itself (as opposed to the activity in which the intellectual property is used).²⁰⁸

Clothing and household items.—Charitable contributions of clothing and household items generally are subject to the charitable deduction rules applicable to tangible personal property. If such contributed property is appreciated property in the hands of the taxpayer, and is not used to further the donee's exempt purpose, the deduction is limited to basis. In most situations, however, clothing and household items have a fair market value that is less than the taxpayer's basis in the property. Because property with a fair market value less than basis generally is deductible at the property's fair market value, taxpayers generally may deduct only the fair market value of most contributions of clothing or household items, regardless of whether the property is used for exempt or unrelated purposes by the donee organization. Furthermore, a special rule generally provides that no deduction is allowed for a charitable contribution of clothing or a household item unless the item is in good used or better condition. The Secretary is authorized to deny by regulation a deduction for any contribution of clothing or a household item that has minimal monetary value, such as used socks and used undergarments. Notwithstanding the general rule, a charitable contribution of clothing or household items not in good used or better condition with a claimed value of more than \$500 may be deducted if the taxpayer includes with the taxpayer's return a qualified appraisal with respect to the property.²⁰⁹ Household items include furniture, furnishings, electronics, appliances, linens, and other similar items. Food, paintings, antiques, and other objects of art, jewelry and gems, and certain collections are excluded from the special rules described in the preceding paragraph.²¹⁰

College athletic seating rights.—In general, where a taxpayer receives or expects to receive a substantial return benefit for a payment to charity, the payment is not deductible as a charitable contribution. However, special rules apply to certain payments to institutions of higher education in exchange for which the payor receives the right to purchase tickets or seating at an athletic event. Specifically, the payor may treat 80 percent of a payment as a charitable contribution where: (1) the amount is paid to or for the benefit of an institution of higher education (as defined in section 3304(f)) described in section (b)(1)(A)(ii) (generally, a school with a regular faculty and curriculum and meeting certain other requirements), and (2) such amount would be allowable as a charitable deduction but for the fact that the taxpayer receives (directly or indirectly) as a result of the payment the right to purchase tickets for seating at an athletic event in an athletic stadium of such institution.²¹¹

2004, and are effective for contributions made after June 3, 2004. For a more detailed description of these rules, see Joint Committee on Taxation, *General Explanation of Tax Legislation Enacted in the 108th Congress* (JCS-5-05), May 2005, pp. 457-461.

²⁰⁹ As is discussed above, the charitable contribution substantiation rules generally require a qualified appraisal where the claimed value of a contribution is more than \$5,000.

²¹⁰ The special rules concerning the deductibility of clothing and household items were enacted as part of the Pension Protection Act of 2006, P.L. 109-280 (August 17, 2006), and are effective for contributions made after August 17, 2006. For a more detailed description of these rules, see Joint Committee on Taxation, *General Explanation of Tax Legislation Enacted in the 109th Congress* (JCS-1-07), January 17, 2007, pp. 597-600.

²¹¹ Sec. 170(l).

that would have been long-term capital gain. Sec. 170(e)(1)(A).

¹⁹⁷ Sec. 170(e). Special rules, discussed below, apply for certain contributions of inventory and other property.

¹⁹⁸ Sec. 170(e)(1)(B)(i)(I).

¹⁹⁹ Sec. 170(e)(1)(B)(ii). Certain contributions of patents or other intellectual property also generally are limited to the donor's basis in the property. Sec. 170(e)(1)(B)(iii). However, a special rule permits additional charitable deductions beyond the donor's tax basis in certain situations.

²⁰⁰ Sec. 170(e)(5).

²⁰¹ Sec. 170(e)(5)(B).

²⁰² Sec. 170(e)(5)(C).

²⁰³ Sec. 170(e)(3).

²⁰⁴ Sec. 170(e)(3)(A)(i)-(iii).

²⁰⁵ Sec. 170(e)(3)(C).

²⁰⁶ Under present and prior law, certain copyrights are not considered capital assets, such that the charitable deduction for such copyrights generally is limited to the taxpayer's basis. See sec. 1221(a)(3), 1231(b)(1)(C).

²⁰⁷ Sec. 170(e)(1)(B)(iii).

²⁰⁸ The present-law rules allowing additional charitable deductions for qualified donee income were enacted as part of the American Jobs Creation Act of

Use of a vehicle when volunteering for a charity

Unreimbursed out-of-pocket expenditures made incident to providing donated services to a qualified charitable organization—such as out-of-pocket transportation expenses necessarily incurred in performing donated services—may qualify as a charitable contribution.²¹² No charitable contribution deduction is allowed for traveling expenses (including expenses for meals and lodging) while away from home, whether paid directly or by reimbursement, unless there is no significant element of personal pleasure, recreation, or vacation in such travel.²¹³

In determining the amount treated as a charitable contribution where a taxpayer operates a vehicle in providing donated services to a charity, the taxpayer either may track and deduct actual out-of-pocket expenditures or, in the case of a passenger automobile, may use the charitable standard mileage rate. The charitable standard mileage rate is set by statute at 14 cents per mile.²¹⁴ The taxpayer may also deduct (under either computation method), any parking fees and tolls incurred in rendering the services, but may not deduct any amount (regardless of the computation method used) for general repair or maintenance expenses, depreciation, insurance, registration fees, etc. Regardless of the computation method used, the taxpayer must keep reliable written records of expenses incurred. For example, where a taxpayer uses the charitable standard mileage rate to determine a deduction, the IRS has stated that the taxpayer generally must maintain records of miles driven, time, place (or use), and purpose of the mileage. If the charitable standard mileage rate is not used to determine the deduction, the taxpayer generally must maintain reliable written records of actual expenses incurred.²¹⁵

Substantiation and other formal requirements

In general

A donor who claims a deduction for a charitable contribution must maintain reliable written records regarding the contribution, regardless of the value or amount of such contribution.²¹⁶ In the case of a charitable contribution of money, regardless of the amount, applicable recordkeeping requirements are satisfied only if the donor maintains as a record of the contribution a bank record or a written communication from the donee showing the name of the donee organization, the date of the contribution, and the amount of the contribution. In such cases, the recordkeeping requirements may not be satisfied by maintaining other written records.

No charitable contribution deduction is allowed for a separate contribution of \$250 or

more unless the donor obtains a contemporaneous written acknowledgement of the contribution from the charity indicating whether the charity provided any good or service (and an estimate of the value of any such good or service) to the taxpayer in consideration for the contribution.²¹⁷

In addition, any charity receiving a contribution exceeding \$75 made partly as a gift and partly as consideration for goods or services furnished by the charity (a “quid pro quo” contribution) is required to inform the contributor in writing of an estimate of the value of the goods or services furnished by the charity and that only the portion exceeding the value of the goods or services is deductible as a charitable contribution.²¹⁸

If the total charitable deduction claimed for noncash property is more than \$500, the taxpayer must attach a completed Form 8283 (Noncash Charitable Contributions) to the taxpayer's return or the deduction is not allowed.²¹⁹ In general, taxpayers are required to obtain a qualified appraisal for donated property with a value of more than \$5,000, and to attach an appraisal summary to the tax return.

Exception for certain contributions reported by the donee organization

Subsection 170(f)(8)(D) provides an exception to the contemporaneous written acknowledgment requirement described above. Under the exception, a contemporaneous written acknowledgment is not required if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, that includes the same content. “[T]he section 170(f)(8)(D) exception is not available unless and until the Treasury Department and the IRS issue final regulations prescribing the method by which donee reporting may be accomplished.”²²⁰ No such final regulations have been issued.²²¹

HOUSE BILL

The provision makes the following modifications to the present law charitable deduction rules.

Increased percentage limit for contributions of cash to public charities

The provision increases the income-based percentage limit described in section 170(b)(1)(A) for certain charitable contribu-

²¹⁷ Such acknowledgement must include the amount of cash and a description (but not value) of any property other than cash contributed, whether the donee provided any goods or services in consideration for the contribution, and a good faith estimate of the value of any such goods or services. Sec. 170(f)(8).

²¹⁸ Sec. 6115.

²¹⁹ Sec. 170(f)(11).

²²⁰ See IRS, Notice of Proposed Rulemaking, Substantiation Requirement for Certain Contributions, REG-138344-13 (October 13, 2015), I.R.B. 2015-41 (pre-ample).

²²¹ In October 2015, the IRS issued proposed regulations that, if finalized, would have implemented the section 170(f)(8)(D) exception to the contemporaneous written acknowledgment requirement. The proposed regulations provided that a return filed by a donee organization under section 170(f)(8)(D) must include, in addition to the information generally required on a contemporaneous written acknowledgment: (1) the name and address of the donee organization; (2) the name and address of the donor; and (3) the taxpayer identification number of the donor. In addition, the return must be filed with the IRS (with a copy provided to the donor) on or before February 28 of the year following the calendar year in which the contribution was made. Under the proposed regulations, donee reporting would have been optional and would have been available solely at the discretion of the donee organization. The proposed regulations were withdrawn in January 2016. See Prop. Treas. Reg. sec. 1.170A-13(f)(18).

tions by an individual taxpayer of cash to public charities and certain other organizations from 50 percent to 60 percent.

Charitable mileage rate adjusted for inflation

The provision repeals the statutory charitable mileage rate and provides instead that the standard mileage rate used for determining the charitable contribution deduction shall be a rate which takes into account the variable costs of operating an automobile. The intent of the provision is to allow the IRS to determine, and make periodic adjustments to, the charitable standard mileage rate, taking into account the types of costs that are deductible under section 170 of the Code when operating a vehicle in connection with providing volunteer services (*i.e.*, generally, the out-of-pocket operating expenses (including gasoline and oil) directly related to the use of the automobile for such purposes).

Denial of charitable deduction for college athletic event seating rights

The provision amends section 170(1) to provide that no charitable deduction shall be allowed for any amount described in paragraph 170(1)(2), generally, a payment to an institution of higher education in exchange for which the payor receives the right to purchase tickets or seating at an athletic event, as described in greater detail above.

Repeal of substantiation exception for certain contributions reported by the donee organization

The provision repeals the section 170(f)(8)(D) exception to the contemporaneous written acknowledgment requirement.

Effective date.—The provision is effective for contributions made in taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment includes three of the House bill's four modifications to the present-law charitable contribution rules: (1) the increase in the percentage limit for charitable contributions of cash to public charities; (2) the denial of a charitable deduction for payments made in exchange for college athletic event seating rights; and (3) the repeal of the substantiation exception for certain contributions reported by the donee organization.

The Senate amendment does not include the provision from the House bill that allows the charitable standard mileage rate to be adjusted for inflation.

Effective date.—The provisions that increase the charitable contribution percentage limit and deny a deduction for stadium seating payments are effective for contributions made in taxable years beginning after December 31, 2017. The provision that repeals the substantiation exception for certain contributions reported by the donee organization is effective for contributions made in taxable years beginning after December 31, 2016.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

6. Repeal of Certain Miscellaneous Itemized Deductions Subject to the Two-Percent Floor (secs. 1307 and 1312 of the House bill, sec. 11045 of the Senate amendment, and secs. 62, 67 and 212 of the Code)

PRESENT LAW

Individuals may claim itemized deductions for certain miscellaneous expenses. Certain of these expenses are not deductible unless, in aggregate, they exceed two percent of the taxpayer's adjusted gross income (“AGI”).²²²

²²² Sec. 67(a).

²¹² Treas. Reg. sec. 1.170A-1(g).

²¹³ Sec. 170(j).

²¹⁴ Sec. 170(i).

²¹⁵ In lieu of actual operating expenses, an optional standard mileage rate may be used in computing deductible transportation expenses for medical purposes (section 213) or for work-related moving (section 217). The standard mileage rates for medical and moving purposes generally cover only out-of-pocket operating expenses (including gasoline and oil) directly related to the use of the automobile. Such rates do not include costs that are not deductible for medical or moving purposes, such as general maintenance expenses, depreciation, insurance, and registration fees. The medical and moving standard mileage rates are determined by the IRS and updated periodically. For expenses paid or incurred on or after January 1, 2017, the rate for both such purposes is 17 cents per mile. IRS Notice 2016-79.

²¹⁶ Sec. 170(f)(17).

The deductions described below are subject to the aggregate two-percent floor.²²³

Expenses for the production or collection of income

Individuals may deduct all ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income.²²⁴

Present law and IRS guidance provide examples of items that may be deducted under this provision. This non-exhaustive list includes:²²⁵

- Appraisal fees for a casualty loss or charitable contribution;
- Casualty and theft losses from property used in performing services as an employee;
- Clerical help and office rent in caring for investments;
- Depreciation on home computers used for investments;
- Excess deductions (including administrative expenses) allowed a beneficiary on termination of an estate or trust;
- Fees to collect interest and dividends;
- Hobby expenses, but generally not more than hobby income;
- Indirect miscellaneous deductions from pass-through entities;
- Investment fees and expenses;
- Loss on deposits in an insolvent or bankrupt financial institution;
- Loss on traditional IRAs or Roth IRAs, when all amounts have been distributed;
- Repayments of income;
- Safe deposit box rental fees, except for storing jewelry and other personal effects;
- Service charges on dividend reinvestment plans; and
- Trustee's fees for an IRA, if separately billed and paid.

Tax preparation expenses

For regular income tax purposes, individuals are allowed an itemized deduction for expenses for the production of income. These expenses are defined as ordinary and necessary expenses paid or incurred in a taxable year: (1) for the production or collection of income; (2) for the management, conservation, or maintenance of property held for the production of income; or (3) in connection with the determination, collection, or refund of any tax.²²⁶

Unreimbursed expenses attributable to the trade or business of being an employee

In general, unreimbursed business expenses incurred by an employee are deductible, but only as an itemized deduction and only to the extent the expenses exceed two percent of adjusted gross income.²²⁷

Present law and IRS guidance provide examples of items that may be deducted under this provision. This non-exhaustive list includes:²²⁸

- Business bad debt of an employee;
- Business liability insurance premiums;
- Damages paid to a former employer for breach of an employment contract;
- Depreciation on a computer a taxpayer's employer requires him to use in his work;
- Dues to a chamber of commerce if membership helps the taxpayer perform his job;
- Dues to professional societies;

- Educator expenses;²²⁹
- Home office or part of a taxpayer's home used regularly and exclusively in the taxpayer's work;
- Job search expenses in the taxpayer's present occupation;
- Laboratory breakage fees;
- Legal fees related to the taxpayer's job;
- Licenses and regulatory fees;
- Malpractice insurance premiums;
- Medical examinations required by an employer;
- Occupational taxes;
- Passport fees for a business trip;
- Repayment of an income aid payment received under an employer's plan;
- Research expenses of a college professor;
- Rural mail carriers' vehicle expenses;
- Subscriptions to professional journals and trade magazines related to the taxpayer's work;
- Tools and supplies used in the taxpayer's work;
- Purchase of travel, transportation, meals, entertainment, gifts, and local lodging related to the taxpayer's work;
- Union dues and expenses;
- Work clothes and uniforms if required and not suitable for everyday use; and
- Work-related education.

Other miscellaneous itemized deductions subject to the two-percent floor

Other miscellaneous itemized deductions subject to the two-percent floor include:

- Repayments of income received under a claim of right (only subject to the two-percent floor if less than \$3,000);
- Repayments of Social Security benefits; and
- The share of deductible investment expenses from pass-through entities.

HOUSE BILL

The House bill repeals the deduction for expenses in connection with the determination, collection, or refund of any tax.

Under the provision, business expenses incurred by an employee are not deductible, other than expenses that are deductible in determining adjusted gross income (that is, above-the-line deductions).

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment suspends all miscellaneous itemized deductions that are subject to the two-percent floor under present law. Thus, under the provision, taxpayers may not claim the above-listed items as itemized deductions for the taxable years to which the suspension applies. The provision does not apply for taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

7. Repeal of deduction for medical expenses (sec. 1308 of the House bill, sec. 11028 of the Senate amendment and sec. 213 of the Code)

PRESENT LAW

Individuals may claim an itemized deduction for unreimbursed medical expenses, but only to the extent that such expenses exceed 10 percent of adjusted gross income.²³⁰ For

taxable years beginning before January 1, 2017, the 10-percent threshold is reduced to 7.5 percent in the case of taxpayers who have attained the age of 65 before the close of the taxable year. In the case of married taxpayers, the 7.5 percent threshold applies if either spouse has obtained the age of 65 before the close of the taxable year. For these taxpayers, during these years, the threshold is 10 percent for AMT purposes.

HOUSE BILL

The House bill repeals the deduction for unreimbursed medical expenses.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment provides that, for taxable years beginning after December 31, 2016 and ending before January 1, 2019, the threshold for deducting medical expenses shall be 7.5-percent for all taxpayers. For these years, this threshold applies for purposes of the AMT in addition to the regular tax.

Effective date.—The provision is effective for taxable years beginning after December 31, 2016.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

8. Repeal of deduction for alimony payments and corresponding inclusion in gross income (sec. 1309 of the House bill and secs. 61, 71, and 215 of the Code)

PRESENT LAW

Alimony and separate maintenance payments are deductible by the payor spouse and includible in income by the recipient spouse.²³¹ Child support payments are not treated as alimony.²³²

HOUSE BILL

Under the House bill, alimony and separate maintenance payments are not deductible by the payor spouse. The House bill repeals the Code provisions that specify that alimony and separate maintenance payments are included in income. Thus, the intent of the provision is to follow the rule of the United States Supreme Court's holding in *Gould v. Gould*,²³³ in which the Court held that such payments are not income to the recipient. Income used for alimony payments is taxed at the rates applicable to the payor spouse rather than the recipient spouse. The treatment of child support is not changed.

Effective date.—The provision is effective for any divorce or separation instrument executed after December 31, 2017, or for any divorce or separation instrument executed on or before December 31, 2017, and modified after that date, if the modification expressly provides that the amendments made by this section apply to such modification.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement generally follows the House bill. However, the conference agreement delays the effective date of the provision by one year. Thus, the conference agreement is effective for any divorce or separation instrument executed after December

²²³ The miscellaneous itemized deduction for tax preparation expenses is described in a separate section of this document.

²²⁴ Sec. 212(1).

²²⁵ See IRS Publication 529, "Miscellaneous Deductions" (2016), p. 9.

²²⁶ Sec. 212.

²²⁷ Secs. 62(a)(1) and 67.

²²⁸ See IRS Publication 529, "Miscellaneous Deductions" (2016), p. 3.

²²⁹ Under a special provision, these expenses are deductible "above the line" up to \$250.

²³⁰ Sec. 213. The threshold was amended by the Patient Protection and Affordable Care Act (Pub. L.

No. 111–118). For taxable years beginning before January 1, 2013, the threshold was 7.5 percent and 10 percent for alternative minimum tax ("AMT") purposes.

²³¹ Secs. 215(a), 61(a)(8) and 71(a).

²³² Sec. 71(c).

²³³ 245 U.S. 151 (1917).

31, 2018, or for any divorce or separation instrument executed on or before December 31, 2018, and modified after that date, if the modification expressly provides that the amendments made by this section apply to such modification.

9. Repeal of deduction for moving expenses (sec. 1310 of the House bill, sec. 11050 of the Senate amendment, and sec. 217 of the Code)

PRESENT LAW

Individuals are permitted an above-the-line deduction for moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee or as a self-employed individual at a new principal place of work.²³⁴ Such expenses are deductible only if the move meets certain conditions related to distance from the taxpayer's previous residence and the taxpayer's status as a full-time employee in the new location.

Special rules apply in the case of a member of the Armed Forces of the United States. In the case of any such individual who is on active duty, who moves pursuant to a military order and incident to a permanent change of station, the limitations related to distance from the taxpayer's previous residence and status as a full-time employee in the new location do not apply.²³⁵ Additionally, any moving and storage expenses which are furnished in kind to such an individual, spouse, or dependents, or if such expenses are reimbursed or an allowance for such expenses is provided, such amounts are excluded from gross income.²³⁶ Rules also apply to exclude amounts furnished to the spouse and dependents of such an individual in the event that such individuals move to a location other than to where the member of the Armed Forces is moving.

Present law provides income exclusions for various benefits provided to members of the Armed Forces.²³⁷

HOUSE BILL

The House bill generally repeals the deduction for moving expenses. The provision intends to retain tax benefits for the moving expenses of members of the Armed Forces of the United States.²³⁸ Thus, the provision retains the special rules under present law that provide an exclusion for amounts attributable to in-kind moving and storage expenses (and reimbursements or allowances for these expenses) for members of the Armed Forces (or their spouse or dependents) on active duty that move pursuant to a military order and incident to a permanent change of station.²³⁹

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment generally suspends the deduction for moving expenses for taxable years 2018 through 2025. However, during that suspension period, the provision retains the deduction for moving expenses and the rules providing for exclusions of amounts attributable to in-kind moving and storage expenses (and reimbursements or allowances for these expenses) for members of the

Armed Forces (or their spouse or dependents) on active duty that move pursuant to a military order and incident to a permanent change of station.

The suspension of the deduction for moving expenses does not apply to taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

10. Termination of deduction and exclusions for contributions to medical savings accounts (sec. 1311 of the House bill, secs. 106(b) and 220 of the Code)

PRESENT LAW

Archer MSAs

As of 1997, certain individuals are permitted to contribute to an Archer MSA, which is a tax-exempt trust or custodial account.²⁴⁰ Within limits, contributions to an Archer MSA are deductible in determining adjusted gross income if made by an individual and are excludable from gross income for income tax purposes and wages for employment tax²⁴¹ purposes if made by the employer of an individual.²⁴²

An individual is generally eligible for an Archer MSA if the individual is covered by a high deductible health plan and no other health plan other than a plan that provides certain permitted insurance or permitted coverage. In addition, the individual either must be an employee of a small employer (generally an employer with 50 or fewer employees on average) that provides the high deductible health plan or must be self-employed or the spouse of a self-employed individual and the high deductible health plan is not provided by the employer of the individual or spouse.

For 2017, a high deductible health plan for purposes of Archer MSA eligibility is a health plan with an annual deductible of at least \$2,250 and not more than \$3,350 in the case of self-only coverage and at least \$4,500 and not more than \$6,750 in the case of family coverage. In addition, for 2017, the maximum out-of-pocket expenses with respect to allowed costs must be no more than \$4,500 in the case of self-only coverage and no more than \$8,250 in the case of family coverage. Out-of-pocket expenses include deductibles, co-payments, and other amounts (other than premiums) that the individual must pay for covered benefits under the plan. A plan does not fail to qualify as a high deductible health plan if substantially all of the coverage under the plan is certain permitted insurance or is coverage (whether provided through insurance or otherwise) for accidents, disability, dental care, vision care, or long-term care.

The maximum annual contribution that can be made to an Archer MSA for a year is 65 percent of the annual deductible under the individual's high deductible health plan in the case of self-only coverage (65 percent of \$3,350 for 2017) and 75 percent of the annual deductible in the case of family coverage (75 percent of \$6,750 for 2017), but in no case more than the individual's compensation income. In addition, the maximum contribution can be made only if the individual is covered by the high deductible health plan for the full year.

²⁴⁰ Archer MSAs were originally called medical savings accounts or MSAs.

²⁴¹ The FICA exclusion is provided under IRS Notice 96-53.

²⁴² Sections 106(b) and 220.

Distributions from an Archer MSA for qualified medical expenses are not includible in gross income. Distributions not used for qualified medical expenses are includible in gross income and subject to an additional 20-percent tax unless an exception applies. A distribution from an Archer MSA may be rolled over on a nontaxable basis to another Archer MSA or to a health savings account and does not count against the contribution limits.

After 2007, no new contributions can be made to Archer MSAs except by or on behalf of individuals who previously had made Archer MSA contributions and employees of small employers that previously contributed to Archer MSAs (or at least 20 percent of whose employees who were previously eligible to contribute to Archer MSAs did so).

Health savings accounts

As of 2004, an individual with a high deductible health plan (and no other health plan other than a plan that provides certain permitted insurance or permitted coverage) generally may contribute to a health savings account ("HSA"), which is a tax-exempt trust or custodial account. HSAs provide similar tax-favored savings treatment as Archer MSAs. That is, within limits, contributions to an HSA are deductible in determining adjusted gross income if made by an individual and are excludable from gross income for income tax purposes and wages for employment tax²⁴³ purposes if made by the employer of an individual, and distributions for qualified medical expenses are not includible in gross income.²⁴⁴ However, the rules for HSAs are in various aspects more favorable than the rules for Archer MSAs. For example, the availability of HSAs is not limited to employees of small employers or self-employed individuals and their spouses.

For 2017, a high deductible health plan for purposes of HSA eligibility is a health plan with an annual deductible of at least \$1,300 in the case of self-only coverage and at least \$2,600 in the case of family coverage. In addition, for 2017, the sum of the deductible and the maximum out-of-pocket expenses with respect to allowed costs must be no more than \$6,550 in the case of self-only coverage and no more than \$13,100 in the case of family coverage. A plan does not fail to qualify as a high deductible health plan for HSA purposes merely because it does not have a deductible for preventive care.

For 2017, the maximum aggregate annual contribution that can be made to an HSA is \$3,400 in the case of self-only coverage and \$6,750 in the case of family coverage. The annual contribution limits are increased by \$1,000 for individuals who have attained age 55 by the end of the taxable year (referred to as "catch-up contributions"). The maximum amount that an individual make contribute is reduced by the amount of any contributions to the individual's Archer MSA and any excludable HSA contributions made by the individual's employer. In some cases, an individual may make the maximum HSA contribution, even if the individual is covered by the high deductible health plan for only part of the year. A distribution from an HSA may be rolled over on a nontaxable basis to another HSA and does not count against the contribution limits.

HOUSE BILL

Under the provision, contributions to Archer MSAs for taxable years beginning after

²³⁴ Sec. 217(a).

²³⁵ Sec. 217(g).

²³⁶ Sec. 217(g)(2).

²³⁷ Sec. 134.

²³⁸ A technical amendment may be needed to reflect this intent for the deduction for moving expenses for members of the Armed Forces.

²³⁹ Under the provision, these exclusions are added to section 134.

²⁴³ The FICA exclusion is provided under IRS Notice 2004-2.

²⁴⁴ Secs. 106(d) and 223.

December 31, 2017, are not deductible or excludible from gross income and wages.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not contain the House bill provision.

11. Denial of deduction for performing artists and certain officials; Modification of deduction for educator expenses (sec. 1312 of the House bill, sec. 11032 of the Senate amendment and sec. 62 of the Code)

PRESENT LAW

In general, unreimbursed business expenses incurred by an employee are deductible, but only as an itemized deduction and only to the extent the expenses exceed two percent of adjusted gross income.²⁴⁵ However, in the case of certain employees and certain expenses, a deduction may be taken in determining adjusted gross income (referred to as an “above-the-line” deduction), including expenses of qualified performing artists, expenses of State or local government officials performing services on a fee basis, and expenses of eligible educators.²⁴⁶

Eligible educators are elementary or secondary school teachers, instructors, counselors, principals, or aides in a school for at least 900 hours during a school year.²⁴⁷ An eligible educator may take an “above-the-line” deduction for ordinary and necessary expenses incurred (1) by reason of participation in professional development courses related to the curriculum or students the educator teaches, or (2) in connection with books, supplies, computer and other equipment, and supplementary materials to be used in the classroom. The deduction may not exceed \$250 (for 2017) in expenses, and is indexed for inflation.

HOUSE BILL

The House bill repeals the present-law provisions allowing for above-the-line deductions for expenses of qualified performing artists, expenses of State or local government officials performing services on a fee basis, and expenses of eligible educators.²⁴⁸

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment temporarily increases the limit for the deduction of certain expenses of eligible educators, in determining adjusted gross income, to \$500. Any deduction for expenses in excess of this amount (under present law generally a miscellaneous itemized deduction subject to the two-percent floor) is suspended.²⁴⁹

The provision does not apply to taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision or the Senate amendment provision and retains the present-law above-the-line deduction and limit for certain expenses of eligible educators.

12. Suspension of exclusion for qualified bicycle commuting reimbursement (sec. 11048 of the Senate amendment and secs. 132(f) of the Code)

PRESENT LAW

Qualified bicycle commuting reimbursements of up to \$20 per qualifying bicycle commuting month are excludible from an employee's gross income²⁵⁰. A qualifying bicycle commuting month is any month during which the employee regularly uses the bicycle for a substantial portion of travel to a place of employment and during which the employee does not receive transportation in a commuter highway vehicle, a transit pass, or qualified parking from an employer.

Qualified reimbursements are any amount received from an employer during a 15-month period beginning with the first day of the calendar year as payment for reasonable expenses during a calendar year. Reasonable expenses are those incurred in a calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if the bicycle is regularly used for travel between the employee's residence and place of employment.

Amounts that are excludible from gross income for income tax purposes are also excluded from wages for employment tax purposes.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision suspends the exclusion from gross income and wages for qualified bicycle commuting reimbursements. The exclusion does not apply to taxable years beginning after December 31, 2017 and before January 1, 2026.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

13. Limitation on exclusion for employer-provided housing (sec. 1401 of the House bill and sec. 119 of the Code)

PRESENT LAW

The value of lodging furnished to an employee, spouse, or dependents by or on behalf of an employer for the convenience of the employer (referred to as “employer-provided lodging”) is excludible from the employee's gross income, but only if the employee is required to accept the lodging on the business premises of the employer as a condition of employment.²⁵¹ Special rules apply with respect to employees living in foreign camps²⁵² and lodging furnished by certain educational institutions to employees.²⁵³ Amounts attributable to employer-provided lodging that are excludible from gross income for income tax purposes are also excluded from wages for employment tax purposes.

HOUSE BILL

The provision limits the amount that may be excluded from gross income for employer-

provided lodging to \$50,000 (\$25,000 in the case of a married individual filing a separate return), subject to a phase-out based on the employee's level of compensation. The exclusion is phased out by \$1 for every \$2 earned above the indexed compensation threshold. For 2017, this compensation threshold is \$120,000.²⁵⁴ The provision also denies any exclusion for employer-provided housing provided to 5% owners,²⁵⁵ regardless of their compensation level.

In addition, the exclusion does not apply to more than one residence at any given time. In the case of spouses filing a joint return, the one residence limit may be applied separately to each spouse for a period during which the spouses reside in separate residences provided in connection with their respective employments.

Those amounts that are not excludible from gross income for income tax purposes will also not be excluded from wages for employment tax purposes.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

14. Modification of exclusion of gain on sale of a principal residence (sec. 1402 of the House bill, sec. 11047 of the Senate amendment, and sec. 121 of the Code)

PRESENT LAW

A taxpayer who is an individual may exclude up to \$250,000 (\$500,000 if married filing a joint return) of gain realized on the sale or exchange of a principal residence. To be eligible for the exclusion, the taxpayer must have owned and used the residence as a principal residence for at least two of the five years ending on the date of the sale or exchange. A taxpayer who fails to meet these requirements by reason of a change of place of employment, health, or, to the extent provided under regulations, unforeseen circumstances, is able to exclude an amount equal to the fraction of the \$250,000 (\$500,000 if married filing a joint return) that is equal to the fraction of the two years that the ownership and use requirements are met.

The exclusion under this provision may not be claimed for more than one sale or exchange during any two-year period.

HOUSE BILL

The provision extends the length of time a taxpayer must own and use a residence to qualify for this exclusion. Specifically, the exclusion is available only if the taxpayer has owned and used the residence as a principal residence for at least five of the eight years ending on the date of the sale or exchange. A taxpayer who fails to meet these requirements by reason of a change of place of employment, health, or, to the extent provided under regulations, unforeseen circumstances is able to exclude an amount equal to the fraction of the \$250,000 (\$500,000 if married filing a joint return) that is equal to the fraction of the five years that the ownership and use requirements are met.

The provision limits the exclusion so that the exclusion may not apply to more than one sale or exchange during any five-year period.

The provision phases-out the exclusion by one dollar for every dollar a taxpayer's AGI

²⁴⁵ Secs. 62(a)(1) and 67.

²⁴⁶ Sec. 62(a)(2)(B), (C), and (D). Under section 62(a)(2)(A) and (C), certain reimbursements of employee business expenses are excluded from income. Under section 62(a)(2)(E), an above-the-line deduction applies to expenses of members of a reserve component of the Armed Forces.

²⁴⁷ Sec. 62(d)(1).

²⁴⁸ The provision retains the present-law provisions under which certain reimbursements of employee business expenses are excluded from income and under which an above-the-line deduction applies to expenses of members of a reserve component of the Armed Forces.

²⁴⁹ Sec. 11045 of the Senate amendment.

²⁵⁰ Section 132(a)(5) and 132(f)(1)(D).

²⁵¹ Sec. 119(a).

²⁵² Sec. 119(c).

²⁵³ Sec. 119(d).

²⁵⁴ The compensation threshold is that amount in effect under section 414(q)(1)(B)(i).

²⁵⁵ As defined in section 416(i)(1)(B)(i).

exceeds \$250,000 (\$500,000 if married filing a joint return). For purposes of this provision, AGI is measured using the average of the taxpayer's AGI in the year of sale (excluding any income from the sale of the home) and the prior two taxable years before the sale.

Effective date.—The provision is effective for sales and exchanges after December 31, 2017.

SENATE AMENDMENT

The Senate amendment generally follows the House bill, but does not include the provision that phases out the exclusion for AGI in excess of \$250,000 (\$500,000 if married filing a joint return). The Senate amendment does not apply to taxable years beginning after December 31, 2025.

Effective date.—The provision is effective for sales and exchanges after December 31, 2017.

CONFERENCE AGREEMENT

No provision.

15. Sunset of exclusion for dependent care assistance programs (sec. 1404 of the House bill and sec. 129 of the Code)

PRESENT LAW

An exclusion from the gross income of an employee of up to \$5,000 annually for employer-provided dependent care assistance²⁵⁶ is allowed if the assistance is provided pursuant to a separate written plan of an employer that does not discriminate in favor of highly compensated employees²⁵⁷ and meets certain other requirements. The amount excludible cannot exceed the earned income of the employee or, if the employee is married, the lesser of the earned income of the employee or the earned income of the employee's spouse. Amounts attributable to dependent care assistance that are excludible from gross income for income tax purposes are also excludible from wages for employment tax purposes.

HOUSE BILL

The provision repeals the deduction for qualified tuition and related expenses.

Effective date.—The provision terminates the exclusions from gross income and wages for dependent care assistance programs for taxable years beginning after December 31, 2022.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

16. Repeal of exclusion for qualified moving expense reimbursement (sec. 1405 of the House bill, sec. 11049 of the Senate amendment, and sec. 132(g) of the Code)

PRESENT LAW

Qualified moving expense reimbursements are excluded from an employee's gross income,²⁵⁸ and are defined as any amount received (directly or indirectly) from an employer as payment for (or reimbursement of) expenses which would be deductible as moving expenses under section 217²⁵⁹ if directly

paid or incurred by the employee. However, any such amount actually deducted by the individual is not eligible for this exclusion. Amounts that are excludible from gross income for income tax purposes are also excluded from wages for employment tax purposes.

HOUSE BILL

The provision repeals the exclusion from gross income and wages for qualified moving expense reimbursements except in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill except that the exclusion does not apply to taxable years beginning after December 31, 2017 and before January 1, 2026.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

17. Repeal of exclusion for adoption assistance programs (sec. 1406 of the House bill and sec. 137 of the Code)

PRESENT LAW

An exclusion from an employee's gross income is allowed for qualified adoption expenses paid or reimbursed by an employer, if such amounts are furnished pursuant to an adoption assistance program.²⁶⁰ For 2017, the maximum exclusion amount is \$13,570, and is phased out ratably for taxpayers with modified adjusted gross income ("AGI") above a certain amount. In 2017, the phase out range begins at modified AGI of \$203,540, with no exclusion when modified AGI equals or exceeds \$243,540. Modified AGI is the sum of the taxpayer's AGI plus amounts excluded from income under sections 911, 931, and 933 (relating to the exclusion of income of U.S. citizens or residents living abroad; residents of Guam, American Samoa, and the Northern Mariana Islands and residents of Puerto Rico, respectively).

In the case of adoption of a child with special needs that is finalized during a taxable year, the taxpayer may claim as an exclusion the amount of the maximum exclusion minus the aggregate qualified adoption expenses with respect to that adoption for all prior taxable years.

Qualified adoption expenses are reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are: (1) directly related to, and the principal purpose of which is for, the legal adoption of an eligible child by the taxpayer; (2) not incurred in violation of State or Federal law, or in carrying out any surrogate parenting arrangement; (3) not for the adoption of the child of the taxpayer's spouse; and (4) not reimbursed (e.g., by an employer).²⁶¹

For the exclusion to apply, certain requirements must be satisfied, including satisfaction of nondiscrimination rules and providing employees with reasonable notification

work by the taxpayer as an employee or as a self-employed individual at a new principal place of work.²⁵⁹ Such expenses are deductible only if the move meets certain conditions related to distance from the taxpayer's previous residence and the taxpayer's status as a full-time employee in the new location.

²⁶⁰ Sec. 137(a).

²⁶¹ Sec. 23(d)(1).

tion of the availability and terms of the program.²⁶²

Adoption expenses paid or reimbursed by the employer under an adoption assistance program are not eligible for the adoption credit under section 23. A taxpayer may be eligible for the adoption credit (with respect to qualified adoption expenses he or she incurs) and also for the exclusion (with respect to different qualified adoption expenses paid or reimbursed by his or her employer).

HOUSE BILL

The provision repeals the exclusion from gross income for adoption assistance programs.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

E. Simplification and Reform of Savings, Pensions, Retirement

1. Repeal of special rule permitting recharacterization of IRA contributions (sec. 1501 of the House bill, sec. 13611 of the Senate amendment, and sec. 408A of the Code)

PRESENT LAW

Individual retirement arrangements

There are two basic types of individual retirement arrangements ("IRAs") under present law: traditional IRAs,²⁶³ to which both deductible and nondeductible contributions may be made,²⁶⁴ and Roth IRAs, to which only nondeductible contributions may be made.²⁶⁵ The principal difference between these two types of IRAs is the timing of income tax inclusion.

An annual limit applies to contributions to IRAs. The contribution limit is coordinated so that the aggregate maximum amount that can be contributed to all of an individual's IRAs (both traditional and Roth) for a taxable year is the lesser of a certain dollar amount (\$5,500 for 2017) or the individual's compensation. In the case of a married couple, contributions can be made up to the dollar limit for each spouse if the combined compensation of the spouses is at least equal to the contributed amount. The dollar limit is increased annually ("indexed") as needed to reflect increases in the cost-of living. An individual who has attained age 50 before the end of the taxable year may also make catch-up contributions up to \$1,000 to an IRA. The IRA catch-up contribution limit is not indexed.

Traditional IRAs

An individual may make deductible contributions to a traditional IRA up to the IRA contribution limit (reduced by any contributions to Roth IRAs) if neither the individual nor the individual's spouse is an active participant in an employer-sponsored retirement plan. If an individual (or the individual's spouse) is an active participant in an

²⁶² The employer's adoption assistance program must not discriminate in favor of highly compensated employees, within the meaning of Sec. 414(q). In addition, no more than five percent of the amounts paid or incurred by the employer during the year for qualified adoption expenses under an adoption assistance program can be provided for the class of individuals consisting of more-than-five-percent owners of the employer and the spouses or dependents of such more-than-five-percent owners.

²⁶³ Sec. 408.

²⁶⁴ Secs. 219(a) and 408(o).

²⁶⁵ Sec. 408A.

²⁵⁶ Sec. 129(a).

²⁵⁷ Section 129(d). The exclusion applies if the contributions or benefits under the program do not discriminate in favor of highly compensated employees, within the meaning of Sec. 414(q), or their dependents, and the program benefits employees under a classification established by the employer found not to be discriminatory in favor of such highly compensated employees or their dependents.

²⁵⁸ Secs. 132(a)(6) and 132(g).

²⁵⁹ Individuals are allowed an itemized deduction for moving expenses paid or incurred during the taxable year in connection with the commencement of

employer-sponsored retirement plan, the deduction is phased out for taxpayers with adjusted gross income ("AGI") for the taxable year over certain indexed levels.²⁶⁶ To the extent an individual cannot or does not make deductible contributions to a traditional IRA or contributions to a Roth IRA for the taxable year, the individual may make nondeductible after-tax contributions to a traditional IRA (that is, no AGI limits apply), subject to the same contribution limits as the limits on deductible contributions, including catch-up contributions. An individual who has attained age 70½ before the close of a year is not permitted to make contributions to a traditional IRA for that year.

Amounts held in a traditional IRA are includible in income when withdrawn, except to the extent the withdrawal is a return of the individual's basis.²⁶⁷ All traditional IRAs of an individual are treated as a single contract for purposes of recovering basis in the IRAs.

Roth IRAs

Individuals with AGI below certain levels may make nondeductible contributions to a Roth IRA. The maximum annual contribution that can be made to a Roth IRA is phased out for taxpayers with AGI for the taxable year over certain indexed levels.²⁶⁸

Amounts held in a Roth IRA that are withdrawn as a qualified distribution are not includible in income. A qualified distribution is a distribution that (1) is made after the five-taxable-year period beginning with the first taxable year for which the individual first made a contribution to a Roth IRA, and (2) is made after attainment of age 59½, on account of death or disability, or is made for first-time homebuyer expenses of up to \$10,000.

Distributions from a Roth IRA that are not qualified distributions are includible in income to the extent attributable to earnings; amounts that are attributable to a return of contributions to the Roth IRA are not includible in income. All Roth IRAs are treated as a single contract for purposes of determining the amount that is a return of contributions.

Separation of traditional and Roth IRA accounts

Contributions to traditional IRAs and to Roth IRAs must be segregated into separate IRAs, meaning arrangements with separate trusts, accounts, or contracts, and separate IRA documents. Except in the case of a conversion or recharacterization, amounts cannot be transferred or rolled over between the two types of IRAs.

Taxpayers generally may convert an amount in a traditional IRA to a Roth IRA.²⁶⁹ The amount converted is includible in the taxpayer's income as if a withdrawal had been made.²⁷⁰ The conversion is accom-

plished by a trustee-to-trustee transfer of the amount from the traditional IRA to the Roth IRA, or by a distribution from the traditional IRA and contribution to the Roth IRA within 60 days.

Rollovers to IRAs of distributions from tax-favored employer-sponsored retirement plans (that is, qualified retirement plans, tax-deferred annuity plans, and governmental eligible deferred compensation plans²⁷¹) are also permitted. For tax-free rollovers, distributions from pretax accounts under an employer-sponsored plan generally must be contributed to a traditional IRA, and distributions from a designated Roth account under an employer-sponsored plan must be contributed only to a Roth IRA. However, a distribution from an employer-sponsored plan that is not from a designated Roth account is also permitted to be rolled over into a Roth IRA, subject to the rules that apply to conversions from a traditional IRA into a Roth IRA. Thus, a rollover from a tax-favored employer-sponsored plan to a Roth IRA is includible in gross income (except to the extent it represents a return of after-tax contributions).²⁷²

Recharacterization of IRA contributions

If an individual makes a contribution to an IRA (traditional or Roth) for a taxable year, the individual is permitted to recharacterize the contribution as a contribution to the other type of IRA (traditional or Roth) by making a trustee-to-trustee transfer to the other type of IRA before the due date for the individual's income tax return for that year.²⁷³ In the case of a recharacterization, the contribution will be treated as having been made to the transferee IRA (and not the original, transferor IRA) as of the date of the original contribution. Both regular contributions and conversion contributions to a Roth IRA can be recharacterized as having been made to a traditional IRA.

The amount transferred in a recharacterization must be accompanied by any net income allocable to the contribution. In general, even if a recharacterization is accomplished by transferring a specific asset, net income is calculated as a pro rata portion of income on the entire account rather than income allocable to the specific asset transferred. However, when doing a Roth conversion of an amount for a year, an individual may establish multiple Roth IRAs, for example, Roth IRAs with different investment strategies, and divide the amount being converted among the IRAs. The individual can then choose whether to recharacterize any of the Roth IRAs as a traditional IRA by transferring the entire amount in the particular Roth IRA to a traditional IRA.²⁷⁴ For example, if the value of the assets in a particular Roth IRA declines after the conversion, the conversion can be reversed by recharacterizing that IRA as a traditional IRA. The individual may then later convert that traditional IRA to a Roth IRA (referred to as a reconversion), including only the lower value

in income. Treasury regulations prevent the reconversion from taking place immediately after the recharacterization, by requiring a minimum period to elapse before the reconversion. Generally the reconversion cannot occur sooner than the later of 30 days after the recharacterization or a date during the taxable year following the taxable year of the original conversion.²⁷⁵

HOUSE BILL

The House bill repeals the special rule that allows IRA contributions to one type of IRA (either traditional or Roth) to be recharacterized as a contribution to the other type of IRA. Thus, for example, under the provision, a conversion contribution establishing a Roth IRA during a taxable year can no longer be recharacterized as a contribution to a traditional IRA (thereby unwinding the conversion).²⁷⁶

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment with a modification. Under the provision, the special rule that allows a contribution to one type of IRA to be recharacterized as a contribution to the other type of IRA does not apply to a conversion contribution to a Roth IRA. Thus, recharacterization cannot be used to unwind a Roth conversion. However, recharacterization is still permitted with respect to other contributions. For example, an individual may make a contribution for a year to a Roth IRA and, before the due date for the individual's income tax return for that year, recharacterize it as a contribution to a traditional IRA.²⁷⁷

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

2. Reduction in minimum age for allowable in-service distributions (sec. 1502 of the House bill and secs. 401 and 457 of the Code)

PRESENT LAW

Tax-favored employer-sponsored retirement plans consist of qualified retirement plans, including certain defined contribution plans that allow employees to make elective deferrals (a "section 401(k) plan"), tax-deferred annuity plans (a "section 403(b) plan"), which may also allow employees to make elective deferrals, and eligible deferred compensation plans of State and local government employers (a "governmental section 457(b) plan").²⁷⁸ The terms of an employer-sponsored retirement plan generally determine when distributions are permitted. However, in some cases, restrictions may apply to distribution before an employee's severance from employment, referred to as "in-service" distributions.

In-service distributions of elective deferrals (and related earnings) under a section

²⁶⁶ Sec. 219(g).

²⁶⁷ Basis results from after-tax contributions to traditional IRAs or rollovers to traditional IRAs of after-tax amounts from another eligible retirement plan.

²⁶⁸ Although an individual with AGI exceeding certain limits is not permitted to make a contribution directly to a Roth IRA, the individual can make a contribution to a traditional IRA and convert the traditional IRA to a Roth IRA, as discussed below.

²⁶⁹ Although an individual with AGI exceeding certain limits is not permitted to make a contribution directly to a Roth IRA, the individual can make a contribution to a traditional IRA and convert the traditional IRA to a Roth IRA.

²⁷⁰ Subject to various exceptions, distributions from an IRA before age 59½ that are includible in income are subject to a 10-percent early distribution

tax under section 72(t). An exception applies to an amount includible in income as a result of the conversion from a traditional IRA into a Roth IRA. However, the early distribution tax applies if the taxpayer withdraws the amount within five years of the conversion.

²⁷¹ Secs. 401(a), 403(a), 403(b) and 457(b).

²⁷² As in the case of a conversion of an amount from a traditional IRA to a Roth IRA, the special recapture rule relating to the 10-percent additional tax on early distributions applies for distributions made from the Roth IRA within a specified five-year period after the rollover.

²⁷³ Sec. 408A(d)(6).

²⁷⁴ Treas. Reg. sec. 1.408A-5, Q&A-2(b).

²⁷⁵ Treas. Reg. sec. 1.408A-5, Q&A-9.

²⁷⁶ The provision does not preclude an individual from making a contribution to a traditional IRA and converting the traditional IRA to a Roth IRA. Rather, the provision would preclude the individual from later unwinding the conversion through a recharacterization.

²⁷⁷ In addition, an individual may still make a contribution to a traditional IRA and convert the traditional IRA to a Roth IRA, but the provision precludes the individual from later unwinding the conversion through a recharacterization.

²⁷⁸ Secs. 401(a), 401(k), 403(a), 403(b), and 457(b).

401(k) plan generally are permitted only after attainment of age 59½ or termination of the plan.²⁷⁹ In-service distributions of elective deferrals (but not related earnings) are also permitted in the case of hardship. Elective deferrals under a section 403(b) plan are subject to in-service distribution restrictions similar to those applicable to elective deferrals under a section 401(k) plan, and, in some cases, other contributions to a section 403(b) plan are subject to similar restrictions.²⁸⁰

Pension plans, that is, qualified defined benefit plans and money purchase pension plans, a type of qualified defined contribution plan, generally may not permit in-service distributions before attainment of age 62 (or attainment of normal retirement age under the plan if earlier) or termination of the plan.²⁸¹

Deferrals under a governmental section 457(b) plan are subject to in-service distribution restrictions similar to those applicable to elective deferrals under a section 401(k) plan, except that in-service distributions under a governmental section 457(b) plan are permitted only after attainment of age 70½ (rather than age 59½).²⁸²

HOUSE BILL

Under the House bill, in-service distributions are permitted under a pension plan or a governmental section 457(b) plan at age 59½, thus making the rules for those plans consistent with the rules for section 401(k) plans and section 403(b) plans.

Effective date.—The provision is effective for plan years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

3. Modification of rules governing hardship distributions (sec. 1503 of the House bill and secs. 401 and 403 of the Code)

PRESENT LAW

Elective deferrals under a section 401(k) plan or a section 403(b) plan may not be distributed before the occurrence of one or more specified events, including financial hardship of the employee.²⁸³

Applicable Treasury regulations provide that a distribution is made on account of hardship only if the distribution is made on account of an immediate and heavy financial need of the employee and is necessary to satisfy the heavy need.²⁸⁴ The Treasury regulations provide a safe harbor under which a distribution may be deemed necessary to satisfy an immediate and heavy financial need. One requirement of this safe harbor is that the employee be prohibited from making elective deferrals and employee contributions to the plan and all other plans maintained by the employer for at least six months after receipt of the hardship distribution.

HOUSE BILL

Under the House bill, the Secretary of the Treasury is directed to modify the applicable

regulations within one year of the date of enactment to (1) delete the requirement that an employee be prohibited from making elective deferrals and employee contributions for six months after the receipt of a hardship distribution in order for the distribution to be deemed necessary to satisfy an immediate and heavy financial need, and (2) make any other modifications necessary to carry out the purposes of the rule allowing elective deferrals to be distributed in the case of hardship. Thus, under the modified regulations, an employee would not be prevented for any period after the receipt of a hardship distribution from continuing to make elective deferrals and employee contributions.

Effective date.—The regulations as revised by the provision shall apply to plan years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

4. Modification of rules relating to hardship withdrawals from cash or deferred arrangements (sec. 1504 of the bill, sec. 11033(c) of the Senate amendment, and sec. 401 of the Code)

PRESENT LAW

Amounts attributable to elective deferrals (including earnings thereon) under a section 401(k) plan generally may not be distributed before the earliest of the employee's severance from employment, death, disability or attainment of age 59½, or termination of the plan, or as a qualified reservist distribution.²⁸⁵ Elective deferrals, but not associated earnings, may be distributed on account of hardship.

An employer may make nonelective and matching contributions for employees under a section 401(k) plan. Elective deferrals, and matching contributions and after-tax employee contributions, are subject to special tests ("nondiscrimination tests") to prevent discrimination in favor of highly compensated employees. Nonelective contributions and matching contributions that satisfy certain requirements ("qualified nonelective contributions and qualified matching contributions") may be used to enable the plan to satisfy these nondiscrimination tests. One of the requirements is that these contributions be subject to the same distribution restrictions as elective deferrals, except that these contributions (and associated earnings) are not permitted to be distributed on account of hardship.

Applicable Treasury regulations provide that a distribution is made on account of hardship only if the distribution is made on account of an immediate and heavy financial need of the employee and is necessary to satisfy the heavy need.²⁸⁶ The Treasury regulations provide a safe harbor under which a distribution may be deemed necessary to satisfy an immediate and heavy financial need. One requirement of the safe harbor is that the employee represent that the need cannot be satisfied through currently available plan loans. This in effect requires an employee to take any available plan loan before receiving a hardship distribution.

HOUSE BILL

The House bill allows earnings on elective deferrals under a section 401(k) plan, as well as qualified nonelective contributions and qualified matching contributions (and asso-

ciated earnings), to be distributed on account of hardship. Further, a distribution is not treated as failing to be on account of hardship solely because the employee does not take any available plan loan.

Effective date.—The provision is effective for plan years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision or Senate amendment.

5. Extended rollover period for the rollover of plan loan offset amounts in certain cases (sec. 1505 of the bill, sec. 13613 of the Senate amendment, and sec. 402 of the Code)

PRESENT LAW

Taxation of retirement plan distributions

A distribution from a tax-favored employer-sponsored retirement plan (that is, a qualified retirement plan, section 403(b) plan, or a governmental section 457(b) plan) is generally includible in gross income, except in the case of a qualified distribution from a designated Roth account or to the extent the distribution is a recovery of basis under the plan or the distribution is contributed to another such plan or an IRA (referred to as eligible retirement plans) in a tax-free rollover.²⁸⁷ In the case of a distribution from a retirement plan to an employee under age 59½, the distribution (other than a distribution from a governmental section 457(b) plan) is also subject to a 10-percent early distribution tax unless an exception applies.²⁸⁸

A distribution from a tax-favored employer-sponsored retirement plan that is an eligible rollover distribution may be rolled over to an eligible retirement plan.²⁸⁹ The rollover generally can be achieved by direct rollover (direct payment from the distributing plan to the recipient plan) or by contributing the distribution to the eligible retirement plan within 60 days of receiving the distribution ("60-day rollover").

Employer-sponsored retirement plans are required to offer an employee a direct rollover with respect to any eligible rollover distribution before paying the amount to the employee. If an eligible rollover distribution is not directly rolled over to an eligible retirement plan, the taxable portion of the distribution generally is subject to mandatory 20-percent income tax withholding.²⁹⁰ Employees who do not elect a direct rollover but who roll over eligible distributions within 60 days of receipt also defer tax on the rollover amounts; however, the 20 percent withheld will remain taxable unless the employee substitutes funds within the 60-day period.

Plan loans

Employer-sponsored retirement plans may provide loans to employees. Unless the loan satisfies certain requirements in both form and operation, the amount of a retirement plan loan is a deemed distribution from the retirement plan, including that the terms of the loan provide for a repayment period of not more than five years (except for a loan

²⁸⁷ Secs. 402(a) and (c), 402A(d), 403(a) and (b), 457(a) and (e)(16).

²⁸⁸ Sec. 72(t).

²⁸⁹ Certain distributions are not eligible rollover distributions, such as annuity payments, required minimum distributions, hardship distributions, and loans that are treated as deemed distributions under section 72(p).

²⁹⁰ Treas. Reg. sec. 1.402(c)-2, Q&A-1(b)(3).

²⁷⁹ Sec. 401(k)(2)(B). Similar restrictions apply to certain other contributions, such as employer matching or nonelective contributions required under the nondiscrimination safe harbors under section 401(k).

²⁸⁰ Secs. 403(b)(7)(A)(ii) and 403(b)(11).

²⁸¹ Sec. 401(a)(36) and Treas. Reg. secs. 1.401-1(b)(1)(i) and 1.401(a)-1(b).

²⁸² Sec. 457(d)(1)(A).

²⁸³ Secs. 401(k)(2)(B)(i)(IV) and 403(b)(7)(A)(ii) and (b)(11)(B). Other types of contributions may also be subject to this restriction.

²⁸⁴ Treas. Reg. sec. 1.401(k)-1(d)(3).

²⁸⁵ Sec. 401(k)(2)(B)(i).

²⁸⁶ Treas. Reg. sec. 1.401(k)-1(d)(3).

specifically to purchase a home) and for level amortization of loan payments with payments not less frequently than quarterly.²⁹¹ Thus, if an employee stops making payments on a loan before the loan is repaid, a deemed distribution of the outstanding loan balance generally occurs. A deemed distribution of an unpaid loan balance is generally taxed as though an actual distribution occurred, including being subject to a 10-percent early distribution tax, if applicable. A deemed distribution is not eligible for rollover to another eligible retirement plan.

A plan may also provide that, in certain circumstances (for example, if an employee terminates employment), an employee's obligation to repay a loan is accelerated and, if the loan is not repaid, the loan is cancelled and the amount in employee's account balance is offset by the amount of the unpaid loan balance, referred to as a loan offset. A loan offset is treated as an actual distribution from the plan equal to the unpaid loan balance (rather than a deemed distribution), and (unlike a deemed distribution) the amount of the distribution is eligible for tax-free rollover to another eligible retirement plan within 60 days. However, the plan is not required to offer a direct rollover with respect to a plan loan offset amount that is an eligible rollover distribution, and the plan loan offset amount is generally not subject to 20-percent income tax withholding.

HOUSE BILL

Under the House bill, the period during which a qualified plan loan offset amount may be contributed to an eligible retirement plan as a rollover contribution is extended from 60 days after the date of the offset to the due date (including extensions) for filing the Federal income tax return for the taxable year in which the plan loan offset occurs, that is, the taxable year in which the amount is treated as distributed from the plan. Under the provision, a qualified plan loan offset amount is a plan loan offset amount that is treated as distributed from a qualified retirement plan, a section 403(b) plan or a governmental section 457(b) plan solely by reason of the termination of the plan or the failure to meet the repayment terms of the loan because of the employee's separation from service, whether due to lay-off, cessation of business, termination of employment, or otherwise. As under present law, a loan offset amount under the provision is the amount by which an employee's account balance under the plan is reduced to repay a loan from the plan.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that a qualified plan loan offset amount is a plan loan offset amount that is treated as distributed from a qualified retirement plan, a section 403(b) plan or a governmental section 457(b) plan solely by reason of the termination of the plan or the failure to meet the repayment terms of the loan because of the employee's severance from employment.

Effective date.—The provision is effective for plan loan offset amounts treated as distributed in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

6. Modification of nondiscrimination rules for certain plans providing benefits or contributions to older, longer service participants (sec. 1506 of the House bill and sec. 401 of the Code)

PRESENT LAW

In general

Qualified retirement plans are subject to nondiscrimination requirements, under which the group of employees covered by a plan ("plan coverage") and the contributions or benefits provided to employees, including benefits, rights, and features under the plan, must not discriminate in favor of highly compensated employees.²⁹² The timing of plan amendments must also not have the effect of discriminating significantly in favor of highly compensated employees. In addition, in the case of a defined benefit plan, the plan must benefit at least the lesser of (1) 50 employees and (2) the greater of 40 percent of all employees and two employees (or one employee if the employer has only one employee), referred to as the "minimum participation" requirements.²⁹³ These nondiscrimination requirements are designed to help ensure that qualified retirement plans achieve the goal of retirement security for both lower and higher paid employees.

For nondiscrimination purposes, an employee generally is treated as highly compensated if the employee (1) was a five-percent owner of the employer at any time during the year or the preceding year, or (2) had compensation for the preceding year in excess of \$120,000 (for 2017).²⁹⁴ Employees who are not highly compensated are referred to as nonhighly compensated employees.

Nondiscriminatory plan coverage

Whether plan coverage of employees is nondiscriminatory is determined by calculating a plan's ratio percentage, that is, the ratio of the percentage of nonhighly compensated employees covered under the plan to the percentage of highly compensated employees covered. For this purpose, certain portions of a defined contribution plan are treated as separate plans to which the plan coverage requirements are applied separately, referred to as mandatory disaggregation. Specifically, the following, if provided under a plan, are treated as separate plans: the portion of a plan consisting of employee elective deferrals, the portion consisting of employer matching contributions, the portion consisting of employer nonelective contributions, and the portion consisting of an employee stock ownership plan ("ESOP").²⁹⁵ Subject to mandatory

²⁹² Secs. 401(a)(3)–(5) and 410(b). Detailed rules are provided in Treas. Reg. secs. 1.401(a)(4)–1 through –13 and secs. 1.410(b)–2 through –10. In applying the nondiscrimination requirements, certain employees, such as those under age 21 or with less than a year of service, generally may be disregarded. In addition, employees of controlled groups and affiliated service groups under the aggregation rules of section 414(b), (c), (m) and (o) are treated as employed by a single employer.

²⁹³ Sec. 401(a)(26).

²⁹⁴ Sec. 414(q). At the election of the employer, employees who are highly compensated based on the amount of their compensation may be limited to employees who were among the top 20 percent of employees based on compensation.

²⁹⁵ Elective deferrals are contributions that an employee elects to have made to a defined contribution plan that includes a qualified cash or deferred arrangement (referred to as "section 401(k) plan") rather than receive the same amount as current compensation. Employer matching contributions are contributions made by an employer only if an employee makes elective deferrals or after-tax employee contributions. Employer nonelective contributions are contributions made by an employer

disaggregation, different qualified retirement plans may otherwise be aggregated and tested together as a single plan, provided that they use the same plan year. The plan determined under these rules for plan coverage purposes generally is also treated as the plan for purposes of applying the other nondiscrimination requirements.

A plan's coverage is nondiscriminatory if the ratio percentage, as determined above, is 70 percent or greater. If a plan's ratio percentage is less than 70 percent, a multi-part test applies, referred to as the average benefit test. First, the plan must meet a "nondiscriminatory classification requirement," that is, it must cover a group of employees that is reasonable and established under objective business criteria and the plan's ratio percentage must be at or above a level specified in the regulations, which varies depending on the percentage of nonhighly compensated employees in the employer's workforce. In addition, the average benefit percentage test must be satisfied.

Under the average benefit percentage test, in general, the average rate of employer-provided contributions or benefit accruals for all nonhighly compensated employees under all plans of the employer must be at least 70 percent of the average contribution or accrual rate of all highly compensated employees.²⁹⁶ In applying the average benefit percentage test, elective deferrals made by employees, as well as employer matching and nonelective contributions, are taken into account. Generally, all plans maintained by the employer are taken into account, including ESOPs, regardless of whether plans use the same plan year.

Under a transition rule applicable in the case of the acquisition or disposition of a business, or portion of a business, or a similar transaction, a plan that satisfied the plan coverage requirements before the transaction is deemed to continue to satisfy them for a period after the transaction, provided coverage under the plan is not significantly changed during that period.²⁹⁷

Nondiscriminatory contributions or benefit accruals

In general

There are three general approaches to testing the amount of benefits under qualified retirement plans: (1) design-based safe harbors under which the plan's contribution or benefit accrual formula satisfies certain uniformity standards, (2) a general test, described below, and (3) cross-testing of equivalent contributions or benefit accruals. Employee elective deferrals and employer matching contributions under defined contribution plans are subject to special testing

regardless of whether an employee makes elective deferrals or after-tax employee contributions. Under section 4975(e)(7), an ESOP is a defined contribution plan, or portion of a defined contribution plan, that is designated as an ESOP and is designed to invest primarily in employer stock.

²⁹⁶ Contribution and benefit rates are generally determined under the rules for nondiscriminatory contributions or benefit accruals, described below. These rules are generally based on benefit accruals under a defined benefit plan, other than accruals attributable to after-tax employee contributions, and contributions allocated to participants' accounts under a defined contribution plan, other than allocations attributable to after-tax employee contributions. (Under these rules, contributions allocated to a participants accounts are referred to as "allocations," with the related rates referred to as "allocation rates," but "contribution rates" is used herein for convenience.) However, as discussed below, benefit accruals can be converted to actuarially equivalent contributions, and contributions can be converted to actuarially equivalent benefit accruals.

²⁹⁷ Sec. 410(b)(6)(C).

²⁹¹ Sec. 72(p).

rules and generally are not permitted to be taken into account in determining whether other contributions or benefits are nondiscriminatory.²⁹⁸

The nondiscrimination rules allow contributions and benefit accruals to be provided to highly compensated and nonhighly compensated employees at the same percentage of compensation.²⁹⁹ Thus, the various testing approaches described below are generally applied to the amount of contributions or accruals provided as a percentage of compensation, referred to as a contribution rate or accrual rate. In addition, under the “permitted disparity” rules, in calculating an employee’s contribution or accrual rate, credit may be given for the employer paid portion of Social Security taxes or benefits.³⁰⁰ The permitted disparity rules do not apply in testing whether elective deferrals, matching contributions, or ESOP contributions are nondiscriminatory.

The general test is generally satisfied by measuring the rate of contribution or benefit accrual for each highly compensated employee to determine if the group of employees with the same or higher rate (a “rate” group) is a nondiscriminatory group, using the nondiscriminatory plan coverage standards described above. For this purpose, if the ratio percentage of a rate group is less than 70 percent, a simplified standard applies, which includes disregarding the reasonable classification requirement, but requires satisfaction of the average benefit percentage test.

Cross-testing

Cross-testing involves the conversion of contributions under a defined contribution plan or benefit accruals under a defined benefit plan to actuarially equivalent accruals or contributions, with the resulting equivalencies tested under the general test. However, employee elective deferrals and employer matching contributions under defined contribution plans are not permitted to be taken into account for this purpose, and cross-testing of contributions under a defined contribution plan, or cross-testing of a defined contribution plan aggregated with a defined benefit plan, is permitted only if certain threshold requirements are satisfied.

In order for a defined contribution plan to be tested on an equivalent benefit accrual basis, one of the following three threshold conditions must be met:

- The plan has broadly available allocation rates, that is, each allocation rate under the plan is available to a nondiscriminatory group of employees (disregarding certain permitted additional contributions provided to employees as a replacement for benefits under a frozen defined benefit plan, as discussed below);
- The plan provides allocations that meet prescribed designs under which allocations gradually increase with age or service or are expected to provide a target level of annuity benefit; or
- The plan satisfies a minimum allocation gateway, under which each nonhighly compensated employee has an allocation rate of

(a) at least one-third of the highest rate for any highly compensated employee, or (b) if less, at least five percent.

In order for an aggregated defined contribution and defined benefit plan to be tested on an aggregate equivalent benefit accrual basis, one of the following three threshold conditions must be met:

- The plan must be primarily defined benefit in character, that is, for more than fifty percent of the nonhighly compensated employees under the plan, their accrual rate under the defined benefit plan exceeds their equivalent accrual rate under the defined contribution plan;
- The plan consists of broadly available separate defined benefit and defined contribution plans, that is, the defined benefit plan and the defined contribution plan would separately satisfy simplified versions of the minimum coverage and nondiscriminatory amount requirements; or
- The plan satisfies a minimum aggregate allocation gateway, under which each nonhighly compensated employee has an aggregate allocation rate (consisting of allocations under the defined contribution plan and equivalent allocations under the defined benefit plan) of (a) at least one-third of the highest aggregate allocation rate for any nonhighly compensated employee, or (b) if less, at least five percent in the case of a highest nonhighly compensated employee’s rate up to 25 percent, increased by one percentage point for each five-percentage-point increment (or portion thereof) above 25 percent, subject to a maximum of 7.5 percent.

Benefits, rights, and features

Each benefit, right, or feature offered under the plan generally must be available to a group of employees that has a ratio percentage that satisfies the minimum coverage requirements, including the reasonable classification requirement if applicable, except that the average benefit percentage test does not have to be met, even if the ratio percentage is less than 70 percent.

Multiple-employer and section 403(b) plans

A multiple-employer plan generally is a single plan maintained by two or more unrelated employers, that is, employers that are not treated as a single employer under the aggregation rules for related entities.³⁰¹ The plan coverage and other nondiscrimination requirements are applied separately to the portions of a multiple-employer plan covering employees of different employers.³⁰²

Certain tax-exempt charitable organizations may offer their employees a tax-deferred annuity plan (“section 403(b) plan”).³⁰³ The nondiscrimination requirements, other than the requirements applicable to elective deferrals, generally apply to section 403(b) plans of private tax-exempt organizations. For purposes of applying the nondiscrimination requirements to a section 403(b) plan, subject to mandatory disaggregation, a qualified retirement plan may be combined with the section 403(b) plan and treated as a single plan.³⁰⁴ However, a section 403(b) plan

and qualified retirement plan may not be treated as a single plan for purposes of applying the nondiscrimination requirements to the qualified retirement plan.

Closed and frozen defined benefit plans

A defined benefit plan may be amended to limit participation in the plan to individuals who are employees as of a certain date. That is, employees hired after that date are not eligible to participate in the plan. Such a plan is sometimes referred to as a “closed” defined benefit plan (that is, closed to new entrants). In such a case, it is common for the employer also to maintain a defined contribution plan and to provide employer matching or nonelective contributions only to employees not covered by the defined benefit plan or at a higher rate to such employees.

Over time, the group of employees continuing to accrue benefits under the defined benefit plan may come to consist more heavily of highly compensated employees, for example, because of greater turnover among nonhighly compensated employees or because increasing compensation causes nonhighly compensated employees to become highly compensated. In that case, the defined benefit plan may have to be combined with the defined contribution plan and tested on a benefit accrual basis. However, under the regulations, if none of the threshold conditions is met, testing on a benefits basis may not be available. Notwithstanding the regulations, recent IRS guidance provides relief for a limited period, allowing certain closed defined benefit plans to be aggregated with a defined contribution plan and tested on an aggregate equivalent benefits basis without meeting any of the threshold conditions.³⁰⁵ When the group of employees continuing to accrue benefits under a closed defined benefit plan consists more heavily of highly compensated employees, the benefits, rights, and features provided under the plan may also fail the tests under the existing nondiscrimination rules.

In some cases, if a defined benefit plan is amended to cease future accruals for all participants, referred to as a “frozen” defined benefit plan, additional contributions to a defined contribution plan may be provided for participants, in particular for older participants, in order to make up in part for the loss of the benefits they expected to earn under the defined benefit plan (“make-whole” contributions). As a practical matter, testing on a benefit accrual basis may be required in that case, but may not be available because the defined contribution plan does not meet any of the threshold conditions.

HOUSE BILL

Closed or frozen defined benefit plans

In general

Under the House bill, nondiscrimination relief applies with respect to benefits, rights, and features for a closed class of participants (“closed class”),³⁰⁶ and with respect to benefit accruals for a closed class, under a defined benefit plan that meets the requirements described below (referred to herein as

²⁹⁸ Secs. 401(k) and (m), the latter of which applies also to after-tax employee contributions under a defined contribution plan.

²⁹⁹ For this purpose, under section 401(a)(17), compensation generally is limited to \$265,000 per year (for 2016).

³⁰⁰ See sections 401(a)(5)(C) and (D) and 401(l) and Treas. Reg. section 1.401(a)(4)-7 and 1.401(l)-1 through -6 for rules for determining the amount of contributions or benefits that can be attributed to the employer-paid portion of Social Security taxes or benefits.

³⁰¹ Sec. 413(c). Multiple-employer status does not apply if the plan is a multiemployer plan, defined under sec. 414(f) as a plan maintained pursuant to one or more collective bargaining agreements with two or more unrelated employers and to which the employers are required to contribute under the collective bargaining agreement(s). Multiemployer plans are also known as Taft-Hartley plans.

³⁰² Treas. Reg. sec. 1.413-2(a)(3)(ii)-(iii).

³⁰³ Sec. 403(b). These plans are available to employers that are tax-exempt under section 501(c)(3), as well as to educational institutions of State or local governments.

³⁰⁴ Treas. Reg. sec. 1.410(b)-7(f).

³⁰⁵ Notice 2014-5, 2014-2 I.R.B. 276, extended by Notice 2015-28, 2015-14 I.R.B. 848, Notice 2016-57, 2016-40 I.R.B. 432, and Notice 2017-45, 2017-38 I.R.B. 232. Proposed regulations revising the nondiscrimination requirements for closed plans were also issued earlier this year, subject to various conditions. 81 Fed. Reg. 4976 (January 29, 2016).

³⁰⁶ References under the provision to a closed class of participants and similar references to a closed class include arrangements under which one or more classes of participants are closed, except that one or

an “applicable” defined benefit plan). In addition, the provision treats a closed or frozen applicable defined benefit plan as meeting the minimum participation requirements if the plan met the requirements as of the effective date of the plan amendment by which the plan was closed or frozen.

If a portion of an applicable defined benefit plan eligible for relief under the provision is spun off to another employer, and if the spun-off plan continues to satisfy any ongoing requirements applicable for the relevant relief as described below, the relevant relief for the spun-off plan will continue with respect to the other employer.

Benefits, rights, or features for a closed class

Under the provision, an applicable defined benefit plan that provides benefits, rights, or features to a closed class does not fail the nondiscrimination requirements by reason of the composition of the closed class, or the benefits, rights, or features provided to the closed class, if (1) for the plan year as of which the class closes and the two succeeding plan years, the benefits, rights, and features satisfy the nondiscrimination requirements without regard to the relief under the provision, but taking into account the special testing rules described below,³⁰⁷ and (2) after the date as of which the class was closed, any plan amendment modifying the closed class or the benefits, rights, and features provided to the closed class does not discriminate significantly in favor of highly compensated employees.

For purposes of requirement (1) above, the following special testing rules apply:

- In applying the plan coverage transition rule for business acquisitions, dispositions, and similar transactions, the closing of the class of participants is not treated as a significant change in coverage;
- Two or more plans do not fail to be eligible to be treated as a single plan solely by reason of having different plan years;³⁰⁸ and
- Changes in employee population are disregarded to the extent attributable to individuals who become employees or cease to be employees, after the date the class is closed, by reason of a merger, acquisition, divestiture, or similar event.

Benefit accruals for a closed class

Under the provision, an applicable defined benefit plan that provides benefits to a closed class may be aggregated, that is, treated as a single plan, and tested on a benefit accrual basis with one or more defined contribution plans (without having to satisfy the threshold conditions under present law) if (1) for the plan year as of which the class closes and the two succeeding plan years, the plan satisfies the plan coverage and nondiscrimination requirements without regard to the relief under the provision, but taking into account the special testing rules described above,³⁰⁹ and (2) after the date as of which the class was closed, any plan amendment modifying the closed class or the benefits provided to the closed class does not dis-

criminate significantly in favor of highly compensated employees.

Under the provision, defined contribution plans that may be aggregated with an applicable defined benefit plan and treated as a single plan include the portion of one or more defined contribution plans consisting of matching contributions, an ESOP, or matching or nonelective contributions under a section 403(b) plan. If an applicable defined benefit plan is aggregated with the portion of a defined contribution plan consisting of matching contributions, any portion of the defined contribution plan consisting of elective deferrals must also be aggregated. In addition, the matching contributions are treated in the same manner as nonelective contributions, including for purposes of permitted disparity.

Applicable defined benefit plan

An applicable defined benefit plan to which relief under the provision applies is a defined benefit plan under which the class was closed (or the plan frozen) before April 5, 2017, or that meets the following alternative conditions: (1) taking into account any predecessor plan, the plan has been in effect for at least five years as of the date the class is closed (or the plan is frozen) and (2) under the plan, during the five-year period preceding that date, (a) for purposes of the relief provided with respect to benefits, rights, and features for a closed class, there has not been a substantial increase in the coverage or value of the benefits, rights, or features, or (b) for purposes of the relief provided with respect to benefit accruals for a closed class or the minimum participation requirements, there has not been a substantial increase in the coverage or benefits under the plan.

For purposes of (2)(a) above, a plan is treated as having a substantial increase in coverage or value of benefits, rights, or features only if, during the applicable five-year period, either the number of participants covered by the benefits, rights, or features on the date the period ends is more than 50 percent greater than the number on the first day of the plan year in which the period began, or the benefits, rights, and features have been modified by one or more plan amendments in such a way that, as of the date the class is closed, the value of the benefits, rights, and features to the closed class as a whole is substantially greater than the value as of the first day of the five-year period, solely as a result of the amendments.

For purposes of (2)(b) above, a plan is treated as having had a substantial increase in coverage or benefits only if, during the applicable five-year period, either the number of participants benefiting under the plan on the date the period ends is more than 50 percent greater than the number of participants on the first day of the plan year in which the period began, or the average benefit provided to participants on the date the period ends is more than 50 percent greater than the average benefit provided on the first day of the plan year in which the period began. In applying this requirement, the average benefit provided to participants under the plan is treated as having remained the same between the two relevant dates if the benefit formula applicable to the participants has not changed between the dates and, if the benefit formula has changed, the average benefit under the plan is considered to have increased by more than 50 percent only if the target normal cost for all participants benefiting under the plan for the plan year in which the five-year period ends exceeds the target normal cost for all such participants for that plan year if determined using the

benefit formula in effect for the participants for the first plan year in the five-year period by more than 50 percent.³¹⁰ In applying these rules, a multiple-employer plan is treated as a single plan, rather than as separate plans separately covering the employees of each participating employer.

In applying these standards, any increase in coverage or value, or in coverage or benefits, whichever is applicable, is generally disregarded if it is attributable to coverage and value, or coverage and benefits, provided to employees who (1) became participants as a result of a merger, acquisition, or similar event that occurred during the 7-year period preceding the date the class was closed, or (2) became participants by reason of a merger of the plan with another plan that had been in effect for at least five years as of the date of the merger and, in the case of benefits, rights, or features for a closed class, under the merger, the benefits, rights, or features under one plan were conformed to the benefits, rights, or features under the other plan prospectively.

Make-whole contributions under a defined contribution plan

Under the provision, a defined contribution plan is permitted to be tested on an equivalent benefit accrual basis (without having to satisfy the threshold conditions under present law) if the following requirements are met:

- The plan provides make-whole contributions to a closed class of participants whose accruals under a defined benefit plan have been reduced or ended (“make-whole class”);
- For the plan year of the defined contribution plan as of which the make-whole class closes and the two succeeding plan years, the make-whole class satisfies the nondiscriminatory classification requirement under the plan coverage rules, taking into account the special testing rules described above;
- After the date as of which the class was closed, any amendment to the defined contribution plan modifying the make-whole class or the allocations, benefits, rights, and features provided to the make-whole class does not discriminate significantly in favor of highly compensated employees; and
- Either the class was closed before April 5, 2017, or the defined benefit plan is an applicable defined benefit plan under the alternative conditions applicable for purposes of the relief provided with respect to benefit accruals for a closed class.

With respect to one or more defined contribution plans meeting the requirements above, in applying the plan coverage and nondiscrimination requirements, the portion of the plan providing make-whole or other nonelective contributions may also be aggregated and tested on an equivalent benefit accrual basis with the portion of one or more other defined contribution plans consisting of matching contributions, an ESOP, or matching or nonelective contributions under

more classes of participants closed on different dates are not aggregated for purposes of determining the date any such class was closed.

³⁰⁷ Other testing options available under present law are also available for this purpose.

³⁰⁸ This rule applies also for purposes applying the plan coverage and other nondiscrimination requirements to an applicable defined benefit plan and one or more defined contributions that, under the provision, may be treated as a single plan as described below.

³⁰⁹ Other testing options available under present law are also available for this purpose.

³¹⁰ Under the funding requirements applicable to defined benefit plans, target normal cost for a plan year (defined in section 430(b)(1)(A)(i)) is generally the sum of the present value of the benefits expected to be earned under the plan during the plan year plus the amount of plan-related expenses to be paid from plan assets during the plan year. Under the provision, in applying this average benefit rule to certain defined benefit plans maintained by cooperative organizations and charities, referred to as CSEC plans (defined in section 414(y)), which are subject to different funding requirements, the CSEC plan’s normal cost under section 433(j)(1)(B) is used instead of target normal cost.

a section 403(b) plan. If the plan is aggregated with the portion of a defined contribution plan consisting of matching contributions, any portion of the defined contribution plan consisting of elective deferrals must also be aggregated. In addition, the matching contributions are treated in the same manner as nonelective contributions, including for purposes of permitted disparity.

Under the provision, “make-whole contributions” generally means nonelective contributions for each employee in the make-whole class that are reasonably calculated, in a consistent manner, to replace some or all of the retirement benefits that the employee would have received under the defined benefit plan and any other plan or qualified cash or deferred arrangement under a section 401(k) plan if no change had been made to the defined benefit plan and other plan or arrangement.³¹¹ However, under a special rule, in the case of a defined contribution plan that provides benefits, rights, or features to a closed class of participants whose accruals under a defined benefit plan have been reduced or eliminated, the plan will not fail to satisfy the nondiscrimination requirements solely by reason of the composition of the closed class, or the benefits, rights, or features provided to the closed class, if the defined contribution plan and defined benefit plan otherwise meet the requirements described above but for the fact that the make-whole contributions under the defined contribution plan are made in whole or in part through matching contributions.

If a portion of a defined contribution plan eligible for relief under the provision is spun off to another employer, and if the spun-off plan continues to satisfy any ongoing requirements applicable for the relevant relief as described above, the relevant relief for the spun-off plan will continue with respect to the other employer.

Effective date.—The provision is generally effective on the date of enactment without regard to whether any plan modifications referred to in the provision are adopted or effective before, on, or after the date of enactment. However, at the election of a plan sponsor, the provision will apply to plan years beginning after December 31, 2013. For purposes of the provision, a closed class of participants under a defined benefit plan is treated as being closed before April 5, 2017, if the plan sponsor’s intention to create the closed class is reflected in formal written documents and communicated to participants before that date. In addition, a plan does not fail to be eligible for the relief under the provision solely because (1) in the case of benefits, rights, or features for a closed class under a defined benefit plan, the plan was amended before the date of enactment to eliminate one or more benefits, rights, or features and is further amended after the date of enactment to provide the previously eliminated benefits, rights, or features to a closed class of participants, or (2) in the case of benefit accruals for a closed class under a defined benefit plan or application of the minimum benefit requirements to a closed or frozen defined benefit plan, the plan was amended before the date of the enactment to cease all benefit accruals and is further amended after the date of enactment to provide benefit accruals to a closed class of participants. In either case, the relevant relief applies only if the plan otherwise

meets the requirements for the relief, and, in applying the relevant relief, the date the class of participants is closed is the effective date of the later amendment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

7. Modification of rules applicable to length of service award programs for bona fide public safety volunteers (sec. 13612 of the Senate amendment and sec. 457(e) of the Code)

PRESENT LAW

Special rules apply to deferred compensation plans of State and local government and private, tax-exempt employers.³¹² However, an exception to these rules applies in the case of a plan paying solely length of service awards to bona fide volunteers (or their beneficiaries) on account of qualified services performed by the volunteers. For this purpose, qualified services consist of firefighting and fire prevention services, emergency medical services, and ambulance services. An individual is treated as a bona fide volunteer for this purpose if the only compensation received by the individual for performing qualified services is in the form of (1) reimbursement or a reasonable allowance for reasonable expenses incurred in the performance of such services, or (2) reasonable benefits (including length of service awards) and nominal fees for the services, customarily paid in connection with the performance of such services by volunteers. The exception applies only if the aggregate amount of length of service awards accruing for a bona fide volunteer with respect to any year of service does not exceed \$3,000.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the aggregate amount of length of service awards that may accrue for a bona fide volunteer with respect to any year of service to \$6,000 and adjusts that amount in \$500 increments to reflect changes in cost-of-living for years after the first year the provision is effective. In addition, under the provision, if the plan is a defined benefit plan, the limit applies to the actuarial present value of the aggregate amount of length of service awards accruing with respect to any year of service. Actuarial present value is to be calculated using reasonable actuarial assumptions and methods, assuming payment will be made under the most valuable form of payment under the plan with payment commencing at the later of the earliest age at which unreduced benefits are payable under the plan or the participant’s age at the time of the calculation.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

F. Modifications to Estate, Gift, and Generation-Skipping Transfers Taxes (secs. 1601 and 1602 of the House bill, sec. 11061 of the Senate amendment, and secs. 2001 and 2010 of the Code)

PRESENT LAW

In general

A gift tax is imposed on certain lifetime transfers, and an estate tax is imposed on

certain transfers at death. A generation-skipping transfer tax generally is imposed on transfers, either directly or in trust or similar arrangement, to a “skip person” (i.e., a beneficiary in a generation more than one generation younger than that of the transferor). Transfers subject to the generation-skipping transfer tax include direct skips, taxable terminations, and taxable distributions.

Income tax rules determine the recipient’s tax basis in property acquired from a decedent or by gift. Gifts and bequests generally are excluded from the recipient’s gross income.³¹³

Common features of the estate, gift and generation-skipping transfer taxes

Unified credit (exemption) and tax rates

Unified credit.—A unified credit is available with respect to taxable transfers by gift and at death.³¹⁴ The unified credit offsets tax, computed using the applicable estate and gift tax rates, on a specified amount of transfers, referred to as the applicable exclusion amount, or exemption amount. The exemption amount was set at \$5 million for 2011 and is indexed for inflation for later years.³¹⁵ For 2017, the inflation-indexed exemption amount is \$5.49 million.³¹⁶ Exemption used during life to offset taxable gifts reduces the amount of exemption that remains at death to offset the value of a decedent’s estate. An election is available under which exemption that is not used by a decedent may be used by the decedent’s surviving spouse (exemption portability).

Common tax rate table.—A common tax-rate table with a top marginal tax rate of 40 percent is used to compute gift tax and estate tax. The 40-percent rate applies to transfers in excess of \$1 million (to the extent not exempt). Because the exemption amount currently shields the first \$5.49 million in gifts and bequests from tax, transfers in excess of the exemption amount generally are subject to tax at the highest marginal rate (40 percent).

Generation-skipping transfer tax exemption and rate.—The generation-skipping transfer tax is a separate tax that can apply in addition to either the gift tax or the estate tax. The tax rate and exemption amount for generation-skipping transfer tax purposes, however, are set by reference to the estate tax rules. Generation-skipping transfer tax is imposed using a flat rate equal to the highest estate tax rate (40 percent). Tax is imposed on cumulative generation-skipping transfers in excess of the generation-skipping transfer tax exemption amount in effect for the year of the transfer. The generation-skipping transfer tax exemption for a given year is equal to the estate tax exemption amount in effect for that year (currently \$5.49 million).

Transfers between spouses.—A 100-percent marital deduction generally is permitted for the value of property transferred between spouses.³¹⁷ In addition, transfers of “qualified terminable interest property” also are eligible for the marital deduction. Qualified terminable interest property is property: (1) that passes from the decedent, (2) in which the surviving spouse has a “qualifying income interest for life,” and (3) to which an

³¹³ Sec. 102.

³¹⁴ Sec. 2010.

³¹⁵ For 2011 and later years, the gift and estate taxes were reunified, meaning that the gift tax exemption amount was increased to equal the estate tax exemption amount.

³¹⁶ For 2017, the \$5.49 million exemption amount results in a unified credit of \$2,141,800, after applying the applicable rates set forth in section 2001(c).

³¹⁷ Secs. 2056 and 2523.

³¹¹ For this purpose, consistency is not required with respect to employees who were subject to different benefit formulas under the defined benefit plan.

³¹² Sec. 457.

election under these rules applies. A qualifying income interest for life exists if: (1) the surviving spouse is entitled to all the income from the property (payable annually or at more frequent intervals) or has the right to use the property during the spouse's life, and (2) no person has the power to appoint any part of the property to any person other than the surviving spouse.

A marital deduction generally is denied for property passing to a surviving spouse who is not a citizen of the United States. A marital deduction is permitted, however, for property passing to a qualified domestic trust of which the noncitizen surviving spouse is a beneficiary. A qualified domestic trust is a trust that has as its trustee at least one U.S. citizen or U.S. corporation. No corpus may be distributed from a qualified domestic trust unless the U.S. trustee has the right to withhold any estate tax imposed on the distribution.

Tax is imposed on (1) any distribution from a qualified domestic trust before the date of the death of the noncitizen surviving spouse and (2) the value of the property remaining in a qualified domestic trust on the date of death of the noncitizen surviving spouse. The tax is computed as an additional estate tax on the estate of the first spouse to die.

Transfers to charity.—Contributions to section 501(c)(3) charitable organizations and certain other organizations may be deducted from the value of a gift or from the value of the assets in an estate for Federal gift or estate tax purposes.³¹⁸ The effect of the deduction generally is to remove the full fair market value of assets transferred to charity from the gift or estate tax base; unlike the income tax charitable deduction, there are no percentage limits on the deductible amount. For estate tax purposes, the charitable deduction is limited to the value of the transferred property that is required to be included in the gross estate.³¹⁹ A charitable contribution of a partial interest in property, such as a remainder or future interest, generally is not deductible for gift or estate tax purposes.³²⁰

The estate tax

Overview

The Code imposes a tax on the transfer of the taxable estate of a decedent who is a citizen or resident of the United States.³²¹ The taxable estate is determined by deducting from the value of the decedent's gross estate any deductions provided for in the Code. After applying tax rates to determine a tentative amount of estate tax, certain credits are subtracted to determine estate tax liability.³²²

Because the estate tax shares a common unified credit (exemption) and tax rate table with the gift tax, the exemption amounts and tax rates are described together above, along with certain other common features of these taxes.

Gross estate

A decedent's gross estate includes, to the extent provided for in other sections of the Code, the date-of-death value of all of a decedent's property, real or personal, tangible or intangible, wherever situated.³²³ In general, the value of property for this purpose is the fair market value of the property as of the date of the decedent's death, although an executor may elect to value certain property as of the date that is six months after the decedent's death (the alternate valuation date).³²⁴

The gross estate includes not only property directly owned by the decedent, but also other property in which the decedent had a beneficial interest at the time of his or her death.³²⁵ The gross estate also includes certain transfers made by the decedent prior to his or her death, including: (1) certain gifts made within three years prior to the decedent's death;³²⁶ (2) certain transfers of property in which the decedent retained a life estate;³²⁷ (3) certain transfers taking effect at death;³²⁸ and (4) revocable transfers.³²⁹ In addition, the gross estate also includes property with respect to which the decedent had, at the time of death, a general power of appointment (generally, the right to determine who will have beneficial ownership).³³⁰ The value of a life insurance policy on the decedent's life is included in the gross estate if the proceeds are payable to the decedent's estate or the decedent had incidents of ownership with respect to the policy at the time of his or her death.³³¹

Deductions from the gross estate

A decedent's taxable estate is determined by subtracting from the value of the gross estate any deductions provided for in the Code.

Marital and charitable transfers.—As described above, transfers to a surviving spouse or to charity generally are deductible for estate tax purposes. The effect of the marital and charitable deductions generally is to remove assets transferred to a surviving spouse or to charity from the estate tax base.

State death taxes.—An estate tax deduction is permitted for death taxes (e.g., any estate, inheritance, legacy, or succession taxes) actually paid to any State or the District of Columbia, in respect of property included in the gross estate of the decedent.³³² Such State taxes must have been paid and claimed before the later of: (1) four years after the filing of the estate tax return; or (2) (a) 60 days after a decision of the U.S. Tax Court determining the estate tax liability becomes final, (b) the expiration of the period of extension to pay estate taxes over time under section 6166, or (c) the expiration of the period of limitations in which to file a claim for refund or 60 days after a decision of a

court in which such refund suit has become final.

Other deductions.—A deduction is available for funeral expenses, estate administration expenses, and claims against the estate, including certain taxes.³³³ A deduction also is available for uninsured casualty and theft losses incurred during the settlement of the estate.³³⁴

Credits against tax

After accounting for allowable deductions, a gross amount of estate tax is computed. Estate tax liability is then determined by subtracting allowable credits from the gross estate tax.

Unified credit.—The most significant credit allowed for estate tax purposes is the unified credit, which is discussed in greater detail above.³³⁵ For 2017, the value of the unified credit is \$2,141,800, which has the effect of exempting \$5.49 million in transfers from tax. The unified credit available at death is reduced by the amount of unified credit used to offset gift tax on gifts made during the decedent's life.

Other credits.—Estate tax credits also are allowed for: (1) gift tax paid on certain pre-1977 gifts (before the estate and gift tax computations were integrated);³³⁶ (2) estate tax paid on certain prior transfers (to limit the estate tax burden when estate tax is imposed on transfers of the same property in two estates by reason of deaths in rapid succession);³³⁷ and (3) certain foreign death taxes paid (generally, where the property is situated in a foreign country but included in the decedent's U.S. gross estate).³³⁸

Provisions affecting small and family-owned businesses and farms

Special-use valuation.—An executor can elect to value for estate tax purposes certain "qualified real property" used in farming or another qualifying closely-held trade or business at its current-use value, rather than its fair market value.³³⁹ The maximum reduction in value for such real property is \$750,000 (adjusted for inflation occurring after 1997; the inflation-adjusted amount for 2017 is \$1,120,000). In general, real property qualifies for special-use valuation only if (1) at least 50 percent of the adjusted value of the decedent's gross estate (including both real and personal property) consists of a farm or closely-held business property in the decedent's estate and (2) at least 25 percent of the adjusted value of the gross estate consists of farm or closely held business real property. In addition, the property must be used in a qualified use (e.g., farming) by the decedent or a member of the decedent's family for five of the eight years before the decedent's death.

If, after a special-use valuation election is made, the heir who acquired the real property ceases to use it in its qualified use within 10 years of the decedent's death, an additional estate tax is imposed to recapture the entire estate-tax benefit of the special-use valuation.

Installment payment of estate tax for closely held businesses.—Under present law, the estate tax generally is due within nine months of a decedent's death. However, an executor generally may elect to pay estate

³¹⁸ Secs. 2055 and 2522.

³¹⁹ Sec. 2055(d).

³²⁰ Secs. 2055(e)(2) and 2522(c)(2).

³²¹ Sec. 2001(a).

³²² More mechanically, the taxable estate is combined with the value of adjusted taxable gifts made during the decedent's life (generally, post-1976 gifts), before applying tax rates to determine a tentative total amount of tax. The portion of the tentative tax attributable to lifetime gifts is then subtracted from the total tentative tax to determine the gross estate tax, i.e., the amount of estate tax before considering available credits. Credits are then subtracted to determine the estate tax liability.

This method of computation was designed to ensure that a taxpayer only gets one run up through the rate brackets for all lifetime gifts and transfers at death, at a time when the thresholds for applying the higher marginal rates exceeded the exemption amount. However, the higher (\$5.49 million) present-law exemption amount effectively renders the lower rate brackets irrelevant, because the top marginal rate bracket applies to all transfers in excess of \$1 million. In other words, all transfers that are not ex-

empt by reason of the \$5.49 million exemption amount are taxed at the highest marginal rate of 40 percent.

³²³ Sec. 2031(a).

³²⁴ Sec. 2032.

³²⁵ Sec. 2033.

³²⁶ Sec. 2035.

³²⁷ Sec. 2036.

³²⁸ Sec. 2037.

³²⁹ Sec. 2038.

³³⁰ Sec. 2041.

³³¹ Sec. 2042.

³³² Sec. 2058.

³³³ Sec. 2053.

³³⁴ Sec. 2054.

³³⁵ Sec. 2010.

³³⁶ Sec. 2012.

³³⁷ Sec. 2013.

³³⁸ Sec. 2014. In certain cases, an election may be made to deduct foreign death taxes. See section 2053(d).

³³⁹ Sec. 2032A.

tax attributable to an interest in a closely held business in two or more installments (but no more than 10).³⁴⁰ An estate is eligible for payment of estate tax in installments if the value of the decedent's interest in a closely held business exceeds 35 percent of the decedent's adjusted gross estate (i.e., the gross estate less certain deductions). If the election is made, the estate may defer payment of principal and pay only interest for the first five years, followed by up to 10 annual installments of principal and interest. This provision effectively extends the time for paying estate tax by 14 years from the original due date of the estate tax. A special two-percent interest rate applies to the amount of deferred estate tax attributable to the first \$1 million (adjusted annually for inflation occurring after 1998; the inflation-adjusted amount for 2017 is \$1,490,000) in taxable value of a closely held business. The interest rate applicable to the amount of estate tax attributable to the taxable value of the closely held business in excess of \$1 million (adjusted for inflation) is equal to 45 percent of the rate applicable to underpayments of tax under section 6621 of the Code (i.e., 45 percent of the Federal short-term rate plus three percentage points).³⁴¹ Interest paid on deferred estate taxes is not deductible for estate or income tax purposes.

The gift tax

Overview

The Code imposes a tax for each calendar year on the transfer of property by gift during such year by any individual, whether a resident or nonresident of the United States.³⁴² The amount of taxable gifts for a calendar year is determined by subtracting from the total amount of gifts made during the year: (1) the gift tax annual exclusion (described below); and (2) allowable deductions.

Gift tax for the current taxable year is determined by: (1) computing a tentative tax on the combined amount of all taxable gifts for the current and all prior calendar years using the common gift tax and estate tax rate table; (2) computing a tentative tax only on all prior-year gifts; (3) subtracting the tentative tax on prior-year gifts from the tentative tax computed for all years to arrive at the portion of the total tentative tax attributable to current-year gifts; and, finally, (4) subtracting the amount of unified credit not consumed by prior-year gifts.

Because the gift tax shares a common unified credit (exemption) and tax rate table with the estate tax, the exemption amounts and tax rates are described together above, along with certain other common features of these taxes.

Transfers by gift

The gift tax applies to a transfer by gift regardless of whether: (1) the transfer is made outright or in trust; (2) the gift is direct or indirect; or (3) the property is real or personal, tangible or intangible.³⁴³ For gift tax purposes, the value of a gift of property is the fair market value of the property at the time of the gift.³⁴⁴ Where property is transferred for less than full consideration, the amount by which the value of the property exceeds the value of the consideration is considered a gift and is included in computing the total amount of a taxpayer's gifts for a calendar year.³⁴⁵

For a gift to occur, a donor generally must relinquish dominion and control over donated property. For example, if a taxpayer transfers assets to a trust established for the benefit of his or her children, but retains the right to revoke the trust, the taxpayer may not have made a completed gift, because the taxpayer has retained dominion and control over the transferred assets. A completed gift made in trust, on the other hand, often is treated as a gift to the trust beneficiaries.

By reason of statute, certain transfers are not treated as transfers by gift for gift tax purposes. These include, for example, certain transfers for educational and medical purposes,³⁴⁶ transfers to section 527 political organizations,³⁴⁷ and transfers to tax-exempt organizations described in sections 501(c)(4), (5), or (6).³⁴⁸

Taxable gifts

As stated above, the amount of a taxpayer's taxable gifts for the year is determined by subtracting from the total amount of the taxpayer's gifts for the year the gift tax annual exclusion and any available deductions.

Gift tax annual exclusion.—Under present law, donors of lifetime gifts are provided an annual exclusion of \$14,000 per donee in 2017 (indexed for inflation from the 1997 annual exclusion amount of \$10,000) for gifts of present interests in property during the taxable year.³⁴⁹ If the non-donor spouse consents to split the gift with the donor spouse, then the annual exclusion is \$28,000 per donee in 2017. In general, unlimited transfers between spouses are permitted without imposition of a gift tax. Special rules apply to the contributions to a qualified tuition program ("529 Plan") including an election to treat a contribution that exceeds the annual exclusion as a contribution made ratably over a five-year period beginning with the year of the contribution.³⁵⁰

Marital and charitable deductions.—As described above, transfers to a surviving spouse or to charity generally are deductible for gift tax purposes. The effect of the marital and charitable deductions generally is to remove assets transferred to a surviving spouse or to charity from the gift tax base.

The generation-skipping transfer tax

A generation-skipping transfer tax generally is imposed (in addition to the gift tax or the estate tax) on transfers, either directly or in trust or similar arrangement, to a "skip person" (i.e., a beneficiary in a generation more than one generation below that of the transferor). Transfers subject to the generation-skipping transfer tax include direct skips, taxable terminations, and taxable distributions.

Exemption and tax rate

An exemption generally equal to the estate tax exemption amount (\$5.49 million for 2017) is provided for each person making generation-skipping transfers. The exemption may be allocated by a transferor (or his or her executor) to transferred property, and in some cases is automatically allocated. The allocation of generation-skipping transfer tax exemption effectively reduces the tax rate on a generation-skipping transfer.

The tax rate on generation-skipping transfers is a flat rate of tax equal to the maximum estate and gift tax rate (40 percent) multiplied by the "inclusion ratio." The in-

clusion ratio with respect to any property transferred indicates the amount of "generation-skipping transfer tax exemption" allocated to a trust (or to property transferred in a direct skip) relative to the total value of property transferred.³⁵¹ If, for example, a taxpayer transfers \$5 million in property to a trust and allocates \$5 million of exemption to the transfer, the inclusion ratio is zero, and the applicable tax rate on any subsequent generation-skipping transfers from the trust is zero percent (40 percent multiplied by the inclusion ratio of zero). If, however, the taxpayer allocated only \$2.5 million of exemption to the transfer, the inclusion ratio is 0.5, and the applicable tax rate on any subsequent generation-skipping transfers from the trust is 20 percent (40 percent multiplied by the inclusion ratio of 0.5). If the taxpayer allocates no exemption to the transfer, the inclusion ratio is one, and the applicable tax rate on any subsequent generation-skipping transfers from the trust is 40 percent (40 percent multiplied by the inclusion ratio of one).

Generation-skipping transfers

Generation-skipping transfer tax generally is imposed at the time of a generation-skipping transfer—a direct skip, a taxable termination, or a taxable distribution.

A direct skip is any transfer subject to estate or gift tax of an interest in property to a skip person. A skip person may be a natural person or certain trusts. All persons assigned to the second or more remote generation below the transferor are skip persons (e.g., grandchildren and great-grandchildren). Trusts are skip persons if (1) all interests in the trust are held by skip persons, or (2) no person holds an interest in the trust and at no time after the transfer may a distribution (including distributions and terminations) be made to a non-skip person.

A taxable termination is a termination (by death, lapse of time, release of power, or otherwise) of an interest in property held in trust unless, immediately after such termination, a non-skip person has an interest in the property, or unless at no time after the termination may a distribution (including a distribution upon termination) be made from the trust to a skip person.

A taxable distribution is a distribution from a trust to a skip person (other than a taxable termination or direct skip). If a transferor allocates generation-skipping transfer tax exemption to a trust prior to the taxable distribution, generation-skipping transfer tax may be avoided.

Income tax basis in property received

In general

Gain or loss, if any, on the disposition of property is measured by the taxpayer's amount realized (i.e., gross proceeds received) on the disposition, less the taxpayer's basis in such property. Basis generally represents a taxpayer's investment in property with certain adjustments required after acquisition. For example, basis is increased by the cost of capital improvements made to the property and decreased by depreciation deductions taken with respect to the property.

A gift or bequest of appreciated (or loss) property is not an income tax realization event for the transferor. The Code provides special rules for determining a recipient's basis in assets received by lifetime gift or from a decedent.

³⁵¹The inclusion ratio is one minus the applicable fraction. The applicable fraction is the amount of exemption allocated to a trust (or to a direct skip) divided by the value of assets transferred.

³⁴⁰Sec. 6166.

³⁴¹The interest rate on this portion adjusts with the Federal short-term rate.

³⁴²Sec. 2501(a).

³⁴³Sec. 2511(a).

³⁴⁴Sec. 2512(a).

³⁴⁵Sec. 2512(b).

³⁴⁶Sec. 2503(e).

³⁴⁷Sec. 2501(a)(4).

³⁴⁸Sec. 2501(a)(6).

³⁴⁹Sec. 2503(b).

³⁵⁰Sec. 529(c)(2).

Basis in property received by lifetime gift

Under present law, property received from a donor of a lifetime gift generally takes a carryover basis. “Carryover basis” means that the basis in the hands of the donee is the same as it was in the hands of the donor. The basis of property transferred by lifetime gift also is increased, but not above fair market value, by any gift tax paid by the donor. The basis of a lifetime gift, however, generally cannot exceed the property’s fair market value on the date of the gift. If a donor’s basis in property is greater than the fair market value of the property on the date of the gift, then, for purposes of determining loss on a subsequent sale of the property, the donee’s basis is the property’s fair market value on the date of the gift.

Basis in property acquired from a decedent

Property acquired from a decedent’s estate generally takes a stepped-up basis. “Stepped-up basis” means that the basis of property acquired from a decedent’s estate generally is the fair market value on the date of the decedent’s death (or, if the alternate valuation date is elected, the earlier of six months after the decedent’s death or the date the property is sold or distributed by the estate). Providing a fair market value basis eliminates the recognition of income on any appreciation of the property that occurred prior to the decedent’s death and eliminates the tax benefit from any unrealized loss.

In community property states, a surviving spouse’s one-half share of community property held by the decedent and the surviving spouse (under the community property laws of any State, U.S. possession, or foreign country) generally is treated as having passed from the decedent and, thus, is eligible for stepped-up basis. Thus, both the decedent’s one-half share and the surviving spouse’s one-half share are stepped up to fair market value. This rule applies if at least one-half of the whole of the community interest is includible in the decedent’s gross estate.

Stepped-up basis treatment generally is denied to certain interests in foreign entities. Stock in a passive foreign investment company (including those for which a market-to-market election has been made) generally takes a carryover basis, except that stock of a passive foreign investment company for which a decedent shareholder had made a qualified electing fund election is allowed a stepped-up basis. Stock owned by a decedent in a domestic international sales corporation (or former domestic international sales corporation) takes a stepped-up basis reduced by the amount (if any) which would have been included in gross income under section 995(c) as a dividend if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date (i.e., generally the date of the decedent’s death unless an alternate valuation date is elected).

HOUSE BILL

The provision doubles the estate and gift tax exemption for decedents dying and gifts made after December 31, 2017. This is accomplished by increasing the basic exclusion amount provided in section 2010(c)(3) of the Code from \$5 million to \$10 million. The \$10 million amount is indexed for inflation occurring after 2011.

For estates of decedents dying and generation-skipping transfers made after December 31, 2024, the provision repeals the estate tax and the generation-skipping transfer tax. The provision includes a transition rule for assets placed in a qualified domestic trust by

a decedent who died before the effective date of the provision. Specifically, estate tax will not be imposed on: (1) distributions before the death of a surviving spouse from the trust more than 10 years after the date of enactment; or (2) assets remaining in the qualified domestic trust upon the death of the surviving spouse. The top marginal gift tax rate is reduced to 35 percent for gifts made after December 31, 2024.

The provision generally retains the present law rules for determining the income tax basis of assets acquired by gift and assets acquired from a decedent. As a result, property received from a donor of a lifetime gift generally will continue to take a carryover basis, and property acquired from a decedent’s estate generally will continue to take a stepped-up basis.

Effective date.—The doubling of the estate and gift tax exemption is effective for estates of decedents dying, generation-skipping transfers, and gifts made after December 31, 2017. The repeal of the estate and generation-skipping transfer taxes, and the reduction in the gift tax rate to 35 percent, are effective for estates of decedents dying, generation-skipping transfers, and gifts made after December 31, 2024.

SENATE AMENDMENT

The provision doubles the estate and gift tax exemption for estates of decedents dying and gifts made after December 31, 2017, and before January 1, 2026. This is accomplished by increasing the basic exclusion amount provided in section 2010(c)(3) of the Code from \$5 million to \$10 million. The \$10 million amount is indexed for inflation occurring after 2011.

As a conforming amendment to section 2010(g) (regarding computation of estate tax), the provision provides that the Secretary shall prescribe regulations as may be necessary or appropriate to carry out the purposes of the section with respect to differences between the basic exclusion amount in effect: (1) at the time of the decedent’s death; and (2) at the time of any gifts made by the decedent.

Effective date.—The provision is effective for estates of decedents dying and gifts made after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

G. Alternative Minimum Tax (sec. 2001 of the House bill, sec. 12001 of the Senate amendment, and secs. 53 and 55-59 of the Code)

PRESENT LAW

Individual alternative minimum tax*In general*

An alternative minimum tax (“AMT”) is imposed on an individual, estate, or trust in an amount by which the tentative minimum tax exceeds the regular income tax for the taxable year. For taxable years beginning in 2017, the tentative minimum tax is the sum of (1) 26 percent of so much of the taxable excess as does not exceed \$187,800 (\$93,900 in the case of a married individual filing a separate return) and (2) 28 percent of the remaining taxable excess. The breakpoints are indexed for inflation. The taxable excess is so much of the alternative minimum taxable income (“AMTI”) as exceeds the exemption amount. The maximum tax rates on net capital gain and dividends used in computing the regular tax are used in computing the tentative minimum tax. AMTI is the taxable income adjusted to take account of specified tax preferences and adjustments.

The exemption amounts for taxable years beginning in 2017 are: (1) \$84,500 in the case of

married individuals filing a joint return and surviving spouses; (2) \$54,300 in the case of other unmarried individuals; (3) \$42,250 in the case of married individuals filing separate returns; and (4) \$24,100 in the case of an estate or trust. For taxable years beginning in 2017, the exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual’s AMTI exceeds (1) \$160,900 in the case of married individuals filing a joint return and surviving spouses, (2) \$120,700 in the case of other unmarried individuals, and (3) \$80,450 in the case of married individuals filing separate returns or an estate or a trust. The amounts are indexed for inflation.

AMTI is the taxpayer’s taxable income increased by certain preference items and adjusted by determining the tax treatment of certain items in a manner that negates the deferral of income resulting from the regular tax treatment of those items.

Preference items in computing AMTI

The minimum tax preference items are:

1. The excess of the deduction for percentage depletion over the adjusted basis of each mineral property (other than oil and gas properties) at the end of the taxable year.

2. The amount by which excess intangible drilling costs (i.e., expenses in excess the amount that would have been allowable if amortized over a 10-year period) exceed 65 percent of the net income from oil, gas, and geothermal properties. This preference applies to independent producers only to the extent it reduces the producer’s AMTI (determined without regard to this preference and the net operating loss deduction) by more than 40 percent.

3. Tax-exempt interest income on private activity bonds (other than qualified 501(c)(3) bonds, certain housing bonds, and bonds issued in 2009 and 2010) issued after August 7, 1986.

4. Accelerated depreciation or amortization on certain property placed in service before January 1, 1987.

5. Seven percent of the amount excluded from income under section 1202 (relating to gains on the sale of certain small business stock).

In addition, losses from any tax shelter farm activity or passive activities are not taken into account in computing AMTI.

Adjustments in computing AMTI

The adjustments that individuals must make to compute AMTI are:

1. Depreciation on property placed in service after 1986 and before January 1, 1999, is computed by using the generally longer class lives prescribed by the alternative depreciation system of section 168(g) and either (a) the straight-line method in the case of property subject to the straight-line method under the regular tax or (b) the 150-percent declining balance method in the case of other property. Depreciation on property placed in service after December 31, 1998, is computed by using the regular tax recovery periods and the AMT methods described in the previous sentence. Depreciation on property acquired after September 10, 2001, which is allowed an additional allowance under section 168(k) for the regular tax is computed without regard to any AMT adjustments.

2. Mining exploration and development costs are capitalized and amortized over a 10-year period.

3. Taxable income from a long-term contract (other than a home construction contract) is computed using the percentage of completion method of accounting.

4. Depreciation on property placed in service after 1986 and before January 1, 1999, is

computed by using the generally longer class lives prescribed by the alternative depreciation system of section 168(g) and either (a) the straight-line method in the case of property subject to the straight-line method under the regular tax or (b) the 150-percent declining balance method in the case of other property. Depreciation on property placed in service after December 31, 1998, is computed by using the regular tax recovery periods and the AMT methods described in the previous sentence. Depreciation on property acquired after September 10, 2001, which is allowed an additional allowance under section 168(k) for the regular tax is computed without regard to any AMT adjustments.

5. Mining exploration and development costs are capitalized and amortized over a 10-year period.

6. Taxable income from a long-term contract (other than a home construction contract) is computed using the percentage of completion method of accounting.

7. The amortization deduction allowed for pollution control facilities placed in service before January 1, 1999 (generally determined using 60-month amortization for a portion of the cost of the facility under the regular tax), is calculated under the alternative depreciation system (generally, using longer class lives and the straight-line method). The amortization deduction allowed for pollution control facilities placed in service after December 31, 1998, is calculated using the regular tax recovery periods and the straight-line method.

8. Miscellaneous itemized deductions are not allowed.

9. Itemized deductions for State, local, and foreign real property taxes; State and local personal property taxes; State, local, and foreign income, war profits, and excess profits taxes; and State and local sales taxes are not allowed.

10. Medical expenses are allowed only to the extent they exceed ten percent of the taxpayer's adjusted gross income.

11. Deductions for interest on home equity loans are not allowed.

12. The standard deduction and the deduction for personal exemptions are not allowed.

13. The amount allowable as a deduction for circulation expenditures is capitalized and amortized over a three-year period.

14. The amount allowable as a deduction for research and experimentation expenditures from passive activities is capitalized and amortized over a 10-year period.

15. The regular tax rules relating to incentive stock options do not apply.

Other rules

The taxpayer's net operating loss deduction generally cannot reduce the taxpayer's AMTI by more than 90 percent of the AMTI (determined without the net operating loss deduction).

The alternative minimum tax foreign tax credit reduces the tentative minimum tax.

The various nonrefundable business credits allowed under the regular tax generally are not allowed against the AMT. Certain exceptions apply.

If an individual is subject to AMT in any year, the amount of tax exceeding the taxpayer's regular tax liability is allowed as a credit (the "AMT credit") in any subsequent taxable year to the extent the taxpayer's regular tax liability exceeds his or her tentative minimum tax liability in such subsequent year. The AMT credit is allowed only to the extent that the taxpayer's AMT liability is the result of adjustments that are timing in nature. The individual AMT adjustments relating to itemized deductions and

personal exemptions are not timing in nature, and no minimum tax credit is allowed with respect to these items.

An individual may elect to write off certain expenditures paid or incurred with respect of circulation expenses, research and experimental expenses, intangible drilling and development expenditures, development expenditures, and mining exploration expenditures over a specified period (three years in the case of circulation expenses, 60 months in the case of intangible drilling and development expenditures, and 10 years in case of other expenditures). The election applies for purposes of both the regular tax and the alternative minimum tax.

Corporate alternative minimum tax

In general

An AMT is also imposed on a corporation to the extent the corporation's tentative minimum tax exceeds its regular tax. This tentative minimum tax is computed at the rate of 20 percent on the AMTI in excess of a \$40,000 exemption amount that phases out. The exemption amount is phased out by an amount equal to 25 percent of the amount that the corporation's AMTI exceeds \$150,000.

AMTI is the taxpayer's taxable income increased by certain preference items and adjusted by determining the tax treatment of certain items in a manner that negates the deferral of income resulting from the regular tax treatment of those items.

A corporation with average gross receipts of less than \$7.5 million for the prior three taxable years is exempt from the corporate minimum tax. The \$7.5 million threshold is reduced to \$5 million for the corporation's first three-taxable year period.

Preference items in computing AMTI

The corporate minimum tax preference items are:

1. The excess of the deduction for percentage depletion over the adjusted basis of the property at the end of the taxable year. This preference does not apply to percentage depletion allowed with respect to oil and gas properties.

2. The amount by which excess intangible drilling costs arising in the taxable year exceed 65 percent of the net income from oil, gas, and geothermal properties. This preference does not apply to an independent producer to the extent the preference would not reduce the producer's AMTI by more than 40 percent.

3. Tax-exempt interest income on private activity bonds (other than qualified 501(c)(3) bonds, certain housing bonds, and bonds issued in 2009 and 2010) issued after August 7, 1986.

4. Accelerated depreciation or amortization on certain property placed in service before January 1, 1987.

Adjustments in computing AMTI

The adjustments that corporations must make in computing AMTI are:

1. Depreciation on property placed in service after 1986 and before January 1, 1999, must be computed by using the generally longer class lives prescribed by the alternative depreciation system of section 168(g) and either (a) the straight-line method in the case of property subject to the straight-line method under the regular tax or (b) the 150-percent declining balance method in the case of other property. Depreciation on property placed in service after December 31, 1998, is computed by using the regular tax recovery periods and the AMT methods described in the previous sentence. Depreciation on property which is allowed "bonus depreciation" for the regular tax is computed without regard to any AMT adjustments.

2. Mining exploration and development costs must be capitalized and amortized over a 10-year period.

3. Taxable income from a long-term contract (other than a home construction contract) must be computed using the percentage of completion method of accounting.

4. The amortization deduction allowed for pollution control facilities placed in service before January 1, 1999 (generally determined using 60-month amortization for a portion of the cost of the facility under the regular tax), must be calculated under the alternative depreciation system (generally, using longer class lives and the straight-line method). The amortization deduction allowed for pollution control facilities placed in service after December 31, 1998, is calculated using the regular tax recovery periods and the straight-line method.

5. The special rules applicable to Merchant Marine construction funds are not applicable.

6. The special deduction allowable under section 833(b) for Blue Cross and Blue Shield organizations is not allowed.

7. The adjusted current earnings adjustment applies, as described below.

Adjusted current earnings ("ACE") adjustment

The adjusted current earnings adjustment is the amount equal to 75 percent of the amount by which the adjusted current earnings of a corporation exceed its AMTI (determined without the ACE adjustment and the alternative tax net operating loss deduction). In determining ACE the following rules apply:

1. For property placed in service before 1994, depreciation generally is determined using the straight-line method and the class life determined under the alternative depreciation system.

2. Amounts excluded from gross income under the regular tax but included for purposes of determining earnings and profits are generally included in determining ACE.

3. The inside build-up of a life insurance contract is included in ACE (and the related premiums are deductible).

4. Intangible drilling costs of integrated oil companies must be capitalized and amortized over a 60-month period.

5. The regular tax rules of section 173 (allowing circulation expenses to be amortized) and section 248 (allowing organizational expenses to be amortized) do not apply.

6. Inventory must be calculated using the FIFO, rather than LIFO, method.

7. The installment sales method generally may not be used.

8. No loss may be recognized on the exchange of any pool of debt obligations for another pool of debt obligations having substantially the same effective interest rates and maturities.

9. Depletion (other than for oil and gas properties) must be calculated using the cost, rather than the percentage, method.

10. In certain cases, the assets of a corporation that has undergone an ownership change must be stepped down to their fair market values.

Other rules

The taxpayer's net operating loss carryover generally cannot reduce the taxpayer's AMT liability by more than 90 percent of AMTI determined without this deduction.

The various nonrefundable business credits allowed under the regular tax generally are not allowed against the AMT. Certain exceptions apply.

If a corporation is subject to AMT in any year, the amount of AMT is allowed as an

AMT credit in any subsequent taxable year to the extent the taxpayer's regular tax liability exceeds its tentative minimum tax in the subsequent year. Corporations are allowed to claim a limited amount of AMT credits in lieu of bonus depreciation.

A corporation may elect to write off certain expenditures paid or incurred with respect of circulation expenses, research and experimental expenses, intangible drilling and development expenditures, development expenditures, and mining exploration expenditures over a specified period (three years in the case of circulation expenses, 60 months in the case of intangible drilling and development expenditures, and 10 years in case of other expenditures). The election applies for purposes of both the regular tax and the alternative minimum tax

HOUSE BILL

The House bill repeals the individual and corporate alternative minimum tax.

The provision allows the AMT credit to offset the taxpayer's regular tax liability for any taxable year. In addition, the AMT credit is refundable for any taxable year beginning after 2018 and before 2023 in an amount equal to 50 percent (100 percent in the case of taxable years beginning in 2022) of the excess of the minimum tax credit for the taxable year over the amount of the credit allowable for the year against regular tax liability. Thus, the full amount of the minimum tax credit will be allowed in taxable years beginning before 2023.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

In determining the alternative minimum taxable income for taxable years beginning before January 1, 2018, the net operating loss deduction carryback from taxable years beginning after December 31, 2017, are determined without regard to any AMT adjustments or preferences.

The repeal of the election to write off certain expenditures over a specified period applies to amounts paid or incurred after December 31, 2017.

SENATE AMENDMENT

The Senate amendment temporarily increases both the exemption amount and the exemption amount phaseout thresholds for the individual AMT. Under the provision, for taxable years beginning after December 31, 2017, and beginning before January 1, 2026, the AMT exemption amount is increased to \$109,400 for married taxpayers filing a joint return (half this amount for married taxpayers filing a separate return), and \$70,300 for all other taxpayers (other than estates and trusts). The phaseout thresholds are increased to \$208,400 (half this amount for married taxpayers filing a separate return), and \$156,300 for all other taxpayers (other than estates and trusts). These amounts are indexed for inflation.

The provision does not change the corporate alternative minimum tax.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement temporarily increases both the exemption amount and the exemption amount phaseout thresholds for the individual AMT. Under the provision, for taxable years beginning after December 31, 2017, and beginning before January 1, 2026, the AMT exemption amount is increased to \$109,400 for married taxpayers filing a joint return (half this amount for married taxpayers filing a separate return), and \$70,300

for all other taxpayers (other than estates and trusts). The phaseout thresholds are increased to \$1,000,000 for married taxpayers filing a joint return, and \$500,000 for all other taxpayers (other than estates and trusts). These amounts are indexed for inflation.

The conference agreement follows the House bill in repealing the corporate alternative minimum tax.

In the case of a corporation, the conference agreement allows the AMT credit to offset the regular tax liability for any taxable year. In addition, the AMT credit is refundable for any taxable year beginning after 2017 and before 2022 in an amount equal to 50 percent (100 percent in the case of taxable years beginning in 2021) of the excess of the minimum tax credit for the taxable year over the amount of the credit allowable for the year against regular tax liability. Thus, the full amount of the minimum tax credit will be allowed in taxable years beginning before 2022.

Effective date.—The provisions are effective for taxable years beginning after December 31, 2017.

H. Elimination of Shared Responsibility Payment for Individuals Failing to Maintain Minimal Essential Coverage (sec. 11081 of the Senate amendment and sec. 5000A of the Code)

PRESENT LAW

Under the Patient Protection and Affordable Care Act³⁵² (also called the Affordable Care Act, or “ACA”), individuals must be covered by a health plan that provides at least minimum essential coverage or be subject to a tax (also referred to as a penalty) for failure to maintain the coverage (commonly referred to as the “individual mandate”).³⁵³ Minimum essential coverage includes government-sponsored programs (including Medicare, Medicaid, and CHIP, among others), eligible employer-sponsored plans, plans in the individual market, grandfathered group health plans and grandfathered health insurance coverage, and other coverage as recognized by the Secretary of Health and Human Services (“HHS”) in coordination with the Secretary of the Treasury.³⁵⁴ The tax is imposed for any month that an individual does not have minimum essential coverage unless the individual qualifies for an exemption for the month as described below.

The tax for any calendar month is one-twelfth of the tax calculated as an annual amount. The annual amount is equal to the greater of a flat dollar amount or an excess income amount. The flat dollar amount is the lesser of (1) the sum of the individual annual dollar amounts for the members of the taxpayer's family and (2) 300 percent of the adult individual dollar amount. The individual adult annual dollar amount is \$695 for 2017 and 2018.³⁵⁵ For an individual who has not attained age 18, the individual annual dollar amount is one half of the adult amount. The excess income amount is 2.5 percent of the excess of the taxpayer's household income for the taxable year over the threshold amount of income for requiring

the taxpayer to file an income tax return.³⁵⁶ The total annual household payment may not exceed the national average annual premium for bronze level health plans for the applicable family size offered through Exchanges that year.

Exemptions from the requirement to maintain minimum essential coverage are provided for the following: (1) an individual for whom coverage is unaffordable because the required contribution exceeds 8.16³⁵⁷ percent of household income, (2) an individual with household income below the income tax return filing threshold, (3) a member of an Indian tribe, (4) a member of certain recognized religious sects or a health sharing ministry, (5) an individual with a coverage gap for a continuous period of less than three months, and (6) an individual who is determined by the Secretary of HHS to have suffered a hardship with respect to the capability to obtain coverage.³⁵⁸

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment reduces the amount of the individual responsibility payment, enacted as part of the Affordable Care Act, to zero.

Effective date.—The provision is effective with respect to health coverage status for months beginning after December 31, 2018.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

I. Other Provisions

1. Temporarily allow increased contributions to ABLE accounts, and allow contributions to be eligible for saver's credit (sec. 11024 of the Senate amendment and sec. 529A of the Code)

PRESENT LAW

Qualified ABLE programs

The Code provides for a tax-favored savings program intended to benefit disabled individuals, known as qualified ABLE programs.³⁵⁹ A qualified ABLE program is a program established and maintained by a State or agency or instrumentality thereof. A qualified ABLE program must meet the following conditions: (1) under the provisions of the program, contributions may be made to an account (an “ABLE account”), established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account; (2) the program must limit a designated beneficiary to one ABLE account; and (3) the program must meet certain other requirements discussed below. A qualified ABLE program is generally exempt from income tax, but is otherwise subject to the taxes imposed on the unrelated business income of tax-exempt organizations.

A designated beneficiary of an ABLE account is the owner of the ABLE account. A designated beneficiary must be an eligible individual (defined below) who established the ABLE account and who is designated at the commencement of participation in the qualified ABLE program as the beneficiary of amounts paid (or to be paid) into and from the program.

Contributions to an ABLE account must be made in cash and are not deductible for Federal income tax purposes. Except in the case

³⁵² Pub. L. No. 111-148.

³⁵³ Section 5000A. If an individual is a dependent, as defined in section 152, of another taxpayer, the other taxpayer is liable for any tax for failure to maintain the required coverage with respect to the individual.

³⁵⁴ Sec. 5000A(f). Minimum essential coverage does not include coverage that consists of only certain excepted benefits, such as limited scope dental and vision benefits or long-term care insurance offered under a separate policy, certificate or contract.

³⁵⁵ For years after 2016, the \$695 amount is indexed to CPI-U, rounded to the next lowest multiple of \$50.

³⁵⁶ Sec. 6012(a).

³⁵⁷ For 2017, The rate applicable for 2018 is 8.06 percent of household income.

³⁵⁸ In addition, certain individuals present or residing outside of the United States and bona fide residents of United States territories are deemed to maintain minimum essential coverage.

³⁵⁹ Sec. 529A.

of a rollover contribution from another ABLE account, an ABLE account must provide that it may not receive aggregate contributions during a taxable year in excess of the amount under section 2503(b) of the Code (the annual gift tax exemption). For 2017, this is \$14,000.³⁶⁰ Additionally, a qualified ABLE program must provide adequate safeguards to ensure that ABLE account contributions do not exceed the limit imposed on accounts under the qualified tuition program of the State maintaining the qualified ABLE program. Amounts in the account accumulate on a tax-deferred basis (i.e., income on accounts under the program is not subject to current income tax).

A qualified ABLE program may permit a designated beneficiary to direct (directly or indirectly) the investment of any contributions (or earnings thereon) no more than two times in any calendar year and must provide separate accounting for each designated beneficiary. A qualified ABLE program may not allow any interest in the program (or any portion thereof) to be used as security for a loan.

Distributions from an ABLE account are generally includible in the distributee's income to the extent consisting of earnings on the account.³⁶¹ Distributions from an ABLE account are excludable from income to the extent that the total distribution does not exceed the qualified disability expenses of the designated beneficiary during the taxable year. If a distribution from an ABLE account exceeds the qualified disability expenses of the designated beneficiary, a pro rata portion of the distribution is excludable from income. The portion of any distribution that is includible in income is subject to an additional 10-percent tax unless the distribution is made after the death of the beneficiary. Amounts in an ABLE account may be rolled over without income tax liability to another ABLE account for the same beneficiary³⁶² or another ABLE account for the designated beneficiary's brother, sister, stepbrother or stepsister who is also an eligible individual.

Except in the case of an ABLE account established in a different ABLE program for purposes of transferring ABLE accounts,³⁶³ no more than one ABLE account may be established by a designated beneficiary. Thus, once an ABLE account has been established by a designated beneficiary, no account subsequently established by such beneficiary shall be treated as an ABLE account.

A contribution to an ABLE account is treated as a completed gift of a present interest to the designated beneficiary of the account. Such contributions qualify for the per-donee annual gift tax exclusion (\$14,000

for 2017) and, to the extent of such exclusion, are exempt from the generation skipping transfer ("GST") tax. A distribution from an ABLE account generally is not subject to gift tax or GST tax.

Eligible individuals

As described above, a qualified ABLE program may provide for the establishment of ABLE accounts only if those accounts are established and owned by an eligible individual, such owner referred to as a designated beneficiary. For these purposes, an eligible individual is an individual either (1) for whom a disability certification has been filed with the Secretary for the taxable year, or (2) who is entitled to Social Security Disability Insurance benefits or SSI benefits³⁶⁴ based on blindness or disability, and such blindness or disability occurred before the individual attained age 26.

A disability certification means a certification to the satisfaction of the Secretary, made by the eligible individual or the parent or guardian of the eligible individual, that the individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, or is blind (within the meaning of section 1614(a)(2) of the Social Security Act). Such blindness or disability must have occurred before the date the individual attained age 26. Such certification must include a copy of the diagnosis of the individual's impairment and be signed by a licensed physician.³⁶⁵

Qualified disability expenses

As described above, the earnings on distributions from an ABLE account are excluded from income only to the extent total distributions do not exceed the qualified disability expenses of the designated beneficiary. For this purpose, qualified disability expenses are any expenses related to the eligible individual's blindness or disability which are made for the benefit of the designated beneficiary. Such expenses include the following expenses: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses, which are approved by the Secretary under regulations and consistent with the purposes of section 529A.

Transfer to State

In the event that the designated beneficiary dies, subject to any outstanding payments due for qualified disability expenses incurred by the designated beneficiary, all amounts remaining in the deceased designated beneficiary's ABLE account not in excess of the amount equal to the total medical assistance paid such individual under any State Medicaid plan established under title XIX of the Social Security Act shall be distributed to such State upon filing of a claim for payment by such State. Such repaid amounts shall be net of any premiums paid from the account or by or on behalf of the beneficiary to the State's Medicaid Buy-In program.

Treatment of ABLE accounts under Federal programs

Any amounts in an ABLE account, and any distribution for qualified disability expenses, shall be disregarded for purposes of determining eligibility to receive, or the amount of, any assistance or benefit authorized by any Federal means-tested program. However, in the case of the SSI program, a distribution for housing expenses is not disregarded, nor are amounts in an ABLE account in excess of \$100,000. In the case that an individual's ABLE account balance exceeds \$100,000, such individual's SSI benefits shall not be terminated, but instead shall be suspended until such time as the individual's resources fall below \$100,000. However, such suspension shall not apply for purposes of Medicaid eligibility.

Saver's credit

Present law provides a nonrefundable tax credit for eligible taxpayers for qualified retirement savings contributions.³⁶⁶ The maximum annual contribution eligible for the credit is \$2,000 per individual. The credit rate depends on the adjusted gross income ("AGI") of the taxpayer. For this purpose, AGI is determined without regard to certain excludable foreign-source earned income and certain U.S. possession income.

For taxable years beginning in 2017, married taxpayers filing joint returns with AGI of \$61,500 or less, taxpayers filing head of household returns with AGI of \$46,125 or less, and all other taxpayers filing returns with AGI of \$30,750 or less are eligible for the credit. As the taxpayer's AGI increases, the credit rate available to the taxpayer is reduced, until, at certain AGI levels, the credit is unavailable. The credit rates based on AGI for taxable years beginning in 2016 are provided in the table below. The AGI levels used for the determination of the available credit rate are indexed for inflation.

TABLE 3.—CREDIT RATES FOR SAVER'S CREDIT

Joint Filers	Heads of Households	All Other Filers	Credit Rate
\$0–\$37,000	\$0–\$27,750	\$0–\$18,500	50 percent
\$37,001–\$40,000	\$27,751–\$30,000	\$18,501–\$20,000	20 percent
\$40,001–\$62,000	\$30,001–\$46,500	\$20,001–\$31,000	10 percent
Over \$62,000	Over \$46,500	Over \$31,000	0 percent

The saver's credit is in addition to any deduction or exclusion that would otherwise apply with respect to the contribution. The

credit offsets alternative minimum tax liability as well as regular tax liability. The credit is available to individuals who are 18

years old or older, other than individuals who are full-time students or claimed as a dependent on another taxpayer's return.

³⁶⁰ This amount is indexed for inflation. In the case that contributions to an ABLE account exceed the annual limit, an excise tax in the amount of six percent of the excess contribution to such account is imposed on the designated beneficiary. Such tax does not apply in the event that the trustee of such account makes a corrective distribution of such excess amounts by the due date (including extensions)

of the individual's tax return for the year within the taxable year.

³⁶¹ The rules of section 72 apply in determining the portion of a distribution that consists of earnings.

³⁶² For instance, if a designated beneficiary were to relocate to a different State.

³⁶³ In which case the contributor ABLE account must be closed 60 days after the transfer to the new ABLE account is made.

³⁶⁴ These are benefits, respectively, under Title II or Title XVI of the Social Security Act.

³⁶⁵ No inference may be drawn from a disability certification for purposes of eligibility for Social Security, SSI or Medicaid benefits.

³⁶⁶ Sec. 25B.

Qualified retirement savings contributions consist of (1) elective deferrals to a section 401(k) plan, a section 403(b) plan, a governmental section 457 plan, a SIMPLE plan, or a SARSEP; (2) contributions to a traditional or Roth IRA; and (3) voluntary after-tax employee contributions to a qualified retirement plan or section 403(b) plan. Under the rules governing these arrangements, an individual's contribution to the arrangement generally cannot exceed the lesser of an annual dollar amount (for example, in 2017, \$5,500 in the case of an IRA of an individual under age 50) or the individual's compensation that is includible in income. In the case of IRA contributions of a married couple, the combined includible compensation of both spouses may be taken into account.

The amount of any contribution eligible for the credit is reduced by distributions received by the taxpayer (or by the taxpayer's spouse if the taxpayer files a joint return with the spouse) from any retirement plan to which eligible contributions can be made during the taxable year for which the credit is claimed, during the two taxable years prior to the year for which the credit is claimed, and during the period after the end of the taxable year for which the credit is claimed and prior to the due date (including extensions) for filing the taxpayer's return for the year. Distributions that are rolled over to another retirement plan do not affect the credit.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment temporarily increases the contribution limitation to ABLE accounts under certain circumstances. While the general overall limitation on contributions (the per-donee annual gift tax exclusion (\$14,000 for 2017)) remains the same, the limitation is temporarily increased with respect to contributions made by the designated beneficiary of the ABLE account. Under the temporary provision, after the overall limitation on contributions is reached, an ABLE account's designated beneficiary may contribute an additional amount, up to the lesser of (a) the Federal poverty line for a one-person household; or (b) the individual's compensation for the taxable year.

Additionally, the provision temporarily allows a designated beneficiary of an ABLE account to claim the saver's credit for contributions made to his or her ABLE account.

The provision does not apply to taxable years after December 31, 2025.

Effective date.—The provision is effective for taxable years beginning after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision is effective for taxable years beginning after the date of enactment of this Act.

2. Extension of time limit for contesting IRS levy (sec. 11071 of the Senate amendment and secs. 6343 and 6532 of the Code)

PRESENT LAW

The IRS is authorized to return property that has been wrongfully levied upon.³⁶⁷ In general, monetary proceeds from the sale of levied property may be returned within nine months of the date of the levy.

Generally, any person (other than the person against whom is assessed the tax out of

which such levy arose) who claims an interest in levied property and that such property was wrongfully levied upon may bring a civil action for wrongful levy in a district court of the United States.³⁶⁸ Generally, an action for wrongful levy must be brought within nine months from the date of levy.³⁶⁹

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision extends from nine months to two years the period for returning the monetary proceeds from the sale of property that has been wrongfully levied upon.

The provision also extends from nine months to two years the period for bringing a civil action for wrongful levy.

Effective date.—The provision is effective with respect to: (1) levies made after the date of enactment; and (2) levies made on or before the date of enactment provided that the nine-month period has not expired as of the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

3. Treatment of certain individuals performing services in the Sinai Peninsula of Egypt (sec. 11026 of the Senate amendment and secs. 2, 112, 692, 2201, 3401, 4253, 6013, and 7508 of the Code)

PRESENT LAW

Members of the Armed Forces serving in a combat zone are afforded a number of tax benefits. These include:

1. An exclusion from gross income of certain military pay received for any month during which the member served in a combat zone or was hospitalized as a result of serving in a combat zone;³⁷⁰

2. An exemption from taxes on death while serving in combat zone or dying as a result of wounds, disease, or injury incurred while so serving;³⁷¹

3. Special estate tax rules where death occurs in a combat zone;³⁷²

4. Special benefits to surviving spouses in the event of a service member's death or missing status;³⁷³

5. An extension of time limits governing the filing of returns and other rules regarding timely compliance with Federal income tax rules;³⁷⁴ and

6. An exclusion from telephone excise taxes.³⁷⁵

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision grants combat zone tax benefits to the Sinai Peninsula of Egypt, if as of the date of enactment of the provision any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger), for services performed in such location. This benefit lasts only during the period such entitlement is in effect but not later than taxable years beginning before January 1, 2026.

Effective date.—The provision is generally effective beginning June 9, 2015. The portion

of the provision related to wage withholding applies to remuneration paid after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

4. Modifications of user fees requirements for installment agreements (sec. 11073 of the Senate amendment and new sec. 6159(f) of the Code)

PRESENT LAW

The Code authorizes the IRS to enter into written agreements with any taxpayer under which the taxpayer agrees to pay taxes owed, as well as interest and penalties, in installments over an agreed schedule, if the IRS determines that doing so will facilitate collection of the amounts owed. This agreement provides for a period during which payments may be made and while other IRS enforcement actions are held in abeyance.³⁷⁶ An installment agreement generally does not reduce the amount of taxes, interest, or penalties owed. However, the IRS is authorized to enter into installment agreements with taxpayers which do not provide for full payment of the taxpayer's liability over the life of the agreement. The IRS is required to review such partial payment installment agreements at least every two years to determine whether the financial condition of the taxpayer has significantly changed so as to warrant an increase in the value of the payments being made.

Taxpayers can request an installment agreement by filing Form 9465, Installment Agreement Request.³⁷⁷ If the request for an installment agreement is approved by the IRS, the IRS charges a user fee.³⁷⁸ The IRS currently charges \$225 for entering into an installment agreement.³⁷⁹ If the application is for a direct debit installment agreement, whereby the taxpayer authorizes the IRS to request the monthly electronic transfer of funds from the taxpayer's bank account to the IRS, the fee is reduced to \$107.³⁸⁰ In addition, regardless of the method of payment, the fee is \$43 for low-income taxpayers.³⁸¹ For this purpose, low-income is defined as a person who falls below 250 percent of the Federal poverty guidelines published annually. Finally, there is no user fee if the agreement qualifies for a short term agreement (120 days or less).

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision generally prohibits increases in the amount of user fees charged by the IRS for installment agreements. For low-income taxpayers (those whose income falls below 250 percent of the Federal poverty guidelines), it alleviates the user fee requirement in two ways. First, it waives the user fee if the low-income taxpayer enters into an installment agreement under which the taxpayer agrees to make automated installment

³⁷⁶ Sec. 6331(k).

³⁷⁷ The IRS accepts applications for installment agreements online, from individuals and businesses, if the total tax, penalties and interest is below \$50,000 for the former, and \$25,000 for the latter.

³⁷⁸ 31 U.S.C. sec. 9701; Treas. reg. sec. 300.1; The Independent Offices Appropriations Act of 1952 (IOAA) 65 Stat. B70 (June 27, 1951). A discussion of the IRS practice regarding user fees and a list of actions for which fees are charged is included in the Internal Revenue Manual. See "User Fees," paragraph 1.32.19 IRM, available at https://www.irs.gov/irm/part1/irm_01-035-019.

³⁷⁹ Treas. reg. sec. 300.1.

³⁸⁰ *Ibid.*

³⁸¹ *Ibid.*

³⁶⁷ Sec. 6343.

³⁶⁸ Sec. 7426.

³⁶⁹ Sec. 6532.

³⁷⁰ Sec. 112; see also, sec. 3401(a)(1), exempting such income from wage withholding.

³⁷¹ Sec. 692.

³⁷² Sec. 2201.

³⁷³ Secs. 2(a)(3) and 6013(f)(1).

³⁷⁴ Sec. 7508.

³⁷⁵ Sec. 4253(d).

payments through a debit account. Second, it provides that low-income taxpayers who are unable to agree to make payments electronically remain subject to the required user fee, but the fee is reimbursed upon completion of the installment agreement.

Effective date.—The provision is effective for agreements entered into on or after the date that is 60 days after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

5. Relief for 2016 disaster areas (sec. 11029 of the Senate amendment and secs. 72(t), 165, 401–403, 408, 457, and 3405 of the Code)

PRESENT LAW

Distributions from tax-favored retirement plans

A distribution from a qualified retirement plan, a tax-sheltered annuity plan (a “section 403(b) plan”), an eligible deferred compensation plan of a State or local government employer (a “governmental section 457(b) plan”), or an individual retirement arrangement (an “IRA”) generally is included in income for the year distributed.³⁸² These plans are referred to collectively as “eligible retirement plans.” In addition, unless an exception applies, a distribution from a qualified retirement plan, a section 403(b) plan, or an IRA received before age 59½ is subject to a 10-percent additional tax (referred to as the “early withdrawal tax”) on the amount includible in income.³⁸³

In general, a distribution from an eligible retirement plan may be rolled over to another eligible retirement plan within 60 days, in which case the amount rolled over generally is not includible in income. The IRS has the authority to waive the 60-day requirement if failure to waive the requirement would be against equity or good conscience, including cases of casualty, disaster or other events beyond the reasonable control of the individual.

The terms of a qualified retirement plan, section 403(b) plan, or governmental section 457(b) plan generally determine when distributions are permitted. However, in some cases, restrictions may apply to distribution before an employee's termination of employment, referred to as “in-service” distributions. Despite such restrictions, an in-service distribution may be permitted in the case of financial hardship or an unforeseeable emergency.

Tax-favored retirement plans are generally required to be operated in accordance with the terms of the plan document, and amendments to reflect changes to the plan generally must be adopted within a limited period.

Itemized deduction for casualty losses

A taxpayer may generally claim a deduction for any loss sustained during the taxable year and not compensated by insurance or otherwise.³⁸⁴ For individual taxpayers, deductible losses must be incurred in a trade or

business or other profit-seeking activity or consist of property losses arising from fire, storm, shipwreck, or other casualty, or from theft. Personal casualty or theft losses are deductible only if they exceed \$100 per casualty or theft. In addition, aggregate net casualty and theft losses are deductible only to the extent they exceed 10 percent of an individual taxpayer's adjusted gross income.

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

The provision provides tax relief, as described below, relating to a “2016 disaster area,” defined as any area with respect to which a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act during calendar year 2016.

Distributions from eligible retirement plans

Under the provision, an exception to the 10-percent early withdrawal tax applies in the case of a qualified 2016 disaster distribution from a qualified retirement plan, a section 403(b) plan or an IRA. In addition, as discussed further, income attributable to a qualified 2016 disaster distribution may be included in income ratably over three years, and the amount of a qualified 2016 disaster distribution may be recontributed to an eligible retirement plan within three years.

A qualified 2016 disaster distribution is a distribution from an eligible retirement plan made on or after January 1, 2016, and before January 1, 2018, to an individual whose principal place of abode at any time during calendar year 2016 was located in a 2016 disaster area and who has sustained an economic loss by reason of the events giving rise to the Presidential disaster declaration.

The total amount of distributions to an individual from all eligible retirement plans that may be treated as qualified 2016 disaster distributions is \$100,000. Thus, any distributions in excess of \$100,000 during the applicable period are not qualified 2016 disaster distributions.

Any amount required to be included in income as a result of a qualified 2016 disaster is included in income ratably over the three-year period beginning with the year of distribution unless the individual elects not to have ratable inclusion apply.

Any portion of a qualified 2016 disaster distribution may, at any time during the three-year period beginning the day after the date on which the distribution was received, be recontributed to an eligible retirement plan to which a rollover can be made. Any amount recontributed within the three-year period is treated as a rollover and thus is not includible in income. For example, if an individual receives a qualified 2016 disaster distribution in 2016, that amount is included in income, generally ratably over the year of the distribution and the following two years, but is not subject to the 10-percent early withdrawal tax. If, in 2018, the amount of the qualified 2016 disaster distribution is recontributed to an eligible retirement plan, the individual may file an amended return to claim a refund of the tax attributable to the amount previously included in income. In addition, if, under the ratable inclusion provision, a portion of the distribution has not yet been included in income at the time of the contribution, the remaining amount is not includible in income.

A qualified 2016 disaster distribution is a permissible distribution from a qualified retirement plan, section 403(b) plan, or governmental section 457(b) plan, regardless of

whether a distribution otherwise would be permissible.³⁸⁵ A plan is not treated as violating any Code requirement merely because it treats a distribution as a qualified 2016 disaster distribution, provided that the aggregate amount of such distributions from plans maintained by the employer and members of the employer's controlled group or affiliated service group does not exceed \$100,000. Thus, a plan is not treated as violating any Code requirement merely because an individual might receive total distributions in excess of \$100,000, taking into account distributions from plans of other employers or IRAs.

A plan amendment made pursuant to the provision (or a regulation issued thereunder) may be retroactively effective if, in addition to the requirements described below, the amendment is made on or before the last day of the first plan year beginning after December 31, 2018 (or in the case of a governmental plan, December 31, 2020), or a later date prescribed by the Secretary. In addition, the plan will be treated as operated in accordance with plan terms during the period beginning with the date the provision or regulation takes effect (or the date specified by the plan if the amendment is not required by the provision or regulation) and ending on the last permissible date for the amendment (or, if earlier, the date the amendment is adopted). In order for an amendment to be retroactively effective, it must apply retroactively for that period, and the plan must be operated in accordance with the amendment during that period.

Modification of rules related to casualty losses

Under the provision, in the case of a personal casualty loss which arose on or after January 1, 2016, in a 2016 disaster area and was attributable to the events giving rise to the Presidential disaster declaration, such losses are deductible without regard to whether aggregate net losses exceed ten percent of a taxpayer's adjusted gross income. Under the provision, in order to be deductible, the losses must exceed \$500 per casualty. Additionally, such losses may be claimed in addition to the standard deduction.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with a clarification that casualty loss relief applies to losses arising in taxable years beginning after December 31, 2015, and before January 1, 2018.

6. Attorneys' fees relating to awards to whistleblowers (sec. 11078 of the Senate amendment and sec. 62(a)(21) of the Code)

PRESENT LAW

The Code provides an above-the-line deduction for attorneys' fees and costs paid by, or on behalf of, the taxpayer in connection with any action involving a claim of unlawful discrimination, certain claims against the Federal Government, or a private cause of action under the Medicare Secondary Payer statute.³⁸⁶ The amount that may be deducted

³⁸² Secs. 401(a), 403(a), 403(b), 457(b) and 408. Under section 3405, distributions from these plans are generally subject to income tax withholding unless the recipient elects otherwise. In addition, certain distributions from a qualified retirement plan, a section 403(b) plan, or a governmental section 457(b) plan are subject to mandatory income tax withholding at a 20-percent rate unless the distribution is rolled over.

³⁸³ Sec. 72(t). Under present law, the 10-percent early withdrawal tax does not apply to distributions from a governmental section 457(b) plan.

³⁸⁴ Sec. 165.

³⁸⁵ A qualified 2016 disaster distributions is subject to income tax withholding unless the recipient elects otherwise. Mandatory 20-percent withholding does not apply.

³⁸⁶ Secs. 62(a)(20) and (e). Section 62(e) defines “unlawful discrimination” to include a number of specific statutes, any federal whistle-blower statute, and any federal, state, or local law “providing for the enforcement of civil rights” or “regulating any

above-the-line may not exceed the amount includible in the taxpayer's gross income for the taxable year on account of a judgment or settlement (whether by suit or agreement and whether as lump sum or periodic payments) resulting from such claim. Additionally, the Code provides an above-the-line deduction for attorneys' fees and costs paid by, or on behalf of, the individual in connection with any award for providing information regarding violations of the tax laws.³⁸⁷ The amount that may be deducted above-the-line may not exceed the amount includible in the taxpayer's gross income for the taxable year on account of such award.³⁸⁸

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision provides an above-the-line deduction for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any action involving a claim under State False Claim Acts, the SEC whistleblower program,³⁸⁹ and the Commodity Future Trading Commission whistleblower program.³⁹⁰

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

7. Clarification of whistleblower awards (sec. 11079 of the Senate amendment and new sec. 7623(c) of the Code)

PRESENT LAW

Awards to whistleblowers

The Code authorizes the IRS to pay such sums as deemed necessary for: “(1) detecting underpayments of tax; or (2) detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws or conniving at the same.”³⁹¹ Generally, amounts are paid based on a percentage of proceeds collected based on the information provided.

The Tax Relief and Health Care Act of 2006 (the “Act”)³⁹² established an enhanced reward program for actions in which the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed \$2,000,000 and, if the taxpayer is an individual, the individual's gross income exceeds \$200,000 for any taxable year in issue. In such cases, the award is calculated to be at least 15 percent but not more than 30 percent of collected proceeds (including penalties, interest, additions to tax, and additional amounts).

The Act permits an individual to appeal the amount or a denial of an award determination to the United States Tax Court (the “Tax Court”) within 30 days of such determination. Tax Court review of an award determination may be assigned to a special trial judge.

Rules relating to taxpayers with foreign assets

U.S. persons who transfer assets to, and hold interests in, foreign bank accounts or foreign entities may be subject to self-re-

porting requirements under both the Foreign Account Tax Compliance Act provisions in the Code and the provisions in the Bank Secrecy Act and its underlying regulations (which provide for FinCEN Form 114, Report of Foreign Bank and Financial Accounts, the “FBAR”), as discussed below. Amounts recovered for violations of FATCA provisions in the Code may be considered for purposes of computing a whistleblower award under the Code. However, the IRS has found that amounts recovered for violations of non-tax laws, including the provisions of the Bank Secrecy Act (and FBAR) for which the IRS has delegated authority, may not be considered for purposes of computing an award under the Code.³⁹³

Foreign Account Tax Compliance Act (“FATCA”)

The Code imposes a withholding and reporting regime for U.S. persons engaged in foreign activities, directly or indirectly, through a foreign business entity.³⁹⁴ This regime for outbound payments,³⁹⁵ commonly referred to as the Foreign Account Tax Compliance Act (“FATCA”),³⁹⁶ imposes a withholding tax of 30 percent of the gross amount of certain payments to foreign financial institutions (“FFIs”) unless the FFI establishes that it is compliant with the information reporting requirements of FATCA which include identifying certain U.S. accounts held in the FFI. An FFI must report with respect to a U.S. account (1) the name, address, and taxpayer identification number of each U.S. person holding an account or a foreign entity with one or more substantial U.S. owners holding an account; (2) the account number; (3) the account balance or value; and (4) except as provided by the Secretary, the gross receipts, including from dividends and interest, and gross withdrawals or payments from the account.³⁹⁷

Individuals are required to disclose with their annual Federal income tax return any interest in foreign accounts and certain foreign securities if the aggregate value of such assets is in excess of the greater of \$50,000 or an amount determined by the Secretary in regulations. Failure to do so is punishable by a penalty of \$10,000, which may increase for each 30-day period during which the failure continues after notification by the IRS, up to a maximum penalty of \$50,000.³⁹⁸

Report of Foreign Bank and Financial Accounts (the “FBAR”)

In addition to the reporting requirements under the Code, U.S. persons who transfer assets to, and hold interests in, foreign bank

accounts or foreign entities may be subject to self-reporting requirements under the Bank Secrecy Act.³⁹⁹

The Bank Secrecy Act imposes reporting obligations on both financial institutions and account holders. With respect to account holders, a U.S. citizen, resident, or person doing business in the United States is required to keep records and file reports, as specified by the Secretary, when that person enters into a transaction or maintains an account with a foreign financial agency.⁴⁰⁰ Regulations promulgated pursuant to broad regulatory authority granted to the Secretary in the Bank Secrecy Act⁴⁰¹ provide additional guidance regarding the disclosure obligation with respect to foreign accounts.

The FBAR must be filed by June 30⁴⁰² of the year following the year in which the \$10,000 filing threshold is met.⁴⁰³ Failure to file the FBAR is subject to both criminal⁴⁰⁴ and civil penalties.⁴⁰⁵ Willful failure to file an FBAR may be subject to penalties in amounts not to exceed the greater of \$100,000 or 50 percent of the amount in the account at the time of the violation.⁴⁰⁶ A non-willful, but negligent, failure to file is subject to a penalty of \$10,000 for each negligent violation.⁴⁰⁷ The penalty may be waived if (1) there is reasonable cause for the failure to report and (2) the amount of the transaction or balance in the account was properly reported. In addition, serious violations are subject to criminal prosecution, potentially resulting in both monetary penalties and imprisonment. Civil and criminal sanctions are not mutually exclusive.

FBAR enforcement responsibility

Until 2003, the Financial Crimes Enforcement Network (“FinCEN”), an agency of the Department of the Treasury, had exclusive responsibility for civil penalty enforcement of FBAR, although administration of the FBAR reporting regime was delegated to the IRS.⁴⁰⁸ As a result, persons who were more

³⁹⁹ Bank Secrecy Act, 31 U.S.C. secs. 5311–5332.

⁴⁰⁰ 31 U.S.C. sec. 5314. The term “agency” in the Bank Secrecy Act includes financial institutions.

⁴⁰¹ 31 U.S.C. sec. 5314(a) provides: “Considering the need to avoid impeding or controlling the export or import of monetary instruments and the need to avoid burdening unreasonably a person making a transaction with a foreign financial agency, the Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency.”

⁴⁰² The Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Pub. L. No. 114–41, changed the filing date for FinCEN Form 114 from June 30 to April 15 (with a maximum extension for a 6-month period ending on October 15 and with provision for an extension under rules similar to the rules in Treas. Reg. section 1.6081–5) for tax returns for taxable years beginning after December 31, 2015.

⁴⁰³ 31 C.F.R. sec. 103.27(c). The \$10,000 threshold is the aggregate value of all foreign financial accounts in which a U.S. person has a financial interest or over which the U.S. person has signature or other authority.

⁴⁰⁴ 31 U.S.C. sec. 5322 (failure to file is punishable by a fine up to \$250,000 and imprisonment for five years, which may double if the violation occurs in conjunction with certain other violations).

⁴⁰⁵ 31 U.S.C. sec. 5321(a)(5).

⁴⁰⁶ 31 U.S.C. sec. 5321(a)(5)(C).

⁴⁰⁷ 31 U.S.C. sec. 5321(a)(5)(B)(i), (ii).

⁴⁰⁸ Treas. Directive 15-14 (December 1, 1992), in which the Secretary delegated to the IRS authority to investigate violations of the Bank Secrecy Act. If the IRS Criminal Investigation Division declines to pursue a possible criminal case, it is to refer the matter to FinCEN for civil enforcement.

aspect of the employment relationship . . . or prohibiting the discharge of an employee, the discrimination against an employee, or any other form of retaliation or reprisal against an employee for asserting rights or taking other actions permitted by law.”

³⁸⁷ Secs. 7623 and 62(a)(21).

³⁸⁸ Secs. 7623 and 62(a)(21).

³⁸⁹ 15 U.S.C. secs. 78u–6 and 78u–7.

³⁹⁰ 7 U.S.C. sec. 26.

³⁹¹ Sec. 7623.

³⁹² Pub. L. No. 109–432.

³⁹³ Chief Counsel Memorandum, “Scope of Awards Payable Under I.R.C. section 7623,” April 23, 2012, available at <http://www.tax-whistleblower.com/resources/PMTA-2012-10.pdf>. Under Title 31, “[t]he Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds \$50,000, for a violation of [chapter 53 of Title 31]. The Secretary shall determine the amount of a reward . . . [and] may not award more than 25 percent of the net amount of the fine, penalty, or forfeiture collected or \$150,000, whichever is less.” 31 U.S.C. § 5323.

³⁹⁴ See, e.g., secs. 6038, 6038B, and 6046.

³⁹⁵ Hiring Incentives to Restore Employment Act of 2010, Pub. L. No. 111–147.

³⁹⁶ Foreign Account Tax Compliance Act of 2009 is the name of the House and Senate bills in which the provisions first appeared. See H.R. 3933 and S. 1934 (October 27, 2009).

³⁹⁷ Sec. 1471(c).

³⁹⁸ Sec. 6038D. Guidance on the scope of reporting required, the threshold values triggering reporting requirements for various fact patterns and how the value of assets is to be determined is found in Treas. Reg. secs. 1.6038D–1 to 1.6038D–8.

than 180 days delinquent in paying any FBAR penalties were referred for collection action to the Financial Management Service of the Treasury Department, which is responsible for such non-tax collections.⁴⁰⁹ Continued nonpayment resulted in a referral to the Department of Justice for institution of court proceedings against the delinquent person. In 2003, the Secretary delegated FBAR civil enforcement authority to the IRS.⁴¹⁰ The authority delegated to the IRS in 2003 included the authority to determine and enforce civil penalties,⁴¹¹ as well as to revise the form and instructions. However, the Bank Secrecy Act does not include collection powers similar to those available for enforcement of the tax laws under the Code. As a consequence, FBAR civil penalties remain collectible only in accord with the procedures for non-tax collection described above.

FBAR and awards to whistleblowers

Recent cases have considered FBAR penalties in connection with IRS whistleblower awards.⁴¹² One case analyzed the provision dealing with “additional amounts in dispute” and linked that concept to amounts assessed and collected under the Code which FBAR is not.⁴¹³ The issue was whether FBAR penalties constituted “additional amounts” for purposes of determining whether “additional amounts in dispute exceed \$2,000,000.” The case was disposed on summary judgment on the grounds that FBAR penalties are not assessed, collected or paid in the same manner as taxes. As such, they are not additional amounts in dispute and therefore the threshold was not exceeded. Notably, the court suggested that the petitioner present its policy arguments to Congress based on the fact that the connection between FBAR and tax enforcement justified the Secretary to redelegate FBAR administrative authority to the IRS.⁴¹⁴

Another case dealt with the provision “collected proceeds” and held that the term is not limited to amounts assessed and collected under Title 26.⁴¹⁵ The issue in the case was whether payments of a criminal fine and civil forfeitures constitute collected proceeds.

The criminal fine was imposed under Title 18 as a result of guilty plea to conspiring to defraud the IRS, file false Federal income tax returns, and evade Federal income taxes. The money was forfeited pursuant to Title 18. The IRS argued that criminal fines and forfeitures are not collected proceeds because only amounts assessed and collected under Title 26 can be used to pay a whistle-

blower award. The IRS also argued that a criminal fine collected by the Government cannot be considered collected proceeds because (1) pursuant to 42 U.S.C. sec. 10601 all criminal fines collected from persons convicted of offenses against the United States are to be deposited in the Crime Victims Fund; (2) criminal fines are paid by the taxpayer directly to the imposing court, which in turn deposits them into the Crime Victims Fund; and (3) at no time are criminal fines available to the Secretary. The court said that the Code did not refer to, or require, the availability of funds to be used in making an award.⁴¹⁶

Petitioners said the payment resulted from action taken by Secretary and relates to acts committed by taxpayer in violation of Title 26 provisions. The court agreed and held that collected proceeds are not limited to amounts assessed and collected under Title 26. In reaching its holding it referenced *Whistleblower 22716-13W v. Commissioner*, discussed above and noted there is no inconsistency because the issue there was about whether the threshold of \$2,000,000 was exceeded. It is not clear whether FBAR penalties would be included under their holding because in the case, the taxpayer did violate Title 26 (even if the penalties were imposed under Title 18).

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the provision, collected proceeds eligible for awards under the Code are defined to include: (1) penalties, interest, additions to tax, and additional amounts and (2) any proceeds under enforcement programs that the Treasury has delegated to the IRS the authority to administer, enforce, or investigate, including criminal fines and civil forfeitures, and violations of reporting requirements. This definition is also used to determine eligibility for the enhanced reward program under which proceeds and additional amounts in dispute exceed \$2,000,000.

The collected proceeds amounts are determined without regard to whether such proceeds are available to the Secretary.

Effective date.—The provision is effective for information provided before, on, or after date of enactment with respect to which a final determination has not been made before such date.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

8. Exclusion from gross income of certain amounts received by wrongly incarcerated individuals (sec. 11027 of the Senate amendment and sec. 139F of the Code)

PRESENT LAW

Under a provision added in the PATH Act,⁴¹⁷ with respect to any wrongfully incarcerated individual, gross income does not include any civil damages, restitution, or other monetary award (including compensatory or statutory damages and restitution imposed in a criminal matter) relating to the incarceration of such individual for the covered offense for which such individual was convicted.⁴¹⁸

A wrongfully incarcerated individual means an individual:

(1) who was convicted of a covered offense;

⁴¹⁶ *Whistleblower 21276-13W v. Commissioner*, 147 T.C. No. 4 at 28-29.

⁴¹⁷ Pub. L. No. 114-113 (2015), Division Q (Protecting Americans from Tax Hikes Act of 2015), sec. 304.

⁴¹⁸ Sec. 139F.

(2) who served all or part of a sentence of imprisonment relating to that covered offense; and

(3) (i) was pardoned, granted clemency, or granted amnesty for such offense because the individual was innocent, or

(ii) for whom the judgment of conviction for the offense was reversed or vacated, and whom the indictment, information, or other accusatory instrument for that covered offense was dismissed or who was found not guilty at a new trial after the judgment of conviction for that covered offense was reversed or vacated.

For these purposes, a covered offense is any criminal offense under Federal or State law, and includes any criminal offense arising from the same course of conduct as that criminal offense.

The Code contains a special rule allowing individuals to make a claim for credit or refund of any overpayment of tax resulting from the exclusion, even if such claim would be disallowed under the Code or by operation of any law or rule of law (including *res judicata*), if the claim for credit or refund is filed before the close of the one-year period beginning on the date of enactment of the PATH Act (December 18, 2015).⁴¹⁹

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would extend the waiver on the statute of limitations with respect to filing a claim for a credit or refund of an overpayment of tax resulting from the exclusion described above for an additional year. Thus, under the provision, such claim for credit or refund must be filed before December 18, 2017.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

BUSINESS TAX REFORM

A. Tax Rates

1. Reduction in corporate tax rate (sec. 3001 of the House bill, secs. 13001 and 13002 of the Senate amendment, and secs. 11 and 243 of the Code)

PRESENT LAW

In general

Corporate taxable income is subject to tax under a four-step graduated rate structure.⁴²⁰ The top corporate tax rate is 35 percent on taxable income in excess of \$10 million. The corporate taxable income brackets and tax rates are as set forth in the table below.

Taxable Income	Tax rate (percent)
Not over \$50,000	15
Over \$50,000 but not over \$75,000	25
Over \$75,000 but not over \$10,000,000	34
Over \$10,000,000	35

An additional five-percent tax is imposed on a corporation's taxable income in excess of \$100,000. The maximum additional tax is \$11,750. Also, a second additional three-percent tax is imposed on a corporation's taxable income in excess of \$15 million. The maximum second additional tax is \$100,000.

Certain personal service corporations pay tax on their entire taxable income at the rate of 35 percent.⁴²¹

⁴¹⁹ Sec. 139F.

⁴²⁰ Sec. 11(a) and (b)(1).

⁴²¹ Sec. 11(b)(2).

⁴⁰⁹ 31 U.S.C. sec. 3711(g).

⁴¹⁰ 31 C.F.R. sec. 103.56(g). Memorandum of Agreement and Delegation of Authority for Enforcement of FBAR Requirements (April 2, 2003); News Release, Internal Revenue Service, IR-2003-48 (April 10, 2003). Secretary of the Treasury, “A Report to Congress in Accordance with sec. 361(b) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act)” (April 24, 2003).

⁴¹¹ A penalty may be assessed before the end of the six-year period beginning on the date of the transaction with respect to which the penalty is assessed. 31 U.S.C. sec. 5321(b)(1). A civil action for collection may be commenced within two years of the later of the date of assessment and the date a judgment becomes final in any a related criminal action. 31 U.S.C. sec. 5321(b)(2).

⁴¹² *Whistleblower 22716-13W v. Commissioner*, 146 T.C. No. 6 (March 14, 2016); and *Whistleblower 21276-13W v. Commissioner*, 147 T.C. No. 4 (August 3, 2016).

⁴¹³ *Whistleblower 22716-13W v. Commissioner*, 146 T.C. No. 6 (March 14, 2016).

⁴¹⁴ *Whistleblower 22716-13W v. Commissioner*, 146 T.C. No. 6 at 26-27.

⁴¹⁵ *Whistleblower 21276-13W v. Commissioner*, 147 T.C. No. 4 (August 3, 2016).

Present law provides that, if the maximum corporate tax rate exceeds 35 percent, the maximum rate on a corporation's net capital gain will be 35 percent.⁴²²

Dividends received deduction

Corporations are allowed a deduction with respect to dividends received from other taxable domestic corporations.⁴²³ The amount of the deduction is generally equal to 70 percent of the dividend received.

In the case of any dividend received from a 20-percent owned corporation, the amount of the deduction is equal to 80 percent of the dividend received.⁴²⁴ The term "20-percent owned corporation" means any corporation if 20 percent or more of the stock of such corporation (by vote and value) is owned by the taxpayer. For this purpose, certain preferred stock is not taken into account.

In the case of a dividend received from a corporation that is a member of the same affiliated group, a corporation is generally allowed a deduction equal to 100 percent of the dividend received.⁴²⁵

HOUSE BILL

The provision eliminates the graduated corporate rate structure and instead taxes corporate taxable income at 20 percent.

Personal service corporations are taxed at 25 percent.

The provision repeals the maximum corporate tax rate on net capital gain as obsolete.

The provision reduces the 70 percent dividends received deduction to 50 percent and the 80 percent dividends received deduction to 65 percent.⁴²⁶

For taxpayers subject to the normalization method of accounting (*e.g.*, regulated public utilities), the provision provides for the normalization of excess deferred tax reserves resulting from the reduction of corporate income tax rates (with respect to prior depreciation or recovery allowances taken on as-

sets placed in service before the date of enactment).

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill, but does not provide a special rate for personal service corporations.

Effective date.—The provision applies to taxable years beginning after December 31, 2018.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, but provides for a 21-percent corporate rate effective for taxable years beginning after December 31, 2017.

In addition, for taxpayers subject to the normalization method of accounting (*e.g.*, regulated public utilities), the conference agreement clarifies the normalization of excess tax reserves resulting from the reduction of corporate income tax rates (with respect to prior depreciation or recovery allowances taken on assets placed in service before the corporate rate reduction takes effect).

The excess tax reserve is the reserve for deferred taxes as of the day before the corporate rate reduction takes effect over what the reserve for deferred taxes would be if the corporate rate reduction had been in effect for all prior periods. If an excess tax reserve is reduced more rapidly or to a greater extent than such reserve would be reduced under the average rate assumption method, the taxpayer will not be treated as using a normalization method with respect to the corporate rate reduction. If the taxpayer does not use a normalization method of accounting for the corporate rate reduction, the taxpayer's tax for the taxable year shall be increased by the amount by which it reduces its excess tax reserve more rapidly

than permitted under a normalization method of accounting and the taxpayer will not be treated as using a normalization method of accounting for purposes of section 168(f)(2) and (i)(9)(C).⁴²⁷

The average rate assumption method⁴²⁸ reduces the excess tax reserve over the remaining regulatory lives of the property that gave rise to the reserve for deferred taxes during the years in which the deferred tax reserve related to such property is reversing. Under this method, the excess tax reserve is reduced as the timing differences (*i.e.*, differences between tax depreciation and regulatory depreciation with respect to the property) reverse over the remaining life of the asset. The reversal of timing differences generally occurs when the amount of the tax depreciation taken with respect to an asset is less than the amount of the regulatory depreciation taken with respect to the asset. To ensure that the deferred tax reserve, including the excess tax reserve, is reduced to zero at the end of the regulatory life of the asset that generated the reserve, the amount of the timing difference which reverses during a taxable year is multiplied by the ratio of (1) the aggregate deferred taxes as of the beginning of the period in question to (2) the aggregate timing differences for the property as of the beginning of the period in question.

The following example illustrates the application of the average rate assumption method. A calendar year regulated utility placed property costing \$100 million in service in 2016. For regulatory (book) purposes, the property is depreciated over 10 years on a straight line basis with a full year's allowance in the first year. For tax purposes, the property is depreciated over 5 years using the 200 percent declining balance method and a half-year placed in service convention.⁴²⁹

NORMALIZATION CALCULATION FOR CORPORATE RATE REDUCTION

(Millions of dollars—Years)

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
Tax expense	20	32	19.2	11.52	11.52	5.76	0	0	0	0	100
Book depreciation	10	10	10	10	10	10	10	10	10	10	100
Timing difference	10	22	9.2	1.52	1.52	(4.24)	(10)	(10)	(10)	(10)	0
Tax rate	35%	35%	21%	21%	21%	31.1%	31.1%	31.1%	31.1%	31.1%	
Annual adjustment to reserve	3.5	7.7	1.9	0.3	0.3	(1.3)	(3.1)	(3.1)	(3.1)	(3.1)	0
Cumulative deferred tax reserve	3.5	11.2	13.1	13.5	13.8	12.5	9.3	6.2	3.1	(0.0)	0
Annual adjustment at 21%						(0.9)	(2.1)	(2.1)	(2.1)	(2.1)	(9.3)
Annual adjustment at average rate						(1.3)	(3.1)	(3.1)	(3.1)	(3.1)	(13.8)
Excess tax reserve						0.4	1.0	1.0	1.0	1.0	4.5

The excess tax reserve as of December 31, 2017, the day before the corporate rate reduction takes effect, is \$4.5 million.⁴³⁰ The taxpayer will begin taking the excess tax reserve into account in the 2021 taxable year, which is the first year in which the tax depreciation taken with respect to the property is less than the depreciation reflected in the regulated books of account. The annual adjustment to the deferred tax reserve for the 2021 through 2025 taxable years is multiplied by 31.1 percent which is the ratio of the

aggregate deferred taxes as of the beginning of 2021 (\$13.8 million) to the aggregate timing differences for the property as of the beginning of 2021 (\$44.2 million).

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

B. Cost Recovery

1. Increased expensing (sec. 3101 of the House bill, secs. 13201 and 13311 of the Senate amendment, and sec. 168(k) of the Code)

PRESENT LAW

A taxpayer generally must capitalize the cost of property used in a trade or business or held for the production of income and recover such cost over time through annual deductions for depreciation or amortization.⁴³¹

⁴²² Sec. 1201(a).

⁴²³ Sec. 243(a). Such dividends are taxed at a maximum rate of 10.5 percent (30 percent of the top corporate tax rate of 35 percent).

⁴²⁴ Sec. 243(c). Such dividends are taxed at a maximum rate of 7 percent (20 percent of the top corporate tax rate of 35 percent).

⁴²⁵ Sec. 243(a)(3) and (b)(1). For this purpose, the term "affiliated group" generally has the meaning given such term by section 1504(a). Sec. 243(b)(2).

⁴²⁶ Such dividends would be taxed at a maximum rate of 10 percent (50 percent of the top corporate tax rate of 20 percent) and 7 percent (35 percent of

the top corporate tax rate of 20 percent), respectively.

⁴²⁷ Section 168(f)(2) and (i)(9)(C) provide that if a taxpayer is required to use a normalization method of accounting with respect to public utility property and does not do so, such taxpayer must compute its depreciation allowances for Federal income tax purposes using the depreciation method, useful life determination, averaging convention, and salvage value limitation used for purposes of setting rates and reflecting operating results in its regulated books of account.

⁴²⁸ See section 2.04 of Rev. Proc. 88-12, 1988-1 C.B. 637.

⁴²⁹ The 5-year tax and 10-year book lives are used for illustration purposes only. In general, public utility property may be depreciated over various periods ranging from 5 to 20 years under MACRS. For regulatory purposes, public utility property may, in certain cases, have a useful life of 30 years or more.

⁴³⁰ The excess tax reserve of \$4.5 million is equal to the cumulative deferred tax reserve as of December 31, 2017 (\$11.2 million) minus the cumulative timing difference as of December 31, 2017 (\$32 million) multiplied by 21 percent.

⁴³¹ See secs. 263(a) and 167. However, where property is not used exclusively in a taxpayer's business,

Continued

Tangible property

Tangible property generally is depreciated under the modified accelerated cost recovery system ("MACRS"), which determines depreciation for different types of property based on an assigned applicable depreciation method, recovery period,⁴³² and convention.⁴³³

Bonus depreciation

An additional first-year depreciation deduction is allowed equal to 50 percent of the adjusted basis of qualified property acquired and placed in service before January 1, 2020 (January 1, 2021, for longer production period property⁴³⁴ and certain aircraft⁴³⁵).⁴³⁶ The 50-percent allowance is phased down for property placed in service after December 31, 2017 (after December 31, 2018 for longer production period property and certain aircraft). The bonus depreciation percentage rates are as follows.

Placed in Service Year	Bonus Depreciation Percentage	
	Qualified Property in General	Longer Production Period Property and Certain Aircraft
2017	50 percent	50 percent
2018	40 percent	50 percent ⁴³⁷
2019	30 percent	40 percent
2020	None	30 percent ⁴³⁸

The additional first-year depreciation deduction is allowed for both the regular tax and the alternative minimum tax ("AMT"),⁴³⁹ but is not allowed in computing earnings and profits.⁴⁴⁰ The basis of the property and the depreciation allowances in the year of purchase and later years are appropriately adjusted to reflect the additional first-year depreciation deduction.⁴⁴¹ The amount of the additional first-year depreciation deduction is not affected by a short tax-

the amount eligible for a deduction must be reduced by the amount related to personal use. See, e.g., section 280A.

⁴³² The applicable recovery period for an asset is determined in part by statute and in part by historic Treasury guidance. Exercising authority granted by Congress, the Secretary issued Rev. Proc. 87-56, 1987-2 C.B. 674, laying out the framework of recovery periods for enumerated classes of assets. The Secretary clarified and modified the list of asset classes in Rev. Proc. 88-22, 1988-1 C.B. 785. In November 1988, Congress revoked the Secretary's authority to modify the class lives of depreciable property. Rev. Proc. 87-56, as modified, remains in effect except to the extent that the Congress has, since 1988, statutorily modified the recovery period for certain depreciable assets, effectively superseding any administrative guidance with regard to such property.

⁴³³ Sec. 168.

⁴³⁴ As defined in section 168(k)(2)(B).

⁴³⁵ As defined in section 168(k)(2)(C).

⁴³⁶ Sec. 168(k). The additional first-year depreciation deduction is generally subject to the rules regarding whether a cost must be capitalized under section 263A.

⁴³⁷ It is intended that for longer production period property placed in service in 2018, 50 percent applies to the entire adjusted basis. Similarly, for longer production period property placed in service in 2019, 40 percent applies to the entire adjusted basis. A technical correction may be necessary with respect to longer production period property placed in service in 2018 and 2019 so that the statute reflects this intent.

⁴³⁸ In the case of longer production period property described in section 168(k)(2)(B) and placed in service in 2020, 30 percent applies to the adjusted basis attributable to manufacture, construction, or production before January 1, 2020, and the remaining adjusted basis does not qualify for bonus depreciation. Thirty percent applies to the entire adjusted basis of certain aircraft described in section 168(k)(2)(C) and placed in service in 2020.

⁴³⁹ Sec. 168(k)(2)(G). See also Treas. Reg. sec. 1.168(k)-1(d).

⁴⁴⁰ Sec. 312(k)(3) and Treas. Reg. sec. 1.168(k)-1(f)(7).

⁴⁴¹ Sec. 168(k)(1)(B).

able year.⁴⁴² The taxpayer may elect out of the additional first-year depreciation for any class of property for any taxable year.⁴⁴³

The interaction of the additional first-year depreciation allowance with the otherwise applicable depreciation allowance may be illustrated as follows. Assume that in 2017 a taxpayer purchases new depreciable property and places it in service.⁴⁴⁴ The property's cost is \$10,000, and it is five-year property subject to the 200 percent declining balance method and half-year convention. The amount of additional first-year depreciation allowed is \$5,000. The remaining \$5,000 of the cost of the property is depreciable under the rules applicable to five-year property. Thus, \$1,000 also is allowed as a depreciation deduction in 2017.⁴⁴⁵ The total depreciation deduction with respect to the property for 2017 is \$6,000. The remaining \$4,000 adjusted basis of the property generally is recovered through otherwise applicable depreciation rules.

Qualified property

Property qualifying for the additional first-year depreciation deduction must meet all of the following requirements.⁴⁴⁶ First, the property must be: (1) property to which MACRS applies with an applicable recovery period of 20 years or less; (2) water utility property;⁴⁴⁷ (3) computer software other than computer software covered by section 197; or (4) qualified improvement property.⁴⁴⁸ Second, the original use⁴⁴⁹ of the property must commence with the taxpayer.⁴⁵⁰ Third, the taxpayer must acquire the property within the applicable time period (as described below). Finally, the property must be placed in service before January 1, 2020. As noted above, an extension of the placed-in-service date of one year (*i.e.*, before January 1, 2021) is provided for certain property with a recovery period of 10 years or longer, certain transportation property, and certain aircraft.⁴⁵¹

⁴⁴² *Ibid.*

⁴⁴³ Sec. 168(k)(7). For the definition of a class of property, see Treas. Reg. sec. 1.168(k)-1(e)(2).

⁴⁴⁴ Assume that the cost of the property is not eligible for expensing under section 179 or Treas. Reg. sec. 1.263(a)-1(f).

⁴⁴⁵ \$1,000 results from the application of the half-year convention and the 200 percent declining balance method to the remaining \$5,000.

⁴⁴⁶ Requirements relating to actions taken before 2008 are not described herein since they have little (if any) remaining effect.

⁴⁴⁷ As defined in section 168(e)(5).

⁴⁴⁸ The additional first-year depreciation deduction is not available for any property that is required to be depreciated under the alternative depreciation system of MACRS. Sec. 168(k)(2)(D)(i).

⁴⁴⁹ The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. If in the normal course of its business a taxpayer sells fractional interests in property to unrelated third parties, then the original use of such property begins with the first user of each fractional interest (*i.e.*, each fractional owner is considered the original user of its proportionate share of the property). Treas. Reg. sec. 1.168(k)-1(b)(3).

⁴⁵⁰ A special rule applies in the case of certain leased property. In the case of any property that is originally placed in service by a person and that is sold to the taxpayer and leased back to such person by the taxpayer within three months after the date that the property was placed in service, the property would be treated as originally placed in service by the taxpayer not earlier than the date that the property is used under the leaseback. If property is originally placed in service by a lessor, such property is sold within three months after the date that the property was placed in service, and the user of such property does not change, then the property is treated as originally placed in service by the taxpayer not earlier than the date of such sale. Sec. 168(k)(2)(E)(ii) and (iii).

⁴⁵¹ Property qualifying for the extended placed-in-service date must have an estimated production pe-

To qualify, property must be acquired (1) before January 1, 2020, or (2) pursuant to a binding written contract which was entered into before January 1, 2020. With respect to property that is manufactured, constructed, or produced by the taxpayer for use by the taxpayer, the taxpayer must begin the manufacture, construction, or production of the property before January 1, 2020.⁴⁵² Property that is manufactured, constructed, or produced for the taxpayer by another person under a contract that is entered into prior to the manufacture, construction, or production of the property is considered to be manufactured, constructed, or produced by the taxpayer.⁴⁵³ For property eligible for the extended placed-in-service date, a special rule limits the amount of costs eligible for the additional first-year depreciation. With respect to such property, only the portion of the basis that is properly attributable to the costs incurred before January 1, 2020 ("progress expenditures") is eligible for the additional first-year depreciation deduction.⁴⁵⁴

Qualified improvement property

Qualified improvement property is any improvement to an interior portion of a building that is nonresidential real property if such improvement is placed in service after the date such building was first placed in service.⁴⁵⁵ Qualified improvement property does not include any improvement for which the expenditure is attributable to the enlargement of the building, any elevator or escalator, or the internal structural framework of the building.

Election to accelerate AMT credits in lieu of bonus depreciation

A corporation otherwise eligible for additional first-year depreciation may elect to claim additional AMT credits in lieu of claiming additional depreciation with respect to qualified property.⁴⁵⁶ In the case of a corporation making this election, the straight line method is used for the regular tax and the AMT with respect to qualified property.⁴⁵⁷

A corporation making an election increases the tax liability limitation under section 53(c) on the use of minimum tax credits by the bonus depreciation amount. The aggregate increase in credits allowable by reason of the increased limitation is treated as refundable.

The bonus depreciation amount generally is equal to 20 percent of bonus depreciation for qualified property that could be claimed as a deduction absent an election under this provision.⁴⁵⁸ As originally enacted, the bonus

period exceeding one year and a cost exceeding \$1 million. Transportation property generally is defined as tangible personal property used in the trade or business of transporting persons or property. Certain aircraft which is not transportation property, other than for agricultural or firefighting uses, also qualifies for the extended placed-in-service date, if at the time of the contract for purchase, the purchaser made a nonrefundable deposit of the lesser of 10 percent of the cost or \$100,000, and which has an estimated production period exceeding four months and a cost exceeding \$200,000.

⁴⁵² Sec. 168(k)(2)(E)(i).

⁴⁵³ Treas. Reg. sec. 1.168(k)-1(b)(4)(iii).

⁴⁵⁴ Sec. 168(k)(2)(B)(ii). For purposes of determining the amount of eligible progress expenditures, rules similar to section 46(d)(3) as in effect prior to the Tax Reform Act of 1986 apply.

⁴⁵⁵ Sec. 168(k)(3).

⁴⁵⁶ Sec. 168(k)(4).

⁴⁵⁷ Sec. 168(k)(4)(A)(ii).

⁴⁵⁸ For this purpose, bonus depreciation is the difference between (i) the aggregate amount of depreciation determined if section 168(k)(1) applied to all qualified property placed in service during the taxable year and (ii) the amount of depreciation that

depreciation amount for all taxable years was limited to the lesser of (1) \$30 million or (2) six percent of the minimum tax credits allocable to the adjusted net minimum tax imposed for taxable years beginning before January 1, 2006. However, extensions of this provision have provided that this limitation applies separately to property subject to each extension.

For taxable years ending after December 31, 2015, the bonus depreciation amount for a taxable year (as defined under present law with respect to all qualified property) is limited to the lesser of (1) 50 percent of the minimum tax credit for the first taxable year ending after December 31, 2015 (determined before the application of any tax liability limitation) or (2) the minimum tax credit for the taxable year allocable to the adjusted net minimum tax imposed for taxable years ending before January 1, 2016 (determined before the application of any tax liability limitation and determined on a first-in, first-out basis).

All corporations treated as a single employer under section 52(a) are treated as one taxpayer for purposes of the limitation, as well as for electing the application of this provision.⁴⁵⁹

In the case of a corporation making an election which is a partner in a partnership, for purposes of determining the electing partner's distributive share of partnership items, bonus depreciation does not apply to any qualified property and the straight line method is used with respect to that property.⁴⁶⁰

In the case of a partnership having a single corporate partner owning (directly or indirectly) more than 50 percent of the capital and profits interests in the partnership, each partner takes into account its distributive share of partnership depreciation in determining its bonus depreciation amount.⁴⁶¹

Special rules

Passenger automobiles

The limitation under section 280F on the amount of depreciation deductions allowed with respect to certain passenger automobiles is increased in the first year by \$8,000 for automobiles that qualify (and for which the taxpayer does not elect out of the additional first-year deduction).⁴⁶² The \$8,000 amount is phased down from \$8,000 by \$1,600 per calendar year beginning in 2018. Thus, the section 280F increase amount for property placed in service during 2018 is \$6,400, and during 2019 is \$4,800. While the underlying section 280F limitation is indexed for inflation,⁴⁶³ the section 280F increase amount is not indexed for inflation. The increase does not apply to a taxpayer who elects to accelerate AMT credits in lieu of bonus depreciation for a taxable year.

Certain plants bearing fruits and nuts

A special election is provided for certain plants bearing fruits and nuts.⁴⁶⁴ Under the election, the applicable percentage of the adjusted basis of a specified plant which is planted or grafted after December 31, 2015, and before January 1, 2020, is deductible for regular tax and AMT purposes in the year planted or grafted by the taxpayer, and the

adjusted basis is reduced by the amount of the deduction.⁴⁶⁵ The percentage is 50 percent for 2017, 40 percent for 2018, and 30 percent for 2019. A specified plant is any tree or vine that bears fruits or nuts, and any other plant that will have more than one yield of fruits or nuts and generally has a preproductive period of more than two years from planting or grafting to the time it begins bearing fruits or nuts.⁴⁶⁶ The election is revocable only with the consent of the Secretary, and if the election is made with respect to any specified plant, such plant is not treated as qualified property eligible for bonus depreciation in the subsequent taxable year in which it is placed in service.

Long-term contracts

In general, in the case of a long-term contract, the taxable income from the contract is determined under the percentage-of-completion method.⁴⁶⁷ Solely for purposes of determining the percentage of completion under section 460(b)(1)(A), the cost of qualified property with a MACRS recovery period of seven years or less is taken into account as a cost allocated to the contract as if bonus depreciation had not been enacted for property placed in service before January 1, 2020 (January 1, 2021, in the case of longer production period property).⁴⁶⁸

Intangible property

MACRS does not apply to certain property, including any motion picture film, video tape, or sound recording, or to any other property if the taxpayer elects to exclude such property from MACRS and the taxpayer properly applies a unit-of-production method or other method of depreciation not expressed in a term of years.⁴⁶⁹ Section 197 (amortization of goodwill and certain other intangibles) does not apply to certain intangible property, including certain property produced by the taxpayer or any interest in a film, sound recording, video tape, book or similar property not acquired in a transaction (or a series of related transactions) involving the acquisition of assets constituting a trade or business or substantial portion thereof.⁴⁷⁰ Thus, the recovery of the cost of a film, video tape, or similar property that is produced by the taxpayer or is acquired on a "stand-alone" basis by the taxpayer may not be determined under either the MACRS depreciation provisions or under the section 197 amortization provisions. The cost recovery of such property may be determined under section 167, which allows a depreciation deduction for the reasonable allowance for the exhaustion, wear and tear, or obsolescence of the property if it is used in a trade or business or held for the production of income. In addition, the costs of motion picture films, video tapes, sound recordings, copyrights, books, and patents are eligible to be recovered using the income forecast method of depreciation.⁴⁷¹

⁴⁶⁵ Any amount deducted under this election is not subject to capitalization under section 263A.

⁴⁶⁶ A specified plant does not include any property that is planted or grafted outside the United States.

⁴⁶⁷ Sec. 460.

⁴⁶⁸ Sec. 460(c)(6). Other dates involving prior years are not described herein.

⁴⁶⁹ Sec. 168(f)(1), (3) and (4).

⁴⁷⁰ Sec. 197(c)(2) and (e)(4)(A). If section 197 applies to the acquisition of intangible assets held in connection with a trade or business, any value properly attributable to a "section 197 intangible" is amortizable on a straight-line basis over 15 years. Sec. 197(a) and (c).

⁴⁷¹ Sec. 167(g)(6). Under the income forecast method, a property's depreciation deduction for a taxable year is determined by multiplying the adjusted basis of the property by a fraction, the numerator of

Expensing of certain qualified film, television and live theatrical productions

Under section 181, a taxpayer may elect⁴⁷² to deduct the cost of any qualifying film, television and live theatrical production, commencing prior to January 1, 2017, in the year the expenditure is incurred in lieu of capitalizing the cost and recovering it through depreciation allowances.⁴⁷³ A taxpayer may elect to deduct up to \$15 million of the aggregate cost of the film or television production under this section.⁴⁷⁴ The threshold is increased to \$20 million if a significant amount of the production expenditures are incurred in areas eligible for designation as a low-income community or eligible for designation by the Delta Regional Authority as a distressed county or isolated area of distress.⁴⁷⁵

A qualified film, television or live theatrical production means any production of a motion picture (whether released theatrically or directly to video cassette or any other format), television program or live staged play if at least 75 percent of the total compensation expended on the production is for services performed in the United States by actors, directors, producers, and other relevant production personnel.⁴⁷⁶ The term "compensation" does not include participations and residuals (as defined in section 167(g)(7)(B)).⁴⁷⁷

Each episode of a television series is treated as a separate production, and only the first 44 episodes of a particular series qualify under the provision.⁴⁷⁸ Qualified productions do not include sexually explicit productions as referenced by section 2257 of title 18 of the U.S. Code.⁴⁷⁹

A qualified live theatrical production is defined as a live staged production of a play (with or without music) which is derived from a written book or script and is produced or presented by a commercial entity in any venue which has an audience capacity of not more than 3,000, or a series of venues the majority of which have an audience capacity of not more than 3,000.⁴⁸⁰ In addition, qualified live theatrical productions include any live staged production which is produced or presented by a taxable entity no more than 10 weeks annually in any venue which has an audience capacity of not more than 6,500.⁴⁸¹ In general, in the case of multiple live-staged productions, each such live-staged production is treated as a separate production. Similar to the exclusion for sexually explicit productions from the definition of qualified film or television productions, qualified live theatrical productions do not include stage performances that would be excluded by section 2257(h)(1) of title 18 of the

which is the gross income generated by the property during the year, and the denominator of which is the total forecasted or estimated gross income expected to be generated prior to the close of the tenth taxable year after the year the property is placed in service. Any costs that are not recovered by the end of the tenth taxable year after the property is placed in service may be taken into account as depreciation in that year. Sec. 167(g)(1).

⁴⁷² See Treas. Reg. sec. 1.181-2 for rules on making an election under this section.

⁴⁷³ For this purpose, a qualified film or television production is treated as commencing on the first date of principal photography. The date on which a qualified live theatrical production commences is the date of the first public performance of such production for a paying audience.

⁴⁷⁴ Sec. 181(a)(2)(A). See Treas. Reg. sec. 1.181-1 for rules on determining eligible production costs.

⁴⁷⁵ Sec. 181(a)(2)(B).

⁴⁷⁶ Sec. 181(d)(3)(A).

⁴⁷⁷ Sec. 181(d)(3)(B).

⁴⁷⁸ Sec. 181(d)(2)(B).

⁴⁷⁹ Sec. 181(d)(2)(C).

⁴⁸⁰ Sec. 181(e)(2)(A).

⁴⁸¹ Sec. 181(e)(2)(D).

would be so determined if section 168(k)(1) did not so apply. This determination is made using the most accelerated depreciation method and the shortest life otherwise allowable for each property.

⁴⁵⁹ Sec. 168(k)(4)(B)(iii).

⁴⁶⁰ Sec. 168(k)(4)(D)(ii).

⁴⁶¹ Sec. 168(k)(4)(D)(iii).

⁴⁶² Sec. 168(k)(2)(F).

⁴⁶³ Sec. 280F(d)(7).

⁴⁶⁴ See sec. 168(k)(5).

U.S. Code, if such provision were extended to life stage performances.⁴⁸²

For purposes of recapture under section 1245, any deduction allowed under section 181 is treated as if it were a deduction allowable for amortization.⁴⁸³

HOUSE BILL

Full expensing for certain business assets

The provision extends and modifies the additional first-year depreciation deduction through 2022 (through 2023 for longer production period property and certain aircraft). The 50-percent allowance is increased to 100 percent for property acquired and placed in service after September 27, 2017, and before January 1, 2023 (January 1, 2024, for longer production period property and certain aircraft), as well as for specified plants planted or grafted after September 27, 2017, and before January 1, 2023.

Special rules

The \$8,000 increase amount in the limitation on the depreciation deductions allowed with respect to certain passenger automobiles is increased to \$16,000 for passenger automobiles acquired and placed in service after September 27, 2017, and before January 1, 2023.

The provision extends the special rule under the percentage-of-completion method for the allocation of bonus depreciation to a long-term contract for property placed in service before January 1, 2023 (January 1, 2024, in the case of longer production period property).

Application to used property

The provision removes the requirement that the original use of qualified property must commence with the taxpayer. Thus, the provision applies to purchases of used as well as new items. To prevent abuses, the additional first-year depreciation deduction applies only to property purchased in an arm's-length transaction. It does not apply to property received as a gift or from a decedent.⁴⁸⁴ In the case of trade-ins, like-kind exchanges, or involuntary conversions, it applies only to any money paid in addition to the traded-in property or in excess of the adjusted basis of the replaced property.⁴⁸⁵ It does not apply to property acquired in a nontaxable exchange such as a reorganization, to property acquired from a member of the taxpayer's family, including a spouse, ancestors, and lineal descendants, or from another related entity as defined in section 267, nor to property acquired from a person who controls, is controlled by, or is under common control with, the taxpayer.⁴⁸⁶ Thus it does not apply, for example, if one member of an affiliated group of corporations purchases property from another member, or if an individual who controls a corporation purchases property from that corporation.

Exception for certain businesses not subject to limitation on interest expense

The provision excludes from the definition of qualified property any property used in a real property trade or business, *i.e.*, any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business.⁴⁸⁷

The provision also excludes from the definition of qualified property any property used in the trade or business of certain regulated public utilities, *i.e.*, the trade or business of the furnishing or sale of (1) electrical energy, water, or sewage disposal services, (2) gas or steam through a local distribution system, or (3) transportation of gas or steam by pipeline, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof.⁴⁸⁸

In addition, the provision excludes from the definition of qualified property any property used in a trade or business that has had floor plan financing indebtedness,⁴⁸⁹ unless the taxpayer with such trade or business is not a tax shelter prohibited from using the cash method and is exempt from the interest limitation rules in section 3301 of the bill by meeting the \$25 million gross receipts test of section 448(c).

Election to accelerate AMT credits in lieu of bonus depreciation

As a conforming amendment to the repeal of AMT,⁴⁹⁰ the provision repeals the election to accelerate AMT credits in lieu of bonus depreciation.

Transition rule

The present-law phase-down of bonus depreciation is maintained for property acquired before September 28, 2017, and placed in service after September 27, 2017. Under the provision, in the case of property acquired and adjusted basis incurred before September 28, 2017, the bonus depreciation rates are as follows.

Phase-Down for Portion of Basis of Qualified Property Acquired before September 28, 2017

Placed in Service Year	Bonus Depreciation Percentage	
	Qualified Property in General	Longer Production Period Property and Certain Aircraft
2017	50 percent	50 percent
2018	40 percent	50 percent
2019	30 percent	40 percent
2020	None	30 percent

Similarly, the section 280F increase amount in the limitation on the depreciation deductions allowed with respect to certain passenger automobiles acquired before September 28, 2017, and placed in service after September 27, 2017, is \$8,000 for 2017, \$6,400 for 2018, and \$4,800 for 2019.

Effective date.—The provision generally applies to property acquired⁴⁹¹ and placed in service after September 27, 2017, and to specified plants planted or grafted after such date.

A transition rule provides that, for a taxpayer's first taxable year ending after September 27, 2017, the taxpayer may elect to apply section 168 without regard to the amendments made by this provision.

Note that a mortgage broker who is a broker of financial instruments is not in a real property trade or business for this purpose. See, *e.g.*, CCA 201504010 (December 17, 2014).

⁴⁸⁸ As defined in section 3301 of the House bill (Interest).

⁴⁸⁹ As defined in section 3301 of the House bill (Interest).

⁴⁹⁰ See section 2001 of the House bill (Repeal of alternative minimum tax).

⁴⁹¹ Property is not treated as acquired after the date on which a written binding contract is entered into for such acquisition.

In the case of any taxable year that includes any portion of the period beginning on September 28, 2017, and ending on December 31, 2017, the amount of any net operating loss for such taxable year which may be treated as a net operating loss carryback is determined without regard to the amendments made by this provision.⁴⁹²

SENATE AMENDMENT

In general

The provision extends and modifies the additional first-year depreciation deduction through 2026 (through 2027 for longer production period property and certain aircraft). The 50-percent allowance is increased to 100 percent for property placed in service after September 27, 2017, and before January 1, 2023 (January 1, 2024, for longer production period property and certain aircraft), as well as for specified plants planted or grafted after September 27, 2017, and before January 1, 2023. Thus, the provision repeals the phase-down of the 50-percent allowance for property placed in service after December 31, 2017, and for specified plants planted or grafted after such date. The 100-percent allowance is phased down by 20 percent per calendar year for property placed in service, and specified plants planted or grafted, in taxable years beginning after 2022 (after 2023 for longer production period property and certain aircraft). Under the provision, the bonus depreciation percentage rates are as follows.

Placed in Service Year ⁴⁹³	Bonus Depreciation Percentage	
	Qualified Property in General	Longer Production Period Property and Certain Aircraft
2023	80 percent	100 percent
2024	60 percent	80 percent
2025	40 percent	60 percent
2026	20 percent	40 percent
2027	None	20 percent ⁴⁹⁴

Special rules

The provision maintains the section 280F increase amount of \$8,000 for passenger automobiles placed in service after December 31, 2017.

The provision extends the special rule under the percentage-of-completion method for the allocation of bonus depreciation to a long-term contract for property placed in service before January 1, 2027 (January 1, 2028, in the case of longer production period property).

Application to qualified film, television and live theatrical productions

The provision expands the definition of qualified property eligible for the additional first-year depreciation allowance to include qualified film, television and live theatrical productions⁴⁹⁵ placed in service after September 27, 2017, and before January 1, 2027, for which a deduction otherwise would have been allowable under section 181 without regard to the dollar limitation or termination of such section. For purposes of this provision, a production is considered placed in service at the time of initial release, broadcast, or live staged performance (*i.e.*, at the time of the first commercial exhibition,

⁴⁹² See section 3302 of the House bill (Modification of net operating loss deduction).

⁴⁹³ In the case of specified plants, this is the year of planting or grafting.

⁴⁹⁴ Twenty percent applies to the adjusted basis attributable to manufacture, construction, or production before January 1, 2027, and the remaining adjusted basis does not qualify for bonus depreciation. Twenty percent applies to the entire adjusted basis of certain aircraft described in section 168(k)(2)(C) and placed in service in 2027.

⁴⁹⁵ As defined in section 181(d) and (e).

⁴⁸² Sec. 181(e)(2)(E).

⁴⁸³ Sec. 1245(a)(2)(C).

⁴⁸⁴ By reference to section 179(d)(2)(C). See also Treas. Reg. sec. 1.179-4(c)(1)(iv).

⁴⁸⁵ By reference to section 179(d)(3). See also Treas. Reg. sec. 1.179-4(d).

⁴⁸⁶ By reference to section 179(d)(2)(A) and (B). See also Treas. Reg. sec. 1.179-4(c).

⁴⁸⁷ As defined in section 3301 of the House bill (Interest), by cross reference to section 469(c)(7)(C).

broadcast, or live staged performance of a production to an audience).

Exception for certain businesses not subject to limitation on interest expense

The provision excludes from the definition of qualified property any property which is primarily used in the trade or business of the furnishing⁴⁹⁶ or sale of (1) electrical energy, water, or sewage disposal services, (2) gas or steam through a local distribution system, or (3) transportation of gas or steam by pipeline, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, by a public service or public utility commission or other similar body of any State or political subdivision thereof, or by the governing or ratemaking body of an electric cooperative.⁴⁹⁷

In addition, the provision excludes from the definition of qualified property any property used in a trade or business that has had floor plan financing indebtedness,⁴⁹⁸ unless the taxpayer with such trade or business is not a tax shelter prohibited from using the cash method and is exempt from the interest limitation rules in section 13301 of the Senate amendment by meeting the small business gross receipts test of section 448(c).

Effective date.—The provision generally applies to property placed in service after September 27, 2017, in taxable years ending after such date, and to specified plants planted or grafted after such date.

A transition rule provides that, for a taxpayer's first taxable year ending after September 27, 2017, the taxpayer may elect to apply a 50-percent allowance instead of the 100-percent allowance.⁴⁹⁹

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment but also includes the House bill's removal of the requirement that the original use of qualified property must commence with the taxpayer (*i.e.*, it allows the additional first-year depreciation deduction for new and used property).

In addition, the conference agreement also follows the House bill's application of the present-law phase-down of bonus depreciation to property acquired before September 28, 2017, and placed in service after September 27, 2017, as well as the present-law phase-down of the section 280F increase amount in the limitation on the depreciation deductions allowed with respect to certain passenger automobiles acquired before September 28, 2017, and placed in service after September 27, 2017. Under the conference agreement, the bonus depreciation rates are as follows.

Placed in Service Year ⁵⁰⁰	Bonus Depreciation Percentage	
	Qualified Property in General/Specified Plants	Longer Production Period Property and Certain Aircraft
Portion of Basis of Qualified Property Acquired before Sept. 28, 2017		
Sept. 28, 2017–Dec. 31, 2017.	50 percent	50 percent
2018	40 percent	50 percent
2019	30 percent	40 percent
2020	None	30 percent ⁵⁰¹
2021 and thereafter ...	None	None

⁴⁹⁶The term “furnishing” includes generation, transmission, and distribution activities.

⁴⁹⁷See sec. 13301 of the Senate amendment (Limitation on deduction for interest).

⁴⁹⁸As defined in section 13311 of the Senate amendment (Floor plan financing).

⁴⁹⁹Such election shall be made at such time and in such form and manner as prescribed by the Secretary.

Placed in Service Year ⁵⁰⁰	Bonus Depreciation Percentage	
	Qualified Property in General/Specified Plants	Longer Production Period Property and Certain Aircraft
Portion of Basis of Qualified Property Acquired after Sept. 27, 2017		
Sept. 28, 2017–Dec. 31, 2022.	100 percent	100 percent
2023	80 percent	100 percent
2024	60 percent	80 percent
2025	40 percent	60 percent
2026	20 percent	40 percent
2027	None	20 percent ⁵⁰²
2028 and thereafter ...	None	None

As a conforming amendment to the repeal of corporate AMT, the conference agreement repeals the election to accelerate AMT credits in lieu of bonus depreciation.

Effective date.—The provision generally applies to property acquired and placed in service after September 27, 2017, and to specified plants planted or grafted after such date.

A transition rule provides that, for a taxpayer's first taxable year ending after September 27, 2017, the taxpayer may elect to apply a 50-percent allowance instead of the 100-percent allowance.

2. Modifications to depreciation limitations on luxury automobiles and personal use property (sec. 13202 of the Senate amendment and sec. 280F of the Code)

PRESENT LAW

Section 280F(a) limits the annual cost recovery deduction with respect to certain passenger automobiles. This limitation is commonly referred to as the “luxury automobile depreciation limitation.” For passenger automobiles placed in service in 2017, and for which the additional first-year depreciation deduction under section 168(k) is not claimed, the maximum amount of allowable depreciation is \$3,160 for the year in which the vehicle is placed in service, \$5,100 for the second year, \$3,050 for the third year, and \$1,875 for the fourth and later years in the recovery period.⁵⁰³ This limitation is indexed for inflation and applies to the aggregate deduction provided under present law for depreciation and section 179 expensing. Hence, passenger automobiles subject to section 280F are eligible for section 179 expensing only to the extent of the applicable limits contained in section 280F. For passenger automobiles eligible for the additional first-year depreciation allowance in 2017, the first-year limitation is increased by an additional \$8,000.⁵⁰⁴

For purposes of the depreciation limitation, passenger automobiles are defined broadly to include any four-wheeled vehicles that are manufactured primarily for use on public streets, roads, and highways and which are rated at 6,000 pounds unloaded gross vehicle weight or less.⁵⁰⁵ In the case of

a truck or a van, the depreciation limitation applies to vehicles that are rated at 6,000 pounds gross vehicle weight or less. Sport utility vehicles are treated as a truck for the purpose of applying the section 280F limitation.

Basis not recovered in the recovery period of a passenger automobile is allowable as an expense in subsequent taxable years.⁵⁰⁶ The expensed amount is limited in each such subsequent taxable year to the amount of the limitation in the fourth year in the recovery period.

Listed property

In the case of certain listed property, special rules apply. Listed property generally is defined as (1) any passenger automobile; (2) any other property used as a means of transportation;⁵⁰⁷ (3) any property of a type generally used for purposes of entertainment, recreation, or amusement; (4) any computer or peripheral equipment;⁵⁰⁸ and (5) any other property of a type specified in Treasury regulations.⁵⁰⁹

First, if for the taxable year in which the property is placed in service, the use of the property for trade or business purposes does not exceed 50 percent of the total use of the property, then the depreciation deduction with respect to such property is determined under the alternative depreciation system.⁵¹⁰ The alternative depreciation system generally requires the use of the straight-line method and a recovery period equal to the class life of the property.⁵¹¹ Second, if an individual owns or leases listed property that is used by the individual in connection with the performance of services as an employee, no depreciation deduction, expensing allowance, or deduction for lease payments is available with respect to such use unless the use of the property is for the convenience of the employer and required as a condition of employment.⁵¹² Both limitations apply for purposes of section 179 expensing.

For listed property, no deduction is allowed unless the taxpayer adequately substantiates the expense and business usage of the property.⁵¹³ A taxpayer must substantiate the elements of each expenditure or use of listed property, including (1) the amount (*e.g.*, cost) of each separate expenditure and the amount of business or investment use, based on the appropriate measure (*e.g.*, mileage for automobiles), and the total use of the property for the taxable period, (2) the date

hearse used by the taxpayer directly in a trade or business, or any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire.

⁵⁰⁶Sec. 280F(a)(1)(B).

⁵⁰⁷Property substantially all of the use of which is in a trade or business of providing transportation to unrelated persons for hire is not considered other property used as a means of transportation. Sec. 280F(d)(4)(C).

⁵⁰⁸Computer or peripheral equipment used exclusively at a regular business establishment and owned or leased by the person operating such establishment, however, is not listed property. Sec. 280F(d)(4)(B).

⁵⁰⁹Sec. 280F(d)(4)(A).

⁵¹⁰Sec. 280F(b)(1). If for any taxable year after the year in which the property is placed in service the use of the property for trade or business purposes decreases to 50 percent or less of the total use of the property, then the amount of depreciation allowed in prior years in excess of the amount of depreciation that would have been allowed for such prior years under the alternative depreciation system is recaptured (*i.e.*, included in gross income) for such taxable year.

⁵¹¹Sec. 168(g).

⁵¹²Sec. 280F(d)(3).

⁵¹³Sec. 274(d)(4).

of the expenditure or use, and (3) the business purposes for the expenditure or use.⁵¹⁴ The level of substantiation for business or investment use of listed property varies depending on the facts and circumstances. In general, the substantiation must contain sufficient information as to each element of every business or investment use.⁵¹⁵

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision increases the depreciation limitations under section 280F that apply to listed property. For passenger automobiles placed in service after December 31, 2017, and for which the additional first-year depreciation deduction under section 168(k) is not claimed, the maximum amount of allowable depreciation is \$10,000 for the year in which the vehicle is placed in service, \$16,000 for the second year, \$9,600 for the third year, and \$5,760 for the fourth and later years in the recovery period.⁵¹⁶ The limitations are indexed for inflation for passenger automobiles placed in service after 2018.

The provision removes computer or peripheral equipment from the definition of listed property. Such property is therefore not subject to the heightened substantiation requirements that apply to listed property.

Effective date.—The provision is effective for property placed in service after December 31, 2017, in taxable years ending after such date.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

3. Modifications of treatment of certain farm property (sec. 13203 of the Senate amendment and sec. 168 of the Code)

PRESENT LAW

A taxpayer generally must capitalize the cost of property used in a trade or business or held for the production of income and recover such cost over time through annual deductions for depreciation or amortization.⁵¹⁷ Tangible property generally is depreciated under the modified accelerated cost recovery system (“MACRS”), which determines depreciation for different types of property based on an assigned applicable depreciation method, recovery period, and convention.⁵¹⁸

The applicable recovery period for an asset is determined in part by statute and in part by historic Treasury guidance.⁵¹⁹ The “type of property” of an asset is used to determine the “class life” of the asset, which in turn dictates the applicable recovery period for the asset.

The MACRS recovery periods applicable to most tangible personal property range from three to 20 years. The depreciation methods

generally applicable to tangible personal property are the 200-percent and 150-percent declining balance methods,⁵²⁰ switching to the straight line method for the first taxable year where using the straight line method with respect to the adjusted basis as of the beginning of that year yields a larger depreciation allowance. The recovery periods for most real property are 39 years for nonresidential real property and 27.5 years for residential rental property. The straight line depreciation method is required for the aforementioned real property.

Property used in a farming business is assigned various recovery periods in the same manner as other business property. For example, depreciable assets used in agriculture activities that are assigned a recovery period of 7 years include machinery and equipment, grain bins, and fences (but no other land improvements), that are used in the production of crops or plants, vines, and trees; livestock; the operation of farm dairies, nurseries, greenhouses, sod farms, mushroom cellars, cranberry bogs, apiaries, and fur farms; and the performance of agriculture, animal husbandry, and horticultural services.⁵²¹ Cotton ginning assets are also assigned a recovery period of 7 years.⁵²² Any single purpose agricultural or horticultural structure,⁵²³ and any tree or vine bearing fruit or nuts are assigned a recovery period of 10 years.⁵²⁴ Land improvements such as drainage facilities, paved lots, and water wells are assigned a recovery period of 15 years.⁵²⁵

A 5-year recovery period was assigned to new farm machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which was used in a farming business,⁵²⁶ the original use of which commenced with the taxpayer after December 31, 2008, and which was placed in service before January 1, 2010.⁵²⁷

Any property (other than nonresidential real property,⁵²⁸ residential rental property,⁵²⁹ and trees or vines bearing fruits or nuts⁵³⁰) used in a farming business⁵³¹ is subject to the 150-percent declining balance method.⁵³²

Under a special accounting rule, certain taxpayers engaged in the business of farming who elect to deduct preproductive period ex-

penditures are required to depreciate all farming assets using the alternative depreciation system (*i.e.*, using longer recovery periods and the straight line method).⁵³³

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision shortens the recovery period from 7 to 5 years for any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) used in a farming business, the original use of which commences with the taxpayer and is placed in service after December 31, 2017.

The provision also repeals the required use of the 150-percent declining balance method for property used in a farming business (*i.e.*, for 3-, 5-, 7-, and 10-year property). The 150-percent declining balance method will continue to apply to any 15-year or 20-year property used in the farming business to which the straight line method does not apply, or to property for which the taxpayer elects the use of the 150-percent declining balance method.

For these purposes, the term “farming business” means a farming business as defined in section 263A(e)(4). Thus, the term “farming business” means a trade or business involving the cultivation of land or the raising or harvesting of any agricultural or horticultural commodity (*e.g.*, the trade or business of operating a nursery or sod farm; the raising or harvesting of trees bearing fruit, nuts, or other crops; the raising of ornamental trees (other than evergreen trees that are more than six years old at the time they are severed from their roots); and the raising, shearing, feeding, caring for, training, and management of animals).⁵³⁴ A farming business includes processing activities that are normally incident to the growing, raising, or harvesting of agricultural or horticultural products.⁵³⁵ A farming business does not include contract harvesting of an agricultural or horticultural commodity grown or raised by another taxpayer, or merely buying and reselling plants or animals grown or raised by another taxpayer.⁵³⁶

Effective date.—The provision is effective for property placed in service after December 31, 2017, in taxable years ending after such date.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

4. Applicable recovery period for real property (sec. 13204 of the Senate amendment and sec. 168 of the Code)

PRESENT LAW

In general

A taxpayer generally must capitalize the cost of property used in a trade or business or held for the production of income and recover such cost over time through annual deductions for depreciation or amortization.⁵³⁷ Tangible property generally is depreciated under the modified accelerated cost recovery system (“MACRS”), which determines depreciation for different types of property based on an assigned applicable depreciation method, recovery period, and convention.⁵³⁸

⁵³³ Sec. 263A(d)(3) and (e)(2).

⁵³⁴ Treas. Reg. sec. 1.263A-4(a)(4)(i).

⁵³⁵ Treas. Reg. sec. 1.263A-4(a)(4)(ii).

⁵³⁶ Treas. Reg. sec. 1.263A-4(a)(4)(i).

⁵³⁷ See secs. 263(a) and 167. However, where property is not used exclusively in a taxpayer's business, the amount eligible for a deduction must be reduced by the amount related to personal use. See, *e.g.*, section 280A.

⁵³⁸ Sec. 168.

⁵¹⁴ Temp. Reg. sec. 1.274-5T(b)(6).

⁵¹⁵ Temp. Reg. sec. 1.274-5T(c)(2)(ii)(C).

⁵¹⁶ Rev. Proc. 2017-29, Table 3, 2017-14 I.R.B. 1065.

⁵¹⁷ See secs. 263(a) and 167. However, where property is not used exclusively in a taxpayer's business, the amount eligible for a deduction must be reduced by the amount related to personal use. See, *e.g.*, section 280A.

⁵¹⁸ Sec. 168.

⁵¹⁹ Exercising authority granted by Congress, the Secretary issued Rev. Proc. 87-56, 1987-2 C.B. 674, laying out the framework of recovery periods for enumerated classes of assets. The Secretary clarified and modified the list of asset classes in Rev. Proc. 88-22, 1988-1 C.B. 785. In November 1988, Congress revoked the Secretary's authority to modify the class lives of depreciable property. Rev. Proc. 87-56, as modified, remains in effect except to the extent that the Congress has, since 1988, statutorily modified the recovery period for certain depreciable assets, effectively superseding any administrative guidance with regard to such property.

⁵²⁰ Under the declining balance method the depreciation rate is determined by dividing the appropriate percentage (here 150 or 200) by the appropriate recovery period. This leads to accelerated depreciation when the declining balance percentage is greater than 100. The table below illustrates depreciation for an asset with a cost of \$1,000 and a seven-year recovery period under the 200-percent declining balance method, the 150-percent declining balance method, and the straight line method. (See endnote at end of table)

⁵²¹ Rev. Proc. 87-56, Asset class 01.1, Agriculture.

⁵²² Rev. Proc. 87-56, Asset class 01.11, Cotton ginning assets.

⁵²³ Within the meaning of section 168(i)(13). See also Rev. Proc. 87-56, Asset class 01.4, Single purpose agricultural or horticultural structures. Farm buildings that do not meet the definition of a single purpose agricultural or horticultural structure are assigned a recovery period of 20 years. Rev. Proc. 87-56, Asset class 01.3, Farm buildings except structures included in asset class 01.4.

⁵²⁴ Sec. 168(e)(3)(D)(i) and (ii).

⁵²⁵ Rev. Proc. 87-56, Asset class 00.3, Land improvements. See also, IRS Publication 225, Farmer's Tax Guide (2017).

⁵²⁶ As defined in section 263A(e)(4). See also Treas. Reg. sec. 1.263A-4(a)(4).

⁵²⁷ Sec. 168(e)(3)(B)(vii).

⁵²⁸ Sec. 168(b)(3)(A).

⁵²⁹ Sec. 168(b)(3)(B).

⁵³⁰ Sec. 168(b)(3)(E).

⁵³¹ Within the meaning of section 263A(e)(4). See also reas. Reg. sec. 1.263A-4(a)(4).

⁵³² Sec. 168(b)(2)(B).

Recovery periods and depreciation methods

The applicable recovery period for an asset is determined in part by statute and in part by historic Treasury guidance.⁵³⁹ The “type of property” of an asset is used to determine the “class life” of the asset, which in turn dictates the applicable recovery period for the asset.

The MACRS recovery periods applicable to most tangible personal property range from three to 20 years. The depreciation methods generally applicable to tangible personal property are the 200-percent and 150-percent declining balance methods,⁵⁴⁰ switching to the straight line method for the first taxable year where using the straight line method with respect to the adjusted basis as of the beginning of that year yields a larger depreciation allowance. The recovery periods for most real property are 39 years for nonresidential real property and 27.5 years for residential rental property. The straight line depreciation method is required for the aforementioned real property.

Placed-in-service conventions

Depreciation of an asset begins when the asset is deemed to be placed in service under the applicable convention.⁵⁴¹ Under MACRS, nonresidential real property, residential rental property, and any railroad grading or tunnel bore generally are subject to the mid-month convention, which treats all property placed in service during any month (or disposed of during any month) as placed in service (or disposed of) on the mid-point of such month.⁵⁴² All other property generally is subject to the half-year convention, which treats all property placed in service during any taxable year (or disposed of during any taxable year) as placed in service (or disposed of) on the mid-point of such taxable year to reflect the assumption that assets are placed in service ratably throughout the year.⁵⁴³ However, if substantial property is placed in service during the last three months of a taxable year, a special rule requires use of the mid-quarter convention,⁵⁴⁴ designed to prevent the recognition of disproportionately large amounts of first-year depreciation under the half-year convention.

Depreciation of additions or improvements to property

The recovery period for any addition or improvement to real or personal property begins on the later of (1) the date on which the

addition or improvement is placed in service, or (2) the date on which the property with respect to which such addition or improvement is made is placed in service.⁵⁴⁵ Any MACRS deduction for an addition or improvement to any property is to be computed in the same manner as the deduction for the underlying property would be if such property were placed in service at the same time as such addition or improvement. Thus, for example, the cost of an improvement to a building that constitutes nonresidential real property is recovered over 39 years using the straight line method and mid-month convention. Certain improvements to nonresidential real property are eligible for the additional first-year depreciation deduction if the other requirements of section 168(k) are met (*i.e.*, improvements that constitute “qualified improvement property”).⁵⁴⁶

Qualified improvement property

Qualified improvement property is any improvement to an interior portion of a building that is nonresidential real property if such improvement is placed in service after the date such building was first placed in service.⁵⁴⁷ Qualified improvement property does not include any improvement for which the expenditure is attributable to the enlargement of the building, any elevator or escalator, or the internal structural framework of the building.

Depreciation of leasehold improvements

Generally, depreciation allowances for improvements made on leased property are determined under MACRS, even if the MACRS recovery period assigned to the property is longer than the term of the lease.⁵⁴⁸ This rule applies regardless of whether the lessor or the lessee places the leasehold improvements in service. If a leasehold improvement constitutes an addition or improvement to nonresidential real property already placed in service, the improvement generally is depreciated using the straight-line method over a 39-year recovery period, beginning in the month the addition or improvement was placed in service. However, exceptions to the 39-year recovery period exist for certain qualified leasehold improvements, qualified restaurant property, and qualified retail improvement property.

Qualified leasehold improvement property

Section 168(e)(3)(E)(iv) provides a statutory 15-year recovery period for qualified leasehold improvement property. Qualified leasehold improvement property is any improvement to an interior portion of a building that is nonresidential real property, provided certain requirements are met.⁵⁴⁹ The improvement must be made under or pursuant to a lease either by the lessee (or sublessee), or by the lessor, of that portion of the building to be occupied exclusively by the lessee (or sublessee). The improvement must be placed in service more than three years after the date the building was first placed in service. Qualified leasehold improvement property does not include any improvement for which the expenditure is attributable to the enlargement of the building, any elevator or escalator, any structural component benefiting a common area, or the internal structural framework of the building. If a lessor makes an improvement that qualifies as

qualified leasehold improvement property, such improvement does not qualify as qualified leasehold improvement property to any subsequent owner of such improvement. An exception to the rule applies in the case of death and certain transfers of property that qualify for non-recognition treatment.

Qualified leasehold improvement property is generally recovered using the straight-line method and a half-year convention,⁵⁵⁰ and is eligible for the additional first-year depreciation deduction if the other requirements of section 168(k) are met.⁵⁵¹

Qualified restaurant property

Section 168(e)(3)(E)(v) provides a statutory 15-year recovery period for qualified restaurant property. Qualified restaurant property is any section 1250 property that is a building or an improvement to a building, if more than 50 percent of the building's square footage is devoted to the preparation of, and seating for on-premises consumption of, prepared meals.⁵⁵² Qualified restaurant property is recovered using the straight-line method and a half-year convention.⁵⁵³ Additionally, qualified restaurant property is not eligible for the additional first-year depreciation deduction unless it also satisfies the definition of qualified improvement property.⁵⁵⁴

Qualified retail improvement property

Section 168(e)(3)(E)(ix) provides a statutory 15-year recovery period for qualified retail improvement property. Qualified retail improvement property is any improvement to an interior portion of a building which is nonresidential real property if such portion is open to the general public⁵⁵⁵ and is used in the retail trade or business of selling tangible personal property to the general public, and such improvement is placed in service more than three years after the date the building was first placed in service.⁵⁵⁶ Qualified retail improvement property does not include any improvement for which the expenditure is attributable to the enlargement of the building, any elevator or escalator, any structural component benefiting a common area, or the internal structural framework of the building.⁵⁵⁷ In the case of an improvement made by the owner of such improvement, the improvement is a qualified retail improvement only so long as the improvement is held by such owner.⁵⁵⁸

Retail establishments that qualify for the 15-year recovery period include those primarily engaged in the sale of goods. Examples of these retail establishments include, but are not limited to, grocery stores, clothing stores, hardware stores, and convenience stores. Establishments primarily engaged in providing services, such as professional services, financial services, personal services, health services, and entertainment, do not qualify. Generally, it is intended that businesses defined as a store retailer under the current North American Industry Classification System (industry sub-sectors 441

⁵³⁹ Exercising authority granted by Congress, the Secretary issued Rev. Proc. 87-56, 1987-2 C.B. 674, laying out the framework of recovery periods for enumerated classes of assets. The Secretary clarified and modified the list of asset classes in Rev. Proc. 88-22, 1988-1 C.B. 785. In November 1988, Congress revoked the Secretary's authority to modify the class lives of depreciable property. Rev. Proc. 87-56, as modified, remains in effect except to the extent that the Congress has, since 1988, statutorily modified the recovery period for certain depreciable assets, effectively superseding any administrative guidance with regard to such property.

⁵⁴⁰ Under the declining balance method the depreciation rate is determined by dividing the appropriate percentage (here 150 or 200) by the appropriate recovery period. This leads to accelerated depreciation when the declining balance percentage is greater than 100. The table below illustrates depreciation for an asset with a cost of \$1,000 and a seven-year recovery period under the 200-percent declining balance method, the 150-percent declining balance method, and the straight line method. (see **endnote for table**)

⁵⁴¹ Treas. Reg. sec. 1.167(a)-10(b).

⁵⁴² Sec. 168(d)(2) and (d)(4)(B).

⁵⁴³ Sec. 168(d)(1) and (d)(4)(A).

⁵⁴⁴ The mid-quarter convention treats all property placed in service (or disposed of) during any quarter as placed in service (or disposed of) on the mid-point of such quarter. Sec. 168(d)(3) and (d)(4)(C).

⁵⁴⁵ Sec. 168(i)(6).

⁵⁴⁶ Sec. 168(k)(2)(A)(i)(IV) and (k)(3). See also section 13201 of the bill (Temporary 100-percent expensing for certain business assets).

⁵⁴⁷ Sec. 168(k)(3).

⁵⁴⁸ Sec. 168(i)(8).

⁵⁴⁹ Sec. 168(e)(6).

⁵⁵⁰ Sec. 168(b)(3)(G) and (d).

⁵⁵¹ Sec. 168(k)(2)(A)(i)(IV) and (k)(3). See section 13201 of the bill (Temporary 100-percent expensing for certain business assets).

⁵⁵² Sec. 168(e)(7).

⁵⁵³ Sec. 168(b)(3)(H) and (d).

⁵⁵⁴ Sec. 168(e)(7)(B).

⁵⁵⁵ Improvements to portions of a building not open to the general public (*e.g.*, stock room in back of retail space) do not qualify under the provision.

⁵⁵⁶ Sec. 168(e)(8).

⁵⁵⁷ Sec. 168(e)(8)(C).

⁵⁵⁸ Sec. 168(e)(8)(B). Rules similar to section 168(e)(6)(B) apply in the case of death and certain transfers of property that qualify for non-recognition treatment.

through 453) qualify while those in other industry classes do not qualify.⁵⁶⁹

Qualified retail improvement property is recovered using the straight-line method and a half-year convention,⁵⁶⁰ and is eligible for the additional first-year depreciation deduction if the other requirements of section 168(k) are met.⁵⁶¹

Alternative depreciation system

The alternative depreciation system (“ADS”) is required to be used for tangible property used predominantly outside the United States, certain tax-exempt use property, tax-exempt bond financed property, and certain imported property covered by an Executive order.⁵⁶² An election to use ADS is available to taxpayers for any class of property for any taxable year.⁵⁶³ Under ADS, all property is depreciated using the straight line method over recovery periods which generally are equal to the class life of the property, with certain exceptions.⁵⁶⁴ For example nonresidential real and residential rental property have a 40-year ADS recovery period, while qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property have a 39-year ADS recovery period.⁵⁶⁵

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision shortens the recovery period for determining the depreciation deduction with respect to nonresidential real and residential rental property to 25 years. As a conforming amendment, the provision changes the statutory recovery period for nonresidential real and residential rental property to 25 years for purposes of determining whether a rental agreement is a long-term agreement under the section 467 rules applicable to certain payments for the use of property or services.⁵⁶⁶ The provision also shortens the ADS recovery period for residential rental property from 40 years to 30 years.

The provision eliminates the separate definitions of qualified leasehold improvement, qualified restaurant, and qualified retail improvement property, and provides a general 10-year recovery period for qualified improvement property,⁵⁶⁷ and a 20-year ADS recovery period for such property. Thus, for example, qualified improvement property placed in service after December 31, 2017, is generally depreciable over 10 years using the straight line method and half-year convention, without regard to whether the improvements are property subject to a lease, placed in service more than three years after the date the building was first placed in service, or made to a restaurant building. Restaurant building property placed in service after December 31, 2017, that does not meet the definition of qualified improvement property is depreciable over 25 years as nonresidential

real property, using the straight line method and the mid-month convention.

As a conforming amendment, the provision replaces the references in section 179(f) to qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property with a reference to qualified improvement property.⁵⁶⁸ Thus, for example, the provision allows section 179 expensing for improvement property without regard to whether the improvements are property subject to a lease, placed in service more than three years after the date the building was first placed in service, or made to a restaurant building. Restaurant building property placed in service after December 31, 2017, that does not meet the definition of qualified improvement property is not eligible for section 179 expensing.

The provision also requires a real property trade or business⁵⁶⁹ electing out of the limitation on the deduction for interest to use ADS to depreciate any of its nonresidential real property, residential rental property, and qualified improvement property.

Effective date.—The provision is effective for property placed in service after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment except that it maintains the present law general MACRS recovery periods of 39 and 27.5 years for nonresidential real and residential rental property, respectively. In addition, the conference agreement provides a general 15-year MACRS recovery period for qualified improvement property.

5. Use of alternative depreciation system for electing farming businesses (sec. 13205 of the Senate amendment and sec. 168 of the Code)

PRESENT LAW

In general

A taxpayer generally must capitalize the cost of property used in a trade or business or held for the production of income and recover such cost over time through annual deductions for depreciation or amortization.⁵⁷⁰ Tangible property generally is depreciated under the modified accelerated cost recovery system (“MACRS”), which determines depreciation for different types of property based on an assigned applicable depreciation method, recovery period, and convention.⁵⁷¹

The applicable recovery period for an asset is determined in part by statute and in part by historic Treasury guidance.⁵⁷² The “type

of property” of an asset is used to determine the “class life” of the asset, which in turn dictates the applicable recovery period for the asset.

The MACRS recovery periods applicable to most tangible personal property range from three to 20 years. The depreciation methods generally applicable to tangible personal property are the 200-percent and 150-percent declining balance methods,⁵⁷³ switching to the straight line method for the first taxable year where using the straight line method with respect to the adjusted basis as of the beginning of that year yields a larger depreciation allowance. The recovery periods for most real property are 39 years for nonresidential real property and 27.5 years for residential rental property.⁵⁷⁴ The straight line depreciation method is required for the aforementioned real property.

Property used in a farming business is assigned various recovery periods in the same manner as other business property. For example, depreciable assets used in agriculture activities that are assigned a recovery period of 7 years include machinery and equipment, grain bins, and fences (but no other land improvements), that are used in the production of crops or plants, vines, and trees; livestock; the operation of farm dairies, nurseries, greenhouses, sod farms, mushrooms cellars, cranberry bogs, apiaries, and fur farms; and the performance of agriculture, animal husbandry, and horticultural services.⁵⁷⁵ Cotton ginning assets are also assigned a recovery period of 7 years.⁵⁷⁶ Any single purpose agricultural or horticultural structure,⁵⁷⁷ and any tree or vine bearing fruit or nuts are assigned a recovery period of 10 years.⁵⁷⁸ Land improvements such as drainage facilities, paved lots, and water wells are assigned a recovery period of 15 years.⁵⁷⁹

A 5-year recovery period was assigned to new farm machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which was used in a farming business,⁵⁸⁰ the original use of which commenced with the taxpayer after December 31, 2008, and which was placed in service before January 1, 2010.⁵⁸¹

tent that the Congress has, since 1988, statutorily modified the recovery period for certain depreciable assets, effectively superseding any administrative guidance with regard to such property.

⁵⁷³ Under the declining balance method the depreciation rate is determined by dividing the appropriate percentage (here 150 or 200) by the appropriate recovery period. This leads to accelerated depreciation when the declining balance percentage is greater than 100. The table below illustrates depreciation for an asset with a cost of \$1,000 and a seven-year recovery period under the 200-percent declining balance method, the 150-percent declining balance method, and the straight line method.

⁵⁷⁴ However, section 13204 of the bill (Applicable recovery period for real property) reduces the recovery period to 25 years for both nonresidential real property and residential rental property. (see **endnote for table**)

⁵⁷⁵ Rev. Proc. 87-56, Asset class 01.1, Agriculture.

⁵⁷⁶ Rev. Proc. 87-56, Asset class 01.11, Cotton ginning assets.

⁵⁷⁷ Within the meaning of section 168(i)(13). See also Rev. Proc. 87-56, Asset class 01.4, Single purpose agricultural or horticultural structures. Farm buildings that do not meet the definition of a single purpose agricultural or horticultural structure are assigned a recovery period of 20 years. Rev. Proc. 87-56, Asset class 01.3, Farm buildings except structures included in asset class 01.4.

⁵⁷⁸ Sec. 168(e)(3)(D)(i) and (ii).

⁵⁷⁹ Rev. Proc. 87-56, Asset class 00.3, Land improvements. See also, IRS Publication 225, Farmer's Tax Guide (2017).

⁵⁸⁰ As defined in section 263A(e)(4).

⁵⁸¹ Sec. 168(e)(3)(B)(vii). However, section 13203 of the bill (Modifications of treatment of certain farm property) also shortens the recovery period from 7 to

⁵⁵⁹ Joint Committee on Taxation, *General Explanation of Tax Legislation Enacted in the 110th Congress* (JCS-1-09), March 2009, p. 402.

⁵⁶⁰ Sec. 168(b)(3)(I) and (d).

⁵⁶¹ Sec. 168(k)(2)(A)(i)(IV) and (k)(3). See section 13301 of the bill (Temporary 100-percent expensing for certain business assets).

⁵⁶² Sec. 168(g).

⁵⁶³ Sec. 168(g)(7).

⁵⁶⁴ Sec. 168(g)(2) and (3).

⁵⁶⁵ Sec. 168(g)(3).

⁵⁶⁶ A long-term section 467 rental agreement is a lease of property for a term in excess of 75 percent of the property's statutory recovery period. Sec. 467(b)(4)(A) and (e)(3)(A). A disqualified long-term agreement is one that has as one of its principal purposes the avoidance of taxes. Sec. 467(b)(4)(B).

⁵⁶⁷ Described in present law section 168(k)(3).

⁵⁶⁸ For additional changes to section 179, see section 13101 of the Senate amendment (Modifications of rules for expensing depreciable business assets).

⁵⁶⁹ As defined in section 13301 of the Senate amendment (Limitation on deduction for interest), by cross reference to section 469(c)(7)(C) (i.e., any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business). Note that a mortgage broker who is a broker of financial instruments is not in a real property trade or business for this purpose. See, e.g., CCA 201504010 (December 17, 2014).

⁵⁷⁰ See secs. 263(a) and 167. However, where property is not used exclusively in a taxpayer's business, the amount eligible for a deduction must be reduced by the amount related to personal use. See, e.g., section 280A.

⁵⁷¹ Sec. 168.

⁵⁷² Exercising authority granted by Congress, the Secretary issued Rev. Proc. 87-56, 1987-2 C.B. 674, laying out the framework of recovery periods for enumerated classes of assets. The Secretary clarified and modified the list of asset classes in Rev. Proc. 88-22, 1988-1 C.B. 785. In November 1988, Congress revoked the Secretary's authority to modify the class lives of depreciable property. Rev. Proc. 87-56, as modified, remains in effect except to the ex-

Any property (other than nonresidential real property,⁵⁸² residential rental property,⁵⁸³ and trees or vines bearing fruits or nuts⁵⁸⁴) used in a farming business⁵⁸⁵ is subject to the 150-percent declining balance method.⁵⁸⁶

Alternative depreciation system

The alternative depreciation system (“ADS”) is required to be used for tangible property used predominantly outside the United States, certain tax-exempt use property, tax-exempt bond financed property, and certain imported property covered by an Executive order.⁵⁸⁷ An election to use ADS is available to taxpayers for any class of property for any taxable year.⁵⁸⁸ Under ADS, all property is depreciated using the straight line method over recovery periods which generally are equal to the class life of the property, with certain exceptions.⁵⁸⁹ For example, any single purpose agricultural or horticultural structure has a 15-year ADS recovery period,⁵⁹⁰ while any tree or vine bearing fruit or nuts has a 20-year ADS recovery period.⁵⁹¹ Similarly, land improvements such as drainage facilities, paved lots, and water wells have an ADS recovery period of 20 years.⁵⁹²

Under a special accounting rule, certain taxpayers engaged in the business of farming who elect to deduct preproductive period expenditures under the uniform capitalization rules are required to depreciate all farming assets using ADS.⁵⁹³

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision requires an electing farming business,⁵⁹⁴ i.e., a farming business electing

out of the limitation on the deduction for interest,⁵⁹⁵ to use ADS to depreciate any property with a recovery period of 10 years or more (e.g., property such as single purpose agricultural or horticultural structures, trees or vines bearing fruit or nuts, farm buildings, and certain land improvements).

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

6. Expensing of certain costs of replanting citrus plants lost by reason of casualty (sec. 13207 of the Senate amendment and sec. 263A of the Code)

PRESENT LAW

In general

The uniform capitalization (“UNICAP”) rules, which were enacted as part of the Tax Reform Act of 1986,⁵⁹⁶ require certain direct and indirect costs allocable to real or tangible personal property produced by the taxpayer to be either capitalized into the basis of such property or included in inventory, as applicable.⁵⁹⁷ For real or personal property acquired by the taxpayer for resale, section 263A generally requires certain direct and indirect costs allocable to such property to be either capitalized into the basis of such property or included in inventory, as applicable.

Section 263A generally requires the capitalization of the direct and indirect costs allocable to the production of any property in a farming business, including animals and plants without regard to the length of their preproductive period.⁵⁹⁸ The costs of a plant generally required to be capitalized under section 263(a) include preparatory costs incurred so that the plant’s growing process may begin, such as the acquisition costs of the seed, seedling, or plant. Under section 263A, the costs of producing a plant generally required to be capitalized also include the preproductive period costs of planting, cultivating, maintaining, and developing the plant during the preproductive period.⁵⁹⁹ Preproductive period costs may include management, irrigation, pruning, soil and water conservation, fertilizing, frost protection, spraying, harvesting, storage and handling, upkeep, electricity, tax depreciation and repairs on buildings and equipment used in raising the plants, farm overhead, taxes, and interest, as applicable.⁶⁰⁰

Special rules for plant farmers

Section 263A provides an exception to the general capitalization requirements for tax-

payers who raise, harvest, or grow trees.⁶⁰¹ Under this exception, section 263A does not apply to trees raised, harvested, or grown by the taxpayer (other than trees bearing fruit, nuts, or other crops, or ornamental trees) and any real property underlying such trees. Similarly, the UNICAP rules do not apply to any plant having a preproductive period of two years or less, which is produced by a taxpayer in a farming business (unless the taxpayer is required to use an accrual method of accounting under section 447 or 448(a)(3)).⁶⁰² Hence, in general, the UNICAP rules apply to the production of plants that have a preproductive period of more than two years, and to taxpayers required to use an accrual method of accounting.

Plant farmers otherwise required to capitalize preproductive period costs may elect to deduct such costs currently, provided the alternative depreciation system described in section 168(g)(2) is used on all farm assets and the preproductive period costs are recaptured upon disposition of the product.⁶⁰³ The election is not available to taxpayers required to use the accrual method of accounting. Moreover, the election is not available with respect to certain costs attributable to planting, cultivating, maintaining, or developing citrus or almond groves.

Section 263A does not apply to costs incurred in replanting edible crops for human consumption following loss or damage due to freezing temperatures, disease, drought, pests, or casualty.⁶⁰⁴ The same type of crop as the lost or damaged crop must be replanted. However, the exception to capitalization still applies if the replanting occurs on a parcel of land other than the land on which the damage occurred provided the acreage of the new land does not exceed that of the land to which the damage occurred and the new land is located in the United States. This exception may also apply to costs incurred by persons other than the taxpayer who incurred the loss or damage, provided (1) the taxpayer who incurred the loss or damage retains an equity interest of more than 50 percent in the property on which the loss or damage occurred at all times during the taxable year in which the replanting costs are paid or incurred, and (2) the person holding a minority equity interest and claiming the deduction materially participates in the planting, maintenance, cultivation, or development of the property during the taxable year in which the replanting costs are paid or incurred.⁶⁰⁵

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies the special rule for costs incurred by persons other than the taxpayer in connection with replanting an edible crop for human consumption following

5 years for any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which is used in a farming business, the original use of which commences with the taxpayer and is placed in service after December 31, 2017.

⁵⁸² Sec. 168(b)(3)(A).

⁵⁸³ Sec. 168(b)(3)(B).

⁵⁸⁴ Sec. 168(b)(3)(E).

⁵⁸⁵ Within the meaning of section 263A(e)(4).

⁵⁸⁶ Sec. 168(b)(2)(B). However, section 13203 of the bill (Modifications of treatment of certain farm property) repeals the required use of the 150-percent declining balance method for property used in a farming business (i.e., for 3-, 5-, 7-, and 10-year property). The 150-percent declining balance method will continue to apply to any 15-year or 20-year property used in the farming business to which the straight line method does not apply, or to property for which the taxpayer elects the use of the 150-percent declining balance method.

⁵⁸⁷ Sec. 168(g).

⁵⁸⁸ Sec. 168(g)(7).

⁵⁸⁹ Sec. 168(g)(2) and (3).

⁵⁹⁰ Sec. 168(g)(3)(B). Farm buildings that do not meet the definition of a single purpose agricultural or horticultural structure have an ADS recovery period of 25 years. Rev. Proc. 87-56, Asset class 01.3, Farm buildings except structures included in asset class 01.4.

⁵⁹¹ Sec. 168(g)(3)(B).

⁵⁹² Rev. Proc. 87-56, Asset class 00.3, Land improvements.

⁵⁹³ Sec. 263A(d)(3) and (e)(2).

⁵⁹⁴ As defined in section 13301 of the Senate amendment (Limitation on deduction for interest), by cross reference to section 263A(e)(4) (i.e., farming business means the trade or business of farming and includes the trade or business of operating a nursery or sod farm, or the raising or harvesting of trees bearing fruit, nuts, or other crops, or ornamental trees (other than evergreen trees that are more than six years old at the time they are severed from their roots)). Treas. Reg. sec. 1.263A-4(a)(4) further defines a farming business as a trade or business involving the cultivation of land or the raising or harvesting of any agricultural or horticultural commodity. Examples of a farming business include the trade or business of operating a nursery or sod farm; the rais-

ing or harvesting of trees bearing fruit, nuts, or other crops; the raising of ornamental trees (other than evergreen trees that are more than six years old at the time they are severed from their roots); and the raising, shearing, feeding, caring for, training, and management of animals. A farming business also includes processing activities that are normally incident to the growing, raising, or harvesting of agricultural or horticultural products. See Treas. Reg. sec. 1.263A-4(a)(4)(i) and (ii). A farming business does not include contract harvesting of an agricultural or horticultural commodity grown or raised by another taxpayer, or merely buying and reselling plants or animals grown or raised by another taxpayer. See Treas. Reg. sec. 1.263A-4(a)(4)(i).

⁵⁹⁵ See section 13301 of the Senate amendment (Limitation on deduction for interest). Section 13301 of the Senate amendment also includes an exception from the limitation on the deduction for interest for taxpayers meeting the \$15 million gross receipts test.

⁵⁹⁶ Sec. 803(a) of Pub. L. No. 99-514 (1986).

⁵⁹⁷ Sec. 263A.

⁵⁹⁸ Treas. Reg. sec. 1.263A-4(b)(1).

⁵⁹⁹ Treas. Reg. sec. 1.263A-4(b)(1)(i).

⁶⁰⁰ *Ibid.*

⁶⁰¹ Sec. 263A(c)(5).

⁶⁰² Sec. 263A(d).

⁶⁰³ Sec. 263A(d)(3), (e)(1), and (e)(2).

⁶⁰⁴ Sec. 263A(d)(2). Such replanting costs generally include costs attributable to the replanting, cultivating, maintaining, and developing of the plants that were lost or damaged that are incurred during the preproductive period. Treas. Reg. sec. 1.263A-4(e)(1). The acquisition costs of the replacement trees or seedlings must still be capitalized under section 263A(a) (see, e.g., T.D. 8897, 65 FR 50638, Treas. Reg. sec. 1.263A-4(e)(3), Examples 1-3, and TAM 9547002 (July 18, 1995)), potentially subject to the special bonus depreciation deduction in the year of planting under section 168(k)(5).

⁶⁰⁵ Sec. 263A(d)(2)(B). Material participation for this purpose is determined in a similar manner as under section 2032A(e)(6) (relating to qualified use valuation of farm property upon death of the taxpayer).

loss or damage due to casualty. Under the provision, with respect to replanting costs paid or incurred after the date of enactment, but no later than a date which is ten years after such date of enactment, for citrus plants lost or damaged due to casualty, such replanting costs may also be deducted by a person other than the taxpayer if (1) the taxpayer has an equity interest of not less than 50 percent in the replanted citrus plants at all times during the taxable year in which the replanting costs are paid or incurred and such other person holds any part of the remaining equity interest, or (2) such other person acquires all of the taxpayer's equity interest in the land on which the lost or damaged citrus plants were located at the time of such loss or damage, and the replanting is on such land.

Effective date.—The provision is effective for costs paid or incurred after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

C. Small Business Reforms

1. Expansion of section 179 expensing (sec. 3201 of the House bill, sec. 13101 of the Senate amendment, and sec. 179 of the Code)

PRESENT LAW

A taxpayer generally must capitalize the cost of property used in a trade or business or held for the production of income and recover such cost over time through annual deductions for depreciation or amortization.⁶⁰⁶ Tangible property generally is depreciated under the modified accelerated cost recovery system ("MACRS"), which determines depreciation for different types of property based on an assigned applicable depreciation method, recovery period,⁶⁰⁷ and convention.⁶⁰⁸

Election to expense certain depreciable business assets

A taxpayer may elect under section 179 to deduct (or "expense") the cost of qualifying property, rather than to recover such costs through depreciation deductions, subject to limitation. The maximum amount a taxpayer may expense is \$500,000 of the cost of qualifying property placed in service for the taxable year.⁶⁰⁹ The \$500,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds \$2,000,000.⁶¹⁰ The \$500,000 and \$2,000,000 amounts are indexed for inflation for taxable years beginning after 2015.⁶¹¹

In general, qualifying property is defined as depreciable tangible personal property that is purchased for use in the active con-

duct of a trade or business. Qualifying property also includes off-the-shelf computer software and qualified real property (*i.e.*, qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property).⁶¹² Qualifying property excludes any property described in section 50(b) (*i.e.*, certain property not eligible for the investment tax credit).⁶¹³

Passenger automobiles subject to the section 280F limitation are eligible for section 179 expensing only to the extent of the dollar limitations in section 280F. For sport utility vehicles above the 6,000 pound weight rating and not more than the 14,000 pound weight rating, which are not subject to the limitation under section 280F, the maximum cost that may be expensed for any taxable year under section 179 is \$25,000 (the "sport utility vehicle limitation").⁶¹⁴

The amount eligible to be expensed for a taxable year may not exceed the taxable income for such taxable year that is derived from the active conduct of a trade or business (determined without regard to this provision).⁶¹⁵ Any amount that is not allowed as a deduction because of the taxable income limitation may be carried forward to succeeding taxable years (subject to limitations).

No general business credit under section 38 is allowed with respect to any amount for which a deduction is allowed under section 179.⁶¹⁶ If a corporation makes an election under section 179 to deduct expenditures, the full amount of the deduction does not reduce earnings and profits. Rather, the expenditures that are deducted reduce corporate earnings and profits ratably over a five-year period.⁶¹⁷

An expensing election is made under rules prescribed by the Secretary.⁶¹⁸ In general, any election or specification made with respect to any property may not be revoked except with the consent of the Commissioner. However, an election or specification under section 179 may be revoked by the taxpayer without consent of the Commissioner.

HOUSE BILL

The provision increases the maximum amount a taxpayer may expense under section 179 to \$5,000,000, and increases the phase-out threshold amount to \$20,000,000 for five taxable years, *i.e.*, for taxable years beginning in 2018, 2019, 2020, 2021 and 2022. Thus, the provision provides that the maximum amount a taxpayer may expense, for taxable years beginning after 2017 and before 2023, is \$5,000,000 of the cost of qualifying property placed in service for the taxable year. The \$5,000,000 amount is reduced (but not below zero) by the amount by which the cost of

qualifying property placed in service during the taxable year exceeds \$20,000,000. The \$5,000,000 and \$20,000,000 amounts are indexed for inflation for taxable years beginning after 2018.

The provision also expands the definition of qualified real property under section 179 to include qualified energy efficient heating and air-conditioning property acquired and placed in service by the taxpayer after November 2, 2017. For purposes of the provision, qualified energy efficient heating and air-conditioning property means any depreciable section 1250 property that is (i) installed as part of a building's heating, cooling, ventilation, or hot water system, and (ii) within the scope of Standard 90.1-2007 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on the day before the date of the adoption of Standard 90.1-2010 of such Societies) or any successor standard.

Effective date.—The increased dollar limitations under section 179 apply to taxable years beginning after December 31, 2017.

The expansion of qualified real property to include qualified energy efficient heating and air-conditioning property applies to property acquired⁶¹⁹ and placed in service after November 2, 2017.

SENATE AMENDMENT

The provision increases the maximum amount a taxpayer may expense under section 179 to \$1,000,000, and increases the phase-out threshold amount to \$2,500,000. Thus, the provision provides that the maximum amount a taxpayer may expense, for taxable years beginning after 2017, is \$1,000,000 of the cost of qualifying property placed in service for the taxable year. The \$1,000,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds \$2,500,000. The \$1,000,000 and \$2,500,000 amounts, as well as the \$25,000 sport utility vehicle limitation, are indexed for inflation for taxable years beginning after 2018.

The provision expands the definition of section 179 property to include certain depreciable tangible personal property used predominantly to furnish lodging or in connection with furnishing lodging.⁶²⁰

The provision also expands the definition of qualified real property eligible for section 179 expensing to include any of the following improvements to nonresidential real property placed in service after the date such property was first placed in service: roofs; heating, ventilation, and air-conditioning property; fire protection and alarm systems; and security systems.

Effective date.—The provision applies to property placed in service in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

⁶¹⁹ Property is not treated as acquired after the date on which a written binding contract is entered into for such acquisition.

⁶²⁰ As defined in section 50(b)(2). Property used predominantly to furnish lodging or in connection with furnishing lodging generally includes, *e.g.*, beds and other furniture, refrigerators, ranges, and other equipment used in the living quarters of a lodging facility such as an apartment house, dormitory, or any other facility (or part of a facility) where sleeping accommodations are provided and let. See Treas. Reg. sec. 1.48-1(h).

⁶⁰⁶ See secs. 263(a) and 167. However, where property is not used exclusively in a taxpayer's business, the amount eligible for a deduction must be reduced by the amount related to personal use. See, *e.g.*, section 280A.

⁶⁰⁷ The applicable recovery period for an asset is determined in part by statute and in part by historic Treasury guidance. Exercising authority granted by Congress, the Secretary issued Rev. Proc. 87-56, 1987-2 C.B. 674, laying out the framework of recovery periods for enumerated classes of assets. The Secretary clarified and modified the list of asset classes in Rev. Proc. 88-22, 1988-1 C.B. 785. In November 1988, Congress revoked the Secretary's authority to modify the class lives of depreciable property. Rev. Proc. 87-56, as modified, remains in effect except to the extent that the Congress has, since 1988, statutorily modified the recovery period for certain depreciable assets, effectively superseding any administrative guidance with regard to such property.

⁶⁰⁸ Sec. 168.

⁶⁰⁹ Sec. 179(b)(1).

⁶¹⁰ Sec. 179(b)(2).

⁶¹¹ Sec. 179(b)(6).

⁶¹² Sec. 179(d)(1)(A)(ii) and (f).

⁶¹³ Sec. 179(d)(1) flush language. Property described in section 50(b) is generally property used outside the United States, certain property used for lodging, property used by certain tax exempt organizations, and property used by governmental units and foreign persons or entities.

⁶¹⁴ Sec. 179(b)(5). For this purpose, a sport utility vehicle is defined to exclude any vehicle that: (1) is designed for more than nine individuals in seating rearward of the driver's seat; (2) is equipped with an open cargo area, or a covered box not readily accessible from the passenger compartment, of at least six feet in interior length; or (3) has an integral enclosure, fully enclosing the driver compartment and load carrying device, does not have seating rearward of the driver's seat, and has no body section protruding more than 30 inches ahead of the leading edge of the windshield.

⁶¹⁵ Sec. 179(b)(3).

⁶¹⁶ Sec. 179(d)(9).

⁶¹⁷ Sec. 312(k)(3)(B).

⁶¹⁸ Sec. 179(c)(1).

2. Small business accounting method reform and simplification (sec. 3202 of the House bill, secs. 13102 through 13105 of the Senate amendment, and secs. 263A, 448, 460, and 471 of the Code)

PRESENT LAW

General rule for methods of accounting

Section 446 generally allows a taxpayer to select the method of accounting to be used to compute taxable income, provided that such method clearly reflects the income of the taxpayer. The term "method of accounting" includes not only the overall method of accounting used by the taxpayer, but also the accounting treatment of any one item.⁶²¹ Permissible overall methods of accounting include the cash receipts and disbursements method ("cash method"), an accrual method, or any other method (including a hybrid method) permitted under regulations prescribed by the Secretary.⁶²² Examples of any one item for which an accounting method may be adopted include cost recovery,⁶²³ revenue recognition,⁶²⁴ and timing of deductions.⁶²⁵ For each separate trade or business, a taxpayer is entitled to adopt any permissible method, subject to certain restrictions.⁶²⁶

A taxpayer filing its first return may adopt any permissible method of accounting in computing taxable income for such year.⁶²⁷ Except as otherwise provided, section 446(e) requires taxpayers to secure consent of the Secretary before changing a method of accounting. The regulations under this section provide rules for determining: (1) what a method of accounting is, (2) how an adoption of a method of accounting occurs, and (3) how a change in method of accounting is effectuated.⁶²⁸

Cash and accrual methods

Taxpayers using the cash method generally recognize items of income when actually or constructively received and items of expense when paid. The cash method is administratively easy and provides the taxpayer flexibility in the timing of income recognition. It is the method generally used by most individual taxpayers, including farm and non-farm sole proprietorships.

Taxpayers using an accrual method generally accrue items of income when all the events have occurred that fix the right to receive the income and the amount of the income can be determined with reasonable accuracy.⁶²⁹ Taxpayers using an accrual method of accounting generally may not deduct items of expense prior to when all events have occurred that fix the obligation to pay the liability, the amount of the liability can be determined with reasonable accuracy, and economic performance has occurred.⁶³⁰ Accrual methods of accounting generally result in a more accurate measure of economic income than does the cash method. The accrual method is often used by businesses for financial accounting purposes.

A C corporation, a partnership that has a C corporation as a partner, or a tax-exempt trust or corporation with unrelated business income generally may not use the cash method. Exceptions are made for farming businesses, qualified personal service cor-

porations, and the aforementioned entities to the extent their average annual gross receipts do not exceed \$5 million for all prior years (including the prior taxable years of any predecessor of the entity) (the "gross receipts test"). The cash method may not be used by any tax shelter.⁶³¹ In addition, the cash method generally may not be used if the purchase, production, or sale of merchandise is an income producing factor.⁶³² Such taxpayers generally are required to keep inventories and use an accrual method with respect to inventory items.⁶³³

A farming business is defined as a trade or business of farming, including operating a nursery or sod farm, or the raising or harvesting of trees bearing fruit, nuts, or other crops, timber, or ornamental trees.⁶³⁴ Such farming businesses are not precluded from using the cash method regardless of whether they meet the gross receipts test. However, section 447 generally requires a farming C corporation (and any farming partnership if a corporation is a partner in such partnership) to use an accrual method of accounting. Section 447 does not apply to nursery or sod farms, to the raising or harvesting of trees (other than fruit and nut trees), nor to farming C corporations meeting a gross receipts test with a \$1 million threshold. For family farm C corporations, the threshold under the gross receipts test is \$25 million.

A qualified personal service corporation is a corporation: (1) substantially all of whose activities involve the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, or consulting, and (2) substantially all of the stock of which is owned by current or former employees performing such services, their estates, or heirs.⁶³⁵ Qualified personal service corporations are allowed to use the cash method without regard to whether they meet the gross receipts test.

Accounting for inventories

In general, for Federal income tax purposes, taxpayers must account for inventories if the production, purchase, or sale of merchandise is an income-producing factor to the taxpayer.⁶³⁶ Treasury regulations also provide that in any case in which the use of inventories is necessary to clearly reflect income, the accrual method must be used with regard to purchases and sales.⁶³⁷ However, an exception is provided for taxpayers whose average annual gross receipts do not exceed \$1

million.⁶³⁸ A second exception is provided for taxpayers in certain industries whose average annual gross receipts do not exceed \$10 million and that are not otherwise prohibited from using the cash method under section 448.⁶³⁹ Such taxpayers may account for inventory as materials and supplies that are not incidental (i.e., "non-incidental materials and supplies").⁶⁴⁰

In those circumstances in which a taxpayer is required to account for inventory, the taxpayer must maintain inventory records to determine the cost of goods sold during the taxable period. Cost of goods sold generally is determined by adding the taxpayer's inventory at the beginning of the period to the purchases made during the period and subtracting from that sum the taxpayer's inventory at the end of the period.

Because of the difficulty of accounting for inventory on an item-by-item basis, taxpayers often use conventions that assume certain item or cost flows. Among these conventions are the first-in, first-out ("FIFO") method, which assumes that the items in ending inventory are those most recently acquired by the taxpayer, and the last-in, first-out ("LIFO") method, which assumes that the items in ending inventory are those earliest acquired by the taxpayer.

Uniform capitalization

The uniform capitalization rules require certain direct and indirect costs allocable to real or tangible personal property produced by the taxpayer to be included in either inventory or capitalized into the basis of such property, as applicable.⁶⁴¹ For real or personal property acquired by the taxpayer for resale, section 263A generally requires certain direct and indirect costs allocable to such property to be included in inventory.

Section 263A provides a number of exceptions to the general uniform capitalization requirements. One such exception exists for certain small taxpayers who acquire property for resale and have \$10 million or less of average annual gross receipts;⁶⁴² such taxpayers are not required to include additional section 263A costs in inventory. Another exception exists for taxpayers who raise, harvest, or grow trees.⁶⁴³ Under this exception, section 263A does not apply to trees raised, harvested, or grown by the taxpayer (other than trees bearing fruit, nuts, or other crops, or ornamental trees) and any real property underlying such trees. Similarly, the uniform capitalization rules do not apply to any plant having a preproductive period of two years or less or to any animal, which is produced by a taxpayer in a farming business (unless the taxpayer is required to use an accrual method of accounting under section 447 or 448(a)(3)).⁶⁴⁴ Freelance authors, photographers, and artists also are exempt from section 263A for any qualified creative expenses.⁶⁴⁵

⁶³⁸ Rev. Proc. 2001-10, 2001-1 C.B. 272.

⁶³⁹ Rev. Proc. 2002-28, 2002-1 C.B. 815.

⁶⁴⁰ Treas. Reg. sec. 1.162-3(a)(1). A deduction is generally permitted for the cost of non-incidental materials and supplies in the taxable year in which they are first used or are consumed in the taxpayer's operations.

⁶⁴¹ Sec. 263A.

⁶⁴² Sec. 263A(b)(2)(B). No exception is available for small taxpayers who produce property subject to section 263A. However, a *de minimis* rule under Treasury regulations treats producers with total indirect costs of \$200,000 or less as having no additional indirect costs beyond those normally capitalized for financial accounting purposes. Treas. Reg. sec. 1.263A-2(b)(3)(iv).

⁶⁴³ Sec. 263A(c)(5).

⁶⁴⁴ Sec. 263A(d).

⁶⁴⁵ Sec. 263A(h). Qualified creative expenses are defined as amounts paid or incurred by an individual

Continued

⁶²¹ Treas. Reg. sec. 1.446-1(a)(1).

⁶²² Sec. 446(c).

⁶²³ See, e.g., secs. 167 and 168.

⁶²⁴ See, e.g., secs. 451 and 460.

⁶²⁵ See, e.g., secs. 461 and 467.

⁶²⁶ Sec. 446(d); Treas. Reg. sec. 1.446-1(d).

⁶²⁷ Treas. Reg. sec. 1.446-1(e)(1).

⁶²⁸ Treas. Reg. sec. 1.446-1(e).

⁶²⁹ See, e.g., sec. 451.

⁶³⁰ See, e.g., sec. 461.

⁶³² Treas. Reg. secs. 1.446-1(c)(2) and 1.471-1.

⁶³³ Sec. 471 and Treas. Reg. secs. 1.446-1(c)(2) and 1.471-1.

⁶³⁴ Sec. 448(d)(1).

⁶³⁵ Sec. 448(d)(2).

⁶³⁶ Sec. 471(a) and Treas. Reg. sec. 1.471-1.

⁶³⁷ Treas. Reg. sec. 1.446-1(c)(2).

Accounting for long-term contracts

In general, in the case of a long-term contract, the taxable income from the contract is determined under the percentage-of-completion method.⁶⁴⁶ Under this method, the taxpayer must include in gross income for the taxable year an amount equal to the product of (1) the gross contract price and (2) the percentage of the contract completed during the taxable year.⁶⁴⁷ The percentage of the contract completed during the taxable year is determined by comparing costs allocated to the contract and incurred before the end of the taxable year with the estimated total contract costs.⁶⁴⁸ Costs allocated to the contract typically include all costs (including depreciation) that directly benefit or are incurred by reason of the taxpayer's long-term contract activities.⁶⁴⁹ The allocation of costs to a contract is made in accordance with regulations.⁶⁵⁰ Costs incurred with respect to the long-term contract are deductible in the year incurred, subject to general accrual method of accounting principles and limitations.⁶⁵¹

An exception from the requirement to use the percentage-of-completion method is provided for certain construction contracts ("small construction contracts"). Contracts within this exception are those contracts for the construction or improvement of real property if the contract: (1) is expected (at the time such contract is entered into) to be completed within two years of commencement of the contract and (2) is performed by a taxpayer whose average annual gross receipts for the prior three taxable years do not exceed \$10 million.⁶⁵² Thus, long-term contract income from small construction contracts must be reported consistently using the taxpayer's exempt contract method.⁶⁵³ Permissible exempt contract methods include the completed contract method, the exempt-contract percentage-of-completion method, the percentage-of-completion method, or any other permissible method.⁶⁵⁴

HOUSE BILL

The provision expands the universe of taxpayers that may use the cash method of accounting. Under the provision, the cash method of accounting may be used by taxpayers, other than tax shelters, that satisfy the gross receipts test, regardless of whether the purchase, production, or sale of merchandise is an income-producing factor. The gross receipts test allows taxpayers with annual average gross receipts that do not exceed \$25 million for the three prior taxable-year period (the "\$25 million gross receipts test") to use the cash method. The \$25 million amount

is indexed for inflation for taxable years beginning after 2018.

The provision expands the universe of farming C corporations (and farming partnerships with a C corporation partner) that may use the cash method to include any farming C corporation (or farming partnership with a C corporation partner) that meets the \$25 million gross receipts test.

The provision retains the exceptions from the required use of the accrual method for qualified personal service corporations and taxpayers other than C corporations. Thus, qualified personal service corporations, partnerships without C corporation partners, S corporations, and other passthrough entities are allowed to use the cash method without regard to whether they meet the \$25 million gross receipts test, so long as the use of such method clearly reflects income.⁶⁵⁵

In addition, the provision also exempts certain taxpayers from the requirement to keep inventories. Specifically, taxpayers that meet the \$25 million gross receipts test are not required to account for inventories under section 471⁶⁵⁶, but rather may use a method of accounting for inventories that either (1) treats inventories as non-incidental materials and supplies⁶⁵⁷, or (2) conforms to the taxpayer's financial accounting treatment of inventories.⁶⁵⁸

The provision expands the exception for small taxpayers from the uniform capitalization rules. Under the provision, any producer or reseller that meets the \$25 million gross receipts test is exempted from the application of section 263A.⁶⁵⁹ The provision retains the exemptions from the uniform capitalization rules that are not based on a taxpayer's gross receipts.

Finally, the provision expands the exception for small construction contracts from the requirement to use the percentage-of-completion method. Under the provision, contracts within this exception are those contracts for the construction or improvement of real property if the contract: (1) is expected (at the time such contract is entered into) to be completed within two years of commencement of the contract and (2) is performed by a taxpayer that (for the taxable year in which the contract was entered into) meets the \$25 million gross receipts test.⁶⁶⁰

Under the provision, a taxpayer who fails the \$25 million gross receipts test would not be eligible for any of the aforementioned ex-

ceptions (*i.e.*, from the accrual method, from keeping inventories, from applying the uniform capitalization rules, or from using the percentage-of-completion method) for such taxable year.

Application of the provisions to expand the universe of taxpayers eligible to use the cash method, exempt certain taxpayers from the requirement to keep inventories, and expand the exception from the uniform capitalization rules is a change in the taxpayer's method of accounting for purposes of section 481. Application of the exception for small construction contracts from the requirement to use the percentage-of-completion method is applied on a cutoff basis for all similarly classified contracts (hence there is no adjustment under section 481(a) for contracts entered into before January 1, 2018).

Effective date.—The provisions to expand the universe of taxpayers eligible to use the cash method, exempt certain taxpayers from the requirement to keep inventories, and expand the exception from the uniform capitalization rules apply to taxable years beginning after December 31, 2017. The provision to expand the exception for small construction contracts from the requirement to use the percentage-of-completion method applies to contracts entered into after December 31, 2017, in taxable years ending after such date.

SENATE AMENDMENT

The Senate amendment is the same as the House bill with the following modifications. The Senate amendment modifies the \$25 million gross receipts test to be a \$15 million gross receipts test which is met if a taxpayer's annual average gross receipts do not exceed \$15 million for the three prior taxable-year period. The Senate amendment retains the present law \$25 million gross receipts limit for family farming corporations and applies such limit consistent with present law.

Effective date.—The provisions to expand the universe of taxpayers eligible to use the cash method, exempt certain taxpayers from the requirement to keep inventories, and expand the exception from the uniform capitalization rules apply to taxable years beginning after December 31, 2017. The provision to expand the exception for small construction contracts from the requirement to use the percentage-of-completion method applies to contracts entered into after December 31, 2017, in taxable years ending after such date.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

3. Modification of treatment of S corporation conversions to C corporations (sec. 3204 of the House bill, sec. 13543 of the Senate amendment, and secs. 481 and 1371 of the Code)

PRESENT LAW**Changes in accounting method****Cash and accrual methods in general**

Taxpayers using the cash method generally recognize items of income when actually or constructively received and items of expense when paid. The cash method is administratively easy and provides the taxpayer flexibility in the timing of income recognition. It is the method generally used by most individual taxpayers, including farm and non-farm sole proprietorships.

Taxpayers using an accrual method generally accrue items of income when all the

in the trade or business of being a writer, photographer, or artist. However, such term does not include any expense related to printing, photographic plates, motion picture files, video tapes, or similar items.

⁶⁴⁶ Sec. 460(a).

⁶⁴⁷ See Treas. Reg. sec. 1.460-4. This calculation is done on a cumulative basis. Thus, the amount included in gross income in a particular year is that proportion of the expected contract price that the amount of costs incurred through the end of the taxable year bears to the total expected costs, reduced by the amounts of gross contract price included in gross income in previous taxable years.

⁶⁴⁸ Sec. 460(b)(1).

⁶⁴⁹ Sec. 460(c).

⁶⁵⁰ Treas. Reg. sec. 1.460-5.

⁶⁵¹ Treas. Reg. secs. 1.460-4(b)(2)(iv) and 1.460-1(b)(8).

⁶⁵² Secs. 460(e)(1)(B) and (4).

⁶⁵³ Since such contracts involve the construction of real property, they are subject to the interest capitalization rules without regard to their duration. See Treas. Reg. sec. 1.263A-8.

⁶⁵⁴ Treas. Reg. sec. 1.460-4(c)(1).

⁶⁵⁵ Consistent with present law, the cash method generally may not be used by taxpayers, other than those that meet the \$25 million gross receipts test, if the purchase, production, or sale of merchandise is an income-producing factor. In addition, the cash method may not be used by a tax shelter.

⁶⁵⁶ In the case of a sole proprietorship, the \$25 million gross receipts test is applied as if the sole proprietorship is a corporation or partnership.

⁶⁵⁷ Consistent with present law, a deduction is generally permitted for the cost of non-incidental materials and supplies in the taxable year in which they are first used or are consumed in the taxpayer's operations. See Treas. Reg. sec. 1.162-3(a)(1).

⁶⁵⁸ The taxpayer's financial accounting treatment of inventories is determined by reference to the method of accounting used in the taxpayer's applicable financial statement (as defined in section 3202 of the House bill (Small business accounting method reform and simplification)) or, if the taxpayer does not have an applicable financial statement, the method of accounting used in the taxpayer's book and records prepared in accordance with the taxpayer's accounting procedures.

⁶⁵⁹ In the case of a sole proprietorship, the \$25 million gross receipts test is applied as if the sole proprietorship is a corporation or partnership.

⁶⁶⁰ In the case of a sole proprietorship, the \$25 million gross receipts test is applied as if the sole proprietorship is a corporation or partnership.

events have occurred that fix the right to receive the income and the amount of the income can be determined with reasonable accuracy.⁶⁶¹ Taxpayers using an accrual method of accounting generally may not deduct items of expense prior to when all events have occurred that fix the obligation to pay the liability, the amount of the liability can be determined with reasonable accuracy, and economic performance has occurred.⁶⁶² Accrual methods of accounting generally result in a more accurate measure of economic income than does the cash method. The accrual method is often used by businesses for financial accounting purposes.

A C corporation, a partnership that has a C corporation as a partner, or a tax-exempt trust or corporation with unrelated business income generally may not use the cash method. Exceptions are made for farming businesses,⁶⁶³ qualified personal service corporations,⁶⁶⁴ and the aforementioned entities to the extent their average annual gross receipts do not exceed \$5 million for all prior years (including the prior taxable years of any predecessor of the entity) (the “gross receipts test”).⁶⁶⁵ The cash method may not be used by any tax shelter.⁶⁶⁶ In addition, the cash method generally may not be used if the purchase, production, or sale of merchandise is an income producing factor.⁶⁶⁷ Such taxpayers generally are required to keep inventories and use an accrual method with respect to inventory items.⁶⁶⁸

Procedures for changing a method of accounting

A taxpayer filing its first return may adopt any permissible method of accounting

in computing taxable income for such year.⁶⁶⁹ Except as otherwise provided, section 446(e) requires taxpayers to secure consent of the Secretary before changing a method of accounting. The regulations under this section provide rules for determining: (1) what a method of accounting is, (2) how an adoption of a method of accounting occurs, and (3) how a change in method of accounting is effectuated.⁶⁷⁰

Section 481 prescribes the rules to be followed in computing taxable income in cases where the taxable income of the taxpayer is computed under a different method than the prior year (e.g., when changing from the cash method to an accrual method). In computing taxable income for the year of change, the taxpayer must take into account those adjustments which are determined to be necessary solely by reason of such change in order to prevent items of income or expense from being duplicated or omitted.⁶⁷¹ The year of change is the taxable year for which the taxable income of the taxpayer is computed under a different method than the prior year.⁶⁷² Congress has provided the Secretary with the authority to prescribe the timing and manner in which such adjustments are taken into account in computing taxable income.⁶⁷³ Net adjustments that decrease taxable income generally are taken into account entirely in the year of change, and net adjustments that increase taxable income generally are taken into account ratably during the four-taxable-year period beginning with the year of change.⁶⁷⁴

Post-termination distributions

Under present law, in the case of an S corporation that converts to a C corporation, distributions of cash by the C corporation to its shareholders during the post-termination transition period (to the extent of the amount in the accumulated adjustment account) are tax-free to the shareholders and reduce the adjusted basis of the stock.⁶⁷⁵ The post-termination transition period is generally the one-year period after the S corporation election terminates.⁶⁷⁶

HOUSE BILL

Under the provision, any section 481(a) adjustment of an eligible terminated S corporation attributable to the revocation of its S corporation election (i.e., a change from the cash method to an accrual method) is taken into account ratably during the six-taxable-year period beginning with the year of change.⁶⁷⁷ An eligible terminated S corporation is any C corporation which (1) is an

S corporation the day before the enactment of this bill, (2) during the two-year period beginning on the date of such enactment revokes its S corporation election under section 1362(a), and (3) all of the owners of which on the date the S corporation election is revoked are the same owners (and in identical proportions) as the owners on the date of such enactment.

Under the provision, in the case of a distribution of money by an eligible terminated S corporation, the accumulated adjustments account shall be allocated to such distribution, and the distribution shall be chargeable to accumulated earnings and profits, in the same ratio as the amount of the accumulated adjustments account bears to the amount the accumulated earnings and profits.

Effective date.—The provision is effective upon enactment.

SENATE AMENDMENT

The Senate amendment generally is the same as the House bill, except that any increase in tax due to the section 481(a) adjustment, rather than the section 481(a) adjustment itself, is taken into account ratably during the six-taxable-year period beginning with the year of change.

Effective date.—The provision is effective for distributions after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

D. Reform of Business Related Exclusions, Deductions, etc.

1. Interest (secs. 3203 and 3301 of the House bill, secs. 13301 and 13311 of the Senate amendment, and sec. 163(j) of the Code)

PRESENT LAW

Interest deduction

Interest paid or accrued by a business generally is deductible in the computation of taxable income subject to a number of limitations.⁶⁷⁸

Interest is generally deducted by a taxpayer as it is paid or accrued, depending on the taxpayer's method of accounting. For all taxpayers, if an obligation is issued with original issue discount (“OID”), a deduction for interest is allowable over the life of the obligation on a yield to maturity basis.⁶⁷⁹ Generally, OID arises where interest on a debt instrument is not calculated based on a qualified rate and required to be paid at least annually.

Investment interest expense

In the case of a taxpayer other than a corporation, the deduction for interest on indebtedness that is allocable to property held for investment (“investment interest”) is limited to the taxpayer's net investment income for the taxable year.⁶⁸⁰ Disallowed investment interest is carried forward to the next taxable year.

⁶⁷⁸ Sec. 163(a). In addition to the limitations discussed herein, other limitations include: denial of the deduction for the disqualified portion of the original issue discount on an applicable high yield discount obligation (sec. 163(e)(5)), denial of deduction for interest on certain obligations not in registered form (sec. 163(f)), reduction of the deduction for interest on indebtedness with respect to which a mortgage credit certificate has been issued under section 25 (sec. 163(g)), disallowance of deduction for personal interest (sec. 163(h)), disallowance of deduction for interest on debt with respect to certain life insurance contracts (sec. 264), and disallowance of deduction for interest relating to tax-exempt income (sec. 265). Interest may also be subject to capitalization. See, e.g., sections 263A(f) and 461(g).

⁶⁷⁹ Sec. 163(e). But see section 267 (dealing in part with interest paid to a related or foreign party).

⁶⁸⁰ Sec. 163(d).

⁶⁶¹ See, e.g., sec. 451.

⁶⁶² See, e.g., sec. 461.

⁶⁶³ A farming business is defined as a trade or business of farming, including operating a nursery or sod farm, or the raising or harvesting of trees bearing fruit, nuts, or other crops, timber, or ornamental trees. Sec. 448(d)(1).

⁶⁶⁴ A qualified personal service corporation is a corporation (1) substantially all of whose activities involve the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, or consulting, and (2) substantially all of the stock of which is owned by current or former employees performing such services, their estates, or heirs. Sec. 448(d)(2).

⁶⁶⁵ The gross receipts test is modified to apply to taxpayers with annual average gross receipts that do not exceed \$25 million for the three prior taxable-year period as part of this bill. See section 3202 of the bill (Small business accounting method reform and simplification).

⁶⁶⁶ Secs. 448(a)(3) and (d)(3) and 461(i)(3) and (4). For this purpose, a tax shelter includes: (1) any enterprise (other than a C corporation) if at any time interests in such enterprise have been offered for sale in any offering required to be registered with any Federal or State agency having the authority to regulate the offering of securities for sale; (2) any syndicate (within the meaning of section 1256(e)(3)(B)); or (3) any tax shelter as defined in section 6662(d)(2)(C)(ii). In the case of a farming trade or business, a tax shelter includes any tax shelter as defined in section 6662(d)(2)(C)(ii) or any partnership or any other enterprise other than a corporation which is not an S corporation engaged in the trade or business of farming, (1) if at any time interests in such partnership or enterprise have been offered for sale in any offering required to be registered with any Federal or State agency having authority to regulate the offering of securities for sale or (2) if more than 35 percent of the losses during any period are allocable to limited partners or limited entrepreneurs.

⁶⁶⁷ Treas. Reg. secs. 1.446-1(c)(2) and 1.471-1.

⁶⁶⁸ Sec. 471 and Treas. Reg. secs. 1.446-1(c)(2) and 1.471-1. However, section 3202 of the House bill (Small business accounting method reform and simplification) provides an exemption from the requirement to use inventories for taxpayers that meet the \$25 million gross receipts test provided in such section. Accordingly, under the bill, such taxpayers are thus also eligible to use the cash method.

⁶⁶⁹ Treas. Reg. sec. 1.446-1(e)(1).

⁶⁷⁰ Treas. Reg. sec. 1.446-1(e).

⁶⁷¹ Sec. 481(a)(2) and Treas. Reg. sec. 1.481-1(a)(1).

⁶⁷² Treas. Reg. sec. 1.481-1(a)(1).

⁶⁷³ Sec. 481(c). While Treasury regulations generally provide that the entire adjustments required by section 481(a) are taken into account entirely in the year of change, the Secretary has provided the Commissioner with the authority to provide additional guidance regarding the taxable year or years in which the adjustments are taken into account. See Treas. Reg. sec. 1.481-1(c)(2).

⁶⁷⁴ See Section 7.03 of Rev. Proc. 2015-13, 2015-5 I.R.B. 419.

⁶⁷⁵ Sec. 1371(e)(1).

⁶⁷⁶ Sec. 1377(b).

⁶⁷⁷ Section 3202 of the House bill (Small business accounting method reform and simplification) expand the universe of partnerships and C corporations eligible to use the cash method to include partnerships or C corporations with annual average gross receipts that do not exceed \$25 million for the three prior taxable-year period. Accordingly, an eligible terminated S corporation with annual average gross receipts that do not exceed \$25 million that used the cash method prior to revoking its S corporation election may be eligible to remain on the cash method as a C corporation.

Net investment income is investment income net of investment expenses. Investment income generally consists of gross income from property held for investment, and investment expense includes all deductions directly connected with the production of investment income (e.g., deductions for investment management fees) other than deductions for interest.

The two-percent floor on miscellaneous itemized deductions allows taxpayers to deduct investment expenses connected with investment income only to the extent such deductions exceed two percent of the taxpayer's adjusted gross income ("AGI").⁶⁸¹ Miscellaneous itemized deductions⁶⁸² that are not investment expenses are disallowed first before any investment expenses are disallowed.⁶⁸³

Earnings stripping

Section 163(j) may disallow a deduction for disqualified interest paid or accrued by a corporation in a taxable year if two threshold tests are satisfied: the payor's debt-to-equity ratio exceeds 1.5 to 1.0 (the safe harbor ratio) and the payor's net interest expense exceeds 50 percent of its adjusted taxable income (generally, taxable income computed without regard to deductions for net interest expense, net operating losses, domestic production activities under section 199, depreciation, amortization, and depletion). Disqualified interest includes interest paid or accrued to: (1) related parties when no Federal income tax is imposed with respect to such interest;⁶⁸⁴ (2) unrelated parties in certain instances in which a related party guarantees the debt; or (3) to a real estate investment trust ("REIT") by a taxable REIT subsidiary of that trust.⁶⁸⁵ Interest amounts disallowed under these rules can be carried forward indefinitely.⁶⁸⁶ In addition, any excess limitation (i.e., the excess, if any, of 50 percent of the adjusted taxable income of the payor over the payor's net interest expense) can be carried forward three years.⁶⁸⁷

HOUSE BILL

In general

In the case of any taxpayer for any taxable year, the deduction for business interest is limited to the sum of (1) business interest income; (2) 30 percent of the adjusted taxable income of the taxpayer for the taxable year; and (3) the floor plan financing interest of the taxpayer for the taxable year. The amount of any business interest not allowed as a deduction for any taxable year may be carried forward for up to five years beyond

the year in which the business interest was paid or accrued, treating business interest as allowed as a deduction on a first-in, first-out basis. The limitation applies at the taxpayer level. In the case of a group of affiliated corporations that file a consolidated return, the limitation applies at the consolidated tax return filing level.

Business interest means any interest paid or accrued on indebtedness properly allocable to a trade or business. Any amount treated as interest for purposes of the Internal Revenue Code is interest for purposes of the provision. Business interest income means the amount of interest includible in the gross income of the taxpayer for the taxable year which is properly allocable to a trade or business. Business interest does not include investment interest, and business interest income does not include investment income, within the meaning of section 163(d).⁶⁸⁸

Adjusted taxable income means the taxable income of the taxpayer computed without regard to (1) any item of income, gain, deduction, or loss which is not properly allocable to a trade or business; (2) any business interest or business interest income; (3) the amount of any net operating loss deduction; and (4) any deduction allowable for depreciation, amortization, or depletion.⁶⁸⁹ The Secretary may provide other adjustments to the computation of adjusted taxable income.

Floor plan financing interest means interest paid or accrued on floor plan financing indebtedness. Floor plan financing indebtedness means indebtedness used to finance the acquisition of motor vehicles held for sale to retail customers and secured by the inventory so acquired. A motor vehicle means a motor vehicle that is an automobile, a truck, a recreational vehicle, a motorcycle, a boat, farm machinery or equipment, or construction machinery or equipment.

By including business interest income and floor plan financing interest in the limitation, the rule operates to allow floor plan financing interest to be fully deductible and to limit the deduction for net interest expense (less floor plan financing interest) to 30 percent of adjusted taxable income. That is, a deduction for business interest is permitted to the full extent of business interest income and any floor plan financing interest. To the extent that business interest exceeds business interest income and floor plan financing interest, the deduction for the net interest expense is limited to 30 percent of adjusted taxable income.

It is generally intended that, similar to present law, section 163(j) apply after the application of provisions that subject interest to deferral, capitalization, or other limitation. Thus, section 163(j) applies to interest deductions that are deferred, for example under section 163(e) or section 267(a)(3)(B), in the taxable year to which such deductions are deferred. Section 163(j) applies after section 263A is applied to capitalize interest and after, for example, section 265 or section 279 is applied to disallow interest.

⁶⁸⁸ Section 163(d) applies in the case of a taxpayer other than a corporation. Thus, a corporation has neither investment interest nor investment income within the meaning of section 163(d). Thus, interest income and interest expense of a corporation is properly allocable to a trade or business, unless such trade or business is otherwise explicitly excluded from the application of the provision.

⁶⁸⁹ Any deduction allowable for depreciation, amortization, or depletion includes any deduction allowable for any amount treated as depreciation, amortization, or depletion under present law.

Application to passthrough entities

In general

In the case of any partnership, the limitation is applied at the partnership level. Any deduction for business interest is taken into account in determining the nonseparately stated taxable income or loss of the partnership.⁶⁹⁰ To prevent double counting, special rules are provided for the determination of the adjusted taxable income of each partner of the partnership. Similarly, to allow for additional interest deduction by a partner in the case of an excess amount of unused adjusted taxable income limitation of the partnership, special rules apply. Similar rules apply with respect to any S corporation and its shareholders.

Double counting rule

The adjusted taxable income of each partner (or shareholder, as the case may be) is determined without regard to such partner's distributive share of the nonseparately stated income or loss of such partnership. In the absence of such a rule, the same dollars of adjusted taxable income of a partnership could generate additional interest deductions as the income is passed through to the partners.

Example 1.—ABC is a partnership owned 50-50 by XYZ Corporation and an individual. ABC generates \$200 of noninterest income. Its only expense is \$60 of business interest. Under the provision the deduction for business interest is limited to 30 percent of adjusted taxable income, that is, 30 percent * \$200 = \$60. ABC deducts \$60 of business interest and reports ordinary business income of \$140. XYZ's distributive share of the ordinary business income of ABC is \$70. XYZ has net taxable income of zero from its other operations, none of which is attributable to interest income and without regard to its business interest expense. XYZ has business interest expense of \$25. In the absence of any special rule, the \$70 of taxable income from its interest in ABC would permit the deduction of up to an additional \$21 of interest (30 percent * \$70 = \$21), resulting in a deduction disallowance of only \$4. XYZ's \$100 share of ABC's adjusted taxable income would generate \$51 of interest deductions. If XYZ were instead a passthrough entity, additional deductions could be available at each tier.

The double counting rule provides that XYZ has adjusted taxable income computed without regard to the \$70 distributive share of the nonseparately stated income of ABC. As a result, XYZ has adjusted taxable income of \$0. XYZ's deduction for business interest is limited to 30 percent * \$0 = \$0, resulting in a deduction disallowance of \$25.

Additional deduction limit

The limit on the amount allowed as a deduction for business interest is increased by a partner's distributive share of the partnership's excess amount of unused adjusted taxable income limitation. The excess amount with respect to any partnership is the excess (if any) of 30 percent of the adjusted taxable income of the partnership over the amount (if any) by which the business interest of the partnership (reduced by floor plan financing interest) exceeds the business interest income of the partnership. This allows a partner of a partnership to deduct more interest expense the partner may have paid or incurred to the extent the partnership could have deducted more business interest.

⁶⁹⁰ This amount is the "Ordinary business income or loss" reflected on Form 1065 (U.S. Return of Partnership Income). The partner's distributive share is reflected in Box 1 of Schedule K-1 (Form 1065).

⁶⁸¹ Sec. 67(a).

⁶⁸² Miscellaneous itemized deductions include itemized deductions of individuals other than certain specific itemized deductions. Sec. 67(b). Miscellaneous itemized deductions generally include, for example, investment management fees and certain employee business expenses, but specifically do not include, for example, interest, taxes, casualty and theft losses, charitable contributions, medical expenses, or other listed itemized deductions.

⁶⁸³ H.R. Rep. No. 841, 99th Cong., 2d Sess., p. II-154, Sept. 18, 1986 (Conf. Rep.) ("In computing the amount of expenses that exceed the 2-percent floor, expenses that are not investment expenses are intended to be disallowed before any investment expenses are disallowed.")

⁶⁸⁴ If a tax treaty reduces the rate of tax on interest paid or accrued by the taxpayer, the interest is treated as interest on which no Federal income tax is imposed to the extent of the same proportion of such interest as the rate of tax imposed without regard to the treaty, reduced by the rate of tax imposed by the treaty, bears to the rate of tax imposed without regard to the treaty. Sec. 163(j)(5)(B).

⁶⁸⁵ Sec. 163(j)(3).

⁶⁸⁶ Sec. 163(j)(1)(B).

⁶⁸⁷ Sec. 163(j)(2)(B)(ii).

Example 2.—The facts are the same as in Example 1 except ABC has only \$40 of business interest. As in Example 1, ABC has a limit on its interest deduction of \$60. The excess amount for ABC is \$60–\$40 = \$20. XYZ's distributive share of the excess amount from ABC partnership is \$10. XYZ's deduction for business interest is limited to 30 percent of its adjusted taxable income plus its distributive share of the excess amount from ABC partnership (30 percent * \$0 + \$10 = \$10). As a result of the rule, XYZ may deduct \$10 of business interest and has an interest deduction disallowance of \$15.

Carryforward of disallowed business interest

The amount of any business interest not allowed as a deduction for any taxable year is treated as business interest paid or accrued in the succeeding taxable year. Business interest may be carried forward for up to five years. Carryforwards are determined on a first-in, first-out basis. It is intended that the provision be administered in a way to prevent trafficking in carryforwards.

A coordination rule is provided with the limitation on deduction of interest by domestic corporations in international financial reporting groups.⁶⁹¹ Whichever rule imposes the lower limitation on deduction of business interest with respect to the taxable year (and therefore the greatest amount of interest to be carried forward) governs.

Any carryforward of disallowed business interest is an item taken into account in the case of certain corporate acquisitions described in section 381 and is subject to limitation under section 382.

Exceptions

The limitation does not apply to any taxpayer that meets the \$25 million gross receipts test of section 448(c), that is, if the average annual gross receipts for the three-taxable-year period ending with the prior taxable year does not exceed \$25 million.⁶⁹² Aggregation rules apply to determine the amount of a taxpayer's gross receipts under the gross receipts test of section 448(c).

The trade or business of performing services as an employee is not treated as a trade or business for purposes of the limitation. As a result, for example, the wages of an employee are not counted in the adjusted taxable income of the taxpayer for purposes of determining the limitation.

The limitation does not apply to a real property trade or business as defined in section 469(c)(7)(C). Any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business is not treated as a trade or business for purposes of the limitation.

The limitation does not apply to certain regulated public utilities. Specifically, the trade or business of the furnishing or sale of (1) electrical energy, water, or sewage disposal services, (2) gas or steam through a local distribution system, or (3) transportation of gas or steam by pipeline, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State⁶⁹³ or political subdivision thereof,

by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof is not treated as a trade or business for purposes of the limitation. As a result, for example, interest expense paid or incurred in a real property trade or business is not business interest subject to limitation and is generally deductible in the computation of taxable income.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, with the following modifications.

In general

The Senate amendment makes several changes to the definition of adjusted taxable income. Specifically, the Senate amendment does not add back deductions allowable for depreciation, amortization, or depletion, but does add back any deduction under section 199,⁶⁹⁴ and any deduction under section 199A with respect to qualified business income of a passthrough entity.⁶⁹⁵

The Senate amendment also modifies the definition of floor plan financing. Specifically, the Senate amendment permits interest on indebtedness used to finance acquisition of motor vehicles for sale or lease (i.e., not just for sale, as in the House bill) to qualify as floor plan financing interest. The Senate amendment also includes self-propelled vehicles in the definition of motor vehicle, but removes construction machinery and equipment from the definition.

Carryforward of disallowed business interest

The Senate amendment permits interest deductions to be carried forward indefinitely, subject to certain restrictions applicable to partnerships, described below.

Application to passthrough entities

The Senate amendment requires a partner in a partnership to ignore the partner's distributive share of all items of income, gain, deduction, or loss of the partnership when calculating adjusted taxable income (rather than merely ignoring the nonseparately stated income or loss, as in the House bill).

The Senate amendment takes a different mathematical approach from the House bill to calculating a partner's interest limitation, though both provisions have the same practical effect. In the Senate amendment, the limit on the amount allowed as a deduction for business interest is increased by a partner's distributive share of the partnership's excess taxable income. The excess taxable income with respect to any partnership is the amount which bears the same ratio to the partnership's adjusted taxable income as the excess (if any) of 30 percent of the adjusted taxable income of the partnership over the amount (if any) by which the business interest of the partnership, reduced by floor plan financing interest, exceeds the business interest income of the partnership bears to 30 percent of the adjusted taxable income of the partnership. This allows a partner of a partnership to deduct additional

interest expense the partner may have paid or incurred to the extent the partnership could have deducted more business interest. The Senate amendment requires that excess taxable income be allocated in the same manner as nonseparately stated income and loss. As in the House bill, rules similar to these rules also apply to S corporations.

The Senate amendment provides a special rule for carryforward of disallowed partnership interest. In the case of a partnership, the general carryforward rule described in the discussion of the House bill does not apply. Instead, any business interest that is not allowed as a deduction to the partnership for the taxable year is allocated to each partner in the same manner as nonseparately stated taxable income or loss of the partnership. The partner may deduct its share of the partnership's excess business interest in any future year, but only against excess taxable income attributed to the partner by the partnership the activities of which gave rise to the excess business interest carryforward. Any such deduction requires a corresponding reduction in excess taxable income. Additionally, when excess business interest is allocated to a partner, the partner's basis in its partnership interest is reduced (but not below zero) by the amount of such allocation, even though the carryforward does not give rise to a partner deduction in the year of the basis reduction. However, the partner's deduction in a future year for interest carried forward does not reduce the partner's basis in the partnership interest. In the event the partner disposes of a partnership interest the basis of which has been so reduced, the partner's basis in such interest shall be increased, immediately before such disposition, by the amount that any such basis reductions exceed any amount of excess interest expense that has been treated as paid by the partner (i.e., excess interest expense that has been deducted by the partner against excess taxable income of the same partnership). This special rule does not apply to S corporations and their shareholders.

Exceptions

The Senate amendment exempts certain categories of taxpayers or trades or businesses from the interest limitation. First, any taxpayer that meets the \$15 million gross receipts test of section 448(c) is exempt from the interest limitation.⁶⁹⁶ Second, the Senate amendment expands the regulated public utilities exception in the House bill to include utilities where the rates for such furnishing or sale, as the case may be, have been established by the governing or rate-making body of an electric cooperative.

In the Senate amendment, at the taxpayer's election, any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business is not treated as a trade or business for purposes of the limitation, and therefore the limitation does not apply to such trades or businesses.⁶⁹⁷ Similarly, at the taxpayer's election, any farming

⁶⁹¹ See section 4302 of the bill (Limitation on deduction of interest by domestic corporations which are members of an international financial reporting group).

⁶⁹² In the case of a sole proprietorship, the \$25 million gross receipts test is applied as if the sole proprietorship were a corporation or partnership.

⁶⁹³ The term "State" includes the District of Columbia. See sec. 7701(a)(10) ("The term 'State' shall be construed to include the District of Columbia

where such construction is necessary to carry out provisions of this title").

⁶⁹⁴ The deduction for income attributable to domestic production activities is repealed effective for taxable years beginning after December 31, 2018. See section 13305 of the Senate amendment (Repeal of deduction for income attributable to domestic production activities).

⁶⁹⁵ See section 11011 of the Senate amendment (Deduction for qualified business income).

⁶⁹⁶ See section 13102 of the Senate amendment (Modifications of gross receipts test for use of cash method of accounting by corporations and partnerships). In the case of a sole proprietorship, the \$15 million gross receipts test is applied as if the sole proprietorship were a corporation or partnership.

⁶⁹⁷ It is intended that any such real property trade or business, including such a trade or business conducted by a corporation or real estate investment trust, be included. Because this description of a real property trade or business refers only to the section

business,⁶⁹⁸ as well as any business engaged in the trade or business of a specified agricultural or horticultural cooperative,⁶⁹⁹ are not treated as trades or businesses for purposes of the limitation, and therefore the limitation does not apply to such trades or businesses.

CONFERENCE AGREEMENT

The conference agreement generally follows the Senate amendment, with the following modifications. Under the conference agreement, for taxable years beginning after December 31, 2017 and before January 1, 2022, adjusted taxable income is computed without regard to deductions allowable for depreciation, amortization, or depletion. Additionally, because the conference agreement repeals section 199 effective December 31, 2017, adjusted taxable income is computed without regard to such deduction. The conference agreement follows the House in exempting from the limitation taxpayers with average annual gross receipts for the three-taxable-year period ending with the prior taxable year that do not exceed \$25 million. In addition, for purposes of defining floor plan financing, the conference agreement modifies the definition of motor vehicle by deleting the specific references to an automobile, a truck, a recreational vehicle, and a motorcycle because those terms are encompassed in the phrase, “any self-propelled vehicle designed for transporting persons or property on a public street, highway, or road,” which was also part of the definition in the Senate amendment.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

2. Modification of net operating loss deduction (sec. 3302 of the House bill, sec. 13302 of the Senate amendment, and sec. 172 of the Code)

PRESENT LAW

A net operating loss (“NOL”) generally means the amount by which a taxpayer’s

469(c)(7)(C) description, and not to other rules of section 469 (such as the rule of section 469(c)(2) that passive activities include rental activities or the rule of section 469(a) that a passive activity loss is limited under section 469), the other rules of section 469 are not made applicable by this reference. It is further intended that a real property operation or a real property management trade or business includes the operation or management of a lodging facility.

⁶⁹⁸ As defined in section 263A(e)(4) (*i.e.*, farming business means the trade or business of farming and includes the trade or business of operating a nursery or sod farm, or the raising or harvesting of trees bearing fruit, nuts, or other crops, or ornamental trees (other than evergreen trees that are more than six years old at the time they are severed from their roots)). Treas. Reg. sec. 1.263A-4(a)(4) further defines a farming business as a trade or business involving the cultivation of land or the raising or harvesting of any agricultural or horticultural commodity. Examples of a farming business include the trade or business of operating a nursery or sod farm; the raising or harvesting of trees bearing fruit, nuts, or other crops; the raising of ornamental trees (other than evergreen trees that are more than six years old at the time they are severed from their roots); and the raising, shearing, feeding, caring for, training, and management of animals. A farming business also includes processing activities that are normally incident to the growing, raising, or harvesting of agricultural or horticultural products. See Treas. Reg. sec. 1.263A-4(a)(4)(i) and (ii). A farming business does not include contract harvesting of an agricultural or horticultural commodity grown or raised by another taxpayer, or merely buying and reselling plants or animals grown or raised by another taxpayer. See Treas. Reg. sec. 1.263A-4(a)(4)(i).

⁶⁹⁹ As defined in new section 199A(g)(2) under the Senate amendment. See section 11011 of the Senate amendment (Deduction for qualified business income).

business deductions exceed its gross income.⁷⁰⁰ In general, an NOL may be carried back two years and carried over 20 years to offset taxable income in such years.⁷⁰¹ NOLs offset taxable income in the order of the taxable years to which the NOL may be carried.⁷⁰²

Different carryback periods apply with respect to NOLs arising in different circumstances. Extended carryback periods are allowed for NOLs attributable to specified liability losses and certain casualty and disaster losses.⁷⁰³ Limitations are placed on the carryback of excess interest losses attributable to corporate equity reduction transactions.⁷⁰⁴

HOUSE BILL

The provision limits the NOL deduction to 90 percent of taxable income (determined without regard to the deduction). Carryovers to other years are adjusted to take account of this limitation, and may be carried forward indefinitely. In addition, NOL carryovers attributable to losses arising in taxable years beginning after December 31, 2017, are increased annually to take into account the time value of money.

The provision repeals the two-year carryback and the special carryback provisions, but provides a one-year carryback in the case of certain disaster losses incurred in the trade or business of farming, or by certain small businesses.⁷⁰⁵ For this purpose, small business means a corporation, partnership, or sole proprietorship whose average annual gross receipts for the three-taxable-year period ending with such taxable year does not exceed \$5,000,000. Aggregation rules apply to determine gross receipts.

Effective date.—The provision allowing indefinite carryovers and modifying carrybacks generally applies to losses arising in taxable years beginning after December 31, 2017.⁷⁰⁶

The provision limiting the NOL deduction applies to taxable years beginning after December 31, 2017.

The annual increase in carryover amounts applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill, with the following modifications. First, provision limits the NOL deduction to 80 percent of taxable income (determined without regard to the deduction), for losses arising in taxable years beginning after December 31, 2022. The limitation does not apply to a property and casualty insurance company.

The provision repeals the two-year carryback and the special carryback provisions, but provides a two-year carryback in the case of certain losses incurred in the trade or business of farming. In addition, the

Senate amendment provides a two-year carryback and 20-year carryforward for NOLs of a property and casualty insurance company (defined in section 816(a)) as an insurance company other than a life insurance company).

The provision does not increase NOL carryovers.

Effective date.—The provision allowing indefinite carryovers and modifying carrybacks applies to losses arising in taxable years beginning after December 31, 2017.

The provision limiting the NOL deduction applies to losses arising in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except that the provision limits the NOL deduction to 80 percent of taxable income (determined without regard to the deduction) for losses arising in taxable years beginning after December 31, 2017.

3. Like-kind exchanges of real property (sec. 3303 of the House bill, and sec. 13303 of the Senate amendment, and sec. 1031 of the Code)

PRESENT LAW

An exchange of property, like a sale, generally is a taxable event. However, no gain or loss is recognized if property held for productive use in a trade or business or for investment is exchanged for property of a “like kind” which is to be held for productive use in a trade or business or for investment.⁷⁰⁷ In general, section 1031 does not apply to any exchange of stock in trade (*i.e.*, inventory) or other property held primarily for sale; stocks, bonds, or notes; other securities or evidences of indebtedness or interest; interests in a partnership; certificates of trust or beneficial interests; or choses in action.⁷⁰⁸ Section 1031 also does not apply to certain exchanges involving livestock⁷⁰⁹ or foreign property.⁷¹⁰

For purposes of section 1031, the determination of whether property is of a “like kind” relates to the nature or character of the property and not its grade or quality, *i.e.*, the nonrecognition rules do not apply to an exchange of one class or kind of property for property of a different class or kind (*e.g.*, section 1031 does not apply to an exchange of real property for personal property).⁷¹¹ The different classes of property are: (1) depreciable tangible personal property;⁷¹² (2) intangible or nondepreciable personal property;⁷¹³

⁷⁰⁷ Sec. 1031(a)(1).

⁷⁰⁸ Sec. 1031(a)(2). A chose in action is a right that can be enforced by legal action.

⁷⁰⁹ Sec. 1031(e).

⁷¹⁰ Sec. 1031(h).

⁷¹¹ Treas. Reg. sec. 1.1031(a)-1(b).

⁷¹² For example, an exchange of a personal computer classified under asset class 00.12 of Rev. Proc. 87-56, 1987-2 C.B. 674, for a printer classified under the same asset class of Rev. Proc. 87-56 would be treated as property of a like kind. However, an exchange of an airplane classified under asset class 00.21 of Rev. Proc. 87-56 for a heavy general purpose truck classified under asset class 00.242 of Rev. Proc. 87-56 would not be treated as property of a like kind. See Treas. Reg. sec. 1.1031(a)-2(b)(7).

⁷¹³ For example, an exchange of a copyright on a novel for a copyright on a different novel would be treated as property of a like kind. See Treas. Reg. sec. 1.1031(a)-2(c)(3). However, the goodwill or going concern value of one business is not of a like kind to the goodwill or going concern value of a different business. See Treas. Reg. sec. 1.1031(a)-2(c)(2). The Internal Revenue Service (“IRS”) has ruled that intangible assets such as trademarks, trade names, mastheads, and customer-based intangibles that can be separately described and valued apart from goodwill qualify as property of a like kind under section

⁷⁰⁰ Sec. 172(c).

⁷⁰¹ Sec. 172(b)(1)(A).

⁷⁰² Sec. 172(b)(2).

⁷⁰³ Sec. 172(b)(1)(C) and (E).

⁷⁰⁴ Sec. 172(b)(1)(D).

⁷⁰⁵ Notwithstanding the amendments made by the provision and section 1304 of the House bill (Repeal of deduction for personal casualty losses), the provision retains the present-law three-year carryback for the portion of the NOL for any taxable year which is a net disaster loss to which section 504(b) of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Pub. L. No. 115-63) applies (*i.e.*, a net disaster loss arising from hurricane Harvey, Irma, or Maria).

⁷⁰⁶ See section 3101 of the House bill (Increased expensing) for a limitation on the amount of any NOL which may be treated as an NOL carryback in the case of any year which includes any portion of the period beginning September 28, 2017 and ending December 31, 2017.

and (3) real property.⁷¹⁴ However, the rules with respect to whether real estate is “like kind” are applied more liberally than the rules governing like-kind exchanges of depreciable, intangible, or nondepreciable personal property. For example, improved real estate and unimproved real estate generally are considered to be property of a “like kind” as this distinction relates to the grade or quality of the real estate,⁷¹⁵ while depreciable tangible personal properties must be either within the same General Asset Class⁷¹⁶ or within the same Product Class.⁷¹⁷

The nonrecognition of gain in a like-kind exchange applies only to the extent that like-kind property is received in the exchange. Thus, if an exchange of property would meet the requirements of section 1031, but for the fact that the property received in the transaction consists not only of the property that would be permitted to be exchanged on a tax-free basis, but also other non-qualifying property or money (“additional consideration”), then the gain to the recipient of the other property or money is required to be recognized, but not in an amount exceeding the fair market value of such other property or money.⁷¹⁸ Additionally, any such gain realized on a section 1031 exchange as a result of additional consideration being involved constitutes ordinary income to the extent that the gain is subject to the recapture provisions of sections 1245

and 1250.⁷¹⁹ No losses may be recognized from a like-kind exchange.⁷²⁰

If section 1031 applies to an exchange of properties, the basis of the property received in the exchange is equal to the basis of the property transferred. This basis is increased to the extent of any gain recognized as a result of the receipt of other property or money in the like-kind exchange, and decreased to the extent of any money received by the taxpayer.⁷²¹ The holding period of qualifying property received includes the holding period of the qualifying property transferred, but the nonqualifying property received is required to begin a new holding period.⁷²²

A like-kind exchange also does not require that the properties be exchanged simultaneously. Rather, the property to be received in the exchange must be received not more than 180 days after the date on which the taxpayer relinquishes the original property (but in no event later than the due date (including extensions) of the taxpayer’s income tax return for the taxable year in which the transfer of the relinquished property occurs). In addition, the taxpayer must identify the property to be received within 45 days after the date on which the taxpayer transfers the property relinquished in the exchange.⁷²³

The Treasury Department has issued regulations⁷²⁴ and revenue procedures⁷²⁵ providing guidance and safe harbors for taxpayers engaging in deferred like-kind exchanges.

HOUSE BILL

The provision modifies the provision providing for nonrecognition of gain in the case of like-kind exchanges by limiting its application to real property that is not held primarily for sale.⁷²⁶

Effective date.—The provision generally applies to exchanges completed after December 31, 2017. However, an exception is provided for any exchange if the property disposed of by the taxpayer in the exchange is disposed of on or before December 31, 2017, or the property received by the taxpayer in the exchange is received on or before such date.

SENATE AMENDMENT

The Senate amendment follows the House bill.

⁷¹⁹ Secs. 1245(b)(4) and 1250(d)(4). For example, if a taxpayer holding section 1245 property A with an original cost basis of \$11,000, an adjusted basis of \$10,000, and a fair market value of \$15,000 exchanges the property for section 1245 property B with a fair market value of \$14,000 plus \$1,000 in cash, the taxpayer would recognize \$1,000 of ordinary income on the transaction. The remaining \$4,000 of gain would be deferred until the taxpayer disposes of section 1245 property B in a taxable sale or exchange.

⁷²⁰ Sec. 1031(c).

⁷²¹ Sec. 1031(d). Thus, in the example noted above, the taxpayer’s basis in B would be \$40,000 (the taxpayer’s transferred basis of \$40,000, increased by \$10,000 in gain recognized, and decreased by \$10,000 in money received).

⁷²² Sec. 1223(1).

⁷²³ Sec. 1031(a)(3).

⁷²⁴ Treas. Reg. sec. 1.1031(k)-1(a) through (o).

⁷²⁵ See Rev. Proc. 2000-37, 2000-40 I.R.B. 308, as modified by Rev. Proc. 2004-51, 2004-33 I.R.B. 294.

⁷²⁶ It is intended that real property eligible for like-kind exchange treatment under present law will continue to be eligible for like-kind exchange treatment under the provision. For example, a like-kind exchange of real property includes an exchange of shares in a mutual ditch, reservoir, or irrigation company described in section 501(c)(12)(A) if at the time of the exchange such shares have been recognized by the highest court or statute of the State in which the company is organized as constituting or representing real property or an interest in real property. Similarly, improved real estate and unimproved real estate are generally considered to be property of a like kind. See Treas. Reg. sec. 1.1031(a)-1(b).

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

4. Revision of treatment of contributions to capital (sec. 3304 of the House bill and sec. 118 of the Code)

PRESENT LAW

The gross income of a corporation does not include any contribution to its capital.⁷²⁷ For purposes of this rule, a contribution to the capital of a corporation does not include any contribution in aid of construction or any other contribution from a customer or potential customer.⁷²⁸ A special rule allows certain contributions in aid of construction received by a regulated public utility that provides water or sewerage disposal services to be treated as a tax-free contribution to the capital of the utility.⁷²⁹ No deduction or credit is allowed for, or by reason of, any expenditure that constitutes a contribution that is treated as a tax-free contribution to the capital of the utility.⁷³⁰

If property is acquired by a corporation as a contribution to capital and is not contributed by a shareholder as such, the adjusted basis of the property is zero.⁷³¹ If the contribution consists of money, the corporation must first reduce the basis of any property acquired with the contributed money within the following 12-month period, and then reduce the basis of other property held by the corporation.⁷³² Similarly, the adjusted basis of any property acquired by a utility with a contribution in aid of construction is zero.⁷³³

HOUSE BILL

The provision repeals the provision of the Internal Revenue Code under which, generally, a corporation’s gross income does not include contributions of capital to the corporation.

The provision provides that a contribution to capital, other than a contribution of money or property made in exchange for stock of a corporation or any interest in an entity, is included in gross income of the corporation. For example, a contribution of municipal land by a municipality that is not in exchange for stock (or for a partnership interest or other interest) of equivalent value is considered a contribution to capital that is includable in gross income. By contrast, a municipal tax abatement for locating a business in a particular municipality is not considered a contribution to capital.

The provision further provides that a contribution of capital in exchange for stock is not includable in the gross income of the corporation to the extent that the fair market value of any money or other property contributed does not exceed the fair market value of stock received. It is intended that, for this purpose, the fair market value of any property contributed is calculated net of any liabilities to which the property is subject and net of any liabilities or obligations of the transferor assumed or taken subject to by the entity in connection with the transaction. When valuing stock or equity received, taxpayers may disregard discounts for lack of control and the effect of limited liquidity on valuation.

The provision does not change the application of the meaningless gesture doctrine, described in *Lessinger v. Commissioner*, 872 F.2d

⁷²⁷ Sec. 118(a).

⁷²⁸ Sec. 118(b).

⁷²⁹ Sec. 118(c)(1).

⁷³⁰ Sec. 118(c)(4).

⁷³¹ Sec. 362(c)(1).

⁷³² Sec. 362(c)(2). See also Treas. Reg. sec. 1.362-2.

⁷³³ Sec. 118(c)(4).

1031. See Chief Counsel Advice 200911006, February 12, 2009.

⁷¹⁴ Treas. Reg. sec. 1.1031(a)-1(b) and (c).

⁷¹⁵ Treas. Reg. sec. 1.1031(a)-1(b).

⁷¹⁶ Treasury Regulation section 1.1031(a)-2(b)(2) provides the following list of General Asset Classes, based on asset classes 00.11 through 00.28 and 00.4 of Rev. Proc. 87-56, 1987-2 C.B. 674: (i) Office furniture, fixtures, and equipment (asset class 00.11), (ii) Information systems (computers and peripheral equipment) (asset class 00.12), (iii) Data handling equipment, except computers (asset class 00.13), (iv) Airplanes (airframes and engines), except those used in commercial or contract carrying of passengers or freight, and all helicopters (airframes and engines) (asset class 00.21), (v) Automobiles, taxis (asset class 00.22), (vi) Buses (asset class 00.23), (vii) Light general purpose trucks (asset class 00.24), (viii) Heavy general purpose trucks (asset class 00.242), (ix) Railroad cars and locomotives, except those owned by railroad transportation companies (asset class 00.25), (x) Tractor units for use over-the-road (asset class 00.26), (xi) Trailers and trailer-mounted containers (asset class 00.27), (xii) Vessels, barges, tugs, and similar water-transportation equipment, except those used in marine construction (asset class 00.28), and (xiii) Industrial steam and electric generation and/or distribution systems (asset class 00.4).

⁷¹⁷ Property within a product class consists of depreciable tangible personal property that is described in a 6-digit product class within Sectors 31, 32, and 33 (pertaining to manufacturing industries) of the North American Industry Classification System (“NAICS”), set forth in Executive Office of the President, Office of Management and Budget, *North American Industry Classification System*, United States, 2002 (NAICS Manual), as periodically updated. Treas. Reg. sec. 1.1031(a)-2(b)(3).

⁷¹⁸ Sec. 1031(b). For example, if a taxpayer holding land A having a basis of \$40,000 and a fair market value of \$100,000 exchanges the property for land B worth \$90,000 plus \$10,000 in cash, the taxpayer would recognize \$10,000 of gain on the transaction, which would be includable in income. The remaining \$50,000 of gain would be deferred until the taxpayer disposes of land B in a taxable sale or exchange.

519 (2d. Cir. 1989) and related cases, as well as in administrative guidance.⁷³⁴ Thus, under the provision, whether incremental shares of stock are issued when the existing shareholder or shareholders of a corporation make a pro-rata contribution to the capital of the corporation is not determinative of whether the contribution is included in income of the corporation.

The fair market value requirement generally will be satisfied in any arm's length transaction in which stock is issued in consideration for cash. Thus, for example, in a public offering, if the price of the stock was determined on an arm's length basis, the fact the stock trades immediately after its issuance at a price below the issue price will not result in contribution to capital treatment.

Finally, the provision provides rules clarifying the contributor's basis in the property contributed.

Effective date.—The provision applies to contributions made, and transactions entered into, after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the policy of the House bill but takes a different approach. The conference agreement does not repeal the provision of the Internal Revenue Code under which, generally, a corporation's gross income does not include contributions to capital. Rather, it preserves that provision, but provides that the term "contributions to capital" does not include (1) any contribution in aid of construction or any other contribution as a customer or potential customer, and (2) any contribution by any governmental entity or civic group (other than a contribution made by a shareholder as such). The conferees intend that section 118, as modified, continue to apply only to corporations.

Effective date.—The provision applies to contributions made after the date of enactment. However, the provision shall not apply to any contribution made after the date of enactment by a governmental entity pursuant to a master development plan that has been approved prior to such date by a governmental entity.

5. Repeal of deduction for local lobbying expenses (sec. 3305 of the House bill, sec. 13308 of the Senate amendment, and sec. 162(e) of the Code)

PRESENT LAW

In general

A taxpayer generally is allowed a deduction for ordinary and necessary expenses paid or incurred in carrying on any trade or business.⁷³⁵ However, section 162(e) denies a deduction for amounts paid or incurred in connection with (1) influencing legislation,⁷³⁶ (2) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office, (3) any attempt to influence the general public,

or segments thereof, with respect to elections, legislative matters, or referendums, or (4) any direct communication with a covered executive branch official⁷³⁷ in an attempt to influence the official actions or positions of such official. Expenses paid or incurred in connection with lobbying and political activities (such as research for, or preparation, planning, or coordination of, any previously described activity) also are not deductible.⁷³⁸

Exceptions

Local legislation

Notwithstanding the above, a deduction is allowed for ordinary and necessary expenses incurred in connection with any legislation of any local council or similar governing body ("local legislation").⁷³⁹ With respect to local legislation, the exception permits a deduction for amounts paid or incurred in carrying on any trade or business (1) in direct connection with appearances before, submission of statements to, or sending communications to the committees or individual members of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or (2) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and such organization, and (3) that portion of the dues paid or incurred with respect to any organization of which the taxpayer is a member which is attributable to the expenses of the activities described in (1) or (2) carried on by such organization.⁷⁴⁰

For purposes of this exception, legislation of an Indian tribal government is treated in the same manner as local legislation.⁷⁴¹

De minimis

For taxpayers with \$2,000 or less of in-house expenditures related to lobbying and political activities, a de minimis exception is provided that permits a deduction.⁷⁴²

HOUSE BILL

The provision repeals the exception for amounts paid or incurred related to lobbying local councils or similar governing bodies, including Indian tribal governments. Thus, the general disallowance rules applicable to lobbying and political expenditures will apply to costs incurred related to such local legislation.

Effective date.—The provision applies to amounts paid or incurred after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill other than to change the effective date so that the provision applies to amounts paid or incurred on or after the date of enactment.

Effective date.—The provision applies to amounts paid or incurred on or after the date of enactment.

⁷³⁷ The term "covered executive branch official" means (1) the President, (2) the Vice President, (3) any officer or employee of the White House Office of the Executive Office of the President, and the two most senior level officers of each of the other agencies in such Executive Office, (4) any individual servicing in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, (5) any other individual designated by the President as having Cabinet-level status, and (6) any immediate deputy of an individual described in (4) or (5). Sec. 162(e)(6).

⁷³⁸ Sec. 162(e)(5)(C).

⁷³⁹ Sec. 162(e)(2)(A).

⁷⁴⁰ Sec. 162(e)(2)(B).

⁷⁴¹ Sec. 162(e)(7).

⁷⁴² Sec. 162(e)(5)(B).

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

6. Repeal of deduction for income attributable to domestic production activities (sec. 3306 of the House bill, sec. 13305 of the Senate amendment, and sec. 199 of the Code)

PRESENT LAW

In general

Section 199 provides a deduction from taxable income (or, in the case of an individual, adjusted gross income⁷⁴³) that is equal to nine percent of the lesser of the taxpayer's qualified production activities income or taxable income (determined without regard to the section 199 deduction) for the taxable year.⁷⁴⁴ For corporations subject to the 35-percent corporate income tax rate, the nine-percent deduction effectively reduces the corporate income tax rate to slightly less than 32 percent on qualified production activities income.⁷⁴⁵ A similar reduction applies to the graduated rates applicable to individuals with qualifying domestic production activities income.

In general, qualified production activities income is equal to domestic production gross receipts reduced by the sum of: (1) the costs of goods sold that are allocable to those receipts; and (2) other expenses, losses, or deductions which are properly allocable to those receipts.⁷⁴⁶

Domestic production gross receipts generally are gross receipts of a taxpayer that are derived from: (1) any sale, exchange, or other disposition, or any lease, rental, or license, of qualifying production property⁷⁴⁷ that was manufactured, produced, grown or extracted by the taxpayer in whole or in significant part within the United States;⁷⁴⁸ (2) any sale, exchange, or other disposition, or any lease, rental, or license, of qualified film⁷⁴⁹ produced by the taxpayer; (3) any

⁷⁴³ For this purpose, adjusted gross income is determined after application of sections 86, 135, 137, 219, 221, 222, and 469, without regard to the section 199 deduction. Sec. 199(d)(2).

⁷⁴⁴ Sec. 199(a). In the case of oil related qualified production activities income, the deduction from taxable income is equal to six percent of the lesser of the taxpayer's oil related qualified production activities income, qualified production activities income, or taxable income. Sec. 199(d)(9).

⁷⁴⁵ This example assumes the deduction does not exceed the wage limitation discussed below.

⁷⁴⁶ Sec. 199(c)(1). In computing qualified production activities income, the domestic production activities deduction itself is not an allocable deduction. Sec. 199(c)(1)(B)(ii). See Treas. Reg. secs. 1.199-1 through 1.199-9 where the Secretary has prescribed rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining qualified production activities income.

⁷⁴⁷ Qualifying production property generally includes any tangible personal property, computer software, and sound recordings. Sec. 199(c)(5).

⁷⁴⁸ When used in the Code in a geographical sense, the term "United States" generally includes only the States and the District of Columbia. Sec. 7701(a)(9). A special rule for determining domestic production gross receipts, however, provides that for taxable years beginning after December 31, 2005, and before January 1, 2017, in the case of any taxpayer with gross receipts from sources within the Commonwealth of Puerto Rico, the term "United States" includes the Commonwealth of Puerto Rico, but only if all of the taxpayer's Puerto Rico-sourced gross receipts are taxable under the Federal income tax for individuals or corporations for such taxable year. Secs. 199(d)(8)(A) and (C). In computing the 50-percent wage limitation, the taxpayer is permitted to take into account wages paid to bona fide residents of Puerto Rico for services performed in Puerto Rico. Sec. 199(d)(8)(B).

⁷⁴⁹ Qualified film includes any motion picture film or videotape (including live or delayed television

⁷³⁴ Rev. Rul. 64-155, 1964-1 CB 138.

⁷³⁵ Sec. 162(a).

⁷³⁶ The term "influencing legislation" means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation. The term "legislation" includes actions with respect to Acts, bills, resolutions, or similar items by the Congress, any State legislature, any local council, or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. Secs. 162(e)(4) and 4911(e)(2).

sale, exchange, or other disposition, or any lease, rental, or license, of electricity, natural gas, or potable water produced by the taxpayer in the United States; (4) construction of real property performed in the United States by a taxpayer in the ordinary course of a construction trade or business; or (5) engineering or architectural services performed in the United States for the construction of real property located in the United States.⁷⁵⁰

The amount of the deduction for a taxable year is limited to 50 percent of the W-2 wages paid by the taxpayer, and properly allocable to domestic production gross receipts, during the calendar year that ends in such taxable year.⁷⁵¹

Agricultural and horticultural cooperatives

With regard to member-owned agricultural and horticultural cooperatives formed under Subchapter T of the Code, section 199 provides the same treatment of qualified production activities income derived from agricultural or horticultural products that are manufactured, produced, grown, or extracted by cooperatives,⁷⁵² or that are marketed through cooperatives, as it provides for qualified production activities income of other taxpayers (i.e., the cooperative may claim a deduction from qualified production activities income).

In addition, section 199(d)(3)(A) provides that the amount of any patronage dividends or per-unit retain allocations paid to a member of an agricultural or horticultural cooperative (to which Part I of Subchapter T applies), which is allocable to the portion of qualified production activities income of the cooperative that is deductible under the provision, is deductible from the gross income of the member. In order to qualify, such amount must be designated by the organization as allocable to the deductible portion of qualified production activities income in a written notice mailed to its patrons not later than the payment period described in section 1382(d). In addition, section 199(d)(3)(B) provides that the cooperative cannot reduce its income under section 1382 (e.g., cannot claim a dividends-paid deduction) for such amounts.

HOUSE BILL

The provision repeals the deduction for income attributable to domestic production activities.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

programming, but not including certain sexually explicit productions) if 50 percent or more of the total compensation relating to the production of the film (including compensation in the form of residuals and participations) constitutes compensation for services performed in the United States by actors, production personnel, directors, and producers. Sec. 199(c)(6).

⁷⁵⁰ Sec. 199(c)(4)(A).

⁷⁵¹ Sec. 199(b)(1). For purposes of the provision, “W-2 wages” include the sum of the amounts of wages as defined in section 3401(a) and elective deferrals that the taxpayer properly reports to the Social Security Administration with respect to the employment of employees of the taxpayer during the calendar year ending during the taxpayer’s taxable year. Elective deferrals include elective deferrals as defined in section 402(g)(3), amounts deferred under section 457, and designated Roth contributions as defined in section 402A. See sec. 199(b)(2)(A). The wage limitation for qualified films includes any compensation for services performed in the United States by actors, production personnel, directors, and producers and is not restricted to W-2 wages. Sec. 199(b)(2)(D).

⁷⁵² For this purpose, agricultural or horticultural products also include fertilizer, diesel fuel and other supplies used in agricultural or horticultural production that are manufactured, produced, grown, or extracted by the cooperative.

Effective date.—The provision is effective for non-corporate taxpayers and for certain rules applicable to agricultural and horticultural cooperatives provided in section 199(d)(3)(A) and (B) for taxable years beginning after December 31, 2017. The provision is effective for C corporations for taxable years beginning after December 31, 2018.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

7. Entertainment, etc. expenses (sec. 3307 of the House bill, sec. 13304 of the Senate amendment, and sec. 274 of the Code)

PRESENT LAW

In general

No deduction is allowed with respect to (1) an activity generally considered to be entertainment, amusement, or recreation (“entertainment”), unless the taxpayer establishes that the item was directly related to (or, in certain cases, associated with) the active conduct of the taxpayer’s trade or business, or (2) a facility (e.g., an airplane) used in connection with such activity.⁷⁵³ If the taxpayer establishes that entertainment expenses are directly related to (or associated with) the active conduct of its trade or business, the deduction generally is limited to 50 percent of the amount otherwise deductible.⁷⁵⁴ Similarly, a deduction for any expense for food or beverages generally is limited to 50 percent of the amount otherwise deductible.⁷⁵⁵ In addition, no deduction is allowed for membership dues with respect to any club organized for business, pleasure, recreation, or other social purpose.⁷⁵⁶

There are a number of exceptions to the general rule disallowing deduction of entertainment expenses and the rules limiting deductions to 50 percent of the otherwise deductible amount. Under one such exception, those rules do not apply to expenses for goods, services, and facilities to the extent that the expenses are reported by the taxpayer as compensation and as wages to an employee.⁷⁵⁷ Those rules also do not apply to expenses for goods, services, and facilities to the extent that the expenses are includible in the gross income of a recipient who is not an employee (e.g., a nonemployee director) as compensation for services rendered or as a prize or award.⁷⁵⁸ The exceptions apply only to the extent that amounts are properly reported by the company as compensation and wages or otherwise includible in income. In no event can the amount of the deduction exceed the amount of the taxpayer’s actual cost, even if a greater amount (i.e., fair market value) is includible in income.⁷⁵⁹

Those deduction disallowance rules also do not apply to expenses paid or incurred by the taxpayer, in connection with the performance of services for another person (other than an employer), under a reimbursement or other expense allowance arrangement if the taxpayer accounts for the expenses to such person.⁷⁶⁰ Another exception applies for expenses for recreational, social, or similar activities primarily for the benefit of employees other than certain owners and highly compensated employees.⁷⁶¹ An exception ap-

plies also to the 50 percent deduction limit for food and beverages provided to crew members of certain commercial vessels and certain oil or gas platform or drilling rig workers.⁷⁶²

Expenses treated as compensation

Except as otherwise provided, gross income includes compensation for services, including fees, commissions, fringe benefits, and similar items.⁷⁶³ In general, an employee (or other service provider) must include in gross income the amount by which the fair market value of a fringe benefit exceeds the sum of the amount (if any) paid by the individual and the amount (if any) specifically excluded from gross income.⁷⁶⁴ Treasury regulations provide detailed rules regarding the valuation of certain fringe benefits, including flights on an employer-provided aircraft. In general, the value of a non-commercial flight generally is determined under the base aircraft valuation formula, also known as the Standard Industry Fare Level formula or “SIFL.”⁷⁶⁵ If the SIFL valuation rules do not apply, the value of a flight on an employer-provided aircraft generally is equal to the amount that an individual would have to pay in an arm’s-length transaction to charter the same or a comparable aircraft for that period for the same or a comparable flight.⁷⁶⁶

In the context of an employer providing an aircraft to employees for nonbusiness (e.g., vacation) flights, the exception for expenses treated as compensation has been interpreted as not limiting the company’s deduction for expenses attributable to the operation of the aircraft to the amount of compensation reportable to its employees.⁷⁶⁷ The result of that interpretation is often a deduction several times larger than the amount required to be included in income. Further, in many cases, the individual including amounts attributable to personal travel in income directly benefits from the enhanced deduction, resulting in a net deduction for the personal use of the company aircraft.

The exceptions for expenses treated as compensation or otherwise includible income were subsequently modified in the case of specified individuals such that the exceptions apply only to the extent of the amount of expenses treated as compensation or includible in income of the specified individual.⁷⁶⁸ Specified individuals are individuals who, with respect to an employer or other service recipient (or a related party), are subject to the requirements of section 16(a) of the Securities Exchange Act of 1934, or would be subject to such requirements if the employer or service recipient (or related party) were an issuer of equity securities referred to in section 16(a).⁷⁶⁹

As a result, in the case of specified individuals, no deduction is allowed with respect to expenses for (1) a nonbusiness activity generally considered to be entertainment, amusement or recreation, or (2) a facility (e.g., an airplane) used in connection with such activity to the extent that such expenses exceed the amount treated as compensation or includible in income to the

⁷⁶² Sec. 274(n)(2)(E).

⁷⁶³ Sec. 61(a)(1).

⁷⁶⁴ Treas. Reg. sec. 1.61-21(b)(1).

⁷⁶⁵ Treas. Reg. sec. 1.61-21(g)(5).

⁷⁶⁶ Treas. Reg. sec. 1.61-21(b)(6).

⁷⁶⁷ *Sutherland Lumber-Southwest, Inc. v. Commissioner*, 114 T.C. 197 (2000), aff’d, 255 F.3d 495 (8th Cir. 2001).

⁷⁶⁸ Sec. 274(e)(2)(B)(i). See also Treas. Reg. sec. 1.274-9(a).

⁷⁶⁹ Sec. 274(e)(2)(B)(ii). See also Treas. Reg. sec. 1.274-9(b).

⁷⁵³ Sec. 274(a)(1).

⁷⁵⁴ Sec. 274(n)(1)(B).

⁷⁵⁵ Sec. 274(n)(1)(A).

⁷⁵⁶ Sec. 274(a)(3).

⁷⁵⁷ Sec. 274(e)(2)(A). See below for a discussion of the recent modification of this rule for certain individuals.

⁷⁵⁸ Sec. 274(e)(9).

⁷⁵⁹ Treas. Reg. sec. 1.162-25T(a).

⁷⁶⁰ Sec. 274(e)(3).

⁷⁶¹ Sec. 274(e)(4).

specified individual. For example, a company's deduction attributable to aircraft operating costs and other expenses for a specified individual's vacation use of a company aircraft is limited to the amount reported as compensation to the specified individual. However, in the case of other employees or service providers, the company's deduction is not limited to the amount treated as compensation or includible in income.⁷⁷⁰

Excludable fringe benefits

Certain employer-provided fringe benefits are excluded from an employee's gross income and wages for employment tax purposes, including, but not limited to, *de minimis* fringes, qualified transportation fringes, on-premises athletic facilities, and meals provided for the "convenience of the employer."⁷⁷¹

A *de minimis* fringe generally means any property or service the value of which is (taking into account the frequency with which similar fringes are provided by the employer) so small as to make accounting for it unreasonable or administratively impracticable,⁷⁷² and also includes food and beverages provided to employees through an eating facility operated by the employer that is located on or near the employer's business premises and meets certain requirements.⁷⁷³

Qualified transportation fringes include qualified parking (parking on or near the employer's business premises or on or near a location from which the employee commutes to work by public transit), transit passes, vanpool benefits, and qualified bicycle commuting reimbursements.⁷⁷⁴

On-premises athletic facilities are gyms or other athletic facilities located on the employer's premises, operated by the employer, and substantially all the use of which is by employees of the employer, their spouses, and their dependent children.⁷⁷⁵

The value of meals furnished to an employee or the employee's spouse or dependents by or on behalf of an employer for the convenience of the employer is excludible from the employee's gross income, but only if such meals are provided on the employer's business premises.⁷⁷⁶

HOUSE BILL

The provision provides that no deduction is allowed with respect to (1) an activity generally considered to be entertainment, amusement or recreation, (2) membership dues with respect to any club organized for business, pleasure, recreation or other social purposes, (3) a *de minimis* fringe that is primarily personal in nature and involving property or services that are not directly related to the taxpayer's trade or business, (4) a facility or portion thereof used in connection with any of the above items, (5) a quali-

fied transportation fringe, including costs of operating a facility used for qualified parking, and (6) an on-premises athletic facility provided by an employer to its employees, including costs of operating such a facility. Thus, the provision repeals the present-law exception to the deduction disallowance for entertainment, amusement, or recreation that is directly related to (or, in certain cases, associated with) the active conduct of the taxpayer's trade or business (and the related rule applying a 50 percent limit to such deductions). The provision also repeals the present-law exception for recreational, social, or similar activities primarily for the benefit of employees. However, taxpayers may still, generally, deduct 50 percent of the food and beverage expenses associated with operating their trade or business (e.g., meals consumed by employees on work travel).

Under the provision, in the case of all individuals (not just specified individuals), the exceptions to the general entertainment expense disallowance rule for expenses treated as compensation or includible in income apply only to the extent of the amount of expenses treated as compensation or includible in income. Thus, under those exceptions, no deduction is allowed with respect to expenses for (1) a nonbusiness activity generally considered to be entertainment, amusement or recreation, or (2) a facility (e.g., an airplane) used in connection with such activity to the extent that such expenses exceed the amount treated as compensation or includible in income. As under present law, the exceptions apply only if amounts are properly reported by the company as compensation and wages or otherwise includible in income.

The provision amends the present-law exception for reimbursed expenses. The provision disallows a deduction for amounts paid or incurred by a taxpayer in connection with the performance of services for another person (other than an employer) under a reimbursement or other expense allowance arrangement if the person for whom the services are performed is a tax-exempt entity⁷⁷⁷ or the arrangement is designated by the Secretary as having the effect of avoiding the 50 percent deduction disallowance.

The provision clarifies that the exception to the 50 percent deduction limit for food or beverages applies to any expense excludible from the gross income of the recipient related to meals furnished for the convenience of the employer. The provision thereby repeals as deadwood the special exceptions for food or beverages provided to crew members of certain commercial vessels and certain oil or gas platform or drilling rig workers.

Effective date.—The provision applies to amounts paid or incurred after December 31, 2017.

SENATE AMENDMENT

The provision provides that no deduction is allowed with respect to (1) an activity generally considered to be entertainment, amusement or recreation, (2) membership dues with respect to any club organized for business, pleasure, recreation or other social purposes, or (3) a facility or portion thereof used in connection with any of the above items. Thus, the provision repeals the present-law exception to the deduction disallowance for entertainment, amusement, or recreation that is directly related to (or, in certain cases, associated with) the active

conduct of the taxpayer's trade or business (and the related rule applying a 50 percent limit to such deductions).

In addition, the provision disallows a deduction for expenses associated with providing any qualified transportation fringe to employees of the taxpayer, and except as necessary for ensuring the safety of an employee, any expense incurred for providing transportation (or any payment or reimbursement) for commuting between the employee's residence and place of employment.

Taxpayers may still generally deduct 50 percent of the food and beverage expenses associated with operating their trade or business (e.g., meals consumed by employees on work travel). For amounts incurred and paid after December 31, 2017 and until December 31, 2025, the provision expands this 50 percent limitation to expenses of the employer associated with providing food and beverages to employees through an eating facility that meets requirements for *de minimis* fringes and for the convenience of the employer. Such amounts incurred and paid after December 31, 2025 are not deductible.

Effective date.—The provision generally applies to amounts paid or incurred after December 31, 2017. However, for expenses of the employer associated with providing food and beverages to employees through an eating facility that meets requirements for *de minimis* fringes and for the convenience of the employer, amounts paid or incurred after December 31, 2025 are not deductible.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

18. Repeal of exclusion, etc., for employee achievement awards (sec. 1403 of the House bill, sec. 13310 of the Senate amendment, and secs. 74(c) and 274(j) of the Code)

PRESENT LAW

An employer's deduction for the cost of an employee achievement award is limited to a certain amount.⁷⁷⁸ Employee achievement awards that are deductible by an employer (or would be deductible but for the fact that the employer is a tax-exempt organization) are excludible from an employee's gross income.⁷⁷⁹ Amounts that are excludible from gross income under section 74(c) for income tax purposes are also excluded from wages for employment tax purposes.

An employee achievement award is an item of tangible personal property given to an employee in recognition of either length of service or safety achievement and presented as part of a meaningful presentation.

HOUSE BILL

The provision repeals the deduction limitation for employee achievement awards. It also repeals the exclusions from gross income and wages.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment adds a definition of "tangible personal property" that may be considered a deductible employee achievement award. It provides that tangible personal property shall not include cash, cash equivalents, gift cards, gift coupons or gift certificates (other than arrangements conferring only the right to select and receive tangible personal property from a limited array of such items pre-selected or pre-approved by the employer), or vacations,

⁷⁷⁰ See Treas. Reg. sec. 1.274-10(a)(2).

⁷⁷¹ Secs. 132(a), 119(a), 3121(a)(19) and (20), 3231(e)(5) and (9), 3306(b)(14) and (16), and 3401(a)(19).

⁷⁷² Sec. 132(e)(1). Examples include occasional personal use of an employer's copying machine, occasional parties or meals for employees and their guests, local telephone calls, and coffee, doughnuts and soft drinks. Treas. Reg. sec. 1.132-6(e)(1).

⁷⁷³ Sec. 132(e)(2). Revenue derived from such a facility must normally equal or exceed the direct operating costs of the facility. Employees who are entitled, under Section 119, to exclude the value of a meal provided at such a facility are treated as having paid an amount for the meal equal to the direct operating costs of the facility attributable to such meal.

⁷⁷⁴ Sec. 132(f)(1), (5). The qualified transportation fringe exclusions are subject to monthly limits. Sec. 132(f)(2).

⁷⁷⁵ Sec. 132(j)(4).

⁷⁷⁶ Sec. 119(a).

⁷⁷⁷ As defined in section 168(h)(2)(A), i.e., Federal, State and local government entities, organizations (other than certain cooperatives) exempt from income tax, any foreign person or entity, and any Indian tribal government.

⁷⁷⁸ Sec. 274(j).

⁷⁷⁹ Sec. 74(c).

meals, lodging, tickets to theater or sporting events, stocks, bonds, other securities, and other similar items. No inference is intended that this is a change from present law and guidance.

Effective date.—The provision applies to amounts paid or incurred after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

9. Unrelated business taxable income increased by amount of certain fringe benefit expenses for which deduction is disallowed (sec. 3308 of the House bill and sec. 512 of the Code)

PRESENT LAW

Tax exemption for certain organizations

Section 501(a) exempts certain organizations from Federal income tax. Such organizations include: (1) tax-exempt organizations described in section 501(c) (including among others section 501(c)(3) charitable organizations and section 501(c)(4) social welfare organizations); (2) religious and apostolic organizations described in section 501(d); and (3) trusts forming part of a pension, profit-sharing, or stock bonus plan of an employer described in section 401(a).

Unrelated business income tax, in general

The unrelated business income tax ("UBIT") generally applies to income derived from a trade or business regularly carried on by the organization that is not substantially related to the performance of the organization's tax-exempt functions.⁷⁸⁰ An organization that is subject to UBIT and that has \$1,000 or more of gross unrelated business taxable income must report that income on Form 990-T (Exempt Organization Business Income Tax Return).

Most exempt organizations may operate an unrelated trade or business so long as the organization remains primarily engaged in activities that further its exempt purposes. Therefore, an organization may engage in a substantial amount of unrelated business activity without jeopardizing its exempt status. A section 501(c)(3) (charitable) organization, however, may not operate an unrelated trade or business as a substantial part of its activities.⁷⁸¹ Therefore, the unrelated trade or business activity of a section 501(c)(3) organization must be insubstantial.

An organization determines its unrelated business taxable income by subtracting from its gross unrelated business income deductions directly connected with the unrelated trade or business.⁷⁸² Under regulations, in determining unrelated business taxable income, an organization that operates multiple unrelated trades or businesses aggregates income from all such activities and subtracts from the aggregate gross income the aggregate of deductions.⁷⁸³ As a result, an organization may use a loss from one unrelated trade or business to offset gain from another, thereby reducing total unrelated business taxable income.

Organizations subject to tax on unrelated business income

Most exempt organizations are subject to the tax on unrelated business income. Specifically, organizations subject to the unrelated business income tax generally include: (1) organizations exempt from tax under section 501(a), including organizations described

in section 501(c) (except for U.S. instrumentalities and certain charitable trusts); (2) qualified pension, profit-sharing, and stock bonus plans described in section 401(a); and (3) certain State colleges and universities.⁷⁸⁴

Exclusions from Unrelated Business Taxable Income

Certain types of income are specifically exempt from unrelated business taxable income, such as dividends, interest, royalties, and certain rents,⁷⁸⁵ unless derived from debt-financed property or from certain 50-percent controlled subsidiaries.⁷⁸⁶ Other exemptions from UBIT are provided for activities in which substantially all the work is performed by volunteers, for income from the sale of donated goods, and for certain activities carried on for the convenience of members, students, patients, officers, or employees of a charitable organization. In addition, special UBIT provisions exempt from tax activities of trade shows and State fairs, income from bingo games, and income from the distribution of low-cost items incidental to the solicitation of charitable contributions. Organizations liable for tax on unrelated business taxable income may be liable for alternative minimum tax determined after taking into account adjustments and tax preference items.

HOUSE BILL

Under the provision, unrelated business taxable income includes any expenses paid or incurred by a tax exempt organization for qualified transportation fringe benefits (as defined in section 132(f)), a parking facility used in connection with qualified parking (as defined in section 132(f)(5)(C)), or any on-premises athletic facility (as defined in section 132(j)(4)(B)), provided such amounts are not deductible under section 274.

Effective date.—The provision is effective for amounts paid or incurred after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

10. Limitation on deduction for FDIC premiums (sec. 3309 of the House bill, sec. 13531 of the Senate amendment, and sec. 162 of the Code)

PRESENT LAW

Corporations organized under the laws of any of the 50 States (and the District of Columbia) generally are subject to the U.S. corporate income tax on their worldwide taxable income. The taxable income of a C corporation⁷⁸⁷ generally comprises gross income less allowable deductions. A taxpayer generally is allowed a deduction for ordinary and necessary expenses paid or incurred in carrying on any trade or business.⁷⁸⁸

⁷⁸⁴ Sec. 511(a)(2).

⁷⁸⁵ Secs. 511–514.

⁷⁸⁶ Sec. 512(b)(13).

⁷⁸⁷ Corporations subject to tax are commonly referred to as C corporations after subchapter C of the Code, which sets forth corporate tax rules. Certain specialized entities that invest primarily in real estate related assets (real estate investment trusts) or in stock and securities (regulated investment companies) and that meet other requirements, generally including annual distribution of 90 percent of their income, are allowed to deduct their distributions to shareholders, thus generally paying little or no corporate-level tax despite otherwise being subject to subchapter C.

⁷⁸⁸ Sec. 162(a). However, certain exceptions apply. No deduction is allowed for (1) any charitable contribution or gift that would be allowable as a deduction under section 170 were it not for the percentage

Corporations that make a valid election pursuant to section 1362 of subchapter S of the Code, referred to as S corporations, generally are not subject to corporate-level income tax on its items of income and loss. Instead, an S corporation passes through to shareholders its items of income and loss. The shareholders separately take into account their shares of these items on their individual income tax returns.

Banks, thrifts, and credit unions

In general

Financial institutions are subject to the same Federal income tax rules and rates as are applied to other corporations or entities, with specified exceptions.

C corporation banks and thrifts

A bank is generally taxed for Federal income tax purposes as a C corporation. For this purpose a bank generally means a corporation, a substantial portion of whose business is receiving deposits and making loans and discounts, or exercising certain fiduciary powers.⁷⁸⁹ A bank for this purpose generally includes domestic building and loan associations, mutual stock or savings banks, and certain cooperative banks that are commonly referred to as thrifts.⁷⁹⁰

S corporation banks

A bank is generally eligible to elect S corporation status under section 1362, provided it meets the other requirements for making this election and it does not use the reserve method of accounting for bad debts as described in section 585.⁷⁹¹

Special bad debt loss rules for small banks

Section 166 provides a deduction for any debt that becomes worthless (wholly or partially) within a taxable year. The reserve method of accounting for bad debts, repealed in 1986⁷⁹² for most taxpayers, is allowed under section 585 for any bank (as defined in section 581) other than a large bank. For this purpose, a bank is a large bank if, for the taxable year (or for any preceding taxable year after 1986), the average adjusted basis of all its assets (or the assets of the controlled group of which it is a member) exceeds \$500 million. Deductions for reserves are taken in lieu of a worthless debt deduction under section 166. Accordingly, a small bank is able to take deductions for additions to a bad debt reserve. Additions to the reserve are determined under an experience method that generally looks to the ratio of (1) the total bad debts sustained during the taxable year and the five preceding taxable years to (2) the sum of the loans outstanding at the close of such taxable years.⁷⁹³

limitations, the dollar limitations, or the requirements as to the time of payment, set forth in such section; (2) any illegal bribe, illegal kickback, or other illegal payment; (3) certain lobbying and political expenditures; (4) any fine or similar penalty paid to a government for the violation of any law; (5) two-thirds of treble damage payments under the antitrust laws; (6) certain foreign advertising expenses; (7) certain amounts paid or incurred by a corporation in connection with the reacquisition of its stock or of the stock of any related person; or (8) certain applicable employee remuneration.

⁷⁸⁹ Sec. 581. See also Treas. Reg. sec. 1.581–1(a).

⁷⁹⁰ While the general principles for determining the taxable income of a corporation are applicable to a mutual savings bank, a building and loan association, and a cooperative bank, there are certain exceptions and special rules for such institutions. Treas. Reg. sec. 1.581–2(a).

⁷⁹¹ Sec. 1361(b)(2)(A).

⁷⁹² Tax Reform Act of 1986, Pub. L. No. 99–514.

⁷⁹³ Sec. 585(b)(2).

⁷⁸⁰ Secs. 511–514.

⁷⁸¹ Treas. Reg. sec. 1.501(c)(3)–1(e).

⁷⁸² Sec. 512(a).

⁷⁸³ Treas. Reg. sec. 1.512(a)–1(a).

Credit unions

Credit unions are exempt from Federal income taxation.⁷⁹⁴ The exemption is based on their status as not-for-profit mutual or cooperative organizations (without capital stock) operated for the benefit of their members, who generally must share a common bond. The definition of common bond has been expanded to permit greater use of credit unions.⁷⁹⁵ While significant differences between the rules under which credit unions and banks operate have existed in the past, most of those differences have disappeared over time.⁷⁹⁶

FDIC premiums

The Federal Deposit Insurance Corporation ("FDIC") provides deposit insurance for banks and savings institutions. To maintain its status as an insured depository institution, a bank must pay semiannual assessments into the deposit insurance fund ("DIF"). Assessments for deposit insurance are treated as ordinary and necessary business expenses. These assessments, also known as premiums, are deductible once the all events test for the premium is satisfied.⁷⁹⁷

HOUSE BILL

No deduction is allowed for the applicable percentage of any FDIC premium paid or incurred by the taxpayer. For taxpayers with total consolidated assets of \$50 billion or more, the applicable percentage is 100 percent. Otherwise, the applicable percentage is the ratio of the excess of total consolidated assets over \$10 billion to \$40 billion. For example, for a taxpayer with total consolidated assets of \$20 billion, no deduction is allowed for 25 percent of FDIC premiums. The provision does not apply to taxpayers with total consolidated assets (as of the close of the taxable year) that do not exceed \$10 billion.

FDIC premium means any assessment imposed under section 7(b) of the Federal Deposit Insurance Act.⁷⁹⁸ The term total consolidated assets has the meaning given such term under section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.⁷⁹⁹

For purposes of determining a taxpayer's total consolidated assets, members of an expanded affiliated group are treated as a single taxpayer. An expanded affiliated group means an affiliated group as defined in section 1504(a), determined by substituting "more than 50 percent" for "at least 80 percent" each place it appears and without regard to the exceptions from the definition of includible corporation for insurance compa-

nies and foreign corporations. A partnership or any other entity other than a corporation is treated as a member of an expanded affiliated group if such entity is controlled by members of such group.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

11. Repeal of rollover of publicly traded securities gain into specialized small business investment companies (sec. 3310 of the House bill and sec. 1044 of the Code)

PRESENT LAW

A corporation or individual may elect to roll over tax-free any capital gain realized on the sale of publicly-traded securities to the extent of the taxpayer's cost of purchasing common stock or a partnership interest in a specialized small business investment company within 60 days of the sale.⁸⁰⁰ The amount of gain that an individual may elect to roll over under this provision for a taxable year is limited to (1) \$50,000 or (2) \$500,000 reduced by the gain previously excluded under this provision.⁸⁰¹ For corporations, these limits are \$250,000 and \$1 million, respectively.⁸⁰²

HOUSE BILL

The House bill repeals the election described above to roll over tax-free capital gain realized on the sale of publicly-traded securities.

Effective date.—The provision applies to sales after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

12. Certain self-created property not treated as a capital asset (sec. 3311 of the House bill and sec. 1221 of the Code)

PRESENT LAW

In general, property held by a taxpayer (whether or not connected with his trade or business) is considered a capital asset.⁸⁰³ Certain assets, however, are specifically excluded from the definition of capital asset. Such excluded assets are: inventory property, property of a character subject to depreciation (including real property),⁸⁰⁴ certain self-created intangibles, accounts or notes receivable acquired in the ordinary course of business (e.g., for providing services or selling property), publications of the U.S. Government received by a taxpayer other than by purchase at the price offered to the public, commodities derivative financial instruments held by a commodities derivatives dealer unless established to the satisfaction of the Secretary that any such instrument has no connection to the activities of such dealer as a dealer and clearly identified as

such before the close of the day on which it was acquired, originated, or entered into, hedging transactions clearly identified as such, and supplies regularly used or consumed by the taxpayer in the ordinary course of a trade or business of the taxpayer.⁸⁰⁵

Self-created intangibles subject to the exception are copyrights, literary, musical, or artistic compositions, letters or memoranda, or similar property which is held either by the taxpayer who created the property, or (in the case of a letter, memorandum, or similar property) a taxpayer for whom the property was produced.⁸⁰⁶ For the purpose of determining gain, a taxpayer with a substituted or transferred basis from the taxpayer who created the property, or for whom the property was created, also is subject to the exception.⁸⁰⁷ However, a taxpayer may elect to treat musical compositions and copyrights in musical works as capital assets.⁸⁰⁸

Since the intent of Congress is that profits and losses arising from everyday business operations be characterized as ordinary income and loss, the general definition of capital asset is narrowly applied and the categories of exclusions are broadly interpreted.⁸⁰⁹

HOUSE BILL

This provision amends section 1221(a)(3), resulting in the exclusion of a patent, invention, model or design (whether or not patented), and a secret formula or process which is held either by the taxpayer who created the property or a taxpayer with a substituted or transferred basis from the taxpayer who created the property (or for whom the property was created) from the definition of a "capital asset." Thus, gains or losses from the sale or exchange of a patent, invention, model or design (whether or not patented), or a secret formula or process which is held either by the taxpayer who created the property or a taxpayer with a substituted or transferred basis from the taxpayer who created the property (or for whom the property was created) will not receive capital gain treatment.

Effective date.—The provision applies to dispositions after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

13. Repeal of special rule for sale or exchange of patents (sec. 3312 of the House bill and sec. 1235 of the Code)

PRESENT LAW

Section 1235 provides that a transfer⁸¹⁰ of all substantial rights to a patent, or an undivided interest therein which includes a part of all such rights, by any holder shall be considered the sale or exchange of a capital asset held for more than one year, regardless of whether or not payments in consideration of such transfer are (1) payable periodically

⁷⁹⁴ Sec. 501(c)(14)(A). For a discussion of the history of and reasons for Federal tax exemption, see United States Department of the Treasury, *Comparing Credit Unions with Other Depository Institutions*, Report 3070, January 15, 2001, available at <https://www.treasury.gov/press-center/press-releases/Documents/report30702.doc>.

⁷⁹⁵ The Credit Union Membership Access Act, Pub. L. No. 105-219, allows multiple common bond credit unions. The legislation in part responds to *National Credit Union Administration v. First National Bank & Trust Co.*, 522 U.S. 479 (1998), which interpreted the permissible membership of tax-exempt credit unions narrowly.

⁷⁹⁶ The Treasury Department has concluded that any remaining regulatory differences do not raise competitive equity concerns between credit unions and banks. United States Department of the Treasury, *Comparing Credit Unions with Other Depository Institutions*, Report 3070, January 15, 2001, p. 2, available at <https://www.treasury.gov/press-center/press-releases/Documents/report30702.doc>.

⁷⁹⁷ Technical Advice Memorandum 199924060, March 5, 1999, and Rev. Rul. 80-230, 1980-2 C.B. 169, 1980.

⁷⁹⁸ 12 U.S.C. sec. 1817(b).

⁷⁹⁹ Pub. L. No. 111-203.

⁸⁰⁰ Sec. 1044(a).

⁸⁰¹ Sec. 1044(b)(1).

⁸⁰² Sec. 1044(b)(2).

⁸⁰³ Sec. 1221(a).

⁸⁰⁴ The net gain from the sale, exchange, or involuntary conversion of certain property used in the taxpayer's trade or business (in excess of depreciation recapture) is treated as long-term capital gain. Sec. 1231. However, net gain from such property is treated as ordinary income to the extent that losses from such property in the previous five years were treated as ordinary losses. Sec. 1231(c).

⁸⁰⁵ Sec. 1221(a)(1)-(8).

⁸⁰⁶ Sec. 1221(a)(3)(A) and (B).

⁸⁰⁷ Sec. 1221(a)(3)(C).

⁸⁰⁸ Sec. 1221(b)(3). Thus, if a taxpayer who owns musical compositions or copyrights in musical works that the taxpayer created (or if a taxpayer to which the musical compositions or copyrights have been transferred by the works' creator in a substituted basis transaction) elects the application of this provision, gain from a sale of the compositions or copyrights is treated as capital gain, not ordinary income.

⁸⁰⁹ *Corn Products Refining Co. v. Commissioner*, 350 U.S. 46, 52 (1955).

⁸¹⁰ A transfer by gift, inheritance, or devise is not included.

over a period generally coterminous with the transferee's use of the patent, or (2) contingent on the productivity, use, or disposition of the property transferred.⁸¹¹

A holder is defined as (1) any individual whose efforts created such property, or (2) any other individual who has acquired his interest in such property in exchange for consideration in money or money's worth paid to such creator prior to actual reduction to practice of the invention covered by the patent, if such individual is neither the employer of such creator nor related (as defined) to such creator.⁸¹²

HOUSE BILL

The provision repeals section 1235. Thus, the holder of a patented invention may not transfer his or her rights to the patent and treat amounts received as proceeds from the sale of a capital asset. It is intended that the determination of whether a transfer is a sale or exchange of a capital asset that produces capital gain, or a transaction that produces ordinary income, will be determined under generally applicable principles.⁸¹³

Effective date.—The provision applies to dispositions after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

14. Repeal of technical termination of partnerships (sec. 3313 of the House bill and sec. 708(b) of the Code)

PRESENT LAW

A partnership is considered as terminated under specified circumstances.⁸¹⁴ Special rules apply in the case of the merger, consolidation, or division of a partnership.⁸¹⁵

A partnership is treated as terminated if no part of any business, financial operation, or venture of the partnership continues to be carried on by any of its partners in a partnership.⁸¹⁶

A partnership is also treated as terminated if within any 12-month period, there is a sale or exchange of 50 percent or more of the total interest in partnership capital and profits.⁸¹⁷ This is sometimes referred to as a technical termination. Under regulations, the technical termination gives rise to a deemed contribution of all the partnership's assets and liabilities to a new partnership in exchange for an interest in the new partnership, followed by a deemed distribution of interests in the new partnership to the purchasing partners and the other remaining partners.⁸¹⁸

The effect of a technical termination is not necessarily the end of the partnership's existence, but rather the termination of some tax attributes. Upon a technical termination, the partnership's taxable year closes, potentially resulting in short taxable years.⁸¹⁹ Partnership-level elections generally cease to apply following a technical termination.⁸²⁰ A technical termination gen-

erally results in the restart of partnership depreciation recovery periods.

HOUSE BILL

The provision repeals the section 708(b)(1)(B) rule providing for technical terminations of partnerships. The provision does not change the present-law rule of section 708(b)(1)(A) that a partnership is considered as terminated if no part of any business, financial operation, or venture of the partnership continues to be carried on by any of its partners in a partnership.

Effective date.—The provision applies to partnership taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

15. Rec characterization of certain gains in the case of partnership profits interests held in connection with performance of investment services (sec. 3314 of the House bill, sec. 13310 of the Senate amendment, and secs. 1061 and 83 of the Code)

PRESENT LAW

Partnership profits interest for services

A profits interest in a partnership is the right to receive future profits in the partnership but does not generally include any right to receive money or other property upon the immediate liquidation of the partnership. The treatment of the receipt of a profits interest in a partnership (sometimes referred to as a carried interest) in exchange for the performance of services has been the subject of controversy. Though courts have differed, in some instances, a taxpayer receiving a profits interest for performing services has not been taxed upon the receipt of the partnership interest.⁸²¹

In 1993, the Internal Revenue Service, referring to the litigation of the tax treatment of receiving a partnership profits interest and the results in the cases, issued administrative guidance that the IRS generally would treat the receipt of a partnership profits interest for services as not a taxable event for the partnership or the partner.⁸²² Under this guidance, this treatment does not apply, however, if: (1) the profits interest relates to a substantially certain and predictable stream of income from partnership assets, such as income from high-quality debt securities or a high-quality net lease; (2) within two years of receipt, the partner disposes of the profits interest; or (3) the profits interest is a limited partnership interest in a publicly traded partnership. More recent administrative guidance⁸²³ clarifies that this treatment applies with respect to substan-

or distribution, as well as other elections that determine the partnership's tax treatment of partnership items. A list of elections can be found at William S. McKee, William F. Nelson, and Robert L. Whitmire, *Federal Taxation of Partnerships and Partners*, 4th edition, para. 9.01[7], pp. 9-42—9-44.

⁸²¹ Only a handful of cases have addressed this issue. Though one case required the value to be included currently, where value was easily determined by a sale of the profits interest soon after receipt (*Diamond v. Commissioner*, 56 T.C. 530 (1971), aff'd 492 F.2d 286 (7th Cir. 1974)), a more recent case concluded that partnership profits interests were not includable on receipt, because the profits interests were speculative and without fair market value (*Campbell v. Commissioner*, 943 F.2d 815 (8th Cir. 1991)).

⁸²² Rev. Proc. 93-27 (1993-2 C.B. 343), citing the *Diamond* and *Campbell* cases, *supra*.

⁸²³ Rev. Proc. 2001-43 (2001-2 C.B. 191). This result applies under the guidance even if the interest is substantially nonvested on the date of grant.

tially unvested profits interests provided the service partner takes into income his distributive share of partnership income, and the partnership does not deduct any amount either on grant or on vesting of the profits interest.⁸²⁴

By contrast, a partnership capital interest received for services is includable in the partner's income under generally applicable rules relating to the receipt of property for the performance of services.⁸²⁵ A partnership capital interest for this purpose is an interest that would entitle the receiving partner to a share of the proceeds if the partnership's assets were sold at fair market value and the proceeds were distributed in liquidation.⁸²⁶

Property received for services under section 83

In general

Section 83 governs the amount and timing of income and deductions attributable to transfers of property in connection with the performance of services. If property is transferred in connection with the performance of services, the person performing the services (the "service provider") generally must recognize income for the taxable year in which the property is first substantially vested (i.e., transferable or not subject to a substantial risk of forfeiture).⁸²⁷ The amount includable in the service provider's income is the excess of the fair market value of the property over the amount (if any) paid for the property. A deduction is allowed to the person for whom such services are performed (the "service recipient") equal to the amount included in gross income by the service provider.⁸²⁸ The deduction is allowed for the taxable year of the service recipient in which or with which ends the taxable year in which the amount is included in the service provider's income.

Property that is subject to a substantial risk of forfeiture and that is not transferable is generally referred to as "substantially nonvested." Property is subject to a substantial risk of forfeiture if the individual's right

⁸²⁴ A similar result would occur under the "safe harbor" election under proposed regulations regarding the application of section 83 to the compensatory transfer of a partnership interest. REG-105346-03, 70 Fed. Reg. 29675 (May 24, 2005).

⁸²⁵ Secs. 61 and 83; Treas. Reg. sec. 1.721-1(b)(1); see *U.S. v. Frazell*, 335 F.2d 487 (5th Cir. 1964), cert. denied, 380 U.S. 961 (1965).

⁸²⁶ Rev. Proc. 93-27, 1993-2 C.B. 343.

⁸²⁷ The Department of Treasury has issued proposed regulations regarding the application of section 83 to the compensatory transfer of a partnership interest. 70 Fed. Reg. 29675 (May 24, 2005). The proposed regulations provide that a partnership interest is "property" for purposes of section 83. Thus, a compensatory transfer of a partnership interest is includable in the service provider's gross income at the time that it first becomes substantially vested (or, in the case of a substantially nonvested partnership interest, at the time of grant if a section 83(b) election is made). However, because the fair market value of a compensatory partnership interest is often difficult to determine, the proposed regulations also permit a partnership and a partner to elect a safe harbor under which the fair market value of a compensatory partnership interest is treated as being equal to the liquidation value of that interest. Therefore, in the case of a true profits interest in a partnership (one under which the partner would be entitled to nothing if the partnership were liquidated immediately following the grant), under the proposed regulations, the grant of a substantially vested profits interest (or, if a section 83(b) election is made, the grant of a substantially nonvested profits interest) results in no income inclusion under section 83 because the fair market value of the property received by the service provider is zero. The proposed safe harbor is subject to a number of conditions. For example, the election cannot be made retroactively and must apply to all compensatory partnership transfers that occur during the period that the election is in effect.

⁸²⁸ Sec. 83(h).

⁸¹¹ Sec. 1235(a).

⁸¹² Sec. 1235(b).

⁸¹³ See also section 3311 of the House bill (Certain self-created property not treated as a capital asset).

⁸¹⁴ Sec. 708(b)(1).

⁸¹⁵ Sec. 708(b)(2). Mergers, consolidations, and divisions of partnerships take either an assets-over form or an assets-up form pursuant to Treas. Reg. sec. 1.708-1(c).

⁸¹⁶ Sec. 708(b)(1)(A).

⁸¹⁷ Sec. 708(b)(1)(B).

⁸¹⁸ Treas. Reg. sec. 1.708-1(b)(4).

⁸¹⁹ Sec. 706(c)(1); Treas. Reg. sec. 1.708-1(b)(3).

⁸²⁰ Partnership level elections include, for example, the section 754 election to adjust basis on a transfer

to the property is conditioned on the future performance (or refraining from performance) of substantial services. In addition, a substantial risk of forfeiture exists if the right to the property is subject to a condition other than the performance of services, provided that the condition relates to a purpose of the transfer and there is a substantial possibility that the property will be forfeited if the condition does not occur.

Section 83(b) election

Under section 83(b), even if the property is substantially nonvested at the time of transfer, the service provider may nevertheless elect within 30 days of the transfer to recognize income for the taxable year of the transfer. Such an election is referred to as a "section 83(b) election." The service provider makes an election by filing with the IRS a written statement that includes the fair market value of the property at the time of transfer and the amount (if any) paid for the property. The service provider must also provide a copy of the statement to the service recipient.

Passthrough tax treatment of partnerships

The character of partnership items passes through to the partners, as if the items were realized directly by the partners.⁸²⁹ Thus, for example, long-term capital gain of the partnership is treated as long-term capital gain in the hands of the partners.

A partner holding a partnership interest includes in income its distributive share (whether or not actually distributed) of partnership items of income and gain, including capital gain eligible for the lower tax rates. A partner's basis in the partnership interest is increased by any amount of gain thus included and is decreased by losses. These basis adjustments prevent double taxation of partnership income to the partner, preserving the partnership's tax status as a passthrough entity. Money distributed to the partner by the partnership is taxed to the extent the amount exceeds the partner's basis in the partnership interest.

Net long-term capital gain

In the case of an individual, estate, or trust, any adjusted net capital gain which otherwise would be taxed at the 10- or 15-percent rate is not taxed. Any adjusted net capital gain which otherwise would be taxed at rates over 15 percent and below 39.6 percent is taxed at a 15-percent rate. Any adjusted net capital gain which otherwise would be taxed at a 39.6-percent rate is taxed at a 20-percent rate.⁸³⁰

In general, gain or loss reflected in the value of an asset is not recognized for income tax purposes until a taxpayer disposes of the asset. On the sale or exchange of a capital asset,⁸³¹ any gain generally is included in income.

Short-term capital gain means gain from the sale or exchange of a capital asset held for not more than one year, if and to the extent such gain is taken into account in computing gross income. Net short-term capital loss means the excess of short term capital losses for the taxable year over the short-term capital gains for the taxable year.

Net long-term capital gain means the excess of long-term capital gains for the taxable year over the long-term capital losses for the taxable year.

Net capital gain is the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for the year. Gain or loss is treated as long-term if the asset is held for more than one year.

The adjusted net capital gain of an individual is the net capital gain reduced (but not below zero) by the sum of the 28-percent rate gain and the unreaptured section 1250 gain. The net capital gain is reduced by the amount of gain that the individual treats as investment income for purposes of determining the investment interest limitation.⁸³²

HOUSE BILL

General rule

The provision provides for a three-year holding period in the case of certain net long-term capital gain with respect to any applicable partnership interest held by the taxpayer.

Section 83 (relating to property transferred in connection with performance of services) does not apply to the transfer of a partnership interest to which the provision applies.

Short-term capital gain

The provision treats as short-term capital gain taxed at ordinary income rates the amount of the taxpayer's net long-term capital gain with respect to an applicable partnership interest for the taxable year that exceeds the amount of such gain calculated as if a three-year (not one-year) holding period applies. In making this calculation, the provision takes account of long-term capital losses calculated as if a three-year holding period applies.

A special rule provides that, as provided in regulations or other guidance issued by the Secretary, this rule does not apply to income or gain attributable to any asset that is not held for portfolio investment on behalf of third party investors. Third party investor means a person (1) who holds an interest in the partnership that is not property held in connection with an applicable trade or business (defined below) with respect to that person, and (2) who is not and has not been actively engaged in directly or indirectly providing substantial services for the partnership or any applicable trade or business (and is (or was) not related to a person so engaged). A related person for this purpose is a family member (within the meaning of attri-

bution rules⁸³³) or colleague, that is a person who performed a service within the current calendar year or the preceding three calendar years in any applicable trade or business in which or for which the taxpayer performed a service.

Applicable partnership interest

An applicable partnership interest is any interest in a partnership that, directly or indirectly, is transferred to (or held by) the taxpayer in connection with performance of services in any applicable trade or business. The services may be performed by the taxpayer or by any other related person or persons in any applicable trade or business. It is intended that partnership interests shall not fail to be treated as transferred or held in connection with the performance of services merely because the taxpayer also made contributions to the partnership, and the Treasury Department is directed to provide guidance implementing this intent. An applicable partnership interest does not include an interest held by a person who is employed by another entity that is conducting a trade or business (which is not an applicable trade or business) and who provides services only to the other entity.

An applicable partnership interest does not include an interest in a partnership directly or indirectly held by a corporation. For example, if two corporations form a partnership to conduct a joint venture for developing and marketing a pharmaceutical product, the partnership interests held by the two corporations are not applicable partnership interests.

An applicable partnership interest does not include any capital interest in a partnership giving the taxpayer a right to share in partnership capital commensurate with the amount of capital contributed (as of the time the partnership interest was received), or commensurate with the value of the partnership interest that is taxed under section 83 on receipt or vesting of the partnership interest. For example, in the case of a partner who holds a capital interest in the partnership with respect to capital he or she contributed to the partnership, if the partnership agreement provides that the partner's share of partnership capital is commensurate with the amount of capital he or she contributed (as of the time the partnership interest was received) compared to total partnership capital, the partnership interest is not an applicable partnership interest to that extent.

Applicable trade or business

An applicable trade or business means any activity (regardless of whether the activity are conducted in one or more entities) that consists in whole or in part of the following: (1) raising or returning capital, and either (2) investing in (or disposing of) specified assets (or identifying specified assets for investing or disposition), or (3) developing specified assets.

Developing specified assets takes place, for example, if it is represented to investors, lenders, regulators, or others that the value, price, or yield of a portfolio business may be enhanced or increased in connection with choices or actions of a service provider or of others acting in concert with or at the direction of a service provider. Services performed as an employee of an applicable trade or business are treated as performed in an applicable trade or business for purposes of this rule. Merely voting shares owned does not amount to development; for example, a mutual fund that merely votes proxies received with respect to shares of stock it holds is not engaged in development.

⁸²⁹Sec. 702.

⁸³⁰Sec. 1. Other rates apply to certain types of gain. The unreaptured section 1250 gain is taxed at a maximum rate of 25 percent, and 28-percent rate gain is taxed at a maximum rate of 28 percent. Any amount of unreaptured section 1250 gain or 28-percent rate gain otherwise taxed at a 10- or 15-percent rate is taxed at the otherwise applicable rate. In addition, a tax is imposed on net investment income in the case of an individual, estate, or trust. In the case of an individual, the tax is 3.8 percent of the lesser of net investment income, which includes gains and dividends, or the excess of modified adjusted gross income over the threshold amount. The threshold amount is \$250,000 in the case of a joint return or surviving spouse, \$125,000 in the case of a married individual filing a separate return, and \$200,000 in the case of any other individual.

⁸³¹Sec. 1221. A capital asset generally means any property except (1) inventory, stock in trade, or

property held primarily for sale to customers in the ordinary course of the taxpayer's trade or business, (2) depreciable or real property used in the taxpayer's trade or business, (3) specified literary or artistic property, (4) business accounts or notes receivable, (5) certain U.S. publications, (6) certain commodity derivative financial instruments, (7) hedging transactions, and (8) business supplies. In addition, the net gain from the disposition of certain property used in the taxpayer's trade or business is treated as long-term capital gain. Gain from the disposition of depreciable personal property is not treated as capital gain to the extent of all previous depreciation allowances. Gain from the disposition of depreciable real property is generally not treated as capital gain to the extent of the depreciation allowances in excess of the allowances available under the straight-line method of depreciation.

⁸³²Sec. 163(d).

⁸³³Sec. 318(a)(1).

Specified assets

Under the provision, specified assets means securities (generally as defined under rules for mark-to-market accounting for securities dealers), commodities (as defined under rules for mark-to-market accounting for commodities dealers), real estate held for rental or investment, cash or cash equivalents, options or derivative contracts with respect to such securities, commodities, real estate, cash or cash equivalents, as well as an interest in a partnership to the extent of the partnership's proportionate interest in the foregoing. A security for this purpose means any (1) share of corporate stock, (2) partnership interest or beneficial ownership interest in a widely held or publicly traded partnership or trust, (3) note, bond, debenture, or other evidence of indebtedness, (4) interest rate, currency, or equity notional principal contract, (5) interest in, or derivative financial instrument in, any such security or any currency (regardless of whether section 1256 applies to the contract), and (6) position that is not such a security and is a hedge with respect to such a security and is clearly identified. A commodity for this purpose means any (1) commodity that is actively traded, (2) notional principal contract with respect to such a commodity, (3) interest in, or derivative financial instrument in, such a commodity or notional principal contract, or (4) position that is not such a commodity and is a hedge with respect to such a commodity and is clearly identified. For purposes of the provision, real estate held for rental or investment does not include, for example, real estate on which the holder operates an active farm.

A partnership interest, for purposes of determining the proportionate interest of a partnership in any specified asset, includes any partnership interest that is not otherwise treated as a security for purposes of the provision (for example, an interest in a partnership that is not widely held or publicly traded). For example, assume that a hedge fund acquires an interest in an operating business conducted in the form of a non-publicly traded partnership that is not widely held; the partnership interest is a specified asset for purposes of the provision.

Transfer of applicable partnership interest to related person

If a taxpayer transfers any applicable partnership interest, directly or indirectly, to a person related to the taxpayer, then the taxpayer includes in gross income as short-term capital gain so much of the taxpayer's net long-term capital gain attributable to the sale or exchange of an asset held for not more than three years as is allocable to the interest. The amount included as short-term capital gain on the transfer is reduced by the amount treated as short-term capital gain on the transfer for the taxable year under the general rule of the provision (that is, amounts are not double-counted). A related person for this purpose is a family member (within the meaning of attribution rules⁸³⁴) or colleague, that is a person who performed a service within the current calendar year or the preceding three calendar years in any applicable trade or business in which or for which the taxpayer performed a service.

Reporting requirement

The Secretary is directed to require reporting (at the time in the manner determined by the Secretary) necessary to carry out the purposes of the provision. The penalties otherwise applicable to a failure to report to

partners under section 6031(b) apply to failure to report under this requirement.

Regulatory authority

The Treasury Department is directed to issue regulations or other guidance necessary to carry out the provision. Such guidance is to address prevention of the abuse of the purposes of the provision, including through the allocation of income to tax-indifferent parties. Guidance is also to provide for the application of the provision in the case of tiered structures of entities.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is generally the same as the House bill, except with respect to the nonapplicability of section 83. Under the Senate amendment, the provision provides a three-year holding period in the case of certain net long-term capital gain with respect to any applicable partnership interest held by the taxpayer, notwithstanding the rules of section 83 or any election in effect under section 83(b).

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. The conferees wish to clarify the interaction of section 83 with the provision's three-year holding requirement, which applies notwithstanding the rules of section 83 or any election in effect under section 83(b). Under the provision, the fact that an individual may have included an amount in income upon acquisition of the applicable partnership interest, or that an individual may have made a section 83(b) election with respect to an applicable partnership interest, does not change the three-year holding period requirement for long-term capital gain treatment with respect to the applicable partnership interest. Thus, the provision treats as short-term capital gain taxed at ordinary income rates the amount of the taxpayer's net long-term capital gain with respect to an applicable partnership interest for the taxable year that exceeds the amount of such gain calculated as if a three-year (not one-year) holding period applies. In making this calculation, the provision takes account of long-term capital losses calculated as if a three-year holding period applies.

16. Amortization of research and experimental expenditures (sec. 3315 of the House bill, sec. 13206 of the Senate amendment, and sec. 174 of the Code)

PRESENT LAW

Business expenses associated with the development or creation of an asset having a useful life extending beyond the current year generally must be capitalized and depreciated over such useful life.⁸³⁵ Taxpayers, however, may elect to deduct currently the amount of certain reasonable research or experimentation expenditures paid or incurred in connection with a trade or business.⁸³⁶ Taxpayers may choose to forgo a current deduction, capitalize their research expenditures, and recover them ratably over the useful life of the research, but in no case over a period of less than 60 months.⁸³⁷ Taxpayers,

alternatively, may elect to amortize their research expenditures over a period of 10 years.⁸³⁸ Research and experimental expenditures deductible under section 174 are not subject to capitalization under either section 263(a)⁸³⁹ or section 263A.⁸⁴⁰

Amounts defined as research or experimental expenditures under section 174 generally include all costs incurred in the experimental or laboratory sense related to the development or improvement of a product.⁸⁴¹ In particular, qualifying costs are those incurred for activities intended to discover information that would eliminate uncertainty concerning the development or improvement of a product.⁸⁴² Uncertainty exists when information available to the taxpayer is not sufficient to ascertain the capability or method for developing, improving, and/or appropriately designing the product.⁸⁴³ The determination of whether expenditures qualify as deductible research expenses depends on the nature of the activity to which the costs relate, not the nature of the product or improvement being developed or the level of technological advancement the product or improvement represents. Examples of qualifying costs include salaries for those engaged in research or experimentation efforts, amounts incurred to operate and maintain research facilities (e.g., utilities, depreciation, rent), and expenditures for materials and supplies used and consumed in the course of research or experimentation (including amounts incurred in conducting trials).⁸⁴⁴ In addition, under administrative guidance, the costs of developing computer software have been accorded treatment similar to research expenditures.⁸⁴⁵

Research or experimental expenditures under section 174 do not include expenditures for quality control testing; efficiency surveys; management studies; consumer surveys; advertising or promotions; the acquisition of another's patent, model, production or process; or research in connection with literary, historical, or similar projects.⁸⁴⁶ For purposes of section 174, quality control testing means testing to determine whether particular units of materials or products conform to specified parameters, but does

of \$5,000 either are not deductible or are amortizable over a period of not less than 180 months once an active trade or business begins). So as not to generate significant losses before beginning their trade or business, a taxpayer may choose to defer the deduction and amortize its section 174 costs beginning with the month in which the taxpayer first realizes benefits from the expenditures.

⁸³⁵ Secs. 174(f)(2) and 59(e). This special 10-year election is available to mitigate the effect of the alternative minimum tax adjustment for research expenditures set forth in section 56(b)(2). Taxpayers with significant losses also may elect to amortize their otherwise deductible research and experimentation expenditures to reduce amounts that could be subject to expiration under the net operating loss carryforward regime.

⁸³⁶ Sec. 263(a)(1)(B).

⁸³⁷ Sec. 263A(c)(2).

⁸³⁸ Treas. Reg. sec. 1.174-2(a)(1) and (2). Product is defined to include any pilot model, process, formula, invention, technique, patent, or similar property, and includes products to be used by the taxpayer in its trade or business as well as products to be held for sale, lease, or license. Treas. Reg. sec. 1.174-2(a)(11). Example 10, provides an example of new process development costs eligible for section 174 treatment.

⁸³⁹ Treas. Reg. sec. 1.174-2(a)(1).

⁸⁴⁰ *Ibid.*

⁸⁴¹ See Treas. Reg. sec. 1.174-4(c). The definition of research and experimental expenditures also includes the costs of obtaining a patent, such as attorneys' fees incurred in making and perfecting a patent. Treas. Reg. sec. 1.174-2(a)(1).

⁸⁴² Rev. Proc. 2000-50, 2000-2 C.B. 601.

⁸⁴³ Treas. Reg. sec. 1.174-2(a)(6).

⁸³⁴ Sec. 318(a)(1).

⁸³⁵ Secs. 167 and 263(a).

⁸³⁶ Secs. 174(a) and (e).

⁸³⁷ Sec. 174(b). Taxpayers generating significant short-term losses often choose to defer the deduction for their research and experimentation expenditures under this section. Additionally, section 174 amounts are excluded from the definition of "start-up expenditures" under section 195 (section 195 generally provides that start-up expenditures in excess

not include testing to determine if the design of the product is appropriate.⁸⁴⁷

Generally, no current deduction under section 174 is allowable for expenditures for the acquisition or improvement of land or of depreciable or depletable property used in connection with any research or experimentation.⁸⁴⁸ In addition, no current deduction is allowed for research expenses incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, including oil and gas.⁸⁴⁹

HOUSE BILL

Under the provision, amounts defined as specified research or experimental expenditures are required to be capitalized and amortized ratably over a five-year period, beginning with the midpoint of the taxable year in which the specified research or experimental expenditures were paid or incurred. Specified research or experimental expenditures which are attributable to research that is conducted outside of the United States⁸⁵⁰ are required to be capitalized and amortized ratably over a period of 15 years, beginning with the midpoint of the taxable year in which such expenditures were paid or incurred. Specified research or experimental expenditures subject to capitalization include expenditures for software development.

Specified research or experimental expenditures do not include expenditures for land or for depreciable or depletable property used in connection with the research or experimentation, but do include the depreciation and depletion allowances of such property. Also excluded are exploration expenditures incurred for ore or other minerals (including oil and gas).

In the case of retired, abandoned, or disposed property with respect to which specified research or experimental expenditures are paid or incurred, any remaining basis may not be recovered in the year of retirement, abandonment, or disposal, but instead must continue to be amortized over the remaining amortization period.

As part of the repeal of the alternative minimum tax, taxpayers may no longer elect to amortize their research or experimental expenditures over a period of 10 years.⁸⁵¹

Effective date.—The provision applies to amounts paid or incurred in taxable years beginning after December 31, 2022.

SENATE AMENDMENT

The Senate amendment follows the House bill, except with the following modifications. The application of the Senate amendment is treated as a change in the taxpayer's method of accounting for purposes of section 481, initiated by the taxpayer, and made with the consent of the Secretary. The Senate amendment is applied on a cutoff basis to research or experimental expenditures paid or incurred in taxable years beginning after December 31, 2025 (hence there is no adjustment under section 481(a) for research or experimental expenditures paid or incurred in taxable years beginning before January 1, 2026). In addition, the Senate amendment makes conforming changes to sections 41 and 280C.

Effective date.—The provision applies to amounts paid or incurred in taxable years beginning after December 31, 2025.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision applies to amounts paid or incurred in taxable years beginning after December 31, 2021.

17. Certain special rules for taxable year of inclusion (sec. 13221 of the Senate amendment and sec. 451 of the Code)

PRESENT LAW

In general

Under section 61(a), gross income generally includes all income from whatever source derived, except as otherwise provided in Subtitle A of the Code. Thus, gross income generally includes income realized in any form, whether in money, property, or services, except to the extent provided in other sections of the Code.⁸⁵² Once it is determined that an item of gross income is clearly realized for Federal income tax purposes, section 451 and the regulations thereunder provide the general rules as to the timing of when such item is to be included in gross income.⁸⁵³

A taxpayer generally is required to include an item in gross income no later than the time of its actual or constructive receipt, unless the item properly is accounted for in a different period under the taxpayer's method of accounting.⁸⁵⁴ If a taxpayer has an unrestricted right to demand the payment of an amount, the taxpayer is in constructive receipt of that amount whether or not the taxpayer makes the demand and actually receives the payment.⁸⁵⁵

In general, for a cash basis taxpayer, an amount is included in gross income when actually or constructively received. For an accrual basis taxpayer, an amount is included in gross income when all the events have occurred that fix the right to receive such income and the amount thereof can be determined with reasonable accuracy (*i.e.*, when the "all events test" is met), unless an exception permits deferral or exclusion, or a special method of accounting applies.⁸⁵⁶

A number of exceptions that exist to permit deferral of gross income relate to advance payments. An advance payment is when a taxpayer receives payment before the taxpayer provides goods or services to its customer. The exceptions often allow tax deferral to mirror financial accounting deferral (*e.g.*, income is recognized as the goods are provided or the services are performed).⁸⁵⁷

Interest income

A taxpayer generally must include in gross income the amount of interest received or accrued within the taxable year on indebtedness held by the taxpayer.⁸⁵⁸

Original issue discount

The holder of a debt instrument with original issue discount ("OID") generally accrues and includes the OID in gross income as interest over the term of the instrument, regardless of when the stated interest (if any) is paid.⁸⁵⁹

The amount of OID with respect to a debt instrument is the excess of the stated redemption price at maturity over the issue price of the debt instrument.⁸⁶⁰ The stated redemption price at maturity is the sum of all payments provided by the debt instrument other than qualified stated interest payments.⁸⁶¹ The holder includes in gross income an amount equal to the sum of the daily portions of the OID for each day during the taxable year the holder held such debt instrument. The daily portion is determined by allocating to each day in any accrual period its ratable portion of the increase during such accrual period in the adjusted issue price of the debt instrument.⁸⁶² The adjustment to the issue price is determined by multiplying the adjusted issue price (*i.e.*, the issue price increased by adjustments prior to the accrual period) by the instrument's yield to maturity, and then subtracting the interest payable during the accrual period. Thus, to compute the amount of OID and the portion of OID allocable to a period, the stated redemption price at maturity and the term must be known. Issuers of OID instruments accrue and deduct the amount of OID as interest expense in the same manner as the holder.⁸⁶³

Debt instruments subject to acceleration

Special rules for determining the amount of OID allocated to a period apply to certain instruments that may be subject to prepayment. If a borrower can reduce the yield on a debt by exercising a prepayment option, the OID rules assume that the borrower will prepay the debt.⁸⁶⁴ In addition, in the case of (1) any regular interest in a real estate mortgage investment conduit ("REMIC") or qualified mortgages held by a REMIC or (2) any other debt instrument if payments under the instrument may be accelerated by reason of prepayments of other obligations securing the instrument, the daily portions of the OID on such debt instruments are determined by taking into account an assumption regarding the prepayment of principal for such instruments.⁸⁶⁵

The Taxpayer Relief Act of 1997⁸⁶⁶ extended these rules to any pool of debt instruments the payments on which may be accelerated by reason of prepayments.⁸⁶⁷ Thus, if a taxpayer holds a pool of credit card receivables that require interest to be paid only if the borrowers do not pay their accounts by a specified date ("grace-period interest"), the taxpayer is required to accrue interest or OID on such pool based upon a reasonable assumption regarding the timing of the payments of the accounts in the pool. Under these rules, certain amounts (other than grace-period interest) related to credit card transactions, such as late-payment fees,⁸⁶⁸ cash-advance fees,⁸⁶⁹ and interchange fees,⁸⁷⁰ have been determined to create OID or increase the amount of OID on the pool of credit card receivables to which the amounts relate.⁸⁷¹

⁸⁶⁰ Sec. 1273(a)(1).

⁸⁶¹ Sec. 1273(a)(2) and Treas. Reg. sec. 1.1273-1(b).

⁸⁶² Sec. 1272(a)(1) and (3).

⁸⁶³ Sec. 163(e).

⁸⁶⁴ Treas. Reg. sec. 1.1272-1(c)(5).

⁸⁶⁵ Sec. 1272(a)(6).

⁸⁶⁶ Pub. L. No. 105-34, sec. 1004(a).

⁸⁶⁷ Sec. 1272(a)(6)(C)(iii).

⁸⁶⁸ Rev. Proc. 2004-33, 2004-1 C.B. 989.

⁸⁶⁹ Rev. Proc. 2005-47, 2005-2 C.B. 269.

⁸⁷⁰ *Capital One Financial Corp. and Subsidiaries v. Commissioner*, 133 T.C. No. 8 (2009); IRS Chief Counsel Notice CC-2010-018, September 27, 2010.

⁸⁷¹ See also Rev. Proc. 2013-26, 2013-22 I.R.B. 1160, for a safe harbor method of accounting for OID on a pool of credit card receivables for purposes of section 1272(a)(6).

⁸⁴⁷ Treas. Reg. sec. 1.174-2(a)(7).

⁸⁴⁸ Sec. 174(c).

⁸⁴⁹ Sec. 174(d). Special rules apply with respect to geological and geophysical costs (section 167(h)), qualified tertiary injectant expenses (section 193), intangible drilling costs (sections 263(c) and 291(b)), and mining exploration and development costs (sections 616 and 617).

⁸⁵⁰ For this purpose, the term "United States" includes the United States, the Commonwealth of Puerto Rico, and any possession of the United States.

⁸⁵¹ See section 2001 of the House bill (Repeal of alternative minimum tax).

⁸⁵² Treas. Reg. sec. 1.61-1.

⁸⁵³ Treas. Reg. sec. 1.61-1(b)(3).

⁸⁵⁴ Sec. 451(a).

⁸⁵⁵ See Treas. Reg. sec. 1.451-2.

⁸⁵⁶ See Treas. Reg. secs. 1.446-1(c)(1)(ii) and 1.451-1(a).

⁸⁵⁷ For examples of provisions permitting deferral of advance payments, see Treas. Reg. sec. 1.451-5 and Rev. Proc. 2004-34, 2004-1 C.B. 991, as modified and clarified by Rev. Proc. 2011-18, 2011-5 I.R.B. 443, and Rev. Proc. 2013-29, 2013-33 I.R.B. 141.

⁸⁵⁸ Secs. 61(a)(4) and 451.

⁸⁵⁹ Sec. 1272.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision revises the rules associated with the timing of the recognition of income.⁸⁷² Specifically, the provision requires an accrual method taxpayer subject to the all events test for an item of gross income to recognize such income no later than the taxable year in which such income is taken into account as revenue in an applicable financial statement⁸⁷³ or another financial statement under rules specified by the Secretary, but provides an exception for taxpayers without an applicable or other specified financial statement.⁸⁷⁴ In the case of a contract which

⁸⁷²The provision does not revise the rules associated with when an item is realized for Federal income tax purposes and, accordingly, does not require the recognition of income in situations where the Federal income tax realization event has not yet occurred. For example, the provision does not require the recharacterization of a transaction from sale to lease, or vice versa, to conform to how the transaction is reported in the taxpayer's applicable financial statement. Similarly, the provision does not require the recognition of gain or loss from securities that are marked to market for financial reporting purposes if the gain or loss from such investments is not realized for Federal income tax purposes until such time that the taxpayer sells or otherwise disposes of the investment. As a further example, income from investments in corporations or partnerships that are accounted for under the equity method for financial reporting purposes will not result in the recognition of income for Federal income tax purposes until such time that the Federal income tax realization event has occurred (e.g., when the taxpayer receives a dividend from the corporation in which it owns less than a controlling interest or when the taxpayer receives its allocable share of income, deductions, gains, and losses on its Schedule K-1 from the partnership).

⁸⁷³For purposes of the provision, the term "applicable financial statement" means: (A) a financial statement which is certified as being prepared in accordance with generally accepted accounting principles and which is (i) a 10-K (or successor form), or annual statement to shareholders, required to be filed by the taxpayer with the United States Securities and Exchange Commission ("SEC"), (ii) an audited financial statement of the taxpayer which is used for (I) credit purposes, (II) reporting to shareholders, partners, or other proprietors, or to beneficiaries, or (III) any other substantial nontax purpose, but only if there is no statement of the taxpayer described in clause (i), or (iii) filed by the taxpayer with any other Federal agency for purposes other than Federal tax purposes, but only if there is no statement of the taxpayer described in clause (i) or (ii); (B) a financial statement which is made on the basis of international financial reporting standards and is filed by the taxpayer with an agency of a foreign government which is equivalent to the SEC and which has reporting standards not less stringent than the standards required by such Commission, but only if there is no statement of the taxpayer described in subparagraph (A); or (C) a financial statement filed by the taxpayer with any other regulatory or governmental body specified by the Secretary, but only if there is no statement of the taxpayer described in subparagraph (A) or (B). If the financial results of a taxpayer are reported on the applicable financial statement for a group of entities, such statement is treated as the applicable financial statement of the taxpayer.

⁸⁷⁴The Committee intends that the provision apply to items of gross income for which the timing of income inclusion is determined using the all events test under present law. Under the provision, an accrual method taxpayer with an applicable financial statement will include an item in income under section 451 upon the earlier of when the all events test is met or when the taxpayer includes such item in revenue in an applicable financial statement. For example, under the provision, any unbilled receivables for partially performed services must be recognized to the extent the amounts are taken into income for financial statement purposes. However, accrual method taxpayers without an applicable or other specified financial statement will continue to determine income inclusion under the all events

contains multiple performance obligations, the provision allows the taxpayer to allocate the transaction price in accordance with the allocation made in the taxpayer's applicable financial statement.

In addition, the provision directs accrual method taxpayers with an applicable financial statement to apply the income recognition rules under section 451 before applying the special rules under part V of subchapter P, which, in addition to the OID rules, also includes rules regarding the treatment of market discount on bonds, discounts on short-term obligations, OID on tax-exempt bonds, and stripped bonds and stripped coupons.⁸⁷⁵ Thus, for example, to the extent amounts are included in revenue for financial statement purposes when received (e.g., late-payment fees, cash-advance fees, or interchange fees), such amounts generally are includable in income at such time in accordance with the general recognition principles under section 451. The provision provides an exception for any item of gross income in connection with a mortgage servicing contract. Thus, under the provision, income from mortgage servicing rights will continue to be recognized in accordance with the present law rules for such items of gross income (i.e., "normal" mortgage servicing rights will be included in income upon the earlier of earned or received under the all events test of section 451 (i.e., not averaged over the life of the mortgage),⁸⁷⁶ and "excess" mortgage servicing rights will be treated as stripped coupons under section 1286 and therefore subject to the original issue discount rules⁸⁷⁷).

The provision also codifies the current deferral method of accounting for advance payments for goods, services, and other specified items provided by the IRS under Revenue Procedure 2004-34.⁸⁷⁸ That is, the provision allows accrual method taxpayers to elect⁸⁷⁹ to defer the inclusion of income associated with certain advance payments to the end of the tax year following the tax year of receipt if such income also is deferred for financial statement purposes.⁸⁸⁰ In the case of advance payments received for a combination of services, goods, or other specified items, the provision allows the taxpayer to allocate the transaction price in accordance with the allocation made in the taxpayer's applicable financial statement. The provision requires the inclusion in gross income of a deferred

test, unless an exception permits deferral or exclusion. See sec. 451(a) and Treas. Reg. sec. 1.451-1(a). The Committee intends that the financial statement conformity requirement added to section 451 not be construed as preventing the use of special methods of accounting provided elsewhere in the Code, other than part V of subchapter P (special rules for bonds and other debt instruments) excluding items of gross income in connection with a mortgage servicing contract. For example, it does not preclude the use of the installment method under section 453 or the use of long-term contract methods under section 460. See Treas. Reg. sec. 1.446-1(c)(1)(iii).

⁸⁷⁵Secs. 1271-1288.

⁸⁷⁶See Rev. Rul. 70-142, 1970-2 C.B. 115.

⁸⁷⁷See Rev. Rul. 91-6, 1991-2, C.B. 358, and Rev. Proc. 91-50, 1991-2 C.B. 778.

⁸⁷⁸2004-1 C.B. 991, as modified and clarified by Rev. Proc. 2011-18, 2011-5 I.R.B. 443, and Rev. Proc. 2013-29, 2013-33 I.R.B. 141.

⁸⁷⁹The election shall be made at such time, in such form and manner, and with respect to such categories of advance payments as the Secretary may provide. For these purposes, the recognition of income under such election is treated as a method of accounting.

⁸⁸⁰Thus, the provision is intended to override any deferral method provided by Treasury Regulation section 1.451-095 for advance payments received for goods.

advance payment if the taxpayer ceases to exist.

The application of these rules is a change in the taxpayer's method of accounting for purposes of section 481. In the case of any taxpayer required by this provision to change its method of accounting for its first taxable year beginning after December 31, 2017, such change is treated as initiated by the taxpayer and made with the consent of the Secretary. In the case of income from a debt instrument having OID, the related section 481(a) adjustment is taken into account over six taxable years.

Effective date.—The provision generally applies to taxable years beginning after December 31, 2017. In the case of income from a debt instrument having OID, the provision applies to taxable years beginning after December 31, 2018.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

18. Denial of deduction for certain fines, penalties, and other amounts (sec. 13306 of the Senate amendment and sec. 162(f) and new sec. 6050X of the Code)

PRESENT LAW

The Code denies a deduction for fines or penalties paid to a government for the violation of any law.⁸⁸¹

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision denies deductibility for any otherwise deductible amount paid or incurred (whether by suit, agreement, or otherwise) to or at the direction of a government or specified nongovernmental entity in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law. An exception applies to payments that the taxpayer establishes are either restitution (including remediation of property) or amounts required to come into compliance with any law that was violated or involved in the investigation or inquiry, that are identified in the court order or settlement agreement as restitution, remediation, or required to come into compliance. In the case of any amount of restitution for failure to pay any tax and assessed as restitution under the Code, such restitution is deductible only to the extent it would have been allowed as a deduction if it had been timely paid. The IRS remains free to challenge the characterization of an amount so identified; however, no deduction is allowed unless the identification is made. Restitution or included remediation of property does not include reimbursement of government investigative or litigation costs.

The provision applies only where a government (or other entity treated in a manner similar to a government under the provision) is a complainant or investigator with respect to the violation or potential violation of any law.⁸⁸² An exception also applies to any amount paid or incurred as taxes due.

The provision requires government agencies (or entities treated as such agencies

⁸⁸¹Sec. 162(f).

⁸⁸²Thus, for example, the provision does not apply to payments made by one private party to another in a lawsuit between private parties, merely because a judge or jury acting in the capacity as a court directs the payment to be made. The mere fact that a court enters a judgment or directs a result in a private dispute does not cause the payment to be made "at the direction of a government" for purposes of the provision.

under the provision) to report to the IRS and to the taxpayer the amount of each settlement agreement or order entered into where the aggregate amount required to be paid or incurred to or at the direction of the government is at least \$600 (or such other amount as may be specified by the Secretary of the Treasury as necessary to ensure the efficient administration of the Internal Revenue laws). The report must separately identify any amounts that are for restitution or remediation of property, or correction of non-compliance. The report must be made at the time the agreement is entered into, as determined by the Secretary of the Treasury.

Effective date.—The provision denying the deduction and the reporting provision are effective for amounts paid or incurred on or after the date of enactment, except that it would not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception does not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

19. Denial of deduction for settlements subject to nondisclosure agreements paid in connection with sexual harassment or sexual abuse (sec. 13307 of the Senate amendment and new sec. 162(q) of the Code)

PRESENT LAW

A taxpayer generally is allowed a deduction for ordinary and necessary expenses paid or incurred in carrying on any trade or business.⁸⁸³ However, certain exceptions apply. No deduction is allowed for (1) any charitable contribution or gift that would be allowable as a deduction under section 170 were it not for the percentage limitations, the dollar limitations, or the requirements as to the time of payment, set forth in such section; (2) any illegal bribe, illegal kickback, or other illegal payment; (3) certain lobbying and political expenditures; (4) any fine or similar penalty paid to a government for the violation of any law; (5) two-thirds of treble damage payments under the antitrust laws; (6) certain foreign advertising expenses; (7) certain amounts paid or incurred by a corporation in connection with the reacquisition of its stock or of the stock of any related person; or (8) certain applicable employee remuneration.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the provision, no deduction is allowed for any settlement, payout, or attorney fees related to sexual harassment or sexual abuse if such payments are subject to a nondisclosure agreement.

Effective date.—The provision is effective for amounts paid or incurred after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

20. Uniform treatment of expenses in contingency fee cases (sec. 3316 of the House bill and new sec. 162(q) of the Code)

PRESENT LAW

The Code provides that a taxpayer may deduct all ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business.⁸⁸⁴

A current deduction for an expense for which there is a right or expectation of reimbursement may be disallowed because these payments are not expenses of the taxpayer and are instead in the nature of an advance or a loan. The extent to which the right must be established has varied. Some cases have denied the current deduction because the right of reimbursement was fixed,⁸⁸⁵ others have allowed the current deduction because the right of reimbursement was uncertain,⁸⁸⁶ and other cases have denied the current deduction if the taxpayer's right to reimbursement was subject to a contingency.

Courts have held that an attorney representing clients on a contingent fee basis may not currently deduct advances to or expenses paid on behalf of the clients as ordinary and necessary business expenses.⁸⁸⁷ The amounts in these cases were to be repaid from any recovery. Courts have also held that even if reimbursement is due only under certain circumstances, generally no immediate deduction is allowable.⁸⁸⁸

However, the Ninth Circuit reached the opposite conclusion and held that attorneys who represent clients in "gross fee" contingency fee cases are not extending loans to clients and therefore may treat litigation costs, such as court fees and witness expenses, as deductible business expenses under the Code.⁸⁸⁹ The IRS does not follow this decision, except in the Ninth Circuit, based on the fact that amounts advanced by attorneys will be reimbursed by the client and therefore are not deductible business expenses.⁸⁹⁰

HOUSE BILL

The provision denies attorneys an otherwise-allowable deduction for litigation costs paid under arrangements that are primarily on a contingent fee basis until the contingency ends.

The provision effects a legislative override of the opinion in the Ninth Circuit Court of Appeals in *Boccardo v. Commissioner*, 56 F.3d 1016 (9th Cir. 1995). No inference regarding the tax treatment of these costs under present law is intended.

Effective date.—The provision applies to expenses and costs paid or incurred in taxable years beginning after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

⁸⁸⁵ *Charles Baloian Company, Inc. v. Commissioner*, 68 T.C. 620, 626, 628 (1977); *Manocchio v. Commissioner*, 710 F.2d 1400, 1402 (9th Cir. 1983); *Glendinning, McLeish & Co. v. Commissioner*, 61 F.2d 950, 952 (2d Cir. 1932); *Webbe v. Commissioner*, T.C. Memo. 1987-426, aff'd, 902 F.2d 688 (8th Cir. 1990).

⁸⁸⁶ *George K. Herman Chevrolet, Inc. v. Commissioner*, 39 T.C. 846, 853 (1963); *Allegheny Corporation v. Commissioner*, 28 T.C. 298, 305 (1957), acq., 1957-2 C.B. 3; *Electric Tachometer Corporation v. Commissioner*, 37 T.C. 158, 161-162 (1961), acq., 1962-2 C.B. 4.

⁸⁸⁷ *Burnett v. Commissioner*, 356 F.2d 755, 760 (5th Cir.), cert. denied, 385 U.S. 832 (1966); *Herrick v. Commissioner*, 63 T.C. 562, 567, 568 (1975); *Canelo v. Commissioner*, 53 T.C. 217, 225 (1969), aff'd, 447 F.2d 484 (9th Cir. 1971), acq., 1971-2 C.B. 2, nonacq. in part, 1982-2 C.B. 2; *Silverton v. Commissioner*, T.C. Memo. 1977-198, aff'd, 647 F.2d 172 (9th Cir.), cert. denied, 454 U.S. 1033 (1981); *Watts v. Commissioner*, T.C. Memo. 1968-183.

⁸⁸⁸ *Boccardo v. Commissioner*, 12 Cl. Ct. 184 (1987); *Boccardo v. Commissioner*, 65 T.C.M. 2739 (1993).

⁸⁸⁹ *Boccardo v. Commissioner*, 56 F.3d 1016 (9th Cir. 1995), rev'g 65 T.C.M. 2739 (1993).

⁸⁹⁰ 1997 FSA LEXIS 442 (June 2, 1997).

E. Reform of Business Credits

1. Repeal of credit for clinical testing expenses for certain drugs for rare diseases or conditions (sec. 3401 of the House bill, sec. 13401 of the Senate amendment, and sec. 45C of the Code)

PRESENT LAW

Section 45C provides a 50-percent business tax credit for qualified clinical testing expenses incurred in testing of certain drugs for rare diseases or conditions, generally referred to as "orphan drugs." Qualified clinical testing expenses are costs incurred to test an orphan drug after the drug has been approved for human testing by the Food and Drug Administration ("FDA") but before the drug has been approved for sale by the FDA.⁸⁹¹ A rare disease or condition is defined as one that (1) affects fewer than 200,000 persons in the United States, or (2) affects more than 200,000 persons, but for which there is no reasonable expectation that businesses could recoup the costs of developing a drug for such disease or condition from sales in the United States of the drug.⁸⁹²

Amounts included in computing the credit under this section are excluded from the computation of the research credit under section 41.⁸⁹³

HOUSE BILL

The House bill repeals the credit for qualified clinical testing expenses.

Effective date.—The provision applies to amounts paid or incurred in taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment reduces the credit rate to 27.5 percent of qualified clinical testing expenses.

Effective date.—The provision applies to amounts paid or incurred in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, but reduces the credit rate to 25 percent of qualified clinical testing expenses.

2. Repeal of employer-provided child care credit (sec. 3402 of the House bill and sec. 42F of the Code)

PRESENT LAW

Taxpayers are eligible for a tax credit equal to 25 percent of qualified expenditures for employee child care and 10 percent of qualified expenditures for child care resource and referral services. The maximum total credit that may be claimed by a taxpayer may not exceed \$150,000 per taxable year. The credit is part of the general business credit.⁸⁹⁴

Qualified child care expenditures generally include costs paid or incurred: (1) to acquire, construct, rehabilitate or expand property that is to be used as part of the taxpayer's qualified child care facility;⁸⁹⁵ (2) for the operation of the taxpayer's qualified child care facility, including the costs of training and certain compensation for employees of the child care facility, and scholarship programs; or (3) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer. To be

⁸⁹¹ Sec. 45C(b).

⁸⁹² Sec. 45C(d).

⁸⁹³ Sec. 45C(c).

⁸⁹⁴ Sec. 38(b)(15).

⁸⁹⁵ In addition, a depreciation deduction (or amortization in lieu of depreciation) must be allowable with respect to the property and the property must not be part of the principal residence of the taxpayer or any employee of the taxpayer.

⁸⁸³ Sec. 162(a).

⁸⁸⁴ Sec. 162(a); Treas. Reg. sec. 1.162-1(a).

a qualified child care facility, the principal use of the facility must be for child care (unless it is the principal residence of the taxpayer), and the facility must meet all applicable State and local laws and regulations, including any licensing laws.

Qualified child care expenditures for resource and referral services include amounts paid under contract to provide child care resource and referral services to a taxpayer's employees.

HOUSE BILL

The House bill repeals the credit for qualified child care expenditures and qualified child care expenditures for resource and referral services.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The Conference agreement does not follow the House bill provision.

3. Rehabilitation credit (sec. 3403 of the House bill, sec. 13402 of the Senate amendment, and sec. 47 of the Code)

PRESENT LAW

Section 47 provides a two-tier tax credit for rehabilitation expenditures.

A 20-percent credit is provided for qualified rehabilitation expenditures with respect to a certified historic structure. For this purpose, a certified historic structure means any building that is listed in the National Register, or that is located in a registered historic district and is certified by the Secretary of the Interior to the Secretary of the Treasury as being of historic significance to the district.

A 10-percent credit is provided for qualified rehabilitation expenditures with respect to a qualified rehabilitated building, which generally means a building that was first placed in service before 1936. A pre-1936 building must meet requirements with respect to retention of existing external walls and internal structural framework of the building in order for expenditures with respect to it to qualify for the 10-percent credit. A building is treated as having met the substantial rehabilitation requirement under the 10-percent credit only if the rehabilitation expenditures during the 24-month period selected by the taxpayer and ending within the taxable year exceed the greater of (1) the adjusted basis of the building (and its structural components), or (2) \$5,000.

The provision requires the use of straight-line depreciation or the alternative depreciation system in order for rehabilitation expenditures to be treated as qualified under the provision.

HOUSE BILL

The House bill repeals the rehabilitation credit.

Effective date.—The provision applies to amounts paid or incurred after December 31, 2017. A transition rule provides that in the case of qualified rehabilitation expenditures (within the meaning of present law), with respect to any building owned or leased by the taxpayer at all times on and after January 1, 2018, the 24-month period selected by the taxpayer (under section 47(c)(1)(C)) is to begin not later than the end of the 180-day period beginning on the date of the enactment of the Act, and the amendments made by the provision apply to such expenditures paid or incurred after the end of the taxable year in which such 24-month period ends.

SENATE AMENDMENT

The Senate amendment repeals the 10-percent credit for pre-1936 buildings. The provi-

sion retains the 20-percent credit for qualified rehabilitation expenditures with respect to a certified historic structure, with a modification. Under the provision, the credit allowable for a taxable year during the five-year period beginning in the taxable year in which the qualified rehabilitated building is placed in service is an amount equal to the ratable share. The ratable share for a taxable year during the five-year period is amount equal to 20 percent of the qualified rehabilitation expenditures for the building, as allocated ratably to each taxable year during the five-year period. It is intended that the sum of the ratable shares for the taxable years during the five-year period does not exceed 100 percent of the credit for qualified rehabilitation expenditures for the qualified rehabilitated building.

Effective date.—The provision applies to amounts paid or incurred after December 31, 2017. A transition rule provides that in the case of qualified rehabilitation expenditures (for a pre-1936 building) with respect to any building owned or leased (as provided under present law) by the taxpayer at all times on and after January 1, 2018, the 24-month period selected by the taxpayer (under section 47(c)(1)(C)) is to begin not later than the end of the 180-day period beginning on the date of the enactment of the Act, and the amendments made by the provision apply to such expenditures paid or incurred after the end of the taxable year in which such 24-month period ends.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with a modification to the transition rule under the effective date relating to qualified rehabilitation expenditures under certain phased rehabilitations for which the taxpayer may select a 60-month period.

Effective date.—The provision applies to amounts paid or incurred after December 31, 2017. A transition rule provides that in the case of qualified rehabilitation expenditures (for either a certified historic structure or a pre-1936 building), with respect to any building owned or leased (as provided under present law) by the taxpayer at all times on and after January 1, 2018, the 24-month period selected by the taxpayer (section 47(c)(1)(C)(i)), or the 60-month period selected by the taxpayer under the rule for phased rehabilitation (section 47(c)(1)(C)(ii)), is to begin not later than the end of the 180-day period beginning on the date of the enactment of the Act, and the amendments made by the provision apply to such expenditures paid or incurred after the end of the taxable year in which such 24-month or 60-month period ends.

4. Repeal of work opportunity tax credit (sec. 3404 of the House bill and sec. 51 of the Code)

PRESENT LAW

In general

The work opportunity tax credit is available on an elective basis for employers hiring individuals from one or more of ten targeted groups. The amount of the credit available to an employer is determined by the amount of qualified wages paid by the employer. Generally, qualified wages consist of wages attributable to services rendered by a member of a targeted group during the one-year period beginning with the day the individual begins work for the employer (two years in the case of an individual in the long-term family assistance recipient category).

Targeted groups eligible for the credit

Generally, an employer is eligible for the credit only for qualified wages paid to mem-

bers of a targeted group. These targeted groups are: (1) Families receiving TANF; (2) Qualified veterans; (3) Qualified ex-felons; (4) Designated community residents; (5) Vocational rehabilitation referrals; (6) Qualified summer youth employees; (7) Qualified food and nutrition recipients; (8) Qualified SSI recipients; (9) Long-term family assistance recipients; and (10) Qualified long-term unemployment recipients.

Qualified wages

Generally, qualified wages are defined as cash wages paid by the employer to a member of a targeted group. The employer's deduction for wages is reduced by the amount of the credit.

For purposes of the credit, generally, wages are defined by reference to the FUTA definition of wages contained in section 3306(b) (without regard to the dollar limitation therein contained). Special rules apply in the case of certain agricultural labor and certain railroad labor.

Calculation of the credit

The credit available to an employer for qualified wages paid to members of all targeted groups (except for long-term family assistance recipients and qualified veterans) equals 40 percent (25 percent for employment of 400 hours or less) of qualified first-year wages. Generally, qualified first-year wages are qualified wages (not in excess of \$6,000) attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual began work for the employer. Therefore, the maximum credit per employee is \$2,400 (40 percent of the first \$6,000 of qualified first-year wages). With respect to qualified summer youth employees, the maximum credit is \$1,200 (40 percent of the first \$3,000 of qualified first-year wages). Except for long-term family assistance recipients, no credit is allowed for second-year wages.

In the case of long-term family assistance recipients, the credit equals 40 percent (25 percent for employment of 400 hours or less) of \$10,000 for qualified first-year wages and 50 percent of the first \$10,000 of qualified second-year wages. Generally, qualified second-year wages are qualified wages (not in excess of \$10,000) attributable to service rendered by a member of the long-term family assistance category during the one-year period beginning on the day after the one-year period beginning with the day the individual began work for the employer. Therefore, the maximum credit per employee is \$9,000 (40 percent of the first \$10,000 of qualified first-year wages plus 50 percent of the first \$10,000 of qualified second-year wages).

In the case of a qualified veterans, the credit is calculated as follows: (1) in the case of a qualified veteran who was eligible to receive assistance under a supplemental nutritional assistance program (for at least a three-month period during the year prior to the hiring date) the employer is entitled to a maximum credit of 40 percent of \$6,000 of qualified first-year wages; (2) in the case of a qualified veteran who is entitled to compensation for a service connected disability, who is hired within one year of discharge, the employer is entitled to a maximum credit of 40 percent of \$12,000 of qualified first-year wages; (3) in the case of a qualified veteran who is entitled to compensation for a service connected disability, and who has been unemployed for an aggregate of at least six months during the one-year period ending on the hiring date, the employer is entitled to a maximum credit of 40 percent of \$24,000 of qualified first-year wages; (4) in the

case of a qualified veteran unemployed for at least four weeks but less than six months (whether or not consecutive) during the one-year period ending on the date of hiring, the maximum credit equals 40 percent of \$6,000 of qualified first-year wages; and (5) in the case of a qualified veteran unemployed for at least six months (whether or not consecutive) during the one-year period ending on the date of hiring, the maximum credit equals 40 percent of \$14,000 of qualified first-year wages.

Expiration

The work opportunity tax credit is not available with respect to wages paid to individuals who begin work for an employer after December 31, 2019.

HOUSE BILL

The provision repeals the work opportunity tax credit.

Effective date.—The provision applies to amounts paid or incurred to individuals who begin work for the employer after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

5. Repeal of deduction for certain unused business credits (sec. 3405 of the House bill, sec. 13403 of the Senate amendment, and sec. 196 of the Code)

PRESENT LAW

The general business credit (“GBC”) consists of various individual tax credits allowed with respect to certain qualified expenditures and activities.⁸⁹⁶ In general, the various individual tax credits contain provisions that prohibit “double benefits,” either by denying deductions in the case of expenditure-related credits or by requiring income inclusions in the case of activity-related credits. Unused credits may be carried back one year and carried forward 20 years.⁸⁹⁷

Section 196 allows a deduction to the extent that certain portions of the GBC expire unused after the end of the carry forward period. In general, 100 percent of the unused credit is allowed as a deduction in the taxable year after such credit expired. However, with respect to the investment credit determined under section 46 (other than the rehabilitation credit) and the research credit determined under section 41(a) (for a taxable year beginning before January 1, 1990), section 196 limits the deduction to 50 percent of such unused credits.⁸⁹⁸

HOUSE BILL

This provision repeals the deduction for certain unused business credits.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

6. Termination of new markets tax credit (sec. 3406 of the House bill and sec. 45D of the Code)

PRESENT LAW

Section 45D provides a new markets tax credit for qualified equity investments made

to acquire stock in a corporation, or a capital interest in a partnership, that is a qualified community development entity (“CDE”).⁸⁹⁹ The amount of the credit allowable to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and for each of the following two years, and (2) a six-percent credit for each of the following four years.⁹⁰⁰ The credit is determined by applying the applicable percentage (five or six percent) to the amount paid to the CDE for the investment at its original issue, and is available to the taxpayer who holds the qualified equity investment on the date of the initial investment or on the respective anniversary date that occurs during the taxable year.⁹⁰¹ The credit is recaptured if at any time during the seven-year period that begins on the date of the original issue of the investment the entity (1) ceases to be a qualified CDE, (2) the proceeds of the investment cease to be used as required, or (3) the equity investment is redeemed.⁹⁰²

A qualified CDE is any domestic corporation or partnership: (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons; (2) that maintains accountability to residents of low-income communities by their representation on any governing board of or any advisory board to the CDE; and (3) that is certified by the Secretary as being a qualified CDE.⁹⁰³ A qualified equity investment means stock (other than nonqualified preferred stock) in a corporation or a capital interest in a partnership that is acquired at its original issue directly (or through an underwriter) from a CDE for cash, and includes an investment of a subsequent purchaser if such investment was a qualified equity investment in the hands of the prior holder.⁹⁰⁴ Substantially all of the investment proceeds must be used by the CDE to make qualified low-income community investments and the investment must be designated as a qualified equity investment by the CDE. For this purpose, qualified low-income community investments include: (1) capital or equity investments in, or loans to, qualified active low-income community businesses; (2) certain financial counseling and other services to businesses and residents in low-income communities; (3) the purchase from another CDE of any loan made by such entity that is a qualified low-income community investment; or (4) an equity investment in, or loan to, another CDE.⁹⁰⁵

A “low-income community” is a population census tract with either (1) a poverty rate of at least 20 percent or (2) median family income which does not exceed 80 percent of the greater of metropolitan area median family income or statewide median family income (for a non-metropolitan census tract, does not exceed 80 percent of statewide median family income). In the case of a population census tract located within a high migration rural county, low-income is defined by reference to 85 percent (as opposed to 80 percent) of statewide median family income.⁹⁰⁶ For this purpose, a high migration

rural county is any county that, during the 20-year period ending with the year in which the most recent census was conducted, has a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

The Secretary is authorized to designate “targeted populations” as low-income communities for purposes of the new markets tax credit.⁹⁰⁷ For this purpose, a “targeted population” is defined by reference to section 103(20) of the Riegle Community Development and Regulatory Improvement Act of 1994⁹⁰⁸ (the “Act”) to mean individuals, or an identifiable group of individuals, including an Indian tribe, who are low-income persons or otherwise lack adequate access to loans or equity investments. Section 103(17) of the Act provides that “low-income” means (1) for a targeted population within a metropolitan area, less than 80 percent of the area median family income; and (2) for a targeted population within a non-metropolitan area, less than the greater of 80 percent of the area median family income or 80 percent of the statewide non-metropolitan area median family income. A targeted population is not required to be within any census tract. In addition, a population census tract with a population of less than 2,000 is treated as a low-income community for purposes of the credit if such tract is within an empowerment zone, the designation of which is in effect under section 1391, and is contiguous to one or more low-income communities.

A qualified active low-income community business is defined as a business that satisfies, with respect to a taxable year, the following requirements: (1) at least 50 percent of the total gross income of the business is derived from the active conduct of trade or business activities in any low-income community; (2) a substantial portion of the tangible property of the business is used in a low-income community; (3) a substantial portion of the services performed for the business by its employees is performed in a low-income community; and (4) less than five percent of the average of the aggregate unadjusted bases of the property of the business is attributable to certain financial property or to certain collectibles.⁹⁰⁹

The maximum annual amount of qualified equity investments is \$3.5 billion for calendar years 2010 through 2019. No amount of unused allocation limitation may be carried to any calendar year after 2024.

HOUSE BILL

This provision provides that the new markets tax credit limitation is zero for calendar year 2018 and thereafter and no amount of unused allocation limitation may be carried to any calendar year after 2022.

Effective date.—The provision applies to calendar years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

7. Repeal of credit for expenditures to provide access to disabled individuals (sec. 3407 of the House bill and sec. 44 of the Code)

PRESENT LAW

Section 44 provides a 50-percent credit for eligible access expenditures paid or incurred

⁸⁹⁶ Sec. 38.

⁸⁹⁷ Sec. 39.

⁸⁹⁸ Sec. 196(d).

⁸⁹⁹ Section 45D was added by section 121(a) of the Community Renewal Tax Relief Act of 2000, Pub. L. No. 106-554.

⁹⁰⁰ Sec. 45D(a)(2).

⁹⁰¹ Sec. 45D(a)(3).

⁹⁰² Sec. 45D(g).

⁹⁰³ Sec. 45D(c).

⁹⁰⁴ Sec. 45D(b).

⁹⁰⁵ Sec. 45D(d).

⁹⁰⁶ Sec. 45D(e).

⁹⁰⁷ Sec. 45D(e)(2).

⁹⁰⁸ Pub. L. No. 103-325.

⁹⁰⁹ Sec. 45D(d)(2).

by an eligible small business for the taxable year. The credit is limited to eligible access expenditures exceeding \$250 but not exceeding 10,500. The credit is part of the general business credit.⁹¹⁰

Eligible access expenditures generally means amounts paid or incurred by an eligible small business to comply with requirements under the Americans with Disabilities Act of 1990.⁹¹¹ These expenditures⁹¹² include: (1) removal of architectural, communication, physical or transportation barriers which prevent a business from being usable or accessible to individuals with disabilities;⁹¹³ (2) provision of qualified interpreters or other effective methods of making aurally-delivered materials available to individuals with hearing impairments; (3) provision of qualified readers, taped texts, or other effective methods of making visually-delivered materials available to individuals with visual impairments; (4) acquisition or modification of equipment or devices for individuals with disabilities; or (5) provision of other similar services, modifications, materials or equipment.

An eligible small business means any person that elects application of section 44 and, during the preceding taxable year, (1) had gross receipts not exceeding \$1,000,000 or (2) employed not more than 30 full-time employees.⁹¹⁴

HOUSE BILL

The House bill repeals the credit for eligible access expenditures.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

8. Modification of credit for portion of employer social security taxes paid with respect to employee tips (sec. 3408 of the House bill and sec. 45B of the Code)

PRESENT LAW

Credit

Certain food or beverage establishments may elect to claim a business tax credit equal to an employer's taxes under the Federal Insurance Contributions Act ("FICA")⁹¹⁵ paid on tips in excess of those treated as wages for purposes of meeting the minimum wage requirements of the Fair Labor Standards Act (the "FLSA") as in effect on January 1, 2007.⁹¹⁶ The credit applies

only with respect to FICA taxes paid on tips received from customers in connection with the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary. The credit is available whether or not the tips are reported or a percentage of gross receipts is allocated (described below). No deduction is allowed for any amount taken into account in determining the tip credit. A taxpayer may elect not to have the credit apply for a taxable year.

Reporting and allocation requirements

Employees are required to report monthly tips to their employer.⁹¹⁷ Certain large⁹¹⁸ food or beverage establishments are required to report to the IRS and employees various information including gross receipts of the establishment, and to allocate among employees who customarily receive tip income an amount equal to eight percent of gross receipts in excess of the amount of tips reported by such employees.⁹¹⁹ Employee tip income that is reported by employees is treated as employer-provided wages subject to FICA.

HOUSE BILL

The provision revises the amount of the credit for FICA taxes an employer pays on tips, as an amount equal to the employer's FICA taxes paid on tips in excess of those treated as minimum wages under the FLSA without regard to the January 1, 2007 date. For 2017, this amount is \$7.25. In addition, the credit is permitted only if the employer satisfies the reporting requirements of section 6053(c) to the IRS and employees, and allocates among employees who customarily receive tip income an amount equal to 10 percent (rather than eight percent) of gross receipts in excess of the amount of tips reported by such employees. The claiming of the credit remains elective. However, if any size eligible food or beverage establishment elects to claim the FICA tip credit for any taxable year after the provision takes effect, the establishment must satisfy this reporting and 10-percent allocation requirement for that taxable year. Reporting and allocation requirements for food and beverage establishments that elect not to claim the credit remain unchanged.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

9. Employer credit for paid family and medical leave (sec. 13403 of the Senate amendment, and new sec. 45S of the Code)

PRESENT LAW

Present law does not provide a credit to employers for compensation paid to employees while on leave.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision allows eligible employers to claim a general business credit equal to 12.5

percent of the amount of wages paid to qualifying employees during any period in which such employees are on family and medical leave if the rate of payment under the program is 50 percent of the wages normally paid to an employee. The credit is increased by 0.25 percentage points (but not above 25 percent) for each percentage point by which the rate of payment exceeds 50 percent. The maximum amount of family and medical leave that may be taken into account with respect to any employee for any taxable year is 12 weeks.

An eligible employer is one who has in place a written policy that allows all qualifying full-time employees not less than two weeks of annual paid family and medical leave, and who allows all less-than-full-time qualifying employees a commensurate amount of leave on a pro rata basis. For purposes of this requirement, leave paid for by a State or local government is not taken into account. A "qualifying employee" means any employee as defined in section 3(e) of the Fair Labor Standards Act of 1938 who has been employed by the employer for one year or more, and who for the preceding year, had compensation not in excess of 60 percent of the compensation threshold for highly compensated employees.⁹²⁰ The Secretary will make determinations as to whether an employer or an employee satisfies the applicable requirements for an eligible employer or qualifying employee, based on information provided by the employer.

"Family and medical leave" is defined as leave described under sections 102(a)(1)(a)-(e) or 102(a)(3) of the Family and Medical Leave Act of 1993.⁹²¹ If an employer provides paid leave as vacation leave, personal leave, or other medical or sick leave, this paid leave would not be considered to be family and medical leave.

This proposal would not apply to wages paid in taxable years beginning after December 31, 2019.

Effective date.—The provision is generally effective for wages paid in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

F. Energy Credits

1. Modifications to credit for electricity produced from certain renewable resources (sec. 3501 of the House bill and sec. 45 of the Code)

PRESENT LAW

In general

An income tax credit is allowed for the production of electricity from qualified energy resources at qualified facilities (the "renewable electricity production credit").⁹²² Qualified energy resources comprise wind, closed-loop biomass, open-loop biomass, geothermal energy, municipal solid

⁹²⁰ Sec. 414(g)(1)(B) (\$120,000 for 2017).

⁹²¹ In order to be an eligible employer, an employer must provide certain protections applicable under the Family and Medical Leave Act of 1993, regardless of whether they otherwise apply. Specifically, the employer must provide paid family and medical leave in compliance with a policy which ensures that the employer will not interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under the policy and will not discharge or in any other manner discriminate against any individual for opposing any practice prohibited by the policy.

⁹²² Sec. 45. In addition to the renewable electricity production credit, section 45 also provides income tax credits for the production of Indian coal and refined coal at qualified facilities.

⁹¹⁰ Sec. 38(b)(17).

⁹¹¹ As in effect on November 5, 1990. Sec. 44(c)(1).

⁹¹² These expenditures must be reasonable and necessary, excluding those unnecessary to accomplish listed purposes, and meet standards set forth by the Secretary and the Architectural and Transportation Barriers Compliance Board. Sec. 44(c)(3) and (5).

⁹¹³ Expenses related to this removal are not eligible in connection with facilities placed in service after November 5, 1990. Sec. 44(c)(4).

⁹¹⁴ For this definition, an employee is considered full-time if employed at least 30 hours per week for 20 or more calendar weeks in the taxable year.

⁹¹⁵ FICA taxes consist of social security (OASDI, or old age, survivor, and disability insurance) and hospital (Medicare) taxes imposed on employers and employees with respect to wages paid to employees under sections 3101–3128.

⁹¹⁶ Sec. 45B. As of January 1, 2007, the Federal minimum wage under the FLSA was \$5.15 per hour. In the case of tipped employees, the FLSA provided that the minimum wage could be reduced to \$2.13 per hour (that is, the employer is only required to pay cash equal to \$2.13 per hour) if the combination of tips and cash income equaled the Federal minimum wage.

⁹¹⁷ Sec. 6053(a).

⁹¹⁸ A large establishment for this purpose is one which normally employed more than 10 employees on a typical business day during the preceding calendar year.

⁹¹⁹ Sec. 6053(c).

waste, qualified hydropower production, and marine and hydrokinetic renewable energy. Qualified facilities are, generally, facilities that generate electricity using qualified energy resources. To be eligible for the credit, electricity produced from qualified energy resources at qualified facilities must be sold by the taxpayer to an unrelated person.

SUMMARY OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES

Eligible electricity production activity (sec. 45)	Credit amount for 2017 (cents per kilowatt-hour)	Expiration ¹
Wind	2.4	December 31, 2019
Closed-loop biomass	2.4	December 31, 2016
Open-loop biomass (including agricultural livestock waste nutrient facilities)	1.2	December 31, 2016
Geothermal	2.4	December 31, 2016
Municipal solid waste (including landfill gas facilities and trash combustion facilities)	1.2	December 31, 2016
Qualified hydropower	1.2	December 31, 2016
Marine and hydrokinetic	1.2	December 31, 2016

¹ Expires for property the construction of which begins after this date.

The credit rate, initially set at 1.5 cents per kilowatt-hour (reduced by one-half for certain renewable resources) is adjusted annually for inflation.⁹²³ In general, the credit is available for electricity produced during the first 10 years after a facility has been placed in service. Taxpayers may also elect to get a 30-percent investment tax credit in lieu of this production tax credit.⁹²⁴

Phase-down for wind facilities

In the case of wind facilities, the available production tax credit or investment tax credit is reduced by 20 percent for facilities the construction of which begins in 2017, by 40 percent for facilities the construction of which begins in 2018, and by 60 percent for facilities the construction of which begins in 2019.

Special rules for determining when the construction of a facility begins

In general, a taxpayer may establish the beginning of construction of a facility by beginning physical work of a significant nature (the “physical work test”).⁹²⁵ Alternatively, a taxpayer may establish the beginning of construction by meeting the safe harbor test which generally requires that the taxpayer have paid or incurred five percent of the total cost of constructing the facility (the “five percent safe harbor”).⁹²⁶ Both methods require that a taxpayer make continuous progress towards completion once construction has begun.⁹²⁷ To demonstrate that continuous progress is being made, taxpayers relying on the physical work test must show that the project is undergoing “continuous construction,” and taxpayer relying on the five percent safe harbor must show “continuous effort” to complete the project.⁹²⁸ Collectively, these two tests are referred to as the “continuity requirement.”⁹²⁹

HOUSE BILL

The provision eliminates the inflation adjustment for wind facilities the construction of which begins after the date of enactment. Such facilities are entitled to a credit of 1.5

cents per kilowatt-hour (*i.e.*, the statutory credit rate unadjusted for inflation). Credits remain subject to the phase-down based on the year construction begins.

The provision includes a special rule for determining the beginning of construction, which is intended to codify Treasury guidance for determining when construction of a facility has begun, including the physical work test, the five percent safe harbor, and the continuity requirement.

Effective date.—The provision terminating the inflation adjustment is effective for taxable years ending after the date of enactment. The provision codifying existing guidance for determining when construction has begun is effective for taxable years beginning before, on, or after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

2. Modification of the energy investment tax credit (sec. 3502 of the House bill and sec. 48 of the Code)

PRESENT LAW

In general

A permanent, nonrefundable, 10-percent business energy credit⁹³⁰ is allowed for the cost of new property that is equipment that either (1) uses solar energy to generate electricity, to heat or cool a structure, or to provide solar process heat or (2) is used to produce, distribute, or use energy derived from a geothermal deposit, but only, in the case of electricity generated by geothermal power, up to the electric transmission stage. Property used to generate energy for the purposes of heating a swimming pool is not eligible solar energy property.

In addition to the permanent credit, temporary investment credits are available for a variety of renewable and alternative energy property. The rules governing these temporary credits are described below.

The energy credit is a component of the general business credit.⁹³¹ An unused general business credit generally may be carried back one year and carried forward 20 years.⁹³² The taxpayer's basis in the property is reduced by one-half of the amount of the credit claimed. For projects whose construction time is expected to equal or exceed two years, the credit may be claimed as progress expenditures are made on the project, rather than during the year the property is placed in service. The credit is allowed against the alternative minimum tax.

Solar energy property

The credit rate for solar energy property is increased to 30 percent in the case of property the construction of which begins before January 1, 2020. The rate is increased to 26 percent in the case of property the construction of which begins in calendar year 2020. The rate is increased to 22 percent in the case of property the construction of which begins in calendar year 2021. To qualify for the enhanced credit rates, the property must be placed in service before January 1, 2024.

Additionally, equipment that uses fiber-optic distributed sunlight (“fiber optic solar”) to illuminate the inside of a structure is solar energy property eligible for the 30-percent credit, but only for property placed in service before January 1, 2017.

⁹³⁰ Sec. 48.

⁹³¹ Sec. 38(b)(1).

⁹³² Sec. 39.

Fuel cell property and microturbine property

The energy credit applies to qualified fuel cell power plant property, but only for periods prior to January 1, 2017. The credit rate is 30 percent.

A qualified fuel cell power plant is an integrated system composed of a fuel cell stack assembly and associated balance of plant components that (1) converts a fuel into electricity using electrochemical means, and (2) has an electricity-only generation efficiency of greater than 30 percent and a capacity of at least one-half kilowatt. The credit may not exceed \$1,500 for each 0.5 kilowatt of capacity.

The energy credit applies to qualifying stationary microturbine power plant property for periods prior to January 1, 2017. The credit is limited to the lesser of 10 percent of the basis of the property or \$200 for each kilowatt of capacity.

A qualified stationary microturbine power plant is an integrated system comprised of a gas turbine engine, a combustor, a recuperator or regenerator, a generator or alternator, and associated balance of plant components that converts a fuel into electricity and thermal energy. Such system also includes all secondary components located between the existing infrastructure for fuel delivery and the existing infrastructure for power distribution, including equipment and controls for meeting relevant power standards, such as voltage, frequency, and power factors. Such system must have an electricity-only generation efficiency of not less than 26 percent at International Standard Organization conditions and a capacity of less than 2,000 kilowatts.

Geothermal heat pump property

The energy credit applies to qualified geothermal heat pump property placed in service prior to January 1, 2017. The credit rate is 10 percent. Qualified geothermal heat pump property is equipment that uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure.

Small wind property

The energy credit applies to qualified small wind energy property placed in service prior to January 1, 2017. The credit rate is 30 percent. Qualified small wind energy property is property that uses a qualified wind turbine to generate electricity. A qualifying wind turbine means a wind turbine of 100 kilowatts of rated capacity or less.

Combined heat and power property

The energy credit applies to combined heat and power (“CHP”) property placed in service prior to January 1, 2017. The credit rate is 10 percent.

CHP property is property: (1) that uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications); (2) that has an electrical capacity of not more than 50 megawatts or a mechanical energy capacity of not more than 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities; (3) that produces at least 20 percent of its total useful energy in the form of thermal energy that is not used to produce electrical or mechanical power, and produces at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof); and (4) the energy efficiency percentage of which exceeds 60 percent. CHP property does not include property used to

⁹²³ The most recent inflation adjustment factors can be in IRS Notice 2017-33, I.R.B. 2017-22, May 30, 2017.

⁹²⁴ Sec. 48(a)(5).

⁹²⁵ IRS Notice 2013-29, 2013-20 I.R.B. 1085, April 14, 2013.

⁹²⁶ *Ibid.*

⁹²⁷ *Ibid.* See also, Notice 2016-31, 2016-23 I.R.B. 1025, May 5, 2016.

⁹²⁸ *Ibid.*

⁹²⁹ Notice 2016-31, 2016-23 I.R.B. 1025, May 5, 2016.

transport the energy source to the generating facility or to distribute energy produced by the facility.

The otherwise allowable credit with respect to CHP property is reduced to the extent the property has an electrical capacity or mechanical capacity in excess of any applicable limits. Property in excess of the applicable limit (15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities) is permitted to claim a fraction of the otherwise allowable credit. The fraction is equal to the applicable limit divided by the capacity of the property. For example, a 45 megawatt property would be eligible to claim 15/45ths, or one third, of the otherwise allowable credit. Again, no credit is allowed if the property exceeds the 50 megawatt or 67,000 horsepower limitations described above.

Additionally, systems whose fuel source is at least 90 percent open-loop biomass and that would qualify for the credit but for the failure to meet the efficiency standard are eligible for a credit that is reduced in proportion to the degree to which the system fails to meet the efficiency standard. For example, a system that would otherwise be required to meet the 60-percent efficiency standard, but which only achieves 30-percent efficiency, would be permitted a credit equal to one-half of the otherwise allowable credit (i.e., a 5-percent credit).

Election of energy credit in lieu of section 45 production tax credit

A taxpayer may make an irrevocable election to have the property used in certain qualified renewable power facilities be treated as energy property eligible for a 30-percent investment credit under section 48. For this purpose, qualified facilities are facilities otherwise eligible for the renewable electricity production tax credit with respect to which no credit under section 45 has been allowed. A taxpayer electing to treat a facility as energy property may not claim the production credit under section 45. In the case of non-wind facilities, to make this election, construction must begin before January 1, 2017. For wind facilities, the 30-percent credit rate is reduced by 20 percent in the case of any wind facility the construction of which begins in calendar year 2017, by 40 percent in the case of any wind facility the construction of which begins in calendar year 2018, and by 60 percent in the case of any wind facility the construction of which begins in calendar year 2019. The credit for wind facilities expires for facilities the construction of which begins after calendar year 2019.

In general, a taxpayer may establish the beginning of construction of a facility by beginning physical work of a significant nature (the “physical work test”).⁹³³ Alternatively, a taxpayer may establish the beginning of construction by meeting the safe harbor test which generally requires that the taxpayer have paid or incurred five percent of the total cost of constructing the facility (the “five percent safe harbor”).⁹³⁴ Both methods require that a taxpayer make continuous progress towards completion once construction has begun.⁹³⁵ To demonstrate that continuous progress is being made, taxpayers relying on the physical work test must show that the project is undergoing “continuous construction,” and taxpayers relying on the

five percent safe harbor must show “continuous effort” to complete the project.⁹³⁶ Collectively, these two tests are referred to as the “continuity requirement.”⁹³⁷

HOUSE BILL

The provision extends the energy credit for fiber optic solar, fuel cell, microturbine, geothermal heat pump, small wind, and combined heat and power property. In each case, the credit is extended for property the construction of which begins before January 1, 2022. In the case of fiber optic solar, fuel cell, and small wind property, the credit rate is reduced to 26 percent for property the construction of which begins in calendar year 2020 and to 22 percent for property the construction of which begins in calendar year 2021. Qualified property must be placed in service before January 1, 2024.

The provision terminates the permanent credits for solar and geothermal property the construction of which begins after December 31, 2027.

The provision includes a special rule for determining the beginning of construction, which is intended to adopt Treasury guidance for determining when construction of a facility has begun, including the physical work test, the five percent safe harbor, and the continuity requirement.

Effective date.—The provision generally applies to periods after December 31, 2016, under rules similar to the rules of section 48(m), as in effect on the day before the date of enactment of the Revenue Reconciliation Act of 1990. The extension of the credit for combined heat and power system property applies to property placed in service after December 31, 2016. The reduced credit rates and the termination of the permanent credits are effective on the date of the enactment of the provision. The special rule for determining the beginning of construction of qualified property applies to taxable years beginning before, on, or after the date of enactment of the provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

3. Extension and phaseout of residential energy efficient property credit (sec. 3503 of the House bill and sec. 25D of the Code)

PRESENT LAW

In general

Section 25D provides a personal tax credit for the purchase of qualified solar electric property and qualified solar water heating property that is used exclusively for purposes other than heating swimming pools and hot tubs. The credit is equal to 30 percent of qualifying expenditures.

Section 25D also provides a 30 percent credit for the purchase of qualified geothermal heat pump property, qualified small wind energy property, and qualified fuel cell power plants. The credit for any fuel cell may not exceed \$500 for each 0.5 kilowatt of capacity. The credit is nonrefundable. The credit with respect to all qualifying property may be claimed against the alternative minimum tax.

With the exception of solar property, the credit expires for property placed in service after December 31, 2016. In the case of qualified solar electric property and solar water heating property, the credit expires for property placed in service after December 31,

2021. In addition, the credit rate for such solar property is reduced to 26 percent for property placed in service in calendar year 2020 and to 22 percent for property placed in service in calendar year 2021.

Qualified property

Qualified solar electric property is property that uses solar energy to generate electricity for use in a dwelling unit. Qualifying solar water heating property is property used to heat water for use in a dwelling unit located in the United States and used as a residence if at least half of the energy used by such property for such purpose is derived from the sun.

A qualified fuel cell power plant is an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that (1) converts a fuel into electricity using electrochemical means, (2) has an electricity-only generation efficiency of greater than 30 percent, and (3) has a nameplate capacity of at least 0.5 kilowatt. The qualified fuel cell power plant must be installed on or in connection with a dwelling unit located in the United States and used by the taxpayer as a principal residence.

Qualified small wind energy property is property that uses a wind turbine to generate electricity for use in a dwelling unit located in the United States and used as a residence by the taxpayer.

Qualified geothermal heat pump property means any equipment which (1) uses the ground or ground water as a thermal energy source to heat the dwelling unit or as a thermal energy sink to cool such dwelling unit, (2) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made, and (3) is installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

Additional rules

The depreciable basis of the property is reduced by the amount of the credit. Expenditures for labor costs allocable to onsite preparation, assembly, or original installation of property eligible for the credit are eligible expenditures.

Special proration rules apply in the case of jointly owned property, condominiums, and tenant-stockholders in cooperative housing corporations. If less than 80 percent of the property is used for nonbusiness purposes, only that portion of expenditures that is used for nonbusiness purposes is taken into account.

HOUSE BILL

The provision extends the residential energy efficient property credit with respect to non-solar qualified property through December 31, 2021. The credit rate for such property is reduced to 26 percent for property placed in service in calendar year 2020 and to 22 percent for property placed in service in calendar year 2021.

Effective date.—The provision applies to property placed in service after December 31, 2016.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

4. Repeal of enhanced oil recovery credit (sec. 3504 of the House bill and sec. 43 of the Code)

PRESENT LAW

Section 43 provides a 15-percent credit for expenses associated with an enhanced oil recovery (“EOR”) project. Qualified EOR costs

⁹³³ IRS Notice 2013-29, 2013-20 I.R.B. 1085, April 14, 2013.

⁹³⁴ *Ibid.*

⁹³⁵ *Ibid.* See also, Notice 2016-31, 2016-23 I.R.B. 1025, May 5, 2016.

⁹³⁶ *Ibid.*

⁹³⁷ Notice 2016-31, 2016-23 I.R.B. 1025, May 5, 2016.

consist of the following designated expenses associated with an EOR project: (1) amounts paid for depreciable tangible property; (2) intangible drilling and development expenses; (3) tertiary injectant expenses; and (4) construction costs for certain Alaskan natural gas treatment facilities. An EOR project is generally a project that involves increasing the amount of recoverable domestic crude oil through the use of one or more tertiary recovery methods (as defined in section 193(b)(3)), such as injecting steam or carbon dioxide into a well to effect oil displacement. The credit is reduced as the price of oil exceeds a certain threshold.

HOUSE BILL

The provision repeals the enhanced oil recovery credit.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

5. Repeal of credit for producing oil and gas from marginal wells (sec. 3505 of the House bill and sec. 45I of the Code)

PRESENT LAW

Section 45I provides a \$3-per-barrel credit for the production of crude oil and a \$0.50 credit per 1,000 cubic feet of qualified natural gas production. In both cases, the credit is available only for production from a “qualified marginal well.”

A qualified marginal well is defined as a domestic well: (1) production from which is treated as marginal production for purposes of the Code’s percentage depletion rules; or (2) that during the taxable year had average daily production of not more than 25 barrel equivalents and produces water at a rate of not less than 95 percent of total well effluent. The maximum amount of production on which credit could be claimed is 1,095 barrels or barrel equivalents.

The credit is not available to production occurring if the reference price of oil exceeds \$18 (\$2.00 for natural gas). The credit is reduced proportionately for reference prices between \$15 and \$18 (\$1.67 and \$2.00 for natural gas).

The credit is treated as a general business credit. Unused credits can be carried back for up to five years rather than the generally applicable carryback period of one year. The credit is indexed for inflation.

HOUSE BILL

The provision repeals the credit for producing oil and gas from marginal wells.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

6. Modification of credit for production from advanced nuclear power facilities (sec. 3506 of the House bill and sec. 45J of the Code)

PRESENT LAW

Taxpayers producing electricity at a qualifying advanced nuclear power facility may claim a credit equal to 1.8 cents per kilowatt-hour of electricity produced for the eight-year period starting when the facility is placed in service.⁹³⁸ The aggregate amount

of credit that a taxpayer may claim in any year during the eight-year period is subject to limitation based on allocated capacity and an annual limitation as described below.

An advanced nuclear facility is any nuclear facility for the production of electricity, the reactor design for which was approved after 1993 by the Nuclear Regulatory Commission. For this purpose, a qualifying advanced nuclear facility does not include any facility for which a substantially similar design for a facility of comparable capacity was approved before 1994.

A qualifying advanced nuclear facility is an advanced nuclear facility for which the taxpayer has received an allocation of megawatt capacity from the Secretary of the Treasury (“the Secretary”) and is placed in service before January 1, 2021. The taxpayer may only claim credit for production of electricity equal to the ratio of the allocated capacity that the taxpayer receives from the Secretary to the rated nameplate capacity of the taxpayer’s facility. For example, if the taxpayer receives an allocation of 750 megawatts of capacity from the Secretary and the taxpayer’s facility has a rated nameplate capacity of 1,000 megawatts, then the taxpayer may claim three-quarters of the otherwise allowable credit, or 1.35 cents per kilowatt-hour, for each kilowatt-hour of electricity produced at the facility (subject to the annual limitation described below). The credit is restricted to 6,000 megawatts of national capacity. Once that limitation has been reached, the Secretary may make no additional allocations. Treasury guidance required allocation applications to be filed before February 1, 2014.⁹³⁹

A taxpayer operating a qualified facility may claim no more than \$125 million in tax credits per 1,000 megawatts of allocated capacity in any one year of the eight-year credit period. If the taxpayer operates a 1,350 megawatt rated nameplate capacity system and has received an allocation from the Secretary for 1,350 megawatts of capacity eligible for the credit, the taxpayer’s annual limitation on credits that may be claimed is equal to 1.35 times \$125 million, or \$168.75 million. If the taxpayer operates a facility with a nameplate rated capacity of 1,350 megawatts, but has received an allocation from the Secretary for 750 megawatts of credit eligible capacity, then the two limitations apply such that the taxpayer may claim a credit effectively equal to one cent per kilowatt-hour of electricity produced (calculated as described above) subject to an annual credit limitation of \$93.75 million in credits (three-quarters of \$125 million).

The credit is part of the general business credit.

HOUSE BILL

The provision modifies the national megawatt capacity limitation for the advanced nuclear power production credit. To the extent any amount of the 6,000 megawatts of authorized capacity remains unutilized, the provision requires the Secretary to allocate such capacity first to facilities placed in service before the year 2021, to the extent such facilities did not receive an allocation equal to their full nameplate capacity, and then to facilities placed in service after such date in the order in which such facilities are placed in service. The provision provides

price per kilowatt-hour of electricity generated from advanced nuclear power facilities in the preceding year exceeds eight cents per kilowatt-hour. The eight-cent price comparison level is indexed for inflation after 1992 (12.6 cents for 2017).

⁹³⁹ I.R.S. Notice 2013-68.

that the present-law placed-in-service sunset date of January 1, 2021, does not apply with respect to allocations of such unutilized national megawatt capacity.

The provision also allows qualified public entities to elect to forgo credits to which they otherwise would be entitled in favor of an eligible project partner. Qualified public entities are defined as (1) a Federal, State, or local government of any political subdivision, agency, or instrumentality thereof; (2) a mutual or cooperative electric company; or (3) a not-for-profit electric utility which has or had received a loan or loan guarantee under the Rural Electrification Act of 1936.⁹⁴⁰ An eligible project partner under the provision generally includes any person who designed or constructed the nuclear power plant, participates in the provision of nuclear steam or nuclear fuel to the power plant, or has an ownership interest in the facility. In the case of a facility owned by a partnership, where the credit is determined at the partnership level, any electing qualified public entity is treated as the taxpayer with respect to such entity’s distributive share of such credits, and any other partner is an eligible project partner.

Effective date.—The provision requiring the allocation of unutilized national megawatt capacity limitation is effective on the date of enactment. The provision allowing an election by qualified public entities to forgo credits in favor of an eligible project partner is effective for taxable years beginning after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include in the House bill.

G. Bond Reforms

1. Termination of private activity bonds (sec. 3601 of the House bill and sec. 103 of the Code)

PRESENT LAW

In general

Under present law, gross income generally does not include interest paid on State or local bonds.⁹⁴¹ State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds which are primarily used to finance governmental functions or that are repaid with governmental funds. Private activity bonds are bonds with respect to which the State or local government serves as a conduit providing financing to nongovernmental persons (e.g., private businesses or individuals). The exclusion from income for State and local bonds only applies to private activity bonds if the bonds are issued for certain permitted purposes (“qualified private activity bonds”).

Private activity bonds

Present law provides three main tests for determining whether a State or local bond is in substance a private activity bond, the two-part private business test, the five-percent unrelated or disproportionate use test, and the private loan test.

Private business test

Private business use and private payments result in State and local bonds being private activity bonds if both parts of the two-part private business test are satisfied—

1. More than 10 percent of the bond proceeds is to be used (directly or indirectly) by

⁹⁴⁰ 7 U.S.C. sec. 901 *et seq.*

⁹⁴¹ Sec. 103.

⁹³⁸ Sec. 45J. The 1.8-cents credit amount is reduced, but not below zero, if the annual average contract

a private business (the “private business use test”); and

2. More than 10 percent of the debt service on the bonds is secured by an interest in property to be used in a private business use or to be derived from payments in respect of such property (the “private payment test”).

Private business use generally includes any use by a business entity (including the Federal government), which occurs pursuant to terms not generally available to the general public. For example, if bond-financed property is leased to a private business (other than pursuant to certain short-term leases for which safe harbors are provided under Treasury regulations), bond proceeds used to finance the property are treated as used in a private business use, and rental payments are treated as securing the payment of the bonds. Private business use also can arise when a governmental entity contracts for the operation of a governmental facility by a private business under a management contract that does not satisfy Treasury regulatory safe harbors regarding the types of payments made to the private operator and the length of the contract.

Five-percent unrelated or disproportionate business use test

A second standard to determine whether a bond is to be treated as a private activity bond is the five percent unrelated or disproportionate business use test. Under this test the private business use and private payment test (described above) are separately applied substituting five percent for 10 percent and generally only taking into account private business use and private payments that are not related or not proportionate to the government use of the bond proceeds. For example, while a bond issue that finances a new State or local government office building may include a cafeteria, the issue may become a private activity bond if the size of the cafeteria is excessive (as determined under this rule).

Private loan test

The third standard for determining whether a State or local bond is a private activity bond is whether an amount exceeding the lesser of (1) five percent of the bond proceeds or (2) \$5 million is used (directly or indirectly) to finance loans to private persons. Private loans include both business and other (e.g., personal) uses and payments by private persons; however, in the case of business uses and payments, all private loans also constitute private business uses and payments subject to the private business test. Present law provides that the substance of a transaction governs in determining whether the transaction gives rise to a private loan. In general, any transaction which transfers tax ownership of property to a private person is treated as a private loan.

Special limit on certain output facilities

A special rule for output facilities treats bonds as private activity bonds if more than \$15 million of the proceeds of the bond issue are used to finance an output facility (an output facility includes electric and gas generation, transmission and related facilities but not a facility for the furnishing of water).⁹⁴²

Special volume cap requirement for larger transactions

A special volume cap requirement for larger transactions treats bonds as private activity bonds if the nonqualified amount of private business use or private payments ex-

ceeds \$15 million (even if that amount is within the general 10-percent private business limitation for governmental bonds) unless the issuer obtains a private activity bond volume allocation.⁹⁴³

Qualified private activity bonds

As stated, interest on private activity bonds is taxable unless the bonds meet the requirements for qualified private activity bonds. Qualified private activity bonds permit States or local governments to act as conduits providing tax-exempt financing for certain private activities. The definition of qualified private activity bonds includes an exempt facility bond, or qualified mortgage, veterans’ mortgage, small issue, redevelopment, 501(c)(3), or student loan bond.⁹⁴⁴ The definition of exempt facility bond includes bonds issued to finance certain transportation facilities (airports, ports, mass commuting, and high-speed intercity rail facilities); qualified residential rental projects; privately owned and/or operated utility facilities (sewage, water, solid waste disposal, and local district heating and cooling facilities, certain private electric and gas facilities, and hydroelectric dam enhancements); public/private educational facilities; qualified green building and sustainable design projects; and qualified highway or surface freight transfer facilities.⁹⁴⁵

In most cases, the aggregate volume of these tax-exempt private activity bonds is restricted by annual aggregate volume limits imposed on bonds issued by issuers within each State. For 2017, the State volume limit is the greater of \$100 multiplied by the State population, or \$305.32 million.⁹⁴⁶

HOUSE BILL

The provision repeals the exception from the exclusion from gross income for interest paid on qualified private activity bonds issued after December 31, 2017. Thus, such interest on private activity bond issued after such date is includible in the gross income of the taxpayer.⁹⁴⁷

Effective date.—The provision applies to bonds issued after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

2. Repeal of advance refunding bonds (sec. 3602 of the House bill, sec. 13532 of the Senate amendment, and sec. 149(d) of the Code)

PRESENT LAW

Section 103 generally provides that gross income does not include interest received on State or local bonds. State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental facilities or the debt is repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing

to nongovernmental persons (e.g., private businesses or individuals).⁹⁴⁸ Bonds issued to finance the activities of charitable organizations described in section 501(c)(3) (“qualified 501(c)(3) bonds”) are one type of private activity bond. The exclusion from income for interest on State and local bonds only applies if certain Code requirements are met.

The exclusion for income for interest on State and local bonds applies to refunding bonds but there are limits on advance refunding bonds. A refunding bond is defined as any bond used to pay principal, interest, or redemption price on a prior bond issue (the refunded bond). Different rules apply to current as opposed to advance refunding bonds. A current refunding occurs when the refunded bond is redeemed within 90 days of issuance of the refunding bonds. Conversely, a bond is classified as an advance refunding if it is issued more than 90 days before the redemption of the refunded bond.⁹⁴⁹ Proceeds of advance refunding bonds are generally invested in an escrow account and held until a future date when the refunded bond may be redeemed.

Although there is no statutory limitation on the number of times that tax-exempt bonds may be currently refunded, the Code limits advance refundings. Generally, governmental bonds and qualified 501(c)(3) bonds may be advance refunded one time.⁹⁵⁰ Private activity bonds, other than qualified 501(c)(3) bonds, may not be advance refunded at all.⁹⁵¹ Furthermore, in the case of an advance refunding bond that results in interest savings (e.g., a high interest rate to low interest rate refunding), the refunded bond must be redeemed on the first call date 90 days after the issuance of the refunding bond that results in debt service savings.⁹⁵²

HOUSE BILL

The provision repeals the exclusion from gross income for interest on a bond issued to advance refund another bond.

Effective date.—The provision applies to advance refunding bonds issued after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

3. Repeal of tax credit bonds (sec. 3603 of the House bill and secs. 54A, 54B, 54C, 54D, 54E, 54F and 6431 of the Code)

PRESENT LAW

In general

Tax-credit bonds provide tax credits to investors to replace a prescribed portion of the interest cost. The borrowing subsidy generally is measured by reference to the credit rate set by the Treasury Department. Current tax-credit bonds include qualified tax credit bonds, which have certain common general requirements, and include new clean renewable energy bonds, qualified energy conservation bonds, qualified zone academy

⁹⁴² Sec. 141(b)(5).

⁹⁴³ Sec. 141(e).

⁹⁴⁴ Sec. 142(a).

⁹⁴⁵ Sec. 3.20 of Rev. Proc. 2016-55, 2016-2 C.B. 707.

⁹⁴⁶ The provisions do not apply to any previously issued bond, nor would the provisions prevent State and local governments from issuing private activity bonds in the future; the provisions merely remove the Federal tax subsidy for newly issued bonds. The bill also terminates section 25 of the Code as it relates to credits associated with mortgage credit certificates issued after December 31, 2017. See section 1102 of the bill (Repeal of nonrefundable credits).

⁹⁴⁸ Sec. 141.

⁹⁴⁹ Sec. 149(d)(5).

⁹⁵⁰ Sec. 149(d)(3). Bonds issued before 1986 and pursuant to certain transition rules contained in the Tax Reform Act of 1986 may be advance refunded more than one time in certain cases.

⁹⁵¹ Sec. 149(d)(2).

⁹⁵² Sec. 149(d)(3)(A)(iii) and (B); Treas. Reg. sec. 1.149(d)-1(f)(3). A “call” provision provides the issuer of a bond with the right to redeem the bond prior to the stated maturity.

⁹⁴⁷ Sec. 141(b)(4).

bonds, and qualified school construction bonds.⁹⁵³

Qualified tax-credit bonds

*General rules applicable to qualified tax-credit bonds*⁹⁵⁴

Unlike tax-exempt bonds, qualified tax-credit bonds generally are not interest-bearing obligations. Rather, the taxpayer holding a qualified tax-credit bond on a credit allowance date is entitled to a tax credit. The amount of the credit is determined by multiplying the bond's credit rate by the face amount on the holder's bond. The credit rate for an issue of qualified tax credit bonds is determined by the Secretary and is estimated to be a rate that permits issuance of the qualified tax-credit bonds without discount and interest cost to the qualified issuer.⁹⁵⁵ The credit accrues quarterly and is includible in gross income (as if it were an interest payment on the bond), and can be claimed against regular income tax liability and alternative minimum tax liability. Unused credits may be carried forward to succeeding taxable years. In addition, credits may be separated from the ownership of the underlying bond similar to how interest coupons can be stripped for interest-bearing bonds.

New clean renewable energy bonds

New clean renewable energy bonds ("New CREBs") may be issued by qualified issuers to finance qualified renewable energy facilities.⁹⁵⁶ Qualified renewable energy facilities are facilities that: (1) qualify for the tax credit under section 45 (other than Indian coal and refined coal production facilities), without regard to the placed-in-service date requirements of that section; and (2) are owned by a public power provider, governmental body, or cooperative electric company.

The term "qualified issuers" includes: (1) public power providers; (2) a governmental body; (3) cooperative electric companies; (4) a not-for-profit electric utility that has received a loan or guarantee under the Rural Electrification Act; and (5) clean renewable energy bond lenders. There was originally a national limitation for New CREBs of \$800 million. The national limitation was then increased by an additional \$1.6 billion in 2009. As with other tax credit bonds, a taxpayer holding New CREBs on a credit allowance date is entitled to a tax credit. However, the credit rate on New CREBs is set by the Secretary at a rate that is 70 percent of the rate that would permit issuance of such bonds without discount and interest cost to the issuer.⁹⁵⁷

Qualified energy conservation bonds

Qualified energy conservation bonds may be used to finance qualified conservation purposes.

⁹⁵³ The authority to issue two other types of tax-credit bonds, recovery zone economic development bonds and Build America Bonds, expired on January 1, 2011.

⁹⁵⁴ Certain other rules apply to qualified tax credit bonds, such as maturity limitations, reporting requirements, spending rules, and rules relating to arbitrage. Separate rules apply in the case of tax-credit bonds which are not qualified tax-credit bonds (i.e., "recovery zone economic development bonds," and "Build America Bonds").

⁹⁵⁵ However, for new clean renewable energy bonds and qualified energy conservation bonds, the applicable credit rate is 70 percent of the otherwise applicable rate.

⁹⁵⁶ Sec. 54C.

⁹⁵⁷ Given the differences in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

The term "qualified conservation purpose" means:

1. Capital expenditures incurred for purposes of: (a) reducing energy consumption in publicly owned buildings by at least 20 percent; (b) implementing green community programs;⁹⁵⁸ (c) rural development involving the production of electricity from renewable energy resources; or (d) any facility eligible for the production tax credit under section 45 (other than Indian coal and refined coal production facilities);

2. Expenditures with respect to facilities or grants that support research in: (a) development of cellulosic ethanol or other nonfossil fuels; (b) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels; (c) increasing the efficiency of existing technologies for producing nonfossil fuels; (d) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation; and (e) technologies to reduce energy use in buildings;

3. Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting;

4. Demonstration projects designed to promote the commercialization of: (a) green building technology; (b) conversion of agricultural waste for use in the production of fuel or otherwise; (c) advanced battery manufacturing technologies; (d) technologies to reduce peak-use of electricity; and (e) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity; and

5. Public education campaigns to promote energy efficiency (other than movies, concerts, and other events held primarily for entertainment purposes).

There was originally a national limitation on qualified energy conservation bonds of \$800 million. The national limitation was then increased by an additional \$2.4 billion in 2009. As with other qualified tax credit bonds, the taxpayer holding qualified energy conservation bonds on a credit allowance date is entitled to a tax credit. The credit rate on the bonds is set by the Secretary at a rate that is 70 percent of the rate that would permit issuance of such bonds without discount and interest cost to the issuer.⁹⁵⁹

Qualified zone academy bonds

Qualifies zone academy bonds ("QZABs") are defined as any bond issued by a State or local government, provided that (1) at least 95 percent of the proceeds are used for the purpose of renovating, providing equipment to, developing course materials for use at, or training teachers and other school personnel in a "qualified zone academy," and (2) private entities have promised to contribute to the qualified zone academy certain equipment, technical assistance or training, employee services, or other property or services

⁹⁵⁸ Capital expenditures to implement green community programs include grants, loans, and other repayment mechanisms to implement such programs. For example, States may issue these tax credit bonds to finance retrofits of existing private buildings through loans and/or grants to individual homeowners or businesses, or through other repayment mechanisms. Other repayment mechanisms can include periodic fees assessed on a government bill or utility bill that approximates the energy savings of energy efficiency or conservation retrofits. Retrofits can include heating, cooling, lighting, water-saving, storm water-reducing, or other efficiency measures.

⁹⁵⁹ Given the differences in credit quality and other characteristics of individual issuers, the Secretary cannot set credit rates in a manner that will allow each issuer to issue tax credit bonds at par.

with a value equal to at least 10 percent of the bond proceeds.

A total of \$400 million of QZABs has been authorized to be issued annually in calendar years 1998 through 2008. The authorization was increased to \$1.4 billion for calendar year 2009, and also for calendar year 2010. For each of the calendar years 2011 through 2016, the authorization was set at \$400 million.

Qualified school construction bonds

Qualified school construction bonds must meet three requirements: (1) 100 percent of the available project proceeds of the bond issue is used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a bond-financed facility is to be constructed; (2) the bonds are issued by a State or local government within which such school is located; and (3) the issuer designates such bonds as a qualified school construction bond.

There is a national limitation on qualified school construction bonds of \$11 billion for calendar years 2009 and 2010, and zero after 2010. If an amount allocated is unused for a calendar year, it may be carried forward to the following and subsequent calendar years. Under a separate special rule, the Secretary of the Interior may allocate \$200 million of school construction bond authority for Indian schools.

Direct-pay bonds and expired tax-credit bond provisions

The Code provides that an issuer may elect to issue certain tax credit bonds as "direct-pay bonds." Instead of a credit to the holder, with a "direct-pay bond" the Federal government pays the issuer a percentage of the interest on the bonds. The following tax credit bonds may be issued as direct-pay bonds: new clean renewable energy bonds, qualified energy conservation bonds, and qualified school construction bonds. Qualified zone academy bonds may not be issued as direct-pay using any national zone academy bond allocation for calendar years after 2011 or any carryforward of such allocations. The ability to issue Build America Bonds and Recovery Zone bonds, which have direct-pay features, has expired.

HOUSE BILL

The provision prospectively repeals authority to issue tax-credit bonds and direct-pay bonds.

Effective date.—The provision applies to bonds issued after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

4. No tax-exempt bonds for professional stadiums (sec. 3604 of the House bill and sec. 103 of the Code)

PRESENT LAW

In general

Section 103 generally provides gross income does not include interest on State or local bonds. State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental facilities or the debt is repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons (e.g., private businesses or individuals). The exclusion from income for State and local bonds does

not apply to private activity bonds, unless the bonds are issued for certain purposes (“qualified private activity bonds”) permitted by the Code and other Code requirements are met.

Private activity bond tests

In general

A private activity bond includes any bond that satisfies (1) the “private business test” (consisting of two components: a private business use test and a private security or payment test); or (2) “the private loan financing test.”⁹⁶⁰

Two-part private business test

Under the private business test, a bond is a private activity bond if it is part of an issue in which:

More than 10 percent of the proceeds of the issue (including use of the bond-financed property) are to be used in the trade or business of any person other than a governmental unit (“private business use test”); and

More than 10 percent of the payment of principal or interest on the issue is, directly or indirectly, secured by (a) property used or to be used for a private business use or (b) to be derived from payments in respect of property, or borrowed money, used or to be used for a private business use (“private payment test”).⁹⁶¹

A bond is not a private activity bond unless both parts of the private business test (i.e., the private business use test and the private payment test) are met. For purposes of the private payment test, both direct and indirect payments made by any private person treated as using the financed property are taken into account. Payments by a person for the use of proceeds generally do not include payments for ordinary and necessary expenses (within the meaning of section 162) attributable to the operation and maintenance of financed property.⁹⁶²

Private loan financing test

A bond issue satisfies the private loan financing test if proceeds exceeding the lesser of \$5 million or five percent of such proceeds are used directly or indirectly to finance loans to one or more nongovernmental persons.

Types of qualified private activity bonds

The interest of qualified private activity bonds is tax exempt. A qualified private activity bond is a qualified mortgage, veterans’ mortgage, small issue, student loan, redevelopment, 501(c)(3), or exempt facility bond.⁹⁶³ To qualify as an exempt facility bond, 95 percent of the net proceeds must be used to finance: (1) airports; (2) docks and wharves; (3) mass commuting facilities; (4) high-speed intercity rail facilities; (5) facilities for the furnishing of water; (6) sewage facilities; (7) solid waste disposal facilities; (8) hazardous waste disposal facilities; (9) qualified residential rental projects; (10) facilities for the local furnishing of electric energy or gas; (11) local district heating or cooling facilities; (12) environmental enhancements of hydroelectric generating facilities; (13) qualified public educational facilities; or (14) qualified green building and sustainable design projects.

Financing of sports facilities with governmental bonds

In 1986, Congress eliminated a provision expressly allowing tax-exempt financing for sports facilities.⁹⁶⁴ Nevertheless, professional sports facilities continue to be financed with tax-exempt bonds despite the fact that privately owned sports teams are the primary (if not exclusive) users of such facilities. Present law permits the use of tax-exempt bond proceeds for private activities if either part of the two-part private business test is not met. Only if both parts of the private business test (private use and private payment) are met will the interest on such bonds be taxable. In the case of bond-financed professional sports facilities, issuers have intentionally structured the tax-exempt bond issuance and related transactions to fail the private payment test. In most of these transactions, the professional sports team is not required to pay for more than a small portion of its use of the sports facility. As a result, the private payment test is not met and the bonds financing the facility are not treated as private activity bonds, despite the existence of substantial private business use.

HOUSE BILL

The provision provides that the interest on bonds, the proceeds of which are to be used to finance or refinance capital expenditures allocable to a professional sports stadium, is not tax-exempt. The term “professional sports stadium” means any facility (or appurtenant real property) which during at least five days during any calendar year is used as a stadium or arena for professional sports, exhibitions, games, or training.

Effective date.—The provision applies to bonds issued after November 2, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

H. Insurance

1. Net operating losses of life insurance companies (sec. 3701 of the House bill, sec. 13511 of the Senate amendment, and sec. 810 of the Code)

PRESENT LAW

A net operating loss (“NOL”) generally means the amount by which a taxpayer’s business deductions exceed its gross income. In general, an NOL may be carried back two years and carried over 20 years to offset taxable income in such years. NOLs offset taxable income in the order of the taxable years to which the NOL may be carried.⁹⁶⁵

For purposes of computing the alternative minimum tax (“AMT”), a taxpayer’s NOL deduction cannot reduce the taxpayer’s alternative minimum taxable income (“AMTI”) by more than 90 percent of the AMTI.⁹⁶⁶

In the case of a life insurance company, a deduction is allowed in the taxable year for operations loss carryovers and carrybacks, in lieu of the deduction for net operation losses allowed to other corporations.⁹⁶⁷ A life insurance company is permitted to treat a loss from operations (as defined under section 810(c)) for any taxable year as an operations loss carryback to each of the three taxable years preceding the loss year and an

operations loss carryover to each of the 15 taxable years following the loss year.⁹⁶⁸

HOUSE BILL

The provision repeals the operations loss deduction for life insurance companies and allows the NOL deduction under section 172.

Effective date.—The provision applies to losses arising in taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

2. Repeal of small life insurance company deduction (sec. 3702 of the House bill, sec. 13512 of the Senate amendment, and sec. 806 of the Code)

PRESENT LAW

The small life insurance company deduction for any taxable year is 60 percent of so much of the tentative life insurance company taxable income (“LICTI”) for such taxable year as does not exceed \$3 million, reduced by 15 percent of the excess of tentative LICTI over \$3 million. The maximum deduction that can be claimed by a small company is \$1.8 million, and a company with a tentative LICTI of \$15 million or more is not entitled to any small company deduction. A small life insurance company for this purpose is one with less than \$500 million of assets.

HOUSE BILL

The provision repeals the small life insurance company deduction.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

3. Surtax on life insurance company taxable income (sec. 3703 of the House bill and sec. 801 of the Code)

PRESENT LAW

Tax on life insurance company taxable income

In the case of a life insurance company, income tax is imposed on life insurance company taxable income at the rate applicable to taxable income of a corporation.

HOUSE BILL

The provision imposes an additional eight-percent income tax on life insurance company taxable income.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill provision.

4. Adjustment for change in computing reserves (sec. 3704 of the House bill, sec. 13513 of the Senate amendment, and sec. 807 of the Code)

PRESENT LAW

Change in method of accounting

In general, a taxpayer may change its method of accounting under section 446 with

⁹⁶⁰ Sec. 141.

⁹⁶¹ The 10-percent private business test is reduced to five percent in the case of private business uses (and payments with respect to such uses) that are unrelated to any governmental use being financed by the issue.

⁹⁶² Treas. Reg. sec. 1.141-4(c)(3).

⁹⁶³ Sec. 141(e).

⁹⁶⁴ Sec. 1301 of the Tax Reform Act of 1986 (Pub. L. 99-514, 1986) (prior to amendment, sec. 103(b)(4)(B) of the Internal Revenue Code of 1954 permitted tax-exempt financing for sports facilities).

⁹⁶⁵ Sec. 172(b)(2).

⁹⁶⁶ Sec. 56(d).

⁹⁶⁷ Secs. 810, 805(a)(5).

⁹⁶⁸ Sec. 810(b)(1).

the consent of the Secretary (or may be required to change its method of accounting by the Secretary). In such instances, a taxpayer generally is required to make an adjustment (a “section 481(a) adjustment”) to prevent amounts from being duplicated in, or omitted from, the calculation of the taxpayer’s income. Pursuant to IRS procedures, negative section 481(a) adjustments generally are deducted from income in the year of the change whereas positive section 481(a) adjustments generally are required to be included in income ratably over four taxable years.⁹⁶⁹

However, section 807(f) explicitly provides that changes in the basis for determining life insurance company reserves are to be taken into account ratably over 10 years.

10-year spread for change in computing life insurance company reserves

For Federal income tax purposes, a life insurance company includes in gross income any net decrease in reserves, and deducts a net increase in reserves.⁹⁷⁰ Methods for determining reserves for tax purposes generally are based on reserves prescribed by the National Association of Insurance Commissioners for purposes of financial reporting under State regulatory rules.

Income or loss resulting from a change in the method of computing reserves is taken into account ratably over a 10-year period.⁹⁷¹ The rule for a change in basis in computing reserves applies only if there is a change in basis in computing the Federally prescribed reserve (as distinguished from the net surrender value). Although life insurance tax reserves require the use of a Federally prescribed method, interest rate, and mortality or morbidity table, changes in other assumptions for computing statutory reserves (e.g., when premiums are collected and claims are paid) may cause increases or decreases in a company’s life insurance reserves that must be spread over a 10-year period. Changes in the net surrender value of a contract are not subject to the 10-year spread because, apart from its use as a minimum in determining the amount of life insurance tax reserves, the net surrender value is not a reserve but a current liability.

If for any taxable year the taxpayer is not a life insurance company, the balance of any adjustments to reserves is taken into account for the preceding taxable year.

HOUSE BILL

Income or loss resulting from a change in method of computing life insurance company reserves is taken into account consistent with IRS procedures, generally ratably over a four-year period, instead of over a 10-year period.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

5. Repeal of special rule for distributions to shareholders from pre-1984 policyholders surplus account (sec. 3705 of the House bill, sec. 13514 of the Senate amendment, and sec. 815 of the Code)

PRESENT AND PRIOR LAW

Under the law in effect from 1959 through 1983, a life insurance company was subject to

a three-phase taxable income computation under Federal tax law. Under the three-phase system, a company was taxed on the lesser of its gain from operations or its taxable investment income (Phase I) and, if its gain from operations exceeded its taxable investment income, 50 percent of such excess (Phase II). Federal income tax on the other 50 percent of the gain from operations was deferred, and was accounted for as part of a policyholder’s surplus account and, subject to certain limitations, taxed only when distributed to stockholders or upon corporate dissolution (Phase III). To determine whether amounts had been distributed, a company maintained a shareholders surplus account, which generally included the company’s previously taxed income that would be available for distribution to shareholders. Distributions to shareholders were treated as being first out of the shareholders surplus account, then out of the policyholders surplus account, and finally out of other accounts.

The Deficit Reduction Act of 1984⁹⁷² included provisions that, for 1984 and later years, eliminated further deferral of tax on amounts (described above) that previously would have been deferred under the three-phase system. Although for taxable years after 1983, life insurance companies may not enlarge their policyholders surplus account, the companies are not taxed on previously deferred amounts unless the amounts are treated as distributed to shareholders or subtracted from the policyholders surplus account.⁹⁷³

Any direct or indirect distribution to shareholders from an existing policyholders surplus account of a stock life insurance company is subject to tax at the corporate rate in the taxable year of the distribution. Present law (like prior law) provides that any distribution to shareholders is treated as made (1) first out of the shareholders surplus account, to the extent thereof, (2) then out of the policyholders surplus account, to the extent thereof, and (3) finally, out of other accounts.

For taxable years beginning after December 31, 2004, and before January 1, 2007, the application of the rules imposing income tax on distributions to shareholders from the policyholders surplus account of a life insurance company were suspended. Distributions in those years were treated as first made out of the policyholders surplus account, to the extent thereof, and then out of the shareholders surplus account, and lastly out of other accounts.

HOUSE BILL

The provision repeals section 815, the rules imposing income tax on distributions to shareholders from the policyholders surplus account of a stock life insurance company.

In the case of any stock life insurance company with an existing policyholders surplus account (as defined in section 815 before its repeal), tax is imposed on the balance of the account as of December 31, 2017. A life insurance company is required to pay tax on the balance of the account ratably over the first eight taxable years beginning after December 31, 2017. Specifically, the tax imposed on a life insurance company is the tax on the sum of life insurance company taxable income for the taxable year (but not less than zero) plus 1/8 of the balance of the existing policyholders surplus account as of December 31, 2017. Thus, life insurance company losses are not allowed to offset the amount of the policyholders surplus account balance subject to tax.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

6. Modification of proration rules for property and casualty insurance companies (sec. 3706 of the House bill, sec. 13515 of the Senate amendment, and sec. 832 of the Code)

PRESENT LAW

The taxable income of a property and casualty insurance company is determined as the sum of its gross income from underwriting income and investment income (as well as gains and other income items), reduced by allowable deductions.

A proration rule applies to property and casualty insurance companies. In calculating the deductible amount of its reserve for losses incurred, a property and casualty insurance company must reduce the amount of losses incurred by 15 percent of (1) the insurer’s tax-exempt interest, (2) the deductible portion of dividends received (with special rules for dividends from affiliates), and (3) the increase for the taxable year in the cash value of life insurance, endowment, or annuity contracts the company owns.⁹⁷⁴ This proration rule reflects the fact that reserves are generally funded in part from tax-exempt interest, from deductible dividends, and from other untaxed amounts.

HOUSE BILL

The provision replaces the 15-percent reduction under present law with a 26.25-percent reduction under the proration rule for property and casualty insurance companies. This change in the percentage takes into account the reduction in the corporate tax rate from 35 to 20 percent under section 3001 of the bill (reduction in corporate tax rate).

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The provision replaces the 15-percent reduction under present law with a reduction equal to 5.25 percent divided by the top corporate tax rate. For 2018, the top corporate tax rate is 35 percent, and the percentage reduction is 15 percent. For 2019 and thereafter, the corporate tax rate is 20 percent, and the percentage reduction is 26.25 percent under the proration rule for property and casualty insurance companies. The proration percentage will be automatically adjusted in the future if the top corporate tax rate is changed, so that the product of the proration percentage and the top corporate tax rate always equals 5.25 percent.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. The top corporate tax rate is 21 percent for 2018 and thereafter,⁹⁷⁵ so the percentage reduction is 25 percent under the proration rule for property and casualty insurance companies.

⁹⁶⁹ See, e.g., Rev. Proc. 2015-13, 2015-5 I.R.B. 419, and Rev. Proc. 2017-30, 2017-18 I.R.B. 1131.

⁹⁷⁰ Sec. 807.

⁹⁷¹ Sec. 807(f).

⁹⁷² Pub. L. No. 98-369.

⁹⁷³ Sec. 815.

⁹⁷⁴ Sec. 832(b)(5).

⁹⁷⁵ See Part II.A.1 (Reduction in corporate tax rate).

7. Modification of discounting rules for property and casualty insurance companies (sec. 3707 of the House bill and sec. 832 of the Code)

PRESENT LAW

A property and casualty insurance company generally is subject to tax on its taxable income.⁹⁷⁶ The taxable income of a property and casualty insurance company is determined as the sum of its underwriting income and investment income (as well as gains and other income items), reduced by allowable deductions.⁹⁷⁷ Among the items that are deductible in calculating underwriting income are additions to reserves for losses incurred and expenses incurred.

To take account of the time value of money, discounting of unpaid losses is required. All property and casualty loss reserves (unpaid losses and unpaid loss adjustment expenses) for each line of business (as shown on the annual statement) are required to be discounted for Federal income tax purposes.

The discounted reserves are calculated using a prescribed interest rate which is based on the applicable Federal mid-term rate ("mid-term AFR"). The discount rate is the average of the mid-term AFRs effective at the beginning of each month over the 60-month period preceding the calendar year for which the determination is made.

To determine the period over which the reserves are discounted, a prescribed loss payment pattern applies. The prescribed length of time is either the accident year and the following three calendar years, or the accident year and the following 10 calendar years, depending on the line of business. In the case of certain "long-tail" lines of business, the 10-year period is extended, but not by more than five additional years. Thus, present law limits the maximum duration of any loss payment pattern to the accident year and the following 15 years. The Treasury Department is directed to determine a loss payment pattern for each line of business by reference to the historical loss payment pattern for that line of business using aggregate experience reported on the annual statements of insurance companies, and is required to make this determination every five years, starting with 1987.

Under the discounting rules, an election is provided permitting a taxpayer to use its own (rather than an industry-wide) historical loss payment pattern with respect to all lines of business, provided that applicable requirements are met.

Treasury publishes discount factors for each line of business to be applied by taxpayers for discounting reserves.⁹⁷⁸ The discount factors are published annually, based on (1) the interest rate applicable to the calendar year, and (2) the loss payment pattern for each line of business as determined every five years.

HOUSE BILL

The provision modifies the reserve discounting rules applicable to property and casualty insurance companies. In general, the provision modifies the prescribed interest rate, extends the periods applicable under the loss payment pattern, and repeals the election to use a taxpayer's historical loss payment pattern.

Interest rate

The provision provides that the interest rate is an annual rate for any calendar year to be determined by Treasury based on the corporate bond yield curve (rather than the mid-term AFR as under present law). For this purpose, the corporate bond yield curve means, with respect to any month, a yield curve that reflects the average, for the preceding 24-month period, of monthly yields on investment grade corporate bonds with varying maturities and that are in the top three quality levels available.⁹⁷⁹ Because the corporate bond yield curve provides for 24-month averaging, the present-law rule providing for 60-month averaging to determine the interest rate is repealed under the provision. It is expected that Treasury will determine a 24-month average for the 24 months preceding the first month of the calendar year for which the determination is made.

Loss payment patterns

The provision extends the periods applicable for determining loss payment patterns. Under the provision, the maximum duration of the loss payment pattern is determined by the amount of losses remaining unpaid using aggregate industry experience for each line of business, rather than by a set number of years as under present law.

Like present law, the provision provides that Treasury determines a loss payment pattern for each line of business by reference to the historical loss payment pattern for that line of business using aggregate experience reported on the annual statements of insurance companies, and is required to make this determination every five years.

Under the provision, the present-law three-year and 10-year periods following the accident year are extended up to a maximum of 15 more years for the lines of business to which each period applies. For lines of business to which the three-year period applies, the amount of losses that would have been treated as paid in the third year after the accident year is treated as paid in that year and each subsequent year in an amount equal to the average of the amounts treated as paid in the first and second years (or, if less, the remaining amount). To the extent these unpaid losses have not been treated as paid before the 18th year after the accident year, they are treated as paid in that 18th year.

Similarly, for lines of business to which the 10-year period applies, the amount of losses that would have been treated as paid in the 10th year following the accident year is treated as paid in that year and each subsequent year in an amount equal to the average of the amounts treated as paid in the seventh, eighth, and ninth years (or, if less, the remaining amount). To the extent these unpaid losses have not been treated as paid before the 25th year after the accident year, they are treated as paid in that 25th year.

The provision repeals the present-law rule providing that in the case of certain "long-tail" lines of business, the 10-year period is extended, but not by more than five additional years. The provision does not change the lines of business to which the three-year, and 10-year, periods, respectively, apply.

⁹⁷⁹This rule adopts the definition found in section 430(h)(2)(D)(i) of the term "corporate bond yield curve." Section 430, which relates to minimum funding standards for single-employer defined benefit pension plans, includes other rules for determining an "effective interest rate," such as segment rate rules. The term "effective interest rate" along with these other rules, including the segment rate rules, do not apply for purposes of property and casualty insurance reserve discounting.

Election to use own historical loss payment pattern

The provision repeals the present-law election permitting a taxpayer to use its own (rather than an aggregate industry-experience-based) historical loss payment pattern with respect to all lines of business.

Effective date.—The provision generally applies to taxable years beginning after December 31, 2017. Under a transitional rule for the first taxable year beginning in 2018, the amount of unpaid losses and expenses unpaid (under section 832(b)(5)(B) and (6)) and the unpaid losses (under sections 807(c)(2) and 805(a)(1)) at the end of the preceding taxable year are determined as if the provision had applied to these items in such preceding taxable year, using the interest rate and loss payment patterns for accident years ending with calendar year 2018. Any adjustment is spread over eight taxable years, *i.e.*, is included in the taxpayer's gross income ratably in the first taxable year beginning in 2018 and the seven succeeding taxable years. For taxable years subsequent to the first taxable year beginning in 2018, the provision applies to such unpaid losses and expenses unpaid (*i.e.*, unpaid losses and expenses unpaid at the end of the taxable year preceding the first taxable year beginning in 2018) by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill with modifications. The corporate bond yield curve means, with respect to any month, a yield curve that reflects the average, for the preceding 60-month period (not 24-month period), of monthly yields on investment grade corporate bonds with varying maturities and that are in the top three quality levels available. The present-law three-year period for discounting certain lines of business other than long-tail lines of business is not modified under the conference agreement. The present-law 10-year period for certain long tail lines of business is extended for a maximum of 14 more years (instead of 15 more years as under the House bill). The present-law election permitting a taxpayer to use its own (rather than an aggregate industry-experience-based) historical loss payment pattern is repealed.

Effective date.—The provision generally applies to taxable years beginning after December 31, 2017. Under a transitional rule for the first taxable year beginning in 2018, the amount of unpaid losses and expenses unpaid (under section 832(b)(5)(B) and (6)) and the unpaid losses (under sections 807(c)(2) and 805(a)(1)) at the end of the preceding taxable year are determined as if the provision had applied to these items in such preceding taxable year, using the interest rate and loss payment patterns for accident years ending with calendar year 2018. Any adjustment is spread over eight taxable years, *i.e.*, is included in the taxpayer's gross income ratably in the first taxable year beginning in 2018 and the seven succeeding taxable years. For taxable years subsequent to the first taxable year beginning in 2018, the provision applies to such unpaid losses and expenses unpaid (*i.e.*, unpaid losses and expenses unpaid at the end of the taxable year preceding the first taxable year beginning in 2018) by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018.

⁹⁷⁶Sec. 831(a).

⁹⁷⁷Sec. 832.

⁹⁷⁸The most recent property and casualty reserve discount factors published by Treasury are in Rev. Proc. 2016-58, 2016-51 I.R.B. 839, and see Rev. Proc. 2012-44, 2012-49 I.R.B. 645.

8. Repeal of special estimated tax payments (sec. 3708 of the House bill, sec. 13516 of the Senate amendment, and sec. 847 of the Code)

PRESENT LAW

Allowance of additional deduction and establishment of special loss discount account

Present law allows an insurance company required to discount its reserves an additional deduction that is not to exceed the excess of (1) the amount of the undiscounted unpaid losses over (2) the amount of the related discounted unpaid losses, to the extent the amount was not deducted in a preceding taxable year.⁹⁸⁰ The provision imposes the requirement that a special loss discount account be established and maintained, and that special estimated tax payments be made. Unused amounts of special estimated tax payments are treated as a section 6655 estimated tax payment for the 16th year after the year for which the special estimated tax payment was made.

The total payments by a taxpayer, including section 6655 estimated tax payments and other tax payments, together with special estimated tax payments made under this provision, are generally the same as the total tax payments that the taxpayer would make if the taxpayer did not elect to have this provision apply, except to the extent amounts can be refunded under the provision in the 16th year.

Calculation of special estimated tax payments based on tax benefit attributable to deduction

More specifically, present law imposes a requirement that the taxpayer make special estimated tax payments in an amount equal to the tax benefit attributable to the additional deduction allowed under the provision. If amounts are included in gross income as a result of a reduction in the taxpayer's special loss discount account or the liquidation or termination of the taxpayer's insurance business, and an additional tax is due for any year as a result of the inclusion, then an amount of the special estimated tax payments equal to such additional tax is applied against such additional tax. If there is an adjustment reducing the amount of additional tax against which the special estimated tax payment was applied, then in lieu of any credit or refund for the reduction, a special estimated tax payment is treated as made in an amount equal to the amount that would otherwise be allowable as a credit or refund.

The amount of the tax benefit attributable to the deduction is to be determined (under Treasury regulations (which have not been promulgated)) by taking into account tax benefits that would arise from the carryback of any net operating loss for the year as well as current year benefits. In addition, tax benefits for the current and carryback years are to take into account the benefit of filing a consolidated return with another insurance company without regard to the consolidation limitations imposed by section 1503(c).

The taxpayer's estimated tax payments under section 6655 are to be determined without regard to the additional deduction allowed under this provision and the special estimated tax payments. Legislative history⁹⁸¹ indicates that it is intended that the taxpayer may apply the amount of an overpayment of any section 6655 estimated tax payments for the taxable year against the

amount of the special estimated tax payment required under this provision. The special estimated tax payments under this provision are not treated as estimated tax payments for purposes of section 6655 (e.g., for purposes of calculating penalties or interest on underpayments of estimated tax) when such special estimated tax payments are made.

Refundable amount

To the extent that a special estimated tax payment is not used to offset additional tax due for any of the first 15 taxable years beginning after the year for which the payment was made, such special estimated tax payment is treated as an estimated tax payment made under section 6655 for the 16th year after the year for which the special estimated tax payment was made. If the amount of such deemed section 6655 payment, together with the taxpayer's other payments credited against tax liability for such 16th year, exceeds the tax liability for such year, then the excess (up to the amount of the deemed section 6655 payment) may be refunded to the taxpayer to the same extent provided under present law with respect to overpayments of tax.

Regulatory authority

In addition to the regulatory authority to adjust the amount of special estimated tax payments in the event of a change in the corporate tax rate, authority is provided to Treasury to prescribe regulations necessary or appropriate to carry out the purposes of the provision.

Such regulations include those providing for the separate application of the provision with respect to each accident year. Separate application of the provision with respect to each accident year (i.e., applying a vintaging methodology) may be appropriate under regulations to determine the amount of tax liability for any taxable year against which special estimated tax payments are applied, and to determine the amount (if any) of special estimated tax payments remaining after the 15th year which may be available to be refunded to the taxpayer.

Regulatory authority is also provided to make such adjustments in the application of the provision as may be necessary to take into account the corporate alternative minimum tax. Under this regulatory authority, rules similar to those applicable in the case of a change in the corporate tax rate are intended to apply to determine the amount of special estimated tax payments that may be applied against tax calculated at the corporate alternative minimum tax rate. The special estimated tax payments are not treated as payments of regular tax for purposes of determining the taxpayer's alternative minimum tax liability.

Regulations have not been promulgated under section 847.

HOUSE BILL

The provision repeals section 847. Thus, the election to apply section 847, the additional deduction, special loss discount account, special estimated tax payment, and refundable amount rules of present law are eliminated.

The entire balance of an existing account is included in income of the taxpayer for the first taxable year beginning after 2017, and the entire amount of existing special estimated tax payments are applied against the amount of additional tax attributable to this inclusion. Any special estimated tax payments in excess of this amount are treated as estimated tax payments under section 6655.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

9. Computation of life insurance tax reserves (sec. 13517 of the Senate amendment and sec. 807 of the Code)

PRESENT LAW

In general

In determining life insurance company taxable income, a life insurance company includes in gross income any net decrease in reserves, and deducts a net increase in reserves.⁹⁸² Methods for determining reserves for tax purposes generally are based on reserves prescribed by the National Association of Insurance Commissioners for purposes of financial reporting under State regulatory rules.

In computing the net increase or net decrease in reserves, six items are taken into account. These are (1) life insurance reserves; (2) unearned premiums and unpaid losses included in total reserves; (3) amounts that are discounted at interest to satisfy obligations under insurance and annuity contracts that do not involve life, accident, or health contingencies when the computation is made; (4) dividend accumulations and other amounts held at interest in connection with insurance and annuity contracts; (5) premiums received in advance and liabilities for premium deposit funds; and (6) reasonable special contingency reserves under contracts of group term life insurance or group accident and health insurance that are held for retired lives, premium stabilization, or a combination of both.

Life insurance reserves for any contract are the greater of the net surrender value of the contract or the reserves determined under Federally prescribed rules, but may not exceed the statutory reserve with respect to the contract (for regulatory reporting). In computing the Federally prescribed reserve for any type of contract, the taxpayer must use the tax reserve method applicable to the contract, an interest rate for discounting of reserves to take account of the time value of money, and the prevailing commissioners' standard tables for mortality or morbidity.

Interest rate

The assumed interest rate to be used in computing the Federally prescribed reserve is the greater of the applicable Federal interest rate or the prevailing State assumed interest rate. The applicable Federal interest rate is the annual rate determined by the Secretary under the discounting rules for property and casualty reserves for the calendar year in which the contract is issued. The prevailing State assumed interest rate is generally the highest assumed interest rate permitted to be used in at least 26 States in computing life insurance reserves for insurance or annuity contracts of that type as of the beginning of the calendar year in which the contract is issued. In determining the highest assumed rates permitted in at least 26 States, each State is treated as permitting the use of every rate below its highest rate.

A one-time election is permitted (revocable only with the consent of the Secretary) to apply an updated applicable Federal interest rate every five years in calculating life insurance reserves. The election is provided to take account of the fluctuations

⁹⁸⁰ Sec. 847.

⁹⁸¹ See H.R. Rep. No. 100-1104, Conference Report to accompany H.R. 4333, the Technical and Miscellaneous Revenue Act of 1988, October 21, 1988, p. 174.

⁹⁸² Sec. 807.

in market rates of return that companies experience with respect to life insurance contracts of long duration. The use of the updated applicable Federal interest rate under the election does not cause the recalculation of life insurance reserves for any prior year. Under the election no change is made to the interest rate used in determining life insurance reserves if the updated applicable Federal interest rate is less than one-half of one percentage point different from the rate used by the company in calculating life insurance reserves during the preceding five years.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision provides that for purposes of determining the deduction for increases in certain reserves of a life insurance company, the amount of the life insurance reserves for any contract (other than certain variable contracts) is the greater of (1) the net surrender value of the contract (if any), or (2) 92.87 percent of the amount determined using the tax reserve method otherwise applicable to the contract as of the date the reserve is determined. In the case of a variable contract, the amount of life insurance reserves for the contract is the sum of (1) the greater of (a) the net surrender value of the contract, or (b) the separate-account reserve amount under section 817 for the contract, plus (2) 92.87 percent of the excess (if any) of the amount determined using the tax reserve method otherwise applicable to the contract as of the date the reserve is determined over the amount determined in (1). In no event shall the reserves exceed the amount which would be taken into account in determining statutory reserves. No amount or item shall be taken into account more than once in determining any reserve. As under present law, no deduction for asset adequacy or deficiency reserves is allowed. The amount of life insurance reserves may not exceed the annual statement reserves. The provision provides reserve rules for supplemental benefits and retains present-law rules regarding certain contracts issued by foreign branches of domestic life insurance companies.

Effective date.—The proposal applies to taxable years beginning after December 31, 2017. For the first taxable year beginning after December 31, 2017, the difference in the amount of the reserve with respect to any contract at the end of the preceding taxable year and the amount of such reserve determined as if the proposal had applied for that year is taken into account for each of the eight taxable years following that preceding year, one-eighth per year.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment except that, instead of 92.87 percent, the percentage relating to the statutory reserve is 92.81 percent. More specifically, the provision provides that for purposes of determining the deduction for increases in certain reserves of a life insurance company, the amount of the life insurance reserves for any contract (other than certain variable contracts) is the greater of (1) the net surrender value of the contract (if any), or (2) 92.81 percent of the amount determined using the tax reserve method otherwise applicable to the contract as of the date the reserve is determined. In the case of a variable contract, the amount of life insurance reserves for the contract is the sum of (1) the greater of (a) the net surrender value of the contract, or (b) the separate-account reserve amount under section 817 for the contract, plus (2) 92.81 percent of the excess (if any) of

the amount determined using the tax reserve method otherwise applicable to the contract as of the date the reserve is determined over the amount determined in (1). In no event shall the reserves exceed the amount which would be taken into account in determining statutory reserves. As under present law, no deduction for asset adequacy or deficiency reserves is allowed.

The amount of life insurance reserves may not exceed the annual statement reserves. A no-double-counting rule provides that no amount or item is taken into account more than once in determining any reserve under subchapter L of the Code. For example, an amount taken into account in determining a loss reserve under section 807 may not be taken into account again in determining a loss reserve under section 832. Similarly, a loss reserve determined under the tax reserve method (whether the Commissioners Reserve Valuation Method, the Commissioner's Annuity Reserve Valuation Method, a principles-based reserve method, or another method developed in the future, that is prescribed for a type of contract by the National Association of Insurance Commissioners) may not again be taken into account in determining the portion of the reserve that is separately accounted for under section 817 or be included also in determining the net surrender value of a contract.

The provision provides reserve rules for supplemental benefits and retains present-law rules regarding certain contracts issued by foreign branches of domestic life insurance companies. The provision requires the Secretary to provide for reporting (at such time and in such manner as the Secretary shall prescribe) with respect to the opening balance and closing balance or reserves and with respect to the method of computing reserves for purposes of determining income. For this purpose, the Secretary may require that a life insurance company (including an affiliated group filing a consolidated return that includes a life insurance company) is required to report each of the line item elements of each separate account by combining them with each such item from all other separate accounts and the general account, and to report the combined amounts on a line-by-line basis on the taxpayer's return. Similarly, the Secretary may in such guidance provide that reporting on a separate account by separate account basis is generally not permitted. Under existing regulatory authority, if the Secretary determines it is necessary in order to carry out and enforce this provision, the Secretary may require e-filing or comparable filing of the return on magnetic media or other machine readable form, and may require that the taxpayer provide its annual statement via a link, electronic copy, or other similar means.

Effective date.—The provision applies to taxable years beginning after December 31, 2017. For the first taxable year beginning after December 31, 2017, the difference in the amount of the reserve with respect to any contract at the end of the preceding taxable year and the amount of such reserve determined as if the proposal had applied for that year is taken into account for each of the eight taxable years following that preceding year, one-eighth per year.

10. Modification of rules for life insurance proration for purposes of determining the dividends received deduction (sec. 13518 of the Senate amendment and sec. 812 of the Code)

PRESENT LAW

Reduction of reserve deduction and dividends received deduction to reflect untaxed income

A life insurance company is subject to proration rules in calculating life insurance company taxable income.

The proration rules reduce the company's deductions, including reserve deductions and dividends received deductions, if the life insurance company has tax-exempt income, deductible dividends received, or other similar untaxed income items, because deductible reserve increases can be viewed as being funded proportionately out of taxable and tax-exempt income.

Under the proration rules, the net increase and net decrease in reserves are computed by reducing the ending balance of the reserve items by the policyholders' share of tax-exempt interest.⁹⁸³

Similarly, under the proration rules, a life insurance company is allowed a dividends-received deduction for intercorporate dividends from nonaffiliates only in proportion to the company's share of such dividends,⁹⁸⁴ but not for the policyholders' share. Fully deductible dividends from affiliates are excluded from the application of this proration formula, if such dividends are not themselves distributions from tax-exempt interest or from dividend income that would not be fully deductible if received directly by the taxpayer. In addition, the proration rule includes in prorated amounts the increase for the taxable year in policy cash values of life insurance policies and annuity and endowment contracts.

Company's share and policyholder's share

The life insurance company proration rules provide that the company's share, for this purpose, means the percentage obtained by dividing the company's share of the net investment income for the taxable year by the net investment income for the taxable year.⁹⁸⁵ Net investment income means 95 percent of gross investment income, in the case of assets held in segregated asset accounts under variable contracts, and 90 percent of gross investment income in other cases.⁹⁸⁶

Gross investment income includes specified items.⁹⁸⁷ The specified items include interest (including tax-exempt interest), dividends, rents, royalties and other related specified items, short-term capital gains, and trade or business income. Gross investment income does not include gain (other than short-term capital gain to the extent it exceeds net long-term capital loss) that is, or is considered as, from the sale or exchange of a capital asset. Gross investment income also does not include the appreciation in the value of assets that is taken into account in computing the company's tax reserve deduction under section 817.

The company's share of net investment income, for purposes of this calculation, is the net investment income for the taxable year, reduced by the sum of (a) the policy interest for the taxable year and (b) a portion of policyholder dividends.⁹⁸⁸ Policy interest is defined to include required interest at the

⁹⁸³ Secs. 807(a)(2)(B) and (b)(1)(B).

⁹⁸⁴ Secs. 805(a)(4), 812.

⁹⁸⁵ Sec. 812(a).

⁹⁸⁶ Sec. 812(c).

⁹⁸⁷ Sec. 812(d).

⁹⁸⁸ Sec. 812(b)(1). This portion is defined as gross investment income's share of policyholder dividends.

greater of the prevailing State assumed rate or the applicable Federal rate (plus some other interest items). Present law provides that in any case where neither the prevailing State assumed interest rate nor the applicable Federal rate is used, “another appropriate rate” is used for this calculation. No statutory definition of “another appropriate rate” is provided; the law is unclear as to what rate or rates are appropriate for this purpose.⁹⁸⁹

In 2007, the IRS issued Rev. Rul. 2007-54,⁹⁹⁰ interpreting required interest under section 812(b) to be calculated by multiplying the mean of a contract’s beginning-of-year and end-of-year reserves by the greater of the applicable Federal interest rate or the prevailing State assumed interest rate, for purposes of determining separate account reserves for variable contracts. However, Rev. Rul. 2007-54 was suspended by Rev. Rul. 2007-61, in which the IRS and the Treasury Department stated that the issues would more appropriately be addressed by regulation.⁹⁹¹ No regulations have been issued to date.

General account and separate accounts

A variable contract is generally a life insurance (or annuity) contract whose death benefit (or annuity payout) depends explicitly on the investment return and market value of underlying assets.⁹⁹² The investment risk is generally that of the policyholder, not the insurer. The assets underlying variable contracts are maintained in separate accounts held by life insurers. These separate accounts are distinct from the insurer’s general account in which it maintains assets supporting products other than variable contracts.

Reserves

For Federal income tax purposes, a life insurance company includes in gross income any net decrease in reserves, and deducts a net increase in reserves.⁹⁹³ Methods for determining reserves for tax purposes generally are based on reserves prescribed by the National Association of Insurance Commissioners for purposes of financial reporting under State regulatory rules.

For purposes of determining the amount of the tax reserves for variable contracts, however, a special rule eliminates gains and losses. Under this rule,⁹⁹⁴ in determining reserves for variable contracts, realized and unrealized gains are subtracted, and realized and unrealized losses are added, whether or not the assets have been disposed of. The basis of assets in the separate account is increased to reflect appreciation, and reduced to reflect depreciation in value, that are

taken into account in computing reserves for such contracts.

Dividends received deduction

A corporate taxpayer may partially or fully deduct dividends received.⁹⁹⁵ The percentage of the allowable dividends received deduction depends on the percentage of the stock of the distributing corporation that the recipient corporation owns.

Limitation on dividends received deduction under section 246(c)(4)

The dividends received deduction is not allowed with respect to stock either (1) held for 45 days or less during a 91-day period beginning 45 days before the ex-dividend date, or (2) to the extent the taxpayer is under an obligation to make related payments with respect to positions in substantially similar or related property.⁹⁹⁶ The taxpayer’s holding period is reduced for periods during which its risk of loss is reduced.⁹⁹⁷

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies the life insurance company proration rule for reducing dividends received deductions and reserve deductions with respect to untaxed income. For purposes of the life insurance proration rule of section 805(a)(4), the company’s share is 70 percent. The policyholder’s share is 30 percent.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

11. Capitalization of certain policy acquisition expenses (sec. 13519 of the Senate amendment and sec. 848 of the Code)

PRESENT LAW

In the case of an insurance company, specified policy acquisition expenses for any taxable year are required to be capitalized, and generally are amortized over the 120-month period beginning with the first month in the second half of the taxable year.⁹⁹⁸

A special rule provides for 60-month amortization of the first \$5 million of specified policy acquisition expenses with a phase-out. The phase-out reduces the amount amortized over 60 months by the excess of the insurance company’s specified policy acquisition expenses for the taxable year over \$10 million.

Specified policy acquisition expenses are determined as that portion of the insurance company’s general deductions for the taxable year that does not exceed a specific percentage of the net premiums for the taxable year on each of three categories of insurance contracts. For annuity contracts, the percentage is 1.75; for group life insurance contracts, the percentage is 2.05; and for all other specified insurance contracts, the percentage is 7.7.

With certain exceptions, a specified insurance contract is any life insurance, annuity,

or noncancellable accident and health insurance contract or combination thereof. A group life insurance contract is any life insurance contract that covers a group of individuals defined by reference to employment relationship, membership in an organization, or similar factor, the premiums for which are determined on a group basis, and the proceeds of which are payable to (or for the benefit of) persons other than the employer of the insured, an organization to which the insured belongs, or other similar person.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision extends the amortization period for specified policy acquisition expenses from a 120-month period to the 180-month period beginning with the first month in the second half of the taxable year. The provision does not change the special rule providing for 60-month amortization of the first \$5 million of specified policy acquisition expenses (with phaseout). The provision provides that for annuity contracts, the percentage is 2.1 percent; for group life insurance contracts, the percentage is 2.46 percent; and for all other specified insurance contracts, the percentage is 9.24 percent.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with modifications. Under the conference agreement, the amortization period is 180 months. For annuity contracts, the percentage is 2.09 percent; for group life insurance contracts, the percentage is 2.45 percent; and for all other specified insurance contracts, the percentage is 9.20 percent.

2. Tax reporting for life settlement transactions, clarification of tax basis of life insurance contracts, and exception to transfer for valuable consideration rules (secs. 13518 through 13520 of the Senate amendment and secs. 101, 1016, and 6050X of the Code)

PRESENT LAW

An exclusion from Federal income tax is provided for amounts received under a life insurance contract paid by reason of the death of the insured.⁹⁹⁹

⁹⁸⁹ Legislative history of section 812 mentions that the general concept that items of investment yield should be allocated between policyholders and the company was retained from prior law. H. Rep. 98-861, Conference Report to accompany H.R. 4170, the Deficit Reduction Act of 1984, 98th Cong., 2d Sess., 1065 (June 23, 1984). This concept is referred to in Joint Committee on Taxation, *General Explanation of the Revenue Provisions of the Deficit Reduction Act of 1984*, JCS-41-84, December 31, 1984, p. 622, stating, “[u]nder the Act, the formula used for purposes of determining the policyholders’ share is based generally on the proration formula used under prior law in computing gain or loss from operations (i.e., by reference to ‘required interest’).” This may imply that a reference to pre-1984-law regulations may be appropriate. See Rev. Rul. 2003-120, 2003-2 C.B. 1154, and Technical Advice Memoranda 20038008 and 200339049.

⁹⁹⁰ 2007-38 I.R.B. 604.

⁹⁹¹ 2007-42 I.R.B. 799.

⁹⁹² Section 817(d) provides a more detailed definition of a variable contract.

⁹⁹³ Sec. 807.

⁹⁹⁴ Sec. 817.

⁹⁹⁵ Sec. 243 *et seq.* Conceptually, dividends received by a corporation are retained in corporate solution; these amounts are taxed when distributed to noncorporate shareholders.

⁹⁹⁶ Sec. 246(c).

⁹⁹⁷ Sec. 246(c)(4). For this purpose, the holding period is reduced for periods in which (1) the taxpayer has an obligation to sell or has shorted substantially similar stock; (2) the taxpayer has granted an option to buy substantially similar stock; or (3) under Treasury regulations, the taxpayer has diminished its risk of loss by holding other positions with respect to substantially similar or related property.

⁹⁹⁸ Sec. 848.

⁹⁹⁹ Sec. 101(a)(1). In the case of certain accelerated death benefits and viatical settlements, special rules treat certain amounts as amounts paid by reason of the death of an insured (that is, generally, excludable from income). Sec. 101(g). The rules relating to accelerated death benefits provide that amounts treated as paid by reason of the death of the insured include any amount received under a life insurance contract on the life of an insured who is a terminally ill individual, or who is a chronically ill individual (provided certain requirements are met). For this purpose, a terminally ill individual is one who has been certified by a physician as having an illness or physical condition which can reasonably be expected to result in death in 24 months or less after the date of the certification. A chronically ill individual is one who has been certified by a licensed health care practitioner within the preceding 12-month period as meeting certain ability-related requirements. In the case of a viatical settlement, if any portion of the death benefit under a life insurance contract on the life of an insured who is terminally ill or chronically ill is sold to a viatical settlement provider, the amount paid for the sale or assignment of that portion is treated as an amount paid under the life insurance contract by reason of the death of the insured (that is, generally, excludable from income). For this purpose, a viatical settlement provider is a person regularly engaged in the trade or business of purchasing, or taking assignments of, life insurance contracts on the lives of terminally ill or chronically ill individuals (provided certain requirements are met).

Under rules known as the transfer for value rules, if a life insurance contract is sold or otherwise transferred for valuable consideration, the amount paid by reason of the death of the insured that is excludable generally is limited.¹⁰⁰⁰ Under the limitation, the excludable amount may not exceed the sum of (1) the actual value of the consideration, and (2) the premiums or other amounts subsequently paid by the transferee of the contract. Thus, for example, if a person buys a life insurance contract, and the consideration he pays combined with his subsequent premium payments on the contract are less than the amount of the death benefit he later receives under the contract, then the difference is includable in the buyer's income.

Exceptions are provided to the limitation on the excludable amount. The limitation on the excludable amount does not apply if (1) the transferee's basis in the contract is determined in whole or in part by reference to the transferor's basis in the contract,¹⁰⁰¹ or (2) the transfer is to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer.¹⁰⁰²

IRS guidance sets forth more details of the tax treatment of a life insurance policyholder who sells or surrenders the life insurance contract and the tax treatment of other sellers and of buyers of life insurance contracts. The guidance relates to the character of taxable amounts (ordinary or capital) and to the taxpayer's basis in the life insurance contract.

In Revenue Ruling 2009-13,¹⁰⁰³ the IRS ruled that income recognized under section 72(e) on surrender to the life insurance company of a life insurance contract with cash value is ordinary income. In the case of sale of a cash value life insurance contract, the IRS ruled that the insured's (seller's) basis is reduced by the cost of insurance, and the gain on sale of the contract is ordinary income to the extent of the amount that would be recognized as ordinary income if the contract were surrendered (the "inside buildup"), and any excess is long-term capital gain. Gain on the sale of a term life insurance contract (without cash surrender value) is long-term capital gain under the ruling.

In Revenue Ruling 2009-14,¹⁰⁰⁴ the IRS ruled that under the transfer for value rules, a portion of the death benefit received by a buyer of a life insurance contract on the death of the insured is includable as ordinary income. The portion is the excess of the death benefit over the consideration and other amounts (e.g., premiums) paid for the contract. Upon sale of the contract by the purchaser of the contract, the gain is long-term capital gain, and in determining the gain, the basis of the contract is not reduced by the cost of insurance.

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

The provision imposes reporting requirements in the case of the purchase of an existing life insurance contract in a reportable policy sale and imposes reporting requirements on the payor in the case of the payment of reportable death benefits. The provi-

sion sets forth rules for determining the basis of a life insurance or annuity contract. Lastly, the provision modifies the transfer for value rules in a transfer of an interest in a life insurance contract in a reportable policy sale.

Reporting requirements for acquisitions of life insurance contracts

Reporting upon acquisition of life insurance contract

The reporting requirement applies to every person who acquires a life insurance contract, or any interest in a life insurance contract, in a reportable policy sale during the taxable year. A reportable policy sale means the acquisition of an interest in a life insurance contract, directly or indirectly, if the acquirer has no substantial family, business, or financial relationship with the insured (apart from the acquirer's interest in the life insurance contract). An indirect acquisition includes the acquisition of an interest in a partnership, trust, or other entity that holds an interest in the life insurance contract.

Under the reporting requirement, the buyer reports information about the purchase to the IRS, to the insurance company that issued the contract, and to the seller. The information reported by the buyer about the purchase is (1) the buyer's name, address, and taxpayer identification number ("TIN"), (2) the name, address, and TIN of each recipient of payment in the reportable policy sale, (3) the date of the sale, (4) the name of the issuer, and (5) the amount of each payment. The statement the buyer provides to any issuer of a life insurance contract is not required to include the amount of the payment or payments for the purchase of the contract.

Reporting of seller's basis in the life insurance contract

On receipt of a report described above, or on any notice of the transfer of a life insurance contract to a foreign person, the issuer is required to report to the IRS and to the seller (1) the name, address, and TIN of the seller or the transferor to a foreign person, (2) the basis of the contract (i.e., the investment in the contract within the meaning of section 72(e)(6)), and (3) the policy number of the contract. Notice of the transfer of a life insurance contract to a foreign person is intended to include any sort of notice, including information provided for nontax purposes such as change of address notices for purposes of sending statements or for other purposes, or information relating to loans, premiums, or death benefits with respect to the contract.

Reporting with respect to reportable death benefits

When a reportable death benefit is paid under a life insurance contract, the payor insurance company is required to report information about the payment to the IRS and to the payee. Under this reporting requirement, the payor reports (1) the name, address and TIN of the person making the payment, (2) the name, address, and TIN of each recipient of a payment, (3) the date of each such payment, (4) the gross amount of the payment (5) the payor's estimate of the buyer's basis in the contract. A reportable death benefit means an amount paid by reason of the death of the insured under a life insurance contract that has been transferred in a reportable policy sale.

For purposes of these reporting requirements, a payment means the amount of cash and the fair market value of any consideration transferred in a reportable policy sale.

Determination of basis

The provision provides that in determining the basis of a life insurance or annuity contract, no adjustment is made for mortality, expense, or other reasonable charges incurred under the contract (known as "cost of insurance"). This reverses the position of the IRS in Revenue Ruling 2009-13 that on sale of a cash value life insurance contract, the insured's (seller's) basis is reduced by the cost of insurance.

Scope of transfer for value rules

The provision provides that the exceptions to the transfer for value rules do not apply in the case of a transfer of a life insurance contract, or any interest in a life insurance contract, in a reportable policy sale. Thus, some portion of the death benefit ultimately payable under such a contract may be includable in income.

Effective date.—Under the provision, the reporting requirement is effective for reportable policy sales occurring after December 31, 2017, and reportable death benefits paid after December 31, 2017. The clarification of the basis rules for life insurance and annuity contracts is effective for transactions entered into after August 25, 2009. The modification of exception to the transfer for value rules is effective for transfers occurring after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

I. Compensation¹⁰⁰⁵

1. Modification of limitation on excessive employee remuneration (sec. 3801 of the House bill, sec. 13601 of the Senate amendment, and sec. 162(m) of the Code)

PRESENT LAW

In general

An employer generally may deduct reasonable compensation for personal services as an ordinary and necessary business expense. Section 162(m) provides an explicit limitation on the deductibility of compensation expenses in the case of publicly traded corporate employers. The otherwise allowable deduction for compensation with respect to a covered employee of a publicly held corporation¹⁰⁰⁶ is limited to no more than \$1 million per year.¹⁰⁰⁷ The deduction limitation applies when the deduction attributable to the compensation would otherwise be taken.

Covered employees

Section 162(m) defines a covered employee as (1) the chief executive officer of the corporation (or an individual acting in such capacity) as of the close of the taxable year and (2) any employee whose total compensation is required to be reported to shareholders under the Securities Exchange Act of 1934 ("Exchange Act") by reason of being among the corporation's four most highly compensated officers for the taxable year (other than the chief executive officer).¹⁰⁰⁸ Treasury regulations under section 162(m) provide that whether an employee is the chief executive officer or among the four most highly compensated officers should be

¹⁰⁰⁵ Provisions relating to retirement plans are discussed in Part I.E.

¹⁰⁰⁶ A corporation is treated as publicly held if it has a class of common equity securities that is required to be registered under section 12 of the Securities Exchange Act of 1934. Section 162(m)(2).

¹⁰⁰⁷ Sec. 162(m). This deduction limitation applies for purposes of the regular income tax and the alternative minimum tax.

¹⁰⁰⁸ Sec. 162(m)(3).

¹⁰⁰⁰ Sec. 101(a)(2).

¹⁰⁰¹ Sec. 101(a)(2)(A).

¹⁰⁰² Sec. 101(a)(2)(B).

¹⁰⁰³ 2009-21 I.R.B. 1029.

¹⁰⁰⁴ 2009-21 I.R.B. 1031.

determined pursuant to the executive compensation disclosure rules promulgated under the Exchange Act.

In 2006, the Securities and Exchange Commission amended certain rules relating to executive compensation, including which officers' compensation must be disclosed under the Exchange Act. Under the new rules, such officers are (1) the principal executive officer (or an individual acting in such capacity), (2) the principal financial officer (or an individual acting in such capacity), and (3) the three most highly compensated officers, other than the principal executive officer or principal financial officer.

In response to the Securities and Exchange Commission's new disclosure rules, the Internal Revenue Service issued updated guidance on identifying which employees are covered by section 162(m).¹⁰⁰⁹ The new guidance provides that "covered employee" means any employee who is (1) as of the close of the taxable year, the principal executive officer (or an individual acting in such capacity) defined in reference to the Exchange Act, or (2) among the three most highly compensated officers¹⁰¹⁰ for the taxable year (other than the principal executive officer or principal financial officer), again defined by reference to the Exchange Act. Thus, under current guidance, only four employees are covered under section 162(m) for any taxable year. Under Treasury regulations, the requirement that the individual meet the criteria as of the last day of the taxable year applies to both the principal executive officer and the three highest compensated officers.¹⁰¹¹

Definition of publicly held corporation

For purposes of the deduction disallowance of section 162(m), a publicly held corporation means any corporation issuing any class of common equity securities required to be registered under section 12 of the Securities Exchange Act of 1934.¹⁰¹² All U.S. publicly traded companies are subject to this registration requirement, including their foreign affiliates. A foreign company publicly traded through American depository receipts ("ADRs") is also subject to this registration requirement if more than 50 percent of the issuer's outstanding voting securities are held, directly or indirectly, by residents of United States and either (i) the majority of the executive officers or directors are United States citizens or residents, (ii) more than 50 percent of the assets of the issuer are located in the United States, or (iii) the business of the issuer is administered principally in the United States. Other foreign companies are not subject to the registration requirement.

Remuneration subject to the deduction limitation

In general

Unless specifically excluded, the deduction limitation applies to all remuneration for services, including cash and the cash value of all remuneration (including benefits) paid in a medium other than cash. If an individual is a covered employee for a taxable year, the deduction limitation applies to all compensation not explicitly excluded from the deduction limitation, regardless of whether the compensation is for services as a covered employee and regardless of when the compensation was earned. The \$1 million cap is

reduced by excess parachute payments (as defined in section 280G) that are not deductible by the corporation.¹⁰¹³

Certain types of compensation are not subject to the deduction limit and are not taken into account in determining whether other compensation exceeds \$1 million. The following types of compensation are not taken into account: (1) remuneration payable on a commission basis¹⁰¹⁴; (2) remuneration payable solely on account of the attainment of one or more performance goals if certain outside director and shareholder approval requirements are met ("performance-based compensation")¹⁰¹⁵; (3) payments to a tax-favored retirement plan (including salary reduction contributions); (4) amounts that are excludable from the executive's gross income (such as employer-provided health benefits and miscellaneous fringe benefits¹⁰¹⁶); and (5) any remuneration payable under a written binding contract which was in effect on February 17, 1993. In addition, remuneration does not include compensation for which a deduction is allowable after a covered employee ceases to be a covered employee. Thus, the deduction limitation often does not apply to deferred compensation that is otherwise subject to the deduction limitation (e.g., is not performance-based compensation) because the payment of compensation is deferred until after termination of employment.

Performance-based compensation

Compensation qualifies for the exception for performance-based compensation only if (1) it is paid solely on account of the attainment of one or more performance goals, (2) the performance goals are established by a compensation committee consisting solely of two or more outside directors,¹⁰¹⁷ (3) the material terms under which the compensation is to be paid, including the performance goals, are disclosed to and approved by the shareholders in a separate majority-approved vote prior to payment, and (4) prior to payment, the compensation committee certifies that the performance goals and any other material terms were in fact satisfied.

Compensation (other than stock options or other stock appreciation rights ("SARs")) is not treated as paid solely on account of the attainment of one or more performance goals unless the compensation is paid to the particular executive pursuant to a pre-established objective performance formula or standard that precludes discretion. A stock option or SAR with an exercise price not less than the fair market value, on the date the option or SAR is granted, of the stock subject to the option or SAR, generally is treated as meeting the exception for performance-based compensation, provided that the requirements for outside director and shareholder approval are met (without the need for certification that the performance standards have been met). This is the case because the amount of compensation attributable to the options or SARs received by the executive is based solely on an increase in the cor-

poration's stock price. Stock-based compensation is not treated as performance-based if it depends on factors other than corporate performance.

HOUSE BILL

Definition of covered employee

The provision revises the definition of covered employee to include both the principal executive officer and the principal financial officer. Further, an individual is a covered employee if the individual holds one of these positions at any time during the taxable year. The provision also defines as a covered employee the three (rather than four) most highly compensated officers for the taxable year (other than the principal executive officer or principal financial officer) who are required to be reported on the company's proxy statement (i.e., the statement required pursuant to executive compensation disclosure rules promulgated under the Exchange Act) for the taxable year (or who would be required to be reported on such a statement for a company not required to make such a report to shareholders). This includes such officers of a corporation not required to file a proxy statement but which otherwise falls within the revised definition of a publicly held corporation, as well as such officers of a publicly traded corporation that would otherwise have been required to file a proxy statement for the year (for example, but for the fact that the corporation delisted its securities or underwent a transaction that resulted in the nonapplication of the proxy statement requirement).

In addition, if an individual is a covered employee with respect to a corporation for a taxable year beginning after December 31, 2016, the individual remains a covered employee for all future years. Thus, an individual remains a covered employee with respect to compensation otherwise deductible for subsequent years, including for years during which the individual is no longer employed by the corporation and years after the individual has died. Compensation does not fail to be compensation with respect to a covered employee and thus subject to the deduction limit for a taxable year merely because the compensation is includible in the income of, or paid to, another individual, such as compensation paid to a beneficiary after the employee's death, or to a former spouse pursuant to a domestic relations order.

Definition of publicly held corporation

The provision extends the applicability of section 162(m) to include all domestic publicly traded corporations and all foreign companies publicly traded through ADRs. The proposed definition may include certain additional corporations that are not publicly traded, such as large private C or S corporations.

Performance-based compensation and commissions exceptions

The provision eliminates the exceptions for commissions and performance-based compensation from the definition of compensation subject to the deduction limit. Thus, such compensation is taken into account in determining the amount of compensation with respect to a covered employee for a taxable year that exceeds \$1 million and is thus not deductible under section 162.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill, except that it adds a transition rule for

¹⁰⁰⁹ Notice 2007-49, 2007-25 I.R.B. 1429.

¹⁰¹⁰ By reason of being among the officers whose total compensation is required to be reported to shareholders under the Securities Exchange Act of 1934.

¹⁰¹¹ Treas. Reg. sec. 1.162-27(c)(2).

¹⁰¹² Sec. 162(m)(2).

¹⁰¹³ Sec. 162(m)(4)(F).

¹⁰¹⁴ Sec. 162(m)(4)(B).

¹⁰¹⁵ Sec. 162(m)(4)(C).

¹⁰¹⁶ Secs. 105, 106, and 132.

¹⁰¹⁷ A director is considered an outside director if he or she is not a current employee of the corporation (or related entities), is not a former employee of the corporation (or related entities) who is receiving compensation for prior services (other than benefits under a qualified retirement plan), was not an officer of the corporation (or related entities) at any time, and is not currently receiving compensation for personal services in any capacity (e.g., for services as a consultant) other than as a director.

remuneration which is provided pursuant to a written binding contract which was in effect on November 2, 2017 and which was not modified in any material respect on or after such date.

Effective date.—The provision applies to taxable years beginning after December 31, 2017. A transition rule applies to remuneration which is provided pursuant to a written binding contract which was in effect on November 2, 2017 and which was not modified in any material respect on or after such date.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. For purposes of the transition rule, compensation paid pursuant to a plan qualifies for this exception provided that the right to participate in the plan is part of a written binding contract with the covered employee in effect on November 2, 2017. For example, suppose a covered employee was hired by XYZ Corporation on October 2, 2017 and one of the terms of the written employment contract is that the executive is eligible to participate in the 'XYZ Corporation Executive Deferred Compensation Plan' in accordance with the terms of the plan. Assume further that the terms of the plan provide for participation after 6 months of employment, amounts payable under the plan are not subject to discretion, and the corporation does not have the right to amend materially the plan or terminate the plan (except on a prospective basis before any services are performed with respect to the applicable period for which such compensation is to be paid). Provided that the other conditions of the binding contract exception are met (e.g., the plan itself is in writing), payments under the plan are grandfathered, even though the employee was not actually a participant in the plan on November 2, 2017.¹⁰¹⁸

The fact that a plan was in existence on November 2, 2017 is not by itself sufficient to qualify the plan for the exception for binding written contracts.

The exception for remuneration paid pursuant to a binding written contract ceases to apply to amounts paid after there has been a material modification to the terms of the contract. The exception does not apply to new contracts entered into or renewed after November 2, 2017. For purposes of this rule, any contract that is entered into on or before November 2, 2017 and that is renewed after such date is treated as a new contract entered into on the day the renewal takes effect. A contract that is terminable or cancelable unconditionally at will by either party to the contract without the consent of the other, or by both parties to the contract, is treated as a new contract entered into on the date any such termination or cancellation, if made, would be effective. However, a contract is not treated as so terminable or cancelable if it can be terminated or cancelled only by terminating the employment relationship of the covered employee.

2. Excise tax on excess tax-exempt organization executive compensation (sec. 3802 of the House bill, sec. 13602 of the Senate amendment, and sec. 4960 of the Code)

PRESENT LAW

Taxable employers and other service recipients generally may deduct reasonable compensation expenses.¹⁰¹⁹ However, in some cases, compensation in excess of specific levels is not deductible.

A publicly held corporation generally cannot deduct more than \$1 million of com-

pensation (that is not compensation otherwise excepted from this limit) in a taxable year for each "covered employee."¹⁰²⁰ For this purpose, a covered employee is the corporation's principal executive officer (or an individual acting in such capacity) defined in reference to the Securities Exchange Act of 1934 ("Exchange Act") as of the close of the taxable year, or any employee whose total compensation is required to be reported to shareholders under the Exchange Act by reason of being among the corporation's three most highly compensated officers for the taxable year (other than the principal executive officer or principal financial officer).¹⁰²¹

Unless an exception applies, generally a corporation cannot deduct that portion of the aggregate present value of a "parachute payment" which equals or exceeds three times the "base amount" of certain service providers. The nondeductible excess is an "excess parachute payment."¹⁰²² A parachute payment is generally a payment of compensation that is contingent on a change in corporate ownership or control made to certain officers, shareholders, and highly compensated individuals.¹⁰²³ An individual's base amount is the average annualized compensation includible in the individual's gross income for the five taxable years ending before the date on which the change in ownership or control occurs.¹⁰²⁴ Certain amounts are not considered parachute payments, including payments under a qualified retirement plan, a simplified employee pension plan, or a simple retirement account.¹⁰²⁵

These deduction limits generally do not affect a tax-exempt organization.

HOUSE BILL

Under the provision, an employer is liable for an excise tax equal to 20 percent of the sum of (1) any remuneration (other than an excess parachute payment) in excess of \$1 million paid to a covered employee by an applicable tax-exempt organization for a taxable year, and (2) any excess parachute payment (under a new definition for this purpose that relates solely to separation pay) paid by the applicable tax-exempt organization to a covered employee. Accordingly, the excise tax applies as a result of an excess parachute payment, even if the covered employee's remuneration does not exceed \$1 million.

For purposes of the provision, a covered employee is an employee (including any former employee) of an applicable tax-exempt organization if the employee is one of the five highest compensated employees of the organization for the taxable year or was a covered employee of the organization (or a predecessor) for any preceding taxable year beginning after December 31, 2016. An "applicable tax-exempt organization" is an organization exempt from tax under section 501(a), an exempt farmers' cooperative,¹⁰²⁶ a Federal, State or local governmental entity with excludable income,¹⁰²⁷ or a political organization.¹⁰²⁸

Remuneration means wages as defined for income tax withholding purposes,¹⁰²⁹ but does not include any designated Roth con-

tribution.¹⁰³⁰ Remuneration of a covered employee includes any remuneration paid with respect to employment of the covered employee by any person or governmental entity related to the applicable tax-exempt organization. A person or governmental entity is treated as related to an applicable tax-exempt organization if the person or governmental entity (1) controls, or is controlled by, the organization, (2) is controlled by one or more persons that control the organization, (3) is a supported organization¹⁰³¹ during the taxable year with respect to the organization, (4) is a supporting organization¹⁰³² during the taxable year with respect to the organization, or (5) in the case of a voluntary employees' beneficiary association ("VEBA"),¹⁰³³ establishes, maintains, or makes contributions to the VEBA. However, remuneration of a covered employee that is not deductible by reason of the \$1 million limit on deductible compensation is not taken into account for purposes of the provision.

Under the provision, an excess parachute payment is the amount by which any parachute payment exceeds the portion of the base amount allocated to the payment. A parachute payment is a payment in the nature of compensation to (or for the benefit of) a covered employee if the payment is contingent on the employee's separation from employment and the aggregate present value of all such payments equals or exceeds three times the base amount. The base amount is the average annualized compensation includible in the covered employee's gross income for the five taxable years ending before the date of the employee's separation from employment. Parachute payments do not include payments under a qualified retirement plan, a simplified employee pension plan, a simple retirement account, a tax-deferred annuity,¹⁰³⁴ or an eligible deferred compensation plan of a State or local government employer.¹⁰³⁵

The employer of a covered employee is liable for the excise tax. If remuneration of a covered employee from more than one employer is taken into account in determining the excise tax, each employer is liable for the tax in an amount that bears the same ratio to the total tax as the remuneration paid by that employer bears to the remuneration paid by all employers to the covered employee.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that remuneration is treated as paid when there is no substantial risk of forfeiture of the rights to such remuneration. In addition, the definition of remuneration for this purpose includes amounts required to be included in gross income under section 457(f).¹⁰³⁶

¹⁰³⁰ Under section 402A(c), a designated Roth contribution is an elective deferral (that is, a contribution to a tax-favored employer-sponsored retirement plan made at the election of an employee) that the employee designates as not being excludable from income.

¹⁰³¹ Sec. 509(f)(3).

¹⁰³² Sec. 509(a)(3).

¹⁰³³ Sec. 501(c)(9).

¹⁰³⁴ Sec. 403(b).

¹⁰³⁵ Sec. 457(b).

¹⁰³⁶ Sec. 457(f) applies to an "ineligible" deferred compensation plan of a State or local government or a tax-exempt employer (that is, a plan that does not meet the requirements to be an eligible plan under section 457(b)). Under an ineligible plan, deferred

Continued

¹⁰¹⁸ As discussed in the text below, the grandfather ceases to apply if the plan is materially amended.

¹⁰¹⁹ Sec. 162(a)(1).

¹⁰²⁰ Sec. 162(m)(1). Under section 162(m)(6), limits apply to deductions for compensation of individuals performing services for certain health insurance providers.

¹⁰²¹ Notice 2007-49, 2007-2 I.R.B. 1429.

¹⁰²² Sec. 280G(a) and (b)(1).

¹⁰²³ Sec. 280G(b)(2) and (c).

¹⁰²⁴ Sec. 280G(b)(3).

¹⁰²⁵ Secs. 401(a), 403(a), 408(k), and 408(p).

¹⁰²⁶ Sec. 521(b).

¹⁰²⁷ Sec. 115(1).

¹⁰²⁸ Sec. 527(e)(1).

¹⁰²⁹ Sec. 3401(a).

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with modifications. Under the conference agreement, the tax rate is equal to corporate tax rate, which is 21 percent under the conference agreement. In addition, for purposes of the requirement to treat remuneration as paid when the rights to the remuneration are no longer subject to a substantial risk of forfeiture, the conference agreement clarifies that “substantial risk of forfeiture” is based on the definition under section 457(f)(3)(B) which applies to ineligible deferred compensation subject to section 457(f). Accordingly, the tax imposed by this provision can apply to the value of remuneration that is vested (and any increases in such value or vested remuneration) under this definition, even if it is not yet received.

The conference agreement exempts compensation paid to employees who are not highly compensated employees (within the meaning of section 414(q)) from the definition of parachute payment, and also exempts compensation attributable to medical services of certain qualified medical professionals from the definitions of remuneration and parachute payment. For purposes of determining a covered employee, remuneration paid to a licensed medical professional which is directly related to the performance of medical or veterinary services by such professional is not taken into account, whereas remuneration paid to such a professional in any other capacity is taken into account. A medical professional for this purpose includes a doctor, nurse, or veterinarian.

3. Treatment of qualified equity grants (sec. 3803 of the House bill, sec. 13603 of the Senate amendment, and secs. 83, 3401, and 6051 of the Code)

PRESENT LAW

Income tax treatment of employer stock transferred to an employee

Specific rules apply to property, including employer stock, transferred to an employee in connection with the performance of services.¹⁰³⁷ These rules govern the amount and timing of income inclusion by the employee and the amount and timing of the employer's compensation deduction.

Under these rules, an employee generally must recognize income in the taxable year in which the employee's right to the stock is transferable or is not subject to a substantial risk of forfeiture, whichever occurs earlier (referred to herein as “substantially vested”). Thus, if the employee's right to the stock is substantially vested when the stock is transferred to the employee, the employee recognizes income in the taxable year of such transfer, in an amount equal to the fair market value of the stock as of the date of transfer (less any amount paid for the stock). If at the time the stock is transferred to the employee, the employee's right to the stock is not substantially vested (referred to herein as “nonvested”), the employee does

not recognize income attributable to the stock transfer until the taxable year in which the employee's right becomes substantially vested. In this case, the amount includible in the employee's income is the fair market value of the stock as of the date that the employee's right to the stock is substantially vested (less any amount paid for the stock). However, if the employee's right to the stock is nonvested at the time the stock is transferred to employee, under section 83(b), the employee may elect within 30 days of transfer to recognize income in the taxable year of transfer, referred to as a “section 83(b)” election.¹⁰³⁸ If a proper and timely election under section 83(b) is made, the amount of compensatory income is capped at the amount equal to the fair market value of the stock as of the date of transfer (less any amount paid for the stock). A section 83(b) election is available with respect to grants of “restricted stock” (nonvested stock), and does not generally apply to the grant of options.

In general, an employee's right to stock or other property is subject to a substantial risk of forfeiture if the employee's right to full enjoyment of the property is subject to a condition, such as the future performance of substantial services.¹⁰³⁹ An employee's right to stock or other property is transferable if the employee can transfer an interest in the property to any person other than the transferor of the property.¹⁰⁴⁰ Thus, generally, employer stock transferred to an employee by an employer is not transferable merely because the employee can sell it back to the employer.

In the case of stock transferred to an employee, the employer is allowed a deduction (to the extent a deduction for a business expense is otherwise allowable) equal to the amount included in the employee's income as a result of transfer of the stock.¹⁰⁴¹ The employer deduction generally is permitted in the employer's taxable year in which or with which ends the employee's taxable year when the amount is included and properly reported in the employee's income.¹⁰⁴²

These rules do not apply to the grant of a nonqualified option on employer stock unless the option has a readily ascertainable fair market value.¹⁰⁴³ Instead, these rules apply to the transfer of employer stock by the employee on exercise of the option. That is, if the right to the stock is substantially vested on transfer (the time of exercise), income recognition applies for the taxable year of transfer. If the right to the stock is nonvested on transfer, the timing of income inclusion is determined under the rules applicable to the transfer of nonvested stock. In either case, the amount includible in income by the employee is the fair market value of the stock as of the required time of income inclusion, less the exercise price paid

by the employee. A section 83(b) election generally does not apply to the grant of options. If upon the exercise of an option, nonvested stock is transferred to the employee, a section 83(b) election may apply. The employer's deduction is generally determined under the rules that apply to transfers of restricted stock, but a special accrual rule may apply under Treasury regulations when the transferred stock is substantially vested.¹⁰⁴⁴

Employment taxes and reporting

Employment taxes generally consist of taxes under the Federal Insurance Contributions Act (“FICA”), tax under the Federal Unemployment Tax Act (“FUTA”), and income taxes required to be withheld by employers from wages paid to employees (“income tax withholding”).¹⁰⁴⁵ Unless an exception applies under the applicable rules, compensation provided to an employee constitutes wages subject to these taxes.

FICA imposes tax on employers and employees, generally based on the amount of wages paid to an employee during the year. Special rules as to the timing and amount of FICA taxes apply in the case of nonqualified deferred compensation, as defined for FICA purposes.¹⁰⁴⁶

The tax imposed on the employer and on the employee is each composed of two parts: (1) the Social Security or old age, survivors, and disability insurance (“OASDI”) tax equal to 6.2 percent of covered wages up to the OASDI wage base (\$127,200 for 2017); and (2) the Medicare or hospital insurance (“HI”) tax equal to 1.45 percent of all covered wages.¹⁰⁴⁷ The employee portion of FICA tax generally must be withheld and, along with the employer portion, remitted to the Federal government by the employer. FICA tax withholding applies regardless of whether compensation is provided in the form of cash or a noncash form, such as a transfer of property (including employer stock) or in-kind benefits.¹⁰⁴⁸

FUTA imposes a tax on employers of six percent of wages up to the FUTA wage base of \$7,000.

Income tax withholding generally applies when wages are paid by an employer to an employee, based on graduated withholding rates set out in tables published by the Internal Revenue Service (“IRS”).¹⁰⁴⁹ Like FICA tax withholding, income tax withholding applies regardless of whether compensation is provided in the form of cash or

¹⁰⁴⁴ Treas. Reg. sec. 1.83-6(a)(3).

¹⁰⁴⁵ Secs. 3101-3128 (FICA), 3301-3311 (FUTA), and 3401-3404 (income tax withholding). Instead of FICA taxes, railroad employers and employees are subject, under the Railroad Retirement Tax Act (“RRTA”), sections 3201-3241, to taxes equivalent to FICA taxes with respect to compensation as defined for RRRA purposes. Sections 3501-3510 provide additional rules relating to all these taxes.

¹⁰⁴⁶ Sec. 3121(v); Treas. Reg. sec. 31.3121(v)(2).

¹⁰⁴⁷ The employee portion of the HI tax under FICA (not the employer portion) is increased by an additional tax of 0.9 percent on wages received in excess of a threshold amount. The threshold amount is \$250,000 in the case of a joint return, \$125,000 in the case of a married individual filing a separate return, and \$200,000 in any other case.

¹⁰⁴⁸ Under section 3501(b), employment taxes with respect to noncash fringe benefits are to be collected (or paid) by the employer at the time and in the manner prescribed by the Secretary of the Treasury (“Treasury”). Announcement 85-113, 1985-31 I.R.B. 31, provides guidance on the application of employment taxes with respect to noncash fringe benefits.

¹⁰⁴⁹ Sec. 3402. Specific withholding rates apply in the case of supplemental wages.

amounts are treated as nonqualified deferred compensation and includible in income for the first taxable year in which there is no substantial risk of forfeiture of the rights to such compensation. For this purpose, a person's rights to compensation are subject to a substantial risk of forfeiture if the rights are conditioned on the future performance of substantial services by any individual. Earnings post-vesting are generally taxed when paid.

¹⁰³⁷ Sec. 83. Section 83 applies generally to transfers of any property, not just employer stock, in connection with the performance of services by any service provider, not just an employee. However, the provision described herein applies only with respect to certain employer stock transferred to employees.

¹⁰³⁸ Under Treas. Reg. sec. 1.83-2, the employee makes an election by filing with the Internal Revenue Service a written statement that includes the fair market value of the property at the time of transfer and the amount (if any) paid for the property. The employee must also provide a copy of the statement to the employer.

¹⁰³⁹ See section 83(c)(1) and Treas. Reg. sec. 1.83-3(c) for the definition of substantial risk of forfeiture.

¹⁰⁴⁰ Treas. Reg. sec. 1.83-3(d). In addition, under section 83(c)(2), the right to stock is transferable only if any transferee's right to the stock would not be subject to a substantial risk of forfeiture.

¹⁰⁴¹ Sec. 83(h).

¹⁰⁴² Treas. Reg. sec. 1.83-6.

¹⁰⁴³ See section 83(e)(3) and Treas. Reg. sec. 1.83-7. A nonqualified option is an option on employer stock that is not a statutory option, discussed below.

a noncash form, such as a transfer of property (including employer stock) or in-kind benefits.

An employer is required to furnish each employee with a statement of compensation information for a calendar year, including taxable compensation, FICA wages, and withheld income and FICA taxes.¹⁰⁵⁰ In addition, information relating to certain nontaxable items must be reported, such as certain retirement and health plan contributions. The statement, made on Form W-2, Wage and Tax Statement, must be provided to each employee by January 31 of the succeeding year.¹⁰⁵¹

Statutory options

Two types of statutory options apply with respect to employer stock: incentive stock options ("ISOs") and options provided under an employee stock purchase plan ("ESPP").¹⁰⁵² Stock received pursuant to a statutory option is subject to special rules, rather than the rules for nonqualified options, discussed above. No amount is includible in an employee's income on the grant, vesting, or exercise of a statutory option.¹⁰⁵³ In addition, generally no deduction is allowed to the employer with respect to the option or the stock transferred to an employee.

If a holding requirement is met with respect to the stock transferred on exercise of a statutory option and the employee later disposes of the stock, the employee's gain generally is treated as capital gain rather than ordinary income. Under the holding requirement, the employee must not dispose of the stock within two years after the date the option is granted and also must not dispose of the stock within one year after the date the option is exercised. If a disposition occurs before the end of the required holding period (a "disqualifying disposition"), the employee recognizes ordinary income in the taxable year in which the disqualifying disposition occurs and the employer may be allowed a corresponding deduction in the taxable year in which such disposition occurs. The amount of ordinary income recognized when a disqualifying disposition occurs generally equals the fair market value of the stock on the date of exercise (that is, when the stock was transferred to the employee) less the exercise price paid.

Employment taxes do not apply with respect to the grant or vesting of a statutory option, transfer of stock pursuant to the option, or a disposition (including a disqualifying disposition) of the stock.¹⁰⁵⁴ However, certain special reporting requirements apply.

Nonqualified deferred compensation

Compensation is generally includible in an employee's income when paid to the employee. However, in the case of a nonqualified deferred compensation plan,¹⁰⁵⁵ un-

less the arrangement either is exempt from or meets the requirements of section 409A, the amount of deferred compensation is first includible in income for the taxable year when not subject to a substantial risk of forfeiture (as defined¹⁰⁵⁶), even if payment will not occur until a later year.¹⁰⁵⁷ In general, to meet the requirements of section 409A, the time when nonqualified deferred compensation will be paid, as well as the amount, must be specified at the time of deferral with limits on further deferral after the time for payment. Various other requirements apply, including that payment can only occur on specific defined events.

Various exemptions from section 409A apply, including transfers of property subject to section 83.¹⁰⁵⁸ Nonqualified options are not automatically exempt from section 409A, but may be structured so as not to be considered nonqualified deferred compensation.¹⁰⁵⁹ A restricted stock unit ("RSU") is a term used for an arrangement under which an employee has the right to receive at a specified time in the future an amount determined by reference to the value of one or more shares of employer stock. An employee's right to receive the future amount may be subject to a condition, such as continued employment for a certain period or the attainment of certain performance goals. The payment to the employee of the amount due under the arrangement is referred to as settlement of the RSU. The arrangement may provide for the settlement amount to be paid in cash or as a transfer of employer stock (or either). An arrangement providing RSUs is generally considered a nonqualified deferred compensation plan and is subject to the rules, including the limits, of section 409A. The employer deduction generally is permitted in the employer's taxable year in which or with which ends the employee's taxable year when the amount is included and properly reported in the employee's income.¹⁰⁶⁰

HOUSE BILL

In general

The provision allows a qualified employee to elect to defer, for income tax purposes, the inclusion in income of the amount of income attributable to qualified stock transferred to the employee by the employer. An election to defer income inclusion ("inclusion deferral election") with respect to qualified stock must be made no later than 30 days after the first time the employee's right to the stock is substantially vested or is transferable, whichever occurs earlier.

If an employee elects to defer income inclusion under the provision, the income must be included in the employee's income for the taxable year that includes the earliest of (1)

the first date the qualified stock becomes transferable, including, solely for this purpose, transferable to the employer;¹⁰⁶¹ (2) the date the employee first becomes an excluded employee (as described below); (3) the first date on which any stock of the employer becomes readily tradable on an established securities market;¹⁰⁶² (4) the date five years after the first date the employee's right to the stock becomes substantially vested; or (5) the date on which the employee revokes her inclusion deferral election.¹⁰⁶³

An inclusion deferral election is made in a manner similar to the manner in which a section 83(b) election is made.¹⁰⁶⁴ The provision does not apply to income with respect to nonvested stock that is includible as a result of a section 83(b) election. The provision clarifies that Section 83 (other than the provision), including subsection (b), shall not apply to RSUs. Therefore, RSUs are not eligible for a section 83(b) election. This is the case because, absent this provision, RSUs are nonqualified deferred compensation and therefore subject to the rules that apply to nonqualified deferred compensation.

An employee may not make an inclusion deferral election for a year with respect to qualified stock if, in the preceding calendar year, the corporation purchased any of its outstanding stock unless at least 25 percent of the total dollar amount of the stock so purchased is stock with respect to which an inclusion deferral election is in effect ("deferral stock") and the determination of which individuals from whom deferral stock is purchased is made on a reasonable basis.¹⁰⁶⁵ For purposes of this requirement, stock purchased from an individual is not treated as deferral stock (and the purchase is not treated as a purchase of deferral stock) if, immediately after the purchase, the individual holds any deferral stock with respect to which an inclusion deferral election has been in effect for a longer period than the election with respect to the purchased stock. Thus, in general, in applying the purchase requirement, an individual's deferral stock with respect to which an inclusion deferral election has been in effect for the longest periods must be purchased first. A corporation that has deferral stock outstanding as of the beginning of any calendar year and that purchases any of its outstanding stock during the calendar year must report on its income tax return for the taxable year in which, or with which, the calendar year ends the total dollar amount of the outstanding stock purchased during the calendar year and such other information as the Secretary may require for purposes of administering this requirement.

¹⁰⁶¹ Thus, for this purpose, the qualified stock is considered transferable if the employee has the ability to sell the stock to the employer (or any other person).

¹⁰⁶² An established securities market is determined for this purpose by the Secretary, but does not include any market unless the market is recognized as an established securities market for purposes of another Code provision.

¹⁰⁶³ An inclusion deferral election is revoked at the time and in the manner as the Secretary provides.

¹⁰⁶⁴ Thus, as in the case of a section 83(b) election under present law, the employee must file with the IRS the inclusion deferral election and provide the employer with a copy.

¹⁰⁶⁵ This requirement is met if the stock purchased by the corporation includes all the corporation's outstanding deferral stock.

¹⁰⁵⁰ Secs. 6041 and 6051.

¹⁰⁵¹ Employers send Form W-2 information to the Social Security Administration, which records information relating to Social Security and Medicare and forwards the Form W-2 information to the IRS. Employees include a copy of Form W-2 with their income tax returns.

¹⁰⁵² Sections 421–424 govern statutory options. Section 423(b)(5) requires that, under the terms of an ESPP, all employees granted options generally must have the same rights and privileges.

¹⁰⁵³ Under section 56(b)(3), this income tax treatment with respect to stock received on exercise of an ISO does not apply for purposes of the alternative minimum tax under section 55.

¹⁰⁵⁴ Secs. 312(a)(22), 3306(b)(19), and the last sentence of section 421(b).

¹⁰⁵⁵ Compensation earned by an employee is generally paid to the employee shortly after being

earned. However, in some cases, payment is deferred to a later period, referred to as "deferred compensation." Deferred compensation may be provided through a plan that receives tax-favored treatment, such as a qualified retirement plan under section 401(a). Deferred compensation provided through a plan that is not eligible for tax-favored treatment is referred to as "nonqualified" deferred compensation.

¹⁰⁵⁶ Treas. Reg. sec. 1.409A-1(d).

¹⁰⁵⁷ Section 409A and the regulations thereunder provide rules for nonqualified deferred compensation. Compensation that fails to meet the requirements of section 409A is also subject to an additional income tax of 20% on amounts includible in income and a potential interest factor tax ("409A taxes"). Section 409A and the additional 409A taxes apply to increases in the value of the failed compensation each year until it is paid.

¹⁰⁵⁸ Treas. Reg. sec. 1.409A-1(b)(6).

¹⁰⁵⁹ Treas. Reg. sec. 1.409A-1(b)(5). In addition, statutory option arrangements are not nonqualified deferred compensation arrangements.

¹⁰⁶⁰ Sec. 404(a)(5).

A qualified employee may make an inclusion deferral election with respect to qualified stock attributable to a statutory option.¹⁰⁶⁶ In that case, the option is not treated as a statutory option and the rules relating to statutory options and related stock do not apply. In addition, an arrangement under which an employee may receive qualified stock is not treated as a nonqualified deferred compensation plan solely because of an employee's inclusion deferral election or ability to make an election.

Deferred income inclusion applies also for purposes of the employer's deduction of the amount of income attributable to the qualified stock. That is, if an employee makes an inclusion deferral election, the employer's deduction is deferred until the employer's taxable year in which or with which ends the taxable year of the employee for which the amount is included in the employee's income as described in (1)–(5) above.

Qualified employee and qualified stock

Under the provision, a qualified employee means an individual who is not an excluded employee and who agrees, in the inclusion deferral election, to meet the requirements necessary (as determined by the Secretary) to ensure the income tax withholding requirements of the employer corporation with respect to the qualified stock (as described below) are met. For this purpose, an excluded employee with respect to a corporation is any individual (1) who was a one-percent owner of the corporation at any time during the 10 preceding calendar years,¹⁰⁶⁷ (2) who is, or has been at any prior time, the chief executive officer or chief financial officer of the corporation or an individual acting in either capacity, (3) who is a family member of an individual described in (1) or (2),¹⁰⁶⁸ or (4) who has been one of the four highest compensated officers of the corporation for any of the 10 preceding taxable years.¹⁰⁶⁹

Qualified stock is any stock of a corporation if—

- an employee receives the stock in connection with the exercise of an option or in settlement of an RSU, and
- the option or RSU was granted by the corporation to the employee in connection with the performance of services and in a year in which the corporation was an eligible corporation (as described below).

However, qualified stock does not include any stock if, at the time the employee's right to the stock becomes substantially vested, the employee may sell the stock to, or otherwise receive cash in lieu of stock from, the corporation. Qualified stock can only be such if it relates to stock received in connection with options or RSUs, and does not include stock received in connection with other forms of equity compensation, including stock appreciation rights or restricted stock.

A corporation is an eligible corporation with respect to a calendar year if (1) no stock of the employer corporation (or any predecessor) is readily tradable on an established securities market during any preceding calendar year,¹⁰⁷⁰ and (2) the corporation has a written plan under which, in the calendar year, not less than 80 percent of all employees who provide services to the corporation in the United States (or any U.S. possession) are granted stock options, or restricted stock units ("RSUs"), with the same rights and privileges to receive qualified stock ("80-percent requirement").¹⁰⁷¹ For this purpose, in general, the determination of rights and privileges with respect to stock is determined in a similar manner as provided under the present-law ESPP rules.¹⁰⁷² However, employees will not fail to be treated as having the same rights and privileges to receive qualified stock solely because the number of shares available to all employees is not equal in amount, provided that the number of shares available to each employee is more than a de minimis amount. In addition, rights and privileges with respect to the exercise of a stock option are not treated for this purpose as the same as rights and privileges with respect to the settlement of an RSU.¹⁰⁷³

For purposes of the provision, corporations that are members of the same controlled group¹⁰⁷⁴ are treated as one corporation.

Notice, withholding and reporting requirements

Under the provision, a corporation that transfers qualified stock to a qualified employee must provide a notice to the qualified employee at the time (or a reasonable period before) the employee's right to the qualified stock is substantially vested (and income attributable to the stock would first be includible absent an inclusion deferral election). The notice must (1) certify to the employee that the stock is qualified stock, and (2) notify the employee (a) that the employee may (if eligible) elect to defer income inclusion with respect to the stock and (b) that, if the employee makes an inclusion deferral election, the amount of income required to be included at the end of the deferral period will be based on the value of the stock at the time the employee's right to the stock first becomes substantially vested, notwithstanding whether the value of the stock has declined during the deferral period (including whether the value of the stock has declined below the employee's tax liability with respect to such stock), and the amount of income to be included at the end of the deferral period will be subject to withholding as provided under the provision, as well as of the employee's responsibilities with respect to required withholding. Failure to provide

the notice may result in the imposition of a penalty of \$100 for each failure, subject to a maximum penalty of \$50,000 for all failures during any calendar year.

An inclusion deferral election applies only for income tax purposes. The application of FICA and FUTA are not affected. The provision includes specific income tax withholding and reporting requirements with respect to income subject to an inclusion deferral election.

For the taxable year for which income subject to an inclusion deferral election is required to be included in income by the employee (as described above), the amount required to be included in income is treated as wages with respect to which the employer is required to withhold income tax at a rate not less than the highest income tax rate applicable to individual taxpayers.¹⁰⁷⁵ The employer must report on Form W-2 the amount of income covered by an inclusion deferral election (1) for the year of deferral and (2) for the year the income is required to be included in income by the employee. In addition, for any calendar year, the employer must report on Form W-2 the aggregate amount of income covered by inclusion deferral elections, determined as of the close of the calendar year.

Effective date.—The provision generally applies with respect to stock attributable to options exercised or RSUs settled after December 31, 2017. Under a transition rule, until the Secretary (or the Secretary's delegate) issues regulations or other guidance implementing the 80-percent and employer notice requirements under the provision, a corporation will be treated as complying with those requirements (respectively) if it complies with a reasonable good faith interpretation of the requirements. The penalty for a failure to provide the notice required under the provision applies to failures after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except that, for purposes of determining corporations that are members of the same controlled group and treated as one corporation, the definition of controlled group under section 414(b) applies.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with modifications. The conference agreement clarifies that (1) when an inclusion deferral election is made with respect to stock transferred under an ESPP, the option is not considered an ESPP, such that when an inclusion deferral election is made in connection with the exercise of both ESPPs and ISOs, the options are not treated as statutory options but rather as nonqualified stock options for FICA purposes (in addition to being subject to section 83(i) for income tax purposes), (2) an excluded employee includes an individual who first becomes a 1 percent owner or one of the 4 highest compensated officers in a taxable year, notwithstanding that such individual may not have been among such categories for the 10 preceding taxable years, (3) the requirement that 80 percent of all applicable employees be granted stock options or restricted stock units with the same rights and privileges cannot be satisfied in a taxable year by granting a combination of stock options and RSUs, and instead all such employees must either be granted stock options or

¹⁰⁶⁶ For purposes of the requirement that an ESPP provide employees with the same rights and privileges, the rules of the provision apply in determining which employees have the right to make an inclusion deferral election with respect to stock received under the ESPP.

¹⁰⁶⁷ One-percent owner status is determined under the top-heavy rules for qualified retirement plans, that is, section 416(i)(1)(B)(ii).

¹⁰⁶⁸ In the case of one-percent owners, this results from application of the attribution rules of section 318 under section 416(i)(1)(B)(i)(II). Family members are determined under section 318(a)(1) and generally include an individual's spouse, children, grandchildren and parents.

¹⁰⁶⁹ These officers are determined on the basis of shareholder disclosure rules for compensation under the Securities Exchange Act of 1934, as if such rules applied to the corporation.

¹⁰⁷⁰ This requirement continues to apply up to the time an inclusion deferral election is made. That is, under the provision, no inclusion deferral election may be made with respect to qualified stock if any stock of the corporation is readily tradable on an established securities market at any time before the election is made.

¹⁰⁷¹ In applying the requirement that 80 percent of employees receive stock options or RSUs, excluded employees and part-time employees are not taken into account. For this purpose, part-time employee is defined under section 4980G(d)(4), as an employee who is customarily employed for fewer than 30 hours per week.

¹⁰⁷² Sec. 423(b)(5).

¹⁰⁷³ Under a transition rule, in the case of a calendar year beginning before January 1, 2018, the 80-percent requirement is applied without regard to whether the rights and privileges with respect to the qualified stock are the same.

¹⁰⁷⁴ As defined in sec. 1563(a).

¹⁰⁷⁵ That is, the maximum rate of tax in effect for the year under section 1. The provision specifies that qualified stock is treated as a noncash fringe benefit for income tax withholding purposes.

be granted restricted stock units for that year, and (4) the exception from treatment as a nonqualified deferred compensation plan for purposes of section 409A applies solely with respect to an employee who may receive qualified stock. It is intended that the requirement that 80 percent of all applicable employees be granted stock options or be granted restricted stock units apply consistently to eligible employees, whether they are new hires or existing employees. Additionally, it is intended that the limited circumstances outlined in section 83(c)(3) and applicable regulations apply with respect to the determination of when stock first becomes transferrable or is no longer subject to a substantial risk of forfeiture. For example, income inclusion cannot be delayed due to a lock-up period as a result of an initial public offering. Finally, it is intended that the transition rule provided with respect to compliance with the 80-percent and employer notice requirements not be expanded beyond these specific items.

4. Increase in excise tax rate for stock compensation of insiders in expatriated corporations (sec. 13604 of the Senate amendment and sec. 4985 of the Code)

PRESENT LAW

Income tax treatment of employee stock compensation

In general

Employers may grant various forms of stock compensation to employees,¹⁰⁷⁶ including nonstatutory and statutory stock options, restricted stock, restricted stock units, and stock appreciation rights. The tax treatment of these various forms of stock compensation depends on the specific terms and conditions of the arrangement and applicable rules.

Stock compensation treated as property transferred in connection with the performance of services

Section 83 generally governs the taxation of transfers of any property in connection with the performance of services by any service provider. Typically, this encompasses the transfer of stock to an employee which is subject to conditions that amount to a substantial risk of forfeiture, called “restricted stock.” Section 83 also generally governs the taxation of nonstatutory (or nonqualified) stock options. In general, an employee’s right to stock or other property is subject to a substantial risk of forfeiture if the employee’s right to full enjoyment of the property is subject to a condition, such as the future performance of substantial services.¹⁰⁷⁷

Generally, an employee must recognize income in the taxable year in which the employee’s right to the stock is transferable or is not subject to a substantial risk of forfeiture, whichever occurs earlier (referred to herein as “substantially vested”). Thus, if the employee’s right to the stock is substantially vested when the stock is transferred to the employee, the employee recognizes income in the taxable year of such transfer, in an amount equal to the fair market value of the stock as of the date of transfer (less any amount paid for the stock). If at the time the stock is transferred to the employee, the employee’s right to the stock is not substantially vested (referred to herein as “non-

vested”), the employee does not recognize income attributable to the stock transfer until the taxable year in which the employee’s right becomes substantially vested. In this case, the amount includible in the employee’s income is the fair market value of the stock as of the date that the employee’s right to the stock is substantially vested (less any amount paid for the stock).¹⁰⁷⁸

These rules do not apply to the grant of a nonqualified option unless the option has a readily ascertainable fair market value.¹⁰⁷⁹ Instead, these rules generally apply to the transfer of employer stock by the employee on exercise of the option. That is, if the right to the stock is substantially vested on transfer (the time of exercise), income recognition applies for the taxable year of transfer. If the right to the stock is nonvested on transfer, the timing of income inclusion is determined under the rules applicable to the transfer of nonvested stock. In either case, the amount includible in income by the employee is the fair market value of the stock as of the required time of income inclusion, less the exercise price paid by the employee.

Statutory stock options

Two types of statutory options apply with respect to employer stock: incentive stock options (“ISOs”) and options provided under an employee stock purchase plan (“ESPP”).¹⁰⁸⁰ Stock received pursuant to a statutory option is subject to special rules, rather than the rules for nonqualified options, discussed above. Unlike nonqualified options, statutory options may only be considered as such if granted to employees.¹⁰⁸¹ No amount is includible in an employee’s income on the grant, vesting, or exercise of a statutory option.

If a holding requirement is met with respect to the stock transferred on exercise of a statutory option and the employee later disposes of the stock, the employee’s gain generally is treated as capital gain rather than ordinary income. Under the holding requirement, the employee must not dispose of the stock within two years after the date the option is granted and also must not dispose of the stock within one year after the date the option is exercised. If a disposition occurs before the end of the required holding period (a “disqualifying disposition”), the employee recognizes ordinary income in the taxable year in which the disqualifying disposition occurs. The amount of ordinary income recognized when a disqualifying disposition occurs generally equals the fair market value of the stock on the date of exercise (that is, when the stock was transferred to the employee) less the exercise price paid.

Stock compensation treated as deferred compensation

A restricted stock unit (“RSU”) is a term used for an arrangement under which an employee has the right to receive at a specified

time in the future an amount determined by reference to the value of one or more shares of employer stock. An employee’s right to receive the future amount may be subject to a condition, such as continued employment for a certain period or the attainment of certain performance goals. The payment to the employee of the amount due under the arrangement is referred to as settlement of the RSU. The arrangement may provide for the settlement amount to be paid in cash or as a transfer of employer stock. An arrangement providing RSUs is generally considered a nonqualified deferred compensation plan and is subject to the rules, including the limits, of section 409A,¹⁰⁸² unless it meets an exemption from section 409A. If the RSU either is exempt from or complies with section 409A, the employee is subject to income taxation on receipt of cash or the transfer of shares attributable to the RSU.

A stock appreciation right (“SAR”) is an arrangement under which an employee has the right to receive an amount (in the form of cash or stock) determined by reference to the appreciation in value of one or more shares of employer stock, based on the difference in the stock’s value when the employee chooses to exercise the right and the value of the stock on the date of grant of the SAR. An SAR is generally taxable at the time of exercise on the amount of cash or value of stock transferred at the time of exercise of the SAR.¹⁰⁸³

Various exemptions from section 409A apply, including transfers of property subject to section 83, such as restricted stock.¹⁰⁸⁴ Nonqualified options and SARs are not automatically exempt from section 409A, but may be structured so as not to be considered nonqualified deferred compensation.¹⁰⁸⁵ In addition, ISOs and ESPPs are exempt from section 409A.¹⁰⁸⁶

Section 4985 excise tax on stock compensation of insiders of expatriated corporations

Under section 4985, certain holders of stock options and other stock-based compensation are subject to an excise tax upon certain transactions that result in an expatriated corporation¹⁰⁸⁷ (also referred to as corporate inversions).¹⁰⁸⁸ The provision imposes an excise tax, currently at the rate of 15 percent, on the value of specified stock compensation held (directly or indirectly) by or for the benefit of a disqualified individual, or a

¹⁰⁸² Section 409A and the regulations thereunder provide rules for nonqualified deferred compensation. Unless an arrangement either is exempt from or meets the requirements of section 409A, the amount of deferred compensation is first includible in income for the taxable year when not subject to a substantial risk of forfeiture (as defined), even if payment will not occur until a later year. In general, to meet the requirements of section 409A, the time when nonqualified deferred compensation will be paid, as well as the amount, must be specified at the time of deferral with limits on further deferral after the time for payment. Various other requirements apply, including that payment can only occur on specific defined events. Compensation that fails to meet the requirements of section 409A is also subject to an additional income tax of 20 percent on amounts includible in income and a potential interest factor tax (“409A taxes”). Section 409A and the additional 409A taxes apply to increases in the value of the failed compensation each year until it is paid.

¹⁰⁸³ Rev. Rul. 80-300, 1980-2 C.B. 165.

¹⁰⁸⁴ Treas. Reg. sec. 1.409A-1(b)(6).

¹⁰⁸⁵ Treas. Reg. sec. 1.409A-1(b)(5).

¹⁰⁸⁶ Treas. Reg. sec. 1.409A-1(b)(5)(ii).

¹⁰⁸⁷ Sec. 7874(a)(2).

¹⁰⁸⁸ For further discussion of the tax treatment of expatriated entities before the effective date of section 7874 and concerns that led to the enactment of sections 7874 and 4985, see Joint Committee on Taxation, *General Explanation of Tax Legislation Enacted in the 108th Congress* (JCS-5-05), May 2005.

¹⁰⁷⁶ The terms “employer” and “employee” are used, although the provision herein also applies to individuals who are not employees and the service recipients of such non-employee individuals.

¹⁰⁷⁷ See section 83(c)(1) and Treas. Reg. sec. 1.83-3(c) for the definition of substantial risk of forfeiture.

¹⁰⁷⁸ Under section 83(b), the employee may elect within 30 days of transfer to recognize income in the taxable year of transfer, referred to as a “section 83(b)” election. If a proper and timely election under section 83(b) is made, the amount of compensatory income is capped at the amount equal to the fair market value of the stock as of the date of transfer (less any amount paid for the stock).

¹⁰⁷⁹ See section 83(e)(3) and Treas. Reg. sec. 1.83-7. A nonqualified option is an option on employer stock that is not a statutory option, discussed below.

¹⁰⁸⁰ Sections 421–424 govern statutory options. Section 423(b)(5) requires that, under the terms of an ESPP, all employees granted options generally must have the same rights and privileges.

¹⁰⁸¹ Secs. 422(a)(2) and 423(a)(2).

member of such individual's family, at any time during the 12-month period beginning six months before the corporation's expatriation date. Specified stock compensation is treated as held for the benefit of a disqualified individual if such compensation is held by an entity, *e.g.*, a partnership or trust, in which the individual, or a member of the individual's family, has an ownership interest.

A disqualified individual is any individual who, with respect to a corporation, is, at any time during the 12-month period beginning on the date which is six months before the expatriation date, subject to the requirements of section 16(a) of the Securities and Exchange Act of 1934 with respect to the corporation, or any member of the corporation's expanded affiliated group,¹⁰⁸⁹ or would be subject to such requirements if the corporation (or member) were an issuer of equity securities referred to in section 16(a). Disqualified individuals generally include officers (as defined by section 16(a)),¹⁰⁹⁰ directors, and 10-percent owners of private and publicly-held corporations.

The excise tax is imposed on a disqualified individual of an expatriated corporation (as defined for this purpose) only if gain is recognized in whole or part by any shareholder by reason of the acquisition resulting in the corporate inversion.¹⁰⁹¹

Specified stock compensation subject to the excise tax includes any payment (or right to payment)¹⁰⁹² granted by the expatriated corporation (or any member of the corporation's expanded affiliated group) to any person in connection with the performance of services by a disqualified individual for such corporation (or member of the corporation's expanded affiliated group) if the value of the payment or right is based on, or determined by reference to, the value or change in value of stock of such corporation (or any member of the corporation's expanded affiliated group). In determining whether such compensation exists and valuing such compensation, all restrictions, other than non-lapse restrictions, are ignored. Thus, the excise tax applies, and the value subject to the tax is determined, without regard to whether such specified stock compensation is subject to a substantial risk of forfeiture or is exercisable at the time of the corporate inversion. Specified stock compensation includes compensatory stock and restricted stock grants, compensatory stock options, and other forms of stock-based compensation, including stock appreciation rights, restricted stock units, phantom stock, and phantom stock options. Specified stock compensation also includes nonqualified deferred compensation that is treated as though it were invested in stock or stock options of the expatriating corporation (or member). For example, the provision applies to a disqualified individual's nonqualified deferred compensation if company stock is one of the actual or

deemed investment options under the non-qualified deferred compensation plan.

Specified stock compensation includes a compensation arrangement that gives the disqualified individual an economic stake substantially similar to that of a corporate shareholder. A payment directly tied to the value of the stock is specified stock compensation.

The excise tax applies to any such specified stock compensation previously granted to a disqualified individual but cancelled or cashed-out within the six-month period ending with the expatriation date, and to any specified stock compensation awarded in the six-month period beginning with the expatriation date. As a result, for example, if a corporation cancels outstanding options three months before the transaction and then reissues comparable options three months after the transaction, the tax applies both to the cancelled options and the newly granted options.

Specified stock compensation subject to the tax does not include a statutory stock option or any payment or right from a qualified retirement plan or annuity, a tax-sheltered annuity, a simplified employee pension, or a simple retirement account. In addition, under the provision, the excise tax does not apply to any stock option that is exercised during the six-month period before the expatriation date or to any stock acquired pursuant to such exercise, if income is recognized under section 83 on or before the expatriation date with respect to the stock acquired pursuant to such exercise. The excise tax also does not apply to any specified stock compensation that is exercised, sold, exchanged, distributed, cashed out, or otherwise paid during such period in a transaction in which income, gain, or loss is recognized in full.

For specified stock compensation held on the expatriation date, the amount of the tax is determined based on the value of the compensation on such date. The tax imposed on specified stock compensation cancelled during the six-month period before the expatriation date is determined based on the value of the compensation on the day before such cancellation, while specified stock compensation granted after the expatriation date is valued on the date granted. Under the provision, the cancellation of a non-lapse restriction is treated as a grant.

The value of the specified stock compensation on which the excise tax is imposed is the fair value in the case of stock options (including warrants and other similar rights to acquire stock) and stock appreciation rights and the fair market value for all other forms of compensation. For purposes of the tax, the fair value of an option (or a warrant or other similar right to acquire stock) or a stock appreciation right is determined using an appropriate option-pricing model, as specified or permitted by the Treasury Secretary, that takes into account the stock price at the valuation date; the exercise price under the option; the remaining term of the option; the volatility of the underlying stock and the expected dividends on it; and the risk-free interest rate over the remaining term of the option. Options that have no intrinsic value (or "spread") because the exercise price under the option equals or exceeds the fair market value of the stock at valuation nevertheless have a fair value and are subject to tax under the provision. The value of other forms of compensation, such as phantom stock or restricted stock, is the fair market value of the stock as of the date of the expatriation transaction. The value of

any deferred compensation that can be valued by reference to stock is the amount that the disqualified individual would receive if the plan were to distribute all such deferred compensation in a single sum on the date of the expatriation transaction (or the date of cancellation or grant, if applicable).

The excise tax also applies to any payment by the expatriated corporation or any member of the expanded affiliated group made to an individual, directly or indirectly, in respect of the tax. Whether a payment is made in respect of the tax is determined under all of the facts and circumstances. Any payment made to keep the individual in the same after-tax position that the individual would have been in had the tax not applied is a payment made in respect of the tax. This includes direct payments of the tax and payments to reimburse the individual for payment of the tax. Any payment made in respect of the tax is includible in the income of the individual, but is not deductible by the corporation.

To the extent that a disqualified individual is also a covered employee under section 162(m), the limit on the deduction allowed for employee remuneration for such employee is reduced by the amount of any payment (including reimbursements) made in respect of the tax under the provision. As discussed above, this includes direct payments of the tax and payments to reimburse the individual for payment of the tax.

The payment of the excise tax has no effect on the subsequent tax treatment of any specified stock compensation. Thus, the payment of the tax has no effect on the individual's basis in any specified stock compensation and no effect on the tax treatment for the individual at the time of exercise of an option or payment of any specified stock compensation, or at the time of any lapse or forfeiture of such specified stock compensation. The payment of the tax is not deductible and has no effect on any deduction that might be allowed at the time of any future exercise or payment.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision increases the 15 percent rate of excise tax, imposed on the value of stock compensation held by insiders of an expatriated corporation, to 20 percent.

Effective date.—The provision applies to corporations first becoming expatriated corporations after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

J. Other Provisions

1. Treatment of gain or loss of foreign persons from sale or exchange of interests in partnerships engaged in trade or business within the United States (sec. 13501 of the Senate amendment and secs. 864(c) and 1446 of the Code)

PRESENT LAW

In general

A partnership generally is not treated as a taxable entity, but rather, income of the partnership is taken into account on the tax returns of the partners. The character (as capital or ordinary) of partnership items passes through to the partners as if the items were realized directly by the partners.¹⁰⁹³ A partner holding a partnership interest includes in income its distributive share (whether or not actually distributed)

¹⁰⁸⁹ An expanded affiliated group is an affiliated group (under section 1504) except that such group is determined without regard to the exceptions for certain corporations and is determined by substituting "more than 50 percent" for "at least 80 percent."

¹⁰⁹⁰ An officer is defined as the president, principal financial officer, principal accounting officer (or, if there is no such accounting officer, the controller), any vice-president in charge of a principal business unit, division or function (such as sales, administration or finance), any other officer who performs a policy-making function, or any other person who performs similar policy-making functions.

¹⁰⁹¹ As referred to in section 7874(a)(2)(B)(i).

¹⁰⁹² Under the provision, any transfer of property is treated as a payment and any right to a transfer of property is treated as a right to a payment.

¹⁰⁹³ Sec. 702.

of partnership items of income and gain, including capital gain eligible for the lower tax rates, and deducts its distributive share of partnership items of deduction and loss. A partner's basis in the partnership interest is increased by any amount of gain and decreased by any amount of losses thus included. These basis adjustments prevent double taxation of partnership income to the partner. Money distributed to the partner by the partnership is taxed to the extent the amount exceeds the partner's basis in the partnership interest.

Gain or loss from the sale or exchange of a partnership interest generally is treated as gain or loss from the sale or exchange of a capital asset.¹⁰⁹⁴ However, the amount of money and the fair market value of property received in the exchange that represent the partner's share of certain ordinary income-producing assets of the partnership give rise to ordinary income rather than capital gain.¹⁰⁹⁵ In general, a partnership does not adjust the basis of partnership property following the transfer of a partnership interest unless either the partnership has made a one-time election to do so,¹⁰⁹⁶ or the partnership has a substantial built-in loss immediately after the transfer.¹⁰⁹⁷ If an election is in effect or the partnership has a substantial built-in loss immediately after the transfer, adjustments are made with respect to the transferee partner. These adjustments are to account for the difference between the transferee partner's proportionate share of the adjusted basis of the partnership property and the transferee partner's basis in its partnership interest.¹⁰⁹⁸ The effect of the adjustments on the basis of partnership property is to approximate the result of a direct purchase of the property by the transferee partner.

Source of gain or loss on transfer of a partnership interest

A foreign person that is engaged in a trade or business in the United States is taxed on income that is "effectively connected" with the conduct of that trade or business ("effectively connected gain or loss").¹⁰⁹⁹ Partners in a partnership are treated as engaged in the conduct of a trade or business within the United States if the partnership is so engaged.¹¹⁰⁰ Any gross income derived by the foreign person that is not effectively connected with the person's U.S. business is not taken into account in determining the rates of U.S. tax applicable to the person's income from the business.¹¹⁰¹

Among the factors taken into account in determining whether income, gain, or loss is effectively connected gain or loss are the extent to which the income, gain, or loss is derived from assets used in or held for use in the conduct of the U.S. trade or business and whether the activities of the trade or business were a material factor in the realization

of the income, gain, or loss (the "asset use" and "business activities" tests).¹¹⁰² In determining whether the asset use or business activities tests are met, due regard is given to whether such assets or such income, gain, or loss were accounted for through such trade or business. Thus, notwithstanding the general rule that source of gain or loss from the sale or exchange of personal property is generally determined by the residence of the seller,¹¹⁰³ a foreign partner may have effectively connected income by reason of the asset use or business activities of the partnership in which he is an investor.

Special rules apply to treat gain or loss from disposition of U.S. real property interests as effectively connected with the conduct of a U.S. trade or business.¹¹⁰⁴ To the extent that consideration received by the nonresident alien or foreign corporation for all or part of its interest in a partnership is attributable to a U.S. real property interest, that consideration is considered to be received from the sale or exchange in the United States of such property.¹¹⁰⁵ In certain circumstances, gain attributable to sales of U.S. real property interests may be subject to withholding tax of ten percent of the amount realized on the transfer.¹¹⁰⁶

Under a 1991 revenue ruling, in determining the source of gain or loss from the sale or exchange of an interest in a foreign partnership, the IRS applied the asset-use test and business activities test at the partnership level to determine the extent to which income derived from the sale or exchange is effectively connected with that U.S. business.¹¹⁰⁷ Under the ruling, if there is unrealized gain or loss in partnership assets that would be treated as effectively connected with the conduct of a U.S. trade or business if those assets were sold by the partnership, some or all of the foreign person's gain or loss from the sale or exchange of a partnership interest may be treated as effectively connected with the conduct of a U.S. trade or business. However, a 2017 Tax Court case rejects the logic of the ruling and instead holds that, generally, gain or loss on sale or exchange by a foreign person of an interest in a partnership that is engaged in a U.S. trade or business is foreign-source.¹¹⁰⁸

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the provision, gain or loss from the sale or exchange of a partnership interest is effectively connected with a U.S. trade or business to the extent that the transferor would have had effectively connected gain or loss had the partnership sold all of its assets at fair market value as of the date of the sale or exchange. The provision requires that any gain or loss from the hypothetical asset sale by the partnership be allocated to interests in the partnership in the same manner as nonseparately stated income and loss.

The provision also requires the transferee of a partnership interest to withhold 10 percent of the amount realized on the sale or exchange of a partnership interest unless the transferor certifies that the transferor is not a nonresident alien individual or foreign corporation. If the transferee fails to withhold

the correct amount, the partnership is required to deduct and withhold from distributions to the transferee partner an amount equal to the amount the transferee failed to withhold.

The provision provides the Secretary of the Treasury with specific regulatory authority to address coordination with the nonrecognition provisions of the Code.

Effective date.—The provision is effective for sales and exchanges on or after November 27, 2017.

CONFERENCE AGREEMENT

The conference agreement generally follows the Senate amendment. The conference agreement modifies the grant of authority to the Secretary of the Treasury to make clear that the Secretary shall issue such regulations as the Secretary determines appropriate for the application of the paragraph, including in exchanges described in sections 332, 351, 354, 355, 356, or 361. The conference agreement also provides that the provisions related to withholding are effective for sales and exchanges after December 31, 2017. Additionally, the conferees intend that, under regulatory authority provided by the Senate amendment to carry out withholding requirements of the provision, the Secretary may provide guidance permitting a broker, as agent of the transferee, to deduct and withhold the tax equal to 10 percent of the amount realized on the disposition of a partnership interest to which the provision applies. For example, such guidance may provide that if an interest in a publicly traded partnership is sold by a foreign partner through a broker, the broker may deduct and withhold the 10-percent tax on behalf of the transferee.

Effective date.—The portion of the provision treating gain or loss on sale of a partnership interest as effectively connected income is effective for sales, exchanges, and dispositions on or after November 27, 2017. The portion of the provision requiring withholding on sales or exchanges of partnership interests is effective for sales, exchanges, and dispositions after December 31, 2017.

2. Modification of the definition of substantial built-in loss in the case of transfer of partnership interest (sec. 13502 of the Senate amendment and sec. 743 of the Code)

PRESENT LAW

In general, a partnership does not adjust the basis of partnership property following the transfer of a partnership interest unless either the partnership has made a one-time election under section 754 to make basis adjustments, or the partnership has a substantial built-in loss immediately after the transfer.¹¹⁰⁹

If an election is in effect, or if the partnership has a substantial built-in loss immediately after the transfer, adjustments are made with respect to the transferee partner. These adjustments are to account for the difference between the transferee partner's proportionate share of the adjusted basis of the partnership property and the transferee's basis in its partnership interest.¹¹¹⁰ The adjustments are intended to adjust the basis of partnership property to approximate the result of a direct purchase of the property by the transferee partner.

Under the provision, a substantial built-in loss exists if the partnership's adjusted basis in its property exceeds by more than \$250,000 the fair market value of the partnership

¹⁰⁹⁴ Sec. 741; *Pollack v. Commissioner*, 69 T.C. 142 (1977).

¹⁰⁹⁵ Sec. 751(a). These ordinary income-producing assets are unrealized receivables of the partnership or inventory items of the partnership ("751 assets").

¹⁰⁹⁶ Sec. 754.

¹⁰⁹⁷ Sec. 743(a).

¹⁰⁹⁸ Sec. 743(b).

¹⁰⁹⁹ Secs. 871(b), 864(c), 882.

¹¹⁰⁰ Sec. 875.

¹¹⁰¹ Secs. 871(b)(2), and 882(a)(2). Non-business income received by foreign persons from U.S. sources is generally subject to tax on a gross basis at a rate of 30 percent, and is collected by withholding at the source of the payment. The income of non-resident aliens or foreign corporations that is subject to tax at a rate of 30-percent is fixed, determinable, annual or periodical income that is not effectively connected with the conduct of a U.S. trade or business.

¹¹⁰² Sec. 864(c)(2).

¹¹⁰³ Sec. 865(a).

¹¹⁰⁴ Sec. 897(a), (g).

¹¹⁰⁵ Sec. 897(g).

¹¹⁰⁶ Sec. 1445(e)(5). Temp. Treas. Reg. sec. 1.1445-1T(b),(d).

¹¹⁰⁷ Rev. Rul. 91-32, 1991-1 C.B. 107.

¹¹⁰⁸ See *Grecian Magnesite Mining v. Commissioner*, 149 T.C. No. 3 (July 13, 2017).

¹¹⁰⁹ Sec. 743(a).

¹¹¹⁰ Sec. 743(b).

property.¹¹¹¹ Certain securitization partnerships and electing investment partnerships are not treated as having a substantial built-in loss in certain instances, and thus are not required to make basis adjustments to partnership property.¹¹¹² For electing investment partnerships, in lieu of the partnership basis adjustments, a partner-level loss limitation rule applies.¹¹¹³

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies the definition of a substantial built-in loss for purposes of section 743(d), affecting transfers of partnership interests. Under the provision, in addition to the present-law definition, a substantial built-in loss also exists if the transferee would be allocated a net loss in excess of \$250,000 upon a hypothetical disposition by the partnership of all partnership's assets in a fully taxable transaction for cash equal to the assets' fair market value, immediately after the transfer of the partnership interest.

For example, a partnership of three taxable partners (partners A, B, and C) has not made an election pursuant to section 754. The partnership has two assets, one of which, Asset X, has a built-in gain of \$1 million, while the other asset, Asset Y, has a built-in loss of \$900,000. Pursuant to the partnership agreement, any gain on sale or exchange of Asset X is specially allocated to partner A. The three partners share equally in all other partnership items, including in the built-in loss in Asset Y. In this case, each of partner B and partner C has a net built-in loss of \$300,000 (one third of the loss attributable to asset Y) allocable to his partnership interest. Nevertheless, the partnership does not have an overall built-in loss, but a net built-in gain of \$100,000 (\$1 million minus \$900,000). Partner C sells his partnership interest to another person, D, for \$33,333. Under the provision, the test for a substantial built-in loss applies both at the partnership level and at the transferee partner level. If the partnership were to sell all its assets for cash at their fair market value immediately after the transfer to D, D would be allocated a loss of \$300,000 (one third of the built-in loss of \$900,000 in Asset Y). A substantial built-in loss exists under the partner-level test added by the provision, and the partnership adjusts the basis of its assets accordingly with respect to D.

Effective date.—The provision applies to transfers of partnership interests after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision applies to transfers of partnership interests after December 31, 2017.

3. Charitable contributions and foreign taxes taken into account in determining limitation on allowance of partner's share of loss (sec. 13503 of the Senate amendment and sec. 704 of the Code)

PRESENT LAW

A partner's distributive share of partnership loss (including capital loss) is allowed only to the extent of the adjusted basis (before reduction by current year's losses) of

the partner's interest in the partnership at the end of the partnership taxable year in which the loss occurred. Any disallowed loss is allowable as a deduction at the end of the first succeeding partnership taxable year, and subsequent taxable years, to the extent that the partner's adjusted basis for its partnership interest at the end of any such year exceeds zero (before reduction by the loss for the year).¹¹¹⁴

A partner's basis in its partnership interest is increased by its distributive share of income (including tax exempt income). A partner's basis in its partnership interest is decreased (but not below zero) by distributions by the partnership and its distributive share of partnership losses and expenditures of the partnership not deductible in computing partnership taxable income and not properly chargeable to capital account.¹¹¹⁵ In the case of a charitable contribution, a partner's basis is reduced by the partner's distributive share of the adjusted basis of the contributed property.¹¹¹⁶

A partnership computes its taxable income in the same manner as an individual with certain exceptions. The exceptions provide, in part, that the deductions for foreign taxes and charitable contributions are not allowed to the partnership.¹¹¹⁷ Instead, a partner takes into account its distributive share of the foreign taxes paid by the partnership and the charitable contributions made by the partnership for the taxable year.¹¹¹⁸

However, in applying the basis limitation on partner losses, Treasury regulations do not take into account the partner's share of partnership charitable contributions and foreign taxes paid or accrued.¹¹¹⁹ The IRS has taken the position in a private letter ruling that the basis limitation on partner losses does not apply to limit the partner's deduction for its share of the partnership's charitable contributions.¹¹²⁰ While the regulations relating to the loss limitation do not mention the foreign tax credit, a taxpayer may choose the foreign tax credit in lieu of deducting foreign taxes.¹¹²¹

By contrast, under S corporation rules limiting the losses and deductions which may be taken into account by a shareholder of an S corporation to the shareholder's basis in

stock and debt of the corporation, the shareholder's pro rata share of charitable contributions and foreign taxes are taken into account.¹¹²² In the case of charitable contributions, a special rule is provided prorating the amount of appreciation not subject to the limitation in the case of charitable contributions of appreciated property by the S corporation.¹¹²³

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies the basis limitation on partner losses to provide that the limitation takes into account a partner's distributive share of partnership charitable contributions (as defined in section 170(c)) and taxes (described in section 901) paid or accrued to foreign countries and to possessions of the United States. Thus, the amount of the basis limitation on partner losses is decreased to reflect these items. In the case of a charitable contribution by the partnership, the amount of the basis limitation on partner losses is decreased by the partner's distributive share of the adjusted basis of the contributed property. In the case of a charitable contribution by the partnership of property whose fair market value exceeds its adjusted basis, a special rule provides that the basis limitation on partner losses does not apply to the extent of the partner's distributive share of the excess.

Effective date.—The provision applies to partnership taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision applies to partnership taxable years beginning after December 31, 2017.

4. Cost basis of specified securities determined without regard to identification (sec. 13533 of the Senate amendment and sec. 1012 of the Code)

PRESENT LAW

In general

Gain or loss generally is recognized for Federal income tax purposes on realization of that gain or loss (for example, as the result of sale of property). The taxpayer's gain or loss on a disposition of property is the difference between the amount realized on the sale and the taxpayer's adjusted basis in the property disposed of.¹¹²⁴

To compute adjusted basis, a taxpayer must first determine the property's unadjusted or original basis and then make adjustments prescribed by the Code.¹¹²⁵ The original basis of property is its cost, except as otherwise prescribed by the Code (for example, in the case of property acquired by gift or bequest or in a tax-free exchange). Once determined, the taxpayer's original basis generally is adjusted downward to take account of depreciation or amortization, and generally is adjusted upward to reflect income and gain inclusions or capital improvements with respect to the property.

Basis computation rules

If a taxpayer has acquired stock in a corporation on different dates or at different

¹¹¹⁴ Sec. 704(d) and Treas. Reg. sec. 1.704-1(d)(1).

¹¹¹⁵ Sec. 705(a).

¹¹¹⁶ Rev. Rul. 96-11, 1996-1 C.B. 140.

¹¹¹⁷ Sec. 703(a)(2)(B) and (C). In addition, section 703(a)(2) provides that other deductions are not allowed to the partnership, notwithstanding that the partnership's taxable income is computed in the same manner as an individual's taxable income, specifically: personal exemptions, net operating loss deductions, certain itemized deductions for individuals, or depletion.

¹¹¹⁸ Sec. 702.

¹¹¹⁹ The regulation provides that "[i]f the partner's distributive share of the aggregate of items of loss specified in section 702(a)(1), (2), (3), (8) [now (7)], and (9) [now (8)] exceeds the basis of the partner's interest computed under the preceding sentence, the limitation on losses under section 704(d) must be allocated to his distributive share of each such loss." The regulation does not refer to section 702(a)(4) (charitable contributions) and 702(a)(6) (foreign taxes paid or accrued). Treas. Reg. sec. 1.704-1(d)(2).

¹¹²⁰ Priv. Ltr. Rul. 8405084. And see William S. McKee, William F. Nelson and Robert L. Whitmire, *Federal Taxation of Partnerships and Partners*, WG&L, 4th Edition (2011), paragraph 11.051[b], pp. 11-214 (noting that the "failure to include charitable contributions in the §704(d) limitation is an apparent technical flaw in the statute. Because of it, a zero-basis partner may reap the benefits of a partnership charitable contribution without an offsetting decrease in the basis of his interest, whereas a fellow partner who happens to have a positive basis may do so only at the cost of a basis decrease.").

¹¹²¹ Sec. 901.

¹¹²² Sec. 1366(d) and sec. 1366(a)(1). Under a related rule, the shareholder's basis in his interest is decreased by the basis (rather than the fair market value) of appreciated property by reason of a charitable contribution of the property by the S corporation (sec. 1367(a)(2)).

¹¹²³ Sec. 1366(d)(4).

¹¹²⁴ Sec. 1001.

¹¹²⁵ Sec. 1016.

¹¹¹¹ Sec. 743(d).

¹¹¹² See sec. 743(e) (alternative rules for electing investment partnerships) and sec. 743(f) (exception for securitization partnerships).

¹¹¹³ Unlike in the case of an electing investment partnership, the partner-level loss limitation rule does not apply for a securitization partnership.

prices and sells or transfers some of the shares of that stock, and the lot from which the stock is sold or transferred is not adequately identified, the shares sold are deemed to be drawn from the earliest acquired shares (the “first-in-first-out rule”).¹¹²⁶ However, if a taxpayer makes an adequate identification (“specific identification”) of shares of stock that it sells, the shares of stock treated as sold are the shares that have been identified.¹¹²⁷ A taxpayer who owns shares in a regulated investment company (“RIC”) generally is permitted to elect, in lieu of the specific identification or first-in-first-out methods, to determine the basis of RIC shares sold under one of two average-cost-basis methods described in Treasury regulations (together, the “average basis method”).¹¹²⁸

In the case of the sale, exchange, or other disposition of a specified security (defined below) to which the basis reporting requirement described below applies, the first-in-first-out rule, specific identification, and average basis method conventions are applied on an account by account basis.¹¹²⁹ To facilitate the determination of the cost of RIC stock under the average basis method, RIC stock acquired before January 1, 2012, generally is treated as a separate account from RIC stock acquired on or after that date unless the RIC (or a broker holding the stock as a nominee) elects otherwise with respect to one or more of its stockholders, in which case all the RIC stock with respect to which the election is made is treated as a single account and the basis reporting requirement described below applies to all that stock.¹¹³⁰

The basis of stock acquired after December 31, 2010, in connection with a dividend reinvestment plan (“DRP”) is determined under the average basis method for as long as the stock is held as part of that plan.¹¹³¹

Basis reporting

A broker is required to report to the IRS a customer's adjusted basis in a covered security that the customer has sold and whether any gain or loss from the sale is long-term or short-term.¹¹³²

A covered security is, in general, any specified security acquired after an applicable date specified in the basis reporting rules. A specified security is any share of stock of a corporation (including stock of a RIC); any note, bond, debenture, or other evidence of indebtedness; any commodity, or contract or derivative with respect to such commodity, if the Treasury Secretary determines that adjusted basis reporting is appropriate; and any other financial instrument with respect to which the Treasury Secretary determines that adjusted basis reporting is appropriate.

For purposes of satisfying the basis reporting requirements, a broker must determine a customer's adjusted basis in accordance with rules intended to ensure that the broker's reported adjusted basis numbers are the same numbers that customers must use in filing their tax returns.¹¹³³

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision requires that the cost of any specified security sold, exchanged, or other-

wise disposed of on or after January 1, 2018, be determined on a first-in-first-out basis except to the extent the average basis method is otherwise allowed (as in the case of a taxpayer holding shares in a RIC). The provision does not apply to sales, exchanges, or other dispositions of specified securities by RICs.

The provision includes several conforming amendments, including a rule restricting a broker's basis reporting method to the first-in-first-out method in the case of the sale of any stock for which the average basis method is not permitted.

Effective date.—The provision applies to sales, exchanges, and other dispositions after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

5. Expansion of qualifying beneficiaries of an electing small business trust (sec. 13541 of the Senate amendment and sec. 1361 of the Code)

PRESENT LAW

An electing small business trust (“ESBT”) may be a shareholder of an S corporation.¹¹³⁴ Generally, the eligible beneficiaries of an ESBT include individuals, estates, and certain charitable organizations eligible to hold S corporation stock directly. A nonresident alien individual may not be a shareholder of an S corporation and may not be a potential current beneficiary of an ESBT.¹¹³⁵

The portion of an ESBT which consists of the stock of an S corporation is treated as a separate trust and generally is taxed on its share of the S corporation's income at the highest rate of tax imposed on individual taxpayers. This income (whether or not distributed by the ESBT) is not taxed to the beneficiaries of the ESBT.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment allows a nonresident alien individual to be a potential current beneficiary of an ESBT.

Effective date.—The provision takes effect on January 1, 2018.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

6. Charitable contribution deduction for electing small business trusts (sec. 13542 of the Senate amendment and sec. 642(c) of the Code)

PRESENT LAW

An electing small business trust (“ESBT”) may be a shareholder of an S corporation.¹¹³⁶ The portion of an ESBT that consists of the stock of an S corporation is treated as a separate trust and generally is taxed on its share of the S corporation's income at the highest rate of tax imposed on individual taxpayers. This income (whether or not distributed by the ESBT) is not taxed to the beneficiaries of the ESBT. In addition to nonseparately computed income or loss, an S corporation reports to its shareholders their pro rata share of certain separately stated items of income, loss, deduction, and credit.¹¹³⁷ For this purpose, charitable contributions (as defined in section 170(c)) of an S corporation are separately stated and taken by the shareholder.

The treatment of a charitable contribution passed through by an S corporation depends

on the shareholder. Because an ESBT is a trust, the deduction for charitable contributions applicable to trusts,¹¹³⁸ rather than the deduction applicable to individuals,¹¹³⁹ applies to the trust. Generally, a trust is allowed a charitable contribution deduction for amounts of gross income, without limitation, which pursuant to the terms of the governing instrument are paid for a charitable purpose. No carryover of excess contributions is allowed. An individual is allowed a charitable contribution deduction limited to certain percentages of adjusted gross income generally with a five-year carryforward of amounts in excess of this limitation.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that the charitable contribution deduction of an ESBT is not determined by the rules generally applicable to trusts but rather by the rules applicable to individuals. Thus, the percentage limitations and carryforward provisions applicable to individuals apply to charitable contributions made by the portion of an ESBT holding S corporation stock.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

7. Production period for beer, wine, and distilled spirits (sec. 13801 of the Senate amendment and sec. 263A of the Code)

PRESENT LAW

In general

The uniform capitalization (“UNICAP”) rules, which were enacted as part of the Tax Reform Act of 1986,¹¹⁴⁰ require certain direct and indirect costs allocable to real or tangible personal property produced by the taxpayer to be included in either inventory or capitalized into the basis of such property, as applicable.¹¹⁴¹ For real or personal property acquired by the taxpayer for resale, section 263A generally requires certain direct and indirect costs allocable to such property to be included in inventory.

In the case of interest expense, the UNICAP rules apply only to interest paid or incurred during the property's production period¹¹⁴² and that is allocable to property produced by the taxpayer or acquired for resale which (1) is either real property or property with a class life of at least 20 years, (2) has an estimated production period exceeding two years, or (3) has an estimated production period exceeding one year and a cost exceeding \$1,000,000.¹¹⁴³ The production period with respect to any property is the period beginning on the date on which production of the property begins, and ending on the date on which the property is ready to be placed in service or held for sale.¹¹⁴⁴ In the case of property that is customarily aged (e.g., tobacco, wine, and whiskey) before it is sold, the production period includes the aging period.¹¹⁴⁵

¹¹³⁸ Sec. 642(c).

¹¹³⁹ Sec. 170.

¹¹⁴⁰ Sec. 803(a) of Pub. L. No. 99-514 (1986).

¹¹⁴¹ Sec. 263A.

¹¹⁴² See Treas. Reg. sec. 1.263A-12.

¹¹⁴³ Sec. 263A(f).

¹¹⁴⁴ Sec. 263A(f)(4)(B).

¹¹⁴⁵ See Treas. Reg. sec. 1.263A-12(d)(1). See also TAM 9327007 (Mar. 31, 1993) (holding that producers of wine must include the time that wine ages in bottles as part of the production period, which concludes when the wine vintage is officially released to the distribution chain).

¹¹²⁶ Treas. Reg. sec. 1.1012-1(c)(1).

¹¹²⁷ Treas. Reg. sec. 1.1012-1(c)(2).

¹¹²⁸ Treas. Reg. sec. 1.1012-1(e).

¹¹²⁹ Sec. 1012(c)(1).

¹¹³⁰ Sec. 1012(c)(2).

¹¹³¹ Sec. 1012(d)(1). Other special rules apply to DRP stock. See sec. 1012(d)(2) and (3).

¹¹³² Sec. 6045(g); Treas. Reg. sec. 1.6045-1(d).

¹¹³³ See sec. 6045(g)(2).

¹¹³⁴ Sec. 1361(c)(2)(A)(v).

¹¹³⁵ Sec. 1361(b)(1)(C) and (c)(2)(B)(v).

¹¹³⁶ Sec. 1361(c)(2)(A)(v).

¹¹³⁷ Sec. 1366(a)(1).

Exceptions from UNICAP

Section 263A provides a number of exceptions to the general capitalization requirements. One such exception exists for certain small taxpayers who acquire property for resale and have \$10 million or less of average annual gross receipts for the preceding three-taxable year period;¹¹⁴⁶ such taxpayers are not required to include additional section 263A costs in inventory.

Another exception exists for taxpayers who raise, harvest, or grow trees.¹¹⁴⁷ Under this exception, section 263A does not apply to trees raised, harvested, or grown by the taxpayer (other than trees bearing fruit, nuts, or other crops, or ornamental trees) and any real property underlying such trees. Similarly, the UNICAP rules do not apply to any animal or plant having a reproductive period of two years or less, which is produced by a taxpayer in a farming business (unless the taxpayer is required to use an accrual method of accounting under section 447 or 448(a)(3)).¹¹⁴⁸

Freelance authors, photographers, and artists also are exempt from section 263A for any qualified creative expenses.¹¹⁴⁹ Qualified creative expenses are defined as amounts paid or incurred by an individual in the trade or business of being a writer, photographer, or artist. However, such term does not include any expense related to printing, photographic plates, motion picture files, video tapes, or similar items.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would exclude the aging periods for beer, wine, and distilled spirits from the production period for purposes of the UNICAP interest capitalization rules. Thus, under the provision, producers of beer, wine and distilled spirits are able to deduct interest expenses (subject to any other applicable limitation) attributable to a shorter production period.

The provision does not apply to interest costs paid or accrued after December 31, 2019.

Effective date.—The provision is effective for interest costs paid or accrued after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

8. Reduced rate of excise tax on beer (sec. 13802 of the Senate amendment and sec. 5051 of the Code)**PRESENT LAW**

Federal excise taxes are imposed at different rates on distilled spirits, wine, and

beer and are imposed on these products when produced or imported. Generally, these excise taxes are administered and enforced by the TTB, except the taxes on imported bottled distilled spirits, wine, and beer are collected by the Customs and Border Protection Bureau (the “CBP”) of the Department of Homeland Security (under delegation by the Secretary of the Treasury).

Liability for the excise tax on beer also come into existence when the alcohol is produced but is not payable until the beer is removed from the brewery for consumption or sale. Generally, beer may be transferred between commonly owned breweries without payment of tax; however, tax liability follows these products. Imported bulk beer may be released from customs custody without payment of tax and transferred in bond to a brewery. Beer may be exported without payment of tax and may be withdrawn without payment of tax or free of tax from the production facility for certain authorized uses, including industrial uses and non-beverage uses.

The rate of tax on beer is \$18 per barrel (31 gallons).¹¹⁵⁰ Small brewers are subject to a reduced tax rate of \$7 per barrel on the first 60,000 barrels of beer domestically produced and removed each year.¹¹⁵¹ Small brewers are defined as brewers producing fewer than two million barrels of beer during a calendar year. The credit reduces the effective per-gallon tax rate from approximately 58 cents per gallon to approximately 22.6 cents per gallon for this beer.

In the case of a controlled group, the two million barrel limitation for small brewers is applied to the controlled group, and the 60,000 barrels eligible for the reduced rate of tax, are apportioned among the brewers who are component members of such group. The term “controlled group” has the meaning assigned to it by sec. 1563(a), except that the phrase “more than 50 percent” is substituted for the phrase “at least 80 percent” in each place it appears in sec. 1563(a).

Individuals may produce limited quantities of beer for personal or family use without payment of tax during each calendar year. The limit is 200 gallons per calendar year for households of two or more adults and 100 gallons per calendar year for single-adult households.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment lowers the rate of tax on beer to \$16 per barrel on the first six million barrels brewed by the brewer or imported by the importer. In general, in the case of a controlled group of brewers, the six million barrel limitation is applied and apportioned at the level of the controlled group. Beer brewed or imported in excess of the six million barrel limit would continue to be taxed at \$18 per barrel. In the case of small brewers, such brewers would be taxed at a rate of \$3.50 per barrel on the first 60,000 barrels domestically produced, and \$16 per barrel on any further barrels produced. The same rules applicable to controlled groups under present law apply with respect to this limitation.

For barrels of beer that have been brewed or produced outside of the United States and imported into the United States, the reduced tax rate may be assigned by the brewer to any importer of such barrels pursuant to requirements set forth by the Secretary of the

Treasury in consultation with the Secretary of Health and Human Services and the Secretary of the Department of Homeland Security. These requirements are to include: (1) a limitation to ensure that the number of barrels of beer for which the reduced tax rate has been assigned by a brewer to any importer does not exceed the number of barrels of beer brewed or produced by such brewer during the calendar year which were imported into the United States by such importer; (2) procedures that allow a brewer and an importer to elect whether to receive the reduced tax rate; (3) requirements that the brewer provide any information as the Secretary of the Treasury determines necessary and appropriate for purposes of assignment of the reduced tax rate; and (4) procedures that allow for revocation of eligibility of the brewer and the importer for the reduced tax rate in the case of erroneous or fraudulent information provided in (3) which the Secretary of the Treasury deems to be material for qualifying for the reduced tax rate.

Any importer making an election to receive the reduced tax rate shall be deemed to be a member of the controlled group of the brewer, within the meaning of sec. 1563(a), except that the phrase “more than 50 percent” is substituted for the phrase “at least 80 percent” in each place it appears in sec. 1563(a).¹¹⁵²

Under rules issued by the Secretary of the Treasury, two or more entities (whether or not under common control) that produce beer marketed under a similar brand, license, franchise, or other arrangement shall be treated as a single taxpayer for purposes of the excise tax on beer.

The provision does not apply for beer removed after December 31, 2019.

Effective date.—The provision is effective for beer removed after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

9. Transfer of beer between bonded facilities (sec. 13803 of the Senate amendment and sec. 5414 of the Code)**PRESENT LAW**

Federal excise taxes are imposed at different rates on distilled spirits, wine, and beer and are imposed on these products when produced or imported. Generally, these excise taxes are administered and enforced by the TTB, except the taxes on imported bottled distilled spirits, wine, and beer are collected by the Customs and Border Protection Bureau (the “CBP”) of the Department of Homeland Security (under delegation by the Secretary of the Treasury). The rate of tax on beer is \$18 per barrel (31 gallons).¹¹⁵³

Liability for the excise tax on beer also come into existence when the alcohol is produced but is not payable until the beer is removed from the brewery for consumption or sale. Generally, beer may be transferred between commonly owned breweries without payment of tax; however, tax liability follows these products. Imported bulk beer may be released from customs custody without payment of tax and transferred in bond to a brewery. Beer may be exported without payment of tax and may be withdrawn without payment of tax or free of tax from the production facility for certain authorized uses, including industrial uses and non-beverage uses.

¹¹⁵² Members of the controlled group may include foreign corporations.

¹¹⁵³ Sec. 5051.

¹¹⁴⁶ Sec. 263A(b)(2)(B). No statutory exception is available for small taxpayers who produce property subject to section 263A. However, a *de minimis* rule under Treasury regulations treats producers that use the simplified production method and incur total indirect costs of \$200,000 or less in a taxable year as having no additional indirect costs beyond those normally capitalized for financial accounting purposes. Treas. Reg. sec. 1.263A-2(b)(3)(iv). However, the Chairman's Mark of the “Tax Cuts and Jobs Act” proposes to expand the exception for small taxpayers from the uniform capitalization rules. Under the provision, any producer or reseller that meets the \$15 million gross receipts test is exempted from the application of section 263A. See section III.B.4 of *Description of the Chairman's Mark of the “Tax Cuts and Jobs Act”* (JCX-51-17), November 9, 2017.

¹¹⁴⁷ Sec. 263A(c)(5).

¹¹⁴⁸ Sec. 263A(d). See also section III.B.3 of *Description of the Chairman's Mark of the “Tax Cuts and Jobs Act”* (JCX-51-17), November 9, 2017, which expands the universe of farming C corporations that may use the cash method to include any farming C corporation that meets the \$15 million gross receipts test.

¹¹⁴⁹ Sec. 263A(h).

¹¹⁵⁰ Sec. 5051.

¹¹⁵¹ Sec. 5051(a)(2).

Small domestic brewers are subject to a reduced tax rate of \$7 per barrel on the first 60,000 barrels of beer removed each year.¹¹⁵⁴ Small brewers are defined as brewers producing fewer than two million barrels of beer during a calendar year. The credit reduces the effective per-gallon tax rate from approximately 58 cents per gallon to approximately 22.6 cents per gallon for this beer.

Individuals may produce limited quantities of beer for personal or family use without payment of tax during each calendar year. The limit is 200 gallons per calendar year for households of two or more adults and 100 gallons per calendar year for single-adult households.

Transfer rules and removals without tax

Certain removals or transfers of beer are exempt from tax. Beer may be transferred without payment of the tax between bonded premises under certain conditions specified in the regulations.¹¹⁵⁵ The tax liability accompanies the beer that is transferred in bond. However, beer may only be transferred free of tax between breweries if both breweries are owned by the same brewer.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment relaxes the shared ownership requirement of section 5414. Thus, under the provision, a brewer may transfer beer from one brewery to another without incurring tax, provided that: (i) the breweries are owned by the same person; (ii) one brewery owns a controlling interest in the other; (iii) the same person or persons have a controlling interest in both breweries; or (iv) the proprietors of the transferring and receiving premises are independent of each other, and the transferor has divested itself of all interest in the beer so transferred, and the transferee has accepted responsibility for payment of the tax.

For purposes of transferring the tax liability pursuant to (iv) above, such relief from liability shall be effective from the time of removal from the transferor's bonded premises, or from the time of divestment, whichever is later.

The provision does not apply for calendar quarters beginning after December 31, 2019.

Effective date.—The provision applies to any calendar quarters beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

10. Reduced rate of excise tax on certain wine (sec. 13804 of the Senate amendment and sec. 5041 of the Code)

PRESENT LAW

In general

Under present law, excise taxes are imposed at different rates on wine, depending on the wine's alcohol content and carbonation levels. The following table outlines the present rates of tax on wine.

Tax (and Code Section)	Tax Rates
Wines (sec. 5041)	
“Still wines” ¹¹⁵⁶ not more than 14 percent alcohol.	\$1.07 per wine gallon ¹¹⁵⁷
“Still wines” more than 14 percent, but not more than 21 percent, alcohol.	\$1.57 per wine gallon
“Still wines” more than 21 percent, but not more than 24 percent, alcohol.	\$3.15 per wine gallon

¹¹⁵⁴ Sec. 5051(a)(2).

¹¹⁵⁵ Sec. 5414.

¹¹⁵⁶ A “still wine” is a non-sparkling wine. Most common table wines are still wines.

¹¹⁵⁷ A wine gallon is a U.S. liquid gallon.

Tax (and Code Section)	Tax Rates
“Still wines” more than 24 percent alcohol.	\$13.50 per proof gallon (taxed as distilled spirits)
Champagne and other sparkling wines	\$3.40 per wine gallon
Artificially carbonated wines	\$3.30 per wine gallon

Liability for the excise taxes on wine come into existence when the wine is produced but is not payable until the wine is removed from the bonded wine cellar or winery for consumption or sale. Generally, bulk and bottled wine may be transferred in bond between bonded premises; however, tax liability follows these products. Bulk natural wine may be released from customs custody without payment of tax and transferred in bond to a winery. Wine may be exported without payment of tax and may be withdrawn without payment of tax or free of tax from the production facility for certain authorized uses, including industrial uses and non-beverage uses.

Reduced rates and exemptions for certain wine producers

Wineries having aggregate annual production not exceeding 250,000 gallons (“small domestic producers”) receive a credit against the wine excise tax equal to 90 cents per gallon (the amount of a wine tax increase enacted in 1990) on the first 100,000 gallons of wine domestically produced and removed during a calendar year.¹¹⁵⁸ The credit is reduced (but not below zero) by one percent for each 1,000 gallons produced in excess of 150,000 gallons; the credit does not apply to sparkling wines. In the case of a controlled group, the 250,000 gallon limitation for wineries is applied to the controlled group, and the 100,000 gallons eligible for the credit, are apportioned among the wineries who are component members of such group. The term “controlled group” has the meaning assigned to it by sec. 1563(a), except that the phrase “more than 50 percent” is substituted for the phrase “at least 80 percent” in each place it appears in sec 1563(a).

Individuals may produce limited quantities of wine for personal or family use without payment of tax during each calendar year. The limit is 200 gallons per calendar year for households of two or more adults and 100 gallons per calendar year for single-adult households.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment modifies the credit against the wine excise tax for small domestic producers, by removing the 250,000 wine gallon domestic production limitation (and thus making the credit available for all wine producers and importers). Additionally, under the provision, sparkling wine producers and importers are now eligible for the credit. With respect to wine produced in, or imported into, the United States during a calendar year, the credit amount is (1) \$1.00 per wine gallon for the first 30,000 wine gallons of wine, plus; (2) 90 cents per wine gallon on the next 100,000 wine gallons of wine, plus; (3) 53.5 cents per wine gallon on the next 620,000 wine gallons of wine.¹¹⁵⁹ There is no phaseout of the credit.

In the case of any wine gallons of wine that have been produced outside of the United States and imported into the United States, the tax credit allowable may be as-

¹¹⁵⁸ Sec. 5041(c).

¹¹⁵⁹ The credit rate for hard cider is tiered at the same level of production or importation, but is equal to 6.2 cents, 5.6 cents and 3.3 cents, respectively.

signed by the person who produced such wine (the “foreign producer”) to any electing importer of such wine gallons pursuant to requirements established by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services and the Secretary of the Department of Homeland Security. These requirements are to include: (1) a limitation to ensure that the number of wine gallons of wine for which the tax credit has been assigned by a foreign producer to any importer does not exceed the number of wine gallons of wine produced by such foreign producer, during the calendar year, which were imported into the United States by such importer; (2) procedures that allow the election of a foreign producer to assign, and an importer to receive, the tax credit; (3) requirements that the foreign producer provide any information that the Secretary of the Treasury determines to be necessary and appropriate for purposes of assigning the tax credit; and (4) procedures that allow for revocation of eligibility of the foreign producer and the importer for the tax credit in the case of erroneous or fraudulent information provided in (3) which the Secretary of the Treasury deems to be material for qualifying for the reduced tax rate.

Any importer making an election to receive the reduced tax rate shall be deemed to be a member of the controlled group of the winemaker, within the meaning of sec. 1563(a), except that the phrase “more than 50 percent” is substitute for the phrase “at least 80 percent” in each place it appears in sec 1563(a).¹¹⁶⁰

The provision does not apply for wine removed in calendar quarters beginning after December 31, 2019.

Effective date.—The provision applies to wine removed after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

11. Adjustment of alcohol content level for application of excise tax rates (sec. 13805 of the Senate amendment and sec. 5041 of the Code)

PRESENT LAW

In general

Under present law, excise taxes are imposed at different rates on wine, depending on the wine's alcohol content and carbonation levels. The following table outlines the present rates of tax on wine.

Tax (and Code Section)	Tax Rates
Wines (sec. 5041)	
“Still wines” ¹¹⁶¹ not more than 14 percent alcohol.	\$1.07 per wine gallon ¹¹⁶²
“Still wines” more than 14 percent, but not more than 21 percent, alcohol.	\$1.57 per wine gallon
“Still wines” more than 21 percent, but not more than 24 percent, alcohol.	\$3.15 per wine gallon
“Still wines” more than 24 percent alcohol.	\$13.50 per proof gallon (taxed as distilled spirits)
Champagne and other sparkling wines	\$3.40 per wine gallon
Artificially carbonated wines	\$3.30 per wine gallon

Liability for the excise taxes on wine come into existence when the wine is produced but is not payable until the wine is removed from the bonded wine cellar or winery for consumption or sale. Generally, bulk and bottled wine may be transferred in bond between bonded premises; however, tax liability follows these products. Bulk natural wine

¹¹⁶⁰ Members of the controlled group may include foreign corporations.

¹¹⁶¹ A “still wine” is a non-sparkling wine. Most common table wines are still wines.

¹¹⁶² A wine gallon is a U.S. liquid gallon.

may be released from customs custody without payment of tax and transferred in bond to a winery. Wine may be exported without payment of tax and may be withdrawn without payment of tax or free of tax from the production facility for certain authorized uses, including industrial uses and non-beverage uses.

Reduced rates and exemptions for certain wine producers

Wineries having aggregate annual production not exceeding 250,000 gallons ("small domestic producers") receive a credit against the wine excise tax equal to 90 cents per gallon (the amount of a wine tax increase enacted in 1990) on the first 100,000 gallons of wine domestically produced and removed during a calendar year.¹¹⁶³ The credit is reduced (but not below zero) by one percent for each 1,000 gallons produced in excess of 150,000 gallons; the credit does not apply to sparkling wines. In the case of a controlled group, the 250,000 gallon limitation for wineries is applied to the controlled group, and the 100,000 gallons eligible for the credit, are apportioned among the wineries who are component members of such group. The term "controlled group" has the meaning assigned to it by sec. 1563(a), except that the phrase "more than 50 percent" is substituted for the phrase "at least 80 percent" in each place it appears in sec. 1563(a).

Individuals may produce limited quantities of wine for personal or family use without payment of tax during each calendar year. The limit is 200 gallons per calendar year for households of two or more adults and 100 gallons per calendar year for single-adult households.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment modifies alcohol-by-volume levels of the first two tiers of the excise tax on wine, by changing 14 percent to 16 percent. Thus, under the provision, a wine producer or importer may produce or import "still wine" that has an alcohol-by-volume level of up to 16 percent, and remain subject to the lowest rate of \$1.07 per wine gallon.

The provision does not apply to wine removed after December 31, 2019.

Effective date.—The provision applies to wine removed after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

12. Definition of mead and low alcohol by volume wine (sec. 13806 of the Senate amendment and sec. 5041 of the Code)

PRESENT LAW

In general

Under present law, excise taxes are imposed at different rates on wine, depending on the wine's alcohol content and carbonation levels. The following table outlines the present rates of tax on wine.

Tax (and Code Section)	Tax Rates
Wines (sec. 5041)	
"Still wines" ¹¹⁶⁴ not more than 14 percent alcohol.	\$1.07 per wine gallon ¹¹⁶⁵
"Still wines" more than 14 percent, but not more than 21 percent, alcohol.	\$1.57 per wine gallon
"Still wines" more than 21 percent, but not more than 24 percent, alcohol.	\$3.15 per wine gallon

¹¹⁶³ Sec. 5041(c).

¹¹⁶⁴ A "still wine" is a non-sparkling wine. Most common table wines are still wines.

¹¹⁶⁵ A wine gallon is a U.S. liquid gallon.

Tax (and Code Section)	Tax Rates
"Still wines" more than 24 percent alcohol.	\$13.50 per proof gallon (taxed as distilled spirits)
Champagne and other sparkling wines	\$3.40 per wine gallon
Artificially carbonated wines	\$3.30 per wine gallon

Liability for the excise taxes on wine come into existence when the wine is produced but is not payable until the wine is removed from the bonded wine cellar or winery for consumption or sale. Generally, bulk and bottled wine may be transferred in bond between bonded premises; however, tax liability follows these products. Bulk natural wine may be released from customs custody without payment of tax and transferred in bond to a winery. Wine may be exported without payment of tax and may be withdrawn without payment of tax or free of tax from the production facility for certain authorized uses, including industrial uses and non-beverage uses.

Reduced rates and exemptions for certain wine producers

Wineries having aggregate annual production not exceeding 250,000 gallons ("small domestic producers") receive a credit against the wine excise tax equal to 90 cents per gallon (the amount of a wine tax increase enacted in 1990) on the first 100,000 gallons of wine domestically produced and removed during a calendar year.¹¹⁶⁶ The credit is reduced (but not below zero) by one percent for each 1,000 gallons produced in excess of 150,000 gallons; the credit does not apply to sparkling wines. In the case of a controlled group, the 250,000 gallon limitation for wineries is applied to the controlled group, and the 100,000 gallons eligible for the credit, are apportioned among the wineries who are component members of such group. The term "controlled group" has the meaning assigned to it by sec. 1563(a), except that the phrase "more than 50 percent" is substituted for the phrase "at least 80 percent" in each place it appears in sec. 1563(a).

Individuals may produce limited quantities of wine for personal or family use without payment of tax during each calendar year. The limit is 200 gallons per calendar year for households of two or more adults and 100 gallons per calendar year for single-adult households.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment designates mead and certain sparkling wines to be taxed at the lowest rate applicable to "still wine," of \$1.07 per wine gallon of wine. Mead is defined as a wine that contains not more than 0.64 grams of carbon dioxide per hundred milliliters of wine,¹¹⁶⁷ which is derived solely from honey and water, contains no fruit product or fruit flavoring, and contains less than 8.5 percent alcohol-by-volume. The sparkling wines eligible to be taxed at the lowest rate are those wines that contain not more than 0.64 grams of carbon dioxide per hundred milliliters of wine,¹¹⁶⁸ which are derived primarily from grapes or grape juice concentrate and water, which contain no fruit flavoring other than grape, and which contain less than 8.5 percent alcohol by volume.

The provision does not apply to wine removed after December 31, 2019.

¹¹⁶⁶ Sec. 5041(c).

¹¹⁶⁷ The Secretary is authorized to prescribe tolerances to this limitation as may be reasonably necessary in good commercial practice.

¹¹⁶⁸ The Secretary is authorized to prescribe tolerances to this limitation as may be reasonably necessary in good commercial practice.

Effective date.—The provision applies to wine removed after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

13. Reduced rate of excise tax on certain distilled spirits (sec. 13807 of the Senate amendment and sec. 5001 of the Code)

PRESENT LAW

An excise tax is imposed on all distilled spirits produced in, or imported into, the United States.¹¹⁶⁹ The tax liability legally comes into existence the moment the alcohol is produced or imported but payment of the tax is not required until a subsequent withdrawal or removal from the distillery, or, in the case of an imported product, from customs custody or bond.¹¹⁷⁰

Distilled spirits are taxed at a rate of \$13.50 per proof gallon.¹¹⁷¹ Liability for the excise tax on distilled spirits comes into existence when the alcohol is produced but is not determined and payable until bottled distilled spirits are removed from the bonded premises of the distilled spirits plant where they are produced. Generally, bulk distilled spirits may be transferred in bond between bonded premises; however, tax liability follows these products. Imported bulk distilled spirits may be released from customs custody without payment of tax and transferred in bond to a distillery. Distilled spirits be exported without payment of tax and may be withdrawn without payment of tax or free of tax from the production facility for certain authorized uses, including industrial uses and non-beverage uses.

A portion of the revenues from the distilled spirits excise tax imposed on rum imported or brought into¹¹⁷² the United States (less certain administrative costs) is transferred ("covered over") to Puerto Rico and the U.S. Virgin Islands.¹¹⁷³ The amount covered over is \$10.50 per proof gallon (\$13.25 per proof gallon during the period from July 1, 1999, through December 31, 2016).

Eligible distilled spirits wholesale distributors and distillers receive an income tax credit for the average cost of carrying previously imposed excise tax on beverages stored in their warehouses.¹¹⁷⁴

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment institutes a tiered rate for distilled spirits. The rate of tax is lowered to \$2.70 per proof gallon on the first 100,000 proof gallons of distilled spirits, \$13.34 for all proof gallons in excess of that amount but below 22,130,000 proof gallons, and \$13.50 for amounts thereafter. The provision contains rules so as to prevent members of the same controlled group from receiving the lower rate on more than 100,000 proof gallons of distilled spirits. Importers of distilled spirits are eligible for the lower rates.

¹¹⁶⁹ Secs. 5001.

¹¹⁷⁰ Secs. 5006, 5043, and 5054. In general, proprietors of distilled spirit plants, proprietors of bonded wine cellars, brewers, and importers are liable for the tax.

¹¹⁷¹ A "proof gallon" is a U.S. liquid gallon of proof spirits, or the alcoholic equivalent thereof. Generally a proof gallon is a U.S. liquid gallon consisting of 50 percent alcohol. On lesser quantities, the tax is paid proportionately. Credits are allowed for wine content and flavors content of distilled spirits. Sec. 5010.

¹¹⁷² Because Puerto Rico is inside U.S. customs territory, articles entering the United States from that commonwealth are "brought into" rather than "imported into" the U.S.

¹¹⁷³ Sec. 7652.

¹¹⁷⁴ Sec. 5011. Section 5011 is administered and enforced by the IRS.

The provision does not apply to distilled spirits removed after December 31, 2019.

Effective date.—The provision applies to distilled spirits removed after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

14. Bulk distilled spirits (sec. 13808 of the Senate amendment and sec. 5212 of the Code)

PRESENT LAW

An excise tax is imposed on all distilled spirits produced in, or imported into, the United States.¹¹⁷⁵ The tax liability legally comes into existence the moment the alcohol is produced or imported but payment of the tax is not required until a subsequent withdrawal or removal from the distillery, or, in the case of an imported product, from customs custody or bond.¹¹⁷⁶

Distilled spirits are taxed at a rate of \$13.50 per proof gallon.¹¹⁷⁷ Liability for the excise tax on distilled spirits comes into existence when the alcohol is produced but is not determined and payable until bottled distilled spirits are removed from the bonded premises of the distilled spirits plant where they are produced. Generally, bulk distilled spirits may be transferred in bond between bonded premises; however, tax liability follows these products. Additionally, in order to transfer such spirits in bond without payment of tax, such spirits may not be transferred in containers smaller than one gallon.¹¹⁷⁸ Imported bulk distilled spirits may be released from customs custody without payment of tax and transferred in bond to a distillery. Distilled spirits be exported without payment of tax and may be withdrawn without payment of tax or free of tax from the production facility for certain authorized uses, including industrial uses and non-beverage uses.

A portion of the revenues from the distilled spirits excise tax imposed on rum imported or brought into¹¹⁷⁹ the United States (less certain administrative costs) is transferred (“covered over”) to Puerto Rico and the U.S. Virgin Islands.¹¹⁸⁰ The amount covered over is \$10.50 per proof gallon (\$13.25 per proof gallon during the period from July 1, 1999, through December 31, 2016).

Eligible distilled spirits wholesale distributors and distillers receive an income tax credit for the average cost of carrying previously imposed excise tax on beverages stored in their warehouses.¹¹⁸¹

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment allows distillers to transfer spirits in approved containers other than bulk containers in bond without payment of tax.

The provision does not apply to distilled spirits transferred in bond after December 31, 2019.

Effective date.—The provision applies to distilled spirits transferred in bond after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

15. Modification of tax treatment of Alaska Native Corporations and Settlement Trusts (sec. 13821 of the Senate amendment and sec. 6039H and new secs. 139G and 247 of the Code)

PRESENT LAW

The Alaska Native Claims Settlement Act (“ANCSA”)¹¹⁸² established Native Corporations¹¹⁸³ to hold property for Alaska Natives. Alaska Natives are generally the only permitted common shareholders of those corporations under section 7(h) of ANCSA, unless a Native Corporation specifically allows other shareholders under specified procedures.

ANCSA permits a Native Corporation to transfer money or other property to an Alaska Native Settlement Trust (“Settlement Trust”) for the benefit of beneficiaries who constitute all or a class of the shareholders of the Native Corporation, to promote the health, education and welfare of beneficiaries and to preserve the heritage and culture of Alaska Natives.¹¹⁸⁴

Native Corporations and Settlement Trusts, as well as their shareholders and beneficiaries, are generally subject to tax under the same rules and in the same manner as other taxpayers that are corporations, trusts, shareholders, or beneficiaries.

Special tax rules enacted in 2001 allow an election to use a more favorable tax regime for transfers of property by a Native Corporation to a Settlement Trust and for income taxation of the Settlement Trust. There is also simplified reporting to beneficiaries.

Under the special tax rules, a Settlement Trust may make an irrevocable election to pay tax on taxable income at the lowest rate specified for individuals, (rather than the highest rate that is generally applicable to trusts) and to pay tax on capital gains at a rate consistent with being subject to such lowest rate of tax. As described further below, beneficiaries may generally thereafter exclude from gross income distributions from a trust that has made this election. Also, contributions from a Native Corporation to an electing Settlement Trust generally will not result in the recognition of gross income by beneficiaries on account of the contribution. An electing Settlement Trust remains subject to generally applicable requirements for classification and taxation as a trust.

A Settlement Trust distribution is excludable from the gross income of beneficiaries to the extent of the taxable income of the Settlement Trust for the taxable year and all prior taxable years for which an election was in effect, decreased by income tax paid by the Trust, plus tax-exempt interest from State and local bonds for the same period. Amounts distributed in excess of the amount excludable is taxed to the beneficiaries as if

distributed by the sponsoring Native Corporation in the year of distribution by the Trust, which means that the beneficiaries must include in gross income as dividends the amount of the distribution, up to the current and accumulated earnings and profits of the Native Corporation. Amounts distributed in excess of the current and accumulated earnings and profits are not included in gross income by the beneficiaries.

A special loss disallowance rule reduces (but not below zero) any loss that would otherwise be recognized upon disposition of stock of a sponsoring Native Corporation by a proportion, determined on a per share basis, of all contributions to all electing Settlement Trusts by the sponsoring Native Corporation. This rule prevents a stockholder from being able to take advantage of a decrease in value of a Native Corporation that is caused by a transfer of assets from the Native Corporation to a Settlement Trust.

The fiduciary of an electing Settlement Trust is obligated to provide certain information relating to distributions from the trust in lieu of reporting requirements under Section 6034A.

The election to pay tax at the lowest rate is not available in certain disqualifying cases where transfer restrictions have been modified to allow a transfer of either: (a) a beneficial interest that would not be permitted by section 7(h) of the Alaska Native Claims Settlement Act if the interest were Settlement common stock, or (b) any stock in an Alaska Native Corporation that would not be permitted by section 7(h) if it were Settlement common stock and the Native Corporation thereafter makes a transfer to the Trust. Where an election is already in effect at the time of such disqualifying transfers, the special rules applicable to an electing trust cease to apply and rules generally applicable to trusts apply. In addition, the distributable net income of the trust is increased by undistributed current and accumulated earnings and profits of the trust, limited by the fair market value of trust assets at the date the trust becomes so disposable. The effect is to cause the trust to be taxed at regular trust rates on the amount of recomputed distributable net income not distributed to beneficiaries, and to cause the beneficiaries to be taxed on the amount of any distributions received consistent with the applicable tax rate bracket.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision comprises three separate but related sections. The first section allows a Native Corporation to assign certain payments described in ANCSA to a Settlement Trust without having to recognize gross income from those payments, provided the assignment is in writing and the Native Corporation has not received the payment prior to assignment. The Settlement Trust is required to include the assigned payment in gross income when received.

The second section allows a Native Corporation to elect annually to deduct contributions made to a Settlement Trust. If the contribution is in cash, the deduction is in the amount of cash contributed. If the contribution is property other than cash, the deduction is the amount of the Native Corporation's basis in the contributed property (or the fair market value of such property, if less than the Native Corporation's basis), and no gain or loss can be recognized on the contribution. The Native Corporation's deduction is limited to the amount of its taxable income for that year, and any unused

¹¹⁷⁵ Secs. 5001.

¹¹⁷⁶ Secs. 5006, 5043, and 5054. In general, proprietors of distilled spirit plants, proprietors of bonded wine cellars, brewers, and importers are liable for the tax.

¹¹⁷⁷ A “proof gallon” is a U.S. liquid gallon of proof spirits, or the alcoholic equivalent thereof. Generally a proof gallon is a U.S. liquid gallon consisting of 50 percent alcohol. On lesser quantities, the tax is paid proportionately. Credits are allowed for wine content and flavors content of distilled spirits. Sec. 5010.

¹¹⁷⁸ Sec. 5212.

¹¹⁷⁹ Because Puerto Rico is inside U.S. customs territory, articles entering the United States from that commonwealth are “brought into” rather than “imported into” the U.S.

¹¹⁸⁰ Sec. 7652.

¹¹⁸¹ Sec. 5011. Section 5011 is administered and enforced by the IRS.

¹¹⁸² 43 U.S.C. 1601 *et seq.*

¹¹⁸³ Defined at 43 U.S.C. 1602(m).

¹¹⁸⁴ With certain exceptions, once an Alaska Native Corporation has made a conveyance to a Settlement Trust, the assets conveyed shall not be subject to attachment, distraint, or sale or execution of judgment, except with respect to the lawful debts and obligations of the Settlement Trust.

deduction may be carried forward 15 additional years. The Native Corporation's earnings and profits for the taxable year are reduced by the amount of any deduction claimed for that year.

Generally, the Settlement Trust must include income equal to the deduction by the Native Corporation. For contributions of property other than cash, the Settlement Trust takes a basis in the property equal to its basis in the hands of the Native Corporation immediately before the contribution (or the fair market value of such property, if less than the Native Corporation's basis), and may elect to defer recognition of income associated with such property until the Settlement Trust sells or disposes of the property. In that case, any income that is deferred (i.e., the amount of income that would have been included upon contribution absent the election to defer) is treated as ordinary income, while any gain in excess of the amount that is deferred takes the same character as if the election had not been made. If property subject to this election is disposed of within the first taxable year subsequent to the taxable year in which the property was contributed to the Settlement Trust, the election is voided with respect to the property, and the Settlement Trust is required to pay any tax applicable to the disposition of the property, including interest, as well as a penalty of 10 percent of the amount of the tax. The provision provides for a four year assessment period in which to assess the tax, interest, and penalty amounts. The provision permits the amendment of the terms of any Settlement Trust agreement to allow this election within one year of the enactment of the provision, with certain restrictions.

The third section of the provision requires any Native Corporation which has made an election to deduct contributions to a Settlement Trust as described above to furnish a statement to the Settlement Trust containing: (1) the total amount of contributions; (2) whether such contribution was in cash; (3) for non-cash contributions, the date that such property was acquired by the Native Corporation and the adjusted basis of such property on the contribution date; (4) the date on which each contribution was made to the Settlement Trust; and (5) such information as the Secretary determines is necessary for the accurate reporting of income relating to such contributions.

Effective date.—The provision relating to the exclusion for ANCSA payments assigned to Settlement Trusts is effective to taxable years beginning after December 31, 2016.

The provision relating to the deduction of contributions is effective for taxable years for which the Native Corporation's refund statute of limitations period has not expired, and the provision provides a one-year waiver of the refund statute of limitations period in the event that the limitation period expires before the end of the one-year period beginning on the date of enactment.

The provision relating to the reporting requirement applies to taxable years beginning after December 31, 2016.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

16. Amounts paid for aircraft management services (sec. 13822 of the Senate amendment and sec. 4261 of the Code)

PRESENT LAW

Excise tax on taxable transportation by air

For domestic passenger transportation, section 4261 imposes an excise tax on amounts paid for taxable transportation. In

general, for domestic flights, the tax consists of two parts: a 7.5 percent *ad valorem* tax applied to the amount paid and a flat dollar amount for each flight segment (consisting of one takeoff and one landing). "Taxable transportation" generally means transportation by air which begins and ends in the United States. The tax is paid by the person making the payment subject to tax and the tax is collected by the person receiving the payment. For commercial freight aviation, the *ad valorem* tax is 6.25 percent of the amount paid for transportation.

In determining whether a flight constitutes taxable transportation and whether the amounts paid for such transportation are subject to tax, the Internal Revenue Service ("IRS") has looked at who has "possession, command, and control" of the aircraft based on the relevant facts and circumstances.¹¹⁸⁵

Applicability to aircraft management services

Generally, an aircraft management services company ("management company") has as its business purpose the management of aircraft owned by other corporations or individuals ("aircraft owners"). In this function, management companies provide aircraft owners, among other things, with administrative and support services (such as scheduling, flight planning, and weather forecasting), aircraft maintenance services, the provision of pilots and crew, and compliance with regulatory standards. Although the arrangement between management companies and aircraft owners may vary, it is our understanding that aircraft owners generally pay management companies a monthly fee to cover the fixed expenses of maintaining the aircraft (such as insurance, maintenance, and recordkeeping) and a variable fee to cover the cost of using the aircraft (such as the provision of pilots, crew, and fuel).

In March 2012, the IRS issued a Chief Counsel Advice determining that a management company provided all of the essential elements necessary for providing transportation by air and the owner relinquished possession, command and control to the management company.¹¹⁸⁶ Thus, the management company was determined to be providing taxable transportation to the owner and was required to collect the appropriate federal excise tax from the aircraft owner and remit it to the IRS. The Chief Counsel Advice resulted in increased audit activity by the IRS on aircraft management companies.

In May 2013, the IRS suspended assessment of the federal excise tax with respect to aircraft management services while it developed guidance on the tax treatment of aircraft management issues. In a 2015 opinion,¹¹⁸⁷ an Ohio district court held that the existing revenue rulings (in effect for the tax period April 1, 2005, through June 30, 2009, the period that was the subject of the litigation) regarding the possession, command and control test, failed to provide precise and not speculative notice of a collection obligation as it related to whole-aircraft management

contracts.¹¹⁸⁸ As a result, the court ruled as a matter of law that because precise and not speculative notice was not received, the aircraft management company plaintiff did not have a collection obligation with respect to the Federal excise tax on payments received for whole-aircraft management services.

In 2017, the IRS decided not to pursue examination of the issue of whether amounts paid to aircraft companies by the owners or lessors of the aircraft are taxable until further guidance is made available. According to the IRS, for any exam in suspense the aircraft management fee issue was conceded and the taxpayers were notified accordingly.¹¹⁸⁹ The IRS has not issued further guidance on this issue.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment exempts certain payments related to the management of private aircraft from the excise taxes imposed on taxable transportation by air. Exempt payments are those amounts paid by an aircraft owner for management services related to maintenance and support of the owner's aircraft or flights on the owner's aircraft. Applicable services include support activities related to the aircraft itself, such as its storage, maintenance, and fueling, and those related to its operation, such as the hiring and training of pilots and crew, as well as administrative services such as scheduling, flight planning, weather forecasting, obtaining insurance, and establishing and complying with safety standards. Aircraft management services also include such other services as are necessary to support flights operated by an aircraft owner.

Payments for flight services are exempt only to the extent that they are attributable to flights on an aircraft owner's own aircraft.¹¹⁹⁰ Thus, if an aircraft owner makes a payment to a management company for the provision of a pilot and the pilot provides his services on the aircraft owner's aircraft, such payment is not subject to Federal excise tax. However, if the pilot provides his

¹¹⁸⁸ The district court held that such notice is required to persons having a deputy tax collection obligation under the rationale of the Supreme Court's holding in *Central Illinois Public Service Company v. United States*, 435 U.S. 21 (1978).

¹¹⁸⁹ See also, Kerry Lynch, *IRS To Shelve Pending Audits on Aircraft Management Fees*, *AINonline* (July 17, 2017) <http://www.ainonline.com/aviation-news/business-aviation/2017-07-17/irs-shelve-pending-audits-aircraft-management-fees>.

¹¹⁹⁰ Examples of arrangements that cannot qualify a person as an "aircraft owner" include ownership of stock in a commercial airline and participation in a fractional ownership aircraft program. Ownership of stock in a commercial airline cannot qualify an individual as an "aircraft owner" of a commercial airline's aircraft, and amounts paid for transportation on such flights remain subject to the tax under section 4261. Similarly, participation in a fractional ownership aircraft program does not constitute "aircraft ownership" for purposes of this standard. Amounts paid to a fractional ownership aircraft program for transportation under such a program are exempt from the ticket tax under section 4261(j) if the aircraft is operating under subpart K of part 91 of title 14 of the Code of Federal Regulations ("subpart K"), and flights under such program are subject to both the fuel tax levied on non-commercial aviation an additional fuel surtax under section 4043 of the Code. A business arrangement seeking to circumvent that surtax by operating outside of subpart K, allowing an aircraft owner the right to use any of a fleet of aircraft, be it through an aircraft interchange agreement, through holding nominal shares in a fleet of aircraft, or any other arrangement that does not reflect true tax ownership of the aircraft being flown upon, is not considered ownership for purposes of the provision.

¹¹⁸⁵ See, e.g., Rev. Rul. 60-311, 1960-2 C.B. 341, which held that, since the company in question retains the elements of possession, command, and control of the aircraft and performs all services in connection with the operation of the aircraft, the company is, in fact, furnishing taxable transportation to the lessee; and the tax on the transportation of persons applies to the portion of the total payment which is allocable to the transportation of persons, provided such allocation is made on a fair and reasonable basis. If no allocation is made, the tax applies to the total payment for the lease of the aircraft.

¹¹⁸⁶ CCA 2012-10026 (March, 2012).

¹¹⁸⁷ *Netjets Large Aircraft Inc. v. United States*, 116 A.F.T.R. 2d. 2015-6776 (S.D. Ohio, 2015).

services to the aircraft owner on an aircraft other than the aircraft owner's (for instance, on an aircraft that is part of a fleet of aircraft available for third-party charter services), then such payment is subject to Federal excise tax.

The provision provides a pro rata allocation rule in the event that a monthly payment made to a management company is allocated in part to exempt services and flights on the aircraft owner's aircraft, and in part to flights on aircraft other than the aircraft owner's. In such a circumstance, Federal excise tax must be collected on that portion of the payment attributable to flights on aircraft not owned by the aircraft owner.

Under the provision, a lessee of an aircraft is considered an aircraft owner provided that the lease is not a "disqualified lease." A disqualified lease is any lease of an aircraft from a management company (or a related party) for a term of 31 days or less.

Effective date.—The provision is effective for amounts paid after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision is effective for amounts paid after the date of enactment.

17. Opportunity zones (sec. 13823 of the Senate amendment and new secs. 1400Z-1 and 1400Z-2 of the Code)

PRESENT LAW

The Code occasionally has provided several incentives aimed at encouraging economic growth and investment in distressed communities by providing Federal tax benefits to businesses located within designated boundaries.¹¹⁹¹

One of these incentives is a federal income tax credit that is allowed in the aggregate amount of 39 percent of a taxpayer investment in a qualified community development entity (CDE).¹¹⁹² In general, the credit is allowed to a taxpayer who makes a "qualified equity investment" in a CDE which further invests in a "qualified active low-income community business." CDEs are required to make investments in low income communities (generally communities with 20 percent or greater poverty rate or median family income less than 80 percent of statewide median). The credit is allowed over seven years, five percent in each of the first three years and six percent in each of the next four years. The credit is recaptured if at any time during the seven-year period that begins on the date of the original issue of the investment the entity (1) ceases to be a qualified

CDE, (2) the proceeds of the investment cease to be used as required, or (3) the equity investment is redeemed. The Department of Treasury's Community Development Financial Institutions Fund ("CDFI") allocates the new markets tax credits.

The maximum annual amount of qualified equity investments is \$3.5 billion for calendar years 2010 through 2019. The new markets tax credit is set to expire on December 31, 2019. No amount of unused allocation limitation may be carried to any calendar year after 2024.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision provides for the temporary deferral of inclusion in gross income for capital gains reinvested in a qualified opportunity fund and the permanent exclusion of capital gains from the sale or exchange of an investment in the qualified opportunity fund.

The provision allows for the designation of certain low-income community population census tracts as qualified opportunity zones, where low-income communities are defined in Section 45D(e). The designation of a population census tract as a qualified opportunity zone remains in effect for the period beginning on the date of the designation and ending at the close of the tenth calendar year beginning on or after the date of designation.

Governors may submit nominations for a limited number of opportunity zones to the Secretary for certification and designation. If the number of low-income communities in a State is less than 100, the Governor may designate up to 25 tracts, otherwise the Governor may designate tracts not exceeding 25 percent of the number of low-income communities in the State. Governors are required to provide particular consideration to areas that: (1) are currently the focus of mutually reinforcing state, local, or private economic development initiatives to attract investment and foster startup activity; (2) have demonstrated success in geographically targeted development programs such as promise zones, the new markets tax credit, empowerment zones, and renewal communities; and (3) have recently experienced significant layoffs due to business closures or relocations.

The provision provides two main tax incentives to encourage investment in qualified opportunity zones. First, it allows for the temporary deferral of inclusion in gross income for capital gains that are reinvested in a qualified opportunity fund. A qualified opportunity fund is an investment vehicle organized as a corporation or a partnership for the purpose of investing in qualified opportunity zone property (other than another qualified opportunity fund) that holds at least 90 percent of its assets in qualified opportunity zone property. The provision intends that the certification process for a qualified opportunity fund will be done in a manner similar to the process for allocating the new markets tax credit. The provision provides the Secretary authority to carry out the process.

If a qualified opportunity fund fails to meet the 90 percent requirement and unless the fund establishes reasonable cause, the fund is required to pay a monthly penalty of the excess of the amount equal to 90 percent of its aggregate assets, over the aggregate amount of qualified opportunity zone property held by the fund multiplied by the underpayment rate in the Code. If the fund is a

partnership, the penalty is taken into account proportionately as part of each partner's distributive share.

Qualified opportunity zone property includes: any qualified opportunity zone stock, any qualified opportunity zone partnership interest, and any qualified opportunity zone business property.

The maximum amount of the deferred gain is equal to the amount invested in a qualified opportunity fund by the taxpayer during the 180-day period beginning on the date of sale of the asset to which the deferral pertains. For amounts of the capital gains that exceed the maximum deferral amount, the capital gains must be recognized and included in gross income as under present law.

If the investment in the qualified opportunity zone fund is held by the taxpayer for at least five years, the basis on the original gain is increased by 10 percent of the original gain. If the opportunity zone asset or investment is held by the taxpayer for at least seven years, the basis on the original gain is increased by an additional 5 percent of the original gain. The deferred gain is recognized on the earlier of the date on which the qualified opportunity zone investment is disposed of or December 31, 2026. Only taxpayers who rollover capital gains of non-zone assets before December 31, 2026, will be able to take advantage of the special treatment of capital gains for non-zone and zone realizations under the provision.

The basis of an investment in a qualified opportunity zone fund immediately after its acquisition is zero. If the investment is held by the taxpayer for at least five years, the basis on the investment is increased by 10 percent of the deferred gain. If the investment is held by the taxpayer for at least seven years, the basis on the investment is increased by an additional five percent of the deferred gain. If the investment is held by the taxpayer until at least December 31, 2026, the basis in the investment increases by the remaining 85 percent of the deferred gain.

The second main tax incentive in the bill excludes from gross income the post-acquisition capital gains on investments in opportunity zone funds that are held for at least 10 years. Specifically, in the case of the sale or exchange of an investment in a qualified opportunity zone fund held for more than 10 years, at the election of the taxpayer the basis of such investment in the hands of the taxpayer shall be the fair market value of the investment at the date of such sale or exchange. Taxpayers can continue to recognize losses associated with investments in qualified opportunity zone funds as under current law.

The Secretary or the Secretary's delegate is required to report annually to Congress on the opportunity zone incentives beginning 5 years after the date of enactment. The report is to include an assessment of investments held by the qualified opportunity fund nationally and at the State level. To the extent the information is available, the report is to include the number of qualified opportunity funds, the amount of assets held in qualified opportunity funds, the composition of qualified opportunity fund investments by asset class, and the percentage of qualified opportunity zone census tracts designated under the provision that have received qualified opportunity fund investments. The report is also to include an assessment of the impacts and outcomes of the investments in those areas on economic indicators including job creation, poverty reduction and new business starts, and other metrics as determined by the Secretary.

¹¹⁹¹ Such designated areas were referred to as empowerment zones, the District of Columbia Enterprise ("DC") Zone, and the Gulf Opportunity ("GO") Zone, and each of these designations and attendant tax incentives have expired. The designations and tax incentives for the DC Zone, and the GO Zone generally expired after December 31, 2011. 1400(f), 1400(h), 1400N(c)(5), 1400N(a)(2)(D), 1400N(a)(7)(C), 1400N(d). The empowerment zones program and attendant tax incentives expired as of December 31, 2016. Secs. 1391(d)(1). There are also areas that were designated as renewal communities under section 1400E which received tax benefits that all expired as of December 31, 2009, except that a zero-percent capital gains rate applies with respect to gain from the sale through December 31, 2014 of a qualified community asset acquired after December 31, 2001, and before January 1, 2010 and held for more than five years. For more information on these programs and attendant tax incentives, see Joint Committee on Taxation, *Incentives for Distressed Communities: Empowerment Zones and Renewal Communities* (JCX-38-09), October 5, 2009.

¹¹⁹² Sec. 45D.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement generally follows the Senate amendment with the following modifications. First, the provision provides that each population census tract in each U.S. possession that is a low-income community is deemed certified and designated as a qualified opportunity zone effective on the date of enactment. Second, the provision clarifies that chief executive officer of the State (which includes the District of Columbia) may submit nominations for a limited number of opportunity zones to the Secretary for certification and designation. This change clarifies that the mayor of the District of Columbia may also submit nominations. Third, the provision clarifies that there is no gain deferral available with respect to any sale or exchange made after December 31, 2026, and there is no exclusion available for investments in qualified opportunity zones made after December 31, 2026. The agreement also makes some technical changes to the Senate amendment to make it clear which taxpayer may claim the tax benefits.

18. Provisions relating to the low-income housing credit (secs. 13411 and 13412 of the Senate amendment and sec. 42 of the Code)

PRESENT LAW

In general

The low-income housing credit may be claimed over a 10-year period for the cost of building rental housing a sufficient portion of which is rent restricted and occupied by tenants having incomes below specified levels.¹¹⁹³ Qualified basis is the low-income portion of the building times the eligible basis. The amount of the credit for any taxable year in the credit period is the applicable percentage of the qualified basis of each qualified low-income building. The applicable percentage for new buildings that are not Federally subsidized, is computed to yield a present value of 70 percent of the qualified basis over a 10-year period. For other buildings the applicable percentage is calculated to yield 30 percent. Rehabilitation expenses are treated as a separate new building.

Increase in credit for certain high cost areas

In the case of a building located in a qualified census tract or difficult development area, the eligible basis of a building is 130 percent of eligible basis. This “basis boost” also applies to rehabilitation expenditures that are treated as a separate new building.

A “difficult development area” is an area designated by the Secretary of Housing and Urban Development (“HUD”) as having high construction, land, and utility costs relative to the area’s median income. The portions of metropolitan statistical areas that may be designated for this purpose cannot exceed an aggregate area having 20 percent of the population of such metropolitan statistical areas. A comparable rule applies to nonmetropolitan areas.

A “qualified census tract” means any census tract which is designated by HUD in which either: (1) 50 percent or more of the households have an income which is less than 60 percent of the area median income for the year; or (2) the poverty rate in that tract is 25 percent. The portion of a metropolitan statistical area that may be designated for this purpose cannot exceed an area having 20 percent of the population of

such metropolitan statistical area. Each metropolitan statistical area is treated as a separate area and all nonmetropolitan areas in a State are treated as one area.

In addition, a building which is designated by a State housing credit agency as requiring an increase in credit to be financially feasible is treated as located in a HUD-designated difficult development area. This rule does not apply to a building if any portion of the eligible basis is financed with tax-exempt bonds.

General public use

In order to be eligible for the low-income housing credit, the residential units in a qualified low-income housing project must be available for use by the general public. A project is available for general public use if the project complies with housing non-discrimination policies including those set forth in the Fair Housing Act (42 U.S.C. sec. 3601) and (2) the project does not restrict occupancy based on membership in a social organization or employment by specific employers. In addition, any residential unit that is part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically handicapped is not available for use by the general public.

However, a project that otherwise meets the general public use requirements above shall not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants with (1) special needs; (2) who are members of a specified group under a Federal program or State program or policy that supports housing for such specified group; or (3) who are involved in artistic or literary activities.

HOUSE BILL

No provision.

SENATE AMENDMENT

Treatment of veterans’ preference as not violating general public use requirements

The provision replaces the exception to the general public use requirement for tenants engaged in artistic and literary activities with an exception for veterans.

Increase in credit for certain rural housing

For buildings eligible for the 70 percent present-value credit, the provision makes two changes. First, the provision treats such buildings located in rural areas (as defined in section 520 of the Fair Housing Act of 1949) as located in a HUD-designated difficult development area. Second, the provision reduces the eligible basis for difficult to develop areas and qualified census tracts from 130 percent to 125 percent.¹¹⁹⁴

Effective date.—The provisions generally apply to buildings placed in service after the date of enactment. The changes related to the treatment of a veterans preference as not violating general public use requirements applies to buildings placed in service before, on, or after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not follow the Senate amendment provisions.

¹¹⁹⁴ A correction to the language is needed to conform to the intent that the change be limited to buildings eligible for the 70 percent credit only.

EXEMPT ORGANIZATIONS

A. Unrelated Business Income Tax

1. Clarification of unrelated business income tax treatment of entities exempt from tax under section 501(a) (sec. 5001 of the House bill and sec. 511 of the Code)

PRESENT LAW

Tax exemption for certain organizations

Section 501(a) exempts certain organizations from Federal income tax. Such organizations include: (1) tax-exempt organizations described in section 501(c) (including among others section 501(c)(3) charitable organizations and section 501(c)(4) social welfare organizations); (2) religious and apostolic organizations described in section 501(d); and (3) trusts forming part of a pension, profit-sharing, or stock bonus plan of an employer described in section 401(a).

Section 115 excludes from gross income certain income of entities that perform an essential government function. The exemption applies to: (1) income derived from any public utility or the exercise of any essential governmental function and accruing to a State or any political subdivision thereof, or the District of Columbia; or (2) income accruing to the government of any possession of the United States, or any political subdivision thereof.

Unrelated business income tax, in general

An exempt organization generally may have revenue from four sources: contributions, gifts, and grants; trade or business income that is related to exempt activities (e.g., program service revenue); investment income; and trade or business income that is not related to exempt activities. The Federal income tax exemption generally extends to the first three categories, and does not extend to an organization’s unrelated trade or business income. In some cases, however, the investment income of an organization is taxed as if it were unrelated trade or business income.¹¹⁹⁵

The unrelated business income tax (“UBIT”) generally applies to income derived from a trade or business regularly carried on by the organization that is not substantially related to the performance of the organization’s tax-exempt functions.¹¹⁹⁶ An organization that is subject to UBIT and that has \$1,000 or more of gross unrelated business taxable income must report that income on Form 990-T (Exempt Organization Business Income Tax Return).

Most exempt organizations may operate an unrelated trade or business so long as the organization remains primarily engaged in activities that further its exempt purposes. Therefore, an organization may engage in a substantial amount of unrelated business activity without jeopardizing exempt status. A section 501(c)(3) (charitable) organization, however, may not operate an unrelated trade or business as a substantial part of its activities.¹¹⁹⁷ Therefore, the unrelated trade or business activity of a section 501(c)(3) organization must be insubstantial.

Organizations subject to tax on unrelated business income

Most exempt organizations are subject to the tax on unrelated business income. Specifically, organizations subject to the unrelated business income tax generally include: (1) organizations exempt from tax under section 501(a), including organizations described

¹¹⁹⁵ This is the case for social clubs (sec. 501(c)(7)), voluntary employees’ beneficiary associations (sec. 501(c)(9)), and organizations and trusts described in sections 501(c)(17) and 501(c)(20). Sec. 512(a)(3).

¹¹⁹⁶ Secs. 511–514.

¹¹⁹⁷ Treas. Reg. sec. 1.501(c)(3)-1(e).

¹¹⁹³ Sec. 42.

in section 501(c) (except for U.S. instrumentalities and certain charitable trusts);¹¹⁹⁸ (2) qualified pension, profit-sharing, and stock bonus plans described in section 401(a);¹¹⁹⁹ and (3) certain State colleges and universities.¹²⁰⁰

HOUSE BILL

The provision clarifies that an organization does not fail to be subject to tax on its unrelated business income as an organization exempt from tax under section 501(a) solely because the organization also is exempt, or excludes amounts from gross income, by reason of another provision of the Code. For example, if an organization is described in section 401(a) (and thus is exempt from tax under section 501(a)) and its income also is described in section 115 (relating to the exclusion from gross income of certain income derived from the exercise of an essential governmental function), its status under section 115 does not cause it to be exempt from tax on its unrelated business income.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

2. Exclusion of research income from unrelated business taxable income limited to publicly available research (sec. 5002 of the House bill and sec. 512(b)(9) of the Code)

PRESENT LAW

Tax exemption for certain organizations

Section 501(a) exempts certain organizations from Federal income tax. Such organizations include: (1) tax-exempt organizations described in section 501(c) (including among others section 501(c)(3) charitable organizations and section 501(c)(4) social welfare organizations); (2) religious and apostolic organizations described in section 501(d); and (3) trusts forming part of a pension, profit-sharing, or stock bonus plan of an employer described in section 401(a).

Unrelated business income tax, in general

The unrelated business income tax (“UBIT”) generally applies to income derived from a trade or business regularly carried on by the organization that is not substantially related to the performance of the organization’s tax-exempt functions.¹²⁰¹ An organization that is subject to UBIT and that has \$1,000 or more of gross unrelated business taxable income must report that income on Form 990-T (Exempt Organization Business Income Tax Return).

Most exempt organizations may operate an unrelated trade or business so long as the organization remains primarily engaged in activities that further its exempt purposes. Therefore, an organization may engage in a substantial amount of unrelated business activity without jeopardizing exempt status. A section 501(c)(3) (charitable) organization, however, may not operate an unrelated trade or business as a substantial part of its activities.¹²⁰² Therefore, the unrelated trade or business activity of a section 501(c)(3) organization must be insubstantial.

Organizations subject to tax on unrelated business income

Most exempt organizations are subject to the tax on unrelated business income. Specifically, organizations subject to the unrelated business income tax generally include: (1) organizations exempt from tax under section 501(a), including organizations described in section 501(c) (except for U.S. instrumentalities and certain charitable trusts);¹²⁰³ (2) qualified pension, profit-sharing, and stock bonus plans described in section 401(a);¹²⁰⁴ and (3) certain State colleges and universities.¹²⁰⁵

Exclusions from unrelated business taxable income*In general*

Certain types of income are specifically exempt from unrelated business taxable income, such as dividends, interest, royalties, and certain rents,¹²⁰⁶ unless derived from debt-financed property or from certain 50-percent controlled subsidiaries.¹²⁰⁷ Other exemptions from UBIT are provided for activities in which substantially all the work is performed by volunteers, for income from the sale of donated goods, and for certain activities carried on for the convenience of members, students, patients, officers, or employees of a charitable organization. In addition, special UBIT provisions exempt from tax activities of trade shows and State fairs, income from bingo games, and income from the distribution of low-cost items incidental to the solicitation of charitable contributions. Organizations liable for tax on unrelated business taxable income may be liable for alternative minimum tax determined after taking into account adjustments and tax preference items.

Research income

Certain income derived from research activities of exempt organizations is excluded from unrelated business taxable income. For example, income derived from research performed for the United States, a State, and certain agencies and subdivisions is excluded.¹²⁰⁸ Income from research performed by a college, university, or hospital for any person also is excluded.¹²⁰⁹ Finally, if an organization is operated primarily for purposes of carrying on fundamental research the results of which are freely available to the general public, all income derived by research performed by such organization for any person, not just income derived from research available to the general public, is excluded.¹²¹⁰

HOUSE BILL

The provision modifies the exclusion of income from research performed by an organization operated primarily for purposes of carrying on fundamental research the results of which are freely available to the general public (section 512(b)(9)). Under the provision, the organization may exclude from unrelated business taxable income under section 512(b)(9) only income from such fundamental research the results of which are freely available to the general public.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

3. Unrelated business taxable income separately computed for each trade or business activity (sec. 13703 of the Senate amendment and sec. 512(a) of the Code)

PRESENT LAW

Tax exemption for certain organizations

Section 501(a) exempts certain organizations from Federal income tax. Such organizations include: (1) tax-exempt organizations described in section 501(c) (including among others section 501(c)(3) charitable organizations and section 501(c)(4) social welfare organizations); (2) religious and apostolic organizations described in section 501(d); and (3) trusts forming part of a pension, profit-sharing, or stock bonus plan of an employer described in section 401(a).

Unrelated business income tax, in general

An exempt organization generally may have revenue from four sources: contributions, gifts, and grants; trade or business income that is related to exempt activities (e.g., program service revenue); investment income; and trade or business income that is not related to exempt activities. The Federal income tax exemption generally extends to the first three categories, and does not extend to an organization’s unrelated trade or business income. In some cases, however, the investment income of an organization is taxed as if it were unrelated trade or business income.¹²¹¹

The unrelated business income tax (“UBIT”) generally applies to income derived from a trade or business regularly carried on by the organization that is not substantially related to the performance of the organization’s tax-exempt functions.¹²¹² An organization that is subject to UBIT and that has \$1,000 or more of gross unrelated business taxable income must report that income on Form 990-T (Exempt Organization Business Income Tax Return).

Most exempt organizations may operate an unrelated trade or business so long as the organization remains primarily engaged in activities that further its exempt purposes. Therefore, an organization may engage in a substantial amount of unrelated business activity without jeopardizing exempt status. A section 501(c)(3) (charitable) organization, however, may not operate an unrelated trade or business as a substantial part of its activities.¹²¹³ Therefore, the unrelated trade or business activity of a section 501(c)(3) organization must be insubstantial.

Organizations subject to tax on unrelated business income

Most exempt organizations are subject to the tax on unrelated business income. Specifically, organizations subject to the unrelated business income tax generally include: (1) organizations exempt from tax under section 501(a), including organizations described in section 501(c) (except for U.S. instrumentalities and certain charitable trusts);¹²¹⁴ (2) qualified pension, profit-sharing, and stock bonus plans described in section 401(a);¹²¹⁵ and (3) certain State colleges and universities.¹²¹⁶

¹²¹¹ This is the case for social clubs (sec. 501(c)(7)), voluntary employees’ beneficiary associations (sec. 501(c)(9)), and organizations and trusts described in sections 501(c)(17) and 501(c)(20). Sec. 512(a)(3).

¹²¹² Secs. 511–514.

¹²¹³ Treas. Reg. sec. 1.501(c)(3)–1(e).

¹²¹⁴ Sec. 511(a)(2)(A).

¹²¹⁵ Sec. 511(a)(2)(A).

¹²¹⁶ Sec. 511(a)(2)(B).

¹¹⁹⁸ Sec. 511(a)(2)(A).

¹¹⁹⁹ Sec. 511(a)(2)(A).

¹²⁰⁰ Sec. 511(a)(2)(B).

¹²⁰¹ Secs. 511–514.

¹²⁰² Treas. Reg. sec. 1.501(c)(3)–1(e).

¹²⁰³ Sec. 511(a)(2)(A).

¹²⁰⁴ Sec. 511(a)(2)(A).

¹²⁰⁵ Sec. 511(a)(2)(B).

¹²⁰⁶ Secs. 511–514.

¹²⁰⁷ Sec. 512(b)(13).

¹²⁰⁸ Sec. 512(b)(7).

¹²⁰⁹ Sec. 512(b)(8).

¹²¹⁰ Sec. 512(b)(9).

Exclusions from Unrelated Business Taxable Income

Certain types of income are specifically exempt from unrelated business taxable income, such as dividends, interest, royalties, and certain rents,¹²¹⁷ unless derived from debt-financed property or from certain 50-percent controlled subsidiaries.¹²¹⁸ Other exemptions from UBIT are provided for activities in which substantially all the work is performed by volunteers, for income from the sale of donated goods, and for certain activities carried on for the convenience of members, students, patients, officers, or employees of a charitable organization. In addition, special UBIT provisions exempt from tax activities of trade shows and State fairs, income from bingo games, and income from the distribution of low-cost items incidental to the solicitation of charitable contributions. Organizations liable for tax on unrelated business taxable income may be liable for alternative minimum tax determined after taking into account adjustments and tax preference items.

Specific deduction against unrelated business taxable income

In computing unrelated business taxable income, an exempt organization may take a specific deduction of \$1,000. This specific deduction may not be used to create a net operating loss that will be carried back or forward to another year.¹²¹⁹

In the case of a diocese, province or religious order, or a convention or association of churches, a specific deduction is allowed with respect to each parish, individual church, district, or other local unit. The specific deduction is equal to the lower of \$1,000 or the gross income derived from any unrelated trade or business regularly carried on by the local unit.¹²²⁰

Operation of multiple unrelated trades or businesses

An organization determines its unrelated business taxable income by subtracting from its gross unrelated business income deductions directly connected with the unrelated trade or business.¹²²¹ Under regulations, in determining unrelated business taxable income, an organization that operates multiple unrelated trades or businesses aggregates income from all such activities and subtracts from the aggregate gross income the aggregate of deductions.¹²²² As a result, an organization may use a deduction from one unrelated trade or business to offset income from another, thereby reducing total unrelated business taxable income.

HOUSE BILL

No provision.

SENATE AMENDMENT

For an organization with more than one unrelated trade or business, the provision requires that unrelated business taxable income first be computed separately with respect to each trade or business and without regard to the specific deduction generally allowed under section 512(b)(12). The organization's unrelated business taxable income for a taxable year is the sum of the amounts (not less than zero) computed for each separate unrelated trade or business, less the specific deduction allowed under section 512(b)(12). A net operating loss deduction is allowed only with respect to a trade or business from which the loss arose.

The result of the provision is that a deduction from one trade or business for a taxable year may not be used to offset income from a different unrelated trade or business for the same taxable year. The provision generally does not, however, prevent an organization from using a deduction from one taxable year to offset income from the same unrelated trade or business activity in another taxable year, where appropriate.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017. Under a special transition rule, net operating losses arising in a taxable year beginning before January 1, 2018, that are carried forward to a taxable year beginning on or after such date are not subject to the rule of the provision.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

B. Excise Taxes

1. Simplification of excise tax on private foundation investment income (sec. 5101 of the House bill and sec. 4940 of the Code)

PRESENT LAW

Excise tax on the net investment income of private foundations

Under section 4940(a), private foundations that are recognized as exempt from Federal income tax under section 501(a) (other than exempt operating foundations¹²²³) are subject to a two-percent excise tax on their net investment income. Net investment income generally includes interest, dividends, rents, royalties (and income from similar sources), and capital gain net income, and is reduced by expenses incurred to earn this income. The two-percent rate of tax is reduced to one-percent in any year in which a foundation exceeds the average historical level of its charitable distributions. Specifically, the excise tax rate is reduced if the foundation's qualifying distributions (generally, amounts paid to accomplish exempt purposes)¹²²⁴ equal or exceed the sum of (1) the amount of the foundation's assets for the taxable year multiplied by the average percentage of the foundation's qualifying distributions over the five taxable years immediately preceding the taxable year in question, and (2) one percent of the net investment income of the foundation for the taxable year.¹²²⁵ In addition, the foundation cannot have been subject to tax in any of the five preceding years for failure to meet minimum qualifying distribution requirements in section 4942.

Private foundations that are not exempt from tax under section 501(a), such as certain charitable trusts, are subject to an excise tax under section 4940(b). The tax is equal to the excess of the sum of the excise tax that would have been imposed under section 4940(a) if the foundation were tax exempt and the amount of the tax on unrelated business income that would have been imposed if the foundation were tax exempt, over the income

tax imposed on the foundation under subtitle A of the Code.

Private foundations are required to make a minimum amount of qualifying distributions each year to avoid tax under section 4942. The minimum amount of qualifying distributions a foundation has to make to avoid tax under section 4942 is reduced by the amount of section 4940 excise taxes paid.¹²²⁶

HOUSE BILL

The provision replaces the two rates of excise tax on tax-exempt private foundations with a single rate of tax of 1.4 percent. Thus, under the provision, a tax-exempt private foundation generally is subject to an excise tax of 1.4 percent on its net investment income. A taxable private foundation is subject to an excise tax equal to the excess (if any) of the sum of the 1.4-percent net investment income excise tax and the amount of the tax on unrelated business income (both calculated as if the foundation were tax-exempt), over the income tax imposed on the foundation. The provision repeals the special reduced excise tax rate for private foundations that exceed their historical level of qualifying distributions.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

2. Private operating foundation requirements relating to operation of an art museum (sec. 5102 of the House bill and sec. 4942(j) of the Code)

PRESENT LAW

Public charities and private foundations

An organization qualifying for tax-exempt status under section 501(c)(3) is further classified as either a public charity or a private foundation. An organization may qualify as a public charity in several ways.¹²²⁷ Certain organizations are classified as public charities per se, regardless of their sources of support. These include churches, certain schools, hospitals and other medical organizations, certain organizations providing assistance to colleges and universities, and governmental units.¹²²⁸ Other organizations qualify as public charities because they are broadly publicly supported. First, a charity may qualify as publicly supported if at least one-third of its total support is from gifts, grants, or other contributions from governmental units or the general public.¹²²⁹ Alternatively, it may qualify as publicly supported if it receives more than one-third of its total support from a combination of gifts, grants, and contributions from governmental units and the public plus revenue arising from activities related to its exempt purposes (e.g., fee for service income). In addition, this category of public charity must not rely excessively on endowment income as a source of support.¹²³⁰ A supporting organization, i.e., an organization that provides

¹²²³ Sec. 4940(d)(1). Exempt operating foundations generally include organizations such as museums or libraries that devote their assets to operating charitable programs but have difficulty meeting the "public support" tests necessary not to be classified as a private foundation. To be an exempt operating foundation, an organization must: (1) be an operating foundation (as defined in section 4942(j)(3)); (2) be publicly supported for at least 10 taxable years; (3) have a governing body no more than 25 percent of whom are disqualified persons and that is broadly representative of the general public; and (4) have no officers who are disqualified persons. Sec. 4940(d)(2).

¹²²⁶ Sec. 4942(d)(2).
¹²²⁷ The Code does not expressly define the term "public charity," but rather provides exceptions to those entities that are treated as private foundations.

¹²²⁸ Sec. 509(a)(1) (referring to sections 170(b)(1)(A)(i) through (iv) for a description of these organizations).

¹²²⁹ Treas. Reg. sec. 1.170A-9(f)(2). Failing this mechanical test, the organization may qualify as a public charity if it passes a "facts and circumstances" test. Treas. Reg. sec. 1.170A-9(f)(3).

¹²³⁰ To meet this requirement, the organization must normally receive more than one-third of its

¹²¹⁷ Secs. 511–514.

¹²¹⁸ Sec. 512(b)(13).

¹²¹⁹ Sec. 512(b)(12).

¹²²⁰ Ibid.

¹²²¹ Sec. 512(a).

¹²²² Treas. Reg. sec. 1.512(a)–1(a).

¹²²⁴ Sec. 4942(g).

¹²²⁵ Sec. 4940(e).

support to another section 501(c)(3) entity that is not a private foundation and meets certain other requirements of the Code, also is classified as a public charity.¹²³¹

A section 501(c)(3) organization that does not fit within any of the above categories is a private foundation. In general, private foundations receive funding from a limited number of sources (e.g., an individual, a family, or a corporation).

The deduction for charitable contributions to private foundations is in some instances less generous than the deduction for charitable contributions to public charities. In addition, private foundations are subject to a number of operational rules and restrictions that do not apply to public charities.¹²³²

Tax on failure to distribute income by private nonoperating foundations

Private nonoperating foundations are required to pay out a minimum amount each year as qualifying distributions.¹²³³ In general, a qualifying distribution is an amount paid to accomplish one or more of the organization's exempt purposes, including reasonable and necessary administrative expenses.¹²³⁴ Failure to pay out the minimum required amount results in an initial excise tax on the foundation of 30 percent of the undistributed amount. An additional tax of 100 percent of the undistributed amount applies if an initial tax is imposed and the required distributions have not been made by the end of the applicable taxable period.¹²³⁵ A foundation may include as a qualifying distribution the salaries, occupancy expenses, travel costs, and other reasonable and necessary administrative expenses that the foundation incurs in operating a grant program. A qualifying distribution also includes any amount

paid to acquire an asset used (or held for use) directly in carrying out one or more of the organization's exempt purposes and certain amounts set aside for exempt purposes.¹²³⁶

Private operating foundations

The tax on failure to distribute income does not apply to the undistributed income of a private foundation for any taxable year for which it is an operating foundation.¹²³⁷ Private operating foundations generally operate their own charitable programs directly, rather than serving primarily as a grantmaking entity.

Private operating foundations must satisfy several tests designed to distinguish them from nonoperating (grantmaking) foundations. First, an operating foundation generally must make qualifying distributions for the direct conduct of activities that are related to its exempt purpose (as opposed to making such distributions in the form of grants to other charities) equal to 85 percent of the lesser of its adjusted net income or its minimum investment return, each as defined under section 4942.¹²³⁸ In addition, an operating foundation must satisfy one of the following three alternative tests: (1) an asset test, under which substantially more than half of the organization's assets (generally, 65 percent) are devoted to the direct conduct of exempt activities or to functionally related businesses; (2) an endowment test, under which the organization normally makes qualifying distributions for the direct conduct of activities related to its exempt purpose in an amount not less than two-thirds of its minimum investment return; or (3) a support test, under which the organization must meet certain measures to show that it receives public support.¹²³⁹

HOUSE BILL

Under the provision, an organization that operates an art museum as a substantial activity does not qualify as a private operating foundation unless the museum is open during normal business hours to the public for at least 1,000 hours during the taxable year.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

3. Excise tax based on investment income of private colleges and universities (sec. 5103 of the House bill, sec. 13701 of the Senate amendment, and new sec. 4968 of the Code)

PRESENT LAW

Public charities and private foundations

An organization qualifying for tax-exempt status under section 501(c)(3) is further classified as either a public charity or a private foundation. An organization may qualify as a public charity in several ways.¹²⁴⁰ Certain organizations are classified as public charities *per se*, regardless of their sources of

support. These include churches, certain schools, hospitals and other medical organizations, certain organizations providing assistance to colleges and universities, and governmental units.¹²⁴¹ Other organizations qualify as public charities because they are broadly publicly supported. First, a charity may qualify as publicly supported if at least one-third of its total support is from gifts, grants or other contributions from governmental units or the general public.¹²⁴² Alternatively, it may qualify as publicly supported if it receives more than one-third of its total support from a combination of gifts, grants, and contributions from governmental units and the public plus revenue arising from activities related to its exempt purposes (e.g., fee for service income). In addition, this category of public charity must not rely excessively on endowment income as a source of support.¹²⁴³ A supporting organization, i.e., an organization that provides support to another section 501(c)(3) entity that is not a private foundation and meets the requirements of the Code, also is classified as a public charity.¹²⁴⁴

A section 501(c)(3) organization that does not fit within any of the above categories is a private foundation. In general, private foundations receive funding from a limited number of sources (e.g., an individual, a family, or a corporation).

The deduction for charitable contributions to private foundations is in some instances less generous than the deduction for charitable contributions to public charities. In addition, private foundations are subject to a number of operational rules and restrictions that do not apply to public charities.¹²⁴⁵

¹²⁴¹ Sec. 509(a)(1) (referring to sections 170(b)(1)(A)(i) through (iv) for a description of these organizations).

¹²⁴² Treas. Reg. sec. 1.170A-9(f)(2). Failing this mechanical test, the organization may qualify as a public charity if it passes a "facts and circumstances" test. Treas. Reg. sec. 1.170A-9(f)(3).

¹²⁴³ To meet this requirement, the organization must normally receive more than one-third of its support from a combination of (1) gifts, grants, contributions, or membership fees and (2) certain gross receipts from admissions, sales of merchandise, performance of services, and furnishing of facilities in connection with activities that are related to the organization's exempt purposes. Sec. 509(a)(2)(A). In addition, the organization must not normally receive more than one-third of its public support in each taxable year from the sum of (1) gross investment income and (2) the excess of unrelated business taxable income as determined under section 512 over the amount of unrelated business income tax imposed by section 511. Sec. 509(a)(2)(B).

¹²⁴⁴ Sec. 509(a)(3). Supporting organizations are further classified as Type I, II, or III depending on the relationship they have with the organizations they support. Supporting organizations must support public charities listed in one of the other categories (i.e., *per se* public charities, broadly supported public charities, or revenue generating public charities), and they are not permitted to support other supporting organizations or testing for public safety organizations.

Organizations organized and operated exclusively for testing for public safety also are classified as public charities. Sec. 509(a)(4). Such organizations, however, are not eligible to receive deductible charitable contributions under section 170.

¹²⁴⁵ Unlike public charities, private foundations are subject to tax on their net investment income at a rate of two percent (one percent in some cases). Sec. 4940. Private foundations also are subject to more restrictions on their activities than are public charities. For example, private foundations are prohibited from engaging in self-dealing transactions (sec. 4941), are required to make a minimum amount of charitable distributions each year, (sec. 4942), are limited in the extent to which they may control a

Continued

support from a combination of (1) gifts, grants, contributions, or membership fees and (2) certain gross receipts from admissions, sales of merchandise, performance of services, and furnishing of facilities in connection with activities that are related to the organization's exempt purposes. Sec. 509(a)(2)(A). In addition, the organization must not normally receive more than one-third of its public support in each taxable year from the sum of (1) gross investment income and (2) the excess of unrelated business taxable income as determined under section 512 over the amount of unrelated business income tax imposed by section 511. Sec. 509(a)(2)(B).

¹²³¹ Sec. 509(a)(3). Supporting organizations are further classified as Type I, II, or III depending on the relationship they have with the organizations they support. Supporting organizations must support public charities listed in one of the other categories (i.e., *per se* public charities, broadly supported public charities, or revenue generating public charities), and they are not permitted to support other supporting organizations or testing for public safety organizations.

Organizations organized and operated exclusively for testing for public safety also are classified as public charities. Sec. 509(a)(4). Such organizations, however, are not eligible to receive deductible charitable contributions under section 170.

¹²³² Unlike public charities, private foundations are subject to tax on their net investment income at a rate of two percent (one percent in some cases). Sec. 4940. Private foundations also are subject to more restrictions on their activities than are public charities. For example, private foundations are prohibited from engaging in self-dealing transactions (sec. 4941), are required to make a minimum amount of charitable distributions each year, (sec. 4942), are limited in the extent to which they may control a business (sec. 4943), may not make speculative investments (sec. 4944), and may not make certain expenditures (sec. 4945). Violations of these rules result in excise taxes on the foundation and, in some cases, may result in excise taxes on the managers of the foundation.

¹²³³ Sec. 4942.

¹²³⁴ Sec. 4942(g)(1)(A).

¹²³⁵ Sec. 4942(a) and (b). Taxes imposed may be abated if certain conditions are met. Secs. 4961 and 4962.

¹²³⁶ Sec. 4942(g)(1)(B) and 4942(g)(2). In general, an organization is permitted to adjust the distributable amount in those cases where distributions during the five preceding years have exceeded the payout requirements. Sec. 4942(i).

¹²³⁷ Sec. 4942(a)(1).

¹²³⁸ Sec. 4942(j)(3)(A); Treas. Reg. sec. 53.4942(b)-1(c).

¹²³⁹ Sec. 4942(j)(3)(B).

¹²⁴⁰ The Code does not expressly define the term "public charity," but rather provides exceptions to those entities that are treated as private foundations.

Excise tax on investment income of private foundations

Under section 4940(a), private foundations that are recognized as exempt from Federal income tax under section 501(a) (other than exempt operating foundations)¹²⁴⁶ are subject to a two-percent excise tax on their net investment income. Net investment income generally includes interest, dividends, rents, royalties (and income from similar sources), and capital gain net income, and is reduced by expenses incurred to earn this income. The two-percent rate of tax is reduced to one-percent in any year in which a foundation exceeds the average historical level of its charitable distributions. Specifically, the excise tax rate is reduced if the foundation's qualifying distributions (generally, amounts paid to accomplish exempt purposes)¹²⁴⁷ equal or exceed the sum of (1) the amount of the foundation's assets for the taxable year multiplied by the average percentage of the foundation's qualifying distributions over the five taxable years immediately preceding the taxable year in question, and (2) one percent of the net investment income of the foundation for the taxable year.¹²⁴⁸ In addition, the foundation cannot have been subject to tax in any of the five preceding years for failure to meet minimum qualifying distribution requirements in section 4942.

Private foundations that are not exempt from tax under section 501(a), such as certain charitable trusts, are subject to an excise tax under section 4940(b). The tax is equal to the excess of the sum of the excise tax that would have been imposed under section 4940(a) if the foundation were tax exempt and the amount of the tax on unrelated business income that would have been imposed if the foundation were tax exempt, over the income tax imposed on the foundation under subtitle A of the Code.

Private foundations are required to make a minimum amount of qualifying distributions each year to avoid tax under section 4942. The minimum amount of qualifying distributions a foundation has to make to avoid tax under section 4942 is reduced by the amount of section 4940 excise taxes paid.¹²⁴⁹

Private colleges and universities

Private colleges and universities generally are treated as public charities rather than private foundations¹²⁵⁰ and thus are not subject to the private foundation excise tax on net investment income.

HOUSE BILL

The provision imposes an excise tax on an applicable educational institution for each taxable year equal to 1.4 percent of the net

investment income of the institution for the taxable year. Net investment income is determined using rules similar to the rules of section 4940(c) (relating to the net investment income of a private foundation).

For purposes of the provision, an applicable educational institution is an institution: (1) that has at least 500 students during the preceding taxable year; (2) that is an eligible education institution as described in section 25A of the Code;¹²⁵¹ (3) that is not described in the first section of section 511(a)(2)(B) of the Code (generally describing State colleges and universities); and (4) the aggregate fair market value of the assets of which at the end of the preceding taxable year (other than those assets that are used directly in carrying out the institution's exempt purpose¹²⁵²) is at least \$250,000 per student. For these purposes, the number of students of an institution is based on the daily average number of full-time students attending the institution, with part-time students being taken into account on a full-time student equivalent basis.

For purposes of determining whether an institution meets the asset-per-student threshold and determining net investment income, assets and net investment income include amounts with respect to an organization that is related to the institution. An organization is treated as related to the institution for this purpose if the organization: (1) controls, or is controlled by, the institution; (2) is controlled by one or more persons that control the institution; or (3) is a supported organization¹²⁵³ or a supporting organization¹²⁵⁴ during the taxable year with respect to the institution.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment follows the House bill with the following modifications. First, the definition of applicable educational institution is modified in two ways: (1) it requires that the educational institution have at least 500 *tuition paying* students; and (2) it increases the asset-per-student threshold from \$250,000 to \$500,000.

Second, the Senate amendment clarifies the operation of the related-party rules of the provision. For purposes of determining whether an educational institution meets the asset-per-student threshold and for purposes of determining net investment income, assets and net investment income of a related organization with respect to the educational institution are treated as assets and net investment income, respectively, of the educational institution, except that:

1. No such amount is taken into account with respect to more than one educational institution; and

2. Unless the related organization is controlled by the educational institution or is a supporting organization (described in section 509(a)(3)) with respect to the institution for

the taxable year, assets and investment income that are not intended or available for the use or benefit of the educational institution are not taken into account. For example, assets of a related organization that are earmarked or restricted for (or fairly attributable to) the educational institution would be treated as assets of the educational institution, whereas assets of a related organization that are held for unrelated purposes (and are not fairly attributable to the educational institution) would be disregarded.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with the following modification. The provision modifies the definition of "applicable educational institution" to include only institutions more than 50 percent of the tuition paying students of which are located in the United States. For this purpose, the number of students at a location is based on the daily average number of full-time students attending the institution, with part-time students being taken into account on a full-time student equivalent basis.

It is intended that the Secretary promulgate regulations to carry out the intent of the provision, including regulations that describe: (1) assets that are used directly in carrying out the educational institution's exempt purpose; (2) the computation of net investment income; and (3) assets that are intended or available for the use or benefit of the educational institution.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

4. Provide an exception to the private foundation excess business holdings rules for philanthropic business holdings (sec. 5104 of the House bill and sec. 4943 of the Code)

PRESENT LAW

Public charities and private foundations

An organization qualifying for tax-exempt status under section 501(c)(3) is further classified as either a public charity or a private foundation. An organization may qualify as a public charity in several ways.¹²⁵⁵ Certain organizations are classified as public charities per se, regardless of their sources of support. These include churches, certain schools, hospitals and other medical organizations (including medical research organizations), certain organizations providing assistance to colleges and universities, and governmental units.¹²⁵⁶ Other organizations qualify as public charities because they are broadly publicly supported. First, a charity may qualify as publicly supported if at least one-third of its total support is from gifts, grants, or other contributions from governmental units or the general public.¹²⁵⁷ Alternatively, it may qualify as publicly supported if it receives more than one-third of its total support from a combination of gifts, grants, and contributions from governmental units and the public plus revenue arising

business (sec. 4943), may not make speculative investments (sec. 4944), and may not make certain expenditures (sec. 4945). Violations of these rules result in excise taxes on the foundation and, in some cases, may result in excise taxes on the managers of the foundation.

¹²⁴⁶ Exempt operating foundations are exempt from the section 4940 tax. Sec. 4940(d)(1). Exempt operating foundations generally include organizations such as museums or libraries that devote their assets to operating charitable programs but have difficulty meeting the "public support" tests necessary not to be classified as a private foundation. To be an exempt operating foundation, an organization must: (1) be an operating foundation (as defined in section 4942(j)(3)); (2) be publicly supported for at least 10 taxable years; (3) have a governing body no more than 25 percent of whom are disqualified persons and that is broadly representative of the general public; and (4) have no officers who are disqualified persons. Sec. 4940(d)(2).

¹²⁴⁷ Sec. 4942(g).

¹²⁴⁸ Sec. 4940(e).

¹²⁴⁹ Sec. 4942(d)(2).

¹²⁵⁰ Secs. 509(a)(1) and 170(b)(1)(A)(ii).

¹²⁵¹ Section 25A defines an eligible educational institution as an institution (1) which is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. sec. 1088), as in effect on August 5, 1977, and (2) which is eligible to participate in a program under title IV of such Act.

¹²⁵² Assets used directly in carrying out the institution's exempt purpose include, for example, classroom buildings and physical facilities used for educational activities and office equipment or other administrative assets used by employees of the institution in carrying out exempt activities, among other assets.

¹²⁵³ Secs. 509(f)(3).

¹²⁵⁴ Secs. 509(a)(3).

¹²⁵⁵ The Code does not expressly define the term "public charity," but rather provides exceptions to those entities that are treated as private foundations.

¹²⁵⁶ Sec. 509(a)(1) (referring to sections 170(b)(1)(A)(i) through (iv) for a description of these organizations).

¹²⁵⁷ Treas. Reg. sec. 1.170A-9(f)(2). Failing this mechanical test, the organization may qualify as a public charity if it passes a "facts and circumstances" test. Treas. Reg. sec. 1.170A-9(f)(3).

from activities related to its exempt purposes (e.g., fee for service income). In addition, this category of public charity must not rely excessively on endowment income as a source of support.¹²⁵⁸ A supporting organization, i.e., an organization that provides support to another section 501(c)(3) entity that is not a private foundation and meets certain other requirements of the Code, also is classified as a public charity.¹²⁵⁹

A section 501(c)(3) organization that does not fit within any of the above categories is a private foundation. In general, private foundations receive funding from a limited number of sources (e.g., an individual, a family, or a corporation).

The deduction for charitable contributions to private foundations is in some instances less generous than the deduction for charitable contributions to public charities. In addition, private foundations are subject to a number of operational rules and restrictions that do not apply to public charities, as well as a tax on their net investment income.¹²⁶⁰

Excess business holdings of private foundations

Private foundations are subject to tax on excess business holdings.¹²⁶¹ In general, a private foundation is permitted to hold 20 percent of the voting stock in a corporation, reduced by the amount of voting stock held by all disqualified persons (as defined in section 4946). If it is established that no disqualified person has effective control of the corporation, a private foundation and disqualified persons together may own up to 35 percent of the voting stock of a corporation. A private foundation shall not be treated as having excess business holdings in any corporation if it owns (together with certain other related private foundations) not more than two percent of the voting stock and not more than two percent in value of all outstanding shares of all classes of stock in that corporation. Similar rules apply with respect to holdings in a partnership (substituting “profits interest” for “voting stock” and “capital interest” for “nonvoting stock”)

and to other unincorporated enterprises (by substituting “beneficial interest” for “voting stock”). Private foundations are not permitted to have holdings in a proprietorship. Foundations generally have a five-year period to dispose of excess business holdings (acquired other than by purchase) without being subject to tax.¹²⁶² This five-year period may be extended an additional five years in limited circumstances.¹²⁶³ The excess business holdings rules do not apply to holdings in a functionally related business or to holdings in a trade or business at least 95 percent of the gross income of which is derived from passive sources.¹²⁶⁴

The initial tax is equal to five percent of the value of the excess business holdings held during the foundation’s applicable taxable year. An additional tax is imposed if an initial tax is imposed and at the close of the applicable taxable period, the foundation continues to hold excess business holdings. The amount of the additional tax is equal to 200 percent of such holdings.

HOUSE BILL

The provision creates an exception to the excess business holdings rules for certain philanthropic business holdings. Specifically, the tax on excess business holdings does not apply with respect to the holdings of a private foundation in any business enterprise that, for the taxable year, satisfies the following requirements: (1) the ownership requirements; (2) the “all profits to charity” distribution requirement; and (3) the independent operation requirements.

The ownership requirements are satisfied if: (1) all ownership interests in the business enterprise are held by the private foundation at all times during the taxable year; and (2) all the private foundation’s ownership interests in the business enterprise were acquired not by purchase.

The “all profits to charity” distribution requirement is satisfied if the business enterprise, not later than 120 days after the close of the taxable year, distributes an amount equal to its net operating income for such taxable year to the private foundation. For this purpose, the net operating income of any business enterprise for any taxable year is an amount equal to the gross income of the business enterprise for the taxable year, reduced by the sum of: (1) the deductions allowed by chapter 1 of the Code for the taxable year that are directly connected with the production of the income; (2) the tax imposed by chapter 1 on the business enterprise for the taxable year; and (3) an amount for a reasonable reserve for working capital and other business needs of the business enterprise.

The independent operation requirements are met if, at all times during the taxable year, the following three requirements are satisfied. First, no substantial contributor to the private foundation, or family member of such a contributor, is a director, officer, trustee, manager, employee, or contractor of the business enterprise (or an individual having powers or responsibilities similar to any of the foregoing). Second, at least a majority of the board of directors of the private foundation are not also directors or officers of the business enterprise or members of the family of a substantial contributor to the private foundation. Third, there is no loan outstanding from the business enterprise to a substantial contributor to the private foundation or a family member of such con-

tributor. For purposes of the independent operation requirements, “substantial contributor” has the meaning given to the term under section 4958(c)(3)(C), and family members are determined under section 4958(f)(4).

The provision does not apply to the following organizations: (1) donor advised funds or supporting organizations that are subject to the excess business holdings rules by reason of section 4943(e) or (f); (2) any trust described in section 4947(a)(1) (relating to charitable trusts); or (3) any trust described in section 4947(a)(2) (relating to split-interest trusts).

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

C. Requirements for Organizations Exempt From Tax

1. Section 501(c)(3) organizations permitted to make statements relating to political campaign in ordinary course of activities in carrying out exempt purpose (sec. 5201 of the House bill and sec. 501 of the Code)

PRESENT LAW

Section 501(c)(3) organizations

Charitable organizations, i.e., organizations described in section 501(c)(3), generally are exempt from Federal income tax and are eligible to receive tax deductible contributions. A charitable organization must operate primarily in pursuance of one or more tax-exempt purposes constituting the basis of its tax exemption.¹²⁶⁵ The Code specifies such purposes as religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster international amateur sports competition, or for the prevention of cruelty to children or animals.¹²⁶⁶ In general, an organization is organized and operated for charitable purposes if it provides relief for the poor and distressed or the underprivileged. In order to qualify as operating primarily for a purpose described in section 501(c)(3), an organization must satisfy the following operational requirements: (1) its net earnings may not inure to the benefit of any person in a position to influence the activities of the organization; (2) it must operate to provide a public benefit, not a private benefit;¹²⁶⁷ (3) it may not be operated primarily to conduct an unrelated trade or business;¹²⁶⁸ (4) it may not engage in substantial legislative lobbying; and (5) it may not participate or intervene in any political campaign.

Section 501(c)(3) organizations are classified either as “public charities” or “private foundations.”¹²⁶⁹ Private foundations generally are defined under section 509(a) as all organizations described in section 501(c)(3) other than an organization granted public charity status by reason of: (1) being a specified type of organization (i.e., churches, educational institutions, hospitals and certain other medical organizations, certain organizations providing assistance to colleges and universities, or a governmental unit); (2) receiving a substantial part of its support from governmental units or direct or indirect contributions from the general public; or (3) providing support to another section 501(c)(3)

¹²⁵⁸ To meet this requirement, the organization must normally receive more than one-third of its support from a combination of (1) gifts, grants, contributions, or membership fees and (2) certain gross receipts from admissions, sales of merchandise, performance of services, and furnishing of facilities in connection with activities that are related to the organization’s exempt purposes. Sec. 509(a)(2)(A). In addition, the organization must not normally receive more than one-third of its public support in each taxable year from the sum of (1) gross investment income and (2) the excess of unrelated business taxable income as determined under section 512 over the amount of unrelated business income tax imposed by section 511. Sec. 509(a)(2)(B).

¹²⁵⁹ Sec. 509(a)(3). Organizations organized and operated exclusively for testing for public safety also are classified as public charities. Sec. 509(a)(4). Such organizations, however, are not eligible to receive deductible charitable contributions under section 170.

¹²⁶⁰ Unlike public charities, private foundations are subject to tax on their net investment income at a rate of two percent (one percent in some cases). Sec. 4940. Private foundations also are subject to more restrictions on their activities than are public charities. For example, private foundations are prohibited from engaging in self-dealing transactions (sec. 4941), are required to make a minimum amount of charitable distributions each year (sec. 4942), are limited in the extent to which they may control a business (sec. 4943), may not make speculative investments (sec. 4944), and may not make certain expenditures (sec. 4945). Violations of these rules result in excise taxes on the foundation and, in some cases, may result in excise taxes on the managers of the foundation.

¹²⁶¹ Sec. 4943. Taxes imposed may be abated if certain conditions are met. Secs. 4961 and 4962.

¹²⁶² Sec. 4943(c)(6).

¹²⁶³ Sec. 4943(c)(7).

¹²⁶⁴ Sec. 4943(d)(3).

¹²⁶⁵ Treas. Reg. sec. 1.501(c)(3)-1(c)(1).

¹²⁶⁶ Treas. Reg. sec. 1.501(c)(3)-1(d)(2).

¹²⁶⁷ Treas. Reg. sec. 1.501(c)(3)-1(d)(1)(ii).

¹²⁶⁸ Treas. Reg. sec. 1.501(c)(3)-1(e)(1). Conducting a certain level of unrelated trade or business activity will not jeopardize tax-exempt status.

¹²⁶⁹ Sec. 509(a).

entity that is not a private foundation. In contrast to public charities, private foundations generally are funded from a limited number of sources (e.g., an individual, family, or corporation). Donors to private foundations and persons related to such donors together often control the operations of private foundations.

Because private foundations receive support from, and typically are controlled by, a small number of supporters, private foundations are subject to a number of anti-abuse rules and excise taxes not applicable to public charities.¹²⁷⁰ Public charities also have certain advantages over private foundations regarding the deductibility of contributions.

Political campaign activities

Charitable organizations may not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.¹²⁷¹ The prohibition on such political campaign activity is absolute and, in general, includes activities such as making contributions to a candidate's political campaign, endorsements of a candidate, lending employees to work in a political campaign, or providing facilities for use by a candidate. The absolute prohibition on campaign activities was added in 1954 by the so called "Johnson amendment."¹²⁷² Many other activities may constitute political campaign activity, depending on the facts and circumstances. The sanction for a violation of the prohibition is loss of the organization's tax-exempt status.

For organizations that engage in prohibited political campaign activity, the Code provides three penalties that may be applied either as alternatives to revocation of tax exemption or in addition to loss of tax-exempt status: an excise tax on political expenditures,¹²⁷³ termination assessment of all taxes due,¹²⁷⁴ and an injunction against further political expenditures.¹²⁷⁵

HOUSE BILL

The provision modifies the present-law rules relating to political campaign activity by section 501(c)(3) organizations for the following purposes: (1) section 501(c)(3) tax-exempt status; (2) qualifying as an eligible recipient of tax-deductible contributions for income,¹²⁷⁶ gift,¹²⁷⁷ and estate tax¹²⁷⁸ purposes; and (3) application of the excise tax on political expenditures by section 501(c)(3) organizations.¹²⁷⁹

For such purposes, an organization shall not fail to be treated as organized and operated exclusively for a purpose described in section 501(c)(3), nor shall it be deemed to have participated in, or intervened in any political campaign on behalf of (or in opposition to) any candidate for public office, solely because of the content of any statement that: (A) is made in the ordinary course of the organization's regular and customary activities in carrying out its exempt purpose; and (B) results in the organization incurring not more than *de minimis* incremental expenses.

The provision does not apply to taxable years beginning after December 31, 2023.

Effective date.—The provision is effective for taxable years beginning after December 31, 2018.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

2. Additional reporting requirements for donor advised fund sponsoring organizations (sec. 5202 of the House bill and sec. 6033 of the Code)

PRESENT LAW

Overview

Some charitable organizations (including community foundations) establish accounts to which donors may contribute and thereafter provide nonbinding advice or recommendations with regard to distributions from the fund or the investment of assets in the fund. Such accounts are commonly referred to as "donor advised funds." Donors who make contributions to charities for maintenance in a donor advised fund generally claim a charitable contribution deduction at the time of the contribution.¹²⁸⁰ Although sponsoring charities frequently permit donors (or other persons appointed by donors) to provide nonbinding recommendations concerning the distribution or investment of assets in a donor advised fund, sponsoring charities generally must have legal ownership and control of such assets following the contribution. If the sponsoring charity does not have such control (or permits a donor to exercise control over amounts contributed), the donor's contributions may not qualify for a charitable deduction, and, in the case of a community foundation, the contribution may be treated as being subject to a material restriction or condition by the donor.

Statutory definition of a donor advised fund

The Code defines a "donor advised fund" as a fund or account that is: (1) separately identified by reference to contributions of a donor or donors; (2) owned and controlled by a sponsoring organization; and (3) with respect to which a donor (or any person appointed or designated by such donor (a "donor advisor")) has, or reasonably expects to have, advisory privileges with respect to the distribution or investment of amounts held in the separately identified fund or account by reason of the donor's status as a donor. All three prongs of the definition

must be met in order for a fund or account to be treated as a donor advised fund.¹²⁸¹

A "sponsoring organization" is an organization that: (1) is described in section 170(c)¹²⁸² (other than a governmental entity described in section 170(c)(1), and without regard to any requirement that the organization be organized in the United States¹²⁸³); (2) is not a private foundation (as defined in section 509(a)); and (3) maintains one or more donor advised funds.¹²⁸⁴

Reporting and disclosure

Each sponsoring organization must disclose on its information return: (1) the total number of donor advised funds it owns; (2) the aggregate value of assets held in those funds at the end of the organization's taxable year; and (3) the aggregate contributions to and grants made from those funds during the year.¹²⁸⁵ In addition, when seeking recognition of its tax-exempt status, a sponsoring organization must disclose whether it intends to maintain donor advised funds.¹²⁸⁶

HOUSE BILL

The provision requires a sponsoring organization to report additional information on its annual information return (Form 990). Sponsoring organizations must indicate: (1) the average amount of grants made from donor advised funds during the taxable year (expressed as a percentage of the value of assets held in such funds at the beginning of the taxable year), and (2) whether the organization has a policy with respect to donor advised funds relating to the frequency and minimum level of distributions from donor advised funds. The sponsoring organization must include with its return a copy of any such policy.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

INTERNATIONAL TAX PROVISIONS

PRESENT LAW

The following discussion provides an overview of general principles of taxation of cross-border activity as well as a detailed explanation of provisions in present law that are relevant to the provisions in the bill.

A. General Overview of International Principles of Taxation

International law generally recognizes the right of each sovereign nation to prescribe

¹²⁸⁰ Contributions to a sponsoring organization for maintenance in a donor advised fund are not eligible for a charitable deduction for income tax purposes if the sponsoring organization is a veterans' organization described in section 170(c)(3), a fraternal society described in section 170(c)(4), or a cemetery company described in section 170(c)(5); for gift tax purposes if the sponsoring organization is a fraternal society described in section 2522(a)(3) or a veterans' organization described in section 2522(a)(4); or for estate tax purposes if the sponsoring organization is a fraternal society described in section 2055(a)(3) or a veterans' organization described in section 2055(a)(4). In addition, contributions to a sponsoring organization for maintenance in a donor advised fund are not eligible for a charitable deduction for income, gift, or estate tax purposes if the sponsoring organization is a Type III supporting organization (other than a functionally integrated Type III supporting organization). In addition to satisfying generally applicable substantiation requirements under section 170(f), a donor must obtain, with respect to each charitable contribution to a sponsoring organization to be maintained in a donor advised fund, a contemporaneous written acknowledgment from the sponsoring organization providing that the sponsoring organization has exclusive legal control over the assets contributed.

¹²⁸¹ See sec. 4966(d)(2)(A). A donor advised fund does not include a fund or account that makes distributions only to a single identified organization or governmental entity. A donor advised fund also does not include certain funds or accounts with respect to which a donor or donor advisor provides advice as to which individuals receive grants for travel, study, or other similar purposes. In addition, the Secretary may exempt a fund or account from treatment as a donor advised fund if such fund or account is advised by a committee not directly or indirectly controlled by a donor, donor advisor, or persons related to a donor or donor advisor. The Secretary also may exempt a fund or account from treatment as a donor advised fund if such fund or account benefits a single identified charitable purpose. Secs. 4966(d)(2)(B) and (C).

¹²⁸² Section 170(c) describes organizations to which charitable contributions that are deductible for income tax purposes can be made.

¹²⁸³ See sec. 170(c)(2)(A).

¹²⁸⁴ Sec. 4966(d)(1).

¹²⁸⁵ Sec. 6033(k).

¹²⁸⁶ Sec. 508(f).

¹²⁷⁰ Secs. 4940–4945.

¹²⁷¹ Sec. 501(c)(3).

¹²⁷² Internal Revenue Code of 1954, sec. 501(c)(3), Pub. L. No. 591 (August 16, 1954).

¹²⁷³ Sec. 4955.

¹²⁷⁴ Sec. 6852(a)(1).

¹²⁷⁵ Sec. 7409.

¹²⁷⁶ Sec. 170(c)(2).

¹²⁷⁷ Sec. 2522.

¹²⁷⁸ Secs. 2055 and 2106.

¹²⁷⁹ Sec. 4955.

rules to regulate conduct with a sufficient nexus to the sovereign nation. The nexus may be based on nationality of the actor, *i.e.*, a nexus between said conduct and a person (whether natural or juridical) with a connection to the sovereign nation, or it may be territorial, *i.e.*, a nexus between the conduct to be regulated and the territory where the conduct occurs.¹²⁸⁷ For example, most legal systems respect limits on the extent to which their measures may be given extraterritorial effect. The broad acceptance of such norms extends to authority to regulate cross-border trade and economic dealings, including taxation.

The exercise of sovereign jurisdiction is usually based on either nationality of the person whose conduct is regulated or the territory in which the conduct or activity occurs. These concepts have been refined and, in varying combinations, adapted to form the principles for determining whether sufficient nexus with a jurisdiction exists to conclude that the jurisdiction may enforce its right to impose a tax. The elements of nexus and the nomenclature of the principles may differ based on the type of tax in question. Taxes are categorized as either direct taxes or indirect taxes. The former category generally refers to those taxes that are imposed directly on a person (“capitation tax”), property, or income from property and that cannot be shifted to another person by the taxpayer. In contrast, indirect taxes are taxes on consumption or production of goods or services, for which a taxpayer may shift responsibility to another person. Such taxes include sales or use taxes, value-added taxes, or customs duties.¹²⁸⁸

Although governments have imposed direct taxes on property and indirect taxes and duties on specific transactions since ancient times, the history of direct taxes in the form of an income tax is relatively recent.¹²⁸⁹ When determining how to allocate the right to tax a particular item of income, most jurisdictions consider principles based on either source (territory or situs of the income) or residence (nationality of the taxpayer).¹²⁹⁰ By contrast, when the authority to collect indirect taxes in the form of sales taxes or value added taxes is under consideration, jurisdictions analyze the taxing rights in terms of the origin principle or destination principle. The balance of this Part I.A describes the principles in more detail and how

jurisdictions resolve claims of overlapping jurisdiction.

1. Origin and destination principles

Indirect taxes that are imposed based on the place where production of goods or services occur, irrespective of the location of the persons who own the means of production, and where the goods and services go after being produced, are examples of origin-based taxes. If, instead, authority to tax a transaction or service is dependent on the location of use or consumption of the goods or services, the tax system is an example of a destination-based tax. The most common form of a destination-based tax is the destination-based value-added tax (“VAT”). Over 160 countries have adopted a VAT,¹²⁹¹ which is generally a tax imposed and collected on the “value added” at every stage in the production and distribution of a good or service. Although there are several ways to compute the taxable base for a VAT, the amount of value added can generally be thought of as the difference between the value of sales (outputs) and purchases (inputs) of a business.¹²⁹² The United States does not have a VAT, nor is there a Federal sales or use tax. However, the majority of the States have enacted sales or use taxes, including both origin-based taxes and destination-based taxes.¹²⁹³

With respect to cross-border transactions, the OECD has recommended that the destination principle be adopted for all indirect taxes, in part to conform to the treatment of such transactions for purposes of customs duties. The OECD defines the destination principle as “the principle whereby, for consumption tax purposes, internationally traded services and intangibles should be taxed according to the rules of the jurisdiction of

consumption.”¹²⁹⁴ A jurisdiction may determine the place of use or consumption by adopting the convention that the place of business or residence of a customer is the place of consumption. Use of such proxies are needed to determine the location of businesses that are juridical entities, which are more able than natural persons to move the location of use of goods, services or intangibles in response to imposition of tax.

2. Source and residence principles

Exercise of taxing authority based on a person's residence may be based on status as a national, resident, or domiciliary of a jurisdiction and may reach worldwide activities of such persons. As such, it is the broadest assertion of taxing authority. For individuals, the test for residence may depend upon nationality, or a physical presence test, or some combination of the two. For all other persons, determining residency may require more complex consideration of the level of activities within a jurisdiction, management, control or place of incorporation. Such rules generally reflect a policy decision about the requisite level of activity within, or contact with, a jurisdiction by a person that is sufficient to warrant assertion of taxing jurisdiction.

Source-based exercise of taxing authority taxes income from activities that occur, or property that is located, within the territory of the taxing jurisdiction. If a person conducts business or owns property in a jurisdiction, or if a transaction occurs in whole or in part in a jurisdiction, the resulting taxation may require allocation and apportionment of expenses attributable to the activity in order to ensure that only the portion of profits that have the required nexus with the territory are subject to tax. Most jurisdictions, including the United States, have rules for determining the source of items of income and expense in a broad range of categories such as compensation for services, dividends, interest, royalties and gains.

Regardless of which of these two bases of taxing authority is chosen by a jurisdiction, a jurisdiction's determination of whether a transaction, activity or person is subject to tax requires that the jurisdiction establish the limits on its assertion of authority to tax.

3. Resolving overlapping or conflicting jurisdiction to tax

Countries have developed norms about what constitutes a reasonable regulatory action by a sovereign state that will be respected by other sovereign states. Consensus on what constitutes a reasonable limit on the extent of one state's jurisdiction helps to minimize the risk of conflicts arising as a result of extraterritorial action by a state or overlapping exercise of authority by states. Mechanisms to eliminate double taxation have developed to address those situations in which the source and residency determinations of the respective jurisdictions result in duplicative assertion of taxing authority. For example, asymmetry between different standards adopted in two countries for determining residency of persons, source of income, or other basis for taxation may result in income that is subject to taxation in both jurisdictions.

When the rules of two or more countries overlap, potential double taxation is usually

¹²⁸⁷ American Law Institute, *Restatement (Third) of Foreign Relations Law of the United States*, secs. 402 and 403, (1987).

¹²⁸⁸ Maria S. Cox, Fritz Neumark, et al., “Taxation” *Encyclopedia Britannica*, <https://www.britannica.com/topic/taxation/Classes-of-taxes>, accessed May 16, 2017. Whether a tax is considered a direct tax or indirect tax has varied over time, and no single definition is used. For a review of the significance of these terms in Federal tax history, see Alan O. Dixler, “Direct Taxes Under the Constitution: A Review of the Precedents,” *Tax History Project*, *Tax Analysts*, available at <http://www.taxhistory.org/thp/readings.nsf/ArtWeb/2B34C7FBD4A1D9DA85257308006701?OpenDocument>, accessed May 17, 2017.

¹²⁸⁹ The earliest western income tax system is traceable to the British Tax Act of 1798, enacted in 1799 to raise funds needed to prosecute the Napoleonic Wars, and rescinded in 1816. See, A.M. Bardopoulos, *eCommerce and the Effects of Technology on Taxation*, Law, Governance and Technology Series 22, DOI 10.1007/978-3-319-15449-7_2, (Springer 2015), at Section 2.2. “History of Tax,” pp. 23-24. See also, <http://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/taxation/overview/incometax/>.

¹²⁹⁰ Reuven Avi-Yonah, “International Tax as International Law,” 57 *Tax Law Review* 483 (2003-2004).

¹²⁹¹ Alan Schenk, Victor Thuronyi, and Wei Cui, *Value Added Tax: A Comparative Approach*, Cambridge University Press, 2015. Consistent with the OECD *International VAT/GST Guidelines*, *supra*, the term VAT is used to refer to all broad-based final consumption taxes, regardless of the acronym used to identify. Thus, many countries that denominate their national consumption tax as a GST (general sales tax) are included in the estimate of the number of countries with a VAT.

¹²⁹² Nearly all countries use the credit-invoice method of calculating value added to determine VAT liability. Under the credit-invoice method, a tax is imposed on the seller for all of its sales. The tax is calculated by applying the tax rate to the sales price of the good or service, and the amount of tax is generally disclosed on the sales invoice. A business credit is provided for all VAT levied on purchases of taxable goods and services (*i.e.*, “inputs”) used in the seller's business. The ultimate consumer (*i.e.*, a non-business purchaser), however, does not receive a credit with respect to his or her purchases. The VAT credit for inputs prevents the imposition of multiple layers of tax with respect to the total final purchase price (*i.e.*, a “cascading” of the VAT). As a result, the net tax paid at a particular stage of production or distribution is based on the value added by that taxpayer at that stage of production or distribution. In theory, the total amount of tax paid with respect to a good or service from all levels of production and distribution should equal the sales price of the good or service to the ultimate consumer multiplied by the VAT rate.

In order to receive an input credit with respect to any purchase, a business purchaser is generally required to possess an invoice from a seller that contains the name of the purchaser and indicates the amount of tax collected by the seller on the sale of the input to the purchaser. At the end of a reporting period, a taxpayer may calculate its tax liability by subtracting the cumulative amount of tax stated on its purchase invoices from the cumulative amount of tax stated on its sales invoices.

¹²⁹³ EY, *Worldwide VAT, GST and Sales Tax Guide 2015*, p. 1021, available at [http://www.ey.com/Publication/vwLUAssets/Worldwide-VAT-GST-and-sales-tax-guide-2015/\\$FILE/Worldwide%20VAT,%20GST%20and%20Sales%20Tax%20Guide%202015.pdf](http://www.ey.com/Publication/vwLUAssets/Worldwide-VAT-GST-and-sales-tax-guide-2015/$FILE/Worldwide%20VAT,%20GST%20and%20Sales%20Tax%20Guide%202015.pdf).

¹²⁹⁴ See, OECD, “Recommendation of the Council on the application of value added tax/goods and services tax to the international trade in services and intangibles as approved on September 27, 2016,” [C(2016)120], appendix, page 3, reproduced in the appendix, OECD, *International VAT/GST Guidelines*, OECD Publishing, 2017.

mitigated by operation of bilateral tax treaties or by legislative measures permitting credit for taxes paid to another jurisdiction. The United States is a partner in numerous bilateral agreements that have as their objective the avoidance of international double taxation and the prevention of tax avoidance and evasion. Another related objective of U.S. tax treaties is the removal of the barriers to trade, capital flows, and commercial travel that may be caused by overlapping tax jurisdictions and by the burdens of complying with the tax laws of a jurisdiction when a person's contacts with, and income derived from, that jurisdiction are minimal. The United States Model Income Tax Convention ("U.S. Model Treaty of 2016") with an accompanying Preamble by the Department of Treasury, reflects the most recent comprehensive statement of U.S. negotiating position with respect to tax treaties.¹²⁹⁵ Bilateral agreements are also used to permit limited mutual administrative assistance between jurisdictions.¹²⁹⁶

In addition to entering into bilateral treaties, countries have worked in multilateral organizations to develop common principles to alleviate double taxation. Those principles are generally reflected in the provisions of the Model Tax Convention on Income and on Capital of the Organization for Economic Cooperation and Development (the "OECD Model treaty"),¹²⁹⁷ a precursor of which was first developed by a predecessor organization in 1958, which in turn has antecedents from work by the League of Nations in the 1920s.¹²⁹⁸ As a consensus document, the OECD Model treaty is intended to serve as a model for countries to use in negotiating a bilateral treaty that would settle issues of double taxation as well as to avoid inappro-

priate double nontaxation. The provisions have developed over time as practice with actual bilateral treaties leads to unexpected results and new issues are raised by parties to the treaties.¹²⁹⁹

4. International principles as applied in the U.S. system

Present law combines taxation of all U.S. persons on their worldwide income, whether derived in the United States or abroad, with limited deferral of taxation of income earned by foreign subsidiaries of U.S. companies and source-based taxation of the U.S.-source income of nonresident aliens and foreign entities. Under this system (sometimes described as the U.S. hybrid system), the application of the Code differs depending on whether income arises from outbound investment or inbound investment. Outbound investment refers to the foreign activities of U.S. persons, while inbound investment is investment by foreign persons in U.S. assets or activities, although certain rules are common to both inbound and outbound activities.

B. Principles Common to Inbound and Outbound Taxation

Although the U.S. tax rules differ depending on whether the activity in question is inbound or outbound, there are certain concepts that apply to both inbound and outbound investment. Such areas include the transfer pricing rules, entity classification, the rules for determination of source, and whether a corporation is foreign or domestic.

1. Residence

U.S. persons are subject to tax on their worldwide income. The Code defines U.S. person to include all U.S. citizens and residents as well as domestic entities such as partnerships, corporations, estates and certain trusts.¹³⁰⁰ The term "resident" is defined only with respect to natural persons. Noncitizens who are lawfully admitted as permanent residents of the United States in accordance with immigration laws (colloquially referred to as green card holders) are treated as residents for tax purposes. In addition, noncitizens who meet a substantial presence test and are not otherwise exempt from U.S. taxation are also taxable as U.S. residents.¹³⁰¹

For legal entities, the Code determines whether an entity is subject to U.S. taxation on its worldwide income on the basis of its place of organization. For purposes of U.S. tax law, a corporation or partnership is treated as domestic if it is organized or created under the laws of the United States or of any State, unless, in the case of a partnership, the Secretary prescribes otherwise by regulation.¹³⁰² All other partnerships and corporations (that is, those organized under the laws of foreign countries) are treated as foreign.¹³⁰³ In contrast, place of organization is not determinative of residence under taxing jurisdictions that use factors such as situs, management and control to determine residence. As a result, legal entities may

have more than one tax residence, or, in some case, no residence.¹³⁰⁴ Only domestic corporations are subject to U.S. tax on a worldwide basis. Foreign corporations are taxed only on income that has a sufficient connection with the United States.

Tax benefits otherwise available to a domestic corporation that migrates its tax home from the United States to foreign jurisdiction may be denied to such corporation, in which case it continues to be treated as a domestic corporation for ten years following such migration.¹³⁰⁵ These sanctions generally apply to a transaction in which, pursuant to a plan or a series of related transactions: (1) a domestic corporation becomes a subsidiary of a foreign-incorporated entity or otherwise transfers substantially all of its properties to such an entity in a transaction completed after March 4, 2003; (2) the former shareholders of the domestic corporation hold (by reason of the stock they had held in the domestic corporation) at least 60 percent but less than 80 percent (by vote or value) of the stock of the foreign-incorporated entity after the transaction (this stock often being referred to as "stock held by reason of"); and (3) the foreign-incorporated entity, considered together with all companies connected to it by a chain of greater than 50 percent ownership (that is, the "expanded affiliated group"), does not have substantial business activities in the entity's country of incorporation, compared to the total worldwide business activities of the expanded affiliated group.¹³⁰⁶

The Treasury Department and the IRS have promulgated detailed guidance, through both regulations and several notices, addressing these requirements under section 7874 since the section was enacted in 2004.¹³⁰⁷ and have sought to expand the reach of the section or reduce the tax benefits of inversion transactions. For example, Notice 2014-52 announced Treasury's and the IRS's intention to issue regulations and took a two-pronged approach. First, it addressed the treatment of cross-border combination transactions themselves. Second, it addressed post-transaction steps that taxpayers may undertake with respect to US-owned foreign subsidiaries making it more difficult to access foreign earnings without incurring added U.S. tax. On November 19, 2015, Treasury and the IRS issued Notice 2015-79, which announced their intent to issue further regulations to limit cross-border merger transactions, expanding on the guidance issued in Notice 2014-52. In 2016,

¹²⁹⁵ The current U.S. Model treaty was published February 17, 2016, and is available at <https://www.treasury.gov/resource-center/tax-policy/treaties/Documents/Treaty-US%20Model-2016.pdf>; the Preamble is available at <https://www.treasury.gov/resource-center/tax-policy/treaties/Documents/Preamble-US%20Model-2016.pdf>. The U.S. Model treaty is updated periodically to reflect developments in the negotiating position of the United States. Such changes include provisions that were successfully included in bilateral treaties concluded by the United States, as well as new proposed measures not yet included in a bilateral agreement.

¹²⁹⁶ Although U.S. courts extend comity to foreign judgments in some instances, they are not required to recognize or assist in enforcement of foreign judgments for collection of taxes, consistent with the common law "revenue rule" in *Holman v. Johnson*, 1 Cowp. 341, 98 Eng. Rep. 1120 (K.B.1775). American Law Institute, *Restatement (Third) of Foreign Relations Law of the United States*, sec. 483, (1987). The rule retains vitality in U.S. case law. *Pasquantino v. United States*, 544 U.S. 349; 125 S. Ct. 1766; 161 L. Ed. 2d 619 (2005) (a conviction for criminal wire fraud arising from an intent to defraud Canadian tax authorities was found not to conflict "with any well-established revenue rule principle[.]" and thus was not in derogation of the revenue rule). To the extent it is abrogated, it is done so in bilateral treaties, to ensure reciprocity. At present, the United States has such agreements in force with five jurisdictions: Canada; Denmark; France; Netherlands; and Sweden.

¹²⁹⁷ OECD (2014), Model Tax Convention on Income and on Capital: Condensed Version 2014, OECD Publishing, 2014, available at http://dx.doi.org/10.1787/mtc_cond-2014-en. The multinational organization was first established in 1961 by the United States, Canada and 18 European countries, dedicated to global development, and has since expanded to 35 members.

¹²⁹⁸ "Report by the Experts on Double Taxation," League of Nation Document E.F.S. (1923), a report commissioned by the League at its second assembly. See also, Lara Friedlander and Scott Wilkie, "Policy Forum: The History of Tax Treaty Provisions—And Why It Is Important to Know About It," 54 *Canadian Tax Journal* No. 4 (2006).

¹²⁹⁹ For example, the OECD initiated a multi-year study on base-erosion and profit shifting in response to concerns of multiple members. For an overview of that project, see Joint Committee on Taxation, *Background, Summary, and Implications of the OECD/G20 Base Erosion and Profit Shifting Project* (JCT-139-15), November 30, 2015. This document can also be found on the Joint Committee on Taxation website at www.jct.gov.

¹³⁰⁰ Sec. 7701(a)(30).

¹³⁰¹ Sec. 7701(b).

¹³⁰² Sec. 7701(a)(4).

¹³⁰³ Secs. 7701(a)(5) and 7701(a)(9). Entities organized in a possession or territory of the United States are not considered to have been organized under the laws of the United States.

¹³⁰⁴ "The notion of corporate residence is an important touchstone of taxation, however, in many foreign income tax systems[.]" with the result that the bilateral treaties are often relied upon to resolve conflicting claims of taxing jurisdiction. Joseph Isenbergh, Vol. 1 *U.S. Taxation of Foreign Persons and Foreign Income*, Para. 7.1 (Fourth Ed. 2016).

¹³⁰⁵ Sec. 7874.

¹³⁰⁶ Section 7874(a). In addition, an excise tax may be imposed on certain stock compensation of executives of companies that undertake inversion transactions. Sec. 4985.

¹³⁰⁷ Notice 2015-79, 2015 I.R.B. LEXIS 583 (Nov. 19, 2015), which announced their intent to issue further regulations to limit cross-border merger transactions, expanding on the guidance issued in Notice 2014-52. On April 4, 2016, Treasury and the IRS issued proposed and temporary regulations (T.D. 9761) that incorporate the rules previously announced in Notice 2014-52 and Notice 2015-79 and a new multiple domestic entity acquisition rule. On January 13, 2017, Treasury and the IRS issued final and temporary regulations under section 7874 (T.D. 9812), which adopt, with few changes, prior temporary and proposed regulations, which identify certain stock of an acquiring foreign corporation that is disregarded in calculating the ownership of the foreign corporation for purposes of section 7874.

Treasury and the IRS issued proposed and temporary regulations that incorporate the rules previously announced in Notice 2014-52 and Notice 2015-79 and a new multiple domestic entity acquisition rule.¹³⁰⁸

In early 2017, Treasury issued final and temporary regulations¹³⁰⁹ that adopt, with few changes, the 2016 temporary and proposed regulations.

2. Entity classification

Certain entities are eligible to elect their classification for Federal tax purposes under the “check-the-box” regulations adopted in 1997.¹³¹⁰ Those regulations simplified the entity classification process for both taxpayers and the IRS by making the entity classification of unincorporated entities explicitly elective in most instances.¹³¹¹ The eligibility to elect and the breadth of an entity’s choices depend upon whether it is a “per se corporation” and its number of beneficial owners. Foreign as well as domestic entities may make the election. As a result, it is possible for an entity that operates across countries to be treated as a hybrid entity. A hybrid entity is one which is treated as a flow-through or disregarded entity for U.S. tax purposes but as a corporation for foreign tax purposes. For “reverse hybrid entities,” the opposite is true. The election can affect the determination of the source of the income, availability of tax credits, and other tax attributes.

3. Source of income rules

The rules for determining the source of certain types of income are specified in the Code and described briefly below. Various factors determine the source of income for U.S. tax purposes, including the status or nationality of the payor, the status or nationality of the recipient, the location of the recipient’s activities that generate the income, and the location of the assets that generate the income. To the extent that the source of income is not specified by statute, the Treasury Secretary may promulgate regulations that explain the appropriate treatment. However, many items of income are not explicitly addressed by either the Code or Treasury regulations, sometimes resulting in nontaxation of the income. On several occasions, courts have determined the source of such items by applying the rule for the type of income to which the disputed income is

most closely analogous, based on all facts and circumstances.¹³¹²

Interest

Interest is derived from U.S. sources if it is paid by the United States or any agency or instrumental subdivision thereof, a State or any political subdivision thereof, or the District of Columbia. Interest is also from U.S. sources if it is paid by a resident or a domestic corporation on a bond, note, or other interest-bearing obligation.¹³¹³ Special rules apply to treat as foreign-source certain amounts paid on deposits with foreign commercial banking branches of U.S. corporations or partnerships and certain other amounts paid by foreign branches of domestic financial institutions.¹³¹⁴ Interest paid by the U.S. branch of a foreign corporation is also treated as U.S.-source income.¹³¹⁵

Dividends

Dividend income is generally sourced by reference to the payor’s place of incorporation.¹³¹⁶ Thus, dividends paid by a domestic corporation are generally treated as entirely U.S.-source income. Similarly, dividends paid by a foreign corporation are generally treated as entirely foreign-source income. Under a special rule, dividends from certain foreign corporations that conduct U.S. businesses are treated in part as U.S.-source income.¹³¹⁷

Rents and royalties

Rental income is sourced by reference to the location or place of use of the leased property.¹³¹⁸ The nationality or the country of residence of the lessor or lessee does not affect the source of rental income. Rental income from property located or used in the United States (or from any interest in such property) is U.S.-source income, regardless of whether the property is real or personal, intangible or tangible.

Royalties are sourced in the place of use of (or the place of privilege to use) the property for which the royalties are paid.¹³¹⁹ This source rule applies to royalties for the use of either tangible or intangible property, including patents, copyrights, secret processes, formulas, goodwill, trademarks, trade names, and franchises.

Income from sales of personal property

Subject to significant exceptions, income from the sale of personal property is sourced on the basis of the residence of the seller.¹³²⁰ For this purpose, special definitions of the terms “U.S. resident” and “nonresident” are provided. A nonresident is defined as any person who is not a U.S. resident,¹³²¹ while the term “U.S. resident” comprises any juridical entity which is a U.S. person, all U.S. citizens, as well as any individual who is a U.S. resident without a tax home in a foreign country or a nonresident alien with a tax home in the United States.¹³²² As a result, nonresident includes any foreign corporation.¹³²³

Several special rules apply. For example, income from the sale of inventory property is generally sourced to the place of sale, which is determined by where title to the property passes.¹³²⁴ However, if the sale is by a nonresident and is attributable to an office or other fixed place of business in the United States, the sale is treated as income from U.S. sources without regard to the place of sale, unless it is sold for use, disposition, or consumption outside the United States and a foreign office materially participates in the sale.¹³²⁵ Income from the sale of inventory property that a taxpayer produces (in whole or in part) in the United States and sells outside the United States, or that a taxpayer produces (in whole or in part) outside the United States and sells in the United States, is treated as partly U.S.-source and partly foreign-source.¹³²⁶

In determining the source of gain or loss from the sale or exchange of an interest in a foreign partnership, the IRS has taken the position that to the extent that there is unrealized gain attributable to partnership assets that are effectively connected with the U.S. business, the foreign person’s gain or loss from the sale or exchange of a partnership interest is effectively connected gain or loss to the extent of the partner’s distributive share of such unrealized gain or loss, and not capital gain or loss. Similarly, to the extent that the partner’s distributive share of unrealized gain is attributable to a permanent establishment of the partnership under an applicable treaty provision, it may be subject to U.S. tax under a treaty.¹³²⁷

Gain on the sale of depreciable property is divided between U.S.-source and foreign-source in the same ratio that the depreciation was previously deductible for U.S. tax purposes.¹³²⁸ Payments received on sales of intangible property are sourced in the same manner as royalties to the extent the payments are contingent on the productivity, use, or disposition of the intangible property.¹³²⁹

Personal services income

Compensation for labor or personal services is generally sourced to the place-of-performance. Thus, compensation for labor or personal services performed in the United States generally is treated as U.S.-source income, subject to an exception for amounts

¹³²⁴ Secs. 865(b), 861(a)(6), 862(a)(6); Treas. Reg. sec. 1.861-7(c).

¹³²⁵ Sec. 865(e)(2).

¹³²⁶ Sec. 863(b). A taxpayer may elect one of three methods for allocating and apportioning income as U.S.- or foreign-source: (1) the 50-50 method under which 50 percent of the income from the sale of inventory property in such a situation is attributable to the production activities and 50 percent to the sales activities, with the income sourced based on the location of those activities; (2) independent factory price (“IFP”) method under which, in certain circumstances, an IFP may be established by the taxpayer to determine income from production activities; (3) the books and records method under which, with advance permission, the taxpayer may use books of account to detail the allocation of receipts and expenditures between production and sales activities. Treas. Reg. sec. 1.863-3(b), (c). If production activity occurs only within the United States, or only within foreign countries, then all income is sourced to where the production activity occurs; when production activities occur in both the United States and one or more foreign countries, the income attributable to production activities must be split between U.S. and foreign sources. Treas. Reg. sec. 1.863-3(c)(1). The sales activity is generally sourced based on where title to the property passes. Treas. Reg. secs. 1.863-3(c)(2), 1.861-7(c).

¹³²⁷ Rev. Rul. 91-32, 1991-1 C.B. 107. But see, Grecian Magnesite Mining, Industrial & Shipping Co. SA v Commissioner, 149 T.C. No. 3 (2017).

¹³²⁸ Sec. 865(c).

¹³²⁹ Sec. 865(d).

¹³⁰⁸ T.D. 9761, April 4, 2016. But see, *Chamber of Commerce v Internal Revenue Service*, Cause No 1:16-CV-944-LY (W.D. Tex. Sept. 29, 2017), granting summary judgment to plaintiff in challenge to temporary regulations based on lack of compliance with Administrative Procedure Requirements.

¹³⁰⁹ T.D. 9812, January 13, 2017.

¹³¹⁰ Treas. Reg. sec. 301.7701-1, *et seq.*

¹³¹¹ The check-the-box regulations replaced Treas. Reg. sec. 301.7701-2, as in effect prior to 1997, under which the classification of unincorporated entities for Federal tax purposes was determined on the basis of a four characteristics indicative of status as a corporation: continuity of life, centralization of management, limited liability, and free transferability of interests. An entity that possessed three or more of these characteristics was treated as a corporation; if it possessed two or fewer, then it was treated as a partnership. Thus, to achieve characterization as a partnership under this system, taxpayers needed to arrange the governing instruments of an entity in such a way as to eliminate two of these corporate characteristics. The advent and proliferation of limited liability companies (“LLCs”) under State laws allowed business owners to create customized entities that possessed a critical common feature—limited liability for investors—as well as other corporate characteristics the owners found desirable. As a consequence, classification was effectively elective for well-advised taxpayers.

¹³¹² See, e.g., *Hunt v. Commissioner*, 90 T.C. 1289 (1988).

¹³¹³ Sec. 861(a)(1); Treas. Reg. sec. 1.861-2(a)(1).

¹³¹⁴ Secs. 861(a)(1) and 862(a)(1). For purposes of certain reporting and withholding obligations the source rule in section 861(a)(1)(B) does not apply to interest paid by the foreign branch of a domestic financial institution. This results in the payment being treated as a withholdable payment. Sec. 1473(1)(C).

¹³¹⁵ Sec. 884(f)(1).

¹³¹⁶ Secs. 861(a)(2), 862(a)(2).

¹³¹⁷ Sec. 861(a)(2)(B).

¹³¹⁸ Sec. 861(a)(4).

¹³¹⁹ *Ibid.*

¹³²⁰ Sec. 865(a).

¹³²¹ Sec. 865(g)(1)(B).

¹³²² Sec. 865(g)(1)(A).

¹³²³ Sec. 865(g).

that meet certain *de minimis* criteria.¹³³⁰ Compensation for services performed both within and without the United States is allocated between U.S.- and foreign-source.¹³³¹

Insurance income

Underwriting income from issuing insurance or annuity contracts generally is treated as U.S.-source income if the contract involves property in, liability arising out of an activity in, or the lives or health of residents of, the United States.¹³³²

Transportation income

Transportation income is any income derived from, or in connection with, the use (or hiring or leasing for use) of a vessel or aircraft (or a container used in connection therewith) or the performance of services directly related to such use.¹³³³ That definition does not encompass land transport except to the extent that it is directly related to shipping by vessel or aircraft, but regulations extend a similar rule for determining the source of income from transportation services other than shipping or aviation. Sources rules generally provide that income from furnishing transportation that both begins and ends in the United States is U.S.-source income,¹³³⁴ and 50-percent of income attributable to transportation that either begins or the ends in the United States is treated as U.S.-source income. However, to the extent that the operator of a shipping or cruise line is foreign, its ownership structure and the maritime law¹³³⁵ applicable for determining what constitutes international shipping as well as specific income tax provisions combine to create an industry-specific departure from the rules generally applicable.¹³³⁶

A subcategory of transportation income, “U.S. source gross transportation income” is subject to taxation on a gross basis at the rate of four percent.¹³³⁷ Income is within the

scope of this special tax if it is considered to be U.S. source because travel begins or ends in the United States, is not effectively connected, and is not of a kind to which the exemption from tax applies.¹³³⁸

An exemption from U.S. tax is provided for transportation income of foreign persons from countries that extend reciprocal relief to U.S. persons. A nonresident alien individual with income from the international operation of a ship may qualify, provided that the foreign country in which such individual is resident grants an equivalent exemption to individual residents of the United States.¹³³⁹ A similar exemption from U.S. tax is provided for gross income derived by a foreign corporation from the international operation of an aircraft, provided that the foreign country in which the corporation is organized grants an equivalent exemption to corporations organized in the United States.¹³⁴⁰ To determine whether income from shipping or aviation is eligible for an exemption under section 883, one must examine the extent to which the foreign jurisdiction has extended reciprocity for U.S. businesses; whether the party claiming an exemption is eligible for the tax relief; and the nature of the activities that give rise to the income.

Income from space or ocean activities or international communications

In the case of a foreign person, generally no income from a space or ocean activity or from international communications is treated as U.S.-source income.¹³⁴¹ With respect to the latter, an exception is provided if the foreign person maintains an office or other fixed place of business in the United States, in which case the international communications income attributable to such fixed place of business is treated as U.S.-source income.¹³⁴² For U.S. persons, all income from space or ocean activities and 50 percent of income from international communications is treated as U.S.-source income.

Amounts received with respect to guarantees of indebtedness

Amounts received, directly or indirectly, from a noncorporate resident or from a domestic corporation for the provision of a guarantee of indebtedness of such person are income from U.S. sources.¹³⁴³ This includes payments that are made indirectly for the provision of a guarantee. For example, U.S.-source income under this rule includes a guarantee fee paid by a foreign bank to a foreign corporation for the foreign corporation's guarantee of indebtedness owed to the bank by the foreign corporation's domestic subsidiary, where the cost of the guarantee fee is passed on to the domestic subsidiary through, for instance, additional interest charged on the indebtedness. In this situation, the domestic subsidiary has paid the

guarantee fee as an economic matter through higher interest costs, and the additional interest payments made by the subsidiary are treated as indirect payments of the guarantee fee and, therefore, as income from U.S. sources.

Such U.S.-source income also includes amounts received from a foreign person, whether directly or indirectly, for the provision of a guarantee of indebtedness of that foreign person if the payments received are connected with income of such person that is effectively connected with the conduct of a U.S. trade or business. Amounts received from a foreign person, whether directly or indirectly, for the provision of a guarantee of that person's debt, are treated as foreign-source income if they are not from sources within the United States under section 861(a)(9).

4. Intercompany transfers

Transfer pricing

A basic U.S. tax principle applicable in dividing profits from transactions between related taxpayers is that the amount of profit allocated to each related taxpayer must be measured by reference to the amount of profit that a similarly situated taxpayer would realize in similar transactions with unrelated parties. The transfer pricing rules of section 482 and the accompanying Treasury regulations are intended to preserve the U.S. tax base by ensuring that taxpayers do not shift income properly attributable to the United States to a related foreign company through pricing that does not reflect an arm's-length result.¹³⁴⁴ Similarly, the domestic laws of most U.S. trading partners include rules to limit income shifting through transfer pricing. The arm's-length standard is difficult to administer in situations in which no unrelated party market prices exist for transactions between related parties. When a foreign person with U.S. activities has transactions with related U.S. taxpayers, the amount of income attributable to U.S. activities is determined in part by the same transfer pricing rules of section 482 that apply when U.S. persons with foreign activities transact with related foreign taxpayers.

Section 482 authorizes the Secretary of the Treasury to allocate income, deductions, credits, or allowances among related business entities¹³⁴⁵ when necessary to clearly reflect income or otherwise prevent tax avoidance, and comprehensive Treasury regulations under that section adopt the arm's-length standard as the method for determining whether allocations are appropriate.¹³⁴⁶ The regulations generally attempt to identify the respective amounts of taxable income of the related parties that would have resulted if the parties had been unrelated parties dealing at arm's length. For income from intangible property, section 482 provides “in the case of any transfer (or license) of intangible property (within the

¹³³⁰ Sec. 861(a)(3). Gross income of a nonresident alien individual, who is present in the United States as a member of the regular crew of a foreign vessel, from the performance of personal services in connection with the international operation of a ship is generally treated as foreign-source income.

¹³³¹ Treas. Reg. sec. 1.861-4(b).

¹³³² Sec. 861(a)(7).

¹³³³ Sec. 863(c)(3).

¹³³⁴ Sec. 863(c).

¹³³⁵ U.S. law on navigation is codified in U.S. Code at title 33, and is consistent with the body of international maritime law. The normative principles of international maritime law for determining the maritime zones and territorial sovereignty over seas are embodied in the United Nations Convention on the Law of the Sea, first opened for signature in 1982. Since 1983, the Executive Branch has agreed that the treaty is generally consistent with existing international norms of the law of the sea and that the United States would act in conformity to the principles of the treaty other than those portions regarding deep seabed exploitation, even in the absence of ratification of the treaty.

¹³³⁶ Due to the regulatory framework for aviation, an international flight must either originate or conclude in the country of residence of the airline's owner, where income tax for the international flight is assessed. In contrast to international shipping, international aviation cannot be carried out using flags-of-convenience. Thus, although tax law treats shipping and aviation similarly, the differences between the two industries and the applicable regulatory regimes produce different tax outcomes. Full territorial sovereignty applies within 12 nautical miles of one's coast; the contiguous waters beyond 12 nautical miles but up to 24 nautical miles are subject to some regulation. Within 200 nautical miles, a country may assert an economic zone for exploitation of living marine resources and some minerals. Beyond 200 nautical miles are the “high seas” in which no sovereign state may assert exclusive jurisdiction.

¹³³⁷ Sec. 887(a). Special rules for determining whether transportation income is effectively connected with the conduct of a U.S. trade or business

are also provided, and for coordinating the application of sections 871, 882, and 887.

¹³³⁸ Sec. 887(b)(1).

¹³³⁹ Sec. 872(b)(1).

¹³⁴⁰ Sec. 883(a)(2).

¹³⁴¹ Sec. 863(d).

¹³⁴² Sec. 863(e).

¹³⁴³ Sec. 861(a)(9). This provision effects a legislative override of the opinion in *Container Corp. v. Commissioner*, 134 T.C. 122 (February 17, 2010), aff'd 2011 WL1664358, 107 A.F.T.R.2d 2011-1831 (5th Cir. May 2, 2011), in which the Tax Court held that fees paid by a domestic corporation to its foreign parent with respect to guarantees issued by the parent for the debts of the domestic corporation were more closely analogous to compensation for services than to interest, and determined that the source of the fees should be determined by reference to the residence of the foreign parent-guarantor. As a result, the income was treated as income from foreign sources.

¹³⁴⁴ For a detailed description of the U.S. transfer pricing rules, see Joint Committee on Taxation, *Present Law and Background Related to Possible Income Shifting and Transfer Pricing* (JCX-37-10), July 20, 2010, pp. 18-50.

¹³⁴⁵ The term “related” as used herein refers to relationships described in section 482, which refers to “two or more organizations, trades or businesses (whether or not incorporated, whether or not organized in the United States, and whether or not affiliated) owned or controlled directly or indirectly by the same interests.”

¹³⁴⁶ Section 1059A buttresses section 482 by limiting the extent to which costs used to determine custom valuation can also be used to determine basis in property imported from a related party. A taxpayer that imports property from a related party may not assign a value to the property for cost purposes that exceeds its customs value.

meaning of section 936(h)(3)(B)), the income with respect to such transfer or license shall be commensurate with the income attributable to the intangible." By requiring inclusion in income of amounts commensurate with the income attributable to the intangible, Congress was responding to concerns regarding the effectiveness of the arm's-length standard with respect to intangible property—including, in particular, high-profit-potential intangibles.¹³⁴⁷

Gain recognition on outbound transfers

If a transfer of intangible property to a foreign affiliate occurs in connection with certain corporate transactions, nonrecognition rules that may otherwise apply are suspended. The transferor of intangible property must recognize gain from the transfer as though he had sold the intangible (regardless of the stage of development of the intangible property) in exchange for payments contingent on the use, productivity or disposition of the transferred property in amounts that would have been received either annually over the useful life of the property or upon disposition of the property after the transfer.¹³⁴⁸ The appropriate amounts of those imputed payments are determined using transfer-pricing principles. Final regulations issued in 2016 eliminate an exception under temporary regulations that permitted nonrecognition of gain from outbound transfers of foreign goodwill and going concern value. However, the Secretary announced that reinstatement of an exception for active trade or business is under consideration for cases with little potential for abuse and administrative difficulties.¹³⁴⁹

C. U.S. Tax Rules Applicable to Nonresident Aliens and Foreign Corporations (Inbound)

Nonresident aliens and foreign corporations are generally subject to U.S. tax only on their U.S.-source income. Thus, the source and type of income received by a foreign person generally determines whether there is any U.S. income tax liability and the mechanism by which it is taxed. The U.S. tax rules for U.S. activities of foreign taxpayers apply differently to two broad types of income: U.S.-source income that is "fixed or determinable annual or periodical gains, profits, and income" ("FDAP income") or income that is "effectively connected with the conduct of a trade or business within the United States" ("ECI"). FDAP income generally is subject to a 30-percent gross-basis tax withheld at its source, while ECI is generally subject to the same U.S. tax rules that apply to business income derived by U.S. persons. That is, deductions are permitted in determining taxable ECI, which is then taxed at the same rates applicable to U.S. persons. Much FDAP income and similar income is, however, exempt from tax or is subject to a reduced rate

of tax under the Code¹³⁵⁰ or a bilateral income tax treaty.¹³⁵¹

1. Gross-basis taxation of U.S.-source income.

Non-business income received by foreign persons from U.S. sources is generally subject to tax on a gross basis at a rate of 30 percent, which is collected by withholding at the source of the payment. As explained below, the categories of income subject to the 30-percent tax and the categories for which withholding is required are generally coextensive, with the result that determining the withholding tax liability determines the substantive liability.

The income of non-resident aliens or foreign corporations that is subject to tax at a rate of 30-percent includes FDAP income that is not effectively connected with the conduct of a U.S. trade or business.¹³⁵² The items enumerated in defining FDAP income are illustrative; the common characteristic of types of FDAP income is that taxes with respect to the income may be readily computed and collected at the source, in contrast to the administrative difficulty involved in determining the seller's basis and resulting gain from sales of property.¹³⁵³ The words "annual or periodical" are "merely generally descriptive" of the payments that could be within the purview of the statute and do not preclude application of the withholding tax to one-time, lump sum payments to nonresident aliens.¹³⁵⁴

With respect to income from shipping, the gross basis tax potentially applicable is four percent,¹³⁵⁵ unless the income is effectively connected with a U.S. trade or business, and thus subject to the graduated rates, as determined under rules specific to U.S.-source gross transportation income rather than the more broadly applicable rules defining effectively connected income in section 864(c). Even if the income is within the purview of those special rules, it may nevertheless be exempt if the income is derived from the international operation of a ship or aircraft by a foreign entity organized in a jurisdiction which provides a reciprocal exemption to U.S. entities.¹³⁵⁶

Types of FDAP income

FDAP income encompasses a broad range of types of gross income, but has limited application to gains on sales of property, including market discount on bonds and option

premiums.¹³⁵⁷ Capital gains received by non-resident aliens present in the United States for fewer than 183 days are generally treated as foreign source and are thus not subject to U.S. tax, unless the gains are effectively connected with a U.S. trade or business; capital gains received by nonresident aliens present in the United States for 183 days or more¹³⁵⁸ that are treated as income from U.S. sources are subject to gross-basis taxation.¹³⁵⁹ In contrast, U.S.-source gains from the sale or exchange of intangibles are subject to tax and withholding if they are contingent upon the productivity of the property sold and are not effectively connected with a U.S. trade or business.¹³⁶⁰

Interest on bank deposits may qualify for exemption on two grounds, depending on where the underlying principal is held on deposit. Interest paid with respect to deposits with domestic banks and savings and loan associations, and certain amounts held by insurance companies, are U.S.-source income but are not subject to the U.S. tax when paid to a foreign person, unless the interest is effectively connected with a U.S. trade or business of the recipient.¹³⁶¹ Interest on deposits with foreign branches of domestic banks and domestic savings and loan associations is not treated as U.S.-source income and is thus exempt from U.S. tax (regardless of whether the recipient is engaged in a U.S. trade or business).¹³⁶² Similarly, interest and original issue discount on certain short-term obligations is also exempt from U.S. tax when paid to a foreign person.¹³⁶³ Additionally, there is generally no information reporting required with respect to payments of such amounts.¹³⁶⁴

Although FDAP income includes U.S.-source portfolio interest, such interest is specifically exempt from the 30-percent gross-basis tax. Portfolio interest is any interest (including original issue discount) that is paid on an obligation that is in registered form and for which the beneficial owner has provided to the U.S. withholding

¹³⁵⁷ Although technically insurance premiums paid to a foreign insurer or reinsurer are FDAP income, they are exempt from withholding under Treas. Reg. sec. 1.1441-2(a)(7) if the insurance contract is subject to the excise tax under section 4371. Treas. Reg. secs. 1.1441-2(b)(1)(i) and 1.1441-2(b)(2).

¹³⁵⁸ For purposes of this rule, whether a person is considered a resident in the United States is determined by application of the rules under section 7701(b).

¹³⁵⁹ Sec. 871(a)(2). In addition, certain capital gains from sales of U.S. real property interests are subject to tax as effectively connected income (or in some instances as dividend income) under the Foreign Investment in Real Property Tax Act of 1980 ("FIRPTA").

¹³⁶⁰ Secs. 871(a)(1)(D), 881(a)(4).

¹³⁶¹ Secs. 871(i)(2)(A), 881(d); Treas. Reg. sec. 1.1441-1(b)(4)(ii).

¹³⁶² Sec. 861(a)(1)(B); Treas. Reg. sec. 1.1441-1(b)(4)(iii).

¹³⁶³ Secs. 871(g)(1)(B), 881(a)(3); Treas. Reg. sec. 1.1441-1(b)(4)(iv).

¹³⁶⁴ Treas. Reg. sec. 1.1461-1(c)(2)(ii)(A), (B). Regulations require a bank to report interest if the recipient is a nonresident alien who resides in a country with which the United States has a satisfactory exchange of information program under a bilateral agreement and the deposit is maintained at an office in the United States. Treas. Reg. secs. 1.6049-4(b)(5) and 1.6049-8. The IRS publishes lists of the countries whose residents are subject to the reporting requirements, and those countries with respect to which the reported information will be automatically exchanged. Rev. Proc. 2017-31, available at <https://www.irs.gov/pub/irs-drop/rp-17-31.pdf>, supplementing Rev. Proc. 2014-64.

¹³⁴⁷ H.R. Rep. No. 99-426, p. 423.

¹³⁴⁸ Sec. 367(d).

¹³⁴⁹ See, T.D. 9803, 81 F.R. 91012 (December 17, 2016). Treas. Reg. sec. 1.367(d)-1(b) now provides that the rules of section 367(d) apply to transfers of intangible property as defined under Treas. Sec. 1.367(a)-1(d)(5) after September 14, 2015, and to any transfers occurring before that date resulting from entity classification elections filed on or after September 15, 2015. Noting that commenters on the regulations had cited legislative history that contemplated active business exceptions, Treasury announced the reconsideration of the rule. U.S. Treasury Department, *Second Report to the President on Identifying and Reducing Tax Regulatory Burdens, Executive Order 13789* October 2, 2017, TNT Doc 2017-72131. The relevant legislative history is found at in H.R. Rep. No. 98-432, 98th Cong., 2d Sess. 1318-1320 (March 5, 1984) and Conference Report, H.R. Rep. No. 98-861, 98th Cong. 2d Sess. 951-957 (June 23, 1984).

¹³⁵⁰ E.g., the portfolio interest exception in section 871(h) (discussed below).

¹³⁵¹ Because each treaty reflects considerations unique to the relationship between the two treaty countries, treaty withholding tax rates on each category of income are not uniform across treaties.

¹³⁵² Secs. 871(a), 881. If the FDAP income is also ECI, it is taxed on a net basis, at graduated rates.

¹³⁵³ *Commissioner v. Wodehouse*, 337 U.S. 369, 388-89 (1949). After reviewing legislative history of the Revenue Act of 1936, the Supreme Court noted that Congress expressly intended to limit taxes on nonresident aliens to taxes that could be readily collectible, i.e., subject to withholding, in response to "a theoretical system impractical of administration in a great number of cases. H.R. Rep. No. 2475, 74th Cong., 2d Sess. 9-10 (1936)." In doing so, the Court rejected P.G. Wodehouse's arguments that an advance royalty payment was not within the purview of the statutory definition of FDAP income.

¹³⁵⁴ *Commissioner v. Wodehouse*, 337 U.S. 369, 393 (1949).

¹³⁵⁵ Sec. 887.

¹³⁵⁶ Sec. 883(a)(1). In addition, to the extent provided in regulations, income from shipping and aviation is not subject to the four-percent gross basis tax if the income is of a type that is not subject to the reciprocal exemption for net basis taxation. See sec. 887(b)(1). Comparable rules under section 872(b)(1) apply to income of nonresident alien individuals from shipping operations.

agent a statement certifying that the beneficial owner is not a U.S. person.¹³⁶⁵ For obligations issued before March 19, 2012, portfolio interest also includes interest paid on an obligation that is not in registered form, provided that the obligation is shown to be targeted to foreign investors under the conditions sufficient to establish deductibility of the payment of such interest.¹³⁶⁶ Portfolio interest, however, does not include interest received by a 10-percent shareholder,¹³⁶⁷ certain contingent interest,¹³⁶⁸ interest received by a controlled foreign corporation from a related person,¹³⁶⁹ or interest received by a bank on an extension of credit made pursuant to a loan agreement entered into in the ordinary course of its trade or business.¹³⁷⁰

Imposition of gross-basis tax and reporting by U.S. withholding agents

The 30-percent tax on FDAP income is generally collected by means of withholding.¹³⁷¹ Withholding on FDAP payments to foreign payees is required unless the withholding agent,¹³⁷² i.e., the person making the payment to the foreign person receiving the income, can establish that the beneficial owner of the amount is eligible for an exemption from withholding or a reduced rate of withholding under an income tax treaty.¹³⁷³ The principal statutory exemptions from the 30-percent tax apply to interest on bank deposits, and portfolio interest, described above.¹³⁷⁴

In many instances, the income subject to withholding is the only income of the foreign recipient that is subject to any U.S. tax. No U.S. Federal income tax return from the foreign recipient is generally required with respect to the income from which tax was withheld, if the recipient has no ECI income and the withholding is sufficient to satisfy the recipient's liability. Accordingly, although the 30-percent gross-basis tax is a withholding tax, it is also generally the final tax liability of the foreign recipient (unless the foreign recipients files for a refund).

A withholding agent that makes payments of U.S.-source amounts to a foreign person is required to report and pay over any amounts of U.S. tax withheld. The reports are due to be filed with the IRS by March 15 of the calendar year following the year in which the payment is made. Two types of reports are required: (1) a summary of the total U.S.-source income paid and withholding tax withheld on foreign persons for the year and (2) a report to both the IRS and the foreign

person of that person's U.S.-source income that is subject to reporting.¹³⁷⁵ The non-resident withholding rules apply broadly to any financial institution or other payor, including foreign financial institutions.¹³⁷⁶

To the extent that the withholding agent deducts and withholds an amount, the withheld tax is credited to the recipient of the income.¹³⁷⁷ If the agent withholds more than is required, and results in an overpayment of tax, the excess may be refunded to the recipient of the income upon filing of a timely claim for refund.

Excise tax on foreign reinsurance premiums

An excise tax applies to premiums paid to foreign insurers and reinsurers covering U.S. risks.¹³⁷⁸ The excise tax is imposed on a gross basis at the rate of one percent on reinsurance and life insurance premiums, and at the rate of four percent on property and casualty insurance premiums. The excise tax does not apply to premiums that are effectively connected with the conduct of a U.S. trade or business or that are exempted from the excise tax under an applicable income tax treaty. The excise tax paid by one party cannot be credited if, for example, the risk is reinsured with a second party in a transaction that is also subject to the excise tax.

Many U.S. tax treaties provide an exemption from the excise tax, including the treaties with Germany, Japan, Switzerland, and the United Kingdom.¹³⁷⁹ To prevent persons from inappropriately obtaining the benefits of exemption from the excise tax, the treaties generally include an anti-conduit rule. The most common anti-conduit rule provides that the treaty exemption applies to the excise tax only to the extent that the risks covered by the premiums are not reinsured with a person not entitled to the benefits of the treaty (or any other treaty that provides exemption from the excise tax).¹³⁸⁰

2. Net-basis taxation of U.S.-source income

The United States taxes on a net basis the income of foreign persons that is "effectively connected" with the conduct of a trade or business in the United States.¹³⁸¹ Any gross income derived by the foreign person that is not effectively connected with the person's U.S. business is not taken into account in determining the rates of U.S. tax applicable to the person's income from the business.¹³⁸²

U.S. trade or business

A foreign person is subject to U.S. tax on a net basis if the person is engaged in a U.S.

trade or business. Partners in a partnership and beneficiaries of an estate or trust are treated as engaged in the conduct of a trade or business within the United States if the partnership, estate, or trust is so engaged.¹³⁸³

The question whether a foreign person is engaged in a U.S. trade or business is factual and has generated much case law. Basic issues include whether the activity constitutes business rather than investing, whether sufficient activities in connection with the business are conducted in the United States, and whether the relationship between the foreign person and persons performing functions in the United States in respect of the business is sufficient to attribute those functions to the foreign person.

The trade or business rules differ from one activity to another. The term "trade or business within the United States" expressly includes the performance of personal services within the United States.¹³⁸⁴ If, however, a nonresident alien individual performs personal services for a foreign employer, and the individual's total compensation for the services and period in the United States are minimal (\$3,000 or less in total compensation and 90 days or fewer of physical presence in a year), the individual is not considered to be engaged in a U.S. trade or business.¹³⁸⁵ Detailed rules govern whether trading in stocks or securities or commodities constitutes the conduct of a U.S. trade or business.¹³⁸⁶ A foreign person who trades in stock or securities or commodities in the United States through an independent agent generally is not treated as engaged in a U.S. trade or business if the foreign person does not have an office or other fixed place of business in the United States through which trades are carried out. A foreign person who trades stock or securities or commodities for the person's own account also generally is not considered to be engaged in a U.S. business so long as the foreign person is not a dealer in stock or securities or commodities.

For eligible foreign persons, U.S. bilateral income tax treaties restrict the application of net-basis U.S. taxation. Under each treaty, the United States is permitted to tax business profits only to the extent those profits are attributable to a U.S. permanent establishment of the foreign person. The threshold level of activities that constitute a permanent establishment is generally higher than the threshold level of activities that constitute a U.S. trade or business. For example, a permanent establishment typically requires the maintenance of a fixed place of business over a significant period of time.

Effectively connected income

A foreign person that is engaged in the conduct of a trade or business within the United States is subject to U.S. net-basis taxation on the income that is "effectively connected" with the business. Specific statutory rules govern whether income is ECI.¹³⁸⁷

In the case of U.S.-source capital gain and U.S.-source income of a type that would be subject to gross basis U.S. taxation, the factors taken into account in determining whether the income is ECI include whether the income is derived from assets used in or held for use in the conduct of the U.S. trade or business and whether the activities of the trade or business were a material factor in the realization of the amount (the "asset use" and "business activities" tests).¹³⁸⁸

¹³⁶⁵ Sec. 871(h)(2).

¹³⁶⁶ Sec. 163(f)(2)(B). The exception to the registration requirements for foreign targeted securities was repealed in 2010, effective for obligations issued two years after enactment, thus narrowing the portfolio interest exemption for obligations issued after March 18, 2012. See Hiring Incentives to Restore Employment Law of 2010, Pub. L. No. 111-147, sec. 502(b).

¹³⁶⁷ Sec. 871(h)(3).

¹³⁶⁸ Sec. 871(h)(4).

¹³⁶⁹ Sec. 881(c)(3)(C).

¹³⁷⁰ Sec. 881(c)(3)(A).

¹³⁷¹ Secs. 1441, 1442.

¹³⁷² Withholding agent is defined broadly to include any U.S. or foreign person that has the control, receipt, custody, disposal, or payment of an item of income of a foreign person subject to withholding. Treas. Reg. sec. 1.1441-7(a).

¹³⁷³ Secs. 871, 881, 1441, 1442; Treas. Reg. sec. 1.1441-1(b).

¹³⁷⁴ A reduced rate of withholding of 14 percent applies to certain scholarships and fellowships paid to individuals temporarily present in the United States. Sec. 1441(b). In addition to statutory exemptions, the 30-percent tax with respect to interest, dividends and royalties may be reduced or eliminated by a tax treaty between the United States and the country in which the recipient of income otherwise subject to tax is resident.

¹³⁷⁵ Treas. Reg. sec. 1.1461-1(b), (c).

¹³⁷⁶ See Treas. Reg. sec. 1.1441-7(a) (definition of withholding agent includes foreign persons).

¹³⁷⁷ Sec. 1462.

¹³⁷⁸ Secs. 4371-4374.

¹³⁷⁹ Generally, when a foreign person qualifies for benefits under such a treaty, the United States is not permitted to collect the insurance premiums excise tax from that person.

¹³⁸⁰ In Rev. Rul. 2008-15, 2008-1 C.B. 633, the IRS provided guidance to the effect that the excise tax is imposed separately on each reinsurance policy covering a U.S. risk. Thus, if a U.S. insurer or reinsurer reinsures a U.S. risk with a foreign reinsurer, and that foreign reinsurer in turn reinsures the risk with a second foreign reinsurer, the excise tax applies to both the premium to the first foreign reinsurer and the premium to the second foreign reinsurer. In addition, if the first foreign reinsurer is resident in a jurisdiction with a tax treaty containing an excise tax exemption, the revenue ruling provides that the excise tax still applies to both payments to the extent that the transaction violates an anti-conduit rule in the applicable tax treaty. Even if no violation of an anti-conduit rule occurs, under the revenue ruling, the excise tax still applies to the premiums paid to the second foreign reinsurer, unless the second foreign reinsurer is itself entitled to an excise tax exemption.

¹³⁸¹ Secs. 871(b), 882.

¹³⁸² Secs. 871(b)(2), 882(a)(2).

¹³⁸³ Sec. 875.

¹³⁸⁴ Sec. 864(b).

¹³⁸⁵ Sec. 864(b)(1).

¹³⁸⁶ Sec. 864(b)(2).

¹³⁸⁷ Sec. 864(c).

¹³⁸⁸ Sec. 864(c)(2).

Under the asset use and business activities tests, due regard is given to whether the income, gain, or asset was accounted for through the U.S. trade or business. All other U.S.-source income is treated as ECI.¹³⁸⁹

A foreign person who is engaged in a U.S. trade or business may have limited categories of foreign-source income that are considered to be ECI.¹³⁹⁰ Foreign-source income not included in one of these categories (described next) generally is exempt from U.S. tax.

A foreign person's income from foreign sources generally is considered to be ECI only if the person has an office or other fixed place of business within the United States to which the income is attributable and the income is in one of the following categories: (1) rents or royalties for the use of patents, copyrights, secret processes or formulas, good will, trade-marks, trade brands, franchises, or other like intangible properties derived in the active conduct of the trade or business; (2) interest or dividends derived in the active conduct of a banking, financing, or similar business within the United States or received by a corporation the principal business of which is trading in stocks or securities for its own account; or (3) income derived from the sale or exchange (outside the United States), through the U.S. office or fixed place of business, of inventory or property held by the foreign person primarily for sale to customers in the ordinary course of the trade or business, unless the sale or exchange is for use, consumption, or disposition outside the United States and an office or other fixed place of business of the foreign person in a foreign country participated materially in the sale or exchange.¹³⁹¹ Foreign-source dividends, interest, and royalties are not treated as ECI if the items are paid by a foreign corporation more than 50 percent (by vote) of which is owned directly, indirectly, or constructively by the recipient of the income.¹³⁹²

In determining whether a foreign person has a U.S. office or other fixed place of business, the office or other fixed place of business of an agent generally is disregarded. The place of business of an agent other than an independent agent acting in the ordinary course of business is not disregarded, however, if the agent either has the authority (regularly exercised) to negotiate and conclude contracts in the name of the foreign person or has a stock of merchandise from which he regularly fills orders on behalf of the foreign person.¹³⁹³ If a foreign person has a U.S. office or fixed place of business, income, gain, deduction, or loss is not considered attributable to the office unless the office was a material factor in the production of the income, gain, deduction, or loss and the office regularly carries on activities of the type from which the income, gain, deduction, or loss was derived.¹³⁹⁴

Special rules apply in determining the ECI of an insurance company. The foreign-source income of a foreign corporation that is subject to tax under the insurance company provisions of the Code is treated as ECI if the income is attributable to its United States business.¹³⁹⁵

Income, gain, deduction, or loss for a particular year generally is not treated as ECI

if the foreign person is not engaged in a U.S. trade or business in that year.¹³⁹⁶ If, however, income or gain taken into account for a taxable year is attributable to the sale or exchange of property, the performance of services, or any other transaction that occurred in a prior taxable year, the determination whether the income or gain is taxable on a net basis is made as if the income were taken into account in the earlier year and without regard to the requirement that the taxpayer be engaged in a trade or business within the United States during the later taxable year.¹³⁹⁷ If any property ceases to be used or held for use in connection with the conduct of a U.S. trade or business and the property is disposed of within 10 years after the cessation, the determination whether any income or gain attributable to the disposition of the property is taxable on a net basis is made as if the disposition occurred immediately before the property ceased to be used or held for use in connection with the conduct of a U.S. trade or business and without regard to the requirement that the taxpayer be engaged in a U.S. business during the taxable year for which the income or gain is taken into account.¹³⁹⁸

Transportation income from U.S. sources is treated as effectively connected with a foreign person's conduct of a U.S. trade or business only if the foreign person has a fixed place of business in the United States that is involved in the earning of such income and substantially all of such income of the foreign person is attributable to regularly scheduled transportation.¹³⁹⁹ If the transportation income is effectively connected with conduct of a U.S. trade or business, the transportation income, along with transportation income that is from U.S. sources because the transportation both begins and ends in the United States, may be subject to net-basis taxation. Income from the international operation of a ship or aircraft may be eligible for an exemption under section 883, provided that the foreign jurisdiction has extended reciprocity for U.S. businesses;¹⁴⁰⁰ whether the party claiming an exemption is eligible for the tax relief;¹⁴⁰¹ and the activities that give rise to the income qualify under relevant regulations.

Allowance of deductions

Taxable ECI is computed by taking into account deductions associated with gross ECI. For this purpose, the apportionment and allocation of deductions is addressed in detailed regulations. The regulations applicable to deductions other than interest expense set forth general guidelines for allocating deductions among classes of income and apportioning deductions between ECI and non-ECI. In some circumstances, deductions may be allocated on the basis of units sold, gross sales or receipts, costs of goods sold, profits contributed, expenses incurred, assets used, salaries paid, space used, time spent, or gross income received. More spe-

cific guidelines are provided for the allocation and apportionment of research and experimental expenditures, legal and accounting fees, income taxes, losses on dispositions of property, and net operating losses. Detailed regulations under section 861 address the allocation and apportionment of interest deductions. In general, interest is allocated and apportioned based on assets rather than income.

3. Special rules

FIRPTA

A foreign person's gain or loss from the disposition of a U.S. real property interest ("USRPI") is treated as ECI and, therefore, as taxable at the income tax rates applicable to U.S. persons, including the rates for net capital gain. A foreign person subject to tax on this income is required to file a U.S. tax return under the normal rules relating to receipt of ECI.¹⁴⁰² In the case of a foreign corporation, the gain from the disposition of a USRPI may also be subject to the branch profits tax at a 30-percent rate (or lower treaty rate).

The payor of income that FIRPTA treats as ECI ("FIRPTA income") is generally required to withhold U.S. tax from the payment.¹⁴⁰³ The foreign person can request a refund with its U.S. tax return, if appropriate, based on that person's total ECI and deductions (if any) for the taxable year.

Branch profits taxes

A domestic corporation owned by foreign persons is subject to U.S. income tax on its net income. The earnings of the domestic corporation are subject to a second tax, this time at the shareholder level, when dividends are paid. As described previously, when the shareholders are foreign, the second-level tax is imposed at a flat rate and collected by withholding. Unless the portfolio interest exemption or another exemption applies, interest payments made by a domestic corporation to foreign creditors are likewise subject to U.S. tax. To approximate these second-level withholding taxes imposed on payments made by domestic subsidiaries to their foreign parent corporations, the United States taxes a foreign corporation that is engaged in a U.S. trade or business through a U.S. branch on amounts of U.S. earnings and profits that are shifted out of, or amounts of interest that are deducted by, the U.S. branch of the foreign corporation. These branch taxes may be reduced or eliminated under an applicable income tax treaty.¹⁴⁰⁴

Under the branch profits tax, the United States imposes a tax of 30 percent on a foreign corporation's "dividend equivalent amount."¹⁴⁰⁵ The dividend equivalent amount generally is the earnings and profits of a U.S. branch of a foreign corporation attributable to its ECI.¹⁴⁰⁶ Limited categories of earnings and profits attributable to a foreign corporation's ECI are excluded in calculating the dividend equivalent amount.¹⁴⁰⁷

In arriving at the dividend equivalent amount, a branch's effectively connected earnings and profits are adjusted to reflect changes in a branch's U.S. net equity (that is, the excess of the branch's assets over its liabilities, taking into account only amounts

¹³⁹⁶ Sec. 864(c)(1)(B).

¹³⁹⁷ Sec. 864(c)(6).

¹³⁹⁸ Sec. 864(c)(7).

¹³⁹⁹ Sec. 887(b)(4).

¹⁴⁰⁰ The most recent compilation of countries that the United States recognizes as providing exemptions lists countries in three groups: Twenty-seven countries are eligible for exemption on the basis of a review of the legislation in the foreign jurisdiction; 39 nations exchanged diplomatic notes with the United States that grant exemption to some extent; and more than 50 nations are parties with the United States to bilateral income tax treaties that include a shipping article. Rev. Rul. 2008-17, 2008-1 C.B. 626, modified by Ann. 2008-57, 2008-C.B. 1192, 2008.

¹⁴⁰¹ Sec. 883(c) and regulations thereunder.

¹⁴⁰² Sec. 897(a).

¹⁴⁰³ Sec. 1445 and Treasury regulations thereunder.

¹⁴⁰⁴ See Treas. Reg. sec. 1.884-1(g), -5.

¹⁴⁰⁵ Sec. 884(a).

¹⁴⁰⁶ Sec. 884(b).

¹⁴⁰⁷ See sec. 884(d)(2) (excluding, for example, earnings and profits attributable to gain from the sale of domestic corporation stock that constitutes a U.S. real property interest described in section 897).

¹³⁸⁹ Sec. 864(c)(3).

¹³⁹⁰ This income is subject to net-basis U.S. taxation after allowance of a credit for any foreign income tax imposed on the income. Sec. 906.

¹³⁹¹ Sec. 864(c)(4)(B).

¹³⁹² Sec. 864(c)(4)(D)(i).

¹³⁹³ Sec. 864(c)(5)(A).

¹³⁹⁴ Sec. 864(c)(5)(B).

¹³⁹⁵ Sec. 864(c)(4)(C).

treated as connected with its U.S. trade or business).¹⁴⁰⁸ The first adjustment reduces the dividend equivalent amount to the extent the branch's earnings are reinvested in trade or business assets in the United States (or reduce U.S. trade or business liabilities). The second adjustment increases the dividend equivalent amount to the extent prior reinvested earnings are considered remitted to the home office of the foreign corporation.

Interest paid by a U.S. trade or business of a foreign corporation generally is treated as if paid by a domestic corporation and therefore is subject to U.S. 30-percent withholding tax (if the interest is paid to a foreign person and a Code or treaty exemption or reduction would not be available if the interest were actually paid by a domestic corporation).¹⁴⁰⁹ Certain "excess interest" of a U.S. trade or business of a foreign corporation is treated as if paid by a U.S. corporation to a foreign parent and, therefore, is subject to U.S. 30-percent withholding tax.¹⁴¹⁰ For this purpose, excess interest is the excess of the interest expense of the foreign corporation apportioned to the U.S. trade or business over the amount of interest paid by the trade or business.

Earnings stripping

Taxpayers are limited in their ability to reduce the U.S. tax on the income derived from their U.S. operations through certain earnings stripping transactions that involve interest payments. If the payor's debt-to-equity ratio exceeds 1.5 to 1 (a debt-to-equity ratio of 1.5 to 1 or less is considered a "safe harbor"), a deduction for disqualified interest paid or accrued by the payor in a taxable year is generally disallowed to the extent of the payor's excess interest expense.¹⁴¹¹ Disqualified interest includes interest paid or accrued to related parties when no Federal income tax is imposed with respect to such interest;¹⁴¹² to unrelated parties in certain instances in which a related party guarantees the debt ("guaranteed debt"); or to a REIT by a taxable REIT subsidiary of that REIT. Excess interest expense is the amount by which the payor's net interest expense (that is, the excess of interest paid or accrued over interest income) exceeds 50 percent of its adjusted taxable income (generally taxable income computed without regard to deductions for net interest expense, net operating losses, domestic production activities under section 199, depreciation, amortization, and depletion). Interest amounts disallowed under these rules can be carried forward indefinitely and are allowed as a deduction to the extent of excess limitation in a subsequent tax year. In addition, any excess limitation (that is, the excess, if any, of 50 percent of the adjusted taxable income of the payor over the payor's net interest expense) can be carried forward three years.

D. U.S. Tax Rules Applicable to Foreign Activities of U.S. Persons (Outbound)

1. In general

In general, income earned directly by a U.S. person from the conduct of a foreign business is taxed on a current basis,¹⁴¹³ but

income earned indirectly from a separate legal entity operating the foreign business is not. Instead, active foreign business income earned by a U.S. person indirectly through an interest in a foreign corporation generally is not subject to U.S. tax until the income is distributed as a dividend to the U.S. person. Certain anti-deferral regimes may cause the U.S. owner to be taxed on a current basis in the United States on certain categories of passive or highly mobile income earned by the foreign corporation regardless of whether the income has been distributed as a dividend to the U.S. owner. The main anti-deferral regimes that provide such exceptions are the controlled foreign corporation ("CFC") rules of subpart F¹⁴¹⁴ and the passive foreign investment company ("PFIC") rules.¹⁴¹⁵ A foreign tax credit generally is available to offset, in whole or in part, the U.S. tax owed on foreign-source income, whether the income is earned directly by the domestic corporation, repatriated as an actual dividend, or included in the domestic parent corporation's income under one of the anti-deferral regimes.¹⁴¹⁶

2. Anti-deferral regimes

Subpart F

Subpart F,¹⁴¹⁷ applicable to CFCs and their shareholders, is the main anti-deferral regime of relevance to a U.S.-based multinational corporate group. A CFC generally is defined as any foreign corporation if U.S. persons own (directly, indirectly, or constructively) more than 50 percent of the corporation's stock (measured by vote or value), taking into account only those U.S. persons that are within the meaning of the term "United States shareholder," which refers only to those U.S. persons who own at least 10 percent of the stock (measured by vote only).¹⁴¹⁸

Subpart F income

Under the subpart F rules, the United States generally taxes the 10-percent U.S. shareholders of a CFC on their pro rata shares of certain income of the CFC (referred to as "subpart F income"), without regard to whether the income is distributed to the shareholders.¹⁴¹⁹ In effect, the United States treats the 10-percent U.S. shareholders of a CFC as having received a current distribution of the corporation's subpart F income. With exceptions described below, subpart F income generally includes passive income and other income that is readily movable from one taxing jurisdiction to another. Subpart F income consists of foreign base company income,¹⁴²⁰ insurance income,¹⁴²¹ and certain income relating to international boycotts and other violations of public policy.¹⁴²²

Foreign base company income consists of foreign personal holding company income, which includes passive income such as dividends, interest, rents, and royalties, and a number of categories of income from business operations, including foreign base com-

pany sales income, foreign base company services income, and foreign base company oil-related income.¹⁴²³

Insurance income subject to current inclusion under the subpart F rules includes any income of a CFC attributable to the issuing or reinsuring of any insurance or annuity contract in connection with risks located in a country other than the CFC's country of organization. Subpart F insurance income also includes income attributable to an insurance contract in connection with risks located within the CFC's country of organization as the result of an arrangement under which another corporation receives a substantially equal amount of consideration for insurance of other country risks. Finally, special rules apply under subpart F with respect to related person insurance income¹⁴²⁴ in order to address captive insurance companies.¹⁴²⁵ Under these rules, the threshold for determining control is reduced to 25 percent, and any level of stock ownership by a U.S. person in such corporation is sufficient for the person to be treated as a U.S. shareholder.

Investments in U.S. property

The 10-percent U.S. shareholders of a CFC also are required to include currently in income for U.S. tax purposes their pro rata shares of the corporation's untaxed earnings invested in certain items of U.S. property.¹⁴²⁶ This U.S. property generally includes tangible property located in the United States, stock of a U.S. corporation, an obligation of a U.S. person, and certain intangible assets, such as patents and copyrights, acquired or developed by the CFC for use in the United States.¹⁴²⁷ There are specific exceptions to the general definition of U.S. property, including for bank deposits, certain export property, and certain trade or business obligations.¹⁴²⁸ The inclusion rule for investment of earnings in U.S. property is intended to prevent taxpayers from avoiding U.S. tax on dividend repatriations by repatriating CFC earnings through non-dividend payments, such as loans to U.S. persons.

Subpart F exceptions

Several exceptions to the broad definition of subpart F income permit continued deferral for income from certain transactions, dividends, interest and certain rents and royalties received by a CFC from a related corporation organized and operating in the same foreign country in which the CFC is organized.¹⁴²⁹ The same-country exception is not available to the extent that the payments reduce the subpart F income of the payor. A second exception from foreign base company income and insurance income is available for any item of income received by a CFC if the taxpayer establishes that the income was subject to an effective foreign income tax rate greater than 90 percent of the maximum U.S. corporate income tax rate (that is, more than 90 percent of 35 percent, or 31.5 percent).¹⁴³⁰

¹⁴²³ Sec. 954.

¹⁴²⁴ Sec. 953(c). Related person insurance income is defined for this purpose to mean any insurance income attributable to a policy of insurance or reinsurance with respect to which the primary insured is either a U.S. shareholder (within the meaning of the provision) in the foreign corporation receiving the income or a person related to such a shareholder.

¹⁴²⁵ Joint Committee on Taxation, *General Explanation of the Tax Reform Act of 1986* (JCS-10-87), May 4, 1987, p. 968.

¹⁴²⁶ Secs. 951(a)(1)(B), 956.

¹⁴²⁷ Sec. 956(c)(1).

¹⁴²⁸ Sec. 956(c)(2).

¹⁴²⁹ Sec. 954(c)(3).

¹⁴³⁰ Sec. 954(b)(4).

foreign earned income and foreign housing costs under section 911. For a description of this exclusion, see *Present Law and Issues in U.S. Taxation of Cross-Border Income* (JCX-42-11), September 6, 2011, p. 52.

¹⁴¹⁴ Secs. 951-964.

¹⁴¹⁵ Secs. 1291-1298.

¹⁴¹⁶ Secs. 901, 902, 960, 1293(f).

¹⁴¹⁷ Secs. 951-964.

¹⁴¹⁸ Secs. 951(b), 957, 958. The term "United States shareholder" is used interchangeably herein with "U.S. shareholder."

¹⁴¹⁹ Sec. 951(a).

¹⁴²⁰ Sec. 954.

¹⁴²¹ Sec. 953.

¹⁴²² Sec. 952(a)(3)-(5).

¹⁴⁰⁸ Sec. 884(b).

¹⁴⁰⁹ Sec. 884(f)(1)(A).

¹⁴¹⁰ Sec. 884(f)(1)(B).

¹⁴¹¹ Sec. 163(j).

¹⁴¹² If a tax treaty reduces the rate of tax on interest paid or accrued by the taxpayer, the interest is treated as interest on which no Federal income tax is imposed to the extent of the same proportion of such interest as the rate of tax imposed without regard to the treaty, reduced by the rate of tax imposed under the treaty, bears to the rate of tax imposed without regard to the treaty. Sec. 163(j)(5)(B).

¹⁴¹³ A U.S. citizen or resident living abroad may be eligible to exclude from U.S. taxable income certain

A provision colloquially referred to as the “CFC look-through” rule excludes from foreign personal holding company income dividends, interest, rents, and royalties received or accrued by one CFC from a related CFC (with relation based on control) to the extent attributable or properly allocable to non-subpart-F income of the payor.¹⁴³¹ The look-through rule applies to taxable years of foreign corporations beginning before January 1, 2020, and to taxable years of U.S. shareholders with or within which such taxable years of foreign corporations end.¹⁴³²

There is also an exclusion from subpart F income for certain income of a CFC that is derived in the active conduct of banking or financing business (“active financing income”), which applies to all taxable years of the foreign corporation beginning after December 31, 2014, and for taxable years of the shareholders that end during or within such taxable years of the corporation.¹⁴³³ With respect to income derived in the active conduct of a banking, financing, or similar business, a CFC is required to be predominantly engaged in such business and to conduct substantial activity with respect to such business in order to qualify for the active financing exceptions. In addition, certain nexus requirements apply, which provide that income derived by a CFC or a qualified business unit (“QBU”) of a CFC from transactions with customers is eligible for the exceptions if, among other things, substantially all of the activities in connection with such transactions are conducted directly by the CFC or QBU in its home country, and such income is treated as earned by the CFC or QBU in its home country for purposes of such country’s tax laws. Moreover, the exceptions apply to income derived from certain cross border transactions, provided that certain requirements are met.

In the case of a securities dealer, an exception from foreign personal holding company income applies to any interest or dividend (or certain equivalent amounts) from any transaction, including a hedging transaction or a transaction consisting of a deposit of collateral or margin, entered into in the ordinary course of the dealer’s trade or business as a dealer in securities within the meaning of section 475.¹⁴³⁴ In the case of a QBU of the dealer, the income is required to be attributable to activities of the QBU in the country of incorporation, or to a QBU in the country in which the QBU both maintains its principal office and conducts substantial business activity. A coordination rule provides that, for securities dealers, this exception generally takes precedence over the exception for active financing income.

Income is treated as active financing income only if, among other requirements, it is derived by a CFC or by a QBU of that CFC. Certain activities conducted by persons related to the CFC or its QBU are treated as conducted directly by the CFC or QBU.¹⁴³⁵ An activity qualifies under this rule if the activity is performed by employees of the re-

lated person and if the related person is an eligible CFC, the home country of which is the same as the home country of the related CFC or QBU; the activity is performed in the home country of the related person; and the related person receives arm’s-length compensation that is treated as earned in the home country. Income from an activity qualifying under this rule is excluded from subpart F income so long as the other active financing requirements are satisfied.

Certain income of a qualifying branch of a qualifying insurance company with respect to risks located within the home country of the branch or within the CFC’s country of creation or organization are also excepted from foreign personal holding company income, provided that certain requirements are met. Further, additional exceptions from insurance income and from foreign personal holding company income apply for certain income of certain CFCs or branches with respect to risks located in a country other than the United States, provided that the requirements for these exceptions, including reserve requirements, are met.¹⁴³⁶

Exclusion of previously taxed earnings and profits

A 10-percent U.S. shareholder of a CFC may exclude from its income actual distributions of earnings and profits from the CFC that were previously included in the 10-percent U.S. shareholder’s income under subpart F.¹⁴³⁷ Any income inclusion (under section 956) resulting from investments in U.S. property may also be excluded from the 10-percent U.S. shareholder’s income when such earnings are ultimately distributed.¹⁴³⁸ Ordering rules provide that distributions from a CFC are treated as coming first out of earnings and profits of the CFC that have been previously taxed under subpart F, then out of other earnings and profits.¹⁴³⁹

Basis adjustments

In general, a 10-percent U.S. shareholder of a CFC receives a basis increase with respect to its stock in the CFC equal to the amount of the CFC’s earnings that are included in the 10-percent U.S. shareholder’s income under subpart F.¹⁴⁴⁰ Similarly, a 10-percent U.S. shareholder of a CFC generally reduces its basis in the CFC’s stock in an amount equal to any distributions that the 10-percent U.S. shareholder receives from the CFC that are excluded from its income as previously taxed under subpart F.¹⁴⁴¹

Passive foreign investment companies

The Tax Reform Act of 1986¹⁴⁴² established the PFIC anti-deferral regime. A PFIC is generally defined as any foreign corporation if 75 percent or more of its gross income for the taxable year consists of passive income, or 50 percent or more of its assets consists of assets that produce, or are held for the production of, passive income.¹⁴⁴³ Alternative

sets of income inclusion rules apply to U.S. persons that are shareholders in a PFIC, regardless of their percentage ownership in the company. One set of rules applies to PFICs that are qualified electing funds, under which electing U.S. shareholders currently include in gross income their respective shares of the company’s earnings, with a separate election to defer payment of tax, subject to an interest charge, on income not currently received.¹⁴⁴⁴ A second set of rules applies to PFICs that are not qualified electing funds, under which U.S. shareholders pay tax on certain income or gain realized through the company, plus an interest charge that is attributable to the value of deferral.¹⁴⁴⁵ A third set of rules applies to PFIC stock that is marketable, under which electing U.S. shareholders currently take into account as income (or loss) the difference between the fair market value of the stock as of the close of the taxable year and their adjusted basis in such stock (subject to certain limitations), often referred to as “marking to market.”¹⁴⁴⁶

Under the PFIC regime, passive income is any income which is of a kind that would be foreign personal holding company income, including dividends, interest, royalties, rents, and certain gains on the sale or exchange of property, commodities, or foreign currency. However, among other exceptions, passive income does not include any income derived in the active conduct of an insurance business by a corporation that is predominantly engaged in an insurance business and that would be subject to tax under subchapter L if it were a domestic corporation.¹⁴⁴⁷ In applying the insurance exception, the IRS analyzes whether risks assumed under contracts issued by a foreign company organized as an insurer are truly insurance risks, whether the risks are limited under the terms of the contracts, and the status of the company as an insurance company.¹⁴⁴⁸

Other anti-deferral rules

The subpart F and PFIC rules are not the only anti-deferral regimes. Other rules that impose current U.S. taxation on income earned through corporations include the accumulated earnings tax rules¹⁴⁴⁹ and the personal holding company rules.

Rules for coordination among the anti-deferral regimes are provided to prevent U.S. persons from being subject to U.S. tax on the same item of income under multiple regimes. For example, a corporation generally is not treated as a PFIC with respect to a particular shareholder if the corporation is also a CFC and the shareholder is a 10-percent U.S. shareholder. Thus, subpart F is allowed to trump the PFIC rules.

3. Foreign tax credit

Subject to certain limitations, U.S. citizens, resident individuals, and domestic corporations are allowed to claim credit for foreign income taxes they pay. A domestic corporation that owns at least 10 percent of the voting stock of a foreign corporation is allowed a “deemed-paid” credit for foreign income taxes paid by the foreign corporation that the domestic corporation is deemed to

¹⁴³¹ Sec. 954(c)(6).

¹⁴³² See section 144 of the Protecting Americans from Tax Hikes Act of 2015 (Division Q of Pub. L. No. 114-113), H.R. 2029 [“the PATH Act of 2015”], which extended section 954(c)(6) for five years. Congress has previously extended the application of section 954(c)(6) several times, most recently in the Tax Increase Prevention Act of 2014, Pub. L. No. 113-295; Pub. L. No. 107-147, sec. 614, 2002; Pub. L. No. 106-170, sec. 503, 1999; Pub. L. No. 105-277, 1998.

¹⁴³³ Sec. 954(h). See section 128 of the PATH Act of 2015, which made the active financing exception permanent.

¹⁴³⁴ Sec. 954(c)(2)(C).

¹⁴³⁵ Sec. 954(h)(3)(E).

¹⁴³⁶ Subject to approval by the IRS, a taxpayer may establish that the reserve of a life insurance company for life insurance and annuity contracts is the amount taken into account in determining the foreign statement reserve for the contract (reduced by catastrophe, equalization, or deficiency reserve or any similar reserve). IRS approval is to be based on whether the method, the interest rate, the mortality and morbidity assumptions, and any other factors taken into account in determining foreign statement reserves (taken together or separately) provide an appropriate means of measuring income for Federal income tax purposes.

¹⁴³⁷ Sec. 959(a)(1).

¹⁴³⁸ Sec. 959(a)(2).

¹⁴³⁹ Sec. 959(c).

¹⁴⁴⁰ Sec. 961(a).

¹⁴⁴¹ Sec. 961(b).

¹⁴⁴² Pub. L. No. 99-514.

¹⁴⁴³ Sec. 1297.

¹⁴⁴⁴ Secs. 1293-1295.

¹⁴⁴⁵ Sec. 1291.

¹⁴⁴⁶ Sec. 1296.

¹⁴⁴⁷ Sec. 1297(b)(2)(B).

¹⁴⁴⁸ Notice 2003-34, 2003-C.B. 1 990, June 9, 2003. See also, Prop. Treas. Reg. sec. 1.1297-4, 26 CFR Part 1, REG-108214-15, April 24, 2015.

¹⁴⁴⁹ Secs. 531-537.

have paid when the related income is distributed as a dividend or is included in the domestic corporation's income under the anti-deferral rules.¹⁴⁵⁰

The foreign tax credit generally is limited to a taxpayer's U.S. tax liability on its foreign-source taxable income (as determined under U.S. tax accounting principles). This limit is intended to ensure that the credit serves its purpose of mitigating double taxation of foreign-source income without offsetting U.S. tax on U.S.-source income.¹⁴⁵¹ The limit is computed by multiplying a taxpayer's total U.S. tax liability for the year by the ratio of the taxpayer's foreign-source taxable income for the year to the taxpayer's total taxable income for the year. If the total amount of foreign income taxes paid and deemed paid for the year exceeds the taxpayer's foreign tax credit limitation for the year, the taxpayer may carry back the excess foreign taxes to the previous year or carry forward the excess taxes to one of the succeeding 10 years.¹⁴⁵²

The computation of the foreign tax credit limitation requires a taxpayer to determine the amount of its taxable income from foreign sources in each limitation category (described below) by allocating and apportioning deductions between U.S.-source gross income, on the one hand, and foreign-source gross income in each limitation category, on the other. In general, deductions are allocated and apportioned to the gross income to which the deductions factually relate.¹⁴⁵³ However, subject to certain exceptions, deductions for interest expense and research and experimental expenses are apportioned based on taxpayer ratios.¹⁴⁵⁴ In the case of interest expense, this ratio is the ratio of the corporation's foreign or domestic (as applicable) assets to its worldwide assets. In the case of research and experimental expenses, the apportionment ratio is based on either sales or gross income. All members of an affiliated group of corporations generally are treated as a single corporation for purposes of determining the apportionment ratios.¹⁴⁵⁵

The term "affiliated group" is determined generally by reference to the rules for determining whether corporations are eligible to file consolidated returns.¹⁴⁵⁶ These rules exclude foreign corporations from an affiliated group.¹⁴⁵⁷ Interest expense allocation rules permitting a U.S. affiliated group to apportion the interest expense of the members of the U.S. affiliated group on a worldwide-group basis were modified in 2004, and initially effective for taxable years beginning after December 31, 2008.¹⁴⁵⁸ The effective date of the modified rules has been delayed to January 1, 2021.¹⁴⁵⁹ A result of this rule is that interest expense of foreign members of a U.S. affiliated group is taken into account in determining whether a portion of the interest expense of the domestic members of the group must be allocated to foreign-source income. An allocation to foreign-source income generally is required only if, in broad terms, the domestic members of the

group are more highly leveraged than is the entire worldwide group. The new rules are generally expected to reduce the amount of the U.S. group's interest expense that is allocated to foreign-source income.

The foreign tax credit limitation is applied separately to passive category income and to general category income.¹⁴⁶⁰ Passive category income includes passive income, such as portfolio interest and dividend income, and certain specified types of income. All other income is in the general category. Passive income is treated as general category income if it is earned by a qualifying financial services entity. Passive income is also treated as general category income if it is highly taxed (that is, if the foreign tax rate is determined to exceed the highest rate of tax specified in Code section 1 or 11, as applicable). Dividends (and subpart F inclusions), interest, rents, and royalties received by a 10-percent U.S. shareholder from a CFC are assigned to a separate limitation category by reference to the category of income out of which the dividends or other payments were made.¹⁴⁶¹ Dividends received by a 10-percent corporate shareholder of a foreign corporation that is not a CFC are also categorized on a look-through basis.¹⁴⁶²

Special rules apply to the allocation of income and losses from foreign and U.S. sources within each category of income.¹⁴⁶³ Foreign losses from one category will first be used to offset income from foreign sources of other categories. If there remains an overall foreign loss, it will be deducted against income from U.S. sources. The same principle applies to losses from U.S. sources. In subsequent years, the losses that were deducted against another category or source of income will be recaptured. That is, an equal amount of income from the same category or source that generated a loss in the prior year will be recharacterized as income from the other category or source against which the loss was deducted. Up to 50 percent of income from one source in any subsequent year will be recharacterized as income from the other source, whereas foreign-source income in a particular category can be fully recharacterized as income in another category until the losses from prior years are fully recaptured.¹⁴⁶⁴

In addition to the foreign tax credit limitation just described, a taxpayer's ability to claim a foreign tax credit may be further limited by a matching rule that prevents the separation of creditable foreign taxes from

the associated foreign income. Under this rule, a foreign tax generally is not taken into account for U.S. tax purposes, and thus no foreign tax credit is available with respect to that foreign tax, until the taxable year in which the related income is taken into account for U.S. tax purposes.¹⁴⁶⁵

4. Special rules

Dual consolidated loss rules

Under the rules applicable to corporations filing consolidated returns, a dual consolidated loss ("DCL") is any net operating loss of a domestic corporation if the corporation is subject to an income tax of a foreign country without regard to whether such income is from sources in or outside of such foreign country, or if the corporation is subject to such a tax on a residence basis (a "dual resident corporation").¹⁴⁶⁶ A DCL generally cannot be used to reduce the taxable income of any member of the corporation's affiliated group. Losses of a separate unit of a domestic corporation (a foreign branch or an interest in a hybrid entity owned by the corporation) are subject to this limitation in the same manner as if the unit were a wholly owned subsidiary of such corporation. An exemption is available under Treasury regulations in the case of DCLs for which a domestic use election (that is, an election to use the loss only for domestic, and not foreign, tax purposes) has been made.¹⁴⁶⁷ Recapture is required, however, upon the occurrence of certain triggering events, including the conversion of a separate unit to a foreign corporation and the transfer of 50 percent or more of the assets of a separate unit within a twelve-month period.¹⁴⁶⁸

Temporary dividends-received deduction for repatriated foreign earnings

AJCA section 421 added to the Code section 965, a temporary provision intended to encourage U.S. multinational companies to repatriate foreign earnings. Under section 965, for one taxable year certain dividends received by a U.S. corporation from its CFCs were eligible for an 85-percent dividends-received deduction. At the taxpayer's election, this deduction was available for dividends received either during the taxpayer's first taxable year beginning on or after October 22, 2004, or during the taxpayer's last taxable year beginning before such date.

The temporary deduction was subject to a number of general limitations. First, it applied only to cash repatriations generally in excess of the taxpayer's average repatriation level calculated for a three-year base period preceding the year of the deduction. Second, the amount of dividends eligible for the deduction was generally limited to the amount of earnings shown as permanently invested outside the United States on the taxpayer's recent audited financial statements. Third, to qualify for the deduction, dividends were required to be invested in the United States according to a domestic reinvestment plan approved by the taxpayer's senior management and board of directors.¹⁴⁶⁹

No foreign tax credit (or deduction) was allowed for foreign taxes attributable to the

¹⁴⁵⁰ Secs. 901, 902, 960, 1291(g).

¹⁴⁵¹ Secs. 901, 904.

¹⁴⁵² Sec. 904(c).

¹⁴⁵³ Treas. Reg. sec. 1.861-8(b), Temp. Treas. Reg. sec. 1.861-8T(c).

¹⁴⁵⁴ Temp. Treas. Reg. sec. 1.861-9T, Treas. Reg. sec. 1.861-17.

¹⁴⁵⁵ Sec. 864(e)(1), (6); Temp. Treas. Reg. sec. 1.861-14T(e)(2).

¹⁴⁵⁶ Secs. 864(e)(5), 1504.

¹⁴⁵⁷ Sec. 1504(b)(3).

¹⁴⁵⁸ Sec. 864(f); "American Jobs Creation Act of 2004" ("AJCA"), Pub. L. 108-357, sec. 401(a).

¹⁴⁵⁹ Hiring Incentives to Restore Employment Act, Pub. L. No. 111-147, sec. 551(a).

¹⁴⁶⁰ Sec. 904(d). AJCA generally reduced the number of income categories from nine to two, effective for tax years beginning in 2006. Before AJCA, the foreign tax credit limitation was applied separately to the following categories of income: (1) passive income, (2) high withholding tax interest, (3) financial services income, (4) shipping income, (5) certain dividends received from noncontrolled section 902 foreign corporations (also known as "10/50 companies"), (6) certain dividends from a domestic international sales corporation or former domestic international sales corporation, (7) taxable income attributable to certain foreign trade income, (8) certain distributions from a foreign sales corporation or former foreign sales corporation, and (9) any other income not described in items (1) through (8) (so-called "general basket" income). A number of other provisions of the Code, including several enacted in 2010 as part of Pub. L. No. 111-226, create additional separate categories in specific circumstances or limit the availability of the foreign tax credit in other ways. See, e.g., secs. 865(h), 901(j), 904(d)(6), 904(h)(10).

¹⁴⁶¹ Sec. 904(d)(3). The subpart F rules applicable to CFCs and their 10-percent U.S. shareholders are described below.

¹⁴⁶² Sec. 904(d)(4).

¹⁴⁶³ Secs. 904(f), (g).

¹⁴⁶⁴ Secs. 904(f)(1), (g)(1).

¹⁴⁶⁵ Sec. 909.

¹⁴⁶⁶ Sec. 1503(d).

¹⁴⁶⁷ Treas. Reg. sec. 1.1503(d)-6(d).

¹⁴⁶⁸ See Treas. Reg. sec. 1.1503(d)-6(e)(1).

¹⁴⁶⁹ Section 965(b)(4). The plan was required to provide for the reinvestment of the repatriated dividends in the United States, including as a source for the funding of worker hiring and training, infrastructure, research and development, capital investments, and the financial stabilization of the corporation for the purposes of job retention or creation.

deductible portion of any dividend.¹⁴⁷⁰ For this purpose, the taxpayer was permitted to specifically identify which dividends were treated as carrying the deduction and which dividends were not. In other words, the taxpayer was allowed to choose which of its dividends were treated as meeting the base-period repatriation level (and thus carry foreign tax credits, to the extent otherwise allowable), and which of its dividends were treated as part of the excess eligible for the deduction (and thus subject to proportional disallowance of any associated foreign tax credits).¹⁴⁷¹ Deductions were disallowed for expenses that were directly allocable to the deductible portion of any dividend.¹⁴⁷²

Domestic international sales corporations

A domestic international sales corporations ("DISC") is a domestic corporation that satisfies the following conditions: 95 percent of its gross receipts must be qualified export receipts; 95 percent of the sum of the adjusted bases of all its assets must be attributable to the sum of the adjusted bases of qualified export assets; the corporation must have no more than one class of stock; the par or stated value of the outstanding stock must be at least \$2,500 on each day of the taxable year; and an election must be in effect to be taxed as a DISC.¹⁴⁷³ In general, a DISC is not subject to corporate-level tax and offers limited deferral of tax liability to its shareholders.¹⁴⁷⁴ DISC income attributable to a maximum of \$10 million annually of qualified export receipts is generally exempt from income tax at both the corporate and shareholder level. Shareholders must pay interest to account for the benefit of deferring the tax liability on undistributed DISC income related to this \$10 million maximum annual amount.¹⁴⁷⁵ Such entities are also referred to as interest charge DISCs, or IC-DISCs. Shareholders of a DISC are deemed to receive a dividend out of current earnings and profits from qualified export receipts in excess of \$10 million.¹⁴⁷⁶ Gain on the sale of DISC stock is treated as a dividend to the extent of accumulated DISC income.¹⁴⁷⁷ The shareholders of a corporation which is not a DISC, but was a DISC in a previous taxable year, and which has previously taxed income or accumulated DISC income, are also required to pay interest on the deferral

benefit, and gain on the sale or exchange of stock in such corporation is treated as a dividend.

INTERNATIONAL TAX PROVISIONS

A. Establishment of Participation Exemption System for Taxation of Foreign Income

1. Deduction for foreign-source portion of dividends received by domestic corporations from specified 10-percent owned foreign corporations (sec. 4001 of the House bill, sec. 14101 of the Senate amendment, and new sec. 245A of the Code)

HOUSE BILL

In general

The provision generally establishes a participation exemption system for foreign income. This exemption is provided for by means of a 100-percent deduction for the foreign-source portion of dividends received from specified 10-percent owned foreign corporations by domestic corporations that are United States shareholders of those foreign corporations within the meaning of section 951(b) (referred to here as "participation DRD").¹⁴⁷⁸

A specified 10-percent owned foreign corporation is any foreign corporation with respect to which any domestic corporation is a United States shareholder. The phrase does not include a passive foreign investment company within the meaning of subpart D of part VI of subchapter P.

The term "dividend received" is intended to be interpreted broadly, consistently with the meaning of the phrases "amount received as dividends" and "dividends received" under sections 243 and 245, respectively.¹⁴⁷⁹ Under proposed section 245A(e), the Secretary of the Treasury may prescribe such regulations or other guidance as may be necessary or appropriate to carry out the rules of section 245A, including clarifying the intended broad scope of the term "dividend received."

For example, if a domestic corporation indirectly owns stock of a foreign corporation through a foreign partnership and the domestic corporation would qualify for the participation DRD with respect to dividends from the foreign corporation if the domestic corporation owned such stock directly, the domestic corporation would be allowed a participation DRD with respect to its distributive share of the partnership's dividend from the foreign corporation.

Foreign-source portion of a dividend

The participation DRD is available only for the foreign-source portion of dividends received from specified 10-percent owned foreign corporations. The foreign-source portion of any dividend is the amount that bears the same ratio to the dividend as the specified foreign corporation's post-1986 undistributed foreign earnings bears to the corporation's total post-1986 undistributed earnings. Post-1986 undistributed earnings are the amount of the earnings and profits of a specified 10-percent owned foreign corporation accumulated in taxable years beginning after December 31, 1986, as of the close of the taxable year of the foreign corporation in

which the dividend is distributed and not reduced by dividends¹⁴⁸⁰ distributed during that year. Post-1986 undistributed foreign earnings are, in general, the portion of post-1986 undistributed earnings that is not attributable to post-1986 undistributed U.S. earnings. Post-1986 undistributed U.S. earnings are, in general, undistributed earnings attributable to: (a) the corporation's income that is effectively connected with the conduct of a trade or business within the United States, or (b) any dividend received (directly or through a wholly owned foreign corporation) from an 80-percent-owned (by vote or value) domestic corporation.

Rules similar to the rules described above apply when a dividend is paid out of earnings and profits of a specified 10-percent owned foreign corporation accumulated in taxable years beginning before January 1, 1987. As a consequence, the participation exemption system is available for both post-1986 and pre-1987 foreign earnings. An ordering rule provides that dividends are treated as first being paid out of post-1986 undistributed earnings to the extent of those earnings.

An additional rule provides for the treatment of distributions of a specified 10-percent owned foreign corporation in excess of undistributed earnings. Under section 316(a)(2), a distribution of earnings and profits of a corporation in the taxable year of the distribution is treated as a dividend even if the distribution exceeds accumulated earnings and profits.¹⁴⁸¹ The determination of the foreign-source portion of such a distribution is calculated in a similar manner as for other types of dividends.

Foreign tax credit disallowance; foreign tax credit limitation

No foreign tax credit or deduction is allowed for any taxes (including withholding taxes) paid or accrued with respect to a dividend that qualifies for the participation DRD.

For purposes of computing the section 904(a) foreign tax credit limitation, a domestic corporation that is a United States shareholder of a specified 10-percent owned foreign corporation must compute its foreign-source taxable income (and entire taxable income) by disregarding the foreign-source portion of any dividend received from that foreign corporation for which the participation DRD is taken, as well as and any deductions properly allocable or apportioned to that foreign-source portion or the stock with respect to which it is paid.

Six-month holding period requirement

A domestic corporation is not permitted a participation DRD in respect of any dividend on any share of stock that is held by the domestic corporation for 180 days or less during the 361-day period beginning on the date that is 180 days before the date on which the share becomes ex-dividend with respect to the dividend. For this purpose, a domestic corporation is treated as holding a share of stock for any period only if the corporation is a specified 10-percent owned foreign corporation and the taxpayer is a United States shareholder with respect to such corporation during that period.

Effective date.—The provision applies to distributions made (and for purposes of determining a taxpayer's foreign tax credit

¹⁴⁷⁰ Sec. 965(d)(1).

¹⁴⁷¹ Accordingly, taxpayers generally were expected to pay regular dividends out of high-taxed CFC earnings (thereby generating deemed-paid credits available to offset foreign-source income) and section 965 dividends out of low-taxed CFC earnings (thereby availing themselves of the 85-percent deduction).

¹⁴⁷² Sec. 965(d)(2).

¹⁴⁷³ Secs. 992(a) and (b). If a corporation fails to satisfy either or both of the 95-percent tests, it is deemed to satisfy such tests if it makes a pro rata distribution of its gross receipts which are not qualified export receipts and the fair market value of its assets which are not qualified export assets. Sec. 992(c).

¹⁴⁷⁴ Sec. 991. Prior to the 1984 Revenue Act (Pub. L. 98-369), DISCs were eligible for more generous tax benefits that were eliminated in favor of the since-repealed foreign sales corporation regime ("FSC"). An overview of the history of the DISCs and FSCs regimes is provided in Joseph Isenbergh, Vol. 3 U.S. Taxation of Foreign Persons and Foreign Income, Para. 81. (Fourth Ed. 2016).

¹⁴⁷⁵ The rate is the average of one-year constant maturity Treasury yields. The deferral benefit is the excess of the amount of tax for which the shareholder would be liable if deferred DISC income were included as ordinary income over the actual tax liability of such shareholder. Sec. 995(f).

¹⁴⁷⁶ The amount of the deemed distribution is the sum of several items, including qualified export receipts in excess of \$10 million. See sec. 955(b).

¹⁴⁷⁷ Sec. 995(c).

¹⁴⁷⁸ Under section 951(b), a domestic corporation is a United States shareholder of a foreign corporation if it owns, within the meaning of section 958(a), or is considered as owning by applying the rules of section 958(b), 10 percent or more of the voting stock of the foreign corporation.

¹⁴⁷⁹ Consequently, for example, gain included in gross income as a dividend under section 1248(a) or 964(e) would constitute a dividend received for which the deduction under section 245A may be available.

¹⁴⁸⁰ Pursuant to section 959(d), a distribution of previously taxed income does not constitute a dividend even if it reduces earnings and profits.

¹⁴⁸¹ Called a "nimble dividend." See, Boris I. Bittker and James S. Eustice, *Federal Income Taxation of Corporations and Shareholders*, (7th ed. 2016) para. 8-12.

limitation under section 904, deductions in taxable years beginning) after December 31, 2017.

SENATE AMENDMENT

In general

The provision allows an exemption for certain foreign income. This exemption is provided for by means of a 100-percent deduction for the foreign-source portion of dividends received from specified 10-percent owned foreign corporations by domestic corporations that are United States shareholders of those foreign corporations within the meaning of section 951(b)¹⁴⁸² (referred to here as “DRD”).

A specified 10-percent owned foreign corporation is any foreign corporation (other than a PFIC that is not also a CFC) with respect to which any domestic corporation is a U.S. shareholder.¹⁴⁸³

Foreign-source portion of a dividend

The DRD is available only for the foreign-source portion of dividends received by a domestic corporation from specified 10-percent owned foreign corporations. The foreign-source portion of any dividend is the amount that bears the same ratio to the dividend as the undistributed foreign earnings bears to the total undistributed earnings of the foreign corporation. Undistributed earnings are the amount of the earnings and profits of a specified 10-percent owned foreign corporation¹⁴⁸⁴ as of the close of the taxable year of the specified 10-percent owned foreign corporation in which the dividend is distributed and not reduced by dividends¹⁴⁸⁵ distributed during that taxable year. Undistributed foreign earnings are the portion of the undistributed earnings attributable to neither income described in section 245(a)(5)(A) nor section 245(a)(5)(B), without regard to section 245(a)(12).

Hybrid dividends

The DRD is not available for any dividend received by a U.S. shareholder from a controlled foreign corporation if the dividend is a hybrid dividend. A hybrid dividend is an amount received from a controlled foreign corporation for which a deduction would be allowed under this provision and for which the specified 10-percent owned foreign corporation received a deduction (or other tax benefit) from taxes imposed by a foreign country.

If a controlled foreign corporation with respect to which a domestic corporation is a U.S. shareholder receives a hybrid dividend from any other controlled foreign corporation with respect to which the domestic corporation is also a U.S. shareholder, then the hybrid dividend is treated for purposes of section 951(a)(1)(A) as subpart F income of the recipient controlled foreign corporation for the taxable year of the controlled foreign corporation in which the dividends was received and the U.S. shareholder includes in gross income an amount equal to the shareholder's pro rata share of the subpart F income, determined in the same manner as section 951(a)(2).

Foreign tax credit disallowance

No foreign tax credit or deduction is allowed for any taxes paid or accrued with respect to a dividend that qualifies for the DRD.

For purposes of computing the section 904(a) foreign tax credit limitation, a domestic corporation that is a U.S. shareholder of a specified 10-percent owned foreign corporation must compute its foreign-source taxable income by disregarding the foreign-source portion of any dividend received from that foreign corporation for which the DRD is taken, and any deductions properly allocable or apportioned to that foreign-source portion or the stock with respect to which it is paid.

Holding period requirement

A domestic corporation is not permitted a DRD in respect of any dividend on any share of stock that is held by the domestic corporation for 365 days or less during the 731-day period beginning on the date that is 365 days before the date on which the share becomes ex-dividend with respect to the dividend. For this purpose, the holding period requirement is treated as met only if the specified 10-percent owned foreign corporation is a specified 10-percent owned foreign corporation at all times during the period and the taxpayer is a U.S. shareholder with respect to such specified 10-percent owned foreign corporation at all times during the period.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

CONFERENCE AGREEMENT

In general

The provision in the conference agreement generally follows the provision in the Senate amendment, with some changes, as described below, and allows an exemption for certain foreign income by means of a 100-percent deduction for the foreign-source portion of dividends received from specified 10-percent owned foreign corporations by domestic corporations¹⁴⁸⁶ that are United States shareholders of those foreign corporations within the meaning of section 951(b)¹⁴⁸⁷ (referred to here, as above, as “DRD”).

A specified 10-percent owned foreign corporation is any foreign corporation (other than a PFIC that is not also a CFC) with respect to which any domestic corporation is a U.S. shareholder.¹⁴⁸⁸

The term “dividend received” is intended to be interpreted broadly, consistently with the meaning of the phrases “amount received as dividends” and “dividends received” under sections 243 and 245, respectively. For example, if a domestic corporation indirectly owns stock of a foreign corporation through a partnership and the domestic corporation would qualify for the participation DRD with respect to dividends from the foreign corporation if the domestic corporation owned such stock directly, the

domestic corporation would be allowed a participation DRD with respect to its distributive share of the partnership's dividend from the foreign corporation.

The DRD is available only to C corporations that are not RICs or REITs.

Foreign-source portion of a dividend

The DRD is available only for the foreign-source portion of dividends received by a domestic corporation from specified 10-percent owned foreign corporations. The foreign-source portion of any dividend is the amount that bears the same ratio to the dividend as the undistributed foreign earnings bears to the total undistributed earnings of the foreign corporation. Undistributed earnings are the amount of the earnings and profits of a specified 10-percent owned foreign corporation¹⁴⁸⁹ as of the close of the taxable year of the specified 10-percent owned foreign corporation in which the dividend is distributed and not reduced by dividends¹⁴⁹⁰ distributed during that taxable year. Undistributed foreign earnings are the portion of the undistributed earnings attributable to neither income described in section 245(a)(5)(A) nor section 245(a)(5)(B), without regard to section 245(a)(12).

Hybrid dividends

The DRD is not available for any dividend received by a U.S. shareholder from a controlled foreign corporation if the dividend is a hybrid dividend. A hybrid dividend is an amount received from a controlled foreign corporation for which a deduction would be allowed under this provision and for which the specified 10-percent owned foreign corporation received a deduction (or other tax benefit) with respect to any income, war profits, and excess profits taxes imposed by any foreign country.

If a controlled foreign corporation with respect to which a domestic corporation is a U.S. shareholder receives a hybrid dividend from any other controlled foreign corporation with respect to which the domestic corporation is also a U.S. shareholder, then the hybrid dividend is treated for purposes of section 951(a)(1)(A) as subpart F income of the recipient controlled foreign corporation (notwithstanding section 954(c)(6)) for the taxable year of the controlled foreign corporation in which the dividends was received and the U.S. shareholder includes in gross income an amount equal to the shareholder's pro rata share of the subpart F income, determined in the same manner as section 951(a)(2).

Foreign tax credit disallowance

No foreign tax credit or deduction is allowed for any taxes paid or accrued with respect to any portion of a distribution treated as a dividend that qualifies for the DRD.

For purposes of computing the section 904(a) foreign tax credit limitation, a domestic corporation that is a U.S. shareholder of a specified 10-percent owned foreign corporation must compute its foreign-source taxable income (and entire taxable income) by disregarding the foreign-source portion of any dividend received from that foreign corporation for which the DRD is taken, and any deductions properly allocable or apportioned to that foreign-source portion or the stock with respect to which it is paid.

Holding period requirement

A domestic corporation is not permitted a DRD in respect of any dividend on any share

¹⁴⁸² Under section 951(b), a domestic corporation is a United States shareholder of a foreign corporation if it owns, within the meaning of section 958(a), or is considered as owning by applying the rules of section 958(b), 10-percent or more of the voting stock of the foreign corporation.

¹⁴⁸³ Secs. 1297, 1298.

¹⁴⁸⁴ Computed in accordance with secs. 964(a) and 986.

¹⁴⁸⁵ Pursuant to section 959(d), a distribution of previously taxed income does not constitute a dividend even if it reduces earnings and profits.

¹⁴⁸⁶ Including a controlled foreign corporation treated as a domestic corporation for purposes of computing the taxable income thereof. See Treas. Reg. sec. 1.952-2(b)(1). Therefore, a CFC receiving a dividend from a 10-percent owned foreign corporation that constitutes subpart F income may be eligible for the DRD with respect to such income.

¹⁴⁸⁷ Under section 951(b) as revised by the Act, a domestic corporation is a United States shareholder of a foreign corporation if it owns, within the meaning of section 958(a), or is considered as owning by applying the rules of section 958(b), 10-percent or more of the vote or value of the foreign corporation.

¹⁴⁸⁸ Secs. 1297, 1298.

¹⁴⁸⁹ Computed in accordance with secs. 964(a) and 986.

¹⁴⁹⁰ Pursuant to section 959(d), a distribution of previously taxed income does not constitute a dividend even if it reduces earnings and profits.

of stock that is held by the domestic corporation for 365 days or less during the 731-day period beginning on the date that is 365 days before the date on which the share becomes ex-dividend with respect to the dividend. For this purpose, the holding period requirement is treated as met only if the specified 10-percent owned foreign corporation is a specified 10-percent owned foreign corporation at all times during the period and the taxpayer is a U.S. shareholder with respect to such specified 10-percent owned foreign corporation at all times during the period.

Effective date.—The provision applies to distributions made (and for purposes of determining a taxpayer's foreign tax credit limitation under section 904, deductions in taxable years beginning) after December 31, 2017.

2. Modification of subpart F inclusion for increased investments in United States property (sec. 4002 of the House bill, sec. 14218 of the Senate amendment, and sec. 956 of the Code)

HOUSE BILL

Under the provision, the amount determined under section 956 (relating to CFC investments in United States property) with respect to a domestic corporation is zero. A similar rule is intended for domestic corporations that own a CFC through a domestic partnership. The provision includes a specific grant of authority to the Secretary to issue regulations to effect that intent.

Effective date.—The provision applies to taxable years of foreign corporations beginning after December 31, 2017.

SENATE AMENDMENT

The provision excepts domestic corporations that are U.S. shareholders in the CFC from the requirement that they recognize income when the CFC increases its investment in U.S. property.

Effective date.—The provision applies to taxable years of foreign corporations beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement does not follow the House bill or the Senate amendment.

3. Special rules relating to sales or transfers involving specified 10-percent owned foreign corporations (sec. 4003 of the House bill, sec. 14102 of the Senate Amendment and secs. 367(a)(3)(C), 961, 1248 and new sec. 91 of the Code)

HOUSE BILL

Reduction in basis of certain foreign stock

Solely for the purpose of determining a loss, a domestic corporate shareholder's adjusted basis in the stock of a specified 10-percent owned foreign corporation (as defined in new section 245A) is reduced by an amount equal to the portion of any dividend received with respect to such stock from such foreign corporation that was not taxed by reason of a dividends received deduction allowable under section 245A in any taxable year of such domestic corporation. This rule applies in coordination with section 1059, such that any reduction in basis required pursuant to this provision will be disregarded, to the extent the basis in the 10-percent owned foreign corporation's stock has already been reduced pursuant to section 1059.

Inclusion of transferred loss amount in certain assets transfers

Under the provision, if a domestic corporation transfers substantially all of the assets of a foreign branch (within the meaning of section 367(a)(3)(C)) to a foreign corporation which, after such transfer, is a specified 10-

percent owned foreign corporation with respect to which the domestic corporation is a United States shareholder, the domestic corporation includes in gross income an amount equal to the transferred loss amount, subject to certain limitations.

The transferred loss amount is the excess of: (1) losses incurred by the foreign branch after December 31, 2017 for which a deduction was allowed to the domestic corporation, over (2) the sum of taxable income earned by the foreign branch and gain recognized by reason of an overall foreign loss recapture arising out of disposition of assets on account of the underlying transfer. For the purposes of (2), only taxable income of the foreign branch in taxable years after the loss is incurred through the close of the taxable year of the transfer is included.

For transfers not covered by section 367(a)(3)(C), the transferred loss amount is reduced by the amount of gain recognized by the domestic corporation on the transfer (other than gains recognized by reason of overall foreign loss recapture). For transfers covered by section 367(a)(3)(C), the transferred loss amount is reduced by the amount of gain recognized by reason of such subparagraph.

Amounts included in gross income by reason of the provision or by reason of section 367(a)(3)(C) are treated as derived from sources within the United States.

The provision provides authority for the Secretary of the Treasury to prescribe regulations or other guidance for proper adjustments to the adjusted basis of the specified 10-percent owned foreign corporation to which the transfer is made, and to the adjusted basis of the property transferred, to reflect amounts included in gross income under the provision.

Effective date.—The provision relating to reduction of basis in certain foreign stock for the purposes of determining a loss is effective for distributions made after December 31, 2017.

The provision relating to transfer of loss amounts from foreign branches to certain foreign corporations is effective for transfers after December 31, 2017.

SENATE AMENDMENT

Sales by United States persons of stock

In the case of the sale or exchange by a domestic corporation of stock in a foreign corporation held for one year or more, any amount received by the domestic corporation which is treated as a dividend for purposes of section 1248, is treated as a dividend for purposes of applying the provision.

Reduction in basis of certain foreign stock

Solely for the purpose of determining a loss, a domestic corporate shareholder's adjusted basis in the stock of a specified 10-percent owned foreign corporation (as defined in this provision) is reduced by an amount equal to the portion of any dividend received with respect to such stock from such foreign corporation that was not taxed by reason of a dividends received deduction allowable under section 245A in any taxable year of such domestic corporation. This rule applies in coordination with section 1059, such that any reduction in basis required pursuant to this provision will be disregarded, to the extent the basis in the specified 10-percent owned foreign corporation's stock has already been reduced pursuant to section 1059.

Sale by a CFC of a lower-tier CFC

If for any taxable year of a CFC beginning after December 31, 2017, an amount is treated as a dividend under section 964(e)(1) because of a sale or exchange by the CFC of stock in

another foreign corporation held for a year or more, then: (i) the foreign-source portion of the dividend is treated as subpart F income of the selling CFC for purposes of section 951(a)(1)(A), (ii) a United States shareholder with respect to the selling CFC includes in gross income for the taxable year of the shareholder with or within the taxable year of the CFC ends, an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the amount treated as subpart F income under (i), and (iii) the deduction under section 245A(a) is allowable to the United States shareholder with respect to the subpart F income included in gross income under (ii) in the same manner as if the subpart F income were a dividend received by the shareholder from the selling CFC.

In the case of a sale or exchange by a CFC of stock in another corporation in a taxable year of the selling CFC beginning after December 31, 2017, to which this provision applies if gain were recognized, rules similar to those in section 961(d) apply.

Inclusion of transferred loss amount in certain assets transfers

Under the provision, if a domestic corporation transfers substantially all of the assets of a foreign branch (within the meaning of section 367(a)(3)(C) as in effect before the date of enactment of TCJA) to a specified 10-percent owned foreign corporation with respect to which it is a U.S. shareholder after the transfer, the domestic corporation includes in gross income an amount equal to the transferred loss amount, subject to certain limitations.

The transferred loss amount is the excess (if any) of: (1) losses incurred by the foreign branch after December 31, 2017, and before the transfer, for which a deduction was allowed to the domestic corporation, over (2) the sum of certain taxable income earned by the foreign branch and gain recognized by reason of an overall foreign loss recapture arising out of disposition of assets on account of the underlying transfer. For the purposes of (2), only taxable income of the foreign branch in taxable years after the loss is incurred through the close of the taxable year of the transfer, is included. The transferred loss amount is reduced by the amount of gain recognized by the taxpayer (other than gain recognized by reason of an overall foreign loss recapture) on account of the transfer.

The amount of loss included in the gross income of the taxpayer under the proposed rule above for any taxable year cannot exceed the amount allowed as a deduction under new section 245A for the taxable year (taking into account dividends received from all specified 10-percent owned foreign corporations with respect to which the taxpayer is a U.S. shareholder). Any amount not included in gross income for a taxable year because of this proposed rule is included in gross income in the succeeding taxable year.

Amounts included in gross income by reason of the provision are treated as derived from sources within the United States. Consistent with regulations or guidance that the Secretary of the Treasury may prescribe, proper adjustments are made in the adjusted basis of the taxpayer's stock in the specified 10-percent owned foreign corporation to which the transfer is made, and in the transferee's adjusted basis in the property transferred, to reflect amounts included in gross income under this provision.

Repeal of active trade or business exception

Section 367 is amended to provide that in connection with any exchange described in

section 332, 351, 354, 356, or 361, if a U.S. person transfers property used in the active conduct of a trade or business to a foreign corporation, such foreign corporation shall not, for purposes of determining the extent to which gain shall be recognized on such transfer, be considered to be a corporation.

Effective date.—The provision relating to reduction of basis in certain foreign stock for the purposes of determining a loss is effective for dividends received in taxable years beginning after December 31, 2017.

The provisions relating to transfer of loss amounts from foreign branches to certain foreign corporations and to the repeal of the active trade or business exception are effective for transfers after December 31, 2017.

CONFERENCE AGREEMENT

The provision in the conference agreement retains elements of both the House Bill and the Senate amendment, as follows.

Sales by United States persons of stock

In the case of the sale or exchange by a domestic corporation of stock in a foreign corporation held for one year or more, any amount received by the domestic corporation which is treated as a dividend for purposes of section 1248, is treated as a dividend for purposes of applying the provision.

Reduction in basis of certain foreign stock

Solely for the purpose of determining a loss, a domestic corporate shareholder's adjusted basis in the stock of a specified 10-percent owned foreign corporation (as defined in this provision) is reduced by an amount equal to the portion of any dividend received with respect to such stock from such foreign corporation that was not taxed by reason of a dividends received deduction allowable under section 245A in any taxable year of such domestic corporation. This rule applies in coordination with section 1059, such that any reduction in basis required pursuant to this provision will be disregarded, to the extent the basis in the specified 10-percent owned foreign corporation's stock has already been reduced pursuant to section 1059.

Sale by a CFC of a lower-tier CFC

If for any taxable year of a CFC beginning after December 31, 2017, an amount is treated as a dividend under section 964(e)(1) because of a sale or exchange by the CFC of stock in another foreign corporation held for a year or more, then: (i) the foreign-source portion of the dividend is treated as subpart F income of the selling CFC for purposes of section 951(a)(1)(A), (ii) a United States shareholder with respect to the selling CFC includes in gross income for the taxable year of the shareholder with or within the taxable year of the CFC ends, an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the amount treated as subpart F income under (i), and (iii) the deduction under section 245A(a) is allowable to the United States shareholder with respect to the subpart F income included in gross income under (ii) in the same manner as if the subpart F income were a dividend received by the shareholder from the selling CFC.

In the case of a sale or exchange by a CFC of stock in another corporation in a taxable year of the selling CFC beginning after December 31, 2017, to which this provision applies if gain were recognized, rules similar to section 961(d) apply.

Inclusion of transferred loss amount in certain assets transfers

Under the provision, if a domestic corporation transfers substantially all of the assets of a foreign branch (within the meaning of

section 367(a)(3)(C)) as in effect before the date of enactment of TCJA to a specified 10-percent owned foreign corporation with respect to which it is a U.S. shareholder after the transfer, the domestic corporation includes in gross income an amount equal to the transferred loss amount, subject to certain limitations.

The transferred loss amount is the excess (if any) of: (1) losses incurred by the foreign branch after December 31, 2017, and before the transfer, for which a deduction was allowed to the domestic corporation, over (2) the sum of certain taxable income earned by the foreign branch and gain recognized by reason of an overall foreign loss recapture arising out of disposition of assets on account of the underlying transfer. For the purposes of (2), only taxable income of the foreign branch in taxable years after the loss is incurred through the close of the taxable year of the transfer, is included. The transferred loss amount is reduced by the amount of gain recognized by the taxpayer (other than gain recognized by reason of an overall foreign loss recapture) on account of the transfer.

Amounts included in gross income by reason of the provision are treated as derived from sources within the United States. Consistent with regulations or guidance that the Secretary of the Treasury may prescribe, proper adjustments are made in the adjusted basis of the taxpayer's stock in the specified 10-percent owned foreign corporation to which the transfer is made, and in the transferee's adjusted basis in the property transferred, to reflect amounts included in gross income under this provision.

The amount of gain taken into account under this provision is reduced by the amount of gain which would be recognized under section 367(a)(3)(C) as in effect before the date of enactment of TCJA¹⁴⁹¹ with respect to losses incurred before January 1, 2018.

Repeal of active trade or business exception

Section 367 is amended to provide that in connection with any exchange described in section 332, 351, 354, 356, or 361, if a U.S. person transfers property used in the active conduct of a trade or business to a foreign corporation, such foreign corporation shall not, for purposes of determining the extent to which gain shall be recognized on such transfer, be considered to be a corporation.

Effective date.—The provisions relating to sales or exchanges of stock apply to sales or exchanges after December 31, 2017.

The provision relating to reduction of basis in certain foreign stock for the purposes of determining a loss is effective for distributions made after December 31, 2017.

The provisions relating to transfer of loss amounts from foreign branches to certain foreign corporations and to the repeal of the active trade or business exception are effective for transfers after December 31, 2017.

4. Treatment of deferred foreign income upon transition to participation exemption system of taxation and deemed repatriation at two-tier rate (sec. 4004 of the House bill, sec. 14103 of the Senate amendment, and secs. 78, 904, 907 and 965 of the Code)

HOUSE BILL

In general

The provision generally requires that, for the last taxable year of a foreign corporation

beginning before January 1, 2018, all U.S. shareholders of any CFC or other foreign corporation that is at least 10-percent U.S.-owned but not controlled (other than a PFIC) must include in income their pro rata shares of the accumulated post-1986 deferred foreign income that was not previously taxed. A portion of that pro rata share of deferred foreign income is deductible; the amount deductible varies depending upon whether the deferred foreign income is held in the form of liquid or illiquid assets. The deduction results in a reduced rate of tax of 14 percent for the included deferred foreign income held in liquid form and 7 percent for remaining deferred foreign income. A corresponding portion of the credit for foreign taxes is disallowed, thus limiting the credit to the taxable portion of the included income. The increased tax liability generally may be paid over an eight-year period.

Subpart F inclusion of deferred foreign income

The mechanism for the mandatory inclusion of pre-effective date foreign earnings is subpart F. The provision provides that the subpart F income of all specified foreign corporations is increased for the last taxable year¹⁴⁹² that begins before January 1, 2018, by its accumulated post-1986 deferred foreign income. In contrast to the participation exemption deduction available only to domestic corporations that are U.S. shareholders under subpart F, the transition rule applies to all U.S. shareholders¹⁴⁹³ of a specified foreign corporation. A specified foreign corporation means (1) a CFC or (2) any foreign corporation in which a domestic corporation is a U.S. shareholder (determined without regard to the special attribution rules of section 958(b)(4)), other than a PFIC that is not a CFC.¹⁴⁹⁴ A specified foreign corporation that has deferred foreign income is a deferred foreign income corporation. Consistent with the general operation of subpart F, each U.S. shareholder of a specified foreign corporation must include in income its pro rata share of the foreign corporation's subpart F income attributable to its accumulated deferred foreign income.¹⁴⁹⁵

Accumulated post-1986 deferred foreign income

Accumulated post-1986 deferred foreign income of a specified foreign corporation that is the subject of the mandatory inclusion under this provision is the greater of the accumulated post-1986 deferred foreign income determined as of November 2, 2017 (the date of introduction of the bill) or as of December 31, 2017. The includible portion of the accumulated post-1986 deferred foreign income is all post-1986 earnings and profits that are (1) not attributable to income that is effectively connected with the conduct of a trade or business in the United States and thus subject to current U.S. income tax, or (2) when distributed, not excludable from the gross income of a U.S. shareholder as previously taxed income under section 959.

¹⁴⁹² Foreign corporations no longer in existence and for which there is no taxable year beginning or ending in 2017 are not within the scope of this provision.

¹⁴⁹³ Sec. 951(b), which defines United States shareholder as any U.S. person that owns 10 percent or more of the voting classes of stock of a foreign corporation.

¹⁴⁹⁴ Taxation of income earned by PFICs remains subject to the anti-deferral PFIC regime and are ineligible for the dividend received deduction under new section 245A.

¹⁴⁹⁵ For purposes of taking into account its subpart F income under this rule, a noncontrolled 10/50 corporation is treated as a CFC.

¹⁴⁹¹ Determined without regard to the rule providing for proper adjustment of basis in the stock in the specified 10-percent owned foreign corporation to which the transfer is made.

Post-1986 earnings and profits are those earnings that accumulated in taxable years beginning after 1986, computed in in accordance with sections 964(a) and 986, even if arising from periods during which the U.S. shareholder did not own stock of the foreign corporation. Post-1986 earnings are not reduced by distributions during the taxable year to which section 965 applies. Such earnings are increased by the amount of qualified deficits¹⁴⁹⁶ that arose in a taxable year beginning before January 1, 2018, if such deficit is also treated as a qualified deficit for purposes of taxable years beginning after December 31, 2017. Finally, the post-1986 earnings and profits are determined by reference to the foreign corporation's total earnings and profits, irrespective of the foreign tax credit separate category limitations.

The Secretary may prescribe appropriate rules regarding the treatment of accumulated post-1986 foreign deferred income of specified foreign corporations that have shareholders who are not U.S. shareholders. Such rules may also include rules that are appropriate to implement the intent of the revised section 965 and the use of the date of introduction as one of the measurement dates in order to establish a floor for determining the post-1986 deferred foreign earnings and profits. For example, guidance may address the extent to which retroactive effective dates selected in entity classification elections filed after introduction of the bill will be permitted.¹⁴⁹⁷

Reductions of amounts included in income of U.S. shareholder of foreign corporations with deficits in earnings and profits

The income inclusion required of a U.S. shareholder under this transition rule is reduced by the portion of aggregate foreign earnings and profits deficit allocated to that person by reason of that person's interest in an "E&P deficit foreign corporation." An E&P deficit foreign corporation is defined as any specified foreign corporation owned by the U.S. shareholder as of the date on which accumulated earnings and profits are measure for that corporation (November 2, 2017 or December 31, 2017, as the case may be) and which also has a deficit in post-1986 earnings and profits as of that date. Accordingly, the deficits of a foreign subsidiary that accumulated prior to its acquisition by the U.S. shareholder may be taken into account in determining the aggregate foreign earnings and profits deficit of a U.S. shareholder.¹⁴⁹⁸

The U.S. shareholder aggregates its pro rata share in the foreign E&P deficits of each such company and allocates such aggregate amount among the deferred foreign income corporations in which the shareholder is a U.S. shareholder. The aggregate foreign E&P deficit is allocable to a specified foreign corporation in the same ratio as the U.S. shareholder's pro rata share of post-1986 deferred

income in that corporation bears to the U.S. shareholder's pro rata share of accumulated post-1986 deferred foreign income from all deferred income companies of such shareholder.

To illustrate the ratio, assume that Z, a domestic corporation, is a U.S. shareholder with respect to each of four specified foreign corporations, two of which are E&P deficit foreign corporations. Assume further the foreign companies have the following accumulated post-1986 deferred foreign income or foreign earnings and profits deficits as of November 2, 2017, and December 31, 2017:

Example

Specified Foreign Corp.	Percentage Owned	Post-1986 profit/deficit USD	Pro Rata Share
A	60%	(\$1,000)	(\$600)
B	10%	(\$200)	(\$20)
C	70%	\$2,000	\$1,400
D	100%	\$1,000	\$1,000

The aggregate foreign earnings and profits deficit of the U. S. shareholder is (\$620), and the aggregate share of accumulated post-1986 deferred foreign income is \$2,400. Thus, the portion of the aggregate foreign earnings and profits deficit allocable to Corporation C is (\$362), that is, (\$620) × 400/2400. The remainder of the aggregate foreign earnings and profits deficit is allocable to Corporation D. The U.S. shareholder has a net surplus of earnings and profits in the amount of \$1,780.

The provision also permits intragroup netting among U.S. shareholders in an affiliated group in which there is at least one U.S. shareholder with a net E&P surplus and another with a net E&P deficit. The net E&P surplus shareholder may reduce its net surplus by the shareholder's applicable share of aggregate unused E&P deficit, based on the group's ownership percentage of the members. For example, a U.S. corporation may have two domestic subsidiaries, X and Y, in which it owns 100 percent and 80 percent, respectively. If X has a \$1,000 net E&P surplus, and Y has \$1,000 net E&P deficit, X is an E&P net surplus shareholder, and Y is an E&P net deficit shareholder. The net E&P surplus of X may be reduced by the net E&P deficit of Y to the extent of the group's ownership percentage in Y, which is 80-percent. The remaining net E&P deficit of Y is unused. If the U.S. shareholder Z is also a wholly owned domestic subsidiary of the same U.S. parent as X and Y, the group ownership percentage of Y is unchanged, and the surpluses of X and Z are reduced ratably by 800 of the net E&P deficit of Y.

Participation exemption applied to accumulated post-1986 deferred foreign income

A U.S. shareholder of a specified foreign corporation is allowed a deduction of a portion of the increased subpart F income attributable to the inclusion of pre-effective date deferred foreign income. The amount of the deduction is the sum of the 14-percent rate equivalent percentage of the inclusion amount that is the shareholder's aggregate cash position and the 7-percent rate equivalent percentage of the portion of the inclusion that exceeds the aggregate cash position. By stating the permitted deduction in the form of a tax rate equivalent percentage, the provision ensures that all pre-effective date accumulated post-1986 deferred foreign income is subject to either a 7-percent or 14-percent rate of tax, depending on the underlying assets as of the measurement date, without regard to the corporate tax rate that may be in effect at the time of the inclusion. For example, corporate taxpayers that use a fiscal year as the taxable year may report

the increased subpart F income in a taxable year for which a reduced corporate tax rate would otherwise apply (on a pro-rated basis under section 15), but the allowable deduction would be reduced such that the rate of U.S. tax on the income inclusion would be 7 or 14 percent.

Aggregate cash position

The aggregate cash position of a U.S. shareholder is the average of the sum of the shareholder's pro rata share of the cash position of each specified foreign corporation with respect to which that shareholder is a U.S. shareholder on each of three dates: Date of introduction (November 2, 2017) and the last day of the two most recent taxable years ending before the date of introduction. Appropriate adjustments are made if a specified foreign corporation is not in existence on one or more of those dates. By using a three-year average as the aggregate cash position for a U.S. shareholders, the effect of unusual or anomalous transactions is muted.

For purposes of this computation, the cash position of certain non-corporate entities that would be treated as specified foreign corporations if they were foreign corporations is also included. The cash position of an entity consists of all cash, net accounts receivables, and the fair market value of similarly liquid assets, specifically including personal property that is actively traded on an established financial market, government securities, certificates of deposit, commercial paper, foreign currency, and short-term obligations. In addition, the Secretary may identify other assets that are economically equivalent to the enumerated assets that are included.

Certain reductions from aggregate cash position are specified in the provision. First, rules are provided to avoid the double counting of cash position of specified foreign corporations in an affiliated group, while ensuring that all of the cash position is taken into account. Second, regardless of the form in which a specified foreign corporation holds earnings, to the extent that the earnings constitute blocked income that could not be distributed by the corporation due to local jurisdiction restrictions,¹⁴⁹⁹ such earnings are not included in the cash position of that specified foreign corporation. The blocked income remains within the scope of the accumulated post-1986 deferred foreign income that is subject to inclusion under this provision.

In addition to the authority to identify other assets that are subject to the cash position determination by regulation, the provision also authorizes the Secretary to disregard transactions that he determines had the principal purpose of reducing the aggregate foreign cash position.

Foreign tax credits reduced

A portion of foreign income taxes deemed paid or accrued with respect to the increased subpart F income attributable to the inclusion of pre-effective date deferred foreign income is not creditable against the Federal income tax attributable to the inclusion, nor is it deductible. The disallowed portion of foreign tax credits is 60-percent of foreign taxes paid attributable to the portion of the inclusion attributable to the aggregate cash position plus 80-percent of foreign taxes paid attributable to the remaining portion of the section 965 inclusion.¹⁵⁰⁰

¹⁴⁹⁶ Sec. 952(c)(1)(B)(ii).

¹⁴⁹⁷ See Treas. Reg. 301.7701-3(c), under which an election may specify an effective date up to 75 days prior to the date on which the election is filed.

¹⁴⁹⁸ For example, assume that a foreign corporation organized after December 31, 1986 has \$100 of accumulated earnings and profits as of November 1, 2017, and December 31, 2017 (determined without diminution by reason of dividends distributed during the taxable year and after any increase for qualified deficits), which consist of \$120 general limitation earnings and profits and a \$20 passive limitation deficit, the foreign corporation's post-1986 earnings and profits would be \$100, even if the \$20 passive limitation deficit was a hovering deficit described in Treas. Reg. sec. 1.367(b)-17(d)(2). Foreign income taxes related to the hovering deficit, however, would not be deemed paid by the U.S. shareholder recognizing an incremental income inclusion.

¹⁴⁹⁹ Sec. 964(b) and regulations thereunder.

¹⁵⁰⁰ Other foreign tax credits used by a taxpayer against tax liability resulting from the deemed inclusion apply in full.

The provision coordinates the disallowance of foreign tax credits described above with the requirement¹⁵⁰¹ that a domestic corporate shareholder is deemed to receive a dividend in an amount equal to foreign taxes it is deemed to have paid and for which it claimed a credit. Under the coordination rule, the foreign taxes treated as paid or accrued by a domestic corporation as a result of the inclusion are limited to the those taxes in proportion to the taxable portion of the section 965 inclusion. The gross-up amount equals the total foreign income taxes multiplied by the fraction, numerator of which is taxable portion of the increased subpart F income under this provision and the denominator of which is the total increase in subpart F income under this provision.

The amount of deferred foreign income required to be included in subpart F income under this provision is disregarded for purposes of determining the amount of income from foreign sources and the combined foreign oil and gas income that a U.S. shareholder has for purposes of the recapture rules applicable to overall foreign losses, separate limitation losses, and foreign oil and gas losses under sections 904(f)(1) and 907(c)(4).

The foreign income taxes deemed paid with respect to the inclusion required by the provision and for which no credit is allowed in the year of inclusion by reason of section 904 limitations (e.g., because part or all of the inclusion required by the provision is offset by a net operating loss deduction) are eligible for a special 20 year carry forward period, rather than the otherwise available 10 year period.

Installment payments

A U.S. shareholder may elect to pay the net tax liability resulting from the mandatory inclusion of pre-effective-date undistributed CFC earnings in eight equal installments. The net tax liability that may be paid in installments is the excess of the U.S. shareholder's net income tax for the taxable year in which the pre-effective-date undistributed CFC earnings are included in income over the taxpayer's net income tax for that year determined without regard to the inclusion. Net income tax means net income tax as defined for purposes of the general business credit, but reduced by the amount of that credit.

An election to pay tax in installments must be made by the due date for the tax return for the taxable year in which the pre-effective-date undistributed CFC earnings are included in income. The Treasury Secretary has authority to prescribe the manner of making the election. The first installment must be paid on the due date (determined without regard to extensions) for the tax return for the taxable year of the income inclusion. Succeeding installments must be paid annually no later than the due dates (without extensions) for the income tax return of each succeeding year. If a deficiency is later determined with respect to the net tax liability, the additional tax due may be prorated among all installment payments in most circumstances. The portions of the deficiency prorated to an installment that was due before the deficiency was assessed must be paid upon notice and demand. The portion prorated to any remaining installment is payable with the timely payment of that installment payment, unless the deficiency is attributable to negligence, intentional disregard of rules or regulations, or fraud with intent to evade tax, in which case the entire

deficiency is payable upon notice and demand.

The timely payment of an installment does not incur interest. If a deficiency is determined that is attributable to an understatement of the net tax liability due under this provision, the deficiency is payable with underpayment interest for the period beginning on the date on which the net tax liability would have been due, without regard to an election to pay in installments, and ending with the payment of the deficiency. Furthermore, any amount of deficiency prorated to a remaining installment also bears interest on the deficiency, but not on the original installment amount.

The provision also includes an acceleration rule. If (1) there is a failure to pay timely any required installment, (2) there is a liquidation or sale of substantially all of the U.S. shareholder's assets (including in a bankruptcy case), (3) the U.S. shareholder ceases business, or (4) another similar circumstance arises, the unpaid portion of all remaining installments is due on the date of the event (or, in a title 11 case or similar proceeding, the day before the petition is filed).

Special rule for S corporations

A special rule permits deferral of the transition net tax liability for shareholders of a U.S. shareholder that is a flow-through entity known as an S corporation.¹⁵⁰² The S corporation is required to report on its income tax return the amount includible in gross income by reason of this provision, as well as the amount of deduction that would be allowable, and provide a copy of such information to its shareholders. Any shareholder of the S corporation may elect to defer his portion of the net tax liability at transition to the participation exemption system until the shareholder's taxable year in which a triggering event occurs. The election to defer the tax is due not later than the due date for the return of the S corporation for its last taxable year that begins before January 1, 2018.

Three types of events may trigger an end to deferral of the net tax liability. The first type of triggering event is a change in the status of the corporation as an S corporation. The second category includes liquidation, sale of substantially all corporate assets, termination of the company or end of business, or similar event, including reorganization in bankruptcy. The third type of triggering event is a transfer of shares of stock in the S corporation by the electing taxpayer, whether by sale, death or otherwise, unless the transferee of the stock agrees with the Secretary to be liable for net tax liability in the same manner as the transferor. Partial transfers trigger the end of deferral only with respect to the portion of tax properly allocable to the portion of stock sold.

If a shareholder of an S corporation has elected deferral under the special rule for S corporation shareholders and a triggering event occurs, the S corporation and the electing shareholder are jointly and severally liable for any net tax liability and related interest or penalties. The period within which the IRS may collect such liability does not begin before the date of an event that triggers the end of the deferral. If an

election to defer payment of the net tax liability is in effect for a shareholder, that shareholder must report the amount of the deferred net tax liability on each income tax return due during the period that the election is in effect. Failure to include that information with each income tax return will result in a penalty equal to five-percent of the amount that should have been reported.

After a triggering event occurs, a shareholder is the S corporation may elect to pay the net tax liability in eight equal installments, subject to rules similar to those generally applicable absent deferral. Whether a shareholder may elect to pay in installments depends upon the type of event that triggered the end of deferral. If the triggering event is a liquidation, sale of substantially all corporate assets, termination of the company or end of business, or similar event, the installment payment election is not available. Instead, the entire net tax liability is due upon notice and demand. The installment election is due with the timely return for the year in which the triggering event occurs. The first installment payment is required by the due date of the same return, determined without regard to extensions of time to file.

Effective Date.—The provision is effective for the last taxable year of a foreign corporation that begins before January 1, 2018, and with respect to U.S. shareholders, for the taxable years in which or with which such taxable years of the foreign corporations end.

SENATE AMENDMENT

In general

The provision generally requires that, for the last taxable year beginning before January 1, 2018, any U.S. shareholder of a specified foreign corporation must include in income its pro rata share of the accumulated post-1986 deferred foreign income of the corporation. For purposes of this provision, a specified foreign corporation is any foreign corporation that has at least one U.S. shareholder. It excludes PFICs that are not also CFCs. A portion of that pro rata share of foreign earnings is deductible; the amount of the deductible portion depends upon whether the deferred earnings are held in cash or other assets. The deduction results in a reduced rate of tax with respect to income from the required inclusion of pre-effective date earnings. A corresponding portion of the credit for foreign taxes is disallowed, thus limiting the credit to the taxable portion of the included income. The separate foreign tax credit limitation rules of present law section 904 apply, with coordinating rules. The increased tax liability generally may be paid over an eight-year period. Special rules are provided for S corporations and real estate investment trusts ("REITs").

Subpart F

The mechanism for requiring an inclusion of pre-effective-date foreign earnings is subpart F. The provision provides that in the last taxable year of a deferred foreign income corporation that begins before January 1, 2018, which is that foreign corporation's last taxable year before the transition to the new corporate tax regime elsewhere in the bill goes into effect, the subpart F income of the foreign corporation is increased by the greater of the accumulated post-1986 deferred foreign income of the corporation, determined as of November 9, 2017, or as of December 31, 2017 ("measurement date"). The amount so determined is includible in gross income under section 951 (hereinafter, "the section 951 inclusion").

¹⁵⁰¹ Sec. 78.

¹⁵⁰² Section 1361 defines an S corporation as a domestic small business corporation that has an election in effect for status as an S corporation, with fewer than 100 shareholders, none of whom are non-resident aliens, and all of whom are individuals, estates, trusts or certain exempt organizations.

The transition rule applies to all U.S. shareholders¹⁵⁰³ of a deferred foreign income corporation. “Deferred foreign income corporation” is any specified foreign corporation with accumulated post-1986 deferred income that is greater than zero. A specified foreign corporation is defined as any CFC as well as any section 902 corporation, as defined in section 909(d)(5) prior to date of enactment of this bill, *i.e.*, any foreign corporation in which a U.S. person owns 10 percent of the voting stock. Consistent with the general operation of subpart F, each U.S. shareholder of a deferred foreign income corporation must include in income the shareholder’s pro rata share of the foreign corporation’s subpart F income attributable to its section 951 inclusion.¹⁵⁰⁴

Accumulated post-1986 deferred foreign income

A specified foreign corporation’s accumulated post-1986 deferred foreign income on the measurement date is based on all post-1986 foreign earnings and profits (“E&P”) that are not previously taxed and are neither (1) attributable to income that is effectively connected with the conduct of a trade or business in the United States and subject to U.S. income tax nor (2) subpart F income (determined without regard to the section 951 inclusion) included in the gross income of a U.S. shareholder. The potential pool of includible earnings includes all undistributed foreign earnings accumulated in taxable years beginning after 1986, computed in accordance with sections 964(a) and 986, taking into account only periods when the foreign corporation was a specified corporation. The pool of post-1986 foreign earnings and profits is not reduced by distributions during the taxable year to which section 965 applies.

Reductions of amounts included in income of U.S. shareholder of foreign corporations with deficits in E&P

The pool of post-1986 earnings and profits taken into consideration in computing the section 951 inclusion required of a U.S. shareholder under this transition rule generally is reduced by foreign earnings and profits deficits that are properly allocated to that person. The U.S. shareholder must determine its aggregate E&P deficit based on its interest in each specified foreign corporation with a deficit in post-1986 foreign earnings and profits as of the measurement date (“E&P deficit foreign corporation”).

The U.S. shareholder’s aggregate E&P deficit is then allocated among the deferred foreign income corporations in the same ratio as the U.S. shareholder’s pro rata share of post-1986 deferred income in that corporation bears to the U.S. shareholder’s pro rata share of accumulated post-1986 deferred foreign income from all deferred foreign income corporations with respect to which the shareholder is a U.S. shareholder. For the portion of aggregate E&P deficits that include qualified deficits, the portion of the deficit that is attributable to a qualified deficit, and the qualified activity, must be identified. The provision does not permit intragroup netting among U.S. shareholders within an affiliated group.

In taxable years beginning after 2017, amounts by which the section 951 inclusion

was reduced by aggregate E&P deficits are considered as amounts included in the gross income of the U.S. shareholder. The shareholder’s pro rata share of the E&P of an E&P deficit foreign corporation that used qualified deficits to reduce its section 951 inclusion is increased by the amount of such deficit and attributed to the same activity to which the income was attributed.

Deductions from section 951 inclusion

To determine the taxable portion of the section 951 inclusion, the U.S. shareholders with accumulated deferred foreign income may deduct a portion of the section 951 inclusion in an amount that depends upon the proportion of aggregate earnings and profits attributable to cash assets rather than noncash assets, in the nature of a partial dividends-received deduction. A U.S. shareholder may deduct 71.4 percent of the aggregate earnings and profits attributable to cash assets, and 85.7 percent of the remainder of the aggregate earnings and profits in the section 951 inclusion.¹⁵⁰⁵

A U.S. shareholder may elect, no later than with a timely filed return for the taxable year, not to apply its net operating loss deduction to the deemed repatriation. If so, neither the section 951 inclusion nor any related deemed paid foreign tax credits may be taken into account in computing the net operating loss deduction for that year.

Cash position

The aggregate earnings and profits attributable to cash assets for a U.S. shareholder is the greater of the pro rata share of the cash position of all specified foreign corporations as of the last day of the last taxable year beginning before January 1, 2018, or the average of the cash position determined on the last day of each of the two taxable years ending immediately before November 9, 2017. For purposes of this computation, the cash position of certain non-corporate entities that would be treated as specified foreign corporations if they were foreign corporations is also included. The cash position of an entity consists of all cash, net accounts receivables, and the fair market value of similarly liquid assets, specifically including personal property that is actively traded on an established financial market (other than stock in the specified foreign corporation) government securities, certificates of deposit, commercial paper, and short-term obligations.

To avoid double counting of cash assets, a U.S. shareholder may disregard accounts receivable and short-term obligations of a specified foreign corporation if that shareholder can establish that the amounts were already taken into account by that shareholder with respect to another specified foreign corporation.

The Secretary may identify other assets that are economically equivalent to the enumerated assets that are treated as cash. The provision also authorizes the Secretary to disregard transactions that are determined to have the principal purpose of reducing the aggregate foreign cash position.

Foreign tax credit

A portion of foreign income tax that is deemed paid or accrued with respect to the

section 951 inclusion is not creditable or deductible against the Federal income tax attributable to the inclusion. The disallowed portion of foreign tax credits is 71.4 percent of foreign taxes paid attributable to the portion of the section 965 inclusion attributable to the aggregate cash position plus, 85.7 percent of foreign taxes paid attributable to the remaining portion of the section 965 inclusion.¹⁵⁰⁶ The provision coordinates the disallowance of foreign tax credits with the requirement¹⁵⁰⁷ that a domestic corporate shareholder is deemed to receive a dividend in an amount equal to foreign taxes it is deemed to have paid and for which it claimed a credit.

Limitations on assessment extended

The provision also allows an exception to the otherwise applicable limitations period for assessment of tax to ensure that the period for assessment of underpayments in tax related to the treatment of the pre-effective date foreign earnings does not expire prior to six years from the date on which the return initially reflecting the section 951 inclusion was filed.

Installment payments

The Senate amendment follows the House provision in allowing a U.S. shareholder to elect to pay the net tax liability resulting from the section 951 inclusion in eight installments. However, if installment payment is elected, rather than requiring eight equal installments, the Senate amendment requires that the payments for each of the first five years equal 8 percent of the net tax liability, the sixth installment equals 15 percent of the net tax liability, increasing to 20 percent for the seventh installment and the remaining balance of 25 percent in the eighth year.

Special rule for S corporations

The Senate amendment also includes the special rule of the House provision that permits deferral of the transition net tax liability for shareholders of a U.S. shareholder that is a flow-through entity known as an S corporation.¹⁵⁰⁸ After a triggering event occurs, a shareholder in the S corporation may elect to pay the net tax liability in eight installments, subject to rules similar to those generally applicable absent deferral.

Special rules for REITs

To alleviate burden of compliance with this section by REITs, special rules are provided if a U.S. shareholder is a REIT. First, although it must determine its pro rata share of the increase in subpart F income in accordance with the rules described above, the REIT is not required to take into account the section 951 inclusion for purposes of determining the REIT’s amount of qualified REIT gross income.¹⁵⁰⁹ The section 951

¹⁵⁰⁶ Other foreign tax credits used by a taxpayer against tax liability resulting from the deemed inclusion apply in full.

¹⁵⁰⁷ Sec. 78.

¹⁵⁰⁸ Section 1361 defines an S corporation as a domestic small business corporation that has an election in effect for status as an S corporation, with no more than 100 shareholders, none of whom are non-resident aliens, and all of whom are individuals, estates, trusts or certain exempt organizations.

¹⁵⁰⁹ To qualify as a REIT, an entity must meet certain income requirements. A REIT is restricted to earning certain types of generally passive income. Among other requirements, at least 75 percent of the gross income of a REIT in each taxable year must consist of real estate-related income. Secs. 856. In addition, a REIT is required to distribute at least 90 percent of REIT income (other than net capital

Continued

¹⁵⁰³ Sec. 951(b) defines United States shareholder as any U.S. person that owns 10 percent or more of combined voting classes of stock of a foreign corporation.

¹⁵⁰⁴ For purposes of taking into account its subpart F income under this rule, a noncontrolled section 902 corporation is treated as a CFC.

¹⁵⁰⁵ Committee Print, *Reconciliation Recommendations Pursuant to H. Con. Res. 71*, S. Prt. 115-20, (December 2017), as reprinted on the website of the Senate Budget Committee, available at <https://www.budget.senate.gov/taxreform/>, at footnote 1198, indicated that the income deducted was to be treated as exempt from tax, with the result that the deducted income, if earned by a partnership, could give rise to an increase in a partner’s basis under section 705(a)(1)(B).

inclusion is, however, taken into account for purposes of determining the income potentially required to be included in taxable income under section 857(b). Unlike a regular subchapter C corporation, a REIT is able to deduct the portion of its income that is distributed to its shareholders as a dividend or qualifying liquidating distribution each year.¹⁵¹⁰ The distributed income of the REIT is not taxed at the entity level; instead, it is taxed once, at the investor level. As a result, a required inclusion under this section may trigger a requirement that the REIT distribute an amount equal to 90 percent of that inclusion despite the fact that it received no distribution from the deferred foreign income corporation.

To avoid requiring that any distribution requirement be satisfied in one year, an election to defer the section 951 inclusion is permitted. Under a timely election, a REIT may instead take the amounts into income over a period of eight years. It must include 8 percent in each of the five years beginning with the initial year in which the section 951 inclusion is determined, 15 percent in the sixth year, 20 percent in the seventh year and 25 percent in the eighth year. In each of those years, it may claim a partial dividends-received deduction in the applicable percentages in proportion to the amount included in each of the eight years. Neither the REIT nor the recipient of the distribution may elect to use the installment payment.

In the event that a REIT liquidates, ceases to operate its business, or distributes substantially all its assets (or any other similar event occurs), any portion of the required inclusion not yet taken into income is accelerated and required to be included as gross income as of the day before the event.

Recapture from expatriated entities

The provision denies any deduction claimed with respect to the mandatory subpart F inclusion and imposes a 35-percent tax on the entire inclusion if a U.S. shareholder becomes an expatriated entity within the meaning of section 7874(a)(2) at any point within the ten-year period following enactment of the Tax Cuts and Jobs Act. An entity that becomes a surrogate foreign corporation that is treated as a domestic corporation under section 7874(b) is not within the scope of this recapture provision. Although the amount due is computed by reference to the year in which the deemed subpart F income was originally reported, the additional tax arises and is assessed for the taxable year in which the U.S. shareholder becomes an expatriated entity. No foreign tax credits are permitted with respect to the additional tax due as a result of the recapture rule.

Regulatory authority

A specific grant of regulatory authority to carry out the intent of this provision is included. For example, the Secretary may identify instances in which it is appropriate to grant relief from potential double-counting of earnings and profits, which may occur due to different measurement dates applicable to specified foreign corporations within an affiliated group, or the timing of intragroup distributions. It also specifies

gain) annually. Sec. 857. Even if a REIT meets the 90-percent income distribution requirement for REIT qualification, more stringent distribution requirements must be met in order to avoid an excise tax under section 4981.

¹⁵¹⁰ Liquidating distributions are covered to the extent of earnings and profits, and are defined to include redemptions of stock that are treated by shareholders as a sale of stock under section 302. Secs. 857(b)(2)(B), 561, and 562(b).

that the Secretary shall prescribe rules or guidance in order to deter tax avoidance through use of entity classification elections and accounting method changes, among other possible strategies.

Effective date.—The provision is effective for the last taxable year of a foreign corporation that begins before January 1, 2018, and with respect to U.S. shareholders, for the taxable years in which or with which such taxable years of the foreign corporations end.

CONFERENCE AGREEMENT

The conference agreement generally follows the Senate amendment, with several modifications, including those described below.

Scope of earnings and profits subject to the transition tax

The provision applies to all CFCs. It also applies to all foreign corporations (other than PFICs), in which a U.S. person owns a 10-percent voting interest, rather than only CFCs and those corporations within the definition of section 902 corporation. However, in the case of a foreign corporation that is not a CFC, there must be at least one U.S. shareholder that is a domestic corporation in order for the foreign corporation to be a specified foreign corporation. Such entities must determine their deferred foreign income based on the greater of the aggregate post-1986 accumulated foreign earnings and profits as of November 2, 2017 or December 31, 2017, not reduced by distributions during the taxable year ending with or including the measurement date, unless such distributions were made to another specified foreign corporation. The portion of post-1986 earnings and profits subject to the transition tax does not include earnings and profits that were accumulated by a foreign company prior to attaining its status as a specified foreign corporation.

Deferred earnings of a U.S. shareholder are reduced (but not below zero) by the shareholder's share of deficits as of November 2, 2017, from a specified foreign corporation that is not a deferred foreign income corporations, including the pro rata share of deficits of another U.S. shareholder in a different U.S. ownership chain within the same U.S. affiliated group. The deficits (including hovering deficits¹⁵¹¹) of a foreign subsidiary that accumulated while it was a specified foreign corporation may be taken into account in determining the aggregate foreign earnings and profits deficit of a U.S. shareholder. Therefore, the amount of post-1986 earnings and profits of a specified foreign corporation is the amount of positive earnings and profits accumulated as of the measurement date reduced by any deficit in earnings and profits of the specified foreign corporation as of the measurement date, without regard to the limitation category of the earnings or deficit. In taxable years beginning with the year of the section 951 inclusion, amounts by which the section 951 inclusion was reduced by aggregate E&P deficits are considered as amounts included in the gross income of the U.S. shareholder for purposes of applying section 959.

For example, assume that a foreign corporation organized after December 31, 1986 has \$100 of accumulated earnings and profits as of November 2, 2017, and December 31, 2017 (determined without diminution by reason of dividends distributed during the taxable year and after any increase for qualified deficits),

which consist of \$120 general limitation earnings and profits and a \$20 passive limitation deficit, the foreign corporation's post-1986 earnings and profits would be \$100, even if the \$20 passive limitation deficit was a hovering deficit. Foreign income taxes related to the hovering deficit, however, would not generally be deemed paid by the U.S. shareholder recognizing an incremental income inclusion. However, the conferees expect the Secretary may issue guidance to provide that, solely for purposes of calculating the amount of foreign income taxes deemed paid by the U.S. shareholder with respect to an inclusion under section 965, a hovering deficit may be absorbed by current year earnings and profits and the foreign income taxes related to the hovering deficit may be added to the specified foreign corporation's post-1986 foreign income taxes in that separate category on a pro rata basis in the year of inclusion.¹⁵¹²

In order to avoid double-counting and double non-counting of earnings, the Secretary may provide guidance to adjust the amount of post-1986 earnings and profits of a specified foreign corporation to ensure that a single item of a specified foreign corporation is taken into account only once in determining the income of a United States shareholder subject to this provision. Such an adjustment may be necessary, for example, when there is a deductible payment (e.g., interest or royalties) from one specified foreign corporation to another specified foreign corporation between measurement dates.

The conferees are also aware that certain taxpayers may have engaged in tax strategies designed to reduce the amount of post-1986 earnings and profits in order to decrease the amount of the inclusion required under this provision. Such tax strategies may include a change in entity classification, accounting method, and taxable year, or intragroup transactions such as distributions or liquidations. The conferees expect the Secretary to prescribe rules to adjust the amount of post-1986 earnings and profits in such cases in order to prevent the avoidance of the purposes of this section.

Furthermore, the conferees expect that the Secretary will exercise his authority under the consolidated return provisions to appropriately limit the netting across chains of ownership within a group of related parties in the application of this provision. However, nothing in this provision is intended to be interpreted as limiting the Secretary's authority to use such regulatory authority to prescribe regulations on proper application of this section on a consolidated basis for affiliated groups filing a consolidated return.

Application of participation exemption deduction and related foreign tax credits

Instead of prescribing a fixed percentage of the section 951 inclusion resulting from section 965 for which a partial dividends-received deduction is permitted, the conference agreement adopts the rate equivalent percentage method used in the House bill. As a result, the total deduction from the amount of the section 951 inclusion is the amount necessary to result in a 15.5-percent rate of tax on accumulated post-1986 foreign earnings held in the form of cash or cash equivalents, and 8-percent rate of tax on all other earnings. The calculation is based on the highest rate of tax applicable to corporations in the taxable year of inclusion, even if the U.S. shareholder is an individual.

¹⁵¹¹ See, Treas. Reg. sec. 1.367(b)-7(d)(2) (definition of hovering deficit).

¹⁵¹² Cf. Treas. Reg. sec. 1.367(b)-7(d)(2)(ii) and (iii).

The use of rate equivalent percentages is intended to ensure that the rates of tax imposed on the deferred foreign income is similar for all U.S. shareholders, regardless of the year in which section 965 gives rise to an income inclusion. Individual U.S. shareholders, and the investors in U.S. shareholders that are pass-through entities generally can elect application of corporate rates for the year of inclusion.¹⁵¹³ In addition, the increase in income that is not taxed by reason of the partial dividends-received deduction allowed under this provision is treated as income exempt from tax for purposes of determining the basis in an interest in a partnership or subchapter S corporation, but not as income exempt from tax for purposes of determining the accumulated adjustments account of a subchapter S corporation.¹⁵¹⁴ Similarly, the conferees expect the Secretary to provide regulations or other guidance that provide for similar treatment under section 986(c), such that any gain or loss recognized thereunder with respect to distributions of earnings previously taxed (or treated as previously taxed) by reason of section 965(a) will be diminished proportionately to the diminution of the net taxable income resulting from section 965(a) by reason of the deduction allowed under section 965(c).

To reflect the change in the applicable rates of deduction, the amounts by which foreign tax credits are reduced are also changed. In addition, the rules for coordination of this provision with the limitations on foreign tax credits follows the House provision. Under the coordination rule, the foreign taxes treated as paid or accrued by a domestic corporation as a result of the inclusion are limited to the those taxes in proportion to the taxable portion of the section 965 inclusion. The gross-up amount equals the total foreign income taxes multiplied by the fraction, numerator of which is taxable portion of the increased subpart F income under this provision and the denominator of which is the total increase in subpart F income under this provision.

The conferees recognize that basis adjustments (increases or decreases) may be necessary with respect to both the stock of the deferred foreign income corporation and the E&P deficit foreign corporation and authorizes the Secretary to provide for such basis adjustments or other adjustments, as may be appropriate. For example, with respect to the stock of the deferred foreign income corporation, the Secretary may determine that a basis increase is appropriate in the taxable year of the section 951A inclusion or, alternatively, the Secretary may modify the application of section 961(b)(1) with respect to such stock. Moreover, with respect to the stock of the E&P deficit corporation, the Secretary may require a reduction in basis for the taxable year in which the U.S. shareholder's pro rata share of the earnings of the E&P deficit corporation are increased.

With respect to the denial of the partial dividend to any U.S. shareholder that becomes an expatriated entity within the meaning of section 7874(a)(2) at any point within the ten-year period following enactment of the Tax Cuts and Jobs Act, the conference agreement clarifies that U.S. shareholders acquired by a surrogate corporation are within the scope of the provision only if the surrogate corporation inverted post-enactment.

¹⁵¹³ Sec. 962 allows individuals to make the election for a specific taxable year, subject to regulations provided by the Secretary.

¹⁵¹⁴ Secs. 705(a)(1)(B), 1367(a)(1)(A) and 1368(e)(1)(A).

Determination of cash position

The determination of assets to be considered in measuring the cash position of an entity is modified in several ways. First, cash holdings of a specified foreign corporation in the form of publicly traded stock may be excluded to the extent that a U.S. shareholder can demonstrate that the value of such stock was taken into account as cash or cash equivalent by another specified foreign corporation with respect to which such shareholder is a U.S. shareholder.

The conference agreement also provides that the cash position of a U.S. shareholder does not generally include the cash attributable to a direct ownership interest in a partnership, but preserves the rule that cash positions of certain noncorporate foreign entities owned by a specified foreign corporation are taken into account if such entities would be specified foreign corporations with respect to the U.S. shareholder if the entity were a foreign corporation. For example, if a U.S. shareholder owns a five-percent interest in a partnership, the balance of which is held by a specified foreign corporation with respect to which such shareholder is a U.S. shareholder, the partnership is treated as a specified foreign corporation with respect to the U.S. shareholder, and the cash or cash equivalents held by the partnership are includible in the aggregate cash position of the U.S. shareholder on a look-through basis. The conferees anticipate that the Secretary will provide guidance for taking into account only the specified foreign corporation's share of the partnership's cash position, and not the five-percent interest directly owned by the U.S. shareholder.

Effective date.—The provision is effective for the last taxable year of a foreign corporation that begins before January 1, 2018, and with respect to U.S. shareholders, for the taxable years in which or with which such taxable years of the foreign corporations end.

15. Election to increase percentage of domestic taxable income offset by overall domestic loss treated as foreign source (sec. 14305 of the Senate amendment and sec. 904(g) of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies section 904(g) by providing an election to increase the percentage (but not greater than 100 percent) of domestic taxable income offset by any pre-2018 unused overall domestic loss and re-characterized as foreign source. The term "pre-2018 unused overall domestic loss" means any overall domestic loss which: (1) arises in a qualified taxable year beginning before January 1, 2018, and (2) has not been used under the general rule set forth in section 904(g)(1). The term "qualified taxable year" means any taxable year of the taxpayer beginning after December 31, 2017, and before January 1, 2028.

Effective date.—The provision shall apply to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

B. Rules Related to Passive and Mobile Income

1. Deduction for foreign-derived intangible income and global intangible low-taxed income (sec. 14202 of the Senate amendment and new sec. 250 of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

The provision provides domestic corporations with reduced rates of U.S. tax on their foreign-derived intangible income ("FDII") and global intangible low-taxed income ("GILTI").¹⁵¹⁵ GILTI is defined in section 14201 of the Senate amendment and new section 951A, while a domestic corporation's FDII is the portion of its intangible income, determined on a formulaic basis, that is derived from serving foreign markets. For taxable years beginning after December 31, 2017, and before January 1, 2019, the effective tax rate on FDII is 21.875 percent and the effective U.S. tax rate on GILTI is 17.5 percent under the Senate amendment.¹⁵¹⁶ For taxable years beginning after December 31, 2018, and before January 1, 2026, the effective tax rate on FDII is 12.5 percent and the effective U.S. tax rate on GILTI is 10 percent. For taxable years beginning after December 31, 2025, the effective tax rate on FDII is 15.625 percent and the effective U.S. tax rate on GILTI is 12.5 percent.

Deduction for FDII and GILTI

Deduction for FDII and GILTI and taxable income limitation

In the case of domestic corporations for taxable years beginning after December 31, 2017, and before January 1, 2026, the provision generally allows as a deduction an amount equal to the sum of 37.5 percent of its FDII plus 50 percent of its GILTI (if any). For taxable years beginning after December 31, 2025, the deduction for FDII is reduced to 21.875 percent and the deduction for GILTI is lowered to 37.5 percent.¹⁵¹⁷

If the sum of a domestic corporation's FDII and GILTI amounts exceeds its taxable income determined without regard to this provision, then the amount of FDII and GILTI for which a deduction is allowed is reduced by an amount determined by such excess. The reduction in FDII for which a deduction is allowed equals such excess multiplied by a percentage equal to the corporation's FDII divided by the sum of its FDII and GILTI. The reduction in GILTI for which a deduction is allowed equals the remainder of such excess.¹⁵¹⁸

FDII

The FDII of any domestic corporation is the amount which bears the same ratio to the corporation's deemed intangible income as its foreign-derived deduction eligible income bears to its deduction eligible income. In other words, a domestic corporation's

¹⁵¹⁵ The deduction for FDII and GILTI is only available to domestic corporations. U.S. shareholders that are not domestic corporations are subject to full U.S. tax on their GILTI.

¹⁵¹⁶ Under sec. 13001 of the Senate amendment, the corporate tax rate is reduced to 20 percent for taxable years beginning after December 31, 2018.

¹⁵¹⁷ The Committee intends that the deduction allowed by new Code section 250 be treated as exempting the deducted income from tax. Thus, for example, the deduction for global intangible low-taxed income could give rise to an increase in a domestic corporate partner's basis in a domestic partnership under section 705(a)(1)(B).

¹⁵¹⁸ For example, consider a domestic corporation with \$1,250 of FDII, \$750 of GILTI, and taxable income (determined without regard to this provision) of \$1,500. The sum of the corporation's FDII and GILTI amounts is \$2,000, which exceeds \$1,500 by \$500. For purposes of this provision, the amount of FDII for which a deduction is allowed is reduced by \$500 multiplied by \$1,250/\$2,000, or \$312.50. The amount of GILTI for which a deduction is allowed is reduced by the remainder of the excess, or \$187.50 (= \$500 × \$750/\$2,000).

FDII is its deemed intangible income multiplied by the percentage of its deduction eligible income that is foreign-derived. The cal-

culatation can also be expressed as the following:

$$FDII = \text{Deemed Intangible Income} \times \frac{\text{Foreign-Derived Deduction Eligible Income}}{\text{Deduction Eligible Income}}$$

The Secretary is authorized to prescribe regulations or other guidance as may be necessary or appropriate to carry out this provision.

Deduction eligible income

Deduction eligible income means, with respect to any domestic corporation, the excess (if any) of the gross income of the corporation—determined without regard to certain exceptions to deduction eligible income—over deductions (including taxes) properly allocable to such gross income (referred to in this document as “deduction eligible gross income”). The exceptions to deduction eligible income are: (1) the subpart F income of the corporation determined under section 951; (2) the GILTI of the corporation; (3) any financial services income (as defined in section 904(d)(2)(D)) of the corporation; (4) any dividend received from a CFC with respect to which the corporation is a U.S. shareholder; and (5) any domestic oil and gas extraction income of the corporation; and (6) any foreign branch income (as defined in section 904(d)(2)(J)) of the corporation.

The formula for deduction eligible income can generally be written as follows:¹⁵¹⁹

$$\text{Deduction Eligible Income} = \text{Gross Income} - \text{Exceptions} - \text{Allocable Deductions}$$

where *Exceptions* refers to the exceptions to deduction eligible income and *Allocable Deductions* encompass all deductions (including taxes) property allocable to deduction eligible gross income.

Deemed intangible income

The domestic corporation's deemed intangible income means the excess (if any) of its deduction eligible income over its deemed tangible income return. The deemed tangible income return means, with respect to any corporation, an amount equal to 10 percent of the corporation's qualified business asset investment (“QBAI”). Deemed intangible income can be calculated as follows:¹⁵²⁰

$$\text{Deemed Intangible Income} = \text{Deduction Eligible Income} - (10\% \times \text{QBAI})$$

For purposes of computing its FDII, a domestic corporation's QBAI is the average of the aggregate of its adjusted bases, determined as of the close of each quarter of the taxable year, in specified tangible property used in its trade or business and of a type with respect to which a deduction is allowable under section 167. The adjusted basis in any property must be determined using the alternative depreciation system under section 168(g), notwithstanding any provision of law (or any other section of the Senate amendment) which is enacted after the date of enactment of this provision (unless such later enacted law specifically and directly amends this provision's definition).

Specified tangible property means any tangible property used in the production of deduction eligible income and income that is not deduction eli-

gible income (i.e., dual-use property), the property is treated as specified tangible property in the same proportion that the amount of deduction eligible gross income produced with respect to the property bears to the total amount of gross income produced with respect to the property.¹⁵²¹ In other words, the percentage of a domestic corporation's adjusted basis in dual-use property that is included in QBAI equals the deduction eligible gross income produced with respect to the property divided by the total gross income produced with respect to the property.

Foreign-derived deduction eligible income

Foreign-derived deduction eligible income means, with respect to a taxpayer for its taxable year, any deduction eligible income of the taxpayer that is derived in connection with (1) property that is sold by the taxpayer to any person who is not a United States person and that the taxpayer establishes to the satisfaction of the Secretary is for a foreign use¹⁵²² or (2) services provided by the taxpayer that the taxpayer establishes to the satisfaction of the Secretary are provided to any person, or with respect to property, not located within the United States. Foreign use means any use, consumption, or disposition that is not within the United States. Special rules for determining foreign use apply to transactions that involve property or services provided to domestic intermediaries or related parties.

For purposes of the provision, the terms “sold,” “sells,” and “sale” include any lease, license, exchange, or other disposition.

Property or services provided to domestic intermediaries

If a taxpayer sells property to another person (other than a related party) for further manufacture or modification within the United States, the property is generally not treated as sold for a foreign use even if such other person subsequently uses such property for foreign use. However, there is an exception to this general rule for property (1) that is ultimately sold by a related party, or used by a related party in connection with property that is sold or the provision of services, to another person who is an unrelated party who is not a U.S. person and (2) that the taxpayer establishes to the satisfaction of the Secretary is for a foreign use.¹⁵²³ Deduction eligible income derived in connec-

tion with services provided to another person (other than a related party) located within the United States is not treated as foreign-derived deduction eligible income, even if the other person uses the services in providing services the income from which is considered foreign-derived deduction eligible income.

Special rules with respect to related party transactions

If property is sold to a related foreign party, the sale is not treated as for a foreign use unless the property is sold by the related foreign party to another person who is unrelated and is not a U.S. person and the taxpayer establishes to the satisfaction of the Secretary that such property is for a foreign use. Income derived in connection with services provided to a related party who is not located in the United States is not treated as foreign-derived deduction eligible income unless the taxpayer establishes to the satisfaction of the Secretary that such service is not substantially similar to services provided by the related party to persons located within the United States.

For purposes of applying these rules, a related party means any member of an affiliated group as defined in section 1504(a) determined by substituting “more than 50 percent” for “at least 80 percent” each place it appears and without regard to sections 1504(b)(2) and 1504(b)(3). Any person (other than a corporation) is treated as a member of the affiliated group if the person is controlled by members of the group (including any entity treated as a member of the group by reason of this sentence) or controls any member, with control being determined under the rules of section 954(d)(3).

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with clarifications and modifications that include the following:

- The deduction for FDII and GILTI is available only to C corporations that are not RICs or REITs.¹⁵²⁴
- The deduction for GILTI applies to the amount treated as a dividend received by a domestic corporation under section 78 that is attributable to the corporation's GILTI amount under new section 951A.
- The exclusions from deduction eligible income are clarified.

¹⁵²⁴ An S corporation's taxable income is computed in the same manner as an individual (sec. 1363(b)) so that deductions allowable only to corporations, such as FDII and GILTI, do not apply. See Report by the House Committee on Ways and Means to accompany H.R. 6055, Subchapter S Revision Act of 1982, H. Rep. No. 97-826, p. 14; and Report by the Senate Committee on Finance to accompany H.R. 6055, Subchapter S Revision Act of 1982, S. Rep. 97-640, p. 15.

The Code provides that deductions for corporations provided in part VIII of subchapter B, which include the deduction for FDII and GILTI, do not apply in computing investment company taxable income (sec. 852(b)(2)(C)) or real estate investment trust taxable income (sec. 857(b)(2)(A)). Therefore, the deduction for FDII and GILTI does not apply to RICs or REITs.

¹⁵¹⁹ This formula assumes that the excess described in the preceding paragraph is positive. Otherwise there is no deduction eligible income.

¹⁵²⁰ If the quantity in this formula is negative, deemed intangible income is zero.

¹⁵²¹ For example, if a building is used in the production of \$1,000 of total gross income for a taxable year, \$250 of which was domestic oil and gas extraction income and the remaining \$750 of which was deduction eligible gross income, then 75 percent of a domestic corporation's average adjusted basis in the building is included in QBAI for that taxable year.

¹⁵²² If property is sold by a taxpayer to a person who is not a U.S. person, and after such sale the property is subject to manufacture, assembly, or other processing (including the incorporation of such property, as a component, into a second product by means of production, manufacture, or assembly) outside the United States by such person, then the property is for a foreign use.

¹⁵²³ In other words, the fact that a component is included in a piece of property that is eventually sold for a foreign use is insufficient for the sale of the component to be considered for a foreign use.

• The definition of deemed tangible income return is clarified.

Illustration of effective tax rates on FDII and GILTI

Under a 21-percent corporate tax rate, and as a result of the deduction for FDII and GILTI, the effective tax rate on FDII is 13.125 percent and the effective U.S. tax rate on GILTI (with respect to domestic corporations) is 10.5 percent for taxable years beginning after December 31, 2017, and before January 1, 2026.¹⁵²⁵ Since only a portion (80 percent) of foreign tax credits are allowed to offset U.S. tax on GILTI, the minimum foreign tax rate, with respect to GILTI, at which no U.S. residual tax is owed by a domestic corporation is 13.125 percent.¹⁵²⁶ If the foreign tax rate on GILTI is zero percent, then the U.S. residual tax rate on GILTI is 10.5 percent. Therefore, as foreign tax rates on GILTI range between zero percent and 13.125 percent, the total combined foreign and U.S. tax rate on GILTI ranges between 10.5 percent and 13.125 percent. At foreign tax rates greater than or equal to 13.125 percent, there is no residual U.S. tax owed on GILTI, so that the combined foreign and U.S. tax rate on GILTI equals the foreign tax rate.

For domestic corporations in taxable years beginning after December 31, 2025, the effective tax rate on FDII is 16.406 percent and the effective U.S. tax rate on GILTI is 13.125 percent. The minimum foreign tax rate, with respect to GILTI, at which no U.S. residual tax is owed is 16.406 percent.¹⁵²⁷

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

2. Special rules for transfers of intangible property from controlled foreign corporations to United States shareholders (sec. 14203 of the Senate amendment and new sec. 966 of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

For certain distributions of intangible property held by a CFC on the date of enactment of this provision, the fair market value of the property on the date of the distribution is treated as not exceeding the adjusted basis of the property immediately before the distribution. If the distribution is not a dividend, a U.S. shareholder's adjusted basis in the stock of the CFC with respect to which the distribution is made is increased by the amount (if any) of the distribution that would, but for this provision, be includible in gross income. The adjusted basis of the prop-

erty in the hands of the U.S. shareholder immediately after the distribution is the adjusted basis immediately before the distribution, reduced by the amount of the increase (if any) described previously.

For purposes of the provision, intangible property means intangible property as described in section 936(h)(3)(B) and computer software as described in section 197(e)(3)(B).

The provision applies to distributions that are (1) received by a domestic corporation from a CFC with respect to which it is a U.S. shareholder and (2) made by the CFC before the last day of the third taxable year of the CFC beginning after December 31, 2017.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

C. Modifications Related to Foreign Tax Credit System

1. Repeal of section 902 indirect foreign tax credits; determination of section 960 credit on current year basis (sec. 4101 of the House bill, sec. 14301 of the Senate amendment, and secs. 902 and 960 of the Code)

HOUSE BILL

The provision repeals the deemed-paid credit with respect to dividends received by a domestic corporation that owns 10 percent or more of the voting stock of a foreign corporation.

A deemed-paid credit is provided with respect to any income inclusion under subpart F. The deemed-paid credit is limited to the amount of foreign income taxes properly attributable to the subpart F inclusion. Foreign income taxes under the proposal include income, war profits, or excess profits taxes paid or accrued by the CFC to any foreign country or possession of the United States. The proposal eliminates the need for computing and tracking cumulative tax pools.

Additionally, the provision provides rules applicable to foreign taxes attributable to distributions from previously taxed earnings and profits, including distributions made through tiered-CFCs.

The Secretary is granted authority under the proposal to provide regulations and other guidance as may be necessary and appropriate to carry out the purposes of this proposal. It is anticipated that the Secretary would provide regulations with rules for allocating taxes similar to rules in place for purposes of determining the allocation of taxes to specific foreign tax credit baskets.¹⁵²⁸ Under such rules, taxes are not attributable to an item of subpart F income if the base upon which the tax was imposed does not include the item of subpart F income. For example, if foreign law exempts a certain type of income from its tax base, no deemed-paid credit results from the inclusion of such income as subpart F. Tax imposed on income that is not included in subpart F income, is not considered attributable to subpart F income.

In addition to the rules described in this section, the proposal makes several conforming amendments to various other sections of the Code reflecting the repeal of section 902 and the modification of section 960. These conforming amendments include amending the section 78 gross-up provision

to apply solely to taxes deemed paid under the amended section 960.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except with respect to certain conforming amendments.

CONFERENCE AGREEMENT

The conference agreement follows the House bill with the following modifications. The conference agreement applies the existing language of section 78, which treats the gross-up as a dividend to the domestic corporation, to foreign income taxes deemed paid under section 960(a), (b), and (d) (without regard to the phrase '80 percent of' in section 960(d)(1), except with respect to section 245 and new section 245A (i.e., the deemed dividend would not receive the benefit of the participation exemption). The conference agreement further revises new section 250(a)(1)(B) to apply the deduction with respect to inclusions under new section 951A to the section 78 gross-up.

In addition, the conference agreement eliminates the dividend reference in section 907(c)(3)(A) without disturbing the application of section 907(c)(3)(A) to certain interest payments. The conference agreement also amends section 1293(f) to provide section 960(a) credits to an inclusion of income of a qualified electing fund (as defined in section 1295) consistent with present law.

The conference agreement makes certain conforming amendments to sections 901(m), 904, 907, and 909, including replacing the reference to section 960(b) in section 904(k) to section 960(c), striking the reference to section 902 in section 904(d)(2)(E), and preserving the current applicability of sections 901(m) and 909 to all taxpayers who claim foreign tax credits, including qualified electing funds.

Effective date.—The provision applies to taxable years taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

2. Source of income from sales of inventory determined solely on basis of production activities (sec. 4102 of the House bill, sec. 14304 of the Senate amendment, and sec. 863(b) of the Code)

HOUSE BILL

Under the provision, gains, profits, and income from the sale or exchange of inventory property produced partly in, and partly outside, the United States is allocated and apportioned on the basis of the location of production with respect to the property. For example, income derived from the sale of inventory property to a foreign jurisdiction is sourced wholly within the United States if the property was produced entirely in the United States, even if title passage occurred elsewhere. Likewise, income derived from inventory property sold in the United States, but produced entirely in another country, is sourced in that country even if title passage occurs in the United States. If the inventory property is produced partly in, and partly outside, the United States, however, the income derived from its sale is sourced partly in the United States.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is identical to the House bill.

¹⁵²⁵ Due to the reduction in the effective U.S. tax rate resulting from the deduction for FDII and GILTI, the conferees expect the Secretary to provide, as appropriate, regulations or other guidance similar to that under amended section 965 with respect to the determination of basis adjustments under section 705(a)(1) and the determination of gain or loss under section 986(c).

¹⁵²⁶ 13.125 percent equals the effective GILTI rate of 10.5 percent divided by 80 percent. If the foreign tax rate on GILTI is 13.125 percent, and domestic corporations are allowed a credit equal to 80 percent of foreign taxes paid, then the post-credit foreign tax rate on GILTI equals 10.5 percent (= 13.125 percent × 80 percent), which equals the effective GILTI rate of 10.5 percent. Therefore, no U.S. residual tax is owed.

¹⁵²⁷ If the foreign tax rate on GILTI is zero percent, then the U.S. residual tax rate on GILTI is 13.125 percent. Therefore, as foreign tax rates on GILTI range between zero percent and 16.406 percent, the total combined foreign and U.S. tax rate on GILTI ranges between 13.125 percent and 16.406 percent. At foreign tax rates greater than or equal to 16.406 percent, there is no residual U.S. tax on GILTI, and the combined foreign and U.S. tax rate on GILTI equals the foreign tax rate.

¹⁵²⁸ See Treas. Reg. sec. 1.904-6(a).

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

3. Separate foreign tax credit limitation basket for foreign branch income (sec. 14302 of the Senate amendment and sec. 904 of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision requires foreign branch income to be allocated to a specific foreign tax credit basket. Foreign branch income is the business profits of a United States person which are attributable to one or more QBUs in one or more foreign countries.

Under this provision, business profits of a QBU shall be determined under rules established by the Secretary. Business profits of a QBU shall not, however, include any income which is passive category income.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

4. Acceleration of election to allocate interest, etc., on a worldwide basis (sec. 14303 of the Senate amendment and sec. 864 of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

This provision accelerates the effective date of the worldwide interest allocation rules to apply to taxable years beginning after December 31, 2017, rather than to taxable years beginning after December 31, 2020.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

D. Modification of Subpart F Provisions

1. Repeal of inclusion based on withdrawal of previously excluded subpart F income from qualified investment (sec. 4201 of the House bill, sec. 14213 of the Senate amendment, and sec. 955 of the Code)

HOUSE BILL

The provision repeals section 955. As a result, a U.S. shareholder in a CFC that invested its previously excluded subpart F income in qualified foreign base company shipping operations is no longer required to include in income a pro rata share of the previously excluded subpart F income when the CFC decreases such investments.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of U.S. shareholders within which or with which such taxable years of foreign corporations end.

SENATE AMENDMENT

The Senate amendment follows the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

2. Repeal of treatment of foreign base company oil related income as subpart F income (sec. 4202 of the House bill, sec. 14211 of the Senate amendment, and sec. 954(a) of the Code)

HOUSE BILL

The provision eliminates foreign base company oil related income as a category of foreign base company income.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

3. Inflation adjustment of de minimis exception for foreign base company income (sec. 4203 of the House bill, sec. 14212 of the Senate amendment, and sec. 954(b)(3) of the Code)

HOUSE BILL

The provision amends the *de minimis* exception of present law, which permits a CFC to exclude its foreign base company income if the sum of its total foreign base company income and gross insurance income is the lesser of five percent of its gross income or \$1,000,000. In the case of any taxable year beginning after 2017, the provision indexes for inflation the \$1,000,000 *de minimis* amount for foreign base company income, with all increases rounded to the nearest multiple of \$50,000.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment provision.

4. Look-thru rule for related controlled foreign corporations made permanent (sec. 4204 of the House bill, sec. 14217 of the Senate amendment, and sec. 954(c)(6) of the Code)

HOUSE BILL

The provision makes the exclusion from foreign personal holding company income for certain dividends, interest (including factoring income that is treated as equivalent to interest under section 954(c)(1)(E)), rents, and royalties received or accrued by one CFC from a related CFC permanent.

Effective date.—The proposal is effective for taxable years of foreign corporations beginning after December 31, 2019, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

Effective date.—The proposal is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment provision.

5. Modification of stock attribution rules for determining CFC status (sec. 4205 of the House bill, sec. 14214 of the Senate amendment, and secs. 318 and 958 of the Code)

HOUSE BILL

The provision amends the ownership attribution rules of section 958(b) so that certain stock of a foreign corporation owned by a foreign person is attributed to a related U.S. person for purposes of determining whether the related U.S. person is a U.S. shareholder of the foreign corporation and, therefore, whether the foreign corporation is a CFC. In other words, the provision provides “downward attribution” from a foreign person to a related U.S. person in circumstances in which present law does not so provide. The pro rata share of a CFC’s subpart F income that a U.S. shareholder is required to include in gross income, however, continues to be determined based on direct or indirect ownership of the CFC, without application of the new downward attribution rule.

It also conforms the reporting requirements of section 6038 to require that entities that are treated as CFCs by reason of the rules on constructive ownership are within the scope of the reporting requirements.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

SENATE AMENDMENT

The Senate amendment is similar to the House bill, except that it does not adopt the change to the reporting requirements of section 6038 and has a different effective date. Furthermore, the Senate Finance Committee explanation states that the provision is not intended to cause a foreign corporation to be treated as a controlled foreign corporation with respect to a U.S. shareholder as a result of attribution of ownership under section 318(a)(3) to a U.S. person that is not a related person (within the meaning of section 954(d)(3)) to such U.S. shareholder as a result of the repeal of section 958(b)(4).¹⁵²⁹

Effective date.—The provision is effective for the last taxable year of foreign corporations beginning before January 1, 2018 and each subsequent year of such foreign corporations and for the taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. In adopting this provision, the conferees intend to render ineffective certain transactions that are used to as a means of avoiding the subpart F provisions. One such transaction involves effectuating “de-control” of a foreign subsidiary, by taking advantage of the section 958(b)(4) rule that effectively turns off the constructive stock ownership rules of 318(a)(3) when to do otherwise would result in a U.S. person being treated as owning stock owned by a foreign person. Such a transaction converts former CFCs to non-CFCs, despite continuous ownership by U.S. shareholders.

Effective date.—The provision is effective for the last taxable year of foreign corporations beginning before January 1, 2018 and each subsequent year of such foreign corporations and for the taxable years of U.S.

¹⁵²⁹ Committee Print, *Reconciliation Recommendations Pursuant to H. Con. Res. 71*, S. Prt. 115-20, (December 2017), p. 378, as reprinted on the website of the Senate Budget Committee, available at <https://www.budget.senate.gov/taxreform>.

shareholders in which or with which such taxable years of foreign corporations end.

6. Modification of definition of United States shareholder (sec. 14215 of the Senate amendment and sec. 951 of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision expands the definition of U.S. shareholder under subpart F to include any U.S. person who owns 10 percent or more of the total value of shares of all classes of stock of a foreign corporation.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders with or without in which such taxable years of foreign corporations end.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

7. Elimination of requirement that corporation must be controlled for 30 days before subpart F inclusions apply (sec. 4206 of the House bill, sec. 14216 of the Senate amendment, and sec. 951(a)(1) of the Code)

HOUSE BILL

The provision eliminates the requirement that a corporation must be controlled for an uninterrupted period of 30 days before subpart F inclusions apply.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders with or without in which such taxable years of foreign corporations end.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders with or without in which such taxable years of foreign corporations end.

8. Current year inclusion of foreign high return amounts or global intangible low-taxed income by United States shareholders (sec. 4301 of the House bill, sec. 14201 of the Senate amendment, and secs. 78 and 960 and new sec. 951A of the Code)

HOUSE BILL

In general

Under the provision, a U.S. shareholder of any CFC must include in gross income for a taxable year an amount equal to 50 percent of its foreign high return amount ("FHRA") in a manner generally similar to inclusions of subpart F income. FHRA means, with respect to any U.S. shareholder for the shareholder's taxable year, the shareholder's net CFC tested income less an amount equal to the excess (if any) of (1) the applicable percentage of the aggregate of the shareholder's pro rata share of the qualified business asset investment ("QBAI") of each CFC with respect to which it is a U.S. shareholder over (2) the amount of interest expense taken into account in determining the shareholder's net CFC tested income. The applicable percentage is the Federal short-term rate (determined under section 1274(d) for the month in which such shareholder's taxable year ends) plus seven percentage points.

The formula for FHRA, which is calculated at the U.S. shareholder level, is generally:¹⁵³⁰

$$FHRA = \text{Net CFC Tested Income} - [(7\% + AFR) \times QBAI - \text{Interest Expense}]$$

where AFR is the short-term Federal rate.

Net CFC tested income

Net CFC tested income means, with respect to any U.S. shareholder, the excess of the aggregate of its pro rata share of the tested income of each CFC with respect to which it is a U.S. shareholder over the aggregate of its pro rata share of the tested loss of each CFC with respect to which it is a U.S. shareholder. Pro rata shares are determined under the rules of section 951(a)(2).

The formula for net CFC tested income, which is calculated at the U.S. shareholder level, is:

$$\text{Net CFC Tested Income} = \text{Sum of CFC Tested Income} - \text{Sum of CFC Tested Loss}$$

The tested income of a CFC means the excess (if any) of the gross income of the corporation determined without regard to certain exceptions to tested income, over deductions (including taxes) properly allocable to such gross income. The exceptions to tested income are: (1) the corporation's ECI if the income is subject to tax;¹⁵³¹ (2) any gross income taken into account in determining the corporation's subpart F income; (3) any amount, except as otherwise provided by the Secretary, that qualifies for CFC look-through treatment, but only to the extent that any deduction allowable for the payment or accrual of such amount does not result in a reduction of the FHRA of any U.S. shareholder (determined without regard to such amount); (4) any gross income excluded as foreign personal holding company income by reason of the exceptions for active financing income and active insurance income as well as the exception for dealers under section 954(c)(2)(C); (5) any gross income excluded from foreign base company income or insurance income by reason of the high-tax exception under section 954(b)(4); (6) any dividend received from a related person (as defined in section 954(d)(3)); and (7) any commodities gross income.

Commodities gross income means (1) gross income of a corporation (or of a partnership in which the corporation is a partner) from the disposition of commodities that it has produced or extracted and that are commodities described in sections 475(e)(2)(A) and 475(e)(2)(D), and (2) the gross income of the corporation from the disposition of property that gives rise to income described in (1). Commodities income is intended to include any foreign oil and gas extraction income¹⁵³² and any foreign oil related income.¹⁵³³

The tested loss of a CFC means the excess (if any) of the deductions (including taxes) properly allocable to the corporation's gross income determined without regard to the tested income exceptions over the amount of such gross income.

Qualified business asset investment

QBAI means, with respect to any CFC for a taxable year, the aggregate of its adjusted

¹⁵³⁰If the amount of interest expense exceeds $[(7\% + AFR) \times QBAI]$, then the quantity in brackets in the formula equals zero in the determination of FHRA.

¹⁵³¹ECI includes income that is subject to the election described in section 4303 of the House bill and new sec. 4491. As a result, income that a CFC derives from certain sales to the U.S. market is excluded from the FHRA calculation and is subject to new sec. 4491, to the extent that the sales are made to a related party.

¹⁵³²Sec. 907(c)(1).

¹⁵³³Sec. 907(c)(2).

bases (determined as of the close of the taxable year and after any adjustments with respect to such taxable year) in specified tangible property used in its trade or business and with respect to which a deduction is allowable under section 168. Specified tangible property means any tangible property to the extent such property is used in the production of tested income or tested loss. The adjusted basis in any property is determined without regard to any provision of law that is enacted after the date of enactment of this provision, unless such law specifically and directly amends this provision's definition.

If a CFC holds an interest in a partnership as of the close of the corporation's taxable year, the corporation takes into account its distributive share of the aggregate of the partnership's adjusted bases (determined as of such date in the hands of the partnership) in tangible property held by the partnership to the extent that such property is used in the trade or business of the partnership, is of a type with respect to which a deduction is allowable under section 168, and is used in the production of tested income or tested loss (determined with respect to the corporation's distributive share of income or loss with respect to such property). The corporation's distributive share of the adjusted basis of any property is the corporation's distributive share of income and loss with respect to such property.

For purposes of determining QBAI, the Secretary is authorized to issue anti-avoidance regulations or other guidance as the Secretary determines appropriate, including regulations or other guidance that provide for the treatment of property if the property is transferred or held temporarily, or if avoidance was a factor in the transfer or holding of the property.

Foreign tax credits and coordination with subpart F

Deemed-paid credit for taxes properly attributable to tested income

For any FHRA included in the gross income of a domestic corporation, the corporation is deemed to have paid foreign income taxes equal to 80 percent of its foreign high return percentage multiplied by the aggregate tested foreign income taxes paid or accrued by each CFC with respect to which the corporation is a U.S. shareholder. The foreign high return percentage is the corporation's FHRA divided by the aggregate amount of its pro rata share of the tested income of each CFC with respect to which it is a U.S. shareholder. Tested foreign income taxes are the foreign income taxes paid or accrued by a CFC that are properly attributable to gross income taken into account in determining tested income or tested loss.

The provision creates a separate foreign tax credit basket for the FHRA inclusion, with no carryforward or carryback available for excess credits. For purpose of determining the foreign tax credit limitation, any FHRA is not general category income, and income that can be classified as both a FHRA and passive category income is considered passive category income. The taxes deemed to have been paid are treated as an increase in the FHRA for purposes of section 78, determined by taking into account 100 percent of its foreign high return percentage multiplied by the aggregate tested foreign income taxes.

Coordination with subpart F

Although FHRA inclusions do not constitute subpart F income, FHRA inclusions are generally treated similarly to subpart F inclusions. Thus, with respect to any CFC

any pro rata amount from which is taken into account in determining the FHRA included in gross income of a U.S. shareholder, such amount, except as otherwise provided by the Secretary, is treated in the same manner as an amount included under section 951(a)(1)(A) for purposes of applying sections 168(h)(2)(B), 535(b)(10), 851(b), 904(h)(1), 959, 961, 962, 993(a)(1)(E), 996(f)(1), 1248(b)(1), 1248(d)(1), 6501(e)(1)(C), 6654(d)(2)(D), and 6655(e)(4).

The provision requires that the amount of FHRA included by a U.S. corporation be allocated across each CFC with respect to which it is a U.S. shareholder. The portion of the FHRA treated as being with respect to a CFC equals zero for a foreign corporation with tested loss and, for a foreign corporation with tested income, the portion of the FHRA which bears the same ratio to the total FHRA as the shareholder's pro rata amount of the tested income of the foreign corporation bears to the aggregate amount of the shareholder's pro rata share of the tested income of each CFC with respect to which it is a U.S. shareholder.

Tested losses taken into account in determining a U.S. shareholder's FHRA cannot also reduce the shareholder's inclusions in gross income under section 951(a)(1)(A) by reason of the earnings and profits limitation in section 952(c). Accordingly, a U.S. shareholder's amount included in gross income under section 951(a)(1)(A) with respect to a CFC is determined by increasing the earnings and profits of such corporation (solely for purposes of determining such amount) by an amount that bears the same ratio (not greater than 1) to the shareholder's pro rata share of the tested loss of such CFC as (1) the aggregate amount of the shareholder's pro rata share of the tested income of each CFC with respect to which it is a U.S. shareholder bears to (2) the aggregate amount of the shareholder's tested loss of each CFC with respect to which it is a U.S. shareholder. If this increase in earnings and profits results in an incremental inclusion under section 951(a)(1)(A), the CFC will increase its earnings and profits described in section 959(c)(2) by that amount and decrease its earnings and profits in section 959(c)(3) by that amount (even if that results in, or increases, a deficit).

Taxable years for which persons are treated as U.S. shareholders of a CFC

For purposes of the FHRA inclusion, a U.S. shareholder of a CFC is treated as a U.S. shareholder of the corporation for any taxable year of the shareholder if a taxable year of the corporation ends in or with the taxable year of such person and the person owns (within the meaning of section 958(a)) stock in the corporation on the last day in the taxable year of the corporation on which the corporation is a CFC. A corporation is generally treated as a CFC for any taxable year if the corporation is a CFC at any time during the taxable year.

Examples

The following examples illustrate how FHRA is calculated. The examples are highly stylized and are not meant to represent actual taxpayer scenarios.

Example 1: Two Wholly Owned CFCs, Each with Tested Income

Assume a domestic corporation, US1, wholly owns two CFCs, CFC1 and CFC2. These are the only CFCs with respect to which US1 is a U.S. shareholder. Assume that the applicable percentage to be applied to QBAI is 10 percent. The following table includes more information about CFC1 and CFC2. Assume

that their foreign sales income are items of gross income included in the computation of tested income, and that all expenses are allocable to their foreign sales income. Also assume a U.S. corporate tax rate of 20 percent, and that the foreign tax rates faced by CFC1 and CFC2 are applied evenly across each of its sources of income.

Facts for Example 1

	CFC1	CFC2
Gross Income		
Foreign Sales Income	\$300	\$2,000
Subpart F Income	\$100	\$0
Commodities Income	\$600	\$0
Expenses		
Operating Expenses	\$200	\$300
Net Income	\$800	\$1,700
Foreign Tax Rate	20 percent	5 percent
QBAI	\$500	\$0

CFC-level calculations of tested income and QBAI

CFC1 earns foreign sales income of \$300 and has deductions of \$220 (= \$20 of taxes plus \$200 of operating expenses) allocable to its foreign sales income. Therefore, it has tested income of \$80 (= \$300 - \$220) and tested foreign income tax of \$20 (= 20% × \$100). CFC1 has QBAI of \$500.

CFC2 earns foreign sales income of \$2,000 and has deductions of \$385 (= \$85 of taxes plus \$300 of operating expenses) allocable to its foreign sales income. Therefore, it has tested income of \$1,615 (= \$2,000 - \$385) and tested foreign income tax of \$85 (= 5% × \$1,700). CFC2 has QBAI of \$0.

U.S.-shareholder-level calculation of FHRA and tax liability

US1 has net CFC tested income of \$1,695, which is the sum of CFC1's tested income of \$80 and CFC2's tested income of \$1,615. Its pro rata share of QBAI is \$500 (= [100% × \$500] + [100% × \$0]). No interest expense is taken into account in determining US1's net CFC tested income. Therefore, US1's FHRA = \$1,695 - (10% × \$500) - \$0 = \$1,645.

US1 receives a deemed-paid credit equal to 80 percent of its foreign high return percentage multiplied by the aggregate tested foreign income taxes paid or accrued by CFC1 and CFC2. Its foreign high return percentage is 97.1 percent (= FHRA/Aggregate Tested Income = \$1,645/\$1,695). The aggregate tested foreign income taxes paid or accrued by CFC1 and CFC2 is \$105 (= \$20 + \$85). Therefore, US1's deemed-paid credit is 80 percent × 97.1 percent × \$105 = \$81.52.

US1 includes 50 percent of its FHRA and 50 percent of its section 78 gross-up in gross income, or \$873.45 (= 50% × [\$1,645 + \$101.90]).¹⁵³⁴ The tentative U.S. tax owed on this income is the U.S. corporate tax rate of 20 percent applied to the total inclusion of \$873.45, or \$174.69.

The residual U.S. tax paid by US1 on its FHRA is its tentative U.S. tax of \$174.69 less its deemed-paid credit of \$81.52, or \$93.17.

Example 2: Variant of Example 1, With Tested Loss

Example 2 generally has the same facts as example 1, except that CFC2 earns foreign sales of \$360. This means that CFC2 has tested income (before taking into account taxes) of \$60. Assume, for simplicity, that it still pays foreign taxes of \$85 with respect to the \$360 of foreign sales, so that its tested loss is \$25 (= \$60 - \$85) and its tested foreign income tax is \$85.

Like in Example 1, CFC1 has tested income of \$80 and tested foreign income tax of \$20.

U.S.-shareholder-level calculation of FHRA and tax liability

US1 has net CFC tested income of \$55, which is CFC1's tested income of \$80 less CFC2's tested loss of \$25. Its pro rata share of QBAI is \$500 (= [100% × \$500] + [100% × \$0]). No interest expense is taken into account in determining US1's net CFC tested income. Therefore, US1's FHRA = \$55 - (10% × \$500) - \$0 = \$5.

US1 receives a deemed-paid credit equal to 80 percent of its foreign high return percentage multiplied by the aggregate tested foreign income taxes paid or accrued by CFC1 and CFC2. Its foreign high return percentage is 6.25 percent (= FHRA/Aggregate Tested Income = \$5/\$80). The aggregate tested foreign income taxes paid or accrued by CFC1 and CFC2 is \$105 (= \$20 + \$85). Therefore, US1's deemed-paid credit is 80 percent × 6.25 percent × \$105 = \$5.25.

US1 includes 50 percent of its FHRA in gross income and 50 percent of its section 78 gross-up in gross income, or \$5.78 (= 50% × [\$5 + \$6.56]).¹⁵³⁵ The tentative U.S. tax owed on this income is the U.S. corporate tax rate of 20 percent applied to the total inclusion of \$5.78, or \$1.16.

The residual U.S. tax paid by US1 on its FHRA is its tentative U.S. tax of \$1.16 less its deemed-paid credit of \$5.25, or \$0. The amount of US1's deemed-paid credit that is unused, \$4.09, may not be carried back or carried forward.

Example 3: CFC Look-Through Payment

Example 3 illustrates how the FHRA calculation is applied when there are payments that qualify for CFC look-through treatment. Example 3 is limited to the calculation of the FHRA and does not provide calculations of the amount of U.S. or foreign income tax related to the FHRA.

USCo, a domestic corporation, wholly owns US1 and US2, each a domestic corporation. US1 wholly owns CFC1, and US2 wholly owns CFC2. These are the only CFCs with respect to which either US1 or US2 is a U.S. shareholder. Assume the applicable percentage for QBAI is 10 percent.

CFC1 has total gross income of \$100, none of which consists of a tested income exception, and has interest expense of \$30, which it pays to CFC2. CFC1 has no other deductions and has QBAI of \$200. As a result, CFC1 has tested income of \$70 (= \$100 of gross income less \$30 of interest expense). US1's net CFC tested income is \$70 and the applicable percentage of its pro rata share of QBAI is \$20 (= 10% × \$200). As CFC1's interest expense of \$30 was taken into account in determining its tested income of \$70, the excess of US1's applicable percentage of QBAI over this amount of interest expense is \$0. As a result, US1's FHRA is \$70 (= \$70 - \$0).

CFC2 has \$30 of interest income, all of which qualifies for CFC look-through treatment because CFC1 has no subpart F income. Assume CFC2 has no other gross income, no deductions, and no QBAI. CFC2's interest income is not includible in its tested income, but only to the extent a deduction for its payment or accrual does not reduce the FHRA of any U.S. shareholder. Absent the \$30 interest expense deduction used in determining its net CFC tested income, US1's net CFC tested income would have been \$100, and US1's FHRA would have been \$80 (= \$100 - \$20). With the \$30 deduction, US1's net CFC's tested income is \$70. Therefore, the deduction allowable for the payment or accrual of the interest reduced the FHRA of US1 by

¹⁵³⁴ The section 78 gross-up amount = 100 percent × 97.1 percent × \$105 = \$101.90.

¹⁵³⁵ The section 78 gross-up amount = 100 percent × 6.25 percent × \$105 = \$6.56.

\$10, so only \$20 of CFC2's interest income is excluded from tested income. As a result, CFC2 has tested income of \$10 (= \$30-\$20), and US2 has net CFC tested income of \$10 (= \$10-\$0).

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

SENATE AMENDMENT

In general

Under the provision, a U.S. shareholder of any CFC must include in gross income for a taxable year its global intangible low-taxed income ("GILTI") in a manner generally similar to inclusions of subpart F income. GILTI means, with respect to any U.S. shareholder for the shareholder's taxable year, the excess (if any) of the shareholder's net CFC tested income over the shareholder's net deemed tangible income return. The shareholder's net deemed tangible income return is an amount equal to 10 percent of the aggregate of the shareholder's pro rata share of the qualified business asset investment ("QBAI") of each CFC with respect to which it is a U.S. shareholder.

The formula for GILTI, which is calculated at the U.S. shareholder level, is:

$$GILTI = \text{Net CFC Tested Income} - (10\% \times QBAI)$$

Net CFC tested income

Net CFC tested income means, with respect to any U.S. shareholder, the excess of the aggregate of the shareholder's pro rata share of the tested income of each CFC with respect to which it is a U.S. shareholder over the aggregate of its pro rata share of the tested loss of each CFC with respect to which it is a U.S. shareholder. Pro rata shares are determined under the rules of section 951(a)(2).

The formula for net CFC tested income, which is calculated at the U.S. shareholder level, is:

$$\text{Net CFC Tested Income} = \text{Sum of CFC Tested Income} - \text{Sum of CFC Tested Loss}$$

The tested income of a CFC means the excess (if any) of the gross income of the corporation—determined without regard to certain exceptions to tested income—over deductions (including taxes) properly allocable to such gross income (referred to in this document as "tested gross income"). The exceptions to tested income are: (1) the corporation's ECI under section 952(b); (2) any gross income taken into account in determining the corporation's subpart F income; (3) any gross income excluded from foreign base company income or insurance income by reason of the high-tax exception under section 954(b)(4); (4) any dividend received from a related person (as defined in section 954(d)(3)); and (5) any foreign oil and gas extraction income (as defined in section 907(c)(1)).

The tested loss of a CFC means the excess (if any) of deductions (including taxes) properly allocable to the corporation's gross income—determined without regard to the tested income exceptions—over the amount of such gross income.

Qualified business asset investment

QBAI means, with respect to any CFC for a taxable year, the average of the aggregate of its adjusted bases, determined as of the close of each quarter of the taxable year, in specified tangible property used in its trade or business and of a type with respect to which a deduction is generally allowable under section 167. The adjusted basis in any property must be determined using the alternative depreciation system under current section 168(g), notwithstanding any provision of law (or any other section of the Senate amendment) which is enacted after the date of enactment of this provision (unless such later enacted law specifically and directly amends this provision's definition).

Specified tangible property means any property used in the production of tested income.¹⁵³⁶ If such property was used in the production of both tested income and income that is not tested income (i.e., dual-use property), the property is treated as specified tangible property in the same proportion that the amount of tested gross income pro-

duced with respect to the property bears to the total amount of gross income produced with respect to the property.¹⁵³⁷

For purposes of determining QBAI, the Secretary is authorized to issue anti-avoidance regulations or other guidance as the Secretary determines appropriate, including regulations or other guidance that provide for the treatment of property if the property is transferred or held temporarily, or if avoidance was a factor in the transfer or holding of the property.

Coordination with subpart F

Although GILTI inclusions do not constitute subpart F income, GILTI inclusions are generally treated similarly to subpart F inclusions. Thus they are generally treated in the same manner as amounts included under section 951(a)(1)(A) for purposes of applying sections 168(h)(2)(B), 535(b)(10), 904(h)(1), 959, 961, 962, 993(a)(1)(E), 996(f)(1), 1248(b)(1), 1248(d)(1), 6501(e)(1)(C), 6654(d)(2)(D), and 6655(e)(4). However, the Secretary may provide rules for coordinating the GILTI inclusion with provisions of law in which the determination of subpart F income is required to be made at the CFC level.

The provision requires that the amount of GILTI included by a U.S. shareholder be allocated across each CFC with respect to which it is a U.S. shareholder. The portion of GILTI treated as being with respect to a CFC equals zero for a CFC with no tested income and, for a CFC with tested income, the portion of GILTI which bears the same ratio to the total amount of GILTI as the U.S. shareholder's pro rata amount of tested income of the CFC bears to the aggregate amount of the U.S. shareholder's pro rata amount of the tested income of each CFC with respect to which it is a U.S. shareholder. For a CFC with tested income, the following formula expresses how to determine the portion of GILTI treated as being with respect to the CFC:

$$CFC's \text{ GILTI} = GILTI \times \left(\frac{\text{Share of CFC's Tested Income}}{\text{Share of Agg. CFC Tested Income}} \right)$$

where *Share of CFC's Tested Income* is the U.S. shareholder's pro rata amount of the tested income of a CFC and *Share of Agg. CFC Tested Income* is the aggregate amount of the U.S. shareholder's pro rata amount of the tested income of each CFC with respect to which it is a U.S. shareholder.

For purposes of the GILTI inclusion, a person is treated as a U.S. shareholder of a CFC for any taxable year only if such person owns (within the meaning of section 958(a)) stock in the corporation on the last day, in such year, on which the corporation is a CFC. A corporation is generally treated as a CFC for

any taxable year if the corporation is a CFC at any time during the taxable year.

Deemed-paid credit for taxes properly attributable to tested income

For any amount of GILTI included in the gross income of a domestic corporation, the corporation's deemed-paid credit equals 80 percent of the product of the corporation's inclusion percentage multiplied by the aggregate tested foreign income taxes paid or accrued, with respect to tested income, by each CFC with respect to which the domestic corporation is a U.S. shareholder.

The inclusion percentage means, with respect to any domestic corporation, the ratio

(expressed as a percentage) of such corporation's GILTI amount divided by the aggregate amount of its pro rata share of the tested income of each CFC with respect to which it is a U.S. shareholder (referred to as "aggregate tested income" in the formulas below). Tested foreign income taxes means, with respect to any domestic corporation that is a U.S. shareholder of a CFC, the foreign income taxes paid or accrued by the CFC that are properly attributable to the CFC's tested income.¹⁵³⁸

The deemed-paid credit with respect to the GILTI inclusion can be expressed in the following formula:

$$\text{Deemed-Paid Credit} = 80\% \times \frac{GILTI}{\text{Aggregate Tested Income}} \times \text{Aggregate Tested Foreign Income Tax}$$

¹⁵³⁶ Specified tangible property does not include property used in the production of tested loss, so that a CFC that has a tested loss in a taxable year does not have QBAI for the taxable year.

¹⁵³⁷ For example, if a building produces \$1,000 of tested gross income and \$250 of subpart F income for a taxable year, then 80 percent (= \$1,000/\$1,250) of a domestic corporation's average adjusted basis in the building is included in QBAI for that taxable year.

¹⁵³⁸ Tested foreign income taxes do not include any foreign income tax paid or accrued by a CFC that is properly attributable to the CFC's tested loss (if any).

The provision creates a separate foreign tax credit basket for GILTI, with no carryforward or carryback available for excess credits. For purposes of determining the foreign tax credit limitation, GILTI is not general category income, and income that is both GILTI and passive category income is

considered passive category income. As described in section 14301 of the Senate amendment and new section 78, the taxes deemed to have been paid are treated as an increase in GILTI for purposes of section 78, determined by taking into account 100 percent of the product of the inclusion percentage and

aggregate tested foreign income taxes (instead of 80 percent in the determination of the deemed-paid credit). Therefore, the section 78 gross-up can be expressed in the following formula:

$$\text{Section 78 Gross-Up} = 100\% \times \frac{\text{GILTI}}{\text{Aggregate Tested Income}} \times \text{Aggregate Tested Foreign Income Tax}$$

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment provision, with clarifications and modifications that include the following.

Net deemed tangible income return

The conference agreement modifies, along lines similar to an approach taken in the House bill provision, the calculation of net deemed tangible income return for purposes of determining GILTI. Net deemed tangible income return is, with respect to any U.S. shareholder for a taxable year, the excess (if any) of 10 percent of the aggregate of its pro rata share of the QBAI of each CFC with respect to which it is a U.S. shareholder over the amount of interest expense taken into account in determining its net CFC tested income for the taxable year to the extent that the interest expense exceeds the interest income properly allocable to the interest expense that is taken into account in determining its net CFC tested income. As a result, the formula for GILTI in the conference agreement is generally:¹⁵³⁹

$\text{GILTI} = \text{Net CFC Tested Income} - [(10\% \times \text{QBAI}) - \text{Interest Expense}]$

where *Interest Expense* is defined and limited in the manner described above.

Computation of tested income and tested loss

For purposes of computing deductions (including taxes) properly allocable to gross income included in tested income or tested loss with respect to a CFC, the deductions are allocated to such gross income following rules similar to the rules of section 954(b)(5) (or to which such deductions would be allocable if there were such gross income).

Calculation of pro rata shares

For purposes of determining pro rata shares in the computation of a U.S. shareholder's GILTI amount, a person is treated as a U.S. shareholder of a CFC for any taxable year of such person only if the person owns (within the meaning of section 958(a)) stock in the foreign corporation on the last day in the taxable year of the foreign corporation on which the foreign corporation is a CFC.

Qualified business asset investment

For purposes of determining a CFC's QBAI and its adjusted basis in specified tangible property, the adjusted basis is determined by allocating the depreciation deduction with respect to the property ratably to each day during the period in the taxable year to which the depreciation relates. In addition, if a CFC holds an interest in a partnership at

the close of the CFC's taxable year, the CFC takes into account its distributive share of the aggregate of the partnership's adjusted bases (determined as of such date in the hands of the partnership) in tangible property held by the partnership to the extent that the property is used in the trade or business of the partnership, is of a type with respect to which a deduction is allowable under section 167, and is used in the production of tested income (determined with respect to the CFC's distributive share of income with respect to the property). The CFC's distributive share of the adjusted basis of any property is the CFC's distributive share of income with respect to the property.

Regulatory authority to address abuse

The conferees intend that non-economic transactions intended to affect tax attributes of CFCs and their U.S. shareholders (including amounts of tested income and tested loss, tested foreign income taxes, net deemed tangible income return, and QBAI) to minimize tax under this provision be disregarded. For example, the conferees expect the Secretary to prescribe regulations to address transactions that occur after the measurement date of post-1986 earnings and profits under amended section 965, but before the first taxable year for which new section 951A applies, if such transactions are undertaken to increase a CFC's QBAI.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 2017, and for taxable years of U.S. shareholders in which or with which such taxable years of foreign corporations end.

9. Limitation on deduction of interest by domestic corporations which are members of an international group (sec. 4302 of the House bill, sec. 14221 of the Senate amendment, and new sec. 163(n) of the Code)

HOUSE BILL

The provision limits the amount of U.S. interest expense that a domestic corporation which is a member of an international financial reporting group can deduct to the sum of the member's interest income plus the allowable percentage of 110 percent of net interest expense. An international financial reporting group is a group that: (1) includes at least one foreign corporation engaged in a U.S. trade or business or at least one domestic corporation and one foreign corporation at any time during the group's reporting year, (2) prepares consolidated financial statements in accordance with U.S. Generally Accepted Accounting Principles ("GAAP"), International Financial Reporting Standards ("IFRS"), or any other comparable method identified by the Secretary,¹⁵⁴⁰ and (3) reports in such statements

average annual gross receipts in excess of \$100,000,000 (determined in the aggregate with respect to all entities which are part of such group) for the three-reporting-year period ending with such reporting year.

The allowable percentage is the ratio of a corporation's allocable share of the international financial reporting group's net interest expense over such corporation's reported net interest expense. A corporation's allocable share of an international financial reporting group's net interest expense is determined based on the corporation's share of the group's earnings (computed by adding back net interest expense, taxes, depreciation, and amortization) as reflected in the group's consolidated financial statements. A corporation's reported net interest expense is its net interest expense reported in the books and records used to prepare the group's consolidated financial statements. For international financial reporting groups that do not prepare consolidated financial statements under U.S. GAAP, IFRS, or any other comparable method identified by the Secretary and which are filed with the United States Securities and Exchange Commission, the provision provides a hierarchy of other audited consolidated financial statements that may be relied upon by such group.

The provision applies to partnerships at the partnership level under rules similar to the rules of section 3301 of the bill. The provision also applies to foreign corporations engaged in a U.S. trade or business. A U.S. consolidated group is considered a single corporation under this provision.

The amount of any interest not allowed as a deduction for any taxable year by reason of this provision or section 3301 of the bill (depending on whichever imposes the lower limitation for the amount allowed as an interest deduction with respect to such taxable year) can be carried forward as interest (and as business interest for purposes of section 3301 of the bill) for up to five years.

The following example illustrates the coordination of this provision with section 3301 of the bill in a context involving a partnership.

Example

FP, a foreign corporation, wholly owns USS, a domestic corporation. FP and USS each own 50 percent of PS, a partnership. FP, USS, and PS prepare audited consolidated financial statements in accordance with U.S. GAAP that are used for internal management purposes and under which average annual gross receipts for the 3-reporting-year period ending with the current reporting year in excess of \$100 million are reported. During the current reporting year, the FP-USS-PS group has consolidated EBITDA of 300 and consolidated interest expense of 50. During that period, USS has EBITDA of 50 (determined without regard to distributions from PS), reported interest expense of 25, business interest of 30, and adjusted taxable income (determined without regard to USS's

¹⁵³⁹ If the amount of interest expense exceeds 10% × QBAI, then the quantity in brackets in the formula equals zero in the determination of GILTI.

¹⁵⁴⁰ The International Financial Reporting Standards are a set of accounting standards commonly used for the preparation of financial statements of public companies listed in countries outside the United States.

distributive share of PS's non-separately stated taxable income or loss) of 40. Also during that period, PS has EBITDA of 150, reported interest expense of 15, business interest of 20, and adjusted taxable income of 120.

PS's business interest is deductible only to the extent it does not exceed the limitations in each of section 163(j) (as provided in section 3301 of the bill) and section 163(n) (as provided in section 4302 of the bill). PS's limitation under section 163(j) is 36, which equals 30 percent of its adjusted taxable income of 120 (*i.e.*, $30\% \times 120 = 36$). PS's limitation under section 163(n) is 22, which equals the allowable percentage (*i.e.*, $160\% = 50 \times 150 / 300 / 15$, not greater than 100%) of 110 percent of PS's business interest (*i.e.*, $22 = 110\% \times 20$). Therefore, all 20 of PS's business interest is deductible. PS's excess amount under section 163(j) (*i.e.*, $36 - 20 = 16$) and excess EBITDA under section 163(n) (*i.e.*, $150 - 300 \times 15 / 50 = 60$) flow through to its partners.

Similarly, USS's business interest is deductible only to the extent it does not exceed the limitations in each of section 163(j) and section 163(n). USS's limitation under section 163(j) is 20, which equals 30 percent of the sum of its adjustable taxable income of 40 (determined without regard to USS's distributive share of PS's non-separately stated taxable income or loss) or 12 (*i.e.*, $30\% \times 40 = 12$) plus USS's distributive share of PS's excess amount under section 163(j)(3)(B) (*i.e.*, $50\% \times 16 = 8$). USS's limitation under section 163(n) is 17.60, which equals the allowable percentage (*i.e.*, $53\% = 50 \times (50 + 30) / 300 / 25$) of 110 percent of USS's business interest (*i.e.*, $33 = 110\% \times 30$) after taking into account USS's distributive share of PS's excess EBITDA under section 163(n) (*i.e.*, $50\% \times 60 = 30$). Therefore, USS may deduct 17.60 of its 30 of business interest in the current year.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

SENATE AMENDMENT

For any domestic corporation that is a member of a worldwide affiliated group (hereinafter referred to as the "U.S. corporate members"), the provision reduces the deduction for interest paid or accrued by the corporation by the product of the net interest expense of the domestic corporation multiplied by the debt-to-equity differential percentage of the worldwide affiliated group. Net interest expense means the excess (if any) of: (1) interest paid or accrued by the taxpayer during the taxable year, over (2) the amount of interest includible in the gross income of the taxpayer for the taxable year.¹⁵⁴¹

A worldwide affiliated group is one or more chains of corporations, connected through stock ownership with a common parent that would qualify as an affiliated group under section 1504(a), with two differences. First, the ownership threshold of section 1504(a)(2) is applied using 50 percent rather than 80 percent. Second, the restrictions on inclusion described in sections 1504(b)(2), (b)(3) and (b)(4) are disregarded for purposes of identifying the worldwide affiliated group.

The debt-to-equity differential percentage means, with respect to any worldwide affiliated group, the excess domestic indebtedness of the group divided by the total indebtedness of the domestic corporations that are members of the group. All U.S. corporate members of the worldwide affiliated group

are treated as one member when determining whether the group has excess domestic indebtedness as a result of a debt-to-equity differential. Excess domestic indebtedness is the amount by which the total indebtedness of the U.S. corporate members exceeds 110 percent of the total indebtedness those members would hold if their total indebtedness to total equity ratio equaled the ratio of total indebtedness to total equity for the worldwide affiliated group. Total equity means, with respect to one or more corporations, the excess (if any) of: (1) the money and all other assets of such corporations, over (2) the total indebtedness of such corporations. For purposes of this computation, intragroup debt and equity interests are disregarded, and assets of the U.S. corporate members of the worldwide affiliated group exclude any interest held by any U.S. corporate member in any foreign corporation that is a member of the group.

The amount of any interest not allowed as a deduction for any taxable year by reason of this provision or new section 163(j) (depending on whichever imposes the lower limitation with respect to such taxable year) can be carried forward indefinitely.

The Secretary is provided regulatory authority to provide rules for: (1) the prevention of the avoidance of this provision, (2) adjustments in the case of corporations which are members of an affiliated group as may be appropriate to carry out the purposes of the provision, (3) the coordination of this provision with section 884, (4) the treatment of partnership indebtedness, allocation of partnership debt, interest, or distributive shares, and (5) the coordination of this provision with new section 163(j).

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill or the Senate amendment provision.

E. Prevention of Base Erosion

1. Base erosion using deductible cross-border payments between affiliated companies (sec. 4303 of the House bill and new secs. 4491 and 6038E of the Code; sec. 14401 of the Senate amendment and secs. 6038A and 6038C and new secs. 59A and 59B of the Code)

HOUSE BILL

In general

This provision imposes an excise tax on certain amounts paid by U.S. payors to certain related foreign recipients to the extent the amounts are deductible by the U.S. payor. However, the excise tax does not apply if the foreign recipient elects to be subject to U.S. income tax on the amounts received. In calculating the U.S. income tax liability imposed under such an election, deemed expenses are allowed as a deduction. A foreign tax credit of 80% of applicable foreign credits are allowed against the U.S. tax liability imposed by this provision if an election is made.

Excise tax

The provision provides for an excise tax on specified amounts paid or incurred by a domestic corporation to a foreign corporation if both the foreign and domestic corporations are members of the same international financial reporting group. The amount of the tax is equal to 20 percent of the specified amounts paid or incurred. The excise tax is not imposed with respect to amounts that are or are deemed to be effectively connected

with a U.S. trade or business of the foreign corporation. The excise tax imposed is neither deductible nor creditable.

A specified amount is any amount which is allowable by the payor as a deduction or includible in costs of goods sold, or inventory, or in the basis of an amortizable or depreciable asset. A specified amount does not include: (i) interest, (ii) an amount paid or incurred for the acquisition of a security defined in section 475(c)(2) (without regard to the last sentence thereof) or a commodity defined in sections 475(e)(2), that is, a commodity actively traded within the meaning of section 1092(d)(1) or an identified hedge of such commodity, or, (iii) for a payor which has elected to use a services cost method under section 482, an amount paid or incurred for services if such amount is the total services cost with no markup.

An international financial reporting group is any group of entities that prepares consolidated financial statements¹⁵⁴² if the average annual aggregate payment amount for the group for the three-year period ending in the reporting year exceeds \$100,000,000. The annual aggregate payment amount means the aggregate of the specified amounts made by U.S. members of the group to foreign members of the group during the reporting year.

Partnerships and branches

For purposes of this provision, a partnership is treated as an aggregate of its partners. Accordingly, a payment made to a partnership is treated as a payment to the partners, and a payment from a partnership is treated as a payment from the partners, in an amount equal to the partner's distributive share of the relevant item of income, gain, deduction, or loss.

For purposes of this provision, U.S. branches are treated as separate entities for purposes of determining the treatment of payments between a branch and entities other than its owner and for purposes of deemed payments between a branch and its owner.

Election to treat payments as effectively connected income

If a specified amount is paid or incurred by a domestic corporation with respect to a foreign corporation and both the foreign and domestic corporations are members of the same international financial reporting group, the foreign corporation may elect to take into account all such specified amounts as if the foreign corporation were engaged in a U.S. trade or business and had a permanent establishment and as if the payment were effectively connected with that U.S. trade or business and were attributable to the permanent establishment, irrespective of any otherwise applicable treaty. If the foreign corporation makes such election, the excise tax

¹⁵⁴²This term is defined in new section 163(n)(4) as a financial statement certified as being prepared in accordance with generally accepted accounting principles, international financial reporting standards, or any other comparable method of accounting identified by the Secretary of the Treasury and which is: (i) a 10-K (or successor form), or annual statement to shareholders required to be filed with the United States Securities and Exchange Commission, or, if this is not available, (ii) an audited financial statement used for (1) credit purposes, (2) reporting to shareholders, partners or other proprietors, or to beneficiaries, or (3) any other substantial nontax purpose, or, if (i) and (ii) are not available, (iii) filed with any other Federal or State agency for nontax purposes, or, if (i), (ii), or (iii) are not available, a financial statement used for a purpose described in (ii)(1), (2) and (3), or filed with any regulatory or governmental body, within or outside the United States, specified by the Secretary of the Treasury.

¹⁵⁴¹The Secretary is provided is regulatory authority to provide for adjustments in determining the amount of net interest expense.

is not imposed and tax is imposed on a net basis on such specified amounts less deemed expenses. The election applies for the taxable year for which the election is made and all subsequent taxable years unless revoked with consent of the Secretary of the Treasury.

In general, the amount treated as effectively connected income under this provision is treated as such for all purposes of the Code. For example, it is subject to the branch profit tax (unless otherwise reduced, such as by an applicable treaty) and is not subject to the excise tax under section 4371. However, for purposes of section 245 and new section 245A, these amounts are not treated as effectively connected income. Therefore, a distribution of earnings attributable to the amounts described in this provision is eligible for the participation DRD under new section 245A.

The deemed expenses with respect to any specified amount received by a foreign corporation during any reporting year is the amount of expenses such that the net income ratio of the foreign corporation with respect to the specified amount (taking into account only such specified amounts and such deemed expenses) is equal to the net income ratio of the international financial reporting group determined for the reporting year with respect to the product line to which the specified amount relates. The net income ratio is the ratio of net income determined without regard to income taxes, interest income, and interest expense, divided by revenue. The net income ratio is calculated in accordance with the books and records used in preparing the group's consolidated financial statements. The net income ratio is determined by taking into account only revenues and expenses of the foreign members of the international financial reporting group (other than the members of the group that are or are treated as domestic corporations for purposes of the provision) derived from, or incurred with respect to, persons that are not members of the group or members of the group that are or are treated as domestic corporations for purposes of the provision.

The following example illustrates the determination of a foreign affiliate's deemed expenses under the provision:

According to the books and records (after taking into account intercompany transactions otherwise eliminated in consolidation) of an international financial reporting group consisting of US, FSI, and FS2, a domestic corporation, US has third-party revenues of \$1000, incurs third-party expenses of \$500, and makes a \$300 payment for intercompany services to its foreign affiliate, FSI. FSI has revenues of \$500 (\$200 of which are third-party) and incurs third-party expenses of \$250. US's other foreign affiliate, FS2, has \$300 of revenues, incurs \$150 of third-party expenses, and makes a \$100 intercompany payment to US. US's entire payment to FSI is deductible for Federal income tax purposes, and FSI elects to treat the \$300 amount as subject to section 882(g)(1). On a consolidated basis, the US-FSI-FS2 group has revenues of \$1500 and incurs third-party expenses of \$900.

To determine the foreign affiliate's deemed expenses, its foreign profit margin will be determined by reference to ratio of the foreign earnings before interest and taxes ("EBIT") against the foreign revenues, with adjustments for related party inbound and outbound payments. In other words, the foreign affiliate's profit margin can be determined as follows:

$$\frac{(GEBIT - USEBIT + RPOP - RPIP)}{(GREV - USREV + RPOP)}$$

GEBIT is global EBIT (determined on a consolidated basis), USEBIT is the domestic corporation's EBIT (without regard to related party transactions), RPOP is the group's related party outbound payments made from domestic corporations to foreign affiliates, and RPIP is the group's related party inbound payments made from foreign affiliates to domestic corporations.

In the denominator, GREV is global revenues (determined on a consolidated basis) and USREV is the domestic corporation's revenues (without regard to related party transactions).

Under the aforementioned facts, the foreign affiliate's profit margin would be 37.5%, or

$$(600 - 500 + 300 - 100) \div (1500 - 1000 + 300)$$

Accordingly, of the \$300 payment from US to FSI, \$112.50 would be deemed to be income effectively connected to a US trade or business, and subject to corporate tax. The remaining \$187.50 of the payment would be deemed expenses for which FSI would be allowed a deduction.

Coordination with FDAP

Amounts treated as effectively connected income under this provision are not excluded from the definition of fixed or determinable annual or periodical ("FDAP") income. Payments subject to tax under section 881 do not constitute specified payments under this provision except to the extent that the rate of tax imposed under section 881 is reduced by a bilateral income tax treaty.

Joint and several liability

If there is an underpayment with respect to any taxable year of an electing foreign corporation which is a member of an international financial accounting group, each domestic corporation in the group is jointly and severally liable for as much of the underpayment as does not exceed the excess of such underpayment over the amount of such underpayment determined without regard to this rule and any penalty, addition to tax, or additional amount attributable to the above amount.

Foreign tax credit

The foreign tax credit allowed under section 906(a) with respect to amounts taken into account as effectively connected income is limited to 80 percent of the amount of taxes paid or accrued (and determined without regard to section 906(b)(1)). These foreign tax credits are effectively separately basketed and may not be carried backwards or forwards.

Reporting

An electing foreign corporation that receives a specified amount is required to report, with respect to each member of the international financial reporting group from which any such amount is received: (i) the name and taxpayer identification number of each member, (ii) the aggregate amounts received from each member, (iii) the product lines to which such amounts relate, the aggregate amounts relating to each product line, and the net income ratio for each product line, and (iv) a summary of changes in financial accounting methods that affect the computation of any net income ratio described above.

A domestic corporation that pays or accrues a specified amount with respect to which a foreign corporation has made the election is required to make a return according to the forms and regulations prescribed by the Secretary of the Treasury containing certain information and to maintain sufficient records to determine the tax liability

imposed by this provision. The information required to be provided is as follows: (1) the name and taxpayer identification number of the common parent of the international financial reporting group of which the domestic corporation is a member, and (2) with respect to a specified amount: (A) the name and taxpayer identification number of the recipient of the amount, (B) the aggregate amounts received by the recipient, (C) the product lines to which the amounts relate and the aggregate amounts for each product line, and the net income ratio for each product line, and (D) a summary of any changes in financial accounting methods that affect the computation of any net income ratio described in (C).

Treasury may prescribe regulations or other guidance that address reporting requirements of foreign affiliates under this provision, such as allowing reporting or elections on a group basis.

Effective date.—The provisions of this section apply to amounts paid or incurred after December 31, 2018.

SENATE AMENDMENT

In general

Under the provision, an applicable taxpayer is required to pay a tax equal to the base erosion minimum tax amount for the taxable year. The base erosion minimum tax amount is the excess of 10 percent of the modified taxable income of the taxpayer for the taxable year over an amount equal to the regular tax liability (defined in section 26(b)) of the taxpayer for the taxable year reduced (but not below zero) by the excess of an amount equal to the credits allowed under Chapter 1 less the credit allowed under section 38 (general business credits) for the taxable year allocable to the research credit under section 41(a). For taxable years beginning after December 31, 2025, two changes are made, (A) the 10-percent provided for above is changed to 12.5-percent, and (B) the regular tax liability is reduced by the aggregate amount of the credits allowed under Chapter 1 (and no other adjustment is made).¹⁵⁴³

To determine its modified taxable income, the applicable taxpayer computes its taxable income for the year without regard to any base erosion tax benefit of a base erosion payment or base erosion percentage of any allowable net operating loss deduction.

Base erosion payments

A base erosion payment generally includes any amount paid or accrued by a taxpayer to a foreign person that is a related party of the taxpayer and with respect to which a deduction is allowable under Chapter 1. Such payments also include any amount paid or accrued by the taxpayer to the related party in connection with the acquisition by the taxpayer from the related party of property of a character subject to the allowance of depreciation (or amortization in lieu of depreciation).

Base erosion payments do not include payments for cost of goods sold (which is not a deduction but rather a reduction to income). A base erosion payment includes any amount that constitutes reductions in gross receipts of the taxpayer that is paid or accrued by the taxpayer with respect to: (1) a surrogate foreign corporation which is a related party

¹⁵⁴³ In the case of an applicable taxpayer that is a member of an affiliated group (defined in section 1504(a)(1)) that includes a bank as defined in section 581 or a registered securities dealer defined in section 15(a) of the Securities Exchange Act of 1934, the rates are 11 percent instead of the abovementioned 10 percent and 13.5 percent instead of the abovementioned 12.5 percent.

of the taxpayer, but only if such person first became a surrogate foreign corporation after November 9, 2017, or (2) a foreign person that is a member of the same expanded affiliated group as the surrogate foreign corporation. A surrogate foreign corporation has the meaning given in section 7874(a)(2), but does not include a foreign corporation treated as a domestic corporation under section 7874(b).aid or accrued by the taxpayer with respect to: (1) a surrogate foreign corporation which is a related party of the taxpayer, but only if such person first became a surrogate foreign corporation after November 9, 2017, or (2) a foreign person that is a member of the same expanded affiliated group as the surrogate foreign corporation.

A base erosion payment does not apply to any amount paid or accrued by a taxpayer for services if such services meet the requirements for eligibility for use of the services cost method under section 482,¹⁵⁴⁴ determined without regard to the requirement that the services not contribute significantly to fundamental risks of business success or failure and such amount constitutes the total services cost with no markup.

Any qualified derivative payment is not treated as a base erosion payment. A qualified derivative payment means any payment made by a taxpayer pursuant to a derivative with respect to which the taxpayer: (i) recognizes gain or loss as if such derivative were sold for its fair market value on the last business day of the taxable year (and such additional times as are required by this title or the taxpayer's method of accounting), (ii) treats any gain or loss so recognized as ordinary, and (iii) treats the character of all items of income, deduction, gain or loss with respect to a payment pursuant to the derivative as ordinary.

No payment is treated as a qualified derivative payment unless the taxpayer includes in the information required to be reported under section 6038B(b)(2) with respect to such taxable year such information as is necessary to identify the payments to be so treated and such other information as the Secretary of the Treasury determines necessary to carry out the provision.

The rule for qualified derivative payments does not apply if such payment would be treated as a base erosion payment if it were not made pursuant to a derivative, including any interest, royalty, or service payment, or in the case of a contract which has derivative and nonderivative components, the payment is properly allocable to the nonderivative component.

For these purposes, the term derivative means any contract (including any option, forward contract, futures contract, short position, swap, or similar contract) the value of which, or any payment or other transfer with respect to which, is (directly or indirectly) determined by reference to one or more of the following: (i) any share of stock of a corporation, (ii) any evidence of indebtedness, (iii) any commodity which is actively traded, (iv) any currency, (v) any rate, price, amount, index, formula, or algorithm. Except as otherwise provided by the Secretary of the Treasury, American depository receipts and similar instruments with respect to shares of stock in foreign corporations are treated as shares of stock in such foreign corporations.

A base erosion tax benefit means: (i) any deduction allowed under Chapter 1 for the taxable year with respect to a base erosion payment, (ii) in the case of a base erosion

payment with respect to the purchase of property of a character subject to the allowance for depreciation (or amortization in lieu of depreciation), any deduction allowed in Chapter 1 for depreciation or amortization in lieu of depreciation with respect to the property acquired with such payment, or (iii) any reduction in gross receipts with respect to a payment described above with respect to a surrogate foreign corporation (as defined there) in computing gross income of the taxpayer for the taxable year.

Any base erosion tax benefit attributable to any base erosion payment on which tax is imposed by sections 871 or 881 and with respect to which tax has been deducted and withheld under sections 1441 or 1442, is not taken into account in computing modified taxable income as defined above. The amount not taken into account in computing modified taxable income is reduced under rules similar to the rules under section 163(j)(5)(B).¹⁵⁴⁵

The base erosion percentage means for any taxable year, the percentage determined by dividing the aggregate amount of base erosion tax benefits of the taxpayer for the taxable year by the aggregate amount of the deductions allowable to the taxpayer under Chapter 1 for the taxable year, taking into account base erosion tax benefits described above and by not taking into account any deduction allowed under sections 172, 245A or 250 for the taxable year.

Applicable taxpayers and related parties

Applicable taxpayer means with respect to any taxable year, a taxpayer: (A) which is a corporation other than a regulated investment company, a real estate investment trust, or an S corporation; (B) the average annual gross receipts of the corporation for the three-taxable-year period ending with the preceding taxable year are at least \$500 million, and (C) the base erosion percentage (as defined above) of the corporation for the taxable year is four percent or higher.

In the case of a foreign person the gross receipts of which are taken into account for purposes of this provision, only gross receipts which are taken into account in determining income effectively connected with the conduct of a trade or business within the United States is taken into account. If a foreign person's gross receipts are aggregated with a U.S. person's gross receipts for reasons described in the aggregation rules below, the preceding sentence does not apply to the gross receipts of any U.S. person which are aggregated with the taxpayer's gross receipts.

All persons treated as a single employer under section 52(a) are treated as one person for purposes of this provision, except that in applying section 1563 for purposes of section 52, the exception for foreign corporations under section 1563(b)(2)(C) is disregarded (called the "aggregation rules").

For purposes of this provision, foreign person has the meaning given in section 6038A(c)(3).

Related party means: (i) any 25-percent owner of the taxpayer, (ii) any person who is related to the taxpayer or any 25-percent owner of the taxpayer, within the meaning of sections 267(b) or 707(b)(1), and (iii) any other person related to the taxpayer within the meaning of section 482. For these purposes, section 318 regarding constructive ownership of stock applies to these related party rules except that 10-percent is substituted for 50-percent in section 318(a)(2)(C), and for these

purposes section 318(a)(3)(A), (B) and (C) do not cause a United States person to own stock owned by a person who is not a United States person.

The provision provides that the Secretary of the Treasury is to prescribe such regulations or other guidance necessary or appropriate, including regulations providing for such adjustments to the application of this section necessary to prevent avoidance of the provision, including through: (1) the use of unrelated persons, conduit transactions, or other intermediaries, or (2) transactions or arrangements designed in whole or in part: (A) to characterize payments otherwise subject to this provision as payments not subject to this provision, or (B) to substitute payments not subject to this provision for payments otherwise subject to this provision.

Information reporting requirements¹⁵⁴⁶

The provision authorizes the Secretary of the Treasury to prescribe additional reporting requirements under section 6038A relating to: (A) the name, principal place of business, and country or countries in which organized or resident of each person which: (i) is a related party to the reporting corporation, and (ii) had any transaction with the reporting corporation during its taxable year, (B) the manner of relation between the reporting corporation and the person referred to in (A), and (C) transactions between the reporting corporation and each related foreign person.

In addition, for purposes of information reporting under sections 6038A and 6038C, if the reporting corporation or the foreign corporation to which section 6038C applies is an applicable taxpayer under this provision, the information that may be required includes: (A) base erosion payments paid or accrued during the taxable year by the taxpayer to a foreign person which is a related party of the taxpayer, (B) such information as the Secretary of the Treasury finds necessary to determine the base erosion minimum amount of the taxpayer for the taxable year, and (C) such other information as the Secretary of the Treasury determines is necessary.

The penalties provided for under sections 6038A(D)(1) and (2) are both increased to \$25,000.

Effective date.—The provision applies to base erosion payments paid or accrued in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The provision in the conference agreement follows the Senate amendment with some changes, as follows.

In general

Under the provision, an applicable taxpayer is required to pay a tax equal to the base erosion minimum tax amount for the taxable year. The base erosion minimum tax amount is the excess of 10 percent¹⁵⁴⁷ of the

¹⁵⁴⁶ Section 15006 of the bill (and new section 6050Z) establishes certain reporting requirements. These reporting requirements are effective for taxable years beginning after December 31, 2024, and continue to be required regardless of whether the revenue requirement is met. Any taxpayer who makes a payment to a foreign person who is a related party (as such term is defined in section 14401 of the bill and new section 59A) of the taxpayer during the taxable year is required to make a return, according to forms and regulations prescribed by the Secretary, setting forth (1) the amount of such payments by type and separately stated and (2) any amount paid that results in a reduction of gross receipts to the taxpayer (e.g., cost of goods sold).

¹⁵⁴⁷ 5 percent rate applies for one year for base erosion payments paid or accrued in taxable years beginning after December 31, 2017.

¹⁵⁴⁴ Described in Treas. Reg. sec. 1.482-9(b).

¹⁵⁴⁵ As in effect before the date of enactment of Tax Cuts and Jobs Act.

modified taxable income of the taxpayer for the taxable year over an amount equal to the regular tax liability (defined in section 26(b)) of the taxpayer for the taxable year reduced (but not below zero) by the excess (if any) of the credits allowed under Chapter 1 against such regular tax liability over the sum of: (1) the credit allowed under section 38 for the taxable year which is properly allocable to the research credit determined under section 41(a), plus (2) the portion of the applicable section 38 credits not in excess of 80 percent of the lesser of the amount of such credits or the base erosion minimum tax amount (determined without regard to this clause (2)). For taxable years beginning after December 31, 2025, two changes are made, (A) the 10-percent provided for above is changed to 12.5-percent, and (B) the regular tax liability is reduced by the aggregate amount of the credits allowed under Chapter 1 (and no other adjustment is made).¹⁵⁴⁸

Applicable section 38 credits means the credit allowed under section 38 for the taxable year which is properly allocable to: (A) the low-income housing credit determined under section 42(a), (B) the renewable electricity production credit determined under section 45(a), and (C) the investment credit determined under section 46, but only to the extent properly allocable to the energy credit determined under section 48.

To determine its modified taxable income, the applicable taxpayer computes its taxable income for the year without regard to any base erosion tax benefit with respect to any base erosion payment or the base erosion percentage of any allowable net operating loss deduction allowed under section 172 for the taxable year.

Base erosion payments

A base erosion payment means any amount paid or accrued by a taxpayer to a foreign person that is a related party of the taxpayer and with respect to which a deduction is allowable under Chapter 1. Such payments include any amount paid or accrued by the taxpayer to the related party in connection with the acquisition by the taxpayer from the related party of property of a character subject to the allowance of depreciation (or amortization in lieu of depreciation). A base erosion payment includes any premium or other consideration paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer for any reinsurance payments taken into account under sections 803(a)(1)(B) or 832(b)(4)(A).

Base erosion payments do not include any amount that constitutes reductions in gross receipts including payments for costs of goods sold. However, base erosion payment includes any amount that constitutes reductions in gross receipts of the taxpayer that is paid or accrued by the taxpayer with respect to: (1) a surrogate foreign corporation which is a related party of the taxpayer, but only if such person first became a surrogate foreign corporation after November 9, 2017, or (2) a foreign person that is a member of the same expanded affiliated group as the surrogate foreign corporation. A surrogate foreign corporation has the meaning given in section 7874(a)(2), but does not include a foreign corporation treated as a domestic corporation under section 7874(b).

A base erosion payment does not include any amount paid or accrued by a taxpayer for services if such services meet the requirements for eligibility for use of the services cost method described in Treas. Reg. sec. 1.482-9, as in effect as of the date of enactment of TCJA, without regard to the requirement that the services not contribute significantly to fundamental risks of business success or failure and only if the payments are made for services that have no markup component.

Any qualified derivative payment is not treated as a base erosion payment. A qualified derivative payment means any payment made by a taxpayer pursuant to a derivative with respect to which the taxpayer: (i) recognizes gain or loss as if such derivative were sold for its fair market value on the last business day of the taxable year (and such additional times as are required by this title or the taxpayer's method of accounting), (ii) treats any gain or loss so recognized as ordinary, and (iii) treats the character of all items of income, deduction, gain or loss with respect to a payment pursuant to the derivative as ordinary.

No payment is treated as a qualified derivative payment unless the taxpayer includes in the information required to be reported under section 6038B(b)(2) with respect to such taxable year such information as is necessary to identify the payments to be so treated and such other information as the Secretary of the Treasury determines necessary to carry out the provision.

The rule for qualified derivative payments does not apply if a payment with respect to a derivative is in substance, or is disguising, the kind of payment that would be treated as a base erosion payment if it were not made pursuant to a derivative, including any interest, royalty, or service payment, (or any other payment subject to this provision) or in the case of a contract which has derivative and nonderivative components, the payment is properly allocable to the nonderivative component.

For these purposes, the term derivative means any contract (including any option, forward contract, futures contract, short position, swap, or similar contract) the value of which, or any payment or other transfer with respect to which, is (directly or indirectly) determined by reference to one or more of the following: (i) any share of stock of a corporation, (ii) any evidence of indebtedness, (iii) any commodity which is actively traded, (iv) any currency, (v) any rate, price, amount, index, formula, or algorithm. Except as otherwise provided by the Secretary of the Treasury, American depository receipts and similar instruments with respect to shares of stock in foreign corporations are treated as shares of stock in such foreign corporations. The term derivative does not include any item described in paragraphs (i) through (v) above nor shall the term 'derivative' include any insurance, annuity, or endowment contract issued by an insurance company to which subchapter L applies (or issued by any foreign corporation to which such subchapter would apply if such foreign corporation were a domestic corporation).

A base erosion tax benefit means: (i) any deduction allowed under Chapter 1 for the taxable year with respect to a base erosion payment, (ii) in the case of a base erosion payment with respect to the purchase of property of a character subject to the allowance for depreciation (or amortization in lieu of depreciation), any deduction allowed in Chapter 1 for depreciation or amortization in lieu of depreciation with respect to the

property acquired with such payment, or (iii) any reduction in gross receipts with respect to a payment described above with respect to a surrogate foreign corporation (as defined there) in computing gross income of the taxpayer for the taxable year.

Any base erosion tax benefit attributable to any base erosion payment on which tax is imposed by sections 871 or 881 and with respect to which tax has been deducted and withheld under sections 1441 or 1442, is not taken into account in computing modified taxable income as defined above. The amount not taken into account in computing modified taxable income is reduced under rules similar to the rules under section 163(j)(5)(B).¹⁵⁴⁹

The base erosion percentage means for any taxable year, the percentage determined by dividing the aggregate amount of base erosion tax benefits of the taxpayer for the taxable year by the aggregate amount of the deductions allowable to the taxpayer under Chapter 1 for the taxable year, taking into account base erosion tax benefits described above and by not taking into account any deduction allowed under sections 172, 245A or 250 for the taxable year, any deduction for amounts paid or accrued for services to which the exception for the services cost method (as described above) applies, and any deduction for qualified derivative payments which are not treated as a base erosion payment as described above.

Applicable taxpayers and related parties

Applicable taxpayer means with respect to any taxable year, a taxpayer: (A) which is a corporation other than a regulated investment company, a real estate investment trust, or an S corporation; (B) the average annual gross receipts of the corporation for the three-taxable-year period ending with the preceding taxable year are at least \$500 million, and (C) the base erosion percentage (as defined above) of the corporation for the taxable year is three percent or higher.¹⁵⁵⁰

In the case of a foreign person the gross receipts of which are taken into account for purposes of this provision, only gross receipts which are taken into account in determining income effectively connected with the conduct of a trade or business within the United States is taken into account. If a foreign person's gross receipts are aggregated with a U.S. person's gross receipts for reasons described in the aggregation rules below, the preceding sentence does not apply to the gross receipts of any U.S. person which are aggregated with the taxpayer's gross receipts.

All persons treated as a single employer under section 52(a) are treated as one person for purposes of this provision, except that in applying section 1563 for purposes of section 52, the exception for foreign corporations under section 1563(b)(2)(C) is disregarded (called the "aggregation rules").

For purposes of this provision, foreign person has the meaning given in section 6038A(c)(3).

Related party means: (i) any 25-percent owner of the taxpayer, (ii) any person who is related to the taxpayer or any 25-percent owner of the taxpayer, within the meaning of sections 267(b) or 707(b)(1), and (iii) any other

¹⁵⁴⁹ As in effect before the date of enactment of TCJA.

¹⁵⁵⁰ In the case of an applicable taxpayer that is a member of an affiliated group (defined in section 1504(a)(1)) that includes a bank as defined in section 581 or a registered securities dealer defined in section 15(a) of the Securities Exchange Act of 1934, the base erosion percentage of which is two percent or higher.

¹⁵⁴⁸ In the case of a taxpayer that is a member of an affiliated group (defined in section 1504(a)(1)) that includes a bank as defined in section 581 or a registered securities dealer defined in section 15(a) of the Securities Exchange Act of 1934, the rates are 6 percent instead of 5 percent, 11 percent instead of 10 percent and 13.5 percent instead of 12.5 percent.

person related to the taxpayer within the meaning of section 482. For these purposes, section 318 regarding constructive ownership of stock applies to these related party rules except that 10-percent is substituted for 50-percent in section 318(a)(2)(C), and for these purposes section 318(a)(3)(A), (B) and (C) do not cause a United States person to own stock owned by a person who is not a United States person.

The provision provides that the Secretary of the Treasury is to prescribe such regulations or other guidance necessary or appropriate, including regulations providing for such adjustments to the application of this section necessary to prevent avoidance of the provision, including through: (1) the use of unrelated persons, conduit transactions, or other intermediaries, or (2) transactions or arrangements designed in whole or in part: (A) to characterize payments otherwise subject to this provision as payments not subject to this provision, or (B) to substitute payments not subject to this provision for payments otherwise subject to this provision.

Information reporting requirements¹⁵⁵¹

The provision authorizes the Secretary of the Treasury to prescribe additional reporting requirements under section 6038A relating to: (A) the name, principal place of business, and country or countries in which organized or resident of each person which: (i) is a related party to the reporting corporation, and (ii) had any transaction with the reporting corporation during its taxable year, (B) the manner of relation between the reporting corporation and the person referred to in (A), and (C) transactions between the reporting corporation and each related foreign person.

In addition, for purposes of information reporting under sections 6038A and 6038C, if the reporting corporation or the foreign corporation to which section 6038C applies is an applicable taxpayer under this provision, the information that may be required includes: (A) base erosion payments paid or accrued during the taxable year by the taxpayer to a foreign person which is a related party of the taxpayer, (B) such information as the Secretary of the Treasury finds necessary to determine the base erosion minimum amount of the taxpayer for the taxable year, and (C) such other information as the Secretary of the Treasury determines is necessary.

The penalties provided for under sections 6038A(D)(1) and (2) are both increased to \$25,000.

Effective date.—The provision applies to base erosion payments paid or accrued in taxable years beginning after December 31, 2017.

2. Limitations on income shifting through intangible property transfers (sec. 14222 of the bill and secs. 367, 482, and 936 of the Code)

HOUSE BILL

No provision.

¹⁵⁵¹ Section 15006 of the bill (and new section 6050Z) establishes certain reporting requirements. These reporting requirements are effective for taxable years beginning after December 31, 2024, and continue to be required regardless of whether the revenue requirement is met. Any taxpayer who makes a payment to a foreign person who is a related party (as such term is defined in section 14401 of the bill and new section 59A) of the taxpayer during the taxable year is required to make a return, according to forms and regulations prescribed by the Secretary, setting forth (1) the amount of such payments by type and separately stated and (2) any amount paid that results in a reduction of gross receipts to the taxpayer (e.g., cost of goods sold).

SENATE AMENDMENT

The provision addresses recurring definitional and methodological issues that have arisen in controversies¹⁵⁵² in transfers of intangible property for purposes of sections 367(d) and 482, both of which use the statutory definition of intangible property in section 936(h)(3)(B). The provision revises that definition and confirms the authority to require certain valuation methods. It does not modify the basic approach of the existing transfer pricing rules with regard to income from intangible property.

Under the provision, workforce in place, goodwill (both foreign and domestic), and going concern value are intangible property within the meaning of section 936(h)(3)(B), as is the residual category of “any similar item” the value of which is not attributable to tangible property or the services of an individual. The flush language at the end of that subparagraph is removed, to make clear that the source or amount of value is not relevant to whether property that is one of the specified types of intangible property is within the scope of the definition.

The provision clarifies the authority of the Secretary to specify the method to be used to determine the value of intangible property, both with respect to outbound restructurings of U.S. operations and to intercompany pricing allocations,¹⁵⁵³ by amending 482 as well as the grant of regulatory authority under section 367 regarding the use of aggregate basis valuation and the application of the realistic alternative principle.

With respect to aggregate basis valuation, the provision requires use of that method of valuation in the case of transfers of multiple intangible properties in one or more related transactions if the Secretary determines that an aggregate basis achieves a more reliable result than an asset-by-asset approach. The provision is consistent with the position that the additional value that results from the interrelation of intangible assets can be properly attributed to the underlying intangible assets in the aggregate, where doing so yields a more reliable result. This approach is also consistent with Tax Court decisions in cases outside of the section 482 context, where collections of multiple, related intangible assets were viewed by the Tax Court in the aggregate.¹⁵⁵⁴ Finally, it is also consistent with the cost-sharing regulations.¹⁵⁵⁵

¹⁵⁵² *Veritas v. Commissioner*, 133 T.C. No. 14 (December 10, 2009), *non-acq.*, IRB 2010-49 (December 6, 2010), (stating that including goodwill and going concern value within the definition would “expand[]” that definition, and that “taxpayers are merely required to be compliant, not prescient”); *Amazon v. Commissioner*, 148 T.C. No. 8 (2017) (holding that “workforce in place, going concern value, goodwill, and what trial witnesses described as ‘growth options’ and corporate ‘resources’ or ‘opportunities’” all fell outside the definition under present law).

¹⁵⁵³ Secs. 367(d) and 482.

¹⁵⁵⁴ See, e.g., *Kraft Foods Co. v. Commissioner*, 21 T.C. 513 (1954) (thirty-one related patents must be valued as a group and the useful life for depreciation should be based on the average of the patents’ useful lives); *Standard Conveyor Co. v. Commissioner*, 25 B.T.A. 281, p. 283 (1932) (“[I]t is evident that it is impossible to value these seven patents separately. Their value, as in the case of many groups of patents representing improvements on the prior art, appears largely to consist of their combination.”); *Massey-Ferguson, Inc. v. Commissioner*, 59 T.C. 220 (1972) (taxpayer who abandoned a distribution network of contracts with separate distributorships was entitled to an abandonment loss for the entire network in the taxable year during which the last of the contracts was terminated because that was the year in which the entire intangible value was lost).

¹⁵⁵⁵ See Treas. Reg. sec. 1.482-7(g)(2)(iv) (if multiple transactions in connection with a cost-sharing ar-

The provision codifies use of the realistic alternative principles to determine valuation with respect to intangible property transactions. The realistic alternative principle is predicated on the notion that a taxpayer will only enter into a particular transaction if none of its realistic alternatives is economically preferable to the transaction under consideration. For example, under the existing regulations provide the IRS with the ability to determine an arm’s-length price by reference to a transaction (such as the owner of intangible property using it to make a product itself) that is different from the transaction that was actually completed (such as the owner of that same intangible property licensing the manufacturing rights and then buying the product from the licensee).

Effective date.—The provision applies to transfers in taxable years beginning after December 31, 2017. No inference is intended with respect to application of section 936(h)(3)(B) or the authority of the Secretary to provide by regulation for such application with respect to taxable years beginning before January 1, 2018.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

3. Certain related party amounts paid or accrued in hybrid transactions or with hybrid entities (sec. 14223 of the Senate amendment and sec. 267A of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision denies a deduction for any disqualified related party amount paid or accrued pursuant to a hybrid transaction or by, or to, a hybrid entity. A disqualified related party amount is any interest or royalty paid or accrued to a related party to the extent that: (1) there is no corresponding inclusion to the related party under the tax law of the country of which such related party is a resident for tax purposes or is subject to tax, or (2) such related party is allowed a deduction with respect to such amount under the tax law of such country. A disqualified related party amount does not include any payment to the extent such payment is included in the gross income of a U.S. shareholder under section 951(a). A related party for these purposes is determined under the rules of section 954(d)(3), except that such section applies with respect to the payor as opposed to the CFC otherwise referred to in such section.

A hybrid transaction is any transaction, series of transactions, agreement, or instrument one or more payments with respect to which are treated as interest or royalties for Federal income tax purposes and which are not so treated for purposes of the tax law of the foreign country of which the recipient of such payment is resident for tax purposes or is subject to tax. A hybrid entity is any entity which is either: (1) treated as fiscally transparent for Federal income tax purposes but not so treated for purposes of the tax law of the foreign country of which the entity is resident for tax purposes or is subject to tax, or (2) treated as fiscally transparent for purposes of the tax law of the foreign country of

agement involve platform, operating and other contributions of resources, capabilities or rights that are reasonably anticipated to be interrelated, then determination of the arm’s-length charge for platform contribution transactions and other transactions on an aggregate basis may provide the most reliable measure of an arm’s-length result).

which the entity is resident for tax purposes or is subject to tax but not so treated for Federal income tax purposes.

The provision further provides that the Secretary shall issue regulations or other guidance as may be necessary or appropriate to carry out the purposes of the provision, including regulations or other guidance providing rules for: (1) denying deductions for conduit arrangements that involve a hybrid transaction or a hybrid entity, (2) the application of this provision to foreign branches, (3) applying this provision to certain structured transactions, (4) denying all or a portion of a deduction claimed for an interest or a royalty payment that, as a result of the hybrid transaction or entity, is included in the recipient's income under a preferential tax regime of the country of residence of the recipient and has the effect of reducing the country's generally applicable statutory tax rate by at least 25 percent, (5) denying all of a deduction claimed for an interest or a royalty payment if such amount is subject to a participation exemption system or other system which provides for the exclusion or deduction of a substantial portion of such amount, (6) rules for determining the tax residence of a foreign entity if the foreign entity is otherwise considered a resident of more than one country or of no country, (7) exceptions to the general rule set forth in the provision, and (8) requirements for record keeping and information in addition to any requirements imposed by section 6038A.

Effective date.—The provision shall apply to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with the following modifications. The bill provides that the Secretary shall issue regulations or other guidance as may be necessary or appropriate to carry out the purposes of the provision for branches (domestic or foreign) and domestic entities, even if such branches or entities do not meet the statutory definition of a hybrid entity.

4. Shareholders of surrogate foreign corporations not eligible not eligible for reduced rate on dividends (sec. 14225 of the Senate amendment and sec. 1 of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

Any individual shareholder who receives a dividend from a corporation which is a surrogate foreign corporation as defined in section 7874(a)(2)(B), other than a foreign corporation which is treated as a domestic corporation under section 7874(b), is not entitled to the lower rates on qualified dividends provided for in section 1(h).

Effective date.—The provision is effective for dividends paid in taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with a modification. The modification is that the provision applies to dividends received from foreign corporations that first become surrogate foreign corporations after date of enactment.

Effective date.—The provision is effective for dividends received after date of enactment.

F. Provisions Related to the Possessions of the United States

1. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico (sec. 4401 of the House bill and sec. 199 of the Code)

PRESENT LAW

In general

Present law generally provides a deduction from taxable income (or, in the case of an individual, adjusted gross income) that is equal to nine percent of the lesser of the taxpayer's qualified production activities income or taxable income for the taxable year. For taxpayers subject to the 35-percent corporate income tax rate, the nine-percent deduction effectively reduces the corporate income tax rate to slightly less than 32 percent on qualified production activities income.

In general, qualified production activities income is equal to domestic production gross receipts reduced by the sum of: (1) the costs of goods sold that are allocable to those receipts; and (2) other expenses, losses, or deductions which are properly allocable to those receipts.

Domestic production gross receipts generally are gross receipts of a taxpayer that are derived from: (1) any sale, exchange, or other disposition, or any lease, rental, or license, of qualifying production property¹⁵⁵⁶ that was manufactured, produced, grown or extracted by the taxpayer in whole or in significant part within the United States; (2) any sale, exchange, or other disposition, or any lease, rental, or license, of qualified film¹⁵⁵⁷ produced by the taxpayer; (3) any lease, rental, license, sale, exchange, or other disposition of electricity, natural gas, or potable water produced by the taxpayer in the United States; (4) construction of real property performed in the United States by a taxpayer in the ordinary course of a construction trade or business; or (5) engineering or architectural services performed in the United States for the construction of real property located in the United States.

The amount of the deduction for a taxable year is limited to 50 percent of the wages paid by the taxpayer, and properly allocable to domestic production gross receipts, during the calendar year that ends in such taxable year.¹⁵⁵⁸ Wages paid to bona fide residents of Puerto Rico generally are not included in the definition of wages for purposes of computing the wage limitation amount.¹⁵⁵⁹

Rules for Puerto Rico

When used in the Code in a geographical sense, the term "United States" generally includes only the States and the District of

¹⁵⁵⁶ Qualifying production property generally includes any tangible personal property, computer software, and sound recordings.

¹⁵⁵⁷ Qualified film includes any motion picture film or videotape (including live or delayed television programming, but not including certain sexually explicit productions) if 50 percent or more of the total compensation relating to the production of the film (including compensation in the form of residuals and participations) constitutes compensation for services performed in the United States by actors, production personnel, directors, and producers.

¹⁵⁵⁸ For purposes of the provision, "wages" include the sum of the amounts of wages as defined in section 3401(a) and elective deferrals that the taxpayer properly reports to the Social Security Administration with respect to the employment of employees of the taxpayer during the calendar year ending during the taxpayer's taxable year.

¹⁵⁵⁹ Section 3401(a)(8)(C) excludes wages paid to U.S. citizens who are bona fide residents of Puerto Rico from the term wages for purposes of income tax withholding.

Columbia.¹⁵⁶⁰ A special rule for determining domestic production gross receipts, however, provides that in the case of any taxpayer with gross receipts from sources within the Commonwealth of Puerto Rico, the term "United States" includes the Commonwealth of Puerto Rico, but only if all of the taxpayer's Puerto Rico-sourced gross receipts are taxable under the Federal income tax for individuals or corporations.¹⁵⁶¹ In computing the 50-percent wage limitation, the taxpayer is permitted to take into account wages paid to bona fide residents of Puerto Rico for services performed in Puerto Rico.¹⁵⁶²

The special rules for Puerto Rico apply only with respect to the first 11 taxable years of a taxpayer beginning after December 31, 2005 and before January 1, 2017.

HOUSE BILL

The provision extends the special domestic production activities rules for Puerto Rico to apply for the first 12 taxable years of a taxpayer beginning after December 31, 2005 and before January 1, 2018.

Effective date.—The provision is effective for taxable years beginning after December 31, 2016.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

2. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands (sec. 4402 of the House bill and sec. 7652(f) of the Code)

PRESENT LAW

A \$13.50 per proof gallon¹⁵⁶³ excise tax is imposed on distilled spirits produced in or imported into the United States.¹⁵⁶⁴ The excise tax does not apply to distilled spirits that are exported from the United States, including exports to U.S. possessions (e.g., Puerto Rico and the U.S. Virgin Islands).¹⁵⁶⁵

The Code provides for cover over (payment) to Puerto Rico and the U.S. Virgin Islands of the excise tax imposed on rum imported (or brought) into the United States, without regard to the country of origin.¹⁵⁶⁶ The amount of the cover over is limited under section 7652(f) to the lesser of (1) \$10.50 per proof gallon (\$13.25 per proof gallon before January 1, 2017) or (2) the excise tax imposed under section 5001(a)(1) on each proof gallon.

Tax amounts attributable to shipments to the United States of rum produced in Puerto Rico are covered over to Puerto Rico. Tax amounts attributable to shipments to the United States of rum produced in the U.S. Virgin Islands are covered over to the U.S. Virgin Islands. Tax amounts attributable to shipments to the United States of rum produced in neither Puerto Rico nor the U.S. Virgin Islands are divided and covered over to the two possessions under a formula.¹⁵⁶⁷ Amounts covered over to Puerto Rico and the U.S. Virgin Islands are deposited into the treasuries of the two possessions for use as

¹⁵⁶⁰ Sec. 7701(a)(9).

¹⁵⁶¹ Sec. 199(d)(8)(A).

¹⁵⁶² Sec. 199(d)(8)(B).

¹⁵⁶³ A proof gallon is a liquid gallon consisting of 50 percent alcohol. See secs. 5002(a)(10) and (11).

¹⁵⁶⁴ Sec. 5001(a)(1).

¹⁵⁶⁵ Secs. 5214(a)(1)(A), 5002(a)(15), 7653(b) and (c).

¹⁵⁶⁶ Secs. 7652(a)(3), (b)(3), and (e)(1). One percent of the amount of excise tax collected from imports into the United States of articles produced in the U.S. Virgin Islands is retained by the United States under section 7652(b)(3).

¹⁵⁶⁷ Secs. 7652(e)(2).

those possessions determine.¹⁵⁶⁸ All of the amounts covered over are subject to the limitation.

HOUSE BILL

The provision suspends for six years the \$10.50 per proof gallon limitation on the amount of excise taxes on rum covered over to Puerto Rico and the U.S. Virgin Islands. Under the provision, the cover-over limitation of \$13.25 per proof gallon is extended for rum brought into the United States after December 31, 2016 and before January 1, 2023. After December 31, 2022, the cover over amount reverts to \$10.50 per proof gallon.

Effective date.—The provision applies to distilled spirits brought into the United States after December 31, 2016.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

3. Extension of American Samoa economic development credit (sec. 4403 of the House bill and sec. 119 of Pub. L. No. 109-432)

PRESENT LAW

A domestic corporation that was an existing credit claimant with respect to American Samoa and that elected the application of section 936 for its last taxable year beginning before January 1, 2006 is allowed a credit based on the corporation's economic activity-based limitation with respect to American Samoa. The credit is not part of the Code but is computed based on the rules of sections 30A and 936. The credit is allowed for the first eleven taxable years of a corporation that begin after December 31, 2005, and before January 1, 2017.

A corporation was an existing credit claimant with respect to a American Samoa if (1) the corporation was engaged in the active conduct of a trade or business within American Samoa on October 13, 1995, and (2) the corporation elected the benefits of the possession tax credit¹⁵⁶⁹ in an election in effect

for its taxable year that included October 13, 1995.¹⁵⁷⁰ A corporation that added a substantial new line of business (other than in a qualifying acquisition of all the assets of a trade or business of an existing credit claimant) ceased to be an existing credit claimant as of the close of the taxable year ending before the date on which that new line of business was added.

The amount of the credit allowed to a qualifying domestic corporation under the provision is equal to the sum of the amounts used in computing the corporation's economic activity-based limitation with respect to American Samoa, except that no credit is allowed for the amount of any American Samoa income taxes. Thus, for any qualifying corporation the amount of the credit equals the sum of (1) 60 percent of the corporation's qualified American Samoa wages and allocable employee fringe benefit expenses and (2) 15 percent of the corporation's depreciation allowances with respect to short-life qualified American Samoa tangible property, plus 40 percent of the corporation's depreciation allowances with respect to medium-life qualified American Samoa tangible property, plus 65 percent of the corporation's depreciation allowances with respect to long-life qualified American Samoa tangible property.

The section 936(c) rule denying a credit or deduction for any possessions or foreign tax paid with respect to taxable income taken into account in computing the credit under section 936 does not apply with respect to the credit allowed by the provision.

For taxable years beginning after December 31, 2016 the credit rules are modified in two ways. First, domestic corporations with operations in American Samoa are allowed the credit even if those corporations are not existing credit claimants. Second, the credit is available to a domestic corporation (either an existing credit claimant or a new credit claimant) only if, in addition to satisfying all the present law requirements for claiming the credit, the corporation also has qualified production activities income (as defined in section 199(c)) by substituting "American Samoa" for "the United States" in each place that latter term appears).

In the case of a corporation that is an existing credit claimant with respect to American Samoa and that elected the application of section 936 for its last taxable year beginning before January 1, 2006, the credit applies to the first nine taxable years of the corporation which begin after December 31, 2005, and before January 1, 2017. For any other corporation, the credit applies to the first three taxable years of that corporation which begin after December 31, 2011 and before January 1, 2017.

HOUSE BILL

The provision extends the credit for five years to apply (a) in the case of a corporation that is an existing credit claimant with

satisfy two conditions. First, the corporation was required to derive at least 80 percent of its gross income for the three-year period immediately preceding the close of the taxable year from sources within a possession. Second, the corporation was required to derive at least 75 percent of its gross income for that same period from the active conduct of a possession business. Sec. 936(a)(2). The section 936 credit generally expired for taxable years beginning after December 31, 2005.

¹⁵⁷⁰ A corporation will qualify as an existing credit claimant if it acquired all the assets of a trade or business of a corporation that (1) actively conducted that trade or business in a possession on October 13, 1995, and (2) had elected the benefits of the possession tax credit in an election in effect for the taxable year that included October 13, 1995.

respect to American Samoa and that elected the application of section 936 for its last taxable year beginning before January 1, 2006, to the first 17 taxable years of the corporation which begin after December 31, 2005, and before January 1, 2023, and (b) in the case of any other corporation, to the first 11 taxable years of the corporation which begin after December 31, 2011 and before January 1, 2023.

For purposes of this provision, section 119(e) of division A of the Tax Relief and Health Care Act of 2006¹⁵⁷¹ is amended to indicate that any reference to section 199 of the Code is to be treated as a reference to section 199 as in effect before its repeal by the House bill.

Effective date.—The provision is effective for taxable years beginning after December 31, 2016.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the House bill provision.

G. Other International Reforms

1. Restriction on insurance business exception to the passive foreign investment company rules (sec. 4501 of the House bill, sec. 14502 of the Senate amendment, and sec. 1297 of the Code)

PRESENT LAW

Passive foreign investment companies.

The Tax Reform Act of 1986¹⁵⁷² established the PFIC anti-deferral regime. A PFIC is generally defined as any foreign corporation if 75 percent or more of its gross income for the taxable year consists of passive income, or 50 percent or more of its assets consists of assets that produce, or are held for the production of, passive income.¹⁵⁷³ Alternative sets of income inclusion rules apply to U.S. persons that are shareholders in a PFIC, regardless of their percentage ownership in the company. One set of rules applies to PFICs that are qualified electing funds, under which electing U.S. shareholders currently include in gross income their respective shares of the company's earnings, with a separate election to defer payment of tax, subject to an interest charge, on income not currently received.¹⁵⁷⁴ A second set of rules applies to PFICs that are not qualified electing funds, under which U.S. shareholders pay tax on certain income or gain realized through the company, plus an interest charge that is attributable to the value of deferral.¹⁵⁷⁵ A third set of rules applies to PFIC stock that is marketable, under which electing U.S. shareholders currently take into account as income (or loss) the difference between the fair market value of the stock as of the close of the taxable year and their adjusted basis in such stock (subject to certain limitations), often referred to as "marking to market."¹⁵⁷⁶

Under the PFIC regime, passive income is any income which is of a kind that would be foreign personal holding company income, including dividends, interest, royalties, rents, and certain gains on the sale or exchange of property, commodities, or foreign currency. However, among other exceptions, passive income does not include any income derived in the active conduct of an insurance business by a corporation that is predominantly engaged in an insurance business and

¹⁵⁷¹ Tax Relief and Health Care Act of 2006, Pub. L. No. 109-432, sec. 119.

¹⁵⁷² Pub. L. No. 99-514.

¹⁵⁷³ Sec. 1297.

¹⁵⁷⁴ Secs. 1293-1295.

¹⁵⁷⁵ Sec. 1291.

¹⁵⁷⁶ Sec. 1296.

¹⁵⁶⁸ Secs. 7652(a)(3), (b)(3), and (e)(1).

¹⁵⁶⁹ For taxable years beginning before January 1, 2006, certain domestic corporations with business operations in the U.S. possessions were eligible for the possession tax credit. Secs. 27(b) and 936. This credit offset the U.S. tax imposed on certain income related to operations in the U.S. possessions. Subject to certain limitations, the amount of the possession tax credit allowed to any domestic corporation equaled the portion of that corporation's U.S. tax that was attributable to the corporation's non-U.S. source taxable income from (1) the active conduct of a trade or business within a U.S. possession, (2) the sale or exchange of substantially all of the assets that were used in such a trade or business, or (3) certain possessions investment. No deduction or foreign tax credit was allowed for any possessions or foreign tax paid or accrued with respect to taxable income that was taken into account in computing the credit under section 936. Under the economic activity-based limit, the amount of the credit could not exceed an amount equal to the sum of (1) 60 percent of the taxpayer's qualified possession wages and allocable employee fringe benefit expenses, (2) 15 percent of depreciation allowances with respect to short-life qualified tangible property, plus 40 percent of depreciation allowances with respect to medium-life qualified tangible property, plus 65 percent of depreciation allowances with respect to long-life qualified tangible property, and (3) in certain cases, a portion of the taxpayer's possession income taxes. A taxpayer could elect, instead of the economic activity-based limit, a limit equal to the applicable percentage of the credit that otherwise would have been allowable with respect to possession business income, beginning in 1998, the applicable percentage was 40 percent.

To qualify for the possession tax credit for a taxable year, a domestic corporation was required to

that would be subject to tax under subchapter L if it were a domestic corporation.¹⁵⁷⁷ In applying the insurance exception, the IRS analyzes whether risks assumed under contracts issued by a foreign company organized as an insurer are truly insurance risks, whether the risks are limited under the terms of the contracts, and the status of the company as an insurance company.¹⁵⁷⁸

HOUSE BILL

The provision modifies the requirements for a corporation the income of which is not included in passive income for purposes of the PFIC rules. The provision replaces the test based on whether a corporation is predominantly engaged in an insurance business with a test based on the corporation's insurance liabilities.¹⁵⁷⁹ The requirement that the foreign corporation would be subject to tax under subchapter L if it were a domestic corporation is retained.

Under the provision, passive income for purposes of the PFIC rules does not include income derived in the active conduct of an insurance business by a corporation (1) that would be subject to tax under subchapter L if it were a domestic corporation; and (2) the applicable insurance liabilities of which constitute more than 25 percent of its total assets as reported on the company's applicable financial statement for the last year ending with or within the taxable year.

For the purpose of the provision's exception from passive income, applicable insurance liabilities mean, with respect to any property and casualty or life insurance business (1) loss and loss adjustment expenses, (2) reserves (other than deficiency, contingency, or unearned premium reserves) for life and health insurance risks and life and health insurance claims with respect to contracts providing coverage for mortality or morbidity risks. This includes loss reserves for property and casualty, life, and health insurance contracts and annuity contracts. Unearned premium reserves with respect to any type of risk are not treated as applicable insurance liabilities for purposes of the provision. For purposes of the provision, the amount of any applicable insurance liability may not exceed the lesser of such amount (1) as reported to the applicable insurance regulatory body in the applicable financial statement (or, if less, the amount required by applicable law or regulation), or (2) as deter-

mined under regulations prescribed by the Secretary.

An applicable financial statement is a statement for financial reporting purposes that (1) is made on the basis of generally accepted accounting principles, (2) is made on the basis of international financial reporting standards, but only if there is no statement made on the basis of generally accepted accounting principles, or (3) except as otherwise provided by the Secretary in regulations, is the annual statement required to be filed with the applicable insurance regulatory body, but only if there is no statement made on either of the foregoing bases. Unless otherwise provided in regulations, it is intended that generally accepted accounting principles means U.S. GAAP.

The applicable insurance regulatory body means, with respect to any insurance business, the entity established by law to license, authorize, or regulate such insurance business and to which the applicable financial statement is provided. For example, in the United States, the applicable insurance regulatory body is the State insurance regulator to which the corporation provides its annual statement.

If a corporation fails to qualify solely because its applicable insurance liabilities constitute 25 percent or less of its total assets, a United States person who owns stock of the corporation may elect in such manner as the Secretary prescribes to treat the stock as stock of a qualifying insurance corporation if (1) the corporation's applicable insurance liabilities constitute at least 10 percent of its total assets, and (2) based on the applicable facts and circumstances, the corporation is predominantly engaged in an insurance business, and its failure to qualify under the 25 percent threshold is due solely to runoff-related or rating-related circumstances involving such insurance business.

Facts and circumstances that tend to show the firm may not be predominantly engaged in an insurance business include a small number of insured risks with low likelihood but large potential costs; workers focused to a greater degree on investment activities than underwriting activities; and low loss exposure. Additional relevant facts for determining whether the firm is predominantly engaged in an insurance business include: claims payment patterns for the current and prior years; the firm's loss exposure as calculated for a regulator such as the SEC or for a rating agency, or if those are not calculated, for internal pricing purposes; the percentage of gross receipts constituting premiums for the current and prior years; and the number and size of insurance contracts issued or taken on through reinsurance by the firm. The fact that a firm has been holding itself out as an insurer for a long period is not determinative either way.

Runoff-related or rating-related circumstances include, for example, the fact that the company is in runoff, that is, it is not taking on new insurance business (and consequently has little or no premium income), and is using its remaining assets to pay off claims with respect to pre-existing insurance risks on its books. Such circumstances also include, for example, the application to the company of specific requirements with respect to capital and surplus relating to insurance liabilities imposed by a rating agency as a condition of obtaining a rating necessary to write new insurance business for the current year.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

Effective date.—The provision applies to taxable years beginning after December 31, 2017.

2. Repeal of fair market value of interest expense apportionment (sec. 14503 of the Senate amendment and sec. 864 of the Code)

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision prohibits members of a U.S. affiliated group from allocating interest expense on the basis of the fair market value of assets for purposes of section 864(e). Instead, the members must allocate interest expense based on the adjusted tax basis of assets.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision is effective for taxable years beginning after December 31, 2017.

3. Modification to source rules involving possessions (sec. 14504 of the Senate amendment and sec. 865 of the Code)

PRESENT LAW

In general

The U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands have income tax systems that “mirror” the U.S. Code, with the latter two possessions being permitted under current law to delink and use their own tax systems provided certain conditions are met. The U.S. Virgin Islands may also impose certain local income taxes in addition to taxes imposed by the mirror Code. The Code provides rules for coordination of United States and U.S. Virgin Islands taxation.¹⁵⁸⁰ It permits the U.S. Virgin Islands to reduce or remit tax otherwise imposed by the mirror code if the tax is attributable to U.S. Virgin Islands source income or income effectively connected to the conduct of a trade or business in U.S. Virgin Islands.¹⁵⁸¹ The U.S. Virgin Islands has exercised that authority to provide development incentives for certain types of businesses operating within its borders. Under such initiatives, companies can receive a 90 percent reduction in their tax liability on certain income.

Taxation of individuals

Under the mirror Code, U.S. Virgin Islands citizens and residents are taxable on their worldwide income. A foreign tax credit is allowed for income taxes paid to the United States, foreign countries, and other possessions of the United States. In general, a bona fide resident of the U.S. Virgin Islands is required to file and pay tax only to the possession; compliance with that obligation satisfies any Federal income tax filing obligation.

¹⁵⁸⁰ Secs. 932 and 934.

¹⁵⁸¹ Sec. 934. In general, a bona fide resident of the U.S. Virgin Islands is required to file and pay tax only to the possession. Persons incurring income tax liability in both the United States and the U.S. Virgin Islands are required to file tax returns and pay income tax to both jurisdictions.

¹⁵⁷⁷ Sec. 1297(b)(2)(B).

¹⁵⁷⁸ Notice 2003-34, 2003-C.B. 1 990, June 9, 2003. See also, Prop. Treas. Reg. sec. 1.1297-4, 26 CFR Part 1, REG-108214-15, April 24, 2015.

¹⁵⁷⁹ Treasury regulations proposed in 2015 have taken a different approach that is based on the current statutory rule. Prop. Treas. Reg. sec. 1.1297-4, 26 CFR Part 1, REG-108214-15, April 24, 2015. The proposed regulations provide that “the term insurance business means the business of issuing insurance and annuity contracts and the reinsuring of risks underwritten by insurance companies, together with those investment activities and administrative services that are required to support or are substantially related to insurance and annuity contracts issued or reinsured by the foreign corporation.” The proposed regulations provide that an investment activity is an activity producing foreign personal holding company income, and that is “required to support or [is] substantially related to insurance and annuity contracts issued or reinsured by the foreign corporation to the extent that income from the activities is earned from assets held by the foreign corporation to meet obligations under the contracts.” The preamble to the proposed regulations specifically requests comments on the proposed regulations “with regard to how to determine the portion of a foreign insurance company's assets that are held to meet obligations under insurance contracts issued or reinsured by the company,” for example, if the assets “do not exceed a specified percentage of the corporation's total insurance liabilities for the year.” *Ibid.*

All other U.S. residents or citizens with income from U.S. Virgin Island sources are subject to a dual filing requirement.

In the case of an individual who is a U.S. citizen or alien residing in the United States or the U.S. Virgin Islands, only one tax is computed under the Code. If an individual is a bona fide resident of U.S. Virgin Islands for the entire taxable year, such tax is payable to the U.S. Virgin Islands and no U.S. tax is imposed. Otherwise, a citizen or resident of the United States who has income from sources within the U.S. Virgin Islands must determine the portion of income attributable to the U.S. Virgin Islands and the related tax payable to the U.S. Virgin Islands. The remaining portion is payable to the United States.¹⁵⁸²

Concerns that U.S. citizens not resident in the U.S. Virgin Islands were improperly claiming residence in the U.S. Virgin Islands¹⁵⁸³ or forming entities in the U.S. Virgin Islands in order to recharacterize income earned in the United States as sourced in the U.S. Virgin Islands and claim the 90 percent economic development credit led to legislative changes in 2004.¹⁵⁸⁴ These changes provided a definition of bona fide residence in a possession and rules to determine source of income from possessions. They also impose a requirement that individuals report any change in residency status with respect to a possession during a taxable year.¹⁵⁸⁵

Taxation of corporations

If a corporation is formed in U.S. Virgin Islands, it is classified as a domestic corporation for U.S. Virgin Islands purposes and a foreign corporation for U.S. tax purposes. Such a corporation is only subject to U.S. tax if it has U.S.-source income or income effectively connected with the conduct of a trade or business in the United States. U.S. Virgin Islands taxes a domestic corporation on its worldwide income, but the company is allowed a foreign tax credit against U.S. Virgin Islands tax for taxes imposed by the United States, foreign countries and other possessions. A corporation that is not formed in U.S. Virgin Islands is treated as a foreign corporation under the U.S. Virgin Islands mirror Code. A company not formed in U.S. Virgin Islands is only subject to U.S. Virgin Islands tax if it has U.S. Virgin Islands source income or income effectively connected with the conduct of a trade or business in U.S. Virgin Islands. The United States taxes its domestic corporations on their worldwide income, but allows a foreign tax credit for taxes imposed by foreign jurisdictions, including U.S. Virgin Islands.

¹⁵⁸² Sec. 932(b). See, Internal Revenue Service, *Tax Guide for Individuals with Income from U.S. Possessions* (Pub. 570), 2011, pp. 17–18.

¹⁵⁸³ In Notice 2004-45, 2004-2 C.B. 33 (2004), the IRS described several scenarios in which U.S. persons claimed to have satisfied U.S. liabilities by having filed a return with the U.S. Virgin Islands.

¹⁵⁸⁴ *McHenry v. Commissioner*, 2012 U.S. App. LEXIS 7562 (April 16, 2012) and *Huff v. Commissioner*, 135 T.C. 605 (2010).

¹⁵⁸⁵ Sec. 937. In the preamble to final regulations issued in 2008, certain *de minimis* exceptions are provided for the U.S. citizen or resident with income from U.S. Virgin Island sources, in recognition that “the interaction of section 937 and other sections of the Code relating to the territories requires a balance between implementing the policies Congress intended in section 937(b) while recognizing the territories’ efforts to retain and attract workers and businesses.” T.D. 9391, 73 F.R. 19350 (April 9, 2008); Treas. Reg. Sec. 1.937-2. Those required to report changes in residency status must use Form 8898, “Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession.”

Sourcing rules

As a general rule, the principles for determining whether income is U.S. source are applicable for purposes of determining whether income is possession source. In addition, the principles for determining whether income is effectively connected with the conduct of a U.S. trade or business are applicable for purposes of determining whether income is effectively connected to the conduct of a possession trade or business. However, except as provided in regulations, any income treated as U.S. source income or as effectively connected with the conduct of a U.S. trade or business is not treated as income from within any possession or as effectively connected with a trade or business within any such possession.¹⁵⁸⁶ This rule applies regardless of where the office or fixed place of business connected to such trade or business is located.

Section 865(j)(3) was added by the Technical and Miscellaneous Revenue Act of 1988 (“TAMRA”),¹⁵⁸⁷ and states that Treasury is authorized to waive the requirements imposed by sections 865(e)(1)(B) and 865(g)(2) (both of which impose a 10 percent foreign tax requirement for source treatment of sales of personal property) for the purposes of determining Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Puerto Rico-source income (sections 931 and 933, respectively).

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies the sourcing rule in section 937(b)(2) by modifying the U.S. income limitation to exclude only U.S. source (or effectively connected) income attributable to a U.S. office or fixed place of business. The provision also modifies section 865(j)(3) by providing Treasury with the authority to waive the 10% foreign tax requirement for source treatment of capital gains income earned by a U.S. Virgin Islands resident.

Effective date.—The provision shall apply to taxable years beginning after December 31, 2018.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

TITLE II

Section 20001. Oil and Gas Program

Section 20001 directs the Secretary of the Interior to establish and administer all aspects of a competitive oil and gas program in the non-wilderness portion of the Arctic National Wildlife Refuge, known as the “1002 Area” or Coastal Plain. The legislation defines the term “Coastal Plain” by referencing Plate 1 and Plate 2 of the October 24, 2017 Map prepared by the United States Geological Survey.

The legislation repeals the prohibition on development from the Coastal Plain contained in section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143), and directs the Secretary to manage the oil and gas program on the Coastal Plain in a manner similar to what is required by the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.). The legislation sets a 16.67 percent royalty rate for leases and allocates 50 percent of the revenue derived from the program to the State of Alaska, with the remainder going to the Federal Treasury.

¹⁵⁸⁶ 1586 Sec. 937(b).

¹⁵⁸⁷ Pub. L. No. 100-647.

Section 20001 further requires the Secretary to conduct at least two area-wide lease sales within the 10-year budget window—the first lease sale within four years of the Act’s enactment and the second lease sale within seven years of enactment. Each lease sale must contain not fewer than 400,000 acres and be comprised of those areas that have the highest hydrocarbon potential.

The legislation directs the Secretary to issue any necessary rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation associated with the oil and gas program. Additionally, the section authorizes the development of up to 2,000 surface acres of federal land on the Coastal Plain.

Section 20002. Limitations on Amount of Distributed Qualified Outer Continental Shelf Revenues

Section 20002 temporarily increases the annual limitation on offshore revenue sharing under section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432) for the states of Alabama, Louisiana, Mississippi, and Texas from \$500 million annually for FY 2020 and FY 2021, to \$650 million annually for those two fiscal years.

Section 20003. Strategic Petroleum Reserve Drawdown and Sale

Section 20003 directs the Secretary of Energy to draw down and sell a total of seven million barrels of crude oil from the Strategic Petroleum Reserve during FY 2026 through FY 2027. The section prohibits the Secretary from taking actions that would limit the President’s authority to direct a drawdown and sale of petroleum products to address a domestic or international energy supply shortage pursuant to section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241). The Secretary is further directed to stop the drawdown or sale of crude oil after the date on which a total of \$600 million has been deposited in the general fund of the Federal Treasury.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the bill and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

TAX COMPLEXITY ANALYSIS

Section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998 requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Treasury Department) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Code and has widespread applicability to individuals or small businesses. The staff of the Joint Committee on Taxation has determined that the following provisions are of widespread applicability to individuals or small businesses.

1. Temporary modification of tax rates, tax brackets, standard deduction and repeal of personal exemptions (secs. 11001, 11002, 11021 and 11041 of the bill)

Summary description of the provisions

The bill temporarily changes the structure of the individual income tax by modifying

the rate structure such that the tax brackets are 10-percent, 12-percent, 22-percent, 24-percent, 32-percent, 35-percent and 37-percent. The bill temporarily increases the size of the standard deduction (for 2018 the standard deduction is \$24,000 for joint filers, \$18,000 for heads of household and \$12,000 for other filers), and temporarily eliminates personal exemptions. These provisions sunset for taxable years beginning after December 31, 2025.

Number of affected taxpayers

It is estimated that the provision will affect approximately 120 million tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to these provisions. It should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision.

The IRS will need to adjust its wage withholding tables to reflect the repeal of personal exemptions. Because revised wage withholding will occur within the first month of 2018, this would require employers to switch to new withholding tables somewhat quickly, which can be expected to result in a one-time additional burden for employers (or potential additional costs for employers that rely on a bookkeeping or payroll service).

The IRS will need to modify its forms and publications. The temporary nature of the provision will necessitate that the IRS do this again once the temporary provisions expire.

Some taxpayers who currently itemize deductions may respond to the provision by claiming the increased standard deduction in lieu of itemizing. According to estimates by the staff of the Joint Committee on Taxation, approximately 94-percent of taxpayers will claim the standard deduction under the bill, up from approximately 70-percent under present law. These taxpayers will no longer have to file Schedule A to Form 1040, a significant number of which will no longer need to engage in the record keeping inherent in itemizing below-the-line deductions. Moreover, by claiming the standard deduction, such taxpayers may qualify to use simpler versions of the Form 1040 (i.e., Form 1040EZ or Form 1040A) that are not available to individuals who itemize their deductions. These forms simplify the return preparation process by eliminating from the Form 1040 those items that do not apply to particular taxpayers.

This reduction in complexity and record keeping also may result in a decline in the number of individuals using a tax preparation service, or tax preparation software, or a decline in the cost of such service or software. The provision also should reduce the number of disputes between taxpayers and the IRS regarding the substantiation of itemized deductions.

2. Temporary deduction for qualified business income (sec. 11011 of the bill)

Summary description of the provisions

For taxable years beginning after December 31, 2017 and before January 1, 2026, an individual taxpayer generally may deduct 20 percent of qualified business income from a partnership, S corporation, or sole proprietorship, as well as 20 percent of aggregate qualified REIT dividends, qualified cooperative dividends, and qualified publicly traded partnership income. Special rules apply to specified agricultural or horticultural cooperatives permitting the cooperative a deduction.

A limitation based on the greater of 50 percent of W-2 wages paid, or the sum of 25 per-

cent of W-2 wages paid plus a capital allowance, is phased in above a threshold amount of taxable income. A disallowance of the deduction with respect to specified service trades or businesses is also phased in above the same threshold amount of taxable income. The threshold amount is \$157,500 (twice that amount or \$315,000 in the case of a joint return), indexed. These limitations are fully phased in for a taxpayer with taxable income in excess of the threshold amount plus \$50,000 (\$100,000 in the case of a joint return).

Qualified business income for a taxable year generally means the net amount of domestic qualified items of income, gain, deduction, and loss with respect to the taxpayer's qualified businesses. Qualified business income does not include any amount paid by an S corporation that is treated as reasonable compensation of the taxpayer. Similarly, qualified business income does not include any guaranteed payment for services rendered with respect to the trade or business, and to the extent provided in regulations, does not include any amount allocated or distributed by a partnership to a partner who is acting other than in his or her capacity as a partner for services. Qualified business income or loss does not include certain investment-related income, gain, deductions, or loss.

Number of affected taxpayers

It is estimated that the provision will affect over ten percent of small business tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to the provision. It should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision. It may, however, increase the number of questions that taxpayers ask the IRS, such as how to calculate qualified business income and how to apply the phase-ins of the W-2 wage (or W-2 wage and capital) limit and of the exclusion of service business income in the case of taxpayers with taxable income exceeding the threshold amount of \$157,500 (twice that amount or \$315,000 in the case of a joint return), indexed. This increased volume of questions could have an adverse impact on other elements of IRS's operation, such as the levels of taxpayer service. The provision should not increase the tax preparation costs for most individuals.

The IRS will need to add to the individual income tax forms package a new worksheet so that taxpayers can calculate their qualified business income, as well as the phase-ins. This worksheet will require a series of calculations.

3. Temporary increase in child tax credit (sec. 11022 of the bill)

Summary description of the provisions

The bill temporarily increases the value of the child tax credit to \$2,000, providing that no more than \$1,400 per child shall be refundable. This \$1,400 limitation is indexed for inflation. In order to qualify for the child tax credit, a Social Security number must be provided for the qualifying child for whom such credit is claimed. These provisions sunset for taxable years beginning after December 31, 2025.

Number of affected taxpayers

It is estimated that the provision will affect approximately 90 million tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to these

provisions. It should not result in an increase in disputes with the IRS, nor will regulatory guidance be necessary to implement this provision. The provision may, however, increase the number of questions that taxpayers ask the IRS, such as whether they may claim the new family credit for certain members of their household, or whether and to what extent the combined tax credit is refundable.

The IRS will need to modify its forms and publications to reflect this change. The temporary nature of the provision will necessitate that the IRS do this again once the temporary provision expires.

4. Temporary suspension of the deduction for State and local income taxes (sec. 11042 of the bill)

Summary description of the provisions

The bill provides that in the case of an individual, as a general matter, State, local, and foreign property taxes and State and local sales taxes are allowed as a deduction only when paid or accrued in carrying on a trade or business, or an activity described in section 212 (relating to expenses for the production of income). Thus, the provision allows only those deductions for State, local, and foreign property taxes, and sales taxes, that are presently deductible in computing income on an individual's Schedule C, Schedule E, or Schedule F on such individual's tax return. Thus, for instance, in the case of property taxes, an individual may deduct such items only if these taxes were imposed on business assets (such as residential rental property).

Under the bill, in the case of an individual, State and local income, war profits, and excess profits taxes are not allowable as a deduction.

The bill contains an exception to the above-stated rule. Under the provision a taxpayer may claim an itemized deduction of up to \$10,000 (\$5,000 for married taxpayer filing a separate return) for the aggregate of (i) State and local property taxes not paid or accrued in carrying on a trade or business, or an activity described in section 212, and (ii) State and local income, war profits, and excess profits taxes (or sales taxes in lieu of income, etc. taxes) paid or accrued in the taxable year. Foreign real property taxes may not be deducted under this exception.

The above rules apply to taxable years beginning after December 31, 2017, and beginning before January 1, 2026.

The bill also provides that, in the case of an amount paid in a taxable year beginning before January 1, 2018, with respect to a State or local income tax imposed for a taxable year beginning after December 31, 2017, the payment shall be treated as paid on the last day of the taxable year for which such tax is so imposed for purposes of applying the provision limiting the dollar amount of the deduction. Thus, under the provision, an individual may not claim an itemized deduction in 2017 on a pre-payment of income tax for a future taxable year in order to avoid the dollar limitation applicable for taxable years beginning after 2017.

Number of affected taxpayers

It is estimated that the provision will affect approximately 44 million tax returns.

Discussion

It is not anticipated that individuals will need to keep additional records due to this provision. Because the deduction for State and local taxes has been longstanding in the Code, its repeal may require regulatory guidance, so as to provide guidance for taxpayers regarding which taxes remain properly deductible on an individual's Schedule C,

Schedule E or Schedule F. This may also result in an increase in disputes with the IRS.

The IRS will need to modify its forms and publications to reflect this change. The temporary nature of the provision will necessitate that the IRS do this again once the temporary provision expires.

5. Modifications of rules for expensing depreciable business assets (sec. 13101 of the bill)

The bill increases the maximum amount a taxpayer may expense under section 179 to \$1,000,000, and increases the phase-out threshold amount to \$2,500,000. The \$1,000,000 and \$2,500,000 amounts, as well as the \$25,000 sport utility vehicle limitation, are indexed for inflation for taxable years beginning after 2018.

The bill expands the definition of section 179 property to include certain depreciable tangible personal property used predominantly to furnish lodging or in connection with furnishing lodging.

The bill also expands the definition of qualified real property eligible for section 179 expensing to include any of the following improvements to nonresidential real property placed in service after the date such property was first placed in service: roofs; heating, ventilation, and air-conditioning property; fire protection and alarm systems; and security systems.

The bill applies to property placed in service in taxable years beginning after December 31, 2017.

Number of affected taxpayers

It is estimated that the provision will affect over ten percent of small business tax returns.

Discussion

While taxpayers purchasing section 179 property will still be required to complete and file Form 4562, Depreciation and Amortization (Including Information on Listed Property), significantly less detail is required to be included on such form. Accordingly, the compliance burden of many taxpayers will be reduced.

6. Temporary 100-percent expensing for certain business assets (sec. 13201 of the bill)

The bill extends and modifies the additional first-year depreciation deduction

through 2026 (through 2027 for longer production period property and certain aircraft). The 50-percent allowance is increased to 100 percent for property acquired and placed in service after September 27, 2017, and before January 1, 2023 (January 1, 2024, for longer production period property and certain aircraft), as well as for specified plants planted or grafted after September 27, 2017, and before January 1, 2023. Thus, the bill follows the present-law phase-down of bonus depreciation for property acquired before September 28, 2017, and placed in service after September 27, 2017. The 100-percent allowance is phased down by 20 percent per calendar year for property placed in service, and specified plants planted or grafted, in taxable years beginning after 2022 (after 2023 for longer production period property and certain aircraft).

The bill removes the requirement that the original use of qualified property must commence with the taxpayer (*i.e.*, it allows the additional first-year depreciation deduction for new and used property).

As a conforming amendment to the repeal of corporate AMT, the election to accelerate AMT credits in lieu of bonus depreciation is repealed.

The bill maintains the section 280F increase amount of \$8,000 for passenger automobiles placed in service after December 31, 2017. However, the bill follows the present-law phase-down of the section 280F increase amount in the limitation on the depreciation deduction allowed with respect to certain passenger automobiles acquired before September 28, 2017, and placed in service after September 27, 2017.

The bill extends the special rule under the percentage-of-completion method for the allocation of bonus depreciation to a long-term contract for property placed in service before January 1, 2027 (January 1, 2028, in the case of longer production period property).

The bill expands the definition of qualified property eligible for the additional first-year depreciation allowance to include qualified film, television and live theatrical productions (as defined in section 181(d) and (e)) for which a deduction otherwise would have been allowable under section 181 without regard to the dollar limitation or termination

of such section, effective for productions placed in service after September 27, 2017, and before January 1, 2027. For purposes of this provision, a production is considered placed in service at the time of initial release, broadcast, or live staged performance (*i.e.*, at the time of the first commercial exhibition, broadcast, or live staged performance of a production to an audience).

The bill excludes from the definition of qualified property any property which is primarily used in the trade or business of the furnishing or sale of (1) electrical energy, water, or sewage disposal services, (2) gas or steam through a local distribution system, or (3) transportation of gas or steam by pipeline, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, by a public service or public utility commission or other similar body of any State or political subdivision thereof, or by the governing or ratemaking body of an electric cooperative.

The bill excludes from the definition of qualified property any property used in a trade or business that has had floor plan financing indebtedness, unless the taxpayer with such trade or business is not a tax shelter prohibited from using the cash method and is exempt from the interest limitation rules by meeting a small business \$25 million gross receipts test.

Number of affected taxpayers

It is estimated that the provision will affect over ten percent of small business tax returns.

Discussion

The reporting requirements are unchanged by this provision. Capital assets purchased during the tax year will still need to be reported on Form 4562, Depreciation and Amortization (Including Information on Listed Property); however, the current year tax deduction associated with such assets will increase.

15-Dec-17 9:28AM

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VERY PRELIMINARY
15-Dec-17ESTIMATED BUDGET EFFECTS OF THE CONFERENCE AGREEMENT FOR H.R. 1,
THE "TAX CUTS AND JOBS ACT"

Fiscal Years 2018 - 2027

[Billions of Dollars]

Provision	Effective	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27
I. Individual Tax Reform													
A. Simplification and Reform of Rates, Standard Deductions, and Exemptions													
1. 10%, 12%, 22%, 24%, 32%, 35%, and 37% income tax rate brackets (sunset 12/31/25) [1][2].....	tyba 12/31/17	-94.1	-135.3	-140.9	-146.4	-152.0	-158.1	-164.3	-171.1	-52.0	[3]	-668.7	-1,214.2
2. Modify standard deduction (\$12,000 for singles, \$24,000 for married filing jointly, \$18,000 for HoH) (sunset 12/31/25) [2].....	tyba 12/31/17	-57.2	-82.6	-84.7	-87.5	-90.7	-92.9	-95.7	-99.1	-30.0	[3]	-402.6	-720.4
3. Repeal of deduction for personal exemptions (sunset 12/31/25) [2].....	tyba 12/31/17	93.3	137.1	141.6	146.4	151.8	157.6	163.3	169.2	51.3	---	670.1	1,211.5
4. Alternative inflation measure [2].....	tyba 12/31/17	0.8	2.1	5.5	8.2	10.4	12.8	16.6	20.0	25.6	31.5	27.0	133.5
B. Treatment of Business Income of Individuals, Trusts, and Estates													
1. Allow 20 percent deduction of qualified business income and certain dividends for individuals and for gross income of agricultural or horticultural cooperatives (sunset 12/31/25) [4].....	generally tyba 12/31/17	-27.7	-47.1	-49.9	-51.8	-52.8	-52.2	-53.6	-53.2	-24.2	-1.9	-229.5	-414.5
2. Disallow active passthrough losses in excess of \$500,000 for joint filers, \$250,000 for all others (sunset 12/31/25).....	tyba 12/31/17	9.5	16.2	17.2	18.0	18.8	19.6	20.4	19.4	9.3	1.3	79.7	149.7
C. Reform of the Child Tax Credit													
1. Modification of child tax credit: \$2,000 not indexed; refundable up to \$1,400 indexed down to nearest \$100 base year 2018; \$2,500 refundability threshold not indexed; \$500 other dependents not indexed; phase outs \$200K/\$400K not indexed (sunset 12/31/25) [2].....	tyba 12/31/17	-29.3	-67.7	-69.2	-70.4	-71.4	-73.8	-74.9	-76.0	-40.7	---	-308.1	-573.4
2. Require valid Social Security number of each child to claim refundable and non-refundable portions of child credit, non-child dependents and any child without a valid Social Security number still receives \$500 non-refundable credit (sunset 12/31/25) [2].....	tyba 12/31/17	---	3.9	3.8	3.8	3.7	3.8	3.7	3.7	3.0	0.5	15.2	29.8

Provision	Effective	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27
D. Simplification and Reform of Deductions and Exclusions													
1. Repeal of itemized deductions for taxes not paid or accrued in a trade or business (except for up to \$10,000 in State and local taxes), interest on mortgage debt in excess of \$750K, interest on home equity debt, non-disaster casualty losses, and certain miscellaneous expenses (sunset 12/31/25) [2].....	generally tyba 12/31/17	43.5	70.4	72.0	77.1	82.3	87.9	94.0	100.2	41.1	---	345.3	668.4
2. Increase percentage limit for charitable contributions of cash to public charities (sunset 12/31/25).....	cmi tyba 12/31/17	---	---	---	---	---	---	---	---	---	---	---	---
3. Repeal of overall limitation on itemized deductions (sunset 12/31/25).....	tyba 12/31/17	---	---	---	---	---	---	---	---	---	---	---	---
4. Repeal exclusion for employer-provided bicycle commuter fringe benefit (sunset 12/31/25).....	tyba 12/31/17	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	---	[5]	[5]
5. Repeal exclusion for employer-provided qualified moving expense reimbursements (other than members of the Armed Forces) (sunset 12/31/25) [6][7].....	tyba 12/31/17	0.4	0.6	0.6	0.6	0.6	0.6	0.6	0.7	0.2	---	2.7	4.8
6. Repeal of deduction for moving expenses (other than members of the Armed Forces) (sunset 12/31/25).....	tyba 12/31/17	0.6	0.8	0.9	0.9	1.0	1.0	1.0	1.1	0.3	---	4.1	7.6
7. Limitation on wagering losses (sunset 12/31/25).....	tyba 12/31/17	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	---	0.1	0.1
E. Retirement Savings													
1. Repeal of special rule permitting recharacterization of Roth conversions.....	tyba 12/31/17	[5]	[5]	[5]	[5]	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.5
2. Length of service awards for public safety volunteers [8].....	tyba 12/31/17	[3]	[3]	[3]	[3]	[3]	[3]	-0.1	-0.1	-0.1	-0.1	-0.1	-0.5
3. Extended rollover period for certain plan loan offsets.....	tyba 12/31/17	---	---	---	---	---	---	---	---	---	---	---	---
F. Double Estate, Gift, and GST Tax Exemption Amount (sunset 12/31/25).....	dda & gma 12/31/17	-1.2	-8.1	-8.8	-9.1	-9.6	-10.1	-10.7	-11.1	-11.0	-3.3	-36.8	-83.0
G. Increase the Individual AMT Exemption Amounts and Phase-out Thresholds (sunset 12/31/25).....	tyba 12/31/17	-6.9	-82.5	-69.9	-74.9	-80.5	-81.6	-85.6	-90.1	-65.2	[3]	-314.7	-637.1
H. Reduce ACA Individual Shared Responsibility Payment Amount to Zero [2][9][10].....	mba 12/31/18	---	6.0	9.7	28.4	37.0	40.7	43.5	46.1	49.6	53.3	80.8	314.1
I. Other Provisions													
1. Restore a medical expense deduction for expenses in excess of 7.5 percent of adjusted gross income (sunset 12/31/18).....	tyba 12/31/16	-3.8	-1.4	---	---	---	---	---	---	---	---	-5.2	-5.2
2. Allow for increased contributions to ABLE accounts; allow saver's credit for ABLE contributions (sunset 12/31/25).....	tyba DOE	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]
3. Allow rollovers from 529 accounts to ABLE accounts (sunset 12/31/25).....	da DOE	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]

----- Estimate Included in Item I.D.I. -----
 ----- Estimate Included in Item I.D.I. -----
 ----- Negligible Revenue Effect -----

Provision	Effective	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27
4. Extend time limit for contesting IRS levy.....	[11]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]
5. Treatment of certain individuals performing services in the Sinai Peninsula of Egypt (sunset 12/31/25).....	spo/a 6/9/15	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	---	[3]	[3]
6. Treatment of student loans discharged on account of death or disability (sunset 12/31/25).....	doia 12/31/17	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	-0.1
7. Allow 529 withdrawals up to \$10,000 for primary and secondary education.....	da 12/31/17	[3]	[3]	[3]	[3]	[3]	-0.1	-0.1	-0.1	-0.1	-0.1	-0.1	-0.5
8. Retirement plan and casualty loss relief for any area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Relief and Emergency Assistance Act during 2016.....	DOE	-3.2	-1.3	[5]	[5]	[3]	[3]	[3]	[3]	[3]	[3]	-4.6	-4.6
9. Repeal of deduction for alimony payments and corresponding inclusion in income.....	dosaeia 12/31/18	---	0.1	0.2	0.4	0.5	0.7	0.9	1.1	1.4	1.7	1.2	6.9
Total of Individual Tax Reform		-75.3	-188.8	-171.9	-156.3	-150.8	-144.0	-140.9	-139.2	-41.4	83.0	-744.0	-1,126.6
II. Business Tax Reform													
A. Repeal of Alternative Minimum Tax on Corporations [2]....	tyba 12/31/17	-6.8	-6.9	-6.6	-6.8	-7	-1.3	-1.3	-1.3	-1.2	-1.1	-34.0	-40.3
B. 21 Percent Corporate Tax Rate.....	tyba 12/31/17	-101.3	-125.3	-130.5	-131.1	-132.6	-136.2	-140.7	-144.7	-149.7	-156.3	-620.8	-1,348.5
C. Small Business Reforms													
1. Increase section 179 expensing to \$1 million with a phaseout range beginning at \$2.5 million and expand definition of qualified property.....	ppisi tyba 12/31/17	-4.7	-7.4	-4.1	-2.6	-2.0	-1.5	-1.0	-0.9	-0.9	-0.9	-20.8	-25.9
2. Simplified accounting for small business.....	[12]	-7.6	-7.5	-3.3	-2.1	-1.7	-1.5	-1.6	-1.7	-1.7	-1.8	-22.1	-30.5
D. Cost Recovery, etc.													
1. Extension, expansion, and phase down of bonus depreciation (sunset 12/31/26) [13].....	paa 9/27/17 apiasad & sppoga 9/27/17	-32.5	-36.5	-24.6	-14.2	-11.6	-4.9	3.3	8.4	12.5	13.7	-119.4	-86.3
2. Limit net interest deductions to 30 percent of adjusted taxable income, carryforward of denied deduction.....	tyba 12/31/17	8.4	17.7	19.7	19.6	24.9	30.2	29.6	31.8	34.7	36.9	90.2	253.4
3. Modify treatment of S corporation conversions into C corporations.....	DOE	-0.5	-0.5	-0.6	-0.6	-0.6	-0.6	-0.6	-0.7	-0.7	-0.7	-2.8	-6.1
4. Modifications to depreciation limitations on luxury automobiles and personal use property.....	ppisa 12/31/17												
5. Modifications of treatment of certain farm property.....	ppisa 12/31/17	[3]	[3]	[3]	-0.1	-0.2	-0.3	-0.2	-0.1	[3]	[3]	-0.4	-1.1
6. Modification of net operating loss deduction.....	lai tyba 12/31/17	6.4	10.0	11.1	15.9	25.2	34.1	36.0	30.2	20.8	11.4	68.5	201.1
7. Repeal like-kind exchanges except for real property.....	generally eca 12/31/17	0.5	0.9	1.3	1.7	2.2	2.9	3.8	4.7	5.8	7.2	6.6	31.0
8. Applicable recovery period for real property.....	ppisa 12/31/17	-0.1	-0.1	-0.3	-0.4	-0.5	-0.7	-0.6	-0.7	-0.9	-0.6	-1.4	-4.9
9. Amortization of research and experimental expenditures.....	apoti tyba 12/31/21	---	---	---	---	24.2	32.9	26.0	18.9	11.4	6.3	24.2	119.7
10. Expensing of certain costs of replacing citrus plants lost by reason of a casualty (sunset 12/22/27).....	apota DOE	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]

----- Estimate Included in Item II.D.1. -----

Provision	Effective	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27
E. Business-Related Deductions													
1. Repeal of deduction for income attributable to domestic production activities.....	tyba 12/31/17	4.3	8.9	9.3	9.6	9.9	10.3	10.7	11.1	11.6	12.2	42.1	98.0
2. Limitation on deduction by employers of expenses for fringe benefits:													
a. Meals and entertainment expenses, including meals for the convenience of the employer [14].....	apoiia 12/31/17 & apoiia 12/31/25	1.6	2.2	2.2	2.3	2.3	2.4	2.4	2.5	2.8	2.8	10.6	23.5
b. Repeal deduction for qualified transportation fringes, including commuting except as necessary for employee's safety [15].....	apoiia 12/31/17	1.2	1.6	1.7	1.7	1.8	1.8	1.9	1.9	2.0	2.0	8.1	17.7
c. Clarification of tangible personal property deductible as employee achievement award.....	apoiia 12/31/17	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]
3. Eliminate deduction for member of Congress living expenses.....	tyba DOE	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]
4. UBTI increased by amount of certain fringe benefit expenses for which deduction is disallowed.....	apoiia 12/31/17	----- Estimate Included in Items II.E.2.b. -----											
5. Repeal of rollover of publicly traded securities gain into specialized small business investment companies.....	sa 12/31/17	0.1	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	1.1	1.7
6. Certain self-created property not treated as a capital asset.....	Da 12/31/17	[3]	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.5
F. Accounting Methods													
1. Certain special rules for taxable year of inclusion (in general).....	tyba 12/31/17	1.2	1.7	1.7	1.7	0.7	0.2	0.2	0.2	0.2	0.2	7.0	8.1
2. Certain special rules for taxable year of inclusion (related to original issue discount and other similar items).....	[16]	---	0.3	0.7	0.7	0.7	0.7	0.7	0.4	0.2	0.2	2.4	4.5
G. Business Credits													
1. Modification of credit for clinical testing expenses for certain drugs for rare diseases or conditions.....	apoiia tyba 12/31/17	0.7	1.7	2.1	2.5	3.0	3.5	4.0	4.5	5.0	5.5	10.0	32.5
2. Modify rehabilitation credit to provide 20 percent historic credit ratably over 5 years, repeal credit for pre-1936 property.....	[17]	[5]	0.3	0.6	0.6	0.5	0.3	0.2	0.2	0.2	0.2	2.0	3.1
3. Provide a tax credit to certain employers who provide family and medical leave (sumset 12/31/19).....	tyba 12/31/17	-0.7	-1.5	-1.1	-0.5	-0.3	-0.2	---	---	---	---	-4.1	-4.3
H. Banks and Financial Instruments													
1. Limitation on deduction for FDIC premiums.....	tyba 12/31/17	0.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.7	1.7	6.5	14.8
2. Repeal of advance refunding bonds.....	ar bia 12/31/17	0.4	1.1	1.4	1.7	2.0	2.1	2.1	2.2	2.2	2.2	6.6	17.4
3. Repeal of tax credit bonds [2].....	bia 12/31/17	[5]	[5]	[5]	[5]	[5]	0.1	0.1	0.1	0.1	0.1	0.1	0.5
I. Compensation													
1. Modification of limitation on excessive employee remuneration, with transition rule [18].....	tyba 12/31/17	[5]	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.1	4.1	9.2

Provision	Effective	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27
3. Charitable deduction not allowed for amounts paid in exchange for college athletic event seating rights.....	cmi tyba 12/31/17	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.9	2.0
4. Repeal substantiation exception for charitable contributions reported by donee organization.....	cmi tyba 12/31/16												
<i>Negligible Revenue Effect</i>													
M. Other Provisions													
1. Modify tax treatment of Alaska Native Corporations and Settlement Trusts.....	[20]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	-0.1
2. Expansion of qualifying beneficiaries of an electing small business trust, and modify charitable contribution deduction for electing small business trusts.....	1/1/18 (eqob & tyba 12/31/17 fo generally 1/1/18)	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	-0.1	-0.3
3. Craft beverage modernization and tax reform (sunset 12/31/19).....		-1.6	-1.5	-1.1	---	---	---	---	---	---	---	-4.2	-4.2
4. Exempt amounts paid for aircraft management services from the excise taxes imposed on transportation by air.....	apa DOE	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]
5. Create qualified opportunity zones.....	DOE	-1.2	-1.7	-1.6	-1.7	-1.6	-1.5	-1.5	-1.6	8.1	2.7	-7.7	-1.6
6. Deny deduction for settlements subject to a nondisclosure agreement paid in connection with sexual harassment.....	apota DOE	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]
7. Expand provision relating to the non-deductibility of fines and penalties.....	apoio/a DOE	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	0.1	0.1
8. Repeal of deduction for local lobbying expenses.....	apoio/a DOE	[5]	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.3	0.8
9. Revision of treatment of contributions to capital.....	[21]	0.1	0.2	0.4	0.7	1.0	1.0	0.9	0.8	0.7	0.6	2.5	6.5
10. Recharacterization of certain gains on property held for fewer than 3 years in the case of partnership profits interest held in connection with performance of investment services.....	tyba 12/31/17	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.7	1.1
Total of Business Tax Reform.....		-129.3	-133.8	-112.9	-92.5	-50.4	-16.4	-15.9	-24.1	-28.4	-49.4	-518.2	-653.8
III. International Tax Reform													
A. Establishment of Participation Exemption System for Taxation of Foreign Income													
1. Deduction for dividends received by domestic corporations from certain foreign corporations.....	[22]	-17.8	-28.1	-20.1	-20.3	-20.8	-21.0	-22.1	-23.2	-24.3	-25.8	-107.2	-223.6
2. Special rules relating to sales or transfers involving certain foreign corporations.....	da 12/31/17 & Ta 12/31/17	0.1	0.2	0.5	0.8	1.2	1.4	1.7	1.6	1.8	2.4	2.9	11.8
3. Treatment of deferred foreign income upon transition to participation exemption system of taxation and mandatory inclusion at two-tier rate (8-percent rate for illiquid assets, 15.5-percent rate for liquid assets).....	[23]	78.6	49.6	16.5	15.6	15.7	27.2	47.5	64.4	33.0	-9.4	176.0	338.8

Provision	Effective	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27
B. Rules Related to Passive and Mobile Income													
1. Current year inclusion of global intangible low-taxed income, with deduction, by United States shareholders.....	tyba 12/31/17 [24]	7.7	12.5	9.6	9.5	9.3	9.0	9.2	9.3	15.1	21.2	48.6	112.4
2. Deduction for foreign-derived intangible income derived from trade or business within the United States.....	tyba 12/31/17	-0.2	4.8	6.9	6.6	0.2	-11.4	-15.7	-20.2	-18.4	-16.3	18.2	-63.8
C. Other Modifications of Subpart F Provisions													
1. Elimination of inclusion of foreign base company oil related income.....	[24]	-0.1	-0.3	-0.3	-0.3	-0.4	-0.4	-0.4	-0.5	-0.5	-0.7	-1.4	-4.0
2. Repeal of inclusion based on withdrawal of previously excluded subpart F income from qualified investment.....	[24]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]
3. Modification of stock attribution rules for determining status as a controlled foreign corporation.....	[25]	----- Estimate Included in Item III.A.1. -----											
4. Modification of definition of United States shareholder.....	[24]	0.1	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.7	1.3
5. Elimination of requirement that corporation must be controlled for 30 days before subpart F inclusions apply.....	[24]	[5]	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.3	0.6
D. Prevention of Base Erosion													
1. Limitation on income shifting through intangible property transfers.....	ti tyba 12/31/17	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.5	1.3
2. Certain related party amounts paid or accrued in hybrid transactions or with hybrid entities.....	tyba 12/31/17	----- Estimate Included in Item III.A.1. -----											
3. Dividends received from post-enactment surrogate foreign corporations not qualified dividend income.....	dra DOE	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	0.1
E. Modifications Related to Foreign Tax Credit System													
1. Repeal of section 902 indirect foreign tax credits; determination of section 960 credit on current year basis.....	[24]	----- Estimate Included in Item III.A.1. -----											
2. Separate foreign tax credit limitation basket for foreign branch income.....													
3. Source of income from sales of inventory determined solely on basis of production activities.....	tyba 12/31/17	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.3	0.5
4. Increase maximum overall domestic loss recapture to 100 percent for pre-2018 losses.....	tyba 12/31/17	-0.6	-1.1	-1.0	-0.6	0.1	0.4	0.1	0.1	0.1	0.1	-3.2	-2.3
F. Inbound Provisions													
1. Base erosion and anti-abuse tax.....	apoa 12/31/17	0.8	4.3	13.3	16.1	17.1	16.8	15.9	16.5	21.6	27.0	51.7	149.6
G. Other Provisions													
1. Restriction on insurance business exception to passive foreign investment company rules.....	tyba 12/31/17	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.5	1.1

Provision	Effective	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27
2. Repeal of fair market value method of interest expense apportionment.....	tyba 12/31/17	[5]	0.1	0.1	0.1	[5]	[5]	[5]	[5]	[5]	[5]	0.3	0.6
Total of International Tax Reform		68.9	42.6	26.0	28.0	22.9	22.5	36.7	48.7	29.1	-0.8	188.2	324.4
NET TOTAL		-135.7	-280.0	-258.8	-220.8	-178.3	-137.9	-120.1	-114.6	-40.6	32.9	-1,074.0	-1,456.0

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding. The date of enactment is generally assumed to be December 22, 2017.

Legend for "Effective" column:

apa = amounts paid after
apisasd = and placed in service after such date
apoa = amounts paid or accrued after
apoi = amounts paid or incurred after
apoi/a = amounts paid or incurred on or after
ar = advance refunding
bia = bonds issued after
cni = contributions made in
da = distributions after
Da = dispositions after
dda = decedents dying after

DOE = date of enactment
doia = discharges of indebtedness after
dosacia = divorce or separation agreements entered into after
eca = exchanges completed after
fe = for charitable
feoqb = for expansion of qualifying beneficiaries
gma = gifts made after
lai = losses accrued in
mba = months beginning after
paa = property acquired after
ppisa = property placed in service after
ptyba = partnership taxable years beginning after
sa = sales after

seada = sales exchanges and dispositions after
seado/a = sales, exchanges and dispositions on or after
spo/a = service provided on or after
spoga = specified plants planted or grafted after
ta = transactions after
Ta = transfers after
teia = transactions entered into after
ti = transfers in
topia = transfers of partnership interests after
tyba = taxable years beginning after

[Footnotes for Table #17-2 128 R3 appear on the following pages]

Footnotes for Table #17-2 128 R3:

[1] The parameters for the beginning of the 24%, 32%, 35%, and 37% rate brackets, and the standard deduction amount use 2018 as the base year. Other indexed parameters are adjusted for inflation from their 2017 values using the chained CPI-U as the inflation measure to determine 2018 values.													
[2] Estimate includes the following outlay effects:													
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018-22	2018-27	2018-27
10%, 12%, 22%, 24%, 32%, 35%, and 37% income tax rate brackets.....	---	1.0	1.1	1.2	1.2	1.2	1.2	1.2	1.3	---	4.4	9.3	9.3
Modify standard deduction.....	---	9.4	9.7	10.1	10.3	10.5	10.6	10.7	10.9	---	39.6	82.3	82.3
Repeal of deduction for personal exemptions.....	-10.8	-16.0	-16.4	-16.7	-17.0	-17.3	-17.5	-17.8	-5.4	---	-77.0	-134.9	-134.9
Alternative inflation measure.....	---	-0.3	-0.6	-1.3	-1.6	-2.1	-2.5	-3.1	-3.6	-4.1	-3.9	-19.3	-19.3
Modification of child tax credit.....	---	21.8	22.1	22.0	22.0	23.1	23.1	23.1	24.1	---	87.9	181.3	181.3
Require valid Social Security number of each child to claim refundable and non-refundable portions of child credit, non-child dependents and any child without a valid Social Security number still receives \$500 non-refundable credit.....	---	-3.0	-2.9	-2.8	-2.7	-2.7	-2.7	-2.6	-2.6	-0.5	-11.4	-22.4	-22.4
Repeal of itemized deductions for taxes not paid or accrued in a trade or business (except for up to \$10,000 in State and local taxes), interest on mortgage debt in excess of \$750K, interest on home equity debt, non-disaster casualty losses and certain miscellaneous expenses.....	---	-0.3	-0.2	-0.2	-0.2	-0.2	-0.2	-0.2	-0.2	---	-0.8	-1.7	-1.7
Reduce ACA individual shared responsibility payment amount to zero.....	---	-5.8	-12.7	-28.2	-35.2	-38.4	-40.7	-43.0	-45.3	-48.0	-81.9	-297.3	-297.3
Repeal of alternative minimum tax on corporations.....	2.2	2.3	1.7	1.9	1.9	---	---	---	---	---	10.2	10.2	10.2
Repeal of tax credit bonds.....	[26]	[26]	[26]	[26]	[26]	-0.1	-0.1	-0.1	-0.1	-0.1	-0.1	-0.5	-0.5
[3] Loss of less than \$50 million.													
[4] Estimate includes the following budget effects:													
Total Revenue Effect (SECA interaction).....	-1.4	-1.9	-1.7	-1.5	-1.1	1.5	2.5	1.7	1.2	0.8	-7.7	[3]	[3]
On-budget effects.....	-0.3	-0.4	-0.4	-0.3	-0.2	0.3	0.5	0.4	0.2	0.2	-1.6	[3]	[3]
Off-budget effects.....	-1.1	-1.5	-1.4	-1.2	-0.9	1.2	2.0	1.3	0.9	0.6	-6.1	[3]	[3]
[5] Gain of less than \$50 million.													
[6] Estimate includes the following budget effects:													
Total Revenue Effect.....	0.4	0.6	0.6	0.6	0.6	0.6	0.6	0.7	0.2	---	2.7	4.8	4.8
On-budget effects.....	0.3	0.4	0.4	0.4	0.5	0.5	0.5	0.6	0.1	---	2.1	3.8	3.8
Off-budget effects.....	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	---	---	0.6	1.0	1.0
[7] Estimate includes policy that retains exclusion under section 217(g) (related to members of the Armed Forces).													
[8] Estimate includes the following budget effects:													
Total Revenue Effect.....	[3]	[3]	[3]	[3]	[3]	[3]	[3]	-0.1	-0.1	-0.1	-0.1	-0.5	-0.5
On-budget effects.....	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	-0.1	-0.1	[1]	-0.3	-0.3
Off-budget effects.....	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	-0.1	[3]	-0.2	-0.2
[9] Estimate provided by the Joint Committee on Taxation staff in collaboration with the Congressional Budget Office.													

[Footnotes for Table #17-2 128 R3 continue on the following page]

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

KEVIN BRADY,
DEVIN NUNES,
PETER J. ROSKAM,
DIANE BLACK,
KRISTI L. NOEM,

From the Committee on Energy and Commerce, for consideration of sec. 20003 of the Senate amendment, and modifications committed to conference:

FRED UPTON,
JOHN SHIMKUS,

From the Committee on Natural Resources, for consideration of secs. 20001 and 20002 of the Senate amendment, and modifications committed to conference:

ROB BISHOP,
DON YOUNG,

Managers on the Part of the House.

ORRIN G. HATCH,
MICHAEL B. ENZI,
LISA MURKOWSKI,
JOHN CORNYN,
JOHN THUNE,
ROB PORTMAN,
TIM SCOTT,
PATRICK J. TOOMEY,

Managers on the Part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 14, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 14, 2017, at 5:58 p.m.:

That the Senate passed S. 654.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

October 6, 2017:

H.R. 2519. An Act to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

October 18, 2017:

H.R. 1117. An Act to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster.

October 26, 2017:

H.R. 2266. An Act making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2018, and for other purposes.

November 1, 2017:

H.J. Res. 111. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements".

November 2, 2017:

H.R. 1329. An Act to increase, effective as of December 1, 2017, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 1616. An Act to amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, and for other purposes.

H.R. 2989. An Act to establish the Frederick Douglass Bicentennial Commission.

November 17, 2017:

H.R. 304. An Act to amend the Controlled Substances Act with regard to the provision of emergency medical services.

H.R. 3031. An Act to amend title 5, United States Code, to provide for flexibility in making withdrawals from a Thrift Savings Plan account, and for other purposes.

November 21, 2017:

H.R. 194. An Act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 1545. An Act to amend title 38, United States Code, to clarify the authority of the Secretary of Veterans Affairs to disclose certain patient information to State controlled substance monitoring programs, and for other purposes.

H.R. 1679. An Act to ensure that the Federal Emergency Management Agency's current efforts to modernize its grant management system includes applicant accessibility and transparency, and for other purposes.

H.R. 3243. An Act to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

H.R. 3949. An Act to amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprenticeship programs for purposes of the educational assistance programs of the Department of Veterans Affairs.

December 8, 2017:

H.J. Res 123. A joint resolution making further continuing appropriations for fiscal year 2018, and for other purposes.

December 12, 2017:

H.R. 2810. An Act to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 4374. An Act to amend the Federal Food, Drug, and Cosmetic Act to authorize additional emergency uses for medical products to reduce deaths and severity of injuries caused by agents of war, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

October 6, 2017:

S. 327. An Act to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes.

S. 810. An Act to facilitate construction of a bridge on certain property in Christian County, Missouri, and for other purposes.

S. 1141. An Act to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

October 18, 2017:

S. 178. An Act to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

S. 652. An Act to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

October 26, 2017:

S. 585. An Act to provide greater whistleblower protections for Federal employees, increased awareness of Federal whistleblower protections, and increased accountability and required discipline for Federal supervisors who retaliate against whistle-blowers, and for other purposes.

November 2, 2017:

S. 190. An Act to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems, and for other purposes.

S. 504. An Act to permanently authorize the Asia-Pacific Economic Cooperation Business Travel Card Program.

S. 782. An Act to reauthorize the National Internet Crimes Against Children Task Force Program, and for other purposes.

S. 920. An Act to establish a National Clinical Care Commission.

S. 1617. An Act to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the "Javier Vega, Jr. Border Patrol Checkpoint".

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 654. An Act to revise section 48 of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. BRADY of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, December 18, 2017, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3410. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior,

transmitting the Department's final rule — Oklahoma Regulatory Program [SATS No.: OK-037-FOR; Docket ID: OSM-2015-0006; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520] received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3411. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [SATS No.: WY-045-FOR; Docket ID: OSM-2013-0002; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520] received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3412. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) [Docket No.: FAA-2015-4031; Product Identifier 2014-SW-072-AD; Amendment 39-19085; AD 2017-22-05] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3413. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc., Airplanes [Docket No.: FAA-2017-0562; Product Identifier 2017-NM-027-AD; Amendment 39-19088; AD 2017-22-08] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3414. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2017-0772; Product Identifier 2017-NM-075-AD; Amendment 39-19099; AD 2017-23-05] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3415. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2017-0715; Product Identifier 2017-NM-073-AD; Amendment 39-19096; AD 2017-23-02] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3416. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc., Airplanes [Docket No.: FAA-2017-0528; Product Identifier 2017-NM-028-AD; Amendment 39-19091; AD 2017-22-11] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3417. A letter from the Management and Program Analyst, FAA, Department of

Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2017-0710; Product Identifier 2017-NM-019-AD; Amendment 39-19098; AD 2017-23-04] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3418. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes [Docket No.: FAA-2017-0777; Product Identifier 2017-NM-050-AD; Amendment 39-19089; AD 2017-22-09] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3419. A letter from the Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule — System Safety Program [Docket No.: FRA-2011-0060, Notice No.: 7] (RIN: 2130-AC71) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Texas: Committee of Conference. Conference report on H.R. 1. A bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2018 (Rept. 115-466). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. COMSTOCK:

H.R. 4661. A bill to reauthorize the United States Fire Administration, the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire and Emergency Response grant program, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. LAWSON of Florida:

H.R. 4662. A bill to amend the Higher Education Act of 1965 to exclude the income and assets of dependent students in the calculation of the expected family contribution for such students; to the Committee on Education and the Workforce.

By Mr. SEAN PATRICK MALONEY of New York (for himself and Mr. GALLAGHER):

H.R. 4663. A bill to improve the ability of separating or retiring members of the Armed Forces to seek services provided by county veterans service officers; to the Committee on Armed Services.

By Mr. MEADOWS:

H.R. 4664. A bill to repeal the multi-State plan program; to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE (for herself and Mr. COOK):

H.R. 4665. A bill to amend the Federal Credit Union Act to establish procedures for Federal credit unions to provide credit union services to underserved areas, and for other purposes; to the Committee on Financial Services.

By Mr. HIMES (for himself, Mr. ESPAILLAT, Mr. BEN RAY LUJÁN of New Mexico, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. QUIGLEY, Ms. NORTON, and Mr. SERRANO):

H. Res. 665. A resolution recognizing the crew of the San Antonio Rose, B-17F, who sacrificed their lives during World War II, and honoring their memory during the week of the 75th anniversary of that tragic event; to the Committee on Armed Services.

By Mr. RASKIN:

H. Res. 666. A resolution amending the Rules of the House of Representatives to observe a 60-second moment of silence in the House for those killed by gun violence in the United States on the next legislative day after any such individual dies; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. COMSTOCK:

H.R. 4661.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18:

The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LAWSON of Florida:

H.R. 4662.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 4663.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8

By Mr. MEADOWS:

H.R. 4664.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 states "The Congress shall have Power to . . . provide for the . . . general Welfare of the United States . . ." And, Article IV, Section 3, Clause 2 states "The Congress shall have Power to dispose of and make all needful Rules and Regulations . . ." And, Article I, Section 8, Clause 18 states "The Congress shall have Power To . . . make all Laws which shall be

EXTENSIONS OF REMARKS

TO HONOR THE LIFE AND LEGACY
OF JAMES WILLIAM LAWYER**HON. RODNEY DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to honor the life and legacy of James William Lawyer, a friend to many in Taylorville and Christian County, who passed away on December 6, 2017. Jim Lawyer is another tragic victim of Alzheimer's disease.

A beloved member of the Taylorville community, Jim was a valued volunteer in many local organizations, which included serving as coach of the original Taylorville Junior Football League team, the Bears.

Jim served as one of my football coaches during my freshman and sophomore years at Taylorville High School, and was an invaluable mentor and teacher. Years later, I was blessed with the opportunity to coach his grandsons in the local JFL league and pass on many of the lessons and guidance that Jim gave to me.

Throughout his life, Jim impacted a countless number of lives, mine included. Please keep his wife, Janet, and the rest of his family in your thoughts and prayers.

RECOGNIZING JO LAWSON, THE
OLDEST LIVING FEMALE VET-
ERAN OF MERCER COUNTY, ILLI-
NOIS**HON. CHERI BUSTOS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to honor Mrs. Jo Lawson, the oldest living female veteran of Mercer County, Illinois. Mrs. Lawson has lived a life of service to her community and her country.

Mrs. Lawson grew up on a farm in Aledo. After graduating from Aledo High School, she attended the University of Iowa, where she majored in elementary education. In 1944, at twenty-three years old, Mrs. Lawson joined the United States Coast Guard. She attended basic training in West Palm Beach, Florida. Following basic training, Mrs. Lawson attended six months of radioman training in Atlantic City, New Jersey. After radioman training, she was stationed in San Pedro, California. Her primary duty there was to receive messages over teletype, which often included receiving coordinates for ships and fallen aircraft. In 1946, Mrs. Lawson was discharged with a rank of 3rd Class Radioman.

In 1950, she married Colonel Dave Lawson. They were classmates in high school and stayed in contact throughout the years fol-

lowing their graduation. They were later reunited in California. Colonel and Mrs. Lawson were married sixty-three years, until Colonel Lawson passed away in September of 2015. They had five children together, losing one to prematurity, and were also blessed with four grandchildren.

In Mercer County, Mrs. Lawson taught one year at Perryton and taught seventh grade social studies at Northside Junior High. Along with serving her community through teaching, Mrs. Lawson was involved with and cofounded many local organizations, including the 708 Mental Health Board and Mercer County Recycling. Additionally, she was a planning board representative at her church, where she helped start the Churches of Mercer County Food Pantry.

Mr. Speaker, I would like to again honor Jo Lawson for her extraordinary service to both her country and her community.

HONORING ZACHARY GOLDBERG

HON. DWIGHT EVANS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mr. EVANS. Mr. Speaker, I rise today to honor a dedicated, driven and hard-working young man from the Second Congressional District of Pennsylvania, Zachary Goldberg, the winner of this year's Congressional App Challenge in my District.

Zachary Goldberg is a Chestnut Hill resident and a senior at Germantown Friends School in Philadelphia. For this year's Congressional App Challenge Zachary created an app called the Pennsylvania Legislation Tracker. In his words: "I developed the Pennsylvania Legislation Tracker to make information about the Pennsylvania General Assembly more readily available, enabling people to keep up to date on which legislation is currently being considered and supported by their state legislators."

Our students are our next generation of leaders. I was so impressed by Zachary's attention to detail and keen awareness to help our community by developing such a thoughtful app that aims to keep Philadelphians and Pennsylvanians more informed in the political process. It is great to see such a passion for politics and helping others at a young age.

The 2nd Congressional District of Pennsylvania is very proud of this great accomplishment and extends gratitude to Zachary Goldberg for his efforts to fight for a stronger tomorrow and dedicated support to the Commonwealth of Pennsylvania.

IN RECOGNITION OF MASHPEE
HIGH SCHOOL FOOTBALL**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mr. KEATING. Mr. Speaker, I rise today in recognition of Mashpee High School's third consecutive Super Bowl victory.

On December 2nd the Mashpee Falcons faced off against the Blackstone Valley Tech Beavers in the Division 7 Super Bowl. The Falcons were up by six points with three minutes left in the game and a last minute interception sealed this 22-16 victory. Fans erupted in "three-peat" cheers at Gillette Stadium, home of the New England Patriots. This is the third consecutive and fourth overall state championship for Mashpee High School Football.

They left it all on the field last weekend and, as Coach Belichick would say, "did their job." The dedication and support of every player, every cheerleader, their families, the coaches, and other faculty members set the foundation for the Falcons' undefeated season. With over twenty straight wins under their belt, I have no doubt that the Falcons will continue to make our community proud. I look forward to following their season next year and wish all of our graduating seniors continued success in the future.

Mr. Speaker, I am proud to honor the third consecutive Super Bowl victory for Mashpee High School. I ask that my colleagues join me in congratulating them and wishing them all the best in the many seasons to come.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mr. WALZ. Mr. Speaker, I was absent for the vote on the Motion to Suspend the Rules and Pass H.R. 1730 (Roll Call No. 673). Had I been present, I would have voted yea.

RECOGNIZING HANNA GRADE
SCHOOL FOR ITS COMMITMENT
TO PROTECTING THE ENVIRON-
MENT**HON. CHERI BUSTOS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Hanna Grade School in Orion, Illinois, on being recognized by Nature and Culture International for its commitment to protecting the environment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Hanna Grade School has raised money for Nature and Culture International every year since 1999. Each year, their donation goes to a different part of the world in order to support an environmental cause. This year's donation went to protecting jaguars in Mexico. Nature and Culture International is a nonprofit organization that works to protect biologically diverse environments in Latin America. Hanna Grade School was the only school mentioned in this year's Nature and Culture International brochure, the first time this has been produced. Since 1999, Hanna Grade School has raised more than \$6,000. That amount is enough to save more than 120 acres of rainforest.

Mr. Speaker, I'd like to recognize Hanna Grade School for its outstanding hard work and dedication to protecting the environment, and thank its former and current students, parents, and faculty for their devotion to making the world a better place.

IN RECOGNITION OF LORI S. LIU

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Ms. SPEIER. Mr. Speaker, I rise to honor Lori Liu who is leaving public service after four years on the Brisbane City Council, the last year as Mayor of this storied town near San Francisco Bay. Lori's deep commitment to public service is evident from her accomplishments and contributions to her community. She is a champion of education, children, the arts, recreation, economic development and the environment.

Lori was first elected to the council in 2013. While on the council, she served on, or as representative to, a number of organizations, including the Association of Bay Area Governments, the Peninsula Clean Energy Board of Directors, the County Library JPA, the council's Economic Development Subcommittee, the Health and Safety Subcommittee, the League of California Cities, the liaison to the Parks and Recreation Commission, the Airport Community Roundtable, the Planning Commission, the liaison to the Open Space and Ecology Committee, the Community Choice Energy Advisory Committee and many others. You may justifiably surmise from this lengthy list that Lori is well-versed in a variety of issues affecting the residents of Brisbane and the region.

Her leadership is notable as she tackled one of the most longstanding opportunities and challenges in the community: the Baylands Project. Lori was indefatigable as she conducted council meetings and listened closely to the community through hours of discussions involving possible offices, open space, housing, environmental cleanup and restoration, and the overall concept of a sustainable community. She carefully weighed the impacts of this project on Brisbane and our region.

She was instrumental in laying the groundwork to build a new library which will be constructed starting next year. Libraries are community spaces that connect generations and nurture life-long learning. The Brisbane Library

will include a Maker's Space to spark the creativity of the next generation of innovators, spaces for children and teens, a quiet study area, an outdoor garden, a community center, and the first public arts project triggered by a city ordinance.

Lori has a long track record of working on environmental issues. In fact, when she moved to Brisbane in 2004, her very first volunteer activity was to attend an Earth Day clean up event. While on the council, she helped to secure a grant to renovate Crocker Park Trail. This funding will make the trail more usable for bicyclists, joggers and parents with strollers. It will also establish a safe pedestrian and bike-friendly connection between residential development at the Ridge and Lipman Middle School. Due in part to Lori's outstanding work, Brisbane received the Platinum level Spotlight Award from the Institute for Local Government for environmental leadership and best practices. With her support, the city signed up to have all municipal electric accounts serviced by 100 percent renewable energy.

Lori understands that a high quality of life for residents depends on a healthy balance of physical and financial security, education, functioning infrastructure, clean air and clean water, and recreation and entertainment. Life without music and fun would not be complete, so Lori supported the launch of two spectacular, family-friendly community events, the Marina Kite Festival and the Star City Music Festival. The kite festival celebrated its first anniversary this June and the music festival will have its premier in July next year.

Lori holds a B.A. from Tufts University and a J.D. from Northwestern University School of Law. She and her husband Raymond Liu live in Brisbane with their two young children, Samantha and Noah.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Lori Liu for her exemplary service on the Brisbane City Council. Her public service made Brisbane a better place to live, work and visit. I personally regret that she is leaving office and hope she will return to offer Brisbane her skills and talents in addressing the issues facing her beloved city. I have no doubt that Lori will continue to make enormous contributions to any effort she undertakes.

CONGRATULATING GALESBURG,
ILLINOIS FOR BEING NAMED A
PROJECT WINNER FOR THE 2017
GOVERNOR'S HOMETOWN AWARD

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Galesburg, Illinois for being named a project winner for the 2017 Governor's Hometown Award due to its outstanding Galesburg Heart & Soul program.

The Galesburg Heart & Soul project is a community revitalization and development effort, based on broad and vigorous resident participation. The project's goal is to allow residents to voice what they value most about

their town and encourage them to actively participate in community development. The project did this by collecting the input of Galesburg Residents from all walks of life through hosting multiple focus groups. Based on their voices, an action plan was built in order to guide all stakeholders to develop a stronger, healthier, and more economically dynamic community for all.

The hard work and community collaboration visible through the Galesburg Heart & Soul project makes me especially proud to serve Illinois' 17th Congressional District. Mr. Speaker, I would like to again formally congratulate Galesburg, Illinois for being named a project winner for the 2017 Governor's Hometown Award.

HONORING THE LIFE OF CHARLES
GILBERT SLEPIAN

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mr. RENACCI. Mr. Speaker, I rise today to pay tribute to the life of Charles Gilbert Slepian. A veteran of the United States Army, Charles dedicated his life to protecting and serving his country.

Charles "Chic" Slepian was born and raised in the South Bronx in New York, New York. Charles was a loving husband to his wife Patricia Murray, dedicated father to his children Jon and Keri from his marriage with Nita Koval, and to Jenny and James from his marriage to Jeanette Slepian. He was a caring grandfather to his many grandchildren and proud uncle to Michael and Mark Slepian, and Lori Mulick.

A graduate of the City College of New York and Fordham Law School, Charles had a rich career as an educator and attorney. He served as Deputy Commissioner to New York City Mayor John Lindsay. Additionally, he founded the Foreseeable Risk Analysis Center to consult on various security protocols. As a security consultant, Slepian was frequently called upon by national media outlets to offer his expert analysis on the improvement of security practices.

Mr. Speaker, it is my honor to recognize a life so fully lived. Charles shared his energy with those whom he worked and instilled his values of sacrifice and service in his loved ones. His son, James Slepian, served not only as my chief of staff, but my confidant and friend. I am grateful for the Slepian family's service to our country and ask my colleagues in the House to join me in paying tribute to a valued soldier and citizen, Charles Gilbert Slepian.

HONORING U.S. NATIONAL
GUARD'S 381ST BIRTHDAY

HON. J. FRENCH HILL

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mr. HILL. Mr. Speaker, I rise today to honor the men and women of the National Guard for

their 381 years of dedicated service and sacrifice to the defense of our nation.

On December 13, 1636, the first militia regiments in North America were organized in Massachusetts.

From deploying overseas in theaters of war, to being activated by our nation's governors in times of natural disaster, the Guard has been a critical component of our national security strategy, and an integral part of America's military supremacy.

I extend my thanks to Arkansas's Adjutant General, Mark Berry, for his dedication and leadership of Arkansas's Guard.

Thank you to those Guardsmen who are currently deployed overseas, including the Arkansas Guardsmen currently deployed around the world in Kosovo and Kuwait.

But most of all, thank you to those National Guardsmen who have given the ultimate sacrifice in defense of our nation.

CONGRATULATING FULTON COUNTY, ILLINOIS FOR BEING NAMED A PROJECT WINNER FOR THE 2017 GOVERNOR'S HOMETOWN AWARD

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2017

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Fulton County, Illinois for being named a project winner for the 2017 Governor's Hometown Award due to its exceptional recovery efforts following the event of the Canton Gas Explosion.

On November 16, 2016, the town of Canton and County of Fulton were impacted by a natural gas explosion. This tragic incident destroyed one building, damaged 66 buildings, left 12 people injured, and left one person dead. The explosion was felt as far away as

one mile. The explosion occurred in downtown Canton and affected many major businesses. However, instead of faltering, the community chose to come together and show what it means to be Canton Strong. In addition to public safety agencies, many volunteer agencies and volunteers themselves helped move Canton toward recovery. The Canton Chamber of Commerce also kept businesses informed and helped them get up and running again. This community's response minimized the number of residents affected, job loss, and tax revenue loss.

The hard work, perseverance, and community collaboration visible through Fulton County's recovery efforts makes me especially proud to serve Illinois' 17th Congressional District.

Mr. Speaker, I would like to again formally congratulate Fulton County, Illinois for being named a project winner for the 2017 Governor's Hometown Award.

SENATE—Monday, December 18, 2017

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, strong to save, we love You because You are our shield and deliverer. You have been our God from the moment of our birth, loving and sustaining us with Your mercies.

Lord, You loved us before we loved You, and You empowered us to live productive lives. Cast out of our Senators any fear and anxiety, as their love for You increases. Teach them to treat others as they would want to be treated themselves, fulfilling Your admonition to practice the Golden Rule. May they seek You early, realizing that not an hour goes by when we do not need You. Supply all their needs from the bounty of Your riches in glory.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. YOUNG). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

TRAIN DERAILMENT IN WASHINGTON STATE

Mr. McCONNELL. Mr. President, to begin with, all of our thoughts this afternoon are with the victims of this morning's tragic train derailment in Washington State and with their families as well. Our gratitude is with the first responders who answered the call and rushed to the scene.

TAX CUTS AND JOBS BILL

Mr. McCONNELL. Mr. President, on a different matter entirely, the Senate

has a number of important tasks to complete this week for the American people. On Friday we took another significant step toward delivering major tax relief for middle-class families and small businesses when the House and Senate conference committee released the final text of the Tax Cuts and Jobs Act. We are closer than ever to seizing this once-in-a-generation opportunity to update our Tax Code, to make America stronger, and to help middle-class families keep more of their hard-earned money.

The last decade has not been easy for middle-class Americans. Families, like many I represent in Kentucky, were hit hard by the great recession. Many continue to feel its effects. But too often, instead of helping people get back on their feet, Washington has been an obstacle. Our broken and outdated Tax Code lets the government take too much money out of Americans' paychecks. The Obama administration's runaway regulations slowed job growth and destroyed opportunities just when people needed them most.

Help is on the way. The Tax Cuts and Jobs Act is a major step toward a stronger, more prosperous America with higher wages, higher take-home pay, more jobs, and better opportunities for middle-class Americans. First and foremost, the bill provides immediate relief by letting Americans keep more of their paychecks. A typical family of four earning the median family income will get a tax cut of more than \$2,000. We are taking that money out of Washington's pocket and putting it right back into theirs. By modernizing the way we tax businesses, we will make America a better place to invest, start small businesses, and create middle-class jobs.

Our tax bill will make it less attractive for American businesses to send jobs and investments overseas and more attractive to expand and invest here at home. That is why American manufacturers say they are excited about this bill and plan to hire new workers, while Chinese officials say it has them worried.

The conference report will also repeal the punitive individual mandate tax at the heart of ObamaCare. Under ObamaCare, Americans must either buy the kind of health insurance that Washington thinks they should buy or pay a heavy tax penalty. By repealing this unfair penalty, the Tax Cuts and Jobs Act will give low- and middle-class families even more tax relief, along with the flexibility to make their own healthcare decisions. The bill will also strengthen America's future by enhancing our energy independence.

The Tax Cuts and Jobs Act provides for further responsible development of Alaska's oil and gas potential. Unleashing more of our own natural resources will create good jobs and improve America's energy security. The historic accomplishments in the Tax Cuts and Jobs Act will bring immediate relief to struggling families and set America on a trajectory toward greater strength and prosperity.

I commend the conferees—especially Chairman HATCH, Chairman MURKOWSKI, and Chairman ENZI—for their work to help finalize the conference report. I look forward to voting for its passage, and I urge all of our colleagues to join me in voting to give the American families the relief they need and richly deserve.

FUNDING THE GOVERNMENT

Mr. McCONNELL. Mr. President, on another matter, before the end of this week, Congress must agree on a continuing resolution to sustain the critical operations of the Federal Government. In this process, it is vital that we ensure that our men and women in uniform have the resources they need to protect Americans and face the challenges of a dangerous world.

During the Obama administration, the readiness of our all-volunteer Armed Forces was hurt by irresponsible cuts to the Department of Defense, which have damaged combat readiness. The military suffered a disproportionate burden under the Budget Control Act. The arbitrary demand that increases in defense spending must be equally matched by increases in nondefense spending should not stand in the way of delivering the resources needed to restore near-term and long-term readiness. Earlier this year, we rightly set aside that misguided standard and took steps to fully meet the needs of our warfighters. This week, we need to do so one more time.

If Congress fails to reach agreement on government funding, our military will suffer intolerable budget cuts that would jeopardize the tools and the training our servicemembers need to fulfill their missions. Our responsibilities run deeper than keeping the government open and ensuring our warfighters have the resources they need.

Before the year ends, we must also deliver results in several additional areas of vital importance to the American people. We must renew funding for the Children's Health Insurance Program so the parents of 9 million children who are covered by CHIP can

know that their children's healthcare is secure. We must reauthorize a critical foreign intelligence program that the men and women of American law enforcement need to keep our Nation safe from those who wish to harm us. We must renew the popular Veterans Choice Program, which aims to cut wait times for VA healthcare and to give our veterans flexibility to access care outside of the system. We must approve supplemental disaster funding for States and Territories that are still struggling to rebuild after a year of devastating disasters. We must pass a routine waiver to avoid unacceptable cuts of Medicare funding and other vital programs.

Since the enactment of the pay-go law in 2010, Congress has never allowed a sequester to take effect, especially for tax bills, and we must act again this week to ensure that vulnerable Americans are not harmed.

Of particular importance, faced with the continued failure of ObamaCare to keep health insurance affordable for working Americans, we must take this opportunity to pass bipartisan solutions that will help stabilize collapsing health insurance markets and lower premiums for individuals and families across the country.

Across all these critical areas, Congress must do what is right for the American people and take action this week. I urge each Member of this body to come together and help pass a funding agreement that fulfills our responsibilities to the Nation. I look forward to working with our colleagues on both sides of the aisle to make sure that happens.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

TRAIN CRASH IN WASHINGTON STATE

Mr. SCHUMER. Mr. President, first, our hearts go out to everyone who has been affected by that horrible train crash near Seattle, WA. I know that authorities are still investigating what caused the crash. We have to find out what went wrong and then work to fix it. We in New York know what this is like. We have had a few of these derailments and crashes—Spuyten Duyvil on the Metro-North, where four people died about a year and a half ago

or a year or two ago. It was very bad. We have to work on train safety, and there are lots of things to do. I am not going to talk about that now, but we do have to. For now, we are wishing the very best for everyone on that train, and we remain deeply grateful to the first responders who reported to the scene.

REMEMBERING BOB WILMERS

Mr. SCHUMER. Mr. President, on another sad note and before I move to the substance of the day, I want to spend a moment in recognizing a dear friend of mine who passed away this weekend, Bob Wilmers, one of the most respected and prominent benefactors in Buffalo, NY—one of the great cities in my State and in our country.

Very few men had done as much for Buffalo since its founding hundreds of years ago as Bob Wilmers had done for the last several decades. He was the chairman of M&T Bank. He helped the bank grow from a small bank into one of the largest employers in the region—6,500 employees. As he built the business and created thousands of good-paying, middle-class jobs, he helped Upstate New York dramatically.

M&T Bank was a large bank, but it was not one of these banks that engaged in swaps overseas or other risky types of investments. It lent money to small businesses, and it had a deep caring for the communities which it served. It was a model bank, in my opinion. It did an amazing job in helping to revitalize our upstate economy, which has had trouble over the last several decades due to so many different things, including bad trade policies.

Bob was also not just committed to the bank, which he loved, as he loved the employees, cared about them, and was such an honorable employee; he was also committed to Buffalo and philanthropy. He directed almost \$5 million to local nonprofit organizations in New York—the bank did under his leadership. That is because Bob himself was a philanthropist. He was a man with a big heart, and he always gave in every way. He spent many years supporting one of the great art museums in America, the Albright-Knox Art Gallery, and the Buffalo Philharmonic Orchestra, just to name a couple. He was a booster to everything Buffalo. He was never in the camp that thought Buffalo's best days were behind her. He always believed in Buffalo's potential and its future and helped to make that happen. The city of Buffalo is turning around. We are so proud in so many different ways. It is, in good part, because of Bob Wilmers.

On a personal level, my wife and I will miss him. He visited my wife for lunch a few months ago. He was 83 years old, and he was on his rickety, old bike and rode through the streets

of New York City to meet her so that they could have lunch.

Bob's wife Elisabeth and Iris and I spent many happy hours together. He was a brilliant man, a brilliant banker, decent, caring, and civic-minded. The loss is the Wilmers family's, and our condolences go to Elisabeth. It is a loss for Buffalo and the United States. Bob will be truly missed. His untimely death has sent shock waves throughout New York State, and we will miss him so.

SPECIAL COUNSEL MUELLER

Mr. SCHUMER. Mr. President, on a different subject, I again warn about the danger of the smear campaign against Special Counsel Mueller.

Over the weekend, allies of the President in the media escalated their phony attacks on Special Counselor Mueller to an outrageous degree. One of the assertions that arose this weekend was that Special Counsel Mueller improperly obtained emails from the Trump transition team. This is a bald-faced lie. There is no proof behind the allegations. There is no substance behind the allegations. They can't point to any indication that Mueller's team did anything that was improper, let alone illegal. The Mueller team is allowed to request whatever it wants. They are special counsel, special prosecutors. They either have to get the account holder's permission or go through appropriate criminal processes. In this case, there is no indication that they didn't follow the guidelines.

So to those complaining here in the Congress and in the media, point to something specific that Mueller did wrong here.

They can't. These attackers are creating impropriety when there is none. Their attacks are not based on fact or logic. This is a hatchet job, plain and simple. If they have a legal complaint, they can pursue it in court, but of course they don't. That is why these attacks are only speculation on TV by partisan pundits.

Robert Mueller is one of the most respected and trusted civil servants in our country. His integrity is unimpeachable. The concerted campaign to discredit him and his investigation in the rightwing media is nothing more than propaganda and disinformation to try to turn the public's attention away from the real investigation—Donald Trump's potential collusion with Russia and the collusion of his campaign and the attempt, if it is found, to obstruct justice and prevent an investigation from going forward.

I hope my colleagues on both sides of the aisle will defend the special counsel from these spurious attacks. Everyone—Democrat and Republican alike—must reject the strident voices that falsely impugn Special Counsel Mueller.

FUNDING THE GOVERNMENT AND THE REPUBLICAN TAX BILL

Mr. SCHUMER. Mr. President, we have a lot to accomplish before the end of the year. Government funding runs out on Friday. We still haven't reached a bipartisan agreement on lifting the budget caps to ensure that our investments in economic growth and job creation rise in tandem with our investments in our national defense or in a disaster supplemental that treats equitably California, Puerto Rico, and the U.S. Virgin Islands, as well as Texas and Florida. We need a bipartisan agreement to fully fund the Children's Health Insurance Program and community health centers, end the sabotage of our healthcare markets, protect the Dreamers, and shore up pension plans for hundreds of thousands of hard-working Americans.

We should be doing all these things together instead of in a piecemeal fashion. It will lead to a better bipartisan result, which is a necessity. To try to do it in a partisan way, as the House of Representatives seems to be doing, will lead to nowhere and to a government shutdown. Instead of jamming through a partisan tax scam in the House and Senate, we should be working on middle-class priorities.

To make matters worse, House Republicans continue to waste time on a partisan CROmnibus that is dead on arrival in the Senate. There is another path. Republicans and Democrats should continue to negotiate a genuine bipartisan agreement that paves the way for the major unresolved issues to get to the President's desk. With so little time left before the end of the year, those negotiations must proceed in earnest. They haven't been.

Today, in the House, the Republican Members of the team called off the negotiations and said: Let's do it tomorrow—as the clock ticks.

A few items have become sticking points and should be addressed. We still don't have a deal on pensions. Over 1 million Americans are waiting for our Republican friends to do what is right and work with us on a solution to the pension crisis in America. These working people every month put money into a pension hoping that when they retire, they are not going to become rich, but they can live a life of dignity. A lot of that has been robbed from them. We have an obligation to help them. That is a high priority for Democrats in the Senate and the House.

We still don't have a resolution on Democratic funding requests for opioid treatment. We know the scourge of opioids, the number of deaths throughout America—rural, suburban, urban, Black, White, Hispanic, Asian, everybody. In the flower of their youth, so many are being taken by opioids. We don't do enough, and there is a clamor from the Nation to do more.

What about veterans' care? Cuts have hurt our veterans who have served us.

They are not getting the help they need.

Our infrastructure is crumbling. We need help in rural areas, urban areas, suburban areas. What about that?

There is no resolution on adequate funding for Puerto Rico and its resiliency or the Virgin Islands, no resolution on fixing our wildfire funding problem which we proposed.

We still don't have an understanding on the Republicans' plan to extend the 702 FISA Court program. The majority leader has told us: Oh, we have to act on FISA. He could put it on the floor today. He could have put it on the floor last week, instead of putting three judges—some of whom had dubious credentials—on the floor. So to tell us we are running out of time for FISA, when the majority leader controls the floor and hasn't done anything for months, rings a little hollow.

We still don't have a good deal on the healthcare package. Now that Republicans are pushing through a partisan repeal of the individual mandate in their tax bill, which causes premiums to rise 10 percent—when America gets those premium increases this spring and summer, they will know who to blame. The number of Americans without insurance will rise by 13 million. The bipartisan stabilization bills will not have the same impact. We will need new legislation to account for the Republicans' latest attempt to undermine our healthcare system.

We still don't have a disaster package that adequately takes care of Puerto Rico, California, the Virgin Islands. I hear that my friends from Texas—both Houses—are demanding we rush through a partisan disaster package through the end of the year. Texas needs the money, but the Governor of Texas has refused to tap the State's \$10 billion rainy day fund—the largest in the country—to help Houston and other parts of the State recover from Hurricane Harvey. Yet, at the same time, he is demanding immediate Federal assistance. On its face, it is absurd. It is an absurd position for a routine critic of Federal Government spending to demand money immediately, while he has a \$10 billion fund sitting there. Imagine if those moneys were in New York or Maryland what our Republican colleagues would be saying. Constantly, we have this what is good for the goose is not good for the gander on our Republican side. I could have used stronger words, but I stopped myself.

I say to the Governor of Texas: If a rainy day fund is not for a rainy day, which Texas had, then what the heck is it for? I, for one, don't want to vote for a nickel for Texas unless they tap that rainy day fund.

Of course, last, but certainly not least, we have to ensure protection for the Dreamers. Bipartisan negotiations are ongoing in the House and Senate.

That is good news. Democrats and Republicans in the Senate and the House are trying to come to an agreement on helping the Dreamers, who just want to become Americans, and coming up with border security which we all believe we need. One thousand Dreamers are losing their status every week. While our Republican friends twiddle their thumbs, we need action on the Dreamers, and we need our Republican colleagues to cooperate.

On these issues and more, there is a lot of work left to do. Instead of rushing through their partisan tax bill, I would urge my Republican colleagues to focus on the year-end negotiations.

Speaking of the tax bill, it appears it will be before us on a final vote early this week. Although there were significant changes in the conference report, Senators will not have much time to grapple with them. The conference report was released late last Friday. We are taking a final vote on a bill that will change the entire Tax Code only a few days later. It will be a culmination of the sloppiest legislative process I have witnessed in my time as a Senator. Fittingly, unfortunately, the results will be a mess as well.

My Republican friends are squandering their so-called once-in-a-generation opportunity for tax reform on a massive corporate bailout paid for by middle-class tax increases. What a shame.

At a time when our economy is increasingly stacked against the middle class and in favor of the wealthy, the Republican tax bill will skew the playing field even further out of whack. It will explode inequality in the country, where the top 1 percent of earners already capture over 20 percent of the national income, while the bottom 50 percent take in only 13 percent. It will explode the deficit, starving our country of the resources it needs to invest in education, infrastructure, and scientific research—all the things that help the middle class.

After all of that, it will endanger Social Security, Medicaid, and Medicare. Then, 1 or 2 or 3 years down the line, Republicans will come back to slash those programs to pay for the deficit they have created.

Finally, our Republican friends say: Well, it will create a whole lot of jobs. Give money to the wealthiest corporations. As has been shown over and over again, the wealthiest corporations have a ton of money right now. They are not creating jobs. Give them more money? They will not create any more jobs. The only claim our Republican colleagues have for the middle class is trickle-down. Well, my friends, no one believes in trickle-down except for a handful of wealthy, greedy people who seem to be controlling what you are saying and doing in this tax bill.

This bill, in short, is a cynical one-two gut punch to the middle class. It

raises middle-class taxes to pay for corporate tax cuts and decimates their earned benefits as a kicker. Surely we can do better than this.

Tomorrow Republicans will have a chance to vote down this tax bill, which is one of the least popular pieces of legislation in the last 30 years. My Republican colleagues have accomplished an amazing trick. A tax cut, usually popular, is 2-to-1 unpopular in America. Good work.

They know what is in it. The public knows. They know they are getting crumbs, if anything, and many are getting increases, while the highest income people do great. Well, let me just say, if by some miracle, our Republican colleagues get the good sense to vote this package down and really help the middle class instead of just helping the wealthy, we Democrats will be there. They will find a Democratic leader and a Democratic Party willing to work with them on real bipartisan tax reform.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations en bloc, which the clerk will report.

The legislative clerk read the nominations of J. Paul Compton, Jr., of Alabama, to be General Counsel of the Department of Housing and Urban Development; and Owen West, of Connecticut, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

The Senator from Texas.

TAX CUTS AND JOBS BILL

Mr. CORNYN. Mr. President, listening to my friend, the Democratic leader, leads me to conclude that he and his party have given up on the American dream. They want to settle for the status quo, which is stagnant growth of our economy and jobs where people haven't seen an increase in their wages for years. They even seem to be rooting for failure. That seems to be the attitude of our missing-in-action congressional Democrats on the Tax Cuts and Jobs Act.

We, on the other hand, think American families need more take-home pay, higher wages, more jobs, and a competitive economy, and we believe they shouldn't have to settle for less. I will come back to that in a moment.

I do want to talk about tax reform and make the perhaps obvious statement that tax reform is hard. That is the reason it hasn't been done since 1986. It is even harder when we have a political party that is determined to fight against every single proposal we have made in our tax cut and tax reform bill, including ones they themselves have championed in the past.

I have heard the ranking member of the Senate Finance Committee, Senator WYDEN, talk about corporate giveaways, and the Democratic leader just alluded to the same thing. Yet we are embracing the same sort of approach they took in previous proposals and that President Obama advocated for in his State of the Union Address in 2011, when he asked Republicans and Democrats alike to work together to lower the highest corporate tax rate in the industrialized world because he knew it was chasing jobs overseas, and he knew it was important to bring that investment and those jobs back to the United States. That is exactly what our bill does.

My friend KEVIN BRADY, the chairman of the House Ways and Means Committee, called tax reform a Rubik's Cube. He is right, but now, thankfully, we have figured out how to solve that Rubik's Cube.

We confess that this legislation is not perfect, but it is good, and it is much better than the status quo, which our Democratic colleagues seem to have settled for. Last week, the conference committee met between the House and the Senate, and members, including myself, had many difficult conversations about how to reconcile the differences between the two bills. Those discussions were necessary, they were prudent, and they were productive. We now have a consensus about how to get this bill across the finish line and to the President's desk before Christmas.

We will vote on this final bill after the House does tomorrow—hopefully by tomorrow night. Perhaps it will carry over into Wednesday morning, but we will get it on the President's desk for him to sign into law before Christmas, as we pledged.

I want to talk for just a few moments about why I am so excited at the prospect—and so are so many other people across the country—because oftentimes their words get lost in the chatter, some of which is designed to mislead and presents an inaccurate picture of just how consequential this tax reform will be. Their voices—those who believe this good bill will help them—deserve to be heard.

Let me first talk about manufacturing. There was a survey released last week that showed historically high optimism among 14,000 small and large employers in the manufacturing sector. How long have we heard that we need to bring manufacturing back to the

United States rather than outsourcing it to Mexico or China or other places around the world? Well, we tried to address that, and I think we met with some success because more than 94 percent of manufacturers are now positive about their company's outlook. Nearly 64 percent said that tax reform would encourage their company to increase capital spending. Capital spending is what goes into infrastructure, equipment, and things that allow them to become more productive and to create more jobs. A majority of these manufacturers said that they would indeed expand their businesses and they would hire more workers after this bill is signed into law by the President. In fact, manufacturers predict that the number of jobs could surge to 2 million by the year 2025. Now there are roughly 350,000 American manufacturing jobs, so a leap to 2 million is almost fantastic—hard to contemplate—but very exciting if true.

The second group I want to mention that is very excited about the Tax Cuts and Jobs Act is small businesses. We know small businesses are the economic engine of the country. Indeed, 70 percent of new jobs are created not by Fortune 500 company businesses but by small businesses. As one piece in the Houston Chronicle recently pointed out, the 2.6 million small businesses that call Texas home are enthusiastic because tax reform will provide them much needed relief.

Small businesses, of course, all have to pay taxes, which is burdensome enough, but they also have to spend hours and money to comply with our unnecessarily complex tax laws. According to a 2017 survey by the National Small Business Association, 58 percent of small businesses reported that the administrative burden of Federal taxes posed a greater challenge than the cost of the taxes themselves. The burden of compliance was worse than the check they had to write to the Federal Government. The Houston op-ed put the matter succinctly. It said:

For large corporations that can afford a small army of lawyers and accountants, the tax laws are a nuisance. For small businesses, they are a nightmare.

Now that situation will change. Our bill will simplify the Tax Code by eliminating many special deductions and credits while broadening the base and bringing down rates.

To those cynics here inside the beltway who roll their eyes, who think that changes to the business provisions of the code don't matter, I would point out two more important pieces of news. First, the Federal Reserve, an independent government institution, recently said that this tax package is one of the factors that led them to increase their projections for growth next year. That is welcome, to say the least. Tax reform, said Federal Reserve Chair Janet Yellen, last appointed by President Obama, will boost spending and

could do the same for productivity. So the Federal Reserve has raised its growth projections for next year, particularly in response to what we are doing.

For those who worry about deficits—that we are cutting taxes too much—and who don't believe the economy will grow to compensate for those cuts in taxes, all they need to do is look at the projection of the Federal Reserve. They currently project the economy to grow at 2.1 percent, but she said that next year it could go to 2.5 percent. So even if you believe that very conservative estimate, that is enough growth to compensate for the cut in taxes and the loss of revenue next year, but we expect that will continue and will grow over the next 10 years.

It is another thing to note how the rest of the world is reacting to what we are doing here. To name but one example, China is worried, which should tell us something. According to a Wall Street Journal story printed last week, China sees these tax plans as making the United States a much more attractive place to invest, which means less investment will occur in China. One official in Beijing has called our tax plan a huge and imminent danger that can't be ignored. China is worried that job creators will relocate here in America, which is a well-founded concern and one of the goals of this tax bill. That is exactly what they will do when we lower the corporate rate and go to a territorial system. Rather than taxing these businesses twice and encouraging them to keep the money they earn and the jobs they create overseas, we encourage them to bring them back to America by making our businesses more internationally competitive.

So to summarize what we are seeing already, and we haven't even passed the bill yet—the conference report, at least—we have passed the Senate bill, the House bill, and now the conference report, which is the reconciled version between the House and the Senate versions, was released Friday.

To summarize what we have seen already, nationally, manufacturers are raving about the tax plan. In places like Texas, small businesses desperately need the relief this bill offers. The Federal Reserve, an independent financial body of the Federal Government, has increased their growth estimates, in part, based upon the tax relief provided in this bill. And our chief competitor in the global economy is startled by what we are doing and afraid of what it might mean in terms of America's competitiveness globally.

Put all this together and what do you have? A brief snapshot of the huge economic impact of the tax overhaul that will be signed by the President in the next few days. Signs of that impact are all around us, almost everywhere I look.

I know of at least one major airline—Southwest Airlines—that has already

announced big plans as to what they plan to do with their tax savings. With the benefits afforded by this tax reform, they said that they will purchase new aircraft. Well, this means more jobs for the people who build those aircraft. It means more jobs for the pilots and the flight attendants who travel on them. It means better customer experiences, and it may even mean lower fares for consumers.

Let's talk about what this bill does for Americans who get up and go to work every day and just try to eke out a living, providing for their families. Well, I will tell you, for those worried about how tax reform will affect real people's actual lives, let me give you a couple of concrete examples. Let's take a single teacher making \$50,000 a year. She will see a significant reduction in her tax burden—between 17 and 20 percent—less taxes that she will have to pay. This comes from a lower marginal rate and a higher standard deduction. How about a married couple with three children and with median earnings of \$75,000 a year? Well, their tax bill will decrease, as well, by as much as \$2,000 from a lower rate and a higher child tax credit.

As I have said before, maybe some of our Democratic friends don't believe this is a big deal; maybe they don't care about those American families living paycheck to paycheck, who would welcome an additional \$2,000 each year. Their actions make me think they are OK with the status quo because they have refused to even participate in the process, and they have been rooting for failure every step along the way.

Well, we saw the latest example of this over the weekend when a leftwing website, masquerading as a legitimate news outlet, led by a former staffer of the junior Senator from Vermont, published what it advertised as a breaking news story about the final bill. This story breathlessly claimed, without a shred of evidence, that a provision had been airdropped into the final draft in secret in order to secure the vote of a Member who would supposedly personally benefit from it. This is a salacious tale from beginning to end. It was also completely false and invented.

As a member of the Senate Intelligence Committee, I have joined with my colleagues over the last year to investigate the efforts of Russian intelligence operatives to undermine public confidence in our last elections. Well, the way this phony news story broke and was picked up on social media and in the mainstream media would make a Russian intelligence officer proud. The whole purpose of this exercise—this false and invented story—was to undermine public confidence in this tax reform package that we will pass, perhaps as early as tomorrow, to be signed by the President, perhaps before Christmas.

Some of our friends on the other side of the aisle and their allies in the so-

called mainstream media ran with it in a dishonest attempt to derail us from passing the bill and undermine the reputation or integrity of one of our fellow Senators—all from a made-up story. Again, the Russian intelligence officials—it is well-documented by now—through a combination of cyber theft, propaganda, creative use of social media, and a gullible mainstream media, undermined American confidence in our most basic obligation, an institution of our government, which is our election system. But what we saw happen this weekend, as I said, would have made a Russian intelligence officer proud.

As a letter from Chairman HATCH, who is chairman of the Senate Finance Committee, makes clear today, this website, which, by the way, also posted a false report about an amendment I had introduced several weeks ago and later had to correct it, spread a false story irresponsibly and dishonestly. In his letter, Chairman HATCH writes:

It takes a great deal of imagination—and likely no small amount of partisanship—to argue that a provision that has been public for over a month, debated on the floor of the House of Representatives, included in a House-passed bill, and identified by [the Joint Committee on Taxation] as an issue requiring compromise between conferees is somehow a covert and last-minute addition to the conference report.

It reminds me of another quote sometimes attributed to Mark Twain, perhaps apocryphally, who supposedly said: A lie can travel halfway around the world while the truth is still putting on its shoes. Well, a lie can travel even faster than that today because of social media.

Shame on those who would perpetuate lies in an effort to deny the American people a much needed tax cut and tax relief. Thank goodness that attitude isn't shared by most Americans and by the Texans I represent who want and deserve much better than the same old same old. They don't believe we have to settle for the status quo. We are going to give them something better. We are going to keep our promise, and I can't wait until this bill gets on the President's desk.

Let me just close by saying that I am a proud son of a World War II veteran. My dad was in the Army Air Corps, flew B-17s out of Molesworth Air Force Base in England over Nazi Germany during the end of World War II. He was a member of the 8th Air Force, 303rd Bomb Group. On his 26th mission, he was shot down and captured as a prisoner of war. Thank goodness he survived, came home, met my mom, married, raised a family, and became a productive member of civilian society after his military service. But I remember, as if it were yesterday, what my parents said they wanted for me, my brother, and my sister. It is what parents of that entire generation wanted for their children and grandchildren.

They wanted to know that their sacrifice, their willingness to fight and win America's wars against terrible tyrants, such as Adolph Hitler—that the consequence of their sacrifice and their service would be a better standard of living, a safer world, and a better quality of life. In short, what they wanted for us and what I want for my children and what I believe every American parent wants for their child or their children is exactly what my parents wanted for me and my sister and my brother. We sometimes call that the American dream.

Some of us believe that the American dream is still alive, that we don't have to settle for second place. We don't have to settle for the status quo. We don't have to settle for flat wages and fewer jobs. We can do better. We believe we have done better in this piece of legislation, which will help reawaken the slumbering giant of the American economy. It will put Americans back to work. It will mean more take-home pay. It will mean a better standard of living, but, surprisingly—and disappointingly—our colleagues across the aisle want no part of it. I hope they haven't given up on that American dream. I haven't given up, and I don't believe Americans have given up on that dream.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I ask unanimous consent that the letter from Chairman HATCH be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,

Washington, DC, December 18, 2017.

Hon. BOB CORKER,
Washington, DC.

DEAR CHAIRMAN CORKER: Thank you for your letter dated yesterday.

I am disgusted by press reports that have distorted one particular aspect of the conference agreement on H.R. 1, the Tax Cuts and Jobs Act. The reports have focused on the final version of the 20 percent pass-through deduction, the proposed new Section 199A. As the author of this provision and the vice chairman of the conference committee, I can speak with authority about the process by which the conference committee reached its final position.

There are two false assertions contained in these reports, and I would like to correct the record on both.

First, some have asserted that a new provision was crafted for real estate developers and was "airdropped" into the conference agreement. Second, reports have implied that you had some role in advocating for or negotiating the inclusion of this provision.

Both assertions are categorically false. With respect to the second, I am unaware of any attempt by you or your staff to contact anyone on the conference committee regarding this provision or any related policy matter. To the contrary, virtually all the concerns you had raised in the past about the treatment of pass-through businesses in tax reform were to voice skepticism about the generosity of various proposals under consideration.

The first claim—that a new pass-through proposal was created out of whole cloth and inserted into the conference report—is an irresponsible and partisan assertion that is belied by the facts. For more than a year, tax-writers in the House and Senate have worked to craft legislation that not only provided relief for "C" corporations, but also delivered equitable treatment for pass-through businesses. Though the two chambers came at this issue from different angles, our goal was the same: To provide tax relief to pass-through businesses at a level similar to that provided to regular "C" corporations. This policy goal was confirmed in the Unified Framework for Fixing Our Broken Tax Code, which provided in part:

"TAX RATE STRUCTURE FOR SMALL BUSINESSES The framework limits the maximum tax rate applied to the business income of small and family owned businesses conducted as sole proprietorships, partnerships and S corporations to 25%. The framework contemplates that the committees will adopt measures to prevent the re-characterization of personal income into business income to prevent wealthy individuals from avoiding the top personal tax rate."

The House Ways Means Committee and the Senate Finance Committee achieved this mutual goal by different means. Section 1004 of the House bill provided a special tax rate for pass-through income and included a "prove-out" option for capital-intensive businesses. Chairman Brady unveiled this approach on November 2nd, more than six weeks ago.

The Senate took a different approach, achieving the intended rate relief through a deduction patterned after current law Section 199. We also included measures to ensure that compensation could not be easily gamed into business income in order to qualify for the deduction. Similar to Section 199, the deduction in the Senate bill excluded compensation and guarantee payments to owners and was limited to 50 percent of compensation paid to employees, with an exception for small pass-through businesses, including service providers. The Senate bill did not include a prove-out option for capital-intensive businesses like the one contained in the House bill.

The Joint Committee on Taxation ("JCT"), the non-partisan congressional scorekeeper for tax legislation, released a side-by-side summary of the two bills for conferees. That summary, dated December 7, 2017 and available on JCT's website (JCX 64-17), described the House position in part:

"In the case of a capital-intensive business, a taxpayer may 'prove out' a capital percentage by electing the application of an increased percentage for the taxable year it is made and each of the next four taxable years. The applicable percentage is determined by dividing (1) the specified return on capital for the activity for the taxable year, by (2) the taxpayer's net business income derived from that activity for that taxable year."

It takes a great deal of imagination—and likely no small amount of partisanship—to

argue that a provision that has been public for over a month, debated on the floor of the House of Representatives, included in a House-passed bill, and identified by JCT as an issue requiring a compromise between conferees is somehow a covert and last-minute addition to the conference report.

I have sat on a number conference committees, too numerous to remember. In each case, conferees have come into the conference expecting to achieve their chamber's position or negotiate a reasonable compromise. This conference committee was no exception. The House entered the conference with an interest in preserving, in some form, the prove-out alternative as an option for capital-intensive taxpayers. Through several rounds of negotiations, the House secured a version of their proposal that was consistent with the overall structure of the compromise.

The prove-out alternative included in the conference report was derived from the House provision and is the product of a negotiation between the House and Senate tax-writing committees. It is that simple.

If you have any further questions, please feel free to contact me.

Very Truly Yours,

ORRIN G. HATCH,

Chairman, Senate Finance Committee.

Mr. CORNYN. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KING. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEADLINES

Mr. KING. Madam President, I rise today to talk not about legislation or about the tax bill—well, I may talk about the tax bill a little—but I do wish to talk about deadlines and how we all do our work, whether it is in the Senate, in our businesses, or in our personal lives. I wish to talk about deadlines missed and deadlines that don't exist.

One of the realities of this place that I think is very unfortunate is that we rarely make our deadlines. These are self-imposed deadlines. These are deadlines that we create. We pass a law that says something has to happen by September 30. We set the deadline, and then we don't make it.

Most notoriously, it happens with budgets. I don't know the last time we had a budget on time. I think it is about 17 years ago. I suspect there are probably less than a dozen Senators in this Chamber who were here when we last passed a budget on time. There is no excuse for that. The problem is that when we put it off, we don't know anything more than we did at the time of the deadline. We could have done it, and yet, because we are able to, we put it off. That is human nature, unfortunately. Who among us would not have put off the deadline for a book report if we could have said to the teacher: Gee,

I don't think I can make that Monday morning deadline. I will just do my book report on Tuesday.

Life doesn't work that way. In the real world, there are deadlines. There are consequences if you don't get your work done on time. Things happen, and if you don't get your work done on time, usually, those things that happen are bad. I don't know where else, other than in this body, where deadlines, which have enormous implications and enormous importance, are simply ignored.

I just sat down in the last day or so and put together real deadlines that we have in the law right now. What are they? Well, the Children's Health Insurance Program's deadline is September 30, 2017. That is gone. That has passed. I can give you 23,000 reasons that we should have met that deadline. That is the number of young people in Maine who are covered by the Children's Health Insurance Program, and there are 9 million nationwide. But we missed the deadline. Why? I can't find any reason. We don't know anything now that we didn't know in the middle of September or in August when we could have passed this program, but we just blew right by it. Maybe it is because none of our kids are in this program. I venture to say that if the children of the Members of the Senate were in the CHIP program, we would have met that deadline, but we didn't.

What is another one? Community health centers had another deadline of September 30, which was missed. I will give you 200,000 reasons that we should have met that deadline. That is the number of people in my State of Maine who are served by federally qualified health centers. I was at one just on Friday. They serve people who otherwise wouldn't get care. They fill an enormous gap, particularly in a rural State, to provide healthcare to people who need it, but we didn't make the deadline. There was no particular reason not to make this deadline. We just blew right by it. It was not all that important. I venture to say that if our families were covered under this program, we would have gotten it done. No Senators' families are covered by federally qualified health centers. If they had been, we would have gotten it done.

Of course, the granddaddy of all of deadlines mentioned is the budget: October 1, 2017. We missed it—no deadline. We just went right by it. Nothing happened. Well, what we did was to pass a continuing resolution. A continuing resolution really should be called a "cop-out resolution." It is basically saying that we are not going to make the hard decisions in a budget. We are just going to push them forward for a month or two. But the problem is that the month or two comes. In fact, it is coming this Friday, and now we are talking about another continuing

resolution to go into January or February. No business would do this. Families can't even do this.

Some time ago, I was the Governor of Maine. I remember vividly. I can practically tell you where I was standing in my office. We have a deadline in Maine of July 1 for our budget. We always make it. Members of the legislature of one of the parties came to me. They were having a hard time getting a budget. It was very contentious, as it is every year. He said: Governor, let's just do a continuing resolution like they do in Washington, and we can solve this problem in the next 2 weeks. I said: Not on your life, because if we do, once we open the Pandora's box of continuing resolutions in Maine or in Iowa or in Mississippi or Florida, then we are stuck. We will never get a budget on time again because it is too easy to put off the hard decisions. What do we know now about the budget that we didn't know in August? What will we know in January that we don't know now?

By the way, a continuing resolution for the entire budget is bad for the government and disastrous for national security. I serve on the Armed Services Committee. We have hearings both from our civilian leadership and our military leadership, and they have told us repeatedly: Please get us a budget. The continuing resolution doesn't allow us to plan. It locks us into last year's priorities. It doesn't allow us to look forward and make commitments that will save the taxpayers money if we have the authority. It is a disaster for national security, but a deadline was missed on September 30. It looks like we are going to miss another deadline on December 22, and we will be here talking about funding the government, doing the budget, sometime in January or maybe in February. There is no reason for it. There is no reason for it except that we are simply avoiding making difficult decisions.

The next one is DACA, or Deferred Action for Childhood Arrivals. The real deadline started on October 6. That is when people started to lose the ability to re-up their qualifications for DACA. Over 100 people a day are losing their DACA status. In the last week it has been, I think, something like 1,700—in the last week or 10 days. These are people who are going to go into the holidays unsure about whether they are going to be able to continue to live in this country. These are young people, as we all know. This is the only country they know. They were brought here as little kids. They weren't illegal immigrants. They were brought here as children, and they are contributing to our society, and they are working and paying taxes. But we missed the deadline starting in October.

Now, even the President said we should fix this program, and he gave us 6 months. He said: I am going to dis-

allow the program, but not until March 5, 2018. I don't know whether it is legal to bet in the District of Columbia, but I would be willing to bet that we are still struggling with this question on March 4, 2018. I deeply hope not because lives are being toyed with here unnecessarily. We could make the decisions now. We could decide to reach a compromise agreement on this program, which Members of both sides of the aisle think needs to be done, including the President. Let's get it done. But it is one more missed deadline.

Next is the National Flood Insurance Program, with a deadline of December 22, which is 4 days from now. I don't think we are going to make it. If ever there was a time of importance for the National Flood Insurance Program, it is now. We have had enormous flooding issues with the hurricanes in Texas, Florida, Puerto Rico, and the Virgin Islands. Yet the flood insurance program expires on December 22. Why don't we get it done? Because it is not our houses. It is not our houses that are at risk to get the flood insurance. I suspect if we had the houses that were part of this problem, it would be solved.

Medicare extenders expire on December 31 of this year. Are we going to get those done? I deeply hope so, but I am not so sure.

FISA section 702, one of the most important national intelligence provisions that we have, also expires at the end of the year. Are we going to get that done? I deeply hope so, but I am not optimistic.

Next, we have the wildfires and FEMA disaster aid for Harvey, Irma, Maria, and the wildfires. These are huge disasters. We have partially funded them, but certainly not to the point that is going to be required. Those deadlines were all this fall.

At the bottom of my chart of priorities is tax reform. Boy, are we going to make that deadline. The only problem is that it doesn't exist. There is no deadline for that. There was no deadline. It is not December 22. It is not Christmas. It is not New Year's. It is a self-imposed deadline that is not in law anywhere.

I agree that we need to do tax reform, but we have been doing it on an unprecedented scale and speed that is unnecessary. We have missed and ignored all these real deadlines in exchange for focusing all of our attention on a fake deadline. Sure, it would be nice to get it done, and we could have gotten it done. It could have been done on a bipartisan basis. We could have started last summer, and we would have had a bill just like the bill that emerged from the HELP Committee with regard to healthcare, on a bipartisan basis. But instead it was a closed process, done with unprecedented speed, with virtually no hearings—well,

no hearings, no real hearings on the bill, no serious outside experts, no analysis of what is in it. We have been given a 500-page bill that we are going to vote on in probably a day or so. Yet we are racing to meet a deadline that didn't exist.

It is boring to talk about process, but that is what I am really talking about today. I just don't understand an institution that doesn't make its real deadlines and yet races and throws everything aside to try to make a deadline that just came out of the air. It is not in any law, any rule, any expectation—let's do it by Christmas or by the end of the year. It is no way to run a business, and it is certainly no way to run the government on behalf of the American people.

I have never been in an institution or in a group of people who are as capable as the people who are here, and I find it genuinely puzzling as to why we perform so poorly and why the public opinion of us is so low. These are good people on both sides of the aisle. Yet something about the way this institution works keeps us from meeting the rules and expectations that the rest of society takes for granted, such as making deadlines, doing your job, doing what you are paid to do.

One of the most fundamental responsibilities is to pass a budget. We have members of our Appropriations Committee who have been working for a year to put the budget together. It is done, and we could do this, but instead we are putting it off and putting it off and putting it off. I wouldn't be surprised if, come January or February—assuming we don't make it by this Friday—there are going to be people who say: Let's just do a continuing resolution for the rest of the year—a cop-out resolution, a nonresolution, a nondecision on behalf of the people of this country.

I think we can do better. I think we can begin to regain the trust of the American people by going back and doing things the way we are supposed to according to the old norms, with hearings and considerations and making deadlines and meeting our obligations to our citizens and to our country.

I deeply hope that as the year turns, we also make a turn and that we make a turn to do this place better, to do our work that the American people hired us to do, to do it on a timely basis, and to meet our responsibilities. I believe we can do it. I believe we can do it better, and I deeply hope that we do so.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

TAX CUTS AND JOBS BILL

Ms. COLLINS. Madam President, I rise to express my support for the conference agreement on the Tax Cuts and Job Act, the first major overhaul of

our Tax Code since 1986. This legislation will provide tax relief to working families, encourage the creation of jobs right here in America, and spur economic growth that will benefit all Americans.

Let me start by discussing the effects of this bill on individuals and families. Throughout this debate, I have emphasized that reforms to our outdated Tax Code must help working families. I, therefore, authored three key amendments that were retained in the final package.

My amendments allow families to deduct up to \$10,000 in State and local taxes, increase the deduction for medical expenses, and protect tax-free contributions for retirement savings.

The original Senate bill would have eliminated the deduction known as SALT that allows taxpayers to avoid paying a Federal tax on State and local taxes that they have already paid. This provision has been in the Tax Code since 1913, when the income tax was first established. It is intended to prevent double taxation. My amendment, which was adopted by the Senate, restored the deduction for property taxes up to \$10,000. I am pleased that the final bill goes a step further by allowing the deduction of property and income or sales taxes up to this level, which will assist even more Americans.

My work to restore this deduction is especially important to families living in high-tax States like Maine, which has one of our Nation's highest tax burdens; yet Maine's per capita income ranks only 31st, which is nearly \$5,200 below the U.S. average. Maintaining this deduction therefore provides important tax relief for those Mainers who itemize.

My second amendment included in the conference agreement is a very important one. It is aimed at helping Americans struggling with high, unreimbursed healthcare costs, including seniors paying for long-term care for a loved one and those with expensive chronic healthcare conditions. My amendment lowers the threshold for claiming this deduction for these unreimbursed expenses from 10 percent to 7.5 percent of income for 2017 and 2018.

The House bill would have eliminated this longstanding deduction used by approximately 8.8 million Americans annually, nearly half of whom make less than \$50,000 per year. Retaining this important deduction and lowering the threshold will provide relief for those experiencing particularly high healthcare costs. That is why AARP and 44 other consumer groups strongly endorsed my amendments, stating: "It provides important tax relief which helps offset the costs of acute and chronic medical conditions for older Americans, children, pregnant women, disabled individuals and other adults, as well as the costs associated with long-term care and assisted living."

At a time when we need to be encouraging Americans to save more for their retirement, I am encouraged that the final agreement preserves the pretax contribution limits for retirement savings plans. We are in the midst of a silent but looming retirement security crisis in this country. According to the nonpartisan Center for Retirement Research, there is a \$7.7 trillion gap between the savings that American households need to maintain their standard of living in retirement and what they actually have saved.

We should be doing everything we can to encourage more saving, not less. For this reason, I am pleased that the final bill will include my third amendment, which struck the original Senate language eliminating the ability of public employees, such as firefighters, schoolteachers, and police officers, as well as clergy and those employed by charities and nonprofit organizations, to make what are called catch-up contributions to their retirement accounts. These employees are generally paid less than their counterparts employed by for-profit companies and thus are less able to save for their retirement. My provision would allow them to continue making these important extra investments toward a secure retirement.

The conference agreement benefits lower and middle-income taxpayers significantly, while simplifying the tasks that no one relishes of completing their tax returns.

Significantly, this bill nearly doubles the standard deduction to \$12,000 for single filers and \$24,000 for those filing jointly. The child tax credit will be doubled from \$1,000 to \$2,000. Thanks to Senator RUBIO's efforts, which I strongly supported, up to \$1,400 of that tax credit will be refundable in order to benefit low-income families.

Let's be more concrete. What do these reforms mean to families across our country? The 72 percent of Mainers who already use the standard deduction will have their taxes reduced. A family with \$24,000 in income will pay no Federal income tax. A single mom earning \$35,000 a year with one child will see her taxes drop by nearly 4,000 percent. Instead of paying money back to Washington, she will be getting back nearly \$1,100 to help her make ends meet. A couple with no children earning \$60,000 will see their taxes fall by more than \$900. A couple with two children earning \$60,000 will get a tax cut of about \$1,700. That is a reduction of more than 100 percent. The bottom line is that most Maine households will see their taxes go down.

I was very concerned about a number of important deductions for individuals that would have been eliminated under the House bill.

Having worked at Husson University in Bangor before my election to the Senate, I am well aware of how critical

education deductions and credits are to our students and their families; therefore, I had several fruitful discussions with a key conferee, Senator ROB PORTMAN, about preserving those deductions that help students afford higher education. I appreciate his strong advocacy for these provisions that I care so much about as a result of my direct experience working with college students. In fact, one of the very first bills that I introduced in the Senate as a new Senator in 1997 was to provide a deduction for interest paid on student loans. The conference agreement maintains that deductibility of interest on student loans, as well as the tax exemption for employer-provided tuition assistance and for graduate student tuition waivers. All of those important deductions are maintained in this bill and will help Americans improve their earnings because of the increased education they will have.

The bill also maintains a \$250 deduction—a provision I authored some 15 years ago—that allows teachers to deduct the costs of classroom supplies they purchase with their own money. Having visited more than 200 schools in the State of Maine, I know firsthand how dedicated teachers dig deep into their own pockets to buy supplies to enhance the education of their students.

In addition, this bill would modernize the ABLE accounts, which are tax-preferred savings accounts essential for providing long-term support for individuals with disabilities and their families.

The bill also continues the tax credit to encourage adoptions.

The final agreement also preserves a number of deductions and credits that are so important to our communities. I worked hard to preserve the historic tax credit so businesses rehabilitating older buildings in communities like Lewiston, ME, will continue to do so.

I am also pleased that private activity bonds, which are vital to many hospitals and institutions of higher education, are continued, as are the affordable housing and new markets tax credits. We have found proven ways to encourage public-private partnerships, and we ought to continue to incentivize these important partnerships.

How this legislation treats employers has also been the subject of much debate, but the reality is the United States cannot continue to have the highest corporate tax rate in the developed world at 35 percent. We are losing jobs as businesses make the calculation to invest overseas.

I have talked to the executives of General Dynamics, which owns Bath Iron Works in Maine and employs more than 5,000 Mainers; to United Technology, which employs more than 1,900 people in North Berwick at its Pratt & Whitney plant; to General Electric,

which has a major plant in Bangor; to Proctor & Gamble, which employs 400 workers in Auburn; and to Idexx, which is such an important high-tech employer in Westbrook, about the positive difference this legislation will make in their ability to create jobs in America.

New Balance, which has about 900 workers in Maine manufacturing footwear, describes the tax reforms as follows: “New Balance will be more competitive and manufacture more footwear in Maine that we can export across the globe.”

This significant Maine employer went on to say: “Companies like New Balance, which already has a strong domestic manufacturing presence, will be able to increase investments in their facilities and be more globally competitive while remaining a U.S. company hiring U.S. workers.”

These words are echoed by the manager of the Pratt & Whitney plant who wrote to me: “The reforms . . . will allow companies like ours to bring home earnings from abroad to invest in research and development, advanced manufacturing, energy efficiency, and workforce initiatives. . . . Pratt & Whitney plans to hire thousands of people over the next several years across our U.S. operations, and this tax reform will further support our efforts.”

Isn't that what we seek? Isn't that what tax reform should bring about—more jobs, right here in America?

The bill also includes changes important for our small businesses which employ nearly half of all workers and generate two out of three net new jobs in our country. They are the true engine of our economy, especially in the great State of Maine. The bill would provide tax relief that enables them to create more jobs, increase paychecks, and grow our economy.

As the president of the Retail Association of Maine recently commented about this tax reform bill, “For Maine and its nearly 9,000 retail establishments and the more than 80,000 retail jobs, this is welcome relief for small businesses.”

According to the National Federation of Independent Business, Maine ranks fifth in the Nation for the share of workers employed by passthrough businesses, as most small employers are structured. The NFIB, our Nation's small business advocacy group, has strongly endorsed this final bill.

Small businesses make an outsized contribution to our Nation's economy; yet they face a tax burden that can reach nearly 40 percent at the Federal level and can be significantly higher than the corporate tax rates paid by larger firms. Small businesses are forced to devote more resources to tax payments and fewer resources to creating good jobs and investing in their communities. This bill provides important tax relief to small businesses that are the backbone of our economy.

Let's listen to the words of some of the small businesses from Maine that have written or talked to me. The owner of Windham Millwork, an architectural woodworking company, described the relief for small businesses and how it will help manufacturing workers and families this way: “Most importantly, it means Windham Millwork will have more money to spend on what matters—our workers and community. With the money we'll save, we can create new jobs or offer better pay to our workforce . . . which helps everyone in our community and contributes to a growing Maine economy.”

The innkeeper of the Nonantum Resort in Kennebunkport noted: “This tax reform bill helps level the playing field for small businesses not only in the hotel industry, but across the economy. With a lower tax burden, small businesses in all industries can continue to grow, creating more jobs.”

Moreover, a family-owned business in southern Maine described for me how the bill would benefit Maine companies and the people who work for them: “When [companies] become more profitable, they reinvest faster, grow faster, and increase profit-sharing. Employees benefit when companies grow. There are more jobs, more opportunities, more security, more mobility, more innovation.”

Tax reform should spur this kind of economic growth. The weak growth and stagnant wages we have seen in recent years cannot be accepted as the new normal for our country. It is clear where the current path would lead if we do not act. CBO projects the current slow growth of just 1.9 percent per year will continue throughout the next decade—far below the historic average of 3 percent. This would result in our public debt exceeding 90 percent of GDP by 2027, just as our obligations to the baby boom generation begin to crest.

Surely, we can do better. Tax relief and reform will lift our economy, leading to higher wages for workers and more revenue for government. Extrapolating from a CBO estimate, an increase of just four-tenths of 1 percent in economic growth could produce revenues that are in excess of \$1 trillion over the next 10 years.

If we remain on our present trajectory, however, growth will remain stagnant. Continued slow growth will crowd out many funding priorities, harm our national security, place significant strain on Federal programs, and impose a burden on our children and our grandchildren. We must act now to reignite the engine of growth, to provide for the next generation the same promise of a brighter future we received from those who came before us.

Finally, let me discuss the critical issue of healthcare. It has been deeply disturbing to see seniors frightened

about the possibility that this tax bill could trigger an automatic 4-percent cut in the vital Medicare Program. Although I knew that the law that could cause this reduction has been waived 16 times, I felt it was essential that our leaders publicly commit that Medicare reductions would not be triggered by this legislation. I don't know of any Senator on either side of the aisle who is seeking to have an automatic 4-percent cut in Medicare go into effect.

I ask unanimous consent that my exchange of correspondence with the Senate majority leader be printed in the RECORD at the conclusion of my statement.

This pledge is ironclad and, I hope, reassuring to our seniors.

I am also concerned about the inclusion of the repeal of the individual mandate of the Affordable Care Act as part of this tax bill. I don't think the two issues should have been combined, but let me be very clear: I have never supported the individual mandate. There is a big difference between fining people who choose to go without health insurance versus the bills considered last summer and fall that would have taken away insurance coverage from people who have it and want it. Those bills also would have made sweeping cuts in the Medicaid Program.

The financial penalty under the individual mandate for failing to comply with it falls disproportionately on lower-income Americans. Eighty percent of those who pay the fine make under \$50,000 a year. For many of these individuals, the cost of insurance under the ACA is simply unaffordable. Individuals making 250 percent of the Federal poverty level—that is just over \$30,000—are not eligible for the subsidies to reduce deductibles and other out-of-pocket costs that are known as the cost-sharing reductions. So, essentially, the insurance they are being fined for, if they don't buy, is virtually useless to them because the deductibles and the copays are so high, and if they make over 250 percent of the poverty level—over \$30,000 a year—they cannot afford it.

I want to make an important point that has been overlooked in this debate. Any Senator, Democratic or Republican, could have offered an amendment on the Senate floor to strike the repeal of the individual mandate. None—not one—chose to do so. That is telling, indeed, and reflects both how unpopular the mandate is and how burdensome its impact is.

Nevertheless, repealing the individual mandate without other healthcare reforms will almost certainly lead to further increases in the costs of health insurance premiums that are already too expensive under the ACA.

For these reasons, I have made it a priority to secure passage of two bipartisan bills that will help make health

insurance more affordable. Shouldn't that be a goal that all of us can embrace? Both of these bills have the support of the President, the Vice President, and the Senate Republican leaders. In fact, Majority Leader MCCONNELL and I engaged in a colloquy affirming that commitment.

The first bill, the Bipartisan Healthcare Stabilization Act, sponsored by Senators ALEXANDER and MURRAY, will provide vital funding to help low-income families pay their out-of-pocket costs, including deductibles and copays associated with certain ACA health insurance. I am proud to be one of the 22 cosponsors of the bipartisan Alexander-Murray bill.

The second is a bipartisan bill that I introduced with my friend and colleague Senator BILL NELSON. It would protect people with preexisting conditions while lowering the cost of health insurance through the use of high-risk pools. This plan will provide \$5 billion annually for 2 years in seed money for States to establish invisible high-risk pools or traditional reinsurance programs.

We don't have to guess about the impact. I am going to quote some actuarial studies shortly. The fact is that we know from experience in States like Maine and Alaska that high-risk pools can help to lower premiums substantially, by an average of 20 percent.

Analyses show that enactment of these two bills together will reduce the cost of health insurance, thus making it more affordable. According to analysis by experts at Oliver Wyman, the passage of these bills will more than offset the premium increases caused by the repeal of the individual mandate. In fact, Oliver Wyman suggests in its estimate that the \$5 billion in funding would be sufficient to allow States to leverage more than \$15 billion in reinsurance coverage, and it would result in premiums that were more than 20 percent lower than if the individual mandate were repealed and the package of provisions were not implemented.

Furthermore, analysis by experts at Avalere project that "in combination, CSR funding and \$5B in annual reinsurance could lower 2019 premiums by 18% and increase enrollment by 1.3M people."

The National Association of Insurance Commissioners wrote that these two bills would significantly reduce health insurance premiums and help promote more stability in insurance markets. The NAIC said: "Providing reliable federal funding to reimburse health insurance carriers for the Cost-Sharing Reduction (CSR) program assistance they give to low-income consumers and grants for states to establish invisible high risk pools or reinsurance programs would reduce premium increases as much as 20 percent and could encourage some carriers to stay in the market."

In evaluating this bill, the question we should ask is not, Does this tax cut make Washington better off? The right question to ask is, Does this tax cut make the American people better off? The answer to that question is yes.

The bill puts money back into the pockets of American taxpayers with tax cuts beginning January 1. As soon as the IRS updates withholding tables this winter, taxpayers will see the benefit of this bill in their paychecks. Over time, Americans will also see more benefit from this legislation in the form of higher wages. Businesses, small and large, will make the investments that will create more jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. COLLINS. Madam President, I will cast my vote in support of the conference agreement on the Tax Cuts and Jobs Act. While it is by no means perfect, on balance, this reform bill will provide much needed tax relief. It will benefit lower and middle-income families, while spurring the creation of good jobs and greater economic growth.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 28, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL: I write to express my deep concerns with the Congressional Budget Office's determination that an automatic four percent cut to Medicare, estimated to be roughly \$25 billion for fiscal year 2018, could be triggered by the passage of tax reform legislation as a result of the Pay-As-You-Go Act of 2010 (PAYGO) even though there is no intention for such a reduction to occur.

Since I do not believe it is anyone's intention to allow automatic cuts to Medicare to occur, I urge swift action to waive the PAYGO requirements. Medicare provides essential benefits to our nation's seniors, and we must remove immediately the threat that an automatic reduction in the program's funding could occur.

Since PAYGO was enacted, sixteen laws that would have otherwise triggered PAYGO's automatic spending cuts have included provisions to exclude all or part of the law's budgetary impact, including the American Taxpayer Relief Act of 2012 that was enacted under the previous Administration.

I look forward to working with you to ensure that no Medicare cuts are triggered under PAYGO, a goal I believe is supported by members on both sides of the aisle. Thank you for your attention to this critical issue.

Sincerely,

SUSAN M. COLLINS,
United States Senator.

U.S. SENATE, MAJORITY LEADER,
Washington, DC, December 1, 2017.

Hon. SUSAN COLLINS,
Washington, DC.

DEAR SENATOR COLLINS: Thank you for your letter expressing concern about the across-the-board spending cuts. You will be pleased to know that Speaker Paul Ryan and I issued the following joint statement earlier today:

"Critics of tax reform are claiming the legislation would lead to massive, across-the-board spending cuts in vital programs—including a 4-percent reduction in Medicare—due to the Pay-Go law enacted in 2010. This will not happen. Congress has readily available methods to waive this law, which has never been enforced since its enactment. There is no reason to believe that Congress would not act again to prevent a sequester, and we will work to ensure these spending cuts are prevented."

Again, thank you.

Sincerely,

MITCH MCCONNELL,
Majority Leader.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, does the Senator from Maine need some more time?

Ms. COLLINS. Madam President, I thank Senator NELSON. I say, through the Chair, that is very gracious of the Senator. I have completed my statement. Thank you.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, while the Senator from Maine is still here, let me just say what a great Senator she is and what a pleasure it is to do business in a bipartisan way, as the two of us have now done for several years here in the Senate, including the legislation the Senator from Maine just talked about.

I just want to say to the Senator from Maine that it is my hope, regarding the statements that have been made to the Senator, that these two pieces of legislation she referenced will be passed. I do believe the majority leader, Senator MCCONNELL, will honor that with regard to the Senate. It is this Senator's concern that at the other end of the hall, in the House of Representatives, they may not honor that. I certainly hope the Senator feels like she has the statements of commitment by the leadership in the House of Representatives that they will do as Senator MCCONNELL has indicated.

Madam President, I wish to talk about the tax bill. Needless to say, you are going to hear a different version from me than my good friend and the very distinguished Senator from Maine, because last Friday night we got the conference agreement on the tax bill. You can wonder why it was held until late Friday night, when nobody was paying attention to the details of the bill.

What is becoming increasingly clear is that this tax bill is not for ordinary folks. It is going to give a few nuggets to the middle class, but that is to mask the true intent. The real purpose of the bill is to give huge tax cuts to multinational corporations and to make it easier for them to shift jobs overseas. That is the bottom line.

Right now, under current law, corporations that send jobs overseas have to pay taxes on the money they bring back into the United States, but now,

what this new GOP tax bill says is that corporations that send jobs overseas can bring that money back to United States tax-free. Once this bill passes, companies will come under increasing pressure to take advantage of the tax savings in the bill by sending their jobs overseas to low-wage countries—particularly those jobs that can't already be automated.

This is the exact opposite of what we should be doing. Instead of passing this version of the tax bill that will inevitably send American jobs overseas, we should be working on a bill that cuts taxes permanently for hard-working middle-class families.

Supporters of the bill will argue that a lower corporate rate will encourage companies to keep jobs here. They will argue that, rather than going to a country with a higher corporate rate, America's corporate rate will be lower. But that is ignoring the attraction that companies have to send jobs overseas, because of cheaper wages and lower environmental standards.

Take China. China has a corporate rate of 25 percent, except that they make exceptions for certain companies at 15 percent. So the 21 percent in this tax bill for corporations on income earned in the United States may still be higher than in China, and the pressure on corporations is to take it to a country that has lower environmental standards and lower wages.

I think our friends on the other side of the aisle know this is a head fake. We are not fooled by this. We know what you are trying to do with this bill. The more people learn about it, the worse it looks. That is why they waited until Friday night to let the spotlight shine on it—so that over the weekend people weren't paying a lot of attention.

There is a reason why my friends on the other side of the aisle are in such a rush to get this passed. It is because they want to get it enacted before all of the new loopholes and sweetheart deals for the special interests and the bottom line of encouraging jobs to go overseas are discovered. And, starting right now, it is going to be discovered.

It would be nice if our colleagues showed as much urgency for some of the other things we should be doing in the Senate, such as providing millions of kids with health insurance through the CHIP program or helping folks recover from the massive hurricanes this year, including the millions of people in Puerto Rico who are still without reliable electricity or drinking water. What about the hundreds of thousands of Dreamers in the United States who are here in a deportable status? That is what we ought to be worrying about.

It has been over 3 months, going on 4 months, since Hurricanes Irma and Maria devastated the Puerto Rican island. It has been months since Harvey and Irma devastated farmers in Texas,

Florida, and Puerto Rico. While the Congress has passed two disaster supplemental funding packages, neither of them has included any relief for Florida's agricultural community. They are hanging on by a thread. They can hardly make payroll. They are having to lay off people. They desperately need our help, which I hope we are going to address in this next disaster aid funding package.

Instead of spending all of our energy on cutting corporate taxes and making it easier to send American jobs overseas, we should be focused on reauthorizing the Children's Health Insurance Program, CHIP, so that 9 million children across the country, including nearly 400,000 in Florida, can continue to have access to the health coverage they desperately need. Or we should be negotiating permanent protections for the Dreamers before they are kicked out of the only country they have ever known. Unfortunately, the only thing this Republican-led Senate seems to care about is helping out large multinational corporations.

The truth is, these multinational corporations are doing just fine. We shouldn't be moving Heaven and Earth—adding \$1.5 trillion to the national debt or upending our Nation's healthcare system—just to make it easier for them to send American jobs overseas. That is not right. That is not fair. The American people deserve better.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I want to thank my friend Senator NELSON for his comments from the floor in regard to the tax bill that we will be voting on later this week. The experience I had this morning underscores the issues that Senator NELSON has brought to the floor. I had a meeting with the Greater Baltimore Committee. We had business leaders, labor leaders; we had advocates from different segments of our community; and we had graduate students there. They all expressed concern about our voting this week on a tax bill that we first saw on Friday evening—the latest version.

It is still fundamentally flawed, as Senator NELSON has pointed out. I say that it is fundamentally flawed because it gives significant, big tax cuts to corporations and high-income taxpayers and leaves middle-income taxpayers footing the bill.

The conference report makes it worse because they lower the highest tax rate from 39.6 percent to 37 percent—another advantage for high-income taxpayers. In addition, the estate tax is doubled, which affects 0.2 percent of the wealthiest people in this country. Corporations not only get the lower tax rates cut from 35 percent to 21 percent, but they also get relief from the

alternative minimum tax. To make matters even worse, the tax relief for middle-income families is temporary, whereas the tax relief for businesses is made permanent.

It is definitely a tax bill that is going to hurt middle-income taxpayers. In my own State, independent analysis shows that 800,000 Marylanders will end up paying more in taxes. Guess who is going to foot the bill, who is going to pay for the big deficit.

If you look at the corporate tax cut alone, that is somewhere close to the \$1.15 trillion we have been talking about, which is baked into the bill to increase the national debt by \$1.5 trillion. I think that is unconscionable; I think it is unconscionable to say that we can afford tax cuts when we already have these large deficits that are going to make us borrow more money and make our economy more dependent.

The truth is, even the Republicans are telling us, even with dynamic scoring, we are going to have a \$1 trillion tax gap in the deficit. In reality, the \$1.5 trillion is conservative. When you look at the individual tax relief, it is temporary; it expires. Some expire in 2 years.

Most of my Republican friends have said: Just extend it. If you extend it, there will be even a deeper hole in the deficit—closer to \$2 trillion. Who is going to pay for that? Middle-income families are going to pay for it. They are not just being left out as far as tax relief is concerned; they are being asked to foot the bill for the tax cuts for corporations and high-income taxpayers.

In addition, it will affect other elements that middle-income taxpayers depend upon. This is a direct attack on Medicaid and Medicare. We see that. We saw that in the budget instructions, where we had to cut Medicare and Medicaid. We see that in the pay-go rules. We see that the next chapter of this tax reform bill will be, well, now we have these deficits, and we have to pay for it. Who is going to be held responsible for paying for it?

We know that it is going to affect our own budgets. I am now hearing that we are going to take it out on our own Federal workforce, deny them a pay raise for next year or have fewer Federal workers to carry out their mission or make them pay more for benefits. We know that is going to come. The argument is going to be that we have these large deficits now, and we have to do this.

How are we going to respond to the issues Senator NELSON talked about on disaster relief when we have these large deficits? We know that we are going to be asking middle-income families not only to make a sacrifice on the tax cut, not only to pay for the deficit created directly by this but, also, in the future, to pay with cuts in government spending.

In addition to that, we have 13 million Americans who will lose their health coverage under this bill because of the elimination of the individual mandate—13 million. That is going to affect 13 million families. It is going to affect more than that. Guess what these families do. They use emergency rooms rather than going to their family doctors. They enter the healthcare system in a more expensive way. They don't have the money to pay for the visits, and it becomes part of uncompensated care. All of us pay higher premiums, and our healthcare system becomes more expensive.

That has been one of the bright spots of the Affordable Care Act—reducing the number of uninsured. Now we are going to be moving in the opposite direction. The Affordable Care Act has worked. The Republicans tried to dismantle it, and they couldn't succeed. The worst part is, you are counting the loss of insurance of 13 million as a revenue gain for the Treasury and then spending that money. That is unconscionable.

In Maryland, we have particular problems with this bill. Not only will we see a problem for the Federal workforce—a large number who live in Maryland—but also the State and local tax deductions. Maryland has the largest number of taxpayers who take advantage of State and local tax deductions on their Federal tax returns. In other words, you don't have to pay a tax on a tax. That makes sense. It has been in our Tax Code since its beginning because we recognize federalism, and it is morally wrong to pay tax on tax.

Maryland has the most taxpayers who take advantage of State and local tax deductions, close to 50 percent. The average for Maryland—this is the average—is \$12,900 that they deduct for State and local taxes. Under the conference report, that is going to be limited to \$10,000. That means the average Maryland taxpayer will have to pay taxes on \$2,900 more, but think about all those who have a lot more in State and local taxes who are going to be denied that help.

I was talking to some of our local government officials over the weekend. They are going to be disadvantaged by it. It was an interesting analysis. We don't think about what this bill is going to do and all the consequences, but if you are in a State that has its own itemized deductions, like Maryland—we have itemized deductions on our State income tax return, and our standard deduction will be significantly lower than the standard deduction under this conference report.

You are going to have Marylanders who are not going to be able to take their State deductions because you can't take State deductions unless you use the Federal itemized deductions. It is estimated that nationwide only 5

percent of the taxpayers will be using itemized deductions. Guess what. If you don't use the itemized deduction at the Federal level, you can't take the State itemized deductions. This is going to have a direct impact on our State and local governments. Yet that hasn't been considered.

Quite frankly, the consequences of this bill haven't been debated. We haven't gone through public hearings because of the process that was used—the partisan process, called reconciliation. We haven't seen daylight. We haven't had a chance to know what the impact will be. What impact will it have on property values? We now limit property tax deductions, and we have a further limit on interest deductions on mortgages. What impact does it have on property values? What impact does the reduction of property values have on our economy, have on the individual values for people who have loans on their homes? Are we going to be creating a problem? We don't know because we haven't had any hearings on it.

On Friday, I was with a group of non-profits that do very valuable work. They are worried about what impact this tax bill will have on charitable giving. When only 5 percent of the taxpayers in this country use itemized deductions, it means a great number of people who were able to take advantage of charitable deductions on their tax returns no longer will have that ability. Does that change their charitable giving? If it changes their charitable giving pattern, what does it do for nonprofits? If our nonprofits can't do that, there is additional pressure on governmental services. Have we thought that out? I doubt we know the consequences. Yet we are not prepared to have hearings on this.

One of the major issues that has had very little discussion is the pass-through. You have heard a lot about it. The reason for this is that 95 percent of American businesses don't use corporate tax returns. They use passthroughs, S corporations, individual proprietorships, partnerships, et cetera. This bill provides a lower tax rate for their passthrough business income at 20 percent. Here is the problem. In an effort to make sure that this isn't a way of getting around paying taxes on salaries, there are certain guardrails that have been put into this bill based upon a person's income, based upon the type of business they are in, based upon the assets of the business, based upon the amount of salaries that are paid in the business. And you are trying to tell me that can't be manipulated in order to shelter income? We are creating a whole new industry in sheltering income under this bill.

I have heard so many of my colleagues talk about the fact that we don't want to outsource jobs. None of

us want to outsource jobs. Having competitive rates helps us in that regard, but moving toward a territorial tax structure rewards companies for doing their business offshore. Even if tax rates might be the same, they can use labor costs, or some other costs, to outsource jobs.

Have we thought about that under a territorial tax? No. Do we know what impact it will have? No. There are a lot of issues we don't fully understand. We do know there are individual provisions put in here—for example, drilling in the Arctic. That, to me, should not be part of this bill. I worry about that being expanded to the Atlantic coast and other areas. I think we all should be concerned about it.

The bottom line is this. When you do tax reform, you would hope you would simplify the Tax Code and make it predictable. That is what I hear the most: Let's simplify the Tax Code, and let's make it predictable. Neither will be accomplished with this conference report. With all these temporary tax provisions, you know that we are going to have to deal with extenders. You are not going to be able to plan as to whether this Tax Code will stand the test of time. If you think this is simplification, try to figure out whether you are eligible for the passthrough 20 percent on your business taxes. It is anything but simple.

This bill fails in its principle test of helping middle-income families, which it does not do. It is for corporations, big corporations, and high-income people. It is fiscally irresponsible to add to the debt. It makes our Tax Code more complicated and doesn't give us the predictability we need in the Tax Code, and it should be rejected.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Ohio.

COMPTON NOMINATION

Mr. BROWN. Mr. President, I rise to oppose the nomination of Paul Compton, which came out of the Banking, Housing, and Urban Affairs Committee. I might add that he is President Trump's nominee to serve as general counsel of the Department of Housing and Urban Development.

Mr. Compton is a longtime affordable housing and financial services attorney in the State of Alabama. Mr. Compton, if confirmed, would bring a deep familiarity with affordable housing to the Office of General Counsel. That part I like. With 11 million families paying over half their income for rent and with homelessness on the rise for the first time in years, a nominee who appreciates the importance of affordable housing could be a positive addition at HUD. Think about that. There are 11 million families who pay more than half their income on rent.

In a book written by Matthew Desmond called "Evicted: Poverty and Profit in the American City," the au-

thor said of the people at that income level: When your paycheck comes, the rent eats first. Everything depends on being able to stay in your home and not being foreclosed on. When 11 million people pay over half their income on rent, homelessness is going to be on the rise.

I appreciate Mr. Compton's commitment to me during our Banking, Housing, and Urban Affairs Committee hearing that he would look out for the interests of renters and homeowners if confirmed, but I am voting against him because I am concerned about the administration's approach to fair housing protections and the role that he will likely play in helping to carry that out.

I was troubled to learn that Secretary Carson had said that he plans to "reinterpret" HUD's affirmatively furthering fair housing—or AFFH—rule. Since 1968, the Fair Housing Act has required HUD and its grantees to affirmatively further fair housing. Unfortunately, in the 50 years since our country passed the Fair Housing Act, HUD has not provided enough direction to help communities meet this goal.

A 2010 General Accountability Office report recommended that HUD improve its processes for meeting its obligations to affirmatively further fair housing. In response, HUD developed a revised rule to finally help local governments across the country support and foster fair housing policies throughout their communities.

The rule gives clearer guidance to communities to help them think in new ways about how to create housing opportunities for all of their residents regardless of race or religion or disability or the size of their family. The rule helps them to assess their own fair housing needs, and it provides them publicly available data with which to inform their decisions while they set their own goals and timelines.

Since its adoption 2-plus years ago, HUD has been working with communities to implement the new guidelines. That is the good news. The bad news is that the Secretary has said that he wants to reinterpret, but he is not elaborating on what he meant by his plan to reinterpret the rule. If the Secretary intends to reinterpret the rule in a way that undermines HUD's efforts to help communities fulfill their longstanding obligations under this 50-year-old law, Mr. Compton will be called upon to carry out this vision.

I voted against his nomination in committee because of my concern that he could help guide administration efforts to reverse progress on this fair housing rule. More recent activities by administration officials have only heightened the concerns that many of us have about their approaches to fair housing.

In 2013, HUD issued its discriminatory effects rule. This rule formalized

HUD's longstanding prohibition against practices with discriminatory effects under the Fair Housing Act and provided uniform guidance for applying standards across the country.

Because homeowners' insurance is central to the ability to obtain housing, HUD and the courts have held for decades that the Fair Housing Act applies to discriminatory practices in insurance—a very easy-to-understand, logical step. Nevertheless, insurance industry representatives sued to block HUD's application of the discriminatory effects rule—also known as disparate impact—to their industry. HUD and the Department of Justice have been fighting this suit ever since. As general counsel, Mr. Compton would guide HUD's enforcement and litigation strategy.

In response to a written question, Mr. Compton declined to provide his views on the discriminatory effects rule and whether it should apply to the insurance industry. He noted that "it would be inappropriate" for him to comment on the matter given the pending litigation.

The administration, it seems, does not share his reluctance to comment on pending litigation. A month and a half ago, the Treasury Department issued a report entitled "A Financial System that Creates Economic Opportunities—Asset Management and Insurance." In this report, Treasury recommends that HUD reconsider the use of the disparate impact rule.

It is not that this administration decides to support the side of big insurance companies every time—maybe it doesn't every time—but it seems like it almost always does. It did it in this case. Yet Mr. Compton thinks that he shouldn't comment when other already confirmed Trump appointees have. The Treasury's report sides with arguments that have been made by the insurance industry despite the fact that litigation is pending, and HUD and the Department of Justice, at least until now, have been defending the rule. The next court date for the suit is scheduled for later this week.

If the administration continues its drive to reconsider fair housing protections that are opposed to by industry, Mr. Compton will likely be called upon to help the administration in its efforts. Because he declined to answer my question, we don't know what his thinking will be.

While I might be inclined to give Mr. Compton the benefit of the doubt, we have seen too many officials in this administration who are working against the missions of the agencies to which they have been appointed. Financial regulators so often come from Wall Street. Environmental regulators so often come from the chemical industry and the oil industry. We have seen it time and again.

This is happening at a time when we see the administration taking steps to

remove protections for average Americans and consumers in order to carry out the bidding of its supporters on Wall Street. These include sending in Mick Mulvaney, who once called the Consumer Financial Protection Bureau a "sick, sad joke." He is now serving as its Director. It is his moonlighting job, as he is also the Director of the Office of Management and Budget. His first act as Director of the CFPB was to block the payments of funds that were owed to consumers—consumers who were cheated or wronged by Wells Fargo and other big banks or big financial institutions. The consumers, in many cases, were servicemembers who had been cheated by these financial institutions. On Mulvaney's first day on the job, he said: No, we are not going to move forward in collecting those penalties and in paying those consumers and those servicemembers and those seniors and those families.

I am concerned about this emerging effort to roll back protections for consumers. I hope that Mr. Compton proves me wrong. I hope that he is a strong advocate within the agency and the administration for fair housing, for consumer protection, and for affordable housing. When given the chance to demonstrate his commitment to fair housing, he took a pass. These matters are too important to far too many Americans for us to leave their futures to chance. I urge my colleagues to join me in opposing Mr. Compton's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak on behalf of Mr. Compton and to conclude my remarks before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I rise in support of Paul Compton to serve as HUD's next general counsel.

Mr. Compton has dedicated his entire legal career to affordable housing and community development and for many years has headed the affordable housing practice of a prominent Alabama law firm. Over his distinguished career, Mr. Compton has played a direct role in over 70 transactions that have led to the creation of more than 5,000 units of affordable housing throughout the Southeastern United States. Among peers, he has come to be recognized as an industry-leading expert on the low-income housing tax credit, the new markets tax credit, public-private partnerships, and the regulatory environment surrounding housing production.

Mr. Compton's extensive track record, his experience, and his intimate familiarity with HUD programs make him an ideal fit to join the leadership team at HUD. As general counsel, Mr. Compton will not only serve as the

principal legal adviser to Secretary Carson, but he will have a hand in nearly every departmental initiative. Once confirmed, I look forward to working with Mr. Compton to find solutions to our Nation's housing challenges, to eliminate barriers to safe and affordable housing, and to reform our housing finance system.

This confirmation vote is long overdue and is sorely needed. Following the storms that ravaged through Houston, Florida, Puerto Rico, the Virgin Islands, and elsewhere, HUD has been deployed on the frontlines, alongside FEMA and other agencies, and has worked to provide emergency and transitional housing to the thousands of families who have been displaced. This work is far from over, and I urge this body to confirm Mr. Compton today, as well as to confirm the various other HUD nominees who are awaiting votes so that they can get to work for the American people.

Thank you.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Compton nomination?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting the Senator from West Virginia (Mrs. CAPITO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 318 Ex.]

YEAS—62

Alexander
Barrasso
Bennet
Blunt
Boozman
Burr
Carper
Cassidy
Cochran
Collins
Corns
Corker
Cornyn
Cotton
Crapo
Cruz
Daines
Donnelly
Enzi

Ernst
Fischer
Flake
Gardner
Graham
Grassley
Hatch
Heitkamp
Heller
Hoeven
Inhofe
Isakson
Johnson
Kennedy
King
Lankford
Lee
Manchin
McCaskill

McConnell
Moran
Murkowski
Murphy
Nelson
Paul
Perdue
Portman
Risch
Roberts
Rounds
Rubio
Sasse
Scott
Shaheen
Shelby
Strange
Sullivan

Tester
Thune

Tillis
Toomey

Wicker
Young

NAYS—34

Blumenthal
Booker
Brown
Cantwell
Cardin
Casey
Cortez Masto
Durbin
Feinstein
Franken
Gillibrand
Harris

Hassan
Heinrich
Hirono
Kaine
Klobuchar
Leahy
Markey
Menendez
Merkley
Murray
Peters
Reed

Sanders
Schatz
Schumer
Stabenow
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—4

Baldwin
Capito

Duckworth
McCain

The nomination was confirmed.

VOTE ON WEST NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the West nomination?

Mr. BLUNT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 23, as follows:

[Rollcall Vote No. 319 Ex.]

YEAS—74

Alexander
Barrasso
Bennet
Blumenthal
Blunt
Boozman
Burr
Cantwell
Capito
Cardin
Carper
Cassidy
Cochran
Collins
Coons
Corker
Cornyn
Cotton
Crapo
Cruz
Daines
Donnelly
Feinstein

Fischer
Flake
Gardner
Graham
Grassley
Hassan
Hatch
Heinrich
Heitkamp
Heller
Hoeven
Inhofe
Isakson
Johnson
Kaine
Kennedy
King
Lankford
Lee
Manchin
McCaskill
McConnell
Moran
Murkowski
Murphy

Nelson
Paul
Perdue
Portman
Reed
Risch
Roberts
Rounds
Rubio
Sasse
Scott
Shaheen
Shelby
Strange
Sullivan
Tester
Thune
Tillis
Toomey
Udall
Warner
Whitehouse
Wicker
Young

NAYS—23

Booker
Brown
Casey
Cortez Masto
Durbin
Franken
Gillibrand
Harris

Hirono
Klobuchar
Leahy
Markey
Menendez
Merkley
Murray
Peters

Sanders
Schatz
Schumer
Stabenow
Van Hollen
Warren
Wyden

NOT VOTING—3

Baldwin

Duckworth

McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from West Virginia.

LEGISLATIVE SESSION

MORNING BUSINESS

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each and for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CAPITO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPUBLICAN TAX BILL

Mr. BENNET. Mr. President, I come to the floor tonight, once again, to talk about this tax bill being rushed through the House and the Senate. This is the first time in 31 years that a tax bill of this magnitude has been considered. I don't refer to this as tax reform because it is barely reforming anything.

It seems a shame that we didn't follow in the footsteps of what then-President Reagan chose to do when he had the opportunity to reform the Tax Code. The bill he worked on, which was every bit as consequential as the one in front of us, commanded the vast majority of votes in this Chamber—Democrats and Republicans voting together—after years of process, years of committee hearings, years of hearings even out in the country, listening to business owners, economists, and citizens talk about what they thought our Tax Code needed to be competitive and to be fair to the American people.

I would say through the Chair to the pages that I was in college when the last bill was passed. Now, 31 years later, we are on the verge of passing a bill in the Senate without one Democratic vote—not a single one—and without a single hearing in the Senate Finance Committee, on which I serve—not a single hearing about the text of this bill, not a single hearing to tell the American people that, on the individual side of this bill, we are borrowing \$34 billion from our kids to give a tax cut to the 572,000 taxpayers who are fortunate enough to make more

than \$1 million a year. That is 572,000 taxpayers who are fortunate enough to make \$1 million a year. We think it is so essential that each one of them get a \$59,000 tax cut that we are willing to borrow that money from our children to do it. We can't think of a better use than that.

A better use is not to give a tax cut to the middle class, because we know what those numbers look like in this bill. There are not a half million people who make \$50,000 and less in this economy. There are 90 million people. Those people are not getting \$34 billion. Those people are getting \$13 billion. If we do the math, it adds up to about \$160, on average, per taxpayer making \$50,000 or less, in the first year. That is the best year. So 2019 is the best year. That \$160 per taxpayer works out to about \$7.50 a paycheck.

So we are justifying \$34 billion going to 572,000 families because we say at the essence of this is a tax cut for the middle class that is worth \$7.50. I think it is disgraceful to call this a middle-class tax cut. What is as disgraceful is the fact that we are blowing a \$1.4 trillion hole in our deficit.

There are people on the other side—and I grant them this—who say we will grow out of this and that the tax cut will pay for itself. This is exactly what President Bush said in 2001, when he cut taxes. It is exactly what he said in 2003, when he cut taxes. Remember that when George Bush became President of this country, he inherited a projected surplus of \$5.6 trillion. Then, he cut taxes and said it would pay for itself, in 2001. He cut taxes and said it would pay for itself, in 2003. We invaded Afghanistan. We invaded Iraq. Not only did he not ask the American people to pay for those wars, but the 2003 tax cut actually came after the invasion of Iraq.

Today we have massive readiness problems with our military. Today we confront the potential for conflict on the Korean Peninsula. Today we confront uncertainties in the Middle East and behavior by Russia that we need to worry about. Are we going to go in debt to give the wealthiest people in America a tax cut they are not asking for?

I am more sympathetic on the corporate side. I believe our corporate rate is too high. If we had worked in a bipartisan way, I think we could have gotten to a deal that 75 or 80 people would have voted for. That would have been beneficial for two reasons. It would have represented more widely the American people's view of what we ought to do here. I have heard the majority leader on the floor talking about partisan efforts like this, and how they are doomed to fail because most of the American people will not support it. We can see that in the polling numbers on this bill. But we could have cut a deal that said: Let's bring our corporate rate down to 25 percent. By the

way, let's get rid of some of those loopholes. As for all of the stuff we said over the years about lowering the rate and broadening the base, let's actually do that.

That is not what this bill does. This bill cuts the corporate rate to 20 percent and leaves all of the loopholes in place. There is no broadening of the base. So if the effective rate today is actually in the low twenties, even though the published rate is 35 percent, the effective rate is going to be far below 20 percent if we don't actually reform the Tax Code.

I think there would have been bipartisan agreement about doing something with the earned income tax credit or the child tax credit, as my colleague from Florida has tried to do to a degree. I think there would have been bipartisan support for the idea that we ought to do something to repatriate the money stuck overseas and invest it here in the United States in infrastructure. But there was no effort to make a bipartisan effort here—none.

There have certainly been cases where Democrats have been guilty of that. This is a profound case of the Republicans being guilty of that, and the result is that they have a lousy bill that speaks to the extreme wing of their party rather than to the middle of America, because only in that way could you end up with a piece of legislation that the President is describing as a middle-class tax cut that is not one. Nothing about the math in this tax bill suggests it is.

By the way, the \$34 billion I talked about does not include the estate tax. When we include the increase of the estates not subject to the estate tax in this bill, it adds, on average, another \$10,000. Now we are talking about borrowing \$69,000. So we are now borrowing an additional \$10,000 from the sons and daughters of police officers, firefighters, and teachers in order to finance an estate tax cut that we will not pay for.

Pay for it. Don't borrow the money.

I got here 9 years ago at the depth of the worst recession since the Great Depression. Our economy had locked up. Because of the two tax cuts under President Bush, because of the two wars we didn't have the decency to pay for, and because President Bush passed so-called Medicare Part D—which is a prescription drug program for seniors that he didn't pay for—and then with the supply-side economics, they drove our economy into the worst ditch since the Great Depression.

When President Obama showed up, the surplus was not a surplus. It was a \$1.5 trillion deficit. I was here when we tried to work in a bipartisan way to figure out how to respond to a terrifying circumstance—not for the Senate but for our country.

A woman who came to a townhall told me that her plan was to die sooner

because overnight she had lost half of her net worth, and she didn't know how to make it through because the stock market had cratered and her pension was cut in half.

We had more than a 10-percent unemployment rate in the United States of America, and we couldn't get a single person to lift their finger on the other side of the aisle because they said that the deficit was too big. They said that President Obama was pursuing what the pollsters told them was "job-killing government spending." Those were the words. It wasn't his \$1.5 trillion deficit; that is what he inherited. He left with about a \$550 billion deficit. It was cut by two-thirds.

Today, we stand here talking about this absolutely irresponsible tax bill. It is already at \$666 billion. We have a government where we are collecting 18 percent of the GDP in revenue. It is actually about 17.9 percent before this tax cut goes through. We are spending more than 21 percent, and our answer is: Let's cut some more taxes, so we will be spending 17 and change. That is a big delta—17 to 21. That is a conversation we should be having together, not in pieces.

All of these people who say: Don't worry about it; it will pay for itself—remember what they said in 2001 and 2003. They said the same thing. They are going to show up here after this Christmas season has passed, and they are going to say: That is why we need to cut Medicaid and Medicare.

There is no doubt we have to have a conversation about the sustainability of these programs, and there is no doubt we have to have a discussion about how we are going to get out of the fiscal issues we confront. I have no doubt that the moment we face the next crisis, whether it is a national security crisis or an economic crisis, we are going to wish we hadn't passed this tax bill. We are going to wish that when this economy was at full employment, when interest rates are what they are, that we had thought about how to come together in a bipartisan way and actually do something responsible for once.

There is a mayor in Indiana who sent an op-ed piece to the Washington Post last week. He said: Let me break this down for you in terms of my local community. The equivalent of what the Republican tax bill is for my community would be that we would go out and borrow \$400 million, which is a staggering sum, not billions and billions of dollars but, on the basis of the size of their government, \$400 million—four or five times what our indebtedness is today.

Then, what I would do is say: We didn't borrow this money to build infrastructure. We didn't borrow this money to make sure we end poverty in my community or to make sure the water is clean. We gave it to the people in the biggest houses, the richest

neighborhoods in our community, hoping that somehow the benefits would trickle down to everybody else.

He said that they would be run out on the rail—and they should be.

There are some politicians who say that it will pay for itself. There is no economist who has said that this is not going to create a deficit. There is probably a consensus, around \$1.4 trillion—I have seen some math that says \$1 trillion, and others that say \$2.5 trillion. Let's take the \$1.4 trillion and consider, as an order of magnitude, if we didn't care about our deficit—which apparently we don't anymore—what else we could spend the money on besides giving this tax cut to the very wealthiest Americans in our country.

In the 9 years I have been here, we have gone from no opioid crisis to an opioid crisis that is killing 50,000 Americans. There are communities all over our States, especially in rural parts of the States, where we have no answer. We have provided no additional treatment, even though we have an emergency today that we didn't have before. That is not the America I grew up in. That is not the America our parents and grandparents set up for us. Look at what you can do to create treatment in every United States county for 10 years. That is this \$60 billion. That is this little orange part of a \$1.4 trillion hole in our deficit. That is one thing you could do.

Another thing you could do would be to provide universal pre-K for low-income children for a decade. That might be worth borrowing from the next generation for because they would actually be getting a benefit. They are not getting any benefit from this \$59,000 that we are giving to people who make more than \$1 million a year.

You could double Federal funding for research and development on clean energy for over a decade. You could maintain our technological advantage over China in emerging industries for a decade. That is a huge concern. That would be \$50 billion, just this little slice—a foregone priority if we pass this bill, just like the response to opioids. You could fund a 20-man mission to Mars. Because of our fecklessness, we can't even put an astronaut into space without putting them on a Russian rocket. That has nothing to do with our lacking the engineering talent. That has nothing to do with our lacking imagination or, for some of us, a sense of mission. It has to do with the fecklessness of this Congress and the inability of it to walk and chew gum at the same time.

We could repair all of America's aging dams, which our parents and grandparents were thoughtful enough to build for us but which we feel we don't need to maintain for the next generation of Americans. We would rather give tax cuts to the wealthiest people in America.

You could end the backlog of infrastructure repairs in America's airports—end it. Five years of funding, that is only \$100 billion. I say "only." That is a huge number, but not compared to \$1.4 trillion.

You could end the U.S. Air Force pilot shortage. Why do we have a shortage of Air Force pilots? Because this place, for 9 years, has run itself on continuing resolutions. The military can't plan, so we have airplanes that are being scavenged for parts and cannot fly. If they can't fly, the pilots can't get the training hours. If they can't get the training hours, they can't move ahead in their careers, and they can't be ready when the battle comes. You could easily pay for that here.

You could fund the first 5 years of the Navy's plan to build a 355-ship fleet. Everyone around here walks around saying: We don't have any money; we are broke. It is matter of choices and priorities. I cannot think of a set of priorities less out of whack with what Republicans think of in Colorado, much less our Democrats and Independents.

Here is one we really do care about in Colorado and all across the country. You could pay for all deferred maintenance at our national parks and other land management agencies. That is right here, this tiny purple square—\$19 billion. If you look at the bottom right, that includes over a dozen priorities for rural communities that have been kicked around by this Congress and our CRs year after year.

Here are a few things that fit in there. Extend high-speed internet to every rural community in America. That might be a good use of money or a good reason to borrow money—to extend high-speed internet to people who don't have it. This is a world where telling a kid in a rural school that they don't have access to high-speed internet is no different than telling them: Sorry, you are not getting textbooks, but these other kids do.

We could reimburse rural areas with significant public lands for lost tax revenue, the PILT payment.

I promise my colleague from Pennsylvania I am coming to the end. I know he doesn't believe it.

These PILT payments are a pain point for my rural counties. Every year we go through the same nonsense at the end of the year. Every single year they say: Is it going to be funded in the CR? They are using it to pay for something else. Yet it would cost a tiny fraction of just the rural priorities part of it. That is \$111 billion for all the rural priorities. Eliminating the national backlog for the USDA rural water program—can you imagine what that would mean for rural America and economic development in rural America? They wouldn't have to wait for someone in New York to trickle down to them because they would have an investment in their community. It would

create jobs. It would allow them to do economic development and keep their children in their communities and their schools open and their banks open. That is not a priority for the people writing and voting for this bill.

President Trump cut Essential Air Service in his budget—zeroed it out. We could fund Essential Air Service for 10 years, providing a critical economic lifeline to small towns across America and in my State.

We could fund the U.S. Forest Service fires suppression for a decade, so they wouldn't have to keep cannibalizing other parts of the budget. This year, for the first year, they spent more than half of their budget fighting fires because we don't have the sense to budget them so that they can do fire mitigation. Talk about penny wise and pound foolish.

In Colorado, we could clean up the Gold King Mine spill, fund the Arkansas Valley Conduit to provide drinking water to some of the poorest areas in Southeastern Colorado, which we have been promised since John F. Kennedy was President of the United States.

We could do everything I just mentioned, all of these investments—infrastructure, research, public health, housing, national security, and rural communities—for the cost of this tax plan. This is yet another illustration of how profoundly Washington's priorities have decoupled from the priorities of the American people. Beyond that, this bill confirms every other suspicion about how Washington operates.

President Trump ran for office saying that he would drain the swamp. This tax plan is a creature of the swamp. It was jammed through with last-minute changes, scribbled by hand in the dark of the night, with 2 a.m. votes—shameful, 2 a.m. votes on legislation that no one had a chance to fully understand. There was input from lobbyists on K Street but not a single hearing where the American people could express their view.

Given the process, it should surprise no one that the bill substituted the priorities of the American people with a litany of carve-outs and loopholes that powerful special interests have gotten into this bill.

I am going to skip this part because I want to yield to my friend from Pennsylvania, but let me just finish by saying that today, incredibly in America, the top 10 percent of earners take home more than half of America's income. We have not seen that since 1928, the year before the Great Depression. I know the President knows these folks as well as I do. Everybody on this chart is working hard, whether it is the top 10 percent or the bottom 90 percent, but this is not the way our economy ought to work. For almost all of our history, this is not the way it did work.

I was a businessperson before I came to Congress, before I was a school su-

perintendent. I have nothing against anyone who has done well, but it is preposterous to suggest that the real problem in our economy, when we have a record stock market and record income inequality, is that wealthy individuals and businesses don't have enough.

My final chart is this chart, which shows median household income. Since 1980 until now, the cost of housing, cost of higher education, and cost of healthcare—we have done nothing to address or help this. We have turned our back on this.

I think we could have written a bill, as I said at the outset, that had a real middle-class tax cut in it, but we chose not to do it.

Last year, I met a mom in Rifle, CO, at an early childhood center. In the course of our conversation, she said to me: "I've got a job so I can have health insurance, and every single dollar I earn goes to pay for this early childhood center, so I can work."

That is the story of too many people in my State. My State has one of the most dynamic economies in the United States of America, and still too many people whom I represent are middle-class families whose incomes haven't really gone up, not over 10 years but since 1980, for whom the cost of housing, cost of healthcare, cost of higher education, and the cost of early childhood education have conspired to create for them impossible choices that their parents and grandparents never had to make.

Tax reform should have been the opportunity to have addressed that. It should have been a chance to remind that mom in Rifle that our government or at least someone in our government understands the struggles she faces and has the capacity and the will to help to do something about it. This bill squanders that opportunity. This tax bill squanders it. Worse than that, it reminds Americans of the vast space between their lives and the priorities in Washington. It reminds them of the yawning gap between their voices and the voices of powerful special interests.

We should reject this bill. It fails on the merits. We should reject it because the bill makes a mockery of how our government should work. There is still time to set aside this legislation and do bipartisan tax reform. I know the other side may believe that it has to forge ahead for a political win, but I would ask, at what cost?

As with so many actions around here, we have put it on the next generation of Americans. We have kicked all the hard choices to them ever since I have been here. We have told them that we are going to continue to live in the house of our democratic Republic but that they are going to pay the mortgage. We are so fortunate that our parents and grandparents didn't behave the way we have—they had the decency to look ahead and think of those to

come. We have enjoyed years of peace and prosperity in this incredible country. I think, tonight and this week, it is worth all of our asking, will our children be able to say the same of us?

I thank my friend from Pennsylvania for his indulgence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CASEY. Mr. President, I thank my colleague from Colorado. I heard most of his remarks, some of them on television before my moving to come over here to speak. I am grateful for his commitment to the arguments that he has made on tax reform and his commitment not only to the people of his State but to the people of our country. I will be speaking about tax reform later this week.

DACA

Mr. CASEY. Mr. President, I rise to talk about this so-called DACA Program for the Dreamers, the young people whom we have heard so much about, especially in the last couple of months.

As many people across the country know, in September, President Trump ended the Deferred Action for Childhood Arrivals Program, known as DACA. This decision and, so far, congressional refusal to pass the Dream Act have created both fear and uncertainty for nearly 800,000 young people across our country, so-called DACA recipients.

I know that a lot of Americans have met these young people over the course of not just the last couple of months but maybe over the course of many years. I had that chance most recently, at least on two occasions, when we set up time to sit with young people who were Pennsylvanians. Once was in the city of Philadelphia, where I sat with young people from both Philadelphia and Lancaster, which is not too far of a drive from Philadelphia—about an hour or so. They came to Philadelphia to sit with us. Then a couple of months later, it was in the Lehigh Valley, which is about an hour just north of Philadelphia. The first group was a larger group of maybe 15 young people, and the second group was a group of 3 individuals.

In both of those meetings, I was struck by not just how concerned and worried these young people were about what would happen to them and happen to their friends and, in a larger sense, happen to their families, but I was impressed by their stories—what they had achieved in their young lives. I was also moved by the commitment that they have had to hard work, to being part of the fabric of America, and the

real concern that they have had about and the love they have for their own parents. They worried about how this might affect their parents but also had love for the commitment that their parents had made and their family members had made to allow them to succeed in coming here, in some cases as babies or as very young children, and to live in America for all of these years, not technically as citizens but to live full lives.

They were made a promise by the President of the United States that if they were to come forward and make certain disclosures, this program would protect them. I think that promise is inviolate and should not be broken by any administration. Congress certainly has work to do to enforce the promise and to give the promise an even stronger foundation.

You don't have to be on one side of the aisle or the other to be moved by these stories, and I will get to some of the details later. One of the young women was in the first group that I mentioned when we were sitting around a big conference table. Of course, these individuals don't have to sit with me, and they don't have to travel to tell their stories, but they are worried. They are concerned about the policy and how it might affect their lives.

One young woman said to me: The only country I have ever known doesn't seem to want us—or at least that was her impression. She has lived nowhere else.

If you go person after person after person, these are young people who have lived here virtually their whole lives even though they technically were not born here. They have achieved so much and have gone through our schools. Our Nation has invested in them, and they have succeeded in holding down jobs and getting educations and getting higher educations. All they ask is that we set up a process so that they will not be deported.

It doesn't make a lot of sense, the direction in which we seem to be heading. Rescinding the DACA Program will cost the United States of America jobs. I think it will hurt our security over time.

As I said before, it is a broken promise—a promise that was made to young people by our government. It was not just a casual promise but, I would argue, a commitment, a bond, an agreement that should be honored. As I have said so many times before—and I will keep saying it—why would other countries believe us when we make a commitment if we cannot keep our commitment to these young people? Something on the order of 800,000 young people who live in the United States of America were promised that if they came forward, they would be protected. Why would any country believe us after that if we were to break

that promise? Why would they believe Republicans or Democrats? Why would they believe the administration—this administration or future administrations—or this Congress or future Congresses down the road, the House and Senate? If we were to break that promise, would our word be good around the world?

These Dreamers are young people who have lived in this country since they were children. They have been law-abiding residents. They have learned English. They pay taxes. They have secured jobs that have supported themselves and their families. They were made a promise.

What are some of the numbers? Here is the economic impact in the context of one State in our country. In Pennsylvania alone, estimates say that ending the Deferred Action for Childhood Arrivals Program would cost the Commonwealth of Pennsylvania nearly \$357 million per year in GDP losses. This is according to the Center for American Progress. So, for one State, it is \$357 million. How about for the Nation? The comparable number for the Nation is about \$460 billion. The first number was with an “m”—millions—in the context of the State. The second number is \$460 billion, with a “b”—almost half a trillion dollars—from the GDP over the next decade. Roughly, in the context of a yearly number, it is \$46 billion a year.

Even if you don't think that we have to honor the promise, even if you don't believe in the program, why would we want to take a step that would hurt our economy in our losing about \$46 billion every year for 10 years, adding up to \$460 billion over 10 years?

According to FWD.us, 91 percent of DACA recipients are employed, and repealing DACA could result in an average of 8,500 DACA recipients—young people—losing their jobs each week as a result of that. There are 91 percent of them who are employed—working—in the United States of America. It is the country that promised them that if they came forward, we would give them protection. They are working every day, following the law, loving this country.

We have told them, at best, that their status or their fate is uncertain. That is the best that we can say about what has happened between the administration's making the announcement a number of months ago and Congress's doing nothing to address this problem.

DACA recipients have jobs in sectors that are critical to our economy, such as healthcare, science and technology, and engineering and math—so-called STEM jobs. Additionally, more than one out of every seven DACA-eligible immigrants has language skills that are currently in short supply in the U.S. military, according to the New American Economy. The U.S. military benefits when we have individuals re-

siding in our country who have that skill in languages. The Institute on Taxation and Economic Policy estimates that the 1.3 million young people who are enrolled in or who are eligible for DACA pay \$2 billion each year in State and local taxes. So they are working, and they are paying taxes.

Dreamers across Pennsylvania and the Nation represent the America that we should all be proud of. I think everyone could agree to that in the work that they are doing and their commitment to our country. We should be proud of that. This is a country in which hard-working young people who are working to better themselves and their communities are given a chance to do just that. That is the kind of country we all profess to believe in. That is the kind of Nation that we want to be.

Another estimate is that between September 5, 2017, when the program was terminated, and March 5, 2018, which is the deadline that is coming up, 122 DACA recipients will lose their protection every day. That means that by March 5 of 2018, 22,000 Dreamers will have lost their DACA protection.

Congress should move immediately—the U.S. Senate should move immediately—to make sure that we protect these Dreamers and pass the so-called bipartisan Dream Act. Here is what the bill would do in short form. It would allow the Dreamers to become permanent residents if they meet the very stringent qualifications outlined in the bill. We aren't talking about any kind of a free pass. These are young people who have worked so hard to become the very sort of Americans we want: employed, law-abiding, and paying taxes. The numbers of Dreamers in Pennsylvania are about 5,900 individuals who have been given DACA status. Passing the Dream Act would give these young people some security and a future they can count on.

I was proud to support a version of the Dream Act back in 2007 and 2010. We should have an up-or-down vote on the floor of the U.S. Senate that is a clean version of the Dream Act—not embedded in some other legislation—but an up-or-down vote on the Dream Act. Let's see where people stand. I would hope it would be an overwhelming vote. I think it probably would be. Let's have an up-or-down vote for these young people.

Let's keep the promise to these Dreamers so our promise is good here at home, and our promise and our word and our credibility will be good the world over because if we break that promise, it is going to be pretty difficult for people around the world to believe us on a whole host of fronts. I know that may offend somebody, but that is the way I see it.

Keeping a promise is the principal reason to pass the Dream Act, but we should also try to help our economy,

not allow our economy to lose hundreds of billions of dollars over 10 years, tens of billions each and every year because we are deporting people who have offered so much to the country, who have worked so hard, who have become part of the fabric of American life, part of the fabric of the American family. These are folks who live in every community, who are part of the fabric of a neighborhood, part of the fabric of a community, part of the fabric of a school, part of the fabric of a State, and the fabric of a nation.

The third reason we should pass the Dream Act is to unite our country. This is one area where we can all come together. We might have a lot of disagreements, and they will be played out this week on the tax bill, on this issue or that issue, but we can bring the country together. Most people in both parties understand what this is all about. They understand the promise, they understand the impact on our economy, and they also understand that a great country can make the right decision on this issue.

By uniting our country on the Dream Act, we can make a downpayment on a bright future for these young people who love the United States of America and who have demonstrated that by their commitment to the country, by their work ethic, and by the commitment they have made to their communities. Let's pass the Dream Act.

I yield the floor.

CONFIRMATION OF DON R. WILLETT

Mr. VAN HOLLEN. Mr. President, I opposed the nomination of Don Willet to serve as a judge on the Fifth Circuit. Senate Republicans, lacking a robust legislative agenda, despite unilateral control of the government, decided to confirm another highly controversial nominee.

Last week, Republicans confirmed three circuit court judges. In early November, Senate Republicans confirmed four judges in 1 week. This accelerated confirmation pace is unconventional and alarming. Republicans on the Judiciary Committee are willing to set aside decades of standing tradition and policies in order to confirm highly ideological judges who, in many cases, seem to have more of a political agenda than the impartial temperament necessary for the fair administration of justice.

This seat has been open for years because Senate Republicans refused to work with the Obama administration and agree upon a consensus mainstream nominee that reflects the views and opinions of the majority of Americans. Now that Republicans are in the majority and no longer need to obstruct the White House, they have decided to advance Judge Willet, a judge described as the "most conservative justice in Texas."

Judge Willet was on Trump's Supreme Court short list which indicates that he met the Federalist Society's and the Heritage Foundation's ideological litmus test. This should concern all Americans, regardless of party affiliation. Our judicial system should not be outsourced to outside groups who want to stack the courts with judges who share their extreme political agenda.

Judge Willet has expressed insensitive views towards the LGBTQ community and skepticism that women face unique challenges in the work place, such as unequal pay and sexual harassment and discrimination. In light of the #MeToo movement and the countless women who have shared their stories of workplace sexual harassment, Judge Willet's opinion is at best misinformed. I hope that Judge Willet's views have evolved since he wrote that opinion for then-Governor George W. Bush.

I also hope my colleagues will start to recognize that they are setting a dangerous precedent by turning the Senate into an assembly line for highly ideological judges who appear to be more aligned with a political agenda than the impartial administration of justice.

HONORING OUR ARMED FORCES

SERGEANT JONATHON MICHAEL HUNTER

Mr. DONNELLY. Mr. President, today I wish to recognize and honor the extraordinary service and sacrifice of U.S. Army SGT Jonathon Michael Hunter of Columbus, IN. Dedication to his country, loyalty to his fellow servicemembers, and a deep love for his family were the qualities that defined Jonathon's life.

Jonathon graduated from Columbus East High School in 2011. While in high school, Jonathon played football for 4 years and was described by his coach as an unselfish player who put the team first. After high school, Jonathon pursued his dream of becoming a music producer in Nashville, TN, before enrolling at Indiana State University in Terre Haute, where he studied criminology and business. A selfless young man, Jonathon left college to join the Army.

In the Army, he was a member of the 1st Brigade Combat Team, 82nd Airborne Division in Fort Bragg, NC. There he distinguished himself among his fellow soldiers as cheerful and a man of faith, who loved his country and fellow servicemembers. Jonathon enlisted in the Army because of his intense love for his country and wanted to make a difference in the lives of his fellow countrymen.

On Wednesday, August 2, 2017, Jonathon and one other American soldier were tragically killed in a suicide bombing attack on a NATO convoy in southern Afghanistan, a mere 32 days

into his first deployment. Among some of the awards he earned for his service were a Purple Heart, Bronze Star, NATO Medal, the Army Good Conduct Medal, and Combat Infantry Badge. Jonathon was also a proud paratrooper who earned the German Parachutist Badge and was also an expert marksman.

Jonathon put his life on the line in order to protect his country, and we are forever grateful for his service.

Jonathon was a devoted patriot, son, and husband. He is survived and will be deeply missed by his wife, Whitney; his parents Mark Hunter of Columbus and Kimberly and Brian Thompson of Nashville, IN; his brother, Marcus Hunter; his sisters Lindsey—and her husband, Andy—England and Kelsey Thompson; his grandparents Jack and Linda Gilbert, Keith and Beulah Thompson, and Theola Hunter; as well as many relatives, friends, his U.S. Army family, and Hoosiers from across our great State.

Jonathon set an example for others and will be remembered for his strong, selfless character and his drive to fight for justice and to make the world a better, more peaceful place. Let us remember and emulate the shining example this brave man set for us and honor his commitment to serving his fellow citizens. May God welcome Jonathon home and give comfort to his family.

TRIBUTE TO MAJOR MATTHEW W. TAYLOR

Mr. COCHRAN. Mr. President, I am pleased to commend Maj. Matthew W. Taylor, USAF, for his dedication to duty and service as an Air Force legislative fellow. Matt, a special operations pilot, was recently selected to be the assistant to the Vice Commander of the Special Operations Command, SOCOM, a post he will assume in January.

A native of Ohio, Matt received a bachelor of arts degree in political science from Miami University and was commissioned as an officer following graduation. He earned his wings and qualified as an Air Force pilot following completion of undergraduate pilot training. Matt also has secured a master's degree in diplomacy from Norwich University.

Matt has served in a broad range of assignments during his career with the U.S. Air Force. He has served as the deputy commander of the 353rd Expeditionary Special Operations Group and as an MC-130P instructor pilot and flight commander of the 17th Special Operations Squadron. In addition to serving overseas in Europe, Asia, and Africa, Major Taylor has also been deployed in support of operations in Iraq and Afghanistan.

Matt's leadership has brought great credit to the Air Force. I appreciate and commend his commitment to continue to serve our Nation in an era

when pilot shortages are a growing concern for U.S. military leaders.

This year, Matt was selected to be an Air Force congressional fellow assigned to my office. In this role, Matt has served the State of Mississippi and the Nation admirably. I have enjoyed the benefit of Matt's counsel over the past year, and my office has been privileged to host him.

It is a pleasure to recognize and to thank Maj. Matthew W. Taylor for his exceptional service to our country. My staff and I wish him, his wife, Kotona, and their son Bruce, all the best as they continue their journey in the U.S. Air Force.

ADDITIONAL STATEMENTS

TRIBUTE TO PAT ROURKE

• **Mr. MARKEY.** Mr. President, today, I wish to recognize Pat Rourke for her 44 years of Federal service at the Boston Passport Agency. After serving in nearly every department within the agency, Pat will retire at the close of this year from her post as customer service manager.

Pat's expertise combined with her eagerness to assist the people of Massachusetts has been an invaluable resource to me and my staff. Throughout her esteemed career, she issued countless passports. Pat made the difference to families eager to explore the world and to those with an emergency need to travel. Working in customer service is not always an easy task, but Pat is widely known for her compassion, patience, and good humor. She has fostered an environment at the Boston Passport Agency where customers and employees feel welcome and supported. Pat has always provided my office with sound advice to ensure that we best meet the needs of our traveling constituents. While she will be sorely missed, she will leave a lasting legacy at the Boston Passport Agency, and she will be fondly remembered by all those she has helped and mentored throughout her career.

My staff and I would like to extend our sincere gratitude to Pat for her years of dedicated service and wish her well as she embarks on this next chapter in her life. Congratulations, Pat, and thank you for the enormous contributions you have made to the community, the Commonwealth of Massachusetts, and the United States of America.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

PRESIDENTIAL MESSAGES

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 3043), I have enclosed the National Security Strategy of the United States.

This National Security Strategy sets forth my guidance and direction for an America First foreign policy and charts a path to achieving the goals and objectives that will make America great again.

DONALD J. TRUMP.

THE WHITE HOUSE, December 18, 2017.

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2396. An act to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions.

H.R. 2815. To designate the facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, as the "Gunnery Sergeant John Basilone Post Office".

H.R. 4042. An act to designate the facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, as the "Borinqueneers Post Office Building".

H.R. 4324. An act to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2396. An act to amend the Gramm-Leach-Bliley Act to update the exception for certain annual notices provided by financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2815. An act to designate the facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, as the "Gunnery Sergeant John Basilone Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4042. An act to designate the facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, as the "Borinqueneers Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4324. An act to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3716. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act 2016 Annual Report to Congress"; to the Committee on Foreign Relations.

EC-3717. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-198, "Public Employee Relations Board Term Limit Temporary Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3718. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-199, "Medical Respite Services Exemption Temporary Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3719. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-200, "Government Employer-Assisted Housing Temporary Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3720. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-201, "Business Improvement Districts Tax Exemption Temporary Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3721. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-203, "Southwest Waterfront Park Bus Prohibition Temporary Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3722. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2017, including the Office of Inspector General's Auditor's Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3723. A communication from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the fiscal year 2017 annual report regarding the financial status of the Federal Housing Administration's Mutual Mortgage Insurance Fund; to the Committee on Homeland Security and Governmental Affairs.

EC-3724. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Procedures Further Implementing

the Annual Limitation on Suspension of Deportation and Cancellation of Removal" (RIN1125-AA25) received in the Office of the President of the Senate on December 13, 2017; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRAPO, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 2155. A bill to promote economic growth, provide tailored regulatory relief, and enhance consumer protections, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WICKER:

S. 2242. A bill to amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the National Oceanic and Atmospheric Administration with respect to post-storm assessments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself and Mr. BENNET):

S. 2243. A bill to amend the Food Security Act of 1985 to authorize funding for the voluntary public access and habitat incentive program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself and Ms. DUCKWORTH):

S. 2244. A bill to create opportunities for women in the aviation industry; to the Committee on Commerce, Science, and Transportation.

By Ms. HIRONO (for herself, Mr. LEE, Mr. KAINE, Mr. WICKER, Mr. GARDNER, Mr. MCCAIN, and Mrs. MURRAY):

S. 2245. A bill to include New Zealand in the list of foreign states whose nationals are eligible for admission into the United States as E-1 and E-2 nonimmigrants if United States nationals are treated similarly by the Government of New Zealand; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 358, a bill to establish a designation for jurisdictions permissive to terrorism financing, to build the capacity of partner nations to investigate, prosecute, and hold accountable terrorist financiers, to impose restrictions on foreign financial institutions that provide financial services for terrorist organizations, and for other purposes.

S. 540

At the request of Mr. THUNE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as

cosponsors of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 654

At the request of Mr. TOOMEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 974

At the request of Mr. LEAHY, the names of the Senator from Kentucky (Mr. PAUL) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 974, a bill to promote competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions of those drugs and biological products.

S. 1689

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1689, a bill to amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

S. 1706

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1838

At the request of Ms. WARREN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1838, a bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes.

S. 2089

At the request of Mr. BENNET, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2089, a bill to amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes.

S. 2109

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2109, a bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes.

S. 2127

At the request of Ms. MURKOWSKI, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a co-

sponsor of S. 2127, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 2211

At the request of Mr. MANCHIN, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2211, a bill to establish a national endangered missing advisory communications network, and for other purposes.

S. 2219

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2219, a bill to reduce the number of preventable deaths and injuries caused by underride crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes.

S. 2236

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2236, a bill to require covered discrimination and covered harassment awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered discrimination and covered harassment complaints, and for other purposes.

S. RES. 355

At the request of Mr. LANKFORD, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Res. 355, a resolution improving procedures for the consideration of nominations in the Senate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself and Mr. BENNET):

S. 2243. A bill to amend the Food Security Act of 1985 to authorize funding for the voluntary public access and habitat incentive program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DAINES. Mr. President, as a fifth generation Montanan and avid outdoorsman, I know how important public use of our public lands is to Montanans. Many Montanans, including myself, have also had great experiences hunting, fishing, or hiking on approved private lands as well. Expanding access for sportsmen, improving habitat, and upholding property rights are all priorities of mine, which is why I am introducing the Voluntary Public Access Improvement Act. This bill would reauthorize the Voluntary Public Access-

Habitat Improvement Program, a voluntary state-led program that expands public access by incentivizing private landowners to allow the public on their property for hunting, fishing, and other outdoor recreational activities while protecting their private property rights. In Montana alone, over 70,000 acres of private lands have been voluntarily opened up for hunting and increased public access, and the Voluntary Public Access Improvement Act would help build on that success.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Voluntary Public Access Improvement Act of 2017”.

SEC. 2. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Section 1240R(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839bb-5(f)(1)) is amended—

(1) by striking “practicable, \$50,000,000” and inserting the following: “practicable—“(A) \$50,000,000”;

(2) in subparagraph (A) (as so designated), by striking “2012 and \$40,000,000” and inserting the following: “2012;

“(B) \$40,000,000”; and

(3) in subparagraph (B) (as so designated), by striking the period at the end and inserting the following: “; and

“(C) \$150,000,000 for the period of fiscal years 2019 through 2023.”.

By Ms. COLLINS (for herself and Ms. DUCKWORTH):

S. 2244. A bill to create opportunities for women in the aviation industry; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise to join my colleague from Illinois, Senator DUCKWORTH, in introducing the Promoting Women in the Aviation Workforce Act of 2017. Our bill seeks to

encourage and support women pursuing careers in the field of aviation.

As Chairman of the Senate Transportation Appropriations Subcommittee, I believe it is important to help women achieve their professional aspirations across all transportation sectors. Although women make up over 50 percent of our Nation’s workforce, they are significantly underrepresented in the aviation industry, representing only two percent of airline mechanics, four percent of flight engineers, five percent of repairmen, six percent of pilots, 18 percent of flight dispatchers, and 26 percent of air traffic controllers.

Our bill expresses the sense of Congress that the aviation industry should explore the possibility of offering opportunities, such as pilot training, STEM education, and mentorship programs, which would help to encourage women to pursue aviation careers from a young age.

In addition, our bill would direct the Federal Aviation Administration (FAA) to create and manage a Women in Aviation Advisory Board to hold the industry accountable for providing education, training, mentorship, outreach, and recruitment programs that are aimed at women.

Finally, in another effort to improve the availability and quality of educational opportunities for women pursuing careers in aviation, this legislation would require that the FAA submit a report to Congress on current trends concerning women in aviation and the potential for expanding related programming.

Mr. President, I believe this bill will have a positive impact on the workforce supporting one of our country’s leading industries. I want to thank Senator DUCKWORTH for partnering with me on this effort, and urge my colleagues to support this legislation.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR TUESDAY,
DECEMBER 19, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, December 19; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 12 noon; and that upon the conclusion of morning business, the Senate proceed to executive session for the consideration of the Newstead nomination, under the previous order; finally, that following the disposition of the Newstead nomination, the Senate recess until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Tuesday, December 19, 2017, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18, 2017:

DEPARTMENT OF DEFENSE

OWEN WEST, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

J. PAUL COMPTON, JR., OF ALABAMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

HOUSE OF REPRESENTATIVES—Monday, December 18, 2017

The House met at noon and was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 18, 2017.

I hereby appoint the Honorable JOHN J. DUNCAN, JR. to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 1:50 p.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

LEGISLATION FOR IMPROVING THE 21ST CENTURY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. MARSHALL) for 5 minutes.

Mr. MARSHALL. Mr. Speaker, I rise today to celebrate what I believe to be the most significant legislation of the 21st century. Of course, I am referring to the Tax Cuts and Jobs Act.

Mr. Speaker, as I travel my State of Kansas and across the country, people invariably share with me what they feel their priorities should be for this Federal Government.

Number one, almost everyone will say within 5 or 10 minutes that they think national security is very, very important.

Next, people typically talk to me about how important they feel education is.

Thirdly, people will talk about how important they feel infrastructure is: roads, bridges, railroads, high speed internet, and those types of things.

Mr. Speaker, no matter what your priorities are as an American, none of those will happen unless we have a strong, healthy economy; and that is

what I believe the Tax Cuts and Jobs Act does. It helps to continue the strong economy that we have created.

Mr. Speaker, we are so fortunate this year. We are about to celebrate our third quarter in a row of GDP growth over 3 percent. It seems like just January and I was coming here as a rookie Congressman. All the experts and all the press said this country will never see GDP growth again, yet we are about to have our third quarter in a row of it. It just amazes me to hear people continually tell me what we can and cannot do.

I took a second to look at that. Why do we have this strong economy? Why is GDP growth going so well?

I think it is very simple. We have rolled back regulations and slowed that down.

So many people I have talked to have been sitting on the sidelines for the last 8 years, waiting for some certainty. This new President has given them the certainty to invest in this economy. Now it is time to pass this tax reform bill and make this economy even stronger.

From day one, from the first day we got here, we talked about common visions and goals for what tax reform would look like.

Number one, we wanted to make sure that we gave relief to hardworking Americans so that they would be able to keep more of the money they have earned through their labors.

Number two, we wanted a simpler process.

Number three, we wanted to grow a healthier economy that would create more jobs and pay higher wages.

Mr. Speaker, I am so proud to be here this week and say that we have delivered for the American people.

Let's take a look at this bill.

Number one, it gives relief to hardworking Americans. In Kansas, with the House bill, the average hardworking couple with two children is going to keep \$1,400 more of their money.

But as we continue this process, we tried to make each rendition of this bill better and better. Now, the average Kansas family will be able to keep up to \$2,000 more of their hard-earned money.

But more than that, there are another 5 million Americans who will get another \$2,000 bonus this next year. Those are the people who paid for the ObamaCare health insurance penalty that they refused to take because the insurance was not worth anything.

Many hardworking Americans will keep up to \$4,000 more of their money.

Next, it is simpler. Ninety percent of Americans will be able to do their taxes on the back of a postcard.

Is that not simpler?

Of course, it is. I don't think anybody can argue those first two points.

Thirdly, the goal was to figure out how we grow the economy, how we grow jobs, how we increase wages for people. That is what we have done. We have lowered taxes on small businesses, which will be the main job creators of this economy. By lowering those taxes, they are going to invest more in their people, in labor, and in capital items. Those will all lead to growing this economy.

This is a very easy bill to support, Mr. Speaker. I don't have a Ph.D. in economy, but I come from the school of hard knocks and hard work. Having ran several companies myself, I think the job pattern that we have going on will keep growing.

We have a 16-year high in consumer confidence, a 16-year low in unemployment. That is mostly due to rolling back regulations. But as we go forward with this tax reform, we are going to grow more jobs and have more opportunities for Americans.

This is the start of a new year with the greatest tax reform, the most important legislation of the 21st century, and I am so proud to be part of this process.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2 p.m. today.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BUDD) at 2 p.m.

PRAYER

Reverend Dr. Dan C. Cummins, Peoples Church, Jacksonville, Texas, offered the following prayer:

O Lord, our Lord, how excellent is Your name in all the Earth. When we consider the heavens and the Earth, the works of Your fingers, what is man that You are mindful of us?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In our troubles, we cry out to You, and You hear us. Your ear is not deaf, Your arms of mercy never refuse our salvation.

Great is the Lord, greatly to be praised. You are our refuge, our very present help in times of trouble.

Righteousness exalts a nation, but sin is a reproach to its people.

Forgive us, O Lord, where we have sinned and come short of Your glory. Let Your grace wash over us. Though our sins be as scarlet, wash us and make us whiter than snow.

Blessed is the Nation whose God is the Lord. Let us exalt the Lord together, and He will heal us.

In Jesus' name, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRATULATING GENERAL BEN HODGES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I congratulate General Ben Hodges on his 37 years of active military service and his retiring on December 15.

Ben and I entered West Point together in 1976, and both graduated as Goats in 1980. We both branched infantry and attended ranger school together, graduating in the spring of 1981. While I went Active Duty and Reserves, Ben continued his active military service.

We met in Kirkuk, Iraq, as he commanded the brigade in the 101st Air Assault Division.

We bumped into each other as he headed the Army legislative liaison here in Washington, D.C., and we saw each other numerous times in his last assignment commanding the United States Army in Europe. In that position, Ben gave comfort to our NATO allies in the east, creating a permanent rotational mission.

Congratulations, Ben, on a job well done. Pride and excellence, and beat Navy. May God bless you and your future endeavors.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 3 minutes p.m.), the House stood in recess.

□ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky) at 4 o'clock and 30 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

RECOGNIZE, ASSIST, INCLUDE, SUPPORT, AND ENGAGE FAMILY CAREGIVERS ACT OF 2017

Mr. ESTES of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3759) to provide for the establishment and maintenance of a Family Caregiving Strategy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recognize, Assist, Include, Support, and Engage Family Caregivers Act of 2017" or the "RAISE Family Caregivers Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **ADVISORY COUNCIL.**—The term "Advisory Council" means the Family Caregiving Advisory Council convened under section 4.

(2) **FAMILY CAREGIVER.**—The term "family caregiver" means an adult family member or other individual who has a significant relationship with, and who provides a broad range of assistance to, an individual with a chronic or other health condition, disability, or functional limitation.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services.

(4) **STRATEGY.**—The term "Strategy" means the Family Caregiving Strategy set forth under section 3.

SEC. 3. FAMILY CAREGIVING STRATEGY.

(a) **IN GENERAL.**—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop jointly with the Advisory Council and submit to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, and make publicly available on the internet website of the Department of Health and Human Services, a Family Caregiving Strategy.

(b) **CONTENTS.**—The Strategy shall identify recommended actions that Federal (under existing Federal programs), State, and local governments, communities, health care providers, long-term services and supports providers, and others are taking, or may take, to recognize and support family caregivers in a manner that reflects their diverse needs, including with respect to the following:

(1) Promoting greater adoption of person- and family-centered care in all health and long-term services and supports settings, with the person receiving services and supports and the family caregiver (as appropriate) at the center of care teams.

(2) Assessment and service planning (including care transitions and coordination) involving family caregivers and care recipients.

(3) Information, education and training supports, referral, and care coordination, including with respect to hospice care, palliative care, and advance planning services.

(4) Respite options.

(5) Financial security and workplace issues.

(6) Delivering services based on the performance, mission, and purpose of a program while eliminating redundancies.

(c) **DUTIES OF THE SECRETARY.**—The Secretary, in carrying out subsection (a), shall oversee the following:

(1) Collecting and making publicly available information submitted by the Advisory Council under section 4(d) to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, including evidence-based or promising practices and innovative models (both domestic and foreign) regarding the provision of care by family caregivers or support for family caregivers.

(2) Coordinating and assessing existing Federal Government programs and activities to recognize and support family caregivers while ensuring maximum effectiveness and avoiding unnecessary duplication.

(3) Providing technical assistance, as appropriate, such as disseminating identified best practices and information sharing based on reports provided under section 4(d), to State or local efforts to support family caregivers.

(d) **INITIAL STRATEGY; UPDATES.**—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, develop, publish, and submit to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, an initial Strategy incorporating the items addressed in the

Advisory Council's initial report under section 4(d) and other relevant information, including best practices, for recognizing and supporting family caregivers; and

(2) biennially update, republish, and submit to the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs the Strategy, taking into account the most recent annual report submitted under section 4(d)(1)—

(A) to reflect new developments, challenges, opportunities, and solutions; and

(B) to review progress based on recommendations for recognizing and supporting family caregivers in the Strategy and, based on the results of such review, recommend priority actions for improving the implementation of such recommendations, as appropriate.

(e) **PROCESS FOR PUBLIC INPUT.**—The Secretary shall establish a process for public input to inform the development of, and updates to, the Strategy, including a process for the public to submit recommendations to the Advisory Council and an opportunity for public comment on the proposed Strategy.

(f) **NO PREEMPTION.**—Nothing in this Act preempts any authority of a State or local government to recognize or support family caregivers.

(g) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to permit the Secretary (through regulation, guidance, grant criteria, or otherwise) to—

(1) mandate, direct, or control the allocation of State or local resources;

(2) mandate the use of any of the best practices identified in the reports required under this Act; or

(3) otherwise expand the authority of the Secretary beyond that expressly provided to the Secretary in this Act.

SEC. 4. FAMILY CAREGIVING ADVISORY COUNCIL.

(a) **CONVENING.**—The Secretary shall convene a Family Caregiving Advisory Council to advise and provide recommendations, including identified best practices, to the Secretary on recognizing and supporting family caregivers.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The members of the Advisory Council shall consist of—

(A) the appointed members under paragraph (2); and

(B) the Federal members under paragraph (3).

(2) **APPOINTED MEMBERS.**—In addition to the Federal members under paragraph (3), the Secretary shall appoint not more than 15 voting members of the Advisory Council who are not representatives of Federal departments or agencies and who shall include at least one representative of each of the following:

(A) Family caregivers.

(B) Older adults with long-term services and supports needs.

(C) Individuals with disabilities.

(D) Health care and social service providers.

(E) Long-term services and supports providers.

(F) Employers.

(G) Paraprofessional workers.

(H) State and local officials.

(I) Accreditation bodies.

(J) Veterans.

(K) As appropriate, other experts and advocacy organizations engaged in family caregiving.

(3) **FEDERAL MEMBERS.**—The Federal members of the Advisory Council, who shall be nonvoting members, shall consist of the following:

(A) The Administrator of the Centers for Medicare & Medicaid Services (or the Administrator's designee).

(B) The Administrator of the Administration for Community Living (or the Administrator's designee who has experience in both aging and disability).

(C) The Secretary of Veterans Affairs (or the Secretary's designee).

(D) The heads of other Federal departments or agencies (or their designees), including relevant departments or agencies that oversee labor and workforce, economic, government financial policies, community service, and other impacted populations, as appointed by the Secretary or the Chair of the Advisory Council.

(4) **DIVERSE REPRESENTATION.**—The Secretary shall ensure that the membership of the Advisory Council reflects the diversity of family caregivers and individuals receiving services and supports.

(c) **MEETINGS.**—The Advisory Council shall meet quarterly during the 1-year period beginning on the date of enactment of this Act and at least three times during each year thereafter. Meetings of the Advisory Council shall be open to the public.

(d) **ADVISORY COUNCIL ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Advisory Council shall submit to the Secretary, the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the State agencies responsible for carrying out family caregiver programs, and make publicly available on the internet website of the Department of Health and Human Services, a report concerning the development, maintenance, and updating of the Strategy, including a description of the outcomes of the recommendations and any priorities included in the initial report pursuant to paragraph (2), as appropriate.

(2) **INITIAL REPORT.**—The Advisory Council's initial report under paragraph (1) shall include—

(A) an inventory and assessment of all federally funded efforts to recognize and support family caregivers and the outcomes of such efforts, including analyses of the extent to which federally funded efforts are reaching family caregivers and gaps in such efforts;

(B) recommendations—

(i) to improve and better coordinate Federal programs and activities to recognize and support family caregivers, as well as opportunities to improve the coordination of such Federal programs and activities with State programs; and

(ii) to effectively deliver services based on the performance, mission, and purpose of a program while eliminating redundancies, avoiding unnecessary duplication and overlap, and ensuring the needs of family caregivers are met;

(C) the identification of challenges faced by family caregivers, including financial, health, and other challenges, and existing approaches to address such challenges; and

(D) an evaluation of how family caregiving impacts the Medicare program, the Medicaid program, and other Federal programs.

(e) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 5. FUNDING.

No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using funds otherwise authorized.

SEC. 6. SUNSET PROVISION.

The authority and obligations established by this Act shall terminate on the date that is 3 years after the date of enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. **ESTES**) and the gentleman from Connecticut (Mr. **COURTNEY**) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. **ESTES** of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3759.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. **ESTES** of Kansas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3759, the Recognize, Assist, Include, Support, and Engage Family Caregivers Act of 2017, otherwise known as the **RAISE** Family Caregivers Act.

Mr. Speaker, not all Americans have the luxury of complete independence. They may struggle to dress themselves, manage their retirement, or take their medications adequately. When we think of these instances, we may think mostly of seniors, but that is not always the case. Veterans, Americans with physical and mental disabilities, wounded warriors, and even children with medical conditions rely on a family caregiver to help them live their daily lives.

Though they may have physical or functional limitations or an illness or chronic health condition that impedes their ability to fully care for themselves, many are able to remain safe and comfortable in their homes due to the important role of the family caregiver.

Nationwide, there are roughly 40 million family caregivers who provide physical and emotional care for parents, spouses, children, and other loved ones in need of assistance. These caregivers are unsung heroes who devote both their time and resources to the day-to-day activities that are necessary to provide a disabled loved one with care.

These activities may be to drive their loved ones to doctor appointments, provide them with meals, assist in the management of their finances, and administer at-home nursing and care so that their loved ones may continue to live at home.

Taking on the role of a family caregiver is a deeply personal decision,

characterized by selflessness and compassion for a relative in need. It is estimated that, on average, the Nation's caregivers dedicate about 18 hours each week to carrying out their caregiver tasks, while almost a third provide over 60 hours a week of care. These activities provide an annual economic value of \$470 billion each year.

About 60 percent of caregivers have full- or part-time jobs in addition to their caregiving roles, leaving them to juggle their caregiving obligations with their work hours and their personal and family time.

The RAISE Family Caregivers Act will direct the Secretary of Health and Human Services to develop a Family Caregiving Advisory Council to make recommendations regarding best practices on recognizing and supporting family caregivers. The council will include members from the public and private sectors, family caregivers, elderly Americans and people living with disabilities, State and local officials, and healthcare providers. The Secretary will then publish the council's findings so that the family caregivers may be equipped with the information that they need to be successful in their roles.

The council will provide information about streamlining Federal and State activities to maximize efficiency, and it will preserve the integrity of family rights and person-centered care. This is an opportunity to help improve the quality of life of millions of Americans who both provide and receive familial care.

One important provision of the RAISE Family Caregivers Act ensures that the Secretary of Health and Human Services is prohibited from mandating best practices or expanding the Federal authority in any way.

Additionally, the bill does not authorize any additional funds for the formation of the council and, after 3 years, the council and its related activities will sunset.

The RAISE Family Caregivers Act is an important step we can take to recognize the essential role of family caregivers and share important information so that they can better care for others. This legislation fulfills a bipartisan recommendation of the Federal Commission on Long-Term Care. The Senate passed this bill earlier this year by unanimous consent, and the House of Representatives now has the opportunity to have this bill signed into law.

I urge my colleagues to support this bipartisan legislation so that family caregivers are recognized for the important role they play in our communities.

I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague from Kansas (Mr. ESTES) today and rise in support of H.R. 3759, the Recognize,

Assist, Include, Support, and Engage Family Caregivers Act. I want to congratulate all the cosponsors of this bill for their good work in terms of bringing this forward, and, again, it looks very promising that it will be passed and signed into law shortly.

Mr. Speaker, the number of Americans over the age of 65 is expected to reach 70 million by 2030, roughly doubling the number that existed in 2005. As those Americans age and require assistance with their daily routines—taking medication, getting dressed, cooking, and attending medical appointments—family caregivers will step in to make sure that their loved ones are safe and cared for.

This is difficult work. For an adult child, caring for an aging parent can quickly become a full-time job. Between juggling appointments, understanding medications, helping make informed medical decisions, a caregiver's own priorities can take a backseat. Most caregivers have jobs of their own, and many care simultaneously for an aging parent as well as their own children.

But caregivers are not only providing care for older Americans or even younger Americans with developmental disabilities. They also serve those who have served our country.

I recently met with a caregiver from my district, Jessica, who cares for her husband, a veteran who suffered serious traumatic brain injury during the battle of Fallujah. Her experience managing her husband's complex medical needs while also raising their children goes to show that ensuring caregivers are supported is a national priority.

The bill under consideration today would recognize the contribution that family caregivers make toward the safety and health of older Americans. It would require the Secretary of Health and Human Services to develop and maintain a strategy to support family caregivers by establishing an advisory body to bring together caregivers, older adults, persons with disabilities, veterans, employers, and State and local officials. This advisory council would make recommendations for how to support, assist, and engage family caregivers.

Caregivers are needed to help Americans live independently in their homes and communities for as long as possible. In my home State of Connecticut, there are 459,000 family caregivers who provide an estimated \$5.9 billion in unpaid care, annually. Supporting older and disabled Americans through caregiving and ensuring caregivers are equipped to take on this important role benefits all Americans. Evidence has shown that, when caregivers are supported, patients delay placement in a nursing home, continuing with lower-cost, long-term support in the home for much longer periods of time.

Caregiving is foundational to our long-term care system in the United States. This legislation is an important step to ensure this work is recognized and supported.

Again, as the gentleman pointed out, the Commission on Long-Term Care, which was actually created by this body in 2012 as part of one of the budget bills that passed that year, was a group of stakeholders from all across the country, in various sectors, that came together and issued a report that, unfortunately, I don't think has gotten the focus and attention it needs with the demographics that our country is experiencing right now: the aging of our society.

However, this is one of those recommendations for which signs of intelligent life appeared in Congress, and we are taking up their call for passing legislation like the RAISE Act.

So again, I want to congratulate all the sponsors for coming together, and I am looking forward to sending this bill to the President for his signature.

I reserve the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Speaker, I rise in support of H.R. 3759, the Recognize, Assist, Include, Support, and Engage Family Caregivers Act of 2017, or the RAISE Family Caregivers Act. This is a bipartisan and bicameral bill.

I introduced the RAISE Act in the House along with Representative KATHY CASTOR as well as Representatives STEFANIK and LUJAN GRISHAM. There are now 107 cosponsors of the bill. An almost identical bill, S. 1028, introduced by Senator COLLINS and Senator BALDWIN, passed the House unanimously on September 26.

The RAISE Act is supported by a broad coalition of over 60 organizations, from AARP to United Cerebral Palsy. But I was particularly inspired to introduce the RAISE Act because, frankly, like many of our constituents, my wife and I are caregivers for our family, for our adult son, Livingston, who has fragile X syndrome.

About 12 million people of all ages need the support of family caregivers today, and this number will more than double by the year 2050. By supporting family caregivers, we can help people live at home, where they want to be, helping to delay or prevent costlier institutional care and unnecessary hospitalizations, saving taxpayer dollars.

The bill creates an advisory council within the Department of Health and Human Services to identify and recommend actions that Federal, State, and local governments, communities, healthcare providers, long-term services and support providers, and others are taking, or may take, to recognize and support those family caregivers. The idea is to enhance coordination of and implementation under existing programs.

I appreciate the support we have received from the Education and the Workforce Committee on this legislation, particularly the chair, VIRGINIA FOXX. My office has worked closely with the committee, AARP, as well as with Representative CASTOR, Senator COLLINS, and Senator BALDWIN, to develop a bipartisan, bicameral piece of legislation with broad coalition support that we could successfully bring to the floor.

CBO has scored the bill at \$1 million over 50 years, but it sunsets in 3 years, and no new funds are authorized to be appropriated.

This bill gives hope and comfort to the large number of family caregivers across the country who are often struggling to look after their loved ones, whether a special-needs child, a loved one with traumatic brain injury, or an elderly parent or a spouse.

It is important that the Congress and the administration send this message of caring and support for the family caregivers across our Nation. I ask that Members vote "yes" on this bill.

Mr. COURTNEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. CASTOR), a cosponsor of the bill, a former member of the Education and the Workforce Committee; and even though she has migrated to other committees, her heart still is with the mission of the Education and the Workforce Committee, which is obviously shown by her cosponsorship of this legislation.

Ms. CASTOR of Florida. Mr. Speaker, I thank my colleague, Mr. COURTNEY, for yielding the time and for his advocacy on behalf of America's families.

I rise in strong support of H.R. 3759, the RAISE Family Caregivers Act, and I want to thank my good friend and colleague Congressman GREGG HARPER for being my partner in this endeavor to bring more attention to the struggle of so many families across the country for more balance, more support, when they must take care of a sick family member or a friend.

I would also like to thank Senator SUSAN COLLINS and Senator TAMMY BALDWIN, who have been tireless champions for caregivers and their families.

Family caregiving has become the new normal in healthcare here in America because it is oftentimes astronomically expensive to hire a caregiver or to get a little respite. Some do, but for many families, the better decision is a tough one, oftentimes, to make a very significant personal sacrifice: quit your job or go part-time while they devote themselves to their loved one.

All too often, caregivers are the only support system for their child with special needs or an aging family member, and they have little to no support for themselves.

Many of America's veterans stay integrated in communities because of the

sacrifices of their family members to make sure that they get out and about and get to their appointments and get the care and interaction that they need.

□ 1645

Family caregivers help with many basic activities, like eating, dressing, transportation, bathing; and sometimes they are called upon to do things that are a little more complicated, such as even a little bit of medical care or nursing care.

Here are some of the shocking statistics: about 40 million family caregivers provide about \$470 billion annually in unpaid care to their loved ones, and about 3.7 million family caregivers provide care to a child under the age of 18 due to a medical or behavioral condition or disability.

Because of the massive commitment of time, many caregivers leave the workforce. Caregivers age 50 and older, who leave the workforce to care for a parent, lose, on average, nearly \$304,000 in wages and benefits over their lifetime. Women are most often the main caregivers and their average is even higher, about \$324,000 in lost benefits and wages.

In my home State of Florida, there are almost 3 million caregivers at any given time and they provide over 2.6 billion hours of care.

A closer look at the work-related effects, as well as the personal, financial, and emotional hardships, demonstrates an increasing need to come together to better understand the unique needs of our caregivers and what we can do to support them.

That is why Congressman HARPER and I introduced the bipartisanship Recognize, Assist, Include, Support, and Engage—RAISE—Family Caregivers Act. The RAISE Family Caregivers Act will create and maintain a common national family caregiver strategy led by the Secretary of Health and Human Services so that we can develop some additional support systems for the folks back home.

Our bill will bring together a diverse spectrum of stakeholders, experts, folks who are working every day to take care of their loved ones to be a part of the advisory council that will help develop some additional recommendations, hopefully for this Congress.

We must ensure that family caregivers have the resources and tools they need to face lost wages and the personal demands of taking care of their loved one while ensuring that their loved one does receive the best care.

I would like to thank the AARP, the Alzheimer's Association, the Elizabeth Dole Foundation, the Family Caregiver Alliance, and so many more that have encouraged us on this important piece of legislation.

As the complexity and intensity of family caregiving increases, I believe that this legislation will help boost families and allow us to be smart and efficient with our resources.

Mr. Speaker, I urge adoption of this important bipartisanship bill.

Mr. COURTNEY. Mr. Speaker, I want to congratulate the sponsors of this legislation and also just note that the Elizabeth Dole Foundation is a strong supporter. This is a group that has been formed to help wounded warriors in terms of getting the caregiving help that they need from other family members who are sometimes overlooked in terms of our country's appreciation for those who wear the uniform of this country.

Mr. Speaker, I call for support for the bill, and I yield back the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, before I came to Congress in April, I served as the Kansas State treasurer. In that role, I had the opportunity to implement the ABLE Act, which was legislation that was passed here in the last few years.

Talking with a lot of parents, as they were abled and concerned about how do they care for their disabled children, led to the creation of the ABLE Act. During that process, we also talked with a lot of other caregivers who cared for maybe senior citizens, maybe adult children who were in their home, and wanted to make sure that that burden that they faced in providing that family care was ameliorated and supported in any way that it could be.

The RAISE Family Caregivers Act will help recognize the essential role of family caregivers and share important information so that they may better care for others.

This legislation fulfills a bipartisan recommendation from the Commission on Long-Term Care, and I urge my colleagues to vote in favor of H.R. 3759.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. ESTES) that the House suspend the rules and pass the bill, H.R. 3759, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR USE OF PUBLIC-PRIVATE PARTNERSHIPS TO BRING COMPUTER SCIENCE EDUCATION TO MORE K-12 CLASSROOMS

Mr. ESTES of Kansas. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 95) expressing support for the use of public-private partnerships to bring computer science education to more K–12 classrooms, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 95

Whereas 9 in 10 parents want their child to study computer science, but only 40 percent of schools teach computer programming;

Whereas low-income students and students from small towns and rural communities are less likely to attend a school that offers computer science programming;

Whereas computing makes up two-thirds of all projected new jobs in science, technology, engineering, and mathematics fields;

Whereas there are over 500,000 open computing jobs nationwide and such job openings are projected to grow at twice the rate of all other jobs;

Whereas significant workforce shortages in computing fields, particularly in cybersecurity, can pose significant threats to our national security; and

Whereas computing occupations are among the highest paying jobs for new graduates: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress expresses support for the use of public-private partnerships to bring computer science education to more K–12 classrooms throughout the country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. ESTES) and the gentleman from Connecticut (Mr. COURTNEY) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. ESTES of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 95.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ESTES of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 95, expressing support for the use of public-private partnerships to bring computer science education to more K–12 classrooms.

Mr. Speaker, science, technology, engineering, and math education, known collectively as STEM education, all play a critical role in how we educate and prepare the next generation of America's workforce.

Many of our Nation's most successful business leaders and entrepreneurs place an emphasis on modern coding and computer skills. These skills are a result of a STEM education.

As an engineer who worked for many years in the private sector, I would like to emphasize the need for more of our

students to be equipped with backgrounds in STEM.

The American economy and workforce have undergone a rapid transformation, thanks to the rise of technology, and its role in America's future is only going to increase.

As advancement continues, it is critical that the country's students are equipped with the knowledge and tools they need to compete at the global level. These skills can be gained through the expansion of K–12 STEM education.

America has long been a pioneer of innovation in medicine, energy, agriculture, and other new technologies. We take pride in our ability to cultivate, innovate, and change the world for the better as new trends in every corner of the economy require a workforce equipped to meet those demands. However, if we do not adequately prepare our future scientists, mathematicians, engineers, and computer scientists, other countries will outpace us. We cannot allow this.

Of all the projected new jobs in science, technology, engineering, and mathematics fields, computing is estimated to make up two-thirds of those positions. At the present, there are over 500,000 unfilled computing jobs nationwide, and those numbers are projected to grow at twice the rate of other jobs.

In my district in Kansas, we need students to learn STEM in order to fill new jobs in advanced manufacturing.

When Congress passed landmark legislation earlier this year to strengthen career and technical education, or CTE, it sent a clear message to students and employers that Members of the House of Representatives recognize the growing skills gap in this country, and we are committed to improving alignment with in-demand jobs so that the 6 million job openings nationwide may be filled with students equipped with the necessary tools to make our workforce even stronger.

Congress has once again had the opportunity to help close the skills gap by launching more American students into fulfilling STEM careers. These careers are not only in high demand, but they are also high skilled and among the highest paying jobs for new graduates.

Students who enter this field are not only helping to close the skills gap in our country, but they are setting themselves up for a lifetime of meaningful work and personal fulfillment. In fact, 9 in 10 parents want their children to study computer science, but less than half—only 40 percent—of schools teach the subject. Low-income students and students hailing from small towns and rural communities are especially at a disadvantage. Their schools are much less likely to offer computer science courses than schools in urban areas and those that serve middle class students.

A ZIP Code and economic data does not determine whether a child will need to excel in computer science, and it should not determine whether that child receives computer science education. We need coders and computer scientists from a wealth of backgrounds to build the most capable and robust workforce in the world.

Encouraging public-private partnerships to bring computer science education to more K–12 classrooms nationwide is a commonsense solution to develop STEM education around the country.

Mr. Speaker, I hope my colleagues will support this resolution to encourage efforts to provide more students access to these important skills so that they are prepared to join our Nation's workforce.

Mr. Speaker, I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in appreciation of the sentiment that is expressed in the resolution. However, I just feel that the content of this resolution, if it is examined closely, particularly in juxtaposition with the Every Student Succeeds Act, which was the K–12 reauthorization signed into law almost exactly 2 years ago on December 10, 2015, a bipartisanship measure—Congressman Kline, who was the Republican chairman of the House Education Committee, was at the White House with his counterparts from the Senate at the bill-signing ceremony—if people go back and read that, they will see that actually the road map and the pathway to achieve the goal of this resolution was actually laid out by folks from both sides of the aisle in terms of boosting authorized funding for K–12, particularly for low-income students, raising the authorizing for title I schools, which has been the workhorse of the Federal Government in terms of trying to help target resources for kids who come from distressed sectors and areas in terms of urban areas and rural areas, and also had many voluntary permissive authorizations for STEM.

Now, if anything, this resolution understates the scope of the demand that is out there for computer science and for STEM skills. There is not a sector in the American economy, from agriculture, where the gentleman comes from in Kansas, farmers are out there using STEM skills every single day in terms of food production. It exists in manufacturing.

I come from a district that is a shipbuilding district. We are in the process of boosting submarine production up in Groton, Connecticut. The metal trades workers are out there using computer skills on the shop floors to make sure that that precision manufacturing happens accurately.

Certainly, financial services up in Hartford, Connecticut, the home of insurance companies like Travelers and

The Hartford, they just started a couple years ago the Insurance and Finance Academy, which is a magnet school that brings in Travelers, Smith Barney, and The Hartford to collaborate with the public school system to make sure that kids, particularly low-income kids, from Hartford, Connecticut, are getting the opportunity to learn about things like finance, banking—giving them those skills—which are intrinsically connected to computer science.

Mr. Speaker, the fact of the matter is that there is great appetite in the private sector for public-private partnerships. I would stipulate to that and again argue that, in fact, the resolution almost understates what is out there.

What is missing is the public investment, which ESSA authorized, whether it was title I, whether it is funding to boost teaching skills in the STEM area. We try to give permissive authority to school districts to find math teachers, science teachers, computer science teachers, engineering folks and their curriculum, which every school district is crying out for. There isn't a Member in this body who isn't hearing about that back home.

We want to solve that problem. A resolution like this is certainly not going to get in the way of that, but what we need to do is make sure we fund the authorizations that, on a bipartisan basis, we passed in 2015.

Unfortunately, if you look at the budget that came over from the White House back in May, the White House proposed a 13.5 percent cut to the Department of Education, elimination of all Federal funding for K-12 teacher professional development, and after-school programs, which I was up at one of them, the 21st Century Learning After School Program in Norwich, Connecticut, a distressed municipality. They had kids, after school, working on their computer skills, their math skills, their science skills to give them the chance to keep up with their grade level and to be school ready when they go into high school.

□ 1700

Again, the big one was the cut to title I, which, as I said, is the workhorse making sure that low-income kids actually have funding levels that at least come somewhat close to their counterparts in more wealthy parts of the country in wealthy school districts. So, again, this resolution is not certainly going to be a negative, but it certainly misses the opportunity that we really should be focused on as Members of Congress for bolstering the public side of the public-private partnership.

As I said, the private sector is speaking loud and clear that they are looking for these skills and actually stepping forward like companies like Gen-

eral Dynamics at the shipyard that I described in southeastern Connecticut or The Hartford and Travelers up in the capital city of the State of Connecticut.

What we need to be doing is match them in terms of our commitment to make sure we are funding magnet school programs, again, title I programs, that help the 90 percent of kids who are in public schools so that we actually are going to achieve the goal which this resolution sets forward.

So, again, I certainly commend the sentiment of the sponsors of this, but it leaves out, really, what I think is the real question of the day, which is whether or not we are going to step up as a nation and truly fund public-private partnerships to boost computer science skills.

Mr. Speaker, I reserve the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. FLEISCHMANN).

Mr. FLEISCHMANN. Mr. Speaker, I rise today in strong support of H. Con. Res. 95, and I thank my colleagues on both sides of the aisle for their advocacy in this regard. We need a strong public-private partnership to address computer science education in this country.

I want to talk about a school in my district, Howard High School. The great Reggie White went there. It is a school that I proudly adorned the hat when we played baseball. It is an inner city school. I went there this year, as I also did at Barger Elementary in Chattanooga—inner city schools.

The students have a great desire for computer science literacy. They actually taught me to code. I am basically computer science illiterate. I use pads and the like, and that is okay. But we know that the jobs of the future—no, the jobs of today—are not being filled due to a lack of skill. It is projected that, by 2020, we are going to have about 1 million unfilled jobs that require computer science education. We are filling about 10 percent—only 10 percent of them.

What does that mean? I am a champion of workforce development, and I know my colleagues on both sides of the aisle champion workforce development. What does that mean? That means that we will have jobs to fill that we can't fill. For national defense, we will need computer science literacy. This is something that we have got tremendous bipartisan support for.

I can say this: as a proud appropriator—to my friend from the other side of the aisle—as a proud appropriator and a member of the Labor, Health and Human Services, and Education Subcommittee on Appropriations, I am committed to that funding. We actually have language this year in that bill.

So let us all come together, I would say in not only a bipartisan and non-

partisan way, to support computer science literacy. The private sector is there, the public sector will step up, and America's children in K-12 will be the beneficiaries. It will truly make America a greater and stronger place.

Mr. COURTNEY. Mr. Speaker, I reserve the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, in Thomas Friedman's latest book, he gives this anecdote that I believe helps to define the world that we live in today. He says that in 1999, the world's strongest supercomputer was the size of a tennis court, and the power to power that supercomputer could power the equivalent of 800 homes. Fast forward to 2005 or 2006, and that same computing power was found in the Sony PlayStation.

Think about that for a second. Each one of us has the same computing power of the world's strongest nation-state just 20 years ago. If we don't see how that affects business, national security, public policy, or education, then we are already behind.

Throughout its history, America has faced struggles that define a generation. Economic depressions, world wars, dying industries, and new technologies have changed the way that we view and respond to the new period. For this digital native generation growing up now, and for the foreseeable future, the first challenge for them will be education.

Now, education and lifelong learning are not only requirements in this changed world, they are the difference between failure or success, hopelessness or optimism, pessimism or ambition. Our children are and will grow up in a fast world, faster than ours, very different, and a blurring reality between the physical and virtual worlds. We need a revolution in the way that we educate our Nation.

By 2020, there will be 1 million more computing jobs than graduates. This gap represents \$500 billion that our children will never see because they were never taught, and that gap is only growing, and it is growing larger. Right now, only one out of four schools in America teaches computer science. Low-income and rural students have even less access.

Now, you don't have to be able to view the future to see the writing on the wall. As the education gap widens, the American Dream shrinks. We as Members of Congress have a duty and responsibility to reject that path for our country and help and lead to chart a new course for our American future. Ninety percent of parents want computer science taught in their kids' schools. This resolution today calls for exactly that.

I am grateful for the support of my colleagues on both sides of the aisle,

Representatives LIPINSKI, FLEISCHMANN, and KILMER, as we stand together to help bring computer science education to classrooms across America.

Mr. Speaker, I urge my colleagues to vote for and support this important measure, H. Con. Res. 95.

Mr. COURTNEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I said earlier, this resolution is a sentiment that is hard to dispute or argue, but, unfortunately, it is just that, a resolution that really, beyond sort of expressing a goal, an aspirational goal, doesn't move the ball forward in terms of actually implementing what I think this resolution seeks to do, which is to make sure that school districts—every school district—particularly those with low-income kids from urban areas and rural parts of the country, have the resources which the Every Student Succeeds Act signed into law 2 years ago and laid a pathway out for us to achieve, but, unfortunately, because of the funding levels that have not come close to the authorized levels, we are falling short.

I couldn't agree more with the speakers, the proponents of this, that what is at stake here, really, I think, pervades almost every priority and every sector of our country's economy and our national policy.

In 1958, when the Russians fired Sputnik, then-President Dwight Eisenhower stepped forward and advocated the National Defense Education Act because he recognized that, from a national security standpoint, having a national policy to make sure that there are adequate resources out there for our Nation was really central to our national defense. That triggered, again, a revolution in American education, whether at the higher education level or even at the elementary level; and following that lead in 1965, we passed the ESEA Act, which funded, for the first time, title 1 that gave resources to low-income districts.

That commitment has deteriorated. It has deteriorated over the last 6 years with budgets that have underfunded this program. If you really took title 1 in terms of the full measure of eligibility for low-income students and school districts, we are funding it at about half of what the real need is out there for those types of school districts.

So, again, hopefully maybe this resolution will be an awakening for people in this Chamber, particularly as we are on the verge of taking up the 2018 budget, that funding education is as important to our economy and is as important to our national defense, frankly, as any other part of the Federal budget, because that gives us the tools to succeed as a nation, not just in 2018, but in many years forward.

So, again, I certainly am friends with some of the sponsors of this resolution.

I salute the sentiment that was offered when this was introduced just a week or so ago, but, frankly, it falls short of the true commitment that we need to make as a Congress to fund and give the resources to make sure that this aspirational goal is achieved.

Mr. Speaker, I yield back the balance of my time.

Mr. ESTES of Kansas. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, as a member of the Education and the Workforce Committee, we try to endeavor to look at how do we prepare students and young adults for their career and look at ways to prepare them not just from starting with an engineering degree or a technical degree at college, but actually making sure that in their K-12 education they are better prepared as well.

As an engineer, I saw this firsthand how my education through high school and into college helped prepare me for the career that I had in the private sector before I went into the public service role. We see this continuously with the importance of having a trained workforce ready to work in our industries.

In my district, Wichita is known as the Air Capital of the World, and the one thing that I hear over and over again from aerospace companies is there is a shortage of trained, skilled workforce ready to work.

STEM education plays such a critical role in terms of how we educate and prepare the next generation of America's workforce, and so we need to encourage public and private partnerships in order to increase computer science education in K-12 classrooms. It is just a commonsense solution to try to increase STEM education in the United States.

Mr. Speaker, I urge my colleagues to vote in favor of H. Con. Res. 95, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HULTGREN). The question is on the motion offered by the gentleman from Kansas (Mr. ESTES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 95, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

KEEP AMERICA'S REFUGES OPERATIONAL ACT

Mr. WITTMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3979) to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer services, community partnership, and refuge education programs of the National Wildlife Refuge System, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 3979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keep America's Refuges Operational Act".

SEC. 2. REAUTHORIZATION OF NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER SERVICES, COMMUNITY PARTNERSHIP, AND REFUGE EDUCATION PROGRAMS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended in subsection (g), by striking "2011 through 2014" and inserting "2018 through 2022".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. WITTMAN) and the gentlewoman from Hawaii (Ms. HANABUSA) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. WITTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3979, the Keep America's Refuges Operational Act, reauthorizes the National Wildlife Refuge System volunteer, community partnership, and education programs for fiscal years 2018 through 2022.

I am proud to have joined with my good friend from New York (Mr. JEFFRIES) to support conservation efforts at our Nation's wildlife refuges in a way that is also fiscally responsible.

Each year the refuge system's volunteer, community partnership, and education programs facilitate more than 1.4 million hours of service from more than 40,000 volunteers in support of our Nation's wildlife refuge system. The valuable contributions of these volunteers help maintain our Nation's 566 refuges, 14 of which I am proud to say are in the Commonwealth of Virginia.

These programs help ensure that Americans can visit, explore, fish, hunt, and study wildlife for generations to come. As a kid, I spent most of my time outdoors, and today, I still frequently visit the Rappahannock River Wildlife Refuge in my district. I have long appreciated the value of nature and wildlife in our society as well as the importance of environmental stewardship.

Volunteers perform a wide variety of tasks to assist with our refuge operations. Examples of these tasks include habitat improvement projects, laboratory research assistance, leading refuge tours, conducting fish and wildlife population surveys, and much more. All of

these tasks help the Fish and Wildlife Service more efficiently fulfill its mission while also providing an opportunity for individuals and groups to contribute to the preservation and protection of our Nation's wildlife and public lands.

□ 1715

H.R. 3979 reauthorizes the cost-efficient resource that helps the U.S. Fish and Wildlife Service fulfill its mission to protect and preserve the Nation's fish and wildlife. These volunteer programs are very popular with folks throughout the country, with more applicants than available volunteer slots.

This legislation has broad support from several recreational and conservation organizations, as well as bipartisan support across the Congress.

I thank Chairman BISHOP for moving this legislation and, again, extend my great appreciation to Mr. JEFFRIES for sponsoring this important legislation.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

Ms. HANABUSA. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentlewoman from Hawaii (Ms. HANABUSA) for yielding, as well as for her leadership. I also thank Chairman BISHOP for his leadership in helping to move this legislation forward.

Mr. Speaker, I rise in support of H.R. 3979, the Keep America's Refuges Operational Act, a bipartisan bill that will reauthorize the volunteer, community partnership, and education program for our National Wildlife Refuge System.

Let me begin by thanking my good friend, the distinguished gentleman from the Commonwealth of Virginia (Mr. WITTMAN), who has partnered with me on this legislation and is a strong champion for our country's refuges.

This commonsense, bipartisan legislation will support conservation efforts at our Nation's refuges in a way that saves taxpayers dollars and stimulates jobs and economic opportunity.

Our National Wildlife Refuge System is comprised of 566 refuges located in every U.S. State and territory. Refuges make up over 800 million acres of habitat dedicated to the conservation of fish and wildlife.

Each year, 47 million Americans visit refuges, which help to support local economies by generating over \$2 billion in revenue and more than 35,000 local jobs. People visit refuges from all over the country to explore, hunt, fish, and experience America's natural beauty.

Refuges also help to mold the next generation of conservationists and outdoor enthusiasts by providing learning experiences and cherished memories for America's families. Refuges have a tremendous impact for communities

all over America, even in my hometown of Brooklyn, New York.

But this wouldn't be possible without help from dedicated volunteers, who donate 20 percent of the total service work at our refuges. They support full-time staff by helping to operate visitor centers; conduct fish and wildlife population surveys; maintain visitor structures, roads, and paths; fight invasive species; and protect native plants and animals.

While volunteers may vary in age, background, and skill set, what they all have in common is their dedication to preserving our country's natural beauty so that we can all enjoy it for years to come.

Advancing this legislation has been a collaborative process, and I greatly appreciate the hard work of Mr. WITTMAN and Members on both sides of the aisle. Through this bipartisan legislation, we will demonstrate the economic benefits to be gained from protecting America's natural beauty and being good stewards of the environment God has given to us all.

Mr. Speaker, I encourage all of my colleagues to support H.R. 3979.

Mr. WITTMAN. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Ms. HANABUSA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the passage of H.R. 3979 extends the authorization of volunteer and educational programs on the National Wildlife Refuge System administered by the Fish and Wildlife Service.

This bill highlights the importance of community partnerships and volunteers and the value they bring to our public lands. In 2016, refuge volunteers donated 1.3 million hours, which equals \$30.6 million of labor value.

Volunteers are critical for the daily operation of the National Wildlife Refuge System and other Federal lands. I know, in many cases, visitors would not have access to these unique places without the participation of volunteers and other partners.

I serve as ranking member of the Federal Lands Subcommittee, where we held a hearing on this bill in November and heard testimony from the National Wildlife Refuge Association about the importance of sustaining the volunteer program. I am pleased we can work in a bipartisan fashion to move this important message through the House.

I commend the sponsor, Representative JEFFRIES of New York, for his hard work and dedication to this issue. This is a good bill, and I urge my colleagues to support its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I echo the sentiment of my colleagues on the other side of the aisle. This truly is

what makes our Nation great: individuals willing to give of their time to work on these refuges.

Many times, the ability to access those refuges is dependent upon those volunteers. We take a few resources and stretch them across the Nation on many of these refuge lands, and it is our volunteers who, many times, help in maintaining these lands and making sure that there is access and making sure that people who come to visit understand the true value and nature of the resources that are there.

It is, truly, I think, a great example of what makes our country great: people willing to put their time and effort into these refuges and making sure they, indeed, can be enjoyed by all. This is why I think this bill enjoys the support of folks on both sides of the aisle. This truly is, I think, an issue that should bring us all together.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the bill, H.R. 3979, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WITTMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

UNITED STATES FIRE ADMINISTRATION, AFG, AND SAFER PROGRAM REAUTHORIZATION ACT OF 2017

Mrs. COMSTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4661) to reauthorize the United States Fire Administration, the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire and Emergency Response grant program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017".

SEC. 2. REAUTHORIZATION OF THE UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1)(M) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216 (g)(1)(M)) is amended—

(1) by striking "fiscal year 2017" and inserting "for each of fiscal years 2017 through 2023"; and

(2) by inserting “for each such fiscal year” after “\$2,753,672”.

SEC. 3. REAUTHORIZATION OF ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM AND THE FIRE PREVENTION AND SAFETY GRANTS PROGRAM.

(a) **SUNSET.**—Section 33(r) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(r)) is amended by striking “the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012” and inserting “September 30, 2024”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 33(q)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(q)(1)(B)) is amended, in the matter preceding clause (i), by striking “2017” and inserting “2023”.

(c) **AUTHORIZATION FOR CERTAIN TRAINING UNDER ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM.**—Section 33(c)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(c)(3)) is amended by adding at the end the following:

“(N) To provide specialized training to firefighters, paramedics, emergency medical service workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crisis.”.

SEC. 4. REAUTHORIZATION OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM.

(a) **SUNSET.**—Section 34(k) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(k)) is amended by striking “the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012” and inserting “September 30, 2024”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 34(j)(1)(I) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(j)(1)(I)) is amended, in the matter preceding clause (i), by striking “2017” and inserting “2023”.

(c) **MODIFICATION OF APPLICATION REQUIREMENTS.**—Section 34(b)(3)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(b)(3)(B)) is amended by striking “of subsection (a)(1)(B)(ii) and (F)” and inserting “of subsection (a)(1)(F)”.

(d) **MODIFICATION OF LIMITATION.**—Section 34(c)(2) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(c)(2)) is amended by striking “prior to the date of enactment of this section” and inserting “prior to the date of the application for the grant”.

(e) **MODIFICATION OF WAIVER AUTHORITY.**—Section 34(d)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(d)(1)(B)) is amended by striking “subsection (a)(1)(E) or subsection (c)(2)” and inserting “subsection (a)(1)(E), (c)(2), or (c)(4)”.

(f) **EXPANSION OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM; REPEAL OF AUTHORITY FOR CERTAIN USE OF GRANT AMOUNTS TRANSFERRED TO ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM.**—Section 34(a)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(B)) is amended—

(1) by inserting “or to change the status of part-time or paid-on-call (as defined in section 33(a)) firefighters to full-time firefighters” after “firefighters”; and

(2) by striking “and to provide” and all that follows through “of crises”.

SEC. 5. TRAINING ON ADMINISTRATION OF FIRE GRANT PROGRAMS.

(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency,

acting through the Administrator of the United States Fire Administration, may develop and make widely available an electronic, online training course for members of the fire and emergency response community on matters relating to the administration of grants under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(b) **REQUIREMENTS.**—The Administrator of the Federal Emergency Management Agency shall ensure that any training developed and made available under subsection (a) is—

(1) tailored to the financial and time constraints of members of the fire and emergency response community; and

(2) accessible to all individuals in the career, combination, paid-on-call, and volunteer fire and emergency response community.

SEC. 6. FRAMEWORK FOR OVERSIGHT AND MONITORING OF THE ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM, THE FIRE PREVENTION AND SAFETY GRANTS PROGRAM, AND THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM.

(a) **FRAMEWORK.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, acting through the Administrator of the United States Fire Administration, shall develop and implement a grant monitoring and oversight framework to mitigate and minimize risks of fraud, waste, abuse, and mismanagement relating to the grants programs under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(b) **ELEMENTS.**—The framework required under subsection (a) shall include the following:

(1) Developing standardized guidance and training for all participants in the grant programs described in subsection (a).

(2) Conducting regular risk assessments.

(3) Conducting desk reviews and site visits.

(4) Enforcement actions to recoup potential questionable costs of grant recipients.

(5) Such other oversight and monitoring tools as the Administrator of the Federal Emergency Management Agency considers necessary to mitigate and minimize fraud, waste, abuse, and mismanagement relating to the grant programs described in subsection (a).

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. COMSTOCK) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. COMSTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 4661, the bill now under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. COMSTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017 re-

flects a bipartisan, bicameral agreement reached between the House and the Senate authorizing committees.

I want to particularly thank our chairman and ranking member and my friend, Senator MCCAIN, for his leadership on this bill in the Senate, in helping us get this agreement today. I note we all appreciate his service as well as his commitment to the service of all those here whom we are working for today.

Fire prevention and safety is literally a matter of life and death. In 2015, there were 1.34 million fires reported in the United States, causing more than 3,000 civilian deaths and 15,000 injuries. In addition to this devastating human loss, fires cost \$14.3 billion in property damage.

As I travel throughout my district and visit with firefighters and paramedics, I am constantly reminded of the sacrifices they make to protect our neighbors. Certainly, as we have seen the raging fires in California, that is brought to mind also.

One thing I consistently hear from our volunteer and professional firefighters is how critical these grants are to their stations. Whether they help by providing training for additional firefighters or providing upgraded respirators to ensure their safety, towns and communities around the district are safer as a result of these grants.

Sadly, last year, 69 of our firefighters across the country lost their lives in the line of duty.

Fire prevention has improved dramatically since Congress passed the Federal Fire Prevention and Control Act in 1974, which created the U.S. Fire Administration and the National Fire Academy. This has certainly professionalized all of this work, but there are still areas for improvement.

Firefighting activities and funding are primarily the responsibility of States and local communities. The USFA and NFA, however, are responsible for national data collection, public education, and research and training programs to reduce fire deaths and make our communities and residents safer, as well as make our firefighters safer.

For the last 15 years, the Federal Government has also awarded competitive grants directly to local fire departments and unaffiliated emergency medical services, or EMS, organizations to help with a variety of equipment, training, and other needs.

FIRE Act awards provide funding and equipment training to ensure the safety of our Nation's first responders.

SAFER Act awards help local departments to recruit, hire, and retain trained firefighters. Many firefighting departments in my district rely on these grants in order to maintain high-quality fire and emergency services for their communities.

Loudoun County, in particular, received \$2 million through this grant

program. According to Fire Chief Brower: “These programs greatly assist localities in the areas of firefighter safety, fire and life safety education, and improved resourcing for tactical fire operations.”

More than 80 people lost their lives in the horrific Grenfell Tower fire in London that occurred earlier this year.

Closer to home, it was just 2 years ago that a Metro fire injured 70 and killed a Virginia resident who was a grandmother of three, who was on her way to work.

California’s huge wildfires are in today’s headlines and remind us that, as communities continue to expand into wildland areas, wildfires pose growing risk for human life, home and property losses, and entire communities.

When fires occur, first responders run toward the flames and put themselves in danger in order to prevent lives from being lost.

This bill will reauthorize the USFA and the FIRE and SAFER programs for 6 years and ensure that our Nation’s firefighters and paramedics have the tools and training they need to fight and prevent devastating fires.

Mr. Speaker, I urge my colleagues to support this bill today, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, December 18, 2017.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and
Technology, House of Representatives,
Washington, DC.

DEAR CHAIRMAN SMITH: I am writing to you concerning the jurisdictional interest of the Committee on Homeland Security in H.R. 4661, the “United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017.” The bill contains provisions that fall within the jurisdiction of the Committee on Homeland Security.

I recognize and appreciate the desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Homeland Security will not assert its jurisdictional claim over this bill by seeking a sequential referral. The Committee takes this action with the mutual understanding that by foregoing action at this time we do not waive any jurisdiction over subject matter contained in this or similar legislation.

This waiver is also given with the understanding that the Committee on Homeland Security expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference on this or any similar legislation, and requests your support for such a request.

I ask that a copy of this letter and your response be included in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND
TECHNOLOGY,
Washington, DC, December 18, 2017.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Home Security, House
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Homeland Security’s jurisdictional interest in H.R. 4661, the “United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017,” and your willingness to forego consideration of H.R. 4661 by your committee.

I agree that the Committee on Homeland Security has a valid jurisdictional interest in certain provisions of H.R. 4661 and that the Committee’s jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 4661. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,
Washington, DC, December 18, 2017.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and
Technology, House of Representatives,
Washington, DC.

DEAR CHAIRMAN SMITH: I write concerning H.R. 4661, the United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Transportation and Infrastructure will forego action on the bill. However, this is conditional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee’s Rule X jurisdiction. Lastly, should a conference on the bill be necessary, I request your support for the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

I would ask that a copy of this letter and your response acknowledging our jurisdictional interest as well as the mutually agreed upon changes to be incorporated into the bill be included in the Congressional Record during consideration of the measure on the House floor, to memorialize our understanding.

I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND
TECHNOLOGY,
Washington, DC, December 18, 2017.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and
Infrastructure, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Transportation and Infrastructure’s jurisdictional interest in H.R. 4661, the “United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017,” and your willingness to forego consideration of H.R. 4661 by your committee.

I agree that the Committee on Transportation and Infrastructure has a valid jurisdictional interest in certain provisions of H.R. 4661 and that the Committee’s jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 4661. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017.

I hope we can all agree on the urgency of reauthorizing this program before the sunset in current law would terminate this program in January. We heard from the local, State, and Federal experts at our hearing in July just how essential these programs are to ensuring both firefighter and community safety in all of our districts across the Nation.

This bill authorizes funding at the 2017 levels for the U.S. Fire Administration, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants.

□ 1730

It also directs establishment of a grant monitoring and oversight framework. It makes important technical fixes to current law. It ensures lesser resourced fire departments have the tools to successfully apply for grants. These are critical programs to ensure the safety and security of all Americans, and they must be reauthorized.

Unfortunately, I must also express my disappointment and frustration with the majority’s insistence on including a new sunset clause in this bill. The sunset currently in law is putting these programs at risk as we speak. Congress shouldn’t need sunsets to do a job properly. In this case, arbitrary program sunsets puts lives at risk. Every single firefighting organization wants this sunset out. On a bipartisan basis, the Senate has voted to remove this sunset, yet here we are today running up a program termination that

nobody wants, and senselessly adding a future program termination date that nobody wants.

Legislating by self-created emergency is bad for Congress and bad for our country. Here we are in December desperately trying to avoid terminating assistance to firefighters. At the same time, we are desperately trying to keep the Federal Government from shutting down and we are desperately trying to provide disaster assistance to Americans who are suffering. Of course, we have already missed the deadline on CHIP, and now 9 million children all across our country are in danger of losing health coverage. This is no way to run a country.

So we will vote on this bill today and, in 7 years, probably be right back in the same boat we are today. We can and should do better than this.

Mr. Speaker, I reserve the balance of my time.

Mrs. COMSTOCK. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Mr. Speaker, I rise in support of H.R. 4661, the United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017.

Mr. Speaker, 2017 has been the most devastating year in California wildfire history. Thousands of California residents were displaced, over 1 million acres burned, and thousands of homes and businesses were destroyed by this year's fires.

Now, more than ever, it is critical that California's fire departments are fully staffed. SAFER grants provide resources for fire departments that struggle to meet their staffing needs, including Orange County Fire Authority in my district.

SAFER grants will undoubtedly help fire departments across the country meet the needs of their communities, while ensuring firefighters are ready and able to assist with wildfire suppression efforts.

Lastly, Mr. Speaker, I would like to take a moment to offer my sincerest condolences to CAL FIRE and the family of Cory Iverson, who tragically lost his life this past week battling the Thomas fire.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mrs. COMSTOCK. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. ABRAHAM).

Mr. ABRAHAM. Mr. Speaker, I strongly support the reauthorization of the United States Fire Administration, the Assistance to Firefighters Grant Program, the Fire Prevention and Safety Grant Program, and the SAFER grant program.

These programs are vital to protect the public and the Nation's firefighters. Recent trends have shown

that fire safety and prevention remains a serious national concern. Data from the U.S. Fire Administration shows that, while there are fewer fires and fire-related deaths overall, fires are becoming more severe and costly in both lives lost and property damage per fire. The best-trained, best-equipped firefighters cannot always overcome the dangers associated with today's severe fires.

This alarming trend jeopardizes the economic health of our communities and our national goal of increased resilience to fire. Adequate funding for the brave men and women who fight fires is essential, but we must also be effective in reducing these trends by preventing the fire's ignition and growth, in the first place, through robust fire prevention.

I will work with the Science, Space, and Technology Committee to request that the U.S. First Administration and FEMA investigate the upward trend in fatalities and property damage per fire.

Mr. Speaker, I thank both Chairman SMITH and subcommittee Chairwoman COMSTOCK for their leadership and hard work on the reauthorization bill, and I hope to work with them to address these issues moving forward.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

Mrs. COMSTOCK. Mr. Speaker, I would also like to note that the International Association of Fire Chiefs has endorsed this bill.

I appreciate, again, the bicameral, bipartisan support we were able to bring together for the sixth year reauthorization—actually, the seventh year, also, for extra room there.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of the United States Fire Administration, the Assistance to Firefighters Grant (AFG) program, the Staffing for Adequate Fire and Emergency Response (SAFER) Grant program, and the Fire Prevention and Safety programs.

As an original author of these critical grant programs, I understand their importance to the firefighting community. It is often local firefighters who are the first on the scene before help from elsewhere can arrive. Our first responders provide immediate assistance to those in need; and these grants enable local firefighters across our nation to receive the training and equipment necessary to fulfill this important mission.

The proper training and equipment provided to local firefighters by the AFG and SAFER grant programs and Fire Prevention and Safety programs can often mean the difference between life and death.

It is unfortunate, Mr. Speaker, that it took so long for the House to act on reauthorizing these important federal grants. We have had nearly an entire year for the Majority to introduce a bill, have it considered in committee,

and see action on the House floor. Or simply, we could have just considered S. 829, which passed the Senate by unanimous consent on August 2, 2017.

I even introduced H.R. 3881, a House version of the Senate-passed legislation and co-led a letter with 153 members of this House to show support for reauthorizing these grant programs. However, no action was taken to reauthorize these critical grant programs until today.

The bill before us today makes meaningful and technical changes to the administration of these grant programs. One important change this bill makes, that I know is significant to my home state of New Jersey and fire departments across the nation, is permitting the use of these grants to permit the use of grants to change the status of part-time or paid-on-call firefighters to full-time firefighters.

However, unlike the Senate bill, the bill before us today continues to have a dreadful sunset clause. Typically, the Congress sunsets programs to ensure there is an opportunity to review the importance of a program's continuation and that there is no waste, fraud, or abuse. Since the establishment of these fire programs, there have been no major issues with waste, fraud, or abuse—and we certainly cannot dispute the major benefits these programs provide. So it is a wonder why some are insisting on sunseting these critical grant programs in this bill.

This sunset causes needless anxiety, which many have been feeling this year as the House is only now reauthorizing these programs just two weeks before they're set to expire. This is a situation where states and localities and tens of thousands of fire departments across our nation are left wondering about the future of critical funding they rely on to keep their communities safe. This sunset is unnecessary and we should eliminate it.

It is not an understatement to say that the funding provided by these programs has saved countless lives. The federal resources these grants have provided fire departments with the equipment, training and staffing needed to swiftly respond to over 30 million calls annually. These programs also have improved firefighters' response capabilities and prevented numerous fires through safety programs targeted toward high-risk populations.

Finally, I would like to thank my colleagues Congressman PETER KING, STENY HOYER and DAVE REICHERT as co-chairs of the Congressional Fire Services Caucus and for their tireless work on behalf of our nation's fire service.

Mr. Speaker, I rise today to encourage my colleagues in this Chamber to support the reauthorization of these critical grant programs.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. COMSTOCK) that the House suspend the rules and pass the bill, H.R. 4661.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STEM RESEARCH AND EDUCATION EFFECTIVENESS AND TRANSPARENCY ACT

Mrs. COMSTOCK. Mr. Speaker I move to suspend the rules and pass the bill (H.R. 4375) to provide for a study on broadening participation in certain National Science Foundation research and education programs, to collect data on Federal research grants to science agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “STEM Research and Education Effectiveness and Transparency Act”.

SEC. 2. BROADENING PARTICIPATION IN STEM PROGRAM EFFECTIVENESS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress on the effectiveness of all National Science Foundation research and education programs for broadening the participation of women and other historically underrepresented individuals in STEM studies and careers, including—

(1) development or identification of performance metrics to evaluate such programs;

(2) information on student outcomes using all available data, including dropout rates, enrollment in graduate programs, internships or apprenticeships, and employment;

(3) identification of any data gaps for evaluating the effectiveness and outcomes of National Science Foundation programs to broaden participation; and

(4) recommendations for maintaining, translating, and disseminating outcomes data for STEM programs funded by the National Science Foundation.

(b) DEFINITION OF STEM.—In this section, the term “STEM” has the meaning given the term in section 2 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

SEC. 3. COLLECTION AND REPORTING OF DATA ON FEDERAL RESEARCH GRANTS.

(a) COLLECTION OF DATA.—

(1) IN GENERAL.—Each Federal science agency shall collect standardized record-level annual information on demographics, primary field, award type, review rating, budget request, funding outcome, and awarded budget for all applications for merit-reviewed research and development grants to institutions of higher education and Federal laboratories supported by that agency.

(2) UNIFORMITY AND STANDARDIZATION.—The Director shall establish a policy to ensure uniformity and standardization of the data collection required under paragraph (1).

(3) RECORD-LEVEL DATA.—

(A) REQUIREMENT.—On an annual basis, beginning with the deadline under subparagraph (C), each Federal science agency shall submit to the Director of the National Science Foundation record-level data collected under paragraph (1) in the form required by such Director.

(B) PREVIOUS DATA.—As part of the first submission under subparagraph (A), each Federal science agency, to the extent practicable, shall submit comparable record-level

data for the 5 years preceding the deadline under subparagraph (C).

(C) DEADLINE.—The deadline under this paragraph is not later than 1 year after the date of enactment of this Act.

(b) REPORTING OF DATA.—The Director of the National Science Foundation shall publish statistical summary data collected under this section, disaggregated and cross-tabulated demographically and by years since completion of doctoral degree, including in conjunction with the National Science Foundation’s report required by section 37 of the Science and Technology Equal Opportunities Act (42 U.S.C. 1885d; Public Law 96–516).

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Office of Science and Technology Policy.

(2) FEDERAL LABORATORY.—The term “Federal laboratory” has the meaning given that term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

(3) FEDERAL SCIENCE AGENCY.—The term “Federal science agency” means any Federal agency with at least \$100,000,000 in research and development expenditures in fiscal year 2017.

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. COMSTOCK) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. COMSTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 4375, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. COMSTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4375, the STEM Research and Education Effectiveness and Transparency Act, contains two provisions aimed at providing better information on how to make taxpayer-funded investments in STEM and research and development more effective, transparent, and fair.

First, the bill requires the National Science Foundation, for the first time, to report and make recommendations to Congress regarding the effectiveness of its research and education programs aimed at broadening the participation of women and historically underrepresented individuals in STEM.

This report will give Congress, the National Science Foundation, and other stakeholders objective information about what kinds of interventions and assistance are efficient, scalable, and effective.

In order to have a vibrant economy that provides opportunity and prosperity for all, we must be the leader in STEM fields. To do that, we need to develop the talent of all Americans. This report will help us focus resources on what works.

According to the Society of Women Engineers, which partnered with the Center for WorkLife Law at the University of California’s Hastings College of Law, women represent only about 15 percent of the engineering workforce.

This is an important issue because studies have found that companies with higher female representation tend to achieve more and have higher profits. According to Catalyst research of Fortune 500 companies, firms with the most female representation showed a 35 percent higher return on equity and 34 percent higher return to shareholders.

Second, the bill requires all Federal science agencies to collect standardized information, including demographics, for each application received for research and development grants. Agencies are to submit the information annually to the National Science Foundation, which is directed to publish an annual statistical summary.

This information will provide better transparency to how taxpayer dollars are spent on research and scientists, who are involved in that research, across the Federal Government.

Mr. Speaker, I thank the ranking member of the Science, Space, and Technology Committee, Ms. JOHNSON, for joining me in sponsoring this bill, which, as I mentioned, also applies to really getting a much more diverse workforce, and understanding that our diverse workforce is a strength; and by only embracing that strength, are we going to be able to have and lead in STEM throughout the world. So I appreciate Ms. JOHNSON’s longtime commitment to ensuring STEM reaches into all communities and provides opportunities for all.

Mr. Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4375, the STEM Research and Education Effectiveness and Transparency Act.

Mr. Speaker, I am pleased to be a cosponsor of this bill, and I thank the Research and Technology Subcommittee chairwoman, Mrs. COMSTOCK, for introducing it.

Research shows that the underrepresentation of women and minorities in STEM fields is not due to a lack of interest or motivation. There are real institutional and cultural barriers preventing talented individuals from realizing their dreams of working in STEM careers. We must better understand these barriers so that we may develop

and support the most effective policies and programs.

H.R. 4375 directs the NSF to report on the effectiveness of current portfolio of broadening participation programs. This bill also includes one provision from my STEM Opportunities Act that requires all Federal science agencies to collect and report annually on data for all research grant applications and awards.

This would enable researchers to conduct a cross-agency assessment of the participation and success of Federal grant applicants across demographic groups. With information about the participation and success of women and minorities throughout the process of applying for Federal research funding, including such details as the award size, we can identify and root out any inequities that reflect implicit bias in the process.

This bill is a small, but important, step in the right direction toward ensuring equitable access to STEM education and careers.

I want to take a moment to advocate for this House considering my STEM Opportunities Act, H.R. 2653, in its entirety. That would allow us to continue the steps we are taking today to broaden participation in STEM in our country.

Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mrs. COMSTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Ms. JOHNSON for her work on this legislation in moving this forward. I know as I go around my district and I see young people, and I see the engagement of a very diverse population in STEM, this is really going to be the future of our workforce. It is exciting to be able to know that we will be able to have a small role in that today, to make sure that we are reaching everybody, because we cannot leave anybody behind with our need for more STEM resources, and to be able to make sure that we have that workforce of the 21st century. I know in Virginia alone, we have 34,000 or so cyber jobs that we are still looking for people for. So this will help with that pipeline.

Mr. Speaker, I encourage my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. COMSTOCK) that the House suspend the rules and pass the bill, H.R. 4375, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. COMSTOCK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1745

WOMEN IN AEROSPACE EDUCATION ACT

Mr. KNIGHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4254) to amend the National Science Foundation Authorization Act of 2002 to strengthen the aerospace workforce pipeline by the promotion of Robert Noyce Teacher Scholarship Program and National Aeronautics and Space Administration internship and fellowship opportunities to women, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women in Aerospace Education Act".

SEC. 2. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM FELLOWSHIP OPPORTUNITIES.

(a) IN GENERAL.—The National Science Foundation Authorization Act of 2002 (Public Law 107-368; 42 U.S.C. 1862n et seq.) is amended—

(1) in section 10(a)(3)(A)(iv), by inserting “, including research experiences at national laboratories and NASA centers” before the semicolon; and

(2) in section 10A(c)(4)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:

“(C) providing internship opportunities for fellows, including research experiences at national laboratories and NASA Centers.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to grants awarded on or after October 1, 2018.

SEC. 3. NASA INTERNSHIP AND FELLOWSHIP OPPORTUNITIES.

Not later than October 1, 2018, the Administrator of the National Aeronautics and Space Administration (in this section referred to as “NASA”) shall institute a process to prioritize the recruitment of qualified candidates who are women or individuals who are historically underrepresented in the fields of science, technology, engineering, and mathematics (STEM) and computer science for internships and fellowships at NASA with relevance to the aerospace sector and related fields.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KNIGHT) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. KNIGHT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4254, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KNIGHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am taking this opportunity to speak on an important initiative to strengthen our aerospace workforce. H.R. 4254, the Women in Aerospace Education Act, directs the National Science Foundation through the Robert Noyce Teacher Scholarship Program and NASA, to shape their fellowship and internship opportunities to encourage more women to get aerospace expertise while they are training to be teachers.

Female aerospace professionals must be placed in the classroom in greater numbers. A full fifth of U.S. aerospace engineers are of retirement age today. They are beginning to exit our workforce, which will create an enormous shortfall in our national security preparedness.

Meanwhile, women represent only one-quarter of all STEM workers and represent only about 15 percent of all aerospace engineers. We need to improve our STEM education pipeline—from ensuring STEM classes are available to students at a young age to encouraging young Americans to pursue STEM education all the way through to completing their degree.

But the gender gap that is so prevalent in this industry will persist until we make STEM and aerospace more inclusive of women and encourage women at a young age to pursue these fields.

Attitudes about career paths are formed at a very young age. The role models and leaders from which young women learn have an enormous impact on the decisions they make throughout their formal education as they enter the workforce.

I introduced the Women in Aerospace Education Act to make better use of some of the Federal Government's best teacher training programs to increase the number of women teachers who have seen, worked on, and can relate to the Nation's leading aerospace programs to young female students.

Robert Noyce scholars, who get teacher certification assistance from the National Science Foundation, are already, in small numbers, getting experience in NASA centers and the national labs.

Once they become certified and go teach in the K-12 system, they draw upon the work they did on major public initiatives in science and technology. Schools love having Noyce program teachers because their strong positive attitudes about STEM are cultivated in the students. It will strengthen our STEM pipeline to enhance the connection between the Noyce scholarship program and our schools.

The second provision of this bill directs NASA to more actively promote

its internship and fellowship opportunities to women or members of other historically underrepresented groups.

Together, the two provisions of this bill will help a necessary and fundamental shift in our education system in aerospace workforce.

I would like to thank Ms. ESTY for her help on this bill, and I encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 4254, the Women in Aerospace Education Act.

I want to thank Mr. KNIGHT and Ms. ESTY for introducing this bill. Women continue to be woefully underrepresented in the aerospace sector. According to the Bureau of Labor Statistics, women made up only 8 percent of aerospace engineers last year. While we are inspired by the career of NASA astronaut Peggy Whitson, who holds the U.S. record for days in space, we must do more to ensure that successes like hers are the rule and not the exception.

H.R. 4254 will help address the underrepresentation of women at all levels in aerospace education and in the workforce by privatizing the recruitment of qualified women to apply for NASA internships and fellowships. Some of these women will go on to be STEM teachers, and others will have research or industry careers. They will all benefit from participating in the NASA programs, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KNIGHT. Mr. Speaker, I have no further speakers. I continue to reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield as much time as she may consume to the gentleman from Connecticut (Ms. ESTY).

Ms. ESTY of Connecticut. Mr. Speaker, I rise in support of the Women in Aerospace Education Act. I want to thank my friend and colleague, Congressman KNIGHT, for working with me to address critical workforce needs and bridge the gender gap in the aerospace industry.

Mr. Speaker, quite simply, we do not have enough skilled aerospace workers in America, and the problem is growing worse. According to a 2015 Aviation Week Workforce Study, nearly one-fifth—one-fifth—of our aerospace engineers are now eligible for retirement. What is more, women only account for about 15 percent of all aerospace engineers. That means that women represent a tremendous opportunity, an untapped resource for a sector vital to our economy and to our national security.

Bringing women to the table is not only the right thing to do, it is the

smart and necessary thing to do in order to keep America competitive in a 21st century economy.

Women provide new and essential perspective in the workplace, driving innovation and strengthening our ability to address new challenges. With an aging workforce, we must do everything in our power to broaden and deepen the pool of skilled workers and provide all Americans with the skills they need to compete in a global economy.

Aerospace companies in northwest and central Connecticut, like Ensign-Bickford, Praxair, and United Technologies Corporation, have shared with me for years their concerns about this aging workforce. That is because they are looking down the line, and they know that if they don't diversify their workforce soon, shortages of skilled workers could force these companies to relocate or even leave the United States.

Our bill, the Women in Aerospace Education Act, addresses the need to expand and diversify the STEM workforce in two ways.

First, our bill supports hands-on experiences for teachers. The Women in Aerospace Education Act does this by encouraging universities applying for Noyce grants to incorporate aerospace working and learning experiences at the national laboratories and NASA centers into their fellowship programs.

Second, our bill specifically targets diversifying the aerospace workforce by allowing the National Science Foundation to prioritize women and other underrepresented groups working in aerospace engineering when awarding the Robert Noyce Teacher Scholarship grants.

Noyce teacher grants play a vital role in placing STEM teachers in rural or lower-income school districts, which all too often do not have access to the resources, to give students robust hands-on science. Our bill will help ensure that more female STEM teachers will enter classrooms with firsthand knowledge of how aerospace technologies are strengthening America's future.

This is important. This is important because it is a fact that girls who have women science teachers are more likely to consider a career in the sciences, and teachers who are exposed to hands-on, real-life science are better able to kindle that interest in science among their students.

Let me give you an example of what a difference these efforts will make. Kelley Johnson is a member of my STEM Advisory Board. She is a founder and president of Doors to Explore, Incorporated, a startup in my district that provides an online resource for young people to explore STEM careers.

Growing up, Kelley had no idea what aerospace engineering was; that is, until a local company donated a Wang

computer to her high school, which allowed her to take her first computer science classes. Kelley went on to work at NASA where she designed electronics for two satellites. Her time at NASA was instrumental in developing her critical thinking skills and provided her with an even stronger foundation in STEM that she has used in every job since.

Kelley's early exposure to computer science and her work at NASA launched her into a successful career in STEM, and she is now sharing that with a new generation of students.

I am committed to making Kelley's experience available to young women and men all across this country who would thrive from mentorship from female science teachers or work experience at NASA or the national labs.

Mr. Speaker, I thank Congressman KNIGHT for his leadership on this bill and on this important issue. I urge my colleagues to support the Women in Aerospace Education Act.

Mr. KNIGHT. Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time. I urge passage, and I yield back the balance of my time.

Mr. KNIGHT. Mr. Speaker, I think Members can hear that we have got passion here, and Ms. JOHNSON, Ms. ESTY, and I believe that talk is cheap, and this is actually going to do something. If we are going to talk about STEM continually, and we are going to try and push this maybe into an arena that hasn't been pushed before, then let's do something. That is exactly what this is doing.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KNIGHT) that the House suspend the rules and pass the bill, H.R. 4254, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KNIGHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

UNITED STATES AND ISRAEL SPACE COOPERATION ACT

Mr. DUNN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1159) to provide for continuing cooperation between the National Aeronautics and Space Administration and the Israel Space Agency, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States and Israel Space Cooperation Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) authorized in 1958, the National Aeronautics and Space Administration (NASA) supports and coordinates United States Government research in aeronautics, human exploration and operations, science, and space technology;

(2) established in 1983, the Israel Space Agency (ISA) supports the growth of Israel’s space industry by supporting academic research, technological innovation, and educational activities;

(3) the mutual interest of the United States and Israel in space exploration affords both nations an opportunity to leverage their unique abilities to advance scientific discovery;

(4) in 1996, NASA and the ISA entered into their first agreement outlining areas of mutual cooperation, which remained in force until 2005;

(5) since 1996, NASA and the ISA have successfully cooperated on many space programs supporting the Global Positioning System and research related to the sun, earth science, and the environment;

(6) the bond between NASA and the ISA was permanently forged on February 1, 2003, with the loss of the crew of STS-107 including Israeli Astronaut Ilan Ramon;

(7) the United States-Israel Strategic Partnership Act of 2014 (Public Law 113-296) designated Israel as a Major Strategic Partner of the United States; and

(8) on October 13, 2015, the United States and Israel signed the Framework Agreement between the National Aeronautics and Space Administration of the United States of America and the Israel Space Agency for Cooperation in Aeronautics and the Exploration and Use of Airspace and Outer Space for Peaceful Purposes.

SEC. 3. CONTINUING COOPERATION.

The Administrator of the National Aeronautics and Space Administration shall continue to work with the Israel Space Agency to identify and cooperatively pursue peaceful space exploration and science initiatives in areas of mutual interest, taking all appropriate measures to protect sensitive information, intellectual property, trade secrets, and economic interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DUNN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. DUNN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1159, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States and Israel Space Cooperation Act deserves our support. The peaceful use of outer space and cooperation with our friends and allies lie at the very heart of NASA’s mission.

The United States has been a partner and a friend to the Israeli space program since its creation three decades ago. Our voyages have brought us closer together as nations, as partners, and as friends. Our shared quests for peace, knowledge, and friendship echo our experiences together on Earth.

But sadness and sorrow have tested that relationship. Israel’s first astronaut, Ilan Ramon, flew to space for the first time on the ill-fated Space Shuttle Columbia. Even though that accident tragically ended the life of Ilan and six U.S. crew members, the U.S. and Israel turned that tragedy into hope, working together even more closely.

In 2015, the U.S. and Israel again renewed their partnership with another 10-year commitment to peaceful cooperation in space. That mutual commitment to the peaceful exploration of outer space has grown even stronger with the passage of this act under consideration today.

Peaceful space exploration offers all humanity a common, noble goal, extending our collective reach further into the heavens. Reaching farther and broadening our understanding of the universe is one of the most important and honorable challenges that we can face together. I believe that working together with our allies and partners on the peaceful exploration of space is an essential part of what makes NASA a vital national asset. This bill strengthens NASA’s ability to do this important work.

I am also pleased that the bill includes a recognition that sensitive and proprietary information should be protected.

□ 1800

Mr. Speaker, I invite all of my colleagues to join me in support of the United States and Israel Space Cooperation Act.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1159, the United States and Israel Space Cooperation Act. The cooperation between the National Aeronautics and Space Administration, NASA, and the Israel Space Agency is just one example of peaceful international cooperation that has been a hallmark of NASA’s approach since its inception in 1958.

In fact, when Congress passed NASA’s founding legislation, the Space Act of 1958, one of the primary objectives established for the agency was:

“7, Cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful application of the results thereof.”

NASA has followed this objective over the years in a variety of ways. Since its establishment in 1958, NASA has entered into over 5,000 original agreements with international entities, and currently NASA has over 800 active cooperative agreements across a range of disciplines with over 120 countries and international organizations.

These international partnerships have led to a range of benefits in scientific advancement, access to scientific data, partnering in exploration, and sharing the costs and risks of space missions.

NASA has had a long and fruitful relationship with the country of Israel, and that cooperative relationship continues to this day. Current activities with Israel include the involvement of almost 200 Israeli schools in the Global Learning and Observations to Benefit the Environment, GLOBE, educational project; collaboration on atmospheric and climate research; and numerical cloud modeling, among other activities.

I think it is also fitting to remember that the crew of the ill-fated Space Shuttle Columbia mission, STS-107, included an Israeli astronaut, Ilan Ramon, who, along with the entire STS-107 crew, tragically perished with the loss of the space shuttle orbiter on February 1, 2003.

Israel has shared in the great achievements of NASA as well as great losses that have paved the way for future space explorers. Their sacrifice will be held in our hearts as we work to further space exploration for the benefit of mankind.

Mr. Speaker, I want to thank the sponsor of this legislation, Mr. KILMER, for introducing the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNN. Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. Mr. Speaker, I rise in support of this bill, but before I do, I want to just briefly acknowledge the members of my community who were affected by a tragic Amtrak derailment in Pierce County, Washington, today. The families of those we lost and all the folks affected by this are in my prayers tonight.

Mr. Speaker, on May 25, 1961, President John F. Kennedy came before this body and gave an urgent special address. He laid out the costs of supporting the space program and of going to the Moon, and he said: “We choose to go into space because whatever mankind must undertake, free men must fully share.”

Today, Mr. Speaker, that journey continues as we take a vote to formalize sharing a space partnership between our Nation and a close ally and friend, the nation of Israel.

This partnership began in 1985 when NASA and the Israel Space Agency began cooperating on a limited basis. A decade later, our Nation signed an agreement to allow Israeli astronauts to begin training with their American counterparts.

In 2003, Israeli Air Force Colonel Ilan Ramon became the first Israeli astronaut. He traveled to space aboard the Space Shuttle Columbia. It was a 16-day mission, and the crew of six Americans and one Israeli conducted 80 experiments that helped us understand our place in the universe just a little bit better.

Tragically, the celebration of this partnership turned to shared mourning as Columbia was lost on reentry, but the tragedy did not stop our shared journey into space. To this day, we continue to cooperate, including on projects everyone benefits from, including the Global Positioning System, and research that helps us better understand the Sun, and even research related to our environment here on Earth.

In 2015, NASA and the Israel Space Agency signed a civil space framework agreement to formalize and expand cooperation in civil space activities.

Mr. Speaker, today's vote continues a deep and lasting partnership among free societies. I have been proud to work with a number of my colleagues and NASA and everyday Americans who know that all mankind benefits when we explore our universe.

Mr. Speaker, I would like to thank the chairman for his leadership on these issues and the ranking member, who has been such a champion in support of smart policies in the arena of science, space, and technology. I also would like to thank the majority and minority staff from the committee for the work that they do.

Mr. Speaker, I urge my colleagues to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time. I urge passage, and I yield back the balance of my time.

Mr. DUNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DUNN) that the House suspend the rules and pass the bill, H.R. 1159, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DUNN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this motion will be postponed.

SUPPORTING VETERANS IN STEM CAREERS ACT

Mr. DUNN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4323) to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Veterans in STEM Careers Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(2) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(3) STEM.—The term "STEM" has the meaning given the term in section 2 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

(4) VETERAN.—The term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

SEC. 3. SUPPORTING VETERANS IN STEM EDUCATION AND COMPUTER SCIENCE.

(a) SUPPORTING VETERAN INVOLVEMENT IN SCIENTIFIC RESEARCH AND STEM EDUCATION.—The Director shall, through the research and education activities of the Foundation, encourage veterans to study and pursue careers in STEM and computer science, in coordination with other Federal agencies that serve veterans.

(b) VETERAN OUTREACH PLAN.—Not later than 90 days after the date of enactment of this Act, the Director shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for how the Foundation can enhance its outreach efforts to veterans. Such plan shall—

(1) report on the Foundation's existing outreach activities;

(2) identify the best method for the Foundation to leverage existing authorities and programs to facilitate and support veterans in STEM careers and studies, including teaching programs; and

(3) identify a method for the Foundation to track veteran participation in research and education programs of the Foundation, and describe any barriers to collecting such information.

(c) NATIONAL SCIENCE BOARD INDICATORS REPORT.—The National Science Board shall provide in its annual report on indicators of the state of science and engineering in the United States any available and relevant data on veterans in science and engineering careers or education programs.

(d) ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM UPDATE.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(C) higher education programs that serve or support veterans.";

(2) in subsection (b)(2)(F)—

(A) by striking "and students" and inserting "students"; and

(B) by inserting "and veterans" before the period at the end;

(3) in subsection (c)(2), by inserting "and veterans" before the period at the end; and

(4) in subsection (d)(2), by inserting "and veterans" before the period at the end.

(e) NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS AND MASTER TEACHING FELLOWSHIPS UPDATE.—Section 10A(d) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1a(d)) is amended—

(1) in paragraph (3)(F)—

(A) by striking "and individuals" and inserting "individuals"; and

(B) by inserting "and veterans" before the period at the end; and

(2) in paragraph (4)(B), by inserting "and veterans" before the period at the end.

(f) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS UPDATE.—Section 5(a) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (1), by inserting "and students who are veterans" after "these fields"; and

(2) in paragraph (3)—

(A) in subparagraph (I), by striking "and" at the end;

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (I) the following:

"(J) creating opportunities for veterans to transition to careers in computer and network security; and"

(g) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH UPDATE.—Section 5(c)(6)(C) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(6)(C)) is amended by inserting "or veterans" after "disciplines".

(h) VETERANS AND MILITARY FAMILIES STEM EDUCATION INTERAGENCY SUBCOMMITTEE.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish a subcommittee under the Committee on STEM Education of the National Science and Technology Council (established under section 101 of the America COMPETES Reauthorization Act of 2010) to coordinate Federal programs and policies for transitioning and training veterans and military spouses for STEM careers.

(2) DUTIES OF SUBCOMMITTEE.—The subcommittee established under paragraph (1) shall—

(A) coordinate Federal agency STEM outreach activities and programs for veterans and military spouses; and

(B) develop and facilitate the implementation by participating agencies of a strategic plan, which shall—

(i) specify and prioritize short- and long-term objectives;

(ii) specify the common metrics that will be used by Federal agencies to assess progress toward achieving such objectives;

(iii) identify barriers veterans face in reentering the workforce, including a lack of formal STEM education, career guidance, and the process of transferring military credits and skills to college credits;

(iv) identify barriers military spouses face in establishing careers in STEM fields;

(v) describe the approaches that each participating agency will take to address administratively the barriers described in clauses (iii) and (iv); and

(vi) identify any barriers that require Federal or State legislative or regulatory changes in order to be addressed.

(3) DUTIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the Federal agencies participating in the subcommittee to ensure that the strategic plan required under paragraph (2)(B) is developed and executed effectively and that the objectives of such strategic plan are met.

(4) REPORT.—The Director of the Office of Science and Technology Policy shall—

(A) not later than 1 year after the date of enactment of this Act, submit to Congress the strategic plan required under paragraph (2)(B); and

(B) include in the annual report required by section 101(d) of the America COMPETES Reauthorization Act a description of any progress made in carrying out the activities described in paragraph (2)(B) of this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DUNN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. DUNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 4323, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4323, the Supporting Veterans in STEM Careers Act, is about helping expand veterans' job and education opportunities in the sciences.

The bill requires the National Science Foundation to develop a veterans outreach plan and to publish data on veterans' participation in science, technology, engineering, and mathematics fields in its annual Indicators report.

The bill also updates the Noyse Teacher Scholarship program, its fellowship programs, and cyber grant programs to include outreach to veterans.

Additionally, the White House Office of Science and Technology Policy is tasked with overseeing an interagency working group to examine how to increase veteran participation in STEM career fields, including addressing any barriers for servicemembers and their spouses.

In the next 5 years, between 1 and 1.5 million members of the United States Armed Forces will be leaving the military, according to the Department of Defense. Many of these veterans will be seeking new careers. By a great margin, veterans cite finding employment

as their number one need when returning home.

According to the U.S. Bureau of Labor Statistics, occupations in the STEM fields are projected to grow to more than 9 million between 2012 and 2022, an increase of 1 million jobs.

Research shows that many military veterans already have skills and training that align with STEM careers, particularly in information technology. However, research has also shown that veterans face many barriers as they re-enter the workforce, including a lack of formal STEM education, career guidance, and the difficult task of transferring military credits to civilian credits.

Our Nation's veterans deserve every opportunity to transition to a healthy and successful civilian life. This bill will help our servicemembers to continue to serve our Nation in many new ways by filling 21st century jobs and keeping America on the cutting edge of innovation.

Mr. Speaker, I thank my friend, Mr. TAKANO, the ranking vice chair of the Veterans' Affairs Committee and a fellow member on the Science, Space, and Technology Committee, for cosponsoring this bipartisan legislation. I also salute all of my fellow veterans on the Science, Space, and Technology Committee who joined me in introducing this bill.

Mr. Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4323, the Supporting Veterans in STEM Careers Act, and I thank Mr. DUNN and Mr. TAKANO for introducing this good legislation.

The demand for a workforce equipped with STEM skills is growing. At the same time, many veterans developed valuable technical skills during their service. We must do more to take advantage of those skills and increase veteran participation in STEM careers if we are to meet the workforce demands.

This summer, I was pleased to see the passage of the Forever GI Bill, which extended GI benefits for veterans enrolled in STEM degree programs. Now that STEM degrees are more accessible for veterans, we must do more to support veterans during their transition into STEM degree programs and careers.

H.R. 4323 directs the National Science Foundation to report data on veterans in STEM studies and careers and develop a plan to increase outreach to veterans.

This bill also creates an interagency committee that will examine how Federal programs and policies can best be leveraged to equip veterans with the skills they need to transition into STEM careers.

H.R. 4323 is a good step toward strengthening our STEM workforce and creating opportunities for an eminently deserving sector of our citizenry.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. DUNN. Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I thank the gentlewoman, the ranking member, for yielding.

Mr. Speaker, I rise today in strong support of H.R. 4323, the Supporting Veterans in STEM Careers Act.

I led this bill with the gentleman from Florida because finding ways to improve higher education for veterans is essential to our economy and critical to keeping our promise to those who serve.

This legislation advances the great work being done by the National Science Foundation by requiring NSF to develop a plan to help more veterans enter science, technology, engineering, and math fields.

In addition, it requires NSF to report available data on veterans participating in STEM fields.

NSF will also be required to recruit veterans for existing NSF programs, including the Noyse Teacher Scholarship program, and for cybersecurity-specific education and training programs.

Finally, this bill creates an interagency committee to help veterans and their spouses transition to STEM careers, including reporting on their progress.

All of us understand the challenges veterans face when trying to further their education, but we have also seen what happens when former servicemembers are empowered to success as civilians. After World War II, soldiers returned home to a GI Bill that sparked an era of innovation and economic growth.

By helping veterans enter STEM education and research programs, this bill will help build a workforce that is prepared to succeed in the modern economy. At the same time, it will drive some of our best and brightest into fields where they can make new discoveries and create new technologies that will redefine the world for future generations.

Mr. Speaker, I appreciate the opportunity to work with my Republican colleague, Mr. DUNN, and I encourage all Members to support this legislation.

□ 1815

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time. I urge support of this legislation, and I yield back the balance of my time.

Mr. DUNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DUNN) that the House suspend the rules and pass the bill, H.R. 4323, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DUNN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 3043), I have enclosed the National Security Strategy of the United States.

This National Security Strategy sets forth my guidance and direction for an America First foreign policy and charts a path to achieving the goals and objectives that will make America great again.

DONALD J. TRUMP.

THE WHITE HOUSE, December 18, 2017.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 6 o'clock and 16 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 6 o'clock and 30 minutes p.m.

HOOR OF MEETING ON TOMORROW

Mr. HOLDING. Mr. Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow for morning-hour debate and 10 a.m. for legislative business.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to fix the convening time will be followed by 5-minute votes on motions to suspend the rules on:

H.R. 4375, by the yeas and nays; and

H.R. 3979, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 216, nays 169, not voting 46, as follows:

[Roll No. 685]

YEAS—216

Abraham	Gowdy	Palazzo
Aderholt	Granger	Palmer
Allen	Graves (GA)	Paulsen
Amodei	Graves (LA)	Pearce
Arrington	Graves (MO)	Perry
Babin	Griffith	Pittenger
Bacon	Grothman	Poe (TX)
Banks (IN)	Guthrie	Poliquin
Barletta	Handel	Posey
Barr	Harper	Ratcliffe
Barton	Harris	Reed
Bergman	Hartzler	Reichert
Biggs	Hensarling	Renacci
Bilirakis	Herrera Beutler	Rice (SC)
Bishop (MI)	Hice, Jody B.	Roby
Bishop (UT)	Hill	Roe (TN)
Black	Holding	Rogers (AL)
Blackburn	Hollingsworth	Rogers (KY)
Blum	Huizenga	Rokita
Bost	Hultgren	Rooney, Thomas J.
Brady (TX)	Hunter	Ros-Lehtinen
Brat	Hurd	Roskam
Brooks (IN)	Issa	Ross
Buchanan	Jenkins (KS)	Rothfus
Buck	Jenkins (WV)	Rouzer
Bucshon	Johnson (LA)	Royce (CA)
Budd	Johnson (OH)	Russell
Burgess	Johnson, Sam	Rutherford
Byrne	Jones	Sanford
Calvert	Jordan	Scalise
Carter (GA)	Joyce (OH)	Schweikert
Chabot	Kelly (PA)	Scott, Austin
Cheney	King (IA)	Sensenbrenner
Coffman	King (NY)	Sessions
Cole	Kinzinger	Shimkus
Collins (GA)	Knight	Shuster
Comer	Kustoff (TN)	Simpson
Comstock	LaHood	Smith (MO)
Conaway	LaMalfa	Smith (NE)
Cook	Lamborn	Smith (NJ)
Costello (PA)	Lance	Smucker
Cramer	Latta	Stefanik
Culberson	Lewis (MN)	Stewart
Curbelo (FL)	LoBiondo	Stivers
Curtis	Long	Taylor
Davidson	Love	Tenney
Davis, Rodney	Lucas	Thompson (PA)
Denham	Luetkemeyer	Thornberry
Dent	MacArthur	Tipton
DesJarlais	Marchant	Trott
Diaz-Balart	Marino	Turner
Donovan	Marshall	Upton
Duncan (TN)	Massie	Valadao
Dunn	Mast	Walberg
Emmer	McCarthy	Walden
Estes (KS)	McCauley	Walker
Farenthold	McClintock	Walorski
Faso	McHenry	Walters, Mimi
Ferguson	McKinley	Weber (TX)
Fitzpatrick	McMorris	Wenstrup
Fleischmann	Rodgers	Westerman
Flores	McSally	Williams
Fortenberry	Meadows	Wilson (SC)
Fox	Meehan	Wittman
Frelinghuysen	Messer	Womack
Gaetz	Mitchell	Woodall
Gallagher	Moolenaar	Yoder
Garrett	Mullin	Yoho
Gianforte	Newhouse	Young (AK)
Gibbs	Noem	Young (IA)
Gohmert	Norman	Zeldin
Goodlatte	Nunes	
Gosar	Olson	

NAYS—169

Adams	Foster	Moulton
Aguilar	Frankel (FL)	Nadler
Amash	Fudge	Neal
Barragán	Gabbard	Norcross
Bass	Gallego	O'Halleran
Beatty	Garamendi	Pallone
Bera	Gomez	Panetta
Beyer	Gottheimer	Payne
Bishop (GA)	Green, Gene	Pelosi
Blumenauer	Grijalva	Perlmutter
Blunt Rochester	Hanabusa	Peters
Bonamici	Hastings	Peterson
Brady (PA)	Heck	Pingree
Brown (MD)	Higgins (NY)	Polis
Brownley (CA)	Himes	Price (NC)
Bustos	Hoyer	Quigley
Butterfield	Huffman	Raskin
Carbajal	Jackson Lee	Rice (NY)
Cárdenas	Jayapal	Richmond
Carson (IN)	Jeffries	Roybal-Allard
Cartwright	Johnson (GA)	Ruiz
Castor (FL)	Johnson, E. B.	Ruppersberger
Castro (TX)	Kaptur	Ryan (OH)
Chu, Judy	Keating	Sarbanes
Cicilline	Kelly (IL)	Schakowsky
Clark (MA)	Khanna	Schiff
Clay	Kihuen	Schneider
Cleaver	Kildee	Schrader
Clyburn	Kilmer	Scott (VA)
Cohen	Kind	Scott, David
Connolly	Krishnamoorthi	Serrano
Cooper	Kuster (NH)	Sherman
Correa	Langevin	Sires
Costa	Larsen (WA)	Slaughter
Courtney	Lawson (FL)	Smith (WA)
Crist	Lee	Soto
Crowley	Levin	Suozi
Cuellar	Lewis (GA)	Swalwell (CA)
Cummings	Lieu, Ted	Takano
Davis (CA)	Lipinski	Thompson (CA)
Davis, Danny	Loebach	Thompson (MS)
DeFazio	Lofgren	Titus
DeGette	Lowenthal	Tonko
Delaney	Lowey	Torres
DeLauro	Lujan Grisham, M.	Tsongas
DelBene	Lujan, Ben Ray	Vargas
Demings	Lynch	Veasey
DeSaulnier	Maloney	Vela
Dingell	Carolyn B.	Velázquez
Doggett	Maloney, Sean	Visclosky
Doyle, Michael F.	Matsui	Wasserman
Ellison	McEachin	Schultz
Engel	McGovern	Waters, Maxine
Eshoo	McNerney	Watson Coleman
Españat	Meeks	Welch
Esty (CT)	Meng	Wilson (FL)
Evans	Moore	Yarmuth

NOT VOTING—46

Boyle, Brendan F.	Higgins (LA)	Pocan
Bridenstine	Hudson	Rohrabacher
Brooks (AL)	Katko	Rooney, Francis
Capuano	Kelly (MS)	Rosen
Carter (TX)	Kennedy	Rush
Clarke (NY)	Labrador	Sánchez
Collins (NY)	Larson (CT)	Sewell (AL)
Crawford	Lawrence	Shea-Porter
DeSantis	Loudermilk	Sinema
Deutch	McCollum	Smith (TX)
Duffy	Mooney (WV)	Speier
Duncan (SC)	Murphy (FL)	Tiberi
Gonzalez (TX)	Napolitano	Wagner
Green, Al	Nolan	Walz
Gutiérrez	O'Rourke	Webster (FL)
	Pascrell	

□ 1858

Messrs. TAKANO, BRADY of Pennsylvania, PETERS, COSTA, Ms. KAPTUR, Mr. AGUILAR, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Mr. RASKIN changed their vote from "yea" to "nay."

Messrs. WALDEN, CALVERT, and CARTER of Georgia changed their vote from "nay" to "yea."

So the motion to fix convening time was agreed to.

The result of the vote was announced as above recorded

STEM RESEARCH AND EDUCATION
EFFECTIVENESS AND TRANS-
PARENCY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4375) to provide for a study on broadening participation in certain National Science Foundation research and education programs, to collect data on Federal research grants to science agencies, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mrs. COMSTOCK) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 9, not voting 46, as follows:

[Roll No. 686]

YEAS—376

Abraham	Cohen	Fudge
Adams	Cole	Gabbard
Aderholt	Collins (GA)	Gallagher
Aguilar	Comer	Gallego
Allen	Comstock	Garamendi
Amodei	Conaway	Garrett
Arrington	Connolly	Gianforte
Babin	Cook	Gibbs
Bacon	Cooper	Gomez
Banks (IN)	Correa	Goodlatte
Barletta	Costa	Gottheimer
Barr	Costello (PA)	Gowdy
Barragán	Courtney	Granger
Barton	Cramer	Graves (GA)
Bass	Crist	Graves (LA)
Beatty	Crowley	Graves (MO)
Bera	Cuellar	Green, Gene
Bergman	Culberson	Griffith
Beyer	Cummings	Grijalva
Bilirakis	Curbelo (FL)	Guthrie
Bishop (GA)	Curtis	Hanabusa
Bishop (MI)	Davidson	Handel
Bishop (UT)	Davis (CA)	Harper
Black	Davis, Danny	Hartzler
Blackburn	Davis, Rodney	Hastings
Blum	DeFazio	Heck
Blumenauer	DeGette	Hensarling
Blunt Rochester	Delaney	Herrera Beutler
Bonamici	DeLauro	Hice, Jody B.
Bost	DelBene	Higgins (NY)
Brady (PA)	Demings	Hill
Brady (TX)	Denham	Himes
Brat	Dent	Holding
Brooks (IN)	DeSaulnier	Hollingsworth
Brown (MD)	DesJarlais	Hoyer
Brownley (CA)	Diaz-Balart	Huffman
Buchanan	Dingell	Huizenga
Buck	Doggett	Hultgren
Bucshon	Donovan	Hunter
Budd	Doyle, Michael	Hurd
Burgess	F.	Issa
Bustos	Dunn	Jackson Lee
Butterfield	Ellison	Jayapal
Byrne	Emmer	Jeffries
Calvert	Engel	Jenkins (KS)
Carbajal	Eshoo	Jenkins (WV)
Cárdenas	Espallat	Johnson (GA)
Carson (IN)	Estes (KS)	Johnson (LA)
Carter (GA)	Esty (CT)	Johnson (OH)
Cartwright	Evans	Johnson, E. B.
Castor (FL)	Farenthold	Johnson, Sam
Castro (TX)	Faso	Jones
Chabot	Ferguson	Jordan
Cheney	Fitzpatrick	Joyce (OH)
Chu, Judy	Fleischmann	Kaptur
Cicilline	Flores	Keating
Clark (MA)	Fortenberry	Kelly (IL)
Clay	Foster	Kelly (PA)
Cleaver	Fox	Khanna
Clyburn	Frankel (FL)	Kihuen
Coffman	Frelinghuysen	Kildee

Kilmer	Neal
Kind	Newhouse
King (IA)	Noem
King (NY)	Norcross
Kinzinger	Norman
Knight	Nunes
Krishnamoorthi	O'Halleran
Kuster (NH)	Olson
Kustoff (TN)	Palazzo
LaHood	Pallone
LaMalfa	Palmer
Lamborn	Panetta
Lance	Paulsen
Langevin	Payne
Larsen (WA)	Pearce
Latta	Pelosi
Lawson (FL)	Perlmutter
Lee	Perry
Levin	Peters
Lewis (GA)	Peterson
Lewis (MN)	Pingree
Lieu, Ted	Pittenger
Lipinski	Poe (TX)
LoBiondo	Poliquin
Loebach	Polis
Lofgren	Posey
Long	Price (NC)
Love	Quigley
Lowenthal	Raskin
Lowe	Ratcliffe
Lucas	Reed
Luetkemeyer	Reichert
Lujan Grisham,	Renacci
M.	Rice (NY)
Luján, Ben Ray	Rice (SC)
Lynch	Richmond
MacArthur	Roby
Maloney,	Roe (TN)
Carolyn B.	Rogers (AL)
Maloney, Sean	Rogers (KY)
Marchant	Rokita
Marino	Rooney, Thomas
Marshall	J.
Mast	Ros-Lehtinen
Matsui	Roskam
McCarthy	Ross
McCaul	Rothfus
McClintock	Rouzer
McEachin	Roybal-Allard
McGovern	Royce (CA)
McHenry	Ruiz
McKinley	Ruppersberger
McMorris	Russell
Rodgers	Rutherford
McNerney	Ryan (OH)
McSally	Sanford
Meadows	Sarbanes
Meehan	Scalise
Meeks	Schakowsky
Meng	Schiff
Messer	Schneider
Mitchell	Schrader
Moolenaar	Schwelkert
Moore	Scott (VA)
Moulton	Scott, Austin
Mullin	Scott, David
Nadler	Sensenbrenner

NAYS—9

Amash
Biggs
Duncan (TN)

NOT VOTING—46

Boyle, Brendan	Higgins (LA)	Pocan
F.	Hudson	Rohrabacher
Bridenstine	Katko	Rooney, Francis
Brooks (AL)	Kelly (MS)	Rosen
Capuano	Kennedy	Rush
Carter (TX)	Labrador	Sánchez
Clarke (NY)	Larson (CT)	Sewell (AL)
Collins (NY)	Lawrence	Shea-Porter
Crawford	Loudermilk	Sinema
DeSantis	McCollum	Smith (TX)
Deutch	Mooney (WV)	Speier
Duffy	Murphy (FL)	Tiberi
Duncan (SC)	Napolitano	Wagner
Gonzalez (TX)	Nolan	Walz
Green, Al	O'Rourke	Webster (FL)
Gutiérrez	Pascrell	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1906

Mr. GAETZ changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill provide for a report on broadening participation in certain National Science Foundation research and education programs, to collect data on Federal research grants to science agencies, and for other purposes."

A motion to reconsider was laid on the table.

KEEP AMERICA'S REFUGES
OPERATIONAL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3979) to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer services, community partnership, and refuge education programs of the National Wildlife Refuge System, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 14, not voting 46, as follows:

[Roll No. 687]

YEAS—371

Abraham	Budd	Crist
Adams	Burgess	Crowley
Aderholt	Bustos	Cuellar
Aguilar	Butterfield	Culberson
Allen	Byrne	Cummings
Amodei	Calvert	Curbelo (FL)
Arrington	Carbajal	Curtis
Bacon	Cárdenas	Davidson
Banks (IN)	Carson (IN)	Davis (CA)
Barletta	Carter (GA)	Davis, Danny
Barr	Cartwright	Davis, Rodney
Barragán	Castor (FL)	DeFazio
Barton	Castro (TX)	DeGette
Bass	Chabot	Delaney
Beatty	Cheney	DeLauro
Bera	Chu, Judy	DelBene
Bergman	Cicilline	Demings
Beyer	Clark (MA)	Denham
Bilirakis	Clay	Dent
Bishop (GA)	Cleaver	DeSaulnier
Bishop (MI)	Clyburn	DesJarlais
Bishop (UT)	Coffman	Diaz-Balart
Black	Cohen	Dingell
Blackburn	Cole	Doggett
Blum	Collins (GA)	Donovan
Blumenauer	Comer	Doyle, Michael
Blunt Rochester	Comstock	F.
Bonamici	Conaway	Duncan (TN)
Bost	Connolly	Dunn
Brady (PA)	Cook	Ellison
Brady (TX)	Cooper	Emmer
Brat	Correa	Engel
Brooks (IN)	Costa	Eshoo
Brown (MD)	Costello (PA)	Espallat
Brownley (CA)	Courtney	Estes (KS)
Buchanan	Cramer	Esty (CT)

Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxy
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gomez
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Huffman
Huizenga
Hultgren
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Langevin

Larsen (WA)
Latta
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsock
Lofgren
Long
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
MacArthur
Maloney,
Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McEachin
McGovern
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Moore
Moulton
Mullin
Nadler
Neal
Newhouse
Noem
Norcross
Norman
Nunes
O'Halleran
Olson
Palazzo
Pallone
Palmer
Panetta
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)

Rogers (AL)
Rogers (KY)
Rokita
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Ryan (OH)
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Stefanik
Stewart
Stivers
Suozi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wenstrup
Westerman
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IA)
Zeldin

Massie
Perry
Boyle, Brendan
F.
Bridenstine
Brooks (AL)
Bucshon
Capuano
Carter (TX)
Clarke (NY)
Collins (NY)
Crawford
DeSantis
Deutch
Duffy
Duncan (SC)
Gonzalez (TX)
Gutiérrez

Sanford
Weber (TX)
NOT VOTING—46
Higgins (LA)
Hudson
Katko
Kennedy
Labrador
Larson (CT)
Lawrence
Loudermilk
McCollum
Mooney (WV)
Murphy (FL)
Napolitano
Nolan
O'Rourke
Pascarell
Pocan

Williams
Yoho
Rohrabacher
Rooney, Francis
Rosen
Rush
Sánchez
Scalise
Sewell (AL)
Shea-Porter
Sinema
Smith (TX)
Speier
Tiberi
Wagner
Walz
Webster (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRESS NEEDS TO VOTE ON A SOLUTION FOR DREAMERS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, there are very few legislative days left this calendar year, and the House has yet to debate and vote on the Dream Act or any legislative proposal that would shield our DREAMers from deportation.

The administration created an arbitrary deadline of March 5 before the DACA program begins to phase out. However, Mr. Speaker, we cannot, we should not, and we must not wait until the very last minute to take action.

Every day that goes by, DREAMers are losing protections; they can't get that job they so desperately need; and they can't apply to the school that they want. Simply put, their lives have been put on hold.

Mr. Speaker, Members have seen me come to the floor time after time to advocate for these hardworking, young Americans because I wholeheartedly believe that we need to get this done rapidly. The American people agree, and many of our colleagues from both sides of the aisle agree.

So I urge each one of my colleagues to look at the ideals of compassion and opportunity that have long characterized our generous and great country and allow a vote to help our DREAMers. The time for Congress to take action is now.

HONORING U.S. ARMY COLONEL JOSEPH TOPPIN'S 100TH BIRTHDAY

(Mr. PAYNE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today to honor Colonel Joseph Toppin of Edison, New Jersey, on the occasion of his 100th birthday.

Colonel Toppin entered the military in 1948, the same year that a wavering President named Harry Truman finally prohibited racial discrimination in the Armed Forces. Colonel Toppin rose to become the first African American to serve as battalion commander for the Army's 40th Infantry Division.

The colonel has dedicated his life to improving the quality of our democracy and making the world a safer place. He helped with postwar planning for the development of Korea. He also was the principal planner for the Army's ship-to-shore discharge operations along the west coast of France. And Colonel Toppin was the inspector general for Fort Dix in New Jersey.

Upon leaving the Army, he had an illustrious career at Bethlehem Steel Corporation.

Colonel Toppin is now retired, but he has still not stopped inspiring those around him, which is why I stand here tonight. Mr. Speaker, I ask my colleagues to join me in honoring Colonel Toppin on his 100th birthday and for his service to the United States of America.

DISAPPEARANCE OF RHINOS AND ELEPHANTS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, wildlife trafficking is a much larger problem than many realize. This illegal activity is connected to two major concerns: one, extinction of species; and, two, the funding of terrorist organizations.

Rhinos are killed for their horns, and elephants are killed for their tusks. The handful of rhinos in Africa are almost extinct, and 100 African elephants are killed by ivory poachers a day.

Illegal wildlife trade serves as a source of cash flow for thugs like terrorists and international criminal organizations. They fund many of their deadly activities by poaching animals and then selling the parts internationally.

Adding to the problem is the fact that some foreign authorities are corrupt and complicit in trafficking.

All nations must take an aggressive stand to prevent this trafficking. This starts with the stopping of the illegal transport of ivory and rhino horns.

The nations of the world must tighten the screws against those who participate in this destruction of wildlife; otherwise, the only place our kids will see rhinos and elephants is on the Disney Channel.

And that is just the way it is.

NAYS—14

Amash
Babin
Biggs

Buck
Gaetz
Gohmert

Grothman
Hunter

AMTRAK CASCADES ACCIDENT

(Mr. HECK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK. Mr. Speaker, no Member of this body ever wants to come to this dais and say what I am about to say.

This morning, a train derailed as it crossed Interstate 5 near DuPont, Washington, in the heart of my district, sending railcars to the roadway below.

Lives were lost and families were shattered. Loved ones are severely injured, including a family member of one of my staffers. All this, of course, right in the middle of the holiday season.

Right now, many questions beg for answers. We need to determine what went wrong, and the NTSB will be investigating. But, for now, I am grateful for our first responders and the community for stepping up. So many set aside their grief and reported for duty, including many first responders who came in on their day off.

Our hearts go out to the families impacted by this horrific tragedy, and we ask for everyone's prayers for the victims to continue to recover.

IMPROVE QUALITY OF LIFE FOR
END-STAGE RENAL DISEASE
PATIENTS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today as a cosponsor and supporter of the bipartisan Dialysis PATIENTS Demonstration Act, which provides better care for patients who are suffering from end-stage renal disease, also known as kidney failure.

Currently, there are about 9,000 Minnesotans who suffer from end-stage renal disease. Many of these patients spend hours and hours enduring multiple hospital visits each and every week to treat this disease; and, on top of that, they oftentimes also have to travel to a different location to get treatment for other health conditions they may have as well.

This legislation will allow dialysis centers to provide integrated care for patients by bringing in providers so that people can receive comprehensive treatments all in the same place. These patients will also be able to see additional benefits, like transportation services, dental care, and vision care.

Mr. Speaker, let's pass this bill so we can improve the quality of life for this vulnerable patient population by coordinating the care system and making it easier for them to receive their treatments.

REPUBLICAN TAX PLAN

(Mr. KRISHNAMOORTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRISHNAMOORTHY. Mr. Speaker, tomorrow, the Members of the House will cast a vote on the tax conference committee report, the final version of the Republican tax plan.

The Republican leadership rushed this bill to the finish line at the expense of small-business owners and working families. I strongly urge my colleagues to vote "no."

As a former small-business owner, I understand firsthand the importance of tax simplification. Unfortunately, this bill does the opposite: it complicates our Tax Code while giving companies fewer than 2 weeks to adjust before it goes into effect. This creates serious uncertainty for small-business owners who create jobs and invest in our communities.

I support reforming our Tax Code, but I ask my colleagues to stop rushing this process and to put working families first. There is simply too much at stake.

We can simplify our tax system without exploding the national debt and spiking healthcare premiums. For the sake of our economy and our future, we need to kill this bill.

NATIONAL PARK FOUNDATION'S
50TH ANNIVERSARY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today marks 50 years since President Lyndon B. Johnson signed a bill into law officially establishing the National Park Foundation.

The National Park Foundation works to enrich America's national parks and programs, safeguard our heritage, and engage the next generation of national park enthusiasts.

Celebrating 50 years, the National Park Foundation is the official charity of America's national parks and non-profit partner to the National Park Service.

Chartered by Congress in 1967, the National Park Foundation raises private funds to help protect more than 84 million acres of national parks through critical conservation and preservation efforts. It works to connect all Americans with their incomparable natural landscapes, vibrant culture, and rich history. And, the National Park Foundation helps to engage the next generation of park stewards.

In 2016, we proudly commemorated the National Park Service's 100th anniversary. The National Park Foundation launched the Centennial Campaign for America's national parks, a comprehensive effort to strengthen and enhance the future of our parks.

Mr. Speaker, I wholeheartedly thank the National Park Foundation for all that it does to support our national treasures for another 100 years.

Congratulations.

RECOGNIZING JOHN ANDERSON

(Mr. FERGUSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FERGUSON. Mr. Speaker, I rise today to recognize the distinguished career of John Anderson of Kia Motors. John is retiring at the end of this year, after 33 years in the auto industry.

From General Motors, to Delphi, to Kia, John has seen the ups and downs of the auto industry and has more than earned his retirement. But, this is a bittersweet moment for many of us in my hometown of West Point, Georgia.

Kia opened a Washington office in conjunction with opening its manufacturing plant in 2010. The plant opened when I was mayor and Sonny Perdue was Governor. John was on the job then and has been there every day as the head of Washington's office since it opened.

From the beginning of his career at Disney's Epcot Center, when he was the General Motors guy explaining the future of the industry, to his current role at Kia, John has made the automotive industry better; and he has done it with a remarkable touch of humanity and friendship along the way.

John has been a great advocate for my hometown, for my district, and for the industry of Kia that now calls it home. As he moves into retirement with his wife, Joanna, as they get to spend a little time together, we wish him well in his retirement.

RECOGNIZING DR. LESTER B.
JOHNSON, JR.

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize the life of Dr. Lester Johnson, Jr., who passed away on November 29, 2017, at 91 years of age. Dr. Johnson's work to provide a high-quality education to all students in Savannah, Georgia, has truly made our community a better place to live.

His teaching career spanned 43 years, with 20 of those years teaching at Alfred E. Beach High School, a place where he was a student himself. Dr. Johnson passionately taught industrial arts and mathematics classes, and he received the Beach High School Teacher of the Year Award in 1961.

In 1969, Dr. Johnson began to teach students at Savannah State University, where he later received the university's Distinguished Teaching Award in 1991.

Dr. Johnson's accomplishments don't stop with education. A few of his many accomplishments include being a former State representative and the first African-American Eagle Scout in Savannah.

Dr. Lester Johnson's students leave his legacy throughout the First Congressional District and the rest of our Nation. He will truly be missed.

WREATHS ACROSS AMERICA

(Ms. TENNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, I rise today to recognize National Wreaths Across America Day, a tribute held annually to honor and remember those servicemembers who made the ultimate sacrifice in service to our great Nation.

Since Congress designated Wreaths Across America a national day of remembrance in 2007, Americans have joined together at Arlington National Cemetery and in their local communities to honor our veterans who have passed on.

This year, more than 1 million wreaths were laid at over 1,300 cemeteries throughout the country. 245,000 wreaths were placed by thousands of volunteers at Arlington National Cemetery.

On Saturday, in a virtual blizzard, I had the distinct honor of joining the Rome-Utica Chapter of the Military Officers Association; the Navy ROTC students from Proctor High School in Utica, New York; and members of the Marine Corps League at Saint Peter's Church in Rome, New York.

As we laid wreaths on the graves of our fallen servicemen and -women, we took a moment to say each veteran's name, to remember each individual's life of service, sacrifice, and the families they left behind.

Divided by distance but not by spirit, on Saturday, millions of Americans came together in a common mission to honor and remember our fallen heroes.

□ 1930

CONGRATULATING SHASTA HIGH SCHOOL WOLVES

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise tonight to offer a hearty congratulations to the Shasta High School Wolves of Redding, California, for their football championship this year. They won the north section. They won the Northern California Championship and made their first ever visit to the California State Championship, where they played down in southern California over the weekend.

Though they came up a little bit short, they did have an early lead in that game after all that travel. So, indeed, congratulations to that program at Shasta High School and to the Wolves of Redding, California.

It is teamwork that really makes this happen, and that is exemplified by the north State's leading rusher, Vince Smith, when he was quoted: "The thing that was different about this season was that we actually really cared about each other and we were family. Every play, we'd use our hearts and fight for each other."

That is teamwork. That is the spirit. Congratulations, Shasta High School Wolves.

TAX BILL IMPACTING VETERANS AND ACTIVE-DUTY MILITARY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, wherever I go throughout my district and speak to an audience, I always acknowledge the veterans and Active-Duty military. I think that is one unifying factor for this Congress and for this Nation.

Today, the President offered a national security strategy. During his first 12 months, that strategy has been haphazard and lacking understanding. All of us, however, want to have a strong military, strong military families, and strong resources for our Active Duty and our veterans.

It is sad, however, that in the next 2 days we will be voting on a tax bill that will take \$2.3 trillion out of our budget and create a debt. It will raid Medicare and Medicaid, impacting some of those very soldiers and veterans' families. As well, in this new bill, the top 1 percent will get 83 percent of this tax bill.

Isn't it interesting, if you are a family of four making \$59,000, there will be \$1,800 not given to you but taken away?

We can't have it all, Mr. Speaker. We can't have a strong strategy, of which there was none today, by taking \$2.3 trillion away from the men and women of this Nation.

200TH ANNIVERSARY OF THE STATE OF ILLINOIS

The SPEAKER pro tempore (Mr. BERGMAN). Under the Speaker's announced policy of January 3, 2017, the gentleman from Illinois (Mr. LAHOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. LAHOOD. Mr. Speaker, I am honored to be on the floor tonight with my colleagues on the Republican and Democrat side as we pay tribute and honor to the great State of Illinois on the anniversary of our bicentennial.

GENERAL LEAVE

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAHOOD. Mr. Speaker, I rise tonight with my colleagues in recognition of our home, the great State of Illinois. It has been the highest honor of my life to serve our State as a Member of Congress, and I am sure it is for the other speakers that we will have here tonight.

2018 represents something special for us and for every Illinoisan. It is our 200th anniversary of statehood. It was December 3, 1818, that Illinois was admitted into the United States. Today I wish to recognize and honor all that Illinois has offered our great Nation.

Illinois' path to statehood began in the 17th century, with Europeans first settling the territory that had been home to many Native American Indian Tribes. The territory would exchange hands several times over the following century, eventually ending up as part of the Northwest Territory after the Revolutionary War. Only a few short years later, Congress would finally agree on its borders and name Illinois the 21st State in the Union.

At that time, I am sure few expected that the largely unsettled area of land would go on to house the third largest city in our country with over 2.7 million residents, or produce agriculture goods that would feed people all over the globe. That these things came to pass is a testament to the hard work and determination of the people of Illinois.

That is why the theme for this year's bicentennial celebration is "Born, Built, and Grown"—again, "Born, Built, and Grown"—a chance to highlight not just the many goods and services our State offers, but also the many great Americans born and raised in Illinois, who have gone on to shape the world we live in.

I am proud to represent Illinois' 18th Congressional District, a district made up of 19 counties in central and west central Illinois, including parts of Peoria; Bloomington-Normal; Springfield, our State capital; Jacksonville; Quincy; Macomb; and all places in between. My district borders Missouri and Iowa along the Mississippi River, on the western part.

It is a district with no shortage of great accomplishments and history. In fact, who knows where our entire Nation would be without the leadership of one Abraham Lincoln, a lawyer from Springfield, who represented nine of the counties in my current district. During his one term in the United States House of Representatives, he served from 1847 to 1849. People forget that he was Congressman Abraham

Lincoln before he was President Abraham Lincoln. Lincoln would spend most of his life in Springfield, Illinois, as a lawyer; and also in Menard County, working in the post office there. He would also take river boats down the Sangamon River of the Illinois River, down to New Orleans.

Returning to Springfield to practice law in between his sole term in the House and running for President in 1860, during his administration, America would weather a bloody Civil War but come out having rooted out the evil of slavery. While he would die in office, Lincoln's leadership is why he continues to be named our greatest President. He earned the nickname "Honest Abe." Illinois would continue to play a role in the abolishment of slavery when it became the first State to ratify the 13th Amendment in 1865. While he would die in office, Lincoln's leadership is why he continues to be our greatest President today.

Over a century later, another man with ties to Illinois would be sworn in as President: President Ronald Reagan from Illinois. He is the only President who was born and raised in Illinois. President Reagan would go on being the Governor of California—from the Governor of California to the Presidency in 1981.

Born in Tampico, Illinois, Ronald Reagan spent his formative years growing up in Illinois. His father was a traveling salesman. They lived in Monmouth, in Galesburg, in Dixon, in Chicago for a short time, and also in Tampico. Of course, Ronald Reagan got a scholarship to play football at Eureka College in Woodford County, in my district. He was a student there, played football, and graduated from there.

His time as President and Governor was defined by optimism and a faith in the American spirit and a way of life, a faith that was instilled during his formative years at Eureka and growing up in Illinois. Like Lincoln, his leadership during tough times remains a point of pride for not only Illinois, but for the entire Nation.

Outside of politics, our congressional district is home to other famous Illinoisans who all called central Illinois home, including: the venerable Archbishop Fulton Sheen of the Catholic faith, future Major League Baseball Hall of Famer Jim Thome of Bartonville, two-time NBA champion Shaun Livingston from Peoria, former Major League Baseball manager and World Series champion Joe Girardi, and even the late comedian Richard Pryor. Just imagine where America's sports and entertainment industries would be without their talents.

Despite Chicago being our Nation's third largest city and serving as a hub for many great industries, the largest sector of our economy remains agriculture. Last year, Illinois was the sixth largest producer of agriculture in

the Nation, producing over \$8 billion worth of agriculture exports. Our district was no slouch, coming in as the eighth largest congressional district in the country in terms of agriculture production, proving once more that our State has some of the most fertile farmland in the entire world. Illinois farmers continue to grow soybeans, corn, and much more that keep America's economy growing and plates all over the globe full.

My district also has the distinction that 96 percent of the pumpkins produced in the world come from central Illinois, within a 100-mile radius of Peoria, and we are proud of that. So the next time you have a pumpkin latte or a pumpkin beer or pumpkin pie, it originated somewhere in central Illinois.

Our State's ties to agriculture don't just end there, but they also include several companies that are worldwide leaders in farming equipment and Earth-moving products. Whether it is John Deere or Caterpillar, just to name a few, they are known across the globe as producers of the finest construction, farming, and Earth-moving machines out there.

The Archer Daniels Midland Company, or ADM, is another Illinois agriculture institution with strong ties to Illinois' 18th District. Formerly headquartered in Decatur, the global agricultural giant is now headquartered in Chicago, operating more than 270 plants and 420 crop procurement facilities worldwide. This is where cereal grains and oilseeds are produced.

So not only is Illinois leading the way in growing crops, but also in turning them into products that show up in grocery stores across our country and across the globe.

Finally, we cannot conclude without noting the presence of Forbes' 33rd ranked business in the country: State Farm Insurance in Bloomington-Normal. The insurance giant has been providing insurance coverage and financial services for 95 years and is headquartered in my district in Bloomington, Illinois. Our "local good neighbor," State Farm, brings not only peace of mind to millions of Americans as they buy or rent a home or an automobile, but they also assist in planning for the future.

I couldn't be prouder to be here tonight with my colleagues. Those are some of the ways that Illinois' 18th District has contributed to the State's story and how it will keep Illinois at the forefront of our Nation and global economy.

Now I would like to recognize a number of my colleagues that are here tonight. I yield to the gentleman from southern Illinois (Mr. BOST), my colleague.

Mr. BOST. Mr. Speaker, I thank the gentleman from Peoria, Illinois, for

hosting this Special Order on the State's bicentennial year.

You know, Illinois is a State of threes. You know, we had three State capitals: Kaskaskia, Vandalia, and Springfield. We have three State seals. A lot of people don't know that.

If you know Illinois well, you know that there is three distinct parts of Illinois involved. Whether you are in politics or business, it is always referred to as Cook County, the Collar counties, and southern Illinois. In southern Illinois, we like to capitalize the "S" on "southern."

There is one other thing that is in threes. If you listen to the Illinois song, three people are mentioned: Lincoln, Grant, and Logan.

Now, the reason why I bring those up is because, tied with southern Illinois and Illinois' 12th Congressional District—the district that is the most southern and most western of the State of Illinois, which I am proud to represent—actually was and had the first State capital. Also, it has John A. Logan in that mentioning of those three names.

John A. Logan, if you heard that name before, if you are in D.C., there are many things that are named after Logan, including "Logan Circle." Logan was actually the gentleman who was laid in state—the eighth person laid in state here in this Capitol, and that was because he had established himself from deep southern Illinois. As a matter of fact, his hometown was—my hometown was his farm, which was subdivided to make that hometown.

□ 1945

As a matter of fact, the deed in abstract of the home that I was born and raised in and the house that I later bought from my parents and raised my children for the first 10 years of my marriage in that home, my great-grandmother actually bought that property from his father.

John Logan established himself, which is really wild, and he actually was such a large part of Illinois history. He first ran as a Democrat; he was a district attorney. He then became a State representative, then a State senator, then went on to be a Member of the U.S. Congress and later a U.S. Senator.

It was during the time of the Civil War, when the Civil War broke out, that there were questions on what would happen, because deep southern Illinois was split during the war, though stayed united as a State.

John Logan came back and led troops for the North. What is really wild is after becoming a field grade general and a decorated war general, he came back to southern Illinois, then went back into politics as a Republican, and stayed a U.S. Senator but as a Republican and was part of the reconstructionists.

The amazing thing about John Logan is that he actually ran for vice president. They lost, he and Blaine. He then was running for president and gave a long speech, actually, in the gentleman's hometown who is hosting this tonight, for about 8 hours in the rain, got on a train, came back to the capital here, and passed away with pneumonia.

Another great thing that happened in deep southern Illinois in the Illinois 12th is the Lincoln-Douglas debates. I am blessed to have the only district in the State of Illinois that has two Lincoln-Douglas debate sites.

I am being questioned here that maybe there is one other.

Jonesboro, September 15, 1858; Alton, October 15, 1858. Very proud of that. And, you know, these two went on after Douglas wins as Senator, but then Lincoln ends up winning the Presidency.

There are several other things, but one other thing about deep southern Illinois, look, many people don't realize that deep southern Illinois has the smallest national forest in the Nation. The Shawnee National Forest is located in JOHN SHIMKUS' and my district. We share it. It is truly a beautiful part of Illinois, wonderful rolling hills, deep forests, much good there.

Also the Illinois 12th has Murphysboro, my hometown, which is the barbecue capital of Illinois. We have teams that have won as many as four grand championships and went on to create businesses all over this Nation in that business and in the barbecue business, and we are very proud of that. I would argue that maybe it is the barbecue capital of the world. There may be others that would argue different with that.

How many of you, as children, remember the cartoon "Popeye", who came from Chester, Illinois, in the Illinois 12th?

I am sure many of the other people who speak here tonight, Mr. Speaker, are also proud of their home districts in the State of Illinois, and should be, because I am going to tell you, whether it is from Cairo, to Galena, to Chicago, to Mulkeytown, from Danville, to East St. Louis, the State of Illinois is a great State. We love it.

We have good things and bad things that happen, but it has been a great State that has helped this Nation, provided great leaders, provided great people involved in all kinds of fields throughout this Nation and this world.

I have no reservations in saying, and I am sure others would say this about theirs, but I am so blessed, because I live in the most beautiful part of Illinois, the most beautiful part of Illinois where it starts out as the flatlands, what is commonly known as the prairies of Illinois up around St. Louis and Alton, and it comes south. When you get down to my area, it turns into roll-

ing hills, rolling hills that produce peaches and apples and grapes, the beautiful wineries, areas of tourism, the land between the lakes, the land known as Little Egypt, and I am so privileged to be able to represent that part of the State of Illinois.

Now, Mr. Speaker, I know we are going to have a lot of other speakers tonight, but I do want to tell you that Illinois, as I said, has had good times and bad times, but there are a whole lot more good times to come. It is a great place to live, it is a great place to raise your children, and I thank God that I had the opportunity to be born and raised there.

Mr. LAHOOD. Mr. Speaker, I thank Mr. BOST for his comments here tonight. I appreciate it very much.

Mr. Speaker, next I want to yield to the Congresswoman from Matteson, Illinois, ROBIN KELLY, who we are so glad found her way from New York to Bradley University as a student in Peoria, Illinois, and has served our State well in the State legislature and throughout government there. We are happy to have her here tonight.

Ms. KELLY of Illinois. Mr. Speaker, I thank Congressman LAHOOD for yielding and for organizing tonight's Special Order about our great State, Illinois.

Mr. Speaker, I rise today because I am Illinois proud, and I rise today to celebrate our State's upcoming 200th birthday.

As you know, Mr. Speaker, I am privileged to represent Illinois' Second Congressional District—in my opinion, the best district in the entire country. This community starts at 53rd and Cornell around the Museum of Science and Industry, it then reaches south to include many suburbs in Cook and Will Counties. It stretches all the way to the border of Indiana and the border between Kankakee and Iroquois Counties, to include some of our Nation's most productive family farms.

While I am humbled and honored to represent the remarkable people and families of Illinois' Second District, as you have heard, I first moved to Peoria to attend Bradley University.

While at Bradley, I joined the Zeta Phi chapter of Sigma Gamma Rho and completed my BA in psychology and my MA in counseling. I am proud to have been a Bradley University trustee, since 2003, and to continue to be a part of this amazing institution that is preparing the next generation of leaders.

I lived in Peoria until 1992, when I moved to Matteson, Illinois, my current home in the great Second Congressional District, to become the village's director of community affairs.

In 2002, I was elected to the Illinois General Assembly, where I first met many of my current colleagues in the Illinois delegation while serving together in Springfield. At the time, I also served with the State senator who

would eventually go on to become President of the United States, Barack Obama.

As someone who has been privileged to live throughout Illinois and travel it extensively while working as a chief of staff to the State treasurer, I couldn't be more proud to represent this great State and the great people who will call it home, especially those who call the Second District home.

The Second District is truly a microcosm of Illinois and the entire U.S. It is urban, suburban, and rural. It includes parts of the city of Chicago and more than 1,200 farms.

In the Second District, Nucor makes American steel and our Ford facility makes American cars. We grow corn, soybeans, and raise American pork. We have local breweries and giants like Amazon, alongside world-class bike trails, scenic vistas, and the historic Pullman neighborhood, and we will soon be home to the new Obama Presidential Library and Museum.

Mr. Speaker, the Second District is home to many universities and Blue 1647, a tech incubator, that are training the next generation of businesses, tech, and innovation leaders.

Our small, medium-sized, and family businesses like Pullman Cafe, K&S Tire, SA Piggush Financial Consultants, South Creek Animal Hospital, Two Whisks Bakery, Homewood Bat, and Affordable Flooring By Rodrigo drive forward our regional economy and create local jobs for Illinois families.

Our farms, like Van Drunen Farms and FutureCeuticals, feed people in more than 70 countries around the world, and our manufacturers, including Crown Cork and Seal, Best Diamond Plastics, and Chicago Heights Steel continue the proud tradition of Make It In America.

While we are proud to build and grow products used around the State, country, and globe, you might be surprised to learn that many of the things you buy every day cross through the Second District. For generations, Chicago has been the crossroads of America, a hub for transcontinental and global commerce, and the Second District is the beating heart of that transportation infrastructure that creates good-paying American jobs.

The Second District is also home to a vibrant faith community that is committed to serving their community by putting their faith into action. Leaders in these movements have their houses of worship in the Second or they serve many people in the Second: Reverend Dr. James Hunt of New Hope Christian Community Church; Rami Nashashibi, executive director of the Inner-City Muslim Action Network and a recent MacArthur Foundation Fellow; Rabbi Ellen Dreyfus, B'nai Yehuda Beth Shalom; Father Mike Pfleger, a tireless champion to end gun violence; Pastor

Andrew Singleton from Victory Apostolic; Apostle Ron from Full Gospel Christian Assembly.

Our local nonprofits are helping to create a better, fairer, and more just world, organizations like Chicago Family Health Center; Aunt Martha's; Polish Pebbles; Alliance of the Southeast; the Dovetail Project; Centro de Trabajadores Unidos; and Kids Off The Block, which provides at-risk young people with positive alternatives.

In the Second District, our young people are active and engaged. They are dedicated to being a force for positive change in their communities, in our country, and in their world. In the face of any darkness, they stand proud and allow their personal life to shine through circumstance.

Now, we have had a few famous people coming through the Second also: Quinn Buckner, the basketball player; Shonda Rhimes, famous from "Scandal," "Grey's Anatomy," and "How to Get Away With Murder;" Eddy Curry, basketball; Tom Dreesen; Mary Matalin, who worked for Dick Cheney; and Mike Tomczak, who was a player for the Bears.

So, yes, Mr. Speaker, I am Illinois proud. As we, the congressional delegation of families throughout the State, celebrate our 200th birthday over the next year, we are focusing on what makes Illinois great, things that I have discussed and you will hear tonight.

Illinois greatness is born, it is built, it is grown, and we are proud of it. Happy birthday, Illinois. Here is to 200 more years of growth, innovation, and leadership.

Mr. Speaker, I thank Congressman LAHOOD for yielding.

Mr. LAHOOD. Mr. Speaker, I thank Congresswoman KELLY very much for those inspiring words about Illinois. I appreciate it very much.

Mr. Speaker, next I yield to Congressman RANDY HULTGREN from Plano. Congressman HULTGREN served in our Illinois State senate. He is a proud Illinoisan, he serves our Nation very well. I yield to him now for a few comments.

Mr. HULTGREN. Mr. Speaker, I thank the gentleman for yielding. I am grateful to Congressman LAHOOD for hosting this, pulling this together, and it really is a great beginning of an anticipation of celebration for the next year's bicentennial of the statehood of my home, Illinois.

Tonight, we are mentioning just a few things that make Illinois such a great State, and I look forward to continuing to highlight many more important facts, figures, stories, and pieces of history about the Prairie State and, more specifically, about the 14th Congressional District throughout 2018, all the way up until our 200th birthday on December 3, 2018.

Illinois is the breadbasket that feeds the Nation and the world. Our State

enjoys a global city with world class transportation hubs and small towns filled with the hardworking Americans who make this country what it is. The suburbs of Chicago, where I grew up, are opportunity-filled and family friendly.

I was born in Illinois, grew up in Illinois, and am proud to be raising my family in Illinois. By the way, for the record, just to set it clear, it is Illinois, not Illi-noise—phonetic—so we just make sure that is out there.

I am so proud to represent the 14th Congressional District, the Fox River Valley, the Chain O'Lakes, and so many dozens and dozens of wonderful small- and medium-sized towns that, again, are the heartbeat of Illinois and the heartbeat of this Nation.

Tonight, I also would like to take a moment, as has already been done, to highlight a special giant that hovers over our State, Honest Abe himself.

As a history buff, especially Illinois history, I cannot emphasize enough the impact that Abraham Lincoln has had on our State and also on our Nation and our world.

While he wasn't born in Illinois, his formative years were spent there, and no doubt our State helped shape his vision for what America was meant to be. His moral leadership, his persistent fight against the evils of slavery, his ability to bring diverse coalitions of people to unify the country, all this and more is why we have proudly called Illinois the land of Lincoln.

So, again, it is a great honor and privilege for me to be able to be with my great colleagues, bipartisan, celebrating our State that we are so proud of, and we are looking forward to these next 12 months of ongoing celebration of the great State of Illinois.

Mr. LAHOOD. Mr. Speaker, I thank Congressman HULTGREN for those important words and comments about our great State.

Mr. Speaker, I yield to Congresswoman CHERI BUSTOS, who represents the 17th District of Illinois. We share Peoria, Illinois, together in our district. Mrs. BUSTOS was born and raised in Springfield, currently lives in the Quad Cities in East Moline. I yield to the gentlewoman tonight for some comments.

□ 2000

Mrs. BUSTOS. Mr. Speaker, I thank Congressman LAHOOD for putting this together as we celebrate the 200th birthday of our great State of Illinois.

The congressional district I serve stretches from Rockford to the north; the western border is the Mississippi River; and then we go into central Illinois, as Congressman LAHOOD said, to the city of Peoria. I am very proud to be able to share that city with Congressman LAHOOD.

My congressional district also represents the Quad Cities, which is where

I call home. So in between all of these towns is 7,000 square miles of scenic farmland and vibrant towns like Monmouth and Canton and Thomson. We are a proud region with a proud history of manufacturing, agriculture, and service to our Nation.

Let me tell you a little bit about the congressional district I serve. We are the home to John Deere in Moline, the birthplace of Caterpillar in Peoria, and home of the iconic Sock Monkey, which was created in Rockford, Illinois. I kid you not.

In Rockford, we hosted the Nation's very first National Football League game at Douglas Park, where the Rock Island Independents defeated the St. Paul Ideals 48-0, a real romping.

More than 40 years before the world also fell in love with them through a movie called "A League of Their Own," the Rockford Peaches were the four-time champions of the All-American Girls Professional Baseball League—also, I kid you not. This is amazing history.

I want to mention a few athletes as well. Jim Thome, Congressman LAHOOD knows him. He was the five-time all-star who played for eight different major league teams. He also came from the city of Peoria, and my brother was very close with him. My brother, my late brother, was a baseball coach at Eastern Illinois University and Southern Illinois University, and he was good friends with Jim Thome.

We have also had several other brilliant performers come out of our region. Comedian Richard Pryor was born and grew up in Peoria. The town of Aledo in Mercer County is the hometown of two country megastars: Suzy Bogguss and Margo Price. And we even have a member of Destiny's Child, Michelle Williams, who came from Rockford. So we are a proud people.

We also are very proud of our agricultural heritage. Our region is one of the top corn producers in the country. We have corn and soybean farms all across Illinois that have been worked by generations of farm families. And they even go through the rolling hills of the Driftless Area in the Galena Territory. What the Driftless Area means is that this is a gorgeous stretch of land where the last ice age actually didn't flatten, and so we have wonderful farmland in that region as well.

A little bit to the east of the Galena Territory, we have a town called Freeport, which is also known as Pretzel City, USA, and it is home to the Union Dairy, which recently celebrated its centennial birthday.

Our region has played a pivotal role not just in our State's history, but also in our Nation's history. Senator Everett Dirksen, a Senate office building right down the road here is named after Senator Dirksen. He came from Pekin, Illinois, which is in my congressional district. If you don't know the

history of Everett Dirksen, he was actually one of the authors of the Civil Rights Act of 1964 and 1968.

Let's go to where I live, Rock Island County. It was the location of the very first railroad bridge over the Mississippi River, built in 1856. And since we are all getting into this Abraham Lincoln part of our State's history, Abraham Lincoln was the attorney for the bridge company that I just mentioned. Then, 2 years after that bridge was built, our region was the host—I know Congressman BOST said that his district was the only district that had two Lincoln-Douglas debates. Well, there is actually another congressional district that had two debates. One was in Freeport in 1858, in August of that year, and then another was in Galesburg in October of 1858.

So, in fact, President Lincoln's congressional district—I know Congressman DAVIS is going to lay real claim to Congressman Lincoln, but he also—let's see. Congressman DAVIS had part of his district; Congressman LAHOOD had part of his district; and he also represented Tazewell County, which is part of my congressional district.

Another legend of the Civil War, Ulysses S. Grant, made his home in Galena, Illinois, and his Presidential campaign headquarters was in a place called the DeSoto House, which is a hotel today in downtown Galena. It is a place where my husband and I like to stay when we visit Galena.

During the Civil War, Rock Island was used as a Union prison camp before it was converted into the Rock Island Arsenal, where, today, it is the Army's only active foundry. The hardworking men and women of the Rock Island Arsenal have produced munitions for every single one of our conflicts and our wars dating back to the Civil War.

Mr. Speaker, the people of the northwestern and central and western part of Illinois have always had a special connection to the veterans who have served in our country. There is one particular street, the last point I want to make talking about my congressional district that I am lucky enough to serve, and its place in history over the last 200 years, but we are very, very proud of the street that we call Hero Street in Silvis, Illinois. It is a 1½-block street, and there is no street of that similar size that has had more men and women serve in the military than Hero Street USA in Silvis, Illinois.

More than 100 people have come from that street of a block and a half long to serve in the military, and 8 of them, all Mexican Americans, made the ultimate sacrifice during World War II and the Korean war. Hero Street has long been a source of pride for the congressional district that I am lucky enough to serve, and I am proud to mention them as part of this Special Order tonight.

Mr. Speaker, I know all of us from this great State of Illinois who are

speaking tonight are only scratching the surface about how important our region of the State is to our State's history. I am very proud to be part of this.

I thank Congressman LAHOOD for putting this together so we can talk about the bicentennial of the State of Illinois.

Mr. LAHOOD. Mr. Speaker, I thank Congresswoman BUSTOS for her valuable comments and advocacy for the State of Illinois.

Mr. Speaker, I yield to a colleague from Taylorville, Illinois (Mr. RODNEY DAVIS), somebody who serves a district just to the south of me. We share Springfield together. He represents some of the best institutions of higher learning in our State, and I am proud to share many of the Lincoln sites with my friend.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank my good friend, Congressman LAHOOD, and all my good friends from the Illinois delegation who are here today.

This is really a privilege for me to be able to be here to talk about Illinois' 200th anniversary. It is my home State. It wasn't always my home State. As a matter of fact, my family moved us from our hometown of Des Moines, Iowa, to Taylorville, Illinois, when I was 7 years old, in 1977.

Taylorville was a new experience for me, but it was a home that we established. My parents were able to achieve their dream of owning their own business, which gave my family the chance to achieve the American Dream, and it was right here in Illinois. It was in our home State that celebrates our 200th anniversary.

Taylorville is the place where my wife grew up, and it is where we choose to raise our three children. But it is also my proud hometown, and I love to talk about it because it is where I grew up, but it is also where so many things have happened. Because I have taken this job as a Member of Congress, this opportunity, I have learned a lot more about my hometown.

A couple of highlights that I want to bring out: one, of course, was Taylorville's basketball team from the 1940s still holds the IHSA record. I believe they were 45-0, with big-name players like Johnny Orr and Ron Bontemps.

Edward Mills Purcell was born in Taylorville and raised in Taylorville. He actually was the Nobel Peace Prize winner in physics. He actually created nuclear magnetic resonance, which is the backbone of what we know today as an MRI. It came out of my hometown in Taylorville, Illinois.

I am so honored that, since 2013, I have been blessed to be able to walk this floor and serve the 13th Congressional District with these great colleagues from our home State. The 13th Congressional District goes way be-

yond my hometown of Taylorville. It stretches in 14 counties, and one area that I know that has been talked about tonight is Springfield, the State capital, Lincoln's hometown.

I have got to give it to my colleague, Mr. LAHOOD. Yes, he represents more geography that Lincoln represented in his one term here in Congress, and Mrs. BUSTOS represents part of Lincoln's old district. I understand that. But as somebody who represents Lincoln himself in Lincoln's tomb, I think I represent Lincoln the most.

What this tells you, this friendly rivalry that we three have, it goes to show you that, in one term in Congress and then his time as the President of our great Nation, Abraham Lincoln took three Members of Congress to follow in his footsteps in his one district. There is no way any of us in this institution can follow in the footsteps of Abraham Lincoln, but it is such a privilege to know that we three share such history. And that is exactly why we are here today, to talk about the 200th anniversary of our home State, and we would not be talking about Illinois without Abraham Lincoln.

There is a story and a statue in my hometown that has Lincoln and a pig. The old stories are that Lincoln came to practice when he was a lawyer and complained about the pig squealing under the steps of our local courthouse. So we in Taylorville honor Abe and his comments on the pig. Come visit, see the statue, and come celebrate Abraham Lincoln.

Abraham Lincoln was a leader that, obviously, our Nation needed at that time. We stand here in the House of Representatives and we debate issues that may seem important today, but, compared to what our great President Abraham Lincoln and the Members of Congress at the time leading up to our Civil War, the issues that they had to discuss and they had to debate, I believe history has shown us that we will never—and, hopefully, never ever—experience what those elected officials did in Lincoln's time.

But it took the courage of Abraham Lincoln to actually keep our Nation together and keep the stability and the growth of the great State of Illinois as part of this United States of America for 200 years. His leadership and ability to unite people is something I strive to do in Congress every day.

We certainly have a diverse State, and I want to highlight some of the things that Abraham Lincoln is probably not known for.

Abe Lincoln actually was the inspiration for landmark legislation that he signed that created the Morrill Land-Grant Acts that gave us land-grant universities, including the greatest land-grant university that I joke with my colleagues about from throughout this great Nation. The greatest land-grant is the University of Illinois at

Urbana-Champaign, which I am proud to have in my district.

As we move on to talk about important issues, I cannot leave this floor tonight without talking about the importance of agriculture in our home State of Illinois. This past August, U.S. Secretary of Agriculture Sonny Perdue; chairman of the House Agriculture Committee, MIKE CONAWAY; and so many Members, including Congressman LAHOOD, Congresswoman BUSTOS, and others, joined me and other members of the House Agriculture Committee for a farm bill listening session at the largest outdoor farm event in the country, the Farm Progress Show in Decatur, Illinois. Just the fact that this show is in Illinois every other year truly highlights the importance of Illinois agriculture to the rest of the world.

I am proud to be able to serve on the House Agriculture Committee and serve as the chairman of the Subcommittee on Biotechnology, Horticulture, and Research. And when we talk about agriculture and our ability to feed the world, it stems right from our home State of Illinois.

With 72,000 farms and over 2,600 food manufacturers, Illinois is a national leader. We are the leading producer of soybeans, corn, swine, and one of the largest producers of ethanol. As we move ahead into the next farm bill debate, I am proud to be able to take Illinois' voice to the House Agriculture Committee with my colleague Congressman BOST and my other colleague Congresswoman BUSTOS.

I am proud to represent central Illinois and the 13th District here in Washington, and I hope that those who follow us for the next 200 years enjoy legislating in a bipartisan way as much as we do together in the Illinois delegation.

Mr. LAHOOD. Mr. Speaker, I thank Congressman DAVIS for those wonderful words regarding Illinois. I think we can agree there is enough Lincoln history and heritage to go around to all of us. So I thank the gentleman for his advocacy.

Mr. Speaker, I yield to the gentleman from Deerfield, Illinois (Mr. SCHNEIDER), who represents many of the northwest suburbs and part of Cook County.

□ 2015

Mr. SCHNEIDER. Mr. Speaker, I rise today to join my colleagues in honoring our home, the great State of Illinois, on its bicentennial anniversary of its statehood in 1813.

Over the next year, we are celebrating all that Illinois has contributed to American history, culture, innovation, and more over the past 200 years.

On December 3, 1818, Illinois became the 21st State to join this Union. From humble beginnings with only 34,000 people, today, Illinois is the fifth most

populous State, with almost 13 million people. Then a frontier prairie State, Illinois now sits firmly at the center of our national life, playing an indelible role in fueling, building, and transporting America's rise.

We are proud of our history as the Land of Lincoln, where, arguably, our greatest U.S. President began his career, raised his family, and first ran for office.

As we have talked about, Abraham Lincoln was not the only President with roots in Illinois. President Grant and President Obama all called Illinois home, and President Reagan was the only President who was actually born in Illinois.

Illinois is my home, too, and like those Presidents, I wasn't born in Illinois. I moved to Illinois 35 years ago—hard to believe it has been that long—to attend college at Northwestern University, immediately falling in love with this great State.

At Northwestern University, I met my wife. She grew up in Glencoe, we settled in Deerfield. We have raised two boys, made our career and our home in Illinois, and, most importantly, made our family in Illinois.

Some of the interesting things to share about Illinois: Illinois had the first aquarium built in Chicago in 1893. The very first skyscraper in the entire world was built in Chicago in 1885. The tallest building in North America, formerly the Sears Tower, now the Willis Tower, is in Chicago. Evanston, home to Northwestern University, is also the home to the ice cream sundae.

Illinois has a lot to be proud of, and will continue to be. Illinois has offered me and my family a tremendous opportunity, but now the task before us—the 18 members of the Illinois delegation who stand before you today thank you for organizing this. Our task now is to make sure that Illinois continues to work to create the same and better opportunities for the next generation.

Personally, I am incredibly lucky to represent the 10th District of Illinois, which stretches from the edges of Cook County all the way north along Lake Michigan to the borders of Wisconsin, from the lake all the way west to Fox Lake. It is an incredible district. It is one of the most thoughtful, engaged constituencies in all of Congress.

My constituents reach out and talk to me about what matters, what they care about. They freely share their opinions, and I welcome the opportunity to hear what is important, to hear their priorities and values, and I have the greatest privilege in my life to represent them in this great body.

What I hear about from my constituents is hope for the future, the belief that Illinois, Chicago, the 10th District, is going to lead this Nation. My district is a district that focuses on education because we know that educating every one of our children, from

kindergarten all the way through high school, to college and even grad school, to making sure all of our kids have the skills and lessons they need to succeed, is the way we are going to continue to lead in a global economy.

When it comes to economy, my district has the fourth largest concentration of manufacturing jobs of any district in the entire country. We have innovation, we have manufacturing, we have transportation, because we know, if we are going to grow our economy, we are going to invent things in America, make them in America, and ship them around the world; and Illinois and the 10th District of Illinois is leading the way.

Our district has a great focus on the environment. I have the privilege of representing the largest part of Lake Michigan in the Illinois delegation; Lake Michigan that provides fresh water to 30 million people. But Illinoisans know that we need to protect our environment to invest in our future, to make sure that our children have clean air, fresh water, and a good, healthy future. That all comes out of Illinois.

For 200 years, Illinois has been a place where people could achieve the promise of a better future. Looking to the future, we will continue to succeed by offering high-quality education, good, well-paying jobs, and a secure, dignified retirement for all our citizens.

I am proud to represent this great State. I am proud to have the privilege to work with my colleagues on both sides of the aisle, fighting for the priorities and values of Illinois. I am proud of the history our State has provided; of the example we have given not just today, but for 200 years. 2018 is going to mark the 200th anniversary of the birth of the State of Illinois, but I know that our best days still lie ahead of us. I know that, together, we are going to work to make our future solid and our kids' opportunities secure.

Mr. LAHOOD. Mr. Speaker, I thank Congressman SCHNEIDER for his very complimentary words of his district and the State of Illinois.

Mr. Speaker, I next yield to the gentleman from the Illinois delegation, Congressman RAJA KRISHNAMOORTHY, one of our newest Members whose hometown is Schaumburg, Illinois, but his roots go downstate to Peoria, Illinois. We are proud to have him as a Peorian. His parents live in my district as constituents. He has hit the ground running here in Congress and is proud of his Illinois roots both downstate and now representing the suburbs of Chicago.

Mr. KRISHNAMOORTHY. Mr. Speaker, I thank Congressman LAHOOD for organizing this Special Order. I am so honored to be a part of it.

As the Congressman mentioned, my name is RAJA KRISHNAMOORTHY, a Congressman representing the great

Eighth District of Illinois, which are the west and northwest suburbs of Chicago.

I am proud to join my colleagues tonight in celebrating Illinois' bicentennial—the 200th year—of statehood. There is something special in celebrating the anniversary of Illinois' entry into the Union, as it was the State which produced the man who would save it.

I am proud to be from the Land of Lincoln, but for all of its national and historic importance, my love of our home State is also very personal. I did not have the honor of being born in Illinois, but it is my home and always will be because our State welcomed my family with open arms, as it has for so many others over the last 200 years.

You see, I was born in New Delhi, India, and when I was 3 months old, my parents brought our family to the United States so my father could continue his education and our family could embrace all the opportunities of this great country.

It wasn't easy and there was struggle, but my family came to know that the American Dream of building a better life was possible because the people of Illinois made it so.

We had our challenges, but everything changed for the better when my father was offered a position as an engineering professor in a mysterious place called Peoria, Illinois. They did not know where Peoria, Illinois, was at the time. They unfurled the map, found out where Peoria was, packed the U-Haul in New York State, and started driving and driving and driving. They made it to Peoria, but that was when the golden years in our family started. That is where they educated their two sons in wonderful public schools. That is where they bought their first home. That is where they entered the middle class.

Every night, my father would say something at the dinner table along the lines of: Think of the greatness of this country and of Illinois, and make sure that the governments in both places are there for the next families who need it.

My father began teaching. My brother and I went to school in Peoria, and Peoria became our home. More than three decades have passed. My father is still teaching at Bradley University, and he and my mother still live in the house I grew up in.

Though I went away for college, I always knew where I would be when it was time to start my own family. My wife, Priya, and I were married in Illinois, and all three of our children are being raised there. It will always be our home, for all the joys of the Cubs' wins and for all the challenges of its winters.

As I look back on the opportunities my family had, that I have had, and that my children will have, I will feel

an overwhelming sense of gratitude to Illinois.

Mr. LAHOOD. Mr. Speaker, I thank Congressman KRISHNAMOORTHY for those heartfelt words about Illinois. I appreciate those very, very much.

Mr. Speaker, next I yield to one of the deans of our delegation from the city of Chicago, a strong advocate for our State and the city, Congressman DANNY DAVIS.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, first of all, I thank Representative LAHOOD for organizing this opportunity for all of us from Illinois to talk about the greatness of our State.

We have had on the floor individuals from very different parts of the State, but Illinois has always had a reputation of having one of the most congenial delegations in Congress any way you cut it. We have always had that during the time that I have been here, and to be able to talk about the diversity.

As Representative KRISHNAMOORTHY was making his comments, you could hear the emotion in his voice as he talked about how Illinois had welcomed his family. And that is what Illinois has done. It has welcomed individuals from all parts of the world. Individuals, large numbers of Puerto Ricans who came from Puerto Rico; Mexican Americans; individuals who were immigrants; African Americans, like myself, who migrated from the rural South.

No, I didn't grow up in Illinois. I wasn't born in Illinois. As a matter of fact, I was born in Arkansas. Of course, it is the only State in the Bible that Noah looked over his ark and saw.

Large numbers of individuals from my State, from Mississippi, from Louisiana, from Texas, from Tennessee, from Alabama, and from other places migrated to Illinois, and especially to Chicago.

I have the opportunity to represent what I consider to be the most fascinating piece of geography in North America that is compressed into a political subdivision. My district begins at Lake Michigan. You can't go any further east. It abuts the lake. It is downtown Chicago. It is The Loop. It is the Magnificent Mile. It is Water Tower Place. It is the future's industry. It is the big banks. It is home to corporate America. Major corporations have their headquarters in downtown Chicago.

But it also has more hospitals than any other single district in America, which means that it is a health mecca. It also has some of the first of the community health centers, the federally qualified health centers, that were organized, the Mile Squares, the Near Norths, the Martin Luther Kings, Access Healths.

It is a fascinating place, but then a part of it is home to Ernest Hemingway. There are more Frank Lloyd

Wright structures in my district in a place called Oak Park than any other place in the world.

With the exception of a few places, it is the museum capital of the Nation, every kind of entity. But the diversity of its people, some very wealthy individuals, but then the areas that were devastated by the riots after the assassination of Dr. Martin Luther King.

But some of the greatness of people like John H. Johnson, who started, developed, and owned Johnson Publishing Company. Parker House Sausage. We don't do a great deal of farming, but we do a lot of other kinds of things, businesses like Ariel Capital, Loop Capital.

□ 2030

These businesses provide an opportunity for others to interact. Great people, I have had the good fortune to just know a whole bunch of young athletes: Isaiah Thomas, Kevin Garnett, Doc Rivers, and Darryl Stingley. All of these guys grew up in my district—not just in Chicago, but in my district.

I represent the Chicago Bulls. I represent the Bears, the Black Hawks, and a little bit of the White Sox. Unfortunately, the Cubs are a little further north where Congressman MIKE QUIGLEY is and represents, but we embrace them also.

President Barack Obama lived right at the edge of my district.

Chicago, Illinois, is filled with inclusivity. Carol Moseley Braun was the first African-American woman to be elected to the United States Senate from the State of Illinois. Of course, Barack Obama was also elected to the Senate. Roland Burris was a member of the Senate, and Abraham Lincoln.

I grew up as a fan of Abraham Lincoln because of the role that he and Illinois played in the abolition of slavery. My mother was a great Abraham Lincoln fan, so as a little boy, I knew every story that you could think of about Abraham Lincoln.

The thing that I am most proud of, though, is the inclusivity and the diversification of our State.

Representative LAHOOD has represented and demonstrated what Illinois is all about, and that is bringing all of us together to extol some of the virtues of our great State. I thank the gentleman for his leadership, and I thank the gentleman for his action.

Mr. LAHOOD. Mr. Speaker, I thank Congressman DAVIS for those wonderful words about the State of Illinois, its history, and the city of Chicago and all his advocacy.

Mr. Speaker, in closing, as you can see, each of our districts has played a role in not only shaping Illinois' history, but that of the entire Nation and the whole world. Whether it is the business hub of Chicago, the farmers downstate, or the many Main Street businesses in every city, Illinois' influence can be seen every day no matter where you are.

That is why our bicentennial theme of “Born, Built, and Grown” is so appropriate. As 2018 begins and we continue to get closer to our State’s birthday on December 3, 2018, bicentennial events all across Illinois will help us recognize the important people and products that our State has to offer. For example, a bicentennial beer has already been judged and selected, hailing from the Hand of Fate Brewing Company in Petersburg, Illinois, within my congressional district.

I encourage everyone to check out the full list of events at illinois200.com. I am sure I will be running into many of my colleagues at several of them throughout the year as they happen across the State.

While Illinois’ first 200 years have included both struggle and success, our State should be a point of pride for all of us. I think we heard that tonight. While we have accomplished so much, as my colleagues and I have talked about here tonight, there remains much to be done. Illinois remains on the path of prosperity, and the hard work and determination that the people of Illinois are known for will surely get us there.

Mr. Speaker, I will just close by wishing Illinois a happy early birthday. We look forward to celebrating over the next year.

I am proud to be born and raised in the State of Illinois and that my wife and I are raising our three boys in Illinois. We hope they stay and prosper in Illinois, and we look forward to this next year of celebration for 200 years of Illinois being in this great Nation.

Mr. Speaker, I yield back the balance of my time.

GRADING THE GOP TAX PLAN

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the gentleman from Illinois (Mr. DANNY K. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, it was really fun interacting with my colleagues and learning about the great State in which we live and have the opportunity to represent.

But, Mr. Speaker, as we prepare to vote on the GOP tax plan, I decided that I would grade the bill and look a little bit at the difference between what has been promised and the reality of what is in the final legislation.

We were told that there would be middle class tax relief and that nobody in the middle class is going to get a tax increase. We have been looking for it, but instead, after 10 years, millions of middle class taxpayers will be paying more, and the majority of the tax cuts will go to the corporations and to the 1 percent.

We were told that it would eliminate tax breaks for the wealthy and that

wealthy proponents of the bill will personally take a hit from the GOP tax plan—another failure. This bill and this plan violates every principle and every tenet of economic justice.

The vast majority of the benefits go to the large corporations and the wealthiest 1 percent of Americans. All major tax breaks remain and many new ones have been added, including the insidious new 20 percent deduction for so-called passthrough entities like real estate developers and others. Because of the fact that the new language wasn’t in the bill passed by the House and Senate, floor amendments to eliminate the provision will not be permitted.

The alternative minimum tax, that safety net designed to thwart clever tax dodgers, is gone. The biological heart of the Arctic National Wildlife Refuge in Alaska is handed over to oil companies for minimal return of Federal tax dollars.

We were told that Social Security, Medicare, and Medicaid would be protected, that this was going to be a revenue-neutral tax reform and that the bill would pay for itself—failure again. The trillion-plus dollars in new deficit spending will be blamed on these programs, and pressure to cut them will begin shortly after the new year.

We were told that tax cuts will spur economic growth—again, failure. U.S. corporate profits are already historically high, but corporations are not making investments in plants, research, and new technology to grow the economy.

What we need is increased demand, higher wages, returning dislocated workers to the economy, rebuilding aging cities, and rebuilding infrastructure to revitalize communities. The redistribution of income away from low- to high-income households reduces consumption spending, which reduces demand.

The bill will be disastrous to the work of charitable nonprofits, reducing charitable giving by \$13 billion or more, annually, destroying more than 220,000 nonprofit jobs and impairing the ability of nonprofits to address community needs.

Repatriating overseas corporate profit will stimulate the economy; that is what we were told. U.S. multinationals currently have \$752 billion in taxes on the \$2.6 trillion in profits that they are holding offshore. They have already found creative ways to use those dollars here at home without paying taxes. Worse yet, the repatriation provision helps conceal the permanent and growing costs of tax provisions that would lose revenue over the next decade.

What is needed is linking tax breaks to specific targeted investment here at home, such as the new market credit, which, as of the end of fiscal year 2016, had generated \$8 of private investment

for every \$1 of Federal funding; created 178 million square feet of manufacturing, office, and retail space; and financed over 5,400 businesses.

We were told that we were going to be able to reduce health costs and health insurance for everybody—failure again. The elimination of the penalty for people who go without health insurance will result in some 13 million Americans losing their health insurance. That includes more than 500,000 Illinois residents.

Healthcare premiums will rise by about 10 percent in most years, and for the lowest income working families, with 10 million children under 17, there will either be no improvement in their child tax credit or a token increase of \$1 to \$75. Low- and modest-income working families, with another 14 million children, will receive a child tax credit increase of more than \$75 but less than the full \$1,000 per child increase that families at higher income levels would receive.

We were told that we were going to be able to file our taxes on a postcard, simplify and reduce the size of the Tax Code. That is not going to happen.

Final grade, corporations and the 1 percent—the wealthiest people in the country—will win, and the rest of society will lose.

For me, Mr. Speaker, that is not an acceptable result. I could never vote for this bill, so count me out. I vote “no.”

Mr. Speaker, I yield back the balance of my time.

ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I enjoyed hearing my friend from Illinois first talking about the great State of Illinois. It truly is. We appreciate all the doctors who have been sent down to Texas after we did tort reform and Illinois continues to have significant problems.

We had had problems keeping doctors in Texas until the great State of Illinois ran into greater and greater malpractice lawsuit problems. Texas did tort reform, and we started having doctors coming from places like Illinois to Texas, and we are doing much better.

The problem is, with health insurance, I heard my friend talk about 13 million who won’t have insurance, and I think, to be fair there, are so many millions right now who are forced to do the unthinkable.

□ 2045

It is unconstitutional. The Supreme Court simply chose to become political in their decisionmaking rather than constitutional. You could pick nine

people off the street at random and probably six or seven out of the nine, after they heard the dispute and read the Constitution, would find contrary to the Supreme Court.

We put so much magic, supposedly, in those black robes. Somehow, they are given more credibility than they ought to be. Thomas Jefferson thought that the judicial system would be the weakest of the three branches, but now it pretty much controls everything.

Under ObamaCare, people are forced to buy a product. For the first time in American history, you can be forced to buy a product. If you didn't, you would be fined, punished, taxed. The Court said, on one hand, it wasn't a tax. Therefore, the Court had jurisdiction. Forty-some pages later, it said it is a tax, so it is constitutional.

In any event, people have been forced to buy a product and they have paid for as cheap a policy as they could get away with, but the deductibles were so high. I have heard this over and over hundreds of times in my own district. They were buying insurance they will never be able to use. The deductibles are so high, they don't have that kind of money.

So what the repeal of the individual mandate is going to mean is that people can still buy the insurance if they want to. They are not going to be penalized if they don't buy it.

But in order for ObamaCare to work, it is stealing from Peter to pay Paul. In other words, young people, for example, were having to buy insurance they would never use because they would have the deductible. But they did the calculation: Do I pay more if I pay for the insurance or do I pay more if I pay the extra income tax? Then they make that decision.

What the repeal of the individual mandate means is that we will help the Supreme Court in their ridiculous ruling and the mental gymnastics that went into not calling it a tax at page 13 or so, and then 40 pages later calling it a tax.

It is really pretty absurd, but it was a political decision. John Roberts was intimidated into believing that, if they struck down this unconstitutional bill, he would be deemed to be Chief Justice over the most political Court. As a result of what he did, he goes down in history as having the most political Court since Dred Scott. It wasn't quite as bad as the Dred Scott decision. That has got to be the worst.

We know from history that sometimes they just get it wrong. We will do the right thing by the American people, and we will repeal the individual mandate. Unfortunately, it is not going to start for a year.

I also heard my friend mention—and I have heard others say—that this bill will end up putting most of the income in the hands of the top 1 percent.

One of the great things about being in Congress is you get to learn so much if you are paying attention.

My friends can go back and look at YouTube and find President Obama, after being in office for a number of years, admitting that, for the first time in American history, 95 percent of the Nation's income went to the top 1 percent income earners. It never happened before.

But under the policies that do as President Obama said he was going to do before he got elected—and that is spread the wealth around—every time somebody tries to spread the wealth around—it is a socialist idea, a communist. But when you try to spread the wealth around, it never seems to fail that the richest, most powerful get richer and more powerful.

You can go to the Soviet Union. There were a handful of people making a lot of money, even over there now, under Putin. Of course, Putin gets richer. But there were a handful of people who get rich and most of the people don't. Most of the people bring in about the same amount of income, but they don't have access to the same benefits.

Anyway, we are going to move in a direction away from what President Obama's policies established, and that was, as a fact, 95 percent of the Nation's income is going to the top 1 percent. We want to get away from that.

Reforming the Tax Code and getting away from the punishing days of President Obama's policies will allow the working class to do better for the first time in years. They have been flat-lined or less when adjusted for inflation. It is time they did better.

The tax bill we should take up tomorrow will end up doing that. It will get money into the hands of the working poor, the middle class. We saw the middle class shrink under President Obama; the poor got poorer, the ultrarich got ultraricher, and the middle class shrunk.

More people—over 50 million, as I recall—signed up for food stamps. That has already dropped significantly under the policies of the current President. We are hoping that the policies that we will push through together with the President will continue to have that effect. People will do better. There will be more jobs.

With all of the ridicule of lowering the corporate tax, if people will just be realistic and honest about it, corporations don't pay corporate taxes. They have to pass that on as a cost of doing business to their customers, their clients, those who purchase their goods or services. They pass that 35 percent tax on.

I know that before the President got elected, the current President, he had talked about maybe putting a tariff on Chinese goods. The fact is we have been putting on a 35 percent tariff, the highest tariff anybody puts on its own goods and services of all the industrialized nations. It is the biggest.

If we knock that 35 percent down, then it means our goods will be more

competitive around the world. It means more jobs. It is going to be a great thing for America. It really is. As much as some people despise the President, like it or not, it is going to help make America great again.

Lower the corporate tax. I wish we could have kept it at 15 percent. Apparently, the powers of the leaders of the House and Senate, by a margin of two-to-one against the President wanting it at 15 percent, but at least we are getting it lowered. That is going to mean more goods can be competitive abroad. It means more jobs here. It means more manufacturing back here.

For those who have got their nose in the air and think we shouldn't have manufacturing in America, you go around the world and see manufacturing in other places and you see it here. It is about as clean a manufacturing company as you can have. This is the best place for those jobs because we do have to breathe the air that China and India pollutes, which we are cleaning up, but not near fast enough because they are polluting it so much.

Fortunately, the President withdrew from the so-called climate accord. The reason all these other countries wanted the United States in is because we were the ones that were going to send checks to all the other countries. We were going to pay guilt money. We have no guilt to pay for.

In fact, this is the country that is helping clean up the air and water, unlike other large nations in the world. They owe us a check, if somebody is going to be owing checks for the amount of pollution. It should mean a better economy.

There is one other thing that severely hurt our country under the past administration.

I am not normally a big fan of Politico's articles, but this is a fascinating one that calls itself: "The Secret Backstory of How Obama Let Hezbollah Off the Hook."

Hezbollah is recognized as a terrorist organization. This is entitled: "The Secret Backstory of How Obama Let Hezbollah Off the Hook."

Part one starts with a "Global Threat Emerges. How Hezbollah turned to trafficking cocaine and laundering money through used cars to finance its expansion."

"In its determination to secure a nuclear deal with Iran, the Obama administration derailed an ambitious law enforcement campaign targeting drug trafficking by the Iranian-backed terrorist group Hezbollah, even as it was funneling cocaine into the United States, according to a Politico investigation."

"The campaign, dubbed Project Cassandra, was launched in 2008 after the Drug Enforcement Administration amassed evidence that Hezbollah had transformed itself from a Middle East-focused military and political organization into an international crime syndicate that some investigators believed

was collecting \$1 billion a year from drug and weapons trafficking, money laundering, and other criminal activities.”

So, that was 2008, during the Bush administration, with Robert Mueller as head of the FBI.

This points out: “Over the next 8 years”—that would be as we went into the Obama administration, 2009—agents working out of a top-secret DEA facility in Chantilly, Virginia, used wiretaps, undercover operations, and informants to map Hezbollah’s illicit networks, with the help of 30 U.S. and foreign security agencies.

“They followed cocaine shipments, some from Latin America to West Africa and on to Europe and the Middle East, and others through Venezuela and Mexico to the United States. They tracked the river of dirty cash as it was laundered by, among other tactics, buying American used cars and shipping them to Africa. And with the help of some key cooperating witnesses, the agents traced the conspiracy, they believed, to the innermost circle of Hezbollah and its state sponsors in Iran.”

It is rather ironic. I got in the car a moment ago and heard my good friend, Mark Levin. Apparently, he had read part of this story on the air and had a call from a person they didn’t fully identify who was one of these agents who was helping track what Hezbollah was doing.

The article says: “But as Project Cassandra reached higher into the hierarchy of conspiracy, Obama administration officials threw an increasingly insurmountable series of roadblocks in its way.”

Parenthetically here, so the Obama administration had found that Hezbollah was massively producing and getting into the United States drugs that were addicting American young people—well, of all ages, but especially our young, our future—making a billion dollars or so, and they were dying as they got hooked on worse and worse drugs. The answer of the Obama administration, according to this article, was throwing an increasingly unsurmountable series of roadblocks in the way of those investigating Hezbollah and the evil infliction of harm they were doing to America.

□ 2100

The article goes on:

“... according to interviews with dozens of participants, who, in many cases, spoke for the first time about events shrouded in secrecy, and a review of government documents and court records. When Project Cassandra leaders sought approval for some significant investigations, prosecutions, arrests, and financial sanctions, officials at the Justice and Treasury Departments delayed, hindered, or rejected their requests.”

That would be Bob Mueller at the FBI. He had already purged the FBI training materials so that FBI agents, as they came in, would not know what questions to ask. So when they went out to interview Tsarnaev, after we got a heads up that he was a terrorist—he had been radicalized—those FBI agents didn’t know what to ask.

Why?

Because Bob Mueller purged the training material. So they didn’t know what to ask. They didn’t know what to look for in a radical Islamist. They went and asked his mother, and she said: No, he is a good boy. He is not a terrorist.

There were people who died because of Bob Mueller purging the FBI training materials; so they didn’t even know what they were looking for.

And when I was cross-examining him before our committee, I said: “You didn’t even go out to the mosque where they attended to investigate them.” He indicated that they did go out to the mosque in their outreach program, where they sit down and play “Pat-a-Cake,” share a meal, and the last thing they do would be to inquire about one of the mosque attendees being radicalized. They didn’t bother to do that. They were too busy making merry in their outreach program.

He also testified on one occasion that the Islamic community is like every other religious community in America; and they had this wonderful outreach program with them, and it is working so well.

So I asked a question: “Well, you said the Islamic community is like every other community in America, and you have this wonderful outreach program with them, so let me ask you: How is your outreach program going with the Buddhists, and the Jewish, and the Baptists, and all of these other communities?”

Well, they don’t have an outreach program to any except the Islamic community. So that told me then: this isn’t just like every other community. They don’t have outreach communities through every other religious community in America because they are not worried about them blowing up innocent people, to the extent they apparently were before Mueller came along.

In any event, back to this article:

“The Justice Department declined requests by Project Cassandra and other authorities to file criminal charges against major players such as Hezbollah’s high-profile envoy to Iran, a Lebanese bank that allegedly laundered billions in alleged drug profits, and a central player in a U.S.-based cell of the Iranian paramilitary Quds Force. And the State Department rejected requests to lure high-value targets to countries where they could be arrested.”

So the Justice Department—during that period, of course—would have been

Eric Holder. I believe I saw him in the news recently. He had forgotten how he was in contempt of Congress, how he covered up—obfuscated—crimes that appeared to be occurring under his watch. And now we find out, just days after his high-profile blasting of what was going on here, trying to get to the truth, it turns out he was obfuscating, just like we found he was doing, hindering and obstructing justice.

We really needed a special counsel to investigate him. But, of course, he was not going to have a special counsel investigate himself, nor was Loretta Lynch going to allow a special counsel to investigate Eric Holder and Loretta Lynch. We still need one to investigate both of them. And the more we find out, the more it points to this desperate need.

It has this in the article from December 15, 2011:

“Hezbollah is linked to a \$483,142,568 laundering scheme. The money, allegedly laundered through the Lebanese Canadian Bank and two exchange houses, involved approximately 30 U.S. car buyers.”

Then it goes on and shows in the article, from the Southern District of New York, U.S. Attorney’s Office:

“Manhattan U.S. Attorney Files Civil Money Laundering and Forfeiture Suit Seeking More Than \$480 Million From Entities Including Lebanese Financial Institutions That Facilitated a Hezbollah-Related Money Laundering Scheme”

“‘This was a policy decision, it was a systematic decision,’ said David Asher, who helped establish and oversee Project Cassandra as a Defense Department illicit finance analyst. ‘They serially ripped apart this entire effort that was very well supported and resourced, and it was done from the top down.’”

That would be from President Obama, it would be from Eric Holder, and it would be from Bob Mueller.

Bob Mueller should have been honest and sincere enough when he was asked to be special counsel, and should have said: I am probably going to be investigated myself. I am not in a position to be the investigator.

Because he certainly should be investigated. And this is one more story.

“The untold story of Project Cassandra illustrates the immense difficulty in mapping and countering illicit networks in an age where global terrorism, drug trafficking, and organized crime have merged, but also the extent to which competing agendas among government agencies—and shifting priorities at the highest levels—can set back years of progress.”

And that is exactly what happened under Bob Mueller and President Obama’s administration.

And this 56-page article appears very well documented, and it actually appears well done. It has John Brennan in

here creating problems for the investigation into the drugging and laundering of money to help finance terrorist operations.

And one part of this is they killed this investigation. They were afraid it would prevent the Iran agreement from going forward. Well, it didn't go forward. It was never constitutionally ratified. The Corker bill was just that: it was a bill. It could not turn the Constitution upside down, as it attempted to do.

The Constitution makes clear that it takes two-thirds of the Senate to ratify a treaty. It doesn't matter what the bill says; it will only take one-third to ratify a treaty. It doesn't work that way. If you want that to be the law, it takes a constitutional amendment to do that. We didn't have one. Therefore, it took two-thirds to ratify, and the Iranian agreement is still not ratified.

But, nonetheless, though it wasn't ratified, it didn't keep the President from sending \$100 billion or so in dollars over to Iran. We know Iran is the largest producer of IEDs in Iraq.

As I sat at the funeral of this precious, young 20-year-old gentleman, who went to my daughter's high school, Alex Missildine, killed by an IED, I just sat there going: I wonder if the money President Obama sent paid for the production of the IED that killed our precious Alex?

It has been paid. It is paying for something. We know that Iran is using it—Certainly part of their military operations are continuing to kill Americans in other places.

Yet you had Project Cassandra that was closing in on Hezbollah, closing in on the drug production, drug sales, the laundering of money through the used car, shipping used cars around. And then, lo and behold, a reminder of what has happened right here on Capitol Hill that Luke Rosiak has been pursuing.

Here is an article from February 20, 2017, from the Daily Caller, entitled: "House Dem IT Guys In Security Probe Secretly Took \$100,000 in Iraqi Money," from a Hezbollah tie.

The article says:

"Rogue congressional staffers took \$100,000 from an Iraqi politician while they had administrator-level access to the House of Representatives' computer network, according to court documents examined by The Daily Caller News Foundation's Investigative Group.

"The money was a loan from Dr. Ali al-Attar, an Iraqi political figure, and was funneled through a company with 'impossible'-to-decipher financial transactions that the congressional information technology, IT, staffers controlled.

"Imran Awan, ringleader of the group that includes his brothers Abid and Jamal, has provided IT services since 2005 for Florida Democrat Representative DEBBIE WASSERMAN

SCHULTZ, the former Democratic National Committee, DNC, chairwoman. The brothers are from Pakistan.

"The trio also worked for dozens of other House Democrats, including members of the Intelligence, Foreign Affairs, and Homeland Security Committees. Those positions likely gave them access to congressional emails and other sensitive documents.

"The brothers, whose access to House IT networks has been terminated, are under criminal investigation by the U.S. Capitol Police."

"Investigators found that congressional information was being copied to an off-site server and they suspect the brothers of improperly accessing information and stealing congressional property. Chiefs of staff for the employing Democrats were notified February 2.

"Soon after Imran began working for Members of Congress, Imran's and Abid's wives—Hina Alvi and Natalia Sovo—also began receiving congressional paychecks, the DCFN found. Imran's employers included two members of the Intelligence Committee.

"By 2009, the family was simultaneously managing a full-time car dealership in Virginia, with Abid running day-to-day operations after contributing \$250,000 in startup cash. It was called Cars International A, LLC, referred to as "CIA" in court documents."

Cars International A, referred to as CIA. Isn't it clever.

"Imran boasted unusual clout among House Democrats, and was even pictured conversing with former President Bill Clinton. After Rao Abbas, who was owed money by the dealership, threatened to sue amid allegations of deception and theft, Abbas appeared on the congressional payroll and received \$250,000 in taxpayer payments."

Incredible. You owe somebody for an illicit car dealership, and you can't pay. Just put them on the House employee system; and they will be on the congressional payroll, and you can pay off \$250,000. That must have been a heck of a percentage, though. They borrowed \$100,000 from this guy with Hezbollah contact, and they have to pay him back \$250,000. Of course, in their case, they were very fortunate, because they did it with the House payroll. There is no evidence that Mr. Abbas ever lifted a finger to do any work, and for good reason. We wouldn't want him involved in all of the inner workings of our computer systems on the Hill. Who knows. Maybe he did. Maybe that was part of the payoff as well.

"Abid had '100 percent' of the dealership, a one-time business partner said in court documents, in addition to his \$165,000-a-year job working full-time for multiple representatives. . . ."

Mr. Speaker, this story Politico has run seems to have a lot of parallels to

what was going on right here in the House that needs further investigation.

Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 15 minutes p.m.), the House stood in recess.

□ 2304

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOODALL) at 11 o'clock and 4 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1, TAX CUTS AND JOBS ACT; PROVIDING FOR CONSIDERATION OF H.R. 3312, SYSTEMIC RISK DESIGNATION IMPROVEMENT ACT OF 2017; AND FOR OTHER PURPOSES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 115-474) on the resolution (H. Res. 667) providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018; providing for consideration of the bill (H.R. 3312) to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes; and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today.

Ms. MCCOLLUM (at the request of Ms. PELOSI) for today on account of official business in district.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 8, 2017, she presented to the President of the United States, for his approval, the following joint resolution:

H.J. Res. 123. Making further continuing appropriations for fiscal year 2018, and for other purposes.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 19, 2017, at 9 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3420. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2017-1023; Product Identifier 2017-NM-144-AD; Amendment 39-19104; AD 2017-23-10] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3421. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turbofan Engines [Docket No.: FAA-2017-0816; Product Identifier 2017-NE-29-AD; Amendment 39-19093; AD 2017-22-13] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3422. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbofan Engines [Docket No.: FAA-2017-1000; Product Identifier 2017-NE-36-AD; Amendment 39-19100; AD 2017-23-06] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3423. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Airplanes [Docket No.: FAA-2016-9568; Product Identifier 2016-NM-150-AD; Amendment 39-19077; AD 2017-21-06] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3424. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Alliance Turbofan Engines [Docket No.: FAA-2017-0988; Product Identifier 2017-NE-37-AD; Amendment 39-19097; AD 2017-23-03] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3425. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc., Airplanes [Docket No.: FAA-2017-0712; Product Identifier 2017-

NM-014-AD; Amendment 39-19095; AD 2017-23-01] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3426. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31162; Amdt. No.: 3772] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3427. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31163; Amdt. No.: 3773] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3428. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31161; Amdt. No.: 3771] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3429. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31164; Amdt. No.: 3774] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3813. A bill to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes (Rept. 115-467). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3814. A bill to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking (Rept. 115-468). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 2465. A bill to amend title

XVIII of the Social Security Act to make permanent the removal of the rental cap for durable medical equipment under the Medicare program with respect to speech generating devices (Rept. 115-469, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 1350. A bill to modify the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes (Rept. 115-470). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 4375. A bill to provide for a study on broadening participation in certain National Science Foundation research and education programs, to collect data on Federal research grants to science agencies, and for other purposes (Rept. 115-471). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 4254. A bill to amend the National Science Foundation Authorization Act of 2002 to strengthen the aerospace workforce pipeline by the promotion of Robert Noyce Teacher Scholarship Program and National Aeronautics and Space Administration internship and fellowship opportunities to women, and for other purposes; with an amendment (Rept. 115-472). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 4323. A bill to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes (Rept. 115-473). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 667. A resolution providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018; providing for consideration of the bill (H.R. 3312) to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes; and for other purposes (Rept. 115-474). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 2465 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COSTELLO of Pennsylvania:
H.R. 4666. A bill to amend the Public Health Service Act to provide for a Patient and State Stability Fund; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:
H.R. 4667. A bill making further supplemental appropriations for the fiscal year ending September 30, 2018, for disaster assistance for Hurricanes Harvey, Irma, and Maria, and calendar year 2017 wildfires, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself and Ms. VELÁZQUEZ):

H.R. 4668. A bill to amend the Small Business Act to provide for the establishment of an enhanced cybersecurity assistance and protections for small businesses, and for other purposes; to the Committee on Small Business.

By Mr. COHEN (for himself and Mr. JONES):

H.R. 4669. A bill to ensure independent investigations by allowing judicial review of the removal of a special counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. CONNOLLY (for himself and Mr. KATKO):

H.R. 4670. A bill to amend title 38, United States Code, to provide authority for certain members of the Armed Forces to transfer entitlement to Post-9/11 Educational Assistance to their dependents; to the Committee on Veterans' Affairs.

By Mr. DUFFY (for himself and Mr. WELCH):

H.R. 4671. A bill to assist and incentivize organic agriculture by expanding its access to, and eligibility for, Federal rural development and agricultural loan programs; to the Committee on Agriculture.

By Ms. ESHOO (for herself, Mr. PALLONE, and Mrs. TORRES):

H.R. 4672. A bill to further deployment of Next Generation 9-1-1 services to enhance and upgrade the Nation's 9-1-1 systems, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESTY of Connecticut (for herself, Mrs. WALORSKI, Mrs. MIMI WALTERS of California, and Mrs. BUSTOS):

H.R. 4673. A bill to create opportunities for women in the aviation industry; to the Committee on Transportation and Infrastructure.

By Mrs. LOVE:

H.R. 4674. A bill to amend the Congressional Accountability Act of 1995 to require Members of Congress to reimburse the Treasury for payments of awards and settlements under such Act which are made in connection with claims of sexual harassment committed by the Members, and for other purposes; to the Committee on House Administration.

By Mr. MARSHALL (for himself, Mr. LIPINSKI, Mr. SMITH of Texas, and Mr. WEBER of Texas):

H.R. 4675. A bill to amend the Energy Policy Act of 2005 to provide for a low-dose radiation basic research program; to the Committee on Science, Space, and Technology.

By Mr. MCCAUL:

H.R. 4676. A bill to direct the Secretary of the Treasury to prescribe regulations to expand sanctions against persons owned or controlled by Iran's Revolutionary Guard Corps, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOULTON (for himself and Mr. KELLY of Mississippi):

H.R. 4677. A bill to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes; to the Committee on Small Business.

By Ms. NORTON:

H.R. 4678. A bill to permit the District of Columbia to make payments pursuant to contingency fee arrangements entered into by the Attorney General of the District of Columbia for the provision of legal services in claims and other legal matters affecting the interests of the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. REED (for himself and Mr. REICHERT):

H.R. 4679. A bill to amend title XVIII of the Social Security Act to provide for improvements to coverage and payment under the Medicare program for new drugs, devices, and technology; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS:

H. Con. Res. 97. Concurrent resolution Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. COSTELLO of Pennsylvania:

H.R. 4666.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the United States Constitution.

By Mr. FRELINGHUYSEN:

H.R. 4667.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. CHABOT:

H.R. 4668.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the Constitution

By Mr. COHEN:

H.R. 4669.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 9 and 18

By Mr. CONNOLLY:

H.R. 4670.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. DUFFY:

H.R. 4671.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. ESHOO:

H.R. 4672.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. ESTY of Connecticut:

H.R. 4673.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to enact this legislation pursuant to Article I, Section VIII of the U.S. Constitution.

By Mrs. LOVE:

H.R. 4674.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the Constitution.

By Mr. MARSHALL:

H.R. 4675.

Congress has the power to enact this legislation pursuant to the following:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MCCAUL:

H.R. 4676.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1; and Article I, section 8, clause 18 of the Constitution of the United States

By Mr. MOULTON:

H.R. 4677.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. NORTON:

H.R. 4678.

Congress has the power to enact this legislation pursuant to the following:

clause 17 of section 8 of article I of the Constitution.

By Mr. REED:

H.R. 4679.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 173: Mrs. LAWRENCE.

H.R. 233: Ms. JAYAPAL.

H.R. 389: Ms. JAYAPAL.

H.R. 502: Mr. DANNY K. DAVIS of Illinois and Mr. DENT.

H.R. 620: Mr. GAETZ, Mr. LUCAS, Mr. PITTINGER, Mr. BIGGS, Mr. BUDD, Mr. ROSS, and Mr. MEADOWS.

H.R. 681: Mr. BIGGS and Mr. HOLDING.

- H.R. 719: Mr. McCLINTOCK, Mr. WILLIAMS, Mr. BROOKS of Alabama, and Mrs. BLACKBURN.
- H.R. 809: Mr. POE of Texas.
- H.R. 858: Mr. CARSON of Indiana.
- H.R. 881: Mr. RUIZ and Mr. CICILLINE.
- H.R. 909: Ms. ESHOO.
- H.R. 1159: Mr. FASO and Mr. SMITH of Texas.
- H.R. 1225: Ms. SHEA-PORTER and Ms. BROWNLEY of California.
- H.R. 1243: Ms. HANABUSA.
- H.R. 1251: Mr. CRIST.
- H.R. 1299: Ms. TSONGAS.
- H.R. 1528: Mr. ELLISON and Ms. SHEA-PORTER.
- H.R. 1606: Mr. ESTES of Kansas.
- H.R. 1783: Ms. DELAURO, Ms. WILSON of Florida, Mr. JONES, and Mr. MCGOVERN.
- H.R. 1815: Mr. CUMMINGS.
- H.R. 1861: Ms. SEWELL of Alabama.
- H.R. 1874: Mr. RYAN of Ohio.
- H.R. 1905: Mr. CLAY.
- H.R. 2016: Mr. ROE of Tennessee.
- H.R. 2045: Mr. RUIZ.
- H.R. 2079: Mr. CRIST.
- H.R. 2152: Mrs. ROBY and Mr. COLLINS of Georgia.
- H.R. 2219: Mr. GOTTHEIMER.
- H.R. 2234: Mr. BOST and Mr. THOMPSON of Pennsylvania.
- H.R. 2475: Ms. PINGREE.
- H.R. 2526: Mr. WALZ.
- H.R. 2641: Mr. RUIZ.
- H.R. 2740: Mr. MEEKS, Ms. ESHOO, Mrs. LAWRENCE, Mr. DUNCAN of South Carolina, Mr. FITZPATRICK, Mr. LAMBORN, Mr. CICILLINE, and Mr. MICHAEL F. DOYLE of Pennsylvania.
- H.R. 2790: Mr. COSTELLO of Pennsylvania, Mr. BISHOP of Michigan, and Ms. ESHOO.
- H.R. 2832: Mr. LABRADOR, Mr. DUNCAN of South Carolina, Mr. DESANTIS, and Mr. GOMERT.
- H.R. 3010: Ms. KELLY of Illinois.
- H.R. 3127: Mr. MOONEY of West Virginia.
- H.R. 3128: Mr. MOONEY of West Virginia.
- H.R. 3222: Ms. PINGREE.
- H.R. 3282: Ms. TENNEY and Mr. ESTES of Kansas.
- H.R. 3330: Mr. DESJARLAIS.
- H.R. 3415: Mr. DONOVAN.
- H.R. 3605: Mr. POLIQUIN.
- H.R. 3635: Mr. FLORES.
- H.R. 3730: Mr. RENACCI.
- H.R. 3759: Mr. CICILLINE, Mrs. BLACK, Mr. SMITH of New Jersey, Mr. YODER, Mr. CÁRDENAS, and Miss RICE of New York.
- H.R. 3767: Ms. PINGREE and Ms. LOFGREN.
- H.R. 3773: Ms. PINGREE and Ms. DELAURO.
- H.R. 3866: Mr. RUIZ.
- H.R. 3976: Mr. BERA, Mr. MEADOWS, Mr. MOONEY of West Virginia, Mr. CARBAJAL, Mr. BLUM, and Mr. RUSH.
- H.R. 3990: Mr. STEWART and Mr. CURTIS.
- H.R. 3994: Mr. O'HALLERAN.
- H.R. 4007: Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CLARK of Massachusetts, Mr. COHEN, Mr. CUMMINGS, Mr. DEFazio, Ms. DELAURO, Mr. DESAULNIER, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. GALLEG0, Mr. AL GREEN of Texas, Ms. JAYAPAL, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KUSTER of New Hampshire, Mrs. LAWRENCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Mr. MCEACHIN, Mr. PETERSON, Mr. QUIGLEY, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARKE of New York, Ms. ESHOO, Ms. GABBARD, Ms. LEE, Mr. RUIZ, and Mr. SMITH of Washington.
- H.R. 4044: Mrs. COMSTOCK and Mr. COSTA.
- H.R. 4082: Mr. SHERMAN.
- H.R. 4143: Mr. SOTO, Mr. PERLMUTTER, and Ms. NORTON.
- H.R. 4147: Mr. FITZPATRICK.
- H.R. 4179: Mr. GONZALEZ of Texas, Mr. MEEKS, Mr. GUTIÉRREZ, and Mr. GOMEZ.
- H.R. 4190: Ms. BLUNT ROCHESTER and Mr. POLIQUIN.
- H.R. 4207: Ms. DEGETTE.
- H.R. 4229: Mr. COSTELLO of Pennsylvania, Mr. STEWART, Mr. EMMER, and Mr. BISHOP of Utah.
- H.R. 4238: Mr. FRANCIS ROONEY of Florida.
- H.R. 4240: Mr. DOGGETT.
- H.R. 4242: Mr. EMMER.
- H.R. 4253: Mr. RASKIN and Mr. CICILLINE.
- H.R. 4265: Mr. RUPPERSBERGER.
- H.R. 4319: Mr. FLORES.
- H.R. 4323: Ms. ESTY of Connecticut.
- H.R. 4327: Mr. ROSS.
- H.R. 4426: Mr. ELLISON.
- H.R. 4427: Mr. BISHOP of Michigan.
- H.R. 4429: Mr. MITCHELL.
- H.R. 4444: Mr. JEFFRIES, Mr. LARSEN of Washington, Mr. LIPINSKI, and Mrs. WATSON COLEMAN.
- H.R. 4459: Mr. FASO.
- H.R. 4473: Mr. PETERS and Mr. BYRNE.
- H.R. 4474: Ms. BARRAGÁN and Mr. SIREs.
- H.R. 4541: Ms. DELBENE, Mr. DAVID SCOTT of Georgia, Mr. DOGGETT, Mr. MCNERNEY, Mrs. WATSON COLEMAN, and Ms. FRANKEL of Florida.
- H.R. 4545: Mr. LUCAS.
- H.R. 4546: Mr. GOTTHEIMER.
- H.R. 4547: Mr. CURBELO of Florida, Mr. PASCRELL, and Mr. RICE of South Carolina.
- H.R. 4548: Mr. SHERMAN.
- H.R. 4565: Mr. COFFMAN and Mr. TURNER.
- H.R. 4585: Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, and Mr. NEAL.
- H.R. 4608: Mr. GRIJALVA.
- H.R. 4613: Mr. FLORES.
- H.R. 4636: Mr. GOMEZ.
- H.R. 4661: Mr. SMITH of Texas, Mr. DUNN, Mr. MARSHALL, Mrs. MIMI WALTERS of California, Mr. KINZINGER, Ms. SINEMA, Mr. SMITH of New Jersey, and Mr. HIGGINS of Louisiana.
- H.J. Res. 120: Mr. AL GREEN of Texas.
- H. Res. 15: Mr. BILIRAKIS and Mr. GONZALEZ of Texas.
- H. Res. 220: Mr. HULTGREN, Mr. RASKIN, and Mr. GROTHMAN.
- H. Res. 256: Mr. STIVERS.
- H. Res. 495: Mr. FORTENBERRY.
- H. Res. 632: Mr. KILDEE.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO THE WINNER OF THE CONGRESSIONAL APP CHALLENGE FOR THE 21ST CONGRESSIONAL DISTRICT OF TEXAS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. SMITH of Texas. Mr. Speaker, today we congratulate Peter Chacko from San Antonio who won this year's Congressional App Challenge for the 21st District of Texas.

Every year, the Congressional App Challenge encourages students to create an original app by writing computer code. As Chairman of the House Science, Space and Technology Committee, I take part in this competition, which inspires students across the country to explore computer science and search for innovations.

Peter won this year's competition by designing an app called PR Trackr. It helps runners calculate their pace and logs their runs. He developed the app because he and his cross country teammates needed a quick and effective way to assess and store their pace and monitor their progress.

Congratulations to Peter on his achievement. I know he will do well in his academics and future cross country races.

IN HONOR OF THE RECIPIENTS OF THE CONGRESS-BUNDESTAG YOUTH EXCHANGE PROGRAM'S MERIT BASED SCHOLARSHIP

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Taelor Nielsen and Xavier McClain on being selected to receive the Congress-Bundestag Youth Exchange Program's (CBYX) merit based scholarship.

As part of this selective program, they will be traveling to Germany for a year to immerse themselves in the culture, develop their foreign language skills, and strengthen their leadership and academic interests. Many alumni of this program have gone on to serve our great nation in both national security and civilian roles.

Taelor and Xavier's selection to the CBYX program and scholarship is a sign of their hard work, leadership, and academic curiosity. I commend their fortitude and dedication to academics and the future of our great nation.

Again, Mr. Speaker, I would like to extend my congratulations to the 2017 Wyoming recipients of the CBYX scholarship. Taelor and

Zavier deserve to be extremely proud of this accomplishment.

INTRODUCTION OF THE DISTRICT OF COLUMBIA CIVIL ENFORCEMENT EQUALITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. NORTON. Mr. Speaker, today, I introduce the District of Columbia Civil Enforcement Equality Act. This bill is necessary to allow the District to enter into contracts with private attorneys to sue on the District's behalf for violations of D.C. law that may otherwise go unpunished due to a lack of resources. This bill would give D.C. the same authority enjoyed by states, other local governments and most federal agencies.

The federal Anti-Deficiency Act, which applies to both the federal and District governments, prohibits contracting in advance of appropriations, such as contingency fee contracts. However, Congress has provided the authority for most federal agencies to enter into such contracts, notwithstanding the Anti-Deficiency Act, but has not done so for the District. This precludes the District from entering into contracts with attorneys on a contingency fee basis. In a contingency fee contract, lawyers pay for the initial costs of the litigation, and then the lawyers are reimbursed only for out-of-pocket expenses and receive a percentage of any amount awarded to the plaintiff.

There is no federal law that precludes states and other local governments from entering into such contracts. At least 36 states, both red and blue states, have already used contingency fee contracts to enforce state laws, in addition to numerous city and county governments across the country. Contingency fee contracts are especially useful in cases with a large, costly discovery component. Examples of cases that are commonly tried on a contingency fee basis by state and local governments include nuisance, deceptive lending, securities fraud and debt and tax collection.

This is an important step to increase D.C. home rule and generate revenue for the District, and I urge my colleagues to support this bill.

IN RECOGNITION OF MARJORIE DICKINSON

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. MATSUI. Mr. Speaker, I rise today in recognition of my good friend Marjorie Dickin-

son as she retires from a distinguished thirty years of service to the University of California, Davis. Marj is currently the Assistant Chancellor, Government and Community Relations for U.C. Davis, and she has played a significant role in improving and strengthening the institution's commitment to its students and its surrounding community.

Throughout her tenure, Marj has established credible and effective relationships with local, state, and federal elected officials and with opinion-leaders throughout the greater Sacramento region. Now more than ever, thanks in large part to Marj's leadership and vision for U.C. Davis, the institution is respected and revered as a world-class research university and as a reliable local partner. I have had the pleasure of working personally with Marj through the years in my role representing Sacramento in Congress, and I consistently found her to be one of the most effective, sophisticated, and professional government relations experts I encountered.

U.C. Davis—and the Sacramento region writ large—are beyond fortunate to have had Marj working on their behalf for the past three decades. Marj's dedication and commitment to U.C. Davis have made our region a better educated, more vibrant, more attractive place to live and work. Her contributions cannot be understated.

Mr. Speaker, as her family, friends and colleagues celebrate her distinguished career, I ask my colleagues to join me in honoring the remarkable Marjorie Dickinson.

IN HONOR OF GWEN BECK'S 100TH BIRTHDAY CELEBRATION

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Gwen Beck on the celebration of her 100th birthday.

I join her friends and family in extending my best to her on this occasion and in celebrating her life and contributions to our great state. I hope she uses this momentous day to do the same.

Again, Mr. Speaker, I would like to extend my congratulations to Gwen on her birthday. May her year be filled with happiness and blessings.

HONORING TRUDY HAYNES

HON. DWIGHT EVANS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. EVANS. Mr. Speaker, I rise today to honor an influential and dedicated woman in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Philadelphia, Trudy Haynes (née Gertrude Daniels), our nation's first female African American weather reporter and a true media pioneer.

Trudy Haynes was born in New York City at Harlem Hospital in 1926 and raised in New York City. She began her broadcasting career in a Detroit suburb at WCHB-AM, which was the first black owned radio station above the Mason Dixon line.

Trudy Haynes made history in 1965 when she became the nation's first female African American reporter for KYW-TV (now CBS-3) in Philadelphia. Trudy Haynes was also the Nation's 1st African-American TV weather reporter, acquiring that position in 1963 when she worked for WXYZ-TV in Detroit, MI. Additionally, Trudy Haynes is also a very proud graduate of Howard University, class of 1947.

Prestigiously, she has a long esteemed history, has conducted many high profile interviews, and holds many awards including two Lifetime Achievement Awards, as well as an Emmy. Trudy Haynes formally retired in 1999, but has stayed active throughout the years. At 91 years old she is officially coming out of retirement for her "Drop The Mic Tour".

The 2nd Congressional District of Pennsylvania extends gratitude to Trudy Haynes who is a true inspiration for future generations and thanks her for her continued dedicated support and service to the Commonwealth of Pennsylvania.

IN HONOR OF KEVIN AND ESTHER
BYRNE'S 50TH WEDDING ANNIVERSARY

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Kevin and Esther Byrne on their 50th Wedding Anniversary.

This significant benchmark is a symbol of their commitment to each other and to their family. I am happy to join their friends and family in extending my best to them on this special occasion.

Again, Mr. Speaker, I would like to extend my congratulations to Kevin and Esther on the celebration of their 50th Wedding Anniversary. I wish them the best today and for many more blessed years to come.

HONORING JUDGE BASCOM
BENTLEY, III

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. HENSARLING. Mr. Speaker, I rise today to honor and remember a dear friend, Judge Bascom Bentley, III, who passed away peacefully on December 11, 2017.

Bascom was a life-long resident of Palestine, Texas and served almost 3 decades with distinction as the Judge for Texas' 369th District Court until his recent retirement. Prior

to that he served as County Court at Law Judge, County Attorney for Anderson County and also the City Attorney for Palestine. Along with his time on the bench, Bascom taught as a professor at Trinity Valley Community College for 37 years. The totality of his awards and honors are too numerous to list here today, but he has been honored by civic groups, charitable organizations, educational institutions and veteran groups. And he was honored multiple times for his good work as a judge including one from the Texas Gang Investigators Association that seems to sum everything up—the "Damn Good Judge" award.

Bascom touched countless lives, including mine. His wit and humor were unmatched and his knowledge endless—likely fueled by his unquenchable thirst and love for history. For those who knew Bascom, they saw compassion and love for others that was unbounding.

As the Representative for the 5th District of Texas, I am honored to have known such a wonderful and unique person, and I will forever treasure our many conversations through the years. I send my deepest and sincerest condolences to his mother, Kelly, wife, Carol, to his children Bonnie, Matthew, William and Hunter, as well as the rest of his family and innumerable friends. May we all remember a life well lived.

IN HONOR OF RICHARD AND
CAROL CRESWELL'S 50TH WEDDING ANNIVERSARY

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Richard and Carol Creswell on their 50th Wedding Anniversary.

This significant benchmark is a symbol of their commitment to each other and to their family. I am happy to join their friends and family in extending my best to them on this special occasion.

Again, Mr. Speaker, I would like to extend my congratulations to Richard and Carol on the celebration of their 50th Wedding Anniversary. I wish them the best today and for many more blessed years to come.

CARROLL DANIEL CONSTRUCTION
BREAKING GROUND IN DOWNTOWN GAINESVILLE

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. COLLINS of Georgia. Mr. Speaker, on this Friday, I rise to help usher in new developments that will be added to the Gainesville community.

As a proud, lifelong resident of this town, I have watched it grow over the years, and welcomed the new businesses and neighbors that have come with that growth.

Earlier this year, the city of Gainesville moved forward with an ambitious plan to im-

prove our historic square. The investments made to this project will add to the square and surrounding area, which represent a centerpiece of our vibrant downtown.

As part of this project, I am pleased that Carroll Daniel Construction will break the ground for a wonderful new facility that will begin construction early next year.

Residents of Gainesville will enjoy this building, which will be located along Jesse Jewel Parkway. The street's namesake, Mr. Jewel himself, was a leader in the poultry industry, and he brought jobs and increased investment in the area during the Great Depression.

In line with his vision, this addition to the square will serve our community for years to come. I believe that my good friend, Brian Daniel, runs his company according to the values of our Hall County community.

My family and I look forward to seeing the company's new facility next year as we drive by on Jesse Jewel Parkway.

IN HONOR OF COL. THOMAS
"TUCKER" FAGAN'S RECOGNITION IN THE AIR FORCE PUBLIC AFFAIRS AGENCY'S "VETERANS IN BLUE" VOLUME III

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Colonel Thomas "Tucker" Fagan on his recognition in the Air Force Public Affairs Agency's "Veterans in Blue" Volume VIII.

Throughout his impressive career in the Air Force, Col. Fagan proved himself indispensable, being chosen as one of eight military personnel chosen to build the U.S. nuclear war plan, and serving as the wing commander at F.E. Warren AFB, and the 20th Air Force vice commander. After his retirement, Col. Fagan stayed active in the Wyoming and Air Force communities, including serving former Wyoming U.S. Representative Cynthia Lummis as her Chief of Staff.

The Air Force Public Affairs Agency launched the "Veterans in Blue" portrait collection to highlight the men and women that have contributed to the Air Force's great legacy. Col. Fagan's dedication and contributions to the Air Force, nation, and state warrants his inclusion in this prestigious collection.

Again, Mr. Speaker, I would like to extend my congratulations to Col. Fagan on being recognized in the "Veterans in Blue" Volume VIII portrait collection, and I thank him for his continued service.

HONORING JOSEPH TRAN-MALAN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Joseph Tran-Malan for his participation in the Congressional App Challenge (CAC).

The CAC began in 2013, and has since grown to include nearly 4,000 students across 33 states and territories. Specifically, the CAC encourages students to learn how to code through an annual district-wide competition.

For his CAC submission, Joseph chose the video game Overwatch. In particular, he created a video that described why he chose Overwatch, and what he would do to make the video game better as part of his app.

Currently, Joseph is in the third grade and attends Harmony DC Public Charter School, which has a Science, Technology, Engineering, and Math (STEM) program. In addition, the school organizes two major STEM events every year: the Harmony Science and Engineering Fair, which serves as a way for students to learn more about the scientific process; and the Stem Festival, where students participate in various STEM demonstrations and explain the science behind them.

Joseph is a proud big brother and the son of Mr. and Mrs. Jose and Kim Tran-Malan. In his free time, Joseph likes to travel and see new things, but is content with spending quality time at home with his family. He also loves to dance and use his imagination by building with LEGOs or by creating new worlds in the video game Minecraft. I am very proud of Joseph.

Therefore, I ask the House of Representatives to join me in honoring achievement at a very young age by recognizing Joseph Tran-Malan for his participation in the Congressional App Challenge.

RECOGNIZING LAURA WEIS

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to recognize my friend Laura Weis, who was honored with the Distinguished Illinois Chamber of Commerce Executive Award last month.

As CEO of the Champaign County Chamber of Commerce, Laura is a tireless advocate for the citizens, businesses and organizations throughout a community with nationally-recognized educational institutions, technological and innovative start-ups, manufacturing companies, and agricultural industries.

Under Laura's leadership, the Chamber has increased its membership and influence throughout the region. The Chamber and its staff continually engage with elected officials at every level of government to ensure commonsense, business-friendly policies are in place for the community. Through the Chamber's efforts, delegations of community and business leaders from the county have become more engaged in public affairs through regular trips to Springfield and Washington, D.C.

Outside of political advocacy, the Chamber has adopted numerous policies that support the local community, including the creation of an energy coop that has saved local businesses thousands of dollars, the development of a procurement center to assist businesses with government contracts, the institution of

local disaster recovery plans, and oversight of countless online tools to help area businesses.

Laura is a tremendous leader within my congressional district, and it is not hard to see her impact throughout Champaign County. I Congratulate Laura on this award, and I look forward to continuing to work with her throughout the future.

IN HONOR OF FRANK HANCOCK'S RETIREMENT FROM THE WYOMING DEPARTMENT OF TRANSPORTATION

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Frank Hancock on his retirement.

This is a momentous occasion and I hope that he will take the time to reflect upon all his hard work over the past 22 years working for the Wyoming Department of Transportation (WYDOT). I thank him for his contributions to WYDOT and to our community.

Again, Mr. Speaker, I would like to extend my congratulations to Frank Hancock on his retirement. I wish him the best in future endeavors.

SUPPORT FOR H.R. 4391

HON. RO KHANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. KHANNA. Mr. Speaker, as a cosponsor of H.R. 4391, the Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act, I am concerned with the United Nations (UN) reports highlighting the detention and mistreatment of Palestinian children. We should stand up for human rights in all cases, even when abuses are committed by our most trusted allies.

Israel faces unique security threats and, unfortunately, some underage Palestinians do resort to violence as a means of change. This is unacceptable, and the Palestinian leadership needs to take more steps to prevent children from being manipulated into becoming terrorists.

The threat of child terrorism should not be an excuse, however, to torture those accused of such actions or deprive them of rights. Every minor should have a right to a lawyer, to due process, and to having their parents notified.

I am encouraged by a 2015 UNICEF report indicating that Israeli authorities are taking steps to address alleged abuses. Although evidence of the ill-treatment of Palestinian children detained still exists, I am hopeful that Israeli forces will ultimately fully comply with international human rights laws.

Through continued discussions with the Israeli government, Mr. Speaker, I am hopeful changes will continue to occur. Doing so is in the best interest of Israel's security and consistent with their values.

HONORING LIAM McLAUGHLIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. ENGEL. Mr. Speaker, I have had the pleasure of knowing many wonderful public servants over the course of my career, individuals who dedicated themselves fully to their communities and neighbors every single day. In Yonkers, there has not been a more dedicated and selfless public servant than my dear friend Liam McLaughlin, who this year is closing out his final term as Yonkers City Council President.

I have known Liam for many years. His parents, Bernadette and Pat, are close family friends, and both have a very strong sense of community. Liam clearly adopted that spirit, and thus began a lifetime of working to strengthen Yonkers.

Liam was raised in Yonkers and has lived there for more than 42 years. His wife, Debbie, is also from Yonkers. Now, the McLaughlin family lives only a few blocks from the house in which he grew up. Liam attended St. John the Baptist School, the same school that his son Ryan now goes to, and coaches his son on the same youth baseball fields that his father coached him on when he was a kid.

A small business owner, Liam is a practicing trusts and estates attorney at McLaughlin & Zerafa LLP. Previously, he worked for several small law firms in the New York area, including his own general practice law firm and the Corporation Counsel's Office in the City of Yonkers. Liam was also an adjunct professor at Manhattan College.

From 2000 to 2010, Liam served on the Yonkers City Council. He served in leadership roles including Majority Leader and Minority Leader. He also served on every major committee and was Chairman of the Budget & Finance Committee, as well as the Environmental Policy & Protection Committee. In 2013, he was elected as Council President by the voters of Yonkers, where he served with great distinction and honor.

Outside of his duties as an elected official, Liam has also coached youth basketball and soccer with Dunwoodie Youth Association, and currently serves as President of the Lincoln Park Taxpayers Association. Liam is also a member of the Holy Name Society of St. John the Baptist Church, the Kerryman's P&B Association and the Ancient Order of Hibernians of Westchester County.

On December 18, 2017 the Yonkers community is coming together to celebrate Liam for all the remarkable work he has done and continues to do on behalf of his fellow Yonkers residents. He is most deserving of the recognition. I want to congratulate Liam on the occasion and offer my personal thanks for all of that tremendous work. He has certainly made Yonkers proud.

IN HONOR OF DANNY AND BECKY
DELOREY'S 50TH WEDDING ANNI-
VERSARY

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Danny and Becky Delorey on their 50th Wedding Anniversary.

This significant benchmark is a symbol of their commitment to each other and to their family. I am happy to join their friends and family in extending my best to them on this special occasion.

Again, Mr. Speaker, I would like to extend my congratulations to Danny and Becky on the celebration of their 50th Wedding Anniversary. I wish them the best today and for many more blessed years to come.

H.R. 3731, SECRET SERVICE RE-
CRUITMENT AND RETENTION
ACT OF 2017

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to discuss the importance of passing H.R. 3731, the Secret Service Recruitment and Retention Act of 2017, into law.

Over the years, the United States Secret Service has been plagued with morale and attrition issues. In 2016, the Secret Service was ranked last among 305 agency subcomponents in the Partnership for Public Service's annual Best Places to Work Survey. The morale issues stem from a number of factors, but one of the leading factors is agent burnout due to inflexible schedules, long shifts, and agents having to work and not use their annual leave or potentially not receive overtime compensation due to agents reaching their annual allowance pay amount.

Many of the aforementioned issues cannot be solved by a simple act of Congress; however, compensating agents for overtime is one that Congress can and should address. H.R. 3731 would provide for agents who have hit their overtime pay limits to receive compensation for the uncompensated hours they have logged in service to the country.

While I believe the Secret Service can do more to recruit and retain top talent, it is also important for Congress to do its part to not leave the current agents uncompensated. Passing this legislation is crucial and would be an obvious morale boost for the current agents. I urge our colleagues in the Senate to move quickly to pass this legislation.

IN HONOR OF JOHN KECK'S RE-
TIREMENT FROM THE NATIONAL
PARK SERVICE

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to John Keck on his retirement from the National Park Service.

For the past 14 years, John has served as the Wyoming/Montana state coordinator and Eastern MT-WY Group Superintendent for the Intermountain Region of the National Park Service. In this role, he has worked closely with various non-profit and local groups, communities, and state and federal agencies and offices, including mine. Having lived in Wyoming throughout his life and worked for the state for 22 years before joining the National Park Service, John has been able to apply his knowledge and experiences to excel in his role and for the people and state of Wyoming. I want to extend my appreciation to him for his many contributions to our great state.

Again, Mr. Speaker, I would like to extend my congratulations to John Keck on his retirement. He has been integral to the National Park Service and our state, and will be missed.

IN RECOGNITION OF ESTELLE
SALTZMAN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Estelle Saltzman on the occasion of her retirement as CEO and President of Runyon Saltzman, Inc., one of Sacramento's most innovative communications firms. I ask my colleagues to join me in honoring Ms. Saltzman for her leadership and commitment to Runyon Saltzman, as well as for her dedication to the cultural vitality of the greater Sacramento region.

Since founding the agency alongside Jean Runyon in 1976, Ms. Saltzman has been instrumental in making Runyon Saltzman one of the top communications firms in the area. Her background in reporting and political science helped her form the agency into an industry leader in public affairs and social marketing. Her leadership at Runyon Saltzman has been acknowledged over the years by those who understand the value she provides to the local business community. She was awarded the Sacramento Metropolitan Chamber's 1988 "Sacramento Business Woman of the Year" award, lifetime achievement awards from the Sacramento Public Relations Association and the International Association of Business Communicators, and the "Women Who Mean Business" award from the Sacramento Business Journal.

In addition to her work at Runyon Saltzman, Estelle has been an active member of the Sacramento community. She serves on the boards of the Crocker Art Museum, the Sac-

ramento History Foundation, Restoration House, Opening Doors, Inc., and the Family Justice Center. Thanks in no small part to her leadership, these organizations now stand as important cultural and community landmarks for the Sacramento region.

Mr. Speaker, it gives me great pleasure to pay tribute to Estelle Saltzman, outgoing CEO and president of Runyon Saltzman, as her friends and colleagues celebrate her well-earned retirement. I ask all my colleagues to join me in honoring her tenacity and dedication on behalf of Runyon Saltzman, as well as her dedication to the Sacramento region.

IN HONOR OF LAURA MCKINNEY'S
RETIREMENT FROM THE MAGIC
CITY ENTERPRISES

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Laura McKinney on her retirement.

This is a momentous occasion and I hope that she will take the time to reflect upon all her hard work over the past 34 years working for Magic City Enterprises. I thank her for her contributions to Magic City Enterprises and to our community.

Again, Mr. Speaker, I would like to extend my congratulations to Laura McKinney on her retirement. I wish her the best in future endeavors.

HONORING CHRISTOPHER GRESHAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Christopher Gresham for his participation in the Mandela Washington Fellowship Reciprocal Exchange.

The Mandela Washington Fellowship, the flagship program of the U.S. government's Young African Leadership Initiative, helps to develop the next generation of African leaders across government, business and civil society. The fellows build strategic partnerships and lasting connections through training and networking opportunities at leading institutions of higher education.

The Reciprocal Exchange Component, for which Christopher has been competitively selected, provides U.S. experts and leaders a chance to expand their work in partnership with Mandela Washington Fellowship alumni in Africa. Past participants have included a wide range of experts, from entrepreneurs to disability rights advocates, who have contributed meaningfully to efforts such as promoting peace, stability and economic prosperity in the region. The program provides important contributions to U.S. diplomacy efforts.

A native Washingtonian, Christopher has dedicated his career to breaking down barriers

and promoting diversity in entrepreneurship. He graduated from The George Washington University and went on to obtain a Master's from Thunderbird School for Global Management. He then became the Vice President of Communities at SEED SPOT, where he works to increase startup activity and economic growth with a focus on entrepreneurs developing sustainable solutions to address some of the world's most pressing problems. In addition, Christopher founded Swillings Coffee, an impact-driven venture that works directly with small family-owned farms in rural Colombia to apply sustainable growing techniques and employ women in the local community. As part of the Mandela Washington Fellowship Reciprocal Exchange, Christopher empowered hundreds of Beninese entrepreneurs with entrepreneurship training, educated its largest university on sustainable economic development programs and promoted cooperative trade with the U.S. and multiple institutional stakeholders.

Therefore, I ask the House of Representatives to join me in recognizing Christopher Gresham for his accomplishments and for his participation in the Mandela Washington Fellowship Reciprocal Exchange.

IN HONOR OF SALLY NICHOLS' INDUCTION INTO THE CLARA KLINDT ROCKY MOUNTAIN COLLEGE ATHLETIC HALL OF FAME

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Sally "Powder" Nichols on her induction into the Clara Klindt Rocky Mountain College Athletic Hall of Fame. Her continued dedication to athletic excellence warrants this recognition.

Throughout her time at Lusk High School, University of Idaho, and Rocky Mountain College, she was integral to her teams' successes, setting various school records and being selected All-Conference and All-Region in 2000. As an athlete, and now as a coach, she has set an excellent example for students and athletes across the state. I commend her commitment to her teammates, to her students, and to athletics.

Again, Mr. Speaker, I would like to extend my congratulations to Sally for being inducted into the Rocky Mountain College Athletic Hall of Fame. She and her family deserve to be extremely proud of this accomplishment.

IN RECOGNITION OF THE 40TH ANNIVERSARY OF KOPPER KETTLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 2017

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize the 40th anniversary of the Kopper Kettle explosion in downtown Auburn, Alabama.

Below is the 1978 sermon by Rev. Rod Sinclair at the Episcopal College Center after the explosion occurred:

The explosion at the Kopper Kettle has consumed the time and attention of many of us this week, especially Sunday when it occurred Monday and Tuesday when we were fixing ourselves up and getting heat back into the building and into the Steven's House. There have been many expressions of gratefulness that no one in town was injured or killed and we have all told each other where we were when we hear of or felt the blast. We have even told each other about other explosions, other calamities and what our reaction was to them. And some of us have gone off into the world of metaphor and analogy and compared the explosion at the Kopper Kettle to what happens to a human being who gets poison in his or her system, poison from unacknowledged anger or poison from unexpressed resentment, and how the pressure can build up an explosion.

The another type of explosion occurred to me, as it should, being the preacher, which I like to look at this morning. It is the explosion of the spirit and it can be more devastating than what happened last Sunday at Magnolia and Gay.

The explosion of the spirit is what happens when all the things we thought we believed in collapses, when the world of meaning collapses, when the truths that we always thought were true seem untrue, when doubt attacks every item of faith and prevails, and faith seems counterfeit, and trust wanders aimlessly hunting for a place to rest, and when other people's piety bring charges of hypocrisy to our lips. The explosion of the spirit can hit with the force of last Sunday's blast or it can strike in a slow-motion version. Decay is an explosion developing slowly. We can rebuild stores and replace smashed windows, but persons who are smashed by an earthquake under their house of faith have no certainty that they can pick up the pieces, nor may they want to, for their structure no longer has meaning. All that was dear and cherished is splintered and smoking. Their faith is gone, their dreams are smashed, and they have no basis for hope.

What do you do if the explosion of the spirit strikes you? First, I believe you must go to your most trusted friend, not to talk, but to sit in silence—in the presence of the other—in the presence of another human being. And the truth of the presence may be the only truth that is verifiable.

Next, you must allow your friend to care for you. This is more difficult than silence. Nor can it come too quickly. This requires that you give permission to the other to enter your shattered world. And with the entry may come judgment (but surely not!) and may come abject embarrassment (Yes, possibly that) or the painful admission that you are lost in the woods and do not know the way home. (Yes, that too!) Your trusted friend is there to listen, is not therapist, counselor or father confessor (at least not then) and listens to you talk, listens to the starkness of your confession that your religious house of cards proved to be just that, listens to the pain of your isolation—for you are in an empty, flat land by yourself with not so much as four pegs to pitch a tent for shelter. He listens to the description of your futureless future. And the echo of the question "What is there now?" continues to sound in your empty room.

But your friend does not answer your questions; eventually you do. Yet no one can tell you when the eventuality will happen. First,

there may be nothing more than the establishing of a routine; but even routine requires a degree of faith. Later, there may be divine word, certainly not acknowledged then as such. From deep within, from the center of your center, may come the word: "Life shall go on." And you know the words are true and your house of meaning receives another plank.

If and when the house is completed, that is, if and when there is a day when you can say: "I believe that the following truths gives me meaning, and makes sense out of existence, and are the grounds on which I will stake my life," if there is a day when this can be said again, after an explosion of the spirit my hope is that your statement of what you believe would include the following:

First, a trust in God, trust in God as personal and loving, God who loves you, who understands and who cares for you. Believing that God understands and loves us is the life force that prevents us from dying.

Secondly, a realization that Jesus of Nazareth reveals God to us. We are not blocked or stumped in our search for the knowledge of God. Jesus' love and forgiveness is the indicator of God's love and forgiveness. Believing that Jesus reveals God to us is the life force that guards our spirits from collapsing.

Thirdly, a trust that God is present with and in us, and that his spirit, his power, and his love are with us and in us, his people. We are not left derelict or abandoned, wondering if we shall ever be called for. Believing that God's presence is with us and in us is the life force that builds us up as a community of people seeking to be faithful and prevents us from despairing.

To be able to base your life on those three assertions and know they are true is to return from the land of shadow and mist into the sunlight of a new day.

The person who experiences the bankruptcy of spirit that we have spoken of and who later reclaims and rebuilds, who begins again and whose faith grows from infancy to maturity, has a lot to tell us. My guess is that such a person would share with us such thoughts as:

No one else can say what's true for you. All truth is self-validating.

Much truth, that is not yet perceived as truth, can remain on the shelf: it may be claimed later on.

Having swallowed too much once before and exploded, it's best not to bite off more than you can chew.

Courage to rebuild is an act of faith.

The process of discovering meaning is an element of meaning itself.

My further guess is that as we met such a person, who had believed again after being crushed by doubt, we could say such words to him or her as:

When you speak, your words are genuine and true. We feel accepted and respected by you.

Your faith is clearly shown in your behavior.

You will be a threat to those whose houses of faith are held together by tape and wire and string and who pretend to believe and who make a great show, but who on the inside are full of emptiness and staleness, brittleness and dust.

You will cause a light to shine on sham religion and there will be some who will be vindictive.

The explosion at the corner last Sunday can cause us to look at the explosion that can come at our centers, the collapsing of our spirit, if we have carelessly claimed to

believe, or mimicked the belief of others, and have no faith that is our own. The admission of our doubt, painful though it is, can be the first step to regaining a life of faith and can return us to authentic living in God's presence. God's love is real and his commandments are sure and the community of persons seeking to know what it is to be fruitful is a rich place to set yourself. May He shed his grace on each one of us as we seek truth and walk in faith. Amen.

Mr. Speaker, please join me in recognizing the 40th anniversary of the Kopper Kettle explosion in Auburn.

HONORING MAYOR WILLIAM BELL

HON. DAVID E. PRICE

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, December 18, 2017

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor the career of a devoted public servant, community leader, and friend, William V. "Bill" Bell, whose tenure as Mayor of Durham, North Carolina ended this month after 16 years in office.

A native of Washington, D.C. who earned engineering degrees from Howard University and New York University, Bill began his career in the private sector, eventually retiring as a senior engineer at IBM in Research Triangle Park. He was first elected to the Durham County Board of Commissioners in 1972 and served until 1994 and again from 1996 to 2000, including three terms as chairman from 1982 to 1994. He was elected Mayor of Durham in 2001 and re-elected six times, making him the longest-serving mayor in Durham's history.

During his more than four decades in politics, Bill was a visionary force behind Durham's transformation from a declining tobacco town into a vibrant, modern paragon of the "new South," bustling with commerce, cultural events and attractions, world-class hotels and restaurants, and a thriving entrepreneurial community. He played an instrumental role in the merger of the Durham County and Durham City school systems, the financing of major downtown amenities such as the Durham Bulls Athletic Park and Durham Performing Arts Center, and, more recently, the

planning for the Durham-Orange Light Rail Transit project.

Even as he has worked to attract new ideas and new investment to Durham, Bill has worked tirelessly to ensure that all Durhamites would benefit from their community's growth. He continues to serve as the Executive Vice President and Chief Operating Officer of the UDI Community Development Corporation, a non-profit organization dedicated to promoting the education and economic welfare of low-income and underprivileged Durham residents.

I have had the pleasure of knowing and working with Bill during his more than 40 years in North Carolina politics, and especially since Durham became part of the Fourth Congressional District in 1997. We worked together especially on appropriations projects, to improve the corridors to downtown, to remedy a "food desert," and to develop affordable housing and livable neighborhoods. I and many others found Bill to be an ideal collaborator, able and willing to work cooperatively with all sorts of people, ready to embrace new ideas and approaches, loyal to Durham and determined to realize its potential.

Even as he retires from public office, Bill will continue to serve the people of Durham through UDI Community Development Corporation and through his active involvement in other civic and charitable organizations. And his legacy will live on through the countless lives he has touched and the indelible impact he has made on the Bull City, which is today more prosperous, dynamic, and inclusive than ever before.

Lisa and I, along with constituents in the Fourth District and colleagues in the North Carolina congressional delegation, want to thank Mayor Bell for his dedicated service and exceptional leadership and wish him and his family the very best as he begins the next chapter of his life.

PERSONAL EXPLANATION

HON. TERRI A. SEWELL

OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, December 18, 2017

Ms. SEWELL of Alabama. Mr. Speaker, during Roll Call votes held on December 18,

2017, I was inescapably detained handling important matters related to my District and the State of Alabama. Had I been present, I would have voted No on Roll Call No. 685, the Motion to Fix the Convening Times and YEA on Roll Call Nos. 686 and 687, which are as follows: H.R. 4375, and STEM Research and Education Effectiveness and Transparency Act, and H.R. 3979, Keep America's Refuges Operation Act.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 19, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED DECEMBER 20

10:30 a.m.
Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure
To hold hearings to examine freight movement.

SD-406

HOUSE OF REPRESENTATIVES—Tuesday, December 19, 2017

The House met at 9 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 9:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

TAX CUT NIGHTMARE

The SPEAKER. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it has come to this: Republicans are poised to pass the largest transfer of wealth in our Nation's history, financed by mortgaging our children's future with a mountain of increased debt.

What is wrong with this picture?

Well, first of all, nobody really knows everything that is in this bill. It has been written over the last few days to satisfy donors and win the final few votes necessary for Senate passage. It is not tax reform. It is not even a policy, but a collection of special interest provisions being sold on a false set of promises.

It is, decidedly, not middle class tax relief. It is permanent, massive tax reductions for the largest corporations and wealthy individuals. Every independent expert agrees and the American public understand that the benefits of this bill flow not primarily to the middle class, but to people like Donald Trump.

The vast majority of Americans get little and temporary tax reduction, only to see the bottom 80 percent of our taxpayers, on average, actually facing a tax increase when the bill is fully phased in.

The permanent, massive tax reduction for the privileged few comes at a very high cost for the rest of America. Despite false promises, it will not remotely pay for itself through economic growth.

We start with a massive increase in national debt; increased interest costs; a total increase of \$2.3 trillion, and

likely very higher as the accountants and lawyers discover how to fully exploit the many new loopholes created by lobbyists.

This bill is not tax simplification. It greatly complicates the Tax Code. Look at trying to understand just the passthrough provisions.

Also, we have an IRS that is struggling right now because my Republican friends have cut its budget 17 percent since 2010. They have 23,000 fewer employees, an outmoded data processing system, and more taxpayers—10 million more returns. It is not clear the IRS can even administer this bill.

Middle America will pay with increased economic insecurity, as it will increase insurance premiums an average of 10 percent a year. It will destabilize the health insurance market and increase the ranks of the uninsured by 13 million people over the next 10 years.

Most Americans will pay the price with the massive increase in debt, making it harder for everyone who wants to borrow money to start a business, finance a college education, or buy a home. It increases the likelihood of sending even more American money overseas to pay for the foreign holders of American debt that has increased.

It does not address the problem of offshoring our economic activities and the resulting revenue loss. It provides more incentives for this to continue and even get worse. The increased debt will make it even harder to rebuild and renew America and to meet the needs of our aging and growing population.

After the wreckage of the Amtrak train in the Pacific Northwest, Trump pointed out the need for infrastructure investment to rebuild and renew the country. That is not going to happen.

It is already triggering an automatic \$25 billion cut in Medicare. Republicans are scrambling to figure out how to avoid that. We are hearing from Republican leadership that this increased debt illustrates the need to cut back on programs that meet the needs of average Americans and low-income citizens while we are showering increased tax benefits on the wealthy.

It has been a bonanza for all the attorneys, accountants, and lobbyists finding ways to further enrich the most privileged. In the weeks to come, we will find out more special gifts used to nail down the last few votes. I don't know whether the Corker kickback is true or not, but it leaves the public wondering why the immediate about-face from the Senator from Tennessee

when nothing has changed except there have been a few provisions added.

No wonder the American public is opposed. They are right, and the Republicans are wrong.

MORNING AGAIN IN AMERICA

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, I opposed the House version of the tax reform bill because the loss of broad-based deductions like State and local taxes would have caused significant tax increases on many of my middle class constituents in the high-tax, high-cost State of California. It actually increased the marginal tax rate on high-income earners and abolished lifetime deductions such as casualty loss, medical expenses, and student interest. I urge that we should leave no taxpayer behind.

I thank Chairman BRADY, the Republican leadership, and the conference committee for heeding these concerns. Their final product exceeds my expectations and, on behalf of California taxpayers, I can now offer my enthusiastic support.

The new version leaves the casualty loss, medical expense, and student interest deductions intact. No family needs to fear being ruined by taxes after a major disaster or illness, and graduates can continue to plan their lives knowing that interest on their student loans will not be taxed.

The new bill eases the proposed limit on mortgage interest deductions and allows up to \$10,000 of State and local taxes to be deducted, all important changes for California. But most importantly, the lower tax rates in this bill now more than compensate in almost every case for the remaining limits on State and local tax and mortgage interest deductions. Even taxpayers who lose tens of thousand of dollars of deductions will still end up paying lower taxes than they do today.

For example, a couple earning \$60,000 with a \$300,000 home and three adult dependents would have paid \$200 more in taxes under the old bill. But under this new version, they will save \$340.

A couple earning \$150,000 with a \$750,000 home—that is a high-end tract home in California—and one child would have paid \$1,200 more in taxes under the old House bill. But under the new bill, that same family will save \$720.

The business tax provisions are especially important because they will restore American workers to an internationally competitive position. According to economists ranging from Martin Feldstein to Arthur Laffer, these provisions alone will produce \$5 trillion of new economic activity over the next decade. That is \$40,000 per household, including \$2 trillion of new tax revenues to all levels of government.

Last Friday, I toured AMPAC, a local company making the active ingredient in several cancer and epilepsy drugs. Their product is then shipped to Ireland to make the actual medicine solely because the corporate tax in the United States is 35 percent, and in Ireland it is just 12.5 percent.

Their CEO, Aslam Malik, told me that, if they gave their product away for free, the final medicine could still not be competitively manufactured in the United States solely because of our taxes. He expects their local company will grow dramatically because of this tax reform, employing hundreds more families both directly and indirectly as they expand everything from payroll to infrastructure.

You see, that is what the Marxists just don't understand. Businesses don't pay business taxes. Businesses collect them from just three sources: from consumers through higher prices, from employees through lower wages, and from investors through lower earnings, usually pension plans and IRAs.

We have the highest corporate tax rate in the industrialized world, and commerce and capital simply move around it, leaving our workers behind. That is one of the reasons we averaged just 1.5 percent economic growth under Obama—worse than any President since Herbert Hoover—and lost an entire decade of prosperity.

The Marxists tell us that this is just trickle-down economics and it has never worked. Well, in fact, it has always worked. It worked when Warren Harding did it in the 1920s, when John F. Kennedy did it in the 1960s, when Ronald Reagan did it in the 1980s, and, lest we forget, when Bill Clinton approved the biggest capital gains tax cut in American history.

Concerns over the deficit are legitimate and must be addressed by spending reforms in the coming year. We must always remember that taxes and debt are driven by just one thing: spending.

The proof of these policies will manifest itself over the coming year, and every American will be able to decide for themselves if this has made them better off. I think that is why the left has pulled out all the stops to defeat it. Their arguments are exactly the same economically illiterate attacks filled with class envy that they made against Reagan.

When the American people awakened one day to find it was morning again in

America, the left was discredited for a generation. Let history repeat itself, beginning today, with this vote.

HOW THE GRINCH STOLE MIDDLE CLASS TAX CUTS

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Mr. Speaker, with a little help from Dr. Seuss, I would like to share the story of how the Grinch stole middle class tax cuts:

Every middle class family wanted tax cuts a lot,

But the Grinch, who lived in a big white house, did not.

The Grinch hated middle class tax cuts, he wanted the whole Tax Code uneven,

Now, please, don't ask why, no one quite knows the reason.

It could be his head was screwed on a bit wrong,

It could be his ties were 2 inches too long, But I think that the most likely reason of all,

Was his heart, or his hands, were two sizes too small.

Whatever the reason, his heart or his ties, He stood on Christmas Eve, planning workers' demise,

Staring out from his office with a sour, Grinchy frown,

At the workers' warm, lighted windows below in their town.

"Tomorrow is Christmas, it is practically here,"

He said from his office with a terrible sneer. "Why, for 71 years I have put up with it now, I must stop these middle class tax cuts. But how?"

Then he got an idea, an awful idea, The Grinch got a terrible, awful idea.

"I know just what to do," the Grinch thought with a pause,

"With this coat and this hat, I look just like Santa Claus."

Then he loaded some empty bags on his plane,

And he took off to cause some mean Grinchy pain.

While working families dreamed of sweet tax cuts without care,

The Grinch came to the first little house on the square.

"This is stop number one," the old Grinch Claus hissed,

And he climbed to the roof, empty bags in his fist.

Then he slid down the chimney, Santa suit all in place,

And he stuck his head out of the small fireplace,

Where the tax deductions all hung in a row, "These deductions," he grinned, "are the first things to go."

Personal exemptions, home equity interest, State and local taxes, too,

"I'll take almost every deduction away from you."

Then he slunk to the tax brackets—the corporate tax cuts were huge,

Why, that Grinch even took the Arctic Wildlife Refuge.

"And now," grinned the Grinch, with his sacks in a net,

"I'll stack the deficit with \$1 trillion in debt."

Then he heard a small sound, a child's soft cry,

"Why are you taking our deductions, Grinch? Why?"

But, you know, that old Grinch was so smart and so slick,

That he thought up a fib, and he thought it up quick.

"Why, my sweet little tot," the Grinch said on the fly,

"I am here because corporate taxes are far too high."

"So I am taking most of your deductions away,

"To help corporations . . . and you get to pay."

"See, my dear child, there is no reason to frown,

"We will make them more wealthy, but it will all trickle down."

His fib fooled the child, then he patted her head,

And he got her a tax postcard, and he sent her to bed.

The Grinch took one last look at her sad little pup,

And he went to the chimney and shoved the deficit up.

Healthcare for 13 million was the last thing he took,

Then he slithered away without another look.

In their homes he left nothing but debt and despair,

While giving out handouts to corporations—the Grinch didn't care.

And the one deduction that he extolled, Was even too small for a single household.

He rode with his load of deductions for dumping,

"Pooh-pooh to the middle class," he said, gleefully jumping.

"They're just waking up, I know just what they'll do,

"Their mouths will hang open a minute or two, and they'll all cry, 'boo-hoo.'"

□ 0915

"That's a noise," grinned the Grinch, "that I simply must hear."

So he paused. And the Grinch put his hand to his ear.

And he did hear a sound rising over the snow. It started to low. Then it started to grow.

He stared down aghast. The Grinch popped his eyes.

Then he shook. What he saw was a shocking surprise.

Every American, the tall and the small, loudly demanding tax cuts for all.

We want our deductions and a better deal, not tax cuts for corporations while you cut Meals on Wheels.

And the Grinch, with his small hands ice-cold in the snow, stood puzzling and puzzling:

"How could it be so?"

"Am I a fool?"

"Are my policies all wrong?"

"Without those deductions, can the Nation be strong?"

And he puzzled 3 hours until his puzzler was sore.

Then the Grinch thought of something he had not tweeted before:

"Maybe tax cuts should help more than just corporations."

"Maybe this Christmas I can help the whole Nation."

"America's middle class is what made it thrive."

"They need these deductions if they're to survive."

We all know how the real story ends. The Grinch finds his heart and he makes amends.

Now we know this tax bill won't end with such glee, because the President and corporate lobbyists control the GOP.

This Christmas, families will get just coal in their stocking.

Thanks to President Trump, the final result will be shocking.

TAX REFORM

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The Chair recognizes the gentlewoman from Indiana (Mrs. BROOKS of Indiana) for 5 minutes.

Mrs. BROOKS of Indiana. Mr. Speaker, over the past 31 years, our Tax Code has become broken. As our Tax Code is currently written, I have been told by many that it fails to support families across the country with the resources they need in order to properly plan for their futures. Our Tax Code has left those behind who are struggling to make ends meet, and that is unacceptable.

Today is a historic day because that is all about to change. We have heard you. Today we will vote on comprehensive tax reform.

During consideration of H.R. 1, Andrew from Indianapolis contacted me, asking that we craft a tax plan that helps the middle class. The Tax Cuts and Jobs Act bill does just that. Thanks to the reduced personal tax rates this bill provides, the average family of four, earning \$73,000, will pay \$2,000 less in Federal taxes.

We heard you, Andrew.

A single mother earning \$40,000 will see \$1,300 more in her paycheck. Those savings represent the ability for parents to save for opportunities, including future education costs for their kids, retirement savings; or for unexpected times when an emergency fund is needed to cover unplanned costs.

I heard loud and clear from a lot of people in the Fifth District—students and parents—about the importance of protecting graduate student tuition exemptions. To ensure we continue to support hardworking students pursuing their career goals, this bill continues those exemptions.

We heard you.

Deborah from Anderson called my office asking that we preserve the mortgage interest deduction. This bill does that. It makes no changes to deductions for current mortgages and it keeps the deduction in place for new mortgages of up to \$750,000.

I heard you, Deborah.

I was also contacted by a young married couple from Zionsville, in my district, who said, thanks to this bill, they have done the calculations and they think they are going to receive a \$5,000 tax cut. They will use that money to boost their savings so that they can buy their first home sooner than they expected.

I heard you.

Providing our friends, neighbors, colleagues, and loved ones the freedom to

pursue their dreams—like buying a first home or saving for college—is what allows our society to improve and better itself.

I encourage my colleagues to also listen to the American people to show that we have heard them, and to support this bill. I believe it will help provide security for families across the Nation and it will help turn their dreams into their new reality.

OPPOSING THE GOP TAX SCAM CONFERENCE REPORT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ) for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in opposition to this tax scam bill. Not only will it harm working families across the Nation, but it will visit another hurricane on Puerto Rico: an economic hurricane.

Today, Puerto Rico is in the grip of a humanitarian crisis. More than 235,000 of its people have already fled the island for the mainland.

After Maria, many of my colleagues—from Speaker RYAN to Leader MCCARTHY—went to Puerto Rico and promised they would assist the island and help them recover. Instead, what they are doing is finding a way to further drive Puerto Rico's economy into the ground.

Even though it is part of the United States—remember, since 1898, when military forces invaded Puerto Rico—this bill treats Puerto Rico as a foreign jurisdiction, levying new taxes on corporations operating there, creating incentives for them to leave the island and take jobs with them.

Let's be clear. Puerto Ricans are American citizens. They fight in our wars, many of them laying down their lives for our freedoms, yet this bill continues treating Puerto Rico differently than the rest of the United States.

For decades, decisions made right here in this body hollowed out, weakened, and undermined Puerto Rico's economy. This tax bill continues that awful tradition, undercutting Puerto Rico's economy once more.

All told, these tax provisions will cost Puerto Rico more than 200,000 jobs, at exactly the time when the island needs all the help it can get.

While this tax scam would hurt Puerto Rico, it also does nothing to help. While they had talked of it, there is nothing to expand the child tax credit for Puerto Rico. They eliminated the meager extensions of section 199 and rum cover-over provisions contained in the House version.

The Speaker of the House and the Republican leader went to Puerto Rico. They looked the people of Puerto Rico in the eye and made promises to help them.

That is how you help Puerto Rico?

What we are seeing is that their tax bill would serve simply to crush Puerto Rico's economy.

Mr. Speaker, this bill is morally bankrupt. It harms American citizens everywhere. It kicks Puerto Rico when it is down. It must be rejected. Vote "no."

CELEBRATING 100TH ANNIVERSARY OF JACKSON HEALTH SYSTEM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to rise today to celebrate the 100th anniversary of Jackson Health System.

Jackson Memorial Hospital first opened its doors in south Florida a century ago as a 13-bed community hospital. In the years since, Jackson has grown to become one of the Nation's largest and most renowned public hospital systems.

But, throughout the many periods of growth and expansion, Jackson has remained true to its core mission: to build and improve the health of our community by providing the best possible care for Miami's residents.

Mr. Speaker, by caring for those most in need, Jackson Health System has created a solid foundation that has empowered our families to thrive.

Congratulations to their leader, Carlos Migoya, and all of the staff of Jackson Health System on a century of excellence and care to our community. I thank them for continuing to serve as stewards of Jackson's legacy and for continuing to use healthcare to improve people's lives and to help shape their bright futures.

RECOGNIZING DIANE WHITAKER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to honor Diane L. Whitaker as she retires from the Clinton County Library System this year after serving 31 years and 31 days as executive director of the Ross Library in Lock Haven, Pennsylvania.

In the library's 107 years of existence, Ms. Whitaker is just the seventh director, but she is the longest serving in its history.

The Ross Library Board of Trustees recently hosted a celebration for Ms. Whitaker. They also revealed the newly named "Diane L. Whitaker Genealogy Collection" on a plaque in her honor.

Over the years, Ms. Whitaker has overseen numerous projects and has also authored grant applications that have helped local libraries with much-needed funding.

Ms. Whitaker was raised in Clearfield County and holds a bachelor's degree in secondary education from Lock Haven University. She earned a master's degree in library science from Clarion University.

She has been a career librarian for more than four decades, working as a school librarian, bookmobile librarian, children's coordinator, branch librarian, and administrator.

Ms. Whitaker and her husband, Lester, live in Beech Creek. They have three daughters and six grandchildren, all of whom reside in Clinton and Centre Counties.

Mr. Speaker, I thank Ms. Whitaker for all her contributions to Ross Library and the entire Clinton County Library System. The community is a better place thanks to her efforts. She plans to visit State and national parks in her retirement, which I think is an outstanding plan.

RECOGNIZING MICHAEL COLBERT

Mr. THOMPSON of Pennsylvania. Mr. Speaker, for nearly 20 years, Michael Colbert has given his leadership to Oil Creek Township as supervisor chairman. Last week, he oversaw his final meeting as supervisor, and he will retire at the end of the year.

Mr. Colbert first served as a supervisor in 1993 to fill a vacancy, but he stepped down the next year. He would run again in 1999, win the seat, and officially be sworn in in January 2000.

Over nearly 20 years at the helm, Mr. Colbert oversaw numerous projects, but he told the Titusville Herald that his proudest achievement was helping pave the way for Walmart to open a store in the township.

In his well-deserved retirement, Mr. Colbert said he plans to vacation in Florida for a few weeks.

Mr. Speaker, I thank Mr. Colbert for his dedication and leadership to Oil Creek Township as supervisor chairman. He has given nearly 20 years of his time and energy to his neighbors and his community. For that, we are grateful.

I wish him the best in retirement.

RECOGNIZING PEARL S. BUCK INTERNATIONAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the important work that Pearl S. Buck International is doing in our community in Bucks County.

Pearl S. Buck was the first woman to receive both the Pulitzer and Nobel Prize for literature. Pearl Buck spent decades of her life in China, immersing herself in its culture and history, with her remaining time living in Bucks County, Pennsylvania.

The foundation continues her work, providing opportunities to explore and

appreciate other cultures and building better lives for children around the globe. Their work on projects—like the Backyard Gardening Project in the Philippines, Life Skills Education for Children Living in Vietnamese Orphanages, and Thailand Clean Drinking Water and Sanitation Project—has increased humanitarian aid for people across the world.

The organization's School Outreach Program and the High School Leadership Program, which equips students committed to making lifelong contributions within the community with effective leadership skills, have made positive and long-lasting impacts in our district. I am thankful for, and stand in full support of, the work that Pearl S. Buck International does in our community and around the globe.

RECOGNIZING BENJAMIN RUSH ELEMENTARY SCHOOL

Mr. FITZPATRICK. Mr. Speaker, this December, over 50 students at Benjamin Rush Elementary School in Bucks County were recognized for their completion of the Drug Abuse Resistance Education Program. This training—more commonly known as D.A.R.E.—teaches young students basic skills for responsible decisionmaking.

I thank the officers of the Bensalem Township Police Department for their work with Benjamin Rush Elementary School and for their commitment to educating young citizens in our district.

□ 0930

In the face of a growing opioid crisis, it is vital that students learn about the consequences of drug abuse.

Mr. Speaker, as an EMT and vice chair of the Bipartisan Heroin Task Force, I applaud the efforts of educational programs like these and all those who seek to learn from them. Educating the young people in our communities about the potential dangers of drug abuse is absolutely crucial, and it is my hope that they will use the tools they have learned to lead safer and healthier lives and to become leaders in the lower Bucks County community.

CREATION OF A NEW GOLD STAR FAMILIES MEMORIAL MONUMENT

Mr. FITZPATRICK. Mr. Speaker, this December, ground was broken at the Washington Crossing National Cemetery for the creation of a new Gold Star Families Memorial Monument. These monuments are erected across this country to recognize U.S. military members who have laid down their lives and their family members who have suffered alongside of them.

Among those present for the groundbreaking was Hershel "Woody" Williams. Mr. Williams, a former marine, is the last surviving Medal of Honor recipient for honorable service during the Battle of Iwo Jima. It was with the help of his foundation that this monument was made possible.

These memorials include stories about homeland, family, patriot, and sacrifice. In the center is a cutout that represents the loved one who has sacrificed their life in defense of our great country.

Mr. Speaker, we can never forget those who have paid the ultimate price to secure our freedoms, nor can we forget the families who supported them in their noble endeavors. We are so proud to have a Gold Star Families Memorial Monument in our district.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 31 minutes a.m.), the House stood in recess.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 10 a.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

In the waning days of the first session of the 115th Congress, help the Members of the House, and those of the Senate, to act wisely and carefully in the important work they do.

And as our Nation passes through this holy season for millions of Americans, may there be good will in our communities and peace and reconciliation where those virtues are so sorely needed.

May all that is done within the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Illinois (Ms. KELLY) come forward and lead the House in the Pledge of Allegiance.

Ms. KELLY of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

SUPPORTING TAX REFORM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of the conference report to accompany H.R. 1, the Tax Cuts and Jobs Act.

For the first time since 1986, there is a real opportunity to challenge the status quo and simplify the Tax Code. The final agreement lowers rates and significantly increases the standard deduction for both individuals and joint filers. American families will see the child tax credit expanded to help parents with the cost of raising children.

Importantly, the graduate tuition voucher exemption and student loan interest deduction have remained to ensure our commitment to opportunity through education. I, and many of my colleagues, urged the conference committee to keep these important provisions intact.

H.R. 1 also eliminates ObamaCare's individual mandate penalty tax to allow Americans the flexibility to buy healthcare that is right for them. Job creators will see the corporate tax rate lowered to 21 percent on January 1, 2018, which is the largest reduction in our Nation's history.

Mr. Speaker, this is just some of what this once-in-a-generation proposal does to help America keep more of their hard-earned paychecks. I encourage my colleagues to join me in voting for H.R. 1.

THE DIFFERENCE BETWEEN WHAT THE MAJORITY SAYS AND WHAT THE MAJORITY DOES

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, I rise today because the majority is working to pass a tax scam that will raise taxes on my constituents.

For nearly a year, Republicans have promised tax reform that benefits middle class families. Once again, there is a big difference between what the majority says and what the majority does.

Instead of being a tax break for middle class Americans, it is a tax scam that will force hardworking Illinois moms and dads to pay the bill for tax giveaways to the rich and well connected. That is just wrong.

Mr. Speaker, the American people know it is a scam. A new poll from Monmouth University found that half of all Americans believe this GOP tax scam will raise their taxes. These folks are right. It will raise their taxes, especially for families in Illinois and in the Second District.

Mr. Speaker, I will never vote to raise my constituents' taxes just to pay for massive tax giveaways to major corporations and a handful of super-wealthy families.

I urge my colleagues to vote "no" and stand with America's middle class and working families, the backbone of our Nation.

WATER IS LIFE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, nearly 700 million people across the globe lack access to water. This is a disturbing world crisis. In many countries, women and children walk for miles and face countless risks just to find some water.

Mr. Speaker, water is not just about drinking; it is about sanitation; it is about hygiene. It prevents diseases and drastically improves the quality of life. That is why I worked with my friend, Representative EARL BLUMENAUER, for the Water for the World Act.

This bill has made it U.S. policy to improve international access to safe water, sanitation, and hygiene. I applaud the administration on issuing the Global Water Strategy required by that law, and I look forward to seeing its implementation.

The road ahead is long. Eighty percent of the countries receiving U.S. aid still suffer from water issues. With our God-given resources, we have an obligation to make sure people receive the basic element of life—clean water—because water is life.

And that is just the way it is.

PROTECT OUR DREAMERS

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to stand with the DREAMers, both in

the San Joaquin Valley and throughout our country. Protecting our DREAMers is the responsible, moral, and just thing to do.

The majority of Americans want legal protection for our DREAMers, and Congress must listen. I have been listening to those who have visited my offices, university presidents, religious organizations, my constituents, who simply want us to provide legalization for these individuals who have come to this country at an average age of 6 years of age. This is the only country they have ever known.

Passing the Dream Act is a priority for Democrats and has strong support for many Republicans. We just need to vote on the bill.

I am a cosponsor of the Dream Act, and I have joined nearly 200 of my colleagues signing a discharge petition to bring this legislation to the floor. I now call on my Republican colleagues to do the right thing and allow a vote on the Dream Act.

I will continue to advocate for policies that protect our DREAMers. I urge our DREAMers to continue to make their voices heard, as they have across this country, and to urge people in Congress to do the right thing.

We must stay vigilant in our efforts to protect these individuals, and we as Americans understand what these individuals mean to our country.

Pass the Dream Act now.

ENSURING A BRIGHTER FUTURE FOR FAMILIES

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, as I travel the Seventh District of Michigan, I have met with many hard-working families who are living paycheck to paycheck; moms and dads struggling to pay the mortgage, make ends meet; many businesses weighed down by a burdensome and outdated Tax Code. We developed the Tax Cuts and Jobs Act with them in mind.

For families across my district, our plan means more jobs, more take-home pay, and more money in their pockets. At every income level, people will see meaningful tax relief.

On top of that, our plan will help small businesses thrive, boost job creation here at home, and make our economy stronger and more competitive.

Mr. Speaker, the choice before us today is clear. We can prop up a broken Tax Code and maintain the status quo, or we can pass the most sweeping tax overhaul in three decades and deliver historic tax relief to those who need it most.

Let's pass the Tax Cuts and Jobs Act and ensure a brighter future for the families we represent.

THE REPUBLICAN TAX SCAM

(Ms. JAYAPAL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JAYAPAL. Mr. Speaker, I rise today to urge my colleagues to say no to this outrageous tax bill and do what is right for the American people.

This bill gives more riches to the richest Republican donors, at the expense of middle class families and the poorest. This bill does what the American people already said no to, which is, it dismantles the Affordable Care Act. It throws 13 million Americans off of their healthcare and increases premiums for millions more.

This tax bill eliminates most of the State and local tax deduction and shortchanges so many communities across the Nation, slashing education funding by as much as \$152 billion over the next decade.

This tax heist runs up the deficit by \$1 trillion to \$1.5 trillion and triggers automatic spending cuts to Medicare, Medicaid, and services that children and seniors depend on.

This tax scam gives 80 percent of the benefits to the top 1 percent. That is a war on any idea of opportunity and income equality in this country. It is not tax reform, and I urge a "no" vote.

COPS AND KIDS

(Mr. BUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUDD. Mr. Speaker, our policemen and -women wake up every day and do a job that is dangerous and often thankless. They are truly servants of the public and protectors of those who cannot help themselves. If that weren't enough, I wanted to speak briefly today to highlight officers who have gone even further.

Mr. Speaker, the Iredell County Fraternal Order of Police recently held a Cops and Kids event in Mooresville, North Carolina. Through their generosity, more than two dozen families got around \$100 worth of toys, clothes, and gifts for their loved ones. The stories of struggle for these families, brightened by a moment of generosity, are the stories we see around the country this Christmas.

I am awed and humbled by the efforts of these officers. I want to especially congratulate Tommy Chipman, president of the Iredell County Fraternal Order of Police; Duck Wyatt, the second vice president; and all those who participated to help make this Christmas a better one for families in the community.

WHITE ELEPHANT GIFT EXCHANGE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, for those with silk stockings, it is a very Merry Christmas indeed. The billionaires get stuffed, but we get coal. It is like a White Elephant gift exchange. The billionaires grab the good gifts, and the leftovers go to working families, though they get the bill for everything.

How many millions of dollars the Trump family will personally stuff in their pockets cannot be precisely determined, only because of continuing Republican collusion to cover up Trump's personal tax returns.

Excluding the public, refusing to even permit Democrats to offer an amendment, Republicans dumped this proposal out this weekend and now demand an immediate vote. The dangers lurking in this bill for economic opportunity, for tax fairness, are very real, but they are overshadowed by the dangers to our democracy from these Trump tactics to impose his rule on America.

Republicans decided the only way to pass their program was to hide it. Let's reject it today.

HONORING THE SERVICE OF THOMAS PERSEO

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, I rise to recognize a lifelong public servant, Mr. Thomas Perseo, who will be retiring on January 10, 2018, after 43 years of faithful service to north-central Florida's community in law enforcement.

Mr. Perseo began his career in Green Cove Springs, Florida, in the police department in September 1974. He served his hometown community until 1982, and then moved to Gainesville, Florida.

Upon his move, Officer Perseo started working for the Alachua County Sheriff's Office. He is currently a warrant investigator, and, after 35 years of dedicated law enforcement service with an exemplary record, Tom will be starting the next chapter of his life.

Tom is a shining example of what it means to be an American. He has dedicated his life to serving our community, and I have no doubt he will continue to do so in retirement. I am proud to represent such a hardworking individual and also to have the honor of being his friend.

For myself, and all of Florida's Third District, I wish him the very best in his well-deserved retirement.

□ 1015

HONORING CALVIN IRVIN

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. Mr. Speaker, I rise today to honor the life of Calvin Irvin, a native of New Jersey and a resident of Greensboro, North Carolina, who passed away November 25, 2017.

Cal, as he was fondly called, was an honorable man, dedicated to his community and to mentoring young student athletes. Over his career, he served as coach of Johnson C. Smith University's basketball team, and later as professor and head coach of North Carolina A&T's basketball team for 18 years.

Cal always emphasized the importance of education, ensuring the dedication and perseverance that his athletes learned on the court was also exhibited in the classroom.

A devoted citizen of the Greensboro community, he served in countless civic roles, including treasurer of the Convention and Tourism Bureau and a lifelong member of the NAACP.

He brought his generous spirit and his heart home with him, too. He was a loving husband to his beloved wife, Kathryn, and to his nephew who was like a brother.

As my longtime dear friend and supporter, Cal's golden heart shined a bright spot in my life, too. He will be sorely missed. His loss will be felt throughout our entire State and beyond.

My thoughts and prayers continue to be with his wife, Kathryn, his family, his friends, and his community.

PROCLAMATION RECOGNIZING GEORGE C. SHEPPARD

(Mr. NORMAN asked and was given permission to address the House for 1 minute.)

Mr. NORMAN. Mr. Speaker, Tuesday, January 2, 2018, is a great day for the mayor of Tega Cay, South Carolina.

Let me read the proclamation:

"Whereas, serving as an elected official in local government requires sacrifice, passion, and dedication; and

"Whereas, as George C. Sheppard was elected as the mayor of the city of Tega Cay on November 10, 2009, after serving 2 years as the city's mayor pro tempore; and

"Whereas, Mayor Sheppard faithfully and dutifully served as the city's mayor for 8 years; and

"Whereas, during his two terms as mayor, the city of Tega Cay prospered and solidified its place in the region."

Mayor Sheppard, Godspeed in your retirement, and thank you for your service to the great city of Tega Cay, South Carolina.

EVIDENCE WHY THE AMERICAN PEOPLE REJECT THE TAX BILL

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this morning I saw a dramatic bit of evidence as to why the American people overwhelmingly reject the Republican donor relief bill known as the tax reform bill.

Chairman BRADY of the Ways and Means Committee, the author of this bill, was asked why he didn't do anything in the bill to change the carried interest deduction, that provision which allows billionaire hedge fund managers to pay a lower income tax rate than tens of millions of regular Americans.

He said the middle class Americans don't care about that, working families don't. I understand why he didn't want to try to defend the protection of carried interest. There is no defense for it.

But here is why every American ought to care: Because every dollar of lost revenue that goes back to those billionaire hedge fund managers will result in cut services for the vast majority of Americans, for Medicare, for Medicaid, for Social Security, and for many others. It will add to the debt that their children and grandchildren will have to pay for.

Mr. Speaker, that is a good reason why everyone should care about this bill, why it is a scam on middle class Americans, and why it ought to be rejected.

SALUTING THE NAVY'S NEWEST SHIP

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise to salute the U.S. Navy's newest vessel, the USS *Little Rock*, and her brave crew.

Commissioned this past Saturday, the new USS *Little Rock* was built in Wisconsin and is a littoral combat ship that will operate in waters close to shore.

The vessel carries with it the name-sake of Arkansas' State capital and the proud history of the former USS *Little Rock*.

Today, it is also fitting to honor the former USS *Little Rock*. Completed in World War II, she was one of six vessels to be converted to a guided missile cruiser. She was the first U.S. Navy ship to be named for Little Rock, Arkansas.

The only World War II cruiser on display in the United States, the former USS *Little Rock* is the sole survivor of the *Cleveland* class.

The USS *Little Rock* served with distinction as a flagship for both the second and the sixth fleets.

I thank all of those who served on the former USS *Little Rock*. I wish the

new USS *Little Rock* the best as she carries out our Nation's critical maritime strategy and protects our interests across the globe.

WORK WITH US TO DELIVER A BETTER DEAL

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, since Donald Trump became the leader of the Republican Party, they said they would start standing up for America's workers. There were promises to stop outsourcing and bring millions of manufacturing jobs back home.

But the two big items on PAUL RYAN's agenda have been cutting healthcare and is a tax scam that is a direct attack on America's middle class. It raises taxes on 86 million middle class households. It hands 83 percent of its benefits to the wealthiest 1 percent. Perhaps worst of all, it is a job killer that will help big corporations move jobs overseas.

They claim it does just the opposite, but why are they trying to ram this thing through so fast?

Because they know that in the fine print are new loopholes that make it easier for companies to shift our work out of America and pay less taxes.

Sure, this bill will create jobs. It will create them over in China and Mexico and Malaysia.

Mr. Speaker, this tax scam is a huge broken promise. We can do better.

RECOGNIZING JUDGE JIM HENDERSON

(Mr. COMER asked and was given permission to address the House for 1 minute.)

Mr. COMER. Mr. Speaker, I rise today to recognize my good friend, Simpson County Judge Executive Jim Henderson from the First Congressional District of Kentucky.

Judge Henderson has served his community since 1998, when he was elected as the youngest county judge executive in Kentucky, and has continually devoted himself to organizations which advance the development and prosperity of Simpson County.

Judge Henderson has decided to transition into a new role as deputy director of the Kentucky Association of Counties, where he will be overseeing their day-to-day operations and working with local government officials in all 120 counties throughout the Commonwealth to advocate for legislative solutions that best meet the needs of their constituencies.

His previous leadership within KACo, combined with his personal and professional networks, and his impeccable record of achievement have prepared him to serve Kentucky's local officials in a direct and expanded capacity.

Although he will be missed in his current role, I am grateful for his steadfast leadership and tireless contributions to Simpson County, as well as his friendship and guidance.

Mr. Speaker, I join his family, friends, and all those who have benefited from his efforts throughout the years in wishing him great success in his new role as deputy director of KACo.

THE REPUBLICAN TAX BILL IS BAD

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, in a few hours from now, the Republican Conference is going to bring forth a tax bill. This bill will redistribute wealth from working Americans up to the very richest people in our country. It will result in massive deficits. It will result in a starvation of the government to stop it from doing critical things that it needs to do to afford the expenses of our country and to help Americans lead better lives.

But after it is all said and done, after that is done, Mr. Speaker, it is going to do at least three more things that are very, very bad.

One of them is that the corporations that get all this money and the wealthy individuals will, one, do stock buybacks and promote their personal wealth. They will give each other bonuses to give each other greater personal wealth.

They will have more money to do more mergers to concentrate markets even more so that we have more monopoly and oligopoly around, and they will buy political influence to further corrupt our democratic government.

Mr. Speaker, this is a bad thing, and I am looking forward to a big, strong "no."

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1, TAX CUTS AND JOBS ACT; PROVIDING FOR CONSIDERATION OF H.R. 3312, SYSTEMIC RISK DESIGNATION IMPROVEMENT ACT OF 2017; AND FOR OTHER PURPOSES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 667 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 667

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018. All points of order against the conference report and against its consideration are waived.

The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable. Clause 5(b) of rule XXI shall not apply to the conference report.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3312) to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment recommended by the Committee on Financial Services now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-49, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the remainder of the first session of the One Hundred Fifteenth Congress.

SEC. 4. It shall be in order at any time through the remainder of the first session of the One Hundred Fifteenth Congress for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my dear friend, who is the ranking member of the Rules Committee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I rise in support of this rule and the underlying legislation.

This rule provides for consideration of H.R. 3312, the Systemic Risk Des-

ignation Improvement Act of 2017; and the conference report accompanying H.R. 1, the Tax Cuts and JOBS Act.

Mr. Speaker, this rule, and specifically the underlying conference report, is the reflection of a bicameral agreement between the United States House of Representatives and the United States Senate, whereby we took some of the best ideas from across not only our conference, but this country, and from our respective ideas to make a tax bill that would combine them for the best interests of the American people.

Mr. Speaker, the bottom line is that what we are doing here today is that the Republican Party is relying upon the greatest system ever invented: the free enterprise system.

The free enterprise system has brought the United States of America not only the greatest economic opportunities in the world, but it is a system of rule of law. It is a system of a Tax Code. It is a system of ideas that has made America the envy of the world.

Mr. Speaker, I also get politically what is happening. We are taking what the Democratic Party and President Obama did to raise taxes by \$1 trillion, the largest tax increase in the history of the United States, and we are trashing that today.

We are saying that the production that it made of 1.2 percent over 8 years is unacceptable to the United States of America. It was unacceptable then, and we will not allow that to be the gauge that we will measure our success in the future.

Secondly, we are also going to deal properly and fairly with the Affordable Care Act, a law that placed extensive burdens not only on people who did not want the healthcare bill that was placed forward, but placed a tremendous cost on the middle class of this country and the American people.

□ 1030

What we are doing today is bold. We are going to make the big deal the big deal the American people want and need: a stronger, brighter economic future.

It is a progrowth bill that will overhaul our Tax Code and unleash our free enterprise system. It lowers tax rates on businesses of every size so job creators can focus on hiring workers, increasing paychecks and growth.

Growth and competition are the keys to an expanding economy. More jobs and increased wages in my home of Dallas, Texas, have allowed Texas to lead the Nation not only in job creation, but to make us the envy of the world. We are now going to do that for the entire United States and help make back home for every Member of Congress competitive in the world market.

With the highest corporate tax rate in the industrialized world, the United States today has a broken Tax Code

that has forced businesses to not only move their jobs and research overseas; it has forced us to be able to strand billions of dollars of economic advantage that should be in the United States.

That changes today. The Tax Cuts and Jobs Act will stop and reverse that trend. It will encourage American companies to bring their jobs and their operations back to the United States by lowering corporate tax rates to be competitive anywhere in the world at 21 percent and encourages U.S. businesses to bring their foreign earnings home, unleashing trillions of dollars in our economy. That is the future that the Republican Party wants for the United States of America and the free enterprise system.

The conference report also simplifies tax filing. It eliminates costly special interest tax breaks. It protects the abilities of small businesses to write off interest on loans and offers a first-ever 20 percent tax deduction to businesses organized as S corps, partnerships, LLCs, and sole proprietorships. This will be a boom not only for the stock market, which we have seen since the day after the election, but we have seen a boom on Main Street as job creators and new small businesses are seeking to reinvest not only in their business and in their community, but for the opportunity to benefit workers in the United States of America.

The Tax Cuts and Jobs Act is a direct and immediate boost for middle-income Americans who have been struggling—struggling for 8, now, 9 years—to get a handle on not only their ability to work with a broken tax system, but the ability to work with their own local businesses to make sure that their city succeeds, also.

It reduces the tax rate for low-income and middle-income Americans. It increases and extends the child tax credit to more families and, roughly, doubles the standard deduction. With this piece of legislation today, legislation for middle-income families will allow them to be a part of an economic growth model for years to come.

We are proud of what we are doing and delighted that we offer this not only to the United States House of Representatives today, but to the American people to see the Republican answer for economic growth and development vitality for the United States of America.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I think America is pretty apprehensive this morning, certainly those who know that two American Presidents and one Governor of Kansas have tried trickle-down fairly

recently and found it did not work at all and, indeed, caused great economic harm. But we are walking into trickle-down once again.

I think there is a word that describes when you do the same thing over and over again expecting a different result—I won't use that word, but I suspect most of us know exactly what I am talking about—particularly at this time when this economy was really booming, really doing well.

I appreciate that there were pockets where people were not getting jobs, and this was pointed out by RICHARD NEAL frequently last evening. We have such a skills gap that jobs are going unfilled in America, and that is what we really should be working on today.

The fact is that corporations are awash with money. The stock market is booming, and we have the lowest unemployment rate in 17 years. Why in the world would we trifle with that to try a failed trickle-down policy again?

Now, emergency procedures were used to bring the bill up before us today. Now, what is this urgent attention that nobody could have any amendments or anything, that it was an emergency?

We are not reauthorizing the Children's Health Insurance Program, which a lot of people think is an emergency because it provides healthcare to more than 9 million children. We are not reauthorizing community health centers, which serve more than 25 million people; and, after killing Planned Parenthood—the money—that means a lot more people will need a community health center. We are not renewing the Perkins Loan Program, which many low-income students rely on for their education.

Those three programs expired on September 30, but we are not considering them today. Instead, despite a record of 86 months of job growth—every single month for 86 months we have grown jobs—and an unemployment rate that remains steady, the majority is prioritizing tax cuts—not tax cuts for the middle class.

Don't let anybody tell you that this is tax reform. It isn't. It is a moving around of rates, but very specifically geared toward helping the rich with nothing much for the middle class who work hard to make ends meet, but tax cuts for the wealthy. The middle class will see their money go directly to the rich.

That is what the bill was designed to do. You can tell by who wrote it. There is not a single Democratic fingerprint or breath anywhere to be found. Instead, it was crafted by the lobbyists who virtually run Washington under the majority's leadership. Some swamp clearing.

Consider this: there are 11,000 registered lobbyists in Washington, D.C. More than half of them—more than half of 11,000—reported working on the

issues involving taxes during the first three quarters of this year. Each of the 20 organizations that hired the most lobbyists to work on tax issues have reported lobbying specifically on tax reform, covering the matters included in this bill.

Now, this is the quote of all time. One lobbyist admitted to *The New York Times* that few Members actually had any influence on the final product. He said, "You are dealing with 14 people instead of 535 people," saying specifically, as much as possibly could be said, that the 535 people in the Congress representing the people of the United States didn't do a thing on this. They wrote it.

The *New York Times* has reported that the travel industry lobbyists directly emailed those writing the bill to kill an amendment on tourism because a competitor who favored it has been critical of President Trump.

Business lobbyists, after already securing a lower corporate tax rate in an early version of the bill, called the members of the majority and made it even more favorable to them. They secured the removal of the corporate alternative minimum tax, a provision designed for the very rich to get away with paying no taxes at all, and we know some people who have done that.

The majority has been very clear about whom the bill is written for. One of the members of the majority, Congressman CHRIS COLLINS, said: "My donors are basically saying, 'Get it done or don't ever call me again.'"

But, Mr. Speaker, what about the average American? What about workers and members of the middle class who can't write big campaign checks or who don't have an army of lawyers to scour the Tax Code on their behalf? Those are the people who are going to be forced to pay the price for providing the wealthy with these tax cuts.

Former New York City Mayor Michael Bloomberg is certainly a man who prefers business and knows a thing or two about running a business. He recently wrote this:

"Corporations are sitting on a record amount of cash reserves: nearly \$2.3 trillion. That figure has been climbing steadily since the recession ended in 2009, and it is now double what it was in 2001. The reason CEOs"—this is an important point. "The reason CEOs aren't investing more of their liquid assets has little to do with the tax rate. CEOs aren't waiting on a tax cut to 'jump-start the economy'—a phrase of politicians who have never run a company—or to hand out raises. It is pure fantasy to think that the tax bill will lead to significantly higher wages and growth, as Republicans have promised."

Now, that is not somebody who is an enemy of business, and he has called this bill a trillion-dollar blunder.

This is really a remarkable time in the United States, knowing that we are

on the brink of passing a bill that will adversely impact virtually every American except the rich. The majority has the votes, and there is not much Democrats can do to stop it.

Let me say again, I am glad the Democrats are not involved in writing it, but it is an insult to the word "reform" to associate it with this bill.

The American people know they are not getting what they were promised by the majority. We know the President campaigned mightily on doing away with carried interest, but it is still in the bill.

The bill hurts the middle class, children, veterans, and the elderly by limiting or outright eliminating many of the deductions that they rely on.

Under this bill, the personal exemption is eliminated, the mortgage interest deduction is limited, the State and local tax deduction is limited mightily, and the moving expense deduction for individuals has been eliminated. Even the Affordable Care Act's individual mandate is eliminated. That will cause premiums to go up by 10 percent for those in the individual market, and 13 million people will lose their insurance—13 million.

I want to pause on that because countless times I have stood here at this very spot when there were almost 60 bills to repeal and replace ObamaCare, so we have been able to insert this now in the tax bill, which will really hurt it. I have always wondered why there was such a rush to take healthcare away from persons, and I guess somehow that money—obviously, that Medicaid money—will pay for a lot of these tax cuts for the rich.

All the tax cuts made for individuals will expire in 2025, but the tax cuts for corporations are permanent. That is not what we call reform. That keeps our Tax Code complicated by design. Wealthy families and big corporations can continue taking advantage of a system that they helped create.

Broken promises are embedded throughout the legislation. For years, I have heard members of the majority come to the floor talking about the need to address the national debt. Apparently, that was little more than a talking point, because this bill explodes the deficit by \$1.5 trillion and it is completely unpaid for. Because of that, Federal law requires cuts to programs Americans depend on, including a \$25 billion cut to Medicare.

This isn't fear-mongering; this is fact. Speaker RYAN said just last week: "We're going to have to get back next year." Next year we are going to say: Oh, my, we are going to have to do something about this spending and this debt, and so we will have to cut spending.

What is he going to cut? The things he has always wanted to cut. He says: "We're going to have to get back next year at entitlement reform, which is

how you tackle the debt and the deficit.”

We have known he has wanted to do that for a long time.

So let me say this to the public watching today: When this majority speaks of reform, you should be very worried about your future. They pushed this scam under the guise of so-called reform, but it is simply a corporate giveaway. Soon they will be back here talking about reforming Social Security and Medicare to pay for what is going to happen here today.

Let's call it what it really is: a systematic dismantling of the social contract. It will impact everyone from children to veterans to the disabled. It begins today with this bill to help the wealthy who haven't even asked for it.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. LUETKEMEYER), who serves on the Financial Services Committee. Congressman LUETKEMEYER, from St. Elizabeth, will talk about a piece of this bill that is from the Financial Services Committee.

Mr. LUETKEMEYER. Mr. Speaker, I thank the chairman for his steadfast support on so many important financial services issues.

Mr. Speaker, first, I want to quickly lend my support to the tax package slated to be considered by the House today. This legislation will bring simplicity and fairness to the Tax Code. It will lower tax rates so individuals and job creators can invest in our communities and hire more workers. I also want to commend Chairman BRADY and the House leadership for their incredible work on this issue.

Secondly, Mr. Speaker, believe it or not, there is another bill slated to be considered today by this body, H.R. 3312, my Systemic Risk Designation Improvement Act. It will remove the ill-conceived approach taken in Dodd-Frank to designate bank holding companies as systemically important financial institutions, or SIFIs.

Under the current regulatory framework, the designation of SIFIs is based solely on size. Any bank holding company with more than \$50 billion in assets is subject to enhanced regulatory supervision and a variety of special assessments.

This approach fails to take into account differences in business models or risks posed to the financial system. As a former bank regulator, I can tell you this isn't a responsible basis for supervision, a fact that has been recognized by Federal Reserve Chair Yellen, Secretary of the Treasury Mnuchin, former Treasury Secretary Lew, and many Members of Congress. Even Barney Frank, the former Democratic chairman of the Financial Services Committee and author of Dodd-Frank,

has said the \$50 billion threshold is completely arbitrary and has negative implications on our economy.

□ 1045

This legislation closely ties the safeguards intended in the designation of a bank holding company with real risk to the system.

My legislation would require the Federal Reserve to examine not just size, but also interconnectedness, the extent of readily available substitutes, global cross-jurisdictional activity, and complexity, criteria they already use in their own risk calculation analysis.

An inefficient regulatory structure that does not reflect the reality of the U.S. banking system can have real economic consequences. We should no longer let the SIFI process lead to marketplace disruption or penalize companies based on size alone.

It is time to take a more pragmatic approach to the SIFI designation process and, more generally, the punitive regulatory regime hitting financial institutions and their customers. It is time to actually manage risk and limit real threats to our financial system.

This legislation received broad bipartisan support when it was reported by the Financial Services Committee with a vote of 47-12. That means nearly 80 percent of our committee members voted in favor of this legislation. I hope our House colleagues will join us in supporting H.R. 3312 later today. I thank the chairman for his leadership and help with this initiative.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the world's biggest corporate tax dodgers get the most out of this bill: a 40 percent reduction in the corporate tax rate and the right to bring back those profits they have hidden in Caribbean hideaways for pennies on the dollar.

Another loophole will encourage jobs in America to be exported abroad, a long commute to work if the job is in Europe or in Asia.

Of course, they have camouflaged this corporate tax giveaway with some changes for individuals.

Who gets those?

Well, it is a Who's Who of not you: the Trump family, real estate moguls, and their millionaire buddies.

Disguised as a middle-class tax relief, this wretched bill targets the middle class with a dime of every dollar that is in the bill. What most Americans will really get is more debt and the coming cuts that these Republicans will insist on making to Medicare, Medicaid, and educational opportunity.

Tax fraud is criminal, but passing this fraudulent tax bill apparently is not.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise to set the record straight on tax reform.

Opponents to this plan would have Members believe that tax reform is only a benefit for the wealthy or, hearing them today, a plot by the Trump family. That is simply partisan rhetoric.

I have long said I would only vote for tax reform that helps families living paycheck to paycheck—families like the one I grew up in. My dad worked on the line at General Motors, and my mom worked for the Salvation Army. More money in their pockets from their paycheck every week would have made a huge difference. They worked hard to support their family and raise seven children. That little bit of money would have made a difference. Undoubtedly, now, it will make a difference for the American people.

That is exactly what this plan does. It puts meaningful money back in the pockets of working families. A typical family is projected to save over \$2,000 a year. That may not sound like much to some on the other side of the aisle, but, where I grew up, that is huge.

For 57 percent of Americans who don't have enough money to cover a \$500 emergency, that money matters. For businesses, it means investments, hiring, and better wages. I have talked to business owners across my district, and they have had the same message: cuts taxes so they can increase wages and hiring.

Vic, a restaurant owner in my district, talked to me about tax cuts that would help his business. Vic said: We pay our taxes first, we pay our people second, we pay our bills third, and then if there's anything left over, we get paid.

Our Tax Code shouldn't be a challenge or impediment for business owners like Vic.

Currently, Americans pay more in taxes than they pay for food and clothing. It is time to fix this. This tax plan does that. This tax plan will help families and businesses across my district and across America, which is why I proudly support it, and I urge my colleagues to do the same.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CASTOR), a conferee, I believe.

Ms. CASTOR of Florida. Mr. Speaker, I thank the gentlewoman for yielding.

Here we are about 1 week before Christmas, and the GOP has proposed a tax bill that Ebenezer Scrooge would love. It is a big “bah humbug” for America and the families and communities we represent back home.

Their bill will raise taxes on millions of American middle class families while showering tax breaks and new loopholes on the superrich and big corporations. It is fundamentally unfair. It does this with a massive increase to

our national debt of about \$2.3 trillion, in essence, mortgaging the future for our kids and grandkids and squeezing out our ability to invest in medical research and modern infrastructure.

They admit they are going to look to cut and raise costs on families who depend on Medicaid and Medicare. It is not fair. In this bill, they even go so far as to rip health coverage away from 13 million Americans in another attack on the ACA. In Florida, 1.7 million of my neighbors rely on the healthcare.gov insurance pool for affordable coverage. They are, in essence, giving them a lump of coal for Christmas.

We have got to defeat this bill. Vote “no” on this Scrooge tax bill.

Mr. SESSIONS. Mr. Speaker, by the way, the gentlewoman would want to state that we are not taking this away. There will be a 1-year transition. So, I am sorry, but it will not be Ebenezer Scrooge at Christmas. It will be the bright lights of a big future that lies ahead for us.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Speaker, I rise in strong support of the Tax Cuts and Jobs Act.

When we are in this House, the people's House, I know sometimes the message goes back and forth. Unfortunately, this idea of identity politics is what we have to play all the time. Instead of talking to the American people, we talk past the American people, and we try to make it so divisive that they can't see the facts.

I would just tell my friends on the other side, as a child growing up, I think all of us were the same. We would sit down about this time of year, and we would write a letter to Santa. We would ask Santa Claus for everything we wanted. Then we would mail it off to the North Pole.

Then we would come down on Christmas morning, and we would see that Christmas tree and all those gifts laid out. We never got everything we wanted, but we were sure thankful for everything we got.

The Tax Cuts and Jobs Act is so critical. When we talk about debt, if I were to tell an investor: For every \$1 that you invest, I can return \$1.90 on it, they would be excited.

Let me just explain something when we talk about American families. It is not Republican families, by the way, not Democrat families, or Libertarian families. I am talking about American families. A typical family of four earning \$73,000 a year will see a cut in their taxes of \$2,059. A single parent with one child earning \$41,000 a year will see a tax reduction of \$1,304.

I would ask my friends, please do not be on the wrong side of history. You will have an opportunity today to do something that is great for America, to

make America great again. We look at everything that is going on, and we decide that somehow, in this House, we must be divisive and not united. When we think that somehow giving people more of their own money back is the wrong policy, when we think that somehow giving tax relief to every single American is the wrong policy, when we think that the tone and tint of somebody's skin, the shape of their eye, where they worship, where they live, what they earn is the main issue, and we can divide them as a people, that is absolutely wrong. It is totally un-American.

What is truly pro-American is making sure that every single American gets to keep more of her or his money that they earn in a day, and they don't have to give it to the government. Nothing could be more simple. Nothing could be more easy.

I would ask all my friends to please, let's act in the best interest of America. Forget the identity politics. Look at what is good for those neighbors of yours, those friends of yours, and that family of yours, and let's decide where America is going to go.

We have seen a dramatic rise in our economy since the last election. This tax cuts bill, this jobs bill, will allow this economy to take off where all boats will rise. Not just red boats or blue boats, but red, white, and blue boats. It will happen at the best time of the year, a time when people look to this House to do the right thing for the right reason. Good things happen when we do that.

This is an incredible opportunity in the history of the country. The is an incredible opportunity to show the American people that we are not divided as a House. We are united. We are united in doing the right thing for them because it is the right thing, and good things will happen.

I would like to wish all my friends on both sides of the aisle and all those folks at home a very Merry Christmas and happy holidays. On Christmas morning, I guarantee you, you may not get everything that you wish for, but you are going to be so thankful for everything you got.

Let's pass this tax cut and jobs bill and make sure America moves forward. We have labored for too long behind the rest of the world. Individuals have more take-home pay, corporations will stay home. They will make investments in land, bricks, mortar, equipment, education, and in making our workers the best workers in the world and able to compete anywhere on any stage and win.

We will not only just participate, we will dominate, and that will trickle down to every single American, not just red, white, and blue; as I said earlier, not just Republicans or Democrats, but every single American. What a wonderful gift for Christmas.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH), the distinguished ranking member of the Budget Committee.

Mr. YARMUTH. Mr. Speaker, I thank my fellow Kentucky native for yielding.

Mr. Speaker, today, my Republican colleagues will vote to approve a historically unpopular bill.

The American people don't buy Republican claims that the bill will help middle class families. In fact, in several years, more than 83 million middle class families will see a tax hike.

The people see that Republicans have sold their souls and principles to give tax cuts to wealthy corporations and to pay back their billionaire donors. They know the Republicans have abandoned any claim to fiscal responsibility. After all, nonpartisan analyses conclude this bill will add more than \$1 trillion to the debt.

But the Republican leadership has a plan to make up the difference, and it is something else. They are already working on legislation to make massive cuts to Medicare, Medicaid, and other programs families need.

This isn't tax reform. This isn't help for the middle class. It is a scam, it is fraud, and it will have dangerous, long-lasting consequences for the American people.

I urge my colleagues to defeat the rule and to reject this scandalous Republican donor payback legislation.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BYRNE), a distinguished member of the Rules Committee.

Mr. BYRNE. Mr. Speaker, I thank the chairman for yielding and his continued leadership.

We are on the cusp of something truly historic that will make life better for millions of people across the United States. By reforming the Tax Code, we will be able to put more money in people's pockets and create a fair and simpler tax system.

Under the current Tax Code, well-off individuals and big businesses can higher lobbyists and lawyers to help them find loopholes and special interest giveaways, all at the expense of working Americans.

With our plan, the Tax Code will be simplified, loopholes will be closed, and the playing field will be leveled.

I want to make one thing clear: if you are looking for a tax plan that benefits the elite, the well connected, and the 1 percent, then you need to look at the current Tax Code.

Mr. Speaker, my colleagues on the other side of the aisle are going to great lengths to defend the current Tax Code that truly benefits the top 1 percent. For example, the Democratic leader has called the Tax Cuts and Jobs Act “the end of the world.” So, apparently, giving the hardworking people in

this country a tax cut is, to her, “Armageddon.”

Let’s stop with all the doomsday political rhetoric, cut to the chase, and say what this bill really does:

It cuts taxes on hardworking Americans and allows them to keep more money in their pockets;

It supports American families by increasing the child tax credit and doubling the standard deduction;

It grows the American economy by making the corporate Tax Code actually competitive with other industrialized countries;

It benefits Main Street businesses in Alabama and across the country with a new 20 percent tax deduction for pass-through income;

It will lead to greater economic growth, higher wages, and more jobs, which is exactly what the American people sent President Trump and the Republican Congress to Washington to do.

□ 1100

So let’s save the political hyperbole for another day. Let’s pass the Tax Cuts and Jobs Act, and let’s give the American people a real Christmas present and put more money in their pockets.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I ask the American people to ask themselves: Have they ever seen a Republican big-time tax cut for the wealthy and big companies ever trickle down to them?

If you look over the course of these things that they do every few years, all they do is concentrate wealth at the very top and take money out of the hands of working people. They starve government and make it more difficult for your government—which is of, by, and for the people—to help you with disaster, with Social Security, with Medicaid, with Medicare, or with any kind of program that you need. It just starves the government of its ability to make your life better.

But, do you know what, Mr. Speaker?

There is another thing about this particular tax bill. They have been studying it, and there is going to be one tremendous beneficiary of this tax bill. It is going to be Wells Fargo. Wells Fargo, which will see its corporate tax rate drop down to 21 percent from the 35 percent it is now is going to make, on average, a 13 percent increase in earnings per share.

Do you remember that big company that opened up a bunch of accounts people didn’t need and sold people insurance they didn’t need?

They will be doing better. American families will be doing worse.

Vote “no” on this rule and vote “no” on this tax bill.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank Chairman SESSIONS for his leadership and for yielding.

Mr. Speaker, we are about to make history this week by delivering a tax cut to families at every income level.

The math clearly shows that the average family of four, making the country’s median income of \$73,000, will receive a \$2,000 tax cut.

Yet many of my friends on the other side of the aisle continue to say this bill is going to raise taxes on millions of middle class families. That is just not true, unless you are referring to 2025, when these tax cuts expire and we go back to the status quo.

Why is there an expiration date?

Because many of the very same people, using this as a talking point against this bill, are the reason they sunset. If we could get 60 votes in the Senate, requiring just a few of my friends on the other side of the aisle to work with us, we could make this tax cut for middle class families permanent right now. They have chosen not to work with us.

I will be giving my friends on the other side of the aisle another chance to support tax cuts for hardworking families in their district. I will be introducing a bill to make the individual tax cuts permanent.

I am not sure there is anyone who truly believes that a future Congress would let them expire, given the fact that we have extended the Bush tax cuts in the past.

Nonetheless, I am introducing this bill to ensure these tax cuts will be in place for middle class families this year, and to make sure they are here to stay.

Mr. Speaker, I hope each and every one of my colleagues will sign on as a cosponsor.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentlewoman for yielding and for her tremendous leadership.

Mr. Speaker, I rise in strong opposition to this rule and the underlying bill, which really is the greatest tax scam in America’s history. It is cruel and it is coldhearted.

It steals from the hard-earned paychecks of low- and middle-income families; lines the pockets of millionaires, billionaires, and wealthy corporations; and, yes, it makes it easier for corporations to ship jobs overseas.

Now, for weeks, Republicans have been selling the pipe dream that tax cuts for the rich will somehow trickle down and benefit the majority of Americans. That is so far from the truth.

Just yesterday, the Tax Policy Center revealed that 83 percent of the tax breaks in this bill go to the top 1 percent.

What is worse, 86 million middle-income households will face tax hikes

and 13 million Americans will lose healthcare coverage.

Mr. Speaker, constituents in my congressional district are afraid of their futures because this tax scam is going to severely devastate families in California. Nearly 2 million Californians stand to lose their State and local deductions if Republicans succeed.

This is truly a slap in the face to the American people. Republicans have already and have always, yes, made it clear that this tax scam is a Trojan horse for Republicans to take an axe to Medicare, Social Security, and programs that lift people out of poverty. But the public is not going to let them get away with this. They will remember who is shattering their lives.

This bill is ruthless. It makes clear that Republicans only value the lives of the wealthy and their donors. That is whose side they are on.

Well, Democrats are on the side of middle- and low-income families who are working hard just to make ends meet, to take care of their children, to make better wages, and who are fighting for a better future.

Mr. Speaker, we should oppose this bill and this rule. It is really a raw deal for the American people. The public knows whose side we are on, and the public knows whose side that the Republicans are on.

Mr. SESSIONS. Mr. Speaker, I would like to, if I could, advise the gentlewoman that, to balance out the time, I am going to allow her to have the next couple of speakers so that we can equal the time.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, today we are debating the final version of the Republican tax bill, which I cannot support.

This bill was flawed from the start. First of all, it was never deficit neutral and there was never a bipartisan negotiation. This is a Republican-only bill, and it was developed without any input at all from Democrats because they never sought our input at all.

My Republican colleagues say they would like to jump-start the economy. Well, we can do just that by providing more tax cuts to working class families whose paychecks are already stretched far too thin and who would reinvest that money in the local economy.

Instead, this bill provides them with crumbs, and temporary crumbs at that.

Under this plan, corporate cuts, though, will be permanent. With this bill, we will see an entirely different, more expensive, individual Tax Code in 2025, when the middle class tax cuts expire.

This bill also balloons the national debt, make no mistake about it. It repeals a critical healthcare provision

that will result in 13 million Americans becoming uninsured.

Now, these days, I hear a lot about accountability and encouraging competitiveness for the American worker, which I support. But this bill, with its novel loopholes and flawed trickle-down philosophy, does neither. It is a wasted opportunity.

I believe that it is not too late, but the way this bill is written, I cannot support it. This was written for corporations and the wealthy 1 percent in this country. It was not written for a strong middle class. We can do better.

Mr. Speaker, I urge my colleagues to oppose this bill.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, a bill that is done in the dark of night, in the midst of a crisis like the lack of Perkins funding for our students, the lack of funding for CHIP and for healthcare for millions of Americans—yet our friends on the other side go without shame in passing the GOP tax scam bill.

In the Houston Chronicle, they aptly put winners and losers, and they aptly put at the top of the winners The Trump Organization. This is a Christmas gift for the Trump family—no one else—with huge cuts to the uninsured, to commuters, and to homeowners in high-tax States. This is not a fair distribution of funds, and it certainly is going to impact those who are still suffering from hurricanes all over the Nation.

So I ask the question: Why the rush? Why the rush to give tax cuts to the top 1 percent, and increasing taxes on millions of middle class Americans, to pay for a permanent tax?

The American people have it right: a permanent tax cut for the rich. This is the worst catastrophic bill that has ever been passed by the Members of the Republican Party in the House of Representatives. It is a shame.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I thank the gentlewoman for yielding.

We do need tax reform. We need tax reform that we all described in the beginning as something that would help the middle class, that would simplify taxes, and would be revenue neutral. This bill, sometimes described by its authors as doing those things, accomplishes none of those things.

Now, first of all, for the middle class, wages have been stagnant. The jobs people are getting aren't paying the bills. We know the biggest challenge

we face is increasing investment, increasing wages, and increasing security.

There are some benefits in this bill for the middle class, but let's get real. Those benefits are tiny and they are temporary.

If you are a Vermont family, if you are lucky—we get hit with the SALT deduction loss—you might make a couple hundred bucks.

But at what price?

Once these benefits expire, 83 percent of the benefits of the individual tax rate goes to the top 1 percent.

At what price?

\$2 trillion added to the deficit.

Let me tell you this: Vermont families, hard-earning families, working families, they would like a tax cut, but not one that their children and grandchildren are going to have to pay. That is unconscionable.

What about these corporate tax cuts?

We want simplification, so we are competitive. There is a 40 percent reduction for multinational corporations.

But, in this bill, is there any corresponding requirement that they start reinvesting in America?

Exactly the opposite.

There is a lower tax rate for companies that invest abroad, send jobs abroad, rather than invest at home. That is outrageous.

And what happens because of this deficit?

Medicare is going to be cut directly as a result of this tax bill. The infrastructure plan we all want is evaporating.

Defeat this rule and defeat this bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON. Mr. Speaker, I am one of the few Members that was here back in 1986 when we had the last major tax cut before this body. The President was Ronald Reagan and the Speaker of the House was Tip O'Neill. They worked together on a bipartisan basis to cut taxes across the board. The result was the economic growth of the late 1980s and the early 1990s, up until the early 2000s, when we had 9/11. It is one of the best votes that I have ever taken as a Member of this body.

Well, now we are here on another major tax bill. The problem this time around is that there is no bipartisan ship.

Why is that, Mr. Speaker?

It is not because the Republicans don't want to be bipartisan. It is because the Democratic leadership this time around has just said no.

This tax bill is a good bill.

The distinguished gentleman from Vermont who just spoke is correct in that it is not revenue neutral. But, Mr. Speaker, revenues are at an all-time high. We are going to raise more money this year than we have ever raised before at the Federal level. Let

me repeat that: raise more money than we have ever raised before at the Federal level.

Isn't it time to give hardworking Americans a little of that money back?

That is what this bill does. It cuts rates for every working American. Let me repeat that: it cuts rates for every working American.

No matter what your tax rate is today, under this bill, it is going to be lower if you are an individual. If you are a corporation, it is going to be lower. If you are one of these passthroughs, it is going to be lower.

Every American who is paying taxes today is going to pay less taxes starting January 1, 2018. That is a good deal. That is a good deal. We are cutting taxes across the board for every working American.

We repeal the individual mandate under ObamaCare.

□ 1115

Unfortunately, it doesn't kick in until 2019, but we still repeal that.

This is a good bill. It is a historic bill. It is a bill that everybody in this Chamber will benefit from, regardless of whether you vote for it or vote against it. So when the time comes this afternoon to vote "yes" or "no," I am voting "yes" for America. I am voting "yes" for America's future. I am voting "yes" for every working American who is paying taxes today. Let's put more money back in their pocket. Let's double the rate of growth for the economy. Let's put more Americans at work. Let's show some faith in the American people, vote "yes."

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the biggest economic challenge of our time is that too many people are in jobs that do not pay them enough to live on. Wages are not keeping up with rising costs. Too many families struggle today to make ends meet. Some have two or three jobs. They can't afford healthcare. They can't afford—some can't afford to put food on the table. They don't take vacations, and their retirement is in jeopardy.

But it is the big corporations, the millionaires and the billionaires, who are writing the rules to make government work for them, and it is the Republicans who are their comrades in arms who are rigging the game against the middle class.

Senator ORRIN HATCH, who wrote this bill, said: "I have a rough time wanting to spend billions and billions of dollars to help people who won't help themselves, won't lift a finger, and expect the Federal Government to do everything."

This is the ugly truth of this Republican tax bill. And I say to Senator HATCH: "The Federal Government has taken good care of you. It is about the

great people of this Nation that we are not taking care of.”

That is what this vote is about. This is where their values are. They are on display. The final bill is even worse than we feared. It lowers the tax rate for the wealthiest people even more. It repeals a key element of the Affordable Care Act, kicking 13 million people off their insurance, raising premiums by 10 percent.

Don't let them fool you on the child tax credit. It is a shameful proposal. It shuts out military families, rural families, large families, minimum wage workers, those with the youngest children. If you make \$400,000 a year, you get a \$4,000 child tax credit. If you make \$14,500 a year, you get \$75. Who are they fooling with this bill?

And you know what, my colleague, just a minute ago, said: Yes, those in this Chamber will benefit. You bet.

We are eligible for the child tax credit, but low-income families are not. This bill fails the middle class. It benefits the richest 1 percent. Vote against it as I will.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Lawrenceville, Georgia (Mr. WOODALL), the Rules Committee designee to the Budget Committee and the gentleman who sits with esteem on the Rules Committee.

Mr. WOODALL. Mr. Speaker, I thank the chairman for yielding me the time. We were in the Rules Committee last night, Mr. Speaker, and we were having this same kind of conversation. We were going through the list one by one by one of all the families and how folks were going to benefit, about the children and graduate students, folks facing medical challenges. We went through one by one by one and talked about all the folks who were going to benefit from this great tax cut, and it was powerful.

But I was reminded, Mr. Speaker, that when we started this conversation, it wasn't even a tax cut conversation. It was an economic growth conversation, Mr. Speaker. It was an economic growth conversation. Where we have ended up is there are going to be tax benefits for every single working family in the country, but where we started was how do we get those wages for working families up? How do we get job creation up? How do we get America growing, not at these stagnant rates of Obama years, but back at powerful rates as we saw in the Bush years, as we saw in the Clinton years, as we saw in the Reagan years? That was the conversation.

Mr. Speaker, if we had historically normal economic growth—not fantastic economic growth—historically normal economic growth, we would have a balanced budget in this country today. There is an economic consequence of economic failure. What we have done in this bill, Mr. Speaker, by

allowing businesses to expense their investment, allows them to make their employees more productive on day one. That is going to have a powerful impact, not just on employee wages, Mr. Speaker, but on economic growth across the entire country.

This bill is not about should we pay taxes. We must. This bill is about how we pay taxes. Can we do it better? Does America need to be the worst in the world? Or can we be first in the world?

We are answering that question today. We are answering that question today. And with every single vote a Member in this Chamber casts, it is not about is everything in this bill exactly the way you would have crafted it. I assure you, Mr. Speaker, for me, it is not. The question is: Does this bill move us in a direction of competitiveness across the globe? It does. The question is: Does this bill focus on wages and growing those wages? It does. The question is: In this opportunity that we have, did we take it or did we waste it?

We haven't answered that question yet, Mr. Speaker, but I believe that later on today we will. We are going to answer in the affirmative. Give us a chance. Should it have taken us 31 years to get to this place? It should not. Can we make a difference together today for the country? Yes, we can. It will be a lasting difference. It will be a powerful difference. It is going to be one of the proudest votes I have had an opportunity to take in this Chamber, and I appreciate the opportunity.

Mr. Speaker, I thank the chairman for his leadership on this.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been the most awful process. Mr. BARTON wanted to know why the Democrats weren't involved. We weren't involved in any of it, for heaven's sake. We almost didn't get to see a copy of what they had.

But I think the debate we have had here today must be very similar to the one we had in the Reagan administration. And David Stockman, who talked Ronald Reagan into trickle down, he says today it didn't work. It didn't work then. It didn't work for President Bush. It didn't work for the Governor from Kansas, whose name escapes me for the moment. Very recently, it didn't work, and it isn't going to work this time.

So I am really appalled that we are doing it. But I have to say that this was the worst process that any of us have ever been through. We operated on Thomas Jefferson's manual in the Rules Committee. We didn't even come close.

Mr. Speaker, let me speak on the PQ. We must protect middle class families against the disastrous Republican tax plan, and if we defeat the previous question, I am going to offer an amendment that will prohibit any legislation

from being considered on the floor that limits or repeals the State and local tax deduction or repeals the ACA's individual mandate.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL), the ranking member on the Committee on Foreign Affairs.

Mr. ENGEL. Mr. Speaker, I thank my friend from New York. You know, I have been here a long time now, and I have to say: This is one of the worst pieces of legislation I have ever seen; one of the worst processes I have ever seen. You know, when you were a kid, and you went to high school and college, and you learned how a bill becomes a law, well, take that and throw it out because the Republican leadership here doesn't want to work with Democrats.

The reason no Democrats are working with you is you shut us out. You won't let us have any input. You won't do anything with us, and this is not the way to govern, absolutely not. You know, someone near and dear to me once said: The Republican Party is the party of the rich person, and the Democratic Party is the party of the working person.

If that was ever true, it certainly is true today. Rich people do really, really well. Middle class and the poor people don't do well at all. In fact, the corporate tax breaks last for years and years and years, and the other tax breaks for the middle class expire in 5 years. This helps the rich; it hurts the poor; it helps the middle class.

Even Ronald Reagan tried to be bipartisan and have Democrats work with him. And whatever happened to my friends on the Republican side, lectures about fiscal responsibility? This blows a hole in the budget. It is irresponsible. My State of New York, which is a donor State, is getting screwed. That is all I can say.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentlewoman that we are through with our speakers, that I will be closing, so I ask that she go ahead and consume her time.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have one more speaker.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentlewoman for yielding. I rise in strong hope that my colleagues on the other side of the aisle will come to

their senses and defeat this job-killing bill that will explode the deficit and hurt working people.

It is important to note 83 percent of the benefits of the cuts in this bill go to the top 1 percent; 86 million hard-working middle class families will actually see a tax increase. Of course, we need to reform our Tax Code, but we need to do it in a way that raises wages, produces good-paying jobs, and makes sure the people have a brighter future.

This does just the opposite. It ransacks Medicare and Medicaid. It creates an unsustainable burden for the next generation, and it is very, very important to recognize it is not going to create jobs. This is trickle-down economics. Let everyone at the top hold on to all of their money, and it will trickle down to the rest of us.

It doesn't work. This is a failed economic policy. This does not support strengthening the middle class. We need to defeat this bill and reform our Tax Code in a way that will really promote job growth, that will raise wages, that will ensure working families can get ahead. There are millions of Americans tonight who will go to bed worrying about how they are going to take care of their family; how they are going to make ends meet. This bill will make that problem worse. I urge my colleagues to defeat it.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Members of the majority have lined up today to tell the American people how great this bill is. If that is true, why were they afraid of holding a single hearing or listening to a single outside expert?

The 1986 tax bill had over 30 hearings and 430 witnesses and took well over a year; this one about three 3 months—written, apparently, by lobbyists. There wasn't a single hearing held on the text of this bill, not one. It was jammed through the Ways and Means Committee where our amendments, the Democrats', were blocked.

Democratic Members had under an hour to review the final text before voting. It was rushed to the Rules Committee a day earlier than announced with only 4 hours' notice, so nobody had any chance to read, and the majority there blocked 140 bipartisan amendments.

This has been a secretive process on both sides of the Capitol. Senators received the text of the final bill also within an hour of the vote. The nearly 500-page bill in the Senate was riddled with errors, last-minute edits, and illegible handwritten changes in the margins. There was a single meeting of a conference committee between the House and Senate. Members there were

prohibited from offering amendments or even seeing the negotiated text.

Imagine that, you couldn't even see what they were supposed to vote on. The Senators and Representatives sat around the table for show while the press reported that the deal, even before the meeting had started, had already been reached. The Democrats had no say at all.

House Ways and Means Chairman KEVIN BRADY says he is proud of this process, but it will take a separate bill just to correct some of the errors here. And there is no reason to believe he would include Democrats in that process either. It would be another partisan effort.

Let me remind everyone watching that we used emergency procedures to meet this onerous bill. In this Congress, disaster relief is not an emergency. Isn't that amazing? Funding CHIP and community health centers is not an emergency. Disaster funding is not an emergency. But rushing these tax cuts to the wealthiest among us is an emergency.

This bill, which has no deadline, is their top priority, while real emergencies are being ignored, and it is shameful. I urge a "no" vote on the previous question on the rule and the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York, the ranking member of the Rules Committee, and really each of the members of the Rules Committee for their diligence in working yesterday for a long period of time.

As the Rules Committee met last night, not only to consider this, but really to offer full and open debate, an opportunity was given for the gentleman from Massachusetts (Mr. NEAL) to come and speak representing the Democratic Party; the gentleman from Illinois (Mr. ROSKAM), to come and represent the Ways and Means Committee; and the distinguished gentleman from The Woodlands, Texas (Mr. BRADY), the chairman of the Ways and Means Committee, to come and thoughtfully articulate not only the ideas behind this bill but what we are going to do.

□ 1130

Mr. Speaker, it is true that what we are doing is taking what was done by President Obama and a Democratic majority in the House and the Senate that raised taxes a trillion dollars, that, in 2008, 2009, 2010, and 2011, really raided the American people by raising taxes on them, by causing an economic downturn, a GDP rate of 1.2 percent—an assault on not just the taxpayer, but on the free enterprise system.

It is true that we promised this last election, through the election of Don-

ald Trump, to Make America Great Again. Part of making America great again also, making Americans not only proud of their country, but giving them an economic opportunity, and that is what the Republican Party is doing here.

We have heard not only from MIKE KELLY, Congressman KELLY, who spoke about making America better, making the free enterprise system better, we heard from Congressman WOODALL about being in 24th place, which is what America is, 24th in the world in doing business in a friendly environment.

We cannot survive in 24th place—24th place—by keeping the current Tax Code we have, where over and over and over we see not only companies moving to other locations within the United States of America, but moving offshore, stranding dollars, and jobs going with that.

What we are attempting to do in this bill is to make America number one, make America and the American worker number one again. We are going to make the big deal the big deal for people wherever you live in the United States. We are going to offer an opportunity for you to not only be taxed less, but that business that is in your city, your State that proudly they represent their hometown, they will have the opportunity to now be competitive.

Forget this, "Oh, Republicans want to move jobs offshore." That is what we are sick and tired of hearing. We are sick and tired of hearing that jobs and investments go overseas.

They are coming back to America because this places America, instead of being the bottom wrung in terms of taxes, as the highest in the world. We are going to go to where we are the most competitive, where the American worker will stand a chance to stamp "Made in America" on those items that they want, made from my hometown, the pride of authorship of the middle class of this country, pride of authorship of knowing not just is my country going to get better, but my community and I will be better.

It is about financial responsibility, but it is also about the integrity of the free enterprise system. The free enterprise system is the greatest economic system in the history of the world. It will continue to produce great and better things for so many people.

But, Mr. Speaker, the Democratic Party tried to kill the free enterprise system when they came after the free enterprise system. We knew it and we saw it, and the world saw it, too. 1.2 percent GDP growth as opposed to, now, with a new viewpoint about making America great, we have not only doubled GDP, but we have added, net, 1 million jobs. If the summer had not produced the storms it had, no telling what our job growth would be.

This is what lies ahead, and this is what this Republican bill does. For that reason, I urge my colleagues to support this rule and the underlying bill on this conference report.

Ms. JACKSON LEE. Mr. Speaker, as a member of the Budget Committee, I rise in strong and unyielding opposition to the rule and the Conference Report to H.R. 1, the so-called "Tax Cut and Jobs Act," which more accurately should be called the "Republican Tax Scam Act."

There are four reasons why I oppose this cruel and immoral \$1.7 trillion tax giveaway to wealthy corporations:

1. The GOP tax scam raises taxes on tens of millions of middle class households and distributes the largest tax cuts to those in the top 1 percent causing \$1.7 trillion to be added to the debt;

2. It eliminates or reduces tax benefits that directly benefit the middle class at every stage of life;

3. It results in 13 million fewer Americans with health insurance coverage; and

4. And it adds over \$2 trillion dollars to deficit spending, which triggers statutory PAYGO's automatic spending cuts to mandatory programs such as Medicare, which along would see a \$25 billion cut.

Instead of doing tax reform the Republicans have found new ways for the wealthy who use tax accountants and lawyers to further game the tax payer system by adding new loop holes that are only for the corporations and the wealthy.

Corporations receive a 14 percentage point reduction in their statutory tax rate, from 35 percent to 21 percent, the largest one-time rate reduction in U.S. history.

Republicans designed this tax scam to benefit the wealthiest in our country and now they are working as hard as possible to make sure Americans are too busy looking the other way to notice.

I have to tell them that it is too late, the American public sees what you are doing and they are not going to have any of it.

The Republican Tax Scam doubles the dollar amount at which the estate tax, currently affecting only the wealthiest 2 in 100 families.

It lifts the level at which the alternative minimum tax (AMT) would kick in, while dropping the top tax rate from the current 39.6 percent to 37 percent.

Mr. Speaker, where are the promises made to working Americans to give them a break.

Americans are not fooled; they know trickle-down economics has never worked, and they see right through this phony tax plan and recognize it for the scam that it is.

What people may not understand is they will not have to wait until 2027 to see the pain and misery that this tax cut will cause.

Congress has established mechanisms in rules that require pay-fors when budget deficit spending reaching astronomical levels, like what we have in this bill's wholesale giveaway of taxpayer money to Corporations and the wealthy—it is called PAYGO.

The PAYGO compels new spending or tax changes not to add to the federal debt.

PAYGO requires that new spending must either be "budget neutral" or offset with cuts to existing programs.

So the Tax cut that corporations will be getting today, will cost the American workers dearly in next year when the Budget Committee must draft a budget that will have to slash domestic programs to pay for these cuts.

Mr. Speaker, as you may know, my constituents and others in Texas are still struggling to recover from the devastation caused by Hurricane Harvey, the worst storm ever to make landfall in the continental United States.

Two weeks ago, nearly 8,000 of them took time out of their busy schedules to join me in a tele-town hall to discuss the tax scheme that has been rushed to the floor for a vote by the Republican leadership in the hope of passing it before the American people learn its insidious details.

My constituents understand and let me know that they believe it is important that the United States has a tax system that is fair, balanced, smart, and provides the resources and opportunities to allow all Americans to reach their potential.

And by margins exceeding 90 percent, they reject:

1. Any cuts to Medicare or Medicaid to finance tax cuts for wealthy corporations and the top 1 percent;

2. Eliminating the mortgage interest deduction;

3. Eliminating the deductibility of state and local taxes;

4. Eliminating existing deductions for student loan interest or making taxable college endowment funds or college fellowships expenses.

Mr. Speaker, my constituents, and Americans across the country, oppose this unfair Republican tax giveaway because nearly half of the \$1.7 trillion tax cut goes to just the top one percent.

In fact, the average annual tax cut for the top one-tenth of one percent is \$320,000; for the top one percent it is \$62,000, and for those earning \$1 million a year it is \$68,000.

Nearly 25 percent of the tax cut goes to households in just the top one-tenth of one percent, who make at least \$5 million a year (2027).

While super-wealthy corporations and individuals are reaping windfalls, millions of middle-class and working families will see their taxes go up:

1. 13 million households face a tax increase next year.

2. 45 million households face a tax increase in 2027.

3. 29 million households (21 percent) earning less than \$100,000 a year see a tax increase.

On average, families earning up to \$86,000 annually would see a \$794 increase in their tax liability, a significant burden on families struggling to afford child care and balance their checkbook.

It is shocking, but not surprising, that under this Republican tax scam, the total value of tax cuts for just the top one percent is more than the entire tax cut for the lower 95 percent of earners.

Put another way, those earning more than \$912,000 a year will get more in tax cuts than 180 million households combined.

The core of this Republican tax scheme is a massive tax cut from 35 percent 20 percent

corporations, but that is not the only way that the wealthy are rewarded.

The massive tax cuts for corporations are permanent but temporary for working and middle-class families.

Another immoral aspect of this terrible tax scam is that it abandons families that face natural disasters or high medical costs by repealing deductions for casualty losses and medical expenses.

Mr. Speaker, in what universe does it make any sense to eliminate, as this bill would, a deduction for:

1. teachers who purchase supplies for their classroom;

2. moving expenses to take a new job and taxes employer-provided moving expenses; or

3. Dependent care assistance, making it harder for families to afford day care, nursery school, or care for aging parents?

This Republican tax scam jeopardizes American innovation and competitiveness by eliminating the deduction for student loan interest, which affects 12 million borrowers, and cuts total education assistance by more than \$64 billion.

Under the extraordinary leadership of President Obama and the determined efforts of ordinary Americans, we pulled our way out from under the worst of the foreclosure crisis when the housing bubble burst in 2007.

Inexplicably, Republicans are now championing a tax scheme that will make the homes of average Americans less valuable because deductions for mortgage interest and property taxes are much less valuable than under current law.

A tax plan that reduces home values, as this one does, puts pressure on states and towns to collect revenues they depend on to fund schools, roads, and vital public resources.

Mr. Speaker, an estimated 2.8 million Texas households deduct state and local taxes with an average deduction of \$7,823 in 2015.

But this is not the end of the bad news that will be delivered were this tax scam to become law, not by a long shot.

The proposed elimination of the personal exemption will harm millions of Texans by taking away the \$4,050 deduction for each taxpayer and claimed dependent; in 2015, roughly 9.3 million dependent exemptions were claimed in the Lone Star State.

Equally terrible is that this Republican tax scam drastically reduces the Earned Income Tax Credit, which encourages work for 2.7 million low-income individuals in Texas, helping them make ends meet with an average credit of \$2,689.

The EITC and the Child Tax Credit lift about 1.2 million Texans, including 663,000 children, out of poverty each year.

So to achieve their goal of giving more and more to the haves and the "have mores," our Republican friends are willing to betray seniors, children, the most vulnerable and needy, and working and middle-class families.

The \$5.4 trillion cuts in program investments that will be required to pay for this tax giveaway to wealthy corporations and individuals will fall most heavily on low-income families, students struggling to afford college, seniors, and persons with disabilities.

America will not be made great by financing a \$1.7 trillion tax cut for the rich by stealing

\$1.8 trillion from Medicare and Medicaid, abandoning seniors and families in need, depriving students of realizing a dream to attend college without drowning in debt, or disinvesting in the working families.

America will not be positioned to compete and win in the global, interconnected, and digital economy by slashing funding for scientific research, the arts and humanities, job retraining, and clean energy just to pay for a tax cut to corporations and individuals who do not even need it.

Mr. Speaker, the tax scheme presented here by Republicans is not a plan but a scam that represents a betrayal of our values as a nation.

This tax scam is not a revenue policy adapted for the real world that real Americans live in but a fantasy resting on the monstrous belief that the wealthy have too little money and that poor, working, and middle-class families have too much.

Our Republican friends continue to cling to the fantasy belief that their tax cuts for the rich will pay for themselves despite all precedent to the contrary and evidence that their tax scheme is projected by experts to lose between \$3 trillion and \$7 trillion.

Mr. Speaker, in evaluating the merits of a taxing system, it is not enough to subject it only to the test of fiscal responsibility.

To keep faith with the nation's past, to be fair to the nation's present, and to safeguard the nation's future, the plan must also pass a "moral test."

The Republican tax bill fails both of these standards.

I strongly oppose the Conference Report to H.R. 1, the "Republican Tax Scam Act," and urge all Members to join me in voting against this reckless, cruel, and heartless proposal that will do nothing to improve the lives or well-being of middle and working class families, and the poor and vulnerable 'caught in the tentacles of circumstance.'

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 667 OFFERED BY
MS. SLAUGHTER

At the end of the resolution, add the following new sections:

"SEC. 5. POINT OF ORDER AGAINST ANY TAX BILL THAT RAISES TAXES ON MIDDLE CLASS FAMILIES BY ELIMINATING OR LIMITING THE STATE AND LOCAL TAX DEDUCTION.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that repeals or limits the State and Local Tax Deduction (26 U.S.C. § 164).

(b) WAIVER IN THE HOUSE.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this subsection, the Chair shall put the question of consideration with respect to the rule or order, as applicable. The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn."

"SEC. 6. POINT OF ORDER AGAINST ANY TAX BILL THAT REPEALS THE INDIVIDUAL MANDATE UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that repeals or limits the individual mandate under the Patient Protection and Affordable Care Act (26 U.S.C. § 500A). (b) WAIVER IN THE HOUSE.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this subsection, the Chair shall put the question of consideration with respect to the rule or order, as applicable. The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn."

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

Mr. BRADY of Texas. Mr. Speaker, I include in the RECORD letters from the Faith and Freedom Coalition, Taxpayers Protection Alliance, Club for Growth, and FreedomWorks:

FAITH AND FREEDOM COALITION.

DEAR REPRESENTATIVE: On behalf of the 1.5 million members and supporters of the Faith & Freedom Coalition, I urge you to vote YES on the Conference Report to H.R. 1, the Tax Cuts and Jobs Act (TCJA). A vote for this bill is a vote for tax cuts that Republicans have promised and America's hardworking families desperately deserve. The Tax Cuts and Jobs Act will strengthen families, grow the economy, and create jobs. To that end, Faith & Freedom Coalition will score the vote on H.R. 1 as vote to cut taxes for families and as a vote to begin the process of repealing Obamacare. This vote will appear in tens of millions of Congressional Scorecards and voter guides distributed in over 100,000 churches.

Since Congress last passed major tax reform over thirty years ago, the tax code has become riddled with corporate giveaways and special-interest provisions that benefit the politically-connected and privileged at the expense of working families. This legislation makes the tax code simpler and fairer, strengthens the family, increase wages, creates jobs, and makes small, family-owned businesses more competitive.

H.R. 1 doubles the child tax credit to \$2,000, makes it available to more families by increasing the income eligibility thresholds, and makes up to \$1,400 refundable to lower and middle-class working families. This provision is pro-life, pro-child, pro-family and pro-middle class. Doubling the standard deduction protects more of the average family's income from taxation, keeping more of their paycheck at home rather than sending it to Washington.

The Tax Cuts and Jobs Act also reduces the tax rate on the hard-earned income of small, family-owned businesses—creating the lowest tax rate on small business income since World War II. Mom and Pop businesses are the backbone of the American economy and the American family. Over 80% of new jobs are created by Main Street businesses and they need a tax rate that enables them to compete with overseas competitors and Wall Street corporations. These small businesses are often family affairs and are a key component to supporting stronger, more secure families.

Finally, repealing Obamacare's individual mandate and returning the savings to families is another tax cut for working families. Nearly 7 million American families paid over \$3 billion because of Obamacare's individual mandate tax, and 80 percent make less than \$50,000 a year. The Obamacare individual mandate is one of the most regressive taxes in the nation, punishing work and savings and hurting those least able to pay. Repealing it is a critical, if partial, fulfillment of the larger promise to end the disaster of Obamacare.

America's families have already waited too long for tax cuts that let them keep their hard earned dollars and care for their families. We must not fail them. The Tax Cuts and Jobs Act will simplify the code so that it is fairer for families and individuals, while also encouraging the economy to grow, leading to the creation of more jobs and higher wages.

For all these reasons, Faith & Freedom Coalition will include the vote on Conference Report to H.R. 1, the Tax Cuts and Jobs Act (TCJA) in our Congressional Score and voter guides as a key vote in the 115th Congress.

Thank you for considering the views of our millions of members and supporters.

TAXPAYERS PROTECTION ALLIANCE.

The Taxpayers Protection Alliance (TPA), representing millions of taxpayers across the country, urges the House of Representatives to vote YES for the Tax Cuts and Jobs Act. TPA is encouraged by the final tax reform package crafted by the conference committee. This legislation will provide comprehensive tax relief for millions of Americans.

The conference report has many positive aspects, including a doubled standard deduction, a 21 percent corporate rate, and a \$2,000 child tax credit. This legislation allows the economy to flourish, as small businesses get the green light to expand, hire, and increase wages. Individuals and families will have an easier time saving for education and retirement, with the thousands of dollars in annual savings from the legislation.

Additionally, the repeal of the Obamacare individual mandate penalty relieves an onerous burden for taxpayers while saving hundreds of billions in exchange subsidy payments. Taxpayers will finally have the freedom to forgo health insurance if they choose, without risking penalty from the federal government. TPA is pleased that the conference committee offers a plan that sharply curtails government while giving power back to hard-working Americans.

TPA urges every Congressman to vote YES on the Tax Cuts and Jobs Act.

CLUB FOR GROWTH.

Re key vote alert—"YES" on Conference Report to the Tax Cuts and Jobs Act, H.R. 1.

The Club for Growth supports the conference report to the Tax Cuts and Jobs Act (HR 1) and we urge all members of Congress to vote YES on it. A vote is expected in the next few days. The vote will be included in the Club's 2017 congressional scorecard. This bill is not perfect, but it's still very pro-growth. Some of the more pro-growth elements of the bill include lowering the corporate tax rate down to 21%, a new 20% deduction for pass-through businesses, doubling the Death Tax exemption, and moving to an international territorial tax system. The bill also modestly lowers individual tax rates and doubles the standard deduction.

The Club for Growth urges immediate passage of HR 1. Congress should also begin

work on another pro-growth tax bill for next year that addresses other parts of the tax code left untouched by this proposal.

Our Congressional Scorecard for the 115th Congress provides a comprehensive rating of how well or how poorly each member of Congress supports pro-growth, free-market policies and will be distributed to our members and to the public.

FREEDOMWORKS.

KEY VOTE YES ON THE CONFERENCE REPORT FOR THE TAX CUTS AND JOBS ACT, H.R. 1

On behalf of our activist community, I urge you to contact your representative and senators and ask them to vote YES on the conference report for the Tax Cuts and Jobs Act, H.R. 1. This final agreement on the Tax Cuts and Jobs Act provides much-needed relief to taxpayers across the country and to American businesses alike.

The Tax Cuts and Jobs Act lowers individual rates for the vast majority of taxpayers. In addition, the Tax Cuts and Jobs Act nearly doubles the standard deduction, meaning Americans keep more of their hard-earned money, and doubles the child tax credit from \$1,000 to \$2,000. This bill also provides relief by doubling the exemption amount from the unfair death tax.

Pass-through business owners, who file their taxes on their individual tax return, will be able to take a 20 percent deduction. This lowers the tax burden currently faced by pass-through businesses, which, according to the Tax Foundation, employ 70 million people, and promotes fairness.

America's business community will also see added growth as a result of the policy changes in this bill. The corporate tax rate will be lowered substantially from 35 percent to 21 percent, making American businesses more globally competitive and allowing them the resources they need to innovate and create jobs. It also eliminates confusion and complexity so job creators can focus on building their company and hiring working Americans.

This bill also repeals the harmful ObamaCare individual mandate, a coercive tax on Americans. It's estimated that 80 percent of households subject to this tax earn less than \$50,000 per year. This is an unnecessary hardship being placed on working Americans. The federal government should not punish individuals who cannot afford ObamaCare's costly health insurance plans or decide it is not the best course for them.

For these reasons, I urge you to call your representative and senators and ask them to vote YES on the conference report for the Tax Cuts and Jobs Act, H.R. 1. FreedomWorks will count the vote on our 2017 Congressional Scorecard. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Mr. BRADY of Texas. Mr. Speaker, I include in the RECORD letters from the Retail Industry Leaders Association, Dow Chemical Company, Semiconductor Industry Association, Information Technology Industry Council, Coalition for American Insurance, AT&T, and the National Roofing Contractors Association:

RETAIL INDUSTRY LEADERS ASSOCIATION.

TO MEMBERS OF THE UNITED STATES CONGRESS: The Retail Industry Leaders Association (RILA) urges Congress to pass the conference report to H.R. 1, the "Tax Cuts and Jobs Act," which is scheduled for floor con-

sideration this week. The bill provides for comprehensive tax reform, which is critical to growing the economy and improving U.S. international competitiveness. It accomplishes these goals by doing, among other things: immediately reducing the corporate tax rate from 35 to 21 percent; replacing our current worldwide tax system with a territorial tax system; and modifying individual tax rates, with a focus on providing a tax cut for middle income taxpayers.

RILA is the trade association of the world's largest and most innovative retail companies. RILA members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs, and more than 100,000 stores, manufacturing facilities, and distribution centers located both domestically and abroad.

Over 42 million jobs in the United States are either in retail or supported by retail, making retail America's largest private sector employer. With more than \$3.8 trillion in sales and hundreds of billions paid in wages, retail is one of America's most powerful economic engines. In fact, consumer spending represents two-thirds of U.S. gross domestic product (GDP).

Despite the retail industry's prominent place in the economy, retailers pay among the highest effective tax rates among U.S. industries. In 2016, retailers paid an average domestic effective tax rate of 34.6 percent. As a result, retailers paid \$32.5 billion in federal taxes, representing 11 percent of the total federal corporate income tax paid by all corporate taxpayers. This tax treatment for the retail sector stifles job creation, investment, and consumer savings for a sector so important to our nation's economy.

It has been 31 years since the tax code has been fundamentally reformed. RILA and its member companies urge passage of the conference report to H.R. 1, "Tax Cuts and Jobs Act" to finalize this once in a generation opportunity to reform the tax code to benefit the economy and America's workers, consumers, and businesses.

DOW CHEMICAL COMPANY.

DEAR REPRESENTATIVE BRADY: On behalf of The Dow Chemical Company, I write to urge you to vote in favor of the Tax Cuts and Jobs Act. This bill represents a hard-won compromise based on constructive dialogue among many stakeholders, and it deserves to become law.

Tax reform is critical for American manufacturers and our ability to thrive at home and compete globally. The legislation before you achieves a lower corporate rate and a shift to a territorial system—the key components of a pro-growth policy that will help U.S. manufacturers succeed in an increasingly competitive global environment.

Over the past 10 years, Dow has invested more than \$8 billion in the U.S. and Dow is prepared to invest an additional \$4 billion in American manufacturing factories and infrastructure. This bill, with a focus on U.S. growth and competitiveness, will drive further investments such as ours, resulting in more jobs and strengthening the U.S. manufacturing sector, along with the many industries it supports.

Passing this bill and enacting the first major overhaul of our tax code in a generation will be a significant accomplishment for this Congress. Most importantly, tax reform will bolster American businesses of all sizes, their employees and the communities they call home.

SEMICONDUCTOR INDUSTRY ASSOCIATION,
Washington, DC, December 18, 2017.
Re Semiconductor Industry backs Corporate
Tax Reform Conference Report.

The Semiconductor Industry Association (SIA), representing U.S. leadership in semiconductor manufacturing, design, and research, today announced its support for the conference report on H.R. 1, the Tax Cuts and Jobs Act. The conference report reconciles differences between tax reform bills passed by the House and Senate in recent weeks. Votes on the conference report are expected this week in both chambers.

"America's economic strength and global technology leadership depend heavily on corporate tax policy that promotes growth and encourages innovation," said John Neuffer, president & CEO, Semiconductor Industry Association. "We support the conference report because it includes several important provisions that will make U.S. semiconductor companies more globally competitive. SIA is particularly pleased that conferees largely retained the balanced international approach of the Senate bill."

The conference report includes several measures the U.S. semiconductor has long supported. These include lowering the corporate rate to a globally competitive level of 21 percent, modernizing our international tax structure, and creating an incentive for foreign income from intellectual property (IP) held in the U.S. Repeal of the corporate Alternative Minimum Tax (AMT) also protects the utility of the R&D tax credit, which helps ensure our industry can stay at the tip of the technology leadership spear.

"Semiconductors are one of America's top exports and a key driver of U.S. economic strength, national security, and technology leadership," said Neuffer. "This legislation modernizes the U.S. tax code and makes the United States a more competitive location for semiconductor research, design, and manufacturing. We urge the Senate and House to pass it and the President to sign it into law in short order."

INFORMATION TECHNOLOGY INDUSTRY COUNCIL.

DEAR LEADERS MCCONNELL AND SCHUMER, SPEAKER RYAN AND LEADER PELOSI: On behalf of the over 60 members of the Information Technology Industry Council (ITI), I write to express our strong support of the conference report to the H.R. 1, the Tax Cuts and Jobs Act. Given the importance of these provisions to the high-tech community, we will consider scoring votes in support of final passage of the tax reform legislation in our 115th Congressional Voting Guide.

ITI has long advocated for tax reform that builds a more competitive economy and incentivizes innovation. We are pleased to see that this critical legislation includes a permanent, competitive corporate rate, moves to a territorial system and creates powerful incentives for innovation including a permanent Research and Development Credit, and a tax incentive for income made abroad on intellectual property held in the United States.

Updating the over 30-year-old U.S. tax code is an essential step towards a more rational system for the nation. Adopting a territorial tax system where profits are taxed where they occur is essential to aligning the US system with the rest of the world. Similarly lowering the corporate rate, from one the highest statutory rates in the developed world, will make the United States more competitive in the global arena. Critically for our sector, the law will help ensure the

United States remains the global leader in innovative technologies by providing incentives for the development and retention of intellectual property.

On behalf of ITI's member companies, we urge members of the House and Senate to support the final conference report to the Tax Cuts and Jobs Act.

COALITION FOR AMERICAN INSURANCE, Washington, DC, December 18, 2017.

Re we support the Tax Cut and Jobs Act.

LEGISLATION ESTABLISHES LEVEL PLAYING FIELD FOR ALL INSURERS IN U.S.

The Coalition for American Insurance strongly supports the final version of the Tax Cuts and Jobs Act. The historic legislation includes a significant reform that will ensure more equal tax treatment for U.S. based insurers and consumers by addressing a longstanding loophole that allowed foreign insurance companies to move their U.S.-generated insurance profits abroad to avoid tax.

"With this agreement, Congress has made good on its promise to create U.S. jobs and to keep American companies competitive in the global marketplace. Importantly, the Tax Cuts and Jobs Act helps to close the tax haven loophole in the current tax code that unfairly rewarded the transfer of profits and jobs overseas. Now, with the inclusion of the Base Erosion and Anti-Abuse Tax (BEAT) to impede the offshoring of profits by foreign companies to tax havens, all insurers operating in the U.S. market will do so on the most level playing field in decades.

"The BEAT is not discriminatory. Instead, it ensures that all companies doing business in the United States will pay U.S. taxes on that business. This is an important reform that will help maintain a thriving American-based insurance industry and enhance choices for all consumers.

"We strongly urge members of the House and Senate to approve the Tax Cuts and Jobs Act so that this bill can be signed into law this year."

AT&T.

AT&T remains committed to invest an additional \$1 billion in the United States in 2018 if the bill proposed by the House and Senate conference committee is passed into law.

NATIONAL ROOFING CONTRACTORS ASSOCIATION.

The National Roofing Contractors Association (NRCA) supports the conference report for the Tax Cuts and Jobs Act (H.R. 1). NRCA has long supported pro-growth tax reform that lowers rates for all types of employers and better enables roofing industry entrepreneurs to grow their businesses and create more high paying, family-sustaining jobs. We believe the final version of H.R. 1 will increase incentives for productive investment in our industry and ultimately expand economic growth in the U.S.

Established in 1886, NRCA is one of the nation's oldest trade associations and the voice of professional roofing contractors worldwide. NRCA's 3,600 member companies represent all segments of the roofing industry, including contractors, manufacturers, distributors, consultants and other industry employers in all 50 states. NRCA members are typically small, privately held companies, but our membership includes businesses of all sizes. During peak season, the average member employs 45 people.

NRCA applauds your leadership in advancing tax reform through the House and Senate. We are pleased to see that the final bill

provides lower tax rates for both corporations and businesses structured as pass-through entities; expands expensing capabilities for qualifying property, including commercial roofs; doubles the death tax exemption; and improves accounting methods for small businesses, among other provisions. We are especially pleased to see progress made on improving the new tax credit for passthrough employers and ensuring that family-owned businesses that utilize trusts are not excluded from benefiting from tax reform.

Again, NRCA supports the conference report on H.R. 1 and commends you for your leadership in advancing tax reform that will strengthen the roofing industry. We urge members of the House and Senate to approve this legislation so it may be signed into law by the president. Thank you for your consideration of NRCA's view on this crucial legislation.

Mr. BRADY of Texas. Mr. Speaker, I include in the RECORD letters from Heritage Action, American Action Network, SBE Council, and Americans for Prosperity:

AMERICANS FOR PROSPERITY.

LETTER NO. 1

AFP: HISTORIC TAX REFORM AGREEMENT
WILL UNLEASH ECONOMIC GROWTH AND
PROSPERITY

ARLINGTON, VA.—Americans for Prosperity today cheered the final version of the Tax Cuts and Jobs Act released by the tax reform conference committee. The organization commended lawmakers for crafting a bill that remains true to the principles of the Unified Framework and advances the ultimate goal of unrigging the economy for hardworking Americans.

In praising the package, the group is pointing out that it would provide tax relief for individuals at every income bracket, make U.S. businesses significantly more competitive by lowering the corporate tax rate from 35 percent to 21 percent, and includes efforts to simplify and ease the burden of tax compliance. In addition, the tax plan includes provisions long championed by AFP, such as repealing Obamacare's unpopular individual mandate.

Americans for Prosperity President Tim Phillips issued the following statement: "This final tax reform plan delivers relief to the working class while unleashing opportunity and growth for America's small business owners and job creators. All year, we've been calling on Congress to go bold and focus on making this pro-growth. We think they've done that. Although not perfect, the House and the Senate should be commended for their diligent work to significantly improve our broken system, and the Trump White House deserves credit for its relentless focus on getting tax reform done this year.

"Lawmakers now face a historic moment—a once-in-a-generation opportunity to overhaul our nation's broken tax code in order to create jobs, increase wages, fuel the economy and unleash U.S. investment, which will usher in a new era of American innovation. We urge all members of Congress to embrace this historic plan and fulfill their promise to create a simpler, fairer and more competitive tax code by sending it to the president's desk this year."

LETTER NO. 2

AFP KEY VOTE: YES VOTE ON THE TAX CUTS
AND JOBS ACT

DEAR SENATORS: On behalf of more than 3.2 million Americans for Prosperity activists in all 50 states, I urge a YES vote on the Senate

version of The Tax Cuts and Jobs Act. This tax reform package will deliver a fairer, flatter, and simpler tax code that will lead to stronger economic growth, more job creation, and higher wages. Lawmakers should not miss this once-in-a-generation opportunity.

We urge you to vote YES on the Senate version of The Tax Cuts and Jobs Act. Americans for Prosperity will include this vote in our congressional scorecard. This comprehensive tax reform plan will bring tax relief to middle-class households and businesses across the country. Americans would see individual tax rates fall from the current rate of 22.5 percent to 22 percent; 25 percent to 24 percent; and 32.5 rate to 32 percent. They would also benefit from an expanded standard deduction and repealing the Alternative Minimum Tax. Businesses would see the corporate tax rate fall to 20 percent permanently as well as improvements in the structure of our punishing international tax system. Meanwhile, small businesses—the economy's top job creators—would also see welcome tax relief.

Americans have suffered under an unfair, complex, and burdensome tax code which pits the least fortunate against the well-connected for far too long. It's encouraging to see lawmakers follow through on their commitment to the American people to overhaul the tax code and make it work better for everyday Americans. This vote will inform our engagement on the grassroots level in lawmakers' districts.

We urge you to vote YES on the Senate version of The Tax Cuts and Jobs Act. Americans for Prosperity will include this vote in our congressional scorecard.

SBE COUNCIL.

SBE COUNCIL STATEMENT ON TAX REFORM CONFERENCE REPORT: A SOLID BILL THAT SUPPORTS STRONG ECONOMIC GROWTH AND ENTREPRENEURSHIP

WASHINGTON, DC.—Small Business & Entrepreneurship Council (SBE Council) president & CEO Karen Kerrigan issued the following statement about the "Tax Cuts and Jobs Act" conference report unveiled today:

"The conference report is a solid bill that will enable strong and sustainable economic growth, which is critical to healthy entrepreneurship and small business growth. It is vitally important that this tax package be signed into law this year to fuel the optimism and confidence that is strengthening our economy and bolstering investment, which is key to higher wage growth and more opportunity in areas of the country that have never recovered from the great recession.

"We appreciate the efforts of the conference committee, especially as it relates to keeping entrepreneurs, their workforce and the dreamers who want to start businesses at the center of tax reform. We urge the House and Senate to quickly pass the legislation so it can be signed by President Trump this year."

AMERICAN ACTION NETWORK.

AMERICAN ACTION NETWORK STATEMENT ON TAX CONFERENCE AGREEMENT

CONGRESS ON THE VERGE OF DELIVERING HISTORIC, ONCE-IN-A-GENERATION TAX REFORM TO THE AMERICAN PEOPLE

WASHINGTON.—Following the House and Senate's announcement of a conference agreement on tax reform, American Action Network (@AAN) Executive Director Corry Bliss issued the following statement:

"House and Senate leadership should be commended for their work, and today's progress, toward making meaningful tax reform a reality for working families across the country. Congress is on the verge of delivering historic, once-in-a-generation tax reform to the American people, and this is an opportunity that cannot be wasted. Right now, too many families are living paycheck-to-paycheck, struggling to make ends meet because of an archaic and unfair tax code. The plan presented by Congress today will expand economic opportunity for all Americans by unleashing more jobs, lower taxes and a fairer playing field for businesses. Now, it is up to the House and Senate to quickly bring the legislation forward for a vote, and send it to the President's desk to become law before Christmas."

AAN has been the highest spending outside group in the effort to pass meaningful tax reform, and launched the Middle-Class Growth Initiative in August to promote pro-growth tax reform passage. The multi-pronged effort, now totaling over \$24 million, has included advertising on television, radio, digital, direct mail, and mobile billboards in over 60 congressional districts across the country.

HERITAGE ACTION.

"YES" ON CONFERENCE REPORT FOR THE TAX CUTS AND JOBS ACT (H.R. 1)

DECEMBER 18, 2017.—This week, the House and Senate will vote on the Tax Cuts and Jobs Act (H.R. 1), the most significant tax reform and tax cut legislative initiative since the 1986 tax reform package passed under President Ronald Reagan. The bill would make sweeping changes to the individual and corporate codes, and eliminate Obamacare's individual mandate penalty.

The Tax Cuts and Jobs Act Conference report would unleash economic growth, increase wages for American workers, create new jobs, and provide tax relief to all Americans including the middle and working classes, main street businesses, and U.S. corporations. It accomplishes this by 1) cutting the corporate tax rate from 35 percent to 21 percent, 2) allowing pass-through businesses to deduct 20 percent of taxable income, 3) permitting full and immediate expensing of new and capital equipment for five years, 4) moving toward a territorial tax system that incentivizes foreign investment here in America, 5) lowering marginal tax rates for all Americans, 6) doubling the standard deduction, and 7) providing substantial relief from the death tax.

According to Heritage Foundation research, the GOP tax reform bill could increase long-run gross domestic product (GDP) by almost 3 percent, translating into an increase of \$4,000 per household. The Tax Foundation estimates, if enacted permanently, the tax plan will increase wages by 3.3 percent and create roughly 1.6 million new full-time equivalent (FTE) jobs. This is exactly the kind of economic growth our country needs and what congressional Republicans and President Trump promised on the campaign trail. Two important provisions contained in the tax plan is the near elimination of the state and local tax (SALT) deduction and the full elimination of the Obamacare individual mandate tax penalty. Eliminating the SALT deduction ends the practice of federal taxpayers subsidizing liberal state governments, which will put pressure on state and local governments to be more fiscally responsible. In fact, New Jersey Senate President Steve Sweeney said "We're going to have to re-evaluate every-

thing" if the bill becomes law. Like the House bill, the Senate bill allows for a \$10,000 deduction for property tax. Eliminating the individual mandate provides tax relief to working class Americans who can't afford expensive Obamacare insurance plans. Additionally, both provisions raise significant revenue needed to lower marginal tax rates under Senate budget reconciliation rules.

It's been far too long since Congress made lasting positive changes to the U.S. tax code—three decades in fact. Since that time, our convoluted 74,000-page tax code has suppressed American entrepreneurship, driven companies and jobs overseas, and made it harder and harder for American families to leave a better life for their children. Members of Congress justifiably concerned about the national debt should look to cut federal spending to balance the budget, not confiscate hard-earned income from individuals or punish profitable businesses. Congress cannot tax the American people into economic prosperity nor can it raise enough revenue to balance the budget if it continues to spend nearly \$4 trillion a year.

Adam Michel, Policy Analyst in the Thomas A. Roe Institute at The Heritage Foundation explains:

"Holding pro-growth tax reform hostage over the deficit unwittingly makes fiscally responsible spending reforms harder. The deficit cannot be eliminated with tax increases. The notion that we can tax our way out of trouble denies the fundamental problem: The deficit is driven by uncontrolled spending. Tax reform that grows the economy can also ease the burden of paying down the debt. Robust economic growth is a necessary component of managing our debt. Pro-growth tax reform that allows for a larger and more robust economy means our debt relative to our output shrinks and makes the necessary spending reforms easier."

Due to the self-imposed \$1.5 trillion deficit tax cut box Senate Republicans elected to put themselves in, the Tax Cuts and Jobs Act is not as robust as tax reform should be under a unified Republican government, but it certainly is what President Reagan would call "half a loaf." While Congress cannot tax the country into prosperity, it can and should deliver meaningful tax reform that spurs sustainable, long-term economic growth. The Tax Cuts and Jobs Act is a strong step toward that end. The time for pro-growth tax reform is now.

*** Heritage Action supports the Tax Cuts and Jobs Act and will include it as a key vote on our legislative scorecard. ***

Mr. BRADY of Texas. Mr. Speaker, I include in the RECORD letters from Ford Motor Company, MetLife, Coalition Letter, Americans for Tax Reform, National Taxpayers Union, and a letter signed by National Taxpayers Union, 60 Plus Association, ALEC Action, American Action Network, American Commitment, American Conservative Union, Americans for a Strong Economy, Americans for Tax Reform, Association of Mature American Citizens (AMAC), Campaign for Liberty, Center for Freedom and Prosperity, Center for Individual Freedom, Center for Worker Freedom, Club for Growth, Consumer Action for a Strong Economy (CASE), Council for Citizens Against Government Waste, Digital Liberty, Faith & Freedom Coalition, Family Business Coalition, Freedom Foundation of Minnesota, FreedomWorks, Heritage Action for America, Hispanic Leadership Fund, Independent Women's Voice, Institute for a Policy Innovation, Invest in Education Coalition, The James Madison Institute, The John K. Maclver Institute for

Public Policy, Middle Class Growth Initiative, Niskanen Center, Property Rights Alliance, Rio Grande Foundation, Small Business & Entrepreneurship Council, Taxpayers Protection Alliance, Tea Party Patriots Citizens Fund, and Women for Trump:

FORD MOTOR COMPANY.

As an American automaker with more than 85,000 U.S. employees, we applaud your strong commitment to producing tax reform that we believe will help support continued investment in American manufacturing and the good-paying jobs it supports.

Over the last five years, Ford has invested more than \$12 billion in its U.S. factories. We have more U.S. hourly employees and produce more vehicles in the U.S. than any other automaker. We also continue to expand our ranks of high-tech engineering, research and IT jobs in the U.S. and each year, we invest nearly \$7 billion in research and development, the vast majority of which is conducted in the United States. We believe these investments will not only enhance our products today, but lead to the innovation that transforms the future of transportation.

Your collective work and perseverance in driving tax reform is critical to America's continued leadership in today's globally competitive marketplace. We urge you to quickly pass this proposal and seize this generational opportunity to make tax reform a reality.

METLIFE.

"MetLife has been on the record since September in support of pro-growth tax reform. We argued that companies should set aside narrow self-interest and support any tax package that boosts growth and jobs. The conference report on the Tax Cuts and Jobs Act of 2017 meets that test and we urge its enactment."

COALITION LETTER.

On behalf of the undersigned organizations and our millions of members from across the country, we write in support of the Conference Report to H.R. 1, the Tax Cuts and Jobs Act (TCJA). With passage of this historic legislation, Congress will finally deliver on the promise of fundamental tax reform. TCJA will encourage economic growth, simplify the tax code, and provide American families and individuals with much-needed tax relief.

On the individual side of the code, it will provide immediate financial benefits to American households by cutting rates across the board, doubling the standard deduction, and expanding the child tax credit. It will simplify the tax code so that more than 90 percent of filers will be able to avoid the complicated and burdensome process of itemization.

For businesses, the TCJA drops the corporate rate from 35 percent to a far more competitive 21 percent, which is below the average for industrialized nations. Corporations and small businesses alike would see lower rates and reduced burdens. It also creates a modern, territorial system of taxation that ends the competitive disadvantage that U.S. businesses face internationally. These changes will encourage more entrepreneurship, increase wages, create jobs, and lead to more investment in the domestic economy.

With these changes and more, lawmakers are casting a vision for the future of this country; one that empowers individuals, families and businesses to invest and succeed in the American dream.

The Conference Report to H.R. 1 is a pro-growth, pro-family, and pro-worker legisla-

tive proposal. We encourage all Members of Congress to support its passage.

Pete Sepp, National Taxpayers Union, James L. Martin, 60 Plus Association, Lisa B. Nelson, ALEC Action, Corry Bliss, American Action Network, Phil Kerpen, American Commitment, Daniel Schneider, American Conservative Union, Tom Giovanetti, Americans for a Strong Economy, Grover Norquist, Americans for Tax Reform, Dan Weber, Association of Mature American Citizens (AMAC).

Norm Singleton, Campaign for Liberty, Andrew F. Quinlan, Center for Freedom and Prosperity, Jeffrey Mazzella, Center for Individual Freedom, Olivia Grady, Center for Worker Freedom, David McIntosh, Club for Growth, Matthew Kandrach, Consumer Action for a Strong Economy (CASE), Tom Schatz, Council for Citizens Against Government Waste, Katie McAuliffe, Digital Liberty, Timothy Head, Faith & Freedom Coalition, Alex Ayers, Family Business Coalition.

Annette Meeks, Freedom Foundation of Minnesota, Jason Pye, FreedomWorks, Michael A. Needham, Heritage Action for America, Mario Lopez, Hispanic Leadership Fund, Heather R. Higgins, Independent Women's Voice, Tom Giovanetti, Institute for a Policy Innovation, Thomas W. Carroll, Invest in Education Coalition, J. Robert McClure, The James Madison Institute, Brett Healy, The John K. MacIver Institute for Public Policy.

Michael Steel, Middle Class Growth Initiative, Jerry Taylor, Niskanen Center, Lorenzo Montanari, Property Rights Alliance, Paul Gessing, Rio Grande Foundation, Karen Kerrigan, Small Business & Entrepreneurship Council, David Williams, Taxpayers Protection Alliance, Jenny Beth Martin, Tea Party Patriots Citizens Fund, Amy Kremer, Women for Trump.

AMERICANS FOR TAX REFORM.

LETTER NO. 2

NORQUIST STATEMENT ON CONFERENCE REPORT FOR TAX CUTS AND JOBS ACT

"A floor wax AND a delicious dessert topping that will create millions of American jobs and simplify and lower taxes on Americans"

ATR president Grover Norquist praised the conference report for Tax Cuts and Jobs Act as follows:

"In December 1975 Saturday Night Live unveiled "Shimmer" which was a floor wax AND a dessert topping. [See the video here]

"Today in December 2017 Republicans will enact the Tax Cuts and Jobs Act. The bill is a floor wax and a delicious dessert topping: it will create millions of American jobs AND simplify and lower taxes on Americans.

"It reduces taxes on American corporations AND small businesses.

"It simplifies the tax code so most Americans can file on a postcard AND offers tax relief for Americans at every income level.

"It will increase take-home pay AND grow the economy.

"It will end the Obamacare mandate tax paid by millions of Americans—80% of whom earn less than \$50,000—AND it will free up oil in Alaska."

LETTER NO. 2

KEY VOTE: ATR URGES "YES" VOTE ON CONFERENCE REPORT TO H.R. 1, THE TAX CUTS AND JOBS ACT

The Tax Cuts and Jobs Act will create millions of American jobs and higher wages AND simplify and lower taxes on Americans at every income level.

ATR Urges a YES vote.

Later this week, members of the House and Senate will vote on the conference report to H.R. 1, the Tax Cuts and Jobs Act. ATR urges a YES vote on this pro-growth, pro-family legislation.

This legislation offers tax reduction and simplification for families, individuals, small businesses, and corporations. Over the next decade, the Tax Cuts and Jobs Act reduces taxes by \$5.5 trillion and eliminates \$4 trillion worth of distortionary credits and deductions.

H.R. 1 simplifies the tax code so most Americans can file on a postcard and offers tax relief for Americans at every income level. Under this plan, a family of four with the nationwide median income of \$73,000 will receive a tax cut of \$2,059.

The Tax Cuts and Jobs Act will also grow the economy leading to increased take-home pay and the creation of new or better jobs for families across the country.

In addition, the Tax Cuts and Jobs Act ends the Obamacare mandate tax paid by millions of Americans—80% of whom earn less than \$50,000—and allows responsible production of oil in Alaska.

By voting YES on the Tax Cuts and Jobs Act, members of the House and Senate have a rare opportunity to reform the broken tax code and offer relief to families and businesses across the country. All Senators and Congressmen should vote for H.R. 1.

NATIONAL TAXPAYERS UNION.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU strongly urges all Members of Congress to vote "YES" on the Conference Report to H.R. 1, the "Tax Cuts and Jobs Act." This legislation would overhaul our nation's broken tax code, stimulate economic growth, and provide struggling American families with much-needed tax relief. Tax reform is our nation's highest fiscal priority. For too long, our tax code has held back our economy and placed a heavy burden on American workers and job creators. H.R. 1 will make U.S. businesses significantly more competitive by lowering the corporate tax rate from 35 percent to 21 percent, shifting to a territorial system of taxation, and incentivizing capital investment into the economy. All of these changes will benefit American workers from across the economic spectrum by increasing wages and creating new jobs.

Additionally, H.R. 1 will ease the burden of taxation by doubling the standard deduction so that over 90 percent of filers can avoid the complicated process of itemization. It will provide immediate benefits to families via a 100 percent increase in the child tax credit and lower rates on taxable income across the board. Under H.R. 1, a typical family of four will be able to earn just over \$56,000 before having to pay a penny in federal income taxes, expanding what is known as the "zero percent tax bracket." Americans need tax reform and tax relief. H.R. 1 delivers on both counts.

Roll call votes on H.R. 1 will be heavily weighted in our annual Rating of Congress and a "YES" vote will be considered the pro-taxpayer position.

Mr. BRADY of Texas. Mr. Speaker, I include in the RECORD letters from the U.S. Chamber of Commerce, Business Roundtable, National Association of Manufacturers, National Federation of Independent Business, and the Alliance for Competitive Taxation:

U.S. CHAMBERS OF COMMERCE.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: The U.S. Chamber of Commerce urges Congress to complete its final step to

enact comprehensive, pro-growth tax reform legislation and pass the conference report to accompany H.R. 1, the Tax Cuts and Jobs Act. The Chamber will include votes related to this legislation in our How They Voted scorecard. By passing the conference report, Congress would unleash resources for businesses large and small to hire new workers, expand facilities, and purchase new equipment. Bringing about tax reform would help ensure that these investments are made here in the United States, and these investments would lead to higher wages and catalyze broad economic growth.

Moreover, H.R. 1 would provide additional growth by allowing for environmentally-sensitive oil and gas production in an area in northern Alaska set aside by Congress for energy exploration in 1980.

The Chamber applauds the work of the conferees for reporting a strong pro-growth tax reform bill. The members of the Finance and Ways and Means Committees from this and previous congresses also deserve much credit for their work during this multi-year effort.

Tax reform is a big engine that will power a growing economy for years to come. Only one step remains for Congress to keep its commitment to approving pro-growth, comprehensive tax reform legislation.

BUSINESS ROUNDTABLE.

BUSINESS ROUNDTABLE STATEMENT IN SUPPORT OF THE CONFERENCE REPORT ON PRO-GROWTH TAX REFORM

WASHINGTON, DC.—Business Roundtable today issued the following statement in support of the conference report on H.R. 1, the Tax Cuts and Jobs Act of 2017:

"This bill represents a remarkable, once-in-a-generation achievement by the House and Senate. Business leaders applaud the conference committee for coming to an agreement that will promote U.S. competitiveness and spur economic growth. This agreement results from years of serious policy work and debate that produced legislation the President can now sign into law. Business Roundtable strongly endorses this conference report and urges both chambers to pass it without delay."

NATIONAL ASSOCIATION OF MANUFACTURERS.

LETTER NO. 1

NAM ON TAX CUTS AND JOBS ACT: HISTORIC PROGRESS FOR MANUFACTURERS

TIMMONS: "MANUFACTURERS WILL INVEST IN THEIR COMPANIES AND WORKERS."

WASHINGTON, DC.—National Association of Manufacturers (NAM) President and CEO Jay Timmons released the following statement on the Tax Cuts and Jobs Act conference report:

"America will be better off than we are today once this tax reform bill becomes law. This legislation represents historic progress for manufacturers and for all Americans. As manufacturers across our country have said many times, tax reform done right will empower us to create more well-paying jobs and invest and build more right here in America. According to the NAM's latest Manufacturers' Outlook Survey, a pro-growth tax code will encourage manufacturers to increase capital spending, expand their businesses and hire more workers—and nearly half will increase employee wages and benefits.

"While this bill is good news, we can never quit looking at what other countries are doing every single day to take away our mantle of economic leadership. The NAM has

fought for years—decades, really—for even lower rates than provided in this legislation for manufacturers of all sizes, especially small manufacturers organized as pass-through entities. We will not let up. We will work to ensure this legislation functions as intended.

"We will continue our fight and will rally manufacturing workers and their families to encourage more progress in the years ahead. Today, we're calling for our government to produce a comprehensive study every three years to compare how the U.S. tax code stacks up with our competitors around the world. The last time true tax reform was enacted was in 1986, 31 years ago. If we wait until 2048 to revisit the tax code, we will no doubt discover that we have fallen significantly behind once again. For the future of every manufacturing worker in America, our elected leaders must constantly strive to ensure our country's business climate is far better than merely average. Manufacturers and the NAM will never stop leading that fight."

LETTER NO. 2

The National Association of Manufacturers (NAM), the largest manufacturing association in the United States, representing manufacturers in every industrial sector and in all 50 states, urges you to support the Conference Report to H.R. 1, the Tax Cuts and Jobs Act.

American workers need bold tax reform to not just raise their job prospects but to improve their lives. For years, manufacturing workers have sought an updated tax code that spurs economic growth and global competitiveness. Instead, they have a system that holds our nation back due to high tax rates on our small manufacturers, the backbone of our economy, and hinders large manufacturing enterprises that provide livelihoods for millions of families. Manufacturers are saddled with arcane rules for taxing international income and significant compliance burdens that exacerbate our competitive disadvantage. We are counting on you to lift up these hardworking men and women.

The Conference Report to H.R. 1 takes the important steps toward addressing five key elements that NAM members believe will set the stage for manufacturing growth: a lower corporate rate, reduced burdens on business income earned by pass-through entities, a territorial tax system, robust incentives for capital equipment purchases and retention of tax incentives for research and development. While this bill could go even further to address these key areas that promote added economic growth, it still provides the opportunity to strengthen the manufacturing economy. With this vote, you have the ability to improve manufacturers' global competitiveness, grow the economy, spur investment and create more well-paying manufacturing jobs. For every \$1.00 spent in manufacturing an additional \$1.89 is added to the economy. In 2015, the average manufacturing worker earned nearly \$82,000 per year in salary and benefits. In short, passing historic tax reform will lead to better jobs, better wages and better opportunities for more people to achieve their American Dream. The NAM's Key Vote Advisory Committee has indicated that votes on the Conference Report to H.R. 1, including procedural motions, may be considered for designation as Key Manufacturing Votes in the 115th Congress. Thank you for your consideration.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS.

LETTER NO. 1

National Federation of Independent Business says this is the tax relief that small business needs, urges quick passage

The National Federation of Independent Business (NFIB) issued the following statement today on behalf of President and CEO Juanita Duggan on the Tax Cuts and Jobs Act, released today by the conference committee:

"We are very pleased by the tax bill reported out of conference today, and we are grateful to leaders in the House and Senate for following through on their promise to cut taxes on small businesses.

"Tax relief is the number-one priority for small businesses, which represent half the economy and half the GDP. This bill will allow millions of small business owners to keep and reinvest more of their money, so they can grow and create jobs. We urge both chambers to pass the bill quickly, so it can be signed into law before the end of the year."

LETTER NO. 2

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of the Tax Cuts and Jobs Act conference report. This legislation will provide much needed tax relief to America's job-creating small businesses. This will be considered an NFIB Key Vote for the 115th Congress.

Small business is the engine of the economy, and tax reform should provide substantial relief to all small businesses so they can reinvest their money, grow, and create jobs. Ninety-nine percent of all American businesses are small businesses; the average NFIB member has just 10 employees. Taken in sum, however, small businesses create half of all private-sector jobs in the U.S. and contribute half the nation's gross domestic product.

Three-quarters of America's small employers are structured as pass-through entities, meaning their owners are taxed at the individual rate as opposed to the corporate rate. Crucially, the conference report creates a new 20% deduction for pass-through income of small businesses. Further, it allows all types of small businesses—regardless of industry segment—to benefit from this deduction.

NFIB supports passage of the Tax Cuts and Jobs Act conference report and will consider it an NFIB Key Vote for the 115th Congress.

Thank you for your consideration. We look forward to working with you to protect small business.

ALLIANCE FOR COMPETITIVE TAXATION.

ALLIANCE FOR COMPETITIVE TAXATION APPLAUDS SENATE AND HOUSE LEADERS FOR ADVANCING TAX REFORM

WASHINGTON.—The Alliance for Competitive Taxation (ACT), a coalition of leading American businesses that employ millions of American workers, issued the following statement on the Conference Report of the Tax Cuts and Jobs Act:

"We applaud leaders in the U.S. Senate and U.S. House for reaching an agreement on the Tax Cuts and Jobs Act Conference Report. This pro-growth tax reform bill is a major step in leveling the playing field for American businesses competing in world markets and will create opportunities for American workers.

"We urge members of the Senate and House to swiftly pass this historic legislation that will strengthen our economy, promote investment in the U.S. and create American jobs.

"We are committed to working with Congress and the Administration beyond final passage of this legislation to ensure that tax reform achieves the desired goal of benefiting American workers and promoting U.S. competitiveness and economic growth."

Mr. BRADY of Texas. Mr. Speaker, I include in the RECORD letters from the Real Estate Roundtable, National Association of Home Builders, Financial Services Roundtable, American Bankers Association, RATE Coalition, and the National Milk Producers Federation:

REAL ESTATE ROUNDTABLE.

TAX BILL WILL SPUR ECONOMIC GROWTH:

REAL ESTATE ROUNDTABLE

WASHINGTON, DC.—Real Estate Roundtable President and Chief Executive Officer Jeffrey DeBoer today commended congressional policymakers on reconciling differences between the Senate and House versions of the Tax Cuts and Jobs Act (H.R. 1)—historic tax legislation that faces a final vote in both chambers next week. DeBoer stated: "Today's agreement by Senate and House leaders on the final details of the Tax Cuts and Jobs Act is a significant effort to encourage capital formation and investment in all types of businesses. New investment incentives in this bill should spur economic growth and boost job creation throughout the United States. We applaud the dedicated efforts of congressional lawmakers and Administration officials who brought this legislation to fruition.

In addition to reducing the tax rate for American corporations to make them more globally competitive, the legislation also encourages capital formation and investment by ushering in a new tax regime focused on businesses conducted in pass-through format such as partnerships and Subchapter S corporations. These pass-through entities are the backbone of the American economy, representing over 60 percent of all business income and creating more than 60 percent of all jobs in America over the past 25 years."

Mr. DeBoer added:

"We anticipate that many provisions in the bill, including the pass-through tax regime, will require the immediate focus and attention of the Treasury Department to draft interpretative regulations. This process will be critical in maintaining needed guardrails to prevent abuse, but also to make certain the new rules function as efficiently as possible and result in robust economic activity.

The Act also ensures that commercial real estate development and ownership continues to be taxed on an economic basis, thereby avoiding significant market distortions that could harm local communities and lender portfolios."

NATIONAL ASSOCIATION OF HOME BUILDERS.

LETTER NO. 1

NAHB SUPPORTS FINAL TAX BILL

WASHINGTON, DEC. 16.—Granger MacDonald, chairman of the National Association of Home Builders (NAHB) and a home builder and developer from Kerrville, Texas, issued the following statement regarding the final House-Senate conference report on tax reform legislation:

"NAHB fully supports the final conference report on tax reform legislation and com-

mends the work of House-Senate conferees. This comprehensive overhaul of the nation's tax code will help middle-class families, maintain the nation's commitment to affordable housing and ensure that small businesses are treated fairly relative to large corporations. Lower tax rates and a fair tax code will spur economic growth and increase competitiveness, and that is good for housing. We urge the House and Senate to move quickly to pass this legislation."

LETTER NO. 2

On behalf of the approximately 140,000 members of the National Association of Home Builders (NAHB), I am writing to express strong support for the conference report to H.R. 1, the Tax Cuts and Jobs Act. NAHB commends the work of the House and Senate conferees to deliver a final bill that will spur greater economic growth. Due to the importance of this legislation to our economy, NAHB has designated support of H.R. 1 as a key vote.

This comprehensive overhaul of the nation's tax code provides tax relief to middleclass families, maintains the nation's commitment to affordable housing, and ensures that small businesses are treated fairly relative to large corporations. Lower tax rates and a fairer tax code will spur economic growth and increase competitiveness, and that is good for housing. Housing not only equals jobs, but jobs mean more demand for housing.

By passing this bill, housing can be a key engine for the job growth we all seek. After all, the housing sector—representing roughly one-sixth of the U.S. economy—is operating at only two-thirds of its potential capacity. There is tremendous potential in unlocking and unleashing housing to lead the country to greater economic growth.

Again, NAHB has designated passage of H.R. 1 as a key vote, and we urge the House and Senate to move quickly to pass this legislation. Thank you for considering our views.

FINANCIAL SERVICES ROUNDTABLE.

FSR URGES CONGRESS TO PASS CONFERENCE TAX REFORM PACKAGE

WASHINGTON, DECEMBER 15, 2017.—The Financial Services Roundtable (FSR) today came out in support of the conference committee report on tax reform and urged Congress to quickly pass its tax reform bill to help boost economic opportunity for all Americans. "Tax reform will help deliver expanded opportunity for individuals and American businesses of all sizes," said FSR CEO Tim Pawlenty. "Congress should quickly move tax reform over the finish line and enable America to go on economic offense." FSR believes the outcome of the conference committee report will help drive more jobs and long-term investment that benefits American workers and their families. With a near 35% rate, the U.S. has one of the highest corporate tax rates in the industrialized world. These reforms will finally put our country on a more competitive footing for business and investment from around the globe.

AMERICAN BANKERS ASSOCIATION.

ABA STATEMENT ON TAX REFORM LEGISLATION

(By Rob Nichols, ABA president and CEO)

"We congratulate the House and Senate conference committee for reaching a final agreement on comprehensive tax reform. Committee members have moved the nation another step closer to the first major over-

haul of the tax code in more than three decades.

"ABA believes the significant reforms included in this legislation will help grow the economy and create jobs. We particularly applaud the provisions that significantly lower tax rates for all types of businesses beginning in 2018. Banks currently have one of the highest effective tax rates of any industry, and these important changes will allow our members to better serve their customers and the broader economy.

"While there is much to like in the bill, lawmakers missed an opportunity to reform the outdated, unfair and unreasonable tax advantages enjoyed by credit unions and the Farm Credit System. Congress should treat businesses providing the same services the same way, and that is not happening today. We will continue to argue for a level playing field until Congress ends this inequity.

"We still believe this legislation as a whole will benefit our members, their customers, and the country. As a result, ABA supports the conference report and encourages members of the House and Senate, and ultimately President Trump, to enact it into law as soon as possible."

The American Bankers Association is the voice of the nation's \$17 trillion banking industry, which is composed of small, midsize, regional and large banks that together employ more than 2 million people, safeguard \$13 trillion in deposits and extend more than \$9 trillion in loans.

RATE COALITION.

RATE COALITION STATEMENT ON THE TAX CUTS AND JOBS ACT CONFERENCE REPORT

The Reforming America's Taxes Equitably (RATE) Coalition—whose affiliated companies represent over 30 million employees in all 50 states—released the following statement on the Tax Cuts and Jobs Act Conference Report:

"We are proud of the diligence with which this Administration and this Congress have worked to craft historic tax reform. We are equally proud to fully support the end result of those efforts: The Tax Cuts and Jobs Act Conference Report. A critical fix to our broken tax system—one that punishes job-creating businesses of all sizes with the highest corporate rate in the industrialized world—the TCJA Conference Report would help our economy grasp the growth that's well within its reach. Provisions similar to those included in this Conference Report have been projected to boost GDP, create new jobs, lift after-tax income for middle-class families, and encourage greater investment in our country. The RATE Coalition strongly urges Senators and Representatives to deliver those wins for American workers by sending this legislation to President Trump's desk for signature as swiftly as possible."

NATIONAL MILK PRODUCERS FEDERATION.

NMPF STATEMENT ON TAX REFORM LEGISLATION FROM JIM MULHERN, PRESIDENT AND CEO, NMPF

ARLINGTON, VA.—"National Milk has worked closely with House and Senate members on the tax reform conference package to achieve a positive outcome for dairy farmers and their cooperatives, and we're pleased that conferees have completed work on a package that should provide important relief. The final compromise to address the loss of the Section 199 deduction will help protect farmer-owned businesses from a major tax increase at a time when America's

farm sector is struggling with low commodity prices and reduced incomes.

"America's dairy farmers, who overwhelmingly rely on cooperatives to market their milk, appreciate the determined efforts by Sens. John Hoeven (R-ND) and John Thune (R-SD), as well as multiple House members, including Agriculture Committee Chairman Mike Conaway (R-TX), to seek a fair and reasonable solution to this challenge. Their efforts will help prevent a higher tax bill for cooperatives and avert the loss of economic activity in rural communities that these businesses help generate. We're also grateful for the numerous senators on both sides of the aisle who elevated this issue during the debate.

"At issue is the loss of the benefit that both farmers and cooperative businesses enjoy from the Section 199 deduction, also known as the Domestic Production Activities Deduction (DPAD). This important provision of the tax code applies to proceeds from agricultural products marketed through cooperatives, making the Section 199 an important means of reducing taxation for farmers and cooperatives alike. Cooperatives pass the vast majority of the benefit—nearly \$2 billion nationwide—directly to their farmer owners, then reinvest the remainder in infrastructure improvements for the marketing and processing of food products.

"The final tax package released on Friday repeals the DPAD, but the legislation allows cooperative members to claim a new 20-percent deduction on payments from a farmer cooperative. Cooperatives would also be able to claim the 20-percent deduction on gross income less payments to patrons, limited to the greater of 50 percent of wages or 25 percent of wages plus 2.5 percent of the cooperative's investment in property. This favorable treatment for gross income will help minimize any potential increase in the tax burden on farmer-owned cooperatives.

"NMPF believes that this provision, plus components of the bill that increase exemption levels from the federal estate tax, enhance depreciation and expensing opportunities for producers, and preserve farmers' ability to deduct interest expenses, should help farmers and cooperatives alike. The fix offered by Sens. Hoeven and Thune recognizes that farmer cooperatives play an indispensable role in our nation's economy and need to be treated fairly in the final tax legislation."

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in opposition to the Republican tax bill and to the misguided priorities that the GOP has brought to policymaking this Congress.

There was a time when it was taken for granted that Congress would wait for Congress' independent scorekeeper to evaluate the impact of any legislation on the deficit or the budget before passing any laws. People knew that the deficit mattered to the government's ability to provide for our children and grandchildren, and to the economy their ability to provide for themselves. Republicans, especially, professed to know that the deficit mattered.

It was especially unthinkable that Congress would pass important legislation, like tax reform, without waiting for a cost estimate of the bill. As recently as March, my colleague Rep. BRADY said that economic growth from any tax reform package would need to be "not economic growth judged by us, but by the Independent Joint Committee on Taxation."

The GOP should care about the deficit. We haven't been able to reauthorize CHIP funding since it expired months ago, because Republicans won't support health insurance for children without funding offsets. If only they had the same concerns when it comes to tax cuts for their donors and for President Trump.

Republicans will start to care about the deficit again when Medicare, Medicaid, food stamps, or other programs for the low-income are debated by Congress. Just like CHIP, these programs cost far less than the more than \$1.5 trillion that this tax cut will cost, but they might be too expensive for the GOP.

There was also a time not too long ago when Republicans, as much as Democrats, legislated for the common good, or at least their conception of it. It's clear that those times are past.

Mr. BRADY of Texas. Mr. Speaker, I want to take this opportunity to express my appreciation for the hard work of those who made the Conference Report possible.

Thank you to the expert drafters at the House and Senate offices of legislative counsel who worked together on the Conference report after having worked for so many months with the House Ways and Means Committee and Senate Finance Committee on the underlying bills: Henry Christrup, Scott Probst, Fiona Heckscher, and House Legislative Counsel Wade Ballou; and Mark McGunagle, Allison Otto, Vince Gaiani and former Senate Legislative Counsel Jim Fransen.

Thank you also to the hardworking team of JCT economists, lawyers, and accountants, who support all aspects of our work on tax legislation:

Nick Bull, Jim Cilke, Tim Dowd, Chris Giosa, Lucas Goodman, Rob Harvey, Tom Holtmann, Paul Landefeld, Joe LeCates, Kathleen Mackie, Jamie McGuire, Pam Moomau, Rachel Moore, Jake Mortenson, Chris Overend, Brandon Pecoraro, Zach Richards, Heidi Schramm, David Splinter, Lori Stuntz, Brent Trigg, Jeff Arbeit, Nita Asher, Lillian Aston, Paul Chen, Gordon Clay, Adam Gropper, Andrew Grossman, Nick Gutmann, Viva Hammer, Heather Harman, Harold Hirsch, Deirdre James, Sally Kwak, David Lenter, Bert Lue, Tricia McDermott, Paul McLaughlin, Veena Murthy, Cecily Rock, Kristine Roth, Karl Russo, Natalie Tucker, and Kashi Way.

And a special thank you to JCT chief of staff Tom Barthold for his excellent leadership of this outstanding team.

Mr. BRADY of Texas. Mr. Speaker, I want to take a moment to reiterate the importance of dynamic scoring as part of the tax legislative process.

Ever since 1996, when the staff of the Joint Committee on Taxation began to investigate how best to apply macroeconomic analysis to tax legislation, Congressional scorekeepers have continued to hone their expertise and produce ever more sophisticated analyses of various tax reforms. All of this hard work culminated in 2015 when macroeconomic analysis, commonly known as "dynamic scoring," was formally adopted in the House of Representatives for the purposes of official cost estimates for major legislation.

Ever since the formal adoption of dynamic scoring, first in the House and later in the

Senate, the goal has been to produce pro-growth tax reform that was informed by the dynamic scoring process. Although a dynamic estimate was not used for official scoring purposes with respect to H.R. 1 due to constraints in the reconciliation process, macroeconomic analysis will be critical to major legislative efforts in the years ahead. It is important that members of Congress be informed by non-partisan analysis about whether legislation under consideration would shrink or grow the economy as well as how that change in growth would affect the nation's finances and, most importantly, the American people.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting the resolution, if ordered, and

Suspending the rules and passing H.R. 4254.

The vote was taken by electronic device, and there were—yeas 233, nays 187, not voting 11, as follows:

[Roll No. 688]

YEAS—233

Abraham	Curbelo (FL)	Higgins (LA)
Aderholt	Curtis	Hill
Allen	Davis, Rodney	Holding
Amash	Denham	Hollingsworth
Amodei	Dent	Huizenga
Arrington	DeSantis	Hultgren
Babin	DesJarlais	Hunter
Bacon	Diaz-Balart	Hurd
Banks (IN)	Donovan	Issa
Barletta	Duffy	Jenkins (KS)
Barr	Duncan (SC)	Jenkins (WV)
Barton	Duncan (TN)	Johnson (LA)
Bergman	Dunn	Johnson (OH)
Biggs	Emmer	Johnson, Sam
Bilirakis	Estes (KS)	Jones
Bishop (MI)	Farenthold	Jordan
Bishop (UT)	Faso	Joyce (OH)
Black	Ferguson	Katko
Blackburn	Fitzpatrick	Kelly (MS)
Blum	Fleischmann	Kelly (PA)
Bost	Flores	King (IA)
Brady (TX)	Fortenberry	King (NY)
Brat	Fox	Kinzinger
Brooks (AL)	Frelinghuysen	Knight
Brooks (IN)	Gaetz	Kustoff (TN)
Buck	Gallagher	Labrador
Bucshon	Garrett	LaHood
Budd	Gianforte	LaMalfa
Burgess	Gibbs	Lamborn
Byrne	Gohmert	Lance
Calvert	Goodlatte	Latta
Carter (GA)	Gosar	Lewis (MN)
Carter (TX)	Gowdy	LoBiondo
Chabot	Granger	Long
Cheney	Graves (GA)	Loudermilk
Coffman	Graves (LA)	Love
Cole	Graves (MO)	Lucas
Collins (GA)	Griffith	Luetkemeyer
Collins (NY)	Grothman	MacArthur
Comer	Guthrie	Marchant
Comstock	Handel	Marino
Conaway	Harper	Marshall
Cook	Harris	Massie
Costello (PA)	Hartzler	Mast
Cramer	Hensarling	McCarthy
Crawford	Herrera Beutler	McCaul
Culberson	Hice, Jody B.	McClintock

McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Stefanik
Stewart
Stivers

Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Visclosky
Walz
Wasserman
Schultz
Bridenstine
Buchanan
Clarke (NY)
Davidson

Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

Yarmuth
Davis, Danny
Hudson
Kennedy
Pocan
Richmond
Scott (VA)
Smith (TX)

Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis

Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney

Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—187

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Espallat
Esty (CT)
Evans
Foster

Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks

Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Pametta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schradler
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suo zzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 193, not voting 5, as follows:

[Roll No. 689]

AYES—233

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Baretta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hentschling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison
Engel
Eshoo
Espallat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Moore

NOES—193

Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schradler
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suo zzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz

Wasserman
Schultz
Waters, Maxine

Watson Coleman
Welch
Wilson (FL)

Yarmuth

NOT VOTING—5

Bridenstine
Clarke (NY)

Hudson
Kennedy

Pocan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1205

Ms. CLARK of Massachusetts changed her vote from “aye” to “no.” So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WOMEN IN AEROSPACE
EDUCATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4254) to amend the National Science Foundation Authorization Act of 2002 to strengthen the aerospace workforce pipeline by the promotion of Robert Noyce Teacher Scholarship Program and National Aeronautics and Space Administration internship and fellowship opportunities to women, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KNIGHT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 17, not voting 5, as follows:

[Roll No. 690]

YEAS—409

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
F.

Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clay
Cleaver
Clyburn
Coffman

Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Curtis
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DeBene
Demings
Denham

Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael
F.
Duffy
Duncan (SC)
Dunn
Ellison
Emmer
Engel
Eshoo
Español
Estes (KS)
Estry (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxy
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallagher
Gallego
Garamendi
Gianforte
Gibbs
Gomez
Goodlatte
Gotthelmer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna

Kihuen
Kildee
Kilmer
Kind
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebbeck
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowe
Lucas
Luetkemeyer
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
MacArthur
Maloney,
Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascarella
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters

Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozy
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela

Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz

Wasserman
Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams

Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IA)
Zeldin

NAYS—17

Amash
Buck
Davidson
Duncan (TN)
Gaetz
Garrett

Gohmert
Gonzalez (TX)
Gosar
Grothman
Harris
King (IA)

Labrador
Massie
Perry
Sanford
Yoho

NOT VOTING—5

Bridenstine
Clarke (NY)

Hudson
Kennedy

Pocan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1213

Mr. DUNCAN of Tennessee changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO
MAKE CORRECTIONS IN
EN-GROSSMENT OF H.R. 4375, STEM
RESEARCH AND EDUCATION EF-
FECTIVENESS AND TRANS-
PARENCY ACT

Mrs. COMSTOCK. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the change in the engrossment of H.R. 4375 that I have placed at the table.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amend the title so as to read: “A bill to provide for a report on broadening participation in certain National Science Foundation research and education programs, to collect data on Federal research grants to science agencies, and for other purposes.”

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 1,
TAX CUTS AND JOBS ACT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 667, I call up the conference report on the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 667, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 15, 2017, at page 19873.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) and the gentleman from Massachusetts (Mr. NEAL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Today, we are delivering on our tax reform promise to the American people. For the first time in over three decades, we are delivering a new Tax Code that provides more jobs, fairer taxes, and bigger paychecks to Americans across the country.

With this bill, a middle-income family of four earning \$73,000 a year will see a tax cut of over \$2,000. Our local job creators will see the lowest tax rates in modern history so they can invest more in their workers and in their futures. And our businesses will finally have a Tax Code that helps them compete and win anywhere in the world, especially here at home.

This is our moment to make history, to make good on our promise, and to make tax reform a reality for the first time in 31 years.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, what you are about to hear from our Republican friends for the next 30 minutes is the following: a mixture of theology and science fiction. And then they are going to take you to revisionist history.

This is the most regressive piece of tax legislation that has come from the Ways and Means Committee in the 25 years that I have been a member.

This is not about simplification. When you have a chance to look at the phase-ins and the phaseouts, you will be passed out by the time they get to the expiration dates.

They say it is about simplicity; it was going to be on a postcard. You are going to need to carry a billboard around with you to understand what is in this actual bill.

And here is the best part: when Secretary Mnuchin said, Mr. Speaker, that under no circumstances would people at the top get tax relief. Well, I guess if you are formerly in the 39.6 percent

tax bracket, which is summarily lowered to 37 percent, that that is dressed up as no tax relief for people at the very top. But then again, to help out with their argument, then they double the exemption on the estate tax, which will go from \$11 million to \$22 million.

The people at the bottom in this, they are going to argue: Everybody gets a tax cut. Well, here is where we go to revised history.

In 2001, President Bush said everybody gets a tax cut. The Federal budget of \$1.3 trillion included a tax cut for everybody. The people at the bottom got a hundred bucks, and the people at the top got hundreds of thousands of dollars. This is a creative replay of exactly what happened.

And then in 2003, they came back and cut taxes again for people at the very top and blew a huge hole in the Federal deficit, which had been estimated at the time, after Clinton left on January 19, 2001, to project surpluses of \$5.6 trillion over the next 10 years. Instead, the Federal deficit mounted to \$6.1 trillion.

So here is the simplicity of their proposal today. They are borrowing \$2.3 trillion to give a tax cut to people at the very top of American society. That is not in dispute.

In addition to borrowing the money, recall that the Federal Reserve Board said they are projecting, already, three increases next year in interest rates. We don't know what this is going to look like by the time they get done, but this, today, is more about ideology than it is about public policy.

Think of it this way as well: This was done in 1 month. In 1 single month, the entire revenue system of the United States is being transformed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEAL. I yield myself an additional 1 minute, Mr. Speaker.

Not one public hearing was held on this bill. And when they say today, "Oh, we had 5 years of public hearings," we did not have one hearing on this bill—not one. No witness testimony was sought. No committee was convened for the purpose of a hearing. And then when we went to conference, we were all granted an opening statement, and we got to question the non-partisan Director of the Joint Committee on Taxation.

Mr. Speaker, more than anything else today, this is a missed opportunity where both sides could have accomplished something great for the American people.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I stood here several weeks ago to speak in support of the original House-passed tax reform bill. Since then, as a member of the conference committee, I have participated in the process of strength-

ening this bill and making it even more transformative. That is why I continue to stand in strong support of the bill and conference report we will be voting on today.

Washington's special interests have distorted business decisions for too long, and we cannot afford to wait any longer to reform our broken Tax Code.

Should we fail to act now, businesses will continue to leave the United States for tax purposes, taking thousands of good-paying jobs—American jobs—with them. Our small businesses will continue to suffer the damaging effects of a bewildering and punitive Tax Code that gives unfair advantages to their larger, well-connected competitors.

But all this will change if we pass this bill.

For years, I have advocated for full and immediate expensing, which will allow businesses of all sizes to write off costs immediately. This bill will provide full expensing, which is one of the many progrowth pieces to this legislation. I am confident my colleagues will soon see the tremendous effect of full expensing and make the important decision to extend it before it expires.

Mr. Speaker, I stand here with my colleagues on an historic day in support of one of the most dramatic reform bills to come before this body since I came to Congress. The Tax Cuts and Jobs Act simplifies the Code, grows the economy, and allows for strong business investment.

I have said before that I will not accept the status quo of our broken Tax Code or a minimal reform that merely adjusts rates. Instead, we must transform the Code into a system that is simpler and fairer and that encourages economic growth instead of suppressing it. That is what this bill does, and that is why I strongly support its passage.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN), the longest serving member of the Ways and Means Committee, and a well-deserved 1 minute, I might add.

Mr. LEVIN. Mr. Speaker, in all of my 35 years in Congress, this is one of the most deceitful bills I have ever seen.

It is deceitful when Republicans say the bill is focused on the middle class while it is really aimed at making the very wealthy even wealthier and forcing millions of middle class families to pay higher taxes.

It is deceitful when they say it makes the Tax Code simpler, even as the legislation creates complicated new loopholes while allowing existing ones, such as carried interest, to continue.

It is deceitful when the bill will increase the outsourcing of American jobs by providing a lower tax rate on foreign investment compared to investing here.

It is deceitful about the debt. Republicans say don't worry about the expiring tax provisions, but extending them would raise the bill's already devastating effect on the deficit to \$2.3 trillion.

Republicans are rushing this bill, but, even in their haste, they are already too late. The majority of the American people already say this bill is a deceitful sham.

Mr. BRADY of Texas. Mr. Speaker, I am very proud to yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM), chairman of the Tax Policy Subcommittee.

Mr. ROSKAM. Mr. Speaker, I thank the chairman for yielding me time.

We have heard some strong language for the past couple of minutes. This has been described as theology, science fiction, ideology, and now deceit.

Well, where is the deceit?

The deceit is in the assumption that we can live with the status quo, Mr. Speaker.

The deceit is a blindness to the recognition that we have a Tax Code that is literally dissolving underneath us. It is dissolving underneath us.

And this Congress has an opportunity to do something transformational, and I propose, along with my colleagues, to be transformational and opportunistic.

There is a lot of discussion in the subtext of this about class envy and opportunity and so forth. Here is what I know: It is the status quo that is serving the few. It is the status quo that is so off-putting and unsettling and keeps people at arm's length.

What we are proposing is something very different. Mr. Speaker, we are proposing the economics of opportunity, not the economics of envy; the economics of buoyancy and the economics of participation.

Therein lies the foundation of this bill. It offers tax relief that my constituents are longing for, and it offers a business environment in a milieu that makes things happen, and happen for the good.

So I am pleased, I am honored to be a part of this. I urge my colleagues to vote "aye," and let us celebrate a job well done.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Congressman JOHN LEWIS, one of the great men of our times.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my good friend and ranking member, Mr. NEAL, for yielding me time.

I rise to oppose this conference report with every bone in my body.

This bill is a \$2.3 trillion cowardly gift to Wall Street, the rich, and the wealthy. This bill was conceived in the darkness of the night and birthed with the help of their donors and funders.

This bill is not for the people; it is not of the people; and, Mr. Speaker, it is not tax reform. They reward their

donors so that our children and grandchildren will suffer. This is not fair, it is not just, and it is below the dignity and the worth of this body.

Mr. Speaker, I have said on many occasions that you cannot get blood from a turnip; you cannot justify robbing poor Peter to pay billionaire Paul.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEAL. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. LEWIS of Georgia. Mr. Speaker, when the bill comes due, the chickens will come home to roost.

I urge all of my colleagues to be on the right side of history and vote against this act.

I thank my good friend, the ranking member, Mr. NEAL, for yielding.

Mr. Speaker, I rise to oppose this conference report with every bone in my body.

This bill is a \$2.3 trillion holiday gift for Wall Street, the rich, and the wealthy.

This bill was conceived in the darkness and birthed with the help of your donors and funders.

This bill is not for the people. It is not of the people, and, Mr. Speaker, it is not tax reform.

Working and middle class families, the sick, the elderly, and generations yet unborn will bear the burden of this reckless act.

To pay for this so-called tax cut, Republicans will destroy the hopes of those, who dream of affordable, quality health care.

To pay for this tax cut, Social Security, Medicare, and CHIP will be on the chopping block.

To pay for this tax cut, bipartisan repairs of transportation, affordable housing, and student debt will be out of reach.

To pay for this tax cut, every single federal program that matters to the American people will be dealt a crippling blow.

You reward your donors so that our children and grandchildren will suffer.

This is not fair. It is not just, and it is below the dignity and the worth of this body.

Mr. Speaker, I've said on many occasions that you cannot get blood from a turnip, and you cannot justify robbing poor Peter to pay billionaire Paul.

Mr. Speaker, when the bill comes due, the chickens will come home to roost.

I urge all of my colleagues to be on the right side of history and to vote against this bill.

□ 1230

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACK), the chairwoman of the Budget Committee and a member of the Ways and Means Committee.

Mrs. BLACK. Mr. Speaker, this is truly a monumental day for the American people.

During my 7 years here in the House serving on the Ways and Means Committee, we have studied, considered, and outlined the sorts of reform that could benefit the American people.

As a conferee for H.R. 1, the Tax Cuts and Jobs Act, I am proud that we kept our promise of providing tax relief for

hardworking, middle class families and making the Tax Code simpler and fairer for all.

It has been more than three decades since our Nation's tax system has been modernized, and this is finally the day to change that.

I want to remind my colleagues that the process began long before this year. When passage of the budget provided the key, our ideas for conservative tax reform were finally unlocked and could be pursued for real tax reform.

Without question, this conference report reflects our shared conservative principles. The conference agreement addresses the heavy tax burden weighing down hardworking Americans and holding back job creators. It brings simplicity to the Tax Code. It helps low- and middle-income Americans see more of their hard-earned dollars in their paychecks. It empowers entrepreneurs and small businesses to continue opening, operating, and expanding on Main Street.

With every major legislative effort, there will be critics. But the critics have it wrong. The truth is that the Tax Cuts and Jobs Act delivers relief at every income level and protects more hard-earned dollars from taxes. For the average family of four, this legislation means a tax cut next year of more than \$2,000.

The point of this exercise is that we are cutting your taxes, plain and simple. I urge my colleagues to stand on the right side of history and support this legislation because the benefits will be felt by all Americans for generations to come.

Mr. NEAL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the very capable legislator and Democratic whip.

Mr. HOYER. Mr. Speaker, I was here in 1981. They said the 1981 bill would pay for itself.

David Stockman, a former colleague from Michigan, was here. He was at OMB. A few years later, he wrote a book and he said: I said it would pay for itself, and I knew that was not true.

The same can be said of this bill.

Mr. Speaker, history will indeed remember this vote. Future generations of Americans will remember who cast their votes to raise taxes on 86 million middle class households and heap another \$1.5 trillion in deficits onto our children and our grandchildren.

They will remember who cast their votes for a plan that gives 83 percent of its benefits to 1 percent of the American people.

They will remember that President Trump promised that the middle class would get a tax cut and wealthy individuals like him would not, before turning his back on that promise.

They will remember those who cast their vote to kick 13 million Americans off their health insurance coverage.

They will remember those who acted with the full knowledge that their

votes would trigger a \$25 billion cut to Medicare. I know you said you are going to waive it, which would simply add \$25 billion more to the deficit.

Posterity will also remember those who stood up in the face of this dangerous and partisan bill and said “no.” Those of us who vote against it are doing so not because we oppose tax reform. On the contrary. We recognize, as most Americans do, that this bill is not tax reform. It is a tax giveaway to those who don’t need our help, paid for by those who need it the most. This is reckless and dangerous deficit spending at its worst.

In 1986, Democrats and Republicans worked together in good faith and over many months in an open, transparent, and regular order process to craft real, bipartisan tax reform that helped the middle class without adding a dime to the deficit. Not a single dime.

This has not been an open process. This has not been bipartisan. This has not been transparent or through regular order.

This raises taxes, as I said, on 86 million Americans, who will pay more taxes 10 years from now than they do today. It gives 83 percent of the tax cuts to the top 1 percent, not the \$59,000 family that PAUL RYAN talked about, but to those families making over \$900,000 a year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEAL. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. HOYER. This bill adds \$1.5 trillion to the deficit. This is not tax reform.

So Republicans may pat themselves on the back in the coming days for having finally passed something out of Congress. Unfortunately, it is a bad thing. I urge them to remember that this vote may be the most consequential of their careers, and not positively.

I say to my friends across the aisle: Stand up and say “no” with us and commit to start working on a product all Members of the Chamber can be proud of, as was the case in 1986. That is what Ronald Reagan did. In 1986, Reagan did not go down this reckless and irresponsible path.

Stand up for the principles you used to espouse but are now about to abandon. Stand up for fiscal responsibility. Stand up for the middle class. Stand up for what the American people hope we would do. This is not it.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Mr. Speaker, I rise today as a farmer, a rancher, a small-business person, but most importantly as a mom. I rise to support the conference report on H.R. 1, the Tax Cuts and Jobs Act.

Mr. Speaker, in my home State of South Dakota, the average household income is \$54,000 per year. Out of that

\$54,000, our families pay double the national average in energy costs just because of where they are located. These are hardworking families and they deserve a break. The Tax Cuts and Jobs Act gives them that break.

By lowering tax rates, doubling the standard deduction, and doubling the child tax credit, that family in South Dakota making \$54,000 can go from an \$833 tax liability to a \$781 tax refund. That is a \$1,600 difference in after-tax income. That is \$1,600 that can go back to benefit their families and their communities, rather than into the greedy hands of those in Washington.

On top of that, the Tax Cuts and Jobs Act is designed to build a healthier economy—an economy in which that family making \$54,000 can get a raise, an economy that actually grows jobs.

I am proud to have served on the conference committee that put this report together. I thank Chairman BRADY for his leadership throughout the process. We worked literally hundreds of hours putting this together and getting the child tax credit where it is today.

We had vigorous debates about the benefits to rural America. I am thrilled to be able to go home and tell South Dakota farmers and ranchers they will have new expensing tools, a new small business deduction, and significantly lower individual rates.

While I am disappointed that this bill doesn’t completely repeal the death tax, it does provide more relief for producers and small-business owners.

While no plan is perfect in anyone’s eyes, this legislation puts more money in the pockets of hardworking taxpayers. The bottom line is this: the American people deserve more control over their paychecks. They worked for that money, and it is time folks in Washington respect that.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a valued member of the Ways and Means Committee.

Mr. DOGGETT. Mr. Speaker, between tweets, Trump apparently had time to take those calls from his rich friends that kept asking for more. Not even this lapdog Republican Congress initially did enough to satisfy the Trump family and their billionaire buddies.

Instead of adjusting the differences between the House and the Senate, Republican conferees, last week, secretly concocted even more benefits for them. Those real estate moguls, like Trump, who had already been granted preferential tax treatment, can now take advantage of an entirely new loophole that was not in either of the previous bills.

Just in case their endless loopholes left some donor behind, the Republicans have provided a new, across-the-board tax cut for billionaires. It is working families who will pay to put the platinum tinsel on this Christmas tree for the elite.

This is not tax reform. It is a reward for the privileged. It is a Christmas where working people get to keep the gift wrapping, but the wealthy and corporate tax dodgers get the gift.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, this is a historic day.

I am reminded that 17 years ago, I got elected to Congress, campaigning on tax reform and campaigning on the fact that it is not our money, it is our constituents’ money.

Today we are giving the money back to our constituents. To Bob and Betty Buckeye in Ohio, it is more wages in their pockets.

The bill also includes an initiative that I worked on with Mr. KIND that is bipartisan, called the Investing in Opportunity Act, cosponsored by Mr. NEAL. This bill, authored by my friend in the Senate, TIM SCOTT, will help areas that haven’t seen economic recovery to allow private investment in poor rural and urban areas. Thanks to Mr. SCOTT, the bill was in the Senate version and in the conference committee.

Mr. NEAL knows that incentives like that, the low-income housing tax credit, the new markets tax credit, and the historic tax credit will help those in communities that have been left behind with more money in working families’ pockets.

I urge adoption of the conference report.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), a distinguished Vietnam veteran and a well-known and valued member of the committee.

Mr. THOMPSON of California. Mr. Speaker, this tax bill is bait and switch.

Republicans said the tax bill would simplify the tax system and help working people, not the rich. Well, that is out the window. With this Republican bill, 86 million middle class households will see their taxes go up.

Remember when the Republicans said we would be filing our taxes on a postcard?

The postcard is now gone. Instead of making our Tax Code simpler, Republicans have made it more complicated. They have even added an additional bracket.

Their claim that this is not a tax bill that favors the rich and the corporations, some of which ship jobs overseas, is malarkey. While there are some tax cuts for the middle class, they are all temporary. But the breaks for corporations are permanent. That is leaving too many people behind.

Let’s not forget about the State and local tax provision. Because of the changes the Republicans are making, some home values in some States are projected to drop by 10 percent.

The richest of the rich are getting a break. The top bracket is dropping from 39.6 percent to 37 percent. Those folks are not your working, middle class families. To add insult to injury, it raises our debt by \$2.3 trillion.

It is a bad bill. Please vote "no."

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS of Kansas. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this very important issue.

Mr. Speaker, I rise today to be a voice for Kansans who know our status quo Tax Code no longer works for them. They know it doesn't work when it favors special interests over individuals or when it causes Kansas factories to close, sending those jobs to other countries.

I rise today because Kansans know that without rejuvenated and sustained economic growth, we will never find the money to pay down our Nation's debt.

That is why I strongly support H.R. 1, which will close special interest loopholes and lower rates for everyone—not just the rich, not just the poor, but everyone.

Individuals in my district will see immediate tax relief with the doubling of the standard deduction and the child tax credit. We also lessen the financial burden of education by keeping important college tax provisions and expanding access to 529 savings plans.

On average, a family of four in my district will see a tax cut of just over \$2,300 because of this bill.

A fairer, simpler Tax Code means every hardworking family will see the tax relief and economic growth this country rightfully deserves.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), the former president of the State Senate and a well-informed member of the Ways and Means Committee.

□ 1245

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I include in the RECORD the Congressional Budget Office's accounting of the \$25 billion that will be taken out of Medicare.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, November 13, 2017.

Hon. STENY H. HOYER,
Democratic Whip, House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: This letter responds to your request for information about the effects of legislation that would raise deficits by an estimated \$1.5 trillion over the 2018–2027 period, specifically with respect to a sequestration—or cancellation of budgetary resources—in accordance with the Statutory Pay-As-You-Go Act of 2010 (PAYGO; Public Law 111–139).

The PAYGO law requires that new legislation enacted during a term of Congress does

not collectively increase estimated deficits. The Office of Management and Budget (OMB) is required to maintain two so-called PAYGO scorecards to report the cumulative changes generated by new legislation in estimated revenues and outlays over the next five years and ten years. If either scorecard indicates a net increase in the deficit, OMB is required to order a sequestration to eliminate the overage. The authority to determine whether a sequestration is required (and if so, exactly how to make the necessary cuts in budget authority) rests solely with OMB.

CBO has analyzed the implications of enacting a bill that would increase deficits by \$1.5 trillion over a 10-year window, without enacting any further legislation to offset that increase. In accordance with the PAYGO law, OMB would record the average annual deficit on its PAYGO scorecard, showing deficit increases of, in the example provided, \$150 billion per year. If the bill were enacted before the end of the calendar year, that amount would be added to the current balances on the PAYGO scorecard, which for 2018, show a positive balance of \$14 billion. (For years after 2018, the balances range from a \$14 billion credit to a \$1 billion debit.)

Without enacting subsequent legislation to either offset that deficit increase, waive the recordation of the bill's impact on the scorecard, or otherwise mitigate or eliminate the requirements of the PAYGO law, OMB would be required to issue a sequestration order within 15 days of the end of the session of Congress to reduce spending in fiscal year 2018 by the resultant total of \$136 billion. However, the PAYGO law limits reductions to Medicare to four percentage points (or roughly \$25 billion for that year), leaving about \$111 billion to be sequestered from the remaining mandatory accounts. Because the law entirely exempts many large accounts including low-income programs and social security, the annual resources available from which OMB must draw is, in CBO's estimation, only between \$85 billion to \$90 billion, significantly less than the amount that would be required to be sequestered. (For a full list of accounts subject to automatic reductions, see OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2018, <https://go.usa.gov/xnZ3U>.)

Given that the required reduction in spending exceeds the estimated amount of available resources in each year over the next 10 years, in the absence of further legislation, OMB would be unable to implement the full extent of outlay reductions required by the PAYGO law.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

KEITH HALL,
Director.

Mr. LARSON of Connecticut. Mr. Speaker, it is hard to be here today, as we approach Christmas, and not look at this bill, knowing that we have honorable Members on the other side, who, this Christmas, will be sitting with their relatives, their family members, their mothers and fathers, their brothers and sisters, and knowing that this creates not just a \$2 trillion debt, but the pay-for—the pay-for—out of the Medicare program: an automatic cut of \$25 billion in a plan that was never debated. It fulfills a grand vision of Grover Norquist and the ideology that you took a pledge to. But what about the

oath of office, and a pledge to the Constitution, and standing up for the people of this Nation, and the very elderly at this Christmas, and throughout the year, who will need our help?

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I thank the gentleman for yielding.

One of my predecessors—a good friend and mentor—was Bill Frenzel. He was the last Minnesotan to serve on the Ways and Means Committee when tax reform was passed. It was 1986.

In the 31 years since then, our Tax Code has been one of the most complicated, unfair, and most uncompetitive in the world. It has led to a stagnant economy with sluggish growth, with America losing our manufacturing, our jobs, our innovation, and our headquarters overseas.

But today, that all changes. Today, we will pass and give Minnesota employers the confidence and the capital that they need to grow their businesses, to hire more workers, and to give their employees a raise.

This provides middle-income families with tax cuts they need to save for their future and improve their standard of living. This helps real people with real needs.

Mr. Speaker, tax reform for me is about one thing and one thing only: it is about restoring the hope for a prosperous future for ourselves, our parents, and, most importantly, our children.

Mr. Speaker, I urge adoption of the report.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), a very capable member of the committee, and a champion of renewable energy.

Mr. BLUMENAUER. Mr. Speaker, this bill will be the largest transfer of wealth in our Nation's history, financed by mortgaging our children's future with a mountain of increased debt. It is not really even a policy. It is, rather, a collection of special interest provisions being sold on a false set of promises.

It is not middle class tax relief. It is, instead, permanent and massive tax reduction for the largest corporations and wealthy individuals like Donald Trump. Eighty-three percent will flow to the top 1 percent.

Everybody else will receive only a small, and temporary, tax reduction. Ultimately, 86 million Americans, middle class Americans, will have their taxes increased.

This legislation fails utterly to invest in the American people for this \$2.3 trillion. But it is a bonanza for the attorneys, the accountants, and the lobbyists finding ways to further enrich the most privileged in America.

And, for weeks to come, we are going to learn more about the special gifts hidden within this bill to nail down the last few votes.

No wonder the American public is opposed. They are right, and the Republicans are wrong.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of the tax reform conference report.

This is our great opportunity to reduce the tax burden on Americans across the economic spectrum, while modernizing our Tax Code for the 21st century.

I would like to take a few moments to discuss what this bill does for American agriculture.

First and foremost, this bill cuts taxes for most Americans, while simplifying compliance and transitioning us to a more competitive tax system internationally.

In addition to retaining the deduction for State and local taxes for individuals and families up to \$10,000, this bill leaves intact the full deduction for property taxes on ag land and property.

In addition, I am grateful this conference report includes a solution to concerns raised by agriculture co-ops and their members about the repeal of section 199.

With commodity prices low, it is important we ensure the Tax Code continues to work as intended, with co-ops passing along their profits to their producer owners.

Finally, while I would have preferred we repeal the death tax in full, doubling the exemption and keeping a stepped up basis will help provide certainty for more farmers, ranchers, and small businesses.

Mr. Speaker, I thank the chairman and the conferees for their work on this strong product. I am anxious to pass this bill and get it to the President for his signature.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND), a very capable member of the Ways and Means Committee.

Mr. KIND. Mr. Speaker, if we are going to borrow \$2 trillion from China over the next 10 years, it better be for a very good reason. And lavishing huge tax breaks to multinational corporations and to the most wealthy amongst us is not a good reason.

I am very concerned about many of my fiscally conservative friends across the aisle. So I offered an amendment that would have expanded the endangered species list to include fiscally conservative Republicans because they are about to go extinct under this bill.

And under this bill, they are creating a mess that is going to take years to clean up because of the potential for fraud and abuse.

Consider this: They are pitting a hastily written bill, drafted without

one hearing, considered without feedback from people back home, without proper vetting, all over the course of a few short weeks against some of the smartest accountants and tax attorneys that money can buy.

Who do you think is going to win that battle?

This is a bill that was drafted of, for, and by the powerful special interests in Washington, and it should be rejected.

The SPEAKER pro tempore. Once again, the Chair reminds Members to direct their remarks to the Chair.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the majority whip of the Republican Conference.

Mr. SCALISE. Mr. Speaker, I thank Chairman BRADY for yielding time and for his leadership in the entire group of conferees on bringing this tax cuts and jobs bill to the floor.

I thank President Trump for working with us every step of the way to bring us to a historic moment where we are actually going to provide tax relief to hardworking families.

There are those on the other side who would say: Keep all the money in Washington, stunt economic growth, continue to let America be non-competitive where we see jobs go overseas over and over again—large companies, thousands of jobs at a time moving to foreign countries—because we have the highest corporate tax rate in the industrialized world.

Well, Mr. Speaker, it is time for that to end, and we do end that in this bill. We finally make our country competitive again so we can bring those jobs back.

Why deny opportunity for so many people who want a chance at the American Dream?

In our bill, Mr. Speaker, we cut every single tax rate and make it lower. That is more money in the pockets of hardworking families. On average, families are going to see over \$2,000 more back in their paychecks every year. That is real money, when you look at, right now, the average savings for families is \$400 in their checking account. This is real money to help people have better opportunities to go put more money in their kids' college tuition accounts.

When you look at what this means, it is not only good for economic growth, creating jobs, and rebuilding our middle class, but it is historic in the simplification where over 90 percent of American families will actually be able to do their taxes on a postcard. Just think of how simplified that makes the Code.

The last time this was done was in 1986. And when Ronald Reagan was signing that bill, he talked about how hard it was and how many times people said it couldn't happen. In fact, Ronald Reagan read a quote from a headline, and he said: "The impossible became the inevitable."

Today, Mr. Speaker, we make that impossible the inevitable again and restore that hope and opportunity for so many families who just want a chance at the American Dream. We give them that.

Let's pass the Tax Cuts and Jobs Act today. Get it on President Trump's desk so we can finally see this economy going again. What a great Christmas present this is going to be to the American people.

Mr. Speaker, I urge everybody to vote "yes."

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL), the very quotable Congressman.

Mr. PASCRELL. Mr. Speaker, all on a postcard, simple as that. I say it is a postage stamp mentality. Many of them need counseling in economics. If they want to keep it simple, let's keep it simple. Very simple.

How about that couple that wants to send their kids to college and put a second mortgage on their house. You can't do that anymore. You cannot do that. That is not a middle class legislation. That is the stick it to the middle class.

Mr. Speaker, this is serious business. I will tell you what is simple. If you are born in a family with an estate worth more than \$11 million, this Republican Congress is coming to your aid with a \$3 million average windfall.

And if this Congress actually still practiced oversight, we would know from his tax returns that Donald Trump and his family will see cuts worth millions of dollars per family.

This is not good policy, Mr. Speaker—not at all—and it is dangerous.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. MARCHANT).

Mr. MARCHANT. Mr. Speaker, today, we are keeping our promise to the American people and sending comprehensive tax reform to the President's desk for the first time in 31 years.

Lowering the tax rates for middle-income families and providing a tax cut for every income level in 2018 is a very historic Christmas present delivered to my constituents in north Texas.

This year, our country has—after many long years of low growth—begun to experience the level of growth and economy that it needs. This tax cut bill will assure Americans years of sustained high growth and new jobs.

Mr. Speaker, job creators and investors know that the Tax Cuts and Jobs Act will create lasting economic growth and a booming economy for everyone.

Mr. Speaker, I urge my colleagues to vote in favor of this bill and deliver tax relief to the American people.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), the chairman of the Democratic Caucus, a good friend,

and a former member of the committee.

Mr. CROWLEY. Mr. Speaker, the Republican bill is unaffordable, with a \$2.3 trillion price tag.

It is inequitable, costing working families more, while cutting taxes by \$200,000 for the top 0.1 percent.

It is a scam, and the American people know it.

Is this bill about helping people who are living paycheck to paycheck?

Hell no.

Is this bill going to bring back jobs and lift up the middle class?

Hell no.

Is this bill going to make life better for cops, firefighters, nurses, truck drivers, students, veterans, teachers, and shift workers?

Hell no.

Do you know who this bill is going to help?

Corporate special interests, the wealthiest Americans, and, yes, the Trump family.

My colleagues, if it looks like a scam, quacks like a scam, it is a scam.

Can you vote for this bill with a clear conscience?

Hell no, you can't.

The SPEAKER pro tempore. Members are advised to observe proper decorum in debate.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REED).

Mr. REED. Mr. Speaker, I thank the chairman for yielding to me.

And to the colleague from New York, to all of the people you referenced in the middle class, I say: Hell yes, they are going to be helped by this bill.

And do you know what it is going to do? It is going to let them keep the money in their pocket that they earned, the \$1,600, for the average resident in my district.

And what it is also going to do, Mr. Speaker, is it is going to create jobs.

And what does a job do for a person?

I will tell you what it does. It not only puts money in their pockets, Mr. Speaker, but we are going to have a new wave of optimism. We are going to have a new wave of opportunity, where people will be able to go to work, soil their hands, and earn their livelihood, which gives them dignity, which gives them pride, and gives them honor.

This is a new day in America. And with tax reform and tax cuts coming, I say to all of my colleagues: Join us to stand for those hardworking Americans, give them their money, and allow us to give hope and opportunity to all of them going forward.

□ 1300

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DANNY K. DAVIS), a very knowledgeable Member from the city of Chicago and champion of all things Chi-

ago. Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, any way you cut it, with this bill, the rich will get richer, the poor will get poorer, and middle class families will get shafted. Thirteen million Americans will lose their health coverage, and people with preexisting conditions can forget it.

Then the writers of this bill will be coming after entitlement programs, after Medicaid, Medicare, Social Security, SSI. We are down to the wire, and no matter what is said, this bill raises the debt, raises taxes on middle-income families, and provides wealthy individuals and corporations with big tax cuts they don't need.

It is a sad day for my district; it is a sad day for the State of Illinois; it is a sad day for the United States of America; and I will vote "no."

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HOLDING).

Mr. HOLDING. Mr. Speaker, I am proud to be here today to support this much-needed overhaul of our broken Tax Code. The status quo we have seen over the past decade is unacceptable, and this bill will finally provide much-needed relief to working families and put our economy back on the path to stable and sustained growth.

This bill restores the global competitiveness of American businesses by lowering the corporate rate and moving toward a territorial system. Further, H.R. 1 provides our small businesses the lowest tax rate in a generation, ensuring that these job creators are able to reinvest more of their hard-earned money in our future.

Instead of handing over more of their money to the government, small businesses can hire that extra employee, open that second location, or buy that new piece of machinery or lab equipment that they need to take them to the next level by putting in place a Tax Code that encourages growth and rewards investment. It is projected there will be over 10,000 new full-time jobs created in my State of North Carolina.

I am proud to support this transformational bill that will bolster growth and investment here at home, leveling the playing field for U.S. businesses.

Further, I look forward to continuing to work with my colleagues to ensure that Americans across the globe have a similar level playing field through a system of residence-based taxation.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HIGGINS), a capable member of the Ways and Means Committee.

Mr. HIGGINS of New York. Mr. Speaker, the rich and wealthy corporate winners of this Republican tax scam love company, and they just got the company of 14 United States Senators who will personally benefit from a new 20 percent deduction for wealthy real estate investors with no employees to pass that benefit on to.

One Senator who voted against the bill, before he announced he was voting for it, stands to gain \$7 million annually and personally. The Senator said he was unaware of the provision and that he did not read the bill.

Mr. Speaker, the conference committee, the reconciliation process, was to narrow the differences between these two bad bills, not add new provisions that benefit rich Senators. This bad bill just took a dramatic and potentially illegal turn that should be fully investigated before a vote is taken today.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the majority leader of the House.

Mr. MCCARTHY. Mr. Speaker, before I begin, I want to thank the gentleman.

Today, we will take a vote that every Member on this floor will remember. The country will remember. Then next year, when people check their checks and realize they have more money, they are going to remember who voted for status quo and who voted to make America's comeback.

I want to thank the chairman, KEVIN BRADY, for that work.

Now, Mr. Speaker, a month ago, when the House passed an earlier version of this bill, I said that, for all the jobless, for everyone who hasn't gotten a raise in years, for the parents, for the small-business owners, and for anyone who ever dreamed of being that entrepreneur and a small-business owner, we heard you. This bill is the start of their comeback, and when they win, well, that is the start of America's comeback.

Our country has faced some tough times. I don't have to tell you about that. And for too long, year after year, more and more Americans gave up hope. They were out of work. Or maybe they had a job, but they could not see past the next month or even the next week. They watched factories and businesses close up shop and move out, even moving out of the country.

Nobody wants to see their communities hollow out. Nobody wants to feel like they live in a nation in decline. That is not who Americans are. Frankly, Mr. Speaker, we are not a country that gives up on hope. This legislation and the Republican Party's entire economic plan, they are giving people hope.

You can see it in the stock market. For every American who vests their retirement in a 401(k), 84 times it has set a new record since last year's election alone.

You can see it in companies like Broadcom. You know, Broadcom was a company created in America, but they are not domiciled here today. They moved to Singapore simply over our Tax Code.

So for those who want the status quo and want to keep Broadcom in another

country, go ahead and vote “no.” For those who believe in the hope of this country, even greater, looking at this bill, Broadcom said they are coming back to America.

Mr. Speaker, you know what that means? \$20 billion in revenue in just a year. That means \$3 billion every year invested in R&D; \$6 billion every year invested in manufacturing. Those are jobs we all dream about, and the action of this bill is making it happen.

You can see it in the faces of families who learn that next year thousands of dollars that they earn won’t go straight to Washington; it will actually stay right at home. And this is all in an environment of disinformation and fear-mongering. I mean, I have seen what has been said, and, to me, it is absurd.

Mr. Speaker, Leader PELOSI said that this bill was, and I quote, “Armageddon” and “the end of the world.” Now, Mr. Speaker, I listened a great deal to what my counterpart on the other side, the minority leader, has said, and I have read when *The Washington Post* analyzed what she had said.

Now, when you say something that could be a little off and don’t have all the information, they have this rating for you. She has had a rating on this. She did not get one Pinocchio. She did not even get two. She didn’t even get the extreme of three. She got the most Pinocchios you can say when it is totally false, four, for her conversation about this bill.

Mr. Speaker, in such times when the other side will say anything to win their political game, I recommend that folks actually look at the bill: doubling the standard deduction; lowering rates; simplifying the Code so you don’t spend weeks, you spend minutes; doubling the child tax credit; ending the individual mandate; lowering taxes on small businesses to the lowest it has been in 40 years; creating incentives for business to invest and hire. That is not a recipe for Armageddon. That is hope for a nation to come back.

The American people see through all this rhetoric, and they are going to feel it next year when they check their paychecks and they see they keep more money because of the vote today. They are going to feel it next year and the years after and when they get that raise they have been waiting for. They are going to feel it more and more as companies announce coming back home. They are bringing jobs right back to the USA. They are going to feel it when we start looking to the future not with fear, but with hope.

I won’t accept the status quo. But there will be some in this body who will vote for the status quo. I won’t accept failure.

Now, I do not believe anybody in this body was elected to preside over America’s decline. I recently was overseas, and I was sitting at a dinner table with

some elected leaders from other countries, some Americans who were working in other countries, and I asked them: What is the impression of what is happening in America today? I thought the reports I would get would be a little different.

Do you know what they said to me? They said: America is back. You are now tackling big items again. Not only are you going to lead your own country, but you will help, again, lead the world. They were fearful of the competition of rising America one more time.

So don’t vote for the status quo. Vote for a tax cut. Vote for reform. Don’t vote because some leader whipped you and intimidated you. Vote for your constituents. Vote for your country, and vote to raise the paychecks of America.

Mr. NEAL. Mr. Speaker, the stock market has been going up since March of 2009, and we have had 88 straight months of economic growth.

Mr. Speaker, I yield 1 minute to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Mr. Speaker, the Republican majority is ramming this tax bill through, calling it a Christmas gift to the American people. I have never seen such intellectual dishonesty in my life. It is more like the Grinch who stole Christmas.

In poll after poll and through elections in New Jersey, Virginia, and my home State of Alabama, the American people continue to send a message that they do not want this tax bill to move forward. But here we are watching the fiscal hawks of the Republican Party blow through every red light on the way off the cliff, adding \$1.5 trillion to the deficit.

What is the rush, I ask you. Last week, the American people in my home State of Alabama spoke up and spoke out. We deserve to have our duly elected Senator to vote on this bill.

What is the rush? Not one hearing, not one expert testifying, and no regular order. I ask you, Mr. Speaker, what is the rush?

I believe the rush is because they know this is not tax reform. It is a tax sham. The American people deserve better. My constituents from Alabama deserve better. We should vote “no” on this tax bill.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SMITH), the secretary of the Republican Conference.

Mr. SMITH of Missouri. Mr. Speaker, I am proud to represent the folks of southeast Missouri. The district that I represent, the average median income is right at \$40,000. It is one of the lowest average median incomes in the country.

I have asked my folks back home, just last week, if they support this tax bill, and, in fact, 67 percent say they

support the Trump tax bill. Mr. Speaker, \$40,000 back home is a salary. It is not a Christmas bonus that people get in New York City or California. \$40,000 is their salary.

Mr. Speaker, let me give you some facts: Mr. Speaker, the first \$24,000 that people earn in southeast Missouri will be at a zero percent tax rate. A family of four that makes \$55,000 will pay zero in income tax.

When you look at a median average income in southeast Missouri being \$40,000, we are winners. What you are hearing on the other side is complete, false, and absolute lies.

Mr. Speaker, I ask this body to support the conference committee.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DELBENE), who is very successful.

Ms. DELBENE. Mr. Speaker, in this tax bill, Republicans have gifted the wealthiest corporations and individuals with massive new tax cuts and loopholes to take advantage of. But when I go home to my district, there isn’t a mother working two jobs to put food on the table or a farmer struggling through a bad year or a senior trying to pay for a prescription who has ever told me that tax reform means corporate cuts on the backs of them and their families.

□ 1315

They know Republicans always promise that the benefits will trickle down to working people, but they never do and they never will. What is worse, Republicans have made it clear that cuts to Social Security, Medicare, and Medicaid are next.

This bill takes care of corporate special interests, the wealthy, and the well connected, while putting middle class Americans’ finances and healthcare on the chopping block.

We need tax reform that helps middle class families. This bill does the exact opposite. I urge my colleagues to oppose it.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I rise in strong support today of H.R. 1, the Tax Cuts and Jobs Act.

If you believe the rhetoric you hear, you may think this bill means the world is ending. I guarantee you, it is not.

The truth is this tax cut bill means a brighter future for the hardworking people and hardworking Americans who will have more money in their pockets and a better shot at the American Dream.

Here are the facts: we are cutting taxes for Americans at all income levels. We are doubling the standard deduction. We are doubling the child tax credit and preserving the adoption tax credit. We are keeping deductions for

charitable giving, mortgage interest, medical expenses, and student loan interest. We are improving 529 education plans and leaving retirement savings alone. People will be able to keep more of their money they earn and spend less time filing their taxes.

Mr. Speaker, this isn't just a good bill, this is a great bill. This isn't the Apocalypse. It is a new day in America.

Mr. Speaker, I urge my colleagues to make history and support this momentous bill.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. JUDY CHU), the former revenue commissioner of the State of California, who is going to tell us about the State and local tax deduction ending.

Ms. JUDY CHU of California. Mr. Speaker, we were promised a middle class tax cut. This is not it. What we have instead are tax cuts for the wealthiest paid for by the rest.

So what happened?

Maybe Trump thinks multimillionaires are the middle class or maybe this all is just a tax scam.

To see how working families will pay for corporate interest, all you have to do is read the bill, which is hard to do, because it was written overnight behind closed doors.

Tax cuts: they reduce the tax rate for the wealthiest from 39.6 percent to 37 percent.

State and local taxes: they cap the deduction to just \$10,000. But in my State of California, the average deduction is \$18,500, meaning families will be forced to pay taxes now on twice their income in order to give a staggering tax break to corporations.

So hear this: 83 percent of the benefits of this bill goes to the top 1 percent.

Who gets cut?

Seniors, families, children.

Is this the right thing to do?

The answer is a resounding no.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BISHOP).

Mr. BISHOP of Michigan. Mr. Speaker, I rise in support of the Tax Cuts and Jobs Act today.

At its core, reforming our Nation's Tax Code is about how we, the policymakers, view the role of government in our economy and society.

Over the past 10 years, the American people have seen a stagnant economy and a steady decline in labor force participation. Meanwhile, the government has grown to an unprecedented level, the economy has slowed, and our debt has nearly tripled. All the while, government has given away sweetheart deals to select companies, leaving Main Street job providers to hold the bag.

But all of that ends today. Today we reduce the burden on job creators and families. Today we create an environment that will generate real economic growth.

The conference committee report before us today is about our constituents, about allowing our constituents and neighbors to keep more of their hard-earned money. For starters, we double the standard deduction, which means for joint filers, the first \$24,000 of their income is free from Federal income tax liability. That is real money back in the pockets of working class families across America.

The plan expands the child tax credit to \$2,000 per child to help families with the cost of raising children. For students struggling with debt, the bill preserves the student loan interest deduction and graduate students will continue to receive tuition tax waivers tax free.

Mr. NEAL. Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Ms. VELÁZQUEZ), who will tell us about the great harm that this does to New York and to the island of Puerto Rico.

Ms. VELÁZQUEZ. Mr. Speaker, after Hurricane Maria, Members of Congress on both sides of the aisle, including the Republican leadership, went to Puerto Rico. They looked the Puerto Rican people in the eye and promised to help.

This bill betrays that promise. It treats Puerto Rico as a foreign jurisdiction, levying new taxes on companies operating there, creating incentives for them to leave the island. All told, these provisions will cost Puerto Rico more than 200,000 jobs.

That is how they help Puerto Rico?

This bill is morally bankrupt. It harms American citizens everywhere, especially the 3.5 American citizens in Puerto Rico. Vote "no."

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I am going to give everyone a slightly different view.

There was an interesting editorial this weekend in *The Wall Street Journal*, and it basically said: Hey, those on the left look at income inequality. Those on the right, we look at economic expansion, economic growth.

They are both honorable, but if you actually look at the data of the last 10 years and our own CBO projections of the next 10 years, 1.8 percent GDP, we are in incredible trouble, because you actually look at what happens when you have this flatlined economic expansion and growth, and income inequality gets dramatically worse. You look at the charts when we have had times of economic growth, it closes and everyone gets a better chance.

If you actually do care about the promises we as a government have made to retirees, working people, veterans, young people, we will not have the resources if we continue for the next 30 years, as our own CBO says, of 1.8 percent growth. Status quo is devastating.

Mr. NEAL. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. CLYBURN), the assistant Democratic leader.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to the Ryan-McConnell tax scam bill. This bill should be named the "Republican Donor Class Relief Act" because that is what it is, and several of my Republican colleagues and many in the media have admitted as much.

This tax scam represents a grotesque set of priorities revealing deep depravity of American values. One of the first principles of our Judeo-Christian value system is grounded in what we do "for the least of these."

From the outset, this bill violates that principle by lowering the marginal tax rates on the wealthiest among us by 2.6 points, while raising those rates on the least among us by 2 points.

This tax scam bill adds insult to that injurious act by doubling the estate tax exemption from \$11 million to \$22 million.

The Republicans add further insult to injury by lowering the tax rates for corporations by 14 points while raising tax rates on 86 million middle-income families. It makes the tax cuts for corporations permanent and the miniscule individual cuts temporary, while also kicking 13 million people off their health insurance and increasing premiums for millions more.

The tax scam caps deductions for State and local taxes and home mortgages and adds over \$2 trillion to the deficit. Our children and grandchildren will be left with the bill.

Mr. Speaker, history will not treat kindly the crass cruelty of this so-called Christmas gift for hardworking Americans.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, I rise in support of the Tax Cuts and Jobs Act.

Today we move away from a trickle-down government redistribution economy to one that is bottom up, organic, and growing. While the trickle-down government of the last 8 years was great for Washington and the 1 percent, it did little for the rest of the country.

Today we turn the tide and put money back in the pockets of hardworking taxpayers and Main Street businesses. This bill gives immediate relief to moderate income and middle class families.

A single mom earning \$41,000 with one kid will see a tax cut of \$1,300, while a family of four making \$73,000 will get more than \$2,000 back.

The questions are: Will we vote together and put this money back into the pockets of hardworking Americans? Or will we keep that money here

in wealthy Washington, D.C.? Will we vote together to level the global playing field for America's businesses and end the unfair status quo that sends American companies and jobs overseas?

It is an easy choice, Mr. Speaker: vote "yes" on this bill and let's make America prosperous again.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and I salute him for his extraordinary leadership and being a champion for America's working families. I commend him and the Democratic members of the House Ways and Means Committee for putting forth the facts on what is in this bill.

Mr. Speaker, today we choose what kind of country America will be: one that champions the ladders of opportunity for all or one that reinforces the power of the wealthiest and well connected.

Outside the Congress, the American people have already made their decision. Polling shows that Americans oppose the GOP tax scam by a margin of 2 to 1. Hardworking families see right through the brazen con job Republicans are trying to sell them.

So why aren't our Republican colleagues standing with their constituents? Why aren't they joining us on insisting on A Better Deal for American families? Why aren't they joining us in demanding that we write real bipartisan tax reform that puts the middle class first?

Because helping the middle class has never been their goal.

From day one, the donors, lobbyists, and the wealthy and well connected came first. The Frankenstein monster of giveaways and special interest loopholes we are voting on today proves it, and this monster will come back to haunt them, as Frankenstein did.

Republicans claim that their bill is a middle class tax cut. The fact is, according to the Tax Policy Center, their bill raises taxes on 86 million middle class households.

When The Washington Post asked Edward Kleinbard, former chief of staff for the Joint Committee on Taxation, if the tax package in aggregate would mean a middle class tax cut, he said: "That is delusional or dishonest to say. It is factually untrue. The only group you can point to that wins year after year and wins in very large magnitude is the very highest incomes."

That is from the Joint Committee on Taxation former chief of staff.

The only greater delusion in this bill is the ludicrous Republican insistence, their claim that these giveaways to the wealthiest will pay for themselves.

Bruce Bartlett is the architect of Jack Kemp's supply-side economics. As Bruce Bartlett has testified in our

hearing and in public, when it comes to tax breaks for the wealthy paying for themselves, he said:

It is not true. It is nonsense. It is BS.

He said the whole words.

In a few minutes, Republicans will vote to explode catastrophically our national debt at minimum of \$1.5 trillion, likely \$2.2 trillion or more.

Where are the vaunted Republican deficit hawks? Are they endangered? Are they extinct? Do they care about the deficit when we pass giveaways for the rich and big corporations?

They don't care about deficits, then. Tax breaks for the rich, corporate tax breaks: they don't care about the deficit.

Do Republicans only care about the deficit when the issue is helping children, seniors, our veterans, who are a large part of hardworking Americans?

My colleagues, my fellow Americans, remember this vote. Remember the vote, when they will cheer at the end of this vote, they will stand up and cheer, adding trillions to the national debt in order to give tax breaks to the wealthiest 1 percent and to big corporations. They will cheer that.

They will cheer when they say we can't afford to protect the health of our innocent children. They will cheer that.

Remember, they will cheer when they tell you we can't afford the next step, we can't afford Medicaid, Medicare, and a dignified retirement our seniors spent a lifetime earning. That is an applause line for them.

Remember this day when Republicans cheer for a bill that hands a \$4,000 child tax credit to families of four earning \$400,000 a year. If you earn \$400,000 a year, you get \$4,000 in a child tax credit.

□ 1330

But if you are poor, a single mom, a mother of two earning only \$14,500, guess how much you get?

Seventy-five dollars. Seventy-five dollars.

Today we gather on this floor in the midst of a holy season. In this season, we celebrate the miraculous blessings of God. We reflect on the wondrous joy of children and our responsibility to them.

We remember our duty to live justly. For those of us blessed to serve in this Congress, we must remember our special responsibility to govern fairly, to meet the needs of all of God's children.

In this holy time, the moral obscenity and unrepentant greed of the GOP tax scam stands out even more clearly.

As the U.S. Conference of Catholic Bishops said early on, "... this proposal appears to be the first Federal income tax modification in American history that will raise income taxes on the working poor while simultaneously providing a large tax cut to the wealthy. This is simply unconscionable."

They will be cheering it. Unconscionable. Remember what the Bishops said.

Now, here, get back to the Republicans. This is in sharp contrast to the words of Senator HATCH. Now, he is the chairman of the Finance Committee in the United States Senate and an author of this bill. He said: "I have a rough time wanting to spend billions and billions and trillions of dollars to help people who won't help themselves, won't lift a finger, and expect the Federal Government to do everything."

How about that?

Tell that to the moms we just saw speaking out with their children, children with disabilities, who wonder how this could be so cruel.

This is an act of misery, but not according to Senator HATCH. And that is in terms of getting back to our Bishops. In his encyclical, *God is Love*. And I have said this to my colleagues before, but with, obviously, no effect on the Republican side.

Pope Benedict quoted the urgent moral wisdom of St. Augustine 17 centuries ago, my colleagues. Seventeen centuries ago, St. Augustine said: "A State which is not governed according to justice is just a bunch of thieves."

Pope Benedict went on to say: "The State must inevitably face the question of how justice can be achieved here and now."

In his words, he cautioned against "the danger of certain ethical blindness caused by the dazzling effect of power and special interests."

Mr. Speaker, is there justice in a bill that rewards corporations shipping jobs overseas? Jobs of hardworking American men and women and veterans, shipping those jobs overseas? Is there justice in that?

No, I don't think so.

Is there justice in a bill that spikes healthcare premiums and may add 13 million Americans to the ranks of the uninsured?

No justice there.

Is there justice in a bill that raises taxes on 86 million middle class families?

Here we are. Raises taxes on 86 million middle class families, and they try to present the delusion that it is a middle class tax cut.

Is there justice in a bill that hands a breathtaking 83 percent of its benefits to the wealthiest 1 percent of Americans? Eighty-three percent of its benefits to the top 1 percent?

Is there justice in a bill that explodes the national debt to give the wealthy and the well connected a break and sticks the debt with our children? Is that justice?

I didn't think you thought so. I wish our Republican colleagues would join us.

This GOP tax scam is simply theft, monumental, brazen theft from the American middle class and from every person who aspires to reach it. The

GOP tax scam is not a voice for an investment in growth or jobs. It is a vote to install a permanent plutocracy in our Nation. They will be cheering that later.

It does violence to the vision of our Founders. It disrespects the sacrifice of our men and women in uniform, who are a large part of our middle class, and to whom we owe a future worthy of their sacrifice. It betrays the future and betrays the aspirations of our children.

It morally demands a “no” vote from every Member of this House of the people.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, I opposed the original House bill because it severely limited or abolished broad-based deductions, resulting in higher taxes for many families in high-tax, high-cost States like California.

Thanks to Chairman BRADY's leadership, this bill has largely addressed these objections and, in combination with much lower rates, it assures that nearly every California taxpayer will pay lower taxes. More important still is the higher wages and better jobs it means for all Americans.

Last Friday, I toured a local company that makes the active ingredient for certain drugs, yet the actual medicine is not produced here. It is produced in Ireland.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has detected a disturbance in the gallery in contravention of the law and against the rules of the House.

The Sergeant at Arms will identify the person or persons responsible and have them escorted from the House Chamber.

The gentleman from California (Mr. MCCLINTOCK) is recognized for his remaining 20 seconds.

Mr. MCCLINTOCK. Mr. Speaker, I was saying that the actual medicine, the ingredient is produced here, but the actual medicine is produced in Ireland, solely because of our uncompetitive corporate tax.

Because of this tax reform, the company plans to grow dramatically here at home, employing hundreds of new workers. That is what the Democrats mean by tax breaks for the wealthy.

The proof of these policies will come over the next year, and every American will be able to decide for themselves if they are better off because of it. I am now highly confident their answer is going to be a resounding “yes.”

Mr. NEAL. Mr. Speaker, I would like to inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 4¾ minutes remaining.

Mr. NEAL. I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, there is only one fundamental question today: Who gets to decide? When Americans work hard for their money, who gets to decide what you do with it? Is it you? Or is it some nameless, faceless government worker here in Washington?

When a family with young children is working feverishly to fund their kids' future, who gets to decide how they spend their money: them or Washington?

The single mom fighting every day trying to get by and give a good life to her daughter, who decrees where her money goes?

When a Main Street businessowner works late into the night and through the weekend, risking every penny they own to reach their dream, who gets that meager profit each day? Does it go to you, who earned it, exhausted at the end of a long day? Or is it grabbed by a Federal Government who doesn't even know your name except on April 15?

Our communities have watched their companies, jobs, and futures move overseas for too long. Our local businesses have been fighting other countries with one hand tied behind their back from an old, outdated Tax Code. They deserve a new Tax Code that allows them to compete and win anywhere in the world, especially here at home.

When they compete and win, who decides where that money goes?

Today, Washington says spend it overseas. Our new Tax Code says bring it home, spend it here in America to grow our jobs, our paychecks, our communities. That is why this moment is so important.

Opponents of this tax bill don't really worry about tax cuts for the rich. They worry about tax cuts for you because if you spend your money, they can't. If you have the first claim over your earnings, they no longer do. And if your dreams come before theirs, everything in Washington changes, everything.

Given a choice between the Federal Government and you, we choose you, the hardworking American taxpayers. We choose you, the only special interest that truly matters.

Americans deserve a Tax Code for a new era of American prosperity. We deliver on that promise because it is your money.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. NEAL. Mr. Speaker, I yield myself the balance of my time.

So, in 1 month, we have taken the entire revenue system of the country without one public hearing, without any witness testimony, without the so-

licitation of one expert. “We,” meaning the Republican majority. They have decided to go forward with this reckless plan.

Contrast this with Reagan and O'Neill and Rostenkowski and Packwood in 1986.

When Gephardt and Bradley first offered their bill in 1982 on tax reform, 4 years ensued before the measure came to the floor for passage, and, in that time, 450 witnesses offered testimony. Every expert from every nook and cranny in America was invited to offer their vision of what a better tax system might look like. And those individuals—and I knew them all because I went to the committee when Mr. Rostenkowski was the chairman—saw that as the fabled achievement of their time in a bipartisan manner.

Do you know what else?

Secretary Reagan and Chief of Staff Jim Baker sat through the markups on that tax reform measure.

Now, Secretary Mnuchin, instead, has said, nobody at the top will get a tax cut. And then they cut the rate from 39.6 at the top to 37. Well, nobody at the top will get a tax cut.

We are going to double the exemption on this estate tax so that you might now keep \$22 million rather than \$11 million, without any formalization of taxation.

My friend, Mr. BRADY—and he is my friend—he spoke before about the people's money.

Well, you know what the people's responsibility is?

A million new veterans from Iraq and Afghanistan. That is the people's responsibility.

When we talk about responsibility and the people's money, Medicare is the people's responsibility. Social Security is the people's responsibility.

As we celebrate the extension of life expectancy in America, Medicaid today now cares for people with dementia and Alzheimer's disease. That is the people's responsibility.

They have carefully taken theology and wed it to science fiction.

Remember what we heard around here all these years?

Don't worry, tax cuts pay for themselves. That was the offering in 2001, \$1.3 trillion worth of tax cuts.

Well, we get to 2003, another \$1 trillion worth of tax cuts. By the way, there was time in between for a repatriation holiday, at 5¼, all advertised on the basis of job creation, and layoffs ensued almost the next day.

□ 1345

This money is going to be used for stock buybacks and dividends. There will be little investment in this lost opportunity where we should have invested in community colleges and vocational education and apprenticeship programs.

Six million jobs in America go unanswered every single day because of a

skills alignment problem and also the horror of what opiate addiction has done across the United States. It has sidelined 2 million people.

What they are telling us today is the following: We have got tax simplification. What happened to the postcard? As I said earlier, we are going to have to carry around a billboard for tax simplification to figure out what is in it. They keep talking about phase-ins and phaseouts. I am telling you, we will all be passed out by the time they get done with this. This is more complexity.

And wait until people have a chance over the next few weeks to sort through what is in this bill. But here is something you might give some thought to: the bottom quintile, you are going to get \$60 a year. The second quintile, you are going to get \$380 a year. The top 1 percent, they are going to get \$51,000 a year. The top 0.1 percent, they are going to get \$193,000 a year, all in the name of middle class tax relief.

As we proceed to the holiday, they are telling us this is their Christmas present. And you know what they are doing with it? It is going to be Christmas hangover debt, and they are putting it on the credit card and adding \$2.3 trillion to the Federal debt.

Merry Christmas.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), who has devoted his life to this moment and tax reform, our Speaker of the House.

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding time to me.

First, I want to start off by thanking all of the members and the staff of the Ways and Means Committee for all of their hard work in putting this bill together. I want to thank them for this.

I want to personally thank one of my predecessors from the Ways and Means Committee, who helped lay the foundation to get us where we are today, and that is Dave Camp. Dave Camp did a lot to help us get to where we are.

I want to, most of all, commend and express my profound admiration to the architect of this measure, Chairman KEVIN BRADY.

His endless patience and his persistence and his great demeanor have seen this through and gotten us to where we are today.

My colleagues, this is a day I have been looking forward to for a long time. We are about to achieve some really big things, things that the cynics have scoffed at for years, decades even; ideas that have been worked on for so long to help hardworking Americans who have been left behind for too long.

Today—today—we are giving the people of this country their money back. This is their money, after all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and against the rules of the House.

The Sergeant at Arms will identify the person or persons responsible and have them escorted from the House Chamber before proceedings will resume.

The Chair will also remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings in the House are in violation of the rules of the House.

The Chair recognizes the gentleman from Wisconsin, the Speaker of the House.

Mr. RYAN of Wisconsin. Mr. Speaker, I would simply like to remind my colleagues and the Speaker that my minute can last for as long as I want it to last.

Mr. Speaker, as I was saying, today we are giving the people their money back. The bottom line here is the typical family making the median income in America will get a \$2,059 tax cut next year alone. What this is is real relief for families who are living paycheck to paycheck, struggling to make ends meet.

They hear about the economy getting better. They turn on the TV, and they see the stock market going up, but now we need to make sure that these people in our communities and our country, who are struggling, see their own personal economy getting better, and that is what this is all about.

We have got to understand that times are tough for a lot of people in this country right now. Today, this is about how much better things can be. This is about more jobs, fair taxes. It is about bigger paychecks. It is about faster growth and upward mobility. It is about a strong economy that makes all of us stronger and healthier. Those are the effects, those are the benefits, of tax reform.

Here is the heart of it, and here is why this is so vital that we do this. Here is what it speaks to and what I truly believe is a generational defining moment for this Nation.

Our Tax Code is so broken that it undermines the very thing that makes our Nation exceptional in the first place. It punishes hard work. It discourages our entrepreneurial spirit. It dims freedom and free enterprise. It limits the potential of our own people.

When Americans see good jobs going away, when Americans wake up and they see the companies that they grew up with in their communities going away, they wonder if we have lost something bigger.

The mission that drives us here today is to restore this beautiful American idea. What is that idea? That the condition of your birth does not deter-

mine the outcome of your life. You can work hard, play by the rules, get ahead, and make a better life for yourselves and an even better one for your kids.

It is that sense of possibility. We want people to be free to strive to make the most of their lives. We want a country with the resilience to endure and tackle all of its challenges.

Mr. Speaker, economic growth and job creation will not solve all of our problems, but it will help make all of our problems much easier to solve. This is the direction that we are choosing here today because we know exactly where the status quo leads us.

For years, the powers that be have blocked and stonewalled reform under the umbrella of an arrogant, condescending, and paternalistic ideology—an ideology that seeks to limit mobility, to limit aspirations, to accept less in our lives. It is a view of the world that sees life and the economy as a zero-sum game. Your gain comes at my loss; therefore, we can't do it.

Look at where this got us: the worst recovery since World War II, flat wages, and an economy just limping along. Stagnation is a breeding ground for a class-based society where elites predetermine the outcome of our lives. That is not the American idea.

They will tell you this: Just hand over more freedom to the unelected bureaucrats, and they will figure it out, they know more, we will all just be okay. Hand over more of your hard-earned dollars to the IRS, and it will all be okay.

There is your scam right there. We know, given the opportunity, there are no limits to what our people, our fellow citizens, our brothers and sisters can do. Yet for years now, this Tax Code has been skewed to the well connected, full of special interest carve-outs and loopholes.

Meanwhile, the hardworking family in America has got to jump through all the hoops that the IRS can muster. Reform means we bring rates down at every level. We clear out these loopholes so that people can just keep more of what they earn in the first place, because it is their money in the first place. No special favors, just basic fairness.

Reform means simplification, too. Nearly 9 out of 10 Americans will still be able to do their taxes on the form the size of a postcard. That is amazing.

And given the opportunity, there are no limits to what our workers and our entrepreneurs can do.

Yet while the world has changed, while the world has become more competitive, closer, smaller, our Tax Code has not. Instead of leading, we have been falling behind to the point where we now are the worst in the industrialized world at how we tax our businesses.

We tax our businesses a whole lot more than our foreign competitors tax

theirs. They win; we lose. That is not fair.

It is basically open season for our competitors to come in and take our jobs overseas under the current Tax Code. Reform means we go from the back of the pack to the front of the pack.

Instead of the slow growth that we have been slogging through for years, we want to get back to real sustained economic growth. We want to build an opportunity economy where there is more demand for higher paying jobs. That is the whole purpose of all of this. Make sure that people can grow up and reach their potential. Make sure that the jobs are there to give people the careers they want so they can reach their potential, so their families can reach their potential. That is why we are doing this.

This is, without question, the single most important thing we can do to, once again, make America the best place to do business.

There is more than that in this bill. With this bill, we are finally restoring the freedom to make our own healthcare choices. By repealing the individual mandate at the heart of ObamaCare, we are giving back the freedom and the flexibility to buy the healthcare that is right for you and your family.

Finally, we are doing something truly to put America in the lead. We are doing something historic to develop our own energy resources. Some people have been working here since I was in the second grade on this project. After decades and decades in this Chamber, we are opening up a small, nonwilder-ness area of the Alaska National Wildlife Refuge for responsible develop-ment. It is the most ambitious step we have taken in years to secure our own energy future.

This is one of those times to just take a step back. Let's just take a minute, collect ourselves, and step away from the noise.

We talk a lot in this job about turning points. There is no doubt that we are at one of those turning points right now. This one will determine the kind of country we are going to have this century.

But too often, we have seen before how doubt creeps in, how the tyranny of short-term thinking takes over, and history—history—fails to turn.

There is, after all, a reason that this has not been done in 31 years. This really is a generational defining moment. And let's let this generational defining moment be defined by optimism, not by fear; by the rising aspirations of our people and not the doom and gloom of managed decline that we have become too familiar with.

This is our chance. This is our moment. Let's turn at this turning point. Let's reclaim the principles that have guided us for generations. Let's recap-

ture our destiny for generations to come so this beautiful story of the American idea is repeated and repeated and passed on to the next generation, a nation more united, more confident, more prosperous, and, Mr. Speaker, more free. Pass this bill.

Mr. BRADY of Texas. Mr. Speaker, let's pass this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a member of the Budget Committee, I rise in strong and unyielding opposition to the Conference Report for H.R. 1, the so-called "Tax Cut and Jobs Act," which more accurately should be called the "Republican Tax Scam Act."

With this Conference Report House and Senate Republicans have pulled off a near-impossible feat: they have taken a bad bill and made it worse, much worse.

I oppose this cruel and immoral \$1.7 trillion tax giveaway to wealthy corporations and the top one percent because it raises taxes on poor, working, and middle class families; explodes the deficit by adding an additional \$2.2 trillion over ten years; and will require an estimated \$5.4 trillion cut in funding for the programs ordinary Americans depend on for health security, educational opportunity, and economic progress.

Mr. Speaker, Americans are not fooled; they know trickle-down economics has never worked, and they see right through this phony tax plan and recognize it for the scam that it is.

That is why Americans reject this Republican tax giveaway by an overwhelming 2:1 margin.

Here are just a few of the myriad reasons why this Republican Tax Scam is by far the most unpopular tax measure ever considered by the Congress:

1. Raises taxes on 86 million middle class families;
2. Gives 83 percent of the tax cuts to the wealthiest 1 percent and explodes deficit by \$1.7 trillion;
3. Gives new tax breaks to corporations shipping American jobs overseas which will eliminate jobs and drive down American wages and salaries.

4. The \$1.5 trillion deficit that will be created by the GOP Tax Scam will be used by the Republicans to justify devastating cuts in Medicare and Medicaid.

This Republican tax plan is even more toxic to my constituents in the Eighteenth Congressional District of Texas.

Mr. Speaker, as you may know, my constituents and others in Texas are still struggling to recover from the devastation caused by Hurricane Harvey, the worst storm ever to make landfall in the continental United States.

And by margins exceeding 90 percent, they reject:

1. Any cuts to Medicare or Medicaid to finance tax cuts for wealthy corporations and the top 1 percent;
2. Eliminating the mortgage interest deduction;
3. Eliminating the deductibility of state and local taxes;
4. Eliminating existing deductions for student loan interest or making taxable college

endowment funds or college fellowships ex-penses.

Mr. Speaker, my constituents, and Americans across the country, oppose this unfair Republican tax giveaway because nearly half of the \$1.7 trillion tax cut goes to just the top one percent.

In fact, the average annual tax cut for the top one-tenth of one percent is \$320,000; for the top one percent it is \$62,000, and for those earning \$1 million a year it is \$68,000.

Nearly 25 percent of the tax cut goes to households in just the top one-tenth of one percent, who make at least \$5 million a year (2017).

While super-wealthy corporations and individuals are reaping windfalls, millions of middle-class and working families will see their taxes go up:

1. 13 million households face a tax increase next year.
2. 45 million households face a tax increase in 2017.
3. 29 million households (21 percent) earning less than \$100,000 a year see a tax increase.

On average, families earning up to \$86,000 annually would see a \$794 increase in their tax liability, a significant burden on families struggling to afford child care and balance their checkbook.

It is shocking, but not surprising, that under this Republican tax scam, the total value of tax cuts for just the top one percent is more than the entire tax cut for the lower 95 percent of earners.

Put another way, those earning more than \$912,000 a year will get more in tax cuts than 180 million households combined.

The core of this Republican tax scheme is a massive tax cut from 35 percent to 20 percent for corporations, but that is not the only way that the wealthy are rewarded.

The massive tax cuts for corporations are permanent but temporary for working and middle-class families.

Another immoral aspect of this terrible tax scam is that it abandons families that face natural disasters or high medical costs by repealing deductions for casualty losses and medical expenses.

Mr. Speaker, in what universe does it make any sense to eliminate, as this bill would, a deduction for:

1. teachers who purchase supplies for their classroom;
2. moving expenses to take a new job and taxes employer-provided moving expenses; or
3. dependent care assistance, making it harder for families to afford day care, nursery school, or care for aging parents?

This Republican tax scam jeopardizes American innovation and competitiveness by eliminating the deduction for student loan interest, which affects 12 million borrowers, and cuts total education assistance by more than \$64 billion.

Under the extraordinary leadership of President Obama and the determined efforts of ordinary Americans, we pulled our way out from under the worst of the foreclosure crisis when the housing bubble burst in 2007.

Inexplicably, Republicans are now championing a tax scheme that will make the homes of average Americans less valuable

because deductions for mortgage interest and property taxes are much less valuable than under current law.

A tax plan that reduces home values, as this one does, puts pressure on states and towns to collect revenues they depend on to fund schools, roads, and vital public resources.

Mr. Speaker, an estimated 2.8 million Texas households deduct state and local taxes with an average deduction of \$7,823 in 2015.

But this is not the end of the bad news that will be delivered were this tax scam to become law, not by a long shot.

The proposed elimination of the personal exemption will harm millions of Texans by taking away the \$4,050 deduction for each taxpayer and claimed dependent; in 2015, roughly 9.3 million dependent exemptions were claimed in the Lone Star State.

Equally terrible is that this Republican tax scam drastically reduces the Earned Income Tax Credit, which encourages work for 2.7 million low-income individuals in Texas, helping them make ends meet with an average credit of \$2,689.

The EITC and the Child Tax Credit lift about 1.2 million Texans, including 663,000 children, out of poverty each year.

So to achieve their goal of giving more and more to the haves and the “have mores,” our Republican friends are willing to betray seniors, children, the most vulnerable and needy, and working and middle-class families.

The \$5.4 trillion cuts in program investments that will be required to pay for this tax giveaway to wealthy corporations and individuals will fall most heavily on low-income families, -students struggling to afford college, seniors, and persons with disabilities.

America will not be made great by financing a \$1.7 trillion tax cut for the rich by stealing \$1.8 trillion from Medicare and Medicaid, abandoning seniors and families in need, depriving students of realizing a dream to attend college without drowning in debt, or disinvesting in the working families.

America will not be positioned to compete and win in the global, interconnected, and digital economy by slashing funding for scientific research, the arts and humanities, job retraining, and clean energy just to pay for a tax cut to corporations and individuals who do not even need it.

Mr. Speaker, the tax scheme presented here by Republicans is not a plan but a scam that represents a betrayal of our values as a nation.

This tax scam is not a revenue policy adapted for the real world that real Americans live in but a fantasy resting on the monstrous belief that the wealthy have too little money and that poor, working, and middle-class families have too much.

Our Republican friends continue to cling to the fantasy belief that their tax cuts for the rich will pay for themselves despite all precedent to the contrary and evidence that their tax scheme is projected by experts to lose between \$3 trillion and \$7 trillion.

Mr. Speaker, in evaluating the merits of a taxing system, it is not enough to subject it only to the test of fiscal responsibility.

To keep faith with the nation's past, to be fair to the nation's present, and to safeguard

the nation's future, the plan must also pass a “moral test.”

The Republican tax bill fails both of these standards.

I strongly oppose the Conference Report to H.R. 1, the “Republican Tax Scam Act,” and urge all Members to join me in voting against this reckless, cruel, and heartless proposal that will do nothing to improve the lives or well-being of middle and working class families, and the poor and vulnerable ‘caught in the tentacles of circumstance.’

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 667, the previous question is ordered on the conference report.

MOTION TO RECOMMIT

Mr. NEAL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. NEAL. Mr. Speaker, I certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Neal moves to recommit the conference report on the bill H.R. 1 to the committee of conference with instructions to the managers on the part of the House to disagree to section 11042 and part VIII of subtitle A of title I of the conference substitute recommended by such committee.

Mr. BRADY of Texas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. NEAL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on:

Adoption of the conference report, if ordered; and

Suspending the rules and passing H.R. 4323.

The vote was taken by electronic device, and there were—yeas 191, nays 236, not voting 4, as follows:

[Roll No. 691]

YEAS—191

Adams
Aguilar
Barragán
Bass

Beatty
Bera
Beyer
Bishop (GA)

Blumenauer
Blunt Rochester
Bonamici

Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Ciocilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espallat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene

Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loeback
Lofgren
Lowenthal
Lowe
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke

Pallone
Panetta
Pascarelli
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suzuki
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NAYS—236

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert

Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer

Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxo
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling

Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul

McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford

Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—4

Brat
Bridenstine

Kennedy
Pocan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and against the rules of the House.

The Sergeant at Arms will remove the person or persons responsible from the House gallery.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and against the rules of the House.

The Sergeant at Arms will remove the person or persons responsible from the House gallery.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1420

Messrs. STEWART and REICHERT changed their vote from “yea” to “nay.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEAL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 203, not voting 2, as follows:

[Roll No. 692]

YEAS—227

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzer
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Jenkins (KS)
Jenkins (WV)
Johanson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson

Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Ryan (WI)
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)

NAYS—203

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Donovan
Doyle, Michael
F.
Ellison
Engel
Eshoo
Españat
Esty (CT)
Evans
Faso
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego

Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Issa
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (NY)
Krishnamoorthi
Kuster (NH)
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loeb
Loebach
Lofgren
Lowenthal
Lowe
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan

Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarella
Payne
Pelosi
Perlmuter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rohrabacher
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loeb
Loebach
Lofgren
Lowenthal
Lowe
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan

NOT VOTING—2

Kennedy
Pocan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and against the rules of the House.

The Sergeant at Arms will remove the person or persons responsible from the House gallery.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and against the rules of the House.

The Sergeant at Arms will ensure that the person or persons responsible are escorted from the gallery.

□ 1427

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING VETERANS IN STEM CAREERS ACT

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4323) to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. DUNN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 10, as follows:

[Roll No. 693]

YEAS—420

Abraham	Carson (IN)	Dent
Adams	Carter (GA)	DeSantis
Aderholt	Carter (TX)	DeSaulnier
Aguilar	Cartwright	DesJarlais
Allen	Castor (FL)	Deutch
Amodei	Castro (TX)	Diaz-Balart
Babin	Chabot	Dingell
Bacon	Cheney	Doggett
Banks (IN)	Chu, Judy	Donovan
Barletta	Cicilline	Doyle, Michael
Barr	Clark (MA)	F.
Barragán	Clarke (NY)	Duffy
Barton	Clay	Duncan (SC)
Bass	Cleaver	Duncan (TN)
Beatty	Clyburn	Dunn
Bera	Coffman	Ellison
Bergman	Cohen	Emmer
Beyer	Cole	Engel
Biggs	Collins (GA)	Eshoo
Bilirakis	Collins (NY)	Español
Bishop (GA)	Comer	Estes (KS)
Bishop (UT)	Comstock	Esty (CT)
Black	Conaway	Evans
Blackburn	Connolly	Farenthold
Blum	Cook	Faso
Blumenauer	Cooper	Ferguson
Blunt Rochester	Correa	Fitzpatrick
Bonamici	Costa	Fleischmann
Bost	Costello (PA)	Flores
Boyle, Brendan	Courtney	Fortenberry
F.	Cramer	Foster
Brady (PA)	Crawford	Fox
Brady (TX)	Crist	Frankel (FL)
Brat	Crowley	Frelinghuysen
Brooks (AL)	Cuellar	Fudge
Brooks (IN)	Culberson	Gabbard
Brown (MD)	Cummings	Gallagher
Brownley (CA)	Curbelo (FL)	Galleo
Buchanan	Curtis	Garamendi
Buck	Davidson	Garrett
Bucshon	Davis (CA)	Gianforte
Budd	Davis, Danny	Gibbs
Burgess	Davis, Rodney	Gohmert
Bustos	DeFazio	Gomez
Butterfield	DeGette	Gonzalez (TX)
Byrne	Delaney	Goodlatte
Calvert	DeLauro	Gosar
Capuano	DeBene	Gottheimer
Carbajal	Demings	Gowdy
Cárdenas	Denham	Granger

Graves (GA)	MacArthur	Ruppersberger
Graves (LA)	Maloney,	Rush
Graves (MO)	Carolyn B.	Russell
Green, Al	Maloney, Sean	Rutherford
Green, Gene	Marchant	Ryan (OH)
Griffith	Marino	Sánchez
Grijalva	Marshall	Sanford
Grothman	Massie	Sarbanes
Guthrie	Mast	Scalise
Gutiérrez	Matsui	Schakowsky
Hanabusa	McCarthy	Schiff
Handel	McCaul	Schneider
Harper	McClintock	Schrader
Harris	McCollum	Schweikert
Hartzler	McEachin	Scott (VA)
Hastings	McGovern	Scott, Austin
Heck	McHenry	Scott, David
Hensarling	McKinley	Sensenbrenner
Herrera Beutler	McMorris	Sessions
Hice, Jody B.	Rodgers	Sewell (AL)
Higgins (LA)	McNerney	Shea-Porter
Higgins (NY)	McSally	Sherman
Hill	Meadows	Shimkus
Himes	Meehan	Shuster
Holding	Meeks	Simpson
Hollingsworth	Meng	Sinema
Hoyer	Messer	Sires
Hudson	Mitchell	Slaughter
Huffman	Moolenaar	Smith (MO)
Huizenga	Mooney (WV)	Smith (NE)
Hultgren	Moore	Smith (NJ)
Hunter	Moulton	Smith (TX)
Hurd	Mullin	Smith (WA)
Issa	Murphy (FL)	Smucker
Jackson Lee	Nadler	Soto
Jayapal	Napolitano	Speier
Jeffries	Neal	Stefanik
Jenkins (KS)	Newhouse	Stewart
Jenkins (WV)	Noem	Stivers
Johnson (GA)	Nolan	Suozzi
Johnson (LA)	Norcross	Swalwell (CA)
Johnson (OH)	Norman	Takano
Johnson, E. B.	Nunes	Taylor
Johnson, Sam	O'Halleran	Tenney
Jones	O'Rourke	Thompson (CA)
Jordan	Olson	Thompson (MS)
Joyce (OH)	Palazzo	Thompson (PA)
Kaptur	Pallone	Thornberry
Katko	Palmer	Tiberi
Kelly (IL)	Panetta	Tipton
Kelly (MS)	Pascarell	Titus
Kelly (PA)	Paulsen	Tonko
Khanna	Payne	Torres
Kihuen	Pearce	Trott
Kildee	Pelosi	Tsongas
Kilmer	Perlmutter	Turner
Kind	Perry	Upton
King (IA)	Peters	Valadao
King (NY)	Peterson	Vargas
Kinzinger	Pingree	Veasey
Knight	Pittenger	Vela
Krishnamoorthi	Poe (TX)	Velázquez
Kuster (NH)	Poliquin	Visclosky
Kustoff (TN)	Polis	Wagner
Labrador	Posey	Walberg
LaHood	Price (NC)	Walden
LaMalfa	Quigley	Walker
Lamborn	Raskin	Walorski
Lance	Ratcliffe	Walters, Mimi
Langevin	Reed	Walz
Larsen (WA)	Reichert	Wasserman
Larson (CT)	Renacci	Schultz
Latta	Rice (NY)	Waters, Maxine
Lawrence	Rice (SC)	Watson Coleman
Lawson (FL)	Richmond	Weber (TX)
Lee	Roby	Webster (FL)
Levin	Roe (TN)	Welch
Lewis (MN)	Rogers (AL)	Wenstrup
Lieu, Ted	Rogers (KY)	Westerman
Lipinski	Rohrabacher	Williams
LoBiondo	Rokita	Wilson (FL)
Loebach	Rooney, Francis	Wilson (SC)
Lofgren	Rooney, Thomas	Wittman
Long	J.	Womack
Love	Ros-Lehtinen	Woodall
Lowenthal	Rosen	Yarmuth
Lowey	Roskam	Yoder
Lucas	Ross	Yoho
Luetkemeyer	Rothfus	Young (AK)
Lujan Grisham,	Rouzer	Young (IA)
M.	Roybal-Allard	Zeldin
Luján, Ben Ray	Royce (CA)	
Lynch	Ruiz	

NAYS—1

Amash

NOT VOTING—10

Arrington	Keating	Pocan
Bishop (MI)	Kennedy	Serrano
Bridenstine	Lewis (GA)	
Gaetz	Loudermilk	

□ 1435

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BYRNE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

HOOR OF MEETING ON TOMORROW

Mr. GRAVES of Missouri. Mr. Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns this legislative day, it adjourn to meet at 9 a.m. on Wednesday, December 20, 2017, for morning-hour debate and 10 a.m. for legislative business.

The motion was agreed to.

JOBS FOR OUR HEROES ACT

Mr. GRAVES of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1393) to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jobs for Our Heroes Act".

SEC. 2. MEDICAL CERTIFICATE FOR VETERANS OPERATING COMMERCIAL MOTOR VEHICLES.

(a) QUALIFIED EXAMINERS.—Section 5403(d)(2) of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended to read as follows:

"(2) QUALIFIED EXAMINER.—The term 'qualified examiner' means an individual who—

"(A) is employed by the Department of Veterans Affairs as an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional;

"(B) is licensed, certified, or registered in a State to perform physical examinations;

"(C) is familiar with the standards for, and physical requirements of, an operator required to be medically certified under section 31149 of title 49, United States Code; and

“(D) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.”.

(b) CONFORMING AMENDMENTS.—Section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended—

(1) in subsection (a), by striking “physician-approved veteran operator, the qualified physician” and inserting “veteran operator approved by a qualified examiner, the qualified examiner”;

(2) in subsection (b)(1)—

(A) by striking “the physician” and inserting “the examiner”; and

(B) by striking “qualified physician” and inserting “qualified examiner”;

(3) in subsection (c)—

(A) by striking “qualified physicians” and inserting “qualified examiners”; and

(B) by striking “such physicians” and inserting “such examiners”; and

(4) in subsection (d)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (1), and (2), respectively, and by moving the text of paragraph (3), as redesignated, to appear after paragraph (2), as redesignated; and

(B) in paragraph (3), as redesignated—

(i) in the paragraph heading, by striking “PHYSICIAN-APPROVED VETERAN OPERATOR” and inserting “VETERAN OPERATOR APPROVED BY A QUALIFIED EXAMINER”; and

(ii) by striking “physician-approved veteran operator” and inserting “veteran operator approved by a qualified examiner”.

(c) RULEMAKING.—The amendments made by this section shall be incorporated into any rulemaking proceeding related to section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) that is being conducted as of the date of the enactment of this Act.

SEC. 3. COMMERCIAL DRIVER'S LICENSE STANDARDS FOR CURRENT AND FORMER MEMBERS OF THE ARMED FORCES.

Section 31305(d) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking “VETERAN OPERATORS” and inserting “OPERATORS WHO ARE MEMBERS OF THE ARMED FORCES, RESERVISTS, OR VETERANS”;

(2) in paragraph (1)(B), by striking “subparagraph (A) during, at least,” and inserting “subparagraph (A)—

“(i) while serving in the armed forces or reserve components; and

“(ii) during”; and

(3) in paragraph (2)(B)—

(A) by inserting “current or” before “former” each place the term appears; and

(B) by inserting “one of” before “the reserve components”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1393.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

S. 1393 would exempt current members of the armed services or reserve components from certain testing requirements for commercial driver's licenses if they had qualifying experience while serving in the armed services or reserve components.

This bill also expands the types of medical professionals at the Department of Veterans Affairs who could certify that veterans meet the physical standards required to operate a commercial vehicle.

These commonsense changes will help remove barriers to employment for the men and women who have served our country in uniform.

This bill is a combination of H.R. 2547, the Veterans Expanded Trucking Opportunities Act of 2017, sponsored by Representative ROB WOODALL, and H.R. 2258, the ADVANCE Act, which is sponsored by Representative PETE AGUILAR. The House passed both bills under suspension on June 26, 2017. The bill we are considering today passed the Senate by unanimous consent on September 14, which means this will head to the President's desk once the House approves it.

Mr. Speaker, I would like to commend Mr. WOODALL and Mr. AGUILAR for their leadership on the House bills and Senator CORNYN for his work in the Senate.

Mr. Speaker, I urge my colleagues to support S. 1393, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 1393, the Jobs for Our Heroes Act.

This bill is a step in the right direction to help the Nation tackle the longstanding commercial driver's shortage—a shortage that I must say I have been working on ever since I have been on this committee and especially since becoming ranking member of the subcommittee—and, of course, at the same time, to support veterans in a successful transition from military to civilian life.

S. 1393 ensures that all qualified medical professionals employed by the Department of Veterans Affairs can perform commercial driver physical examinations for their veteran patients.

The medical professionals that this bill addresses are already eligible to become certified medical examiners. This bill simply allows these individuals to utilize an alternative certification process that is currently being finalized by the Federal Motor Carrier Safety Administration.

The most recently available data shows that, of the 54,000 medical professionals listed in FMCSA's National Registry of Certified Medical Examiners, only 25 medical professionals are

employed by the VA. The online training and testing system being developed by FMCSA and the VA should help remedy this situation. These two agencies have done a good job creating an alternative process that will eventually allow more VA doctors to become certified medical examiners, while maintaining the safety and integrity of the certification system.

Although the FAST Act provision authorizing this process referred to physicians, FMCSA should allow VA-employed nurse practitioners, chiropractors, physician assistants, and other qualified medical professionals to participate. This bill ensures that these medical professionals are eligible to use this process.

The bill also ensures that current servicemembers who have military experience operating commercial motor vehicles will be able to more easily obtain a commercial driver's license. Congress included a provision in the FAST Act to allow States to waive the written CDL knowledge test for drivers with military commercial motor vehicle driving experience, but it restricts this waiver to “former members” of the military.

There are a significant number of current reservists and members of the National Guard with military commercial motor vehicle experience who could benefit from the waiver. These servicemen and -women receive what the FMCSA describes as “thorough and comprehensive training,” including many hours of behind-the-wheel training, something that I have long sought and advocated for as a requirement for civilian drivers. These military drivers already have it.

FMCSA has already taken action to make current servicemembers eligible for the knowledge test waiver on a temporary basis. Last year, FMCSA issued an exemption that allows States to waive the CDL knowledge test for trained military truck drivers, whether they are current members of the military or our veterans; however, FMCSA's temporary exemption expires October 2018.

□ 1445

This bill makes permanent the ability of current members of the military to utilize the FAST Act waiver. S. 1393 is nearly identical to two bills the House previously passed earlier this year, H.R. 2547 and H.R. 2258, both of which passed by votes of 409–0, or unanimously.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Speaker, I want to thank my chairman for yielding me the time. I want to thank him for his leadership. The ranking member, I appreciate her leadership as well.

She was exactly right. These are two House bills that the Senate combined that we passed unanimously here. This veterans trucking language was language that the gentlewoman from California (Ms. BROWNLEY) and I introduced together upon learning that of the more than 54,000 medical professionals that are allowed to certify folks for Federal trucking licenses, only 25 of those worked in the VA system. Of 54,000, only 25 were available to our veterans.

We said that is not right, so this House came together. We expanded. All the physicians of the VA became available to serve our veterans through these trucking certifications. The bill went to the President's desk, and he signed it.

Then we had folks come back. We had advanced practice nurses, we had physicians' assistants, we had folks working throughout the VA healthcare system who said: You know what, we, too, are licensed to provide these physicals; and if you change the language, we, too, will be your partner in serving veterans.

Again, JULIA BROWNLEY on the Democrat side; I on this side; my ranking member; Ms. NORTON; my chairman here, Mr. GRAVES; we came together and now we have a further improvement to language that the rules are still being crafted for down at DOT.

Mr. Speaker, folks don't think there is cooperation in this Chamber. Folks don't think that we are able to work together in this Chamber. This is an example of what goes on every single day. Constituents raise problems. Republicans and Democrats get together to solve those problems.

I am so grateful to my friends on the committee for their leadership to get this done. To Ranking Member DEFazio and Chairman SHUSTER, I thank them as well for their leadership.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. AGUILAR).

Mr. AGUILAR. Mr. Speaker, I want to thank the gentlewoman for yielding.

Mr. Speaker, far too often our brave servicemembers return to civilian life only to find that the skills they have gained in military service do not easily transfer to the job market. These brave men and women who have worked tirelessly to keep their country safe deserve to know that they can thrive here after their service is complete.

For that reason, Mr. Speaker, I rise in strong support of the Jobs for Our Heroes Act. Among other critical initiatives to help our servicemembers find civilian employment, this legislation contains my bill, the ADVANCE Act.

The ADVANCE Act will allow Active-Duty servicemembers, reservists, and National Guardsmen to access the same unique testing standards for commercial driver's licenses granted to

veterans by the latest surface transportation bill.

This commonsense legislation will allow those serving our country to begin the process of finding civilian employment before they finish their term of service, allowing them to hit the ground running upon reentering civilian life. Our Nation's heroes deserve to know that the process of transitioning out of the military will be seamless, and this bipartisan legislation will help ensure that is the case.

I want to thank the ranking member, the chairman for their leadership. I also want to thank Senators WARREN, CORNYN, and TILLIS for guiding this bill through the Senate. I urge my colleagues here in the House to vote in favor of this today.

Mr. GRAVES of Missouri. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill marries two priorities: jobs for our veterans. So many come back, and they have had training, yet we are finding that we can't always find jobs for them. Here are jobs where there is a chronic problem, tough jobs, jobs which require people to be away from home, often for long hours, jobs that do not pay as well as some other jobs. So there has been a chronic shortage.

This bill serves both purposes, and it serves our Nation very well.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I would urge my colleagues to join me in supporting this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, S. 1393.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

NO HUMAN TRAFFICKING ON OUR ROADS ACT

Mr. GRAVES of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1532) to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Human Trafficking on Our Roads Act".

SEC. 2. LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT.

Section 31310(d) of title 49, United States Code, is amended—

(1) in the heading, by striking "CONTROLLED SUBSTANCE VIOLATIONS" and inserting "LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT";

(2) by striking "The Secretary" and inserting "(1) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary"; and

(3) by adding at the end the following:

"(2) HUMAN TRAFFICKING VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9))."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on S. 1532.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, human trafficking is a terrible crime with an estimated 20 million victims worldwide. It is incumbent upon Congress to take the steps necessary to combat this crime whenever possible.

Just this past summer there was a case in San Antonio in which 10 people died while being illegally trafficked in a commercial motor vehicle. Drivers have been the first line of defense in helping identify and report these sorts of activities within the trucking community. We need these drivers to stay vigilant and we need to weed out the bad actors.

In addition to the criminal penalties, drivers who knowingly take part in human trafficking should never again be able to drive commercially. Current law prohibits an individual from operating a commercial motor vehicle if they are convicted of one of nine different crimes, including alcohol abuse, negligent manslaughter, and drug trafficking.

S. 1532 disqualifies individuals from operating a commercial vehicle for

their lifetime if they ever use that commercial vehicle to commit a felony involving human trafficking.

This bipartisan bill passed the Senate with unanimous consent, and I would like to commend Mr. KATKO for his leadership on the House version of this bill, and I would urge my colleagues to support S. 1532.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 1532. This legislation institutes a lifetime ban from operating a commercial motor vehicle for any individual who has used such a vehicle to commit human trafficking.

In the summer of 2017, 10 people died in San Antonio, Texas, in the process of being illegally trafficked in a truck at Walmart. That horrendous incident served as a stark reminder that the transportation sector can be exploited for heinous acts.

Since 2007, the National Human Trafficking Hotline has received reports of more than 22,000 sex trafficking cases inside our country. In addition, it has received over 5,000 reports of individuals who have been coerced into forced labor or indentured servitude.

The National Center for Missing and Exploited Children estimates that one of every six runaway children who was reported to them last year had become victims of sex trafficking.

The FMCSA currently prohibits any individual from operating a CMV for life if he or she is convicted of committing specific crimes, including negligent manslaughter and drug trafficking. This bill ensures that the FMCSA also takes action against perpetrators who use their CMV to commit “severe”—and that is the operative word—forms of sex trafficking, as defined by the Trafficking Victims Protection Act.

The Committee on Transportation and Infrastructure reported an identical bill, H.R. 3814, to the House by a voice vote in November. This legislation takes important steps to reduce human trafficking in the transportation sector.

Mr. Speaker, I urge my colleagues to join me in supporting this important bill, and I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KATKO).

Mr. KATKO. Mr. Speaker, I would like to thank my colleague for yielding.

Mr. Speaker, I am proud to rise in favor of S. 1532, the No Human Trafficking on Our Roads Act. This bipartisan, bicameral bill strengthens our Nation's efforts to combat human trafficking.

As a former organized crime prosecutor for two decades both on the

Northern border and on the Southern border, I have seen firsthand the horrors of human trafficking. Too often, human traffickers take advantage of our Nation's transportation network to transport their victims from one location to the next.

The U.S. Department of Transportation and the transportation industry play a critical role in preventing and stopping these heinous exploitations. I want to commend the trucking industry for their commitment in training drivers to identify instances of human trafficking through organizations like Truckers Against Trafficking.

Truck drivers are often a critical asset in helping law enforcement identify victims who otherwise might go unseen. However, an isolated few individuals have taken advantage of their position to illegally traffic innocent people. We must stop this from occurring.

Earlier this year, alongside my good friend, Congresswoman ESTY, I introduced H.R. 3814, the identical House companion to this bill. While the vast majority of our Nation's truck drivers are hardworking, honest men and women, our bill is necessary to ensure that the select few who commit these crimes are brought to justice.

I am grateful for the chairman's support in moving our bill through the Transportation and Infrastructure Committee and bringing this important issue before the floor of the House. I would also like to thank outside organizations, like the National District Attorneys Association, for supporting this legislation.

Again, I would like to thank Representative ESTY and Senators THUNE and KLOBUCHAR for their bipartisan, bicameral leadership in this matter.

Ms. NORTON. Mr. Speaker, this is another example of what bipartisanism can achieve in the House of Representatives, unlike, sadly, the tax bill that was just passed just before us in the House of Representatives here this afternoon.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I would urge my colleagues to join me in supporting this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, S. 1532.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this motion will be postponed.

COMBATING HUMAN TRAFFICKING IN COMMERCIAL VEHICLES ACT

Mr. GRAVES of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1536) to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Combating Human Trafficking in Commercial Vehicles Act”.

SEC. 2. HUMAN TRAFFICKING PREVENTION COORDINATOR.

The Secretary of Transportation shall designate an official within the Department of Transportation who shall—

(1) coordinate human trafficking prevention efforts across modal administrations in the Department of Transportation and with other departments and agencies of the Federal Government; and

(2) in coordinating such efforts, take into account the unique challenges of combating human trafficking within different transportation modes.

SEC. 3. EXPANSION OF OUTREACH AND EDUCATION PROGRAM.

Section 31110(c)(1) of title 49, United States Code, is amended by adding at the end the following: “The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.”.

SEC. 4. EXPANSION OF COMMERCIAL DRIVER'S LICENSE FINANCIAL ASSISTANCE PROGRAM.

Section 31313(a)(3) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

“(E) support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or”.

SEC. 5. ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION ADVISORY COMMITTEE ON HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee on human trafficking.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of not more than 15 external stakeholder members whose diverse experience and background enable them to provide balanced points of view with regard to carrying out the duties of the Committee.

(2) SELECTION.—The Secretary shall appoint the external stakeholder members to

the Committee, including representatives from—

- (A) trafficking advocacy organizations;
- (B) law enforcement; and
- (C) trucking, bus, rail, aviation, maritime, and port sectors, including industry and labor.

(3) PERIODS OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(4) VACANCIES.—A vacancy in the Committee shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Committee.

(5) COMPENSATION.—Committee members shall serve without compensation.

(c) AUTHORITY.—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish and appoint all members of the Committee.

(d) DUTIES.—

(1) RECOMMENDATIONS FOR THE DEPARTMENT OF TRANSPORTATION.—Not later than 18 months after the date of enactment of this Act, the Committee shall make recommendations to the Secretary on actions the Department can take to help combat human trafficking, including the development and implementation of—

(A) successful strategies for identifying and reporting instances of human trafficking; and

(B) recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Department to combat human trafficking.

(2) BEST PRACTICES AND RECOMMENDATIONS.—

(A) IN GENERAL.—The Committee shall develop recommended best practices for States and State and local transportation stakeholders to follow in combating human trafficking.

(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary research and promising, evidence-based models and programs.

(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date technology, and include the following:

- (i) Sample training materials.
- (ii) Strategies to identify victims.
- (iii) Sample protocols and recommendations, including—

(I) strategies to collect, document, and share data across systems and agencies;

(II) strategies to help agencies better understand the types of trafficking involved, the scope of the problem, and the degree of victim interaction with multiple systems; and

(III) strategies to identify effective pathways for State agencies to utilize their position in educating critical stakeholder groups and assisting victims.

(D) INFORMING STATES OF BEST PRACTICES.—The Secretary shall ensure that State Governors and State departments of transportation are notified of the best practices and recommendations.

(e) REPORTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) submit a report on the actions of the Committee described in subsection (d) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make the report under paragraph (1) publicly available both physically and online.

(f) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term “Committee” means the Department of Transportation Advisory Committee on Human Trafficking established under subsection (a).

(2) HUMAN TRAFFICKING.—The term “human trafficking” means an act or practice described in paragraph (9) or paragraph (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on S. 1536.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1536 empowers the Department of Transportation to play an important role in combating human trafficking. Specifically what this bill does is it directs the Secretary of Transportation to designate a human trafficking prevention coordinator from within the Department; it expands the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program and under the Commercial Driver's License program implementation grants to include human trafficking prevention activities; and it requires the Secretary to establish an advisory committee on human trafficking.

S. 1536 is supported by Members on both sides of the aisle, and it passed the Senate with unanimous consent.

I would like to commend Ms. ESTY for her leadership on the House version of this bill. Because of her work and her partnership on this with Mr. KATKO, the House version passed through committee unanimously.

Mr. Speaker, I urge my colleagues to support S. 1536, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill as well. S. 1536 will help ensure that the U.S. Department of Transportation has the necessary tools to reduce the prevalence of human trafficking in commercial vehicles.

In 2016, more than 7,000 cases of human trafficking were reported to the National Human Trafficking Hotline.

With this legislation, Congress is stepping in to ensure DOT has additional authority and resources to combat this egregious crime.

This bill provides the Federal Motor Carrier Safety Administration, FMCSA, more flexibility to combat human trafficking by authorizing funding from two existing grant programs to be used to support the reporting and the prevention of human trafficking. The bill will also help DOT coordinate efforts to fight human trafficking with other Federal agencies, and it establishes an advisory committee on human trafficking.

The advisory committee will convene experts from law enforcement, victim advocacy organizations, and the transportation industry to advise DOT of concrete steps it can take to improve the recognition and the prevention of trafficking.

The advisory committee will also develop and share best practices with State and local stakeholders so that they are better equipped to combat the trafficking in their own communities.

The Committee on Transportation and Infrastructure reported an identical bill, H.R. 3813, authored by the gentlewoman from Connecticut (Ms. ESTY), to the House in November.

Mr. Speaker, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I don't have any speakers, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. ESTY), the author of the bill.

Ms. ESTY of Connecticut. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise to strongly support the passage of S. 1536, the Combating Human Trafficking in Commercial Vehicles Act. This bipartisan, bicameral bill is an important step in combating the terrible crime of human trafficking.

The Combating Human Trafficking in Commercial Vehicles Act will help stem the tide of trafficking by providing training to commercial truck drivers through the Department of Transportation to recognize and report trafficking, further empowering them to prevent this horrendous crime.

Specifically, this bill designates a human trafficking prevention coordinator at the U.S. Department of Transportation and increases outreach, education, and reporting efforts at the Federal Motor Carrier Safety Administration.

Mr. Speaker, human trafficking is an appalling and inhumane crime, and it is occurring in communities all over my home State of Connecticut and throughout the entire United States. As I learned when a human trafficking ring was broken up in my small hometown, anyone can become a victim of

this crime regardless of race, age, gender, or socioeconomic status.

This appalling crime takes many forms, the vast majority of which are sexually exploitative in nature. Shockingly, the average age a teen enters the sex trade in the United States is 12 to 14 years old, and many victims are runaway girls who were sexually abused as children.

Truckers and commercial drivers are often the first line of defense against human trafficking in the United States. Their eyes and ears are on the roads, where victims are being moved across borders and from city to city.

The Combating Human Trafficking in Commercial Vehicles Act is supported by Truckers Against Trafficking, the National District Attorneys Association, the Commercial Vehicle Safety Alliance, the Owner Operator Independent Drivers Association, and ECPAT-USA.

I am proud to be the coauthor of the House companion to the No Human Trafficking on Our Roads Act along with my friend, JOHN KATKO of New York.

I am also pleased that we will be voting today on another bill that Congressman KATKO and I coauthored, the No Human Trafficking on Our Roads Act.

Both bills were originally introduced in the Senate by Senators KLOBUCHAR and THUNE and passed unanimously. Both bills were also passed unanimously out of the House Transportation and Infrastructure Committee.

Mr. Speaker, I urge my friends and colleagues to join me in voting “yes” on the Combating Human Trafficking in Commercial Vehicles Act and the No Human Trafficking on Our Roads Act today so we can send these very important pieces of legislation to the President’s desk for his swift signature.

Mr. Speaker, again, I want to thank my Republican and Democratic colleagues both in the House and the Senate for their work on these two important bills.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. Mr. Speaker, I want to thank my colleague, Ms. NORTON, for having this amazing interest to our country put before us for a vote.

Mr. Speaker, I rise in support of S. 1532, No Human Trafficking on Our Roads, and S. 1536, the Combating Human Trafficking in Commercial Vehicles Act.

As the vice chair of the congressional bipartisan Caucus for Women’s Issues and a member of the Transportation and Infrastructure Committee, I am pleased that we are solving these issues of real concern.

Human trafficking is an inexcusable crime. According to the National

Human Trafficking Resource Center, about 8 in 10 reported victims are women. It is a crime that exploits women more than anyone else, and especially young girls.

Mr. Speaker, combating human trafficking is a serious concern of mine. Unfortunately, in my district—I represent the Metro Detroit area—a major international transportation and shipping hub in southeast Michigan, we rank number seven in total human trafficking cases reported in our country.

These bills mark progress toward combating human trafficking. We are improving our systems to better recognize and report this crime. We are closing loopholes in our transportation system that traffickers have taken advantage of for far too long.

I am proud to support these bills, and I urge my colleagues to support them as well.

Mr. Speaker, today I needed a vote and a voice for something that is good for this country, and so I stand here in support.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I urge my colleagues to join me in supporting this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YODER). The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, S. 1536.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SYSTEMIC RISK DESIGNATION IMPROVEMENT ACT OF 2017

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 667, I call up the bill (H.R. 3312) to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 667, in lieu of the amendment recommended by the Committee on Financial Services printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-49, modified by the amendment printed in House Report 115-474, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Systemic Risk Designation Improvement Act of 2017”.

SEC. 2. REVISIONS TO COUNCIL AUTHORITY.

(a) **PURPOSES AND DUTIES.**—Section 112 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5322) is amended in subsection (a)(2)(I) by inserting before the semicolon “, which have been identified as global systemically important bank holding companies pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (I) of section 165”.

(b) **ENHANCED SUPERVISION.**—Section 115 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5325) is amended—

(1) in subsection (a)(1), by striking “large, interconnected bank holding companies” and inserting “bank holding companies which have been identified as global systemically important bank holding companies pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (I) of section 165”; and

(2) in subsection (a)(2)—

(A) in subparagraph (A), by striking “; or” at the end and inserting a period;

(B) by striking “the Council may” and all that follow through “differentiate” and inserting “the Council may differentiate”; and

(C) by striking subparagraph (B).

(c) **REPORTS.**—Section 116(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5326(a)) is amended by striking “with total consolidated assets of \$50,000,000,000 or greater” and inserting “which has been identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (I) of section 165”.

(d) **MITIGATION.**—Section 121(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5331) is amended by striking “with total consolidated assets of \$50,000,000,000 or more” and inserting “which has been identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (I) of section 165”.

(e) **OFFICE OF FINANCIAL RESEARCH.**—Section 155 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5345) is amended in subsection (d) by striking “with total consolidated assets of 50,000,000,000 or greater” and inserting “which have been identified as global systemically important bank holding companies pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (I) of section 165”.

SEC. 3. REVISIONS TO BOARD AUTHORITY.

(a) **ACQUISITIONS.**—Section 163 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5363) is amended by striking “with total consolidated assets equal to or greater than \$50,000,000,000” each place such term appears and inserting “which has been identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (I) of section 165”.

(b) **MANAGEMENT INTERLOCKS.**—Section 164 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5364) is amended by striking “with total consolidated assets

equal to or greater than \$50,000,000,000” and inserting “which has been identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (l) of section 165”.

(c) **ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS.**—Section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5365) is amended—

(1) in subsection (a), by striking “with total consolidated assets equal to or greater than \$50,000,000,000” and inserting “which have been identified as global systemically important bank holding companies pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (l)”;

(2) in subsection (a)(2)—

(A) by striking “(A) IN GENERAL.—”;

(B) in subparagraph (A), by striking “may” and inserting “shall”; and

(C) by striking subparagraph (B);

(3) in subsection (j), by striking “with total consolidated assets equal to or greater than \$50,000,000,000” and inserting “which has been identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (l)”.

(d) **ADVANCED TAILORING.**—Section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5365) is amended by adding at the end the following:

“(I) **ADDITIONAL BANK HOLDING COMPANIES SUBJECT TO ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS BY TAILORED REGULATION.**—

“(1) **DETERMINATION.**—The Board of Governors may, within the limits of its existing resources—

“(A) determine that a bank holding company that has not been identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, shall be subject to certain enhanced supervision or prudential standards under this section, tailored to the risks presented, based on the considerations in paragraph (3), where material financial distress at the bank holding company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the individual bank holding company, could pose a threat to the financial stability of the United States; or

“(B) by regulation determine that a category of bank holding companies that have not been identified as global systemically important bank holding companies pursuant to section 217.402 of title 12, Code of Federal Regulations, shall be subject to certain enhanced supervision or prudential standards under this section, tailored to the risk presented by the category of bank holding companies, based on the considerations in paragraph (3), where material financial distress at the category of bank holding companies, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the category of bank holding companies, could pose a threat to the financial stability of the United States.

“(2) **COUNCIL APPROVAL OF REGULATIONS WITH RESPECT TO CATEGORIES.**—Notwithstanding paragraph (1)(B), a regulation issued by the Board of Governors to make a determination under such paragraph (1)(B) shall not take effect unless the Council, by a vote of not fewer than 2/3 of the voting members then serving, including an affirmative vote by the Chairperson, approves the metrics used by the Board of Governors in establishing such regulation.

“(3) **CONSIDERATIONS.**—In making any determination under paragraph (1), the Board of Governors shall consider the following factors:

“(A) The size of the bank holding company.

“(B) The interconnectedness of the bank holding company.

“(C) The extent of readily available substitutes or financial institution infrastructure for the services of the bank holding company.

“(D) The global cross-jurisdictional activity of the bank holding company.

“(E) The complexity of the bank holding company.

“(4) **CONSISTENT APPLICATION OF CONSIDERATIONS.**—In making a determination under paragraph (1), the Board of Governors shall ensure that bank holding companies that are similarly situated with respect to the factors described under paragraph (3), are treated similarly for purposes of any enhanced supervision or prudential standards applied under this section.

“(5) **USE OF CURRENTLY REPORTED DATA TO AVOID UNNECESSARY BURDEN.**—For purposes of making a determination under paragraph (1), the Board of Governors shall make use of data already being reported to the Board of Governors, including from calculating a bank holding company’s systemic indicator score, in order to avoid placing an unnecessary burden on bank holding companies.”.

(e) **SYSTEMIC IDENTIFICATION.**—Section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5365), as amended by subsection (d), is further amended by adding at the end the following:

“(m) **SYSTEMIC IDENTIFICATION.**—With respect to the identification of bank holding companies as global systemically important bank holding companies pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (l), the Board of Governors shall—

“(1) publish, including on the Board of Governors’s website, a list of all bank holding companies that have been so identified, and keep such list current; and

“(2) solicit feedback from the Council on the identification process and on the application of such process to specific bank holding companies.”.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to prohibit the Board of Governors of the Federal Reserve System from prescribing enhanced prudential standards for any bank holding company which the Board of Governors determines, based upon the bank holding company’s size, interconnectedness, substitutability, global cross-jurisdictional activity, and complexity, could pose a safety and soundness risk to the stability of the United States banking or financial system but has not been designated as a global systemically important bank holding company.

SEC. 5. EXISTING ASSESSMENT TERMINATION SCHEDULE.

(a) **TEMPORARY EXTENSION OF EXISTING ASSESSMENT.**—

(1) **IN GENERAL.**—Each bank holding company that, on the day that is 24 months following the date of the enactment of this Act, has total consolidated assets equal to or greater than \$50,000,000,000, has not been identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, and has not been subjected to a determination under subsection (l) of section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, shall be subject to assessments by the Secretary of the Treasury to the same extent as a bank holding company that has been so identified or subjected.

(2) **CONSIDERATIONS.**—In making assessments pursuant to paragraph (1), the Secretary of the Treasury shall take into account differences

among the bank holding companies subject to such assessment, based on the considerations for establishing the prudential standards under section 115 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5325).

(3) **LIMITATION ON AMOUNT OF ASSESSMENTS.**—The aggregate amount collected pursuant to paragraph (1) from all bank holding companies assessed under such paragraph shall be \$58,000,000.

(4) **PAYMENT PERIOD OPTIONS.**—The Secretary of the Treasury shall offer the option of payments spread out before the end of the 48-month period following the date of the enactment of this Act, or shorter periods including the option of a one-time payment, at the discretion of each bank holding company paying assessments pursuant to paragraph (1).

(5) **ASSESSMENTS TO BE MADE IN ADDITION TO ANY OTHER ASSESSMENTS.**—The assessments collected pursuant to paragraph (1) shall be in addition to, and not as a replacement of, any assessments required under any other law.

(b) **TREATMENT UPON DETERMINATION.**—A bank holding company assessed under this section shall no longer be subject to such assessments in the event it is identified as a global systemically important bank holding company pursuant to section 217.402 of title 12, Code of Federal Regulations, or subjected to a determination under subsection (l) of section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Any prior payments made by such a banking holding company pursuant to an assessment under this section shall be nonrefundable.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect after the end of the 18-month period following the date of the enactment of this Act.

The **SPEAKER** pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentleman from Texas (Mr. HENSARLING) and the gentleman from Texas (Mr. AL GREEN) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. HENSARLING).

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and submit extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 3312, the Systemic Risk Designation Improvement Act of 2017.

This very important piece of legislation was introduced by my friend, Mr. LUETKEMEYER, who serves as chairman of the Financial Institutions and Consumer Credit Subcommittee of the Financial Services Committee, and is cosponsored by a bipartisan group of Members of the House. In fact, Mr. Speaker, the bill was approved in October by the Financial Services Committee with a very strong bipartisan

vote of 47-12, so strong, Mr. Speaker, that even a majority of Democrats on the committee voted to support the bill.

This bill reforms what Republicans and now many Democrats acknowledge is a flawed and arbitrary framework under the Dodd-Frank Act to designate so-called systemically important financial institutions, also known as SIFIs. In fact, one of those Democrats who acknowledges that it is a flawed and arbitrary framework is none other than former chairman of the House Financial Services Committee, Barney Frank, the very Frank of Dodd-Frank, the coauthor of the Dodd-Frank Act. He, himself, has said that this provision in the Dodd-Frank Act that many of us are trying to reform today is “arbitrary” and “a mistake.” Those are his words, Mr. Speaker, not mine.

That arbitrary and mistaken provision is Dodd-Frank’s one-size-fits-all standard that subjects banks with \$50 billion or more in assets to the same costly and cumbersome SIFI regulatory standards as trillion-dollar global systemically important institutions.

We should take note that this flawed standard has now been criticized by Federal Reserve Chair Janet Yellen, former Federal Reserve Board Governor Dan Tarullo, former Comptroller of the Currency Thomas Curry, and many other Obama appointees. In other words, Mr. Speaker, it is that bad.

Mr. LUETKEMEYER’s bipartisan bill—again, very strong bipartisan bill—replaces this inflexible, flawed, \$50 billion threshold that has been criticized by so many with a series of well-established, critical standards that more accurately measure systemic importance.

□ 1515

Specifically, his legislation requires the Federal Reserve to review a financial institution’s size, interconnectedness, global cross-jurisdictional activity, and complexity, before determining whether the institution should be subject to heightened SIFI regulatory standards.

In other words, this bipartisan bill tailors regulations based on a bank’s actual level of risk, instead of Dodd-Frank’s one-size-fits-all system that ensnares smaller regional and midsize banks that, essentially, have simple community bank lending models. These banks are not globally complex Wall Street banks and shouldn’t be treated the same.

It simply doesn’t make sense to subject small regional and midsize banks with only \$50 billion in assets to the same expensive and cumbersome SIFI regulatory regime as a bank like JPMorgan Chase, which has \$2.5 trillion in assets. Based on size alone, the \$50 billion bank is just 2 percent, 2 percent of JPMorgan Chase’s size.

What does make sense, Mr. Speaker, is to base the regulation of these finan-

cial institutions on their actual risk profile rather than their asset size alone, which is exactly what Mr. LUETKEMEYER’s strongly bipartisan bill will do.

Now, while I personally do not support the SIFI architecture at all and do not believe any financial institution in America should be designated too big to fail, it is important that we always continue to work to find bipartisan reforms where we can find them and improve current law, and the legislation before us today represents a good faith effort to do exactly that.

Let’s keep in mind, Mr. Speaker, this is simply not a debate over an arcane definition in law. It is about the real world effect these regulations have on the U.S. economy and the working men and women whom we represent.

Let me share with my colleagues what the Small Business and Entrepreneurship Council has to say about the importance of the bill that we are debating today: “Access to working and growth capital remains a challenge for many entrepreneurs and small businesses. H.R. 3312 would improve the lending environment and unleash capital by alleviating inappropriate requirements imposed on regional and midsize banks under Dodd-Frank. Midsize and regional banks, which many startups and small businesses have counted on for lending, have been negatively affected by this Dodd-Frank arbitrary trigger.”

Mr. Speaker, the American people deserve better. They deserve a healthy economy with growing paychecks, better jobs, and a brighter future. It is time to restore economic growth fueled by capital flowing from America’s banks to American communities across our Nation.

So I urge my colleagues to correct this widely acknowledged mistake in Dodd-Frank, even acknowledged by former Congressman Barney Frank himself, and put into place real, discernible, critical standards, and help our struggling small businesses on Main Street. Let’s pass H.R. 3312.

Mr. Speaker, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. DAVID SCOTT).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, as the Democratic lead on this bill, it is very important for me to point out that I worked very closely with Chairman Barney Frank and the Obama administration, both of which admitted at the time that it was a mistake, a blunt instrument, to be able to just put an arbitrary figure of \$50 billion and say they are a threat to our financial stability.

No. Our banking system deserves better than that. The American people deserve better than that. It is not the amount of money that you have got in your assets that caused the problem; it

was what they were doing that caused the exposure.

So we want to substitute the \$50 billion to make sure that we have a five-point test that the Feds will give that will be able to determine if they are a threat to our security and then tailor a program of advanced supervision that would prevent them from causing us this problem.

It is a great bill. It is time we corrected it, and I ask all of my colleagues, both Democrats and Republicans, to do the right thing for the American people, and let’s have a resounding “yes” vote for this SIFI bill.

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. LUETKEMEYER), who is the Republican sponsor of the legislation and the chairman of our Financial Services Subcommittee on Financial Institutions and Consumer Credit.

Mr. LUETKEMEYER. Mr. Speaker, I want to start by thanking Chairman HENSARLING for his support of this legislation and his dedication to a more reasonable regulatory regime.

I would also like to thank my good friend, Representative DAVID SCOTT from Georgia, for being a cosponsor on the Democrat side and for all the hard work and support he has given us throughout this labor of love here on trying to get this thing done. He has been a champion for us, and we thank him sincerely.

Today, the House will consider H.R. 3312, the Systemic Risk Designation Improvement Act of 2017, a bipartisan piece of legislation to address an inefficient regulatory structure by accounting for actual risk, rather than the size alone in the designation of systemically important financial institutions, or SIFIs.

Under the current regulatory framework for SIFI designations, any bank holding company with more than \$50 billion in assets is subject to enhanced regulatory supervision and special assessments. This approach fails to take into account differences in business models or risks posed to the financial system. It has real world implications, too, stunting economic growth and limiting access to credit.

The risk of a traditional bank is not the same as an internationally active complex firm. In fact, the Fed has produced data showing the risk of every single midsize and regional bank which pales in comparison to risks posed by many and almost all global systemically important banks.

H.R. 3312 will remove the completely arbitrary approach taken today and replace it with analysis of actual risk posed to the financial system. The bill would require regulators to examine not just size, but also interconnectedness, the extent of readily available substitutes, global cross-jurisdictional activity, and the complexity of each bank holding company.

Today's method isn't a reasonable basis for supervision, a fact that has been recognized by Fed Chair Yellen, Treasury Secretary Mnuchin, and former Treasury Secretary Lew, and many Members of this body. Even Barney Frank, as Chairman HENSARLING just noted, the former Democratic chairman of the Financial Services Committee and author of the Dodd-Frank Act, has said the \$50 billion threshold is completely arbitrary and has had negative implications on our economy.

It is important to note that this bill will not impact the authority of the Federal Reserve to oversee institutions. The focused standards set forth in the bill don't guarantee that any institution will be permanently freed from the rigors that are associated with SIFI designation. If the Fed so feels that a bank needs to have continuous oversight, they will do so.

I want to take a moment to discuss the score issued by the Congressional Budget Office. CBO opined that this bill would result in direct spending. I disagree with the CBO interpretation of what this legislation will do, and I believe that my bill will actually create a safer financial system.

At the same time, it is important to me and my colleagues that the bill comes to the taxpayers at no cost. The offset included in the Rules Committee Print will more than cover any potential hit to the Deposit Insurance Fund and makes this legislation budget-neutral.

The bottom line is this: an inefficient regulatory structure that does not reflect the reality of the U.S. banking system can have real economic consequences. We should no longer let the SIFI process lead to marketplace disruption or penalize companies for size alone.

I have worked on this legislation surrounding the SIFI designation process for the last 4 years, but I have not done it alone. H.R. 3312 was drafted in good faith with—and with considerable input from—many of my friends on the other side of the aisle as well.

Because we worked together, this legislation received broad bipartisan support when it was reported by the Financial Services Committee with a vote of 47–12. That means nearly 80 percent of the committee members voted in favor of this legislation.

I want to thank my colleagues for their help in this effort, namely, Mr. SCOTT, Ms. SINEMA, Mr. HILL, Mr. WILLIAMS, Mr. STIVERS, Mrs. BEATTY, Mr. BUDD, Mr. MEEKS, and Mr. GOTTHEIMER. This is an important issue, and I hope our colleagues will join us in supporting this bipartisan, commonsense measure.

Mr. Speaker, at the end of the day, this is a bill about being able to allow these banks that are caught in a “California Hotel” situation here to be able

to get out of this with a good analysis of their risk profile, their business model, because, at the end of the day, this is what this is all about. Their business model is not a risk to this country or the economic system that we have. It is not like the international connected banks, and, therefore, they shouldn't be treated as such.

As a result, this is important for not only the midsize banks, but for the banks below them because the regulators have been also allowing these sorts of requirements and rules to roll downhill on community banks as well. So it is time we put a stop to this.

It is important that we take a pragmatic approach to this designation process, to manage actual risk, and limit the real threats to our financial system.

Mr. AL GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. WAGNER), the chairwoman of the Financial Services Subcommittee on Oversight and Investigations.

Mrs. WAGNER. Mr. Speaker, I thank Chairman HENSARLING for his support and for yielding me this time.

I am proud to rise today in support of my colleague, Chairman BLAINE LUETKEMEYER, and urge immediate passage of his bill, the Systemic Risk Designation Improvement Act of 2017.

H.R. 3312 uses a commonsense approach which would allow regulators the opportunity to weigh multiple factors before deeming a financial institution systemically important.

More importantly, the bill would allow the Financial Stability Oversight Council, FSOC, to more precisely identify systemic risk by differentiating between stable activities and those that would truly threaten the financial stability of the United States.

Under the Dodd-Frank Act, the Federal Reserve was given never-before-seen regulatory power to supervise those that were deemed systemically important. Unfortunately, the Fed has chosen to ignore tailoring their regulatory standards and continues to base them on asset size alone.

If an institution, indeed, is a minimal risk, then it is vital to make sure those standards reflect that lower risk.

Finally, it is important to note that an arbitrary threshold does matter to those caught in the SIFI web. These financial institutions often face significant compliance costs under a SIFI designation, redirecting resources that otherwise would provide consumers with affordable financial products.

Chairman LUETKEMEYER's bill creates a framework that promotes responsible regulations and enforces market discipline, all while protecting taxpayers from unnecessary bailouts.

Mr. Speaker, again, I want to applaud my friend, the gentleman from

Missouri, Chairman LUETKEMEYER, for his leadership on this issue. H.R. 3312 is about smarter regulation. I urge all my colleagues to support Chairman LUETKEMEYER's bill.

Mr. AL GREEN of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. BARR), the chairman of the Financial Services Subcommittee on Monetary Policy and Trade.

Mr. BARR. Mr. Speaker, I rise today in support of a bipartisan bill, the Systemic Risk Designation Improvement Act of 2017, introduced by my good friend and colleague, Congressman BLAINE LUETKEMEYER from Missouri.

I also want to thank Chairman HENSARLING for his leadership and, for my friends on the other side of the aisle, particularly Mr. DAVID SCOTT from Georgia, for his leadership in support of this legislation.

Among the least transparent and most mysterious black holes of the United States Government is the process under the Dodd-Frank financial control law, by which U.S. financial firms are designated too big to fail.

Formally called systemically important financial institutions, or SIFIs, these firms are considered by all-knowing Washington bureaucrats as businesses so critical to the Nation's economy that they need to be burdened with additional regulations, supervised more strictly to further the cause of bureaucrats, and designated as a SIFI to send a clear signal to investors that it is a firm which is most likely to be bailed out by taxpayers during the next crisis.

For bank SIFIs, there is a one-size-fits-all designation model that says that any bank with more than \$50 billion in assets is automatically a SIFI. Bureaucrats do little to nothing to account for the unique nature of each institution that may indicate it is more risk adverse or better positioned to handle a turbulent economy.

Bank SIFIs suffer from the same plight, in that they are not told by the U.S. Government what they need to do to rid themselves of the shackles of this SIFI designation. Instead, these firms are left in the dark to guess what they can do to de-risk by Federal regulators. And even if firms try to make reforms, they have no idea if the changes they are making will help them shed themselves of this arbitrary designation.

□ 1530

In the end, the entire SIFI process does little to make our economy stronger and more resilient. Instead, designated U.S. firms and their workers are harmed and disadvantaged relative to their international competition, undermining credit availability, causing weaker jobs and economic growth in America.

For these reasons, I support the Systemic Risk Designation Improvement Act, which will give much-needed transparency to the SIFI designation process and eliminate the arbitrary automatic SIFI designation of banks with \$50 billion or more in assets.

Under this legislation, banks will be judged by their merits, such as interconnectedness, size, cross-jurisdictional activity, complexity, and substitutability, and the justifications for a designation will be clearly communicated to them. The end result will be greater credit availability for small businesses, more capital formation, more help for consumers, greater consumer choice, greater economic growth, and greater competition.

Mr. Speaker, again, I want to thank Mr. LUETKEMEYER and Mr. HENSARLING for their leadership on this critical issue, and I urge my colleagues to vote for this legislation.

Mr. AL GREEN of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlemen from Texas (Mr. AL GREEN) has 29 minutes remaining. The gentleman from Texas (Mr. HENSARLING) has 14½ minutes remaining.

Mr. AL GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, in order to better balance the time on each side, may I inquire if my colleague anticipates having speakers on the bill.

Mr. AL GREEN of Texas. Mr. Speaker, I do anticipate additional speakers, and I will be making comments myself.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN), the vice chairman of the Financial Services Subcommittee on Capital Markets, Securities, and Investments.

Mr. HULTGREN. Mr. Speaker, I want to thank Chairman HENSARLING for his continued work on this, and I also want to thank my colleague and friend from Missouri, BLAINE LUETKEMEYER, for his important work on this issue.

Mr. Speaker, I am proud to be a cosponsor on this legislation because it is an important bill for regional banks in Illinois, but also around the country.

The Financial Services Committee has spent a significant amount of time debating which banks should qualify as so-called community banks and regional banks when determining how to legislate regulatory relief.

I have to agree that, as a bank starts getting larger, it starts looking less and less like a community bank. But both Republicans and Democrats have agreed that asset size should not be the sole characteristic for determining a bank's riskiness to the financial system.

There are a number of banks that have successfully made use of the traditional community bank business

model of deposit taking and lending that have grown in size. Some have grown substantially, and now they are able to serve more than one community.

Congress should not punish these financial institutions with an asset threshold that even Congressman Barney Frank described as arbitrary. Our policies should encourage low-risk relationship lending so communities can benefit from institutions of different sizes. At a minimum, we should provide the banking regulators some flexibility to determine which institutions with assets over \$50 billion pose higher risk to the financial system.

In addition to the outstanding community banks in my district, my constituents also look to regional banks like BMO and Discover when they are trying to find best rates on mortgages, car loans, credit cards, or their student loans.

Discover Financial Services, which has its headquarters just outside my district in Riverwoods, Illinois, has a simple business model that includes credit cards, student loans, home equity lending, and a number of deposit products that you would expect from a Main Street financial institution. This is the only business Discover is in. Nothing they do is comparable to what you might see in one of the big money center banks.

So why did Congress mandate that this bank be automatically designated as systemically important? The current law is arbitrary and subjects banks to the same standards as trillion-dollar global systemically important institutions.

Automatically designating these institutions as systemically important unnecessarily increases the cost of lending and makes it more difficult for my constituents to achieve their financial goals.

Mr. Speaker, I encourage my colleagues to support the Systemic Risk Designation Improvement Act of 2017.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, because I believe in truth in labeling, truth in titling, truth in the style of legislation, Mr. Speaker, I believe that this bill should be appropriately styled the Big Bank Bonus Bill.

As a matter of fact, Mr. Speaker, I ask unanimous consent that this bill be styled the Big Bank Bonus Bill.

The SPEAKER pro tempore. The Chair cannot entertain the gentleman's request.

Mr. AL GREEN of Texas. Mr. Speaker, I am sorry?

The SPEAKER pro tempore. The Chair cannot entertain that request as the majority manager has not yielded for that purpose.

Mr. AL GREEN of Texas. A UC request.

Mr. Speaker, my friends on the other side have said much about Barney Frank.

Chairman Frank was a dear friend of mine. I knew him well. I still do know him well. Mr. Speaker, Chairman Frank has not endorsed this bill. The language that they have used would lead an unsuspecting person to conclude that Chairman Frank supports this piece of legislation. He does not.

I have in my hand a letter from Chairman Frank. I will read a portion of it. He indicates:

H.R. 3312 significantly increases the need for subjective judgment by the regulators and very much weakens the ability of financial institutions to rely on clear rules to guide their decisionmaking.

Mr. Speaker, without question, Chairman Frank does not support this legislation.

My friends have made much to-do about the term "arbitrary and capricious," a threshold that is arbitrary. What is more arbitrary than reducing the corporate tax rate from 35 percent to 21 percent, which you just did? What is more arbitrary than reducing the individual tax rate from 39.6 percent to 37 percent, which you just did?

You are the masters of arbitrary and capricious numbers. That bill that you just passed is flush with arbitrary and capricious numbers.

Mr. Speaker, I would suggest that they examine their thoughts about arbitrary and capricious before we continue, because I have more to say about arbitrary and capricious numbers.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. SARBANES), my colleague.

Mr. SARBANES. Mr. Speaker, I want to thank my colleague for yielding time to me.

Mr. Speaker, I rise today in strong opposition to H.R. 3312. I appreciate my colleague's redesignation, renaming of the bill. I think it is much more appropriate.

Mr. Speaker, this is a completely unwarranted piece of legislation. If you look at it, it is just another gift to the wealthy and the well connected on Wall Street.

We keep saying that over here because it is true. It is crazy. In 2008, the economy was brought to its knees. Reckless behavior out there by a lot of these huge institutions. The Nation's largest financial institutions crashed the economy. Everybody knows it.

So what did we do? We took steps, smart steps. We put in place the Wall Street Reform and Consumer Protection Act of 2010. I think most Americans were comforted by that. They felt, okay. There are guardrails in place now so this kind of thing can't happen again.

But the fact of the matter is that, as soon as the ink was dry on that law,

lobbyists moved in, the special interests moved in, and they started to unwind the core provisions, and the guardrails are starting to come down.

This is crazy. This is a case of amnesia at best or cynical capitulation to Wall Street at worst.

Proponents of the legislation say this is about helping the mom-and-pop banks on Main Street—Main Street. Were institutions like Countrywide and Washington Mutual and Wachovia and IndyMac—these are the names that haunt a lot of Americans. A lot of American households suffered because of the behavior of those institutions. Were they Main Street banks?

The fact is, under the bill before us, some of the Nation's largest banks whose failure led to the carnage of 2008 would be exempt from heightened oversight. Exactly the kind of institutions that the public wants us to keep an eye on would no longer have that oversight in place. Of those still standing, 30 of the Nation's 38 largest financial institutions would escape sensible oversight imposed by Dodd-Frank.

Even more than that, this legislation is based on the false premise that the reforms of Dodd-Frank were one size fits all. That is the phrase we always hear to justify letting go of the reins: Oh, it is one size fits all. People can't fit into this. We have got to do something.

But, no, the agency was given the maneuvering room, the flexibility, to actually customize things and have been in a position to do that.

There was a premium put on regulatory flexibility, explicitly instructing the Federal Reserve to tailor its prudential regulatory regime based on size and risk profile of financial institutions.

Ironically, the changes to asset thresholds will increase the likelihood of consolidation as large financial institutions and banks can now grow, that is, buy out small players beyond the \$50 billion threshold. The banks are going to start growing bigger again. The financial institutions are going to get heavier again. It makes it easier for them to crash through whatever guardrails we can build.

The public doesn't want this, and that means true community banks very well might be absorbed by super-regional banks, which would decrease consumer credit access and worsen pricing.

Mr. Speaker, Americans are tired of watching this Congress forget the lessons of the 2008 financial crash. They are tired of a Congress that routinely favors Wall Street over the interests of Main Street, and they are tired of the same worn-out talking points that are used to justify deregulation of Wall Street.

Mr. Speaker, I urge my colleagues to oppose this bill.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman

from Minnesota (Mr. EMMER), a hard-working member of the Financial Services Committee.

Mr. EMMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, 10 years ago, some of America's largest financial institutions failed, resulting in near collapse of our entire financial system. The experience destroyed businesses, ruined lives across the country, and left fear and uncertainty in its wake.

Congress set out to prevent a future crisis by requiring enhanced supervision and regulation of some of the biggest financial institutions in the country by passing the Dodd-Frank Act. In Dodd-Frank, Congress defined the largest financial institutions as "systematically important financial institutions," more commonly referred to as SIFIs, those with more than \$50 billion in assets.

The goal of preventing our Nation's largest financial institutions from failing and bringing down our entire financial system is laudable. The problem, however, is Dodd-Frank's definition of what constitutes a SIFI: the \$50 billion asset threshold. In fact, the creator of the threshold and former chair of the Financial Services Committee, Barney Frank, admits the threshold is arbitrary, and he supports changing the threshold.

H.R. 3312, the Systemic Risk Designation Improvement Act, removes the arbitrary asset threshold and, instead, will classify the largest financial institutions by their activities. Differentiating between stable activities and those that could potentially threaten the financial stability of the United States is a more accurate way to identify and monitor risk.

Mr. Speaker, I ask all my colleagues to support this important and appropriate policy change to ensure the continued stability of our financial system by passing H.R. 3312.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to engage my friend from Minnesota, if I may, before he leaves. Would the gentleman please not leave?

Would Mr. HENSARLING ask the gentleman not to leave? I want to engage him.

I would like to engage Mr. EMMER, if he will come back, please. I would like to engage with the gentleman for just a moment if I may.

The gentleman declines.

Is there anyone on the other side that I can talk to?

I ask Mr. HENSARLING, is 39.6 arbitrary, reducing the taxes on individuals from 39.6 to 37? What is 37? Why is it not arbitrary?

Mr. HENSARLING. Mr. Speaker, is the gentleman prepared to yield me time?

Mr. AL GREEN of Texas. Pardon?

Mr. HENSARLING. Is the gentleman prepared to yield me time?

Mr. AL GREEN of Texas. I yield time. Yes, of course.

Mr. HENSARLING. How much time does the gentleman yield me?

Mr. AL GREEN of Texas. I yield.

Mr. HENSARLING. I inquire of the gentleman how much time is he yielding? I don't wish to be cut off.

Mr. AL GREEN of Texas. I yield you such time as I may deem necessary, if you will take time.

Well, you may use your own time.

Mr. HENSARLING. I am going to respectfully decline the opportunity.

Mr. AL GREEN of Texas. Mr. Speaker, the arbitrary numbers that they have they don't care to defend.

Let's talk about the one-size-fits-all accusation, if you will.

Mr. Speaker, I have a source, and it is the Department of the Treasury, which indicates that we have a tiered system, and we actually have five different tiers. These tiers will allow banks to be classified as small, midsize, regional, international active, and G-SIBs.

□ 1545

There is a tiering system, but within the tiering system, we have given the regulators the authority to tailor rules to fit banks within the system.

Mr. Speaker, my colleague mentioned institution failure. I was here. I know what happened in 2008. I understand why we have Dodd-Frank. We don't have Dodd-Frank because Mr. Dodd and Mr. Frank woke up one morning and decided that they would like to regulate banks to the extent that they were regulated.

We have Dodd-Frank because we had a crisis. We had Dodd-Frank developed because of exotic products, the 327s and the 228s, which had teaser rates that would allow persons to get into loans that had fixed rates for 3 years or 2 years, and then they would have 27 years of variable rates or 28 years of variable rates.

This was the exotic product that a good many people had and could not get out of because, quite frankly, they also had a prepayment penalty that would coincide with these teaser rates.

It was a time of great crisis for banking.

We also had the so-called credit default swaps, which were just another way of laying off bets. Banks found clever ways to lay off their bets that they thought were risky.

We had no-doc loans, negative amortization. You could pay as much as you wanted and would add to the principal what you didn't pay, which means that you would end up paying a lot more for your loan than you initially started out owing.

We had interest-only loans: just pay the interest, let the loan continue to increase in value.

There was no firewall between commercial banking and investment banking. They finally got Glass-Steagall. Took them decades to do it, but they did.

Then we had the dastardly yield spread premium, which would allow the person who was servicing you, the loan originator, to qualify you for a loan at 5 percent, come out and shake your hand and say: Good news, you now have a loan for 10 percent.

That was all lawful, but Dodd-Frank ended all of this.

We have Dodd-Frank because we had a deregulation era, very much comparable to what we are about to go through now. Banks were regulated to the extent that they couldn't do all of these things, but we deregulated, just as we are about to do it now, and we will get back to the future, where banks will not have the liquidity necessary, where the credit risk that they take will be unreasonable.

This is a bill that belongs on the trash heap of history. I adamantly oppose the bill. I believe that it is time for us to take the stand that the American people want us to take, not the stand that the big banks would have us take.

This is a big bank bonus. The big banks love this bill. Thirty banks are going to be relieved of their obligation to let us know how to put them out of their misery in the event that they are about to bring the banking system down. Thirty banks. These are big banks, \$500 billion max. Big banks.

These banks will continue to give us their stress test so that we can know what their liquidity is and understand their credit worthiness by virtue of the loans that they make.

This bill is what the big banks want, but not the American people.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MAXINE WATERS), the ranking member.

Ms. MAXINE WATERS of California. Mr. Speaker, first I would like to thank Congressman GREEN for his leadership. He is a member of the Financial Services Committee, who is dedicated to the proposition that we can and should work very hard to implement Dodd-Frank.

He has done a wonderful job in representing all of the people of this country when it comes to this issue of whether or not we are going to allow the biggest banks in this country to revert back to the practices that they have been involved in historically, where it caused us to be into a situation that caused the recession in 2008 or whether or not we are going to honor the work of Dodd-Frank and the reforms that were instituted and be about the business of fairness and justice.

I want to thank Mr. GREEN for his work, for his leadership, and for man-

aging this most important legislation today.

Mr. Speaker, I rise in strong opposition to H.R. 3312, the Systemic Risk Designation Improvement Act.

At a time when big banks are doing very well and the industry made record profits—more than \$171 billion last year—and business lending has increased 75 percent since Dodd-Frank was signed into law, now is not the time to eliminate critical safeguards and reduce oversight of many of our largest banks.

H.R. 3312 will roll back the enhanced prudential standards that currently apply to the 30 of the largest banks with more than \$50 billion in assets. These are some of the most important rules in Dodd-Frank, like enhanced capital and stress testing that are critical to maintaining a safe and sound banking system that supports the broader economy.

Proponents of this bill argue that Dodd-Frank imposed a one-size-fits-all approach to any bank over \$50 billion. But the law makes clear that the Fed should tier and tailor its rules to differentiate between even these large banks “on an individual basis or by category, taking into consideration their capital structure, riskiness, complexity, financial activities (including the financial activities of their subsidiaries), size, and any other risk-related factors that the Board of Governors deems appropriate.”

There is no one-size-fits-all mandate and the Fed has indeed tailored these rules. For example, the prudential rules for a trillion-dollar bank are much tougher compared to those that apply to a \$250 billion bank and considerably more so compared to a \$50 billion bank.

Yet, after 18 months, this bill would exempt 30 of our largest banks from enhanced oversight, and it replaces the \$50 billion threshold with a cumbersome, discretionary process led by the Federal Reserve along with the FSOC. We have a similar process for designating non-bank financial bank companies, like AIG, which have posed a systemic risk. So it is strange that Republicans are now pushing a similar approach after they repeatedly blasted the same FSOC designation process for being arbitrary, opaque, unfair, and unworkable.

Those designations were heavily litigated, if not blocked in court, as these new designations by the Federal Reserve and the FSOC would likely be. Currently, there is only one non-bank designated by the FSOC through this process, so we should expect there would be hardly any designations through H.R. 3312.

Who are these 30 massive banks that stand to benefit?

These banks collectively hold more than \$5 trillion in assets or one-fourth of all banking assets in the United

States. Of the 30 banks, 12 of them are foreign banks, including Deutsche Bank, HSBC, Credit Suisse, and UBS. These banks have violated a wide range of U.S. laws, including anti-money laundering and unlawful trading practices, so I have no clue why Congress should even consider doing those banks any favors.

For all the talk about helping out small community banks that serve our customers well in our rural and underserved neighborhoods, there is not a single provision that helps out these thousands of community banks and their customers. While some characterize this bill as helping “medium-sized” banks, the medium-sized bank has only about \$200 million in assets or roughly 250 times less than the massive banks that benefit by this bill.

More troubling, instead of helping community banks, the bill would make it easier for the largest banks to acquire smaller ones, accelerating a 30-year consolidation trend.

Reasonable people can disagree on how best to dial up or down some of these enhanced standards and tier them more effectively—and I know my colleagues have good intentions—but this proposal goes way, way too far in reversing strong oversight of the Nation's largest banks. Even a Senate bill that resembles Chairman HENSARLING's “Wrong Choice Act” is far less aggressive, raising the \$50 billion threshold to \$250 billion, although even that proposal would be damaging.

Let me close by emphasizing that H.R. 3312 represents one of the largest rollbacks of sensible rules for many of our largest banks, including a dozen foreign banks, at a time when the industry is making record profits, and such a bill would hurt and make it harder for community banks to compete.

For these reasons, I strongly urge Members to oppose this bill, H.R. 3312.

Mr. AL GREEN of Texas. Mr. Speaker, what is the amount of time remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. AL GREEN) has 10½ minutes remaining. The gentleman from Texas (Mr. HENSARLING) has 11 minutes remaining.

Mr. HENSARLING. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Arkansas (Mr. HILL), a member of the Financial Services Committee and our Republican whip.

Mr. HILL. Mr. Speaker, I thank the chairman for the time.

I rise in strong support of H.R. 3312, a bipartisan bill. A majority of the majority party and a majority of the minority party on our committee reported this bill to the House floor. It is sponsored by my friend, Chairman BLAINE LUETKEMEYER, who has spent years studying Dodd-Frank, seven long years of studying the impact of Dodd-Frank, and how to improve it.

This bill removes a requirement that uses \$50 billion as an asset test to designate whether a banking company in this country is systemically important and, if they are, subject them to higher regulatory standards.

But instead of ending too-big-to-fail, Dodd-Frank's misguided designation regime just entrenches it, Mr. Speaker.

Authorizing the government to designate large financial institutions as systemically important creates a new class of firms that markets will interpret and assume are too big to fail.

The SIFI designation, as noted by many Members on this side of the aisle, is, in fact, arbitrary, and I respect my friend that other numbers in statute may be arbitrary as well. But this one doesn't have any economic basis on why the participants in designing Dodd-Frank picked \$50 billion.

But over the past 7 years, we have had witness after witness tell us that we should look a different direction and not have an arbitrary number of \$50 billion.

Several Federal Reserve officials have expressed that similar view. Mr. Frank, as noted, has expressed that view. So here comes Mr. LUETKEMEYER with an excellent idea, an idea of an activities-based designation that the Fed has designed itself, Mr. Speaker.

The Federal Reserve has designed the metric we are using to say that an institution is systemically important. It is activities-based so that we can distinguish between levels of risk that might be systemically important to our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Arkansas.

Mr. HILL. Mr. Speaker, I thank the chairman for the time.

So activity-based standards have already been found effective by the Federal Reserve. They work and they were used in evaluating acquisitions on regional banking companies. So Mr. LUETKEMEYER is on to a good idea. Mr. Speaker, instead of using \$50 billion that was plucked out of thin air in the dead of night in the conference committee in 2010, let's reflect on 7 years and operate in a better way.

So I urge support of this bill, Mr. Speaker. I thank Mr. LUETKEMEYER for bringing it. I urge our Senators on the other end of this building to look at this as a model for how we should reform Dodd-Frank in their own bill.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this bill does not impact 99 percent, approximately, of the banks. Most banks in this country have assets—about 89 to 90 percent of them—of \$1 billion or under.

□ 1600

This bill is for the big banks. The big banks are doing quite well. Last year,

the banks made record profits of \$171 billion. Community banks grew at 8.3 percent, and big banks grew at a 4.8 percent rate. They are lending to businesses at a record level.

So the contention cannot be that they are doing this because banks are losing money. It has very little to do with how much money they are losing. It has a lot to do with the fact that big banks would like to be deregulated so that they can get back to the business as usual that caused the crisis of 2008.

Mr. Speaker, there are 30 big banks this bill will impact worth more than \$5 trillion in assets. This bill is not needed because, if this bill is implemented, it will cause the banks to no longer be placed under the \$50 billion threshold, except by way of regulation from the prudential regulator, which won't happen easily.

MetLife is a pretty good example of what can happen. Currently, MetLife is in court. They are tied up in court, probably indefinitely, because the big banks have big bucks, and they are going to fight being designated as SIFIs.

MetLife is fighting it. It is an insurance company, of course, but it is fighting it. If they are going to fight the designation, you have to have some way to put them under the stress test, under the living wills test. This has to be done.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentleman has expired.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself an additional 30 seconds.

If you don't have a trigger, it is not likely to be done, because the banks are going to fight you all the way through the courts and tie you up for years.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Maine (Mr. POLIQUIN), a very hardworking member of our committee.

Mr. POLIQUIN. Mr. Speaker, all businesses in America, large and small, should be fairly and predictably regulated, including those companies in the financial services industry.

Now, Mr. Speaker, when the real estate market collapsed in 2008, Washington did what it does often. It overreacted by imposing smothering layers of new regulations on small community banks, credit unions, and retirement advisers, when it should, Mr. Speaker, have focused its attention on eight or nine large, major money center banks that have tentacles that run throughout our economy.

Mr. Speaker, the goal of Dodd-Frank was to increase regulations on financial institutions that could bring down the economy if they got in trouble.

Now, the problem, Mr. Speaker, is that this regulatory net was cast so

wide, it caught our small community banks and credit unions in having to deal with costly, unnecessary, and redundant regulations.

I travel the State of Maine, Mr. Speaker, and meet with our small financial institutions. They tell me: BRUCE, we are spending so much time and money hiring compliance officers to deal with these regulations instead of loan officers to make sure we get money out to our families and our small businesses can borrow and grow.

God forbid, Mr. Speaker, that the Bangor Savings Bank or the Maine Family Federal Credit Union in Lewiston gets into trouble. If they do, they will not bring down this economy.

Why in the world should they be imposing or have to deal with this additional layer of regulations as they are designated as a SIFI?

Mr. LUETKEMEYER's bill is a terrific bill. It is common sense. It is bipartisan. It will require the Federal Reserve to finally factor in the role and the function of these financial institutions in the economy, instead of arbitrarily based on assets.

This means, Mr. Speaker, that our community banks and our pension advisers, our retirement advisers and credit unions will be able to focus on growing the economy and extending credit so our families can get a home mortgage, maybe buy another automobile, or maybe one of the lobstermen can get a new diesel put in their boat for the season.

The is a good bill, Mr. Speaker. I am grateful that Mr. LUETKEMEYER introduced H.R. 3312. I encourage everybody on both sides of the aisle to help American businesses and families by supporting this bill.

Mr. AL GREEN of Texas. Mr. Speaker, may I inquire as to the amount of time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas (Mr. AL GREEN) has 8 minutes remaining.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Ms. MAXINE WATERS).

Ms. MAXINE WATERS of California. Mr. Speaker, I think it is important to talk about what is happening in this country with this administration at this time. It is so related to what we are trying to explain about what this bill attempts to do.

First of all, let me just share with you that committee Democrats have made repeated attempts to follow the Trump money trail and investigate the suspicious financial dealings of the President, his immediate family and his associates, including their possible involvement in illicit Russian financial schemes.

Since March, Democrats have written six letters—two to committee Chairman HENSARLING, one to Deutsche Bank, one to Deutsche Bank CEO

John Cryan, two to Treasury Secretary Steve Mnuchin, and another to Deutsche Bank's external counsel, requesting their cooperation in exposing the scope of Russian influence on the Trump administration.

I have also written two letters on my own—one to Attorney General Jeff Sessions, another to Deputy Attorney General Rod Rosenstein, regarding the Department of Justice's investigation into Deutsche Bank's Russian mirror trading scheme.

On March 10, 2017, committee Democrats called on Chairman HENSARLING to use the full range of the committee's investigative powers to examine Deutsche Bank's Russian money laundering operation and assess the integrity of the U.S. Department of Justice's ongoing investigation into the scheme, given the Trump administration's conflicts of interest in the matter and the revelations of Attorney General Sessions' communications with the Russian Ambassador. Chairman HENSARLING failed to respond. We have heard nothing from our chairman.

On May 23, 2017, committee Democrats sent a letter to Deutsche Bank's chief executive officer, John Cryan, requesting information on two internal reviews the bank reportedly conducted, the first on its mirror trading scandal and the second on whether the accounts of President Donald Trump and his family members held at the bank had any ties to Russia.

Deutsche Bank's external counsel responded, stating that Deutsche Bank was unable to cooperate with the request, citing privacy concerns.

On May 23, 2017, committee Democrats all sent a letter to Treasury Secretary Steven Mnuchin requesting that FinCEN provide any records to the committee that detail President Trump's financial ties to Russia as well as those of his family, his family members, and associates. Secretary Mnuchin failed to respond.

It goes on and on and on. Letters were sent on June 21. We sent a follow-up letter to Deutsche Bank. On and on and on.

What is important about all of this is Deutsche Bank is known and has been fined for many things, including money laundering. So, knowing that, what we are doing here is lifting oversight on Deutsche Bank, one of the fallen banks that would be covered by this bill.

I think this is outrageous. I think people should know what this bill is all about and how it is going to put us at greater risk. We are dealing with limiting the oversight of banks like Deutsche Bank.

Mr. AL GREEN of Texas. Mr. Speaker, how much time does the other gentleman from Texas have remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. AL GREEN) has 4½ minutes remaining. The gentleman from Texas (Mr. HENSARLING) has 6 minutes remaining.

Mr. HENSARLING. Mr. Speaker, I might point out to the ranking member that she should read her mail, since I responded to her letter.

Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. DAVIDSON), a hardworking member of the Financial Services Committee.

Mr. DAVIDSON. Mr. Speaker, I am so pleased to join Mr. LUETKEMEYER in supporting his bill. I am so encouraged that this is a bipartisan bill.

Listening to the Members opposed, I am concerned that the bill is being highly mischaracterized. It occurred to me that when the Member opposed mentioned that 97 percent of banks would not be affected by this, that it automatically excludes 97 percent of banks from being affected by this.

Mr. LUETKEMEYER doesn't pick a number and say big is bad. He says: Let's judge the bank by its behavior, not by the size of its balance sheet.

This is a rational, measured approach, and that is why it has drawn bipartisan support. It is focused on solving the problem, not driving regulatory burdens.

Let me explain that the SIFI designation is an arbitrary number, and it subjects banks with \$50 billion or more in assets to the same standards as trillion-dollar globally important financial banks.

So a bank with \$51 billion would be regulated the same way as JPMorgan Chase, for example.

Even former Chair Barney Frank, as has been mentioned, seized the problem. Janet Yellen seized the problem.

People look at it and say: What can be a solution?

The Federal Reserve has seen a possible solution as judging the character of the business activity. Mr. LUETKEMEYER's bill firmly addresses that.

A simple asset threshold captures numerous banks that are widely perceived to be no threat to financial stability. It also distorts growth decisions.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. Mr. Speaker, Mr. LUETKEMEYER might have had a good idea, but what we have really seen is an arbitrary FSOC and a Republican-controlled Federal Reserve Board that operates without quorums. This may be a good idea, but until we have a financial regulatory framework where we can trust the people in charge, I think that we should not support this bill.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. HOLLINGSWORTH), a member of the Financial Services Committee.

Mr. HOLLINGSWORTH. Mr. Speaker, I rise today in strong support of H.R. 3312.

This bill is really important to Hoosiers back home. Hoosiers back home

aren't checking the financial statements of banks around the country. What they are checking are their own financial statements.

According to the FDIC, the total balance of commercial and industrial loans smaller than \$1 million has increased by only 0.18 percent since 2018, when the U.S. GDP has grown by 26 percent.

The total balance of nonfarm residential loans has declined by almost 25 percent during the same time period. This is adversely impacting Hoosiers back home and their ability to get capital and loans to be able to start businesses.

Frequently, I get the opportunity to stand up here and talk about one-size-fits-all regulation. But in this particular instance, we are truly talking about one-size-restricting-all regulation.

Chairman LUETKEMEYER uses a very strong approach. Instead of, as the architects of section 165 in Dodd-Frank, using size as a proxy for risk, he simply said: Let's use their underlying risk as an indicator of their actual risk. He does this by using a system already put in place by the Federal Reserve in actually tracking the variables that indicate risk of an institution.

I strongly support the measure. I continue to strongly support the removal of arbitrary lines in regulation.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. MAXINE WATERS).

Ms. MAXINE WATERS of California. Mr. Speaker, I rise to correct my chairman—I do not like to do this—however, I did check my mail, and I have discovered that when he responded to the August 11 letter, he let me know that he would not use his subpoena power to help us out. He did not respond at all to the March 10 letter.

Mr. HENSARLING. Mr. Speaker, I happen to have the letter in my hand. I would be happy to share it with the ranking member if she has misfiled it.

Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. GOTTHEIMER), a Democratic colleague.

□ 1615

Mr. GOTTHEIMER. Mr. Speaker, I rise to support this bipartisan legislation and to thank my friend, Mr. LUETKEMEYER, for working across the aisle with me on this commonsense measure.

This bill is a smart, thoughtful effort to perfect and improve our financial safeguards, cut burdensome regulation, and spur economic growth. Developed with Democrats and Republicans on the committee, it addresses our systematic risk in the financial sector.

With these changes, we can free up resources at smaller banks to get loans into the hands of New Jersey small

businesses, families, and consumers, ultimately growing our American economy. It does so by making practical changes to protect New Jersey.

Mr. Speaker, I urge support for this bipartisan legislation to help constituents in New Jersey's Fifth District.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that we have to reemphasize that Chairman Frank is not supporting this bill. I thought that the initial comment would be sufficient, but, again, I will read what Chairman Frank has delivered to us. He indicates that H.R. 3312 significantly increases the need for subjective judgments by the regulators and very much weakens the ability of financial institutions to rely on clear rules to guide their decisionmaking. Chairman Frank does not support this bill.

Mr. Speaker, this bill is not before the House because banks are losing money. Banks are making record profits: \$171 billion last year. The big banks, a 4.8 percent growth rate; and community banks, an 8.3 percent growth rate.

This bill is before the House because the big banks want to again get back to business as usual, which will allow them to do many of the things that brought this economy to its knees.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. AL GREEN) has 1½ minutes remaining.

Mr. AL GREEN of Texas. Mr. Speaker, we have 30 banks with assets in excess of \$5 trillion. These banks have been designated as SIFIs for a reason. They ought to have to let the regulators know how they can be wound down in the event there is a crisis in the economy. They ought to undergo stress tests.

If a consumer wants a loan, the consumer has to demonstrate creditworthiness. If banks of this size are going to remain in business, they ought to let us know what their liquidity is and be required to have a certain amount of liquidity that will cause them to stay in business, even when we are faced with a crisis. They ought to be tested for their creditworthiness. That is what we currently have.

If the \$50 billion threshold is released, then they will be placed under the designation of SIFI only by regulators; and MetLife is proof positive that it is difficult, if not impossible, to do.

AIG went under simply because it was already known to be a systematically important institution.

Mr. Speaker, we must defeat this bill. I call on my colleagues to vote against it. It is a big-bank-bonus bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank my colleague, the gentleman from Texas, for coming to the floor. I know how busy he is with his impeachment activities, so we are glad he has had an opportunity to come and share his views on this particular bill.

He spent a lot of time telling us who wasn't for the bill, but he didn't tell us who was for it. And I would, once again, inform my friend, my colleague from Texas, that not only is every single Republican member of the House Financial Services Committee for this bill, but a majority of the Democrats on the committee are for this bill. Perhaps that is why he could find so few Democrats to speak out against it.

So what we have heard, Mr. Speaker, is my colleague and the ranking member vociferously defend the whole idea that there should be institutions that are too big to fail. As they defend the Dodd-Frank Act, Mr. Speaker, I would like to point out that, yet again, the big banks have gotten bigger. Under their regulatory scheme, the big banks have gotten bigger and the communities banks have become fewer.

And now what they are telling us is: Oh, no, we have got to protect this regime.

Well, I don't believe in it. But what I do believe in, Mr. Speaker, and what Mr. LUETKEMEYER believes in, is that we need to try to find some bipartisan solutions, some common ground, to try to make some common sense out of some of these regulations.

What is fascinating to me is so many of the Obama-era regulators have said this \$50 billion threshold makes no sense. Usually, my Democratic colleagues will quote Mr. Tarullo, they will quote Janet Yellen, or they will quote Mr. Curry. Well, all of them have said that the \$50 billion threshold is essentially arbitrary and does not work.

So, at the end of the day, what it is doing, Mr. Speaker, is putting in an additional regulatory burden on banks that pose no systemic risk to our economy, making it more difficult to extend credit to hardworking Americans who need it. But for people who just voted against tax relief for hardworking Americans, I guess that is what I would expect.

Now they want to make sure that they don't have tax relief, they don't have mortgages, and they don't have credit cards. That is what they are defending, Mr. Speaker, and it is wrong.

On a bipartisan basis, today, I believe we are going to vote for H.R. 3312 and make some sense out of this SIFI rule, and we will have a better America tomorrow.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 667, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. For what purpose does the gentleman from Texas (Mr. AL GREEN) seek recognition?

Mr. AL GREEN of Texas. Mr. Speaker, I rise to remind my colleague that he will have another chance to vote on impeachment and to ask for a recorded vote.

The SPEAKER pro tempore. The gentleman is not recognized for debate.

The question now is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 3312 will be followed by 5-minute votes on:

The motion to suspend the rules and pass the bill, S. 1536, by the yeas and nays; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 288, nays 130, not voting 13, as follows:

[Roll No. 694]

YEAS—288

Abraham	Collins (GA)	Gallagher
Aderholt	Collins (NY)	Garrett
Allen	Comer	Gianforte
Amash	Comstock	Gibbs
Amodei	Conaway	Gohmert
Arrington	Connolly	Gonzalez (TX)
Babin	Cook	Goodlatte
Bacon	Cooper	Gosar
Banks (IN)	Correa	Gottheimer
Barletta	Costa	Gowdy
Barr	Costello (PA)	Granger
Barton	Courtney	Graves (GA)
Beatty	Cramer	Graves (LA)
Bera	Crawford	Graves (MO)
Bergman	Crist	Green, Gene
Beyer	Cuellar	Griffith
Biggs	Culberson	Grothman
Bilirakis	Curbelo (FL)	Guthrie
Bishop (GA)	Curtis	Handel
Bishop (MI)	Davidson	Harper
Bishop (UT)	Davis, Rodney	Harris
Black	Delaney	Hartzler
Blackburn	Demings	Heck
Blum	Denham	Hensarling
Blunt	Dent	Herrera Beutler
Blunt Rochester	DeSantis	Hice, Jody B.
Bost	DesJarlais	Higgins (LA)
Brady (TX)	Diaz-Balart	Higgins (NY)
Brat	Donovan	Hill
Brooks (IN)	Duffy	Himes
Brown (MD)	Duncan (SC)	Holding
Brownley (CA)	Dunn	Hollingsworth
Buchanan	Emmer	Hudson
Buck	Estes (KS)	Huizenga
Bucshon	Esty (CT)	Hultgren
Budd	Farenthold	Hunter
Burgess	Faso	Hurd
Byrne	Ferguson	Issa
Calvert	Fitzpatrick	Jenkins (KS)
Cárdenas	Fleischmann	Jenkins (WV)
Carter (GA)	Flores	Johnson (LA)
Carter (TX)	Fortenberry	Johnson (OH)
Chabot	Foster	Johnson, E. B.
Cheney	Fox	Johnson, Sam
Clay	Frelinghuysen	Jordan
Coffman	Gaetz	Joyce (OH)
Cole		

Katko
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kihuen
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larsen (WA)
Latta
Lawson (FL)
Lewis (MN)
Lipinski
LoBiondo
Loeb sack
Long
Love
Lucas
Luetkemeyer
MacArthur
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McEachin
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Meeks
Mitchell
Moolenaar
Mooney (WV)

NAYS—130

Adams
Aguilar
Barragán
Bass
Blumenauer
Bonamici
Boyle, Brendan
F.
Brady (PA)
Bustos
Butterfield
Capuano
Carbajal
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DeBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Duncan (TN)
Ellison
Engel
Eshoo
Espallat

Mullin
Murphy (FL)
Newhouse
Noem
Norman
Nunes
O'Halleran
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Russell
Rutherford
Sanford
Schneider
Schradler
Schweikert
Scott, Austin
Scott, David
Sensenbrenner

Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Soto
Stefanik
Stewart
Stivers
Suozi
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Meng
Moore
Moulton
Nadler
Neal
Nolan
Norcross
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Pingree
Polis
Price (NC)
Quigley
Raskin
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Vargas

Velázquez
Visclosky
Walz

Bridenstine
Brooks (AL)
Cummings
Jeffries
Kennedy

Wasserman
Schultz
Waters, Maxine

Loudermilk
Lynch
Messer
Napolitano
Pocan

NOT VOTING—13

□ 1649

Ms. JACKSON LEE changed her vote from “yea” to “nay.”

Mr. CÁRDENAS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. RICHMOND changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. LYNCH. Mr. Speaker, I inadvertently missed the vote for final passage of H.R. 3312, the Systemic Risk Designation Improvement Act of 2017. Had I been present, I would have voted “Nay” on rollcall 694.

COMBATING HUMAN TRAFFICKING IN COMMERCIAL VEHICLES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1536) to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 12, as follows:

[Roll No. 695]

YEAS—418

Abraham
Adams
Aderholt
Aguilar
Allen
Blumenauer
Blunt Rochester
Bonamici
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)

Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
F.
Brady (PA)
Brady (TX)
Brat
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne

Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)

Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael
F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Espallat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxy
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck

Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loeb sack
Lofgren
Long
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
MacArthur
Maloney,
Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley

McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascarell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Schakowsky
Schiff
Schneider
Schradler
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster

Simpson Tiberi Wasserman
Sinema Tipton Schultz
Sires Titus Waters, Maxine
Slaughter Tonko Watson Coleman
Smith (MO) Torres Weber (TX)
Smith (NE) Trott Webster (FL)
Smith (NJ) Tsongas Welch
Smith (WA) Turner Wenstrup
Smucker Upton Westerman
Soto Valadao Williams
Speier Vargas Wilson (FL)
Stefanik Veasey Wilson (SC)
Stewart Vela Wittman
Stivers Velázquez Womack
Suozi Visclosky Woodall
Swalwell (CA) Wagner Yarmuth
Takano Walberg Yoder
Taylor Walden Yoho
Tenney Walker Young (AK)
Thompson (CA) Walorski Young (IA)
Thompson (PA) Walters, Mimi Zeldin
Thornberry Walz

NAYS—1

Gaetz

NOT VOTING—12

Bridenstine Loudermilk Renacci
Brooks (AL) Messer Scalise
Cummings Napolitano Smith (TX)
Kennedy Pocan Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining.

□ 1656

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall votes No. 694 through 695 due to a death in my family. Had I been present, I would have voted “Nay” on H.R. 3312, Systemic Risk Designation Improvement Act of 2017, and “Yea” on S. 1536, Combating Human Trafficking in Commercial Vehicles Act.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FASO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 180, answered “present” 1, not voting 23, as follows:

[Roll No. 696]

YEAS—227

Abraham Babin Beatty
Aderholt Bacon Bergman
Allen Banks (IN) Bilirakis
Amodei Barletta Bishop (MI)
Arrington Barr Bishop (UT)

Black Blum
Blumenauer Blumenauer
Blunt Rochester Blunt
Brady (TX) Brady (TX)
Brat Brat
Brooks (IN) Brooks (IN)
Brown (MD) Brown (MD)
Buchanan Buchanan
Budd Higgins (NY)
Bustos Himes
Butterfield Hollingsworth
Calvert Huffman
Carter (TX) Huizenga
Cartwright Hultgren
Castro (TX) Hunter
Chabot Hurd
Chu, Judy Issa
Cicilline Jeffries
Clay Johnson (GA)
Coffman Johnson (LA)
Cole Johnson, E. B.
Collins (GA) Johnson, Sam
Collins (NY) Kaptur
Comstock Kelly (IL)
Cook Kelly (MS)
Cooper Kelly (PA)
Costello (PA) Kildee
Cramer King (IA)
Cuellar Krishnamoorthi
Culberson Kuster (NH)
Curtis Kustoff (TN)
Davidson Labrador
Davis (CA) LaMalfa
Davis, Danny Lamborn
Davis, Rodney Larsen (WA)
DeGette Latta
DeLauro Lawrence
Demings Lewis (MN)
Dent Lipinski
DeSaulnier Long
DesJarlais Love
Deutch Lowey
Dingell Lucas
Doggett Luetkemeyer
Dovon Lujan Grisham,
Duffy M.
Duncan (SC) Marchant
Duncan (TN) Marino
Dunn Marshall
Ellison Massie
Engel Matsui
Eshoo McCarthy
Estes (KS) McClintock
Evans McCollum
Ferguson McEachin
Fleischmann McHenry
Fortenberry McMorris
Foster Rodgers
Frankel (FL) McNeerney
Frelinghuysen Meadows
Gabbard Meeks
Gallego Meng
Gianforte Mitchell
Gibbs Moolenaar
Goodlatte Mooney (WV)
Gosar Moulton
Gowdy Mullin
Granger Murphy (FL)
Green, Al Nadler
Griffith Newhouse
Grothman Noem

NAYS—180

Adams Carbajal Delaney
Aguiar Cardenas DelBene
Amash Carson (IN) Denham
Barragan Carter (GA)
Barton Castor (FL)
Bass Cheney
Bera Clark (MA)
Biggs Clarke (NY)
Bishop (GA) Cleaver
Blackburn Clyburn
Bonamici Cohen
Bost Comer
Boyle, Brendan Conaway
F. Connolly
Brady (PA) Costa
Brownley (CA) Courtney
Buck Crawford
Buchson Crist
Burgess Crowley
Byrne Curbelo (FL)
Capuano DeFazio

Graves (GA) Lofgren Rokita
Graves (LA) Lowenthal Ros-Lehtinen
Graves (MO) Lujan, Ben Ray Rosen
Green, Gene Lynch Roskam
Grijalva MacArthur Rouzer
Gutiérrez Maloney, Ruiz
Hastings Carolyn B. Ryan (OH)
Herrera Beutler Maloney, Sean Sarbanes
Hice, Jody B. Mast Schakowsky
Hill McGovern Schiff
Holding McKinley Schrader
Hoyer McSally Scott, Austin
Hudson Meehan Sensenbrenner
Jackson Lee Moore Serrano
Jayapal Neal Sewell (AL)
Jenkins (KS) Nolan Sinema
Jenkins (WV) Norcross Sires
Johnson (OH) O'Halleran Slaughter
Jones Palazzo Smucker
Jordan Pallone Soto
Joyce (OH) Palmer Stivers
Katko Panetta Swalwell (CA)
Keating Paulsen Tenney
Khanna Payne Thompson (CA)
Kihuen Pearce Thompson (PA)
Kilmer Perry Tipton
Kind Peters Torres
King (NY) Peterson Turner
Kinzinger Pittenger Upton
Knight Poe (TX) Valadao
LaHood Poliquin Vargas
Lance Price (NC) Veasey
Langevin Raskin Velázquez
Larson (CT) Ratcliffe Visclosky
Lawson (FL) Reed Walberg
Lee Reichert Watson Coleman
Levin Rice (NY) Wittman
Lewis (GA) Richmond Woodall
LoBiondo Rogers (AL) Yoder
Loebach Rohrabacher Zeldin

ANSWERED “PRESENT”—1

Tonko

NOT VOTING—23

Beyer Kennedy Rush
Bridenstine Lieu, Ted Sánchez
Brooks (AL) Loudermilk Scalise
Correa McCaul Simpson
Cummings Messer Smith (TX)
Farenthold Napolitano Thompson (MS)
Garamendi Pocan Vela
Gohmert Renacci

□ 1704

Mr. POE of Texas changed his vote from “yea” to “nay.”

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “Yea” on rollcall No. 694, “Yea” on rollcall No. 695, and “Yea” on rollcall No. 696.

NATIONAL PARK FOUNDATION
CELEBRATES 50 YEARS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, 50 years ago, the National Park Foundation was established by Congress and President Johnson.

The National Park Foundation is the official charity of America's national parks and the nonprofit partner to the National Park Service. For 50 years, they have raised funds, private funds, to help protect more than 84 million acres of national parks through critical conservation and preservation efforts.

The National Park Foundation has helped safeguard our heritage and engage that next generation of national park enthusiasts by connecting us to the parks right in our own backyard. Although they haven't been around as long as the National Park Service, they have played an important role in strengthening and enhancing our parks.

So, Mr. Speaker, I would just like to thank the National Park Foundation for its work to help protect and preserve the crown jewels of America, our national parks, monuments, and battlefields. Our country looks forward to another 50 years of your great work.

KEEPING OUR PROMISE

(Mr. ESPAILLAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPAILLAT. Mr. Speaker, I looked at the calendar today and saw there was no Dream Act vote on the floor this week. As we approach tomorrow, a potential CR, Republican and Democrats must support this bipartisan Dream Act.

These are hardworking men and women, young people. They are doctors and artists, scientists and police officers, mentors and EMTs. These are Americans through and through.

We made a promise that we must keep. We need to protect the rights and principles that our country was founded on and thrives upon.

We demand a vote for a clean Dream Act today. We demand a vote for a clean Dream Act tomorrow.

MAKING HEALTH INSURANCE AFFORDABLE

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise today to share the story of one of my constituents who has been severely impacted by the rising costs under the Affordable Care Act.

Mr. Watts, from Chico, California, was recently notified by his insurer that his health coverage will shut down at the end of the year. In its place, he was offered another plan that "may meet his needs" and that he will be automatically enrolled. That is right. They just sign him up for one.

The problem is, this plan, which covers an adult and two teens, sees his monthly premium skyrocket to \$2,067 per month, an increase of \$831. That is a huge increase, 67 percent, costing him upwards of \$9,900 per year in new costs, bringing his total costs for health insurance to nearly \$25,000 per year.

Unsurprisingly, Mr. Watts is no longer able to afford his insurance, and

many in Northern California and across the country currently find themselves in the same position.

Sadly, my office staff and I have heard this story countless times. Many in my district were pretty happy with their insurance before ObamaCare, and now, under the individual mandate, they are forced to pay for insurance they can't afford.

But with the repeal of the individual mandate, as in H.R. 1, which passed today, individuals like Mr. Watts are not punished for failing to purchase unaffordable insurance. Instead, we will seek to allow affordable choices for Americans to choose themselves.

SHAME ON REPUBLICANS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, it is a dark day; \$3 trillion in revenue cuts, in tax breaks; three quarters of that goes to corporations under the premise that they will use that money to employ people. The last time they got this kind of a break, 93 percent of the money went to stock dividends, buybacks, and executive bonuses, and it will be no different this time—squandering America's wealth for the wealthiest among us.

Eighty-three percent of the remainder goes to people who earn over \$400,000 a year. They are going to trickle down on us, yet again.

At the same time, there is no infrastructure package. The Trump administration, the DOT says, we just don't know where we can find the money.

Well, imagine if they used a fraction of these tax giveaways for infrastructure—15,000 jobs per billion invested. We could have had \$1.5 million with 3 percent of the money they just wasted on these tax cuts.

Shame on them.

BERKS COUNTY CAREER PATHWAYS ALLIANCE

(Mr. SMUCKER asked and was given permission to address the House for 1 minute.)

Mr. SMUCKER. Mr. Speaker, I rise today to recognize some wonderful work being done for our students in Berks County, Pennsylvania. The Berks County Career Pathways Alliance is an initiative to create a countywide framework to engage K-12 students in career awareness, work-based learning opportunities, and financial literacy.

Mr. Speaker, I have spoken in this Chamber before about our work to prepare students for our 21st century economy, but today I get to stand up here and share the work that is being done by the people on the ground fighting every day to make a difference in the lives of the students in their communities.

The Alliance brings together educators, school administrators, private business, and the local Chamber of Commerce, a cohesive group of diverse organizations, to make real progress toward improving the workforce pipeline in Berks County. Their goal is to have 18 school districts in Berks County adopt their framework and eventually make it a statewide initiative.

This initiative is being led by Dr. Jill Hackman, the executive director of the Berks County Intermediate Unit, and the Greater Reading Chamber Alliance. Thanks to their tireless efforts, and the efforts of many others involved, students will be exposed to new learning opportunities that can open the door to family sustaining careers.

I am very proud of the work being done in my district, and I look forward to seeing their initiative change the lives of some of the 70,000 K-12 students in Berks County.

THE TAX CUT IS A DEBACLE

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, I hold in my hand the vote tally for the "Tax No Jobs" bill. It is interesting, when you are asked about the tax bill, they put the word "jobs."

This was a very close vote, and 12 Republicans understood this was the worst vote, worst bill in the history of the United States; and the reason is, of course, because tens of millions of middle class households and those who need a tax break will not get it. \$1.7 trillion in debt.

It eliminates tax benefits that directly impact the middle class, it results in 13 million fewer Americans with health insurance, it adds over \$2 trillion in deficit spending, and it triggers PAYGO's automatic spending cuts to mandatory programs.

So let me tell you, my voice is a little rough, but my heart is strong. Social Security to the American people, it is going to be cut. Medicare, it is going to be cut. The Medicaid, for those in nursing homes like my friend who I visited over the weekend, will be cut.

And you know what? There will be no answer in jobs of corporations who got low tax rates, lower than you.

This is a debacle so bad that it has to come back and we have to vote again for it.

My voice is a little rough, but I am going out there to tell the American people that this is the worst calamity since we collapsed under the past Republican administration. Vote "no" every time you see this bill because it is "no" for the American people.

□ 1715

IN MEMORY OF AGNES DOSTER

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember the life of Mrs. Agnes Doster, who passed away on Monday, December 4, at the age of 79.

Originally from Forsyth, Georgia, Mrs. Doster worked for 40 years in the Secretary of the Senate's office in the Georgia State Capitol. She served in a number of different capacities there with dedication since 1968, always making the Georgia State Capitol run more efficiently, while promoting good government.

Outside of her time working as a civil servant, Mrs. Doster was very active in the First Baptist Church of Snellville for over 45 years. There, she sang in the choir, played hand bells, directed weddings, and taught the 2-year-old Sunday school class.

She is survived by family all over the State of Georgia, including her husband, sister, children, grandchildren, and 30 nieces and nephews.

Mrs. Doster's bright spirit will surely be missed by everyone around the Georgia State Capitol.

WHAT A DISASTER

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, what a disaster. The American people wanted a Tax Code that works for them. Instead, my esteemed colleagues just passed a tax plan that only works for crony capitalists and oligarchs.

The GOP tax plan is scamming hardworking American families in order to line the pockets of millionaire real estate developers and people who paint their toilet fixtures in their private jets gold.

Mr. Speaker, hardworking American taxpayers want jobs, investments in our highways and railroads, fully funded children's healthcare, state-of-the-art schools, and well-paid teachers.

Oligarchs who own gilded skyscrapers, gold-leafed golf courses, and real estate passthroughs want to drown in the excesses of wealth.

The American people wrote their Representatives. They called us. They marched in the Halls of the Capitol for a democratic Tax Code. Instead, they got a scam that takes away money from schools, police officers, fire departments, and families. But I guess money talks.

THE PASSAGE OF H.R. 1 IS THE FIRST STEP

(Ms. TENNEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, the passage of today's bill is the first step to providing desperately needed once-in-a-generation relief from the failed status quo, especially in New York State.

Under this bill, the typical American family making \$73,000 a year will see a tax cut of \$2,059, and low- and middle-income New Yorkers can finally see an immediate raise in their January and February paychecks.

As a single working mom and a person who cared for my elderly and aging parents, I and my New York colleagues fought an uphill battle to include provisions facing elimination that are vital to seniors, single parents, struggling families, and overburdened job creators, many of whom have left New York State in vast numbers.

Despite the fact that these provisions faced the very real threat of elimination, our efforts were successful in securing the historic tax credit for a State like New York, with many of our Nation's most historic and most important national landmarks, expanding the SALT deduction—the State and local tax deduction—childcare and dependent care credits, and continuing the deductibility of medical expenses, to assist our most vulnerable seniors in defraying high medical costs.

In New York's 22nd District, 99 percent of itemizers deduct less than \$10,000 in property tax, the cap which represents the new deduction.

Due to Albany's mismanagement, all the counties I represent are in the top 36 highest property tax rates compared with home value nationwide. This bill will provide relief on the Federal level, while, finally, finally, incentivizing Albany to respect taxpayers.

The SPEAKER pro tempore (Mr. JOHNSON of Louisiana). The gentlewoman is no longer recognized.

Members are reminded to heed the gavel.

THERE IS NO DOUBT THE AMERICAN PEOPLE NEED TAX REFORM

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, there is no doubt that the American people need and want real tax reform, but rather than passing a strong, inclusive bipartisan bill focused on helping hardworking middle class families, today Republicans passed a bill filled with massive corporate giveaways and loopholes for the ultrawealthy.

For example, the top 1 percent in our country will receive over 82 percent of the entire tax benefit in the bill they passed today.

As long as Congress continues to pass legislation for partisan political reasons that seriously serve special cor-

porate interests instead of the families that are struggling just to get by every day, where lobbyists have more input in the writing of this legislation than many Members of Congress, the American people lose.

Mr. Speaker, I oppose this legislation today. It is a disappointment and a huge lost opportunity to actually help so many struggling families all across the country.

WE NEED TO RESTART PUERTO RICO'S ECONOMY

(Miss GONZÁLEZ-COLÓN of Puerto Rico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, Puerto Rico's economy is the most vital aspect in bringing back some sense of normalcy to the lives of 3.4 million American citizens on the island after the devastating impact of both Hurricanes Irma and Maria.

Puerto Rico's economy had already been in a decline prior to these unprecedented natural disasters, due mostly to the island's outdated and discriminatory territorial status.

Tax reform presented this Congress with the historic opportunity to, even if only partially, fix these longstanding inequities by granting Puerto Rico equal treatment to that of the 50 States.

While we are grateful for the extension of federally qualified opportunity zones in this bill to the island, I believe that there is broad recognition on both sides of the aisle that more needs to be done in the future.

Congress must live up to its responsibility and act decisively to end years of improvisation by implementing sustainable pro-growth economic policies that are based upon the bedrock principles of citizen equality and political empowerment, and my constituents deserve no less.

AMTRAK CASCADES 501

(Ms. JAYAPAL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JAYAPAL. Mr. Speaker, I rise today with a heavy heart. Yesterday, my home State and my home district suffered a great tragedy. Amtrak Cascades 501, traveling from Seattle to Portland, Oregon, carrying 80 passengers and seven crewmembers, derailed near Olympia, Washington.

Early reports are that at least three passengers have died and nearly 100 people needed hospital care. My heart and prayers go out to all those families as they deal with this tragedy.

Our office stands ready to help any constituents in any way that we can. For up-to-date information, friends and

family on Amtrak Cascades 501 can also call 1-800-523-9101.

I also want to thank our first responders for their skill and their courage. This could have been far worse without them.

But as Amtrak, the National Transportation Safety Board, and State and local officials help on the scene, there are still so many questions, like: Why was the train going 50 miles over the speed limit as it rounded the curve? Why was the train not using positive train control technology to slow the train down? How, Mr. Speaker, can we be sure that this never happens again?

Mr. Speaker, I will do everything I can to ensure that the investigation and our affected families have the resources and the support necessary to get the facts in the coming days and months.

HONORING RILETTA CREAM

(Mr. NORCROSS asked and was given permission to address the House for 1 minute.)

Mr. NORCROSS. Mr. Speaker, I rise today to honor a very special woman, Mrs. Riletta Cream, from Camden County, but was known not only from the city she was born in, but the entire State of New Jersey. She passed away, unfortunately, yesterday.

Mrs. Cream was a kind, gentle, and loving woman, but had special character, strength, and conviction.

She was known as an institution for education and public service. She was a friend, a mentor, an educator, and a dear, dear friend to so many of those children who went to her school.

She was a Camden city native, and was a principal of Camden City High School for over a decade. She served as a role model for students, teachers, and administrators. After retiring, she didn't give up. She then ran as a freeholder, and was elected time after time, continuing to serve the community.

She led projects at the time called Tech 2000 to make sure there was a computer in every child's classroom and at their desk. She fought for libraries when funding was short. She knew the value of education, whether it was going to college or to a trade school.

Mr. Speaker, I hope you will join me in mourning the loss of this shining light in my hometown. Mrs. Cream accomplished so much and gave so many years of service. May she rest in peace.

IN HONOR OF LILLIE BIGGINS

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I rise today to honor my neighbor in east Fort Worth and my friend, Lillie Biggins, who will soon be retiring from

the Texas Health Harris Methodist Hospital after 45 years of service.

Lillie joined the Texas Health Fort Worth family back in 1997, serving as vice president of operations. Her role was critical in overseeing major departments, such as emergency services, trauma services, and restorative services.

During her tenure, she helped cultivate a vision of success for the Texas Health Fort Worth community. Not only did Lillie dedicate her time in the health community, but she also volunteers all around the city of Fort Worth. Lillie often mentors and helps others in the area of health, education, youth, senior citizen services, businesses, and so many areas in our city that are underserved.

For her dedicated service to the community, she has been awarded so many awards, including her induction into the Texas Women's Hall of Fame in 2014.

Mr. Speaker, I wish Lillie all the best as she moves on into her relaxing retirement, but I know that she probably won't be that relaxed and that she is going to be very active in the community. I wish her the best in the future.

THE REPUBLICAN TAX SCAM

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, what do Iran, Ebenezer Scrooge, and the Republican tax scam have in common?

Well, they are all ruthless, cutthroat, coldblooded, heartless, and stingy.

That is why I voted "no" on the Republican tax scam, and if I could have added an H to the no, I would have.

This legislation gives 83 percent of the tax cuts to the wealthiest 1 percent, while raising taxes on 86 million middle-income families.

The numbers prove that this is a tax cut for the ultrawealthy and not for the middle class, and anyone who tries to deceive you into thinking otherwise, shame on them.

Adding insult to injury, this tax cut adds \$1.5 trillion to the national debt, and Republicans will soon use the debt to justify their ultimate plan, which is to cut Medicare, Medicaid, and Social Security.

Today's vote proves that Republicans care more about the wealthy and big multinational corporations than they do for ordinary people.

Merry Christmas to the wealthy, who already have plenty, and to their special interest lobbyists. And to the rest of America struggling to make ends meet, bah humbug.

THE CORKER KICKBACK

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, as Republicans rammed through their tax gravy train for billionaires, we learned of another carve-out to megainvestors in real estate.

This carve-out allows real estate businesses to take advantage of a new tax break, which was parachuted into the Senate bill to swing Republican votes, like Senator BOB CORKER.

Drain the swamp?

The Republicans are laughing all the way to the bank.

A tax expert at Boston College said: This is a big windfall for real estate developers like Donald Trump.

So let me ask: Where's the windfall for the middle class? Where is the guarantee that those investors who make out big time are going to invest their money here in the United States of America and stop shipping our jobs overseas? Where is the guarantee for better wages?

We have seen this movie before.

Cut taxes for the rich and the economy grows?

Well, that didn't happen under the Bush tax cuts.

President John Kennedy said: "If a free society cannot help the many who are poor, it cannot save the few who are rich."

Mr. Speaker, this Republican tax scam locks in 83 percent of the breaks in favor of the richest among us, but a day of reckoning is coming November 2018.

□ 1730

RUSSIA AND THE ADMINISTRATION

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, recently there has been a real flurry by the Republicans here in Congress to disparage and call names to the FBI and to the Justice Department, but it is right after Michael Flynn pled guilty, right after George Papadopoulos pled guilty in the investigation into Russia and potential collusion with the administration.

Now my question is: What are you afraid of? Why are you getting in such a big rush to complain about these folks now? What are you hiding? What is it that is bothering you? Let the detectives do their work to figure out what happened between Russia and this administration.

I mean, it is like we have been asking for the President's tax returns for ages. What is he hiding? We won't even know how much money he gets to save under this terrible tax bill that was passed today by the Republican Congress.

So I just want to know: Why are you so worried? What are you afraid of? What are you hiding?

FEMA HOTEL VOUCHERS MUST BE EXTENDED

(Mr. SOTO asked and was given permission to address the House for 1 minute.)

Mr. SOTO. Mr. Speaker, over 250,000 of my fellow Puerto Ricans have arrived in Florida since Hurricane Maria. The tax bill on top of that absolutely is going to decimate the manufacturing sector there, which is going to only hasten further of my brothers and sisters to my home State, the great State of Florida.

We have done our best as a host State to ease school enrollment for our young people, to have instate tuition for our college students coming here from the island. Our hospitals are doing their best to meet the challenge, and many are getting jobs, although not as high paying as we would like.

We also are putting bills forward to speed up Medicaid qualification and expand Section 8 housing. But, most critically, Florida faces a housing crisis of epic proportions.

On January 15, the FEMA hotel vouchers expire. This must be extended for another 6 months. In addition, we are leading a bipartisan effort in Florida to directly seek approval of FEMA direct lease vouchers so that people can have a place to stay.

I am appointing a bipartisan Federal task force on Puerto Rican arrivals in central Florida to help in this very good work.

PASSAGE OF THE TAX CUT AND WHAT IT MEANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I thank the Chair for this time to talk about something that is rather important. Something we did today was to pass a horrendous tax cut that doesn't meet this fundamental goal.

Really, whenever we legislate here, we really ought to keep in mind our values: What is the purpose? What are we trying to accomplish? What is the goal? What is the human value that we are trying to put in place?

I often use this because it is here in Washington at the FDR Memorial. It is on the marble there: "The test of our progress is not whether we add more to the abundance of those who have much."

Let me read that again, Franklin Delano Roosevelt: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

I want to use this as my compass, my guiding light on where we need to go. So this afternoon, this House of Rep-

resentatives, by a vote of, I think, just over 200 voted to enact a tax law that goes in exactly the opposite direction of what FDR would say is our value, our goal.

Here it is. The Speaker of the House came here to bring down the gavel to announce the vote that he was so proud to have.

Eighty percent of the individual tax cuts don't go to the poor, don't go to the middle class. They go to the top 1 percent.

How does that fit with what Franklin Delano Roosevelt said to the American Nation during the height of the Great Depression?

No. You may as well take Franklin Delano Roosevelt's words, turn them on their head, because this House didn't follow the edict, didn't follow the value, but did exactly the opposite: gave away, to the top 1 percent, even greater wealth.

How could that be? Why would they do that? Why would they do that?

Well, I don't know why they would do it, but they surely did it. And in addition to that, not just the wealthy 1 percent, the wealthy 10 percent, why don't you add American corporations to that who are awash in cash? \$2.5 trillion in the bank accounts of American corporations, and they don't know how to spend it to create jobs in the United States.

Instead, the Republicans, today, decided they needed \$1.43 billion additional cash as a result of the tax cut that no Democrats, not a one, but every Republican voted for, \$1.43 billion—the number is from the Joint Committee on Taxation—of new after-tax revenue to American corporations.

And what do you suppose they are going to do with that? Create jobs in the United States? Expand their manufacturing? No. Or higher wages for their workers? No.

I will tell you what they intend to do with it. This is it. The corporate tax giveaway will give Wells Fargo an 18 percent earnings increase.

How do they intend to spend it? Hint: Not on jobs.

In his own words, Tim Sloan, CEO of Wells Fargo, December 2017—I think that is this month—said: "Is it our goal to increase return to shareholders and do we have an excess amount of capital? The answer . . . is yes. So our expectation should be that we will continue to increase our dividend and our share buybacks next year and the year after that and the year after that."

All right, Mr. Sloan. You can thank the Republicans, because when you buy back your shares, when you increase your dividends, guess what. The stock price goes up, and we know that your compensation is based on stock price. Are you going to use that extra money for loans to small businesses? to farmers? No, you are not. You are not going to make more loans.

This is replicated across the American corporate culture. This is not unique. This new after-tax bonus that the Republicans are giving to American corporations is going to be used for the benefit of the wealthy. So you can add, if you will, to the tax cuts that are coming as a result of the reduction in the top income tax bracket for individuals from 39.6 percent to 37 percent, you can add to it, but, by the way, their investment portfolio is going to go up also.

This tax program is an abomination, and it is going to hurt every American over time.

I am joined here tonight by my colleagues who are probably as riled up about this as I am. I am not sure which one of them came in first.

I yield to the gentleman from the State of Oregon, PETER DEFAZIO, my colleague.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for explaining in some detail what the impacts of this legislation are and who is going to benefit. The gentleman is a member of the Transportation and Infrastructure Committee, on which I am the ranking member.

I just want to say, we have been waiting for the trillion-dollar Trump infrastructure plan for a year now, and what we are hearing is, well, they just can't afford it. We can't afford to rebuild America's infrastructure.

So let's compare the impact of a few of these tax cuts to what we could have done or could do with that money. Every tax cut means the government forgoes revenue.

So let's just take the estate tax. Doubling the exemption from an \$11 million to \$22 million estate, that costs \$100 billion. If we invested that \$100 billion in infrastructure, we would create 1.5 million working family wage jobs for Americans—1.5 million jobs. Now, I suppose those people with the cuts in the estate tax, they are going to trickle something on working people, probably not jobs, though.

And let's look at one of my favorites, the passthrough. We are going to help small business. Well, no, we are not really going to help small business. If you work in your small business, you are not going to get a tax break. If you are a passive investor in a so-called small business or passthrough entity, you get a big tax break.

Now, the President says he won't benefit. He owns 500 passthrough businesses according to his financial disclosure. Each one of those will give him a massive tax break.

Well, that little beauty costs \$600 billion. For \$600 billion, if we invested it in infrastructure, we could create 9 million jobs. These passive investors in oil and gas and real estate, how many jobs are they going to create? Again, they might hire another manservant or someone to cut the lawn or someone to

wax the yacht, but it's not going to be 9 million jobs, and it isn't going to be at family wages—Davis-Bacon wages, I might say, really good wages.

Let's just look at one item, the top rate. That only goes to people who earn over \$500,000 a year. They are going to get a substantial break. About \$130 billion it is going to cost us to give a tax break to people who earn over \$500,000 a year, more of the trickle class, and that would have created 2 million family wage jobs rebuilding America's infrastructure, and not just benefiting the people who do the work.

And it isn't just construction. It is design. It is engineering. It is small business. And just think of all the benefits in terms of the movement of goods and people and how it makes America more competitive.

What a sad day it is when, as you pointed out very well, we are giving this money—three-quarters of it goes to corporate tax breaks, three-quarters. The last time we gave corporations a big tax cut under Bush when they repatriated almost \$1 trillion, 93 percent of the money was spent on stock buybacks, dividends, and executive bonuses. I don't know what they did with the other 7 percent because those same corporations actually reduced employment.

So what a false promise this is. A very, very sad day. I thank the gentleman for bringing this to the attention of the American people.

Mr. GARAMENDI. I thank the ranking member of the Transportation and Infrastructure Committee for making a very clear case on how we might better spend our money.

I yield to the gentleman from the great State of California (Mr. MCNERNEY), my colleague and neighbor.

□ 1745

Mr. MCNERNEY. Mr. Speaker, I thank my neighbor and friend, Mr. GARAMENDI, for holding this Special Order tonight and allowing us to talk about what this tax bill means.

Mr. Speaker, today is a sad day in America, as the House passed an unholy tax scam of a tax bill. This bill was rushed through Congress with no hearings, no Democratic votes, and no Democratic amendments. This Republican tax scam is being deceptively sold as a benefit for the middle class, but the real winners will be the big corporations and those on the cover of Forbes 400 richest Americans.

The Republican tax scam will increase the national debt by almost \$2 trillion, burdening our children or giving a Christmas bonus to the wealthiest Americans.

The Republican tax scam permanently lowers the corporate tax rate while the child tax credit increase expires in 2025. In other words, big corporations get a permanent tax cut while the middle class receives a temporary tax cut.

This tax scam places a cap on State and local taxes for individuals, targeting punishment for Democratic States. This is a new low for our democracy. The Republican tax scam also repeals the Affordable Care Act's individual mandate. This will cause 13 million Americans to lose their health insurance. Taking healthcare away from those who elected us is shameful.

Earlier today, we heard from Ady Barkan, who was recently diagnosed with ALS. Many will recognize Ady from the video of him confronting Senator FLAKE in an airplane.

Ady spoke passionately this morning about the dangers of this tax scam. As he was finishing, he talked about the opportunity we have to come back and do a real tax reform, in 2018, and do so in a bipartisan way. His hope for what a good tax bill should look like struck me. He said that we should come back and negotiate a tax bill that elevates human dignity, instead of promoting human misery.

This Republican tax scam will hurt millions of Americans, many who are already struggling. We need a bipartisan solution to tax reform, not a special interest scam that benefits the wealthiest.

Mr. Speaker, Americans should have no doubt this tax scam will hurt them and the economy. Forget about investing in infrastructure. Forget about investing in education. Forget about investing in research. You better start worrying about Medicare and Social Security. This tax scam will make America a Third World nation.

Mr. Speaker, this tax scam is a disgrace.

Mr. GARAMENDI. Mr. Speaker, I yield to the gentleman from Colorado (Mr. PERLMUTTER), my friend.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend, Mr. GARAMENDI, for allowing me the opportunity to speak about this.

You have FDR on the poster. He also said December 7 was a day that would live in infamy. This is a day that will live in infamy because of the tax bill that was passed today.

I don't like to speak in this hyperbolic way, but what was passed by the Republican House, and soon by the Republican Senate, is something none of us has ever seen before.

Let's just do some easy math so that people understand how unbelievable the numbers are on this.

Let's take Speaker RYAN's numbers. He said an average family of four making some \$60,000 are going to save about \$1,183. Okay. Of the four, that is about \$275 per person. That is nice. I like it.

What he doesn't tell you, and what the Republicans refuse to talk about, is how much money is put on the credit card of the Nation for the current generation and future generations to have to pay. At best, it is \$1.5 trillion.

That is a number that none of us can really understand how big it is. But let's say there are 300 million Americans. Divide 300 million into \$1.5 trillion and that is \$5,000. Let's do the math. You get to save \$270, but you put \$5,000 on the credit card.

Wait a second. That doesn't sound quite right. Where does that \$4,730 go?

Well, it goes straight up to the wealthiest among us.

So all of us, as a country, as a nation, and as a people, have the obligation to pay this back.

And who gets it?

Just a very slim few. We get \$270, but we have \$5,000 on a credit card.

Mr. DEFazio talked about some of the opportunity costs that are lost from this \$1.5 trillion. If the \$1.5 trillion were out there to benefit all of us and just put in infrastructure, we would basically fix every road, every water work, every electric grid issue that we have; we would put broadband across the country, and all of us would benefit and make this country competitive for the next 50 years.

Instead, we say: We don't need that money. Let's just give it back to the wealthiest people in America.

Wrong. Terrible.

I serve on the Science Committee. We did some numbers in the Science Committee.

The entire budget for solar energy for our laboratories, in any given year, is about \$207 million. We were having this testimony and the Republicans were picking on the managers of the solar budget line and said: You have really got to shrink this. This is costing too much money.

Well, do you know how many times 207 million goes into \$1.5 trillion? Do you know how many years worth of budgets that is?

It is 7,480 years worth of solar energy budgets.

I have really been working on getting our astronauts to Mars. We have been advised that that is going to cost about \$200 billion over the course of the next 16 years, to 2033, which is when the orbits of Mars and the Earth come close together and saves us a lot of space time, travel time, and is safer for our astronauts.

We could send our astronauts to Mars and back and start from scratch eight times for this tax cut that is going to be received by the rich.

It is not right. It is not American. It is the opposite of what FDR said when he said: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

There has been some talk about how real estate developers and others are really going to benefit by this tax cut that nobody has seen until the last day or two. This is a giant piece of legislation.

One of the things the Democrats have asked for for a year now is that we want to see the President's tax returns. He has refused to disclose his tax returns. So we know he was a real estate developer, we know he is a very wealthy guy, and we know he is going to benefit in a large way—or, he might say in a huge way—by this tax cut. But we don't know how much it is going to be because he will never disclose his tax returns.

The ink is just barely dry as to how this is all going to work out. What has transpired today is really a shame. I really am disappointed in my Republican colleagues in how this matter has been rushed through.

Mr. GARAMENDI. Mr. Speaker, the gentleman's final sentence was "rushed through." There has not been one substantive hearing in either House. There has been a markup hearing, but that is not a substantive hearing.

No Democratic amendments have been accepted. Not one economist has been called to testify—not one accountant, not one tax lawyer. No hearings whatsoever.

Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. CICILLINE) to share with us his perspective.

Mr. CICILLINE. Mr. Speaker, I thank the gentleman from California for yielding.

I would like to begin by thanking Mr. GARAMENDI for his relentless and passionate voice on behalf of working people, not only of California, but this country. He comes to the floor regularly and organizes these Special Order hours to help bring attention to these very important issues, and I really thank him for the opportunity to be part of it.

I want to begin where he left off, and that is the process.

We just learned today that the tax scam that the Republicans jammed through the House has to come back for another vote because they made some mistakes and didn't comply with some Senate rules.

This is what happens when you don't have hearings, you don't have thoughtful deliberation, you don't listen to witnesses who can identify problems with the bill, and instead you just bring it to the floor.

Mr. GARAMENDI. Mr. Speaker, did I hear Mr. CICILLINE correctly that the action taken here on the floor is not dispositive, but has to be modified in the Senate and brought back because they screwed up?

Mr. Speaker, I yield to the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Speaker, yes. Exactly. The bill will come back. So, hopefully, the American people will have another opportunity to make certain their voices are heard.

But this is not the way to do a complicated piece of legislation. The last time the Congress did tax reform, there

were 400 witnesses, experts who came in, hearings month after month, because it is complicated. You want to make sure it works right. You are talking about the American economy.

None of that happened here. It was written in the dark of the night. Some of our Republican colleagues didn't see the text. This is not a way to do legislation, and it is one of the reasons that excluding the Democrats from contributing to this process was a terrible, terrible mistake.

What is the result?

We end up with a bill that does exactly the opposite of what it says it will do.

This is a job-killing bill. There is no more urgent priority that all of us have to create good-paying jobs, family supporting jobs. We Democrats have launched a very bold economic agenda that focuses on better jobs, better wages for a better future.

Millions of Americans will go to bed tonight and lie awake worried about whether or not they have enough money to pay their bills, whether they can put aside some savings for their retirement, whether they can send their kids to school.

All of those anxieties come from the fact they are not making enough money to make ends meet. They haven't seen an increase in their income in a very long time. What this tax bill does is make those problems worse. This will raise taxes on 86 million middle class families in this country.

They call it a tax cut. For those 86 middle class families, it is a tax increase. In fact, 83 percent of the tax cuts go to the top 1 percent, the very richest people in this country and the biggest corporations. It also makes more generous tax provisions that incentivize companies to ship American jobs overseas.

This is not a job creator. The idea that if we just let the people at the very top hold on to all their money, it is going to trickle down to the rest of us, is a job killer. We know that doesn't work. They tried during the Bush administration. We had the worst job loss in a generation.

It doesn't work because we all know the way you actually create jobs is you grow the middle class. You make sure folks have good-paying jobs, have more money in their pockets to buy the goods and services.

Go to any small business in my State of Rhode Island, and I am sure it is the same in the State of California, and ask a small-business owner: What do you need to add a job? What do you need to increase the number of people who work in your business?

They will say one thing: I need customers. I need people to buy what I make and sell.

That is why strengthening the middle class, raising the income of people

in this country, is the way you grow the economy. This is just the opposite.

I was sickened when that bill passed the floor a few moments ago and I saw our Republican colleagues cheering and hooting and hollering like they were at a ball game. They put points on the board. They didn't put points on the board for the American people.

We are going to keep fighting for a tax reform bill that actually provides cuts to middle class families that will help to promote economic growth and create good-paying jobs.

We think the Tax Code is broken. We have always been willing to work together in a bipartisan way to make the Tax Code simpler, more competitive, and work for the American people.

That is not what the Republicans did. This is a giveaway to their donors. Some of our colleagues said it out loud: If we don't pass a tax cut, our donors told us to not call anymore. They actually said that out loud.

That is not how you write legislation. Let's not forget who sent us here and whom we should be working for.

Mr. Speaker, I thank the gentleman for giving me an opportunity to contribute to the conversation tonight. This is a bill which will hurt Rhode Island, hurt this country, and hurt our economy.

Finally, it also will result in the gutting of Medicare and Medicaid. Everyone forgets this creates a \$1.5 trillion debt which, by our rules, is going to result in automatic cuts to Medicare, Medicaid, student loan programs, block grants, vocational rehabilitation programs, and on and on and on.

□ 1800

They give away \$1.5 trillion that we don't have. They borrow the money to give away the tax cuts, and then next year they come back and say: Oh, we have no money. We have to cut Medicare and cut Medicaid and cut Social Security and cut Pell grants and not rebuild the infrastructure of our country.

Our Republican colleagues have said this is part one. Part two will be these cuts. The American people know this, which is why this bill is overwhelmingly unpopular with the American people. They see what the Republicans are up to. They are insulting the American people. They think they haven't figured this out. They are going to dangle a couple of dollars in front of them but then whack them with huge cuts next year.

The American people are smarter than this. The Republicans are going to be held accountable. We have to fight with every fiber in our body to stop this because it is really going to hurt people.

Mr. GARAMENDI. Mr. Speaker, I thank Mr. CICILLINE for bringing to our attention some key elements here: The deficit issue, which we will discuss a

little longer today. Also, the issue of really growing American jobs: growing wages, growing the future, and creating a better future for American workers. I know that has been the gentleman's passion and his work. We will go through all of those things in the day ahead.

This bill may very well become law, but I would surely like to see exactly how the President is going to do with this. I suspect this passthrough business in which he has 500 passthrough corporations—he is not an active investor. He will make out very, very well, and the working men and women of the middle class are going to lose.

I am just looking at this. This is the distribution tables from the Joint Committee on Taxation, December 18, 2017. Income category, a distribution of individual income tax side of the proposal. 2019, a small \$127 million reduction for everybody making less than \$10,000. In 2021, they are actually paying higher taxes. So the very, very bottom, in just 3 years, they are going to pay higher taxes.

I notice that my friend from North Carolina has joined us, and I thank him so very much for joining us. I know he has a few things on his mind, as do Mr. CICILLINE and I.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE) to share with us his views on what has happened today and where we are going.

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleague for yielding. I am thankful that Mr. GARAMENDI has taken out this Special Order and that so many colleagues have come out to express their views on this travesty of a tax bill that was passed by the House today and that appears to be on its way to the President's desk.

Speaking of the President and how much he will benefit from that, I am sure my colleagues have heard the saying that he campaigned like a populist and is governing like a plutocrat.

Wouldn't you say this bill is a pretty good exhibit A with respect to that?

Mr. GARAMENDI. Mr. Speaker, reclaiming my time, oh, absolutely. And I would say, also, that maybe it is an oligarchy, and maybe we are creating one of those Russian oligarchy societies here in which a few who are well connected to this President are going to do very, very well.

We are not talking about the Russia thing here today, but it gives me some pause to think: Why are they working so hard to end the Mueller investigation? But that is another subject for another day.

Mr. PRICE of North Carolina. It is, indeed. But the Russian role model seems alive and well as we look at the development of the American economy and where we may be going.

Mr. Speaker, I am sure my colleague will agree that our Republican friends

know this is a very, very unpopular piece of legislation. It is striking, isn't it? They decided that they were going to go into the hole \$1.5 trillion, forget about revenue neutrality. They are going to go into the hole and borrow \$1.5 trillion. Even with that, they have not been able to write a bill that most of the American people feel a benefit from. It is extraordinary.

Well, the fact is that most of the American people won't benefit from this bill. I think they are on to that. The latest polling shows that Americans oppose this bill by a margin of 2 to 1. That is, of course, before they have even felt the effects of this bill.

I think Republicans know that this opposition is only going to get stronger the more people figure out what is in this bill. That may be why they have rushed this thing to passage in the most chaotic legislative process I can ever remember.

They released thousands of pages of text on this bill last Friday and expected to vote on it today, of course.

Maybe that is the reason why they held no hearings. The less people know, the better.

Maybe that is why we have had almost no debate.

Maybe that is why they won't even allow for a complete scoring of the bill by the Joint Committee on Taxation or the Congressional Budget Office.

Maybe that desire to cover up the consequences of this is the reason they have added these questionable provisions, to provide a fig leaf of coverage for hesitant Members, skittish Members who want to be able to explain this vote back home.

Mr. Speaker, I have heard for years Republican colleagues decry fiscal irresponsibility, a lack of regular order in these Chambers and a lack of orderly, responsible procedures. They have talked about tax reform that simplifies the Tax Code, that benefits hard-working families.

Well, what we have seen today and what we have seen in recent days as this bill came to the floor is just a total contradiction of all that they have professed to stand for all these years. These words are nothing but lip service and false promises. They have sloppily drafted this bill behind closed doors. They plan to raise taxes on 86 million middle class families, and they plan to add \$1.5 trillion to the national debt.

Despite claims that this bill will benefit the middle class, 83 percent of the tax cuts go to the wealthiest 1 percent of Americans.

And they have also taken aim at healthcare, as if the tax travesties weren't enough. By eliminating the so-called individual mandate, the GOP tax scam will explode premiums, and it will add 13 million Americans to the ranks of the uninsured.

The bill is a windfall for large corporations that want to ship American

jobs overseas. They want to cut staff. They drive down wages and salaries. This bill will facilitate that.

Plain and simple, the Republican tax scam asks hardworking families and future generations of Americans to foot the bill for huge tax cuts for corporations and for the wealthiest.

And we haven't seen the end of it yet. Do you know what is coming next? You can bet that, once this bill passes, Republicans are going to pivot. They are going to pivot in a heartbeat to pose as the guardians of fiscal rectitude.

Having abandoned any pretense of revenue neutrality in this bill and having added \$1.5 trillion to the national debt and having triggered a \$25 billion Medicare sequester cut, they are, all of a sudden, going to sound the alarm: Poor us. We are broke. Our country is broke. We have got to squeeze Medicaid now. We have got to squeeze Medicare. We have got to squeeze Social Security. We have got to squeeze investments in transportation, housing, education, and research.

You can see it coming. We have seen this bad Republican movie before, although never on such an epic scale.

Mr. GARAMENDI. Mr. Speaker, reclaiming my time, we don't need to guess what they are going to do. The Speaker of the House of Representatives, Mr. RYAN, has said very clearly that next year will be step two. They will take on what he calls the social safety net: Social Security, Medicare, Medicaid, and food stamps. That is where the cuts are going to come. This is not our words. These are the words of the leadership of this House of Representatives, the words of the Speaker.

Mr. PRICE of North Carolina. Mr. Speaker, the gentleman is absolutely right. This has been in Republican budgets forever, this war on the kind of safety net provisions that so many of our fellow citizens depend on.

Fiscal rectitude, indeed. They are willing to go \$1.5 trillion in the hole, willing to borrow that money, to take the national debt to dangerous levels.

But it is a matter of being able, then, to say: Poor us. Our country is broke. We can't afford to invest in our people. We can't afford to build our infrastructure. We can't even afford to leave intact the safety net that people have spent their lives depending on.

It is a travesty. This tax bill is not just about taxes. It is about keeping faith with the American people; and that faith, this very day, has been broken by the Republican Party.

Mr. Speaker, I should say this. They had an opportunity to do this the right way. This wasn't inevitable. This wasn't written in stone. They could have worked with Democrats in Congress in a bipartisan way to figure out how to grow the economy and how to simplify our Tax Code.

Do you remember that? Simplify the Tax Code and file it on a postcard. This

bill makes the Tax Code far, far more complicated. It is a dream bill for tax lawyers and accountants.

No more simplification. That has been forgotten.

They were going to lower the tax burden for middle class families. We could have figured out how to do that without exploding the debt. There are many, many things we could have achieved together.

We have, here, a once-in-a-decade opportunity, and they have blown it, they have squandered it, and that is a source of great regret. In fact, the Republicans have jeopardized our economic future to give tax cuts, tailor-made, for corporate lobbyists and, as they have actually said, to make their donors happy—to make their donors happy.

Mr. Speaker, we hope against hope that the Senate might yet do the right thing, and when they have to clean up this bill to bring it back to the House for yet another vote, that our House colleagues—it was a narrow vote. It was a narrow vote. It would be wonderful to turn it around. But we certainly need to make sure that there is no mistake how this has happened, what has happened, and we must start, this very day, to figure out how to make our economy and our country whole and to make it work for all of our people.

Mr. Speaker, I thank the gentleman for this opportunity. This is very, very useful to be able to have this kind of extended discussion. Even though the subject matter is not happy—we have had a very bad day here in the House of Representatives—it is important for us to pick up, move ahead, and realize the task that lies ahead.

Mr. GARAMENDI. Mr. Speaker, I thank Mr. PRICE of North Carolina so very much. His thoughtful discussion of this is much appreciated.

He mentioned the deficit issue. \$1.5 trillion does not include the interest on the \$1.5 trillion. So if you were to add the interest to the \$1.5 trillion, it would actually probably be over \$2 trillion to \$2.3 trillion that this will cost. The actual reduction in revenues, \$1.5 trillion, interest on top of that another \$600 billion or so, so we are looking at something really serious here.

I would like to go through some of the numbers.

I looked at this. This is not something that is off 10 years from now. This is now.

In 2019, the structural deficit that is already in place, without even talking about this additional burden of increased deficit, the underlying structural deficit in 2019 is right around \$600 billion. This tax bill will add maybe \$250 billion to \$300 billion of additional debt in 2019. So we are going to get very close to \$1 trillion of deficit in 2019.

And, by the way, the military budget is increased by about, I think it is over

\$50 billion. That is not paid for, so that is additional debt. That is going to be here on the floor tomorrow or the next day.

In addition to that, there is this ongoing effort to deal with the hurricanes, fires, and so forth. That is another \$120 billion that is not paid for.

So if you take \$120 billion, you take \$50 billion, and you take the \$250 billion to \$300 billion in the tax bill and you add that to the \$600 billion that exists to begin with, in 2019, it will be over \$1 trillion of new debt. And I will guarantee that the exodus, the migration of the deficit hawks from Washington, D.C., during December of 2017 will reverse in the warmer weather, coming back next year. And those deficit hawks will come back, they will come back to Congress, and they will go right after the programs that FDR talked about: those who have the least.

Our colleague, Mr. DEFAZIO, from the Transportation and Infrastructure Committee talked about what we could do if we had the money in infrastructure or if we had that billion dollars; 15,000 people would be employed. But we won't—we won't—have an infrastructure program, and they will be back here.

□ 1815

They will be back here to make cuts in the social safety net, as the Speaker has already said he intends to do. Medicaid, \$800 billion to \$1 trillion reduction in Medicaid over the next decade.

Who are the beneficiaries of Medicaid?

We think they are the people on welfare. Well, yes, but some 60 percent of Medicaid recipients are seniors, seniors in nursing homes and long-term care facilities.

I thank Mr. PRICE very much for joining us.

I think I am going to stop for just a moment and turn to my colleague from the great State of Maryland. If the gentleman would care to join us, I yield to Mr. RASKIN for his remarks.

Mr. RASKIN. Mr. Speaker, I am delighted to join this evening. I thank the gentleman for putting together a discussion, a Special Order on this critical piece of legislation, which is now hurdling through Congress today.

I was reflecting, Mr. Speaker, that I had never seen a riot before, and I wonder how many people have been to a riot. And then as I was watching this bill being rammed through Congress, I realized that we were observing up close a riot, a ruling class riot, a trickle-down riot, special interest riot, a 1 percent riot against the rest of the country, the 1 percent that will get 83 percent of the tax cuts, the 1 percent that is overseeing an explosion in our deficit, adding somewhere between \$1½ trillion to \$2.3 trillion to our deficit that we are passing on to our children and our grandchildren.

My constituents in Maryland are saying to me: Hey, if we are going to go into an extra \$1½ trillion into deficits and debt, why don't we put that into an infrastructure plan for America? Why not rebuild our transportation system, the roads, the highways, the bridges, the Metro systems, the port authorities, the water systems, and cybersecurity? They are collapsing in front of our very eyes. So if we have got \$1½ trillion that we are going to put on the Federal tab, let's direct it into infrastructure.

But what do they bring us instead?

Old-fashioned, shopworn, and historically discredited trickle-down economics. It never works. It never works to cut taxes on the wealthy and big corporations and hope that the profits will just magically, mysteriously rain down on the middle class and working people.

It has just never worked like that. The only thing that does work is bubble-up middle class economics that gives opportunity to everybody—the poor working people, the middle class—and the money will flow up. The rich will get richer. We have proven it. That when you actually invest in education and you invest in infrastructure and you invest in healthcare, everybody does better. And then, because everybody is doing better, everybody does better, including the wealthy. We don't need to have top-down class warfare, trickle-down economics in America. But, hey, it is hard to stop a riot once it gets going, and we are in the middle of a riot here.

They said Malcolm X could stop a riot if he wanted to. Well, PAUL RYAN could stop this riot if he wanted to. The GOP could stop this riot. Maybe even President Trump could stop this riot. But the American oligarchs, the ones who are friends with the Russian oligarchs, the American oligarchs can taste victory already. They are carting off their TVs. They are checking out their gorgeous new yachts. They are measuring the drapes at Mar-a-Lago. They are polling for the Senate seats that they plan to buy with all of the new campaign contributions that come rolling in from the Mercers and the Koch brothers and the other plutocrats who are going to make out like bandits with this highway robbery.

In a riot, there is no time for hearings, no time for facts, no time for economic analysis, no time for experts, no time for discussion or democracy. There is no time for us even to read the lousy bills that their lobbyists write for them. They are too busy looting the Treasury in the middle of the night, ransacking Medicare and Medicaid, and trashing the neighborhoods of the beleaguered American middle class by raising taxes on 86 million families over the next decade.

They are too busy trashing the State and local tax deduction, imposing double taxes on our people, something that

has not occurred since we developed the tax system back in 1862, when they imposed the first revenue act. In the middle of the Civil War, they exempted State and local taxes.

Abraham Lincoln and the Republicans said then, "That is double taxation; we won't do it in the middle of the Civil War," when they needed to raise money.

And here we are, in a time of record corporate profits, amazing prosperity that comes out of the Obama administration, amazing economic expansion and growth, and what do they want to do?

They want to impose double taxation on what they say is the blue States because now America has got to be divided.

It is their States and our States, so the blue States are going to just pay more. That is the way that they are pursuing their tax policy in the United States Congress. You could almost understand and appreciate this trickle-down mob mentality if it were just our own rich people who were wilding against American democracy. After all, the top 1 percent in America today owns only as much wealth as the bottom 90 percent combined. There is still the remnants of the middle class to destroy, and it is hard to keep up with the lifestyle of the rich and famous in Trump's billionaire Cabinet.

So they need to drive 13 million Americans off of their health insurance. They need to make tens of millions of Americans pay more in taxes. But here is the thing: one-third of the corporate windfall in their gigantic corporate tax break, which is the heart of their bill, hundreds of billions of dollars, one-third of the money will go to foreign investors in Saudi Arabia, in China, in Russia. The one-third of the American stock that is owned by foreign investors is going to just sail outside of the country immediately when we do this.

And that huge sucking sound of hundreds of billions of dollars flowing to other people's oligarchs will be followed by billions more in investments and millions more in jobs because of another little trick that got tucked into this bag of tricks on the American people and treats for our plutocrats. Their bill changes our tax policy to a territorial system.

Well, what does that mean?

It means, if you are an American businessman and you are setting up your new business, the American businessman or businesswoman, you are setting up your business on Main Street, you are going to pay 100 percent of your taxes due. Your rate is going to go way down under this bill, but you will pay 100 percent. If you ship your business and your jobs overseas to Mexico or Indonesia or Switzerland or Vietnam, you are going to pay zero percent of what you would owe.

Now, I think they put in some tiny, little fix about that saying: Well, if it gets too extreme, if you press the joke too far, you will pay something, maybe 10 percent.

Again, that was written in the middle of the night, so I haven't seen that. That is just a talking point.

But let me just close with this: like a riot, this tax scam has little to recommend it. Its only redeeming feature is that it will wake a horrified country up to the depravity and greed that have overtaken our politics and, I am sad to say, a once great political party in the United States of America. And when we wake up to the fiscal damage and the political hangover, then they will be coming with their meat cleavers towards Social Security and Medicare and Medicaid.

And when the American people bounce out the people who rioted today, when they bounce them out of office, well, it is going to be okay for them because they can go and work for the lobbyists and the big companies that made out like bandits today. So the joke is on us if this actually goes through. But don't forget that what we saw today was a riot from above.

Mr. GARAMENDI. Mr. Speaker, I thank Mr. RASKIN so very much for his remarks. The voice of Maryland is strong and powerful and quite correct. Mr. RASKIN spoke of income inequality.

The wealthy in America, the top 1 percent, own as much wealth as the bottom 90 percent?

Mr. RASKIN. Mr. Speaker, yes, I did say that.

Mr. GARAMENDI. Mr. Speaker, this bill would seem to further the skewing of wealth to the wealthy.

Mr. RASKIN. Mr. Speaker, the whole point is to cement into place an oligarchy, a plutocracy.

One of the reasons that the Founders of America were so opposed to the intergenerational transmission of wealth is because they said that is going to increase idleness, laziness, presumptuousness, and entitlement in new generations.

At a certain point, if you buy enough houses, if you buy enough horses, if you buy enough yachts, if you buy enough jewels, what do you want?

Well, you want a governorship. You want a Senate seat.

That is not democracy. That is plutocracy. So we can't let this system of wealth discrimination and separation devour our basic democratic values.

Mr. GARAMENDI. Mr. Speaker, that is interesting. Perhaps the House of Lords is in our future.

I was just thinking, as Mr. RASKIN was talking, of an old comic book that used to be popular. It was one of the Donald Duck comic books, and I remember it was Uncle Scrooge McDuck. I guess, in his treasury, he was playing with the dollars, throwing the coins up into the air. I am wondering if that is what we are really into here.

The superwealthy are just accumulating more and more wealth. For the benefit of the economy? Not really. It doesn't trickle down. There is absolutely no evidence that it does. In fact, there is plenty of historic economic evidence that trickle down doesn't work, but pushing up from the bottom would. We could have had a tax bill.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Speaker, I was shocked to read so many prominent elected officials and political operatives on the GOP side saying that the whole reason for doing this is that their donors were effectively going on a strike and the donors were saying: If you don't get the tax bill through, don't expect contributions from us.

We couldn't have a more vivid demonstration of plutocracy in the country.

Mr. GARAMENDI. Well, if their tax bill is for their donors, we have a pretty good idea who the beneficiaries of the tax bill are. So the donors are the plutocrats, the superwealthy. It is Wall Street. Very much it is Wall Street because this is really about raising the stock price.

I think Mr. RASKIN may not have been here when I put this up, but I am going to do it one more time. It has been clear that before the 1980s, 50 percent, maybe 55 percent, 60 percent of the after-tax income of corporations went into creating a bigger corporation, into manufacturing jobs, plant equipment, hiring more people, paying better wages.

Beginning in the mid-1980s or so, that began to shift so that, today, exactly the opposite occurs. Maybe 70, 80 percent of the after-tax profits now go into buying back stock, increasing the stock price, higher dividends.

Case in point: the corporate tax giveaway in this bill, which is actually—I said earlier it was \$1.4 trillion reduction in corporate taxes over the next decade. It is actually \$1.3 trillion. My apologies for being incorrect.

\$1.3 trillion reduction in corporate taxes. For a company like Wells Fargo, a rather major bank, the corporate tax giveaway will give Wells Fargo an 18 percent earnings increase.

How does Wells Fargo intend to spend it?

Not on jobs.

Here is what the CEO of Wells Fargo, Mr. Tim Sloan, said in December of 2017. That is this month. He said: "Is it our goal to increase return to shareholders, and do we have an excess amount of capital? The answer to both is 'yes.' So our expectation should be that we will continue to increase our dividend and our share buybacks next year and the year after that and the year after that."

So where are the jobs?

May I cite one other example. Lowering the corporate tax rate was said to

be an incentive for corporations to invest. Well, here is one of the great American corporations.

Are they investing?

I think not. They are buying back stock.

AT&T, another major American corporation, effectively reduced its tax rate to 8 percent over the last decade. So they are paying not 21 percent, as this bill would require. They are paying 8 percent.

Did they create jobs?

No. During that same period of time, they laid off 80,000 workers.

Mr. Speaker, I yield to Mr. RASKIN, if he would like to make a few closing remarks, and then I will wrap up.

□ 1830

Mr. RASKIN. Mr. Speaker, I thank the gentleman, once again, for this opportunity and for his leadership.

Mr. Speaker, the gentleman makes a superb point. We are at a point of record corporate profits. The corporations are swimming in profits and in cash, and if they wanted to be employing more people, they could be employing more people now.

Mr. GARAMENDI. Mr. Speaker, they could be raising wages. I yield to the gentleman.

Mr. RASKIN. Mr. Speaker, or raising wages. They could do it right now.

All that we are doing is bestowing more of a bonus on them so they can give more money away to the CEOs. In the stock dividends and in the stock buybacks, it is cash gains within the corporations, so they are going to get wealthier. There is no reason to begrudge that. It is a large part of a lot of people's dreams to make a lot of money, but let's not press a good joke too far.

They are making tons of money right now, and we have got serious needs in the country. We have got an infrastructure crisis. Our roads and our highways and our metro systems and our water systems are suffering—our schools, our universities, our community colleges.

Why not invest in some common things that bring us together as a society, rather than having highway robbery from above against the rest of the country? It is just incomprehensible to me.

I have got to believe this is something to do with the corruption of our campaign finance regime. People are talking about: Well, we are waiting for the contributions to come in, and that they are telling us on the phone they don't want to give us contributions until we pass the tax bill.

So give them hundreds of billions, drive us into trillions of dollars in debt, and then they will give us back hundreds of thousands of dollars in campaign contributions. It is a bad deal. That is why a lot of parts of the country are moving to public financing now, because it is remarkable how

much damage you could do to the country on the cheap with a relatively small investment. After the Supreme Court's decision in 2010, in the Citizens United case, redefining corporations as political citizens, now the CEOs can take money directly out of the corporate treasury and put it into politics.

Mr. GARAMENDI. Mr. Speaker, from their own mouth comes from the truth of what Mr. RASKIN said. They have said it very clearly, they need to do this for their contributors.

Who are their contributors? Well, the wealthy, the superwealthy, and the rest.

Mr. Speaker, I think we are going to wrap it up here. I want to thank Mr. RASKIN for his participation. I want to thank my colleagues who came to the floor tonight to express their dismay at what has happened.

Now, because the bill was rushed through without any public hearings, there were errors in the bill that require that the Senate take the approved conference committee report and modify it, which I suppose means there has to be yet another conference committee, modify it, remove the errors that are in conflict with the Senate rules, and send it back here. Presumably, that will be done tomorrow.

Maybe now, as we bring to the attention of the American public the way in which this tax bill is harmful to the economy, harmful to the American middle class, and will result in 83 million Americans immediately paying higher taxes, and over the period of time, everybody that is less than \$100,000, maybe \$150,000, will be paying higher taxes, but the wealthy and the corporations will go on and have their lower taxes for many, many years to come, all of that hopefully will begin to sink in on the American public, and they will rise up in indignation and call a halt to what is a major rip-off of the American Treasury and America's future.

So we will continue to talk about this in the days ahead, and those who have voted for this are going to be held responsible and accountable as the days and the months go by.

Keep in mind that the Texas Two-Step is very much in play, and that, in the days ahead, in the next year, as the weather warms, the returned migration of the deficit hawks will take place, and they will go after Medicare, Medicaid, food stamps, education, children's health, and other programs that men and women of America rely upon, and perhaps many, many more.

We will be fighting this fight for many months to come.

Mr. Speaker, keeping in mind the words of Franklin Delano Roosevelt, I yield back the balance of my time.

HONORING HASKELL MONROE, JR.

The SPEAKER pro tempore (Mr. HOLLINGSWORTH). Under the Speaker's

announced policy of January 3, 2017, the gentleman from Texas (Mr. FLORES) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLORES. Mr. Speaker, I rise today to honor Dr. Haskell Monroe, Jr., of Bryan-College Station, Texas, who passed away on November 13, 2017.

Haskell Monroe, Jr., was born in Dallas, Texas, on March 18, 1931. He was the only child of Haskell Monroe, Sr., and Myrtle Monroe.

The family of three lived in Garland, Texas, until Haskell, Jr., was ten, when they moved to Fort Smith, Arkansas, because of his father's job with the United States Department of War. They lived there for 2 years before moving to Orange, Texas, where the family resided through Haskell's high school years.

During his high school years, Haskell was an active member of the band, the track and field team, the football team, and he was a member of the Boy Scouts. His experience at schools in both Garland and Orange fostered a love of learning that lasted throughout his life.

After graduating from high school in 1948, he went on to Austin College in Sherman, Texas, where he continued his involvement in track and field and football. He graduated from Austin College in 1952, with a bachelor's degree in both history and English.

After graduation, he started graduate school at Austin College working to earn his master's in history. While working during his master's degree, Haskell began teaching at nearby Denison High School. He taught history at Denison and found his lifelong calling to be an educator while he was working there.

In 1954, Haskell enlisted in the United States Navy. He served for 3 years in the Navy, and while in the Navy, Haskell's passion for teaching never wavered, and he continued to teach while stationed in South Carolina. There, he taught English to visiting Japanese sailors and volunteered as an assistant coach for a local high school football team.

Haskell completed his service and was discharged from the Navy in 1956. Shortly thereafter, he met the love of his life, Margaret Joann Phillips, known as Jo. The two met while Haskell was working on historical research in North Carolina. On June 15, 1957, Jo and Haskell were married.

In addition to 78 years of love and happiness, the marriage produced four children: Stephen, Melanie, Mark, and John; and eight grandchildren.

The Monroes moved to Houston after their wedding in order for Haskell to pursue a Ph.D. in history at Rice University. They eventually moved to the Bryan-College Station area in 1959. One of his doctoral professors at Rice, Dr. Frank Vandiver, who would himself one day become the president at Texas

A&M University, helped Haskell get his first job.

With Dr. Vandiver's recommendation, Haskell became a professor of history at the Agricultural and Mechanical College of Texas. This initial position was the beginning of a decades-long career both as a professor and as an administrator.

One of his early contributions to Texas A&M was his appointment to the Texas A&M Aspirations Committee. This initiative was commissioned by then-President Earl Rudder to recommend changes to the university to put the institution on sound footing for the future.

Among the recommendations to come out of this committee were the admission of female students, non-compulsory membership in the Corps of Cadets, racial integration, higher admission standards, and input that led to changing the name of the university to Texas A&M University.

Haskell left Texas A&M, in 1980, to become president at the University of Texas-El Paso, commonly known as UTEP.

After 7 years at UTEP, he became the chancellor at the University of Missouri, where he remained until 1993.

Under his leadership, both schools reached new heights as academic institutions, enrolling record numbers of students, increasing minority student populations, and molding many National Merit Award scholars.

In his down time, Haskell enjoyed collecting postcards from towns where he had lived and visited while traveling, especially the back roads of the United States and Mexico, and learning history through commemorative bricks, plaques, and roadside markers in historical places.

He also shared his father's passion for woodworking and was known to create many pieces for his friends and his family.

A member of the local community, Haskell was a member of the Rotary Club and served on boards of the United Way, Salvation Army, and Boy Scouts. He was also a lifelong member of the Presbyterian church, where he also served as an elder and an ordained deacon.

Mr. Speaker, Haskell Monroe worked tirelessly to teach young people and to give back to his community. He is loved by our Bryan-College Station community, and he left an enduring impression on the entire State of Texas. He will be forever remembered as a great educator, colleague, philanthropist, community leader, husband, father, grandfather, and friend.

My wife, Gina, and I offer our deepest and heartfelt condolences to the Monroe family. We also lift up the family and friends of Dr. Monroe in our prayers.

I have requested that a United States flag be flown over the Capitol to honor

the life and legacy of Dr. Haskell Monroe, Jr.

As I close today, I urge all Americans to continue praying for our country during these difficult times, for our military men and women who protect us from external threats, and for our first responders who protect us here at home.

HONORING ROBERT "POPEYE" CARTER

Mr. FLORES. Mr. Speaker, I rise today to honor retired Staff Sergeant Robert Carter of Waco, Texas, better known as Popeye to his friends. He passed away on November 26, 2017.

Popeye was born in 1953 and grew up in the Waco area. In 1972, he graduated from Richfield High School. After graduation, he married his high school sweetheart, Geni Kay Reeves. Popeye also heard the call to serve his country and enlisted in the United States Army in 1972.

He was stationed in Frankfurt, Germany, where he patrolled the Czech border during the Cold War. He served on Active Duty from 1972 to 1975.

After his Active-Duty service was up, Popeye served in the Army Reserves from 1975 to 1995, and all his career in the Army spanned 23 years.

In November 1990, Popeye was called into Active Duty with his reserve unit. The unit shipped off to fight in the Gulf war. His unit was placed on the front lines, incurring heavy artillery fire throughout their time in the Gulf.

He returned to the United States, where he soon found out that he was suffering from what became known as Gulf War Syndrome. The aftermath of the war affected Popeye for the rest of his life.

After Popeye's service, he came back home to Waco and served as a mechanic for 30 years. Always wanting to give back, he began volunteering to help local veterans at the Veterans One-stop, which offers support services to veterans to help them reintegrate into society and provide them with an outlet to meet other veterans in the area. He was known as someone who would help anyone in need, often anonymously.

A man of great faith, Popeye believed strongly in God and used his faith to carry him through life. He openly shared his faith with others and believed in helping those in spiritual need just as much as those with physical wounds.

After the passing of his first wife, he married and enjoyed a new beginning with his wife, Roxanne Carter. Together, their family had a son and three daughters, as well as ten grandchildren, all of whom Popeye loved dearly.

In 2013, Popeye was nominated by the members of our community for the Texas 17th Congressional District Veteran Commendation award. It was an honor to bestow this unique award that recognized his selfless service to both

our Nation and to our central Texas community.

In his free time, Popeye enjoyed the outdoors, and he loved to fish. He was also an avid motorcyclist and was routinely seen riding his Harley Davidson with friends.

A dedicated family man, Popeye loved to spend time with his family and looked forward to dinners every Monday night, where his immediate family would gather to enjoy food and fellowship.

Mr. Speaker, selfless service to all those around him defined Popeye Carter's life. He worked tirelessly to defend our freedom and to better our Waco community. He is loved by his city, and he certainly left an enduring impression on all of central Texas.

He will be forever remembered as a selfless soldier, a philanthropist, a community member, a husband, a father, a grandfather, and a friend.

My wife, Gina, and I offer our deepest and heartfelt condolences to the Carter family. We also lift up the family and friends of Popeye Carter in our prayers.

I have requested the United States flag be flown over the Capitol to honor the life and legacy of Robert "Popeye" Carter.

As I close today, I urge all Americans to continue praying for our country during these difficult times, for our military men and women who protect us from threats abroad, and for our first responders who protect us here at home.

HONORING CALVIN "RYAN" COFFER

Mr. FLORES. Mr. Speaker, I rise today to honor U.S. Marine Corps Staff Sergeant Calvin "Ryan" Coffey of Bryan, Texas, who passed away on October 24, 2017.

Ryan Coffey was born on September 22, 1983. From a young age, he was involved in the Boy Scouts and achieved the highest rank of Eagle Scout.

True to his Texas roots, he enjoyed hunting, fishing, and loved watching football, especially the Dallas Cowboys and the fighting Texas Aggies, especially with his grandmother, Mimi.

□ 1845

Growing up, Ryan spent many days working alongside his father in a local theater company, a small performance theater in Brazos Valley.

True to his nature, Ryan put duty before himself. He felt a call, and he answered it by serving his country in the United States Marine Corps. He enlisted as an infantryman. Ryan was assigned to the 2nd Battalion, 4th Marines and, later, to the 5th Headquarters Company based in Camp Pendleton, California. During his service, he deployed three times, once to Japan and twice to Iraq.

Ryan was a well-decorated Marine and rose to the rank of staff sergeant. His awards include the Marine Corps Achievement Medal with Valor, the

Combat Action Ribbon, the Good Conduct Medal, the National Defense Service Medal, the Iraq Campaign Medal with Gold Star, and the Global War on Terrorism Service Medal.

Part of his duties included being a zodiac fast assault specialist, a squad leader, and a marksman instructor. On his second deployment to Iraq, he was tasked with providing security to General David Petraeus.

Ryan embodied the core values of being a United States Marine, and he felt that his true mission was to make sure his squad made it home safely.

After leaving the Marine Corps, Ryan set a goal to attend college at Texas A&M University. He was accepted into Texas A&M, and he planned to attend the university after holding out one semester to work and to save money for school. Ryan embodied the core values of Texas A&M through his spirit of selfless service, leadership, loyalty, and integrity.

Unfortunately, the toll of his military service manifested itself in the form of PTSD, which, unfortunately, went undiagnosed. As the long-term effects of war began to grow within him, he ultimately became another victim of PTSD, and his life ended far too early.

Mr. Speaker, Sergeant Coffey worked tirelessly to serve our country as well as family and friends. He is loved by our Bryan-College Station community, and he left an enduring impression on the Brazos Valley. Ryan will be forever remembered as a courageous Marine, leader, loving son, community member, and friend.

My wife, Gina, and I lift up our deepest and heartfelt condolences to the Coffey family. We also lift up Ryan's family and friends in our prayers.

I have requested the United States flag be flown over the Capitol to honor the life and legacy of Ryan Coffey.

As I close today, I ask all Americans to continue to pray for our country during these difficult times, for our military men and women who protect us from threats overseas, and for our first responders who protect us here at home.

HONORING LIEUTENANT COLONEL BOB AMMON

Mr. FLORES. Mr. Speaker, I rise today to honor retired Lieutenant Colonel Bob Ammon of Waco, Texas, who passed away on September 28, 2017.

Bob was born in West Reading, Pennsylvania, on February 28, 1924. He would spend his early years in West Reading, growing up in what he described as an "average American home." He grew up with an older brother, Jim, and a younger sister, Marjorie.

In 1941, Bob was a senior in high school when the Japanese struck Pearl Harbor on December 7, 1941. Not being old enough for the draft, Bob was still determined to serve his country and contribute to the war effort. In 1942, he

decided to take the aviation exam to become a pilot in the United States Army. He passed the exam and, on August 25, 1942, he was sworn into the Army.

He was called into Active Duty in 1943, beginning flight training in Santa Ana, California, and completing his training at Fort Sumner, New Mexico.

After graduating from flight school, Bob was assigned to Mather Air Force Base to begin training as a B-25 bomber pilot. In 1944, he began bombing runs with the 11th Bomb Squadron, who were fighting to dismantle the Japanese occupation of China. He flew 21 bombing missions in China and participated in combat during the Battle of Hanoi Harbor.

After his service in World War II, Bob reenlisted during the Korean war. In Korea, he flew an astounding 43 bombing missions and earned a Purple Heart for wounds that he suffered after being shot down over North Korea.

Bob again reenlisted to serve when the Vietnam war broke out. He never missed combat in any of the wars he fought in, and he was proud of his military service until the day he passed.

While stationed at James Connolly Air Force Base, Bob met a beautiful woman named Ann at the Officers' Club, and they married in 1952. They enjoyed 64 years of marriage together and raised three sons—Steve, Bob, and Jeff—all of whom graduated from Baylor University in Waco.

Though he was often traveling, Bob made a point to be there for his sons and to make sure they were being raised well. He was known as a loving father who raised his sons with a steady hand, and he passed on his love of flying, golf, and family to his three sons. Today, his legacy includes 25 family members, including grandchildren and great-grandchildren.

Bob was a patriotic man and always flew the American flag outside his home in Waco. He always made a point to stand for the Pledge of Allegiance and the national anthem, even as his health began to fail him late in life.

Bob was known for giving back to the local community, and he had a strong faith in God. Bob served in a position of leadership at the Covenant Church for 27 years. He was well-known for greeting parishioners with a smile at the doors of the church. His friendly and welcoming manner will surely be missed at Covenant Church.

Mr. Speaker, Bob worked tirelessly to protect our country, to raise a strong family, and to serve our Waco community. He is loved by his friends and family, and he left an enduring impression on all of central Texas. He will be forever remembered as an American hero, a great community member, a husband, a father, a grandfather, a great-grandfather, and a friend.

My wife, Gina, and I offer our deepest and heartfelt condolences to the

Ammon family. We also lift up the family and friends of Bob in our prayers.

I have requested that a United States flag be flown over the Capitol to honor the life and legacy of Lieutenant Colonel Bob Ammon.

As I close today, I urge all Americans to continue praying for our country during these difficult times, for our military men and women who protect us abroad, and for our first responders who protect us from threats here at home.

Mr. Speaker, I yield back the balance of my time.

OUR ECONOMIC GROWTH FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Arizona (Mr. SCHWEIKERT) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. SCHWEIKERT. Mr. Speaker, as we try to get the boards to line up, we are only going to do three of these today.

Mr. Speaker, one of the things I wanted to do tonight, and we did it during sort of the debate earlier today—I hear lots of the discussions from our brothers and sisters on the left about the tax bill, and we often tease that this place is often a math-free zone, but I wanted to actually go a little bit bigger on why this tax bill is actually so crucial to every American, whether you be on the left, on the right, or just out there working as hard as you can and not thinking about politics.

The chart I have right on the side, this is what our nonpartisan Congressional Budget Office has come up with as our economic growth future. If you take a look over here, you will see 1.8 percent GDP growth for the next 10 years. But we then skyrocket up to just, actually, if you saw the details, just slightly under 2. And then the next decade, so 30 years from now, we fall back down to 1.9 percent GDP growth.

Why this is crucial is, as baby boomers are retiring, we have lots of promises. You have heard discussions, just even someone that was behind the microphone 40 minutes ago, on the other side, talking about Medicare.

There are estimates out there that, over the 75-year actuarial window, Medicare is \$105 trillion underfunded. It is the largest unfunded liability we know in America and, possibly, the world. This is what happens when you are growing at 1.8 percent GDP.

If you love people, if you want this society to have an opportunity to keep its promises to our seniors, to our kids, to that working family, we must have economic growth.

I talked about this earlier today, a terrific editorial in *The Wall Street Journal* over this weekend, saying,

hey, from the left's eyes, they think about equality, income inequality, and from the Republican side, we often sound like accountants. And I am sorry, but the math is important.

We think about economic growth because, if you look at the next chart, I just want you to sort of look at the very, very end. You see this sort of gold line, green line, the other green line. Do you see the separation? That is income inequality. It has grown dramatically in the last decade.

We have also grown at only 1.8 percent GDP the last decade. Slow economic expansion is where you get the income inequality.

If the left here actually cared about the very issue they talk about all the time, they would be embracing tax bills, regulatory bills, things that would actually expand the size of this economy so everyone has a fighting chance. But you find the politics of division very powerful around here.

Look, we all get the joke. We understand that so many of our brothers and sisters on the left, they are terrified, or their base is angry, however we want to define it. You can't let the Republicans have a victory, particularly on rewriting the Tax Code for the first time in 31 years, even though, if you actually look at many of their records in the past, they have all stood behind microphones and said the Tax Code is abysmal. It stifles economic expansion; it hurts hardworking people; and, in a low-growth environment, with this crappy Tax Code, this is what you get. But the politics are so uncomfortable that, for a lot of our friends, it is more uncomfortable to vote for something that actually might be seen as a Republican victory.

So I wish I had an elegant way of begging my friends on the Democratic side, saying: Just think about it as giving every American a fighting chance because, if we start to grow, you actually get paid more; you have more job opportunities; you can save money for your retirement, for your kids. Because where we are at today and where we have been the last decade, we are in real trouble.

You actually look at some of the nonpartisan groups, and even some of the partisan groups, on their analyses of what the U.S. debt structure looks like, there are many of these models that, in about 15, 18 years, they collapse, our debt to GDP.

What that means is, when we say, "Here is the size of our economy, gross domestic product—here is the size of our economy, and here is the size of our debt," in just a few years, we actually surpass the amount of publicly sold debt.

This is not where we are borrowing from our own trust funds. The publicly held debt passes the entire size of our economy, and it keeps going and going and going and going. That is status quo.

Please understand, the status quo has many of the models collapsing, much of this economy, in about 15, 18 years because our debt is so huge it consumes everything.

Social entitlements right now are about three-quarters of all of our spending. Medicare, Medicaid, Social Security, that includes benefits of other welfare programs, earned and unearned, that is three-quarters of our spending, and it is going to become dramatically more.

So if you are someone who actually cares about health research, if you actually care about education, if you care about the national parks, if you care about the military, if you care about our relations around the world, all those are getting squeezed because of, substantially, the demographic curve we are already in, the growth of those populations, and our attempt to keep our promises.

If you care about keeping our promises, you care about the economic growth; and the tax rewrite is one of the key elements in that. And, yes, it is going to also require thinking through immigration. It is going to be thinking through regulations. It is going to be thinking through the adoption of technology.

□ 1900

But understand, you can't stand around here and give speeches about income inequality and then support the very policies that actually create it. The intellectual inconsistency around here is so frustrating.

This is a really interesting board, and why it is so important is that I ask for everyone to stop thinking about the actual debt number and think about it as its ratio, as its percentage, as its burden on the size of the economy.

If we have a \$20 trillion economy and \$20 trillion of debt, we are at 100 percent of debt to GDP. Our economy is actually a bit bigger than that, but if you actually look at this red line, that is entitlements.

Do you notice all those years where it is flat?

That is actually not because we were spending less money on entitlements. What that is about is we were growing as an economy. Yes, we were still spending more money, but we were growing faster than the growth in that spending.

If you care about fairness, if you care about opportunity, if you care about the ability to save, if you care about income inequality, you have got to step up and do those things that are difficult—and they are very difficult—that will maximize economic expansion in this country, because the difficulties that are coming in the next decade in our inability to have enough resources or enough borrowing capacity to continue to pay is devastating. We need this economy to continue to grow.

As we walk through this, I want to actually walk through also a couple of observations. And forgive me, but this is one of those opportunities where you have a few minutes to share.

I hold a seat on the Ways and Means Committee. It has been fascinating. On occasion you will hear folks say: Well, this was rushed through.

Well, except it was built on about a decade's worth of work. If you look at all the years that Dave Camp, the previous chairman of the Ways and Means Committee; and then the chairman after him, who happened to be PAUL RYAN; and now the chairman, KEVIN BRADY, there are volumes and volumes of documentation. There are volumes and volumes of hearings and data. And there has got to be hundreds of hours of video out there of different hearings, both the whole committee and the subcommittees have done, in just trying to understand what affects economic growth, what works and what doesn't work.

An observation. How many people in the last couple weeks have you heard walk up behind these microphones and use the early 2000s as an economic example of a tax cut?

Now, understand, that was just substantially a basic income tax. It wasn't rewriting parts of the Tax Code. What so many folks forget to tell you, if you go back to 2002 and you actually look at what we call the baseline—and I am sorry, this is going to geek out a little bit—baseline is our model of what we think revenues are going to look like and what spending is going to look like over the next decade. Then you look at those things that are referred to as the Bush tax cuts when they finally expired.

You do realize the revenues—the revenues—that came into this government were \$77 billion higher than the projection, yet you will hear people get up behind the microphone and say: Well, these didn't pay for themselves.

But that is not the math.

Now, this government spent a lot more money than was projected. We had wars, we had bailouts, we had storms. We have had all sorts of things. We spent a lot more money. But if you actually look at the revenue line when those 2002 tax cuts expired, there was \$77 billion more in revenue than was projected.

Is that because of the tax cuts?

Partially. Maybe. But there were lots of other effects in the economy, adoptions of technology, and all sorts of things. But the basic rule of thumb is: Here is where we thought we would be, and we were \$77 billion over that.

Back to this concept of: Are there tax cuts that pay for themselves?

Absolutely.

Are there tax cuts that don't?

Absolutely.

And that was one of the really gut-wrenching parts of this discussion. If

you actually spend some time looking at a nonpartisan group like the Tax Foundation and look at a lot of their modeling, they would come back to us and say: Hey, you could spend this money on something that is great politics, but you get almost no economic expansion from it. Or you could spend that same money or something over here that turns out not to be great politics, but is really good for the economy and really good a few years from now and someone being able to find a job, someone being able to be paid more, someone being able to save for their retirement or their kids.

How do you get up in front of an audience and say, "I know we would love to have this because this gets me re-elected. But for that same money, our society, economically, will be healthier, bigger, wealthier a few years from now if you put that money in expensing, in certain types of business tax cuts, because that expands the size of the economy"?

That is something a lot of folks haven't thought about as they grind through the technical details of thousands of thousands of pages of the Tax Code. Parts of the Tax Code are absolutely an economic document.

How you make us competitive in the world again? How do you maximize economic expansion? How do you maximize opportunity for everyone to have a good-paying job?

But a Tax Code is also a political document. These are things that are very popular. These are things that get us elected. These are things that certain special interests line up at our door, walk around the hallways. If you actually saw the hallways over the last few months, I didn't know there were that many lobbyists in this town, all advocating for something for their business, for their State, for their community. All are honorable. But you have got to understand, when we put together a few-hundred-page bill and grind through it month after month after month and make a change here and a change here, and then realize the interactivity when they actually model it turns out this idea blows up this idea, the number of hours that have gone into making this math work are stunning and it is a really good document.

Is it everything all of us would want? No. Being a Representative from Arizona, I believe it is really good for my State.

But the thing I care most about is it being good for our country. I believe the tax bill, the tax reform, is fair to individuals. It is simpler. It is going to also deal with the hemorrhaging we have of corporations—and these are big corporations—leaving our country, hiding their profits overseas, and moving their expenses to the United States.

Is that fair?

Of course it isn't, but that is what the current Tax Code allows.

If you hear someone saying, "Vote 'no' on this bill," if you hear them saying, "We prefer the status quo," understand what they are saying: We want to live in a world of absolute mediocrity, with almost no economic growth, no opportunity to save, have higher salaries and higher opportunities. We are happy having, in a decade and a half, a debt crisis in this country.

And what they are also saying is they are okay with the hemorrhaging of American industry leaving this country because of the tax arbitrage, where they can get a better deal in other parts of the world.

That is the absurdity of some of the arguments you have heard around this body.

So back to my fairly snarky comment: We get the joke. We understand there are many out there who are terrified of Republicans getting a win here. But I want to argue that this is not a win for Republicans. It is a win for our society because, if we start moving away from that 1.8 percent economic growth that our congressional budget has projected for the next decade, we have a fighting chance to financially keep our promises, to have a strong military, to have that money for our education, to have that money for healthcare research, and for you as an American citizen to see your salaries increase, see your ability to save, and know you have a brighter future.

Mr. Speaker, just as an idiosyncrasy, over the last couple months, I have been keeping a little bit of a notebook of many of the comments that have come from my brothers and sisters in this body, some supporting the tax bill and making claims, many opposing the tax bill and making claims.

I am going to make a mark in my calendar, 1 year from now coming back behind this microphone, and we are going to open up that journal and we are going to read what was said. Hopefully the American people at that time will understand this is political rhetoric and this is actually based in math. And that math, I am desperately hoping and desperately believing, is going to be great for our country.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today after 4:30 p.m. and balance of week on account of death in family.

Ms. CLARKE of New York (at the request of Ms. PELOSI) for the first series of votes today.

ADJOURNMENT

Mr. SCHWEIKERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 20, 2017, at 9 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3430. A communication from the President of the United States, transmitting the National Security Strategy of the United States, pursuant to 50 U.S.C. 3043(a)(1); Public Law 99-433, Sec. 603(a)(1); (100 Stat. 1075); to the Committee on Armed Services.

3431. A letter from the President, Institute for Defense Analyses, transmitting a report entitled, "Report on Elements Contributing to Expenses Incurred by Contractors for Bid and Proposal", pursuant to Sec. 824 of the National Defense Authorization Act for FY 2017, Public Law 114-328; to the Committee on Armed Services.

3432. A letter from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Fiscal Year 2017 Federal Housing Administration Annual Management Report, pursuant to OMB Circular A-136, Sec. 1.6.; to the Committee on Oversight and Government Reform.

3433. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Prineville, OR [Docket No.: FAA-2017-0616; Airspace Docket No.: 17-ANM-26] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3434. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Seward, NE [Docket No.: FAA-2017-0354; Airspace Docket No.: 17-ACE-8] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3435. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Multiple Restricted Areas; Vandenberg AFB, CA [Docket No.: FAA-2017-0985; Airspace Docket No.: 17-AWP-21] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3436. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes [Docket No.: FAA-2017-0563; Product Identifier 2017-NM-021-AD; Amendment 39-19076; AD 2017-21-05] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3437. A letter from the Management and Program Analyst, FAA, Department of

Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes [Docket No.: FAA-2017-0693; Product Identifier 2017-NM-044-AD; Amendment 39-19074; AD 2017-21-03] (RIN: 2120-AA64) December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3438. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes [Docket No.: FAA-2017-0692; Product Identifier 2017-NM-043-AD; Amendment 39-19075; AD 2017-21-04] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3439. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2016-9500; Product Identifier 2016-NM-140-AD; Amendment 39-19072; AD 2017-21-01] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3440. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Embraer S.A. Airplanes [Docket No.: FAA-2017-0697; Product Identifier 2017-NM-041-AD; Amendment 39-19080; AD 2017-21-09] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3441. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2017-0628; Product Identifier 2016-NM-207-AD; Amendment 39-19079; AD 2017-21-08] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3442. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; IPECO Pilot and Co-Pilot Seats [Docket No.: FAA-2017-0490; Product Identifier 2017-NE-13-AD; Amendment 39-19082; AD 2017-22-02] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3443. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2017-0497; Product Identifier 2016-NM-209-AD; Amendment 39-19078; AD 2017-21-07] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3444. A letter from the Management and Program Analyst, FAA, Department of

Transportation, transmitting the Department's final rule — Airworthiness Directives; Rockwell Collins, Inc. Traffic Surveillance System Processing Unit [Docket No.: FAA-2017-0659; Product Identifier 2017-CE-014-AD; Amendment 39-19094; AD 2017-22-14] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3445. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2017-0480; Product Identifier 2016-NM-204-AD; Amendment 39-19073; AD 2017-21-02] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3446. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2017-0332; Product Identifier 2016-NM-164-AD; Amendment 39-19084; AD 2017-22-04] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3447. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cisco, TX [Docket No.: FAA-2017-0620; Airspace Docket No.: 17-ASW-10] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3448. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Fort Knox, KY, and Louisville, KY [Docket No.: FAA-2016-9499; Airspace Docket No.: 16-ASO-19] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3449. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lemoore NAS, CA [Docket No.: FAA-2017-0219; Airspace Docket No.: 17-AWP-5] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3450. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Bend, OR [Docket No.: FAA-2017-0391; Airspace Docket No.: 17-ANM-13] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3451. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Oskaloosa, IA [Docket No.: FAA-2017-0296; Airspace Docket No.: 17-ACE-7] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3452. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace, for Stevens Point, WI [Docket No.: FAA-2017-0143; Airspace Docket No.: 17-AGL-5] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3453. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Deblois, ME [Docket No.: FAA-2015-2891; Airspace Docket No.: 15-ANE-1] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3454. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc., Airplanes [Docket No.: FAA-2017-0521; Product Identifier 2016-NM-189-AD; Amendment 39-19086; AD 2017-22-06] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3455. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Scottsboro, AL [Docket No.: FAA-2017-0557; Airspace Docket No.: 17-ASO-15] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3456. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2017-0946; Product Identifier 2017-SW-045-AD; Amendment 39-19081; AD 2017-22-01] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3457. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2016-6429; Product Identifier 2015-NM-117-AD; Amendment 39-19083; AD 2017-22-03] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3458. A letter from the National Adjunct and Chief Executive Officer, Disabled American Veterans, transmitting the reports and proceedings of the 2017 National Convention of the Disabled American Veterans, held in New Orleans, Louisiana, July 29-August 1, 2017, pursuant to 44 U.S.C. 1332; and 36 U.S.C. 50308; and 36 U.S.C. 10101 (H. Doc. No. 115—82); to the Committee on Veterans' Affairs and ordered to be printed.

3459. A letter from the Deputy Assistant Secretary, Bureau Legislative Affairs, Department of State, transmitting a memorandum of justification regarding the suspension of limitations under the Jerusalem Embassy Act of 1995, pursuant to Public Law 104-45, Sec. 7(a)(1); (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

3460. A letter from the Acting Secretary, Office for Civil Rights and Civil Liberties, U.S. Department of Homeland Security, transmitting the Office's Fiscal Year 2016 Annual Report to Congress, pursuant to 6 U.S.C. 345(b); Public Law 107-296, Sec. 705; (116 Stat. 2219); jointly to the Committees on Homeland Security and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUNES: Permanent Select Committee on Intelligence. H.R. 4478. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve foreign intelligence collection and the safeguards, accountability, and oversight of acquisitions of foreign intelligence, to extend title VII of such Act, and for other purpose; with an amendment (Rept. 115-475 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TAKANO:

H.R. 4680. A bill to ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. KINZINGER, Mr. ROYCE of California, and Mr. BRENDAN F. BOYLE of Pennsylvania):

H.R. 4681. A bill to limit assistance for areas of Syria controlled by the Government of Syria or associated forces, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. STIVERS, Mr. JOHNSON of Ohio, Mr. HUDSON, Mr. LANCE, Mr. COLLINS of New York, Mr. MOONEY of West Virginia, Mr. FLORES, Mr. CURTIS, Mr. NORMAN, Mr. BILIRAKIS, Mr. DUNCAN of South Carolina, Mr. CARTER of Georgia, Mr. CRAMER, Mr. GUTHRIE, and Mr. KNIGHT):

H.R. 4682. A bill to amend the Communications Act of 1934 to ensure internet openness, to prohibit blocking of lawful content, applications, services, and non-harmful devices, to prohibit impairment or degradation of lawful internet traffic, to limit the authority of the Federal Communications Commission and to preempt State law with respect to internet openness obligations, to provide that broadband internet access service shall be considered to be an information service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Ms. DELBENE, Mrs. McMORRIS RODGERS, Ms. SEWELL of Alabama, and Mrs. WATSON COLEMAN):

H.R. 4683. A bill to amend title XVIII of the Social Security Act to revise the NTAP period under the Medicare inpatient prospective payment system and the pass-through

period under the Medicare outpatient prospective payment system; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JUDY CHU of California (for herself, Mrs. MURPHY of Florida, Mrs. BUSTOS, Mr. GONZALEZ of Texas, Mr. RUIZ, Mr. SEAN PATRICK MALONEY of New York, Ms. FRANKEL of Florida, Mrs. MIMI WALTERS of California, Ms. KUSTER of New Hampshire, and Mr. BILIRAKIS):

H.R. 4684. A bill to direct the Secretary of Health and Human Services, acting through the Director of the Center for Substance Abuse Treatment of the Substance Abuse and Mental Health Services Administration, to publish and disseminate best practices for operating a recovery housing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CICILLINE (for himself and Mr. LANGEVIN):

H.R. 4685. A bill to designate the facility of the United States Postal Service located at 515 Hope Street in Bristol, Rhode Island, as the "First Sergeant P. Andrew McKenna Jr. Post Office"; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself, Ms. JAYAPAL, Mr. POCAN, and Mr. CICILLINE):

H.R. 4686. A bill to establish the National Commission on Economic Concentration to study the effects of economic concentration on competition, and for other purposes; to the Committee on the Judiciary.

By Mr. LAWSON of Florida:

H.R. 4687. A bill to designate the health care center of the Department of Veterans Affairs in Tallahassee, Florida, as the Sergeant Ernest I. "Boots" Thomas VA Clinic, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 4688. A bill to amend the Food Security Act of 1985 to make land grants-mercedes eligible for assistance, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Nebraska:

H.R. 4689. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska; to the Committee on Natural Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

150. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 45, urging the United States Congress to bestow on Doris "Dorie" Miller the Congressional Medal of Honor; to the Committee on Armed Services.

151. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 106, expressing support for the development and construction of a coastal barrier to protect the Gulf Coast region of Texas from storm surges; to the Committee on Transportation and Infrastructure.

152. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 7, supporting the

recommendations of the United States Army Corps of Engineers to prevent Asian and other invasive carp from entering the Great Lakes; to the Committee on Transportation and Infrastructure.

153. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 59, urging the Congress of the United States to pass a budget; jointly to the Committees on Appropriations and Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. TAKANO:

H.R. 4680.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18.

By Mr. ENGEL:

H.R. 4681.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the Constitution

By Mrs. BLACKBURN:

H.R. 4682.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 "necessary and proper" clause.

By Mr. REICHERT:

H.R. 4683.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Ms. JUDY CHU of California:

H.R. 4684.

Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article 1 of the United States Constitution.

By Mr. CICILLINE:

H.R. 4685.

Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 7

By Mr. ELLISON:

H.R. 4686.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. LAWSON of Florida:

H.R. 4687.

Congress has the power to enact this legislation pursuant to the following:

"Article 1, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Ms. MICHELLE LUJAN GRISHAM
of New Mexico:

H.R. 4688.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. SMITH of Nebraska:

H.R. 4689.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 130: Mr. RUIZ.
H.R. 131: Mr. RUIZ.
H.R. 203: Mr. CAPUANO.
H.R. 291: Mr. BIGGS.
H.R. 431: Mr. CAPUANO.
H.R. 449: Mr. FASO.
H.R. 548: Mr. THOMPSON of Pennsylvania.
H.R. 559: Mr. BANKS of Indiana.
H.R. 631: Mr. EMMER.
H.R. 719: Mr. SCHWEIKERT, Mr. HOLDING, and Mr. JORDAN.
H.R. 757: Ms. BONAMICI.
H.R. 788: Mr. JOHNSON of Louisiana.
H.R. 850: Mr. HOLDING, Mr. NORMAN, and Mr. WILLIAMS.
H.R. 930: Mr. GRAVES of Georgia.
H.R. 1040: Mr. SANFORD.
H.R. 1178: Mr. BISHOP of Michigan and Mr. JOHNSON of Louisiana.
H.R. 1192: Mr. WEBER of Texas, Mr. ROKITA, and Mr. HIGGINS of Louisiana.
H.R. 1204: Mr. GRAVES of Georgia.
H.R. 1212: Mr. QUIGLEY.
H.R. 1456: Mrs. DEMINGS and Mr. FASO.
H.R. 1478: Mr. MCGOVERN and Mr. PRICE of North Carolina.
H.R. 1494: Mr. LARSEN of Washington and Ms. ESHOO.
H.R. 1587: Mr. LIPINSKI.
H.R. 1617: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 1651: Mr. RODNEY DAVIS of Illinois.
H.R. 1710: Mr. WALZ.
H.R. 1734: Mr. GRIJALVA.
H.R. 1825: Mr. GRAVES of Missouri and Mrs. BLACK.
H.R. 1847: Mr. HUDSON.
H.R. 1865: Mr. CALVERT.
H.R. 1910: Mr. PEARCE.
H.R. 1957: Mr. RUIZ.
H.R. 1987: Ms. BARRAGÁN.
H.R. 2150: Mr. CÁRDENAS, Ms. MENG, and Ms. JAYAPAL.
H.R. 2193: Mr. CURTIS.

H.R. 2234: Mr. LOWENTHAL.
H.R. 2276: Mr. RASKIN.
H.R. 2315: Mr. ISSA.
H.R. 2319: Mr. BABIN.
H.R. 2328: Ms. SEWELL of Alabama.
H.R. 2366: Mr. PETERS.
H.R. 2401: Mr. FASO.
H.R. 2569: Mr. DESANTIS.
H.R. 2591: Mr. JODY B. HICE of Georgia.
H.R. 2670: Ms. GABBARD.
H.R. 2723: Mr. SCHWEIKERT and Mr. HOLINGSWORTH.
H.R. 2948: Mr. POLIS and Mr. KIND.
H.R. 2995: Ms. HANABUSA and Ms. GABBARD.
H.R. 2996: Mr. BROOKS of Alabama, Mr. GROTHMAN, Mr. SCHWEIKERT, Mr. GOHMERT, and Mr. JORDAN.
H.R. 3033: Mr. CAPUANO.
H.R. 3314: Ms. SLAUGHTER.
H.R. 3349: Mr. PASCARELL.
H.R. 3350: Mr. GROTHMAN, Mr. FLORES, and Mr. SHUSTER.
H.R. 3513: Mr. SENSENBRENNER.
H.R. 3542: Ms. FRANKEL of Florida.
H.R. 3576: Mr. ROKITA.
H.R. 3711: Mr. BUCHANAN, Mr. CARTER of Georgia, and Mr. ADERHOLT.
H.R. 3768: Mr. WALZ and Mr. MCEACHIN.
H.R. 3828: Ms. PINGREE, Mr. LOWENTHAL, Mr. SMITH of Washington, and Ms. SHEA-PORTER.
H.R. 3841: Mr. ZELDIN.
H.R. 3887: Mr. DELANEY.
H.R. 4006: Mr. BILIRAKIS.
H.R. 4007: Ms. BASS, Ms. BROWNLEY of California, Mr. CASTRO of Texas, Mr. LEVIN, Mr. MCNERNEY, Mr. SCHNEIDER, Ms. SLAUGHTER, and Mr. VELA.
H.R. 4022: Ms. ADAMS, Mrs. WATSON COLEMAN, Mr. VISCLOSKEY, Mr. LOWENTHAL, Mr. SWALWELL of California, Mr. LYNCH, Mr. CARBAJAL, Mr. POLIS, Mr. HASTINGS, and Mr. BISHOP of Michigan.
H.R. 4040: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 4068: Ms. BONAMICI.
H.R. 4096: Mr. CARTWRIGHT.
H.R. 4143: Mr. DEUTCH.
H.R. 4207: Mr. TIPTON.
H.R. 4209: Ms. BONAMICI.
H.R. 4222: Ms. PINGREE.
H.R. 4238: Mr. KING of New York.
H.R. 4311: Mr. GRAVES of Georgia.
H.R. 4340: Mr. BIGGS.
H.R. 4392: Mr. SMUCKER, Mr. KIND, Mr. KILMER, Mr. SMITH of Washington, Mrs. LOVE, Ms. JAYAPAL, Mr. THOMPSON of Mississippi, Mr. JEFFRIES, Mr. SCHRADER, Mr. KELLY of Mississippi, and Mr. JOHNSON of Louisiana.
H.R. 4396: Mr. SCHNEIDER and Mr. VEASEY.
H.R. 4438: Mr. ABRAHAM.
H.R. 4467: Mr. MITCHELL.
H.R. 4472: Mr. STIVERS.
H.R. 4516: Ms. SHEA-PORTER.

H.R. 4526: Mr. GROTHMAN and Mr. BABIN.
H.R. 4541: Mr. CUMMINGS, Mr. HIGGINS of New York, Ms. ESTY of Connecticut, Mr. WALZ, Mr. POCAN, Mr. GRIJALVA, Mr. RICHMOND, and Mr. LEWIS of Georgia.
H.R. 4565: Ms. PINGREE.
H.R. 4608: Mr. ISSA.
H.R. 4610: Ms. SHEA-PORTER and Mr. PRICE of North Carolina.
H.R. 4620: Mrs. BLACK and Mr. ISSA.
H.R. 4622: Mr. NOLAN and Mr. CARTWRIGHT.
H.R. 4631: Ms. SINEMA and Mr. MEEKS.
H.R. 4656: Ms. BONAMICI.
H. Con. Res. 10: Mr. TIPTON.
H. Con. Res. 45: Mr. THOMAS J. ROONEY of Florida and Mr. POE of Texas.
H. Con. Res. 63: Mr. DANNY K. DAVIS of Illinois, Mr. SIREs, and Mr. HASTINGS.
H. Res. 245: Mr. CLAY.
H. Res. 252: Mr. TURNER.
H. Res. 318: Mr. RASKIN.
H. Res. 466: Mr. HURD, Mr. DOGGETT, and Ms. SEWELL of Alabama.
H. Res. 587: Mr. WELCH, Mrs. DAVIS of California, Mr. GARAMENDI, and Mr. KHANNA.
H. Res. 621: Ms. JAYAPAL.
H. Res. 661: Ms. ROS-LEHTINEN and Mr. MARINO.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

72. The SPEAKER presented a petition of Mr. Gregory Watson, a citizen of Austin, TX, relative to urging Congress to propose, pursuant to Article V, an amendment to the United States Constitution that would, in addition to congressional proposal, likewise allow an identically-worded suggested federal constitutional amendment, approved by the legislatures of at least two-thirds of the several states, as an alternate means of proposing future amendments and that would further provide for a same-day nationwide referendum as the exclusive method of ratifying any future amendments; thus repealing all references to a national proposing convention, repealing all references to ratifying conventions conducted within the individual states, and repealing all references to state legislative ratification; to the Committee on the Judiciary.

73. Also, a petition of the Yates County, New York, Legislature, relative to Resolution No. 317-17, urging the United States Congress to enact, and President Trump to sign into law, H.R. 3576, the Second Amendment Guarantee Act; to the Committee on the Judiciary.

SENATE—Tuesday, December 19, 2017

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, fill us with reverence for You. Help us to remember that You are the one from whom we borrow our heartbeats. You continue to be the source of our peace and the center of our joy. May our reverential awe provide us with the foundation of true wisdom. Empower our lawmakers to make a positive difference in our Nation and world.

Lord, give them generous, righteous, and compassionate hearts so that they will transform discord into harmony. As they turn to You in humble, fervent prayer, hear our prayers, forgive our sins, and heal our land.

Lord, we thank You that You will never give us more to do than we can do with Your power.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. (Mr. SASSE). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 165, S. 1519.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 165, S. 1519, a bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the

Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

TAX CUTS AND JOBS BILL

Mr. McCONNELL. Mr. President, Congress is standing at the doorstep of a historic opportunity. Today the House will vote on the conference report on the Tax Cuts and Jobs Act, the most significant overhaul of our Nation's Tax Code in more than 30 years. This major tax reform legislation will provide much needed relief to middle-class families and small businesses and will set America on a trajectory toward more opportunity and greater prosperity.

After the House votes this afternoon, the Senate will begin debate and will proceed to a vote on passage later this evening. The final text of this bill is the product of extensive open debate. It is a result of dozens of hearings on tax reform in recent years and an open amendment process. Then, the House and the Senate joined together in a conference committee that carefully reconciled the two Chambers' bills.

Now the time has come to vote. When Senators vote for the Tax Cuts and Jobs Act, they will be voting for a bill that substantially cuts taxes for middle-class families. By reducing rates, it will let working Americans keep more of their paychecks and send less of their hard-earned money to Washington.

In addition to lower rates, middle-class families will benefit from a standard deduction that is almost double its present level and from a doubling of the child tax credit. They will benefit from the ability to deduct more of their medical expenses, increasing their tax savings during difficult times.

Despite what opponents of the bill have claimed, the Tax Cuts and Jobs Act achieves all this while preserving charitable deductions and the adoption tax credit. It protects the exemption for university tuition benefits. A mortgage interest deduction remains, as does a deduction for State and local taxes.

The result is a comprehensive tax reform bill that does what we set out to do: take money out of Washington's pocket and put it back into the pockets of middle-class Americans who earned it. Consider a typical family of four who earns the median family income. A vote for the conference report is a vote to cut their tax bill by more than \$2,000 next year.

After a disappointing decade of stagnant wages and shrinking opportunity under the Obama administration, middle-class families are counting on Con-

gress to keep our promise and give them that much needed relief.

In addition to directly cutting taxes for American families, this landmark bill will also set America on a trajectory toward higher wages and better job opportunities by making our country a better place to do business. The Tax Cuts and Jobs Act contains a number of provisions that will make it easier to run and grow a small business, to create jobs, and to invest right here in the United States.

The bill creates new tax relief for Main Street businesses. It makes it easier for American companies to bring their earnings back home instead of parking that money elsewhere. It eliminates incentives to shift jobs and manufacturing overseas and replaces them with new incentives to invest and expand operations here at home.

To make America more competitive in the global economy, the Tax Cuts and Jobs Act cuts our corporate tax rate from 35 percent—one of the highest rates in the developed world—to 21 percent. This is good news for workers. As more than 100 economists agreed in a recent open letter, “the question isn't whether American workers are hurt by our country's corporate tax rate—it's how badly.”

Another expert put it this way in a recent op-ed: It is “the consensus view of professional economists” that “lowering corporate income taxes would increase the wages of workers.” Perhaps that is why reforming the corporate tax rate used to be a bipartisan goal. During the previous administration, prominent Democrats said they supported bringing our rate in line with our competitors overseas.

There may be a new occupant of the White House, but the need for reform has not changed. I hope our colleagues on both sides of the aisle will support this pro-growth, pro-worker policy.

It is no wonder that job creators are enthusiastic about what they will be able to accomplish when tax reform becomes law. I recently received a letter from the chief operating officer of a construction equipment dealer in my hometown of Louisville. This is a direct quote: “We'll hire more employees and plan investments in our company that we weren't considering prior to the Tax Cuts and Jobs Act.”

This bill will also help Americans by repealing a punitive tax at the very heart of ObamaCare. For low- and middle-income families who are suffering under the individual mandate tax—including many in my home State of Kentucky—repeal means relief. If the health insurance plans available under

ObamaCare are not affordable or not desirable, the blame lies with that failing law, not with Americans who are already struggling to make ends meet. It is unfair and illogical to penalize them further because ObamaCare is failing to meet their needs. By erasing this individual mandate tax, we will give Americans both tax relief and healthcare flexibility—two things that ObamaCare failed to provide.

There is one more element of this bill that deserves special attention. It provides the Nation, and particularly the people of Alaska, with a tremendous opportunity to develop the State's bountiful natural resources. In 1980 Congress set aside a particular non-wilderness area within Alaska's National Wildlife Refuge for potential development of its oil and gas resources. This bill is our chance to finally make good on that promise, enhancing our country's energy security and creating good-paying jobs in the process.

Unlocking the resources of this area will provide a boon to Alaska's economy, but more broadly, it will also advance America's standing as an energy superpower, helping to cut Americans' energy costs and strengthening our national security.

For too long, special interests have stood in the way of responsible development. The people of Alaska have shown time and again that resource development can go hand in hand with environmental protection, and surface development will be limited to just one ten-thousandth of the total land in the reserve. It is long past time to finish what Congress started almost 40 years ago and to begin reaping the benefits of responsible development.

The Tax Cuts and Jobs Act will deliver historic tax relief to American families. It will help put our country on a trajectory toward more innovation and better paying jobs. It will repeal an unfair tax at the center of ObamaCare and will help America achieve greater energy security.

So this is a once-in-a-generation opportunity. I want to commend the work of Chairman HATCH, Chairman ENZI, and Chairman MURKOWSKI to bring it within reach. I urge all of our colleagues to join me in voting to approve the conference report and complete this victory for the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be

in a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

The majority whip.

JOBS FOR OUR HEROES BILL

Mr. CORNYN. Mr. President, the House will pass a bill today called the Jobs for Our Heroes Act, which I hope will be quickly signed into law by the President.

This bill streamlines a process by which Active-Duty military, reservists, and veterans can apply for commercial driver's licenses. As the Presiding Officer knows, and as people may know generally, there is a shortage of people who can get a commercial driver's license and fill these well-paying jobs.

This bill will also allow States to permanently waive license requirements for current servicemembers and National Guardsmen if they have military experience in driving comparable vehicles. That way, members of the military will not have to go through the same old rigmarole twice, wherein they get trained in the military, then get out, and the civilian world ignores the fact that they had been trained and had gotten qualified in the military. This bill fixes that.

I am honored to have a broad range of bipartisan support for this legislation. One would hope something like this would. I thank Congressman ROB WOODALL, who played a key role in helping to get this bill through the House.

I hope, with this bill being signed into law, more members of our military will be able to utilize the skills they acquired while they were in the military to be able to qualify for well-paying jobs in our communities. We continue to use our best efforts to keep faith with our veterans who have done so much for all of us.

TAX CUTS AND JOBS BILL

Mr. CORNYN. Mr. President, the second matter I would like to address is the historic vote that the House will take today and that we will take later on this evening on the Tax Cuts and Jobs Act.

This bill will dramatically reduce taxes on American families and incentivize the creation of new jobs. It is a major victory for all Americans who want to know that Washington has their best interests at heart. It does exactly what we told the voters we would do in 2016, and it is important to keep our word. We are delivering tax reform in a way that is real, comprehensive, and substantial, and we are doing it through what we usually refer to as regular order in the Senate.

I know that ever since the Affordable Care Act was written in then-Democratic Leader Harry Reid's conference

room and was brought to the floor, there has been a lot of concern about the way the Senate conducts its activities. Senator MCCAIN, who unfortunately will not be able to be with us today, has been a stickler for returning to regular order—by that, meaning introducing a bill, having it marked up and debated in the relevant committee—in this case, in the Finance Committee—then having it brought to the floor, where it is amended, and then debating it until we finally pass it. Then we go to a conference committee with the House and reconcile the differences between the Senate version and the House version. That is exactly what we did with this piece of legislation.

I have spoken at length about certain provisions in the bill before, but I want to make one point abundantly clear. For the American people, this represents the very best kind of Christmas gift we can offer them—one that will actually make their lives better and one from which they will benefit right away. This tax reform may not bear the ribbons and bows of a Christmas present, but the men and women who are trying to make ends meet will benefit from having lower taxes, bigger paychecks, and a resurgent economy that will produce more jobs and better opportunities.

I will refer to an article that came out in January of this year which cited a shocking statistic, really. The statistic is, most Americans remain one misstep away from having a financial crisis. Fifty-seven percent of Americans don't have enough cash on hand to cover an unexpected \$500 expense. These findings from this CBS News report shed light on how many households continue to struggle with their basic finances more than 7 years after the official end of the great recession of 2007. A typical American household still earns 2.4 percent below what it brought home in 1999. When people talk about less purchasing power and flat wages, that is what they are talking about.

At the same time, we know costs for essentials, such as housing and childcare, have surged faster than the rate of inflation, which puts even more stress on these household budgets. That is one of the reasons we will pass this conference report later on this evening—because we believe these families deserve to keep more of what they earn so as to make sure they don't go into debt when they suffer an unexpected financial expense of \$500, like the 57 percent of the respondents to the poll said they would, which was reported by CBS News. That is why it is a big deal.

For example, a typical family of four who earns the median family income of \$73,000 a year will receive a tax cut of \$2,058, which is a reduction of nearly 58 percent. Now, that may not seem like a

big deal inside the beltway, but to those families who are living paycheck to paycheck and who cannot deal with unexpected financial expenses, this will help them in a real and meaningful way.

Consider the single mother—or father, for that matter—with one child and an annual income of \$41,000. That parent, that family, will receive a tax cut of \$1,304.50, which is a reduction of nearly 73 percent. This may be shocking news to most people who are listening because all they have heard about is what is bad in this bill.

There are a lot of very good things in this bill, but it could have been made better if our Democratic colleagues had worked with us rather than resisted us at every step along the way. I guess they are satisfied with the status quo—the fact that purchasing power for the average family is actually 2.4 percent below what it was in 1999. The message I would like to convey is, we are not satisfied with the status quo. We think life can be better, and one way it will be better is to start with letting people keep more of what they earn.

For a married small business owner with an income of \$100,000, he will receive a tax cut of \$2,603.50, which is a reduction of nearly 24 percent. So you can see, across all incomes and among people in very different circumstances, each of them will benefit from the bill we will pass tonight and send to the President.

This bill also does something for which Barack Obama had argued in 2011, that of having a bipartisan consensus formed to cut the corporate income tax rate. I know people aren't necessarily immediately attracted to the idea of cutting corporations' taxes, but the fact is, America has the highest corporate tax rate in the industrialized world. What that means is, it is cheaper for businesses to move to other countries, to invest in jobs there, and to keep the money overseas that they earn abroad. By reducing it to 21 percent, as we do in this bill, we will basically have achieved the average tax rate in the industrialized world, and we will move from a worldwide tax system to a territorial one. This really is a bipartisan consensus move.

When our Democratic friends criticize us for corporate giveaways, we are embracing the very same reforms they have advocated in the past, whether it is President Obama, Democratic leader Senator SCHUMER, or the ranking member of the Senate Finance Committee, Senator WYDEN. All of them have advocated reducing the corporate tax rate and making our corporate business tax more competitive because they recognize, as we all recognize, the fact that the status quo kills jobs and encourages businesses to move overseas. We want to grow jobs in America, along with investment, and encourage those businesses to come back home.

I daresay that all Americans from every walk of life will benefit from this stimulus to our economy. Janet Yellin, who was last appointed Chairman of the Federal Reserve by Barack Obama, said that in part as a result of this tax package, the Federal Reserve has raised its projection on growth of the U.S. economy from 2.1 percent next year to 2.5 percent—four-tenths of 1 percent. That is a big deal.

Every American will feel the benefit of that economic growth in terms of the wages they earn, the opportunities they have, and their ability to protect themselves against unexpected financial expenses, as I mentioned earlier.

What could someone do with \$2,600 more in their paycheck? Well, you could install concrete countertops or laminate flooring in your house. When it comes to a cell phone—everybody seems to have a cell phone—you can pay your cell phone expense for 2½ years. You can go online at a Texas college and pay for your education for a full year. You can breathe a little bit easier in Dallas by having enough money to pay for 2 months of average apartment rent. You can drive down Interstate Highway 35 in Texas, knowing that almost 5½ months of an average car payment is taken care of. If you need a little dental work done, you can go to your dentist for a little tune-up and pay for that out of the savings you will achieve as a result of this bill.

Stories like these, stories of how busy, hard-working and multitasking Americans will benefit from our plan, simply leave me with confusion as to why our Democratic colleagues have simply refused to participate in this process and have blocked and dragged their feet every step along the way, trying to stop us from providing this relief, from keeping our promise to the American people. It seems in the process they have given up on the American dream, they have settled for the status quo, and they are even rooting for failure.

This bill's final passage won't wait for our Democratic colleagues to wake up. We are simply determined to get this win even without them because American families need more take-home pay, they need higher wages, they need greater job opportunities, and they need a competitive economy and the benefits it brings. American families should not have to settle for anything less, and we will make sure they don't.

There is one more aspect of the bill I want to bring up. Our tax reform plan strengthens our long-term energy security by opening up an area in Alaska to responsible energy development. At the invitation of Senator MURKOWSKI, I traveled to the North Slope of Alaska about a year or so ago, and I am amazed at the technology they were able to deploy in extracting oil from the North Slope. They literally have

ice roads that don't exist except during the coldest part of the year in order to protect the environment and allow equipment to travel overland. Thanks to directional drilling, they are able to occupy basically a very small footprint and literally drill hundreds of wells in a multitude of different directions and pump the energy from that location. It creates jobs, it creates wealth, and it helps create energy security for the people of Alaska and for the United States.

I come from a State with a huge energy presence, and I understand the importance of developing our natural resources responsibly. Limited development with modern technologies will not ruin this area, as some of the critics have charged, because a very small portion of the acreage is allowed. It will provide jobs.

Let's not forget why we are doing this. One reason we are increasing our domestic energy production is because we want to make ourselves less dependent on foreign energy sources. It also helps lower the price at the pump for millions of hard-working Americans.

So I can't wait to vote on this bill later today, and I can't wait to hand-deliver to the President's desk this important bill this week and for him to sign it into law. We will all benefit from passage of this Tax Cuts and Jobs Act.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mr. DURBIN. Mr. President, yesterday I went to Benito Juarez high school in Chicago, in the southwest part of the city, in the Pilsen neighborhood. It has a predominantly Mexican-American enrollment at this high school. It is one of my favorites. I have been there time and again for so many different events. It is full of life and full of some amazing young students and some great teachers and a great principal, Mr. Ocon. I was there 2 weeks ago for a mariachi band ensemble, training students across the city to be musicians in the Mexican tradition. There is so much life there.

But yesterday was not the happiest occasion. It was sad and worrisome. I met with about 20 of the students there, all of whom have been protected by DACA. DACA was President Obama's Executive order that was issued in 2012. That Executive order said that if you were brought to the United States as a child, an infant, a

toddler, a young person, and grew up in this country undocumented; if you had no problems of any serious nature with the law; if you finished your education; if you went through a criminal background check and paid a fee, you would be protected and be able to stay in America 2 years at a time to go to school, to work, whatever your aspirations may be.

Under President Obama's Executive order, 780,000 young people came forward, and the 20 I met at Benito Juarez were among them. They got the protection they needed to legally get a job. For a lot of these young students, that is a critical part of their lives because, being undocumented, they don't qualify for any Federal assistance to go to college. If they want to go to college, they have to save up for it, and they have to find the money and work for the tuition and other expenses. So getting a job is a very important part of it.

These young people, as they went through the DACA process, knew that they were safe from being deported. That is a fear which many of us can't even understand, but it is a real fear for many people in this country who are here undocumented. So for these young people, they have that chance.

On September 5, President Trump announced he was ending the DACA protection program as of March 5 of next year, putting an end to the protection these young people have. As their DACA expires, they will be vulnerable to deportation. They will reach the point where they can no longer work in America.

The end of DACA as we know it will dramatically change the lives of thousands of young people. It will change the lives of 900 of these DACA-protected young people who volunteered to serve in our military—currently serving in our military, willing to risk their lives for a country that will not give them legal status. Imagine that for a moment. If they had to prove that they really cared about America, what more could they do then to put their lives on the line? They have done it, 900 of them. When DACA goes away on March 5 of next year, they have to leave the military service. That is the end of their opportunity to serve America. Many of them are in the military because they bring special skills and special capacities to lead. We will lose them.

It will mean that 20,000 of these DACA-protected young people, when it goes away for them, will no longer be able to teach—20,000 teachers across America. I met one of them yesterday, Katherine Galeano. Katherine, whom I had met before, is a special-ed teacher. Her family originally came from Nicaragua. She told a heartbreaking story about what happened 10 years ago. She was in high school. She was taking a shower in the morning before she was

to go to school. There was a knock on the bathroom door. Her mother was crying and screaming: "Come out. Come out." Katherine came out to see her father being handcuffed. They were deporting him to Nicaragua. He was gone. That was the last time he saw her and she saw him—10 years ago. As she told the story, she said that her mother tried to make it as a single mom with her kids here in the United States and finally gave up and went back to Nicaragua, leaving Katherine to raise herself, to pay her own way through college, to get a teaching certificate and teach special-ed in the city of Chicago. As of March 5 next year, Katherine is finished teaching. It is over. DACA is gone.

When I met with these students yesterday, you can imagine what they were worried about. They are worried about themselves and their future. They are worried about their families. They are worried about having turned over all this information to the government when they signed up for DACA which can now be used against them and their families. That is what they are worried about.

Many of them, I am sure, reflect on the fact that this could be their last Christmas in the United States of America. If that seems overly dramatic, then you need to meet them and talk to them and understand the reality of their lives. That is what they face.

While President Trump did prospectively eliminate the DACA Program, he issued a challenge to us. He said to Congress: Now do something. If I am going to eliminate this Executive order, what is Congress going to do in the U.S. Senate and House of Representatives? Will you pass a law to deal with this challenge?

He said that in September, and here we are in the middle of December having done nothing—nothing—and the clock is ticking. It is a clock that means an awful lot to thousands of young people across America, including those at Benito Juarez high school in the city of Chicago.

There are people who want to get this fixed, Republicans and Democrats. We need to come together and get this done. There is no excuse for delay. We know what needs to be done. We need to give these young people a chance.

I introduced the DREAM Act 16 years ago here in the Senate, and the DREAM Act said to these young people: We are going to put you on a path to legalization and a path to citizenship. It won't be easy, and it won't be quick, and you will have to show us that you can be a productive part of America's future, but then we will give you your chance. These young people grew up in the United States of America, pledging allegiance to that flag, singing our national anthem, believing in their heart of hearts that this was

home, but it really wasn't, legally. They were undocumented and illegal in America. Now the question is, What will we do to make that better, to fix it, to come up with a just solution?

Some of my Republican colleagues say: Well, you have to give us more than just fixing their problem; you have to give us some fix to our immigration system. I am not against that. I was part of a group of eight Senators who spent months together—four Democrats, four Republicans. We crafted a comprehensive immigration bill, which I am proud of. It passed on the floor of the Senate and was sent over to the Republican House of Representatives where they refused to even consider it. They would not bring it up for a vote. It died in the Republican House.

I know this immigration system in America is broken. I have talked about one specific piece of it this morning, but there are many aspects of it that are broken. The Republicans have said to us: Do something to make our borders stronger. Sign me up. I voted for that on the comprehensive immigration bill. Does that mean more technology, more equipment, making certain that it is clear that our border is going to be a real border that you cannot cross at will? Of course. I am prepared to do that, and many Democrats—maybe all the Democrats—would join in that effort. There are things that we can do to fix this system, but what we cannot do is ignore it. We cannot ignore what is happening to these young people, the threat to their future, to their families, and we can't ignore the reality that this is a basic test of who we are as Americans.

I stand here today as the son of an immigrant mother. My mom was brought to this country when she was 2 years old, and thank goodness my grandmother decided to put her on a boat, bring her from Lithuania to the United States. I wouldn't be here otherwise. That is my story, that is my family's story, and that is America's story. That is who we are. I cannot imagine my grandmother and grandfather, whom I never knew, making the decision to come to a country where they didn't even speak the language, giving up everything and leaving it behind in their mother country of Lithuania to try a new country called the United States of America. That story has been repeated millions of times, and thank goodness it has. They not only brought strong backs and strong minds, but they brought with them a part of their DNA, which was a DNA of culture, courage, and determination, and I think that is part of who we are as Americans—and proud to be.

Let me tell you the story of one of these Dreamers, as I call them, or DACA young people. All of my speeches notwithstanding, these stories tell more about this situation than anything I could possibly say. This is

Maria Rocha. I have told stories of Dreamers on the floor; she is 101, I believe, of the list that I have given. She came to the United States at the age of 3, brought from Mexico. Maria grew up in a rural town called Stonewall, TX. Her fondest memories of growing up in the Texas Hill Country include haystack jumping, armadillo chasing, and fishing in a lake. Later in her childhood, Maria's family moved to San Antonio. Maria was a very good student. She graduated from high school twelfth in her class. She played varsity soccer. She was recognized as a San Antonio Scholar Athlete of the Week during her junior year. At the same time, as she was going to school and playing soccer, she was working a job to help support herself and her family.

Maria was accepted at the University of Texas at San Antonio. While enrolled as a full-time student, she kept right on working. In fact, she juggled three different jobs. She was a housekeeper, a babysitter, and a personal assistant. She had to come up with \$40,000 out of pocket to pay for college education. She didn't qualify for any Federal assistance because of her immigration status. So these young students in college are working harder than many others just to make sure they succeed.

In May of 2012, she graduated with a degree in interdisciplinary studies. After graduation, she decided to enter a program known as Teach For America. Almost everyone knows about this program, but they should know that this is a program in which college graduates volunteer to teach in some of the most challenging schools across America. Maria was one of those.

Today, Maria continues her career as a teacher. She teaches third grade in her hometown of San Antonio, TX. At the same time, she is pursuing a graduate degree in education, once again with no Federal assistance, no Federal loans. Without DACA, Maria would not be able to work and could be deported immediately. When asked what would happen to her without DACA protection, which President Trump eliminated as of March 5 next year, Maria only thinks of her students. Here is what she said: How are my students going to take it? What is going to happen to them? That is what scares me.

Nationwide, there are 20,000 DACA recipients just like her. With Teach For America alone, 190 of these undocumented students who have gone on to get degrees in college are teaching in the Teach For America Program. Currently, they are teaching 10,000 students across 11 States, with one-third of them in the State of Texas.

In a few weeks, Congress is going to face the reality of this DACA provision by President Trump coming into full effect. As of that day, she and others like her will start the clock ticking to lose their jobs, be legally unemployed in America.

Christmas is a special time of year for every family of Christian faith and those who observe it. It is a special time of year for my family. The real question though is, Can we leave this week, ignoring this issue? Can we go home and enjoy our Christmas without thinking for a moment of how young people like Maria may be facing their last Christmas in the United States of America? That is the reality of what she faces. So why don't we face this issue?

This is an empty Senate Chamber, which is usually the case, unfortunately. I wish it were filled—filled with a healthy, fulsome debate on this issue. Let's have our disagreements, bring them out. Let's work out our compromises. Let's do something that is really radical around here. Let's come together and legislate—Democrats and Republicans. Let's solve this problem. That is why we were elected, not to collect a paycheck and build a pension but to solve the problems facing America. This one is real, it is timely, and it is now.

Maria Rocha and 780,000 other young people are counting on us to do something. Let's not come up with excuses. Let's come up with answers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

TAX CUTS AND JOBS BILL

Mr. BARRASSO. Mr. President, as I come to the floor today, the Senate is approaching one of our most important votes, really, in years. The tax relief legislation that we will be voting on will be, I believe, great for America, great for the American people, and it will do a lot for the future of our great country. It has been a long process. There has been a lot of discussion, and there has been years of preparation waiting for today's vote.

The Finance Committee has held over 70 hearings on the subject over the last 6 years. When we were debating it on the floor, we had about 285 amendments offered to this legislation. There have been a lot of changes over the past few weeks to include as many good ideas as possible. After all that, it is understandable that there may be some confusion about what the legislation does. I want to speak today about the various ways that this legislation is good for hard-working Americans, like the people in my home State of Wyoming.

First, most people are going to pay lower tax rates. For a couple who

makes between \$19,000 and \$77,000 a year, the rates are going to drop from 15 percent to 12 percent. So a family might see their tax bill drop by more than \$1,000 just from this one part of the Republican tax relief plan alone.

The second thing I want to point out is that this legislation roughly doubles the standard deduction. It goes up to \$12,000 for a single person who files and then to \$24,000 for a married couple. Well, that is double. People will not have to pay Federal income tax on all of that money—none of it at all. It is a standard deduction of \$24,000 for a family. So if we combine that with the lower rates—the lower rates and the higher deduction—it is even more money that people are going to be able to keep of their own money. Instead of having Washington spend it, they can spend it. They are not going to be sending it to Washington for someone else to spend it.

Mr. President, you know as well as I do that people are much better deciders about how their money ought to be spent, and they get a better value for their money than when they send it to Washington for Washington to spend it, supposedly on their behalf. It is not only that. Their taxes might be a lot simpler to figure out come April 15. We have lower rates, a higher standard deduction, and now it is simpler to figure out on April 15.

A lot of people are looking around trying to find deductions they can take and save a little money on their taxes. We have seen that for years—ways to find additional deductions. People save the receipts. Then they look at the receipts. They go through the box and find out what they spent, and how much they spent. They gather up their receipts and fill out extra forms.

Under this tax relief plan, they can choose just to take this much higher standard deduction and not have to spend all that additional time looking through the shoe box of receipts trying to find something they may have spent. This is going to make tax filing a whole lot simpler for lots of Americans.

How many people are going to benefit from this? Today about 70 percent of people who fill out their tax form choose the standard deduction. Under this plan, which doubles the standard deduction, we expect that maybe even more than 9 out of 10 Americans are going to be able to use this simplified way of filling out the tax forms. They are going to see that it is really a good deal for them personally, individually, for them and their families.

Millions of people are going to save money and have an easier time filling out their tax form—their tax return—and they will save money. In the past, they had to pay somebody to prepare their taxes for them. They will not have to save the receipts and fill out the extra forms, and they will not have

to worry that they are going to be audited by the IRS for trying to keep more of their hard-earned money. They will be able to keep more of their money and use their time doing something else that they actually enjoy doing instead of filling out forms and sending money to the Federal Government.

That is another way Democrats are trying to confuse people. They want people to think tax relief is somehow taking away options. It is actually giving them more options. That is what we are seeing here. It is expanding the standard deduction that a lot of people already use, and many more people will be able to use it under the Republican plan.

That brings me to another important point that I want to make about this tax reduction plan. We did work hard to keep a lot of the deductions that are important to some Americans. In some cases, we even made them better. For people who still come out ahead by itemizing their deductions—and there certainly will be some—there is another way that they can keep more of their money. People can still take a deduction if they donate to charity. People can still save money on their retirement savings through an IRA or a retirement plan at work.

If someone has children, we actually double the tax credit they get to \$2,000 per child. They don't even have to itemize their taxes to get that \$2,000 per child tax credit. It is just a straight tax cut on top of the other cuts they get under this Republican plan. They still get to set up an account to save for their children's education, if they like.

For people who have high medical expenses, this tax relief plan actually saves them more money on their taxes than the old way. Republicans understand that medical costs remain out of control in this country. There were a lot of policies that the Democrats and President Obama put in place that raised the cost of medical care for people all across the country. Republicans are working hard at getting rid of those policies and bringing down the cost of care across the country. Until we get that completely done, this tax relief plan makes it easier for people to deduct their higher medical costs.

So today someone can get tax relief if their medical expenses are more than 10 percent of their income, under the old law. We drop that threshold to 7.5 percent so that more people will qualify. That gives people additional relief while we keep working on ways to reduce the cost of care.

That brings me to another way that this tax relief legislation is going to save a lot of people money. The Republican plan effectively repeals—eliminates—the ObamaCare individual mandate tax. This was the outrageous tax penalty that made ObamaCare a man-

datory program by sending the IRS after someone if they didn't have Washington-approved health insurance. You had to pay a tax. You had to pay a fine. People knew it was unpopular. It didn't matter to President Obama and the Democrats. They took it all the way to the Supreme Court to force people to pay a fine, a tax—to force them to buy ObamaCare health insurance, even though it wasn't right for them or their family and they couldn't afford it.

It didn't matter to the Democrats or President Obama. Oh no, you have to buy it. The insurance is too expensive. If you can't buy it, if you can't afford it, tough, pay the tax.

We are eliminating that tax completely. In my home State of Wyoming, over 16,000 people ended up hit with that fine, hit with that tax. Over \$6 million was collected from the fine people in my State who couldn't afford ObamaCare insurance. On average, this ObamaCare mandate tax is about \$700. The legislation says that tax will, in the future, be zero. It takes ObamaCare from being a mandatory program to turning it into a voluntary program. More than 6 million people paid that tax in the United States this past year. These people will now get a tax break. Under the Republicans, they will see this, and it will affect their lives and give them more money to spend.

It doesn't take away anyone's insurance, as Democrats have claimed. It just says that nobody should have to pay an extra tax just because they decide that overpriced ObamaCare insurance isn't right for them.

So those are just some of the ways this Republican tax plan legislation is good for Americans. It saves people money. It saves them time. It gives them more freedom. Together, it is about \$1.5 trillion in tax savings over the next 10 years. It is money that families, small businesses, and large employers will not have to send to Washington. They can use the money any way they want.

It is interesting. Last week NANCY PELOSI was talking about this Republican tax relief plan. She said:

This is who they are. This is what they came here to do.

She probably meant it as an insult, but she stumbled upon the real difference between Republicans and Democrats like herself. Republicans believe in cutting people's taxes and letting people keep more of their hard-earned money, because we believe hard-working Americans should be able to make the decisions about what money they save or they spend or they invest. It is their money. It is not the government's money, which is the way NANCY PELOSI looks at all of this in terms of ways she can then grow the government.

Republicans look at this and say: How can we give people more freedom?

That is what this legislation does. It is very simple.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

TRAIN CRASH IN TACOMA, WASHINGTON, AND REPUBLICAN TAX PLAN

Mr. BLUMENTHAL. Mr. President, a tax bill is a fiscal document. It is a legal document. It is also a moral document. It involves choices, much as we make choices as families when we own a car that is unsafe or a house that has a front step that is about to collapse or when a college student needs money to pursue her education. A family can make choices. A parent can go to the casino and gamble and lose the money or spend it on luxuries that are unnecessary or unwise, and nations make those kinds of moral choices as well.

This tax document is a moral document. It involves choices. Will it make our country safer, rebuild our infrastructure and our national defense or, instead, in effect, squander resources of \$1.5 trillion or more on a giveaway to the very wealthiest in our country? It relates directly to the tragedy that this Nation experienced outside of Tacoma, WA, just yesterday.

I want to extend, first of all, my thoughts and prayers to those families and loved ones who have suffered losses. The three deaths and injuries have taken their toll emotionally as well as physically. In these dark days, we are demanding answers.

Unfortunately, the National Transportation Safety Board is there, beginning its investigation. We know now that the train apparently was traveling three times the limit on speed, 80 miles an hour in a 30-mile-an-hour zone. That fact is absolutely stunning and scandalous, and the NTSB, no doubt, will present its results after its investigation.

I call on the NTSB to finish that investigation as promptly and quickly as possible. As responsible an agency as it is, it often works much more slowly than taxpayers deserve. I call on it to produce its investigation, not in months or years but in days or weeks. We need to know the answers as to why this catastrophe occurred. We now know with certainty, apparently, that the train was traveling too fast.

You may be forgiven for thinking it seems like *deja vu*. Didn't that happen also in Spuyten Duyvil, where four people were lost? Didn't it happen in Philadelphia, where eight were killed in 2015? Yes, again, three people were killed yesterday.

Three hundred people have been killed in these accidents since 1970, when the NTSB first recommended implementing this new technology. It

was new technology in 1970 called positive train control. Now it is old technology, but it still has not been installed in many of the Nation's railroads. The deadline for installing it was postponed from 2015—over my vehement protests and those of others on our side of the aisle in the Commerce Committee and on the floor of the U.S. Senate—until 2018. Even now, the railroads are seeking an extension to that time, saying that the resources aren't available.

Well, the costs of those 300 lives lost and of the crashes that have resulted from derailments and other kinds of very severe mishaps due to excessive speed are way in excess of the costs of installing positive train control since 1970, since 2015, and if it is postponed again, the costs will exceed the expenses that we saw in the system.

It is available now. It is fully ready for installation on railroads across the country. The resources aren't preventing its installation; it is the will and determination to do so.

The failure of Federal authorities to require and provide support for positive train control is a moral choice this Nation has made. It is not only about dollars and cents; it is about basic moral choices, and those choices are a factor in those three deaths outside of Tacoma, WA. We know excessive speed was a factor. We know positive train control slows down trains when they are going too fast in zones where the limit is 30 miles an hour rather than the 80 miles an hour that this train was traveling. Regardless of driver fatigue or distraction, regardless of any of the other contributing sources, positive train control is there to stop or slow down trains when human error may lead to crashes.

The new deadline is now 1 year away. If we do nothing else in this Congress, let us insist that this deadline be met without additional delay. Our failure to do so would be a moral failure.

The dollars and cents required to install positive train control and to repair our aging and decrepit roads and bridges involve investment.

To show you what is happening in Connecticut, very much like the rest of the country, we know that 78 percent of our roads are in poor or mediocre condition. That is a moral choice, not just a physical choice. It has the same kinds of consequences as failure to install positive train control. The cost per motorist annually is \$864, which is needed for vehicle repairs from driving on roads that are in disrepair.

Now, as a result of this so-called tax cut, a lot of people in Connecticut are going to, perhaps, see a few crumbs, a few sweeteners—very minor deductions in their tax bill. It is nowhere near the \$864 that they are now paying because of inadequate roads and bridges. That is a hidden cost. It is a moral choice because it not only creates costs in ve-

hicle wear and tear, it also leads to crashes that, in turn, take lives and cause injury.

This legislation will put America in debt by \$1.5 trillion. That is a moral choice because it shifts the burden of tax breaks and giveaways now to future generations. It also deprives us right now of funds that could be applied to infrastructure—rebuilding roads and bridges.

Lest you think the Connecticut situation is an anomaly or an exception, the grade for our Nation as a whole in infrastructure is a resounding D-plus.

I know this may seem to many of my colleagues like an oversimplification. Yes, it is, but it is an oversimplification with real facts that support it and with real consequences to the American people.

When the President of the United States suggests in a tweet, as he did yesterday after the Tacoma tragedy, that his infrastructure program will be ready “soon,” that is ducking responsibility. It is a moral choice because “soon” has meant delays, month after month, into the first year of his Presidency. He can take action today. He can disavow this shameful program that he has supported—the tax cut that slashes resources for the Federal Government—and, instead, decide that investment is the right course—investment in roads, bridges, rail, broadband, VA facilities, ports, and airports. That is a moral choice that this tax scam makes.

It is a tax scam with moral consequences in terms of inequality in this Nation. It tilts the benefits in favor of corporations and the wealthiest who will receive permanent tax cuts. It will hurt working families, students, public schools, firefighters, police officers, local government, and sick people, who will receive nothing but crumbs by comparison.

It will desperately hurt States like Connecticut. Our State and local taxes will no longer be deductible above set limits; \$10,000 will barely cover and, in fact, will fail to cover many, many of the tax bills that formerly could be deducted. It will impose limits on mortgage interest deductions that will harm our real estate industry in Connecticut and many other States across the country.

Yes, there are crumbs and sweeteners, and they are temporary. They pale in comparison to the tremendous benefits that will go to corporations and the wealthiest.

It narrows our tax base, shifting the burden, in fact, from corporations to individuals. It makes the Tax Code more complicated, not less so. It grossly increases inequality, and it steals \$1.5 trillion from our children and from us insofar as it deprives our national defense, as well as our infrastructure, of resources that are needed.

I am a member of the Armed Services Committee, and I remember very well

the former Chairman of the Joint Chiefs of Staff, Mike Mullen, saying, “The most significant threat to our national security is our debt,” which surprised me at the time. For the Chairman of the Joint Chiefs of Staff to say that the biggest threat to our national security is our national debt—how could that be? Well, having watched the National Defense Authorization Act year after year, constrained by resources that are now going to be less available because of this \$1.5 trillion debt—and larger, probably—that is created by this tax plan, I better understand what he meant.

The Republicans are essentially pursuing two inherently irreconcilable objectives. The chairman of the Senate Armed Services Committee, a man whom I respect as much as anybody in this Chamber, has called for an additional \$430 billion over the next 5 years to build up our military and rebuild it. I can tell you without doubt that there is no way to increase defense spending by \$86 billion every year, as the chairman has said we need, while slashing Federal revenue \$150 billion every year. The math fails. It will not work.

So for my Republican colleagues to say that we need to rebuild, we need to invest in our national defense and in our military and in the skill training of our warriors is a fiction. It is blatant deception, and it is a disservice to the brave men and women who have enlisted and serve us in uniform now and others who will join them in the future. We cannot have the most advanced and strongest military in the world if we use the same tax code as the Cayman Islands.

This year, our country experienced a tragic loss of life—in fact, the loss of more than life, needlessly, preventably. Seventeen sailors perished on the USS *John S. McCain* and the USS *Fitzgerald*. Two of them were from Connecticut. I attended ceremonies in their honor. Those deaths are largely attributable to a lack of resources. There may have been other causes, but this tax bill is a moral choice about our military. The failure to invest in those ships, in the training and necessary rest that is required for our men and women in those positions, will be aggravated by the debt we see here.

Our national security is more than just military spending in the face of Russian cyber attacks in our elections, horrific hurricanes hitting Puerto Rico and Texas and Florida, and fires still burning in Western States. We know our military alone is not enough to keep us safe and secure. Those natural disasters and those challenges from our adversaries require investment as well, and, again, the loss of this \$1.5 trillion to debt that will be paid largely by future generations is something that hobbles our ability to make our Nation safe and secure.

This tax scam is morally reprehensible. It cuts taxes for the wealthiest

while jeopardizing programs that are essential to the safety and security of many in our Nation who are most vulnerable.

Under current law, the GOP tax plan will trigger \$25 billion in Medicare cuts next year alone. With this self-inflicted \$1.5 trillion hole in our Federal deficit, we know what will come next: savage attacks on Social Security as well as Medicaid and Medicare. This assault on healthcare doesn't end with these programs. The repeal of the Affordable Care Act's individual mandate will raise premiums and eventually lead to \$13 million—13 million—more uninsured Americans.

Republicans are sabotaging these critical programs that provide care to the most vulnerable Americans so those at the top can avoid paying their fair share.

What corporations benefit the most? There is a very simple answer. The ones that benefit the most with foreign cash that will be distributed almost certainly to their shareholders and to their CEOs are listed right here. In the red is the foreign cash, and the total is listed as well. They are the ones who are going to benefit. Apple has been singled out as the single largest beneficiary, but many other corporations around the country will benefit as well.

The picture that I think was most powerful in assessing how these corporations will use this money occurred when the President's chief economic adviser asked a room of CEOs: How many of you will spend these additional resources on creating jobs? There were no more than a few hands raised in that room. This money will go to shareholders.

These corporations have zero incentive to provide new jobs if there is no increase in demand and sales. The failure to provide real tax cuts—real benefits to middle-class families and to our working families—means that sales and demand will not lead to more jobs because there will be no increase in demand with the crumbs and pittance tax cuts that are complicated.

So Republicans, let me say finally, are borrowing \$1.5 trillion, and they are putting it on a credit card.

Sometimes pictures are worth a thousand words. Here is the "American Excess" tax scam card. It will not buy you much because it is debt. With sincere apologies to American Express, the "American Excess" tax scam card can be used by our children—my children and your children—as a symbol of what they are losing in opportunity costs, including the roads and bridges and rail that remain unrepaired; the new schools and airports that are un-built; the national defense that becomes far less adequate because the investment can't be made; the government programs, whether it is Medicare, Social Security, Medicaid that are in peril—deeply in jeopardy because of

this tax scam—and positive train control that can save lives and could have saved lives, in fact, in Tacoma when that train was traveling 80 miles an hour when the speed limit was 30. These opportunity costs are real. The choices to incur them are moral, and the debt that will have to be paid by future generations is equally real, and it is immoral.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

HEALTHCARE AND DACA

Mr. MURPHY. Mr. President, when you are the father of a 9-year-old and a 6-year-old during the holiday season, you spend an awful lot of time reading holiday stories, you spend an awful lot of time watching Christmas specials and Christmas movies on TV, and it is wonderful. I love it. I love getting to relive my childhood through the eyes of my kids.

If you remember all of these stories and specials, there is a familiar theme that runs through them, and it is a really nice theme for kids to hear. The basic idea in many of these stories is that Christmas, Hanukkah, the holidays we celebrate today, aren't about pageantry, and they aren't about pomp and circumstance or the presents or material things; it is really about celebrating each other. It is about sort of understanding what is important to us and who is important to us and using this little break we get at the end of the year to spend time with each other.

My youngest's favorite of all of these stories and specials is the iconic Doctor Seuss poem about the Grinch. It ends like this:

He hadn't stopped Christmas from coming! It came!

Somehow or another it came just the same! And the Grinch, with his Grinch-feet ice-cold in the snow, stood puzzling and puzzling: "How could it be so?"

"It came without ribbons! It came without tags!"

"It came without packages, boxes or bags!" And he puzzled three hours, 'til his puzzler was sore.

Then the Grinch thought of something he hadn't before!

"Maybe Christmas," he thought, "doesn't come from a store."

"Maybe Christmas, perhaps, means a little bit more!"

Maybe it is the most famous of all of the passages from Christmas stories explaining that premise; that this time of the year is a time in which we think about each other.

I hope we do that in the Senate and in the House over the coming days before we wrap up for the year because as we approach the Christmas season and as creatures of good fortune—those of us who get to serve in the U.S. Senate—as we begin to prepare to go home and share time with our family and our

loved ones, we need to think about the crisis many families are in today and will be in over the holiday season if we don't choose to do some basic things here, attached to our responsibility as U.S. Senators.

We need to think about the position we are going to put people in because of our inability to act and to pass legislation that, prior to this holiday season, seemed relatively noncontroversial.

Christmas is about celebrating our love for one another. If we really do believe in brotherhood—if we really do believe that our role as U.S. Senators is to try to lift people up around us—then we need to understand that the debates around health center funding or the Children's Health Insurance Program or the status of children who were brought here by their parents at a very young age from another country aren't about politics. They are not about scoring political points. They are about people and what we will do to people as we head into the holiday season.

Adrianna Bigard is a single mom from Hamden, CT. For her, the CHIP program has been a lifesaver. She is doing everything we would ask a young woman to do. She received her master's degree in public relations from Quinnipiac University. She is now working as a public relations specialist. She has a young son—a 6-year-old, Carter—and she is a single mom. She gets a paycheck every week, but it goes out as quickly as it comes in. She is one of the millions of Americans who are working, who are playing by the rules but are living paycheck to paycheck.

She gets insurance through her employer, but when she was told how much it would cost to add her son to her coverage, she simply could not afford it. She literally did not have the money in her monthly paycheck to be able to pay for gas and for groceries, for rent and for coverage for her son. So the CHIP program was a lifesaver for her.

Her son now is enrolled in what we call HUSKY B in Connecticut, which is the name we use for our CHIP program. Without it, she says, things would dramatically change. If HUSKY goes away—if CHIP goes away—once all benefits, taxes, et cetera, are paid, I will not have enough money left in my paycheck to pay my rent.

That is what is consuming her this holiday season.

She just got a notice from the State of Connecticut telling her that on January 31, her son Carter will lose healthcare insurance, meaning on January 31, Adrianna will not have enough money to pay for her rent or she will have to leave her son uninsured. That will be her choice come January 31. That is a pretty terrible, awful way for her to spend her holiday season.

In northeastern Connecticut, I heard from a woman who works in homelessness, and she was telling an inspiring story of a gentleman who had been living the last 3 months in a tent and suffering deeply from severe joint pain, fevers, and weakness, and had no access to healthcare until he was connected with the local community health center. That local community health center was able to get him in for care to stabilize him and potentially save his life. Yet that community health center—it is called Generations, and it serves thousands of people in northeastern Connecticut—will lose 70 percent of its funding next year.

On January 1, many health centers in Connecticut will lose more than half of their funding, and they will shut their doors to thousands and thousands of people like this man who wouldn't receive healthcare but for community health centers.

In rural America, the slashing of community health center funding will be absolutely devastating because sometimes it is these health centers that are the only way for people to get care, particularly mental health care and addiction. Community health center patients are spending this holiday season trying to digest the news that they may be shut out from their psychiatrists. They may no longer be able to see their child's primary care doctor come January 1. A 70-percent cut is not something you can manage with efficiencies; it means an elimination of services.

Faye is from Norwalk, CT. She came to this country when she was 11. She now has DACA status. She, like so many other Dreamers, has done everything we asked. Faye went to school. She got an advanced degree. She is now holding down two jobs—one of them as a radiology scheduler, working in our healthcare system. She is working two jobs because she wants to have access to the American dream of home ownership, and she is saving and saving so that she can buy a house. Now she is faced with being deported to a country that she doesn't recognize. She has been in the United States for 19 years. She lived in Connecticut for 16 years. She is spending her holiday season—as are the other 800,000 DACA recipients in this country—fearing that her life as she knows it is going to end at the beginning of next year.

Christmas, the holiday season, is not about presents. It is not about those Christmas specials. It is about people. It is about recommitting ourselves to this uniquely American notion that we are all in this together and that we are weaker as a whole if individuals who live amongst us are in crisis, especially individuals who have done everything we have asked and have played by the rules. That is Adrianna and Faye—people who are going to have something taken from them and their loved ones

and are going to be put into crisis because we will not do our job.

By the end of this week, we have to protect these Dreamers, we have to provide a permanent extension for health center funding, and we have to provide a permanent extension for children's healthcare insurance funding because it is our job and also because it is cruel to send all of these millions of families into the holidays with that kind of anxiety while we all sit around our holiday tables safe and sound.

My kids remind me over and over again about what they learned from these Christmas specials. Christmas isn't about the presents. It is not about the trees. It is not about the decorations. The holidays are about our commitment to one another. We can re-up on that commitment this week by doing the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

RECOGNIZING THE COMMISSIONING OF THE USS "LITTLE ROCK"

Mr. BOOZMAN. Mr. President, I rise today to recognize the commissioning of the USS *Little Rock*, a *Freedom*-class littoral combat ship. I was proud to celebrate this historic occasion with all who gathered for the commissioning in Buffalo, NY, this past weekend.

It is an honor to have one of the Navy's more versatile warships named after our State's capital city. The USS *Little Rock*'s logo features one of the most recognizable images associated with Arkansas—the Razorback. The University of Arkansas football team was given the nickname after the head coach at the time said the team played like a bunch of razorback hogs. I am confident this crew, known as the Warhaws, will carry on that same work ethic. It has been more than four decades since the Navy had a ship named after the city of Little Rock, and we are thrilled that it will again be represented in the Navy's fleet.

Saturday marked the first time in the history of the Navy that a ship was commissioned alongside her namesake. This special occasion brought together members of the original USS *Little Rock* and those like LT Robert Dyer from Mountainburg, AK, who is a member of the current crew.

During its time as a light cruiser and then as a guided missile cruiser, the original USS *Little Rock* and its crew were vital to defeating the growing threats of its time. The new USS *Little Rock* is just as critical to our Navy's sea power. This ship and the strength and resolve of the Warhawg crew are the future of the Navy, offering unique capabilities to defend against evolving threats around the globe.

There are things this Chamber and our colleagues in the House of Rep-

resentatives can do to ensure that the Navy has the resources to stay ahead of the threats our adversaries pose to us and our allies, and that begins with passing individual appropriations bills. As Congress continues discussions for fiscal year 2018 funding, it serves as a reminder that continuing resolutions are an inefficient method to keep the government operating. We should be approving individual appropriations bills instead of relying on continuing resolutions.

The starts and stops in the budgeting process impact the Defense Department and the Navy significantly. They certainly slow down the already long timetable to achieve the goal of a 355-ship fleet. Continuing resolutions negatively impact our military ratings and take our eyes off the focus of eliminating wasteful spending. They hinder our Navy's leaders' ability to plan and purchase equipment in support of its missions. They restrict the Navy from starting new programs or eliminating old and unneeded ones.

Earlier this month, Navy Secretary Spencer said the service wasted \$4 billion since 2011 because of continuing resolutions. This could have gone a long way toward growing our fleet. Instead, it is gone. A continuing resolution means that the Navy is operating on the previous year's budget level and last year's priorities. It means delays in shipbuilding and ship repair. It also means reducing training opportunities, flying hours, and steaming days. That forces more requirements onto the operational fleet, which is already stretched thin after decades of constant worldwide deployment. Secretary of Defense James Mattis has said that the longer the continuing resolution, the greater the consequences for our force.

Funding the government is the basic responsibility of Washington. It is an obligation that my colleagues and I on the Senate Appropriations Committee take very seriously as we craft the appropriations bills, set priorities, and make difficult decisions on how to spend taxpayer dollars.

We must return to a process in which we debate and pass annual spending bills in order to provide much needed predictability to our military leaders, as well as other agencies of government. We can make this happen by returning to regular order and passing individual appropriations bills. I can't say that enough. We owe it to our servicemembers, their families, and all Americans. We owe it to the crew of the USS *Little Rock*.

Admittedly, *Little Rock* is not the first place most people think of when you mention the Navy. Our State doesn't border an ocean. But now the State capital will once again have a place on the high seas. This is a tremendous honor for the city of Little Rock, and I know the ship and its crew will make Arkansas proud.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, the clock is ticking ever closer to the end of the year. We still need to fund the government by Friday. We still need to lift the spending caps equally for defense and urgent domestic priorities, such as combatting the opioid crisis, improving healthcare for veterans, and building rural infrastructure. We must extend the FISA program and shore up pensions for over 1 million Americans. We still need to reauthorize CHIP and end the sabotage of our healthcare markets. We have had a bipartisan deal on a stabilization package for months now. It is a product that should have been easy to include in the end-year deal. After all, it is the product of bipartisan negotiations between Chairman ALEXANDER and Ranking Member MURRAY, two of our most effective Senators. But now, because the Republicans are repealing the individual mandate in their tax bill, the Alexander-Murray deal will not have its intended effect. Even worse, Speaker RYAN has just said the agreement will not pass the House unless the Hyde language is attached to it—another eleventh hour partisan demand on a bill that has already been negotiated in the Senate. What should have been an easy addition to the year-end package is getting more difficult by the hour because of Republican demands.

We still need to pass disaster supplemental funding to aid storm-stricken parts of our country—California, Puerto Rico, the Virgin Islands, as well as Texas, Louisiana, and Florida. The disaster supplemental bill coming out of the House, while it has much better funding levels than the administration's proposal, still does not treat Puerto Rico or the Virgin Islands fairly. It does not provide for cost-sharing waivers, and it doesn't include enough funding for resiliency, mitigation, Medicaid, or drinking water infrastructure. It is a step in the right direction but not good enough.

I would reiterate my plea. Texas and the Texas delegation have constantly criticized government funding. All of a sudden, now that there is a disaster, they want money. Fine. Yet what

about that \$10 billion rainy day fund? Let Texas spend that. I guarantee you that if it were in a blue State, some of our friends from Texas would be calling for it—the very same people who opposed aid to Sandy, the very same people who have relished putting State and local deductibility in the bill. Well, what is good for the goose is good for the gander. Let Texas dip into its \$10 billion fund before it gets FEMA money. That is what seems fair and right, particularly for those who don't want to see Federal Government spending increase.

Of course, last, but certainly not least, we still need to protect the Dreamers—young people brought into this country through no fault of their own, many of them who know no other country but ours. These are people who are in our Armed Forces—over 800—who are going to our schools, who are working in our factories and offices and stores. They, like everybody else—like our ancestors—want to be Americans. They contribute to America. They help America.

Yet there are people on the other side of the aisle who have this nasty immigration attitude that affects the Dreamers and everybody else. It is so un-American. It is so against the statue with the torch in the harbor in the city in which I live. It is so against what the American people believe. Eighty percent want to help the Dreamers. Yet we are stymied so far, and 1,000 Dreamers are losing their status each week.

On all of these things, the time to act is now. Bipartisan negotiations continue to seek a compromise to ensure DACA protections as well as to provide additional border security. We Democrats are all for that—real border security that makes a difference. We should strive to reach a deal as soon as is humanly possible.

If we are not able to reach a global deal by this Friday on these many issues, there will be a temptation to do a short-term funding bill with some of these items but not others. That won't work. We should be doing all of these things together instead of in a piecemeal, week-by-week fashion. Our Republican friends cannot pick and choose what they want and do what they did on the tax bill and do what they did on the healthcare bill in saying that Democrats are not welcome to be part of the deal—because this one ain't under reconciliation.

We want to work in a bipartisan way, but a bipartisan way means just that, not Republicans deciding on their own and telling us that we should just be for it. The best way to get a good, bipartisan result, which by the Senate rules is necessary for spending bills, is for us to work together.

REPUBLICAN TAX BILL

Mr. SCHUMER. Mr. President, I will have further comments on the tax bill that I will deliver on the Senate floor late tonight after the conference report, but I just want to say that this bill will be an anchor around the ankles of every Republican. It so helps the wealthy and the powerful corporations, and it does so little and even hurts many in the middle class. It is a loser.

In a CNN new poll, a majority of Americans oppose the tax bill. When did you ever hear that Americans are against a tax cut bill? Well, you are hearing it now.

It is because our Republican friends are listening to the thousands of really greedy multibillionaires who want their taxes cut, even though they are doing great, and don't want to share those benefits with the middle class even if they make millions of middle-class people pay more.

The Republicans will rue the day that they passed this tax bill—will rue the day—because it is so unfair to the middle class. It so blows a hole in our deficit. It so threatens Social Security, Medicare, and Medicaid. They will rue the day.

SPECIAL COUNSEL MUELLER

Mr. SCHUMER. Mr. President, we have a lot of business to get to this week, but because the topic is so important, I would like to address Special Counsel Mueller's investigation into Russian interference in our elections and the Trump campaign's potential involvement.

Over the past several months, the investigation and the FBI have been the target of a smear campaign by Republicans, in the media primarily—in a media outlet that is hardly regarded as down the middle, in a media outlet that just seems to ask “how high” when President Trump says to jump.

Now it has been joined, quite naturally, by several Republicans here in Congress. Their intent is not to push back on the special counsel's findings or to introduce exculpatory evidence on behalf of Manafort, Gates, Papadopoulos, or Flynn, who have been indicted or convicted. Their intent is not to make an argument about the substance of the investigation at all. Their intent is to discredit the investigator and the investigation itself, by falsely painting it as biased or partisan. That way, whatever its findings are at the end of the day, they have created a permission structure to dismiss them.

When you are afraid of the result, you attack the process. When you are afraid of the message, you shoot the messenger. That is what is happening right now with the escalating rhetoric in the rightwing echo media chambers. The commentators at FOX News have

actually called Mr. Mueller's investigation a coup—an outrageous charge that has been repeated by a Republican Congressman on the floor of the House. That is how overblown this rhetoric has gotten.

Mr. Mueller is one of the most trusted and respected public servants in America. He has served administrations of both parties. He was first appointed by a Republican and was installed as a special counsel by President Trump's pick for Deputy Attorney General, Republican Rod Rosenstein. As everyone in America knows, he is as straight a shooter as one comes. Impugning his motives and calling his investigation a witch hunt or a coup is, frankly, hysterical.

I regret even repeating those ridiculous comments because there is not a shred of evidence to back them up—not a shred. If any of these critics had evidence, they would pursue their claims in court, but, of course, there is no evidence. So, instead, they wage a warped campaign in the press, fueled by an avalanche of trumped-up allegations and disinformation.

What are they so afraid of?

We all know why. The special counsel's investigation is an important one for our democracy. We have to get to the bottom of what happened in last year's election no matter who ends up on the short end of the stick when those results are announced: How was Russia able to wage a successful information campaign to influence our election? To what extent were any members of Trump's Presidential campaign coordinating with that foreign attack on our democracy for political benefit?

These are vital questions that every American should know, and it is an outright disgrace that our Republican colleagues have not joined in asking for this—so many of them—being as partisan as can be and putting their party over country. If Russia continues in these types of investigations, woe is America—woe is America.

Rather than this concerted campaign to sully the investigation and the FBI, President Trump and his allies should be encouraging them to do their job, to do it right, and to do it thoroughly. The stakes are too high and the topic too serious.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CRUZ). Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider

the following nomination, which the clerk will report.

The bill clerk read the nomination of Jennifer Gillian Newstead, of New York, to be Legal Adviser of the Department of State.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays, and I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the Newstead nomination?

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN.)

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 320 Ex.]

YEAS—88

Alexander	Ernst	Murray
Baldwin	Feinstein	Nelson
Barrasso	Fischer	Perdue
Bennet	Flake	Peters
Blumenthal	Gardner	Portman
Blunt	Graham	Reed
Booker	Grassley	Risch
Boozman	Hassan	Roberts
Brown	Hatch	Rounds
Burr	Heitkamp	Rubio
Cantwell	Heller	Sasse
Capito	Hirono	Schumer
Cardin	Hoeven	Scott
Carper	Inhofe	Shaheen
Casey	Isakson	Shelby
Cassidy	Johnson	Stabenow
Cochran	Kaine	Strange
Collins	Kennedy	Sullivan
Coons	King	Tester
Corker	Klobuchar	Thune
Cornyn	Lankford	Tillis
Cortez Masto	Leahy	Toomey
Cotton	Lee	Udall
Crapo	Manchin	Van Hollen
Cruz	McCaskill	Warner
Daines	McConnell	Whitehouse
Donnelly	Menendez	Wicker
Duckworth	Moran	Young
Durbin	Murkowski	
Enzi	Murphy	

NAYS—11

Franken	Markey	Schatz
Gillibrand	Merkley	Warren
Harris	Paul	Wyden
Heinrich	Sanders	

NOT VOTING—1

McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Florida.

Mr. NELSON. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPUBLICAN TAX BILL

Mr. NELSON. Mr. President, there are many reasons to vote against the tax bill. A new one has come to light in examining these 1,100 pages, and that is with regard to Puerto Rico and what it does to Puerto Rico.

It ought to be enough that \$1.5 trillion is borrowed in order to finance a huge tax cut for multinational corporations, with incentives to send American jobs overseas. That ought to be enough, and it ought to be enough that compared to that, there are just crumbs for the hard-working, middle-class families, but there is more.

In this tax bill, indeed, CBO has said that 13 million people will lose health insurance as a result of something that was done to the Affordable Care Act.

Now, if all of that were not enough, and if you care about the people on the island of Puerto Rico who are reeling from two storms that hit them—a good part of the island still doesn't have electricity and still does not have potable water—and who were already in economic straits to begin with and wanting to keep jobs on the island so people don't have to flee—lo and behold, in the tax bill, what is given to American mainlanders is an increase in the child tax credit from \$1,000 to \$2,000 per child and making that refundable for low-income people up to \$1,400 per child—that increase to help poor, working families with children was not given to Puerto Rico.

That doesn't make sense, and it is just another reason why we should vote against the tax bill.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

The PRESIDING OFFICER. The Senator from Oklahoma.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein, equally divided, until 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I also ask unanimous consent that at the conclusion of the remarks of the Senator from Virginia, I be recognized for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

REPUBLICAN TAX BILL

Mr. KAINE. Mr. President, I thank my colleague, the Senator from Oklahoma.

I rise to talk about the tax debate that the Senate is currently having. I wish to highlight some of the reasons why I think this bill is bad and, frankly, focus on the missed opportunity that we are about to embark on when we could have found a much better project.

Let me tell you a story from when I was mayor. I was mayor of Richmond. I know my colleague from Oklahoma was mayor as well. I had a city council colleague who introduced a seemingly benign bill. It was a bill to limit the number of dogs and cats that anybody could have at their residence.

Now, pursuant to the city rules, we had to post this resolution in the newspaper for a couple of weeks so that citizens could read it, and we had a public hearing where any citizen who wanted to speak for or against the resolution had the opportunity to do so. Then, the city council members debated, and then we had a vote. It turned out to be a little more controversial than the council member originally contemplated.

When I was mayor, the minor little debate in the Richmond City Council about the number of pets you could have at your residence received more openness and transparency and discussion and debate than the vote that we will have within a few hours or days about the entire Tax Code of the United States.

Instead of doing a bill openly and deliberately, with a lot of public input, and ultimately reaching for a bipartisan result, we have moved hastily, in secret, and in a partisan way. In my view, that is the reason why the end product is going to be so discouraging.

We had a vote in the Budget Committee to move this tax bill forward. It was interesting. We actually voted before we discussed it. The bill was on everybody's desk. The chair decided that we would vote, and only later would we talk about it. That would never have been done at a Richmond City Council meeting.

We had a full audience of citizens who wanted to be heard, and they were not given an opportunity. That would not be done at a Richmond City Council meeting. Some of the citizens started to sort of protest and get angry, get mad, and shout. When that happens in a committee meeting, I cringe because it is a violation of the decorum I expect. But what choice do they have? This is only a tax reform that affects the entire American economy, every American family, and every American business, and they feel shut out of the process.

The first version of this bill that was live was released to the public in the Senate on Thursday, November 9. The current version, which is the fifth version of the bill, was only released last Friday night, 4 days ago. So this bill to completely rework the U.S. economy moves from introduction to passage over just 41 days with multiple versions, often with handwriting in them and handed out at the last minute before votes.

The last time this body did comprehensive tax reform in 1986, the Senate had 36 days of public hearings over 10 months. This plan has had zero—zero public hearings. When the Finance Committee refuses to allow a hearing, when the Budget Committee forces a vote before the members even have a chance to express their opinions, is this really what the Senate wants to be known for? The stakes couldn't be higher.

I think in the end it is highly unlikely, but I still hope at the end we might decide to do this the right way and not the wrong way, because when you approach the process the wrong way—quickly, secretly, in a partisan way, without public input or hearings—you get a bad bill. This bill, in my view, is a bad bill.

The benefits in this bill overwhelmingly accrue to folks who are at the top end, who frankly don't need your help. Eighty-three percent of the tax plan's benefits go to the top 1 percent earners in this country because of giveaways like increasing the estate tax threshold and altering the alternative minimum tax.

If you make over \$1 million, you will get a collective tax cut of \$36.9 billion just in 2019. Those who make over \$1 million will see their taxes go down by that much.

Massive tax cuts go to foreign individuals who own stock in American companies. Just in the first year, about \$48 billion go to foreign individuals because of their ownership of stock in American companies. To the contrary, millions of middle-class people are hurt.

By 2027, on average, every income group below \$75,000 will face a tax increase, and 92 million households—the combined population of probably 20 States—earning under \$200,000 will face net tax increases in this bill. That is over half of all households in the country.

The working poor get hurt especially. The working poor who have the most to lose and the least margin will get hurt. By 2025, this bill would reduce the after-tax incomes of households with incomes below \$40,000, while it would boost the after-tax incomes of households with incomes over \$1 million.

I want to assume in charity that the hurting of the working poor and the helping of folks at the top is a result of haste rather than design. We could take the time and get this right.

These analyses that I just indicated are done by the nonpartisan CBO, whose director is from the Mercatus Center at George Mason University, which is widely known as a very conservative economics department, and also by the Joint Committee on Taxation, and the Tax Policy Center. All of the analyses come to virtually the same conclusion: The bill dramatically increases the deficit to the tune of \$1.4 trillion over the next 10 years. It will lead to millions of people falling into the ranks of the uninsured. The CBO says 13 million.

For my own Commonwealth, there are a number of provisions that are particularly harmful. We are one of the top five recipients, or claimants, of the deductibility for State and local income taxation. Virginians are going to be hurt because of the reduction of the historic tax credit.

Why couldn't we work together? Why couldn't we work together to try to do something that would be right, as President Reagan and Congress did in 1986?

Now, 16 Democrats and 1 Independent stood up a few weeks ago, and we said: We are ready to work with Republicans on tax reform. You have former Governors who have done bipartisan tax reform. You have former tax commissioners who have worked on tax issues. We said: We are ready to work with you to make this better.

Every one of us in that group has worked on bipartisan tax reform. I have done it as a mayor, and I have done it as a Governor. I know how to do it, and I have ideas, but nobody was interested in a single one.

The late Friday night that we voted here, I put an amendment on the table to show my Republican colleagues our good faith and saying: We will work with you. I stood up, and, of course, I was only given a minute to make an amendment. The process said that even though it is the entire American economy, you only get 1 minute. I stood up, and I said: I can't fix the bill in 1 minute, but I can do a couple of things. I can reduce the deficit impact by \$1 trillion, and I can make every middle-class tax cut that is temporary in this bill permanent. I can do those two things—permanent middle-class tax cut and reducing the deficit by \$1 trillion—if you will agree with me to do the following: Don't touch the AMT or top individual rates and reduce the corporate tax rate, not to 20 percent but to 25 percent—from 35 to 25.

Thirty-four Democrats voted for tax reform for the reduction of the corporate tax rate from 35 to 25, making middle-class tax cuts permanent, and reducing the deficit by \$1 trillion, but not a single Republican—not a single one—would vote to make the middle-class tax cuts permanent and reduce the deficit. We still want to work on it. We could still make it better.

As I conclude, I will just note, again, that it was notable that when President Reagan did tax reform as President in 1986, this didn't get 50 votes or 50 votes plus a tie-breaker—51 votes. In this body, the greatest deliberative body in the world, the Reagan-era tax reform got 97 votes because they took the time to have the hearings and hear from the public, and they took the time to incorporate great ideas no matter the party of those who offered it.

President Reagan said, as he was embarking on that: "It should not be a partisan debate, for the authors of tax reform come from both parties, and all of us want greater fairness, incentives, and simplicity in taxation." He was right then, and that remains true, and yet this is a process that is not incorporated—either the thoughts of the public or the thoughts of the Democratic minority.

I will say this, as I close. The GOP is not measured by who it says its hero is. Most of my GOP friends have posters of President Reagan or pictures of President Reagan. They talk about him as a personal hero, but you really are not measured by who you say your hero is. You are measured by whom you act like. This is not a President Reagan-era tax reform. This is not the way President Reagan would have done tax reform.

This is a President Trump bill. A last-minute change in this bill—a very important last-minute change that only came in at the very end—would directly benefit President Trump and his family by further exploiting a loophole to give real estate developers more money. This was on top of giving him relief on the estate tax and the alternative minimum tax. At the last minute, there was one last change made that was specifically designed to help President Trump make even more. No, this is not a Reagan-era tax reform bill. This is purely a product of President Trump.

It follows what he does: Say one thing and do another. Claim to help the middle class but actually hurt them. Say it is not going to help me or wealthy people when it actually does. I am not surprised by the President, but I am surprised at many of my colleagues here because we could have worked on something and not have missed an opportunity that would have been far better for the American economy. It is still my hope that we will.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, Mr. President, as to my very good friend from Virginia—and he is a very good friend—I think he needs to reread this bill.

Now, I am older than he is and most of the people around here, but I do remember the Reagan tax cuts. This is a Reagan tax cut.

I listened to the other side and a lot of the liberals on the other side, be-

cause there is a difference between Democrats and Republicans, and we understand that. But they come out and say: Oh, it is always class warfare. It is always that they are doing this for the rich. The rich are going to get richer. Well, that is not the way this worked out.

There is a group called the National Tax Foundation. The National Tax Foundation did an analysis of this, and they did it State by State. In my State of Oklahoma, the average family of four will get an increase in their take-home pay of \$2,000. Now, where does it come from? There is the standard deduction, for example. The Senator talked about this being for the rich. This isn't for the rich. The standard deduction actually goes from \$6,000 to \$12,000. If you are married, it is from \$12,000 to \$24,000.

There is the child tax credit. We are all concerned about the child tax credit. Several Republicans wanted to do even more than that. Right now, as the law is, it is \$1,000, but it is going to be increased after this is over, after we vote. After we have a major tax reduction, that child tax credit will go from \$1,000 to \$2,000 per child. That is a huge thing. That is not for the wealthy.

I listen sometimes when they talk about how this is going to increase the deficit. I have to tell you, though, that I remember very well. In fact, I remember so well. I have given speeches over time. Reagan reduced taxes twice. One was in 1981 and one in 1986. In 1986 and 1981, the total amount of revenue that came into the Federal Government was \$469 billion. He had a huge reduction in rates. Yes, the top rate went down from 70 percent to 50 percent, then the others went down in accordance with a similar percentage.

Now, what happened to that was that, while the total amount that came in before the tax cuts was \$469 billion, afterward, it was \$750 billion. The same thing happened in 1986. In 1986, the total revenue that came into the Federal Government was \$569 billion. At the end of that period of 10 years that they were measuring, it was \$1 trillion.

Now, the problem is, the other side is always saying that our deficits increased during that time period. Yes, they did, but I have to say this: It was not because of Ronald Reagan, it was because the House and the Senate were run by liberal Democrats, and as fast as the increase in revenue came in, they were spending not just the increase but even more.

So that is one of the differences now. I anticipate that we are going to have a conservative House and Senate for the years to come, and we will just have to wait and see what is right.

I do agree with my friend from Virginia, though, in one respect; that is, he and I both had the hardest job in the world. You never know what a hard job is until you are mayor of a major city.

There is no hiding place, and if they don't like the trash, it ends up in your front yard.

REMEMBERING DOUG COE

Mr. INHOFE. Mr. President, that is not what I am here to talk about today. I would like to speak about someone who—I will put it this way: Way back in the 1950s, back when Eisenhower was President, three giants came to Washington, DC. Two of the three giants people know about and they have heard of and they are well known. One was Billy Graham. Oh, we remember Billy Graham still, right now, and the things he has done. He has done more for Jesus and for God. Every time I get a chance to see something on TV that is from one of his past rallies, I do so.

Another one who came, of the three giants who came, was Bill Bright. Some may not remember who Bill Bright was. He was the founder of the Campus Crusade for Christ. He was the guy who actually started—people are not aware of this in the general public, but we actually have events two times a week; one is a Prayer Breakfast and one is a Bible study. Bill Bright was the one who started that. So everyone has heard of Bill Bright and the Campus Crusade for Christ.

The third giant who came in no one has heard of, and his name was Doug Coe. This is Doug Coe. Doug Coe came with the other two giants, and he really changed America. He died last February 21. I purposely, for an obvious reason my colleagues will find out in a minute, waited until now to talk very much about him.

You see, people think of Doug Coe as having been someone who was a great diplomat, he had political influence and all that. There is an article written not long ago, and I will read this to you because he did things like that. He did it second only to his real mission in life.

The article goes like this:

The extent of Coe's influence in American politics is [real]. . . important figures have acknowledged his role on the national and international stage. For instance, speaking at the 1990 National Prayer Breakfast, President George H.W. Bush praised Coe for his quiet diplomacy.

I don't ever remember in the years I have known him that he ever raised his voice. He was always a quiet diplomat.

[Doug Coe] was a behind-the-scenes player at the Camp David Accords in 1978, working with President Jimmy Carter to issue a worldwide call to prayer with Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat. In 2000, Coe met with the top economic officials of Pakistan as a "special envoy." Coe met with President George H.W. Bush as he hosted a luncheon with Iraq's ambassador to the United States in the mid-1980s. In 2001, Coe helped arrange a private meeting between two warring leaders.

By the way, I was there so I remember this firsthand. That was the President of Congo, Joe Kabila, and the President of Rwanda, Paul Kagame. I was there during the National Prayer Breakfast, and he had these two Presidents of warring countries in there to talk to them in the spirit of Jesus. That is when everything broke down, they became friends, and they signed a peace accord. That was Doug Coe.

Coe was a member of the large United States Congressional and ministerial delegation which accompanied then First Lady Hillary Clinton to the 1997 funeral of the founder of the Sisters of Charity, Mother Teresa. He is mentioned by John Ortberg in his book, "If You Want to Walk on Water, You've Got to Get Out of the Boat."

He talked about how the book was partly about Doug Coe. He was the guy who had a great influence in bringing medicine and releasing political prisoners in Kenya. We all remember that episode.

So here we have a guy who was bringing warring powers together. He was solving serious problems with the country. Yet that wasn't even his mission.

I know I will lose credibility when I say this because people will think it is impossible. A few people here know it is not impossible because they heard it once before; that is, Doug Coe has actually taken his mission, which is the Jesus mission—by the way, Time magazine listed him among the 25 most influential evangelicals in America, but, anyway, I will lose credibility when I say that, in effect, Doug Coe has been to every country in the world. The reason I know this—I thought we had him one time because Zanzibar is actually—people think it is a separate country next to Tanzania. He never was in Zanzibar, and I was. Then we found out he was right, and I was wrong; that was not a separate country.

Anyway, he has had this Jesus mission since actually the late 1940s.

I want to just mention that I hope and pray my kids and grandkids, when it comes time for me to cash out, will be as respectful and as loving as his kids and grandkids were at his funeral. We called it a celebration, not a funeral. One of his grandkids, Sam Wagner, talked about a trip he and his grandpa took to Nepal. Sam recalled how Doug not only met with dignitaries, but he also met with the young kids carrying machine guns who had shut the city down.

Justin is a grandson. He recited the story of Jesus feeding the 5,000 and said that Doug reminds him of the little boy in that story. Just as the boy brought his loaves and fish to Jesus, Doug brought all he had to Jesus.

Doug used to ask his grandson the question: If you give Jesus all of your love, what will happen? You will not run out of love for other people. Rather, Jesus will make your love enough for the whole world.

That is a grandson. Gosh, I would like to have my grandsons feel that way.

Melissa, a granddaughter, at the very last of the celebration I am referring to, stood up and said: I want you to leave this service talking about Jesus because Doug would certainly have been disappointed if you left talking about him.

So, anyway, we have people like that. We had famous people at that meeting, by the way. One was Dr. Barbara Williams-Skinner. The first time she met Doug, he talked like he already knew her well and like she already knew Jesus well, even though she had only recently accepted Jesus into her life, but Barbara Skinner is a very liberal Democrat, a wonderful person, and she jokingly said that Doug didn't understand gender issues because most of his fellowship members were men, and he would say to her: We brothers have to stick together.

Doug made Barbara pray for Ronald Reagan at the National Prayer Breakfast when Ronald Reagan was President. Even after she told him she didn't know enough Scripture to pray for Republicans, Doug challenged her to confront her skepticism of people of different beliefs, and she did.

You know, he had a way of getting things done that other people didn't. One of the well-known people who was there at the celebration was Sam Nunn. We remember Sam Nunn. He was a very well-known U.S. Senator. He is one who really concentrated on rebuilding our national defense when it needed to be rebuilt. He would talk about Doug Coe. He said Doug formed small fellowships and prayer groups in the House, in the Senate, at the Pentagon, at the executive branch, the judicial branch, and he also formed groups globally all over the world. He started many diverse fellowship groups throughout Japan and injected them all with Jesus. Jesus was it with Doug.

Sam told a story about playing golf with Doug. Doug was a good golfer. He was talented. He made bets with the people he played golf with, and if they lost, they would have to—it wasn't a money deal—they would have to memorize a Bible verse or go on mission trips. Doug always wins.

I always will remember what Sam said. Very quietly, in a quiet voice, he said: Doug Coe was a sermon we saw. If we looked closely, we also saw a glimpse of Jesus.

Another guy who is very well known to all of us here—known worldwide—is this guy named Ward Brehm. Ward Brehm enjoys talking about Doug Coe. He is the one who repeated something that George H.W. Bush said a long time ago. He said: Doug Coe has more friends who are heads of State than I do. This is the President of the United States talking.

President Bush also said—one of his favorite quotes: "Doug Coe was the

most famous person that nobody has ever heard of."

Well, anyway, Ward Brehm was telling a story, and he said: In an early conversation about Africa, Doug once asked me: If you were God, how would you help all of those poor people in Africa?

My mind went totally blank, and I stammered: I don't know.

Doug said: We are not in a hurry. Just think about it for a while.

Ward Brehm said: So I did. I thought about it for a while, and my mind was still a blank. So, finally, in frustration, I said: I am not God so I don't know what I would do, but you seem to know so you tell me, if you were God, how would you help the poor people in Africa?

Doug Coe said very quietly: I would change the hearts of their leaders.

This is what Doug did. He didn't just change the hearts of leaders, he changed the hearts of leaders around the world—every country in the world. One man did that. I don't know how that is even possible.

Another person who was—had a different kind of expression is Lee Atwater. Not many people remember Lee Atwater. He was well known in Republican circles. He actually was the chairman of the Republican Party a number of years ago. He was a talented, charismatic guy. He played guitar. He sang. Everybody loved him. He was arguably one of the best political mechanics around at that time.

Something bad happened to him. He got leukemia. He knew he was going to die, but he wasn't sure—he said: I am going to die. I have to be rational about this thing. I don't know who God or Jesus is.

So, on Friday, March 16, after a White House breakfast, Lee struck up a conversation with the President's secretary. I remember her, Patty Presock. She suggested that he call Doug Coe. She was suggesting that Lee Atwater call Doug Coe. At that time, he was working with Members of Congress on the National Prayer Breakfast.

Eleven days later, Lee arrived at the Cedars in Virginia overlooking the Potomac, which served as the headquarters for Doug Coe's Fellowship Foundation. Now, using a cane, Lee Atwater, nearing his death, walked into the main house and sized up his 60-year-old host. He said: I have been in this city for many years now, and I never heard of you. Who are you, anyhow? He said that to Doug.

Doug said: Well, we have many mutual friends all over the city. I have heard about you for a long time.

Lee Atwater said: What have you heard?

Doug replied: I have heard that you are a real S-O-B.

He didn't say S-O-B, he said the real words, and their dialogue began at that time.

So from then until August, Lee was deteriorating, and one August day, Lee asked Coe to come to his hospital bed in an emergency. He was dying, and he wanted to find out, What is this deal about Jesus? What is this deal about God? He said that when he arrived, Lee looked at him with his best piercing glare, and he said: This Jesus business, is he God or isn't he God? Tell me. Some say he is God, some say he is man.

Doug replied: This is something you have to decide for yourself, but let me just tell you a little story.

Lee gave Coe his full command and focus.

Doug Coe said: You are big on the Golden Rule. Now, let's just say that you are the most powerful figure in the universe.

This is Doug Coe talking to Lee Atwater.

You are the most powerful person in the universe, and you could say, let there be a star or a planet and, boom, it exists; or you wanted to create elephants and, boom, there are elephants or cows or human beings. Anything you wanted, you had all the power, right? You understand that? So you are sitting up on a cloud somewhere, looking down on Earth, and you see these cows grazing in a field, and you decide that you want to be a real companion to those cows. Now, what would you do?

All of a sudden, that picture of God becoming man had a clarity of an index card summary. He said: I got it. I got it, he shouted. Don't tell me any more. Don't tell me any more. It is very clear. And he died.

Doug had a way of saying things that nobody else did.

The last one I will mention—this is significant to me because I happened to be with Doug at the time the statement was made.

President Museveni is the President of Uganda. Like many of the Presidents in Africa, he is one who came through the bush and fought his way up, and he has been, I think, an excellent President.

Doug has told him Jesus said: "I am the way, the truth, and the life. No one comes to the Father but by me."

This always bothered President Museveni.

The President said to Doug Coe: Look, we can go out into the bush. We have villages. They have never heard of God. They have never heard of Jesus. Are you saying that there is no way they are going to get to Heaven?

Doug told President Museveni a story—that he had actually experienced this revelation. When he was in the Gobi Desert several years ago to visit Mongolian shepherders, he told them that he had a friend who was a shepherd. In fact, he told them that his friend is the greatest shepherd who ever lived. His friend knows all of the flock, even the names of each sheep. If

one of the sheep gets lost, the shepherd leaves the flock to search for the one lost sheep. The Mongolian shepherders were amazed as Doug told him about this shepherd.

The next day the Mongolian shepherders told Doug that during the night they had decided to follow this shepherd, but they wanted to know his name. Doug said that his name was Jesus. They told Doug that they had always known about him, but they never knew his name, and President Museveni understood what he was talking about.

Doug Coe had a way of explaining things that other people didn't. I was particularly blessed because for 20 years I met with Doug every Tuesday for an hour at 5 o'clock. I was a recipient of all the grace he had in the political philosophy of Jesus. I call it that; Doug didn't call it that. It is all scripturally based. Acts 9:15 says: What did Jesus say to Paul on the road to Damascus?

He said: Take my name. Take my name to the Kings.

Doug spent all those years in every country in the world, taking his name to the Kings. Acts 2:42—that is the genesis of the small meetings we have. Not many people are aware of them. We are here in the U.S. Senate every Wednesday morning, and we meet in the Spirit of Jesus. We have been doing it ever since Doug started this many years ago. It is all scripturally based. It is Acts 2:42. We get together, eat together, pray together, fellowship together, and talk about the precepts of Jesus together.

All of that was happening, and I would say that he died—but not until he quietly spoke of Jesus to every country around the world. I can say that Doug is going to have a very Merry Christmas.

OUR 58TH WEDDING ANNIVERSARY

Mr. INHOFE. Mr. President, there is one last thing I want to say that is on a little different subject. Today is a very special day. Today, a little girl named Kay and I got married a long time ago. These are our kids and grandkids. Today is December 19, which is our 58th wedding anniversary. I want to say to Kay: I love you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first to my friend from Oklahoma, happy 58th anniversary. That is wonderful. You have a beautiful family. Every year, I enjoy getting the Christmas card with the picture of your beautiful family on it. It is a wonderful milestone to celebrate today.

DACA

Ms. STABENOW. Mr. President, I am rising today to join my voice with so

many others to support young people whom we call Dreamers. These young people were brought to the United States as children, sometimes as babies. For many of them, this country is the only home they have ever known. I should say up front that we need comprehensive immigration reform for our security and our economy.

Our Nation's immigration system is broken, and it hurts families, workers, businesses, and farmers each and every day. But targeting these young people who have come to our country through their parents—their parents bringing them as children—does nothing to solve the larger issues that we need to address in the Senate and in the House.

To remind everyone, to be eligible for the Deferred Action for Childhood Arrivals Program, which we call DACA, young people have to have entered the United States before their 16th birthday. They must be attending school, have graduated or earned their GED, or have been honorably discharged from the U.S. military, and they must not have been in trouble with the law. Those are pretty good principles for all of us—following the law and working hard. When anyone does that, they should know that our country has their back.

Those who were approved for DACA were given a legal status to remain here and a work permit so that they could work and contribute to our country. We made these young people a promise, and we need to keep it. I feel very strongly that whether it is our veterans, our people in the military going to war who are protecting us every day, who are serving our country—we made them a promise that they would have healthcare, among other promises, to make sure that veterans are not at the back of any line.

When someone works all their life—they work 30 years, they pay into a pension, and they assume that pension is going to be there—that is another kind of promise. This is also a promise that was made to young people. If they worked hard and followed the rules and stayed out of trouble and contributed to our country, either serving in the military or going to school and working, they would have the right to be here and be able to contribute to our country.

Nationwide, we know there are about 800,000 young people who are covered by DACA. In Michigan alone, we have over 10,000 young people—10,000 young Dreamers—working hard and going to school, contributing to our economy and our quality of life in Michigan. Many of them have DACA status.

Those are some of the numbers; however, we are not talking about numbers here. We are talking about people's lives. We are talking about 10,000 young people in Michigan who are attending colleges, starting businesses, creating jobs, buying homes, serving in

the military, and raising American children of their own. They are proud to be here. These young people aren't numbers; they are our neighbors.

In Michigan, we care about our neighbors. One of these young people is named Nara. She shared her story with me, both last week and again today. I am so pleased that she and other wonderful young people are in town today to share their stories.

Nara was born in Poland. Her parents faced intense discrimination because of their different backgrounds; one was from Poland and the other was from Mongolia. In 2000, when Nara was only 4 years old, she and her mom were granted a visa to come to the United States.

Nara excelled in school. She graduated from high school with honors and attended the University of Detroit Mercy. She also found ways to give back, leading service trips around the country and volunteering for organizations, including the Humanitarian Alliance of Michigan, World Medical Relief, and Children's Hospital of Michigan. Earlier this year, Nara graduated with a bachelor's degree in biology and a minor in leadership. She was awarded one of Detroit Mercy's highest honors, presented to the undergraduate student who best exemplifies the mission of the university—leadership and service.

Another one of our wonderful young people is Juan. He was brought to the United States by his parents when he was a 1-year-old. He was just a baby. He has known no other country. When Juan was in high school, he tried to enlist in the Marines to serve his country. He longed to serve the country that had given him so many opportunities. His plans changed, however, when a recruiter told him that he would likely be deported after he had served his country. Instead, Juan got a job, hoping to save up money for college. The DACA Program allowed him to get a job permit and a better job. Today he is a prelaw student at Wayne State University. He hopes to one day become an immigration lawyer.

Juan said this:

I believe in America. . . . I was raised here. I love this country. . . . This is my home.

Nara, Juan, and so many other young people are great examples of why we need to pass the Dream Act. We need to extend DACA as soon as possible. I would love to see it happen right now, today. Young people are waiting, have been waiting, and are in horrible situations because they don't know what is going to happen. These young people have done everything right, and they don't know whether they are going to be ripped away from their family and sent to a country they may never have been in. They want to be here, contributing to America. They want to earn their degrees, start businesses, raise families, and give back to their communities.

We need comprehensive immigration reform. That is for sure. But first, we need to pass the bipartisan Dream Act as quickly as possible. These young Dreamers have done nothing wrong. They have done everything right. They have done everything they have been asked to do. It is time to make sure our country stands up and keeps its promises to them. That is what our neighbors would do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOEVEN). Is there objection?

Without objection, it is so ordered.

The majority leader.

TAX CUTS AND JOBS ACT—CONFERENCE REPORT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to the conference report to accompany H.R. 1.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Ms. CANTWELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCain).

Further, if present and voting, the Senator from Arizona (Mr. McCain) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—48

Baldwin	Booker	Cardin
Bennet	Brown	Carper
Blumenthal	Cantwell	Casey

Coons	Kaine	Reed
Cortez Masto	King	Sanders
Donnelly	Klobuchar	Schatz
Duckworth	Leahy	Schumer
Durbin	Manchin	Shaheen
Feinstein	Markey	Stabenow
Franken	McCaskill	Tester
Gillibrand	Menendez	Udall
Harris	Merkley	Van Hollen
Hassan	Murphy	Warner
Heinrich	Murray	Warren
Heitkamp	Nelson	Whitehouse
Hirono	Peters	Wyden

NOT VOTING—1

McCain

The motion was agreed to.

TAX CUTS AND JOBS ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The motion to proceed having been agreed to, the Chair lays before the Senate the conference report to accompany H.R. 1, which will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 15, 2017.)

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, we stand today on the precipice of the most sweeping change to our Nation's tax system in over 30 years. This is a historic moment, as this distinguished body begins final consideration of the Tax Cuts and Jobs Act—tax reform that will help boost America's economy, create more jobs, and leave more money in people's paychecks.

The last time we considered tax reform similar to this magnitude was 1986. To help remind us how much our country, its economy, and the people have changed since that time, let's review some of the events of that year.

In 1986, the Dow Jones Industrial Average closed at 1,895—sure that 20,000 would never be broken, and it wasn't until after the last election. It now stands at over 24,000.

A gallon of gas cost just 89 cents. Today it is close to \$2.50. We still used land lines to phone our loved ones. Iconic movies such as "Top Gun" and "Aliens" opened. Americans were watching TV shows like "Dynasty" and "Hill Street Blues." The Associated Press chose NBA star Larry Bird as one of the Athletes of the Year.

President Ronald Reagan signed into law the Tax Reform Act of 1986, which ushered in deep tax rate cuts for American families and an overhaul of our

complicated Tax Code. When he signed the bill, Reagan commented on the length of the journey and noted that some people thought it would never happen.

Today, too, some have asserted that tax reform either cannot or should not happen, but as our strongly optimistic President said in 1986—and as I continue to believe—the American people “haven’t made this the freest country and the mightiest economic force on this planet by shrinking from challenges.” Reagan noted:

This country was founded on faith in the individual, not groups or classes, but faith in resources and bounty of each and every separate human soul. Our Founding Fathers designed a Democratic form of government to enlist the individual’s energies.

For that reason, I want to remind my colleagues about the hard work that brought us here. It is a journey that has been years in the making under the leadership of both sides of the aisle. It is one we started and will finish for the benefit of the American people and the health of the U.S. economy.

I am proud of the work of the Finance and Budget Committees, and I have had the honor to play a role with both. The Finance Committee held more than 70 hearings on how the Tax Code can be improved and streamlined to work better for all Americans.

Almost 3 years ago, Finance Chairman HATCH and Ranking Member WYDEN convened bipartisan tax reform working groups to analyze challenges of our outdated Tax Code and develop policy recommendations for comprehensive tax reform. The conclusions reached by these groups helped identify the issues for reform and shape the contours of the legislation we are considering now. It is worth noting that the entire fiscal year 2018 budget reconciliation process has been open, transparent, and subject to regular order, starting with the passage of the Senate budget resolution.

The Senate Budget Committee marked up the bill over 2 days and accepted amendments from both sides of the aisle to make the resolution stronger. In fact, for the first time ever, the minority received a copy of the chairman’s budget document 5 days prior to the start of the markup. According to many of my colleagues, it was one of the most transparent budget resolution markups in history.

The budget resolution—complete with the document reconciliation instructions—was then debated on the floor. This was an open floor process that allowed every Senator the opportunity to offer and vote on amendments to improve the resolution before its final passage.

Last month, the Senate Finance Committee held a 4-day markup before approving tax reform legislation designed to modernize our Tax Code. The markup lasted 23 hours and 34 minutes

over the course of those 4 days. Of the more than 350 amendments filed, 69 were considered in committee. Amendments offered by both Democrats and Republicans were adopted.

Since then, both Chambers of Congress have passed similar versions of the Tax Cuts and Jobs Act, and over the past 2 weeks, conferees worked tirelessly to resolve and bridge the differences between the two bills and come to an agreement on a final piece of legislation.

In this Chamber, the legislation reflects the outstanding work and leadership of Finance Chairman HATCH and Energy Committee Chairman MURKOWSKI in developing legislative recommendations that adhere to the budget resolution’s reconciliation instructions, and I thank them for their efforts.

I also thank my Senate colleagues who earlier this month supported the Senate passage of the Tax Cuts and Job Act and whose advice and consent during the conference has shaped the final bill. The legislation is truly a reflection of the broad range and consensus of Members who engaged with this process.

Throughout my work on this bill, I have carried with me the many lessons I have learned from when I owned and operated a small business or when I worked as an accountant. I have been led by one singular purpose, to help improve the lives of millions of hard-working American families, especially the residents of my own State of Wyoming.

I am pleased with the outcome of our work because I believe it includes meaningful changes that will help individuals and families struggling to move up the economic ladder. The tax plan includes reforms that will help grow the economy, that will create more jobs, and that will simplify taxes. It provides American workers and families with an across-the-board tax cut and puts more money in people’s pockets. It lets Americans have a greater say as to how to use their hard-earned money. The changes will help small businesses in our communities thrive and encourage the largest multinational companies to remain in the United States, investing profits here instead of overseas—not a bad wish list for Santa.

Under the plan, Americans will reap tax savings from reduced tax rates, tax savings from a higher standard deduction, which creates a larger zero tax bracket for low-income individuals and increases many people’s tax refunds. It also includes a child tax credit that doubles in size to \$2,000 to help struggling families and all this while preserving important deductions for medical expenses, charities, homeowners, and State and local taxes. Our farmers and ranchers will receive stronger protections from the reach of the death

tax to help them more easily pass on their businesses to future generations—eliminating a double taxation.

Businesses small and large will benefit from a range of tax breaks, including lower tax rates, expanded opportunities to expense the purchase of capital assets, a new 20-percent deduction for many unincorporated businesses, and international tax reforms to give the U.S.-headquartered global companies a strong competitive footing in the global marketplace. These are changes you can take to the bank.

Now it is time for us to act. It is time for us to modernize our outdated Tax Code so our Nation can remain competitive in the 21st century economy. The code, as it now stands, hurts American workers and hampers economic growth.

Along with reforms to the code, this bill will also promote economic growth. For too long, some have accepted the presumption of a U.S. economy that will not grow as strongly as it has in the past. As a supporter of this bill, I reject that false narrative.

Better tax policy will boost the value of everything we produce, and this will mean more revenue for the Federal Government. I am tired of the accusations that Republican budget hawks—and that definitely includes me—are willing to throw in the towel and accept a \$1.5 trillion deficit over the next 10 years. I am still a deficit hawk. Here is why. Claims to the contrary that this bill will go unpaid for are based on an incomplete analysis of the tax bill.

We have a Congressional Budget Office tasked with impartially evaluating any legislation we do. Unfortunately, its evaluations are tied to static scoring. That means it is evaluated without considering the underlying economic effects of these changes. Let me repeat that. The Congressional Budget Office is tied to static scoring. That means it is evaluated without considering the underlying economic effects of these changes.

The problem really isn’t how much revenue we will have under the new bill. I believe it will increase revenue as the tax cut did in the 1980s. The problem is spending. We never make budget cuts. In Washington, a cut in the budget brings screams if an agency or program doesn’t get as much as it requested, even if it gets more than it ever had before. That is not a budget cut, but that is how it works in Washington. If we continue this way, we will not ever get our spending in line.

For years, I have tried to institute the Penny Plan, where we just cut one penny in real cuts from where we have been. It gets lip service but not votes. It is a lot easier to give away money than it is to take away money, even pennies. So we need a new approach. We need to grow the economy. We need businesses to do well so more tax money will come in. We need individuals to make more so more tax money

will come in. That has been done before with tax cuts. Unfortunately, when the tax cuts performed to provide more revenue, we spent twice what we brought in.

So here is what I have done as Budget chairman. A good economy brings in more tax money. Our economy has been limping along. Last year, it grew at a mere 1.6 percent GDP—which is private sector growth, not government growth. The norm for the United States is 3.2 percent private sector growth—not like we saw during the past 8 years when this growth remained below 3 percent. In fact, since this President got elected, the growth has been 3.2 percent already. In the fourth quarter of 2017, we may almost hit 4 percent. There is a lot of hope in America. Every tenth-of-a-percent increase in GDP brings in \$273 billion in taxes over 10 years. If we could raise that anemic 1.9 percent to a mere 2.4 percent GDP, we can recover the deficit effect of the tax cuts. If we can bring up the productivity in the private sector—the GDP—to its norm of 3.2 percent, we will pay down significant debt over the 10-year window.

The Council of Economic Advisers and some 130 economists have agreed with me. They say the balancing point of 2.4 percent is way too low, and 3.2 percent GDP is much more reasonable. Some even predict 4 percent growth to our economy. That is how you can be a deficit hawk and cut taxes. You just have to bet America can do better. Actually, we are just betting that we can be as good as we used to be. Our American spirit should say: “We can do a lot better than that.”

The Tax Cuts and Jobs Act will help our economy expand. It will provide tax relief to hard-working Americans and make changes to our Tax Code that businesses large and small need to boost the economy and create jobs.

Ultimately, we know increased revenues alone are not going to solve our long-term budget and debt problems because Washington’s real problem isn’t revenue; Washington has a spending problem.

I urge my colleagues today to finish the task before us. Let’s pass this bill to make critical and long overdue changes to our Tax Code that will jump-start our economy. Our country needs it, hard-working American families need it, and they deserve to have the opportunity to make more choices about how their hard-earned money should be used.

In closing, I again remind my colleagues of the words of President Reagan:

Let’s not let this magnificent moment slip away. Tax relief is in sight. Let’s make it a reality. . . . We can do it. And if you help, we will do it this year.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

Mr. President and colleagues, today the Republican Party officially turns its back on America’s middle class. Our constituents believe Congress must require multinational corporations to pay their fair share, ensure that the middle class has the chance to truly get ahead, and protect Medicare, Medicaid, and Social Security. Instead, Republicans are doling out new giveaways to the multinational corporations, raising taxes on the middle class after a brief sugar high, and taking away the Medicare and Social Security guarantees for the future.

It takes hard work to muscle a tax plan this unpopular and destructive through the Congress. Writing it is the easy part, especially when you are just checking off the far-right tax policy wish list. Normally, the hard part is sticking to your baseless talking points, ignoring the public outcry, and turning a blind eye to the loads of evidence that your plan is designed to fail.

This process has certainly been as far from normal as it can get. The bill comes at an enormous cost and represents a huge missed opportunity. For some perspective, the \$1.5 trillion Republicans plan to borrow for their tax bill would fund the Children’s Health Insurance Program for 915 years—915 years of a lifeline for families who are walking on an economic tightrope with CHIP. That is what you could get for the \$1.5 trillion Republicans are borrowing to pay for their tax bill. Spent on infrastructure, it would build towering, new monuments in the tradition of the Hoover Dam, the Golden Gate Bridge, and the Interstate Highway System. Aimed permanently at helping the middle class, it would give long-struggling Americans a meaningful chance to get ahead.

But this isn’t real tax reform or a serious solution to the major policy challenges of our time; this is a stimulus plan for shareholder goodies and executive compensation. Today, Republicans are ignoring decades of evidence that trickle-down economics is a fantasy. Republicans have cut taxes bit by bit for multinational corporations and high-flyers, but we have seen wages stay flat. The benefits of those previous tax cuts never trickle down.

In this debate, Republicans seized on a talking point about workers getting a \$4,000 average raise if the bill becomes law, but that figure is based on a made-up, revenue-neutral plan that was never on paper. It is fake math, plain and simple.

I want to issue a warning to the public today. Passing this bill guarantees years and years of instability in our Tax Code and painful, drawn-out battles over tax policy here in the Congress. Because of the pure partisanship and the recklessness of the process that went into drafting this legisla-

tion, the bill is already full of mistakes that are going to have drastic, unintended consequences.

Down on K Street, they are already working overtime to exploit new special interest loopholes. The giant pass-through tax loophole, which has been widely covered in the business pages, is just the beginning. There are going to be big new incentives for multinational corporations to ship jobs overseas, and with that, more factory towns and mill towns are going to go dark. Fewer Americans will have the kinds of reliable manufacturing jobs that support a family. There are going to be extraordinary new pressures on State and local finances, and that is going to hamper their ability to build new roads and bridges and schools. There are going to be new and annual fights over the stop-and-go tax policies. Around here, they are called tax extenders. And what they do is ensure a lack of the predictability and certainty we need for innovation and growth.

All the evidence says that many of the policies in this bill are going to be a nightmare to administer. This means that with this bill, tax cheats get a holiday gift and have the opportunity to create new rip-offs. What this means for the typical family who just wants to file and get a refund on time is that there are going to be more hassles because the government is going to have to devote more time to trying to catch the cheats.

The defining economic challenge of our time is guaranteeing that the middle class and those who strive to be middle class have a chance to get ahead. Our country is home to the world’s most powerful economic engine, and it generates levels of prosperity that have never been seen before, but working families and the middle class have been on the outside of the winner’s circle for generations. The Republican plan isn’t an answer to that challenge. In fact, it almost certainly makes the problem worse.

At a time when the middle class needs fundamental, permanent reforms to give them a chance to get ahead, the best—the best the Republican plan offers is a sugar high. The fact is, it will not be long before the sugar high wears off and tens of millions of hard-working Americans will find themselves paying higher taxes—higher taxes—as a result of this bill. Corporations, on the other hand, reap the benefits of permanent tax breaks and a loophole-ridden system that, in my view, just begs to be gamed.

The trail of broken promises that Republicans have left behind in this process is long and unforgettable. The President said his tax bill would not benefit his family or people like him. That is untrue. The Treasury Secretary said there would be no tax cut for the upper class. He was happy to have that called the Mnuchin rule.

That is untrue. Republicans in Congress said the principal feature, the main feature of their plan, would center on a middle-class tax cut. That is untrue. Republicans said their bill would make the system dramatically simpler. That is untrue. Republicans said their bill would allow families to file their taxes on a postcard. That is untrue. Republicans said their plan would pay for itself. That, too, is untrue.

Even many of the promises Republican leaders made to their own colleagues have been broken, but there is one that they are not trying to hide. The deficit hawks have flown back to town, and they are already stirring up a battle over entitlement reform, and they are going to look at a variety of health programs and programs that are a lifeline to millions of Americans.

Our people are not thrown off by the Washington lingo. They know that when Republicans say they are coming after entitlement reform, they have the knives out for Medicare, Medicaid, Social Security, anti-hunger programs, education funding, and more.

Our distinguished colleague from Wyoming, Chairman ENZI, was talking about how dynamic scoring would take care of things and that it was just off base to be concerned about these deficits because dynamic scoring would make everything turn out fine. The reality is that all of the independent analyses have shown that this bill comes up way short in terms of projected revenue. The Tax Foundation, for example—which is not exactly a leftwing operation—says the Republicans were hundreds of billions of dollars short. What the Joint Committee on Taxation said is that the Republican plan was \$1 trillion short.

Let's put it in context. Remember that Steve Mnuchin said that this plan would not only pay for itself but that it would leave \$1 trillion left over. Yet both the Tax Foundation and the Joint Committee on Taxation said that this bill comes light years away from paying for itself.

I say to my colleagues, it didn't have to be this way.

I see the distinguished chairman of the Finance Committee on the floor.

As I have indicated, Democrats believe that the Tax Code is a rotting mess and has to be fixed. For years, there has been bipartisan interest in getting tax reform done right. Seventeen Democratic Senators came together, even in a last-ditch effort to try to bring some bipartisanship into the process, and laid out ideas for some common ground. I commend that group, led by our colleague from West Virginia, Senator MANCHIN, and our colleague from Virginia, Senator KAINE. I have written two comprehensive, bipartisan tax reform bills, first with Senator Judd Gregg and then with a member of the President's Cabinet,

Dan Coats. The majority leader always likes to talk about how nobody on this side is interested in bipartisanship. When Democrats laid out their principles, the first thing we said was how important it ought to be that we focus on bipartisanship. That letter was shared with the Republican leadership. Then you have the group of moderates. Then you have the actual bills that were written. So this idea advanced by the Republican leadership that there was no interest in bipartisanship does not resemble reality.

By the way, a lot of Senators here know that we have a pretty current example—the 2015 tax bill. It is kind of a model of what you can do. Both sides had good ideas. Bipartisanship is not about taking each other's dumb ideas; anybody can do that. But in the 2015 bill, my colleagues on this side said that the earned-income tax credit ought to be expanded, and we wanted the child tax credit and the American opportunity tax credit.

The Republicans, led by my distinguished colleague, Senator HATCH, had some pretty good ideas too. They wanted to make the research and development credit permanent and the expensing provisions, which are so important for farmers and rural communities, and they had some ideas on business incentives. So we said: We are going to find some common ground here. We are going to take good ideas from both sides.

The tragedy of this bill is that Republicans wouldn't build on the good work of the 2015 tax legislation, where good ideas were accepted from both sides. This time around, there was zero outreach from Republicans on this issue. There was not one moment when Republicans actually shared even a piece of paper or a document about ideas that might bring both sides together. In fact, we can go all the way back to November 2016. They were still putting the voting machines back into storage when the first whispers began about tax reform happening through a completely partisan process.

Now, in coffee shops across America, most folks are not talking about budget reconciliation. Budget reconciliation is Washington lingo for saying: We aren't going to do this right; we are just going to make it our way, partisan, with no effort to try to bring people together. And after those whispers in November of 2016, within days, Chairman ENZI, the chairman of the Budget Committee, and my good friend, Senator HATCH, the chairman of the Finance Committee, and everybody is on board.

Then, the majority leader, in December of 2016, made it official: We weren't going to build on the history of successful tax reform, which required bringing both sides together; the majority leader said that we are going with reconciliation and partisanship.

Reconciliation is a full-on rejection of the history of successful tax reform, and it is a full-on rejection of bipartisanship. It is the majority saying to the minority, as was the case: We just don't want your ideas because we don't need your votes. When you look at the way this debate played out, it is obvious that has been exactly the approach my Republican colleagues have taken.

The administration's first tax outline, which was shorter than your typical drugstore receipt, didn't contain an ounce of Democratic input. Then, what we had with the Republicans were the closed-door meetings of what they called the Big 6, a Republican-only group who turned their outline into a framework for a bill. The framework they released, which was roughly the same size as your typical drugstore receipt, still reflected no Democratic ideas.

Everybody knew that if we did it this kind of way, the public was going to catch on. They were going to see this as a con job and they were going to catch on that this is going to give the middle class the shaft, so they decided that they just have to move at the speed of light. That is what the House did.

Here in the Senate, the Republicans dropped their plan late at night, just before the Veterans Day weekend, and the Finance Committee was supposed to start the process of voting on it a few days later.

There was a whole new bill introduced in the middle of our markup that turned the tax bill into a healthcare bill—a healthcare bill—with a fresh attack on the Affordable Care Act. There was another set of last-second changes introduced literally minutes before the final committee votes happened. The bill makes \$10 trillion in tax policy changes, and there was never a single hearing on the specifics of the legislation.

Let me just repeat that. I want the public to know that. There was never a single hearing—not one—on the specifics of this legislation.

We are going to hear on all points a push by my colleagues on the other side to say that there were 70 hearings. Well, sure, there were people who would come in from time to time and talk about issues. There wasn't one hearing—not one—on the specifics of the legislation.

On the Senate floor, the Republicans played hide the ball for days until they dropped the final version of their bill late at night on a Friday. Two full days of debate had already passed, and the final bill was a mystery.

I stood here hour after hour asking where the bill was—an economy-transforming bill, a tax hike on tens of millions of middle-class Americans. Yet Republicans kept it hidden until the very last second. When it was revealed to the public, we saw my colleague,

Senator DURBIN from Illinois, holding it up with illegible notes scrawled in margins. It wasn't anywhere near enough time for any Member of this body to read the bill and grasp each of its provisions.

Even the conference committee was an exercise in reckless partisanship. News reports said that Republicans had agreed to a final bill, but they were empty-handed at the only official conference meeting. So what was going on at this so-called conference meeting? This was, I guess, a reality show version of a conference committee. The conferees were supposed to ask questions about out-of-date plans from the other body, in the Senate, when the actual, final bill was still locked behind closed doors.

The chairman didn't allow any motions or any amendments. Just like every other step in the process, this was a sham debate, and now the bill is a few hours away from passage.

I close with this: This bill has the power to reshape the American economy in far-reaching and unforeseen ways. It has the power to send families into economic hardship. It has the power to threaten this country's ability to uphold the special promises of Medicare, Medicaid, and Social Security. And this bill was written in the shadows, written in the dark, with billions and billions of dollars' worth of changes tumbling out at the last second, the result of special interest influence and hushed conversations in back rooms.

There were no public hearings on the specifics of this legislation, and people wonder why the American people oppose it. Republicans have chosen to ignore them. They have chosen to ignore them. What is happening is un-Democratic. It is wrong. I am here to say that this vote will not be forgotten.

I yield the floor.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Utah.

Mr. HATCH. Mr. President, the Senate will soon vote on the conference report for H.R. 1, the Tax Cuts and Jobs Act. I have waited a long time to give this final statement in support of tax reform legislation.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the Gallery.

The Senator will suspend.

Mr. HATCH. Mr. President, this fellow has a very interesting way of trying to get his point of view across. It shouldn't be done here in this august body.

Let me just start again.

The Senate will soon vote on the conference report for H.R. 1, the Tax Cuts and Jobs Act. I have waited a long time to be able to give this final statement in support of tax reform legislation.

I have been in the Senate for a little while. I have been party to a number of

major legislative achievements, like the passage of the Americans with Disabilities Act, the creation of the CHIP program, the Child Health Insurance Program, and the Religious Freedom Restoration Act, to name just a few. These are landmark bills, and I have had a lot to do with them.

The legislation before us is as important and as far-reaching as anything I have been privileged to work on. It is beyond gratifying to see the Senate reach this point, and I look forward to finally seeing real tax legislation signed into law.

I apologize for this type of intemperate action and mouthing off inside of this august Chamber. People feel very deeply about these things on both sides of the issues.

Passage of this important bill will be historic. It is the combination of years of work by people in both parties, in both Chambers, and on both sides of Pennsylvania Avenue. Many of us in this body have been waiting for years for this opportunity, and millions of Americans outside of this body have been waiting even longer.

It is no secret that our Tax Code is broken. Members of both parties have acknowledged this. If you walked across the country and asked Americans of all backgrounds and ideologies, you wouldn't find many who would be willing to defend the status quo. I don't think you would find anybody.

There is one apt phrase my good friend Senator WYDEN uses to describe our Tax Code. He calls it "a dying carcass." Indeed, our Tax Code is dying and rotting. It has hampered job creation, wage growth, investment in the United States, and it has chased American companies to foreign shores. I don't know how it could be more harmful than it has been. It has also given foreign companies a leg up on U.S. businesses in the global marketplace, leading to a record number of foreign takeovers and inversions. The bill before us will address these problems and help us turn the ship around.

Our legislation will reduce the corporate tax rate to 21 percent—something that is long overdue—the lowest level in the modern history of the United States, placing our country slightly below the average of industrialized countries. These changes will once again give American companies a competitive edge and bring more businesses back home instead of losing them the way we have been.

Hundreds of economists have said that our bill will boost economic growth, and numerous companies have indicated that once our bill becomes law, they will invest heavily in expansion and job creation right here in the United States of America.

In addition, as the Joint Committee on Taxation has made clear, reducing the corporate tax rate has distributional effects that go beyond the com-

panies themselves, their high-ranking officers, or even their richest shareholders. In fact, JCT—the Joint Committee on Taxation—estimates that workers bear 25 percent of the corporate tax rate and other economists have found that this number can reach as high as 75 percent. This means that no matter how you slice it, Americans will see their wages go up when corporate tax rates go down.

Further, over the last few decades, we have seen a massive expansion of pension and retirement assets, much of which are invested in corporate stocks. While many of my colleagues like to decry any business from merely earning a profit, the truth is that the continued rise in corporate profits has significantly expanded the wealth of middle-class workers and taxpayers who have continually set aside funds for the future.

A representative from the Tax Policy Center testified before the Finance Committee in the spring of last year. At that hearing he stated that 37 percent of corporate stock ownership was held in retirement plan accounts—37 percent. That was the largest share of overall stock ownership, and that statistic syncs up with the distribution tables put out by the nonpartisan Joint Committee on Taxation.

For all of these reasons, lowering the corporate tax rate has been a bipartisan goal for over a decade now. I have said it before: Presidents Clinton and Obama, Senators WYDEN and SCHUMER, and most of the other Democrats on the Senate Finance Committee have at some point in the recent past endorsed a significant reduction in the U.S. corporate tax rate.

Our bill will achieve this bipartisan goal and place our country well within the mainstream among our international competitors. This is a good thing—not just for businesses and rich stockholders but for working, middle-class families as well.

Let's be clear. This bill's chief focus is about helping the middle class. I know there is a tendency among some in this Chamber to act and speak as though all money in this country inherently belongs to the government. I won't speak for everyone, but those of us who have worked on this bill tend to think differently.

Aside from business reforms that will grow our economy, increase wages, and create jobs, our bill will lower individual tax rates across the board, allowing hard-working Americans to keep more of their money. In our bill, we also nearly double the standard deduction for individuals and married couples. This feature will significantly reduce the burden of tax filing for millions of middle-class families and decrease even further the overall tax liability of millions more. For the first time in more than 30 years, nearly every American will get more money

back by just filing out an EZ form. This, without a doubt, fulfills our goal of simplifying the Tax Code.

For individuals who are concerned about being able to itemize—again, we believe the number of people with this concern will decrease dramatically under our bill—we retain a number of key provisions that benefit many in the middle class. For example, this historic legislation will allow individuals and families to continue to claim deductions for State and local taxes, up to \$10,000 a year. It will keep in place, with relatively minor adjustments, the deduction for mortgage interest. And Americans who itemize and want to deduct their charitable deductions will be free to do so. This has made America great, and it has helped us at the same time to be more charitable. We are also expanding the child tax credit with this bill, doubling it from \$1,000 to \$2,000 per child and making the credit far more refundable than ever before. The adoption credit will stay in place. The deduction for medical expenses will still be available. Credits and assistance for students and their families will be untouched. We have made all of these changes and, when necessary, preserved current law, with an eye toward helping the middle class.

I know a number of my colleagues like to argue that this bill will have different results. Let's look at the numbers.

Under this bill, a typical family of four, earning the median family income of \$73,000, will see their taxes go down by more than half—about 58 percent. That number means something more than just a simple percentage; it means that an average American family will be able to keep \$2,058 more of their own earnings next year. That is a mortgage payment, a downpayment for a car, or several months' worth of groceries.

What about a single parent? Under our plan, a single parent with one child, making \$41,000, will see their taxes slashed by nearly 73 percent. That is almost a three-quarter reduction in tax liability. That means a savings of more than \$1,300 over the course of a year. That could be a month of daycare expenses, multiple car payments, or a family vacation.

These are things that matter to American families, and they well should. But our friends on the other side have been so caught up in partisan politics that they decided to ignore the Americans who will benefit from this legislation. I think it started with the election of President Trump and the retention of Senate control by Republicans. Their base protested, occupied, and disrupted the transfer of power from President Obama to President Trump. Here on the Hill, the "resistance" was in full effect right off the bat, with a coordinated effort to stall nominations in committee, which in-

cluded unprecedented boycotts and refusals to meet with nominees. It has only gone downhill from there.

While we heard words from our friends on the other side about participating in tax reform, their actions showed otherwise. I don't know how they can stand here and make some of the arguments they do. Unprecedented process demands were made. Resistance was the plan, and that plan was carried out. Now we hear about massive tax cuts for the very rich and huge breaks for corporations, but these claims fall apart when you look at the facts.

Again, this isn't uncharted territory for my friends on the other side. Accusing Republicans of hating the poor and loving the rich is one of their go-to moves. I have seen it for over 40 years. Every time you turn around, there is one of their go-to moves, and it has nothing to do with reality. I do think they are getting more desperate and vicious in their attacks because they regret their own decisions to sit out of this endeavor. That is precisely how it happened. Our colleagues were apparently so preoccupied with denying President Trump and congressional Republicans any success, they chose not to engage and instead to sit in the peanut gallery throwing out baseless attacks.

As I have said literally dozens of times over the past few years, I wish the Democrats had joined us in this process, put aside their ultimatums and preconditions, and helped to advance policies that they have claimed to support for years now. But we are where we are, and while the bill before us includes a number of ideas and proposals Democrats have supported, we are prepared to pass it without their votes, if that is what it takes. There have been some Democrats who have worked with us, but they have been few and far between.

Once again, this is a historic bill. I am proud of the work we have done in the Finance Committee, here on the floor, and in conference to get us to this point. I again invite our friends on the other side to also support the bill. I am proud of our colleagues who have put in so much effort to get us here. I am proud of the staff on Capitol Hill who have labored day and night to assist in this endeavor.

As I said, this legislation has been years in the making. I urge all of my colleagues to support the conference report and help us send it to the President's desk. You will not regret it. Those who support this will not regret it.

I think we ought to get rid of this hatred for Donald Trump that currently exists in this country and in this body. I think we should give the man a chance. He hasn't even been President for a year yet. Give him a chance. Even though he hasn't been President for a

year yet, we have had some amazing changes in this country for the better, and I think we could have many more.

What really interests me is that Donald Trump, 6 or 7 years ago, was working with Democrats as well as Republicans. He offered to work with the Democrats on these matters, and they have not taken up the offer. Instead, it is as though they are still bitter because he beat their candidate for President.

I would like to have us get over that type of petty politics and see what we can do to work together. Heaven knows, on the Finance Committee, I believe we have good Democrats on that committee, as well as good Republicans, and I think we can work together. I have to say, I don't think we have as well as we should, but I think we can, and I am hopeful that we will.

This is an important bill. It is a bill that really does need to pass. It is a bill that will help this country. It is a bill that will help the middle class. In fact, it is going to help everybody, but it will certainly help the middle class most of all.

I hope our colleagues put aside their petty politics on both sides and come together to support this bill, which literally can help save this country an awful lot of pain over the next number of years and give the government the kinds of resources that it needs to be able to do what the Federal Government needs to do for its people. I think we can.

People in this body know that I have spent years here. I am the most senior Republican. I have been here longer than any other Republican that I know of, and I have the legislative record to back it up—a record that has included working with Democrats almost every step of the way. I am offering to make sure we work together, but I haven't seen it on the other side. Can they get over the bitterness they have?

We heard this loudmouth in the Gallery who has no good sense and a total lack of etiquette and a total lack of respect for this government and this Senate. If I were on his side, I would be humiliated because he was just a big loudmouth who didn't mean a doggone thing. Unfortunately, I think there are more people like that who are so bitter that they will raise these types of issues without really trying to work together.

I am one who has a reputation for working together. I am chairman of the Finance Committee. I have enjoyed my work with the distinguished Democratic leader on the Finance Committee, Senator WYDEN. I care for him. I care for the other Democrats on the committee, as well as all of our Republicans. We work pretty well together. It is getting harder and harder to work together when all we see are screaming and shouting because they can't get their way because they are no longer in

the majority. I hope they get over that, and I hope they start working with us. If they will, we can do an awful lot of good things for this country, and we can bring people together across this whole country—people who right now are divided because they don't know what to do. They see us screaming and shouting around here and a total lack of willingness to get together. I would like to change it. I am open to changing it.

This bill that we have is a very, very important bill, and we need to pass it. My friends on the other side need to realize that, and I hope we will get some of them to vote for it. They know it is right. Deep down, they know it is right. It might not be everything they like themselves. It is not everything I myself would like. But it is a doggone good bill, and it is something that could really help this country pull out of the mess that it is in.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. JOHNSON). The Senator from Georgia.

Mr. ISAKSON. Mr. President, am I next?

I see the distinguished Senator from Washington on the floor. I ask unanimous consent that after I speak, she be recognized to speak.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I would like to take a moment to commend Senator ORRIN HATCH. I listened to the debate over this bill not just today but for the better part of 3 years I have been a member of the Finance Committee. I have never heard a more dignified, deliberate, intelligent delivery on any subject than we all just heard from ORRIN HATCH on the tax bill. Regardless of your politics, regardless of where you are from, it is good to know that America has dignified statesmen like ORRIN HATCH to take the tougher issues, simplify them, get people to join hands, work together, and pass what is right for the American people. I am glad the American people are going to get to see that over the next couple of days.

I publicly want to thank Senator HATCH for all he has done and all I know he has done in Washington during the last 3 years. In the 3 years on this committee, I have seen us—Republican and Democratic committee and subcommittee alike—work on every facet of the Tax Code to try to simplify changes down to doable amounts and doable jobs. I have seen everybody have input. I have seen everybody work together. Sure, we have had differences. Senator HATCH has always kept the mainstream there, kept his hand on the tiller, and saw to it that we never lost sight of doing what we need to do, which is to reform our Tax Code.

I want to commend Senator HATCH and Senator ENZI, as well, for the work they have done on the Budget Com-

mittee to get us to this point and the unsung heroes that all of us know about, our staffs, whom we cannot do without. Jay Khosla and Mark Prater on the Finance Committee have been outstanding and have made this thing work, and I commend them for their work. On my staff, I could not have done what I have done without Amanda Maddox, Trey Kilpatrick, Monica McGuire, and Jay Sulzmann, who have all worked hard to see to it that we made the right decisions for the right reasons for the people of Georgia.

I am very proud to be a part of this Senate today and of what is going to prove to be a historic day in the future. There are a lot of naysayers saying that this is not going to work. There are a lot of people who have come up to me today and have asked questions that have bad connotations to them. Yet I want, for just a minute, to talk about what I think this tax bill really means for the American people—for the folks who voted for me to represent them—and for what is going to happen in the years ahead.

I had a reporter stop me today while I was coming up to the floor.

He asked: Senator ISAKSON, where are you going to find the \$1.478 trillion that you all are costing us by passing this tax cut?

I said: First of all, we have not lost the money. Second of all, that is a static score. Third of all, I will be willing to bet you that we will take in a lot more money because of our having a dynamic economy than we will ever lose with a single tax cut.

There are some people whose thought process is one of tunnel vision. They can't see outside the blinders. They don't understand that tax policy drives economic decisions.

There are companies that in the last few years had been thinking about leaving America because of our tax rate that are now deciding to stay because of the new change. Don't underestimate the power of the territorial tax change that this makes for American business.

A lot of CEOs who go to their annual stockholder meetings for C corporations in America have to go with a game plan to raise the return on their stocks in order to have people invest in their companies. Unfortunately, the easiest way to raise the return on their stock today would be for a domestic American company to move their headquarters out of the United States to Ireland or to some other place that had a lower tax rate. If you put more money on the table for the stockholders, it will be bad for the country, bad for your company, and bad for the American people as jobs leave America.

Now that we have a territorial system that we are going to, there is an incentive to stay in America if you are located there and to come to America if you are not. We are not going to

have any more fast food companies that are buying doughnut makers in Canada and then moving their headquarters to Canada to get a lower tax rate. We are going to have a lot of new companies that will think about becoming doughnut makers and will do it right here in the United States because the new tax system we will have will be fair and equitable for economic development and building growth.

On the personal side, you really cannot argue with doubling the standard deduction. You can't argue with doubling of the child tax credit. You can't argue with simplifying the tax process itself and the filing of taxes. You can't argue with lowering rates—having seven different rate categories that are all lowered. You can't really argue with all of that because you know that is better for the American people and their pocketbooks in the short run, but in the long run, it will be better for them and their children and their grandchildren in terms of employment.

I have eight grandchildren. My oldest just graduated from college, and the youngest is 9. In the years ahead—and I hope that I will get to see a lot of them—they are going to get jobs, and they are going to work. They are going to raise their families.

What we have done today is going to make it easier for them to find employment for their kids, opportunity to develop businesses, and peace of mind because they will live in a country that will be vibrant and true.

For those who want to ask what we are going to do about the money that we are giving up, I don't deal with static scoring; I deal with dynamic scoring.

When I ran a company for 25 years, I made investments where I knew I had a place to grow. I made business decisions where there was positive growth ahead if I made the right decision. This Tax Code—this change in the Tax Code, this opportunity that we have—does all of those things.

Do I know exactly what is going to happen? No, but I am willing to bet—and I have bet my vote already in committee and will later on tonight on the floor of the Senate—on the American people and the American worker and the American entrepreneur. I will bet on their taking advantage of a tax code that is fair to them and that gives them a chance to expand their personal opportunities. I will bet on them that they are willing to move forward with a better tax code for all of the country. I will make my bet on them that they will want to see to it that their children and their grandchildren will have the opportunities that they have had as well.

I thank Chairman HATCH for what he has done in the last 3 years to make this opportunity come about.

I thank the distinguished Senator from Washington and the Senator from Alabama, whom, unfortunately, we are

losing in the next few weeks, for what they have put in this legislation. I thank them for what they have done in their looking out for their people.

Did we make any mistakes? Maybe, but you never make mistakes when you are trying to do the right thing. You never make mistakes when you are trying to do a good thing. You never make mistakes when you take a risk because when you take a risk, at the end of that rainbow is a reward. When you take a risk in lowering taxes, the greater reward is more jobs, more opportunity, and a better America for our children and our grandchildren.

I thank Senator HATCH for his work and for all that he has done to make America a better country and, in particular, for giving us the chance today to make our tax system fairer for all of the American people.

May God bless him.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor to speak about this legislation.

At the outset, I thank my colleague from Georgia and the Senator from Utah for their work on the affordable housing tax credit. The Senator from Utah said: Let's work together. I stand ready to work with him on affordable housing in the future, and, hopefully, with the Senator from Georgia, we can make progress on what is a crisis in America.

I come to speak in opposition to the legislation before us today, the tax reconciliation bill.

One of the requirements of the legislation that I most ardently oppose is including the Arctic National Wildlife Refuge for oil and gas development.

Basically, this bill pays for the tax cuts for corporations and millionaires by raising taxes on the middle class, undermining healthcare, and requiring oil drilling in one of our Nation's most iconic national wildlife refuges.

Everyone should understand that a vote for this reconciliation bill is a vote that will go to the biological heart of the Arctic National Wildlife Refuge and require drilling. I believe that opening up the Arctic Refuge to oil drilling is being done as a supposed revenue raiser to offset the soaring costs of this tax bill for corporations and the wealthy, but the process that it went through is a sham.

The Congressional Budget Office estimates that drilling for oil in the Arctic Refuge will raise less than \$1 billion over 10 years. This doesn't even meet the \$1 billion reconciliation instruction, and it certainly doesn't represent a serious offset to the huge deficits in the bill. To put this in perspective, less than seven one-hundredths of 1 percent of the \$1.5 trillion increase in the national debt will be from this policy in this legislation.

Drilling in the Arctic really has nothing to do with serious budgetary policy, but it has everything to do with evading regular order to pass something that could never pass in the regular order of the legislative process.

In addition to drilling in the Arctic National Wildlife Refuge, this bill would sell 7 million barrels of oil from our Nation's Strategic Petroleum Reserve. A portion of that sale is simply to meet the reconciliation instructions—that is to say, to make this bill work. Yet the sale of oil from our petroleum reserve would also provide a \$300 million windfall to four States—Texas, Louisiana, Mississippi, and Alabama. So this bill is selling off oil in order to pay for oil drilling in the Arctic National Wildlife Refuge. I do not believe that that makes sense.

Under this sham process, the bill will turn one of our Nation's wildest and most pristine areas into an oil field. The Arctic National Wildlife Refuge is the largest refuge in our Nation and is one of the crown jewels for us in the United States for wildlife refuges. I believe it is a U.S. Serengeti.

We received a letter from Jane Goodall, who basically said:

Around the globe so many indigenous people have been harmed in the name of "progress"—let us not add one more tragedy to the list. We have other sources of energy.

I ask unanimous consent that the entire letter we received from the Jane Goodall Institute be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE JANE GOODALL INSTITUTE,
Vienna, VA, November 14, 2017.

DEAR UNITED STATES SENATOR: It seems that each day brings ever more dire news about what we humans are doing to harm our planet, the animals that share it with us and, by doing so, harming ourselves also. You have an important opportunity to make a difference both now, and for future generations, by voting to oppose oil development in one of the world's most spectacular wilderness areas—the Arctic National Wildlife Refuge.

This Refuge is a truly wonderful place—nearly 20 million acres of pristine and ecologically significant habitat. There is compelling scientific evidence as to why it is truly important to protect this place. For one thing, it provides key breeding habitat for the millions-upon-millions of birds that migrate there from six of our planet's seven continents. It is also a calving ground for the 200,000-strong Porcupine caribou herd. And it is one of the most important denning habitats on earth for polar bears. Moreover it plays a significant role in helping to protect us from the onslaught of climate change.

But the Arctic National Wildlife Refuge is more than that. Its very wildness speaks to our deeply rooted spiritual connection to nature, a necessary element of the human psyche. The Gwich'in people understand this and call the area "The Sacred Place Where Life Begins".

If we violate the Arctic Refuge by extracting the oil beneath the land, this will have devastating impact for the Gwich'in people

for they depend upon the caribou herds to sustain their traditional way of life. Around the globe so many indigenous people have been harmed in the name of 'progress'—let us not add one more tragedy to the list. We have other sources of energy.

And so I beg you: Please use your voice and your vote as a U.S. Senator to protect the Gwich'in people and the American treasure that is the Arctic National Wildlife Refuge.

America has helped lead the world in the conservation of wildlife and your voice has been so meaningful in this regard, your example so powerful. Please take this opportunity to demonstrate your commitment to the natural world and to future generations and stand with me to protect the Arctic National Wildlife Refuge.

Please vote against oil development in the Arctic National Wildlife Refuge.

Sincerely,

JANE GOODALL, DBE, PhD,
Founder—the Jane Goodall Institute,
& UN Messenger of Peace.

Ms. CANTWELL. Mr. President, the U.S. Fish and Wildlife Service, which manages the refuge, describes it as "the only conservation system unit that protects, in an undisturbed condition, a complete spectrum of the Arctic ecosystems in North America." It is home to an incredible diversity of wildlife—47 different species of mammals, including polar bears, grizzly bears, wolves, Dall sheep, moose, musk ox, and caribou. The Arctic National Wildlife Refuge also provides important habitat for over 40 species of fish and more than 200 species of migratory birds.

So why would we want to destroy this refuge?

It was first established by the Eisenhower administration. Congress later protected this amazing Arctic area and its ecosystem in order to protect the wildlife and protect the habitat because of its incredible diversity. The Arctic National Wildlife Refuge is really known as the "last great wilderness" in our country, one of the great, last wild places, but this legislation turns that on its head.

It would make oil and gas development one of the statutory purposes of the Wildlife Refuge, and under this legislation, this Refuge would become the only Refuge where oil and gas development is required by law. It opens up the entire 1.5 million-acre coastal plain for oil and gas exploration and requires the leasing of at least 800,000 acres. It requires the leasing of areas with the highest oil and gas potential, no matter the consequences for the wildlife or the environment.

The bill requires that the Arctic National Wildlife Refuge be managed as a petroleum reserve, which is unprecedented, and it undercuts managing the Refuge for wildlife.

The bill includes no clear requirements to comply with environmental laws or to protect wildlife. Its sponsors, however, say that they are not preempting environmental laws and that, in fact, laws like the National Environmental Policy Act will "fully

apply." Yet this bill undercuts those assurances of compliance with environmental laws by adding oil development as a purpose of the Arctic National Wildlife Refuge. Adding oil development as a purpose is contrary to the purpose of a wildlife refuge.

The purpose of a wildlife refuge is to protect wildlife and to make sure that the managers of wildlife do so in a sound fashion.

At every other wildlife refuge in the country, development within the refuge is only permitted to the extent that it is compatible with protecting wildlife. This bill tries to waive one of the most important management protections that applies to every other national wildlife refuge—that development must be compatible with protecting wildlife. They have to do this because they know that oil and gas development in the Arctic National Wildlife Refuge is not compatible. It is just the opposite.

It is important to note also that this bill does not provide any energy security. There is no prohibition in the bill against exporting oil from the Arctic National Wildlife Refuge, and in all likelihood, much of the oil will be exported.

In addition to opening up the Arctic National Wildlife Refuge to development, the bill also requires the sale of 7 million barrels of oil from the Strategic Petroleum Reserve to give \$300 million, as I mentioned earlier, to several States—Texas, Louisiana, Mississippi, and Alabama.

So at the same time as we are being told that we must ruin a national wildlife refuge because we need the oil, we are selling oil out of the Strategic Petroleum Reserve. It does not make sense for America. It just doesn't add up.

The impact of oil and gas exploration in the wildlife area and the danger to our wildlife cannot be overstated. The Arctic National Wildlife Refuge's coastal plain and nearby waters are designated as critical habitat for polar bears, which are listed as a threatened species under the Endangered Species Act. Female polar bears head to the Arctic Refuge's coastal plain so that they can create snow dens, where they give birth to their young. The Arctic National Wildlife Refuge has a higher concentration of polar bear denning habitat than any other area on Alaska's North Slope.

The refuge is also the summer calving grounds for the porcupine caribou herd. This herd's range extends into Canada, and we actually have a treaty between both of our countries to protect this herd. The almost 200,000-member herd has an annual migration of hundreds of miles—and in some cases, thousands of miles—wintering in the south of the Refuge.

I think that this herd of caribou is so important because scientists say that

it has an entirely different kind of migration pattern than other caribou in Alaska, that it has been adept at dealing with the adaptation that comes along with climate change.

Why not, instead of ruining their habitat, study and understand this migration that has been studied since the 1950s? It has been part of our national investment in understanding wildlife. It has been supported by both Democratic and Republican administrations, to understand the science and background of this caribou herd. These caribou are an important food source for many Alaska Natives but in particular the Gwich'in people who live south of the Refuge. Wildlife biologists argue that the risk to the caribou herd and to those who rely on them could be quite significant.

So why are we doing this? Why are we doing this?

The last few years have been a difficult budget situation in Alaska. Relying on oil for 90 percent of the budget, I agree with many others, is unsustainable. Every dollar the price of oil per barrel drops, reduces the State budget by \$30 million, or close to 1 percentage point per dollar. The general revenue fund in Alaska dropped over 80 percent after 2012, and that situation caused Alaska's \$4 billion deficit projection last year. Difficult choices had to be made about taxes, savings, spending, and what the State government should do. Thankfully, their economy hasn't collapsed, but in the last big oil-driven recession in the 1980s, Alaska's banks failed, housing prices collapsed, and 15 percent of the population left.

Why am I bringing this up? Because the good news is today's Alaska economy is more diverse than it was 30 years ago. I know this because I talk to my colleagues and because we are interacting in a lot of ways in the Pacific Northwest.

Alaska is well known for its tourism. Two million visitors to Alaska spend \$1,000 per person in the State, supporting a \$7.3 billion outdoor industry. My colleagues here may not realize what my colleagues from Alaska and Washington know, and that is that the State of Alaska and Washington have a lot of interdependence. A recent study found that 113,000 jobs in Puget Sound are tied to Alaska's economy, and this number has doubled in the last 30 years.

What are those jobs? One-quarter of those are in the seafood industry. Almost 1,000 commercial-vessel owning fishermen who work in Alaska's fisheries are part of the trade between us. The Alaska trade accounts for one in five containerized shipments through the Port of Seattle and the Port of Tacoma. Another 14,000 jobs are tied to passenger transportation to Alaska, including 430,000 cruise ship passengers who come through Puget Sound every year. That is just one way of saying the

Washington-Alaska economies are tied together, and as a hub for Arctic commerce, I have worked with my colleagues Senator MURKOWSKI and Senator SULLIVAN on issues such as new Coast Guard Arctic icebreakers that are so needed for the future. I have supported more funding for demonstration programs for renewable energy and microgrids in an effort to help the local economy. I feel the same way about rural broadband across the Nation, and we want to make sure we are deploying and helping with everything we can to bring more connectivity to Alaska, but I really question how opening the Arctic Wildlife Refuge is a solution to these problems.

Even under CBO's aggressive view, if leasing occurs in the Refuge, it will be many years before Alaskans see any significant revenue. So my colleagues should be aware that doubling down on oil by sacrificing one of the great wildlife refuges will not, in my opinion, help close Alaska's budget deficit, and it will not help them diversify for the future.

This Arctic Wildlife Refuge is too special, too important. It is one of the crown jewels of our National Wildlife Refuge system. We should be preserving it. We should not be destroying it. We should not be turning it into an oilfield.

I am reminded that many people over many decades have fought for this great area of our country, to maintain its environmental stewardship, starting with Olaus Murie, who went there and did great explorations and convinced many people here in this Washington that it was something so special and worth preserving.

After decades of his scientific exploration in Alaska, Olaus testified in 1959 in support of creating the Arctic Wildlife Refuge. He said: "We long for something more, something that has a mental, a spiritual impact on us. This idealism, more than anything else, will set us apart as a nation striving for something worthwhile in the universe."

So what is setting us apart today? Some very short-term gains. In 100 years, when this economic tax bill will long be forgotten, the question will be whether something important in the universe still exists in the Arctic wildlife area. We didn't create the Arctic Coastal Plain, but I can state this: We cannot recreate it. What we are doing today is taking a step toward destroying it.

I urge my colleagues to oppose this reconciliation bill. Do not sacrifice the Arctic Wildlife Refuge to oil development. Don't take one of the great, wild, pristine places on this planet and turn it into an oilfield. We can do better as a nation. I know we can do better as a region, and we can do better with a better Arctic strategy for our Nation's future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, thank you, and I thank the great Senator from Washington State for her leadership on this incredibly important issue.

If this tax bill weren't terrible enough, it goes after one of the most beautiful places on Earth, the Arctic National Wildlife Refuge. Drilling in the Arctic National Wildlife Refuge is nothing more than a Big Oil polar payout. This isn't about drilling oil; it is about drilling for votes. This isn't about crude oil; it is the crudest of politics.

We now have 41 cosponsors of my legislation with Senator BENNET to permanently protect the Arctic Refuge by designating it as a wilderness. That is enough to sustain a filibuster, and that is precisely why they are circumventing the normal legislative process by including it as a rider on a tax bill.

In reality, drilling turns this pristine wilderness into an industrialized wasteland. The Coastal Plain is the biological heart of the Arctic Refuge, and allowing oil and gas drilling would drive a stake right through the heart of it.

We are currently sending nearly 1 million barrels a day of American crude oil overseas, but Republicans and the their oil industry allies are saying we need to allow drilling in the wildest place left in America so we can export even more oil to China and other foreign nations. It is an abomination. It is a disgrace. Drilling in a wilderness area in order to send oil to China—it is a disgrace. If the Republicans persist in passing this monstrosity of a tax bill and pass this Big Oil polar payout, they are the ones who are going to be left out in the cold in 2018.

If the Republicans want to see what real wilderness looks like, they don't need to travel to the Arctic Refuge, the wilderness is about to come to them. They are about to be sent deep into the political wilderness if they pass this tax scam legislation.

If the Republicans are successful in ramming through the Arctic drilling rider in the dead of night, we will never give up. We will keep fighting because the Arctic Refuge should forever be the home for caribou, not crude; bears, not barrels of oil; sandpipers, not pipelines. We will never stop fighting.

They may win tonight in the dark of night, but this fight is not over. This is a crime against the environment which is being committed here tonight. We do not have to sacrifice this wilderness. We are exporting oil out of our country—exporting it. We don't have to go here. Export more oil, and that is where it is going? It is just wrong.

Just remember that this is all a part of the so-called Republican reconciliation process. Now that we have the final product, that process is being ex-

posed as the giant con game it truly is. The key phrase in reconciliation is "con." It is a con job. The whole thing is nothing more than a masquerade, a Trojan horse in order to get a tax cut for the upper first percentile. It is a con job.

The polling in our country says the American people are not buying it. They are seeing right through it—through all the political noise, all of the incredible distractions, all the red herrings. The American public knows this is a tax break for the wealthiest people in our country and not for the middle class. Republicans are not even trying to hide what they are doing anymore. They are moving ahead with reckless speed to pass this disaster of a bill in the middle of the night, so that is why we will all be back here in a few hours, yet again, voting in the dead of night on a 500-page bill that has no hearings, no amendments, no real debate because that is the only way you can get a tax break for the upper first percentile and the wealthiest corporations in the country while trying to market it as a tax break for the middle class, when they know it is not. They know it, by the way. They know what they are doing.

It is the height of irony that we will be here tonight ramming through legislation before the Senator-elect from the State of Alabama can be seated. Just 8 years ago, Republicans called on Democrats to stop progress on the Affordable Care Act until Senator Scott Brown was sworn in. They said at the time: Stop progress. Don't do anything. We need to wait for Scott Brown to show up. Back then, Democrats listened to those calls, but when DOUG JONES gets elected, it is just put your foot to the accelerator, move as fast as you can, no hearings, no anything, and Alabama will not be represented with their new Senator out here. Back then, Democrats actually listened to those calls, and today our concerns are completely ignored by the Republicans, all so they can continue playing their con game on the American people.

The American people are waking up to the fact that they have been sold a bill of goods. They are seeing that this plan is simply a Trojan horse of giveaways to the wealthy corporations and Republican political donors.

What are some of those giveaways? Front and center is the massive cut in tax rates for megacorporations. We know this will not create jobs or trickle down to their employees because we have tried it before. In 2004, we gave a massive tax holiday for huge corporations on the money they held overseas, but the 15 companies that benefited the most from those giveaways cut more than 20,000 jobs and decreased their research spending.

Mark Twain said: "History doesn't repeat itself, but it does tend to rhyme." This tends to rhyme. The tax

cuts in this bill are even more egregious. Corporate tax cuts flow to CEOs and stockholders. Those stockholders are not all American taxpayers. Foreigners hold 35 percent of U.S. corporate stock. That means the Republican tax bill is a giveaway of \$48 billion to foreigners in 2019 alone.

Think about this. The Republicans can find \$48 billion to give away to foreign shareholders but in the same bill raise taxes on millions of middle-class families. By 2027, this bill will raise taxes on over 53 percent of American households. At the same time, a full 83 percent of the tax cuts will flow to the top 1 percent of Americans. So the more the American people see what is in this bill, the more they realize they will have to foot the bill, and the American people are saying "No way."

New polls today show that over half of the American public opposes this bill; two-thirds of the people recognize that the bill will benefit the wealthy over the middle class; and, according to the polls, the only thing more unpopular than this tax plan is President Trump himself. But the Republicans will push ahead anyway since this is all part of the bigger con game. When these tax giveaways pass, the deficit will explode by over \$2 trillion.

Republicans aren't even waiting for those deficits to become reality before using them as an excuse to move to the next phase of the con game. They are already using future deficits to justify a brutal, vicious cut to programs for the poorest, for the sickest, for the neediest people in our country. Earlier this month, Speaker RYAN said, "We're going to have to get back next year at entitlement reform, which is how you tackle the debt and the deficit." We know exactly what Republicans mean when they talk about entitlement reform. They mean taking a machete to the programs that working and middle-class families in America rely upon. Republicans want nothing more than an excuse to slash Medicare and make it harder for Grandma to buy her medicine. They want the ability to gut Medicaid because, in their opinion, healthcare is only a right for the wealthy. They want to cover their historical enmity toward Social Security so that they can steal benefits from every American who has paid into that system, and they are doing this because the modern Republican Party has a sacred obligation to their donors—to the Koch brothers, to the massive corporations that help fund their campaigns. They promised them tax breaks, and it will be average working families who will end up footing the bill. When the bill becomes due, the American people will not forget who sent it to them.

Here we are at the end of the year. We have truly important issues to address. We need to fund healthcare for 9 million children, ensure that community health centers can keep the lights

on, secure the dreams of 800,000 young Dreamers, and combat the crises that American communities face from opioids and natural disasters. Sadly, we are doing none of those things. Instead, we are looting America's middle class to give away massive amounts of money to the rich, which will then create deficits, which will then have them going after Medicare, Medicaid, and Social Security—Grandma and Grandpa, who built this country. That has always been their plan. They have an ancient animosity toward all of these programs, and now they believe they can leave them as debt-soaked relics of what they are today by creating this huge debt in this tax bill and then turning on the very programs for the very people who made this country what it is today.

I urge a “no” vote on this bill. It will go down in history as one of the worst single pieces of legislation ever to be considered by the U.S. Senate.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, relief for Americans is on the way. This evening, we will vote on the first comprehensive overhaul of our Tax Code since 1986. In 1986, I was a young Senate staffer. I watched as that tax bill passed on the floor of the U.S. Senate. I was a 25-year-old staffer back then.

In a couple of weeks, my wife and I will welcome our third grandchild into the world, so it seems only fitting, after 30 years, that we go about the business of reforming the Tax Code because a lot has changed in this country. A lot has changed in this country in the past 30 years, but the one thing that hasn't changed is the Tax Code. Our Tax Code needs to be updated and modernized to reflect the times in which we live.

Since President Reagan signed the last overhaul into law, our Tax Code has ballooned into an unwieldy, complex maze that costs American taxpayers an incredible amount of time and money and acts as a drag on economic growth and job creation.

I will say that when I was elected to the Senate, I came here, as most of us do, wanting to do big things. We want to do consequential things. We want to do things that will impact the American people in a beneficial and a positive way, and that is certainly the case with tax reform. I sought to get on the Senate Finance Committee for that reason. The Senate Finance Committee has jurisdiction over tax, trade, healthcare, and issues that really impact and affect the American people's everyday lives.

In 2011, I had the good fortune of getting on the committee, and ever since that time we have been working aggressively, planning for this very day. The suggestion by our colleagues on the other side that somehow this cropped up all of a sudden, overnight,

is absolutely inconsistent with the facts. Since I got on the Finance Committee in 2011, we have had no fewer than 70 hearings on tax reform and tax-related issues.

In 2015, the chairman of the committee, Senator HATCH, created five working groups. I was fortunate enough to chair one of those working groups. They were bipartisan, and they were tasked with looking at all aspects of the Tax Code, broken down into five different sections, and making recommendations for tax reform. We went about that in a very diligent way. We spent weeks and months developing ideas, reported those recommendations to the full committee, and those recommendations today serve as the foundation for the legislation we are considering. That was a bipartisan process, and the Democrats participated in that. A lot of the suggestions are bipartisan ideas. The foundation for this legislation frankly, in many respects, originated with those working groups that were worked upon by both Republicans and Democrats. So we stand here today with a piece of legislation that has a lot of bipartisan substance in it, even though the Democrats have refused to participate in the process.

We started out with two major goals on tax reform. One was to put more money in the pockets of hard-working Americans and to create a tax code that would foster economic growth and make American companies competitive again in the global marketplace. Those are the two goals. The bill before us today—the Tax Cuts and Jobs Act—succeeds on both fronts.

The bill provides immediate, direct relief for hard-working Americans, starting next month. It lowers tax rates for Americans in every income bracket. It nearly doubles the standard deduction, simplifying the code, meaning that fewer people will have to itemize. Across the country, it varies State by State, but, on average, less than one-third of the people across the country itemize today. Well, this will reduce that number even further. Less than 10 percent of the people in this country will have to itemize because of the doubling—or near doubling—of the standard deduction. It doubles the child tax credit and significantly increases the refundable portion of the credit, which will provide important additional help for low-income families, and it maintains the earned-income tax credit.

All of this means that American families are going to see a significant drop in their tax bills for next year. Just as a case in point, a family of four with a combined annual income of \$73,000 per year will see a tax cut of over \$2,000, and that represents a 58-percent reduction over what they are paying today under current law. If you are a single parent with one child and have an income of \$41,000, you are going to see a

\$1,300 reduction in your taxes, which represents a 73-percent reduction over what you are paying today under current law.

So the idea, as has been advanced by the other side, that somehow middle-income taxpayers don't benefit from this is absolutely false. It is inaccurate because these are objective facts. A doubling of the standard deduction, a doubling of the child tax credit, and a reduction in rates mean that people in all income groups are going to see significant tax relief. Just to put a fine point on that, this is based on the latest analysis by the Joint Committee on Taxation. They assess and look at how these proposals will translate in terms of income groups and who gets impacted by that.

I want to point out that if you look at income by level here—different groups and their incomes—as you can see, every income group receives a significant tax cut. In fact, lower income Americans receive the largest tax cuts, and that, again, is according to the Joint Committee on Taxation. The point made earlier by my colleague from the other side was that somehow this was going to be a huge tax shift in terms of who is going to pay taxes after all this is said and done. Well, if you look at the tax burden—and by that I mean who pays taxes in this country, the share of taxes currently borne by each different income category—as you see from this chart, which is broken down by quadrant, 25 percent of the filers are in this category, 25 percent in this category, and 25 percent with \$50,000 to \$100,000 in income, and then the final quadrant of 25 percent is those making \$100,000 and above. Well, if you look at those in the lower income categories—and this is according to the Joint Committee on Taxation—their share of the tax burden relative to what it is today is actually the same or lower. So those in lower income categories, those making \$20,000 to \$50,000 a year—and that represents about 25 percent of filers today—pay 4.3 percent of total taxes in this country. After implementation of the bill, they will pay 4.1 percent of total taxes in this country. Their overall tax burden will have decreased after passage of this legislation.

If you take the next category, from \$50,000 to \$100,000, they pay today, under current law, 16.9 percent of the total tax burden in this country. After this legislation has passed, they will be paying 16.9 percent of the total tax burden in this country.

What about those making \$100,000 a year and more, which represents about 25 percent of all filers? Well, according to the Joint Committee on Taxation, on which these distribution tables are based, those in that income category who are paying today 78.7 percent of all the taxes in this country—after this is passed, they will pay 79.1 percent. So

their overall tax burden actually goes up after this legislation is passed and enacted into law.

Interestingly enough, this is the most recent analysis by the Joint Committee on Taxation. This is the distribution table that they just put out. The category that has the biggest increase in terms of overall tax burden is those making a million dollars a year and more. Today they pay 19.3 percent of all the tax burden, all the tax liability in this country. After this is all said and done, they will pay 19.8 percent. So their taxes—those with a million and more—are going up under this legislation.

So this idea—they keep saying it on the other side, but just because they keep saying it doesn't make it true. The facts tell a completely different story. These are the facts. Again, I have come back to the point I made earlier; that is, let's put it into language that people in this country understand. When they do their taxes, they are going to see a doubling of the standard deduction and they are going to see a doubling of the child tax credit. If you are a family with kids in this country, that means that for every child you have, instead of getting a \$1,000 child tax credit, you will get a \$2,000 child tax credit. Couple that with the lower rates—and the marginal rates are going to be a 10-percent rate, a 12-percent rate—and where those kick in at different brackets, you are going to see a significant reduction in taxes across all income groups. That is just the reality. I think it is important that we at least, as we are talking about this subject, talk about it in terms of the facts.

The Tax Cuts and Jobs Act also preserves elements of the current Tax Code that have been working for Americans. Under this bill, homeowners and those aspiring to own a home will still be able to deduct their mortgage interest if they itemize on their taxes. Individuals who donate to charities, to churches, and educational institutions will still be able to claim those contributions as an itemized deduction. Working Americans will retain all the current options for saving for retirement, from individual retirement accounts to the various types of employer-provided retirement plans, like 401(k)s.

This bill also provides families with permanent relief from ObamaCare's burdensome individual mandate, which is a tax on lower income Americans. Under the Tax Cuts and Jobs Act, Americans will no longer be required to buy health insurance that they don't want and can't afford or face significant financial penalties, which today disproportionately fall on those who make less than \$50,000 a year.

This bill also restores the deduction for major medical expenses to where it was before ObamaCare. For this year

and next, Americans facing the burden of significant medical expenses will once again be able to deduct any expenses that exceed 7.5 percent of their adjusted gross income. I hope that eventually we will be able to make that change permanent.

That is not all this is going to do. This is not just going to help Americans now; it is going to help them for the long term. It is going to give them access to the kinds of jobs, wages, and opportunities that will set them up for a secure future. How does it go about doing that? By rebuilding our broken Tax Code into a modern tax system designed for a 21st-century economy.

In order for individual Americans to thrive, American businesses need to thrive. Thriving businesses expand. They hire new workers. They can afford to offer those workers higher wages. But our current Tax Code has not been helping businesses thrive. On the contrary, it has been strangling businesses large and small with high tax rates and provisions that discourage growth and drive those good-paying jobs overseas. Plus, our outdated tax structure has left American businesses at a competitive disadvantage in the global economy.

This legislation changes all of that. This bill lowers tax rates across the board for small and medium-size businesses, farms, and ranches. It provides a 20-percent deduction on passthrough income, reducing the top effective tax rate on this income to no more than 29.6 percent. It permits businesses with gross receipts of up to \$25 million to use the cash method of accounting and to expense their inventory costs. It allows businesses to expense new investments in machinery, equipment, and building improvements. And it expands the amount of startup and organizational expenses that new businesses can write off up front, freeing up cash flow to get the business up and running.

Accelerating businesses' ability to recover the money they invested in things like property, equipment, and inventory will encourage new business growth and help existing businesses—including farms and ranches—expand their operations, create new jobs, and grow the economy.

The bill also helps family-owned businesses, farms, and ranches by providing substantial relief from the death tax. I would have preferred to eliminate what I think is a confiscatory tax once and for all. But in this legislation, we double the current exemption to over \$11 million, and by doing that, this bill will take a vast majority of family-owned businesses, farms, and ranches out of the tax's crosshairs. Too many of these businesses have wasted tens of thousands of dollars a year on costly estate planning simply to avoid the death tax and preserve that family business for another generation. That

is money that these individuals would rather be investing in their businesses and their workers. This legislation allows these businesses to save critical capital for their businesses instead of forcing them to spend it to protect themselves from the heavy hand of the government.

In addition to improving the playing field for small businesses, the Tax Cuts and Jobs Act will boost our economy by lowering the tax rate for larger businesses. Right now, America's global businesses pay the highest corporate tax rate in the industrialized world. By reducing the corporate tax rate to 21 percent, this bill will allow American businesses to compete and win in the global economy. Just as important, this bill brings the U.S. international tax system into the 21st century by replacing our outdated worldwide tax system with a territorial tax system so that American businesses are not operating at a disadvantage next to their foreign competitors.

We haven't talked a lot about this, but one of the most important reforms in this bill is the changes we make to the international tax system. This bill also eliminates the incentives in our current Tax Code that encouraged companies to shift jobs, profits, and manufacturing plants overseas. This bill makes it easier for American businesses to bring home foreign earnings to invest in growing jobs and paychecks in our local communities here in America.

Lowering the corporate tax rate and transitioning to a territorial tax system will boost wages, jobs, and opportunities for American workers employed by our Nation's global companies. It will also increase wages, jobs, and opportunities for workers at the countless small and medium-sized businesses throughout our country that make up the supply chain for America's global companies. That is a resounding win for American workers and businesses and for our economy overall.

As I said earlier, this bill is the product of literally years of work by Members of both parties. I am excited to be here as we get an opportunity to take this bill across the finish line later today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, the Tax Cuts and Jobs Act will keep over \$700 million per year in Montanans' pockets. That is not a number that I calculated; that came right from the Montana Department of Revenue. And that is just for the individuals in Montana. That \$700 million will be moved from Washington, DC, back to the people of Montana.

I can tell you something: Hard-working Montanans could use a pay raise. In fact, in Montana, we have some of the

lowest per capita wages in the Nation. Contrast that with what is going on in Washington, DC. In fact, if you Google “wealthiest counties in the U.S.A.”—I challenge you to do that. Take your smartphone and Google “wealthiest counties in the U.S.A.” and look at what you find. The top three wealthiest counties in America are suburbs of Washington, DC. In fact, 6 out of 10 of those counties are counties adjacent to Washington, DC. Montanans don’t need to send an additional \$700 million of their money back to Washington, DC. In fact, according to the Montana Department of Revenue, nearly 99 percent of Montanans will see a tax cut under the Tax Cuts and Jobs Act. On average, Montanans will keep approximately \$1,600 of their hard-earned money each year.

Moreover, the Tax Cuts and Jobs Act repeals once and for all ObamaCare’s poverty tax—the so-called individual mandate. This tax has systematically penalized the low-income for not being able to afford health insurance. Frankly, repealing this tax is one of the most compassionate things we could do as part of this legislation.

Adding insult to injury, when you peel back what is going on with this poverty tax, 42 percent of those paying that poverty tax, that ObamaCare mandate tax, make less than \$25,000 a year. In fact, 82 percent of the penalty payers paying this tax make less than \$50,000 a year. Repealing this tax is the right thing to do.

At the end of the day, the question here is pretty simple: Who deserves more money? Who deserves more control? Is it right here in Washington, DC, or is it the American people? Is it the people of Montana? I think the answer to that question is pretty easy. I believe Montanans do. So I will be voting for hard-working Montana families so they can keep more of their own money. As we debate what we should do with the cash here in Washington, DC, whose money is it anyway? It came from the people of this country. It came from the people of Montana. I will be voting for Montana Main Street businesses, for the hard-working middle class of Montana so we can grow wages—some of the lowest in the Nation—and grow jobs. I will be voting to return some of Montanans’ hard-earned money back to the people who sent it here in the first place.

Mr. President, I yield back my time.
The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, a few moments ago, my friend from South Dakota was speaking about the bill. He made one statement that I do agree with, and that is, just because you say something over and over again does not make it true. Unfortunately, much of what he said is just not accurate. The truth is that what we are seeing today, in an unprecedented way, is the looting of the Federal Treasury.

Today marks a great victory for the very wealthy campaign contributors who have contributed hundreds of millions of dollars over the years to the Republican Party. These billionaires will see a huge tax break for themselves at the same time as the deficit of this country is driven up by about \$1.5 trillion.

Today is also a victory for the largest, the most profitable corporations in America, companies such as Apple, Microsoft, Pfizer, and General Electric, which, despite recordbreaking profits, will now see hundreds of billions of dollars in tax breaks.

At a time of massive income and wealth inequality, where the people on top are becoming wealthier while the middle class shrinks and 40 million live in poverty, this legislation—according to the nonpartisan Tax Policy Center—will provide 83 percent of the benefits to the top 1 percent, while increasing taxes on 92 million middle-class households by the end of the decade. Let me repeat that. By the end of the decade, this legislation will provide 83 percent of the benefits to the top 1 percent and, incredibly, 60 percent of the benefits to the top one-tenth of 1 percent, while, at the end of the decade, 92 million middle-class households will be paying more in taxes.

Does anybody really believe that when we have such a massive gap in income and wealth inequality, we should be giving 60 percent of the benefits in this bill to the top one-tenth of 1 percent?

It says a lot about the priorities of the Republican Party when the tax breaks for corporations in this bill are permanent, while the tax breaks for working families expire at the end of 8 years.

Furthermore, I hope that every American is listening to what Speaker of the House PAUL RYAN is saying, and other Republicans, when they talk about how they are going to offset the \$1.5 trillion in deficits they just created by giving massive tax breaks to the wealthy and large corporations. What RYAN is saying and many other Republicans are saying is that they are going to come back and offset that \$1.5 trillion in deficits by cutting Social Security, Medicare, and Medicaid. And if I am wrong on that assertion, I would hope that some of my Republican colleagues would come down to the floor and say that I am wrong, but I do not suspect that will be the case.

During his campaign for the White House, Donald Trump said over and over again to the American people, quote after quote, day after day, that he would not cut Social Security, Medicare, and Medicaid. Well, I say to the President: For once in your life, keep the promises that you made, and tell the Republican leadership now that you will veto any legislation that cuts Social Security, Medicare, or Medicaid.

I suspect we will not be seeing a tweet from the President on that issue.

Moving toward passing this very unfair piece of legislation, the Republican leadership—which controls the House and the Senate—will move soon to shut down the Congress and head home for a holiday break. After massive tax breaks for the rich and large corporations, they believe their work is done, and they are ready to head home.

Well, I respectfully disagree. Maybe, just maybe, before Congress adjourns for the holidays, we should start paying attention to the needs of the working families of this country, to the middle class of this country, and not just the billionaire class.

We need to address the crisis that faces some 800,000 young people who are currently in the DACA Program. Without the legal protections afforded by the DACA Program, these young people today are living in constant fear and anxiety that they may lose their legal status and, in fact, be deported from the only country they have ever known.

Imagine somebody who is 20 or 25 years of age, has lived in the United States virtually his or her entire life, went to school here, now has a job, now is in college, now is in the military, and because of Trump’s disastrous attack on DACA, repealing DACA, 800,000 young people are worried about whether they are going to be able to even stay in this country.

The American people are very clear about how they feel about this issue. I believe just today there was a Quinnipiac poll that appeared on this very issue, and this was the question:

Which comes closest to your view about undocumented immigrants who were brought to the U.S. as children? A) They should be allowed to stay in the United States and to eventually apply for U.S. citizenship. B) They should be allowed to remain in the United States, but not be allowed to apply for U.S. citizenship. C) They should be required to leave the U.S.

That was the question asked of the American people.

Here is the answer. Seventy-seven percent of the American people—77 percent—say that these young people should be allowed to stay in the United States and move toward citizenship. Seven percent say they that should stay in the United States but not gain citizenship. Twelve percent say that they should be forced to leave the United States.

Republicans, by overwhelming numbers, say that these young people, these Dreamers who have spent their entire lives in this country, who know no other country, should be allowed to stay in America and apply for citizenship. Ninety-one percent of Democrats say that, and 81 percent of Independents say that.

As we speak, young people are losing their legal status. We have to act on that and act on that now, before we adjourn for the holidays. Put yourself in

the place of a 20-, 25-year-old person living in extraordinary anxiety. We have to act now to address those concerns. We have to do what the American people want us to do.

As I think most people know, the Koch brothers are the major funders of the Republican Party. They have probably given billions of dollars over the years. Even Charles Koch acknowledges that the right thing to do is to provide legal status for the Dreamers.

Let me quote from a recent op-ed in the Washington Post by Charles Koch and Tim Cook, the head of Apple:

The United States is at its best when all people are free to pursue their dreams. Our country has enjoyed unparalleled success by welcoming people from around the world who seek to make a better life for themselves and their families, no matter what their backgrounds. It is our differences that help us to learn from each other, to challenge our old ways of thinking and to discover innovative solutions that benefit us all. To advance that prosperity and build an even stronger future, each successive generation—including, today, our own—must show the courage to embrace that diversity and to do what is right.

We have no illusions about how difficult it can be to get things done in Washington, and we know that people of good faith disagree about aspects of immigration policy. If ever there were an occasion to come together to help people improve their lives, this is it. By acting now to ensure the dreamers can realize their potential by continuing to contribute to our country, Congress can reaffirm this essential American ideal.

This is from Charles Koch. He funds the Republican Party. They might want to listen to him as well.

But it is not just the need to address the crisis facing our Dreamers. As you know, community health centers providing health insurance, healthcare, for 27 million people have not been reauthorized or refunded. We have to address that issue, and we have to address it now.

Nine million children are in the Children's Health Insurance Program. While we are busy giving tax breaks to billionaires, we have not had time to reauthorize a health insurance program for the children of this country. We should be ashamed of ourselves.

We have disaster relief out there. Folks in Congress will go home to celebrate the holidays, and will light up our homes. In Puerto Rico and the Virgin Islands, they can't light up their homes because many of them still don't have electricity as a result of the recent disasters they have experienced. We need to do disaster relief. We need to do it now for the people of Puerto Rico, for the people of the Virgin Islands, for the people of Texas, and for the people of Florida.

There are 1.5 million workers who are about to lose the pensions they were promised, and those pensions, after a lifetime of work, will be reduced by 60 percent if we don't address the multi-employer pension plan crisis. We have to do that.

Over 40 million people in this country are dealing with student debt. They leave college deeply in debt. Many of them are in despair because of their financial situations—because of their outrageous levels of student debt. We have to address that.

We have an opioid epidemic that is killing people from coast to coast. We have to start investing in treatment and prevention.

We have 30,000 vacancies in the VA today. Our job is to make sure that every veteran in this country gets the quality healthcare he or she needs. They don't get it with 30,000 vacancies in the VA. We have to invest in the VA.

There were 10,000 people on disability who died last year while waiting for the Social Security Administration to act on their applications; 10,000 people died last year because the Social Security Administration is greatly understaffed—massive cuts to the Social Security Administration. The elderly and the disabled in this country are entitled to have prompt process when they apply for benefits. They are not getting that. We have to pay attention to that, and on and on it goes.

The bottom line is that the U.S. Senate should be doing more than providing 83 percent of the benefits in a tax bill to the top 1 percent. We cannot go home unless we address the very serious crises facing the working families and the middle class of this country.

With that, I yield to my colleague from Oregon.

Mr. WYDEN. Mr. President, I thank Senator SANDERS.

I want to pick up for a moment on his eloquent points and then pose a question to him about what we will be doing here in a few minutes.

Senator SANDERS has eloquently spoken to the needs of the American people, our veterans, the Dreamers, the disasters. Those are bipartisan efforts. Mr. CRAPO and I want to fix the broken system of fighting fires.

Senator SANDERS mentioned children's health insurance. This bill borrows \$1.5 trillion and is going to end up borrowing a lot of it from foreign interests. That would fund the Children's Health Insurance Program for 915 years. So what the Senator from Vermont is doing is saying: Look at all the constructive areas where we can really meet the needs of the people, and, instead, we are working on a tax bill that is going to betray the middle class. It is going to betray the middle class, and in my view, as the distinguished Senator from Vermont and I have discussed, this bill—this tax bill—is a textbook case of writing legislation in an undemocratic way, in a secret way, with provisions that were airdropped for lobbyists into this legislation in the middle of the night.

Senator SANDERS and I were part of the so-called conference committee last week where we didn't even have

the relevant bill in front of us. We were asking questions about bills that really didn't exist.

Mr. SANDERS. If I could ask my colleague from Oregon a simple question—he is the ranking member of the Finance Committee. This is a bill that deals with trillions of dollars in our entire economy.

Mr. WYDEN. \$10 trillion.

Mr. SANDERS. It impacts every person in America. Would he mind telling the American people just how many public hearings there were to hear from economists, to hear from the business community, to hear from labor, to hear from senior advocates, to discuss this rather long and complicated bill?

Mr. WYDEN. There was not one single hearing to discuss the specifics of the legislation before us today. The legislation before us today involves \$10 trillion worth of changes in tax policy.

Our colleagues on the other side trumpet this idea that there were 70 hearings. I think what they are talking about is that over the years, people would come in and talk about this idea or that.

Mr. SANDERS. Talk about taxes in general—

Mr. WYDEN. Right, that is correct. But there was not one single hearing with respect to the specifics of the bill.

I would like to turn, if I could, to this work that my colleague—and I am happy to have partnered with him—has played such an important role in; that is, the consequences of all this reckless haste and secretive process, which he and I have been working on. In my view, it is really is legislative malpractice. We have a bill that is full of mistakes that are going to have unintended consequences, opening many new loopholes for the wealthy and crafty accountants and lawyers.

The Senator and I have been working to try to weed out of this legislation violations of what is called the Byrd rule, which, in English, basically means you can't stuff provisions into a bill that really don't deal with tax and spending. By my count, the Senator and I have already pushed that there are more than 20 Byrd rule violations that had to be corrected.

Before I ask my question, I just want to give people a little bit of the idea of the work the Senator and I have been doing over the last few days. Late Friday night, we were able to remove a particularly offensive provision that would have turned some churches in America into partisan, political organizations. Specifically, there was an effort here to overturn what is called the Johnson amendment, named after Lyndon Johnson, that barred churches from endorsing partisan political activity with political candidates. The way that the bill was written—and the Senator and I fought to get it struck and were successful—it would have turned

churches and sham charities into political machines where they could be conduits for billions and billions of dollars in dark money.

Mr. SANDERS. Let me translate that into English. In other words, as I understand what the Senator is saying, billionaire campaign contributors could then legally put money into churches, which would then do the political work that they otherwise would have been doing.

Mr. WYDEN. Absolutely. I think we need to tell America about this because we have won this round, but the Senator and I are going to be back at this fight with our colleagues again. In effect, this would have been Citizens United 2.0. This would have been another version of the push to have unaccountable, dark money—billions of dollars poured into elections through churches and sham charities.

Turning to the question now of this evening, it looks to me as though we have now found several other Byrd rule violations that would seem to me to be further indications of rash and reckless legislating that does not serve the American people well.

So I would wrap up by asking my colleague from Vermont—and I want to tell him it has been a pleasure to work in partnership with him on this—aren't these Byrd rule violations that we have been going after and that you are going to discuss again tonight, aren't these just a textbook case of what happens when you legislate with reckless haste?

Mr. SANDERS. Absolutely. It is not only that mistakes are made; it is that when you don't open the doors to the American people, to economists, to mayors, to Governors, to businesspeople, and to leaders in the labor movement to see what do you want in tax reform—when you don't do that—and when you conduct your business behind closed doors, you end up with legislation that represents the needs of the billionaire class, which also makes a number of mistakes.

In that regard, I would tell my friend that this afternoon, the Senate Parliamentarian advised that certain provisions of the Republican tax legislation violate the Byrd rule, including a provision allowing for the use of 529 savings accounts for home schooling expenses; the short title—the Tax Cut and Jobs Act—and part of the criteria used to determine whether the endowments of private universities are subject to the legislation's new excise tax. These provisions may be struck from the conference report absent 60 votes.

With that, I raise the following points of order against the pending conference report:

That subsection 11000(a) violates section 313(b)(1)(A) of the Congressional Budget Act of 1974; that subparagraph (B) of section 11032, starting on page 75, line 17 and all through page 76, line 9, violates section 313(b)(1)(D) of the Con-

gressional Budget Act of 1974; and that the phrase "tuition-paying" as it appears on page 309, line 12, and page 309, lines 14 through 15, violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Wyoming.

MOTION TO WAIVE

Mr. ENZI. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the conference report to accompany H.R. 1, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The waiver is debatable for 1 hour, equally divided.

Who yields time?

If no one yields time, the time will be equally divided.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I was proud to be a conferee for H.R. 1, the Tax Cut and Jobs Act, and I am pleased to join many of my colleagues in strong support of the conference report for it.

I think, really, the title says it all. This bill will deliver tax cuts and new jobs for hard-working Americans. I think it will be good for our economy, it will be good for jobs and for growth, and it will be good for families and our businesses.

As a starting point, we have tax reform—a huge and a complicated undertaking that really happens once in a generation around here. It has been 31 years since we have successfully reformed the Tax Code. I think we would all say it is long overdue.

This bill reduces taxes in every income bracket, letting Americans keep more of their money. It doubles the standard deduction to put even more money back in the pockets of hard-working Americans. It doubles the child tax credit, which is so important, making more of it refundable to help parents and our families. It helps our small businesses. In the State of Alaska, about 99.6 percent of the businesses in Alaska are small businesses, and it allows owners to do even more by being able to deduct 20 percent of their business income from their taxes. It also cuts our corporate rate, currently one of the highest in the world. We all recognize this is a move that is long overdue and one that will make us more competitive, help bring jobs back to this country, and increase investments in America.

I support tax reform, and I am also very proud to be the lead author of the second title, the energy title, in this

bill, which I believe contains the single most important step that we can take to strengthen our long-term energy security and create new wealth—creating new wealth—rather than moving things around.

This has been long fight for us. It has been a fight that has been going on for about 38 years, give or take. It has been a multigenerational fight for some of us. What we are doing is authorizing a program for responsible energy development in Alaska's non-wilderness 1002 area. This is an area Congress specifically set aside for its evaluation for its potential for oil and gas.

I have put a lot of charts about Alaska up, but here is Alaska laid over the United States of America, just to kind of put in context what we are talking about here with the 1002 area. The area of ANWR itself is an area of about 19.5 million acres. It is the combined size of Massachusetts, Rhode Island, Vermont, and New Hampshire, in this area, and in this portion of the State of Alaska. Contained within ANWR is additional wilderness acreage. There are about 7 million acres of wilderness contained in the ANWR area.

I also want to remind colleagues who say we need to keep this 1002 area in a wilderness status—let me tell my colleagues, the 1002 was never in wilderness, is not in wilderness, and that is not what we are talking about here.

We have 48 wilderness areas in the State of Alaska, with a total of about 56.6 million acres of designated wilderness in the State, but the 1002 is not wilderness. This is what we are talking about opening up for oil and gas exploration.

This is an area—this small area up here—that contains an estimated 10.4 billion barrels of oil. We know we can produce it safely. We know we are going to need this oil in the years ahead.

Now, some of my colleagues have suggested that somehow or other we don't need any more oil; that we are exporting oil now. Well, the reality is that world oil demand is rising; it is not falling. We need to bring more supply online, and we need to open up our most prospective areas. So, again, when we have a small area that has enormous potential, why would we continue to deny that opportunity?

The International Energy Agency believes—and they stated it this year: "Global oil supply could struggle to keep pace with demand after 2020, risking a sharp increase in prices unless new projects are approved soon."

So to suggest that somehow, just because we are exporting oil, we no longer need to produce it, just doesn't make sense. Exports are making our markets more efficient, but they don't mean we are suddenly more energy independent or permanently energy secure. Making sure we are doing more

where we have high prospects makes sense.

Our energy title also includes a bipartisan proposal from Senators CASSIDY, STRANGE, and KING that will increase revenue sharing for the gulf coast for priorities like coastal restoration and hurricane protection. Overall, the bill—our title—is projected to raise nearly \$1.1 billion over the next 10 years. Once production begins in the 1002 area, we will likely raise tens, if not hundreds, of billions of dollars for the Federal Treasury. Again, this is new wealth and new prosperity at a time when our Nation needs both.

Those are not the only benefits this energy title will bring. We are also talking about jobs—creating thousands of jobs—in Alaska and around the country; jobs that pay high wages, put food on the table, and put the kids through college.

We are in a tough place right now in Alaska. We have the highest unemployment in the country. I appreciated the fact that my colleague from Washington talked about jobs and, in fact, noted that in the ties that bind the State of Alaska and the State of Washington, we do have a lot when it comes to sharing of jobs. I will remind my colleagues that when it comes to jobs, it is an estimated 12,000 Puget Sound jobs and \$780 million in labor earnings that are connected with refining Alaska oil. So our jobs—our resource benefits not just us in Alaska but those around the country as well.

What we are able to do by accessing this 1002 area also will help us keep energy affordable, effectively providing families and businesses with an energy tax cut. That, too, is important in context with this tax bill.

We also protect national security by reducing foreign oil dependency, especially in west coast States. Ironically, California and Washington State, as they see less oil coming from Alaska, as our throughput is declining, what is happening is that, in order to keep their refineries going and their jobs continuing, they are having to import oil. Where is California getting more of their oil from? From the Middle East. Tell me how that makes any sense.

I appreciate that colleagues come to the floor with a passion about our State, but know that as Alaskans and as an Alaskan who is the author of this title, none of what we are doing in this effort to open the 1002 area will come at the expense of our environment or the local people. Some of the local people are here in Washington to watch the vote today. Hearing the voices of those who live there—there is a town, there is a village, there are people, there is a school, there is an airport in the 1002 area—a town, residents, community. This is not an area that is untouched, but it is an area we care about. We care about the people, we

care about the land, and we care about the wildlife, but we know how to produce energy while protecting our environment. We have been doing it for decades, and we will continue to do it going into the future.

Thanks to new technologies, the footprint of our development up north is smaller than ever before. The amount of land that development pads occupy now on our North Slope is now 80 percent smaller than in the 1970s when we first began operation in Prudhoe Bay—80 percent smaller. At the same time, the subsurface reach from those smaller pads is going to be more than 4,000 percent larger than where we were in the 1970s—more than 4,000 percent.

What we are able to do is access more resources underground directionally in an area of 125 square miles. What the technology allows us to do is almost too hard for people to believe, and so they continue the same tired rhetoric we have heard for years. The fact is, we need less land to produce more energy than ever before.

We are going to take care of our land. We are going to take care of the people who live on our North Slope. We are going to take care of the environment, and we will protect the wildlife on the Coastal Plain. The Central Arctic herd of caribou increased sevenfold in the years since we have been producing in Prudhoe Bay. That is the Alaskan way. That is what we do there. That is why we have written our language to be fully protective, and that is why we do not waive any environmental review process or consultation requirements with Alaskan Natives in any way. In fact, the only thing that we limit here in this bill is surface development. In this area of the 1002, in this 1.5 million acres, this provision, title II, says that 2,000 surface acres will be open—one ten-thousandth of all of ANWR. That is all we are seeking to do, and we will do it with care and concern for the environment.

I have listened to colleagues say that we are destroying the Refuge, that we will turn it into an industrialized wasteland. I am offended, I am horrified, and it is wrong. It is wrong for those from the outside looking in, who have taken a nice trip into an area and said: This must be protected. Your jobs don't matter.

That resource that we rely on for jobs in my State doesn't matter; we will get it from somewhere else. Well, where are you going to get it from? Why not work with people who are going to care for the land, care for the people, care for the wildlife, do it with a level of commitment to a resource and to a cause that is strong and sound?

For those who come in and say they know best and their idea is to just lock it up, that is not right. For 40 years, Alaskans have stood up and said: That is not right.

We will continue in our effort to demonstrate to the rest of the country and the rest of the world how we are able to operate, how we are able to be responsible stewards of the environment, to produce jobs, to help Alaskan people, to help the country, and to help our allies. This is what we are asking for.

As I close my comments, I recognize that tomorrow is coming up on the shortest day. We have had some very short days in Alaska. It is pretty dark there right now. I was home over the weekend. With the passage of this bill and the long-awaited opportunity to access our resources in the 1002 area for the benefit of Alaskans and for the benefit of our country, the days ahead look brighter for all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, tonight, the Republican leadership intends to force a vote on their tax bill. President Trump has called this tax bill historic. Indeed, it will make history, but not for the right reasons. It is a historic transfer of wealth from students, seniors, and working families to the wealthiest corporations and individuals in America and, indeed, throughout the world. Historians and voters will look at the way this bill was written, in a rushed and sloppy manner, without thoughtful debate—indeed, we have to send it back to the House of Representatives so they can vote again—and with a reckless and willful disregard for facts and independent analysis.

In forcing this massive restructuring of our economy through Congress, Republican leaders have permitted no real amendments and ignored every nonpartisan analysis of their bill that does not fit their worldview. As a result, this trickle-down tax bill is quite possibly the most fiscally irresponsible piece of tax legislation to have ever been railroaded through Congress over the objections of the American people.

Some will say: Wait, what about the Affordable Care Act? Let me remind you, the ACA was paid for. It had to get 60 votes. It was on the Senate floor for 25 consecutive days. There was a full committee process, and Democrats accepted many Republican amendments in the House and in the Senate. That is not the case with this historic bill.

The Trump tax will adversely affect my home State, Rhode Islanders, in so many ways. The temporary benefits will not cover the long-term damage from this bill or offset the increased costs for things like childcare, education, healthcare, and housing. The reason the American people oppose this bill is simple—and they do oppose it—it forces the middle class to accept yet another Republican tax giveaway to corporations and the richest 1 percent with little or nothing for them.

It also gives trillions of dollars in permanent tax cuts to corporations while raising taxes on over half of American families over the next decade. In doing so, it gives \$48 billion to the foreign investors who own roughly 35 percent of American company stock. That is right. Many of these tax benefits will go through corporations by either dividends or stock redemptions to foreign owners, amounting to \$48 billion to foreign investors. That is not putting the American working man and woman first; that is putting them at the end of the line. It makes the Tax Code more, rather than less, complicated and very clearly incentivizes and rewards multinational corporations that send jobs and stash money overseas.

Moreover, special loopholes for pass-through entities will create a bonanza for tax lawyers and accountants and people figuring out ways to get out of paying their taxes. It will not help working men and women who come in and punch in every morning, work hard, and then go back to their families. It will not help them at all.

And there is not a single respected economist or tax scholar on the left or right who concludes that this bill simplifies the Tax Code and pays for itself—not one.

Republicans know all these facts. They have heard the public's objections, and they still plan to send this bill to President Trump for his signature. The President will try to tell the American people that his great political victory is a win for working people, but they see all the benefits going to his type of businesses—real estate passthroughs. In fact, at the last moment, the conference committee put in a special provision to make sure that real estate entities could benefit from this bill. That means President Trump's organization benefits from this bill.

It is not fair. It is not wise. It is not good policy. The American people know this instinctively. They look at what is going on, and they see this as it is—a giant gift to the wealthiest corporations and individuals at the people's expense in so many different ways.

The consequences of this legislation are going to be staggering and generational. We will not quickly overcome this historic mistake. The total abdication of fiscal responsibility in this bill is stunning. Adding trillions more to the deficit will put massive budget pressure on national defense, Medicare, Medicaid, Social Security, and other vital programs that keep our commitments at home and abroad. These are the programs that allow us to keep faith with the American people who sent us here and also to ensure that we are moving toward a more peaceful and prosperous world. For future generations facing an economic crisis, or the

challenge of their time, or cyclical economic downturns that we cannot always foresee, those future generations will look back on this unnecessary tax giveaway and wonder why today's Congress was so irresponsible.

In 2001, I was here, and I opposed the Bush tax cuts. At that time, however, we had an estimated \$5 trillion surplus, and we didn't anticipate the 9/11 attacks. We were at a time where Russia was turning away from its Communist past to what we thought was a democratic future. China was just emerging as an economic power in Asia. It is a totally different situation today. We all know it. My colleagues on the other side know it. We are challenged by 16 years of war, which we have made no attempt to pay for, and we are putting our national security behind benefits for the wealthiest Americans that are enshrined in this bill, adding \$1.5 trillion to pay for tax cuts for the most wealthy in this Nation and in the world.

Many of the recipients of our largesse—Republican largesse—this evening will not be Americans. As I noted, a significant portion of American stock in our companies is held by foreigners. When stock buybacks take place—and that is what corporations have announced they will do—a huge amount of these tax cuts will go outside of the United States, and not help our economy. Maybe it will help some people buy expensive yachts overseas and expensive French Impressionist paintings, but it will not help working people in Pawtucket, RI, or Cranston, RI—not at all. This is a bill that is full of loopholes that will be exploited for years to come. Indeed, we are already hearing rumors that we can expect more legislation to “fix the bill.”

This would be different if we were talking about real tax reform—real tax reform that benefitted the middle class, real tax reform that raised the earned-income tax credit, real tax reform that benefitted people who work every day, wage workers particularly—but this bill doesn't do that. Real tax reform comes as a result of an open and bipartisan process. It is ideally revenue-neutral, like the 1986 law under President Reagan, which took a bipartisan consensus, which made major reform, and which is something that was not only procedurally but economically sound.

I hope, going forward, that we can work together to prevent and undo the damage from this bill and enact real, responsible tax reform that boosts take-home pay, spurs job growth, closes loopholes, expands opportunity, and strengthens the long-term financial stability and security of our Nation. But that is not this legislation.

One final point—this Monday, the President announced his national security strategy, his overarching vision of what will make this country safe, se-

cure, and strong as we go forward. Part of that national security strategy is to reduce the debt through fiscal responsibility. My Republican colleagues are about to increase the debt through fiscal irresponsibility. This national security strategy isn't even 24 hours old, and it is being abandoned. It is being abandoned before literally even the pen is dry on the paper. When it comes to tax cuts, national security places far to the rear, and we know what is going to happen. As this deficit grows—and it will grow much larger than the \$1.5 trillion that is projected—it will squeeze out spending. It will squeeze out defense spending, despite the efforts on both sides to try to increase support for the military. It is impossible to create a deficit of this magnitude and not see the consequences both on the defense side and the non-defense side.

In fact, I am baffled because we have heard so much—particularly from my Republican colleagues—talk about the need to support our men and women in the field after 16 years of war. Why aren't we at least saying: If we are going to borrow \$1.5 trillion, let's give it to the men and women in uniform. No. We are here tonight saying: Let's give it to the richest people in America and in the world. There is lots of rejoicing going on throughout the world tonight because when shareholders' stock is redeemed in the companies they own, they are going to be wealthier, and they are going to use that wealth not for America but for whatever reason they want. Again, is it a new yacht or a new painting?

I just hope that in the waning few hours of this debate, we can move the consciousness of colleagues and reject this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, we are nearing the finish line this week on providing Nevadans and all Americans the real tax relief that they deserve and that they have been promised. As a member of the Senate Finance Committee, I have been fighting every day for the Senate to stay in Washington—even 24/7—until the job gets done. Today, we are getting the job done. That is because I know just how critical middle-class tax relief is for the people in my home State of Nevada. Let me tell you why.

The majority of Americans are not only struggling to get ahead, they are struggling to just get by. It has been reported that nearly 8 in 10 Americans who work full time are living paycheck to paycheck. That is a slight increase from previous years.

If you live in Nevada, you are more likely to be living paycheck to paycheck than if you were to live in most other States. To put that into perspective, housing costs are reported to consume nearly a quarter of Nevadans'

paychecks. One report suggests that after the cost-of-living expenses are taken out of their paychecks, the average Nevadan has a little more than \$700 left. During a recent telephone town-hall, I heard from a teacher in Las Vegas who spoke about her stagnant wages. This teacher, like most Americans, has not seen a meaningful pay raise in years.

But right now, for many Americans, it is not so much about getting a raise as it is getting back to where they once were. In Nevada, the real median household income is \$7,000 lower today than it was in 2007. Let me repeat that. In Nevada, the real median household income is \$7,000 lower today than it was 10 years ago. At the same time, childcare expenses have skyrocketed. In this country, the average cost for an infant in center-based care can be as high as \$17,082 per year. By the way, that is more than a semester at the University of Nevada, Las Vegas. It is more than a semester at the University of Nevada, Reno. In Nevada, that means that the average single parent could spend as much as 36 percent of his or her annual income to send an infant to center-based care.

Given rising housing and childcare expenses alone, middle-class families in Nevada and around this country are having a hard time covering day-to-day expenses and planning for their futures. Nearly one in five Americans has nothing set aside to cover an unexpected emergency, while nearly one in three Americans doesn't have at least \$500 to cover an unexpected emergency expense. So it is fair to say, in Nevada at least, that the recession has never really ended.

Under the failed economic policies of the Obama administration, Nevadans suffered through 8 years of historically low economic growth. Think about that. In those 8 years, the average economic growth was less than 2 percent. As a result, wages and workers suffered, job creation suffered, and middle-class Americans suffered.

We are now at a crossroads. We have a chance to change course. We have the opportunity to pass meaningful tax cuts that will lift middle-class families, our communities, and our economy.

If you are against this bill, you are satisfied with the anemic 2-percent economic growth that was ushered in by the Obama administration. You accept this dismal growth as the new normal, but I will never accept this as the new normal. I think we can do better. In fact, I know we can do better. We have already seen improvement since President Trump has taken office.

If you are against this bill, you are against giving small businesses the chance to actually get off the ground and hire workers. You are against giving them better opportunities to expand, to invest, to increase wages, and

to hire more workers. I know that our small businesses employ nearly half of all U.S. workers, and I know that this bill will make it easier for them to continue doing what they do best, and that is creating jobs.

Lastly, if you are against this bill, you are against tax cuts for the middle class because that is what this bill is all about, and if you know that nearly one-third of Americans don't have \$500 to cover an emergency expense, then you know just how important a few extra dollars per month are to them. I do, and that is why I have been fighting to get this bill to the President's desk.

Earlier today, I was pleased to see the House pass the conference report that reconciles our two tax reform bills, and I look forward to soon having the opportunity to vote in support of this pro-growth package that delivers critically important tax relief to America's middle class and small businesses—a pro-growth package that will help boost jobs, a pro-growth package that will increase wages, a pro-growth package that will drive growth in our local communities, and a pro-growth package that will give a Nevada family of four, making \$85,000 per year, a tax cut of \$2,254 or, roughly, a relief of 20 percent of its tax liability, according to the nonpartisan Tax Foundation.

Today, our small businesses and middle class suffer under an outdated and unfair Tax Code that crushes job creation and makes it harder for Nevadans and people all across this country to get ahead.

The fact is simple: After 30 years of disrepair and neglect, our current tax system needs to be fixed. Everybody knows that it doesn't work, that it is rigged against our job creators, and that it should be overhauled. These are the very problems our tax relief package helps to address.

I also recently spoke with an ambitious and hard-working Nevadan, an entrepreneur who started his own business while going to school full time. This young job creator brought up the enormous amount of money that he is paying in taxes, as well as how complicated it is to navigate the current system. He also spoke of an uneven playing field that tipped the system in favor of his foreign competitors. He wanted to know when Congress would deliver on reforms to boost the competitiveness of all American job creators.

Lastly, just this past weekend, I ran into a small business owner who said that he paid \$160,000 in taxes last year. He said that \$160,000 amounted to two pieces of machinery that he could have installed at his small manufacturing facility—machines that would have necessitated the creation of two highly paid jobs—jobs that would have been created but for our unfair tax system.

From their perspectives and from mine, Nevada has been waiting too

long for a fairer, simpler Tax Code that they can enjoy. Nevadans, like most Americans, know how important passing this tax relief package is to our country's economy. Nevadans have seen the increased levels of economic growth under the new administration and know that this tax relief bill will add to it.

Let's talk about what this tax bill does and does not do.

This tax bill lowers individual tax rates across the board and let's taxpayers keep more of their hard-earned money.

This tax bill roughly doubles the standard deduction that is used by most taxpayers, which gives a massive tax cut to the roughly 90 percent of Nevadans who are expected to use it.

This tax bill includes my amendment to double the child tax credit—an increase of \$1,000 per child over current law—which will go a long way toward addressing the skyrocketing costs of childcare in my State and across the country.

This tax bill also includes my amendment to make it easier for startups and businesses to give lower level employees ownership stakes in their companies' successes by awarding stock options.

This tax bill protects and expands the medical expense deduction for our Nation's most vulnerable, as well as preserves popular retirement savings options, such as 401(k)s and individual retirement accounts.

This bill does not change the tax treatment of the student loan interest. It does not change graduate tuition waivers. It does not change the tax treatment of employer-paid tuition or the teacher deduction.

It preserves the tax exemption for private activity bonds that are used to finance private projects with a public benefit. These bonds benefit a wide array of individuals and organizations, such as charter schools, and are of great importance to the homeschool community.

Overall, this tax bill accomplishes my three major goals of, one, creating jobs; two, increasing wages; and three, boosting American competitiveness.

Regardless of the tales that my friends from across the aisle want to tell you, this bill not only cuts taxes, but it also increases wages.

We have a prime opportunity today to provide real tax relief to Nevadans and other Americans who have been waiting for a fairer, simpler Tax Code, real relief that lets the middle class keep more of its hard-earned money and makes our Tax Code easier to understand. There is less paperwork and more money in people's back pockets. There is real relief that also produces more quality jobs, higher wages, and growth in our communities.

This tax relief bill is a positive step toward restoring Nevadans' faith in the

American dream by providing tax cuts for middle-class families and jump-starting job creation, higher wages, and economic growth.

I will continue to work with my colleagues in both Chambers to ensure that this desperately needed legislation makes it across the finish line to the President's desk before the end of this week.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Indiana.

Mr. DONNELLY. Mr. President, I rise to discuss the tax bill.

I am disappointed. You see, I am one of the many Americans who believe that we need to reform our Tax Code to benefit middle-class families. I also believe that we need to make those reforms in a commonsense, responsible way. Sadly, that is not the approach that was taken with this legislation.

From the very beginning of this effort, I have been willing to partner with Republicans or Democrats and with President Trump and his team. In fact, when President Trump unveiled his tax priorities in my home State of Indiana, I traveled with him on Air Force One. I wanted him to know that I was listening to his priorities and that I agreed with his stated goals of supporting the middle class and keeping jobs right here in America. I also wanted Hoosiers to know that I was committed to working with the President to reform our Tax Code in a way that helped Hoosier families and businesses.

After that trip with the President and in every meeting with the administration, including two meetings at the White House, my attending Vice President PENCE's speech in Anderson, IN, and in multiple discussions with top administration officials, I left feeling optimistic that we could work together to reform our Tax Code to achieve those goals we had agreed upon. I expected a proposal that was focused on cutting taxes for middle-class families. I expected a proposal that would help keep jobs in America and take away tax incentives from corporations that flagrantly outsource jobs to foreign competitors in foreign countries. Unfortunately, that is not the bill that the majority leader pushed through the Senate, nor is it the final bill that he and the Speaker of the House agreed upon.

The reasons I oppose this bill are plain and simple, clear, and make common sense. Instead of providing a tax cut that overwhelmingly benefits the middle class, this bill cuts taxes for the wealthiest Americans while it raises taxes on a majority of families who will be making less than \$75,000 in the coming years. Instead of closing tax loopholes like the shameful one that allows Wall Street hedge fund managers to pay a lower tax rate than a Hoosier firefighter, than a Hoosier

teacher, than a Hoosier policeman, or a Hoosier steel worker—imagine a hedge fund manager's tax rate being lower than that man's or woman's who is fighting a fire in Evansville this year. This bill preserves these giveaways. Think of that. It is outrageous.

Instead of protecting American jobs by adopting provisions from my End Outsourcing Act—an effort that President Trump has told me on numerous occasions that he is all-in on and supports—this tax bill does zero to claw back tax breaks and incentives awarded to corporations that later decide to outsource American jobs. It also retains loopholes that allow corporations like Rexnord and Carrier to continue deducting the moving expenses when they ship those American jobs to other countries. Imagine that. There is a tax deduction for moving expenses to ship American jobs to other countries. They left it alone.

Perhaps, there is no better example of an issue on which the President and I agree than preventing the outsourcing of American jobs. Right now in my home State of Indiana, nine companies have outsourced or will outsource the jobs of 2,200 Hoosiers. This is impacting moms and dads, sisters and brothers, wives and husbands, our neighbors, and our friends. This is our opportunity to stand up for American workers and make it clear that if corporations want a lower tax rate or special tax deductions, if they want the American taxpayer to invest in them, then, they must invest in American workers. That is the conversation I had with the President when we talked about our shared goals for tax reform, and these are the issues where I know there is common ground.

Gene Sperling, formerly the chief economic adviser to two different Presidents recently, wrote:

If there is one thing the Republican international tax bill was advertised to accomplish, it was that it would favor locating jobs and profits in the United States. It does just the opposite—expanding the degree our tax system tilts the playing field against American taxpayers and American workers.

Mr. President, I ask unanimous consent to have printed in the RECORD this article by Gene Sperling, recently published in *The Atlantic*, titled “How the Tax Plan Will Send Jobs Overseas.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlantic, Dec. 8, 2017]

HOW THE TAX PLAN WILL SEND JOBS OVERSEAS

COMPANIES ARE GOING TO BE ABLE TO SAVE A TON OF MONEY BY LOCATING FACTORIES ABROAD

(By Gene B. Sperling)

Despite Donald Trump's “America first” rhetoric, many suspected that the tax plan he would support would actually increase the incentives for U.S. multinationals to move both profits and operations overseas. I wrote about this inevitability a few weeks ago, before the details of the Trump-GOP tax plan emerged.

Now that the bill is advancing, it's clear that things aren't as bad as many feared. They're worse.

As discussed in the previous piece, Trump administration economic officials argue that by lowering the corporate tax rate from 35 percent to 20 percent and moving to what is called a territorial system—mainly, companies pay taxes on foreign earnings only to the foreign nation where those profits are booked and never owe anything to the U.S. no matter how low the foreign nation's tax rate is—would lead to more jobs and profits staying in or coming back to the United States.

Yet, it is clear that a territorial system could have just the opposite impact: It could give a permanent preference to foreign income and lead companies to shift more profits to tax havens knowing that they could permanently avoid virtually all taxation on such profits. One crucial safeguard against that perverse impact is to apply a strong minimum tax on the profits of U.S. multinationals in each country (a “country-by-country” minimum tax). If a U.S. company had to pay a minimum tax of, let's say, 19 percent (as President Obama had proposed), even if they engaged in complex tax planning to book \$100 million in profits in zero-tax Bermuda, they would have to pay \$19 million in U.S. taxes to ensure the 19 percent minimum tax was enforced. Under such a country-by-country minimum tax, you can run, you can shift profits to tax havens, but you cannot hide from paying a 19 percent minimum no matter where you are. Under this type of true minimum tax on foreign earnings, U.S. multinationals would have little incentive to engage in the ongoing race to the bottom.

As discussed in my previous Atlantic piece, the GOP plan was rumored to use only a 10 percent minimum tax, and to make it worse, would make the minimum tax determination based on the average of a company's total global profits. What was problematic about this design was that it not only encouraged companies to move profits to tax havens, but it actually encouraged them to simultaneously move jobs and operations such as manufacturing to industrialized countries that had typical tax rates and to shift more profits to tax havens. Why? Because if you had \$100 million of profits in Bermuda facing no tax, you might have still had to pay \$10 million in U.S. taxes to meet the new global minimum tax. But if you moved a factory to Germany that made \$100 million and paid 20 percent in taxes there, you could still pay zero on your profits in Bermuda because the average taxes paid on your global profits (from both Bermuda and Germany) would be the global minimum rate of 10 percent. This perverse design means the more a U.S. multinational shifts jobs and operations to industrialized nations with similar tax rates to the U.S., the more it can get away with shifting more and more profits to tax havens.

So how did it look in the fine print? As several tax experts including the Tax Policy Center's Steve Rosenthal, Brooklyn Law School's Rebecca Kysar, and Reed College's Kimberly Clausing have written, it is even worse than anticipated on at least two additional grounds. First, it turns out that the Republican idea of a minimum tax is that it only taxes what you make over what they think is a “routine” profit, deemed to be 10 percent in the Senate bill, on “tangible” investments (think factories and equipment, including for manufacturing). As Rosenthal notes, “because ‘routine’ returns are not subject to U.S. tax, this definition of ‘routine’

returns could give U.S. firms a perverse incentive to shift more tangible assets to lower-taxed overseas locations." That means, under the GOP bills, if you shift less profitable operations to a tax haven you would pay zero taxes on those operations as long as you are only making 10 percent a year—whether that is \$10 million or \$100 million—while you would pay 20 percent if the operations were located in the United States. So, the "minimum" tax is really a much lower rate than 10 percent, and would essentially be an invisible, non-existent tax except on highly profitable operations and income from intangibles.

Second, this limitation to only excess profits encourages even more shifting of operations and jobs overseas through complex efforts to blend different income streams. How? Profits from "intangibles" like patents do not receive the 10 percent exemption for "routine" returns, so the minimum tax is seemingly designed to at least capture those well-known cases where major technology companies shift intangibles to low-tax nations and book their profits there. If a company does that and earns extraordinary profits, a global minimum tax would capture some piece of that. But again, here is where the GOP bill's global "averaging" actually creates the incentives to move jobs and operations overseas.

Let's say a U.S. multinational has highly profitable intangibles located in a tax haven that earn \$50 million in income without any tangible investment. If the company has no other foreign profits or operations, then that income would face a mere \$5 million in U.S. taxes from the 10 percent minimum tax under the GOP plan. But if the company decides to build a new \$1 billion factory overseas that earns profits of only 5 percent (\$50 million) from the factory, the company will not pay a penny in U.S. taxes on its income from the factory or the intangibles. Why? Because when you add the income together, the \$50 million from the intangibles plus the \$50 million from the new factory, it equals the "routine" profit of 10 percent on the \$1 billion of new tangible investment, which will allow it to completely avoid paying taxes on any of the above mentioned profits.

This shows how deeply the tax plan fails when it comes to incentives to shift profits and operations overseas and to curtail the obsession of major multinational companies with international tax arbitrage that has nothing to do with innovation, productivity or job creation. Indeed, the ability to blend income from intangibles and routine profits, and from investment in higher tax nations with tax havens with zero taxes, leads to a worst of all worlds scenario: an even greater corporate focus on international tax minimization through a careful mixture of shifting profits and operations overseas.

If there was one thing the GOP international tax bill was advertised to accomplish, it was that it would favor locating jobs and profits in the United States. It does just the opposite—expanding the degree our tax system tilts the playing field against American taxpayers and American workers.

Mr. DONNELLY. Mr. President, the majority leader's bill before us today continues the same broken tax system that incentivizes companies to move jobs to foreign countries, hurting more American communities and undercutting thousands of working American families.

In Indiana, we know there is no such thing as a free lunch. In the Hoosier

State, we work hard and we expect everyone else to pay their fair share. The tax bill we are considering cuts taxes for corporations and the wealthy by asking some middle-class families to pay more and by making healthcare more expensive for millions and millions of Americans.

According to the nonpartisan Committee for a Responsible Federal Budget, if we account for budget gimmicks, the cost of this bill could reach \$2.2 trillion—not billion but trillion dollars.

Here is what that means. This means our kids' and our grandkids' paychecks, the hard-earned money they make in the years ahead, will be sent to China to pay for tax cuts that will be given today to the wealthiest people in America. Our kids and our grandkids will be paying the bill for this tax cut that puts money in the pockets of the very, very wealthy. That is almost beyond belief.

We need tax reform that actually benefits Hoosiers who go to work in the dark and come home in the dark. These are the folks that I run into at church or who stop by my office or I see at the gas station or at the diner. They look me in the eye, and they tell me they are working hard to make a decent living, to pay the bills, to raise their families, and to have a shot at retiring with dignity. They are not looking for any handouts. They simply want a good-paying job and a fair shake. Unfortunately, this bill is a significant missed opportunity to provide relief to middle-class families and to protect American jobs.

From the very, very beginning of this debate, I have engaged in a good faith effort to exchange ideas and priorities for what we would like this tax bill to look like and to work together in a bipartisan manner. I worked to improve the bill that my colleagues have rushed through in a largely closed and partisan process. That includes my support for Senator RUBIO's effort to expand the child tax credit for hard-working families, for which I give him much credit.

Our country is stronger when we work together and when we pass legislation that focuses on the middle class and on regular families and that leaves a better future for all our children. Sadly, that is not what this bill would do. This bill raises taxes on many middle-class families, makes healthcare more expensive, does not address outsourcing, and significantly increases our national debt.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today we have the opportunity to pass the most sweeping changes to our Tax Code in more than 30 years. This historic moment is long overdue, and my constituents in Iowa will benefit from it.

Since the last tax reform effort in 1986, the Tax Code has grown out of control in both length and complexity. All told, taxpayers spend over 6 billion hours annually just complying with the dictates of the Internal Revenue Code. Moreover, our outdated corporate tax system puts American companies at a competitive disadvantage as they try to compete in the 21st century global economy.

The Tax Cuts and Jobs Act will make good on our commitment to provide significant tax relief to middle-income taxpayers both in my State of Iowa and in the entire United States, while making the Tax Code simpler, fairer, and, obviously, more pro-growth.

The bill provides significant tax simplification for the vast majority of tax filers. Most taxpayers will find that they are better off simply by taking the standard deduction. No longer will they have to spend hours sifting through receipts and forms to determine what they can and cannot deduct.

Middle-income taxpayers can also expect to see significant tax cuts. A median income family of four could see their tax bill reduced by over \$2,000. This is relief that families will see almost immediately, as less tax is withheld from their paychecks. This tax relief stems from many pro-family and pro-middle-class income tax provisions in the legislation.

First, there is the nearly doubling of the standard deduction. For families, this means the first \$24,000 of their income will be exempt from tax altogether. As a result, a significant number of lower income Americans will be removed from the tax rolls entirely.

Second, the middle-income tax brackets are significantly lowered and expanded to include more taxpayers. This includes reducing the current 15 percent bracket to 12 percent, and the 25 percent bracket to 22 percent.

Third, the tax bill specifically recognizes the costs associated with raising a child by doubling the child tax credit from \$1,000 to \$2,000. Furthermore, to ensure that lower income families with children are able to benefit from this expansion, the refundable portion of the tax credit is increased from \$1,000 to \$1,400.

While my colleagues on the other side of the aisle have attempted to claim that this tax bill is all out to help the wealthy, I want to make very clear that this is simply not true. This is evidenced from the features of the bill that I just discussed, but, also, if you need more evidence, look no further than the distribution analysis of the bill by the nonpartisan Joint Committee on Taxation of the Congress of the United States. According to the analysis of the Joint Committee on Taxation, on average, every income group will experience a tax cut, with the largest percentage tax cuts going to the middle-income groups. Moreover, the tax bill would make the Tax

Code more progressive, with taxpayers earning more than \$1 million shouldering a larger share of the tax burden than they do under current law.

The bill also enacts much needed tax relief for job creators. It provides a significant deduction on business income for small businesses, effectively lowering the top tax rate to under 30 percent. All small businesses down to the smallest family-owned corner store and the family farmer stand to benefit from this provision. As small businesses are responsible for creating the majority of new jobs, this is a key provision promoting economic growth and job creation.

Additionally, the bill lowers the statutory corporate rate down from the highest in the developed world to 21 percent. The highest rate in the developed world at 35 percent makes our current corporate tax rate on American companies the highest of those industrialized nations and puts us at a competitive disadvantage globally, costing American jobs.

Moreover—and this is important for the John Deere workers in Waterloo, IA, or in any other corporation—economists generally agree that a significant portion of the corporate tax falls on workers in the form of reduced wages. Estimates of this burden of the corporate tax on workers ranges from a low of 25 percent to a high of 70 percent. While the exact amount may be debated by economists, one thing is very clear. A corporate rate reduction will result in bigger paychecks for hard-working Americans.

These business tax reforms are crucial to getting our economy growing. We can't continue to settle for the anemic growth of less than 2 percent that we have experienced since 2010. Lower tax rates, coupled with greater expensing of depreciated equipment under the bill, will encourage new capital investments that are necessary to increase productivity, generating both higher wages and higher growth.

The bill before us signals the faith we have in the ingenuity and entrepreneurial spirit of the American people, rather than putting our faith in government to grow the economy. We do this to get our economy on the right track, and this legislation will put us on the right track. In all, tax reform will put more money in the pockets of middle-class Americans, make U.S. industry and workers more competitive, and get the economy growing again after 8 years of stagnation—the most stagnation in any decade since World War II.

This is a historic opportunity to help Americans from every walk of life. I look forward to joining my colleagues to pass this once-in-a-generation tax bill and have it signed into law before the new year.

I yield the floor.

Mr. LEAHY. Mr. President, little more than a month ago, the Tax Cuts

and Jobs Act was unveiled in the Senate. Just a few short weeks later, we are on the verge of passing a colossal bill, publicly available for just 4 days, that makes sweeping changes to every aspect of our economy. We are moving so fast that the American people would be forgiven for thinking we were addressing a national emergency; yet fires are still blazing in California, power in Puerto Rico is still not fully restored, and victims around the gulf of Hurricanes Harvey, Irma, and Maria are still struggling to pick up the pieces and rebuild. There are indeed national emergencies we should be addressing, but instead of doing so, Republicans in Congress are focused first on passing tax cuts for corporations and billionaires—tax cuts that will add an estimated \$1.5 trillion to the deficit.

The process that led to the bill we are voting on today has been fundamentally flawed from the outset. From the beginning, this bill has been written behind closed doors by Senate Republicans. No hearings were ever held on this bill, denying the American people an opportunity to add their voices to the debate. When the Senate voted on its version of this bill in the dead of night, Senators only received the text a few hours before the vote, and even then, the text was hastily put together, with scribbles written into the margins. We discovered that lobbyists knew more about what was in it than those of us who had the responsibility to vote on it. No wonder that it was loaded with last-minute special interest giveaways.

There is serious doubt this bill will benefit the middle class, as Republicans claim. What we do know is that it will result in millions of fewer insured Americans and higher healthcare premiums for millions more. At the same time, corporations will receive a windfall in permanent tax cuts that will bust our budget for decades to come. Even more appallingly, it includes special provisions that will directly benefit the President and some Members of Congress. It doesn't end there. Republicans have yet to address the \$1 trillion in cuts to Medicare, Social Security, and other programs vital to the American people, which will be spurred by the passage of this bill. This bill cynically and surreptitiously sets the stage for those slashing cuts.

This is a bill that cheats our future for the sake of a tax-cut windfall for the 1 percent. It does absolutely wonderful things for the wealthiest taxpayers, like the President, his cronies, and his family. If he wants to dispute that, he should finally release his tax returns and prove to the American people that the "Christmas present" the President talks about will not, in fact, benefit his bottom line.

What we do know is this bill does not advance the common good. It offers little but crumbs on the table and coal in

the stockings of hard-working Americans, while the wealthiest individuals and corporations reap the rewards of this bill, with the false promise of trickle-down benefits to everyone else. The wealthiest are doing just fine, and big corporations already are pulling in record profits, which they are not investing but salting away. More than 400 millionaires have urgently told Congress that they don't need more tax cuts.

Republicans will continue to claim that their bill represents serious tax reform, but the public isn't fooled. Poll after poll shows that the American people see this bill for what it is: a betrayal of the middle class and a betrayal of American values. They have seen enough of trickle-down economics to know that the benefits never flow to them. At the end of the day, it is clear that this bill was never really about the middle class; it was about the Republican donor class.

I wish we had gone down a different path, one where both parties worked together to provide real relief to the working families we all represent. It belies the storied history of this institution to rush through such a sweeping bill, through an arcane process of reconciliation intended to secure the lowest possible number of votes to succeed, without the benefit of public opinion, or even public review.

After one of the least productive sessions of Congress that I can recall, Republicans are so desperate for a win that they will mortgage away our future. This bill is not tax reform. This is a cartoonish caricature of what real tax reform should look like. It is dishonest to its core. It is cynical, and it can only breed more cynicism by the public. It is bad policy, it is indefensible policy, and it is wrong.

It is said that every generation has a responsibility to leave our Nation better, brighter, and stronger for the generations that follow. This tax bill accomplishes none of those goals.

I strongly oppose—I reject—this conference report, and the crass, partisan path that brought us here.

Mr. GRAHAM. Mr. President, as in many other industries, the insurance sector, both property/casualty and life, have become more globalized than any time in history. Disasters such as 9/11 transformed the property and casualty industry. The life insurance industry has followed, with an increasing amount of insurance risk transferred to affiliates and nonaffiliates around the globe.

This business model is impacted directly by the Tax Cuts and Jobs Act, which moves the United States from a mostly global international system, where we tax American companies and individuals on their worldwide income, toward a territorial system. Under the new system, companies are to be taxed in the United States on the income derived here and are to be taxed on their

foreign earnings by the nations in which that income is derived.

What we are seeking to do here is to encourage enterprises to start in the United States, to expand in the United States, and to bring as many foreign operations home as they can while remaining not only competitive, but innovative leaders in creating new products and services. The new 21-percent corporate rate will help do just that. However, this bill does not take us fully to a territorial system. The bill applies a minimum tax on certain payments to foreign affiliates. At 21 percent, the U.S. can compete with virtually any nation in the world, but if some nations have a corporate rate of, say, 5 percent or less, then the new system will incentivize companies to move their operations overseas, so the bill includes a minimum tax. It is called the base erosion antiabuse tax.

The first year, the base erosion tax is essentially a minimum tax of 5-percent tax without deduction for certain payments made by a U.S. company to its foreign affiliates. Starting in 2019, that minimum tax increases to 10 percent.

We do not want companies moving mobile assets around the world to find the lowest corporate tax rate. However, I do not think we should be taxing enterprises on payments that never actually leave the U.S., but instead are obligations that are combined with obligations from the foreign affiliate to the U.S. parent. That is where clarification is needed as to how this base erosion tax will work in the context of U.S. insurance policies that are reinsured overseas.

Under current law, reinsurance is already subject to a gross premium excise that serves as an antibase erosion tax of sorts. Adding the base erosion tax on top of that could be detrimental to these U.S. insurance companies. However, how the base erosion tax is computed may be determinative of whether the tax is tolerable. I believe that, with respect to reinsurance, the base erosion tax was intended to apply only on net payments actually made.

Under certain forms of reinsurance that are commonly used in the life insurance industry, called modified coinsurance or funds withheld coinsurance, underlying investments are retained by the U.S. insurer, which is subject to tax on the earnings from the investments. Under these arrangements, the reinsurance payments are taken into account for purposes of the base erosion tax only when the U.S. insurance company actually makes payments to its foreign affiliate.

My understanding of the conference report is that it intended to limit the base erosion payment to the net amount paid to the foreign reinsurer, taking into account the amounts owed by the reinsurer to the U.S. party. That result is consistent with one of the fundamental principles underlying

the Tax Cut and Jobs Act of 2017: Assets generating income should be taxed where those assets are sited. In determining the amount of base erosion payments, the amount of premium paid to the reinsurer must be offset by any return premium, ceding commission, reinsurance recovered, or other amount received by the insurance company with respect to the reinsurance for which such premium is paid to the reinsurer. Moreover, this treatment is consistent with the regulatory accounting regime imposed by the National Association of Insurance Commissioners.

Consistent with those principles, base erosion payments do not include amounts paid to a foreign affiliate that are subject to U.S. income tax. For example, payments to a foreign partnership by a U.S. taxpayer that the foreign partnership certifies are effectively connected income are not base erosion payments. The income has not been shifted offshore, and there has been no erosion of the tax base.

Ms. KLOBUCHAR. Mr. President, today we are voting on the motion to adopt the conference report on H.R. 1, the Tax Reconciliation Act. I will be voting against adoption of the conference report.

I have long called for tax reform. We should bring down the business income tax rate. We should bring back the money being held overseas to fund the infrastructure improvements we need across the country. We should simplify the code and help middle-class Americans pay their bills.

But I have been disappointed by the most recent effort, which has not been bipartisan at all and has resulted in a bill that will add to the debt, create huge new loopholes that will encourage companies to move money around and move jobs overseas to avoid taxes, and will have huge unintended consequences for our economy.

One of the most troubling developments of this bill was the inclusion of a provision to repeal a key part of the Affordable Care Act that would kick 13 million people off their insurance by 2027 and increase premiums by 10 percent in the individual market. That means less money in the pockets of American middle-class families. The American people want us to work together to make fixes to the Affordable Care Act, not move backwards with a partisan approach to healthcare added into a tax bill.

This bill also hurts middle-class families by doing a bait and switch. Under the bill, millions of middle-class Americans would end up paying more in taxes in the long run. Many of the tax cuts they receive, if they receive a tax cut at all, would only be temporary.

This bill would allow a one-time opportunity to bring back some of the trillions of dollars of earnings held overseas by U.S. companies. I have long supported this, but I also would

like to see at least part of any of the billions in taxes raised by this provision to be used to fund infrastructure.

The American Society of Civil Engineers' 2017 report card gave our Nation's infrastructure an overall D-plus grade. There is an economic imperative to fixing our infrastructure: Businesses rely on our transportation network to move goods to market. If our deteriorating infrastructure goes unaddressed, it will cost our economy nearly \$4 trillion by 2025, leading to the loss of 2.5 million jobs. That is a crisis that we have an opportunity to address through a tax bill, but we aren't. It is a missed opportunity.

If done right, we can close loopholes, bring back money U.S. companies are holding overseas to fund infrastructure projects here at home, give local businesses the ability to compete against out-of-State Internet retailers, support our rural communities, and provide incentives to keep jobs in America.

I have always said we could bring down the corporate tax rate, but not by adding \$1.5 trillion to the debt. We need to work together to pass a tax plan that works for everyone, one that helps middle-class families and Main Street businesses, and without blowing up the deficit.

I encourage my colleagues to join me in opposing this conference report.

Mr. HATCH. Mr. President, I have listened to the comments of my friends on the other side for several hours. Frankly, it has tried my patience.

If you boil down the inaccurate assertions, you come up with two basic points. One, that the bill before us cuts taxes for wealthy taxpayers proportionately more than it does for middle-income taxpayers. Two, this bill raises taxes on middle-income taxpayers.

Nothing like some old-fashioned nonpartisan light to cut through the partisan fog created by my friends on the other side.

I refer to a set of tables developed by the nonpartisan official congressional tax scorekeeper, the Joint Committee on Taxation, which I will ask consent to have printed in the RECORD.

The tables show significant tax cut for middle-income taxpayers.

Let's take a look at taxpayers in which the median U.S. income reside. I am talking about taxpayers at income levels between \$50,000 and \$75,000. In 2019, two-thirds of taxpayers receive a tax cut of greater than \$500. In 2021, 61.7 percent receive a tax cut of greater than \$500. In 2023, 54.8 percent of taxpayers will receive a tax cut of greater than \$500. In 2021, 53 percent of taxpayers receive a tax cut of greater than \$500. The individual income tax cuts sunset in 2026.

Let's take a look at another middle-income group, those in the \$75,000 to \$100,000 cohort. In 2019, 77.8 percent of those taxpayers receive a tax cut of greater than \$500. In 2021, that figure is

72.2 percent. In 2023, that figure is 63.1 percent. In 2025, that figure is 61.4 percent. The individual tax cuts expire in 2026.

I ask my friends on the other side to shut down their rhetorical fog machine. Stop the phony characterization of this bill as a tax cut for the wealthy. Recognize it for what it is, a tax cut for Americans that is focused on middle-income families.

Mr. BURR. Mr. President, I rise today to speak on the Tax Cuts and Jobs Act and the significance of this historic legislation to all Americans.

It has been more than 31 years since comprehensive tax reform was passed by Congress and signed into law by President Reagan, and it has been nearly two decades since the United States has experienced a period of sustained economic growth of 3 percent or more.

Similar to the Tax Code prior to the last major overhaul, today's Tax Code is overly complex and burdensome on American families and businesses. The current code is riddled with nearly 200 tax deductions, credits, exclusions, and tax breaks that "cost" the government nearly \$1.5 trillion in lost revenue each year. These costs unnecessarily burden hard-working Americans, who spend more than 6 billion hours each year to understand their tax liability and comply with filing requirements.

The Finance Committee began to lay the groundwork for tax reform years ago, during which time the committee held over 70 hearings on how to reform the Tax Code and promote economic growth. In the 113th Congress, the committee also formed five bipartisan working groups to examine options for reform. This years-long process has enabled us to produce the Tax Cuts and Jobs Act, and I am confident this legislation, based on ideas from both parties, will benefit all Americans by ensuring our Nation remains competitive in the global economy.

The Tax Cuts and Jobs Act will make American businesses competitive again by permanently lowering the corporate rate to roughly the average rate that our competitors have already adopted. This legislation will also end the lock-out affect many American businesses face today by adopting a territorial system. This will encourage American companies to invest their profits here at home and hire more people.

On the individual side, this legislation will lower individual income tax rates for all Americans and greatly simplify the code by roughly doubling the standard deduction. According to the Joint Committee on Taxation, this will result in fewer than 10 percent of Americans itemizing deductions, meaning the vast majority of Americans will benefit from tax simplification.

I am especially pleased the Tax Cuts and Jobs Act preserves the child and dependent care tax credit and depend-

ent care flexible spending accounts, enhances the ABLE Act, and sharply reduces the number of Americans who are subject to the Alternative Minimum Tax, a parallel tax system that adds layers of complexity.

This is historic legislation that hard-working Americans across the country have long deserved, and I look forward to passing this legislation tonight to ensure all Americans have more economic opportunity and prosperity for years to come.

Mr. HOEVEN. Mr. President, today I wish to discuss an important provision in the tax conference agreement that relates to the 20-percent deduction for certain passthrough income for agricultural cooperatives.

I was pleased to see that the conference report fairly treats certain distributions from farmer cooperatives to their patron. This treatment will ensure that farmers will not see a tax increase at a time of depressed agricultural prices.

I would like to clarify a drafting change that occurred in moving from the Senate language to the conference report language. Specifically, section 199A(c)(1) provides that the term "qualified business income" does not include any "qualified cooperative dividends," as defined by the bill. I would like to clarify that in this sentence, the terms "qualified business income" and "qualified cooperative dividends" are mutually exclusive and that the intent is that these terms are to be treated separately under sections 199A(a)(1) and (2), as they were under the Senate bill.

Also, I believe that the definition of "qualified cooperative dividends" includes "per unit retains paid in money," PURPIMS, paid under 1382(b)(3).

Mr. TILLIS. Mr. President, when we pursue tax reform, invariably those impacted will voice concerns along the way. I know this from experience, having done tax reform in North Carolina.

Everyone was for tax reform until it came to protecting their individualized interests. However, reform was not about protecting tax benefits for the rich or the like, as some of my colleagues have suggested—understandably, for political purposes.

Tax reform is what we can do as a Congress to help spur economic growth. Without growth, we cannot solve our Nation's problems. Having an uncompetitive tax code hampers the ability of the middle class to grow and prosper.

Through this process, we have fought to ensure that there are appropriate transition rules and protections for various strategic sectors in our economy, and I am proud of the work that both Chambers of Congress have done through the conference process.

When we debated the Senate's tax reform package on the floor, some of my

colleagues offered amendments on discrete issues, and I believe that, for many of these issues, we attempted to embrace, as a body, a process that defines problems and works to solve them.

I also believe that the conference committee did a good job working with JCT and the Finance Committee to address issues, without jeopardizing the underlying tax reform measure.

For other issues that were not able to be addressed in the conference report, I believe that legislating is an exercise of continued and systematic work. That means we need to come back next year in a reconciliation process and continue to improve upon this legislation.

As an example of some of the work that we must still do, I do not believe that we should penalize companies for voluntary repatriation and believe that there should be targeted transition rules in place to consider those who have a history of voluntary repatriation and are not simply doing so late in the year as tax reform became a realistic possibility. That said, I understand that some things are not always achievable, and it is tough to treat some companies differently than others when everyone is making sacrifices.

Another area that I think needs to be worked on in future iterations of tax reform are tailored transition rules for different strategic sectors like the energy sector, manufacturing sector, and other industries that have foreign tax credits stranded overseas. Additionally, as we evaluate how the tax treatment for passthrough entities unfolds, we need to ensure that we are appropriately regulating and taxing capital deployers so that we are fully realizing their potential contributions to economic growth.

In its totality, I was happy to see that there was common ground found on issues such as: how JCT scores and evaluates insurance reserves; how the limitations on business interest deductibility affects different sectors, particularly those that rely heavily on debt to operate; ensuring that there is continued parity for pass through entities in the new territorial system by preserving appropriate export incentives in the Tax Code; and many others that are so important to State and local economies.

When I did tax reform in North Carolina as the speaker of the North Carolina State House, I received many of the same criticisms that I have received as we have gone through this current reform process. Our hard work paid off in North Carolina, and I believe that it will pay off for America—as a global competitor and for all Americans.

Thank you. I look forward to supporting this conference report, and I look forward to working with my colleagues in the future as we continue

our collective pursuit to make America the most competitive it can be and as we continue to help America achieve its economic potential.

Mr. LANKFORD. Mr. President, we commend Senator HATCH for his efforts on this most important bill. We would like to ask for confirmation on a question that will be of considerable importance to millions of seniors housing residents, including those living in assisted living and memory care residences and in continuing care retirement communities, CCRCs.

As you know, capital for seniors housing, including assisted living and memory care residences and CCRCs, essentially comes from the same lending sources that fund other types of real estate. HUD, Fannie Mae, Freddie Mac, and commercial banks finance seniors housing through their respective housing related programs. Seniors housing competes with other real estate based investments for both equity and debt and it is critical that our tax law treat these seniors housing units in a manner that is comparable to other housing.

Provisions relating to the deduction for business interest and to the deduction for depreciation in the bill include rules governing a "real property trade or business," as that term is currently defined in the tax law. Under these rules, the conferees stated that they intended that a real property operation or a real property management trade or business includes the operation or management of a lodging facility. We would like to ask the distinguished chairman of the Committee on Finance if he agrees with us that the operation or management of residential rental property housing the elderly, such as an assisted living residential facility, memory care residence, or a continuing care retirement community, are not excluded from the definition of a "real property trade or business" merely because they provide necessary supplemental assistive services that meet the needs of aging seniors.

Mr. HATCH. Mr. President, I agree.

Mr. PERDUE. Mr. President, I rise today to engage in a colloquy with my friend and colleague, the distinguished chairman of the Senate Finance Committee, Senator HATCH.

I would like to confirm my understanding of the modification of the section 958(b) stock attribution rules contained in the Tax Cuts and Jobs Act. The Senate Finance Committee explanation of this bill, as released by the Senate Budget Committee, definitively states, "This provision is not intended to cause a foreign corporation to be treated as a controlled foreign corporation with respect to a U.S. shareholder as a result of attribution of ownership under section 318(a)(3) to a U.S. person that is not a related person (within the meaning of Section 954(d)(3)) to such U.S. shareholder as a result of the repeal of section 958(b)(4)."

I would like to confirm that the conference report language did not change or modify the intended scope of this statement. As you know, I filed an amendment to the Senate bill, Senate amendment No. 1666 would have codified this explanatory text of the Finance Committee report.

I also want to confirm that the Treasury Department and the Internal Revenue Service should interpret the stock attribution rules consistent with this explanation of the bill.

Mr. HATCH. The Senator is correct. The conference report language for the bill does not change or modify the intended scope of the statement he cites. The Treasury Department and the Internal Revenue Service should interpret the stock attribution rules consistent with this explanation, as released by the Senate Budget Committee. I would also note that the reason his amendment No. 1666 was not adopted is because it was not needed to reflect the intent of the Senate Finance Committee or the conferees for the Tax Cuts and Jobs Act.

I thank my friend from Georgia for his leadership on this issue to ensure that the stock attribution rules operate consistent with our intent and do not result in unintended consequences. I look forward to continuing to work with him on this important issue.

Mr. PERDUE. I thank the chairman for the clarification and appreciate his outstanding leadership and work on this important and historic legislation.

The PRESIDING OFFICER. The Senator from New Mexico.

DACA

Mr. UDALL. Mr. President, thank you for the recognition. I rise also to talk about the tax issue and this horrible tax cut, but I can't help but mention a little bit about what I went through the last hour or so with some wonderful young people in my office.

First of all, there are 7,000 Dreamers in my home State of New Mexico. Here is one of them, shown in this picture. This is Carlos. Carlos was brought to New Mexico from Mexico when he was less than 1 year old, and New Mexico is the only place that Carlos has known as his home. I had the opportunity to visit with a number of young people who are very much like Carlos. They have gotten in a bus, they have come to Washington, they call themselves the New Mexico dream team, and it is a remarkable story. They told many stories to me about their situations that sounded very much like Carlos's story. They urge us to protect them. They are fearful, they are emotional, but they are also strong and courageous. Let's remember these are some of our very best and brightest young people. We cannot lose them. We must continue to fight for a clean Dream Act—no doubt about it—and we need to remember the 11 million undocumented immigrants who are here in the United

States and strive and fight for true immigration reform.

Mr. President, working families in New Mexico want good jobs and good wages. They want affordable healthcare and retirement security. They want a job and educational opportunities for their children, but the Republican's latest tax plan does nothing for regular families in New Mexico or across the country. It will not create good-paying jobs, not now nor for our children. It will kick 13 million people off healthcare and raise insurance premiums. Their plan threatens Medicare, Medicaid, and Social Security, and it does nothing to improve public education or bring down the high cost of college.

The Republican tax plan overwhelmingly benefits the rich by giving huge tax breaks to their campaign donors, to the superwealthy, big corporations, multinational businesses, and hedge funds. One of the biggest problems is, the Republican plan will drive up the debt by \$1.5 trillion, and that means they will have to take a hatchet to programs working families rely on. This is not a responsible or a fair tax plan. It is a hocus-pocus tax sham, and I oppose it.

I have to reflect a little on this first year that we have seen under President Trump and the Republican majority—what a year of lost opportunities. If the Republicans had worked with us during this year, we could have had at least two big bipartisan achievements. We could have had a bipartisan improvement on healthcare, built on the successes of the Affordable Care Act, and we could have had a fair tax bill for all Americans. How sad partisanship and politics got the upper hand.

The Senate and the House majority are pushing this tax scam as fast as they can to hide it from the American people. We have not had proper hearings. We have not heard from expert witnesses or had adequate independent analysis. Even the Republicans don't know what is in it. My office has met with many New Mexicans raising red flags on the unintended consequences of this bill. No Member of Congress—no Democrats or Republicans—has had enough time to digest and understand this plan.

When it comes to legislation this important, we must follow the regular order. We must see a full analysis by the Congressional Budget Office and the Joint Committee on Taxation. We must hear from the best tax experts in the country. The American people must understand the plan, and every Member of Congress must fully understand its impacts. We are not there.

Republicans and the President are not being straight about what this plan will mean for the average American. They aren't talking about how it will affect the President's own personal taxes. He touts it as a tax cut for the

middle class and working Americans, but not one single objective analysis says it is designated to help the middle class, and his Treasury Department's one-page so-called analysis predicting a \$300 billion surplus is built on unrealistic growth assumptions that no serious economist accepts. Even Republicans have said the bill is about helping their donors and cutting taxes for big corporations.

The American people are not blind. They aren't fooled by the administration's fake numbers, and they oppose this plan. Recent polling, as recent as December 13, shows that 55 percent of Americans disapprove of the bill. Sixty-five percent say the wealthy benefit the most, and almost all pollsters come out somewhere in that range.

Now, let's look at some of the hard, cold numbers. First, we know the Republicans propose adding \$1.5 trillion to the debt over the next 10 years. This chart shows the difference between the Federal deficit under current law and the massive increase in the deficit under the Senate Republicans' plan. Current law is in blue, as you can see here, and the Republicans' plan is in red. It is pretty dramatic—pretty dramatic. Republicans represent themselves as the party of fiscal responsibility, but incurring this amount of debt to give big tax breaks to the rich is patently irresponsible.

To pay for this debt, the government will have to borrow by selling Treasury bills, notes, bonds, securities, and savings bonds. Based on estimates from the JTC and the CBO, the government's cost to borrow to pay for this debt will be over \$40 billion over the next 10 years and even more after that unless we pay off the debt. The American people will be on the hook for \$1.5 trillion. That is \$12,742 for each and every American household today. My colleagues have come to the floor saying this tax bill will provide an average tax cut of around \$2,000 for 1 year in 2019. What they aren't telling you is, they are also opening a line of credit on you and your family of \$12,000.

This is the new Federal debt that would be taken out in every American's name every year by the GOP. So much additional borrowing by the Federal Government can also drive up interest rates. Higher interest rates mean higher costs for the government to borrow. The Congressional Budget Office estimates that if interest rates are 1 percent higher annually than projected through 2027, the debt will be \$1.5 trillion higher—that is 6 percent of gross domestic product—and the amount each American owes on their new forced Federal credit card would go up even more.

Increased Federal interest rates have real consequences for the average American. A rise in rates can price out a first-time home buyer; it can determine whether a young person can af-

ford to buy a car. The average American consumer does not want to see interest rates go up. Increased government borrowing and interest rates can take up the economy's lending capacity and discourage the very private investment Republicans say they want to encourage.

Giving massive tax cuts to the wealthy also will force massive cuts in revenue coming into the Federal Government. When I first arrived in the Senate, Senator Kent Conrad from North Dakota was chair of the Budget Committee. He was a master on the Federal deficit and on the Federal budget, and he understood the danger of racking up huge deficits. In 2011, the Budget Committee was concerned that the debt threatened the national security. The committee majority developed a budget framework that Senator Conrad presented on the floor that July. He showed us many charts that day. One showed that the government had a budget surplus for only 5 of the last 50 years—that was in 1969, 1998, 1999, 2000, and 2001. In those years, revenues were close to 20 percent of gross domestic product.

Around the same time, the bipartisan Simpson-Bowles budget commission concluded that the Federal Government needed revenue equal to 21 percent, but the Republicans' current tax cut legislation would leave the Federal Government with revenue of only 17 percent of GDP.

Former Treasury Secretary Larry Summers sounded alarm bells in an op-ed in the Washington Post on December 10, and Larry Summers isn't alone. Bruce Bartlett was an economic adviser to Presidents Reagan and George W. Bush. In a September Washington Post op-ed, he freely acknowledged that he "had a hand in creating the Republican tax myth." He is referring to the myth that tax cuts lead to robust economic growth. Mr. Bartlett now says: "Republican rhetoric around tax cutting" is "wishful thinking. . . . In reality, there's no evidence that a tax cut would spur growth."

In other words, tax cuts will not spur economic growth. They will create more debt, squeeze consumers, and mean steep cuts to vital government programs. So why is the majority pushing so hard for them? Why do they want this tax cut bill so badly?

There is really only one reason—for their donors. Representative CHRIS COLLINS of New York was honest about why he has to deliver tax cuts. He said, "My donors"—and this is his quote, Congressman COLLINS—"My donors are basically saying, 'Get it done or don't ever call me again.'"

Making the superrich even richer doesn't justify burdening our kids with huge government debt. It doesn't excuse threatening American healthcare, retirement security, and other vital programs, but cutting vital Federal

programs is exactly the price the middle class and working Americans will be expected to pay under the Republicans' tax sham. Their plan calls for \$500 billion worth of cuts, and Speaker RYAN is already talking about where they will cut. He said:

We are going to have to get back next year at entitlement reform, which is how you tackle the debt and the deficit. Frankly, it's the healthcare entitlements that are the big drivers of our debt, so we spend more time on healthcare entitlements—because that is really where the problem lies, fiscally speaking.

He wants to starve the Treasury to benefit the wealthy, and then he wants to slash critical programs that create jobs, support innovation, secure our Nation, and help people pay for housing, food, and medicine.

I want to support tax cuts for middle-class families. I want to help make sure that working people can take home more of their pay. I also want to make sure we can pay for roads, bridges, schools, scientific research, and national defense. This bill doesn't do that; it does exactly the opposite. It takes money from the middle-class families and gives it to the ultrarich. Then it leaves us with little to support our communities, little for infrastructure, little to make the United States of America continue to lead the world in innovation, science, and economic might, and little to ensure that we take care of those in need.

This bill also fails Indian Country. While giving billions of dollars of tax breaks to corporations, this bill does nothing to spur economic growth or attract investments in our Native communities—not even basic, low-cost provisions to ensure that Tribes receive the same tax benefits as other governments, like State governments. Once again, Tribes have been overlooked by the majority, despite early and vocal Tribal input on tax parity in Indian Country.

I am prepared to roll up my sleeves and work with Republicans on tax reform that is fair, simplifies the Tax Code, and keeps American businesses competitive, but I cannot support tax cuts that lopsidedly benefit the ultrarich, hurt working families, neglect Indian Country, and balloon the Federal deficit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, tonight, once again, Congress is proving to the American people that Washington is broken. This bill is not a product of deliberation of the world's most deliberative body. It is not a product of meaningful public hearings. It is not a product of compromise or months of hard work among multiple committees. It is certainly not the product of a grand legislative idea that was desperately needed to meet the demands of the public. The bill in front of us is

the product of dysfunction, partisanship, and political desperation.

Thirty years ago, the Senate passed President Reagan's tax reform 97 to 3. After the conference committee had worked it over, it passed overwhelmingly with 74 votes. That could have been the case today, but there was never an attempt to have an honest debate about this bill, and there was no attempt to get bipartisan buy-in. I reached out to lend my perspective and Montana's perspective—the perspective of rural America—but my offer fell on deaf ears, and I never heard back.

I asked the President to work with me. I raised my concerns early, and they have never made an attempt to address those concerns. There was no effort to reach across the aisle and build consensus for this bill.

Once again, the leadership of this body chose to draw a line in the sand. They chose to empower the fringes and leave those in the middle out in the cold. As a result, the first major tax bill in Congress in a generation will likely pass with the support of only one party. That is not what the Founding Fathers had in mind.

As for me, I wanted a tax bill that would ensure that hard-working Montana families and businesses had a say in this process. I wanted to construct a bipartisan bill that provided folks with tax relief without adding to the debt. I wanted to simplify the Tax Code without gutting provisions that would help build our middle class. Today, we are stuck with this final bill that does none of those things, and our options are yes or no.

There are some things in this bill that are good—three, to be exact. This bill keeps in place important medical deductions that benefit seniors and help them pay for care as they age. It expands the child tax credit to provide a boost to families across the country. It lowers income tax brackets to keep a few extra bucks in your pocket each year. But when we look at the bill, we have to weigh the good and the bad.

Speaking of those individual tax cuts—the ones I just talked about a few seconds ago—well, they are only temporary. They are short-term promises that will disappear with the wind. Estimates show that more than 80 percent of this bill's benefits will go to the top 1 percent; 60 percent will go to the top one-tenth of 1 percent of our population. In fact, hard-working families will actually see a tax hike within 10 years.

But for this country's biggest corporations, this bill makes their tax cuts permanent. So at the same time that taxes start rising for teachers and farmers and electricians and nurses and working folks, large corporations and big businesses will still be reaping the benefits from the giveaways in this piece of legislation. On top of huge benefits, this bill makes no attempt to en-

sure that these corporations will use the savings to create more good-paying jobs.

This bill also destroys the foundation of our healthcare system. Because of this bill, 13 million Americans will become uninsured, and everyone else's premiums will go up by about 10 percent. It will be more expensive to see your doctor. It will be harder for rural hospitals and clinics to keep their doors open. More folks will end up in emergency rooms—the most expensive medical treatment. They will be sicker, their treatment will be more expensive, and the rest of us will be forced to pay for it.

The bad list doesn't stop there. It forces a \$25 billion cut to Medicare. This bill pushes millions of people out of itemizing their deductions—reducing incentives to buy a home or donate to a charity. It caps State and local income tax deductions, and this targets middle-class families. It changes the way we adjust tax brackets for inflation, which will force future generations to play catchup. It will force State budgets into the red and put critical healthcare, education, and law enforcement initiatives on the chopping block. It opens up the Arctic National Wildlife Refuge for oil drilling, but that is not the worst thing about this bill. The worst thing about this bill is it saddles our kids and grandkids with more crushing debt.

In 2008 and 2009, this country was going through one of the worst economic crises since the 1930s. The debt was increased in that period of time. People often say that the government needs to be run like a business. Well, if you have a business, and income is not coming in, you have to borrow some money. That is what happened. With the economic downturn, the money wasn't coming in, so our debt went up. On the other side, if you are in business and you are making a few bucks and times are better—and they are good—you pay that debt down. Well, this country is in a lot better shape now than it was in 2008 and 2009. We should be paying that debt down at this moment in time, not adding \$1.5 trillion to it.

I am going to tell you, as sure as I am standing here today, within the first quarter of 2018, there will be folks standing up on the other side of the aisle saying that we need to cut Medicare, we need to cut Social Security, and we need to take away subsidies for everyone, whether they be farmers, mothers, young families, the disabled, or veterans. Money that is used to keep our public lands in public hands, dollars that are used to make education more affordable, dollars for healthcare overall—they will tell us that we simply cannot afford them because our debt is so high. But today we are going to tack on \$1.5 trillion for the sake of giving the richest of the rich a tax ben-

efit and middle-class families a temporary benefit that will go away over the next 10 years.

How they have so quickly forgotten the fiscal restraint that we talked about when Democrats controlled this body. Our national debt is already above \$20 trillion. This is more than \$64,000 for every man, woman, and child in this country. The path we are on is truly unsustainable.

It is not the first time we have been down this road. Bush tax cuts were sold to the American people, and we were told that they would pay for themselves. Guess what. Today those Bush tax cuts are directly responsible for one-third of that \$20 trillion debt. We know this to be true. Yet here we are, about to swipe the credit card one more time for over \$1.5 trillion—to put our kids and our grandkids on the hook to pay it back while we get temporary relief and the large corporations get permanent relief.

For those of us who were ignored during this process, this is what we are stuck with. There are some good things but a whole bunch of bad things—more than I can count on my hands. We can't celebrate the good things and ignore the bad. Just because we ignore it doesn't mean that it is not going to come true.

This bill will not strengthen the middle class. It will not improve our schools. It will not lower the cost of healthcare.

Let's call it what it is. It is a tax giveaway to the wealthy masked as tax reform, and those who vote yes on this bill will do so at the expense of our kids and our grandkids. They will be paying this tab long after we are gone. What is ironic about this is that most of the people who serve in this body say: I am here to make sure the next generation has an opportunity. We are taking away their opportunity with this bill. It will limit their opportunity. It will cap their potential—all for what? I am not really sure because when I go back to Montana every weekend, folks aren't stopping me on the streets and telling me that the corporations and the wealthy need a tax giveaway. What they do tell me is this: We need to make sure programs like CHIP are around. We need to make sure Medicare and Social Security are there for future generations. We need to protect our public lands. We need to pass a farm bill that works. We need to invest in infrastructure. Folks, this tax bill takes away all of that potential.

We have been at war for 16 or 17 years. The military needs rebuilding. It makes it much tougher. Everyone knows what is going on in North Korea. The potential to have to spend a bunch of money there is real. Infrastructure—whether it is broadband, highways, bridges, or water systems—is in dire need of help.

The fact is, the tracks are greased; this bill is going to pass. Rather than

working on the pressing issues around here, the next excuse is going to be entitlement reform, which means we are going to do our level best, in the name of the debt, to gut Medicare and Social Security. Who knows what else will be put on the chopping block to be ripped away from working families?

This bill ties our hands and prevents us from making the kinds of investments we need to build a strong middle class, which has been the envy of the world, and it puts our most vulnerable at risk.

I am going to vote no on this bill because it is a step backward. It raises the debt. It does nothing to solve the income inequality in this country, and it pushes the American dream further out of reach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I want to cover what I think are the seven worst aspects of this tax bill.

The first thing is that this is not a middle-class tax cut. Credible, independent analysis of this bill found that the richest 1 percent of the United States will get \$85 billion of the benefits in the year 2019. These Americans will get a tax cut of more than \$55,000 per person while taxpayers who fall in the middle of the road will get a couple of hundred bucks. Many in the middle class will pay more because of this bill.

People making \$30,000 or less will see a tax increase of about 10 percent. Even foreign investors will do better than the middle class in this bill. What do I mean by foreign investors? I mean foreign investors. I mean people who don't live in the United States but who own stock or are investors in American companies. In 2019, they will get a \$48 billion tax benefit. That is a bigger benefit than more than half of the rest of the country will get from this bill. You have to work hard to design a tax plan that helps the middle class less than this one does. In fact, the Washington Post looked at this plan a few weeks ago and found that it is the worst tax plan for the middle class in 50 years. Here is the thing. It shouldn't be that hard to do a middle-class tax cut; you just do a middle-class tax cut.

The No. 2 reason this bill is horrible is it is primarily written for special interests. Republicans couldn't give the middle class a bigger tax break because they needed all of that money for special interests. Real estate firms will see an immediate 16 percent decrease in taxes next year. For families who own multimillion-dollar hotels, that makes this a great bill.

Big banks and financial firms also win. Over the next 10 years, financial firms will save \$250 billion. Over the next 10 years, financial firms will save \$250 billion.

The biggest single beneficiary is Wells Fargo. What I remember from

the last election was that the lesson the voters were teaching us across America was a populous lesson, that they were sick of financial institutions and the very powerful politically and the very powerful economically running us. Here we are giving a massive tax break to Wells Fargo, an estimated 18-percent boost in earnings just for Wells Fargo. This is not a bank that has been a good player recently. They were mired in scandal after they bilked customers into buying auto insurance and created thousands of fake credit card and bank accounts.

People are not getting a tax cut. Corporations are getting a tax cut, and no one knows how we are going to pay for all of this.

This brings me to No. 3. If passed, this bill will increase the Federal deficit by a minimum of \$1.5 trillion. With \$1.5 trillion, we can pay down every single student loan in the country and still have enough money left over for middle-class tax cuts. Instead, we are going to make sure that Wells Fargo investors have another banner year.

There was an entire group of Republicans elected to the Congress on the premise that the Federal debt and deficit were too high and that we needed fiscal discipline and fiscal responsibility, and now they are adding \$1.5 trillion to the deficit.

No. 4, this bill is just bad economic policy. It is premised on the idea that if you provide a tax cut for corporations, they will share it, essentially; that if you give money to a corporation and they take that money and they reinvest it in their physical plant, they make additional developments—maybe they build a new factory, or maybe they pay their people more. That sounds great. Here is the problem: The corporate sector is sitting on an unprecedented amount of cash already. The corporate sector has lots of cash already. So we have a lesson in what they will do with extra cash, right? If they were going to use extra cash to pay their people more or invest more in physical infrastructure or expand their businesses, they would already be doing that because they are already sitting on record amounts of capital. But they are not doing that. What they are doing is stock buybacks and dividends. In other words, they are paying off their shareholders.

When a group of American CEOs was asked what they were going to do with the windfall money they are about to receive, they did not say they are going to pay their people more; they did not say they are going to invest more in expanding their businesses; they indicated that they are going to do what they have been doing with their record amounts of cash, which is pour it back into stock buybacks and dividends.

This is bad economic policy. Forget the moral part for a moment. Even at the macroeconomic level, this is not smart.

No. 5, this is bad policy because it is a bad process. This bill was written in secret. It was rushed, and it was 100 percent partisan. We know it didn't have to be that way.

One of the things I said to some of my colleagues with whom I have a strong relationship is, listen, why don't we try to do this subject to a 60-vote threshold? Why don't we try to find bipartisan agreement? And then, listen, if you find that we are operating with you in bad faith, if you find that there is no room for compromise, drop the threshold down and do it with a 51-vote margin, but at least you will have exhausted the possibility of bipartisanship.

They started with 51 votes. What does that mean? That means they never wanted to listen to Democrats. That is why this process is so flawed. And now the House just sent over a bill that is so messed up, they are going to have to vote again tomorrow. To fix the garbage they sent over this afternoon, they are already talking about an additional technical fixes bill to do next year. This is the product that you get when you don't have public hearings, when you don't have bipartisanship, and when you don't take your time.

No. 6, this bill is bad for healthcare. People's premiums are going to skyrocket, and 13 million Americans are going to go without health insurance.

No. 7, this bill increases income inequality. This bill changes our tax system to reward wealth over work. For me, American capitalism is about, you work hard, you have a good idea, and you are rewarded. It is not about, your dad was rich, he passed the money down, and you are rewarded. American capitalism is about pulling yourself up by your bootstraps. But what we are doing with the Tax Code is unprecedented—except for during the gilded age. What we are doing with the Tax Code right now is saying: We value already being rich more than we value someone who is climbing that mountain.

That is a foundational moral question—do we value work, or do we value wealth? The problem with this bill—and we can go through process and policy and politics, but the foundational problem with this bill is that, through this document, we are declaring that we value people's wealth that already exists. We value passive income more than we value earned income. And that is not good for the United States of America. That is the problem with this bill. We are telling people that we value people who already have money more than people who are climbing that hill. That is why I oppose this bill so strongly, and I think that is why people across America—for the very first time, at least in recent history but maybe in American history, we have a tax cut bill that is so deeply unpopular because people understand

what a rotten piece of legislation this is. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Thank you, Mr. President.

I rise to speak about the conference report we will be voting on later this evening. Before I do that, I want to mention a few folks by name who deserve a big thank-you for the incredible work they did to get us to this terrific point we are at today.

I wanted to start with Leader MCCONNELL. His vision and leadership made this possible, and I am grateful for that. I want to mention Chairman HATCH, who also helped to guide the Finance Committee, which has jurisdiction over our Tax Code; Chairman ENZI, the chairman of the Budget Committee—without a proper budget resolution, this moment would not have been possible; Chairman MURKOWSKI, who has fought for so long to open up this little tiny postage stamp in an incredibly remote part of Alaska to prudent energy development, and finally, tonight we are going to pass the legislation to do that; Senator CORNYN, our whip, who is also a member of the Finance Committee and played a very important role; Senators THUNE, PORTMAN, and SCOTT, with whom I worked very closely for a very extended period of time to try to find the consensus that I think we have reached among Republican Senators.

I want to mention Senator CORKER. I had many long and ultimately very fruitful conversations with Senator CORKER, who approached this in a very thoughtful and responsible way. I am very grateful for him.

I want to mention some of the staff who worked incredibly hard on this: Mark Warren, who handles tax policy for Senator THUNE; Zach Rudisill, who works for Senator PORTMAN; Shay Hawkins, who handled this brief for Senator SCOTT; Andrew Siracuse, who works for Senator CORNYN; and Bart Massey, who handled this responsibility for Senator ENZI, and Matt Giroux. They all did terrific work.

A big special thanks to some of the guys on my staff who did an amazing job. Randy Herndon joined my team earlier this year and did an absolutely extraordinary job. Fortunately, he has an incredible wealth of knowledge about tax policy, and he was able to put that to work for Pennsylvanians and for Americans in a tremendously constructive way. Brad Grantz, my legislative director, also helped to guide this process. Dan Brandt, who is my chief of staff, did some great quarterbacking.

I should point out the Senate Finance Committee staff who worked incredible hours and did a great job—Jay Khosla, Mark Prater, Jen Acuna, and the rest of the Senate Finance Com-

mittee staff, and also Brendan Dunn in the leader's office, who played a very important role.

Speaker RYAN and Chairman BRADY in the other Chamber played an indispensable role in getting us here, as did Tom Barthold, who leads the Joint Committee on Taxation, quantifying every wrinkle along the way in the final product, as well as his team.

I should also mention that the President provided constructive leadership along the way, and we worked extensively with Treasury Secretary Mnuchin and the Director of the National Economic Council, Gary Cohn, from the White House.

This took a long time to put together and involved an enormous amount of work, but I am so proud of what we have brought to this floor and what I believe we are going to pass later this evening. The process started over a year ago when members of the Finance Committee began to tackle what seemed like a very daunting challenge—the most ambitious tax reform in 31 years. Could we really overhaul the entire Tax Code and achieve two very important accomplishments and do it with the very narrow majority we have, knowing that our Democratic friends did not want to participate in this process, and try to get this all the way across the goal line?

I am thrilled to be able to report that I think we have accomplished those two big things. What are they? No. 1, we were determined from the very beginning that we would not even attempt to bring a bill to the floor unless it lowered the tax burden on the families we represent—individuals, families, middle-income and lower income families. That was No. 1. No. 2, we wanted to fundamentally restructure the business side of our Tax Code so that American workers and businesses can compete and win in a global economy against anybody. I have to tell you, we did those things, and I think that is why this is going to pass tonight.

First, on the individual side, this is absolutely a direct tax cut for the vast overwhelming majority of low- and middle-income taxpayers. They will simply pay less in Federal taxes. That is the reality.

By the way, most high-income taxpayers will have some tax savings as well. I don't apologize for that. I am in favor of lowering the tax burden on everyone. While not every last individual is going to have a tax cut, the vast majority of people will.

We do it through a variety of mechanisms. I will not go through all of them, but a couple of the mechanisms that I think people understand and appreciate are, one, we doubled the standard deduction—what does that mean? That means that a couple filing jointly, as most married couples do, the first \$24,000 of income they earn doesn't

get taxed at all—zero, nothing. They don't owe a dime to the Federal Government on the first \$24,000 that they earn. That one step alone results in a tax reduction for many millions of Americans. In addition, we lower marginal tax rates so that the income people earn above \$24,000 gets taxed at lower rates under our bill than under current law. We also dramatically increase the child tax credit so that families with children get this additional benefit on top of the ones I just mentioned.

The net effect of all of this is that every single income category pays less in taxes. You don't have to take my word for it; that is the joint tax non-partisan review of our bill. And low-income earners receive the largest percentage of benefits of all.

For people who are listening to this debate, whether in the Chamber here or watching C-SPAN, I can understand that they could be a little frustrated because they hear our Democratic colleagues say: This is a terrible deal for the middle class. Some have even said it is a tax increase. And they have heard me and other Republicans say this is absolutely a tax cut for the middle class. Who are they to believe? I understand that frustration.

Let me suggest that there is a simple way to cut through all of this—there are two, actually.

No. 1, look what happened on the Senate floor during debate on this. The same sort of argument was taking place when a Democratic Senator offered an amendment to take our tax policy for low- and middle-income families and individuals and make it permanent. If this were a bad deal for the middle class, presumably all the Democratic Senators would vote no, but they did not. They voted yes. It was really quite an extraordinary compliment to our work that they offered an amendment to take what we did—which is not yet permanent; we weren't able to do that; we are going to come back and revisit that, and I hope we will make it permanent—and said: This is so good, we should make it permanent right now. So I appreciate the compliment. I appreciate the validation of the tax cut, that this is for low-income and middle-income families, and I want to work with them to make sure it is permanent. We should be able to do that.

The second way we know where the truth lies in this debate is in late January, early February, just check your paycheck. Take a look. Withholding is going to go down because you are going to owe less money to Uncle Sam, so you are going to get a take-home pay raise. It is as simple as that. So the mystery will be all gone when people take a look at their check and discover that, yes, look at that, I actually got the pay raise those Republican guys said we were going to get. I am looking

forward to when that happens and, at that point, I think this debate will shift to other topics. That is my guess.

I also want to touch on the tax reform on the business side because I think that is what is likely to drive the economic growth and the opportunities I want to see for the people I represent. It comes in a context. The context is the weakest economic recovery in the history of the Republic. After a very severe recession in 2008, we never really had the booming recovery we have always had in the past. It is not a huge mystery why. Our Democratic friends had complete control of the elective government, and they did all of the things they wanted to do. They had the ability—and they did—huge, repeated tax increases with no reforms, a virtual takeover of healthcare, an avalanche of new regulations, and a massive spending binge. They did all of those things and, unsurprisingly, we got a weak economy, not a strong economy.

One of the specific problems we have had and that has plagued us ever since that recession is a collapse in the growth of the capital stock, which caused a collapse in the growth of productivity, and without productivity, it is not at all surprising that workers aren't getting raises. The path to higher wages for workers is allowing workers to become more productive. To be more productive, they need better tools, and better tools are acquired through investment.

So that was lacking, and that is the heart of what we are fixing. Our reform goes right to this challenge of lowering the cost of deploying capital. What do I mean by deploying capital? What I mean is investing in the very kind of equipment that makes workers more productive and allows them to earn higher wages.

A simple example is, you go to a construction site and there are two guys working and one of them is working a backhoe and the other is working a shovel. They are both digging a hole. They are both moving dirt. Which one do you think is getting paid more? The guy operating the backhoe is always making more money because he is able to be so much more productive than any human can be with just his bare hands and a shovel. So when we make it more affordable for businesses to go out and buy new tractors, new equipment, new machinery, that gives them the chance to put those more valuable tools into the hands of their workers.

By the way, someone also has to build those things. Someone has the job at Caterpillar of making that tractor. Someone has the job of making that vehicle. Someone has the job of making the machinery.

So all of these things coming together are a very powerful driver of economic growth—not the only one. Not only do we lower the cost of acquiring that equipment, we also lower the top rate that businesses pay.

We have arguably the most uncompetitive Tax Code in the world—the top rate of 35 percent. What we do in our bill is we lower that rate to 21 percent—slightly below the average of the nations we compete with; pretty close to the average. This is going to free up American workers and businesses to compete and win in all kinds of fields where we are getting beaten today. That is going to come to an end because when we have a chance to compete on a level playing field, American workers and American business, we compete and we usually win. We are going to get back to winning.

We also recognize that most businesses in America are not organized as C corps, they are organized as passthroughs—small, subchapter S companies, partnerships. So we have a corollary, a reduction in tax rates for them. It comes as a deduction against their earnings. It doesn't apply to all partnerships. Professional services partnerships, for instance, don't get this treatment. I would like to revisit that. I think we want to revisit that because I personally would like to see this treatment expanded to that category, but the vast majority of businesses—partnerships, S corps, C corps—are going to experience a significant tax cut that is going to allow them to compete.

Another big, important feature is moving away from this global taxation system we have. We have all been so disturbed by the stories we have read about of American companies being acquired, sometimes by a much smaller company overseas, not because the economics of the transaction make a lot of sense but because the Tax Code drives them. It just makes very little sense, from a tax point of view, to have a multinational company headquartered in the United States.

So we have been driving these transactions that are terrible. They usually cost us jobs. They cost us growth. This comes to an end with this reform. We are not going to have this system where we punish business for bringing money back home to the United States. This punishment ends, and it is going to encourage a huge inflow of capital, of accumulated profits back into the United States, because no longer will companies be facing a penalty tax unique in the world. That is over. It is a very constructive development.

What does it mean when you take one of the world's worst business tax codes and you turn it into arguably one of the best? It means more investment. It means more people all around the world are going to want to invest in America. It means more Americans are going to want to invest in starting a new business or expanding an existing business. It means more business will be able to afford the tools and the equipment and the vehicles I referred

to earlier. That is the source of economic growth.

Some of our colleagues on the other side don't seem to acknowledge that this is a reality, but there is no great mystery here. When you lower the cost of something, you get more of it, and when we lower the cost we impose on businesses becoming more productive, we will have more productivity.

All of this comes at a very interesting time in the economic cycle. What I am referring to is the fact that we are arguably close to what economists think of as full employment—4.1 percent, 4 percent. Very seldom does the American economy go below 4 percent for extended periods. It means that when this money gets put to work—when companies go out and start buying this equipment—they need workers to fill the orders, but then they need workers to operate the equipment. Demand for workers is going to go up.

What happens when demand for workers goes up at a time when there is a relatively small number who are not employed? It means upward pressure on the wages of those workers. This is exactly the dynamic we have been waiting for and we are going to trigger that and we are going to watch this happen. I think it is going to start relatively quickly—probably next year—that we will start to see upward pressure on wages. That means the people I represent are going to find that they have options, they have higher compensation, they are getting a pay raise because their employer—it is not because employers suddenly wake up one day and decide: Oh, I will just be more generous today. It is nothing of the sort. This is the only way they can hold on to their workforce, hold on to the employees they need.

So it is very likely we are going to see an increasing share of the total economic output in the hands of the workers who produce it, and I think that is a terrific development.

A couple of other points I want to touch on briefly. One is that this legislation also effectively repeals the individual mandate of ObamaCare. Technically, what we do is we zero out the penalty. The penalty for noncompliance goes to zero, and so that is equivalent to repeal.

First of all, this is a great strike for freedom, in my view. It is appalling to think that the Federal Government has the right to force an American to buy a product against his or her will—a terrible infringement on the freedom of Americans.

Our Democratic colleagues have described this repeal as a stake through the heart of ObamaCare. Think about what a damning indictment that is about ObamaCare. It is a stake through the heart. If the only way ObamaCare can survive is if people are forced to buy the product against their wishes,

what kind of product could that be? What kind of business model depends on forcing people to buy your product because they will not buy it if it is voluntary?

So not only is it a significant strike for freedom, it is also tax relief for low-income folks. This ObamaCare penalty in Pennsylvania, in my State—and I think my State is typical—83 percent of the people who get hit with this tax penalty are in a household that earns less than \$50,000 a year. So this is more direct relief for low- and middle-income folks.

The last point I want to make—and I see my colleague from Ohio on the floor. He did amazing, great work getting us to this point. He was a pleasure to work with and enormously knowledgeable, and I just want to congratulate him for where we are today.

A quick word about the deficits. Let me start with a very simple observation. I am convinced that when we pass this legislation and it is signed into law, the Federal budget deficits will shrink as a result of this legislation. It is very simple. The reason I say that is the economic growth, the response to the reforms, the very profound reforms we are making are going to give us a bigger economy to tax, and the extra growth, the bigger economy, means more revenue to the Federal Government. So you could reasonably ask: Well, OK, how much more growth do you really need, though, in order to offset the lost revenue that comes from some of the changes you are making? Fortunately, that is a simple exercise in arithmetic.

We know what the answer is. Whether it is Joint Tax or the Congressional Budget Office, the nonpartisan analysis is, we will need to average between two- and four-tenths of a percent of extra GDP growth—extra economic growth—each year, on average, for the next 10 years. If we do that, then we will have a smaller deficit as a result of this legislation, not a larger one.

So, for me, what this bill comes down to is a simple question: Do you believe in America? Do you believe in the capacity of the American people to restore the vibrant growth we used to take for granted, decade after decade of annual growth of over 3 percent that caused people's wages to rise and the standard of living to grow?

We have had this period that has been stagnant, and some of our friends think, Well, that is what America is now. Just get used to it. Accept it. That is the new normal—barely 2 percent growth, if you are lucky. I think that is nonsense, and it is not true.

I still believe in America. I still believe in American workers. I still believe in our system. I still believe we are capable of restoring the kind of growth that has always been our birthright.

I think this legislation takes a huge step in that direction. It is a direct,

immediate tax cut and, therefore, a pay raise for the hard-working people I represent, and it is a series of reforms that is going to encourage economic growth that will result in higher wages and a better standard of living as well.

I am thrilled with the opportunity we have tonight, and I urge all of my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I rise in opposition to this special interest, tax breaks for the rich, trickle-down economics bill that history shows doesn't work.

I want to start by thanking Senator WYDEN from Oregon, the leader on our side—the Finance Committee has done very good work—and Gideon Bragin in my office who has been one of the tax reform experts in this body. I want to thank both of them.

This bill should have been an opportunity for all of us to work together to put money in the pockets of working people. It is pretty simple. Instead of cutting taxes for the middle class, though, Washington chose to cut taxes for millionaires and corporations and pay for it by cutting Medicare and kicking people off their health insurance.

It ought to be pretty simple. If we want to cut taxes—if we want to talk about cutting taxes for the middle class—if we want to cut taxes for the middle class, then let's pass a bill to cut taxes for the middle class instead of giving the money to corporations and the richest CEOs and relying on a bank shot, hoping it trickles down. Cut out the middleman. That is what my colleagues claim to want. That is what the President said to us and the country that he wanted, but that is not what this bill does. This isn't a middle-class tax cut—not even close.

According to the Tax Policy Center, 83 percent—you see a Monopoly man here on this chart—83 percent of the benefits in this tax bill by the end of the decade go to the wealthiest 1 percent in this country. Imagine, 83 percent of the benefits go to the richest 1 percent of people in this country. That is even worse than the Senate bill passed—which wasn't that great—earlier this month. It was already pretty bad. Sixty-two percent of the bill's benefits would have gone to the top 1 percent of households by the end of the decade. Apparently, 62 percent wasn't good enough for the Republican members of the conference committee. They thought 83 percent of the benefits—83 percent of the benefits—should go to the richest 1 percent in this country, so the bill has actually gotten worse and worse and worse for middle-class families.

How did the bill get this bad? It got this bad through massive, permanent tax cuts for the wealthy, for so-called

passthrough businesses and corporations, which mostly benefit the richest people in this country. It got this bad through paltry tax cuts for some middle-class families that expire after a few years.

Get this. The corporate tax cuts are permanent. They last forever. The tax cuts for individuals, inadequate and immodest as they are, expire after a few years. Gee, I wonder why they did that. It was through a new way of calculating inflation called Chained CPI, which will primarily hurt middle-class families. That doesn't even take into account the millions of Americans—my colleague from Pennsylvania was part of it; in the middle of the night they put a new provision in this bill that will cost 13 million Americans their health insurance. So 13 million Americans will lose insurance under this bill.

All kinds of elected officials, all kinds of us in the House and Senate have insurance paid for by taxpayers, and my colleagues are willing to take insurance away from 13 million people, most of whom have jobs. They don't have jobs that pay what we make. They don't have health insurance like we have. They don't get pensions like we have. They are making \$8, \$10, \$12 an hour and can't afford insurance. We, as privileged elected officials, are going to take insurance away from 13 million people, and at the same time it will raise insurance premiums 10 percent—not 10 percent over time, but 10 percent a year. If you are paying \$500 a month in insurance now, you will pay \$550 the next year, and you will pay more than \$600 the following year.

It didn't have to be this way. Our door, as Democrats, has always been open. Democrats represent half this country. Democrats wanted a seat at the table and wanted to help write a bill. Let me illustrate.

A number of us in the Finance Committee in both parties, including my colleague from Ohio, Senator PORTMAN, and Senator TOOMEY, Senator WYDEN, and others, were invited to the White House to meet with the President to talk about the tax reform bill. I presented the President two bills I have been working on. One was the Patriot Corporation Act, which was pretty simple. It says that if corporations do the right thing—if they pay good wages, if they provide good health insurance and pension benefits for their employees, and if they keep their production in the United States of America—they get lower tax rates.

The other bill, called the Working Families Relief Act, is also pretty simple. It puts money directly in the pockets of people making \$25,000, \$50,000, and \$75,000 a year. The President of the United States looked at me and said: I like the Patriot Corporation Act, and I like the Working Families Tax Relief Act.

After the hour-and-a-half meeting, which was witnessed by a dozen Senators in both parties and a number of his Cabinet officials, including Secretary Mnuchin in the Cabinet room at the White House, I walked up to the President and said: Thank you for your interest. I handed him and his chief economic adviser, Gary Cohn—whom I am proud to say is from Cleveland—copies of the bill.

Then, something started to happen. Then the meetings started in MITCH MCCONNELL's office. For people who don't work here and live here and see this, I would point out that down the hall, 100 feet, is Senator MCCONNELL's office. Pass the Ohio clock—that is my State; pass the Ohio clock, and 100 feet down the hall is Senator MCCONNELL's office.

The meetings started in Senator MCCONNELL's office. The President of the United States said that he liked the idea of the Patriot Corporation Act, liked the idea of the Working Families Relief Act, but then he turned it over to Senator MCCONNELL. Do you know what happened? Wall Street lobbyist after Wall Street lobbyist walked in that door and out that door; tobacco lobbyist after tobacco lobbyist walked in that door and out that door; oil company lobbyist after oil company lobbyist walked in that door and out that door; drug company lobbyists from all over the country walked in that door and out that door.

They walked in that door. They didn't literally carry bags of money out that door after they made their points and made their pitches, but they carried provisions in the tax bill that will make their employers bags of money. They didn't carry bags of money themselves. That would be uncouth. But they sure wrote provisions in this tax bill that provide bags of money for their companies—for the tobacco companies, for Wall Street, for the oil companies, for the drug companies.

Over and over and over, Republicans made clear—not that they would pass the Patriot Corporation Act even though the President had said that he liked it, not to pass legislation like the Working Families Tax Relief Act even though the President had said that he liked it; they made clear that they are benefiting one class of people—the wealthiest Americans, corporate CEOs, board members, and stockholders who see their profits rise and grow their businesses when they ship jobs overseas.

Remember, we have said many times here as we have tried to end this tax loophole that if you shut down production in Mansfield, OH, or you shut down production in Hamilton or Zanesville or Chillicothe or Lima and you move it overseas, you get a tax break. They open a factory there and ship it back into the United States of America.

This bill didn't fix it. It didn't close that loophole. It didn't fix that. It made it worse. It greased the skids for those companies to shut down faster in Mansfield, Lima, Chillicothe, and Zanesville, OH, and move their production overseas. They get bigger bonuses, they make bigger profits, and they get bigger stock dividends.

Republican leaders like to claim that somehow, if you give a big corporate tax increase, if you cut corporate taxes as this bill does, about 40 percent, \$4,000 would end up in the pockets of every working man and woman in this country; workers would get a \$4,000 raise. Of course, nobody believed them, but that is what they said: They would get a \$4,000 raise.

Do you know why I know that is not true? Because history shows that anytime they get big tax cuts, anytime they bring dollars from overseas, the money doesn't go into employees' pockets. It doesn't usually go to create jobs. It goes to give more benefits to the executives.

The other reason I know that is not going to happen—that these dollars will not go to employees and not go to investing in more jobs—is that their corporate pals let the cat out of the bag and made clear they won't. CEOs from the largest corporations, already on record, state plainly that they are not raising wages; they are not going to hire more workers.

What are they going to do with this windfall? I know this will come as a shock. They are going to keep it for themselves.

Imagine, these CEOs in and out of Senator MCCONNELL's office—the drug companies, Wall Street, tobacco companies, oil companies, all the others. Believe it or not, the CEOs of these corporations are already making \$8 million, \$10 million, \$12 million—some are making \$20 million a year. That is not enough for them. Why would that possibly be enough? If you are making only \$20 million a year, you have to do something to juice it a little bit, so they will keep that money for themselves. They will do bigger bonuses, they will do stock buybacks, and they will do dividends.

End this charade. I have heard all this happy talk on the floor about how this is going to make Americans more competitive and how it will trickle down to the middle class. If you want to do a middle-class tax cut, do a middle-class tax cut. Don't bank-shot it. Don't take out the middleman. Don't give it to corporations and say: Please, oh please, oh please, give us a middle-class tax break. It never works that way.

Republican leaders had a chance to work across the aisle. I heard Senator TOOMEY say that Democrats didn't want to be involved. I heard Senator CORNYN say that Democrats didn't want to be involved. I like those two

gentlemen. I have worked particularly with Senator CORNYN on a number of things. We are working on a couple of issues right now. They know that is not true. They sat in that White House meeting. They heard the President of the United States say to me and to Senator CASEY and to Senator MCCASKILL and to Senator STABENOW and to Senator WYDEN and to a couple others—they heard us offer reasonable proposals. The President was agreeable. Many of them were part of his campaign. Candidate Trump was saying a lot of these things during the campaign. But then, lo and behold, they said: Democrats don't want to be a part of this. Well, not exactly.

We had a bill to expand the child tax credit. We had a plan to reward companies that create jobs here. All that got jettisoned down the hall in Senator MCCONNELL's office. Down this hall, down this hall in Senator MCCONNELL's office, 100 feet away, is where these deals were cut—these deals with the drug companies and oil companies and tobacco companies and Wall Street lobbyists going in and out of his office. I didn't see all of them come out, but I am guessing they had really big smiles on their faces.

These massive cuts for corporations come at a heavy price for the middle class. When 1 percent gets richer and richer and richer, we know the middle class shrinks. These massive cuts come at a heavy price.

This bill will explode the deficit. We know that. Even my colleagues call themselves deficit hawks when there is a Democratic President, but following the enforcer in chief, the Wall Street Journal editorial page—they call themselves deficit hawks when there is a Democratic President, but all of a sudden, they say: We will grow out of the deficit.

We know this bill will explode the deficit. We know what the plan is to deal with the deficit. Do you know what they will do? They will steal the money Americans have paid into Social Security and Medicare. How do we know that? I am not just saying it. As a progressive Democrat in this body, I am not just saying: Of course they are going to cut Social Security and Medicare. I think that, but do you know why I am sure of it? I am always pretty sure of it because that is what they do. But I am sure of it because they said that. They made their plans crystal clear. Speaker RYAN said that he wants to turn next year to what he calls entitlement reform.

There are retirement and health benefits that people earn over a lifetime of work—social insurance. You pay into Medicare over the course of your life. When you need Medicare, when you are 65, you get this insurance. You pay into Social Security your entire life. You either get survivors benefits for your children or you get disability or you

get retirement when you reach the age of 66, more or less. You pay into unemployment insurance. If you need it—God willing, you don't, but if you need it, you get help. That is what social insurance is. You pay for it, and you get help from society. It is societywide social insurance. But the Ways and Means chairman, KEVIN BRADY, said that the next stop for Republicans is to tackle entitlements.

Here is what we know. This bill is going to cause huge deficits. We know that. They have acknowledged it, and 2, 3, 4 years from now, Republican Members will come to us—after the lobbyists have been down the hall in Senator MCCONNELL's office, they will come back and say to us: We have this huge budget deficit. We are going to have to raise the eligibility age to maybe to 70. Some of them have talked about that. We are going to have to privatize Medicare. They will say: We have to make these programs stronger and sustainable. Nobody thinks they want to make them stronger. They want to cut them. That is how you save money, even though you don't in the end.

Here is what is aggravating about this. Think about it. All of us—a number of people here in this body are past what society has designated as retirement age, 65. A number of Members of this Congress, particularly in the Senate, are over 65.

I work in my garden. I work outside. I do things. But I am not working in a diner, I am not working construction, and I don't use my arms and shoulders and brain and legs to do my work. We work here. We work in jobs we are privileged to have, and we get good compensation. We get a good salary, and we get good benefits. But we are going to tell a bunch of people who work with their hands and work with their brains and work with their bodies and work with their arms and shoulders and whose knees break down over time—we are going to tell the barber in Barberton, we are going to tell the truckdriver in Evendale, we are going to tell the construction worker in Conneaut, we are going to tell the waitress in Warren, we are going to tell the nurse in Newark that they are going to have to work until they are 70, sorry. Is that what we are going to do?

Follow this simply. This tax cut causes a huge budget deficit to give money to the wealthiest people in the country and creates a huge hole in the budget. Who is going to fill the hole in the budget? Not the lobbyists walking in and out of Senator MCCONNELL's office 100 feet down the hall. They are not going to pay for it; they are not going to have to pay for it. It is going to be the nurse in Newark who has to work until she is 70; it is going to be the waitress in Warren who has to work until she is 70; it is going to be the carpenter or construction worker

in Conneaut; it is going to be the barber in Barberton and the truckdriver in Evendale.

If we pass this bill, 83 percent of the benefits go to the top 1 percent, and this 83 percent, a lot of which blows a hole in the budget deficit, is going to be paid for by working families. So cut out all the crap about this being something for working families. It is not.

I will say this for Republicans in Congress: They are making it pretty easy for the American people to see whose side they are on. You are either on the side of everyday working Americans, who are working more hours than ever before and getting too little pay for the hours they are working—they are either working for them or they are working for the people in Senator MCCONNELL's office down the hall.

I want my colleagues to just pick through this. I want my colleagues to think about this picture, this stream of lobbyists in and out of Senator MCCONNELL's office, this stream of lobbyists from America's largest, richest corporations—the drug companies, the tobacco companies, the insurance companies, the companies that tend to run this government. I want you to think about that.

Are you on the side of the workers who are doing the heavy work and can't work until they are 70 or are you on the side of CEOs and politicians who do the bidding of these CEOs? It is a pretty clear case. It is a picture that is pretty obvious. Americans deserve better. We can do better for them by starting from scratch with one goal in mind: If we want a middle-class tax cut, I say to the Senator from Utah, don't talk about a middle-class tax cut, don't do trickle-down economics. If you want a middle-class tax cut, then give a middle-class tax cut. Give a tax cut to the middle class. It is pretty simple.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I want to talk tonight about a once-in-a-generation opportunity we have in this Senate tonight to help middle-class families, to help grow our economy. I am going to talk about the facts. I am not going to be making stuff up. I am going to talk about the real middle-class tax cuts that are in this legislation. I am going to show you charts that indicate not just what kind of tax relief is going to be there for you and your family but who is going to pay, where the burden is.

Despite what you are hearing on the floor tonight from some on the other side of the aisle, the burden of taxation actually increased in this tax bill for the wealthiest Americans. In terms of defending the status quo, which is a situation now where jobs and investment are going overseas, I think it is an outrage that this body has sat and watched company after company go

overseas because of our Tax Code. To say we shouldn't fix it, I don't get that. If we don't lower the rate on businesses and workers who are competing every day when you have the highest rate in the industrialized world and you have an international system that rewards revenues being kept overseas—\$2.5 trillion to \$3 trillion of earnings overseas instead of bringing that back—that status quo is not acceptable.

We can engage in all kinds of rhetoric here tonight, but if we stick to the facts, I think we might be able to see why this legislation is not only going to pass tonight but why so many Americans who are struggling because they are living paycheck to paycheck are going to be happy with this legislation. The proof is in the paycheck. People say the proof is in the pudding. The proof is in the paycheck when people see their withholding changing—less money being taken out of their paychecks for taxes—when they see they have a little more take-home pay and the family's budget is a little healthier, when they see the economy begin to take off, and when they see the end of this exodus of U.S. companies going overseas. In the last 13 years, 4,700 American companies have left our shores and gone overseas—being bought by foreign companies—that would not have gone if this Tax Code we are promoting tonight had been in place. That is based on an Ernst & Young study. Check it out. It is a big accounting firm. So 4,700, and when they leave our shores, guess what, they take their jobs and investments with them.

You might wonder why wages have been flat in this country for the past couple of decades. It is because people who are supporting the status quo and don't want to change this Tax Code are leaving workers in America with no opportunities to get ahead because not only are wages flat but expenses are up. That is called the middle-class squeeze. It is very real, and it is happening.

I would ask folks, when they are thinking about what you are hearing tonight on the floor, remember, one side is supporting the status quo. The status quo is not working. It isn't working for people in America and people in my State of Ohio who tell me: Rob, I am working hard. I am playing by the rules. I am not getting ahead.

The statistics bear that out. Yes, some people are getting ahead, but it is not the guy or the woman working on the shop floor in a factory in Cleveland, OH, or Columbus, Toledo, Dayton, or Cincinnati because their wages have been pretty darn flat. Again, their expenses are up, especially healthcare, which is the largest single one of those expenses. They want some help.

This legislation gives them that help in two ways: One, real middle-class tax

cuts. We will talk about that in a second. Second, letting them be competitive instead of competing with one hand tied behind their backs because they are competing in a global economy, and they know that.

Give them a chance. Give them a tax code that actually is up-to-date and competitive and lets them have the opportunity to build a better life, not just for themselves but for their kids and their grandkids because that is what they really care about.

Again, I am happy to talk about that opportunity we have tonight, and it is a rare opportunity because we have not reformed this Tax Code in any substantial way in 31 years. Think about that. I celebrated my 62nd birthday today. That means we have not reformed the Tax Code in 31 years. That is half of my life. By the way, 31 years ago, Ronald Reagan was President. Pete Rose was still playing for the Cincinnati Reds. "Top Gun" was at all the box offices. It was a big hit. That is how long ago that was. During that time, I will tell you that every other country we compete with, all of them, have reformed their Tax Code, except us. We have sat back and had this debate. We have had this gridlock, partisan gridlock, in Washington because we can't get our act together.

By the way, if you are a worker trying to get ahead, you can't do it on your own because the Tax Code has you competing with that one hand tied behind your back. Only this place, Washington, Congress, a President, can propose, develop, and sign legislation that can help address this problem. This is our job. I sure hope we will do it.

In 1986, when that tax reform was passed 31 years ago, it led to two things: one, more economic growth. In the 1980s and 1990s, we did have economic growth—3, 3.5 percent, even 4.5 percent growth. Think about that. We are now living, over the last 10 years, with growth, on average, at about 1.5 to 2 percent. That is a big difference. The second thing it did is, it got wages up. Wages actually increased during that period after that tax reform.

We need to do it again. Our economy needs a shot in the arm again, not just to improve the economy but to improve take-home pay. That is what this tax reform proposal is designed to do.

We have heard, on the other side of the aisle, how this has moved too quickly, somehow there hasn't been enough thought put into this. I think it is long overdue. I think we should have done this years ago. I also know, from being involved in these issues over the past couple of decades on the House Ways and Means Committee and now in the Senate Finance Committee, there has been a lot of thought put into this issue. Just since I was elected to the Senate in 2010, there have been 70 hearings on tax reform.

Chairman HATCH is in the Chamber tonight. He will tell you, 2 years ago

we had five bipartisan working groups covering every part of the Tax Code. The bipartisan working group that I cochaired with the Democratic leader, CHUCK SCHUMER, focused on the international side. Do you know what we decided? We decided we have to have a lower business rate because it has to be competitive; otherwise, we will continue to lose jobs in investment overseas, and we decided we have to have an international system that is competitive and bring back some of that \$2.5 trillion to \$3 trillion that is stuck overseas back to this country for more jobs and investment. Guess what. It was bipartisan then, and it is in the tax bill now.

Those are the ideas that are in this tax bill before us. They make sense. In fact, for years, there has been a bipartisan agreement that our Tax Code is broken, and it is Congress's responsibility to fix it.

I would like to commend tonight Speaker RYAN; Leader MCCONNELL; Finance Chairman ORRIN HATCH, who is on the floor; Ways and Means Committee Chairman KEVIN BRADY, who has been a strong and fair negotiating partner with the Senate. I also want to thank my colleagues who have spent so many hours on this effort: Senator TOOMEY, whom you heard a little while ago talking about the economic benefits, as he does so well, Senators SCOTT, THUNE, CORNYN, ENZI, and MURKOWSKI. They were all on the conference committee, but many others too. Senators COLLINS, JOHNSON, RUBIO, CORKER, who all helped us get to this point and improve the legislation.

The bill that passed the House earlier today, and we are going to vote on tonight, is the result of years and years of research and debate. It makes good on the promise we have made to create a tax code that provides tax relief to hard-working families but also positions America for leadership in the 21st century global economy.

While we have seen some improvements in the economy recently, we have seen better economic growth numbers. Again, a lot of people I represent are not seeing the benefit of that. That is why we have to pass this bill.

For years, colleagues on both sides of the aisle have called for middle-class tax cuts to help ease the burden. This legislation will finally actually deliver that middle-class tax relief. We have the opportunity to provide it tonight. Starting January 1—less than 2 weeks from tonight—that tax relief goes into effect. People are going to see how this tax reform helps them as soon as the IRS can adjust withholding in paychecks, which I would hope would happen before the end of February. Again, the proof is in the pudding. The proof is in the paycheck. People are going to see it.

People can go online now and use a tax calculator to see how it will affect

them and their families. This is going to happen, and it is going happen soon if we pass this legislation tonight.

Again, the most immediate benefit is for working families and for the middle class. This bill doubles the child tax credit. It also increases the refundability of the child tax credit. For those families with kids, you have the opportunity now to save a little more money to deal with the expenses of raising a child. It doubles the standard deduction from \$12,000 per family to about \$24,000 per family. This, in effect, creates a \$24,000 zero income tax bracket for families and simplifies the Tax Code. Probably 90 to 95 percent of Americans are going to take that doubling of the standard deduction, I am told, and that will simplify their returns but also give them tax relief right away. It lowers tax rates for families across the board, with the largest proportional benefit going to those at the lower end of the income ladder, those who need it the most.

In fact, the combination of these tax cuts for lower income Americans means that at least 3 million Americans who have income tax liability now are going to pay nothing in taxes. They will be off the tax rolls altogether.

I have a letter from the Joint Committee on Taxation that affirms that. At our meeting last week of the conference, you can see where the Joint Committee affirmed that again. Over 3 million are going to pay no income taxes at all who pay income tax now. For those who say there is no benefit there, talk to those 3 million people. They feel the benefit. In fact, those people are going to be off the tax rolls altogether because of the tax relief we are passing tonight.

As this chart shows, every income group will receive a tax cut. This one is for the year 2019, so it is a year after the tax cuts are put in place, which starts in just a couple of weeks. We have heard a lot from opponents that the top end, those making \$1 million or more, as we just heard a little while ago, get all the benefits. It is simply not true. This shows that the biggest percentage cut is among folks making between \$20,000 and \$30,000 a year. That is the biggest, a 16.3-percent cut.

It also shows that the smallest percentage cut is among those making \$1 million or more, a 5.9-percent cut. Again, there is tax relief across the board here, but the bigger benefit is among folks at the lower end of the economic scale. In fact, when you look at who pays the income tax, you will see that those at the top are going to pay a slightly bigger share of the tax burden under this bill. Today, those making between \$20,000 and \$50,000 a year pay 4.37 percent of the income taxes. Under this bill, they are going to pay a little less, 4.1 percent of the income taxes.

Those who make over \$100,000 will go from paying 78.7 percent of the tax burden to 79.1 percent of the tax burden. If you make over \$100,000 a year, you are paying 78.7 percent of the tax burden today, and that is going to go up. Your share of the burden is going to go up. The Tax Code is pretty progressive right now, and it gets even more progressive under this tax legislation.

These are not my numbers. These are the numbers from the Joint Committee on Taxation, which is the nonpartisan group that scores these things. Check out the numbers yourselves. Go on the Joint Committee on Taxation's website, jct.gov, and check it out.

When you don't consider not choosing to buy healthcare insurance to be a tax increase, which is how the Joint Committee on Taxation scores ending the individual mandate, every income group of taxpayers gets a tax cut under this plan every year, for the next 8 years, during the time this tax cut is in place. Yes, it does expire, as did the tax cuts in 2001 and 2003. Congress took those up, and for 95 percent of Americans, we extended that tax relief. I hope we will do that again—I expect we will—but during these next 8 years, this is real tax relief, and it is needed.

I reject the premise that choosing not to buy healthcare insurance under the Affordable Care Act's individual mandate is somehow a tax hike, and I think most Americans do too. Take a look at the Rules Committee's website at rules.house.gov, and you will see how a typical family of four at the median income level will save more than \$2,000 a year on its taxes as a result of this plan. The median-income family in Ohio—and in your State wherever you are—is going to be saving more than \$2,000 a year on its taxes.

Some have told me, as I walk down the halls here, that is not much money. Do you know what? For families who are living paycheck to paycheck, that is a lot of money, and it does help. It can be used to pay for healthcare, to buy gas, to buy groceries, to maybe add a little more to one's retirement.

Of course, beyond the middle-class tax cuts that are in this legislation, families and workers are going to benefit from more jobs and higher wages, as we talked about earlier. This is going to be because there will be new investment and because there will be more productivity, which is the thing that is really lacking in our economy right now. Our productivity is weak. All of the economists agree on this whether they are right, left, or center. You have to do something to boost that productivity because that is going to result in higher wages, and more competition for workers is going to result in higher wages. That is going to happen because this Tax Code is focused on increasing wages through more investment.

We have talked about how companies are going overseas now and how the

status quo is not working. It is crazy that Congress allows that to happen, and fixing it is long overdue. We have talked about the \$2.5 trillion, \$3 trillion that is stuck overseas right now. We want to bring that home. We want to add more jobs and investment in this country.

We did a study in the Permanent Subcommittee on Investigations—a bipartisan effort. We studied these companies that go overseas through what is called inversions or by being purchased by a foreign company. What happens? Do they just move their headquarters overseas? No. We found out they also move jobs and investment.

This is real. It is happening now. We can fix it. That is what this bill is intended to do, and I believe you are going to see not just middle-class tax relief to help with the take-home pay and the family budget, but you are going to see this increase, finally, not just in economic growth but in wages. That also makes the family budget a whole lot more healthy.

I see Senator CASSIDY has just come to the floor. Let me address an issue that has been misrepresented on the floor this afternoon.

I heard one of my colleagues say this bill gets rid of the historic tax credit. It does not, thanks to the efforts of some of us who strongly support it, including Senator CASSIDY. We actually retain the current 20-percent credit in the Senate-passed bill and in the final legislation. By the way, this historic tax credit has been very helpful. It has been instrumental in generating more private funds to restore historic buildings across my State of Ohio, including in my hometown of Cincinnati, as well as in Cleveland, Columbus, and elsewhere.

We also preserve the important tax credit for urban redevelopment through the new markets tax credit and the private activity bonds, which are still in this legislation just as they are in current law. In Ohio, again, these tax incentives have leveraged a lot more private sector dollars, spurred economic growth, job creation, affordable housing, and I think have ultimately increased the tax revenue because, as people are working and as you get these buildings up and going, economic growth is generated, and so is tax revenue. They pay for themselves, in my view. I have shared some of those success stories in my home State throughout this process, and, again, we have successfully maintained those provisions in our final bill.

The result is, we have a good tax reform bill that achieves the things that Republicans and Democrats alike have long supported—tax cuts for the middle class and a more competitive Tax Code for American workers and companies.

My colleagues on the other side of the aisle tonight have talked about this being bad for the deficit. I just

have to tell them I respectfully disagree.

The most important thing we can do right now to get the deficit down is to get this growth back because economic growth results in more revenue. One point in economic growth alone puts \$2.7 trillion more in revenue into the coffers of the Federal Government. That is based on the numbers from the nonpartisan Congressional Budget Office. Think about that—\$2.7 trillion more with just one point of economic growth.

The budget score we were forced to use for this legislation estimates a very conservative level of economic growth—at a weak 1.9 percent over the next 10 years. That was the last 10 years. We don't want to repeat that. We don't have to repeat that. The average economic growth over the past 30 years has been more than 2.5 percent, and over the last two quarters, we have had economic growth of 3.1 percent and 3.3 percent. The Federal Reserve's and private forecasts are both above the CBO's growth projections for next year, as an example, to show you why I think the CBO's numbers are way too small, too weak.

That 1.9-percent growth is not only wrong, but I believe it is unacceptable. It cannot be the new normal. With the strength of our economy right now, paired with the pro-growth changes in this tax reform plan, I believe economic growth will surpass this relatively low projection that we are forced to use by increasing economic growth at just 0.4 percent more than this 1.9 percent, this weak projection. In growing the economy at about 2.3 percent rather than at 1.9 percent, on average, there is sufficient revenue to pay for all of the tax relief in this plan plus to begin to pay down the debt.

That is what I believe will happen if you do the right kind of tax reform. It has to be the right kind. It has to be pro-growth. I believe what we have done in this bill is exactly that. There is no question that we are going to have more economic growth and more investment in America. The current Tax Code is so broken that it is pretty easy to do that, honestly—to create a more efficient and effective and productive Tax Code. I believe a more confident America, with rising wages and stronger economic growth, by the way, is much more likely to address the very real fiscal challenges we face as a country.

This tax reform bill is not just about dollar amounts and bottom lines, though; it is about the investment we are making in American families, American workers, and American businesses. We are giving families the freedom to spend more of their own money how they see fit, we are putting faith in American entrepreneurs and workers to compete and win in the global market, and we are creating a fairer

tax system that levels the playing field and creates jobs and investment here in America rather than overseas.

Our constituents deserve this; they deserve better than the status quo. They deserve more than just hollow promises; they deserve a brighter future. I believe the Tax Cuts and Jobs Act will reopen our economy as the best place in the world to do business and create that brighter future for all Americans.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Utah.

Mr. HATCH. Mr. President, I, personally, congratulate the distinguished Senator from Ohio. He is one of the most intelligent people in this body. He has had all kinds of experience outside of the Senate. He is a person whom everybody should listen to. He makes a lot of sense. He is one of the most valued members of a very strong committee, with all kinds of valued members on it, but he is one of those valued members on the Senate Finance Committee, and I have nothing but respect for him.

Everything he has said here this evening is true. It is mind-boggling to me that we even have arguments from the other side. We are talking about pulling this country out of the mess it is in, and it is going to take this.

I just want to compliment the distinguished Senator from Ohio. He is a terrific human being, with a tremendous ability, who has had a lot of experience outside of the U.S. Senate, and who has been successful everywhere he has gone. He is one of the most distinguished members of the Senate Finance Committee. He is not talking politically; he is talking factually. I just wish everybody in this body were on the floor to listen to him. I have tremendous respect for him. That is one reason I am getting up here right now.

We can turn this mess around, but if we don't do it soon, it may be impossible to turn it around. We have been spending this government into bankruptcy. That is where we are. We keep making excuses so we can go back and beat our breasts and claim we are doing so much for the people when we are just spending them right into bankruptcy. It is making it more difficult for the committees to do their work. I just wish we could get both sides together once in a while instead of having all of this inner conflict on everything that comes up.

It is almost like, if a Republican says something, it has to be contradicted, and I might add, if a Democrat says something, he has to be contradicted. I don't mind good arguments. I don't mind people having different points of view. That is what makes this place a great place. That is what helps the United States of America to be a great country and a great government, but

we don't even listen to each other anymore.

Where is this bipartisanship that this country really, drastically needs?

We happen to be in the majority right now. It seems to me that a decent minority would want to find ways to work with the, hopefully, decent majority. I think we can be very decent on our side, and I believe my colleagues on the other side can be very decent. Let's get rid of the politics, and let's do what is best for America. Let's get this country out of the mess it is in. The distinguished Senator from Ohio has shown us some ways here.

Our tax policy is for the birds. We know what we need to do, but every time you raise a solution, you have somebody saying: Well, that is not the answer. Then we have the conflicts between the two Houses. That is good because that is what helps us to refine some of this legislation.

All I can say is, I just wish all of us would put the country first, put politics second, be politically astute but at least be open to rational reasoning, whether it comes from the other side or our side. I am just amazed at how we can sit and belabor these things day in and day out and never really get together. We are hurting the country because we are unwilling to get together. We are hurting the Congress of the United States because we are unwilling to get together.

I could go on and on as to our unwillingness to get together. I think it is time for us to wake up and start saying: Look, let's find common ground. Let's find ways of getting together instead of constantly fighting each other on every stinking issue that comes up. There are reasons for differences in politics and reasons for differences in tax policy, but we ought to be able to at least discuss these differences without there being total partisanship, which is what we are, unfortunately, suffering from. I believe we can turn this mess around. If we do, it will be a banner for everybody to march behind, and it seems to me it will be an example for the whole world. I would like to see us do it.

I know there are people on the other side who cannot stand the President. Yes, he won an election they didn't think he should have won, but he did win. He has thrown his hands open to the other side and, I believe, would do more. It was only 7 or 8 years ago when he was much more moderate than he is now. I think all they need to do is to reach out and grab his hands and say: Look, we will find some common ground here in the best interests of our country and in the best interests of everybody.

It is not bad to fight things out. I don't have any problem with that. That is part of this body, part of what we do. But we actually have to come to some conclusions that will push the

country forward, and we are not doing that, except on a limited basis that really doesn't amount to all that much.

We are coming to the end of a very difficult year. The Democrats thought they were going to win the Presidency, and they didn't. They especially feel badly about losing to somebody like Donald Trump, who, I think, has held out his hands and his arms to them and would do so if they would just embrace a little bit more of what he is trying to do. I would like to see us do this. I believe he would throw his arms out to whomever in this body would work with him, and by working with him, we may be able to get some of our ideas on both sides actually put into law that may help this country.

I really particularly enjoyed and appreciated the comments from the distinguished Senator from Ohio. I think he is one of the most distinguished people in this body. Earlier, I heard the distinguished Senator from Pennsylvania. He is a brilliant guy who works his butt off to try to get us into good places. We ought to listen more to these folks. There are folks on the other side who are brilliant, too, who, I think, make a real difference.

I particularly enjoy my counterpart on the Senate Finance Committee, Senator WYDEN from Oregon. We are different. We have different philosophies, but I have never seen a day when he wasn't willing to sit down and work out our problems, and that to me is pretty important.

Our leaders are good people. I have watched CHUCK SCHUMER for all the years he has been in the Senate and before, and he is a better leader than what we are getting here lately. I have watched MITCH MCCONNELL. MITCH is one of the shrewdest people I have seen in this body since I have been a Member, and he is open. I would like to see our leaders get together a little bit more. I would like to see a little less fighting and a little more constructive work together. I don't expect miracles because I have been here only 41 years, but I do expect that we can do much better than what we are doing, and it is going to take both sides getting together to do it.

We happen to be in the majority right now, and the Democrats should give us an edge. We should give them the edge when they are in the majority. I think that I, for one, have done that.

I hope we can put aside our differences and start working together in the best interest of the country. I believe in this country. It is the greatest country in the world. People all over the world are praying that the United States will get it together. They know that we can lead. They know that we have leadership in the Congress of the United States. We can get it together if we will.

I appreciate my colleagues on both sides of the aisle. I appreciate that we have differences. I appreciate that sometimes those differences put us into pitched battles. That is not all bad, either. But it is bad if we don't work things out and if we don't look for the good on the other side in both ways.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I wish to commend the distinguished chairman of the Finance Committee for his hopes for more bipartisanship and his concern about the way the Senate is working today. I appreciate that. I think we all hope that in the new year there will be more bipartisanship. I think there are some areas where we can work together.

On this issue, though, I think we have some basic disagreements, and we are still debating those and articulating our differences before we cast a vote tonight. I have said for a number of weeks now—not months but certainly weeks—when describing the bill that is before us, the prior iteration of the bill in the Finance Committee and the version in the House, that I thought that each one of them had a few things in common, in my judgment. This is my sense of the overall bill.

First of all, I think every one of these bills has been a giveaway to the rich or the superrich and a giveaway to profitable corporations. I think it is excessive. We have a difference of opinion on that.

This is a tax bill, and yet it will have a substantially adverse impact on health care because of one basic provision that was added in the last couple of weeks. That provision alone will cause healthcare premiums to increase by an additional 10 percent a year, and it will cause 13 million people to lose their healthcare, according to the Congressional Budget Office, including, by one estimate, 5 million fewer Americans benefitting from Medicaid. At a time when we should invest substantially in the middle class and invest in our children, roads, bridges, schools, scientific research, skills training, and broadband in rural communities—we can make the list even longer—this tax bill prevents that from happening in a significant way because of the giveaways that I talked about to profitable corporations and the superrich.

This bill will literally pay for a permanent corporate tax cut on the backs of middle-class families in the next decade. Congress's official scorekeeper, the nonpartisan Joint Committee on Taxation, tells us that in the next decade, meaning the second 10 years that this bill is in effect, the bill uses hundreds of billions in tax increases on working families to pay for a permanent corporate rate cut. I will say that again. In the next decade, taxes go up

for you across America, working families, to pay for a 14-percentage-point cut for profitable corporations.

This kind of result, where we have a corporate tax break which increases debt and someone else has to pay for it down the road, is a result that only a swamp dweller could support, but unfortunately that is where we are today.

How about for children? There has been a lot of discussion about the child tax credit. Thankfully, there was debate about that. We don't talk about children in this body nearly enough or that tax credit, but, unfortunately, even the proposals by some on the Republican side weren't adequate enough. Even the ones rejected may not have been enough. Under this legislation parents of 10 million children in the lowest income working families will either receive no improvement in the child tax credit or a token increase of \$1 to \$75. The last minute changes to the bill, which got a lot of publicity in the last couple of days—those last-minute changes to the bill—will do nothing additional for these families.

Another 14 million children in low- and middle-income working families would get something by way of the child tax credit but less than the full \$1,000 per child increase that a family making \$400,000 a year would receive. For a fraction of the hundreds of billions of dollars going to the very wealthy and profitable corporations, we could have, in this bill, made sure that every low-income parent gets the full \$2,000 per child tax credit, but because of the way the bill is written, it doesn't allow that to happen for every low-income parent. I think that would have been a worthy goal of the legislation, but that is not where we are. To say that is unfair is a vast overstatement. The families who need it the most aren't getting the full benefit of the child tax credit increase, but those who are wealthy get an extra \$2,000 of child tax credit.

I mentioned the Joint Committee on Taxation. Let me give you another way to look at the bill according to the Joint Committee on Taxation. The JCT estimates that in 2019 alone, the second year the bill is in effect, were it to pass, more than \$36 billion in tax cuts will go to households worth more than \$1 million. That is in the document entitled JCX-68-17 of the Joint Committee on Taxation. It is a \$36 billion cut for the wealthiest Americans, while over 57 million middle-class households—my definition for those making under \$100,000—will see a tax increase or tax cut of less than \$9 a month in 2019. So for 57 million middle-class households, they will see a tax increase or a tax cut of less than \$9 a month in 2019.

Instead of lining the pockets of the rich with \$36 billion in tax cuts in 2019, that money could have been used to connect Americans to the internet, es-

pecially Americans who live in rural areas. Let me be precise: 39 percent of the people living in rural America don't have high-speed internet.

Mr. WYDEN. Will my colleague yield?

Mr. CASEY. Yes.

Mr. WYDEN. My colleague is making a very important point, and I think it would be great if he would repeat those figures, because all night we have had Republican Senators come to this floor and say: Hey, middle class, just wait until February. Wait until February, and your paychecks are going to be bulging.

From what my friend from Pennsylvania has just said, using this new data that we just got from the Joint Committee on Taxation, what we have picked up—and my friend from Pennsylvania has clearly done his homework—is that something like 60 million taxpayers with an annual income of \$200,000 or less will get practically nothing—maybe \$100 a year in tax relief or a tax increase. So I think what my colleague is talking about—I would like him to walk me through the numbers he used—is that it directly contradicts what we have been hearing last night, where one Republican Senator after another was saying: It is just going to be good times come February because your paycheck is going to bulge.

Would my colleague just repeat what he found?

Mr. CASEY. I want people to make sure that people know the document. This is the document, JCX-68-17. If you look at the category of Americans who are making \$100,000 or less—that is 57 million households who make under \$100,000—they would see either a tax increase of one kind or another or a tax cut of less than \$9 a month in 2019.

I don't think that is much help when we consider that it is not as if that is the only revenue available—that all we can come up with is \$9 a month—because I just walked through the other number which is relevant—the \$36 billion that will come in 2019, the second year that the bill is in effect, going to households worth more than \$1 million.

If I had to choose, I would say that we should give all of that \$36 billion to middle-income families or folks trying to get to the middle class or at least a substantial percentage of the \$36 billion. I have been asking for months: Why do people making more than \$1 million, that category of Americans, need \$36 billion in tax cuts? I don't think they do.

It is interesting—I want to commend the work of the ranking member of the Finance Committee. In some of our debates, one of the numbers that came out in the last couple of weeks was what has happened to the top 1 percent since 1980. I said several times that they have had a bonanza. I didn't have an exact number when I said that; now

I do. Since 1980, the share of national income for these folks in the top 1 percent, which is less than \$1 million a year, but it is about \$730,000 and up, so that is—the 1 percent goes beyond the millionaires and up. But since 1980, the top 1 percent have had their share of national income go up from 11 percent to 20 percent, from 1980 to 2014, so it has almost doubled. So my point is, they have done pretty well since 1980, so why do a big share of them—meaning the million-dollar-and-up crowd—why should they get \$36 billion in this tax bill? It doesn't make a lot of sense.

So that is one way to look at it. What we could invest these dollars in—a bigger tax cut for the middle, a bigger tax cut for those struggling to get to the middle, working families trying to get to the middle, or other priorities, such as infrastructure. I mentioned just one idea on rural broadband. I think rural America should get some help being connected to the internet. That is one way we could focus on priorities.

Let me give another example—the estate tax. As many people know, once fully implemented, this bill doubles the estate tax—it exempts the first \$22 million of inheritance from the tax, which is \$11 million per individual. The cost of doing that will be roughly \$9 billion a year. In the earlier versions of the House and Senate bills, that number was a lot higher. There was a lot higher revenue loss from the elimination of the estate tax, but even with the changes, there is still a revenue loss of an estimated \$9 billion a year.

Well, what could we do with \$9 billion? Well, in the midst of this debate about the Children's Health Insurance Program, just for 5 years of the Children's Health Insurance Program, that is roughly the number that we need. So 1 year of revenue losses from the estate tax equals 5 years, roughly, of paying for the Children's Health Insurance Program. And that is not done yet. The Children's Health Insurance Program expired September 30, and I hope that in the midst of all of this work on tax policy, we are going to get that done. I know that the distinguished chairman of the Finance Committee, for years, from the beginning, has been a strong advocate of the Children's Health Insurance Program, and I commend him for that, but we have to get it reauthorized in a few short days.

I wanted to talk as well—I know I probably am limited on time, and I will move quickly—on the Republican budget because you can't really read the tax changes in isolation; you have to also consider them in the context of the Republican budget resolution that passed. That budget proposal, which did pass, proposes to cut Medicaid by \$1 trillion over the next 10 years. So that is \$1 trillion with a "t" for Medicaid. The Republican budget also proposes to cut Medicare by over \$400 billion over the

same period, over 10 years. So the proposal roughly proposes to cut about \$1.5 trillion from just Medicare and Medicaid. All the while, this Republican tax bill contains almost the same amount of unpaid-for tax cuts.

We heard recently from Speaker RYAN that he wants to "reform" Medicare, Medicaid, and Social Security. Well, my view of that is, when they talk about reform in that context, that means cutting—cutting funding for programs that working men and women of my home State of Pennsylvania and the country have paid into to ensure that they have some retirement savings and a safety net for when tragedies and unforeseen events occur. Some people refer to Social Security and Medicare as earned benefits because they are. They have earned those benefits for Social Security and Medicare.

How about outsourcing? The Republican tax bill gives U.S. companies that offshore jobs a large tax cut on old profits that is unavailable to companies that kept jobs and production in the United States. This means that a company that outsourced to Mexico to take advantage of cheap labor will pay less taxes on accumulated profits than a domestic company that kept jobs in the United States. In fact, once the bill is enacted, some profits from an overseas factory may never be taxed in the United States, while a company that keeps those jobs here could be taxed at the U.S. corporate tax rate. This disparity could actually encourage companies to move production and jobs overseas.

We mentioned earlier the tax cut for major corporations. One of the great leaders of corporate America for many, many years, Jack Bogle of Vanguard, said the following a few weeks ago. I don't know what political party Jack Bogle is in, but he said this most recently about corporate profits:

Corporate profits after taxes last year were the highest they've ever been in the history of GDP going back to 1929. And we are thinking of giving relief to the corporations at the highest levels ever. Individual wages are at the lowest level in about 15 years as a percent of GDP.

Those are not my words; those are Jack Bogle's words.

So corporations will have a tax windfall to spend on increasing executive compensation if they want or increasing stock buybacks or increasing dividends. All this is with absolutely no guarantees that workers will see benefits from this tax cut, despite assertions by many here in Washington about what would happen on wages and other benefits.

Mr. President, I have maybe 3 more minutes. I know we are maybe a little over time.

There has been a little bit of discussion—not enough—about what happens to the Consumer Price Index, which is

used as a baseline for measuring programs over time. Maybe the most pernicious tax—and that is the best word for it—in the bill is the so-called Chained CPI, which alters the way inflation is measured. This bill raises an estimated \$134 billion on the backs of hard-working Americans by changing how the Tax Code measures inflation—so-called Chained CPI. So it is the measurement of inflation that is going to change, and that is going to have an adverse consequence for untold millions of Americans. This number grows over time. The Joint Committee on Taxation told us that this single provision increases taxes by at least three times as much in the next decade as it did in the first decade—potentially as high as \$400 billion in the second 10 years. This will be in full force when a lot of young people are entering the workforce. Someone who is just starting their professional life will see this tax increase haunt their paychecks for the next 50 years.

There is a lot we could talk about in terms of missed opportunities here, but let me conclude with this: There is nothing in this bill that invests in rebuilding America. I thought we would have an opportunity to do that, as we seemed to be headed that way a couple of years ago, but we don't have that opportunity with this bill. We could be using this opportunity to make a substantial investment in roads, bridges, schools, water systems, or the like, but that won't happen. In our State, we have 4,500 structurally deficient bridges, and we wish that we would get some more help in addition to State dollars going for those.

There is nothing in the bill to expand college affordability and nothing to ensure that workers' wages increase. Amendments like that were offered in the committee. It was all Democrats for the amendment and all Republicans against it.

Those in the middle class and those working to join the middle class continue to tread water in this bill, while the superrich zoom ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, I rise today in support of the Tax Cuts and Jobs Act. We know the world has changed a whole lot in the last 30 years—the way we travel, how we communicate, the way we work, our hairstyles, the clothes we wear, the movies we watch, the music we listen to—but one thing hasn't changed: Our outdated Tax Code hasn't kept up. We simply can't afford to wait any longer. Now is the time to act.

Hoosiers need a raise. Working families across America need a raise. American businesses need to remain competitive in what is an increasingly global and hypercompetitive economy.

The bill we are voting on today will provide real relief to all Americans, especially middle-class families and those of modest means. The Tax Cuts and Jobs Act will create a Tax Code that is simpler, that is fairer, and that allows Hoosiers to keep more of their hard-earned money, and that is what they want.

This bill we are voting on today will help create an environment where jobs and businesses can grow by making permanent a corporate tax reduction to 21 percent. We have the highest corporate tax rate in the industrialized world. That is no way to remain competitive.

We will lighten the burden on small businesses with this legislation. I come from a small business family. My dad worked 6, 7 days a week growing up. He sold HVAC equipment and spent a lot of time on the road. I know because he told me that it irked him that when he added up his profits, he discovered toward the end of the year that over half of what he earned he paid to various forms of government. We provide relief to businesses like that.

We shift the structure of the international tax system so that foreign profits from U.S.-based companies will be invested right here in American communities, not overseas.

Throughout this process, I have listened carefully to extensive feedback from the people of Indiana, and I have to say that I am grateful for all the Hoosiers who weighed in over the course of this effort. They helped me shape this work product in a way that will more benefit the people of Indiana today and for future generations.

I heard, for example, from Susan from Indianapolis. Susan said:

Our tax system has become so complicated—the average person needs to hire someone with expertise to help. If most of us didn't have to hire help—right there we'd be saving money.

Susan, you are right, and that is why we have lightened the burden for millions of Americans with this proposal.

Under this act that we will be voting on this evening, 9 out of 10 Americans can take the standard deduction. We have doubled the standard deduction, vastly simplifying compliance with a convoluted, unfair Tax Code that picks winners and losers. We undo so much of that with this bill we will vote on this evening.

I heard from Debbie from Clark County. Debbie contacted my office about her business's challenges. Debbie said the following:

We are constantly striving to reinvest in our company through new equipment and increased wages to hire and retain good employees. A lower corporate tax rate will allow us to buy more equipment and offer . . . better wages.

It is common sense, and I am glad that Debbie contacted me to reinforce what is on the mind of so many Hoosier business owners.

This bill continues and expands the support for Indiana's highest priorities, and that is why I will be supporting it. Among these priorities are deductions for contributions to benefit our charitable organizations essential to communities throughout Indiana and throughout our country and keeping tuition waivers for graduate students untaxed. I again thank the graduate students and all the stakeholders throughout Indiana who had concerns related to this issue. They weighed in. We made changes to the legislation to accommodate their concerns, and this will enable Hoosiers to be better equipped to thrive in this ever-changing global economy in which we live.

We managed to maintain the earned income tax credit so that work pays more than joblessness. We expanded the child tax credit for families trying to make ends meet. We protected the adoption tax credit so that caring adults can become loving parents. We preserved private activity bonds. These benefit low-income housing and help to build hospitals and schools and other essential programs in the communities that need them most.

Now, the bill also makes good on our promise to repeal what many regard as the most oppressive aspect of ObamaCare—the individual mandate tax. I promised Hoosiers for years and years that I would get rid of the individual mandate. Tonight we will be fulfilling that promise.

In Indiana nearly 140,000 Hoosiers chose to pay this tax instead of buying insurance they either don't want or can't afford. In my home State, 81 percent of those who paid this tax made less than \$50,000 per year. This comes from the IRS. And 40 percent of the people who pay this tax make less than \$25,000 a year. Tell me this isn't a tax on the working poor.

This bill lifts the burden for families in Indiana and across the country, and it is one of the many reasons that I will be proudly supporting it. Collectively, this is a no-brainer. This legislation will lead to an increase in capital investment, which will lead to an increase in economic growth. This bill will make workers more productive so that they earn higher wages. This bill, across every income category, will cause Americans to see a reduction in their tax rates and more take-home pay—more of their hard-earned money in their pockets. So many Americans haven't seen an increase in take-home pay in well over a decade. It is time to provide relief to hard-working American families. It is time to create certainty for our job creators so that they can create more jobs.

I look forward to helping to move this legislation across the finish line this evening. I hope we get some bipartisan support in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, today is a terrible day. It is a terrible day for millions of working families in this country. They just want Congress to work for them. It is a terrible day for people who just want to get on with their lives and not have Congress cost them even more money.

It is a terrible day for millions of hard-working people, but it is a great day for giant multinational corporations and billionaires who fund Republican campaigns across this country. Today is their day. Every fundraiser, every fat check from a billionaire, and every champagne-and-caviar party has been about getting to this day—the day when the politicians whom they put in charge of Washington would pay them back with a \$1.5 trillion giveaway.

Supporters of this bill call it tax reform. It is not tax reform. It is a heist—a heist that steals from millions of middle-class families and hands that money over to the wealthy; a heist that will hurt Medicare and Social Security and reduce healthcare coverage by 13 million people in order to hand over money to giant corporations that are already rolling in profits; a heist that will hurt our economy and blow a hole in our national debt.

The American people have seen through this scam. They see through every lie that has been pushed forward. They know this bill doesn't provide middle-class tax relief. It ultimately raises taxes on more than 60 percent of working families in this country. They know this bill does not promote economic growth. Nonpartisan projections have shown that it will have a negligible impact. Even former Republican officials admit it. They know this bill will not raise wages for working people. Corporate CEOs have already said so. Those CEOs have told everyone who would listen that when they get their truckloads of money from the GOP tax bill, they will turn right around and funnel that money to their wealthy shareholders.

They know this bill isn't even to help Americans. A third of those shareholders who will get truckloads of money from the GOP bill don't even live in the United States.

Over the last month and a half, we have all watched as one Republican Senator after another has cast aside every single one of their supposed principles to get behind this monstrosity of a bill. Real relief for the middle class is gone. Concern about the national debt is gone. Concern about economic growth is gone.

There is only one principle left: Reward billionaire campaign donors. This is not a conspiracy theory. It is not a partisan attack. It is what Republicans in Congress are saying in public to reporters. As one of my Republican colleagues said in a moment of honesty, if they don't pass this tax giveaway bill, "financial contributions will stop."

And a Republican House Member said big donors told him to pass the tax bill or “don’t ever call” them again.

Let’s call this out for what it is. It is government for sale. That is how you end up with a \$1.5 trillion tax giveaway to corporations at a time of record corporate profits. It is not supposed to be this way. Congress is elected by the people. It is supposed to represent their interests, not those of the people and companies rich enough to fund campaigns.

Boy, there is a lot of work for us to do. Over the last 30 years, corporate profits have skyrocketed while wages for working people have stayed flat. But even though corporations—not families—have been getting richer and richer, Congress has forced families to pick up more and more of the cost of our military, our roads and bridges, and our schools.

Corporations used to pay about 30 percent of the cost of running the government. Now, it is under 10 percent. But today, the politicians who run Congress will slash corporate taxes even more and shift even more of the burden onto working families. Working people will pay more so that giant corporations can pay less.

There is no better example of this than the bill’s treatment of Wells Fargo. Last year, we found out that Wells Fargo had opened millions of fake accounts so that executives could goose their sales numbers, drive up stock prices, and rake in bigger bonuses. It turns out that Wells Fargo had also charged half a million customers for auto insurance they didn’t need, which meant that a lot of people—including soldiers and sailors and marines—got their cars repossessed. That sounds pretty sleazy. But instead of holding them accountable for cheating their customers, this Congress is on the verge of passing a tax bill that will shower more free money on Wells Fargo than any bank in the country. That is right. When this bill passes, the punishment to Wells Fargo for cheating millions of Americans will be a big gift-wrapped present worth billions of dollars in tax giveaways.

This tax bill is shameful, and it is the result of a shameful process. There were no hearings on the bill that overhauls the Tax Code and shifts around trillions of dollars, no input from a single Democrat, and no time for vetting by actual tax experts.

Big-time donors are very happy with this outrageous tax heist, but the American people are angry, and they are right to be angry. Over and over, again and again, they watched this Congress ignore their pressing problems, ignore children’s health insurance, ignore flat wages, ignore an opioid crisis, ignore hurricanes and wildfires, ignore working families who are ripped apart by greedy politicians and politics built right here in Wash-

ington. Over and over, again and again, they watch, instead, as Washington jumps to do more favors for billionaires, more favors for giant companies, and more favors for campaign donors.

Today is just one more terrible day for hard-working Americans, just one more terrible day in Washington where Washington works great for those at the top and will not lift a finger to help anyone else. People’s anger is understandable. I share it. Sooner or later, a reckoning is coming, and I promise you this: When it does—when the politicians who lead this Congress and vote for this tax heist are held accountable for turning their backs on the American people who sent us here—then we will be the kind of country we want to be. Then we will be the kind of country we were meant to be—a democracy where everyone, even the richest and the most powerful, pay a fair share, and where we all work to build a better future for all of our kids.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, C-SPAN is an interesting phenomenon. When I go back home to Illinois, I run into people who say: I saw you on C-SPAN.

I often joke and say: Do you have trouble sleeping? Why are you watching C-SPAN?

I wonder who it is that really watches C-SPAN. It could be a lot of people who are really fascinated by politics. It could be folks who are finding it difficult to sleep. It could be some older folks who just pass the time by watching what happens on the floor of the Senate and the House.

Tonight, I think we have a special audience of C-SPAN. Tonight, I think it is entirely possible that we are going to have the wealthiest section of audience and television viewers in the history of C-SPAN. Do you know why? They have a bill coming up—a bill that is designed for the wealthiest people in America. So they are probably at this point trying to figure out how to live-stream C-SPAN onto their yachts so they can see if this tax bill is going to pass. Why would they do that? Why would they be tuned in? Because this is the biggest tax break for the wealthiest people in the history of Tax Code reform. It is.

It turns out that in 2027, 83 percent of the tax breaks in this bill go to the top 1 percent of wage earners in America. Boy, how can you sit down and write a tax bill that is so lopsided for the wealthiest people in America? You had to have said to the staff first: Find out what taxes are left that the wealthy might pay and get rid of them—reduce them right and left. And they did.

Imagine that that is your starting point for Tax Code reform in America—that you are ignoring working families and the reality of the life they lead, you are ignoring small and medium-

sized businesses, and you are focusing on the wealthiest people in America and the biggest corporations.

Do you know what I found in Illinois? When you travel around my State and meet the business leaders and ask them point-blank: Tell me about Federal taxes, the biggest corporations never complain because the Tax Code is loaded with escape hatches for the biggest and wealthiest corporations and individuals. It is small and medium-sized businesses that pay the most taxes. They are the ones that should have been the biggest beneficiaries on the bill. Secondly, there are the working families. People who are struggling paycheck to paycheck, who can’t save money for their kids’ future, are worried about their kids’ student loans. Wouldn’t it have been great if the Tax Code reform really focused on them instead of on the wealthiest people in America?

It is a stereotype, I know, that the Republicans worry about the rich instead of the working folks, but when you look at this bill, sadly, that is the reality.

Here is the good news, if there is any good news in that terrible story I just recounted. The American people get it. They understand it. How in the world could you write a bill and call it tax reform and tax cuts, and have two-thirds of America hate it instantly? They did it. Congratulations. You put together a bill, which, instinctively, the American people knew was a bad deal for them. And it is.

When you take a look at this bill, you realize why we are asked to vote on this Republican tax plan—a plan written behind closed doors and rushed through Congress on a last-minute rush this year. It is because the Republicans are bound and determined to have something that they passed this year. In all fairness, they passed the Defense authorization bill, but they spent month after month on repeal and failure to replace our healthcare system, and now, before they leave town at the end of this calendar year, they are bound and determined to get this done, whatever it takes, their so-called tax reform plan.

After a year in control of Congress and the White House and extraordinarily few legislative achievements to show for it, Republicans are forcing through this partisan tax plan only a few short weeks after it was unveiled.

You may not remember unless you were watching C-SPAN that night—I came to the floor when we were finally given the Senate tax bill. It was about 500 pages long. As I was going through it, on page 257—I remember the page—I looked at it, and I thought, what is this? There was a page in the middle of the tax bill with all sorts of scribbled handwriting that was absolutely impossible to read. Now, remember, this is a Tax Code that is going to have an

impact on individuals, families, and businesses to the tune of millions of dollars, and here was a page in it that no one could read. Do you know why I know no one could read it? I submitted it to the RECORD, and the clerk of the Senate came and found me afterward and said: Senator, you can't put this in the CONGRESSIONAL RECORD because we can't read it. That is what was going on here in writing the Tax Code of the United States of America. It was a slapdash, hurried effort that sadly does not reflect the best of this institution or the best of the Members who are part of it.

Why would they do this? Because if this bill were subject to proper scrutiny, as it should have been—you only really reform the Tax Code once every several decades—a monumental giveaway to corporate America would have emerged, a tax break or giveaways to the wealthiest Americans.

So while most families are focused on getting ready for the holidays, my Republican colleagues and friends are hoping most Americans will be too busy to notice them passing a tax bill that will raise taxes on middle-income families.

This is supposed to be the greatest deliberative body in the world, the U.S. Senate, and my Republican colleagues threw regular order and bipartisan input right out the window of the Capitol. They have spent the past 2 weeks behind closed doors writing the final version of this tax bill. Only last Friday evening—last Friday—we finally saw the text of this tax plan fully released, fully revealed. There are more than 1,000 pages of new Tax Code, and that is what we are expected to understand and to vote on in a matter of days.

Are the memories of my Republican colleagues so short that they have forgotten their repeated calls of “read the bill” when we considered the Affordable Care Act? Did they forget their criticism of that process, which took place, incidentally, over many months, characterized by transparency, multiple bipartisan hearings, and included well over 100 Republican amendments? Have they forgotten all the criticism they leveled on that effort to try to provide health insurance for more Americans?

This is no way for major legislation to be written, this tax bill before us. It certainly reflects the best wishes and hardest work of many of the lobbyists and corporate donors who benefit my Republican colleagues.

Is it any wonder that after this rushed process, the initial analysis of the final bill shows that millions of working families in Illinois and across the Nation will be hurt, while the wealthiest 1 percent of wage earners in America receive a massive windfall? Sadly, it is no surprise.

In their plan, Republicans chose to make essentially all individual provi-

sions to the tax bill temporary in order to pay for massive, permanent corporate cuts that will overwhelmingly benefit the wealthiest investors. The result? As I said, when the bill is fully phased in by 2027, more than half of all Americans will see their taxes increase under the Republican plan. These are tax increases that will be felt particularly hard by those households in the bottom 60 percent and those families with kids. By 2027, while middle-income families pay a higher tab, the richest 1 percent of Americans will receive a whopping 83 percent of all the tax cuts under this plan. I just can't believe they pulled this off, that the Republicans figured out how to give 83 percent of the tax breaks to the top 1 percent of wage earners in America and sell it as tax reform to help working families. It is indefensible.

This devastating result was baked into the DNA of this Republican plan from the start. There is no greater example of this than Republicans' determination to erode State and local tax deductions. It used to be a standard principle in American taxation that you wouldn't tax people on the money they paid in other taxes. We didn't tax a tax until this bill came along. We used to say that if you pay a State income tax or State sales tax or State property tax, we are not going to impose a Federal tax on your tax payment—no tax on the tax. They didn't buy it. They changed it. They put limits on the amount of deductions that you could take for this. What does it mean? Ask the Realtors in my State, the homebuilders, and they will tell you that this is going to be a damper on economic growth in the State of Illinois—a growth that we desperately need in my State to create jobs and opportunities.

This deduction is taken by nearly one-third of all taxpayers, and taxpayers in my home State benefit from it among the most in the Nation. The principle is simple: Under the new Republican plan, Illinoisans will start paying Federal taxes on the local, State, and property taxes that they pay, and they don't receive the deduction that historically has been there.

Republicans apparently feel differently because in the face of weeks of warnings from Realtors, homebuilders, local school districts, State and local officials, and first responders about the increased difficulty that the elimination of this deduction will create, it didn't deter them one bit, and every single Illinois Republican Congressman ignored all of this and voted for this terrible plan. It means higher tax bills for middle-income families in my State and many others and a strain on crucial State and local investments in education, infrastructure, and public safety.

That isn't the only hit to middle-income families. Here is the one that I

find the most reprehensible. Millions of people will lose health insurance because of this tax reform bill. It guts one of the major provisions of the Affordable Care Act.

After failing miserably to achieve one of their campaign promises to repeal the Affordable Care Act and take away healthcare from millions of families, Republicans slipped into this tax bill a provision that undermines the Affordable Care Act. The net result of it is an increase of 10 to 20 percent for health insurance premiums for those buying in the marketplace, and—this is a kicker—13 million Americans are going to lose health insurance because of this health reform bill that is brought to us by the Republicans.

I don't see how you can go home to any State and say: Good news. I gave a tax break to the wealthiest people in America and the biggest corporations, and average working folks here are going to lose their health insurance. How can you stand up and say that is good for your State or for this country?

Republicans' efforts to take away healthcare from families and give tax cuts to the wealthy shouldn't surprise us. The surprise here is that so many of the so-called fiscal hawks—how many times have I heard my Republican colleagues come to the floor and pose for holy pictures when it comes to the national debt. Oh, it goes over and over again, the speeches they give when there is a Democratic President. Now that there is a Republican President, political amnesia has set in.

It turns out that this Republican tax reform—giving tax breaks to the wealthy and not to the middle-income families of America—will add \$1.5 trillion to our national debt. Who will pay off that debt for these tax breaks to the wealthy? I am afraid it is our kids and our grandkids. Somehow these fiscal hawks are able to convince themselves that cutting taxes on the wealthy is worth a new burden on our kids.

When you get past all the fancy rhetoric, the bottom line is, Republicans believe that we can afford to add \$1.5 trillion to the debt if it means giving tax cuts to the wealthy but that we can't afford it as a nation when we know we are going to need it to make massive investments in things that mean a lot to working families. Shouldn't we have put more money into fighting the opioid crisis that claimed almost 2,000 lives last year in my home State of Illinois? Shouldn't we have put more money into helping kids go to college so they aren't burdened with student loans that change their lives? Shouldn't we have put more money into medical research? Couldn't we have put more money into investing in our infrastructure? No. The Republicans say there is a much higher priority—tax cuts for wealthy people.

What does make sense to my constituents and millions more across America is that \$1.5 trillion increase in national debt poses a real threat to our economic future and a threat to the future of Medicare and Medicaid.

PAUL RYAN, Speaker of the House, Republican leader, said they are going to take care of the added deficit and debt by cutting entitlement programs like Medicare and Medicaid. I would say to PAUL RYAN, my neighbor from Wisconsin, you are in for a fight, my friend—and it will not be just the Democrats; it will be a lot of folks in Wisconsin who aren't going to stand for that outcome.

Americans deserve better than what the Republican leaders in Congress have brought to us in this bill—rushed through without bipartisan consideration and without review by experts. This may be a “big political win for the Republican Party and their donors,” but it is on the backs of hard-working families.

Some of these consequences that we face are already dangerously clear, others, which we will only discover as we pore through the fine print of this 1,000-page bill—we can only guess what they will mean.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Mr. President, I come from a different world. I come from the real world. I have been here just a couple of years, but this sort of rhetoric that we have heard on the floor of the Senate over the last few weeks is amazing to me. The disinformation, the known misleading statements that are made—that doesn't exist for very long in the real world because there are rules and regulations out there where that is taken care of. But it seems that if you are good at it in this body and can get away with it long enough, that what Vladimir Lenin once said is true, and that is this: It doesn't matter what you say is true; it only matters that you say it and say it and say it, and pretty soon, to the common folks in your country, it becomes true.

Well, I think we have lived through a century where we have done nothing but disproved that as a free society here and as a leader of the free world.

I think what is at stake tonight in this vote is bigger than just a few changes in our Tax Code. Good grief. We can work for the next 10 years and not clean up every detail in this Tax Code, but this is a first step to bringing sanity back to our country.

Let me put a little perspective on this. Let's talk about what President Trump inherited when he took office in January of this year.

We had 8 years of the lowest economic growth in the history of the United States—1.9 percent. We had the lowest workforce participation rate in over 40 years.

In the last 8 years, we borrowed 35 percent of every dollar that was spent by the Federal Government—this body borrowed before you and I got in the Senate.

Under the last administration, for 6 years of those 8 years, the opposing party in this body had a supermajority for 2 years and they had a majority for 4. So for 6 years, that party had the White House and they had a majority in the Senate at least. In those 8 years, they doubled our national debt from \$10 trillion to \$20 trillion this year, even though last year—or the last year of the last administration, 2016—our Federal Government collected more Federal tax than any other year in our history, and the last few years have been the same.

With all that borrowing, even when the last administration said: OK, we need to fix infrastructure, we need to get the economy going—they put \$1 trillion into fake infrastructure investments, and none of these parameters moved. We still had no economic growth.

This is the same party that liberalized Social Security and Medicare to the point where they are not sustainable. And in just 14 years—14 years—both those trust funds go to zero. This is not about going to Medicare and Social Security and finding money to give to the rich; this is trying to figure out how to get the economy going so we can save Social Security and Medicare. It is no more complicated than that.

But what we are hearing here are words like “shameful” and “ridiculous.” I think what President Trump walked into was shameful and ridiculous. For the United States—the wealthiest country in the history of the world—to have those sorts of performance parameters is ridiculous. It is shameful. There will be a day of reckoning, and it is today. Our President took that seriously, and he said that job No. 1 is growing the economy.

Let's put that in perspective. He said, in the first year of his administration, he wanted to focus on three things that would grow the economy. One is he wanted to pull back on regulations. I am here to tell my colleagues that over 860 of the most onerous regulations and rules have been reversed so far this year.

The second thing President Trump said was he wanted to work on energy. Well, we got the Keystone Pipeline working. He actually moved on stopping the Clean Power Plan that was thwarting the energy production in this country, and, in this bill tonight, we will open up ANWR production to give us capability on the energy side of our economy.

The third thing the President said he wanted to do was to change our archaic tax plan; not to give money to the rich but to open our companies and our

workers to be more competitive with the rest of the world.

For the last decade—maybe even the last 30 years—I have lived this in my career. For 40 years, I have watched U.S. competitiveness decline and decline and decline. Why? Because of two reasons. Our Federal Government grew out of any proportion. In 2000, the size of our government was \$2.4 trillion. Last year, it was \$4 trillion. That is under one Republican administration and one Democratic administration. We have put regulation on top of regulation. We liberalized all of our social programs to the point we cannot afford it.

The other thing we did is we loaded onto this tax situation where we lost our competitiveness with the rest of the world. The rest of the world lowered their tax rates while we actually increased ours, they reduced their regulations while we increased ours, and we just simply lost our competitive edge, such that today, two out of every three acquisitions regarding a U.S. company are U.S. companies being bought by a foreign company. Now, that is a C corporation. In many cases, it is an S corporation. Why is that? It is because of the difference between our 35 percent corporate tax rate and the average of 18 percent in Asian countries and 21 percent in Europe. All we are doing is trying to reach some point of being reasonably competitive with the rest of the world.

This President walked into a disaster, and what we have seen in the first year are dramatic results: Two million new jobs have been created this year, 860 regulations reversed, and illegal crossings on the southern border are down 60 percent.

We passed a bill in this body 97 to 2 that allows a department head in the Veterans' Administration to remove people for cause, for lack of performance. Guess what. So far this year, over 500 people have been asked to leave because of performance reasons in our Veterans' Administration. That is something both Democrats and Republicans should be proud of.

We also see a Department of Education that has removed 300 people for the same reason. CEO competence is at a 20-year high. Consumer confidence, despite what the other side wants to tell us, is at a 16-year high, and many studies are proving that today.

Tonight I want to clear up some of the absolute, unbelievable mistruths and myths about this bill that are being perpetrated. We heard several just in the last hour on this floor. The first, the great one—I love this: This tax plan is only going to help the wealthy. We are going to tax the low-income people in America, and we are going to give it to the billionaires.

Let me just give some examples here. A median-income family today—a family of four who works, with two kids,

who makes a median income of \$73,000 a year is going to get a \$2,200 tax reduction. That is a 60-percent reduction in their Federal tax rate.

A single working mother, as an example, with one child at home—now, this is a parent who has to find childcare, has to find a way to work, gets very little help from family or friends, doesn't own a home—I know many people like this—that person is going to get a 75-percent tax cut in this bill.

Beyond that, today, 52 percent of households in America—this is before this bill—pay zero Federal income tax, but this bill goes further. Up to 6 million people will potentially be removed from the tax rolls because of this bill. I am just a simple business guy, but I just look at the facts. These are mathematical facts here. There is no projection, no opinion. This is part of this bill that belies half of the mistruths we just heard in the last hour on this floor.

The second one is a process question. Of course, this is what we always hear the minority party say. I dare say, as an outsider, I heard Republicans say this in the last 6 years. There is no transparency, no regular process, no regular order. Well, in the last few years, there have been over 70 public hearings—Senate hearings in committee—about tax reform. This particular bill has been in full regular order. Yes, it was done in reconciliation, but that is regular order. I personally would have preferred not to have done that, but it is within regular order.

It went through committee. Amendments were put up and debated and passed in committee. Then the bill was brought to the floor. We voted on amendments on this floor, and then it went to a full vote and was passed—or will be passed tonight.

The third myth: This tax plan will not generate economic growth. This is a really rich one because most of the people saying that have never written their signature on the front of a check. They just simply haven't been in business. Yet these are now the newfound experts in this body who say: Well, this is not going to grow the economy. Of course, it is not; we need bigger government to grow the economy. Haven't we proven that?

No, we have disproved that. If anything, over the last 8 years, we have proven that bigger government does not correlate with a better, growing, competitive economy. What this bill simply does is it gets government back out of the way, to some degree, helps us become competitive with the rest of the world, and ignites this economy.

Let's just look at what is being said about this. First of all, it has been estimated that nearly 1 million new jobs will be derived because of this bill. It is estimated that annual incomes of

working Americans will go up somewhere between \$4,000 and \$9,000. That is in addition to the tax cuts. That is because the demand for labor in a growing economy will create rising wages.

The other side says: Well, to get rising wages, you need to increase minimum wage. That is the wrong way to look at this. This bill, I can tell from personal experience, will create demand for labor, and that labor will increase in price.

GDP will grow somewhere between 3 and 5 percent over the next decade. I actually believe it will be much more than that. The big one, in my mind, is by eliminating the repatriation tax, and, by the way, we are the last country in the world to still have this archaic tax, which we collect no tax on today, but eliminating that brings over \$2.6 trillion back into this economy.

The other side says: Well, that is not going to go to the economy, it is going to dividends or to pay down debt. Guess what. In a capitalistic society, it is all contributory. It all adds to the benefit of growing the economy.

Capital formation is part of what created this miracle in the first place. The last 70 years in America has been, I would argue—as a 40-year experienced veteran of the business community here, as the only Fortune 500 CEO in the Senate and in all of Congress, I would argue that this economic windfall we have experienced over the last 7 years in America is based on three things: On the top of the best workforce in the history of the world, it is innovation, capital formation, and the rule of law. Quite frankly, because of regulations in this body over the last 15 years and because of our Tax Code, we have taken those for granted. Tonight we begin to reverse that.

The next claim I want to debunk is that this tax plan adds \$1 trillion—I love this one—will add \$1 trillion to the debt. This is from the other side that administered more than doubling our debt in the last decade. No other President in the history of our country, prior to the last administration, added \$10 trillion to the debt of this Nation.

There is no bigger debt hawk in this body than I, and I can tell you this is what brought me into the political arena. This \$20 trillion in debt is the beginning, it is not the end of the story. Unless we do something today about our Federal debt, it is going to grow \$11 trillion, is the latest estimate, over the next decade. Most of that is on the mandatory side.

To solve this debt crisis, clearly we have to grow the economy, but we will not solve the debt crisis only by growing the economy. We will not solve it unless we start by growing the economy.

We are told by the Joint Committee on Taxation and by the Congressional Budget Office—and both of these modeling groups I have personal problems

with—but even if you take their worst-case scenarios, you only have to grow the economy two-tenths of 1 percent per year. That is going from 1.9 percent, which is the average baseline of the last 8 years, growing it by two-tenths of 1 percent to 2.1 percent over the next decade. There has only been one time in one decade in the last 70 years where this economy didn't grow more than 2.5 percent, and in that decade it grew 2.3 percent. So in no decade since World War II have we grown less than 2.3 percent.

In addition, CBO says we have to grow 2.2 or 2.3 percent. The last two quarters are already over 3 percent. The fourth quarter looks like it will be as well if we pass this tax bill tonight.

It just seems to me that people who have experience in the real-world economy know that investing in our workers is the best investment we can make, and that is what this tax bill does. Don't be confused by the rhetoric.

Members of the other body in the last hour say there is going to be a day of reckoning. There is, because I believe that the other side has failed the working poor in this country. The best example is ObamaCare, perpetrated by the supermajority, 60 votes on the other side, and we know it is now collapsing under its own weight, but this is what they have done to the working poor in America.

In 2014—and it has been that way over the last 3 years as well—but 2014 is the last year we can get from the IRS. Under ObamaCare, the IRS fined 8 million people in America \$2 billion, and the irony is, half of those people make less than \$25,000. Now, that is outrageous, and for those same people to beat their chests now about this being for the rich, it is even more outrageous.

I will close with this. The biggest argument they make is that this is for the rich, and the rich are not paying their fair share. The top 1 percent today pay about 40 percent of all tax revenues that we have, and the top 10 percent pay over 70 percent. That was true before this bill, and that is going to be true after this bill.

What is going to also be true is the fact that the working men and women of America will find that their place of employment, whether it is a one-man self-proprietorship, a one-woman self-proprietorship, or a major corporation, those companies, in a global economy, are going to find themselves more competitive because of what President Donald J. Trump is doing in this tax bill and what we are backing up tonight. I argue that this is a historic day, not just because of tax relief for the working men and women of America, or building competitiveness for those same people around the world, but for our kids and grandkids so we can begin to deal with this huge growing debt.

People say: Well, you are adding debt. No, this is an investment, and, by the way, it is not \$1.5 trillion. They know that \$500 billion of that—one-third of it—is this policy versus law. They know that, but it still makes a better story. They also know that \$200 billion of that are fake costs because it says if you eliminate the way it is scored right now, if you eliminate the repatriation tax, the Joint Committee on Tax and the Congressional Budget Office, in their infinite wisdom, say that is going to cost you \$200 billion. We don't collect \$200 billion in repatriation tax. As an outsider, I cannot believe we sit here and talk about these fake numbers that way.

The President of the United States has a vision for our country. We need to rise up and be competitive again in order to deal with this long-term tax situation but, more importantly—or as importantly—to be able to afford to do the right things for our people. When we have hurricanes, when we have fires, we don't have the resources to do that. Every dime we are spending behind these hurricanes and behind the fires and behind all of the things we are doing is borrowed. Every time we spend on our military, it is borrowed money. The only way to eventually change that is to begin to grow our economy. This is only one of many steps that are required, but this tonight becomes historic because you can't do the others unless you make this economy competitive.

I want to praise our President tonight for having the guts to stick through this process. We are going to pass this bill tonight and make America great again because we are going to make America competitive again.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, the American people understand this bill. They understand this bill will hurt middle-income families, and they know this bill will add to the deficit. They understand the Joint Committee on Tax has scored the bill as adding to the deficit. I hear so many of my Republican friends talk about these deficit hawks. We follow the recommendations of our professionals. This bill will add to the deficit. That is why the American people believe this tax bill, which has been advertised by Republicans as a tax cut, is not good for America. It is an extraordinary thing to get the majority of Americans against a bill that is purported to be a tax cut, because they understand it is not a tax cut for middle-income families.

Let me give one number. The corporate tax rate under this bill will be reduced from 35 percent to 21 percent. That is a substantial reduction in the corporate tax rate. Now, understand that only about 5 percent of the largest

businesses in America pay the corporate tax rate. It isn't a rate paid by small businesses. This is paid by megacorporations. They are getting a tax cut.

When we look at the cost of that tax cut as scored by the Joint Committee on Taxation—the professionals—it is about \$1.5 trillion of business tax relief. Guess who pays that \$1.5 trillion. It goes on our national debt, and middle-income taxpayers are going to be asked to foot the bill.

They get that. They understand this doesn't help middle-income families. You are not helping middle-income families when you raise the estate tax limits so fewer families pay the estate tax, which already affects only the 0.2 percent wealthiest in America. They are getting a break. Already, we have a concentration of wealth in America. The top 1 percent owns close to 40 percent of the wealth in America. They understand that doesn't help middle-income families because they understand that we have seen in America the shrinking of the middle class and that we have had an increase in income and wealth disparity in America.

That is not good for our economy. That is not how you grow an economy or how you grow a middle class. This bill will not grow a middle class. This bill will make even more extreme the income and wealth disparities in this country.

They also get it when we talk about what is temporary and what is permanent. I really appreciate my friends talking about the deficit. Of course, they don't include the fact that many of these tax provisions are only temporary, such as the major tax relief for individuals. That is temporary in nature. The business tax is permanent.

I hear my Republican friends saying that we will just extend it. If you extend it, the deficit is even larger than the \$1.5 trillion. As to the individuals and the middle-income families who get some of the benefits of this bill, when we add it all up, they lose. The benefits they get are temporary, but business tax relief is permanent. This bill is an assault on middle-income families.

When we take a look at how we are going to have to pay off that deficit and who is going to pay off that deficit, it is going to be middle-income families left holding the bill. We know that. That is why this bill is not popular. That is why we know that it is not good for middle-income families and it is not good for our economy.

But they even go further. It has been pointed out in the Senate that they have added a provision that is now in the conference report which takes out an essential part of the Affordable Care Act on individual responsibility that would ultimately leave about 13 million Americans without health insurance.

Why was this done? It was done for two reasons. First, Republicans have been trying to repeal the Affordable Care Act, and these 13 million people who have benefits today are going to lose it. But a second thing is that you can use those savings—and they are not real savings; we are talking about less money being used to help people get health insurance—to provide additional tax cuts for wealthy Americans and corporations. So you are knocking 13 million people out of health insurance and using that money in order to extend these tax breaks for higher income and businesses. That is unconscionable.

What is going to come next when you are not even subtle about this? They now are going to say that the deficits are bigger than previously expected. I hear my friends on the Republican side. They are deficit hawks. Well, you are not deficit hawks when you deficit-finance a tax cut. That is not helping this country.

So what comes next? Well, we are going to have to cut Medicaid and Medicare. Who suffers when you cut Medicaid and Medicare? It is going to be middle-income families again.

Then we have to take a look at the Federal budget. We have heard some of my colleagues already talk about this. I see plans right now that we are going to take it out on the Federal workforce—the Federal workforce, which has already contributed about \$182 billion to the deficit, through getting pay adjustments below the cost of living, having freezes, going through continuing resolutions, sequestration, and government shutdowns, asked to do more with less.

We are talking about critical services to the American people, whether it is research done at the National Institutes of Health, whether it is food safety, whether it is veterans services, or whether we are talking about dealing with the opioid crisis in America. All of that is in jeopardy, and we know that. We know they are coming back with cuts in these programs because we now have a bigger deficit as a result of giving corporations these big tax cuts—not all businesses, just the biggest businesses—and giving the high-income people this tax relief. That is why the American people do not like this bill.

We talked about creating jobs. I heard my friend again talking about creating 1 million jobs under this tax bill—spending \$1.5 trillion and creating 1 million jobs. We had bipartisan legislation in the last Congress that took a couple hundred billion dollars of one-time only revenues and said the responsible thing would be to use that to seed infrastructure. If we could get that up to about \$300 billion, we create 4 million jobs. So that is 4 million jobs for \$300 billion. Here we have 1 million

jobs, by their own number, and spending \$1.5 trillion. It is a terrible investment for the American people. We can do better.

This bill is also an attack on our States. It is an attack on Marylanders. It is an attack on the State of Maryland. Marylanders will come out much worse under this bill. There are many reasons for it, but one of the major reasons is that the bill eliminates the deduction for State and local taxes. I am going to talk for a moment about that because I did serve in the State legislature, as did many of the Members of this body. I believe we should respect State and local government. It is the same taxpayer who pays local taxes, pays State taxes, and pays Federal taxes. Ever since we adopted a Federal income tax, one of the only provisions that remains intact throughout the entire history of the income tax is to say that we are not going to tax on tax. We are not going to impose taxes on State and local taxes. That, of course, was one of the reasons why a constitutional amendment was changed, to allow income taxes, and now we are breaking that commitment on Federalism.

We are really breaking the constitutional spirit to tell our State and local governments that we are going to impose taxes on taxes and make it more difficult for them to raise the revenue they need in order to finance State and local services.

In Maryland, about 45 percent of Marylanders use the State and local tax deduction. We happen to rank No. 1 in the Nation on the number of taxpayers that use State and local tax deductions on their Federal income tax returns.

The average amount in Maryland on deductions for State and local taxes is \$12,900. That is the average. So the average taxpayer in Maryland is going to pay more taxes as a result of the \$10,000 limit imposed in this bill. But it even gets worse for Marylanders, and I think this is going to be typical in a lot of States around the Nation. Maryland has an itemized deduction. It has standardized deductions on their income taxes, as many States do. But I think Marylanders are going to be surprised to find out they may not qualify for itemizing their deductions at the Federal level because, as a result of the changes that have been made here, only about 5 percent of the people in this country will still use the itemized deduction.

So go and do your Federal taxes, then go do your State taxes, expecting to be able to deduct the State items, only to find that if you haven't deducted at the Federal level, you can't deduct at the State level because we harmonize in our enforcement with the Federal Government. You didn't think about that when you put this provision in the bill.

I heard my friend say we had hearings. We didn't have hearings on that

provision. We have never had a hearing on that provision. We never brought State people into our committee and say: What happens if we raise the deduction? What impact does it have on the States? What are the impacts on the States if we eliminate State and local tax deductions? We haven't had those discussions.

Quite frankly, it is going to be more challenging for our States and local governments to meet their needs. They have the primary function for educating our children and keeping our communities safe. That is a primary function of local government, and sanitation and dealing with public health. It is going to be much more challenging for our State and local governments to be able to do their finance. Did we consider that when we took up this bill? The answer is no. There are so many consequences to this bill that have not really been thought out. Let me just give a few.

There is a reason why people concerned about the real estate industry are concerned about this bill. The limitations we put on the deductions of property taxes and the limitations that have been increased on the amount of interest you can deduct on mortgages will all have an impact on property values. Properties that Americans own will be less valuable with the passage of this bill because they will not be able to get the same tax advantages as they had prior to it. Have we thought about that impact? Have we thought about what that does to wealth and middle-income families? Have we thought about what impact that has on assessed evaluations on local governments that depend upon property taxes? There has been no consideration of that.

I met this week with leaders in our nonprofit community in Baltimore. We went over some of the issues they deal with in providing help to our community. Several were faith-based-type charitable groups. I went over what impact it is going to have with the restrictions on the number of people who are now going to be using itemized deductions.

One of the charitable faith-based groups I met with told me that the overwhelming majority of their givers are in the middle income. Today, they are able to take a deduction because they use itemized deductions. Under this bill, most of those families are going to fall within the standard deduction and will no longer be itemizing their deductions on their Federal tax returns.

Now, they don't know what impact that is going to have. But when their givers find out there is no tax advantage to that gift, you know it is going to have an impact. We know that. Charitable giving is going to be down. I hear my colleagues talk frequently that a lot of what we do to help people

is that we rely upon the private sector. We rely upon the charitable groups. Did we have the courtesy to bring them into a hearing to understand the impact this is going to have? No, it is going to have a negative impact on our nonprofit charitable groups, and that is another consequence of this legislation, that we don't have the full impact to understand.

Let me talk just a minute about this 20 percent deduction on passthrough income. Just so people in this country understand, this is a rather complicated provision that was added to the bill. It provides additional tax relief for businesses that do not use the C tax rate. These are our partnerships, our S corporations, our limited partnerships, and our sole proprietorships. Understand what we are trying to do here. Because we have cut the corporate rates so low—down to 21 percent from 35 percent—we recognize that other businesses now are going to be at a disadvantage. That is true. So we are trying to figure out some way to give them tax relief.

Now, I have heard my colleagues talk about simplifying the Tax Code. This provision does anything but simplify the Tax Code. It has what is known as guardrails as to how we calculate how much you can take, up to the 20 percent of the distribution, as a non-taxable event. That guardrail affects the type of business you are doing, it affects the amount of assets you have, it affects the amount of salaries you give, the labor that is done within it, whether it is actually services performed by the partnership or not. My goodness, it is a minefield for accountants and tax lawyers to now develop shelters.

I am old enough to remember the 1986 tax debates here in the United States Congress. I was not part of the Congress. I was in the State legislature at the time. I remember the effort to get rid of shelters, because shelters are an inefficient way that you set up business structures in order to minimize taxes. Well, this passthrough provision is going to be used as shelters. There is no question about it. We have had no hearings at all as to how we are going to deal with that problem.

Then I heard one of my colleagues on the Republican side talk about how this is going to bring all these jobs back home.

Let me make this clear. What this bill does is move toward a territorial tax system. What does that mean? That means companies today that outsource some of their work to another country will be able to pay only that country's tax rate rather than the U.S. tax rate. That means that in some cases they will be able to pay less in taxes. What they can now do—because we are harmonizing to a territorial tax, we are rewarding some companies to outsource.

Do we understand what the lower tax rates for corporations—what the net impact will be on jobs in America? All we hear is: Oh, we are going to create new job opportunities because we have lower rates for businesses. But we don't tell the American people that they can keep those jobs overseas and pay a lower tax rate. Let's be honest about that.

Why didn't we have a hearing on that part? The consequences are far from understood.

I have heard several of my colleagues talk on the floor of the Senate about preserving credits, that we preserve this credit—like you are getting credit for leaving something in the Tax Code. Let me say something. Credits are important. In the city of Baltimore, we have used low-income housing tax credits, historic tax credits, and new market tax credits to generate a lot of economic activity. It is very difficult to put together a major economic program within our urban centers. I could point to West Baltimore and how we have used all those tools for urban redevelopment. I could point to our arts district and how that has been used.

I know this. Credits are not going to be worth as much under this bill as they were before because we have changed the value of a tax credit. What impact is that going to have? I don't know. The problem is, none of us know, but it is going to have a consequence. It is going to affect economic growth, and it is not going to be positive. We haven't taken steps to try to counter that.

I noticed there were some changes in the renewable energy sector. I don't fully understand all the changes, but I do know those who are involved in wind and solar believe that what we have done will make it more difficult for them to get investors. It sort of looks as if, perhaps, this was an effort to help the fossil fuel industry.

When you look at the ANWR provision, which opens up the pristine areas of the Arctic to drilling in Alaska, you know that this bill is tilted toward fossil fuels rather than having a level playing field for America's energy. I worry, is this the first step to mid-Atlantic drilling off the Atlantic coast off of Maryland? I worry about the impact it could have on the Chesapeake Bay.

I must confide that I have been in conversations with some of my colleagues on both sides of the aisle, asking whether we will cooperate on a corrections bill. I find that amazing. We haven't passed this bill yet, and we are talking about the process to correct the mistakes that are clearly in this bill. That is not the way we should be legislating. We know that we are going to have to revisit the passthrough provisions because we know they are not drafted right. We know the tax credits are going to need additional time. We know the energy provisions are going

to have to be revised. We know we have done damage to middle-income families who are going to demand we correct this. Why don't we get it right the first time? Why do we have to look at passing a bill that we know is badly flawed?

The last point I want to make is, there has been a commitment that when we take up a tax bill—don't we want to simplify the Tax Code, so Americans understand it better and feel more comfortable that everyone is being treated fairly? Secondly, the one argument I hear from all stakeholders is: Make the Tax Code predictable so that we can plan. Give us the rules. Don't change the law all the time. Don't put temporary provisions in there because Congress has a habit of missing extender dates. We have already missed extender dates in this Congress, and now we are talking about leaving town this week while we have provisions that have expired, such as the Children's Health Insurance Program.

What does this tax bill do? It has numerous provisions that expire, some within a short period of time, adding uncertainty to our Tax Code and the planning of our Tax Code. This bill is anything but simplifying the Tax Code, and it is certainly not providing predictability.

The American people get it. That is why they believe this bill should not be passed. It is an assault on middle-income families. It is dangerous to our national security because it increases our deficit. It will hurt millions of people who will lose their health coverage, and it should be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. WICKER). The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I would like to spend a few moments talking about why my colleagues and why the American people should be supportive of this very important legislation, historic legislation, that we are debating on the Senate floor. It is particularly historic for my State, the great State of Alaska. There has been a lot of misinformation on this bill, and we are seeing a robust debate, which is fine.

I don't need to repeat all the arguments on both sides, but I will say that my colleagues on the other side have seemed to focus on one particular point. They are coming here and making this point again and again; that is, the point that this bill will supposedly raise taxes on the middle class. We are hearing it, and everyone is saying it. The problem with that argument is, it is fundamentally untrue. The truth will be in the paychecks of the American people, which they will see in a few months.

Let me talk about some of the provisions that are in the bill. The bill will be a middle-class tax cut for the vast majority of Americans.

Here are some of the provisions. These are in the bill. These are the facts. The bill doubles the standard deduction. For an individual, the standard deduction goes from \$6,300 to \$12,000. For married couples, it goes from \$12,700 to \$24,000. That is in the bill. That is important for middle-class families. It doubles the child tax credit. The child tax credit is doubled from the current \$1,000 to \$2,000, so more parents can claim it. It is in the bill. That is a fact. And it lowers rates. In fact, it not only lowers rates for middle-income Americans, it lowers rates on every single income bracket in the IRS code. That is a fact.

Bottom line, an average family of four making \$75,000 a year will have about 200 more dollars per month in take-home pay under this bill—\$2,400 a year. A single parent making \$41,000 a year will see their tax bill decrease by \$1,300. That is a 73-percent decrease. That is a fact. It is in the bill.

Let me mention one other critical way in which this tax bill will bring middle-class and working-class tax relief. It will get rid of the very regressive and unfair individual mandate of the Affordable Care Act. About 20,000 hard-working Alaskans and over 6 million Americans have to pay a tax, a penalty to the IRS for not buying something—health insurance—that they cannot afford. Let me repeat that. They are penalized for not buying something that they can't afford. Think about the absurdity of that.

Here is why this is such an important middle-class tax cut. When we get rid of that penalty, close to 80 percent of the 6 million Americans who pay the ObamaCare individual mandate tax—close to 80 percent of them—make \$50,000 or less. Think about that. Tonight, we are getting rid of that tax, that unfair penalty, and that will undoubtedly bring tax relief for the middle class.

This bill also decreases taxes on small businesses and companies so that they can reinvest at home in our great Nation, hire American workers, give pay raises, and help grow our economy.

Many of these ideas, doing these kinds of things, have been bipartisan policy ideas for years when we have talked about tax reform. Let me give you one. In 2012, President Obama said that our current business tax structure hurt American business and inhibited growth. He said that the tax system "provides tax breaks for moving jobs and profits overseas and hits companies that choose to stay in America with one of the highest tax rates in the world."

That is from President Obama. It was true then, and it is true today.

Something has to be done, and we are doing it tonight. The bill will also give small businesses and large companies a chance to help grow our economy. You have heard Senator after Senator come

to the Senate floor. My colleague from South Carolina has talked about this eloquently for years. It is an issue I care deeply about. But here is the issue. We have had a lost decade of economic growth. For over 10 years, we have not hit 3 percent GDP growth once in a year.

It is an issue I care deeply about. As a matter of fact, I come to the floor and I talk about it a lot. One thing I have noticed in my 3 short years in the Senate is that I am not sure I have seen my colleagues from the other side ever come here and talk about the need to rev up the economy or about the fact that 1½, 2 percent growth, which is what we have had for almost the last 13 years, is not good for the country. I think, unfortunately, a lot of them believe in this idea of the new normal—that America hitting at 1½, 2-percent GDP growth is America hitting on all cylinders. Don't believe it.

We talk about GDP growth. What is that? It is really a proxy for the health of the U.S. economy. It is a proxy for the American dream. In the last 10 years, that economy has been sick. For millions of Americans, the American dream, which is based on a strong American economy, has been a mirage. We have to change this. This should be a bipartisan issue. Getting back to traditional levels of 3 percent or higher GDP growth should be something 100 Senators agree on. This bill is going to help us do that.

Finally, I would like to talk about something in the tax bill that will greatly benefit my State and our country; that is, opening the 1002 section of the nonwilderness Arctic National Wildlife Refuge for American energy development. A lot of my colleagues on the other side of the aisle have talked about this, but I am going to tell you this. I can't begin to describe the elation that will be felt by many—so many—in my State when this passes. The vast majority of Alaskans support this provision and have supported it for decades. Hundreds, if not thousands, of Alaskans have worked tirelessly to get it passed since the 1002 area was set aside by this body in 1980 for possible energy development.

Don't believe all the rhetoric about "Oh, that area is off-limits." That area is actually on-limits. In 1980, the Congress said: We know there is a lot of energy there, and we should look at the opportunity to explore it. Congress, come back and make the call someday.

Hundreds, thousands of my constituents, my fellow Alaskans—and I know some are in the Gallery right now, right above me—have been working on this for decades, and I want to thank all of them. But we have been stopped. We have been repeatedly stopped. You are seeing some of the arguments, many of which are truth-challenged. So I am being polite to all of my colleagues.

Year after year, we have tried. The last time that we made a big effort in this, my colleagues on the other side of the aisle killed this provision in 2005. It was a crushing evening in 2005 when this provision did not pass. It was a crushing evening for the late, great Senator Ted Stevens, particularly when then-Senate Minority Leader Harry Reid said that killing the ANWR provision and beating Ted Stevens was "one of the joys of my life." That is from the former Senate minority and majority leader.

Voting for the provision to unlock ANWR tonight will be one of the joys of my life, and I am certain that Ted Stevens will be joyfully watching from above, smiling.

Last month, a group of Alaskans came to DC to testify before Senator MURKOWSKI's Energy and Natural Resources Committee about the importance to America, to Alaska, and to our communities of the energy provision in this bill.

Matthew Rexford, who lives in Kaktovik, AK, which is a village that is actually in the Arctic National Wildlife Refuge, provided riveting testimony. Let me quote from that testimony:

My fellow Inupiat and I firmly believe that attempts to permanently block development in the 100—an area intentionally NOT designated as wilderness because of its oil and gas potential—is a slap in the face to our region and its people. It's exactly the same thing as saying "It's okay for everyone else in this country to have a THRIVING economy, but you can't have one at all."

To you people living on the North Slope and you people living in Kaktovik: Sorry, you can't do it.

Matthew went on to talk about how responsible oil and gas development supports local communities by providing jobs, business opportunities, and infrastructure investments, like schools and hospitals and clinics—things that most communities in America have in abundance. We don't have those in abundance in my great State.

He said that the industry "has moved our people away from third-world living conditions—we refuse to go backward in time. It has provided other basic services most Americans may take for granted" that communities like his don't have.

Increasing domestic energy production will not only be good for my State and for communities like Kaktovik, but it will also boost our country's economy, and—this is a very important point—it will strengthen America's national security.

My colleague from Maryland, for whom I have a lot of respect, just talked about how this is going to hurt our national security. I couldn't disagree with him more. Producing more energy responsibly—oil, natural gas, renewables—and making the United States the world's energy superpower

once again will dramatically increase our Nation's national security. This is something that we should all agree on.

I have served in the Marines for over two decades, and I have served as a U.S. Assistant Secretary of State, whose portfolio included global energy issues. I have seen how energy can be used as a tool for good, productive diplomacy and for troublesome power grabs by our Nation's foes. When we don't have to import energy from countries that don't like us or when we have the opportunity to actually export energy—American energy—to our allies, this dramatically strengthens our Nation's national security.

The Presiding Officer and I both sit on the Armed Services Committee. We have heard for years from the Department of Defense's military and civilian leaders. Whether he be Secretary Carter, a Democrat, or Secretary Mattis, a great Marine general, they have all consistently emphasized this point: Making America the world's energy superpower will help with jobs, will help with our economy, and it will dramatically help our Nation's national security.

Let me conclude by telling a story that really emphasizes this point.

Last year, I attended the Halifax International Security Forum. National security leaders throughout the world attended. I was in a meeting with a great national security leader of this body, Senator JOHN MCCAIN, and we were meeting with a senior-level Russian dissident.

We asked him at the end of the meeting: What more can we do in our country to help push back against the Putin regime and the activities that it is undertaking to undermine U.S. interests around the world and in our own country? What more can we do?

He looked at us and said: The No. 1 thing that you can do is to produce more American energy.

Let me repeat that. In terms of national security, the No. 1 thing that we can do is to produce more American energy. We do it more responsibly and with the highest environmental standards of any place in the world. Opening the 1002 area in using those high standards—the world's highest standards—with the most advanced technology, will produce more American energy for the betterment of my State, my constituents, and for the whole country. We are on the cusp of passing a bill that will put more money in the hands of the middle class, grow our economy, and fulfill a 40-year-long dream for Alaska.

The might of America has always been and will always be in the ingenuity of our people—the ability of Americans to make decisions for themselves, to live their lives as they see fit, to build, to grow, and to make a better tomorrow for the next generation.

The American dream does not have a price tag, but it can be stymied. It can be stymied and stunted by an overbearing Federal Government that wants to hinder the freedom of the individual and an overbearing Federal Government that crushes economic hope and opportunity through overtaxation or overregulation. It does this by telling someone like Matthew Rexford, who is from a small village more than 5,000 miles from here, that he and his people cannot make better lives for themselves and for their children by developing resources on their own land.

That is going to end tonight. At long last, that is going to change, and the vast majority of Alaskans—Democrats and Republicans, Native and non-Native—are going to celebrate. I believe, when the American people realize and experience the positive benefits of this bill through stronger economic growth, better jobs, and more take-home pay, that they are going to celebrate too. I urge my colleagues to vote for this historic legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, it is a pleasure to be on the floor tonight with my friend the Senator from Alaska. The Navy salutes the Marine Corps and salutes him for his service before.

Now I just want to follow up on a couple of things that he mentioned. He need not stay on the floor if he doesn't want to, but he is more than welcome to as he spent a little bit of time criticizing the individual mandate.

Harry Truman used to say that the only thing new in the world is the history that we forgot and never learned. So I just want to take a minute and talk about the history of the individual mandate.

The individual mandate was not invented by Barack Obama. ObamaCare was never invented by Barack Obama—the idea for exchanges in all 50 States and the sliding scale tax credit to buy down the cost of healthcare in those exchanges. The idea to have an individual mandate so that everybody has to buy healthcare and that if you are not eligible for Medicaid or Medicare, you need to get healthcare and that, if you don't, there is a fine was not Barack Obama's idea. The idea that employers of a certain size and with a certain number of employees have to provide healthcare coverage for their folks was not a Barack Obama idea. The notion that the insurance companies could not deny coverage to folks who had preexisting conditions was not an idea that was invented by Barack Obama.

ObamaCare with those five provisions—exchanges in every State, a sliding scale tax credit to buy down the cost of the care, the individual mandate to make sure that everybody is getting coverage, the employer man-

date by which the employer has to cover the employees, the prohibition against insurance companies in their not providing coverage for those with preexisting conditions—had its origin from right here in the U.S. Senate in 1993—right here in 1993.

The legislation was introduced by a Republican Senator from Rhode Island, Chafee. It was cosponsored by 22 other Republican Senators, including the chairman of the Finance Committee—one of the people I most admire here in this body.

Those five ideas didn't go anywhere in 1993, but do you know who took them? A Governor of Massachusetts took those five ideas and said: Maybe we could use those five ideas to cover everybody in the State of Massachusetts. Governor Mitt Romney created RomneyCare. Do you know what? For the most part, it worked. It covered just about everybody there. Initially, it had problems with affordability, but it has done better over time.

When we worked on the Affordable Care Act, we took that Republican Senate proposal from 1993. We took RomneyCare from 2006, and we included it in the Affordable Care Act because it was a market-based approach to making sure that everybody who didn't get coverage from their employers and who were not eligible for Medicaid and were not eligible for Medicare could get coverage.

We see in this legislation before us tonight not just changes to the Tax Code but also a further effort to destabilize the exchanges, which is something that the current administration spends a lot of time trying to do. It is a Republican idea. It is a market-based approach. They happen to be good ideas. They happen to work in Massachusetts, and they could work in the 49 other States if we didn't have an administration and my colleagues here in this body and in the House who were trying to destabilize the exchanges.

I hope that when this legislation passes and we repeal the individual mandate that we will not just repeal it. Why do we have it in the first place? It is to make sure that young, healthy Americans are going to be getting coverage in the exchanges. You can't just have sick and elderly people in the exchanges. You have to have some young, healthy people in there too. That is why we have the individual mandate. If we are going to get rid of it, we need to replace it with something that works at least as effectively. That is one of the things that we need to work on in our going forward between now and 2019 when the individual mandate is repealed under this legislation.

I had the privilege of serving as the Governor of my State of Delaware for 8 years. During those 8 years, we cut taxes in 7 out of the 8 years. We also balanced our budgets for 8 years in a row. We paid down some of our debt.

We earned AAA credit ratings for the first time in the State's history. We still have them. For those 8 years, we had a general assembly whose majority was Republican in the House and whose majority was Democrat in the Senate. Do you know what we did? We actually worked together. We worked together in that we used sound budgeting practices, and we used sound economic analyses and forecasts. We worked together, but neither side got everything it wanted.

In Delaware, we have something that we call the Delaware Way. I describe it with the letter C—four Cs—communicate, compromise, collaborate, civility. That is it. That is the Delaware Way—communicate, compromise, collaborate, and use some civility. We don't do much of that around here, and we are the worse for it.

During those years that I was privileged to be Governor and we cut taxes for 7 out of the 8 years, I would read each tax proposal with four questions. One, is it fair? Two, does it foster economic growth or impede it? Three, does it simplify the Tax Code or make it more complex? Four, what does it do to the deficit? Do we end up with a deficit? Do we end up with a balanced budget? Do we end up with a surplus? I asked those four questions.

Twenty years later, as we took up tax reform here in the U.S. Senate, I asked the same four questions. Is it fair? Does it foster economic growth? Does it simplify the Tax Code? What does it do to the budget or to the deficit situation that we face? Those are the four questions.

Others have already talked about fairness. Let me just say that when you look at what is going to happen in the first couple years after the passage of this legislation, lower income folks, families, are going to get a tax cut too. It is not just the wealthy; low-income families will get a tax cut, too, for a couple of years. Families making \$30,000 will benefit. They will end up lowering taxes for the first 2 years after the implementation of this legislation. After 3 or 4 years, families making \$40,000 or less will be on the losing side. After 5 years, families making \$50,000 will be on the losing side. After 8 or 9 years, families making as much as \$75,000 will not be paying less taxes, they will actually be paying more taxes.

Meanwhile, folks whose income is half a million, \$1 million, or more, for the most part will realize very substantial reductions in their taxes—very substantial reductions—and as that income goes up, the greater those reductions will be in their tax obligation. Some people ask: Is that fair? It depends on whom you ask. If you happen to ask people who are making \$30,000 or \$40,000 or \$50,000 a year, maybe not. It is fair for a while but not for long enough.

I mentioned the 8 years I served as Governor of our State and how we balanced our budget to pay down debt and got an AAA credit rating. More jobs were created in those 8 years than any 8 years in the history of the State of Delaware. I did not create any of them. I did not create one of them. I helped create a nurturing environment for job creation in our State so that little businesses could get started and grow into bigger businesses and bigger businesses could make a profit and hire more people. The Tax Code is an important ingredient in nurturing an environment for job creation and job preservation—not the only ingredient but an important ingredient.

Senator CARDIN stood right in front of me a little while ago and talked about how important it is to have certainty and predictability. That is almost as important as the tax rates, to actually know what we are going to face and not face, the uncertainty of rates going up or down and the rules changing in the years to come. But I would like to run through a short list of other ingredients needed in the nurturing environment that I don't believe we are addressing in these changes to the Tax Code.

One is commonsense regulations, regulations that protect us, protect our health, our environment, and do so in a way that is cost-effective.

Another way to create a nurturing environment is to make sure that we are producing, out of our high schools, colleges, universities, and community colleges, people who can read, write, think, use math and have technology skills in science and engineering. The inability to come out of these schools and go to work in the millions of jobs that are going unfilled these days is because the skill sets that are demanded by employers for these millions of jobs are not met by the people who are looking for work, for the most part, except for about 800,000 people—the DACA folks who fill 800,000 of those 3 or 4 million jobs that are unfilled.

What is another ingredient? Access to capital, the ability of a business to get money, to raise money to be able to invest in plant and equipment and in employees in the workforce.

Another is access to foreign markets to be able to sell the products or the services we provide to other countries around the world, get into those markets.

Another is energy costs. My colleague from Alaska said in his comments that one of the things we ought to be in America is the superpower of energy. Who invented nuclear energy? We did. We are the Saudi Arabia of coal. We are the Saudi Arabia of natural gas. We create, as far as I know, as much electricity from wind and solar as I think any nation on Earth, and we need to do a whole lot more, and we can.

With regard to healthcare costs, we pay way too much money for healthcare in this country. Actually, we have a pretty good idea of how to bring it down. One of those good ideas is the exchanges, and if we stop undermining them and degrading them and destabilizing them, they would actually work like they do in Massachusetts and a bunch of other States.

Public safety is a key ingredient among the forces and factors that are helpful in creating that nurturing environment.

Investing in research and development that could be commercialized in terms of jobs and economic opportunity is hugely important.

There is also protecting intellectual property, protecting against cyber attacks, transportation, infrastructure. Earlier this year, the Nation's Society of Civil Engineers evaluated our transportation infrastructure in this country, and again this year, D—"d" as in dog—because our roads, highways, and bridges are in deplorable shape in many parts of this country. Did we invest any money in that in this tax bill? If I had \$1 trillion to invest in this country to strengthen our economy, I would put it in infrastructure, roads, highways, bridges, ports, airports, broadband, just deploying broadband in vast areas of the country and rural areas of the country where we don't have access to the internet. That is what I would do. We don't do any of that in this legislation.

In terms of economic growth and job creation, what we are told by most economists is, sadly, a lot of companies will make extra money from—realize greater profits from the changes in the Tax Code, the majority of them. According not to me but to economists who are a lot smarter than I, a good deal of that money is not going to further investments in plant and equipment, not into their workforce, it will be turned into dividends and stock buybacks and not to create the kind of economic growth we all want.

Let me talk a minute about the third question I always ask about tax reform proposals; that is, does it simplify the Tax Code or make it more complex?

During our markup, our vote, and debate in the Finance Committee on the proposals, one of my colleagues—I think it was Senator MCCASKILL—had a stack about this tall of the Federal Tax Code. One of our expert witnesses from the Joint Tax Committee was asked: Will this legislation that is before us tonight actually make that stack of books that make up the Tax Code—is it going to make it smaller?

He said: No, quite the opposite—it is going to make it larger. Now, the idea of doubling the standard deduction, enabling more people to not have to itemize their taxes—that makes the Tax Code simpler. That is a good idea. But overall, when you look at all the

other changes in this legislation, that stack which represents the Tax Code is not going to go down; ultimately it is going to go up.

Those are not my words but the testimony from the Joint Tax Committee.

Lastly, what is going to be the effect of these tax changes? What is going to be the effect on the budget deficit? And here is where I think we really missed the boat. When Bill Clinton became President in 1993, we were in a deficit. We were in a recession, and he became President. Eight years later, when he turned the reins over to George W. Bush—in those 8 years, more jobs were created than in any 8-year period in the history of the United States. On top of that, in the last 4 years of that administration—1998, 1999, 2000 and 2001—we had a balanced budget and a surplus. When the reins of leadership were turned over to the next administration, George W. Bush's, I think CBO was forecasting a budget surplus of at least \$5 billion, probably more. There was a concern that we were actually growing the surplus too fast.

Well, it didn't take too long for the surpluses to be eliminated, and when that administration came to an end, we were in the worst economic recession since the Great Depression. We called it the great recession. We went from 4 years of surpluses to the worst economy since 1930. That is what Barack Obama and Joe Biden and a new Congress in 2009 inherited.

I know some of my colleagues think that there has not been any kind of economic recovery. Just look at where we were in 2008 and 2009. For the last 8 years, we have had economic growth and job creation for 8 consecutive years. I don't think we have ever seen that kind of sustained economic growth in the history of our country.

Instead of paying down debt after 8 years of economic growth and job creation, we actually, last year, increased the deficit by \$666 billion. With this legislation, we are going to add another roughly \$2 trillion to our debt over the next 10 years.

This is a missed opportunity, folks. It doesn't have to be this way. There are good ideas in this legislation. The corporate tax rate is too high. Let's bring it down. I am for that. The standard deduction ought to be doubled. I think Democrats are for that. The child tax credit ought to be increased, maybe doubled, made refundable to help lower income families too. I am for that. The capital gains rate maintained where it is—I am for that. The repatriation of overseas profits—I am for that. There are a lot of things I think could actually serve as a foundation on which we could come to an agreement on bipartisan legislation. As far as I am concerned, we never really had a fair chance.

I will close with an African proverb. My friend Senator SCOTT is about to

follow me, and he has heard me say this before. The old African proverb says: If you want to go fast, travel alone. If you want to go far, travel together.

If you want to go fast, travel alone. If you want to go far, travel together. We should have traveled this road together. If we had, we would have maybe some short-term pain but long-term gain. But I fear that with this legislation, it will be just the opposite. There will be some short-term gain but I figure, in the long run, long-term pain.

With that, Mr. President, I yield the floor and will pass it on to my friend from South Carolina.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to this debate for a long time, and I have to admit it has been interesting, but it has been prolonged way beyond where it should have been.

My friends on the other side make much about this process, demeaning the Members and staff who really put it together.

This bill was marked up in the Finance Committee. It is the first reconciliation bill to be processed in committee in the Senate in over 12 years. During that period, Democrats held power for 8 of those years; Republicans, 4 of those years.

The reconciliation bill that made up part of the Affordable Care Act never went through the Finance Committee. That reconciliation bill never went through any real Senate process. To be fair, the Affordable Care Act repeal bill that my side proposed didn't go

through the Finance Committee either. As difficult as it was, as chairman, I put out a chairman's mark, modified it, permitted debate and amendments, and put it to a vote, all in conformity with committee rules. We had a full Senate debate, amendments, and votes. So I don't want to hear tonight or at any time that the process deteriorated. It didn't deteriorate.

Mr. BROWN. Will Senator HATCH yield for a question?

Mr. HATCH. No, not just yet. I am going to finish these remarks.

I am going to insert in the RECORD an analysis of winners and losers. The analysis is dated today. It was produced by the nonpartisan Joint Committee on Taxation.

Mr. President, I ask unanimous consent to have it printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Reserving the right to object, Mr. President, I would just like to ask Senator HATCH a question.

Mr. HATCH. I have the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. I want to state my objection. There is objection, Mr. President. I would like to state my objection. May I state the reason for my objection?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, then I will withhold the unanimous consent request.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BROWN. Mr. President, may I state the reason for my objection?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, I have just withdrawn the request. I will insert it later when it is more expeditious to do it.

The announcements I have been talking about is dated today, and it was produced by the nonpartisan Joint Committee on Taxation. I would like to put it in the RECORD. We will do that, if we can. I hope my colleague will allow me to do that, and I will ask consent that it be put in the RECORD.

That analysis shows that middle-income taxpayers are winners. That nonpartisan data shows—sorry, my writing is not too good here—well, it shows that they are winners, and that is the clear impact of this bill. That data cuts through the rhetorical fog generated by my friends on the other side.

My friends on the other side focus on the year 2027—10 years from now—when, guess what, that is the year past the sunset of tax cuts on the individual side. Focus on the years the cuts are in effect, and you will see the middle class are really winners. There is no question about it if you focus on it.

I ask unanimous consent that this report, "A Distribution of Returns by the Size of the Tax Change for the Conference Agreement for H.R. 1, the 'Tax Cuts and Jobs Act,'" by the Joint Committee on Taxation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A DISTRIBUTION OF RETURNS BY THE SIZE OF THE TAX CHANGE FOR THE CONFERENCE AGREEMENT FOR H.R. 1, THE "TAX CUTS AND JOBS ACT"

[Calendar Year 2019]

INCOME CATEGORY (2)	Percentage of Returns				
	Tax Decrease		Tax Change Less than \$100	Tax Increase	
	Greater Than \$500	\$100–\$500		\$100–\$500	Greater Than \$500
Less than \$10,000	0.7%	3.5%	95.6%	0.1%	0.1%
\$10,000 to \$20,000	5.6%	38.9%	52.4%	0.4%	2.7%
\$20,000 to \$30,000	17.2%	30.5%	47.1%	1.0%	4.1%
\$30,000 to \$40,000	30.1%	32.0%	32.4%	1.9%	3.7%
\$40,000 to \$50,000	51.2%	21.7%	20.2%	2.8%	4.2%
\$50,000 to \$75,000	67.7%	14.7%	10.2%	2.8%	4.6%
\$75,000 to \$100,000	77.8%	10.4%	4.1%	3.0%	4.8%
\$100,000 to \$200,000	87.0%	4.1%	1.7%	2.0%	5.1%
\$200,000 to \$500,000	93.0%	1.8%	0.6%	0.9%	3.7%
\$500,000 to \$1,000,000	93.5%	0.3%	0.1%	0.3%	5.9%
\$1,000,000 and over	85.3%	0.3%	0.2%	0.3%	13.8%
Total, All Taxpayers	48.3%	17.2%	28.9%	1.7%	3.8%

Source: Joint Committee on Taxation

Detail may not add to total due to rounding.

(1) This table is a distributional analysis of the proposal in revenue table JCX-67-17, excluding the following sections: I. Tax Reform for Individuals: D.4.–7., E.1D.–E.2., F., and 1.2–1.13. Under section H., the distributional analysis does not include the effect of the cost-sharing reductions and change in Medicaid spending.

(2) The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] worker's compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U.S. citizens living abroad. Categories are measured at 2017 levels.

(3) The categories reflecting the size of tax change are indexed for inflation.

A DISTRIBUTION OF RETURNS BY THE SIZE OF THE TAX CHANGE FOR THE CONFERENCE AGREEMENT FOR H.R. 1, THE "TAX CUTS AND JOBS ACT"

[Calendar Year 2021]

INCOME CATEGORY (2)	Percentage of Returns				
	Tax Decrease		Tax Change Less than \$100	Tax Increase	
	Greater Than \$500	\$100–\$500		\$100–\$500	Greater Than \$500
Less than \$10,000	0.4%	2.4%	96.8%	0.1%	0.2%
\$10,000 to \$20,000	5.8%	33.2%	55.1%	0.7%	5.1%

A DISTRIBUTION OF RETURNS BY THE SIZE OF THE TAX CHANGE FOR THE CONFERENCE AGREEMENT FOR H.R. 1, THE “TAX CUTS AND JOBS ACT”—Continued
[Calendar Year 2021]

INCOME CATEGORY (2)	Percentage of Returns				
	Tax Decrease		Tax Change Less than \$100	Tax Increase	
	Greater Than \$500	\$100–\$500		\$100–\$500	Greater Than \$500
\$20,000 to \$30,000	14.6%	27.7%	49.0%	1.4%	7.2%
\$30,000 to \$40,000	25.2%	28.9%	36.4%	2.5%	7 0%
\$40,000 to \$50,000	45.6%	21.2%	22.5%	3.3%	7.4%
\$50,000 to \$75,000	61.7%	15.2%	12.3%	3.6%	7.2%
\$75,000 to \$100,000	72.2%	12.2%	5.0%	3.9%	6.7%
\$100,000 to \$200,000	82.4%	5.2%	2.1%	3.0%	7.3%
\$200,000 to \$500,000	88.5%	2.5%	1.1%	1.8%	6.1%
\$500,000 to \$1,000,000	90.5%	0.4%	0.3%	0.4%	8.4%
\$1,000,000 and over	80.1%	0.3%	0.2%	0.5%	18.8%
Total, All Taxpayers	44.8%	16.2%	30.5%	2.3%	6.2%

Source: Joint Committee on Taxation
Detail may not add to total due to rounding.
(1) This table is a distributional analysis of the proposal in revenue table JCX–67–17, excluding the following sections: I. Tax Reform for Individuals: D.4–D.7., E.1–E.2., F., and I.2–I.13. Under section H., the distributional analysis does not income the effect of the cost-sharing reductions and change in Medicaid spending.
(2) The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] worker’s compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U.S. citizens living abroad. Categories are measured at 2017 levels.
(3) The categories reflecting the size of tax change are indexed for inflation.

A DISTRIBUTION OF RETURNS BY THE SIZE OF THE TAX CHANGE FOR THE CONFERENCE AGREEMENT FOR H.R. 1, THE “TAX CUTS AND JOBS ACT”
[Calendar Year 2023]

INCOME CATEGORY (2)	Percentage of Returns				
	Tax Decrease		Tax Change Less than \$100	Tax Increase	
	Greater Than \$500	\$100–\$500		\$100–\$500	Greater Than \$500
Less than \$10,000	0.2%	2.0%	96.9%	0.6%	0.3%
\$10,000 to \$20,000	5.1%	29.2%	56.4%	4.3%	5.0%
\$20,000 to \$30,000	13.1%	26.6%	50.6%	2.7%	7.0%
\$30,000 to \$40,000	19.8%	28.6%	40.3%	3.7%	7.5%
\$40,000 to \$50,000	39.9%	20.0%	27.2%	4.9%	8.0%
\$50,000 to \$75,000	54.8%	15.2%	15.7%	5.5%	8.8%
\$75,000 to \$100,000	63.1%	14.6%	7.4%	5.3%	9.7%
\$100,000 to \$200,000	73.6%	6.4%	3.1%	4.6%	12.3%
\$200,000 to \$500,000	70.1%	3.6%	2.1%	2.8%	13.4%
\$500,000 to \$1,000,000	83.0%	0.7%	0.4%	0.8%	15.2%
\$1,000,000 and over	65.8%	0.7%	0.7%	0.8%	32.0%
Total, All Taxpayers	39.7%	16.0%	32.2%	4.0%	8.1%

Source: Joint Committee on Taxation
Detail may not add to total due to rounding.
(1) This table is a distributional analysis of the proposal in revenue table JCX–67–17, excluding the following sections: I. Tax Reform for Individuals D.4–D.7., E.1–E.2., F., and I.2–I.13. Under section H., the distributional analysis does not income the effect of the cost-sharing reductions and change in Medicaid spending.
(2) The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] worker’s compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U.S. citizens living abroad. Categories are measured at 2017 levels.
(3) The categories reflecting the size of tax change are indexed for inflation.

A DISTRIBUTION OF RETURNS BY THE SIZE OF THE TAX CHANGE FOR THE CONFERENCE AGREEMENT FOR H.R. 1, THE “TAX CUTS AND JOBS ACT”
[Calendar Year 2025]

INCOME CATEGORY (2)	Percentage of Returns				
	Tax Decrease		Tax Change Less than \$100	Tax Increase	
	Greater Than \$500	\$100–500		\$100–500	Greater Than \$500
Less than \$10,000	0.3%	3.3%	95.6%	0.6%	0.3%
\$10,000 to \$20,000	6.1%	29.4%	55.2%	4.3%	4.9%
\$20,000 to \$30,000	13.8%	25.8%	50.0%	3.4%	7.0%
\$30,000 to \$40,000	19.7%	26.9%	41.8%	4.3%	7.4%
\$40,000 to \$50,000	38.9%	18.2%	29.0%	5.6%	8.3%
\$50,000 to \$75,000	53.0%	15.2%	16.2%	6.2%	9.5%
\$75,000 to \$100,000	61.4%	14.5%	7.3%	6.0%	10.9%
\$100,000 to \$200,000	70.7%	6.8%	3.1%	5.1%	14.4%
\$200,000 to \$500,000	75.1%	3.8%	1.8%	3.3%	16.0%
\$500,000 to \$1,000,000	80.2%	0.8%	0.6%	0.8%	17.6%
\$1,000,000 and over	63.3%	0.5%	0.3%	0.8%	35.0%
Total, All Taxpayers	38.9%	15.8%	31.9%	4.4%	8.9%

Source: Joint Committee on Taxation
Detail may not add to total due to rounding.
(1) This table is a distributional analysis of the proposal in revenue table JCX–67–17, excluding the following sections: I. Tax Reform for Individuals: D.4–D.7., E.1–E.2., F., and I.2–I.13. Under section H., the distributional analysis does not income the effect of the cost-sharing reductions and change in Medicaid spending.
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A DISTRIBUTION OF RETURNS BY THE SIZE OF THE TAX CHANGE FOR THE CONFERENCE AGREEMENT FOR H.R. 1, THE "TAX CUTS AND JOBS ACT"
(Calendar Year 2027)

INCOME CATEGORY (2)	Percentage of Returns				
	Tax Decrease		Tax Change Less than \$100	Tax Increase	
	Greater Than \$500	\$100–\$500		\$100–\$500	Greater Than \$500
Less than \$10,000	0.3%	1.1%	96.6%	1.8%	0.2%
\$10,000 to \$20,000	1.9%	1.4%	72.9%	19.8%	3.9%
\$20,000 to \$30,000	3.4%	2.3%	72.0%	17.2%	5.1%
\$30,000 to \$40,000	4.9%	4.8%	69.4%	14.6%	6.3%
\$40,000 to \$50,000	6.2%	7.0%	65.6%	14.6%	6.6%
\$50,000 to \$75,000	6.0%	10.9%	61.5%	15.0%	6.6%
\$75,000 to \$100,000	8.9%	17.8%	54.2%	13.5%	5.6%
\$100,000 to \$200,000	16.2%	24.2%	34.1%	17.8%	7.7%
\$200,000 to \$500,000	32.8%	18.1%	15.3%	17.6%	16.2%
\$500,000 to \$1,000,000	54.7%	7.9%	4.5%	7.3%	25.6%
\$1,000,000 and over	58.2%	2.4%	1.1%	1.9%	36.4%
Total, All Taxpayers	8.6%	10.4%	59.9%	14.8%	6.3%

Source: Joint Committee on Taxation
Detail may not add to total due to rounding.
(1) This table is a distributional analysis of the proposal in revenue table JCX-67-17, excluding the following sections: I. Tax Reform for Individuals: D.4.–D.7., E.1.–E.2., F., and I.2.–I.13. Under section H., the distributional analysis does not include the effect of the cost-sharing reductions and change in Medicaid spending.
(2) The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus: [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] worker's compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, [8] individual share of business taxes, and [9] excluded income of U.S. citizens living abroad. Categories are measured at 2017 levels.
(3) The categories reflecting the size of tax change are indexed for inflation.

Mr. HATCH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, we have had an opportunity for the last several hours to go back and forth to debate the benefits or the negatives of this bill. This is a historic night for America 31 years in the making. If you are watching this debate at home, you might be a little confused. As Democrats and Republicans continue to talk about the same bill using very different perspectives, folks must be wondering where is the truth.

I would like to spend a few minutes clarifying some of the important points, some of the misinformation that is coming from the left. First, this is not a healthcare bill. Our friends on the left have suggested that somehow, some way this bill will eliminate coverage for millions and millions of Americans, and they will lose their coverage. The only thing this bill actually does is it eliminates the penalty for those folks who decide not to buy health insurance. In other words, this bill reduces the tax burden on families who are working paycheck to paycheck. One-third of the families who pay the penalty are families who make less than \$25,000, and 80 percent of the folks who pay the penalty make less than \$50,000. Contrary to popular belief on the left, no one loses their insurance, but they will have the option to do what is in their family's best interest, what is in the individual's best interest.

We have sought for ways to work with our friends on the other side because we know this legislation is not about the Republican Party, it is not about conservatives, nor is it about liberals. It is about Americans—Americans who for too long have worked too hard and have seen too little in their paychecks.

The government does not create jobs. No matter what either side says, we

don't create jobs, but we can, through this tax reform package, increase take-home pay by taking less out. Now, some may ask the question, What does that mean taking less out? Well, for your average, single parent in America who makes the average income of \$41,000, as my good friend from Alaska already stated, that individual household will see about a 73-percent cut in their taxes. Said differently, that means an increase in their take-home pay.

Now, I was thinking about folks back at home in South Carolina—one person in particular—Sherrie, who is a single mother with two kids and trying to start a new business. Here is an opportunity to have just a little more margin at the end of each pay period—\$1,300. These are real dollars, and my friends on the left seem to suggest that a 73-percent cut in the typical single-parent household's tax burden is not an increase.

Well, the story continues. For the average family in America making \$73,000, they are looking at a tax cut of 58 percent—over \$2,000 more in their paycheck. When I talk to my friends who are typical Americans—Michelle and Joe living in South Carolina, working hard, raising two beautiful kids—having a 60-percent cut in their taxes is real middle-class relief.

This is a bill that delivers, and the good news is, only in about 7 or 8 weeks, the average American will have an answer to which side is right; is it the left or is it the right? The fact is, they will be able to take a look in their own paychecks and determine for themselves the benefits of this tax cut.

When we think about the things we should be working on to restore confidence that the average person has lost in the government, we do that by making sure our tax proposal speaks to the average family. So we do double the standard deduction for individuals from \$6,300 to \$12,000; for single-parent households from \$9,300 to \$18,000; and

for two-earner households, we essentially create a zero-percent tax bracket for folks living at the Federal poverty level of \$24,000. By doubling the standard deduction to \$24,000, we have essentially created a zero-percent tax bracket.

The good news is, it gets better. For those folks with children in the house where your child tax credit used to be \$1,000, now the child tax credit is \$2,000, with 70 percent of that amount being refundable—an increase from what it used to be.

So many folks on the other side have talked about whether this is simplification, but when 95 out of 100 tax filers can simply use the standard deduction, it means that, yes, on the back of a clean piece of paper, someone can determine their tax burden. This is good news. Of the 6 billion hours spent annually doing their taxes, we are going to cut that number down significantly.

For our friends living in blue States where the SALT, State and local tax, debate has been so important, we have decided to sweeten the SALT solution by allowing a hybrid of either your property taxes or income taxes to be used within that \$10,000 threshold.

We have even made it easier through 529 plans to prepare and to pay for education, K-12, as well as college.

The one thing I will say that we have heard a lot of from our friends on the other side—and you will hear more of it tonight—it is FEAR. It is an acronym that means false evidence appearing real. It is not the truth, but fear sells. It seems as though my friends on the other side have decided, if you just keep saying it, it must be true, and over and over and over—and we will hear it more when I am finished—there are folks demonizing this legislation.

The facts are simple, and Senator CARDIN said it himself. I wrote it down when he said it because I was like: Wow. That is a clear, concise, true

statement. Senator CARDIN said major tax relief for families, our bill.

We are on the verge of resetting American competitiveness. By lowering our corporate tax rate, we will allow the jobs of the future to be created here at home. With a 20-percent cut in your qualified business income, we will see small businesses prospering, and when they prosper, they will hire more folks. When I was in the gym this past weekend, a small business owner who runs a battery company with seven employees said, on January 1, he is hiring a new person.

A survey done of 7,000 manufacturers, the vast majority said that with this tax cut, they will hire more people, they will increase wages, and they will improve benefits. This is good news from a global perspective, this is good news from a small business perspective, and this is good news from an individual perspective.

It is time for us to complete the people's business and vote yes for tax cuts, vote yes for an improved business climate, and vote yes for a global competition where American companies and American workers are winning.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Oregon.

Mr. MERKLEY. Mr. President, one thing is for sure, this is not the people's business. This is the business of the powerful and privileged. Well, this is really a bank heist. How big is this bank heist? Well, it is about \$3 trillion being delivered to the very richest Americans. Let's add it up. Changing the tax brackets for those who earn more than \$200,000, \$673 billion; changing the individual alternative minimum tax which only affects the very wealthy, \$637 billion; changing the estate tax, \$83 billion; changing the corporate tax rate, most of which goes to the advantage of the wealthiest Americans, \$1.35 trillion; changing the corporate AMT, \$40 billion; and the pass-through legislation that favors the wealthiest LLCs, \$414 billion. Add it all up, and it is well over \$3 trillion. There it is—\$3 trillion. It is \$3 trillion for the very richest Americans.

Is that the middle-class tax cut? Think about how much this is per person here in the United States of America. About \$8,000 per person in America is being taxed so they can give \$3 trillion to the very richest Americans. Is that a fair, square deal?

What if we were to spend \$3 trillion on the middle class? What if we were to do that? What if we were to invest a trillion dollars of it in infrastructure? It creates a lot of jobs today, and it creates the foundation for a lot of jobs tomorrow and the year after.

What if we were to spend a trillion dollars on healthcare? We could go a long way in terms of greatly amplifying the success and quality of the work from our community health clin-

ics—making sure, basically, that healthcare is a fundamental, affordable right for every American. We can do a lot on healthcare with a trillion dollars.

What could we do, I ask my Republican friends, with \$1 trillion in education? How about spending \$500 billion to strengthen our K-12 system and another \$500 billion to strengthen and to make college affordable for every single American?

This \$3 trillion this bill gives to the richest Americans is the biggest bank heist not just in American history but in the history of the world, happening here tonight and brought to us by the powerful and the privileged.

This is absolutely unacceptable. While the rich gloat over all the gold they are piling up—3 trillion dollars' worth—middle-class Americans get coal in their stocking. This tax scam so favors the wealthy that 83 percent of the benefits goes to the richest 1 percent. Is that the middle-class bill? I don't think so.

This bill sends jobs overseas, hurting middle-class Americans.

This bill increases our national deficit and our national debt, making it much harder to have programs that provide a foundation for families to thrive.

This bill destroys healthcare for 13 million Americans. Analyst after analyst says it will also raise insurance premiums for everyone else who buys healthcare. Wow, talk about clobbering the middle class by destroying healthcare for 13 million people and raising the premiums on healthcare for everyone else buying insurance.

So over here, we have the pile of gold—\$3 trillion for the richest Americans—and over here, we have the loss of jobs shipped overseas. We have the increased price of healthcare. We have 13 million American people losing their healthcare.

Then we have the second phase of the Republican plan, which was announced by the Speaker of the House last week. This week we pass \$3 trillion for the wealthiest Americans, but what do we do after that? We go after Medicaid, Medicare, and Social Security. That is the plan we heard from the Speaker of the House.

This is a diabolical bill. This is an abomination in a government of, by, and for the people.

How does it come to pass that we even have this bill under consideration? I will tell you how. It is a cycle of campaign corruption. Megabillionaires fund the campaigns for the Senate and then have people come in here to pass this bank heist for the billionaires. That is the cycle—Citizens United allowing unlimited funds invested by third-party campaigns. Corruption in campaigns produced this tax scam, this bank heist, this abomination against the people of the United States of America.

Now, Oregon has about 1 percent of the population in the United States. So what would be their share if we would, instead, invest that \$3 trillion in infrastructure, healthcare, and education? For Oregon, that would be \$30 billion. That is 30,000 \$1 million grants to invest in infrastructure that is needed all over our State, to invest in more teachers all over our State, and to invest in lower cost tuition so every child can go to a public university without debt.

But that is not what we have tonight—no. My friend across the aisle says that we are going to wave the magic wand and we are going to give all this money—all of this gold, all this \$3 trillion—to the richest Americans, and jobs are going to automatically appear. But it has been analyzed by the experts. They say this barely increases the growth of the economy—just a smidgeon, almost immeasurable.

Then, there are these countereffects. You have the challenge that this bill will create a lot of money for companies that are going to buy machines to replace people who work—accelerating the automation in America that destroys jobs. This bill is going to send jobs overseas, destroying the foundation for success for millions of American families. This money is going to be used for stock buybacks and dividends, enhancing the wealth of the already wealthy. That is why the experts say this is not going to create a phenomenal growth in our economy, a phenomenal number of jobs.

I would like to see us fight for middle-class Americans, fight for infrastructure and jobs, fight for healthcare, and fight for education. These are the foundations for thriving families, but that is not what we have tonight, and that is why anyone who believes in government of, by, and for the people should defeat this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, tonight the Senate will vote on a tax bill that will provide large corporations and wealthy individuals with a massive tax cut. The bill will result in well over \$1 trillion in debt that will be passed on to our children and our grandchildren.

The bill will result in dramatically lower taxes for people who earn their living off of stocks and investments, for people who inherit millions of dollars from their parents, and for the CEOs of multinational companies. By the time the bill is fully implemented, it will lead to higher taxes and higher healthcare costs for millions of hard-working Americans who show up each and every day to do their job and to earn a living.

This bill we are voting on today was written in secret in an entirely partisan fashion, without input from nearly half of the Senate.

But it didn't have to be this way. If we wanted to give middle-class families

a real tax cut, we could have. Instead, we are voting on a bill that has benefits for middle-class families that will expire just to pay for permanent tax cuts given to multinational corporations.

If we wanted to reform the Tax Code, to take away loopholes for offshoring our jobs, and to help create good-paying jobs here in the United States, we could have. Instead, we are voting on a bill that does nothing to target offshoring or job creation.

What will it do? Well, CEOs have told us directly that they are going to buy back stock, which mostly benefits the wealthiest shareholders and the CEOs with stock options.

When we know that over a third of the stocks that trade on the market are held by foreign investors—foreign investors are holding half of the value of the stock market—it is just impossible to argue that this bill is focused on Michigan families.

If we wanted to make the Tax Code simpler for small businesses, we could have. Instead, we are voting on a bill that includes some of the most complicated provisions you could possibly imagine for a small business owner.

If we really wanted to tackle our fiscal challenges in a responsible way, we could have. Instead, we are voting on the most fiscally irresponsible bill that I have ever voted on, adding \$1.5 trillion to the debt that our children and grandchildren will be responsible for, all while doing next to nothing for middle-class families.

This is not the way we are supposed to make policy in this country. The bill that is on the floor tonight is here without any hearings. We didn't hear from a single expert on the specifics of the bill—not a single economist, not a single small business owner, not a single middle-class family. It is simply wrong.

I urge my colleagues to vote no and to defeat this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, we need bipartisan tax reform. We should simplify our Tax Code. It has been filled over many years with all sorts of junk that was put there by high-powered lobbyists, rather than because of the public interests.

Unfortunately, this bill has nothing to do with tax reform. In fact, it is hard to believe you could take a tax code that is already stacked in favor of the very wealthy and the very powerful and make it even more favorable to the very wealthy and very powerful, but that is exactly what this Republican tax plan does.

Exhibit A about how this has nothing to do with tax reform has to do with the carried interest loophole. Many may recall that during the last campaign, whenever Candidate Trump

talked about the need to reform the Tax Code, what was his No. 1 example? He said: We have to get rid of the carried interest loophole for hedge fund managers. Go back and run the tape. Every time somebody asked him what was broken about the Tax Code, that is what he said. In fact, he said:

The hedge fund guys are getting away with murder. They're making a tremendous amount of money. They have to pay taxes.

That was Candidate Donald Trump.

Well, here we are. Shortly, we are going to vote on the final Republican tax plan. And guess what. In a tax plan that is over 500 pages, nowhere do they get rid of the carried interest loophole for hedge fund managers. Hedge fund managers are still going to get a better tax rate than the people who work for them—a better tax rate than their secretaries and a better tax rate than their assistants. So in Candidate Trump's words, in this tax bill, it looks like those hedge fund managers are still "getting away with murder."

That is why it is a farce to call this tax reform. It is stacking the Tax Code more in favor of the very wealthy and the very powerful. In fact, if you are a millionaire in America, you are going to get an average annual tax cut of \$70,000. That is great if you are a millionaire. At the same time, millions of middle-class taxpayers are going to pay more.

The folks who get the biggest windfall are big corporations. Their tax rate will go from 35 percent to 21 percent. Who are these folks? Well, primarily, they are the folks who are already the wealthiest people in this country, but I bet a lot of people will be surprised to learn that 35 percent of the stockholders in those American corporations are foreign stockholders. Thirty-five percent of the folks who have stock in these companies are foreigners.

In the year 2019, foreign stockholders are going to get a \$48 billion windfall from that big corporate tax cut. In that same year, 11 million Americans will pay more taxes. So money out of the pockets of middle-class American families will go into the bank accounts of foreign stockholders. That doesn't sound like America first to me. It doesn't sound like middle-class taxpayers first to me.

In fact, I want my colleagues to see just how skewed this tax bill is. I mentioned that about 11 million Americans are going to see their taxes go up right away, but if you take the tax cut for every working-class family in every State Donald Trump won in the last election and you add up all of their tax cuts, it is still \$5 billion less than what foreign stockholders get in the year 2019.

Think about that. These are families who make about \$100,000 or less. If you take the tax cut that every family in every State that Donald Trump won, and you add them all up, all those tax

cuts, it still comes out to less than foreign stockholders are going to get in the year 2019.

I will tell you, when the American public finds out what is in this tax plan, they are going to get madder and madder. I heard Speaker RYAN say: Well, people are going to see the result, and they are going to like it. The more they see the results, the madder they are going to get. Here is the thing, it gets worse with time. There are some things that do well over time; this gets worse.

When this bill fully kicks in, the tax cuts for American families expire. They are small, relatively, to start with, then they expire, but the tax cuts for corporations, they are big and they are forever. You know what that means. That means those foreign stockholders are going to have their tax cuts go on forever.

In fact, when this fully kicks in 10 years from now, those foreign stockholders are going to get a \$23 billion windfall in that year, but average American families making \$75,000 or less—\$75,000 or less—on average, are going to see their taxes go up. They will see their taxes go up when this fully kicks in to give that windfall to foreign stockholders.

That is a bad deal for America. It is a bad deal for the middle class. We should say no to this tax bill. We should start over and do real tax reform that benefits middle-class families and those working their way into the middle class.

This is not it. Let's start over. Let's vote this down.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, tonight is a momentous evening, but it is also a sad evening. It is a momentous evening because the Senate is on the verge of passing historic tax cuts that are designed to bring back jobs and economic growth, to create millions of new jobs, to raise wages, and to cut the taxes on working families, but it is a sad day because it is a day of a demonstration of Democratic partisanship that is ill-fitting for the institution that is the U.S. Senate.

For two centuries, tax reform has been a bipartisan endeavor. For two centuries, Democrats have been willing to work with Republicans on cutting taxes.

In 1981 and in 1986, when Ronald Reagan enacted historic tax reforms and tax cuts, Democrats participated. Indeed, a Democrat, Tip O'Neill, was Speaker of the House. In the House, then a conservative Democrat, Bill Graham, carried the Ronald Reagan tax cuts. In the Senate, in 1986, one of the leaders was then a liberal Democrat, Bill Bradley, from New Jersey.

Those Democrats, the so-called conservative Democrats, the Democrats

interested in cutting taxes on working men and women have disappeared from this institution.

When the House first passed tax cuts, zero Democrats voted for it—zero—not a single Democrat in the entire body. When the Senate passed tax cuts, zero Democrats passed it. We can expect tonight not a single Democrat will break from party discipline. Why? Because they are so united in their rage at President Trump that they are willing to tell middle-class voters in their State: We don't care.

Tonight every Democrat is going to vote against doubling the child tax credit. If you are a single mom at home and you have three kids, right now the child tax credit is \$1,000. In just a couple of weeks, it is going to double to \$2,000 per kid, which means \$6,000 in tax credit in your pocket, and every single Democrat in this body is going to say to the single moms: Tough luck. We aren't cutting your taxes. What a sad statement.

We have seen floor speech after floor speech after floor speech where Democrats claim this tax cut is going to raise your taxes. There used to be a standard for veracity in this body, but the beautiful thing is, when one political party makes representations to the American people that aren't just a little bit wrong but are wildly outright falsehoods, that tends to become public.

The beautiful thing is in January the American people are going to see. So I am going to encourage the American people, in January, take a look at your pay stubs. The Democrats are claiming wildly, falsely that somehow your taxes are going to go up. Let me tell you, for virtually every American taxpayer in this country, your taxes will go down.

In the Old Testament, when someone came forward and claimed he was a prophet, the test the Old Testament provided is, if you claimed you were a prophet, the people were to demand, make a short-term prediction, and let's see if it comes true. Well, the Democrats have made a short-term prediction. They told the American people: Your taxes are going to go up. In January, take a look at it. I guarantee you, for that single mom, when you look at the child tax credit, your taxes are going down.

Every single income tax bracket is going down. Not only that, the standard deduction that you could take is doubling for a couple from \$12,000 to \$24,000. The first \$24,000 you make, you pay zero, nothing, nada. Yet the Democrats, with their friends, their compliant friends in the media, have succeeded in scaring people to think a historic tax cut is somehow a tax increase.

The beauty of it is, for every voter at home, determine if they are telling the truth or if they are misleading you be-

cause they are so filled with partisan animosity for the President that they can't vote for a tax cut. It is a sad state of affairs.

Despite that, this bill is going to pass. Despite that, we are going to see job creators, we are going to see farmers, we are going to see ranchers, and we are going to see small businesses growing because the taxes on each of them are going to go down. We are going to see the taxes for working families go down.

By the way, there is one subset of people whose taxes will go up under this, the rich people in high-tax Democratic States. The irony of all the high dudgeon from our Democratic friends pounding the table about this is a tax cut for the rich, the only people whose taxes are going up are the really rich. The middle class, their taxes are all going down. The working class, their taxes are going down. Every taxpayer, their taxes are going down, except rich people in Manhattan and San Francisco. Some of them, their taxes may go up.

You see this Kabuki theater of Senators on the Democratic aisle pretending: We won't defend the rich people by claiming we are defending the working class. Well, the facts are the facts are the facts, and the facts are the taxes for the working class are going down. Those are the facts, and you will see that.

I ask everyone watching at home, go look at your pay stub in January. If they weren't telling the truth, if you see in your pay stub you are paying less taxes, you ought to stop and ask: Gosh. Why did 48 Democrats in the Senate all tell me something that was false? Why did they say something that is not true in my family?

It is even sadder than that. One of the most important elements of this tax reform bill that we are getting ready to pass is an expansion of educational opportunities for parents. It is an amendment I introduced and this body passed. It was divided 50-50, and the Vice President cast a tie-breaking vote. It expanded 529 college savings plans.

Right now, 529 plans are immensely popular. Parents and grandparents can save for college education for their kids and grandkids in a tax-advantaged way. The amendment I introduced that this body adopted expands 529 college savings plans to also include K-12 education, to also include letting parents spend up to \$10,000 per child per year from a 529 plan on public school, on private school, on parochial school, or on religious school, and as the amendment was passed, on homeschools. It puts the parents in charge; it puts the grandparents in charge, saving their own money—not taxpayer money—their own money.

It is the most significant Federal school choice legislation that has ever passed the U.S. Congress.

You know what we are in the middle of, right? The Democrats have raised an objection. They raised an objection to all of it. They were horrified that a benefit could go to 50 million schoolkids, that parents would be able to save for those schoolkids. They raised an objection under the Byrd rule, which is an obscure procedure rule that nobody at home knows what it is, but they objected to it. They said: You can't benefit 50 million schoolkids.

Indeed, as we argued in front of the Senate Parliamentarian, one of the arguments the Democrats said is: This is really popular with the American people. We don't want to do something that is really popular with the American people. This is a big policy change. They love 529 plans, and now the parents of 50 million schoolkids—schoolkids in Texas and every other State—will be able to save for the education of their kids, and that has the Democrats horrified because every single Democrat voted against the parents in their State saving in a 529 system for K-12 education.

Well, the Senate Parliamentarian issued a ruling earlier tonight rejecting most of the Democratic claims but, sadly, adopted one small portion of it. I think that claim was an error. I think the Parliamentarian's ruling is contrary to Federal rule.

Let me tell you what the Democrats are objecting to because there was a moment for conscience to strike them. The Democrats' position—they have raised a point of order. The Senator from Vermont stood up and raised a point of order and said they want to exclude homeschoolers from 529 plans. There are 1.8 million kids who are homeschooled right now.

To every kid who is being homeschooled right now, to every parent, to every mom who puts in the time—some dads but a lot of moms who put in the time day after day after day homeschooling their kids, what every Democrat is standing up to do right now is saying: We are going to discriminate against homeschoolers. We are going to cut you out. Why? Because the Democratic Party can't stand the audacity of a parent who would take it upon himself or herself to educate their child free of centralized control. So their point of order is to carve homeschoolers out of this.

Now, one of the provisions they want to carve out is a provision that says homeschooled students can pay from a 529 college savings account for tutoring. Every Senate Democrat is getting ready to vote against tutors for children at home.

Another provision they are objecting to that is going to be carved out says that parents can pay for 529 plans for books, for additional materials, can pay for a student in high school who is duly enrolled in community college, can pay for that out of their own

money in a tax advantage plan. Do you know what the Democrats are saying? If you are a student signed up in a community college, we, the Democratic Party, object to you paying for that out of the tax advantage plan.

Let me tell you what is most striking, a provision the Democrats are arguing to strike provides that parents with a child with disabilities can pay for educational therapy from a 529 plan that is their own savings that they put together, and the Democrats are saying to the parents with kids with disabilities, no, you can't.

Let me ask my friends on the Democratic side of the aisle, are you prepared to look into the eyes of a kid with disability and explain why you said you are cut out? Every other child in America has the ability to have their tuition paid for from these 529 plans, but children with disabilities being homeschooled, the Democrats—and not one, not two, every single Democrat—stand united. Why? Because they can't stand the President. They are angry at the President.

That is fine. If they are angry at the President, stand up and yell at the President, but don't take it out on kids who are homeschooled. Don't take it out on kids with disabilities. The Democrats have an opportunity to demonstrate they are not going to punish children with disabilities because of their partisan anger. We have right now a motion to waive this mean-spirited, vindictive point of order that discriminates against homeschoolers and carves out kids with disabilities.

I would ask my friends on the Democratic side of the aisle—there are going to be issues we disagree on, but the vote to allow parents of children with disabilities to spend their own funds in a tax-advantaged fund to provide for educational therapy for those kids with disabilities—that ought to be 100 to nothing. All of us should agree on that. We might disagree on other things, fine. The death tax, or as Democrats like to call it, the estate tax—we can disagree on that. But educating kids with disabilities—you are really standing up raising that objection?

I would ask my friends on the Democratic side of the aisle: Don't do that. Don't discriminate against the homeschoolers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield back all remaining time for the majority.

The PRESIDING OFFICER. The Republican time is yielded back.

The Senator from Oregon.

Mr. WYDEN. Mr. President, the issue with the Cruz amendment is straightforward. The Byrd rule states that the primary purpose of a budget bill is to address spending and taxes. If, on the other hand, you are debating a major policy change and the budget impact is

merely incidental, the provision just doesn't comply with the Byrd rule. That is the case here.

The Cruz amendment has a modest budget impact, but the impact is vastly outweighed by the profound impact, as a matter of social and education policy, of providing Federal support for homeschooling for the first time. In fact, last week, the Senator from Texas called his section 529 homeschooling provision "the most far-reaching Federal school choice legislation bill ever passed." I agree with the Senator's assessment of his amendment. The issue of Federal support for homeschooling is, in fact, major policy. There is no question that there are parents who want to homeschool their kids. I am certain that many of them are very conscientious. Yet this is the first time the Federal Government would provide Federal support for homeschooling. That is why the Parliamentarian ruled against Senator CRUZ.

I urge my colleagues to vote against the Enzi motion to waive the Byrd rule point of order, which we will vote on shortly.

I also want to close for the Finance Democrats on this tax issue with some brief remarks. My colleague from Texas once again has been saying, as many Republicans have done tonight: Middle-class folks, wait until February. Your paychecks are going to be bulging.

Here are the facts. We just got them from the Joint Committee on Taxation—a specific table that shows that 60 million taxpayers with an annual income of \$200,000 or less will get \$100 a year in tax relief or a tax increase. That looks to me like a third of all taxpayers are not exactly going to have bulging paychecks the way we have heard from our colleagues on the other side of the aisle.

The fact is that some of the rhetoric we have heard from Republican colleagues tonight didn't sound half bad, so it is a real shame that the rhetoric doesn't resemble the plan on paper.

As I indicated, this bill is not centered on a middle-class tax cut. The fleeting sugar high the bill provides offers some middle-class families a modest amount of help, but it is basically a distraction from the giveaways to the multinational corporations and powerful donors.

One of our Republican colleagues tonight repeated that if passed, the deficit is going to drop when the bill is enacted. I just have to say that fantasy is over. Even independent conservatives are saying that there is no third alternate reality in which Republican tax bills perform magic.

I want to close tonight by saying to the public that I would really like to wrap this up with a warning: The American people should know that the far-right architects of this tax plan are going to be coming for your Social Se-

curity and Medicare before you take your Christmas tree down. That is the end game. That is what Americans need to know is coming next. And on this side of the aisle, we want the American people to know that we are going to be on their side.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I want to thank my colleague RON WYDEN for the excellent job he has done in leading the opposition to this bill. I am incredulous that someone on the other side of the aisle said that this will decrease the deficit. That is just amazing. The lack of factual fidelity for what is in the bill and what the other side is saying is unparalleled—unparalleled. I want to thank Senator WYDEN for his valiant efforts in pointing that out. I want to thank Senator SANDERS and Senator CANTWELL as well, the ranking members of our committees, who worked so hard on this bill.

In closing, very soon the Senate will vote for the final time on the Republican tax bill. When future generations look back at the short and messy history of the Republican tax bill, its most enduring lesson will be what it has taught us about how not to legislate. After only a few months of frantic, backroom negotiations by only one party, we are left with a product as sloppy and as partisan as the process used to draft it. Even today, three provisions of the bill were found to violate Senate rules. So now, all of a sudden, the House will have to vote again tomorrow. That is a perfect microcosm of the hasty and reckless process—can we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCHUMER. It is a perfect microcosm of the hasty and reckless process that produced this legislation.

If my Republican friends think these are the only mistakes that will be found in their bill, they are sorely mistaken. Many more will almost certainly be unearthed. But the bigger issue is the failure of this legislation to live up to each and every one of the promises made by Republicans about what it would mean for our country.

What has been sold as a middle-class miracle will instead deliver a hefty windfall to the wealthy and only paltry, temporary relief for some in the middle class. Others will see an increase right from the get-go. So all of the talk—no middle-class person will pay a tax increase—gone, gone. And in a few years, a majority of the middle class will see their taxes go up. What kind of middle-class relief is that?

What has been sold as a deficit reducer will instead balloon the deficit by at least \$1.5 trillion, maybe more. Our children and grandchildren will be asked to clean up the mess made tonight by our Republican colleagues in

their eagerness to give the very wealthy, the very powerful corporations, a big tax break.

What has been sold as a bill to give people more freedom to choose their healthcare will instead raise premiums and reduce the number of Americans with health insurance by 13 million. The number of people who get a small tax cut and still have to pay more than that tax cut in premium increases is large. What a huge mistake my colleagues made by eliminating that provision in the healthcare bill, because the middle class is going to pay the price.

What has been sold as a job creator and wage-booster will do little of either, as companies—large, big, powerful companies—are already initiating stock buybacks instead of hiring more workers and raising wages. Is that what you intended? Give them more money so they can buy back more stock, increasing the wealth of corporate CEOs, increasing the wealth of the very wealthy, sending billions of dollars overseas to overseas investors. That is what is happening already. Corporation after corporation has said: Aha, with this new money, we will do even more stock buybacks.

Ultimately, the American people will learn that Republicans have squandered their so-called “once-in-a-generation opportunity” on corporate welfare and taxes for the rich, financed by tax increases and healthcare increases on the middle class.

The Joint Committee on Taxation just released a report that found that by 2027, nearly 145 million middle-class families earning under \$200,000 will either get tax hikes—can we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCHUMER. This is serious stuff. We believe you are messing up America. You can pay attention for a couple of minutes.

Nearly 145 million middle-class families earning under \$200,000 will get either tax hikes or a tax cut of less than \$100. Eighty-three percent of the middle class will either pay more in taxes or get little but crumbs. Is that what you intended? Is that this great bill that is helping the middle class? Absolutely not.

Meanwhile, according to the Tax Policy Center, the top 1 percent of earners in our country will reap 83 percent of the benefits of the tax plan. The top 5 percent—the top 5 percent—will reap 99.2 percent of the benefits. Is that what you intended? That is what you are doing. The very, very wealthy—the highest spectrum—get almost all the benefits. Some bill for the middle class.

The raw numbers are a staggering indictment of the Republican tax plan, as they have been throughout the course of this debate. The data reveals what the Republican tax plan truly is—a tax

scam that will rob middle-class families to pay for corporate tax breaks and giveaways to the wealthy.

In an age of extraordinary income inequality, when the upper echelons of our economy are capturing an ever-greater share of the pie, the Republican tax bill is like pouring gasoline on a raging fire, making income inequality, as bad as it is now, even worse. It will exacerbate all the bad trends in our economy that over the past few decades have produced dramatically more wealth for the already wealthy, while producing less work and less pay for working people. That fundamental imbalance in our economy will be made even more precarious. What a disgrace. That is what this bill is. It is an absolute disgrace.

It is not just an ideological difference; it is something dramatically opposite of what America needs. There is no reason for a single middle-class family to pay more while every single corporation pays less. If you want to help the middle class, give them a real tax break. The rich get far more dollars back than the middle class. That is fact—an irrefutable fact.

On top of that, as Senator WYDEN warned everybody a few minutes ago, this tax bill will endanger Social Security and Medicare. Republicans have already said, led by Speaker RYAN, that they will use the deficit they are about to create as an excuse to come after those earned benefits. The AARP is very reluctant to take stands on bills like this, but it was so bad for the elderly, the AARP felt compelled to publicly oppose it.

Elderly Americans are not the only ones who should be worried, although they certainly should be. If you are 40, 45, or 50, working hard, trying to put money away for retirement while sending your kids to college, and you are counting on these programs to be there when you retire, know this: Cuts to Social Security, Medicare, and Medicaid are likely to fall on your shoulders because of this monstrosity of a bill. The Republican tax bill is the first shoe to drop. The second will fall on the social safety net that allows millions of hard-working Americans to retire with dignity and security.

For all of these reasons, it is not a surprise that in poll after poll after poll, the American people overwhelmingly oppose this bill.

My Republican colleagues have done what is nearly impossible. It is a bad trick, but they have accomplished it. They have managed to make a tax cut bill even less popular than previous tax hikes. Who would have thought they could accomplish that? Who would have thought? In fact, it is the second-least popular piece of major legislation in 30 years, opposed 2 to 1 by the American people, and the more they learn about the bill, the less they like it. By the way, what was the first? The Re-

publican healthcare bill earlier this year.

It is not hard to understand why the dark heart of the Republican policy agenda easing burdens on those who already have so much, while punishing or ignoring those who have too little, is a profoundly unpopular idea. My Republican friends ought to listen to the American people, the fount of wisdom in our democracy, or there will be a reckoning.

The American people do not believe in trickle-down, as all of you seem to. Give the very top money, and they will create jobs. It hasn't happened. AT&T—do you know what their tax rate was over the last 10 years? Eight percent. Do you know how many jobs they created? Zero. They cut 80,000 people. Let's give them more money while hurting the middle class. It makes no sense.

The American people are saying in a loud, clear voice that they oppose tax breaks for corporations and the wealthy. They don't believe in trickle-down, as you do. They oppose gutting healthcare, as you want to do, and they oppose this one-party approach to legislating. The American people know that a slapdash partisan process will not result in good law. My Republican colleagues ignore the warnings of the American people at their own peril.

In just a short time, Republicans will have a choice whether or not to affix their name to this awful legislation. Although the Republican propagandists may call its passage a political victory, it will be very fleeting and illusory. The substance and polling are so rotten that a year from now, Republicans will be running away from this bill in shame for voting yes this evening.

There is an alternative: Vote no. Come to the table with Democrats. Begin serious, bipartisan talks on tax reform. Get a good bill, and work in the way this Chamber is supposed to work: bipartisan, moderate, thoughtful, open. You have done none of those—none of those.

I have little faith that, at this late hour, my colleagues will choose the better course, but if they do, we could do something great for the country and for this body at the same time. We could return to regular order, where the legitimate policy differences between our parties are argued in broad daylight, and with painstaking effort, we compromise even after we fiercely debate one another. Isn't that what we came here to do?

I challenge a single one of my Republican colleagues to say they are proud of the way this tax bill was written and passed. I challenge a single one. I know this isn't what they would like to see. I know this isn't what so many of you came here to do. I know it is not what you tell your constituents the Senate ought to be. I know so many of you lament the steady erosion of bipartisanship here in the Senate, as do I, as do

my fellow Democrats. So rather than resign to the failures of the current moment, I plead—plead—with my Republican colleagues to imagine a better path forward. Vote no. Vote no and prevent taxes from going up on millions of middle-class families. Vote no and stop 13 million Americans from going without health insurance. Vote no, so we don't add \$1.5 trillion to the deficit, putting the burden on our children and grandchildren. Vote no and say that you want to have the kind of bipartisan debate befitting the grand traditions of this United States Senate. Vote no. Otherwise, I believe the entire Republican Party and each of you will come to rue this day.

I yield the floor.

I yield back all time.

VOTE ON MOTION TO WAIVE

The PRESIDING OFFICER (Mrs. CAPITO). The question is on agreeing to the motion to waive the points of order.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeben	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The points of order are sustained. The material will be stricken from the conference report.

The VICE PRESIDENT. The question before the Senate is whether the Senate shall recede from its amendment to H.R. 1 and concur therein with a further amendment.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Arizona (Mr. MCCAIN) would have voted "yea."

(Disturbance in the Visitors' Galleries.)

The VICE PRESIDENT. The Sergeant at Arms will restore order in the Gallery.

(Disturbance in the Visitors' Galleries.)

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(Disturbance in the Visitors' Galleries.)

The VICE PRESIDENT. The Sergeant at Arms will restore order in the Gallery.

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—51

Alexander	Cornyn	Graham
Barrasso	Cotton	Grassley
Blunt	Crapo	Hatch
Boozman	Cruz	Heller
Burr	Daines	Hoeben
Capito	Enzi	Inhofe
Cassidy	Ernst	Isakson
Cochran	Fischer	Johnson
Collins	Flake	Kennedy
Corker	Gardner	Lankford

Lee
McConnell
Moran
Murkowski
Paul
Perdue
Portman

Risch
Roberts
Rounds
Rubio
Sasse
Scott
Shelby

Strange
Sullivan
Thune
Tillis
Toomey
Wicker
Young

NAYS—48

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken

Gillibrand
Harris
Hassan
Heinrich
Heitkamp
Hirono
Kaine
King
Klobuchar
Leahy
Manchin
Markey
McCaskill
Menendez
Merkley
Murphy

Murray
Nelson
Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—1

McCain

The VICE PRESIDENT. On this vote, the yeas are 51, the nays are 48.

The Senate recedes from its amendment and concurs in H.R. 1 with a further amendment.

The Tax Cuts and Jobs Act is passed. (Applause, Senators rising.)

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BILL DAUGHERTY

Mr. MCCONNELL. Madam President, today I wish to congratulate Mr. Bill Daugherty of Lexington, KY, who was recently honored by Berea College with its distinguished alumnus award. Each year, the school recognizes notable alumni who have achieved success in their profession, contributed to the community, and have faithfully upheld Berea's mission. The college, founded in 1855 by abolitionists, fosters an educational institution that cultivates Christian values and challenges students to carry them into action in their community.

Raised on a cattle farm in Jackson County, KY, Bill graduated from Berea in 1976, and he used his degree in agriculture to succeed in the natural resource industry. Less than 10 years later, he founded his own small petroleum business. His company evolved and grew to focus on natural gas in the Appalachian region. After years of success, Bill and his business partner founded an independent oil exploration and production company.

Bill has served his community on the board of the Kentucky Energy Council, Kentucky Oil and Gas Association, and

the Independent Petroleum Association of America. He currently serves as the vice chairman of the Interstate Oil and Gas Compact Commission, which is tasked with helping States find environment-friendly ways to increase the supply of American energy.

Finally, Bill and his business partner founded a successful horse racing and breeding enterprise. His success in the natural gas industry was matched in the thoroughbred racing industry. In fact, Bill's own horse, California Chrome, won the Kentucky Derby in 2014.

The distinguished alumnus award is not only a recognition of significant accomplishment in the recipient's chosen profession, but it also serves as an inspiration to the current students at Berea College who are eager to make their own positive impact in the community. Bill and his wife, Zella, play active roles in the community by hosting events in support of the New Opportunity School for Women, an intensive 3-week program that offers coursework in job search skills, creative writing, and Appalachian literature. I want to ask my colleagues to join me in congratulating Bill for receiving this award and commending him on a successful career.

TRIBUTE TO CLARENCE FLOYD

Mr. McCONNELL. Madam President, today I would like to recognize the efforts of Clarence Floyd, a proud Korean war veteran, from Pulaski County, KY. At the age of 84, Clarence still works to serve his community, taking up a campaign to erect reserved-parking spaces for area veterans. These signs are a salute to the men and women who served our Nation in uniform.

As the honor guard commander of Somerset's American Legion Post 38, Clarence cares deeply about America's veterans. To arrange reserved-parking spaces for veterans, Clarence works with local businesses and the city of Somerset's street department. Then, he and his wife, Nancy, install the signs themselves. He says, "It takes me about 20 minutes to put up two signs."

To date, there are 10 locations with veterans-only parking throughout Pulaski County. Clarence is also working with other local businesses to install more in the near future. I would like to thank Clarence for his service to our country and to his fellow veterans, and I urge all of my colleagues to join me in doing so.

REMEMBERING LOHREN MARTIN

Mr. McCONNELL. Madam President, today I wish to remember the life of Lohren Martin, of Corbin, KY, who passed away on November 21, 2017, at the age of 87. A man of many talents, Lohren will be remembered most by those who loved him as a caring friend.

A veteran of the Korean war, Lohren worked in his community as an attorney, a businessman, an entrepreneur, and a developer. Lohren's siblings and friends think of his humor, patriotism, and constant friendship.

Elaine and I would like to extend our condolences to Lohren's wife, Arvilla, his children Eddie and Cindy, and all who knew and loved him. His life left a lasting impression on all of those around him, and I hope that their fond memories of Lohren will bring comfort in this time of grief.

The Corbin Times-Tribune recently published an article on Lohren's life. I ask unanimous consent that a copy of the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Corbin Times-Tribune, Dec. 5, 2017]

LOHREN MARTIN REMEMBERED AS 'A GREAT FRIEND'

(By Angela Turner)

"The biggest thing I can tell you about Lohren Martin is how much he valued every individual," Shirley Chandler said about her brother.

Siblings often share a special bond and it was no different in the case of Shirley Chandler and her brother Lohren Martin. Martin, who was a local attorney, businessman, entrepreneur, developer, and Korean War Veteran (just to name a few), died on Nov. 21.

Growing up, Martin was the salutatorian of this high school class. He attended several colleges and universities including Sue Bennett College, Union College and the University of Kentucky.

According to Chandler, Martin's education was interrupted when he was drafted into the Korean War. After basic training he was selected to go into army intelligence. After training in army intelligence, he was sent to Korea to interpret aerial photographs. Chandler said while in Korea, Martin lived in a tent and was dedicated and focused on the task at hand.

"He was an awesome brother," Chandler said. "He was a great mentor, a great friend and confidant."

Martin's friends shared similar thoughts.

"He was a friend that would stick with you in good times and bad times," said Martin's friend and business partner Dave Huff. "He was very patriotic."

TRIBUTE TO JAMES RITCHIE

Mr. McCONNELL. Madam President, today I wish to pay tribute to James Ritchie, of Somerset, KY, a brave Kentuckian who was honored by his community on Veterans Day. He was the feature of a newspaper story in the Commonwealth Journal, which detailed his life and his honorable career in the military. The article was a community's effort to thank him for his service to our country.

In 1947, James decided to join our Nation's military. Seeking to enlist in the Navy, James walked in the wrong door and was convinced instead to join the marines. After his training, James was deployed to join the 1st Marine Division

Air Wing in Pusan, Korea. However, the trip to Korea by way of San Diego proved treacherous when James' transport collided with a steamliner.

Once he made it to Korea, James was responsible for providing protection for the Marine air base. Against North Korean and Chinese guerillas, he bravely faced the harsh realities of war. After his enlistment and an honorable discharge, he returned home. The same month, however, James felt the call to serve once again, this time in the Air Force. Eventually returning to Korea, he helped in the U.S. effort to transfer responsibilities to the South Koreans.

In 1961, James chose to retire from military and answered another call, this time to serve as a minister. With his wife, Wilma, James raised five children. I would like to take this opportunity to thank James for his military service to our country, and I urge my colleagues to join me.

Earlier this year the Commonwealth Journal published an article detailing Mr. Ritchie's service to our Nation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonwealth Journal, November 11, 2017]

THE HEROIC LIFE OF A NOMADIC SOLDIER

(By Cline Calhoun)

During a somewhat nomadic life with his divorced mother, James Ritchie, born in Ellington, S.C., made it through high school in Alexandria, Va., as he jokingly says: "In the front door straight through the back door."

After three years in the seventh grade, he found himself turning 17 years old in the ninth grade. One day his basketball coach made him mad, so in 1947 he found himself in Washington D.C., looking for a military recruiter. He had his mind set on the Navy, but when he found the recruitment center, he stuck his head in the door of the Marine recruiter's office to ask direction to the Navy. The Marine recruiter said: "Come in here boy, I want to talk to you." He went in the door asking directions and came out the door a marine.

After eight weeks of basic training at Paris Island, S.C., he was off to Camp Lejeune, N.C. With its 14 miles of sea shore, it is perfect for training in unloading the troops and equipment of shore landing military units during invasions. That was the job of the unit James was assigned to: The Pioneer Battalion.

In 1948 James was reassigned to the 1st 90 mm AAA (Anti-Aircraft Artillery) Battalion USMC on the Pacific Island of Guam. No training here; OJT (on the job training) as a gunner. Near the end of his enlistment he was transferred back to Camp Lejeune. With an honorable discharge he was given inactive reserve status, subject to recall in case of war. Guess what? War. North Korea with help from China, invaded South Korea.

James says he hardly had time to get out of uniform before he found himself back in it. Discharged in February, called back in June. The entire reserve unit was called up and trained for duty in Korea, being attached to the 1st Marine Division Air Wing

in Pusan, Korea. But first you have to get there. One Marine didn't, and several were seriously injured.

James' unit was on a troop train going from Camp Legume, N.C. to a port in San Diego, CA. for transport to Korea. Following are excerpts from Associated Press and United Press:—"Lettsworth, La. (AP)—(UP) Aug. 1951—A New Orleans-bound streamliner and a troop train carrying 288 marines toward the Pacific collided head-on in a Louisiana swamp Friday and the Kansas City Southern railway reported at least eight dead and one missing. The crash happened about 7 a.m. (CST) on a double bend some miles northeast of Baton Rouge. Marines piled out of the wreckage and gave first aid to injured passengers of the New Orleans bound Southern Belle, as well as to their own. Rescue workers had to hack a road through the swamp to the wreck—most of the marines escaped because they were eating breakfast at the back of the train."

At that time, troop movements were classified, so when the news hit the wires, Camp Lejeune was swamped with concerned family members wanting to know the status of their sons, husbands, fathers and brothers. The uninjured marines finally boarded undamaged railcars and went on to port in San Diego to a troop ship taking them on to Korea. Because of the delay, the troop train was given priority clearance to California.

Upon arrival in Pusan, S. Korea, it was the job of the 1st 90 mm AAA Battalion to provide protection for the Marine Air Base located there. Their four artillery batteries with twelve 90 mm guns were stationed on the mountains approximately 40-50 miles from Pusan. Transport vehicles carrying ammunition, generator fuel and supplies were constantly subjected to sniper fire.

James said the primary concern for the troops were the constant attempts by North Korean and Chinese guerillas to invade their air defense locations. He said one of his scariest times was when off duty and the alarm goes off. He grabbed his rifle and ran to his fox hole, only to realize he forgot his ammunition. Fortunately, his comrades prevented a breach of the compound or he would have really found out what hand to hand combat was really like, because he wasn't about to run back to retrieve the ammunition!

After 5 months, the Marines wanted him to reenlist and he would get some quality time, maybe in Hawaii. Upon learning he would probably come right back to Korea, visions of home took front and center and James decided to go home.

He was honorably discharged in June of 1952 but found he still had the desire to serve his country, so in the same month, June 1952, he found himself at the Air Force recruiter in Alexandria, VA. But this time he didn't ask for directions from the Marine recruiter. The Air Force sent him to 6 months of training as a Petroleum Specialist and he was off to Ladd, AF Base, Alaska, fueling jets in 55 degrees below zero weather for two years.

In 1955 he was transferred to Kirkland AF Base in New Mexico, where, one year later guess what? Back to Korea. He served at Osan and Kunson Air Bases because the protection of South Korea was being turned over to the South Korean military and the P51 Mustang were being replaced by the F86 fighter jets.

James said that promotion through the ranks in the Air Force seemed to be more political than proficiency driven. So, in 1961 he decided against a military future, said goodbye to the Air Force, and once again headed home. Besides, he felt he had a greater calling as an independent minister of the gospel.

James met his wife Wilma in Albuquerque, New Mexico in 1955. After a whirlwind romance, they were married after only 7 days. Love at first sight does work—they were married for 60 years. James lost Wilma to cancer in 2014. They raised 3 boys and 2 girls. James is enjoying his golden years in his home just outside Somerset, KY.

For every infantry combat soldier, there are at least 10 others in the background supporting him with food, ammunition, fuel, air-artillery, communications, intelligence and armor cover. These are the unsung heroes we seldom hear about.

BUDGETARY REVISIONS

Mr. ENZI. Madam President, section 3003 of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation considered under the resolution's reconciliation instructions.

I find that the conference report to accompany H.R. 1 fulfills the conditions found in section 3003 of H. Con. Res. 71. Accordingly, I am revising the allocations to the Committee on Finance, the Committee on Energy and Natural Resources, and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment supersedes the adjustment I previously made for S. Amdt. 1855 on December 1, 2017.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3003 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018)

\$s in millions	2018
Current Aggregates:	
Spending:	
Budget Authority	3,089,061
Outlays	3,109,221
Adjustments:*	
Spending:	
Budget Authority	— 8,600
Outlays	— 8,600
Revised Aggregates:	
Spending:	
Budget Authority	3,080,461
Outlays	3,100,621

BUDGET AGGREGATE—REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3003 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018)

\$s in millions	2018	2018–2022	2018–2027
Current Aggregates:			
Revenue	2,640,939	14,509,252	32,671,567
Adjustments:			
Revenue	— 143,800	— 1,109,800	— 1,675,600
Revised Aggregates:			
Revenue	2,497,139	13,399,452	30,995,967

REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3003 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018)

\$s in millions	2018	2018–2022	2018–2027
Current Allocation:			
Budget Authority	2,281,616	13,510,107	32,116,900
Outlays	2,280,970	13,482,300	32,069,238
Adjustments:*			
Budget Authority	— 8,600	— 33,000	— 193,000
Outlays	— 8,600	— 33,000	— 193,000
Revised Allocation:			
Budget Authority	2,273,016	13,477,107	31,923,900
Outlays	2,272,370	13,449,300	31,876,238

REVISION TO ALLOCATION TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3003 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018)

\$s in millions	2018	2018–2022	2018–2027
Current Allocation:			
Budget Authority	4,703	25,212	49,342
Outlays	4,391	24,909	49,112
Adjustments:			
Budget Authority	0	— 300	— 1,100
Outlays	0	— 300	— 1,100
Revised Allocation:			
Budget Authority	4,703	24,912	48,242
Outlays	4,391	24,609	48,012

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Pursuant to Section 4106 and Section 3003 of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018)

\$s in millions	Balances
Starting Balance:	
Fiscal Year 2018	0
Fiscal Years 2017 through 2022	0
Fiscal Years 2017 through 2027	0
Adjustments:	
Fiscal Year 2018	135,200
Fiscal Years 2017 through 2022	1,076,500
Fiscal Years 2017 through 2027	1,481,500
Revised Balance:	
Fiscal Year 2018	135,200
Fiscal Years 2017 through 2022	1,076,500
Fiscal Years 2017 through 2027	1,481,500

ARMS SALES NOTIFICATION

Mr. CORKER. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
*Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-68, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost \$200 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREG KAUSNER
(For Charles W. Hooper, Lieutenant
General, USA, Director).

Enclosures.

TRANSMITTAL NO. 17-68

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Poland.

(ii) Total Estimated Value:

Major Defense Equipment* \$0 million.

Other \$200 million.

Total \$200 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE: Follow-on support and sustainment services for Poland's F-16 fleet to include aircraft maintenance; system and software overhauls and upgrades; engine support; spare and repair parts; support and test equipment; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistical support; and other related elements of program support.

(iv) Military Department: Air Force (PL-D-QAW).

(v) Prior Related Cases, if any: PL-D-QAO, PL-D-QAP, and PL-D-QAI.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: December 19, 2017.

*A defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—F-16 Follow-on Support

The Government of Poland has requested to purchase follow-on support and sustainment services for its F-16 fleet to include aircraft maintenance; system and overhauls and upgrades; engine support; spare and repair parts; support and test equipment; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistical support; and other related elements of program support. The estimated cost is \$200 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally. Poland continues to be an important force for political stability and economic progress in Central Europe.

This potential sale will continue the sustainment of Poland's F-16 capability. Poland will have no difficulty absorbing this equipment and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

Contracts will be awarded when necessary to provide the defense articles ordered if items ordered are not available from U.S. stock or are to be purchased further in the future. The potential prime contractors will be Harris Corporation of Melbourne, Florida; Boeing of Arlington, Virginia; UTC Aerospace Systems, ISR Systems of Charlotte, North Carolina; Lockheed Martin Missile and Fire Control of Orlando, Florida; Cubic Defense Applications of San Diego, California; L-3 Communications of New York, New York; Lockheed Martin Aero of Fort Worth, Texas; Exelis Electronic of Clifton, New Jersey; Northrop Grumman Corporation of Falls Church, Virginia; Raytheon of Waltham, Massachusetts; Honeywell of Morris Plains, New Jersey; Booz Allen Hamilton of McLean, Virginia; and BAE Systems of Arlington, Virginia. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

CONFIRMATION OF JENNIFER NEWSTEAD

Mr. YOUNG. Madam President, I want to offer a few brief comments on the confirmation of Ms. Jennifer Newstead and the situation in Yemen. Ms. Newstead was nominated to serve as the legal adviser of the Department of State.

This is an incredibly important position. The legal adviser is the principal adviser to the Department of State on all legal matters, domestic and international. The legal adviser is also the principal adviser to other Federal agencies on legal matters involved in foreign relations. Through the Secretary of State, the legal advisor advises the President and the National Security Council. For an individual to serve well in this position, they must understand the law and be willing to provide objective and reliable legal advice.

I believe Ms. Newstead is well qualified to serve in this position. She has an impressive educational background, and she has served in senior positions at OMB, the Department of Justice, and in the White House. That is why I supported her nomination in committee.

With that said, before she received a floor vote, I wanted to confirm that she had a full and accurate appreciation for U.S. law as it relates to impediments to humanitarian assistance, and the clear application of those statutes to Saudi Arabia and Yemen. That is why, over several weeks, I engaged in three rounds of specific written questions and answers with Ms. Newstead related to the law.

After those detailed exchanges, I am confident that Ms. Newstead understands the proper application of laws like 22 U.S. Code 2378-1 to Saudi Arabia and Yemen.

I appreciate her written statements to me regarding that and other statutes, and I appreciate her commitments to be as transparent and responsive to my office as possible.

Before I conclude, allow me to offer a few words on the situation in Yemen. Yemen is experiencing the world's largest food insecurity crisis. The U.N. Office for the Coordination of Humanitarian Affairs published a report earlier this month. The report found that almost 18 million people in Yemen are food insecure with more than 8 million facing starvation.

The war and Saudi Arabia's impediments to the delivery of food, fuel, and medicine are the primary causes for this crisis. Saudi Arabia's impediments to humanitarian assistance in Yemen violate international law, humanitarian principles, and U.S. law. They also undermine U.S. national security interests.

Since March, I have taken a number of steps to demand an end to the Saudi impediments to humanitarian assistance and to encourage the administration to use its significant leverage with Riyadh.

On December 6, the President said, "I have directed officials in my Administration to call the leadership of the Kingdom of Saudi Arabia to request that they completely allow food, fuel, water, and medicine to reach the Yemeni people who desperately need it. This must be done for humanitarian reasons immediately."

In my view, we now need to see action from the Saudis, not just assurances.

The Saudis must finally and completely end all impediments to the delivery and transport of humanitarian aid in Yemen. Each day costs many lives and patience is running out in Washington.

If Saudi Arabia continues to be unresponsive to the President's demands and demands from Congress, failing to permit the delivery of the U.S. taxpayer funded cranes to Yemen's most important humanitarian port and continuing to block the delivery of commercial fuel shipments, I stand ready to take legislative action.

I was proud to support Ms. Newstead's confirmation today, and I look forward to working closely with her.

Thank you.

CONFIRMATION OF OWEN WEST

Mr. VAN HOLLEN. Madam President, equality of opportunity is one of our Nation's greatest pursuits and greatest struggles. Though the path has not been easy, our society has slowly and steadily become more just, more decent, and more powerful. President Obama's Defense Secretary Carter reaffirmed this principle when he stated that every qualified woman who met

the high physical standards required of her would be allowed to serve our country in combat.

Owen West soundly rejected this policy and the ethic undergirding it in an inflammatory opinion editorial authored with his father in March of 2016. He asserted that integrating women into infantry platoons, including those who “could run circles around the average Marine grunt” with their “physical prowess,” would “swiftly reduce combat effectiveness.” He discounted the ability of women to contribute to mission effectiveness, equating them only with “intimate scandals.” He contended that women would “introduce sex, affection, favoritism, protectiveness, jealousy, anxiety and all the other co-ed dynamics to an infantry platoon.”

These chauvinistic views have no place in the Department of Defense, particularly in positions of leadership. As Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, Mr. West will be responsible for the integration of women into our Special Operations Forces. I appreciate that Mr. West offered a retraction of his views on women in the military during his Senate confirmation hearing, at the behest of Democratic members of the Armed Services Committee, and it is my hope that Mr. West will do his utmost to support and recruit qualified women into the military in the future. However, many of President Trump’s nominees have reneged on commitments made during their confirmation hearings. Given Mr. West’s public record on women in combat, I cannot take that risk by supporting his confirmation.

KEVIN AND AVONTE’S LAW

Mr. GRASSLEY. Madam President, in the 114th Congress, we came very close to passing Kevin and Avonte’s Law, a bill named in honor of two boys with autism who wandered away from their caregivers and drowned.

I reintroduced this legislation last month with Senators KLOBUCHAR, TILLIS, SCHUMER, and others to equip communities with important tools to help locate individuals who wander away from their families or caregivers due to dementia or a developmental disability. The bill we crafted adds new protections for children with developmental disabilities, like autism, which are linked to wandering.

The original version of this bill, which I authored with Senator SCHUMER, passed both Chambers of Congress late last year. It passed this Chamber by voice vote over a year ago, while a similar House companion garnered over 90 cosponsors before passing the other Chamber, 346–66, last December. Unfortunately, we ran out of time to resolve the differences between the two Chamber’s versions before the 114th Congress adjourned.

This year, the Judiciary Committee approved Kevin and Avonte’s Law by voice vote, and, before reporting the bill to the full Senate last month, we reached bipartisan consensus on an offset. Our offset consists of the Federal Register Printing Savings Act, which Senator PORTMAN introduced earlier this year. Senator PORTMAN’s office agreed to work with us and incorporate S. 1195 into Kevin and Avonte’s Law. We currently are seeking unanimous consent to pass both bills in one legislative package.

Meanwhile, the House has passed its own version of the Federal Register Printing Savings Act, introduced by Congressman RUSSELL of Oklahoma. The House-passed version of that bill won the approval of the Homeland Security Committee earlier this year, and that panel is seeking unanimous consent to pass it. I support this legislation, which is virtually identical to Senator PORTMAN’s bill, but I placed a temporary hold on the House companion yesterday, so that we can find a way to pass that legislation and Kevin and Avonte’s Law simultaneously.

By ensuring that both measures pass as one package, we can make additional resources available to equip first responders, law enforcement officials, and other community leaders with the training and tools necessary to better prevent and respond to missing person cases. By doing so, we also can make grants available to educate and train caregivers as well as other members of the community on how to prevent wandering by those with dementia or developmental disabilities.

HEALTHCARE

Ms. CANTWELL. Madam President, I wish to call attention to several urgent and bipartisan health programs that Congress must renew without further delay.

The Republican majority has spent much of this year trying to pass partisan healthcare and tax legislation. As a result, they have neglected to extend numerous uncontroversial healthcare programs, threatening these programs’ very existence and causing needless chaos and uncertainty.

It is past time that the Republican-controlled Congress extend these programs to provide healthcare access and certainty to millions of Americans.

First, I would like to address the Children’s Health Insurance Program, CHIP. CHIP is a bipartisan healthcare success story. Enacted 20 years ago, thanks to the leadership of Senate Finance Committee Chairman ORRIN HATCH and the late Senator Ted Kennedy, CHIP brings affordable health coverage to children in families who are not eligible for Medicaid but struggle to afford private insurance.

Washington’s successful CHIP program, Apple Health for Kids, covers

about 60,000 children. Through CHIP, parents get peace of mind, and States and the Federal Government pitch in to share the cost.

CHIP means affordable healthcare for 9 million children. On average, a family of four pays \$158 per year in premiums and deductibles for each CHIP-enrolled child. The same family would likely pay more than \$1,000 in annual out-of-pocket costs on a commercial insurance plan, even after counting available financial help. That is a difference of more than \$800 per year for millions of families across the country and represents real affordability.

Because of CHIP, children have a medical home. In fact, more than 90 percent of Washington children with CHIP coverage visited a primary care provider at least once in 2014, the most recent year in which data were available. CHIP also provides kids with benefits that are often more comprehensive than those offered in the commercial insurance market, including immunizations, periodic screenings, hearing exams, and dental care. We know that prevention and early detection are key to reducing the burden of disease and health costs. CHIP emphasizes these early interventions during the critical early years of a child’s life, helping kids grow up to be healthy, productive, and successful adults.

Yet, despite CHIP’s near-universal popularity and lack of partisan controversy, this Congress has allowed CHIP to go unfunded since October 1, 2017. This long and unprecedented lapse threatens CHIP’s very survival. Already, it has thrown States, including Washington, into crippling uncertainty and administrative disruption. Some States have been forced to send letters to CHIP families informing them that their coverage will end. Moreover, if Congress fails to extend CHIP, my State will be on the hook for hundreds of millions of dollars to make up for Congress’s failure to act.

Next, I would like to highlight the urgent need to reauthorize funding to community health centers.

Community health centers are a bedrock of the healthcare safety net and are the preferred medical home for tens of millions of working Americans. Washington’s 26 community health centers serve 1 million people in every corner of my State, from Spokane to Seattle, Omak to Port Angeles.

Community health centers are a lean and efficient healthcare delivery model, focusing on primary care, prevention, case management and social services for their patients. They are also good for the economy, supporting more than 9,000 jobs and \$1 billion in annual economic output in my State alone.

The Community Health Center Fund, which comprises the majority of these health centers’ Federal funds, expired on October 1, 2017. As a result, community health centers in my State are at

risk of having to turn off the lights and turn away patients. Already, the expiration of the Community Health Center Fund has threatened these centers' ability to retain and hire nurses and doctors and make financial arrangements for the coming year.

The Community Health Center Fund was enacted in 2010 so that millions of newly covered Americans would have a medical home. The fund is doing just that. Moreover, the Community Health Center Fund was extended with strong bipartisan support in 2015, when an overwhelming majority of the House and Senate, myself included, supported its extension as part of the Medicare and CHIP Reauthorization Act, MACRA. It is past time for Congress to extend this program without delay.

In addition, Federal funds have been allowed to expire for a number of additional but equally important health programs. All enjoy a history of strong bipartisan support. These programs include the Maternal, Infant, and Early Childhood Home Visiting Program, the Special Diabetes Program, the Teaching Health Center Program, and certain Medicare provisions.

The Maternal, Infant, and Early Childhood Home Visiting—MIECHV—Program is an evidence-based grant that is helping States and Tribes improve early childhood and maternal health. MIECHV-funded home visiting programs, which are voluntary, have benefited 1,650 Washington families in 15 counties and have reduced in half the likelihood of child abuse and neglect. MIECHV is a prime example of evidence-driven policymaking that is improving the health and well-being of vulnerable mothers and children. It is also strongly bipartisan. Unfortunately, MIECHV's Federal funding expired on October 1, 2017.

The Special Diabetes Program and the Special Diabetes Program for Indians are modest investments with a proven track record of combatting diabetes. As a senior member of the Senate Diabetes Caucus, I recognize that diabetes is a leading cause of death and a major driver of healthcare costs. In particular, the Special Diabetes Program for Indians supports 27 community-driven grant programs in Washington's Tribal communities, helping Tribal members prevent, diagnose, and manage this condition through lifestyle changes, counseling, and treatment.

The Teaching Health Center Program is also a small investment with a big return. Teaching Health Center funds are currently being used to train 722 primary care medical residents in 27 States and the District of Columbia. Data show that many physicians eventually practice close to where they train, and the Teaching Health Center Program is training physicians where they are needed most. In Spokane, Toppenish, Tacoma, Yakima, and Au-

burn, Teaching Health Centers are training a new generation of safety-net physicians to serve those most in need. While the Teaching Health Center Program has received a short-term extension, its funding will expire on January 1, 2018, if Congress does not act.

Lastly, several temporary Medicare provisions have expired and must be renewed. These provisions help rural Medicare patients get hospital, ambulance, and home health services where they live. Additional Medicare "extenders" prevent essential services like physical therapy from being arbitrarily capped for Medicare patients. Extending these provisions is important to preserving healthcare access in rural Washington State and empowering our healthcare delivery system to continue to improve and innovate.

The programs I have highlighted and many more are vital to my constituents, my State's economy, and our healthcare delivery system. They are also strongly bipartisan. I call on my Republican colleagues to work with us in a good-faith negotiation to extend these programs immediately.

TRIBUTE TO R. ANDREW MURRAY

Mr. TILLIS. Madam President, I congratulate Andrew Murray on his investiture as the U.S. Attorney for the Western District of North Carolina.

Andrew graduated magna cum laude from the University of North Carolina at Charlotte with a bachelor of science in political science and received his juris doctor from the University of North Carolina School of Law.

Throughout his career, Andrew has dedicated himself to public service and leadership. Andrew enlisted in the U.S. Coast Guard in 1980 and retired in 2015, serving his country faithfully for 35 years. During his service, he earned a number of decorations, including the Coast Guard Meritorious Service Medal, three Coast Guard Commendation Medals, the Coast Guard Achievement Medal, and the Coast Guard 9/11 Service Medal.

Andrew began his legal career at the Mecklenburg County District Attorney's Office as an assistant district attorney. Later, he worked in private practice before being elected to serve as the district attorney of Mecklenburg County, North Carolina's largest prosecutorial district. During his tenure as district attorney, he led the office with the utmost distinction and is highly respected for his leadership.

I am proud that Andrew is willing to continue serving western North Carolina in a new role as U.S. Attorney. Western North Carolina is lucky to have such an experienced prosecutor and effective leader to command this important office. He is a dedicated public servant whose extensive prosecutorial experience and relationships with law enforcement will bolster the

mission of the Department of Justice and promote public safety.

Senator BURR and I proudly recommended Andrew to President Trump, and I know that he will lead the U.S. Attorney's Office with honor.

TRIBUTE TO STEVE JOHNSON

Mr. SHELBY. Madam President, today I wish to pay tribute to Steve Johnson who is retiring on December 22, 2017, from his position as the manager of the U.S. Senate Dining Room.

Mr. Johnson is a well-respected member of the Senate family. For over two decades, Mr. Johnson has managed the Senate Dining Room with care, enthusiasm, poise, and the utmost hospitality. He understands the rich history and importance of this institution and has witnessed much of its tradition over the years, serving Supreme Court Justices, Vice Presidents, and many of my Senate colleagues.

Starting in 1995, Mr. Johnson's leadership has kept the Senate Dining Room running smoothly and efficiently. Whether it is tallying receipts at the end of the day or providing specialized off-menu items to guests, everything Mr. Johnson does is done with the utmost attention to detail. Mr. Johnson treats everyone the same and always maintains a high level of professionalism.

Mr. Johnson's work ethic and perseverance are visible throughout his personal life as well. In addition to his impressive tenure, he has completed 18 marathons while working in the Senate Dining Room, including the Boston Marathon a total of seven times.

My colleagues and I would like to express our sincere thanks and gratitude for Mr. Johnson's 22 years of service. His institutional knowledge and unparalleled courtesy are greatly appreciated and will be deeply missed. Please join me in wishing Mr. Johnson and his wife, Joanne, a long and healthy retirement.

TRIBUTE TO JOHN E. HOEHNE, JR.

Mr. CRAPO. Madam President, today I wish to honor a longtime and vital member of my staff, John E. Hoehne, Jr., for serving the people of Idaho and our Nation for 25 years, both as my chief of staff during my service in the U.S. House of Representatives and as my chief of staff during my service in the U.S. Senate.

John has been with me since before the beginning of my congressional service, leading my first congressional campaign. He officially became my chief of staff when I was sworn into office in the U.S. House of Representatives in January of 1993. His encouragement, wise counsel, and friendship have been invaluable in decisionmaking and advancing policy and legislative objectives. I cannot thank him enough for his dedication and ongoing assistance.

John has contributed greatly to all aspects of my work, and he has helped advance countless legislative and policy efforts of importance for Idaho. He is instrumental in his work on first protecting Idaho's water sovereignty and economy while trying to find a consensus solution to anadromous fish recovery. He works to preserve Idaho's natural resources and quality of life. His passion for collaborative problem-solving in addressing natural resources challenges has helped give collaborative efforts every opportunity to succeed. John has been a driving force in bringing stakeholders with often diverging viewpoints to the table to build common ground and has helped provide room for stakeholders to talk and resolve concerns rather than resort to litigation. His involvement was essential in the enactment and implementation of the Owyhee Initiative and has been of great assistance with other collaborative efforts, such as the Clearwater Basin Collaborative.

John has also been at the forefront of helping Idahoans who have had challenges with Federal agencies. Earlier in his tenure, he helped get reason to prevail to the benefit of an Idaho community in a dispute with a Federal agency over how to best address mining cleanup. He was also heavily involved in addressing problems a timber company in southeast Idaho was having with another Federal agency. John intervened on the company's behalf and helped resolve the issues. These are just a few of the many achievements John has assisted with for Idahoans.

Every step of the way, John has been there with reasoned counsel and a great sense of the bigger picture. I serve the people of Idaho in Washington, DC, and I believe in strong ties to the State. Although it seems to be a less common arrangement to have a chief of staff based in the State, I have been fortunate to have a principal member of my staff based in Boise fulltime and centrally involved in Idaho issues. His deep knowledge, understanding of Idaho, and ability to effectively represent me have been beneficial. John is well respected in all corners of our great State. In an era and political environment where turnover is common, John's 25 years of committed service is a testament to his deep dedication to Idahoans.

Thank you, John, for your extraordinary counsel and friendship all these years.

TRIBUTE TO SUSAN HAWKES WHEELER

Mr. CRAPO. Madam President, today I wish to honor Susan Hawkes Wheeler, chief of staff for my Washington, DC, office, for her 25 years of congressional service. Susan's trusted, dedicated, and perceptive counsel have been of great value throughout my congressional service.

Susan is a native of Idaho and has always had the Gem State's interests in the forefront of her mind. I am fortunate that she chose to serve Idaho through my office. I first met Susan when she worked as a television reporter and news manager in Boise and Idaho Falls. She covered me when I first ran for public office. Later, after a job interview on a twin-engine plane flying between Boise and Twin Falls, I hired her to help me get elected to Congress. Her sharp wit and directness was and is refreshing and effective.

After my election to the U.S. House of Representatives, Susan joined my congressional staff as press secretary and moved from Idaho to Washington, DC. This was back at a time when faxes still came on thermal curly paper and speed dials were limited to 10 numbers per machine. Radio actualities were done by actually splicing audiotape and calling each radio station separately to play the soundbite for them over the phone line, which was a landline. As technologies advanced, she met those changes with imaginative approaches and implemented innovative ways to improve communications and outreach with Idahoans. Her responsibilities also increased in my office.

Susan served as my acting administrative assistant during my last year in the House. Then, in the Senate, she served as my communications director until June 2011, when she earned the job of chief of staff-DC. She proved herself someone who can always be counted on for a straightforward and reasoned approach, no matter the situation or the audience. She helped make the office more effective and has been integral to improving the way our office communicates with Idahoans.

She improved the quality of the communication in my office, both externally and within the office. Her extensive work making the website a better resource for Idahoans has also resulted in it being recognized through multiple awards. Another of her achievements is the focus she has given to establishing office procedures and working with Senate administrative offices to fine-tune policies that enable smooth office operations. She also serves as a great example of leadership, communicating well with staff, and empowering them to share insight. While helping me become more effective, Susan has also taken the time to mentor countless staff and help young people start their careers.

From day one, no matter the job title, Susan has always been a senior counselor with trusted insight given her deep familiarity with Idaho, experience, and sound judgement.

Thank you, Susan, for dedicating so much of your time and talent to serving the people of Idaho in Congress and for your strong support and steady friendship.

ADDITIONAL STATEMENTS

RECOGNIZING DOUBLE L

• Mr. RISCH. Madam President, my great State of Idaho is known for excelling in many areas. We are a proud incubator of the American entrepreneurial spirit, with Idaho consistently being ranked as one of the friendliest States in the Nation for small businesses. Idaho is also renowned for our State vegetable, the potato. Millions of people around the world know that Idaho potatoes are in a class of their own. It is only natural that the innovation that Idaho is known for would lead a small business on a mission to assist potato farmers. As the chairman of the Senate Committee on Small Business and Entrepreneurship, it is my pleasure to recognize Double L as the Senate Small Business of the Month for December 2017. Double L maintains a global presence while staying true to the core values of its farming roots in order to enable potato farmers to increase production, expand their harvest, and to achieve their American Dream.

Double L was originally founded in 1976 by potato growers Leland Klinger and Lynn Johnson, who initially started the company by building equipment that would meet their own specific needs after being disappointed with the machines currently on the market. It was this entrepreneurial spirit that drove the two to expand into other handling equipment, and the rest is history. In the years since then, Double L has never lost the original manufacturing mindset with which the company was founded, while the company and its employees have certainly expanded their horizons.

In 2004, Chris Hunsaker became CEO of Double L and immediately sought an expansion of both manufacturing and clientele, leading the company to move from its original home in American Falls to Heyburn, ID. With the upbringing of a farmer and the training of a salesman, Chris has ensured that Double L has remained steadfast in its commitment to personalized service for each customer. For example, Double L does not maintain a standing inventory. Each order is built per the customer's specific wants and needs. Additionally, Double L has a commitment to excellence from providing a safe working environment for their employees, to catering to the unique needs of farmers and the equipment that they need. This company has proven consistently over time that, when the market sees a demand for a particular product or service, it is American entrepreneurs like those at Double L who will provide the solution.

With considerable success and trust earned from Double L's loyal clients, the company is still moving forward. Double L has shipped its equipment

built in the United States to countries such as China, Thailand, New Zealand, Australia, Turkey, Egypt, and Israel. This equipment has enabled farmers all across the globe who just a few years ago were harvesting their potatoes by hand to now efficiently complete their harvest using the equipment designed for their unique farms and crop yields, helping them to become sustainable farmers. That simple commitment to providing solutions for growers to be more effective with their harvesting and storage of crops is what allows Double L to be the successful business that it is today.

As a company with a global presence rooted in the growing and handling practices of the Gem State potato farmers, Double L is a prime example of the American entrepreneurial spirit that works to find innovative solutions to empower consumers. By providing quality customer service, cultivating strong working relationships, and maintaining longevity of over 10 years with many of their employees, Double L has shown that not only can they manufacture powerful machines and solutions, but that they are in fact one of the many small businesses that are driving the American economy forward. I would like to extend my sincerest congratulations to Chris and all of the employees at Double L for being selected as the December 2017 Small Business of the Month. Not only do you make our great State proud, but you also allow for millions more to enjoy Idaho potatoes as well. I look forward to watching the continued success of this strong Idaho business.●

300TH ANNIVERSARY OF THE NEW HAMPSHIRE STATE LIBRARY

● Mrs. SHAHEEN. Madam President, New Hampshire takes pride in its many firsts among the States, including our first in the Nation Presidential primary. This year, Granite Staters have been celebrating the 300th anniversary of the New Hampshire State Library, the first State library in America. It all began in Portsmouth on January 25, 1717, when the 27th General Assembly directed “ye Law books be distributed among ye severall towns of this Province in proportion according to their last Prov. tax, except two books which shall be for ye use of ye Govr & Councile and house of representatives.” Three centuries later, the original books are surrounded by a modern collection of more than 600,000 items, housed across from the State house in Concord. The State Library is one of our most handsome public buildings, built in 1896 of New Hampshire granite, American steel, and Italian marble.

We Granite Staters love our libraries, and we have led the Nation in making books available to all citizens. As State librarian Michael York told New Hampshire Public Radio: “We often use

the term ‘anchor institutions.’ There are 234 communities in New Hampshire and there are 234 public libraries. Nobody else can make that claim. Not McDonald’s, not 7-11, not Dunkin’ Donuts.”

In 1833, Peterborough established the first tax-supported public library in the world, a central collection of books owned by the people and free to all residents of the town. In the early 1800s, so-called social or parlor libraries sprang up across our State—places where dues-paying members came together to share books. A century later, wealthy philanthropists built free public libraries all across our State, including nine impressive Carnegie libraries. Phillips Exeter Academy, a private school in Exeter, NH, is home to the largest secondary school library in the world. Today every city and town in New Hampshire has a public library, and a key mission of the State library is to provide professional development for local librarians to keep them abreast of the latest developments in library science and technologies.

The State library serves as a centralized location for State and government documents, and its collection specializes in New Hampshire newspapers, authors, and books on New Hampshire history and culture. It includes an archive of Granite State political history, including posters, buttons, and bumper stickers from New Hampshire Presidential primaries dating back to 1952. One of its most prized possessions is a 20-foot, floor-to-ceiling “Hitchcock map” of New Hampshire, with the State’s mountains, valleys, and lakes carved in relief by Dartmouth College—students in 1877.

During my years as Governor, I had the daily pleasure of looking out on our beautiful State library from my office windows in the State capitol. Both the building and its collection are among our State’s most prized cultural treasures. I am grateful to State librarian Michael York and his professional staff for their dedicated service to our State and for their loving stewardship of this special building. I join with people across the Granite State in celebrating the first 300 years of America’s first State library.●

TRIBUTE TO CONNOR BARRETT

● Mr. THUNE. Madam President, today I recognize the hard work of my Commerce, Science, and Transportation Committee intern Connor Barrett. Connor hails from Bend, OR, and is an aspiring law student.

While interning for the Commerce Committee, Connor assisted the Subcommittee on Surface Transportation. He is a dedicated worker who was committed to getting the most out of his internship. I extend my sincere thanks and appreciation to Connor for all of

the fine work he did for the committee and wish him continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:20 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3759. An act to provide for the establishment and maintenance of a Family Caregiving Strategy, and for other purposes.

H.R. 3979. An act to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer services, community partnership, and refuge education programs of the National Wildlife Refuge System, and for other purposes.

H.R. 4661. An act to reauthorize the United States Fire Administration, the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire and Emergency Response grant program, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution expressing support for the use of public-private partnerships to bring computer science education to more K-12 classrooms.

At 3:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3759. An act to provide for the establishment and maintenance of a Family Caregiving Strategy, and for other purposes;

to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 95. Concurrent resolution expressing support for the use of public-private partnerships to bring computer science education to more K-12 classrooms; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

Mark L. Greenblatt, of Maryland, to be Inspector General, Export-Import Bank.

*Spencer Bachus III, of Alabama, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2019.

*Spencer Bachus III, of Alabama, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2023.

*Judith Delzoppo Pryor, of Ohio, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2021.

*Kimberly A. Reed, of West Virginia, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2021.

*Claudia Slacik, of New York, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2019.

*Claudia Slacik, of New York, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2023.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON (for himself and Mr. RUBIO):

S. 2246. A bill to designate the health care center of the Department of Veterans Affairs in Tallahassee, Florida, as the Sergeant Ernest I. "Boots" Thomas VA Clinic, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELLER (for himself and Mr. TESTER):

S. 2247. A bill to amend title 38, United States Code, to provide for a consistent eligibility date for provision of Department of Veterans Affairs memorial headstones and markers for eligible spouses and dependent children of veterans whose remains are unavailable, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself, Mr. HELLER, and Mr. UDALL):

S. 2248. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide certain burial benefits for spouses and children of veterans who are buried in tribal cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 2249. A bill to permanently reauthorize the Rio Puerco Management Committee and the Rio Puerco Watershed Management Program; to the Committee on Energy and Natural Resources.

By Ms. DUCKWORTH (for herself, Ms. HIRONO, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. BOOKER, and Mrs. FEINSTEIN):

S. 2250. A bill to ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself and Ms. HASSAN):

S. 2251. A bill to require the United States Postal Service to designate a single, unique ZIP code for Swanzy, New Hampshire; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER:

S. 2252. A bill to amend the Animal Health Protection Act to support State and Tribal efforts to develop and implement management strategies to address chronic wasting disease among deer, elk, and moose populations, to support research regarding the causes of chronic wasting disease and methods to control the further spread of the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. STABENOW (for herself, Ms. WARREN, and Mr. MARKEY):

S. 2253. A bill to amend title XXI of the Social Security Act to ensure access to mental health services for children under the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. BOOKER, Mr. CARDIN, Mrs. MURRAY, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Ms. HARRIS, Mr. BLUMENTHAL, and Mrs. FEINSTEIN):

S. 2254. A bill to prevent unfair double taxation by ensuring that the deduction for State and local taxes is not reduced, suspended, or eliminated; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

By Mr. ROBERTS:

S. Con. Res. 31. A concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Bob Dole; considered and agreed to.

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 294

At the request of Mr. NELSON, the name of the Senator from South Caro-

lina (Mr. GRAHAM) was added as a cosponsor of S. 294, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 654

At the request of Mr. TOOMEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 793

At the request of Mr. BOOKER, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Ms. HIRONO) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 842

At the request of Mr. BOOKER, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 842, a bill to prohibit Federal agencies and Federal contractors from requesting that an applicant for employment disclose criminal history record information before the applicant has received a conditional offer, and for other purposes.

S. 1063

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes.

S. 1142

At the request of Mr. CASSIDY, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 1142, a bill to extend the deadline for commencement of construction of certain hydroelectric projects.

S. 1263

At the request of Mr. BOOKER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1263, a bill to amend the Outer Continental Shelf Lands Act to prohibit oil-, gas-, and methane hydrate-related seismic activities in the North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida planning areas of the outer Continental Shelf, and for other purposes.

S. 1503

At the request of Ms. WARREN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1503, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1524

At the request of Mr. BOOKER, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1524, a bill to improve the treatment of Federal prisoners who are primary caretaker parents, and for other purposes.

S. 1627

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1627, a bill to extend the authorization of the Highlands Conservation Act.

S. 1845

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1845, a bill to amend the Lead-Based Paint Poisoning Prevention Act to provide for additional procedures for families with children under the age of 6, and for other purposes.

S. 1901

At the request of Mr. GARDNER, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1901, a bill to require global economic and political pressure to support diplomatic denuclearization of the Korean Peninsula, including through the imposition of sanctions with respect to the Government of the Democratic People's Republic of Korea and any enablers of the activities of that Government, and to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

S. 1933

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 1933, a bill to focus limited Federal resources on the most serious offenders.

S. 1989

At the request of Ms. KLOBUCHAR, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 1990

At the request of Mr. TESTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1990, a bill to amend title 38, United States Code, to increase the

amounts payable by the Department of Veterans Affairs for dependency and indemnity compensation, to modify the requirements for dependency and indemnity compensation for survivors of certain veterans rated totally disabled at the time of death, and for other purposes.

S. 2046

At the request of Mrs. MURRAY, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 2046, a bill to amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal data management, and for other purposes.

S. 2070

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2070, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

S. 2088

At the request of Mrs. FISCHER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2088, a bill to amend title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes.

S. 2135

At the request of Mr. CORNYN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mrs. ERNST), the Senator from Kansas (Mr. MORAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2135, a bill to enforce current law regarding the National Instant Criminal Background Check System.

S. 2167

At the request of Mr. CRUZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2167, a bill to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes.

S. 2174

At the request of Mr. YOUNG, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Arkansas (Mr. BOOZMAN) were

added as cosponsors of S. 2174, a bill to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line.

S. 2194

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2194, a bill to remove a limitation on a prohibition relating to permits for discharges incidental to normal operation of vessels.

S. 2236

At the request of Mrs. GILLIBRAND, the names of the Senator from Indiana (Mr. DONNELLY), the Senator from Colorado (Mr. BENNET) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2236, a bill to require covered discrimination and covered harassment awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered discrimination and covered harassment complaints, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 31—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO BOB DOLE

Mr. ROBERTS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO BOB DOLE.

(a) AUTHORIZATION.—The rotunda of the Capitol is authorized to be used on January 17, 2018, for a ceremony to award the Congressional Gold Medal to Bob Dole.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1863. Mr. ENZI proposed an amendment to the bill H.R. 1, to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

TEXT OF AMENDMENTS

SA 1863. Mr. ENZI proposed an amendment to the bill H.R. 1, to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018; as follows:

(The text of the Conference Report (H. Rept. 115-466) to accompany H.R. 1 is printed in the proceedings of the House in the RECORD of December 15, 2017. The text of the amendment is the text of the Conference Report with the following provisions stricken:

Section 11000, subsection (a);
Section 11032, subparagraph (B); and
The phrase "tuition-paying" in Section 13701.)

AUTHORITY FOR COMMITTEES TO MEET

Mr. ENZI. Mr. President, I have 3 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, December 19, 2017, at 10 a.m. to conduct a hearing on the following nominations: Scott Garrett, of New Jersey, to be President, Kimberly A. Reed, of West Virginia, to be First Vice President, Mark L. Greenblatt, of Maryland, to be Inspector General, and Spencer Bachus III, of Alabama, Judith Delzoppo Pryor, of Ohio, and Claudia Slacik, of New York, each to be a Member of the Board of Directors, all of the Export-Import Bank.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, December 19, 2017, at 2 p.m. to conduct a hearing on the following nominations: Peter Hendrick Vrooman, of New York, to be Ambassador to the Republic of Rwanda, and Joel Danies, of Maryland, to be Ambassador to the Gabonese Republic, and to serve concurrently and

without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, both of the Department of State.

COMMITTEE ON RULES

The Committee on Rules is authorized to meet during the session of the Senate on Tuesday, December 19, 2017, at 2:30 p.m. to conduct a hearing entitled "A resolution to improve procedures for the consideration of nomination in the Senate".

PRIVILEGES OF THE FLOOR

Mr. MURPHY. Mr. President, I ask unanimous consent that Nellie Jafari, a health fellow in my office, be granted floor privileges for the remainder of the 115th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 31, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) authorizing the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Bob Dole.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 31) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY,
DECEMBER 20, 2017

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 11 a.m. on Wednesday, December 20; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M.
TODAY

Mr. MCCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:53 a.m., adjourned until Wednesday, December 20, 2017, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

LISA GORDON-HAGERTY, OF VIRGINIA, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY, VICE FRANK G. KLOTZ, RESIGNED.

DEPARTMENT OF STATE

ANDREA L. THOMPSON, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY, VICE ROSE EILENE GOTTEMOELLER RESIGNED.

SUSAN A. THORNTON, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS), VICE DANIEL R. RUSSEL.

DEPARTMENT OF EDUCATION

FRANK T. BROGAN, OF PENNSYLVANIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE DEBORAH S. DELISLE, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate December 19, 2017:

DEPARTMENT OF STATE

JENNIFER GILLIAN NEWSTEAD, OF NEW YORK, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

EXTENSIONS OF REMARKS

IN HONOR OF ARLENE SHERMAN'S
100TH BIRTHDAY CELEBRATION

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Arlene Sherman on her 100th birthday.

I join her friends and family in extending my best to her on this day and in celebrating her life and contributions to our great state. I hope she uses this momentous day to do the same.

Again, Mr. Speaker, I would like to extend my congratulations to Arlene on her birthday. May her year be filled with happiness and blessings.

RECOGNIZING HOLY FAMILY
ACADEMY AS A 2017 NATIONAL
BLUE RIBBON SCHOOL

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. ROSKAM. Mr. Speaker, I rise today to congratulate Holy Family Catholic Academy in Inverness, Illinois on being named a 2017 National Blue Ribbon Award winner. The National Blue Ribbon Award is presented to schools for outstanding academic performance making Holy Family Catholic Academy well-deserving of this recognition.

This year AdvancED, a non-partisan organization that reviews educational institutions, named Holy Family Catholic Academy as the first middle school in Illinois to receive STEM certification. Notably, the school's group-based learning environment prepares middle school students for STEM programs with confidence, curiosity, and enthusiasm.

The success of Holy Family Catholic Academy would not be possible without qualified teachers and the support of a robust Parent Association. Over 75 percent of Holy Family Catholic Academy teachers have advanced degrees. The Parent Association hosts a week-long Teacher Appreciation celebration that recognizes the trust, appreciation, and dedication of these consummate professionals.

Mr. Speaker and distinguished colleagues, please join me in congratulating Holy Family Catholic Academy on being named a 2017 National Blue Ribbon Award winner.

MILLIONS OF AMERICANS
NEGLECTED UNDER TAX BILL

HON. DINA TITUS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. TITUS. Mr. Speaker, I rise in strong opposition to H.R. 1, the Republican tax scam. I voted against this bill a few weeks ago and again when it was brought before the House on December 19.

This bill was crafted behind closed doors, without regular order, and without thorough public input. The result is legislation that would dismantle our health care system, add significant complexity to the tax code, and harm my district's seniors, students, and virtually every middle-class family.

Many of my constituents suffered great economic hardship and are just beginning to recover from the worst financial crisis since the Great Depression. This tax bill is not a way to bolster the recovery effort; it is a red herring that relies on the myth of trickle-down economics in order to give top earners more breaks.

Another way the Republican tax bill callously demonstrates a lack of concern for the average American that has been left largely out of the conversation, is the taxation of our citizens living abroad. I often hear from my overseas constituents and American expats I meet around the world about the burdens they face with the American citizenship-based taxation system. Like my constituents in Las Vegas, many of our citizens residing overseas are teachers, small business owners, and middle-class and working families who would be excluded from the benefits of the tax bill. They discuss being dually taxed under the current system: first by the local tax authority where they currently reside and again by the United States. This is a legitimate problem and unfair for the roughly 9 million Americans living abroad. No other developed nation has such a system.

As a member of the Americans Abroad Caucus, I have continued to support taking action so that U.S. citizens living abroad are not left with the choice of being drained of savings or having to renounce their citizenship due to unfair double taxation. Unfortunately, Congress has neglected to help this minority constituency for far too long. It is discouraging that the tax-writing committees would rather prioritize tax cuts on the foreign income of U.S. corporations than provide assistance to individual citizens abroad with tax reform.

I condemn my colleagues who voted for the tax scam conference report that will shift money from hard working families in Nevada and around the globe to the wealthiest in the nation.

PERSONAL EXPLANATION

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. HUDSON. Mr. Speaker, I was unavoidably detained and missed a vote. Had I been present, I would have voted YEA on Roll Call No. 686 and YEA on Roll Call No. 687.

PERSONAL EXPLANATION

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. KELLY of Mississippi. Mr. Speaker, on December 18, I was not recorded on two Roll Call votes due to travel delays beyond my control. Had I been present, I would have voted YEA on Roll Call No. 685 and YEA on Roll Call No. 686.

HONORING THE LIFE AND LEGACY
OF MR. FRANK WILLIAMS, JR.

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. RICHMOND. Mr. Speaker, I rise today to honor the life and legacy of Mr. Frank "Frankie" Williams, Jr., a native of New Orleans, Louisiana, who passed away on December 6, 2017 at the age of 50.

Mr. Williams was born on July 21, 1967 in New Orleans, Louisiana. He was the oldest boy of six children to Mr. Frank Williams, Sr. and Mrs. Joan Williams. Mr. Williams received his education in the Orleans Parish Public Schools, graduating from George Washington Carver High School. He was employed by the Blue Crab Restaurant and Oyster Bar and a former employee of Margaritaville for ten years.

Mr. Williams went into the water near Lakeshore Drive to assist in rescuing two men. One of those two men died and another was hospitalized after their car plunged into a canal at West End, along with killing Mr. Williams as well. A co-worker of Mr. Williams stated that his actions that night were in line with his character.

It was said that, "Frank was the true definition of a selfless person who always looked out for his fellow man, co-worker or friend—the type of guy who would give you the shirt off his back. His large stature perfectly matched his large heart."

Mr. Williams loved the city and the people of New Orleans. His legacy will forever be a part

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the city and his dedication to community embodies the spirit of New Orleans. We cannot match the sacrifices made by Mr. Williams, but surely we can try to match his sense of service. We cannot match his courage, but we can strive to match his devotion.

Mr. Frank "Frankie" Williams, Jr.'s survivors include his wife Doretha "Kim" Henry Williams, mother Joan Williams, son Frank Clark and two stepsons; grandchildren Adriana, Ma'Kye and Cam'ron Clark and two step grandchildren; and godchild Karionisha Polk. Siblings Karen Jones, Joan (Charles), Barbara (Will), Glenn (Chandra), Tyrone (Teidra) Williams and Jessie (Brenda) Brue; eight brothers-in-law; and four sisters-in-law. He is survived by a host of nieces, nephews, cousins and other relatives and friends.

Mr. Speaker, I celebrate the life and legacy of Mr. Frank "Frankie" Williams, Jr., a beloved husband, father, grandfather, uncle, and son.

**CONGRATULATING LIEUTENANT
GENERAL DAVID E. QUANTOCK
ON HIS RETIREMENT AFTER 37
YEARS OF SERVICE IN THE
UNITED STATES ARMY**

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. STEFANIK. Mr. Speaker, I rise today to congratulate Lieutenant General David E. Quantock, who is retiring after 37 years of exemplary active federal service in the United States Army on December 31, 2017.

LTG Quantock is a resident of New York and a 1980 graduate of Norwich University, with a Bachelor's degree in Criminal Justice. He received Master's degrees in Public Administration from Troy State University, Computer Science from the Naval Postgraduate School, and Strategy from the United States Army War College. He was commissioned through ROTC and entered the U.S. Army as a Military Police Officer. LTG Quantock has served in multiple campaigns, including Operation Island Breeze in Grenada, Operation Uphold Democracy in Haiti, and Operation Iraqi Freedom in Iraq.

LTG Quantock culminated his distinguished career as The Inspector General, Office of the Secretary of the Army where he upheld the office's longstanding legacy as a fair and impartial organization. In all of his diverse assignments, LTG Quantock's dedication, integrity, and leadership had an immeasurable impact on the Army and our nation's allies.

On behalf of New York's 21st District, I want to thank LTG Quantock for his 37 years of faithful service, and wish him and his wife Melissa all the best in the years ahead.

**HONORING MR. MARTIN TRUEX,
JR.**

HON. THOMAS MacARTHUR

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. MACARTHUR. Mr. Speaker, I rise today to honor Mr. Martin Truex, Jr., of Ocean Coun-

ty as the 32nd driver in the NASCAR Cup Series history to be crowned Champion. Since his Cup series rookie season in 2004, Martin has racked up 15 wins, 67 top 5's and 160 top ten finishes with 6,519 laps led throughout his hard fought and resilient career.

Beyond his great success on the race track, Martin is committed to giving back to his community. In 2007, he and his longtime girlfriend, Sherry Pollex started the Martin Truex, Jr. Foundation to support children with pediatric cancer. When not driving for Colorado based Furniture Row Racing team, Martin and Sherry devote much of their time together to furthering cancer research and awareness. The Martin Truex, Jr., Foundation has committed over one million dollars in aid to help grow the emergency room at the Southern Ocean Medical Center in Manahawkin, New Jersey. Additionally, their efforts contributed to the grand opening of a new Pediatric Care Center at Southern Ocean Medical Center, in August of 2013.

Martin was raised in Mayetta, NJ, a very small and not so populated area inside of Stafford Township in southern Ocean County. In 1998, he graduated from Southern Regional High School, while racing for the Modified Division at Wall Stadium in Wall Township, always striving to accomplish his childhood dream, which was to become a NASCAR Cup Series Champion.

Mr. Speaker, the people of New Jersey's Third Congressional District are tremendously proud to have Mr. Martin Truex, Jr., as an involved member of their community. It is my honor to recognize his outstanding accomplishment of being crowned the 2017 Champion in the NASCAR Cup Series and his continued commitment to giving back to his community, before the United States House of Representatives.

**THANKING THEODORE R.
BECHTOL, JR. FOR HIS DEDICATED SERVICE TO THE HOUSE**

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. HARPER. Mr. Speaker, I rise today to pay special tribute to one of the truly outstanding individuals who works at the U.S. Capitol, Mr. Theodore R. Bechtol, Jr.

Better known to many of us as the Superintendent of the U.S. Capitol Grounds, Ted is responsible for preserving and maintaining more than 290 acres of the historic landscape and infrastructure across the U.S. Capitol campus.

Prior to being promoted to his current position in 2007, Ted served as the Deputy Superintendent for U.S. Capitol Grounds. As part of Ted's responsibilities, he ensures the routine and periodic landscape maintenance, comprehensive tree care, and upkeep of the supporting infrastructure, vehicles, and equipment are completed. Additionally, snow removal, trash collection, and support for major events, such as the annual December Christmas Tree Lighting Ceremony, are key responsibilities for supporting our U.S. Capitol campus. In total,

Ted has taken part in 13 U.S. Capitol Christmas Tree events.

Throughout Ted's years at the U.S. Capitol, he worked hard to bring recognition to the historical significance of the grounds and helped to produce cultural landscape reports. His depth of knowledge about Frederick Law Olmsted, the American landscape architect who designed the U.S. Capitol Grounds, has changed how each section of the grounds are cared for, with a focus on historical horticulture.

Ted has also consulted on historical horticulture work at many institutions throughout the east coast.

Under his leadership, the U.S. Capitol Grounds have received designation as an accredited arboretum, a notable industry standard.

On Friday, January 5, 2018, Ted Bechtol will retire from his position as Superintendent of the U.S. Capitol Grounds for the Architect of the Capitol.

In retirement, he will be spending more time with his granddaughter, working on home improvement projects, and enjoy hiking and beach trips. He will continue to explore American history trails—he and his wife recently hiked Gettysburg and Civil War trails.

Although we are sad to see someone with Ted's accomplishments leave the service of the institution, I offer him my sincere best wishes in his retirement.

**IN RECOGNITION OF HELEN
MACKES FOR THIRTY YEARS OF
PUBLIC SERVICE**

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor Helen Mackes, who will celebrate her retirement in January from her position as tax collector for Kunkletown, Pennsylvania. Helen has been a life-long resident of Kunkletown, Eldred Township, Pennsylvania.

Helen Mackes was a realtor, an elected tax collector, and the go-to person for information and assistance in her community for close to thirty years, and she was the recording secretary for a local political association for three decades as well. In addition to her service in government, Helen has always been very involved in her community in civic organizations, helping to preserve local history and important historic sites. As head of the Eldred Township Historical Society, she led the effort to secure a grant from the Commonwealth Finance Authority to renovate and restore the Kunkletown post office on Kunkletown Road.

It is an honor to recognize Helen Mackes for all the years of service she has given to the people of Kunkletown. I am grateful for both what she has done and what she has meant to this unique community. I wish her all of the best as she looks forward to an enjoyable and fulfilling retirement.

HONORING FIREFIGHTER AND
PARAMEDIC JAMES McDONALD
FOR HIS COURAGE AND HEROIC
ACTIONS

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. RUIZ. Mr. Speaker, I would like to commend the heroic actions of firefighter and paramedic James McDonald. His courage, calm demeanor, quick reflexes, and solution-based approach saved the life of Riverside County Sheriff's Deputy David Solis.

On the afternoon of May 25th, 2017, Mr. McDonald and the rest of the members of Fire Station 79 were dispatched across town to assist Deputy Solis who had been shot multiple times during a foot pursuit in the City of Coachella.

Mr. McDonald reacted immediately and medically assisted Deputy Solis. He assessed the injuries, directed the medical support, and requested an air ambulance to transport Deputy Solis to the nearest regional trauma center.

As an emergency room physician, I am aware that when an individual is severely injured by gunshots, every second is vital to save his or her life. Mr. McDonald remained calmed and focused throughout the operation, and his leadership was essential in saving Deputy Solis's life. His courage and agility of mind is commendable.

Throughout his two years working with the Riverside County Fire Department, Mr. McDonald has demonstrated a strong commitment to public safety, earning the respect and admiration of his colleagues. Before becoming a firefighter, Mr. McDonald served our community as a paramedic since 2000. Mr. McDonald was recently recognized by the City of Coachella for his outstanding performance assisting Deputy Solis.

On behalf of California's 36th Congressional District, I am grateful for Firefighter and Paramedic James McDonald and commend his valuable contributions and arduous work strengthening our community.

IN RECOGNITION OF WILLIAM ERIC
HERR, COLONEL, USAF (RETIRED)

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. WITTMAN. Mr. Speaker, I am honored to use this time to recognize my constituent and friend, Mr. William Eric Herr for over 40 years of federal service beginning as a Reserve Officer Training Corps cadet in 1977 and culminating on January 14, 2018 with his retirement from federal civil service.

Mr. Herr received his engineering degree from the University of Colorado and was commissioned in 1981. He excelled as an Air Force pilot with most of his flight time in the F-15 Eagle, single-seat, air superiority fighter. Mr. Herr reached the pinnacle of his tactical training by graduating from the United States

Air Force Fighter Weapons Instructor Course; as in his other flying training courses, he received top academic honors and was recognized as a Distinguished Graduate. He served 26 years in the Air Force including command, combat time over Iraq, duty on The Joint Staff, and senior positions on The Air Staff and the Under Secretary of Defense for Policy Staff.

Today, Mr. Herr serves as the Low Observable/Counter Low Observable (LO/CLO) Systems Program Director in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. He is responsible for managing the Department of Defense process for focusing LO/CLO technology development and reviewing requests for the release of LO/CLO technologies to U.S. allies and foreign partners.

Mr. Herr has been an active and involved citizen of Stafford County, Virginia. He served five years on the county's Parks and Recreation Advisory Commission including multiple terms as chairman and vice-chairman. An active member of the Stafford County Branch, National Association for the Advancement of Colored People, Mr. Herr currently serves on their executive board and as their political outreach chair. He has been a frequent speaker at meetings of the Stafford County Board of Supervisors and has been engaged at all levels of his local government and across the First Congressional District.

Mr. Herr and his wife Lisa will be moving to Texas after his retirement where he will continue to support our Nation's defense in a leadership role in the private sector. Both he and Lisa will enjoy being closer to family but will never give up their ties to the Old Dominion.

Mr. Speaker, I ask my colleagues to join me in applauding Mr. Herr's service to Stafford County, to the Commonwealth of Virginia, and to the United States of America, and wish him and his wife the best in their future endeavors.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. AL GREEN of Texas. Mr. Speaker, on Monday, December 18, 2017 I missed the following votes. Had I been present, I would have voted "NO" on Motion to Fix the Convening Times, and "YES" on H.R. 4375, STEM Research and Education Effectiveness and Transparency Act.

PERSONAL EXPLANATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted YEA on Roll Call No. 687.

HONORING DEPUTY LOPEZ ON
BEING NAMED OFFICER OF THE
YEAR FOR HER ALTRUISM AND
HEROISM

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. RUIZ. Mr. Speaker, I would like to recognize an outstanding member of my Congressional district, Riverside County Sheriff's Deputy Alicia Lopez. Because of her extraordinary altruism, she was recently named Officer of the Year by the Palm Desert Police Department. Her story is an inspiration and today, I want to recognize her exceptional dedication of service and sacrifice.

Deputy Lopez and Community Service Officer Angelina Castleberry became close friends when they were both working at the Palm Desert Police Department. In 2014, Ms. Castleberry gave birth to beautiful twins. Unfortunately, one of them was born with a kidney deficiency. For three and a half years, little Matthew has been subject to multiple dialysis treatments, 14 surgeries, and weekly visits to the Loma Linda University Kidney Center.

Throughout the procedures, doctors advised Ms. Castleberry that Matthew may not survive for too long without a kidney transplant. When Deputy Lopez learned about Matthew's troubles, she decided to participate in a blood drive to see if she could be a match. In March 2017, the results indicated that she was indeed a match. Without any hesitation, Deputy Lopez decided to donate her kidney to save the life of little Matthew.

When Deputy Lopez enthusiastically shared the great news with Ms. Castleberry, she was overcome with tears of joy. On July 31, 2017, Deputy Lopez donated her left kidney to little Matthew, and the transplant surgery was successful. Her selfless generosity saved Matthew's life, who is now recovering well with his new kidney.

Deputy Lopez has dedicated her life to serving the residents of the Coachella Valley. Her valuable contributions and arduous work strengthening our community are inspiring. As exemplified in this story, she goes above and beyond the call of duty.

Mr. Speaker, on behalf of California's 36th Congressional District, I truly commend Deputy Lopez for her heroism and compassionate sacrifice. Her willingness to help little Matthew is an inspiration to us all. Her years of service and contributions to our community are an example of excellence and dedication that all should seek to emulate.

PERSONAL EXPLANATION

HON. RICHARD M. NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. NOLAN. Mr. Speaker, I was unavoidably detained for voting on Monday, December 18. Had I been present and voting, I would have voted:

Nay on Roll Call No. 685 (On Motion to Fix the Convening Time);

Aye on Roll Call No. 686 (On Motion to Suspend the Rules and Pass H.R. 4375, STEM Research and Education Effectiveness and Transparency Act, as amended); and

Aye on Roll Call Vote No. 687 (Motion to Suspend the Rules and Pass H.R. 3979, Keep America's Refugees Operational Act).

IN RECOGNITION OF BETH CHAPPELL FOR HER SERVICE AS DETROIT ECONOMIC CLUB PRESIDENT AND CEO

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Beth Chappell for her distinguished leadership as the Detroit Economic Club's President and CEO as she leaves to begin her next chapter. She has been an effective leader and advocate for Michigan's businesses and entrepreneurs.

Born and raised in Michigan, Mrs. Chappell attended Michigan State University's Broad College of Business where she received her bachelor's degree in Marketing before entering the workforce. She spent 16 years at AT&T Corporation, where she served as Vice President of Global Services and cultivated relationships with a worldwide clientele. Mrs. Chappell also served as Executive Vice President of Compuware Corporation and led the Chappell Group before being named President and CEO of the Detroit Economic Club (DEC). Throughout her 12 year tenure as DEC President, Mrs. Chappell has increased the connectivity of Detroit's business community.

The Detroit Economic Club was founded in 1934 to serve as an organization committed to growing Michigan's business community and providing a platform for international leaders to address global economic change. Mrs. Chappell was successful in growing the DEC and expanding its accessibility to a diverse group of local and national leaders. She launched a young leaders group to ensure that students and young business leaders have the opportunity to learn from successful local leaders and receive mentorship from those who have walked in their shoes. Throughout her career, she has been recognized for her dedication to the Michigan community and continued innovation to best serve business owners and consumers. Mrs. Chappell is a member of multiple boards including Detroit Regional Chamber, St. Joseph Mercy Foundation, Michigan Economic Growth Authority and Citizens Research Council. She has had a tremendous positive impact on the Detroit Economic Club through her work as President, and I look forward to seeing her continued contributions in the coming years.

Mr. Speaker, I ask my colleagues to join me in honoring Beth Chappell for her distinguished tenure as Detroit Economic Club President and CEO. She has worked diligently on behalf of Michigan's business owners throughout the years.

PERSONAL EXPLANATION

HON. BRENDA L. LAWRENCE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mrs. LAWRENCE. Mr. Speaker, unfortunately, on December 18, 2017, I was not able to cast my votes during the vote series due to a prior obligation in my District. Had I been in attendance, I would have voted: NO on the Motion to Fix the Convening Time; YES on H.R. 4375—STEM Research and Education Effectiveness and Transparency Act, as amended (Rep. COMSTOCK—Science, Space, and Technology); and YES on H.R. 3979—Keep America's Refugees Operational Act, as amended (Rep. JEFFRIES—Natural Resources).

PERSONAL EXPLANATION

HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. SINEMA. Mr. Speaker, I was unavoidably detained yesterday.

Had I been present, I would have voted NAY on Roll Call No. 685, YEA on Roll Call No. 686, and YEA on Roll Call No. 687.

HONORING DEPUTY DANIEL DIMAGGIO FOR HEROISM IN THE LINE OF DUTY

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. RUIZ. Mr. Speaker, I would like to recognize Riverside County Sheriff's Deputy Daniel DiMaggio for his heroic and swift actions which ultimately helped save the life of Deputy David Solis.

On May 25th, 2017, Deputy Solis was shot five times during a foot pursuit in the City of Coachella. Deputy DiMaggio rapidly responded to the situation and assessed Deputy Solis's injuries. Two weeks prior to the incident, Deputy DiMaggio attended training on Tactical Field Lifesaving, where he received the necessary medical materials to apply a tourniquet to Deputy Solis's arm. This technique helped stem the blood flow and reduce the shock from his wounds.

Deputy Solis is now alive thanks to the collective efforts of our community's first responders and public safety officials. However, Deputy DiMaggio's medical assistance was key in helping save his life. He took care of Deputy Solis until the paramedics arrived and remained with him while he was transported to the nearest regional trauma center.

Deputy DiMaggio's rapid response and decisive actions are truly commendable. He maintained a calm demeanor and a deep level of concentration that allowed him to execute the advance medical training he had received. He also had the needed medical kit ready to be used, which exemplifies his judicious thinking.

Mr. Speaker, on behalf of California's 36th Congressional District, I want to honor and recognize Deputy Daniel DiMaggio. His courageous and decisive response saved help the life of one of the members of our community. I commend his admirable contributions strengthening our community.

PERSONAL EXPLANATION

HON. VICENTE GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. GONZALEZ of Texas. Mr. Speaker, I was unable to cast my vote for Roll Call votes 685, 686, and 687 on December 18, 2017. Had I been present, my votes would have been the following: Nay on 685 and Aye on Roll Call votes 686, and 687.

IN RECOGNITION OF WASHTENAW COMMUNITY COLLEGE RENAMING THE PLANT OPERATIONS BUILDING IN HONOR OF A DISTINGUISHED STAFF MEMBER

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mrs. DINGELL. Mr. Speaker, I rise today to recognize the career of Damon B. Flowers, Vice President of Facilities, Development and Operations, and the recognition of his lifetime of work by Washtenaw Community College's which renamed a plant operations building after him. This building is being renamed in celebration of Damon B. Flowers' work at the school, so that his legacy will inspire generations of students to come.

Damon B. Flowers has served Washtenaw Community College in various capacities for over 23 years, including his current position of Vice President of Facilities, Development and Operations. Throughout his time at WCC, two campus master plans were implemented. These plans allowed him to oversee more than \$120 million in renovations and allowed for over 130 construction projects, including the Business Education Building, the Great Lakes Regional Training Center and the Health and Fitness Center. Vice President Flowers is known for his creative thinking and is recognized for the implementation of WCC's energy conservation campus standards and expanded recycling operations. Under his leadership, the campus has developed a partnership with the City of Ann Arbor and Ann Arbor Township to develop backup water resources and vegetated building roofs. He also secured WCC four Department of Energy grants through his dedication to implementing campus wide sustainability practices.

Vice President Flowers has received many awards throughout his tenure at Washtenaw Community College, including the Innovative Architecture and Design Award from Recreation Magazine, the Arbor Day Foundation Tree Campus USA Designation and the Grand Award from the Professional Grounds Management Awards Program. His years of hard

work have impacted countless lives and forever bettered the design of WCC's campus. His leadership will be missed, and I look forward to seeing his continued contributions to our local community in the coming years.

Mr. Speaker, I ask my colleagues to join me in honoring Vice President Damon B. Flowers for his outstanding service to Washtenaw Community College. His thoughtful leadership and influence will make a difference for decades to come.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. SÁNCHEZ. Mr. Speaker, yesterday December 18, 2017, on Roll Call Number 685 through 687, The Motion to Fix the Convening Time, H.R. 4375, STEM Research and Education Effectiveness and Transparency Act and H.R. 3979, Keep America's Refuges Operational Act, I was unavoidably detained and missed the vote.

Had I been present, I would have voted: Motion to Fix the Convening Time: No; H.R. 4375: Yes; H.R. 3979: Yes.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. McCOLLUM. Mr. Speaker, on December 18, 2017, I was in my district conducting official business and missed votes.

Had I been present, I would have voted in support of H.R. 4375, STEM Research and Education Effectiveness and Transparency Act, and H.R. 3979, Keep America's Refuges Operational Act.

Had I been present, I would have voted in opposition to the Republican motion to fix the convening times.

MUSIC AT KOHL MANSION 35TH ANNIVERSARY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. SPEIER. Mr. Speaker, I rise today to recognize the Music at Kohl Mansion concert series, conducted each year at Mercy High School, Burlingame. This is the 35th year of Music at Kohl Mansion. Built in 1914, Kohl Mansion's stunningly beautiful hall and associated rooms are the perfect setting for sparkling holiday lights and the joyous sounds of chamber music.

Music at Kohl Mansion has a national reputation for presenting chamber concerts of the highest professional standards, featuring local, national and international ensembles. The allied program of Kohl for Kids has instructed

over 100,000 students in interactive music programs through 22 K-12 public schools. The instruction has also been offered through concerts, master classes, and coaching. Kohl for Kids also serves the public in public libraries, community centers and senior residences. Hundreds of students have received musical instruments through the year-long instrument drive for schools, and a partnership with the Young Chamber Musicians since 2011 has strengthened the education and performance opportunities for advanced, teenage musicians.

The holiday production of Music at Kohl Mansion and the year-round production of music through Kohl for Kids strengthen America. Despite different cultures, backgrounds and experiences, music is a unifying language that every person can appreciate without regard to race, heritage or training. Music connects each of us with our inner spark, and encourages all to unite around a common source of inspiration.

Mr. Speaker, I have the privilege of being an alumna of Mercy High School, and the proud trumpeter of its ongoing mission to elevate the human spirit. Music at Kohl Mansion and its allied program of Kohl for Kids have spent 35 years making my community a more hopeful place in which to live. This holiday season, while viewing the lights around us, I want to celebrate the light within that is brought forth by the music emanating from Kohl Mansion. There is no finer location for music than the hall of Kohl Mansion where the love of God and country are palpable in the joyous renditions of this treasured winter festival in tiny Burlingame. Let the bells of this concert ring for as long as our human species have hope of joy and redemption.

IN RECOGNITION OF LINDA YOHN FOR HER DISTINGUISHED CAREER WITH WEMU RADIO

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Ms. Linda Yohn for her outstanding career with WEMU Radio. She has worked tirelessly on behalf of Michigan's music community for the past 30 years.

After receiving her bachelor's degree from Otterbein College in Ohio, Ms. Yohn started working at WKSU, a TV station in Kent, Ohio, where she discovered that radio was her true passion. Ms. Yohn has been a lover of jazz music her entire life and then took a job as a jazz music publicist in New York City where she stayed until joining the WEMU Radio team in April of 1987 as Music Director. She hosted Café Du Jazz on weekday evenings throughout her first few years at WEMU before taking the morning jazz slot which she has held for the past 25 years. Through Ms. Yohn's work, the station saw a sizable growth in the station's audience and its relationships with jazz artists and record companies. Ms. Yohn has fostered deep relationships with members of the jazz community, both locally and nationwide.

Ms. Yohn's work at WEMU has been critical to the growth and success of the station as well as cultivating the community of dedicated listeners that WEMU is known for. Southeastern Michigan's vibrant jazz scene is attributed to Ms. Yohn's work at WEMU and the relationships that she continues to cultivate. Her work has been recognized many times over the years and she serves as a board member for the Southeast Michigan Jazz Association and attends panels at various conferences and conventions throughout the country. Ms. Yohn has been named National Jazz Programmer of the Year five times, has received the Duke Dubois national award for service and has been named Ypsilanti's Ambassador for Jazz. Over the past 30 years, she has served as a mentor to the entire WEMU team; though her title was Music Director, she was also the heart and soul of the station. Ms. Yohn leaves behind a generation of passionate jazz listeners and on-air hosts. Her advocacy, passion, and hard work have made her a beloved leader in our Michigan community, and I look forward to her continued positive impact on our Michigan community in the coming years.

Mr. Speaker, I ask my colleagues to join me in honoring Linda Yohn for a distinguished 30 year career with WEMU Radio. She has made a lasting impact on southeastern Michigan's jazz community.

CONGRATULATING MELISSA BURNISON

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. SIMPSON. Mr. Speaker, I rise today to congratulate Melissa Burnison on her recent confirmation to serve as the Department of Energy's Assistant Secretary for Congressional and Intergovernmental Affairs. Melissa is well known to Members of the House, and President Trump made an excellent choice when he nominated her for this important position.

Melissa Burnison is a native of Kentucky and she began her career on Capitol Hill working for Senator MITCH MCCONNELL. Melissa later worked for Congressman Zach Wamp of Tennessee where she focused on Department of Energy issues. She later served as a senior advisor at the Department of Energy and most recently represented the Nuclear Energy Institute as Director for Federal Programs. In that capacity, my staff and I have worked closely with Melissa to address challenges and opportunities facing the nuclear industry. Melissa also worked tirelessly to foster increased collaboration between the DOE national labs and the nuclear industry. I have especially appreciated her work in this area.

While Melissa Burnison is a respected and effective professional, she truly stands out as a wife and mother. Melissa is an adoring mother of three daughters and with her husband, Scott, they have formed a warm and close family.

One of the pleasures of serving in the U.S. House of Representatives is seeing young, talented people come to Washington to serve

their country. I commend Melissa for her confirmation in this important position, and I expect we will be hearing more about this talented and gracious public servant in the years ahead.

TESTIMONY OF ANNA GOLDFARB

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. FITZPATRICK. Mr. Speaker, I include in the RECORD testimony of Anna Goldfarb.

Mr. Speaker, distinguished members of Congress and fellow citizens, good afternoon. My name is Anna Goldfarb and I am a student in the Council Rock School District. I am very honored to be speaking before you today about diversity and inclusion issues at my Bucks County, Pennsylvania school. I attend a school where most of the students look like me. I have heard many times from classmates and teachers that discrimination is not a problem within our district. It wasn't until the last couple of years, when I became old enough and opened my eyes and ears, did I see and hear that improvement is needed.

I do not think that most teachers and students are trying to be hurtful to students of color, different religions, genders, or sexual orientation. I also don't think that my friends who do not speak up in the face of discrimination are choosing to stand with those that discriminate.

I do believe that when we know better, we do better. I have made it my mission to call out discrimination when I see or hear it. I will always link arms with those being targeted and stand up for them when they are scared to do it alone.

I would like diversity and inclusion training to be added to our curriculum. We won't always attend school in this district, in this "bubble." We need to be prepared to become global citizens. We need to be prepared and empowered to stand up and link arms.

IN RECOGNITION OF ILLINOIS' BICENTENNIAL

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. KINZINGER. Mr. Speaker, I rise today to join my fellow Illinoisans in celebrating 200 years of being the Land of Lincoln, the Prairie State, the heart of the Midwest, and the true microcosm of America.

With our varied landscape and diverse population, our location in the dead center of the country, and our historical significance, Illinois is home to the hard-working and the kind-hearted. On December 3, 1818, Illinois became the 21st state admitted to the Union.

Today, Illinois is the fifth most populated state in the country and the first state to ratify the 13th Amendment to abolish slavery. Our proud state leads the nation in agriculture, manufacturing, specialized license plates, and is home to superheroes. Yes, we boast about having the highest number of personalized license plates produced in the country, and the

home of Superman really exists in Southern Illinois. We are home to the beloved 2016 World Series Champions, the Chicago Cubs, and the recently beleaguered but still beloved, Chicago Bears.

U.S. Presidents Lincoln, Grant, Reagan, and Obama all lived in Illinois. In fact, Ronald Reagan's boyhood home of Dixon is located in the district I represent. Illinois' 16th Congressional District is also home to the First Lincoln-Douglas Debate, which took place on August 21, 1858 in downtown Ottawa's Washington Square.

We're proud to celebrate this rich history, fortunate to call Illinois home, and honored to serve our communities here in Congress. As we kick off this bicentennial celebration of our Great Pumpkin State, we have a lot to be proud of and a lot of history to look back on.

Mr. Speaker, today I stand here to wish Illinois a very happy birthday and a wonderful bicentennial celebration all year long. Here's to our state sovereignty and national union.

HONORING ANDRE LACY

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. MESSER. Mr. Speaker, I rise today to honor a dear friend, Andre Lacy, who passed away this week on a trip in Botswana, Africa at the age of 78.

Andre was a well-known entrepreneur and philanthropist throughout Indiana and the nation. He served as Chairman of the LDI, Ltd. Board, a family business which evolved over the years into a successful business innovation solutions firm. With his business expertise, Andre devoted his time to Butler's Business Accelerator program by mentoring students and graciously donated to Butler's business school to promote their continued success. Throughout his life, Andre made a profound impact on countless Hoosiers by providing his guidance to many boards, commissions, and civic organizations.

On a personal note, Andre Lacy was my friend. He was a strong leader and a straight shooter that you could count on to be candid with you. Andre will be mourned most by those who knew him best, and he will be missed by all.

REMEMBERING HAROLD WEBB

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor the life and legacy of Harold Webb—Tuskegee Airman, North Carolina Director of Personnel, Wake County Commissioner—one of North Carolina's most distinguished leaders. Harold died this past Friday at the age of 92 after a lifetime of devoted public service. My wife Lisa and I extend our condolences to his wife Lucille, their family, and all Harold's extensive network of col-

leagues and friends as we express gratitude for his extraordinary life.

Born and raised in Greensboro, North Carolina, Harold attended public schools in Guilford County. Upon graduation, he served as a pilot with WWII's legendary Tuskegee Airmen, the first African-American unit to fly and maintain American combat aircraft. His unit received a Congressional Gold Medal in 2007 for its military achievements and was instrumental in paving the way for full integration of the Armed Forces. As the Raleigh News & Observer editorialized yesterday, "Webb was proud to be a member of the Greatest Generation, and it may fairly be said that he was among those who made it the greatest."

After the war, Harold received a Bachelor's degree in Biology and a Masters Degree in Education from N.C. Agricultural and Technical State University. He then became a teacher and principal in Orange County Schools and served in a variety of state-level education positions, including administrator of Chapter 1 of the Elementary and Secondary Education Act in North Carolina schools.

In 1977, Harold was appointed by Governor James B. Hunt to be Director of State Personnel, the first African-American to serve in this position. He then served on the Wake County Board of Commissioners from 2003 to 2010, and was Chairman from 2008 to 2009.

Harold Webb's board service included The University of North Carolina Board of Governors, Shaw University Board of Trustees, Wake Technical Community College Board of Trustees, Wake County Planning Board, and the National Association of State Personnel Executives. He received an honorary doctorate from NC A&T University and, with Lucille, was inducted into the Raleigh Hall of Fame in 2011. Harold was a faithful member of St. Ambrose Episcopal Church, where he held numerous leadership positions.

Harold Webb made life in Raleigh and North Carolina better for all of our citizens. I and many others valued him as a friend, collaborator, and colleague: a man you wanted on your team. He was a leader who got things done but was quick to share the credit, a kind and generous man skilled at bringing people together, and a great source of encouragement and inspiration. We join with Harold's family, his many friends and admirers, and members of the communities he served, in mourning his passing and honoring his exemplary life of leadership and public service.

TESTIMONY OF ASHTON NOONAN

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. FITZPATRICK. Mr. Speaker, I include in the RECORD testimony of Ashton Noonan.

Hello, my name is Ashton Noonan, I'm 13 years old and I'm transgender.

Throughout my life I always felt and said I was a girl. I loved Ariel and Wonder Woman; not Batman and Superman. People would make fun of me on the playground, or ask why I wanted to be a girl, but to me it just felt right.

Every year I got older, I felt more and more uncomfortable in my own skin. I

couldn't look on the outside like who I felt I was on the inside. That was always very confusing, because why not? After all, this is MY identity.

The world is changing, and with your help we can change the perception people have of the whole LGBTQ community, but especially LGBTQ youth. WE need a safe space where we can be supported, loved and accepted. We can and need to make ALL schools that safe space for ALL children. We need YOUR support to model for everyone else in the world what it is to love and accept others for who they are. We could all live every day for better or for worse, but together we can thrive.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. LARSON of Connecticut. Mr. Speaker, on Monday, December 18, 2017, I was unfortunately not present for roll call votes 685 through 687. If I had been present for these votes, I would have voted: Nay on roll call vote 685 on the motion to fix the convening time; Yea on roll call vote 686 on passage of the STEM Research and Education Effectiveness and Transparency Act (H.R. 4375); and Yea on roll call vote 687 on passage of the Keep America's Refuges Operation Act (H.R. 3979).

PERSONAL EXPLANATION

HON. BRENDAN F. BOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, on December 18, 2017, I missed rollcall vote No. 685, No. 686, and No. 687 on the floor of the House of Representatives. Had I been present, I would have voted Nay, Yea, and Yea, respectively.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for Roll Call votes 685, 686, and 687 on Monday, December 18, 2017. Had I been present, I would have voted "Nay" on Roll Call vote 685 and "Yea" on 686 and 687.

TESTIMONY OF MARGARET ZHENG

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. FITZPATRICK. Mr. Speaker, I include in the RECORD testimony of Margaret Zheng.

As a Chinese American, I may be hurt by affirmative action, but as a citizen of the global 21st century, I also feel that diverse representation in work and education is necessary to foster a sense of unity underlying diversity.

From this apparent contradiction of feelings, I have concluded that just like how it's difficult to cure advanced-stage cancer, we can't solve discrimination only after harm is done. Rather, we must treat the sickness of hate early on.

In school, we rarely study social minorities except as victims of history, omitting the positive, active roles that females, Muslims, Chinese, LGBTQ+ persons, etc. have had in culture and innovation. Liberal/Democrat students and conservative/Republican students tease and even taunt each other in school, and as a political independent, I often feel swallowed up in tribalized politics, afraid to be labeled a heartless conservative or naïve liberal.

The lack of discussion of socially and politically diverse perspectives in school perpetuates prejudice and endangers individuality, upon which value America was founded. That combined with the inequitable funding of schools and the billions of dollars wasted in high-stakes assessments that label rather than help struggling schools is what caused the need for affirmative action in the first place.

Educate us holistically, on citizenship and collaboration and empathy, and we will not only have diversity, but also a nation thriving.

REMEMBERING JAMES THOMAS "JIM" BEVIS

HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. PALAZZO. Mr. Speaker, I rise today to honor the memory of Mr. Jim Bevis, a friend and constituent from Mississippi's Fourth District.

Jim grew up, just down the beach from Mississippi, in Pensacola, Florida. He attended the University of West Florida earning a degree in banking and finance. In 1980, Jim launched what would become a longstanding career in finance and budget analysis at NASA Headquarters (Washington, D.C.), in the Budget Operations Division. Later, he spent a year at Goddard Space Flight Center, in Greenbelt, Maryland. Over the next decade, Jim's career would soar to new heights as a budget analyst responsible for the Office of Space Science programs, then as the lead analyst for the Comptroller for all of NASA's space science programs, with a budget of nearly \$1.5 billion. From 1993 to 95, Jim served as a special assistant to the Chief Scientist at NASA, managing budget analyses for a variety of agency topics—Earth, space, microgravity, and life sciences.

Thankfully, Jim's success landed him a position at Mississippi's Stennis Space Center where, in 2002, he was named Chief Financial Officer. He was still serving in that position at the time of his unexpected death in November.

Jim earned numerous awards for his excellent performance and dedicated service to the

NASA and Stennis communities. One especially memorable one, unique to our Gulf Coast, was the NASA Commendation Award for Hurricane Katrina Recovery.

Jim carried with him a passion for exceptional work and a rock solid commitment to serving well in his career at NASA. His full comprehension of the public's trust, as Chief Financial Officer, drew the respect and appreciation of NASA's leadership.

Regrettably, Jim's life was cut short just days before his 62nd birthday. I also wish to honor his sons, Nolan & Nicholas today, along with their mother, Sherri Carr Bevis, who is also a public servant and Gulf Coast friend.

Jim enjoyed playing tennis and strumming Beatles tunes on his guitar. He was also deeply involved in his beloved Jacob's Well church family. The life that was Jim Bevis is greatly appreciated and will be missed.

RECOGNIZING THE SERVICE OF COLONEL WILLIAM DAVID BARTON

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in honor of Colonel (COL) William David Barton's thirty-one years of service in the Mississippi Army National Guard (MSARNG). COL Barton began his military career on August 13, 1986, when he enlisted as a Cannon Crewman in Service Battery, 2nd Battalion, 114th Field Artillery in his hometown of Kosciusko, Mississippi. He later received his commission through the ROTC program at the University of Mississippi, where he graduated with a degree in marketing in 1990.

COL Barton has served the MSARNG in staff positions at the battalion, brigade and state staff levels, and held command positions at the platoon, company and battalion levels. In 2005, he was deployed to Iraq with the 155th Brigade Combat Team (BCT) where he first served as Brigade Personnel Officer for the 155th BCT, and then served as the Battalion Operations Officer for 2nd Battalion, 114th Field Artillery. He has held the position of Deputy Chief of Staff, Personnel since February 1, 2015.

His awards and decorations include the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal (with four Bronze Oak Leaf Clusters), the Army Commendation Medal (with one Bronze Oak Leaf Cluster), the Army Achievement Medal (with two Bronze Oak Leaf Clusters), the Army Reserve Components Achievement Medal (with one Silver and three Bronze Oak Leaf Clusters), the National Defense Service Medal (with one Star), the Iraq Campaign Medal (with two Campaign Stars), the Global War on Terrorism Service Medal, the Armed Forces Reserve Medal (with Gold Hourglass, M Device, and Numeral 2), the Army Service Ribbon, the Overseas Service Ribbon, the Combat Action Badge, the Air Assault Badge, the National Guard Basic Recruiter Badge, the Mississippi Magnolia Cross (with one Bronze Oak Leaf Cluster), the Mississippi Magnolia Medal (with one Bronze Oak Leaf Cluster), the Mississippi Commendation

Medal, the Mississippi War Medal (with one Star), the Mississippi Emergency Service Medal, the Mississippi Service School Ribbon (with one Silver and one Bronze Oak Leaf Cluster), the Mississippi Longevity Medal (with one Silver and one Bronze Oak Leaf Cluster), and the Mississippi Recruiting Medal.

When asked about his years in the MSARNG, COL Barton said, "I have been blessed to serve with some of the finest people in the world over the last 31 years. It has been an amazing experience and I am glad to have been able to serve my country and my state in both peacetime and during war. The service members I have served with truly embody the National Guard motto of 'Always Ready, Always There' and I could not be more proud of my service alongside them."

Throughout his career and in preparation for his upcoming retirement, Colonel Barton has been supported by his loving family, including his parents, Gerald and Peggy Barton; his three sisters; his wife, Jennifer Barton; and his four daughters, Brittany Burnham, Ashley Smith, Kelly Barton and Hannah Kelly.

I am thankful for Colonel Barton's many years of military service, and I am proud to call him my friend. I wish him the best in his future endeavors.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall votes No. 685 through 687 due to a death in my family. Had I been present, I would have voted "Nay" on the motion to fix the convening time, "Yea" on H.R. 4375, STEM Research and Education Effectiveness and Transparency Act, and "Yes" on H.R. 3979, Keep Americas Refugees Operational Act.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. PASCRELL. Mr. Speaker, on December 18, 2017, I missed three Roll Call votes because I was detained in my district. Had I been present, I would have voted:

NO on the Motion to Fix the Convening Times—House GOP Leadership has offered a motion to change tomorrow's convening time to 10:00 a.m. (Roll Call No. 685);

YES on H.R. 4375, the STEM Research and Education Effectiveness and Transparency Act (Roll Call No. 686); and

YES on H.R. 3979, the Keep America's Refugees Operational Act (Roll Call No. 687).

TESTIMONY OF ALIYAH SALLEY

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. FITZPATRICK. Mr. Speaker, I include in the RECORD testimony of Aliyah Salley.

Hello, my name is Aliyah Salley and I am from Bucks County, PA. First let me start off by saying Thank you. Thank you to Congressman Fitzpatrick, and his colleagues for giving us this opportunity to be heard today. I also want to thank Barbara Simmons of the Peace Center, my mom, Necole Salley and my grandmother, Linda Salley who is the president of the African American Museum of Bucks County. If it wasn't for these 3 ladies along with Congressman Fitzpatrick I believe my story as well as the stories you will hear today will have gone unheard. As I said earlier my name is Aliyah Salley. I was born in Charlotte, North Carolina, lived in Virginia for a few years and then moved to Bucks County, PA in 2011 with my mom and my sister. We move to Bucks County because my mom talked about how nice of a place it was to raise her children because of the experience she had living there when she was young. For all the years I lived down south, I never once had to deal with racism or the discrimination until I moved to Bucks County. My sister and I went to school in the Neshaminy school district and I am a proud graduate of the 2016 class of Neshaminy & I have been attending BCCC for the past 2 years. While attending Neshaminy High, I experienced many offensive situations. I've seen racists slurs written on school property, my friends and I have been called the N**** word to our faces by students, there has been students wearing a confederate flag throughout the school and no one says anything to them. Two months ago, I became a victim of a hate crime. I have a part time job that I have worked for the past 4 years, As I was walking to my car to go to work I saw hand-writing on the car. As I approached the car I could see that the n**** word was carved on the front and back of my car. Imagine how hurtful this is, coming from the south, never having to deal with anything like this before and having it in your face every time you walk out of the door to go to school. It is out of control. We can't allow this to continue. Living in a small town is not meant for one race it is meant for all people. We need help. We have to educate the misinformed. The people that don't know any better. We have to figure out a way to teach people that diversity makes our community stronger. We have to open the doors to allow diversity to feel welcomed into the community. I went to a school with over 4000 students, but the faculty has only 1 African American principal in the entire building. Imagine what that feels like to as an African American student seeing only ONE African American faculty member in a school of thousands of students and hundreds of teachers. It hurts, it's sad, and we have to correct it. I am looking for change, annual diversity trainings for the teaching staff, more history of different cultures within the curriculum, a day of culture and food, counseling for the victims or even articulate a clear statement of expectations regarding racism within the schools, but don't ignore it and act like it is not happening because it is happening all the time. Today you will hear testimonies from other students from different school districts in Bucks County who had to deal with similar

things such as myself. Please have an open heart and listen to these stories and then let's create true change for the next generation to grow in confidence of who they are and what they have to offer, regardless of the color of their skin. As the Constitution states, and I agree like all of you, that "All men are created equal" & all we want is equality.

PERSONAL EXPLANATION

HON. JACKY ROSEN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Ms. ROSEN. Mr. Speaker, on December 18th, on roll call votes 685, 686, and 687, I was not present because I was tending to my husband, who is recovering from major spinal surgery. Had I been present, I would have voted NAY on roll call vote 685, YEA on roll call vote 686, and YEA on roll call vote 687.

CONGRATULATING GEORGE AND RUTHIE EDWARDS ON THEIR 50TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 2017

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to congratulate George and Ruthie Edwards on their 50th Anniversary this Christmas Eve, December 24, 2017. Marriage is one of the oldest institutions ordained by God; and George and Ruthie have proven to have endured fifty years as proof. George and Ruthie married in 1967 before his deployment to the Vietnam War in 1968. Upon his return from war, the Edwards' were blessed with five children; the late George, Jr., Vincent, Tomika, Yul and Corinthia. In addition, George and Ruthie are the proud grandparents of Jasmine, Devan, Danielle, London, Jordan and great-grandparents of Carter & K.T. Edwards.

George retired from the Georgia Pacific Corporation and Ruthie retired from the Texas Independent School District. They both are faithful, life-long members of the New Zion Baptist Church, spending countless hours in church-related activities to improve the New Town community. They enjoy traveling, spending time with family and friends, eating out at local restaurants and most importantly reading the Bible.

With age comes wisdom and with wisdom comes truth. Many years ago I recall some friends saying to me, "to keep a marriage brimming, with love in the loving cup; whenever you are wrong—admit it; whenever you are right—shut up!" I am most certain; every married couple understands this philosophy.

I congratulate you on achieving this milestone and wish you many years of happiness and joy in the future.

SENATE—Wednesday, December 20, 2017

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, in this season of gladness and cheer when many celebrate Your breakthrough at Bethlehem, we pause to thank You for Your mercy and grace. While we were sinners, You initiated the process of our redemption and restoration. Great is Your faithfulness.

Lord, make our lawmakers ambassadors of reconciliation for Your Kingdom, using them to demonstrate Your precepts and represent Your purposes. As they strive to bring the illumination of Your wisdom to a dark world, may people see their labors and glorify Your Holy Name. Because of our Senators' faithful service, may our Nation experience the unity of Your healing presence.

Lord, let there be peace on Earth, and let it begin with us.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SULLIVAN). The majority leader is recognized.

TAX REFORM BILL

Mr. MCCONNELL. Mr. President, last night, the United States accomplished something really remarkable. After years of work, dozens of hearings, and an open process, we passed a historic overhaul of the Nation's Tax Code. It will deliver real relief to families and small businesses all across our country. We passed tax reform to spur the American economy, to encourage job creation and grow economic opportunity, to bring jobs and investment home, and to put more money into the pockets of hard-working men and women whom we represent. We voted to repeal ObamaCare's individual mandate tax so that low- and middle-in-

come families are not forced to purchase something they either don't want or can't afford. We voted to responsibly develop more of Alaska's oil and gas potential, strengthening our economy and our national security in the process.

I would like to commend my colleagues in the Senate for their work to pass these historic reforms and bring our Tax Code into the 21st century.

I want to extend special thanks to Senate Finance Committee Chairman ORRIN HATCH, a skilled legislator whose expertise was essential to shepherding this legislation through a challenging process while faced with complete and total obstruction.

I thank Chairman MIKE ENZI for his assistance and Chairman LISA MURKOWSKI and Senator DAN SULLIVAN, who worked tirelessly to bring the people of Alaska a victory on energy exploration for which they have been waiting for almost 40 years.

I am grateful to the other Senate conferees—Senators CORNYN, THUNE, PORTMAN, SCOTT, and TOOMEY—who worked day and night to get this legislation across the finish line.

And of course, in addition to Senator HATCH, his colleagues on the Senate Finance Committee deserve our gratitude as well: Senators BURR, CASSIDY, CRAPO, GRASSLEY, HELLER, ISAKSON, and ROBERTS. This could not have happened without all of them.

Of course, a great deal of credit goes to President Trump, Vice President PENCE, and their dedicated White House team. Their efforts were absolutely essential to this process, and we are proud to have worked together to deliver on a key part of the President's agenda.

It goes without saying that tax reform would have been impossible without Speaker RYAN, Chairman BRADY, and the Members of the House who share our commitment to make taxes lower, simpler, and fairer. I am proud to call them my colleagues.

When the final version of this historic law passes the House later today, it will await the President's signature. Then, families and small businesses—like so many in my home State of Kentucky—can begin to enjoy the benefits. Our constituents called out for relief from the Obama economy, and Congress delivered.

FUNDING THE GOVERNMENT

Mr. MCCONNELL. Mr. President, on a different matter, the Senate's work this week is not finished. Before Friday, Congress must agree on funding to

sustain the necessary operations of the Federal Government. I know that all our colleagues on both sides of the aisle want to keep the government funded and attend to a number of other urgent priorities. I am confident we can work together to do just that. Americans are counting on us, after all.

To begin with, our men and women in uniform are counting on us to provide the resources they require to fulfill their missions and keep the country safe. The burden of the Budget Control Act has fallen disproportionately on our All-Volunteer military. Under that law, defense cuts have outpaced non-defense cuts by \$85 billion since fiscal 2013. At the same time, the previous administration insisted that new defense spending be matched equally by new nondefense spending, notwithstanding the actual needs of our military.

This week, let's dispense with the arbitrary standard—as we did earlier this year—and provide our warfighters with the funding they need to accomplish the tasks put before them.

Americans whose premiums are soaring or whose coverage is in jeopardy because of the failures of ObamaCare are counting on us to take bipartisan steps toward stabilizing health insurance markets.

The parents of 9 million children enrolled in the Children's Health Insurance Program are counting on us to renew the program's funding.

Our country's law enforcement professionals are counting on us to renew an important foreign intelligence program that helps them defend the homeland from those who wish us harm.

Veterans are counting on us to renew the popular Veterans Choice Program and preserve their flexibility to access care outside of the VA system.

Just as we have done in the past, we need to pass a routine pay-go waiver to avoid a draconian sequester that none of my colleagues want to see take effect. Americans are counting on us not to inflict harmful cuts on Medicare and other essential operations.

I look forward to working together in the coming days to fund our government in a manner that does right by the American people.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be

in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

RECOGNIZING THREATS TO FREEDOM OF THE PRESS AND EXPRESSION AROUND THE WORLD

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 277, S. Res. 150.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 150) recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the United States Government to promote democracy and good governance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 3, 2017, under "Submitted Resolutions.")

RECOGNIZING THE CREW OF THE "SAN ANTONIO ROSE", B-17F, WHO SACRIFICED THEIR LIVES DURING WORLD WAR II

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. Res. 326 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 326) recognizing the crew of the San Antonio Rose, B-17F, who sacrificed their lives during World War II, and honoring their memory during the week of the 75th anniversary of that tragic event.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 326) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of November 9, 2017, under "Submitted Resolutions.")

NATIONAL ERNIE PYLE DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 345.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 345) designating August 3, 2018, as "National Ernie Pyle Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of November 30, 2017, under "Submitted Resolutions.")

RECOGNIZING THE SERVICE OF THE "LOS ANGELES"-CLASS ATTACK SUBMARINE THE USS "JACKSONVILLE" AND THE CREW OF THE USS "JACKSONVILLE"

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 362, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 362) recognizing the service of the Los Angeles-class attack submarine the USS Jacksonville and the crew of the USS Jacksonville, who served the United States with valor and bravery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 362) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

REPUBLICAN TAX BILL

Mr. SCHUMER. Mr. President, last night the Senate passed an awful, partisan rewrite of the Tax Code. I said a good deal about the bill over the course of the debate and added my concluding thoughts into the RECORD before the final vote, but let me just reiterate one point. The Republican tax bill will cement the Republican Party as the party of the wealthy and the party of the big corporations against the middle class and the working people of this country.

Corporations get permanent tax breaks. The individual tax breaks expire. By 2027, according to the Joint Committee on Taxation, 83 percent of the middle class—that is almost 145 million American families—will either get a tax increase or a tax cut of less than \$100.

Meanwhile, according to the Tax Policy Center, the top 1 percent of earners in our country will reap 83 percent of the benefits of the tax plan.

Let's go over that again. The middle class, 83 percent, either get a tax increase or a tax break of less than \$100. The top 1 percent, the wealthiest, get 83 percent of the benefits. Middle-class America is asking something: Why does the top get far more than I do? Why do I get a tax increase when so many of them get a huge decrease? To boot, millions of middle-class Americans will now go without health insurance and millions more will see their premiums rise. At the same time, multinational corporations and wealthy hedge fund managers enjoy a massive tax break. To repeat, the legacy of this bill will be to cement the Republican Party as the party of the rich and powerful against the middle class.

We Democrats have been saying this for years, but our Republican colleagues with this tax bill have done us a major favor. Even their Republican supporters are realizing where the Senate Republicans and House Republicans are—on the side of the most wealthy, on the side of the big powerful corporations, not on the side of the middle class.

Whenever we have had a Republican President and Republican Congress, we get the same thing—a program of tax cuts for the rich, higher deficit and debt, and then threats to Social Security and Medicare. That is what happened under President Bush, and we

are seeing the exact same playbook today. There is nothing about this bill that is suited to the needs of the American worker or the American economy. My Republican friends would propose it in a booming economy or recession, whether we have surpluses or deficits. No matter what, it seems to our Republican friends that tax cuts for the rich and big corporations are the answer to our problems. The benefits will trickle down like magic to the rest of us.

Trickle down is the entire philosophy of this tax bill—trickle down. When they say they are helping the middle class, when they say they are creating jobs, it is because the wealthy get money and, in their belief, will create jobs. It hasn't happened. It hasn't happened. Corporate America has more money than ever before. The stock market is higher than ever before, and job creation isn't.

That is where this bill is at. There is nothing about this bill that suits the needs of the American worker, as I said. Trickle down has been widely discredited as an economic theory. It has been discredited by recent history, and it will be discredited again.

Our Republican colleagues are clinging. They are saying: This bill is so unpopular, but don't worry, once the economy takes off, once people see hundreds of dollars in their pockets, they will change their mind.

The economy is not going to take off. The wealthy will do better. There will be a lot of dividends. There will be a lot of stock buybacks, not too much job creation. AT&T is a big American company and a fine American company. Their tax rate over the last 10 years was a mere 8 percent, and they cut 80,000 jobs. That one statistic belies all this trickle-down bunk that our Republican colleagues still cling to even though it is outdated and disproved, and the American people will have their chance in 2018 to reject this philosophy and move our country in a dramatically different direction—back toward government that works to lift up the middle class rather than one that gives more to those who already have so much. From now until then, we Democrats will focus like a laser on making things better for working Americans and the middle class. The contrast, particularly this tax bill, which so benefits the wealthy and powerful, could not be more clear.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Now to the end of the year, Mr. President, as a result of the Republican efforts to jam the tax bill through before the end of the year, we now have precious little time left to keep the government open and to solve a legion of problems.

We still haven't reached a budget deal to lift the spending caps equally

for both defense and urgent domestic priorities such as combatting the opioid crisis, improving veterans' healthcare, and building infrastructure.

We have not reached a deal to reauthorize the Children's Health Insurance Program, community health centers, or to extend the 702 FISA Court program.

Two major sticking points remain in the form of the disaster supplemental, which still does not treat Puerto Rico, California, and the U.S. Virgin Islands as well as Florida, Texas, and Louisiana.

Of course we have the Dreamers and a moral imperative to protect them. These are kids who were brought here very young through no fault of their own. Many of them know no other country but ours. They learn in our schools, work in our companies, serve in our military, and want to be Americans more than anything in the world. They are Americans in every single important way but one; they lack the paperwork. We have to solve that problem.

We have been negotiating with our Republican counterparts for weeks in search of a deal to pair DACA protections with reasonable border security. Democrats have always believed in border security, as the comprehensive immigration bill in the Senate showed. I hope now that the tax bill is behind them, my Republican colleagues are finally willing to reach an agreement, but because of the particular importance of all of these issues, especially Dreamers, we cannot do a short-term funding bill that picks and chooses what problems to solve and what not to solve. That will not be fair and will not pass. We have to do them all together instead of in a piecemeal fashion.

Whether that global deal comes before the week is out or a later date in January, it has to be a truly global deal. We can't leave any of the issues behind. Our Republican colleagues on tax and healthcare decided not to work with us. In this case they have to work with us, and working with us means that we sit down around the table and decide there are some things you want, some things we want, and let's compromise and get it done—not just picking and choosing what you want to get done and telling us to deal with it. That will not work this time.

I can assure my friend the majority leader that my caucus will be working in good faith with his caucus as long as they choose to work with us, and we will work with our colleagues in the House as well to reach a deal as soon as possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPUBLICAN TAX BILL

Ms. KLOBUCHAR. Mr. President, early this morning, the Senate voted on the tax bill. I voted against the measure, and as I have said many times, I don't think this is a bill that is going to work for my State or for America. The House now has one more opportunity. I don't think many people think they are going to change their vote, but I just hope, instead of celebrating what happens today, they are going to step back and look at what this really means.

I am in a group of people who have long called for tax reform. In fact, 2 weeks before this bill passed, we stood before the public and said we would like to work with the Republicans on a bill to bring the business rate down and to bring the money in from overseas but a bill that didn't add this kind of weight to the debt and a bill that actually was good for all Americans, not just some Americans.

We also could have done so much more. We are adding \$1.5 trillion to the debt. Yet we are doing nothing for infrastructure. We didn't change the carried interest loophole. We did nothing to fix so many things that even the President had identified as things that needed to be fixed in the Tax Code.

I have been concerned by this latest effort, which has not been bipartisan at all. It has resulted in a bill that will, as I said, add to the debt, create huge, new loopholes, and will encourage companies to move money around and move jobs overseas to avoid taxes. It will have huge, unintended consequences on the economy. Why? We didn't even have a hearing over this bill, a bill that will affect every single American.

Over the next 10 years—and this is not disputed—this bill will add \$1.5 trillion to our national debt, and even the most generous estimate says it may add \$500 billion in economic gain. If that is true, this bill would still be adding \$1 trillion to the debt. By the way, it is not the wealthiest Americans who are going to have to worry about that debt; it is the kids of middle-class Americans, of people who go to work every single day. What do they go to work to do now? To have a big chunk of their money that is going to pay for the interest on this debt. Almost all economists agree that a deficit-financed tax cut at this point in the business cycle makes no sense at all. If anything, at this time of low unemployment and strong market performance, it gives us a rare opportunity to try to, one, do something about our debt and, two, while we are doing

something about our debt, figure out what our priorities are for investment. I would say one of those top priorities is infrastructure, including broadband, including rural broadband. That wasn't in this bill. We accumulated \$1.5 trillion in debt.

Adding to the debt will, of course, put pressure on programs that every-day Americans rely on. This means Social Security, Medicare, and Medicaid. One of the most troubling developments in this bill was the inclusion of a provision to repeal a key part of the Affordable Care Act that would kick 13 million people off their insurance by 2027 and increase premiums by 10 percent in the individual market, and that means less money in the pockets of American middle-class families. The American people want us to move forward together to make fixes to the Affordable Care Act like the Murray-Alexander bill, but instead this bill moves us backward with a partisan approach that kicks people off their healthcare.

This bill, in the end, is really a bait and switch. Millions of middle-class Americans will end up paying more in taxes in the long run since many of the tax cuts they receive, if they receive a tax cut at all, would only be temporary. In 10 years, most Americans earning \$75,000 or less will pay more in taxes while people earning more than \$100,000 a year will continue to pay less. According to the analysis by the Institute on Taxation and Economic Policy, 644,000 people in my State with incomes below \$153,800 would see a tax hike in 2027. Meanwhile, a huge majority of the tax cuts in 2027 and after will benefit only the top 1 percent of Americans.

The bill creates a new and complicated system of taxing the income of companies, especially with regard to their international income. The practical effect of this systemic change is entirely untested. While the bill seeks to impose a minimum tax on overseas earnings, it allows companies to blend the tax rate for income overseas. This seemingly minor detail opens a big loophole that can give companies incentives to move jobs to foreign countries and may create a whole new tax avoidance scheme. While I heard celebration in this Chamber last night, I can tell you who are really celebrating—the tax accountants, the lawyers, as people are going to pay them millions and millions of dollars to look for new loopholes in a scheme that, again, didn't even get a hearing. I support bringing down the rate on foreign earnings held overseas and to make sure the money, though, is invested here and invested in infrastructure.

Bob Pozen, the former chairman of the oldest mutual fund company in the United States, has said the new system in this bill, which includes a new minimum U.S. "tax is like Swiss cheese. It

has so many holes that it would rarely be paid by U.S. firms." He goes on to say that, in fact, this proposal would encourage U.S. companies to "relocate to foreign countries more of their U.S. factories and U.S. intellectual property such as patents and trademarks. A minimum tax would be effective only if it applied to the foreign taxes paid by U.S. multinationals on a country by country basis, rather than on an aggregate basis across all foreign countries."

Again, we haven't had one hearing to understand the impact of this bill.

This bill would allow a one-time opportunity to bring back some of the trillions of dollars of earnings overseas. Again, I have long supported this, but I would also like to see at least part of this money be used on infrastructure. That was our original plan. Our original plan was that we were going to create incentives to bring the money in from overseas—a bipartisan plan—and then put a chunk of it, if the money was voluntarily brought back, into infrastructure.

Why? Well, the American Society of Civil Engineers' 2017 report card gave our Nation's infrastructure an overall D-plus grade. There is an economic imperative to fixing our infrastructure. The future of our markets is exporting to the 90 percent of those who live outside of our shores. Yet this bill, with the accumulation of \$1.5 trillion in debt, doesn't put the money into the infrastructure that will allow us to have that kind of an export economy.

True comprehensive tax reform requires closing loopholes, yet this bill does almost nothing to close the worst loopholes in our current Tax Code. The carried interest loophole, which President Trump promised over and over again that he would close, is still there. The loopholes that benefit big oil are still there. The Buffet rule that would make sure the wealthiest Americans pay the same tax as their employees is nowhere to be found. I have already mentioned the new opportunities for tax avoidance created by the new system of international taxation. That is just one of them.

This bill contains vast new loopholes for hedge fund managers, real estate investment companies, and anyone who can take a few minutes to reorganize as a passthrough business to take advantage of a lower rate, if they have the money to pay for a lawyer or pay for an accountant to do it. By taxing wage and salary income at a higher rate than so-called passthrough income, this bill creates opportunities for tax avoidance that are virtually unprecedented.

Given the speed with which this bill was rushed through, enterprising attorneys and accountants are going to find dozens of new loopholes in the coming years. If done right, we could have closed loopholes. We could have brought back money U.S. companies

are holding overseas to fund infrastructure projects here at home.

We could have given local businesses the ability to compete against out-of-State internet retailers, support our rural communities, and provide incentives to keep jobs in America.

I have always wanted to bring the corporate tax rate down—I have so many successful businesses in my State—but not like this, not with adding \$1.5 trillion in debt that is going to be put on the people whom I represent in my State, who just go to work every day. They don't have holdings overseas. They don't have a hedge fund manager. They don't have people who are investing money in all kinds of ventures all over the world. They just go to work and get an hourly wage or maybe they get a salary, and they just get enough money so that they hope they can have a house and send their kids to college. This bill doesn't make it easier on them.

It does not simplify the Tax Code. If anything, it makes it more complicated. It does not close loopholes. It is a huge missed opportunity.

A few weeks ago, I joined 17 of my Democratic colleagues in calling on our Republican colleagues to join us in a bipartisan approach to tax reform. Unfortunately, the bill that we voted on early this morning—and the bill that the House still has an opportunity to look at once more—involved negotiations only on one side of the aisle. When that happens, bad things happen.

We can do better. I will continue to work across the aisle on bipartisan solutions. We have to make changes to this bill going forward. We know that, and the American people will depend on it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. CASEY. Madam President, I rise this afternoon to talk about the Children's Health Insurance Program and, particularly, the reauthorization of that program. By reauthorization I mean taking action to continue a program that is not just worthy but battle-tested now for almost a quarter of a century nationally, at least 20 years. In States like Pennsylvania, it is more than 20 years, more like 25.

The unfortunate reality, though, is this isn't done. This program should have been reauthorized at the end of September, and it is not done yet. It

has gone from unacceptable to inexcusable. We should not leave this week without either having it reauthorized or having a game plan that would guarantee it will be reauthorized in the very early days of 2018, literally, the early days of January.

In just the last 2 weeks, I met with families across Pennsylvania and even families that came from beyond Pennsylvania here to Washington to talk about what the Children's Health Insurance Program means to them.

CHIP provides health insurance to some 9 million American children each year, including over 342,000 children in Pennsylvania, if you look at it over the course of the year. As you might recall, when the CHIP program expired on September 30, there were a lot of indications or promises made that it would be reauthorized rather soon, but that was 81 days ago. Whether you want to express it in days or months—81 days or 2½ months or more now—that is inexcusable. We have to get this done for these families.

I just saw a report this morning on "NBC News" that profiled a family. They were talking in this case to the mom and talking to her children, and it was a very moving story about the importance of the Children's Health Insurance Program and what would happen to that family if the program were not reauthorized.

This is a bipartisan program. It was bipartisan in its inception in the mid-1990s, and it has remained bipartisan. Now there is only one party that runs the House, the Senate, and the administration, and I hope that this one party—in this case, the Republican Party—can get the votes. You don't even have to talk about votes. It is really talking about floor time and really making sure there is an agreement on a pay-for.

The most recent action by the Finance Committee on CHIP was in the Keep Kids' Insurance Dependable and Secure Act, known by the acronym KIDS. The KIDS Act came through the Finance Committee by a voice vote. That almost never happens, even on reauthorization. There was a voice vote on October 4. It seems like a long time ago now. It is ready to go. If it came onto the Senate floor, we can pass it here. I have to ask: Why isn't that happening?

Maybe the better person to ask that question would be a family who is benefiting and who could be harmed if it is not reauthorized. I am thinking about Connie, a woman I met here in Washington just last week. Then, I saw her again on Monday in Pittsburgh at Children's Hospital of Pittsburgh. That is one of those great institutions for children across our country. She was there with two of her children. Carmen and Diego are both on the CHIP program. CHIP provides good health insurance so that they can get the healthcare they need.

I had a picture with Connie's daughter Carmen here in Washington. She dutifully handed me a copy of the picture when I saw her just a few days later in Pittsburgh at Children's Hospital.

Both Carmen and Diego might lose their health insurance because there is a lot of activity here and focus and a result when it comes to a big tax bill. In this case, it is a tax bill that gives permanent corporate tax cuts to multinational, profitable corporations. At the same time, there is almost no action or any sense of momentum right now to get the Children's Health Insurance Program in place again, or reauthorized, as we call it.

We had an event here in Washington yesterday where not only were there child advocates but so many others coming together to talk about this program. Maybe the most important thing we did yesterday, in addition to the mechanics, was to talk about the children in the room. Here are the children and the States they came from. I will just read through them quickly: Jason and Kelsey from Utah; Deanna came from New York; Malachi came from Colorado; Addie and Cailin from Kentucky; Patience, Serenity, Tyler, and Harmonie, all from the State of Texas; Jeridan, Kendra, and Makayla from the State of Wisconsin; and, finally, another Michaela—spelled a different way—and Grace came from the State of West Virginia. They and their parents—these children and their parents—spoke about what CHIP means to their families. Several of the parents said CHIP means their children can get the prescription eyeglasses they need.

I have to ask: How is a child supposed to learn and succeed in school without eyeglasses? CHIP provides that.

So while these kids don't know if they are going to be able to get the glasses they need to be able to read and to learn, the Senate is busy passing a tax bill. It is OK to pass a tax bill, even if I didn't agree with it, but we should find the time in the remaining hours of this year to get CHIP done.

I saw a tweet just 2 days ago that said the following: "Congress must renew funding for the Children's Health Insurance Program so the parents of the nine million children who are covered by CHIP can know their children's healthcare is secure."

The good news about that tweet is, it was a Member of Congress. The even better news is, it was a Senator. Better news even than that, the Senator happened to be the Senate majority leader, Senator McCONNELL.

I ask Senator McCONNELL, please allow floor time and please obtain the consensus you need in your own party to get this on to the floor and get it passed.

As I said, the KIDS Act, the Finance Committee bill, is ready to go. I ask for the majority leader's help because I

know he cares about this program as well. We have to get this done.

Just a final note before I yield the floor. I wanted to note several other healthcare priorities that Congress must address.

Community health centers are facing a funding cliff that will hurt millions of people around the country, and over 800,000 in Pennsylvania whom they serve, and other priority community health centers. Medicare extenders—meaning tax provisions that are extended from one year to the next or from one year into the future—including support for rural hospitals and lifting the so-called therapy cap to ensure seniors and people with disabilities have access to physical and occupational therapy services have also expired, just like the CHIP program, or will expire at the end of this calendar year. Failing to address these extensions is also unacceptable and will harm our children, our seniors, and our communities.

So we have a lot of work to do in a short amount of time on all of these healthcare issues. I think we should start with voting on and reauthorizing the Children's Health Insurance Program for 9 million American children.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM BILL

Ms. MURKOWSKI. Madam President, last night—I guess, actually, early this morning—was a pretty historic time for us. Our final vote to approve the Tax Cuts and Jobs Act was a historic moment for America, and it was clearly a historic moment for my State of Alaska.

For the first time in 31 years, since President Reagan was in office, we passed tax reform that will make our Tax Code work better for American families and businesses.

After 37 long years—yesterday, I said it was 38. I stand corrected. It was 37 years. That is a long time that we have been working to advance the opportunity to open a small portion of the non-wilderness 1002 area in northeast Alaska, up in our North Slope, to responsible energy development.

Many in our State believed this would happen in the early 1980s after Congress specifically set aside the 1002 area for exploration—and it is something we have been fighting for ever since. It is a long time to be working on an issue. It has been decades and, in many instances, generations.

Through this bill, we voted to let Americans keep more of their hard-earned dollars. We voted to make our businesses more competitive on a global scale. We voted to strengthen our Nation's energy security. And we voted to create new jobs, new wealth, and new prosperity for a generation to come.

One thing we know for sure is that legislation like this doesn't happen by accident. It doesn't happen quickly or with the sleight of hand. It happens with a considerable amount of work. So I wish to take a few moments this afternoon to simply say thank you—thank you to those who have worked so hard and for so long to help us reach this point.

I want to start by personally acknowledging our majority leader, Senator McConnell. He was the first one I went to back in early January to ask about how we might be able to proceed to include the opening of the 1002 area. We discussed avenues and opportunities. He told me he thought we could make it work, and he committed to me that we would work to do just that. He did, and I thank him for his considered effort and his belief in the cause.

I also need to thank and recognize our Budget Committee chairman, Senator Enzi. He was the second person I went to early this year. He agreed to provide an instruction in the reconciliation bill and allow us to run with this opportunity. He, too, recognized the significance of this as a policy initiative and how it dovetailed with what he was seeking to achieve through the Budget Committee.

The work of many within the Energy and Natural Resources Committee is significant, and I thank them for their efforts. An excellent group of Senators in that committee worked with me to craft our energy title and to report it out of the committee. We reported it on a bipartisan basis—not as strong as I would have liked, but we did receive support from our colleague Senator Manchin, from West Virginia. Again, it was a solid effort by the committee, and it was a good and important part of the process.

Along similar lines, I would like to thank all of the Members of this Chamber who supported our work here on the Senate floor—first, to protect the instruction and then to protect our good work to meet it.

For some, ANWR has been an issue which they have had an opportunity to weigh in and vote on for many years and thus was not a new matter in which education was needed. For others, it was important to be able to update them, to let them know that many of the issues they may have heard over the years were outdated, that the arguments were stale and needed to be refreshed, thus allowing them to understand what we are doing with new technology. Today, tech-

nology is helping us to facilitate development in a way that allows us to access more resources with less of a footprint, with less land, and with less intrusion on the surface, working to ensure that we are not only protecting the wildlife that is there, whether it be caribou or polar bears, but also ensuring that the people who live there in the 1002 region—the people of Kaktovik, the children who are going to school there, those who have called this place home for decades, if not centuries—will have an opportunity there not only for the potential for jobs, but for what the resources will bring to them.

I thank my colleagues for being open to the new reality of what we have been developing in Alaska's North Slope, as we have been seeking to provide resources the country needs, jobs my State and the country need, and truly to help us from an energy security and a national security perspective. So I thank the Members of the Senate.

I thank the members of the Finance Committee, led by Chairman Hatch, for their excellent work and for letting us ride shotgun when it came to tax reform. We knew we had to make it to the finish line together, and that is exactly where we are right now.

I thank the President and Secretary Zinke, among others in this administration, who have been working with us, fighting for Alaska, as we have moved forward.

Of course, this wasn't just a Members-led effort. We could not have done it without the men and the women who work for us and whom we work for in many ways but who were at the very core of the effort.

As usual, within the Energy Committee, certainly it is always a team effort. Everyone contributed in a rock-solid way. My team was very ably led by Brian Hughes, supported by Kellie Donnelly, Lucy Murfitt, Chuck Kleeschulte, Patrick McCormick, Annie Hoefler, Brianne Miller, Nicole Daigle, Michelle Lane, Lane Dickson, Isaac Edwards, Chester Carson, Ben Reinke, Suzanne Cunningham, Melissa Enriquez, Sean Solie, John Starkey, Tonya Parish, Robert Ivanauskas, Barbara Repeta, and Diana Nielsen. There were so many on the committee who came together in a host of different ways, some of them working the issue new; others, like Chuck Kleeschulte—27 years working here in the U.S. Senate and, prior to that, working for the State of Alaska. If there is anyone who has a collective history and wisdom about the background of ANWR and the battles we have endured, it is Chuck Kleeschulte. I know that, as he is approaching retirement, he is looking forward to knowing that we have successfully moved this opportunity forward for Alaskans and for the Nation.

I also thank those in my personal office who helped not only with ANWR but with the tax provisions as well. My chief of staff, Mike Pawlowski, has done an extraordinary job for me. My assistant, Kristen Daimler-Nothdurft, has done amazing things. Karina Petersen, Garrett Boyle, Madeline Lefton, and Parker Haymans, among many others—you really recognize a team when you reflect on how so many have given in so many different ways.

It is not just within my own office or the Energy Committee; it is those who run the operations here. Specifically, I want to thank Leader McConnell's staff—Sharon Soderstrom, Hazen Marshall, and Terry Van Doren—and especially the outstanding floor staff here, led by Laura Dove. I know many of them—certainly Laura and Sharon—have been around for their fair share of the ANWR debates and fights, and this is no new issue for them. I appreciate their help and their support a great deal.

From Budget, I thank Betsy McDonnell, Eric Ueland, Paul Vinovich, and Alison McGuire.

From Finance, I thank and congratulate Jay Khosla, who has done a terrific job, and Mark Prater. I had the added benefit of going to law school with Mark Prater, a brilliant guy then and even more brilliant now. I greatly appreciate all they did on the tax reform bill.

I also want to give a shout-out to Tara Shaw, who is now with Senator Enzi and who has been a good friend and a help to me.

Lastly and certainly not least, I thank all of the Alaskans who have contributed to this effort over the years. We had a group of about two dozen Alaskans who traveled all the way from Alaska's North Slope—some 5,000 miles—to be here last night for this vote. These are men and women who, for decades now, have fought to open up the 1002 area for the opportunities it presents to them and to their families. For them, to see this advance is as significant and as historic as most anything they have seen in a considerable period of time.

Oliver Leavitt is an elder. He is certainly a legend in my time. To have Oliver here last night was extraordinarily significant. Matthew Rexford and Fenton Rexford, who live in Kaktovik—there were four or five different individuals from the village of Kaktovik—again, those who actually reside in the 1002 area. Crawford Patkotak and his wife, Laura, were also with us and also Richard Glenn of Utqiagvik. They were here not only to be a part of the culmination of this effort, but they are men and women who have been part of this battle for decades, truly decades. The number of trips they have made to Washington, DC, over the years, the doors they have knocked on, and the efforts they have contributed to are considerable.

When I start to name names, I think of Tara Sweeney and the folks who have been there year in and year out, those who have been supportive by traveling here and those who call and those who write.

It is gratifying, it is heartwarming, and it is a reality that one can never say thank you enough for the efforts that you have made over the years. To know that you spoke as Alaskans, your voices have been heard, and that Congress has finally listened is, indeed, gratifying.

Of course, we would not have reached this point without two particular Alaskans—the ones I am proud to serve with here in our delegation. DON YOUNG, the dean of the House and Congressman for all Alaska, has single-handedly kept this issue alive in the House for a generation. He reminds me that it has been 13 times now that he has passed it out of the House. To be able to recognize his extraordinary work is, indeed, a pleasure and an honor. And, of course, my friend, my very able partner in the Senate, Senator DAN SULLIVAN, was an incredible partner in this effort, and I thank him greatly for his work.

I also recognize that it is not just the delegation present who needs to be thanked. As I have said, this has been a decades-long battle. This has been a generational battle. We are standing in the footsteps of those who have preceded us, including my father, Frank Murkowski, who was chairman of the Energy Committee and at a point in time had advanced this, only to see it fail at the very end. And, of course, my dear friend, my mentor, one who helped give me such great guidance over the years was our former Senator, Ted Stevens.

Yesterday, you may have noticed I was wearing some unusual earrings. When my friend Ted, the former Senator Stevens, had a serious matter in front of him, he wanted the rest of his colleagues to know that, by gosh, he was serious that day, and this was an issue to be taken seriously, and he would don a Hulk tie. It was somewhat legendary around here. I am not one to wear ties, but after finding a nice pair of Hulk earrings, it seemed to me only appropriate to wear them on a day that would acknowledge the work of extraordinary Alaskans who went before me. I think, today, Uncle Ted is smiling and happy, and he is probably wearing his Hulk tie.

This is a big moment for Alaska. There is a spirit and an optimism that I am taking home right now that I think we haven't seen in years. I think it is worth noting that today is winter solstice. This is the shortest day of the year—today and tomorrow. In Alaska, it is the darkest day of the year. I mentioned yesterday the effort we have seen from the Senate, which, hopefully, we will finalize shortly, is one that will

bring a brightness and an energy to the people of Alaska. For that, I thank my colleagues. I thank the many Alaskans who have supported us in this epic battle, and I thank all those who have helped to make it possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STRANGE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. FRANKEN. Mr. President, unlike most of my colleagues, the time I spent here in the Senate represents the sum total of my experience in elected office. For most of my life I approached politics and public policy from a very different perspective. I tried to be an educated citizen who understood how the issues being debated here in Washington affected me, my family, my neighbors, and those in my State and my country. I tried to be an advocate for the values I believed in—honesty in public discourse, for sure, but also fairness, justice, and the idea that in America we are all in this together. I tried to be an activist, putting my voice and my energy behind candidates and causes that I cared for and about.

When I leave the Senate in a few weeks, I will continue trying to be an educated citizen, an advocate, and an activist. Over the last 8½ years, as I have had the privilege of serving the people of Minnesota, I also gained a new perspective on the issues we face and the way we here in Washington make decisions.

Before I go, I want to spend some time sharing some of what I have learned in a series of speeches focusing on the challenges I came to Washington to address—challenges that my colleagues will continue to wrestle with, challenges that will determine not just the political landscape we leave for the next generation of Senators but what kind of country we leave for the next generation of Americans.

Today I want to start by talking about education. Even at a time when our politics is more polarized and more poisonous than it has ever been, you would think that education is one place where Democrats and Republicans could come together to make progress. After all, while we do have significant differences on the details of education policy, nobody disagrees about the importance of getting it right. We all agree that education from pre-K through college and beyond is essential to providing our economy with a skilled workforce that is ready to innovate and lead us into the future.

Ever since I have been here, employers in Minnesota have stressed to me that they need employees with critical thinking and problem solving skills, with team work and creativity—tools that we need our children to be developing long before they enter the workforce. I am pretty sure that my colleagues hear this from employers in their States too.

Of course, education isn't just about our economy. It is about the most basic responsibility we have as human beings. Many of us who have served in the Senate have children and grandchildren, and we would do anything to be able to promise to them that when they grow up, they will be able to follow their dreams and take a risk on themselves to achieve more than we ever could. Many of us remember just how hard our own parents worked to keep that promise to us. All of us, Democrat and Republican alike, want to be able to make that promise not just to our own children but to every child in America, no matter where they grow up or what their family life is like or what obstacles they may encounter along the way.

We all want a country where every child has the opportunity to fulfill his or her God-given potential. We all understand that whether we can provide every child with a great education is the most basic measure of whether we are keeping that promise. Fortunately, the HELP Committee, which I had the honor of serving on since I first arrived in the Senate, has been led by public servants who share those values and a common commitment to delivering on that promise. Under Chairman Harkin and now under Chairman ALEXANDER and Ranking Member MURRAY, the HELP Committee has often been able to be an example of how Democrats and Republicans can work together to make progress.

When I first got here, the debate was focused on No Child Left Behind, which Congress had passed and President Bush had signed into law in 2002. Democrats and Republicans worked together on that bill back then because they all believed that it was important that our schools be held accountable for the results they achieved on behalf of all students. But by 2009, it had become clear that No Child Left Behind simply wasn't getting the job done.

A couple of weeks after I got to the Senate, I held a roundtable with principals at a school that had been turned around in a poor neighborhood by a great principal in St. Paul. One of the other principals told me that he referred to the NCLB tests as autopsies. I knew exactly what he meant. The kids were taking the tests in late April. The results didn't come back until late June or later—too late to let the results inform teachers' instruction of each child.

In Minnesota, therefore, most school districts added computer adaptive tests

in addition to the required NCLB tests—computers so the teachers could get the results right away and adaptive so that if a kid was getting all the questions right, the questions would get harder and if the kid was getting all of the questions wrong, the questions would get easier. That way, instead of measuring whether or not a student was appropriately proficient at grade level in reading and math, educators could find out exactly what grade level each student was at in those subjects—adaptive. NCLB, on the other hand, didn't allow a State to test outside of grade level. Schools and teachers were judged on whether a sufficient percentage of kids met this arbitrary standard. This became known as measuring for proficiency, and it created what teachers in Minnesota described to me as “a race to the middle.” It made them focus on kids just below or just above proficiency. So the ones just below would get above and the ones just above would stay above proficiency, and they would ignore the kid at the top because those kids at the top, no matter what you did, wouldn't go below proficiency. They would ignore the kids at the bottom because no matter what you did that year you couldn't get those kids to proficiency. So there was this race to the middle. Think about how perverse that is.

Think about a fifth grade teacher who takes a kid from a second grade level of reading to a fourth grade level of reading. Well, that kid didn't get to proficiency. So under No Child Left Behind, that teacher was a goat. But a teacher who helps a child grow by two grade levels in a single year is a hero. Teachers, principals, superintendents, school board members and parents all argued that it was time to stop measuring just for proficiency and to measure for growth or measure just growth, instead. This became quickly a central focus of the debate over how to reform No Child Left Behind, and it remains a pivotal debate when it comes to the future of our education system, which is why it was so shocking when President Trump picked a Secretary of Education, Betsy DeVos, who turned out to have no idea what the growth versus proficiency debate was even about.

It would be as if our children's future relied on the outcome of a football game and the President nominated a head coach who didn't know how many yards it took to get a first down. It was a deeply upsetting moment, not just because of what it revealed about Mrs. DeVos or the President who had picked her to be in charge of our Nation's education system but because these are the kinds of problems that we should be able to solve. There is nothing ideological about the debate. It is simply a matter of coming together and working in good faith to make things work better. A functioning democracy should be able to get stuff like this right, and sometimes we have.

For example, in the bipartisan Every Student Succeeds Act we were able to address some of the excessive testing that was burdening educators and students alike. Under the new law, schools would still have to test every year between third and eighth grade and once in high school, but each State would control the consequences of the test results and that would almost certainly mean fewer high stakes tests, less drilling, more time to teach and learn.

Meanwhile, the law included important priorities like strengthening STEM education, expanding student mental health services, increasing access to courses that help high school students earn college credit, and preparing and recruiting more and better principals to lead better schools. These are all things that I fought to include in that final law.

It also included a long overdue investment in early childhood education, but not enough—not enough. We know from study after study that a quality early childhood education returns between \$7 and \$16 for every dollar invested. That is because children who get a quality early childhood education are less likely to be referred to special ed and less likely to be held back a grade. They have better health outcomes. Girls are less likely to get pregnant in adolescence. They are more likely to graduate high school, go to college, and get a good job and pay taxes. And they are less likely to go to prison.

If we really want to address future deficits, we would be pouring money into training early childhood educators. Instead, in his budget in the Congress, the Trump administration proposed major cuts to early childhood education. We could easily put more money into these programs if we weren't giving enormous tax cuts to the wealthy and to powerful corporations.

We also need to make sure that as our kids get older, they can rely on quality afterschool programs. Last spring, I visited Roosevelt High School in Minneapolis. During my tour of the school's afterschool program, I saw students rehearsing for a production of the “Addams Family.” I saw students getting critical academic support like tutoring and college prep. In fact, Roosevelt's successful afterschool programs contributed to their graduation rate going from less than 50 percent to over 70 percent in just 3 years. That is pretty incredible. That is why I fought to renew the 21st Century Community Learning Centers Program in the reform of No Child Left Behind. It is a program that keeps schools open after school.

If we all agree that education should be a priority, we should be willing to put our money where our mouths are and fund these programs. I am proud that during the course of my time here,

we have had a bipartisan commitment in doing just that. We made progress—not enough, but we made progress. Again, however, that progress was put at risk under this administration. That afterschool program was zeroed out in its proposed budget. What is more, this administration seems to be outright hostile to the idea that we have responsibilities to provide children with a quality public education.

I am proud of the work we have done to support and improve our public schools, but the Department of Education is now led by a Secretary with a long history of actively undermining public education. Secretary DeVos and her family have spent millions and millions of dollars advocating for an ideology that would steal funds from public schools in order to fund private and religious education.

Now, let's take a moment to talk about what that means. Secretary DeVos ran a political action committee called All Children Matter, which spent millions in campaign contributions to promote the use of taxpayer dollars for school vouchers. The argument was that these vouchers would allow low-income students to leave the public school system and attend private schools of their family's choice. Secretary DeVos has been pushing to expand vouchers for years, even though research clearly shows that voucher programs don't work. In fact, the academic outcomes for students who use vouchers to attend private schools is abysmal.

A New York Times article from February of this year reported on three different studies of large State voucher programs in Indiana, Louisiana, and Ohio. Each study found that vouchers negatively impact results in both reading and math. In fact, in Louisiana's voucher program, public elementary school students who started at the 50th percentile in math and then used a voucher to transfer to a private school dropped to the 26th percentile in a single year. Harvard education professor Martin West said this negative effect was “as large as any I've seen in the literature,” and he was talking about all literature, the entire history of American education research.

Secretary DeVos is a serious threat to our public school system and a threat to the quality of education in this country overall. I have pushed as hard as I can to protect our students from what this administration has been trying to do. I have sent the Secretary over a dozen letters this year on protecting students from harassment, helping defrauded students, and holding for-profit schools accountable. It is my hope that my colleagues will continue to be vigilant in overseeing the Department of Education and making sure our public education system is not dismantled.

Our public education system was designed to give all kids a real chance in

life, but teachers and administrators often lack the resources they need to give the kids the opportunities they deserve. Every year, I push appropriators to increase funding for a number of critical education programs like early childhood, STEM, and professional development for teachers, and I hope my colleagues will continue that fight to increase resources for these programs.

Improving our education system isn't just about funding and accountability. If we want to keep the promise of opportunity to every child, we have to recognize that some kids face obstacles others do not, and we have to do more to make sure they are not left behind. For example, particularly kids who grow up poor are far more likely to suffer what are called adverse childhood experiences, not just the stress of living in poverty itself but exposure to domestic violence, abuse or neglect, drug and alcohol abuse, the incarceration of a parent, the death of a sibling. All of those adverse childhood experiences affect brain chemistry and the ability to learn. If we want to improve education, we need to do a better job of helping these children overcome these traumas and a better job of addressing economic inequality so fewer have to deal with the trauma in the first place. This is another reason we need more high-quality, early childhood programs and more training for childcare providers so they can better support kids who have experienced trauma.

Here is another example, foster kids. It is not uncommon for foster children to have 10, 11, 12 sets of foster parents during their childhood. This wreaks havoc on their education. Sometimes foster kids fall through the cracks of our education system. If a child's new foster parents live in a different school district, the foster child is yanked out of school and sent to one in the new school district. Kayla VanDyke, who at the time was an incredibly impressive high school senior from Minnesota, testified before the HELP Committee that she had been in seven foster homes, and she did fall through the cracks. She missed fourth grade entirely. For foster kids, school is often the one constant in their life—maybe they have a teacher they really like or an extracurricular activity that means everything to them or maybe they have these things called friends. That is why I wrote a provision in the Every Student Succeeds Act to require school districts to work with child welfare agencies to make sure foster children who are changing homes are not forced to change schools. I would like to think that somewhere there is a foster child running cross-country or developing a passion for history because of a great teacher or doing homework with a good friend because of legislation I worked on, legislation that passed with a strong bipartisan majority.

Here is yet another example—kids in Indian Country. When I first came to the Senate, I asked for a seat on the Indian Affairs Committee. Serving on that committee, you are confronted with the tragic disparities from which Native people in our country suffer. One of them is the huge disparity in educational resources for Native kids compared to their peers. That inequity in education plays out in many ways, but you can literally see it in the school buildings some Native kids are forced to learn in. Indian school buildings are often unsafe, harmful to the health of children and teachers, and ultimately a barrier to the education of the students.

So going back to early 2009, I had been fighting for funding to fix the Bug-O-Nay-Ge-Shig High School on Leech Lake Reservation in northern Minnesota. When I first visited the school, I saw exposed wiring, mold, roof leaks, rodents, uneven floors, poor lighting, and sewer problems. I learned the students had faced these horrendous conditions in their classrooms for years. It was deplorable and was a terrible place to learn, so I worked for the better part of a decade to rebuild that school. I sent my colleagues a series of powerful editorials about conditions at the school as written by the Minneapolis StarTribune. I raised this issue at what seems like countless Indian Affairs hearings. After a lot of work from the community, the Tribe, and the Obama administration, we were able to secure the funding to rebuild the Bug-O-Nay-Ge-Shig school.

I am thrilled so many bright, young students in Leech Lake will be able to feel safe and comfortable in a brandnew school, which will be opening this coming March, but this is one school, one reservation, and there are hundreds of schools like the Bug-O-Nay-Ge-Shig High School that are not suitable for learning, and we need to do so much more for our Native kids.

In Indian Country, we know that historical trauma has a huge impact on our children. We have seen the ripple effects of intergenerational trauma, and we know it can lead to other types of trauma experienced in childhood.

That is why, when we look at these adverse childhood experiences, particularly within the Native community, we can't dismiss their effects on kids' ability to learn. Kids in Indian Country are woefully underserved when it comes to housing and economic opportunity. A report by Wilder Research states that this can "threaten their educational success, health and mental health, and personal development." I am pleased Senator HEITKAMP of North Dakota has been focused on addressing this issue.

One more example: LGBT students deserve to learn in an environment free from discrimination, and they deserve to be treated with dignity and respect. Far too often, LGBT kids endure har-

assment and discrimination. More than 30 percent of LGBT kids report missing a day of school in the previous month because they felt unsafe. You can't learn when you dread going to school, and when that happens, those students are deprived of an equal education.

In America, we have passed laws that guard against harassment in our schools on the basis of race, national origin, sex, and disability, but LGBT students continue to face bullying and intimidation without recourse. I have a bill called the Student Non-Discrimination Act that would merely provide LGBT students the same legal remedies available to other kids under our Federal civil rights laws. It says, schools would have to listen when a parent says "my child isn't safe," and the school has to do something about it. It would ensure that LGBT kids have the same protections as every other child. I worked very hard to get this provision into the final law, and I was greatly disappointed it wasn't included, even though it got 52 votes on the Senate floor.

It is our responsibility, not just as Senators but as adults, to protect children and help them flourish, and I sincerely hope every one of my colleagues will take up this fight and work to get this across the finish line.

The last thing I want to mention on the subject of education is this. For a long time, we thought about learning as something that started when you went to kindergarten and continued until you got your high school diploma and either went off to college or went off to work. We now know education is a lifelong pursuit, but we also know we need to do more to make it possible for it to continue long after 12th grade.

College used to be an affordable and accessible step into the middle class for so many Americans. I always think of my wife Franni and her family. You see, when Franni was 17 months old, her dad, a decorated World War II veteran, died in a car accident, leaving her mom widowed with five kids. Neil, her brother, went into the Coast Guard and became an electrical engineer, but all four girls went to college, and they went on combinations of Pell grants and scholarships. You see, back then, a Pell grant covered about 80 percent of the cost of a public college education. Today, it is less than 35 percent.

So today kids have to work while they go to college. That is not new, but when I have done roundtables at colleges across Minnesota, many of them tell me they are working full time, in addition to going to school full time, which seems like it might make it harder to focus on your studies or to stay awake. That is why I have been working to bring down the cost of college, increase financial aid to students, and make textbooks cheaper. We need to help millions of Americans refinance their student loan debt at lower interest rates, and we need to help low- and

middle-income students go to college debt-free. This is something we could easily be doing if we weren't giving giant tax cuts to the superwealthy and to powerful corporations.

It is important to remember, too, that young people don't necessarily need to start at a 4-year college to become successful in life or to build a secure middle-class lifestyle. In many career and technical programs, students complete their education after they have been employed in good jobs because they had the credentials to get those jobs—good jobs with benefits that promise a secure career. Some of those benefits are often that company paying for the rest of your education—finishing, maybe, your associate's degree or your bachelor's degree or graduate school.

We need to overcome the assumption that career and technical schools are a ceiling to future success. They are a ladder to careers with good wages and benefits that can support a comfortable lifestyle.

There is a high demand for these workers now. That is because we have what is called a skills gap in this country. Every Senator has it in their State. It is one of the things I hear about frequently when I travel around Minnesota, especially when I talk to businesses. I hear about job positions employers can't fill because they can't find qualified workers or workers with the right skills. At the same time, I hear from students who are anxious to start a career but lack specific technical skills.

To remain competitive in today's global economy, we need a better trained workforce. That is why I introduced the Community College to Career Fund Act. The grants would help create public-private partnerships that support Learn and Earn on-the-job training programs. Employers would develop a workforce with the specific skills they need to grow their businesses, and everybody wins.

Here is how it works. You go to get a credential. That credential gets you a job. Then the employer will pay for you to continue your education as you continue to work and make a living. I have seen this time and again, and it works.

We also need to reauthorize the Perkins Career and Technical Education law, which includes support for public-private partnership training programs in K-12.

I think some of the things we need to do to make college more affordable and accessible and valuable for students are pretty clear. But let's be honest. The Trump administration—after nearly a year in office—has been going in a very different direction and has been working against the best interests of college students. One of the most unfortunate aspects of this is that predatory for-profit colleges have been able to get even more of a foothold in our higher

education system since Secretary DeVos took over.

The good news when it comes to education is that America still has teachers and principals and school board members and superintendents who work hard every day to take responsibility for every student under their care and deliver on the promise of a great education. We still have parents and neighbors and coaches who look out for our children's well-being and who work to equip them with the skills they need to succeed in school and beyond.

As anyone who has spent any time in a school lately can tell you, our kids themselves still have some pretty impressive potential. What is more, we still have people on both sides of the aisle in the Senate who care passionately about education and are willing to do the hard work of bipartisan legislating in order to improve our schools and keep that promise of opportunity for the next generation.

If the last 8½ years have taught me that progress on education is possible, even in a divided Washington, this past year has taught me that further progress isn't inevitable and that the progress we have already made may not be safe.

It will be up to my colleagues not to address just the policy challenges posed by an education system that faces a big transition and a budget that forces hard choices but also the political challenges of the moment. It is my hope and prayer that they will be up to the task. Our children's future depends on it.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBYAN SLAVE TRADE

Ms. DUCKWORTH. Mr. President, I rise today to bring to this body's attention and to the attention of all Americans what can best be characterized as a modern-day slave trade. It is an outrage that is hard to fathom but that still exists today.

I was recently speaking to a group of pastors from my home State of Illinois who do wonderful work advocating on behalf of human rights and human dignity. One of them, Rev. Walter Johnson of the Greater Institutional Church in Chicago, shared his frustration that abuses and atrocities being inflicted upon migrants and refugees in Libya have received not nearly enough attention or outrage in the American public, government, or in the press. I couldn't

agree more. That is why I have come to the Senate floor today to speak on this alarming human rights crisis.

Every American should be appalled by chilling images of modern-day slave auctions. Earlier this month in an investigative piece, CNN released video of an auction taking place. It was not an auction for a piece of art or another item one might bid on but an auction for human beings—human beings sold for the equivalent of \$400.

The reports were a wake-up call for the world about the gravity of this situation in North Africa as migrants fleeing danger and economic hardship face new horrors on their journey to seek a better future. The wars in the Middle East and instability in North Africa have upended huge swaths of the region, displacing thousands of vulnerable men, women, and children. Thousands of people fleeing Africa and the Middle East make their way through Libya, hoping to cross the Mediterranean. Unfortunately, many of them face horrifying human rights abuses and danger along the way.

Because of Libya's limited capacity to govern, its restrictive policies against migrants, and its inability or refusal to accommodate the migrants, conditions are ripe for exploitation and abuse in their detention centers. Particularly horrifying have been reports from survivors about the exploitation at the hands of smugglers who are openly engaging in human slavery, preying on the most vulnerable, who have surrendered everything for a shot at the future. Migrants have been subjected to horrible human rights abuses in Libya over the past few years, including forced labor, torture, and sexual violence.

The administration must put this issue front and center when we engage with Libyan officials and demand accountability and progress. Sadly, it appears the administration missed such an opportunity to address this issue during Prime Minister Fayiz al-Saraj's visit to Washington earlier this month.

The United Nations-backed Government of National Accord in Tripoli, however, has taken an important step in acknowledging these abuses and is requesting international support. The European Union and African Union evacuation plan to repatriate the detained migrants that was agreed upon in the Ivory Coast is a move in the right direction.

In 2016, the United States provided emergency funding for the International Organization for Migration—the IOM—to help shut down migrant detentions centers in Libya. While the EU rightly picked up the majority of funding to repatriate migrants, the United States should once again consider another emergency infusion to the IOM to help accelerate the closure of these facilities in addition to the \$31 million in foreign operations funding

for Libya that the administration requested this year.

Additionally, we have a former American Ambassador, William Lacy Swing, who is the Director General of the International Organization for Migration. He is on the frontlines of this fight and stands ready to work with Libyan authorities, the European Union, and African Union countries so that he can help address this crisis. The United States can play an important role in supporting Director General Swing and other international efforts to protect these migrants from exploitation and abuse.

Human rights are essential to the functioning and well-being of our global community, and that community is threatened when migrants fleeing persecution are forced into inhumane, exploitative conditions and slavery. Given this country's own dark history with slavery, we cannot afford to remain silent in the face of such suffering. We must stand together with the help of the United Nations and other international partners to eradicate slavery and the conditions that precipitate it.

Thank you.

I yield back.

DACA

Mr. DURBIN. Mr. President, I rise today to speak to an issue that I have spoken to many times on the floor of the Senate. It is the issue of the DREAM Act, a measure which I introduced in the Senate 16 years ago.

Sixteen years ago I tried to find a way to give young people brought into the United States, who grew up here in this country but did not have legal status, a chance—just a chance—to earn their way to legal status, to earn their way to citizenship. We set a number of hurdles in their path. We made it clear that they had to complete their education. We made it clear that they had to pass a serious criminal background check. We gave a timetable when they would be able to reach legal status and not fear deportation.

That was 16 years ago, and it still is not the law of the land. Unfortunately, there are hundreds of thousands of young people who fit the description that I have just given.

When President Obama was in the White House, I wrote him a letter and said: Mr. President, can you do something to help them? And he did. He created something called DACA, or Deferred Action for Childhood Arrivals. It was an Executive order that said to these young people: If you fit that definition of the DREAM Act and if you will come forward and pay a filing fee of \$500 or more, if you will submit yourself to a criminal background check and give us all of your background information about you and your family, then, we will give you

temporary, renewable status to stay in America, not be deported, and be allowed to work.

It was a big leap for many of these young people to do it because they had grown up in families where, in whispered conversations in the evening, their parents told them: Be careful. If you get arrested and they come to see this family, many of us will be forced to leave this country. Be careful.

These young people decided to trust the President of the United States, to trust the Government of the United States, and to run the risk of disclosing everything—giving the most sensitive, personal information about themselves and about their families. They trusted us, and they trusted this country to treat them fairly and justly.

So 780,000 have come forward. They submitted their filing fees. They paid for the expenses of the government. They did it knowing that even with this new status—this DACA status under President Obama's Executive order—they didn't qualify for one penny of Federal Government benefits, and by working, they would be forced to pay taxes, which they were glad to do. Again, 780,000 came forward.

Then came the last election—the election of a President of the United States who had made immigration the centerpiece of his election message and who had really sewn doubt, and even fear, about allowing immigrants into our Nation of immigrants. It is not a new message in America. It is hardly a new message around the world. Being suspicious and fearful, even hateful, of immigrants has been a part of human experience from the beginning of time.

So what would happen to these DACA-protected 780,000 young people? President Trump announced, through his Attorney General, Jeff Sessions, on September 5 of this year, that DACA protection was ending. As of March 5 of next year, 2018, no one could sign up for DACA protection, and as the protection expired for each of them, there was no renewal for 780,000 young people.

The President then challenged Congress and said: Do something. If I believe, he said, that DACA is wrong, pass a law; take care of the problem. He said that on September 5. Here we are in December, just days away from the end of the year, and we have done nothing—nothing. And what has happened?

Across America, these young people, their families, and the people who believe in them have begged us to step up and do something. They have said: In the name of justice, in the name of fairness, in the name of morality, do something. And we have done nothing—nothing.

Many of them have decided in desperation to bring their message here to the Capitol. Right now, as I stand and

speak on the floor of the Senate, there are thousands outside on the Mall, roaming through the corridors, trying to stop people who they believe might be Congressmen or Senators, to beg for the passage of the Dream Act, to beg for the reinstatement of the DACA protection. Some of them have made great sacrifices. I have gone out to talk to a lot of them. They have never been to Washington before. They have never been inside this Capitol Building. They don't know what it means to lobby. They can't afford a lawyer or a lobbyist. They are coming here to beg for their lives and to beg for their families. Some people are shunning them, refusing to talk to them. Others are gracious and warm and welcoming. They get on people's nerves because there are a lot of them and they want to talk to people about solving the problem. Some of them have sat in our offices—even my office—and I understand it. As awkward as it may be, as uncomfortable as it may be, I welcome them. I want them to know what America is about—a place where people in this country have the right to speak, to assemble, to petition their government. They believe this is their government. They look at that flag and they say: That is my flag too.

Legally, they are wrong. They are undocumented. Many have no country at all to which they can turn.

Who are they? Who are these 780,000 young people? I can tell you who 900 of them are. Nine hundred of these undocumented young people stood up and took an oath to a country that will not legally recognize them to serve in our military and risk their lives for each and every one of us. What greater proof can we ask about their commitment to this country? Nine hundred of them did this. If we fail to provide DACA or Dream Act protection to them, these 900 will be forced to leave the military of the United States of America. They will be turned away, despite the fact that they have volunteered their lives for this country.

Twenty thousand of them teach in our classrooms around America. I have met many of them. They are teaching in inner city schools through a program called Teach For America, which sends them to some of the poorest school districts in America. They are spending their lives, as undocumented in America, trying to help the least of those of the population, those in desperate need of their assistance.

Among them are thousands who are going to school now and college. Let me tell you that their challenge in college is a heck of a lot harder than the challenge for most young people. They don't qualify for any Federal assistance to go to college—no Pell grants, no Federal loans. They have to go to work. They have to work and earn the money to pay for tuition. That is what their lives are all about.

So for those who would dismiss these as lazy people who really can't offer much to the future of America, take a minute to get to know them.

Yesterday, one of my Republican colleagues looked me in the eye and said: We are talking about amnesty; these are people who violated the law. You are talking about forgiving them for violating the law.

Some of them, by his definition, violated the law when they were carried in their mothers' arms to the United States at the age of 2. Does that sound right? Does that sound just? Does it sound fair to say that these are people who have broken the law in America? I don't think so.

Let me say a word about their parents. There are some people who say: OK, I don't hate the Dreamers, but I get to hate their parents, right? They did break the law.

Technically, they probably did. I will not argue the point, but I will tell you something. As a father, I would risk breaking the law for the life, future, and safety of my children. I would, and most people would, and they did. It wasn't for any selfish motive. It was so that their kids had a chance. That is what it was all about, and that is why they came to this country. They knew that at any minute it could fall apart and they would be asked to leave, or worse. They risked it for their children. So I am not going to stand in moral judgment of these parents of Dreamers. As to legal judgment, the case is clear. But as to a moral judgment, no, I just will not do it.

What I have done 101 or 102 times is to come to this floor and just tell a story—a story about a Dreamer—so that people know who they are. Today I would like to tell you the story of this young lady whose name is Karen Reyes. Karen Reyes is the 104th Dreamer whom I have introduced on the floor of the Senate, brought to the United States from Mexico. She grew up in San Antonio. She had a childhood like other American kids—Girl Scouts, summer camps, church groups, volleyball. Karen didn't even know she was undocumented until she was in junior high school.

She was a good student. She graduated with honors from high school. She was a member of the marching band. Here is what she said about growing up in America:

I might be an undocumented American, but I am an American. I came to this country when I was 2 years old. The only recollection that I have of Mexico is when I visited as a young child. I have not gone back in 20 years. I grew up here. I formed a life here. I made friends here. I received my education here.

After high school, Karen went to San Antonio College and then transferred to the University of Texas San Antonio. She made the President's Honors List and the Dean's List.

She found time to volunteer at the University Health System and at the

San Antonio Youth Literacy project. She tutored second grade students in reading, and she worked with communities and schools where she mentored and tutored elementary students.

In 2012, Karen graduated with a bachelor of arts in interdisciplinary studies. She went on to the Deaf Education and Hearing Science Program at the University of Texas Health Science Center in San Antonio.

In 2014, Karen graduated with a master's degree in deaf education and hearing science.

Today, she is working as a special education teacher in Austin, TX. Here is a picture of her with the kids. She teaches 3- and 4-year-old kids who are deaf or hard of hearing. She teaches kids with disabilities. Here is what she said about DACA, the program that was abolished by President Trump, which allows her to live in the United States and to work as a teacher:

DACA made me visible. DACA made it possible for me to teach children who are deaf and hard of hearing. I am helping these students and families on their journey to being able to communicate and achieve their dreams. Before I didn't think I had a voice, but now I do. . . . I get to change lives every single day.

Twenty thousand other DACA students and recipients like Karen are teachers in our schools. Because DACA was repealed, Texas stands to lose 2,000 teachers. I ask the State of Texas: Are you ready to lose Karen? Are you ready to lose 2,000 more just like her because the Senate and the House of Representatives refused to act, refused to legislate, refused to provide protection to her?

As for Karen, her DACA expires in August of next year. This will be her last school year. If Congress doesn't step up and meet its responsibility and pass the Dream Act, her time teaching these deaf and hard of hearing children will come to an end.

In a few days we are going to go home and celebrate Christmas with our families. It is a big, important time of year. My wife and I are looking forward to it. We get to see all of the grandkids in one place. It is going to be pure bedlam, but we are going to love every second of it. Christmas means that much to our families. Being together means so much to our families.

Think for a moment about those who are protected with DACA. This may be their last Christmas in the United States. They don't know where they will be next Christmas because the President abolished the protection program and because Congress refuses to act. They don't know where they will be and they don't know whether they will be with family or not. That is the reality.

What a reflection on our Nation that we have reached this point to punish someone like Karen, a giving, caring, educated professional person who is spending time helping little boys and girls who desperately need her help.

Some in this Chamber—and I have seen them face to face—are ready to tell her to leave: We don't need you anymore, Karen. Go back to wherever you came from. Just get out of here. That is their attitude. It is not mine nor the majority of Americans.

Over three out of four Americans believe Karen deserves a chance. Over three out of four Americans believe she should be allowed to stay and earn her way to legal status and citizenship. Incidentally, 60 percent of those who voted for Donald Trump happen to believe that same thing.

But there are voices of division and fear and hatred in this administration. I have seen them. I have heard them. I know what they have to say. The question is, will they prevail? Will they define this President in terms of his treatment of people who are just asking for a chance to be part of America's future? The answer to that question is really not in the President's hands. It is in our hands. We owe it to these young people to do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first thank our distinguished leader from Illinois, not only for his eloquence and passion but his unfettered commitment to the young people who were brought here as children, who maybe had never set foot in the country their parents came from and may not know the language. They are here, and a promise was made to them in our country.

I spoke yesterday on the floor about two young people from Michigan. We have 10,000 young people in Michigan—some serving in the military, some in jobs, some in school—who don't know any other country. They love our country, and they just want our country to keep its promise to them. That is what I view it as, keeping our promises. So I thank the Senator.

VETERANS DESERVE BETTER ACT

Ms. STABENOW. Mr. President, I want to speak about keeping promises to a very important group of Americans as well; that is, our men and women who are serving us as veterans and serving us in the military.

Representing Michigan in the U.S. Senate is a great honor. I know it is for all of us. One of the best parts of the job is being able to work on behalf of Michigan's veterans.

From the Civil War to the World Wars, to the Korean war, to Vietnam, the Cold War, the Gulf war, and our fight against terrorism, Michigan's veterans have given us their all. Our veterans have always been the first in line to defend our democracy. That is why they should never be at the back of any line—for a job, healthcare, housing, or a world-class education.

Unfortunately, there are times when our veterans aren't getting the benefits they deserve, have earned, and have been promised. When that happens, it is our duty to fight for those who fought for us. That is why, in 2014, Congress passed something called the Veterans Access, Choice, and Accountability Act, called the Veterans Choice Program.

This legislation aimed to reduce wait times and provide medical services to veterans in their communities after we heard of very serious issues and horrible situations that had occurred for veterans in some parts of our country.

The Veterans Choice Act was created to meet a real need—getting our veterans prompt healthcare in locations that are convenient for them. This program is especially critical for veterans in rural communities throughout Michigan as well as throughout the country—people in rural areas who were previously required to travel long distances, hours and hours, for services.

However, since it was enacted, providers across my State and in many parts of the country have not been getting paid, rural hospitals have pulled out, and this program in Michigan has not been working.

Worst of all, too many Michigan veterans and veterans across the country are struggling to get the appointments and the healthcare they need. That is why, last week, I introduced a bill I am calling the Veterans Deserve Better Act.

This bill will help our veterans in three ways to be able to correct what is occurring right now in Michigan with a private contractor—a private provider who has not been doing the job. I have talked to the Secretary of Veterans Affairs who understands the problem and agrees this has to be fixed.

My bill will improve the scheduling process for veterans seeking healthcare. They shouldn't have to wait weeks or months to be able to get an appointment with a doctor.

Our military operates under the simple creed, "Leave no person behind," but far too many of our veterans in need of healthcare are languishing in a system that simply isn't accountable to them. Through this private contracting process, that certainly has been the case.

My bill would require the VA, and any outside contractors who are setting up healthcare appointments through the Veterans Choice Program, to provide veterans with more and better information, and if veterans are still struggling to get appointments, they will be told exactly how to file a complaint so it can get fixed.

Second, my legislation will hold third-party contractors accountable. We have excellent service through our VA medical facilities, but this new system—which is supposed to make it bet-

ter, quicker, and faster—has not been working, and third-party contractors, at least in Michigan, have not been held accountable.

The VA will track all appointments made through outside contractors who must schedule appointments within 5 days. Any appointments not scheduled within 5 days will be sent to the VA for followup.

Within 30 days of this legislation being signed, third-party contractors will be required to submit a list of the veterans who have been waiting for more than 15 days for their appointments. I know of many waiting much longer. We don't leave soldiers on the battlefield. We shouldn't leave veterans to fight alone to get their healthcare needs met.

Third, this legislation ensures that Veterans Choice Program providers receive prompt payment or denial of payment. If payment is denied, the healthcare provider will need to be told why and what information they need to submit in order to get the claim processed.

The VA will also be required to submit a report to Congress on the number of unpaid claims to Veterans Choice Program providers and to take action on those claims within 45 days.

What do I mean by providers? I am talking about our hospitals in northern Michigan, in the Upper Peninsula, in the northwest side of the State, and the northeast side of the State signed up under this program to be able to provide the care for someone who is more than 40 miles away from a VA medical center; then, they find they are not getting paid for their services to the tune of millions and millions of dollars.

Veterans who have served their country and the medical providers who treat them deserve nothing less than getting this system right. Appointments should be made quickly, payments should be made for service, and there has to be continual accountability. Unfortunately, we know they aren't always getting what they need.

One of those veterans is Jerry, a former National Guardsman who was stationed in Greenville, MI, on the west side of the State. He now lives in Sumner Township in Gratiot County.

Last January, Jerry received a scary diagnosis. He had a lesion on his brain. He needed to see a specialist right away. Veterans Choice was supposed to make an appointment for Jerry to see an endocrinologist, but when he showed up for the appointment, unbelievably, he discovered he was mistakenly sent to a urologist. After that, Veterans Choice sent Jerry to a family practitioner who had no record that he even had an appointment. It was 2 days off of work and travel to visit doctors that Jerry should have never been sent to in the first place.

By this time, Jerry was understandably very upset. He reached out to my

office, and I am glad he did, so we could help. We were able to contact Veterans Choice on his behalf and get him the appointment he needed with the right specialist. Now, this is after his spending 5 months—5 months—trying to get to the right doctor. There is no excuse for this.

However, Jerry's issues weren't over. When he saw the same specialist a second time, Jerry learned the doctor had never been reimbursed for his previous visit. As Jerry said, "It shouldn't take five months to see a specialist, especially with something this scary and serious. And I shouldn't have to worry about whether or not Veterans Choice will pay for my care that I have earned."

Yes, Jerry, you have earned and been promised that care.

Jerry is exactly right. Unfortunately, he is not alone in Michigan—I know this from talking to colleagues in other areas—particularly with this same provider. I have heard from many other Michigan veterans who can't get appointments, are getting the wrong appointments, are having to travel long distances to appointments—which, this was supposed to stop veterans from having to drive long distances for appointments—or whose healthcare providers aren't being paid for their services and then deciding they don't want to participate in the Veterans Choice Program.

My colleagues on the Veterans' Affairs Committee are working on comprehensive reforms to the Veterans Choice Program, and we are staring down another funding deadline. It is important this gets done, and we need to do it right away. We need to fix the problems veterans are having to deal with on a daily basis. I am looking forward to working with colleagues to fix this as quickly as possible. Our veterans deserve better. It is time we pass this legislation and make sure they get it.

I would like to end with the words of a man who knew something about service and sacrifice on behalf of our country.

Before he was President, before he was a member of this very Chamber, John F. Kennedy was a veteran who served in the U.S. Navy during World War II. On August 2, 1943, the PT boat he commanded was struck by a Japanese destroyer in the South Pacific. The entire crew ended up in the water, and two of his men died. Although Lieutenant Kennedy badly injured his back in the collision, he helped his men find safety on an island several miles away, where they were rescued a week later. Kennedy later was awarded the Navy and Marine Corps Medal for his leadership. He once said: "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them."

I believe that is our responsibility. It is not enough to praise our veterans on

special days, although they have certainly earned every word of praise. Instead, we must work together to uphold each and every promise we have made to them.

Veterans like Jerry and so many others have always been first in line to defend us. It is time to make sure they are not at the back of the line when it comes to getting the healthcare they need.

CHIP AND COMMUNITY HEALTH CENTERS

Ms. STABENOW. Mr. President, on a different subject, talking about keeping promises; that is, other people who are counting on us to be able to take action in order to get their healthcare.

We have had 81 days since the funding ended for the Children's Health Insurance Program and community health centers. Each State is a little different because of the various combinations of funding and so on, which meant not everyone lost care immediately right after. There are three States this month, others in the first of the year, and so on.

I literally received just a few moments ago a notice from our State saying it is very likely that if we don't act, in January, families in Michigan are going to get a notice that what we call MICHild, which provides healthcare for 100,000 children in Michigan of working families who don't qualify for help through Medicaid or other assistance—they are working and maybe at work they are getting healthcare, but it doesn't cover their children, or maybe they are not getting healthcare, and they want to at least be able to cover their children, that is what MICHild is all about.

It has been 81 days since the deadline of September 30, which stopped the Federal funding from going forward. This affects 9 million children nationwide and 100,000 children in Michigan. In addition to that, community health centers across the country serve 25 million patients every year; 300,000 of them are veterans, and 7.5 million of them are children.

I had the opportunity last Friday to visit two wonderful facilities—one in Flint, which is in Genesee County, and one in western Wayne County—and see the great work they do and talk to some of the people who were there to get care. People are counting on community health centers and they are counting on the Children's Health Insurance Program in order to make sure they have the care they need for themselves and their families.

It is important that we act. We could act right now. This is bipartisan. We passed a bipartisan bill out of the Finance Committee in September, before the deadline. I want to thank the chairman, Senator HATCH, and the ranking member, Senator WYDEN. I was

pleased to join with them. We passed it out of committee with only one "no" vote. We have bipartisan support to get this done. Senator BLUNT and I offered a bill that is bipartisan and has had the support of 70 Members of this body in signing a letter saying to continue funding for community health centers.

Our plan all along was to pass the children's health insurance bill out of committee in September and add health centers and then pass it before the deadline so that it would take away the anxiety, worry, and fear that families now have about what is going to happen.

Every day that goes by, people are worried about what is going to happen. Are they going to be able to take their child to the doctor, be able to get their asthma treatments, handle their juvenile diabetes, cancer treatments, or the normal things that happen to kids every day?

I am not sure if there will be any votes today. We could, today, pass the Children's Health Insurance Program and community health centers and let families across America know they are going to be able to have the medical care they need for themselves and their children coming into the new year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA

Mrs. GILLIBRAND. Mr. President, I rise to speak about an urgent crisis that Congress must solve now for nearly 800,000 Dreamers in this country. I am proud to represent New York State in the U.S. Senate. One of the things I am most proud of is that my State is home to tens of thousands of Dreamers—tens of thousands of young people who have never known any other country as home but this one.

When President Trump announced that he wanted to end the DACA Program, it was one of the most inhumane actions of his entire Presidency. Let me be clear about what ending DACA will do. Ending DACA will force thousands of Dreamers to lose their jobs. It will force them to go into hiding. It will force them to have to make the unimaginable choice between staying here undocumented or being forced out of the United States.

I ask my colleagues, are you really OK with letting that happen when you personally have the power to prevent it from happening right now? Attacking Dreamers like this goes against our most basic values as Americans, our most basic sense of right versus wrong.

I know this Chamber is divided about how to fix our broken immigration system, but just for a second, forget about ideology and think about what it actually means for these young people who have spent their entire lives here. They are waiting and wondering if Congress actually has the guts to stand up to President Trump and do what is right.

If the President will not lead, then Congress must lead, and we need to lead now. We have to protect our Dreamers, and we need to pass the Dream Act.

Most of all, we should never allow our Dreamers to be used as political pawns. We should simply do what both parties have said is the right thing to do, which is to pass the Dream Act. This is a matter of basic human rights and human dignity. It is about people's lives, and I am not going to compromise on that.

Mr. President, are you willing to compromise on that?

We need to fix this problem, and we don't have a lot of time to do it. Every week that Congress refuses to take action, more Dreamers lose their DACA status. Very soon, we are going to have to pass a long-term spending bill just to keep the government running, but the Republican leadership has not yet committed to including a provision in the bill to protect our Dreamers.

I want to say this very clearly: If my Republican colleagues refuse to do the right thing and protect our Dreamers in the upcoming long-term spending bill, I will vote no. I will ask my colleagues to join me in this fight. I will ask all of them to see that this issue is not a political question. It is a basic question of whether or not we are a country that protects children.

I am never going to compromise when it comes to our Dreamers, not when their lives are literally hanging in the balance. Time is desperately running out. I urge my colleagues to do what is right. We must protect the Dreamers.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM BILL

Mr. ISAKSON. Mr. President, it is a historic day for our country, for the Senate, and for the Congress.

As we speak, the President of the United States is about to sign the bill that we passed on the floor of the Senate last night, which was the agreement on the conference report—the largest tax reform in the history of our

country or, certainly, the largest since 1986. It is historic in many other ways because we are fighting wars overseas, we are dealing with terrorism, and we are looking at the economic climate for the future and trying to inspire our country to be better and be everything that it can be. We are talking about all of those types of things, and we are getting ready for Christmas.

TRIBUTE TO JIM MCCOOL

Mr. ISAKSON. Mr. President, we are busy about lots of things, but there is one thing that you should never be too busy to do, and that is to pause and stop and say thank you—thank you to someone or some entity or some institution that has made a difference in your life or in the life of your country.

I don't often come down here on points of personal privilege. I do it, but I don't often do it. When I do it, it is special for me, and I hope it is special for the people I am talking about.

A good friend of mine is retiring from the Southern Company in the next few months. His name is Jim McCool.

Now, most of you probably don't know Jim McCool. Jim is one of those people who some people refer to as a lobbyist and others refer to as a professional advocate. I refer to him as my good friend. I met him in the 1980s. He had started his own formal wear business. He then sold that business and went to work for Mississippi Power. It was later one of the Southern Company's companies. He then worked as a liaison to Washington for the Southern Company, for Georgia Power, for Mississippi Power, and for Alabama Power.

I got to know Jim in lots of ways. First of all, it was when I was in the Georgia State Senate and the Georgia State House. On the industry committee, we worked on issues that dealt with electric utilities. I didn't know anything about those, as I was a real estate broker. My knowledge of electricity was that when I threw that switch, I wanted it to come on. Once it got beyond that, I didn't have knowledge of it.

Jim was one of those people who didn't just come and say: This is my company's position. We want you to do it. He asked: What is it about my company's position that I can help explain for you to make a decision? He never, ever asked me to do anything for him or anyone. He always offered to give me the information that I needed to make the decision myself. That is not a rarity in that profession, but it is certainly something that the average person doesn't think of when you hear of a lobbyist or a professional advocate.

Jim McCool is, has been, and, for me, always will be very special. He takes his job seriously, his company seriously, and his country seriously. Jim and his wife, Kathy, raised three great

sons. They are proud of their dad, and he is proud of them. I have seen him in enough situations with his family to know that his family comes first for Jim McCool. Golf, unlike what most people think, is not first. It is only second. The Southern Company is third. I have played a lot of golf with Jim McCool, and that is why I put that in there.

Over the years, I have worked with Jim on many, many projects. Right now, we are working on a nuclear production tax credit, in addition to the tax extenders bill, which, hopefully, will pass the Congress within the next 2 weeks, after January 1, to continue the construction and the completion of units 3 and 4 at Plant Vogtle in Georgia. For me, ironically, this was such a special moment because I had worked on Vogtle units 1 and 2 when they were built in the early 1980s and when Jim was an advocate, at that time, for Mississippi Power. He later joined the Southern Company team.

Jim and I have watched Plant Vogtle go from a dream and an aspiration for the Southern Company to a reality in terms of units 1 and 2. If we get our work done here soon, units 3 and 4 will be online. For a long time after Jim McCool is gone and I am gone and all of you are gone, Georgia will have reliable, safe energy from a renewable source called nuclear, and we will continue to be a pioneer and a leader in the southern United States.

When I heard that Jim was retiring, obviously, I knew it was a special moment for him and his family. I wish him all the best, and I know that he is going to do great. I started thinking back over all of those times that we had worked on all of those issues that had such an impact on his job and his employer and, for me, on my State and his State. Jim never wavered in his commitment to doing the best job he could possibly do in always representing the best interests of his company while never losing the best interests of those who were served by his company—the customers.

On this day today, when the President of the United States signs major, sweeping tax reform and as we approach Christmas—a special holiday for all families—I rise on the floor of the Senate to take note of Jim McCool from the State of Mississippi, employee of the Southern Company, professional advocate, father of three, and husband to a great lady. Jim McCool has gone the long way down the long road, and he has done it with style, with class, and he has delivered every single time.

Washington doesn't have a better advocate working in this town than Jim McCool. We are going to miss him, but I am going to get to play a lot more golf with him in the years ahead because he is going to have more free time than he has right now. So I wish Jim and his family the best. I thank

him for all he has done for us as Georgians.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM BILL

Mr. GARDNER. Mr. President, I rise today to note this Congress's historic achievement in reforming the Nation's tax system for the first time in 30 years. I congratulate the hard-working teams, the staffers, and others from the Budget, Finance, and Energy Committees and their colleagues in the House for the work they have done.

It is not easy to modernize a Tax Code that has languished for over 30 years. Many groups have worked for a long time to solidify their special benefits, and they don't want to see those perks or special benefits go away. Many others just don't know how to work things under the status quo and think that must be the only way to do things, is to find a new status quo that represents the old status quo.

Reforming the Tax Code is not easy, but it is important. It is important to America's economy. It is important to America's working families. It is important to Colorado. It is important for a lot of reasons. For instance, right now, we waste 6 billion hours and \$263 billion just to file our taxes every year. After this reform, 92 percent of taxpayers will take the standard deduction. That simplifies the code, cuts those hours, and eliminates wasted dollars.

Perhaps most importantly, it will shake our economy out of its slow-walking recovery. While there are booming areas in our country—and undoubtedly Colorado's Front Range represents some of the best examples of booming areas in our Nation—there are many areas of the country that haven't seen the growth and have, quite frankly, been left behind. They haven't seen their wages go up for a long time. In fact, yesterday the Denver Post published two stories about wages. Those stories point out that median wages in Colorado in 2016 were still below the levels of 2007 and even 2000. While I appreciate these reports, the fact is, we knew it wasn't anything unheard of. It certainly isn't new to those Coloradans who live outside of the Front Range and who they haven't seen their wages grow. It is a reality they have been dealing with for far too long.

Over the years, wages have become detached from corporate profits, and this chart is a good example of what

has occurred. Prior to 1990, a 1 percent increase in corporate profits led to a greater than 1 percent increase in worker wages. But from 2008 to 2016, a 1 percent increase in corporate profits led to only a 0.3 percent increase in wages.

What you can see right here is the corporate rate over time. You can see that in 1990, 1986, the U.S. rate remained at 35 percent, what is today, for at least a little bit longer, the highest statutory tax rate in the world when it comes to business rates. You can see OECD nations have dramatically dropped theirs beginning in 1990 and going down through today. That is what has happened. Over that same period, our once-competitive corporate tax system has gotten more and more out of date. Our corporate rate today, as I said, is about the same as it was 30 years ago—35 percent. Meanwhile, foreign countries, such as Germany, France, Italy, and even Socialist Greece, have lowered their tax rates. Now America has the highest corporate tax rate in the industrialized world, and Europe has an average statutory rate of around 18.5 percent. So American businesses have shifted their work overseas. New factories were built in Poland, not Pueblo. New offices opened in Dublin, not Delta. With fewer opportunities, American wages stagnated.

The empirical data on this is clear. We have another chart to talk about this. High-tax countries see anemic wage growth—well under 1 percent a year—but low-tax countries see much stronger growth—between 1 and 4 percent.

You can see right here on the red line—this line represents the highest statutory corporate rates in the world, the 10 countries with the highest statutory corporate rates. They have less than 1 percent wage growth. You can see the lowest statutory corporate rates—the countries that represent the bottom 10 statutory rates in the world have wage growth at 4 percent a year. That is clear data—growth between 1 and 4 percent in low-tax countries.

Make no mistake, America is on the red line because we have an out-of-date corporate Tax Code—an out-of-date Tax Code that we have begun to address.

Lowering the corporate tax rate has historically had support on both sides of the aisle, including something President Obama said back in 2011 in his State of the Union Address at a joint session of Congress. But suddenly, over the last couple of months, that is not the case anymore, and sadly I suspect that opposition to tax cuts has more to do with partisan politics than the merits of the proposal.

Whatever the reason, instead of reaching out and working together, we have heard a parade of horrors: It will run up deficits. It only benefits the wealthy. Instead of investing in work-

ers to make more profits, businesses will just hoard their money. We have even heard that provision after provision will literally kill people.

As we heard objections get more and more outlandish, including the Biblical end of time, we heard the critiques get even more petty. We even heard the other side use procedural rules to complain about the title of the bill. What we haven't heard is how those opposed to this bill would solve the wage problem. They don't have a theory about why wages have stagnated or a vision for how to get them moving again, but we do. We passed it last night, and this reform will start to move wages again. This reform makes our corporate tax rates competitive again. It removes the incentive to invest abroad rather than right here at home.

It is no surprise that the Business Roundtable, the Chamber of Commerce, the National Federation of Independent Business—the organization that represents small businesses across this country—the National Retail Federation, the National Association of Home Builders, and the American Farm Bureau Federation support this bill.

In fact, you can see this small portion of a stack of letters I received from hundreds of farmers from across the State of Colorado who wrote to my office and said: I would like to join Colorado Farm Bureau to support tax reform that works for Colorado's farmers and ranchers. There are hundreds of people saying: Please help reform our Tax Code; cut our taxes. These letters came from real Coloradans, people from all four corners of the State who know how important real reform is to them. These groups know that this reform—these individuals know that this reform translates into more growth for the American economy, higher wages for American workers.

The Tax Foundation has estimated that this reform will bring 339,000 new, full-time equivalent jobs, increase GDP, and raise workers' wages. I have heard a lot of doubt about that part. I have heard a lot of people say that no wage growth is going to occur, that no money will come from these greedy corporations. But look at the news today, because today companies across America have already started to respond to this pro-growth tax reform.

Just hours ago, AT&T announced that it will invest an additional \$1 billion in the United States in 2018 and that it will give more than 200,000 of its U.S. employees a bonus of \$1,000—all because of the tax relief bill that we have been working on that we passed today. Similarly, today Boeing announced that it will make a \$300 million investment in charitable giving, worker training and education, and infrastructure and facility enhancements. Both of these companies made it very clear that these investments—

over \$1 billion of investment and \$1,000 to 200,000 employees in the United States—are because of the tax bill that the House passed today and that we passed early this morning.

There is more on the way, but the business side isn't the only way it brings relief to American families and it is certainly not the most important. The reforms we have made on the personal side will deliver relief to Americans across the Nation.

A family of four earning the median American income of \$73,000 will see their tax bill go down by \$2,000, and that is nearly 60 percent next year from what it was this year. A single parent with two children and an income of \$52,000 will see a tax cut of nearly \$1,900. In a nation where too many people can't pull together \$100 in 24 hours, these tax reductions alone are an enormous benefit. These are real benefits to the American people.

Although there may be some naysayers in Washington who apparently have plenty of money, to people in Colorado, people in the West, people across this country, that is a big deal. These are benefits to real people, and I am glad to be a part and honored to be a part of delivering this real relief.

I am also proud to have done this in a way that creates many provisions that are especially important to Colorado. We have made it easier to take advantage of the medical expense deduction. We have expanded the child tax credit and the 529 programs. We have protected other education provisions, such as the student loan interest deduction and tax breaks for America's teachers. We have made sure our farming co-ops are treated fairly, and we have made sure our growing brewing and distilling industry is treated fairly as well. We have made a dent in the unfair death tax, and that is a big deal for the hundreds of farmers and ranchers who have contacted my office. We have ended the ObamaCare individual mandate, so no longer will the people in Colorado who earn less than \$50,000 be subjected to a tax fine, a penalty by the IRS, simply because they can't afford an unaffordable ObamaCare policy. We have helped ensure America's energy security by opening up new resource opportunities in a responsible manner, making sure that we simultaneously ensure that Colorado's renewable energy industry continues to flourish by making sure that today's credits for wind, solar, and refined coal are still available. That is what we did in this legislation.

Mr. President, this is historic reform. I am proud to be a part of it. I am proud to have voted for it. We can already see today that as a result of the work we have done, Americans are seeing the benefit.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here now for the 190th "Time to Wake Up" speech to talk about an issue that falls at the intersection of climate change and jobs and consumer power and protection. You would think that a policy that simultaneously reduces the carbon emissions responsible for climate change and boosts American industrial competitiveness and puts thousands of dollars back into the pockets of American consumers would be pretty universally popular. Unfortunately, you would be wrong.

The corporate average fuel economy standards, known as the CAFE standards, set a minimum threshold for the average fuel economy of cars and light trucks that are sold in the United States. In 2011, the major automakers here in America—Ford, GM, and the others—enthusiastically endorsed voluntary new fuel efficiency standards which would gradually increase the fuel economy for their cars and light trucks to 54.5 miles per gallon on average by 2025.

Think about that for a second. In 2011, average fuel economy for these vehicles was stuck below 30 miles per gallon. The CAFE standards hadn't budged in years, and as a result, our automakers had stopped innovating to make cars more fuel efficient. They didn't have to make them more fuel efficient. And when gas prices soared in the mid-2000s, it was consumers who were on the hook.

Today, thanks to the voluntary agreement that was reached by the automakers, the CAFE standard is presently over 40 miles per gallon for cars and over 30 miles per gallon for light trucks. Consumers have already saved \$42 billion at the pump because of those increased fuel economy standards. Consumers who purchase a new car in 2025, on average, will save about \$8,000 on gas over the lifetime of that car because of those new fuel economy standards.

Of course, it is not just the consumers who win under the new CAFE standards; the environment also wins. Already the American auto fleet's increased average fuel economy has resulted in 195 million fewer metric tons of carbon emissions, and, of course, with the carbon emissions come all the rest of the pollution out of a car's tailpipe, so it is a big environmental benefit. Over the life of the CAFE standards program, total carbon emissions reductions should total 6 billion metric tons. This is huge because transpor-

tation is now the largest source of carbon emissions in the United States, and carbon emissions from cars and light trucks account for almost one-sixth of the Nation's total.

If we are to be successful in keeping the average global temperature increase under 2 degrees Celsius—the upper bound, beyond which scientists tell us the consequences of climate change will likely be irreversible—then we have to significantly reduce our auto emissions. That is the target of the Paris climate agreement, which is represented here in this graph, from business as usual here, to all of the carbon emissions savings and efficiencies necessary to reach our Paris goal right here. Of all of this—power sector, industrial sector, efficiencies, home sector—all of it—this gold wedge right here represents the piece of it that we achieve by meeting these CAFE standards. So it is pretty important to meet those standards if we are going to hit the Paris climate goals, and it is pretty important to hit the Paris climate goals if we don't want to condemn our children and grandchildren to a very hazardous future.

Here is what is strange. The exact same set of industry players who voluntarily signed onto and supported the stronger fuel efficiency standards just 4 years ago through their trade association are now working hand in hand with EPA Administrator Scott Pruitt—when something bad is happening for the environment, you can almost always find him around—to weaken them, to undo what they voluntarily agreed to and promised the American people.

Following the election of Donald Trump, the Auto Alliance—the trade group that represents automakers like Ford, General Motors, Toyota, and Volvo—claimed that the very same standards the automakers had voluntarily supported just a few years before now reflect what they call an "extraordinary and premature rush to judgment." Shortly after Pruitt came into office, the Auto Alliance asked him to revisit the standard.

By the way, just before I gave this speech, I googled "Auto Alliance." I went to their website, and I hit the search engine on it. I typed in "climate change" and hit "search." Those words "climate change" do not appear on the Auto Alliance's website, to give you an idea how seriously they take this problem, at least at the trade association level.

So the Auto Alliance, when Pruitt came in, asked him to revisit this CAFE standard that their member companies had all agreed to. Pruitt, who, as Oklahoma's attorney general, had been notoriously compliant to industry, gladly complied.

The Auto Alliance has a long history as the trailing edge of the automotive industry, opposing seat belts, opposing

air bags, and opposing catalytic converters. Now, in the polluter-friendly Trump administration, it sees a tempting chance to sell more gas-guzzlers. But is that smart? Over the long term, does this risk actually consign American automakers to global irrelevance?

We sell these cars in an international market, so let's look at what that international market is moving to. Countries around the world have realized that the future of the automobile lies not with the gasoline-powered internal combustion engine but with alternative sources of power—electricity or hydrogen fuel cells, for instance.

By the way, I just got a Chevrolet Bolt, the all-electric car. Not only is that good for the environment, it is a wonderful car to drive. It is a fun car to drive. It is great vehicle.

China, the world's largest car market, recently announced that by 2025, 20 percent of new cars sold there must run on alternative fuels, and it is on its way to an eventual total ban of the sale of gasoline and diesel-powered cars. That is where the biggest car market in the world is headed.

The European Union is the world's third largest car market. The Netherlands has announced that starting in 2030, all cars sold must be emissions-free. Belgium is considering a similar measure. France and the United Kingdom will ban sales of new gasoline and diesel-powered cars starting in 2040. Norway, while not a member of the EU, is very much part of that European economy. They are even more ambitious. By 2025—just over 7 years from now—all new cars sold in Norway must be emissions-free.

Moving on to Japan, the world's fourth largest car market—Japan now has more electric charging stations than it has gas stations. India is the fifth largest car market. It has announced that by 2030, all new cars sold there must be electric or hybrid vehicles. So with the entire world moving toward cleaner, newer technology and innovative vehicles, why does this automotive lobby group—the Auto Alliance—suddenly want to renege on the promise its members made to the American people to raise and abide by those CAFE standards?

We should hope that our business leaders would be honorable enough to keep their word. That is a fairly basic proposition. But if the future of the industry lies with ever more fuel-efficient cars—hybrids, electric cars, fuel cell cars—why would the auto industry in America be furiously lobbying the Trump administration to go backward? Breaking your word to go backward doesn't seem to make sense, even from a business point of view.

Electric vehicles and alternative fuel vehicles represent the future of the auto industry. China and other countries get this. The Chinese are trying to poach our electrical engineers to develop their automotive industry so

that it can one day beat ours. Meanwhile, executives at our automakers are scheming with Pruitt to head back to the past, to get out of the promise that they made to build more innovative, fuel-efficient cars.

Investing in the technologies of the future will help ensure that the electric vehicle revolution, which is on our doorstep, doesn't leave America behind, doesn't leave American innovators behind, doesn't leave American workers behind, and doesn't leave American automakers behind.

A midterm review of these CAFE standards found that the automakers already have the technology to meet the new standard and that the new standard will save money for their customers. It is to the benefit of their customers to keep going with the CAFE standards they agreed to.

An independent analysis by the non-profit organization CERES found that the CAFE standards provide automakers and their suppliers the certainty they need to increase investment in the cleaner technologies that are necessary for the long-term health of the industry, and with that certainty that leads to increased investment, the increased investment leads to jobs.

This ought to be a no-brainer. A policy that protects consumers and the environment while promoting innovation and making American companies more competitive for the global market should be something we can all agree on. But there is also a simpler, more old-fashioned principle at stake here: Keep your word.

Ford, GM, and the others told the American public that they would compete for car buyers' business by delivering quality, energy-efficient vehicles. That is what they told the American public, and they said it voluntarily. This wasn't forced down their throats through a regulatory proceeding; this was a voluntary agreement that they signed up for and were enthusiastic about at the time.

They should keep their word. Why is that asking too much of American corporate leadership? Keep your word. How basic a principle is that? They should stop their trade association lobbying to water down the CAFE standards promises that they made.

It is a recurring problem around here, as many of us have noticed, that the trade association is usually on the trailing edge of the industry; it is like the worst voice of the industry. That is surely the case here, where the trade association for our American automakers is trying to get them to set it up so they will break their word to the American people about a promise that they made—a very simple one, which the technology is already there to achieve.

Even if you don't care one whit about climate change, even if you laugh that

off, even if you go down the Trump road that it is a Chinese hoax, we still ought to be honoring those CAFE standards for American jobs, for American ingenuity, and for American innovation.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

2017 SERGEI MAGNITSKY SANCTIONS LIST

Mr. CARDIN. Mr. President, I wish to take this time to talk about two matters of human rights, which I know the Presiding Officer has been very much engaged with as an active member of the Senate Foreign Relations Committee. I want to share this information with our colleagues.

This month marks the fifth anniversary of the 2012 Sergei Magnitsky Rule of Law and Accountability Act. Today, with the publication of five new sanctions designations, the citizens of the Russian Federation—many of whom strive for a future governed by the rule of law—can claim a small victory over oppression. I hope that today's news provides a semblance of justice for the family of Sergei Magnitsky and those who continue to fight against corruption and human rights abuses across the country.

The Magnitsky list now includes 49 names—an important testament to the central importance that accountability and human rights should play in U.S. foreign policy.

I think the Members of this body are familiar with the circumstances surrounding Sergei Magnitsky's death. He was a young lawyer in Russia representing a company. He discovered corruption, and he did what any lawyer should do. He reported it to the authorities. As a result, he was arrested. He was tortured, denied medical care, and died in prison.

As a result of that, legislation was introduced. I was proud to sponsor it with my good friend Senator McCAIN. It was enacted into law, as I said, 5 years ago. It holds those who perpetrate these violations of human rights accountable by denying them the right to visit our country—visa applications—or to use our banking systems.

The five additions to this list include Andrei Pavlov, Yulia Mayorova, and Alexei Sheshenya for their roles in the Magnitsky case and Ramzan Kadyrov and Ayub Kataev for gross violations of human rights. I appreciate the work of

career officials at the Treasury and State Departments for their work in investigating and designating these important cases.

Andrei Pavlov is a Russian lawyer who played a central role orchestrating the false claims used in the \$230 million tax fraud that Sergei Magnitsky uncovered. His addition to the Magnitsky list is long overdue, as he played an essential role in the plot.

Yulia Mayorova is the former wife of Pavlov and a Russian lawyer. She also reportedly played a role in helping to facilitate the fraud uncovered by Sergei Magnitsky.

Alexei Sheshenia also reportedly played key roles in both the 2006 theft of the \$107 million in taxes paid by RenGaz and in the 2007 theft of the \$230 million of taxes paid by Hermitage. I understand that in both tax thefts, shell companies beneficially owned by Alexei Sheshenia used forged backdated contracts to obtain judgments against companies that paid a significant amount of taxes.

Ramzan Kadyrov is a renowned human rights abuser who has brutally run the Republic of Chechnya for more than 10 years. Under his rule, human rights offenders have been murdered, and gay men have disappeared. He has destroyed any semblance of the rule of law in the Republic. Over the course of his time in power, there have been credible allegations of his directing assassinations deployed across Russia and Europe. Human rights groups have documented many cases of torture and extrajudicial killings by forces under his control.

Ayub Kataev is a prison warden and head of the branch of the Chechen internal affairs ministry. Earlier this year, Chechen authorities reportedly set up concentration camps for gay men under his control. He certainly belongs on this list.

Since 2012, Senator McCAIN and I have conducted rigorous oversight to ensure robust implementation of the Magnitsky law. In 2016, we wrote to the State Department with certain suggestions for inclusions on the list relevant to the death of Sergei Magnitsky. We also expressed concerns that the allegations of torture in Chechnya against gay men and other human rights violations in the North Caucasus should be investigated. I am pleased they took action that was responsive to both of our inquiries.

I want my colleagues to know that I do believe this administration has conducted the review on the Magnitsky list the way it should have been—keeping in close contact with Members of the Senate. I think the result speaks to the quality of work that was done in this year's list.

America's values are our interests. As a country, we must remain steadfastly committed to the principles embedded in the Magnitsky law—accountability, the rule of law, and respect for

human rights. The American people expect U.S. policymakers to advance these principles in all aspects of our diplomatic relations. I welcome today's announcement and also expect the first publication of the "Global Magnitsky" sanctions designations this week.

As the Presiding Officer is well aware, we have recently passed the "Global Magnitsky" law that applies similar standards for human rights violations globally. That list should be made available, we hope, sometime this week.

VENEZUELA HUMANITARIAN CRISIS

Mr. CARDIN. Mr. President, a second subject that I wish to talk about today on human rights deals with the collapse in Venezuela. I come to the floor to speak about Venezuela's growing humanitarian tragedy and accelerating economic collapse.

Late last June, here on the Senate floor, I described Venezuela as a nearly failed State, where authoritarian leaders profit from links to corruption and drug trafficking, while the Venezuelan people are subject to precarious humanitarian conditions and human rights abuses. Disturbingly, the situation has only deteriorated since the time I was last on the floor talking about the circumstances.

With Venezuela's humanitarian crisis growing daily, conditions facing Venezuelan children are particularly dire. This week, the New York Times published a heartbreaking investigation of how Venezuelan children dying of hunger. It states:

Parents go days without eating, shriveling to the weight of children themselves. Women line up at sterilization clinics to avoid having children they cannot feed. Boys leave home to join street gangs that scavenge for scraps. . . . Crowds of adults storm dumpsters after restaurants close. Babies die because it is hard to find or afford infant formula, even in emergency rooms.

That is in our hemisphere in Venezuela.

The Catholic relief organization Caritas has determined that over 50 percent of the children are suffering from nutritional deficiencies. They project that 280,000 Venezuelan children could eventually die of hunger without an urgently needed humanitarian response.

As the Venezuelans increasingly suffer the ravages of hunger, the country's hospital system is collapsing. Essential medicines are in short supply, and more than half of the Nation's operating facilities no longer function or have sufficient supplies. Disturbingly, international relief organizations have found that over 60 percent of the Venezuelan hospitals don't even have potable water.

Amid these crisis conditions, Venezuelan President Maduro repeatedly

denies the existence of this country's humanitarian crisis. He has even taken to the unprecedented step of setting up a party-controlled food distribution system referred to as CLAPS, and his government now uses food as a tool of political patronage.

The result is that the United States and our partners in the hemisphere now confront the situation where the Maduro regime would rather see its people go hungry than accept the foreign assistance the Venezuelans desperately need. This man-made tragedy is absolutely unacceptable.

Today I have written to Ambassador Nikki Haley, our Ambassador to the United Nations, to urge her to call an emergency special session of the U.N. Security Council to evaluate which United Nations mechanisms, including U.N. Security Council resolutions, should be pursued to alleviate the humanitarian suffering inside Venezuela.

As humanitarian concerns mount, human rights abuses of Venezuela are rampant. Last month, the U.N. High Commissioner for Human Rights told the U.N. Security Council that this year Venezuelan security forces "systematically resorted to the arbitrary detention of more than 5,000 protestors."

A more recent report by Human Rights Watch and Foro Penal, a Venezuelan nongovernmental organization, documents how Venezuelan security forces have subjected political opponents to "torture involving electric shock and asphyxiation."

In response, Luis Almagro, the Secretary General of the OAS, has convened a series of hearings to receive testimony to ascertain whether members of the Venezuelan Government have committed crimes against humanity that should be referred to the International Criminal Court for prosecution. These efforts deserve our attention and our support.

Against this alarming backdrop, we require no explanation for why the United States has received more asylum requests from Venezuela than from any other nationality for 2 years straight.

These challenges will only grow as Venezuela's economy continues to collapse. The country is in a selective default on its bonds. Hyperinflation and rapid currency devaluation are ravaging family incomes. This week, the country's parallel exchange rate reached 12,000 times the official rate, meaning that the average Venezuelan now earns less than \$10 a month.

The reasons for this collapse are simple. Venezuela's economy is plagued by endemic corruption and gross mismanagement. As this calamity grows, Senators need to be aware that Venezuela will eventually need a major IMF program that may well surpass the \$17 billion intervention that Ukraine required in 2014. The inter-

national community will have to respond, which will also include, of course, the United States.

We also need to recognize that Russia and China are now major stakeholders in Venezuela, in our hemisphere, and will be at the table as the international community copes with the pending collapse.

Russia, in particular, is playing geopolitics with the situation—refinancing Venezuela's debt, offering loans in return for financial stakes in U.S.-based CITGO, securing stakes in Venezuela's oil industry, and expanding its influence in our hemisphere.

In response to these growing challenges, the Trump administration has applied greater pressure by imposing targeted sanctions against a number of individuals, including President Maduro. With this designation, President Maduro has joined the list of notorious heads of state on U.S. sanction list, including the likes of North Korea's Kim Jong Un, Syrian President Bashar al-Assad, Zimbabwe's former President Robert Mugabe, and Panama's former President Manuel Noriega.

President Trump has also imposed financial sanctions blocking the issuance of new bonds to fund the Maduro regime's ongoing repressive and economic mismanagement. The bond market has been one of the last lifelines for the Maduro government. Investors are right to lose trust in Venezuela's ability to pay its debt.

We must recognize, however, that sanctions alone will not resolve the challenges the people of Venezuela are facing. We need a comprehensive strategy that utilizes all elements of U.S. diplomacy. We must provide critical foreign assistance to help mitigate the humanitarian crisis and bolster essential support for human rights and democratic civil society.

In May I introduced S. 1018, a bipartisan bill that lays out a comprehensive strategy for U.S. policy. My bill includes humanitarian assistance and funding to protect and promote human rights and democracy. It also includes a more aggressive approach to tackling the endemic corruption.

Earlier this month, the House of Representatives approved its version of this bill. It is time for the Senate to act. While I see an opportunity for bipartisanship in the Senate on U.S. policy toward Venezuela, I must say that I was alarmed by President Trump's statement in August about a potential military option. Such cavalier comments are not helpful and, once again, call into question whether he has the temperament and judgment for dealing with serious national security challenges.

We must rise to the challenge of Venezuela as a great nation, bringing our full diplomatic resources and skills to bear and avoiding stooping to mere saber rattling.

I urge our colleagues to take on this challenge, to help the people of Venezuela, who are suffering from this humanitarian crisis, and to allow America's entire toolkit to be used to help resolve this problem in our hemisphere.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSSIA INVESTIGATION

Mr. WARNER. Mr. President, I rise today concerned about the threats to the special counsel's critical investigation of Russian interference in the 2016 election.

Over the last several weeks, a growing chorus of irresponsible and reckless voices have called for President Trump to shut down Special Counsel Mueller's investigation. At first, these calls came from the fringes of our political discourse—those who refuse to put our country and our security before base political instincts.

Earlier this year, many of my colleagues on both sides of the aisle were right to push back on these misdirected calls and urge that the special counsel be allowed to do his job without interference. However, in recent weeks, those voices seem to be growing in stridency and in volume. Just this weekend, one major news organization suggested that Special Counsel Mueller could be involved in a coup against the President. One senior adviser at the White House has now outrageously alleged that "the fix was in against Donald Trump from the beginning." Those statements are reckless. They are inappropriate, and they are extremely worrying. They are also at odds with the President's own lawyers who have pledged to cooperate with the special counsel.

Beyond being irresponsible, the seemingly coordinated nature of these claims should alarm us all—particularly since, in recent days, these baseless accusations have been repeated by several Members of the House of Representatives.

I believe it is up to every Member of this institution, Republican or Democratic, to make a clear and unambiguous statement that any attempt by this President to remove Special Counsel Mueller from his position or to pardon key witnesses in any effort to shield them from accountability or shut down the investigation would be a gross abuse of power and a flagrant violation of executive branch responsibilities and authorities. These truly are red lines, and we simply cannot allow them to be crossed.

Let's take a moment to remember why Special Counsel Mueller was appointed in the first place and why it remains so critical that he be permitted to finish his job without obstruction.

Recall, last spring, when we were all reeling from a series of confounding actions by this President, beginning with the firing of FBI Director Jim Comey on May 9. Mr. Comey was fired just 2 months after publicly revealing the FBI's ongoing investigation of the Trump campaign and—as we would find out later—after several attempts by this President to improperly influence Director Comey.

Try to put yourself back into those dangerous days. Director Comey's dismissal was met with confusion and widespread condemnation. We needed a stabilizing action from our Nation's law enforcement leadership. We needed some certainty that the facts would be found and brought to light, regardless of what they were.

Eight days after Mr. Comey's firing, Trump appointee and Deputy Attorney General Rod Rosenstein appointed Robert Mueller to oversee the investigation into "any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump" and "any matters that arose or may arise directly from the investigation."

His appointment reassured Americans that there will be a full and thorough law enforcement investigation. The announcement was met with support on both sides of the aisle and received nearly universal praise. In fact, many of the same people who are attacking him today praised Mr. Mueller's appointment just months ago.

Indeed, there is much to praise. The fact is, Robert Mueller has impeccable credentials as a man of the law. He has assembled a team that includes some of the Nation's best investigators, and he is leading the investigation with the professionalism it deserves.

Mr. Mueller is a dedicated Vietnam war veteran and a lifelong Republican, appointed to his current role by Deputy Attorney General Rod Rosenstein, also a Republican. In fact, all of the major players to date in this investigation—former Director Comey, current FBI Director Rosenstein, and even Attorney General Sessions, who has had to recuse himself—are all Republicans. The charges that some have made that somehow Democratic political bias has crept into this investigation are baseless, given the makeup of the leadership team.

In recent weeks, much has been made of some political opinions expressed by an FBI agent during the election last year. This specious line of argument conveniently ignores the fact that as soon as Mr. Mueller learned about those comments, he immediately removed that agent in question from the

investigation. If anything, this incident only adds to Mr. Mueller's credibility as a fair and independent investigator.

I stand here as the vice chairman of the Senate Intelligence Committee. We are in the midst of our own investigation into Russian incursion, and I am proud of the way Chairman BURR and our committee has taken on this very difficult task.

We have made tremendous progress uncovering the facts of Russian interference in our elections. Our committee's work helped expose the dark underbelly of disinformation on many of our social media platforms. We have successfully pressed for the full accounting of Russian cyber efforts to target our State electoral systems, and, despite the initial denials of any Russian contacts during the election, this committee's efforts have helped uncover numerous and troubling high-level engagements between the Trump campaign and Russian affiliates, many of which have only been revealed in recent months.

We have a lot of work to do. Our committee has gone out of its way to ensure continued bipartisan backing for this effort, and I am committed to seeing the effort through. However, it should be very clear that our committee cannot and will not stand as a substitute for Mr. Mueller's investigation.

As Chairman BURR and I have noted on numerous occasions, the FBI is responsible for determining any criminal activities related to this inquiry. As such, Mueller has already moved to indict two individuals and has negotiated two additional guilty pleas. This was an investigative path reserved solely for law enforcement, and it is essential that it be permitted to go on unimpeded.

The country no doubt remains severely divided on the question of the last election. However, the national security threat facing us today should demand that we rise above partisan differences. No matter the political divide, surely each of us—and all Americans—should want to know the truth of what happened during last year's election, and, no doubt, we want to know that as quickly as possible.

The President has long called the investigation into Russian meddling into the 2016 election a witch hunt, and he has done much to discredit the intelligence community's unanimous assessment of Russian interference in our election. The failure of this White House to lead a whole-of-government approach to prevent this type of election interference in the future—either by the Russians or some other adversary—defies understanding. The President's refusal to accept the intelligence community's assessment and his blatant disregard for ensuring that

Russia never again infiltrates our election process has been unnerving and cause for significant concern.

In recent days, the President has said he is not considering removing Special Counsel Mueller, but the President's track record on this front is a source of concern. I am certain most of my colleagues believed he wouldn't fire Jim Comey either.

Firing Mr. Mueller, or any other of the top brass involved in this investigation, would not only call into question this administration's commitment to the truth but also to our most basic concept, the rule of law. It also has the potential to provoke a constitutional crisis.

In the United States of America, no one—no one—is above the law, not even the President. Congress must make clear to the President that firing the special counsel or interfering with his investigation by issuing pardons of essential witnesses is unacceptable and would have immediate and significant consequences.

I hope my concerns are unfounded—in many ways, I had hoped I would never have to make this kind of speech—but there are troubling signs. It is critical that all of us, as elected officials and as citizens, speak out against these threats now before it is too late.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELECOMMUNICATIONS AND TECHNOLOGY COMPANIES AND CONSUMER PROTECTION

Mr. FRANKEN. Mr. President, I rise to deliver the second in a series of floor speeches that I offer as I close out my time in the Senate.

This afternoon, I want to talk about Americans' relationship with telecommunications and technology companies and what that means for their access to essential services and for their privacy.

When I entered the Senate in July of 2009, then-Majority Leader Harry Reid asked me to serve on the Judiciary Committee. I pointed out that there are a lot of lawyers in the Senate and that I wasn't one of them, but he said he needed Members with my perspective on the committee. I wondered how my background could possibly serve me on Judiciary, but it did—almost immediately—when in December of that year, Comcast announced its intention to acquire NBCUniversal.

I happened to know a lot about the effects of media consolidation because I used to work in media. When powerful corporations are permitted to acquire other powerful corporations, it is the American consumers who are left facing higher prices, fewer choices, and even worse service from their telecommunications providers. I questioned why an already powerful company should be allowed to get even bigger and thus extract more leverage over consumers and the businesses reliant on its platform.

It was through my work on Comcast and NBCUniversal that I learned about the rising costs of internet, phone, and TV services, as well as the importance of preserving net neutrality. I also became interested in how giant telecommunications companies, as well as ever-evolving tech companies, were treating the massive troves of user data they were collecting on a perpetual basis.

I believe consumers have a fundamental right to know what information is being collected about them. I believe they have a right to decide whether they want to share that information and with whom they want to share it and when. I believe consumers have a right to expect that companies that store their personal information will store it securely.

I also believe all Americans deserve affordable access to high-quality telecommunications services—services they depend on to communicate with the world, get an education, and find a job. I believe the internet should remain the open platform for innovation, economic growth, and freedom of expression it has always been.

Perhaps it was the complex nature of these issues or even the financial incentive to turn a blind eye, but when I came to the Senate, very few Members of Congress were talking about corporate consolidation, commercial privacy, or net neutrality—issues that have gained much deserved attention in more recent years. Whatever the reason for other Members' hesitance, I felt it was incumbent upon me to get into the weeds on these issues so I could be a leader in the Senate and ultimately address the concerns of ordinary Minnesotans.

That is why, when the interests of the American consumers have clashed with the desires of powerful telecommunications and technology companies, I have always tried to put the public first and to fight on their behalf by shedding light on corporate abuses and using all the tools at my disposal to curb them.

Again, it is through my work on the Judiciary Committee—and, more specifically, my work on media and technology policy—that I believe my perspective from my previous career has been of most value.

Comcast's proposal to acquire NBCU immediately made me uncomfortable

because I had seen their motives for this deal before. In 1993, during my 13th season at "Saturday Night Live," the Big Three networks—NBC, CBS, and ABC—pressured Congress to change the rules that had previously prevented them from owning any of the shows they aired in prime time. The purpose of the rules had been to prevent the networks from prioritizing their own shows over others or otherwise harming competing programming.

Unsurprisingly, after the rules were repealed, the networks—contrary to their guarantees and assurances they had given Congress—began giving the shows they owned preferential treatment. At the time, "Seinfeld," which aired on NBC, was not owned by NBC and had been produced before the rules had changed—was the No. 1 show on television, which made the Thursday night timeslot following "Seinfeld" the most valuable real estate on television. I watched as shows that eventually wound up in that premium location were all owned, at least in part, by NBC.

So when I became a Senator, one of the first major deals I opposed was Comcast's acquisition of NBCUniversal. As in the case of AT&T's current bid to buy Time Warner, this deal was about giving one company the ability to control both the programming and the pipes that carry it. I knew from my time in media that a combined Comcast-NBCUniversal would have strong incentives to favor its own programming over that of others and restrict competing distributors from accessing that programming. I knew these incentives would hurt competing content creators, inhibit the free flow of information, and ultimately harm consumers.

Unfortunately, I was not wrong. In the years after its acquisition of NBCUniversal, Comcast repeatedly violated the terms of its agreements with the FCC and the Department of Justice, favoring its own news programming over its competitors in Comcast's channel lineup and failing to live up to its promises regarding offering affordable standalone broadband, racial diversity in programming—they did not live up to their promises there—and online video distribution. Because merger conditions are extremely difficult and costly to enforce, competition and consumers were harmed in the process.

Comcast's behavior in the wake of acquiring NBCUniversal was one of the major reasons I then opposed its proposal to turn around and buy Time Warner Cable a couple years later. It was also one of the major reasons I believe that later deal was ultimately dropped after objections from the FCC and the Department of Justice.

For a long time in the Senate, it was a lonely battle. For over a year, I was the only Senator to oppose Comcast's

proposals to buy Time Warner Cable—a deal that would have given the combined company 57 percent of the broadband market—but advocates and ordinary citizens raised their voices, and together we were able to stop the deal.

Most recently, I have led my colleagues in scrutinizing AT&T's proposed acquisition of Time Warner, and I have once again called on regulators to move to block the deal for the inevitable harm it will cause to competition and consumers.

I have been proud to lead these efforts, and I leave here in a much different environment than when I arrived. I know there are strong voices in the Senate that will carry on the fight when I am gone.

These efforts to slow down and halt media consolidation are part of a very important, larger development we have seen in our country. In recent years, there has been a resurgence in the American public's—and, in turn, Congress's—interest in combating corporate consolidation.

When I first entered the Senate, I wasn't sure most Americans understood what was at stake when these powerful companies wanted to combine. Vertical integration and antitrust laws sounded like obscure, almost boring, topics, but more and more Americans are getting educated about these issues, and more and more Members of Congress are working to get Washington focused on how they affect the lives of real people.

Just look at the fight for net neutrality. For many of the same reasons that I opposed Comcast's acquisition of NBCUniversal, I have long supported strong net neutrality rules to ensure that the internet remains a level playing field where everyone can participate on equal footing, free from discrimination by large internet service providers like Comcast, Verizon, and AT&T.

Net neutrality preserves the internet as the engine for innovation that it has always been and allows businesses of all sizes to thrive—even when they are up against the largest, most profitable corporations. Here is just one example I found useful in explaining net neutrality:

In 2005, three guys set up shop over a pizzeria in a strip mall in San Mateo, CA, where they launched the now-ubiquitous YouTube. Video-sharing websites were in their infancy, but these guys already faced competition from something that preceded it called Google Video, but Google Video wasn't very good. Because of net neutrality, YouTube was able to compete with Google Video on a level playing field. The giant internet service providers treated YouTube's videos the same as they did Google's, and Google couldn't pay them to gain an unfair advantage, like a fast lane into consumer homes.

They were treated the same, neutrally. The content was neutral—net neutrality. People really liked YouTube. They preferred YouTube to Google Video, and YouTube thrived. In fact, in 2006, Google bought it for stock valued at \$1.65 billion. That is a nice chunk for three guys over a pizzeria in San Mateo.

It is not just tech companies and small businesses that rely on open internet. In a submission to the FCC in 2014, a coalition that includes Visa, Bank of America, UPS, and Ford explained that “every retailer with an online catalogue, every manufacturer with online product specifications, every insurance company with online claims processing, every bank offering online account management, every company with a website—every business in America interacting with its customers online is dependent upon an open Internet.” I have repeated this quote on the floor and at rallies time and time again over the years because I think it perfectly exemplifies the importance of this issue.

Preserving net neutrality is only controversial for the few deep-pocketed entities that stand to financially gain without it.

If FCC Chairman Pai ultimately has his way, we will be entering a digital world where the powerful outrank the majority, a world where a handful of multibillion-dollar companies have the power to control how users get their information, and a world where the deepest pockets can pay for a fast lane while their competitors stall in the slow lane.

For nearly 9 years, I have been calling net neutrality the free speech issue of our time because it embraces our most basic constitutional freedoms. And ironically, the kind of civic participation that has aspired so many of us in recent months—and has effected real change, like in the fight for net neutrality and the successful efforts to save the Affordable Care Act—has depended in no small part on a free and open internet.

In 2015, the FCC's vote to reclassify broadband providers as common carriers under title II of the Communications Act didn't just mean good things for net neutrality; it also had important implications for consumer privacy. It gave the agency the authority and the responsibility to implement rules to protect Americans' privacy by giving consumers greater control of their personal data that is collected and used by their broadband providers. That was a big win. Republicans didn't see it that way. One of the first things they did this Congress was to repeal those rules, which was a huge blow to Americans' right to privacy.

For my part, I have long believed that Americans have a fundamental right to privacy. I believe they deserve both transparency and accountability

from the companies that have the capacity to trade on the details of their lives. And should they choose to leave personal information in the hands of those companies, they certainly deserve to know that their information is being safeguarded to the greatest degree possible. This transparency and accountability should come from all the companies that have access to Americans' sensitive information. This includes internet service providers like Comcast and AT&T but also edge providers like Google, Facebook, and Amazon.

In 2011, I served as chair for the inaugural hearing of the Judiciary Subcommittee on Privacy, Technology and the Law—a subcommittee that I founded after it became abundantly clear that our Nation's privacy laws had failed to keep pace with rapidly evolving technologies.

When people talked about protecting their privacy when I was growing up, they were talking about protecting it from the government. They talked about unreasonable searches and seizures, about keeping the government out of their bedrooms. They talked about whether the government was trying to keep tabs on the books they read or the rallies they attended. Over the last 40 or 50 years, we have seen a fundamental shift in who has our information and what they are doing with it. That is not to say that we still shouldn't be worried about protecting ourselves from government abuses, but now we also have relationships with large corporations that are obtaining, storing, sharing and in many cases selling enormous amounts of our personal information.

When the Constitution was written, the Founders had no way of anticipating the new technologies that would evolve in the coming centuries. They had no way of anticipating the telephone, for example, and so the Supreme Court ruled over 40 years ago that a wiretap constitutes a search under the Fourth Amendment. The Founders had no idea that one day the police would be able to remotely track your movements through a GPS device, and so the Supreme Court ruled in 2012 that this was also a search that required court approval. All of this is a good thing. Our laws need to reflect the evolution of technology and changing expectations of American society. This is why the Constitution is often called a living document. But we have a long way to go to get to the point where our modern laws are in line with modern technology.

My goal for the subcommittee was to help members understand both the benefits and privacy implications of emerging technologies; to educate the public and raise awareness about how their data is being collected, used, and shared; and, if necessary, to legislate to fill gaps in the law. When politics

prevented legislation, I repeatedly pressed companies—many of them more than once—to be more transparent about how they were treating their customers' private information, including users' location data, web-browsing histories, and even their finger and face prints.

As consumer awareness has evolved, these companies have taken important steps to improve transparency of their use of Americans' personal information. But unfortunately, accumulating massive troves of information isn't just a side project they can choose to halt at any given time; for many of them, it is their whole business model. We are not their customers; we are their product.

Recently, we have seen just how scary this business model can be. In October of this year, the Judiciary Committee examined Russia's manipulation of social media during the 2016 campaign, and both the public and Members of Congress were shocked to learn the outsized role that the major tech companies play in so many aspects of our lives, based primarily on the mass collection of personal information and complex algorithms that are shrouded in secrecy. Not only do these companies guide what we see, read, and buy on a regular basis, but their dominance—specifically in the market of information—now requires that we consider their role in the integrity of our democracy. Unfortunately, this fall's hearings demonstrated that they may not be up to the challenge that they have created for themselves.

The size of these companies is not—in isolation—the problem, but I am extremely concerned about these platforms' use of Americans' personal information to further solidify their market power and consequently extract unfair conditions from the content creators and innovators who rely on their platforms to reach consumers. As has become alarmingly clear in recent months, companies like Google, Facebook, and Amazon have unprecedented power to guide Americans' access to information and potentially shape the future of journalism. It should go without saying that such power comes with great responsibility.

Everyone is currently and rightfully focused on Russian manipulation of social media, but as lawmakers, it is incumbent upon us to ask the broader questions: How did big tech come to control so many aspects of our lives? How is it using our personal information to strengthen its reach and its bottom line? Are these companies engaging in anticompetitive behavior that restricts the free flow of information in commerce? Are they failing to take simple precautions to respect our privacy and to protect our democracy? And finally, what role should these companies play in our lives, and how

do we ensure transparency and accountability from them going forward?

Modern technology has fundamentally altered the way we live our lives, and it has given us extraordinary benefits. As these companies continue to grow and evolve, challenges like those we have recently confronted in the Judiciary Committee will only grow and evolve with them. So we must now muster the will to meaningfully address the tough questions related to competition, privacy, and ultimately the integrity of our democracy.

I will not be here to ask those questions. I will do what I can to find the answers from the outside, but it is my colleagues in the Senate who must prioritize them going forward. There is simply too much at stake. I know that they will do so with the help of a tireless advocacy community and the brilliant minds who have long contemplated these incredibly complex issues and ensured that lawmakers pay attention. And more importantly, they will do so with the support and encouragement of the American people.

I have witnessed significant highs and significant lows in the fight to protect consumers' rights, but the most important lesson I have learned along the way is that ordinary Americans can wield extraordinary power when they raise their voices. For this reason and despite significant setbacks in recent months, I know that it is the public's interests that can ultimately prevail.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPUBLICAN TAX BILL AND ADDRESSING THE NEEDS OF THE MIDDLE CLASS

Mr. SANDERS. Mr. President, I understand that my Republican colleagues and President Trump are busy celebrating the passage of the tax bill that was voted on at 1:30 in the morning. They are very excited, and they are very happy about it. I understand that. I guess, if one is a billionaire like President Trump or is a wealthy campaign contributor, you do have a whole lot to celebrate. Maybe, if you are 1 of the 6,000 lobbyists here in Washington, DC, who helped to write the bill, you are celebrating a lot today. Yet, if you are one of the vast majority of the American people who is in the middle class, you should not be celebrating today. In fact, you should be pretty nervous.

The passage of this legislation marks a great victory for the Koch brothers

and other wealthy campaign contributors who will see, at a time of massive income and wealth inequality, huge tax breaks for themselves. In other words, the wealthiest people will become much wealthier. Meanwhile, the deficit—what is owed by our kids and our grandchildren—will increase by \$1.5 trillion as a result of this bill. The largest and most profitable corporations—companies like Apple, Microsoft, Pfizer, and General Electric—despite record breaking profits, are going to see very, very large tax breaks to the tune of many billions of dollars.

Now, at a time when the very wealthy are becoming much richer, tens of millions of American families are struggling to keep their heads above water economically. There are 40 million Americans who are living in poverty. The nonpartisan Tax Policy Center tells us that in terms of this legislation, 83 percent of the tax benefits will go to the top 1 percent by the end of the decade, who are already doing phenomenally well, and that 60 percent of the benefits will go to the top one-tenth of 1 percent. Meanwhile, at the end of 10 years, some 92 million middle-class households will be paying more in taxes.

On top of all of that, as the only Nation—major country—on Earth not to guarantee healthcare to all people, this bill will result in 13 million Americans losing their health insurance. I understand the President was really excited about this. Hey, what a great day. There are 13 million more Americans who are losing their health insurance when we are the only major country on Earth not to guarantee healthcare to all people.

In the ending of the individual mandate, what all of the experts tell us is that our healthcare premiums will go up. If you are an average person out there, your healthcare premiums will very likely go up as a result of this legislation. Meanwhile, starting next year—I am not talking about 10 years from now—some 8 million middle-class families will pay more in taxes.

Doesn't it say a lot about Republican priorities when they make permanent the tax breaks for corporations; yet they make temporary the tax breaks for working families, which will expire in 8 years?

Furthermore, I would hope that every American is listening closely to what Speaker of the House PAUL RYAN is talking about. I have to give RYAN credit for being pretty honest about the intentions of the Republican Party. Just this morning, he was on ABC, saying what he has said for quite a while, and that is that the Republican plan is a two-step approach. Step No. 1 is passing the legislation that passed last night here and today in the House. Step No. 2 is, having run up a deficit of \$1.5 trillion, they are now going to come back and offset that deficit by

making massive cuts to Social Security, Medicare, and Medicaid.

According to RYAN, they have a two-step program. Step No. 1 is to give massive tax breaks to the rich and large corporations and to run up the deficit by \$1.5 trillion. Step No. 2 is to offset that deficit by cutting Social Security, Medicare, and Medicaid.

How unspeakable and outrageous is this plan? How much does it go against what the American people want? This gives huge tax breaks to billionaires—to the Trump family, to the Koch brothers—and then pays for those tax breaks by cutting Social Security, Medicare, and Medicaid.

There are millions of senior citizens and people with disabilities in Vermont and all across this country who, today, are struggling to buy food, to heat their homes, and to buy the prescription drugs that they need because they are trying to survive on \$12,000, \$13,000, \$14,000 a year in Social Security. There are people who have worked their entire lives and have exhausted themselves as they approach retirement. Do not tell those people who live on \$12,000, \$13,000 a year in Social Security that you are going to cut their benefits through a Chained CPI or by some other mechanism in order to give tax breaks to billionaires. How outrageous that would be.

Don't tell older workers—many of them with health problems after their having worked 20, 30, 40 years—that you are going to give billions of dollars in tax breaks to Microsoft, Pfizer, or General Electric, but then you are going to ask them to work more years in order to be eligible for Medicare.

I understand that every Member of the Congress would like to go home for the holiday season, and so would I. This is the time of year during which Vermont is very, very beautiful. The truth is that it would really be unconscionable for us to leave Washington after giving tax breaks to billionaires and large corporations while we ignore the enormous problems that are facing the middle class and working families of our country.

When Donald Trump ended the Deferred Action for Childhood Arrivals Program, the DACA Program, nearly 800,000 lives were thrown into chaos and uncertainty. Without the legal protections afforded by the DACA Program, hundreds of thousands of young people today are living in terrible fear and anxiety about losing the legal status they currently have in the only country they have ever known. These are young people who grew up in the United States, went to school in the United States, are working in the United States, and are in our military. This is their home. It would be unspeakable to take away their legal status and subject them to deportation.

Since the President's announcement in September, more than 11,000 people

have already lost their protections under DACA, with approximately 22,000 set to lose their legal protections by the March 5, 2018, deadline. These are hundreds of thousands of wonderful young people. We cannot turn our backs on them. We must deal with DACA before we leave for the holiday break. Any end-of-the-year spending agreement must address the fear and uncertainty caused by the administration's reckless actions, and a clean Dream Act must be signed into law.

This is not just what BERNIE SANDERS wants; this is what the American people in overwhelming numbers want. A Quinnipiac poll came out just the other day in which 77 percent of the American people supported maintaining legal status for these young people and allowing them to move forward toward citizenship—77 percent—and that is consistent with other polls that have been taken. A vast majority of Democrats, Republicans, and Independents understand that it would be incredibly cruel and harmful to our country in so many ways to deny legal status to the Dreamers. We cannot turn our backs on the Dreamers. We must address their crisis right now.

It has been almost 3 months since funding for community health centers has lapsed. Our Nation's 1,400 community health centers serve more than 27 million people in roughly 10,000 communities throughout the country. In my home State of Vermont, one out of four Vermonters gets their primary healthcare, dental care, low-cost prescription drugs, and mental health counseling at a community health center.

How does it happen that the Republican leadership can spend months on a bill to give tax breaks to billionaires but not address the lack of funding, the reauthorization of the Community Health Centers Program or the Children's Health Insurance Program, which provides healthcare to 9 million children?

In this country, there are 1.5 million workers and retirees in multi-employer pension plans who could see the pensions that they worked for over their entire lives cut by up to 60 percent. People were promised these pensions a few years ago, and in a disastrous act, Congress took away that promise, and working people could lose the pensions they were promised by up to 60 percent cuts in those pensions. Congress needs to act before the end of the year to make sure that no one in America in a multi-employer pension plan will see their pension cut.

Those are real issues impacting real people, but there are more. There was an article recently in the Washington Post, and it said that because of major cuts to the Social Security Administration, people with disabilities are not getting their claims processed in a timely manner. The result was that in

1 year, if you can believe it, 10,000 people with disabilities died before they got their claims processed.

What the Republicans have been very active on is making sure that the Social Security Administration does not get the funding it needs, which means that it is harder for people who have retired and people who have disabilities to get the information they need or the claims that they have processed in a timely manner. We must make sure that every senior and person with a disability gets treated with dignity. We have to restore adequate funding to the Social Security Administration.

One of the great outrages that currently is taking place in this country and really is quite beyond belief is that at a time when we live in a competitive global economy and when we need the best educated workforce in the world to be able to do the new jobs that are being created, which require more education, we have over 40 million people in our country who have left college or graduate school in debt and sometimes deeply in debt. I am talking about people I have met who have gone to medical school or dental school and are \$300,000 or \$400,000 in debt. People graduate college \$100,000 or \$150,000 in debt. This is a crisis that is impacting millions of people. It is impacting our entire economy. It is an issue that must be addressed. Maybe, just maybe, before we give tax breaks to billionaires, we might want to significantly lower the debt burden so many people in this country have in their student debt.

This is the year 2017, soon to be 2018. This is the wealthiest country in the history of the world. Yet there are communities in Vermont, Utah, and communities all over this country that do not have adequate broadband service. How does a business start up in a community if that community does not have rapid broadband or good cell phone service? The answer is, it doesn't. It can't. That is one of the reasons why rural America is hurting so badly. We must invest in rural infrastructure to make sure every community in this country has quality, affordable broadband.

There is an opioid epidemic sweeping this country, impacting Vermont, my neighboring State of New Hampshire, West Virginia, Kentucky, and all parts of this country are seeing people dying from overdoses from opioids and heroin. This is an epidemic that must be addressed. We can't simply walk out of here and leave people all across the country without the resources they need to treat people who are addicted and to prevent our young people from becoming addicts. We need to invest in treatment and prevention for the opioid epidemic.

As we speak, there are over 30,000 vacancies in the Veterans' Administration. That means that we have to make sure every veteran in this country who

goes to the VA gets the quality and timely healthcare he or she needs. We can't turn our backs on the veterans. We have to invest in the VA.

The bottom line is that, as much as all of us would like to get out of Washington and go home, we simply cannot turn our backs on tens of millions of working people and people in the middle class. It is not good enough to pass tax breaks for billionaires and then leave town. So I hope the Republican leadership will immediately bring to this floor the legislation that we need to address the many crises facing the middle class of this country.

With that Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARK E. MILLER

Mr. HATCH. Mr. President, today I wish to honor Mark E. Miller, for his distinguished public service and professional assistance to the Senate Finance Committee, as well as to the rest of Congress.

Mr. Miller served as the executive director of the Medicare Payment Advisory Commission, or MedPAC, for the last 15 years. During that time, he dedicated himself to our country, ensuring Congress received impartial, data-driven, and sound policy advice to transform the Medicare Program while protecting our Nation's seniors and the disabled.

MedPAC was established by Congress in 1997 as part of the Balanced Budget Act. It is a nonpartisan agency that provides analysis and policy recommendations regarding the Medicare Program, including payment, beneficiary access to care, and quality of care for traditional fee-for-service Medicare and Medicare Advantage. As all of us know, the analysis we get from MedPAC is critical in how we, as Members of Congress, debate, address changes, and ultimately make improvements to the Medicare Program.

Throughout his service, Mr. Miller ensured that MedPAC consistently fulfilled its mission of providing objective, empirically driven policy analysis and advice to Congress.

Mr. Miller himself also testified, answered calls, and otherwise provided invaluable advice on complicated Medicare payment issues to both majority and minority leaders, Finance Committee chairmen and ranking members, as well as other committee members, and other Member offices regarding all things healthcare. Throughout

his years of service, Mr. Miller has proven himself a trusted source of objective information.

Mr. Miller gave years of his life, including countless long nights, weekends, and early mornings to make sure Congress has the best and most reliable information it can get. In turn, that analysis has guided many ideas and recommendations into legislation that made its way to a President's desk for signature. Mr. Miller's professionalism, expertise, energy, patience, humor, and dedication make him an example to all of us as we work the process of designing and ultimately enacting legislation. Mark has been there from the beginning, watching an idea being born, helping to develop policy to achieve that idea, and providing valuable policy counsel as it works its way through the legislative process to ultimately becoming law.

Thanks to his sense of purpose, dedication, and love for this country, Mr. Miller should be seen as just as much an influence on our current Medicare policy as most Members in this body. Mark is a consummate professional, and he will be missed. I wish him all the very best as he takes the next steps in his successful career.

May we ever remember Mark's service, and may MedPAC ever be guided by the same sense of duty and purpose Mr. Miller instilled in his 15 years leading that organization.

TRIBUTE TO STEVE JOHNSON

Mr. DURBIN. Mr. President, Cesar Chavez, the great champion of justice and human dignity, once offered this advice about friendship: He said; "If you really want to make a friend, go to someone's house and eat with him. . . . The people who give you their food give you their heart."

The Senate Dining Room isn't Steve Johnson's house, but for the 22 years that he has worked there, Steve has poured his heart into his job, and he has become a friend—or at least a friendly face—to Senators, our families, staff members, and visitors.

As general manager of the Senate Dining Rooms and two other eateries in the Capitol, Steve works hard to create places where people who might not normally talk to each other can sit down at adjoining tables, eat a meal, and maybe swap stories or jokes.

In the Senate Dining Room, with its white linen table cloths and crystal chandeliers, you might see Republican and Democratic Senators and staff members asking after each other's families. In the refectory on the first floor, reporters and visitors to the Capitol stand in line together to grab a quick bite. Downstairs, in the carry-out, you can find the whole Capitol family, as Steve calls them; "the white collars, the blue collars, the green collars, and the Capitol Police," all eating together.

It is a little like stepping back into a better, less partisan time.

On Friday, December 22, Steve Johnson is leaving the Senate. He is retiring. Before he does, I want to take a moment to thank Steve for his many years of good and loyal service to the Senate.

Until 1995, when Steve began working as a maitre d' in the Senate Dining Room, he had never seen the inside of the U.S. Capitol, but he had seen the outside of this magnificent building many times.

You see, Steve grew up in Freehold, NJ, home of "The Boss," Bruce Springsteen. He was one of six kids. His mom trained as a nurse, and his dad was a director of a YMCA.

In 1963, Steve's Dad, Herbert, attended the March on Washington, where Martin Luther King gave his "I Have a Dream" speech. The experience made a profound impression.

During Steve's childhood and teen years, whenever there was a big march or rally in Washington, the whole Johnson family—mom, dad, and six kids—would pile into the family station wagon, drive to Washington, DC, for the day, and drive back to Freehold that night.

During those childhood trips, Steve developed a reverence for this building. After 22 years of working here, he still has it. He is still awed when he sees the Capitol dome gleaming in the sun as he arrives at work, or sees the Capitol Christmas tree lit up at night.

It is a feeling that many of us share.

Steve started his career in food service nearly 40 years ago, shortly after he graduated from Glassboro State College in New Jersey with a bachelor's degree in business administration. He went to work at a restaurant in his hometown.

A few years later, he and a business partner took over running a more than 200-year-old inn, the Liberty Tavern, in New Jersey's capitol city of Trenton. They gave it their best try, with clever marketing and a hard-working staff, but couldn't make good of it.

Fortunately for us, Steve's wife, Joanne, took a job with the Federal Government in Washington, and Steve made the move with her.

Before the Senate, he worked at the Mayflower Hotel, another Washington legend. As I mentioned, he started in the Senate Dining Room as maitre d' and worked his way up to assistant general manager and finally general manager.

He works incredibly hard, from early in the morning until evening or later. With his calm demeanor, he makes a tough job look almost easy.

That calm may have something to do with the fact that Steve is a dedicated marathon runner. He has run 18 marathons, including seven Boston Marathons.

He is a modest man in a sea of big egos, a scrupulously nonpartisan man

in era of sharp partisan lines. He and his dedicated staff are important members of the Senate family.

There is a line in a Bruce Springsteen song where Bruce says, "I'm ready to grow young again."

Sadly, none of us can actually do that.

But Steve has decided that he is ready to be a rookie again and try something completely new and different. In this next chapter of his life, he will work as a volunteer literacy tutor for adults who speak English as a Second Language.

It is another way, I think, of making people feel at home and cared for, something that Steve Johnson is so good at.

In closing, I want to thank Steve again for his many years of service to the Senate, and I want to wish Steve and Joanne the very best of luck as they start this new chapter in their lives.

HONDURAS

Mr. LEAHY. Mr. President, on Monday, the head of the Honduras Supreme Electoral Tribunal declared Juan Orlando Hernandez the next President of Honduras. Shortly thereafter, the Secretariat of the Organization of American States, one of the principal international observers, announced that it could not certify the election as free and fair and called for a new election. Yesterday, after his top advisers rebuked the OAS for infringing on Honduras's sovereignty, President Hernandez, stating that "the Honduran people have spoken," declared himself President-elect.

On December 5, I spoke at length about the Honduran election, and I have made several statements since then. I will not repeat what I and many others have already said about the troubling process orchestrated by President Hernandez and his associates over the past several years to lay the groundwork for his reelection for an unprecedented second Presidential term, nor about the many irregularities that have caused masses of people to take to the streets in protest since the vote on November 26. As of today, at least 12 protesters, and perhaps as many as 20, have been killed and many more injured, mostly from military police firing live ammunition. I was disappointed that, in his speech yesterday, President Hernandez made no mention of those tragic deaths.

As we await the Trump administration's decision on whether to support the OAS's call for a new election or accept President Hernandez' claim to a second term, I want to make three points.

First, if this flawed election had been held in a country not led by a President whose consolidation of power and reliance on the military and police

have had the strong backing of the White House and the State Department, it is doubtful that it would be accepted as free and fair. Instead, the White House, which has been willing to excuse the Hernandez government's corruption scandals and crackdown on the press and civil society, would likely be calling for a recount or, if the integrity of the ballots could not be assured, a new election.

Second, the OAS deserves the thanks of people throughout this hemisphere for the role it has played as an impartial observer and for standing up for a free and fair election in Honduras at a time when democratic processes, freedom of expression and association, and independent judiciaries are threatened not only in Honduras but in many parts of Latin America. Next year, Presidential and Parliamentary elections are scheduled in many countries in Central and South America, and the OAS, which has been a strong defender of democracy and human rights in Venezuela, has a vital role to play in seeking to ensure that those elections meet international standards of fairness and transparency. It is therefore particularly important and reassuring that the OAS Secretariat has insisted on such standards in Honduras by calling for a new election, and it is just as important that the United States stands with the OAS at this time.

Third, it is ultimately for the people of Honduras to decide what kind of a government they want and whether to accept the result declared by the Supreme Electoral Tribunal, which has little credibility outside of President Hernandez's National Party. It is clear that the country is sharply divided politically, socially, and economically. Absent an electoral process that is widely accepted as free and fair, that divisiveness will imperil the progress that is urgently needed in combating poverty, violence, organized crime, corruption, and impunity that pose immense challenges for the future.

But the international community and particularly the people of this hemisphere also have a stake in this election and in Honduras's future. In the past decade alone, the United States has provided many hundreds of millions of dollars in aid to Honduras, much of which I supported, but that aid has not achieved the results that the Honduran people and we wanted, and the reason for that, I believe, is primarily because successive Honduran Governments were not serious about addressing many of the key problems I have mentioned, yet the aid kept flowing. Unfortunately, I am not convinced that the current government is sufficiently serious about this, either.

Honduras today desperately needs a freely and fairly elected leader who can unite the country. Unfortunately, this election lacked the conditions of fairness and transparency necessary to

produce that result. If a new election is held under such conditions, it is entirely possible that President Hernandez may win—or he may not. But for him, or any candidate, to obtain the mandate required to unite the country and make a credible case that his government is a deserving partner of the United States, it will need to be by rejecting the serious flaws of this election and demonstrating to all the people of Honduras and this hemisphere what real democracy looks like.

I ask unanimous consent that today's Bloomberg View editorial calling for a new democratic election in Honduras be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE U.S. SHOULD BACK NEW ELECTIONS IN HONDURAS

LATIN AMERICA NEEDS TO START ITS BIG ELECTION YEAR ON THE RIGHT FOOT

(By James Gibney and Michael Newman)

There is only one way out of Honduras's deepening political crisis, and that is a new presidential election. It's a solution the U.S., with its long history in Latin America, should help bring about—although it would help if it had an ambassador there.

The certification this week of incumbent President Juan Orlando Hernandez's contested victory in last month's election has brought Hondurans into the streets, continuing a wave of violent demonstrations that have claimed at least 24 lives. It comes after a deeply flawed ballot-counting process that included long delays, after which Hernandez's early deficit mysteriously disappeared. (The final tally put him ahead by about 1.5 percent.) The vote was denounced by numerous observers—including the Organization of American States, which has called for new elections.

Yet the U.S., which has no ambassador in Tegucigalpa or an assistant secretary of State for the hemisphere, has been only mildly critical. When Hernandez's victory was certified, it urged opposing political parties to "raise any concerns they may have." And just after the disputed election, the State Department renewed aid to Honduras—a move widely interpreted as tacit support for Hernandez.

Hernandez has won friends in Washington with his willingness to crack down on crime and illegal migration to the U.S., and his investor-friendly policies. At the same time, his administration has been responsible for ugly human rights abuses and been implicated in several high-profile corruption scandals. Moreover, he has extended his tenure only by packing Honduras's Supreme Court to lift the country's one-term limit for presidents. The head of the court responsible for certifying election results is one of Hernandez's close allies.

Even before last month's flawed vote, Honduras was notable for the lack of popular confidence in its electoral mechanisms. And if it's stability that Washington seeks, these disputed results don't promise to achieve it. Protracted unrest will only make fighting drugs and illegal migration harder.

The contrast between the OAS and the U.S. could also hurt U.S. influence and credibility. The U.S. has rightly supported the OAS in its efforts to hold Venezuela accountable for its electoral crimes. If it fails to do the same in Honduras, it risks setting a dangerous double standard. This would be especially damaging in a year when nearly two

out of three Latin Americans are scheduled to go to the polls.

As the administration's just-released National Security Strategy says, "Stable, friendly, and prosperous states in the Western Hemisphere enhance our security and benefit our economy." The best way to ensure that Honduras becomes one is to support free, transparent and fair elections.

NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent requests at the present time relating to the nominations of David J. Ryder, of New Jersey, to be Director of the Mint, and of Isabel Marie Keenan Patelunas, of Pennsylvania, to be Assistant Secretary for Intelligence and Analysis, Department of the Treasury.

I will object because the Department of the Treasury has failed to respond to a letter I sent on September 29, 2017, to a bureau within the Department seeking documents relevant to an ongoing investigation by the Senate Committee on the Judiciary. Despite several phone calls between committee staff and Treasury personnel to prioritize particular requests within that letter, the Treasury Department has to date failed to provide any documents.

My objection is not intended to question the credentials of Mr. Ryder or Ms. Patelunas in any way. However, the Department must recognize that it has an ongoing obligation to respond to congressional inquiries in a timely and reasonable manner.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. BENNET. Mr. President, in 2008, the Senate took up the question of whether to drill in the Arctic National Wildlife Refuge. I wasn't here at the time, but I remember the issue prompted a rigorous debate.

The Senate spent months on the topic. Experts weighed in, and the American people had a chance to share their views in a fairly open process.

It is worth pausing to recall the context for that discussion. In 2008, America produced nearly 7 million barrels of oil a day and imported another 12 million. The price of oil was roughly \$150 a barrel. There was talk about the world hitting "peak oil."

In that context, one side claimed that drilling in the Arctic Refuge was needed to boost domestic production, reduce foreign imports, and lower prices at the pump. The other side countered that any economic benefit from drilling was far outweighed by the need to preserve the Arctic Refuge, a jewel of our public lands, a vital habitat for wildlife, and a sacred place for the Gwich'in people—a place so sacred they are reluctant to even enter it.

In the end, after weighing the facts and considering the costs, 56 Senators, included 6 Republicans, voted to protect the Arctic Refuge from drilling.

That was 2008. Now fast forward to 2017. The Arctic Refuge remains a jewel of our public lands. It remains a vital habitat for so many flora and fauna. It remains a sacred place for local tribes, and one of America's most spectacular wild places. The case for preservation has not changed.

By contrast, the case for drilling has never been weaker. Compared to 2008, domestic oil production has nearly doubled. Oil imports are down 22 percent. The price of oil has fallen 50 percent. Terminals we built to import oil and gas are now being used to export oil and gas.

For all these reasons, unlike 2008, oil companies are not clamoring for more opportunities to drill. Just last week, oil companies had the chance to bid on 10.3 million acres open for drilling in Alaska. In the end, less than 1 percent of the land was leased.

Think about that. We are not even using all of the land now available for drilling in Alaska. It defies reason that we would open up even more, especially in a place as treasured as the Arctic Refuge.

All of this is to say that, if it made little sense to drill in 2008, it makes no sense to drill now.

So it should surprise no one that the other side doesn't want a real debate. That is why they tucked this into their massive tax bill, hoping to sneak it in under the hood.

Their justification? We need revenue from the oil to pay down the deficit that we are creating with this tax bill.

There are two problems with that. First, the Congressional Budget Office found that, because of low demand, revenue from drilling would be far less than projected, potentially hundreds of millions less.

Second, the only reason we are having this conversation is because the other side wants to spend \$1.4 trillion on tax cuts for corporations and the wealthiest Americans.

Consider this: Their plan spends \$37 billion to give an average tax cut of \$64,000 to those lucky enough to make over \$1 million a year.

To help pay for that, we are about to drill in one of the most stunning places in America.

I am not opposed to oil and gas production. We need transition fuels as we move toward low-carbon, renewable energy. I also recognize that, for many small towns across America, the oil and gas sector is a rare source of steady, high-paying jobs.

In Colorado, we have managed to increase energy production to meet our growing demand. But we have done so in a way that protects our public lands and creates jobs, for those in oil and gas and our thriving outdoor economy. We have found a way for all sides to win.

If my colleagues from Alaska want to increase energy production, create

jobs, and spur growth, I stand ready to help, but let's not pretend that drilling in the Arctic Refuge is the only way to do that.

There are places in America where you can set up an oil rig, lay down roads, and run pipelines in responsible way. The Arctic Refuge is not one of those places. It is a treasure we should leave for our children, not a place to drill for no good reason.

Sadly, the Senate voted to allow drilling in the Arctic Refuge when it took up the broader tax bill.

For every American who opposed this move, know that this isn't over.

Senator MARKEY and I have authored a bill, which now has 41 cosponsors, that would shield the Arctic Refuge from drilling.

So I urge everyone to keep fighting, to keep speaking out for America's public lands, which are the envy of the world, to keep standing up for the beautiful places in America we must pass on to the next generation, as our parents and grandparents did for us.

TRIBUTE TO CAPTAIN LUDVIG K. TANDE

Mr. RUBIO. Mr. President: I wish to pay tribute to a member of my staff, Kris Tande, who is retiring from the Senate at the end of this year. This is not the first time he has retired from public service as retired Navy Capt Ludvig K. Kris Tande spent a career as a naval aviator prior to working for several legislators from the State of Florida.

Captain Tande currently serves as my senior State military director, and I am the fourth Florida Senator to have had Captain Tande help me represent northwest Florida. Starting in 1998, Captain Tande served as regional director for Senator Connie Mack, later serving in the same position for Senators Mel Martinez and George LeMieux. Former Congressman Jeff Miller tapped Captain Tande as his district director from 2001–2005. Captain Tande has served the constituents of Northwest Florida for the past 19 years, a term that notably included the 2005 Base Realignment and Closure Commission, which saw Florida gain vital military missions such as the relocation of 7th Special Forces Group from North Carolina and the standup of multiservice F-35 Joint Strike Fighter training at Eglin Air Force Base. During my time, when our country lost one of its brave troops, Captain Tande helped connect me with the families to whom we owed a great debt. When disaster struck, Captain Tande was instrumental in assisting Floridians adversely affected by the 2010 Deepwater Horizon oil spill that resulted in substantial economic damage in northwest Florida.

Former Senator Mel Martinez has this to say about Kris: "Captain Tande

was one of the most valued members of my Senate staff. My service in the Senate came at the beginning of the 'War on Terror'. Kris provided me valuable insight into the military issues we were confronting. He particularly helped me to understand the plight of military families impacted by long deployments, and the physical cost of war on our troops. He was much more than a regional representative. He was an integral part of my Senate life. Kris became a friend and trusted advisor and was a genuine pleasure to know. My visits to the Panhandle were always great because of good, cheerful company and a car full of snacks! Captain, enjoy a well-earned retirement and thank you for your many years of dedicated service to our country."

For many people, this could be considered a full career. For Kris Tande, this was his second act. Captain Tande was designated a Naval aviator in 1970 and subsequently flew 4,000 hours in helicopters and fixed-wing aircraft and deployed on several aircraft carriers. He is a plankowner of the amphibious ship USS *Wasp* LHD-1. Tande held several commands, most notably as commanding officer Naval Air Station Whiting Field, 1993-1995, in Milton, FL, and commander Training Wing Five (1995). His flight helmet sits in the reconstructed NAS Cubi Point Officers' Club, originally in the Republic of the Philippines, now at the National Naval Aviation Museum in Pensacola, FL.

As he leaves the service of his country and heads into retirement with his wife of 47 years, J.J., his four children, and six beloved grandsons, I wanted to thank Captain Tande for his service to his country and particularly to north-west Florida. The business, military personnel, veteran and their families who make up so much of the Florida Panhandle will miss this good public servant's steady hand.

Best wishes to Kris and J.J. as they embark on a well-earned retirement.

TRIBUTE TO KATIE MURRAY

Mr. ROUNDS. Mr. President, today I recognize Katie Murray for all of her hard work on behalf of myself, my staff, and the citizens of South Dakota while working in my Rapid City and Sioux Falls, offices.

Katie is a joy to work with, and she has been an excellent public servant. We wish her the best in all of her future endeavors.

The citizens of South Dakota, my staff, and I are grateful to Katie for her service. We are a better State because of her hard work.

TRIBUTE TO MICHELE MUSTAIN

Mr. ROUNDS. Mr. President, today I recognize Michele Mustain for all of her hard work on behalf of myself, my staff, and the people of South Dakota

while working in my Sioux Falls, SD office.

We are grateful for the excellent work she has done for other elected leaders and for all of the help she has given to the citizens of the United States.

Because she has helped so many soldiers and their families, it is fitting that she will now be working for the Employer Support for the Guard and Reserve.

My staff and I wish her the best in the future. We will always appreciate her and her willingness to help us become better public servants.

ADDITIONAL STATEMENTS

TRIBUTE TO FREDERIKA S. JENNER

• Mr. CARPER. Mr. President, it is with great pleasure that, on behalf of Delaware's congressional delegation, I wish to honor the exemplary service of educator and Delaware State Education Association leader Frederika S. Jenner. She has served Delaware as a teacher and education advocate since 1972, and during that time, she worked to effectively improve our education system and shape thousands of young children's lives. Frederika has now retired after more than four decades of serving in Delaware's schools and advocating on behalf of its students and teachers. She is a selfless education advocate and adviser, as well as a devoted wife and mother. Delaware's education system and countless Delawareans will benefit from her life's work for decades to come.

Frederika is a graduate of A.I. Dupont High School in Wilmington, DE. She earned her bachelor's degree in education from Goucher College in Baltimore and then returned to Delaware where she taught elementary school for 39 years. She had such a dedication to education that she furthered her own while she was teaching and ultimately received her master's in instruction from the University of Delaware. Although she started as an English and reading specialist, Frederika took a leap to become a science teacher along the way, teaching herself and earning her certification all in the first year in her new position. From then on, science remained an intense passion of hers, as well as a focus of much of her work both in and out of the classroom. Throughout her career, Frederika also encouraged a love of reading among her students and took great pride in her voluminous classroom library, with over 2,000 books on its shelves.

Throughout her many years in the classroom, Frederika became a trusted voice among her fellow educators. From day one, she was involved as a building representative for the Delaware State Education Association, and

her activism grew from there. Later, she would serve as president of the 1,200-member Red Clay Education Association and then went on to serve as an executive board member of the Delaware State Education Association for 3 years. In 2011, Frederika was elected president of the Delaware State Education Association. In that role, she emerged as a strong and fair leader, working to shape education policy decisionmaking. For many years, she served as the bridge between DSEA members and public officials as the State worked to create and implement new educational standards that we use today and to chart a course to reach them.

Frederika also took on the task of improving science education in Delaware. She worked for 5 years as a Coalition science specialist and helped school districts all over Delaware integrate new State science standards and innovative teaching practices, including the Smithsonian Kits Programs. She regularly traveled the State, training teachers and delivering necessary supplies—everything from magnets and batteries to live crayfish, all in the interest of ensuring that students receiving hands-on science training. In 2010, Delaware Governor Jack Markell recognized her immense capabilities and appointed Frederika to the State Employee Advisory Committee.

There is a reason why, as Governor of Delaware, I was laser-focused on education and strengthening families. I believe these are two areas where we can make a lasting difference in the trajectory of a young person's life. Frederika shares this belief and dedicated her career to the young people of Delaware. On behalf of both U.S. Senator CHRIS COONS and U.S. Representative LISA BLUNT ROCHESTER, I want to thank Frederika S. Jenner for her service to the people of Delaware. Her love of children, along with her leadership and dedication to the notion that all children can learn, have improved the quality of education for countless Delawareans who were fortunate enough to be in her classroom and many who were not. However, all Delawareans have benefitted from the educational system she has worked so hard to help improve.

We are delighted to offer today our heartfelt congratulations to Frederika Jenner on a job well done, and we want to convey our thanks as well to her husband, Charles, and their sons Andrew and Nick for sharing with the children of Delaware a remarkable woman and educator.●

TRIBUTE TO CHARLES DALTON

• Mr. GRAHAM. Mr. President, I am genuinely honored to recognize here the U.S. Senate and the Nation Charles Dalton of Greenville, SC, on the occasion of his retirement as chief executive officer and president of Blue Ridge

Electric Cooperative and Blue Ridge Security Solutions.

Born and raised on a farm in Pickens, SC, Charles from an early age developed a love for antique cars, Clemson football, and serving the Upstate of South Carolina. Charles cofounded and operated a furniture company in Pickens with his brother, Allison Dalton, before starting his career with Blue Ridge Electric Cooperative.

Charles was elected chief executive in 1982 and has committed his time to serving the State of South Carolina by bringing power to remote, mountainous communities in five counties in the Upstate. His leadership over the last 36 years has helped the energy provider's membership to more than double, growing from 29,000 members to approximately 66,000. Charles has a reputation as a humble, accessible leader. In fact, he has been known to give out his home phone number to Blue Ridge members in an effort to provide constant service and maintain relationships in the communities in which he serves.

In addition to contributing to the Upstate's growing economy during his tenure at Blue Ridge, Charles has also served in multiple capacities on non-profit boards, including the Greenville chapter of the American Red Cross, Peace Center, and Cannon Memorial Hospital. He was selected to serve as a commissioner for the South Carolina Department of Transportation and cofounded the Upstate South Carolina Alliance, an organization committed to establishing the Upstate as a prominent economic region competing in the global economy. After his retirement, Charles and his wife, Libby, are looking forward to remaining engaged and active in the Upstate.

Charles has received statewide recognition for his contributions to business, regional collaboration, and community service in South Carolina. In 1998, he was selected by Governor Beasley to serve as South Carolina's "Ambassador for Economic Development." As a proud graduate of Clemson University, Charles was recognized with the 2014 Distinguished Service Award by the Clemson Alumni Association for serving as an exceptional role model for present and future students. Last year, Charles was awarded the Spirit of the Upstate Award for consistently exhibiting exceptional leadership and dedicating his personal and professional life to strengthening the Upstate region in South Carolina. These accolades serve as a testament to the profound role Charles has played in improving the lives of South Carolinians in the Upstate, and I am confident that he will continue to do so in this next chapter of life.

It is a distinct honor to recognize Charles Dalton on this important milestone. I ask that my colleagues join me in thanking Charles for the many con-

tributions he has made over the course of his career, and I wish him all the best.●

150TH ANNIVERSARY OF BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. PETERS. Mr. President, today I wish to recognize the 150th anniversary of Bethel African Methodist Episcopal—A.M.E.—Church in Saginaw, MI. This occasion commemorates the humble beginnings of Bethel A.M.E. from a church of 6 to now more than 1,000 congregants, celebrating 150 years of faith, fellowship, and family.

Bethel A.M.E. Church, the first African-American church in Saginaw, began in the home of Mr. and Mrs. Allen Ford, with six congregants in 1867. The church began to rapidly grow and became the social and religious foundation and place of refuge for African Americans in the community. As Bethel A.M.E. rose in prominence, it attracted the attention of notable figures, including abolitionist and women's rights activist Sojourner Truth in 1871.

Over the past 150 years, more than a dozen pastors have led Bethel A.M.E. and have left lasting contributions to the church's fundamental mission and community outreach. Reverend J.A. Dean's passion for ministering to youth laid the foundation for youth programs such as the Daily Vacation Bible School and the Carver Center of National Youth Organization in Saginaw. Each pastor had a hand in the expansion of the church. Reverend Isaiah Snelling spearheaded the development of a new church complex. After 12 years, the construction was completed under Rev. Harold C. Huggins' tenure in 1967. Bethel A.M.E. celebrated the church's centennial and dedication of the new development within the same year.

Bethel A.M.E. has had many successes over the years and has also endured great tragedy. Kenneth Bowman stepped into the role of substitute pastor when Rev. R.C. Boyd, who served from 1949 to 1954, became ill. Pastor Bowman accomplished many goals within his 1-year tenure, until he was killed in an automobile accident on March 13, 1954. Soon after, Pastor Boyd passed away on March 18, 1954, succumbing to his illness.

Through the tragedies, Bethel A.M.E. held true to its motto: "Love Conquers All," by providing for the physical and spiritual needs of the Saginaw community with steadfast and compassionate stewardship by organizing missions, youth programs, and prison ministries. Bethel A.M.E. also feeds the hungry, assists residents experiencing homelessness, and operates both a credit union and daycare center.

Today Bethel A.M.E. Church, led by Pastor Dennis Laffoon, is the oldest Af-

rican-American church in the Great Lakes Bay Region. Their membership has grown from its six founding members into a proud and active body of more than 1,000 strong. In its 150 years, Bethel A.M.E. has been a community institution, spiritual refuge, and civic leader in Saginaw.

I am pleased to rise today to ask my colleagues to join me in recognizing the historic milestone of the 150th anniversary of Bethel African Methodist Episcopal Church. From modest beginnings in that little home on Fourth Street to expanding its square footage and its mission to pass on the blessings they have received onto the community, Bethel A.M.E. has much to celebrate. I wish the leadership and congregation continued success and prosperity in the years ahead.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on the Judiciary.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1536. An act to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3312. An act to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes.

H.R. 4254. An act to amend the National Science Foundation Authorization Act of 2002 to strengthen the aerospace workforce pipeline by the promotion of Robert Noyce Teacher Scholarship Program and National Aeronautics and Space Administration internship and fellowship opportunities to women, and for other purposes.

H.R. 4323. An act to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes.

H.R. 4375. An act to provide for a report on broadening participation in certain National Science Foundation research and education programs, to collect data on Federal research grants to science agencies, and for other purposes.

At 1:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3312. An act to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4254. An act to amend the National Science Foundation Authorization Act of 2002 to strengthen the aerospace workforce pipeline by the promotion of Robert Noyce Teacher Scholarship Program and National Aeronautics and Space Administration internship and fellowship opportunities to women, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4323. An act to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4375. An act to provide for a report on broadening participation in certain National Science Foundation research and education programs, to collect data on Federal research grants to science agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1827. A bill to extend funding for the Children's Health Insurance Program, and for other purposes (Rept. No. 115-197).

By Mr. HOEVEN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1333. A bill to provide for rental assistance for homeless or at-risk Indian veterans (Rept. No. 115-198).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. YOUNG (for himself and Ms. BALDWIN):

S. 2255. A bill to reauthorize title VI of the Higher Education Act of 1965 in order to im-

prove and encourage innovation in international education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. GRASSLEY, Mr. CRAPO, Mr. ROBERTS, Mr. THUNE, and Mr. ISAKSON):

S. 2256. A bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes; to the Committee on Finance.

By Mr. COONS (for himself and Mr. GRAHAM):

S. 2257. A bill to establish the IMPACT for Energy Foundation; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself, Mr. COONS, and Mr. KING):

S. 2258. A bill to provide for the discharge of parent borrower liability if a student on whose behalf a parent has received certain student loans becomes disabled; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER (for himself, Mrs. MURRAY, Mr. BROWN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. KAINE, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. SANDERS, Ms. HIRONO, Mr. MARKEY, Mr. MURPHY, Mr. VAN HOLLEN, Ms. DUCKWORTH, Mr. MENENDEZ, Mr. MERKLEY, and Mr. WYDEN):

S. 2259. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 362. A resolution recognizing the service of the Los Angeles-class attack submarine the USS Jacksonville and the crew of the USS Jacksonville, who served the United States with valor and bravery; considered and agreed to.

By Mr. NELSON (for himself and Mr. RUBIO):

S. Res. 363. A resolution expressing profound concern about the growing political, humanitarian, and economic crisis in Venezuela and the widespread human rights abuses perpetrated by the Government of Venezuela; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 515

At the request of Mr. CASEY, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 1580

At the request of Mr. RUBIO, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 1580, a bill to enhance the transparency, improve the coordination, and intensify the impact of assistance to support access to primary and secondary education for displaced children and persons, including women and girls, and for other purposes.

S. 1615

At the request of Mr. NELSON, his name was added as a cosponsor of S. 1615, a bill to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

S. 1774

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1774, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1914

At the request of Mr. WARNER, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 1914, a bill to amend title XVIII of the Social Security Act in order to strengthen rules in case of competition for diabetic testing strips, and for other purposes.

S. 2070

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2070, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

S. 2105

At the request of Mr. BOOZMAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2105, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 2147

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2147, a bill to amend the Internal Revenue Code of 1986 to create a Pension Rehabilitation Trust Fund to establish a Pension Rehabilitation Administration within the Department of the Treasury to make loans to multiemployer defined benefit plans, and for other purposes.

S. 2152

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2236

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2236, a bill to require covered discrimination and covered harassment awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered discrimination and covered harassment complaints, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 362—RECOGNIZING THE SERVICE OF THE LOS ANGELES-CLASS ATTACK SUBMARINE THE USS “JACKSONVILLE” AND THE CREW OF THE USS “JACKSONVILLE”, WHO SERVED THE UNITED STATES WITH VALOR AND BRAVERY

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was considered and agreed to:

S. RES. 362

Whereas the USS Jacksonville (SSN 699) is named after Jacksonville, the largest and most populous city in Florida, and is the first ship to bear that name;

Whereas the slogan of the city of Jacksonville, Florida, is “The Bold New City of the South” and inspired the nickname of the USS Jacksonville, which is “The Bold One”;

Whereas, on August 10, 2017, the USS Jacksonville returned to the home port of the USS Jacksonville at Joint Base Pearl Harbor-Hickam in the Western Pacific after 209 days out to sea, thus completing the 15th and final deployment of the USS Jacksonville;

Whereas, on the last deployment of the USS Jacksonville, the USS Jacksonville steamed more than 48,000 nautical miles while conducting—

(1) maritime security operations in the areas of operation of the Fifth Fleet and Seventh Fleet of the United States; and

(2) joint exercises with the Maritime Self-Defense Force of Japan and the navy of the Republic of India;

Whereas, since the commissioning of the USS Jacksonville on May 16, 1981, the USS Jacksonville has completed 2 around-the-world cruises, visited ports on nearly every continent, and completed countless critical missions; and

Whereas, on September 11, 2001, while the USS Jacksonville was attached to the Enterprise Battle Group, the USS Jacksonville—

(1) was in the Mediterranean Sea; and

(2) stayed on-station to provide critical intelligence support as the United States prepared to retaliate in response to the terrorist attacks carried out on that day: Now, therefore, be it

Resolved, That the Senate recognizes the service of the Los Angeles-class attack submarine the USS Jacksonville and the crew of the USS Jacksonville, who served the United States with valor and bravery.

SENATE RESOLUTION 363—EXPRESSING PROFOUND CONCERN ABOUT THE GROWING POLITICAL, HUMANITARIAN, AND ECONOMIC CRISIS IN VENEZUELA AND THE WIDESPREAD HUMAN RIGHTS ABUSES PERPETRATED BY THE GOVERNMENT OF VENEZUELA

Mr. NELSON (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 363

Whereas the crisis in Venezuela continues to ravage the country and the Venezuelan people suffer from shortages of essential medicines, food, and basic supplies;

Whereas because of the crisis in Venezuela, approximately 1,300,000 people are undernourished and roughly 75 percent of the population has lost an average of 19 pounds since the start of the economic crisis;

Whereas the largest impact of the crisis in Venezuela is felt by children, as 54 percent suffer from nutritional deficiencies, according to the nongovernmental organization Caritas;

Whereas public health organizations in Venezuela report that only 38 percent of essential drugs are present in the country and more than 60 of the hospitals in Venezuela no longer have potable water, leading to a rise in chronic diseases, as well as in communicable diseases such as malaria and diphtheria;

Whereas the crisis forces thousands of Venezuelans to leave the country in vulnerable conditions and the number of Venezuelans seeking asylum in 2017 was almost double that in 2016, according to the United Nations High Commissioner for Refugees;

Whereas President of Venezuela Nicolas Maduro has repeatedly denied the existence of Venezuela's humanitarian crisis and rejected offers of international humanitarian assistance;

Whereas, instead of responding to the needs and demands of its people, the Government of Venezuela has prioritized the consolidation of power, undermined Venezuela's democracy, and engaged in a campaign of repression and human rights abuses;

Whereas the Government of Venezuela curtails freedom of expression, harasses journalists, and limits the ability of the Venezuelan people and the world to learn about the crisis and its effects;

Whereas, starting in April 2017, Venezuelan citizens staged massive, nationwide protests for more than four months in direct opposition to President Maduro's efforts to consolidate power and undermine Venezuela's democracy;

Whereas the United Nations Office of the High Commissioner on Human Rights reports that 124 deaths have been investigated by the Venezuelan Attorney General's Office in connection with the 2017 protests, with at least 46 victims allegedly killed by security forces and 27 more by members of armed pro-government civilian groups, bringing the total number of extrajudicial deaths to 357 between July 2015 and March 2017;

Whereas the United Nations Office of the High Commissioner concluded that there has been widespread and systematic use of excessive force and arbitrary detentions against demonstrators, as well as violent raids of homes, torture, and ill-treatment of those detained in connection with the protests;

Whereas human rights organizations in Venezuela have identified more than 5,000 arbitrary detentions between April 1, 2017, and October 31, 2017, and at least 299 political prisoners currently detained;

Whereas Amnesty International documented repeated use of various methods of arbitrary detention, including torture and forced disappearances intended to silence dissidents and limit freedom of expression;

Whereas nongovernmental organizations Human Rights Watch and Foro Penal have documented how Venezuelan security forces have used tactics of torture, involving electric shocks and asphyxiation, against individuals who oppose the Government of Venezuela;

Whereas the Government of Venezuela continues to use the Bolivarian National Guard and National Police to repress and detain protesters and subsequently try them in military courts with at least 198 documented cases against civilians in military courts; and

Whereas, on July 25, 2017, the Organization of American States Secretary General Luis Almagro convened public hearings to review whether the Government of Venezuela has committed crimes against humanity and should be referred to the International Criminal Court: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern about the humanitarian impacts of the crisis suffered by the people of Venezuela, including widespread shortages of basic food commodities and essential medicines;

(2) urges President of Venezuela Nicolas Maduro to permit the delivery of international humanitarian assistance;

(3) calls on the Government of Venezuela to immediately release all political prisoners and to respect internationally recognized human rights;

(4) calls on the Government of Venezuela to ensure the neutrality and professionalism of all security forces and to respect the Venezuelan people's rights to freedom of expression and assembly;

(5) supports the Secretary General of the Organization of American States in his review of whether the widespread human rights abuses in Venezuela warrant an investigation by the International Criminal Court; and

(6) urges the President of the United States to provide full support for OAS efforts in examining the human rights situation in Venezuela and to instruct appropriate Federal agencies to hold officials of the Government of Venezuela accountable for violations of

United States law and abuses of internationally recognized human rights.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to the nomination of David J. Ryder, of New Jersey, to be Director of the Mint, and Isabel Marie Keenan Patelunas, of Pennsylvania, to be Assistant Secretary of Intelligence and Analysis, Department of the Treasury, dated December 20, 2017.

AUTHORITY FOR COMMITTEES TO MEET

Mr. GARDNER. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 20, 2017, at 10:30 a.m. in room SD-406 to conduct a hearing entitled "Freight Movement: Assessing Where We Are Now and Where We Need to Go".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 489, 498, 509, 531, and 532; that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations of Bruce D. Jette, of Virginia, to be an Assistant Secretary of the Army; James E. McPherson, of Virginia, to be General Counsel of the Department of the

Army; Randall G. Schriver, of Virginia, to be an Assistant Secretary of Defense; Thomas Harker, of Virginia, to be an Assistant Secretary of the Navy; and John P. Roth, of Virginia, to be an Assistant Secretary of the Air Force en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 571, 572, 573, 574, and 575.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Duane A. Kees, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years; Stephen R. McAllister, of Kansas, to be United States Attorney for the District of Kansas for the term of four years; Ronald A. Parsons, Jr., of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years; Ryan K. Patrick, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years; and Michael B. Stuart, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Kees, McAllister, Parsons, Patrick, and Stuart nominations en bloc?

The nominations were confirmed en bloc.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, on January 3, 2018, the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 508. I

ask consent that there be 30 minutes of debate, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD. I further ask that notwithstanding rule XXXI, the nomination be held in status quo into the second session of the 115th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 560 through 569 and all nominations placed on the Secretary's desk; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Anthony J. Cotton

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Sharon A. Shaffer

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8069:

To be brigadier general

Col. Robert J. Marks

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Ronald G. Allen, Jr.

Col. Mark R. August

Col. Charles E. Brown, Jr.

Col. Joel L. Carey

Col. Brenda P. Cartier

Col. Darren R. Cole

Col. Heath A. Collins

Col. Douglas S. Coppinger

Col. Matthew W. Davidson

Col. Todd A. Dozier
 Col. Peter M. Fesler
 Col. Eric H. Froehlich
 Col. Michael A. Greiner
 Col. Andrew P. Hansen
 Col. Michelle L. Hayworth
 Col. Thomas K. Hensley
 Col. Stephen F. Jost
 Col. Jeffrey R. King
 Col. Leonard J. Kosinski
 Col. Thomas E. Kunkel
 Col. Laura L. Lenderman
 Col. Rodney D. Lewis
 Col. Robert K. Lyman
 Col. David B. Lyons
 Col. Michael E. Martin
 Col. Joseph D. McFall
 Col. David N. Miller, Jr.
 Col. Christopher J. Niemi
 Col. Clark J. Quinn
 Col. George M. Reynolds
 Col. Douglas A. Schiess
 Col. David W. Snoddy
 Col. Adrian L. Spain
 Col. Ernest J. Teichert, III
 Col. Alice W. Trevino

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Christopher G. Cavoli

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Stephen J. Townsend

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Nancy A. Norton

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard A. Brown

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mitchel Neurock

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Hubert C. Hegtvedt
 Brig. Gen. Timothy P. Kelly
 Brig. Gen. Albert V. Lupenski
 Brig. Gen. Samuel C. Mahaney
 Brig. Gen. John B. Williams

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1296 AIR FORCE nomination of Arianne R. Morrison, which was received by the Sen-

ate and appeared in the Congressional Record of December 1, 2017.

PN1297 AIR FORCE nomination of Richard A. Hanrahan, which was received by the Senate and appeared in the Congressional Record of December 1, 2017.

PN1298 AIR FORCE nominations (2) beginning ALECK A. BROWN, and ending JOHN D. RITTER, which nominations were received by the Senate and appeared in the Congressional Record of December 1, 2017.

IN THE ARMY

PN1142 ARMY nomination of Jennifer A. Mahoney, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1143 ARMY nominations (2) beginning YON T. CHUNG, and ending MICHAEL B. PAYNE, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1265 ARMY nominations (2) beginning NATHELE J. ANDERSON, and ending BRIAN R. HORTON, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1266 ARMY nominations (2) beginning THOMAS W. GREEN, and ending KENNETH M. KOOP, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1267 ARMY nomination of Adam R. Liberman, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1268 ARMY nomination of Michael E. Steelman, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1269 ARMY nomination of Gerald D. Gangaram, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1270 ARMY nomination of Brian R. Johnson, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1271—1 ARMY nominations (18) beginning SCOTT T. AYERS, and ending TYESHA L. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1272 ARMY nomination of Peter J. Armstrong, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1273 ARMY nomination of Ali S. Zaza, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1274 ARMY nomination of Phillip T. Buckler, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1275 ARMY nomination of Vernice K. Favor-Williams, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

PN1300 ARMY nomination of Heather M. Lee, which was received by the Senate and appeared in the Congressional Record of December 1, 2017.

IN THE NAVY

PN1245 NAVY nominations (50) beginning WILLIAM L. ARNEST, and ending KAREN J. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2017.

PN1301 NAVY nomination of Sharif H. Calfee, which was received by the Senate and appeared in the Congressional Record of December 1, 2017.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

THE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 124, S. 117 and Calendar No. 56, S. 501. I further ask unanimous consent that, where applicable, the committee-reported amendment be agreed to, the bills, as amended, if amended, be considered read a third time and passed, and the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALEX DIEKMANN PEAK DESIGNATION ACT OF 2017

The Senate proceeded to consider the bill (S. 117) to designate a mountain peak in the State of Montana as “Alex Diekmann Peak,” which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italics.)

S. 117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alex Diekmann Peak Designation Act of 2017”.

SEC. 2. FINDINGS.

[(Congress finds that Alex Diekmann—

[(1) was a loving father of two and an adoring husband who lived in Bozeman, Montana, where he was a renowned conservationist who dedicated his career to protecting some of the most outstanding natural and scenic resource areas of the Northern Rockies;

[(2) was responsible during his unique conservation career for the protection of more than 50 distinct areas in the States of Montana, Wyoming, and Idaho, conserving for the public over 100,000 acres of iconic mountains and valleys, rivers and creeks, ranches and farms, and historic sites and open spaces;

[(3) played a central role in securing the future of an array of special landscapes, including—

[(A) the spectacular Devil’s Canyon in the Craig Thomas Special Management Area in the State of Wyoming;

[(B) crucial fish and wildlife habitat and recreation access land in the Sawtooth Mountains of Idaho, along the Salmon River, and near the Canadian border; and

[(C) diverse and vitally important land all across the Crown of the Continent in the State of Montana, from the world-famous Greater Yellowstone Ecosystem to Glacier National Park to the Cabinet-Yaak Ecosystem, to the recreational trails, working forests and ranches, and critical drinking water supply for Whitefish, and beyond;

[(4) made a particularly profound mark on the preservation of the natural wonders in

and near the Madison Valley and the Madison Range, Montana, where more than 12 miles of the Madison River and much of the world-class scenery, fish and wildlife, and recreation opportunities of the area have become and shall remain conserved and available to the public because of his efforts;

[(5) inspired others with his skill, passion, and spirit of partnership that brought together communities, landowners, sportsmen, and the public at large;

[(6) lost a heroic battle with cancer on February 1, 2016, at the age of 52;

[(7) is survived by his wife, Lisa, and their 2 sons, Logan and Liam; and

[(8) leaves a lasting legacy across Montana and the Northern Rockies that will benefit all people of the United States in our time and in the generations to follow.

SEC. 3. DESIGNATION OF ALEX DIEKMANN PEAK, MONTANA.]

SEC. 2. DESIGNATION OF ALEX DIEKMANN PEAK, MONTANA.

(a) IN GENERAL.—The unnamed 9,765-foot peak located 2.2 miles west-northwest of Finger Mountain on the western boundary of the Lee Metcalf Wilderness, Montana (UTM coordinates Zone 12, 457966 E., 4982589 N.), shall be known and designated as “Alex Diekmann Peak”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to “Alex Diekmann Peak”.

The committee-reported amendment was agreed to.

The bill (S. 117), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alex Diekmann Peak Designation Act of 2017”.

SEC. 2. DESIGNATION OF ALEX DIEKMANN PEAK, MONTANA.

(a) IN GENERAL.—The unnamed 9,765-foot peak located 2.2 miles west-northwest of Finger Mountain on the western boundary of the Lee Metcalf Wilderness, Montana (UTM coordinates Zone 12, 457966 E., 4982589 N.), shall be known and designated as “Alex Diekmann Peak”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to “Alex Diekmann Peak”.

EAST ROSEBUD WILD AND SCENIC RIVERS ACT

The bill (S. 501) to amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System, was considered, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “East Rosebud Wild and Scenic Rivers Act”.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) East Rosebud Creek is cherished by the people of Montana and visitors from across the United States for its clean water, spectacular natural setting, and outstanding recreational opportunities;

(2) recreational activities, including fishing, hunting, camping, paddling, hiking, rock climbing, and wildlife watching, on East Rosebud Creek and the surrounding land generate millions of dollars annually for the local economy;

(3) East Rosebud Creek—

(A) is a national treasure;

(B) possesses outstandingly remarkable values; and

(C) merits the high level of protection afforded by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in order to maintain the benefits provided by the Creek, as described in paragraphs (1) and (2), for future generations to enjoy; and

(4) designation of select public land segments of East Rosebud Creek under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) would recognize the importance of maintaining the values of the Creek while preserving public access, respecting private property rights, allowing appropriate maintenance of existing infrastructure, and allowing historical uses of the Creek to continue.

(b) PURPOSE.—The purpose of this Act is to designate East Rosebud Creek in the State of Montana as a component of the National Wild and Scenic Rivers System to preserve and protect for present and future generations the outstandingly remarkable scenic, recreational, and geologic values of the Creek.

SEC. 3. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(213) EAST ROSEBUD CREEK, MONTANA.—The portions of East Rosebud Creek in the State of Montana, consisting of—

“(A) the 13-mile segment exclusively on public land within the Custer National Forest from the source in the Absaroka-Beartooth Wilderness downstream to the point at which the Creek enters East Rosebud Lake, including the stream reach between Twin Outlets Lake and Fossil Lake, to be administered by the Secretary of Agriculture as a wild river; and

“(B) the 7-mile segment exclusively on public land within the Custer National Forest from immediately below, but not including, the outlet of East Rosebud Lake downstream to the point at which the Creek enters private property for the first time, to be administered by the Secretary of Agriculture as a recreational river.”.

(b) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in paragraph (213) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) creates a protective perimeter or buffer zone outside the designated boundary of the river segment designated by that paragraph.

(2) OUTSIDE ACTIVITIES.—The fact that an otherwise authorized activity or use can be seen or heard within the boundary of the river segment designated by paragraph (213) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) shall not preclude the activity or use outside the boundary of the river segment.

ORDERS FOR THURSDAY, DECEMBER 21, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 21; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:04 p.m., adjourned until Thursday, December 21, 2017, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

SUSAN PARADISE BAXTER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE SEAN J. McLAUGHLIN, RESIGNED.

JOEL M. CARSON III, OF NEW MEXICO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE PAUL J. KELLY, JR., RETIRED.

COLM F. CONNOLLY, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE, VICE SUE L. ROBINSON, RETIRED.

KARI A. DOOLEY, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE ROBERT N. CHATIGNY, RETIRED.

GORDON P. GIAMPIETRO, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN, VICE RUDOLPH T. RANDA, RETIRED.

MARILYN JEAN HORAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE GARY L. LANCASTER, DECEASED.

CHAD F. KENNEY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE LUIS FELIPE RESTREPO, ELEVATED.

MARYELLEN NOREIKA, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE, VICE GREGORY MONETA SLEET, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 20, 2017:

DEPARTMENT OF DEFENSE

BRUCE D. JETTE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

JAMES E. MCPHERSON, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY.

RANDALL G. SCHRIVER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THOMAS HARKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

JOHN P. ROTH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ANTHONY J. COTTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SHARON A. SHAFFER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be brigadier general

COL. ROBERT J. MARKS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RONALD G. ALLEN, JR.
COL. MARK R. AUGUST
COL. CHARLES E. BROWN, JR.
COL. JOEL L. CAREY
COL. BRENDA P. CARTIER
COL. DARREN R. COLE
COL. HEATH A. COLLINS
COL. DOUGLAS S. COPPINGER
COL. MATTHEW W. DAVIDSON
COL. TODD A. DOZIER
COL. PETER M. FESLER
COL. ERIC H. FROEHLICH
COL. MICHAEL A. GREINER
COL. ANDREW P. HANSEN
COL. MICHELLE L. HAYWORTH
COL. THOMAS K. HENSLEY
COL. STEPHEN F. JOST
COL. JEFFREY R. KING
COL. LEONARD J. KOSINSKI
COL. THOMAS E. KUNKEL
COL. LAURA L. LENDERMAN
COL. RODNEY D. LEWIS
COL. ROBERT K. LYMAN
COL. DAVID B. LYONS
COL. MICHAEL E. MARTIN
COL. JOSEPH D. MCFALL
COL. DAVID N. MILLER, JR.
COL. CHRISTOPHER J. NIEMI
COL. CLARK J. QUINN
COL. GEORGE M. REYNOLDS
COL. DOUGLAS A. SCHIESS
COL. DAVID W. SNODDY
COL. ADRIAN L. SPAIN
COL. ERNEST J. TEICHERT III
COL. ALICE W. TREVINO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHRISTOPHER G. CAVOLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. STEPHEN J. TOWNSEND

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. NANCY A. NORTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD A. BROWN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MITCHEL NEUROCK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HUBERT C. HEGTVEDT
BRIG. GEN. TIMOTHY P. KELLY
BRIG. GEN. ALBERT V. LUPENSKI
BRIG. GEN. SAMUEL C. MAHANAY
BRIG. GEN. JOHN B. WILLIAMS

DEPARTMENT OF JUSTICE

DUANE A. KEES, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

STEPHEN R. MCALLISTER, OF KANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS.

RONALD A. PARSONS, JR., OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

RYAN K. PATRICK, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

MICHAEL B. STUART, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF ARIANNE R. MORRISON, TO BE MAJOR.

AIR FORCE NOMINATION OF RICHARD A. HANRAHAN, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH ALECK A. BROWN AND ENDING WITH JOHN D. RITTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 1, 2017.

IN THE ARMY

ARMY NOMINATION OF JENNIFER A. MAHONEY, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH YON T. CHUNG AND ENDING WITH MICHAEL B. PAYNE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH NATHELE J. ANDERSON AND ENDING WITH BRIAN R. HORTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2017.

ARMY NOMINATIONS BEGINNING WITH THOMAS W. GREEN AND ENDING WITH KENNETH M. KOOP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2017.

ARMY NOMINATION OF ADAM R. LIBERMAN, TO BE COLONEL.

ARMY NOMINATION OF MICHAEL E. STEELMAN, TO BE COLONEL.

ARMY NOMINATION OF GERALD D. GANGARAM, TO BE MAJOR.

ARMY NOMINATION OF BRIAN R. JOHNSON, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SCOTT T. AYERS AND ENDING WITH TYESHA L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2017.

ARMY NOMINATION OF PETER J. ARMSTRONG, TO BE COLONEL.

ARMY NOMINATION OF ALI S. ZAZA, TO BE COLONEL.

ARMY NOMINATION OF PHILLIP T. BUCKLER, TO BE MAJOR.

ARMY NOMINATION OF VERNICE K. FAVOR-WILLIAMS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF HEATHER M. LEE, TO BE MAJOR.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH WILLIAM L. ARNEST AND ENDING WITH KAREN J. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2017.

NAVY NOMINATION OF SHARIF H. CALFEE, TO BE CAPTAIN.

HOUSE OF REPRESENTATIVES—Wednesday, December 20, 2017

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

December 20, 2017.

I hereby appoint the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

PAUL D. RYAN,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 9:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

HONORING THE LIFE OF JOHN B. ANDERSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. KINZINGER) for 5 minutes.

Mr. KINZINGER. Mr. Speaker, I rise today to honor the life and legacy of the Honorable John B. Anderson and pay tribute to a man who inspired many to serve.

On December 3, 2017, John Anderson passed away at the age of 95. In mourning his death, I send my condolences to his wife, Keke, and the entire Anderson family.

A native of Rockford, Illinois, John Anderson attended Rockford Central High School and graduated from the University of Illinois in 1939. Before representing Illinois' 16th District in the House of Representatives, the district that I now proudly represent, John Anderson answered the call to serve as a staff sergeant in the United States Army.

He left law school in 1943 to enlist, and bravely served his country through the end of World War II. A decorated war veteran, John Anderson was honored with four battle stars for valor in combat.

Upon returning home to Rockford, John finished his law degree at the University of Illinois, and then went to Harvard to earn his master of laws degree. A few years later, he joined the Foreign Service and worked in Germany for the United States High Commissioner.

After returning home to Rockford, he was elected as Winnebago County State's Attorney in 1956. Shortly after, he joined the primary race for Congress and went on to win the House seat in 1960.

For 10 terms, John Anderson represented the 16th Congressional District of Illinois. He was on the powerful Rules Committee and held firm to his fiscally conservative values. He believed in a smaller and more accountable government, and he wasn't afraid to speak up for it.

His servant leadership and love of country earned him the chairmanship of the House Republican Conference, ranking third in House leadership. This esteemed position eventually led to his run for President.

John Anderson believed that his job was worth giving up in order to set a better example of realism in politics. As a community and as a country, we are better for his candor, his focus, and his honesty.

To this day, John's pragmatic approach and self-awareness continue to inspire many and greatly impact my service here in Congress.

Mr. Speaker, John Anderson dedicated his life to serving our Rockford community and this great Nation, and he served us proudly. After his political career, he continued to serve by becoming a visiting professor at several universities across the country.

On behalf of the 16th Congressional District of Illinois, we salute the service of our fallen leader, friend, neighbor, and dedicated civil servant. It is my hope that his legacy will continue to inspire generations to come and that his impact will never be forgotten.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1, TAX CUTS AND JOBS ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 115-476) on the resolution (H. Res. 668) providing for consideration of the Senate amendment to the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year

2018, which was referred to the House Calendar and ordered to be printed.

REMEMBER OUR MILITARY PERSONNEL THIS CHRISTMAS SEASON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as individuals across the country travel near and far to be with loved ones this holiday season, I ask that we remember our military personnel who will not be surrounded by family and friends this Christmas. Instead, our military men and women will be stationed all over the world to protect and defend the United States of America.

There are about 1.3 million military personnel on Active Duty who serve in more than 170 countries. While it is not easy to be away from family, it is especially difficult during the holidays.

But, Mr. Speaker, events like American Red Cross' Holiday Mail for Heroes card-signing campaign lets our troops know that we are keeping them in our thoughts and prayers. Since 2007, the Holiday Mail for Heroes program has provided Americans the opportunity to extend holiday greetings, expressions of gratitude, and well wishes to servicemembers, veterans, and their families. Last year, the Red Cross distributed thousands of cards to troops across the globe.

As we are extending our support to military personnel serving overseas, the Marine Corps Reserve is giving back to those who are less fortunate right here in our own backyard. Toys for Tots, which was founded in 1947 by Reservist Major Bill Hendricks, collects new, unwrapped toys each year and distributes them as Christmas gifts to children in need. As of 2016, Toys for Tots collected and distributed more than 512 million toys to less fortunate children.

That kind of selflessness truly embodies the spirit of Christmas.

Mr. Speaker, we cannot forget to honor our fallen heroes this Christmas season. One of our finest holiday traditions that honors our fallen servicemembers took place last Saturday: Wreaths Across America.

Many Americans can recall the iconic photograph of wreaths on the tombstones at Arlington National Cemetery. Snow blankets the ground. Red ribbons adorn the balsam wreaths,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which lay on rows of tombstones as far as the eye can see.

This annual tribute began in 1992 by a Maine wreathmaker named Morrill Worcester, who donated 5,000 wreaths to Arlington National Cemetery in honor of our fallen heroes.

Today, Wreaths Across America has grown into a national organization. A total of 1.2 million wreaths were placed on markers across the country in more than 1,200 locations, with more than 200,000 at Arlington National Cemetery alone. The mission is to remember, honor, and teach. Morrill describes the wreaths as a symbol of honor, respect, and victory.

As we celebrate with our loved ones, let us remember all of our military men and women, especially those we lost in service to this Nation. Thank you to Morrill and to all the volunteers who honor their memory.

Mr. Speaker, I thank all of our troops serving at home and overseas. I wish them a Merry Christmas and a happy New Year.

Merry Christmas and God bless America.

DISTRICT ATTORNEY BIVENS RETIREMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. KUSTOFF) for 5 minutes.

Mr. KUSTOFF of Tennessee. Mr. Speaker, I rise today to honor a great west Tennessean and a dear friend of mine, District Attorney General Phil Bivens.

After more than 25 remarkable years, Phil Bivens is retiring from his post as district attorney general of Tennessee's 29th judicial district, which covers both Dyer and Lake Counties.

Since 1992, Phil Bivens has been the consistent voice of law and order in his community. District Attorney General Bivens is a lifelong resident of Dyer County and a graduate of the University of Tennessee at Martin and the University of Memphis School of Law.

Throughout his career as a prosecutor, District Attorney General Bivens has handled some incredibly important cases and has earned a reputation for being fair, honest, and by the book.

In 2016, District Attorney General Bivens was elected to the executive committee for the Tennessee District Attorneys General Conference. Serving in this respected leadership role, he has advised the Tennessee General Assembly on issues related to the criminal justice system.

When I was the United States Attorney for the Western District of Tennessee, I also served Dyer and Lake Counties, so we worked together very closely. We worked together to tackle dangerous crimes and drug crimes. Most recently, District Attorney General Bivens has been instrumental in

combating the growing opioid crisis that is hurting west Tennessee and certainly the entire country. During our time together, I saw firsthand District Attorney General Bivens' strong work ethic and dedication to making west Tennessee a safer place. He is a true public servant.

In addition to being known as a prosecutor, he is also the voice of the Dyersburg High School football team. District Attorney General Bivens spends Friday nights calling some of the most thrilling high school football games in the Nation.

In summary, District Attorney General Bivens is a real west Tennessee legend. While he may soon no longer be our district attorney general, I know that he will never stop working to make his community a better place, just as he has his entire life. I will always be grateful for the time that we worked together.

I wish Phil Bivens; his wife, Barbara; and their whole family the best as they begin their next exciting chapter.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 11 minutes a.m.), the House stood in recess.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Lord of Heaven and Earth, we give You thanks for giving us another day.

Darkness descends upon us as the days grow shorter, and the cold chastens us to withdraw inside. Be for us the light we long for. The very promise of change creates expectation.

By the first hints of Your dawn, banish all fear and hesitation. May those who live on the margins of America's rich blessings have peace and prosperity too.

Because You are always faithful, strengthen us with Your mighty arm, that this Congress may be unified in lifting Your people to renewed hope.

May all that is done in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2017, at 1:18 a.m.:

That the Senate recede from its amendment with a further amendment H.R. 1.

That the Senate passed with an amendment H.R. 695.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

COMMENDING JARROD DAVIS FOR HIS EAGLE SCOUT PROJECT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to commend

Jarrold Davis, of Blossburg, Pennsylvania, for his Eagle Scout project in honor of our Nation's veterans.

Jarrold, the grandson of a World War II veteran, wanted his Eagle Scout project to benefit veterans, so he began working in the spring on a reflection project outside the Veterans Center in Charleston Township, in Tioga County.

He collected donations to assist with establishing a flagpole, black metal benches, and a monument. At the project's completion, he donated the remaining funds to the Veterans Affairs Outreach Fund.

Jarrold worked with 10 volunteers on the project for 3 months, and he spent about 80 hours working on his Eagle Scout project. The flagpole and the reflection area were finished on April 21.

Jarrold, who graduated from North Penn-Liberty High School in June, now works at Sullivan Farms in Mainesburg. His project was dedicated earlier this month, on the 76th anniversary of Pearl Harbor Day on December 7.

Mr. Speaker, I am so proud of Jarrold, his patriotism, and his respect for those who serve. I wholeheartedly commend Jarrold Davis on this outstanding project.

CONFRONTING THE GUN VIOLENCE EPIDEMIC

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, it has been 5 years since 20 children were senselessly murdered in the Sandy Hook massacre. And while we will never forget the young lives we lost that day, we must also remember that this tragic, life-altering and life-robbing epidemic continues to impact thousands of other families across the country.

Two weeks ago, I had the honor of meeting the parents of Alexandria Burgos. On October 19, 2014, Alexandria was picking up her brother from a friend's house when her life was cut short by a stray bullet shot through an apartment window. She was 18 years old. She worked with kids at the local YMCA and hoped to be a social worker after graduating from college.

Like her parents, I am telling her story to push the conversation forward, the conversation that includes thoughts and prayers, but also must lead to action.

Alexandria's story and the pain felt by her loved ones is something that far too many have had to endure in this country. Let 2018 be the year that we do more than reflect on the lives we have lost and finally step up to find the courage to confront gun violence.

OBSTRUCTION OF A DEA INVESTIGATION INTO HEZBOLLAH

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, I rise to express my outrage at a detailed report by Politico which included testimony that President Obama and his administration obstructed a major DEA investigation into Hezbollah when they wanted to secure the Iran deal. These revelations are shocking and infuriating but, regrettably, not surprising. This is the same administration that sent \$1.7 billion in cash ransom to Iran.

According to the DEA, Hezbollah was operating a global criminal enterprise worth over \$1 billion, annually. They were selling drugs and running arms as a means of funding their terrorist activities.

A major DEA-led task force called Cassandra had procured mounting and incriminating evidence against them. Yet, according to senior Treasury and Defense officials, the Obama administration consistently obstructed and stonewalled the investigation in order to protect the Iran deal.

In essence, it seems President Obama and his administration were so focused on striking a deal with Iran that they let a major global terror group off the hook, even though the terror group was involved in global drug trafficking and sent massive amounts of cocaine and other drugs to our American communities.

I have sent this letter to Chairman GOWDY, urging an immediate investigation into this matter.

THIS IS THE WRONG DIRECTION AND THE WRONG BILL

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, yesterday, on the floor of this House and, I guess, again today, there will be a vote on this massive tax cut targeted to people at the very top, targeting big cuts for corporations.

Like many Members on this side of the aisle, I welcome the opportunity to do comprehensive, real tax reform. And for a long time, the discussion in this body and around the country was about the need to lower the rates and broaden the base and eliminate some of those loopholes that allow some corporations to get away with paying literally no taxes at all. But instead of doing that, what we saw was a massive shift of the responsibility to fund the government away from people at the top to people who work hard every day.

There are many examples of how we could have done this better. There was a lot of discussion on the Senate side about the child tax credit. But why did

we end up with a child tax credit that rewards a minimum wage family with about \$75 a year, when somebody making \$400,000 would get \$4,000? I mean, is the life of a child of a family making a half a million dollars worth that much more?

This is the wrong direction. This is the wrong bill. We should reject it.

CELEBRATING THE CAREER OF DORIS JACKSON

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to celebrate the career of Doris Jackson, who will be retiring after more than 33 years of service to the U.S. House of Representatives. Doris began working as a cashier in the Cannon Cafe in 1980 and eventually became a supervisor.

After more than three decades, there have been many changes as Members and staff have come and gone, but Doris' smile has remained ever present. I know that I speak for every Member, staffer, and intern who has had the privilege of knowing Doris when I say that we will miss her witty sense of humor and her willingness to give encouragement to everyone she meets.

In retirement, Doris plans to spend more time with family, especially her grandchildren, and to stay active in her community by volunteering at her church.

Mr. Speaker, Doris has dedicated her life to serving us as we strive to serve our constituents. On behalf of our congressional family, I wish Doris the best of luck in the next exciting chapter in her life.

Congratulations, Doris.

LAYING DOWN A MARKER

(Mr. HASTINGS asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS. Mr. Speaker, yesterday, I witnessed, as did all of us, the jubilation of my friends, the Republican majority, in passing the tax cut measure that had been advocated as tax reform for a substantial period of time, but, finally, they did admit that it was a tax cut.

I rise here today just to lay down a marker. I have said, as have many of my colleagues, that what we witnessed is the beginning of what ultimately will allow for us to address the entitlements in this country.

Many of us know that the deficit that the tax cuts create are going to allow, some time during the course of next year or shortly after the election, us to begin discussing Medicare and Medicaid. I think that is a mistake, and I want that to be recognized.

CONGRATULATING THE NORTH CAROLINA A&T STATE UNIVERSITY FOOTBALL TEAM

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I rise today to congratulate the North Carolina A&T State University football team, winner of the 2017 Celebration Bowl and the HBCU national championship. This win capped off a historic year for the undefeated Aggies, a first in Mid-Eastern Athletic Conference history, and marks their second championship in 3 years.

In the final minutes, the Aggies marched 56 yards in seven plays. The drive was capped off with a fake spike and a quarterback sneak on the goal line for the game-winning touchdown by Lamar Raynard.

MVP Marquell Cartwright, who followed the great Tarik Cohen, rushed for 110 yards and two touchdowns. With the guidance of Coach Broadway on the field and the leadership of Chancellor Harold Martin in the classroom, North Carolina A&T is leading the way in showing the great value and the importance of our Nation's HBCUs.

I am proud to represent this distinguished school of academic and athletic excellence, leaving only one question remaining, Mr. Speaker: Can I get an "Aggie Pride"?

HONORING THE LIFE OF EVELYN WRIGHT MOORE

(Mr. WEBER of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER of Texas. Mr. Speaker, on Friday, December 15, Brazoria County lost one of its great community leaders, Ms. Evelyn Wright Moore.

Evelyn dedicated her entire life to early childhood development and education. In 1975, in fact, she started her career as the Brazoria County Head Start coordinator; and, after a very short 8 years with that organization, she was running the show and continued running that show for the rest of her life. Evelyn made sure her students were receiving the support that would allow them to thrive in that community.

Brazoria County Head Start now enrolls just over 490 students, thanks to her. That program was championed by Evelyn's passion and her devout dedication to those same students.

She and I met many times over the years, both in Brazoria and here in Washington, D.C., and I will greatly miss our conversations. The legacy of Evelyn's servant heart will long be remembered and cherished.

Evelyn, my dear friend, you are now safe in the arms of Jesus.

□ 1015

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1, TAX CUTS AND JOBS ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 668 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 668

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to adoption without intervening motion. Clause 5(b) of rule XXI shall not apply to the motion.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, the ranking member of the Rules Committee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I rise this morning in support of this rule and the underlying legislation. The rule provides for consideration of the Senate amendment to H.R. 1, an act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, also known as the Tax Cuts and Jobs Act.

Mr. Speaker, last evening, the Senate, on a vote of 51–48, passed the Tax Cuts and Jobs Act, which I believe is in the interest of the American people.

This is a bold, progrowth plan that will overhaul our Tax Code and unleash the free enterprise system. It lowers tax rates on businesses of all sizes so that job creators can focus more on bringing not only more work to their workers, but also hiring more workers,

increasing paychecks, and growing a competitive marketplace all around the world.

Mr. Speaker, we are trying to expand our economy, and there is nothing more important for any Member of this body than to know that the things that are happening in their own local communities are about the ability for people, whether they are just graduating from high school, whether they are graduating from a technical school, whether they are graduating from college, or whether they are looking for a second job or a longer career, to be successful in the marketplace in their own area, in their own home—not having to move somewhere to find a job, but in their own community. That is what we are trying to do.

We are trying to increase wages for every single community across this country. My home of Dallas, Texas, has been home to so many people who have moved there as a result of the, really, unlimited opportunities that we see right now in Texas, and that comes because Texas has found itself to be their home because so many other companies have literally been run out of their States because of high taxes—high taxes that are placed on those companies and the employees to where it makes living and being competitive more difficult.

During consideration of this legislation in the Senate, a few, relatively small provisions were removed through points of order in the Senate under what is called the Byrd rule, a parliamentary tool used during reconciliation.

The first change made by the Senate under the Byrd rule strikes the language that allowed 529 accounts to be used for homeschool expenses.

The second change modifies a provision that imposes an excise tax on the investment income of certain educational institutions. The change strikes a reference to "tuition-paying" students, making the exception to the excise tax available only if the institution has less than 500 students or if 50 percent or less of the students are located in the United States.

A third small change simply strikes the short title.

Mr. Speaker, all of these provisions were included in the underlying bill as it first passed the Senate and came to the House and passed. However, at the time that this was done, there were no parliamentary points of order which were raised, which were later done.

Mr. Speaker, these minor changes will allow us to advance exactly the same discussion that we had in this body, exactly the same discussion that we have had with the American people, exactly the things that we have talked about up in the Rules Committee and across this country, as Republicans have talked about the importance of the status quo tax laws that we presently have—moved so many companies

overseas, moved jobs overseas, and is not encouraging American companies to be competitive because America, when combined with State and local taxes and Federal taxes, is among the highest in the world, which means that American business finds itself in a competitive marketplace, may be a great product, but, on price, we are not as competitive.

This will allow America to achieve the greatness that it needs for a great people who want and need to be great, also.

This legislation is about making sure that the rising worker, whether they are brand-new in the marketplace or whether they are an entrepreneur, or a mother or a father out in the marketplace looking for a job, will find the ability to be successful.

The United States is already the best place in the world to live. We are an incubator always for new ideas and small business, but we are now going to be able to celebrate that to make it easier. We are taking the Tax Code, instead of being the highest taxed Nation in the world, to be one of the lowest. It is going to mean great things for the American people, the American worker, and, most of all, for people who believe that we want America to be great again.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague for yielding me the customary 30 minutes.

Mr. Speaker, it seems like only yesterday we were here. Does it not?

Mr. Speaker, we are 5 days away from Christmas, but it feels like Groundhog Day. Less than 24 hours ago, the majority stood in the Chamber and passed its partisan bill to provide tax cuts for millionaires, billionaires, and one President.

Speaker RYAN called it a once-in-a-lifetime opportunity, but, apparently, by a twist of fate, he is getting that great opportunity again today, much sooner, I am sure, than he anticipated, because we are taking the bill up again this morning.

Maybe in the mad dash to provide massive tax breaks for corporations and the 1 percent, the majority failed to do the due diligence and properly vet the bill.

We found out, after it passed, that several of its provisions violated the Byrd rule in the Senate. Now, everybody knows about the Byrd rule in the Senate, and I don't understand why this was not found in the conference that was held for maybe 30 minutes.

This is the rule that prohibits the Senate from considering extraneous matters as part of a reconciliation bill.

After passing the House, provisions in this bill governing 529 college sav-

ings accounts and exempting certain universities from an excise tax were ruled out of order by the Senate Parliamentarian. The bill was so rushed that even the title of H.R. 1, the Tax Cuts and Jobs Act, was found to be a violation. Let me repeat that. The very first words of the bill didn't pass muster with a nonpartisan rule keeper in the Senate. Imagine what other areas we have yet to discover.

This is a consequence of a process that was nothing short of an abomination. There were zero hearings on the text of this bill. Not a single expert was called in to give his or her experience. It got the votes to pass only after a series of closed-door, backroom dealings, and a conference committee between the House and Senate Republicans. Well, I think there were some Democrats there, but they tell me that none of them signed the conference report. The Senate was such a sham that an agreement was reached before the first public meeting ever took place.

Now, I know this is not the last time, Mr. Speaker, we will meet here to try to fix this bill. Mark my words, we will be back here next year to make more so-called technical fixes because of this hasty consideration.

The majority is rushing to pass a bill that is historically unpopular, clearly deeply flawed, and we will be forced to clean up its impacts and unintended consequences for many years to come.

I think we have all got a second opportunity here, and I would wish that my friends, to whom I only wish well, would grab up all their papers and run for the door and forget about this tax bill altogether. But I know that that wish will not come true.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from New York. She has, as the Rules Committee has, taken a lot of time on this bill—we have spent hours not only discussing and debating the effects of the bill, what the bill is about, why we would do it—but most of all, her abiding ability to stand up and represent her party in their context, and I respect that.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BYRNE), a distinguished member of the Rules Committee.

Mr. BYRNE. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I have been listening to my colleagues from the other side of the aisle talk about the 1 percent, the people at the top of America.

Let me tell you who benefits from the status quo of our Tax Code. It is the 1 percent. They can afford the lawyers, the accountants, and the lobbyists to get them all these special tax treatments that the rest of us don't get. If you want to do something about the 1 percent, fix the current Tax Code.

Instead, what our friends on the other side of the aisle keep doing is de-

fending the present Tax Code, because if you don't pass this bill, we have the present Tax Code. We have the status quo, and the rest of us don't see the benefits from the present Tax Code. The rest of us need a break.

Now, I asked the chair of the House Ways and Means Committee, when he was before the Rules Committee the other night, three questions that I think are relevant to everybody in America.

The first thing I asked him was: Will the average individual taxpayer in my district get a tax cut? He said: Absolutely. And he pulled out a sheet of paper. He said: In fact, in your district, Congressman, the average family of four is going to get a tax break of over \$2,100 a year.

I know in some places in America, \$2,100 a year extra in people's pockets doesn't sound like a lot of money, but in south Alabama, an extra \$2,100 in the pockets of hardworking parents who are trying to raise two kids, that is a lot of money. So that is a good thing that is coming out of this bill.

I asked him: Will it be easier for those individuals to fill out their tax returns? He said: Absolutely. By making the changes we made in here and taking out some of these special tax breaks, we made it easier for everybody to fill out their tax return.

Then I asked a third question. I just heard the gentlewoman from New York talk about how this benefits big corporations. I don't have big corporations in my district in south Alabama. I have got mainly small businesses. Let me tell you about one.

It is called Fast Time Convenience Store. Now, we call those in Alabama filling stations, because you go there and you put gas in your car. In the morning, you go get a cup of coffee, you get one of their breakfast biscuits, and you see a lot of people in there getting ready to go to work. You go in there at lunchtime. You have also got something called Fred's Kickin' Chicken. You go in there and get a good thing of fried chicken and a soft drink, and he has got some barbecue in a little trailer across the way. That is the sort of businesses I have got in my district.

□ 1030

I think those businesses are darn important. The owner of that business asked me the other day when I was in there: I don't care about the big boys. Are you going to do something that helps me, that helps businesses like me?

So I asked the chairman of the Ways and Means Committee: Are we going to be helping those small businesses?

Absolutely. They are going to see historic tax cuts, particularly if they are one of these passthroughs; historic tax cuts. Yes, their tax returns will be simpler to fill out.

So when I think about it from the standpoint of south Alabama—and I daresay my district is not that much different from most every other district that is being represented here—I see a threefer. Individuals get a substantial tax cut, more money in their pocket. Individuals will have an easier time filling out their returns. These small businesses that are the backbone of America are getting a real break.

Now, I know that our friends on the other side of the aisle think that the government needs to be more involved in the lives of ordinary Americans. But in order for the government to do that, the government has to have money. The government doesn't produce anything and it doesn't provide a single service, so they don't sell anything.

So how does the government get money?

It takes money. A tax is a taking. It takes money from people in the private sector.

We on this side of the aisle don't think the government should be so involved in people's lives in America, and we don't think we should be taking so much money from them through taxes. So we have come up with this bill that gives sort of tax breaks to ordinary people and small businesses, and we believe that that benefits America in two ways:

Number one, giving people more control over their money is a good thing in and of itself.

Number two, we are absolutely convinced—and dozens and dozens of economists have told us—that this is a major shot in the arm for the American economy.

This is also a jobs bill because this is going to pump up the American economy and get our economy growing at a much faster rate. When we do that, we not only create more jobs, but we create a sort of lift in our economy when we start seeing real wage growth. What we have been missing out there is real wage growth.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from the State of Washington (Ms. DELBENE).

Ms. DELBENE. Mr. Speaker, it should come as no surprise today that we are voting again on a bill that couldn't pass muster because it was cobbled together in a hurry, hidden from the public, and denied any meaningful vetting or debate. Tax reform is hard. It is even harder when you go it alone, cooking things up in back rooms out of the light of day.

But the real travesty here is that this bill won't help everyday Americans in the long term. To call it once-in-a-generation tax reform is an insult to those who came before us: Republicans and Democrats who linked arms and, through years of partnership and compromise, crafted the 1986 bill that House Democrats passed with President Reagan.

That is the model we should have followed, because the fact is, we can all agree that our Tax Code is out of date and leaves countless families behind.

This year, the U.S. Department of Labor released data showing that there were around 6 million open jobs unfilled across the country at a time when around 6.8 million Americans are looking for work. I believe Congress has a responsibility to the American people to tackle this problem from every possible angle, including tax policy.

But the Ryan-McConnell plan doesn't just fail to acknowledge or address the problems that American workers are facing today, it cuts people's legs off from underneath them just when they are trying to get traction. Chairman BRADY likes to talk about this bill leapfrogging us to the front of the pack, but the truth is this bill doesn't leapfrog us anywhere but backward.

This bill does nothing to put educational opportunities in the reach of more Americans trying to get ahead in the 21st century economy and does nothing to modernize research incentives that could support new breakthroughs that create the jobs of tomorrow. It explodes the deficit, making it that much harder to finance desperately needed investments in infrastructure that could put people back to work.

Why are Republicans giving away the house to companies whose CEOs are already talking about stock prices, not jobs?

As a former CEO myself, I know that economic growth is created by great ideas and great talent, not indiscriminate corporate tax cuts at the expense of investments in the people who have always powered our economy.

I think tax reform should be about modernizing the Code to make us competitive in the 21st century. That means being fiscally responsible, forward-looking, and investing in families.

Unfortunately, this bill is a letdown for the American people, and we will no doubt be cleaning up this mess for years to come, not just today.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we do recognize we have a difference. We recognize we had a difference at the time we announced we were going to do this bill and we were going to change the direction we were going. This was part of a debate that happened during the Presidential election, where we had an argument. The Democratic Party very clearly said: We need to raise taxes.

Every year we see where they are on the floor during budget time to raise spending \$1 trillion and raise taxes \$1 trillion. That is more than what they had done under President Obama, Speaker PELOSI, and Mr. Reid; except what happens when you do that is you

kill the economy, you kill the investment in families, in jobs, and in small businesses.

In the year after we had the massive tax increase, we had a GDP rate of zero. That is because there was this huge transfer from free enterprise to Uncle Sam, so the economy failed to grow. Then as the economy began to normalize, it normalized over the next 7 years at 1.2 percent.

That is what the election was about, Mr. Speaker. Since the election, what has happened is we have added over 1 million net new jobs, despite a huge storm summer that impacted a lot of employment. Our stockmarket has risen dramatically, meaning that America wants to be great again, too. We are going to make it together.

So we do recognize differences. They want a \$1 trillion increase in spending, and they want a \$1 trillion tax increase. We want to move it the other direction.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Speaker, less than 24 hours after it passed, we already have to come back to vote on fixes to the Republican tax scam.

This bill was so needlessly rushed that there wasn't even time to proof-read. I can only wonder what other mistakes we will discover in the coming days, weeks, and months.

This was sloppy lawmaking and bad policymaking. In order to give massive tax cuts to corporate interests and the top 1 percent, Republicans have created trillions in new debt that will have to be paid for by, you guessed it, the rest of us.

Republicans claim that everybody is getting a tax cut. But if you read it—something they clearly didn't do—you will see that 83 percent of the benefits go to the top 1 percent. The average savings for the lowest earners is just \$60. My own constituents in California can actually expect to pay more in taxes thanks to the capping of the State and local tax deduction.

Mr. Speaker, I am opposed to this tax scam, and I urge my colleagues to vote "no."

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. WOODALL), who is a member of the Rules Committee.

Mr. WOODALL. Mr. Speaker, I very much appreciate the chairman for yielding me the time.

I have the great pleasure serving on the Rules Committee. I also have the great pleasure of serving on the Budget Committee. So I felt it incumbent to come down and talk a little bit about the Byrd rule process that goes on in the Senate. It is part of the 1974 Budget

Act. It became a custom in the Senate during 1985 and 1986, and ultimately it was codified and put in the act permanently.

To describe what went on in the Senate as some sort of proofreading error is just nonsense, just absolute nonsense. We have this process called reconciliation that allows the Congress, the House, and the Senate to get really tough things done. As a part of that process, the Byrd rule says: What we don't want to do is get involved in extraneous issues. We want to stay focused on these issues that are most important to the American people. So if you try to get outside the lanes of fundamental tax reform, those provisions become what they call "Byrdable."

But, Mr. Speaker, you are probably as uplifted as I am by the conversation you hear about the importance of bipartisanship and collaboration. I wish that that were more true. What we saw yesterday in the United States Senate I would tell you is a little bit of the pettiness that we see on Capitol Hill.

Is it true that the Senate had the right to prevent parents who homeschool their children from being able to finance that homeschool education through taxes and 529 savings accounts?

The Senate had that right under the Byrd rule and they exercised it. Democrats went after homeschooling parents and said: No tax breaks for you.

They had the right to do it, but to describe that as some sort of proofreading error over here is a mistake. It was intentional to give homeschooling parents that opportunity and it was intentional when the Senate Democrats stripped it out.

Secondarily, it was intentional to put a title on the bill: Jobs and Tax Cuts. It was intentional. That is why we came together to focus on this bill, because we care about jobs and we care about a 21st century tax system.

Was the Senate completely within their rights to strip the title of the bill?

Mr. Speaker, they were. If you believe when the Senate can't fund the government, when the Senate can't reauthorize CHIP, when the Senate can't reauthorize a 702—you go right down the list—and if you believe it is an important use of the Democratic minority's time on the Senate side to strike the title of the bill because it doesn't actually impact deficit reduction, it is within their right.

Does it represent the highest and best use of their time?

It does not.

Does it represent the highest and best of those of us who are here in public service together?

It does not.

I recognize that we have fundamental disagreements about the impact of tax reform and its merits.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Georgia.

Mr. WOODALL. Mr. Speaker, I thank my chairman for yielding me time.

Mr. Speaker, we have an opportunity to do great things together, and occasionally I come down to this floor and I put my heart into it. I don't just put my heart into it on the floor, I put my heart into it for hours and hours, day after day, in the Rules Committee. I put my heart into it on the Transportation Committee. I put my heart into it on the Budget Committee.

Mr. Speaker, do you know what?

Sometimes I lose. Sometimes I lose. But what makes this process great is we both come down here and do the very best that we can.

Let's not describe what is going on here for the American people as some sort of proofreading error, as some sort of rush job where folks didn't have time to do it right. That does a disservice not just to the Members of Congress, but to the staff that work through these issues with us side by side, day after day, week after week, month after month, and, yes, in the case of this bill, year after year.

We have a choice with how we spend our days. I am proud that we spend our days doing fundamental tax reform. It has been far too long. We don't call it once in a generation because it is a rhetorical tool. We call it once in a generation because there are men and women in this Chamber who were not alive the last time that we did it. It is important, and I am glad we are doing it.

The Senate has every right to do what the Senate did yesterday. And by "the Senate," I mean the minority Members who insisted on their point of order. We could have sent this bill to the President's desk with protections for homeschooling parents who are doing their very best to provide for their kids, but my Democratic colleagues said no. So this bill is still going to go to the President's desk. It is just not going to have those protections. I believe that is a mistake. I hope we will come back together. I hope we will right that wrong in the coming days.

Mr. Speaker, I thank the chairman so much for his leadership on this issue. Mr. Speaker, I thank the Chair for his leadership on this issue. Regular order takes some time. I am glad we are getting it done.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say to my friend from Georgia that it wasn't Democrats who found that. The Parliamentarian in the Senate found those errors, and they had to be corrected. Let's put history in the right perspective.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), who is the distinguished ranking mem-

ber of the Ways and Means Subcommittee on Tax Policy.

Mr. DOGGETT. Mr. Speaker, let's make no mistake about it. We are here this morning solely because of a mistake. This is the blunder rule. This is not the first big blunder in this bill, and indeed it certainly won't be the last. We will be cleaning up this mess and the blunders in this bill all of next year.

The only questions are: How many people will get hurt in the process? How much money is lost to the United States Treasury because of the many loopholes in this Swiss cheese-kind of a bill that they have created? How many loopholes will deny revenue that eventually will come out of the pockets of the middle class and will come out of the small businesses of this country to make up for all these special interest provisions that the lobbyists got added?

□ 1045

This is what happens when you run roughshod over the process, when every member of the Trump administration lacks the intestinal fortitude, the courage, to come and answer any questions about this bill. That is what happened here. Americans need to understand that.

Trump is over there tweeting away. He is bragging about all the wonderful things. But is he willing to send one official—even one—to come before any committee of this Congress and respond to questions about the many wrongs that are contained in this bill? Of course the answer is absolutely no.

What about the businesses across America that are impacted by this bill? What about the academic experts of all political points of view who could come and respond and help perfect and avoid errors just like this? They were all left out. There was not one minute of examination from any objective source coming in and talking in a hearing to the committee about this bill.

I am one of the conferees to adjust the differences between the House and the Senate. My, was that a great honor, a great experience in the new democracy that these Republicans are providing for America.

In that conference committee, the chairman of the committee refused to entertain a single motion or a single amendment. But he told us not to worry. After we adopt this conference report behind closed doors and agree to it, you can look at it and can read it over the weekend before you vote on it at the beginning of the next week. You just can't change it in any way. You cannot study it in any way. You cannot share it with anybody in any way because we are only interested in sharing it with those lobbyists with whom we have special connections and operate in secrecy behind closed doors.

Of course, one of the many sad things about this particular bill is that it lost

its name in the Senate in what we are considering this morning.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman from Texas an additional 2 minutes.

Mr. DOGGETT. In fact, if you turn to the bill, which is a big old thick stack, you see it says "short title, et cetera," and it stops. It is nameless at this point. It is a bill that has no name. And, of course, it has no heart.

But what is the solution to that? Well, every time Donald Trump touches a tower, he puts his name in bold letters across it: Trump Tower. This is the only accomplishment that President Trump can point to this year.

Why don't we put his name on this bill? We could call it the "Donald J. Trump Inequality Act," because it will do more than any legislation we have considered here in recent years to widen the gap between those at the very top and the rest of us.

Or we could call it the "Donald J. Trump Family Windfall" bill, because he and his family are going to pocket an immense amount of money. There is no surprise they are over there at the White House celebrating all afternoon. He and his family personally will walk away with a huge amount of resources out of this.

Or we could just call it "Fat Cats Get Fatter," because one of our colleagues on the Republican side who is closest, perhaps, to President Trump admitted and said quite candidly: I can't go back to my donors if we don't pass this legislation.

What a study in wise investment.

The Senate Budget Committee, last night, pointed out that Goldman Sachs contributed over \$26 million to Republicans since 1990. They get about a \$6 billion tax cut. Where can you get a return like that? Or Pfizer, who contributed \$15 million, they get a nearly \$39 billion tax cut.

Yes, this bill is a job creator. It creates more jobs for accountants and tax lawyers than anyone can imagine because they will be going in there trying to undo some of the things that were done and shape the loopholes a little more favorably for their folks.

What we have here is a bill that is compared also with the other issues that we have here.

The SPEAKER pro tempore. The time of the gentleman again has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman from Texas an additional 1 minute.

Mr. DOGGETT. I know how much the gentlewoman cares about the future of our children and the Children's Health Insurance Program.

I think of the Family Visiting program to help young parents. That is in our committee.

I think about our crumbling roads and bridges and the fact that we need

dollars to invest in them to keep our transportation system competitive.

They agree on all these measures. They make speeches about them. The only thing is they don't want to put any money into them. They say we can't afford to do that. If we don't steal Medicare premium money to fund the Children's Health Insurance Program and use general revenue dollars, that will drive up the debt. At the same time, they are willing to drive the debt up trillions of dollars, they refuse to invest in people, or invest in our children and provide them the healthcare that they deserve.

In short, this is a Christmas gift to those at the very top—and especially to the Trump family and his billionaire buddies and other real estate moguls who gain in the conference report. They get the Christmas gift. The American people, the middle class, get the gift wrapping, and that is it.

Mr. SESSIONS. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Texas has 11½ minutes remaining. The gentlewoman from New York has 16½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, with the Christmas season upon us, a favorite tradition in my family every year is to sit around the television and watch one of our favorite movies, "It's a Wonderful Life." Like most people, it is hard not to get a lump in your throat at the end as George Bailey and his family prove triumphant.

But it occurred to me this week in reading the Republican tax plan that I guess not everyone roots for George Bailey when watching that movie. There are a few people pulling for Mr. Potter.

Well, here we have a tax plan that is written for and to the benefit of Mr. Potter and the rest like him: the wealthiest one-tenth of 1 percent. The richest 1 percent in our country are going to get 83 percent of the money in this tax plan, and the wealthiest one-tenth of 1 percent will get the majority of the money in this plan.

Today, do you know how much you have to make in order to be in the wealthiest one-tenth of 1 percent in our country? \$5 million a year or more.

So the Mr. Potter we have in the White House these days is going to be pretty happy, and his family is going to make out. But the working people of Pennsylvania and the working people of America are getting stifled.

Income inequality is higher today than at any point in American history. Many Americans haven't received a pay raise in decades, in real terms, and here we have a tax plan that is going to

take that existing problem and make it much worse.

This is wrong. This is unfair. It does nothing for the hard-pressed, hard-working middle class of our country who deserve a pay raise.

Let's give them a Christmas gift. Let's give them the happy ending that they deserve, the Hollywood movie ending. Let's say that the Mr. Potters of this country have had it damn good for the last 20 years, and let's help out the George Baileys, especially at this Christmastime.

Let's say "no" to this tax bill.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for yielding and also for her tremendous leadership.

Let's talk a little bit about the winners in this bill.

I think it is interesting to note that, if you are General Electric, since 1990 to 2017, you have contributed over \$20 million to Republican campaigns. What you get back in tax relief from this legislation is almost \$16 billion over the life of this bill.

If you are Microsoft, you have contributed over \$17 million, and you get back \$27 billion from this tax bill.

This is such a great investment for big corporations who have given money to Republican candidates over the years. But if you are not part of the country's wealthiest 1 percent, this GOP tax scam is a really bad deal for you.

It is especially bad for America's senior citizens. This tax scam raises premiums for those 50 to 64 by 10 percent, an average of \$1,400, and the deficit it creates will require, under the law, \$25 billion in a Medicare tax cut next year.

We have heard the Republicans say we are going to get that money back, but in this bill there is a \$25 billion cut in Medicare next year. That is only the beginning. It gets worse.

Republicans aren't even hiding the fact that they intend to use this deficit that they created of \$1.5 trillion as justification for slashing Medicare and Medicaid. They have said it. They have admitted it. They are even talking about raising the age of Social Security eligibility in order to give these tax breaks to the rich.

Seniors should not have to foot the bill for a tax scam that gives 83 percent of the benefits to the top 1 percent. American seniors deserve a better deal. So do 86 million families who would see a tax increase as a result of this scam.

To my Republican colleagues, you really do have a second chance. Because the bill got messed up, there were mistakes, it was done so fast, done in secret, it is coming back to us today. So you have a second chance to do the right thing. Please take it. Vote "no."

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. MESSER), the chairman of the Republican Policy Committee.

Mr. MESSER. Mr. Speaker, today is an exciting day for the people of Indiana. With the passage of President Trump's tax plan, working Hoosiers will see more jobs, bigger paychecks, and a fairer, simpler Tax Code.

The scare tactics of my Democratic colleagues come from a tired playbook written decades ago. It is old-style class warfare politics and tired arguments that are just not true.

The proof is in the paycheck. The truth is, an average Indiana family will see tax cuts of between \$1,000 and \$2,000 under this plan.

Let me say that again. Despite the rhetoric, working families will see a tax cut of between \$1,000 and \$2,000 under today's tax plan. Child tax credits will double to \$2,000 per child. The standard Federal deduction will double, too.

We get rid of the unpopular and unfair Obama individual mandate tax. Now, Hoosiers will not be taxed depending on their healthcare decisions.

Job creators will see tax cuts, too, making America's small businesses and big businesses competitive in the global economy and better able to create good-paying jobs.

All of this is good news for Indiana's working families. With today's tax cut, help is on the way. I urge my colleagues to support this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Trump White House released a National Security Strategy Report on Monday, and it pointed out: "The national debt, now over \$20 trillion, presents a grave threat to America's long-term prosperity and, by extension, our national security."

So what do we do about that? We are going to add \$1.5 trillion more.

The overwhelming majority of expert analyses show that, even with growth taken into account, this bill will cause the deficit to skyrocket. It isn't just a threat to our economic security. According to the White House, it is a grave threat to our national security as well.

The bill in front of us costs \$1.5 trillion and includes permanent tax cuts for corporations, but temporary ones for individuals.

□ 1100

So who do you think is going to lose those first?

It is really very troubling, I think, too: the idea of looking ahead to what we are going to be dealt with. And we understand already that next year the cry will be: Oh, look at this debt. This is awful. We are going to have to cut spending.

Entitlements will be the place where the Republicans prefer to go.

So let's prepare all of our senior citizens on Social Security, Medicare, and Medicaid. Of course, that also hurts the ACA, that they are going to be on the line next year.

Future Congresses will be pressured to reject the budget gimmick and extend many of those tax cuts, meaning the true cost of the bill is much higher.

According to the nonpartisan Committee for a Responsible Federal Budget, the expirations and delays hide potential further costs, which could ultimately increase the cost of the bill to \$2.2 trillion.

I am sure that my Republican colleagues will argue that growth will prevent the deficit from skyrocketing. But the CRFB reports that even with dynamic scoring, the total cost of the bill without budgetary gimmicks would be over \$1.6 trillion and up to \$2 trillion with interest. And that takes growth into account. As a result, our debt could exceed the size of our economy by 2027.

Mr. Speaker, I include in the RECORD the Committee for a Responsible Federal Budget's analysis, entitled "Final Tax Bill Could End Up Costing \$2.2 Trillion."

[From the Committee for a Responsible Federal Budget, Dec. 18, 2017]
FINAL TAX BILL COULD END UP COSTING \$2.2 TRILLION

The final conference committee agreement of the Tax Cuts and Jobs Act (TCJA) would cost \$1.46 trillion under conventional scoring and over \$1 trillion on a dynamic basis over ten years, leading debt to rise to between 95 percent and 98 percent of Gross Domestic Product (GDP) by 2027 (compared to 91 percent under current law). However, the bill also includes a number of expirations and long-delayed tax hikes meant to reduce the official cost of the bill. These expirations and delays hide \$570 billion to \$725 billion of potential further costs, which could ultimately increase the cost of the bill to \$2.0 trillion to \$2.2 trillion (before interest) on a conventional basis or roughly \$1.5 trillion to \$1.7 trillion on a dynamic basis over a decade. As a result, debt would rise to between 98 percent and 100 percent of GDP by 2027.

Ignoring the expirations in this bill is particularly disingenuous given the claim that using a "current policy baseline" reduces the bill's costs. The (flawed) idea is that the bill should be compared to a current policy baseline that counts expired and expiring provisions as if they are continued permanently. (For more on this, see Current Policy Gimmick Would Add Half-Trillion to Debt (<http://www.crfb.org/blogs/current-policy-gimmick-would-add-half-trillion-debt>)). Using such a construct does not make sense if cost of continuing future expirations contained in the bill are not included in the initial cost estimate. Policymakers are effectively claiming \$450 billion of current policy savings while ignoring over \$700 billion of current policy costs.

This latest estimate updates our tally of the gimmicks from a previous version of the bill (<http://www.crfb.org/blogs/senate-tax-bill-could-ultimately-cost-2-trillion>). The changes made in conference include both tax increases and decreases that mostly offset

each other, with a net increase in the ten-year cost of \$9 billion (compared to the Senate bill). With these changes, the bill now has a total cost of \$1.46 trillion, or roughly \$1.77 trillion with interest. While there is no new dynamic score of the bill, assuming it continues to produce very roughly \$400 billion of dynamic feedback (<http://www.crfb.org/blogs/official-dynamic-score-shows-senate-tax-bill-will-still-cost-over-1-trillion>) would reduce that cost to about \$1.05 trillion, or roughly \$1.30 trillion with interest.

However, this cost does not account for as much as \$725 billion of potential gimmicks that the conferenced bill contains.

In the earlier version passed by the Senate, we identified \$585 billion (<http://www.crfb.org/blogs/senate-tax-bill-could-ultimately-cost-2-trillion>) of arbitrary sunsets and sunrises of certain provisions. Most significantly, nearly all of the individual income tax provisions would have expired after 2025. Additionally, the expensing provisions "bonus depreciation" began to phase down starting in 2022, and a number of new tax increases appeared in 2026. Some provisions were set to expire even earlier, such as an expanded deduction for medical expenses and provisions for craft beer and paid leave—clearly setting the stage for future extensions.

The conferenced bill adds to the Senate bill's gimmicks, which we explain here (<http://www.crfb.org/blogs/senate-tax-bill-could-ultimately-cost-2-trillion>). Most significantly, it advances the start date of the bill's requirement for research expenses to be amortized, which nearly doubles the ten-year savings of the provision. Additionally, the bill tightens its limits on the business interest deduction four years in the future—a future tax hike that may not be allowed to ever occur. Other changes are smaller and move in both directions.

Adding these gimmicks to the cost of the bill would increase the total cost to \$2.0 trillion to \$2.2 trillion. Though the dynamic effect of making the bill permanent is unknown, we estimate a permanent bill would produce roughly \$450 billion of feedback, leading to a dynamic cost of roughly \$1.6 trillion to \$1.7 trillion. With interest, these costs would rise to \$2.4 trillion to \$2.5 trillion, or \$1.9 trillion to \$2 trillion with dynamic effects included, over a decade.

TRUE COST OF CONFERENCE BILL

Policy	Ten-Year Cost
TCJA as reported by the conference committee	\$1.46 trillion
Sunsetting individual tax provisions after 2025 ..	\$315 billion
Amortizing Research & Experimentation (R&E) expenses after 2021	\$120 billion
Phasing out full expensing after 2022	\$0 to 80 billion
Making business interest deduction more strict after 2021	\$0 to \$75 billion
Making foreign tax provisions more strict after 2025	\$50 billion
Sunsetting more generous medical expense deduction after 2018	\$45 billion
Sunsetting credit for employers who offer paid leave after 2019	\$30 billion
Sunsetting craft beverage tax reforms	\$10 billion
Conventional "Real" Cost	\$2.0–\$2.2 trillion
Potential Dynamic Feedback Effects	–\$450 billion
Dynamic "Real Cost"	\$1.6–\$1.7 trillion
True Cost with Interest	\$2.4–2.5 trillion
True Cost with Interest and Dynamic Effects	\$1.9–2.0 trillion

As is, the bill would cause debt to increase from 77 percent of GDP this year to 95 percent or 98 percent of GDP by 2027, depending on whether dynamic effects are included, as compared to 91 percent projected under current law. If expiring provisions are extended and late-stage tax hikes avoided, debt could reach as high as 98 percent or 100 percent of GDP by 2027. In other words, the national debt could exceed the size of the economy.

Ms. SLAUGHTER. Mr. Speaker, we have urgent spending needs. This bill could keep us from dealing with infrastructure, education, healthcare, medical research, and, of course, we have to pay the costs of our military.

Make no mistake, exploding the deficit to pay for this bill—this giveaway to the rich—will come at the expense of all of those priorities.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, late in June of 2012, like many Americans, I anxiously awaited a ruling by the Supreme Court of the United States while they were considering the constitutionality of the individual mandate. Of course, we were told during the run-up to that law, the Affordable Care Act law, that the individual mandate was not a tax; it was, in fact, just a requirement that everyone should buy the insurance.

It seemed unreasonable under the Commerce Clause that that requirement, in fact, would be constitutional. Then, at the end of June, the Supreme Court made the ruling. I was probably right that it was unconstitutional under the Commerce Clause. But with some creative work, the Supreme Court said: It is a tax, and the Congress has the absolute power to tax; so, of course, it can stay in the law, and the law stands.

So here we are today, considering tax reform for the first time in 31 years. And since the Supreme Court told us the individual mandate is indeed a tax, it is appropriate, it is right that the individual mandate be part of the discussion today.

The House bill, when we passed it, did not include anything on the individual mandate; but the Senate, in their wisdom, sent it back to us with the individual mandate repealed.

Now, make no mistake about it, the House has repealed the individual mandate any number of times over the last several years. The Senate has not. So the Senate has repealed the individual mandate for the first time.

I say: Let's meet them where they are, let's pass this bill, let's repeal the individual mandate, and get on with making America great again.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not surprised that we are back here fixing the bill, though I am surprised it is so soon, because we have been saying all along that we have got a long way to go with this bill.

If we defeat the previous question, I am going to offer an amendment that will prohibit any legislation from being considered on the House floor that lim-

its or repeals the State and local tax deduction, or repeals the ACA's individual mandate.

We know that repealing the individual mandate will lead to 13 million fewer Americans with health insurance and will cost premiums to rise by 10 percent. Now, I know that not giving healthcare is not much of an issue for the majority of this Congress because they have been trying to do that for a long time.

The bill also caps the State and local tax deduction, hurting taxpayers in my home State of New York, in California, and in other States in the Northeast, all of whom are donor States. My own State sends \$48 billion a year to Washington, money that we get back nothing for. But we are not going to be able to do that anymore without this deduction. What we are doing then is risking the stability of the revenues that fund the public schools, fire departments, and hospitals in those States.

Mr. Speaker, let's make things right and defeat the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM), the chairman of the Subcommittee on Tax Policy for the Ways and Means Committee.

Mr. ROSKAM. Mr. Speaker, I thank Chairman SESSIONS for yielding.

Mr. Speaker, this is such an interesting thing to listen to. Our friends on the other side of the aisle have characterized the reason that we are here today is because of a blunder in proofreading. Well, it is simply an obtuse argument.

There are three criticisms of the bill:

One is the name change. Good grief, hardly a proofreading error. This title may be cited as the Tax Cuts and Jobs Act. That is section 11000(a). According to the Senate Parliamentarian, it falls out. That is not a proofreading error.

The second criticism is the Cruz amendment, the language that was offered in terms of 529 plans. This was offered on the Senate floor. This was not a part of a conference committee or some late-night scheme. This was openly debated.

Our friends on the other side of the aisle, in the other body, chose not to pursue a point of order at that time. They chose to do it last night. It is their prerogative. But that is not a proofreading problem, nor is the issue as it relates to endowment language. This came out of the Senate Finance Committee. But what is interesting to

me, Mr. Speaker, is how familiar our friends on the other side of the aisle are with mistakes.

Do you remember the 1099 mandate that came out as a result of ObamaCare?

A huge negative impact on small business, that they had to work with us and others and the President—then President Obama—in order to remedy.

Do you remember the risk corridor changes that were signed into law by President Obama?

Do you remember the delays by blog posts late on Friday afternoons—to my recollection—when the administration reached the conclusion that the bill was in knots, they couldn't figure out a way to move forward, and they said, "Let's delay it and let's announce that quietly"? Or decisions not to enforce the law itself?

But the biggest mistake of all was obviously the rollout of the website, which was a complete disaster that even friends on the other side of the aisle can't defend.

With that said, there are going to be technical corrections to this bill, just without question. But I think what we should do is recognize that, speak to that, acknowledge that, and not characterize procedural matters as proofreading errors. It is not an argument that I find persuasive.

Mr. Speaker, I urge the passage of this measure.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Speaker, Yogi Berra once said: "It is like *deja vu* all over again."

So today we are back on the House floor after this big, dramatic celebration of this supposedly historic bill, a Republican tax bill that really is nothing more than a wolf in sheep's clothing.

It is the classic bait and switch. It is a Ponzi scheme. The tax cuts aren't going to be meaningful for working families and everyday Americans, and the jobs will never materialize.

It is a Republican tax bill that is simply designed to benefit millionaires and billionaires, the wealthy and the well-off, special interests, corporations, and big donors. It is a shameful abdication of responsibility, a dereliction of duty, and an incredible malicious act of legislative malpractice. It is all based on this phony, fraudulent, and fake theory of trickle-down economics.

Where is there any evidence that trickle-down economics has ever worked for the American people?

Ronald Reagan cut taxes for millionaires in 1981. We didn't get strong economic growth. We got a deficit that exploded.

George W. Bush cut taxes for millionaires and billionaires in 2001 and 2003. We didn't get strong economic growth.

We got the worst economy since the Great Depression.

And, in Kansas, when you had this great Republican experiment and you were going to cut taxes for the wealthy and the well-off and for companies, what happened? Did they get strong economic growth in Kansas?

No. You got prison riots, overcrowded classrooms, and crumbling infrastructure.

Trickle-down economics, what does it mean for the middle class?

You may get a trickle, but you are guaranteed to stay down.

This bill is shameful in your attack on middle class Americans. Millions of homes will get a tax increase. You will undermine Medicare and explode the deficit.

Don't ask me. PAUL RYAN himself made that point.

Our children and grandchildren are forced to shoulder \$1.5 trillion in debt simply to pay for the lifestyles of the rich and shameless.

Shame on you.

Vote "no" against this reckless GOP tax scam.

The SPEAKER pro tempore. Members are advised to direct their remarks to the Chair.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority is clearly unable to responsibly run the House of Representatives, because here we are fixing the bill less than 24 hours after it was passed.

It is a perfect example of why we need to go back to regular order: actually holding hearings, have expert witnesses and testimony, and properly vet bills.

That is pretty elementary, but it surely is true. It is especially true for bills of this magnitude that will effect every single citizen in America.

All the while, the government is about to run out of money, and we haven't even been able to reach a budget deal. That is Friday that the government will close if we do not do that.

We still haven't funded the Children's Health Insurance Program, which provides needed healthcare to more than 9 million children.

We haven't reauthorized the community health centers, which serve more than 25 million people.

We haven't renewed the Perkins Loan Program, which many low-income students rely on for their education.

All of those programs expired back on September 30.

But here we are, wasting valuable time trying to fix the disaster of a bill that the majority passed just hours ago. It is embarrassing and it is humiliating. If we don't do better, the public is going to make us pay the price.

I want to close by quoting an article that appeared this morning in The Washington Post, written by a great columnist, Dana Milbank. I wouldn't miss his writing for the world.

"Maybe he is right and all those blue-chip economists and the non-partisan analyses by the Joint Committee on Taxation, the Congressional Budget Office, and others are wrong. Maybe growth will dramatically exceed forecasts, millions will enter the labor force and find work, wages will soar, and the \$1.5 trillion tax bill will pay for itself. But if all that doesn't happen, the Trump tax will be blamed."

Mr. Speaker, I end the quote there, reminding you, as Senator SCHUMER did yesterday, that this could be an anchor around your ankles for the rest of your lives.

Mr. Speaker, I urge a "no" vote on the previous question, on the rule, and the bill. For heaven's sake, let us take this opportunity given us and not force this onto the American public.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York not only for her service to the Rules Committee, but also for her service to this body and to her party.

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Mr. Speaker, the bottom line is, I will take her up on that. We will bet that this works because we looked at what happened when President Obama, Harry Reid, and Speaker PELOSI put a \$1 trillion tax increase on the American people; then spent \$870 billion on a surplus; then added in \$1 trillion of debt when they worked the deal that was for student loans; then we did cash for clunkers; then we did cell phones for all; and it just went on and on and on and on. And now they want to place the \$20 trillion deficit on Republicans.

What we are trying to do is to recognize that we did look at what happened economically during the 8 years that President Obama was here: 1.2 percent annual GDP growth, while our trading partners around the world—Germany, Japan, India, China—all raised their GDP numbers off growing economies because the average rate in Europe for corporate tax is 23.6 percent, while America was at 39 percent, and States all across the United States raised their taxation just like President Obama encouraged them to do: to grow government, to make it more expensive.

But what happened is, then the free enterprise system was not competitive. We began losing jobs all across the country. We began losing our competitiveness because of the high taxation rate. That is why we are going to do something about it.

So when you raise taxes \$1 trillion and spend an extra \$10 trillion over 8

years, there is an impact. Of course, there is an impact. What we are trying to do is respond back to the American people, who last November said: Instead of going that way, why don't we go this way; why don't we be the world's leader; why be 24th in the world in competitiveness for business; why not be first or second; why not add jobs; why not do something that places Americans, the middle class of this country in a better position?

That is the call that we are about. That is what Republicans have been trying to do, and we are responding with a bill that is going to take Americans—instead of being the most expensive tax country in the world, we are going to make us among the best. We are going to be an attractor of jobs, of investment dollars, of opportunity.

The real problem with this country, the gentleman from Massachusetts (Mr. NEAL), a Member of Congress, spoke about it to the Rules Committee, tens of thousands of jobs that pay up to \$60,000 in his home State are going begging right now. Thousands of jobs in this country are going begging because we do have a problem where America doesn't want to come and take these jobs; where we cannot have people who pass drug tests; where we have people who say: Well, I don't have those abilities. Well, in Dallas, Texas, my home, we have \$21-an-hour jobs begging for people who could come and work.

Mr. Speaker, what we are trying to do is to encourage America and Americans, let's get to work. Let's make this happen. Let's not blame it on somebody else. There are jobs available in America, and we are going to answer the question. We are going to answer the bell. The Republican Party is going to stand on what we do right now, and we are willing to take what comes that way.

And I will tell you what comes that way. When you go from 39.6 percent, the highest corporate tax in the world, to where you mark yourself down where virtually the rest of the world is at 23, in this case 21, we are going to be competitive. Americans are winners. Americans want to win. Americans are the best at entrepreneurship. They are the best at being innovative.

We are now—instead of Uncle Sam taking 39 percent and making us drain our resources, we are going to incent Americans to go to it.

Mr. Speaker, my staff, Ron Donato, my tax man, who has spent a lot of time working with me listening to people back in Dallas, Texas, we think this is a good deal to make the free enterprise system, which is the greatest system in the world. We are going to fuel it; we are going to fund it; we are going to make it work.

Mr. Speaker, for that reason, we will be willing to land on what happens here, so mark your calendar right now. Go look at where we are, and watch

where we are going. For this reason, I urge my colleagues to support this rule.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 668 OFFERED BY
MS. SLAUGHTER

At the end of the resolution, add the following new sections:

“SEC. 2. POINT OF ORDER AGAINST ANY TAX BILL THAT RAISES TAXES ON MIDDLE CLASS FAMILIES BY ELIMINATING OR LIMITING THE STATE AND LOCAL TAX DEDUCTION.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that repeals or limits the State and Local Tax Deduction (26 U.S.C. §164).

(b) WAIVER IN THE HOUSE.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this subsection, the Chair shall put the question of consideration with respect to the rule or order, as applicable. The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.”

SEC. 3. POINT OF ORDER AGAINST ANY TAX BILL THAT REPEALS THE INDIVIDUAL MANDATE UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that repeals or limits the individual mandate under the Patient Protection and Affordable Care Act (26 U.S.C. §5000A).

(b) WAIVER IN THE HOUSE.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this subsection, the Chair shall put the question of consideration with respect to the rule or order, as applicable. The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.”

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition”

in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

The Republican majority may say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 234, nays 188, not voting 9, as follows:

[Roll No. 697]

YEAS—234

Abraham	Gosar	Nunes
Aderholt	Govdy	Olson
Allen	Granger	Palazzo
Amash	Graves (GA)	Palmer
Amodei	Graves (LA)	Paulsen
Arrington	Graves (MO)	Pearce
Babin	Griffith	Perry
Bacon	Grothman	Pittenger
Banks (IN)	Guthrie	Poe (TX)
Barletta	Handel	Poliquin
Barr	Harper	Possey
Barton	Harris	Ratcliffe
Bergman	Hartzler	Reed
Biggs	Hensarling	Reichert
Bilirakis	Herrera Beutler	Rice (SC)
Bishop (MI)	Hice, Jody B.	Roby
Bishop (UT)	Higgins (LA)	Roe (TN)
Black	Hill	Rogers (AL)
Blackburn	Holding	Rogers (KY)
Blum	Hollingsworth	Rohrabacher
Bost	Hudson	Rokita
Brady (TX)	Huizenga	Rooney, Francis
Brat	Hultgren	Rooney, Thomas
Brooks (IN)	Hunter	J.
Buchanan	Hurd	Ros-Lehtinen
Buck	Issa	Roskam
Bucshon	Jenkins (KS)	Ross
Budd	Jenkins (WV)	Rothfus
Burgess	Johnson (LA)	Rouzer
Byrne	Johnson (OH)	Royce (CA)
Calvert	Johnson, Sam	Russell
Carter (GA)	Jones	Rutherford
Carter (TX)	Jordan	Sanford
Chabot	Joyce (OH)	Scalise
Cheney	Katko	Schweikert
Coffman	Kelly (MS)	Scott, Austin
Cole	Kelly (PA)	Sensenbrenner
Collins (GA)	King (IA)	Sessions
Collins (NY)	King (NY)	Shimkus
Comer	Kinzinger	Shuster
Comstock	Knight	Simpson
Conaway	Kustoff (TN)	Smith (MO)
Cook	Labrador	Smith (NE)
Costello (PA)	LaHood	Smith (NJ)
Cramer	LaMalfa	Smucker
Crawford	Lamborn	Stefanik
Culberson	Lance	Stewart
Curbelo (FL)	Latta	Stivers
Curtis	Lewis (MN)	Taylor
Davidson	LoBiondo	Tenney
Davis, Rodney	Long	Thompson (PA)
Denham	Loudermilk	Thornberry
Dent	Love	Tiberi
DeSantis	Lucas	Tipton
DesJarlais	Luetkemeyer	Trott
Diaz-Balart	MacArthur	Turner
Donovan	Marchant	Upton
Duffy	Marino	Valadao
Duncan (SC)	Marshall	Wagner
Duncan (TN)	Massie	Walberg
Dunn	Mast	Walden
Emmer	McCarthy	Walker
Estes (KS)	McCaul	Walorski
Farenthold	McClintock	Walters, Mimi
Faso	McHenry	Weber (TX)
Ferguson	McKinley	Webster (FL)
Fitzpatrick	McMorris	Wenstrup
Fleischmann	Rodgers	Westerman
Flores	McSally	Williams
Fortenberry	Meadows	Wilson (SC)
Fox	Meehan	Wittman
Frelinghuysen	Messer	Womack
Gaetz	Mitchell	Woodall
Gallagher	Moolenaar	Yoder
Garrett	Mooney (WV)	Yoho
Gianforte	Mullin	Young (AK)
Gibbs	Newhouse	Young (IA)
Gohmert	Noem	Zeldin
Goodlatte	Norman	

NAYS—188

Adams	Boyle, Brendan	Cartwright
Aguiar	F.	Castor (FL)
Barragán	Brady (PA)	Castro (TX)
Bass	Brown (MD)	Chu, Judy
Beatty	Brownley (CA)	Cicilline
Bera	Bustos	Clark (MA)
Beyer	Butterfield	Clarke (NY)
Bishop (GA)	Capuano	Clay
Blumenauer	Carbajal	Cleaver
Blunt Rochester	Cárdenas	Clyburn
Bonamici	Carson (IN)	Cohen

Connolly	Kaptur	Peterson	Bishop (MI)	Harper	Pearce	Esty (CT)	Lewis (GA)	Rosen
Cooper	Keating	Pingree	Black	Harris	Perry	Evans	Lieu, Ted	Roybal-Allard
Correa	Kelly (IL)	Polis	Blackburn	Hartzler	Pittenger	Foster	Lipinski	Ruiz
Costa	Khanna	Price (NC)	Blum	Hensarling	Poe (TX)	Frankel (FL)	Loeb sack	Ruppersberger
Courtney	Kihuen	Quigley	Bost	Herrera Beutler	Poliquin	Fudge	Lofgren	Rush
Crist	Kildee	Raskin	Brady (TX)	Hice, Jody B.	Posey	Gabbard	Lowenthal	Ryan (OH)
Crowley	Kilmer	Brat	Brooks (IN)	Higgins (LA)	Ratcliffe	Gallego	Lowe y	Sánchez
Cuellar	Kind	Brooks (IN)	Buchanan	Hill	Reed	Garamendi	Lujan Grisham,	Sarbanes
Cummings	Krishnamoorthi	Rosen	Buck	Holding	Reichert	Gomez	M.	Schakowsky
Davis (CA)	Kuster (NH)	Roybal-Allard	Bucshon	Hollingsworth	Rice (SC)	Gonzalez (TX)	Luján, Ben Ray	Schiff
Davis, Danny	Langevin	Ruiz	Budd	Hudson	Roby	Gottheimer	Lynch	Schneider
DeFazio	Larsen (WA)	Ruppersberger	Burgess	Huizenga	Roe (TN)	Green, Al	Maloney,	Schrader
DeGette	Larson (CT)	Rush	Byrne	Hultgren	Rogers (AL)	Green, Gene	Carolyn B.	Scott (VA)
Delaney	Lawrence	Ryan (OH)	Calvert	Hunter	Rogers (KY)	Grijalva	Maloney, Sean	Scott, David
DeLauro	Lawson (FL)	Sánchez	Carter (GA)	Hurd	Rohrabacher	Gutiérrez	Matsui	Serrano
DelBene	Lee	Sarbanes	Carter (TX)	Issa	Rokita	Hanabusa	McColum	Sewell (AL)
Demings	Levin	Schakowsky	Chabot	Jenkins (KS)	Rooney, Francis	Hastings	McEachin	Shea-Porter
DeSaulnier	Lewis (GA)	Schiff	Cheney	Jenkins (WV)	Rooney, Thomas	Heck	McGovern	Sherman
Deutch	Lieu, Ted	Schneider	Coffman	Johnson (LA)	J.	Higgins (NY)	McNerney	Sinema
Dingell	Lipinski	Scott (VA)	Cole	Johnson (OH)	Ros-Lehtinen	Himes	Meeks	Sires
Doggett	Loeb sack	Scott, David	Collins (GA)	Jordan	Roskam	Hoyer	Meng	Slaughter
Doyle, Michael	Lofgren	Serrano	Collins (NY)	Joyce (OH)	Ross	Huffman	Moore	Smith (WA)
F.	Lowenthal	Shea-Porter	Comer	Katko	Rothfus	Jackson Lee	Moulton	Soto
Ellison	Lujan Grisham,	Sherman	Comstock	Kelly (MS)	Rouzer	Jayapal	Murphy (FL)	Speier
Engel	M.	Sinema	Conaway	Kelly (PA)	Royce (CA)	Jeffries	Nadler	Suo zzi
Eshoo	Luján, Ben Ray	Sires	Cook	King (IA)	Russell	Johnson (GA)	Neal	Swalwell (CA)
Espallat	Lynch	Slaughter	Costello (PA)	King (NY)	Rutherford	Johnson, E. B.	Nolan	Takano
Esty (CT)	Maloney,	Smith (WA)	Cramer	King (NY)	Sanford	Jones	Norcross	Thompson (CA)
Evans	Carolyn B.	Soto	Crawford	Kinzinger	Scalise	Kaptur	O'Halleran	Titus
Foster	Maloney, Sean	Speier	Culberson	Knight	Schweikert	Keating	O'Rourke	Tonko
Frankel (FL)	Matsui	Suo zzi	Labrador	Kustoff (TN)	Scott, Austin	Kelly (IL)	Pallone	Torres
Fudge	McColum	Swalwell (CA)	Curtis	LaHood	Sensenbrenner	Khanna	Panetta	Tsongas
Gabbard	McEachin	Takano	Davidson	LaMalfa	Sessions	Kihuen	Pascrell	Vargas
Gallego	McGovern	Thompson (CA)	Davis, Rodney	Lamborn	Shimkus	Kildee	Payne	Veasey
Garamendi	McNerney	Titus	Denham	Lance	Shuster	Kilmer	Pelosi	Vela
Gomez	Meeks	Tonko	Dent	Latta	Simpson	Kind	Perlmutter	Velázquez
Gonzalez (TX)	Meng	Torres	DeSantis	Lewis (MN)	Smith (MO)	Krishnamoorthi	Peters	Visclosky
Gottheimer	Moore	Tsongas	DesJarlais	LoBiondo	Smith (NE)	Kuster (NH)	Peterson	Walz
Green, Al	Moulton	Vargas	Diaz-Balart	Long	Smith (NJ)	Langevin	Pingree	Wasserman
Green, Gene	Murphy (FL)	Veasey	Donovan	Loudermilk	Smucker	Larsen (WA)	Polis	Schultz
Grijalva	Nadler	Vela	Duffy	Love	Stefanik	Larson (CT)	Price (NC)	Waters, Maxine
Gutiérrez	Neal	Velázquez	Duncan (SC)	Lucas	Stewart	Lawrence	Quigley	Watson Coleman
Hanabusa	Nolan	Visclosky	Duncan (TN)	Luetkemeyer	Stivers	Lawson (FL)	Raskin	Welch
Hastings	Norcross	Walz	Dunn	MacArthur	Taylor	Lee	Rice (NY)	Wilson (FL)
Heck	O'Halleran	Wasserman	Emmer	Marchant	Tenney	Levin	Richmond	Yarmuth
Higgins (NY)	O'Rourke	Schultz	Estes (KS)	Marino	Thompson (PA)	NOT VOTING—9		
Himes	Pallone	Waters, Maxine	Farenthold	Marshall	Thornberry	Bishop (UT)	Kennedy	Renacci
Hoyer	Pascrell	Watson Coleman	Faso	Massie	Tiberi	Bridenstine	Napolitano	Smith (TX)
Huffman	Payne	Welch	Ferguson	Mast	Tipton	Brooks (AL)	Pocan	Thompson (MS)
Jackson Lee	Pelosi	Wilson (FL)	Fitzpatrick	McCarthy	Trott	ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE		
Jayapal	Perlmutter	Yarmuth	Fleischmann	McClintock	Turner	The SPEAKER pro tempore (during the vote). There are 2 minutes remain-		
Jeffries	Peters		Flores	McHenry	Upton	ing.		
Johnson (GA)			Fortenberry	McKinley	Valadao	□ 1151		
Johnson, E. B.			Foxx	McMorris	Wagner	So the resolution was agreed to.		
			Frelinghuysen	Rodgers	Walberg	The result of the vote was announced		
			Gaetz	McSally	Walden	as above recorded.		
			Gallagher	Meadows	Walker	A motion to reconsider was laid on		
			Garrett	Meehan	Walorski	the table.		
			Gianforte	Messer	Walters, Mimi	PERSONAL EXPLANATION		
			Gibbs	Mitchell	Weber (TX)	Mr. RENACCI. Mr. Speaker, had I been		
			Gohmert	Moolenaar	Webster (FL)	present, I would have voted "Yea" on rollcall		
			Goodlatte	Mooney (WV)	Wenstrup	No. 694, "Yea" on rollcall No. 695, "Nay" on		
			Gosar	Mullin	Westerman	rollcall No. 696, "Yea" on rollcall No. 697, and		
			Granger	Newhouse	Williams	"Yea" on rollcall No. 698.		
			Graves (GA)	Noem	Wilson (SC)			
			Graves (LA)	Norman	Wittman	ELECTING A MEMBER TO A CER-		
			Graves (MO)	Nunes	Womack	TAIN STANDING COMMITTEE OF		
			Griffith	Olson	Woodall	THE HOUSE OF REPRESENTA-		
			Grothman	Palazzo	Yoder	TIVES		
			Guthrie	Palmer	Yoho	Mr. CROWLEY. Mr. Speaker, by di-		
			Handel	Paulsen	Young (AK)	rection of the Democratic Caucus, I		
					Young (IA)	offer a privileged resolution and ask		
					Zeldin	for its immediate consideration.		
						The Clerk read the resolution, as fol-		
						lows:		
						H. RES. 669		
						Resolved, That the following named Mem-		
						ber be and is hereby elected to the following		
						standing committee of the House of Rep-		
						resentatives:		
						(1) COMMITTEE ON THE JUDICIARY.—Mrs.		
						Demings.		

NOT VOTING—9

Bridenstine	Napolitano	Sewell (AL)
Brooks (AL)	Pocan	Smith (TX)
Kennedy	Renacci	Thompson (MS)

□ 1143

Mr. CLYBURN changed his vote from "yea" to "nay."

Ms. ROS-LEHTINEN changed her vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 190, not voting 9, as follows:

[Roll No. 698]

YEAS—232

Abraham	Arrington	Barr
Aderholt	Babin	Barton
Allen	Bacon	Bergman
Amash	Banks (IN)	Biggs
Amodei	Barletta	Blirakis

Adams	Cárdenas	Cuellar
Aguilar	Carson (IN)	Cummings
Barragán	Cartwright	Davis (CA)
Bass	Castor (FL)	Davis, Danny
Beatty	Castro (TX)	DeFazio
Bera	Chu, Judy	DeGette
Beyer	Cicilline	Delaney
Bishop (GA)	Clark (MA)	DeLauro
Blumenauer	Clarke (NY)	DelBene
Blunt Rochester	Clay	Demings
Bonamici	Cleaver	DeSaulnier
Boyle, Brendan	Clyburn	Deutch
F.	Cohen	Dingell
Brady (PA)	Connolly	Doggett
Brown (MD)	Cooper	Doyle, Michael
Brownley (CA)	Correa	F.
Bustos	Costa	Ellison
Butterfield	Courtney	Engel
Capuano	Crist	Eshoo
Carbajal	Crowley	Espallat

NAYS—190

Cuellar	Cummings	Davis (CA)
Davis, Danny	DeFazio	DeGette
Delaney	DeLauro	DelBene
Demings	DeSaulnier	Deutch
Dingell	Doggett	Doyle, Michael
Doyle, Michael	F.	Ellison
Engel	Eshoo	Espallat

The resolution was agreed to.
A motion to reconsider was laid on the table.

TAX CUTS AND JOBS ACT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 668, I call up the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. YODER). The Clerk will designate the Senate amendment.

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I

SEC. 11000. SHORT TITLE, ETC.

(a) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Individual Tax Reform

PART I—TAX RATE REFORM

SEC. 11001. MODIFICATION OF RATES.

(a) IN GENERAL.—Section 1 is amended by adding at the end the following new subsection:

“(j) MODIFICATIONS FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) subsection (i) shall not apply, and

“(B) this section (other than subsection (i)) shall be applied as provided in paragraphs (2) through (6).

“(2) RATE TABLES.—

“(A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The following table shall be applied in lieu of the table contained in subsection (a):

“If taxable income is:

Not over \$19,050	10% of taxable income.
Over \$19,050 but not over \$77,400	\$1,905, plus 12% of the excess over \$19,050.
Over \$77,400 but not over \$165,000	\$8,907, plus 22% of the excess over \$77,400.
Over \$165,000 but not over \$315,000	\$28,179, plus 24% of the excess over \$165,000.
Over \$315,000 but not over \$400,000	\$64,179, plus 32% of the excess over \$315,000.
Over \$400,000 but not over \$600,000	\$91,379, plus 35% of the excess over \$400,000.
Over \$600,000	\$161,379, plus 37% of the excess over \$600,000.

“(B) HEADS OF HOUSEHOLDS.—The following table shall be applied in lieu of the table contained in subsection (b):

“If taxable income is:

Not over \$13,600	10% of taxable income.
Over \$13,600 but not over \$51,800	\$1,360, plus 12% of the excess over \$13,600.
Over \$51,800 but not over \$82,500	\$5,944, plus 22% of the excess over \$51,800.
Over \$82,500 but not over \$157,500	\$12,698, plus 24% of the excess over \$82,500.
Over \$157,500 but not over \$200,000	\$30,698, plus 32% of the excess over \$157,500.
Over \$200,000 but not over \$500,000	\$44,298, plus 35% of the excess over \$200,000.
Over \$500,000	\$149,298, plus 37% of the excess over \$500,000.

“(C) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The following table shall be applied in lieu of the table contained in subsection (c):

“If taxable income is:

Not over \$9,525	10% of taxable income.
Over \$9,525 but not over \$38,700	\$952.50, plus 12% of the excess over \$9,525.
Over \$38,700 but not over \$82,500	\$4,453.50, plus 22% of the excess over \$38,700.
Over \$82,500 but not over \$157,500	\$14,089.50, plus 24% of the excess over \$82,500.
Over \$157,500 but not over \$200,000	\$32,089.50, plus 32% of the excess over \$157,500.
Over \$200,000 but not over \$500,000	\$45,689.50, plus 35% of the excess over \$200,000.
Over \$500,000	\$150,689.50, plus 37% of the excess over \$500,000.

“(D) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The following table shall be applied in lieu of the table contained in subsection (d):

“If taxable income is:

Not over \$9,525	10% of taxable income.
Over \$9,525 but not over \$38,700	\$952.50, plus 12% of the excess over \$9,525.
Over \$38,700 but not over \$82,500	\$4,453.50, plus 22% of the excess over \$38,700.
Over \$82,500 but not over \$157,500	\$14,089.50, plus 24% of the excess over \$82,500.
Over \$157,500 but not over \$200,000	\$32,089.50, plus 32% of the excess over \$157,500.
Over \$200,000 but not over \$300,000	\$45,689.50, plus 35% of the excess over \$200,000.
Over \$300,000	\$80,689.50, plus 37% of the excess over \$300,000.

“(E) ESTATES AND TRUSTS.—The following table shall be applied in lieu of the table contained in subsection (e):

“If taxable income is:

Not over \$2,550	10% of taxable income.
Over \$2,550 but not over \$9,150	\$255, plus 24% of the excess over \$2,550.
Over \$9,150 but not over \$12,500	\$1,839, plus 35% of the excess over \$9,150.
Over \$12,500	\$3,011.50, plus 37% of the excess over \$12,500.

“(F) REFERENCES TO RATE TABLES.—Any reference in this title to a rate of tax under subsection (c) shall be treated as a reference to the corresponding rate bracket under subparagraph (C) of this paragraph, except that the reference in section 3402(g)(1) to the third lowest rate of tax applicable under subsection (c) shall be treated as a reference to the fourth lowest rate of tax under subparagraph (C).

“(3) ADJUSTMENTS.—

“(A) NO ADJUSTMENT IN 2018.—The tables contained in paragraph (2) shall apply without adjustment for taxable years beginning after December 31, 2017, and before January 1, 2019.

“(B) SUBSEQUENT YEARS.—For taxable years beginning after December 31, 2018, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (1) and (2) of subsection (f) (applied without regard to clauses

(i) and (ii) of subsection (f)(2)(A)), except that in prescribing such tables—

“(i) subsection (f)(3) shall be applied by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof,

“(ii) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse or head of household, and

“(iii) subsection (f)(8) shall not apply.

“(4) SPECIAL RULES FOR CERTAIN CHILDREN WITH UNEARNED INCOME.—

“(A) IN GENERAL.—In the case of a child to whom subsection (g) applies for the taxable year, the rules of subparagraphs (B) and (C) shall apply in lieu of the rule under subsection (g)(1).”

“(B) MODIFICATIONS TO APPLICABLE RATE BRACKETS.—In determining the amount of tax imposed by this section for the taxable year on a child described in subparagraph (A), the income tax table otherwise applicable under this subsection to the child shall be applied with the following modifications:

“(i) 24-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 24 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 24-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

“(ii) 35-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 35 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 35-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

“(iii) 37-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 37 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 37-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

“(C) COORDINATION WITH CAPITAL GAINS RATES.—For purposes of applying section 1(h) (after the modifications under paragraph (5)(A))—

“(i) the maximum zero rate amount shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the amount in effect under paragraph (5)(B)(i)(IV) for the taxable year, and

“(ii) the maximum 15-percent rate amount shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the amount in effect under paragraph (5)(B)(ii)(IV) for the taxable year.

“(D) EARNED TAXABLE INCOME.—For purposes of this paragraph, the term ‘earned taxable income’ means, with respect to any child for any taxable year, the taxable income of such child reduced (but not below zero) by the net unearned income (as defined in subsection (g)(4)) of such child.

“(5) APPLICATION OF CURRENT INCOME TAX BRACKETS TO CAPITAL GAINS BRACKETS.—

“(A) IN GENERAL.—Section 1(h)(1) shall be applied—

“(i) by substituting ‘below the maximum zero rate amount’ for ‘which would (without regard to this paragraph) be taxed at a rate below 25 percent’ in subparagraph (B)(i), and

“(ii) by substituting ‘below the maximum 15-percent rate amount’ for ‘which would (without regard to this paragraph) be taxed at a rate below 39.6 percent’ in subparagraph (C)(ii)(I).

“(B) MAXIMUM AMOUNTS DEFINED.—For purposes of applying section 1(h) with the modifications described in subparagraph (A)—

“(i) MAXIMUM ZERO RATE AMOUNT.—The maximum zero rate amount shall be—

“(I) in the case of a joint return or surviving spouse, \$77,200,

“(II) in the case of an individual who is a head of household (as defined in section 2(b)), \$51,700,

“(III) in the case of any other individual (other than an estate or trust), an amount equal to ½ of the amount in effect for the taxable year under subclause (I), and

“(IV) in the case of an estate or trust, \$2,600.

“(ii) MAXIMUM 15-PERCENT RATE AMOUNT.—The maximum 15-percent rate amount shall be—

“(I) in the case of a joint return or surviving spouse, \$479,000 (½ such amount in the case of a married individual filing a separate return),

“(II) in the case of an individual who is the head of a household (as defined in section 2(b)), \$452,400,

“(III) in the case of any other individual (other than an estate or trust), \$425,800, and

“(IV) in the case of an estate or trust, \$12,700.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2018, each of the dollar amounts in clauses (i) and (ii) of subparagraph (B) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any increase under this subparagraph is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.

“(6) SECTION 15 NOT TO APPLY.—Section 15 shall not apply to any change in a rate of tax by reason of this subsection.”

(b) DUE DILIGENCE TAX PREPARER REQUIREMENT WITH RESPECT TO HEAD OF HOUSEHOLD FILING STATUS.—Subsection (g) of section 6695 is amended to read as follows:

“(g) FAILURE TO BE DILIGENT IN DETERMINING ELIGIBILITY FOR CERTAIN TAX BENEFITS.—Any person who is a tax return preparer with respect to any return or claim for refund who fails to comply with due diligence requirements imposed by the Secretary by regulations with respect to determining—

“(1) eligibility to file as a head of household (as defined in section 2(b)) on the return, or

“(2) eligibility for, or the amount of, the credit allowable by section 24, 25A(a)(1), or 32, shall pay a penalty of \$500 for each such failure.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11002. INFLATION ADJUSTMENTS BASED ON CHAINED CPI.

(a) IN GENERAL.—Subsection (f) of section 1 is amended by striking paragraph (3) and by inserting after paragraph (2) the following new paragraph:

“(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

“(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

“(i) the C-CPI-U for the preceding calendar year, exceeds

“(ii) the CPI for calendar year 2016, multiplied by the amount determined under subparagraph (B).

“(B) AMOUNT DETERMINED.—The amount determined under this clause is the amount obtained by dividing—

“(i) the C-CPI-U for calendar year 2016, by

“(ii) the CPI for calendar year 2016.

“(C) SPECIAL RULE FOR ADJUSTMENTS WITH A BASE YEAR AFTER 2016.—For purposes of any provision of this title which provides for the substitution of a year after 2016 for ‘2016’ in subparagraph (A)(ii), subparagraph (A) shall be applied by substituting ‘the C-CPI-U for calendar year 2016’ for ‘the CPI for calendar year 2016’ and all that follows in clause (ii) thereof.”

(b) C-CPI-U.—Subsection (f) of section 1 is amended by striking paragraph (7), by redesignating paragraph (6) as paragraph (7), and by inserting after paragraph (5) the following new paragraph:

“(6) C-CPI-U.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘C-CPI-U’ means the Chained Consumer Price Index for All Urban Consumers (as published by the Bureau of Labor Statistics of the Department of Labor). The values of the Chained Consumer Price Index for All Urban Consumers taken into account for purposes of determining the cost-of-living adjustment for any calendar year under this subsection shall be the latest values so published as of the date on which such Bureau publishes the initial value of the Chained Consumer Price Index for All Urban Consumers for the month of August for the preceding calendar year.

“(B) DETERMINATION FOR CALENDAR YEAR.—The C-CPI-U for any calendar year is the average of the C-CPI-U as of the close of the 12-month period ending on August 31 of such calendar year.”

(c) APPLICATION TO PERMANENT TAX TABLES.—

(1) IN GENERAL.—Section 1(f)(2)(A) is amended to read as follows:

“(A) except as provided in paragraph (8), by increasing the minimum and maximum dollar amounts for each bracket for which a tax is imposed under such table by the cost-of-living adjustment for such calendar year, determined—

“(i) except as provided in clause (ii), by substituting ‘1992’ for ‘2016’ in paragraph (3)(A)(ii), and

“(ii) in the case of adjustments to the dollar amounts at which the 36 percent rate bracket begins or at which the 39.6 percent rate bracket begins, by substituting ‘1993’ for ‘2016’ in paragraph (3)(A)(ii).”

(2) CONFORMING AMENDMENTS.—Section 1(i) is amended—

(A) by striking “for ‘1992’ in subparagraph (B)” in paragraph (1)(C) and inserting “for ‘2016’ in subparagraph (A)(ii)”, and

(B) by striking “subsection (f)(3)(B) shall be applied by substituting ‘2012’ for ‘1992’” in paragraph (3)(C) and inserting “subsection (f)(3)(A)(ii) shall be applied by substituting ‘2012’ for ‘2016’”.

(d) APPLICATION TO OTHER INTERNAL REVENUE CODE OF 1986 PROVISIONS.—

(1) The following sections are each amended by striking “for ‘calendar year 1992’ in subparagraph (B)” and inserting “for ‘calendar year 2016’ in subparagraph (A)(ii)”:

(A) Section 23(h)(2).

(B) Paragraphs (1)(A)(ii) and (2)(A)(ii) of section 25A(h).

(C) Section 25B(b)(3)(B).

(D) Subsection (b)(2)(B)(ii)(II), and clauses (i) and (ii) of subsection (j)(1)(B), of section 32.

(E) Section 36B(f)(2)(B)(ii)(II).

(F) Section 41(e)(5)(C)(i).

(G) Subsections (e)(3)(D)(ii) and (h)(3)(H)(i)(II) of section 42.

(H) Section 45R(d)(3)(B)(ii).

(I) Section 55(d)(4)(A)(ii).

(J) Section 62(d)(3)(B).

(K) Section 63(c)(4)(B).

(L) Section 125(i)(2)(B).

(M) Section 135(b)(2)(B)(ii).

(N) Section 137(f)(2).

(O) Section 146(d)(2)(B).

(P) Section 147(c)(2)(H)(ii).

(Q) Section 151(d)(4)(B).

(R) Section 179(b)(6)(A)(ii).

(S) Subsections (b)(5)(C)(i)(II) and (g)(8)(B) of section 219.

(T) Section 220(g)(2).

(U) Section 221(f)(1)(B).

(V) Section 223(g)(1)(B).

(W) Section 408A(c)(3)(D)(ii).

(X) Section 430(c)(7)(D)(vii)(II).
 (Y) Section 512(d)(2)(B).
 (Z) Section 513(h)(2)(C)(ii).
 (AA) Section 831(b)(2)(D)(ii).
 (BB) Section 877A(a)(3)(B)(i)(II).
 (CC) Section 2010(c)(3)(B)(ii).
 (DD) Section 2032A(a)(3)(B).
 (EE) Section 2503(b)(2)(B).
 (FF) Section 4261(e)(4)(A)(ii).
 (GG) Section 5000A(c)(3)(D)(ii).
 (HH) Section 6323(i)(4)(B).
 (II) Section 6334(g)(1)(B).
 (JJ) Section 6601(j)(3)(B).
 (KK) Section 6651(i)(1).
 (LL) Section 6652(c)(7)(A).
 (MM) Section 6695(h)(1).
 (NN) Section 6698(e)(1).
 (OO) Section 6699(e)(1).
 (PP) Section 6721(f)(1).
 (QQ) Section 6722(f)(1).
 (RR) Section 7345(f)(2).
 (SS) Section 7430(c)(1).
 (TT) Section 9831(d)(2)(D)(ii)(II).

(2) Sections 41(e)(5)(C)(ii) and 68(b)(2)(B) are each amended—

(A) by striking “1(f)(3)(B)” and inserting “1(f)(3)(A)(ii)”, and

(B) by striking “1992” and inserting “2016”.

(3) Section 42(h)(6)(G) is amended—

(A) by striking “for ‘calendar year 1987’” in clause (i)(II) and inserting “for ‘calendar year 2016’ in subparagraph (A)(ii) thereof”, and

(B) by striking “if the CPI for any calendar year” and all that follows in clause (ii) and inserting “if the C-CPI-U for any calendar year (as defined in section 1(f)(6)) exceeds the C-CPI-U for the preceding calendar year by more than 5 percent, the C-CPI-U for the base calendar year shall be increased such that such excess shall never be taken into account under clause (i). In the case of a base calendar year before 2017, the C-CPI-U for such year shall be determined by multiplying the CPI for such year by the amount determined under section 1(f)(3)(B).”.

(4) Section 59(j)(2)(B) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(5) Section 132(f)(6)(A)(ii) is amended by striking “for ‘calendar year 1992’” and inserting “for ‘calendar year 2016’ in subparagraph (A)(ii) thereof”.

(6) Section 162(o)(3) is amended by striking “adjusted for changes in the Consumer Price Index (as defined in section 1(f)(5)) since 1991” and inserting “adjusted by increasing any such amount under the 1991 agreement by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 1990’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof”.

(7) So much of clause (ii) of section 213(d)(10)(B) as precedes the last sentence is amended to read as follows:

“(ii) MEDICAL CARE COST ADJUSTMENT.—For purposes of clause (i), the medical care cost adjustment for any calendar year is the percentage (if any) by which—

“(I) the medical care component of the C-CPI-U (as defined in section 1(f)(6)) for August of the preceding calendar year, exceeds

“(II) such component of the CPI (as defined in section 1(f)(4)) for August of 1996, multiplied by the amount determined under section 1(f)(3)(B).”.

(8) Subparagraph (B) of section 280F(d)(7) is amended to read as follows:

“(B) AUTOMOBILE PRICE INFLATION ADJUSTMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The automobile price inflation adjustment for any calendar year is the percentage (if any) by which—

“(I) the C-CPI-U automobile component for October of the preceding calendar year, exceeds

“(II) the automobile component of the CPI (as defined in section 1(f)(4)) for October of 1987, multiplied by the amount determined under 1(f)(3)(B).

“(ii) C-CPI-U AUTOMOBILE COMPONENT.—The term ‘C-CPI-U automobile component’ means the automobile component of the Chained Consumer Price Index for All Urban Consumers (as described in section 1(f)(6)).”.

(9) Section 911(b)(2)(D)(ii)(II) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(10) Paragraph (2) of section 1274A(d) is amended to read as follows:

“(2) ADJUSTMENT FOR INFLATION.—In the case of any debt instrument arising out of a sale or exchange during any calendar year after 1989, each dollar amount contained in the preceding provisions of this section shall be increased by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 1988’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest multiple of \$100 (or, if such increase is a multiple of \$50, such increase shall be increased to the nearest multiple of \$100).”.

(11) Section 4161(b)(2)(C)(i)(II) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(12) Section 49801(b)(3)(C)(v)(II) is amended by striking “for ‘1992’ in subparagraph (B)” and inserting “for ‘2016’ in subparagraph (A)(ii)”.

(13) Section 6039F(d) is amended by striking “subparagraph (B) thereof shall be applied by substituting ‘1995’ for ‘1992’” and inserting “subparagraph (A)(ii) thereof shall be applied by substituting ‘1995’ for ‘2016’”.

(14) Section 7872(g)(5) is amended to read as follows:

“(5) ADJUSTMENT OF LIMIT FOR INFLATION.—In the case of any loan made during any calendar year after 1986, the dollar amount in paragraph (2) shall be increased by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 1985’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest multiple of \$100 (or, if such increase is a multiple of \$50, such increase shall be increased to the nearest multiple of \$100).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

PART II—DEDUCTION FOR QUALIFIED BUSINESS INCOME OF PASS-THRU ENTITIES

SEC. 11011. DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

“SEC. 199A. QUALIFIED BUSINESS INCOME.

“(a) IN GENERAL.—In the case of a taxpayer other than a corporation, there shall be allowed as a deduction for any taxable year an amount equal to the sum of—

“(I) the lesser of—

“(A) the combined qualified business income amount of the taxpayer, or

“(B) an amount equal to 20 percent of the excess (if any) of—

“(i) the taxable income of the taxpayer for the taxable year, over

“(ii) the sum of any net capital gain (as defined in section 1(h)), plus the aggregate amount of the qualified cooperative dividends, of the taxpayer for the taxable year, plus

“(2) the lesser of—

“(A) 20 percent of the aggregate amount of the qualified cooperative dividends of the taxpayer for the taxable year, or

“(B) taxable income (reduced by the net capital gain (as so defined)) of the taxpayer for the taxable year.

The amount determined under the preceding sentence shall not exceed the taxable income (reduced by the net capital gain (as so defined)) of the taxpayer for the taxable year.

“(b) COMBINED QUALIFIED BUSINESS INCOME AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘combined qualified business income amount’ means, with respect to any taxable year, an amount equal to—

“(A) the sum of the amounts determined under paragraph (2) for each qualified trade or business carried on by the taxpayer, plus

“(B) 20 percent of the aggregate amount of the qualified REIT dividends and qualified publicly traded partnership income of the taxpayer for the taxable year.

“(2) DETERMINATION OF DEDUCTIBLE AMOUNT FOR EACH TRADE OR BUSINESS.—The amount determined under this paragraph with respect to any qualified trade or business is the lesser of—

“(A) 20 percent of the taxpayer’s qualified business income with respect to the qualified trade or business, or

“(B) the greater of—

“(i) 50 percent of the W-2 wages with respect to the qualified trade or business, or

“(ii) the sum of 25 percent of the W-2 wages with respect to the qualified trade or business, plus 2.5 percent of the unadjusted basis immediately after acquisition of all qualified property.

“(3) MODIFICATIONS TO LIMIT BASED ON TAXABLE INCOME.—

“(A) EXCEPTION FROM LIMIT.—In the case of any taxpayer whose taxable income for the taxable year does not exceed the threshold amount, paragraph (2) shall be applied without regard to subparagraph (B).

“(B) PHASE-IN OF LIMIT FOR CERTAIN TAXPAYERS.—

“(i) IN GENERAL.—If—

“(I) the taxable income of a taxpayer for any taxable year exceeds the threshold amount, but does not exceed the sum of the threshold amount plus \$50,000 (\$100,000 in the case of a joint return), and

“(II) the amount determined under paragraph (2)(B) (determined without regard to this subparagraph) with respect to any qualified trade or business carried on by the taxpayer is less than the amount determined under paragraph (2)(A) with respect to such trade or business, then paragraph (2) shall be applied with respect to such trade or business without regard to subparagraph (B) thereof and by reducing the amount determined under subparagraph (A) thereof by the amount determined under clause (ii).

“(ii) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the excess amount as—

“(I) the amount by which the taxpayer’s taxable income for the taxable year exceeds the threshold amount, bears to

“(II) \$50,000 (\$100,000 in the case of a joint return).

“(iii) EXCESS AMOUNT.—For purposes of clause (ii), the excess amount is the excess of—

“(I) the amount determined under paragraph (2)(A) (determined without regard to this paragraph), over

“(II) the amount determined under paragraph (2)(B) (determined without regard to this paragraph).

“(4) WAGES, ETC.—

“(A) **IN GENERAL.**—The term ‘W-2 wages’ means, with respect to any person for any taxable year of such person, the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year.

“(B) **LIMITATION TO WAGES ATTRIBUTABLE TO QUALIFIED BUSINESS INCOME.**—Such term shall not include any amount which is not properly allocable to qualified business income for purposes of subsection (c)(1).

“(C) **RETURN REQUIREMENT.**—Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.

“(5) **ACQUISITIONS, DISPOSITIONS, AND SHORT TAXABLE YEARS.**—The Secretary shall provide for the application of this subsection in cases of a short taxable year or where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the taxable year.

“(6) **QUALIFIED PROPERTY.**—For purposes of this section:

“(A) **IN GENERAL.**—The term ‘qualified property’ means, with respect to any qualified trade or business for a taxable year, tangible property of a character subject to the allowance for depreciation under section 167—

“(i) which is held by, and available for use in, the qualified trade or business at the close of the taxable year,

“(ii) which is used at any point during the taxable year in the production of qualified business income, and

“(iii) the depreciable period for which has not ended before the close of the taxable year.

“(B) **DEPRECIABLE PERIOD.**—The term ‘depreciable period’ means, with respect to qualified property of a taxpayer, the period beginning on the date the property was first placed in service by the taxpayer and ending on the later of—

“(i) the date that is 10 years after such date, or

“(ii) the last day of the last full year in the applicable recovery period that would apply to the property under section 168 (determined without regard to subsection (g) thereof).

“(C) **QUALIFIED BUSINESS INCOME.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified business income’ means, for any taxable year, the net amount of qualified items of income, gain, deduction, and loss with respect to any qualified trade or business of the taxpayer. Such term shall not include any qualified REIT dividends, qualified cooperative dividends, or qualified publicly traded partnership income.

“(2) **CARRYOVER OF LOSSES.**—If the net amount of qualified income, gain, deduction, and loss with respect to qualified trades or businesses of the taxpayer for any taxable year is less than zero, such amount shall be treated as a loss from a qualified trade or business in the succeeding taxable year.

“(3) **QUALIFIED ITEMS OF INCOME, GAIN, DEDUCTION, AND LOSS.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘qualified items of income, gain, deduction, and loss’ means items of income, gain, deduction, and loss to the extent such items are—

“(i) effectively connected with the conduct of a trade or business within the United States (within the meaning of section 864(c), determined by substituting ‘qualified trade or business’ (within the meaning of section 199A) for ‘nonresident alien individual or a foreign corporation’ or for ‘a foreign corporation’ each place it appears), and

“(ii) included or allowed in determining taxable income for the taxable year.

“(B) **EXCEPTIONS.**—The following investment items shall not be taken into account as a qualified item of income, gain, deduction, or loss:

“(i) Any item of short-term capital gain, short-term capital loss, long-term capital gain, or long-term capital loss.

“(ii) Any dividend, income equivalent to a dividend, or payment in lieu of dividends described in section 954(c)(1)(G).

“(iii) Any interest income other than interest income which is properly allocable to a trade or business.

“(iv) Any item of gain or loss described in subparagraph (C) or (D) of section 954(c)(1) (applied by substituting ‘qualified trade or business’ for ‘controlled foreign corporation’).

“(v) Any item of income, gain, deduction, or loss taken into account under section 954(c)(1)(F) (determined without regard to clause (ii) thereof and other than items attributable to notional principal contracts entered into in transactions qualifying under section 1221(a)(7)).

“(vi) Any amount received from an annuity which is not received in connection with the trade or business.

“(vii) Any item of deduction or loss properly allocable to an amount described in any of the preceding clauses.

“(4) **TREATMENT OF REASONABLE COMPENSATION AND GUARANTEED PAYMENTS.**—Qualified business income shall not include—

“(A) reasonable compensation paid to the taxpayer by any qualified trade or business of the taxpayer for services rendered with respect to the trade or business,

“(B) any guaranteed payment described in section 707(c) paid to a partner for services rendered with respect to the trade or business, and

“(C) to the extent provided in regulations, any payment described in section 707(a) to a partner for services rendered with respect to the trade or business.

“(d) **QUALIFIED TRADE OR BUSINESS.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified trade or business’ means any trade or business other than—

“(A) a specified service trade or business, or

“(B) the trade or business of performing services as an employee.

“(2) **SPECIFIED SERVICE TRADE OR BUSINESS.**—The term ‘specified service trade or business’ means any trade or business—

“(A) which is described in section 1202(e)(3)(A) (applied without regard to the words ‘engineering, architecture,’) or which would be so described if the term ‘employees or owners’ were substituted for ‘employees’ therein, or

“(B) which involves the performance of services that consist of investing and investment management, trading, or dealing in securities (as defined in section 475(c)(2)), partnership interests, or commodities (as defined in section 475(e)(2)).

“(3) **EXCEPTION FOR SPECIFIED SERVICE BUSINESSES BASED ON TAXPAYER’S INCOME.**—

“(A) **IN GENERAL.**—If, for any taxable year, the taxable income of any taxpayer is less than the sum of the threshold amount plus \$50,000 (\$100,000 in the case of a joint return), then—

“(i) any specified service trade or business of the taxpayer shall not fail to be treated as a qualified trade or business due to paragraph (1)(A), but

“(ii) only the applicable percentage of qualified items of income, gain, deduction, or loss, and the W-2 wages and the unadjusted basis immediately after acquisition of qualified property, of the taxpayer allocable to such specified service trade or business shall be taken into account

in computing the qualified business income, W-2 wages, and the unadjusted basis immediately after acquisition of qualified property of the taxpayer for the taxable year for purposes of applying this section.

“(B) **APPLICABLE PERCENTAGE.**—For purposes of subparagraph (A), the term ‘applicable percentage’ means, with respect to any taxable year, 100 percent reduced (not below zero) by the percentage equal to the ratio of—

“(i) the taxable income of the taxpayer for the taxable year in excess of the threshold amount, bears to

“(ii) \$50,000 (\$100,000 in the case of a joint return).

“(e) **OTHER DEFINITIONS.**—For purposes of this section—

“(1) **TAXABLE INCOME.**—Taxable income shall be computed without regard to the deduction allowable under this section.

“(2) **THRESHOLD AMOUNT.**—

“(A) **IN GENERAL.**—The term ‘threshold amount’ means \$157,500 (200 percent of such amount in the case of a joint return).

“(B) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning after 2018, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

The amount of any increase under the preceding sentence shall be rounded as provided in section 1(f)(7).

“(3) **QUALIFIED REIT DIVIDEND.**—The term ‘qualified REIT dividend’ means any dividend from a real estate investment trust received during the taxable year which—

“(A) is not a capital gain dividend, as defined in section 857(b)(3), and

“(B) is not qualified dividend income, as defined in section 1(h)(11).

“(4) **QUALIFIED COOPERATIVE DIVIDEND.**—The term ‘qualified cooperative dividend’ means any patronage dividend (as defined in section 1388(a)), any per-unit retain allocation (as defined in section 1388(f)), and any qualified written notice of allocation (as defined in section 1388(c)), or any similar amount received from an organization described in subparagraph (B)(ii), which—

“(A) is includible in gross income, and

“(B) is received from—

“(i) an organization or corporation described in section 501(c)(12) or 1381(a), or

“(ii) an organization which is governed under this title by the rules applicable to cooperatives under this title before the enactment of subchapter T.

“(5) **QUALIFIED PUBLICLY TRADED PARTNERSHIP INCOME.**—The term ‘qualified publicly traded partnership income’ means, with respect to any qualified trade or business of a taxpayer, the sum of—

“(A) the net amount of such taxpayer’s allocable share of each qualified item of income, gain, deduction, and loss (as defined in subsection (c)(3) and determined after the application of subsection (c)(4)) from a publicly traded partnership (as defined in section 7704(a)) which is not treated as a corporation under section 7704(c), plus

“(B) any gain recognized by such taxpayer upon disposition of its interest in such partnership to the extent such gain is treated as an amount realized from the sale or exchange of property other than a capital asset under section 751(a).

“(f) **SPECIAL RULES.**—

“(1) **APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.**—

“(A) *IN GENERAL.*—In the case of a partnership or S corporation—

“(i) this section shall be applied at the partner or shareholder level,

“(ii) each partner or shareholder shall take into account such person’s allocable share of each qualified item of income, gain, deduction, and loss, and

“(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W-2 wages and unadjusted basis immediately after acquisition of qualified property for the taxable year in an amount equal to such person’s allocable share of the W-2 wages and the unadjusted basis immediately after acquisition of qualified property of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary). For purposes of clause (iii), a partner’s or shareholder’s allocable share of W-2 wages shall be determined in the same manner as the partner’s or shareholder’s allocable share of wage expenses. For purposes of such clause, partner’s or shareholder’s allocable share of the unadjusted basis immediately after acquisition of qualified property shall be determined in the same manner as the partner’s or shareholder’s allocable share of depreciation. For purposes of this subparagraph, in the case of an S corporation, an allocable share shall be the shareholder’s pro rata share of an item.

“(B) *APPLICATION TO TRUSTS AND ESTATES.*—Rules similar to the rules under section 199(d)(1)(B)(i) (as in effect on December 1, 2017) for the apportionment of W-2 wages shall apply to the apportionment of W-2 wages and the apportionment of unadjusted basis immediately after acquisition of qualified property under this section.

“(C) *TREATMENT OF TRADES OR BUSINESS IN PUERTO RICO.*—

“(i) *IN GENERAL.*—In the case of any taxpayer with qualified business income from sources within the commonwealth of Puerto Rico, if all such income is taxable under section 1 for such taxable year, then for purposes of determining the qualified business income of such taxpayer for such taxable year, the term ‘United States’ shall include the Commonwealth of Puerto Rico.

“(ii) *SPECIAL RULE FOR APPLYING LIMIT.*—In the case of any taxpayer described in clause (i), the determination of W-2 wages of such taxpayer with respect to any qualified trade or business conducted in Puerto Rico shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services in Puerto Rico.

“(2) *COORDINATION WITH MINIMUM TAX.*—For purposes of determining alternative minimum taxable income under section 55, qualified business income shall be determined without regard to any adjustments under sections 56 through 59.

“(3) *DEDUCTION LIMITED TO INCOME TAXES.*—The deduction under subsection (a) shall only be allowed for purposes of this chapter.

“(4) *REGULATIONS.*—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations—

“(A) for requiring or restricting the allocation of items and wages under this section and such reporting requirements as the Secretary determines appropriate, and

“(B) for the application of this section in the case of tiered entities.

“(g) *DEDUCTION ALLOWED TO SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVES.*—

“(1) *IN GENERAL.*—In the case of any taxable year of a specified agricultural or horticultural cooperative beginning after December 31, 2017, there shall be allowed a deduction in an amount equal to the lesser of—

“(A) 20 percent of the excess (if any) of—

“(i) the gross income of a specified agricultural or horticultural cooperative, over

“(ii) the qualified cooperative dividends (as defined in subsection (e)(4)) paid during the taxable year for the taxable year, or

“(B) the greater of—

“(i) 50 percent of the W-2 wages of the cooperative with respect to its trade or business, or

“(ii) the sum of 25 percent of the W-2 wages of the cooperative with respect to its trade or business, plus 2.5 percent of the unadjusted basis immediately after acquisition of all qualified property of the cooperative.

“(2) *LIMITATION.*—The amount determined under paragraph (1) shall not exceed the taxable income of the specified agricultural or horticultural for the taxable year.

“(3) *SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.*—For purposes of this subsection, the term ‘specified agricultural or horticultural cooperative’ means an organization to which part I of subchapter T applies which is engaged in—

“(A) the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product,

“(B) the marketing of agricultural or horticultural products which its patrons have so manufactured, produced, grown, or extracted, or

“(C) the provision of supplies, equipment, or services to farmers or to organizations described in subparagraph (A) or (B).

“(h) *ANTI-ABUSE RULES.*—The Secretary shall—

“(1) apply rules similar to the rules under section 179(d)(2) in order to prevent the manipulation of the depreciable period of qualified property using transactions between related parties, and

“(2) prescribe rules for determining the unadjusted basis immediately after acquisition of qualified property acquired in like-kind exchanges or involuntary conversions.

“(i) *TERMINATION.*—This section shall not apply to taxable years beginning after December 31, 2025.”.

(b) *TREATMENT OF DEDUCTION IN COMPUTING ADJUSTED GROSS AND TAXABLE INCOME.*—

(1) *DEDUCTION NOT ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.*—Section 62(a) is amended by adding at the end the following new sentence: “The deduction allowed by section 199A shall not be treated as a deduction described in any of the preceding paragraphs of this subsection.”.

(2) *DEDUCTION ALLOWED TO NONITEMIZERS.*—Section 63(b) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) the deduction provided in section 199A.”.

(3) *DEDUCTION ALLOWED TO ITEMIZERS WITHOUT LIMITS ON ITEMIZED DEDUCTIONS.*—Section 63(d) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) the deduction provided in section 199A.”.

(4) *CONFORMING AMENDMENT.*—Section 3402(m)(1) is amended by inserting “and the estimated deduction allowed under section 199A” after “chapter I”.

(c) *ACCURACY-RELATED PENALTY ON DETERMINATION OF APPLICABLE PERCENTAGE.*—Section 6662(d)(1) is amended by inserting at the end the following new subparagraph:

“(C) *SPECIAL RULE FOR TAXPAYERS CLAIMING SECTION 199A DEDUCTION.*—In the case of any taxpayer who claims the deduction allowed under section 199A for the taxable year, subparagraph (A) shall be applied by substituting ‘5 percent’ for ‘10 percent’.”.

(d) *CONFORMING AMENDMENTS.*—

(1) Section 172(d) is amended by adding at the end the following new paragraph:

“(8) *QUALIFIED BUSINESS INCOME DEDUCTION.*—The deduction under section 199A shall not be allowed.”.

(2) Section 246(b)(1) is amended by inserting “199A,” before “243(a)(1)”.

(3) Section 613(a) is amended by inserting “and without the deduction under section 199A” after “and without the deduction under section 199”.

(4) Section 613A(d)(1) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B), the following new subparagraph:

“(C) any deduction allowable under section 199A.”.

(5) Section 170(b)(2)(D) is amended by striking “and” in clause (iv), by striking the period at the end of clause (v), and by adding at the end the following new clause:

“(vi) section 199A(g).”.

(6) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting at the end the following new item:

“Sec. 199A. Qualified business income.”.

(e) *EFFECTIVE DATE.*—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11012. LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.

(a) *IN GENERAL.*—Section 461 is amended by adding at the end the following new subsection:

“(1) *LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.*—

“(i) *LIMITATION.*—In the case of taxable year of a taxpayer other than a corporation beginning after December 31, 2017, and before January 1, 2026—

“(A) subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

“(B) any excess business loss of the taxpayer for the taxable year shall not be allowed.

“(2) *DISALLOWED LOSS CARRYOVER.*—Any loss which is disallowed under paragraph (1) shall be treated as a net operating loss carryover to the following taxable year under section 172.

“(3) *EXCESS BUSINESS LOSS.*—For purposes of this subsection—

“(A) *IN GENERAL.*—The term ‘excess business loss’ means the excess (if any) of—

“(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to trades or businesses of such taxpayer (determined without regard to whether or not such deductions are disallowed for such taxable year under paragraph (1)), over

“(ii) the sum of—

“(I) the aggregate gross income or gain of such taxpayer for the taxable year which is attributable to such trades or businesses, plus

“(II) \$250,000 (200 percent of such amount in the case of a joint return).

“(B) *ADJUSTMENT FOR INFLATION.*—In the case of any taxable year beginning after December 31, 2018, the \$250,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(4) *APPLICATION OF SUBSECTION IN CASE OF PARTNERSHIPS AND S CORPORATIONS.*—In the case of a partnership or S corporation—

“(A) this subsection shall be applied at the partner or shareholder level, and

“(B) each partner’s or shareholder’s allocable share of the items of income, gain, deduction, or loss of the partnership or S corporation for any taxable year from trades or businesses attributable to the partnership or S corporation shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

For purposes of this paragraph, in the case of an S corporation, an allocable share shall be the shareholder’s pro rata share of an item.

“(5) ADDITIONAL REPORTING.—The Secretary shall prescribe such additional reporting requirements as the Secretary determines necessary to carry out the purposes of this subsection.

“(6) COORDINATION WITH SECTION 469.—This subsection shall be applied after the application of section 469.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

PART III—TAX BENEFITS FOR FAMILIES AND INDIVIDUALS

SEC. 11021. INCREASE IN STANDARD DEDUCTION.

(a) IN GENERAL.—Subsection (c) of section 63 is amended by adding at the end the following new paragraph:

“(7) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) INCREASE IN STANDARD DEDUCTION.—Paragraph (2) shall be applied—

“(i) by substituting ‘\$18,000’ for ‘\$4,400’ in subparagraph (B), and

“(ii) by substituting ‘\$12,000’ for ‘\$3,000’ in subparagraph (C).

“(B) ADJUSTMENT FOR INFLATION.—

“(i) IN GENERAL.—Paragraph (4) shall not apply to the dollar amounts contained in paragraphs (2)(B) and (2)(C).

“(ii) ADJUSTMENT OF INCREASED AMOUNTS.—In the case of a taxable year beginning after 2018, the \$18,000 and \$12,000 amounts in subparagraph (A) shall each be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(i) thereof.

If any increase under this clause is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11022. INCREASE IN AND MODIFICATION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

“(h) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026, this section shall be applied as provided in paragraphs (2) through (7).

“(2) CREDIT AMOUNT.—Subsection (a) shall be applied by substituting ‘\$2,000’ for ‘\$1,000’.

“(3) LIMITATION.—In lieu of the amount determined under subsection (b)(2), the threshold amount shall be \$400,000 in the case of a joint return (\$200,000 in any other case).

“(4) PARTIAL CREDIT ALLOWED FOR CERTAIN OTHER DEPENDENTS.—

“(A) IN GENERAL.—The credit determined under subsection (a) (after the application of paragraph (2)) shall be increased by \$500 for

each dependent of the taxpayer (as defined in section 152) other than a qualifying child described in subsection (c).

“(B) EXCEPTION FOR CERTAIN NONCITIZENS.—Subparagraph (A) shall not apply with respect to any individual who would not be a dependent if subparagraph (A) of section 152(b)(3) were applied without regard to all that follows ‘resident of the United States’.

“(C) CERTAIN QUALIFYING CHILDREN.—In the case of any qualifying child with respect to whom a credit is not allowed under this section by reason of paragraph (7), such child shall be treated as a dependent to whom subparagraph (A) applies.

“(5) MAXIMUM AMOUNT OF REFUNDABLE CREDIT.—

“(A) IN GENERAL.—The amount determined under subsection (d)(1)(A) with respect to any qualifying child shall not exceed \$1,400, and such subsection shall be applied without regard to paragraph (4) of this subsection.

“(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2018, the \$1,400 amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(i) thereof.

If any increase under this clause is not a multiple of \$100, such increase shall be rounded to the next lowest multiple of \$100.

“(6) EARNED INCOME THRESHOLD FOR REFUNDABLE CREDIT.—Subsection (d)(1)(B)(i) shall be applied by substituting ‘\$2,500’ for ‘\$3,000’.

“(7) SOCIAL SECURITY NUMBER REQUIRED.—No credit shall be allowed under this section to a taxpayer with respect to any qualifying child unless the taxpayer includes the social security number of such child on the return of tax for the taxable year. For purposes of the preceding sentence, the term ‘social security number’ means a social security number issued to an individual by the Social Security Administration, but only if the social security number is issued—

“(A) to a citizen of the United States or pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act, and

“(B) before the due date for such return.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11023. INCREASED LIMITATION FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 170(b)(1) is amended by redesignating subparagraph (G) as subparagraph (H) and by inserting after subparagraph (F) the following new subparagraph:

“(G) INCREASED LIMITATION FOR CASH CONTRIBUTIONS.—

“(i) IN GENERAL.—In the case of any contribution of cash to an organization described in subparagraph (A), the total amount of such contributions which may be taken into account under subsection (a) for any taxable year beginning after December 31, 2017, and before January 1, 2026, shall not exceed 60 percent of the taxpayer’s contribution base for such year.

“(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the applicable limitation under clause (i) for any taxable year described in such clause, such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iii) COORDINATION WITH SUBPARAGRAPHS (A) AND (B).—

“(I) IN GENERAL.—Contributions taken into account under this subparagraph shall not be taken into account under subparagraph (A).

“(II) LIMITATION REDUCTION.—For each taxable year described in clause (i), and each taxable year to which any contribution under this subparagraph is carried over under clause (ii), subparagraph (A) shall be applied by reducing (but not below zero) the contribution limitation allowed for the taxable year under such subparagraph by the aggregate contributions allowed under this subparagraph for such taxable year, and subparagraph (B) shall be applied by treating any reference to subparagraph (A) as a reference to both subparagraph (A) and this subparagraph.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2017.

SEC. 11024. INCREASED CONTRIBUTIONS TO ABLE ACCOUNTS.

(a) INCREASE IN LIMITATION FOR CONTRIBUTIONS FROM COMPENSATION OF INDIVIDUALS WITH DISABILITIES.—

(1) IN GENERAL.—Section 529A(b)(2)(B) is amended to read as follows:

“(B) except in the case of contributions under subsection (c)(1)(C), if such contribution to an ABLE account would result in aggregate contributions from all contributors to the ABLE account for the taxable year exceeding the sum of—

“(i) the amount in effect under section 2503(b) for the calendar year in which the taxable year begins, plus

“(ii) in the case of any contribution by a designated beneficiary described in paragraph (7) before January 1, 2026, the lesser of—

“(I) compensation (as defined by section 219(f)(1)) includible in the designated beneficiary’s gross income for the taxable year, or

“(II) an amount equal to the poverty line for a one-person household, as determined for the calendar year preceding the calendar year in which the taxable year begins.”.

(2) RESPONSIBILITY FOR CONTRIBUTION LIMITATION.—Paragraph (2) of section 529A(b) is amended by adding at the end the following: “A designated beneficiary (or a person acting on behalf of such beneficiary) shall maintain adequate records for purposes of ensuring, and shall be responsible for ensuring, that the requirements of subparagraph (B)(ii) are met.”

(3) ELIGIBLE DESIGNATED BENEFICIARY.—Section 529A(b) is amended by adding at the end the following:

“(7) SPECIAL RULES RELATED TO CONTRIBUTION LIMIT.—For purposes of paragraph (2)(B)(ii)—

“(A) DESIGNATED BENEFICIARY.—A designated beneficiary described in this paragraph is an employee (including an employee within the meaning of section 401(c)) with respect to whom—

“(i) no contribution is made for the taxable year to a defined contribution plan (within the meaning of section 414(i)) with respect to which the requirements of section 401(a) or 403(a) are met,

“(ii) no contribution is made for the taxable year to an annuity contract described in section 403(b), and

“(iii) no contribution is made for the taxable year to an eligible deferred compensation plan described in section 457(b).

“(B) POVERTY LINE.—The term ‘poverty line’ has the meaning given such term by section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).”.

(b) ALLOWANCE OF SAVER’S CREDIT FOR ABLE CONTRIBUTIONS BY ACCOUNT HOLDER.—Section 25B(d)(1) is amended by striking “and” at the end of subparagraph (B)(ii), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end the following:

“(D) the amount of contributions made before January 1, 2026, by such individual to the ABLE

account (within the meaning of section 529A) of which such individual is the designated beneficiary.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 11025. ROLLOVERS TO ABLE PROGRAMS FROM 529 PROGRAMS.

(a) **IN GENERAL.**—Clause (i) of section 529(c)(3)(C) is amended by striking “or” at the end of subclause (I), by striking the period at the end of subclause (II) and inserting “, or”, and by adding at the end the following:

“(III) before January 1, 2026, to an ABLE account (as defined in section 529A(e)(6)) of the designated beneficiary or a member of the family of the designated beneficiary.

Subclause (III) shall not apply to so much of a distribution which, when added to all other contributions made to the ABLE account for the taxable year, exceeds the limitation under section 529A(b)(2)(B)(i).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 11026. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.

(a) **IN GENERAL.**—For purposes of the following provisions of the Internal Revenue Code of 1986, with respect to the applicable period, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) **QUALIFIED HAZARDOUS DUTY AREA.**—For purposes of this section, the term “qualified hazardous duty area” means the Sinai Peninsula of Egypt, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger), for services performed in such location. Such term includes such location only during the period such entitlement is in effect.

(c) **APPLICABLE PERIOD.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the applicable period is—

(A) the portion of the first taxable year ending after June 9, 2015, which begins on such date, and

(B) any subsequent taxable year beginning before January 1, 2026.

(2) **WITHHOLDING.**—In the case of subsection (a)(5), the applicable period is—

(A) the portion of the first taxable year ending after the date of the enactment of this Act which begins on such date, and

(B) any subsequent taxable year beginning before January 1, 2026.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the provisions of this section shall take effect on June 9, 2015.

(2) **WITHHOLDING.**—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

SEC. 11027. TEMPORARY REDUCTION IN MEDICAL EXPENSE DEDUCTION FLOOR.

(a) **IN GENERAL.**—Subsection (f) of section 213 is amended to read as follows:

“(f) **SPECIAL RULES FOR 2013 THROUGH 2018.**—

In the case of any taxable year—

“(1) beginning after December 31, 2012, and ending before January 1, 2017, in the case of a taxpayer if such taxpayer or such taxpayer’s spouse has attained age 65 before the close of such taxable year, and

“(2) beginning after December 31, 2016, and ending before January 1, 2019, in the case of any taxpayer, subsection (a) shall be applied with respect to a taxpayer by substituting ‘7.5 percent’ for ‘10 percent’.”.

(b) **MINIMUM TAX PREFERENCE NOT TO APPLY.**—Section 56(b)(1)(B) is amended by adding at the end the following new sentence: “This subparagraph shall not apply to taxable years beginning after December 31, 2016, and ending before January 1, 2019”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 11028. RELIEF FOR 2016 DISASTER AREAS.

(a) **IN GENERAL.**—For purposes of this section, the term “2016 disaster area” means any area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act during calendar year 2016.

(b) **SPECIAL RULES FOR USE OF RETIREMENT FUNDS WITH RESPECT TO AREAS DAMAGED BY 2016 DISASTERS.**—

(1) **TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.**—

(A) **IN GENERAL.**—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified 2016 disaster distribution.

(B) **AGGREGATE DOLLAR LIMITATION.**—

(i) **IN GENERAL.**—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified 2016 disaster distributions for any taxable year shall not exceed the excess (if any) of—

(I) \$100,000, over

(II) the aggregate amounts treated as qualified 2016 disaster distributions received by such individual for all prior taxable years.

(ii) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to clause (i)) be a qualified 2016 disaster distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified 2016 disaster distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

(iii) **CONTROLLED GROUP.**—For purposes of clause (ii), the term “controlled group” means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(C) **AMOUNT DISTRIBUTED MAY BE REPAID.**—

(i) **IN GENERAL.**—Any individual who receives a qualified 2016 disaster distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a bene-

ficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(ii) **TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to clause (i) with respect to a qualified 2016 disaster distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified 2016 disaster distribution in an eligible rollover distribution (as defined in section 402(c)(4) of the Internal Revenue Code of 1986) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(iii) **TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to clause (i) with respect to a qualified 2016 disaster distribution from an individual retirement plan (as defined by section 7701(a)(37) of the Internal Revenue Code of 1986), then, to the extent of the amount of the contribution, the qualified 2016 disaster distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(D) **DEFINITIONS.**—For purposes of this paragraph—

(i) **QUALIFIED 2016 DISASTER DISTRIBUTION.**—Except as provided in subparagraph (B), the term “qualified 2016 disaster distribution” means any distribution from an eligible retirement plan made on or after January 1, 2016, and before January 1, 2018, to an individual whose principal place of abode at any time during calendar year 2016 was located in a disaster area described in subsection (a) and who has sustained an economic loss by reason of the events giving rise to the Presidential declaration described in subsection (a) which was applicable to such area.

(ii) **ELIGIBLE RETIREMENT PLAN.**—The term “eligible retirement plan” shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(E) **INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.**—

(i) **IN GENERAL.**—In the case of any qualified 2016 disaster distribution, unless the taxpayer elects not to have this subparagraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(ii) **SPECIAL RULE.**—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(F) **SPECIAL RULES.**—

(i) **EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.**—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified 2016 disaster distribution shall not be treated as eligible rollover distributions.

(ii) **QUALIFIED 2016 DISASTER DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.**—For purposes of the Internal Revenue Code of 1986, a qualified 2016 disaster distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of the Internal Revenue Code of 1986.

(2) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(A) *IN GENERAL.*—If this paragraph applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii)(I).

(B) *AMENDMENTS TO WHICH SUBSECTION APPLIES.*—

(i) *IN GENERAL.*—This paragraph shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to any provision of this section, or pursuant to any regulation under any provision of this section, and

(II) on or before the last day of the first plan year beginning on or after January 1, 2018, or such later date as the Secretary prescribes.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subclause (II) shall be applied by substituting the date which is 2 years after the date otherwise applied under subclause (II).

(ii) *CONDITIONS.*—This paragraph shall not apply to any amendment to a plan or contract unless such amendment applies retroactively for such period, and shall not apply to any such amendment unless the plan or contract is operated as if such amendment were in effect during the period—

(I) beginning on the date that this section or the regulation described in clause (i)(I) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

(C) *SPECIAL RULES FOR PERSONAL CASUALTY LOSSES RELATED TO 2016 MAJOR DISASTER.*—

(I) *IN GENERAL.*—If an individual has a net disaster loss for any taxable year beginning after December 31, 2015, and before January 1, 2018—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting “\$500” for “\$500 (\$100 for taxable years beginning after December 31, 2009)”.

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) *NET DISASTER LOSS.*—For purposes of this subsection, the term “net disaster loss” means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) *QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.*—For purposes of this paragraph, the term “qualified disaster-related personal casualty losses” means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in a disaster area described in subsection (a) on or after January 1, 2016, and which are attributable to the events giving rise to the Presidential declaration described in subsection (a) which was applicable to such area.

PART IV—EDUCATION

SEC. 11031. TREATMENT OF STUDENT LOANS DISCHARGED ON ACCOUNT OF DEATH OR DISABILITY.

(a) *IN GENERAL.*—Section 108(f) is amended by adding at the end the following new paragraph: “(5) *DISCHARGES ON ACCOUNT OF DEATH OR DISABILITY.*—

“(A) *IN GENERAL.*—In the case of an individual, gross income does not include any amount which (but for this subsection) would be includible in gross income for such taxable year by reasons of the discharge (in whole or in part) of any loan described in subparagraph (B) after December 31, 2017, and before January 1, 2026, if such discharge was—

“(i) pursuant to subsection (a) or (d) of section 437 of the Higher Education Act of 1965 or the parallel benefit under part D of title IV of such Act (relating to the repayment of loan liability),

“(ii) pursuant to section 464(c)(1)(F) of such Act, or

“(iii) otherwise discharged on account of the death or total and permanent disability of the student.

“(B) *LOANS DESCRIBED.*—A loan is described in this subparagraph if such loan is—

“(i) a student loan (as defined in paragraph (2)), or

“(ii) a private education loan (as defined in section 140(7) of the Consumer Credit Protection Act (15 U.S.C. 1650(7))).”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to discharges of indebtedness after December 31, 2017.

SEC. 11032. 529 ACCOUNT FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION.

(a) *IN GENERAL.*—

(1) *IN GENERAL.*—Section 529(c) is amended by adding at the end the following new paragraph:

“(7) *TREATMENT OF ELEMENTARY AND SECONDARY TUITION.*—Any reference in this subsection to the term ‘qualified higher education expense’ shall include a reference to expenses for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school.”.

(2) *LIMITATION.*—Section 529(e)(3)(A) is amended by adding at the end the following: “The amount of cash distributions from all qualified tuition programs described in subsection (b)(1)(A)(ii) with respect to a beneficiary during any taxable year shall, in the aggregate, include not more than \$10,000 in expenses described in subsection (c)(7) incurred during the taxable year.”.

(b) *EFFECTIVE DATE.*—The amendments made by this section shall apply to distributions made after December 31, 2017.

PART V—DEDUCTIONS AND EXCLUSIONS

SEC. 11041. SUSPENSION OF DEDUCTION FOR PERSONAL EXEMPTIONS.

(a) *IN GENERAL.*—Subsection (d) of section 151 is amended—

(1) by striking “In the case of” in paragraph (4) and inserting “Except as provided in paragraph (5), in the case of”, and

(2) by adding at the end the following new paragraph:

“(5) *SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.*—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) *EXEMPTION AMOUNT.*—The term ‘exemption amount’ means zero.

“(B) *REFERENCES.*—For purposes of any other provision of this title, the reduction of the exemption amount to zero under subparagraph (A) shall not be taken into account in determining whether a deduction is allowed or allowable, or whether a taxpayer is entitled to a deduction, under this section.”.

(b) *APPLICATION TO ESTATES AND TRUSTS.*—Section 642(b)(2)(C) is amended by adding at the end the following new clause:

“(iii) *YEARS WHEN PERSONAL EXEMPTION AMOUNT IS ZERO.*—

“(I) *IN GENERAL.*—In the case of any taxable year in which the exemption amount under section 151(d) is zero, clause (i) shall be applied by substituting ‘\$4,150’ for ‘the exemption amount under section 151(d)’.

“(II) *INFLATION ADJUSTMENT.*—In the case of any taxable year beginning in a calendar year after 2018, the \$4,150 amount in subparagraph (A) shall be increased in the same manner as provided in section 6334(d)(4)(C).”.

(c) *MODIFICATION OF WAGE WITHHOLDING RULES.*—

(1) *IN GENERAL.*—Section 3402(a)(2) is amended by striking “means the amount” and all that follows and inserting “means the amount by which the wages exceed the taxpayer’s withholding allowance, prorated to the payroll period.”.

(2) *CONFORMING AMENDMENTS.*—

(A) Section 3401 is amended by striking subsection (e).

(B) Paragraphs (1) and (2) of section 3402(f) are amended to read as follows:

“(1) *IN GENERAL.*—Under rules determined by the Secretary, an employee receiving wages shall on any day be entitled to a withholding allowance determined based on—

“(A) whether the employee is an individual for whom a deduction is allowable with respect to another taxpayer under section 151;

“(B) if the employee is married, whether the employee’s spouse is entitled to an allowance, or would be so entitled if such spouse were an employee receiving wages, under subparagraph (A) or (D), but only if such spouse does not have in effect a withholding allowance certificate claiming such allowance;

“(C) the number of individuals with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable a credit under section 24(a) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit;

“(D) any additional amounts to which the employee elects to take into account under subsection (m), but only if the employee’s spouse does not have in effect a withholding allowance certificate making such an election;

“(E) the standard deduction allowable to such employee (one-half of such standard deduction in the case of an employee who is married (as determined under section 7703) and whose spouse is an employee receiving wages subject to withholding); and

“(F) whether the employee has withholding allowance certificates in effect with respect to more than 1 employer.

“(2) *ALLOWANCE CERTIFICATES.*—

“(A) *ON COMMENCEMENT OF EMPLOYMENT.*—On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding allowance certificate relating to the withholding allowance claimed by the employee, which shall in no event exceed the amount to which the employee is entitled.

“(B) *CHANGE OF STATUS.*—If, on any day during the calendar year, an employee’s withholding allowance is in excess of the withholding allowance to which the employee would be entitled had the employee submitted a true and accurate withholding allowance certificate to the employer on that day, the employee shall within 10 days thereafter furnish the employer with a new withholding allowance certificate. If, on any day during the calendar year, an employee’s withholding allowance is greater than the withholding allowance claimed, the employee may furnish the employer with a new withholding allowance certificate relating to the

withholding allowance to which the employee is so entitled, which shall in no event exceed the amount to which the employee is entitled on such day.

“(C) CHANGE OF STATUS WHICH AFFECTS NEXT CALENDAR YEAR.—If on any day during the calendar year the withholding allowance to which the employee will be, or may reasonably be expected to be, entitled at the beginning of the employee's next taxable year under subtitle A is different from the allowance to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Secretary shall by regulations prescribe, furnish the employer with a withholding allowance certificate relating to the withholding allowance which the employee claims with respect to such next taxable year, which shall in no event exceed the withholding allowance to which the employee will be, or may reasonably be expected to be, so entitled.”.

(C) Subsections (b)(1), (b)(2), (f)(3), (f)(4), (f)(5), (f)(7) (including the heading thereof), (g)(4), (l)(1), (l)(2), and (n) of section 3402 are each amended by striking “exemption” each place it appears and inserting “allowance”.

(D) The heading of section 3402(f) is amended by striking “EXEMPTIONS” and inserting “ALLOWANCE”.

(E) Section 3402(m) is amended by striking “additional withholding allowances or additional reductions in withholding under this subsection. In determining the number of additional withholding allowances” and inserting “an additional withholding allowance or additional reductions in withholding under this subsection. In determining the additional withholding allowance”.

(F) Paragraphs (3) and (4) of section 3405(a) (and the heading for such paragraph (4)) are each amended by striking “exemption” each place it appears and inserting “allowance”.

(G) Section 3405(a)(4) is amended by striking “shall be determined” and all that follows through “3 withholding exemptions” and inserting “shall be determined under rules prescribed by the Secretary”.

(d) EXCEPTION FOR DETERMINING PROPERTY EXEMPT FROM LEVY.—Section 6334(d) is amended by adding at the end the following new paragraph:

“(4) YEARS WHEN PERSONAL EXEMPTION AMOUNT IS ZERO.—

“(A) IN GENERAL.—In the case of any taxable year in which the exemption amount under section 151(d) is zero, paragraph (2) shall not apply and for purposes of paragraph (1) the term ‘exempt amount’ means an amount equal to—

“(i) the sum of the amount determined under subparagraph (B) and the standard deduction, divided by

“(ii) 52.

“(B) AMOUNT DETERMINED.—For purposes of subparagraph (A), the amount determined under this subparagraph is \$4,150 multiplied by the number of the taxpayer's dependents for the taxable year in which the levy occurs.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2018, the \$4,150 amount in subparagraph (B) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(ii) thereof.

If any increase determined under the preceding sentence is not a multiple of \$100, such increase shall be rounded to the next lowest multiple of \$100.

“(D) VERIFIED STATEMENT.—Unless the taxpayer submits to the Secretary a written and properly verified statement specifying the facts

necessary to determine the proper amount under subparagraph (A), subparagraph (A) shall be applied as if the taxpayer were a married individual filing a separate return with no dependents.”.

(e) PERSONS REQUIRED TO MAKE RETURNS OF INCOME.—Section 6012 is amended by adding at the end the following new subsection:

“(f) SPECIAL RULE FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (a)(1) shall not apply, and every individual who has gross income for the taxable year shall be required to make returns with respect to income taxes under subtitle A, except that a return shall not be required of—

“(1) an individual who is not married (determined by applying section 7703) and who has gross income for the taxable year which does not exceed the standard deduction applicable to such individual for such taxable year under section 63, or

“(2) an individual entitled to make a joint return if—

“(A) the gross income of such individual, when combined with the gross income of such individual's spouse, for the taxable year does not exceed the standard deduction which would be applicable to the taxpayer for such taxable year under section 63 if such individual and such individual's spouse made a joint return,

“(B) such individual and such individual's spouse have the same household as their home at the close of the taxable year,

“(C) such individual's spouse does not make a separate return, and

“(D) neither such individual nor such individual's spouse is an individual described in section 63(c)(5) who has income (other than earned income) in excess of the amount in effect under section 63(c)(5)(A).”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) WAGE WITHHOLDING.—The Secretary of the Treasury may administer section 3402 for taxable years beginning before January 1, 2019, without regard to the amendments made by subsections (a) and (c).

SEC. 11042. LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC. TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 is amended by adding at the end the following new paragraph:

“(6) LIMITATION ON INDIVIDUAL DEDUCTIONS FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of an individual and a taxable year beginning after December 31, 2017, and before January 1, 2026—

“(A) foreign real property taxes shall not be taken into account under subsection (a)(1), and

“(B) the aggregate amount of taxes taken into account under paragraphs (1), (2), and (3) of subsection (a) and paragraph (5) of this subsection for any taxable year shall not exceed \$10,000 (\$5,000 in the case of a married individual filing a separate return).

The preceding sentence shall not apply to any foreign taxes described in subsection (a)(3) or to any taxes described in paragraph (1) and (2) of subsection (a) which are paid or accrued in carrying on a trade or business or an activity described in section 212. For purposes of subparagraph (B), an amount paid in a taxable year beginning before January 1, 2018, with respect to a State or local income tax imposed for a taxable year beginning after December 31, 2017, shall be treated as paid on the last day of the taxable year for which such tax is so imposed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 11043. LIMITATION ON DEDUCTION FOR QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Section 163(h)(3) is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(i) IN GENERAL.—In the case of taxable years beginning after December 31, 2017, and before January 1, 2026—

“(I) DISALLOWANCE OF HOME EQUITY INDEBTEDNESS INTEREST.—Subparagraph (A)(ii) shall not apply.

“(II) LIMITATION ON ACQUISITION INDEBTEDNESS.—Subparagraph (B)(ii) shall be applied by substituting ‘\$750,000 (\$375,000)’ for ‘\$1,000,000 (\$500,000)’.

“(III) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE DECEMBER 15, 2017.—Subclause (II) shall not apply to any indebtedness incurred on or before December 15, 2017, and, in applying such subclause to any indebtedness incurred after such date, the limitation under such subclause shall be reduced (but not below zero) by the amount of any indebtedness incurred on or before December 15, 2017, which is treated as acquisition indebtedness for purposes of this subsection for the taxable year.

“(IV) BINDING CONTRACT EXCEPTION.—In the case of a taxpayer who enters into a written binding contract before December 15, 2017, to close on the purchase of a principal residence before January 1, 2018, and who purchases such residence before April 1, 2018, subclause (III) shall be applied by substituting ‘April 1, 2018’ for ‘December 15, 2017’.

“(ii) TREATMENT OF LIMITATION IN TAXABLE YEARS AFTER DECEMBER 31, 2025.—In the case of taxable years beginning after December 31, 2025, the limitation under subparagraph (B)(ii) shall be applied to the aggregate amount of indebtedness of the taxpayer described in subparagraph (B)(i) without regard to the taxable year in which the indebtedness was incurred.

“(iii) TREATMENT OF REFINANCINGS OF INDEBTEDNESS.—

“(I) IN GENERAL.—In the case of any indebtedness which is incurred to refinance indebtedness, such refinanced indebtedness shall be treated for purposes of clause (i)(III) as incurred on the date that the original indebtedness was incurred to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

“(II) LIMITATION ON PERIOD OF REFINANCING.—Subclause (I) shall not apply to any indebtedness after the expiration of the term of the original indebtedness or, if the principal of such original indebtedness is not amortized over its term, the expiration of the term of the 1st refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such 1st refinancing).

“(iv) COORDINATION WITH EXCLUSION OF INCOME FROM DISCHARGE OF INDEBTEDNESS.—Section 108(h)(2) shall be applied without regard to this subparagraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11044. MODIFICATION OF DEDUCTION FOR PERSONAL CASUALTY LOSSES.

(a) IN GENERAL.—Subsection (h) of section 165 is amended by adding at the end the following new paragraph:

“(5) LIMITATION FOR TAXABLE YEARS 2018 THROUGH 2025.—

“(A) IN GENERAL.—In the case of an individual, except as provided in subparagraph (B), any personal casualty loss which (but for this paragraph) would be deductible in a taxable year beginning after December 31, 2017, and before January 1, 2026, shall be allowed as a deduction under subsection (a) only to the extent

it is attributable to a Federally declared disaster (as defined in subsection (i)(5)).

“(B) EXCEPTION RELATED TO PERSONAL CASUALTY GAINS.—If a taxpayer has personal casualty gains for any taxable year to which subparagraph (A) applies—

“(i) subparagraph (A) shall not apply to the portion of the personal casualty loss not attributable to a Federally declared disaster (as so defined) to the extent such loss does not exceed such gains, and

“(ii) in applying paragraph (2) for purposes of subparagraph (A) to the portion of personal casualty loss which is so attributable to such a disaster, the amount of personal casualty gains taken into account under paragraph (2)(A) shall be reduced by the portion of such gains taken into account under clause (i).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses incurred in taxable years beginning after December 31, 2017.

SEC. 11045. SUSPENSION OF MISCELLANEOUS ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Section 67 is amended by adding at the end the following new subsection:

“(g) SUSPENSION FOR TAXABLE YEARS 2018 THROUGH 2025.—Notwithstanding subsection (a), no miscellaneous itemized deduction shall be allowed for any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11046. SUSPENSION OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Section 68 is amended by adding at the end the following new subsection:

“(f) SECTION NOT TO APPLY.—This section shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11047. SUSPENSION OF EXCLUSION FOR QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.

(a) IN GENERAL.—Section 132(f) is amended by adding at the end the following new paragraph:

“(8) SUSPENSION OF QUALIFIED BICYCLE COMMUTING REIMBURSEMENT EXCLUSION.—Paragraph (1)(D) shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11048. SUSPENSION OF EXCLUSION FOR QUALIFIED MOVING EXPENSE REIMBURSEMENT.

(a) IN GENERAL.—Section 132(g) is amended—

(1) by striking “For purposes of this section, the term” and inserting “For purposes of this section—

“(1) IN GENERAL.—The term”, and

(2) by adding at the end the following new paragraph:

“(2) SUSPENSION FOR TAXABLE YEARS 2018 THROUGH 2025.—Except in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station, subsection (a)(6) shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11049. SUSPENSION OF DEDUCTION FOR MOVING EXPENSES.

(a) IN GENERAL.—Section 217 is amended by adding at the end the following new subsection:

“(k) SUSPENSION OF DEDUCTION FOR TAXABLE YEARS 2018 THROUGH 2025.—Except in the case

of an individual to whom subsection (g) applies, this section shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11050. LIMITATION ON WAGERING LOSSES.

(a) IN GENERAL.—Section 165(d) is amended by adding at the end the following: “For purposes of the preceding sentence, in the case of taxable years beginning after December 31, 2017, and before January 1, 2026, the term ‘losses from wagering transactions’ includes any deduction otherwise allowable under this chapter incurred in carrying on any wagering transaction.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11051. REPEAL OF DEDUCTION FOR ALIMONY PAYMENTS.

(a) IN GENERAL.—Part VII of subchapter B is amended by striking by striking section 215 (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.—

(1) CORRESPONDING REPEAL OF PROVISIONS PROVIDING FOR INCLUSION OF ALIMONY IN GROSS INCOME.—

(A) Subsection (a) of section 61 is amended by striking paragraph (8) and by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively.

(B) Part II of subchapter B of chapter 1 is amended by striking section 71 (and by striking the item relating to such section in the table of sections for such part).

(C) Subpart F of part I of subchapter J of chapter 1 is amended by striking section 682 (and by striking the item relating to such section in the table of sections for such subpart).

(2) RELATED TO REPEAL OF SECTION 215.—

(A) Section 62(a) is amended by striking paragraph (10).

(B) Section 3402(m)(1) is amended by striking “(other than paragraph (10) thereof)”

(C) Section 6724(d)(3) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(3) RELATED TO REPEAL OF SECTION 71.—

(A) Section 121(d)(3) is amended—

(i) by striking “(as defined in section 71(b)(2))” in subparagraph (B), and

(ii) by adding at the end the following new subparagraph:

“(C) DIVORCE OR SEPARATION INSTRUMENT.—For purposes of this paragraph, the term ‘divorce or separation instrument’ means—

“(i) a decree of divorce or separate maintenance or a written instrument incident to such a decree,

“(ii) a written separation agreement, or

“(iii) a decree (not described in clause (i)) requiring a spouse to make payments for the support or maintenance of the other spouse.”

(B) Section 152(d)(5) is amended to read as follows:

“(5) SPECIAL RULES FOR SUPPORT.—

“(A) IN GENERAL.—For purposes of this subsection—

“(i) payments to a spouse of alimony or separate maintenance payments shall not be treated as a payment by the payor spouse for the support of any dependent, and

“(ii) in the case of the remarriage of a parent, support of a child received from the parent’s spouse shall be treated as received from the parent.

“(B) ALIMONY OR SEPARATE MAINTENANCE PAYMENT.—For purposes of subparagraph (A), the term ‘alimony or separate maintenance payment’ means any payment in cash if—

“(i) such payment is received by (or on behalf of) a spouse under a divorce or separation instrument (as defined in section 121(d)(3)(C)),

“(ii) in the case of an individual legally separated from the individual’s spouse under a decree of divorce or of separate maintenance, the payee spouse and the payor spouse are not members of the same household at the time such payment is made, and

“(iii) there is no liability to make any such payment for any period after the death of the payee spouse and there is no liability to make any payment (in cash or property) as a substitute for such payments after the death of the payee spouse.”

(C) Section 219(f)(1) is amended by striking the third sentence.

(D) Section 408(f)(7) is amended by striking “subparagraph (A) of section 71(b)(2)” and inserting “clause (i) of section 121(d)(3)(C)”

(E) Section 223(f)(7) is amended by striking “subparagraph (A) of section 71(b)(2)” and inserting “clause (i) of section 121(d)(3)(C)”

(F) Section 382(l)(3)(B)(iii) is amended by striking “section 71(b)(2)” and inserting “section 121(d)(3)(C)”

(G) Section 408(d)(6) is amended by striking “subparagraph (A) of section 71(b)(2)” and inserting “clause (i) of section 121(d)(3)(C)”

(4) ADDITIONAL CONFORMING AMENDMENTS.—Section 7701(a)(17) is amended—

(A) by striking “sections 682 and 2516” and inserting “section 2516”, and

(B) by striking “such sections” each place it appears and inserting “such section”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any divorce or separation instrument (as defined in section 71(b)(2) of the Internal Revenue Code of 1986 as in effect before the date of the enactment of this Act) executed after December 31, 2018, and

(2) any divorce or separation instrument (as so defined) executed on or before such date and modified after such date if the modification expressly provides that the amendments made by this section apply to such modification.

PART VI—INCREASE IN ESTATE AND GIFT TAX EXEMPTION

SEC. 11061. INCREASE IN ESTATE AND GIFT TAX EXEMPTION.

(a) IN GENERAL.—Section 2010(c)(3) is amended by adding at the end the following new subparagraph:

“(C) INCREASE IN BASIC EXCLUSION AMOUNT.—In the case of estates of decedents dying or gifts made after December 31, 2017, and before January 1, 2026, subparagraph (A) shall be applied by substituting ‘\$10,000,000’ for ‘\$5,000,000’.”

(b) CONFORMING AMENDMENT.—Subsection (g) of section 2001 is amended to read as follows:

“(g) MODIFICATIONS TO TAX PAYABLE.—

“(1) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent’s death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(A) the tax imposed by chapter 12 with respect to such gifts, and

“(B) the credit allowed against such tax under section 2505, including in computing—

“(i) the applicable credit amount under section 2505(a)(1), and

“(ii) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

“(2) MODIFICATIONS TO ESTATE TAX PAYABLE TO REFLECT DIFFERENT BASIC EXCLUSION AMOUNTS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section with respect to any difference between—

“(A) the basic exclusion amount under section 2010(c)(3) applicable at the time of the decedent’s death, and

“(B) the basic exclusion amount under such section applicable with respect to any gifts made by the decedent.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2017.

PART VII—EXTENSION OF TIME LIMIT FOR CONTESTING IRS LEVY

SEC. 11071. EXTENSION OF TIME LIMIT FOR CONTESTING IRS LEVY.

(a) **EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.**—Subsection (b) of section 6343 is amended by striking “9 months” and inserting “2 years”.

(b) **PERIOD OF LIMITATION ON SUITS.**—Subsection (c) of section 6532 is amended—

(1) by striking “9 months” in paragraph (1) and inserting “2 years”, and

(2) by striking “9-month” in paragraph (2) and inserting “2-year”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

PART VIII—INDIVIDUAL MANDATE

SEC. 11081. ELIMINATION OF SHARED RESPONSIBILITY PAYMENT FOR INDIVIDUALS FAILING TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

(a) **IN GENERAL.**—Section 5000A(c) is amended—

(1) in paragraph (2)(B)(iii), by striking “2.5 percent” and inserting “Zero percent”, and

(2) in paragraph (3)—

(A) by striking “\$695” in subparagraph (A) and inserting “\$0”, and

(B) by striking subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to months beginning after December 31, 2018.

Subtitle B—Alternative Minimum Tax

SEC. 12001. REPEAL OF TAX FOR CORPORATIONS.

(a) **IN GENERAL.**—Section 55(a) is amended by striking “There” and inserting “In the case of a taxpayer other than a corporation, there”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 38(c)(6) is amended by adding at the end the following new subparagraph:

“(E) **CORPORATIONS.**—In the case of a corporation, this subsection shall be applied by treating the corporation as having a tentative minimum tax of zero.”.

(2) Section 53(d)(2) is amended by inserting “, except that in the case of a corporation, the tentative minimum tax shall be treated as zero” before the period at the end.

(3)(A) Section 55(b)(1) is amended to read as follows:

“(1) **AMOUNT OF TENTATIVE TAX.**—

“(A) **IN GENERAL.**—The tentative minimum tax for the taxable year is the sum of—

“(i) 26 percent of so much of the taxable excess as does not exceed \$175,000, plus

“(ii) 28 percent of so much of the taxable excess as exceeds \$175,000.

The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

“(B) **TAXABLE EXCESS.**—For purposes of this subsection, the term ‘taxable excess’ means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.

“(C) **MARRIED INDIVIDUAL FILING SEPARATE RETURN.**—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting 50 percent of the dollar

amount otherwise applicable under clause (i) and clause (ii) thereof. For purposes of the preceding sentence, marital status shall be determined under section 7703.”.

(B) Section 55(b)(3) is amended by striking “paragraph (1)(A)(i)” and inserting “paragraph (1)(A)”.

(C) Section 59(a) is amended—

(i) by striking “subparagraph (A)(i) or (B)(i) of section 55(b)(1) (whichever applies) in lieu of the highest rate of tax specified in section 1 or 11 (whichever applies)” in paragraph (1)(C) and inserting “section 55(b)(1) in lieu of the highest rate of tax specified in section 1”, and

(ii) in paragraph (2), by striking “means” and all that follows and inserting “means the amount determined under the first sentence of section 55(b)(1)(A)”.

(D) Section 897(a)(2)(A) is amended by striking “section 55(b)(1)(A)” and inserting “section 55(b)(1)”.

(E) Section 911(f) is amended—

(i) in paragraph (1)(B)—

(I) by striking “section 55(b)(1)(A)(ii)” and inserting “section 55(b)(1)(B)”, and

(II) by striking “section 55(b)(1)(A)(i)” and inserting “section 55(b)(1)(A)”, and

(ii) in paragraph (2)(B), by striking “section 55(b)(1)(A)(ii)” each place it appears and inserting “section 55(b)(1)(B)”.

(4) Section 55(c)(1) is amended by striking “, the section 936 credit allowable under section 27(b), and the Puerto Rico economic activity credit under section 30A”.

(5) Section 55(d), as amended by section 11002, is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively,

(B) in paragraph (2) (as so redesignated), by inserting “and” at the end of subparagraph (B), by striking “, and” at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D), and

(C) in paragraph (3) (as so redesignated)—

(i) by striking “(b)(1)(A)(i)” in subparagraph (B)(i) and inserting “(b)(1)(A)”, and

(ii) by striking “paragraph (3)” in subparagraph (B)(iii) and inserting “paragraph (2)”.

(6) Section 55 is amended by striking subsection (e).

(7) Section 56(b)(2) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(8)(A) Section 56 is amended by striking subsections (c) and (g).

(B) Section 847 is amended by striking the last sentence of paragraph (9).

(C) Section 848 is amended by striking subsection (i).

(9) Section 58(a) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(10) Section 59 is amended by striking subsections (b) and (f).

(11) Section 11(d) is amended by striking “the taxes imposed by subsection (a) and section 55” and inserting “the tax imposed by subsection (a)”.

(12) Section 12 is amended by striking paragraph (7).

(13) Section 168(k) is amended by striking paragraph (4).

(14) Section 882(a)(1) is amended by striking “, 55,”.

(15) Section 962(a)(1) is amended by striking “sections 11 and 55” and inserting “section 11”.

(16) Section 1561(a) is amended—

(A) by inserting “and” at the end of paragraph (1), by striking “, and” at the end of paragraph (2) and inserting a period, and by striking paragraph (3), and

(B) by striking the last sentence.

(17) Section 6425(c)(1)(A) is amended to read as follows:

“(A) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over”.

(18) Section 6655(e)(2) is amended by striking “and alternative minimum taxable income” each place it appears in subparagraphs (A) and (B)(i).

(19) Section 6655(g)(1)(A) is amended by inserting “plus” at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 12002. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY OF CORPORATIONS.

(a) **CREDITS TREATED AS REFUNDABLE.**—Section 53 is amended by adding at the end the following new subsection:

“(e) **PORTION OF CREDIT TREATED AS REFUNDABLE.**—

“(1) **IN GENERAL.**—In the case of any taxable year of a corporation beginning in 2018, 2019, 2020, or 2021, the limitation under subsection (c) shall be increased by the AMT refundable credit amount for such year.

“(2) **AMT REFUNDABLE CREDIT AMOUNT.**—For purposes of paragraph (1), the AMT refundable credit amount is an amount equal to 50 percent (100 percent in the case of a taxable year beginning in 2021) of the excess (if any) of—

“(A) the minimum tax credit determined under subsection (b) for the taxable year, over

“(B) the minimum tax credit allowed under subsection (a) for such year (before the application of this subsection for such year).

“(3) **CREDIT REFUNDABLE.**—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as a credit allowed under subpart C (and not this subpart).

“(4) **SHORT TAXABLE YEARS.**—In the case of any taxable year of less than 365 days, the AMT refundable credit amount determined under paragraph (2) with respect to such taxable year shall be the amount which bears the same ratio to such amount determined without regard to this paragraph as the number of days in such taxable year bears to 365.”.

(b) **TREATMENT OF REFERENCES.**—Section 53(d) is amended by adding at the end the following new paragraph:

“(3) **AMT TERM REFERENCES.**—In the case of a corporation, any references in this subsection to section 55, 56, or 57 shall be treated as a reference to such section as in effect before the amendments made by Tax Cuts and Jobs Act.”.

(c) **CONFORMING AMENDMENT.**—Section 1374(b)(3)(B) is amended by striking the last sentence thereof.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to taxation years beginning after December 31, 2017.

(2) **CONFORMING AMENDMENT.**—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2021.

SEC. 12003. INCREASED EXEMPTION FOR INDIVIDUALS.

(a) **IN GENERAL.**—Section 55(d), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

“(4) **SPECIAL RULE FOR TAXABLE YEARS BEGINNING AFTER 2017 AND BEFORE 2026.**—

“(A) **IN GENERAL.**—In the case of any taxable year beginning after December 31, 2017, and before January 1, 2026—

“(i) paragraph (1) shall be applied—

“(I) by substituting ‘\$109,400’ for ‘\$78,750’ in subparagraph (A), and

“(II) by substituting ‘\$70,300’ for ‘\$50,600’ in subparagraph (B), and

“(ii) paragraph (2) shall be applied—

“(I) by substituting ‘\$1,000,000’ for ‘\$150,000’ in subparagraph (A),

“(II) by substituting ‘50 percent of the dollar amount applicable under subparagraph (A)’ for ‘\$112,500’ in subparagraph (B), and

“(III) in the case of a taxpayer described in paragraph (1)(D), without regard to the substitution under subclause (I).

“(B) INFLATION ADJUSTMENT.—

“(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2018, the amounts described in clause (ii) shall each be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(ii) AMOUNTS DESCRIBED.—The amounts described in this clause are the \$109,400 amount in subparagraph (A)(i)(I), the \$70,300 amount in subparagraph (A)(i)(II), and the \$1,000,000 amount in subparagraph (A)(ii)(I).

“(iii) ROUNDING.—Any increased amount determined under clause (i) shall be rounded to the nearest multiple of \$100.

“(iv) COORDINATION WITH CURRENT ADJUSTMENTS.—In the case of any taxable year to which subparagraph (A) applies, no adjustment shall be made under paragraph (3) to any of the numbers which are substituted under subparagraph (A) and adjusted under this subparagraph.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

Subtitle C—Business-related Provisions PART I—CORPORATE PROVISIONS

SEC. 13001. 21-PERCENT CORPORATE TAX RATE.

(a) IN GENERAL.—Subsection (b) of section 11 is amended to read as follows:

“(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be 21 percent of taxable income.”

(b) CONFORMING AMENDMENTS.—

(I) The following sections are each amended by striking “section 11(b)(1)” and inserting “section 11(b)”:

(A) Section 280C(c)(3)(B)(ii)(II).

(B) Paragraphs (2)(B) and (6)(A)(ii) of section 860E(e).

(C) Section 7874(e)(1)(B).

(2)(A) Part I of subchapter P of chapter 1 is amended by striking section 1201 (and by striking the item relating to such section in the table of sections for such part).

(B) Section 12 is amended by striking paragraphs (4) and (6), and by redesignating paragraph (5) as paragraph (4).

(C) Section 453A(c)(3) is amended by striking “or 1201 (whichever is appropriate)”.

(D) Section 527(b) is amended—

(i) by striking paragraph (2), and

(ii) by striking all that precedes “is hereby imposed” and inserting:

“(b) TAX IMPOSED.—A tax”.

(E) Sections 594(a) is amended by striking “taxes imposed by section 11 or 1201(a)” and inserting “tax imposed by section 11”.

(F) Section 691(c)(4) is amended by striking “1201.”

(G) Section 801(a) is amended—

(i) by striking paragraph (2), and

(ii) by striking all that precedes “is hereby imposed” and inserting:

“(a) TAX IMPOSED.—A tax”.

(H) Section 831(e) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(I) Sections 832(c)(5) and 834(b)(1)(D) are each amended by striking “sec. 1201 and following.”

(J) Section 852(b)(3)(A) is amended by striking “section 1201(a)” and inserting “section 11(b)”.

(K) Section 857(b)(3) is amended—

(i) by striking subparagraph (A) and redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively,

(ii) in subparagraph (C), as so redesignated—

(I) by striking “subparagraph (A)(ii)” in clause (i) thereof and inserting “paragraph (1)”

(II) by striking “the tax imposed by subparagraph (A)(ii)” in clauses (ii) and (iv) thereof and inserting “the tax imposed by paragraph (1) on undistributed capital gain”

(iii) in subparagraph (E), as so redesignated, by striking “subparagraph (B) or (D)” and inserting “subparagraph (A) or (C)”

(iv) by adding at the end the following new subparagraph:

“(F) UNDISTRIBUTED CAPITAL GAIN.—For purposes of this paragraph, the term ‘undistributed capital gain’ means the excess of the net capital gain over the deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only.”

(L) Section 882(a)(1), as amended by section 12001, is further amended by striking “or 1201(a)”

(M) Section 904(b) is amended—

(i) by striking “or 1201(a)” in paragraph (2)(C),

(ii) by striking paragraph (3)(D) and inserting the following:

“(D) CAPITAL GAIN RATE DIFFERENTIAL.—There is a capital gain rate differential for any year if subsection (h) of section 1 applies to such taxable year.”

(iii) by striking paragraph (3)(E) and inserting the following:

“(E) RATE DIFFERENTIAL PORTION.—The rate differential portion of foreign source net capital gain, net capital gain, or the excess of net capital gain from sources within the United States over net capital gain, as the case may be, is the same proportion of such amount as—

“(i) the excess of—

“(I) the highest rate of tax set forth in subsection (a), (b), (c), (d), or (e) of section 1 (whichever applies), over

“(II) the alternative rate of tax determined under section 1(h), bears to

“(ii) that rate referred to in subclause (I).”

(N) Section 1374(b) is amended by striking paragraph (4).

(O) Section 1381(b) is amended by striking “taxes imposed by section 11 or 1201” and inserting “tax imposed by section 11”.

(P) Sections 6425(c)(1)(A), as amended by section 12001, and 6655(g)(1)(A)(i) are each amended by striking “or 1201(a)”.

(Q) Section 7518(g)(6)(A) is amended by striking “or 1201(a)”.

(3)(A) Section 1445(e)(1) is amended—

(i) by striking “35 percent” and inserting “the highest rate of tax in effect for the taxable year under section 11(b)”

(ii) by striking “of the gain” and inserting “multiplied by the gain”.

(B) Section 1445(e)(2) is amended by striking “35 percent of the amount” and inserting “the highest rate of tax in effect for the taxable year under section 11(b) multiplied by the amount”.

(C) Section 1445(e)(6) is amended—

(i) by striking “35 percent” and inserting “the highest rate of tax in effect for the taxable year under section 11(b)”

(ii) by striking “of the amount” and inserting “multiplied by the amount”.

(D) Section 1446(b)(2)(B) is amended by striking “section 11(b)(1)” and inserting “section 11(b)”.

(4) Section 852(b)(1) is amended by striking the last sentence.

(5)(A) Part I of subchapter B of chapter 5 is amended by striking section 1551 (and by striking the item relating to such section in the table of sections for such part).

(B) Section 535(c)(5) is amended to read as follows:

“(5) CROSS REFERENCE.—For limitation on credit provided in paragraph (2) or (3) in the case of certain controlled corporations, see section 1561.”

(6)(A) Section 1561, as amended by section 12001, is amended to read as follows:

“SEC. 1561. LIMITATION ON ACCUMULATED EARNINGS CREDIT IN THE CASE OF CERTAIN CONTROLLED CORPORATIONS.

“(a) IN GENERAL.—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to one \$250,000 (\$150,000 if any component member is a corporation described in section 535(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3). Such amount shall be divided equally among the component members of such group on such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amount.

“(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a) with respect to such group, divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.”

(B) The table of sections for part II of subchapter B of chapter 5 is amended by striking the item relating to section 1561 and inserting the following new item:

“Sec. 1561. Limitation on accumulated earnings credit in the case of certain controlled corporations.”

(7) Section 7518(g)(6)(A) is amended—

(A) by striking “With respect to the portion” and inserting “In the case of a taxpayer other than a corporation, with respect to the portion”

(B) by striking “(34 percent in the case of a corporation)”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2017.

(2) WITHHOLDING.—The amendments made by subsection (b)(3) shall apply to distributions made after December 31, 2017.

(3) CERTAIN TRANSFERS.—The amendments made by subsection (b)(6) shall apply to transfers made after December 31, 2017.

(d) NORMALIZATION REQUIREMENTS.—

(1) IN GENERAL.—A normalization method of accounting shall not be treated as being used with respect to any public utility property for purposes of section 167 or 168 of the Internal Revenue Code of 1986 if the taxpayer, in computing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, reduces the excess tax reserve more rapidly or to a greater extent than such reserve would be reduced under the average rate assumption method.

(2) ALTERNATIVE METHOD FOR CERTAIN TAXPAYERS.—If, as of the first day of the taxable year that includes the date of enactment of this Act—

(A) the taxpayer was required by a regulatory agency to compute depreciation for public utility property on the basis of an average life or composite rate method, and

(B) the taxpayer's books and underlying records did not contain the vintage account data necessary to apply the average rate assumption method, the taxpayer will be treated as using a normalization method of accounting if, with respect to such jurisdiction, the taxpayer uses the alternative method for public utility property that is subject to the regulatory authority of that jurisdiction.

(3) **DEFINITIONS.**—For purposes of this subsection—

(A) **EXCESS TAX RESERVE.**—The term “excess tax reserve” means the excess of—

(i) the reserve for deferred taxes (as described in section 168(i)(9)(A)(ii) of the Internal Revenue Code of 1986) as of the day before the corporate rate reductions provided in the amendments made by this section take effect, over

(ii) the amount which would be the balance in such reserve if the amount of such reserve were determined by assuming that the corporate rate reductions provided in this Act were in effect for all prior periods.

(B) **AVERAGE RATE ASSUMPTION METHOD.**—The average rate assumption method is the method under which the excess in the reserve for deferred taxes is reduced over the remaining lives of the property as used in its regulated books of account which gave rise to the reserve for deferred taxes. Under such method, during the time period in which the timing differences for the property reverse, the amount of the adjustment to the reserve for the deferred taxes is calculated by multiplying—

(i) the ratio of the aggregate deferred taxes for the property to the aggregate timing differences for the property as of the beginning of the period in question, by

(ii) the amount of the timing differences which reverse during such period.

(C) **ALTERNATIVE METHOD.**—The “alternative method” is the method in which the taxpayer—

(i) computes the excess tax reserve on all public utility property included in the plant account on the basis of the weighted average life or composite rate used to compute depreciation for regulatory purposes, and

(ii) reduces the excess tax reserve ratably over the remaining regulatory life of the property.

(4) **TAX INCREASED FOR NORMALIZATION VIOLATION.**—If, for any taxable year ending after the date of the enactment of this Act, the taxpayer does not use a normalization method of accounting for the corporate rate reductions provided in the amendments made by this section—

(A) the taxpayer's tax for the taxable year shall be increased by the amount by which it reduces its excess tax reserve more rapidly than permitted under a normalization method of accounting, and

(B) such taxpayer shall not be treated as using a normalization method of accounting for purposes of subsections (f)(2) and (i)(9)(C) of section 168 of the Internal Revenue Code of 1986.

SEC. 13002. REDUCTION IN DIVIDEND RECEIVED DEDUCTIONS TO REFLECT LOWER CORPORATE INCOME TAX RATES.

(a) **DIVIDENDS RECEIVED BY CORPORATIONS.**—

(1) **IN GENERAL.**—Section 243(a)(1) is amended by striking “70 percent” and inserting “50 percent”.

(2) **DIVIDENDS FROM 20-PERCENT OWNED CORPORATIONS.**—Section 243(c)(1) is amended—

(A) by striking “80 percent” and inserting “65 percent”, and

(B) by striking “70 percent” and inserting “50 percent”.

(3) **CONFORMING AMENDMENT.**—The heading for section 243(c) is amended by striking “RETENTION OF 80-PERCENT DIVIDEND RECEIVED DEDUCTION” and inserting “INCREASED PERCENTAGE”.

(b) **DIVIDENDS RECEIVED FROM FSC.**—Section 245(c)(1)(B) is amended—

(1) by striking “70 percent” and inserting “50 percent”, and

(2) by striking “80 percent” and inserting “65 percent”.

(c) **LIMITATION ON AGGREGATE AMOUNT OF DEDUCTIONS.**—Section 246(b)(3) is amended—

(1) by striking “80 percent” in subparagraph (A) and inserting “65 percent”, and

(2) by striking “70 percent” in subparagraph (B) and inserting “50 percent”.

(d) **REDUCTION IN DEDUCTION WHERE PORTFOLIO STOCK IS DEBT-FINANCED.**—Section 246A(a)(1) is amended—

(1) by striking “70 percent” and inserting “50 percent”, and

(2) by striking “80 percent” and inserting “65 percent”.

(e) **INCOME FROM SOURCES WITHIN THE UNITED STATES.**—Section 861(a)(2) is amended—

(1) by striking “100/70th” and inserting “100/50th” in subparagraph (B), and

(2) in the flush sentence at the end—

(A) by striking “100/80th” and inserting “100/65th”, and

(B) by striking “100/70th” and inserting “100/50th”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

PART II—SMALL BUSINESS REFORMS

SEC. 13101. MODIFICATIONS OF RULES FOR EXPENSING DEPRECIABLE BUSINESS ASSETS.

(a) **INCREASE IN LIMITATION.**—

(1) **DOLLAR LIMITATION.**—Section 179(b)(1) is amended by striking “\$500,000” and inserting “\$1,000,000”.

(2) **REDUCTION IN LIMITATION.**—Section 179(b)(2) is amended by striking “\$2,000,000” and inserting “\$2,500,000”.

(3) **INFLATION ADJUSTMENTS.**—

(A) **IN GENERAL.**—Subparagraph (A) of section 179(b)(6), as amended by section 11002(d), is amended—

(i) by striking “2015” and inserting “2018”, and

(ii) in clause (ii), by striking “calendar year 2014” and inserting “calendar year 2017”.

(B) **SPORT UTILITY VEHICLES.**—Section 179(b)(6) is amended—

(i) in subparagraph (A), by striking “paragraphs (1) and (2)” and inserting “paragraphs (1), (2), and (5)(A)”, and

(ii) in subparagraph (B), by inserting “(\$100 in the case of any increase in the amount under paragraph (5)(A))” after “\$10,000”.

(b) **Section 179 Property To Include Qualified Real Property.**—

(1) **IN GENERAL.**—Subparagraph (B) of section 179(d)(1) is amended to read as follows:

“(B) which is—

“(i) section 1245 property (as defined in section 1245(a)(3)), or

“(ii) at the election of the taxpayer, qualified real property (as defined in subsection (f)), and”.

(2) **QUALIFIED REAL PROPERTY DEFINED.**—Subsection (f) of section 179 is amended to read as follows:

“(f) **QUALIFIED REAL PROPERTY.**—For purposes of this section, the term ‘qualified real property’ means—

“(1) any qualified improvement property described in section 168(e)(6), and

“(2) any of the following improvements to nonresidential real property placed in service after the date such property was first placed in service:

“(A) Roofs.

“(B) Heating, ventilation, and air-conditioning property.

“(C) Fire protection and alarm systems.

“(D) Security systems.”.

(c) **REPEAL OF EXCLUSION FOR CERTAIN PROPERTY.**—The last sentence of section 179(d)(1) is

amended by inserting “(other than paragraph (2) thereof)” after “section 50(b)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 2017.

SEC. 13102. SMALL BUSINESS ACCOUNTING METHOD REFORM AND SIMPLIFICATION.

(a) **MODIFICATION OF LIMITATION ON CASH METHOD OF ACCOUNTING.**—

(1) **INCREASED LIMITATION.**—So much of section 448(c) as precedes paragraph (2) is amended to read as follows:

“(c) **GROSS RECEIPTS TEST.**—For purposes of this section—

“(1) **IN GENERAL.**—A corporation or partnership meets the gross receipts test of this subsection for any taxable year if the average annual gross receipts of such entity for the 3-taxable-year period ending with the taxable year which precedes such taxable year does not exceed \$25,000,000.”.

(2) **APPLICATION OF EXCEPTION ON ANNUAL BASIS.**—Section 448(b)(3) is amended to read as follows:

“(3) **ENTITIES WHICH MEET GROSS RECEIPTS TEST.**—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if such entity (or any predecessor) meets the gross receipts test of subsection (c) for such taxable year.”.

(3) **INFLATION ADJUSTMENT.**—Section 448(c) is amended by adding at the end the following new paragraph:

“(4) **ADJUSTMENT FOR INFLATION.**—In the case of any taxable year beginning after December 31, 2018, the dollar amount in paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$1,000,000, such amount shall be rounded to the nearest multiple of \$1,000,000.”.

(4) **COORDINATION WITH SECTION 481.**—Section 448(d)(7) is amended to read as follows:

“(7) **COORDINATION WITH SECTION 481.**—Any change in method of accounting made pursuant to this section shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(5) **APPLICATION OF EXCEPTION TO CORPORATIONS ENGAGED IN FARMING.**—

(A) **IN GENERAL.**—Section 447(c) is amended—

(i) by inserting “for any taxable year” after “not being a corporation” in the matter preceding paragraph (1), and

(ii) by amending paragraph (2) to read as follows:

“(2) a corporation which meets the gross receipts test of section 448(c) for such taxable year.”.

(B) **COORDINATION WITH SECTION 481.**—Section 447(f) is amended to read as follows:

“(f) **COORDINATION WITH SECTION 481.**—Any change in method of accounting made pursuant to this section shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(C) **CONFORMING AMENDMENTS.**—Section 447 is amended—

(i) by striking subsections (d), (e), (h), and (i), and

(ii) by redesignating subsections (f) and (g) (as amended by subparagraph (B)) as subsections (d) and (e), respectively.

(b) **EXEMPTION FROM UNICAP REQUIREMENTS.**—

(1) **IN GENERAL.**—Section 263A is amended by redesignating subsection (i) as subsection (j) and

by inserting after subsection (h) the following new subsection:

“(i) EXEMPTION FOR CERTAIN SMALL BUSINESSES.—

“(1) IN GENERAL.—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year, this section shall not apply with respect to such taxpayer for such taxable year.

“(2) APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.—In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

“(3) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to this subsection shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(2) CONFORMING AMENDMENT.—Section 263A(b)(2) is amended to read as follows:

“(2) PROPERTY ACQUIRED FOR RESALE.—Real or personal property described in section 1221(a)(1) which is acquired by the taxpayer for resale.”.

(c) EXEMPTION FROM INVENTORIES.—Section 471 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) EXEMPTION FOR CERTAIN SMALL BUSINESSES.—

“(1) IN GENERAL.—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year—

“(A) subsection (a) shall not apply with respect to such taxpayer for such taxable year, and

“(B) the taxpayer’s method of accounting for inventory for such taxable year shall not be treated as failing to clearly reflect income if such method either—

“(i) treats inventory as non-incidental materials and supplies, or

“(ii) conforms to such taxpayer’s method of accounting reflected in an applicable financial statement of the taxpayer with respect to such taxable year or, if the taxpayer does not have any applicable financial statement with respect to such taxable year, the books and records of the taxpayer prepared in accordance with the taxpayer’s accounting procedures.

“(2) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection, the term ‘applicable financial statement’ has the meaning given the term in section 451(b)(3).

“(3) APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.—In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

“(4) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to this subsection shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.”.

(d) EXEMPTION FROM PERCENTAGE COMPLETION FOR LONG-TERM CONTRACTS.—

(1) IN GENERAL.—Section 460(e)(1)(B) is amended—

(A) by inserting “(other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3))” after “taxpayer” in the matter preceding clause (i), and

(B) by amending clause (ii) to read as follows:

“(ii) who meets the gross receipts test of section 448(c) for the taxable year in which such contract is entered into.”.

(2) CONFORMING AMENDMENTS.—Section 460(e) is amended by striking paragraphs (2) and (3), by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) RULES RELATED TO GROSS RECEIPTS TEST.—

“(A) APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.—For purposes of paragraph (1)(B)(ii), in the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

“(B) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to paragraph (1)(B)(ii) shall be treated as initiated by the taxpayer and made with the consent of the Secretary. Such change shall be effected on a cut-off basis for all similarly classified contracts entered into on or after the year of change.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) PRESERVATION OF SUSPENSE ACCOUNT RULES WITH RESPECT TO ANY EXISTING SUSPENSE ACCOUNTS.—So much of the amendments made by subsection (a)(5)(C) as relate to section 447(i) of the Internal Revenue Code of 1986 shall not apply with respect to any suspense account established under such section before the date of the enactment of this Act.

(3) EXEMPTION FROM PERCENTAGE COMPLETION FOR LONG-TERM CONTRACTS.—The amendments made by subsection (d) shall apply to contracts entered into after December 31, 2017, in taxable years ending after such date.

PART III—COST RECOVERY AND ACCOUNTING METHODS

Subpart A—Cost Recovery

SEC. 13201. TEMPORARY 100-PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.

(a) INCREASED EXPENSING.—

(1) IN GENERAL.—Section 168(k) is amended—

(A) in paragraph (1)(A), by striking “50 percent” and inserting “the applicable percentage”, and

(B) in paragraph (5)(A)(i), by striking “50 percent” and inserting “the applicable percentage”.

(2) APPLICABLE PERCENTAGE.—Paragraph (6) of section 168(k) is amended to read as follows:

“(6) APPLICABLE PERCENTAGE.—For purposes of this subsection—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘applicable percentage’ means—

“(i) in the case of property placed in service after September 27, 2017, and before January 1, 2023, 100 percent,

“(ii) in the case of property placed in service after December 31, 2022, and before January 1, 2024, 80 percent,

“(iii) in the case of property placed in service after December 31, 2023, and before January 1, 2025, 60 percent,

“(iv) in the case of property placed in service after December 31, 2024, and before January 1, 2026, 40 percent, and

“(v) in the case of property placed in service after December 31, 2025, and before January 1, 2027, 20 percent.

“(B) RULE FOR PROPERTY WITH LONGER PRODUCTION PERIODS.—In the case of property described in subparagraph (B) or (C) of paragraph (2), the term ‘applicable percentage’ means—

“(i) in the case of property placed in service after September 27, 2017, and before January 1, 2024, 100 percent,

“(ii) in the case of property placed in service after December 31, 2023, and before January 1, 2025, 80 percent,

“(iii) in the case of property placed in service after December 31, 2024, and before January 1, 2026, 60 percent,

“(iv) in the case of property placed in service after December 31, 2025, and before January 1, 2027, 40 percent, and

“(v) in the case of property placed in service after December 31, 2026, and before January 1, 2028, 20 percent.

“(C) RULE FOR PLANTS BEARING FRUITS AND NUTS.—In the case of a specified plant described in paragraph (5), the term ‘applicable percentage’ means—

“(i) in the case of a plant which is planted or grafted after September 27, 2017, and before January 1, 2023, 100 percent,

“(ii) in the case of a plant which is planted or grafted after December 31, 2022, and before January 1, 2024, 80 percent,

“(iii) in the case of a plant which is planted or grafted after December 31, 2023, and before January 1, 2025, 60 percent,

“(iv) in the case of a plant which is planted or grafted after December 31, 2024, and before January 1, 2026, 40 percent, and

“(v) in the case of a plant which is planted or grafted after December 31, 2025, and before January 1, 2027, 20 percent.”.

(3) CONFORMING AMENDMENT.—

(A) Paragraph (5) of section 168(k) is amended by striking subparagraph (F).

(B) Section 168(k) is amended by adding at the end the following new paragraph:

“(8) PHASE DOWN.—In the case of qualified property acquired by the taxpayer before September 28, 2017, and placed in service by the taxpayer after September 27, 2017, paragraph (6) shall be applied by substituting for each percentage therein—

“(A) ‘50 percent’ in the case of—

“(i) property placed in service before January 1, 2018, and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2018,

“(B) ‘40 percent’ in the case of—

“(i) property placed in service in 2018 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2019,

“(C) ‘30 percent’ in the case of—

“(i) property placed in service in 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2020, and

“(D) ‘0 percent’ in the case of—

“(i) property placed in service after 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

“(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service after 2020.”.

(b) EXTENSION.—

(1) IN GENERAL.—Section 168(k) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(iii), clauses (i)(III) and (ii) of subparagraph (B), and subparagraph (E)(i), by striking “January 1, 2020” each place it appears and inserting “January 1, 2027”, and

(ii) in subparagraph (B)—

(I) in clause (i)(II), by striking “January 1, 2021” and inserting “January 1, 2028”, and

(II) in the heading of clause (ii), by striking “PRE-JANUARY 1, 2020” and inserting “PRE-JANUARY 1, 2027”, and

(B) in paragraph (5)(A), by striking “January 1, 2020” and inserting “January 1, 2027”.

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 460(c)(6)(B) is amended by striking “January 1, 2020 (January 1, 2021)” and inserting “January 1, 2027 (January 1, 2028)”.

(B) The heading of section 168(k) is amended by striking “ACQUIRED AFTER DECEMBER 31, 2007, AND BEFORE JANUARY 1, 2020”.

(c) APPLICATION TO USED PROPERTY.—

(1) IN GENERAL.—Section 168(k)(2)(A)(ii) is amended to read as follows:

“(ii) the original use of which begins with the taxpayer or the acquisition of which by the taxpayer meets the requirements of clause (ii) of subparagraph (E), and”.

(2) ACQUISITION REQUIREMENTS.—Section 168(k)(2)(E)(ii) is amended to read as follows:

“(ii) ACQUISITION REQUIREMENTS.—An acquisition of property meets the requirements of this clause if—

“(I) such property was not used by the taxpayer at any time prior to such acquisition, and

“(II) the acquisition of such property meets the requirements of paragraphs (2)(A), (2)(B), (2)(C), and (3) of section 179(d).”.

(3) ANTI-ABUSE RULES.—Section 168(k)(2)(E) is further amended by amending clause (iii)(I) to read as follows:

“(I) property is used by a lessor of such property and such use is the lessor’s first use of such property.”.

(d) EXCEPTION FOR CERTAIN PROPERTY.—Section 168(k), as amended by this section, is amended by adding at the end the following new paragraph:

“(9) EXCEPTION FOR CERTAIN PROPERTY.—The term ‘qualified property’ shall not include—

“(A) any property which is primarily used in a trade or business described in clause (iv) of section 163(j)(7)(A), or

“(B) any property used in a trade or business that has had floor plan financing indebtedness (as defined in paragraph (9) of section 163(j)), if the floor plan financing interest related to such indebtedness was taken into account under paragraph (1)(C) of such section.”.

(e) SPECIAL RULE.—Section 168(k), as amended by this section, is amended by adding at the end the following new paragraph:

“(10) SPECIAL RULE FOR PROPERTY PLACED IN SERVICE DURING CERTAIN PERIODS.—

“(A) IN GENERAL.—In the case of qualified property placed in service by the taxpayer during the first taxable year ending after September 27, 2017, if the taxpayer elects to have this paragraph apply for such taxable year, paragraphs (1)(A) and (5)(A)(i) shall be applied by substituting ‘50 percent’ for ‘the applicable percentage’.

“(B) FORM OF ELECTION.—Any election under this paragraph shall be made at such time and in such form and manner as the Secretary may prescribe.”.

(f) COORDINATION WITH SECTION 280F.—Clause (iii) of section 168(k)(2)(F) is amended by striking “placed in service by the taxpayer after December 31, 2017” and inserting “acquired by the taxpayer before September 28, 2017, and placed in service by the taxpayer after September 27, 2017”.

(g) QUALIFIED FILM AND TELEVISION AND LIVE THEATRICAL PRODUCTIONS.—

(1) IN GENERAL.—Clause (i) of section 168(k)(2)(A), as amended by section 13204, is amended—

(A) in subclause (II), by striking “or”,

(B) in subclause (III), by adding “or” after the comma, and

(C) by adding at the end the following:

“(IV) which is a qualified film or television production (as defined in subsection (d) of section 181) for which a deduction would have been

allowable under section 181 without regard to subsections (a)(2) and (g) of such section or this subsection, or

“(V) which is a qualified live theatrical production (as defined in subsection (e) of section 181) for which a deduction would have been allowable under section 181 without regard to subsections (a)(2) and (g) of such section or this subsection.”.

(2) PRODUCTION PLACED IN SERVICE.—Paragraph (2) of section 168(k) is amended by adding at the end the following:

“(H) PRODUCTION PLACED IN SERVICE.—For purposes of subparagraph (A)—

“(i) a qualified film or television production shall be considered to be placed in service at the time of initial release or broadcast, and

“(ii) a qualified live theatrical production shall be considered to be placed in service at the time of the initial live staged performance.”.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to property which—

(A) is acquired after September 27, 2017, and

(B) is placed in service after such date.

For purposes of the preceding sentence, property shall not be treated as acquired after the date on which a written binding contract is entered into for such acquisition.

(2) SPECIFIED PLANTS.—The amendments made by this section shall apply to specified plants planted or grafted after September 27, 2017.

SEC. 13202. MODIFICATIONS TO DEPRECIATION LIMITATIONS ON LUXURY AUTOMOBILES AND PERSONAL USE PROPERTY.

(a) LUXURY AUTOMOBILES.—

(1) IN GENERAL.—280F(a)(1)(A) is amended—

(A) in clause (i), by striking “\$2,560” and inserting “\$10,000”,

(B) in clause (ii), by striking “\$4,100” and inserting “\$16,000”,

(C) in clause (iii), by striking “\$2,450” and inserting “\$9,600”, and

(D) in clause (iv), by striking “\$1,475” and inserting “\$5,760”.

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 280F(a)(1)(B) is amended by striking “\$1,475” in the text and heading and inserting “\$5,760”.

(B) Paragraph (7) of section 280F(d) is amended—

(i) in subparagraph (A), by striking “1988” and inserting “2018”, and

(ii) in subparagraph (B)(i)(II), by striking “1987” and inserting “2017”.

(b) REMOVAL OF COMPUTER EQUIPMENT FROM LISTED PROPERTY.—

(1) IN GENERAL.—Section 280F(d)(4)(A) is amended—

(A) by inserting “and” at the end of clause (iii),

(B) by striking clause (iv), and

(C) by redesignating clause (v) as clause (iv).

(2) CONFORMING AMENDMENT.—Section 280F(d)(4) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017, in taxable years ending after such date.

SEC. 13203. MODIFICATIONS OF TREATMENT OF CERTAIN FARM PROPERTY.

(a) TREATMENT OF CERTAIN FARM PROPERTY AS 5-YEAR PROPERTY.—Clause (vii) of section 168(e)(3)(B) is amended by striking “after December 31, 2008, and which is placed in service before January 1, 2010” and inserting “after December 31, 2017”.

(b) REPEAL OF REQUIRED USE OF 150-PERCENT DECLINING BALANCE METHOD.—Section 168(b)(2) is amended by striking subparagraph (B) and by

redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017, in taxable years ending after such date.

SEC. 13204. APPLICABLE RECOVERY PERIOD FOR REAL PROPERTY.

(a) IMPROVEMENTS TO REAL PROPERTY.—

(1) ELIMINATION OF QUALIFIED LEASEHOLD IMPROVEMENT, QUALIFIED RESTAURANT, AND QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Subsection (e) of section 168 is amended—

(A) in subparagraph (E) of paragraph (3)—

(i) by striking clauses (iv), (v), and (ix),

(ii) in clause (vii), by inserting “and” at the end,

(iii) in clause (viii), by striking “, and” and inserting a period, and

(iv) by redesignating clauses (vi), (vii), and (viii), as so amended, as clauses (iv), (v), and (vi), respectively, and

(B) by striking paragraphs (6), (7), and (8).

(2) APPLICATION OF STRAIGHT LINE METHOD TO QUALIFIED IMPROVEMENT PROPERTY.—Paragraph (3) of section 168(b) is amended—

(A) by striking subparagraphs (G), (H), and (I), and

(B) by inserting after subparagraph (F) the following new subparagraph:

“(G) Qualified improvement property described in subsection (e)(6).”.

(3) ALTERNATIVE DEPRECIATION SYSTEM.—

(A) ELECTING REAL PROPERTY TRADE OR BUSINESS.—Subsection (g) of section 168 is amended—

(i) in paragraph (1)—

(I) in subparagraph (D), by striking “and” at the end,

(II) in subparagraph (E), by inserting “and” at the end, and

(III) by inserting after subparagraph (E) the following new subparagraph:

“(F) any property described in paragraph (8).”, and

(ii) by adding at the end the following new paragraph:

“(8) ELECTING REAL PROPERTY TRADE OR BUSINESS.—The property described in this paragraph shall consist of any nonresidential real property, residential rental property, and qualified improvement property held by an electing real property trade or business (as defined in 163(j)(7)(B)).”.

(B) QUALIFIED IMPROVEMENT PROPERTY.—The table contained in subparagraph (B) of section 168(g)(3) is amended—

(i) by inserting after the item relating to subparagraph (D)(ii) the following new item:

“(D)(v) 20”

, and

(ii) by striking the item relating to subparagraph (E)(iv) and all that follows through the item relating to subparagraph (E)(ix) and inserting the following:

“(E)(iv) 20

(E)(v) 30

(E)(vi) 35”.

(C) APPLICABLE RECOVERY PERIOD FOR RESIDENTIAL RENTAL PROPERTY.—The table contained in subparagraph (C) of section 168(g)(2) is amended by striking clauses (iii) and (iv) and inserting the following:

“(iii) Residential rental property 30 years

(iv) Nonresidential real property .. 40 years

(v) Any railroad grading or tunnel bore or water utility property 50 years”.

(4) CONFORMING AMENDMENTS.—

(A) Clause (i) of section 168(k)(2)(A) is amended—

(i) in subclause (II), by inserting “or” after the comma,

(ii) in subclause (III), by striking “or” at the end, and

(iii) by striking subclause (IV).

(B) Section 168 is amended—

(i) in subsection (e), as amended by paragraph (1)(B), by adding at the end the following:

“(6) QUALIFIED IMPROVEMENT PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified improvement property’ means any improvement to an interior portion of a building which is non-residential real property if such improvement is placed in service after the date such building was first placed in service.

“(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator, or

“(iii) the internal structural framework of the building.”, and

(ii) in subsection (k), by striking paragraph (3).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2017.

(2) AMENDMENTS RELATED TO ELECTING REAL PROPERTY TRADE OR BUSINESS.—The amendments made by subsection (a)(3)(A) shall apply to taxable years beginning after December 31, 2017.

SEC. 13205. USE OF ALTERNATIVE DEPRECIATION SYSTEM FOR ELECTING FARMING BUSINESSES.

(a) IN GENERAL.—Section 168(g)(1), as amended by section 13204, is amended by striking “and” at the end of subparagraph (E), by inserting “and” at the end of subparagraph (F), and by inserting after subparagraph (F) the following new subparagraph:

“(G) any property with a recovery period of 10 years or more which is held by an electing farming business (as defined in section 163(j)(7)(C)),”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13206. AMORTIZATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 174 is amended to read as follows:

“SEC. 174. AMORTIZATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

“(a) IN GENERAL.—In the case of a taxpayer’s specified research or experimental expenditures for any taxable year—

“(1) except as provided in paragraph (2), no deduction shall be allowed for such expenditures, and

“(2) the taxpayer shall—

“(A) charge such expenditures to capital account, and

“(B) be allowed an amortization deduction of such expenditures ratably over the 5-year period (15-year period in the case of any specified research or experimental expenditures which are attributable to foreign research (within the meaning of section 41(d)(4)(F))) beginning with the midpoint of the taxable year in which such expenditures are paid or incurred.

“(b) SPECIFIED RESEARCH OR EXPERIMENTAL EXPENDITURES.—For purposes of this section, the term ‘specified research or experimental expenditures’ means, with respect to any taxable year, research or experimental expenditures which are paid or incurred by the taxpayer during such taxable year in connection with the taxpayer’s trade or business.

“(c) SPECIAL RULES.—

“(1) LAND AND OTHER PROPERTY.—This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be

used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

“(2) EXPLORATION EXPENDITURES.—This section shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

“(3) SOFTWARE DEVELOPMENT.—For purposes of this section, any amount paid or incurred in connection with the development of any software shall be treated as a research or experimental expenditure.

“(d) TREATMENT UPON DISPOSITION, RETIREMENT, OR ABANDONMENT.—If any property with respect to which specified research or experimental expenditures are paid or incurred is disposed, retired, or abandoned during the period during which such expenditures are allowed as an amortization deduction under this section, no deduction shall be allowed with respect to such expenditures on account of such disposition, retirement, or abandonment and such amortization deduction shall continue with respect to such expenditures.”.

(b) CHANGE IN METHOD OF ACCOUNTING.—The amendments made by subsection (a) shall be treated as a change in method of accounting for purposes of section 481 of the Internal Revenue Code of 1986 and—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary, and

(3) such change shall be applied only on a cut-off basis for any research or experimental expenditures paid or incurred in taxable years beginning after December 31, 2021, and no adjustments under section 481(a) shall be made.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by striking the item relating to section 174 and inserting the following new item:

“Sec. 174. Amortization of research and experimental expenditures.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 41(d)(1)(A) is amended by striking “expenses under section 174” and inserting “specified research or experimental expenditures under section 174”.

(2) Subsection (c) of section 280C is amended—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—If—

“(A) the amount of the credit determined for the taxable year under section 41(a)(1), exceeds

“(B) the amount allowable as a deduction for such taxable year for qualified research expenses or basic research expenses, the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.”.

(B) by striking paragraph (2),

(C) by redesignating paragraphs (3) (as amended by this Act) and (4) as paragraphs (2) and (3), respectively, and

(D) in paragraph (2), as redesignated by subparagraph (C), by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2021.

SEC. 13207. EXPENSING OF CERTAIN COSTS OF REPLANTING CITRUS PLANTS LOST BY REASON OF CASUALTY.

(a) IN GENERAL.—Section 263A(d)(2) is amended by adding at the end the following new subparagraph:

“(C) SPECIAL TEMPORARY RULE FOR CITRUS PLANTS LOST BY REASON OF CASUALTY.—

“(i) IN GENERAL.—In the case of the replanting of citrus plants, subparagraph (A) shall apply to amounts paid or incurred by a person (other than the taxpayer described in subparagraph (A)) if—

“(I) the taxpayer described in subparagraph (A) has an equity interest of not less than 50 percent in the replanted citrus plants at all times during the taxable year in which such amounts were paid or incurred and such other person holds any part of the remaining equity interest, or

“(II) such other person acquired the entirety of such taxpayer’s equity interest in the land on which the lost or damaged citrus plants were located at the time of such loss or damage, and the replanting is on such land.

“(ii) TERMINATION.—Clause (i) shall not apply to any cost paid or incurred after the date which is 10 years after the date of the enactment of the Tax Cuts and Jobs Act.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

Subpart B—Accounting Methods

SEC. 13221. CERTAIN SPECIAL RULES FOR TAXABLE YEAR OF INCLUSION.

(a) INCLUSION NOT LATER THAN FOR FINANCIAL ACCOUNTING PURPOSES.—Section 451 is amended by redesignating subsections (b) through (i) as subsections (c) through (j), respectively, and by inserting after subsection (a) the following new subsection:

“(b) INCLUSION NOT LATER THAN FOR FINANCIAL ACCOUNTING PURPOSES.—

“(1) INCOME TAKEN INTO ACCOUNT IN FINANCIAL STATEMENT.—

“(A) IN GENERAL.—In the case of a taxpayer the taxable income of which is computed under an accrual method of accounting, the all events test with respect to any item of gross income (or portion thereof) shall not be treated as met any later than when such item (or portion thereof) is taken into account as revenue in—

“(i) an applicable financial statement of the taxpayer, or

“(ii) such other financial statement as the Secretary may specify for purposes of this subsection.

“(B) EXCEPTION.—This paragraph shall not apply to—

“(i) a taxpayer which does not have a financial statement described in clause (i) or (ii) of subparagraph (A) for a taxable year, or

“(ii) any item of gross income in connection with a mortgage servicing contract.

“(C) ALL EVENTS TEST.—For purposes of this section, the all events test is met with respect to any item of gross income if all the events have occurred which fix the right to receive such income and the amount of such income can be determined with reasonable accuracy.

“(2) COORDINATION WITH SPECIAL METHODS OF ACCOUNTING.—Paragraph (1) shall not apply with respect to any item of gross income for which the taxpayer uses a special method of accounting provided under any other provision of this chapter, other than any provision of part V of subchapter P (except as provided in clause (ii) of paragraph (1)(B)).

“(3) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection, the term ‘applicable financial statement’ means—

“(A) a financial statement which is certified as being prepared in accordance with generally accepted accounting principles and which is—

“(i) a 10-K (or successor form), or annual statement to shareholders, required to be filed by the taxpayer with the United States Securities and Exchange Commission,

“(ii) an audited financial statement of the taxpayer which is used for—

“(I) credit purposes,
 “(II) reporting to shareholders, partners, or other proprietors, or to beneficiaries, or

“(III) any other substantial nontax purpose, but only if there is no statement of the taxpayer described in clause (i), or

“(iii) filed by the taxpayer with any other Federal agency for purposes other than Federal tax purposes, but only if there is no statement of the taxpayer described in clause (i) or (ii).

“(B) a financial statement which is made on the basis of international financial reporting standards and is filed by the taxpayer with an agency of a foreign government which is equivalent to the United States Securities and Exchange Commission and which has reporting standards not less stringent than the standards required by such Commission, but only if there is no statement of the taxpayer described in subparagraph (A), or

“(C) a financial statement filed by the taxpayer with any other regulatory or governmental body specified by the Secretary, but only if there is no statement of the taxpayer described in subparagraph (A) or (B).

“(4) ALLOCATION OF TRANSACTION PRICE.—For purposes of this subsection, in the case of a contract which contains multiple performance obligations, the allocation of the transaction price to each performance obligation shall be equal to the amount allocated to each performance obligation for purposes of including such item in revenue in the applicable financial statement of the taxpayer.

“(5) GROUP OF ENTITIES.—For purposes of paragraph (1), if the financial results of a taxpayer are reported on the applicable financial statement (as defined in paragraph (3)) for a group of entities, such statement shall be treated as the applicable financial statement of the taxpayer.”

(b) TREATMENT OF ADVANCE PAYMENTS.—Section 451, as amended by subsection (a), is amended by redesignating subsections (c) through (j) as subsections (d) through (k), respectively, and by inserting after subsection (b) the following new subsection:

“(c) TREATMENT OF ADVANCE PAYMENTS.—

“(1) IN GENERAL.—A taxpayer which computes taxable income under the accrual method of accounting, and receives any advance payment during the taxable year, shall—

“(A) except as provided in subparagraph (B), include such advance payment in gross income for such taxable year, or

“(B) if the taxpayer elects the application of this subparagraph with respect to the category of advance payments to which such advance payment belongs, the taxpayer shall—

“(i) to the extent that any portion of such advance payment is required under subsection (b) to be included in gross income in the taxable year in which such payment is received, so include such portion, and

“(ii) include the remaining portion of such advance payment in gross income in the taxable year following the taxable year in which such payment is received.

“(2) ELECTION.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the election under paragraph (1)(B) shall be made at such time, in such form and manner, and with respect to such categories of advance payments, as the Secretary may provide.

“(B) PERIOD TO WHICH ELECTION APPLIES.—An election under paragraph (1)(B) shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary to revoke such election. For purposes of this title, the computation of taxable income under an election made under paragraph (1)(B) shall be treated as a method of accounting.

“(3) TAXPAYERS CEASING TO EXIST.—Except as otherwise provided by the Secretary, the election under paragraph (1)(B) shall not apply with respect to advance payments received by the taxpayer during a taxable year if such taxpayer ceases to exist during (or with the close of) such taxable year.

“(4) ADVANCE PAYMENT.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘advance payment’ means any payment—

“(i) the full inclusion of which in the gross income of the taxpayer for the taxable year of receipt is a permissible method of accounting under this section (determined without regard to this subsection),

“(ii) any portion of which is included in revenue by the taxpayer in a financial statement described in clause (i) or (ii) of subsection (b)(1)(A) for a subsequent taxable year, and

“(iii) which is for goods, services, or such other items as may be identified by the Secretary for purposes of this clause.

“(B) EXCLUSIONS.—Except as otherwise provided by the Secretary, such term shall not include—

“(i) rent,

“(ii) insurance premiums governed by subchapter L,

“(iii) payments with respect to financial instruments,

“(iv) payments with respect to warranty or guarantee contracts under which a third party is the primary obligor,

“(v) payments subject to section 871(a), 881, 1441, or 1442,

“(vi) payments in property to which section 83 applies, and

“(vii) any other payment identified by the Secretary for purposes of this subparagraph.

“(C) RECEIPT.—For purposes of this subsection, an item of gross income is received by the taxpayer if it is actually or constructively received, or if it is due and payable to the taxpayer.

“(D) ALLOCATION OF TRANSACTION PRICE.—For purposes of this subsection, rules similar to subsection (b)(4) shall apply.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) COORDINATION WITH SECTION 481.—

(1) IN GENERAL.—In the case of any qualified change in method of accounting for the taxpayer's first taxable year beginning after December 31, 2017—

(A) such change shall be treated as initiated by the taxpayer, and

(B) such change shall be treated as made with the consent of the Secretary of the Treasury.

(2) QUALIFIED CHANGE IN METHOD OF ACCOUNTING.—For purposes of this subsection, the term “qualified change in method of accounting” means any change in method of accounting which—

(A) is required by the amendments made by this section, or

(B) was prohibited under the Internal Revenue Code of 1986 prior to such amendments and is permitted under such Code after such amendments.

(e) SPECIAL RULES FOR ORIGINAL ISSUE DISCOUNT.—Notwithstanding subsection (c), in the case of income from a debt instrument having original issue discount—

(1) the amendments made by this section shall apply to taxable years beginning after December 31, 2018, and

(2) the period for taking into account any adjustments under section 481 by reason of a qualified change in method of accounting (as defined in subsection (d)) shall be 6 years.

PART IV—BUSINESS-RELATED EXCLUSIONS AND DEDUCTIONS

SEC. 13301. LIMITATION ON DEDUCTION FOR INTEREST.

(a) IN GENERAL.—Section 163(j) is amended to read as follows:

“(j) LIMITATION ON BUSINESS INTEREST.—

“(1) IN GENERAL.—The amount allowed as a deduction under this chapter for any taxable year for business interest shall not exceed the sum of—

“(A) the business interest income of such taxpayer for such taxable year,

“(B) 30 percent of the adjusted taxable income of such taxpayer for such taxable year, plus

“(C) the floor plan financing interest of such taxpayer for such taxable year.

The amount determined under subparagraph (B) shall not be less than zero.

“(2) CARRYFORWARD OF DISALLOWED BUSINESS INTEREST.—The amount of any business interest not allowed as a deduction for any taxable year by reason of paragraph (1) shall be treated as business interest paid or accrued in the succeeding taxable year.

“(3) EXEMPTION FOR CERTAIN SMALL BUSINESSES.—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year, paragraph (1) shall not apply to such taxpayer for such taxable year. In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if such taxpayer were a corporation or partnership.

“(4) APPLICATION TO PARTNERSHIPS, ETC.—

“(A) IN GENERAL.—In the case of any partnership—

“(i) this subsection shall be applied at the partnership level and any deduction for business interest shall be taken into account in determining the non-separately stated taxable income or loss of the partnership, and

“(ii) the adjusted taxable income of each partner of such partnership—

“(I) shall be determined without regard to such partner's distributive share of any items of income, gain, deduction, or loss of such partnership, and

“(II) shall be increased by such partner's distributive share of such partnership's excess taxable income.

For purposes of clause (ii)(II), a partner's distributive share of partnership excess taxable income shall be determined in the same manner as the partner's distributive share of nonseparately stated taxable income or loss of the partnership.

“(B) SPECIAL RULES FOR CARRYFORWARDS.—

“(i) IN GENERAL.—The amount of any business interest not allowed as a deduction to a partnership for any taxable year by reason of paragraph (1) for any taxable year—

“(I) shall not be treated under paragraph (2) as business interest paid or accrued by the partnership in the succeeding taxable year, and

“(II) shall, subject to clause (ii), be treated as excess business interest which is allocated to each partner in the same manner as the non-separately stated taxable income or loss of the partnership.

“(ii) TREATMENT OF EXCESS BUSINESS INTEREST ALLOCATED TO PARTNERS.—If a partner is allocated any excess business interest from a partnership under clause (i) for any taxable year—

“(I) such excess business interest shall be treated as business interest paid or accrued by the partner in the next succeeding taxable year in which the partner is allocated excess taxable income from such partnership, but only to the extent of such excess taxable income, and

“(II) any portion of such excess business interest remaining after the application of subclause (I) shall, subject to the limitations of subclause (I), be treated as business interest paid or accrued in succeeding taxable years.

For purposes of applying this paragraph, excess taxable income allocated to a partner from a partnership for any taxable year shall not be taken into account under paragraph (1)(A) with respect to any business interest other than excess business interest from the partnership until all such excess business interest for such taxable year and all preceding taxable years has been treated as paid or accrued under clause (ii).

“(iii) BASIS ADJUSTMENTS.—

“(I) IN GENERAL.—The adjusted basis of a partner in a partnership interest shall be reduced (but not below zero) by the amount of excess business interest allocated to the partner under clause (i)(II).

“(II) SPECIAL RULE FOR DISPOSITIONS.—If a partner disposes of a partnership interest, the adjusted basis of the partner in the partnership interest shall be increased immediately before the disposition by the amount of the excess (if any) of the amount of the basis reduction under subclause (I) over the portion of any excess business interest allocated to the partner under clause (i)(II) which has previously been treated under clause (ii) as business interest paid or accrued by the partner. The preceding sentence shall also apply to transfers of the partnership interest (including by reason of death) in a transaction in which gain is not recognized in whole or in part. No deduction shall be allowed to the transferor or transferee under this chapter for any excess business interest resulting in a basis increase under this subclause.

“(C) EXCESS TAXABLE INCOME.—The term ‘excess taxable income’ means, with respect to any partnership, the amount which bears the same ratio to the partnership’s adjusted taxable income as—

“(i) the excess (if any) of—

“(I) the amount determined for the partnership under paragraph (1)(B), over

“(II) the amount (if any) by which the business interest of the partnership, reduced by the floor plan financing interest, exceeds the business interest income of the partnership, bears to

“(ii) the amount determined for the partnership under paragraph (1)(B).

“(D) APPLICATION TO S CORPORATIONS.—Rules similar to the rules of subparagraphs (A) and (C) shall apply with respect to any S corporation and its shareholders.

“(5) BUSINESS INTEREST.—For purposes of this subsection, the term ‘business interest’ means any interest paid or accrued on indebtedness properly allocable to a trade or business. Such term shall not include investment interest (within the meaning of subsection (d)).

“(6) BUSINESS INTEREST INCOME.—For purposes of this subsection, the term ‘business interest income’ means the amount of interest includible in the gross income of the taxpayer for the taxable year which is properly allocable to a trade or business. Such term shall not include investment income (within the meaning of subsection (d)).

“(7) TRADE OR BUSINESS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘trade or business’ shall not include—

“(i) the trade or business of performing services as an employee,

“(ii) any electing real property trade or business,

“(iii) any electing farming business, or

“(iv) the trade or business of the furnishing or sale of—

“(I) electrical energy, water, or sewage disposal services,

“(II) gas or steam through a local distribution system, or

“(III) transportation of gas or steam by pipeline,

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, by a public service or public utility commission or other similar body of any State or political subdivision thereof, or by the governing or ratemaking body of an electric cooperative.

“(B) ELECTING REAL PROPERTY TRADE OR BUSINESS.—For purposes of this paragraph, the term ‘electing real property trade or business’ means any trade or business which is described in section 469(c)(7)(C) and which makes an election under this subparagraph. Any such election shall be made at such time and in such manner as the Secretary shall prescribe, and, once made, shall be irrevocable.

“(C) ELECTING FARMING BUSINESS.—For purposes of this paragraph, the term ‘electing farming business’ means—

“(i) a farming business (as defined in section 263A(e)(4)) which makes an election under this subparagraph, or

“(ii) any trade or business of a specified agricultural or horticultural cooperative (as defined in section 199A(g)(2)) with respect to which the cooperative makes an election under this subparagraph.

Any such election shall be made at such time and in such manner as the Secretary shall prescribe, and, once made, shall be irrevocable.

“(8) ADJUSTED TAXABLE INCOME.—For purposes of this subsection, the term ‘adjusted taxable income’ means the taxable income of the taxpayer—

“(A) computed without regard to—

“(i) any item of income, gain, deduction, or loss which is not properly allocable to a trade or business,

“(ii) any business interest or business interest income,

“(iii) the amount of any net operating loss deduction under section 172,

“(iv) the amount of any deduction allowed under section 199A, and

“(v) in the case of taxable years beginning before January 1, 2022, any deduction allowable for depreciation, amortization, or depletion, and

“(B) computed with such other adjustments as provided by the Secretary.

“(9) FLOOR PLAN FINANCING INTEREST DEFINED.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘floor plan financing interest’ means interest paid or accrued on floor plan financing indebtedness.

“(B) FLOOR PLAN FINANCING INDEBTEDNESS.—The term ‘floor plan financing indebtedness’ means indebtedness—

“(i) used to finance the acquisition of motor vehicles held for sale or lease, and

“(ii) secured by the inventory so acquired.

“(C) MOTOR VEHICLE.—The term ‘motor vehicle’ means a motor vehicle that is any of the following:

“(i) Any self-propelled vehicle designed for transporting persons or property on a public street, highway, or road.

“(ii) A boat.

“(iii) Farm machinery or equipment.

“(10) CROSS REFERENCES.—

“(A) For requirement that an electing real property trade or business use the alternative depreciation system, see section 168(g)(1)(F).

“(B) For requirement that an electing farming business use the alternative depreciation system, see section 168(g)(1)(G).”.

(b) TREATMENT OF CARRYFORWARD OF DISALLOWED BUSINESS INTEREST IN CERTAIN CORPORATE ACQUISITIONS.—

(1) IN GENERAL.—Section 381(c) is amended by inserting after paragraph (19) the following new paragraph:

“(20) CARRYFORWARD OF DISALLOWED BUSINESS INTEREST.—The carryover of disallowed business interest described in section 163(j)(2) to taxable years ending after the date of distribution or transfer.”.

(2) APPLICATION OF LIMITATION.—Section 382(d) is amended by adding at the end the following new paragraph:

“(3) APPLICATION TO CARRYFORWARD OF DISALLOWED INTEREST.—The term ‘pre-change loss’ shall include any carryover of disallowed interest described in section 163(j)(2) under rules similar to the rules of paragraph (1).”.

(3) CONFORMING AMENDMENT.—Section 382(k)(1) is amended by inserting after the first sentence the following: “Such term shall include any corporation entitled to use a carryforward of disallowed interest described in section 381(c)(20).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13302. MODIFICATION OF NET OPERATING LOSS DEDUCTION.

(a) LIMITATION ON DEDUCTION.—

(1) IN GENERAL.—Section 172(a) is amended to read as follows:

“(a) DEDUCTION ALLOWED.—There shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

“(1) the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, or

“(2) 80 percent of taxable income computed without regard to the deduction allowable under this section.

For purposes of this subtitle, the term ‘net operating loss deduction’ means the deduction allowed by this subsection.”.

(2) COORDINATION OF LIMITATION WITH CARRYBACKS AND CARRYOVERS.—Section 172(b)(2) is amended by striking “shall be computed—” and all that follows and inserting “shall—

“(A) be computed with the modifications specified in subsection (d) other than paragraphs (1), (4), and (5) thereof, and by determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter,

“(B) not be considered to be less than zero, and

“(C) not exceed the amount determined under subsection (a)(2) for such prior taxable year.”.

(3) CONFORMING AMENDMENT.—Section 172(d)(6) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; and”, and by adding at the end the following new subparagraph:

“(C) subsection (a)(2) shall be applied by substituting ‘real estate investment trust taxable income (as defined in section 857(b)(2) but without regard to the deduction for dividends paid (as defined in section 561))’ for ‘taxable income’.”.

(b) REPEAL OF NET OPERATING LOSS CARRYBACK; INDEFINITE CARRYFORWARD.—

(1) IN GENERAL.—Section 172(b)(1)(A) is amended—

(A) by striking “shall be a net operating loss carryback to each of the 2 taxable years” in clause (i) and inserting “except as otherwise provided in this paragraph, shall not be a net operating loss carryback to any taxable year”, and

(B) by striking “to each of the 20 taxable years” in clause (ii) and inserting “to each taxable year”.

(2) CONFORMING AMENDMENT.—Section 172(b)(1) is amended by striking subparagraphs (B) through (F).

(c) TREATMENT OF FARMING LOSSES.—

(1) ALLOWANCE OF CARRYBACKS.—Section 172(b)(1), as amended by subsection (b)(2), is

amended by adding at the end the following new subparagraph:

“(B) FARMING LOSSES.—

“(i) IN GENERAL.—In the case of any portion of a net operating loss for the taxable year which is a farming loss with respect to the taxpayer, such loss shall be a net operating loss carryback to each of the 2 taxable years preceding the taxable year of such loss.

“(ii) FARMING LOSS.—For purposes of this section, the term ‘farming loss’ means the lesser of—

“(I) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to farming businesses (as defined in section 263A(e)(4)) are taken into account, or

“(II) the amount of the net operating loss for such taxable year.

“(iii) COORDINATION WITH PARAGRAPH (2).—For purposes of applying paragraph (2), a farming loss for any taxable year shall be treated as a separate net operating loss for such taxable year to be taken into account after the remaining portion of the net operating loss for such taxable year.

“(iv) ELECTION.—Any taxpayer entitled to a 2-year carryback under clause (i) from any loss year may elect not to have such clause apply to such loss year. Such election shall be made in such manner as prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 172 is amended by striking subsections (f), (g), and (h), and by redesignating subsection (i) as subsection (f).

(B) Section 537(b)(4) is amended by inserting “(as in effect before the date of enactment of the Tax Cuts and Jobs Act)” after “as defined in section 172(f)”.

(d) TREATMENT OF CERTAIN INSURANCE LOSSES.—

(1) TREATMENT OF CARRYFORWARDS AND CARRYBACKS.—Section 172(b)(1), as amended by subsections (b)(2) and (c)(1), is amended by adding at the end the following new subparagraph:

“(C) INSURANCE COMPANIES.—In the case of an insurance company (as defined in section 816(a)) other than a life insurance company, the net operating loss for any taxable year—

“(i) shall be a net operating loss carryback to each of the 2 taxable years preceding the taxable year of such loss, and

“(ii) shall be a net operating loss carryover to each of the 20 taxable years following the taxable year of the loss.”.

(2) EXEMPTION FROM LIMITATION.—Section 172, as amended by subsection (c)(2)(A), is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

“(f) SPECIAL RULE FOR INSURANCE COMPANIES.—In the case of an insurance company (as defined in section 816(a)) other than a life insurance company—

“(1) the amount of the deduction allowed under subsection (a) shall be the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, and

“(2) subparagraph (C) of subsection (b)(2) shall not apply.”.

(e) EFFECTIVE DATE.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsections (a) and (d)(2) shall apply to losses arising in taxable years beginning after December 31, 2017.

(2) CARRYFORWARDS AND CARRYBACKS.—The amendments made by subsections (b), (c), and (d)(1) shall apply to net operating losses arising in taxable years ending after December 31, 2017.

SEC. 13303. LIKE-KIND EXCHANGES OF REAL PROPERTY.

(a) IN GENERAL.—Section 1031(a)(1) is amended by striking “property” each place it appears and inserting “real property”.

(b) CONFORMING AMENDMENTS.—

(1)(A) Paragraph (2) of section 1031(a) is amended to read as follows:

“(2) EXCEPTION FOR REAL PROPERTY HELD FOR SALE.—This subsection shall not apply to any exchange of real property held primarily for sale.”.

(B) Section 1031 is amended by striking subsection (i).

(2) Section 1031 is amended by striking subsection (e).

(3) Section 1031, as amended by paragraph (2), is amended by inserting after subsection (d) the following new subsection:

“(e) APPLICATION TO CERTAIN PARTNERSHIPS.—For purposes of this section, an interest in a partnership which has in effect a valid election under section 761(a) to be excluded from the application of all of subchapter K shall be treated as an interest in each of the assets of such partnership and not as an interest in a partnership.”.

(4) Section 1031(h) is amended to read as follows:

“(h) SPECIAL RULES FOR FOREIGN REAL PROPERTY.—Real property located in the United States and real property located outside the United States are not property of a like kind.”.

(5) The heading of section 1031 is amended by striking “PROPERTY” and inserting “REAL PROPERTY”.

(6) The table of sections for part III of subchapter O of chapter 1 is amended by striking the item relating to section 1031 and inserting the following new item:

“Sec. 1031. Exchange of real property held for productive use or investment.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to exchanges completed after December 31, 2017.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange if—

(A) the property disposed of by the taxpayer in the exchange is disposed of on or before December 31, 2017, or

(B) the property received by the taxpayer in the exchange is received on or before December 31, 2017.

SEC. 13304. LIMITATION ON DEDUCTION BY EMPLOYERS OF EXPENSES FOR FRINGE BENEFITS.

(a) NO DEDUCTION ALLOWED FOR ENTERTAINMENT EXPENSES.—

(1) IN GENERAL.—Section 274(a) is amended—

(A) in paragraph (1)(A), by striking “unless” and all that follows through “trade or business,”

(B) by striking the flush sentence at the end of paragraph (1), and

(C) by striking paragraph (2)(C).

(2) CONFORMING AMENDMENTS.—

(A) Section 274(d) is amended—

(i) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and

(ii) in the flush text following paragraph (3) (as so redesignated)—

(I) by striking “, entertainment, amusement, recreation, or use of the facility or property,” in item (B), and

(II) by striking “(D) the business relationship to the taxpayer of persons entertained, using the facility or property, or receiving the gift” and inserting “(D) the business relationship to the taxpayer of the person receiving the benefit”.

(B) Section 274 is amended by striking subsection (1).

(C) Section 274(n) is amended by striking “AND ENTERTAINMENT” in the heading.

(D) Section 274(n)(1) is amended to read as follows:

“(1) IN GENERAL.—The amount allowable as a deduction under this chapter for any expense for food or beverages shall not exceed 50 percent of the amount of such expense which would (but for this paragraph) be allowable as a deduction under this chapter.”.

(E) Section 274(n)(2) is amended—

(i) in subparagraph (B), by striking “in the case of an expense for food or beverages,”

(ii) by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively,

(iii) by striking “of subparagraph (E)” the last sentence and inserting “of subparagraph (D)”, and

(iv) by striking “in subparagraph (D)” in the last sentence and inserting “in subparagraph (C)”.

(F) Clause (iv) of section 7701(b)(5)(A) is amended to read as follows:

“(iv) a professional athlete who is temporarily in the United States to compete in a sports event—

“(I) which is organized for the primary purpose of benefiting an organization which is described in section 501(c)(3) and exempt from tax under section 501(a),

“(II) all of the net proceeds of which are contributed to such organization, and,

“(III) which utilizes volunteers for substantially all of the work performed in carrying out such event.”.

(b) ONLY 50 PERCENT OF EXPENSES FOR MEALS PROVIDED ON OR NEAR BUSINESS PREMISES ALLOWED AS DEDUCTION.—Paragraph (2) of section 274(n), as amended by subsection (a), is amended—

(1) by striking subparagraph (B),

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively,

(3) by striking “of subparagraph (D)” in the last sentence and inserting “of subparagraph (C)”, and

(4) by striking “in subparagraph (C)” in the last sentence and inserting “in subparagraph (B)”.

(c) TREATMENT OF TRANSPORTATION BENEFITS.—Section 274, as amended by subsection (a), is amended—

(1) in subsection (a)—

(A) in the heading, by striking “OR RECREATION” and inserting “RECREATION, OR QUALIFIED TRANSPORTATION FRINGES”, and

(B) by adding at the end the following new paragraph:

“(4) QUALIFIED TRANSPORTATION FRINGES.—No deduction shall be allowed under this chapter for the expense of any qualified transportation fringe (as defined in section 132(f)) provided to an employee of the taxpayer.”.

(2) by inserting after subsection (k) the following new subsection:

“(l) TRANSPORTATION AND COMMUTING BENEFITS.—

“(1) IN GENERAL.—No deduction shall be allowed under this chapter for any expense incurred for providing any transportation, or any payment or reimbursement, to an employee of the taxpayer in connection with travel between the employee’s residence and place of employment, except as necessary for ensuring the safety of the employee.

“(2) EXCEPTION.—In the case of any qualified bicycle commuting reimbursement (as described in section 132(f)(5)(F)), this subsection shall not apply for any amounts paid or incurred after December 31, 2017, and before January 1, 2026.”.

(d) ELIMINATION OF DEDUCTION FOR MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—Section 274, as amended by subsection (c), is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following new subsection:

“(o) MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—No deduction shall be allowed under this chapter for—

“(1) any expense for the operation of a facility described in section 132(e)(2), and any expense for food or beverages, including under section 132(e)(1), associated with such facility, or

“(2) any expense for meals described in section 119(a).”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts incurred or paid after December 31, 2017.

(2) EFFECTIVE DATE FOR ELIMINATION OF DEDUCTION FOR MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—The amendments made by subsection (d) shall apply to amounts incurred or paid after December 31, 2025.

SEC. 13305. REPEAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by striking section 199 and by striking the item relating to such section in the table of sections for such part.

(b) CONFORMING AMENDMENTS.—

(1) Sections 74(d)(2)(B), 86(b)(2)(A), 135(c)(4)(A), 137(b)(3)(A), 219(g)(3)(A)(ii), 221(b)(2)(C), 222(b)(2)(C), 246(b)(1), and 469(i)(3)(F)(iii) are each amended by striking “199.”.

(2) Section 170(b)(2)(D), as amended by subtitle A, is amended by striking clause (iv), and by redesignating clauses (v) and (vi) as clauses (iv) and (v).

(3) Section 172(d) is amended by striking paragraph (7).

(4) Section 613(a), as amended by section 11011, is amended by striking “and without the deduction under section 199”.

(5) Section 613A(d)(1), as amended by section 11011, is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13306. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) DENIAL OF DEDUCTION.—

(1) IN GENERAL.—Subsection (f) of section 162 is amended to read as follows:

“(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

“(1) IN GENERAL.—Except as provided in the following paragraphs of this subsection, no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or governmental entity in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

“(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any amount that—

“(i) the taxpayer establishes—

“(I) constitutes restitution (including remediation of property) for damage or harm which was or may be caused by the violation of any law or the potential violation of any law, or

“(II) is paid to come into compliance with any law which was violated or otherwise involved in

the investigation or inquiry described in paragraph (1),

“(ii) is identified as restitution or as an amount paid to come into compliance with such law, as the case may be, in the court order or settlement agreement, and

“(iii) in the case of any amount of restitution for failure to pay any tax imposed under this title in the same manner as if such amount were such tax, would have been allowed as a deduction under this chapter if it had been timely paid.

The identification under clause (ii) alone shall not be sufficient to make the establishment required under clause (i).

“(B) LIMITATION.—Subparagraph (A) shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

“(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by reason of any order of a court in a suit in which no government or governmental entity is a party.

“(4) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.

“(5) TREATMENT OF CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—For purposes of this subsection, the following nongovernmental entities shall be treated as governmental entities:

“(A) Any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)).

“(B) To the extent provided in regulations, any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050W the following new section:

“SEC. 6050X. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

“(a) REQUIREMENT OF REPORTING.—

“(1) IN GENERAL.—The appropriate official of any government or any entity described in section 162(f)(5) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

“(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

“(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

“(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

“(2) SUIT OR AGREEMENT DESCRIBED.—

“(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

“(i) it is—

“(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

“(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

“(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is \$600 or more.

“(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary shall adjust the \$600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

“(3) TIME OF FILING.—The return required under this subsection shall be filed at the time the agreement is entered into, as determined by the Secretary.

“(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

“(1) the name of the government or entity, and

“(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

“(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term ‘appropriate official’ means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.”.

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050W the following new item:

“Sec. 6050X. Information with respect to certain fines, penalties, and other amounts.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 13307. DENIAL OF DEDUCTION FOR SETTLEMENTS SUBJECT TO NONDISCLOSURE AGREEMENTS PAID IN CONNECTION WITH SEXUAL HARASSMENT OR SEXUAL ABUSE.

(a) DENIAL OF DEDUCTION.—Section 162 is amended by redesignating subsection (g) as subsection (r) and by inserting after subsection (p) the following new subsection:

“(q) PAYMENTS RELATED TO SEXUAL HARASSMENT AND SEXUAL ABUSE.—No deduction shall be allowed under this chapter for—

“(1) any settlement or payment related to sexual harassment or sexual abuse if such settlement or payment is subject to a nondisclosure agreement, or

“(2) attorney’s fees related to such a settlement or payment.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 13308. REPEAL OF DEDUCTION FOR LOCAL LOBBYING EXPENSES.

(a) IN GENERAL.—Section 162(e) is amended by striking paragraphs (2) and (7) and by redesignating paragraphs (3), (4), (5), (6), and (8) as

paragraphs (2), (3), (4), (5), and (6), respectively.

(b) **CONFORMING AMENDMENT.**—Section 6033(e)(1)(B)(ii) is amended by striking “section 162(e)(5)(B)(ii)” and inserting “section 162(e)(4)(B)(ii)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act.

SEC. 13309. RECHARACTERIZATION OF CERTAIN GAINS IN THE CASE OF PARTNERSHIP PROFITS INTERESTS HELD IN CONNECTION WITH PERFORMANCE OF INVESTMENT SERVICES.

(a) **IN GENERAL.**—Part IV of subchapter O of chapter 1 is amended—

(1) by redesignating section 1061 as section 1062, and

(2) by inserting after section 1060 the following new section:

“SEC. 1061. PARTNERSHIP INTERESTS HELD IN CONNECTION WITH PERFORMANCE OF SERVICES.

“(a) **IN GENERAL.**—If one or more applicable partnership interests are held by a taxpayer at any time during the taxable year, the excess (if any) of—

“(1) the taxpayer’s net long-term capital gain with respect to such interests for such taxable year, over

“(2) the taxpayer’s net long-term capital gain with respect to such interests for such taxable year computed by applying paragraphs (3) and (4) of sections 1222 by substituting ‘3 years’ for ‘1 year’, shall be treated as short-term capital gain, notwithstanding section 83 or any election in effect under section 83(b).

“(b) **SPECIAL RULE.**—To the extent provided by the Secretary, subsection (a) shall not apply to income or gain attributable to any asset not held for portfolio investment on behalf of third party investors.

“(c) **APPLICABLE PARTNERSHIP INTEREST.**—For purposes of this section—

“(1) **IN GENERAL.**—Except as provided in this paragraph or paragraph (4), the term ‘applicable partnership interest’ means any interest in a partnership which, directly or indirectly, is transferred to (or is held by) the taxpayer in connection with the performance of substantial services by the taxpayer, or any other related person, in any applicable trade or business. The previous sentence shall not apply to an interest held by a person who is employed by another entity that is conducting a trade or business (other than an applicable trade or business) and only provides services to such other entity.

“(2) **APPLICABLE TRADE OR BUSINESS.**—The term ‘applicable trade or business’ means any activity conducted on a regular, continuous, and substantial basis which, regardless of whether the activity is conducted in one or more entities, consists, in whole or in part, of—

“(A) raising or returning capital, and

“(B) either—

“(i) investing in (or disposing of) specified assets (or identifying specified assets for such investing or disposition), or

“(ii) developing specified assets.

“(3) **SPECIFIED ASSET.**—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), commodities (as defined in section 475(e)(2)), real estate held for rental or investment, cash or cash equivalents, options or derivative contracts with respect to any of the foregoing, and an interest in a partnership to the extent of the partnership’s proportionate interest in any of the foregoing.

“(4) **EXCEPTIONS.**—The term ‘applicable partnership interest’ shall not include—

“(A) any interest in a partnership directly or indirectly held by a corporation, or

“(B) any capital interest in the partnership which provides the taxpayer with a right to share in partnership capital commensurate with—

“(i) the amount of capital contributed (determined at the time of receipt of such partnership interest), or

“(ii) the value of such interest subject to tax under section 83 upon the receipt or vesting of such interest.

“(5) **THIRD PARTY INVESTOR.**—The term ‘third party investor’ means a person who—

“(A) holds an interest in the partnership which does not constitute property held in connection with an applicable trade or business; and

“(B) is not (and has not been) actively engaged, and is (and was) not related to a person so engaged, in (directly or indirectly) providing substantial services described in paragraph (1) for such partnership or any applicable trade or business.

“(d) **TRANSFER OF APPLICABLE PARTNERSHIP INTEREST TO RELATED PERSON.**—

“(1) **IN GENERAL.**—If a taxpayer transfers any applicable partnership interest, directly or indirectly, to a person related to the taxpayer, the taxpayer shall include in gross income (as short term capital gain) the excess (if any) of—

“(A) so much of the taxpayer’s long-term capital gains with respect to such interest for such taxable year attributable to the sale or exchange of any asset held for not more than 3 years as is allocable to such interest, over

“(B) any amount treated as short term capital gain under subsection (a) with respect to the transfer of such interest.

“(2) **RELATED PERSON.**—For purposes of this paragraph, a person is related to the taxpayer if—

“(A) the person is a member of the taxpayer’s family within the meaning of section 318(a)(1), or

“(B) the person performed a service within the current calendar year or the preceding three calendar years in any applicable trade or business in which or for which the taxpayer performed a service.

“(e) **REPORTING.**—The Secretary shall require such reporting (at the time and in the manner prescribed by the Secretary) as is necessary to carry out the purposes of this section.

“(f) **REGULATIONS.**—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section”.

(b) **CLERICAL AMENDMENT.**—The table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to 1061 and inserting the following new items:

“Sec. 1061. Partnership interests held in connection with performance of services.

“Sec. 1062. Cross references.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13310. PROHIBITION ON CASH, GIFT CARDS, AND OTHER NON-TANGIBLE PERSONAL PROPERTY AS EMPLOYEE ACHIEVEMENT AWARDS.

(a) **IN GENERAL.**—Subparagraph (A) of section 274(j)(3) is amended—

(1) by striking “The term” and inserting the following:

“(i) **IN GENERAL.**—The term”.

(2) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and conforming the margins accordingly, and

(3) by adding at the end the following new clause:

“(ii) **TANGIBLE PERSONAL PROPERTY.**—For purposes of clause (i), the term ‘tangible personal property’ shall not include—

“(I) cash, cash equivalents, gift cards, gift coupons, or gift certificates (other than arrangements conferring only the right to select and receive tangible personal property from a limited array of such items pre-selected or pre-approved by the employer), or

“(II) vacations, meals, lodging, tickets to theater or sporting events, stocks, bonds, other securities, and other similar items.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2017.

SEC. 13311. ELIMINATION OF DEDUCTION FOR LIVING EXPENSES INCURRED BY MEMBERS OF CONGRESS.

(a) **IN GENERAL.**—Subsection (a) of section 162 is amended in the matter following paragraph (3) by striking “in excess of \$3,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 13312. CERTAIN CONTRIBUTIONS BY GOVERNMENTAL ENTITIES NOT TREATED AS CONTRIBUTIONS TO CAPITAL.

(a) **IN GENERAL.**—Section 118 is amended—

(1) by striking subsections (b), (c), and (d),

(2) by redesignating subsection (e) as subsection (d), and

(3) by inserting after subsection (a) the following new subsections:

“(b) **EXCEPTIONS.**—For purposes of subsection (a), the term ‘contribution to the capital of the taxpayer’ does not include—

“(1) any contribution in aid of construction or any other contribution as a customer or potential customer, and

“(2) any contribution by any governmental entity or civic group (other than a contribution made by a shareholder as such).

“(c) **REGULATIONS.**—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including regulations or other guidance for determining whether any contribution constitutes a contribution in aid of construction.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made after the date of enactment of this Act.

(2) **EXCEPTION.**—The amendments made by this section shall not apply to any contribution, made after the date of enactment of this Act by a governmental entity, which is made pursuant to a master development plan that has been approved prior to such date by a governmental entity.

SEC. 13313. REPEAL OF ROLLOVER OF PUBLICLY TRADED SECURITIES GAIN INTO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.

(a) **IN GENERAL.**—Part III of subchapter O of chapter 1 is amended by striking section 1044 (and by striking the item relating to such section in the table of sections of such part).

(b) **CONFORMING AMENDMENTS.**—Section 1016(a)(23) is amended—

(1) by striking “1044,” and

(2) by striking “1044(d).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to sales after December 31, 2017.

SEC. 13314. CERTAIN SELF-CREATED PROPERTY NOT TREATED AS A CAPITAL ASSET.

(a) **PATENTS, ETC.**—Section 1221(a)(3) is amended by inserting “a patent, invention, model or design (whether or not patented), a secret formula or process,” before “a copyright”.

(b) **CONFORMING AMENDMENT.**—Section 1231(b)(1)(C) is amended by inserting “a patent, invention, model or design (whether or not patented), a secret formula or process,” before “a copyright”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to dispositions after December 31, 2017.

PART V—BUSINESS CREDITS

SEC. 13401. MODIFICATION OF ORPHAN DRUG CREDIT.

(a) **CREDIT RATE.**—Subsection (a) of section 45C is amended by striking “50 percent” and inserting “25 percent”.

(b) **ELECTION OF REDUCED CREDIT.**—Subsection (b) of section 280C is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) **ELECTION OF REDUCED CREDIT.**—

“(A) **IN GENERAL.**—In the case of any taxable year for which an election is made under this paragraph—

“(i) paragraphs (1) and (2) shall not apply, and

“(ii) the amount of the credit under section 45C(a) shall be the amount determined under subparagraph (B).

“(B) **AMOUNT OF REDUCED CREDIT.**—The amount of credit determined under this subparagraph for any taxable year shall be the amount equal to the excess of—

“(i) the amount of credit determined under section 45C(a) without regard to this paragraph, over

“(ii) the product of—

“(I) the amount described in clause (i), and

“(II) the maximum rate of tax under section 11(b).

“(C) **ELECTION.**—An election under this paragraph for any taxable year shall be made not later than the time for filing the return of tax for such year (including extensions), shall be made on such return, and shall be made in such manner as the Secretary shall prescribe. Such an election, once made, shall be irrevocable.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13402. REHABILITATION CREDIT LIMITED TO CERTIFIED HISTORIC STRUCTURES.

(a) **IN GENERAL.**—Subsection (a) of section 47 is amended to read as follows:

“(a) **GENERAL RULE.**—

“(1) **IN GENERAL.**—For purposes of section 46, for any taxable year during the 5-year period beginning in the taxable year in which a qualified rehabilitated building is placed in service, the rehabilitation credit for such year is an amount equal to the ratable share for such year.

“(2) **RATABLE SHARE.**—For purposes of paragraph (1), the ratable share for any taxable year during the period described in such paragraph is the amount equal to 20 percent of the qualified rehabilitation expenditures with respect to the qualified rehabilitated building, as allocated ratably to each year during such period.”

(b) **CONFORMING AMENDMENTS.**—

(1) Section 47(c) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by amending clause (iii) to read as follows:

“(iii) such building is a certified historic structure, and”,

(ii) by striking subparagraph (B), and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) in paragraph (2)(B), by amending clause (iv) to read as follows:

“(iv) **CERTIFIED HISTORIC STRUCTURE.**—Any expenditure attributable to the rehabilitation of a qualified rehabilitated building unless the rehabilitation is a certified rehabilitation (within the meaning of subparagraph (C)).”

(2) Paragraph (4) of section 145(d) is amended—

(A) by striking “of section 47(c)(1)(C)” each place it appears and inserting “of section 47(c)(1)(B)”, and

(B) by striking “section 47(c)(1)(C)(i)” and inserting “section 47(c)(1)(B)(i)”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts paid or incurred after December 31, 2017.

(2) **TRANSITION RULE.**—In the case of qualified rehabilitation expenditures with respect to any building—

(A) owned or leased by the taxpayer during the entirety of the period after December 31, 2017, and

(B) with respect to which the 24-month period selected by the taxpayer under clause (i) of section 47(c)(1)(B) of the Internal Revenue Code (as amended by subsection (b)), or the 60-month period applicable under clause (ii) of such section, begins not later than 180 days after the date of the enactment of this Act,

the amendments made by this section shall apply to such expenditures paid or incurred after the end of the taxable year in which the 24-month period, or the 60-month period, referred to in subparagraph (B) ends.

SEC. 13403. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

(a) **IN GENERAL.**—

(1) **ALLOWANCE OF CREDIT.**—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

“SEC. 45S. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

“(a) **ESTABLISHMENT OF CREDIT.**—

“(1) **IN GENERAL.**—For purposes of section 38, in the case of an eligible employer, the paid family and medical leave credit is an amount equal to the applicable percentage of the amount of wages paid to qualifying employees during any period in which such employees are on family and medical leave.

“(2) **APPLICABLE PERCENTAGE.**—For purposes of paragraph (1), the term ‘applicable percentage’ means 12.5 percent increased (but not above 25 percent) by 0.25 percentage points for each percentage point by which the rate of payment (as described under subsection (c)(1)(B)) exceeds 50 percent.

“(b) **LIMITATION.**—

“(1) **IN GENERAL.**—The credit allowed under subsection (a) with respect to any employee for any taxable year shall not exceed an amount equal to the product of the normal hourly wage rate of such employee for each hour (or fraction thereof) of actual services performed for the employer and the number of hours (or fraction thereof) for which family and medical leave is taken.

“(2) **NON-HOURLY WAGE RATE.**—For purposes of paragraph (1), in the case of any employee who is not paid on an hourly wage rate, the wages of such employee shall be prorated to an hourly wage rate under regulations established by the Secretary.

“(3) **MAXIMUM AMOUNT OF LEAVE SUBJECT TO CREDIT.**—The amount of family and medical leave that may be taken into account with respect to any employee under subsection (a) for any taxable year shall not exceed 12 weeks.

“(c) **ELIGIBLE EMPLOYER.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘eligible employer’ means any employer who has in place a written policy that meets the following requirements:

“(A) The policy provides—

“(i) in the case of a qualifying employee who is not a part-time employee (as defined in section 4980E(d)(4)(B)), not less than 2 weeks of annual paid family and medical leave, and

“(ii) in the case of a qualifying employee who is a part-time employee, an amount of annual paid family and medical leave that is not less than an amount which bears the same ratio to the amount of annual paid family and medical

leave that is provided to a qualifying employee described in clause (i) as—

“(I) the number of hours the employee is expected to work during any week, bears to

“(II) the number of hours an equivalent qualifying employee described in clause (i) is expected to work during the week.

“(B) The policy requires that the rate of payment under the program is not less than 50 percent of the wages normally paid to such employee for services performed for the employer.

“(2) **SPECIAL RULE FOR CERTAIN EMPLOYERS.**—

“(A) **IN GENERAL.**—An added employer shall not be treated as an eligible employer unless such employer provides paid family and medical leave in compliance with a written policy which ensures that the employer—

“(i) will not interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under the policy, and

“(ii) will not discharge or in any other manner discriminate against any individual for opposing any practice prohibited by the policy.

“(B) **ADDED EMPLOYER; ADDED EMPLOYEE.**—For purposes of this paragraph—

“(i) **ADDED EMPLOYEE.**—The term ‘added employee’ means a qualifying employee who is not covered by title I of the Family and Medical Leave Act of 1993, as amended.

“(ii) **ADDED EMPLOYER.**—The term ‘added employer’ means an eligible employer (determined without regard to this paragraph), whether or not covered by that title I, who offers paid family and medical leave to added employees.

“(3) **AGGREGATION RULE.**—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

“(4) **TREATMENT OF BENEFITS MANDATED OR PAID FOR BY STATE OR LOCAL GOVERNMENTS.**—For purposes of this section, any leave which is paid by a State or local government or required by State or local law shall not be taken into account in determining the amount of paid family and medical leave provided by the employer.

“(5) **NO INFERENCE.**—Nothing in this subsection shall be construed as subjecting an employer to any penalty, liability, or other consequence (other than ineligibility for the credit allowed by reason of subsection (a) or recapturing the benefit of such credit) for failure to comply with the requirements of this subsection.

“(d) **QUALIFYING EMPLOYEES.**—For purposes of this section, the term ‘qualifying employee’ means any employee (as defined in section 3(e) of the Fair Labor Standards Act of 1938, as amended) who—

“(1) has been employed by the employer for 1 year or more, and

“(2) for the preceding year, had compensation not in excess of an amount equal to 60 percent of the amount applicable for such year under clause (i) of section 414(q)(1)(B).

“(e) **FAMILY AND MEDICAL LEAVE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), for purposes of this section, the term ‘family and medical leave’ means leave for any 1 or more of the purposes described under subparagraph (A), (B), (C), (D), or (E) of paragraph (1), or paragraph (3), of section 102(a) of the Family and Medical Leave Act of 1993, as amended, whether the leave is provided under that Act or by a policy of the employer.

“(2) **EXCLUSION.**—If an employer provides paid leave as vacation leave, personal leave, or medical or sick leave (other than leave specifically for 1 or more of the purposes referred to in paragraph (1)), that paid leave shall not be considered to be family and medical leave under paragraph (1).

“(3) **DEFINITIONS.**—In this subsection, the terms ‘vacation leave’, ‘personal leave’, and ‘medical or sick leave’ mean those 3 types of leave, within the meaning of section 102(d)(2) of that Act.

“(f) DETERMINATIONS MADE BY SECRETARY OF TREASURY.—For purposes of this section, any determination as to whether an employer or an employee satisfies the applicable requirements for an eligible employer (as described in subsection (c)) or qualifying employee (as described in subsection (d)), respectively, shall be made by the Secretary based on such information, to be provided by the employer, as the Secretary determines to be necessary or appropriate.

“(g) WAGES.—For purposes of this section, the term ‘wages’ has the meaning given such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). Such term shall not include any amount taken into account for purposes of determining any other credit allowed under this subpart.

“(h) ELECTION TO HAVE CREDIT NOT APPLY.—

“(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

“(2) OTHER RULES.—Rules similar to the rules of paragraphs (2) and (3) of section 51(j) shall apply for purposes of this subsection.

“(i) TERMINATION.—This section shall not apply to wages paid in taxable years beginning after December 31, 2019.”

(b) CREDIT PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) in the case of an eligible employer (as defined in section 45S(c)), the paid family and medical leave credit determined under section 45S(a).”

(c) CREDIT ALLOWED AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clauses (ix) through (xi) as clauses (x) through (xii), respectively, and by inserting after clause (viii) the following new clause:

“(ix) the credit determined under section 45S.”

(d) CONFORMING AMENDMENTS.—

(1) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) is amended by inserting “45S(a),” after “45P(a).”

(2) ELECTION TO HAVE CREDIT NOT APPLY.—Section 6501(m) is amended by inserting “45S(h),” after “45H(g).”

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45S. Employer credit for paid family and medical leave.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid in taxable years beginning after December 31, 2017.

SEC. 13404. REPEAL OF TAX CREDIT BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by striking subparts H, I, and J (and by striking the items relating to such subparts in the table of subparts for such part).

(b) PAYMENTS TO ISSUERS.—Subchapter B of chapter 65 is amended by striking section 6431 (and by striking the item relating to such section in the table of sections for such subchapter).

(c) CONFORMING AMENDMENTS.—

(1) Part IV of subchapter U of chapter 1 is amended by striking section 1397E (and by striking the item relating to such section in the table of sections for such part).

(2) Section 54(l)(3)(B) is amended by inserting “(as in effect before its repeal by the Tax Cuts and Jobs Act)” after “section 1397E(I).”

(3) Section 6211(b)(4)(A) is amended by striking “, and 6431” and inserting “and” before “36B”.

(4) Section 6401(b)(1) is amended by striking “G, H, I, and J” and inserting “and G”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2017.

PART VI—PROVISIONS RELATED TO SPECIFIC ENTITIES AND INDUSTRIES

Subpart A—Partnership Provisions

SEC. 13501. TREATMENT OF GAIN OR LOSS OF FOREIGN PERSONS FROM SALE OR EXCHANGE OF INTERESTS IN PARTNERSHIPS ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES.

(a) AMOUNT TREATED AS EFFECTIVELY CONNECTED.—

(1) IN GENERAL.—Section 864(c) is amended by adding at the end the following:

“(8) GAIN OR LOSS OF FOREIGN PERSONS FROM SALE OR EXCHANGE OF CERTAIN PARTNERSHIP INTERESTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, if a nonresident alien individual or foreign corporation owns, directly or indirectly, an interest in a partnership which is engaged in any trade or business within the United States, gain or loss on the sale or exchange of all (or any portion of) such interest shall be treated as effectively connected with the conduct of such trade or business to the extent such gain or loss does not exceed the amount determined under subparagraph (B).

“(B) AMOUNT TREATED AS EFFECTIVELY CONNECTED.—The amount determined under this subparagraph with respect to any partnership interest sold or exchanged—

“(i) in the case of any gain on the sale or exchange of the partnership interest, is—

“(I) the portion of the partner’s distributive share of the amount of gain which would have been effectively connected with the conduct of a trade or business within the United States if the partnership had sold all of its assets at their fair market value as of the date of the sale or exchange of such interest, or

“(II) zero if no gain on such deemed sale would have been so effectively connected, and

“(ii) in the case of any loss on the sale or exchange of the partnership interest, is—

“(I) the portion of the partner’s distributive share of the amount of loss on the deemed sale described in clause (i)(I) which would have been so effectively connected, or

“(II) zero if no loss on such deemed sale would have been so effectively connected.

For purposes of this subparagraph, a partner’s distributive share of gain or loss on the deemed sale shall be determined in the same manner as such partner’s distributive share of the non-separately stated taxable income or loss of such partnership.

“(C) COORDINATION WITH UNITED STATES REAL PROPERTY INTERESTS.—If a partnership described in subparagraph (A) holds any United States real property interest (as defined in section 897(c)) at the time of the sale or exchange of the partnership interest, then the gain or loss treated as effectively connected income under subparagraph (A) shall be reduced by the amount so treated with respect to such United States real property interest under section 897.

“(D) SALE OR EXCHANGE.—For purposes of this paragraph, the term ‘sale or exchange’ means any sale, exchange, or other disposition.

“(E) SECRETARIAL AUTHORITY.—The Secretary shall prescribe such regulations or other guidance as the Secretary determines appropriate for the application of this paragraph, including with respect to exchanges described in section 332, 351, 354, 355, 356, or 361.”

(2) CONFORMING AMENDMENTS.—Section 864(c)(1) is amended—

(A) by striking “and (7)” in subparagraph (A), and inserting “(7), and (8)”, and

(B) by striking “or (7)” in subparagraph (B), and inserting “(7), or (8)”.

(b) WITHHOLDING REQUIREMENTS.—Section 1446 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

“(f) SPECIAL RULES FOR WITHHOLDING ON DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) IN GENERAL.—Except as provided in this subsection, if any portion of the gain (if any) on any disposition of an interest in a partnership would be treated under section 864(c)(8) as effectively connected with the conduct of a trade or business within the United States, the transferee shall be required to deduct and withhold a tax equal to 10 percent of the amount realized on the disposition.

“(2) EXCEPTION IF NONFOREIGN AFFIDAVIT FURNISHED.—

“(A) IN GENERAL.—No person shall be required to deduct and withhold any amount under paragraph (1) with respect to any disposition if the transferor furnishes to the transferee an affidavit by the transferor stating, under penalty of perjury, the transferor’s United States taxpayer identification number and that the transferor is not a foreign person.

“(B) FALSE AFFIDAVIT.—Subparagraph (A) shall not apply to any disposition if—

“(i) the transferee has actual knowledge that the affidavit is false, or the transferee receives a notice (as described in section 1445(d)) from a transferor’s agent or transferee’s agent that such affidavit or statement is false, or

“(ii) the Secretary by regulations requires the transferee to furnish a copy of such affidavit or statement to the Secretary and the transferee fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.

“(C) RULES FOR AGENTS.—The rules of section 1445(d) shall apply to a transferor’s agent or transferee’s agent with respect to any affidavit described in subparagraph (A) in the same manner as such rules apply with respect to the disposition of a United States real property interest under such section.

“(3) AUTHORITY OF SECRETARY TO PRESCRIBE REDUCED AMOUNT.—At the request of the transferor or transferee, the Secretary may prescribe a reduced amount to be withheld under this section if the Secretary determines that to substitute such reduced amount will not jeopardize the collection of the tax imposed under this title with respect to gain treated under section 864(c)(8) as effectively connected with the conduct of a trade or business within the United States.

“(4) PARTNERSHIP TO WITHHOLD AMOUNTS NOT WITHHELD BY THE TRANSFERREE.—If a transferee fails to withhold any amount required to be withheld under paragraph (1), the partnership shall be required to deduct and withhold from distributions to the transferee a tax in an amount equal to the amount the transferee failed to withhold (plus interest under this title on such amount).

“(5) DEFINITIONS.—Any term used in this subsection which is also used under section 1445 shall have the same meaning as when used in such section.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this subsection, including regulations providing for exceptions from the provisions of this subsection.”

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to sales, exchanges, and dispositions on or after November 27, 2017.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to sales, exchanges, and dispositions after December 31, 2017.

SEC. 13502. MODIFY DEFINITION OF SUBSTANTIAL BUILT-IN LOSS IN THE CASE OF TRANSFER OF PARTNERSHIP INTEREST.

(a) IN GENERAL.—Paragraph (1) of section 743(d) is to read as follows:

“(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in the partnership if—

“(A) the partnership’s adjusted basis in the partnership property exceeds by more than \$250,000 the fair market value of such property, or

“(B) the transferee partner would be allocated a loss of more than \$250,000 if the partnership assets were sold for cash equal to their fair market value immediately after such transfer.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of partnership interests after December 31, 2017.

SEC. 13503. CHARITABLE CONTRIBUTIONS AND FOREIGN TAXES TAKEN INTO ACCOUNT IN DETERMINING LIMITATION ON ALLOWANCE OF PARTNER’S SHARE OF LOSS.

(a) IN GENERAL.—Subsection (d) of section 704 is amended—

(1) by striking “A partner’s distributive share” and inserting the following:

“(1) IN GENERAL.—A partner’s distributive share”,

(2) by striking “Any excess of such loss” and inserting the following:

“(2) CARRYOVER.—Any excess of such loss”, and

(3) by adding at the end the following new paragraph:

“(3) SPECIAL RULES.—

“(A) IN GENERAL.—In determining the amount of any loss under paragraph (1), there shall be taken into account the partner’s distributive share of amounts described in paragraphs (4) and (6) of section 702(a).

“(B) EXCEPTION.—In the case of a charitable contribution of property whose fair market value exceeds its adjusted basis, subparagraph (A) shall not apply to the extent of the partner’s distributive share of such excess.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 2017.

SEC. 13504. REPEAL OF TECHNICAL TERMINATION OF PARTNERSHIPS.

(a) IN GENERAL.—Paragraph (1) of section 708(b) is amended—

(1) by striking “, or” at the end of subparagraph (A) and all that follows and inserting a period, and

(2) by striking “only if—” and all that follows through “no part of any business” and inserting the following: “only if no part of any business”.

(b) CONFORMING AMENDMENT.—

(1) Section 168(i)(7)(B) is amended by striking the second sentence.

(2) Section 743(e) is amended by striking paragraph (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 2017.

Subpart B—Insurance Reforms

SEC. 13511. NET OPERATING LOSSES OF LIFE INSURANCE COMPANIES.

(a) IN GENERAL.—Section 805(b) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) CONFORMING AMENDMENTS.—

(1) Part I of subchapter L of chapter 1 is amended by striking section 810 (and by striking the item relating to such section in the table of sections for such part).

(2)(A) Part III of subchapter L of chapter 1 is amended by striking section 844 (and by striking

the item relating to such section in the table of sections for such part).

(B) Section 831(b)(3) is amended by striking “except as provided in section 844,”

(3) Section 381 is amended by striking subsection (d).

(4) Section 805(a)(4)(B)(ii) is amended to read as follows:

“(ii) the deduction allowed under section 172.”.

(5) Section 805(a) is amended by striking paragraph (5).

(6) Section 805(b)(2)(A)(iv) is amended to read as follows:

“(iv) any net operating loss carryback to the taxable year under section 172, and”.

(7) Section 953(b)(1)(B) is amended to read as follows:

“(B) So much of section 805(a)(8) as relates to the deduction allowed under section 172.”.

(8) Section 1351(i)(3) is amended by striking “or the operations loss deduction under section 810.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2017.

SEC. 13512. REPEAL OF SMALL LIFE INSURANCE COMPANY DEDUCTION.

(a) IN GENERAL.—Part I of subchapter L of chapter 1 is amended by striking section 806 (and by striking the item relating to such section in the table of sections for such part).

(b) CONFORMING AMENDMENTS.—

(1) Section 453B(e) is amended—

(A) by striking “(as defined in section 806(b)(3))” in paragraph (2)(B), and

(B) by adding at the end the following new paragraph:

“(3) NONINSURANCE BUSINESS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘noninsurance business’ means any activity which is not an insurance business.

“(B) CERTAIN ACTIVITIES TREATED AS INSURANCE BUSINESSES.—For purposes of subparagraph (A), any activity which is not an insurance business shall be treated as an insurance business if—

“(i) it is of a type traditionally carried on by life insurance companies for investment purposes, but only if the carrying on of such activity (other than in the case of real estate) does not constitute the active conduct of a trade or business, or

“(ii) it involves the performance of administrative services in connection with plans providing life insurance, pension, or accident and health benefits.”.

(2) Section 465(c)(7)(D)(v)(II) is amended by striking “section 806(b)(3)” and inserting “section 453B(e)(3)”.

(3) Section 801(a)(2) is amended by striking subparagraph (C).

(4) Section 804 is amended by striking “means—” and all that follows and inserting “means the general deductions provided in section 805.”.

(5) Section 805(a)(4)(B), as amended by this Act, is amended by striking clause (i) and by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(6) Section 805(b)(2)(A), as amended by this Act, is amended by striking clause (iii) and by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively.

(7) Section 842(c) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(8) Section 953(b)(1), as amended by section 13511, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13513. ADJUSTMENT FOR CHANGE IN COMPUTING RESERVES.

(a) IN GENERAL.—Paragraph (1) of section 807(f) is amended to read as follows:

“(1) TREATMENT AS CHANGE IN METHOD OF ACCOUNTING.—If the basis for determining any item referred to in subsection (c) as of the close of any taxable year differs from the basis for such determination as of the close of the preceding taxable year, then so much of the difference between—

“(A) the amount of the item at the close of the taxable year, computed on the new basis, and

“(B) the amount of the item at the close of the taxable year, computed on the old basis, as is attributable to contracts issued before the taxable year shall be taken into account under section 481 as adjustments attributable to a change in method of accounting initiated by the taxpayer and made with the consent of the Secretary.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13514. REPEAL OF SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS FROM PRE-1984 POLICYHOLDERS SURPLUS ACCOUNT.

(a) IN GENERAL.—Subpart D of part I of subchapter L is amended by striking section 815 (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENT.—Section 801 is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) PHASED INCLUSION OF REMAINING BALANCE OF POLICYHOLDERS SURPLUS ACCOUNTS.—In the case of any stock life insurance company which has a balance (determined as of the close of such company’s last taxable year beginning before January 1, 2018) in an existing policyholders surplus account (as defined in section 815 of the Internal Revenue Code of 1986, in effect before its repeal), the tax imposed by section 801 of such Code for the first 8 taxable years beginning after December 31, 2017, shall be the amount which would be imposed by such section for such year on the sum of—

(1) life insurance company taxable income for such year (within the meaning of such section 801 but not less than zero), plus

(2) $\frac{1}{8}$ of such balance.

SEC. 13515. MODIFICATION OF PRORATION RULES FOR PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 832(b)(5)(B) is amended—

(1) by striking “15 percent” and inserting “the applicable percentage”, and

(2) by inserting at the end the following new sentence: “For purposes of this subparagraph, the applicable percentage is 5.25 percent divided by the highest rate in effect under section 11(b).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13516. REPEAL OF SPECIAL ESTIMATED TAX PAYMENTS.

(a) IN GENERAL.—Part III of subchapter L of chapter 1 is amended by striking section 847 (and by striking the item relating to such section in the table of sections for such part).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13517. COMPUTATION OF LIFE INSURANCE TAX RESERVES.

(a) IN GENERAL.—

(1) APPROPRIATE RATE OF INTEREST.—The second sentence of section 807(c) is amended to read as follows: “For purposes of paragraph (3),

the appropriate rate of interest is the highest rate or rates permitted to be used to discount the obligations by the National Association of Insurance Commissioners as of the date the reserve is determined.”.

(2) **METHOD OF COMPUTING RESERVES.**—Section 807(d) is amended—

(A) by striking paragraphs (1), (2), (4), and (5),

(B) by redesignating paragraph (6) as paragraph (4),

(C) by inserting before paragraph (3) the following new paragraphs:

“(1) **DETERMINATION OF RESERVE.**—

“(A) **IN GENERAL.**—For purposes of this part (other than section 816), the amount of the life insurance reserves for any contract (other than a contract to which subparagraph (B) applies) shall be the greater of—

“(i) the net surrender value of such contract, or

“(ii) 92.81 percent of the reserve determined under paragraph (2).”

“(B) **VARIABLE CONTRACTS.**—For purposes of this part (other than section 816), the amount of the life insurance reserves for a variable contract shall be equal to the sum of—

“(i) the greater of—

“(I) the net surrender value of such contract, or

“(II) the portion of the reserve that is separately accounted for under section 817, plus

“(ii) 92.81 percent of the excess (if any) of the reserve determined under paragraph (2) over the amount in clause (i).”

“(C) **STATUTORY CAP.**—In no event shall the reserves determined under subparagraphs (A) or (B) for any contract as of any time exceed the amount which would be taken into account with respect to such contract as of such time in determining statutory reserves (as defined in paragraph (4)).

“(D) **NO DOUBLE COUNTING.**—In no event shall any amount or item be taken into account more than once in determining any reserve under this subchapter.

“(2) **AMOUNT OF RESERVE.**—The amount of the reserve determined under this paragraph with respect to any contract shall be determined by using the tax reserve method applicable to such contract.”.

(D) by striking “(other than a qualified long-term care insurance contract, as defined in section 7702B(b)), a 2-year full preliminary term method” in paragraph (3)(A)(iii) and inserting “, the reserve method prescribed by the National Association of Insurance Commissioners which covers such contract as of the date the reserve is determined”.

(E) by striking “(as of the date of issuance)” in paragraph (3)(A)(iv)(I) and inserting “(as of the date the reserve is determined)”.

(F) by striking “as of the date of the issuance of” in paragraph (3)(A)(iv)(II) and inserting “as of the date the reserve is determined”.

(G) by striking “in effect on the date of the issuance of the contract” in paragraph (3)(B)(i) and inserting “applicable to the contract and in effect as of the date the reserve is determined”, and

(H) by striking “in effect on the date of the issuance of the contract” in paragraph (3)(B)(ii) and inserting “applicable to the contract and in effect as of the date the reserve is determined”.

(3) **SPECIAL RULES.**—Section 807(e) is amended—

(A) by striking paragraphs (2) and (5),

(B) by redesignating paragraphs (3), (4), (6), and (7) as paragraphs (2), (3), (4), and (5), respectively,

(C) by amending paragraph (2) (as so redesignated) to read as follows:

“(2) **QUALIFIED SUPPLEMENTAL BENEFITS.**—

“(A) **QUALIFIED SUPPLEMENTAL BENEFITS TREATED SEPARATELY.**—For purposes of this

part, the amount of the life insurance reserve for any qualified supplemental benefit shall be computed separately as though such benefit were under a separate contract.

“(B) **QUALIFIED SUPPLEMENTAL BENEFIT.**—For purposes of this paragraph, the term ‘qualified supplemental benefit’ means any supplemental benefit described in subparagraph (C) if—

“(i) there is a separately identified premium or charge for such benefit, and

“(ii) any net surrender value under the contract attributable to any other benefit is not available to fund such benefit.”

“(C) **SUPPLEMENTAL BENEFITS.**—For purposes of this paragraph, the supplemental benefits described in this subparagraph are any—

“(i) guaranteed insurability,

“(ii) accidental death or disability benefit,

“(iii) convertibility,

“(iv) disability waiver benefit, or

“(v) other benefit prescribed by regulations, which is supplemental to a contract for which there is a reserve described in subsection (c).”, and

(D) by adding at the end the following new paragraph:

“(6) **REPORTING RULES.**—The Secretary shall require reporting (at such time and in such manner as the Secretary shall prescribe) with respect to the opening balance and closing balance of reserves and with respect to the method of computing reserves for purposes of determining income.”.

(4) **DEFINITION OF LIFE INSURANCE CONTRACT.**—Section 7702 is amended—

(A) by striking clause (i) of subsection (c)(3)(B) and inserting the following:

“(i) reasonable mortality charges which meet the requirements prescribed in regulations to be promulgated by the Secretary or that do not exceed the mortality charges specified in the prevailing commissioners’ standard tables as defined in subsection (f)(10),” and

(B) by adding at the end of subsection (f) the following new paragraph:

“(10) **PREVAILING COMMISSIONERS’ STANDARD TABLES.**—For purposes of subsection (c)(3)(B)(i), the term ‘prevailing commissioners’ standard tables’ means the most recent commissioners’ standard tables prescribed by the National Association of Insurance Commissioners which are permitted to be used in computing reserves for that type of contract under the insurance laws of at least 26 States when the contract was issued. If the prevailing commissioners’ standard tables as of the beginning of any calendar year (hereinafter in this paragraph referred to as the ‘year of change’) are different from the prevailing commissioners’ standard tables as of the beginning of the preceding calendar year, the issuer may use the prevailing commissioners’ standard tables as of the beginning of the preceding calendar year with respect to any contract issued after the change and before the close of the 3-year period beginning on the first day of the year of change.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 808 is amended by adding at the end the following new subsection:

“(g) **PREVAILING STATE ASSUMED INTEREST RATE.**—For purposes of this subchapter—

“(1) **IN GENERAL.**—The term ‘prevailing State assumed interest rate’ means, with respect to any contract, the highest assumed interest rate permitted to be used in computing life insurance reserves for insurance contracts or annuity contracts (as the case may be) under the insurance laws of at least 26 States. For purposes of the preceding sentence, the effect of nonforfeiture laws of a State on interest rates for reserves shall not be taken into account.

“(2) **WHEN RATE DETERMINED.**—The prevailing State assumed interest rate with respect to any contract shall be determined as of the beginning

of the calendar year in which the contract was issued.”.

(2) Paragraph (1) of section 811(d) is amended by striking “the greater of the prevailing State assumed interest rate or applicable Federal interest rate in effect under section 807” and inserting “the interest rate in effect under section 808(g)”.

(3) Subparagraph (A) of section 846(f)(6) is amended by striking “except that” and all that follows and inserting “except that the limitation of subsection (a)(3) shall apply, and”.

(4) Section 848(e)(1)(B)(iii) is amended by striking “807(e)(4)” and inserting “807(e)(3)”.

(5) Subparagraph (B) of section 954(i)(5) is amended by striking “shall be substituted for the prevailing State assumed interest rate,” and inserting “shall apply,”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) **TRANSITION RULE.**—For the first taxable year beginning after December 31, 2017, the reserve with respect to any contract (as determined under section 807(d) of the Internal Revenue Code of 1986) at the end of the preceding taxable year shall be determined as if the amendments made by this section had applied to such reserve in such preceding taxable year.

(3) **TRANSITION RELIEF.**—

(A) **IN GENERAL.**—If—

(i) the reserve determined under section 807(d) of the Internal Revenue Code of 1986 (determined after application of paragraph (2)) with respect to any contract as of the close of the year preceding the first taxable year beginning after December 31, 2017, differs from

(ii) the reserve which would have been determined with respect to such contract as of the close of such taxable year under such section determined without regard to paragraph (2), then the difference between the amount of the reserve described in clause (i) and the amount of the reserve described in clause (ii) shall be taken into account under the method provided in subparagraph (B).

(B) **METHOD.**—The method provided in this subparagraph is as follows:

(i) If the amount determined under subparagraph (A)(i) exceeds the amount determined under subparagraph (A)(ii), 1/8 of such excess shall be taken into account, for each of the 8 succeeding taxable years, as a deduction under section 805(a)(2) or 832(c)(4) of such Code, as applicable.

(ii) If the amount determined under subparagraph (A)(ii) exceeds the amount determined under subparagraph (A)(i), 1/8 of such excess shall be included in gross income, for each of the 8 succeeding taxable years, under section 803(a)(2) or 832(b)(1)(C) of such Code, as applicable.

SEC. 13518. MODIFICATION OF RULES FOR LIFE INSURANCE PRORATION FOR PURPOSES OF DETERMINING THE DIVIDENDS RECEIVED DEDUCTION.

(a) **IN GENERAL.**—Section 812 is amended to read as follows:

“SEC. 812. DEFINITION OF COMPANY’S SHARE AND POLICYHOLDER’S SHARE.

“(a) **COMPANY’S SHARE.**—For purposes of section 805(a)(4), the term ‘company’s share’ means, with respect to any taxable year beginning after December 31, 2017, 70 percent.

“(b) **POLICYHOLDER’S SHARE.**—For purposes of section 807, the term ‘policyholder’s share’ means, with respect to any taxable year beginning after December 31, 2017, 30 percent.”.

(b) **CONFORMING AMENDMENT.**—Section 817A(e)(2) is amended by striking “, 807(d)(2)(B), and 812” and inserting “and 807(d)(2)(B)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13519. CAPITALIZATION OF CERTAIN POLICY ACQUISITION EXPENSES.

(a) IN GENERAL.—

(1) Section 848(a)(2) is amended by striking “120-month” and inserting “180-month”.

(2) Section 848(c)(1) is amended by striking “1.75 percent” and inserting “2.09 percent”.

(3) Section 848(c)(2) is amended by striking “2.05 percent” and inserting “2.45 percent”.

(4) Section 848(c)(3) is amended by striking “7.7 percent” and inserting “9.2 percent”.

(b) CONFORMING AMENDMENTS.—Section 848(b)(1) is amended by striking “120-month” and inserting “180-month”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to net premiums for taxable years beginning after December 31, 2017.

(2) TRANSITION RULE.—Specified policy acquisition expenses first required to be capitalized in a taxable year beginning before January 1, 2018, will continue to be allowed as a deduction ratably over the 120-month period beginning with the first month in the second half of such taxable year.

SEC. 13520. TAX REPORTING FOR LIFE SETTLEMENT TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by section 13306, is amended by adding at the end the following new section:

“SEC. 6050Y. RETURNS RELATING TO CERTAIN LIFE INSURANCE CONTRACT TRANSACTIONS.

“(a) REQUIREMENT OF REPORTING OF CERTAIN PAYMENTS.—

“(1) IN GENERAL.—Every person who acquires a life insurance contract or any interest in a life insurance contract in a reportable policy sale during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of such person,

“(B) the name, address, and TIN of each recipient of payment in the reportable policy sale,

“(C) the date of such sale,

“(D) the name of the issuer of the life insurance contract sold and the policy number of such contract, and

“(E) the amount of each payment.

“(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to such person, except that in the case of an issuer of a life insurance contract, such statement is not required to include the information specified in paragraph (1)(E).

“(b) REQUIREMENT OF REPORTING OF SELLER'S BASIS IN LIFE INSURANCE CONTRACTS.—

“(1) IN GENERAL.—Upon receipt of the statement required under subsection (a)(2) or upon notice of a transfer of a life insurance contract to a foreign person, each issuer of a life insurance contract shall make a return (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of the seller who transfers any interest in such contract in such sale,

“(B) the investment in the contract (as defined in section 72(e)(6)) with respect to such seller, and

“(C) the policy number of such contract.

“(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS RE-

QUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to each seller whose name is required to be set forth in such return.

“(c) REQUIREMENT OF REPORTING WITH RESPECT TO REPORTABLE DEATH BENEFITS.—

“(1) IN GENERAL.—Every person who makes a payment of reportable death benefits during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of the person making such payment,

“(B) the name, address, and TIN of each recipient of such payment,

“(C) the date of each such payment,

“(D) the gross amount of each such payment, and

“(E) such person's estimate of the investment in the contract (as defined in section 72(e)(6)) with respect to the buyer.

“(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to each recipient of payment whose name is required to be set forth in such return.

“(d) DEFINITIONS.—For purposes of this section:

“(1) PAYMENT.—The term ‘payment’ means, with respect to any reportable policy sale, the amount of cash and the fair market value of any consideration transferred in the sale.

“(2) REPORTABLE POLICY SALE.—The term ‘reportable policy sale’ has the meaning given such term in section 101(a)(3)(B).

“(3) ISSUER.—The term ‘issuer’ means any life insurance company that bears the risk with respect to a life insurance contract on the date any return or statement is required to be made under this section.

“(4) REPORTABLE DEATH BENEFITS.—The term ‘reportable death benefits’ means amounts paid by reason of the death of the insured under a life insurance contract that has been transferred in a reportable policy sale.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by section 13306, is amended by inserting after the item relating to section 6050X the following new item:

“Sec. 6050Y. Returns relating to certain life insurance contract transactions.”.

(c) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 6724 is amended—

(A) by striking “or” at the end of clause (xiv) of paragraph (1)(B), by striking “and” at the end of clause (xv) of such paragraph and inserting “or”, and by inserting after such clause (xv) the following new clause:

“(xvi) section 6050Y (relating to returns relating to certain life insurance contract transactions), and”, and

(B) by striking “or” at the end of subparagraph (HH) of paragraph (2), by striking the period at the end of subparagraph (II) of such paragraph and inserting “, or”, and by inserting after such subparagraph (II) the following new subparagraph:

“(JJ) subsection (a)(2), (b)(2), or (c)(2) of section 6050Y (relating to returns relating to certain life insurance contract transactions).”.

(2) Section 6047 is amended—

(A) by redesignating subsection (g) as subsection (h),

(B) by inserting after subsection (f) the following new subsection:

“(g) INFORMATION RELATING TO LIFE INSURANCE CONTRACT TRANSACTIONS.—This section shall not apply to any information which is required to be reported under section 6050Y.”, and

(C) by adding at the end of subsection (h), as so redesignated, the following new paragraph:

“(4) For provisions requiring reporting of information relating to certain life insurance contract transactions, see section 6050Y.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) reportable policy sales (as defined in section 6050Y(d)(2) of the Internal Revenue Code of 1986 (as added by subsection (a)) after December 31, 2017, and

(2) reportable death benefits (as defined in section 6050Y(d)(4) of such Code (as added by subsection (a)) paid after December 31, 2017.

SEC. 13521. CLARIFICATION OF TAX BASIS OF LIFE INSURANCE CONTRACTS.

(a) CLARIFICATION WITH RESPECT TO ADJUSTMENTS.—Paragraph (1) of section 1016(a) is amended by striking subparagraph (A) and all that follows and inserting the following:

“(A) for—

“(i) taxes or other carrying charges described in section 266; or

“(ii) expenditures described in section 173 (relating to circulation expenditures), for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years; or

“(B) for mortality, expense, or other reasonable charges incurred under an annuity or life insurance contract;”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions entered into after August 25, 2009.

SEC. 13522. EXCEPTION TO TRANSFER FOR VALUABLE CONSIDERATION RULES.

(a) IN GENERAL.—Subsection (a) of section 101 is amended by inserting after paragraph (2) the following new paragraph:

“(3) EXCEPTION TO VALUABLE CONSIDERATION RULES FOR COMMERCIAL TRANSFERS.—

“(A) IN GENERAL.—The second sentence of paragraph (2) shall not apply in the case of a transfer of a life insurance contract, or any interest therein, which is a reportable policy sale.

“(B) REPORTABLE POLICY SALE.—For purposes of this paragraph, the term ‘reportable policy sale’ means the acquisition of an interest in a life insurance contract, directly or indirectly, if the acquirer has no substantial family, business, or financial relationship with the insured apart from the acquirer's interest in such life insurance contract. For purposes of the preceding sentence, the term ‘indirectly’ applies to the acquisition of an interest in a partnership, trust, or other entity that holds an interest in the life insurance contract.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 101(a) is amended by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after December 31, 2017.

SEC. 13523. MODIFICATION OF DISCOUNTING RULES FOR PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) MODIFICATION OF RATE OF INTEREST USED TO DISCOUNT UNPAID LOSSES.—Paragraph (2) of section 846(c) is amended to read as follows:

“(2) DETERMINATION OF ANNUAL RATE.—The annual rate determined by the Secretary under this paragraph for any calendar year shall be a rate determined on the basis of the corporate bond yield curve (as defined in section

430(h)(2)(D)(i), determined by substituting ‘60-month period’ for ‘24-month period’ therein.”.

(b) **MODIFICATION OF COMPUTATIONAL RULES FOR LOSS PAYMENT PATTERNS.**—Section 846(d)(3) is amended by striking subparagraphs (B) through (G) and inserting the following new subparagraph:

“(B) **TREATMENT OF CERTAIN LOSSES.**—

“(i) **3-YEAR LOSS PAYMENT PATTERN.**—In the case of any line of business not described in subparagraph (A)(ii), losses paid after the 1st year following the accident year shall be treated as paid equally in the 2nd and 3rd year following the accident year.

“(ii) **10-YEAR LOSS PAYMENT PATTERN.**—

“(I) **IN GENERAL.**—The period taken into account under subparagraph (A)(ii) shall be extended to the extent required under subclause (II).

“(II) **COMPUTATION OF EXTENSION.**—The amount of losses which would have been treated as paid in the 10th year after the accident year shall be treated as paid in such 10th year and each subsequent year in an amount equal to the amount of the average of the losses treated as paid in the 7th, 8th, and 9th years after the accident year (or, if lesser, the portion of the unpaid losses not theretofore taken into account). To the extent such unpaid losses have not been treated as paid before the 24th year after the accident year, they shall be treated as paid in such 24th year.”.

(c) **REPEAL OF HISTORICAL PAYMENT PATTERN ELECTION.**—Section 846, as amended by this Act, is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(e) **TRANSITIONAL RULE.**—For the first taxable year beginning after December 31, 2017—

(1) the unpaid losses and the expenses unpaid (as defined in paragraphs (5)(B) and (6) of section 832(b) of the Internal Revenue Code of 1986) at the end of the preceding taxable year, and

(2) the unpaid losses as defined in sections 807(c)(2) and 805(a)(1) of such Code at the end of the preceding taxable year, shall be determined as if the amendments made by this section had applied to such unpaid losses and expenses unpaid in the preceding taxable year and by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018, and any adjustment shall be taken into account ratably in such first taxable year and the 7 succeeding taxable years. For subsequent taxable years, such amendments shall be applied with respect to such unpaid losses and expenses unpaid by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018.

Subpart C—Banks and Financial Instruments **SEC. 13531. LIMITATION ON DEDUCTION FOR FDIC PREMIUMS.**

(a) **IN GENERAL.**—Section 162, as amended by sections 13307, is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

“(r) **DISALLOWANCE OF FDIC PREMIUMS PAID BY CERTAIN LARGE FINANCIAL INSTITUTIONS.**—

“(I) **IN GENERAL.**—No deduction shall be allowed for the applicable percentage of any FDIC premium paid or incurred by the taxpayer.

“(2) **EXCEPTION FOR SMALL INSTITUTIONS.**—Paragraph (1) shall not apply to any taxpayer for any taxable year if the total consolidated assets of such taxpayer (determined as of the close of such taxable year) do not exceed \$10,000,000,000.

“(3) **APPLICABLE PERCENTAGE.**—For purposes of this subsection, the term ‘applicable percent-

age’ means, with respect to any taxpayer for any taxable year, the ratio (expressed as a percentage but not greater than 100 percent) which—

“(A) the excess of—

“(i) the total consolidated assets of such taxpayer (determined as of the close of such taxable year), over

“(ii) \$10,000,000,000, bears to

“(B) \$40,000,000,000.

“(4) **FDIC PREMIUMS.**—For purposes of this subsection, the term ‘FDIC premium’ means any assessment imposed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)).

“(5) **TOTAL CONSOLIDATED ASSETS.**—For purposes of this subsection, the term ‘total consolidated assets’ has the meaning given such term under section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5365).

“(6) **AGGREGATION RULE.**—

“(A) **IN GENERAL.**—Members of an expanded affiliated group shall be treated as a single taxpayer for purposes of applying this subsection.

“(B) **EXPANDED AFFILIATED GROUP.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(I) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(II) without regard to paragraphs (2) and (3) of section 1504(b).

“(ii) **CONTROL OF NON-CORPORATE ENTITIES.**—A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this clause).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13532. REPEAL OF ADVANCE REFUNDING BONDS.

(a) **IN GENERAL.**—Paragraph (1) of section 149(d) is amended by striking “as part of an issue described in paragraph (2), (3), or (4).” and inserting “to advance refund another bond.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 149(d) is amended by striking paragraphs (2), (3), (4), and (6) and by redesignating paragraphs (5) and (7) as paragraphs (2) and (3).

(2) Section 148(f)(4)(C) is amended by striking clause (xiv) and by redesignating clauses (xv) to (xvii) as clauses (xiv) to (xvi).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to advance refunding bonds issued after December 31, 2017.

Subpart D—S Corporations

SEC. 13541. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) **NO LOOK-THROUGH FOR ELIGIBILITY PURPOSES.**—Section 1361(c)(2)(B)(v) is amended by adding at the end the following new sentence: “This clause shall not apply for purposes of subsection (b)(1)(C).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on January 1, 2018.

SEC. 13542. CHARITABLE CONTRIBUTION DEDUCTION FOR ELECTING SMALL BUSINESS TRUSTS.

(a) **IN GENERAL.**—Section 641(c)(2) is amended by inserting after subparagraph (D) the following new subparagraph:

“(E)(i) Section 642(c) shall not apply.

“(ii) For purposes of section 170(b)(1)(G), adjusted gross income shall be computed in the

same manner as in the case of an individual, except that the deductions for costs which are paid or incurred in connection with the administration of the trust and which would not have been incurred if the property were not held in such trust shall be treated as allowable in arriving at adjusted gross income.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13543. MODIFICATION OF TREATMENT OF S CORPORATION CONVERSIONS TO C CORPORATIONS.

(a) **ADJUSTMENTS ATTRIBUTABLE TO CONVERSION FROM S CORPORATION TO C CORPORATION.**—Section 481 is amended by adding at the end the following new subsection:

“(d) **ADJUSTMENTS ATTRIBUTABLE TO CONVERSION FROM S CORPORATION TO C CORPORATION.**—

“(1) **IN GENERAL.**—In the case of an eligible terminated S corporation, any adjustment required by subsection (a)(2) which is attributable to such corporation’s revocation described in paragraph (2)(A)(ii) shall be taken into account ratably during the 6-taxable year period beginning with the year of change.

“(2) **ELIGIBLE TERMINATED S CORPORATION.**—For purposes of this subsection, the term ‘eligible terminated S corporation’ means any C corporation—

“(A) which—

“(i) was an S corporation on the day before the date of the enactment of the Tax Cuts and Jobs Act, and

“(ii) during the 2-year period beginning on the date of such enactment makes a revocation of its election under section 1362(a), and

“(B) the owners of the stock of which, determined on the date such revocation is made, are the same owners (and in identical proportions) as on the date of such enactment.”.

(b) **CASH DISTRIBUTIONS FOLLOWING POST-TERMINATION TRANSITION PERIOD FROM S CORPORATION STATUS.**—Section 1371 is amended by adding at the end the following new subsection:

“(f) **CASH DISTRIBUTIONS FOLLOWING POST-TERMINATION TRANSITION PERIOD.**—In the case of a distribution of money by an eligible terminated S corporation (as defined in section 481(d)) after the post-termination transition period, the accumulated adjustments account shall be allocated to such distribution, and the distribution shall be chargeable to accumulated earnings and profits, in the same ratio as the amount of such accumulated adjustments account bears to the amount of such accumulated earnings and profits.”.

PART VII—EMPLOYMENT

Subpart A—Compensation

SEC. 13601. MODIFICATION OF LIMITATION ON EXCESSIVE EMPLOYEE REMUNERATION.

(a) **REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE EMPLOYEE REMUNERATION.**—

(1) **IN GENERAL.**—Paragraph (4) of section 162(m) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (B), (C), (D), and (E), respectively.

(2) **CONFORMING AMENDMENTS.**—

(A) Paragraphs (5)(E) and (6)(D) of section 162(m) are each amended by striking “subparagraphs (B), (C), and (D)” and inserting “subparagraph (B)”.

(B) Paragraphs (5)(G) and (6)(G) of section 162(m) are each amended by striking “(F) and (G)” and inserting “(D) and (E)”.

(b) **MODIFICATION OF DEFINITION OF COVERED EMPLOYEES.**—Paragraph (3) of section 162(m) is amended—

(1) in subparagraph (A), by striking “as of the close of the taxable year, such employee is the

chief executive officer of the taxpayer or is" and inserting "such employee is the principal executive officer or principal financial officer of the taxpayer at any time during the taxable year, or was",

(2) in subparagraph (B)—

(A) by striking "4" and inserting "3", and

(B) by striking "(other than the chief executive officer)" and inserting "(other than any individual described in subparagraph (A))", and

(3) by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following:

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2016."

(c) **EXPANSION OF APPLICABLE EMPLOYER.**—

(1) **IN GENERAL.**—Section 162(m)(2) is amended to read as follows:

"(2) **PUBLICLY HELD CORPORATION.**—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

"(A) the securities of which are required to be registered under section 12 of such Act (15 U.S.C. 78l), or

"(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d))."

(2) **CONFORMING AMENDMENT.**—Section 162(m)(3), as amended by subsection (b), is amended by adding at the end the following flush sentence:

"Such term shall include any employee who would be described in subparagraph (B) if the reporting described in such subparagraph were required as so described."

(d) **SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.**—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(F) **SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.**—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered employee, including after the death of the covered employee."

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) **EXCEPTION FOR BINDING CONTRACTS.**—The amendments made by this section shall not apply to remuneration which is provided pursuant to a written binding contract which was in effect on November 2, 2017, and which was not modified in any material respect on or after such date.

SEC. 13602. EXCISE TAX ON EXCESS TAX-EXEMPT ORGANIZATION EXECUTIVE COMPENSATION.

(a) **IN GENERAL.**—Subchapter D of chapter 42 is amended by adding at the end the following new section:

"SEC. 4960. TAX ON EXCESS TAX-EXEMPT ORGANIZATION EXECUTIVE COMPENSATION.

"(a) **TAX IMPOSED.**—There is hereby imposed a tax equal to the product of the rate of tax under section 11 and the sum of—

"(1) so much of the remuneration paid (other than any excess parachute payment) by an applicable tax-exempt organization for the taxable year with respect to employment of any covered employee in excess of \$1,000,000, plus

"(2) any excess parachute payment paid by such an organization to any covered employee. For purposes of the preceding sentence, remuneration shall be treated as paid when there is no substantial risk of forfeiture (within the meaning of section 457(f)(3)(B)) of the rights to such remuneration.

"(b) **LIABILITY FOR TAX.**—The employer shall be liable for the tax imposed under subsection (a).

"(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

"(1) **APPLICABLE TAX-EXEMPT ORGANIZATION.**—The term 'applicable tax-exempt organization' means any organization which for the taxable year—

"(A) is exempt from taxation under section 501(a),

"(B) is a farmers' cooperative organization described in section 521(b)(1),

"(C) has income excluded from taxation under section 115(1), or

"(D) is a political organization described in section 527(e)(1).

"(2) **COVERED EMPLOYEE.**—For purposes of this section, the term 'covered employee' means any employee (including any former employee) of an applicable tax-exempt organization if the employee—

"(A) is one of the 5 highest compensated employees of the organization for the taxable year, or

"(B) was a covered employee of the organization (or any predecessor) for any preceding taxable year beginning after December 31, 2016.

"(3) **REMUNERATION.**—For purposes of this section:

"(A) **IN GENERAL.**—The term 'remuneration' means wages (as defined in section 3401(a)), except that such term shall not include any designated Roth contribution (as defined in section 402A(c)) and shall include amounts required to be included in gross income under section 457(f).

"(B) **EXCEPTION FOR REMUNERATION FOR MEDICAL SERVICES.**—The term 'remuneration' shall not include the portion of any remuneration paid to a licensed medical professional (including a veterinarian) which is for the performance of medical or veterinary services by such professional.

"(4) **REMUNERATION FROM RELATED ORGANIZATIONS.**—

"(A) **IN GENERAL.**—Remuneration of a covered employee by an applicable tax-exempt organization shall include any remuneration paid with respect to employment of such employee by any related person or governmental entity.

"(B) **RELATED ORGANIZATIONS.**—A person or governmental entity shall be treated as related to an applicable tax-exempt organization if such person or governmental entity—

"(i) controls, or is controlled by, the organization,

"(ii) is controlled by one or more persons which control the organization,

"(iii) is a supported organization (as defined in section 509(f)(3)) during the taxable year with respect to the organization,

"(iv) is a supporting organization described in section 509(a)(3) during the taxable year with respect to the organization, or

"(v) in the case of an organization which is a voluntary employees' beneficiary association described in section 501(c)(9), establishes, maintains, or makes contributions to such voluntary employees' beneficiary association.

"(C) **LIABILITY FOR TAX.**—In any case in which remuneration from more than one employer is taken into account under this paragraph in determining the tax imposed by subsection (a), each such employer shall be liable for such tax in an amount which bears the same ratio to the total tax determined under subsection (a) with respect to such remuneration as—

"(i) the amount of remuneration paid by such employer with respect to such employee, bears to

"(ii) the amount of remuneration paid by all such employers to such employee.

"(5) **EXCESS PARACHUTE PAYMENT.**—For purposes of determining the tax imposed by subsection (a)(2)—

"(A) **IN GENERAL.**—The term 'excess parachute payment' means an amount equal to the excess of any parachute payment over the portion of the base amount allocated to such payment.

"(B) **PARACHUTE PAYMENT.**—The term 'parachute payment' means any payment in the nature of compensation to (or for the benefit of) a covered employee if—

"(i) such payment is contingent on such employee's separation from employment with the employer, and

"(ii) the aggregate present value of the payments in the nature of compensation to (or for the benefit of) such individual which are contingent on such separation equals or exceeds an amount equal to 3 times the base amount.

"(C) **EXCEPTION.**—Such term does not include any payment—

"(i) described in section 280G(b)(6) (relating to exemption for payments under qualified plans),

"(ii) made under or to an annuity contract described in section 403(b) or a plan described in section 457(b),

"(iii) to a licensed medical professional (including a veterinarian) to the extent that such payment is for the performance of medical or veterinary services by such professional, or

"(iv) to an individual who is not a highly compensated employee as defined in section 414(q).

"(D) **BASE AMOUNT.**—Rules similar to the rules of 280G(b)(3) shall apply for purposes of determining the base amount.

"(E) **PROPERTY TRANSFERS; PRESENT VALUE.**—Rules similar to the rules of paragraphs (3) and (4) of section 280G(d) shall apply.

"(6) **COORDINATION WITH DEDUCTION LIMITATION.**—Remuneration the deduction for which is not allowed by reason of section 162(m) shall not be taken into account for purposes of this section.

"(d) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary to prevent avoidance of the tax under this section, including regulations to prevent avoidance of such tax through the performance of services other than as an employee or by providing compensation through a pass-through or other entity to avoid such tax."

(b) **CLERICAL AMENDMENT.**—The table of sections for subchapter D of chapter 42 is amended by adding at the end the following new item:

"Sec. 4960. Tax on excess tax-exempt organization executive compensation."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13603. TREATMENT OF QUALIFIED EQUITY GRANTS.

(a) **IN GENERAL.**—Section 83 is amended by adding at the end the following new subsection:

"(i) **QUALIFIED EQUITY GRANTS.**—

"(1) **IN GENERAL.**—For purposes of this subtitle—

"(A) **TIMING OF INCLUSION.**—If qualified stock is transferred to a qualified employee who makes an election with respect to such stock under this subsection, subsection (a) shall be applied by including the amount determined under such subsection with respect to such stock in income of the employee in the taxable year determined under subparagraph (B) in lieu of the taxable year described in subsection (a).

"(B) **TAXABLE YEAR DETERMINED.**—The taxable year determined under this subparagraph is the taxable year of the employee which includes the earliest of—

"(i) the first date such qualified stock becomes transferable (including, solely for purposes of this clause, becoming transferable to the employer),

"(ii) the date the employee first becomes an excluded employee,

“(iii) the first date on which any stock of the corporation which issued the qualified stock becomes readily tradable on an established securities market (as determined by the Secretary, but not including any market unless such market is recognized as an established securities market by the Secretary for purposes of a provision of this title other than this subsection),

“(iv) the date that is 5 years after the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier, or

“(v) the date on which the employee revokes (at such time and in such manner as the Secretary provides) the election under this subsection with respect to such stock.

“(2) QUALIFIED STOCK.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified stock’ means, with respect to any qualified employee, any stock in a corporation which is the employer of such employee, if—

“(i) such stock is received—

“(I) in connection with the exercise of an option, or

“(II) in settlement of a restricted stock unit, and

“(ii) such option or restricted stock unit was granted by the corporation—

“(I) in connection with the performance of services as an employee, and

“(II) during a calendar year in which such corporation was an eligible corporation.

“(B) LIMITATION.—The term ‘qualified stock’ shall not include any stock if the employee may sell such stock to, or otherwise receive cash in lieu of stock from, the corporation at the time that the rights of the employee in such stock first become transferable or not subject to a substantial risk of forfeiture.

“(C) ELIGIBLE CORPORATION.—For purposes of subparagraph (A)(ii)(II)—

“(i) IN GENERAL.—The term ‘eligible corporation’ means, with respect to any calendar year, any corporation if—

“(I) no stock of such corporation (or any predecessor of such corporation) is readily tradable on an established securities market (as determined under paragraph (1)(B)(iii)) during any preceding calendar year, and

“(II) such corporation has a written plan under which, in such calendar year, not less than 80 percent of all employees who provide services to such corporation in the United States (or any possession of the United States) are granted stock options, or are granted restricted stock units, with the same rights and privileges to receive qualified stock.

“(ii) SAME RIGHTS AND PRIVILEGES.—For purposes of clause (i)(II)—

“(I) except as provided in subclauses (II) and (III), the determination of rights and privileges with respect to stock shall be made in a similar manner as under section 423(b)(5),

“(II) employees shall not fail to be treated as having the same rights and privileges to receive qualified stock solely because the number of shares available to all employees is not equal in amount, so long as the number of shares available to each employee is more than a de minimis amount, and

“(III) rights and privileges with respect to the exercise of an option shall not be treated as the same as rights and privileges with respect to the settlement of a restricted stock unit.

“(iii) EMPLOYEE.—For purposes of clause (i)(II), the term ‘employee’ shall not include any employee described in section 4980E(d)(4) or any excluded employee.

“(iv) SPECIAL RULE FOR CALENDAR YEARS BEFORE 2018.—In the case of any calendar year beginning before January 1, 2018, clause (i)(II) shall be applied without regard to whether the rights and privileges with respect to the qualified stock are the same.

“(3) QUALIFIED EMPLOYEE; EXCLUDED EMPLOYEE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified employee’ means any individual who—

“(i) is not an excluded employee, and

“(ii) agrees in the election made under this subsection to meet such requirements as are determined by the Secretary to be necessary to ensure that the withholding requirements of the corporation under chapter 24 with respect to the qualified stock are met.

“(B) EXCLUDED EMPLOYEE.—The term ‘excluded employee’ means, with respect to any corporation, any individual—

“(i) who is a 1-percent owner (within the meaning of section 416(i)(1)(B)(ii)) at any time during the calendar year or who was such a 1 percent owner at any time during the 10 preceding calendar years,

“(ii) who is or has been at any prior time—

“(I) the chief executive officer of such corporation or an individual acting in such a capacity, or

“(II) the chief financial officer of such corporation or an individual acting in such a capacity,

“(iii) who bears a relationship described in section 318(a)(1) to any individual described in subclause (I) or (II) of clause (ii), or

“(iv) who is one of the 4 highest compensated officers of such corporation for the taxable year, or was one of the 4 highest compensated officers of such corporation for any of the 10 preceding taxable years, determined with respect to each such taxable year on the basis of the shareholder disclosure rules for compensation under the Securities Exchange Act of 1934 (as if such rules applied to such corporation).

“(4) ELECTION.—

“(A) TIME FOR MAKING ELECTION.—An election with respect to qualified stock shall be made under this subsection no later than 30 days after the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier, and shall be made in a manner similar to the manner in which an election is made under subsection (b).

“(B) LIMITATIONS.—No election may be made under this section with respect to any qualified stock if—

“(i) the qualified employee has made an election under subsection (b) with respect to such qualified stock,

“(ii) any stock of the corporation which issued the qualified stock is readily tradable on an established securities market (as determined under paragraph (1)(B)(iii)) at any time before the election is made, or

“(iii) such corporation purchased any of its outstanding stock in the calendar year preceding the calendar year which includes the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, unless—

“(I) not less than 25 percent of the total dollar amount of the stock so purchased is deferral stock, and

“(II) the determination of which individuals from whom deferral stock is purchased is made on a reasonable basis.

“(C) DEFINITIONS AND SPECIAL RULES RELATED TO LIMITATION ON STOCK REDEMPTIONS.—

“(i) DEFERRAL STOCK.—For purposes of this paragraph, the term ‘deferral stock’ means stock with respect to which an election is in effect under this subsection.

“(ii) DEFERRAL STOCK WITH RESPECT TO ANY INDIVIDUAL NOT TAKEN INTO ACCOUNT IF INDIVIDUAL HOLDS DEFERRAL STOCK WITH LONGER DEFERRAL PERIOD.—Stock purchased by a corporation from any individual shall not be treated as deferral stock for purposes of subparagraph (B)(iii) if such individual (immediately

after such purchase) holds any deferral stock with respect to which an election has been in effect under this subsection for a longer period than the election with respect to the stock so purchased.

“(iii) PURCHASE OF ALL OUTSTANDING DEFERRAL STOCK.—The requirements of subclauses (I) and (II) of subparagraph (B)(iii) shall be treated as met if the stock so purchased includes all of the corporation’s outstanding deferral stock.

“(iv) REPORTING.—Any corporation which has outstanding deferral stock as of the beginning of any calendar year and which purchases any of its outstanding stock during such calendar year shall include on its return of tax for the taxable year in which, or with which, such calendar year ends the total dollar amount of its outstanding stock so purchased during such calendar year and such other information as the Secretary requires for purposes of administering this paragraph.

“(5) CONTROLLED GROUPS.—For purposes of this subsection, all persons treated as a single employer under section 414(b) shall be treated as 1 corporation.

“(6) NOTICE REQUIREMENT.—Any corporation which transfers qualified stock to a qualified employee shall, at the time that (or a reasonable period before) an amount attributable to such stock would (but for this subsection) first be includible in the gross income of such employee—

“(A) certify to such employee that such stock is qualified stock, and

“(B) notify such employee—

“(i) that the employee may be eligible to elect to defer income on such stock under this subsection, and

“(ii) that, if the employee makes such an election—

“(I) the amount of income recognized at the end of the deferral period will be based on the value of the stock at the time at which the rights of the employee in such stock first become transferable or not subject to substantial risk of forfeiture, notwithstanding whether the value of the stock has declined during the deferral period,

“(II) the amount of such income recognized at the end of the deferral period will be subject to withholding under section 3401(i) at the rate determined under section 3402(t), and

“(III) the responsibilities of the employee (as determined by the Secretary under paragraph (3)(A)(ii)) with respect to such withholding.

“(7) RESTRICTED STOCK UNITS.—This section (other than this subsection), including any election under subsection (b), shall not apply to restricted stock units.”

(b) WITHHOLDING.—

(1) TIME OF WITHHOLDING.—Section 3401 is amended by adding at the end the following new subsection:

“(i) QUALIFIED STOCK FOR WHICH AN ELECTION IS IN EFFECT UNDER SECTION 83(i).—For purposes of subsection (a), qualified stock (as defined in section 83(i)) with respect to which an election is made under section 83(i) shall be treated as wages—

“(1) received on the earliest date described in section 83(i)(1)(B), and

“(2) in an amount equal to the amount included in income under section 83 for the taxable year which includes such date.”

(2) AMOUNT OF WITHHOLDING.—Section 3402 is amended by adding at the end the following new subsection:

“(t) RATE OF WITHHOLDING FOR CERTAIN STOCK.—In the case of any qualified stock (as defined in section 83(i)(2)) with respect to which an election is made under section 83(i)—

“(1) the rate of tax under subsection (a) shall not be less than the maximum rate of tax in effect under section 1, and

“(2) such stock shall be treated for purposes of section 3501(b) in the same manner as a non-cash fringe benefit.”

(c) **COORDINATION WITH OTHER DEFERRED COMPENSATION RULES.**—

(1) **ELECTION TO APPLY DEFERRAL TO STATUTORY OPTIONS.**—

(A) **INCENTIVE STOCK OPTIONS.**—Section 422(b) is amended by adding at the end the following: “Such term shall not include any option if an election is made under section 83(i) with respect to the stock received in connection with the exercise of such option.”.

(B) **EMPLOYEE STOCK PURCHASE PLANS.**—Section 423 is amended—

(i) in subsection (b)(5), by striking “and” before “the plan” and by inserting “, and the rules of section 83(i) shall apply in determining which employees have a right to make an election under such section” before the semicolon at the end, and

(ii) by adding at the end the following new subsection:

“(d) **COORDINATION WITH QUALIFIED EQUITY GRANTS.**—An option for which an election is made under section 83(i) with respect to the stock received in connection with its exercise shall not be considered as granted pursuant to an employee stock purchase plan.”.

(2) **EXCLUSION FROM DEFINITION OF NON-QUALIFIED DEFERRED COMPENSATION PLAN.**—Subsection (d) of section 409A is amended by adding at the end the following new paragraph:

“(7) **TREATMENT OF QUALIFIED STOCK.**—An arrangement under which an employee may receive qualified stock (as defined in section 83(i)(2)) shall not be treated as a nonqualified deferred compensation plan with respect to such employee solely because of such employee’s election, or ability to make an election, to defer recognition of income under section 83(i).”.

(d) **INFORMATION REPORTING.**—Section 6051(a) is amended by striking “and” at the end of paragraph (14)(B), by striking the period at the end of paragraph (15) and inserting a comma, and by inserting after paragraph (15) the following new paragraphs:

“(16) the amount includible in gross income under subparagraph (A) of section 83(i)(1) with respect to an event described in subparagraph (B) of such section which occurs in such calendar year, and

“(17) the aggregate amount of income which is being deferred pursuant to elections under section 83(i), determined as of the close of the calendar year.”.

(e) **PENALTY FOR FAILURE OF EMPLOYER TO PROVIDE NOTICE OF TAX CONSEQUENCES.**—Section 6652 is amended by adding at the end the following new subsection:

“(p) **FAILURE TO PROVIDE NOTICE UNDER SECTION 83(i).**—In the case of each failure to provide a notice as required by section 83(i)(6), at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such notice, an amount equal to \$100 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$50,000.”.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to stock attributable to options exercised, or restricted stock units settled, after December 31, 2017.

(2) **REQUIREMENT TO PROVIDE NOTICE.**—The amendments made by subsection (e) shall apply to failures after December 31, 2017.

(g) **TRANSITION RULE.**—Until such time as the Secretary (or the Secretary’s delegate) issues regulations or other guidance for purposes of implementing the requirements of paragraph (2)(C)(i)(II) of section 83(i) of the Internal Revenue Code of 1986 (as added by this section), or

the requirements of paragraph (6) of such section, a corporation shall be treated as being in compliance with such requirements (respectively) if such corporation complies with a reasonable good faith interpretation of such requirements.

SEC. 13604. INCREASE IN EXCISE TAX RATE FOR STOCK COMPENSATION OF INSIDERS IN EXPATRIATED CORPORATIONS.

(a) **IN GENERAL.**—Section 4985(a)(1) is amended by striking “section 1(h)(1)(C)” and inserting “section 1(h)(1)(D)”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to corporations first becoming expatriated corporations (as defined in section 4985 of the Internal Revenue Code of 1986) after the date of enactment of this Act.

Subpart B—Retirement Plans

SEC. 13611. REPEAL OF SPECIAL RULE PERMITTING RECHARACTERIZATION OF ROTH CONVERSIONS.

(a) **IN GENERAL.**—Section 408A(d)(6)(B) is amended by adding at the end the following new clause:

“(iii) **CONVERSIONS.**—Subparagraph (A) shall not apply in the case of a qualified rollover contribution to which subsection (d)(3) applies (including by reason of subparagraph (C) thereof).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13612. MODIFICATION OF RULES APPLICABLE TO LENGTH OF SERVICE AWARD PLANS.

(a) **MAXIMUM DEFERRAL AMOUNT.**—Clause (ii) of section 457(e)(11)(B) is amended by striking “\$3,000” and inserting “\$6,000”.

(b) **COST OF LIVING ADJUSTMENT.**—Subparagraph (B) of section 457(e)(11) is amended by adding at the end the following:

“(iii) **COST OF LIVING ADJUSTMENT.**—In the case of taxable years beginning after December 31, 2017, the Secretary shall adjust the \$6,000 amount under clause (ii) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2016, and any increase under this paragraph that is not a multiple of \$500 shall be rounded to the next lowest multiple of \$500.”.

(c) **APPLICATION OF LIMITATION ON ACCRUALS.**—Subparagraph (B) of section 457(e)(11), as amended by subsection (b), is amended by adding at the end the following:

“(iv) **SPECIAL RULE FOR APPLICATION OF LIMITATION ON ACCRUALS FOR CERTAIN PLANS.**—In the case of a plan described in subparagraph (A)(ii) which is a defined benefit plan (as defined in section 414(j)), the limitation under clause (ii) shall apply to the actuarial present value of the aggregate amount of length of service awards accruing with respect to any year of service. Such actuarial present value with respect to any year shall be calculated using reasonable actuarial assumptions and methods, assuming payment will be made under the most valuable form of payment under the plan with payment commencing at the later of the earliest age at which unreduced benefits are payable under the plan or the participant’s age at the time of the calculation.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13613. EXTENDED ROLLOVER PERIOD FOR PLAN LOAN OFFSET AMOUNTS.

(a) **IN GENERAL.**—Paragraph (3) of section 402(c) is amended by adding at the end the following new subparagraph:

“(C) **ROLLOVER OF CERTAIN PLAN LOAN OFFSET AMOUNTS.**—

“(i) **IN GENERAL.**—In the case of a qualified plan loan offset amount, paragraph (1) shall not

apply to any transfer of such amount made after the due date (including extensions) for filing the return of tax for the taxable year in which such amount is treated as distributed from a qualified employer plan.

“(ii) **QUALIFIED PLAN LOAN OFFSET AMOUNT.**—For purposes of this subparagraph, the term ‘qualified plan loan offset amount’ means a plan loan offset amount which is treated as distributed from a qualified employer plan to a participant or beneficiary solely by reason of—

“(I) the termination of the qualified employer plan, or

“(II) the failure to meet the repayment terms of the loan from such plan because of the severance from employment of the participant.

“(iii) **PLAN LOAN OFFSET AMOUNT.**—For purposes of clause (ii), the term ‘plan loan offset amount’ means the amount by which the participant’s accrued benefit under the plan is reduced in order to repay a loan from the plan.

“(iv) **LIMITATION.**—This subparagraph shall not apply to any plan loan offset amount unless such plan loan offset amount relates to a loan to which section 72(p)(1) does not apply by reason of section 72(p)(2).

“(v) **QUALIFIED EMPLOYER PLAN.**—For purposes of this subsection, the term ‘qualified employer plan’ has the meaning given such term by section 72(p)(4).”.

(b) **CONFORMING AMENDMENTS.**—Section 402(c)(3) is amended—

(1) by striking “TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT” in the heading and inserting “TIME LIMIT ON TRANSFERS”, and

(2) by striking “subparagraph (B)” in subparagraph (A) and inserting “subparagraphs (B) and (C)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan loan offset amounts which are treated as distributed in taxable years beginning after December 31, 2017.

PART VIII—EXEMPT ORGANIZATIONS

SEC. 13701. EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) **IN GENERAL.**—Chapter 42 is amended by adding at the end the following new subchapter:

“Subchapter H—Excise Tax Based on Investment Income of Private Colleges and Universities

“Sec. 4968. Excise tax based on investment income of private colleges and universities.

“SEC. 4968. EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

“(a) **TAX IMPOSED.**—There is hereby imposed on each applicable educational institution for the taxable year a tax equal to 1.4 percent of the net investment income of such institution for the taxable year.

“(b) **APPLICABLE EDUCATIONAL INSTITUTION.**—For purposes of this subchapter—

“(1) **IN GENERAL.**—The term ‘applicable educational institution’ means an eligible educational institution (as defined in section 25A(f)(2))—

“(A) which had at least 500 students during the preceding taxable year,

“(B) more than 50 percent of the students of which are located in the United States,

“(C) which is not described in the first sentence of section 511(a)(2)(B) (relating to State colleges and universities), and

“(D) the aggregate fair market value of the assets of which at the end of the preceding taxable year (other than those assets which are used directly in carrying out the institution’s exempt purpose) is at least \$500,000 per student of the institution.

“(2) **STUDENTS.**—For purposes of paragraph (1), the number of students of an institution (including for purposes of determining the number

of students at a particular location) shall be based on the daily average number of full-time students attending such institution (with part-time students taken into account on a full-time student equivalent basis).

“(c) **NET INVESTMENT INCOME.**—For purposes of this section, net investment income shall be determined under rules similar to the rules of section 4940(c).

“(d) **ASSETS AND NET INVESTMENT INCOME OF RELATED ORGANIZATIONS.**—

“(1) **IN GENERAL.**—For purposes of subsections (b)(1)(C) and (c), assets and net investment income of any related organization with respect to an educational institution shall be treated as assets and net investment income, respectively, of the educational institution, except that—

“(A) no such amount shall be taken into account with respect to more than 1 educational institution, and

“(B) unless such organization is controlled by such institution or is described in section 509(a)(3) with respect to such institution for the taxable year, assets and net investment income which are not intended or available for the use or benefit of the educational institution shall not be taken into account.

“(2) **RELATED ORGANIZATION.**—For purposes of this subsection, the term ‘related organization’ means, with respect to an educational institution, any organization which—

“(A) controls, or is controlled by, such institution,

“(B) is controlled by 1 or more persons which also control such institution, or

“(C) is a supported organization (as defined in section 509(f)(3)), or an organization described in section 509(a)(3), during the taxable year with respect to such institution.”

(b) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 42 is amended by adding at the end the following new item:

“SUBCHAPTER H—EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13702. UNRELATED BUSINESS TAXABLE INCOME SEPARATELY COMPUTED FOR EACH TRADE OR BUSINESS ACTIVITY.

(a) **IN GENERAL.**—Subsection (a) of section 512 is amended by adding at the end the following new paragraph:

“(6) **SPECIAL RULE FOR ORGANIZATION WITH MORE THAN 1 UNRELATED TRADE OR BUSINESS.**—In the case of any organization with more than 1 unrelated trade or business—

“(A) unrelated business taxable income, including for purposes of determining any net operating loss deduction, shall be computed separately with respect to each such trade or business and without regard to subsection (b)(12),

“(B) the unrelated business taxable income of such organization shall be the sum of the unrelated business taxable income so computed with respect to each such trade or business, less a specific deduction under subsection (b)(12), and

“(C) for purposes of subparagraph (B), unrelated business taxable income with respect to any such trade or business shall not be less than zero.”

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except to the extent provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2017.

(2) **CARRYOVERS OF NET OPERATING LOSSES.**—If any net operating loss arising in a taxable year beginning before January 1, 2018, is carried over to a taxable year beginning on or after such date—

(A) subparagraph (A) of section 512(a)(6) of the Internal Revenue Code of 1986, as added by

this Act, shall not apply to such net operating loss, and

(B) the unrelated business taxable income of the organization, after the application of subparagraph (B) of such section, shall be reduced by the amount of such net operating loss.

SEC. 13703. UNRELATED BUSINESS TAXABLE INCOME INCREASED BY AMOUNT OF CERTAIN FRINGE BENEFIT EXPENSES FOR WHICH DEDUCTION IS DISALLOWED.

(a) **IN GENERAL.**—Section 512(a), as amended by this Act, is further amended by adding at the end the following new paragraph:

“(7) **INCREASE IN UNRELATED BUSINESS TAXABLE INCOME BY DISALLOWED FRINGE.**—Unrelated business taxable income of an organization shall be increased by any amount for which a deduction is not allowable under this chapter by reason of section 274 and which is paid or incurred by such organization for any qualified transportation fringe (as defined in section 132(f)), any parking facility used in connection with qualified parking (as defined in section 132(f)(5)(C)), or any on-premises athletic facility (as defined in section 132(j)(4)(B)). The preceding sentence shall not apply to the extent the amount paid or incurred is directly connected with an unrelated trade or business which is regularly carried on by the organization. The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance providing for the appropriate allocation of depreciation and other costs with respect to facilities used for parking or for on-premises athletic facilities.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2017.

SEC. 13704. REPEAL OF DEDUCTION FOR AMOUNTS PAID IN EXCHANGE FOR COLLEGE ATHLETIC EVENT SEATING RIGHTS.

(a) **IN GENERAL.**—Section 170(l) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—No deduction shall be allowed under this section for any amount described in paragraph (2).”, and

(2) in paragraph (2)(B), by striking “such amount would be allowable as a deduction under this section but for the fact that”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2017.

SEC. 13705. REPEAL OF SUBSTANTIATION EXCEPTION IN CASE OF CONTRIBUTIONS REPORTED BY DONEE.

(a) **IN GENERAL.**—Section 170(f)(8) is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2016.

PART IX—OTHER PROVISIONS

Subpart A—Craft Beverage Modernization and Tax Reform

SEC. 13801. PRODUCTION PERIOD FOR BEER, WINE, AND DISTILLED SPIRITS.

(a) **IN GENERAL.**—Section 263A(f) is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) **EXEMPTION FOR AGING PROCESS OF BEER, WINE, AND DISTILLED SPIRITS.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the production period shall not include the aging period for—

“(i) beer (as defined in section 5052(a)),

“(ii) wine (as described in section 5041(a)), or

“(iii) distilled spirits (as defined in section 5002(a)(8)), except such spirits that are unfit for use for beverage purposes.

“(B) **TERMINATION.**—This paragraph shall not apply to interest costs paid or accrued after December 31, 2019.”

(b) **CONFORMING AMENDMENT.**—Paragraph (5)(B)(ii) of section 263A(f), as redesignated by this section, is amended by inserting “except as provided in paragraph (4),” before “ending on the date”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to interest costs paid or accrued in calendar years beginning after December 31, 2017.

SEC. 13802. REDUCED RATE OF EXCISE TAX ON BEER.

(a) **IN GENERAL.**—Paragraph (1) of section 5051(a) is amended to read as follows:

“(1) **IN GENERAL.**—

“(A) **IMPOSITION OF TAX.**—A tax is hereby imposed on all beer brewed or produced, and removed for consumption or sale, within the United States, or imported into the United States. Except as provided in paragraph (2), the rate of such tax shall be the amount determined under this paragraph.

“(B) **RATE.**—Except as provided in subparagraph (C), the rate of tax shall be \$18 for per barrel.

“(C) **SPECIAL RULE.**—In the case of beer removed after December 31, 2017, and before January 1, 2020, the rate of tax shall be—

“(i) \$16 on the first 6,000,000 barrels of beer—

“(I) brewed by the brewer and removed during the calendar year for consumption or sale, or

“(II) imported by the importer into the United States during the calendar year, and

“(ii) \$18 on any barrels of beer to which clause (i) does not apply.

“(D) **BARREL.**—For purposes of this section, a barrel shall contain not more than 31 gallons of beer, and any tax imposed under this section shall be applied at a like rate for any other quantity or for fractional parts of a barrel.”

(b) **REDUCED RATE FOR CERTAIN DOMESTIC PRODUCTION.**—Subparagraph (A) of section 5051(a)(2) is amended—

(1) in the heading, by striking “\$7 A BARREL”, and

(2) by inserting “(\$3.50 in the case of beer removed after December 31, 2017, and before January 1, 2020)” after “\$7”.

(c) **APPLICATION OF REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—Subsection (a) of section 5051 is amended—

(1) in subparagraph (C)(i)(II) of paragraph (1), as amended by subsection (a), by inserting “but only if the importer is an electing importer under paragraph (4) and the barrels have been assigned to the importer pursuant to such paragraph” after “during the calendar year”, and

(2) by adding at the end the following new paragraph:

“(4) **REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—

“(A) **IN GENERAL.**—In the case of any barrels of beer which have been brewed or produced outside of the United States and imported into the United States, the rate of tax applicable under clause (i) of paragraph (1)(C) (referred to in this paragraph as the ‘reduced tax rate’) may be assigned by the brewer (provided that the brewer makes an election described in subparagraph (B)(ii)) to any electing importer of such barrels pursuant to the requirements established by the Secretary under subparagraph (B).

“(B) **ASSIGNMENT.**—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the reduced tax rate provided under this paragraph, which shall include—

“(i) a limitation to ensure that the number of barrels of beer for which the reduced tax rate has been assigned by a brewer—

“(I) to any importer does not exceed the number of barrels of beer brewed or produced by such brewer during the calendar year which were imported into the United States by such importer, and

“(II) to all importers does not exceed the 6,000,000 barrels to which the reduced tax rate applies,

“(ii) procedures that allow the election of a brewer to assign and an importer to receive the reduced tax rate provided under this paragraph,

“(iii) requirements that the brewer provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

“(iv) procedures that allow for revocation of eligibility of the brewer and the importer for the reduced tax rate provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (iii) which the Secretary deems to be material to qualifying for such reduced rate.

“(C) CONTROLLED GROUP.—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the brewer, as described under paragraph (5).”.

(d) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—Subsection (a) of section 5051, as amended by this section, is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B), and

(B) by redesignating subparagraph (C) as subparagraph (B), and

(2) by adding at the end the following new paragraph:

“(5) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a controlled group, the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) and the 2,000,000 barrel quantity specified in paragraph (2)(A) shall be applied to the controlled group, and the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) and the 60,000 barrel quantity specified in paragraph (2)(A) shall be apportioned among the brewers who are members of such group in such manner as the Secretary or their delegate shall by regulations prescribe. For purposes of the preceding sentence, the term ‘controlled group’ has the meaning assigned to it by subsection (a) of section 1563, except that for such purposes the phrase ‘more than 50 percent’ shall be substituted for the phrase ‘at least 80 percent’ in each place it appears in such subsection. Under regulations prescribed by the Secretary, principles similar to the principles of the preceding two sentences shall be applied to a group of brewers under common control where one or more of the brewers is not a corporation.

“(B) FOREIGN MANUFACTURERS AND IMPORTERS.—For purposes of paragraph (4), in the case of a controlled group, the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) shall be applied to the controlled group and apportioned among the members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term ‘controlled group’ has the meaning given such term under subparagraph (A). Under regulations prescribed by the Secretary, principles similar to the principles of the preceding two sentences shall be applied to a group of brewers under common control where one or more of the brewers is not a corporation.

“(C) SINGLE TAXPAYER.—Pursuant to rules issued by the Secretary, two or more entities (whether or not under common control) that produce beer marketed under a similar brand, li-

cense, franchise, or other arrangement shall be treated as a single taxpayer for purposes of the application of this subsection.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to beer removed after December 31, 2017.

SEC. 13803. TRANSFER OF BEER BETWEEN BONDED FACILITIES.

(a) IN GENERAL.—Section 5414 is amended—

(1) by striking “Beer may be removed” and inserting “(a) IN GENERAL.—Beer may be removed”, and

(2) by adding at the end the following:

“(b) TRANSFER OF BEER BETWEEN BONDED FACILITIES.—

“(1) IN GENERAL.—Beer may be removed from one bonded brewery to another bonded brewery, without payment of tax, and may be mingled with beer at the receiving brewery, subject to such conditions, including payment of the tax, and in such containers, as the Secretary by regulations shall prescribe, which shall include—

“(A) any removal from one brewery to another brewery belonging to the same brewer,

“(B) any removal from a brewery owned by one corporation to a brewery owned by another corporation when—

“(i) one such corporation owns the controlling interest in the other such corporation, or

“(ii) the controlling interest in each such corporation is owned by the same person or persons, and

“(C) any removal from one brewery to another brewery when—

“(i) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and

“(ii) the transferor has divested itself of all interest in the beer so transferred and the transferee has accepted responsibility for payment of the tax.

“(2) TRANSFER OF LIABILITY FOR TAX.—For purposes of paragraph (1)(C), such relief from liability shall be effective from the time of removal from the transferor’s bonded premises, or from the time of divestment of interest, whichever is later.

“(3) TERMINATION.—This subsection shall not apply to any calendar quarter beginning after December 31, 2019.”.

(b) REMOVAL FROM BREWERY BY PIPELINE.—Section 5412 is amended by inserting “pursuant to section 5414 or” before “by pipeline”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any calendar quarters beginning after December 31, 2017.

SEC. 13804. REDUCED RATE OF EXCISE TAX ON CERTAIN WINE.

(a) IN GENERAL.—Section 5041(c) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RULE FOR 2018 AND 2019.—

“(A) IN GENERAL.—In the case of wine removed after December 31, 2017, and before January 1, 2020, paragraphs (1) and (2) shall not apply and there shall be allowed as a credit against any tax imposed by this title (other than chapters 2, 21, and 22) an amount equal to the sum of—

“(i) \$1 per wine gallon on the first 30,000 wine gallons of wine, plus

“(ii) 90 cents per wine gallon on the first 100,000 wine gallons of wine to which clause (i) does not apply, plus

“(iii) 53.5 cents per wine gallon on the first 620,000 wine gallons of wine to which clauses (i) and (ii) do not apply,

which are produced by the producer and removed during the calendar year for consumption or sale, or which are imported by the importer into the United States during the calendar year.

“(B) ADJUSTMENT OF CREDIT FOR HARD CIDER.—In the case of wine described in sub-

section (b)(6), subparagraph (A) of this paragraph shall be applied—

“(i) in clause (i) of such subparagraph, by substituting ‘6.2 cents’ for ‘\$1’,

“(ii) in clause (ii) of such subparagraph, by substituting ‘5.6 cents’ for ‘90 cents’, and

“(iii) in clause (iii) of such subparagraph, by substituting ‘3.3 cents’ for ‘53.5 cents’.”.

(b) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—Paragraph (4) of section 5041(c) is amended by striking “section 5051(a)(2)(B)” and inserting “section 5051(a)(5)”.

(c) ALLOWANCE OF CREDIT FOR FOREIGN MANUFACTURERS AND IMPORTERS.—Subsection (c) of section 5041, as amended by subsection (a), is amended—

(1) in subparagraph (A) of paragraph (8), by inserting “but only if the importer is an electing importer under paragraph (9) and the wine gallons of wine have been assigned to the importer pursuant to such paragraph” after “into the United States during the calendar year”, and

(2) by adding at the end the following new paragraph:

“(9) ALLOWANCE OF CREDIT FOR FOREIGN MANUFACTURERS AND IMPORTERS.—

“(A) IN GENERAL.—In the case of any wine gallons of wine which have been produced outside of the United States and imported into the United States, the credit allowable under paragraph (8) (referred to in this paragraph as the ‘tax credit’) may be assigned by the person who produced such wine (referred to in this paragraph as the ‘foreign producer’), provided that such person makes an election described in subparagraph (B)(ii), to any electing importer of such wine gallons pursuant to the requirements established by the Secretary under subparagraph (B).

“(B) ASSIGNMENT.—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the tax credit provided under this paragraph, which shall include—

“(i) a limitation to ensure that the number of wine gallons of wine for which the tax credit has been assigned by a foreign producer—

“(I) to any importer does not exceed the number of wine gallons of wine produced by such foreign producer during the calendar year which were imported into the United States by such importer, and

“(II) to all importers does not exceed the 750,000 wine gallons of wine to which the tax credit applies,

“(ii) procedures that allow the election of a foreign producer to assign and an importer to receive the tax credit provided under this paragraph,

“(iii) requirements that the foreign producer provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

“(iv) procedures that allow for revocation of eligibility of the foreign producer and the importer for the tax credit provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (iii) which the Secretary deems to be material to qualifying for such credit.

“(C) CONTROLLED GROUP.—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the foreign producer, as described under paragraph (4).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wine removed after December 31, 2017.

SEC. 13805. ADJUSTMENT OF ALCOHOL CONTENT LEVEL FOR APPLICATION OF EXCISE TAX RATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 5041(b) are each amended by inserting

“(16 percent in the case of wine removed after December 31, 2017, and before January 1, 2020” after “14 percent”).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to wine removed after December 31, 2017.

SEC. 13806. DEFINITION OF MEAD AND LOW ALCOHOL BY VOLUME WINE.

(a) **IN GENERAL.**—Section 5041 is amended—

(1) in subsection (a), by striking “Still wines” and inserting “Subject to subsection (h), still wines”, and

(2) by adding at the end the following new subsection:

“(h) **MEAD AND LOW ALCOHOL BY VOLUME WINE.**—

“(1) **IN GENERAL.**—For purposes of subsections (a) and (b)(1), mead and low alcohol by volume wine shall be deemed to be still wines containing not more than 16 percent of alcohol by volume.

“(2) **DEFINITIONS.**—

“(A) **MEAD.**—For purposes of this section, the term ‘mead’ means a wine—

“(i) containing not more than 0.64 gram of carbon dioxide per hundred milliliters of wine, except that the Secretary shall by regulations prescribe such tolerances to this limitation as may be reasonably necessary in good commercial practice,

“(ii) which is derived solely from honey and water,

“(iii) which contains no fruit product or fruit flavoring, and

“(iv) which contains less than 8.5 percent alcohol by volume.

“(B) **LOW ALCOHOL BY VOLUME WINE.**—For purposes of this section, the term ‘low alcohol by volume wine’ means a wine—

“(i) containing not more than 0.64 gram of carbon dioxide per hundred milliliters of wine, except that the Secretary shall by regulations prescribe such tolerances to this limitation as may be reasonably necessary in good commercial practice,

“(ii) which is derived—

“(I) primarily from grapes, or

“(II) from grape juice concentrate and water,

“(iii) which contains no fruit product or fruit flavoring other than grape, and

“(iv) which contains less than 8.5 percent alcohol by volume.

“(3) **TERMINATION.**—This subsection shall not apply to wine removed after December 31, 2019.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to wine removed after December 31, 2017.

SEC. 13807. REDUCED RATE OF EXCISE TAX ON CERTAIN DISTILLED SPIRITS.

(a) **IN GENERAL.**—Section 5001 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **REDUCED RATE FOR 2018 AND 2019.**—

“(1) **IN GENERAL.**—In the case of a distilled spirits operation, the otherwise applicable tax rate under subsection (a)(1) shall be—

“(A) \$2.70 per proof gallon on the first 100,000 proof gallons of distilled spirits, and

“(B) \$13.34 per proof gallon on the first 22,130,000 of proof gallons of distilled spirits to which subparagraph (A) does not apply,

which have been distilled or processed by such operation and removed during the calendar year for consumption or sale, or which have been imported by the importer into the United States during the calendar year.

“(2) **CONTROLLED GROUPS.**—

“(A) **IN GENERAL.**—In the case of a controlled group, the proof gallon quantities specified under subparagraphs (A) and (B) of paragraph (1) shall be applied to such group and apportioned among the members of such group in such manner as the Secretary or their delegate shall by regulations prescribe.

“(B) **DEFINITION.**—For purposes of subparagraph (A), the term ‘controlled group’ shall have the meaning given such term by subsection (a) of section 1563, except that ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears in such subsection.

“(C) **RULES FOR NON-CORPORATIONS.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraphs (A) and (B) shall be applied to a group under common control where one or more of the persons is not a corporation.

“(D) **SINGLE TAXPAYER.**—Pursuant to rules issued by the Secretary, two or more entities (whether or not under common control) that produce distilled spirits marketed under a similar brand, license, franchise, or other arrangement shall be treated as a single taxpayer for purposes of the application of this subsection.

“(3) **TERMINATION.**—This subsection shall not apply to distilled spirits removed after December 31, 2019.”.

(b) **CONFORMING AMENDMENT.**—Section 7652(f)(2) is amended by striking “section 5001(a)(1)” and inserting “subsection (a)(1) of section 5001, determined as if subsection (c)(1) of such section did not apply”.

(c) **APPLICATION OF REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—Subsection (c) of section 5001, as added by subsection (a), is amended—

(1) in paragraph (1), by inserting “but only if the importer is an electing importer under paragraph (3) and the proof gallons of distilled spirits have been assigned to the importer pursuant to such paragraph” after “into the United States during the calendar year”, and

(2) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) **REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.**—

“(A) **IN GENERAL.**—In the case of any proof gallons of distilled spirits which have been produced outside of the United States and imported into the United States, the rate of tax applicable under paragraph (1) (referred to in this paragraph as the ‘reduced tax rate’) may be assigned by the distilled spirits operation (provided that such operation makes an election described in subparagraph (B)(ii)) to any electing importer of such proof gallons pursuant to the requirements established by the Secretary under subparagraph (B).

“(B) **ASSIGNMENT.**—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the reduced tax rate provided under this paragraph, which shall include—

“(i) a limitation to ensure that the number of proof gallons of distilled spirits for which the reduced tax rate has been assigned by a distilled spirits operation—

“(I) to any importer does not exceed the number of proof gallons produced by such operation during the calendar year which were imported into the United States by such importer, and

“(II) to all importers does not exceed the 22,230,000 proof gallons of distilled spirits to which the reduced tax rate applies,

“(ii) procedures that allow the election of a distilled spirits operation to assign and an importer to receive the reduced tax rate provided under this paragraph,

“(iii) requirements that the distilled spirits operation provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

“(iv) procedures that allow for revocation of eligibility of the distilled spirits operation and the importer for the reduced tax rate provided under this paragraph in the case of any erroneous or fraudulent information provided under

clause (iii) which the Secretary deems to be material to qualifying for such reduced rate.

“(C) **CONTROLLED GROUP.**—

“(i) **IN GENERAL.**—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the distilled spirits operation, as described under paragraph (2).

“(ii) **APPORTIONMENT.**—For purposes of this paragraph, in the case of a controlled group, rules similar to section 5051(a)(5)(B) shall apply.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distilled spirits removed after December 31, 2017.

SEC. 13808. BULK DISTILLED SPIRITS.

(a) **IN GENERAL.**—Section 5212 is amended by adding at the end the following sentence: “In the case of distilled spirits transferred in bond after December 31, 2017, and before January 1, 2020, this section shall be applied without regard to whether distilled spirits are bulk distilled spirits.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply distilled spirits transferred in bond after December 31, 2017.

Subpart B—Miscellaneous Provisions

SEC. 13821. MODIFICATION OF TAX TREATMENT OF ALASKA NATIVE CORPORATIONS AND SETTLEMENT TRUSTS.

(a) **EXCLUSION FOR ANCSA PAYMENTS ASSIGNED TO ALASKA NATIVE SETTLEMENT TRUSTS.**—

(1) **IN GENERAL.**—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

“SEC. 139G. ASSIGNMENTS TO ALASKA NATIVE SETTLEMENT TRUSTS.

“(a) **IN GENERAL.**—In the case of a Native Corporation, gross income shall not include the value of any payments that would otherwise be made, or treated as being made, to such Native Corporation pursuant to, or as required by, any provision of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including any payment that would otherwise be made to a Village Corporation pursuant to section 7(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(j)), provided that any such payments—

“(1) are assigned in writing to a Settlement Trust, and

“(2) were not received by such Native Corporation prior to the assignment described in paragraph (1).

“(b) **INCLUSION IN GROSS INCOME.**—In the case of a Settlement Trust which has been assigned payments described in subsection (a), gross income shall include such payments when received by such Settlement Trust pursuant to the assignment and shall have the same character as if such payments were received by the Native Corporation.

“(c) **AMOUNT AND SCOPE OF ASSIGNMENT.**—The amount and scope of any assignment under subsection (a) shall be described with reasonable particularity and may either be in a percentage of one or more such payments or in a fixed dollar amount.

“(d) **DURATION OF ASSIGNMENT; REVOCABILITY.**—Any assignment under subsection (a) shall specify—

“(1) a duration either in perpetuity or for a period of time, and

“(2) whether such assignment is revocable.

“(e) **PROHIBITION ON DEDUCTION.**—Notwithstanding section 247, no deduction shall be allowed to a Native Corporation for purposes of any amounts described in subsection (a).

“(f) **DEFINITIONS.**—For purposes of this section, the terms ‘Native Corporation’ and ‘Settlement Trust’ have the same meaning given such terms under section 646(h).”.

(2) **CONFORMING AMENDMENT.**—The table of sections for part III of subchapter B of chapter

1 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139G. Assignments to Alaska Native Settlement Trusts.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2016.

(b) **DEDUCTION OF CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.**—

(1) **IN GENERAL.**—Part VIII of subchapter B of chapter 1 is amended by inserting before section 248 the following new section:

“SEC. 247. CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.

“(a) **IN GENERAL.**—In the case of a Native Corporation, there shall be allowed a deduction for any contributions made by such Native Corporation to a Settlement Trust (regardless of whether an election under section 646 is in effect for such Settlement Trust) for which the Native Corporation has made an annual election under subsection (e).

“(b) **AMOUNT OF DEDUCTION.**—The amount of the deduction under subsection (a) shall be equal to—

“(1) in the case of a cash contribution (regardless of the method of payment, including currency, coins, money order, or check), the amount of such contribution, or

“(2) in the case of a contribution not described in paragraph (1), the lesser of—

“(A) the Native Corporation’s adjusted basis in the property contributed, or

“(B) the fair market value of the property contributed.

“(c) **LIMITATION AND CARRYOVER.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the deduction allowed under subsection (a) for any taxable year shall not exceed the taxable income (as determined without regard to such deduction) of the Native Corporation for the taxable year in which the contribution was made.

“(2) **CARRYOVER.**—If the aggregate amount of contributions described in subsection (a) for any taxable year exceeds the limitation under paragraph (1), such excess shall be treated as a contribution described in subsection (a) in each of the 15 succeeding years in order of time.

“(d) **DEFINITIONS.**—For purposes of this section, the terms ‘Native Corporation’ and ‘Settlement Trust’ have the same meaning given such terms under section 646(h).

“(e) **MANNER OF MAKING ELECTION.**—

“(1) **IN GENERAL.**—For each taxable year, a Native Corporation may elect to have this section apply for such taxable year on the income tax return or an amendment or supplement to the return of the Native Corporation, with such election to have effect solely for such taxable year.

“(2) **REVOCATION.**—Any election made by a Native Corporation pursuant to this subsection may be revoked pursuant to a timely filed amendment or supplement to the income tax return of such Native Corporation.

“(f) **ADDITIONAL RULES.**—

“(1) **EARNINGS AND PROFITS.**—Notwithstanding section 646(d)(2), in the case of a Native Corporation which claims a deduction under this section for any taxable year, the earnings and profits of such Native Corporation for such taxable year shall be reduced by the amount of such deduction.

“(2) **GAIN OR LOSS.**—No gain or loss shall be recognized by the Native Corporation with respect to a contribution of property for which a deduction is allowed under this section.

“(3) **INCOME.**—Subject to subsection (g), a Settlement Trust shall include in income the amount of any deduction allowed under this section in the taxable year in which the Settlement Trust actually receives such contribution.

“(4) **PERIOD.**—The holding period under section 1223 of the Settlement Trust shall include

the period the property was held by the Native Corporation.

“(5) **BASIS.**—The basis that a Settlement Trust has for which a deduction is allowed under this section shall be equal to the lesser of—

“(A) the adjusted basis of the Native Corporation in such property immediately before such contribution, or

“(B) the fair market value of the property immediately before such contribution.

“(6) **PROHIBITION.**—No deduction shall be allowed under this section with respect to any contributions made to a Settlement Trust which are in violation of subsection (a)(2) or (c)(2) of section 39 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e).

“(g) **ELECTION BY SETTLEMENT TRUST TO DEFER INCOME RECOGNITION.**—

“(1) **IN GENERAL.**—In the case of a contribution which consists of property other than cash, a Settlement Trust may elect to defer recognition of any income related to such property until the sale or exchange of such property, in whole or in part, by the Settlement Trust.

“(2) **TREATMENT.**—In the case of property described in paragraph (1), any income or gain realized on the sale or exchange of such property shall be treated as—

“(A) for such amount of the income or gain as is equal to or less than the amount of income which would be included in income at the time of contribution under subsection (f)(3) but for the taxpayer’s election under this subsection, ordinary income, and

“(B) for any amounts of the income or gain which are in excess of the amount of income which would be included in income at the time of contribution under subsection (f)(3) but for the taxpayer’s election under this subsection, having the same character as if this subsection did not apply.

“(3) **ELECTION.**—

“(A) **IN GENERAL.**—For each taxable year, a Settlement Trust may elect to apply this subsection for any property described in paragraph (1) which was contributed during such year. Any property to which the election applies shall be identified and described with reasonable particularity on the income tax return or an amendment or supplement to the return of the Settlement Trust, with such election to have effect solely for such taxable year.

“(B) **REVOCATION.**—Any election made by a Settlement Trust pursuant to this subsection may be revoked pursuant to a timely filed amendment or supplement to the income tax return of such Settlement Trust.

“(C) **CERTAIN DISPOSITIONS.**—

“(i) **IN GENERAL.**—In the case of any property for which an election is in effect under this subsection and which is disposed of within the first taxable year subsequent to the taxable year in which such property was contributed to the Settlement Trust—

“(1) this section shall be applied as if the election under this subsection had not been made,

“(II) any income or gain which would have been included in the year of contribution under subsection (f)(3) but for the taxpayer’s election under this subsection shall be included in income for the taxable year of such contribution, and

“(III) the Settlement Trust shall pay any increase in tax resulting from such inclusion, including any applicable interest, and increased by 10 percent of the amount of such increase with interest.

“(ii) **ASSESSMENT.**—Notwithstanding section 6501(a), any amount described in subclause (III) of clause (i) may be assessed, or a proceeding in court with respect to such amount may be initiated without assessment, within 4 years after the date on which the return making the election under this subsection for such property was filed.”.

(2) **CONFORMING AMENDMENT.**—The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting before the item relating to section 248 the following new item:

“Sec. 247. Contributions to Alaska Native Settlement Trusts.”.

(3) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—The amendments made by this subsection shall apply to taxable years for which the period of limitation on refund or credit under section 6511 of the Internal Revenue Code of 1986 has not expired.

(B) **ONE-YEAR WAIVER OF STATUTE OF LIMITATIONS.**—If the period of limitation on a credit or refund resulting from the amendments made by paragraph (1) expires before the end of the 1-year period beginning on the date of the enactment of this Act, refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

(c) **INFORMATION REPORTING FOR DEDUCTIBLE CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.**—

(1) **IN GENERAL.**—Section 6039H is amended—

(A) in the heading, by striking “SPONSORING”, and

(B) by adding at the end the following new subsection:

“(e) **DEDUCTIBLE CONTRIBUTIONS BY NATIVE CORPORATIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.**—

“(1) **IN GENERAL.**—Any Native Corporation (as defined in subsection (m) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m))) which has made a contribution to a Settlement Trust (as defined in subsection (t) of such section) to which an election under subsection (e) of section 247 applies shall provide such Settlement Trust with a statement regarding such election not later than January 31 of the calendar year subsequent to the calendar year in which the contribution was made.

“(2) **CONTENT OF STATEMENT.**—The statement described in paragraph (1) shall include—

“(A) the total amount of contributions to which the election under subsection (e) of section 247 applies,

“(B) for each contribution, whether such contribution was in cash,

“(C) for each contribution which consists of property other than cash, the date that such property was acquired by the Native Corporation and the adjusted basis and fair market value of such property on the date such property was contributed to the Settlement Trust,

“(D) the date on which each contribution was made to the Settlement Trust, and

“(E) such information as the Secretary determines to be necessary or appropriate for the identification of each contribution and the accurate inclusion of income relating to such contributions by the Settlement Trust.”.

(2) **CONFORMING AMENDMENT.**—The item relating to section 6039H in the table of sections for subpart A of part III of subchapter A of chapter 61 is amended to read as follows:

“Sec. 6039H. Information With Respect to Alaska Native Settlement Trusts and Native Corporations.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2016.

SEC. 13822. AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.

(a) **IN GENERAL.**—Subsection (e) of section 4261 is amended by adding at the end the following new paragraph:

“(5) **AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.**—

“(A) **IN GENERAL.**—No tax shall be imposed by this section or section 4271 on any amounts paid

by an aircraft owner for aircraft management services related to—

“(i) maintenance and support of the aircraft owner’s aircraft, or

“(ii) flights on the aircraft owner’s aircraft.

“(B) AIRCRAFT MANAGEMENT SERVICES.—For purposes of subparagraph (A), the term ‘aircraft management services’ includes—

“(i) assisting an aircraft owner with administrative and support services, such as scheduling, flight planning, and weather forecasting,

“(ii) obtaining insurance,

“(iii) maintenance, storage and fueling of aircraft,

“(iv) hiring, training, and provision of pilots and crew,

“(v) establishing and complying with safety standards, and

“(vi) such other services as are necessary to support flights operated by an aircraft owner.

“(C) LESSEE TREATED AS AIRCRAFT OWNER.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘aircraft owner’ includes a person who leases the aircraft other than under a disqualified lease.

“(ii) DISQUALIFIED LEASE.—For purposes of clause (i), the term ‘disqualified lease’ means a lease from a person providing aircraft management services with respect to such aircraft (or a related person (within the meaning of section 465(b)(3)(C)) to the person providing such services), if such lease is for a term of 31 days or less.

“(D) PRO RATA ALLOCATION.—In the case of amounts paid to any person which (but for this subsection) are subject to the tax imposed by subsection (a), a portion of which consists of amounts described in subparagraph (A), this paragraph shall apply on a pro rata basis only to the portion which consists of amounts described in such subparagraph.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 13823. OPPORTUNITY ZONES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

“Subchapter Z—Opportunity Zones

“Sec. 1400Z-1. Designation.

“Sec. 1400Z-2. Special rules for capital gains invested in opportunity zones.

“SEC. 1400Z-1. DESIGNATION.

“(a) QUALIFIED OPPORTUNITY ZONE DEFINED.—For the purposes of this subchapter, the term ‘qualified opportunity zone’ means a population census tract that is a low-income community that is designated as a qualified opportunity zone.

“(b) DESIGNATION.—

“(1) IN GENERAL.—For purposes of subsection (a), a population census tract that is a low-income community is designated as a qualified opportunity zone if—

“(A) not later than the end of the determination period, the chief executive officer of the State in which the tract is located—

“(i) nominates the tract for designation as a qualified opportunity zone, and

“(ii) notifies the Secretary in writing of such nomination, and

“(B) the Secretary certifies such nomination and designates such tract as a qualified opportunity zone before the end of the consideration period.

“(2) EXTENSION OF PERIODS.—A chief executive officer of a State may request that the Secretary extend either the determination or consideration period, or both (determined without regard to this subparagraph), for an additional 30 days.

“(c) OTHER DEFINITIONS.—For purposes of this subsection—

“(1) LOW-INCOME COMMUNITIES.—The term ‘low-income community’ has the same meaning as when used in section 45D(e).

“(2) DEFINITION OF PERIODS.—

“(A) CONSIDERATION PERIOD.—The term ‘consideration period’ means the 30-day period beginning on the date on which the Secretary receives notice under subsection (b)(1)(A)(ii), as extended under subsection (b)(2).

“(B) DETERMINATION PERIOD.—The term ‘determination period’ means the 90-day period beginning on the date of the enactment of the Tax Cuts and Jobs Act, as extended under subsection (b)(2).

“(3) STATE.—For purposes of this section, the term ‘State’ includes any possession of the United States.

“(d) NUMBER OF DESIGNATIONS.—

“(1) IN GENERAL.—Except as provided by paragraph (2), the number of population census tracts in a State that may be designated as qualified opportunity zones under this section may not exceed 25 percent of the number of low-income communities in the State.

“(2) EXCEPTION.—If the number of low-income communities in a State is less than 100, then a total of 25 of such tracts may be designated as qualified opportunity zones.

“(e) DESIGNATION OF TRACTS CONTIGUOUS WITH LOW-INCOME COMMUNITIES.—

“(1) IN GENERAL.—A population census tract that is not a low-income community may be designated as a qualified opportunity zone under this section if—

“(A) the tract is contiguous with the low-income community that is designated as a qualified opportunity zone, and

“(B) the median family income of the tract does not exceed 125 percent of the median family income of the low-income community with which the tract is contiguous.

“(2) LIMITATION.—Not more than 5 percent of the population census tracts designated in a State as a qualified opportunity zone may be designated under paragraph (1).

“(f) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—A designation as a qualified opportunity zone shall remain in effect for the period beginning on the date of the designation and ending at the close of the 10th calendar year beginning on or after such date of designation.

“SEC. 1400Z-2. SPECIAL RULES FOR CAPITAL GAINS INVESTED IN OPPORTUNITY ZONES.

“(a) IN GENERAL.—

“(1) TREATMENT OF GAINS.—In the case of gain from the sale to, or exchange with, an unrelated person of any property held by the taxpayer, at the election of the taxpayer—

“(A) gross income for the taxable year shall not include so much of such gain as does not exceed the aggregate amount invested by the taxpayer in a qualified opportunity fund during the 180-day period beginning on the date of such sale or exchange,

“(B) the amount of gain excluded by subparagraph (A) shall be included in gross income as provided by subsection (b), and

“(C) subsection (c) shall apply.

“(2) ELECTION.—No election may be made under paragraph (1)—

“(A) with respect to a sale or exchange if an election previously made with respect to such sale or exchange is in effect, or

“(B) with respect to any sale or exchange after December 31, 2026.

“(b) DEFERRAL OF GAIN INVESTED IN OPPORTUNITY ZONE PROPERTY.—

“(1) YEAR OF INCLUSION.—Gain to which subsection (a)(1)(B) applies shall be included in income in the taxable year which includes the earlier of—

“(A) the date on which such investment is sold or exchanged, or

“(B) December 31, 2026.

“(2) AMOUNT INCLUDIBLE.—

“(A) IN GENERAL.—The amount of gain included in gross income under subsection (a)(1)(A) shall be the excess of—

“(i) the lesser of the amount of gain excluded under paragraph (1) or the fair market value of the investment as determined as of the date described in paragraph (1), over

“(ii) the taxpayer’s basis in the investment.

“(B) DETERMINATION OF BASIS.—

“(i) IN GENERAL.—Except as otherwise provided in this clause or subsection (c), the taxpayer’s basis in the investment shall be zero.

“(ii) INCREASE FOR GAIN RECOGNIZED UNDER SUBSECTION (a)(1)(B).—The basis in the investment shall be increased by the amount of gain recognized by reason of subsection (a)(1)(B) with respect to such property.

“(iii) INVESTMENTS HELD FOR 5 YEARS.—In the case of any investment held for at least 5 years, the basis of such investment shall be increased by an amount equal to 10 percent of the amount of gain deferred by reason of subsection (a)(1)(A).

“(iv) INVESTMENTS HELD FOR 7 YEARS.—In the case of any investment held by the taxpayer for at least 7 years, in addition to any adjustment made under clause (iii), the basis of such property shall be increased by an amount equal to 5 percent of the amount of gain deferred by reason of subsection (a)(1)(A).

“(c) SPECIAL RULE FOR INVESTMENTS HELD FOR AT LEAST 10 YEARS.—In the case of any investment held by the taxpayer for at least 10 years and with respect to which the taxpayer makes an election under this clause, the basis of such property shall be equal to the fair market value of such investment on the date that the investment is sold or exchanged.

“(d) QUALIFIED OPPORTUNITY FUND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified opportunity fund’ means any investment vehicle which is organized as a corporation or a partnership for the purpose of investing in qualified opportunity zone property (other than another qualified opportunity fund) that holds at least 90 percent of its assets in qualified opportunity zone property, determined by the average of the percentage of qualified opportunity zone property held in the fund as measured—

“(A) on the last day of the first 6-month period of the taxable year of the fund, and

“(B) on the last day of the taxable year of the fund.

“(2) QUALIFIED OPPORTUNITY ZONE PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified opportunity zone property’ means property which is—

“(i) qualified opportunity zone stock,

“(ii) qualified opportunity zone partnership interest, or

“(iii) qualified opportunity zone business property.

“(B) QUALIFIED OPPORTUNITY ZONE STOCK.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘qualified opportunity zone stock’ means any stock in a domestic corporation if—

“(I) such stock is acquired by the qualified opportunity fund after December 31, 2017, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

“(II) as of the time such stock was issued, such corporation was a qualified opportunity zone business (or, in the case of a new corporation, such corporation was being organized for purposes of being a qualified opportunity zone business), and

“(III) during substantially all of the qualified opportunity fund’s holding period for such stock, such corporation qualified as a qualified opportunity zone business.

“(ii) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

“(C) QUALIFIED OPPORTUNITY ZONE PARTNERSHIP INTEREST.—The term ‘qualified opportunity

zone partnership interest' means any capital or profits interest in a domestic partnership if—

“(i) such interest is acquired by the qualified opportunity fund after December 31, 2017, from the partnership solely in exchange for cash,

“(ii) as of the time such interest was acquired, such partnership was a qualified opportunity zone business (or, in the case of a new partnership, such partnership was being organized for purposes of being a qualified opportunity zone business), and

“(iii) during substantially all of the qualified opportunity fund's holding period for such interest, such partnership qualified as a qualified opportunity zone business.

“(D) QUALIFIED OPPORTUNITY ZONE BUSINESS PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified opportunity zone business property’ means tangible property used in a trade or business of the qualified opportunity fund if—

“(I) such property was acquired by the qualified opportunity fund by purchase (as defined in section 179(d)(2)) after December 31, 2017,

“(II) the original use of such property in the qualified opportunity zone commences with the qualified opportunity fund or the qualified opportunity fund substantially improves the property, and

“(III) during substantially all of the qualified opportunity fund's holding period for such property, substantially all of the use of such property was in a qualified opportunity zone.

“(ii) SUBSTANTIAL IMPROVEMENT.—For purposes of subparagraph (A)(ii), property shall be treated as substantially improved by the qualified opportunity fund only if, during any 30-month period beginning after the date of acquisition of such property, additions to basis with respect to such property in the hands of the qualified opportunity fund exceed an amount equal to the adjusted basis of such property at the beginning of such 30-month period in the hands of the qualified opportunity fund.

“(iii) RELATED PARTY.—For purposes of subparagraph (A)(i), the related person rule of section 179(d)(2) shall be applied pursuant to paragraph (8) of this subsection in lieu of the application of such rule in section 179(d)(2)(A).

“(3) QUALIFIED OPPORTUNITY ZONE BUSINESS.—

“(A) IN GENERAL.—The term ‘qualified opportunity zone business’ means a trade or business—

“(i) in which substantially all of the tangible property owned or leased by the taxpayer is qualified opportunity zone business property (determined by substituting ‘qualified opportunity zone business’ for ‘qualified opportunity fund’ each place it appears in paragraph (2)(D)),

“(ii) which satisfies the requirements of paragraphs (2), (4), and (8) of section 1397C(b), and

“(iii) which is not described in section 144(c)(6)(B).

“(B) SPECIAL RULE.—For purposes of subparagraph (A), tangible property that ceases to be a qualified opportunity zone business property shall continue to be treated as a qualified opportunity zone business property for the lesser of—

“(i) 5 years after the date on which such tangible property ceases to be so qualified, or

“(ii) the date on which such tangible property is no longer held by the qualified opportunity zone business.

“(e) APPLICABLE RULES.—

“(1) TREATMENT OF INVESTMENTS WITH MIXED FUNDS.—In the case of any investment in a qualified opportunity fund only a portion of which consists of investments of gain to which an election under subsection (a) is in effect—

“(A) such investment shall be treated as 2 separate investments, consisting of—

“(i) one investment that only includes amounts to which the election under subsection (a) applies, and

“(ii) a separate investment consisting of other amounts, and

“(B) subsections (a), (b), and (c) shall only apply to the investment described in subparagraph (A)(i).

“(2) RELATED PERSONS.—For purposes of this section, persons are related to each other if such persons are described in section 267(b) or 707(b)(1), determined by substituting ‘20 percent’ for ‘50 percent’ each place it occurs in such sections.

“(3) DECEDENTS.—In the case of a decedent, amounts recognized under this section shall, if not properly includible in the gross income of the decedent, be includible in gross income as provided by section 691.

“(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including—

“(A) rules for the certification of qualified opportunity funds for the purposes of this section,

“(B) rules to ensure a qualified opportunity fund has a reasonable period of time to reinvest the return of capital from investments in qualified opportunity zone stock and qualified opportunity zone partnership interests, and to reinvest proceeds received from the sale or disposition of qualified opportunity zone property, and

“(C) rules to prevent abuse.

“(f) FAILURE OF QUALIFIED OPPORTUNITY FUND TO MAINTAIN INVESTMENT STANDARD.—

“(1) IN GENERAL.—If a qualified opportunity fund fails to meet the 90-percent requirement of subsection (c)(1), the qualified opportunity fund shall pay a penalty for each month it fails to meet the requirement in an amount equal to the product of—

“(A) the excess of—

“(i) the amount equal to 90 percent of its aggregate assets, over

“(ii) the aggregate amount of qualified opportunity zone property held by the fund, multiplied by

“(B) the underpayment rate established under section 6621(a)(2) for such month.

“(2) SPECIAL RULE FOR PARTNERSHIPS.—In the case that the qualified opportunity fund is a partnership, the penalty imposed by paragraph (1) shall be taken into account proportionately as part of the distributive share of each partner of the partnership.

“(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection with respect to any failure if it is shown that such failure is due to reasonable cause.”.

(b) BASIS ADJUSTMENTS.—Section 1016(a) is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by inserting after paragraph (37) the following:

“(38) to the extent provided in subsections (b)(2) and (c) of section 1400Z-2.”.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

“SUBCHAPTER Z. OPPORTUNITY ZONES”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle D—International Tax Provisions

PART I—OUTBOUND TRANSACTIONS

Subpart A—Establishment of Participation Exemption System for Taxation of Foreign Income

SEC. 14101. DEDUCTION FOR FOREIGN-SOURCE PORTION OF DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by inserting after section 245 the following new section:

“SEC. 245A. DEDUCTION FOR FOREIGN SOURCE PORTION OF DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

“(a) IN GENERAL.—In the case of any dividend received from a specified 10-percent owned foreign corporation by a domestic corporation which is a United States shareholder with respect to such foreign corporation, there shall be allowed as a deduction an amount equal to the foreign-source portion of such dividend.

“(b) SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘specified 10-percent owned foreign corporation’ means any foreign corporation with respect to which any domestic corporation is a United States shareholder with respect to such corporation.

“(2) EXCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) with respect to the shareholder and which is not a controlled foreign corporation.

“(c) FOREIGN-SOURCE PORTION.—For purposes of this section—

“(1) IN GENERAL.—The foreign-source portion of any dividend from a specified 10-percent owned foreign corporation is an amount which bears the same ratio to such dividend as—

“(A) the undistributed foreign earnings of the specified 10-percent owned foreign corporation, bears to

“(B) the total undistributed earnings of such foreign corporation.

“(2) UNDISTRIBUTED EARNINGS.—The term ‘undistributed earnings’ means the amount of the earnings and profits of the specified 10-percent owned foreign corporation (computed in accordance with sections 964(a) and 986)—

“(A) as of the close of the taxable year of the specified 10-percent owned foreign corporation in which the dividend is distributed, and

“(B) without diminution by reason of dividends distributed during such taxable year.

“(3) UNDISTRIBUTED FOREIGN EARNINGS.—The term ‘undistributed foreign earnings’ means the portion of the undistributed earnings which is attributable to neither—

“(A) income described in subparagraph (A) of section 245(a)(5), nor

“(B) dividends described in subparagraph (B) of such section (determined without regard to section 245(a)(12)).

“(d) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

“(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to any dividend for which a deduction is allowed under this section.

“(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1) (determined by treating the taxpayer as having elected the benefits of subpart A of part III of subchapter N).

“(e) SPECIAL RULES FOR HYBRID DIVIDENDS.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any dividend received by a United

States shareholder from a controlled foreign corporation if the dividend is a hybrid dividend.

“(2) **HYBRID DIVIDENDS OF TIERED CORPORATIONS.**—If a controlled foreign corporation with respect to which a domestic corporation is a United States shareholder receives a hybrid dividend from any other controlled foreign corporation with respect to which such domestic corporation is also a United States shareholder, then, notwithstanding any other provision of this title—

“(A) the hybrid dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the receiving controlled foreign corporation for the taxable year of the controlled foreign corporation in which the dividend was received, and

“(B) the United States shareholder shall include in gross income an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the subpart F income described in subparagraph (A).

“(3) **DENIAL OF FOREIGN TAX CREDIT, ETC.**—The rules of subsection (d) shall apply to any hybrid dividend received by, or any amount included under paragraph (2) in the gross income of, a United States shareholder.

“(4) **HYBRID DIVIDEND.**—The term ‘hybrid dividend’ means an amount received from a controlled foreign corporation—

“(A) for which a deduction would be allowed under subsection (a) but for this subsection, and

“(B) for which the controlled foreign corporation received a deduction (or other tax benefit) with respect to any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States.

“(f) **SPECIAL RULE FOR PURGING DISTRIBUTIONS OF PASSIVE FOREIGN INVESTMENT COMPANIES.**—Any amount which is treated as a dividend under section 1291(d)(2)(B) shall not be treated as a dividend for purposes of this section.

“(g) **REGULATIONS.**—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including regulations for the treatment of United States shareholders owning stock of a specified 10 percent owned foreign corporation through a partnership.”.

(b) **APPLICATION OF HOLDING PERIOD REQUIREMENT.**—Subsection (c) of section 246 is amended—

(1) by striking “or 245” in paragraph (1) and inserting “245, or 245A”, and

(2) by adding at the end the following new paragraph:

“(5) **SPECIAL RULES FOR FOREIGN SOURCE PORTION OF DIVIDENDS RECEIVED FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.**—

“(A) **1-YEAR HOLDING PERIOD REQUIREMENT.**—For purposes of section 245A—

“(i) paragraph (1)(A) shall be applied—

“(I) by substituting ‘365 days’ for ‘45 days’ each place it appears, and

“(II) by substituting ‘731-day period’ for ‘91-day period’, and

“(ii) paragraph (2) shall not apply.

“(B) **STATUS MUST BE MAINTAINED DURING HOLDING PERIOD.**—For purposes of applying paragraph (1) with respect to section 245A, the taxpayer shall be treated as holding the stock referred to in paragraph (1) for any period only if—

“(i) the specified 10-percent owned foreign corporation referred to in section 245A(a) is a specified 10-percent owned foreign corporation at all times during such period, and

“(ii) the taxpayer is a United States shareholder with respect to such specified 10-percent owned foreign corporation at all times during such period.”.

(c) **APPLICATION OF RULES GENERALLY APPLICABLE TO DEDUCTIONS FOR DIVIDENDS RECEIVED.**—

(1) **TREATMENT OF DIVIDENDS FROM CERTAIN CORPORATIONS.**—Paragraph (1) of section 246(a) is amended by striking “and 245” and inserting “245, and 245A”.

(2) **COORDINATION WITH SECTION 1059.**—Subparagraph (B) of section 1059(b)(2) is amended by striking “or 245” and inserting “245, or 245A”.

(d) **COORDINATION WITH FOREIGN TAX CREDIT LIMITATION.**—Subsection (b) of section 904 is amended by adding at the end the following new paragraph:

“(5) **TREATMENT OF DIVIDENDS FOR WHICH DEDUCTION IS ALLOWED UNDER SECTION 245A.**—For purposes of subsection (a), in the case of a domestic corporation which is a United States shareholder with respect to a specified 10-percent owned foreign corporation, such shareholder's taxable income from sources without the United States (and entire taxable income) shall be determined without regard to—

“(A) the foreign-source portion of any dividend received from such foreign corporation, and

“(B) any deductions properly allocable or apportioned to—

“(i) income (other than amounts includible under section 951(a)(1) or 951A(a)) with respect to stock of such specified 10-percent owned foreign corporation, or

“(ii) such stock to the extent income with respect to such stock is other than amounts includible under section 951(a)(1) or 951A(a).

Any term which is used in section 245A and in this paragraph shall have the same meaning for purposes of this paragraph as when used in such section.”.

(e) **CONFORMING AMENDMENTS.**—

(1) Subsection (b) of section 951 is amended by striking “subpart” and inserting “title”.

(2) Subsection (a) of section 957 is amended by striking “subpart” in the matter preceding paragraph (1) and inserting “title”.

(3) The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting after the item relating to section 245 the following new item:

“Sec. 245A. Deduction for foreign source-portion of dividends received by domestic corporations from certain 10-percent owned foreign corporations.”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions made after (and, in the case of the amendments made by subsection (d), deductions with respect to taxable years ending after) December 31, 2017.

SEC. 14102. SPECIAL RULES RELATING TO SALES OR TRANSFERS INVOLVING SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

(a) **SALES BY UNITED STATES PERSONS OF STOCK.**—

(1) **IN GENERAL.**—Section 1248 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.**—In the case of the sale or exchange by a domestic corporation of stock in a foreign corporation held for 1 year or more, any amount received by the domestic corporation which is treated as a dividend by reason of this section shall be treated as a dividend for purposes of applying section 245A.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to sales or exchanges after December 31, 2017.

(b) **BASIS IN SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION REDUCED BY NONTAXED PORTION OF DIVIDEND FOR PURPOSES OF DETERMINING LOSS.**—

(1) **IN GENERAL.**—Section 961 is amended by adding at the end the following new subsection:

“(d) **BASIS IN SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION REDUCED BY NONTAXED PORTION OF DIVIDEND FOR PURPOSES OF DETERMINING LOSS.**—If a domestic corporation received a dividend from a specified 10-percent owned foreign corporation (as defined in section 245A) in any taxable year, solely for purposes of determining loss on any disposition of stock of such foreign corporation in such taxable year or any subsequent taxable year, the basis of such domestic corporation in such stock shall be reduced (but not below zero) by the amount of any deduction allowable to such domestic corporation under section 245A with respect to such stock except to the extent such basis was reduced under section 1059 by reason of a dividend for which such a deduction was allowable.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to distributions made after December 31, 2017.

(c) **SALE BY A CFC OF A LOWER TIER CFC.**—

(1) **IN GENERAL.**—Section 964(e) is amended by adding at the end the following new paragraph:

“(4) **COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.**—

“(A) **IN GENERAL.**—If, for any taxable year of a controlled foreign corporation beginning after December 31, 2017, any amount is treated as a dividend under paragraph (1) by reason of a sale or exchange by the controlled foreign corporation of stock in another foreign corporation held for 1 year or more, then, notwithstanding any other provision of this title—

“(i) the foreign-source portion of such dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the selling controlled foreign corporation for such taxable year,

“(ii) a United States shareholder with respect to the selling controlled foreign corporation shall include in gross income for the taxable year of the shareholder with or within which such taxable year of the controlled foreign corporation ends an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the amount treated as subpart F income under clause (i), and

“(iii) the deduction under section 245A(a) shall be allowable to the United States shareholder with respect to the subpart F income included in gross income under clause (ii) in the same manner as if such subpart F income were a dividend received by the shareholder from the selling controlled foreign corporation.

“(B) **APPLICATION OF BASIS OR SIMILAR ADJUSTMENT.**—For purposes of this title, in the case of a sale or exchange by a controlled foreign corporation of stock in another foreign corporation in a taxable year of the selling controlled foreign corporation beginning after December 31, 2017, rules similar to the rules of section 961(d) shall apply.

“(C) **FOREIGN-SOURCE PORTION.**—For purposes of this paragraph, the foreign-source portion of any amount treated as a dividend under paragraph (1) shall be determined in the same manner as under section 245A(c).”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to sales or exchanges after December 31, 2017.

(d) **TREATMENT OF FOREIGN BRANCH LOSSES TRANSFERRED TO SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.**—

(1) **IN GENERAL.**—Part II of subchapter B of chapter 1 is amended by adding at the end the following new section:

“SEC. 91. CERTAIN FOREIGN BRANCH LOSSES TRANSFERRED TO SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

“(a) IN GENERAL.—If a domestic corporation transfers substantially all of the assets of a foreign branch (within the meaning of section 367(a)(3)(C)), as in effect before the date of the enactment of the Tax Cuts and Jobs Act) to a specified 10-percent owned foreign corporation (as defined in section 245A) with respect to which it is a United States shareholder after such transfer, such domestic corporation shall include in gross income for the taxable year which includes such transfer an amount equal to the transferred loss amount with respect to such transfer.

“(b) TRANSFERRED LOSS AMOUNT.—For purposes of this section, the term ‘transferred loss amount’ means, with respect to any transfer of substantially all of the assets of a foreign branch, the excess (if any) of—

“(1) the sum of losses—

“(A) which were incurred by the foreign branch after December 31, 2017, and before the transfer, and

“(B) with respect to which a deduction was allowed to the taxpayer, over

“(2) the sum of—

“(A) any taxable income of such branch for a taxable year after the taxable year in which the loss was incurred and through the close of the taxable year of the transfer, and

“(B) any amount which is recognized under section 904(f)(3) on account of the transfer.

“(c) REDUCTION FOR RECOGNIZED GAINS.—The transferred loss amount shall be reduced (but not below zero) by the amount of gain recognized by the taxpayer on account of the transfer (other than amounts taken into account under subsection (b)(2)(B)).

“(d) SOURCE OF INCOME.—Amounts included in gross income under this section shall be treated as derived from sources within the United States.

“(e) BASIS ADJUSTMENTS.—Consistent with such regulations or other guidance as the Secretary shall prescribe, proper adjustments shall be made in the adjusted basis of the taxpayer’s stock in the specified 10-percent owned foreign corporation to which the transfer is made, and in the transferee’s adjusted basis in the property transferred, to reflect amounts included in gross income under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Certain foreign branch losses transferred to specified 10-percent owned foreign corporations.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transfers after December 31, 2017.

(4) TRANSITION RULE.—The amount of gain taken into account under section 91(c) of the Internal Revenue Code of 1986, as added by this subsection, shall be reduced by the amount of gain which would be recognized under section 367(a)(3)(C) (determined without regard to the amendments made by subsection (e)) with respect to losses incurred before January 1, 2018.

(e) REPEAL OF ACTIVE TRADE OR BUSINESS EXCEPTION UNDER SECTION 367.—

(1) IN GENERAL.—Section 367(a) is amended by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) CONFORMING AMENDMENTS.—Section 367(a)(4), as redesignated by paragraph (1), is amended—

(A) by striking “Paragraphs (2) and (3)” and inserting “Paragraph (2)”, and

(B) by striking “PARAGRAPHS (2) AND (3)” in the heading and inserting “PARAGRAPH (2)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transfers after December 31, 2017.

SEC. 14103. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.

(a) IN GENERAL.—Section 965 is amended to read as follows:

“SEC. 965. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.

“(a) TREATMENT OF DEFERRED FOREIGN INCOME AS SUBPART F INCOME.—In the case of the last taxable year of a deferred foreign income corporation which begins before January 1, 2018, the subpart F income of such foreign corporation (as otherwise determined for such taxable year under section 952) shall be increased by the greater of—

“(1) the accumulated post-1986 deferred foreign income of such corporation determined as of November 2, 2017, or

“(2) the accumulated post-1986 deferred foreign income of such corporation determined as of December 31, 2017.

“(b) REDUCTION IN AMOUNTS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS OF SPECIFIED FOREIGN CORPORATIONS WITH DEFICITS IN EARNINGS AND PROFITS.—

“(1) IN GENERAL.—In the case of a taxpayer which is a United States shareholder with respect to at least one deferred foreign income corporation and at least one E&P deficit foreign corporation, the amount which would (but for this subsection) be taken into account under section 951(a)(1) by reason of subsection (a) as such United States shareholder’s pro rata share of the subpart F income of each deferred foreign income corporation shall be reduced by the amount of such United States shareholder’s aggregate foreign E&P deficit which is allocated under paragraph (2) to such deferred foreign income corporation.

“(2) ALLOCATION OF AGGREGATE FOREIGN E&P DEFICIT.—The aggregate foreign E&P deficit of any United States shareholder shall be allocated among the deferred foreign income corporations of such United States shareholder in an amount which bears the same proportion to such aggregate as—

“(A) such United States shareholder’s pro rata share of the accumulated post-1986 deferred foreign income of each such deferred foreign income corporation, bears to

“(B) the aggregate of such United States shareholder’s pro rata share of the accumulated post-1986 deferred foreign income of all deferred foreign income corporations of such United States shareholder.

“(3) DEFINITIONS RELATED TO E&P DEFICITS.—For purposes of this subsection—

“(A) AGGREGATE FOREIGN E&P DEFICIT.—

“(i) IN GENERAL.—The term ‘aggregate foreign E&P deficit’ means, with respect to any United States shareholder, the lesser of—

“(I) the aggregate of such shareholder’s pro rata shares of the specified E&P deficits of the E&P deficit foreign corporations of such shareholder, or

“(II) the amount determined under paragraph (2)(B).

“(ii) ALLOCATION OF DEFICIT.—If the amount described in clause (i)(II) is less than the amount described in clause (i)(I), then the shareholder shall designate, in such form and manner as the Secretary determines—

“(I) the amount of the specified E&P deficit which is to be taken into account for each E&P deficit corporation with respect to the taxpayer, and

“(II) in the case of an E&P deficit corporation which has a qualified deficit (as defined in section 952), the portion (if any) of the deficit

taken into account under subclause (I) which is attributable to a qualified deficit, including the qualified activities to which such portion is attributable.

“(B) E&P DEFICIT FOREIGN CORPORATION.—The term ‘E&P deficit foreign corporation’ means, with respect to any taxpayer, any specified foreign corporation with respect to which such taxpayer is a United States shareholder, if, as of November 2, 2017—

“(i) such specified foreign corporation has a deficit in post-1986 earnings and profits,

“(ii) such corporation was a specified foreign corporation, and

“(iii) such taxpayer was a United States shareholder of such corporation.

“(C) SPECIFIED E&P DEFICIT.—The term ‘specified E&P deficit’ means, with respect to any E&P deficit foreign corporation, the amount of the deficit referred to in subparagraph (B).

“(4) TREATMENT OF EARNINGS AND PROFITS IN FUTURE YEARS.—

“(A) REDUCED EARNINGS AND PROFITS TREATED AS PREVIOUSLY TAXED INCOME WHEN DISTRIBUTED.—For purposes of applying section 959 in any taxable year beginning with the taxable year described in subsection (a), with respect to any United States shareholder of a deferred foreign income corporation, an amount equal to such shareholder’s reduction under paragraph (1) which is allocated to such deferred foreign income corporation under this subsection shall be treated as an amount which was included in the gross income of such United States shareholder under section 951(a).

“(B) E&P DEFICITS.—For purposes of this title, with respect to any taxable year beginning with the taxable year described in subsection (a), a United States shareholder’s pro rata share of the earnings and profits of any E&P deficit foreign corporation under this subsection shall be increased by the amount of the specified E&P deficit of such corporation taken into account by such shareholder under paragraph (1), and, for purposes of section 952, such increase shall be attributable to the same activity to which the deficit so taken into account was attributable.

“(5) NETTING AMONG UNITED STATES SHAREHOLDERS IN SAME AFFILIATED GROUP.—

“(A) IN GENERAL.—In the case of any affiliated group which includes at least one E&P net surplus shareholder and one E&P net deficit shareholder, the amount which would (but for this paragraph) be taken into account under section 951(a)(1) by reason of subsection (a) by each such E&P net surplus shareholder shall be reduced (but not below zero) by such shareholder’s applicable share of the affiliated group’s aggregate unused E&P deficit.

“(B) E&P NET SURPLUS SHAREHOLDER.—For purposes of this paragraph, the term ‘E&P net surplus shareholder’ means any United States shareholder which would (determined without regard to this paragraph) take into account an amount greater than zero under section 951(a)(1) by reason of subsection (a).

“(C) E&P NET DEFICIT SHAREHOLDER.—For purposes of this paragraph, the term ‘E&P net deficit shareholder’ means any United States shareholder if—

“(i) the aggregate foreign E&P deficit with respect to such shareholder (as defined in paragraph (3)(A) without regard to clause (i)(II) thereof), exceeds

“(ii) the amount which would (but for this subsection) be taken into account by such shareholder under section 951(a)(1) by reason of subsection (a).

“(D) AGGREGATE UNUSED E&P DEFICIT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘aggregate unused E&P deficit’ means, with respect to any affiliated group, the lesser of—

“(I) the sum of the excesses described in subparagraph (C), determined with respect to each E&P net deficit shareholder in such group, or

“(II) the amount determined under subparagraph (E)(ii).

“(ii) REDUCTION WITH RESPECT TO E&P NET DEFICIT SHAREHOLDERS WHICH ARE NOT WHOLLY OWNED BY THE AFFILIATED GROUP.—If the group ownership percentage of any E&P net deficit shareholder is less than 100 percent, the amount of the excess described in subparagraph (C) which is taken into account under clause (i)(I) with respect to such E&P net deficit shareholder shall be such group ownership percentage of such amount.

“(E) APPLICABLE SHARE.—For purposes of this paragraph, the term ‘applicable share’ means, with respect to any E&P net surplus shareholder in any affiliated group, the amount which bears the same proportion to such group’s aggregate unused E&P deficit as—

“(i) the product of—

“(I) such shareholder’s group ownership percentage, multiplied by

“(II) the amount which would (but for this paragraph) be taken into account under section 951(a)(1) by reason of subsection (a) by such shareholder, bears to

“(ii) the aggregate amount determined under clause (i) with respect to all E&P net surplus shareholders in such group.

“(F) GROUP OWNERSHIP PERCENTAGE.—For purposes of this paragraph, the term ‘group ownership percentage’ means, with respect to any United States shareholder in any affiliated group, the percentage of the value of the stock of such United States shareholder which is held by other includible corporations in such affiliated group. Notwithstanding the preceding sentence, the group ownership percentage of the common parent of the affiliated group is 100 percent. Any term used in this subparagraph which is also used in section 1504 shall have the same meaning as when used in such section.

“(c) APPLICATION OF PARTICIPATION EXEMPTION TO INCLUDED INCOME.—

“(I) IN GENERAL.—In the case of a United States shareholder of a deferred foreign income corporation, there shall be allowed as a deduction for the taxable year in which an amount is included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section an amount equal to the sum of—

“(A) the United States shareholder’s 8 percent rate equivalent percentage of the excess (if any) of—

“(i) the amount so included as gross income, over

“(ii) the amount of such United States shareholder’s aggregate foreign cash position, plus

“(B) the United States shareholder’s 15.5 percent rate equivalent percentage of so much of the amount described in subparagraph (A)(ii) as does not exceed the amount described in subparagraph (A)(i).

“(2) 8 AND 15.5 PERCENT RATE EQUIVALENT PERCENTAGES.—For purposes of this subsection—

“(A) 8 PERCENT RATE EQUIVALENT PERCENTAGE.—The term ‘8 percent rate equivalent percentage’ means, with respect to any United States shareholder for any taxable year, the percentage which would result in the amount to which such percentage applies being subject to a 8 percent rate of tax determined by only taking into account a deduction equal to such percentage of such amount and the highest rate of tax specified in section 11 for such taxable year. In the case of any taxable year of a United States shareholder to which section 15 applies, the highest rate of tax under section 11 before the effective date of the change in rates and the highest rate of tax under section 11 after the effective date of such change shall each be taken into account under the preceding sentence in the same proportions as the portion of such taxable year which is before and after such effective date, respectively.

“(B) 15.5 PERCENT RATE EQUIVALENT PERCENTAGE.—The term ‘15.5 percent rate equivalent percentage’ means, with respect to any United States shareholder for any taxable year, the percentage determined under subparagraph (A) applied by substituting ‘15.5 percent rate of tax’ for ‘8 percent rate of tax’.

“(3) AGGREGATE FOREIGN CASH POSITION.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘aggregate foreign cash position’ means, with respect to any United States shareholder, the greater of—

“(i) the aggregate of such United States shareholder’s pro rata share of the cash position of each specified foreign corporation of such United States shareholder determined as of the close of the last taxable year of such specified foreign corporation which begins before January 1, 2018, or

“(ii) one half of the sum of—

“(I) the aggregate described in clause (i) determined as of the close of the last taxable year of each such specified foreign corporation which ends before November 2, 2017, plus

“(II) the aggregate described in clause (i) determined as of the close of the taxable year of each such specified foreign corporation which precedes the taxable year referred to in subclause (I).

“(B) CASH POSITION.—For purposes of this paragraph, the cash position of any specified foreign corporation is the sum of—

“(i) cash held by such foreign corporation,

“(ii) the net accounts receivable of such foreign corporation, plus

“(iii) the fair market value of the following assets held by such corporation:

“(I) Personal property which is of a type that is actively traded and for which there is an established financial market.

“(II) Commercial paper, certificates of deposit, the securities of the Federal government and of any State or foreign government.

“(III) Any foreign currency.

“(IV) Any obligation with a term of less than one year.

“(V) Any asset which the Secretary identifies as being economically equivalent to any asset described in this subparagraph.

“(C) NET ACCOUNTS RECEIVABLE.—For purposes of this paragraph, the term ‘net accounts receivable’ means, with respect to any specified foreign corporation, the excess (if any) of—

“(i) such corporation’s accounts receivable, over

“(ii) such corporation’s accounts payable (determined consistent with the rules of section 461).

“(D) PREVENTION OF DOUBLE COUNTING.—Cash positions of a specified foreign corporation described in clause (ii), (iii)(I), or (iii)(IV) of subparagraph (B) shall not be taken into account by a United States shareholder under subparagraph (A) to the extent that such United States shareholder demonstrates to the satisfaction of the Secretary that such amount is so taken into account by such United States shareholder with respect to another specified foreign corporation.

“(E) CASH POSITIONS OF CERTAIN NON-CORPORATE ENTITIES TAKEN INTO ACCOUNT.—An entity (other than a corporation) shall be treated as a specified foreign corporation of a United States shareholder for purposes of determining such United States shareholder’s aggregate foreign cash position if any interest in such entity is held by a specified foreign corporation of such United States shareholder (determined after application of this subparagraph) and such entity would be a specified foreign corporation of such United States shareholder if such entity were a foreign corporation.

“(F) ANTI-ABUSE.—If the Secretary determines that a principal purpose of any transaction was

to reduce the aggregate foreign cash position taken into account under this subsection, such transaction shall be disregarded for purposes of this subsection.

“(d) DEFERRED FOREIGN INCOME CORPORATION; ACCUMULATED POST-1986 DEFERRED FOREIGN INCOME.—For purposes of this section—

“(1) DEFERRED FOREIGN INCOME CORPORATION.—The term ‘deferred foreign income corporation’ means, with respect to any United States shareholder, any specified foreign corporation of such United States shareholder which has accumulated post-1986 deferred foreign income (as of the date referred to in paragraph (1) or (2) of subsection (a)) greater than zero.

“(2) ACCUMULATED POST-1986 DEFERRED FOREIGN INCOME.—The term ‘accumulated post-1986 deferred foreign income’ means the post-1986 earnings and profits except to the extent such earnings—

“(A) are attributable to income of the specified foreign corporation which is effectively connected with the conduct of a trade or business within the United States and subject to tax under this chapter, or

“(B) in the case of a controlled foreign corporation, if distributed, would be excluded from the gross income of a United States shareholder under section 959.

To the extent provided in regulations or other guidance prescribed by the Secretary, in the case of any controlled foreign corporation which has shareholders which are not United States shareholders, accumulated post-1986 deferred foreign income shall be appropriately reduced by amounts which would be described in subparagraph (B) if such shareholders were United States shareholders.

“(3) POST-1986 EARNINGS AND PROFITS.—The term ‘post-1986 earnings and profits’ means the earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986, and by only taking into account periods when the foreign corporation was a specified foreign corporation) accumulated in taxable years beginning after December 31, 1986, and determined—

“(A) as of the date referred to in paragraph (1) or (2) of subsection (a), whichever is applicable with respect to such foreign corporation, and

“(B) without diminution by reason of dividends distributed during the taxable year described in subsection (a) other than dividends distributed to another specified foreign corporation.

“(e) SPECIFIED FOREIGN CORPORATION.—

“(1) IN GENERAL.—For purposes of this section, the term ‘specified foreign corporation’ means—

“(A) any controlled foreign corporation, and

“(B) any foreign corporation with respect to which one or more domestic corporations is a United States shareholder.

“(2) APPLICATION TO CERTAIN FOREIGN CORPORATIONS.—For purposes of sections 951 and 961, a foreign corporation described in paragraph (1)(B) shall be treated as a controlled foreign corporation solely for purposes of taking into account the subpart F income of such corporation under subsection (a) (and for purposes of applying subsection (f)).

“(3) EXCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) with respect to the shareholder and which is not a controlled foreign corporation.

“(f) DETERMINATIONS OF PRO RATA SHARE.—

“(1) IN GENERAL.—For purposes of this section, the determination of any United States shareholder’s pro rata share of any amount with respect to any specified foreign corporation shall be determined under rules similar to the

rules of section 951(a)(2) by treating such amount in the same manner as subpart F income (and by treating such specified foreign corporation as a controlled foreign corporation).

“(2) SPECIAL RULES.—The portion which is included in the income of a United States shareholder under section 951(a)(1) by reason of subsection (a) which is equal to the deduction allowed under subsection (c) by reason of such inclusion—

“(A) shall be treated as income exempt from tax for purposes of sections 705(a)(1)(B) and 1367(a)(1)(A), and

“(B) shall not be treated as income exempt from tax for purposes of determining whether an adjustment shall be made to an accumulated adjustment account under section 1368(e)(1)(A).

“(g) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

“(1) IN GENERAL.—No credit shall be allowed under section 901 for the applicable percentage of any taxes paid or accrued (or treated as paid or accrued) with respect to any amount for which a deduction is allowed under this section.

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the amount (expressed as a percentage) equal to the sum of—

“(A) 0.771 multiplied by the ratio of—

“(i) the excess to which subsection (c)(1)(A) applies, divided by

“(ii) the sum of such excess plus the amount to which subsection (c)(1)(B) applies, plus

“(B) 0.557 multiplied by the ratio of—

“(i) the amount to which subsection (c)(1)(B) applies, divided by

“(ii) the sum described in subparagraph (A)(ii).

“(3) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1) (determined by treating the taxpayer as having elected the benefits of subpart A of part III of subchapter N).

“(4) COORDINATION WITH SECTION 78.—With respect to the taxes treated as paid or accrued by a domestic corporation with respect to amounts which are includible in gross income of such domestic corporation by reason of this section, section 78 shall apply only to so much of such taxes as bears the same proportion to the amount of such taxes as—

“(A) the excess of—

“(i) the amounts which are includible in gross income of such domestic corporation by reason of this section, over

“(ii) the deduction allowable under subsection (c) with respect to such amounts, bears to

“(B) such amounts.

“(h) ELECTION TO PAY LIABILITY IN INSTALLMENTS.—

“(1) IN GENERAL.—In the case of a United States shareholder of a deferred foreign income corporation, such United States shareholder may elect to pay the net tax liability under this section in 8 installments of the following amounts:

“(A) 8 percent of the net tax liability in the case of each of the first 5 of such installments,

“(B) 15 percent of the net tax liability in the case of the 6th such installment,

“(C) 20 percent of the net tax liability in the case of the 7th such installment, and

“(D) 25 percent of the net tax liability in the case of the 8th such installment.

“(2) DATE FOR PAYMENT OF INSTALLMENTS.—If an election is made under paragraph (1), the first installment shall be paid on the due date (determined without regard to any extension of time for filing the return) for the return of tax for the taxable year described in subsection (a) and each succeeding installment shall be paid on the due date (as so determined) for the return of tax for the taxable year following the

taxable year with respect to which the preceding installment was made.

“(3) ACCELERATION OF PAYMENT.—If there is an addition to tax for failure to timely pay any installment required under this subsection, a liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), a cessation of business by the taxpayer, or any similar circumstance, then the unpaid portion of all remaining installments shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed). The preceding sentence shall not apply to the sale of substantially all the assets of a taxpayer to a buyer if such buyer enters into an agreement with the Secretary under which such buyer is liable for the remaining installments due under this subsection in the same manner as if such buyer were the taxpayer.

“(4) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under paragraph (1) to pay the net tax liability under this section in installments and a deficiency has been assessed with respect to such net tax liability, the deficiency shall be prorated to the installments payable under paragraph (1). The part of the deficiency so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

“(5) ELECTION.—Any election under paragraph (1) shall be made not later than the due date for the return of tax for the taxable year described in subsection (a) and shall be made in such manner as the Secretary shall provide.

“(6) NET TAX LIABILITY UNDER THIS SECTION.—For purposes of this subsection—

“(A) IN GENERAL.—The net tax liability under this section with respect to any United States shareholder is the excess (if any) of—

“(i) such taxpayer’s net income tax for the taxable year in which an amount is included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section, over

“(ii) such taxpayer’s net income tax for such taxable year determined—

“(I) without regard to this section, and

“(II) without regard to any income or deduction properly attributable to a dividend received by such United States shareholder from any deferred foreign income corporation.

“(B) NET INCOME TAX.—The term ‘net income tax’ means the regular tax liability reduced by the credits allowed under subparts A, B, and D of part IV of subchapter A.

“(i) SPECIAL RULES FOR S CORPORATION SHAREHOLDERS.—

“(1) IN GENERAL.—In the case of any S corporation which is a United States shareholder of a deferred foreign income corporation, each shareholder of such S corporation may elect to defer payment of such shareholder’s net tax liability under this section with respect to such S corporation until the shareholder’s taxable year which includes the triggering event with respect to such liability. Any net tax liability payment of which is deferred under the preceding sentence shall be assessed on the return of tax as an addition to tax in the shareholder’s taxable year which includes such triggering event.

“(2) TRIGGERING EVENT.—

“(A) IN GENERAL.—In the case of any shareholder’s net tax liability under this section with respect to any S corporation, the triggering event with respect to such liability is whichever of the following occurs first:

“(i) Such corporation ceases to be an S corporation (determined as of the first day of the first taxable year that such corporation is not an S corporation).

“(ii) A liquidation or sale of substantially all the assets of such S corporation (including in a title 11 or similar case), a cessation of business by such S corporation, such S corporation ceases to exist, or any similar circumstance.

“(iii) A transfer of any share of stock in such S corporation by the taxpayer (including by reason of death, or otherwise).

“(B) PARTIAL TRANSFERS OF STOCK.—In the case of a transfer of less than all of the taxpayer’s shares of stock in the S corporation, such transfer shall only be a triggering event with respect to so much of the taxpayer’s net tax liability under this section with respect to such S corporation as is properly allocable to such stock.

“(C) TRANSFER OF LIABILITY.—A transfer described in clause (iii) of subparagraph (A) shall not be treated as a triggering event if the transferee enters into an agreement with the Secretary under which such transferee is liable for net tax liability with respect to such stock in the same manner as if such transferee were the taxpayer.

“(3) NET TAX LIABILITY.—A shareholder’s net tax liability under this section with respect to any S corporation is the net tax liability under this section which would be determined under subsection (h)(6) if the only subpart F income taken into account by such shareholder by reason of this section were allocations from such S corporation.

“(4) ELECTION TO PAY DEFERRED LIABILITY IN INSTALLMENTS.—In the case of a taxpayer which elects to defer payment under paragraph (1)—

“(A) subsection (h) shall be applied separately with respect to the liability to which such election applies,

“(B) an election under subsection (h) with respect to such liability shall be treated as timely made if made not later than the due date for the return of tax for the taxable year in which the triggering event with respect to such liability occurs,

“(C) the first installment under subsection (h) with respect to such liability shall be paid not later than such due date (but determined without regard to any extension of time for filing the return), and

“(D) if the triggering event with respect to any net tax liability is described in paragraph (2)(A)(ii), an election under subsection (h) with respect to such liability may be made only with the consent of the Secretary.

“(5) JOINT AND SEVERAL LIABILITY OF S CORPORATION.—If any shareholder of an S corporation elects to defer payment under paragraph (1), such S corporation shall be jointly and severally liable for such payment and any penalty, addition to tax, or additional amount attributable thereto.

“(6) EXTENSION OF LIMITATION ON COLLECTION.—Any limitation on the time period for the collection of a liability deferred under this subsection shall not be treated as beginning before the date of the triggering event with respect to such liability.

“(7) ANNUAL REPORTING OF NET TAX LIABILITY.—

“(A) IN GENERAL.—Any shareholder of an S corporation which makes an election under paragraph (1) shall report the amount of such shareholder’s deferred net tax liability on such shareholder’s return of tax for the taxable year for which such election is made and on the return of tax for each taxable year thereafter until such amount has been fully assessed on such returns.

“(B) DEFERRED NET TAX LIABILITY.—For purposes of this paragraph, the term ‘deferred net

tax liability' means, with respect to any taxable year, the amount of net tax liability payment of which has been deferred under paragraph (1) and which has not been assessed on a return of tax for any prior taxable year.

“(C) FAILURE TO REPORT.—In the case of any failure to report any amount required to be reported under subparagraph (A) with respect to any taxable year before the due date for the return of tax for such taxable year, there shall be assessed on such return as an addition to tax 5 percent of such amount.

“(8) ELECTION.—Any election under paragraph (1)—

“(A) shall be made by the shareholder of the S corporation not later than the due date for such shareholder's return of tax for the taxable year which includes the close of the taxable year of such S corporation in which the amount described in subsection (a) is taken into account, and

“(B) shall be made in such manner as the Secretary shall provide.

“(j) REPORTING BY S CORPORATION.—Each S corporation which is a United States shareholder of a specified foreign corporation shall report in its return of tax under section 6037(a) the amount includible in its gross income for such taxable year by reason of this section and the amount of the deduction allowable by subsection (c). Any copy provided to a shareholder under section 6037(b) shall include a statement of such shareholder's pro rata share of such amounts.

“(k) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of the net tax liability under this section (as defined in subsection (h)(6)) shall not expire before the date that is 6 years after the return for the taxable year described in such subsection was filed.

“(l) RECAPTURE FOR EXPATRIATED ENTITIES.—

“(1) IN GENERAL.—If a deduction is allowed under subsection (c) to a United States shareholder and such shareholder first becomes an expatriated entity at any time during the 10-year period beginning on the date of the enactment of the Tax Cuts and Jobs Act (with respect to a surrogate foreign corporation which first becomes a surrogate foreign corporation during such period), then—

“(A) the tax imposed by this chapter shall be increased for the first taxable year in which such taxpayer becomes an expatriated entity by an amount equal to 35 percent of the amount of the deduction allowed under subsection (c), and

“(B) no credits shall be allowed against the increase in tax under subparagraph (A).

“(2) EXPATRIATED ENTITY.—For purposes of this subsection, the term ‘expatriated entity’ has the same meaning given such term under section 7874(a)(2), except that such term shall not include an entity if the surrogate foreign corporation with respect to the entity is treated as a domestic corporation under section 7874(b).

“(3) SURROGATE FOREIGN CORPORATION.—For purposes of this subsection, the term ‘surrogate foreign corporation’ has the meaning given such term in section 7874(a)(2)(B).

“(m) SPECIAL RULES FOR UNITED STATES SHAREHOLDERS WHICH ARE REAL ESTATE INVESTMENT TRUSTS.—

“(1) IN GENERAL.—If a real estate investment trust is a United States shareholder in 1 or more deferred foreign income corporations—

“(A) any amount required to be taken into account under section 951(a)(1) by reason of this section shall not be taken into account as gross income of the real estate investment trust for purposes of applying paragraphs (2) and (3) of section 856(c) to any taxable year for which such amount is taken into account under section 951(a)(1), and

“(B) if the real estate investment trust elects the application of this subparagraph, notwithstanding subsection (a), any amount required to be taken into account under section 951(a)(1) by reason of this section shall, in lieu of the taxable year in which it would otherwise be included in gross income (for purposes of the computation of real estate investment trust taxable income under section 857(b)), be included in gross income as follows:

“(i) 8 percent of such amount in the case of each of the taxable years in the 5-taxable year period beginning with the taxable year in which such amount would otherwise be included.

“(ii) 15 percent of such amount in the case of the 1st taxable year following such period.

“(iii) 20 percent of such amount in the case of the 2nd taxable year following such period.

“(iv) 25 percent of such amount in the case of the 3rd taxable year following such period.

“(2) RULES FOR TRUSTS ELECTING DEFERRED INCLUSION.—

“(A) ELECTION.—Any election under paragraph (1)(B) shall be made not later than the due date for the first taxable year in the 5-taxable year period described in clause (i) of paragraph (1)(B) and shall be made in such manner as the Secretary shall provide.

“(B) SPECIAL RULES.—If an election under paragraph (1)(B) is in effect with respect to any real estate investment trust, the following rules shall apply:

“(i) APPLICATION OF PARTICIPATION EXEMPTION.—For purposes of subsection (c)(1)—

“(1) the aggregate amount to which subparagraph (A) or (B) of subsection (c)(1) applies shall be determined without regard to the election,

“(II) each such aggregate amount shall be allocated to each taxable year described in paragraph (1)(B) in the same proportion as the amount included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section is allocated to each such taxable year.

“(III) NO INSTALLMENT PAYMENTS.—The real estate investment trust may not make an election under subsection (g) for any taxable year described in paragraph (1)(B).

“(ii) ACCELERATION OF INCLUSION.—If there is a liquidation or sale of substantially all the assets of the real estate investment trust (including in a title 11 or similar case), a cessation of business by such trust, or any similar circumstance, then any amount not yet included in gross income under paragraph (1)(B) shall be included in gross income as of the day before the date of the event and the unpaid portion of any tax liability with respect to such inclusion shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed).

“(n) ELECTION NOT TO APPLY NET OPERATING LOSS DEDUCTION.—

“(1) IN GENERAL.—If a United States shareholder of a deferred foreign income corporation elects the application of this subsection for the taxable year described in subsection (a), then the amount described in paragraph (2) shall not be taken into account—

“(A) in determining the amount of the net operating loss deduction under section 172 of such shareholder for such taxable year, or

“(B) in determining the amount of taxable income for such taxable year which may be reduced by net operating loss carryovers or carrybacks to such taxable year under section 172.

“(2) AMOUNT DESCRIBED.—The amount described in this paragraph is the sum of—

“(A) the amount required to be taken into account under section 951(a)(1) by reason of this section (determined after the application of subsection (c)), plus

“(B) in the case of a domestic corporation which chooses to have the benefits of subpart A of part III of subchapter N for the taxable year, the taxes deemed to be paid by such corporation under subsections (a) and (b) of section 960 for such taxable year with respect to the amount described in subparagraph (A) which are treated as a dividends under section 78.

“(3) ELECTION.—Any election under this subsection shall be made not later than the due date (including extensions) for filing the return of tax for the taxable year and shall be made in such manner as the Secretary shall prescribe.

“(o) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including—

“(1) regulations or other guidance to provide appropriate basis adjustments, and

“(2) regulations or other guidance to prevent the avoidance of the purposes of this section, including through a reduction in earnings and profits, through changes in entity classification or accounting methods, or otherwise.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 965 and inserting the following:

“Sec. 965. Treatment of deferred foreign income upon transition to participation exemption system of taxation.”.

Subpart B—Rules Related to Passive and Mobile Income

CHAPTER 1—TAXATION OF FOREIGN-DE-RIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME

SEC. 14201. CURRENT YEAR INCLUSION OF GLOBAL INTANGIBLE LOW-TAXED INCOME BY UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 951 the following new section:

“SEC. 951A. GLOBAL INTANGIBLE LOW-TAXED INCOME INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.

“(a) IN GENERAL.—Each person who is a United States shareholder of any controlled foreign corporation for any taxable year of such United States shareholder shall include in gross income such shareholder's global intangible low-taxed income for such taxable year.

“(b) GLOBAL INTANGIBLE LOW-TAXED INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘global intangible low-taxed income’ means, with respect to any United States shareholder for any taxable year of such United States shareholder, the excess (if any) of—

“(A) such shareholder's net CFC tested income for such taxable year, over

“(B) such shareholder's net deemed tangible income return for such taxable year.

“(2) NET DEEMED TANGIBLE INCOME RETURN.—The term ‘net deemed tangible income return’ means, with respect to any United States shareholder for any taxable year, the excess of—

“(A) 10 percent of the aggregate of such shareholder's pro rata share of the qualified business asset investment of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year (determined for each taxable year of each such controlled foreign corporation which ends in or with such taxable year of such United States shareholder), over

“(B) the amount of interest expense taken into account under subsection (c)(2)(A)(ii) in determining the shareholder's net CFC tested income for the taxable year to the extent the interest income attributable to such expense is not taken into account in determining such shareholder's net CFC tested income.

“(c) NET CFC TESTED INCOME.—For purposes of this section—

“(1) *IN GENERAL.*—The term ‘net CFC tested income’ means, with respect to any United States shareholder for any taxable year of such United States shareholder, the excess (if any) of—

“(A) the aggregate of such shareholder’s pro rata share of the tested income of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year of such United States shareholder (determined for each taxable year of such controlled foreign corporation which ends in or with such taxable year of such United States shareholder), over

“(B) the aggregate of such shareholder’s pro rata share of the tested loss of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year of such United States shareholder (determined for each taxable year of such controlled foreign corporation which ends in or with such taxable year of such United States shareholder).

“(2) *TESTED INCOME; TESTED LOSS.*—For purposes of this section—

“(A) *TESTED INCOME.*—The term ‘tested income’ means, with respect to any controlled foreign corporation for any taxable year of such controlled foreign corporation, the excess (if any) of—

“(i) the gross income of such corporation determined without regard to—

“(I) any item of income described in section 952(b),

“(II) any gross income taken into account in determining the subpart F income of such corporation,

“(III) any gross income excluded from the foreign base company income (as defined in section 954) and the insurance income (as defined in section 953) of such corporation by reason of section 954(b)(4),

“(IV) any dividend received from a related person (as defined in section 954(d)(3)), and

“(V) any foreign oil and gas extraction income (as defined in section 907(c)(1)) of such corporation, over

“(ii) the deductions (including taxes) properly allocable to such gross income under rules similar to the rules of section 954(b)(5) (or to which such deductions would be allocable if there were such gross income).

“(B) *TESTED LOSS.*—

“(i) *IN GENERAL.*—The term ‘tested loss’ means, with respect to any controlled foreign corporation for any taxable year of such controlled foreign corporation, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

“(ii) *COORDINATION WITH SUBPART F TO DENY DOUBLE BENEFIT OF LOSSES.*—Section 952(c)(1)(A) shall be applied by increasing the earnings and profits of the controlled foreign corporation by the tested loss of such corporation.

“(d) *QUALIFIED BUSINESS ASSET INVESTMENT.*—For purposes of this section—

“(1) *IN GENERAL.*—The term ‘qualified business asset investment’ means, with respect to any controlled foreign corporation for any taxable year, the average of such corporation’s aggregate adjusted bases as of the close of each quarter of such taxable year in specified tangible property—

“(A) used in a trade or business of the corporation, and

“(B) of a type with respect to which a deduction is allowable under section 167.

“(2) *SPECIFIED TANGIBLE PROPERTY.*—

“(A) *IN GENERAL.*—The term ‘specified tangible property’ means, except as provided in subparagraph (B), any tangible property used in the production of tested income.

“(B) *DUAL USE PROPERTY.*—In the case of property used both in the production of tested income and income which is not tested income, such property shall be treated as specified tangible property in the same proportion that the gross income described in subsection (c)(1)(A) produced with respect to such property bears to the total gross income produced with respect to such property.

“(3) *DETERMINATION OF ADJUSTED BASIS.*—For purposes of this subsection, notwithstanding any provision of this title (or any other provision of law) which is enacted after the date of the enactment of this section, the adjusted basis in any property shall be determined—

“(A) by using the alternative depreciation system under section 168(g), and

“(B) by allocating the depreciation deduction with respect to such property ratably to each day during the period in the taxable year to which such depreciation relates.

“(3) *PARTNERSHIP PROPERTY.*—For purposes of this subsection, if a controlled foreign corporation holds an interest in a partnership at the close of such taxable year of the controlled foreign corporation, such controlled foreign corporation shall take into account under paragraph (1) the controlled foreign corporation’s distributive share of the aggregate of the partnership’s adjusted bases (determined as of such date in the hands of the partnership) in tangible property held by such partnership to the extent such property—

“(A) is used in the trade or business of the partnership,

“(B) is of a type with respect to which a deduction is allowable under section 167, and

“(C) is used in the production of tested income (determined with respect to such controlled foreign corporation’s distributive share of income with respect to such property).

For purposes of this paragraph, the controlled foreign corporation’s distributive share of the adjusted basis of any property shall be the controlled foreign corporation’s distributive share of income with respect to such property.

“(4) *REGULATIONS.*—The Secretary shall issue such regulations or other guidance as the Secretary determines appropriate to prevent the avoidance of the purposes of this subsection, including regulations or other guidance which provide for the treatment of property if—

“(A) such property is transferred, or held, temporarily, or

“(B) the avoidance of the purposes of this paragraph is a factor in the transfer or holding of such property.

“(e) *DETERMINATION OF PRO RATA SHARE, ETC.*—For purposes of this section—

“(1) *IN GENERAL.*—The pro rata shares referred to in subsections (b), (c)(1)(A), and (c)(1)(B), respectively, shall be determined under the rules of section 951(a)(2) in the same manner as such section applies to subpart F income and shall be taken into account in the taxable year of the United States shareholder in which or with which the taxable year of the controlled foreign corporation ends.

“(2) *TREATMENT AS UNITED STATES SHAREHOLDER.*—A person shall be treated as a United States shareholder of a controlled foreign corporation for any taxable year of such person only if such person owns (within the meaning of section 958(a)) stock in such foreign corporation on the last day in the taxable year of such foreign corporation on which such foreign corporation is a controlled foreign corporation.

“(3) *TREATMENT AS CONTROLLED FOREIGN CORPORATION.*—A foreign corporation shall be treated as a controlled foreign corporation for any taxable year if such foreign corporation is a controlled foreign corporation at any time during such taxable year.

“(f) *TREATMENT AS SUBPART F INCOME FOR CERTAIN PURPOSES.*—

“(1) *IN GENERAL.*—

“(A) *APPLICATION.*—Except as provided in subparagraph (B), any global intangible low-taxed income included in gross income under subsection (a) shall be treated in the same manner as an amount included under section 951(a)(1)(A) for purposes of applying sections 168(h)(2)(B), 535(b)(10), 851(b), 904(h)(1), 959, 961, 962, 993(a)(1)(E), 996(f)(1), 1248(b)(1), 1248(d)(1), 6501(e)(1)(C), 6654(d)(2)(D), and 6655(e)(4).

“(B) *EXCEPTION.*—The Secretary shall provide rules for the application of subparagraph (A) to other provisions of this title in any case in which the determination of subpart F income is required to be made at the level of the controlled foreign corporation.

“(2) *ALLOCATION OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.*—For purposes of the sections referred to in paragraph (1), with respect to any controlled foreign corporation any pro rata amount from which is taken into account in determining the global intangible low-taxed income included in gross income of a United States shareholder under subsection (a), the portion of such global intangible low-taxed income which is treated as being with respect to such controlled foreign corporation is—

“(A) in the case of a controlled foreign corporation with no tested income, zero, and

“(B) in the case of a controlled foreign corporation with tested income, the portion of such global intangible low-taxed income which bears the same ratio to such global intangible low-taxed income as—

“(i) such United States shareholder’s pro rata amount of the tested income of such controlled foreign corporation, bears to

“(ii) the aggregate amount described in subsection (c)(1)(A) with respect to such United States shareholder.”.

(b) *FOREIGN TAX CREDIT.*—

(1) *APPLICATION OF DEEMED PAID FOREIGN TAX CREDIT.*—Section 960 is amended adding at the end the following new subsection:

“(d) *DEEMED PAID CREDIT FOR TAXES PROPERLY ATTRIBUTABLE TO TESTED INCOME.*—

“(1) *IN GENERAL.*—For purposes of subpart A of this part, if any amount is includible in the gross income of a domestic corporation under section 951A, such domestic corporation shall be deemed to have paid foreign income taxes equal to 80 percent of the product of—

“(A) such domestic corporation’s inclusion percentage, multiplied by

“(B) the aggregate tested foreign income taxes paid or accrued by controlled foreign corporations.

“(2) *INCLUSION PERCENTAGE.*—For purposes of paragraph (1), the term ‘inclusion percentage’ means, with respect to any domestic corporation, the ratio (expressed as a percentage) of—

“(A) such corporation’s global intangible low-taxed income (as defined in section 951A(b)), divided by

“(B) the aggregate amount described in section 951A(c)(1)(A) with respect to such corporation.

“(3) *TESTED FOREIGN INCOME TAXES.*—For purposes of paragraph (1), the term ‘tested foreign income taxes’ means, with respect to any domestic corporation which is a United States shareholder of a controlled foreign corporation, the foreign income taxes paid or accrued by such foreign corporation which are properly attributable to the tested income of such foreign corporation taken into account by such domestic corporation under section 951A.”.

(2) *APPLICATION OF FOREIGN TAX CREDIT LIMITATION.*—

(A) *SEPARATE BASKET FOR GLOBAL INTANGIBLE LOW-TAXED INCOME.*—Section 904(d)(1) is amended by redesignating subparagraphs (A)

and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) any amount includible in gross income under section 951A (other than passive category income).”.

(B) EXCLUSION FROM GENERAL CATEGORY INCOME.—Section 904(d)(2)(A)(ii) is amended by inserting “income described in paragraph (1)(A) and” before “passive category income”.

(C) NO CARRYOVER OR CARRYBACK OF EXCESS TAXES.—Section 904(c) is amended by adding at the end the following: “This subsection shall not apply to taxes paid or accrued with respect to amounts described in subsection (d)(1)(A).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by inserting after the item relating to section 951 the following new item:

“Sec. 951A. Global intangible low-taxed income included in gross income of United States shareholders.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14202. DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by adding at the end the following new section:

“SEC. 250. FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME.

“(a) ALLOWANCE OF DEDUCTION.—

“(1) IN GENERAL.—In the case of a domestic corporation for any taxable year, there shall be allowed as a deduction an amount equal to the sum of—

“(A) 37.5 percent of the foreign-derived intangible income of such domestic corporation for such taxable year, plus

“(B) 50 percent of—

“(i) the global intangible low-taxed income amount (if any) which is included in the gross income of such domestic corporation under section 951A for such taxable year, and

“(ii) the amount treated as a dividend received by such corporation under section 78 which is attributable to the amount described in clause (i).

“(2) LIMITATION BASED ON TAXABLE INCOME.—

“(A) IN GENERAL.—If, for any taxable year—

“(i) the sum of the foreign-derived intangible income and the global intangible low-taxed income amount otherwise taken into account by the domestic corporation under paragraph (1), exceeds

“(ii) the taxable income of the domestic corporation (determined without regard to this section),

then the amount of the foreign-derived intangible income and the global intangible low-taxed income amount so taken into account shall be reduced as provided in subparagraph (B).

“(B) REDUCTION.—For purposes of subparagraph (A)—

“(i) foreign-derived intangible income shall be reduced by an amount which bears the same ratio to the excess described in subparagraph (A) as such foreign-derived intangible income bears to the sum described in subparagraph (A)(i), and

“(ii) the global intangible low-taxed income amount shall be reduced by the remainder of such excess.

“(3) REDUCTION IN DEDUCTION FOR TAXABLE YEARS AFTER 2025.—In the case of any taxable year beginning after December 31, 2025, paragraph (1) shall be applied by substituting—

“(A) ‘21.875 percent’ for ‘37.5 percent’ in subparagraph (A), and

“(B) ‘37.5 percent’ for ‘50 percent’ in subparagraph (B).

“(b) FOREIGN-DERIVED INTANGIBLE INCOME.—For purposes of this section—

“(1) IN GENERAL.—The foreign-derived intangible income of any domestic corporation is the amount which bears the same ratio to the deemed intangible income of such corporation as—

“(A) the foreign-derived deduction eligible income of such corporation, bears to

“(B) the deduction eligible income of such corporation.

“(2) DEEMED INTANGIBLE INCOME.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘deemed intangible income’ means the excess (if any) of—

“(i) the deduction eligible income of the domestic corporation, over

“(ii) the deemed tangible income return of the corporation.

“(B) DEEMED TANGIBLE INCOME RETURN.—The term ‘deemed tangible income return’ means, with respect to any corporation, an amount equal to 10 percent of the corporation’s qualified business asset investment (as defined in section 951A(d), determined by substituting ‘deduction eligible income’ for ‘tested income’ in paragraph (2) thereof and without regard to whether the corporation is a controlled foreign corporation).

“(3) DEDUCTION ELIGIBLE INCOME.—

“(A) IN GENERAL.—The term ‘deduction eligible income’ means, with respect to any domestic corporation, the excess (if any) of—

“(i) gross income of such corporation determined without regard to—

“(I) any amount included in the gross income of such corporation under section 951(a)(1),

“(II) the global intangible low-taxed income included in the gross income of such corporation under section 951A,

“(III) any financial services income (as defined in section 904(d)(2)(D)) of such corporation,

“(IV) any dividend received from a corporation which is a controlled foreign corporation of such domestic corporation,

“(V) any domestic oil and gas extraction income of such corporation, and

“(VI) any foreign branch income (as defined in section 904(d)(2)(J)), over

“(ii) the deductions (including taxes) properly allocable to such gross income.

“(B) DOMESTIC OIL AND GAS EXTRACTION INCOME.—For purposes of subparagraph (A), the term ‘domestic oil and gas extraction income’ means income described in section 907(c)(1), determined by substituting ‘within the United States’ for ‘without the United States’.

“(4) FOREIGN-DERIVED DEDUCTION ELIGIBLE INCOME.—The term ‘foreign-derived deduction eligible income’ means, with respect to any taxpayer for any taxable year, any deduction eligible income of such taxpayer which is derived in connection with—

“(A) property—

“(i) which is sold by the taxpayer to any person who is not a United States person, and

“(ii) which the taxpayer establishes to the satisfaction of the Secretary is for a foreign use, or

“(B) services provided by the taxpayer which the taxpayer establishes to the satisfaction of the Secretary are provided to any person, or with respect to property, not located within the United States.

“(5) RULES RELATING TO FOREIGN USE PROPERTY OR SERVICES.—For purposes of this subsection—

“(A) FOREIGN USE.—The term ‘foreign use’ means any use, consumption, or disposition which is not within the United States.

“(B) PROPERTY OR SERVICES PROVIDED TO DOMESTIC INTERMEDIARIES.—

“(i) PROPERTY.—If a taxpayer sells property to another person (other than a related party) for further manufacture or other modification within the United States, such property shall not be treated as sold for a foreign use even if such other person subsequently uses such property for a foreign use.

“(ii) SERVICES.—If a taxpayer provides services to another person (other than a related party) located within the United States, such services shall not be treated as described in paragraph (4)(B) even if such other person uses such services in providing services which are so described.

“(C) SPECIAL RULES WITH RESPECT TO RELATED PARTY TRANSACTIONS.—

“(i) SALES TO RELATED PARTIES.—If property is sold to a related party who is not a United States person, such sale shall not be treated as for a foreign use unless—

“(I) such property is ultimately sold by a related party, or used by a related party in connection with property which is sold or the provision of services, to another person who is an unrelated party who is not a United States person, and

“(II) the taxpayer establishes to the satisfaction of the Secretary that such property is for a foreign use.

For purposes of this clause, a sale of property shall be treated as a sale of each of the components thereof.

“(ii) SERVICE PROVIDED TO RELATED PARTIES.—If a service is provided to a related party who is not located in the United States, such service shall not be treated described in subparagraph (A)(ii) unless the taxpayer established to the satisfaction of the Secretary that such service is not substantially similar to services provided by such related party to persons located within the United States.

“(D) RELATED PARTY.—For purposes of this paragraph, the term ‘related party’ means any member of an affiliated group as defined in section 1504(a), determined—

“(i) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(ii) without regard to paragraphs (2) and (3) of section 1504(b).

Any person (other than a corporation) shall be treated as a member of such group if such person is controlled by members of such group (including any entity treated as a member of such group by reason of this sentence) or controls any such member. For purposes of the preceding sentence, control shall be determined under the rules of section 954(d)(3).

“(E) SOLD.—For purposes of this subsection, the terms ‘sold’, ‘sells’, and ‘sale’ shall include any lease, license, exchange, or other disposition.

“(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 172(d), as amended by this Act, is amended by adding at the end the following new paragraph:

“(9) DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME.—The deduction under section 250 shall not be allowed.”.

(2) Section 246(b)(1) is amended—

(A) by striking “and subsection (a) and (b) of section 245” the first place it appears and inserting “, subsection (a) and (b) of section 245, and section 250”,

(B) by striking “and subsection (a) and (b) of section 245” the second place it appears and inserting “subsection (a) and (b) of section 245, and 250”.

(3) Section 469(i)(3)(F)(iii) is amended by striking “and 222” and inserting “222, and 250”.

(4) The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 250. Foreign-derived intangible income and global intangible low-taxed income.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

CHAPTER 2—OTHER MODIFICATIONS OF SUBPART F PROVISIONS

SEC. 14211. ELIMINATION OF INCLUSION OF FOREIGN BASE COMPANY OIL RELATED INCOME.

(a) **REPEAL.**—Subsection (a) of section 954 is amended—

(1) by inserting “and” at the end of paragraph (2),

(2) by striking the comma at the end of paragraph (3) and inserting a period, and

(3) by striking paragraph (5).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 952(c)(1)(B)(iii) is amended by striking subclause (I) and redesignating subclauses (II) through (V) as subclauses (I) through (IV), respectively.

(2) Section 954(b) is amended—

(A) by striking the second sentence of paragraph (4),

(B) by striking “the foreign base company services income, and the foreign base company oil related income” in paragraph (5) and inserting “and the foreign base company services income”, and

(C) by striking paragraph (6).

(3) Section 954 is amended by striking subsection (g).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 14212. REPEAL OF INCLUSION BASED ON WITHDRAWAL OF PREVIOUSLY EXCLUDED SUBPART F INCOME FROM QUALIFIED INVESTMENT.

(a) **IN GENERAL.**—Subpart F of part III of subchapter N of chapter 1 is amended by striking section 955.

(b) **CONFORMING AMENDMENTS.**—

(1)(A) Section 951(a)(1)(A) is amended to read as follows:

“(A) his pro rata share (determined under paragraph (2)) of the corporation’s subpart F income for such year, and”.

(B) Section 851(b) is amended by striking “section 951(a)(1)(A)(i)” in the flush language at the end and inserting “section 951(a)(1)(A)”.

(C) Section 952(c)(1)(B)(i) is amended by striking “section 951(a)(1)(A)(i)” and inserting “section 951(a)(1)(A)”.

(D) Section 953(c)(1)(C) is amended by striking “section 951(a)(1)(A)(i)” and inserting “section 951(a)(1)(A)”.

(2) Section 951(a) is amended by striking paragraph (3).

(3) Section 953(d)(4)(B)(iv)(II) is amended by striking “or amounts referred to in clause (ii) or (iii) of section 951(a)(1)(A)”.

(4) Section 964(b) is amended by striking “, 955.”.

(5) Section 970 is amended by striking subsection (b).

(6) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 955.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14213. MODIFICATION OF STOCK ATTRIBUTION RULES FOR DETERMINING STATUS AS A CONTROLLED FOREIGN CORPORATION.

(a) **IN GENERAL.**—Section 958(b) is amended—

(1) by striking paragraph (4), and

(2) by striking “Paragraphs (1) and (4)” in the last sentence and inserting “Paragraph (1)”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) the last taxable year of foreign corporations beginning before January 1, 2018, and each subsequent taxable year of such foreign corporations, and

(2) taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14214. MODIFICATION OF DEFINITION OF UNITED STATES SHAREHOLDER.

(a) **IN GENERAL.**—Section 951(b) is amended by inserting “, or 10 percent or more of the total value of shares of all classes of stock of such foreign corporation” after “such foreign corporation”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 14215. ELIMINATION OF REQUIREMENT THAT CORPORATION MUST BE CONTROLLED FOR 30 DAYS BEFORE SUBPART F INCLUSIONS APPLY.

(a) **IN GENERAL.**—Section 951(a)(1) is amended by striking “for an uninterrupted period of 30 days or more” and inserting “at any time”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

CHAPTER 3—PREVENTION OF BASE EROSION

SEC. 14221. LIMITATIONS ON INCOME SHIFTING THROUGH INTANGIBLE PROPERTY TRANSFERS.

(a) **DEFINITION OF INTANGIBLE ASSET.**—Section 936(h)(3)(B) is amended—

(1) by striking “or” at the end of clause (v),

(2) by striking clause (vi) and inserting the following:

“(vi) any goodwill, going concern value, or workforce in place (including its composition and terms and conditions (contractual or otherwise) of its employment); or

“(vii) any other item the value or potential value of which is not attributable to tangible property or the services of any individual.”, and

(3) by striking the flush language after clause (vii), as added by paragraph (2).

(b) **CLARIFICATION OF ALLOWABLE VALUATION METHODS.**—

(1) **FOREIGN CORPORATIONS.**—Section 367(d)(2)

is amended by adding at the end the following new subparagraph:

“(D) **REGULATORY AUTHORITY.**—For purposes of the last sentence of subparagraph (A), the Secretary shall require—

“(i) the valuation of transfers of intangible property, including intangible property transferred with other property or services, on an aggregate basis, or

“(ii) the valuation of such a transfer on the basis of the realistic alternatives to such a transfer,

if the Secretary determines that such basis is the most reliable means of valuation of such transfers.”.

(2) **ALLOCATION AMONG TAXPAYERS.**—Section 482 is amended by adding at the end the following: “For purposes of this section, the Secretary shall require the valuation of transfers of intangible property (including intangible property transferred with other property or services) on an aggregate basis or the valuation of such a transfer on the basis of the realistic alter-

natives to such a transfer, if the Secretary determines that such basis is the most reliable means of valuation of such transfers.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to transfers in taxable years beginning after December 31, 2017.

(2) **NO INFERENCE.**—Nothing in the amendment made by subsection (a) shall be construed to create any inference with respect to the application of section 936(h)(3) of the Internal Revenue Code of 1986, or the authority of the Secretary of the Treasury to provide regulations for such application, with respect to taxable years beginning before January 1, 2018.

SEC. 14222. CERTAIN RELATED PARTY AMOUNTS PAID OR ACCRUED IN HYBRID TRANSACTIONS OR WITH HYBRID ENTITIES.

(a) **IN GENERAL.**—Part IX of subchapter B of chapter 1 is amended by inserting after section 267 the following:

“SEC. 267A. CERTAIN RELATED PARTY AMOUNTS PAID OR ACCRUED IN HYBRID TRANSACTIONS OR WITH HYBRID ENTITIES.

“(a) **IN GENERAL.**—No deduction shall be allowed under this chapter for any disqualified related party amount paid or accrued pursuant to a hybrid transaction or by, or to, a hybrid entity.

“(b) **DISQUALIFIED RELATED PARTY AMOUNT.**—For purposes of this section—

“(1) **DISQUALIFIED RELATED PARTY AMOUNT.**—The term ‘disqualified related party amount’ means any interest or royalty paid or accrued to a related party to the extent that—

“(A) such amount is not included in the income of such related party under the tax law of the country of which such related party is a resident for tax purposes or is subject to tax, or

“(B) such related party is allowed a deduction with respect to such amount under the tax law of such country.

Such term shall not include any payment to the extent such payment is included in the gross income of a United States shareholder under section 951(a).

“(2) **RELATED PARTY.**—The term ‘related party’ means a related person as defined in section 954(d)(3), except that such section shall be applied with respect to the person making the payment described in paragraph (1) in lieu of the controlled foreign corporation otherwise referred to in such section.

“(c) **HYBRID TRANSACTION.**—For purposes of this section, the term ‘hybrid transaction’ means any transaction, series of transactions, agreement, or instrument one or more payments with respect to which are treated as interest or royalties for purposes of this chapter and which are not so treated for purposes the tax law of the foreign country of which the recipient of such payment is resident for tax purposes or is subject to tax.

“(d) **HYBRID ENTITY.**—For purposes of this section, the term ‘hybrid entity’ means any entity which is either—

“(1) treated as fiscally transparent for purposes of this chapter but not so treated for purposes of the tax law of the foreign country of which the entity is resident for tax purposes or is subject to tax, or

“(2) treated as fiscally transparent for purposes of such tax law but not so treated for purposes of this chapter.

“(e) **REGULATIONS.**—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance providing for—

“(1) rules for treating certain conduit arrangements which involve a hybrid transaction or a hybrid entity as subject to subsection (a),

“(2) rules for the application of this section to branches or domestic entities,

“(3) rules for treating certain structured transactions as subject to subsection (a),

“(4) rules for treating a tax preference as an exclusion from income for purposes of applying subsection (b)(1) if such tax preference has the effect of reducing the generally applicable statutory rate by 25 percent or more,

“(5) rules for treating the entire amount of interest or royalty paid or accrued to a related party as a disqualified related party amount if such amount is subject to a participation exemption system or other system which provides for the exclusion or deduction of a substantial portion of such amount,

“(6) rules for determining the tax residence of a foreign entity if the entity is otherwise considered a resident of more than one country or of no country,

“(7) exceptions from subsection (a) with respect to—

“(A) cases in which the disqualified related party amount is taxed under the laws of a foreign country other than the country of which the related party is a resident for tax purposes, and

“(B) other cases which the Secretary determines do not present a risk of eroding the Federal tax base,

“(8) requirements for record keeping and information reporting in addition to any requirements imposed by section 6038A.”

(b) **CONFORMING AMENDMENT.**—The table of sections for part IX of subchapter B of chapter 1 is amended by inserting after the item relating to section 267 the following new item:

“Sec. 267A. Certain related party amounts paid or accrued in hybrid transactions or with hybrid entities.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 14223. SHAREHOLDERS OF SURROGATE FOREIGN CORPORATIONS NOT ELIGIBLE FOR REDUCED RATE ON DIVIDENDS.

(a) **IN GENERAL.**—Section 1(h)(11)(C)(iii) is amended—

(1) by striking “shall not include any foreign corporation” and inserting “shall not include—

“(1) any foreign corporation”,

(2) by striking the period at the end and inserting “, and”, and

(3) by adding at the end the following new subclause:

“(11) any corporation which first becomes a surrogate foreign corporation (as defined in section 7874(a)(2)(B)) after the date of the enactment of this subclause, other than a foreign corporation which is treated as a domestic corporation under section 7874(b).”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to dividends received after the date of the enactment of this Act.

Subpart C—Modifications Related to Foreign Tax Credit System

SEC. 14301. REPEAL OF SECTION 902 INDIRECT FOREIGN TAX CREDITS; DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.

(a) **REPEAL OF SECTION 902 INDIRECT FOREIGN TAX CREDITS.**—Subpart A of part III of subchapter N of chapter 1 is amended by striking section 902.

(b) **DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.**—Section 960, as amended by section 14201, is amended—

(1) by striking subsection (c), by redesignating subsection (b) as subsection (c), by striking all that precedes subsection (c) (as so redesignated) and inserting the following:

“SEC. 960. DEEMED PAID CREDIT FOR SUBPART F INCLUSIONS.

“(a) **IN GENERAL.**—For purposes of subpart A of this part, if there is included in the gross income of a domestic corporation any item of in-

come under section 951(a)(1) with respect to any controlled foreign corporation with respect to which such domestic corporation is a United States shareholder, such domestic corporation shall be deemed to have paid so much of such foreign corporation’s foreign income taxes as are properly attributable to such item of income.

“(b) **SPECIAL RULES FOR DISTRIBUTIONS FROM PREVIOUSLY TAXED EARNINGS AND PROFITS.**—For purposes of subpart A of this part—

“(1) **IN GENERAL.**—If any portion of a distribution from a controlled foreign corporation to a domestic corporation which is a United States shareholder with respect to such controlled foreign corporation is excluded from gross income under section 959(a), such domestic corporation shall be deemed to have paid so much of such foreign corporation’s foreign income taxes as—

“(A) are properly attributable to such portion, and

“(B) have not been deemed to have been paid by such domestic corporation under this section for the taxable year or any prior taxable year.

“(2) **TIERED CONTROLLED FOREIGN CORPORATIONS.**—If section 959(b) applies to any portion of a distribution from a controlled foreign corporation to another controlled foreign corporation, such controlled foreign corporation shall be deemed to have paid so much of such other controlled foreign corporation’s foreign income taxes as—

“(A) are properly attributable to such portion, and

“(B) have not been deemed to have been paid by a domestic corporation under this section for the taxable year or any prior taxable year.”

(2) and by adding after subsection (d) (as added by section 14201) the following new subsections:

“(e) **FOREIGN INCOME TAXES.**—The term ‘foreign income taxes’ means any income, war profits, or excess profits taxes paid or accrued to any foreign country or possession of the United States.

“(f) **REGULATIONS.**—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section.”

(c) **CONFORMING AMENDMENTS.**—

(1) Section 78 is amended to read as follows:

“SEC. 78. GROSS UP FOR DEEMED PAID FOREIGN TAX CREDIT.

“If a domestic corporation chooses to have the benefits of subpart A of part III of subchapter N (relating to foreign tax credit) for any taxable year, an amount equal to the taxes deemed to be paid by such corporation under subsections (a), (b), and (d) of section 960 (determined without regard to the phrase ‘80 percent of’ in subsection (d)(1) thereof) for such taxable year shall be treated for purposes of this title (other than sections 245 and 245A) as a dividend received by such domestic corporation from the foreign corporation.”

(2) Paragraph (4) of section 245(a) is amended to read as follows:

“(4) **POST-1986 UNDISTRIBUTED EARNINGS.**—The term ‘post-1986 undistributed earnings’ means the amount of the earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 1986—

“(A) as of the close of the taxable year of the foreign corporation in which the dividend is distributed, and

“(B) without diminution by reason of dividends distributed during such taxable year.”

(3) Section 245(a)(10)(C) is amended by striking “902, 907, and 960” and inserting “907 and 960”.

(4) Sections 535(b)(1) and 545(b)(1) are each amended by striking “section 902(a) or 960(a)(1)” and inserting “section 960”.

(5) Section 814(f)(1) is amended—

(A) by striking subparagraph (B), and

(B) by striking all that precedes “No income” and inserting the following:

“(1) **TREATMENT OF FOREIGN TAXES.**—”

(6) Section 865(h)(1)(B) is amended by striking “902, 907,” and inserting “907”.

(7) Section 901(a) is amended by striking “sections 902 and 960” and inserting “section 960”.

(8) Section 901(e)(2) is amended by striking “but is not limited to—” and all that follows through “that portion” and inserting “but is not limited to that portion”.

(9) Section 901(f) is amended by striking “sections 902 and 960” and inserting “section 960”.

(10) Section 901(j)(1)(A) is amended by striking “902 or”.

(11) Section 901(j)(1)(B) is amended by striking “sections 902 and 960” and inserting “section 960”.

(12) Section 901(k)(2) is amended by striking “, 902,”

(13) Section 901(k)(6) is amended by striking “902 or”.

(14) Section 901(m)(1)(B) is amended to read as follows:

“(B) in the case of a foreign income tax paid by a foreign corporation, shall not be taken into account for purposes of section 960.”

(15) Section 904(d)(2)(E) is amended—

(A) by amending clause (i) to read as follows:

“(i) **NONCONTROLLED 10-PERCENT OWNED FOREIGN CORPORATION.**—The term ‘noncontrolled 10-percent owned foreign corporation’ means any foreign corporation which is—

“(I) a specified 10-percent owned foreign corporation (as defined in section 245A(b)), or

“(II) a passive foreign investment company (as defined in section 1297(a)) with respect to which the taxpayer meets the stock ownership requirements of section 902(a) (or, for purposes of applying paragraphs (3) and (4), the requirements of section 902(b)).

A controlled foreign corporation shall not be treated as a noncontrolled 10-percent owned foreign corporation with respect to any distribution out of its earnings and profits for periods during which it was a controlled foreign corporation. Any reference to section 902 in this clause shall be treated as a reference to such section as in effect before its repeal.”

(B) by striking “non-controlled section 902 corporation” in clause (ii) and inserting “non-controlled 10-percent owned foreign corporation”.

(16) Section 904(d)(4) is amended—

(A) by striking “noncontrolled section 902 corporation” each place it appears and inserting “noncontrolled 10-percent owned foreign corporation”.

(B) by striking “NONCONTROLLED SECTION 902 CORPORATIONS” in the heading thereof and inserting “NONCONTROLLED 10-PERCENT OWNED FOREIGN CORPORATIONS”.

(17) Section 904(d)(6)(A) is amended by striking “902, 907,” and inserting “907”.

(18) Section 904(h)(10)(A) is amended by striking “sections 902, 907, and 960” and inserting “sections 907 and 960”.

(19) Section 904(k) is amended to read as follows:

“(k) **CROSS REFERENCES.**—For increase of limitation under subsection (a) for taxes paid with respect to amounts received which were included in the gross income of the taxpayer for a prior taxable year as a United States shareholder with respect to a controlled foreign corporation, see section 960(c).”

(20) Section 905(c)(1) is amended by striking the last sentence.

(21) Section 905(c)(2)(B)(i) is amended to read as follows:

“(i) shall be taken into account for the taxable year to which such taxes relate, and”.

(22) Section 906(a) is amended by striking “(or deemed, under section 902, paid or accrued during the taxable year)”.

(23) Section 906(b) is amended by striking paragraphs (4) and (5).

(24) Section 907(b)(2)(B) is amended by striking “902 or”.

(25) Section 907(c)(3)(A) is amended—
(A) by striking subparagraph (A) and inserting the following:

“(A) interest, to the extent the category of income of such interest is determined under section 904(d)(3),”, and

(B) by striking “section 960(a)” in subparagraph (B) and inserting “section 960”.

(26) Section 907(c)(5) is amended by striking “902 or”.

(27) Section 907(f)(2)(B)(i) is amended by striking “902 or”.

(28) Section 908(a) is amended by striking “902 or”.

(29) Section 909(b) is amended—

(A) by striking “section 902 corporation” in the matter preceding paragraph (1) and inserting “specified 10-percent owned foreign corporation (as defined in section 245A(b) without regard to paragraph (2) thereof)”,

(B) by striking “902 or” in paragraph (1),

(C) by striking “by such section 902 corporation” and all that follows in the matter following paragraph (2) and inserting “by such specified 10-percent owned foreign corporation or a domestic corporation which is a United States shareholder with respect to such specified 10-percent owned foreign corporation.”, and

(D) by striking “SECTION 902 CORPORATIONS” in the heading thereof and inserting “SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS”.

(30) Section 909(d) is amended by striking paragraph (5).

(31) Section 958(a)(1) is amended by striking “960(a)(1)” and inserting “960”.

(32) Section 959(d) is amended by striking “Except as provided in section 960(a)(3), any” and inserting “Any”.

(33) Section 959(e) is amended by striking “section 960(b)” and inserting “section 960(c)”.

(34) Section 1291(g)(2)(A) is amended by striking “any distribution—” and all that follows through “but only if” and inserting “any distribution, any withholding tax imposed with respect to such distribution, but only if”.

(35) Section 1293(f) is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“(3) a domestic corporation which owns (or is treated under section 1298(a) as owning) stock of a qualified electing fund shall be treated in the same manner as a United States shareholder of a controlled foreign corporation (and such qualified electing fund shall be treated in the same manner as such controlled foreign corporation) if such domestic corporation meets the stock ownership requirements of subsection (a) or (b) of section 902 (as in effect before its repeal) with respect to such qualified electing fund.”.

(36) Section 6038(c)(1)(B) is amended by striking “sections 902 (relating to foreign tax credit for corporate stockholder in foreign corporation) and 960 (relating to special rules for foreign tax credit)” and inserting “section 960”.

(37) Section 6038(c)(4) is amended by striking subparagraph (C).

(38) The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by striking the item relating to section 902.

(39) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 960 and inserting the following:

“Sec. 960. Deemed paid credit for subpart F inclusions.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14302. SEPARATE FOREIGN TAX CREDIT LIMITATION BASKET FOR FOREIGN BRANCH INCOME.

(a) IN GENERAL.—Section 904(d)(1), as amended by section 14201, is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) foreign branch income.”.

(b) FOREIGN BRANCH INCOME.—

(1) IN GENERAL.—Section 904(d)(2) is amended by inserting after subparagraph (I) the following new subparagraph:

“(J) FOREIGN BRANCH INCOME.—

“(i) IN GENERAL.—The term ‘foreign branch income’ means the business profits of such United States person which are attributable to 1 or more qualified business units (as defined in section 989(a)) in 1 or more foreign countries. For purposes of the preceding sentence, the amount of business profits attributable to a qualified business unit shall be determined under rules established by the Secretary.

“(ii) EXCEPTION.—Such term shall not include any income which is passive category income.”.

(2) CONFORMING AMENDMENT.—Section 904(d)(2)(A)(ii), as amended by section 14201, is amended by striking “income described in paragraph (1)(A) and” and inserting “income described in paragraph (1)(A), foreign branch income, and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 14303. SOURCE OF INCOME FROM SALES OF INVENTORY DETERMINED SOLELY ON BASIS OF PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Section 863(b) is amended by adding at the end the following: “Gains, profits, and income from the sale or exchange of inventory property described in paragraph (2) shall be allocated and apportioned between sources within and without the United States solely on the basis of the production activities with respect to the property.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 14304. ELECTION TO INCREASE PERCENTAGE OF DOMESTIC TAXABLE INCOME OFFSET BY OVERALL DOMESTIC LOSS TREATED AS FOREIGN SOURCE.

(a) IN GENERAL.—Section 904(g) is amended by adding at the end the following new paragraph:

“(5) ELECTION TO INCREASE PERCENTAGE OF TAXABLE INCOME TREATED AS FOREIGN SOURCE.—

“(A) IN GENERAL.—If any pre-2018 unused overall domestic loss is taken into account under paragraph (1) for any applicable taxable year, the taxpayer may elect to have such paragraph applied to such loss by substituting a percentage greater than 50 percent (but not greater than 100 percent) for 50 percent in subparagraph (B) thereof.

“(B) PRE-2018 UNUSED OVERALL DOMESTIC LOSS.—For purposes of this paragraph, the term ‘pre-2018 unused overall domestic loss’ means any overall domestic loss which—

“(i) arises in a qualified taxable year beginning before January 1, 2018, and

“(ii) has not been used under paragraph (1) for any taxable year beginning before such date.

“(C) APPLICABLE TAXABLE YEAR.—For purposes of this paragraph, the term ‘applicable taxable year’ means any taxable year of the taxpayer beginning after December 31, 2017, and before January 1, 2028.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

PART II—INBOUND TRANSACTIONS

SEC. 14401. BASE EROSION AND ANTI-ABUSE TAX.

(a) IMPOSITION OF TAX.—Subchapter A of chapter 1 is amended by adding at the end the following new part:

“PART VII—BASE EROSION AND ANTI-ABUSE TAX

“Sec. 59A. Tax on base erosion payments of taxpayers with substantial gross receipts.

“SEC. 59A. TAX ON BASE EROSION PAYMENTS OF TAXPAYERS WITH SUBSTANTIAL GROSS RECEIPTS.

“(a) IMPOSITION OF TAX.—There is hereby imposed on each applicable taxpayer for any taxable year a tax equal to the base erosion minimum tax amount for the taxable year. Such tax shall be in addition to any other tax imposed by this subtitle.

“(b) BASE EROSION MINIMUM TAX AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term ‘base erosion minimum tax amount’ means, with respect to any applicable taxpayer for any taxable year, the excess (if any) of—

“(A) an amount equal to 10 percent (5 percent in the case of taxable years beginning in calendar year 2018) of the modified taxable income of such taxpayer for the taxable year, over

“(B) an amount equal to the regular tax liability (as defined in section 26(b)) of the taxpayer for the taxable year, reduced (but not below zero) by the excess (if any) of—

“(i) the credits allowed under this chapter against such regular tax liability, over

“(ii) the sum of—

“(I) the credit allowed under section 38 for the taxable year which is properly allocable to the research credit determined under section 41(a), plus

“(II) the portion of the applicable section 38 credits not in excess of 80 percent of the lesser of the amount of such credits or the base erosion minimum tax amount (determined without regard to this subclause).

“(2) MODIFICATIONS FOR TAXABLE YEARS BEGINNING AFTER 2025.—In the case of any taxable year beginning after December 31, 2025, paragraph (1) shall be applied—

“(A) by substituting ‘12.5 percent’ for ‘10 percent’ in subparagraph (A) thereof, and

“(B) by reducing (but not below zero) the regular tax liability (as defined in section 26(b)) for purposes of subparagraph (B) thereof by the aggregate amount of the credits allowed under this chapter against such regular tax liability rather than the excess described in such subparagraph.

“(3) INCREASED RATE FOR CERTAIN BANKS AND SECURITIES DEALERS.—

“(A) IN GENERAL.—In the case of a taxpayer described in subparagraph (B) who is an applicable taxpayer for any taxable year, the percentage otherwise in effect under paragraphs (1)(A) and (2)(A) shall each be increased by one percentage point.

“(B) TAXPAYER DESCRIBED.—A taxpayer is described in this subparagraph if such taxpayer is a member of an affiliated group (as defined in section 1504(a)(1)) which includes—

“(i) a bank (as defined in section 581), or

“(ii) a registered securities dealer under section 15(a) of the Securities Exchange Act of 1934.

“(4) APPLICABLE SECTION 38 CREDITS.—For purposes of paragraph (1)(B)(ii)(II), the term ‘applicable section 38 credits’ means the credit allowed under section 38 for the taxable year which is properly allocable to—

“(A) the low-income housing credit determined under section 42(a),

“(B) the renewable electricity production credit determined under section 45(a), and

“(C) the investment credit determined under section 46, but only to the extent properly allocable to the energy credit determined under section 48.

“(c) MODIFIED TAXABLE INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘modified taxable income’ means the taxable income of the taxpayer computed under this chapter for the taxable year, determined without regard to—

“(A) any base erosion tax benefit with respect to any base erosion payment, or

“(B) the base erosion percentage of any net operating loss deduction allowed under section 172 for the taxable year.

“(2) BASE EROSION TAX BENEFIT.—

“(A) IN GENERAL.—The term ‘base erosion tax benefit’ means—

“(i) any deduction described in subsection (d)(1) which is allowed under this chapter for the taxable year with respect to any base erosion payment,

“(ii) in the case of a base erosion payment described in subsection (d)(2), any deduction allowed under this chapter for the taxable year for depreciation (or amortization in lieu of depreciation) with respect to the property acquired with such payment,

“(iii) in the case of a base erosion payment described in subsection (d)(3)—

“(I) any reduction under section 803(a)(1)(B) in the gross amount of premiums and other consideration on insurance and annuity contracts for premiums and other consideration arising out of indemnity insurance, and

“(II) any deduction under section 832(b)(4)(A) from the amount of gross premiums written on insurance contracts during the taxable year for premiums paid for reinsurance, and

“(iv) in the case of a base erosion payment described in subsection (d)(4), any reduction in gross receipts with respect to such payment in computing gross income of the taxpayer for the taxable year for purposes of this chapter.

“(B) TAX BENEFITS DISREGARDED IF TAX WITHHELD ON BASE EROSION PAYMENT.—

“(i) IN GENERAL.—Except as provided in clause (ii), any base erosion tax benefit attributable to any base erosion payment—

“(I) on which tax is imposed by section 871 or 881, and

“(II) with respect to which tax has been deducted and withheld under section 1441 or 1442, shall not be taken into account in computing modified taxable income under paragraph (1)(A) or the base erosion percentage under paragraph (4).

“(ii) EXCEPTION.—The amount not taken into account in computing modified taxable income by reason of clause (i) shall be reduced under rules similar to the rules under section 163(j)(5)(B) (as in effect before the date of the enactment of the Tax Cuts and Jobs Act).

“(3) SPECIAL RULES FOR DETERMINING INTEREST FOR WHICH DEDUCTION ALLOWED.—For purposes of applying paragraph (1), in the case of a taxpayer to which section 163(j) applies for the taxable year, the reduction in the amount of interest for which a deduction is allowed by reason of such subsection shall be treated as allocable first to interest paid or accrued to persons who are not related parties with respect to the taxpayer and then to such related parties.

“(4) BASE EROSION PERCENTAGE.—For purposes of paragraph (1)(B)—

“(A) IN GENERAL.—The term ‘base erosion percentage’ means, for any taxable year, the percentage determined by dividing—

“(i) the aggregate amount of base erosion tax benefits of the taxpayer for the taxable year, by

“(ii) the sum of—

“(I) the aggregate amount of the deductions (including deductions described in clauses (i)

and (ii) of paragraph (2)(A)) allowable to the taxpayer under this chapter for the taxable year, plus

“(II) the base erosion tax benefits described in clauses (iii) and (iv) of paragraph (2)(A) allowable to the taxpayer for the taxable year.

“(B) CERTAIN ITEMS NOT TAKEN INTO ACCOUNT.—The amount under subparagraph (A)(ii) shall be determined by not taking into account—

“(i) any deduction allowed under section 172, 245A, or 250 for the taxable year,

“(ii) any deduction for amounts paid or accrued for services to which the exception under subsection (d)(5) applies, and

“(iii) any deduction for qualified derivative payments which are not treated as a base erosion payment by reason of subsection (h).

“(d) BASE EROSION PAYMENT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘base erosion payment’ means any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer and with respect to which a deduction is allowable under this chapter.

“(2) PURCHASE OF DEPRECIABLE PROPERTY.—Such term shall also include any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer in connection with the acquisition by the taxpayer from such person of property of a character subject to the allowance for depreciation (or amortization in lieu of depreciation).

“(3) REINSURANCE PAYMENTS.—Such term shall also include any premium or other consideration paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer for any reinsurance payments which are taken into account under sections 803(a)(1)(B) or 832(b)(4)(A).

“(4) CERTAIN PAYMENTS TO EXPATRIATED ENTITIES.—

“(A) IN GENERAL.—Such term shall also include any amount paid or accrued by the taxpayer with respect to a person described in subparagraph (B) which results in a reduction of the gross receipts of the taxpayer.

“(B) PERSON DESCRIBED.—A person is described in this subparagraph if such person is a—

“(i) surrogate foreign corporation which is a related party of the taxpayer, but only if such person first became a surrogate foreign corporation after November 9, 2017, or

“(ii) foreign person which is a member of the same expanded affiliated group as the surrogate foreign corporation.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) SURROGATE FOREIGN CORPORATION.—The term ‘surrogate foreign corporation’ has the meaning given such term by section 7874(a)(2)(B) but does not include a foreign corporation treated as a domestic corporation under section 7874(b).

“(ii) EXPANDED AFFILIATED GROUP.—The term ‘expanded affiliated group’ has the meaning given such term by section 7874(c)(1).

“(5) EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO SERVICES.—Paragraph (1) shall not apply to any amount paid or accrued by a taxpayer for services if—

“(A) such services are services which meet the requirements for eligibility for use of the services cost method under section 482 (determined without regard to the requirement that the services not contribute significantly to fundamental risks of business success or failure), and

“(B) such amount constitutes the total services cost with no markup component.

“(e) APPLICABLE TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘applicable taxpayer’ means, with respect to any taxable year, a taxpayer—

“(A) which is a corporation other than a regulated investment company, a real estate investment trust, or an S corporation,

“(B) the average annual gross receipts of which for the 3-taxable-year period ending with the preceding taxable year are at least \$500,000,000, and

“(C) the base erosion percentage (as determined under subsection (c)(4)) of which for the taxable year is 3 percent (2 percent in the case of a taxpayer described in subsection (b)(3)(B)) or higher.

“(2) GROSS RECEIPTS.—

“(A) SPECIAL RULE FOR FOREIGN PERSONS.—In the case of a foreign person the gross receipts of which are taken into account for purposes of paragraph (1)(B), only gross receipts which are taken into account in determining income which is effectively connected with the conduct of a trade or business within the United States shall be taken into account. In the case of a taxpayer which is a foreign person, the preceding sentence shall not apply to the gross receipts of any United States person which are aggregated with the taxpayer’s gross receipts by reason of paragraph (3).

“(B) OTHER RULES MADE APPLICABLE.—Rules similar to the rules of subparagraphs (B), (C), and (D) of section 448(c)(3) shall apply in determining gross receipts for purposes of this section.

“(3) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) of section 52 shall be treated as 1 person for purposes of this subsection and subsection (c)(4), except that in applying section 1563 for purposes of section 52, the exception for foreign corporations under section 1563(b)(2)(C) shall be disregarded.

“(f) FOREIGN PERSON.—For purposes of this section, the term ‘foreign person’ has the meaning given such term by section 6038A(c)(3).

“(g) RELATED PARTY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘related party’ means, with respect to any applicable taxpayer—

“(A) any 25-percent owner of the taxpayer,

“(B) any person who is related (within the meaning of section 267(b) or 707(b)(1)) to the taxpayer or any 25-percent owner of the taxpayer, and

“(C) any other person who is related (within the meaning of section 482) to the taxpayer.

“(2) 25-PERCENT OWNER.—The term ‘25-percent owner’ means, with respect to any corporation, any person who owns at least 25 percent of—

“(A) the total voting power of all classes of stock of a corporation entitled to vote, or

“(B) the total value of all classes of stock of such corporation.

“(3) SECTION 318 TO APPLY.—Section 318 shall apply for purposes of paragraphs (1) and (2), except that—

“(A) ‘10 percent’ shall be substituted for ‘50 percent’ in section 318(a)(2)(C), and

“(B) subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person.

“(h) EXCEPTION FOR CERTAIN PAYMENTS MADE IN THE ORDINARY COURSE OF TRADE OR BUSINESS.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (3), any qualified derivative payment shall not be treated as a base erosion payment.

“(2) QUALIFIED DERIVATIVE PAYMENT.—

“(A) IN GENERAL.—The term ‘qualified derivative payment’ means any payment made by a taxpayer pursuant to a derivative with respect to which the taxpayer—

“(i) recognizes gain or loss as if such derivative were sold for its fair market value on the last business day of the taxable year (and such

additional times as required by this title or the taxpayer's method of accounting),

“(ii) treats any gain or loss so recognized as ordinary, and

“(iii) treats the character of all items of income, deduction, gain, or loss with respect to a payment pursuant to the derivative as ordinary.

“(B) REPORTING REQUIREMENT.—No payments shall be treated as qualified derivative payments under subparagraph (A) for any taxable year unless the taxpayer includes in the information required to be reported under section 6038B(b)(2) with respect to such taxable year such information as is necessary to identify the payments to be so treated and such other information as the Secretary determines necessary to carry out the provisions of this subsection.

“(3) EXCEPTIONS FOR PAYMENTS OTHERWISE TREATED AS BASE EROSION PAYMENTS.—This subsection shall not apply to any qualified derivative payment if—

“(A) the payment would be treated as a base erosion payment if it were not made pursuant to a derivative, including any interest, royalty, or service payment, or

“(B) in the case of a contract which has derivative and nonderivative components, the payment is properly allocable to the nonderivative component.

“(4) DERIVATIVE DEFINED.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘derivative’ means any contract (including any option, forward contract, futures contract, short position, swap, or similar contract) the value of which, or any payment or other transfer with respect to which, is (directly or indirectly) determined by reference to one or more of the following:

“(i) Any share of stock in a corporation.

“(ii) Any evidence of indebtedness.

“(iii) Any commodity which is actively traded.

“(iv) Any currency.

“(v) Any rate, price, amount, index, formula, or algorithm.

Such term shall not include any item described in clauses (i) through (v).

“(B) TREATMENT OF AMERICAN DEPOSITORY RECEIPTS AND SIMILAR INSTRUMENTS.—Except as otherwise provided by the Secretary, for purposes of this part, American depository receipts (and similar instruments) with respect to shares of stock in foreign corporations shall be treated as shares of stock in such foreign corporations.

“(C) EXCEPTION FOR CERTAIN CONTRACTS.—Such term shall not include any insurance, annuity, or endowment contract issued by an insurance company to which subchapter L applies (or issued by any foreign corporation to which such subchapter would apply if such foreign corporation were a domestic corporation).

“(i) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including regulations—

“(1) providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including through—

“(A) the use of unrelated persons, conduit transactions, or other intermediaries, or

“(B) transactions or arrangements designed, in whole or in part—

“(i) to characterize payments otherwise subject to this section as payments not subject to this section, or

“(ii) to substitute payments not subject to this section for payments otherwise subject to this section and

“(2) for the application of subsection (g), including rules to prevent the avoidance of the exceptions under subsection (g)(3).”.

(b) REPORTING REQUIREMENTS AND PENALTIES.—

(1) IN GENERAL.—Subsection (b) of section 6038A is amended to read as follows:

“(b) REQUIRED INFORMATION.—

“(1) IN GENERAL.—For purposes of subsection (a), the information described in this subsection is such information as the Secretary prescribes by regulations relating to—

“(A) the name, principal place of business, nature of business, and country or countries in which organized or resident, of each person which—

“(i) is a related party to the reporting corporation, and

“(ii) had any transaction with the reporting corporation during its taxable year,

“(B) the manner in which the reporting corporation is related to each person referred to in subparagraph (A), and

“(C) transactions between the reporting corporation and each foreign person which is a related party to the reporting corporation.

“(2) ADDITIONAL INFORMATION REGARDING BASE EROSION PAYMENTS.—For purposes of subsection (a) and section 6038C, if the reporting corporation or the foreign corporation to whom section 6038C applies is an applicable taxpayer, the information described in this subsection shall include—

“(A) such information as the Secretary determines necessary to determine the base erosion minimum tax amount, base erosion payments, and base erosion tax benefits of the taxpayer for purposes of section 59A for the taxable year, and

“(B) such other information as the Secretary determines necessary to carry out such section. For purposes of this paragraph, any term used in this paragraph which is also used in section 59A shall have the same meaning as when used in such section.”.

(2) INCREASE IN PENALTY.—Paragraphs (1) and (2) of section 6038A(d) are each amended by striking “\$10,000” and inserting “\$25,000”.

(c) DISALLOWANCE OF CREDITS AGAINST BASE EROSION TAX.—Paragraph (2) of section 26(b) is amended by inserting after subparagraph (A) the following new subparagraph:

“(B) section 59A (relating to base erosion and anti-abuse tax).”.

(d) CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter A of chapter 1 is amended by adding after the item relating to part VI the following new item:

“PART VII. BASE EROSION AND ANTI-ABUSE TAX”.

(2) Paragraph (1) of section 882(a), as amended by this Act, is amended by inserting “or 59A,” after “section 11.”.

(3) Subparagraph (A) of section 6425(c)(1), as amended by section 13001, is amended to read as follows:

“(A) the sum of—

“(i) the tax imposed by section 11, or subchapter L of chapter 1, whichever is applicable, plus

“(ii) the tax imposed by section 59A, over”.

(4)(A) Subparagraph (A) of section 6655(g)(1), as amended by sections 12001 and 13001, is amended by striking “plus” at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

“(ii) the tax imposed by section 59A, plus”.

(B) Subparagraphs (A)(i) and (B)(i) of section 6655(e)(2), as amended by sections 12001 and 13001, are each amended by inserting “and modified taxable income” after “taxable income”.

(C) Subparagraph (B) of section 6655(e)(2) is amended by adding at the end the following new clause:

“(iii) MODIFIED TAXABLE INCOME.—The term ‘modified taxable income’ has the meaning given such term by section 59A(c)(1).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to base erosion payments (as defined in section 59A(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued in taxable years beginning after December 31, 2017.

PART III—OTHER PROVISIONS

SEC. 14501. RESTRICTION ON INSURANCE BUSINESS EXCEPTION TO PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) IN GENERAL.—Section 1297(b)(2)(B) is amended to read as follows:

“(B) derived in the active conduct of an insurance business by a qualifying insurance corporation (as defined in subsection (f)).”.

(b) QUALIFYING INSURANCE CORPORATION DEFINED.—Section 1297 is amended by adding at the end the following new subsection:

“(f) QUALIFYING INSURANCE CORPORATION.—For purposes of subsection (b)(2)(B)—

“(1) IN GENERAL.—The term ‘qualifying insurance corporation’ means, with respect to any taxable year, a foreign corporation—

“(A) which would be subject to tax under subchapter L if such corporation were a domestic corporation, and

“(B) the applicable insurance liabilities of which constitute more than 25 percent of its total assets, determined on the basis of such liabilities and assets as reported on the corporation’s applicable financial statement for the last year ending with or within the taxable year.

(2) ALTERNATIVE FACTS AND CIRCUMSTANCES TEST FOR CERTAIN CORPORATIONS.—If a corporation fails to qualify as a qualified insurance corporation under paragraph (1) solely because the percentage determined under paragraph (1)(B) is 25 percent or less, a United States person that owns stock in such corporation may elect to treat such stock as stock of a qualifying insurance corporation if—

“(A) the percentage so determined for the corporation is at least 10 percent, and

“(B) under regulations provided by the Secretary, based on the applicable facts and circumstances—

“(i) the corporation is predominantly engaged in an insurance business, and

“(ii) such failure is due solely to runoff-related or rating-related circumstances involving such insurance business.

(3) APPLICABLE INSURANCE LIABILITIES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘applicable insurance liabilities’ means, with respect to any life or property and casualty insurance business—

“(i) loss and loss adjustment expenses, and

“(ii) reserves (other than deficiency, contingency, or unearned premium reserves) for life and health insurance risks and life and health insurance claims with respect to contracts providing coverage for mortality or morbidity risks.

(B) LIMITATIONS ON AMOUNT OF LIABILITIES.—Any amount determined under clause (i) or (ii) of subparagraph (A) shall not exceed the lesser of such amount—

“(i) as reported to the applicable insurance regulatory body in the applicable financial statement described in paragraph (4)(A) (or, if less, the amount required by applicable law or regulation), or

“(ii) as determined under regulations prescribed by the Secretary.

(4) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

“(A) APPLICABLE FINANCIAL STATEMENT.—The term ‘applicable financial statement’ means a statement for financial reporting purposes which—

“(i) is made on the basis of generally accepted accounting principles,

“(ii) is made on the basis of international financial reporting standards, but only if there is no statement that meets the requirement of clause (i), or

“(iii) except as otherwise provided by the Secretary in regulations, is the annual statement which is required to be filed with the applicable insurance regulatory body, but only if there is no statement which meets the requirements of clause (i) or (ii).

“(B) **APPLICABLE INSURANCE REGULATORY BODY.**—The term ‘applicable insurance regulatory body’ means, with respect to any insurance business, the entity established by law to license, authorize, or regulate such business and to which the statement described in subparagraph (A) is provided.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

**SEC. 14502. REPEAL OF FAIR MARKET VALUE METHOD OF INTEREST EXPENSE AP-
PORTIONMENT.**

(a) **IN GENERAL.**—Paragraph (2) of section 864(e) is amended to read as follows:

“(2) **GROSS INCOME AND FAIR MARKET VALUE METHODS MAY NOT BE USED FOR INTEREST.**—All allocations and apportionments of interest expense shall be determined using the adjusted bases of assets rather than on the basis of the fair market value of the assets or gross income.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

TITLE II

SEC. 20001. OIL AND GAS PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **COASTAL PLAIN.**—The term “Coastal Plain” means the area identified as the 1002 Area on the plates prepared by the United States Geological Survey entitled “ANWR Map – Plate 1” and “ANWR Map – Plate 2”, dated October 24, 2017, and on file with the United States Geological Survey and the Office of the Solicitor of the Department of the Interior.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) **OIL AND GAS PROGRAM.**—

(1) **IN GENERAL.**—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) shall not apply to the Coastal Plain.

(2) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—The Secretary shall establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain.

(B) **PURPOSES.**—Section 303(2)(B) of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2390) is amended—

(i) in clause (iii), by striking “and” at the end;

(ii) in clause (iv), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(v) to provide for an oil and gas program on the Coastal Plain.”.

(3) **MANAGEMENT.**—Except as otherwise provided in this section, the Secretary shall manage the oil and gas program on the Coastal Plain in a manner similar to the administration of lease sales under the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) (including regulations).

(4) **ROYALTIES.**—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the royalty rate for leases issued pursuant to this section shall be 16.67 percent.

(5) **RECEIPTS.**—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), of the amount of adjusted bonus, rental, and royalty receipts derived from the oil and gas program and operations on Federal land authorized under this section—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(c) **2 LEASE SALES WITHIN 10 YEARS.**—

(1) **REQUIREMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall conduct not fewer than 2 lease sales area-wide under the oil and gas program under this section by not later than 10 years after the date of enactment of this Act.

(B) **SALE ACREAGES; SCHEDULE.**—

(i) **ACREAGES.**—The Secretary shall offer for lease under the oil and gas program under this section—

(I) not fewer than 400,000 acres area-wide in each lease sale; and

(II) those areas that have the highest potential for the discovery of hydrocarbons.

(ii) **SCHEDULE.**—The Secretary shall offer—

(I) the initial lease sale under the oil and gas program under this section not later than 4 years after the date of enactment of this Act; and

(II) a second lease sale under the oil and gas program under this section not later than 7 years after the date of enactment of this Act.

(2) **RIGHTS-OF-WAY.**—The Secretary shall issue any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation necessary to carry out this section.

(3) **SURFACE DEVELOPMENT.**—In administering this section, the Secretary shall authorize up to 2,000 surface acres of Federal land on the Coastal Plain to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) during the term of the leases under the oil and gas program under this section.

SEC. 20002. LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking “exceed \$500,000,000 for each of fiscal years 2016 through 2055.” and inserting the following: “exceed—

“(A) \$500,000,000 for each of fiscal years 2016 through 2019;

“(B) \$650,000,000 for each of fiscal years 2020 and 2021; and

“(C) \$500,000,000 for each of fiscal years 2022 through 2055.”.

SEC. 20003. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) **DRAWDOWN AND SALE.**—

(1) **IN GENERAL.**—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve 7,000,000 barrels of crude oil during the period of fiscal years 2026 through 2027.

(2) **DEPOSIT OF AMOUNTS RECEIVED FROM SALE.**—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) **EMERGENCY PROTECTION.**—The Secretary of Energy shall not draw down and sell crude oil under subsection (a) in a quantity that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) **LIMITATION.**—The Secretary of Energy shall not drawdown or conduct sales of crude oil under subsection (a) after the date on which a total of \$600,000,000 has been deposited in the general fund of the Treasury from sales authorized under that subsection.

MOTION TO CONCUR

Mr. BRADY of Texas. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Brady of Texas moves that the House concur in the Senate amendment to H.R. 1.

The SPEAKER pro tempore. Pursuant to House Resolution 668, the gentleman from Texas (Mr. BRADY) and the gentleman from Massachusetts (Mr. NEAL) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, both the House and now the Senate have taken action on legislation to reform America's Tax Code for the first time in 31 years. Unfortunately, two targeted provisions did not meet Senate rules and had to be removed.

Today, the process continues to move forward, and, with this vote, it will be the House, the people's House, that officially sends this historic legislation to President Trump's desk.

I know the American people are excited. More than that, I know they are feeling a sense of relief. They are relieved that, for the first time in years, they are going to see more money in their paychecks that they can keep.

Think about that middle-income family of four, earning \$70,000 a year. These are working families, and the tax cut of more than \$2,000 they will see under this bill, that \$2,000 is real money. It is real money these families worked hard to earn, but, until now, they have had to send it to Washington instead of being able to use it for their own needs, whether that is paying bills, saving for the future, or putting new tires on a car.

Think about the relief our job creators and our workers will feel. For so long, Americans have barely seen any growth in their paychecks, yet they are going to their jobs every day, and they are working harder than ever.

□ 1200

With this bill, that hard work is finally going to be rewarded, and we are going to see the growth of jobs and paychecks like we haven't seen in years.

For our businesses, large and small, no matter if they are a small startup with just three workers or a large company with 3,000, they are finally going to have a Tax Code that works with them as they grow, innovate, and invest in our communities. They are going to see relief from complexity and high rates and the feeling they are always having to compete with one hand tied behind their back.

For all these Americans, all the hard-working men, women, and families who bring life to our communities and to our economy, I think the major source of relief is knowing that, starting in

the new year, none of us has to accept this broken Tax Code and this slow-growth status in America any longer.

With the new tax system we will deliver today, things will change for the better, and they will change immediately. This new Tax Code will be simple, it will be fair, and it will be focused on the needs of the American people, not on Washington's special interests.

This new Tax Code will be modern. It will be competitive. It will create more good-paying jobs right here in our communities, not drive them overseas. Above all, this new Tax Code, America's Tax Code, will not belong to the special interests anymore. It will belong to the American people. It will help more Americans realize their own American Dream, whatever that may be. For all the Americans who struggle and who have been left behind under today's broken Tax Code, that has to be the biggest relief of all.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished leader of the Democratic Party.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time, and, once again, I commend him for being a champion of middle class families.

I want my colleagues all to hear the esteem in which we hold our Democratic members of the Ways and Means Committee. I thank you. Thank you very much, Mr. NEAL, for being our ranking member and for your extraordinary leadership on behalf of America's middle class working families, and that includes millions of veterans. Thank you.

Mr. Speaker, today is a very sad day in the history of America because we have, on the floor, probably the worst bill in recent time to come to the floor. That doesn't mean it doesn't have stiff competition from other legislation the Republicans have brought to the floor, but this is the worst because so many people are affected in such a negative way and because trillions of dollars of impact on our economy have been voted upon without any hearing, without any hearing from the people who will be most affected by it—no hearings, no experts, no listening to the American people.

Yesterday, our Republican colleagues stood on this floor and voted for a GOP tax scam that the American people oppose 2 to 1. Our Republican colleagues stood on the floor and cheered. They cheered a bill that will raise taxes on 86 million middle class families and hand a staggering 83 percent of its tax cuts to the wealthiest 1 percent.

Shamefully, the Republicans were cheering against the children as they robbed from their future and ransacked the middle class to reward the rich.

Today, the Republicans take their victory lap for successfully pillaging the American middle class to benefit the powerful and the privileged.

I come to the floor with stories of men and women and children that Republicans shamefully cheered against yesterday.

Yesterday, I wish the Republicans had heard, as we did, the story of Ady Barkan, 30 years old, father of a beautiful baby son, and Ady is suddenly stricken with ALS, 30 years old.

From his wheelchair, with a strong but wavering voice, he begged Congress not to pass this bill. He pleaded with anyone who would listen not to vote for this tax scam that will raise his health benefits and condemn Medicaid to devastating cuts as the logical next step. He has been lobbying on Capitol Hill against this bill for a while. Ady said yesterday it would do so much damage.

It would deprive me of the Medicaid I need to stay alive a little longer and see baby Carl learn to read and teach him how to play chess and watch him go to first grade.

But Republicans didn't listen, said "no," and cheered.

Yesterday, we heard the story, and I wish our Republican friends could have heard it, of Laura Hatcher, mother of sweet and kind 11-year-old Simon, one of the Little Lobbyists.

Simon has a rare disease and cerebral palsy. His mother spoke of how their family watches the Muppet version of "A Christmas Carol" and how Simon sees himself in Tiny Tim, another kind boy with braces on his legs. Unfortunately, this story, as of today, does not have the same kind of happy ending as "A Christmas Carol."

But the story is not over, and like Tiny Tim, Simon and his family now find their future in danger because of the greed of those with power, the cruelty that is in the heart of the tax scam.

As Simon's mother, Laura, said:

Very soon I could, once again, be facing a future where I don't know how I will be able to care for my child. This is a thought I simply find too difficult to bear.

Since you didn't hear yesterday, I will go on to say what she said.

We parents of medically complex kids understand consequences. We know what will happen if this tax bill passes, if our country does not turn from this destructive and immoral path.

But the Republicans didn't listen. They said "no," and they cheered. They cheered against Simon because Republicans value the wishes of the special interest lobbyists over the Little Lobbyists, the voices of Little Lobbyists, sick children standing up for themselves and for their siblings, children standing with their siblings.

Yesterday, we heard from faith leaders, too. They implored Congress to reject this bill that punishes working families and rewards the wealthiest 1 percent.

I repeat: 83 percent of the benefits go to the top 1 percent; 86 million American working middle class families will have their taxes raised.

Sister Simone said she wept for the fact that our Representatives are not weeping over the damage they are doing to families across America.

They challenged us to honor our faith in this holy season, to remember that our first responsibility is to those who have the least, not to enrich those who are already privileged and powerful.

They challenged us to heed not only the message of Christmas, but to remember the words of Jesus enshrined in the Gospel of Matthew.

But Republicans didn't listen. They said "no." They cheered. They cheered. They cheered against little Simon. They cheered against Ady Barkan. They cheered against people in need.

The GOP tax scam is a monumental con job, but who got conned? President Trump will sign the bill whenever he signs it. I know it is supposed to be today, but I hear the special interests are weighing in for him to delay it for some reason or another.

President Trump will sign a bill that betrays the promises he made in the campaign.

President Trump promised to eliminate the carried interest loophole; yet the Republicans wrote a tax scam that not only continues this outrageous loophole, but it gives even more loopholes to the wealthy and well connected.

President Trump promised to stop corporations from shipping jobs overseas, but Republicans wrote a tax scam that gives corporate America even bigger incentives to ship jobs overseas.

President Trump promised tax reform focused on middle class families, tax breaks for middle class families. Republicans wrote a tax scam that raises taxes on 86 million middle class families in our country.

President Trump promised he would protect Medicare, Medicaid, and Social Security, but Republicans wrote a tax plan to explode the deficit and use it as an excuse to cut Medicare and Medicaid. They have made no secret of their plans. They have even said this week, to raise the Social Security age.

So who got conned? Did the people get conned by the promises? Did the President get conned by the Republicans? Is he signing a bill that betrays his promises to the American people?

It is all about the Republicans in Congress. They have in their DNA trickle-down economics. Tax breaks for the rich, tax breaks for corporations, and the former Speaker even said: If trickle-down creates jobs, that would be good. If it doesn't, so be it. That is the free market.

As Republicans head to the White House for their victory lap, hopefully they won't trip over the wheelchair of

Ady Barkan and other Americans with preexisting conditions.

I caution them not to trip over the wheelchair of Simon Hatcher and other children with severe medical needs. They will be in the path of your victory lap.

Don't trip over the sisters and brothers and mothers and fathers who tend to the health and well-being of their sick children and their siblings and who will not stop fighting to protect them.

I told you yesterday in a public forum:

I caution you not to get in the way of a mother and father of a child with special needs and disabilities or extreme medical conditions. They will do anything to protect that child, and they notice what you are doing here.

As you are on this victory lap, you will probably have to put on earphones so you can block out the pleas of faith leaders speaking up for hardworking American families.

I know the Republicans want to talk so they can't hear the truth about their bill, but the American people won't forget the false representations you have made. They won't forget how loudly you cheered when you hurt their families, their children with special needs, their families struggling to attain some financial stability.

And why? These people say to me: How could they be so cruel as to put the health provision in this bill that would possibly eliminate 13 million people from the rolls of health insurance? How could they do that? Why did they do that?

Why? The answer is always the same: to give them room to give tax breaks to the wealthiest people in our country and to corporate America, unpaid for, permanently.

Our distinguished colleague from Massachusetts will show his credit card again today. They are putting this bill on a credit card that our children are going to have to pay for, robbing from their future.

This holiday they are talking about giving people a Christmas present? Well, Joe Sixpack, whom the President said he was there to help, and I hope that that is true, Joe Sixpack will be delivering the champagne to their parties. That is how this is. This isn't about anything better for working class families. This is about champagne glasses clinking and wealthy families across the country.

I don't begrudge them their success or their wealth or their achievement. I just don't want to see it at the exploitation of America's working families.

Shame on you for voting for this outrageous theft from the American middle class.

Mr. Speaker, once again, I urge my colleagues to do the right thing in this people's House and vote "no" on behalf of the American people.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we hear a lot of false claims these days by opponents of tax reform. We hear that this isn't relief for the middle class, that people will see their taxes increase. But the Tax Policy Center, the most liberal economic group there is, just grudgingly admitted yesterday that 90 percent of Americans will see real tax cuts in this Tax Cuts and Jobs Act. In fact, the only ones who won't are the one-tenth of 1 percent who could.

We hear today about betrayal. Well, let's talk about that.

This tax reform bill doubles the child tax credit and expands it to nearly four times as many Americans, helping them with the expensive costs of childcare. Democrats oppose helping our parents raise their children. That is betrayal.

□ 1215

In this tax reform bill, we increase the amount of medical expenses Americans can write off—medical expenses driven up by ObamaCare. Democrats oppose helping families write off these costs. That is betrayal.

Now we are expanding the number of Americans who can, and how much, give in charity to our churches and to their causes. Democrats oppose helping people give to the community and to the causes they believe in. That is betrayal.

In this bill, we, for the first time, allow families who are saving for their kids' future to be able to use that and transfer it to the new ABLE accounts because their child has special needs and may need help throughout their life. Democrats oppose letting families save for their disabled children's future. That is betrayal.

Then we hear over and over again how some stand for small business, our Main Street businesses. Republicans, for the first time ever, provide a 20 percent deduction for our Main Street and small businesses across America. Democrats oppose helping our Main Street businesses. That is betrayal.

For too long, we have watched our jobs move overseas. This changes. This tax cut bill brings those jobs back and, more importantly, allows our companies, when they compete and win around the world, to bring those dollars back to be reinvested in our communities, in jobs, in manufacturing, and in research. Democrats oppose bringing jobs back to America and bringing those dollars back to reinvest in our community. Mr. Speaker, that is betrayal.

At the end of the day, we have a choice. Do we give back to families, parents, small businesses, and to Amer-

ica the hope and opportunity of a new economy driven by what is important to them, not what is important to special interests in Washington, D.C.?

That is what this bill is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the President just said in the last few minutes that the most important part of this legislation is the corporate tax cuts.

Stop the nonsense that you are doing this for the middle class.

In the 20 hours that have elapsed, Mr. Speaker, since we last had this debate, we were promised a number of things. The only thing they left out was that this tax bill was going to stem the tides, take us to Mars tomorrow, and the Cleveland Browns were going to win the Super Bowl.

The certainty of what they are telling us—if the stockmarket goes up, then they did it. The stockmarket has been going up since March of 2009. They talk about economic growth. Economic growth has now proceeded for 88 straight months. They keep telling us the rocket is about to launch because of this tax bill.

Do you know what is great about this, Mr. Speaker?

Reporters outside are starting to ask: Are you going to help them out if all of these things don't occur in the way they have said they are going to occur?

I said: After the appropriate period of review.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), who is the Democratic whip.

Mr. HOYER. Mr. Speaker, the other thing that the chairman did not say is that, after your last round of tax cuts, we had the deepest recession anybody in this body has experienced, starting in December 2007, when you had the Presidency, the House, and the Senate. You are at it again.

Mr. Speaker, I rise in sadness and disappointment that the House passed such an irresponsible, dangerous, and debt-exploding legislation yesterday. We should be better than this. We should be more responsible than this.

This bill gives 83 percent of its benefits to just 1 percent of the richest Americans.

Why didn't we have it reversed and give 83 percent to the people you talk about, Mr. Chairman?

It takes 13 million people off their health insurance coverage and it raises the deficit by \$1.5 trillion.

There can be little doubt that the majority party is fixated on cutting taxes for the richest in our country.

Defeat this bill. Do right by the American people.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let's talk deficits. Our Democrat opponents just hate the thought that we would give Americans back what they earned.

In 2009, when President Obama lifted the national debt by \$1.6 trillion—more than this tax bill—they cheered. In the next year, when President Obama raised the national debt by almost \$2 trillion in 1 year, they cheered. Three more times, President Obama and Democrats raised our national debt more than \$1 trillion every year. And now—now—they oppose it.

Why?

Because that was about Washington spending your money. This is about giving it back to the American people, and now, suddenly, you object.

Two trillion dollars of deficit in 1 year.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. LEVIN), who is the longest-serving member of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, if you will listen, this bill is trickle-down at its worst. Except for the very wealthy trickle, it is, at best, a trickle; and for millions, not even that; and for the economy at large, a discredited theory.

It is a deficit time bomb.

The Speaker said to the middle class: Don't worry, the expiring tax cuts will surely be extended.

That means the real deficit from this bill is \$2.5 trillion, a humongous deficit wrapped in your hypocrisy—in your hypocrisy.

The SPEAKER pro tempore. Members are again reminded that they should address their remarks to the Chair.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. BARR).

Mr. BARR. Mr. Speaker, I rise today to applaud the great work of the chairman of the Ways and Means Committee, my good friend from Texas (Mr. BRADY) for his good work to overhaul America's Tax Code to deliver historic tax relief for workers, families, and job creators.

I resent the rhetoric from some of my friends on the other side of the aisle who talk about this as hurting disabled families. I am the brother of a disabled sister, and I am voting for this bill because it helps families with loved ones with disabilities, like expanding the ABLE Act.

I thank Chairman BRADY for working with me and others to address a provision in the Tax Cuts and Jobs Act, which would negatively impact work-study colleges, such as Berea College in my district.

The gentleman has fulfilled his commitment to me to fix this problem in

the conference committee for work-study colleges and other small schools so that their endowments would be exempt from the excise tax on large college endowments.

Regrettably, last night, Senate Democrats used procedural rules to insist that this exemption be stripped out of the final conference report. It is unfortunate that they put partisan politics ahead of ensuring that students—many of whom are low-income and first-generation college students—at work-study colleges would continue to be able to receive a tuition-free education.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Kentucky.

Mr. BARR. Mr. Speaker, these are first-generation college students who receive a tuition-free education.

I know that Chairman BRADY shares my commitment and that of Chairman ROGERS, Senator MCCONNELL, and others to make sure that Berea College and other work-study colleges continue their important mission.

Accordingly, I ask the gentleman's commitment to work with me to permanently exempt work-study colleges from the excise tax on endowment income in a timely manner, in the tax extenders, or another appropriate legislative vehicle as soon as possible.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Mr. BARR for his leadership. The gentleman is correct, Senate Democrats stripped this out. I am committed to working with the gentleman to find a permanent solution to this problem as soon as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LEWIS), who is an extraordinary man. Our friend is the ranking member of the Oversight Subcommittee.

Mr. LEWIS of Georgia. Mr. Speaker, yesterday, taxpayers stood up and spoke out against Republicans lining the pockets of their donors by any means necessary.

Did you hear their cries? Can you feel their pain?

You did not, Mr. Speaker. You chose to turn a deaf ear and a blind eye to their hopes and their dreams.

This bill is a shame and a disgrace.

Mr. Speaker, I urge each of you to be on the side of the people, on the side of history, and to vote against this bill.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. DOGGETT), who is a valued member of the Ways and Means Committee and the ranking member of the Tax Policy Subcommittee.

Mr. DOGGETT. Mr. Speaker, we are here solely because of Republican blunders. Hardly the first blunder. Many more blunders will need correcting from this trumped-up partisan bill.

If President Trump blunders into signing it today, it will trigger \$25 billion in Medicare cuts.

This sad bill is left without any name. Like other towers, this towering monstrosity should be called "Trump"—the "Trump Inequality Act," the "Trump Family Enrichment Act," or perhaps just call it the "Whopper" because it is a lie wrapped in lies.

The truth will eventually catch up with these lies.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. THOMPSON), who is a Vietnam veteran and a distinguished member of the Ways and Means Committee.

Mr. THOMPSON of California. Mr. Speaker, this is one of the most important bills that any of us will ever vote on—no hearings, no expert witnesses—and now we get 30 seconds on the floor to debate it.

So let me just use my 30 seconds to say that this is a bad bill for working families. It is going to cause middle class working families to pay more in taxes. It is going to strap our citizens with \$2.3 trillion more of national debt. I ask for a "no" vote.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), who is the chairman of the Democratic Caucus and a valued member of the Ways and Means Committee.

Mr. CROWLEY. Mr. Speaker, a revote—a revote—within less than 24 hours of original passage. This proves that this bill is rotten to its core.

But here is what the Republicans aren't going to fix:

They didn't fix the fact that this bill won't provide economic security to hardworking families.

They didn't fix the fact that this bill will subsidize mansions for the wealthy, not renters or first-time home buyers.

They didn't fix the fact that it won't help families save for education or their retirement.

They didn't fix the fact that it will saddle our grandchildren with \$2 trillion of debt.

Mr. Speaker, this bill is not an investment in hardworking men and women or Americans. In fact, it rips healthcare from 13 million Americans. It is an investment in the GOP's base—corporate special interests—the wealthiest among the wealthiest, and the entire Trump empire. This bill is a political calculation they think will get them a win on election day.

But be warned: Americans are fed up and fired up. They know their cronies

are laughing all the way to the bank. But the American people are organizing all the way to November.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. DANNY K. DAVIS), who is a champion of any and all things Chicago.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, think of Robin Hood in reverse: take from the poor and give to the rich.

When you take away social safety net programs and when you take away Medicare and Medicaid, then it reminds me of Marie Antoinette. When the people had no bread, she said: Let them eat cake.

I was opposed to this before it was released, I was opposed yesterday, I will be opposed tomorrow, and I will be opposed next week. It is no good for the American people.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, might I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3½ minutes remaining. The gentleman from Texas has 1 minute remaining.

Mr. NEAL. Mr. Speaker, I am prepared to close on this side, and I yield myself the balance of my time.

Mr. Speaker, so in 1 month we have taken the entire revenue system of the United States without hearing from one expert witness, without having had one public hearing, without using any precedent, and we changed the entire tax system of the country, tilting it clearly to the people at the very top.

□ 1230

When they say, as they certainly will, "We have been doing hearings for 5 years," we never had one hearing on this legislation. Not one. We did not seek testimony from one witness in the conference committee. We got to offer opening statements and no amendments. There was no chance for any input on our side.

More than anything else, this is a missed opportunity. This was a missed chance to take a system that we all know to have fallen into competitive failure across the globe. But instead, they decided to go it alone.

So here is the way you want to think of this, for those of you who are following this debate:

They are borrowing \$2.3 trillion for the purpose of cutting the top tax bracket from 39.6 percent to 37 percent and calling that middle class tax relief;

They are doubling the exemption on the estate tax to \$22 million and calling that middle class tax relief;

They are eliminating the alternative minimum tax for people at the very top and calling it middle class tax relief.

By the 10th year of this tax proposal, 83 percent of the benefit accrues to the

people at the very top of our economic system. That is not in dispute.

They say things like: Well, in 5 years, we are going to correct this measure. Then they talked about the idea that somehow this was about simplicity. When you get into the phase-ins and the phaseouts, you are all going to pass out from trying to read this tax proposal.

The complexity they add to the system is unparalleled, all to secure a tax cut for people at the top.

So here we are in the holiday season, and they are telling us, by the way, that if we just borrow this money, everything is going to be fine.

What did they say about borrowing when Bill Clinton was President? What did they say about borrowing when Barack Obama was President?

They lectured us, day in and day out, in an unyielding manner, even though the economic performance of Clinton and Obama outweighed the two Republican Presidents in between.

So here is the game plan for the holiday season. Do you know what the holiday hangover on your credit card is? People go out and use their credit cards, and they figure out all year how to try to pay for it.

It is going to take you more than 10 years to try to pay for this, all upon the spurious notion that they guarantee economic growth, as the President said, by the way, that is going to exceed 6 percent. That is 6 percent.

They are telling us that the stock market has gone up because of them, even though it has gone up since March of 2009. They are telling us now that this is going to spur unparalleled economic growth, even though the economy has been growing for 88 straight months, all on the credit card for the American people.

Mr. Speaker, this is the worst piece of legislation that has come from the House in the 29 years that I have served here, and I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I say to my Democratic colleagues: The worst bill in 29 years? With ObamaCare, don't sell yourselves short.

Today, we have a choice to make. We can either stick with the status quo—we just heard it—or we can take bold action to overhaul this broken Tax Code and restore hope, opportunity, and prosperity to Americans.

Our choice is clear, and I have made mine. I will vote to send this bill to President Trump's desk to get real tax reform done for the American people for the first time in 31 years. We will deliver for the American people.

Mr. Speaker, I encourage my colleagues to join me in support of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 668, the previous question is ordered on the motion to concur.

The question is on the motion to concur by the gentleman from Texas (Mr. BRADY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEAL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on suspending the rules and passing H.R. 1159.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 7, as follows:

[Roll No. 699]

YEAS—224

Abraham	Fitzpatrick	Marshall
Aderholt	Fleischmann	Massie
Allen	Flores	Mast
Amash	Fortenberry	McCarthy
Amodei	Fox	McCaul
Arrington	Gaetz	McClintock
Babin	Gallagher	McHenry
Bacon	Garrett	McKinley
Banks (IN)	Gianforte	McMorris
Barletta	Gibbs	Rodgers
Barr	Gohmert	McSally
Barton	Goodlatte	Meadows
Bergman	Gosar	Meehan
Biggs	Gowdy	Messer
Bilirakis	Granger	Mitchell
Bishop (MI)	Graves (GA)	Moolenaar
Bishop (UT)	Graves (LA)	Mooney (WV)
Black	Graves (MO)	Mullin
Blackburn	Griffith	Newhouse
Blum	Grothman	Noem
Bost	Guthrie	Norman
Brady (TX)	Handel	Nunes
Brat	Harper	Olson
Bridenstine	Harris	Palazzo
Brooks (IN)	Hartzler	Palmer
Buchanan	Hensarling	Paulsen
Buck	Herrera Beutler	Pearce
Bucshon	Hice, Jody B.	Perry
Budd	Higgins (LA)	Pittenger
Burgess	Hill	Poe (TX)
Byrne	Holding	Poliquin
Calvert	Hollingsworth	Posey
Carter (GA)	Hudson	Ratcliffe
Carter (TX)	Huizenga	Reed
Chabot	Hultgren	Reichert
Cheney	Hunter	Rice (SC)
Coffman	Hurd	Roby
Cole	Jenkins (KS)	Roe (TN)
Collins (GA)	Jenkins (WV)	Rogers (AL)
Collins (NY)	Johnson (LA)	Rogers (KY)
Comer	Johnson (OH)	Rokita
Comstock	Johnson, Sam	Rooney, Francis
Conaway	Jordan	Rooney, Thomas
Cook	Joyce (OH)	J.
Costello (PA)	Katko	Ros-Lehtinen
Cramer	Kelly (MS)	Roskam
Crawford	Kelly (PA)	Ross
Culberson	King (IA)	Rothfus
Curbelo (FL)	Kinzing	Rouzer
Curtis	Knight	Royce (CA)
Davidson	Kustoff (TN)	Russell
Davis, Rodney	Labrador	Rutherford
Denham	LaHood	Ryan (WI)
Dent	LaMalfa	Sanford
DeSantis	Lamborn	Scalise
DesJarlais	Latta	Schweikert
Diaz-Balart	Lewis (MN)	Scott, Austin
Duffy	Long	Sensenbrenner
Duncan (SC)	Loudermilk	Sessions
Duncan (TN)	Love	Shimkus
Dunn	Lucas	Shuster
Emmer	Luetkemeyer	Simpson
Estes (KS)	MacArthur	Smith (MO)
Farenthold	Marchant	Smith (NE)
Ferguson	Marino	Smucker

Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton

NAYS—201

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Donovan
Doyle, Michael
F.
Ellison
Engel
Eshoo
Español
Esty (CT)
Evans
Faso
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard

NOT VOTING—7

Brooks (AL)
Kennedy
Napolitano

□ 1255

Mr. COSTELLO of Pennsylvania changed his vote from “nay” to “yea.”

So the motion to concur was agreed to.

Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)

Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rohrabacher
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sanchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Soto
Speier
Stefanik
Suozi
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Zeldin

Thompson (MS)

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 699 due to the death of my spouse. Had I been present, I would have voted “Nay” on the Motion to Concur in the Senate Amendment to H.R. 1, the Tax Cuts and Jobs Act.

UNITED STATES AND ISRAEL
SPACE COOPERATION ACT

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1159) to provide for continuing cooperation between the National Aeronautics and Space Administration and the Israel Space Agency, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. DUNN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 20, as follows:

[Roll No. 700]

YEAS—411

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
F.
Brady (PA)
Brady (TX)
Brat
Brooks (IN)
Brown (MD)
Brownley (CA)
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano

Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clever
Clyburn
Coffman
Cohen
Collins (GA)
Collins (NY)
Comer
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene

Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loeback
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey

Lucas
Luetkemeyer
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
MacArthur
Maloney,
Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascarell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Ratcliffe
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer

Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Matsui
Schradler
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (IA)
Zeldin

NOT VOTING—20

Bishop (GA)	Hartzler	Renacci
Bridenstine	Kennedy	Scott (VA)
Brooks (AL)	LaMalfa	Smith (TX)
Buchanan	Meeks	Thompson (MS)
Carter (TX)	Napolitano	Torres
Comstock	Pocan	Young (AK)
Grothman	Raskin	

□ 1302

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall votes No. 697, 698, and 700 due to a death in my family. Had I been present, I would have voted "Nay" on ordering the previous question on H. Res. 668, "Nay" on agreeing to H. Res. 668 and "Yea" on H.R. 1159, United States and Israel Space Cooperation Act.

CORPORATE GOVERNANCE REFORM AND TRANSPARENCY ACT OF 2017

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 657, I call up the bill (H.R. 4015) to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOST). Pursuant to House Resolution 657, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-46 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corporate Governance Reform and Transparency Act of 2017".

SEC. 2. DEFINITIONS.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following new paragraphs:

"(81) PROXY ADVISORY FIRM.—The term 'proxy advisory firm' means any person who is primarily engaged in the business of providing proxy voting research, analysis, ratings, or recommendations to clients, which conduct constitutes a solicitation within the meaning of section 14 and the Commission's rules and regulations thereunder, except to the extent that the person is exempted by such rules and regulations from requirements otherwise applicable to persons engaged in a solicitation.

"(82) PERSON ASSOCIATED WITH A PROXY ADVISORY FIRM.—The term 'person associated with' a proxy advisory firm means any partner, officer,

or director of a proxy advisory firm (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with a proxy advisory firm, or any employee of a proxy advisory firm, except that persons associated with a proxy advisory firm whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may by rules and regulations classify, for purposes or any portion or portions of this Act, persons, including employees controlled by a proxy advisory firm."

(b) APPLICABLE DEFINITIONS.—As used in this Act—

(1) the term "Commission" means the Securities and Exchange Commission; and

(2) the term "proxy advisory firm" has the same meaning as in section 3(a)(81) of the Securities Exchange Act of 1934, as added by this Act.

SEC. 3. REGISTRATION OF PROXY ADVISORY FIRMS.

(a) AMENDMENT.—The Securities Exchange Act of 1934 is amended by inserting after section 15G the following new section:

"SEC. 15H. REGISTRATION OF PROXY ADVISORY FIRMS.

"(a) CONDUCT PROHIBITED.—It shall be unlawful for a proxy advisory firm to make use of the mails or any means or instrumentality of interstate commerce to provide proxy voting research, analysis, or recommendations to any client, unless such proxy advisory firm is registered under this section.

"(b) REGISTRATION PROCEDURES.—

"(1) APPLICATION FOR REGISTRATION.—

"(A) IN GENERAL.—A proxy advisory firm must file with the Commission an application for registration, in such form as the Commission shall require, by rule or regulation, and containing the information described in subparagraph (B).

"(B) REQUIRED INFORMATION.—An application for registration under this section shall contain information regarding—

"(i) a certification that the applicant is able to consistently provide proxy advice based on accurate information;

"(ii) the procedures and methodologies that the applicant uses in developing proxy voting recommendations, including whether and how the applicant considers the size of a company when making proxy voting recommendations;

"(iii) the organizational structure of the applicant;

"(iv) whether or not the applicant has in effect a code of ethics, and if not, the reasons therefor;

"(v) any potential or actual conflict of interest relating to the ownership structure of the applicant or the provision of proxy advisory services by the applicant, including whether the proxy advisory firm engages in services ancillary to the provision of proxy advisory services such as consulting services for corporate issuers, and if so the revenues derived therefrom;

"(vi) the policies and procedures in place to manage conflicts of interest under subsection (f); and

"(vii) any other information and documents concerning the applicant and any person associated with such applicant as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(2) REVIEW OF APPLICATION.—

"(A) INITIAL DETERMINATION.—Not later than 90 days after the date on which the application for registration is filed with the Commission under paragraph (1) (or within such longer period as to which the applicant consents) the Commission shall—

"(i) by order, grant registration; or

"(ii) institute proceedings to determine whether registration should be denied.

"(B) CONDUCT OF PROCEEDINGS.—

"(i) CONTENT.—Proceedings referred to in subparagraph (A)(ii) shall—

"(I) include notice of the grounds for denial under consideration and an opportunity for hearing; and

"(II) be concluded not later than 120 days after the date on which the application for registration is filed with the Commission under paragraph (1).

"(ii) DETERMINATION.—At the conclusion of such proceedings, the Commission, by order, shall grant or deny such application for registration.

"(iii) EXTENSION AUTHORIZED.—The Commission may extend the time for conclusion of such proceedings for not longer than 90 days, if it finds good cause for such extension and publishes its reasons for so finding, or for such longer period as to which the applicant consents.

"(C) GROUNDS FOR DECISION.—The Commission shall grant registration under this subsection—

"(i) if the Commission finds that the requirements of this section are satisfied; and

"(ii) unless the Commission finds (in which case the Commission shall deny such registration) that—

"(I) the applicant has failed to certify to the Commission's satisfaction that it is able to consistently provide proxy advice based on accurate information and to materially comply with the procedures and methodologies disclosed under paragraph (1)(B) and with subsections (f) and (g); or

"(II) if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (e).

"(3) PUBLIC AVAILABILITY OF INFORMATION.—Subject to section 24, the Commission shall make the information and documents submitted to the Commission by a proxy advisory firm in its completed application for registration, or in any amendment submitted under paragraph (1) or (2) of subsection (c), publicly available on the Commission's website, or through another comparable, readily accessible means.

"(c) UPDATE OF REGISTRATION.—

"(1) UPDATE.—Each registered proxy advisory firm shall promptly amend and update its application for registration under this section if any information or document provided therein becomes materially inaccurate, except that a registered proxy advisory firm is not required to amend the information required to be filed under subsection (b)(1)(B)(i) by filing information under this paragraph, but shall amend such information in the annual submission of the organization under paragraph (2) of this subsection.

"(2) CERTIFICATION.—Not later than 90 calendar days after the end of each calendar year, each registered proxy advisory firm shall file with the Commission an amendment to its registration, in such form as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) certifying that the information and documents in the application for registration of such registered proxy advisory firm continue to be accurate in all material respects; and

"(B) listing any material change that occurred to such information or documents during the previous calendar year.

"(d) CENSURE, DENIAL, OR SUSPENSION OF REGISTRATION; NOTICE AND HEARING.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding 12 months, or revoke the registration of any registered proxy advisory firm if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of

limitations, suspension, or revocation is necessary for the protection of investors and in the public interest and that such registered proxy advisory firm, or any person associated with such an organization, whether prior to or subsequent to becoming so associated—

“(1) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (H), or (G) of section 15(b)(4), has been convicted of any offense specified in section 15(b)(4)(B), or is enjoined from any action, conduct, or practice specified in subparagraph (C) of section 15(b)(4), during the 10-year period preceding the date of commencement of the proceedings under this subsection, or at any time thereafter;

“(2) has been convicted during the 10-year period preceding the date on which an application for registration is filed with the Commission under this section, or at any time thereafter, of—

“(A) any crime that is punishable by imprisonment for one or more years, and that is not described in section 15(b)(4)(B); or

“(B) a substantially equivalent crime by a foreign court of competent jurisdiction;

“(3) is subject to any order of the Commission barring or suspending the right of the person to be associated with a registered proxy advisory firm;

“(4) fails to furnish the certifications required under subsections (b)(2)(C)(ii)(I) and (c)(2);

“(5) has engaged in one or more prohibited acts enumerated in paragraph (I); or

“(6) fails to maintain adequate financial and managerial resources to consistently offer advisory services with integrity, including by failing to comply with subsections (f) or (g).

“(e) TERMINATION OF REGISTRATION.—

“(1) VOLUNTARY WITHDRAWAL.—A registered proxy advisory firm may, upon such terms and conditions as the Commission may establish as necessary in the public interest or for the protection of investors, which terms and conditions shall include at a minimum that the registered proxy advisory firm will no longer conduct such activities as to bring it within the definition of proxy advisory firm in section 3(a)(81) of the Securities Exchange Act of 1934, withdraw from registration by filing a written notice of withdrawal to the Commission.

“(2) COMMISSION AUTHORITY.—In addition to any other authority of the Commission under this title, if the Commission finds that a registered proxy advisory firm is no longer in existence or has ceased to do business as a proxy advisory firm, the Commission, by order, shall cancel the registration under this section of such registered proxy advisory firm.

“(f) MANAGEMENT OF CONFLICTS OF INTEREST.—

“(1) ORGANIZATION POLICIES AND PROCEDURES.—Each registered proxy advisory firm shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of the business of such registered proxy advisory firm and associated persons, to address and manage any conflicts of interest that can arise from such business.

“(2) COMMISSION AUTHORITY.—The Commission shall issue final rules to prohibit, or require the management and disclosure of, any conflicts of interest relating to the offering of proxy advisory services by a registered proxy advisory firm, including, without limitation, conflicts of interest relating to—

“(A) the manner in which a registered proxy advisory firm is compensated by the client, or any affiliate of the client, for providing proxy advisory services;

“(B) the provision of consulting, advisory, or other services by a registered proxy advisory firm, or any person associated with such registered proxy advisory firm, to the client;

“(C) business relationships, ownership interests, or any other financial or personal interests between a registered proxy advisory firm, or any person associated with such registered proxy advisory firm, and any client, or any affiliate of such client;

“(D) transparency around the formulation of proxy voting policies;

“(E) the execution of proxy votes if such votes are based upon recommendations made by the proxy advisory firm in which someone other than the issuer is a proponent;

“(F) issuing recommendations where proxy advisory firms provide advisory services to a company; and

“(G) any other potential conflict of interest, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

“(g) RELIABILITY OF PROXY ADVISORY FIRM SERVICES.—

“(1) IN GENERAL.—Each registered proxy advisory firm shall have staff sufficient to produce proxy voting recommendations that are based on accurate and current information. Each registered proxy advisory firm shall detail procedures sufficient to permit companies receiving proxy advisory firm recommendations access in a reasonable time to the draft recommendations, with an opportunity to provide meaningful comment thereon, including the opportunity to present details to the person responsible for developing the recommendation in person or telephonically. Each registered proxy advisory firm shall employ an ombudsman to receive complaints about the accuracy of voting information used in making recommendations from the subjects of the proxy advisory firm's voting recommendations, and shall seek to resolve those complaints in a timely fashion and in any event prior to voting on the matter to which the recommendation relates. If the ombudsman is unable to resolve such complaints prior to voting on the matter, the proxy advisory firm shall include in its final report to its clients a statement from the company detailing its complaints, if requested in writing by the company.

“(2) REASONABLE TIME DEFINED.—For purposes of this subsection, the term ‘reasonable time’—

“(A) means not less than 3 business days unless otherwise defined through a final rule issued by the Commission; and

“(B) shall not otherwise interfere with a proxy advisory firm's ability to provide its clients with timely access to accurate proxy voting research, analysis, or recommendations.

“(3) DRAFT RECOMMENDATIONS DEFINED.—For purposes of this subsection, the term ‘draft recommendations’—

“(A) means the overall conclusions of proxy voting recommendations prepared for the clients of a proxy advisory firm, including any public data cited therein, any company information or substantive analysis impacting the recommendation, and the specific voting recommendations on individual proxy ballot issues; and

“(B) does not include the entirety of the proxy advisory firm's final report to its clients.

“(h) DESIGNATION OF COMPLIANCE OFFICER.—Each registered proxy advisory firm shall designate an individual responsible for administering the policies and procedures that are required to be established pursuant to subsections (f) and (g), and for ensuring compliance with the securities laws and the rules and regulations thereunder, including those promulgated by the Commission pursuant to this section.

“(i) PROHIBITED CONDUCT.—

“(1) PROHIBITED ACTS AND PRACTICES.—The Commission shall issue final rules to prohibit any act or practice relating to the offering of proxy advisory services by a registered proxy advisory firm that the Commission determines to

be unfair, coercive, or abusive, including any act or practice relating to—

“(A) conditioning a voting recommendation or other proxy advisory firm recommendation on the purchase by an issuer or an affiliate thereof of other services or products, of the registered proxy advisory firm or any person associated with such registered proxy advisory firm; and

“(B) modifying a voting recommendation or otherwise departing from its adopted systematic procedures and methodologies in the provision of proxy advisory services, based on whether an issuer, or affiliate thereof, subscribes or will subscribe to other services or product of the registered proxy advisory firm or any person associated with such organization.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1), or in any rules or regulations adopted thereunder, may be construed to modify, impair, or supersede the operation of any of the antitrust laws (as defined in the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act, to the extent that such section 5 applies to unfair methods of competition).

“(j) STATEMENTS OF FINANCIAL CONDITION.—Each registered proxy advisory firm shall, on a confidential basis, file with the Commission, at intervals determined by the Commission, such financial statements, certified (if required by the rules or regulations of the Commission) by an independent public auditor, and information concerning its financial condition, as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

“(k) ANNUAL REPORT.—Each registered proxy advisory firm shall, at the beginning of each fiscal year of such firm, report to the Commission on the number of shareholder proposals its staff reviewed in the prior fiscal year, the number of recommendations made in the prior fiscal year, the number of staff who reviewed and made recommendations on such proposals in the prior fiscal year, and the number of recommendations made in the prior fiscal year where the proponent of such recommendation was a client of or received services from the proxy advisory firm.

“(l) TRANSPARENT POLICIES.—Each registered proxy advisory firm shall file with the Commission and make publicly available its methodology for the formulation of proxy voting policies and voting recommendations.

“(m) RULES OF CONSTRUCTION.—

“(1) NO WAIVER OF RIGHTS, PRIVILEGES, OR DEFENSES.—Registration under and compliance with this section does not constitute a waiver of, or otherwise diminish, any right, privilege, or defense that a registered proxy advisory firm may otherwise have under any provision of State or Federal law, including any rule, regulation, or order thereunder.

“(2) NO PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed as creating any private right of action, and no report filed by a registered proxy advisory firm in accordance with this section or section 17 shall create a private right of action under section 18 or any other provision of law.

“(n) REGULATIONS.—

“(1) NEW PROVISIONS.—Such rules and regulations as are required by this section or are otherwise necessary to carry out this section, including the application form required under subsection (a)—

“(A) shall be issued by the Commission, not later than 180 days after the date of enactment of this section; and

“(B) shall become effective not later than 1 year after the date of enactment of this section.

“(2) REVIEW OF EXISTING REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Commission shall—

“(A) review its existing rules and regulations which affect the operations of proxy advisory firms;

“(B) amend or revise such rules and regulations in accordance with the purposes of this section, and issue such guidance, as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors; and

“(C) direct Commission staff to withdraw the Egan Jones Proxy Services (May 27, 2004), and Institutional Shareholder Services, Inc. (September 15, 2004), no-action letters.

“(o) APPLICABILITY.—This section, other than subsection (n), which shall apply on the date of enactment of this section, shall apply on the earlier of—

“(1) the date on which regulations are issued in final form under subsection (n)(1); or

“(2) 270 days after the date of enactment of this section.”.

(b) CONFORMING AMENDMENT.—Section 17(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(a)(1)) is amended by inserting “proxy advisory firm,” after “nationally recognized statistical rating organization.”.

SEC. 4. COMMISSION ANNUAL REPORT.

The Commission shall make an annual report publicly available on the Commission's Internet website. Such report shall, with respect to the year to which the report relates—

(1) identify applicants for registration under section 15H of the Securities Exchange Act of 1934, as added by this Act;

(2) specify the number of and actions taken on such applications;

(3) specify the views of the Commission on the state of competition, transparency, policies and methodologies, and conflicts of interest among proxy advisory firms;

(4) include the determination of the Commission with regards to—

(A) the quality of proxy advisory services issued by proxy advisory firms;

(B) the financial markets;

(C) competition among proxy advisory firms;

(D) the incidence of undisclosed conflicts of interest by proxy advisory firms;

(E) the process for registering as a proxy advisory firm; and

(F) such other matters relevant to the implementation of this Act and the amendments made by this Act, as the Commission determines necessary to bring to the attention of the Congress;

(5) identify problems, if any, that have resulted from the implementation of this Act and the amendments made by this Act; and

(6) recommend solutions, including any legislative or regulatory solutions, to any problems identified under paragraphs (4) and (5).

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and submit extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4015, the Corporate Governance Reform and Transparency Act of 2017, and I thank the sponsor of this legislation, the gentleman from Wisconsin (Mr. DUFFY), the chairman of the Housing and Insurance Subcommittee of our committee, for offering this bill.

Each year, Mr. Speaker, public companies hold shareholder meetings wherein shareholders vote for the companies' directors and on other significant corporate actions that require shareholder approval.

Mr. Speaker, the Securities and Exchange Commission requires that, before these annual shareholder meetings take place, public companies must provide shareholders with proxy statements that include all important facts about matters to be voted on at a shareholder meeting. Many shareholders and investment advisers rely on information provided by proxy advisory firms to guide their votes on these matters.

H.R. 4015 would enhance transparency in the shareholder proxy system by requiring proxy advisory firms to register with the SEC, disclose potential conflicts of interest and codes of ethics, and make their methodologies public.

Mr. Speaker, this is a pure disclosure bill, nothing more, nothing less. Proxy firms play an outsized role in the U.S. economy in shaping corporate governance. They counsel pension plans, mutual funds, and other institutional investors about how to vote the shares of corporations that they own.

With respect to institutional investors, Mr. Speaker, the share of institutional investor ownership was roughly 46 percent as recently as 1987, but today, that figure is more than 75 percent; in other words, the volume of proxy votes for which investors are responsible has grown into the billions.

In 2003, the SEC adopted a rule under the Investment Advisers Act that requires an investment adviser to vote in the best interest of their clients' own proxies. A series of SEC no-action letters give the investment adviser a fundamental safe harbor from liability if they use a proxy adviser.

As a result, institutional investors have increasingly relied on proxy advisory firms to help them decide how to vote their shares. However, regulators, market participants, and academic observers have highlighted potential conflicts of interest that are inherent in the business models and activities of proxy advisory firms.

The committee, for example, is aware of numerous instances whereby the two largest proxy advisory firms have issued vote recommendations to shareholders that include errors,

misstatements of facts, and incomplete analysis.

For example, in one instance, a company reported that, even though the total shareholder return the company actually had generated for its shareholders was 64 percent, a proxy advisory firm, Glass Lewis, erroneously reported this calculation to be 26 percent.

Another company reported that ISS erroneously reported that the company's long-term cash awards will vest and pay out their maximum opportunity in the event of a change in control. Well, this was reported even though the company's plan had been amended and approved by the shareholders years earlier in a manner that would pay out at target upon change in control, and there are many other examples.

Some proxy advisory firms' recommendations have been made without any contact to the public company at all, and then these same proxy advisory firms encourage companies to join their service in order to have the privilege to “influence” an advisory firm's recommendations. I suspect, for many people, this simply does not pass the smell test.

An industrial company told its shareholders, Mr. Speaker: “ISS' negative recommendation was based on flawed analysis of our compensation programs that did not appropriately take into account the significant declines in our CEO's pay in 2015 or the performance-based nature of our annual and long-term incentive compensation programs.”

A pharmaceutical company responded to a proxy advisory firm's recommendations with this statement: “For the second year in a row, Glass Lewis did not include its full pay for performance analysis in this report. For shareholders who rely only on Glass Lewis materials to make voting decisions, there is no discussion of the company's industry-leading performance over this time period.”

Again, Mr. Speaker, there are many, many more examples like these.

So another concern that many people have, Mr. Speaker, is that the two largest proxy advisory firms collectively—collectively—make up 97 percent of the proxy advisory industry—97 percent. This monopolization and the lack of transparency regarding proxy advisory firms means that the writings, analysis, reports, and voting recommendations of these two firms have a disproportionate effect on fundamental corporate transactions like mergers or acquisitions, the approval of corporate directors, and shareholder proposals. In other words, these two firms have a huge impact on our economy.

The bill of the gentleman from Wisconsin (Mr. DUFFY) helps address these concerns by setting up a new regulatory regime for proxy advisory firms

that looks out for the interest of investors, shareholders, by ensuring they receive complete information through the proxy process and can better vote in a manner consistent with shareholder interest as opposed to the potential conflicted interest of a proxy firm.

Mr. DUFFY's bill also helps ensure that shareholders and their proxies have access to accurate information regarding companies by allowing companies to provide input on proxy recommendations. This is especially important for emerging growth companies that rely heavily on investors.

A bad proxy recommendation in which emerging growth companies cannot refute the recommendation can be devastating to those emerging growth companies and, thus, have a harmful impact on our economy.

In a letter to our committee, the Biotechnology Innovation Organization wrote: "Small business innovators operate in a unique industry that values a strong relationship with investors. Yet they are often held to standards that are not applicable to their company and forced to engage in proxy fights over issues that do not add value to shareholders."

H.R. 4015 would provide for SEC oversight of proxy advisory firms, ensuring that they operate within appropriate boundaries and can be held accountable to regulators and the public.

To be clear, Mr. Speaker, nothing in this bill permits companies to rewrite a proxy firm's report or forces a proxy firm to change its recommendation based on feedback received from the company.

In summary, H.R. 4015 will improve transparency in the proxy system and enhance shareholder access to information by ensuring that proxy advisory firms are registered with the SEC, disclose potential conflicts of interest and codes of ethics, and make publicly available their methodologies for forming proxy recommendations and analysis. For every Member who believes in investor protection and supports a healthier economy, they should support H.R. 4015.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4015, the so-called Corporate Governance Reform and Transparency Act, would create an untested, inappropriate, and burdensome regulatory framework for proxy advisory firms, making it much more difficult for shareholders to obtain unbiased research used to make well-informed voting decisions about the companies they own.

Institutional investors, like pension funds and mutual funds, typically invest money on behalf of hardworking

Americans in a large number of public companies. In exchange for their investment, companies provide investors with shares of ownership and a say on important proposed changes to how the companies are run.

These proposals may relate to who sits on the board of directors, how much executives are paid, environmental practices, employee minimum wage, and nondiscrimination policies.

Shareholders often hire independent researchers called proxy advisory firms to help inform their voting decisions on the many proposals they consider each year.

H.R. 4015 contains numerous provisions that would undermine proxy advisory firms and the shareholders that rely on them for unbiased advice.

First, H.R. 4015 would essentially fulfill the wishes of corporate management by regulating proxy advisory firms out of existence. The bill requires proxy advisory firms to register with the Securities and Exchange Commission and authorizes the SEC to deny applications on a whim.

Additionally, H.R. 4015 would force proxy advisers to publicly disclose their internal proprietary research methodologies and voting policies, which firms invest time and money into developing.

The bill would also require proxy advisers to hire a sort of compliance department dedicated entirely to the grievances of corporate management rather than the adviser's own shareholder clients.

These burdensome requirements would deter new proxy advisers from entering the market and squeeze out smaller, cost-sensitive firms. As a result, shareholders would be faced with ever-increasing fees to obtain research from a shrinking universe of advisers.

Second, H.R. 4015 would grant corporate management the right to review and weigh in on a proxy adviser's draft recommendations before the shareholder-clients, who pay for the recommendations, get to see a final report. If management raises a complaint that the adviser disagrees with, the bill allows management to get the last word by publishing its dissenting opinion in the adviser's final report. In other words, the bill is the equivalent of requiring that a teacher clear a report card with a student before sending it to his or her parents.

Finally, H.R. 4015 is unnecessary in light of existing Federal securities laws. For example, some proxy advisers, such as the largest firm, Institutional Shareholder Services, are already registered and regulated as investment advisers under the Investment Advisers Act of 1940. As such, they already owe heightened obligations to their customers; must make regular, comprehensive disclosures to regulators and the public; and are subject to periodic compliance examina-

tions, among other legal responsibilities. Additionally, the SEC has already provided guidance on due diligence and oversight related to proxy advisers.

H.R. 4015 would replace this well-understood guidance with a harmful and inappropriate regulatory regime that undermines investors' ability to simply exercise their shareholder rights.

Tellingly, nothing in H.R. 4015 advances the bill's purported goals of "fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry."

Shareholders hold corporations and their management accountable by casting well-informed votes on important issues of corporate governance, including issues of diversity. For example, a recent study by Ernst & Young found that corporate board diversity and gender pay equity were key themes in the 2017 proxy season. Specifically, Ernst & Young found that over half of the investors it interviewed included diversity as a board priority in 2017, and "proposals asking boards to report on and increase their board diversity are among the top shareholder proposals submitted this year."

H.R. 4015 would render these important accountability efforts ineffective, as the institutional shareholders driving governance changes would be less able to obtain the research needed to inform voting decisions.

Now, I can imagine that Americans listening to this debate may get confused that Republicans, who have been singularly focused on repealing important safeguards and protections for America's consumers and investors, are now claiming that they are seeking to protect investors with these new rules, but, Mr. Speaker, if this bill truly helped investors, why have so many from all over America written letters to Congress opposing H.R. 4015?

To name a few, the bill's opponents include public pension funds and government officials from California, Colorado, Connecticut, Florida, Illinois, New York, Ohio, Oregon, and Washington. These investors joined a letter from Council of Institutional Investors stating that H.R. 4015 "would weaken corporate governance in the United States; undercut proxy advisory firms' ability to uphold their fiduciary obligation to their investor clients; and reorient any surviving firms to serve companies rather than investors."

Proponents of effective corporate governance, including Americans for Financial Reform, Consumer Federation of America, Public Citizen, and Principles for Responsible Investment, have similarly written to oppose this bill. For example, the Consumer Federation of America wrote that H.R. 4015 "would empower companies to bully proxy advisory firms into dropping

their objections to management proposals or watering down their recommendations.”

Private institutional investors also agree that H.R. 4015 would leave shareholders reliant on biased information tilted toward the interests of company management. Sound corporate governance requires shareholders to have access to impartial information when voting on key corporate issues.

If our Nation's investors, who provide the capital for businesses to grow jobs and our economy, are unable to hold corporations accountable, they will be increasingly reluctant to invest. H.R. 4015 would, thereby, hurt the very businesses it purports to assist.

Mr. Speaker, for these reasons, I urge my colleagues to join me in opposing H.R. 4015.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, it is a historic day in America. Republicans deliver historic tax relief for working Americans and small businesses.

The ranking member has articulated concern over burdensome requirements. I look forward to working with her now on reducing the burdensome requirements of the Dodd-Frank Act.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. HUIZENGA), the chairman of the Committee on Financial Services' Subcommittee on Capital Markets, Securities, and Investments.

Mr. HUIZENGA. Mr. Speaker, as has been pointed out each year, public companies convene these shareholder meetings at which the companies' shareholders vote for the companies' directors and on other significant corporate actions that require shareholder approval.

As part of this annual process, the Securities and Exchange Commission requires public companies to provide their shareholders with a proxy statement before those meetings.

A proxy statement includes all important facts about the matters to be voted on at the meeting, including, for example, information on board of directors candidates, director compensation, executive compensation, related party transactions, securities ownership by management, and eligible shareholder proposals.

The information contained in the statement must be filed with the SEC before soliciting a shareholder vote on the election of directors and the approval of these other corporate actions. Solicitations, whether by management or shareholders, must disclose all important facts about the issues on which the shareholders are being asked to vote.

Institutional investors, including investment advisers to mutual funds and pension funds, typically hold shares in

a large number of public companies. Each year, the investment advisers to these funds vote billions of shares on behalf of their clients on thousands of proxy ballot items.

What you have heard about, really, was the theoretical way this is supposed to run. Unfortunately, that is not reality, and that is not what you are hearing from the other side, because in 2003, the SEC adopted a rule under the Investment Advisers Act of 1940, requiring an investment adviser that exercises voting authority over its clients' proxies to adopt policies and procedures designed to ensure that the investment adviser votes those proxies in the best interests of their clients. Perfect. That is exactly what they should be doing.

The SEC's release adopting the rule clarified that “an adviser could demonstrate that the vote was not a product of a conflict of interest if it voted client securities, in accordance with a predetermined policy, based upon the recommendations of an independent third party.”

Okay so far, but here is where we see the problem. As a result, institutional investors increase their reliance on these proxy adviser firms to help them decide how to vote their shares.

In 2004, the SEC staff, without a Commission vote, just the staff, issued two “no action” letters “effectively blessing the practice of investment advisers simply voting the recommendations provided by a proxy adviser,” according to SEC Commissioner Dan Gallagher.

Largely, as a result of the SEC's regulation, proxy adviser firms now wield tremendous outside influence on the U.S. proxy system. Studies have shown that the two largest proxy adviser firms are comprised of approximately 97 percent of all the proxy advisory industry and can control a significant percentage of share votes in corporate elections, which is sometimes as high as 40 percent. There have been numerous instances where these two firms have issued vote recommendations on publicly traded companies that include errors, misstatements of fact, and incomplete analysis.

Additionally, some proxy advisory firms' recommendations have been made without any sort of communication or contact with the public company that they are actually reviewing. In fact, these same proxy advisory firms even encourage companies to join their service on the other side of the ledger in order to have the privilege to “influence” an advisory firm's recommendations.

Members heard from the ranking member about a teacher having to check with a student about what their grades are going to be as a student.

Well, what this is, Mr. Speaker, this is the teacher shaking down the student for their lunch money and milk

money to make sure that they are behaving.

So let's talk about reality here.

Regulators, market participants, and academic observers have highlighted potential conflicts of interest inherent to this business model and activities of these proxy firms. For example, proxy advisory firms may feel pressured by their largest clients, who may be activist investors, to issue voting recommendations that reflect those clients' specific agendas, not the boards' or the corporations'.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield an additional 1 minute to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA. Mr. Speaker, additionally, proxy advisory firms often provide voting recommendations to investment advisers on matters for which they also provide consulting services to public companies. Talk about, again, a conflict of interest.

Some proxy advisory firms also rate or score these public companies on their governance structures, policies, practices, and they are trying to actually influence the corporate governance practices of these companies.

Essentially, these proxy advisory firms have hijacked the proxy system by aligning themselves with activist shareholders, who also might be their clients, to push social and political initiatives rather than using shareholder votes to maximize shareholder value and increasing shareholder returns.

□ 1330

Well, H.R. 4015 is to the rescue on this. It would foster greater accountability, competition, responsiveness, and, most importantly of all, transparency.

This legislation would ensure that voting recommendations at proxy advisory firms are, in fact, in the interest of long-term shareholders.

So let's not misunderstand. The role of these proxy advisory firms serves a very important place in our economy. However, these firms aren't immune to conflicts of interest.

The good work of my friend, Mr. DUFFY, on H.R. 4015 will improve that transparency.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

It is not enough that my friends on the opposite side of the aisle just voted to give the biggest tax breaks to America's richest corporations. They are back here now supporting the control and the dominance of corporations over our investors who need protections. The difference between us and them, they are for deregulation of Dodd-Frank and protection for consumers to support, however they can give it, the biggest corporations in America.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished ranking member of the Subcommittee on Capital Markets, Securities, and Investments.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise in support of investor protection and in opposition to H.R. 4015.

Proxy advisers provide recommendations to institutional investors on how to vote on board of director elections and shareholder resolutions.

Big institutional investors are shareholders at thousands of public companies, and they simply don't have time to carefully review every single hundred-page proxy statement in detail, especially because most public companies hold their shareholders meetings at about the same 3-month period.

So institutional investors rely on proxy advisers for vote recommendations, which are often tailored to the investor's particular corporate governance preferences. They also rely on proxy firms for their data management on shareholder votes and corporate governance.

This is healthy. Proxy advisers do actually have the time to carefully read all of the statements and proposals because they are professionals that are hired to do just that.

I agree that the current regulatory system for proxy advisers is not perfect. Two proxy advisory firms account for 97 percent of the market—ISS and Glass Lewis—but, for some reason, they are regulated differently. ISS is a registered investment adviser, while Glass Lewis is not. Surely, this is not an ideal setup, so I am open to the idea of a better and more consistent regulatory regime for proxy advisers.

But there are several things in this bill that concern me deeply. I don't see why companies should have a statutory right to receive and comment on a proxy adviser's draft recommendations before they are sent to investors. Proxy advisers aren't Federal agencies with a notice-and-comment for private companies. They are working for private companies that are providing a valuable service. This is not appropriate at all.

Asset managers that use proxy advisers also tell me that they would find proxy advisers a lot less useful if the proxy firm had to give the company an opportunity to comment on their vote recommendations before sending them to the asset manager.

And a new addition to the bill is very troubling. This would raise the possibility of proxy advisers being forced to send the clients the companies' own complaints about the proxy adviser's recommendations, even if the complaint is completely untrue.

This is totally inappropriate and, I would say, plain wrong. So while I am sympathetic to the idea that a better

and more consistent regulatory regime could be developed, I cannot support this bill, and I have good company here.

Mr. Speaker, I include in the RECORD a letter from the Comptroller of the State of New York, Comptroller DiNapoli; a statement from the AFL-CIO of the United States of America; a statement from the Council of Institutional Investors; a statement from the Consumer Federation of America, and a statement by Glass Lewis.

This is a troubling bill. I urge my colleagues to vote "no" on it. It is bad for safety and soundness and for good governance in this country.

STATE OF NEW YORK,
OFFICE OF THE STATE COMPTROLLER,
Albany, NY, December 14, 2017.

Re Opposition to H.R. 4015, Corporate Governance Reform and Transparency Act of 2017.

DEAR MEMBERS OF THE NYS CONGRESSIONAL DELEGATION: I write to express my strong opposition to H.R. 4015, the Corporate Governance Reform and Transparency Act of 2017, which I understand will soon be voted on by the United States House of Representatives. I believe that H.R. 4015, if passed and enacted, would require unnecessary and expensive regulation. Further, this legislation was not promoted by those it purports to protect: shareholders. It would weaken corporate accountability and shareholder oversight, undercut proxy advisory firms' invaluable independence, increase costs to consumers of research and redirect proxy advisors to answer to companies rather than the clients it serves.

As Comptroller of the State of New York, I am the Trustee of the New York State Common Retirement Fund (Fund) and the administrative head of the New York State and Local Retirement System (the System). As a fiduciary responsible for the benefits of over one million state and local government employees, retirees, and beneficiaries, I am especially troubled by H.R. 4015's provisions that would weaken corporate accountability and shareholder oversight.

The system of corporate governance that has evolved in the United States relies on the accountability of boards of directors to shareholders, and proxy voting is a critical means by which shareholders hold boards to account. Currently, proxy advisors provide shareholders of corporations with independent advice. The proposed bill threatens that very independence, which is integral to the responsible exercise of a shareholder's voting rights.

In public comments defending H.R. 4015, members of the Financial Services Committee have voiced the erroneous assertions that proxy advisory firms dictate proxy voting results and that institutional investors utilizing proxy advisors do not make their own voting decisions. I personally review and approve the Fund's customized Proxy Voting and Corporate Governance Guidelines (Guidelines). In 2017, the Fund voted on nearly 30,000 agenda items on its portfolio companies' proxy statements, and every single one of those items was voted pursuant to the guidelines which state: "proxy voting decisions are based on internal reviews of available information relating to items on the ballot at each company's annual meeting. . . . The Fund analyzes a variety of materials from publicly available sources, which include but are not limited to, U.S. Securi-

ties and Exchange Commission (SEC) filings, analyst reports, relevant studies and materials from proponents and opponents of shareholder proposals, third-party independent perspectives and studies, and analyses from several corporate governance advisory firms." All of our proxy voting decisions are made independently and in the best interest of our System's participants.

Proxy advisory firms provide cost-efficient, informed, and independent research, analysis, and advice for institutional shareholders, which often hold thousands of companies in their investment portfolios. The independence of that advice is absolutely essential, and if proxy advisors are required to obtain corporate review and rebuttals before releasing their research to investors, that independence would be compromised, depriving public pension funds and other institutional investors of a vital resource. Such a requirement would also delay investors' access to research in the already constricted time frame available to consider ballot issues and develop independent voting decisions in an informed fashion.

As you consider your vote on this bill, please take into account the concerns I have expressed on behalf of the more than one million members, retirees and beneficiaries of the System for whom the Fund invests.

Thank you for your consideration of this very important matter. Please feel free to contact me if you would like to discuss these issues further.

Sincerely,

THOMAS P. DINAPOLI,
State Comptroller.

—
AFL-CIO,
Washington, DC, December 14, 2017.

DEAR REPRESENTATIVE: On behalf of the AFL-CIO, I am writing to express our strong opposition to the "Corporate Governance Reform and Transparency Act of 2017" (H.R. 4015). H.R. 4015 will create a costly and untested regulatory regime for proxy advisory firms that provide research and voting recommendations to shareholders. The bill claims to foster "accountability, transparency, responsiveness, and competition in the proxy advisory firm industry," while in reality it will interfere with shareholders' access to impartial analysis and undermine shareholders' ability to hold corporate management accountable.

For example, H.R. 4015 will undermine investors' ability to hold corporate management responsible on issues such as executive pay. H.R. 4015 would give corporate executives an effective veto over proxy advisor recommendations by enabling companies to delay vote recommendations. Corporate executives will be able to object to any proxy voting recommendation that is contrary to their own preferences, including votes on their own executive compensation packages.

The bill is based on the false idea that shareholders blindly follow the recommendations of proxy advisors. In reality, proxy advisors provide independent and unbiased research on proxy votes to help investors formulate their own proxy voting decisions. This flawed bill will create unnecessary regulations that undermine this free flow of information to investors.

For these reasons, we strongly urge you to vote against "Corporate Governance Reform and Transparency Act of 2017" (H.R. 4015).

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

COUNCIL OF INSTITUTIONAL INVESTORS,
Washington, DC, December 12, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives,
Washington, DC.
Re H.R. 4015.

DEAR MR. SPEAKER AND MINORITY LEADER PELOSI: On behalf of the Council of Institutional Investors (CII or Council), we are writing to express our opposition to H.R. 4015, which we understand will soon be voted on by the United States House of Representatives.

CII is a nonpartisan, nonprofit association of public, corporate and union employee benefit funds, other employee benefit plans, state and local entities charged with investing public assets, and foundations and endowments with combined assets under management exceeding \$3 trillion. CII's member funds include major long-term shareowners with a duty to protect the retirement savings of millions of workers and their families. The Council's associate members include a range of asset managers with more than \$20 trillion in assets under management.

Many of our members and other institutional investors voluntarily contract with proxy advisory firms to obtain research reports to assist the funds in voting their proxies according to the funds' own proxy voting guidelines. This contractual relationship provides investors a cost-efficient means of obtaining supplemental research on proxy voting issues, which is particularly beneficial since many funds hold thousands of companies in their investment portfolios.

H.R. 4015 would establish a new federal regulatory scheme for proxy advisory firms that would (1) grant "companies," apparently meaning corporate management, the right to review the proxy advisory firms research reports before the paying customers—investors—receive the reports; (2) mandate that the proxy advisory firms hire an ombudsman to receive and resolve corporation's complaints; and (3) if the ombudsman is unable to resolve the complaints, and if the company management submits a written request, proxy advisory firms would be required to publish company management's dissenting statement. These provisions would result in the federal government interposing corporate management between investors and those proxy advisory firms that investors hire to provide them with research on issues, such as executive compensation, in which corporate management can have its own interests, sometimes in conflict with investors and with the corporate entity.

Setting aside whether the provisions of H.R. 4015 are consistent with First Amendment rights of freedom of speech, the provisions are not practical. The provisions would require proxy advisory firms to provide the management teams of more than 4,000 corporations the opportunity to present detailed comments on the firm's reports in a matter of weeks before the reports are provided to investors. Thus, investors would have limited time to analyze the reports in the context of their own proxy voting guidelines to arrive at informed voting decisions. Time is already tight, particularly in the spring "proxy season," due to the limited period between a corporations' publication of the annual meeting proxy materials and the date in which investors are permitted to vote on proxy issues.

In addition, the provisions of H.R. 4015 would likely result in fewer market partici-

pants in the proxy advisory firm industry. The provisions would add significant costs increasing barriers to new entrants and potentially leading some existing firms to exit the industry altogether.

We also note that the United States Department of Treasury recently performed extensive outreach to identify views of company management teams and other market participants on proxy advisory firms in connection with its recently issued report to President Trump on "A Financial System that Creates Economic Opportunities, Capital Markets." In its report the Treasury found that "institutional investors, who pay for proxy advice and are responsible for voting decisions, find the [proxy advisory firm] services valuable, especially in sorting through the lengthy and significant disclosures contained in proxy statements." More significantly, the Treasury did not call for legislation of the proxy advisory firm industry.

Finally, we have attached for your information and review a November 9, 2017 letter signed by 45 investors and investor organizations describing in more detail the basis for their strong opposition to H.R. 4015.

Thank you for considering our views. We would welcome the opportunity to discuss our perspective on this important issue with you or your staff in more detail.

Sincerely,

JEFFREY P. MAHONEY,
General Counsel.

CONSUMER FEDERATION OF AMERICA,

December 18, 2017.

Re Vote No on H.R. 4015, the "Corporate Governance Transparency Act".

DEAR REPRESENTATIVE: We understand the House is scheduled to vote this week on legislation (H.R. 4015, the Corporate Governance Reform and Transparency Act) that would undermine the ability of shareholders to get reliable, independent analysis of proxy issues on which they are asked to vote. We urge you to vote no.

Although H.R. 4015 is presented as a bill to regulate proxy advisory firms in order to better protect investors and the economy, its effect would be to undermine their independence, simultaneously increasing their costs and undermining their value to the investors who use their services. Indeed, several of the bill's provisions are specifically designed to give the companies whose proxy proposals the firms are supposed to independently analyze greater input into and influence over their recommendations.

It would, for example, require proxy advisory firms to give companies a first look at their draft recommendations and an opportunity to comment on them before any recommendation to investors is finalized.

Proxy advisory firms would also be required to employ an ombudsman to take complaints about the accuracy of the voting materials from the companies that are subjects of the recommendations, and provide those companies with an opportunity to include a comment in materials sent to investors if their complaints are not resolved to their satisfaction.

Together, these provisions would empower companies to bully proxy advisory firms into dropping their objections to management proposals or watering down their recommendations.

We certainly agree that proxy advisory firms should be subject to appropriate regulation. Rather than create a bureaucratic new regulatory regime for a handful of firms, however, we believe that is better achieved

by regulating these firms as investment advisers, with a fiduciary duty to act in the best interests of the investors who rely on their services and an obligation to minimize and appropriately manage conflicts of interest.

For these reasons, we urge you to vote no on this misguided and misdirected legislation. Please feel free to contact me directly if you have questions about our position on this bill.

Respectfully submitted,

BARBARA ROPER,
Director of Investor Protection.

GLASS LEWIS,
December 18, 2017.

Re HR 4015—Corporate Governance Reform and Transparency Act of 2017.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: I am writing to express opposition to HR 4015, the Corporate Governance and Reform and Transparency Act of 2017, which seeks to exert additional regulatory control over proxy advisory firms at the expense of investors. I urge a no vote when this legislation is considered by the full House of Representatives.

Shareholder voting, a regulatory obligation for U.S. registered investment advisors, is a primary means by which a public company's owners can influence company operations, corporate governance and activities of corporate social responsibility. As such, it is important for institutional investors (pension funds, mutual funds and other asset managers) to have access to the resources—including unbiased proxy research—that enable them to execute their votes in accordance with their views.

Glass Lewis is dedicated to helping institutional shareholders of public companies better understand and connect directly with the companies in which they invest. Our duty, as a proxy advisory firm, is to support—not usurp—the role of our clients as investors/owners, a distinction we take very seriously. It is reflected in how we develop and update our proxy voting policies, create our research, and engage with public companies, shareholders and other stakeholders.

H.R. 4015, as drafted, would damage investors in public companies by attempting to silence research firms that provide investors data, analysis and independent voting recommendations to support their fiduciary activities related to proxy voting. It would require the SEC to develop a new registration scheme that would compel proxy advisory firms to share their proprietary research reports with the subject public companies prior to distributing those reports to their investor clients—thereby granting the subject companies an unprecedented right of prior review. The proposed legislation also would establish a system whereby issuers could dispute recommendations of proxy advisory firms before the investor clients of proxy advisory firms were granted access to the research.

No other investment research analysts are subject to these prior review rules; in fact, FINRA prohibits investment research analysts from doing this to avoid conflicts of interest.

In SEC Staff Legal Bulletin No. 20 (June 30, 2014), the SEC restated that investor consumers of proxy advisory firm services are

responsible for holding their advisors accountable. These investor consumers are satisfied with the current system. Indeed, it is telling that the call for regulating proxy advisory firms is coming not from investors but from the companies that are the subjects of the advisors' reports.

In October, the United States Department of Treasury issued its report to President Trump on "A Financial System that Creates Economic Opportunities, Capital Markets." As part of that report, extensive outreach was undertaken to identify views of company management teams and other market participants on the role and activities of proxy advisors. Treasury found that "institutional investors, who pay for proxy advice and are responsible for voting decisions, find the [proxy advisory firm] services valuable, especially in sorting through the lengthy and significant disclosures contained in proxy statements." More significantly, the Treasury did not call for legislation of the proxy advisory industry.

Further, in 2012, the European Securities and Markets Authority (ESMA), which comprises all the securities regulators in Europe, and the Canadian Securities Administrators (CSA) conducted comprehensive reviews of the proxy advisory industry and its activities. Both regulatory agencies concluded that neither binding nor quasi-binding regulation of proxy advisory firm activity was warranted. ESMA and the CSA each recommended the development of an industry code of conduct. In accordance with the specific direction of these regulators, the Best Practice Principles for Shareholder Voting Research ("Principles") were launched in 2014.

Glass Lewis and ISS, the largest U.S.-based proxy advisory firms, apply the Principles globally. The Principles encourage transparency, conflict management and disclosure, and engagement with companies when appropriate. Glass Lewis meets the Principles' standards by making its full guidelines; research approach and methodologies; conflict avoidance and disclosure policies; and public-company engagement procedures available publicly on its website.

Most recently, in an effort to ensure that the Principles remain fully aligned with applicable regulation, a global consultation was launched in order to seek views from investors and companies on whether the Principles have been effective in ensuring the integrity and efficiency of the services provided by shareholder voting analysts and advisors. The review is being carried out by a Steering Group comprised of five representatives of the current Principles' signatories, chaired by Chris Hodge, former Director of Corporate Governance at the Financial Reporting Council in the UK, and supported by an Advisory Panel whose members have broad experience and knowledge of investors, companies and different national markets, including the United States. By way of example, one of the key items on the agenda is the consideration of what actions will be needed in order to ensure the Principles are fully compatible with the revised EU Shareholder Rights Directive, which includes mandatory requirements for proxy advisors operating in the EU, scheduled to take effect in 2019.

The Corporate Governance Reform and Transparency Act is an attack on investors to the detriment of their beneficiaries—notably the millions of U.S. teachers, municipal employees, law enforcement officers, firefighters, retirees and mutual funds investors. If enacted, it will result in less informed,

more time-constrained investors who will be less able to properly hold companies accountable for poor returns, overpaying executives at underperforming companies and ignoring shareholders and shareholder interests.

Glass Lewis joins with the many pension funds, institutional investors, and consumer advocates urging you to vote no on HR 4015 to protect shareholder rights.

Sincerely,

KATHERINE H. RABIN,
Chief Executive Officer.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HILL), our Republican Conference whip.

Mr. HILL. Mr. Speaker, I rise in support today of the Corporate Governance Reform and Transparency Act of 2017, and I appreciate my good friend, SEAN DUFFY's work on it.

Over the past 3 decades, I have advocated for responsible shareholder activism and urged for corporate boards of directors to perform their responsibility of careful stewardship, particularly in their essential functions in evaluating corporate strategy, hiring able hardworking executive management, and, critically, capital allocation.

For example, as Berkshire Hathaway's CEO, Warren Buffett, recommends, corporate compensation committees must be composed of "saber-toothed tigers," not "house cats," in their work.

Likewise, investors must take their responsibility to hold boards accountable for their irreplaceable role in maximizing returns for shareholders, while executing a corporate strategy that balances shareholder returns with employees and customers.

So the question is: How can investors effectively lower agency costs and actively meet this accountability mission?

For 20 years, this has been a much-discussed area by thoughtful experts like Warren Buffett, ISS founder Robert Monks, Marty Lipton, and Lawrence Cunningham. Grad schools at UCLA, Stanford, Harvard, Yale all researched this challenge. Organizations of institutional investors and corporate directors all proffer best practices.

And how do we best align these interests for this mission, but make conflicts of interest readily apparent?

The role of proxy advisory firms in the U.S. economy has grown over the last 2 decades and is a major shaper of corporate governance, and it is of national importance. These firms counsel our pension plans, our mutual funds, other institutional investors, which are more and more in the market; 75 percent of the market, compared to when Robert Monks started thinking about the idea in the late 1980s.

Under the current system, two proxy advisory firms now have 97 percent of the market, Mr. Speaker, and this monopolization and the lack of trans-

parency regarding their work means that the writings, analyses, reports, and vote recommendations of just these two firms have a disproportionate effect on the fundamental corporate transactions, like mergers and acquisitions, the approval of corporate directors, and other shareholder proposals.

Also, this has created more of a checklist mentality in the boardroom. Directors today need information, yes, but, more importantly, they need wisdom. And the proxy advisory firms are driving people in boardrooms, in my view, to more of a checklist mentality, regulatory mentality, and less using their business judgment and wisdom to guide our public companies.

Proxy advisory firms aren't immune to conflicts of interest.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Arkansas.

Mr. HILL. Mr. Speaker, these conflicts are provided by providing additional recommendations to the very firms that they are rating.

So, Mr. Speaker, we need balance in this arena, and I think Mr. DUFFY's bill provides a step toward that balance, an improvement in transparency in the proxy system, thereby enhancing shareholder access to important investment information. I appreciate his work on it. I thank him for his work in our committee.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. DAVID SCOTT), a hardworking member of the Financial Services Committee.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, this is indeed a very, very important issue. I come at this from one who has worked with my good friend, Mr. DUFFY, on this issue. More than that, I voted with Mr. DUFFY for this bill in committee.

However, there are some troubling things about this bill that could do one very damaging thing. It could put many of these proxy firms out of business.

I want to take a moment to explain what the danger is in the bill that made me change my mind. I chatted with Mr. DUFFY about it. He understands it. This is not to shed any negative light on his objective, but it is what he is doing to get to that objective that disturbs me and, I think, should disturb the people of this Congress and this country, and that is this:

It could be summed up in, basically, 2 words: unilateral authority.

That is what this bill provides to the Securities and Exchange Commission: unilateral authority to set the requirements, first of all, for what it means to be a proxy firm.

When you put unilateral authority into the hands of a regulatory agency,

we know the damage that can be done. And I agree that there may be some things that need to be done, but these words, "unilateral authority," would mean that the Securities and Exchange Commission could establish any number of hurdles for these proxy advisory firms to jump over in order to just stay in business.

Unilateral authority to do such things as setting financial requirements, one would say that nothing may be wrong with that; but other hurdles that the Securities and Exchange Commission could put up likely will be arbitrary, illogical, such as them setting requirements for how many employees a proxy firm should have.

Mr. Speaker, this is a step too far, especially during a time in our country when Federal regulators have used their powers to attack the American people at any and every level.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Georgia.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, second, let me give you an example of how you can put too much regulatory authority into an agency.

When HHS, this year, used their powers to attack women's health, that happened; or when the Department of Justice used their powers to reverse community policing reform at the Department of Justice.

All I am saying in this particular argument, Mr. Speaker, is that Mr. DUFFY is well-intended, but this goes too far, and I urge my colleagues to reject and vote "no" on this bill.

Mr. HENSARLING. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BUDD).

Mr. BUDD. Mr. Speaker, I rise today in support of H.R. 4015. I thank Chairman DUFFY for his leadership on this bipartisan piece of legislation, which will improve our country's shareholder proxy system.

Since the early 2000s, we have seen market share and the shareholder proxy system consolidate, essentially, into a duopoly, as two firms control 97 percent of the market, so, under the current system, potential conflicts of interest abound.

For example, proxy advisory firms that provide voting recommendations to advisers often provide consulting services to those same public companies. So wouldn't it make sense that they at least notify their shareholders of this potential conflict of interest?

Well, right now, while the SEC has offered guidance on this problem, the proxy firm wouldn't be required to do so. We need to get this bill on the books just to address this problem.

□ 1345

This bill is also timely because we have seen proxy firms align themselves

with political causes, unions, and interest groups that do not always represent their shareholders' best interests. Shareholders oftentimes aren't even aware of these conflicts. Again, reform is needed.

So it should go without saying, Mr. Speaker, that the two problems outlined above pose problems for the shareholder and for the average investor. We cannot continue to allow the security laws and processes to be wrapped in a service of political agenda.

Mr. Speaker, we have dealt with this issue in the Financial Services Committee on a number of fronts with regard to disclosure of information that is being weaponized against public companies, from mining to conflict minerals. It is time to deal with the proxy issue today.

The number of public companies has fallen in recent years. It was never easy to be public, to be subject to the financial markets and the pressures that come from being accountable to your shareholders. This issue, the proxy issue, is part of a larger tapestry of challenges that public companies face. They are increasingly choosing not to play the game. They are getting capital from dark pools; they are getting capital from hedge funds; and they are just staying private. That puts investment opportunities in the hands of the 1 percent, and that leaves retail investors out in the cold.

Mr. Speaker, my constituents and North Carolina shareholders are from the part-time trader to the full-time trader. They deserve better than this. Luckily, this body can do something to address these problems, and that is where Chairman DUFFY's bipartisan legislation comes into play. His bill will bring about much-needed accountability, competition, and, most importantly, transparency in the proxy advisory firm industry.

This bill also protects clients and their financial future from being influenced by activists and outside interest groups. His legislation accomplishes this by mandating that proxy advisory firms register with the SEC, disclose potential conflicts of interest to the shareholders, and make their methods for coming up with proxy recommendations available to the public.

Two proxy advisory firms should not have this much control of the marketplace and the power to disproportionately affect fundamental corporate transactions. This bill is a win for the consumer, a win for the free market, and should be a bipartisan priority for this body.

A number of outside commentators have been clear that the proxy industry has gained a worrisome degree of authority over companies. In fact, Columbia Law Professor Jeffrey Gordon said that the burden of annual voting would lead investors, particularly in-

stitutional investors, to farm out evaluation of most pay plans to a handful of proxy advisory firms who, themselves, will seek to economize on those very proxy review costs. There are a host of others who are saying these same things about the way things are today in proxy voting.

Ultimately, the shareholder is the one who suffers. We should put a stop to it.

Mr. Speaker, once again, I want to thank Chairman DUFFY for leading the fight on this issue, and I urge adoption of his legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), an invaluable member of the Financial Services Committee.

Mr. CAPUANO. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is one of those mundane issues that 95 percent of America doesn't understand. I didn't understand much about it a while back because I don't have any proxy advisers. I do have money in retirement funds. I do get those 100-page documents in the mail, saying, "We are having a proxy fight and you should read it," in the smallest print possible, and I do what 95 percent of America does when I get those: I throw them right in the trash.

Now, that doesn't make me smart. It just means I can't read through that stuff. I can't understand what they are doing with my pension funds. I kind of have to go on faith that they are not sticking it to me. That is what most of us do, and most anybody listening to this, that is the only thing they have to do with this issue.

So I went out and found out what is a proxy adviser. Here is what it is.

The pension funds—not always, but mostly pension funds—that invest my pension money do it all across the board. Many of them are small. Some of them are big. And when it comes time to reading those 100-page documents and the thousands of companies they invest in, they go and hire somebody to help them do it, a proxy adviser. They go through those documents with accountants and actuaries and give them advice. Not a demand—advice.

Now, I don't know about you. I get advice from my lawyer on occasion. I get advice from my accountant on occasion. I get advice from my priest on occasion. And it is none of your damn business what advice they give me, because two of them I am paying and one of them loves me.

When a person or an entity hires someone else to give them advice, it is no one else's business what that is. This bill says it is. It now would be the business of the company about whom they are giving the advice.

I paid them. Why should I share that information with you? That is what a

proxy adviser is. It is not some big swami sitting in the back sticking it to big corporations. It is a paid adviser.

Now, we have heard, oh, terrible things that these advisers do.

Who do they work for? Well, they work for pension funds—mostly pension funds, by the way, that are public pension funds, not all. They have the pension money of teachers, firefighters, police officers, trash collectors, water workers all across this country.

And then there are private pension funds that work for union members: the AFL-CIO, the Bricklayers, the SEIU. That is who is doing most of this investing on behalf of little people like me who don't have the knowledge or the time to be able to go through 100 pages of really fine print, really detailed stuff, to determine which person I should vote for on a board of a company I don't know much about. That is it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Speaker, let's figure out who are the worst of the worst of the people who hire these people.

Well, it turns out the Dominican Sisters hire a proxy adviser. Oh, they are put together for the very purpose of ripping the heart out of corporate America. Those Dominican Sisters, they are evil investors.

Let's not forget the Daughters of Charity. Oh, terrible, terrible people. They are so busy caring for the poorest people in the world that they take time out of that in order to find a way to stick it to the biggest corporate people in the country.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Speaker, they use proxy advisers.

Let me see. Who wants this bill? Every corporation in America. Why? They don't want you knowing what they are doing.

Let's see. Whose side am I on? I think if I have a choice between being on the side of the biggest corporations in this country or being with the Dominican Sisters, I am choosing the Dominican Sisters. They are doing God's work. They use and need proxy advisers. Leave them alone.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds just to say that, if the gentleman is so busy he can't read a 100-page proxy statement, perhaps he could read a 20-page bill and he would realize that his comments have almost absolutely nothing to do with the bill whatsoever.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. DUFFY), the sponsor of the legislation and the chairman of the Financial Services Subcommittee on Housing and Insurance.

Mr. DUFFY. Mr. Speaker, I appreciate the gentleman for yielding time to me, the chairman of Financial Services, Mr. HENSARLING. I appreciate his leadership and stewardship on our committee.

Mr. Speaker, I want to get into the bill in a second, but I can't let the Dominican Sisters reference go.

It is not the Dominican Sisters who are using proxy advisers. It is the largest financial investors in the world that are using these advisers, which we are going to get into in a little bit.

And if you want to talk about sisters, I will talk about the Little Sisters of the Poor, who have been ravaged by ObamaCare because they can't practice their faith, if you want to talk about sisters. We are not going to go there today.

Mr. Speaker, we are in a situation where, my friends, if you listen to the debate, you might say, "Well, Republicans are asking for a little more regulation in the proxy advisory space," and Democrats, miraculously, are saying, "We don't want any regulation."

Well, our concern is that you have consolidated power in two companies that control 97 percent of the industry, and some have made the claim and the allegation that there might be political motivations behind both—or at least one—of these massive proxy advisory firms, because Glass Lewis is owned by the Ontario Teachers' Pension fund, and they might have a political agenda that might affect the recommendations that have a massive impact on American corporate governance. Maybe that could be the distinction between the two parties in today's debate.

Mr. Speaker, we have covered this quite a bit, but I want to go into it again. The role of proxy advisory firms in the U.S. economy is incredibly important. It is important stuff.

These firms counsel pension plans and mutual funds and institutional investors on how to vote their shares. No one is trying to get rid of proxy advisory firms. We think they are a good thing, but we think they should have a little bit of regulation and a little bit of oversight.

I think it is troubling, when you look at the share of institutional ownership, in 1987, it was 46 percent. Today, that has grown to 75 percent, meaning that institutional investors control billions of shares.

There was a recent study that was done by Stanford that says that asset managers with \$100 billion or more under their control only make 10 percent of the decisions on these proxy issues, meaning they outsource 90 percent of the decisions to one of two

firms, consolidating great power in these proxy advisory firms.

This was pointed out before as well, but, again, two firms, 97 percent of the market share, writing analysis reports, voting recommendations that affect the fundamentals of corporate governance, mergers, acquisitions, approval of corporate directors, and shareholder proposals.

What is of greatest concern is that these firms are not free of conflicts of interest. For example, in addition to providing recommendations to institutional investors about how to vote, proxy advisory firms may advise companies about corporate governance issues, rate companies on corporate governance, help companies improve those ratings, and advise proponents about how to frame a proposal to get the most votes. They are playing every side of the issue. They are getting every dollar from anybody who cares about the corporate governance space. They play everybody. And if you want access, you pay.

I am going to give you an example in just a little bit of one of the hundreds of letters that I have received on this issue. But before I do that, I think it is important to say: What are we asking for? What is the radical idea that we brought to the floor today, which, by the way, had six Democrats' support?

Mr. SCOTT commented about his support as well, and I know he had an issue about the cost that this would have on proxy advisory firms; but the CBO, which I rarely quote, did a study on this and said the cost to proxy advisory firms of this bill is minimal, if anything. I think his concern might be misplaced.

But what are we asking to do here? We are asking for accountability. We are asking for transparency, responsiveness, and competition in the proxy advisory space. By doing that, we will improve corporate governance, and, in the end, we are going to protect investors.

Specifically, again, this bipartisan bill will ensure that proxy advisory firms are registered with the SEC. They will disclose potential conflicts of interest. They will maintain a code of ethics and make publicly available their methodologies for formulating their proxy recommendations.

The SPEAKER pro tempore (Mr. HOLDING). The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield an additional 1 minute to the gentleman from Wisconsin.

Mr. DUFFY. Mr. Speaker, I don't know what my friends across the aisle have about maintaining a code of ethics or disclosing potential conflicts of interest or instituting an ombudsman to resolve issues that might come up. This is commonsense stuff. This is good governance, and I would encourage all of my friends across the aisle to join us.

Mr. Speaker, I want to read one part of a letter that I received that I think embodies what is going on in corporate America.

□ 1400

I am not going to give the name of the company, but it says:

Upon contacting ISS and seeking explanation on one of the recommendations, we were told there was a firewall between the ISS recommendation group and the ISS group that deals with corporate matters. Ultimately, we were advised that if we were willing to join ISS, which includes payment of a relatively substantial amount of money, we could have input in the recommendations before they were made.

So, Mr. Speaker, pay for the input.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield an additional 1 minute to the gentleman from Wisconsin.

Mr. DUFFY. Mr. Speaker, it goes on to say:

Meanwhile, during our latest discussions we were again advised that we could avoid some issues by subscribing to ISS corporate services and thereby have some input before such recommendations are published.

Mr. Speaker, of course, such a subscription would entail big payouts.

It goes on to say:

On the one hand, ISS makes wholly unsupportable, unreasonable, and irrational recommendations regarding corporate elections without investigation, regulatory support, or even contact with the victim company. While, on the other hand, seeking fees from the victim company for the privilege of influencing ISS's recommendations.

Mr. Speaker, so what you have here is you have the mafia on the streets. So, lo and behold, your little shop on the street corner gets burglarized at 10 o'clock one night and at 8 o'clock in the morning, and lo and behold, the thugs come in and say: Do you want to buy some insurance? Do you want to buy some protection? Pay up. We will keep you safe. ISS, Glass Lewis, you pay up, and we can help you with your recommendation. We can help you with your ratings.

Mr. Speaker, this is thuggery.

Let's have a little commonsense oversight in this space. It is a good bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman talked about what is happening in corporate America. They are dancing in the streets after that big tax cut that was just given by my friends on the opposite side of the aisle.

As to just a couple of companies—or too few companies—that are doing the advising for these investors, it was just a week or so ago that my friends on the opposite side of the aisle came here representing one company, Berkshire Hathaway, where they were asking this Congress to allow them to charge higher interest rates on the most vulner-

able people in our population, with high interest rates and the terrible foreclosure practices all over this manufactured housing that Berkshire Hathaway is selling to these most vulnerable people in our society.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. AL GREEN), who is the ranking member of the Subcommittee on Oversight and Investigations.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I would also like to note that the ranking member, the Honorable MAXINE WATERS, is often the sentinel on watch. She is the person who is there to protect investors. She is there to protect persons who might, but for her absence, be taken advantage of. So I am honored to speak with her and to stand with her.

Mr. Speaker, I oppose this bill today because this bill epitomizes what I believe is a business model that allows corporate America to take advantage of investors. This business model is one that has been perpetrated and perpetuated by my colleagues on the other side. This business model is one that surfaced in 2008, when the credit rating agencies became captives of the businesses that were providing the instruments that were to be rated. They were catering to the businesses to the detriment of the investors.

I believe this business model is one that allows the fiduciary rule to be compromised. The fiduciary rule simply said that, if you are working on behalf of an investor, you can't put your interest ahead of the investor's interest. That rule was compromised by my colleagues on the other side.

So today they again come with another business model that will allow investors to be taken advantage of. Caveat emptor is going to apply in a way that it has never been seen before as it will relate to these investors.

It is time for us to prevent the business model of allowing investors to be taken advantage of and to present a business model that allows the investor to have the benefit of advice from the proxy. That is what we have currently. Let's not change the business model. Let's make sure that the investor is properly protected.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE.)

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman from California for yielding.

It is certainly my pleasure to be on the side of the gentlewoman from California. Every time we have got in these fights to attack Dodd-Frank, she has been on the right side of the issue.

So let me clearly, though my voice is a little raspy, speak on behalf of those,

as my colleagues have spoken about, of us who certainly have a degree of education and receive those long statements where there are big fights and the print is so small.

I will tell you that the proxy advisers are representing not us, but those vulnerable pensioners who put everything they have ever had in that pot, and those advisers give those public pension funds the counsel and advice that is necessary.

First of all, this bill is entirely impractical. Pension plans and other institutional investors often hold shares in thousands of public companies. The bill will require proxy advisory firms, who provide voting recommendations to these shareholders, to provide the management with more than 4,000 public companies with the opportunity to present detailed comments on the firm's draft recommendations before paying shareholders receive a final report.

It also wants to burden them with all kinds of extra trinkets that they have to give information about, an unprecedented right to weigh in by the corporations on voting recommendations, executive compensation, non-discrimination policies. Again, the proxy advisers work with the public pension funds.

Who are they?

They are the coal miners and the bus drivers. They are, in fact, those teachers, firemen, and policemen. They are Americans who depend upon their pensions.

Mr. Speaker, the reason that I wanted to stand on this floor today is, just a few minutes ago, we again voted for this catastrophic tax bill. I wanted to tie this to, as I heard my good friend from Texas, jumping up and celebrating. I assume they will run to the White House when this bill is passed in one way or the other.

Let me describe to you what I believe is the scenario on the tax bill. We all like cliffhanger movies. Cliffhanger movies always get the family together to be able to tell the story or to sit in the movie and look at the cliffhanger because it is always the heroes that win on a cliffhanger. You are waiting for the hero to launch down and save everyone.

Here is the Republican cliffhanger: it is this tax bill, and the cliffhanger is you are going up a mountain. As you go up the mountain, here are the Republicans and this tax bill that is going to take away millions of dollars from Medicaid.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. They are throwing over the cliff the Medicaid recipients, people with dementia. My good

friend who has ALS, who is in a wheelchair, thrown over the cliff. They are throwing over teachers. They are throwing over individuals who are believing them that they are going to get jobs, but they are getting no jobs. They are throwing over families, working class families, 86 million of them—throwing them over the cliff.

It is not a good ending. It is a tragic ending, and they are standing one by one by one and throwing them over this cliff with this phony tax bill. They are not going to be able to do what is right for those who are truly in need. The benefits for those who are working Americans is temporary, and those of corporations is forever.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include in the RECORD letters from the California Public Employees' Retirement System, the California State Teachers' Retirement System, the Ohio Public Employees Retirement System, and the National Conference on Public Employee Retirement Systems.

CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT
SYSTEM EXECUTIVE OFFICE,
Sacramento, CA, December 18, 2017.

Subject H.R. 4015, The "Corporate Governance Reform and Transparency Act of 2017".

HON. KEVIN MCCARTHY,
Majority Leader, House of Representatives,
Washington, DC.

HON. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR LEADERS MCCARTHY AND PELOSI: On behalf of the California Public Employees' Retirement System (CalPERS), I write to express our opposition to H.R. 4015, the "Corporate Governance Reform and Transparency Act of 2017," which is scheduled to be considered by the full House this week.

CalPERS is the largest public, defined benefit pension plan in the United States, with approximately \$346.13 billion in global assets, as of market close December 13, 2017. CalPERS manages investment assets on behalf of more than 1.8 million public employees, retirees, and beneficiaries. As a global, institutional investor that invests in more than 11,000 public companies worldwide, we rely on the integrity and efficiency of our financial markets to furnish the long-term sustainable, risk-adjusted returns that allow us to meet our liabilities.

Although we support the House Financial Services Committee's focus on bipartisan ways to foster a system that promotes capital formation and maximizes shareowner value, we have several substantive concerns about H.R. 4015. Given the large number of public companies in which CalPERS holds voting shares, we use proxy advisory firms and other data providers to assist us with analysis of management and shareowner proposals and director elections. In providing these services to CalPERS, these firms are guided by our Governance and Sustainability Principles and proxy voting policies to efficiently provide independent research and analysis that helps to inform our voting de-

cisions. While we are certainly in favor of ensuring that proxy advisory firms are well-regulated and transparent, we oppose efforts to create an unduly burdensome regulatory regime in this area.

H.R. 4015 would create such a regulatory regime by establishing conflict of interest management requirements that are duplicative of existing Securities and Exchange Commission (SEC) authority. Currently, shareowners pay proxy advisory firms through contractual arrangements, and this provision of H.R. 4015 appears designed to fix a problem that does not exist among contracting parties.

In addition, the bill would establish a process by which corporations have preliminary access to the proxy information that investors pay for under contracts with proxy advisory firms. At the same time, corporations that do not provide early access to their consultants' positions on items subject to shareowner votes would not be required to register with the SEC. The bill would also significantly increase proxy voting costs for investors and create additional barriers to entry for new proxy advisory firms. Finally, the bill's definition of "proxy advisory firm" makes it unclear whether the intent is to regulate the thousands of entities that provide advice to institutional investors or only the three or so that would be considered proxy advisory firms under this definition.

Considering the SEC's limited resources and ever-increasing responsibilities for addressing a broad range of emerging challenges in our securities markets, it would be imprudent to impose unnecessary requirements on the agency. As an institutional investor that uses proxy advisory services, we oppose H.R. 4015.

Thank you for your consideration of these views. Please do not hesitate to contact me if we can be of any assistance.

Sincerely,

MARCIE FROST,
Chief Executive Officer.

CALIFORNIA STATE TEACHERS'
RETIREMENT SYSTEM,
West Sacramento, CA, December 14, 2017.
Hon. MAXINE WATERS,
Washington, DC.
Re H.R. 4015.

TO THE HONORABLE MAXINE WATERS: CalSTRS was established more than 100 years ago to provide retirement benefits for California's public school teachers and is the largest educator-only pension fund in the world. The CalSTRS portfolio is currently valued at approximately \$215 billion, which we carefully invest, as patient capital with a long-term investment horizon, to meet the retirement needs of more than 900,000 plan participants and their families.

We are writing to express our opposition to H.R. 4015, which would impose new regulatory burdens and restrictions on proxy advisors. As a large institutional investor, we use proxy advisors to help inform our proxy voting at portfolio companies. Investors such as CalSTRS are the main clients of the services of proxy advisory firms. Proxy advisory firms provide useful research regarding the governance and finances at these companies to supplement our own due diligence and research, and they play an important and helpful role in enabling cost-effective proxy voting with respect to the more than 7,000 companies in our investment portfolio. We do not outsource our proxy voting to these proxy advisors. Rather, our Investment staff, in consultation with our governing Teachers' Retirement Board, develops carefully

thought-out proxy voting guidelines, and then we vote our own proxies based on those well-established guidelines.

H.R. 4015 would establish a new federal regulatory scheme for proxy advisory firms that would (1) grant companies the right to review the proxy advisory firms' research reports before the paying customer—investors—receive the reports; (2) mandate that proxy advisory firms hire an ombudsman to receive and resolve company complaints; and (3) if the ombudsman is unable to resolve the complaints, and if the company submits a written request, require proxy advisory firms to publish the company management's dissenting statement. While the stated goal of the proposed legislation is the "protection of investors", we believe H.R. 4015 is unnecessary, overly burdensome and counterproductive. Furthermore, we believe the proposed requirements on the industry could weaken the governance of public companies in the U.S. and do not reflect the needs of proxy advisory firm customers who are primarily institutional investors, such as CalSTRS.

While we understand some funds may utilize proxy advisory firms to assist them in executing their proxy voting responsibilities, the SEC has taken steps to make sure investors are properly carrying out their due diligence obligations. In fact as recently as 2014, the SEC acknowledged the important role proxy advisors play in the oversight of proxy voting of fund fiduciaries and, in 2014, issued updated regulatory guidance on the responsibilities of Investment Advisers who utilize proxy advisory firms in their proxy voting. In addition, the SEC has authority under current law to address any conflicts at these proxy advisory firms and has taken steps to require additional disclosure of these conflicts by proxy advisors. Accordingly, we believe that the existing SEC regulatory regime already protects our interests with respect to proxy advisory firms and that H.R. 4015 is both unnecessary and counterproductive.

The proposed legislation would result in higher costs for pension plans, like CalSTRS, and other institutional investors. H.R. 4015 would give companies the right to review reports and lobby the advisory firms prior to the reports being distributed to their customers and require firms to establish an ombudsman to address issues raised by the companies. Given the already short time period between when companies issue their proxy materials and the shareholder meeting date, the review and lobby process would severely limit CalSTRS ability to review and vote proxies in a timely manner. This multi-layered review would substantially raise costs in order to meet deadlines and maintain the current level of scrutiny and due diligence over proxy voting. Moreover, the proposed legislation is likely to limit competition by reducing the current number of proxy advisors and imposing additional barriers to entry for potential new firms—again raising costs for investors.

Thank you for considering our views on this very important matter. We would be happy to discuss our perspectives with you or your staff at your convenience. Should you have any immediate questions or wish to discuss our concerns, please contact Aisha Mastagni, Portfolio Manager.

Sincerely,

ANNE SHEEHAN,
Director of Corporate Governance.

OHIO PUBLIC EMPLOYEES
RETIREMENT SYSTEM,
Columbus, Ohio, December 15, 2017.

DEAR REPRESENTATIVE: We are writing on behalf of the Ohio Public Employees Retirement System (OPERS) to oppose H.R. 4015, the Corporate Governance Reform and Transparency Act of 2017 (Act), a bill that could significantly and negatively impact OPERS' ability to effectively and efficiently vote its proxies and fulfill its fiduciary obligations.

OPERS is the 12th largest public retirement system in the country, with more than one million active, inactive, and retired members, which means that almost one out of every 12 Ohioans has some connection to our System. In order to provide secure retirement benefits for our members, OPERS has invested more than \$78 billion in capital markets around the world, including holdings in more than 10,000 public companies. As a fiduciary, OPERS is required to act in the best interests of its members, and this responsibility extends to the prudent management of the investments we make with our members' retirement contributions. We believe it is our duty to engage with, participate in, and exercise our voting rights for each of public companies in which we are invested in an effort to ensure that those companies continue to generate value for their shareholders.

However, with limited time and resources, it is difficult for an investor, even one as sophisticated as OPERS, to fully research every proxy and follow every issue. That is why we have engaged the services of proxy advisory firms—they perform the research and analyses that we cannot, and provide us with impartial voting recommendations that we consider against our own proxy voting guidelines. Without timely access to the reports provided by our proxy advisory firms, it would be significantly more difficult to meet our obligations to our members.

We are aware of the criticisms that have been leveled at proxy advisory firms, namely that they wield undue influence over the proxy voting decisions of their clients, but OPERS has taken steps to ensure that this is not the case. Our Board of Trustees has adopted proxy voting guidelines to govern our voting decisions as shareholders. To the extent that a proxy advisory firm report or recommendation conflicts with our proxy voting guidelines, OPERS Corporate Governance staff will closely scrutinize the discrepancies and the firm's recommendations can be disregarded.

Given the sheer necessity of proxy advisory firms and the services they provide, it is troubling that the House of Representatives is considering changes that would erode investor confidence in the impartiality and independence of proxy advisory firm reports. If enacted, the Act would make it harder—perhaps impossible—for OPERS to effectively vote each of the thousands of proxies it receives during any given proxy season. In our view, this constitutes a violation of our duty to our members and the people of Ohio, and is therefore unacceptable.

We urge you to oppose the Corporate Governance and Transparency Act of 2017.

Thank you for your continued support of Ohio's public retirement systems. If you have questions regarding OPERS' comments or proxy voting guidelines, please do not hesitate to contact OPERS' Corporate Governance Officer, Patti Brammer.

Sincerely,

KAREN CARRAHER,
Executive Director.
PATTI BRAMMER,
Corporate Governance Officer.

NATIONAL CONFERENCE ON PUBLIC
EMPLOYEE RETIREMENT SYSTEMS,
Washington, DC, December 11, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives,
House of Representatives, Washington, DC.
Hon. Nancy Pelosi,
Minority Leader,
House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: On behalf of the National Conference on Public Employee Retirement Systems (NCPERS), I am writing to relay our serious concerns with, and opposition to, H.R. 4015, the "Corporate Governance Reform and Transparency Act of 2017," which was reported out of the House Financial Services Committee on November 15.

The legislation is riddled with worrisome provisions, premised on false assumptions, that undercut the ability of pension plans to receive independent, unbiased corporate governance research, introducing new costs and burdens to pension plans and undermining their ability to effectively exercise their fiduciary responsibilities. We are alarmed by the precedent this legislation would set.

NCPERS is the largest national, nonprofit public pension advocate, representing more than 500 funds that manage more than \$3 trillion in pension assets. We strive to protect the autonomy and independence of state and local government retirement systems. H.R. 4015 would undermine this very principle.

Many pension plan administrators employ proxy advisory firms to provide them with unbiased and independent data and analytical research to help them formulate their corporate governance and proxy voting policies. In addition, in some instances our members ask the proxy advisory firms to implement their proxy voting instructions on their behalf following a plan's guidelines. The use of proxy research reports prepared by proxy advisory firms is one important way that our members exercise their due diligence to make independent, well-informed decisions. H.R. 4015 would (1) grant corporations the "right to review" these reports before the pension plan receives the report; (2) mandate that proxy advisory firms hire an ombudsman—a cost that pension funds would ultimately pay—to receive and resolve corporations' complaints; and (3) if the ombudsman is unable to resolve the complaints, and if the corporation submits a written request, proxy advisory firms would be required to publish the corporation's dissenting statement. This would effectively allow corporations the privilege to make the "final cut" on a report that is requested and paid for by the pension plan. Such corporate interference in the affairs of its shareholders is unprecedented and would dilute the independence of the proxy firms' reports and ultimately the independence of pension plans.

Additionally, the regulatory regime proposed under H.R. 4015 is part-inappropriate and part-unnecessary, and would needlessly drive up costs for public pension plans while reducing market choice. While NCPERS welcomes the opportunity to protect public pensions, we are puzzled by the need to impose a new federal regulatory regime that is largely duplicative of existing SEC requirements that are designed to protect investors, including those for registered investment advisers under the Investment Advisers Act of 1940. Other provisions of H.R. 4015 propose to bypass free-market principles by authorizing the SEC to pre-qualify industry entrants based on a set of vague and highly subjective standards. We believe that contrary to the

sponsors' stated intent, namely to increase competition and protect investors, the heavy-handed regime would result in fewer market participants, would enhance barriers to new entrants and could potentially lead smaller proxy advisory firms to exit the industry altogether, reducing market choice for our members. In the end, H.R. 4015 would increase costs, perhaps significantly increase costs, to pension plans administrators and beneficiaries while providing no additional benefits.

Public pensions play an important role in the local, state and national economies. We ask that you consider the detrimental impact that H.R. 4015 would have on the independence and financial wellbeing of public pension plans, and urge you to oppose this and any similar legislation.

NCPERS greatly appreciates your time and consideration. If there is any additional information I can provide that would assist you, please do not hesitate to contact me.

Sincerely,

HANK KIM, ESQ.,
Executive Director & Counsel.

Ms. MAXINE WATERS of California. Mr. Speaker, they are frightened, absolutely frightened, that we could possibly be on the floor today negotiating with the opposite side of the aisle about investment advisers.

They can't understand why it is that we have Members of Congress who do not understand how important it is to have someone protecting the interest of middle class workers all over America.

You have heard the reference to the teachers, firefighters, garbage collectors, and on and on and on. These people work every day. They invest in their retirement and they expect their retirement to be taken care of, honored, and not to be basically undermined by corporate interests. So these investment advisers are extremely important to the investors of these retirement systems.

Having said that, Mr. Speaker, H.R. 4015 is simply the latest effort by Republicans to check off every item on the corporate wish list before the holidays. The bill would empower corporate management at the expense of institutional shareholders, like our Nation's public pension plans, by allowing corporations to unfairly influence proxy voting recommendations.

Because of the size of their portfolios, public pension plans who may hold shares in thousands of companies must rely on proxy advisers to provide independent research and voting recommendations on the merits of proposals. Without the work of proxy advisers, institutional investors would, in practical terms, be left voiceless on corporate matters that are important to them, including governance, board compensation, executive pay, and environmental sustainability.

H.R. 4015 would give corporate management the unprecedented right to interfere in the relationship between institutional investors and the proxy advisers they hire.

At its core, the bill is based on the false premise that shareholders blindly

follow the recommendations of proxy advisers who themselves are beholden to activist interests. This belief is directly contradicted by reality.

For example, in 2017, the largest proxy advisory firm recommended “no” votes on less than 12 percent of say-on-pay proposals, which are non-binding votes on executive compensation practices required under the Dodd-Frank Act. That means they sided with company management 88 percent of the time.

When it comes to director elections, the largest proxy firm voted “yes”—“yes” votes for 90 out of 100 directors. Proxy advisers understand that the vast majority of companies’ proposals are good for shareholders, but not for all.

Mr. Speaker, I ask for a “no” vote on this misdirected bill, and I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, while I was fascinated to hear so many of my friends on the other side of the aisle exclaim how much they care about working Americans, it just makes me wonder why now twice—twice—in the last 24 hours they have voted against giving the average working American a \$2,059 tax cut. Twice now they have voted to deny working Americans tax relief in order to bolster their paychecks. I wonder about that.

I also wonder, as I listened to this litany of groups whose letters were entered into the RECORD, how often I heard labor union; government pension; Washington, D.C.; and special interest group.

What I didn’t hear about is average working Americans who have their investment in trying to save to buy a home, trying to perhaps fund a small business, or send a kid to college. It is their interest that we are trying to stand up for.

So what we know is that the SEC—the Securities and Exchange Commission—have, for all intents and purposes, required investment advisers to use one of two proxy advisory firms, one of which, as my colleague, the author of the bill pointed out, is owned by a foreign labor union. Yet the SEC requires us to use them.

So here is the radical nature of the bill: the bill, H.R. 4015, simply says that we ought to have transparency—something apparently my friends across the other side of the aisle are against.

We say they have to register with the SEC—something my friends on the other side of the aisle are against.

They have to disclose potential conflicts of interest. Apparently my

friends on the other side are against that.

They have to disclose codes of ethics. Apparently my friends on the other side of the aisle are against that, as well as making their methodologies public.

This is a disclosure bill to help investors, pure and simple. We ought to vote in favor of H.R. 4015.

Mr. Speaker, I yield back the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I include in the RECORD the following letters:

AMERICANS FOR FINANCIAL REFORM,

Washington, DC, December 18, 2017.

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform (AFR), we are writing to urge you to vote against H.R. 4015, the “Corporate Governance Reform and Transparency Act of 2017”, which will be considered on the House floor this week. By placing an excessive and unnecessary regulatory burden on proxy advisory firms, this bill would unfairly disadvantage shareholders as compared to firm management, and raise serious First Amendment concerns as well. AFR joins major representatives of shareholders such as the Council of Institutional Investors (CII) and the California Public Employee Retirement System (CALPERS) in opposing this bill.

H.R. 4015 would establish a new Federal regulatory scheme for proxy advisory firms. These firms provide institutional investors, including pension funds, with the research and information they need in order to exercise their voting rights as shareholders. The regulations proposed in H.R. 4015 would require proxy advisory firms to provide the management of public companies with detailed voting recommendations relevant to their firms before these recommendations were shown to shareholders who paid for proxy advisory services. Advisory firms would also be required to resolve any complaints from firm management, and employ an ombudsman to ensure that such complaints were addressed. If complaints were not resolved to the satisfaction of firm management, then the full text of complaints from companies would be included next to voting recommendations in proxy advisory reports. Regulations would also mandate extensive disclosure requirements for the details of proxy advisory methodologies, reducing incentives to invest in developing such methodologies. The costs of this regulatory regime would be passed on to investors and pension funds that use proxy advisory services.

The regulatory scheme is a transparent attempt to weaken if not eliminate the independence of proxy advisory firms from firm management by placing sharp restrictions on their expression of opinions which differ from those of firm management. Besides raising First Amendment issues, this improperly restricts the ability of shareholders to obtain independent views on how they should exercise their voting rights.

This legislation cannot be justified, as some have attempted to do, by any analogy to the regulation of credit rating agencies. Proxy advisory services do not face a fundamental conflict of interest in their business model because they are not paid by securities issuers while providing certification of securities quality to securities investors. They also have not been implicated in massive fraudulent behavior that contributed di-

rectly to a global financial crisis. Further, proxy advisory services are clearly recognized as providing opinions regarding voting decisions, in a context where many other such opinions are available, rather than being entities that certify the quality of securities.

Any concerns about the independence of proxy advisory services can be addressed by simply requiring such services to register as investment advisors under the Investment Advisors Act. The radical regulatory scheme laid out in H.R. 4015 goes far beyond anything even mentioned in the recent Treasury Department report on capital markets, which examined the issue of proxy advisory firms and recommended only that regulators engage in “further study and evaluation of proxy advisory firms, including regulatory responses to promote free market principles if appropriate.” The regulatory scheme in H.R. 4015, besides being misguided in other ways, certainly does not promote free market principles.

The effort in H.R. 4015 to eliminate the independent voice of proxy advisory services should be rejected. We urge you to vote against it.

For more information please contact AFR’s Policy Director, Marcus Stanley.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

COUNCIL OF INSTITUTIONAL INVESTORS,

Washington, DC, November 9, 2017.

Re Proposed Legislation Relating to Proxy Advisory Firms.

Hon. JEB HENSARLING,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

Hon. MAXINE WATERS,
Ranking Member, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER WATERS: On behalf of the Council of Institutional Investors (CII or the Council) and the undersigned 45 investors and investor organizations, we are writing to express our opposition to legislation that has recently been introduced and is pending in the Committee on Financial Services related to proxy advisory firms.

CII is a nonpartisan, nonprofit association of public, corporate and union employee benefit funds, other employee benefit plans, state and local entities charged with investing public assets, and foundations and endowments with combined assets under management exceeding \$3 trillion. CII’s member funds include major long-term shareowners with a duty to protect the retirement savings of millions of workers and their families.

H.R. 4015, the “Corporate Governance Reform and Transparency Act of 2017,” and similar language which was incorporated in Subtitle Q of Title IV of H.R. 10, “the Financial CHOICE Act,” would require, as a matter of federal law, that proxy advisory firms share their research reports and proxy voting recommendations with the companies about whom they are writing before they are shared with the institutional investors who are their clients. In essence, while the stated goal of the proposed legislation is the “protection of investors,” as the primary customer of proxy advisory firm research, institutional investors believe that adding the new proposed requirements to the industry is unnecessary, overly burdensome and counter-productive.

The proposed legislation appears to be based on several false premises, including

the erroneous conclusion that proxy advisory firms *dictate* proxy voting results and that institutional investors do not drive or form their own voting decisions. Indeed, many pension funds and other institutional investors contract with proxy advisory firms to review their research, but most large holders have adopted their own policies and employ the proxy advisory firms to help administer the voting of proxies during challenging proxy seasons.

In short, most large institutional investors vote their proxies according to their own guidelines. While large institutional investors rely on proxy advisors to manage the analysis of issues presented in the proxy statements accompanying over 38,000 meetings annually, and to help administer proxy voting, this does not mean that they abdicate their responsibility for their own voting decisions.

The independence that shareowners exercise when voting their proxies is evident in the statistics related to “say on pay” proposals and director elections. Although Institutional Shareholder Services Inc. (ISS), the largest proxy advisory firm, recommended against say on pay proposals at 11.92 percent of Russell 3000 companies in 2017, only 1.28 percent of those proposals received less than majority support from shareowners. Similarly, although ISS recommended votes in opposition to the election of 10.43 percent of director-nominees during the most recent proxy season, just 0.185 percent failed to obtain majority support.

We believe the pending legislation (both Subtitle Q of Title IV of H.R. 10 and H.R. 4015, which was introduced last month) would weaken corporate governance in the United States; undercut proxy advisory firms’ ability to uphold their fiduciary obligation to their investor clients; and reorient any surviving firms to serve companies rather than investors. The system of corporate governance that has evolved in the United States relies on the accountability of boards of directors to shareowners, and proxy voting is a critical means by which shareowners hold boards to account. Currently, proxy advisors provide equity holders of U.S. corporations with independent advice. The proposed bills threaten to abrogate that very independence, which is a hallmark of ownership and accountability.

Proxy advisory firms, while imperfect, play an important and useful role in enabling effective and cost-efficient independent research, analysis and informed proxy voting advice for large institutional shareholders, particularly since many funds hold thousands of companies in their investment portfolio. In our view, the proposed legislation would undermine proxy advisory firms’ ability to provide a valuable service to pension funds and other institutional investors.

We are particularly concerned that, if enacted, H.R. 10 and H.R. 4015 would:

Require that proxy advisory firms: 1) provide companies early review of their recommendations and most elements of the research informing their reports; 2) give companies an opportunity to review and lobby the firms to change their independent recommendations; 3) mandate a heavy-handed “ombudsman” construct to address issues that companies raise.

Under H.R. 10, the company could essentially veto the proxy advisor’s report and prevent its publication, while H.R. 4015 would require proxy advisors to publish a company’s statement “detailing its complaints” in the proxy advisory firms’ final reports to their clients, if the ombudsman is

unable to resolve these complaints and if the companies make the request in writing.

Giving corporate issuers the “right to review” the proxy advisors’ work product BEFORE the reports go to the paying customers would not only give corporate management substantial undue influence over proxy advisory firms’ reports, but could compromise the very fiduciary duties that large institutional investors have to their own clients, beneficiaries and shareowners. We believe the objective of the bills is to bias proxy advisory firm recommendations in favor of corporate management, creating a dynamic that would encourage the firms to view management as their clients, rather than the investors who contract for this research. This approach would award a privileged position to high-powered CEOs and other executives to talk proxy advisory firms out of criticizing management on subjects such as CEO pay, without providing the same pre-publication right to others. Another concern is that such forced pre-publication review may not be consistent with First Amendment rights to freedom of speech. Regardless, the attempt by government fiat to interpose corporate management between investors and those investors hire to provide them with independent research is highly questionable as a matter of public policy.

Further, the additional regulatory hurdles imposed would surely: increase the complexity of the challenges faced by the proxy advisory firms; impose even more severe time constraints on the production of reports; and, without doubt, add significant resource burdens that would increase the cost of their services. In short, H.R. 4015 would add no value but would add an unnecessary drag to institutional investors’ portfolios. This is not constructive regulatory “reform,” and is not supported by institutional investors.

Under both bills, pension funds and other institutional investors would have less time to analyze the advisor’s reports and recommendations in the context of their own adopted proxy voting guidelines to arrive at informed voting decisions. Time is already tight, particularly in the highly concentrated spring “proxy season,” due to the limited period between a company’s publication of the annual meeting proxy materials and annual meeting dates.

Moreover, the proposed legislation does not appear to contemplate a parallel requirement that dissidents in a proxy fight or proponents of shareowner proposals also receive the recommendations and research in advance. This would violate an underlying tenet of U.S. corporate governance that where matters are contested in corporate elections, management and shareowner advocates should operate on a level playing field.

Require the Securities and Exchange Commission (SEC) to assess the ability of proxy advisory firms to perform their duties and to assess the adequacy of proxy advisory firms’ “financial and managerial resources.”

The entities that are in the best position to make assessments about the ability of proxy advisory firms to perform their contractual duties are the pension funds and other institutional investors that choose to purchase and use the proxy advisory firms’ reports and recommendations. These are sophisticated consumers who make choices based on free-market principles.

In 2014, the SEC staff issued guidance reaffirming that investment advisors have a duty to maintain sufficient oversight of

proxy advisory firms and other third-party voting agents: We publicly supported that guidance. We are unaware of any compelling empirical evidence indicating that the guidance is not being followed or that the burdensome federal regulatory scheme contemplated by the proposed legislation is needed.

Increase costs for institutional investors with no clear benefits.

If enacted, the proposed legislation is likely to result in higher costs for pension plans and other institutional investors—potentially much higher costs if investors seek to maintain current levels of scrutiny and due diligence around proxy voting amid the exit of some or all proxy advisory firms from the business. The proposed legislation is highly likely to limit competition, by reducing the current number of proxy advisory firms in the U.S. market and imposing serious barriers to entry for potential new firms.

We believe that the cost estimate provided by the Congressional Budget Office to the House Financial Services Committee in September 2016 on substantially similar legislation in the 114th Congress (that is, that private sector costs would be less than \$154 million) underestimates the costs that this bill would impose through private-sector mandates. The CBO should analyze the probable effects of the proposal on competition, and the costs to investors if (a) competition is reduced and the pricing power of a surviving proxy advisory firm is enhanced, and (b) if all present firms exit the market and the services they provided are no longer available, forcing individual investors to use internal resources not subject to the new regulatory mandate.

Finally, we note that in recent months the United States Department of Treasury (Treasury) performed outreach to identify views on proxy advisory firms in connection with its recently issued report to the President on “A Financial System that Creates Economic Opportunities, Capital Markets.” In that report, the Treasury found that “institutional investors, who pay for proxy advice and are responsible for voting decisions, find the services valuable, especially in sorting through the lengthy and significant disclosures contained in proxy statements.” More importantly, the Treasury did not recommend any legislative changes governing the proxy advisory firm industry.

Thank you for considering these views. CH would be very happy to discuss its perspective in more detail.

Sincerely,

Jeff Mahoney, General Counsel, Council of Institutional Investors; Marcie Frost, Chief Executive Officer, CalPERS; Anne Sheehan, Director of Corporate Governance, California State Teachers’ Retirement System; Gregory W. Smith, Executive Director/CEO, Colorado Public Employees’ Retirement Association; Denise I. Nappier, Connecticut State Treasurer, Trustee, Connecticut Retirement Plans and Trust Funds; Michael McCauley, Senior Officer, Investment Programs & Governance, Florida State Board of Administration; Michael Frerichs, Illinois State Treasurer; Jonathan Grabel, Chief Investment Officer, Los Angeles County Employees Retirement Association; Scott Stringer, New York City Comptroller; Karen Carraher, Executive Director, Ohio Public Employees Retirement System; Richard Stensrud, Executive Director, School Employees Retirement System of Ohio; Jeffrey S. Davis, Executive Director, Seattle City Employees’ Retirement System.

Tobias Read, Treasurer, State of Oregon; Michael J. Nehf, Executive Director, STRS

Ohio; Theresa Whitmarsh, Executive Director, Washington State Investment Board; Heather Slavin Corzo, Director, Office of Investment, AFL-CIO; Dieter Waizenegger, Executive Director, CtW Investment Group; Timothy J. Driscoll, Secretary-Treasurer, International Union of Bricklayers & Allied Craftworkers; Janice J. Fueser, Research Coordinator, Corporate Governance, UNITE HERE; Euan Stirling, Global Head of Stewardship & ESG Investing, Aberdeen Standard Investments; Blaine Townsend, Senior Vice President, Director, Sustainable, Responsible and Impact Investing Group Baillard, Inc.; Jennifer Coulson, Senior Manager, ESG Integration, British Columbia Investment Management Corporation (bcIMC); Julie Cays, Chair, Canadian Coalition for Good Governance; Mike Lubrano, Managing Director, Corporate Governance and Sustainability, Cartica Management, LLC.

Carole Nugent, CCRIM Coordinator, Conference for Corporate Responsibility, Indiana and Michigan; Karen Watson, CFA, Chief Investment Officer, Congregation of St. Joseph; Sister Teresa Teresa George, D.C., Provincial Treasurer, Daughters of Charity, Province of St. Louise; Mary Ellen Leciejewski, OP, Vice President, Corporate Responsibility, Dignity Health; Jeffery W. Perkins, Executive Director, Friends Fiduciary Corporation; Matthew S. Aquilino, CEO, International Council of Employers of Bricklayers & Allied Craftworkers; Andrew Shapiro, Managing Member & President, Lawndale Capital Management, LLC; Clare Payn, Head of Corporate Governance North America, Legal & General Investment Management; Susan S. Makos, Vice President of Social Responsibility, Mercy Investment Services, Inc.; Luan Jenifer, Chief Operating Officer, Miller/Howard Investments, Inc.; Michelle de Cordova, Director, Corporate Engagement Public Policy, NEI Investments; Judy Byron, OP, Director, Northwest Coalition for Responsible Investment.

Amy O'Brien, Global Head of Responsible Investing, Nuveen, the investment manager of TIAA; Julie Fox Gorte, Ph.D, Senior Vice President for sustainable Investing, Pax World Management, LLC; Kathleen Woods, Corporate Responsibility Chair, Portfolio Advisory Board, Adrian Dominican Sisters; Judy Cotte, VP & Head, Corporate Governance & Responsible Investment, RBC Global Asset Management; Maria Egan, Portfolio Manager and Shareholder Engagement Manager, Reynnders, McVeigh Capital Management, LLC; Maureen O'Brien, Vice President and Corporate Governance Director, Segan Marco Advisers; Kevin Thomas, Director of Shareholder Engagement, Shareholder Association for Research & Education; Jonas D. Kron, Senior Vice President, Director of Shareholder Advocacy, Trillium Asset Management, LLC; Tim Smith, Director of ESG, Shareowner Engagement, Walden Asset Management; Sonia Kowal, President, Zevin Asset Management, LLC.

COUNCIL OF INSTITUTIONAL INVESTORS,

Washington, DC, December 12, 2017.

Re H.R. 4015.

Hon. PAUL RYAN,

*Speaker of the House of Representatives,
House of Representatives, Washington, DC.*

Hon. NANCY PELOSI,

*Minority Leader, House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER AND MINORITY LEADER PELOSI: On behalf of the Council of Institutional Investors (CII or Council), we are writing to express our opposition to H.R. 4015, which we understand will soon be voted on

by the United States House of Representatives.

CII is a nonpartisan, nonprofit association of public, corporate and union employee benefit funds, other employee benefit plans, state and local entities charged with investing public assets, and foundations and endowments with combined assets under management exceeding \$3 trillion. CII's member funds include major long-term shareowners with a duty to protect the retirement savings of millions of workers and their families. The Council's associate members include a range of asset managers with more than \$20 trillion in assets under management.

Many of our members and other institutional investors voluntary contract with proxy advisory firms to obtain research reports to assist the funds in voting their proxies according to the funds' own proxy voting guidelines. This contractual relationship provides investors a cost-efficient means of obtaining supplemental research on proxy voting issues, which is particularly beneficial since many funds hold thousands of companies in their investment portfolios.

H.R. 4015 would establish a new federal regulatory scheme for proxy advisory firms that would (1) grant "companies," apparently meaning corporate management, the right to review the proxy advisory firms research reports before the paying customers—investors—receive the reports; (2) mandate that the proxy advisory firms hire an ombudsman to receive and resolve corporation's complaints; and (3) if the ombudsman to unable to resolve the complaints, and if the company management submits a written request, proxy advisory firms would be required to publish company management's dissenting statement. These provisions would result in the federal government interposing corporate management between investors and those proxy advisory firms that investors hire to provide them with research on issues, such as executive compensation, in which corporate management can have its own interests, sometimes in conflict with investors and with the corporate entity.

Setting aside whether the provisions of H.R. 4015 are consistent with First Amendment rights of freedom of speech, the provisions are not practical. The provisions would require proxy advisory firms to provide the management teams of more than 4,000 corporations the opportunity to present detailed comments on the firm's reports in a matter of weeks before the reports are provided to investors. Thus, investors would have limited time to analyze the reports in the context of their own proxy voting guidelines to arrive at informed voting decisions. Time is already tight, particularly in the spring "proxy season," due to the limited period between a corporations' publication of the annual meeting proxy materials and the date in which investors are permitted to vote on proxy issues.

In addition, the provisions of H.R. 4015 would likely result in fewer market participants in the proxy advisory firm industry. The provisions would add significant costs increasing barriers to new entrants and potentially leading some existing firms to exit the industry altogether.

We also note that the United States Department of Treasury recently performed extensive outreach to identify views of company management teams and other market participants on proxy advisory firms in connection with its recently issued report to President Trump on "A Financial System that Creates Economic Opportunities, Cap-

ital Markets." In its report the Treasury found that "institutional investors, who pay for proxy advice and are responsible for voting decisions, find the [proxy advisory firm] services valuable, especially in sorting through the lengthy and significant disclosures contained in proxy statements." More significantly, the Treasury did not call for legislation of the proxy advisory firm industry.

Finally, we have attached for your information and review a November 9, 2017 letter signed by 45 investors and investor organizations describing in more detail the basis for their strong opposition to H.R. 4015.

Thank you for considering our views. We would welcome the opportunity to discuss our perspective on this important issue with you or your staff in more detail.

Sincerely,

JEFFREY P. MAHONEY,
General Counsel.

□ 1415

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 657, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SARBANES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SARBANES. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sarbanes moves to recommit the bill, H.R. 4015, with instructions to report the same back to the House forthwith, with the following amendments:

Page 14, strike line 23.

Page 14, line 25, strike the period and insert "; and" and after such line insert the following:

"(C) does not include proxy voting recommendations on shareholder proposals related to political campaign contributions of a company."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland is recognized for 5 minutes in support of his motion.

Mr. SARBANES. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, this amendment is about promoting greater transparency and shareholder review of political campaign activity of public corporations.

As we have heard, the underlying bill would create new restrictions on proxy advisory firms that would erode their capacity to provide reliable, independent advice to public company investors: institutional investors such as pension funds that serve firefighters,

teachers, and police officers. My amendment would restore the ability of advisory firms to provide research and vote recommendations regarding a public company's spending on political campaign contributions.

Over the past half a century, public companies have increasingly entered the political arena, spending huge sums on political contributions and campaign activity. Court rulings like *Citizens United* and *SpeechNOW.org* have opened new avenues of influence for corporate America and have worked to amplify the role of public companies in our politics. Mr. Speaker, the public is becoming increasingly anxious about this.

Fortunately, in recent years, some shareholders and public interest organizations have successfully put pressure on public corporations to adopt shareholder review of corporate political activity, stemming the tide of unchecked political spending from public corporations. Yet the underlying bill would unwind that progress, giving corporations direct influence over proxy advisory firm recommendations to shareholders regarding political activity, knocking down yet another pillar of political accountability in our politics.

Mr. Speaker, we need more, not less political accountability from our Nation's corporations. As this week has shown, corporate America has an outsized influence in our Nation's public policy. Look no further than today's vote on the GOP tax scam or yesterday's further deregulation of some of our Nation's largest financial institutions.

There is no mystery as to why this has happened. A sophisticated corporate influence economy involving campaign contributions, aggressive lobbying, a web of trade associations, corporate-backed think tanks, and outside political organizations has sprung up in Washington to shape who runs for office, who wins office, and the policies we in Congress adopt.

Mr. Speaker, Americans hate this system. They hate the arrogance with which monied interests exert their influence on our politics and our government. They feel that their voice, the voice of the people, is ignored while Big Money insiders have their way on Capitol Hill. They want us to change the corrosive status quo.

Mr. Speaker, we can take a small step forward with this amendment to restore the American people's faith in our ability to stand up to corporate power. We should adopt this modest, but important change to an otherwise flawed piece of legislation.

At a minimum, we should protect the opportunity for institutional investors to receive independent research and advice when it comes to the political activity of public companies. It is about transparency. It is about accountability. It is about the public interest.

Mr. Speaker, to that end, I urge my colleagues to support the motion to recommit, and I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I listened carefully. I didn't hear anything about labor union political campaign contributions, known political allies of the Democratic Party.

This is yet one more assault on the First Amendment's freedom of speech by my friends on the other side of the aisle. Mr. Speaker, it ought to be rejected, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SARBANES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 21 minutes p.m.), the House stood in recess.

□ 1808

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MITCHELL) at 6 o'clock and 8 minutes p.m.

HOURLY MEETING ON TOMORROW

Mr. YODER. Mr. Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns on this legislative day, it adjourn to meet at 9 a.m. on Thursday, December 21, 2017.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas.

The motion was agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to recommit on H.R. 4015;

Passage of H.R. 4015, if ordered; and Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CORPORATE GOVERNANCE REFORM AND TRANSPARENCY ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (H.R. 4015) to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry, offered by the gentleman from Maryland (Mr. SARBANES), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 189, nays 231, not voting 11, as follows:

[Roll No. 701]

YEAS—189

Adams	DeLauro	Kilmer
Aguilar	DelBene	Kind
Barragán	Demings	Krishnamoorthi
Bass	DeSaulnier	Kuster (NH)
Beatty	Deutch	Langevin
Bera	Dingell	Larsen (WA)
Beyer	Doggett	Larson (CT)
Bishop (GA)	Doyle, Michael	Lawrence
Blumenauer	F.	Lawson (FL)
Blunt Rochester	Ellison	Lee
Bonamici	Engel	Levin
Boyle, Brendan	Eshoo	Lewis (GA)
F.	Espallat	Lieu, Ted
Brady (PA)	Esty (CT)	Lipinski
Brown (MD)	Evans	Loebach
Brownley (CA)	Foster	Lofgren
Bustos	Frankel (FL)	Lowenthal
Butterfield	Fudge	Lowe
Capuano	Gabbard	Lujan Grisham,
Carbajal	Gallego	M.
Cárdenas	Garamendi	Luján, Ben Ray
Carson (IN)	Gomez	Lynch
Cartwright	Gonzalez (TX)	Maloney,
Castor (FL)	Gottheimer	Carolyn B.
Castro (TX)	Green, Al	Maloney, Sean
Chu, Judy	Green, Gene	Matsui
Cicilline	Grijalva	McCollum
Clark (MA)	Gutiérrez	McEachin
Clarke (NY)	Hanabusa	McGovern
Clay	Hastings	McNerney
Cleaver	Heck	Meeks
Clyburn	Higgins (NY)	Meng
Cohen	Himes	Moore
Connolly	Hoyer	Moulton
Cooper	Huffman	Murphy (FL)
Correa	Jackson Lee	Nadler
Costa	Jayapal	Neal
Courtney	Jeffries	Nolan
Crist	Johnson (GA)	Norcross
Crowley	Johnson, E. B.	O'Halleran
Cuellar	Jones	O'Rourke
Cummings	Kaptur	Pallone
Davis (CA)	Keating	Panetta
Davis, Danny	Kelly (IL)	Pascrell
DeFazio	Khanna	Payne
DeGette	Kihuen	Pelosi
Delaney	Kildee	Perlmutter

Peters
Peterson
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky

NAYS—231

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Gaetz
Gallagher
Garrett

Gianforte

Gibbs

Gohmert

Goodlatte

Gosar

Gowdy

Granger

Graves (GA)

Graves (LA)

Graves (MO)

Griffith

Grothman

Guthrie

Handel

Harper

Harris

Hartzler

Hensarling

Herrera Beutler

Hice, Jody B.

Higgins (LA)

Hill

Holding

Hollingsworth

Hudson

Huizenga

Hultgren

Hunter

Hurd

Issa

Jenkins (KS)

Jenkins (WV)

Johnson (LA)

Johnson (OH)

Johnson, Sam

Jordan

Joyce (OH)

Katko

Kelly (MS)

Kelly (PA)

King (IA)

King (NY)

Kinzinger

Knight

Kustoff (TN)

Labrador

LaHood

LaMalfa

Lamborn

Lance

Latta

Lewis (MN)

LoBiondo

Long

Loudermilk

Loudermilk

Lucas

Luetkemeyer

MacArthur

Marchant

Marino

Marshall

Mast

McCarthy

McCaul

McClintock

Thompson (CA)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

Mitchell

Moolenaar

Mooney (WV)

Newhouse

Noem

Norman

Nunes

Olson

Palazzo

Palmer

Paulsen

Pearce

Perry

Pittenger

Poe (TX)

Poliquin

Posey

Ratcliffe

Reed

Reichert

Rice (SC)

Roe (TN)

Rogers (AL)

Rogers (KY)

Rohrabacher

Rokita

Rooney, Francis

Rooney, Thomas

J.

Ros-Lehtinen

Roskam

Ross

Rothfus

Rouzer

Royce (CA)

Russell

Rutherford

Sanford

Scalise

Schweikert

Scott, Austin

Sensenbrenner

Sessions

Shimkus

Shuster

Smith (MO)

Smith (NE)

Smith (NJ)

Smucker

Stefanik

Stewart

Stivers

Taylor

Tenney

Thompson (PA)

Thornberry

Tiberi

Tipton

Trott

Turner

Upton

Valadao

Wagner

Walberg

Walden

Walker

Wittman
Womack
Woodall

NOT VOTING—11

Yoder

Yoho

Young (AK)

Napolitano

Smith (TX)

Thompson (MS)

Wilson (FL)

Pocan

Renacci

Simpson

□ 1837

Messrs. NUNES, UPTON, JENKINS of West Virginia, MOONEY of West Virginia, ROUZER, CALVERT, MESSER, RUTHERFORD, KNIGHT, LEWIS of Minnesota, FORTENBERRY, Ms. FOXX, Messrs. DENHAM, WALDEN, HILL, and GOODLATTE changed their vote from “yea” to “nay.”

Messrs. RASKIN, WELCH, NORCROSS, GUTIERREZ, and LEWIS of Georgia changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 182, not voting 11, as follows:

[Roll No. 702]

YEAS—238

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Costello (PA)

Cramer

Crawford

Cuellar

Culberson

Curbelo (FL)

Curtis

Davidson

Davis, Rodney

Delaney

Denham

Dent

DeSantis

DesJarlais

Diaz-Balart

Donovan

Duffy

Duncan (SC)

Duncan (TN)

Dunn

Emmer

Estes (KS)

Farenthold

Faso

Ferguson

Fitzpatrick

Fleischmann

Flores

Fortenberry

Foster

Foxx

Frelinghuysen

Gaetz

Gallagher

Garrett

Gibbs

Gohmert

Goodlatte

Gosar

Gottheimer

Govt

Graves (LA)

Graves (MO)

Griffith

Grothman

Guthrie

Handel

Harper

Harris

Hartzler

Hensarling

Herrera Beutler

Hice, Jody B.

Higgins (LA)

Hill

Himes

Holding

Hollingsworth

Hudson

Huizenga

Hultgren

Hunter

Hurd

Issa

Jenkins (KS)

Jenkins (WV)

Johnson (LA)

Johnson (OH)

Johnson, Sam

Jordan

Joyce (OH)

Katko

Kelly (MS)

Kelly (PA)

King (IA)

King (NY)

Kinzinger

Knight

Kustoff (TN)

Labrador

LaHood

LaMalfa

Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Meeks
Messer
Mitchell
Moolenaar
Mooney (WV)
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry

Adams
Aguilar
Amash
Españat
Barragán
Bass
Beatty
Bera
Beyer
Biggs
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Correa
Costa
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Ellison

Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Rice (SC)
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Sinema
Smith (MO)

NAYS—182

Engel
Eshoo
Españat
Esty (CT)
Evans
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebach
Lofgren
Lowenthal
Lowey
Lujan Grisham,
M.
Luján, Ben Ray
Lynch

Smith (NE)
Smith (NJ)
Smucker
Stefanik
Stewart
Stivers
Suozi
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Maloney,
Carolyn B.
Maloney, Sean
Massie
Matsui
McClintock
McCormack
McEachin
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarelli
Payne
Pelosi
Perlmutter
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rohrabacher
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schradner
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier

Swalwell (CA)	Vargas	Wasserman
Takano	Veasey	Schultz
Thompson (CA)	Vela	Waters, Maxine
Titus	Velázquez	Watson Coleman
Tonko	Visclosky	Welch
Torres	Walz	Yarmuth
Tsongas		

NOT VOTING—11

Bridenstine	Napolitano	Smith (TX)
Brooks (AL)	Pocan	Thompson (MS)
Kennedy	Renacci	Wilson (FL)
Mullin	Simpson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1847

Mr. TURNER changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 194, answered “present” 2, not voting 18, as follows:

[Roll No. 703]

YEAS—217

Abraham	Clark (MA)	Eshoo
Aderholt	Clarke (NY)	Estes (KS)
Allen	Clay	Evans
Amodei	Cole	Faso
Arrington	Collins (GA)	Ferguson
Babin	Collins (NY)	Fleischmann
Bacon	Comstock	Fortenberry
Banks (IN)	Cook	Foster
Barletta	Cooper	Frankel (FL)
Barr	Costello (PA)	Frelinghuysen
Barton	Cramer	Gabbard
Bergman	Crist	Garamendi
Bilirakis	Cuellar	Gianforte
Bishop (UT)	Culberson	Gibbs
Black	Curtis	Goodlatte
Blumenauer	Davidson	Gowdy
Brady (TX)	Davis (CA)	Granger
Brat	Davis, Danny	Griffith
Brooks (IN)	Davis, Rodney	Grothman
Brown (MD)	DeGette	Guthrie
Buchanan	DeLauro	Gutiérrez
Budd	Demings	Handel
Bustos	Dent	Harper
Butterfield	DeSaulnier	Harris
Calvert	Deutch	Hartzler
Carson (IN)	Dingell	Hensarling
Carter (TX)	Doggett	Higgins (LA)
Cartwright	Donovan	Hill
Castro (TX)	Duffy	Himes
Chabot	Duncan (SC)	Hollingsworth
Cheney	Duncan (TN)	Huffman
Chu, Judy	Dunn	Huizenga
Ciциlline	Ellison	Hultgren

Hunter	Messer	Sessions
Issa	Mitchell	Shea-Porter
Johnson (LA)	Moolenaar	Sherman
Johnson, Sam	Mooney (WV)	Shimkus
Jones	Moulton	Shuster
Joyce (OH)	Murphy (FL)	Smith (MO)
Kaptur	Nadler	Smith (NE)
Kelly (IL)	Newhouse	Smith (NJ)
Kelly (MS)	Noem	Smith (WA)
Kelly (PA)	Nunes	Smucker
Kildee	O'Rourke	Speier
King (IA)	Olson	Stefanik
King (NY)	Panetta	Stewart
Kuster (NH)	Pascarell	Suozzi
Kustoff (TN)	Pelosi	Takano
Labrador	Perlmutter	Taylor
LaMalfa	Peters	Thornberry
Lamborn	Pingree	Titus
Latta	Posey	Trott
Lewis (MN)	Quigley	Tsongas
Lipinski	Reichert	Velázquez
Long	Roby	Wagner
Loudermilk	Roe (TN)	Walden
Lucas	Rogers (KY)	Walker
Luetkemeyer	Rooney, Francis	Walorski
Lujan Grisham,	Rooney, Thomas	Walters, Mimi
M.	J.	Walz
Marino	Ross	Wasserman
Massie	Rothfus	Schultz
McCarthy	Rouzer	Waters, Maxine
McCaul	Royce (CA)	Webster (FL)
McClintock	Ruppersberger	Welch
McCollum	Russell	Westerman
McEachin	Rutherford	Williams
McHenry	Sanford	Wilson (SC)
McMorris	Scalise	Wittman
Rodgers	Schneider	Womack
McNerney	Schweikert	Yarmuth
Meadows	Scott (VA)	Yoho
Meeks	Scott, David	Young (IA)
Meng	Sensenbrenner	

NAYS—194

Adams	Esty (CT)	Lawson (FL)
Aguilar	Farenthold	Lee
Amash	Fitzpatrick	Levin
Barragán	Flores	Lewis (GA)
Bass	Foxx	LoBiondo
Bera	Fudge	Loebsock
Beyer	Gallagher	Loftgren
Biggs	Galleo	Love
Bishop (GA)	Garrett	Lowenthal
Bishop (MI)	Gomez	Lowe
Blackburn	Gonzalez (TX)	Luján, Ben Ray
Blum	Gosar	Lynch
Blunt Rochester	Gottheimer	MacArthur
Bonamici	Graves (GA)	Maloney,
Bost	Graves (MO)	Carolyn B.
Boyle, Brendan	Green, Al	Maloney, Sean
F.	Green, Gene	Marchant
Brady (PA)	Grijalva	Marshall
Brownley (CA)	Hanabusa	Mast
Buck	Hastings	Matsui
Bucshon	Heck	McGovern
Burgess	Herrera Beutler	McKinley
Byrne	Hice, Jody B.	McSally
Capuano	Higgins (NY)	Meehan
Carbajal	Holding	Moore
Cárdenas	Hoyer	Moore
Carter (GA)	Hudson	Nolan
Cleaver	Hurd	Norcross
Clyburn	Jackson Lee	Norman
Coffman	Jayapal	O'Halleran
Cohen	Jeffries	Palazzo
Comer	Jenkins (KS)	Pallone
Connaway	Jenkins (WV)	Palmer
Connolly	Johnson (GA)	Paulsen
Correa	Johnson (OH)	Payne
Costa	Johnson, E. B.	Pearce
Courtney	Jordan	Perry
Crawford	Katko	Peterson
Cummings	Keating	Pittenger
Curbelo (FL)	Khanna	Poe (TX)
DeFazio	Kihuen	Poliquin
Delaney	Kilmer	Polis
DeBene	Kind	Price (NC)
Denham	Kinziger	Raskin
DeSantis	Knight	Ratcliffe
DesJarlais	Krishnamoorthi	Reed
Diaz-Balart	LaHood	Rice (NY)
Doyle, Michael	Lance	Richmond
F.	Langevin	Rogers (AL)
Emmer	Larsen (WA)	Rohrabacher
Engel	Larson (CT)	Rokita
Español	Lawrence	Ros-Lehtinen

ANSWERED “PRESENT”—2

Rice (SC)	Tonko

NOT VOTING—18

Beatty	Gohmert	Pocan
Bridenstine	Graves (LA)	Renacci
Brooks (AL)	Kennedy	Simpson
Castor (FL)	Lieu, Ted	Smith (TX)
Crowley	Mullin	Thompson (MS)
Gaetz	Napolitano	Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1853

So the Journal was approved.

The result of the vote was announced as above recorded.

RECOGNIZING MAYOR SANDRA MARTIN FOR 30 YEARS OF PUBLIC SERVICE

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize Mayor Sandra Martin from Flemington, Georgia, for more than 30 years of public service. Mayor Martin is a talented public servant who has truly made Flemington, in Georgia's First Congressional District, a better place to live.

Flemington is located near Hinesville, Georgia, which is home to the Fort Stewart military base, and being the mayor here comes with unique challenges. Under her leadership, Flemington took these challenges and ran with them.

Flemington built its first-ever city hall for meetings and events. Before that time, citizens needed to search around town for a city council member to speak with.

The city also went from being an inconspicuous town on the side of the highway to advertising itself and coaxing visitors to come in and experience its hospitality.

I am proud to have a city official like Mayor Martin who is immensely dedicated to our area in the First Congressional District. Other mayors could learn from her example of good government.

□ 1900

THANKING MATT BRAVO

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, I rise today to honor and thank somebody who has been a key part of my team since I got elected into House leadership. He is the floor director right now for the whip's office, Mr. Matt Bravo.

Matt Bravo has been with my team and has helped us through some critical key legislative victories, not the least of which is the Tax Cuts and Jobs Act today, helping pass the bills through the floor and helping us get our work done as we whip the bills to make sure we can move the majority's agenda.

Matt has worked for years, Mr. Speaker, not just in the whip's office for me, he has also worked for former whip and majority leader Eric Cantor. He has worked for the Energy and Commerce Committee.

Matt Bravo has dedicated more than 10 years of his life to public service in this institution with honor and integrity.

Mr. Speaker, Mr. Matt Bravo is somebody who has the full respect of not only our Members on the House Republican side, he is respected by the Democratic leadership as well and is a key part of our staff and, again, has helped us pass critical legislation. I would call him the best floor director ever.

We are going to miss him here. Jennifer and I wish him and his wife, Summer, and their soon-to-be growing family all the best in their future life.

Mr. Speaker, I want to thank him for the time and the public service he has given to this House of Representatives.

Again, thank you, Mr. Matt Bravo, for the service you have given to all of us.

Mr. HOYER. Mr. Speaker, will my friend yield?

Mr. SCALISE. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I agree with everything the gentleman said. Maybe he is not the best floor director—I have got a pretty good one myself—but he is a very, very good floor director.

Mr. SCALISE. Mr. Speaker, we can maybe disagree on that like we disagree on who has the best crabs, but we will enjoy that disagreement.

Mr. HOYER. Mr. Speaker, I was going to say that one of the problems that I have with Mr. Bravo is that he thinks that Louisiana crabs are better than Maryland crabs, but loyalty is an important aspect of our service.

Mr. Speaker, I am pleased to rise to join my friend, Mr. SCALISE, the majority whip, and thank Matt Bravo for the

leadership that he has given on this floor, and particularly on behalf of my floor staff with whom he has worked very closely, both when he was with Mr. Cantor, with whom I worked very closely, and now Mr. SCALISE, with whom I work closely. We thank him for his service to this House.

Every time I rise, I say, whether it is a Democratic or a Republican staffer who works this floor, they work with all of us, and they work in a way that tries to facilitate the doing of the people's business.

They are not always as successful as they would like to be. It is the fault of the Members, not of the staff. They have good plans that go awry because the Members do not cooperate. Mr. Speaker, I would like to tell Matt that I understand that very well.

Mr. Speaker, we want to thank Matt for the very collegial, positive, constructive way in which he has worked with my staff, with the leader's staff, with other staff on this side of the aisle, as well as staff on his side of the aisle to assure that we can, to the best extent possible, work in a constructive way on behalf of the American people.

I am sure that Matt will be as successful in future endeavors as he has been here, and, if so, very, very successful indeed.

Mr. Speaker, I thank the majority whip for yielding me time, and I wish Matt Bravo the very best.

Mr. SCALISE. Mr. Speaker, I want to thank the Democratic whip for his kind words and for the way that our offices do work together on those occasions. Frankly, it is most occasions where we are working together on things. Obviously, there are times when we are not; but even in those times, our staffs have a great working relationship and a trust level that is really important to the House getting its business done.

Mr. Speaker, I thank the Democratic leader.

Mr. MCHENRY. Mr. Speaker, will the gentleman yield?

Mr. SCALISE. Mr. Speaker, I would be honored to yield to the chief deputy whip, Mr. MCHENRY.

Mr. MCHENRY. Mr. Speaker, I want to thank my friend for yielding.

Mr. Speaker, it is a special pleasure to come and speak to the career of a great public servant, Matt Bravo.

Matt has worked here in the House for 11 years in various roles. He started off as body guy for Leader Cantor when Leader Cantor served as chief deputy whip. In addition to that, he has held various roles in the whip operation, in the leader's office on the Republican side of the aisle, as well as important work on the Energy and Commerce Committee.

Matt Bravo has a great sense of humor, a great love for the game of golf. He is much better at the game of golf than he is at his jokes. We love

Matt Bravo. We love teasing him. We love giving him a hard time, but we know his true character. We know how he works intensely to see things through, to grind out the votes to get 218 to pass our agenda.

Mr. Speaker, we know Matt will be successful in this next phase of his career. We thank him for his friendship. We thank him for his service to this House. On both sides of the aisle, the respect that he has gained is immense, and we congratulate him on this next phase.

Mr. Speaker, we thank Matt for his service in the people's House, to his government, to the United States of America's people. We will miss him.

Mr. SCALISE. Mr. Speaker, I would be remiss if I didn't recognize that Matt's lovely wife, Summer, is in the balcony, too, and I thank her for the time that she lent him to us and to this great institution. The best of luck to her family and her future with Matt.

PROTECT BOB MUELLER

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, today the Republicans showed their values.

They showed their values in the tax bill that gave 83 percent of the dollars to the upper 1 percent of the economic strata in this country.

They showed their values in giving real estate developers special tax breaks, like President Trump and others, and gave people who are extremely wealthy the opportunity to will more money to their children or whoever they choose than they can today, an \$11 million break.

It has been sad sitting on the Judiciary Committee and watching the Republicans be aiders and abettors of the President in trying to demean the reputation of one of the finest Americans and public servants I have ever had the opportunity to know, Bob Mueller, and probably with the intention of firing him, something that should wake Republicans up to the fact that our country is in jeopardy.

We shouldn't be doing things that help the Russians get away with efforts to change our elections and interfere with our country's values. America first, Russia last. Protect Bob Mueller.

HEZBOLLAH IS A TERRORIST GROUP AND A CRIMINAL ORGANIZATION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Hezbollah is not only a terrorist group, it is a criminal organization that funds its terror through drug trafficking, arms dealing, and money laundering.

Hezbollah is believed to raise \$4 billion to \$5 billion, annually, through these criminal activities. Tons of Hezbollah cocaine makes its way into the United States every year, but the past administration refused to designate Iran's proxy, Hezbollah, as a criminal organization making it possible to prosecute Hezbollah in the United States.

They repeatedly delayed and denied DEA requests to investigate and prosecute Hezbollah drug dealing and arms dealing networks. Why? So Iran would not back out of the nuclear deal.

In 2016, the White House even let a Hezbollah arms dealer with connections to Putin go free. That is why Representatives COOK, ROS-LEHTINEN, and I sent a letter to the President yesterday urging him to designate Hezbollah as a transnational criminal organization and a kingpin entity.

No more backroom deals for Iran. We must change course quickly. Every day more illegal money flows into Hezbollah's coffers. Hezbollah terrorists and criminals ought to be prosecuted.

And that is just the way it is.

GOP TAX BILL IS THE GREATEST TRANSFER OF WEALTH

(Mr. BEYER asked and was given permission to address the House for 1 minute.)

Mr. BEYER. Mr. Speaker, the tax bill we passed today has little in common with what Speaker RYAN described to us yesterday. Putting more money into the pockets of working people would be great, but that is not what they wrote this bill to do.

I have grown a business, made payroll every 2 weeks for more than 40 years, and invested many millions of dollars in plant and equipment. I still voted "no," though, because I was just wise enough to realize that without our people, our employees, we have nothing. I would be enthusiastic about a tax bill that actually put more money into their pockets instead of mine.

We have 381 hardworking men and women on our payroll today. Not a single one will benefit from the doubling of the estate tax exclusion, but every one will be affected by the medical insurance premium rates, which this bill will drive up.

Every one will be at risk when their minimal so-called tax cuts expire in just a few years. Mine, by the way, are permanent. Our children and grandchildren will suffer ever more greatly as we continue to balloon the Federal debt.

This tax bill may be the greatest transfer of wealth from working Americans to the idle rich in the history of our country. Mr. Speaker, this is a very sad day for the country I love.

HONORING TWO NAVAJO CODE TALKERS

(Mr. BIGGS asked and was given permission to address the House for 1 minute.)

Mr. BIGGS. Mr. Speaker, I rise today to honor the lives of two Navajo Code Talkers, George B. Willie Sr. and Teddy Draper Sr., who recently both passed away in my home State of Arizona.

While both young men, Mr. Willie and Mr. Draper enlisted in the U.S. Marine Corps and valiantly served in World War II in the Battles of Okinawa and Iwo Jima.

The Navajo Code Talkers used the Navajo language to transmit and receive messages that could not be translated or intercepted by the Japanese. This unique skill was a great advantage for the United States' victory in the Pacific theater.

In 2001, both Mr. Willie and Mr. Draper were awarded the Congressional Silver Medal for their service and selfless devotion to duty. The sacrifices of Mr. Willie and Mr. Draper and their families during World War II will be remembered for generations. We will be forever grateful for their dedication to our Nation.

GOP TAX PLAN

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, the tax bill passed by the House GOP today embodies everything that Americans dislike about Congress:

It was drafted behind closed doors where the drafters cast aside expert analysis and relied instead on special interests and faulty disproven assumptions.

The plan slashes tax rates for multinational corporations and the super-wealthy, but leaves hardworking Americans in the 47th Congressional District to pay the bill.

It penalizes taxpayers in California and other blue States for investing in our schools, in our roads, and in our public services.

It cruelly hits children, seniors, and low-income Americans by putting at risk Medicare, Medicaid, SNAP, and Social Security.

Mr. Speaker, I could not, and proudly did not, vote for this disastrous piece of legislation.

UNION COUNTY FREEHOLDER VERNELL WRIGHT RETIRES

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise to honor a public servant from my dis-

trict in Union County, New Jersey, Freeholder Vernell Wright, on the occasion of her retirement.

Freeholder Wright began her career in public service in 1966 as a title 1 teacher at Jefferson School in Union Township, New Jersey. For 36 years, she helped educate the county's public schoolchildren.

In 2012, the people of Union Township sent their beloved educator to represent them on the Union County Board of Chosen Freeholders.

Freeholder Wright's legacy as an elected official is best characterized by her unselfish devotion to the constituents whom she represents. As recognition for her dedicated work and selfless service, she has been awarded New Jersey's Freeholder of the Year Award and Union County's Chester Holmes Humanitarian Award.

Freeholder Wright is a model for the next generation of public servants.

Mr. Speaker, I ask my colleagues to join me and the people back in Union County tonight at a dinner to honor Freeholder Wright's lifetime of service. I am honored to be her Member of Congress.

God bless Freeholder Wright.

□ 1915

HONORING THE LIFE OF LORIMER ARENDSE, PRINCIPAL OF GRAND PRAIRIE HIGH SCHOOL

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I rise today to honor the life of Lorimer Arendse, the principal of Grand Prairie High School, who lost his battle with stage IV lung cancer on December 15.

Never shy about sharing his hatred for school during his formative years, Lorimer found his passion for academics once he met and fell in love with his wife, Jeanelle, while attending Grace College in Warsaw, Indiana. Upon graduating Grace College, Lorimer continued his passion for education upon earning his master's degree in educational administration from Ashland University.

From there, he began his career in education as a math teacher and advanced to assistant principal. In 2013, Lorimer was named principal of the Young Men's Leadership Academy at Kennedy Middle School in Grand Prairie. In 2014, he was named principal of Grand Prairie High School.

Although his time with us was short, let us all be encouraged by his final lesson: treat each other with kindness. Be respectful. Be courteous. Be what a Gopher is.

At this time, I ask my colleagues to join me in extending their prayers to Principal Lorimer Arendse's family and the Grand Prairie High School community.

CELEBRATING THE LIFE OF COUNCILMAN PETER BROWN

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, I rise this evening to celebrate the life of a dear friend, the Honorable Peter Brown, former council member at large for the city of Houston. Tomorrow he will be memorialized in Houston, Texas.

It saddens me that I will not be able to join him and his family and the many, many Houstonians and friends who will come to honor him. The reason is because Peter Brown was Houston's chief champion. He loved Houston. He loved to talk about mobility in Houston. Even before most Houstonians understood the value of the light rail system, Peter Brown was on the forefront.

He was an architect, and he understood beauty and planning. He had a humorous and wonderful touch, but he also was serious and stern when it came to planning and the environment. Peter Brown wanted to see Houston as it is and as it continues to be a world class city. Before we spoke of greenery and all the things that make a city great, the parks, green space, Peter Brown was doing so.

Peter Brown was also a dear friend to me, my family, and so many others. He lost his battle just about 10 days ago to a terrible and vicious disease. But as I visited Peter, I can assure you that on the occasions I went to see him, he was always thinking about others and thinking about the city, thinking about our State and the Nation, always sharing, but fighting his fight.

To his family and his children and to the people who love him, I just simply want to say: tonight and tomorrow we honor a great American, a friend to us all.

He may be from Houston, Texas, but if you got a chance to know him, you would love him, too.

Mr. Speaker, I ask for a moment of silence in honor of the Honorable Peter Brown.

HEALTHCARE AND LITTLE LOBBYISTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise today to defend our Nation's children.

The GOP tax scam repeals the provision assuring all families have health insurance access. Nonpartisan experts estimate 13 million fewer Americans will be insured because of the Republican repeal, including millions of children.

Yesterday I met with families from the Little Lobbyists. I was struck by Laura Hatcher's story of her child and

her emotion when she learned about the passage of the Affordable Care Act. She burst into tears. She knew her son, who has cerebral palsy, could gain insurance with no fear of discrimination due to preexisting conditions.

Ms. Hatcher urged yesterday that America must turn from its destructive and immoral path. She said: We are here to show what access to affordable, quality healthcare and programs like Medicaid mean for our families. These programs that the Republican Congress intends to cut to fund tax breaks to wealthy heirs and corporations are the difference between our children having a future or being forced back into institutions reminiscent of a Dickens novel. This is wrong.

Mr. Speaker, Members of Congress were elected to protect and defend the American people, not put families like the Hatchers at risk because of the Republican's billionaire tax bill.

Mr. Speaker, I include in the RECORD Laura Hatcher's remarks:

LAURA HATCHER REMARKS

Thank you Leader Pelosi for inviting the Little Lobbyists here today to speak on behalf of families of children with complex medical needs.

It's the holidays and the Muppet version of "A Christmas Carol" has been on repeat at my house. We're all big Muppet fans and my 11-year-old son Simon loves music, silliness, and a sweet story. I also think another reason Simon likes the movie so much is because he identifies with the character "Tiny Tim." It's easy to see the resemblance. Like Tim, Simon is sweet and kind, he loves Christmas, he even sits by the fireplace and sings sometimes.

Dickens doesn't identify Tiny Tim's diagnosis, but I imagine he might have had cerebral palsy like Simon. Simon has trouble walking and like Tim, he wears braces to support his legs. Though I miss him being little enough to carry on my shoulders the way Bob Cratchit carries Tiny Tim, Simon still loves to be held and hugged. And I do hug him all the time, as often as I can. Because, like the Cratchits, due to another rare disease we don't yet understand, we Hatchers don't know how long we'll have Simon with us.

I also find it's strikingly easy to draw another analogy between "A Christmas Carol" (Muppet version included), and what's happening in our lives right now. In the story, the miserly Ebenezer Scrooge is warned that his decisions have far-reaching consequences that impact many people. The same can be said of the decisions being made by Congress today. The choices they're making, like whether or not to pass this tax bill, have far reaching consequences for us all.

It is for this reason my family has been coming to Capitol Hill with the Little Lobbyists since July. Our government seemed to turn away from protecting people with disabilities and complex medical needs, like my little boy, and began trying to take away the legal protections and programs my son's life and my family's future depend on. Lately it seems like everything is under threat—accessibility, education, and health care.

It was less than 10 years ago that the passage of the Affordable Care Act made sure that people with preexisting conditions, like my Simon, would always have the right to health care. It promised families like mine

could not be cut off by insurers and forced into bankruptcy because our child's health care was just too expensive. It expanded Medicaid, including waiver programs, so more kids like Simon can have access to the therapy, health care, and inclusion programs they need to survive and thrive in their communities.

I remember the exact moment it passed—I was in the grocery store and I burst into tears of relief when my husband texted me with the news. After years of worrying every single day about how we'd be able to care for our sweet boy in the future, it finally seemed like things were going to be okay. Living with that knowledge has been a huge gift for a family like ours, who routinely deal with life and death situations most families can't imagine.

But since this summer there have been multiple attempts to repeal the ACA, including as a part of this Tax Bill. Non-partisan experts have told us that 13 million people will lose access to health insurance if it passes. Once the ACA is weakened, protection for people with pre-existing conditions will become too costly to afford.

Very soon, I could once again be facing a future where I don't know how I'll be able to care for my child. This is a thought I simply find too difficult to bear.

And all of this is happening against the advice of experts. Without the input of those it will impact. It makes one wonder who our government is listening to, if not us. According to lobbying disclosure forms, this tax bill was written with the input of over 6,000 (real, not little) lobbyists. Some representatives have even said publicly that their donors have told them to "get it done, or else."

Or else. We parents of medically complex kids understand consequences. We know what will happen if this tax bill passes, if our country does not turn from this destructive and immoral path.

And so, here we are. We are the ghosts of "Christmas present." We are here to show legislators what access to affordable, quality health care and programs like Medicaid mean for our families. These programs, that Congress intends to cut to fund tax breaks to wealthy heirs and corporations, are literally the difference between our children having a future in their homes and communities, or being forced back into institutions reminiscent of a Dickens' novel. This is wrong.

We're also here to show everyone that kids with complex medical needs and disabilities are just kids. They love to play, they love to learn, they love the Muppets. And as Americans they deserve to have a government that protects them. Today, as a mother and as a voice of conscience, I'm asking everyone that can hear me that can see these children—please protect them. Help us make sure that Christmases yet to come are even more joyful than those past.

God bless us, everyone.

THE INFAMOUS TRUMP TOWER MEETING

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFMAN. Mr. Speaker, June 9, 2016, was the date of the infamous Trump Tower meeting with at least five Russians with Kremlin ties. That date is about the only constant in a tangled web of lies we have heard from Team Trump.

When Donald Trump, Jr., was first asked about this meeting, he said it was just about adoption, not a campaign issue. But he changed his tune when the New York Times revealed emails showing it was all about the campaign; in fact, an offer to get damning information on Hillary Clinton as “part of Russia and its government’s support for Mr. Trump. . . .”

Now, Donald Trump, Jr.’s, response to this illegal offer says it all: “. . . if it is what you say, I love it. . . .”

We may never know how much collusion was set in motion at this meeting, but we do know two things:

First, Team Trump has repeatedly misled us, concealing it from security clearance forms, issuing a false statement dictated by President Trump himself.

Second, the Russians did go on to produce a massive cache of stolen emails and helped the Trump campaign in other ways.

These are damning facts, Mr. Speaker, and there are many more to come. We need to find out what else they lied about and what else they are hiding.

The SPEAKER pro tempore (Mr. KUSTOFF of Tennessee). Members are reminded to refrain from engaging in personalities toward the President.

CONGRATULATING AMSTERDAM RADIO LEGEND SAM ZURLO ON HIS RETIREMENT

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise to congratulate Amsterdam radio legend, Sam Zurlo, on his retirement this week.

For over 60 years, Sam’s voice has greeted the residents and visitors of Montgomery County, New York. Sam has been working in broadcasting since 1953. Now at 82, he hosts the longest-running talk show in the history of the county.

Sam’s broadcasting career was born from his service with Armed Forces Radio in Germany, where he delivered a nightly broadcast for 3 years. Sam also worked as a print journalist for the Schenectady Gazette for some 35 years.

Decade after decade, his distinctive voice has been the catalyst for free and open debate. He has brought an air of familiarity and of community to our humble corner of upstate New York. Listening to conversations about current events with Sam has always made the abstractions of politics a little more real. Sam’s personality has inspired many and brought light, comfort, and connection to countless neighbors and friends.

Mr. Speaker, I thank Sam Zurlo for his years of exceptional work and a legendary career in local journalism. I

wish him the best for an equally special retirement.

THE GOP TAX SCAM

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, what a day in Washington, D.C. We have many Republicans in this town saying: What a great day it is for the American people; what a great Christmas for America.

The average family—63 percent in America—can’t withstand a \$500 emergency. With this tax cut, Apple is going to get \$47 billion and Donald Trump’s family is going to get \$1 billion. They are going to toss out a few crumbs to working class families who work 60, 70 hours a week, and the fat cats in Washington and Wall Street are going to run off with the whole pot of gold.

Whatever happened in this country where we said, To whom much is given, much is expected?

We need to challenge the wealthy corporations. They are sitting on \$4 trillion worth of cash. If they want to start a factory, buy a machine, or hire workers, they could do it now. They don’t need to take it from the middle class.

PROJECT CASSANDRA

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the gentleman from Georgia (Mr. JODY B. HICE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. JODY B. HICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JODY B. HICE of Georgia. Mr. Speaker, today I rise to speak on an issue that is just now beginning to gain momentum and traction. Already, this issue of great importance is bringing great alarm and concern, as well as focus. I speak specifically in regard to the Obama administration’s apparent decision to sacrifice the opportunity to take down Hezbollah and bring terrorists to justice.

What most Americans know about Hezbollah is that it is an Iran-backed proxy militia based in Lebanon, which was responsible for a string of terrorist attacks against Americans in the 1980s, including the attack in 1983 of the Beirut barracks, which killed 241 American servicemembers.

Since that time, Hezbollah has openly attacked Israel. They have propped up regimes supported by Iran, like Bashar al-Assad in Syria. They are defined by their violence and human rights abuses.

But what most Americans are not aware of, Mr. Speaker, is that over the last 30 years, Hezbollah has evolved beyond its origins as Iran’s attack dog in the Middle East and they now run one of the world’s most expansive and dangerous multinational criminal networks in the world.

Hezbollah works directly with corrupt governments, like Venezuela and others, to create criminal networks across Latin America, Africa, Europe, and the Middle East. They have literally moved tons—metric tons—of cocaine across the world, laundered money, and trafficked weapons and individuals. They are a critical part of a network responsible for the use of IEDs in the Middle East, which have killed literally thousands of American soldiers in Iraq and Afghanistan.

Hezbollah, Mr. Speaker, is a scourge not only in the Middle East, but throughout the entire world. The reason we know this—which has just, in recent days, started to become public—is because, in 2008, the DEA launched a campaign known as Project Cassandra, which amassed evidence over 8 years of investigation regarding Hezbollah’s criminal activities. They used wiretaps, undercover operations, informants, and so forth to map Hezbollah’s illicit networks with the help of some 30 different U.S. and foreign security agencies. These DEA agents traced the activities all the way to the inner circles of Hezbollah and its state sponsors in Iran.

But—and here is where all of this starts coming into play—when the time came to extradite and prosecute these terrorists, the Obama administration’s Department of Justice and Department of State refused to move forward.

That is unthinkable to me. It is unthinkable to many people in our country.

The Justice Department refused to file criminal charges against suspects that were already in custody in Europe. The State Department refused to put meaningful pressure on allied countries to extradite Hezbollah leaders to the United States.

Why? Why did they refuse to get involved?

According to an Obama administration Treasury official, in her written testimony to the House Foreign Affairs Committee, investigations to Hezbollah were tapped down for fear of rocking the boat with Iran and jeopardizing the nuclear deal.

□ 1930

The nuclear deal is already deeply, deeply flawed in so many ways. The

Iran nuclear deal apparently took precedence over crippling a foreign terrorist organization directly responsible for the deaths of American citizens and one of the world's largest drug and weapons trafficking networks.

Hezbollah is responsible for procuring parts for Iran's nuclear and ballistic missile program, the very program that the nuclear deal was supposed to curtail. Hezbollah is supplying parts to them.

Instead of prosecuting the leadership of Hezbollah and shutting down Iran's weapons pipeline, the Obama administration legitimized Iran's nuclear program and let Hezbollah leadership slip through the cracks and let them totally off the hook.

After the conclusion of the Iran nuclear deal, the Obama administration shut down Project Cassandra. We lost all that we had gained in 8 years of investigations—all the information. We had them in our grasp, Mr. Speaker, after 8 years of investigation. We lost unprecedented insight into these global criminal networks.

Mr. Speaker, this is morally reprehensible. It is stunning that we had our previous administration and that administration's Justice Department and State Department evidently involved, engaged, and deliberately letting these criminals off the hook.

How in the world can our allies in the global war on terror trust us when we won't prosecute terrorists when we have the chance to do so?

How can our allies in Latin America trust us when we refuse to prosecute leaders of one of the world's largest drug trafficking networks?

I have a few colleagues here tonight who are going to address this issue as well. Before I introduce the first one, I want to bring up one more point.

Ali Fayad is a suspected leader in Hezbollah. He is an operative and a major weapons supplier. He has been indicted on charges of planning the murders of U.S. citizens, attempting to provide materiel support to a terrorist organization and attempting to acquire, transfer, and use anti-aircraft missiles.

For nearly 2 years, this terrorist was held in custody in the Czech Republic. For 2 years, the Obama administration failed to provide enough pressure to the Czech Republic, our NATO ally. The Obama administration refused to put pressure to extradite that terrorist to the United States.

Ali Fayad now, as we speak here tonight, is a free man and alleged to be back in the business of arming militants in Syria. This is inexcusable.

Mr. Speaker, I want to personally thank those who served on Project Cassandra for their service to our Nation and for the work they did. I want them to know that what they did mattered.

I am appalled that the Obama administration did virtually nothing to stop

Hezbollah's criminal activities. I think this warrants an investigation by the U.S. House of Representatives, and that is what this Special Order tonight is all about: getting to the bottom of what is yet another example of a swamp that stinks to high heaven that needs to be cleaned up and drained out.

We need an investigation into what happened in the Obama administration, the Department of Justice, and the Department of State in allowing these terrorists and this terrorist network to get off the hook.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. BIGGS), a good friend. He has been a leader in issues such as this, bringing to our attention both the highlighting of dangerous, harmful activity such as this tonight. He has been a great champion.

Mr. BIGGS. Mr. Speaker, I thank my friend from Georgia for yielding.

This is a very important topic. I am going to touch on this by beginning with this idea of the distinction between the current administration and its foreign policy as outlined in the recent statement from President Trump and that of the previous administration.

The distinction is very clear. The previous administration basically clung to an idea of neo-liberal institutionalism. That is to say, where there was a vacuum of power, we did not set the stage. America did not fill it. It remained a vacuum, with the idea being that an institution would fill that. Maybe the United Nations, maybe some other regional institution. But in doing so, we ceded over much of our sovereignty and failed to act to preserve and protect America's best interests.

The current administration has taken a more realistic point of view. They are realists. That is, America's interests will be first and paramount. We will see to it, we will foster alliances, and we will foster participation with our fellow nations to preserve America's best interests.

When America is strong, there is a greater chance for peace in the world. I believe that. That is the position of realists all the way back to Hans Morgenthau. Even neo-realists like Kenneth Waltz might agree.

One thing that we know is that this particular episode that unfolds is a scandalous episode that put America in greater danger, probably, and perhaps, in order to foster political gains by the previous administration.

One Treasury Department official who served in the Obama administration testified to the House Committee on Foreign Affairs that, under the Obama administration, these Hezbollah-related investigations were tampered down for fear of rocking the boat with Iran and jeopardizing the nuclear deal.

That becomes the heart and the rationale for how the previous adminis-

tration handled a political decision instead of a foreign policy national security decision.

We know a number of things that took place, and this is why the House needs to conduct its own investigation: so we can know how this played out, why this played out, who is responsible, and we can resolve never to do this again.

We had Project Cassandra. This was a DEA campaign designed to expose a money laundering scheme in which Latin American drug-running was being funneled to Hezbollah.

Hezbollah is a pro-Iranian Lebanese militia and has been a foreign terrorist organization since 1987, and so designated. It fosters alliances with rogue nations such as North Korea, Iran, and is violently anti-Israel and anti-United States.

It has become a player in international cocaine trafficking—using the proceeds of that drug trafficking to purchase explosives, EFPs, which is the deadliest type of IED used against American soldiers in Iraq.

EFPs killed hundreds of American soldiers, and they were supplied by the Iranian Government and its Hezbollah allies. EFPs were literally ripping M1 Abrams tanks in half. It is a weapon that makes all the armor protection they have irrelevant. Mere threats of EFPs shut down all ground supply routes near American bases on the Iranian border.

The result: cut off the head or the financing of Hezbollah through these international cocaine distribution routes.

Project Cassandra was born in 2008. It found clear evidence that Hezbollah had grown from a Middle East-focused military and political organization into an international crime syndicate, likely collecting somewhere in the neighborhood of \$1 billion a year from drug and weapons trafficking, money laundering, and other criminal activities.

For 8 years, DEA agents conducted high-stakes investigations—dangerous investigations—using technology as well as undercover operations and informants. That type of capital is expensive and dangerous.

The result was to map these illicit drug networks. They did this with the help of 30 U.S. and foreign security agencies. They saw worldwide, far-flung international drug trafficking from South America to Africa, from Europe to the Middle East, and in the United States, where drug funds were funneled through an array of businesses, including used car lots.

What happened?

As we saw the previous administration's desire and design to leave a signature legacy foreign policy win, the negotiations for the Iran nuclear deal got going and were in place. Project Cassandra's agents say the Justice and

Treasury Departments repeatedly hindered their attempts to pursue these investigations—the prosecutions, arrests, and financial sanctions against the key figures in this far-reaching drug scheme.

This was a policy decision. It was a systematic decision.

David Asher is quoted as saying: “They serially ripped apart this entire effort that was very well supported and resourced, and it was done from the top down.”

They didn’t bring criminal charges. They didn’t continue to pursue these Hezbollah members or the banks that were laundering those billions in drug profits. Instead, they tore down the apparatus that was working on apprehending the head of the snake.

Well, we are going to go on with this. We need to go on with this. We need to investigate this further. This type of political decision that impacts and actually works cross-wise to our very purpose in the Middle East must be stopped, and we must find out why that happened. Those who allowed our men and women to be put in harm’s way for a political decision need to be held accountable.

So, Mr. Speaker, those who cling to the neo-liberal institutionalist mantra, who rely on multilateral institutions rather than putting America first, are the ones who produced this result.

We are going to find out more in the coming weeks. My request is that the leadership in Congress, in this House of Representatives, instigate and prosecute an investigation to get to the bottom of this very heinous and very wrongheaded and dangerous decision.

I thank the gentleman for allowing me to participate and for his lead on this tonight.

Mr. JODY B. HICE of Georgia. Mr. Speaker, this highlights the importance of the issue that we are dealing with and the need for an investigation.

Hundreds, even thousands, of lives have been put in danger, not to mention our own Nation’s national security interests.

Next up is a tremendous leader, not only here in Congress, but in our military. He is a general who has done an outstanding job. I don’t know that anyone understands the importance of the issue any more than my good friend.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PERRY). I am honored to have him here addressing this issue.

Mr. PERRY. Mr. Speaker, I thank the gentleman from Georgia (Mr. JODY B. HICE), my good friend. I thank him for bringing this issue to the attention of the Congress and for this Special Order.

When I was growing up, Mr. Speaker, I believed that my government would do all it could to stop crime from happening in the community I lived in, including drug use.

□ 1945

I have always been, my whole life, an ardent opponent of drug use. I have never used drugs, but yet I have seen the ravages and the devastation in the community I live in of this. You just knew in your heart that your government—the police, so on and so forth—were stopping those kind of things.

Then years later, as I grew up and was privileged to serve in uniform, I ended up going to Iraq. I got a briefing on this new type of weapon that was being used in Iraq called an EFP, an explosively formed penetrator, for which we had very little defense. There were other kinds of IEDs, whether they were used with a cell phone or a pressure plate or whatever, but these things were particularly grave because we didn’t have anything to stop them. We all knew, from the briefing, that they were coming from Iran.

And, of course, we thought, wearing the uniform, that our government would do everything it could to protect the servicemembers who were in harm’s way and to protect our national security. That includes making sure that we got to the bottom of these EFPs, where they were coming from, and prosecuting and persecuting those who were providing them.

So imagine my surprise and my dismay just a few short days ago reading an article from a publication here in Washington, D.C., that outlined how our government, essentially, sanctioned not only the use of these EFPs from Iran in Iraq and Afghanistan, but, essentially, allowed for them to be paid for and enabled the paying for them.

There was this operation ongoing called Operation Cassandra to root out drugs coming into the United States being supplied by Hezbollah, a client of Iran. While this was ongoing, this nuclear agreement concern came into being. It was, apparently, so important that all of the work that was done in Operation Cassandra to stop these drugs from coming into the United States, that had to stop because we didn’t want to irritate, we didn’t want to disrespect, we didn’t want to insult the Iranians when they were so close to getting a nuclear deal.

So we said, well, all these people have been working on this for years—this Operation Cassandra—to identify these people from Iran who were using this operation of selling drugs, illicitly moving stolen cars, and laundering money to then sell drugs into the United States and Europe, but also to use that money that they got from selling the drugs and the used cars to make these EFPs, to send them to Iraq, to send them to Afghanistan to kill American soldiers. That all had to stop because, heaven forbid, we can’t offend Iran. We can’t offend Iran.

Now, I will tell you this, Mr. Speaker. Nuclear war is a grave issue and it is worth a lot. If we have to stop nu-

clear war and give up some things to do that, I get it, I get it completely. There are no second chances with nuclear war. Once the bomb goes off, it is over. So if you have to give a little bit to get something on that, that is something even I could understand, even though I find some of it objectionable.

Where I come into conflict is this, Mr. Speaker. There is no question, at this point, whether Iran will have a nuclear weapon. There is no reason to be testing ballistic missiles except to deliver a nuclear weapon. They are not delivering leaflets, Mr. Speaker. They are going to deliver a nuclear weapon with that, which is why they are testing it.

There is no reason to have centrifuges. There is no reason to enrich to the level that Iran is except to create a nuclear weapon. We don’t need that to have a nuclear power plant, which is what Iran says it wants to do.

And, of course, we all know, since the Ayatollah took over and took American hostages back in the day that Iran is a known liar. That is what they do. They lie. They obfuscate. They just say one thing and do another. It is not a question of if they will have a nuclear weapon, Mr. Speaker; it is a question of when.

So what we did here was we said, look, let’s not offend the Iranians. Even though they are killing Americans on the battlefield, and even though they are killing Americans in your hometown by selling drugs to them—and the two are working towards each other; they are selling drugs and using that money to buy the articles of war, the implements of war that are killing Americans—it is okay. We are going to allow that to happen as long as we delay Iran from having a nuclear weapon for 15 years. That is exactly what it looks like.

Now, I didn’t do the investigative reporting. It is, I think, 14,000 words, so it is pretty in-depth. But I will tell you this. It is being discredited out there. These are a couple of rogue employees who just disagreed with the policy.

Mr. Speaker, the Drug Enforcement Agency agent on the case, who has over 20 years of government experience tracking the financing of terror networks, said this of the leader of Hezbollah:

I had no clue who he was, but this guy was sending money into Iraq to kill American soldiers.

The point is he had 20 years on the job. This wasn’t some piker who just showed up on the job at Treasury and said: “Hey, track this money and see what you can find.” This is a guy who did this for a living for 20 years, and he ran into Hezbollah. He ran into Hezbollah, based on his investigation.

And then they tracked him. They tracked the money. They tracked the drugs—not just a little bit, tons—tons of drugs coming into the United States,

literally at a time when we have 60,000 Americans dying, annually, of drug overdose. That is more people than we lost in Vietnam, Mr. Speaker, in the whole time of Vietnam. A year, that is how many are dying in America based on drug overdose.

These people tracked it. They tracked the weapons on the other side, and they were told to stand down. They went to get these guys. They had one in custody in Prague. He was arrested. The United States wanted him extradited and prosecuted.

Do you know where he is right now, Mr. Speaker? He is back on the battlefield because we let him go.

So not only did Iran get to sell drugs in the United States and kill American citizens in your hometown, but they used that money to then make EFPs to kill the soldiers from your hometown who went to defend America's freedom.

And, oh, by the way, in less than 15 years now, you can expect Iran to be a nuclear armed power.

Mr. Speaker, if nothing else, if absolutely nothing else happens here from this, we need to have hearings on this in both the Foreign Affairs Committee and the Oversight and Government Reform Committee to make sure that this never ever can happen again, that we don't trade the safety of the lives of American servicemembers overseas and American citizens at home for a bad deal overseas of something that we are never really going to be able to reconcile with, which is a nuclear-armed Iran.

We are going to have very few options at stopping them, like we do with North Korea right now. That is where we are headed. We will not only have North Korea to deal with, but we will also have a nuclear-armed Iran.

That circumstance can never happen again, which is why hearings are so critical, so that we get to the truth, so that we get to the bottom of this, so that there are no skeletons in the closet, Mr. Speaker, so we understand who did what for why, so we can rationalize was this worth it or was this just political expedience. We need to know that so that we learn from that, so that we never make those mistakes again.

Mr. Speaker, again, I thank the gentleman from Georgia (Mr. JODY B. HICE). I appreciate his interest in this topic, as I am, and bringing it to the floor.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I appreciate the gentleman so much. I just think it is critically important that in a Special Order such as this we have someone who has been there, on the front line, who knows exactly from the perspective of a soldier defending our country what has been taking place. I appreciate his expertise and his willingness to talk about it here this evening.

Another colleague who is going to address the seriousness of the issue this

evening is KEN BUCK from Colorado, a good friend and another leader on this issue and many others like this. The American people deserve to know what happened. The dots are coming into play. The dots are being connected. We need to finish connecting those dots to find out what went on and let the American people know.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. BUCK).

Mr. BUCK. Mr. Speaker, I thank my friend and colleague, Representative JODY HICE, for the opportunity to speak this evening on such an important issue.

We are here today to discuss the recent revelations that the Obama administration, in their pursuit of the Iran deal, blocked important efforts by U.S. law enforcement officials to fight the terrorist organization Hezbollah.

The past administration's treatment of Iran reveals an imprudent and negligent approach to American foreign policy that must never be repeated. We see in their actions, at best, an incompetence born of a lack of clarity and information and, at worst, an administration determined to create a false foreign policy legacy so that America's best interests were thrown to the wayside.

In a recent report from Politico mentioned by some of my colleagues already, we have learned that the Obama administration allegedly blocked efforts by U.S. law enforcement officials to fight Hezbollah's transnational drug and weapons trafficking operations.

Hezbollah, Iran's terrorist proxy organization, has also become one of the world's most powerful and dangerous criminal organizations, receiving over \$1 billion every year from their illicit activities. We have learned that, through an expansive criminal trafficking network, they funnel cocaine throughout the Middle East, Europe, Africa, Latin America, and the United States.

It has also come to light that Hezbollah launders millions of dollars through schemes involving used car purchases in the United States, and, ultimately, the money earned through these activities can be used for violent terrorist activities aimed at spreading fear and pain throughout the world.

Politico quoted the following from a confidential DEA report on Hezbollah's criminal activities: Hezbollah "has leveraged relationships with corrupt foreign government officials and transnational criminal actors . . . creating a network that can be utilized to move metric ton quantities of cocaine, launder drug proceeds on a global scale, and procure weapons and precursors for explosives."

It "has at its disposal one of the most capable networks of actors coalescing elements of transnational organized crime with terrorism in the world."

The DEA's acting deputy administrator in 2016 stated that Hezbollah's criminal operations "provide a revenue and weapons stream for an international terrorist organization responsible for devastating terror attacks around the world."

Certainly, an organization like that deserves America's utmost scrutiny; and for years, the men and women of the Drug Enforcement Administration's Project Cassandra poured their lives into investigating Hezbollah's criminal activities. These agents tracked financial transactions, cultivated sources, and trailed operatives. But, in several cases, when the DEA asked for prosecutions, arrests, or sanctions, President Obama's Department of Justice delayed or denied their requests. The State Department also reportedly declined to demand the extradition of important suspects who could have aided the investigation and spearheaded the downfall of this international operation.

Unfortunately, thanks to multiple sources involved in the matter now coming forward, we have learned that the Obama administration likely stalled the Hezbollah investigations and prosecutions in order to keep Iran happy and nuclear deal talks on the table. If the DEA rocked the boat by arresting and charging key members of Hezbollah's drug and weapons trafficking operations, then Iran might walk away from the negotiating table.

This thinking reveals a fundamental blindness to reality. Hezbollah is funded by Iran. Hezbollah is Iran. While negotiating with Iran, the former administration turned a blind eye to Hezbollah's extensive criminal activities that were only worsening the drug crisis here in the United States and feeding weapons to terrorists in the Middle East region.

American foreign policy can be pragmatic, but this was not pragmatism. This was foolishness. U.S. foreign policymakers traded an end to Iran's nuclear program for the protection of Iran's terrorist program. And even then, we can't even trust Iran to abide by the agreement meant to end their nuclear program.

So we are left with a bad deal. I have said it many times before. But now we know the deal is even worse than we suspected. Aside from just delivering pallets of cash to Iran, aside from just freeing billions in frozen assets, aside from just lifting important sanctions, we are also giving a transnational criminal organization and terrorist network free rein over the world.

We are here today to affirm to the world that Iran and its affiliated terrorist organization, Hezbollah, are enemies of the free world.

We should never negotiate with terrorists. I urge President Trump and America's law enforcement community to once again turn its attention to

Hezbollah. This terrorist organization has spread its evil influence throughout the world, and we have a duty to fight it.

Mr. Speaker, I thank my friend, the gentleman from Georgia, for this opportunity today, and I thank him for bringing this issue up and shining some light on this important subject.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I thank Representative BUCK in his leadership on this, as well.

Mr. Speaker, I just want to say, not only to Mr. BUCK, but to all of the participants in our discussion this evening, a big thank you for coming and being a part of this.

As more information is beginning to come to light, I am convinced that we are just at the tip of the iceberg of gaining information as to what has taken place here that has jeopardized our national security. I believe it is incumbent upon Congress at this time to fulfill the obligation that we have to exercise oversight over the executive branch and follow through with a thorough investigation of the Obama administration's refusal—absolute refusal—to follow through on the work that was done by the DEA.

□ 2000

We had these terrorists in our grasp, Mr. Speaker, and we let them go. How could this happen? The American people deserve to know why, and we need to get to the bottom of this.

That is why tonight we are calling for an investigation into all aspects of this Hezbollah scandal, regardless of where it leads us: to the very top of the Obama administration, the Secretary of State, the previous Department of Justice, wherever it may lead. We need to get to the bottom of this, and we are calling for an investigation.

Mr. Speaker, I yield back the balance of my time.

ROBERT MUELLER SMEAR CAMPAIGN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Maryland (Mr. RASKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RASKIN. Mr. Speaker, I am delighted to be organizing this special hour on behalf of the minority.

We are going to be talking tonight about the growing smear campaign against Robert Mueller, the special counsel investigating contacts between Russians interfering in our Presidential election in 2016 and Americans. What we have seen over the last several weeks is a rising tide of criticism of Mr. Mueller in attempts to undermine and sabotage the special counsel investigation.

We are going to be talking about all the different components of this at-

tack, and we are going to be asking the question: Why?

Why suddenly is Mr. Mueller, who was once a hero to our friends across the aisle, a decorated Vietnam war veteran, former Director of the FBI, former U.S. Attorney for the Commonwealth of Massachusetts and the State of California, a celebrated law enforcement figure, and a registered Republican—why suddenly has he come under withering attack by everyone from our colleagues across the aisle in the House, to Republicans in the Senate, to people in the White House, to FOX News? Why has the whole rightwing propaganda machine turned on Mr. Mueller in the special counsel investigation suddenly? And what is it that we can do to try to prevent an assault on the special counsel in an effort to dismantle the special counsel investigation?

To begin tonight, I am going to call on a colleague from Florida (Mrs. DEMINGS), who is an extraordinary freshman class Member in the House of Representatives representing the people of Florida. She was the chief of police in Orlando, Florida, before she came to Congress; so she has exceptional law enforcement experience and a whole career in law enforcement.

Mr. Speaker, I yield to the gentleman from Florida (Mrs. DEMINGS.)

Mrs. DEMINGS. Mr. Speaker, I thank my colleague from Maryland. I thank him for his leadership on this issue and shining a light on this very important issue tonight.

Mr. Speaker, I rise tonight to speak about the promise of America: that every person living in this country, a country that we say is the greatest country in the world, where every person can have an opportunity, where every person can have a right to life, liberty, the pursuit of happiness, and the pursuit of justice.

The promise of America, though, relies on the police officer who walks his beat, come rain or shine. Mr. Speaker, either we enforce our laws, or, if we do not, they are just words on a piece of paper. The promise of America is fulfilled every time a person receives a fair trial. For you see, without a fair-minded search for the truth, we have no society. Or, Mr. Speaker, put it another way, the truth will, indeed, set us free.

The special counsel is a decorated veteran. You have heard my colleague say it, a registered Republican appointed by a Republican President, President Bush. I have personally met Mr. Mueller. After serving 27 years in law enforcement, working very closely with the Federal Bureau of Investigation, I know him to be a person of honor and integrity.

Mr. Mueller has been praised for his integrity by every Republican leader. You see, he is, Mr. Speaker, a man searching for the truth, and the truth

does matter. Without truth, life becomes death, liberty becomes slavery, and the pursuit of happiness becomes impossible.

If a President can shut down an investigation into his activities and deny our right to the truth, then the promise of the America that we love to celebrate is broken. Over the past year, our institutions—law enforcement, the judiciary—have come under daily assault, so persistent, so relentless, that we, on occasion, have tuned it out or brushed it aside. But these assaults, Mr. Speaker, undermine what is essential to our country and our society.

If President Trump chooses to fire the special counsel or otherwise interfere with the legal and appropriate investigation into himself and his staff, it would be a deliberate act to dismantle the fundamental institutions that preserve American democracy and liberty.

Mr. Speaker, we cannot allow that, and I hope that my Republican colleagues will remember why they came to Congress in the first place. You see, Mr. Speaker, as Members of Congress, we are truth seekers, and we know that the special counsel will go only where the evidence leads him. That is the man President Bush appointed, and that is the same person leading this investigation at this very time.

Mr. Speaker, we must let the special counsel finish his work. Failure to do so leaves us with only one question: What is the administration afraid of?

Mr. RASKIN. Mr. Speaker, I thank Mrs. DEMINGS for her passion and her leadership. I am delighted to learn today that she will be joining the House Judiciary Committee as a new colleague next week, and I am thrilled about that.

Mrs. DEMINGS. Mr. Speaker, I thank the congressman.

Mr. RASKIN. Mr. Speaker, Mrs. DEMINGS focused our attention on the rule of law and the startling disdain for the rule of law that is being shown in Washington right now, and the President's basic confusion about the proper role for the Department of Justice.

One of my revered colleagues on the House Committee on the Judiciary from California (Mr. TED LIEU), who also serves on the Committee on Foreign Affairs, has had a front row seat to everything that has happened over the course of this year. He saw the Speaker of the House praise Mr. Mueller's appointment; he saw Senator MCCONNELL praise Mr. Mueller's appointment as special counsel; he saw Mr. Mueller's nonpartisanship and professionalism being widely heralded by our colleagues on the Republican side; and now he is watching every day as they do everything in their power to destroy the reputation and the credibility of Mr. Mueller and his excellent team at the special counsel's office.

I have invited Mr. TED LIEU to come up and speak and tell us what he

thinks is going on and what is behind this smear campaign.

Mr. TED LIEU of California. Mr. Speaker, I thank Congressman RASKIN for organizing this terrific forum tonight.

I am here to, first of all, commend Senator WARNER for going on the Senate floor earlier today and drawing very bright lines for the President of the United States. If Donald Trump were to either get Robert Mueller fired or parting key witnesses, he will be violating those red lines.

Now, everyone is entitled to their opinions, but not to your own facts. So I am going to run through three facts about the special counsel's investigation.

The first is that it is being led by three people: Deputy Attorney General Rod Rosenstein, who is overseeing the entire investigation; Special Counsel Robert Mueller; and FBI Director Christopher Wray. All three of them are Republicans. They were also appointed by a Republican President.

FBI Director Christopher Wray also happened to have given over \$39,000 in political contributions exclusively to Republicans. So the notion that this investigation is somehow a Democratic investigation is false. It is a Republican investigation investigating a Republican President.

The second fact you should know is Donald Trump cannot actually fire Robert Mueller directly. He would have to fire Deputy Attorney General Rod Rosenstein first because Mr. Rosenstein came to the Judiciary Committee and testified under oath that there is no cause to fire Special Counsel Mueller.

So for this to happen, Donald Trump would have to get Rod Rosenstein fired. He would have to fire him. Then he would have to find another person to put in that position who would fire Robert Mueller. So the next person to take Rod Rosenstein's place would be Associate Attorney General Rachel Brand. And while she is conservative and while she also made over \$37,000 of political contributions exclusively to Republicans, she is also known as a person of integrity. I believe she will not fire Robert Mueller. So Donald Trump would have to then fire her. He would then have to stick a third person in, find anyone to fire Robert Mueller.

Well, that is exactly what Richard Nixon did in the Saturday Night Massacre when he fired three Department of Justice officials because the first two would not fire their investigator against Richard Nixon. So if Donald Trump wants to follow in the footsteps of Richard Nixon, he is certainly welcome to try, but it will not end well for him.

And then the third fact that you should know is that no one has been able to attack the actual legal actions of Robert Mueller. There has been two

guilty pleas: one of George Papadopoulos, a Trump campaign official on the foreign policy team; and the second is Michael Flynn, the former National Security Advisor to Donald Trump.

No one disputes that those guilty pleas have a solid legal and factual basis. Two other people have also been indicted: Paul Manafort and Mr. Gates. As people know, Mr. Manafort was the campaign manager for Donald Trump for a period of time. No one disputes that those two indictments have a solid factual and legal basis.

So nothing Robert Mueller has done can be attacked, and that is why they are now doing a smear campaign on his team because they are getting desperate. And when I say "they," I am talking about the White House as well as some of my colleagues in the House on the Republican side.

I sat through a Judiciary Committee hearing that I thought was disgraceful, with Members on the other side of the aisle trying to smear not only FBI Director Christopher Wray, but also Rod Rosenstein and Director Mueller. These are good people. They have integrity. And if they think that the Women's March was large, wait till they see what happens if the President actually tries to take these unconstitutional and, what would really amount to, criminal actions because he would be obstructing justice.

So, at the end of the day, it is very important for the American people to understand that no one is above the law. That was the central lesson of Watergate, it is the central lesson of American history, and I urge the President to understand what happened in Watergate and to refrain from taking criminal and unconstitutional actions.

Mr. RASKIN. Mr. Speaker, I thank Mr. TED LIEU for his excellent presentation. I would ask one question, and I hope that the law professor in me isn't showing too much, but I wanted to ask Mr. TED LIEU about one thing he said at the beginning.

Mr. TED LIEU made the point very well that Mr. Mueller is a distinguished law enforcement officer, who is also Republican, and he was appointed by a Republican. Mr. Rosenstein is another distinguished and well-respected law enforcement official, who himself had been appointed by Attorney General Sessions, who is a Republican.

□ 2015

All of that is true. But then Mr. LIEU said this is not a Democratic investigation, which certainly it is not. It is a Republican investigation.

But wouldn't it be more appropriate to say it is a law enforcement investigation?

And if you want to be searching for some kind of partisan tilt, you are going to find that these are Republicans, not Democrats.

Mr. TED LIEU of California. Mr. Speaker, I thank the gentleman for letting me clarify that statement.

It is a law enforcement investigation led by Republicans.

Mr. RASKIN. It is a critical point because, up until all of this started, basically the President respected the independence of the Department of Justice and we didn't go around searching in people's garbage cans trying to find out whether their wife was a registered Democrat or whether they voted Republican. Rather, we assumed that prosecutors and FBI agents and police officers can have a partisan registration and they can vote and participate as long as they do their jobs.

Mr. LIEU's point here is they are doing their job. Nobody is making any complaint about any of the guilty pleas or any of the prosecutions. They are complaining about a bunch of irrelevant stuff.

Mr. TED LIEU of California. Mr. Speaker, that is absolutely right. I trust FBI Director Christopher Wray and Associate Attorney General Rachel Brand to do the right thing, even though they have made contributions to Republicans, because it is demeaning and offensive to the FBI and Department of Justice prosecutors to say that somehow they can't be fair just because they have a political opinion in exercising their rights under the First Amendment.

Keep in mind that under our democracy, fundamental to it is the rule of law. To attack law enforcement and smear their credibility just because you don't like where an investigation is heading is disgraceful.

Mr. Speaker, let me conclude by quoting my favorite Press Secretary. Sarah Sanders previously said: When you are attacking FBI agents because you are under investigation, you are losing.

Mr. RASKIN. Mr. Speaker, I thank Mr. LIEU for all of his excellent work and leadership both in the Judiciary Committee and the Foreign Affairs Committee.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. SCHNEIDER), another distinguished colleague on the House Judiciary Committee, who is also a member of my class, of sorts. He has been in Congress several different times and he makes a great contribution for his people whenever he is here.

Mr. SCHNEIDER. Mr. Speaker, I thank my colleague from Maryland for organizing this special hour this evening and for leading the conversation.

Mr. Speaker, I share my colleagues' concern about the unfounded attacks on the special counsel and the need to make sure that the investigation is allowed to proceed to its conclusion.

But, Mr. Speaker, I join my colleagues tonight in also raising grave concerns about the unwillingness of

our present administration, including not only the President, but the Justice Department as well, to take seriously the threat of foreign interference in our elections.

It is the unanimous assessment of our intelligence community that the Russian Government launched a focused campaign, at the direction of Vladimir Putin, to interfere in our elections last year.

Irrespective of President Trump's refusal to accept this objective reality or his ongoing efforts to obfuscate the truth, the ongoing threat to the integrity of our elections is real and only likely to increase in 2018. As the Russians sought to disrupt our elections last year, and as they have done so in elections around the world, we can be certain that they will be back next year.

That is why we, as Congress and as a country, need to be urgently focused on how to prevent in future elections the kinds of foreign interference we saw in 2016.

Mr. Speaker, the first primary elections are barely 3 months away and Americans will collectively head to the polls in less than 11 months. The clock is, quite literally, ticking. Without a serious effort to address these varied and increasing threats, we as a nation remain vulnerable.

Over the past month, I have had the opportunity to ask both the number one and number two official at the Department of Justice, as well as the Director of the Federal Bureau of Investigation, about our efforts to secure our elections. Their answers have been far from satisfactory.

In November, Attorney General Jeff Sessions came before the House Judiciary Committee. Three weeks prior to that, in testimony before the Senate Judiciary Committee, he admitted to Senator SASSE that his Department had fallen short in addressing election security.

I was, therefore, surprised when I asked Attorney General Sessions about the actions he had taken to secure our elections subsequent to his Senate hearing. He could not name any single specific step taken by the Justice Department.

He admitted: "I have not followed through to see where we are on that."

And then he committed: "I will personally take action to do so."

Nevertheless, when Deputy Attorney General Rod Rosenstein appeared before the committee a month later, he could not demonstrate that the Department had even formally reviewed the matter.

It is clear to me that the administration is not handling this threat with the seriousness it deserves.

Last month I led a letter with 15 of my Judiciary colleagues to the Attorney General, calling on him to make good on his commitment to urgently

brief Members of Congress on the Department's efforts to secure our elections from foreign meddling. The deadline for this request has come and gone, and there is still not one—no commitment from the Department of Justice to work cooperatively with Congress on this critically important issue.

This inaction is unacceptable. The clock is ticking until our next election, and we need to act and we need to act now. Our Nation needs—and the American people are right to expect—this administration to urgently and aggressively take measures to protect our elections.

Mr. Speaker, this is not a partisan issue. The very foundation of our democracy depends on the integrity of our elections.

I urge my colleagues to join us in our efforts to defend against foreign interference and hold this administration accountable for doing all it can to prevent any interference in the future.

Mr. RASKIN. Mr. Speaker, I thank the gentleman for that excellent and indispensable discussion about what is really at stake here, which is democracy itself. If we can't rely on the integrity of our elections and the authenticity of the results, then democracy is in danger, in deep peril. I thank the gentleman for his leadership and for his outspokenness.

Mr. Speaker, to recap, we are here in this Special Order hour to defend Robert Mueller, because, in America, we live and die by the rule of law under democracy. The rule of law is the revolutionary idea, the one that our forebears fought for in the 18th century, that the most powerful officials in the land will be governed just like everybody else: by constitutional and statutory boundaries fixed in writing in the law in order to protect democracy and the rights of the people.

Ever since he whipped up chants of "Lock her up" in the 2016 campaign, Donald Trump has displayed complete ignorance of the difference between a constitutional democracy and a banana republic, a complete ignorance of the role of judges and the Justice Department.

The men and women who work at the Department of Justice for us, they inhabit a world of law, facts, and evidence. They cannot be forced to execute the President's personal vendettas or prosecute his enemies, real or imagined, or provide support for his propaganda and delusional alternative facts.

President Trump has been on a collision course with the rule of law for a long time. Remember during the campaign, Mr. Speaker, when he attacked Judge Curiel for being Mexican American, implying that his ethnic identity somehow disqualified him from being a competent judge with integrity.

In February, he trashed Federal judges hearing arguments about his

Muslim ban order. He has questioned the separation of powers, which he says is somehow obsolete. He has railed continuously against the free press and the media, which he describes as the enemy of the people.

He has continued, in direct violation of the Foreign Emoluments Clause in Article I, section 9, clause 8, to collect money from foreign governments at the Trump Hotel, at the Trump Tower, at the Trump golf courses without obtaining congressional consent first, which is what the Constitution requires.

The critical flash point for President Trump's hostility to the rule of law recently has been his stubborn and baffling refusal to accept the reality of the Russian campaign to interfere in our election last year, and then his seemingly determination to undermine the investigation into what actually happened.

Most Americans have regarded this campaign of cyber espionage and cyber sabotage of our election as a frightful danger to democratic sovereignty in our country and a reason to dramatically improve election security across the land, as Congressman SCHNEIDER just argued; but Donald Trump keeps denying that the autocrat Vladimir Putin, the former director of the KGB, did anything wrong in our election.

He tried to convince then-FBI Director James Comey to drop his investigation into Trump's National Security Advisor Michael Flynn and to swear a personal loyalty oath to the President. When Comey refused these orders, when he refused this entreaty to change the course of the criminal investigation, when he refused to override his oath to the Constitution of the United States by swearing a personal oath to the President, something that we had never heard of before, Trump fired him. This was about as naked a case of obstruction of justice as you can imagine.

Now we hear from President Trump's personal lawyer that the President cannot be guilty of obstruction of justice. They say, by definition, the President cannot be guilty of obstruction of justice because the President is the chief law enforcement officer in the land.

This is analogous to the old monarchical dogma that the king can do no wrong, the king cannot commit a crime, the king is above the law; if the king does it, it can't be illegal.

Well, our friends seem to have forgotten this is the United States of America. We have got a Constitution here. We have got a Bill of Rights here. We have no kings here. We have no queens here. We have no royalty. We have just we the people, a government of laws, not of men. We have got a Bill of Rights and popular government.

Our friends across the aisle once understood that nobody was above the

law. They brought impeachment charges against President Bill Clinton—two charges. One of the charges was obstruction of justice. They moved to impeach President Clinton for obstructing justice, which is now an offense that our friends say a President can't even be guilty of. They brought a case against President Clinton, Clinton v. Jones, which established that a President can even be sued while he is in office and can be deposed and so on.

They understood that at one point. They understand, when a Democrat is President, that nobody's above the law. But now, suddenly, Mr. Speaker, this President is above the law and he gets to determine the course of criminal investigations in the United States of America.

That is not constitutional democracy. That is a banana republic, when the President dictates to law enforcement, dictates to prosecutors what they are going to do, who they are going to investigate, and who will be prosecuted.

So now the race is on, Mr. Speaker, to smear the FBI. The race is on to smear Mr. Mueller, the very man who was praised by Senator McCONNELL, who was praised by Speaker RYAN, who was described by all of our colleagues as beyond reproach, unimpeachable, the former Director of the FBI, former U.S. Attorney for Massachusetts and California, a decorated veteran of the Vietnam war.

Now, suddenly, they cry havoc. They set loose the dogs of war on Mr. Mueller.

Why?

Because he is doing his job. Because we have two guilty pleas: one by the President's former National Security Advisor, Mr. Flynn; and one by Mr. Papadopoulos for lying to government agents.

We have got 12-count indictments that have been handed down against Mr. Manafort and Mr. Gates, and they are afraid that investigation might be closing in on the very highest levels of government.

So what do they do?

They attack the prosecution.

That is what we have been seeing in Washington over the last couple of weeks, a truly extraordinary display of contempt for the rule of law, for the Justice Department, and honest prosecution and law enforcement in the United States of America.

Now, the first effort revolved around an FBI agent who Robert Mueller removed from the investigation in the summertime. He removed him because there were text messages revealed in which he was trashing a lot of political figures, not just President Trump. He was trashing BERNIE SANDERS, who he called an idiot. He also called President Trump an idiot.

□ 2030

He had unkind words for Eric Holder, and he had very harsh words for my

friend and the former Governor of Maryland, Martin O'Malley. He was an equal opportunity insulter.

But our friends, seeing the progress of the Trump-Russia investigation of this special counsel's work, now suddenly decided: We found a villain. We have got our villain. His name is Peter Strzok, and he wrote all these texts, so let's go back to a guy who was removed from the investigation in the summertime. Let's leak all these texts out in the most mysterious and suspicious way, because this was the middle of an inspector general investigation, and they leaked out thousands of texts.

When I asked Mr. Rosenstein about it, he said it had been approved by the inspector general. But the inspector general released a statement the next day which professed that they had not been contacted about it, so there is a whole mystery there.

But, clearly, somebody wanted to get these texts out there. They wanted to create a thick fog of propaganda and confusion. And all that we heard from our colleagues was: Did you see what he said in this text to his friend? Did you see what he said in this text to his friend?

Nobody claimed that the guilty pleas by Flynn or Papadopoulos were legally flawed in any way. They didn't say there were any legal problems with anything that the special counsel had done—no illegal searches, no illegal seizures. They didn't say anything was wrong with the indictment.

But they find some text messages by a guy who was removed from the investigation, and then this becomes the big propaganda smoke screen, this guy who insulted, to my count, a lot more Democrats than he insulted Republicans. Regardless, he showed unprofessionalism.

He was removed quickly by Mr. Mueller—unlike, for example, what President Trump did when he learned that General Flynn, his National Security Advisor, was a serial liar, was lying to Federal agents, was lying to Federal officers, was lying to the Cabinet about his dealings with Russia and foreign governments.

It took President Trump 18 days before he removed him from office in the most begrudging way, and then, even then, after learning that he had been lying about his contacts with foreign agents, he tried to get Mr. Comey, the then-FBI Director, to cancel out the investigation of Michael Flynn, asserting that he is a good guy. Let it go. Let the whole thing go, he said.

But, no, that is not what Mr. Mueller did, the special counsel. When he learned that there were these text messages going out attacking various public figures, he said: We don't need that kind of stuff on this investigative team. And he got rid of them, end of story.

Except this: It is an opportunity to create an irrelevant distraction from

what is going on, to put up a big propaganda smoke screen.

And that wouldn't even be such a big deal in itself. Their arguments are transparently silly. We have colleagues who are saying this is a fruit of the poisonous tree, they intoned. It is all fruit of the poisonous tree.

Except it has nothing to do with fruit of the poisonous tree. That is a Fourth Amendment document which says that, if there is an illegal search or seizure by the government, the government may not use that unlawfully obtained evidence against someone in court. At that point, the exclusionary rule operates; the exclusionary rule is activated.

We asked our colleagues, and I asked Mr. Rosenstein: Was there an illegal search?

No.

Was there an illegal seizure?

No.

There was no illegality. You had an agent who sent some text messages trashing a bunch of politicians in the middle of a Presidential campaign, which is what millions of people were doing. It was irresponsible. He got removed, end of story.

That didn't work so well. That was the first time that they were throwing spaghetti with tomato sauce on it all over the walls. They threw it up and it slipped off. Nobody bought it.

So the next day, or a day later, they came back with another claim about asserting that the GSA had improperly released emails of the Trump Presidential transition team.

Well, there are a few problems with that. One is everybody was told from the beginning that all of those are government property. They were turned over by Trump's GSA, voluntarily. And Mr. Mueller released a one-sentence statement saying that all of the information that we have received was either voluntarily given or was lawfully obtained, end of story.

That didn't work so well either. Threw some more spaghetti against the wall in this smear campaign, and it slides off. It leaves a tomato sauce stain all over the wall, but it doesn't really stick.

Now they are going after Mr. McCabe, the number two person at the FBI. And I haven't been told exactly what their complaint is, but we are going to have a closed-door hearing about it tomorrow in the House Judiciary Committee. From published reports, all I understand is that he has committed the great sin and crime of being married to a woman who is active in Democratic Party politics.

Look, let's get something straight here. This is the United States of America, and law enforcement officers have a right to be registered as a Democrat, as an Independent, as a Republican, as a Green Party member, as a Libertarian. They can register however they want. And consistent with the

Hatch Act, they can be involved in politics and members of their family can be involved in politics. There is nothing wrong that.

There is nothing wrong with the fact that Mr. Mueller, who is now the target of all of their venom, is a registered Republican or that he got appointed by another Republican, Mr. Rosenstein, or that he got appointed by a Republican, Attorney General Sessions, or that he got appointed by a Republican, President Trump; right? All those people are Republicans. They have a right to be Republicans, but they have got to do their public duty.

The irony, of course, is that the Republicans are attacking Republicans in office for being partisan against Republicans. It is completely incoherent; it is fantastical; and it shows the desperation of this smear campaign. It just doesn't make sense to anyone.

So we will see if they are able to smear another good, qualified, competent law enforcement official, which is what they want to do with the number two person at the FBI.

And what is interesting is that the people who are attacking their fellow Republicans for somehow being partisan just for doing their jobs never have anything to say about what we know was the real political corruption and contamination of the FBI back in the days of J. Edgar Hoover, when he used the resources of the FBI to go after Martin Luther King, Jr., and the civil rights movement, or the days of COINTELPRO, where the FBI actively tried to disrupt the civil rights movement and the antiwar movement and so on. They don't say anything about that.

It would strengthen their argument, of course, that their fellow Republican partisans somehow might be capable of political bias, but they don't even have the historical context to do that, and they don't believe in it.

The fact is that the FBI used to have a real problem with being a tool of political prosecution, and it has gotten over that. It has gotten beyond it today, in 2017.

Now, suddenly, all of their fire is trained on Mr. Mueller. It is trained on the special counsel: discredit and undermine him. And it wouldn't be such a big deal if they were just exercising their First Amendment rights, which they have every right to do. If they were just exercising their rights under the Speech and Debate Clause, which they have every right to do, to use their place in this body in order to denounce the FBI, to attack Mr. Mueller, to try to discredit law enforcement, they have got the right to do it. But what everyone is afraid of now is that they are trying to set the stage for the removal of Robert Mueller.

Now, that is no simple thing. The President can't simply fire Mr. Mueller. He would have to get Mr.

Rosenstein to do it. And he can't be fired for any reason at all. He can only be fired for misconduct, for conflict of interest, or for some other good cause or incapacity. So there has got to be a reason why.

And when we asked Mr. Rosenstein whether he saw any reason to remove Mr. Mueller now, he said, no, that he is totally satisfied with the conduct of the investigation.

So what trumped-up alibi could they produce? What trumped-up justification could they find for the removal of Mr. Mueller?

It would create a serious constitutional emergency and crisis in America. And, of course, when we say a constitutional crisis, it is not the Constitution that is in crisis; it is us. They would be creating a political crisis that would require a resort to extraordinary constitutional mechanisms.

This would be a clearly impeachable offense for the President to use his power in order to thwart a criminal investigation that implicates the President. That is the very definition of obstruction of justice. It would just be an expansion and a refinement of what the President was doing when he fired Mr. Comey way back in the beginning of the administration for refusing to lay off Michael Flynn and for refusing to swear a personal loyalty oath to the President of the United States instead of to the Constitution and the people of the country.

So that is where we are. The people need to know. The people need to know what is going on, that there is an organized campaign being orchestrated at the highest levels of government to discredit Mr. Mueller and the special counsel investigation—not for not doing their job, but for doing their job. That is why they are being attacked today.

Mr. Speaker, I close with a thought just about the rule of law.

The rule of law is the idea that even the people who occupy the highest office in the land are subject to the Constitution, are subject to the laws of the people, because here the people govern. We have no kings here. That is what we rebelled against.

Our Founders believed, with Madison, that the very definition of tyranny is the collapse of all powers into one, where someone says: I have got all the power; I am the boss. Our Founders said: No, we are going to divide powers up:

Article I, we will vest the lawmaking power in the representatives of the people in the House and the Senate;

Article II, we will create a President who will take care that the laws be faithfully executed;

And then Article III, we will vest the judicial power in the Supreme Court and the Federal judiciary to sort out actual cases or controversies about what the law means.

But notice what comes first there, Article I. The people's representatives come first. The President works for us. The President works for a Congress, which works for the people. The President implements the laws that we pass here.

The President is not above the law. The President is subject to the law, and the President has the honor of enforcing the laws that we adopt.

So let's get that straight. No one is above the law. Anybody can be found guilty of obstructing justice if one thing can be shown: if they obstruct justice.

And it looks like they are setting the stage for a further obstruction of justice with this outrageous smear campaign being leveled this week against Robert Mueller, against Mr. Rosenstein, against Mr. McCabe, and against the men and women of the FBI. That is what is taking place in Washington today.

Mr. Speaker, the people need to know, and we in Congress have got to do our constitutional duty, too.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LEWIS of Minnesota). Remarks in debate in the House may not engage in personalities toward the President or Members of the Senate, whether originating as the Member's own words or being reiterated from another source.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 42 minutes p.m.), the House stood in recess.

□ 2244

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CHENEY) at 10 o'clock and 44 minutes p.m.

ADJOURNMENT

Mr. BYRNE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 21, 2017, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3461. A letter from the Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting a letter report on Federal Government energy management for FY 2015

providing information on energy consumption in Federal buildings, operations, and vehicles, with multiple reporting requirements, pursuant to 42 U.S.C. 15852(d); Public Law 109-58, Sec. 203(d); (119 Stat. 653); to the Committee on Energy and Commerce.

3462. A letter from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's annual report entitled "United States Tobacco Product Exports That Do Not Conform to Tobacco Product Standards", pursuant to Sec. 801(p)(1) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

3463. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a report covering the period from August 9, 2017, to November 8, 2017 on the Authorization for Use of Military Force Against Iraq Resolution, pursuant to 50 U.S.C. 1541 note; Public Law 102-1, Sec. 3 (as amended by Public Law 106-113, Sec. 1000(a)(7)); (113 Stat. 1501A-422) and 50 U.S.C. 1541 note; Public Law 107-243, Sec. 4(a); (116 Stat. 1501); to the Committee on Foreign Affairs.

3464. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

3465. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting the CY 2016 report on the Employment of United States Citizens in Certain International Organizations, pursuant to 22 U.S.C.276c-4; Public Law 102-138, Sec. 181 (as amended by Public Law 114-323, Sec. 308); (130 Stat. 1923); to the Committee on Foreign Affairs.

3466. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting reports concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(a); Public Law 92-403, Sec. 1(a) (as amended by Public Law 108-458, Sec. 7121(b)); (118 Stat. 3807); to the Committee on Foreign Affairs.

3467. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a certification, pursuant to Sec. 36(c) of the Arms Export Control Act, Transmittal No.: DDTC 17-018; to the Committee on Foreign Affairs.

3468. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a report on the status of U.S. citizens detained in Iran and the Department's efforts to secure their release, pursuant to Public Law 115-44, Sec. 110; to the Committee on Foreign Affairs.

3469. A letter from the Acting Director, Office of Personnel Management, transmitting a detailed report justifying the reasons for the extension of locality-based comparability payments to non-General Schedule categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); Public Law 89-554, Sec. 5304(h) (as added by Public Law 102-378, Sec. 2(26)(E)(ii)); (106 Stat. 1349); to the Committee on Oversight and Government Reform.

3470. A letter from the Secretary, Department of Education, transmitting the Depart-

ment's Agency Financial Report for FY 2017, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3471. A letter from the Executive Analyst (Political), Department of Health and Human Services, transmitting two notifications of a designation of acting officer and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3472. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a notification of a vacancy and designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3473. A letter from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's Fiscal Year 2017 Annual Financial Report, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3474. A letter from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's Fiscal Year 2017 Federal Housing Administration Mutual Mortgage Insurance Fund Report, pursuant to 12 U.S.C. 1708(a)(4); June 27, 1934, ch. 847, title II, Sec. 202(a)(4) (as amended by Public Law 110-289, Sec. 2118(a)); (122 Stat. 2810); to the Committee on Oversight and Government Reform.

3475. A letter from the Acting Chairman, Federal Maritime Commission, transmitting the Commission's Office of the Inspector General's Semiannual Report to Congress for the period April 1, 2017, through September 30, 2017; to the Committee on Oversight and Government Reform.

3476. A letter from the Deputy Liaison, Institute for Education Science, Department of Education, transmitting a notification of a nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3477. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's Semiannual Report to the Congress of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period of April 1, 2017, through September 30, 2017, pursuant to Sec. 5 of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

3478. A letter from the Treasurer, National Gallery of Art, transmitting the Gallery's Inspector General Act of 1978 report for FY 2017; to the Committee on Oversight and Government Reform.

3479. A letter from the Labor Member and Management Member, Railroad Retirement Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2017, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3480. A letter from the Acting Chairman, Surface Transportation Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2017, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3481. A letter from the Assistant Attorney General, Department of Justice, transmitting the Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act for the six months ending June 30, 2017, pursuant to 22 U.S.C. 621; June 8, 1938, ch. 327, Sec. 11 (as amended by Public Law 104-65, Sec. 19); (109 Stat. 704); to the Committee on the Judiciary.

3482. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 31165; Amdt. No. 536] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3483. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hawthorne, NV [Docket No.: FAA-2017-0315; Airspace Docket No.: 16-AWP-4] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3484. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D and Class E Airspace; Pueblo, CO [Docket No.: FAA-2017-0666; Airspace Docket No.: 17-ANM-15] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3485. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Alexander City, AL [Docket No.: FAA-2016-9549; Airspace Docket No.: 17-ASO-5] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3486. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rosebud, SD [Docket No.: FAA-2016-9545; Airspace Docket No.: 16-AGL-33] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3487. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31158; Amdt. No. 3768] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3488. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums

and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31160; Amdt. No. 3770] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3489. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31159; Amdt. No. 3769] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3490. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31157; Amdt. No.: 3767] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3491. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters [Docket No.: FAA-2017-0933; Product Identifier 2017-SW-051-AD; Amendment 39-19106; AD 2017-24-02] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3492. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2017-0478; Product Identifier 2016-NM-174-AD; Amendment 39-19087; AD 2017-22-07] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3493. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2017-0690; Product Identifier 2017-NM-061-AD; Amendment 39-19107; AD 2017-24-03] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3494. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2017-0526; Product Identifier 2017-NM-026-AD; Amendment 39-19109; AD 2017-24-05] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3495. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2017-0491; Product Identifier 2016-SW-020-AD; Amendment 39-

19031; AD 2017-19-01] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3496. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2017-0982; Product Identifier 2017-SW-009-AD; Amendment 39-19102; AD 2017-23-08] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3497. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Boothville, LA [Docket No.: FAA-2017-0649; Airspace Docket No.: 17-ASW-11] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3498. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Airplanes [Docket No.: FAA-2017-1095; Product Identifier 2012-NM-215-AD; Amendment 39-19108; AD 2017-24-04] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3499. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc., Airplanes [Docket No.: FAA-2017-0338; Product Identifier 2016-NM-153-AD; Amendment 39-19103; AD 2017-23-09] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3500. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2017-0499; Product Identifier 2016-NM-205-AD; Amendment 39-19090; AD 2017-22-10] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3501. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR — GIE Avions de Transport Regional Airplanes [Docket No.: FAA-2017-1027; Product Identifier 2017-NM-092-AD; Amendment 39-19105; AD 2017-24-01] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 668. Resolution providing for consideration of the Senate amendment to the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (Rept. 115-476). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OLSON (for himself and Ms. STEFANIK):

H.R. 4690. A bill to amend the Congressional Accountability Act of 1995 to require Members of Congress to reimburse the Treasury for amounts paid as awards and settlements under such Act in connection with violations of such Act consisting of acts of sexual harassment or sexual assault committed personally by Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK (for himself and Mr. CRIST):

H.R. 4691. A bill to amend the Animal Welfare Act to prohibit the issuance of licenses to certain individuals connected to dealers of dogs who have had licenses revoked, and for other purposes; to the Committee on Agriculture.

By Mr. JONES:

H.R. 4692. A bill to revise the boundaries of a John H. Chafee Coastal Barrier Resources System Unit in Topsail, North Carolina; to the Committee on Natural Resources.

By Mr. FITZPATRICK (for himself and Mr. CRIST):

H.R. 4693. A bill to amend the Animal Welfare Act to provide for the humane treatment of dogs, and for other purposes; to the Committee on Agriculture.

By Mr. BEYER (for himself, Mr. WITTMAN, Mr. SERRANO, Mr. DESAULNIER, Mr. POCAN, Mr. BRADY of Pennsylvania, Ms. NORTON, Mrs. COMSTOCK, Mr. KILMER, Ms. BARRAGAN, Mr. PERLMUTTER, Ms. SHEA-PORTER, Mr. CONNOLLY, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CUMMINGS, Mr. SCOTT of Virginia, Ms. MENG, Mr. LOWENTHAL, Ms. PINGREE, Mr. TAKANO, Mr. BROWN of Maryland, Mr. HOYER, Mr. RASKIN, Mr. DELANEY, Mr. GARAMENDI, and Mr. LYNCH):

H.R. 4694. A bill to provide for the compensation of Federal employees furloughed during a Government shutdown; to the Committee on Oversight and Government Reform.

By Mr. SCHRADER (for himself, Mr. REED, Mr. GOTTHEIMER, Mr. LANCE, Mr. BERA, Mr. TROTT, Mrs. MURPHY of Florida, Mr. THOMPSON of Pennsylvania, Mr. O'HALLERAN, Mr. COSTELLO of Pennsylvania, Mr. SUOZZI, Mr. DENT, Mr. PANETTA, Mr. CURBELO of Florida, Ms. SINEMA, Mr. FITZPATRICK, Mr. SOTO, Mr. KATKO, Mr. LIPINSKI, Mr. FASO, Ms. ESTY of Connecticut, Mr. COSTA, Mr. NOLAN, Mr. SCHNEIDER, Mr. PETERS, and Mr. WELCH):

H.R. 4695. A bill to amend the Patient Protection and Affordable Care Act to provide

for stabilization in the individual health insurance market, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCSHON:

H.R. 4696. A bill to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CHENEY:

H.R. 4697. A bill to amend the Wyoming Wilderness Act of 1984 to clarify authorized recreational uses in the Palisades, High Lakes, and Shoal Creek Wilderness Study Areas; to the Committee on Natural Resources.

By Mr. JEFFRIES:

H.R. 4698. A bill to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. BROWN of Maryland, Mr. CARSON of Indiana, Mr. CRIST, Mr. DESAULNIER, Mr. ELLISON, Mr. GOMEZ, Mr. GRIJALVA, Ms. LEE, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Mr. PALLONE, Mr. POCAN, Mr. SERRANO, Mr. SWALWELL of California, Ms. TITUS, Mrs. WATSON COLEMAN, and Ms. NORTON):

H.R. 4699. A bill to amend the Higher Education Act of 1965 to authorize the use of title III funds for the establishment LGBTQ resource centers; to the Committee on Education and the Workforce.

By Mr. BEN RAY LUJÁN of New Mexico (for himself, Mr. WILSON of South Carolina, Mr. LIPINSKI, Mr. REED, Mr. SWALWELL of California, and Mr. HULTGREN):

H.R. 4700. A bill to establish the IMPACT for Energy Foundation; to the Committee on Science, Space, and Technology, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENACCI (for himself, Mr. DELANEY, Mr. KELLY of Pennsylvania, Mrs. DINGELL, and Mr. PALAZZO):

H.R. 4701. A bill to amend title XVIII of the Social Security Act to eliminate the 3-day prior hospitalization requirement for Medicare coverage of skilled nursing facility services in qualified skilled nursing facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANCIS ROONEY of Florida (for himself and Mr. SMUCKER):

H.R. 4702. A bill to provide accountability and protect whistleblowers in the Department of Education; to the Committee on Education and the Workforce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMUCKER (for himself and Mr. FRANCIS ROONEY of Florida):

H.R. 4703. A bill to improve accountability of senior officials and other supervisory em-

ployees of the Department of Labor; to the Committee on Education and the Workforce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. WALBERG):

H.R. 4704. A bill to amend titles XVIII and XIX of the Social Security Act to codify the emergency preparedness final rule for skilled nursing facilities and nursing facilities as conditions of participation under the Medicare and Medicaid programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself and Ms. FRANKEL of Florida):

H.R. 4705. A bill to amend the Congressional Accountability Act of 1995 to require the automatic referral to the congressional ethics committees of the disposition of any allegation that an employing office of the House of Representatives or Senate violated part A of title II of such Act; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H. Res. 669. A resolution electing a Member to a certain standing committee of the House of Representatives; which was considered and agreed to.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. OLSON:

H.R. 4690.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. FITZPATRICK:

H.R. 4691.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. JONES:

H.R. 4692.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. FITZPATRICK:

H.R. 4693.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. BEYER:

H.R. 4694.
Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 9 of Article I of the Constitution of the United States.

By Mr. SCHRADER:

H.R. 4695.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 3 of the United States Constitution.

By Mr. BUCSHON:

H.R. 4696.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Ms. CHENEY:

H.R. 4697.
Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the U.S. Constitution.

By Mr. JEFFRIES:

H.R. 4698.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:
To make all laws which shall be necessary and proper . . .

By Mr. JOHNSON of Georgia:

H.R. 4699.
Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 4700.
Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. RENACCI:

H.R. 4701.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States

By Mr. FRANCIS ROONEY of Florida:

H.R. 4702.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. SMUCKER:

H.R. 4703.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. WASSERMAN SCHULTZ:

H.R. 4704.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. WASSERMAN SCHULTZ:

H.R. 4705.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5 of the United States Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 60: Mr. FARENTHOLD, Mrs. DINGELL, Mr. NOLAN, Ms. BLUNT ROCHESTER, Mr. TONKO, Mr. YARMUTH, Mr. CONNOLLY, Ms. SHEA-PORTER, and Mr. KNIGHT.

H.R. 82: Mr. STEWART.

H.R. 109: Ms. MENG.

H.R. 110: Ms. MENG.

H.R. 173: Mr. LEVIN and Mr. FASO.

H.R. 252: Mr. HASTINGS.

H.R. 312: Mr. MESSER.

H.R. 342: Mr. MESSER.

H.R. 502: Mr. AL GREEN of Texas.

H.R. 592: Mr. ZELDIN.

H.R. 681: Mr. NEWHOUSE and Mr. BURGESS.

H.R. 719: Mr. MARCHANT, Mrs. BLACK, Mrs. WAGNER, Mr. ESTES of Kansas, Mr. LONG, Mr. COMER, and Mr. FRANCIS ROONEY of Florida.

H.R. 754: Mrs. DEMINGS.

H.R. 816: Mr. MCEACHIN.

H.R. 820: Mr. ABRAHAM, Mr. SMITH of Missouri, Mr. YODER, and Mr. BUDD.

H.R. 850: Mr. ESTES of Kansas, Mrs. BLACK, Mr. HOLLINGSWORTH, Mr. BARR, Mr. LABRADOR, and Mr. ROTHFUS.

H.R. 874: Mr. FASO.

H.R. 913: Ms. JAYAPAL.

H.R. 930: Mr. WILSON of South Carolina.

H.R. 1042: Mr. FRANCIS ROONEY of Florida.

H.R. 1205: Ms. MATSUI.

H.R. 1241: Mr. LARSEN of Washington.

H.R. 1299: Mr. MOULTON.

H.R. 1457: Mr. DELANEY.

H.R. 1494: Mr. FASO and Mr. DIAZ-BALART.

H.R. 1569: Mr. POCAN.

H.R. 1606: Mr. SCHNEIDER.

H.R. 1783: Mr. COHEN and Mr. GRIJALVA.

H.R. 1847: Mr. WEBER of Texas, Mr. MEADOWS, and Mr. DIAZ-BALART.

H.R. 1928: Mr. FASO and Mr. MESSER.

H.R. 1959: Mr. MESSER.

H.R. 2234: Mr. MEEHAN.

H.R. 2345: Mrs. LOVE and Mr. FRELINGHUYSEN.

H.R. 2472: Mr. DELANEY, Mr. JOHNSON of Georgia, and Mr. SWALWELL of California.

H.R. 2475: Mr. CAPUANO.

H.R. 2687: Mr. RUSH, Mr. WALZ, and Mr. LEWIS of Georgia.

H.R. 2711: Mr. GENE GREEN of Texas.

H.R. 2723: Mrs. BROOKS of Indiana, Mr. BISHOP of Utah, Mr. SANFORD, and Mr. ROTHFUS.

H.R. 2790: Mr. MCEACHIN.

H.R. 2832: Mr. BROOKS of Alabama, Mr. SCHWEIKERT, Mr. MARCHANT, Mr. ESTES of Kansas, Mr. PERRY, and Mrs. BLACK.

H.R. 2851: Mr. OLSON.

H.R. 2902: Mr. THOMPSON of Pennsylvania and Mr. BOST.

H.R. 2925: Ms. SPEIER.

H.R. 2996: Mr. MESSER.

H.R. 3032: Mr. SERRANO.

H.R. 3034: Mr. HARPER, Mr. HASTINGS, Mr. CLAY, Mr. HURD, Mr. DENHAM, Ms. KAPTUR, Mr. GIBBS, Mr. DESJARLAIS, Mr. VELA, and Ms. NORTON.

H.R. 3148: Ms. JAYAPAL.

H.R. 3205: Mr. MESSER.

H.R. 3378: Mr. TIPTON.

H.R. 3409: Mr. STIVERS and Mr. HUDSON.

H.R. 3495: Mr. MCNERNEY.

H.R. 3513: Ms. WASSERMAN SCHULTZ.

H.R. 3542: Ms. TENNEY.

H.R. 3773: Mr. HIGGINS of New York.

H.R. 3798: Mr. STEWART.

H.R. 3920: Mr. KELLY of Pennsylvania.

H.R. 3931: Mr. PASCRELL.

H.R. 3942: Mrs. BROOKS of Indiana.

H.R. 3981: Mr. BLUMENAUER, Ms. BARRAGÁN, and Mr. ELLISON.

H.R. 4012: Mr. MESSER.

H.R. 4022: Mr. STEWART and Ms. DELAURO.

H.R. 4049: Mr. COHEN.

H.R. 4058: Mr. HARPER, Mr. CRAMER, and Mr. FORTENBERRY.

H.R. 4083: Mr. O'ROURKE.

H.R. 4099: Mr. POLIQUIN.

H.R. 4124: Mr. GARRETT, Mr. JEFFRIES, and Mr. MEADOWS.

H.R. 4131: Mr. PALMER.

H.R. 4143: Mr. YOUNG of Iowa, Mr. BYRNE, Mr. SUOZZI, Ms. BONAMICI, Mr. RUPERSBERGER, and Mr. WILSON of South Carolina.

H.R. 4146: Mr. DEFAZIO.

H.R. 4152: Mr. DESAULNIER.

H.R. 4202: Mr. FITZPATRICK and Mr. COSTELLO of Pennsylvania.

H.R. 4222: Mr. COHEN.

H.R. 4242: Mr. STEWART and Mr. MESSER.

H.R. 4256: Mr. PAULSEN and Mr. LARSEN of Washington.

H.R. 4274: Mr. GOSAR, Mr. GRAVES of Georgia, Mr. PITTENGER, Mr. MCCLINTOCK, Mr. MARCHANT, Mrs. WAGNER, Mr. LAMBORN, Mr. RENACCI, Mr. COMER, Mr. GROTHMAN, Mr. LONG, and Mr. RATCLIFFE.

H.R. 4345: Ms. WASSERMAN SCHULTZ, Ms. MOORE, Mrs. DEMINGS, Mr. CARSON of Indiana, Ms. FRANKEL of Florida, Mr. GONZALEZ of Texas, Ms. PINGREE, and Ms. BORDALLO.

H.R. 4369: Mr. DEFAZIO.

H.R. 4392: Mr. TIPTON, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Mr. STEWART.

H.R. 4413: Mrs. BUSTOS.

H.R. 4437: Mrs. BROOKS of Indiana.

H.R. 4444: Ms. MATSUI, Mr. PETERSON, Mr. AL GREEN of Texas, Mr. DEFAZIO, Mr. LOEBACK, Mr. FOSTER, and Mr. GUTIÉRREZ.

H.R. 4446: Mr. GROTHMAN, Mr. WELCH, Mr. RASKIN, Mr. MACARTHUR, and Mrs. CAROLYN B. MALONEY of New York.

H.R. 4453: Mrs. HARTZLER and Mr. POSEY.

H.R. 4485: Mr. POCAN and Mr. BEN RAY LUJAN of New Mexico.

H.R. 4494: Mr. ROSS, Mr. GIANFORTE, Ms. STEFANIK, and Mrs. COMSTOCK.

H.R. 4513: Ms. TENNEY.

H.R. 4541: Ms. KUSTER of New Hampshire, Mr. LARSEN of Washington, Mr. CARBAJAL, and Mrs. TORRES.

H.R. 4545: Mr. MESSER.

H.R. 4546: Mr. MESSER.

H.R. 4547: Mr. PAULSEN, Mr. BLUMENAUER, and Mr. GONZALEZ of Texas.

H.R. 4565: Mr. JONES and Mr. POLIQUIN.

H.R. 4578: Mr. FASO.

H.R. 4610: Mr. MESSER and Mr. TONKO.

H.R. 4617: Mr. BISHOP of Utah.

H.R. 4633: Mr. CRAWFORD.

H.R. 4656: Mr. THOMPSON of California, Mr. HUFFMAN, and Mr. MOULTON.

H.R. 4663: Mr. FASO.

H.R. 4683: Mr. LANCE.

H.J. Res. 6: Mr. JENKINS of West Virginia.

H. Con. Res. 60: Mr. CARTWRIGHT.

H. Res. 188: Mr. BARR.

H. Res. 211: Ms. JACKSON LEE.

H. Res. 269: Mr. DELANEY.

H. Res. 279: Mrs. WALORSKI and Mrs. BROOKS of Indiana.

H. Res. 428: Mr. DELANEY.

H. Res. 637: Mr. MESSER.

H. Res. 648: Mr. BUCSHON.

H. Res. 661: Mrs. WAGNER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MRS. BLACK

The provisions that warranted a referral to the Committee on the Budget in H.R. 4667, Further Additional Supplemental Appropriations for Disaster Relief Requirements, 2017, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. FRELINGHUYSEN

H.R. 4667, making further supplemental appropriations for fiscal year 2018, and for other purposes, does not contain any congressional earmark, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

CONGRATULATING THE ARMY
FOOTBALL TEAM'S VICTORY
OVER NAVY

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Ms. STEFANIK. Mr. Speaker, I rise today to acknowledge the Army football team's victory over the Navy.

The Army-Navy football game is one of college football's most famous rivalries, played this year on December 9, 2017, at Lincoln Financial Field in Philadelphia. Last year in December of 2016, the Army Black Knights won their first game against the Navy Midshipmen in 14 years. This year, Army won its second consecutive game with a score of 14-13, earning the Commander-in-Chief's Trophy. The victory was hard-fought in harsh, snowy conditions, not unfamiliar to the men and women who have served in the 10th Mountain Division.

Army wore uniforms that were a tribute to the 21st Congressional District's own 10th Mountain Division, which was established in 1943. The soldiers of the 10th Mountain Division are notorious for training in severe conditions created by high elevations and mountain climates. To honor those who have served while assigned to the unit, the uniform featured the division's coat of arms along with the words "Vires Montesque Vincimus" on the right shoulder, which means "We Conquer Powers and Mountains." The Mountain Salute, "Climb to Glory," could be seen under the coat of arms and the "Follow Me" sign was placed on their helmets. Additionally, the team wore the Panda Patch on their cleats, a patch that originally helped identify the soldiers who were nicknamed the Pando Commandos, a nod to the 10th Mountain Division's roots in Pando, Colorado.

On behalf of the 21st District, I want to congratulate the United States Military Academy at West Point on their victory and recognize the Soldiers of the 10th Mountain Division who fought in World War II and those who continue to fight today to keep our nation safe.

PERSONAL EXPLANATION

HON. VICENTE GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. GONZALEZ of Texas. Mr. Speaker, on roll call No. 690 I was inadvertently recorded as voting "no." I support the Women in Aerospace Education Act and my vote should be recorded as "yes."

TRIBUTE TO PAT AND JOHN
WHEELER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Pat and John Wheeler of Council Bluffs, Iowa on the very special occasion of their 50th wedding anniversary. They were married on October 6, 1967 at St. Paul's United Church of Christ in Council Bluffs.

Pat and John's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 50th anniversary, may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion and in wishing them nothing but the best.

IN RECOGNITION OF THE UNION
OF NIGERIAN FRIENDS 30TH AN-
NIVERSARY

HON. MARC A. VEASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. VEASEY. Mr. Speaker, I rise today to honor the Union of Nigerian Friends for its 30 years of service to Forest Hill and the North Texas community.

In 1987, the Union of Nigerian Friends was founded in order to provide a safe environment for dialogue on issues that affect the political, economic, and social progress for Nigerians here in my home state of Texas. Since its establishment 30 years ago, the Union of Nigerian Friends continues to promote cultural awareness and unity among all Nigerians and Americans, while serving as a shining example of civic engagement for our community.

The Union of Nigerian Friends takes great pride in its active civic participation through its numerous community partnerships in the areas of business, family recreation and education. For their longstanding excellence in community engagement Mayor Lyndia Thomas of the city of Forest Hill, Texas recognized the Union of Nigerian Friends for their success.

I honor the Union of Nigerian Friends 30th anniversary celebration.

TRIBUTE TO JEAN AND HOWARD
GILLESPIE

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jean and Howard Gillespie of Red Oak, Iowa on the very special occasion of their 65th wedding anniversary. They celebrated their anniversary on September 20, 2017.

Jean and Howard's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 65th anniversary, may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 65th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion and in wishing them nothing but the best.

IN HONOR OF ALEXANDRIA WIN-
NING CLASS 5A WOMEN'S
VOLLEYBALL STATE TITLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Alexandria High School for winning the Class 5A State Title.

The Valley Cubs sealed their victory by beating Lawrence County High School on November 2nd at Bill Harris Arena in Birmingham in three sets for the Class 5A State Title: 25-23, 25-16, 25-13.

The Head Coach is Whitney Welch and Assistant Coaches are Kelli Johnson and Toni Hess. Players include: Kendal Bumpus, Madison Chastain, Kinsley Gregoria, Kaitlin Harvey, Anna Johnson, Kate Johnson, China Lane, Gracie Muncher (All-State Team), Aubrey Pope (All State Team), Kyleigh Rhodes, Taylor Spradley (Class 5A MVP), Kameron Simpson, Kayleigh Steen and Mattie Wade (All State Team).

Mr. Speaker, please join me in congratulating the students and faculty of Alexandria High School, the coaches, the players and all the Valley Cubs fans on this exciting achievement. Go Valley Cubs.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Ms. SEWELL of Alabama. Mr. Speaker, had I been present, I would have voted NAY on Roll Call No. 697.

TRIBUTE TO NIX LAURIDSEN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Nix Lauridsen of Des Moines, Iowa, for his induction into the 2017 Iowa Business Hall of Fame.

The Greater Des Moines Committee founded the Iowa Business Hall of Fame in 1975 to honor Iowans who have helped to enhance the state's business climate. Nix is the co-founder and chairman of Lauridsen Group, Inc which oversees several independent companies that operate processing plants worldwide. Gaining his first experience in the processing industry at his father's rendering plant Boyer Valley, Nix's companies have pioneered the development of value-added products from the separation of plasma from red cells, as well as adding plasma to swine diet that reduced baby pig mortality from 10 percent to 2 percent. Outside of business, Nix has been a major advocate for education and the arts in Des Moines.

Mr. Speaker, I am proud to recognize Nix on his induction to the 2017 Iowa Business Hall of Fame and commend him for his dedication to our great state. I ask that my colleagues in the United States House of Representatives join me in congratulating him for this outstanding achievement and in wishing him nothing but continued success.

HUMAN TRAFFICKING

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. BILIRAKIS. Mr. Speaker, I rise today to raise awareness of an important issue facing our nation and community: the rise of human trafficking.

The United States was founded on basic notions of human rights: that all people are born with an inalienable right to freedom, liberty and self-determination. Human trafficking is a crime against a person whereby through exploitation an individual is compelled to work or engage in a commercial sex act through force, fraud, or coercion, thereby being stripped of his/her fundamental human rights.

Human trafficking is a form of modern-day slavery in which traffickers target vulnerable populations, including men, women, children, citizens and non-citizens, forcing them into

servitude and/or the sex trade. Traffickers typically use multiple means to control their victims, including: beatings, rape, isolation, drug and/or alcohol dependency, document withholding, and psychological and emotional abuse.

The International Labor Organization estimates that globally there are 20.9 million victims of trafficking. Nationally, the criminal enterprise of human trafficking is second only to the illegal drug trade, in terms of the speed of its growth and being among the most lucrative international crimes.

Human trafficking has been reported in all 50 states and reported cases of trafficking increase each year, with 7,621 cases reported and 26,727 calls made to the National Human Trafficking Hotline in 2016. Sadly, the State of Florida consistently ranks third in the number of calls made to the National Human Trafficking Hotline. In 2016, Florida, with 550 cases reported, had the third highest number of human trafficking cases in the country.

Human trafficking is a crime that impacts Pasco County, Florida. Through the Pasco County Commission on Human Trafficking, our local community unites to combat this modern-day slavery, bringing together nonprofits, government and non-government organizations, private sector businesses to aid in the prevention, prosecution, education and awareness efforts needed to restore freedom and dignity to survivors.

Just last month, my responsibilities on the Energy and Commerce Subcommittee on Communications and Technology allowed me to question experts on the human trafficking crisis and the growing usage of the Internet to facilitate illegal activities as well as combatting criminals. At that hearing, my colleague even told a harrowing story of how his own daughter was nearly kidnapped while traveling overseas. I fully hope that these exchanges not only shed a light on human trafficking, but provide more ammunition for law enforcement to save people from their captivity.

More awareness, education, and advocacy is needed, as it is crucial to eradicating human trafficking in our local communities, state, and nation. To this end, January is declared as National Slavery and Human Trafficking Prevention Month and January 11th is declared as National Human Trafficking Awareness Day. Every community and every individual is needed to fight human trafficking wherever it exists. Let us declare as one that slavery has no place in our world, and let us finally restore to all people the most basic rights of freedom, dignity, and justice.

TRIBUTE TO MARSHA AND MIKE FISHER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Marsha and Mike Fisher of Adel, Iowa, on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on November 25th, 2017.

Marsha and Mike's lifelong commitment to each other and their family truly embodies our Iowa values. As they reflect on their 50th anniversary, may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion and in wishing them both nothing but continued success.

WWI CHRISTMAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. POE of Texas. Mr. Speaker, the sounds of rifles firing and shells exploding faded into silence along the Western Front. It was December 25, 1914, five months into the first World War.

As dawn approached, German soldiers slipped from their trenches and made their way to no-mans-land, calling out Merry Christmas in the Allies language. The allies raised their weapons, fearing it was a trick.

But upon seeing the enemy unarmed, the soldiers climbed out of their trenches, and began shaking hands with their foe. The men exchanged small gifts: cigarettes, beer and plum pudding, and sang carols and songs. Others used the break in war to collect their war dead, heroes of the war.

The war would eventually claim 15 million lives. Mr. Speaker, this is one of the last examples of chivalry between enemies in warfare. For those few fleeting moments, there was "Peace on Earth and goodwill to men".

Not even a World War can destroy the Christmas Spirit.

And that's just the way it is.

INTEREST DISALLOWANCE AND THE AGRICULTURAL EXCEPTION

HON. GEORGE HOLDING

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. HOLDING. Mr. Speaker, I am pleased that today Congress is moving to reform the country's tax code and will thereby create a tremendous economic engine that will produce major job expansion and economic growth. But with any piece of large legislation, there are inevitable refinements that can be made. If we do move a technical corrections bill next year, I am hopeful that we will address one aspect of the interest disallowance contained in the current bill. I am concerned that there are agricultural companies in North Carolina that will face challenges unless this matter is addressed, and a minor definitional correction will address this situation. The farming exception included in the Tax Cuts and Jobs Act is limited to small companies growing crops and

does not currently include the interdependent farming businesses which support them in processing and packing their crops. I believe that the agricultural exception should be expanded to address companies that also process and prepare crops, in addition to those that grow crops. This minor change would recognize a unique and necessary sector of the farming industry, and I look forward to working with my colleagues on this important issue going forward.

IN RECOGNITION OF THE VICTIMS
OF CYBER ABUSE

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. DUFFY. Mr. Speaker, I rise today on behalf of Kati Milberg-Pavek in recognition of and in shared grief for the indefensible cyber abuse she faced following the deaths of her daughter and two nieces: Clara Diana Pavek, Lydia Marie Milberg and Laynie Jo Amos. On December 12, 2013, a terrible tragedy took the lives of three wonderful children. I was further saddened and disturbed by the unprovoked comments and harassment that the victims and their families subsequently faced on social media, as well as local news outlets and publications.

As First Lady to the United States of America, Melania Trump has declared a campaign against cyber-bullying and reckless abuse, and like her I rise to condemn the hatred by these reckless individuals. Though my words can never reverse the awful heartbreak Ms. Milberg-Pavek and her family have suffered, I hope that by speaking out against victims' abuse, we can encourage those in control of online platforms to play a more active role in monitoring these hateful attacks, especially when innocent children are involved. No one should have to endure these types of spiteful on-line comments in the wake of a loss again, and I stand with those who actively seek to provide solutions for this growing problem. My deepest sympathies are with Ms. Milberg-Pavek and her family.

HONORING MR. JOHN F.
TRENTACOSTA

HON. ELIZABETH H. ESTY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Ms. ESTY of Connecticut. Mr. Speaker, I rise today to honor John Trentacosta upon his retirement as President and CEO of Newtown Savings Bank in Newtown, Connecticut. For the past nineteen years, John has provided experienced and insightful leadership at Newtown Savings Bank, and his contributions have been crucial to guiding the institution through both successful and challenging economies.

John is a native of Bronx, New York, and completed his undergraduate degree at Manhattan College before going on to earn his Master of Business Administration at Iona Col-

lege. He began working in finance in New York before moving with his wife Linda to Connecticut in 1988. Throughout his long and successful career in the financial industry, John has served in a number of leadership roles, such as Chief Financial Officer, for a variety of institutions. Following a decade of working at the Bank of New Haven, John joined Newtown Savings Bank in 1998, and became President in 2003 and CEO in 2009. His experience and leadership have been instrumental in continuing the organization's success for the future.

In addition to his successful career, John has shared his time and expertise with a number of community and professional organizations in Connecticut. He currently serves on the Western Connecticut State University Foundation Board, and has previously been Director of Habitat for Humanity of New Haven and Chairperson of the Newtown Rotary Golf Fundraiser Event. John has also served as a board member of the Connecticut Society of CPA's Educational Trust Fund, a member of the Connecticut Community Bankers Association's Executive Committee, and a member of the Greater Danbury Chamber of Commerce board.

Mr. Speaker, in his nineteen years of leadership at Newtown Savings Bank, John Trentacosta has been a successful leader in Connecticut's financial services industry, and he has also been a true partner to our community. Therefore, it is fitting and proper that we honor him here today.

DOT MILLER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Dot Miller for being honored as a "7Everyday Hero" by KMGH Channel 7 for her outstanding service to the community.

Dot is the former President of the Arvada Chamber of Commerce. During her leadership the Chamber grew from 450 members to more than 700 members. During that time, she also helped educate Arvada businesses and develop future leaders by exposing students to the workforce.

In 2011, Dot created the Jefferson County Business Education Alliance (JCBEA) which partners business owners and students with educational opportunities such as internships and job shadowing opportunities. One of the signature programs of the JCBEA is the Career Readiness Program which brings together teachers, administrators and business leaders in the community to help students in the classroom. This program is a course made up of six modules where students learn various skills ranging from work ethic and customer service to financial responsibility. In addition, students learn interview skills and how to write resumes. The JCBEA also provides workforce-ready training by conducting mock interviews between students and business leaders in the community.

I extend my deepest congratulations to Dot Miller for receiving this well-deserved honor as

a "7Everyday Hero". Her positive impact on the community will be felt for many years to come.

PERSONAL EXPLANATION

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. DUFFY. Mr. Speaker, on Monday, December 18, 2017, I missed the following votes and was not recorded. Had I been present, I would have voted YEA on Roll Call No. 685, YEA on Roll Call No. 686, and YEA on Roll Call No. 687.

TRIBUTE TO DONNA AND RON
MARTIN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Donna and Ron Martin of Greenfield, Iowa on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on October 28, 2017.

Donna and Ron's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 50th anniversary, may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion and in wishing them nothing but the best.

CONGRATULATING CAPTAIN JOHN
LUNA ON HIS RETIREMENT
FROM THE GRAPEVINE POLICE
DEPARTMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. MARCHANT. Mr. Speaker, I rise today to recognize and congratulate Captain John Luna on his well-earned retirement from the Grapevine Police Department in Grapevine, Texas, after thirty-two years of dedicated service as a law enforcement officer.

John's esteemed career began when he joined the police department of San Marcos, Texas, in 1985. John's service to the City of San Marcos continued for over ten years when, in 1996, he began his career with the City of Grapevine.

Since joining the department, John has honorably served his community and built a reputation as a hardworking and respected officer. Throughout his career in Grapevine, John

received 29 letters of commendation, recognizing his professionalism and service to the community. He has served as a Field Training Officer, Police Instructor, Detective, Grapevine SWAT Team Hostage Negotiator, Honor Guard Member, and a Public Information Officer.

John's dedication as a public servant is apparent in his pursuit of continued education and trainings to help provide a better service to his community. He completed his basic, intermediate, advanced, and master's police certifications, accumulating over 3,968 hours of police in-service trainings. Furthermore, John is a 2009 graduate of the 236th session of the F.B.I. National Academy, which is a professional course of study for U.S. and international law enforcement managers who are nominated by their agency heads because of demonstrated leadership qualities.

John's contributions to the law enforcement operations in the City of Grapevine have helped to ensure countless officers have been superbly trained and prepared for the challenges they face in their everyday duties as police officers. His legacy will leave a lasting mark on the City of Grapevine and the Grapevine Police Department for years to come.

Mr. Speaker, it is a pleasure to recognize the exceptional efforts John has contributed to the City of Grapevine. I ask all of my distinguished colleagues to join me in recognizing Captain John Luna and his many years of service and wishing him the best in his retirement.

**HONORING THE MESSIAH COLLEGE
MEN'S SOCCER TEAM FOR WIN-
NING THE NCAA DIVISION III NA-
TIONAL CHAMPIONSHIP**

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. PERRY. Mr. Speaker, today I extend sincere congratulations to the Messiah College Men's Soccer Team for winning the NCAA Division III National Championship. This is the 11th time the Messiah Falcons earned the title, "National Champions."

The Falcons defeated the North Park Vikings in a 2-1 victory on December 2, 2017. The win completed a 24-2 campaign for the Falcons that matched their team record for single-season wins, while also making Messiah 11-for-11 in title game appearances.

The dedication and perseverance of these student athletes should inspire everyone. I extend my congratulations as well to head coach Brad McCarty, and the school officials, family and friends who supported these young men on their incredible journey.

On behalf of Pennsylvania's Fourth Congressional District, I commend and congratulate the Messiah College Men's Soccer Team on the hard work and determination that led to their National Championship.

**TRIBUTE TO VICKIE AND GENE
PEEL**

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Vickie and Gene Peel of Perry, Iowa, on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on November 25th, 2017.

Vickie and Gene's lifelong commitment to each other and their family truly embodies our Iowa values. As they reflect on their 50th anniversary, may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion and in wishing them both nothing but continued success.

**ST. FRANCES XAVIER CABRINI
(MOTHER CABRINI)**

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize the life and missionary work of St. Frances Xavier Cabrini (Mother Cabrini) and commemorate the 100th anniversary of her passing.

Mother Cabrini came to Denver, Colorado in 1902 to help Italian Immigrants who worked in the mines and on the railroad. She opened the Queen of Heaven Orphanage to care for girls ages 2 through 15 at 48th & Federal Blvd. which remained open from 1905 to 1967. Mother Cabrini believed the girls in the orphanage would benefit from trips out of the city so she purchased 900 acres of land in Mount Vernon Canyon to serve as a summer camp for the girls from the Queen of Heaven Orphanage. The summer camp in Mount Vernon Canyon was said to have no source of water on the property. Mother Cabrini told her Sisters who accompanied her to foothills, "move that rock and you will find water clean enough to drink." The spring of water from that location still flows today. Many have given testimony to the water's impact in helping their suffering and ailments.

Mother Cabrini was canonized America's first citizen saint in 1946 and was also named the Patroness of Immigrants. In total, she opened 67 schools, orphanages and hospitals in her relatively short lifetime. The Missionary Sisters of the Sacred Heart of Jesus, the religious order founded by Mother Cabrini, have served and ministered to the people of Colorado since 1902.

Mother Cabrini died 100 years ago on December 22, 1917. Throughout her life she cared for the poorest of the poor and immi-

grants in need. Her life and legacy have been celebrated during this centenary year throughout the world.

I extend my deepest gratitude in recognition of all that Mother Cabrini accomplished in her time in Colorado. I am grateful for the continuous dedication the Mother Cabrini Shrine offers the community in her memory.

**REMEMBERING CHIEF IRVING
POWLESS, JR.**

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. KATKO. Mr. Speaker, I rise today to honor the life of Onondaga Nation Chief Irving Powless, Jr.

Chief Powless was born in Syracuse, the son of Chief Irving Powless, Sr. and Cecelia Powless, both active members within the Onondaga Nation. As chief of the Beaver Clan of the Onondaga Nation, Chief Powless, Jr. established a reputation for his quick wit, enthusiasm, and ability to ease stressful situations. He served as secretary of the Onondaga Council of Chiefs for more than 30 years and was a respected leader throughout Central New York. Chief Powless was an expert on treaty rights, and throughout his life, tirelessly advocated for the rights of the Onondaga Nation and the Haudenosaunee peoples.

Chief Powless' love for his people and for their history never faltered over the course of his life. He was an avid historian, and spent time as a lecturer, author, and teacher. Beyond his role as a scholar, Chief Powless was an avid hunter, lacrosse player, and environmental advocate. He worked to obtain a new health center for the Onondaga Nation School, and to return sacred objects from museums to the Onondaga people. He published several books, including, "Who are These People Anyway?"

It is my honor to recognize the life and legacy of this great leader in our community. May Chief Irving Powless, Jr. name and legacy forever be remembered in the RECORD. Rest peacefully.

HEZBOLLAH'S ILLICIT ACTIVITIES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. POE of Texas. Mr. Speaker, a recent report reveals that the Obama White House, in a desperate attempt to appease the Ayatollahs in Iran, let Hezbollah off the hook. The report outlines how the DEA was on to Hezbollah's illicit network of drug and arms trafficking, money laundering and other criminal activities, yet the Obama administration stalled or blocked any prosecutions that would have disrupted the terror group's nefarious activities so that Iran would agree to the nuclear deal. This stunning revelation adds more evidence to why the JCPOA was a bad deal.

For years Hezbollah built an extensive network in Latin America to raise money for its

terrorist activities. Addressing Hezbollah's illicit activities across the globe, but in particular the Western Hemisphere, has been a top priority for Congress for many years.

Through hearings and legislation we have exposed the direct ties between Hezbollah and criminal groups in the region that allowed Hezbollah to amass nearly \$1 billion annually. Yet the U.S. failed to take sufficient action to disrupt this massive flow of money, drugs, and arms that have made Hezbollah the most powerful terrorist group in the world.

In 2014, a GAO review noted that only two of 12 requirements that were mandated by the Countering Iran in the Western Hemisphere Act were being addressed. Meanwhile, Hezbollah's activity in our hemisphere increased. In June 2017, an individual with alleged ties to the terrorist group was arrested in Paraguay and extradited to the U.S. That same month, another individual was arrested for attempting to provide support to Hezbollah in targeting the U.S. and Israeli embassies in Panama. These events followed the 2014 arrest of a Hezbollah operative in Peru, an Iranian-linked assassination attempt on the Saudi Ambassador in Washington in 2011, and the deadly terrorist attacks against two Jewish targets in Argentina in the 1990s. Moreover, the special prosecutor who uncovered Iran and Hezbollah's role in the Argentina attacks was murdered in 2015.

Together with my colleagues, Chairman Cook of the Western Hemisphere Subcommittee and Chairman Ros-Lehtinen of the Middle East and North Africa Subcommittee, I have sent a letter to President Trump urging him to address the shortfalls that occurred under the Obama administration in terms of dismantling Hezbollah's illicit activities. We, in the House, have provided the tools necessary to pursue Hezbollah, passing H.R. 3329, the Hezbollah International Financing Prevention Amendments Act, which includes Section 105 mandating a U.S. strategy to address Iran and Hezbollah's networks in the Western Hemisphere and requiring the alignment of U.S. actions with our regional partners. We are prepared to do more to make up for years of negligence under the Obama White House that allowed these killers to go unbothered. And that's just the way it is.

TRIBUTE TO THE CUMBERLAND TELEPHONE COMPANY

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate the Cumberland Telephone Company of Cumberland, Iowa. This year marks the 120th year of operations for the telecommunications company, which opened its doors in 1897.

The company was originally named the Briscoe-Cumberland Telephone Company. Briscoe was a small mining town located in Adams County, Iowa. Today, the Cumberland Telephone Company is a full-service communications company offering internet, local and long distance phone service, and fiber-to-the-

home packages for their customers. It also provides wireless internet services throughout the Cumberland exchange.

Mr. Speaker, I commend and congratulate the Cumberland Telephone Company and its staff for providing cutting-edge telecommunication services to the Cumberland community and Southwest Iowa for the past 120 years. I urge my colleagues in the United States Congress to join me in congratulating Cumberland Telephone Company for their numerous achievements in the communications industry and in wishing them all nothing but continued success.

REMEMBERING POTÁ VALLAS

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor the life and legacy of Pota Vurnakes Vallas, who died last week at the age of 109, surrounded by her family. A loving wife, mother and grandmother, pioneering businesswoman, and public-spirited citizen, Mrs. Vallas was one of the Fourth District's oldest residents and the matriarch of Raleigh's Greek community. Lisa and I extend our condolences to her family and her many friends and admirers in the Greek community and beyond.

Mrs. Vallas was born in 1908 in the small village of Krissfa, Greece, the eldest of ten children. In 1924 her father, Gus Vurnakes, became the first Greek immigrant to settle in Raleigh and Pota soon followed. Gus opened a fruit and soda stop in downtown Raleigh and Pota assisted him, delivering ice cream and chocolates on a horse-drawn wagon to homes and businesses in Raleigh.

In 1927, she married fellow immigrant George Vallas and began raising her family. She and George were stalwart members of the community, helping to establish a Greek Orthodox Church in downtown Raleigh. Eventually George and Pota donated the land upon which Holy Trinity Greek Orthodox Church stands today.

George and Pota lost their home and business in the Great Depression. To provide for her young family, she applied to work for the Singer Sewing Company in 1931 and quickly emerged as a talented salesperson and manager. Her dream of owning her own business finally came to fruition in 1944 when she bought the distributorship of the National Sewing Machine Company and opened National Art Interiors, one of the first interior decorating businesses in Raleigh. Pota's store became a landmark for the finest furniture and fabric companies, furnishing many homes and businesses throughout the state. She ran the business with her daughters and other family members until retiring at the age of 94 in 2002.

In addition to managing a thriving company, Mrs. Vallas served on the Boards of First Citizens Bank and the North Carolina Community Foundation. She was a lifelong member of the Holy Trinity Greek Orthodox Church and a member of Philoptochos. She was honored

with the Saint Michael's Award, the highest recognition for a layperson, for her years of dedicated service by the Greek Orthodox Diocese of America.

Mrs. Vallas was one of my most memorable constituents. I often saw her at Raleigh's Greek Festival and treasure the memory of delivering a birthday letter from President Obama to her on one such occasion. She was quick with a smile and an encouraging word. She was a woman of great energy and faith, an indomitable spirit. She leaves behind a community that she loved and that loved her in return. We join with that community in mourning her passing and honoring her exemplary life.

TRIBUTE TO SHIRLEY AND BILL KOENIG

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Shirley and Bill Koenig of Underwood, Iowa on the very special occasion of their 60th wedding anniversary. They celebrated their anniversary on October 26, 2017 and were married in Treynor, Iowa in 1957.

Shirley and Bill's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 60th anniversary may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 60th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion and in wishing them nothing but the best.

GREGORY SMITH

HON. ED PERLMUTTER

OF COLORADO

Wednesday, December 20, 2017

Mr. PERLMUTTER. Mr. Speaker, I rise today to posthumously recognize and honor Gregory Smith for his service and dedication to the State of Colorado. Greg had a remarkable career and served the citizens of Colorado for more than 15 years.

Greg served five years as Executive Director of the Public Employees Retirement Association (PERA). He joined PERA as General Counsel in 2002 and in 2009 he was promoted to Chief Operating Officer. Greg was known for his extensive knowledge of the public pension system and had a passion for ensuring retirement security for hundreds of thousands of Colorado public employees. In addition, Greg served on several national industry boards, including the National Institute of Retirement Security, the Council of Institutional Investors, the National Council on Teacher Retirement and the National Association of Public Pension Attorneys. Greg was

also a former president of the Denver Mile High Rotary Club. Greg will be missed by PERA members and the community he served.

I extend my deepest appreciation to Gregory Smith for his service and dedication to the citizens of Colorado. His positive impacts will be felt for many years to come.

TRIBUTE TO THE LIFE OF
MICHAEL IRA WIESNER

HON. DAVID SCHWEIKERT

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. SCHWEIKERT. Mr. Speaker, I rise today in honor and tribute to Michael Ira Wiesner, who passed away April 19, 2015. This past May 30 Michael's family, loved ones, and community celebrated what would have been Michael's 70th birthday.

Michael was a wonderful husband to his wife Beth, and a great role model and confidant to his children: Amy, Adam, Ben, Ana, and Ashley. Michael had great love for his family and always supported everyone in their journeys to grow and learn. Throughout his life, Michael enjoyed playing golf and spending time in Vermont and always shared his interests with his wife and children.

I am proud to honor the life and legacy of Michael Ira Wiesner for his remarkable character, love of country, and care for his family—which includes his wife Beth Wiesner, Oliver Schwab, my Chief of Staff, his wife Ana Schwab, Ashley Ellis, Amy Wiesner, Adam Wiesner, and Ben Wiesner.

TRIBUTE TO GERALD KIRKE

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Gerald Kirke of Des Moines, Iowa, for his induction into the 2017 Iowa Business Hall of Fame.

The Greater Des Moines Committee founded the Iowa Business Hall of Fame in 1975 to honor Iowans who have helped to enhance the state's business climate. Gerald is the Chairman and CEO of Kirke Financial Services, L.L.C., an investment, real estate and consulting firm he founded in 1999. His other business ventures over his long career include owning a company that manufactured patient fixation and tumor targeting software, a carbon fiber composite manufacturing plan, and an entertainment company that operates three casinos in Iowa.

Mr. Speaker, I congratulate Gerald on his induction into the 2017 Iowa Business Hall of Fame and commend him for his dedication to our great state. It is with great pride that I recognize him today and I ask that my colleagues in the United States House of Representatives join me in congratulating him for this outstanding achievement and in wishing him nothing but continued success.

IN RECOGNITION OF FALCON
STEEL AMERICA

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. BRADY of Texas. Mr. Speaker, today I rise to recognize Falcon Steel America and its employees for their efforts to aid in the recovery and relief of Montgomery County in the aftermath of Hurricane Harvey.

In 1963, Falcon Steel America was founded as a small steel shop in Haltom City, TX. Since its creation, Falcon Steel has grown to be considered one of the most dependable suppliers of structural steel in Texas. Additionally, Falcon Steel serves as the only producer of high-voltage, steel-lattice towers in the United States.

On August 25, 2017, Hurricane Harvey made landfall in Texas, carrying its wind, rains, and flooding across the state and devastating homes and families throughout the greater Houston community.

As the flood waters receded, donations of food, water, clothing, toys, and necessities came pouring into the community from across the United States. To coordinate the distribution of these supplies, Falcon Steel America partnered with Interfaith of The Woodlands and hundreds of local volunteers to organize a massive distribution center in its Conroe factory. With over 225,000 square feet of life-saving supplies, Falcon Steel's willingness to donate its facilities allowed thousands of affected residents to receive much needed assistance. This effort has now become known as one of the largest distribution efforts Montgomery County has ever witnessed.

Falcon Steel's core values of ethical behavior, excellence, and teamwork were reflected in their actions after Hurricane Harvey. Through its willingness to come to the aid of our community, Falcon Steel provided an outlet for thousands of local residents to receive life-saving assistance.

On December 21, 2017, Falcon Steel will complete the renovation of its new manufacturing facility in Conroe, TX. I am proud to join the entire Eighth Congressional District of Texas to congratulate Falcon Steel on this achievement and thank them for their continued commitment to serving our community.

TRIBUTE TO ROLLING HILLS BANK
AND TRUST

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Rolling Hills Bank and Trust of Anita, Iowa, for celebrating over 140 years in business. Founded in July of 1876, Rolling Hills Bank has remained dedicated to family traditions and committed to making its community better. Their motto is: "A Homeowned Hometown Bank Investing in People."

Originally named the Anita State Bank, its name was changed in 1989 to Rolling Hills

Bank and Trust. They have seen a lot during their time in operation, helping customers through the Great Depression and the Farm Crisis of the 1980s. The bank has expanded with branches in Iowa, Minnesota, and Wyoming. Bank officials are committed especially to helping students and families in agriculture through their Heifer program. Each year, they purchase ten heifers then select students to raise them so they can experience the responsibility of raising the heifers, maintaining records, and the cost associated with it. After five years, the students pay back the bank in cash or with bred heifers that are passed on to the next year's recipients.

Mr. Speaker, I commend and congratulate Rolling Hills Bank and Trust for their many years of dedicated and devoted service to their customers. It is with great pride that I recognize them today. I ask that my colleagues in the United States House of Representatives join me in applauding their accomplishments and in wishing them all nothing but continued success.

RECOGNIZING MR. DARRELL
SUPAK

HON. JOHN J. FASO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. FASO. Mr. Speaker, it is with great respect and admiration that I rise today to recognize the illustrious career of Mr. Darrell Supak on the occasion of his retirement. Mr. Supak is retiring after twenty-five years of exemplary service to Granite Associates, LP in Liberty, New York.

I cherish the commitment of those distinct individuals who have tirelessly devoted themselves to their community, and Mr. Supak is no exception. Mr. Supak exemplifies compassion and leadership as a dedicated man of faith, an advocate for the arts, and a fierce defender of health care. A valued member of his community, Mr. Supak's regular involvement with numerous organizations and projects to further the causes he believes in, as well as to safeguard the wellbeing of his friends and neighbors, has set a high standard for others to follow.

As a graduate of Texas A&M University's ROTC program and a retired U.S. Army Colonel, Mr. Supak is a fervent patriot, actively committed to supporting his fellow veterans. I am fortunate to have him, a man of great wisdom and experience, as a longtime member of our Congressional District's U.S. service academy panel.

A true testament to his steadfast loyalty to country and community, Mr. Supak has received countless civil and military awards and decorations, including the prestigious Walter A. Rhulen Award for Business, Community and Humanity from the Sullivan County Partnership for Economic Development.

Mr. Supak's legacy of hard work and philanthropy is a source of inspiration, instilling the values of determination, confidence, and civility in his community. I am grateful for Mr. Supak's years of dedicated service to the 19th District and to New York state. I wish Mr.

Supak continued happiness as he embarks on this new chapter, and I am confident that even in retirement he will continue to be actively involved in service to our nation.

RECOGNIZING THE LIFE AND
SERVICE OF OFFICER FREDDIE
CRAWFORD

HON. CHARLIE CRIST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. CRIST. Mr. Speaker, I rise today to honor the life and public service of retired St. Petersburg Police Officer Freddie Crawford, one of the "Courageous 12," who put his career and life on the line in the fight against discrimination and segregation.

The Courageous 12 were the first African Americans employed by the St. Petersburg Police Department, who bravely served the residents of the city for many years. In the face of constant threats in the field and discrimination within their department, these 12 officers withstood both professional and physical risk to keep the peace and ensure equality and justice in their communities.

In the early 1960s, Officer Crawford and his fellow black police officers serving on St. Petersburg's police force were only permitted to police black neighborhoods. The segregation of authority even went so far as to mark patrol cars with a 'C' for "colored" to designate that it was a black officer inside. Officer Crawford and his colleagues attempted to express their grievances to the Chief of Police on multiple occasions, only to be ignored and swept aside. After persevering through years of segregation in both his civilian and professional life, Officer Crawford and his colleagues in the Courageous 12 took their fight to the judicial system. Despite the personal and professional risk, Officer Crawford and his fellow officers sued the city of St. Petersburg in 1965.

Baker vs. the City of St. Petersburg did not initially receive a favorable ruling for the Courageous 12. But in 1968, a federal appeals court overturned the decision. In one year's time, Officer Crawford was patrolling a primarily white area in North-East St. Petersburg. The monumental efforts by Officer Crawford and his colleagues would inspire black officers in nearby areas, creating a domino effect of positive change in communities throughout the Tampa Bay region.

Even after retiring from the St. Petersburg Police Department, Freddie Crawford continued his efforts to address and eradicate seg-

regation. He went to work for the Community Relations Services division at the U.S. Department of Justice where he used his experience with conflict resolution to resolve racial tensions in various communities across the country.

Mr. Speaker, please join me once again in commemorating Officer Freddie Crawford's life, and thanking him for his contribution to the cause of justice. He leaves behind a legacy of tireless dedication to equality and serves as an inspiration to the city of St. Petersburg and to our country.

TRIBUTE TO REGGIE GREENE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 2017

Mr. BRADY of Texas. Mr. Speaker, I rise today to celebrate the life of Reginald Greene, a longtime and outstanding staffer for the Committee on Ways and Means, who passed away on December 11, 2017.

Known around the halls of the Ways and Means Committee as simply "Reggie," for four decades he held job titles ranging from staff assistant to documents clerk. But around the committee he was really Mr. Everything. He could make out-of-print documents appear out of thin air, and whether it was manning the doors, handling special requests, or enforcing committee procedures, you name it, Reggie did it.

No one was fiercer than Reggie in protecting our committee and making sure that everyone respected its rules and procedures. Reggie never condoned sloppiness and always frowned on carelessness. He could be stern with staff—and more than a few Members—if they strayed from the rules. And he could silence disorderly conduct in our hearing room with a single look. So much so that you might think that the Ways and Means hearing room was really Reggie's hearing room—and you would be right. There he was both respected and feared by staff, lobbyists, and even Members when they entered his domain. Any photographer who stayed too long, or Member or staffer who dared to cross the dais without proper attire, or drink from a can of soda with the logo visible to the cameras—a little-known violation of our committee's rules—would soon hear about it.

But underneath his outer tough-guy demeanor, Reggie was also a friendly and warm soul with a generous laugh. He would always encourage children visiting the committee

hearing room to sit in the chairman's chair for a once-in-a-lifetime photo opportunity. Reggie had so many friends on the Hill, and he created a network of relationships to get our work done. He always had a kind word or joke at the ready when you needed it. His humor was dry, and legendary. If you asked him if he needed anything, he would say "a million bucks and a hot tub for my office." At times like this, if you asked him when he thought Congress would complete its work for the year, he would say "not soon enough."

More than anything, Reggie's career celebrated his deep love for the Ways and Means Committee, its traditions, and its enormous responsibilities to the American people. That is a love he surely inherited from his father, who preceded him on the committee staff. And like the proud grandfather he was at home, Reggie also prided himself on helping raise the next generation of staffers to share in and carry on his profound respect for the committee. Whether through a gentle tug on the elbow or a low whisper, young staffers might get that day's lesson in committee decorum, history, or tradition.

On behalf of the entire Committee on Ways and Means, I offer our sincerest condolences to the Greene family on Reggie's passing. And I thank them for sharing Reggie with us for so many years of outstanding service to the committee, its Members, and our great country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 21, 2017 may be found in the Daily Digest of today's RECORD.

HOUSE OF REPRESENTATIVES—Thursday, December 21, 2017

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear God, we give You thanks for giving us another day.

Bless the Members of the people's House in these few days before so many Americans gather with families and loved ones in a season of good will toward all.

May that spirit pervade these Halls and Chambers, and may the work done and being done redound to the benefit of all, most particularly those whom You favor: the least among us.

As always, we pray that all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

REMEMBERING PENNSYLVANIA FFA'S PENNY BRAMMER

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in memory of Penny Brammer, who passed away last week after a courageous battle with breast cancer. She was 59.

Penny worked for the Pennsylvania FFA Association and was affectionately known as "Mama B" by the Commonwealth's youth leaders of agriculture. She inspired thousands of teenagers to have the passion and drive to pursue their dreams.

Penny is survived by her loving husband, high school and FFA sweetheart, Michael Brammer; her son and daughter-in-law, Greg and Jackie Brammer; her daughter and son-in-law, Sherisa and Jason Nailor; as well as her parents, George and Shirley Shaver. She also leaves her adored grandchildren: Terrin, Grace, Joleigh, Jordyn, and Jayce.

Mr. Speaker, my heart is heavy for the entire Brammer family, as well as for Penny's extended family at the Pennsylvania FFA Association and the New Kingstown Volunteer Fire Company where Penny and Michael enjoyed years of fellowship and service to the community.

Penny dedicated her life to helping others, especially our youth. Her memory will live on in the hearts of all those whose lives she touched.

AMERICAN FAMILIES LEFT BEHIND AGAIN

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, yesterday, I guess for the second day in a row, this House voted for massive tax cuts for people at the very top and left behind a lot of working Americans. In fact, it gave permanent tax cuts to corporations and only temporary help for some American families. They said that the marketplace and corporations needed certainty. That is why those tax cuts were permanent.

Now, we have a continuing resolution for 28 days of funding after 11 months of not doing anything about it.

What about the certainty for veterans that they are going to get the healthcare that they deserve?

It is not a priority.

What about the certainty for children who depend on CHIP?

It is not a priority.

What about the certainty for those families who are struggling with a family member fighting opioid abuse?

All the promises ring hollow because they are not a priority. Corporations are the top priority. With this tax bill, and now the continuing resolution, the American people, who struggle every single day, are just not a priority. After 11 months of complete Republican control and false promises, American families get left behind again. It is a shame.

ARKANSAS STATE CHRISTMAS TREE

(Mr. WESTERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTERMAN. Mr. Speaker, I rise today to recognize a truly talented group of students whose artistic abilities are on display here in our Nation's Capital.

Students from Washington Middle School and the South Arkansas Arts Center in El Dorado, Arkansas, designed ornaments adorning this year's Arkansas State Christmas tree on the Ellipse here in Washington, D.C.

The students used colored pencils, paper, markers, and glitter to create beautiful pieces of art which represent Arkansas' natural resources and economy.

I congratulate these students on highlighting the best of the Natural State in a truly wonderful way. I wish them, their families, and all of the Fourth District of Arkansas a Merry Christmas filled with joy and smiles, like I felt when I saw this remarkable art from home.

HONORING CAPTAIN F.W. "ROCCO" MONTESANO

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. Mr. Speaker, I rise today to honor a Navy veteran and retiring Executive Director of the USS Lexington Museum on the Bay, Captain F.W. "Rocco" Montesano.

Following his graduation from the Naval Academy, Rocco served the U.S.

Navy in numerous positions over his 30-year career, completing more than 5,500 flight hours and 900 carrier landings. From serving as commanding officer in aircraft squadrons to manpower director for the Chief of Naval Air Training, Captain Montesano has always shown his dedication and commitment to our country.

His bravery and service earned him many awards, including two Legion of Merit Medals, two Meritorious Service Medals, a Navy and Marine Corps Commendation Medal, and five Sea Service Ribbons, amongst many others.

His service, however, did not stop when he retired from the Navy. In 1998, Captain Montesano became the Executive Director of the USS Lexington Museum on the Bay in Corpus Christi, where he served for 19 years.

Throughout his time as Executive Director, Rocco brought innovation and creativity to his position and did a phenomenal job maintaining and improving the museum that sits on Corpus Christi Bay. Through his patriotism, loyalty, and service, he holds true to the values of an American citizen and he inspires us all.

I thank Rocco for his commitment to our Nation. On behalf of everyone in the 27th Congressional District of Texas, I wish him a happy retirement.

CHIP REAUTHORIZATION

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise this morning to once again implore this Congress to take bipartisan action to extend Federal funding of the Children's Health Insurance Program, or CHIP.

In my home State of Pennsylvania, more than 176,000 children have gained access to affordable, comprehensive healthcare coverage through CHIP, providing them with age-appropriate medical and developmental care.

Since the program became law, the percentage of uninsured children nationwide has decreased by more than half, from 13.9 percent in 1997 to 6.6 percent in 2016.

As a result of its reliability and effectiveness, CHIP has consistently enjoyed strong bipartisan support. In September, I joined a bipartisan group from across Pennsylvania in urging leaders of both parties to take action to ensure that children have access to high-quality health insurance coverage during their formative years, a move we know yields an abundance of positive outcomes: fewer hospitalizations, increased earning power, and better healthcare outcomes as an adult.

While this Chamber has already taken action, passing legislation last month to fund CHIP, the Senate has yet to act. It is crucial we provide cer-

tainty and security for children, parents, and providers and move to sign into law CHIP extension legislation as soon as possible.

Mr. Speaker, the time is now for the Senate to act.

REFORM FISA 702 PROGRAM

(Mr. MASSIE asked and was given permission to address the House for 1 minute.)

Mr. MASSIE. Mr. Speaker, on December 31 of this year, the FISA 702 surveillance program expires.

Ostensibly, this program allows our intelligence agencies to spy on and stop terrorism. However, it is a well-known fact that the FBI has used this program as a back door to our Constitution to spy on Americans.

Mr. Speaker, I urge my colleagues not to reauthorize this program before December 31 without significant reforms. We all took an oath to uphold and defend the Constitution. We need to stay true to that oath and require the FBI to get a warrant if they want to go into the 702 database to surveil Americans.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 9 minutes a.m.), the House stood in recess.

□ 1221

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 12 o'clock and 21 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1370, DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN AUTHORIZATION ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 4667, FURTHER SUPPLEMENTAL APPROPRIATIONS ACT, 2018; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM DECEMBER 22, 2017, THROUGH JANUARY 7, 2018

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 115-477) on the resolution (H. Res. 670) providing for consideration of the bill (H.R. 1370) to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes; pro-

viding for consideration of the bill (H.R. 4667) making further supplemental appropriations for the fiscal year ending September 30, 2018, for disaster assistance for Hurricanes Harvey, Irma, and Maria, and calendar year 2017 wildfires, and for other purposes; and providing for proceedings during the period from December 22, 2017, through January 7, 2018, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 21, 2017, at 9:25 a.m.:

That the Senate agreed to S. Con. Res. 31.

That the Senate passed S. 117.

That the Senate passed S. 501.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1370, DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN AUTHORIZATION ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 4667, FURTHER SUPPLEMENTAL APPROPRIATIONS ACT, 2018; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM DECEMBER 22, 2017, THROUGH JANUARY 7, 2018

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 670 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 670

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1370) to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with an amendment consisting of the text of Rules Committee Print 115-52. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on

Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4667) making further supplemental appropriations for the fiscal year ending September 30, 2018, for disaster assistance for Hurricanes Harvey, Irma, and Maria, and calendar year 2017 wildfires, and for other purposes. All points of order against consideration of the bill are waived. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Clause 2(e) of rule XXI shall not apply during consideration of the bill. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 3. On any legislative day of the first session of the One Hundred Fifteenth Congress after December 21, 2017—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. On any legislative day of the second session of the One Hundred Fifteenth Congress before January 8, 2018—

(a) the Speaker may dispense with organizational and legislative business;

(b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the periods addressed by sections 3 and 4 of this resolution as though under clause 8(a) of rule I.

SEC. 6. Each day during the periods addressed by sections 3 and 4 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 7. Each day during the periods addressed by sections 3 and 4 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, most of what you just heard from the Reading Clerk you could have heard during the previous 4 hours of testimony that we have been taking in the Rules Committee this morning. I understand there was no other game in town going on this morning, so if folks were tuning in to C-SPAN, they were treated to my friend from Massachusetts, our ranking member from New York, our chairman from Texas, and all the gang there on the Rules Committee as we worked through this.

But forbid the thought if someone else had something else on their mind this morning, I want to go through just briefly what you heard from our Reading Clerk.

This is a single rule that provides for consideration of two measures. The first is the Senate amendment to H.R. 1370. It is continuing appropriations to make sure the lights stay on and the checks go out the door. It makes in order a motion to concur in the Senate amendment with an amendment consisting of the text of this continuing resolution.

To debate that, Mr. Speaker, we provide an hour of debate divided between the chair and the ranking member of the Appropriations Committee. I think every Member of this Chamber understands the nature of this legislation, but we provided that time nonetheless.

The second measure is H.R. 4667. It is the disaster aid package.

Mr. Speaker, as you know, this House has been working through, in a bipartisan way, funding our neighbors who have been so dramatically affected by disasters, whether in the Virgin Islands, in Puerto Rico, in Florida, in Texas, or the devastating wildfires in California. This has been a national focus, and billions of dollars have already gone out the door to meet the initial emergency needs. This is an additional appropriations measure.

□ 1230

It comes under a closed rule, Mr. Speaker, but it does self-execute two amendments that had been offered: an amendment by Mrs. MIMI WALTERS and an amendment by Miss GONZÁLEZ-COLÓN.

It also provides for an hour of debate, equally divided between the chair and ranking member of the Appropriations Committee, and it provides for a motion to recommit for the minority.

The rest of what you heard from the Reading Clerk, Mr. Speaker, was that typical language that you hear at the end of the year when Members are going to be traveling, to allow for the housekeeping that takes place here, to allow the House to continue to function as the traditional authorities pro-

vided in December and January during the district work period.

With that, Mr. Speaker, again, I think we have exhaustively debated these issues. I urge my colleagues to support the rule. Let's get on to the underlying measures.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are strongly opposed to this rule.

Mr. Speaker, I have to say to my colleagues that this is really a sad day, not only for the institution, but for the United States of America.

It is frustrating that we are here today doing a third continuing resolution. For those who are watching these proceedings, we should be actually passing appropriations bills that fund the government for an entire year. We shouldn't be funding the government week to week, month to month.

Yet my Republican friends have ended up doing just that. They can't seem to get their act together, notwithstanding they are in control of the House of Representatives, they are in control of the United States Senate, and they are in control of the White House. They simply cannot govern. They are lucky that the American people can't sue them, because they would be sued for political malpractice.

The one thing that they are supposed to do is to keep this government running and to keep the lights on, yet we lurch from one crisis to another crisis to another crisis to another crisis.

Today, what they are saying is: Let's kick the can down the road until January 19. You know what will happen then?

Another crisis. Then we will be in the same situation, and we will probably kick the can down the road another few weeks.

That is not the way government is supposed to run. People need certainty, and this Congress has delivered anything but certainty. It has to stop. It is frustrating.

A solution, if I can be so bold as to suggest a solution to dealing with some of the problems that the Republican leadership is confronting, might be a little bipartisanship, might be opening up this process a little bit, might be a little bit more deliberation on the floor of the House of Representatives.

There are a couple of ways they can govern. One is, they can govern in a way where they respect all points of view, where they actually respect the viewpoint of the minority, where they open the process up so the minority can, every once in a while, offer some amendments and offer some alternatives, where they negotiate on spending bills in good faith, where they know they are not going to get everything and the minority knows they are not going to get everything, but they

end up in a compromise that is good enough to get bipartisan support.

That is the way things used to be done around here. I don't know why it is so difficult to get back to those days, but if they want the government to run better, that is what they need to do. They have to stop this my-way-or-the-highway approach to every single piece of legislation that comes before this body.

My friends have had more closed rules than any other session of Congress. This is the most closed session in the history of the Congress. That is what this session will go down in history as being: the most closed session in the history of Congress.

They have used martial law, they have used closed rules, they have had emergency meetings, all to try to get us to this point where we are kicking the can down the road for a couple of weeks. That is it.

What we should have been doing is working together not only to keep the government open, but we ought to have been working together to raise the caps.

Democrats want a strong national defense. We also need an equal increase in our domestic budget, which includes critical national security functions and commitments to hardworking families.

My friends ought to know that one-third of the nondefense domestic budget goes to national security, veterans, homeland security, and the State Department's and the Justice Department's counterterrorism initiatives.

I would also say that supporting housing initiatives and investing in education and environmental protection so that our fellow citizens don't have to drink water that is contaminated with lead is also a part of our national security.

We ought to have been working in a bipartisan way to resolve all of these issues together.

We need to work to fund the opioid epidemic. What we have done in this Congress is given lots of speeches about how terrible this opioid epidemic is. We have talked about the need to support our local communities.

We have done a lot of talking, but what we need to do is appropriate the necessary money so that local communities can implement the strategies to effectively deal with the opioid crisis in their areas. We ought to have been focusing on that.

We need additional veterans funding. Democrats are urging Republicans to join us to provide urgently needed resources to veterans facing a dire shortfall at the VA, meeting our responsibility to ensure that no veteran is left behind or denied the care and opportunities they deserve upon return from the battlefield.

CHIP, the Children's Health Insurance Program, and community health centers are incredibly important to us

and people throughout this country. We are calling for immediate reauthorization of these vital initiatives, one that doesn't rob Peter to pay Paul, one that doesn't say we are going to fund CHIP by taking money away from the prevention program that provides monies for immunizations and dealing with issues like lead paint and other issues that affect our kids.

We need emergency disaster relief that is adequate to meet the needs of all the States and localities and territories that have been impacted by these terrible natural disasters.

We need to save Americans' endangered pensions. Millions of hardworking Americans' pensions are at risk, and we are calling for bipartisan action to enact a responsible reform plan to ensure that these struggling pensions will keep on going.

We also believe that we ought to pass the bipartisan Dream Act that we spent a lot of time in the Rules Committee talking about today. Democratic Leader NANCY PELOSI; Minority Whip STENY HOYER; and the head of the Hispanic Caucus, MICHELLE LUJAN GRISHAM, spent many hours at the Rules Committee today. Leader PELOSI was there for 2½ hours testifying on the need to pass the bipartisan Dream Act.

We ought to do that before we go home for Christmas. There are 800,000-plus people whose lives are in the balance because, on September 7, Donald Trump decided to end protection for the DREAMers.

Here is what the President I don't think appreciates and what some of my colleagues I think don't appreciate, but we learned about this today in the Rules Committee: we don't have until March to deal with the Dream Act. Each and every day, people are losing their status. On average, about 122 a day, we are told.

So there are people who are here who had the protections under DACA who are losing their status, losing their jobs, losing their livelihoods, and their lives have been thrown into turmoil.

Why in the world would we do that?

The majority of Americans, overwhelmingly Democrats and Republicans and Independents, all believe we should protect the DREAMers.

We heard in the Rules Committee: Well, we need more committee deliberation. Again, the President took their protections away on September 7. It is now December 21.

What have you been doing?

They said: Well, the Judiciary Committee needs to do more hearings. Well, what have they been waiting for?

The Judiciary Committee recently set up a bill, the concealed carry reciprocity bill, which allows people from States that have almost no standards to issue permits for people to carry concealed weapons to be able to go to any State in this country, no matter

what those States' standards may be, basically endangering my constituents.

They brought that to the Rules Committee. They had time to bring that before the Rules Committee and before the House. There was not a single hearing. None.

We had this tax scam bill that we just voted on where 83 percent of the tax breaks go to the top 1 percent of the wealthiest in this country. Remember that bill that the President just celebrated with all my Republican friends?

That came before this House, and there wasn't a single hearing on it. But now we need to have hearings when it comes to protecting the DREAMers.

It is outrageous. These DREAMers are contributing to the betterment of our communities. We should celebrate them. We should value them. They have served in our military. They are out front leading disaster relief efforts, saving lives. They are working in Fortune 500 companies. They are going to school. They are valued members of our community. And we treat them like this?

Come on. If we brought the Dream Act to the floor, it would pass with Democratic support and a big chunk of Republican support. There is absolutely no reason to continue to stall on this issue. All that will happen as a result of our stalling is that more people will lose their status, more lives will be thrown into turmoil.

I would just say to my colleagues: It is the Christmas season. This is a time, if ever, where the spirit ought to take over, and we ought to do something good for the American people, not just for the donors, but for the people.

Giving a tax break to corporations and wealthy people will help with the fundraisers, but what we need is to help these people, these DREAMers whose lives are in the balance. We can't wait.

Mr. Speaker, I urge my colleagues to vote "no" on this rule, allow us to bring up a standalone Dream Act or an amendment that would allow the Dream Act to be made in order, and I hope that we can get back to regular order.

Mr. Speaker, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this time of year folks get rightfully exorcised about the issues of the day.

We all came here to do something for the men and women whom we represent back home. Every time we get to the end of a year, we think: I have got to get it done; I have got to get it done; I have got to get it done. I recognize those passions are going to exist.

I actually don't believe for a minute that my friend from Massachusetts believes my vote in favor of the tax bill had anything to do with fundraising or

my donors. He might believe that about somebody in this Chamber—I hope that he does not—but I know he doesn't believe it about me. It just isn't true.

I have been fighting for tax reform since the day I was elected. In fact, I ran for this job to fight for tax reform. We do the American people a disservice when we suggest something nefarious is going on. Sometimes we just disagree, Mr. Speaker, and those disagreements are okay. In fact, those disagreements are expected. Our Founders intended them, and they created this institution to sort those disagreements out. So I hope we won't sell either ourselves or the American people short in that regard.

But I do want to agree with my friend that this is frustrating. It is frustrating to be here for a continuing resolution, Mr. Speaker. Remember that we passed the National Security and Defense Appropriations bill in July of this year. We have waited patiently for the Senate to be able to take it up, and it has not.

We passed all of the appropriations bills, Mr. Speaker, before the end of the fiscal year, back in September, and we have been waiting for the Senate to take those up. It has not. It is an incredibly frustrating time.

Now, my friend suggested a solution would be bipartisanship. I could not agree with him more. It takes 60 votes to move something through the Senate. I just barely have over 50 Republicans. The only way these funding bills are going to move through the Senate is with bipartisan support. For anyone in this Chamber to deny that is going to be to deny the reality of math. Bipartisanship is the solution.

I remember, Mr. Speaker, when my President invited the Democratic leadership down to the White House to work on exactly this issue a month ago. Folks got frustrated with the tweet he sent out that morning and decided they were going to stay home.

I understand the frustrations. What I don't understand is missing out on an opportunity to build this bridge. It happens above my pay grade. I am going to confess. To the 700,000 people I represent back home, Mr. Speaker, let me go ahead and confess this deal is taking place way above my pay grade.

But it is probably right there at the pay grade of the President of the United States, the Speaker of the House, and the minority leader. When folks don't show up to the table for the conversation, it makes it harder to get there.

Is there always a good reason to stay home?

I am sure there is.

Are there more good reasons to be there?

I think the answer is: Yes.

Mr. Speaker, I will advise my friend from Massachusetts that I don't have

any speakers remaining this morning. Folks have been exhaustively elucidated by the 4 hours of discussion we had this morning, and I am prepared to close when he is.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a lot of concerns about the way this process is unfolding.

And, yes, the gentleman is right. I am exorcised. I am exorcised that we have gone through all of these gyrations, including being on hold trying to figure out what we were going to bring to the floor all night last night, and we end up with this: basically kicking the can down the road for a few weeks and not dealing with some essential emergency priorities that are a concern to most people in this country.

Again, going back to this tax bill, that is an example of where bipartisanship might have been helpful. I don't recall a tax reform package—I don't even want to call it reform because, basically, it is a giveaway to big corporations and to wealthy special interests—that has been rammed through Congress purely on a partisan basis.

But maybe it had something to do with the fact that Democrats weren't welcome to the table.

Maybe it had to do with the fact that Democrats were locked out.

Maybe it had something to do with the fact that this so-called conference committee was a sham and, when Democrats showed up, a deal had already been struck.

That is not bipartisanship.

And maybe we are a little bit exorcised because, time and time again, when people go before the Rules Committee looking to offer legitimate, germane amendments to try to improve legislation, rather than being able to have the opportunity to offer those amendments on the floor and have a debate, we are shut out all the time.

Again, this Congress, this Republican Congress, this session, has the distinction of being the most closed session in the history of our country. That is the distinction.

So, yes, we are exorcised. And we are exorcised over the fact that, as we are about to adjourn for Christmas, hundreds of thousands of people, DREAMers in this country, their lives have been thrown into turmoil. These are people who have served in our military. They have led rescue efforts during these recent hurricanes. They contribute greatly to our community. A majority of people in this country want them to remain here, and we can't even get a vote on the House floor, notwithstanding the fact that we all know that, if we brought it to the floor, we would pass it.

Mr. Speaker, the Republican majority has prioritized their tax scam bill over reauthorizing the Children's Health Insurance Program, community health centers, helping DREAMers, and even funding our government, which brings us to where we are now, days before Christmas, scrambling to fulfill our most basic responsibilities.

But we should be doing more here than just trying to keep the lights on. We also have a responsibility toward the hundreds of thousands of young Americans—they are Americans in every way except on paper—who have been betrayed by this administration. We need to pass the Dream Act, and we need to do it now. Thirty-four of my Republican colleagues have already spoken up and urged Speaker RYAN to help these young people. The majority of this House is ready to do the right thing.

Mr. Speaker, here is our chance to do just that. If we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 3440, the Dream Act. The bipartisan, bicameral legislation has the support of the majority of this House and would pass if it were brought up for a vote.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I am all in favor of keeping our government open. The difference that I have with my Republican colleagues is that I want to keep it open for everyone.

Here, at Christmas, we think of the children first, but the children are not put first in this underlying bill. The Children's Health Insurance Program (CHIP) is barely left on life support.

There are children out there right now, some with dreaded diseases or disabilities, and their access to a family physician is not assured because this Congress has not acted on the Children's Health Insurance Program. Instead of Christmas cards, they are about to get cancellation notices.

And there are children who were brought here to America, through no fault of their own, without a visa. They grew up here. They only know this country. They have since passed a criminal background check. They had paid a fee, but their future is uncertain. They are called DREAMers because they have a dream of giving back to America and being full Americans, which they are, in everything but those legal papers.

And we, in Congress, have our own responsibility. It is a responsibility to

respond to their passionate pleas. We should not support another partisan Republican continuing resolution or appropriations process that does not assure the future of our 800,000 DREAMers.

I can tell you, from meeting with them personally, I think of a cardiac nurse, I think of a county prosecutor, I think of a number of teachers whom I have met and many students, all of whom are DREAMers, who want to be full Americans. And I think of the groups in Texas like RAICES and TOPS and JOLT and the University Leadership Initiative and a number of others that are working with these DREAMers to secure their future.

Even President Trump, in one of his few reasonable tweets, in September, said:

“Does anybody really want to throw out good, educated, accomplished young people who have jobs, some serving in the military?”

I think the answer here, if given a free vote, Republicans and Democrats, the majority would say absolutely not; we need these young people.

This holiday season is one that you would hope would open closed hearts to see the humanity in these young people. But amidst all the self-congratulatory high-fives and patting on the back yesterday down at the White House, nothing was said about the DREAMers. The Republican leadership has apparently decided to leave town without doing anything for them.

I believe that the Dream Act, the DACA authorization they have now, was terminated by the President just to use them as a bargaining chip. That was way back in September. And since that time, the majority has had ample opportunity to act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from Texas an additional 30 seconds.

Mr. DOGGETT. Mr. Speaker, I would just say that all of us as Members of Congress are eager to return to our families as soon as possible across America, but our DREAMers are left with fear and uncertainty about returning to their families and about their future.

These deserving young people should not be used as bargaining chips for a wish list of anti-immigrant policies. Let's reject this rule, enact the Dream Act, reauthorize CHIP, and offer a truly Merry Christmas and Happy New Year to all of America's children.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here, in these cold days outside, it is easy to create a lot of rhetorical heat on the inside. I would argue that legislative light is what we need more often than not.

We brought the Children's Health Insurance Program bill to the floor that

my friend from Texas just referenced, Mr. Speaker. We didn't just bring it to the floor; we brought it through committee. We brought it through committee, and we passed it. We brought it to the House floor, and we passed it. We sent it to the Senate, and there it sits.

But when it passed the House floor, my friend from Texas voted “no.” He voted “no.”

Now, do I believe for a moment that is because he hates children? I do not.

Do I believe for a moment that it is because he doesn't want folks to have access to healthcare? I do not. I believe he had legitimate policy reasons for deciding not to reauthorize the program then that he has just taken to the floor and talked about the merits of reauthorizing.

It is okay to disagree on those issues, and it is even okay to highlight those differences. What is not okay is to describe this Chamber as a Chamber that doesn't care. What is not okay is to describe this as a Chamber that doesn't act.

My friend was absolutely right: it is a bipartisan priority to fund the Children's Health Insurance Program, and we did. The Senate has not acted. It hasn't gotten the full reauthorization done. If we pass the continuing resolution today, that funding will continue.

Let's disagree on those things that we disagree about, but let's be honest with ourselves about the legitimacy of those disagreements. Let's try to find more light than heat in this new year.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), my colleague on the Rules Committee.

Mr. HASTINGS. Mr. Speaker, my dear friend that just spoke with reference to acting, let me tell you what action was undertaken with reference to CHIP.

Prevention money was used as the pay-for. So, somehow or another, that action doesn't rub some of us in the right way.

Mr. Speaker, I include in the RECORD a letter from the Congressional Black Caucus to Speaker PAUL RYAN.

CONGRESSIONAL BLACK CAUCUS,
December 21, 2017.

PAUL RYAN,
Washington, DC.

DEAR SPEAKER RYAN: On behalf of the Congressional Black Caucus (CBC), I write today to strongly urge you to provide a more permanent solution for close to 9 million children enrolled in the Children's Health Insurance Program (CHIP) and more than 27 million people that visit Community Health Centers (CHCs) for critically needed health care. It is completely irresponsible for Congressional Leaders to have created this crisis. Moreover, it is now unconscionable for Congress to head home for the holidays without taking action to right this wrong.

The holidays are a time to reflect on how fortunate we are and help those in need. In

that vein, the CBC will not support a Continuing Resolution unless CHIP is reauthorized and fully funded for five years and Community Health Centers are reauthorized and fully funded for two years. Moreover, the offsets for these programs must not harm other vulnerable communities by reducing funding for other programs, such as the Prevention Fund. For this to be the state of play one day after giving away \$1.5 trillion to huge corporations and the wealthy is absurd and offensive.

Close to 2 million children across this country are in danger of losing CHIP coverage in January, with another 1 million set to lose coverage in February. A short term approach to providing these children and their families with certainty is absolutely irresponsible. Without swift reauthorization and fully funded coverage, young lives hang in the balance. Congress' failure to act will set off a chain of dire-consequences for children, as well as their families, communities, and states. A family without insurance is a family more likely to fall victim to financial crisis related to medical costs, such as bankruptcy.

Similarly, Community Health Centers play an essential role in low-income communities as they protect and expand access to critical and affordable care. The Community Health Centers Fund (CHCF) provides mandatory funding for federal health centers, which provide primary, dental, and other supportive care in medically underserved areas. Robust and reliable support for Community Health Centers results in more health centers, an increased number of patient visit, and more available services. These services save lives, especially in communities struggling to provide affordable care to poor, largely minority communities.

The CHCF is even more essential to the more than 27 million people it helps support in light of recent efforts to the dismantle our nation's health insurance market. As you well know, the elimination of the Affordable Care Act's individual mandate will add 13 million uninsured Americans, increase premiums by 10 percent, and make it harder for sick people to get insurance.

The Congressional Black Caucus has been the conscience of this Congress since its inception in 1971. We have provided moral leadership and courageous advocacy for our constituents and for all Americans that have felt disenfranchised or left behind. At the time of year when we are supposed to be most charitable, it is urgent that Congress act to reauthorize CHIP and Community Health Centers and provide robust funding for both. Children and families do not need to spend the holidays worrying about their health. It is time for Congress to do what it is responsible and moral. Accordingly, the CBC will not support any legislation to prevent a shutdown unless these critical programs are addressed.

Sincerely,

CEDRIC RICHMOND,
Chair.

Mr. HASTINGS. Mr. Speaker, I lift from it one paragraph that says:

The holidays are a time to reflect on how fortunate we are and help those in need. In that vein, the Congressional Black Caucus will not support a continuing resolution unless CHIP is reauthorized and fully funded for 5 years and community health centers are reauthorized and fully funded for 2 years.

Mr. Speaker, this morning in the Rules Committee, beginning at 8—I might add, we were noticed that we

were going to meet last night at 10, but we did not meet, and then we came in early this morning—the distinguished minority leader and the minority whip, along with the leader of the Hispanic Caucus, appeared and stayed for 2½ hours discussing the fact that we are leaving things on the table, but, more specifically, addressing the Deferred Action for Childhood Arrivals program.

But let's talk about the things that we are leaving on the table:

We are doing nothing about long-term flood insurance.

We are doing nothing about Perkins loans that have expired.

We are not funding or addressing the opioid epidemic.

We are not offering legislation to help save failing pensions in this country.

I talked with some teamsters from Michigan the other day with tears in their eyes concerned about their pensions.

We are doing nothing with reference to long-term, bipartisan reauthorizing for CHIP and community health centers.

We are doing nothing about the FISA reauthorization.

We are not raising the defense and non-defense spending caps.

We are leaving Medicare extension on the table.

And that is just a to-do list that is partial that we are not addressing.

But let me get in the weeds on something that the public doesn't quite understand.

196 people appeared right over here and signed what is called a discharge petition to bring DACA to the floor; 34 Members of the House of Representatives sent a letter to the Speaker. If you combine those numbers, you have 218.

My distinguished Rules Committee chair and I had a colloquy this morning where we discussed that matter.

The SPEAKER pro tempore (Mr. HULTGREN). The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from Florida an additional 30 seconds.

Mr. HASTINGS. And the fact of the matter is I believe that it would pass if it were put on the floor.

But do you know what is more important? We had 58 closed rules in this Congress, completely closed. And to put that into context, we averaged 25 closed rules a year in the 4 years the Democrats were in charge.

The Dream Act is a perfect example of this. As Members are well aware, we have tried time and time again to get a floor vote on the Dream Act.

Mr. Speaker, we all know that this CR is the last train leaving town. You have given millionaires and billionaires help. Let's give the DREAMers a Merry Christmas.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

My friend from Florida is a good accountability partner up on the Rules Committee. I have learned from his intellect, and I have learned from his experience in this Chamber. I value that, and I value his friendship.

When he says that more closed rules have been passed in this Congress than any other, he is absolutely right. He is absolutely right. And that is worth talking about, as my friend does regularly in the committee.

Unfortunately, we usually just have that half of the conversation. What we don't talk about is that many of those closed rules were for bills that were so well worked out in a bipartisan way in committee that there were no amendments offered, that we had already come together in such a collaborative, productive, admirable way that we ought to be bragging about instead of denigrating that we didn't have amendments that were offered.

Other bills, Mr. Speaker, were bills that might not have been so generally agreed upon. But when my friend the chairman of the Rules Committee sends the call out to all 435 Members of Congress and says: If you have any ideas, bring them to the Rules Committee. For many of those bills, Mr. Speaker, there wasn't one idea suggested, not one idea suggested to change the underlying bill.

□ 1300

So did it come under a closed process?

Well, of course, it did, if closed means we ask everybody for all of their ideas and no one had one, so there was no idea to debate on the floor.

Mr. Speaker, there are so many ways that we can do better with one another, but I would suggest to my friends that the way to do better with one another is to build that on a foundation of trust, not a foundation of recriminations.

We have an opportunity in this new year, Mr. Speaker, to turn a page in this institution. I want to say, in my time on the Rules Committee, Mr. Speaker, I have never had a chairman who worked as hard to open the process and hear from Members as the gentleman from Texas (Mr. SESSIONS), the current chairman.

Time and time again, where other folks would have walked away from the table, the chairman has stayed there to get input, to hear ideas. Time and time again, when the process would have been truncated, he has extended it to make sure folks had a chance to have their voice heard.

I am grateful for that, Mr. Speaker. I am grateful to the chairman for that model that he sets in that committee.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SESSIONS) to speak on this rule.

Mr. SESSIONS. Mr. Speaker, I thank the distinguished gentleman from Georgia (Mr. WOODALL) for yielding.

Mr. Speaker, Mr. WOODALL serves not only the Rules Committee and this body in the Republican majority, but he is also our designee to the Budget Committee and has excelled in excess of understanding the intricate details that not only move this great Nation, but the arguments, a balance between them. I appreciate the gentleman very, very much.

Mr. Speaker, I rise today to offer some advice that I just received from the Governor of the State of Texas, Governor Abbott, who took time to call me. I also want to address the distinguished gentleman from Florida (Mr. HASTINGS), my very dear friend.

During that record-setting year, we also made in order over 560 amendments. That is 560 amendments that people came to the Rules Committee, had literally a committee that engaged them on the substance of their ideas, listened to it, believed that that substance had a good place for debate on this floor. Not necessarily every idea should be vetted here. Sometimes it is vetted in committee, subcommittee. Sometimes it is vetted at the Rules Committee, and sometimes we do not make those ideas in order.

This morning was no different. There were a lot of great ideas. As a matter of fact, the minority leader, Ms. PELOSI, came to the Rules Committee for several hours. The gentleman, the minority whip, Mr. HOYER, came a slightly less amount of time, but no doubt came to the Rules Committee and offered us advice about not only what we are doing but presented the arguments about what they were for. They were given unlimited opportunity to discuss that.

There was some limit that we had to offer our challenges back, but it was an open process, and I appreciate Ms. PELOSI and all the members of the committee doing that.

Mr. Speaker, the reason why I came down is to say—and there are lots of stories that go on, but the story that I was just told by the Governor of the State of Texas is that Texas—not unlike the islands of Puerto Rico and the Virgin Islands, the great State of Florida that were in the way of a hurricane—was record-setting rain, 60 inches. It lasted 8 or 9 days. It did incredible damage.

This body has taken time to now study getting money back to those affected areas, and the determination that was made by this body is some \$81 billion. I just found out that the State of Texas has calculated their part of the \$81 billion, and it is less than 15 percent of the total. Less than 15 percent of that total will actually be going to the largest storm in the history of America.

I did not offer a complaint. I was surprised. I would have thought it would be in the 50 percent realm. I would have thought it would have been higher. But what I want to say is that not

everybody gets everything they want in this town, not even if they are the Governor of the State of Texas, with a large delegation like Texas.

It is a difficult time we all go through, and I offered and expressed my confidence to the Governor that I would certainly go look at this. It is the first time I learned of this. Less than 15 percent of the emergency funds that will be presumptively agreed to today, of this huge storm, goes to Texas. I just thought that was worthy of me to take time to come and pass on information that I had not known about, information that I was provided. It tells us how large the need is in this country when the largest storm only gets 15 percent.

So I am a “yes.” I am a “yes” for the other 85 percent that is not going to be in Texas also. I am a “yes” because I have seen the fires in California, I have seen the damage from—and Judge HASTINGS kept us up to date. I have been aware of Ambassador Patrick Rooney, who talked with us about the devastation; and TOM ROONEY in Florida; and certainly Byrne Buchanan, who spoke with us about the damage to the crops—lots of big problems.

I am going to vote for the other 85 percent, too, not just the 15 percent for my home State.

I want to thank the gentleman for allowing me time to share my ideas on the floor. I wish Judge HASTINGS a Merry Christmas.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), who spent 2½ hours today in the Rules Committee fighting on behalf of the DREAMers.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

I also thank all of the members of the Rules Committee for the exceptional service they provide to the House in reviewing legislation that will come to the floor.

I particularly want to thank my colleagues on the Democratic side for honoring the values of our country by advocating for an amendment to include the Dream Act as we go forward. I would hope that most of our Members would vote “no” on this rule and not allow for the previous question to come forward so that it will allow for the Dream Act to be considered.

I want to thank the chairman of the committee and the distinguished Members on the Republican side, as well as the Democratic side, for the hospitality extended to the Democratic whip, Mr. HOYER; the chair of the Hispanic Caucus, Congresswoman

MICHELLE LUJAN GRISHAM; and to me.

At that meeting, Mr. Speaker, I told the colleagues that we are in a tradition of having great Democratic and Republican Presidents who have been supportive of newcomers to our country and who recognize that immigration is the constant reinvigoration of America.

When people come to our country with their hopes and dreams and aspirations to make the future better for their families, they are identifying with an American ideal: all of us having the responsibility to make the future better for the next generation. And their commitment, their courage, their optimism, their determination for a better future makes America more American. Every newcomer who comes here with that determination makes America more American.

Among those people are our DREAMers. This is a very discrete group that we are hoping to protect in the Dream Act. Certainly, as our colleagues acknowledged this morning, we have important work to do on comprehensive immigration reform. We have a responsibility to protect our borders, North and South, and anything that flies in, East Coast, West Coast, and through the Gulf. But the fact is that—as was pointed out by our colleague, Congresswoman LUJAN GRISHAM, the chair of the Hispanic Caucus: think of the DREAMers as a discrete piece that needs protection now and not wait for the entire comprehensive immigration reform to be resolved before we deal with this emergency.

Just as we treat CHIP, 9 million children are depending on CHIP, but we are not waiting until we revise the whole healthcare system in order to pass CHIP, nor did we. When we passed CHIP, it was before the Affordable Care Act had passed.

But let me say why it is really important for this to happen now. Unfortunately—and, really, I was pleased that our Speaker registered his disagreement with President Trump when he took the action he did in regard to DACA in September. When he did that and said, “I will give Congress until March to pass a law,” what he didn’t understand is that he was putting these DREAMers at a distinct disadvantage.

Every day, over 100, 120—some DACA recipients, DACA-eligible recipients, lose their status. That means, if they are working or whatever they are doing, they lose their status to do that in our country. Over 10,000 have lost status since the President’s announcement—well over 10,000.

So we can’t wait until March to do this because it had consequences known to us but unforeseen by the White House and by the President. And I don’t think, in his heart, that the President intended to hurt these people in the very cruel way that they are being hurt by the actions that are being taken.

We can’t wait until March. We need action. We need it soon. We need it to be bipartisan. That is what we have been working on—not me; Members, Member-driven bipartisan cooperation in trying to find a path that addresses the concerns that some have about the border—and we all do—and also addresses the Dream Act.

As the President said: Let’s call it DACA.

Okay. We will call it DACA.

So here we are. I said at the beginning of my remarks that we have been blessed in our country by Presidents who have recognized the value of immigration; that our country would be in stagnation if we didn’t have this constant reinvigoration of visitors to our country.

When President Obama acted because Congress had not acted to protect the DREAMers and their parents, that was really important for him to do because Congress had not acted. However, it is important to note that President Reagan, when he was President and President George Herbert Walker Bush was at that time Vice President, Congress did act through the Immigration Reform and Control Act of 1986. They did act. And President Reagan’s observation was they didn’t go far enough.

So he took further executive action called Family Fairness to protect people in our country, immigrants in our country. Actually, President Reagan and President George Herbert Walker Bush protected a higher percentage of newcomers to our country than President Obama did with his DACA and DAPA action, a higher percentage because they understood the value to our country of newcomers.

President Clinton continued all of that. President George W. Bush was a champion and continues to be a champion on recognizing the value of immigration. He has spoken about it intellectually, with respect, from the heart for people coming to our country, and he has urged us to do so.

He couldn’t get the cooperation of his own party when he was President to cooperate for comprehensive immigration reform, even though when we had the power as Democrats, we supported it. But he could not get the 60 votes in the Senate. But, nonetheless, he continues to be a champion, really, for immigration reform.

And here we have a new President who campaigned on the backs of newcomers to our country and who made immigrants villains. It is a complete change from the Republican Party, from a commitment to valuing newcomers and diversity in our country. It is a complete departure from President Reagan, President George Herbert Walker Bush, President George W. Bush, just to name the Republican Presidents.

So we find ourselves in this situation, but that doesn’t change the fact that we have a responsibility to all of God’s children to treat them with respect, and when we can do something to be helpful, we should.

□ 1315

There is harm that is coming to the DREAMers every day, because they are losing status. Regardless of what some

may say, some are being deported. This may be unknown to the President, but it is not unknown to us in this Congress.

I want to thank Congresswoman LUJAN GRISHAM, the chair of the Congressional Hispanic Caucus, and her members. I want to thank Congresswoman JUDY CHU, the chair of the Congressional Asian Pacific American Caucus; Congresswoman YVETTE CLARKE, who, working with the Congressional Black Caucus, has been a champion in that caucus; and all of the Members on both sides of the aisle who are striving to find a path.

One path that we have open to us is to defeat this rule, to allow the Dream Act to come up, and to put that in the mix as we go forward.

Again, this isn't an issue, this isn't a bill. It is a value, and that is the conversation we had with President Trump. This isn't an issue, but it is a value. This is about who we are as a nation and how we respect who we are as a nation. That is why, I believe, that President Trump will be receptive to signing a bill. He does want—and we are all concerned for—border security. We will work with him on that, but let's start by putting on the RECORD the support of this House for a recognition that we are immigrants, by and large. Unless some of you are Native Americans—and how proud we are of our Native American community in our country and how blessed we are—most of us come from immigrant families.

It was interesting to me in doing some reading on some of this. I am very proud of my own Italian-American heritage. My grandmother was born in Baltimore, Maryland. Her parents were from Venice and Genoa. My father's family from Abruzzo. We are very proud of all of that, which makes us respect the pride that other people take in their heritage.

What was interesting to me in recent days, because I remember—I didn't suffer this, but I know my father and others did: Italians were called "wops."

Do you know what wops means?

It means "without papers." That is what they were called: without papers.

These people are without papers, but in every way they are American.

I just want to tell you a couple of stories. One is Fernando Meza Gutierrez. Fernando lives in my district. Fernando's family came to the U.S. Fernando came to the U.S. when he was 9 years old. In high school, Fernando was an AP scholar and received the International Baccalaureate Diploma and the Achievement Award in Foreign Language for French.

Fernando continued to excel academically at Santa Clara University, where he graduated cum laude with a double major in biology and French.

Now a third-year doctoral student at UC San Francisco, Fernando also

works at UCSF Helen Diller Family Comprehensive Cancer Center, where he is working hard to provide new insights into many diseases and disorders.

I just want to tell you one other story. Lisette Diaz was just 6 years old when her family brought her to the U.S. from Chile. Growing up in Long Island, Lisette excelled in school and was involved in her community. She went on to attend Harvard, where she received numerous awards and participated in a variety of extracurricular activities. Lisette recently graduated from Harvard with honors.

Lisette and other DREAMers have so much to contribute to our country, but Donald Trump and other Republicans have made their agenda clear. They want to shut down DACA and DAPA and deport hundreds of thousands of DREAMers and parents of Americans.

That is what DREAMers think. We don't want them to think that. We want them to think that the President understands their value, the value of our DREAMers, and the challenges that they face.

If we don't do something soon, Lisette will be deported back to Chile, a country where she hasn't lived since she was 6 years old.

There are just thousands and thousands and thousands of stories of success, of those serving in our military, attending our schools, teaching our children, working in high-level positions, because they all have that immigrant attitude of hard work, hard work ethic, a work ethic, a faith ethic, a family ethic, a sense of community.

In the sense and spirit of community, let's defeat this rule and allow the Dream Act to come forward.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we talk a lot about what isn't in the bill today, and we could actually talk a lot longer about what isn't in the bill. It is a fairly narrowly focused bill, but what is in there, in addition to funding to keep the government operating, is funding for our community health centers that we all care so much about; is funding for the Children's Health Insurance Program—that is a bipartisan issue across this Chamber—is funding for the Special Diabetes Program. Mr. Speaker, that is so important to so many families. I can go on and on and on.

Are there things that are not in this bill?

Of course there are, and I look forward to coming back with my colleagues to address each and every one of those, but there is so much good that is in this bill, Mr. Speaker. If we conclude this debate to pass this rule, we can get on and make those things a reality.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

We are in a critical and urgent time. People's lives are on the line.

On September 5, the President suddenly and cruelly terminated the DACA program. Since that date, 13,000 DACA recipients have lost their status and their protections, and every day that Congress delays a vote, another average of 122 lose their status.

That is why this is urgent, that is why this is important, that is why we need to act now.

Congress should not wait any longer to act. It cannot turn its back on these youths, on these immigrants who are leading productive, positive lives, who are giving back to our communities and contributing immensely to the economy.

Congress has an opportunity today to show the world our values, that we are going to protect DREAMers, that we are going to stand with these young men and women who enrich our country, who only know the United States as their home. The nearly 800,000 DREAMers are our doctors, our nurses, our teachers, our neighbors, and they serve in our military and are protecting us here at home.

But because Congress has not acted and because this Chamber has failed to act on the DACA issue, DREAMers are living in fear and uncertainty of their future. They are afraid to go to school. They are afraid of losing their loved ones at a moment's notice. They are anxious about whether they will be able to continue to earn their paychecks and earn a living.

DREAMers are feeling the pain now. They are experiencing the anxiety now. They are being detained now. These are real people.

Now, I understand their fear and their uncertainty, because, for many of us, this hits real close to home. I have 8,000 DREAMers who live in my district. I also have a family member who is a DREAMer. Many are afraid of being deported to a place where they will be strangers, to a country they haven't lived in since they were children.

Mr. Speaker, this is the 16th time since DACA's termination that Democrats are challenging Republicans to take real urgent action to protect DREAMers by bringing the bipartisan Dream Act to a vote on this floor.

We must stand up for DREAMers. It is the right thing to do. It is what Americans want us to do. They want Congress to protect DREAMers from deportation by an overwhelming majority. It is the moral thing to do.

Again, this is a bipartisan issue. I have talked to many of my colleagues across the aisle who want to see a vote on this. I believe we will pass it overwhelmingly if we could just get this vote.

This is a moment of truth for our Nation. I ask my colleagues to vote against the previous question so that we can immediately bring the Dream Act to the floor and provide relief for the nearly 800,000 DREAMers in time for the holiday season.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you likely did, as I did yesterday, get a wonderful Christmas card from our friend from California, which I very much appreciated. She was there with her beautiful family. I appreciate the sincerity of her words today.

I will just remind this Chamber that we are having that conversation for one reason and one reason only. That is because, when Democrats had the White House, the U.S. House, and the U.S. Senate, but—much like Republicans today—didn't have 60 votes to get around the filibuster, instead of President Obama and the Democratic leaders in the House and the Senate trying to find a bipartisan pathway forward that could get 60 votes, they chose to craft an administrative solution, one that I thought was illegal, one that I thought was unconstitutional, but chose to go it alone.

Mr. Speaker, that is not a blame statement. It is an explanation of some systemic challenges that exist in this place.

I can assure my colleagues, and I am happy to have someone disabuse me of the notion, but I have yet to see the issue that we have solved by blaming each other more for it. I have yet to see that pathway to success.

The pathway I have seen is when folks turn the cameras off, when they roll up their sleeves, when they decide they don't much care who gets the credit for a solution, they just want to solve it.

I will put another one on my colleagues' plate, because, again, I don't doubt their sincerity. Raju is one of my constituents. He is here on an H1-B visa. His wife, Manju, is here on an H-4 visa. He came to this country legally 11 years ago. Every few years, he has to renew his visa, which costs thousands of dollars. When his visa expires, when his driver's license expires, he has to go back and do it. He is not complaining. That is what the law of the land said. When he agreed to come here, he agreed to follow the law of the land. He can't start his own business. He can't change employers. He is a captive of the visa program that he came in on. There is no pathway, Mr. Speaker, for Raju and Manju to get the same benefits that my colleagues are arguing so passionately for for 800,000 additional people.

Mr. Speaker, the human stories don't begin and end with the DACA program. Again, a problem that President Obama created; not solved, but created.

I can go line by line by line of folks who are facing similar challenges, and

I question where the justice is when I can name constituent after constituent after constituent who has done everything right, who has paid every dime the government has asked, who has applied for every piece of paperwork that the government has asked, who has stood in every line that the government has asked, and there is no pathway forward for them.

Let's not pretend that there is not common ground that we can come together on. Let's confess that perhaps we haven't spent enough time trying to do it.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, all of us are anxious to go home to our families and our celebrations, but more and more Americans are seeing every single day, particularly in the last couple days, just how messed up the values and priorities of the Republican majority really are.

They saw the Republicans go off to the White House and high-fiving and cheering each other for a tax cut that provides 81 percent of its benefits to the wealthiest Americans and that blows about a \$1.5-trillion hole in the budget. That means debt and deficit.

Who is left with the coal in the stocking?

We are looking at 9 million children and their parents who are sick, who have been worrying about how they are going to have the Children's Health Insurance Program. Yes, we extended it now until March. It expired in September, but we didn't have time for those children.

We don't have time for the 800,000 young people who are serving this country right now as DACA recipients. We could pass the Dream Act today. Let's get our values straight. Let's do better than we are.

Mr. WOODALL. Mr. Speaker, I would advise the gentleman from Massachusetts that I have no further speakers and I am prepared to close when he is. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would inquire if the gentleman has any time to share.

Mr. WOODALL. Mr. Speaker, I would advise the gentleman that it appears I have committed all of my time.

□ 1330

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, this has been a painful season for so many of us, from California to Texas to Florida, Louisiana, to Puerto Rico and the U.S. Virgin Islands, and so I am still here begging my colleagues for those who are begging in Texas.

Right now, my local officials are letting my constituents from Kashmere

Gardens share in the public view how desperate they are for housing money. So this CR and this emergency supplemental should be separated. But the CR, on the other hand, should be funding CHIP completely. And DACA, the DREAMers, should be protected completely.

I introduced a bill when Hurricane Harvey came for \$164 billion. That is where we should be, and I know that because of the sacrifice and loss and devastation. But also, a DREAMer lost his life trying to rescue my constituents, so, you see, we have a situation that should be corrected across the board. Fix the DREAMers, but provide for the hurricane victims.

I will say that we are going to keep on pushing beyond the \$81 billion. I am glad the \$1 billion that I pushed for for small businesses is in this bill.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman from Texas an additional 30 seconds.

Ms. JACKSON LEE. Mr. Speaker, we have 300,000 homes underwater. Puerto Rico has no lights in homes; U.S. Virgin Islands, none, no homes. Key West still needs debris picked up.

What my constituents are saying is, because the lights are out, we are forgotten; because DREAMers don't have rights, they are forgotten.

So I am not going to stand here and ignore our children, 9 million of them who need CHIP, or our DREAMers. But I am also going to say that, whatever is in this for us, which is not a lot, I am going to keep pushing and fighting for my constituents. And the money that we are getting, get it to us now—now.

Mr. WOODALL. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is the Christmas season, so I do want to begin by thanking the gentleman from Georgia and the distinguished chairman of the Rules Committee, Mr. SESSIONS, for always being so polite to me and to other Democrats on the committee.

But I want to say, in all candor, that, in spite of that, we are disrespected each and every day when our ideas are shut out and, in turn, our constituents are disrespected. I represent the same number of people as the Speaker of the House, as any Republican and any other Democrat in this Chamber, and yet, routinely, we are told that our ideas are not welcome.

I believe, Mr. Speaker, that every Member of this House, Democrats and Republicans alike, are entitled to basic respect. We have just gone through the most closed session in the history of our country, more than 58 closed rules in this session. Over 1,500 amendments, both Democratic and Republican amendments, were blocked. That is not

what we were promised by the leadership of this House.

We are disappointed with what we are dealing with today. We are disappointed with the inaction and lack of support for the CHIP program and the community health centers funding. We think that is inadequate. We are disappointed that more funding isn't provided to deal with the opioid crisis.

I could go on and on and on, but today, we are asking the Speaker to allow a vote to help the DREAMers, men and women who came here as children, who have served in our military, who have been first responders saving lives in these disaster relief efforts, 91 percent who work and pay taxes. They are important. They are valuable. We should celebrate them.

I would say to my colleagues this is a matter of decency. The right and decent thing to do is to help them, not rationalize inaction.

Please, please, for the sake of all that is good about our country, join us in defeating the previous question so we can have an up-or-down vote on the Dream Act, so we can actually help these 800,000 people, these young individuals who are giving so much to our country. It is the right thing to do.

This is the Christmas season. I hope you are all moved to joining us and to helping these people because, as we have learned, each and every day that we wait, more and more of them lose their status. They lose their jobs. Their lives are thrown into deeper turmoil.

It is wrong for us to go home and not deal with this. The decent thing to do is to vote on the Dream Act.

Vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself the balance of my time.

There has been a lot of productivity this week. There has been a lot of work that has gone on this week. I am looking around up there at the dais with you, Mr. Speaker. I see a lot of unshaven faces. I'm not just taking about Josef. I am talking about folks who intended to shave and might not have made it home last night to get that done.

It takes an incredible amount of staff time to do this. So what Mr. MCGOVERN and I do up in the Rules Committee, our staffs have been there past midnight time and time again this week and then back in at dawn.

I wish that more of the American people, Mr. Speaker, could see the hardworking, dedicated staff, the team that goes into making all of this possible, because I think it would make them proud. I think, in a season like this, it would lift them up and make them feel better about who we are as a people and the things that we could accomplish together.

One of those young people, Mr. Speaker, is Nate Blake on the Rules

Committee. He is sitting right here behind me. He is leaving us after 5 years of service. I want to put that into perspective, Mr. Speaker.

There is not a staff member up here that can't leave today and get better hours and more money going anywhere else in town. You will work on Capitol Hill for one reason and one reason only, and that is that you believe, if only you work hard enough and long enough, you would make America just a little bit better.

Mr. Blake is one of those believers. We will miss him on the committee. It is a great honor for me that his very last rule is to be one of mine, and I thank him for his service.

Mr. Speaker, they often say everything's been said but not everyone has said it. We don't need to go down that path today. This House has done its job. It has done its job in a collaborative way. It has done its job in a way that the American people can be proud of.

If we pass this rule, we will not only fund the government, send money to the troops, send money to community health centers, send money to education, send money to courts, send money to the environment; we will not only take care of those funding responsibilities; we will also provide those dollars needed for those men and women spread out from Florida to Texas to California to Puerto Rico to the Virgin Islands. There is a real human being behind each and every one of these dollars that will go out the door today.

Mr. Speaker, I encourage my colleagues, vote "yes" on this rule so we can get to that underlying legislation.

Ms. JACKSON LEE. Mr. Speaker, I rise to speak on the Rule, and H.R. 4667, one of the two underlying bills made in order.

H.R. 4667 provides \$81 billion in aid to respond to the damage caused by Hurricanes Irma and Maria, and the wildfires in California.

I thank the Speaker and Rules Committee Chairman SESSIONS for acting favorably upon my request to bring this emergency disaster supplemental to the floor for debate and vote as a stand-alone measure.

Ever since the widespread and catastrophic destruction of Hurricane Harvey, I have been working closely with the Texas Governor and the Hurricane Harvey Taskforce to secure the help necessary for the region to rebuild.

I have witnessed firsthand the pain of storm-weary Houstonians who lost their homes, their belongings, and in many cases their jobs.

They are struggling and hurting.

So this is personal to me.

The amount of funding provided in the disaster relief package is very disappointing because it is not nearly sufficient to ameliorate the suffering still being experienced by the people of the communities in the areas affected by Hurricanes Harvey, Irma, and Maria.

Congress has had more than three months to develop an aid package that is commensurate to the challenge faced by the affected states and territories in rebuilding their devastated communities.

Much of this time has been squandered by the Republican congressional leadership's all-consuming focus on ramming through the Republican Tax Scam legislation that gives 83 percent of its benefits to the top 1 percent, raises taxes on working and middle-class families, takes away health insurance from 13 million Americans, explodes the deficit by \$1.5 trillion and the national debt by \$1.7 trillion, and will be paid for by 5.4 trillion in cuts to vital programs Americans depend on, including an imminent \$25 billion reduction in Medicare funding.

Mr. Speaker, on September 6, 2017, ten days after Hurricane Harvey struck and joined by 44 of our colleagues, I introduced H.R. 3686, the "Hurricane Harvey Supplemental Appropriations Act of 2017," which provides \$174 billion in disaster relief for the areas affected by Hurricane Harvey, the worst superstorm ever to strike the mainland United States.

The \$174 billion in funding provided by H.R. 3686 represents a comprehensive response commensurate to the challenge; specifically, my legislation provides relief in the following amounts:

1. Housing and Community Development Fund: \$50 billion
2. FEMA Disaster Relief Fund: \$35 billion
3. Army Corps of Engineers—Construction: \$15 billion
4. Flood Control and Coastal Emergencies: \$13 billion
5. Public Transportation Emergency Relief Program: \$33 billion
6. Small Business Disaster Loans Program: \$2 billion
7. Emergency Conservation Activities: \$650 million
8. National Oceanic and Atmospheric Administration: \$321 million
9. National Aeronautics and Space Administration: \$50 million
10. Legal Services Corporation: \$10 million
11. Army National Guard: \$10 million
12. Army Corps of Engineers—Civil Investigations: \$150 million
13. Coast Guard: \$450 million
14. National Park Service Historic Preservation Fund: \$800 million
15. EPA Environmental Programs and Management: \$2.5 billion
16. EPA Hazardous Substance Superfund: \$7 million
17. Leaking Underground Storage Tank Fund: \$15 million
18. State and Tribal Assistance Grants: \$600 million
19. Employment and Training Services: \$100 million
20. Public Health and Social Services Emergency Fund: \$2.5 billion
21. Airport and Airway Trust Fund: \$90 million
22. Federal-Aid Highways Emergency Relief Program: \$6.5 billion

And that is just for Texas and the areas affected by Hurricane Harvey; the damage wrought by Hurricane Irma in Florida, and Hurricane Maria in Puerto Rico and the U.S. Virgin Islands was nearly as great in dollar terms and equal in the level of misery and suffering inflicted on the residents.

Mr. Speaker, on September 20, 2017, Hurricane Maria made landfall in Puerto Rico,

along the southeastern coast, near the small town of Yabucoa.

The devastation wrought on that beautiful Caribbean oasis and its 3.5 million inhabitants, our fellow citizens of the United States, is unimaginable, except perhaps to those of us who have lived through and survived similar natural disasters, like Hurricanes Harvey and Katrina.

At least 48 people have died as a result of the storm as rescue and recovery operations proceed, a number likely to rise, especially with so many elderly, sick, and very young persons at risk.

Much of Puerto Rico's population is still without potable drinking water and large swaths of the population still lack electrical power.

Hurricane Maria destroyed 80 percent of Puerto Rico's agricultural industry, including banana, plantain and coffee crops, which translates into lost income of approximately \$780 million.

On August 30, 2017, Hurricane Irma struck, inflicting horrific damage on the U.S. Virgin Islands of St. Thomas, St. Croix, and St. John, the Caribbean nations of Barbuda, St. Maarten, Cuba, and Anguilla, before making landfall in the Florida Keys.

In Florida alone, 6.4 million people were told to evacuate to safety, leading to days of jammed highways and frantic searches for gasoline amid one of the nation's largest ever emergency evacuations.

At least 124 persons are known to have lost their lives in Hurricane Irma, more than 200,000 Floridians took refuge in shelters, and nearly 6.5 million homes and businesses were without power.

Mr. Speaker, we do not yet know the full extent of the damage and devastation suffered by our fellows Americans in Florida, the U.S. Virgin Islands, and Puerto Rico in the wake of Hurricanes Irma and Maria.

But what we do know is that the costs of recovery and reconstruction will be extensive, best estimates place the cost in the range of \$50–\$100 billion.

This puts in perspective the inadequacy of the amount of disaster relief provided under H.R. 4667 and why more, much more, must be done.

Mr. Speaker, right now, at this very moment, approximately 300,000 Texans—in Port Arthur, in Port Aransas, in Houston and Harris County—remain homeless or are living in substandard homes with blue tarp roofs and infested with mold.

Today, residents of the Cashmere Gardens community are meeting with local government officials to highlight their plight and those of other residents in the northeastern part of Houston.

They are angry and frustrated and anxious, and who can blame them?

Mr. Speaker, this is personal to them; and it is personal to me.

That is why right now my highest priority is to ensure that funding that has been made available expeditiously gets in the hands of local governments so that relief can deliver the resources and services so desperately needed.

And I will be working with the Texas General Land Office and HUD Secretary Carson to relieve the emergency housing crisis in my congressional district and state.

Mr. Speaker, I wish to commend the bipartisan leadership of both Chambers, and my colleagues in the Texas congressional delegation for their diligence and commitment in bringing this package to the floor for debate and vote.

I thank Chairman FRELINGHUYSEN and Ranking Member LOWEY, and Speaker RYAN and Democratic Leader PELOSI, and their Senate counterparts for the work that has been done thus far and for their assistance in the work that lies ahead.

I also thank Chairman FRELINGHUYSEN and Ranking Member LOWEY, and T-HUD Appropriations Subcommittee Chairman DIAZ-BALART, and Energy and Water Appropriations Subcommittee Chair SIMPSON and Ranking Member KAPTUR for including in the legislation before us the following beneficial measures that I requested, including:

1. Authority to establish and implement a \$1 billion pilot program to provide small business disaster recovery grants, modeled on H.R. 3930, the "Hurricane Harvey Small Business Recovery Grants Act," legislation I introduced on October 3, 2017 and co-sponsored by 16 of our colleagues.

2. \$75 million for the U.S. Army Corps of Engineers' Investigations account, which is to be used in areas affected by Hurricanes Harvey, Irma, and Maria, and can be used to finance the \$3 million Houston-Area Watershed Assessment Study I have worked to secure and previously approved by the House.

3. The bill also includes helpful legislative language to ensure that in awarding CDBG-Disaster Relief funds to states, the Secretary of HUD should to the maximum extent practicable award grants to units of local government and public housing authorities that have the financial and administrative capacity to manage a grant awarded under the program.

Let me describe briefly some of the major provisions contained in the Disaster Relief Supplemental:

1. FEMA Disaster Relief Fund: \$27.5 billion to provide critical funding to assist the ongoing federal disaster response. Allows up to \$4 billion to be provided for Community Disaster Loans (CDLs).

2. Community Development Block Grants Disaster Recovery (CDBG-DR): \$26.1 billion for housing and infrastructure needs, \$13.56 billion for grants to states, tribes, and territories for unmet housing needs and business losses.

3. \$12.5 billion for mitigation efforts to help communities protect against future disasters.

4. This funding can provide for housing elevation, buyouts in the flood plain, water/sewer infrastructure enhancements, public infrastructure hardening (e.g. stormproofing public buildings).

5. Federal Highway Administration's Emergency Relief: \$1.4 billion to address all current damages to federal highways caused by designated disasters.

6. \$12.11 billion for the Army Corps of Engineers to repair existing damages by natural disasters and for studies and projects to reduce the risk of future natural disasters, \$75 million to expedite studies to help mitigate future disaster damage.

7. 2.9 billion to help displaced students get back to school. Funding can be used for both public and private schools.

8. \$3.8 billion for agriculture assistance.

9. \$1.66 billion for Small Business Administration Disaster Loans to assist small businesses and homeowners repair or replace real estate, personal property, machinery and equipment, and inventory and business assets.

Mr. Speaker, there is much more work to be done in my city of Houston, and across the areas affected by the terrible, awesome storm that will be forever known simply as Hurricane Harvey, and by Hurricanes Irma and Maria.

That is why I am disappointed that only \$81 billion is being provided at this time.

That is why it must be emphasized and understood that this can only be understood as a partial response because much more funding will be needed to provide our fellow Americans in Texas, Florida, Louisiana, Puerto Rico, and the U.S. Virgin Islands the help and support they need to restore their communities to their previous greatness.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 670 OFFERED BY
MR. MCGOVERN

At the end of the resolution, add the following new sections:

SEC. 8. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 9. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on

the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

The Republican majority may say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting the resolution, if ordered;

Suspending the rules and passing S. 1393; and

Agreeing to the Speaker’s approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 188, not voting 11, as follows:

[Roll No. 704]

YEAS—232

Abraham	Goodlatte	Nunes
Aderholt	Gosar	Olson
Allen	Gowdy	Palazzo
Amash	Graves (GA)	Palmer
Amodei	Graves (LA)	Paulsen
Arrington	Graves (MO)	Pearce
Babin	Griffith	Perry
Bacon	Grothman	Pittenger
Banks (IN)	Guthrie	Poe (TX)
Barletta	Handel	Poliquin
Barr	Harper	Posey
Barton	Harris	Ratcliffe
Bergman	Hartzler	Reed
Biggs	Hensarling	Reichert
Bilirakis	Herrera Beutler	Rice (SC)
Bishop (MI)	Hice, Jody B.	Roby
Bishop (UT)	Higgins (LA)	Roe (TN)
Black	Hill	Rogers (AL)
Blackburn	Holding	Rogers (KY)
Blum	Hollingsworth	Rohrabacher
Bost	Hudson	Rokita
Brady (TX)	Huizenga	Rooney, Francis
Brat	Hultgren	Rooney, Thomas J.
Brooks (IN)	Hunter	Ros-Lehtinen
Buchanan	Hurd	Roskam
Buck	Issa	Ross
Bucshon	Jenkins (KS)	Rothfus
Budd	Jenkins (WV)	Rouzer
Burgess	Johnson (LA)	Royce (CA)
Byrne	Johnson (OH)	Russell
Calvert	Johnson, Sam	Rutherford
Carter (GA)	Jordan	Sanford
Carter (TX)	Joyce (OH)	Scalise
Chabot	Katko	Schweikert
Cheney	Kelly (MS)	Scott, Austin
Coffman	Kelly (PA)	Sensenbrenner
Cole	King (IA)	Sessions
Collins (GA)	King (NY)	Shimkus
Collins (NY)	Kinzinger	Shuster
Comer	Knutson	Simpson
Comstock	Kustoff (TN)	Smith (MO)
Conaway	Labrador	Smith (NE)
Cook	LaHood	Smith (NJ)
Costello (PA)	LaMalfa	Smucker
Cramer	Lamborn	Stefanik
Crawford	Lance	Stewart
Culberson	Latta	Stivers
Curbelo (FL)	Lewis (MN)	Taylor
Curtis	LoBiondo	Tenney
Davidson	Long	Thompson (PA)
Davis, Rodney	Loudermilk	Thornberry
Denham	Love	Tiberi
Dent	Lucas	Tipton
DeSantis	Luetkemeyer	Trott
DesJarlais	MacArthur	Turner
Diaz-Balart	Marchant	Upton
Donovan	Marino	Valadao
Duffy	Marshall	Wagner
Duncan (SC)	Massie	Walberg
Duncan (TN)	Mast	Walden
Dunn	McCarthy	Walker
Emmer	McCaul	Walorski
Estes (KS)	McClintock	Walters, Mimi
Farenthold	McHenry	Weber (TX)
Faso	McKinley	Webster (FL)
Ferguson	McMorris	Wenstrup
Fitzpatrick	Rodgers	Westerman
Fleischmann	McSally	Williams
Flores	Meadows	Wilson (SC)
Fortenberry	Meehan	Wittman
Fox	Messer	Womack
Frelinghuysen	Mitchell	Woodall
Gaetz	Moolenaar	Yoder
Gallagher	Mooney (WV)	Yoho
Garrett	Mullin	Young (AK)
Gianforte	Newhouse	Young (IA)
Gibbs	Noem	Zeldin
Gohmert	Norman	

NAYS—188

Adams	Gallego	Norcross
Aguilar	Garamendi	O'Halleran
Barragán	Gomez	O'Rourke
Bass	Gonzalez (TX)	Pallone
Beatty	Gottheimer	Panetta
Bera	Green, Al	Pascarell
Beyer	Green, Gene	Payne
Bishop (GA)	Grijalva	Pelosi
Blumenauer	Gutiérrez	Perlmutter
Blunt Rochester	Hanabusa	Peters
Bonamici	Hastings	Peterson
Boyle, Brendan F.	Heck	Pingree
Brady (PA)	Higgins (NY)	Polis
Brown (MD)	Himes	Price (NC)
Brownley (CA)	Hoyer	Quigley
Bustos	Huffman	Raskin
Butterfield	Jackson Lee	Rice (NY)
Capuano	Jayapal	Richmond
Carbajal	Jeffries	Rosen
Cárdenas	Johnson (GA)	Roybal-Allard
Carson (IN)	Johnson, E. B.	Ruiz
Cartwright	Kaptur	Ruppersberger
Castor (FL)	Keating	Rush
Castro (TX)	Kelly (IL)	Ryan (OH)
Chu, Judy	Khanna	Sánchez
Cicilline	Kihuen	Sarbanes
Clark (MA)	Kildee	Schakowsky
Clarke (NY)	Kilmer	Schiff
Clay	Kind	Schneider
Cleaver	Krishnamoorthi	Schreder
Clyburn	Kuster (NH)	Scott (VA)
Cohen	Langevin	Scott, David
Connolly	Larsen (WA)	Serrano
Cooper	Larson (CT)	Sewell (AL)
Correa	Lawrence	Shea-Porter
Costa	Lawson (FL)	Sherman
Courtney	Lee	Sinema
Crist	Levin	Sires
Crowley	Lewis (GA)	Slaughter
Cuellar	Lieu, Ted	Smith (WA)
Cummings	Lipinski	Soto
Davis (CA)	Loeb sack	Speier
Davis, Danny	Lofgren	Swalwell (CA)
DeFazio	Lowenthal	Takano
DeGette	Lowe	Thompson (CA)
Delaney	Lujan Grisham, M.	Thompson (MS)
DeLauro	Lujan, Ben Ray	Titus
DelBene	Lynch	Tonko
Demings	Maloney	Torres
DeSaulnier	Carolyn B.	Tsongas
Deutch	Maloney, Sean	Vargas
Dingell	Matsui	Veasey
Doggett	McCollum	Vela
Doyle, Michael F.	McEachin	Velázquez
Ellison	McGovern	Vislosky
Engel	McNerney	Walz
Eshoo	Meeks	Wasserman
Espallat	Meng	Waters, Maxine
Esty (CT)	Moore	Watson Coleman
Evans	Moulton	Welch
Frankel (FL)	Murphy (FL)	Wilson (FL)
Fudge	Nadler	Yarmuth
Gabbard	Neal	
	Nolan	

NOT VOTING—11

Bridenstine	Jones	Renacci
Brooks (AL)	Kennedy	Smith (TX)
Foster	Napolitano	Suoizzi
Granger	Pocan	

□ 1402

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 188, not voting 15, as follows:

[Roll No. 705]

AYES—228

Abraham Goodlatte Olson
Aderholt Gowdy Palazzo
Allen Graves (GA) Paulsen
Amodei Graves (LA) Pearce
Arrington Graves (MO) Perry
Babin Griffith Pittenger
Bacon Grothman Poe (TX)
Banks (IN) Guthrie Poliquin
Barletta Handel Posey
Barr Harper Ratcliffe
Barton Harris Reed
Bergman Hartzler Reichert
Biggs Hensarling Rice (SC)
Bilirakis Herrera Beutler Roby
Bishop (MI) Hice, Jody B. Roe (TN)
Bishop (UT) Higgins (LA) Rogers (AL)
Black Hill Rogers (KY)
Blackburn Holding Rohrabacher
Blum Hollingsworth Rokita
Bost Hudson Rooney, Francis
Brady (TX) Huizenga Rooney, Thomas
Brat Hultgren J.
Brooks (IN) Hunter Ros-Lehtinen
Buchanan Hurd
Buck Issa
Bucshon Jenkins (KS)
Budd Jenkins (WV)
Burgess Johnson (LA)
Byrne Johnson (OH)
Calvert Johnson, Sam
Carter (GA) Jordan
Carter (TX) Joyce (OH)
Chabot Katko
Cheney Kelly (MS)
Coffman Kelly (PA)
Cole King (IA)
Collins (GA) King (NY)
Collins (NY) Kinzinger
Comer Knight
Comstock Kustoff (TN)
Conaway Labrador
Cook LaHood
Costello (PA) LaMalfa
Cramer Lamborn
Crawford Lance
Culberson Latta
Curbelo (FL) Lewis (MN)
Curtis LoBiondo
Davidson Long
Davis, Rodney Loudermilk
Denham Love
Dent Lucas
DeSantis Luetkemeyer
DesJarlais MacArthur
Diaz-Balart Marchant
Donovan Marino
Duffy Marshall
Duncan (SC) Mast
Duncan (TN) McCarthy
Dunn McCaul
Emmer McClintock
Estes (KS) McHenry
Farenthold McKinley
Faso McMorris
Ferguson Rodgers
Fitzpatrick McSally
Fleischmann Meadows
Flores Meehan
Fortenberry Messer
Foxy Mitchell
Frelinghuysen Moolenaar
Gaetz Mooney (WV)
Gallagher Mullin
Garrett Newhouse
Gianforte Noem
Gibbs Norman
Gohmert Nunes

NOES—188

Adams Boyle, Brendan
Aguilar F.
Amash Brady (PA)
Barragán Brown (MD)
Bass Brownley (CA)
Beatty Bustos
Bera Butterfield
Beyer Capuano
Bishop (GA) Carbajal
Blumenauer Cárdenas
Blunt Rochester Carson (IN)
Bonamici Cartwright
Castor (FL)

Courtney Kihuen
Crist Kildee
Crowley Kilmer
Cuellar Kind
Cummings Krishnamoorthi
Davis (CA) Kuster (NH)
Davis, Danny Langevin
DeFazio Larsen (WA)
DeGette Larson (CT)
Delaney Lawrence
DeLauro Lawson (FL)
DelBene Lee
Demings Levin
DeSaulnier Lewis (GA)
Deutch Lieu, Ted
Dingell Lipinski
Doggett Loeb sack
Doyle, Michael Lofgren
F. Lowenthal
Ellison Lowey
Engel Lujan Grisham,
Eshoo M.
Españillat Luján, Ben Ray
Esty (CT) Lynch
Evans Maloney,
Frankel (FL) Carolyn B.
Fudge Maloney, Sean
Gabbard Massie
Gallego Matsui
Gomez McCollum
Gonzalez (TX) McEachin
Gottheimer McGovern
Green, Al McNerney
Green, Gene Meeks
Grijalva Meng
Gutiérrez Moore
Hanabusa Moulton
Hastings Murphy (FL)
Heck Nadler
Higgins (NY) Neal
Himes Nolan
Hoyer Norcross
Huffman O'Halleran
Jackson Lee O'Rourke
Jayapal Pallone
Jeffries Panetta
Johnson (GA) Payne
Johnson, E. B. Pelosi
Kaptur Perlmutter
Keating Peters
Kelly (IL) Peterson
Khanna Pingree

NOT VOTING—15

Bridenstine Granger
Brooks (AL) Jones
Foster Kennedy
Garamendi Napolitano
Gosar Palmer

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1410

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOBS FOR OUR HEROES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1393) to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 706]

YEAS—418

Abraham Cummings Hudson
Adams Curbelo (FL) Huffman
Aderholt Curtis Huizenga
Aguilar Davidson Hultgren
Allen Davis (CA) Hunter
Amash Davis, Danny Hurd
Amodei Davis, Rodney Issa
Arrington DeFazio Jackson Lee
Babin DeGette Jayapal
Bacon Delaney Jeffries
Banks (IN) DeLauro Jenkins (KS)
Barletta DelBene Jenkins (WV)
Barr Demings Johnson (GA)
Barragán Denham Johnson (LA)
Barton Dent Johnson (OH)
Bass DeSantis Johnson, E. B.
Beatty DeSaulnier Johnson, Sam
Bera DesJarlais Jordan
Bergman Deutch Joyce (OH)
Beyer Diaz-Balart Kaptur
Biggs Smith (WA) Katko
Bilirakis Soto Doggett
Bishop (GA) Speier Kelly (IL)
Bishop (MI) Swalwell (CA) Kelly (MS)
Bishop (UT) Takano Kelly (PA)
Black Duffy
Blackburn Duncan (SC) Khanna
Blum Duncan (TN) Kihuen
Blumenauer Dunn Kilmer
Blunt Rochester Ellison Kind
Bonamici Emmer King (IA)
Bost Engel King (NY)
Boyle, Brendan Eshoo Kinzinger
F. Espaillat Knight
Brady (PA) Estes (KS) Krishnamoorthi
Brady (TX) Esty (CT) Kuster (NH)
Brat Evans Kustoff (TN)
Brooks (IN) Farenthold Labrador
Brown (MD) Faso LaHood
Brownley (CA) Ferguson LaMalfa
Buchanan Fitzpatrick Lamborn
Buck Fleischmann Lance
Bucshon Flores Langevin
Budd Fortenberry Larsen (WA)
Burgess Foxx Larson (CT)
Bustos Frankel (FL) Latta
Butterfield Frelinghuysen Lawrence
Byrne Fudge Lawton (FL)
Calvert Gabbard Lee
Capuano Gaetz Levin
Carbajal Gallagher Lewis (GA)
Cárdenas Gallego Lewis (MN)
Carson (IN) Garrett Lieu, Ted
Carter (GA) Gianforte Lipinski
Carter (TX) Gibbs LoBiondo
Cartwright Gohmert Loeb sack
Castor (FL) Gomez Lofgren
Castro (TX) Gonzalez (TX) Long
Chabot Goodlatte Loudermilk
Cheney Gottheimer Love
Chu, Judy Gowdy Lowenthal
Cicilline Graves (GA) Lowey
Clark (MA) Graves (LA) Lucas
Clarke (NY) Graves (MO) Luetkemeyer
Clay Green, Al Lujan Grisham,
Cleaver Green, Gene M.
Clyburn Griffith Luján, Ben Ray
Coffman Grijalva Lynch
Cohen Grothman MacArthur
Cole Guthrie Maloney,
Collins (GA) Gutiérrez Carolyn B.
Collins (NY) Hanabusa Maloney, Sean
Comer Handel Marchant
Comstock Harper Marshall
Conaway Harris Massie
Connolly Hartzler Mast
Cook Hastings Matsui
Cooper Heck McCarthy
Correa Hensarling McCaul
Costa Herrera Beutler McClintock
Costello (PA) Hice, Jody B. McCollum
Courtney Higgins (LA) McGovern
Cramer Higgins (NY) Hill
Crawford Himes McHenry
Crist Holding McKinley
Crowley Hollingsworth McMorris
Cuellar Hoyer Rodgers

McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascarelli
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Ryan (OH)
Sanchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schradner
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Speier
Stefanik

Stewart
Stivers
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman
Weber (TX)
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—13

Bridenstine
Brooks (AL)
Foster
Garamendi
Gosar

Granger
Jones
Kennedy
Napolitano
Pocan

Renacci
Smith (TX)
Suozi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1419

Mr. DUNCAN of South Carolina changed his vote from “present” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 187, answered “present” 1, not voting 18, as follows:

[Roll No. 707]

YEAS—225

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Banks (IN)
Bartlett
Barr
Bergman
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Blunt Rochester
Brady (TX)
Brat
Brooks (IN)
Brown (MD)
Buchanan
Bucshon
Budd
Bustos
Butterfield
Carter (TX)
Cartwright
Castro (TX)
Chabot
Cheney
Chu, Judy
Clay
Cole
Collins (GA)
Collins (NY)
Comstock
Cook
Cooper
Cramer
Crawford
Crist
Cuellar
Culberson
Cummings
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeLauro
Demings
Dent
DeSaulnier
DesJarlais
Dingell
Doggett
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Eshoo
Estes (KS)
Farenthold
Ferguson
Fleischmann
Fortenberry
Frankel (FL)
Frelinghuysen
Gabbard
Gaetz
Garrett
Gianforte
Gibbs

Goodlatte
Gowdy
Graves (LA)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Heck
Hensarling
Hice, Jody B.
Higgins (LA)
Hill
Himes
Hollingsworth
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Johnson (GA)
Johnson (LA)
Johnson, Sam
Joyce (OH)
Kaptur
Kelly (PA)
Kildee
King (IA)
King (NY)
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaMalfa
Lamborn
Latta
Lewis (MN)
Lipinski
Long
Loudermilk
Lowey
Lucas
Luetkemeyer
Speier
Lujan Grisham, M.
Marchant
Marino
Marshall
Massie
McCarthy
McCaul
McClintock
McCollum
McEachin
McHenry
McMorris
Rodgers
McNerney
McSally
Meadows
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Newhouse
Noem

Norman
Nunes
O'Rourke
Palazzo
Pascarelli
Pelosi
Perlmutter
Perry
Peters
Pingree
Posey
Quigley
Reed
Reichert
Rice (SC)
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Ros-Lehtinen
Ross
Rothfus
Royce (CA)
Ruppersberger
Russell
Rutherford
Sanford
Scalise
Schneider
Schweikert
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Speier
Stefanik
Stewart
Takano
Taylor
Tenney
Thornberry
Tiberi
Trott
Tsongas
Turner
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Walz
Wasserman
Schultz
Waters, Maxine
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Yarmuth
Young (IA)
Zeldin

NAYS—187

Adams
Aguilar
Amash
Barragán
Barton
Bass
Beatty
Bera
Beyer
Biggs
Bishop (GA)
Bishop (MI)
Blum
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Buck
Burgess
Byrne
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Castor (FL)
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Coffman
Cohen
Comer
Conaway
Connolly
Correa
Costa
Costello (PA)
Courtney
Crowley
DeFazio
DeGette
Delaney
DelBene
Denham
DeSantis
Deutsch
Diaz-Balart
Doyle, Michael F.
Emmer
Engel
Español
Esty (CT)
Evans
Faso
Fitzpatrick
Flores
Fox
Fudge
Gallagher

Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Herrera Beutler
Higgins (NY)
Holding
Hoyer
Hudson
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Jordan
Katko
Keating
Kelly (IL)
Kelly (MS)
Khanna
Kihuen
Kilmer
Kind
Kinzinger
Knight
LaHood
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
LoBiondo
Loebach
Lofgren
Love
Lowenthal
Luján, Ben Ray
Lynch
MacArthur
Maloney
Maloney, Sean
Mast
Matsui
McGovern
McKinley
Meehan
Neal

Nolan
Norcross
O'Halleran
Pallone
Palmer
Panetta
Paulsen
Payne
Pearce
Peterson
Pittenger
Poe (TX)
Poliquin
Polis
Price (NC)
Raskin
Ratcliffe
Rice (NY)
Richmond
Rogers (AL)
Rosen
Roskam
Rouzer
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sanchez
Sarbanes
Schakowsky
Schiff
Schradner
Scott, Austin
Sewell (AL)
Shea-Porter
Sinema
Sires
Slaughter
Smucker
Soto
Stivers
Swalwell (CA)
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tipton
Titus
Torres
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Walker
Watson Coleman
Wilson (FL)
Woodall
Yoder
Yoho
Young (AK)

ANSWERED “PRESENT”—1

Tonko

NOT VOTING—18

Bacon
Bridenstine
Brooks (AL)
Calvert
Foster
Gohmert
Gosar

Granger
Jones
Kennedy
Napolitano
Olson
Pocan
Renacci

Rooney, Thomas J.
Smith (TX)
Suozi
Wittman

□ 1426

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SUOZZI. Mr. Speaker, I was unable to be present today, December 21, 2017. Had I been present, I would have voted “Yes” on rollcall votes No. 706 and No. 707, and “No” on rollcall votes No. 704 and No. 705.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Mariel Ridgway, one of his secretaries.

APPOINTMENTS TO FREDERICK DOUGLASS BICENTENNIAL COMMISSION

The SPEAKER pro tempore (Mr. BOST). The Chair announces the Speaker's appointment, pursuant to section 5 of the Frederick Douglass Bicentennial Commission Act (Pub. L. 115-77), and the order of the House of January 3, 2017, of the following Member on the part of the House to the Frederick Douglass Bicentennial Commission:

Mr. HARRIS, Maryland
And from private life:
Ms. Sylvia Quinton, Mardela Springs, Maryland
Dr. C. James Trotman, West Chester, Pennsylvania

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO BOB DOLE

Mr. HARPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 31) authorizing the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Bob Dole, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO BOB DOLE.

(a) AUTHORIZATION.—The rotunda of the Capitol is authorized to be used on January 17, 2018, for a ceremony to award the Congressional Gold Medal to Bob Dole.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO AWARD THE MEDAL OF HONOR TO JOHN L. CANLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR

Mr. COFFMAN. Mr. Speaker, I ask unanimous consent that the Com-

mittee on Armed Services be discharged from further consideration of the bill (H.R. 4641) to authorize the President to award the Medal of Honor to John L. Canley for acts of valor during the Vietnam War while a member of the Marine Corps, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The text of the bill is as follows:

H.R. 4641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO JOHN L. CANLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 6248 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 6241 of such title to John L. Canley for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Gunnery Sergeant John L. Canley during combat operations from January 31, 1968, to February 6, 1968, during the Vietnam War as a member of the Marine Corps, for which he was previously awarded the Navy Cross.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or if the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

□ 1430

SEXUAL ASSAULT FORENSIC EVIDENCE REPORTING ACT OF 2017

Mrs. HANDEL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1766) to reauthorize the SAFER Act of 2013, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexual Assault Forensic Evidence Reporting Act of 2017" or the "SAFER Act of 2017".

SEC. 2. PEDIATRIC SEXUAL ASSAULT NURSE EXAMINERS.

Section 304(c)(2) of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723(c)(2)) is amended—

(1) by inserting " , both adult and pediatric," after "role of forensic nurses"; and

(2) by striking "and elder abuse" and inserting "elder abuse, and, in particular, the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents".

SEC. 3. REDUCING THE RAPE KIT BACKLOG.

(a) REAUTHORIZATION.—Section 2(c)(4) of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. 40701(c)(4)) is amended by striking "2017" and inserting "2022".

(b) SUNSET.—Section 1006 of the SAFER Act of 2013 (34 U.S.C. 40701 note) is amended by striking "2018" and inserting "2023".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Georgia (Mrs. HANDEL) and the gentleman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Georgia.

GENERAL LEAVE

Mrs. HANDEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1766, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mrs. HANDEL. Mr. Speaker, I yield myself such time as I may consume.

S. 1766, the Sexual Assault Forensic Evidence Reporting Act of 2017, also known as the SAFER Act, will strengthen State and local law enforcement's ability to reduce the number of untested rape kits and help take more offenders off our streets.

Congress provides significant resources annually to the Department of Justice to help reduce backlogs of untested forensic evidence. This legislation will reauthorize the Attorney General's authority to allocate 5 to 7 percent of funds made available to carry out the Debbie Smith DNA Backlog Grant Program to help communities audit their backlogs, which is an important first step in any effort to eliminate a backlog.

Despite the cases analyzed and improvements made with our Federal resources, backlogs persist due to the ever-increasing demand for evidence testing. According to the National Institute of Justice, as the value of DNA evidence is increasingly recognized, more evidence gets collected and submitted to laboratories for analysis.

Delays in analysis of forensic evidence often result in delays of justice: serial offenders can continue victimizing, and innocent individuals may be incarcerated. The SAFER Act helps address this common impediment to the response to rape and sexual assault at the State, local, and Tribal levels.

Importantly, the SAFER Act also would clarify that pediatric forensic nurses are eligible for training and employment grants. This provision underscores the critical role that pediatric sexual assault nurse examiners can play in a community's response to children who are victims of abuse.

S. 1766 can help ensure that resources provided for DNA analysis are focused on grant recipients making a good faith effort to estimate and manage their backlog of untested samples and improve efforts to get sex offenders off of our streets.

Mr. Speaker, I urge my colleagues to support this important measure, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1766, the Sexual Assault Forensic Evidence Reporting Act of 2017. This bipartisan legislation passed the Senate on October 23, 2017.

I am glad that this House is moving this legislation, because it is about children. It is about the scourge that children, women, and others find themselves victims of—sexual assault.

S. 1766 will reauthorize the DNA Analysis Backlog Elimination Act of 2000 through the year 2022, by amending the language in section 2(c)(4) of 34 U.S.C. 40701(c)(4).

Furthermore, this legislation also amends other sections of the DNA Sexual Assault Justice Act of 2004 by ensuring that role of forensic nurses pertains to both adult and pediatric care.

The SAFER Act also amends this statute by making a provision after "elder abuse" for the need of nurse examiners, particularly where there is the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents.

Finally, this legislation will sunset through 2023 by amending the SAFER Act. The SAFER Act is a critical program, administered by the U.S. Department of Justice, that allows:

Local law enforcement programs to obtain funding for programs to reduce the rape kit backlog in communities across the country;

Victims of sexual assault get justice more quickly than in the past;

Thirty-five percent of funds available under the Debbie Smith Act for grants to local law enforcement agencies to focus more resources on rape kit testing;

Five to seven percent of the Debbie Smith Act funding to be used by local jurisdictions to conduct 1-year audits of untested sexual assault evidence to identify serious areas of backlog; and

Forensic testing to be done by both pediatric and adult sexual assault nurse examiners.

This is a very important measure that will address the large volume of

cases that fester due to the excessive backlog in our processing of rape kits.

According to the National Institute of Justice, a multidisciplinary, victim-centered approach and standardized, efficient evidence processing in sexual assault cases are the focus of its new report.

The report, "National Best Practices for Sexual Assault Kits," outlines 35 suggestions for laboratories and law enforcement to improve their sexual assault investigations, tackling issues such as evidence collection, storage, and maintenance; backlog tracking and processing; victim advocacy and notification; and sensitivity to trauma in sexual assault victims.

A working group—consisting of victims and victim advocates, sexual assault nurse examiners and medical examiners, forensic laboratories, law enforcement agencies, prosecutors, and members of the judiciary—developed the suggestions over a 2-year period following the Sexual Assault Forensic Evidence Reporting Act of 2013, the SAFER Act, a component of the Violence Against Women Act. We will soon reauthorize the Violence Against Women Act, and we will be happy to have this expansion included in this.

A victim-centered approach is the focus on the needs and the concerns of a victim to ensure the passionate and sensitive delivery of services in a nonjudgmental manner. A trauma-informed approach considers the impact of trauma and victim safety considerations.

Mr. Speaker, my colleague from Texas, Congressman POE, and my colleague from New York, Congresswoman CAROLYN B. MALONEY, have worked on a number of these issues, and also Senator CORNYN, because this is a very important step. I remember the days, in our respective jurisdictions, that we had a mounting backlog of rape kits. Do you know what that means, Mr. Speaker? Women and children do not get either their day in court or do not get justice.

Mr. Speaker, I believe that this is a timely and very important legislative initiative.

Mr. Speaker, I ask my colleagues to support the legislation, and I reserve the balance of my time.

Mrs. HANDEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE), my colleague.

Mr. POE of Texas. Mr. Speaker, one of the worst things that can happen to any of us is to lose their voice, and I have lost mine. I know some of the Democrats are glad about that.

But I want to say this on behalf of the SAFER Act. There are, in our country, on shelves, in warehouses, and in law enforcement office buildings rape kits that have never been examined. That is shameful. And everybody is to blame, from the Federal Government to local government.

It is shameful because victims—and I knew a lot of them at the courthouse as a judge—don't know who committed this crime against them, and we have the ability to tell them, but we don't because of bureaucratic incompetence. These haven't been examined. They have the right to know who sexually assaulted them.

Also, there are criminals running loose, who have never been prosecuted, because these rape kits have never been analyzed. And, yes, there are people incarcerated who are innocent, and the rape kit can prove their innocence. It is important that we pass the SAFER Act. Get those sexual assault kits analyzed. There are no more excuses.

Mr. Speaker, in 1984, Michelle was raped at knifepoint by two men who broke into her home.

They blindfolded her, tied her up with a phone cord, and gagged her before sexually assaulting her.

During the assault, they laughed and bragged that they had been getting away with committing this crime for seven years.

Much to Michelle's surprise, they left without ending her life. But hers would now be a life filled with suffering and fear. Michelle called the police and had a rape kit taken.

She hoped that by achieving justice against her attackers she would find some measure of peace and closure.

Michelle waited for the results, but she waited in vain.

The backlog of untested kits was too large, so her kit was never tested.

Over the next years, while her rape kit sat collecting dust on a shelf, break-ins and rapes continued to happen in her neighborhood.

She was in constant fear that her attackers were still on the loose.

Not only does the inability to test rape kits deny victims justice, it also puts the safety of other innocent people in jeopardy by keeping criminals on the streets.

To address this issue, Congresswoman MALONEY and I introduced the Sexual Assault Forensic Evidence Reporting Act or SAFER Act, which was signed into law in 2013.

This bill provides funds to states and localities to increase rape kit testing and expand forensic lab capacities.

In the years since SAFER's enactment there has been progress, but there are still hundreds of thousands of untested rape kits across the nation.

SAFER was slated to expire at the end of this year, but thankfully, with bipartisan support, Congress has secured its re-authorization and continued existence.

This legislation will continue to reduce the national rape kit backlog and help victims achieve justice.

I want to thank Senator CORNYN who has worked with me on SAFER for many years.

And I want to thank the Chairman for bringing this bill to the floor. I applaud its passage here today.

And that is just the way it is.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to my good friend from Texas, I am just a measure above your lost voice. I am suffering from somewhat of the same thing, but I have a little bit of a voice, so I can say thank you, again, for your very hard work on this legislation as a former judge in Harris County on the criminal bench. I know you saw injustices because rape kits had not been processed.

I believe, as the chair and co-chair of the Congressional Children's Caucus and the ranking member on the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, that we went through this as well. I was very pleased that the Justice Department understood the importance of grants to help our local law enforcement, but, more importantly, that the Judiciary Committee understood the importance of this legislation to really move forward to process kits.

Can you imagine, Mr. Speaker, children having a backlog of kits that have been subjected to sexual assault—the most dastardly act and violence—not only against adults, but against children, like 3-month-olds, or toddlers, by sick people who sexually assault them.

So the development and implementation of policies and procedures by the National Institutes of Health leads to more timely submission of evidence to forensic laboratories, enhances communications and investigative procedures, promotes better informed prosecutorial decisionmaking, and, as my friend said, it helps the accused and the accuser. These approaches are the most important because they get victim participation.

Victims of sexual assault require justice that is swift, thorough, and expedient so they may begin to heal and attempt to put the pieces of their lives back together. They deserve the best efforts of law enforcement to help them along the way.

When Houston was trying to rebuild its rape testing structure, we utilized the FBI. And I want to take a moment to thank the FBI for its deep abiding integrity and honesty and how it comes to the rescue of so many jurisdictions, local law enforcement. Let us be very clear on how important it is to maintain the integrity and the respect for the FBI, as opposed to demeaning the FBI. Today, on the floor of the House, I want to thank them for their service.

So this legislation would reauthorize the SAFER Act, provide funding to conduct 1-year audits of untested sexual assault evidence, and ensure that law enforcement agencies across the country are trained and armed with the skills and tools they require to stand against sexual assault and stand for those individuals who might be victimized.

The SAFER Act would also ensure that forensic nurses are eligible for training under the program. These pro-

fessionals are indispensable. Our citizens deserve to be protected and remain free from harm. Our children, women, and men, who are sexually assaulted, deserve to be protected, but their cases must move expeditiously.

Accordingly, I urge my colleagues to join me in supporting this important legislation, as we continue to stand for victims and against the viciousness of sexual crimes of any kind, protect them, and bring the perpetrators to justice. I ask for a "yes" vote for this legislation.

Mr. Speaker, I rise in support of S. 1766, the "Sexual Assault Forensic Evidence Reporting" or the (SAFER) Act of 2017."

This bipartisan legislation passed the Senate October 23, 2017.

S. 1766 will reauthorize the DNA Analysis Backlog Elimination Act of 2000 through the year 2022, by amending the language in section 2(c)(4) of the (34 U.S.C. 40701(c)(4)).

Furthermore, this legislation also amends Section 304(c)(2) of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723(c)(2)) by ensuring that role of forensic nurses pertains to both adult and pediatric care.

The SAFER Act also amends this statute by making a provision after "elder abuse" for the need of nurse examiners, particularly, where there is the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents".

Finally, this legislation will sunset through 2023 by amending Section 1006 of the SAFER Act of 2013 (34 U.S.C. 40701 note).

The SAFER Act is a critical program administered by the U.S. Department of Justice that allows:

Local law enforcement programs to obtain funding for programs to reduce the rape kit backlog in communities across the country.

Victims of sexual assault get justice more quickly than in the past.

35% of funds available under the Debbie Smith Act for grants to local law enforcement agencies to focus more resources on rape kit testing.

5%–7% of the Debbie Smith Act funding to be used by local jurisdictions to conduct one-year audits of untested sexual assault evidence to identify serious areas of backlog.

Forensic testing to be done by both pediatric and adult sexual assault nurse examiners.

This is a very important measure that will address the large volume of cases that fester due to the excessive back log in our processing of rape kits.

According to the National Institute of Justice, a multidisciplinary, victim-centered approach and standardized, efficient evidence processing in sexual assault cases are the focus of its new report.

The report, National Best Practices for Sexual Assault Kits, outlines 35 suggestions for laboratories and law enforcement to improve their sexual assault investigations, tackling issues such as evidence collection, storage and maintenance; backlog tracking & processing; victim advocacy and notification; and sensitivity to trauma in sexual assault victims.

A working group—consisting of victims and victim advocates, sexual assault nurse examiners and medical examiners, forensic laboratories, law enforcement agencies, prosecutors and members of the judiciary—developed the suggestions over a two-year period following the Sexual Assault Forensic Evidence Reporting (SAFER) Act of 2013, a component of the Violence Against Women Act.

A victim centered approach is the focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner. A trauma-informed approach considers the impact of trauma and victim safety considerations.

Utilizing both approaches in the development and implementation of policies and procedures leads to more timely submission of evidence to forensic laboratories, enhances communications and investigative procedures, promotes better informed prosecutorial decision-making, and ultimately may reduce re-traumatization of victims by the criminal justice system.

In fact, these approaches are more likely to increase victim participation and thereby, support more complete investigations, increasing the overall likelihood of successful prosecutions."

For these reasons, I support this bill.

Victims of sexual assault require justice that is swift, thorough, and expedient, so that they may begin to heal and attempt to put the pieces of their lives back together. They deserve the best efforts of law enforcement to help them along the way.

This legislation would reauthorize the SAFER Act, provide funding to conduct one-year audits of untested sexual assault evidence, and ensure that law enforcement agencies across the country are trained and armed with the skills and tools they require to stand against sexual assault, and stand for those individuals who might be victimized.

The SAFER Act would also ensure that forensic nurses are eligible for training under the program. These professionals perform indispensable functions within the investigation of sexual abuse cases. They also provide specialized care and attention to children, youth, and the elderly, who are sexually abused. This legislation would help local authorities make certain that state and local forensic nurses are fully capable of providing such an important service to child victims.

Our citizens deserve to be protected and remain free from harm. We have a responsibility to do all that we can during those unfortunate times where one of them might be victimized.

Accordingly, I urge my colleagues to join me in supporting this important legislation as we continue to stand for victims and against sexual crimes of any kind.

Mr. Speaker, I yield back the balance of my time.

Mrs. HANDEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me start by recognizing the tremendous leadership of my colleague, Representative TED POE from Texas. I thank him for giving me the honor of being his wing woman in presenting this important piece of legislation today.

And, indeed, the SAFER Act is an important piece of legislation to reinforce the efforts of our local and State

law enforcement in their work to reduce the number of untested rape kits and help take these sexual assault predators off the streets.

At the same time, this legislation underscores the critical role that the pediatric sexual assault examiners play in this process and makes them eligible for key training.

So, again, I ask my colleagues to pass this bill, and I yield back the balance of my time.

□ 1445

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Georgia (Mrs. HANDEL) that the House suspend the rules and pass the bill, S. 1766.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. HANDEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FURTHER SUPPLEMENTAL APPROPRIATIONS ACT, 2018

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 4667.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, pursuant to House Resolution 670, I call up the bill (H.R. 4667) making further supplemental appropriations for the fiscal year ending September 30, 2018, for disaster assistance for Hurricanes Harvey, Irma, and Maria, and calendar year 2017 wildfires, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 670, the amendments printed in House Report 115-477 are adopted.

The bill, as amended, contains an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010. Accordingly, the Chair must put the question of consideration under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010.

The question is, Will the House now consider the bill?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—DISASTER ASSISTANCE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for the “Office of the Secretary”, \$2,600,000,000, which shall remain available until September 30, 2019, for necessary expenses related to crops, trees, bushes, vines, and livestock losses resulting from Hurricanes Harvey, Irma, Maria, and other hurricanes and wildfires occurring in calendar year 2017 under such terms and conditions as determined by the Secretary: *Provided*, That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories: *Provided further*, That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 85 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the 2017 crop year, or 2018 crop year in the case of citrus, under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the 2017 crop year under NAP for the crop incurring the losses shall not exceed 65 percent of the loss as determined by the Secretary: *Provided further*, That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: *Provided further*, That, not later than 90 days after the end of fiscal year 2018, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for further expenditure and include improvements that can be made to Federal Crop Insurance policies, either administratively or legislatively, to increase participation, particularly among underserved producers, in higher levels of coverage in future years for crops qualifying for assistance under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$2,500,000, to remain avail-

able until expended, for oversight and audit of programs, grants, and activities funded by this division and administered by the Department of Agriculture: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities”, \$22,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the “Emergency Conservation Program” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, \$400,000,000, to remain available until expended: *Provided*, That not less than \$300,000,000 of the amount made available in the previous proviso shall be for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount, for “Watershed and Flood Prevention Operations”, for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, \$541,000,000, to remain available until expended: *Provided*, That not less than \$400,000,000 of the amount made available in the previous proviso shall be for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for costs of direct loans, including costs relating to modification of such loans, as those terms are defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), \$18,672,000 shall be for direct loans for the rehabilitation of section 515 rental housing (42 U.S.C. 1485) in locations where owners were not required to carry national flood insurance, to remain available until September 30, 2019: *Provided*, That such funds shall be for areas impacted by Hurricanes Harvey, Irma, and Maria: *Provided further*, That such amount is

designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the “Rural Water and Waste Disposal Program Account”, \$165,475,000, to remain available until expended, for grants to repair drinking water systems and sewer and solid waste disposal systems impacted by Hurricanes Harvey, Irma, and Maria: *Provided*, That not to exceed \$2,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of the Consolidated Farm and Rural Development Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD AND NUTRITION SERVICE

COMMODITY ASSISTANCE PROGRAM

For an additional amount for “Commodity Assistance Program” for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$24,000,000, to remain available until September 30, 2019: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983, the Secretary of Agriculture may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to provide resources to Puerto Rico, the United States Virgin Islands, and States affected by wildfires occurring in calendar year 2017 or Hurricanes Harvey, Irma, and Maria, as determined by the Secretary, without regard to sections 204 and 214 of such Act (7 U.S.C. 7508, 7515): *Provided further*, That such funds will be designated for States impacted by Hurricanes Harvey, Irma, and Maria, or wildfire and subject to a federal major disaster or emergency declaration: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Buildings and Facilities”, \$7,600,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount may be transferred to “Department of Health and Human Services—Food and Drug Administration Salaries and Expenses” for costs related to repair of facilities, for replacement of equipment, and for other increases in facility-related costs: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this Act may be charged to funds appropriated by this paragraph: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 101. (a) Section 1501(d)(1) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)(1)) is amended by striking “not more than \$20,000,000” and inserting “not more than \$40,000,000”.

(b) The amount provided by subsection (a) for fiscal year 2018 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs” for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Harvey, Irma, and Maria, and the calendar year 2017 wildfires, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$600,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That within the amount appropriated, up to 2 percent of funds may be transferred to the “Salaries and Expenses” account for administration and oversight activities: *Provided further*, That within the amount appropriated, \$1,000,000 shall be transferred to the “Office of Inspector General” account for carrying out investigations and audits related to the funding provided under this heading.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$120,904,000, to remain available until September 30, 2019, as follows: (1) \$12,904,000 for repair and replacement of observing assets, Federal real property, and equipment; (2) \$18,000,000 for marine debris assessment and removal; (3) \$40,000,000 for mapping, charting, and geodesy services; and (4) \$50,000,000 to improve weather forecasting, hurricane intensity forecasting and flood forecasting and mitigation capabilities, including data assimilation from ocean observing platforms and satellites: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$79,232,000, to remain available until September 30, 2020, as follows: (1) \$29,232,000 for repair and replacement of Federal real property and observing assets; and (2) \$50,000,000 for improvements to operational

and research weather supercomputing infrastructure and for improvement of satellite ground services used in hurricane intensity and track prediction: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$2,500,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$21,200,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$11,500,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$16,000,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$34,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Construction and Environmental Compliance and Restoration” for repairs at National Aeronautics and Space Administration facilities damaged by hurricanes during 2017, \$81,300,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL SCIENCE FOUNDATION
RESEARCH AND RELATED ACTIVITIES

For an additional amount for “Research and Related Activities” for necessary expenses to repair National Science Foundation radio observatory facilities damaged by hurricanes that occurred during 2017, \$16,300,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Science Foundation shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

RELATED AGENCIES

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

For an additional amount for “Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$1,000,000: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricanes Harvey, Irma, and Maria: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this division to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this division to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2017 and 2018, respectively, and except that sections 501 and 503 of Public Law 104-134 (referenced by Public Law 105-119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this division, the Legal Services Corporation shall be considered an agency of the United States Government.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$20,110,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$267,796,000, to remain available until September 30, 2018, for necessary expenses related to the con-

sequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$17,920,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$20,916,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$2,650,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$12,500,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$2,922,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$5,770,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$55,471,000, to remain available until September 30, 2018, for necessary expenses re-

lated to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy” \$18,000,000, to remain available until September 30, 2020, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds” for the Navy Working Capital Fund, \$9,486,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for operation and maintenance for “Defense Health Program”, \$704,000, to remain available until September 30, 2018, for necessary expenses related to the consequences of Hurricanes Harvey, Irma or Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$75,000,000, to remain available until expended to expedite and complete at full Federal expense studies, including Preconstruction Engineering and Design, for flood and storm damage reduction, including shore protection, in areas that were affected by Hurricanes Harvey, Irma, or Maria: *Provided*, That the Secretary may use funding provided under this heading to complete ongoing studies, to initiate and complete up to two authorized studies for assessing regional flood and storm risks, and to initiate and complete up to six authorized feasibility studies: *Provided further*, That the Secretary shall consider giving priority to studies in areas that suffered the most damage from these hurricanes and to studies in areas that have had multiple major disaster declarations in recent years: *Provided further*, That a report identifying all ongoing studies, authorized studies for assessing regional flood and storm risks in the impacted areas, and authorized feasibility studies eligible for funding under this heading, including identification of whether each study is in a category to be considered for priority, shall be submitted to the Committees on Appropriations of the House of Representatives and

the Senate not later than 30 days after the date of enactment of this Act: *Provided further*, That no allocation shall be made to initiate any new study until the Secretary submits to the Committees on Appropriations of the House of Representatives and the Senate a list of all new studies selected to be initiated using funds provided under this heading: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of natural disasters, including Hurricanes Harvey, Irma, and Maria, \$10,480,000,000, to remain available until expended to rehabilitate, repair, and construct United States Army Corps of Engineers projects: *Provided*, That \$55,000,000 of the funds provided under this heading shall be used to address emergency situations at Corps of Engineers projects, and to rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters: *Provided further*, That \$10,425,000,000 of the funds provided under this heading shall be used to expedite construction of projects for flood and storm damage reduction, including shore protection, in areas that were affected by Hurricanes Harvey, Irma, or Maria: *Provided further*, That the Secretary shall consider giving priority to projects located in areas that suffered the most damage from these hurricanes and to projects located in areas that have had multiple major disaster declarations in recent years: *Provided further*, That funding utilized for authorized shore protection projects shall restore such projects from the design level of protection to the full project profile at full Federal expense: *Provided further*, That the completion of ongoing construction projects receiving funds provided under this heading shall be at full Federal expense with respect to such funds: *Provided further*, That upon approval of the Committees on Appropriations of the House of Representatives and the Senate funds provided under this heading may be used to construct any project studied using funds provided under the heading “Investigations” or any project with a completed Chief’s Report that has not yet been authorized if the Secretary determines that the project is technically feasible, economically justified, and environmentally acceptable: *Provided further*, That, using these funds, the non-Federal cash contribution for authorized but unconstructed projects, projects with completed Chief’s Reports that have not yet been authorized, or projects that are funded as ongoing studies under the heading “Investigations” shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That a report identifying all ongoing construction projects, authorized but unconstructed projects, and projects with completed Chief’s Reports that have not yet been authorized, including project cost estimates and identification of whether each project is in a category to be considered for priority, shall be

submitted to the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the date of enactment of this Act: *Provided further*, That not more than \$500,000,000 of the funds provided to expedite construction shall be available until such report is submitted: *Provided further*, That for projects funded under this heading, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further*, That up to \$50,000,000 of the funds provided to expedite construction shall be used to expedite continuing authorities projects to reduce the risk of flooding and storm damage in areas impacted by Hurricanes Harvey, Irma, or Maria: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries”, \$370,000,000, to remain available until expended, for necessary expenses to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters, \$608,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the

House of Representatives and the Senate detailing the allocation and obligation of these funds.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, \$537,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

EXPENSES

For an additional amount for “Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$20,000,000, to remain available until expended to oversee emergency response and recovery activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for “Electricity Delivery and Energy Reliability”, \$13,000,000, to remain available until expended, for necessary expenses related to natural disasters, including technical assistance related to electric grids: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STRATEGIC PETROLEUM RESERVE

For an additional amount for “Strategic Petroleum Reserve”, \$8,716,000, to remain available until expended, for necessary expenses related to damages caused by natural disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 401. In fiscal year 2018 and each fiscal year thereafter, the Chief of Engineers of the U.S. Army Corps of Engineers shall transmit to the Congress, after reasonable opportunity for comment, but without change, by the Assistant Secretary of the Army for Civil Works, a monthly report, the first of which shall be transmitted to Congress not later than 2 days after the date of enactment of this Act and monthly thereafter, which includes detailed estimates of damages to each Corps of Engineers project, caused by natural disasters or otherwise.

TITLE V

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, \$126,951,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Maria, and Irma, for repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That funds may be used to reimburse the “Federal Buildings Fund” for obligations incurred for this purpose prior to enactment of this Act: *Provided further*, That not more than \$15,000,000 shall be available for tenant improvements in damaged U.S. courthouses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Small Business Administration—Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,652,000,000, to remain available until expended: *Provided*, That up to \$618,000,000 may be transferred to and merged with “Salaries and Expenses” for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the “Small Business Administration—Office of Inspector General”, \$7,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$25,000,000, to remain available until September 30, 2020, for audits and investigations of activities funded by this title: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$104,494,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Bal-

anced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That not more than \$39,400,000 may be used to carry out U.S. Customs and Border Protection activities in fiscal year 2018 in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$3,000,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds are provided to carry out U.S. Customs and Border Protection activities in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$30,905,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$33,052,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$10,322,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$112,136,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Environmental Compliance and Restoration” for necessary expenses related to the con-

sequences of Hurricanes Harvey, Irma, and Maria, \$4,038,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, Maria, and Matthew, \$718,919,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses, \$58,800,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses, \$1,200,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Relief Fund” for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$27,500,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Emergency Management Agency shall publish on the Agency’s website not later than 5 days after an award of a public assistance grant under section 406 or 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172 or 5189f) that is in excess of \$1,000,000, the specifics of each such grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of \$1,000,000, not later than 5 days after the issuance of such mission assignment or mission assignment task order, the Administrator shall publish on the Agency’s website the following: the name of the impacted State, the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: *Provided further*, That not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in the preceding proviso is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: *Provided further*, That for a disaster declaration related to Hurricanes Harvey, Irma, or Maria, the Administrator shall submit to the Committees on Appropriations

of the House of Representatives and the Senate, not later than 5 days after the first day of each month beginning after the date of enactment of this Act, and shall publish on the Agency's website, not later than 10 days after the first day of each such month, an estimate or actual amount, if available, for the current fiscal year of the cost of the following categories of spending: public assistance, individual assistance, operations, mitigation, administrative, and any other relevant category (including emergency measures and disaster resources): *Provided further*, That not later than 10 days after the first day of each month, the Administrator shall publish on the Agency's website the report (referred to as the Disaster Relief Monthly Report) as required by Public Law 114-4.

Of the amounts provided under this heading for the Disaster Relief Fund, up to \$4,000,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services as a result of Hurricanes Harvey, Irma, or Maria: *Provided further*, That such amounts may subsidize gross obligations for the principal amount of direct loans not to exceed \$4,000,000,000 under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184): *Provided further*, That notwithstanding section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), a territory or possession, and instrumentalities and local governments thereof, of the United States shall be deemed to be a local government for purposes of this paragraph: *Provided further*, That notwithstanding section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(b)), the amount of any such loan issued to a territory or possession, and instrumentalities and local governments thereof, may be based on the projected loss of tax and other revenues and on projected cash outlays not previously budgeted for a period not to exceed 180 days from the date of the major disaster, and may exceed \$5,000,000: *Provided further*, That notwithstanding any other provision of law or the constitution of a territory or possession that limits the issuance of debt, a territory or possession, and instrumentalities and local governments thereof, may each receive more than one loan with repayment provisions and other terms specific to the type of lost tax and other revenues and on projected unbudgeted cash outlays for which the loan is provided: *Provided further*, That notwithstanding section 417(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(c)(1)), loans to a territory or possession, and instrumentalities and local governments thereof, may be cancelled in whole or in part only at the discretion of the Secretary of Homeland Security in consultation with the Secretary of the Treasury: *Provided further*, That notwithstanding any other provision of law, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall determine the terms, conditions, eligible uses, and timing and amount of Federal disbursements of loans issued to a territory or possession, and instrumentalities and local governments thereof: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That the Federal

Emergency Management Agency may transfer up to 1.5 percent of the amount under this paragraph to the Disaster Assistance Direct Loan Program Account for administrative expenses to carry out under this paragraph the direct loan program, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184): *Provided further*, That of the amount provided under this paragraph for transfer, up to \$150,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost to lend a territory or possession of the United States that portion of assistance for which the territory or possession is responsible under the cost-sharing provisions of the major disaster declaration for Hurricanes Irma or Maria, as authorized under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): *Provided further*, That of the amount provided under this paragraph for transfer, up to \$1,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for administrative expenses to carry out the Advance of Non-Federal Share program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): *Provided further*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$5,374,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$5,000,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. The Administrator of the Federal Emergency Management Agency may provide assistance, pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for critical services as defined in section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the duration of the recovery for incidents DR-4336-PR, DR-4339-PR, DR-4340-USVI, and DR-4335-USVI to—

(1) replace or restore the function of a facility or system to industry standards without regard to the pre-disaster condition of the facility or system; and

(2) replace or restore components of the facility or system not damaged by the disaster where necessary to fully effectuate the replacement or restoration of disaster-damaged components to restore the function of the facility or system to industry standards.

SEC. 602. (a) The Federal share of assistance, including direct Federal assistance, provided under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2017, shall be 90 percent of the eligible costs under such section.

(b) The Federal share provided by subsection (a) shall apply to assistance provided before, on, or after the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$210,629,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$17,500,000, to remain available until September 30, 2019, including costs to States necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act), and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$207,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and in those areas impacted by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to wildfires in 2017, \$42,246,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES
INSULAR AFFAIRS
ASSISTANCE TO TERRITORIES

For an additional amount for “Technical Assistance” for financial management expenses related to the consequences of Hurricanes Irma and Maria, \$3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$2,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$6,200,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$7,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF AGRICULTURE
FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$7,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$20,652,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and the 2017 fire season, \$91,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as

being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 701. Agencies receiving funds appropriated by this title shall each provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds by account, beginning not later than 90 days after enactment of this Act.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES
(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Training and Employment Services”, \$30,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Harvey, Maria, and Irma or the calendar year 2017 wildfires with major disaster or emergency declarations under titles IV or V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in calendar year 2017, which shall remain available until September 30, 2019: *Provided*, That these sums may be used to replace grant funds previously obligated to the impacted areas: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOB CORPS

For an additional amount for “Job Corps” for construction, rehabilitation and acquisition for Job Corps Centers in Puerto Rico, \$30,900,000, which shall be available through June 30, 2021: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “CDC-Wide Activities and Program Support”, \$200,000,000, to remain available until expended, for response, recovery, preparation, mitigation, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, or Maria: *Provided*, That obligations incurred for the purposes provided herein prior to the date of enactment of this Act may be charged to funds appropriated by this paragraph: *Provided further*, That of the amount provided, not less than \$6,000,000 shall be transferred to the “Buildings and Facilities” account for the purposes provided herein: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the “Public Health and Social Services Emergency Fund”, \$177,000,000, to remain available until expended, for response, recovery, prepara-

tion, mitigation and other expenses directly related to the consequences of Hurricanes Harvey, Irma, or Maria, including activities authorized under section 319(a) of the Public Health Service Act (referred to in this title as the “PHS Act”): *Provided*, That \$60,000,000 shall be transferred to “Health Resources and Services Administration—Primary Health Care”, for expenses related to the consequences of Hurricanes Harvey, Irma, or Maria for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act: *Provided further*, That not less than \$50,000,000, of amounts transferred under the preceding proviso, shall be available for alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by Hurricanes Harvey, Irma, or Maria: *Provided further*, That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: *Provided further*, That not less than \$20,000,000 shall be transferred to “Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support” for grants, contracts, and cooperative agreements for behavioral health treatment, crisis counseling, and other related helplines, and for other similar programs to provide support to individuals impacted by Hurricanes Harvey, Irma, or Maria: *Provided further*, That up to \$2,000,000 shall be transferred to “Office of the Secretary—Office of Inspector General” for oversight of activities responding to such hurricanes: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this Act may be charged to funds appropriated under this heading: *Provided further*, That of the funds appropriated in this paragraph, \$15,000,000 shall be transferred to the “National Institutes of Health—Office of the Director” for the purposes provided in this paragraph: *Provided further*, That funds transferred to the National Institutes of Health for the purpose of supporting the repair or rebuilding of non-Federal biomedical or behavioral research facilities damaged as a result of Hurricanes Harvey, Irma, or Maria shall be used to award grants or contracts for such purpose under section 4041 of the Public Health Service Act: *Provided further*, That section 4041(c)(2) of such Act does not apply to the use of funds described in the preceding proviso: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That such additional amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES
CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$650,000,000, to remain available until September 30, 2021, for Head Start programs, for necessary expenses directly related to the consequences of Hurricanes Harvey, Irma, or Maria, including making payments under the Head Start Act: *Provided*, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph are not subject to

the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That up to \$10,000,000 shall be available for Federal administrative expenses: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this Act may be charged to funds appropriated under this heading: *Provided further*, That such additional amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Hurricane Education Recovery” for assisting in meeting the educational needs of individuals affected by Hurricanes Harvey, Irma, or Maria, or calendar year 2017 wildfires for which the President declared a major disaster or emergency under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170; 42 U.S.C. 5191) (referred to herein as a “covered disaster or emergency”), \$2,900,000,000, to remain available through September 30, 2021: *Provided*, That such additional amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That—

(1) such funds shall be used—

(A) to make awards, which shall be available until expended, to eligible entities for immediate aid to restart school operations, in accordance with paragraph (2);

(B) for temporary emergency impact aid for displaced students, in accordance with paragraph (2);

(C) for emergency assistance to institutions of higher education and students attending institutions of higher education in an area directly affected by a covered disaster or emergency in accordance with paragraph (3);

(D) for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education directly affected by a covered disaster or emergency, in accordance with paragraph (4); and

(E) to provide assistance to local educational agencies serving homeless children and youth in accordance with paragraph (5);

(2) immediate aid to restart school operations and temporary emergency impact aid for displaced students described in subparagraphs (A) and (B) of paragraph (1) shall be provided under the statutory terms and conditions that applied to assistance under sections 102 and 107 of title IV of division B of Public Law 109–148, respectively, including the nondiscrimination provisions under section 107(m), except that such sections shall be applied so that—

(A) each reference to a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) shall be to a major disaster or emergency declared by the President in accordance with section 401 or 501, respectively, of such Act;

(B) each reference to Hurricane Katrina or Hurricane Rita shall be a reference to a covered disaster or emergency;

(C) each reference to August 22, 2005, when used in relation to a covered disaster or emergency, shall be to the date that is one week prior to the date on which the major disaster or emergency was declared for the area;

(D) each reference to the States of Louisiana, Mississippi, Alabama, and Texas shall be to the States or territories affected by a covered disaster or emergency, and each reference to the State educational agencies of Louisiana, Mississippi, Alabama, or Texas shall be a reference to the State educational agencies that serve the states or territories affected by a covered disaster or emergency;

(E) each reference to the 2005–2006 school year shall be to the 2017–2018 school year;

(F) the references in section 102(h)(1) of title IV of division B of Public Law 109–148 to the number of non-public elementary schools and secondary schools in the State shall be to the number of students in non-public elementary schools and secondary schools in the State, and the reference in such section to the 2003–2004 school year shall be to the most recent data set for the 2016–2017 school year;

(G) in determining the amount of immediate aid provided to restart school operations as described in section 102(b) of title IV of division B of Public Law 109–148, the Secretary shall consider the number of students enrolled, during the 2016–2017 school year, in elementary schools and secondary schools that were closed as a result of a covered disaster or emergency;

(H) in determining the amount of emergency impact aid that a State educational agency is eligible to receive under paragraph (1)(B), the Secretary shall, subject to section 107(d)(1)(B) of such title, provide—

(i) \$9,000 for each displaced student who is an English learner, as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(ii) \$10,000 for each displaced student who is a child with disability (regardless of whether the child is an English learner); and

(iii) \$8,500 for each displaced student who is not a child with a disability or an English learner; and

(I) with respect to the emergency impact aid provided under paragraph (1)(B), the Secretary may modify the State educational agency and local educational agency application timelines in section 107(c) of such title;

(3) up to \$200,000,000 of the funds made available under this heading shall be for programs authorized under subpart 3 of part A and part C of title IV and part B of title VII of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq., 1138 et seq.) for institutions located in an area affected by a covered disaster or emergency, and students enrolled in such institutions, except that—

(A) any requirements relating to matching, Federal share, reservation of funds, or maintenance of effort under such parts that would otherwise be applicable to that assistance shall not apply;

(B) such assistance may be used for student financial assistance;

(C) such assistance may also be used for faculty and staff salaries, equipment, student supplies and instruments, or any purpose authorized under the Higher Education Act of 1965, by institutions of higher education that are located in areas affected by a covered disaster or emergency; and

(D) the Secretary shall prioritize, to the extent possible, students who are homeless or at risk of becoming homeless as a result of displacement, and institutions that have sustained extensive damage, by a covered disaster or emergency;

(4) up to \$120,000,000 of the funds made available under this heading shall be for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education at which operations have been disrupted by a covered disaster or emergency, in accordance with criteria established by the Secretary and made publicly available;

(5) \$25,000,000 of the funds made available under this heading shall be available to provide assistance to local educational agencies serving homeless children and youths displaced by a covered disaster or emergency, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435) and with section 106 of title IV of division B of Public Law 109–148, except that funds shall be disbursed based on demonstrated need and the number of homeless children and youth enrolled as a result of displacement by a covered disaster or emergency;

(6) section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, shall not apply to activities under this heading;

(7) \$4,000,000 of the funds made available under this heading, to remain available through September 30, 2021, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to \$3,000,000 of the funds made available under this heading, to remain available through September 30, 2019, shall be for program administration;

(8) up to \$35,000,000 of the funds made available under this heading shall be to carry out activities authorized under section 4631(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7281(b)); and

(9) the Secretary may waive, modify, or provide extensions for certain requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for affected individuals, affected students, and affected institutions in covered disaster or emergency areas in the same manner as the Secretary was authorized to waive, modify, or provide extensions for certain requirements of such Act under provisions of subtitle B of title IV of division B of Public Law 109–148 for affected individuals, affected students, and affected institutions in areas affected by Hurricane Katrina and Hurricane Rita, except that the cost associated with any action taken by the Secretary under this paragraph is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. (a) Notwithstanding section 133(b)(4) of the Workforce Innovation and Opportunity Act, in States, as defined by section 3(56) of such Act, affected by Hurricanes Harvey, Irma, and Maria, a local board, as defined by section 3(33) of such Act, in a local area, as defined by section 3(32) of such Act, affected by such Hurricanes may transfer, if such transfer is approved by the Governor, up to 100 percent of the funds allocated to the local area for Program Years 2016 and 2017 for Youth Workforce Investment activities under paragraphs (2) or (3) of section 128(b) of such Act, for Adult employment and training activities under paragraphs (2)(A) or (3) of section 133(b) of such Act, or for Dislocated Worker employment

and training activities under paragraph (2)(B) of section 133(b) of such Act among—

(1) adult employment and training activities;

(2) dislocated worker employment and training activities; and

(3) youth workforce investment activities.

(b) Except for the funds reserved to carry out required statewide activities under sections 127(b) and 134(a)(2) of the Workforce Innovation and Opportunity Act, the Governor of the United States Virgin Islands may authorize the transfer of up to 100 percent of the remaining funds provided to the United States Virgin Islands for Program Years 2016 and 2017 for Youth Workforce Investment activities under section 127(b)(1)(B) of such Act, for Adult employment and training activities under section 132(b)(1)(A) of such Act, or for Dislocated Worker employment and training activities under section 133(b)(2)(A) of such Act among—

(1) adult employment and training activities;

(2) dislocated worker employment and training activities; and

(3) youth workforce investment activities.

SEC. 802. Funds appropriated by this title may be transferred to, and merged with, other appropriation accounts under the headings “Centers for Disease Control and Prevention” and “Public Health and Social Services Emergency Fund” for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations in the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 115-31 or section 241(a) of the PHS Act.

SEC. 803. (a) As the Secretary of Health and Human Services determines necessary to respond to a critical hiring need for emergency response positions, after providing public notice and without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, the Secretary may appoint candidates directly to the following positions to perform critical work directly relating to the consequences of Hurricanes Harvey, Irma, or Maria:

(1) Intermittent disaster-response personnel in the National Disaster Medical System, under section 2812 of the PHS Act (42 U.S.C. 300hh-11).

(2) Term or temporary appointments at the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response.

(b) The authority under subsection (a) shall expire 270 days after the date of enactment of this section.

SEC. 804. Notwithstanding any other provision of law, the interest payment of the United States Virgin Islands that was due under section 1202(b)(1) of the Social Security Act on September 29, 2017, shall not be due until September 28, 2018, and no interest shall accrue on such amount through September 28, 2018.

SEC. 805. Agencies receiving funds appropriated by this title shall each provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds by account, begin-

ning not later than 90 days after enactment of this Act.

TITLE IX

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for the Government Accountability Office for “Salaries and Expenses”, \$14,000,000, to remain available until expended, for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the calendar year 2017 wildfires: *Provided*, That not later than 180 days after the date of enactment of this Act, GAO shall submit to Congress a report describing the United States Virgin Island’s economic and disaster recovery plan that defines the priorities, goals, and expected outcomes of the recovery effort based on damage assessments prepared pursuant to Federal law: *Provided further*, That GAO shall report on the internal control plans that are in place to provide oversight of Federal disaster funds to be used in recovery activities in the United States Virgin Islands, identify any deficiencies in such plans, and provide recommendations to address noted deficiencies: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$201,636,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of the funds made available to the Navy and Marine Corps for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this division shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Secretary of the Navy, or his designee, shall submit to the Committees on Appropriations of House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$519,345,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of the funds made available to the Army National Guard for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this division shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this Act, the Director of the Army National Guard, or his designee,

shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for “Medical Services”, \$11,075,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL SUPPORT AND COMPLIANCE

For an additional amount for “Medical Support and Compliance”, \$3,209,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, \$75,108,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of these funds shall be available for obligation until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for “Construction, Minor Projects”, \$4,088,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 1001. Notwithstanding section 18236(b) of title 10, United States Code, the Secretary of Defense shall contribute to Puerto Rico 100 percent of the total cost of construction (including the cost of architectural, engineering and design services) for the acquisition, construction, expansion, rehabilitation, or conversion of the Arroyo readiness center under paragraph (5) of section 18233(a) of title 10, United States Code.

TITLE XI

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Operations”, \$35,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of hurricanes occurring in calendar year 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and Equipment”, \$79,589,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of hurricanes occurring in calendar year 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$1,374,000,000, to remain available until expended: *Provided*, That notwithstanding section 125(d)(4) of title 23, United States Code, no limitation on the total obligations for projects under section 125 of such title shall apply to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for fiscal year 2018 and fiscal year 2019: *Provided further*, That notwithstanding section 120(i)(1) of title 23, United States Code, for fiscal year 2018 and each fiscal year thereafter, Puerto Rico may use toll credits toward the non-Federal share requirement for emergency relief funds made available under section 125 of such title to respond to damage caused by Hurricanes Irma and Maria: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the “Public Transportation Emergency Relief Program” as authorized under section 5324 of title 49, United States Code, \$269,000,000 to remain available until expended, for transit systems affected by Hurricanes Harvey, Irma, and Maria with major disaster declarations in 2017: *Provided*, That not more than three-quarters of one percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of such title and shall be in addition to any other appropriations for such purpose: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for “Operations and Training”, \$10,000,000, to remain available until expended, for necessary expenses, including for dredging, related to damage to Maritime Administration facilities resulting from Hurricane Harvey: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, \$26,060,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared in 2017 (except as otherwise provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: *Provided further*, That of the amounts made available under this heading, up to \$13,560,000,000 shall be allocated to meet unmet needs for grantees that have received or will receive allocations for major disasters declared in 2017, and that such allocations shall include the States and units of local government affected by Hurricane Maria: *Provided further*, That of the amounts made available under this heading, no less than \$12,500,000,000 shall be allocated for mitigation activities to all grantees of funding provided under this heading, the same heading in chapter 9 of title X of division A of Public Law 113-2, section 420 of division L of Public Law 114-113, section 145 of division C of Public Law 114-223, section 192 of division C of Public Law 114-223 (as added by section 101(3) of division A of Public Law 114-254), section 421 of division K of Public Law 115-31, and the same heading in division B of Public Law 115-56, and that such mitigation activities shall be subject to the same terms and conditions of this heading, as determined by the Secretary: *Provided further*, That all such grantees shall receive an allocation of funds under the preceding proviso in the same proportion that the amount of funds each grantee received or will receive under the second proviso of this heading or the headings and sections specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso: *Provided further*, That of the amounts made available under the second and third provisos of this heading, the Secretary shall allocate to all such grantees an aggregate amount of not less than 33 percent of each such amount of funds provided under this heading within 60 days after the date of enactment of this Act based on the best available data: *Provided further*, That the Secretary shall not prohibit the use of funds made available under this heading and the same heading in division B of Public Law

115-56 for non-federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*, That of the amounts made available under this heading, grantees may establish grant programs to assist small businesses to recover from economic losses: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the sixth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements, 2017 (division B of Public Law 115-56) is amended by striking “State or subdivision thereof” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T.

Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That the eighth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements, 2017 (division B of Public Law 115-56) is amended by inserting “408(c)(4),” after “407,”: *Provided further*, That of the amounts made available under this heading, up to \$10,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115-56, or may receive similar allocations for disaster recovery in future appropriations Acts: *Provided further*, That of the amounts made available under this heading, up to \$10,000,000 shall be transferred, in aggregate, to “Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That the amount specified in the preceding proviso shall be combined with funds appropriated under the same heading and for the same purpose in Public Law 115-56 and the aggregate of such amounts shall be available for any of the purposes specified under this heading or the same heading in Public Law 115-56 without limitation: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be transferred to the Office of the Inspector General for necessary costs of overseeing and auditing funds made available under this heading: *Provided further*, That any funds made available under this heading that remain available, after the other funds under such heading have been allocated for necessary expenses for activities authorized under such heading, shall be used for additional activities, including mitigation, in the most impacted and distressed areas resulting from major disasters declared in 2011 and subsequent years: *Provided further*, That such remaining funds shall be awarded to grantees of funding provided for disaster relief under this heading, the same heading in chapter 9 of title X of division A of Public Law 113-2, section 420 of division L

of Public Law 114-113, section 145 of division C of Public Law 114-223, section 192 of division C of Public Law 114-223 (as added by section 101(3) of division A of Public Law 114-254), section 421 of division K of Public Law 115-31, and the same heading in division B of Public Law 115-56, subject to the same terms and conditions under this heading and such headings and sections respectively: *Provided further*, That each such grantee shall receive an allocation from such remaining funds in the same proportion that the amount of funds such grantee received under the second proviso under this heading and under the Acts specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XII

GENERAL PROVISIONS—THIS DIVISION

SEC. 1201. Each amount appropriated or made available by this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1202. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1203. Unless otherwise provided for by this division, the additional amounts appropriated by this division to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.

SEC. 1204. The terms and conditions applicable to the funds provided in this division, including those provided by this title, shall also apply to the funds made available in division B of Public Law 115-56 and in division A of Public Law 115-72.

SEC. 1205. Each amount designated in this division by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1206. (a) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-72) is amended—

(1) in subsection (a)—

(A) by striking “(1) Not later than December 31, 2017,” and inserting “Not later than March 31, 2018,”; and

(B) by striking paragraph (2); and

(2) in subsection (b), by striking “receiving funds under this division” and inserting “expending more than \$10,000,000 of funds provided by this division and division B of Public Law 115-56 in any one fiscal year”.

(b) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-72), as amended by this section, shall apply to funds appropriated by this division as if they had been appropriated by that division.

(c) In order to proactively prepare for oversight of future disaster relief funding, not later than one year after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standard guidance for Federal agencies to use in designing internal control plans for disaster relief funding. This guidance shall leverage existing internal control review processes and shall include, at a minimum, the following elements:

(1) Robust criteria for identifying and documenting incremental risks and mitigating controls related to the funding.

(2) Guidance for documenting the linkage between the incremental risks related to disaster funding and efforts to address known internal control risks.

SEC. 1207. Any agency or department provided funding in excess of \$3,000,000,000 by this division, including the Federal Emergency Management Agency, the Department of Housing and Urban Development, and the Corps of Engineers, is directed to provide a report to the Committee on Appropriations of the House of Representatives regarding its efforts to provide adequate resources and technical assistance for small, low-income communities affected by natural disasters.

SEC. 1208. (a) Not later than 180 days after the date of enactment of this Act and in coordination with the Administrator of the Federal Emergency Management Agency, with support and contributions from the Secretary of the Treasury, the Secretary of Energy, and other Federal agencies having responsibilities defined under the National Disaster Recovery Framework, the Governor of the Commonwealth of Puerto Rico shall submit to Congress a report describing the Commonwealth’s 12- and 24-month economic and disaster recovery plan that—

(1) defines the priorities, goals, and expected outcomes of the recovery effort for the Commonwealth, based on damage assessments prepared pursuant to Federal law, if applicable, including—

(A) housing;

(B) economic issues, including workforce development and industry expansion and cultivation;

(C) health and social services;

(D) natural and cultural resources;

(E) governance and civic institutions;

(F) electric power systems and grid restoration;

(G) environmental issues, including solid waste facilities; and

(H) other infrastructure systems, including repair, restoration, replacement, and improvement of public infrastructure such water and wastewater treatment facilities, communications networks, and transportation infrastructure;

(2) is consistent with—

(A) the Commonwealth’s fiscal capacity to provide long-term operation and maintenance of rebuilt or replaced assets;

(B) alternative procedures and associated programmatic guidance adopted by the Administrator of the Federal Emergency Management Administration pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189f); and

(C) actions as may be necessary to mitigate vulnerabilities to future extreme weather events and natural disasters and increase community resilience, including encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities for the purpose of protecting the health, safety, and general welfare of the buildings’ users against disasters;

(3) promotes transparency and accountability through appropriate public notification, outreach, and hearings;

(4) identifies performance metrics for assessing and reporting on the progress toward achieving the Commonwealth’s recovery goals, as identified under paragraph (1);

(5) is developed in coordination with the Oversight Board established under PROMESA; and

(6) is certified by that Oversight Board to be consistent with the purpose set forth in section 101(a) of PROMESA (48 U.S.C. 2121(a)).

(b) At the end of every 30-day period before the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall provide to Congress interim status updates on progress developing such report.

(c) At the end of every 180-day period after the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall make public a report on progress achieving the goals set forth in such report.

(d) During the development, and after the submission, of the report required by in subsection (a), the Oversight Board may provide to Congress reports on the status of coordination with the Governor of Puerto Rico.

(e) Amounts made available by this division to a covered territory for response to or recovery from Hurricane Irma or Hurricane Maria in an aggregate amount greater than \$10,000,000 may be reviewed by the Oversight Board under the Oversight Board's authority under 204(b)(2) of PROMESA (48 U.S.C. 2144(b)(2)).

(f) When developing a Fiscal Plan while the recovery plan required under subsection (a) is in development and in effect, the Oversight Board shall use and incorporate, to the greatest extent feasible, damage assessments prepared pursuant to Federal law.

(g) For purposes of this section, the terms "covered territory" and "Oversight Board" have the meaning given those term in section 5 of PROMESA (48 U.S.C. 2104).

This division may be cited as the "Further Additional Supplemental Appropriations for Disaster Relief Requirements, 2017".

DIVISION B—DISASTER RECOVERY REFORM ACT

Sec. 2001. Applicability.
 Sec. 2002. State defined.
 Sec. 2003. Wildfire prevention.
 Sec. 2004. Additional activities.
 Sec. 2005. Eligibility for code implementation and enforcement.
 Sec. 2006. Program improvements.
 Sec. 2007. Prioritization of facilities.
 Sec. 2008. Guidance on evacuation routes.
 Sec. 2009. Duplication of benefits.
 Sec. 2010. State administration of assistance for direct temporary housing and permanent housing construction.
 Sec. 2011. Assistance to individuals and households.
 Sec. 2012. Multifamily lease and repair assistance.
 Sec. 2013. Federal disaster assistance non-profit fairness.
 Sec. 2014. Management costs.
 Sec. 2015. Flexibility.
 Sec. 2016. Additional disaster assistance.
 Sec. 2017. National veterinary emergency teams.
 Sec. 2018. Dispute resolution pilot program.
 Sec. 2019. Emergency relief.
 Sec. 2020. Unified Federal environmental and historic preservation review.
 Sec. 2021. Closeout incentives.
 Sec. 2022. Performance of services.

Sec. 2023. Study to streamline and consolidate information collection.

Sec. 2024. Agency accountability.

Sec. 2025. Audit of contracts.

Sec. 2026. Inspector general audit of FEMA contracts for tarps and plastic sheeting.

Sec. 2027. Relief organizations.

Sec. 2028. Guidance on inundated and submerged roads.

Sec. 2029. Authorities.

Sec. 2030. Recoupment of certain assistance prohibited.

Sec. 2031. Statute of limitations.

Sec. 2032. Technical assistance and recommendations.

Sec. 2033. Guidance on hazard mitigation assistance.

Sec. 2034. Local impact.

Sec. 2035. Additional hazard mitigation activities.

Sec. 2036. National public infrastructure predisaster hazard mitigation.

Sec. 2037. Additional mitigation activities.

Sec. 2038. Federal cost-share adjustments for repair, restoration, and replacement of damaged facilities.

SEC. 2001. APPLICABILITY.

Except as otherwise expressly provided, the amendments in this division to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) apply to each major disaster and emergency declared by the President on or after August 1, 2017, under such Act.

SEC. 2002. STATE DEFINED.

In this division, the term "State" has the meaning given that term in section 102(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(4)).

SEC. 2003. WILDFIRE PREVENTION.

(a) MITIGATION ASSISTANCE.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) HAZARD MITIGATION ASSISTANCE.—Whether or not a major disaster is declared, the President may provide hazard mitigation assistance in accordance with section 404 in any area affected by a fire for which assistance was provided under this section."

(b) CONFORMING AMENDMENTS.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 404(a) (42 U.S.C. 5170c(a)) (as amended by section 37(a) of this Act)—

(A) by inserting before the first period "or any area affected by a fire for which assistance was provided under section 420"; and

(B) in the third sentence by inserting "or event under section 420" after "major disaster" each place it appears; and

(2) in section 322(e)(1) (42 U.S.C. 5165(e)(1)), by inserting "or event under section 420" after "major disaster" each place it appears.

(c) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Appropriations Committees of the Senate and the House of Representatives a report containing a summary of any projects carried out, and any funding provided to those projects, under subsection (d) of section 420 of the Robert T.

Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) (as amended by this section).

SEC. 2004. ADDITIONAL ACTIVITIES.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(f) USE OF ASSISTANCE.—Recipients of hazard mitigation assistance provided under this section and section 203 may use the assistance to conduct activities to help reduce the risk of future damage, hardship, loss, or suffering in any area affected by a wildfire or windstorm, including—

"(1) reseeding ground cover with quick-growing or native species;

"(2) mulching with straw or chipped wood;

"(3) constructing straw, rock, or log dams in small tributaries to prevent flooding;

"(4) placing logs and other erosion barriers to catch sediment on hill slopes;

"(5) installing debris traps to modify road and trail drainage mechanisms;

"(6) modifying or removing culverts to allow drainage to flow freely;

"(7) adding drainage dips and constructing emergency spillways to keep roads and bridges from washing out during floods;

"(8) planting grass to prevent the spread of noxious weeds;

"(9) installing warning signs;

"(10) establishing defensible space measures;

"(11) reducing hazardous fuels; and

"(12) windstorm damage, including replacing or installing electrical transmission or distribution utility pole structures with poles that are resilient to extreme wind and combined ice and wind loadings for the basic wind speeds and ice conditions associated with the relevant location."

"(13) windstorm damage, including replacing or installing electrical transmission or distribution utility pole structures with poles that are resilient to extreme wind and combined ice and wind loadings for the basic wind speeds and ice conditions associated with the relevant location."

"(14) windstorm damage, including replacing or installing electrical transmission or distribution utility pole structures with poles that are resilient to extreme wind and combined ice and wind loadings for the basic wind speeds and ice conditions associated with the relevant location."

"(15) windstorm damage, including replacing or installing electrical transmission or distribution utility pole structures with poles that are resilient to extreme wind and combined ice and wind loadings for the basic wind speeds and ice conditions associated with the relevant location."

SEC. 2005. ELIGIBILITY FOR CODE IMPLEMENTATION AND ENFORCEMENT.

Section 406(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "and"; and

(3) by adding at the end the following:

"(D) base and overtime wages for extra hires to facilitate the implementation and enforcement of adopted building codes for a period of not more than 180 days after the major disaster is declared."

SEC. 2006. PROGRAM IMPROVEMENTS.

(a) HAZARD MITIGATION.—Section 406(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)) is amended—

(1) in paragraph (1)(A), by striking "90 percent of"; and

(2) in paragraph (2)(A), by striking "75 percent of".

(b) PARTICIPATION.—Section 428(d) of such Act (42 U.S.C. 5189f) is amended—

(1) by inserting "(1) IN GENERAL.—" before "Participation in"; and

(2) by adding at the end the following:

"(2) NO CONDITIONS.—The President may not condition the provision of Federal assistance under this Act on the election by a State, Tribal, or local government, or owner or operator of a private nonprofit facility to participate in the alternative procedures adopted under this section."

(c) CERTIFICATION.—Section 428(e)(1) of such Act (42 U.S.C. 5189f(e)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting "and"; and

(3) by adding at the end the following:

“(G) once certified by a professionally licensed engineer and accepted by the Administrator, the estimates on which grants made pursuant to this section are based shall be presumed to be reasonable and eligible costs, as long as there is no evidence of fraud.”.

SEC. 2007. PRIORITIZATION OF FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall provide guidance and training on an annual basis to State, Tribal, and local governments, first responders, and utility companies on—

(1) the need to prioritize assistance to hospitals, nursing homes, and other long-term care facilities to ensure that such health care facilities remain functioning or return to functioning as soon as practicable during power outages caused by natural hazards, including severe weather events; and

(2) how hospitals, nursing homes and other long-term care facilities should adequately prepare for power outages during a major disaster or emergency.

SEC. 2008. GUIDANCE ON EVACUATION ROUTES.

(a) IN GENERAL.—

(1) IDENTIFICATION.—The Administrator of the Federal Emergency Management Agency, in coordination with the Administrator of the Federal Highway Administration, shall develop and issue guidance for State, local, and Tribal governments regarding the identification of evacuation routes.

(2) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency, shall revise existing guidance or issue new guidance as appropriate for State, local, and Tribal governments regarding the design, construction, maintenance, and repair of evacuation routes.

(b) CONSIDERATIONS.—

(1) IDENTIFICATION.—In developing the guidance under subsection (a)(1), the Administrator of the Federal Emergency Management Agency shall consider—

(A) whether evacuation routes have resisted impacts and recovered quickly from disasters, regardless of cause;

(B) the need to evacuate special needs populations, including—

(i) individuals with a physical or mental disability;

(ii) individuals in schools, daycare centers, mobile home parks, prisons, nursing homes and other long-term care facilities, and detention centers;

(iii) individuals with limited-English proficiency;

(iv) the elderly; and

(v) individuals who are tourists, seasonal workers, or homeless;

(C) the sharing of information and other public communications with evacuees during evacuations;

(D) the sheltering of evacuees, including the care, protection, and sheltering of animals;

(E) the return of evacuees to their homes; and

(F) such other items the Administrator considers appropriate.

(2) DESIGN, CONSTRUCTION, MAINTENANCE, AND REPAIR.—In revising or issuing guidance under (a)(2), the Administrator of the Federal Highway Administration shall consider—

(A) methods that assist evacuation routes to—

(i) withstand likely risks to viability, including flammability and hydrostatic forces;

(ii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

(iii) provide for long-term cost savings;

(B) the ability of evacuation routes to effectively manage contraflow operations;

(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

(D) such other items the Administrator considers appropriate.

SEC. 2009. DUPLICATION OF BENEFITS.

(a) IN GENERAL.—Section 312(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155(b)) is amended by adding at the end the following:

“(4) WAIVER OF GENERAL PROHIBITION.—

“(A) IN GENERAL.—The President may waive the general prohibition provided in subsection (a) upon request of a Governor on behalf of the State or on behalf of a person, business concern, or any other entity suffering losses as a result of a major disaster or emergency, if the President finds such waiver is in the public interest and will not result in waste, fraud, or abuse. In making this decision, the President may consider the following:

“(i) The recommendations of the Administrator of the Federal Emergency Management Agency made in consultation with the Federal agency or agencies administering the duplicative program.

“(ii) If a waiver is granted, the assistance to be funded is cost effective.

“(iii) Equity and good conscience.

“(iv) Other matters of public policy considered appropriate by the President.

“(B) GRANT OR DENIAL OF WAIVER.—A request under subparagraph (A) shall be granted or denied not later than 45 days after submission of such request.

“(C) PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.—Notwithstanding subsection (c), in carrying out subparagraph (A), the President may not determine that a loan is a duplication of assistance, provided that all Federal assistance is used toward a loss suffered as a result of the major disaster or emergency.”.

(b) FUNDING OF A FEDERALLY AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECT.—

(1) ELIGIBLE ACTIVITIES.—Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) and its implementing regulations, assistance provided pursuant to section 404 of such Act may be used to fund activities authorized for construction within the scope of a federally authorized water resources development project of the Army Corps of Engineers if such activities are also eligible activities under such section.

(2) FEDERAL FUNDING.—All Federal funding provided under section 404 pursuant to this section shall be applied toward the Federal share of such project.

(3) NON-FEDERAL MATCH.—All non-Federal matching funds required under section 404 pursuant to this section shall be applied toward the non-Federal share of such project.

(4) TOTAL FEDERAL SHARE.—Funding provided under section 404 pursuant to this section may not exceed the total Federal share for such project.

(5) NO EFFECT.—Nothing in this section shall—

(A) affect the cost-share requirement of a hazard mitigation measure under section 404;

(B) affect the eligibility criteria for a hazard mitigation measure under section 404;

(C) affect the cost share requirements of a federally authorized water resources development project; and

(D) affect the responsibilities of a non-Federal interest with respect to the project, including those related to the provision of lands, easements, rights-of-way, dredge material disposal areas, and necessary relocations.

(c) APPLICABILITY.—This section shall apply to each disaster and emergency declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) after January 1, 2016.

SEC. 2010. STATE ADMINISTRATION OF ASSISTANCE FOR DIRECT TEMPORARY HOUSING AND PERMANENT HOUSING CONSTRUCTION.

Section 408(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(f)) is amended—

(1) in paragraph (1), by striking the paragraph heading and inserting “STATE- OR TRIBAL-ADMINISTERED ASSISTANCE AND OTHER NEEDS ASSISTANCE.—”;

(2) in paragraph (1)(A)—

(A) by striking “financial”; and

(B) by striking “subsection (e)” and inserting “subsections (c)(1)(B), (c)(4), and (e) if the President and the State or Tribal government comply, as determined by the Administrator, with paragraph (3)”;

(3) in paragraph (1)(B)—

(A) by striking “financial”; and

(B) by striking “subsection (e)” and inserting “subsections (c)(1)(B), (c)(4), and (e)”;

and

(4) by adding at the end the following:

“(3) IN GENERAL.—

“(A) APPLICATION.—A State or Tribal government desiring to provide assistance under subsection (c)(1)(B), (c)(4), or (e) shall submit to the President an application for a grant to provide financial assistance under the program.

“(B) CRITERIA.—The President, in consultation and coordination with State, Tribal, and local governments, shall establish criteria for the approval of applications submitted under subparagraph (A). The criteria shall include, at a minimum—

“(i) the demonstrated ability of the State or Tribal government to manage the program under this section;

“(ii) there being in effect a plan approved by the President as to how the State or Tribal government will comply with applicable Federal laws and regulations and how the State or Tribal government will provide assistance under its plan;

“(iii) a requirement that the State, Tribal, or local government comply with rules and regulations established pursuant to subsection (j); and

“(iv) a requirement that the President, or the designee of the President, comply with subsection (i).

“(C) QUALITY ASSURANCE.—Before approving an application submitted under this section, the President, or the designee of the President, shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for this program and for programs under subsections (c)(1)(B), (c)(4), and (e). The President shall monitor and conduct quality assurance activities on a State or Tribal government’s implementation of programs under subsections (c)(1)(B), (c)(4), and (e). If, after approving an application of a State or Tribal government submitted under this section, the President determines that the State or Tribal government is not administering the program established by this

section in a manner satisfactory to the President, the President shall withdraw the approval.

“(D) AUDITS.—The Office of the inspector general shall provide for periodic audits of the programs administered by States and Tribal governments under this subsection.

“(E) APPLICABLE LAWS.—All Federal laws applicable to the management, administration, or contracting of the programs by the Federal Emergency Management Agency under this section shall be applicable to the management, administration, or contracting by a non-Federal entity under this section.

“(F) REPORT.—Not later than 18 months after the date of enactment of this paragraph, the inspector general of the Department of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the State or Tribal government's role to provide assistance under this section, including—

“(i) whether the State or Tribal government's role helped to improve the general speed of disaster recovery;

“(ii) whether the State or Tribal government providing assistance under this section had the capacity to administer this section; and

“(iii) recommendations for changes to improve the program if the State or Tribal government's role to administer the programs should be continued.

“(G) PROHIBITION.—The President may not condition the provision of Federal assistance under this Act by a State or Tribal government requesting a grant under this section.

“(H) MISCELLANEOUS.—

“(i) NOTICE AND COMMENT.—The Administrator may waive notice and comment rulemaking, if the Administrator determines doing so is necessary to expeditiously implement this section, and may carry out this section as a pilot program until such regulations are promulgated.

“(ii) FINAL RULE.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall issue final regulations to implement this subsection as amended by the Disaster Recovery Reform Act.

“(iii) WAIVER AND EXPIRATION.—The authority under clause (i) and any pilot program implemented pursuant to such clause shall expire 2 years after the date of enactment of this paragraph or upon issuance of final regulations pursuant to clause (ii), whichever occurs sooner.”

SEC. 2011. ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408(h) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(h)) is amended—

(1) in paragraph (1), by inserting “, excluding financial assistance to rent alternate housing accommodations under subsection (c)(1)(A)(i) and financial assistance to address other needs under subsection (e)” after “disaster”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) OTHER NEEDS ASSISTANCE.—The maximum financial assistance any individual or household may receive under subsection (e) shall be equivalent to the amount set forth in paragraph (1) with respect to a single major disaster.”;

(4) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(5) by inserting after paragraph (3) (as so redesignated) the following:

“(4) EXCLUSION OF NECESSARY EXPENSES FOR INDIVIDUALS WITH DISABILITIES.—

“(A) The maximum amount of assistance established under paragraph (1) shall exclude expenses to repair or replace damaged accessibility-related improvements under paragraphs (2), (3), and (4) of subsection (c) for individuals with disabilities.

“(B) The maximum amount of assistance established under paragraph (2) shall exclude expenses to repair or replace accessibility-related personal property under subsection (e)(2) for individuals with disabilities.”

SEC. 2012. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.

(a) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—Section 408(c)(1)(B)(ii)(II) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)(ii)(II)) is amended to read as follows:

“(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement.”

(b) RENTAL PROPERTIES IMPACTED.—Section 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

“(aa) enter into lease agreements with owners of multifamily rental property impacted by a major disaster or located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and”

(c) INSPECTOR GENERAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the inspector general of the Department of Homeland Security shall assess the use of the authority provided under section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)), including the adequacy of any benefit-cost analysis done to justify the use of this alternative, and submit a report on the results of that review to the appropriate committees of Congress.

SEC. 2013. FEDERAL DISASTER ASSISTANCE NON-PROFIT FAIRNESS.

(a) DEFINITION OF PRIVATE NONPROFIT FACILITY.—Section 102(11)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is amended to read as follows:

“(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term ‘private nonprofit facility’ includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, houses of worship exempt from taxation under section 501(c) of the Internal Revenue Code of 1986, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, food banks, broadcasting facilities, and facilities that provide health and safety services of a governmental nature), as defined by the President.”

(b) REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.—Section 406(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)) is amended by adding at the end the following:

“(C) HOUSES OF WORSHIP.—

“(i) IN GENERAL.—A church, synagogue, mosque, temple, or other house of worship, and a private nonprofit facility operated by a religious organization, shall be eligible for contributions under paragraph (1)(B) (subject to paragraph (3)(A)), without regard to the religious character of the facility or the primary religious use of the facility.

“(ii) LIMITATIONS.—Notwithstanding clause (i), in spaces dedicated to or primarily used for religious purposes, contributions under paragraph (1)(B) shall only be used to cover costs of purchasing or replacing, without limitation, the building structure, building enclosure components, building envelope, vertical and horizontal circulation, physical plant support spaces, electrical, plumbing, and mechanical systems (including heating, ventilation, air-conditioning, and fire and life safety systems), and related site improvements.”

(c) APPLICABILITY.—This section and the amendments made by this section shall apply to the provision of assistance in response to a major disaster or emergency declared on or after October 28, 2012.

SEC. 2014. MANAGEMENT COSTS.

Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165b) is amended—

(1) in subsection (a) by striking “any administrative expense, and any other expense not directly chargeable to” and inserting “direct administrative cost, and any other administrative expense associated with”; and

(2) in subsection (b)—

(A) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Notwithstanding”;

(B) by striking “establish” and inserting the following: “implement”; and

(C) by adding at the end the following:

“(2) SPECIFIC MANAGEMENT COSTS.—The Administrator shall provide the following percentage rates, in addition to the eligible project costs, to cover direct and indirect costs of administering the following programs:

“(A) HAZARD MITIGATION.—A grantee under section 404 may be reimbursed not more than 15 percent of the total amount of the grant award under such section of which not more than 10 percent may be used by the grantee and 5 percent by the subgrantee for such costs.

“(B) PUBLIC ASSISTANCE.—A grantee under sections 403, 406, 407, and 502 may be reimbursed not more than 12 percent of the total award amount under such sections, of which not more than 7 percent may be used by the grantee and 5 percent by the subgrantee for such costs.”

SEC. 2015. FLEXIBILITY.

(a) DEFINITION.—In this section, the term “covered assistance” means assistance provided—

(1) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(2) in relation to a major disaster or emergency declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170; 42 U.S.C. 5191) on or after October 28, 2012.

(b) WAIVER AUTHORITY.—Notwithstanding section 3716(e) of title 31, United States Code, the Administrator of the Federal Emergency Management Agency—

(1) subject to paragraph (2), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

(A) the covered assistance was distributed based on an error by the Federal Emergency Management Agency;

(B) there was no fault on behalf of the debtor; and

(C) the collection of the debt would be against equity and good conscience; and

(2) may not waive a debt under paragraph (1) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(c) **MONITORING OF COVERED ASSISTANCE DISTRIBUTED BASED ON ERROR.**—

(1) **IN GENERAL.**—The inspector general of the Department of Homeland Security shall monitor the distribution of covered assistance to individuals and households to determine the percentage of such assistance distributed based on an error.

(2) **REMOVAL OF WAIVER AUTHORITY BASED ON EXCESSIVE ERROR RATE.**—If the inspector general determines, with respect to any 12-month period, that the amount of covered assistance distributed based on an error by the Federal Emergency Management Agency exceeds 4 percent of the total amount of covered assistance distributed—

(A) the inspector general shall notify the Administrator and publish the determination in the Federal Register; and

(B) with respect to any major disaster or emergency declared by the President under section 401 or section 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170; 42 U.S.C. 5191) after the date on which the determination is published under subparagraph (A), the authority of the Administrator to waive debt under subsection (b) shall no longer be effective.

SEC. 2016. ADDITIONAL DISASTER ASSISTANCE.

(a) **DISASTER MITIGATION.**—Section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) is amended by adding at the end the following:

“(e) **DISASTER MITIGATION.**—In providing assistance pursuant to subsection (c)(2), if appropriate and as applicable, the Secretary may encourage hazard mitigation in assistance provided pursuant to such subsection.”.

(b) **EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.**—Section 661(d) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761(d)) is amended by striking “for fiscal year 2008” and inserting “for each of fiscal years 2018 through 2022”.

(c) **EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.**—Section 662(f) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762(f)) is amended by striking “the program” and all that follows through “2012” and inserting “the program, for each of fiscal years 2018 through 2022”.

(d) **TECHNICAL AMENDMENT.**—Section 403(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)) is amended by striking the second subparagraph (J).

SEC. 2017. NATIONAL VETERINARY EMERGENCY TEAMS.

(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency may establish one or more national veterinary emergency teams at accredited colleges of veterinary medicine.

(b) **RESPONSIBILITIES.**—A national veterinary emergency team shall—

(1) deploy with a team of the National Urban Search and Rescue Response System to assist with—

(A) veterinary care of canine search teams;

(B) locating and treating companion animals, service animals, livestock, and other animals; and

(C) surveillance and treatment of zoonotic diseases;

(2) recruit, train, and certify veterinary professionals, including veterinary students, in accordance with an established set of plans and standard operating guidelines to carry out the duties associated with planning for and responding to emergencies as described in paragraph (1);

(3) assist State, Tribal, and local governments and nonprofit organizations in developing emergency management and evacuation plans that account for the care and rescue of animals and in improving local readiness for providing veterinary medical response during a disaster; and

(4) coordinate with the Department of Homeland Security, the Department of Health and Human Services, the Department of Agriculture, State, Tribal, and local governments (including departments of animal and human health), veterinary and health care professionals, and volunteers.

SEC. 2018. DISPUTE RESOLUTION PILOT PROGRAM.

Section 1105(c) of the Sandy Recovery Improvement Act of 2013 (42 U.S.C. 5189a note) is amended by striking “2015” and inserting “2022”.

SEC. 2019. EMERGENCY RELIEF.

Notwithstanding any other provision of law, for each of fiscal years 2018 and 2019, obligations for projects undertaken to respond to damages caused by Hurricanes Irma and Maria shall be excluded from any calculation of total obligations for purposes of section 125(d)(4) of title 23, United States Code.

SEC. 2020. UNIFIED FEDERAL ENVIRONMENTAL AND HISTORIC PRESERVATION REVIEW.

(a) **REVIEW AND ANALYSIS.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall review the Unified Federal Environmental and Historic Preservation review process established pursuant to section 429 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189g), and submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that includes the following:

(1) An analysis of whether and how the unified process has expedited the interagency review process to ensure compliance with the environmental and historic requirements under Federal law relating to disaster recovery projects.

(2) A survey and analysis of categorical exclusions used by other Federal agencies that may be applicable to any activity related to a Presidentially declared major disaster or emergency under such Act.

(3) Recommendations on any further actions, including any legislative proposals, needed to expedite and streamline the review process.

(b) **REGULATIONS.**—After completing the review, survey, and analyses under subsection (a), but not later than 2 years after the date of enactment of this Act, and after providing notice and opportunity for public comment, the Administrator shall issue regulations to implement any regulatory recommendations, including any categorical exclusions identified under subsection (a), to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regula-

tions, and section II of DHS Instruction Manual 023-01-001-01.

SEC. 2021. CLOSEOUT INCENTIVES.

(a) **FACILITATING CLOSEOUT.**—Section 705 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5205) is amended by adding at the end the following:

“(d) **FACILITATING CLOSEOUT.**—

“(1) **INCENTIVES.**—The Administrator may develop incentives and penalties that encourage State, Tribal, or local governments to close out expenditures and activities on a timely basis related to disaster or emergency assistance.

“(2) **AGENCY REQUIREMENTS.**—The Agency shall, consistent with applicable regulations and required procedures, meet its responsibilities to improve closeout practices and reduce the time to close disaster program awards.”.

(b) **REGULATIONS.**—The Administrator shall issue regulations to implement this section.

SEC. 2022. PERFORMANCE OF SERVICES.

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149) is amended by adding at the end the following:

“(c) The Administrator of the Federal Emergency Management Agency is authorized to appoint temporary personnel, after serving continuously for 3 years, to positions in the Agency in the same manner that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions. An individual appointed under this subsection shall become a career-conditional employee, unless the employee has already completed the service requirements for career tenure.”.

SEC. 2023. STUDY TO STREAMLINE AND CONSOLIDATE INFORMATION COLLECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall—

(1) in coordination with the Small Business Administration, the Department of Housing and Urban Development, and other appropriate agencies, conduct a study and develop a plan, consistent with law, under which the collection of information from disaster assistance applicants and grantees will be modified, streamlined, expedited, efficient, flexible, consolidated, and simplified to be less burdensome, duplicative, and time consuming for applicants and grantees;

(2) in coordination with the Small Business Administration, the Department of Housing and Urban Development, and other appropriate agencies, develop a plan for the regular collection and reporting of information on Federal disaster assistance awarded, including the establishment and maintenance of a website for presenting the information to the public; and

(3) submit the plans to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 2024. AGENCY ACCOUNTABILITY.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is amended by adding at the end the following:

“SEC. 430. AGENCY ACCOUNTABILITY.

“(a) **PUBLIC ASSISTANCE.**—Not later than 5 days after an award of a public assistance grant is made under section 406 that is in excess of \$1,000,000, the Administrator shall publish on the Agency’s website the specifics of each such grant award, including—

“(1) identifying the Federal Emergency Management Agency Region;

“(2) the disaster or emergency declaration number;

“(3) the State, county, and applicant name;

“(4) if the applicant is a private nonprofit organization;

“(5) the damage category code;

“(6) the amount of the Federal share obligated; and

“(7) the date of the award.

“(b) MISSION ASSIGNMENTS.—

“(1) IN GENERAL.—Not later than 5 days after the issuance of a mission assignment or mission assignment task order, the Administrator shall publish on the Agency’s website any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of \$1,000,000, including—

“(A) the name of the impacted State or Tribe;

“(B) the disaster declaration for such State or Tribe;

“(C) the assigned agency;

“(D) the assistance requested;

“(E) a description of the disaster;

“(F) the total cost estimate;

“(G) the amount obligated;

“(H) the State or Tribal cost share, if applicable;

“(I) the authority under which the mission assignment or mission assignment task order was directed; and

“(J) if applicable, the date a State or Tribe requested the mission assignment.

“(2) RECORDING CHANGES.—Not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in paragraph (1) is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated.

“(c) DISASTER RELIEF MONTHLY REPORT.—Not later than 10 days after the first day of each month, the Administrator shall publish on the Agency’s website reports, including a specific description of the methodology and the source data used in developing such reports, including—

“(1) an estimate of the amounts for the fiscal year covered by the President’s most recent budget pursuant to section 1105(a) of title 31, United States Code, including—

“(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

“(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

“(C) the amount of obligations for non-catastrophic events for the budget year;

“(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

“(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current fiscal year, the budget year, and each fiscal year thereafter;

“(F) the amount of previously obligated funds that will be recovered for the budget year;

“(G) the amount that will be required for obligations for emergencies, as described in section 102(1), major disasters, as described in section 102(2), fire management assistance grants, as described in section 420, surge activities, and disaster readiness and support activities; and

“(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii)); and

“(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month, published by the Administrator on the Agency’s website not later than the fifth day of each month:

“(A) A summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made.

“(B) A table of disaster relief activity delineated by month, including—

“(i) the beginning and ending balances;

“(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

“(iii) the obligations for catastrophic events delineated by event and by State; and

“(iv) the amount of previously obligated funds that are recovered.

“(C) A summary of allocations, obligations, and expenditures for catastrophic events delineated by event.

“(D) The cost of the following categories of spending:

“(i) Public assistance.

“(ii) Individual assistance.

“(iii) Mitigation.

“(iv) Administrative.

“(v) Operations.

“(vi) Any other relevant category (including emergency measures and disaster resources) delineated by disaster.

“(E) The date on which funds appropriated will be exhausted.

“(d) CONTRACTS.—

“(1) INFORMATION.—Not later than 10 days after the first day of each month, the Administrator shall publish on the Agency’s website the specifics of each contract in excess of \$1,000,000 that the Agency enters into, including—

“(A) the name of the party;

“(B) the date the contract was awarded;

“(C) the amount and scope of the contract;

“(D) if the contract was awarded through competitive bidding process;

“(E) if no competitive bidding process was used, the reason why competitive bidding was not used; and

“(F) the authority used to bypass the competitive bidding process.

The information shall be delineated by disaster, if applicable, and specify the damage category code, if applicable.

“(2) REPORT.—Not later than 10 days after the last day of the fiscal year, the Administrator shall provide a report to the appropriate committees of Congress summarizing the following information for the preceding fiscal year:

“(A) The number of contracts awarded without competitive bidding.

“(B) The reasons why a competitive bidding process was not used.

“(C) The total amount of contracts awarded with no competitive bidding.

“(D) The damage category codes, if applicable, for contracts awarded without competitive bidding.”.

SEC. 2025. AUDIT OF CONTRACTS.

Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall not reimburse a State, Tribe, or local government or the owner or operator of a private nonprofit facility for any activities made pursuant to a contract entered into after August 1, 2017, that prohibits the Administrator or the Comptroller General of the United States from auditing or otherwise reviewing all aspects relating to the contract.

SEC. 2026. INSPECTOR GENERAL AUDIT OF FEMA CONTRACTS FOR TARPS AND PLASTIC SHEETING.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the inspector general of the Department of Homeland Security shall initiate an audit of the contracts awarded by the Federal Emergency Management Agency (in this section referred to as “FEMA”) for tarps and plastic sheeting for the Commonwealth of Puerto Rico and the United States Virgin Islands in response to Hurricane Irma and Hurricane Maria.

(b) CONSIDERATIONS.—In carrying out the audit under subsection (a), the inspector general shall review—

(1) the contracting process used by FEMA to evaluate offerors and award the relevant contracts to contractors;

(2) FEMA’s assessment of the past performance of the contractors, including any historical information showing that the contractors had supported large-scale delivery quantities in the past;

(3) FEMA’s assessment of the capacity of the contractors to carry out the relevant contracts, including with respect to inventory, production, and financial capabilities;

(4) how FEMA ensured that the contractors met the terms of the relevant contracts; and

(5) whether the failure of the contractors to meet the terms of the relevant contracts and FEMA’s subsequent cancellation of the relevant contracts affected the provision of tarps and plastic sheeting to the Commonwealth of Puerto Rico and the United States Virgin Islands.

(c) REPORT.—Not later than 270 days after the date of initiation of the audit under subsection (a), the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the audit, including findings and recommendations.

SEC. 2027. RELIEF ORGANIZATIONS.

Section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152) is amended—

(1) in subsection (a), by striking “and other relief or” and inserting “long-term recovery groups, domestic hunger relief, and other relief, or”; and

(2) in subsection (b), by striking “and other relief or” and inserting “long-term recovery groups, domestic hunger relief, and other relief, or”.

SEC. 2028. GUIDANCE ON INUNDATED AND SUBMERGED ROADS.

The Administrator of the Federal Emergency Management Agency, in coordination with the Administrator of the Federal Highway Administration, shall develop and issue guidance for State, local, and Tribal governments regarding repair, restoration, and replacement of inundated and submerged roads damaged or destroyed by a major disaster, and for associated expenses incurred by the Government, with respect to roads eligible for assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 2029. AUTHORITIES.

Notwithstanding any other provision of law, the non-federally funded actions of private parties and State, local, or Tribal governments, on State, local, Tribal, and private land, and the effects of those actions, shall not be attributed to the Federal Emergency Management Agency’s actions under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), the

Biggert-Waters Flood Insurance Reform Act of 2012 (subtitle A of title II of division F of Public Law 112–141; 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020) for the purposes of section 7 (16 U.S.C. 1536) and section 9 (16 U.S.C. 1538) of the Endangered Species Act. Actions taken under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, the Biggert-Waters Flood Insurance Reform Act of 2012, and the Homeowner Flood Insurance Affordability Act of 2014, that may influence private actions do not create a Federal nexus for the purpose of applying the requirements of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

SEC. 2030. RECOUPMENT OF CERTAIN ASSISTANCE PROHIBITED.

(a) **IN GENERAL.**—Notwithstanding section 3716(e) of title 31, United States Code, and unless there is evidence of civil or criminal fraud, the Federal Emergency Management Agency may not take any action to recoup covered assistance from the recipient of such assistance if the receipt of such assistance occurred on a date that is more than 3 years before the date on which the Federal Emergency Management Agency first provides to the recipient written notification of an intent to recoup.

(b) **COVERED ASSISTANCE DEFINED.**—In this section, the term “covered assistance” means assistance provided—

(1) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(2) in relation to a major disaster or emergency declared by the President under section 401 or 501 of such Act (42 U.S.C. 5170; 42 U.S.C. 5191) on or after January 1, 2012.

SEC. 2031. STATUTE OF LIMITATIONS.

(a) **IN GENERAL.**—Section 705 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5205) is amended—

(1) in subsection (a)(1)—

(A) by striking “Except” and inserting “Notwithstanding section 3716(e) of title 31, United States Code, and except”; and

(B) by striking “report for the disaster or emergency” and inserting “report for project completion as certified by the grantee”; and

(2) in subsection (b)—

(A) in paragraph (1) by striking “report for the disaster or emergency” and inserting “report for project completion as certified by the grantee”; and

(B) in paragraph (3) by inserting “for project completion as certified by the grantee” after “final expenditure report”.

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—With respect to disaster or emergency assistance provided to a State or local government on or after January 1, 2004—

(A) no administrative action may be taken to recover a payment of such assistance after the date of enactment of this Act if the action is prohibited under section 705(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5205(a)(1)), as amended by subsection (a); and

(B) any administrative action to recover a payment of such assistance that is pending on such date of enactment shall be terminated if the action is prohibited under section 705(a)(1) of that Act, as amended by subsection (a).

(2) **LIMITATION.**—This section, including the amendments made by this section, may not be construed to invalidate or otherwise affect any administration action completed before the date of enactment of this Act.

SEC. 2032. TECHNICAL ASSISTANCE AND RECOMMENDATIONS.

(a) **TECHNICAL ASSISTANCE.**—The Administrator of the Federal Emergency Management Agency shall provide technical assistance to a common interest community that provides essential services of a governmental nature on actions that a common interest community may take in order to be eligible to receive reimbursement from a grantee that receives funds from the Agency for certain activities performed after an event that results in a disaster declaration.

(b) **RECOMMENDATIONS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a legislative proposal on how to provide eligibility for disaster assistance with respect to common areas of condominiums and housing cooperatives.

SEC. 2033. GUIDANCE ON HAZARD MITIGATION ASSISTANCE.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue guidance regarding the acquisition of property for open space as a mitigation measure under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) that includes—

(1) a process by which the State hazard mitigation officer appointed for such an acquisition shall, not later than 60 days after the applicant for assistance enters into an agreement with the Administrator regarding the acquisition, provide written notification to each affected unit of local government for such acquisition that includes—

(A) the location of the acquisition;

(B) the State-local assistance agreement for the hazard mitigation grant program;

(C) a description of the acquisition; and

(D) a copy of the deed restriction; and

(2) recommendations for entering into and implementing a memorandum of understanding between units of local government and covered entities that includes provisions to allow an affected unit of local government notified under paragraph (1) to—

(A) use and maintain the open space created by such a project, consistent with section 404 (including related regulations, standards, and guidance) and consistent with all adjoining property, subject to the notification of the adjoining property, so long as the cost of the maintenance is borne by the local government; and

(B) maintain the open space pursuant to standards exceeding any local government standards defined in the agreement with the Administrator described under paragraph (1).

(b) **DEFINITIONS.**—In this section the following definitions apply:

(1) **AFFECTED UNIT OF LOCAL GOVERNMENT.**—The term “affected unit of local government” means any entity covered by the definition of local government in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), that has jurisdiction over the property subject to the acquisition described in subsection (a).

(2) **COVERED ENTITY.**—The term “covered entity” means—

(A) the grantee or subgrantee receiving assistance for an open space project described in subsection (a);

(B) the State in which such project is located; and

(C) the applicable Regional Administrator of the Federal Emergency Management Agency.

SEC. 2034. LOCAL IMPACT.

In making recommendations to the President regarding a major disaster declaration, the Administrator of the Federal Emergency Management Agency shall give greater weight and consideration to severe local impact or recent multiple disasters. Further, the Administrator shall make corresponding adjustments to the Agency’s policies and regulations regarding such consideration. Not later than 1 year after the date of enactment of this section, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the changes made to regulations and policies and the number of declarations that have been declared based on the new criteria.

SEC. 2035. ADDITIONAL HAZARD MITIGATION ACTIVITIES.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is further amended by adding at the end the following:

“(g) **USE OF ASSISTANCE.**—Recipients of hazard mitigation assistance provided under this section and section 203 may use the assistance to conduct activities to help reduce the risk of future damage, hardship, loss, or suffering in any area affected by earthquake hazards, including—

“(1) improvements to regional seismic networks in support of building a capability for earthquake early warning;

“(2) improvements to geodetic networks in support of building a capability for earthquake early warning; and

“(3) improvements to seismometers, Global Positioning System receivers, and associated infrastructure in support of building a capability for earthquake early warning.”.

SEC. 2036. NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER HAZARD MITIGATION.

(a) **PREDISASTER HAZARD MITIGATION.**—Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended—

(1) in subsection (c) by inserting “Public Infrastructure” after “the National”; and

(2) in subsection (e)(1)(B)—

(A) by striking “or” at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting “; or”; and

(C) by adding at the end the following:

“(iv) to establish and carry out enforcement activities to implement the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings’ users against disasters.”;

(3) in subsection (f)—

(A) in paragraph (1) by inserting “for mitigation activities that are cost effective” after “competitive basis”; and

(B) by adding at the end the following:

“(3) **REDISTRIBUTION OF UNOBLIGATED AMOUNTS.**—The President may—

“(A) withdraw amounts of financial assistance made available to a State (including amounts made available to local governments of a State) under this subsection that remain unobligated by the end of the third

fiscal year after the fiscal year for which the amounts were allocated; and

“(B) in the fiscal year following a fiscal year in which amounts were withdrawn under subparagraph (A), add the amounts to any other amounts available to be awarded on a competitive basis pursuant to paragraph (1).”;

(4) in subsection (g)—

(A) in paragraph (9) by striking “and” at the end;

(B) by redesignating paragraph (10) as paragraph (12); and

(C) by adding after paragraph (9) the following:

“(10) the extent to which the State or local government has facilitated the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings’ users against disasters;

“(11) the extent to which the assistance will fund activities that increase the level of resiliency; and”;

(5) by striking subsection (i) and inserting the following:

“(i) NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER MITIGATION ASSISTANCE.—

“(1) IN GENERAL.—The President may set aside from the Disaster Relief Fund, with respect to each major disaster, an amount equal to 6 percent of the estimated aggregate amount of the grants to be made pursuant to sections 403, 406, 407, 408, 410, and 416 for the major disaster in order to provide technical and financial assistance under this section.

“(2) ESTIMATED AGGREGATE AMOUNT.—Not later than 180 days after each major disaster declaration pursuant to this Act, the estimated aggregate amount of grants for purposes of paragraph (1) shall be determined by the President and such estimated amount need not be reduced, increased, or changed due to variations in estimates.

“(3) NO REDUCTION IN AMOUNTS.—The amount set aside pursuant to paragraph (1) shall not reduce the amounts otherwise made available for sections 403, 404, 406, 407, 408, 410, and 416 under this Act.”; and

(6) by striking subsections (j) and (m) and redesignating subsections (k), (l), and (n) as subsections (j), (k), and (l), respectively.

(b) APPLICABILITY.—The amendments made to section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) by paragraphs (3) and (5) of subsection (a) shall apply to funds appropriated after the date of enactment of this Act.

SEC. 2037. ADDITIONAL MITIGATION ACTIVITIES.

(a) HAZARD MITIGATION CLARIFICATION.—Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended by striking the first sentence and inserting the following: “The President may contribute up to 75 percent of the cost of hazard mitigation measures which the President has determined are cost effective and which substantially reduce the risk of, or increase resilience to, future damage, hardship, loss, or suffering in any area affected by a major disaster.”.

(b) ELIGIBLE COST.—Section 406(e)(1)(A) of such Act (42 U.S.C. 5172(e)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting after “section,” the following: “for

disasters declared on or after August 1, 2017, or a disaster in which a cost estimate has not yet been finalized for a project.”;

(2) in clause (i), by striking “and”;

(3) in clause (ii)—

(A) by striking “codes, specifications, and standards” and inserting “the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purposes of protecting the health, safety, and general welfare of a facility’s users against disasters”;

(B) by striking “applicable at the time at which the disaster occurred”; and

(C) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(iii) in a manner that allows the facility to meet the definition of resilient developed pursuant to this subsection.”.

(c) OTHER ELIGIBLE COST.—Section 406(e)(1) of such Act (42 U.S.C. 5172(e)(1)) is further amended by inserting at the end the following:

“(C) CONTRIBUTIONS.—Contributions for the eligible cost made under this section may be provided on an actual cost basis or on cost-estimation procedures.”.

(d) NEW RULES.—Section 406(e) of such Act (42 U.S.C. 5172(e)) is further amended by adding at the end the following:

“(5) NEW RULES.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Administrator of the Federal Emergency Management Agency, shall issue a final rulemaking that defines the terms ‘resilient’ and ‘resiliency’ for purposes of this subsection.

“(B) INTERIM GUIDANCE.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall issue interim guidance to implement this subsection. Such interim guidance shall expire 18 months after the date of enactment of this paragraph or upon issuance of final regulations pursuant to subparagraph (A), whichever occurs first.

“(C) GUIDANCE.—Not later than 90 days after the date on which the Administrator issues the final rulemaking under this paragraph, the Administrator shall issue any necessary guidance related to the rulemaking.

“(D) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall submit to Congress a report summarizing the regulations and guidance issued pursuant to this paragraph.”.

(e) CONFORMING AMENDMENT.—Section 205(d)(2) of the Disaster Mitigation Act of 2000 (Public Law 106-390) is amended by inserting “(B)” after “except that paragraph (1)”.

SEC. 2038. FEDERAL COST-SHARE ADJUSTMENTS FOR REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.

Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)) is amended by inserting after paragraph (2) the following:

“(3) INCREASED FEDERAL SHARE.—

“(A) INCENTIVE MEASURES.—The President may provide incentives to a State or Tribal government to invest in measures that increase readiness for, and resilience from, a major disaster by recognizing such investments through a sliding scale that increases

the minimum Federal share to 85 percent. Such measures may include—

“(i) the adoption of a mitigation plan approved under section 322;

“(ii) investments in disaster relief, insurance, and emergency management programs;

“(iii) encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings’ users against disasters;

“(iv) facilitating participation in the community rating system; and

“(v) funding mitigation projects or granting tax incentives for projects that reduce risk.

“(B) COMPREHENSIVE GUIDANCE.—Not later than 1 year after the date of enactment of this paragraph, the President, acting through the Administrator, shall issue comprehensive guidance to State and Tribal governments regarding the measures and investments, weighted appropriately based on actuarial assessments of eligible actions, that will be recognized for the purpose of increasing the Federal share under this section. Guidance shall ensure that the agency’s review of eligible measures and investments does not unduly delay determining the appropriate Federal cost share.

“(C) REPORT.—One year after the issuance of the guidance required by subparagraph (B), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the analysis of the Federal cost shares paid under this section.

“(D) SAVINGS CLAUSE.—Nothing in this paragraph prevents the President from increasing the Federal cost share above 85 percent.”.

DIVISION C—OTHER MATTERS

SEC. 3001. TREATMENT OF SEED COTTON.

(a) DEFINITION.—Section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011) is amended by adding at the end the following new paragraph:

“(25) SEED COTTON.—The term ‘seed cotton’ means unginced upland cotton that includes both lint and seed.”.

(b) DESIGNATION AS COVERED COMMODITY.—Section 1111(6) of the Agricultural Act of 2014 (7 U.S.C. 9011(6)) is amended by adding at the end the following new sentence: “Effective beginning with the 2018 crop year, the term includes seed cotton.”.

(c) REFERENCE PRICE.—Section 1111(18) of the Agricultural Act of 2014 (7 U.S.C. 9011(18)) is amended by adding at the end the following new subparagraph:

“(O) For seed cotton, \$0.367 per pound.”.

(d) PAYMENT YIELD.—Section 1113(d) of the Agricultural Act of 2014 (7 U.S.C. 9013(d)) is amended by adding at the end the following new paragraph:

“(5) PAYMENT YIELD FOR SEED COTTON.—

“(A) PAYMENT YIELD.—Subject to subparagraph (B), the payment yield for seed cotton for a farm shall be equal to 2.4 times the payment yield for upland cotton for the farm established for purposes of subsection (e)(3) of section 1104 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1672), as in effect immediately before the repeal of such section by section 1102(a)

of the Agricultural Act of 2014 (Public Law 113–79; 128 Stat. 658).

“(B) UPDATE.—At the sole discretion of the owner of a farm with a yield described in subparagraph (A), the owner of the farm shall have a 1-time opportunity to update the payment yield for upland cotton for the farm, as provided in subsection (d), for the purpose of calculating the payment yield for seed cotton under such subparagraph.”.

(e) PAYMENT ACRES.—Section 1114(b) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)) is amended by adding at the end the following new paragraph:

“(4) SEED COTTON RULE.—

“(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this paragraph, the Secretary shall require the owner of a farm to allocate all generic base acres on the farm under subparagraph (B) or (C), or both.

“(B) NO RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm where no covered commodities (including seed cotton) were planted or were prevented from being planted at any time during the 2009 through 2016 crop years, the owner of such farm shall allocate generic base acres on the farm to unassigned crop base for which no payments may be made under section 1116 or 1117.

“(C) RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm not described in subparagraph (B), the owner of such farm shall allocate generic base acres on the farm—

“(i) subject to subparagraph (D), to seed cotton base acres in an amount equal to the greater of—

“(I) 80 percent of the generic base acres on the farm; or

“(II) the average seed cotton acres planted or prevented from being planted on the farm during the 2009 through 2012 crop years (not to exceed the total generic base acres on the farm); or

“(ii) to covered commodities (including seed cotton), by applying subparagraphs (B), (D), (E), and (F) of section 1112(a)(3).

“(D) TREATMENT OF RESIDUAL GENERIC BASE ACRES.—In the case of a farm where generic base acres are allocated under subparagraph (C)(i), the residual generic base acres shall be allocated to unassigned crop base for which no payments may be made under section 1116 or 1117.

“(E) EFFECT OF FAILURE TO ALLOCATE.—If the owner of a farm fails to allocate generic base acres on the farm, the owner of the farm shall be deemed to have allocated all generic base acres in accordance with subparagraph (C)(i).”.

(f) RECORDKEEPING REGARDING UNASSIGNED CROP BASE.—Section 1114 of the Agricultural Act of 2014 (7 U.S.C. 9014) is amended by adding at the end the following new subsection:

“(f) UNASSIGNED CROP BASE.—The Secretary shall maintain information on generic base acres on a farm allocated as unassigned crop base pursuant to subsection (b)(4).”.

(g) SPECIAL ELECTION PERIOD FOR PRICE LOSS COVERAGE OR AGRICULTURE RISK COVERAGE.—Section 1115 of the Agricultural Act of 2014 (7 U.S.C. 9014(b)) is amended—

(1) in subsection (a), by striking “For” and inserting “Except as provided in subsection (g), for”; and

(2) by adding at the end the following new subsection:

“(g) SPECIAL ELECTION.—

“(1) ELECTION REQUIRED.—In the case of acres allocated on a farm to seed cotton, all of the producers on the farm shall be given the opportunity to make a new 1-time election under subsection (a) to reflect the des-

ignation of seed cotton as a covered commodity for that crop year under section 1111(6).

“(2) EFFECT OF FAILURE TO MAKE UNANIMOUS ELECTION.—If all of the producers on a farm fail to make a unanimous election under paragraph (1), the producers on the farm shall be deemed to have elected price loss coverage under section 1116 for all acres allocated on the farm to seed cotton.”.

(h) EFFECTIVE PRICE.—Section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016(b)) is amended by adding at the end the following new subsection:

“(h) EFFECTIVE PRICE FOR SEED COTTON.—

“(1) IN GENERAL.—The effective price for seed cotton under subsection (b) shall be equal to the marketing year average price for seed cotton, as calculated under paragraph (2).

“(2) CALCULATION.—The marketing year average price for seed cotton for a crop year shall be equal to the quotient of—

“(A) a dividend that is equal to the sum of—

“(i) the product obtained when the upland cotton lint marketing year average price is multiplied by total United States upland cotton lint production measured in pounds; and

“(ii) the product obtained when the cottonseed marketing year average price is multiplied by total United States cottonseed production measured in pounds; and

“(B) a divisor that is equal to the sum of—

“(i) total United States upland cotton lint production measured in pounds; and

“(ii) total United States cottonseed production measured in pounds.”.

(i) DEEMED LOAN RATE FOR SEED COTTON.—Section 1202 of the Agricultural Act of 2014 (7 U.S.C. 9032) is amended by adding at the end the following new subsection:

“(c) RULE FOR SEED COTTON.—

“(1) IN GENERAL.—For purposes of section 1116(b)(2) and paragraphs (1)(B)(ii) and (2)(A)(ii)(II) of section 1117(b) only, seed cotton shall be deemed to have a loan rate equal to \$0.25 per pound.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize nonrecourse marketing assistance loans under this part for seed cotton.”.

(j) LIMITATION ON STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.—Section 508B of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1508b) is amended by adding the following new subsection:

“(f) LIMITATION.—Beginning with the 2018 crop year, in the case of a farm that is enrolled for a crop year in price loss coverage under section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016) or agriculture risk coverage under section 1117 of such Act (7 U.S.C. 9017) and the coverage on the farm includes seed cotton, the farm shall not be eligible for a Stacked Income Protection Plan for upland cotton for that crop year.”.

(k) TECHNICAL CORRECTION.—Section 1114(b)(2) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)(2)) is amended by striking “paragraphs (1)(B) and (2)(B)” and inserting “paragraphs (1) and (2)”.

(l) ADMINISTRATION.—The Secretary of Agriculture shall carry out the amendments made by this section in the manner provided under section 1601 of the Agricultural Act of 2014 (7 U.S.C. 9091).

(m) APPLICATION.—The amendments made by this section shall apply beginning with the 2018 crop year.

SEC. 3002. LIMITATION ON CROP INSURANCE LIVESTOCK-RELATED EXPENDITURES.

(a) IN GENERAL.—Paragraph (10) of section 523(b) of the Federal Crop Insurance Act (7 U.S.C. 1523) is repealed.

(b) CONFORMING AMENDMENTS.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended in subsections (a)(2)(C) and (b)(1)(D) by striking “subsections (a)(3)(E)(ii) and (b)(10) of section 523” and inserting “subsection (a)(3)(E)(ii) of such section”.

SEC. 3003. NATIONAL ACCURACY CLEARINGHOUSE.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended at the end by adding the following:

“SEC. 30. NATIONAL ACCURACY CLEARINGHOUSE.

“(a) IN GENERAL.—The Secretary shall establish an interstate database, or system of databases, of supplemental nutrition assistance program information to be known as the National Accuracy Clearinghouse.

“(b) PURPOSE.—Any database or system of databases established pursuant to subsection (a) shall be used by States when making eligibility determinations to prevent supplemental nutrition assistance program participants from receiving duplicative benefits in multiple States.

“(c) IMPLEMENTATION.—

“(1) ISSUANCE OF INTERIM FINAL REGULATIONS.—Not later than 18 months after the effective date of this section, the Secretary shall issue interim final regulations to carry out this section that—

“(A) incorporate best practices and lessons learned from the regional pilot project referenced in section 4032(c) of the Agricultural Act of 2014 (7 U.S.C. 2036c(c));

“(B) safeguard the security of the data stored in the National Accuracy Clearinghouse and protect the privacy of supplemental nutrition assistance program participants and applicants; and

“(C) detail the process States will be required to follow for—

“(i) conducting initial and ongoing matches of participant and applicant data;

“(ii) identifying and acting on all apparent instances of duplicative participation by participants or applicants in multiple States; and

“(iii) complying with such other rules and standards the Secretary determines appropriate to carry out this section.

“(2) TIMING.—The initial match and corresponding actions required by paragraph (1)(C) shall occur within 3 years after the effective date of this section.”.

SEC. 3004. PUERTO RICO LOW-INCOME COMMUNITIES TREATED AS QUALIFIED OPPORTUNITY ZONE.

(a) IN GENERAL.—Section 1400Z-1(b) of the Internal Revenue Code of 1986, as added by the Tax Cuts and Jobs Act, is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR PUERTO RICO.—Each population census tract in Puerto Rico that is a low-income community shall be deemed to be certified and designated as a qualified opportunity zone.”.

(b) CONFORMING AMENDMENT.—Section 1400Z-1(d)(1) of such Code is amended by inserting “and subsection (b)(3)” after “paragraph (2)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 13823 of the Tax Cuts and Jobs Act, and the deemed certification and designation under section 1400Z-1(b)(3) of such Code, as added by this

section, shall be treated as effective on the date of the enactment of such Act.

DIVISION D—BUDGETARY EFFECTS

SEC. 4001. BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of division B and each succeeding division (other than division E) shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of division B and each succeeding division (other than division E) shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division B and each succeeding division (other than division E) shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

DIVISION E—TAX RELIEF RELATING TO CERTAIN DISASTERS

TITLE I—CALIFORNIA FIRES

SEC. 5001. DEFINITIONS.

For purposes of this title—

(1) **CALIFORNIA WILDFIRE DISASTER ZONE.**—The term “California wildfire disaster zone” means that portion of the California wildfire disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of wildfires in California.

(2) **CALIFORNIA WILDFIRE DISASTER AREA.**—The term “California wildfire disaster area” means an area with respect to which during 2017 a major disaster has been declared by the President under section 401 of such Act by reason of wildfires in California.

SEC. 5002. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) **TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.**—

(1) **IN GENERAL.**—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified wildfire distribution.

(2) **AGGREGATE DOLLAR LIMITATION.**—

(A) **IN GENERAL.**—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified wildfire distributions for any taxable year shall not exceed the excess (if any) of—

(i) \$100,000, over

(ii) the aggregate amounts treated as qualified wildfire distributions received by such individual for all prior taxable years.

(B) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified wildfire distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified wildfire distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

(C) **CONTROLLED GROUP.**—For purposes of subparagraph (B), the term “controlled group” means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(3) **AMOUNT DISTRIBUTED MAY BE REPAID.**—

(A) **IN GENERAL.**—Any individual who receives a qualified wildfire distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

(B) **TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified wildfire distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) **TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified wildfire distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **QUALIFIED WILDFIRE DISTRIBUTION.**—Except as provided in paragraph (2), the term “qualified wildfire distribution” means any distribution from an eligible retirement plan made on or after October 8, 2017, and before January 1, 2019, to an individual whose principal place of abode on October 8, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of the wildfires to which the declaration of such area relates.

(B) **ELIGIBLE RETIREMENT PLAN.**—The term “eligible retirement plan” shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) **INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.**—

(A) **IN GENERAL.**—In the case of any qualified wildfire distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(B) **SPECIAL RULE.**—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) **SPECIAL RULES.**—

(A) **EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITH-**

HOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified wildfire distributions shall not be treated as eligible rollover distributions.

(B) **QUALIFIED WILDFIRE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.**—For purposes of the Internal Revenue Code of 1986, a qualified wildfire distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(b) **RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.**—

(1) **RECONTRIBUTIONS.**—

(A) **IN GENERAL.**—Any individual who receives a qualified distribution may, during the period beginning on October 8, 2017, and ending on June 30, 2018, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

(B) **TREATMENT OF REPAYMENTS.**—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

(2) **QUALIFIED DISTRIBUTION.**—For purposes of this subsection, the term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986.

(B) received after March 31, 2017, and before January 15, 2018, and

(C) which was to be used to purchase or construct a principal residence in the California wildfire disaster area but which was not so purchased or constructed on account of the wildfires to which the declaration of such area relates.

(c) **LOANS FROM QUALIFIED PLANS.**—

(1) **INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.**—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the period beginning on the date of the enactment of this Act and ending on December 31, 2018—

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(B) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(2) **DELAY OF REPAYMENT.**—In the case of a qualified individual with an outstanding loan on or after October 8, 2017, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on October 8, 2017, and ending on December 31, 2018, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) shall be disregarded.

(3) **QUALIFIED INDIVIDUAL.**—For purposes of this subsection, the term “qualified individual” means any individual whose principal place of abode on October 8, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of wildfires to which the declaration of such area relates.

(d) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(1) **IN GENERAL.**—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) **AMENDMENTS TO WHICH SUBSECTION APPLIES.**—

(A) **IN GENERAL.**—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2019, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) **CONDITIONS.**—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 5003. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY CALIFORNIA WILDFIRES.

(a) **IN GENERAL.**—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the California wildfire employee retention credit shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, the California wildfire employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

(b) **DEFINITIONS.**—For purposes of this section—

(1) **ELIGIBLE EMPLOYER.**—The term “eligible employer” means any employer—

(A) which conducted an active trade or business on October 8, 2017, in the California wildfire disaster zone, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoper-

able on any day after October 8, 2017, and before January 1, 2018, as a result of damage sustained by reason of the wildfires to which such declaration of such area relates.

(2) **ELIGIBLE EMPLOYEE.**—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment on October 8, 2017, with such eligible employer was in the California wildfire disaster zone.

(3) **QUALIFIED WAGES.**—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 8, 2017, and before January 1, 2018, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before the wildfires to which the declaration of the California wildfire disaster area relates, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) **CERTAIN RULES TO APPLY.**—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986, shall apply.

(d) **EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.**—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

SEC. 5004. ADDITIONAL DISASTER-RELATED TAX RELIEF PROVISIONS.

(a) **TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in paragraph (2), subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of such section to other contributions.

(2) **TREATMENT OF EXCESS CONTRIBUTIONS.**—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) **INDIVIDUALS.**—In the case of an individual—

(i) **LIMITATION.**—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (G) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) **CARRYOVER.**—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(B) **CORPORATIONS.**—In the case of a corporation—

(i) **LIMITATION.**—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) **CARRYOVER.**—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

(3) **EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.**—So much of any deduction allowed under section 170 of the Internal Revenue Code of 1986 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(4) **QUALIFIED CONTRIBUTIONS.**—

(A) **IN GENERAL.**—For purposes of this subsection, the term “qualified contribution” means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

(i) such contribution—

(I) is paid during the period beginning on October 8, 2017, and ending on December 31, 2017, in cash to an organization described in section 170(b)(1)(A) of such Code, and

(II) is made for relief efforts in the California wildfire disaster area,

(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8) of such Code) that such contribution was used (or is to be used) for relief efforts described in clause (i)(II), and

(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

(B) **EXCEPTION.**—Such term shall not include a contribution by a donor if the contribution is—

(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) **APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.**—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

(b) **SPECIAL RULES FOR QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.**—

(1) **IN GENERAL.**—If an individual has a net disaster loss for any taxable year—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

(B) section 165(h)(1) of such Code shall be applied by substituting “\$500” for “\$500 (\$100 for taxable years beginning after December 31, 2009)”.

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) **NET DISASTER LOSS.**—For purposes of this subsection, the term “net disaster loss”

means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) **QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.**—For purposes of this subsection, the term “qualified disaster-related personal casualty losses” means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in the California wildfire disaster area on or after October 8, 2017, and which are attributable to the wildfires to which the declaration of such area relates.

(c) **SPECIAL RULE FOR DETERMINING EARNED INCOME.**—

(1) **IN GENERAL.**—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(A) such earned income for the preceding taxable year, for

(B) such earned income for the taxable year which includes October 8, 2017.

(2) **QUALIFIED INDIVIDUAL.**—For purposes of this subsection, the term “qualified individual” means any individual whose principal place of abode on October 8, 2017, was located—

(A) in the California wildfire disaster zone, or

(B) in the California wildfire disaster area (but outside the California wildfire disaster zone) and such individual was displaced from such principal place of abode by reason of the wildfires to which the declaration of such area relates.

(3) **EARNED INCOME.**—For purposes of this subsection, the term “earned income” has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(4) **SPECIAL RULES.**—

(A) **APPLICATION TO JOINT RETURNS.**—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes October 8, 2017—

(i) such paragraph shall apply if either spouse is a qualified individual, and

(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(B) **UNIFORM APPLICATION OF ELECTION.**—Any election made under paragraph (1) shall apply with respect to both sections 24(d) and 32, of the Internal Revenue Code of 1986.

(C) **ERRORS TREATED AS MATHEMATICAL ERROR.**—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

(D) **NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.**—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under paragraph (1).

TITLE II—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

SEC. 5101. TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA.

(a) **MODIFICATION OF HURRICANES HARVEY AND IRMA DISASTER AREAS.**—Subsections (a)(2) and (b)(2) of section 501 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115-63; 131 Stat. 1173) are both amended by striking “September 21, 2017” and inserting “October 17, 2017”.

(b) **EMPLOYEE RETENTION CREDIT.**—Subsections (a)(3), (b)(3), and (c)(3) of section 503 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115-63; 131 Stat. 1181) are each amended by striking “sections 51(i)(1) and 52” and inserting “sections 51(i)(1), 52, and 280C(a)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of title V of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 to which such amendments relate.

TITLE III—BUDGETARY EFFECTS

SEC. 5201. EMERGENCY DESIGNATION.

This division is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

SEC. 5202. DESIGNATION IN SENATE.

In the Senate, this division is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The **SPEAKER** pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to present H.R. 4667, a bill making emergency appropriations for hurricane and wildfire recovery.

Parts of our Nation have been devastated by multiple back-to-back hurricanes and wildfires that have caused tremendous loss of life, livelihoods, and property.

Hurricanes Harvey, Irma, and Maria are three of the top five most expensive hurricanes in the last 25 years. Combined with the horrific wildfires that continue to rage in California, the toll that these disasters have taken is unprecedented.

We must stand by our fellow Americans to get them the help and resources they need to recover. To this end, this legislation provides a total of \$81 billion for crucial Federal programs that support ongoing relief, recovery, and rebuilding.

This includes \$27.5 billion for FEMA to provide relief and recovery assistance; \$26.1 billion for Community Development Block Grants for shelter and housing and infrastructure improvements, and the means to help large and small businesses recover; and \$12.1 billion for the Army Corps of Engineers to repair and rebuild infrastructure projects that help protect against future disasters, building in resiliency.

The bill also includes \$3.8 billion for the Department of Agriculture, which will support critical agriculture dis-

aster assistance for massive crop and livestock loss.

Funding is also included to repair Federal highways and local transit systems, to help children displaced by the storms of Puerto Rico get back to school, and for small business disaster loans, which will allow businesses to reopen their doors as quickly as possible.

Our Committee on Appropriations will continue to monitor these recovery efforts to ensure accountability, transparency, and that every dollar is spent wisely. From Florida and Texas, to Puerto Rico and the U.S. Virgin Islands, to California, and all areas dealing with major disaster declarations, this Congress is committed to helping you.

Congress has already provided \$51.75 billion in two separate supplemental bills for these ongoing efforts. With this third tranche of emergency funding, it will bring the total funding for fiscal year 2018 emergency response to \$132 billion. This funding is desperately needed by thousands of American families, individuals, and communities to rebuild their homes and businesses, restore electric power and critical infrastructure, and to protect against further damage. It is the duty of Congress to provide this help to our fellow Americans in their times of need.

Mr. Speaker, before I close, I would like to thank everyone who came to leadership and to the Appropriations Committee to make sure that Congress is getting the assistance to those hurricane and wildfire victims that they urgently need.

I would also like to thank the clerks and professional staff and the chairs of the 12 Appropriations Subcommittees for their working tirelessly to bring this bill to the floor and, may I say, nearly 30 others this year.

It is time to get this emergency aid to those who need it. I urge my colleagues to support this bill and this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is a failure of both process and substance. When Congress received the paltry and insufficient disaster request from the administration, the House and Senate Appropriations Committees began a bipartisan and bicameral process to develop an emergency assistance package that would come closer to meeting the massive scale of need resulting from hurricanes and wildfires in the summer and fall 2017.

I sincerely regret that the majority leadership abandoned that process, choosing, instead, to disregard input from Democrats and even from Senate Republicans, and developed their own partisan supplemental. The results of that decision is a poor product that will not be enacted into law.

Despite some robust funding levels, this bill fails to fix a potentially calamitous Medicaid system situation for Puerto Rico and the U.S. Virgin Islands. Without help from Congress, these programs will exhaust available funding within months. This bill also fails to waive unworkable and unjustifiable cost share requirements for FEMA and the Army Corps of Engineers' projects, which could put Federal funding out of reach.

These and other serious shortcomings must be fixed before an emergency supplemental is enacted into law. Even if this supplemental passes today, the House majority's decision to exclude both Democrats and Senate Republicans from this process means that it will not be enacted this year because it cannot pass the Senate.

Instead of the partisan product with no chance of advancement, we should be considering a responsible bipartisan emergency supplemental that both the House and the Senate could pass and enact into law.

Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON), the chairman of the Commerce, Justice, and Science, and Related Agencies Subcommittee.

Mr. CULBERSON. Mr. Speaker, I thank Chairman FRELINGHUYSEN and Speaker RYAN for rejecting the Office of Management and Budget's completely inadequate funding request that they sent to Congress. It is the job of the Appropriations Committee and Congress to write these emergency spending bills, and we have done so.

I am one of eight subcommittee chairmen who held public hearings at the request of the chairman. I want to thank Chairman FRELINGHUYSEN for listening to all of us to change the legislation to ensure that the State of Texas, Florida, and Puerto Rico are a long way towards being made whole. This is a tremendous step in the right direction. We are grateful for the funding that is contained here. We are also grateful for a lot of the changes that the chairman and the committee have included.

For example, we have got \$12 billion here for the Army Corps of Engineers' projects that is going to be prioritized and targeted to areas that have suffered repeated floods over the last 2 years, to areas that have been declared disasters by the President. That will help ensure that the people of Texas, in particular, who had 53 inches of rain over an area the size of New Jersey, the people of Texas and southwest Louisiana who suffered from Hurricane Harvey, those projects will receive priority consideration by the Army Corps of Engineers. That is going to help us get that third reservoir built in northwest Harris County.

This funding is also sufficient to fully pay for all federally authorized flood control projects in southeast Texas. That means we will have front-loaded funding for a critical project to finish out Brays Bayou, to build it to the 100-year flood protection standard.

The Army Corps of Engineers' funding is also going to allow us to dredge the Port of Houston, the Port of Beaumont, and open up those ports to full capacity.

Another important change that the chairman included at my request, and I am very pleased it is in there, is that we had a lot of people flooded because the Army Corps of Engineers opened the floodgates necessarily on Addicks and Barker.

These folks were flooded by the action of the government in the Neches River Waterway and the Sabine Waterway and on the San Jacinto River.

Chairman FRELINGHUYSEN included language that allows the Governor of the State of Texas to ask for a waiver of the prohibition against duplication of benefits.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Texas.

Mr. CULBERSON. Mr. Speaker, it is important for the people of Texas to know that help is on the way to not only repair the damage caused by the flood, but if they were flooded by the action of the government, there is a provision in this legislation today that will allow the Governor to request that they be compensated, that they can take out an SBA loan at the front and they will pay the government back, and then receive a Community Development Block Grant at the end to help make them whole.

Mr. Speaker, we will also be able to rebuild churches and synagogues. That is vitally important because we suffered so much damage in southeast Texas.

I am proud to support this legislation, and I look forward to working with the chairman and my colleagues as we go forward, if there is additional funding needed. I am very grateful for the support of Congress. I urge Members to support this vital legislation to help the people of southeast Texas, Florida, and Puerto Rico have a better Christmas.

Mrs. LOWEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO), the ranking member of the Commerce, Justice, Science, and Related Agencies Subcommittee.

Mr. SERRANO. Mr. Speaker, I thank the gentlewoman for the time.

I rise to sadly oppose this disaster supplemental, which does not do enough to help Puerto Rico and the U.S. Virgin Islands.

This is a bill created by Republicans with little Democratic input. At some

point, they decided that rather than working in a bipartisan manner, they wanted to try and address these disasters without taking into account some of the most important Democratic priorities.

In particular, it does not address many issues crucial to Puerto Rico's recovery in the wake of Hurricanes Irma and Maria. For instance, it does nothing to address the looming Medicaid cliff, which will devastate health kits access and delivery on the island early next year. It does not waive numerous local cost share requirements, which will make it extremely difficult for the government of Puerto Rico to access large parts of the Federal funding made available here.

It does not do enough to help States like New York and New Jersey and others that have generously opened their arms to our fellow citizens displaced by these storms.

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It expands the powers of the Puerto Rico Fiscal Oversight Board, giving them authority to approve the recovery plans of Puerto Rico's government.

The end result of all of this is further delay in Puerto Rico's recovery. This is not the message that we want to send to 3.4 million American citizens this holiday season.

As I look at my notes and as I look at what this debate may become today, it really comes down to one point: we as Americans, we as the United States Congress, we as the U.S. Government still have not come to grips with the fact that, yes, we have territories, that, yes, we have colonies.

If you ask the American people, "Are the people of Puerto Rico American citizens?" you would be shocked before all this information went out on the hurricanes how many would say: "I don't know. I served with some in the Army, but I don't know if they are citizens."

Well, I think, more and more, we need to know that the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Puerto Rico are part of the American family. It is not as a long gone member of my party once told me when I said: What are we going to do about Puerto Rico in this bill?

He said: Well, we have no money left over.

I said: Did you have money left over for the 50 States?

He said: Well, they go first.

I said: Why do they go first? Why can't the whole family go together?

So my plea that I have made for years, I continue to make. There is a bigger issue than the one we are discussing today, and that is the fact that we have territories. We have colonies. They are part of the United States. They should be part of our family. We should treat them as such.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER), the chairman of the Homeland Security Subcommittee on Appropriations.

Mr. CARTER of Texas. Mr. Speaker, I thank the gentleman for yielding.

I recently flew in a C-130 with a gathering of my colleagues and members of the Senate the length and breadth of Florida, across the Gulf of Mexico, and up and down the Gulf Coast of my home State of Texas and looked at the devastation that, in 1 day, on about a 12-hour flight, we could see all the devastation that took place from these terrible storms.

That is why this supplemental is so very important, because this is not about numbers, this is not about anything; it is about people, human beings. We helped people move their ruined furniture out of their houses when we were on that trip. We saw the devastation. We saw the tears and the pain that these people were dealing with.

As chairman of the Homeland Security Subcommittee on Appropriations, I am proud to have had a small part in working on this project.

Let me explain that the supplement provides \$28.6 billion for the Department of Homeland Security; \$27.5 billion is for the Disaster Relief Fund to provide for the continued response and recovery efforts for all recent disasters. These funds will provide for the recovery efforts of all disasters that have received a major disaster declaration, to include, Texas, Florida, California, Puerto Rico, and the U.S. Virgin Islands.

This money is needed to ensure food, water, and temporary shelter is made available to disaster survivors. These funds are used for debris removal efforts, the first step in recovery. These funds will also support the long-term recovery efforts to help rebuild utilities, bridges, roads, and buildings.

\$4 billion of this can be used for community disaster loans to help communities pay for essential services while they get back on their feet.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. CARTER of Texas. Mr. Speaker, I thank the gentleman for yielding.

The bill also includes \$1.1 billion to address the damages to important Coast Guard, Customs and Border Protection, and Transportation Security Administration facilities.

The supplement provides \$4.4 billion more than requested, but we looked at each project to ensure that funding was only going to projects that address damages, improve resiliency, and increase disaster responses.

Mr. Speaker, I thank Chairman FRELINGHUYSEN for his leadership. He has been right on top of this, and we have got a good product here.

Mr. Speaker, I urge a "yes" vote on the supplemental.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY), the chair of the Democratic Caucus.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time, and I thank her for her work. I thank Mr. FRELINGHUYSEN, as well, for his work and my colleagues on the other side, but I have reservations, strong reservations about this bill.

I appreciate the very real needs of those still recovering, our American citizens and friends and family in Florida and Texas, and that concern is genuine. I have always supported aid to other parts of the country, even when some of my colleagues on the other side of the aisle refused to help New York and left New York hanging after Superstorm Sandy. I have never let that get in the way of my wanting to be helpful to my fellow citizens anywhere in this country who are under duress.

But I can't, in good conscience, vote for this bill. It leaves some of the hardest hit and most vulnerable Americans, American citizens, without the help that they need. It treats Puerto Rico and the Virgin Islands as second-class citizens—not second-class people, but second-class, literally, citizens—and will stall the efforts there to rebuild.

I appreciate Mr. CULBERSON saying that the people of Puerto Rico and the Virgin Islands are a long way from recovery. I am paraphrasing what he said. I do appreciate those words. I do hope that it is an insight for my Republican colleagues and the leadership on the other side of the aisle that more help will be on the way for the people of Puerto Rico, but simply not enough is being done in this bill to help the men and women of Puerto Rico and the children of Puerto Rico today.

Our fellow citizens of Puerto Rico and the Virgin Islands are no less American than those in any of the 50 States.

I wonder if anyone would argue that point as to whether they are citizens of the United States or not. I would argue they are no less citizens of the United States than any other individuals in the rest of the 50 States, and they should be treated the same and with the same respect.

The people of Puerto Rico and the Virgin Islands suffered direct hits not from one, but from two massive hurricanes, the likes of which we have never seen before, not in our modern history. Maybe you have to go back to Alexander Hamilton and the hurricane that he wrote about back in the 1700s that rocketed him to stardom.

Here we are 3 months later. Millions—not hundreds, not thousands, but millions—of our fellow citizens in Puerto Rico and in the Virgin Islands

are without power. Far too many still, because they are without power, lack clean drinking water. Thousands are unable to receive adequate healthcare, and earlier this week, the Governor of Puerto Rico ordered a recount of the storm's death toll, which could number, now, into the thousands. If that is not a sign of how neglectful the response has been to this disaster, then I don't know what would be.

The SPEAKER pro tempore (Mr. SMITH of Nebraska). The time of the gentleman has expired.

Mrs. LOWEY. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman for yielding.

We must provide the assistance that our territories need. We must fully fund Medicaid as the islands recover. We must eliminate disparities in the law that are holding back that recovery. We must stand up for not the people of the Virgin Islands, not the people of Puerto Rico, but the United States citizens who have fought in our wars, who have defended our freedoms, for the United States citizens of the Virgin Islands and the United States citizens of Puerto Rico.

They deserve no less than how any other State is being treated after a disaster like this. They deserve no less. They deserve more than they are getting in this bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), chairman of the Interior, Environment, and Related Agencies Subcommittee on Appropriations.

Mr. CALVERT. Mr. Speaker, I thank Chairman FRELINGHUYSEN for yielding.

Mr. Speaker, I rise today in strong support of H.R. 4667, which provides \$81 billion in Federal disaster assistance to States and territories recently devastated by natural disasters. This is not a small amount of money.

First, as chairman of the Interior, Environment, and Related Agencies Subcommittee on Appropriations, I am pleased to include \$616.4 million for repairs, cleanup, and recovery at various agencies, including the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the National Park Service, and others.

As chairman of the California Republican delegation, I have a particular interest in wildfire assistance in this bill. The coordination and collaboration between Republicans and Democrats on this bill to reflect the needs of California shows bipartisanship is alive and well.

Mr. Speaker, I would certainly like to thank Congressman MIKE THOMPSON for his tireless efforts in regard to the fires in northern California.

Last month, I toured Santa Rosa, California, which was absolutely decimated after a wildfire tore through the

area. Forty people lost their lives, and more than 14,000 homes were destroyed or damaged.

As a lifelong California resident, I have seen a lot of fires and the resulting devastation, but I have never witnessed anything like I saw in Santa Rosa. The stories of survival and heroics of our first responders truly are incredible. Now, in the aftermath, we must come together to recover and rebuild.

This bill is the first step towards recovery and provides \$27.5 billion for the Disaster Relief Fund, a \$4.5 billion increase from the request, a 90 percent Federal cost share for wildfire disasters; and \$541 million for watershed and flood prevention efforts, which will be vital as the rainy season begins in California.

California will be eligible for nearly all the various sources of disaster funding in this bill, including for crop losses, Army Corps of Engineers projects, Federal highway damages, small business assistance, displaced employees, and student assistance, among others.

With my colleagues, I will continue to monitor the fire situation and respond as needed. The Thomas Fire in Ventura County has burned over 272,000 acres, on track to be the largest wildfire in California history; and, unfortunately, the fire rages on.

Mr. Speaker, I especially want to thank Chairman FRELINGHUYSEN and the Appropriations Committee staff for their outreach and responsiveness to the fires in California. We greatly appreciate their assistance and ongoing support.

Mr. Speaker, I would be remiss if I didn't thank all my staff and the Interior Subcommittee, but in particular, my chief of staff, Dave Kennett, and on the Interior Subcommittee, Betsy Bina, both of whom went above and beyond to deliver results for California.

On a quick note, best wishes for Betsy, who is getting married today.

Mr. Speaker, I urge passage of this emergency supplemental funding bill.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I want to thank the gentlewoman from New York; I want to thank the chairman; but I do want to take a moment and particularly thank the gentlewoman from New York for the kindness that she showed the first victims of this horrific hurricane season.

I remember coming back to Congress in the immediacy of Hurricane Harvey. Many don't know, but I left my home in a firetruck—not out of desperation, but to go where my constituents were—and spent the rest of the time with 14,000 homeless evacuees in a shelter that had been set up immediately with concern about the city of Houston.

We had meetings starting at 6 a.m. In the evening, as the waters started mov-

ing in different communities and different communities became flooded, we could see evacuees carrying their only belongings—pillows, just a paper bag—flooding into the George R. Brown Convention Center.

This is serious for me.

I remember seeing elderly persons being evacuated after the Addicks Reservoir, Barker Reservoir was released and family members standing on what was now the shore waiting for those loved ones. I know the family and went to the funerals of the six family members who died in Greens Bayou in my congressional district.

I introduced a bill, H.R. 3686, which the gentlewoman from New York was quite interested in. It was for \$174 billion. If we had that amount now, I would be more than happy to share that with Puerto Rico and the Virgin Islands.

We don't have that. And I am extremely disappointed that we have \$81 billion, not because of the lack of the hard work of those who worked on the Appropriations Committee, because I know they wanted to do more, but there were other distractions—like a \$1.4 trillion tax cut.

□ 1515

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. LOWEY. I yield the gentlewoman from Texas an additional 1 minute.

Ms. JACKSON LEE. I want to thank my Texas colleagues. We worked together, and I truly appreciate that and will thank them for it.

Today, I indicated that I have constituents who are down testifying in Houston about their devastation, so I want to make this point. First of all, I fought very hard for a \$1 billion grant program for small businesses. I want to tell my constituents it is in, and I want to tell the State of Texas they have to put that in their application that they want to give small businesses grants and not loans.

There is \$12 billion in CDBG programs. I want to make sure that the State works with us to ensure that the elderly, the people who have no resources, families that have no resources have their homes rebuilt or they have their homes fixed.

I want to make sure that the watershed study comes under section title IV, that the Army Corps is listening, that the watershed program that I have passed in two sessions to study the bayous, as to why Greens Bayou and Buffalo Bayou and White Oak Bayou and Halls Bayou flood, and why people lose their lives. I want that watershed done, and the Army Corps of Engineers, I hope, will listen.

There is a lot of work left to be done. We have got to get more money. And I am glad that Puerto Rico and the U.S. Virgin Islands are in, but you can

count on me, Texas, and count on me, Puerto Rico and the U.S. Virgin Islands and Florida. We will fight into the new year to ensure that we get more funding. But these items have to be considered. We fought hard for them.

Mr. Speaker, I rise to speak on H.R. 4667, "Making Further Supplemental Appropriations for Fiscal Year 2017."

H.R. 4667, provides \$81 billion in aid to respond to the damage caused by Hurricanes Irma and Maria, and the wildfires in California.

I thank the Speaker and Rules Committee Chairman SESSIONS for acting favorably upon my request to bring this emergency disaster supplemental to the floor for debate and vote as a stand-alone measure.

But the fact remains that the amount of funding provided in the disaster relief package is very disappointing because it is not nearly sufficient to ameliorate the suffering still being experienced by the people of the communities in the areas affected by Hurricanes Harvey, Irma, and Maria.

Congress has had more than three months to develop an aid package that it is commensurate to the challenge faced by the affected states and territories in rebuilding their devastated communities.

Much of this time has been squandered by the Republican congressional leadership all-consuming focus on ramming through the Republican Tax Scam legislation that gives 83 percent of its benefits to the top 1 percent, raises taxes on working and middle-class families, takes away health insurance from 13 million Americans, explodes the deficit by \$1.5 trillion and the national debt by \$1.7 trillion, and will be paid for by 5.4 trillion in cuts to vital programs Americans depend on, including an imminent \$25 billion reduction in Medicare funding.

Mr. Speaker, on September 6, 2017, ten days after Hurricane Harvey struck and joined by 44 of our colleagues, I introduced H.R. 3686, the "Hurricane Harvey Supplemental Appropriations Act of 2017," which provides \$174 billion in disaster relief for the areas affected by Hurricane Harvey, the worst superstorm ever to strike the mainland United States.

The \$174 billion in funding provided by H.R. 3686 represents a comprehensive response commensurate to the challenge; specifically my legislation provides relief in the following amounts:

1. Housing and Community Development Fund: \$50 billion
2. FEMA Disaster Relief Fund: \$35 billion
3. Army Corps of Engineers—Construction: \$15 billion
4. Flood Control and Coastal Emergencies: \$13 billion
5. Public Transportation Emergency Relief Program: \$33 billion
6. Small Business Disaster Loans Program: \$2 billion
7. Emergency Conservation Activities: \$650 million
8. National Oceanic and Atmospheric Administration: \$321 million
9. National Aeronautics and Space Administration: \$50 million
10. Legal Services Corporation: \$10 million

11. Army National Guard: \$10 million
12. Army Corps of Engineers—Civil Investigations: \$150 million
13. Coast Guard: \$450 million
14. National Park Service Historic Preservation Fund: \$800 million
15. EPA Environmental Programs and Management: \$2.5 billion
16. EPA Hazardous Substance Superfund: \$7 million
17. Leaking Underground Storage Tank Fund: \$15 million
18. State and Tribal Assistance Grants: \$600 million
19. Employment and Training Services: \$100 million
20. Public Health and Social Services Emergency Fund: \$2.5 billion
21. Airport and Airway Trust Fund: \$90 million
22. Federal-Aid Highways Emergency Relief Program: \$6.5 billion

And that is just for Texas and the areas affected by Hurricane Harvey; the damage wrought by Hurricane Irma in Florida, and Hurricane Maria in Puerto Rico and the U.S. Virgin Islands was nearly as great in dollar terms and equal in the level of misery and suffering inflicted on the residents.

Mr. Speaker, on September 20, 2017, Hurricane Maria made landfall in Puerto Rico, along the southeastern coast, near the small town of Yabucoa.

The devastation wrought on that beautiful Caribbean oasis and its 3.5 million inhabitants, our fellow citizens of the United States, is unimaginable, except perhaps to those of us who have lived through and survived similar natural disasters, like Hurricanes Harvey and Katrina.

At least 48 people have died as a result of the storm as rescue and recovery operations proceed, a number likely to rise, especially with so many elderly, sick, and very young persons at risk.

Much of Puerto Rico's population is still without potable drinking water and large swaths of the population still lack electrical power.

Hurricane Maria destroyed 80 percent of Puerto Rico's agricultural industry, including banana, plantain and coffee crops, which translates into lost income of approximately \$780 million.

On August 30, 2017, Hurricane Irma struck, inflicting horrific damage on the U.S. Virgin Islands of St. Thomas, St. Croix, and St. John, the Caribbean nations of Barbuda, St. Maarten, Cuba, and Anguilla, before making landfall in the Florida Keys.

In Florida alone, 6.4 million people told to evacuate to safety, leading to days of jammed highways and frantic searches for gasoline amid one of the nation's largest ever emergency evacuations.

At least 124 persons are known to have lost their lives in Hurricane Irma, more than 200,000 Floridians took refuge in shelters, and nearly 6.5 million homes and businesses were without power.

Mr. Speaker, we do not yet know the full extent of the damage and devastation suffered by our fellows Americans in Florida, the U.S. Virgin Islands, and Puerto Rico in the wake of Hurricanes Irma and Maria.

But what we do know is that the costs of recovery and reconstruction will be extensive,

best estimates place the cost in the range of \$50–\$100 billion.

This puts in perspective the inadequacy of the amount of disaster relief provided under H.R. 4667 and why more, much more, must be done.

Mr. Speaker, right now, at this very moment, approximately 300,000 Texans—in Port Arthur, in Port Aransas, in Houston and Harris County—remain homeless or are living in sub-standard homes with blue tarp roofs and infected with mold.

Today, residents of the Cashmere Gardens community are meeting with local government officials to highlight their plight and those of other residents in the northeastern part of Houston.

They are angry and frustrated and anxious, and who can blame them?

Mr. Speaker, this is personal to them; and it is personal to me.

That is why right now my highest priority is to ensure that funding that has been made available expeditiously gets in the hands of local governments so that relief can be delivered the resources and services so desperately needed.

And I will be working with the Texas General Land Office and HUD Secretary Carson to relieve the emergency housing crisis in my congressional district and state.

Mr. Speaker, I wish to commend the bipartisan leadership of both chambers, and my colleagues in the Texas congressional delegation for their diligence and commitment in bringing this package to the floor for debate and vote.

I thank Chairman FRELINGHUYSEN and Ranking Member LOWEY, and Speaker RYAN and Democratic Leader PELOSI, and their Senate counterparts for the work that has been done thus far and for their assistance in the work that lies ahead.

I also thank Chairman FRELINGHUYSEN and Ranking Member LOWEY, and T-HUD Appropriations Subcommittee Chairman DIAZ-BALART, and Energy and Water Appropriations Subcommittee Chair SIMPSON and Ranking Member KAPTUR for including in the legislation before us the following beneficial measures that I requested, including:

1. Authority to establish an implement a \$1 billion pilot program to provides small business disaster recovery grants, modeled on H.R. 3930, the "Hurricane Harvey Small Business Recovery Grants Act," legislation I introduced on October 3, 2017 and co-sponsored by 16 of our colleagues.

2. \$75 million for the U.S. Army Corps of Engineers' Investigations account, which is to be used in areas affected by Hurricanes Harvey, Irma, and Maria, and can be used to finance the \$3 million Houston-Area Watershed Assessment Study I have worked to secure and previously approved by the House.

3. The bill also includes helpful legislative language to ensure that in awarding CDBG-Disaster Relief funds to states, the Secretary of HUD should to the maximum extent practicable award grants to units of local government and public housing authorities that have the financial and administrative capacity to manage a grant awarded under the program.

Let me describe briefly some of the major provisions contained in the Disaster Relief Supplemental:

1. FEMA Disaster Relief Fund: \$27.5 billion to provide critical funding to assist the ongoing federal disaster response. allows up to \$4 billion to be provided for Community Disaster Loans (CDLs).

2. Community Development Block Grants Disaster Recovery (CDBG-DR): \$26.1 billion for housing and infrastructure needs. \$13.56 billion for grants to states, tribes, and territories for unmet housing needs and business losses.

3. \$12.5 billion for mitigation efforts to help communities protect against future disasters.

4. This funding can provide for housing elevation, buyouts in the flood plain, water/sewer infrastructure enhancements, public infrastructure hardening (e.g. storm proofing public buildings).

5. Federal Highway Administration's Emergency Relief: \$1.4 billion to address all current damages to federal highways caused by designated disasters

6. \$12.11 billion for the Army Corps of Engineers to repair existing damages by natural disasters and for studies and projects to reduce the risk of future natural disasters, \$75 million to expedite studies to help mitigate future disaster damage.

7. 2.9 billion to help displaced students get back to school. funding can be used for both public and private schools

8. \$3.8 billion for agriculture assistance.

9. \$1.66 billion for Small Business Administration Disaster Loans to assist small businesses and homeowners repair or replace real estate, personal property, machinery and equipment, and inventory and business assets.

Mr. Speaker, there is much more work to be done in my city of Houston, and across the areas affected by the terrible, awesome storm that will be forever known simply as Hurricane Harvey, and by Hurricanes Irma and Maria.

That is why I am disappointed that only \$81 billion is being provided at this time.

That is why it must be emphasized and understood that this can only be understood as a partial response because much more funding will be needed to provide our fellow Americans in Texas, Florida, Louisiana, Puerto Rico, and the U.S. Virgin Islands the help and support they need to restore their communities to their previous greatness.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), the chairman of the Transportation, Housing and Urban Development, and Related Agencies Subcommittee.

Mr. DIAZ-BALART. Mr. Speaker, let me first thank the chairman of the committee for his spectacular work on this bill.

Look, this bill provides much-needed relief and resources to Texas, Florida, the U.S. Virgin Islands, California, and Puerto Rico. I have heard a lot in this debate, but let's be very clear. This bill treats Florida, the folks in Florida, Texas, Puerto Rico, the U.S. Virgin Islands, and California exactly the same—exactly the same.

Significant portions, Mr. Speaker, of my district were hit hard by Hurricane Irma. Communities are still working to

get back on their feet, communities like Everglades City, Chokoloskee, Plantation Island, Immokalee, and Montura Ranch.

This bill helps meet our Federal obligation to ensure the full, appropriate Federal commitment is there for long-term recovery.

Mr. Speaker, for highways, this bill funds repairs for the 2017 storms and clears the backlog of prior years.

On the housing side, this bill provides \$26.1 billion for Community Development Block Grants. Of that, \$13.6 billion is provided to meet all remaining unmet housing, business, and infrastructure needs for those hurricanes, and, yes, that includes the Virgin Islands and Puerto Rico.

The remaining \$12.5 billion is provided for mitigation grants, again, also to Puerto Rico and the Virgin Islands and Florida and California and Texas. All of those are treated exactly the same. So, again, these grants provide resources to our communities so that they can rebuild.

Additionally, I am pleased that \$3.8 billion is allocated for the Department of Agriculture. This will go a long way to help those affected, those farmers, like the ag industry and the citrus industry in the State of Florida.

So, again, I strongly urge a “yes” vote on this important supplemental.

I once again want to thank the chairman, Chairman FRELINGHUYSEN, for his leadership, for his courage, for bringing forward a good bill that helps the folks in our country and that treats everybody equally, equitably, and fairly.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, this year has been the worst fire season in California history. The October fires included 21 major fires that were fought by over 11,000 firefighters.

They were driven by powerful winds that reached speeds of over 80 miles an hour, and these fires moved, at times, as fast as 200 feet per second. That is 40 football fields in a minute. They burned nearly 300,000 acres.

They forced over 100,000 people to evacuate their homes, and they destroyed over 9,000 homes and structures. And, most tragically, 44 people lost their lives.

Our communities have been devastated, Mr. Speaker, but they have also come together and supported each other in inspiring ways, and now they begin the very long road to recovery.

I am pleased to see this supplemental funding package will deliver much-needed funds for fire recovery. I want to specifically thank Congressmen CALVERT, MCCARTHY, and PELOSI, who came out and saw this devastation and have been working with us to make sure we get the funds that we need. I want to thank the appropriators and

the appropriations staff for all their help as well.

With the support of the entire California House delegation, the State of California has requested \$4.4 billion for fire-related disaster relief. These funds will be vital to helping families rebuild their homes and their lives and to supporting our community as they rebuild critical infrastructure and restore essential services.

It is critical that the Federal Government steps up and does its part to support our long-term recovery. This funding package is an important first step in that effort.

I have a picture of one of the devastated areas. This is over 3,000 homes in one swath that were just burned to the ground. Folks in California who experienced this terrible disaster need our help.

I ask for an “aye” vote.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Transportation and Infrastructure Committee.

Mr. SHUSTER. Mr. Speaker, I thank the chairman for yielding, and I thank the chairman and the Appropriations Committee for bringing forward this extremely important legislation, which includes important FEMA reforms which were approved unanimously by the Transportation and Infrastructure Committee partially in response to this year’s historic hurricane season.

The bipartisan, bicameral Disaster Recovery Reform Act addresses the rising costs of disasters in the United States. It reforms Federal disaster programs to ensure our communities are more resilient and better prepared for the next hurricane, flood, earthquake, wildfire, or other disaster.

It focuses on predisaster planning and mitigation and creates incentives for communities to build better and smarter to speed recovery when disaster does strike. This will save lives, and it will also save money.

Putting our focus on mitigation is good government and is fiscally responsible. For every dollar we spend on mitigation, between \$4 and \$8 is saved in avoided disaster recovery costs later. This is good policy that will benefit every single congressional district across the country.

I want to thank many Members who contributed, but especially to my Democratic colleagues who contributed to this effort: Congressmen JOHNSON, DEFAZIO, HUFFMAN, WILSON, MALONEY, RUIZ, SINEMA, FRANKEL, and NADLER. And again, many, many others contributed to this important reform legislation.

Many Americans are still recovering from hurricane damage, and California is in the middle of fighting massive wildfires. This is extremely important legislation. I would urge all my colleagues to support it.

Mrs. LOWEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. GRAVES), the chairman of the Water Resources and Environment Subcommittee of the Committee on Transportation and Infrastructure.

Mr. GRAVES of Louisiana. Mr. Speaker, I thank the chairman for working with us on this and for yielding time.

I also want to thank the chairman of the Transportation and Infrastructure Committee and the ranking member for all their assistance.

Mr. Speaker, this bill doesn’t just include money, which, of course, is very, very important. It also includes language and changes that I would consider to be priceless. It includes things like applying lessons learned, reducing disaster response costs, and, importantly, speeding up recovery—things outside Washington called common sense and applying it to how we handle disasters. It pivots from being reactive and spending billions of dollars after disasters to being proactive.

You can look back since 1980. We have had well over 200 disasters in this Nation that have cost over \$1 billion each. In fact, when you add it all up, we are looking at approximately \$1.3 trillion in disaster costs in this Nation.

As the chairman of the Transportation and Infrastructure Committee said, this bill includes text from H.R. 4460 and H.R. 4438 that transforms this process: instead of just coming in and picking up the pieces after a disaster, actually leaning forward and making sure our communities are more resilient, making sure they are prepared for disasters, making sure they are prepared for the future.

This bill includes very important provisions to the State of Louisiana that address this duplication of benefits issue, some nonsensical policy that someone came up with that a loan is duplicative of a grant. It eliminates these barriers that prevent us from spending hazard mitigation grant programs on federally authorized Corps of Engineer projects to prevent flooding and prevent hurricane damage to our communities.

It applies common sense. It ensures that deficiencies like the I-12 barrier in Louisiana are addressed. It provides funding to respond to the 2016, 1,000-year flood that we had in the capital region in Louisiana.

It provides flexibility for these STEP program housing program-type concepts that ensure that we are not wasting money that is only ripped out later on, but it truly provides long-term solutions.

Finally, Mr. Speaker, it addresses inefficiency in food banks and churches and others, and it makes them eligible. I urge adoption of this bill.

Mrs. LOWEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. Mr. Speaker, I rise today in support of H.R. 4667, which includes provisions of my bill, the Disaster Recovery Reform Act.

In 2017, 8 percent of the United States population was affected by at least one disaster. This startling statistic highlights the importance of investing in mitigation infrastructure before tragic events strikes.

Studies have repeatedly shown that, for every \$1 invested up front, we can save between \$4 and \$8 in avoided recovery costs. My bill would allow us to realize those savings by transforming how we approach disaster spending.

It would provide FEMA with the programs, authorities, and resources to help our communities plan for, mitigate against, respond to, and recover from disasters.

Every one of our districts, Republicans and Democrats alike, will be impacted by disaster at some point. In 2011, my own district was devastated by flooding from Hurricane Irene and Tropical Storm Lee. People lost everything, and homes and businesses were completely wiped out.

I visited with families and employers affected by this tragedy, and it made me realize that we need to do something to help communities build better and smarter before disaster strikes. My bill, the Disaster Recovery Reform Act, will do just that. It will save lives, lessen damage, and speed up recovery.

I thank Chairman SHUSTER and my colleagues on the Transportation and Infrastructure Committee and the Senate for their work on this bipartisan and bicameral agreement.

Again, I urge swift passage of H.R. 4667.

Mrs. LOWEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, my congratulations go out to Chairman FRELINGHUYSEN and to Chairman SHUSTER for putting these FEMA reforms into law that were long overdue. I thank the gentlemen for their support.

I rise in support of H.R. 4667, the critical disaster assistance legislation to help those affected by Hurricanes Harvey, Irma, and Maria this year.

I have said on the floor of this House numerous times that I believe it is important for Congress to come together when disaster strikes to help those impacted. Helping our fellow Americans after a disaster is the right thing to do.

And, don't forget, you never know when a disaster may hit your State.

That is why I am thankful to Chairman FRELINGHUYSEN and Chairman SHUSTER for including language important to my home State of Illinois in this bill. My bill, the Disaster Declaration Improvement Act, requires FEMA to place greater weight and consideration on the severe, localized impact of the damage following a disaster.

□ 1530

I want to thank my colleague, Congresswoman CHERI BUSTOS, for working with me on this bipartisan bill.

FEMA currently takes into account several factors when determining the need for public and individual assistance. However, there is no standard to determine which factor is more important than another, which leads to a highly subjective process, and one that has left rural counties in very populated States, like Illinois, left without help from the Federal Government.

It is because one major factor used by FEMA is a State's population. Currently, FEMA multiplies a State's population by \$1.39 to use it for the threshold to determine need, meaning, for Illinois to receive assistance, damages would have to be \$18 million or more.

As you can see by this chart, that is more than or nearly double that of all of our neighboring States. There have been multiple times where a storm hits both Illinois and our neighbors, but Illinois is the only one denied assistance.

One of the most recent examples is, 2 years ago this Christmas, flood damage throughout 16 counties cost \$15 million in damages. Missouri, who was also impacted by this same storm, received assistance, but Illinois did not.

This is wrong. My constituents pay into the Disaster Relief Fund to help other States. It should be there when they need it.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Mr. Speaker, California is experiencing the worst fire season in its history. Tragically, these fires have taken 46 lives, including one of our brave Cal Fire firefighters, Cory Iverson.

California has lost nearly 10,000 homes and structures since the start of the October wildfires. The need for relief and assistance is immediate.

Mr. Speaker, I support the swift passage of the Emergency Disaster Aid Package, which includes legislation I introduced, the California Wildfire Disaster Tax Relief Act of 2017.

These specific provisions will allow victims to deduct property damages and access retirement funds without penalty, as well as encourage charitable giving.

Passage of this bill will help mitigate the burden of these devastating wildfires and allow people to begin rebuilding their lives.

Mr. Speaker, California faces a long road to recovery and rebuild from this

devastating fire season. I urge my colleagues to aid in that recovery by voting for the Emergency Disaster Aid Package.

Mrs. LOWEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding time to me and for his tremendous bill. It is a great bipartisan piece of legislation.

Mr. Speaker, after Superstorm Sandy, I and others saw how leaders and volunteers of churches, synagogues, and other religious centers helped feed, clothe, and shelter tens of thousands of victims, yet they were left out and left behind when it came to repairs of their own facilities.

The FEMA policy was and is unfair, unjustified, and discriminatory. Over 4 years ago, the House came together in the wake of Superstorm Sandy and passed legislation that I authored by 354-72. Surprise, surprise, the Senate never acted, so the policy continues to this day.

I want to thank the chairman for including a provision in this bill that will ensure that houses of worship, churches, and synagogues get the kind of help they need on an equal basis with other nonprofits. I also want to thank him for including language that will get rid of this misnamed duplication of benefits clause.

Imagine this: men and women who are victimized by Superstorm Sandy or any other storm, they go to FEMA, they are advised to take out an SBA loan, then a little later in the recovery time, they are told that there is a HUD grant available, and they are precluded from getting that grant to even pay off the SBA loan.

Mrs. LOWEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. RUTHERFORD).

Mr. RUTHERFORD. Mr. Speaker, I rise today in strong support of this emergency supplemental bill.

This emergency funding provides much-needed and, frankly, overdue relief to my district in northeast Florida.

In September, Hurricane Irma caused flooding that the city of Jacksonville had not seen in more than 150 years. Downtown was literally under water, power was out for many days, and homes and businesses were shuttered.

In our more rural agricultural communities in Nassau County and St. Johns County, crops were wiped out, hurting our agriculture community for months, if not years to come.

The city of Jacksonville recently projected that Hurricane Irma will cost the city \$85 million.

I would be remiss if I did not commend the quick Federal response, the

leadership of our Governor, and the planning and coordination of local emergency management officials and first responders, who saved lives and made our community safe and quickly back up and running.

But the Federal support in this bill provides the next phase in emergency response that we so desperately need.

I would like to thank Chairman FRELINGHUYSEN and his committee and committee staff for their work to get this bill over the line. I urge my colleagues in the strongest way possible to support this bill.

Mrs. LOWEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the majority leader.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding time to me and for his work.

Mr. Speaker, it is only 4 days until Christmas. I look forward to going home and being with my family. I know every single Member in this body looks forward to that, too. I count my blessings that my family is safe and that I have a community and home to head back to.

There are people in this country who don't have that. Their homes were destroyed by wind, flood, and fires. Their communities were torn apart by hurricanes and flames.

Mr. Speaker, I had the somber privilege of traveling to these places. I went to Texas and spent time with Members from both sides of the aisle, seeing the flooded homes and streets filled with water. We visited NRG Stadium to meet the people forced to evacuate their homes.

I stood with Representatives like SHEILA JACKSON LEE, AL GREEN, RANDY WEBER, and BRIAN BABIN. These folks don't often agree on much in politics. But you know what we did that day? We all promised to help the people of Texas.

I flew to the Virgin Islands and Puerto Rico with Minority Whip STENY HOYER, and I would like to thank Delegate STACEY PLASKETT and Resident Commissioner JENNIFFER GONZÁLEZ-COLÓN for welcoming us and opening the eyes of the Nation to what was happening.

In the Virgin Islands, we visited a hospital. The storm left half of it unusable. No dialysis machines. They had to come to the mainland. Nurses and doctors were working, doing the best they could to help people in the most difficult of circumstances.

In Puerto Rico, we were the first congressional delegation to visit the interior after the storm. We were with Members like JEFF DENHAM, ANTHONY BROWN, and NORMA TORRES. We met people without power for weeks, low on food, low on medicine. We saw schools and homes destroyed and completely washed away.

We then went to Florida to see the other towns hit by Hurricane Irma, places that face storms year after year.

I returned to my home State of California with Congressmen MIKE THOMPSON and JARED HUFFMAN during the worst wildfire season our State has ever seen. We saw the fires rage up north, where it destroyed entire communities. Forty-six people have lost their lives in the fires in California this year.

You could see the devastation, block after block. Ash heaps of homes and trees, standing like barren pillars.

I met with firefighters down south, still battling what may become the largest wildfire in California's history. As it looks right now, they will still be standing on the front lines of those fires come Christmas day.

Every single place I went, Democrats and Republicans stood together. We saw the devastation together. We spoke to the suffering that the people were having together, and together we made a promise that we would return here to Washington and work hand-in-hand to help them as soon as possible.

That is why you heard Minority Whip STENY HOYER, on September 26, say that he would "work with colleagues on both sides of the aisle to ensure Congress provides all funding necessary to ensure that all Americans affected by these storms can recover and rebuild."

That is why he said on November 2 that he believes "we can work together in a bipartisan way to ensure that the affected areas receive the resources they need from Congress."

That is why I appreciated joining him in an op-ed piece that was in *The Washington Post* on November 8, where we wrote: "We are determined to ensure that there is strong bipartisan support for the next supplemental emergency funding package so that affected areas, such as those we visited, have the resources they need."

Minority Leader NANCY PELOSI spoke similarly. She signed a letter with Members across California saying to President Trump that: We look forward to working with you to ensure that all Americans who have been severely impacted by recent natural disasters across the United States receive the Federal support they need and deserve.

She told the Appropriations Committee that: Congress has an urgent responsibility to the California families, whose lives have been upended by disastrous wildfires.

I couldn't agree more with these statements. In the past few weeks and months, we did—we worked together. We analyzed the damage. We studied the requests from Governors and legislators. We even made significant reforms to respond to disaster in the most effective and responsible way possible.

The legislation today is the result. It provides funding for every single State

and territory affected by natural disasters.

I remind all my friends from California that this legislation accommodates exactly what our entire delegation requested.

In all this work, we did it together in a bipartisan way; the way the American people expect this body to work.

Now, I know it is the habit of this town to play politics. Mr. Speaker, I do want to tell my friends on the other side: If they feel like they have to, play politics on tax cuts. Call it whatever you want to call it. Play politics on all the other legislation that comes to this floor.

But if I can request one thing: Please don't do it here. Don't play politics on a vote to give aid to the people of Texas; to the people of Puerto Rico; to the people of the Virgin Islands; to the people of Florida, and to the people of California, who are still fighting the fires.

Don't play politics on a bill that you are going to hope to maybe stop another. That would be the worst of any politics I have seen played here.

Mr. Speaker, I beg my friends on the other side: Please don't do what they did 2 weeks ago when they whipped against the funding bill to shut the government down. If they don't like tax cuts, I understand; vote against them. If they don't want to vote for the funding of the government and they want to shut it down, fine, take that vote.

But here and now, right before Christmas, don't vote against aid for Americans who just lost everything. They don't understand the politics in it. Don't vote against aid we promised to deliver. Don't vote against aid we worked so hard together to put on this floor.

Washington, D.C., can be far from our homes. We may all be dreaming of being home with our kids, eating Christmas dinner, opening presents, and enjoying time with our family and friends; but what we do here and now has consequences. What we do here and now will either give tens of thousands of people something to hope for this Christmas, or take that hope away.

We can deliver that hope if those who stood with me on the flood plains of Texas and on the burnt hills of California keep the promise they made. We can deliver that hope if those who worked with us for so long continue to work with us today.

People need our help. Vote to give them the help they need, the help we all promised.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Ms. PLASKETT).

Ms. PLASKETT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, at this moment I would like to speak on behalf of the people who I represent, the people of the Virgin Islands.

I am thankful that this House has decided that they wanted to work in a bipartisan manner on supplemental aid for the unprecedented disasters that have occurred in the Virgin Islands.

I did hear the voice of so many of my colleagues who said that they would be willing to do whatever was necessary to support the people of the Virgin Islands.

But right now, as I stand here, people of the Virgin Islands, almost 60 percent of them, still do not have power.

□ 1545

I have no power in my own home, and those of you in Florida, Texas, and in other places would not stand for that. But you expect us to stand for it. We are supposed to muddle through.

We are only supposed to have hope this Christmas of what is supposed to come?

Mr. Speaker, you can have hope at your Christmas dinner because you have got some lights on. My house I will go empty to, it will be cold, and it will be dark there until my husband and I crank up the generator and get it going for a couple of hours so that maybe we can wash, cook some food, and turn it back off again later in the day.

Today, I am urging my colleagues to vote “no” on H.R. 4667, not because I don’t want supplemental support, not because the people of the Virgin Islands don’t need it, but because I understand that I have said, when this measure was unveiled, that the funding in this bill is woefully insufficient, and it has not improved since that time.

This measure provides only \$81 billion to be split between Texas, Florida, Puerto Rico, the Virgin Islands, and other places. If history is any indication, that money is not going to get to the people of the Virgin Islands, because while the California delegation and the Texas delegation can lobby in late hours to get what they need in the bill, I am the only person from the Virgin Islands here to support the people of the Virgin Islands. Not only do I not get invited to those negotiations, I don’t even have a vote when the bill that comes to providing for the people that I represent comes on this floor.

One of the things that is noticeably absent from this disaster package is funding for Medicaid programs, the same type of funding that was put in, in discussions for Katrina, for the people of Texas and Louisiana.

The government of the Virgin Islands cannot shoulder the current burden of the local matching requirements for Medicaid funding which the government of the Virgin Islands has recently submitted to be \$64 million and an additional \$50 million. The government of

the Virgin Islands has respectfully requested that the Medicaid provisions, that the cap be removed, the arbitrary cap be removed for us for a period of time for us to be stabilized and for 100 percent the same way it was for Katrina in other places be given to us.

Now, the people of the Virgin Islands and the people of Puerto Rico—I know it may be news to many people—but we are U.S. citizens. We decide to live on an island because that is where we were brought.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. LOWEY. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from the Virgin Islands.

Ms. PLASKETT. Because of that, we have been treated disproportionately and unfairly in the ways that some of this funding has come about.

In addition, the bill does not include important local cost-share waivers for the Virgin Islands and contains unnecessary limitations on the ability of the Virgin Islands to use Federal assistance to rebuild with more resilience.

Furthermore, the Virgin Islands cannot wait for the community development funds provided in this bill. HUD should immediately award community development funds to the Virgin Islands on the damage assessments that have been completed.

Those are things that I can get around. Those are real support in a real bill that is really working in a bipartisan way to help all Americans—not just delegations who can get together in the dark of the night and in the cold of the night and make provisions for themselves leaving those of us. I have told my colleagues on this side of the aisle that they are going to pick off Puerto Rico and the Virgin Islands, we are going to be left out.

Some of you are going to get what you want, and you are going to vote for this. Once again, the people who have no vote on this floor, the people who have no say in this country, although they are U.S. citizens, are going to be left out.

Mr. Speaker, I am urging all of my colleagues to vote “no.”

Mr. FRELINGHUYSEN. Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself 1 minute to close.

Mr. Speaker, I would like to reiterate that the bill before us is insufficient to meet the needs of those living in Puerto Rico and the Virgin Islands. Months after hurricanes devastated the islands, hundreds, if not thousands, of Americans have died, and far too many people are living without basic necessities that all Americans should have.

I include in the RECORD a letter from Puerto Rico’s Resident Commissioner, JENNIFFER GONZÁLEZ-COLÓN, which requests Medicaid assistance and 100 percent Federal costs for FEMA and Army Corps projects which are not included in the bill.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 2017.

Hon. THAD COCHRAN,
Chairman, Appropriations Committee, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.

Hon. RODNEY FRELINGHUYSEN,
Chairman, Appropriations Committee, House of Representatives, Washington, DC.

Hon. NITA M. LOWEY,
Ranking Member, Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMEN COCHRAN AND FRELINGHUYSEN AND RANKING MEMBERS LEAHY AND LOWEY: I write to draw your attention to several disaster supplemental appropriations matters that are important to Puerto Rico’s recovery from the catastrophic damage caused by Hurricanes Irma and Maria. The revisions I propose to the disaster supplemental legislation that Congress is currently considering are necessary for rebuilding the lives of the 3.4 million U.S. citizens who live on the island.

Regarding any federal funding for Medicaid in Puerto Rico, it is imperative that disaster supplemental legislation provide that for not less than two years Puerto Rico will receive 100% federal funding (FMAP). This funding is necessary because there is no question about Puerto Rico’s looming Medicaid crisis: within the first months of 2018, absent emergency funding, Puerto Rico’s Medicaid program will exhaust its current funds and the island’s Medicaid system will collapse, which will bring to a halt Puerto Rico’s entire healthcare system.

The disaster supplemental legislation must be revised so to statutorily waive for two years Puerto Rico’s state cost share for FEMA Public Assistance. Moreover, the disaster supplemental legislation must be revised so to include a two year waiver of the cost-sharing requirements for all Army Corps of Engineers projects in Puerto Rico.

As you know, the recent hurricanes have destroyed Puerto Rico. The lives of millions of U.S. citizens are now in the federal government’s hands. I look forward to continuing to work with you to move forward the proposals I have outlined in this letter. Together we can rebuild Puerto Rico better than ever and make the island anew. At this moment, the federal government has an opportunity to demonstrate America’s commitment to all its citizens, including those who reside in Puerto Rico.

Sincerely,
JENNIFFER GONZÁLEZ-COLÓN,
Member of Congress, PR-At Large.

Mrs. LOWEY. Mr. Speaker, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill—put together after eight public hearings, input from all Governors, all Members of Congress, and all Delegates, especially those who represent Texas, Florida, Louisiana, Puerto Rico, the Virgin Islands, and California—represents a fair and a compassionate treatment of all hurricane and fire victims.

Like the first two emergency supplementals put together by our leadership, our committee, and Congress, we acted within days to help. I ask that we do it again this afternoon without delay. Get this \$81 billion disaster package into the hands of the

States, the territories, and the communities that continue to suffer.

Let me associate myself with the remarks of our majority leader. Let's get the money into those communities that have been suffering. That money is going to the Virgin Islands, it is going to Puerto Rico, and it is going to Florida, Texas, and California. There has been no discrimination at all.

This bill has been put together with the cooperation of all the chairs and ranking members, and it deserves to be acted on promptly. People are suffering. Let's get the money out the door to help them as we have done in the past on the first two supplementals.

Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I rise in support of Division B of this bill, which has bipartisan, bicameral support of the leadership of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. It includes H.R. 4460, the "Disaster Recovery Reform Act", and several other Federal Emergency Management Agency (FEMA) bills that passed the House earlier this year.

While there are many good provisions in Division B, I will focus my comments on a few provisions that I believe will have the most impact in making the United States a leader in disaster recovery. Under Division B, the Nation will be on the right track to build stronger and more resilient communities and it will encourage better behavior before and after disaster strikes.

We know that for every dollar invested in mitigation to make our communities stronger before disaster strikes, the taxpayer saves \$3 to \$4 in future disaster costs. Section 2036 of this bill furthers the goal of investing in mitigation before disaster strikes by establishing a steady funding stream for FEMA's Predisaster Mitigation (PDM) program.

Under Section 2036, the President must provide a specific amount of additional funding from the Disaster Relief Fund for the PDM program. The specific amount of additional funding is equal to six percent of the estimated amount of disaster assistance provided for each major disaster. The President will then distribute these funds in accordance with existing law, with a certain amount provided to each State and the remainder made available through a competitive grant process.

Section 2036 uses language similar to language in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizing FEMA's Hazard Mitigation Grant Program (HMGP), which is mandatory funding provided post-disaster with each disaster declaration. Although Section 2036 uses the term "may", the intent is that FEMA will set aside funds for the PDM program, just as they do for HMGP. We have had several bipartisan conversations with FEMA confirming that FEMA understands the intent of this section and will interpret the "may set-aside" language included in section 2036 as mandatory. The mandatory funding for the PDM program from the Disaster Relief Fund required under this

section will provide consistency to a program with a proven record of saving taxpayers money.

In addition, section 2036 authorizes FEMA to withdraw and redistribute funds that remain unobligated three fiscal years after FEMA awarded the funds to the grantee. The intent of this provision is to provide FEMA with discretionary authority to move funding that is not being used to States and projects that will use it. However, FEMA is not required to withdraw these funds from grantees and shall make these decisions on a case-by-case basis. For instance, a grantee may have commenced work on a project or is actively working on a project but the project is not at the point where funds need to be obligated. In this instance, we would not expect FEMA to withdraw the funds.

In addition, while this section will apply to PDM funds awarded prior to enactment of this Division, the intent is to give grantees three fiscal years from the date of enactment of this Act to obligate these funds. Grantees with existing PDM funds are now on notice that they have three years to obligate these funds or at least be actively working on projects that will allow those funds to be obligated shortly thereafter.

I have noted time and time again how nonsensical it is that the Federal Government pays to rebuild communities after a disaster to inadequate standards only to have those facilities destroyed again by a later disaster, with the Federal Government once again on the hook for the cost of rebuilding. Under this legislation, this nonsense will finally stop. Section 2037 requires communities to rebuild to the latest consensus-based, design standards and in a more resilient manner, thereby ensuring stronger, smarter facilities going forward. The cycle of repeatedly rebuilding and repairing disaster-damaged public infrastructure will end under this measure.

Although FEMA must define "resilient" and "resiliency" pursuant to regulations within two years of the date of enactment of this Act, FEMA is required to adopt guidance to immediately implement the "resiliency" requirements of this legislation. The need for resilient construction has become even more apparent after the 2017 disaster season. FEMA must use this opportunity to invest taxpayer funds wisely while saving lives and reducing injuries. FEMA has the ability to ensure that the United States leads the way in disaster recovery and I urge FEMA to seize this moment.

Accordingly, as FEMA works to develop the definition of "resilient" and "resiliency", the agency needs to ensure that it takes into account the extent to which the improved facilities:

- reduce deaths and injuries during and after a major disaster;

- sustain minimal damage allowing the facility to continue to provide the primary function and services of the facility during and after a natural hazard;

- prepare for and withstand all hazards that could result in a major disaster; and

- reduce the magnitude or duration of a disruption to the facility's primary function and services to a facility.

In addition, any "resilient" facility should be constructed:

- in consideration of current and future environmental conditions based upon the best-available science, changes in demand, and extreme weather events;

- to reduce potential disruptions to the facility, including by building in operational redundancies, and increasing the ability of the facility to recover more rapidly; using techniques and materials that have the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event;

- to the maximum extent practicable, using durable and sustainable material; and

- to incorporate, to the maximum extent practicable, natural and nature-based measures and energy efficiency improvements.

Currently, FEMA provides HMGP funds when a State receives a disaster declaration, but HMGP funds are not provided when a State receives a Fire Management Assistance Grant to respond to wildfires on non-Federal lands. Unfortunately, wildfires destroy the landscape often causing mudslides and flooding that then result in a disaster declaration. Under Division B, States will receive HMGP funds if they have received Fire Management Assistance Grants to respond to wildfires. With HMGP funds, States will be able to restore landscapes and vegetation destroyed by wildfires and make the land less susceptible to future mudslides and floods. This legislation also clarifies that wildfire-related mitigation activities are eligible under both the PDM and HMGP programs. Together, these provisions will help prevent wildfires and related disasters and I commend our colleague from California (Mr. RUIZ) for his leadership on these issues.

Division B also clarifies that earthquake-related activities are eligible for mitigation assistance. The West Coast faces the most risk from multiple and extreme earthquakes, and Oregon is long overdue for an earthquake and tsunami on the Cascadia Subduction Zone. Yet, the United States' earthquake early warning system lags behind those of other nations. Clarifying for grantees that mitigation funds are available for earthquake-related activities will save lives and reduce injuries in a future disaster.

Finally, important to the State of Oregon, section 2029 clarifies that for purposes of the National Flood Insurance Program (NFIP), FEMA is not responsible for privately funded actions taken by private parties on private land. Under actions proposed by the National Marine Fisheries Service, the entire State of Oregon would become a critical habitat, seriously impeding economic development. The proposed requirements, are so onerous, the State of Oregon, which already has strict land use regulations, would have difficulty implementing them, as they violate federal and state property rights. This provision will help ensure that FEMA implements the NFIP in a manner that is consistent from state-to-state and does not become a land use regulatory agency.

I support all of these important provisions and urge their adoption.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 670, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings are postponed.

DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN AUTHORIZATION ACT OF 2017

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1370.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, pursuant to House Resolution 670, I call up the bill (H.R. 1370) to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Homeland Security Blue Campaign Authorization Act of 2017”.

SEC. 2. ENHANCED DEPARTMENT OF HOMELAND SECURITY COORDINATION THROUGH THE BLUE CAMPAIGN.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

“SEC. 434. DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN.

“(a) DEFINITION.—In this section, the term ‘human trafficking’ means an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

“(b) ESTABLISHMENT.—There is established within the Department a program, which shall be known as the ‘Blue Campaign’. The Blue Campaign shall be headed by a Director, who shall be appointed by the Secretary.

“(c) PURPOSE.—The purpose of the Blue Campaign shall be to unify and coordinate Department efforts to address human trafficking.

“(d) RESPONSIBILITIES.—The Secretary, working through the Director, shall, in accordance with subsection (e)—

“(1) issue Department-wide guidance to appropriate Department personnel;

“(2) develop training programs for such personnel;

“(3) coordinate departmental efforts, including training for such personnel; and

“(4) provide guidance and training on trauma-informed practices to ensure that human trafficking victims are afforded prompt access to victim support service providers, in addition to the government assistance required under section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), to address their immediate and long-term needs.

“(e) GUIDANCE AND TRAINING.—The Blue Campaign shall provide guidance and training to appropriate Department personnel and other Federal, State, tribal, and law enforcement personnel, as appropriate regarding—

“(1) programs to help identify instances of human trafficking;

“(2) the types of information that should be collected and recorded in information technology systems utilized by the Department to help identify individuals suspected or convicted of human trafficking;

“(3) systematic and routine information sharing within the Department and among Federal, State, tribal, and local law enforcement agencies regarding—

“(A) individuals suspected or convicted of human trafficking; and

“(B) patterns and practices of human trafficking;

“(4) techniques to identify suspected victims of trafficking along the United States border and at airport security checkpoints;

“(5) methods to be used by the Transportation Security Administration and personnel from other appropriate agencies—

“(A) to train employees of the Transportation Security Administration to identify suspected victims of trafficking; and

“(B) to serve as a liaison and resource regarding human trafficking prevention to appropriate State, local, and private sector aviation workers and the traveling public;

“(6) utilizing resources, such as indicator cards, fact sheets, pamphlets, posters, brochures, and radio and television campaigns—

“(A) to educate partners and stakeholders; and

“(B) to increase public awareness of human trafficking;

“(7) leveraging partnerships with State and local governmental, nongovernmental, and private sector organizations to raise public awareness of human trafficking; and

“(8) any other activities the Secretary determines necessary to carry out the Blue Campaign.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 433 the following:

“Sec. 434. Department of Homeland Security Blue Campaign.”.

SEC. 3. INFORMATION TECHNOLOGY SYSTEMS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure, in accordance with the Department of Homeland Security-wide guidance required under section 434(d) of the Homeland Security Act of 2002, as added by section 2, the integration of information technology systems utilized within the Department to record and track information regarding individuals suspected or convicted of human trafficking.

SEC. 4. REPORT.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(1) describes the status and effectiveness of the Department of Homeland Security Blue Campaign; and

(2) provides a recommendation regarding the appropriate office within the Department of Homeland Security for the Blue Campaign.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$819,000 to carry out section 434 of the Homeland Security Act of 2002, as added by section 2.

MOTION TO CONCUR

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Frelinghuysen moves that the House concur in the Senate amendment to H.R. 1370 with an amendment consisting of the text of Rules Committee Print 115–52.

The text of the House amendment to the Senate amendment to the text is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following

DIVISION A—FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2018

SEC. 1001. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended—

(1) by striking the date specified in section 106(3) and inserting “January 19, 2018”; and

(2) by adding after section 142 the following:

“SEC. 143. Notwithstanding section 104, amounts made available by section 111 for ‘Department of Homeland Security—Coast Guard—Retired Pay’ may be obligated to carry out Retired Pay Reform, as authorized by part 1 of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92, as amended), and the matter under such heading in division F of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 131 Stat. 409) shall be applied during the period covered by this Act by inserting ‘payment of continuation pay under section 356 of title 37, United States Code,’ after ‘payment for career status bonuses.’.

“SEC. 144. In addition to amounts provided by section 101, amounts are provided for ‘Department of Health and Human Services—Indian Health Service—Indian Health Services’ at a rate for operations of \$11,761,000 and amounts are provided for ‘Department of Health and Human Services—Indian Health Service—Indian Health Facilities’ at a rate for operations of \$1,104,000, for an additional amount for costs of staffing and operating newly constructed facilities; and such amounts may be apportioned up to the rate for operations necessary to staff and operate newly constructed facilities.

“SEC. 145. Amounts made available by section 101 for ‘Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance’ may be apportioned up to the rate for operations necessary to maintain program operations for carrying out section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) at the level provided in fiscal year 2017.

“SEC. 146. Notwithstanding section 101, amounts are provided for the purposes described in the third paragraph under the heading ‘Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund’ at a rate for operations of \$112,000,000; and such amounts may be apportioned up to the rate for operations necessary to prepare for or respond to an influenza pandemic.

“SEC. 147. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in

section 254(a) of such Act, the final sequestration report for fiscal year 2018 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2018 pursuant to section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 106(3), and for the Office of Management and Budget, 15 days after the date specified in section 106(3).”.

SEC. 1002. (a) Notwithstanding the dates specified in section 403(b) of the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2474), the amendments made by such section shall not take effect until the date specified in section 106(3) of the Continuing Appropriations Act, 2018 (division D of Public Law 115-56), as amended.

(b) If during the period beginning on the date of the enactment of this Act and ending on the date specified in section 106(3) of the Continuing Appropriations Act, 2018 (division D of Public Law 115-56), as amended, any Act amending the dates specified in section 403(b) of the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2474) is enacted, this section shall be repealed.

This division may be cited as the “Further Additional Continuing Appropriations Act, 2018”.

DIVISION B—MISSILE DEFENSE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, and for other purposes, namely:

TITLE I—MISSILE DEFEAT AND DEFENSE ENHANCEMENTS

DEPARTMENT OF DEFENSE OPERATION AND MAINTENANCE OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy” for necessary costs to repair damage to the U.S.S. John S. McCain and the U.S.S. Fitzgerald, \$673,500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$18,750,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$23,735,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$884,000,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$12,000,000 to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$288,055,000 to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$1,239,140,000 to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$20,700,000 to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$60,000,000 to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$255,744,000 to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide” for necessary costs to detect, defeat, and defend against the use of ballistic missiles, \$1,010,220,000 to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II—MISSILE CONSTRUCTION ENHANCEMENTS

DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$200,000,000, to remain available until September 30, 2022, to carry out construction of a missile field in Alaska: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III—GENERAL PROVISIONS

SEC. 2001. Notwithstanding any other provision of law, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2018.

SEC. 2002. (a) Funds made available in title I of this division shall be allocated to programs, projects, and activities in accordance with the detailed congressional budget justifications submitted by the Department of Defense to accompany the Fiscal Year 2018 Budget Amendments requested by the President on November 6, 2017: *Provided*, That changes to the allocation of such funds shall be subject to the reprogramming requirements set forth in the annual appropriations Act.

(b) Funds made available in this division may be obligated and expended notwithstanding sections 102 and 104 of division D of Public Law 115-56.

SEC. 2003. Each amount designated in this division by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

This division may be cited as the “Department of Defense Missile Defeat and Defense Enhancements Appropriations Act, 2018”.

DIVISION C—HEALTH PROVISIONS

TITLE I—PUBLIC HEALTH EXTENDERS

SEC. 3101. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS FUNDING.—Section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) \$550,000,000 for the period of the first and second quarters of fiscal year 2018; and”.

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(2)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by inserting after subparagraph (E) the following:

“(F) \$65,000,000 for period of the first and second quarters of fiscal year 2018.”.

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Subsection (g) of section 340H of the

Public Health Service Act (42 U.S.C. 256h) is amended—

(1) by striking “To carry out” and inserting the following:

“(1) IN GENERAL.—To carry out”;

(2) by striking “and \$15,000,000 for the first quarter of fiscal year 2018” and inserting “and \$30,000,000 for the period of the first and second quarters of fiscal year 2018, to remain available until expended”; and

(3) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for any fiscal year, the Secretary may not use more than 5 percent of such amount for the expenses of administering this section.”.

(d) APPLICATION.—Amounts appropriated pursuant to this section are subject to the requirements contained in Public Law 115-31 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b-256).

(e) CONFORMING AMENDMENTS.—Section 3014(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1)(E)), as amended by section 221 of the Medicare Access and CHIP Reauthorization Act of 2015” and inserting “subparagraphs (E) and (F) of section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1))”; and

(2) in paragraph (4), by inserting “and section 3101(d) of the CHIP and Public Health Funding Extension Act” after “section 221(c) of the Medicare Access and CHIP Reauthorization Act of 2015”.

SEC. 3102. EXTENSION FOR SPECIAL DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAM FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c-2(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by inserting after subparagraph (C) the following:

“(D) \$37,500,000 for the period of the first and second quarters of fiscal year 2018, to remain available until expended.”.

(b) SPECIAL DIABETES PROGRAM FOR INDIAN.—Subparagraph (D) of section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)) is amended by inserting “and \$37,500,000 for the second quarter of fiscal year 2018” before the period at the end.

SEC. 3103. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11(b)) is amended—

(1) in paragraph (3), by striking “each of fiscal years 2018 and 2019” and inserting “fiscal year 2018”;

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9);

(3) by inserting after paragraph (3) the following new paragraph:

“(4) for fiscal year 2019, \$800,000,000”;

(4) in paragraph (5), as so redesignated, by striking “\$1,000,000,000” and inserting “\$800,000,000”; and

(5) in paragraph (6), as so redesignated, by striking “\$1,500,000,000” and inserting “\$1,250,000,000”.

TITLE II—CHILDREN’S HEALTH INSURANCE PROGRAM (CHIP)

SEC. 3201. FUNDING EXTENSION OF THE CHILDREN’S HEALTH INSURANCE PROGRAM.

(a) APPROPRIATION; TOTAL ALLOTMENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (19), by striking “and”;

(2) in paragraph (20), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(21) for fiscal year 2018, for purposes of making 1 semi-annual allotment—

“(A) \$2,850,000,000 for the period beginning on October 1, 2017, and ending on March 31, 2018.”.

(b) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(A) in paragraph (2)(B)(ii), in the matter preceding subclause (I), by inserting “and paragraph (10)” after “clauses (iii) and (iv)”;

(B) in paragraph (5)—

(i) by striking “or (4)” and inserting “(4), or (10)”; and

(ii) by striking “or 2017” and inserting “, 2017, or 2018”;

(C) in paragraph (9)—

(i) in the heading, by striking “FISCAL YEARS 2015 AND 2017” and inserting “CERTAIN FISCAL YEARS”;

(ii) by striking “or (4)” and inserting “, (4), or (10)”; and

(iii) by striking “or fiscal year 2017” and inserting “, 2017, or 2018”; and

(D) by adding at the end the following new paragraph:

“(10) FOR FISCAL YEAR 2018.—

“(A) FIRST HALF.—

“(i) IN GENERAL.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A) of paragraph (21) of subsection (a) for the semi-annual period described in such subparagraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to ½ of the amount described in clause (ii) for the State.

“(ii) FULL YEAR AMOUNT BASED ON GROWTH FACTOR UPDATED AMOUNT.—The amount described in this clause for a State is equal to the sum of—

“(I) the sum of the 2 semi-annual allotments made to the State under paragraph (4) for fiscal year 2017; and

“(II) the amount of any payments made to the State under subsection (n) for fiscal year 2017,

multiplied by the allotment increase factor under paragraph (6) for fiscal year 2018.”.

(2) CONFORMING AMENDMENTS.—Section 2104(m)(2) of such Act (42 U.S.C. 1397dd(m)(2)) is amended—

(A) in the paragraph heading, by striking “2010 THROUGH 2016” and inserting “BEGINNING WITH FISCAL YEAR 2010”; and

(B) by striking “the allotment increase factor under paragraph (5)” each place it appears and inserting “the allotment increase factor under paragraph (6)”.

(3) APPLICATION OF REGULAR EXPENDITURE RULES.—Amounts allotted to a State under section 2104(m)(10)(A) of the Social Security Act (42 U.S.C. 1397dd(m)(10)(A)) (as added by paragraph (1)) shall be subject to the same requirements of title XXI of such Act and applicable regulations of the Secretary of Health and Human Services as apply to other

allotments made to States for a fiscal year under section 2104 of such Act.

(c) EXTENSION OF CHIP ALLOCATION REDISTRIBUTION SPECIAL RULE FOR CERTAIN SHORTFALL STATES.—

(1) IN GENERAL.—Section 2104(f)(2)(B)(ii) of the Social Security Act (42 U.S.C. 1397dd(f)(2)(B)), as amended by section 201 of Public Law 115-90, is amended—

(A) in the clause heading, by striking “FIRST QUARTER” and inserting “FIRST HALF”;

(B) by redesignating subclause (III) as subclause (VI); and

(C) by striking subclauses (I) and (II) and inserting the following:

“(I) IN GENERAL.—For each month beginning during the period beginning on October 1, 2017, and ending March 31, 2018, subject to the succeeding subclauses of this clause, the Secretary shall redistribute any amounts available for redistribution under paragraph (1) for fiscal year 2018, to each State that is an emergency shortfall State for the month (as defined in subclause (II)) such amount as the Secretary determines will eliminate the estimated shortfall described in subclause (II) for such State for the month (as may be adjusted under subparagraph (C)) before the Secretary may redistribute such amounts to any shortfall State that is not an emergency shortfall State. In the case of any amounts redistributed under this subclause to a State that is not an emergency shortfall State, such amounts shall be determined in accordance with clause (i).

“(II) EMERGENCY SHORTFALL STATE DEFINED.—For purposes of this clause, the term ‘emergency shortfall State’ means, with respect to a month beginning during the period beginning October 1, 2017, and ending March 31, 2018, a shortfall State for which the Secretary estimates, in accordance with subparagraph (A) (unless otherwise specified in this subclause) and on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under the State child health plan and under section 2105(g) (calculated as if the reference under section 2105(g)(4)(A) to ‘2017’ were a reference to ‘2018’ and insofar as the allotments are available to the State under this subsection or subsection (e) or (m)) for such month will exceed the sum of the amounts described in clauses (i) through (iii) of subparagraph (A) for such month, including after application of any amount redistributed under paragraph (1) for a previous month for fiscal year 2018 in accordance with this clause, to such State. A shortfall State may be an emergency shortfall State under the previous sentence without regard to whether any amounts were redistributed to such State under paragraph (1) for a previous month in fiscal year 2018.

“(III) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to emergency shortfall States described in subclause (II) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2018. The Secretary shall only make redistributions under this clause to the extent that such amounts are available for such redistributions.

“(IV) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a month during the period described in subclause (I) are less than the total amounts of the estimated shortfalls determined for the month for emergency shortfall States described in subclause (II), the amount computed under subclause (I) for each emergency

shortfall State shall be reduced proportionally.

“(V) UNOBLIGATED REDISTRIBUTED FUNDS.—The Secretary shall withhold any funds redistributed under paragraph (1) for fiscal year 2018 before January 1, 2018, but which have not been obligated for amounts expended by a State as of that date, and shall redistribute such funds in accordance with the preceding subclauses of this clause.”.

(2) RULE OF CONSTRUCTION.—Nothing in the amendments made by paragraph (1) shall be construed as authorizing the Secretary of Health and Human Services to de-obligate any funds redistributed under clause (ii) of section 2104(f)(2)(B) of the Social Security Act (42 U.S.C. 1397dd(f)(2)(B)) that have been obligated for amounts expended by an emergency shortfall State described in such clause as of January 1, 2018.

This division may be cited as the “CHIP and Public Health Funding Extension Act”.

DIVISION D—OTHER MATTERS

SEC. 4001. VA CHOICE.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$2,100,000,000, to remain available until expended, to be deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note).

DIVISION E—BUDGETARY EFFECTS

SEC. 5001. BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of division C and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division C and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division C and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 5002. BUDGETARY EFFECTS OF RECONCILIATION ACT.

(a) DEFINITION OF RECONCILIATION ACT.—In this section, the term “reconciliation Act” means an Act enacted into law before, on, or after the date of enactment of this Act that was considered pursuant to the reconciliation instructions in H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(b) PAYGO SCORECARD.—The budgetary effects of the reconciliation Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

The SPEAKER pro tempore. Pursuant to House Resolution 670, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to present the House amendment to the Senate amendment to H.R. 1370.

This legislation keeps the government fully open, funds important national security priorities, and temporarily extends critical government programs like the Children's Health Insurance Program, the National Flood Insurance Program, and section 702 of the Foreign Intelligence Surveillance Act.

Our duty to the American people is to keep them secure and to ensure they have access to the government programs and services they depend on.

The House must pass this bill now, today.

Without acting on this bill, existing government funding will expire tomorrow, and the government will shut down. This legislation provides a simple, clean extension of current funding levels through January of 2018.

This additional time will allow House and Senate leadership to complete their negotiations on overall spending levels. Once that is determined, my committee will complete negotiations with the Senate on all 12 appropriations bills for the rest of fiscal year 2018.

In the meantime, it is essential that Congress maintain government programs and services—for our Nation's stability, the stability of our economy, and for the security and well-being of the American people.

This bill also supports national security by providing an additional \$4.7 billion in emergency funding to bolster missile defense, to protect against growing threats, and to repair damaged Navy ships.

In addition, the bill also includes \$2.1 billion in mandatory funding for the VA Choice Program. This funding will guarantee that our veterans continue to have access to the medical care they need and deserve.

Along with important funding for our Armed Forces and veterans, this bill contains temporary extensions of several critical programs that millions of Americans rely on. These include the Children's Health Insurance Program, the National Flood Insurance Program, and section 702 of the Foreign Intelligence Surveillance Act.

Mr. Speaker, before I close, again, I would like to thank the 12 Appropriations chairs, our 12 clerks, and the very professional staff of the Appropriations Committee for working overtime to bring this bill and others before the House today.

We cannot delay on passing this critical legislation, funding the govern-

ment, protecting our Nation, and extending essential programs that hard-working Americans rely on every day.

Mr. Speaker, I urge my colleagues to vote “yes” on the bill, and I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this epic failure of governing.

Nearly 3 months into the fiscal year, the Republican majority is advancing its third temporary continuing resolution with no foreseeable path forward on enacting full-year appropriations and no evident urgency to address priorities that are critical to American families and communities.

Completely preoccupied with showing tax breaks on corporations and the wealthiest Americans, the majority has failed to clear the extremely low bar of charting a course to keep the government open and meet deadlines they have set for themselves.

In short, the Republican majority has made a complete mess of the very basics of governing. Now they want Democrats to bail them out by carrying a bill that neglects our priorities.

This continuing resolution should include the bipartisan Dream Act, protecting from deportation young people who were brought to this country as small children and only know the United States as home. But this bill tells those facing deportation that their plight is not our concern.

It should include a bipartisan reauthorization of the Children's Health Insurance Program, providing long-term certainty for 9 million children and families who depend on the program. Instead, this bill tells children and families their medical needs are not our priority.

It should include an agreement to raise caps for defense and nondefense spending with parity so that appropriators can get to work on a full-year spending package that keeps America secure and prosperous. Instead, the bill tries to make an end run around solely the defense cap by slipping in nearly \$5 billion in new spending for the Pentagon.

It should not clean up the mess the majority made triggering automatic reductions to Medicare because of their deficit-busting tax bill.

The majority wants to pass this bill and go home for the holidays, somehow content with its performance on behalf of the Americans they represent. In every sense, this bill fails to live up to our responsibilities as legislators and as Representatives. Given these failures, I urge a “no” vote.

Mr. Speaker, I reserve the balance of my time.

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Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Speaker, I thank my friend and colleague, the chairman of the House Appropriations Committee, Mr. FRELINGHUYSEN, for his incredible and tenacious work to bring us this legislation.

By the way, all 12 appropriations bills have already been passed by the House individually and sent to the Senate.

A vote against the CR is a vote to shut down the government. It is that simple. Today is the day we keep the government operating. We are not going to take the irresponsible path of voting to shut it down.

I stand here in support of the continuing resolution. This legislation before us today not only keeps the doors of the Federal Government open and the services to our constituents available, but also provides short-term funding for the State Children's Health Insurance Program, also known as CHIP.

This program provides vital health coverage for approximately 9 million children nationwide. So, when my colleagues on other side vote "no," know that they are also voting against these 9 million children who need access to this health insurance.

While I am glad we have this short-term funding, I, too, am disappointed to stand here today without Congress having completed its work to fully fund CHIP for the next 5 years. We did that in the House on a bipartisan basis.

This bill also provides critical short-term funding for community health centers. They are essential. In my district, 63 different facilities take care of men, women, and children in the community health center network. It takes care of teaching health center graduate medical education and special diabetes programs as well. So a "no" vote today is against all of those programs.

It is worth noting yet again that the House passed a comprehensive bill, the CHAMPIONING HEALTHY KIDS Act, in November. It was a bipartisan vote. It will fund the CHIP program for a full 5 years. Community health centers will be funded for 2 years, and the other public health programs will be funded for 2 years.

It would also prevent billions of dollars of cuts to our safety net hospitals. Those cuts will be triggered in January because of inaction in the Senate.

Unfortunately, our friends on the other side of the Capitol have yet to move our bill or reach full agreement on some different combination of offsets to pay for extending these important programs. This is disappointing since it means Congress has not yet been able to provide certainty to families across Oregon and the country who rely on these vital programs.

The SPEAKER pro tempore (Mr. HULTGREN). The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. WALDEN. We are well past the time in which we should have had this done. The Energy and Commerce Committee has acted. The U.S. House of Representatives has acted. The Senate Finance Committee has acted. But the full Senate has yet to do so.

I know that Chairman HATCH and Ranking Member PALLONE believe this must be done as soon as possible. We have been working closely together, along with my fellow Oregonian, Senator RON WYDEN, to figure out how to get a bill to fund CHIP and public health extenders across the finish line. So, while we are frustrated we will not complete our work today, we are determined to continue to work with my colleagues to get this done early in January.

I urge my colleagues to support the CR and these necessary funding extensions.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), the ranking member of the Interior, Environment, and Related Agencies Subcommittee.

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to this continuing resolution.

The Federal Government's fiscal year started 3 months ago. The Republican Congress still hasn't passed a full year of Federal spending. Rather than protecting our Nation and meeting the needs of the American people, we are now debating a third continuing resolution to kick the can into January.

Republicans control this House, the Senate, and the White House, but, clearly, they do not take their responsibility to fund the Federal Government seriously. Frankly, they should be embarrassed.

For the past 3 months, Democrats have sought to work with Republicans to secure a budget agreement and responsibly pass appropriations bills, but Republicans have been too busy to meet this basic responsibility. Instead, they have spent months working in secret on their deficit-busting tax scam.

Let's be clear: the Republican tax scam is part of this CR as well. The CR contains language to exempt the Republican's lavish tax cuts for big corporations and billionaires from the statutory Pay-As-You-Go Act.

Republicans passed their tax scam knowing it was fiscally irresponsible and that it would trigger cuts to Medicare, the Crime Victims Fund, and other vital programs, and trigger an increase in Federal student loans. Now they are asking Democrats to help bail them out.

While I didn't vote for the Republican tax scam and I am not going to paper over their mistakes so that President Trump can sign it into law, here is what I will do, Mr. Speaker.

As the ranking member of the Interior, Environment, and Related Agencies Appropriations Subcommittee, I

know Republican appropriators are as frustrated I am. I want to work with them to find common ground and to responsibly fund our government. It is time for appropriators to do our jobs and for Republicans and Democrats to work together. It is time for us to get back to work and fund the Federal Government responsibly.

Mr. FRELINGHUYSEN. Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Energy and Water Subcommittee.

Ms. KAPTUR. Mr. Speaker, I thank Ranking Member LOWEY for yielding, and I rise in opposition to this continuing resolution that some might consider ridiculous.

No matter how you look at it, Republicans have control of all of the reins of the Federal Government; yet we find ourselves, again, locked in an artificial crisis of their own creation on the third punt to try to run this government for another couple of weeks.

First in September, then again 2 weeks ago, and now here again today, the government will be set on automatic pilot because President Trump and his fellow Republicans refuse to pass a real budget under regular order so the Appropriations Committee can get its work done within strict budget parameters. These last 3 months, Congress has been left to twiddle its thumbs while the list of unmet priorities for Americans has steadily grown.

Most notably, let me address the Children's Health Insurance Program, or CHIP, that covers over 9 million children in our country and more than 220,000 in Ohio. In fact, that insurance program expired 81 days ago. It covers half the children in my district.

How do you think it makes those families feel? What are they going to do after the end of March?

Unfortunately, this spending bill only provides enough funding for the CHIP program through March 31, again kicking the can down the road.

Let me mention, too, the budgets for community health centers, which also expired last September 30. They serve more than 25 million patients and are the Nation's largest source of primary comprehensive care for people in need. Don't they deserve full respect from this Congress for the life-giving work they do?

Mr. Speaker, I will close with this. Up to 10 million private pensioners are at risk across our country through no fault of the workers. Congress must act. But where is the leadership? Our solution is the Butch Lewis Act, which ensures America's private pensioners receive the benefits they earned.

So whether it is helping our retirees or caring for our children, time and again Republicans are ignoring real middle class Americans.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. LOWEY. Mr. Speaker, I yield the gentlewoman from Ohio an additional 15 seconds.

Ms. KAPTUR. Yet, the Republicans had no problem finding trillions for billionaires who end up funding their campaigns, too.

This prescription simply is bad medicine for America, and I ask my colleagues to vote “no.”

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. ROE), the chairman of the Veterans’ Affairs Committee.

Mr. ROE of Tennessee. Mr. Speaker, I rise in support of the provision within this legislation that would authorize and appropriate \$2.1 billion for the Veterans Choice Program.

Choice was created by Congress in 2014, following a nationwide Department of Veterans Affairs access and accountability crisis. Make no mistake about it: Choice has certainly not been without its faults in the last 3 years; however, the program has also resulted in millions of veterans receiving care they otherwise would have had to wait longer or travel further for—or maybe not receive at all.

Absent passage of this provision, the Choice Program is expected to run out of money in early 2018, which could jeopardize the care that veterans across the country are receiving in their communities. This is totally unacceptable.

The committee has been working diligently to create a permanent care in the community program to replace and improve upon Choice. In fact, I was proud to introduce H.R. 4242, the VA Care in the Community Act, last month. That legislation was favorably reported out of my committee just this week, and I look forward to working with my colleagues on community care reform. In the meantime, we cannot allow the care our veterans receive in the community through the Choice Program to be jeopardized by lack of funding.

Mr. Speaker, I include in the RECORD a letter Secretary Shulkin sent me earlier this month.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, December 12, 2017.

Hon. DAVID P. ROE, M.D.,
Chairman, Committee on Veterans’ Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write to raise issues for your consideration regarding the financial status of the Veterans Choice Program (VCP), established by the Veterans Access, Choice and Accountability Act of 2014, Public Law 113-146, as amended (Choice Act). Current projections indicate that VCP could be unable to create new referrals or authorizations within several weeks. Without additional funding before the end of the year, there will be a dramatic impact on the ability of the Department of Veterans Affairs (VA) to provide care to Veterans.

As of December 7, 2017, VA has approximately \$490 million in VCP funds remaining, once December obligations of approximately

\$300 million and reserve funding of approximately \$300 million are accounted for. The average spend rate of VCP funds ranges from \$200–\$400 million per month, with the possibility that unexpected obligations would push this above and beyond the reserves. As a result, we believe we have 3 to 5 weeks of funds left, which could change based on Veteran utilization.

Nearly 1.9 million unique Veterans have sought care through VCP since its implementation. VA has focused on improving VCP through streamlined business processes, contract modifications and implementation of statutory changes. Unless additional funds are provided, Veterans utilizing the current VCP will be less able to access timely health care as close to their homes as possible. The Veteran Coordinated Access & Rewarding Experiences (CARE) Act, proposed by VA to Congress, would satisfy the funding requirements if passed.

The challenges of the transition from VCP to a new Community Care program should not be underestimated, and VA will need to take steps soon to responsibly prepare for the termination date. If no action is taken by Congress in the next 3 to 5 weeks, VA could have to discontinue authorizing VCP care and transition Veterans to VA or other community care programs. VA’s other community care programs will not have the capacity to handle all of the patients who will transition from VCP, and the wait time for appointments at VA facilities will rise if large numbers of Veterans return to VA to seek care. Taking these actions would have a number of negative consequences, including decreased access to care, damaged community partnerships and interrupted care continuity for Veterans.

Should you have any questions, please have a member of your staff contact Mr. David Brant, Congressional Relations Officer.

Sincerely,

DAVID J. SHULKIN, M.D.

Mr. ROE of Tennessee. In this letter, Secretary Shulkin explicitly stated: “Without additional funding before the end of the year, there will be a dramatic impact on the ability of the Department of Veterans Affairs to provide care to veterans.”

A vote against the continuing resolution is a vote against funding medical care for our Nation’s heroes. The Secretary’s message is clear, Mr. Speaker.

I urge all of my colleagues to join me in supporting an additional \$2.1 billion for the Choice Program.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), a member of the Appropriations Committee.

Ms. LEE. Mr. Speaker, I thank the gentlewoman for yielding and for her tremendous leadership on so many issues as a ranking member.

As a member of the Appropriations and Budget Committees, I rise in strong opposition to this continuing resolution, which really could be called the “Failure to Govern Resolution.”

This bill, as my colleague from Ohio said, shamefully kicks the can down the road once again, this time until January 19.

Why? Republicans have been too busy passing the greatest tax scam in his-

tory rather than responsibly funding the government.

This reckless, short-term resolution ignores our critical year-end priorities like passing a bipartisan, long-term reauthorization of the Children’s Health Insurance Program or a DACA program.

Every day, 122, DACA recipients are losing their protections. They are afraid. They are fearful. There is so much anxiety. We should not do this today without protecting them.

This continuing resolution does not honor the temporary protected status for immigrants. It does not raise the budget caps equally for defense and nondefense spending. Much-needed funding for the opioid epidemic, community health centers, and our veterans is also not included.

I could go on and on about the problems with the CR, but I just have to tell you that the reality is this bill, like the tax giveaway, underscores the majority’s complete lack of regard for everyday Americans and struggling families.

Continuing resolutions leave the American people out on a limb, with no confidence in their Federal Government.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. LOWEY. Mr. Speaker, I yield the gentlewoman from California an additional 30 seconds.

Ms. LEE. I guess we should not be surprised by this approach, since the playbook for this administration from day one has been, as Steve Bannon said early on, that their goal was deconstruction of the administrative state. That is exactly what is happening with this CR. This is unacceptable.

By passing a short-term spending bill that entirely neglects urgent and vital needs and underfunds job training, affordable housing, and education, we really are selling the American people short.

Unfortunately, this is another effort to disregard the lives of millions of people. It is totally irresponsible, and it does nothing to help create jobs, better wages, or a better future for our children and their families.

I urge a “no” vote on this bill. We need to begin to try to do our job here.

□ 1615

Mr. FRELINGHUYSEN. Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the ranking member of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in strong opposition to this continuing resolution,

which is, yet again, a complete abdication of our responsibilities as Members of Congress.

What we have before us today is evidence that the so-called Republican leadership simply cannot deliver on the promises they have made to the American people. Instead, this Congress has decided to continue taking the ludicrous approach of funding the government for just a few weeks at a time, while ignoring the pressing issues that demand our attention.

Over the last few weeks, Republicans in this Congress have decided to focus only on pushing through legislation designed to further enrich giant corporations, while adding \$1.5 trillion to the deficit.

Yet, to the DREAMers who teach our children, care for our sick, and serve our Nation, Republicans continue to say: You just have to wait.

For millions of our most vulnerable— young kids suffering from illness and debilitating disease, who are reliant on the Children's Health Insurance Program—Republicans have made it clear their priorities lie elsewhere.

And to those who have served our country with dignity and pride, the Republican majority has failed to provide urgently needed resources to address the dire shortfalls at the VA.

Well, Mr. Speaker, the DREAMers cannot wait. The threat of deportation looms over these courageous individuals every single day. Sick children deserve our attention now. They should not be used as bargaining chips in this reckless debate. And our Nation's veterans need to know we have got their backs without delay. We cannot deny them the healthcare that they have earned.

Don't tell me that we don't have the funds to support those who need us the most, when this Congress just gave a handout to those who need it the least.

This pathetic continuing resolution fails to address the needs of the people who sent us here. It doesn't even come close.

Mr. Speaker, I urge my colleagues to join me in voting "no."

Mr. FRELINGHUYSEN. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking member of the Labor, Health and Human Services, Education, and Related Agencies Subcommittee.

Ms. DELAURO. Mr. Speaker, I strongly oppose this continuing resolution. Yet again we are punting one of our core obligations as Members of Congress: funding government programs.

The Republican majority has failed to respond to the needs of the American people. They put services and investments that are critical to our families and our communities at risk: from

apprenticeships to education for students with disabilities, child care, afterschool programs that help working families make ends meet, and financial aid for students attending college.

We should be negotiating spending levels for 2018 for both defense and non-defense spending. We should have spent the last 2 months fulfilling our responsibility as legislators by writing bipartisan bills to fund programs that help the middle class and the vulnerable, support evidence-based scientific research, and help working people get the skills that they need to find good jobs with good wages.

Instead, the Republican majority squandered the last 2 months focused on their tax scam, rewarding big corporations, millionaires, and billionaires who wrote the rules to make government work for them. Our Republican colleagues were their comrades in arms in rigging the game against the middle class.

I am horrified by the majority's decision to put the future of the Children's Health Insurance Program, or CHIP, in jeopardy: kids' checkups, shots, prescriptions, dental and vision care, hospital care, and the list goes on.

States are beginning to cut children off because of the majority's delay—my own State of Connecticut. The hard-working families that depend on CHIP deserve to know that it will be there for their children for the long term.

How can the majority go on vacation while millions of children worry about losing their health insurance?

This is a disgrace. This bill also cuts \$750 million from the Prevention and Public Health Fund, which supports programs such as heart disease and stroke prevention, diabetes prevention, immunization and vaccination programs.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. LOWEY. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, it was only yesterday that our Republican colleagues voted to spend \$1.5 trillion of taxpayers' money on tax cuts for millionaires. Eighty-three percent of the tax cuts go to 1 percent of the people in this Nation. Instead, they are cutting nearly \$1 billion from public health programs that protect them and their family.

Mr. Speaker, I urge my colleagues to reject this continuing resolution because it fails to meet the obligations that we are entrusted with, the moral responsibility that we have to the American people.

Mr. FRELINGHUYSEN. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, I thank Mrs. LOWEY for yielding.

Here we are again, Mr. Speaker. Two weeks ago, the Republican majority asked for another 2 weeks to write an appropriations package to fund the government, yet now they are asking to kick the can down the road one more time.

We all knew that those 2 weeks were a pretense for getting the votes to pass their tax bill. We didn't make any progress on a bipartisan appropriations bill.

Before that, Republicans asked for an additional 12 weeks in September. We all voted to give that 12 weeks.

All of us know exactly why the can keeps being kicked farther and farther down the road. It is because the majority cannot muster a majority of their own Members to support bipartisan funding bills. Because the governing party, which controls the House, the Senate, and the White House, has not been able to govern.

Senate Republican Whip JOHN CORNYN said on Sunday: "The can always seems to be kicked down the road."

Yet here we are again with Republicans doing exactly that.

Mr. Speaker, let's call the CR for what it is: a chaotic retreat from rational, regular, and fiscal responsibility. We have alongside it a supplemental funding bill that provides some additional emergency relief to those affected by natural disasters, but it ought to do more, in my opinion, to help those in Puerto Rico and the Virgin Islands.

It has been 3 months since Hurricanes Irma and Maria devastated Puerto Rico and the Virgin Islands, and since Hurricane Harvey visited so much water on Houston.

Many still do not have electricity or running water in Puerto Rico. These are our fellow Americans. We owe it to them and to ourselves to help them in their time of need.

Mr. Speaker, Congress can do better, and it should do better. We should act in a bipartisan way.

I was on the Appropriations Committee as an active member for 23 years. I was a member of the Labor, Health and Human Services, Education, and Related Agencies Subcommittee. I told people that you could take the 13 of us—we were eight Democrats and five Republicans—and thrown us up in the air, we would have come down in random seats, had a markup, and you would have been hard-pressed to identify the Democrat or the Republican, because we believed our responsibility was to fund the priorities of this country.

Now, I know that we passed 12 bills.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. LOWEY. Mr. Speaker, I yield an additional 1 minute to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the Appropriations Committee used to be an extraordinarily bipartisan committee where we worked together, not on a partisan basis, but on a basis of trying to determine which priorities were important for our country, what funds were needed so that agencies could operate in an effective way. That, unfortunately, is not happening the way it did.

So, Mr. Speaker, I urge my Republican friends, who control this House, and all the levers of government, to work with Democrats on making sure that all those who need emergency disaster relief, as well as those who need funds to operate their government agencies in a way that serves America best—I urge us to work together toward that end. I urge us because nobody believes these CRs are good policy, but they, unfortunately, are becoming regular, if not regular order.

Mr. FRELINGHUYSEN. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, this is an epic failure of governing.

How many more times will we have to pass a continuing resolution, which not only denies certainty to men and women in uniform and all Federal employees, but is an inefficient waste of taxpayer dollars?

How many more times would the majority stumble from crisis to crisis, narrowly averting a shutdown?

It is long past time that the majority work with Democrats to increase the budget caps and write full-year spending bills. The Appropriations Committee stands ready to do our job. I hope that Republican leadership finally does its job and agrees to permit reasonable spending bills that invest in America's future.

Mr. Speaker, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I urge all of my colleagues to vote "yes" to keep the government open for business, and I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to this Continuing Resolution because we can't keep kicking the can down the road, and that is all this CR will do.

Since Republicans took control of the House in 2011, their approach to governing has been to pass short term extensions and Continuing Resolutions that merely delay the hard work of making decisions on the big issues facing our country.

Eventually, after not completing their work on time, Republicans regularly force through an extension in order to deal with another crisis of their own making. This has happened over . . . and over . . . and over.

And here we go again. We passed a CR in September and another one two weeks ago, and now we are being asked to give Republicans even more time to get the job done.

Governing by repeated CRs means federal agencies can't plan for the future or begin new initiatives. This undermines our national security; endangers our homeland security, restricts investments in groundbreaking research to treat and cure diseases, and threatens the accuracy of the next decennial Census.

This repeated inaction means we must now worry about keeping our government open at the same time we are trying to address several other large national challenges. For example, we are about to hit the nation's debt limit; Americans need help recovering from the hurricanes that hit Puerto Rico, the Virgin Islands, Florida, and Texas and the wildfires that have ravaged California; people who depend on community health centers and the Children's Health Insurance Program are about to lose their healthcare; and we must protect the hundreds of thousands of Dreamers whose immigration status has been thrown into question.

President Trump himself created this particular crisis for the millions of Dreamers living in this country. These young men and women are American in every way but their citizenship, and due to the President's actions, nearly 13 thousand of them have lost their DACA protections, an average of 122 per day. Tens of thousands more Dreamers will eventually lose their jobs and their protection against deportation if we do not take action.

As the author of the Dream Act in the House, I believe it is inhumane to force Dreamers to live in fear and uncertainty for longer than absolutely necessary. We must act now. We can't afford to wait until the last minute for a solution, as Republicans have done so often while running Congress.

We cannot keep kicking the can down the road. I oppose this CR and urge my colleagues to vote no so we can get the job done now.

Mr. SIMPSON. Mr. Speaker, I rise to support the continuing resolution before us today.

First, I'd like to acknowledge the Chairman of the Appropriations Committee, Chairman FRELINGHUYSEN.

Under his leadership, the Committee reported, and the whole House considered and passed, all twelve appropriations bills for fiscal year 2018. That doesn't happen very often anymore, and the fact that we did it this year is a credit to our Chairman.

We've heard complaints about considering another CR rather than full appropriations bills. And I agree that continuing resolutions aren't an ideal solution to funding our government. Ideally, all twelve appropriations bills would be enacted by October 1st.

That process provides the Congress with its best opportunity to set priorities across government programs, and it provides the most stability for agencies to carry out those programs in an efficient and effective manner.

But sometimes we need more time to complete those negotiations. For example, in 2010, the Democrats controlled both the House, the Senate, and the White House. Guess what happened when they hadn't completed the appropriations process on time?

They passed a CR until the end of September. When they hadn't completed their work yet, they passed another CR until December 2nd. When they hadn't completed their work—they passed another CR until December 22.

Then, when we took the majority, we ended up finishing the appropriations process.

So while CRs aren't ideal, supporting a CR to keep our government functioning is the only responsible vote today—for national security, for our economy, and for the general welfare of the American people.

As Chairman of the Energy and Water subcommittee, I am very familiar with the positive impacts the federal government has in each of these areas—whether it's the Department of Energy maintaining our nuclear weapons stockpile, the Corps of Engineers dredging our ports and waterways so goods and materials can move freely, or the Bureau of Reclamation providing tens of millions of people with water.

We must avoid disruptions to these vital activities by passing the continuing resolution before us today and then working towards completing our work on final appropriations bills as quickly as possible.

Will we get all our work done by the end of this next CR? I don't know.

But one thing I can guarantee is that we will not get it done by tomorrow, and a vote against this resolution is a vote to shut down the government.

I urge my colleagues to vote yes on the continuing resolution.

Mr. CROWLEY. Mr. Speaker, Republicans have moved on from doing nothing to help middle-class America, to actively undoing everything America's middle class relies on. First, they cut taxes for corporations and the wealthy, instead of lifting up the middle class. And they did it *twice*. Now they're kicking the can down the road while millions of Americans suffer through the holidays. They've left millions of kids in the lurch for months by letting the Children's Health Insurance Program expire instead of protecting sick children in need of care. They have woefully underfunded recovery efforts in Puerto Rico, the Virgin Islands, Florida and Texas instead of guaranteeing clean water and electricity to our fellow Americans. And the icing on the cake: Republicans would leave 800,000 DREAMers—Americans in every way but on paper—wondering whether their Christmas gift will be deportation papers. I cannot support Republicans' heartlessness. I cannot support Republicans' recklessness. I cannot support this bill without a fix for DREAMers.

Ms. JACKSON LEE. Mr. Speaker, I rise to speak about H.R. 1370, "Department of Homeland Security Blue Campaign Authorization Act of 2017" [Further Continuing Resolution].

This resolution is an imperfect vehicle for appropriations for FY 2018, because it does not reflect an effort to include bipartisan solutions to remaining Democratic priorities.

H.R. 1370 not only fails to address remaining unsolved issues, but it also fails to fund the government through the end of FY 2018.

Republicans have not consulted Democrats on anything that is included in this year-end legislation, accordingly the majority should not expect Democrats to vote on a bill that does not include the following priorities:

A bipartisan, long-term reauthorization of the Children's Health Insurance Program (CHIP):

CHIP, which provides health coverage to 9 million children, expired nearly three months ago.

Republicans have only put forward legislation that cuts other critical health programs, an unacceptable trade-off.

States have already begun taking steps to shut down their CHIP programs, and I will not vote for a Continuing Resolution (CR) that prevents children from obtaining health coverage.

Deferred Action for Childhood Arrivals (DACA) program:

According to a report by the Center for American Progress, 122 DREAMers are losing their protection every single day that Congress fails to act.

Disaster aid:

My district—Houston, Puerto Rico, and the U.S. Virgin Islands are short-changed in the supplemental proposed by the majority.

Among other glaring omissions, the Republican supplemental fails to include funding for their Medicaid programs, which are facing unprecedented demands following these ruinous hurricanes.

An agreement to lift the Budget Control Act (BCA) spending caps:

In the three months since a CR was passed in September, Republicans have not worked on a budget agreement that ensures Congress can adequately fund defense and nondefense priorities and adhere to the principle of parity between defense and non-defense spending.

H.R. 1370 would provide \$4.5 billion in emergency funding for the Department of Defense, as requested by the Trump administration on November 6.

Most of that money is allocated for missile defense programs primarily targeting North Korea, an area that President Trump has failed to approach diplomatically and instead, has resorted to inflammatory threats, tweets, and other non-presidential approaches typical of this administration.

In contrast, H.R. 1370 would provide a mere four-week extension of current funding for domestic needs.

This continuing resolution would force both parties to revisit the domestic programs in January.

Mr. Speaker, I will not accept this scheme and I highlight the importance of parity between defense and domestic programs in order to provide adequate funds for veterans' health, a pension bailout, opioid-fighting programs, and medical research.

Another major concern of this bill includes the unrevised extension of government surveillance powers; Congress has yet to agree on a proper revision of Section 702 of the Foreign Intelligence Surveillance Act.

Section 702 of FISA was intended to be revised this month; however, the majority has failed to address that issue, adding one more unresolved priority to the list of neglected legislation.

Mr. Speaker, I am disappointed that we have again been placed in the position of having to fund the government through the device of a continuing resolution rather than through the normal appropriations process of considering and voting on separate spending bills usually reported by the Committee on Appropriations.

The reason for this last minute resolution is due to the Republican leadership being solely focused on cutting taxes on the wealthy rather than coming up with a plan to keep the government open and serving its citizens.

Republicans control the House, Senate, and the White House—they should have the votes to pass a CR on their own if they refuse to compromise with Democrats.

The government shutdown of 2013, which was manufactured by the Republican majority lasted 16 days and cost taxpayers \$24 billion.

The enormous harm and disruption of the lives of federal employees and the people they serve, however, was irreparable.

As I stated, Mr. Speaker, this Continuing Resolution is not perfect and it only funds the government until January 19, 2018.

As seasoned Members of Congress, we have been in this challenging position before.

But working together in a spirit of goodwill, bipartisanship, and realism, I believe we can reach a long-term agreement that will avert a shutdown of government operations and the disruption a shutdown causes to the lives of millions of Americans who depend upon federal programs to do their jobs, educate their kids, care for their parents, and contribute to their communities.

Our constituents look to the Congress and the President to make responsible choices and decisions to keep the nation safe, the economy prosperous, and to make necessary and prudent investments in education, healthcare and research, transportation and infrastructure, economic development, science, the arts and humanities, and the environment.

This is, after all, just another way of saying that the American people expect their leaders in Washington be guided by the Constitution's Preamble and pursue policies and provide the resources that will:

establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.

The funding priorities that have been floated by the Trump Administration fail this essential test of leadership because they are irresponsible, impracticable, unrealistic, and, in many respects, insensitive or indifferent to the deleterious impact they will have on the lives of real people living in the real world.

They do not command majority support in the Congress or of the public.

To win such support, I believe that it is essential that any subsequent continuing resolution or omnibus appropriations bill achieves the following goals and objectives:

"To establish justice" and "To promote the general welfare":

1. Full funding for the U.S. Department of Justice Civil Rights Division and the Department of Education Office of Civil Rights so that they have funds needed to enforce laws protecting civil rights, voting rights, and prosecuting hate crimes.

2. Fully funds community development block grants and low income housing programs in urban and rural communities.

3. Fully funds the Legal Services Corporation so that working and low-income persons who lack an army of lobbyists to represent them in Washington will at least have the assistance of counsel to defend their legal rights in courts of law.

4. Fully funds programs providing food assistance to housebound seniors, such as Meals on Wheels.

5. Fully funds programs that provide students from low and moderate-income families access to affordable access to higher education and provides students with special needs the support needed to receive the free appropriate public education (FAPE) in the least restrictive environment (LRE) guaranteed by the Individuals with Disabilities Education Act (IDEA Act).

6. Fully funds before and after school programs and other student enrichment programs that help students succeed.

7. Fully funds programs that make federal housing safer through energy efficient heating and cooling systems.

8. Preserves tax credit programs that help revitalize low income communities.

9. Fully funds the Environmental Protection Agency and Department of Energy programs developing the next generation of clean energy and transportation technologies.

"Provide for the common defense":

1. Provides robust funding for the Department of State and USAID to advance national security interests in places like Iraq and Afghanistan and to end violent conflicts in trouble spots which could threaten the security interests of the United States.

2. Provides adequate funding for United Nations peacekeeping missions throughout the world and distribution of food aid to people in developing and famine stricken countries, such as South Sudan, Somalia, Yemen, and Nigeria.

"To ensure domestic tranquility":

1. Fully funds cost-sharing reduction subsidies, or CSRs, to compensate insurers for reducing deductibles and out-of-pocket maximums for low-income customers on the Affordable Care Act exchanges.

2. Protects the adequacy, solvency, and integrity of the Medicare and Medicaid programs, which provide health sustaining support for 70 million Americans.

3. Fully funds the National Institutes of Health research programs so that patient access to lifesaving treatments is not delayed.

4. Does not convert funding for the Centers for Disease Control and Prevention into block grants which would hinder the nation's ability to respond swiftly and effectively to public health crises like Ebola, Zika, and HIV/AIDS.

Mr. Speaker, I believe that if all members of the House and Senate work together, we can reach agreement on an appropriate budget framework that that invests in the American people, preserves our national security, and keeps faith with the values that have served our nation well and made the United States the leading nation on earth.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 670, the previous question is ordered.

The question is on the motion by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-

minute vote on the motion will be followed by 5-minute votes on:

Passage of H.R. 4667;

The motion to suspend the rules and pass S. 1532; and

The motion to suspend the rules and pass S. 1766, if ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 188, not voting 13, as follows:

[Roll No. 708]

YEAS—231

Abraham	Gohmert	Olson
Aderholt	Goodlatte	Palazzo
Allen	Gotthelmer	Palmer
Amodei	Gowdy	Paulsen
Arrington	Graves (GA)	Pearce
Babin	Graves (LA)	Pittenger
Bacon	Graves (MO)	Poe (TX)
Banks (IN)	Griffith	Poliquin
Barletta	Grothman	Posey
Barr	Guthrie	Ratcliffe
Barton	Handel	Reed
Bergman	Harper	Reichert
Bilirakis	Harris	Rice (SC)
Bishop (GA)	Hartzler	Roe (TN)
Bishop (MI)	Hensarling	Roby
Bishop (UT)	Herrera Beutler	Rogers (AL)
Black	Hice, Jody B.	Rogers (KY)
Blackburn	Higgins (LA)	Rohrabacher
Blum	Hill	Rokita
Bost	Holding	Rooney, Francis
Brady (TX)	Hudson	Roskam
Brat	Huizenga	Rothfus
Brooks (IN)	Hultgren	Rouzer
Buchanan	Hurd	Royce (CA)
Buck	Issa	Ruiz
Bucshon	Jenkins (KS)	Russell
Budd	Jenkins (WV)	Rutherford
Burgess	Johnson (LA)	Ryan (WI)
Bustos	Johnson (OH)	Sanford
Byrne	Johnson, Sam	Scalise
Calvert	Joyce (OH)	Schneider
Carter (GA)	Katko	Schweikert
Carter (TX)	Kelly (MS)	Scott, Austin
Chabot	Kelly (PA)	Sensenbrenner
Cheney	King (IA)	Sessions
Coffman	King (NY)	Sewell (AL)
Cole	Kinzing	Shimkus
Collins (GA)	Knight	Shuster
Collins (NY)	Kustoff (TN)	Simpson
Comer	LaHood	Sinema
Comstock	LaMalfa	Smith (MO)
Conaway	Lamborn	Smith (NE)
Cook	Lance	Smith (NJ)
Costa	Latta	Smucker
Costello (PA)	Lawson (FL)	Stefanik
Cramer	Lewis (MN)	Stewart
Crawford	LoBiondo	Stivers
Crist	Loeb sack	Taylor
Culberson	Long	Tenney
Curtis	Loudermilk	Thompson (PA)
Davidson	Love	Thornberry
Davis, Rodney	Lucas	Tiberi
Delaney	Luetkemeyer	Tipton
Denham	MacArthur	Trott
Dent	Marchant	Turner
DeSantis	Marino	Upton
DesJarlais	Marshall	Valadao
Diaz-Balart	Mast	Wagner
Donovan	McCarthy	Walberg
Duffy	McCaul	Walden
Duncan (SC)	McClintock	Walker
Duncan (TN)	McHenry	Walorski
Dunn	McKinley	Walters, Mimi
Emmer	McMorris	Weber (TX)
Estes (KS)	Rodgers	Webster (FL)
Farenthold	McSally	Wenstrup
Faso	Meadows	Westerman
Ferguson	Meehan	Williams
Fitzpatrick	Messer	Wilson (SC)
Fleischmann	Mitchell	Womack
Flores	Moolenaar	Woodall
Fortenberry	Mullin	Yoder
Frelinghuysen	Murphy (FL)	Yoho
Gallagher	Newhouse	Young (AK)
Garrett	Noem	Young (IA)
Gianforte	Norman	Zeldin
Gibbs	Nunes	
	O'Halleran	

NAYS—188

Adams	Gomez	Norcross
Aguilar	Gonzalez (TX)	O'Rourke
Amash	Gosar	Pallone
Barragán	Green, Al	Panetta
Bass	Grijalva	Pascarella
Beatty	Gutiérrez	Payne
Bera	Hanabusa	Pelosi
Beyer	Hastings	Perlmutter
Biggs	Heck	Perry
Blumenauer	Higgins (NY)	Peters
Blunt Rochester	Himes	Peterson
Bonamici	Hollingsworth	Pingree
Boyle, Brendan F.	Hoyer	Polis
Brady (PA)	Huffman	Price (NC)
Brown (MD)	Hunter	Quigley
Brownley (CA)	Jackson Lee	Raskin
Butterfield	Jayapal	Rice (NY)
Capuano	Jeffries	Richmond
Carbajal	Johnson (GA)	Rooney, Thomas J.
Cardenas	Johnson, E. B.	Ros-Lehtinen
Carson (IN)	Jordan	Rosen
Cartwright	Kaptur	Ross
Castor (FL)	Keating	Roybal-Allard
Castro (TX)	Kelly (IL)	Ruppersberger
Cheney	Khanna	Rush
Ciulline	Kihuen	Ryan (OH)
Clark (MA)	Kildee	Sánchez
Clarke (NY)	Kilmer	Sarbanes
Clay	Kind	Schakowsky
Cleaver	Krishnamoorthi	Schiff
Clyburn	Kuster (NH)	Schrader
Cohen	Labrador	Scott (VA)
Connolly	Langevin	Scott, David
Cooper	Larsen (WA)	Serrano
Correa	Larson (CT)	Shea-Porter
Courtney	Lawrence	Sherman
Crowley	Lee	Sires
Cuellar	Levin	Slaughter
Cummings	Lewis (GA)	Smith (WA)
Curbelo (FL)	Lieu, Ted	Soto
Davis (CA)	Lipinski	Speier
Davis, Danny	Lofgren	Swalwell (CA)
DeFazio	Lowenthal	Takano
DeGette	Lowe	Thompson (CA)
DeLauro	Lujan Grisham, M.	Thompson (MS)
DeBene	Luján, Ben Ray	Titus
Demings	Lynch	Tonko
DeSaulnier	Maloney	Torres
Deutsch	Carolyn B.	Tsongas
Dingell	Maloney, Sean	Vargas
Doggett	Massie	Veasey
Doyle, Michael F.	Matsui	Vela
Ellison	McCollum	Velázquez
Engel	McEachin	Visclosky
Eshoo	McGovern	Walz
Espallat	McNerney	Wasserman
Esty (CT)	Meeks	Schultz
Evans	Meng	Waters, Maxine
Fudge	Mooney (WV)	Watson Coleman
Gabbard	Moore	Welch
Gaetz	Moulton	Wilson (FL)
Gallego	Nadler	Wittman
Garamendi	Neal	Yarmuth
	Nolan	

NOT VOTING—13

Bridenstine	Green, Gene	Renacci
Brooks (AL)	Jones	Smith (TX)
Foster	Kennedy	Suozzi
Frankel (FL)	Napolitano	
Granger	Pocan	

□ 1653

Messrs. HOLLINGSWORTH, McNERNEY, PETERSON, and ROSS changed their vote from “yea” to “nay.”

Mr. GOHMERT, Ms. SEWELL of Alabama, Messrs. LAWSON of Florida, and DELANEY changed their vote from “nay” to “yea.”

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. FRANKEL of Florida. Mr. Speaker, had I been present, I would have voted “Nay” on rollcall No. 708.

FURTHER SUPPLEMENTAL APPROPRIATIONS ACT, 2018

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 4667) making further supplemental appropriations for the fiscal year ending September 30, 2018, for disaster assistance for Hurricanes Harvey, Irma, and Maria, and calendar year 2017 wildfires, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 251, nays 169, not voting 12, as follows:

[Roll No. 709]

YEAS—251

Abraham	Denham	Krishnamoorthi
Adams	Dent	Kuster (NH)
Aderholt	DeSantis	Kustoff (TN)
Aguilar	DeSaulnier	LaHood
Allen	Deutch	LaMalfa
Amodei	Diaz-Balart	Lance
Arrington	Donovan	Larsen (WA)
Babin	Duffy	Latta
Bacon	Dunn	Lawson (FL)
Barletta	Estes (KS)	Lieu, Ted
Barr	Farenthold	Lipinski
Barton	Faso	LoBiondo
Bera	Ferguson	Loeb sack
Bergman	Fitzpatrick	Long
Bilirakis	Fleischmann	Love
Bishop (GA)	Flores	Lowenthal
Bishop (MI)	Fortenberry	Lucas
Bishop (UT)	Frankel (FL)	Luetkemeyer
Black	Frelinghuysen	MacArthur
Blum	Gabbard	Marchant
Bost	Gaetz	Marino
Brady (TX)	Gallagher	Marshall
Brooks (IN)	Garamendi	Mast
Brownley (CA)	Gianforte	Matsui
Buchanan	Gibbs	McCarthy
Bucshon	Gohmert	McCaul
Burgess	Gonzalez (TX)	McHenry
Bustos	Gowdy	McKinley
Butterfield	Graves (LA)	McMorris
Byrne	Graves (MO)	Rodgers
Calvert	Green, Al	McNerney
Carbajal	Guthrie	Meehan
Carter (GA)	Handel	Mitchell
Carter (TX)	Harper	Moolenaar
Castor (FL)	Hartzler	Mullin
Castro (TX)	Hastings	Murphy (FL)
Cheney	Herrera Beutler	Newhouse
Coffman	Higgins (LA)	Nolan
Cole	Hill	Norman
Collins (GA)	Himes	Nunes
Collins (NY)	Huffman	O'Halleran
Comstock	Huizenga	O'Rourke
Conaway	Hunter	Olson
Connolly	Hurd	Palazzo
Cook	Issa	Panetta
Cooper	Jackson Lee	Paulsen
Costa	Jenkins (KS)	Pearce
Costello (PA)	Jenkins (WV)	Peters
Cramer	Johnson (LA)	Peterson
Crawford	Johnson (OH)	Pittenger
Crist	Johnson, E. B.	Poe (TX)
Cuellar	Johnson, Sam	Poliquin
Culberson	Joyce (OH)	Posey
Curbelo (FL)	Katko	Price (NC)
Curtis	Kelly (MS)	Ratcliffe
Davis (CA)	Kelly (PA)	Reed
Davis, Rodney	Kilmer	Reichert
DeFazio	King (IA)	Rice (SC)
Delaney	King (NY)	Roby
DelBene	Kinzing	Roe (TN)
Demings	Knight	Rogers (AL)

Rogers (KY)
Rohrabacher
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Ryan (WI)
Scalise
Schiff
Schneider
Scott, Austin
Scott, David
Sessions
Sewell (AL)

Sherman
Shinkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smucker
Soto
Stefanik
Stewart
Stivers
Takano
Taylor
Tenney
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao

Veasey
Vela
Visclosky
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Wasserman
Schultz
Waters, Maxine
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Womack
Yoder
Yoho
Young (AK)
Zeldin

So the bill was passed.
The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

LEGISLATIVE PROGRAM

(Mr. MCCARTHY asked and was
given permission to address the House
for 1 minute.)

Mr. MCCARTHY. Mr. Speaker, I rise
for the purpose of making a scheduling
announcement.

Mr. Speaker, Members are advised
that these are the last votes expected
in the House for the day, the week, the
month, and the year.

Now, I want to thank all of the Mem-
bers for their service to our Nation. I
want to wish you and your families a
blessed holiday and a very Merry
Christmas, and I look forward to work-
ing with all of you in 2018.

NO HUMAN TRAFFICKING ON OUR ROADS ACT

The SPEAKER pro tempore. Without
objection, 5-minute voting will con-
tinue.

There was no objection.

The SPEAKER pro tempore. The un-
finished business is the vote on the mo-
tion to suspend the rules and pass the
bill (S. 1532) to disqualify from oper-
ating a commercial motor vehicle for
life an individual who uses a commer-
cial motor vehicle in committing a fel-
ony involving human trafficking, on
which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The
question is on the motion offered by
the gentleman from Missouri (Mr.
GRAVES) that the House suspend the
rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic de-
vice, and there were—yeas 393, nays 0,
not voting 38, as follows:

[Roll No. 710]

YEAS—393

Amash
Banks (IN)
Barragan
Bass
Beatty
Beyer
Biggs
Blackburn
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brat
Brown (MD)
Buck
Budd
Capuano
Cárdenas
Carson (IN)
Cartwright
Chabot
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Comer
Correa
Courtney
Crowley
Cummings
Davidson
Davis, Danny
DeGette
DeLauro
DesJarlais
Dingell
Doggett
Doyle, Michael
F.
Duncan (SC)
Duncan (TN)
Ellison
Emmer
Engel
Espallat
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Frankel (FL)
Frelinghuysen
Fudge
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Hultgren
Hunter

Meng
Messer
Mooney (WV)
Moore
Moulton
Nadler
Neal
Noem
Norcross
Pallone
Palmer
Pascarell
Payne
Pelosi
Perlmutter
Perry
Pingree
Polis
Quigley
Raskin
Rice (NY)
Richmond
Rokita
Roybal-Allard
Rush
Ryan (OH)
Sánchez
Sanford
Sarbanes
Schakowsky
Schradler
Schweikert
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sires
Slaughter
Smith (MO)
Smith (WA)
Speier
Swalwell (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Velázquez
Walker
Walz
Watson Coleman
Welch
Wittman
Woodall
Yarmuth
Young (IA)

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum

Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
F.
Brady (PA)
Brady (TX)
Brat
Brooks (IN)
Brown (MD)
Brownlee (CA)
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)

Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costello (PA)
Cramer

Crawford
Crist
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael
F.
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Espallat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Frankel (FL)
Frelinghuysen
Fudge
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Hultgren
Hunter

Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Katko
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebbeck
Long
Loudermilk
Lowenthal
Lowe
Lucas
Luetkemeyer
Lujan Grisham,
M.
Lujan, Ben Ray
MacArthur
Maloney
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCauley
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Newhouse
Noem
Nolan
Norcross
Norman
O'Halleran
O'Rourke
Olson
Palazzo
Pallone

Palmer
Panetta
Pascarell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Raskin
Ratcliffe
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schradler
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Speier
Stewart
Stivers
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton

NAYS—169

Bridenstine
Brooks (AL)
Foster
Granger

NOT VOTING—12

Green, Gene

Jones

Kennedy

Napolitano

□ 1701

Messrs. CUMMINGS, GOTTHEIMER,
and GRIFFITH changed their vote
from “yea” to “nay.”

Valadao	Walters, Mimi	Wilson (FL)
Vargas	Walz	Wilson (SC)
Veasey	Wasserman	Wittman
Vela	Schultz	Womack
Velázquez	Watson Coleman	Woodall
Visclosky	Weber (TX)	Yarmuth
Wagner	Webster (FL)	Yoder
Walberg	Welch	Yoho
Walden	Wenstrup	Young (AK)
Walker	Westerman	Young (IA)
Walorski	Williams	Zeldin

NOT VOTING—38

Arrington	Johnson, E. B.	Neal
Bass	Jones	Nunes
Bridenstine	Joyce (OH)	Pocan
Brooks (AL)	Keating	Quigley
Buchanan	Kennedy	Renacci
Costa	Kihuen	Ryan (OH)
Courtney	Labrador	Shimkus
Duffy	Larson (CT)	Smith (TX)
Foster	Lofgren	Stefanik
Gabbard	Love	Suozi
Granger	Lynch	Waters, Maxine
Green, Gene	McMorris	
Huizenga	Rodgers	
Johnson (GA)	Napolitano	

□ 1711

Mr. DUNCAN of South Carolina changed his vote from “present” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall votes No. 701 through 710 due to a death in my family. Had I been present, I would have voted “Yea” on the motion to recommit H.R. 4015, “Nay” on passage of H.R. 4015, “Nay” on ordering the previous question on H. Res. 670. “Nay” on agreeing to H. Res. 670, “Yea” on passage of S. 1393, “Nay” on the motion to concur in the Senate Amendment with an Amendment to H.R. 1370, “Nay” on Passage of H.R. 4667, and “Yea” on passage of S. 1532.

PERSONAL EXPLANATION

Mr. SUOZZI. Mr. Speaker, I was unable to be present today, December 21, 2017. Had I been present, I would have voted “Yes” on rollcall votes No. 709 and No. 710, and “No” on rollcall vote No. 708.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, had I been present, I would have voted “Nay” on rollcall No. 708, “Yea” on rollcall No. 709, and “Yea” on rollcall No. 710.

SEXUAL ASSAULT FORENSIC EVIDENCE REPORTING ACT OF 2017

The SPEAKER pro tempore (Mr. MARSHALL). The unfinished business is the question on suspending the rules and passing the bill (S. 1766) to reauthorize the SAFER Act of 2013, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Georgia (Mrs. HANDEL) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

 HOUR OF MEETING ON TOMORROW

Mr. FASO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

 □ 1715

DECLARING NATIONAL EMERGENCY WITH RESPECT TO UNUSUAL AND EXTRAORDINARY THREAT TO NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115-83)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued the enclosed Executive Order (the “order”) declaring a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by serious human rights abuse and corruption around the world. In addition to taking action under IEEPA, the order implements the Global Magnitsky Human Rights Accountability Act (Public Law 114-328) (the “Act”) and delegates certain of its authorities.

The order blocks the property and interests in property of persons listed in the Annex to the order. It also blocks the property and interests in property of any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(1) to be responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse;

(2) to be a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in:

(a) corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery; or

(b) the transfer or the facilitation of the transfer of the proceeds of corruption;

(3) to be or have been a leader or official of:

(a) an entity, including any government entity, that has engaged in, or whose members have engaged in, any of the activities described in (1), (2)(a), or (2)(b) above relating to the leader’s or official’s tenure; or

(b) an entity whose property and interests in property are blocked pursuant to the order as a result of activities related to the leader’s or the official’s tenure; or

(4) to have attempted to engage in any of the activities described in (1), (2)(a), or (2)(b) above.

The order also blocks any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(5) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of:

(a) any activity described in (1), (2)(a), or (2)

(b) above that is conducted by a foreign person;

(b) any person whose property and interests in property are blocked pursuant to the order; or

(c) any entity described in (3)(a) above where the activity is conducted by a foreign person;

(6) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order; or

(7) to have attempted to engage in any of the activities described in (5) or (6) above.

In addition, the order suspends entry into the United States of any alien listed in the Annex or determined to meet one or more of the criteria above.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including adopting rules and regulations, and to employ all powers granted to the President by IEEPA and the Act, as may be necessary to implement the order and relevant provisions of the Act. I have delegated to the Secretary of State the authority to take such actions, including adopting rules and regulations, and to employ all powers granted to the President by IEEPA and the Act, as may be necessary to implement the provisions of the order and the Act suspending entry into the United States of certain aliens. All executive departments and agencies are directed to take all appropriate measures within their authority to implement the order.

DONALD J. TRUMP.

THE WHITE HOUSE, December 20, 2017.

CHIP IS NOT A BARGAINING CHIP

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I rise today to call on my colleagues on both sides of the aisle to work together to pass the long-term extension of the Children's Health Insurance Program.

178,000 Pennsylvania children rely on CHIP to get their healthcare, thousands of them in my own district. It is a bipartisan program, and for decades it has continued to earn bipartisan support.

The House did its job last month, passing a 5-year extension of the program, and I am grateful for Chairman WALDEN and his leadership and support for CHIP. But just a few minutes ago, the House passed an extension through March, and that is good, but it is not good enough.

Unless the House and Senate can reach a real agreement, Pennsylvanians and their children will again face the prospect of losing their care, and it isn't right to jeopardize kids in the name of partisan bickering.

We have done a lot on the agenda this week: tax reform for the middle class, keeping the government open, important tasks. But CHIP is important, too, and I say to my friends on both sides of the aisle: Don't let this become a bargaining chip. Get it done.

CALIFORNIA IS ABLAZE

(Mr. RUIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUIZ. Mr. Speaker, right now, my home State of California is ablaze, and the communities of Idyllwild, Anza, and Mountain Center in my district are still bruised from the 2013 wildfires and are on high alert for the next fire.

Today, we passed my bill and delivered a win for our firefighters and victims of fires by increasing Federal funding to recover, rebuild, prevent future fires, and keep communities safe.

The 2013 Mountain Fire in my district burned over 27,000 acres, destroyed homes, and cost over \$25 million. I worked with Cal Fire, Idyllwild Fire Protection District, and Mountain Communities Fire Safe Council to author the bipartisan Wildfire Prevention Act, which will deliver tens of millions of dollars to recover, rebuild, prevent future fires, and keep our communities safe.

This bill puts people above partisanship and solutions above ideology to improve the lives of the people we serve. It makes government work for the people.

Thank you to these incredible local partners for working with me to deliver this pragmatic solution for the district and for the community.

TAX CUTS AND JOBS ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful that President Donald Trump and congressional Republicans are delivering on the first meaningful tax cuts in a generation. These tax cuts are in the tradition of Ronald Reagan, allowing American families to keep more of their hard-earned paychecks and creating jobs.

Over 80 percent of hardworking American families will keep more of their own money. As early as February, American families will see more of their own money revealed in their paychecks.

Additionally, by lowering the corporate tax to 21 percent, American businesses will become more competitive overseas and jobs will be created, such as Nephron Pharmaceuticals, led by Lou and Bill Kennedy of Cayce.

I am grateful for the success of Speaker PAUL RYAN, Chairman KEVIN BRADY, and all House Republicans in delivering tax cuts for American families. In the words of the great President Ronald Reagan: "Whenever we lower our tax rates, our entire Nation is better off."

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

I want to thank Ambassador Nikki Haley for standing tall with President Donald Trump for recognizing Jerusalem as the capital of Israel.

God Bless Guatemala, courageously led by President Jimmy Morales, for being a friend of America today in the United Nations.

IMPORTANCE OF CULTURAL STUDIES

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, our public schools and public universities are essential for economic growth and educating future generations.

But knowledge alone is not enough. Our Nation's future depends on innovative ideas, and innovative ideas require diverse people working together. In the public schools and public universities across the country, educators are helping foster diverse ideas through cultural studies.

One such educator, Dr. Antoinette Ellis-Williams of New Jersey City University, has used poetry, film, scholarship, and service as a way to help young people explore issues that affect women and minorities. She has spent her career helping public university students understand the experiences of marginalized communities in the United States.

Mr. Speaker, I commend Dr. Ellis-Williams and cultural studies educators like her for helping future leaders develop the knowledge and wisdom to work together for a better future. She has been an asset to educating young people in the State of New Jersey for years, and I commend her.

RECOGNIZING CONGRESSIONAL APP CHALLENGE WINNER FROM ARKANSAS' SECOND CONGRESSIONAL DISTRICT

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise today to recognize the Congressional App Challenge winner from Arkansas' Second Congressional District, Anne Li.

Currently a sophomore at Central High School in Little Rock, Anne aspires to major in computer engineering and has the goal of pursuing a career in programming.

STEM education is education for the future, and having serious skills in computer programming and coding open up tremendous opportunities for our youth. It gives them the skills to compete in a 21st century job market as well as the skills to act on their imagination and engage in their entrepreneurial exploration.

I wish Anne the very best as she continues her studies at Central High School and beyond in this critical field.

As a member of the Congressional STEM Education Caucus and the dad of a STEM student at the university, I want to continue to support the growth of STEM education throughout Arkansas and America.

SAVE NET NEUTRALITY

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, last week the FCC abdicated its responsibility to serve the public interest and put at risk the free and open internet that we have all come to depend on when its three Republican commissioners voted to repeal the Obama-era net neutrality protection.

Net neutrality keeps access to the internet equal for everyone. It protects free speech. It protects equal access to the marketplace of ideas. It has been the fundamental principle underpinning the massive innovation and opportunity that the internet has unleashed. But that is all at risk now.

Fortunately, Congress has a say. I am proud to support Congressman MIKE DOYLE's resolution to overturn the FCC's decision and restore our net neutrality protections. I also believe the House Oversight and Government Reform Committee should investigate

the reports and allegations of fraudulent public comments.

Repealing net neutrality will inhibit innovation, stifle competition, and threaten free speech. It is time for Congress to overturn this decision.

HONORING AMY WRIGHT, 2017 CNN HERO OF THE YEAR

(Mr. ROUZER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUZER. Mr. Speaker, I rise today to honor Amy Wright, the co-founder of Bitty & Beau's Coffee Shop in Wilmington, North Carolina, on being named CNN Hero of the Year.

When Amy and her husband, Ben, found out that 70 percent of adults living with disabilities do not have jobs, they opened the doors of Bitty & Beau's in January 2016 with the goal of providing these worthy individuals the opportunity to interact, contribute, grow, and succeed in the workplace.

As those in Wilmington know, Bitty & Beau's is more than just a place to grab coffee. It is a warm, inclusive environment with exceptional customer service. Named after their two children who have Down syndrome, the coffee shop employs 40 exceptional individuals with disabilities.

Congratulations to Amy on this very special honor. Her and Ben's contribution to our community and our fellow man is truly remarkable and an inspiration for us all.

HONORING KEVIN LYNCH

(Mr. MESSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESSER. Mr. Speaker, I rise today to honor a dear friend, Kevin Lynch, who passed away following a 5-year battle with cancer just this week.

Kevin was a great Hoosier, a public servant, a tremendous leader, and a tireless advocate in advancing southeastern Indiana. He served as a Dearborn County commissioner and as the president of the Ohio-Kentucky-Indiana Regional Council of Governments.

Kevin was a giant Reds fan and a loyal friend, with a positive spirit, quick with a smile, and an encouraging word.

Kevin served Lawrenceburg and Dearborn County with pride, but his most important priority was his family. He was the loving husband to Mary Jo—"Joey"—for 27 years and the proud father of Michael. Mr. Speaker, my thoughts and prayers are with the entire Lynch family and all those who knew Kevin well.

Congratulations to my good friend Kevin on a tremendous life well done. Godspeed my friend.

□ 1730

HONORING MR. SAM POLLAK

(Mr. FASO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASO. Mr. Speaker, it is with great respect that I rise today to recognize the distinguished career of Mr. Sam Pollak on the occasion of his retirement. Mr. Pollak is retiring after 20 years of dedicated service to the Oneonta and Otsego County community as editor of the Oneonta Daily Star.

Having worked for decades in newsrooms throughout the Nation, Mr. Pollak brought many years of experience and a proactive leadership to The Daily Star.

I thank Mr. Pollak for his commitment to the people of the State of New York, and I wish him and his wife, Julie, every happiness as they embark upon this new chapter in life.

TAX CUTS

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise today in light of the passage of once-in-a-lifetime, once-in-a-generation tax relief for millions of middle-income families, including the vast majority in my district.

Some, however, are not satisfied with cutting taxes for every income level and are unnerved at the thought of seeing more money in their own monthly paycheck.

I am here to tell those people today that there is a very simple solution to their problem.

As you can see here—outlined on page 92 of the IRS handbook, those individuals who feel right now that they are undertaxed and want to pay more of their income to the U.S. Government can do exactly that. When filing their income tax return, one can simply include a check payable to the Bureau of the Fiscal Service.

The best part is they can help pay down the debt without raising taxes on everyone else—America's hardworking families who deserve a tax break.

So just a reminder, no one is stopping those who are feeling undertaxed from paying as much additional money to the government that they would like. I am sure Uncle Sam would appreciate the Christmas present.

So don't complain about what your neighbor is paying. If you are feeling guilty about it, when you have the opportunity, feel free. Send it in.

UNITED NATIONS JERUSALEM VOTE

(Ms. TENNEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, I rise today to express deep disappointment in the United Nations General Assembly Resolution A/ES-10/L.22 and state my serious concern over the anti-American and anti-Semitic behaviors of the United Nations.

Today, the United Nations continues its ugly legacy of singling out Israel for condemnation. According to the NGO, UN Watch, 86 percent of the U.N. General Assembly resolutions criticizing countries between 2012 and 2015 have targeted Israel.

It is a sad and confounding sight to watch Syria, North Korea, Cuba, and other human rights abusers degrade our ally, Israel, and attempt to nullify a decision made by the United States regarding our own Embassy.

I applaud Ambassador Haley for her resolute remarks and strength of spirit as she stood against rogue regimes for democratic values and American interests.

I look forward to working with the administration and my colleagues in Congress to reassess our foreign aid commitments and realign them with our values and our strategic interests.

44 YEARS OF HOME RULE FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I come to the floor this evening to commemorate 44 years of home rule. The Home Rule Act was signed by President Richard Nixon on Christmas Eve 44 years ago after the Home Rule Act was passed by a bipartisan vote.

Although it was a Democratic Congress, I think it is worth noting what President Nixon said in his signing speech. I am going to quote a few of his sentences:

"As a longtime supporter of self-government for the District of Columbia, I am pleased to sign into law a measure which is of historic significance for the citizens of our Nation's Capital. I first voted for home rule as a Member of the House of Representatives in 1948, and I have endorsed the enactment of home rule legislation during both my terms as President."

Then he went on to say: "It is particularly appropriate to assure those persons who live in our Capital City rights the privileges which have long been enjoyed by most of their countrymen."

The bill enjoyed bipartisan support throughout those congressional deliberations.

Mr. Speaker, surely we can get back to that moment. The District of Columbia is proud and pleased that it has

been steeped in American history ever since the site of the Nation's Capital was chosen by George Washington himself.

We are proud to be not only hometown D.C., but the Capital of our country.

So this evening, I want to speak about those two roles and about the role of Congress as we move past December 24, 44 years ago—1973—to today, when D.C. residents have every reason to believe that our country is ready and overdue for D.C. statehood itself.

Now, my Republican colleagues understand fully our role as the Nation's Capital. They understand it because they welcome their own constituents, the tourists who come here. There are something upwards of almost 20 million. Many of them come to their own congressperson's offices first. But Republicans often dissolve the District's role into their role without making the appropriate distinction.

Now, I appreciate it is not easy to understand a jurisdiction that has a double identity, a hometown identity and a Capital identity.

No, we are not schizophrenic here. So let's discuss this evening what this means. I want to discuss it in part because the inevitable turnover in the Congress means that I should come to the floor and explain this dilemma of our creation periodically.

The first thing we want to do is to avoid the slander that the Framers of our Constitution, the Founders of our country, meant to create a Capital City whose residents were not the equals of residents everywhere in the country, because if that had been the case, you wouldn't have had the Capital in the first place.

The Capital was created from two jurisdictions, Maryland and Virginia, where residents had the right to vote and where they had every single right of American citizens. Those two States were convinced to give the territory that is now the District of Columbia for the Nation's Capital. They were not about to give up their votes in the Capital and did not.

Isn't it interesting, during the transition period, the Representatives from Maryland and Virginia continued to vote as they always had and continued to be recognized in their own jurisdictions, all the while, for a 10-year period, when the land was, in fact, being transferred to become what is now the District of Columbia?

The relationship that the District has to the Federal Government, to the Congress of the United States, is an accident of history. It is an anachronistic accident that you would have thought would have been put aside within a few years after the District became the Nation's Capital in 1801.

During the Revolutionary War when the Capital was Philadelphia, Revolutionary War soldiers marched on the

Capitol, then in Philadelphia. They wanted their pensions, and they wanted funding. When the Founders saw these men marching on their Capitol, confusion reigned. Whom to turn to bring order? Who was going to protect the Capitol? Was it Philadelphia? Was it Pennsylvania? There certainly weren't any Federal police as yet.

So what developed was fear that the Capital might find itself with that dilemma wherever it was located. Of course, that is not the case. The District is protected by 31 Federal police forces, and the D.C. National Guard and from the Capitol Police to the Park Police. I won't even name them all, there are so many of them.

That is not to mention, and I already have said, of course, the National Guard, and if necessary, the Armed Forces of the United States. Remember, we are talking about a Federal Government in formation. We can understand that mistake then. What we cannot abide is that mistake being part of the denial to American citizens the same rights that others enjoy.

Protection of the Federal sector is certainly not an issue, or the Federal sector and the Capital itself, more than two centuries later, is not an issue. But what should also not be an issue is that anybody, any resident, any American, would pay taxes and not be represented on this floor and in the Senate.

As I stand here this evening, I represent almost 700,000 American citizens who have been put precisely in that position though—and this is a number to be remembered—they are number one per capita—number one—in taxes paid to support the Government of the United States.

Thus, one of the oldest U.S. jurisdictions, the District of Columbia, is the most—indeed, the only—unequal jurisdiction, that pays taxes without full representation.

To be sure, I vote in committee, and everybody knows that in the committees is where the primary work is done. But imagine the insult to the people I represent who pay huge taxes—\$12,000 per person every year—that matters come up on this floor including matters affecting them, and nobody whom they have voted for can represent them on this floor.

The D.C. budget was just in that continuing resolution that passed. What is it doing over here? Nobody in Congress looked at the D.C. budget. Nobody in this body except me would know what to do with the D.C. budget. But it has to come here to be passed along with the Federal budget.

This is form without substance, Mr. Speaker. The sole reason that the D.C. budget comes here is for Members to try to overturn some of D.C.'s laws that they happen to disagree with. But, in a Federal Union, you can pass your laws. I don't like your laws, but you can't do anything about my laws—except if it is the District of Columbia.

So I think I ought to call the roll on what the District has to abide from Members of this body and the Senate and why, on this 44th anniversary of the Home Rule Act, the District of Columbia is seeking to become the 51st State.

Let's take guns. Senator MARCO RUBIO from Florida and Representative TOM GARRETT from Virginia have a bill to eliminate all the District's gun laws.

□ 1745

It hasn't passed, and most of the bills I will speak of are pending but won't pass, because I have to spend a good deal of my time not only working affirmatively for what the District of Columbia wants, but for keeping bills like this from being passed.

Imagine your Nation's Capital as a city where anybody can have a gun. The most controversial figures in the world come to your Nation's Capital. They eat in our restaurants. They stroll in our streets. You sometimes see that police stop traffic to let their cars pass in the street.

We keep this City as safe as we can for ourselves, the 700,000 or so who live here, but also for the millions of people who come to do business or to have leisure or to see their iconic monuments.

Representative TOM MASSIE from Kentucky has introduced a bill. We were able to keep it from being passed. But imagine this bill that would say that the District of Columbia had to recognize any and every concealed carry permit as long as you had it from another State.

Some States have very strong concealed carry requirements. Others are very lax. Whatever your State has, just bring it into the District of Columbia.

Mind you, this body, this Congress, my Republican colleagues have seen to it that you can't bring a gun into this Chamber. They want to be protected here, but they don't want to protect even their own constituents in the streets of the District of Columbia and in the hotels and restaurants of the District of Columbia.

Senator TED CRUZ from Texas and Representative MARK MEADOWS of North Carolina have introduced a bill that would require the District of Columbia to use its own funds to send children to private schools. All you have to do is come and ask the District for it.

There have been bills on this floor to allow private school vouchers—none of them have ever passed—but here come two Members wanting the District to give our local funds to anybody who wants to go to a private school.

Are you joking?

I am standing here to say that will never pass as long as I have anything to do with it.

Senator JAMES LANKFORD from Oklahoma and Representative BRAD WENSTRUP from Ohio have introduced a

bill to wipe out the District's death with dignity law.

That bill was actually passed in committee. It didn't get to the floor I think because there are six States that have such laws and two of them are States of our Republican leadership.

This is a controversial bill, but other States have similar laws. It allows people to take their own lives if they follow a very strict protocol.

You don't like it here?

Well, you don't live here. You don't pay taxes here.

President Trump's budget also had this provision.

Again, these are pending, and I am telling you that most of them will not pass. But that is because I have had to fight them tooth and nail to keep them from passing. That is unfair to the District and it is an unfair use of my time.

The Local Budget Autonomy Act that passed by 83 percent of the voters in the District of Columbia to keep our own local funds—we raise almost \$8 billion on our own—from coming here for no purpose except to attach amendments to overturn our laws.

The Local Budget Autonomy Act still stands, but Congress has continued to appropriate the budget. "Appropriate" means simply pass it without looking at it, when it comes to the District of Columbia. Congress has not repealed the Local Budget Autonomy Act. I will stand firm to keep that from happening.

We have been able to overcome attempts to overrule a D.C. law passed to protect private reproductive decisions. The District passed a law that prohibits discrimination within the District—it has nothing to do with the Congress—against any family because of the reproductive health choices of family members.

What am I doing, what is Congress doing, what is the District doing even knowing what your reproductive choice is?

What kind of Congress that believes in local control would so intrusively insert itself into such private matters?

Here is another that was almost laughable. It is a wipes labeling bill.

Representative ANDY HARRIS from Maryland offered—and I thank him for withdrawing it—an amendment at markup. Representative HARRIS is a member of the Appropriations Committee. He would have prohibited the District from using its own funds to keep certain kinds of non-flushable products from being sold in D.C.

Pardon me, but what is Representative HARRIS doing in our toilets and sewers?

To his credit, he did withdraw his proposed amendment.

It was important to the District because these non-flushable materials stop up sewers. They are our sewers. It is our town. Stay out of our business.

The marijuana matter. First, Congress tried to overturn the District's

law that enables possession of a couple of ounces of marijuana. I was able to find a flaw in the proposed language. So the marijuana law still stands.

But Congress keeps D.C. from commercializing marijuana, as is done in several States. I think there are eight States. It keeps D.C. from regulating marijuana further. That is dangerous. D.C. ought to be able to regulate marijuana to keep it out of the hands of children, for example.

The interference of this body in the affairs of a local jurisdiction about which it knows nothing is not only outrageous on its face, but yes, it can be dangerous.

The abortion rider or amendment comes annually. It keeps the District from spending its own local funds on abortions for low-income women, although there are upwards of 17 States that use local funds for abortions because they have the autonomy that we seek.

Then, at the last minute this year, there was something that Representative STEVE KING decided that he had to do.

You see, I think when Members intrude in D.C. affairs, they must not have enough to do, and I am calling on their constituents to watch them. If you have a Member that does what—and here I am going to indicate this one shortly, but the ones I have just spoken of—if they have a Member that spends his time writing laws about someone else's jurisdiction, they ought to call him to account.

Representative STEVE KING is from Iowa. He introduced a bill that would make it a Federal crime to commit violence within the District in connection with a legitimate labor dispute.

Well, maybe it ought to be a crime and there may be some Federal legislation that deals with this matter nationwide, but if not, and it takes place within the District of Columbia and there is a legitimate labor dispute and there is violence, we have got enough cops to take care of that, Representative KING. We do not need this to be a Federal crime in D.C. alone.

So, after calling the roll on those proposed anti-home rule provisions, let me indicate most of them I have been able to keep off of the D.C. appropriations bill, the only way they get them passed.

It would be very difficult to get them passed by coming here, get the votes, and then go to the Senate and get the votes. So Members try the easy way: just attach it to the D.C. appropriations bill that should not be here in the first place.

The budget matter really does gall us. More than 7 in 10 Americans believe that the District of Columbia should control its own budget. That is what this board graph shows. More than anything else, the American people guard their own money. That is why this is so important.

Republicans pose as the champions of local control. In fact, they want the Federal Government out of much of its own Federal business and let the States and the localities handle it.

How could they then abandon their cherished principles when it comes to the Nation's Capital?

Look at these numbers, red and blue on this chart. The numbers show that Democrats and Republicans believe D.C. should control D.C.'s budget, slightly more in red or Republican States.

I think numbers like that show that what I am saying about local control and about equality in this body represents the views of the American people. I defy anyone in this body to show differently.

Ultimately, we recognize on this 44th anniversary of the signing of the Home Rule Act that there is no substitute for statehood.

I should mention that Congress experimented with home rule for some time before the Home Rule Act was finally passed in 1973. It gave D.C. home rule in 1820. Sometimes it would take it back, and then try again. Imagine living in a city where they can take back your local control.

To their credit, after the Civil War, the Republican Congress gave D.C. home rule and a Delegate. I am called a Delegate and a Congresswoman. They gave D.C. home rule. That version of home rule is precisely what D.C. has today. The 1973 Home Rule Act essentially is a replica of the home rule given to D.C. by the Republican Congress after the Civil War.

How did we lose it?

The Democrats, controlled by Southerners, took back home rule after Reconstruction and left the District for 100 years struggling to get back the self-government that the Republican Congress had given the District after the Civil War.

This all started with Republicans. It ended with the Home Rule Act, Richard Nixon, and bipartisan support in the Congress.

There is no substitute for being equal to the States. You can't have some second class citizens in the United States today, not in 21st century America.

□ 1800

We are seeking the major elements of statehood, even before we get statehood.

For example, the District of Columbia government has actually shut down when the Federal Government is shut down, even though the D.C. budget is balanced and nobody in the Congress has even looked at it. I have now been able to get a bill every year that allows the District to stay open even if the Congress closes the Federal Government down.

We don't know what will happen over in the Senate even today. We have just

passed a continuing resolution—pitiful, though it was—to keep the government open for just a few more weeks. That passed this House. It has to pass the Senate. I can't take the chance that the District will close down for no reason except that the Congress doesn't know how to take care of its own business.

I was finally able to convince the Congress to extricate the District from their fights to keep open, whatever you do to us—and you certainly haven't extricated us altogether because our budget still comes here. But you certainly don't mean to close down a big city like the District of Columbia, its budget, which handles vital matters like the police and keeping order.

I don't mean to say that all Republicans have failed to see this. My hat is off to Representative DARRELL ISSA, who headed the committee that has jurisdiction over the District of Columbia.

He called witnesses from the District of Columbia—the mayor, the city council chairman, the chief financial officer—on a routine hearing since, yes, Congress can do that. It rarely does. He heard—even more important, he listened—to their testimony. And when he heard these officials from the District of Columbia testify about the financial condition of the District of Columbia, its reserves, that its growth was among the best in the Nation, Representative ISSA—listened.

Maybe you don't think Members of Congress are always listening to your testimony. He was listening to this testimony. Because after hearing that testimony, Representative ISSA from California endorsed D.C. budget autonomy, and he has worked tirelessly with local officials and with me to secure the autonomy of the District's budget so it wouldn't come to Congress.

I haven't asked him, but he may not be for statehood, and I doubt that he is. He is a Republican. But I think he understands, perhaps better than most of his colleagues, that no one has any business, in a Federal public handling somebody's local budget in this Chamber, and I will be forever grateful.

I want to say my thanks, as well, to former Representative Tom Davis, who resigned from the Congress a few years ago, and was instrumental in helping the District get votes for a vote for D.C. in the House and in the Senate. That bill, the D.C. Voting Rights Act, actually passed the House and passed the Senate.

So why don't we have at least the vote in the House now? The reason is that the National Rifle Association convinced some Members to place an amendment that would have wiped out all of the District's gun laws; and, therefore, the residents of the District of Columbia, after helping me for years to achieve their first vote on this floor, had to leave that vote on the table.

I will be forever grateful to Representative Tom Davis for his help.

Now, what kind of jurisdiction are we talking about? It is very important for us to remember that we are talking about a city with a \$14 billion budget, which is larger than the budget of 12 States. Why shouldn't D.C., therefore, have statehood like those States?

We are talking about a city that has a \$2.5 billion surplus. That is the envy of the States. Ask my colleagues how many of them have a surplus that large.

The per capita income of the people I represent is higher than that of any State.

Now, that is an interesting figure that should be explained. There are many poor people in the District of Columbia, but there are many high earners, too; and when you put them together, that is one of the reasons you get the highest per capita taxes paid. That is why you get \$12,000 per year in Federal taxes from D.C. residents.

The personal income of the people I represent is higher than that of seven States; the per capita of personal consumption in expenditures is higher than that of any State; and the total personal consumption expenditures are greater than those of seven States. This is a very productive, a very hard-working city that pays its own way and contributes, as well, mightily to our country. And Americans understand that because the District is attracting residents in large numbers.

We have had, in this city, a 15.3 percent increase in residents since the last census. That becomes, on a monthly basis, 800 new residents coming to live in your Nation's Capital every month—almost 700,000, a larger population today than Wyoming and then Vermont, but these States, they have two Senators. They have the same number of Representatives as the District of Columbia—one.

If the truth be told, the District is about the same in population as seven States. Those seven States have two Senators each and one Representative who votes on this floor. They and I are equivalent in every respect except, of course, for the taxes per capita D.C. residents pay, and yet they have the vote. Notwithstanding that the District is number one per capita in taxes District residents pay, those seven States have the congressional vote and we do not.

This week, in fact, just today, we passed a new tax bill. So imagine how the residents I represent feel about a new tax bill. They are going to end up paying more taxes because SALT, the State and local tax deduction, has been capped. It has been with us for almost 100 years. So instead of taxation without representation, my constituents will have double taxation, at least when it comes to that particular matter, the State and local taxes, double taxation without representation.

So when the bell rang for the tax vote, I did not come down because I could not vote for the citizens of the District of Columbia. When there are votes on this floor for matters involving our military and life and death, I do not come down because I cannot vote.

Still, I remember the purple fingers from the citizens of Iraq and Afghanistan, where they not only were signifying that they had voted, but they were signifying who gave them the vote: members of the military from the United States, including members from the District of Columbia, who have fought and died in every war since the war that created the United States of America.

District residents have overpaid for the equal citizenship they seek, and this chart illustrates it tragically:

World War I, 635 District of Columbia residents lost their lives in that war. That was a figure greater than three different States.

World War II—that was a big one—3,573 District of Columbia residents lost their lives. That was five times greater than the District's losses in World War I, and it was greater than losses in four different States.

Moving on to the Korean war, 547 District residents lost their lives. That figure was greater than the loss of life by the military in eight different States.

And finally, the Vietnam war, 243 casualties in that war. That was a figure greater than 10 different States.

All told, this city, which is a relatively small city, has had almost 200,000 residents serve in the military, and that is only since World War I. I hasten to add that there has never been a war—and I have not counted the 19th century wars—there has never been a war where the residents of your Nation's Capital were not among those who fought and died.

Now, I must ask if there is any Member of Congress who would stand for the Federal Government dictating a local budget or her local matters coming to the House floor after showing what I have shown here this evening about the District of Columbia. Maybe there will be some understanding of why we must protest and resist the treatment of the District of Columbia until the District is given the equality to States by becoming the 51st State.

As I have indicated, it is impossible to lay our present predicament on the Framers of our Constitution. Remember, they went to war, it is they who gave us the slogan of "taxation without representation." They were willing to die, to commit treason, largely because they were paying taxes to the crown and had no representation. How can we possibly lay the present predicament of the District on the Framers? It is not them. It is on us today.

□ 1815

In the 21st century, Congress cannot continue to ask the residents of the Nation's Capital to watch democracy in operation for everybody else except them.

If a matter involves the District of Columbia and has to come before us, then everybody gets to vote on that matter except the Representative of the District of Columbia. You can't justify that alongside American principles, given how much in Federal taxes the people I represent pay, given their sons and daughters who have always gone to war for their country, all of that without a vote in the House and the Senate required by consent of the government.

Well, we have two choices, but when you think about it, we have only one. Congress can continue to exercise autocratic authority over the American citizens who live in their own Nation's Capital, treating them—if I may quote the words of the great Frederick Douglass, whose bicentennial we will be celebrating in 2018 (who was a resident of this City), and who said our country was "Treating the District and its citizens as aliens, not citizens, but subjects."

We are not subjects. We are American citizens. The only alternative today is to live up to the Nation's promise and ideals and pass the Washington, D.C. Admission Act to make the residents of your Nation's Capital equal by affording them the right to live in the 51st State of the Union of States called the United States of America.

Mr. Speaker, I yield back the balance of my time.

ISSUES OF THE DAY

The SPEAKER pro tempore (Mr. HIGGINS of Louisiana). Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, it has been quite a week: ups and downs and not knowing whether bills would be passed or the government would be funded, whether we would be able to help America with a much-improving economy in the new year by passing the tax cut bill. But we got it done, and it ended up being a good week, and here we are.

This will be the last opportunity to speak before we are out for Christmas, and I heard some good news today about Ukraine. We have the annual Presidential Prayer Breakfast the first Thursday of February each year, except when the first Thursday is on the 1st, and then it is on the 8th, which it will be this February.

We had representatives from the Ukraine Government come to our National Prayer Breakfast here, and they

started one there and began to grow. Now, for the first time, Ukraine legislature has passed a bill recognizing a celebration of Christmas, the day of Jesus' birth. We celebrate Jesus' birth on that day, December 25.

Apparently, from what we are told, it emanates from them coming over, being part of our Prayer Breakfast, where the President comes, and then starting one. And then now we are going to be celebrating the birth of Jesus in America—all those who care to—at the same time the Ukrainian Government will do so. So that is a big bit of news there.

I was listening to the Delegate from the District of Columbia and it took me back to when I first got here as a Member of Congress and I saw the license plate saying, "Taxation Without Representation." I know from studying history—never ceasing to study history that that was one of the war cries for the Revolution: Taxation without representation is tyranny.

And as Benjamin Franklin once said: If we do not get to select even one of the people in Parliament, then that Parliament has no right to place any tax on us.

And then upon hearing that, Puerto Rico, Guam, Mariana Islands, U.S. Virgin Islands, all of the territories where they have a Delegate or Commissioner but they don't have a full voting member, those are areas that are not required to pay any Federal income tax. In fact, when I found out, the more I looked into it, there is only one place in America where people do not elect a full voting Member of Congress, yet they have to pay Federal income tax, and that is here in the District of Columbia.

For that reason, I filed a bill—because they had tried to get a full voting Member of Congress. But to do that, you have to have a constitutional amendment. Everybody knew that and agreed to that back in the late 1970s. The proponents of having a full voting Representative got it through the House, got it through the Senate, but they never did get the requisite number of States to sign on, so it failed without ever being ratified by enough States.

I feel sure that would be the case if that were attempted again, but it does require an amendment. And since that doesn't appear it is going to happen anytime soon, then I believe in each of the sessions of Congress I have been, I have filed a bill that would correct that injustice, because it truly is an injustice for the people who live in the District of Columbia, and it is very simple. It just says, basically, that until when and if the District of Columbia has a full voting Representative, they are like any other U.S. territory, they will not have to pay Federal income tax.

I felt like that would certainly make people appreciate that, that they were

treated like those in other places that don't elect a full voting Member of the House. So far I haven't been able to get Ms. HOLMES NORTON to sign on as a cosponsor. I am hoping to get her to sign on at some point because it really would help those people who live here in the City of Washington not to have to pay any Federal income tax.

Of course, Puerto Rico pays no Federal income tax, yet they have a higher local income tax than the Federal income tax. You know, a lot of States—I think somebody told me that Californians are paying 10 percent or so. But Puerto Rico, where, I think, over one-third or about one-third or so of the people there work for the government, then the government load is just overwhelming.

Puerto Rico is so beautiful. Even after all the disaster that needs to be cleaned up and fixed, I would hope at some point they become less heavy on the government and more heavy on free-market opportunities. I could see Puerto Rico becoming the Hong Kong of the United States, where that is where people want to go, that is where businesses want to locate because it is such a great place to live. But the taxes have run people out of that area, even though they don't pay Federal income tax. I don't think that would happen here in Washington.

Mr. Speaker, here we are, the last session before Christmas. It has been amazing. The most often cited book in Congress for our country's entire history has been the Bible. There is no book that comes close to the recitations from it that has the Bible.

Throughout our history, we were recognized as a Christian nation. I believe President Obama was right when he said we are not a Christian nation. We were, but we are not anymore. But even the Supreme Court, when it was a much more enlightened Supreme Court well after the Civil War—in fact, 30 years after the Civil War was over—the Supreme Court looked at all of the evidence and declared in an opinion that the United States was founded as and is a Christian nation.

Not that everybody has to be a Christian here. They absolutely don't. I would humbly submit that the only way any people can truly have freedom of religion is if they have a constitution that is founded on Judeo-Christian principles that recognize that all true rights: life, liberty, pursuit of happiness—you don't have a right to happiness, but a right to pursue it—those come from God, and the Founders recognized that.

It is a shame to hear people deceiving young people in school, teaching them that, no, the real Founders were only deists. They didn't believe in God; Ben Franklin being the leading deist. If they would just teach the children what Ben Franklin said in June of 1787 at the Constitutional Convention.

After 5 weeks of nothing but arguing back and forth, 80-year-old Ben Franklin, 2 or 3 years away from meeting his maker, got recognized.

Somebody wrote that President Washington looked so relieved when Dr. Franklin sought recognition. He finally stood up. He had gout and he had terrible arthritis. He was well overweight, but he got up and gave the speech that so many Christians are aware of, where he said what no deist would ever say, despite how many teachers these days say he was a deist. His words were—we know what his words were because he sat down and wrote it down afterwards when he was asked for a copy of what he said.

And he said: "I have lived, Sir, a long time; and the longer I live, the more convincing proofs I see of this truth—God governs in the affairs of men. If a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings, that 'except the Lord build the House, they labour in vain that build it.'"

He said: "I firmly believe that."

Mr. Speaker, which means he wasn't a deist.

He said: "I also believe that without His"—without God's—"concurring aid, we shall succeed in this political building no better than the Builders of Babel. We shall be divided by our little partial local interests . . . and we ourselves will become a power down through the ages."

Mr. Speaker, it was at the conclusion of that day's session in the Constitutional Convention that Randolph from here in Virginia, or across the river in Virginia, made a motion that since here we are at the end of June, we are about to celebrate our Nation's birthday, and we all know we have not been able to accomplish anything.

As Franklin said: "We have been going for nearly 5 weeks. We have more noes than ayes on virtually every issue."

And then Franklin went on to say: "How has it happened, Sir, that we have not . . . thought of humbly applying to the Father of lights to illuminate our understandings?"

□ 1830

So Randolph's motion is, since they haven't been able to accomplish really anything, just yelling back and forth—it was all the big 6-foot-4 Washington could do to keep things under control. And, yes, I know in Chernow's biography, he said he was less than 6 foot 2, because he was standing by a guy 6 foot 2 and he was shorter, but he is just wrong on that. George Washington, 1799, when dead, flat on a slab, was measured as 6 foot 3½. Undeniable, 6 foot 4 in the height of his time, but he couldn't control things.

Randolph's motion passed. His motion was that they recess the Constitu-

tional Convention and reconvene together in one of the local churches they agreed on and worship God together and then come back and try it again. That one passed.

They went to the Reformed Calvinist Church—I was sharing that with my friend DAVE BRAT earlier since he attends a Calvinist church—Reverend William Rogers presiding. You can go online and find at least one of the prayers that he prayed.

I have this little book from Dr. Richard G. Lee, what a great man of God, great little booklet. "In God We Still Trust," it is called. It has some great stories from our history.

He noted that Warren Earl Burger, Chief Justice of the United States from 1969 to 1986, delivered the Supreme Court's opinion in the 1985 case of *Lynch v. Donnelly*, which upheld that the city of Pawtucket, Rhode Island, did not violate the Constitution by displaying a nativity scene. Noting that Presidential orders and proclamations from Congress have designated Christmas as a national holiday in religious terms for two centuries and in the Western world for 20 centuries, he wrote:

"There is an unbroken history of official acknowledgement by all three branches of government of the role of religion in American life. The Constitution does not require a complete separation of church and state."

In fact, I would insert here, those words, "separation of church and state," unlike what many say when asked, they are not in the Constitution, they were not intended to be in the Constitution. The Founders did not want church to be separated from state. They wanted the state to stay the heck out of the church business. That is what they wanted.

But Thomas Jefferson mentioned a separation of church and state, a wall of separation, but it was going to be a one-way wall where the state stayed out of people's religion, but expected religion because it was part of our founding and the Bible was so often mentioned as a source of wisdom as they tried to put together a government.

Chief Justice Burger, talking about the Constitution, said:

"It affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any. . . . Anything less would require the 'callous indifference' we have said was never intended by the Establishment Clause. . . . Indeed, we have observed, such hostility would bring us into 'war with our national tradition as embodied in the First Amendment's guarantee of the free exercise of religion.'"

He goes on on the next page, talking about John Hancock. He said: "To celebrate the victorious conclusion of the Revolutionary War, Governor John

Hancock of Massachusetts issued a proclamation for a day of Thanksgiving on December 11, 1783."

Just over a week ago was the anniversary of this proclamation from Governor John Hancock, the president that signed as president of the Continental Congress on the Declaration of Independence.

John Hancock said: "Whereas . . . these United States are not only happily rescued from the danger and calamities to which they have been so long exposed, but their freedom, sovereignty, and independence ultimately acknowledged.

"And whereas . . . the interposition of Divine Providence"—and they capitalized "Divine Providence," another expression meaning God—"in our favor hath been most abundantly and most graciously manifested, and the citizens of these United States have every reason for praise and gratitude to the God of their salvation.

"Impressed therefore with an exalted sense of the blessings by which we are surrounded, and of our entire dependence on that Almighty Being"—"Almighty Being" both capitalized—"from whose goodness and bounty they are derived; I do by and with the advice of the council appoint Thursday the 11th day of December next"—the day recommended by the Congress to all the States—"to be religiously observed as a day of thanksgiving and prayer; that all the people may then assemble to celebrate . . . that He"—"He" is capitalized, meaning God—"hath been pleased to continue to us the light of the blessed Gospel; . . . that we also offer up fervent supplications . . . to cause pure religion and virtue to flourish . . . and to fill the world with His—capital H—glory."

That was John Hancock. As he pointed out, that was directed by the Congress of the United States that that day be recognized, but that was just his proclamation as Governor of Massachusetts.

It seems when I mention God, mention some of our heritage, we often get a lot of calls from people who just become irate, which also testifies probably to the importance and to the genuineness of our founding and our founding reliance on God, because nothing else provokes that kind of anger and hatred. But some people say that has no place in the Capitol of the United States. And bless them; they just are a bit ignorant.

Just down the hall, the original House Chamber was the largest Christian church in the Washington, D.C., area for most of the 1800s. A guy named Thomas Jefferson, that coined the expression "separation of church and state," "wall of separation," he put in a letter to the Danbury Baptists why we should not have, in essence, an official denomination, that that is not the government's role. Jefferson saw no

problem in having Christian worship services down the hall because it was nondenominational. Every Sunday that he was in Washington during his 8 years as President, he would come.

Normally, he would ride a horse, according to the Congressional Research Service. You don't have to rely on my historical interpretation. The bipartisan, objective Congressional Research Service said he usually came riding a single horse.

Unlike Jefferson, Madison, who is given credit for writing much of the Constitution, when he was President for those 8 years, he normally came in a horse-drawn carriage with multiple horses drawing his carriage. Jefferson, on the other hand, came to church here in the Capitol normally on a horse by himself, before the days, obviously, of the Secret Service.

Jefferson, in fact, since it was a nondenominational Christian service, saw no problem with inviting the Marine Band to come do the accompaniment many Sundays for the hymns that were to be sung.

The first woman to officially address a group in the U.S. Capitol occurred in the early 1800s, a Christian evangelist, who gave the sermon just down the hall in what was then the House of Representatives Chamber.

I have a book, "Miracles in American History." Susie Federer did this, adapted from William J. Federer's "American Minute." This is a typical story from our history and our Founders, who knew how valuable God's assistance was in getting this little bubble in time and space where, for the first time in history, Christians were not persecuted for being Christians. For the first time since Jesus came over 2,000 years ago, this America, this United States was a place where you weren't persecuted for being a Christian.

Obviously, that is changing, and now we have governmental entities that are afraid of Christians as potentially a big hate group; although, anyone who professes that Christian groups need to be violent in order to accomplish our purposes can't truly be Christian and based on the Bible unless they are enacting government in so doing and acting under Romans 13. But, otherwise, they miss the whole point of Jesus' preaching.

In this book from the Federers, the Battle of Cowpens was January 17, 1781.

Also, January 17 happens to be my father's birthday. I won't tell the age, but he is over 90.

"The Battle of Cowpens, January 17, 1781, depicted in the movie 'The Patriot,' involved American General Daniel Morgan having a line of militia fire into the British General Cornwallis' and Colonel Banastre Tarleton's dragoons, regulars, Highlanders, and loyalists.

"When the Americans hastily retreated, British Colonel Tarleton,

known as 'The Butcher,' gave in to the temptation to pursue, only to be surprised by American Continentals waiting over the hill, firing at point-blank range.

"In the confusion, the Americans killed 110 British and captured 830.

"The Battle of Cowpens is widely considered the tactical masterpiece and turning point of the war."

This is talking about the Revolutionary War, of course.

"General Daniel Morgan met up with American General Nathanael Greene, and they made a hasty retreat north toward Virginia.

"Cornwallis regrouped and chased the Americans as fast as he could, burning extra equipment and supplies along the way in order to travel faster.

"Cornwallis arrived at the Catalpa River just 2 hours after the Americans had crossed, but a storm made the river impassable, delaying the British pursuit.

"Cornwallis nearly overtook them as they were getting out of the Yadkin River, but rain flooded the river.

"Now it was a race to the Dan River, but General Nathanael Greene again made it across before the British arrived.

"British Commander Henry Clinton wrote:

"Here the royal army was again stopped by a sudden rise of the waters, which had only just fallen, almost miraculously, to let the enemy over . . ."

"In March 1781, General George Washington wrote to William Gordon:

"We have . . . abundant reasons to thank Providence"—with a capital P; he often referred to God as Providence—to thank Providence for its many favorable interpositions in our behalf. It has at times been my only dependence, for all other resources seemed to have failed us."

"British General Henry Clinton then ordered General Cornwallis to move 8,000 troops to a defensive position where the York River entered the Chesapeake Bay.

□ 1845

By this time, Ben Franklin and Marquis de Lafayette, which is the gentleman depicted in this painting right over here—it is the only full-length portrait of a foreigner in our U.S. Capitol—were finally successful in their efforts to persuade French King Louis XVI to send ships and troops to meet the Americans.

French Admiral de Grasse left off fighting the British in the West Indies; sailed 24 ships to the mouth of the Chesapeake Bay where, in the Battle of the Capes, he drove off 19 British ships which were trying to evacuate Cornwallis' men.

De Grasse's 3,000 French troops, and General Rochambeau's 6,000 French troops, hurriedly joined General Lafayette's division as they marched to help

Washington trap Cornwallis against the sea. They joined the troops of General Benjamin Lincoln, Baron von Steuben, Mordecai Gist, Henry Knox, and John Peter Muhlenberg. All together, 17,000 French and American troops surrounded Cornwallis, and, on October 19, 1781, he surrendered.

Yale President Ezra Stiles wrote on May 8, 1783: "Who but God"—and by the way, this Yale University president, for those who are shocked that Yale had such a strident Christian leader, but actually, originally, Harvard and Yale, you couldn't even get in unless you swore that Jesus was your Lord and Savior in very stark terms.

But Yale University President Ezra Stiles, in 1783, says:

"Who but God could have ordained the critical arrival of the Gallic or French fleet so as to assist in the siege of Yorktown? Should we not ascribe to a Supreme energy the wise generalship displayed by General Greene, leaving the roving Cornwallis to pursue his helter-skelter, ill-fated march into Virginia. It is God who had raised up for us a powerful ally, a chosen army, an enabled force, who sent us a Rochambeau to fight side-by-side with Washington in the Battle of Yorktown."

"To diffuse the general joy through every breast, the general orders"—I am sorry. This is from George Washington. George Washington wrote this. This was one of his orders.

"To diffuse the general joy through every breast, the general orders"—these are his orders. I am quoting from Washington. "Divine service is to be performed tomorrow in the several brigades. The Commander-in-Chief earnestly recommends troops not on duty should universally attend with that gratitude of heart which the recognition of such astonishing interposition of Providence demands."

And then the next year, on October 11, this is what the Congress passed. Congress said: "It being the indispensable duty of all nations to offer up their supplications to Almighty God the United States in Congress assembled do hereby recommend it to the inhabitants of these States in general to observe the last Thursday of November next as a day of solemn thanksgiving to God for his mercies."

September 3, 1783, the Revolutionary War was officially ended with the Treaty of Paris, signed by Ben Franklin, John Adams, John Jay, and David Hartley. And I was surprised, I was going through the State Department with my wife and my pastor, David Dykes, and his wife, Cindy, and we were going through, and there was a copy, an original copy of the Treaty of Paris.

I looked at the big letters that started it, and I was shocked. I said: "Did you know it started that way?" Because David is quite a historian himself. He has written a lot of great

books. But he didn't know. We didn't know how it started.

But then it made sense. If you are going to get the British to sign a document swearing that the United States has the right to be free and independent of the most powerful country in the world, the most powerful army, the most powerful navy, which I agree with Washington, it was the grace of God, we were able to defeat. Without the grace of God, there is no defeat. We are not an independent country.

So what do you start that with to make the British swear under that would be something they would not want to break the oath to?

This is how it starts. These were the big letters, huge print, "In the name of the Most Holy and Undivided Trinity," then smaller letters for the rest of the document, "It having pleased the Divine Providence" or God "to dispose the hearts of the most serene and most potent Prince George III, by the grace of God, King of Great Britain . . . and of the United States of America, to forget all past misunderstandings and differences."

Anyway, it was signed: "Done at Paris, this third day of September, in the year of our Lord, 1783."

And, of course, our Constitution is dated the same way, in the year of our Lord, 1787.

But those were Founders. Those were things that got us started.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARRINGTON).

CELEBRATING THE BORDEN COUNTY COYOTES DIVISION 1, 1A SIX-MAN FOOTBALL STATE CHAMPIONSHIP

Mr. ARRINGTON. Mr. Speaker, I thank the distinguished gentleman from Texas (Mr. GOHMERT), my new friend, great colleague, and mentor as I have made my transition into this great body. He tells me that all freshman Members come in and have big wins like tax reform and these big, tremendous wins, not for the Republican Party, but for the American people. I am so proud to have been a part of that. I am proud to call Mr. GOHMERT my friend.

Mr. Speaker, today I rise to celebrate the Borden County Coyotes' hard-fought victory over Jonesboro in the Division 1, 1A Six-Man Football State Championship. This was the Coyotes' seventh State championship appearance, fifth State championship win, and the second year in a row these two teams faced off in the six-man State championship game.

Going into the championship game, only six opposing teams had scored against the Coyotes all year long. They boast the best six-man defense in the State, have been named the best six-man team in the Nation, and are ranked number 1 in the class 1-A division rankings.

With the discipline and determination they showed all season long, this

team turned a two-point lead at halftime into a 60-22 win in the State championship.

I want to commend both teams on their tremendous success and sportsmanship and congratulate, especially, Coach Richey on preparing our Coyotes to achieve a perfect season.

I would be remiss if I did not thank the parents and the teachers and the administrators and the fans who were always there throughout this season to ensure the Coyotes always gave their Borden County best.

There is nothing like high school football in west Texas. Go Coyotes, and go west Texas.

HAPPY 80TH BIRTHDAY TO DR. BILL DEAN

Mr. ARRINGTON. Mr. Speaker, I rise to wish a happy birthday, 80 years, to a dear friend, a Lubbock native, and a legend at Texas Tech, Dr. Bill Dean.

Dr. Dean has always been a leader and has always had a servant heart when it comes to serving his community and the campus community at Texas Tech. I don't know anyone who loves Texas Tech University and the students at Texas Tech like Bill Dean.

He was elected to the student body presidency when he was a student at Tech. He got 3 degrees and became a professor, an associate dean, and, ultimately, in his current role, serves as CEO of the Texas Tech University Alumni Association.

He was named the best teacher nine times by his students.

Dr. Dean, you are the very best, and you represent the very best of west Texas and Red Raider Nation. I want to say, blessings to you, and I hope you have many, many more years on that college campus because you have had an amazing impact on thousands of the lives of young people who come through that university, like me.

Thank you for your commitment. Thank you for your service and your leadership, and God bless you and Peggy. "Guns Up."

Mr. GOHMERT. Mr. Speaker, I am always happy to share time with my friend from west Texas. We are on opposite sides of the State but same sides of the heart caring for this country.

We have got a lot to be thankful for in this country, and I am thankful that we are going to have 11 months for people to realize that all the gloom and doom that was preached in this room about what the tax bill was going to do. The tax cuts, the reforms, it wasn't made as simple as I would hope, just a flat tax across the board. But there will be more people who don't pay tax, and most everybody should pay less tax.

It is just amazing the things that have been said. One person even said this is the worst bill ever, the tax bill, when—wow, I would have thought those bills that were really punishing slaves and allowing the continuance of slavery, those might have been, well, in

my opinion, just nowhere near the same category. But according to at least one source here across the aisle, this tax bill was worse than all of those, the worst bill ever.

But people are going to have 11 months to see that, even though the stock market was doing better, people weren't really doing better. Incomes had been pretty well flat-lined.

I think there is going to be a great deal to be grateful for. Now it is not just going to be the stock market going up, it is going to be Americans having more money in their own pockets. There are going to be more jobs. There are going to be people making more than they have in the past.

There will be a chance for many in the upcoming generation to experience what many of us did coming out of school, but most of them haven't, and that is having multiple firms, companies, employers, wanting them. It is just going to be a new experience for so many. And I hope when it happens, they will do as our Founders did and know where to give the proper credit.

John Adams, in the fall of 1798, to the officers of the First Brigade—he was President at the time, having succeeded Washington. President Adams said: "We have no government armed with power, capable of contending with human passions, unbridled by morality and religion. Avarice, ambition, revenge, gallantry would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people."

□ 1900

It is wholly inadequate to the government of any other.

John Adams, on December 25, 1813, what we call Christmas Day, wrote to his new friend. They had been friends, then when Jefferson had been greatly unfair in the election, defeated Adams, they had nothing to do with each other for many years. Then at Benjamin Rush's recommendation, Adams wrote Thomas Jefferson, and they rekindled a great friendship.

December 25 of 1813, former President John Adams wrote to former President Thomas Jefferson, and said:

"I have examined all religions as well as my narrow sphere, my straightened means, and my busy life would allow; and the result is that the Bible is the best Book in the world. It contains more philosophy than all the libraries I have seen."

Thomas Jefferson. This is inscribed in his monument.

Mr. Speaker, I share this as we leave session the last time before Christmas, because I find that so many people get upset when we mention God or mention the Bible here in Congress, when actually that is the most oft-cited thing in our whole history of Congress.

People have been mis-educated, and this is the one chance to thank God,

Mr. Speaker, and help people realize how we came to be as we are.

Thomas Jefferson said:

"God who gave us life gave us liberty."

"And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated, but with His wrath? Indeed, I tremble for my country when I reflect that God is just: that His justice cannot sleep forever."

Mr. Speaker, this was a time when people had turned from God, and it was scaring Jefferson because he knew, as Adams did, if we were not a religious and moral people, the Constitution would cease to serve the needed purpose.

Madison has such great pronouncements. As Madison himself said in 1815:

"No people ought to feel greater obligations to celebrate the goodness of the Great Disposer of events and of the Destiny of nations than the people of the United States. To the same divine author of every good and perfect gift, we are indebted for all those privileges and advantages, religious as well as civil, which are so richly enjoyed in this favored land."

He also referred to our Heavenly Benefactor.

Monroe, same type of messages.

John Quincy Adams, he wrote his son, 1811:

"... so great is my veneration for the Bible, and so strong my belief, that when duly read and meditated on, it is of all books in the world, that which contributes most to make men wise and happy—that the earlier my children begin to read it, the more steadily they pursue the practice of reading it throughout their lives, the more lively and confident will be my hopes that they will prove useful citizens to their country, respectable members of society..."

Abraham Lincoln said this, and it was official. This was his proclamation. Those that think it is inappropriate for government to say these things, this was Abraham Lincoln, who knew wherein our hopes lie.

Lincoln said in his official proclamation:

"... it is the duty of nations, as well as of men, to own their dependence upon the overruling power of God, to confess their sins and transgressions in humble sorrow, yet with assured hope, that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations are only blessed whose God is the Lord."

In his second inaugural, just 45 days before he was struck down by an assassin's bullet, Abraham Lincoln was trying to make sense of such a bloody, horrific war between the North and

South, and it is inscribed on the inside wall of the Lincoln Memorial on the north side. Thank God, literally, thank God no one has required that those beautiful words be removed.

But he was trying to reconcile how there could be something so bloody and awful if there were a good and just God. Obviously, he had done a lot of theological wrestling with that issue, and in talking about the North and South, Abraham Lincoln said:

"Both"—North and South—"read the same Bible and pray to the same God."

"The prayers of both could not be answered. The prayers of neither has been answered fully. The Almighty has his own purpose."

But then he quotes Scripture: "Whoa unto the world because of offenses."

Lincoln continues on:

"Yet, if God will that it continue until all the wealth piled by the bondsmen's 250 years of unrequited toil shall be sunk, and every drop of blood drawn with the lash shall be paid by another drawn with a sword, as was said 3,000 years ago, so it must be said."

And again quoting the Bible: "The judgements of the Lord are true and righteous altogether."

All Presidents have had these types of proclamations.

I like the proclamation Grover Cleveland had in November 1885. Official U.S. Government proclamation. He said:

"The American people have always abundant cause to be thankful to Almighty God, whose watchful care and guiding hand have been manifested in every stage of their national life, guarding and protecting them in time of peril and safely leading them in the hour of darkness and of danger."

"It is fitting and proper that a nation thus favored should on one day every year, for that purpose especially appointed, publicly acknowledge the goodness of God and return thanks to Him for all His gracious gifts."

Moving to Franklin Roosevelt, Franklin Roosevelt delivered this Christmas Eve message just weeks after we were attacked at Pearl Harbor.

Franklin Roosevelt said:

"Sincere and faithful men and women are asking themselves this Christmas: How can we light our trees? How can we give our gifts? How can we meet and worship with love and with uplifted spirit and heart in a world at war, a world of fighting and suffering and death? How can we pause, even for a day, even for Christmas Day, in our urgent labor of arming a decent humanity against the enemies which beset it? How can we put the world aside, as men and women put the world aside in peaceful years, to rejoice in the birth of Christ?"

Franklin Roosevelt went on to say:

"Looking into the days to come, I have set aside a day of prayer, and in

that proclamation, I have said: The year 1941 has brought upon our Nation a war of aggression by powers dominated by arrogant rulers whose selfish purpose is to destroy free institutions. They would thereby take from the freedom-loving peoples of the Earth the hard-won liberties gained over many centuries. The new year of 1942 calls for the courage. Our strength, as the strength of all men everywhere, is of greater avail as God upholds us.

"Therefore, I"—this is Franklin Roosevelt—"do hereby appoint the first day of the year 1942 as a day of prayer, of asking forgiveness for our shortcomings of the past, of consecration to the task of the present, of asking God's help in days to come. We need His guidance that this people may be humbled in spirit, but strong in the conviction of the right. Steadfast to endure sacrifice, and brave to achieve a victory of liberty and peace. Our strongest weapon in this war is that conviction of the dignity and brotherhood of man, which Christmas Day signifies. Against enemies who preach the principles of hate and practice them, we set our faith in human love and in God's care for us and all men everywhere."

He had so many beautiful, beautiful messages.

One ended like this:

"It is significant that tomorrow, Christmas Day, our plants and factories will be stilled. That is not true of the other holidays we have long been accustomed to celebrate. On all other holidays, work goes on, gladly, for the winning of the war. So Christmas becomes the only holiday in all the year. I like to think this is because Christmas is a holy day. May all it stands for live and grow throughout the years."

Harry Truman, who succeeded him after his death, finished one of his Christmas proclamations this way:

"Our thoughts and aspirations and the hopes of future years turn to a little town in the hills of Judea where, on a winter's night 2,000 years ago, the prophecy of Isaiah was fulfilled."

"Shepherds keeping the watch by night over their flock heard the glad tidings of great joy from the angels of the Lord singing: 'Glory to God in the highest, and on Earth, peace, good will toward men.'"

It is not just from the Bible. This is the President of the United States' official proclamation, government proclamation.

Truman said:

"The message of Bethlehem best sums up our hopes tonight. If we as a nation, and the other nations of the world, will accept it, the star of faith will guide us into the place of peace as it did the shepherds on that day of Christ's birth long ago."

"We shall find strength and courage at this Christmastime because so brave a beginning has been made. So with faith and courage we shall work to hasten the day when the sword is replaced

by the plowshare and nations do not 'learn war anymore.'

"Selfishness and greed, individual or national, cause most of our troubles."

□ 1915

"He whose birth we celebrate tonight was the world's greatest teacher. He said: 'Therefore all things whatsoever ye would that men would do to you, do ye even so to them; for this is the law and the prophets.' Through all the centuries since He spoke, history has vindicated His teaching.

"In this great country of ours has been demonstrated the fundamental unity of Christianity and democracy. Under our heritage of freedom for everyone on equal terms, we also share the responsibilities of government. Our support of individual freedom—free speech, free schools, free press, and a free conscience—transcends all our differences. Although we may not hope for a New Heaven and a New Earth in our day and generation; we may strive with undaunted faith and courage to achieve in the present some measure of that unity with which the Nation's sons and the sons of our allies went forth to win the war.

"We have this glorious land not because of a particular religious faith, not because our ancestors sailed from a particular foreign port. We have our unique national heritage because of a common aspiration to be free and because of our purpose to achieve for ourselves and for our children the good things of life which the Christ declared He came to give to all mankind.

"We have made a good start toward peace in the world. Ahead of us lies the larger task of making the peace secure. The progress we made gives hope that in the coming year we shall reach our goal. May 1947 entitle us to the benediction of the Master."

"Master" is capitalized. He is talking about Jesus.

He quotes Jesus saying: "'Blessed are the peacemakers, for they shall be called the children of God.' Because of what we have achieved for peace, because of all the promise our future holds, I say to all my countrymen:

Merry Christmas. Merry Christmas, and may God bless you all."

I just want to conclude, Mr. Speaker, with this best message, Ronald Reagan's 1988 official Christmas message. He said: "The themes of Christmas and of coming home for the holidays have long been intertwined in song and story. There is a profound irony and a lesson in this because Christmas celebrates the coming of a Savior who was born without a home.

"There was no room at the inn for the Holy Family. Weary of travel, a young Mary, close to childbirth, and her carpenter husband, Joseph, found but the rude shelter of a stable. There born the King of Kings, the Prince of Peace—an event on which all history would turn.

"Jesus would again be without home, and more than once; on the flight to Egypt and during His public ministry when He said: 'The foxes have holes, and the birds of the air have nests, but the Son of Man hath nowhere to lay his head.'

"From His very infancy, on, our Redeemer was reminding us that, from then on we would never lack a home in Him. Like the shepherds to whom the angel of the Lord appeared on the first Christmas Day, we could always say: 'Let us now go even unto Bethlehem and see this thing which is come to pass, which the Lord hath made known unto us.'

"As we come home with gladness to family and friends this Christmas, let us also remember our neighbors who cannot go home themselves. Our compassion and concern this Christmas and all year long will mean much to the hospitalized, the homeless, the convalescent, the orphaned—and will surely lead us on our way to the joy and peace of Bethlehem and the Christ Child who bids us come. For it is only in finding and living the eternal meaning of the Nativity that we can be truly happy, truly at peace, truly home.

"Merry Christmas, and God bless you."

Official proclamation of the United States Government by the President of

the United States, words well to remember.

Mr. Speaker, I yield back the balance of my time.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 117. An act to designate a mountain peak in the State of Montana as "Alex Diekmann Peak"; to the Committee on Natural Resources.

S. 501. An act to amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System; to the Committee on Natural Resources.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1. An act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1536. An act to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 22, 2017, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2017, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ROBERT REEVES, EXPENDED BETWEEN NOV. 21 AND NOV. 25, 2017

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Robert Reeves	11/22	11/25	Switzerland		1,642.86		2,104.56				3,747.42
Scott Kim	11/22	11/25	Switzerland		1,642.86		2,104.56				3,747.42
Committee total					3,285.72		4,209.12				7,494.84

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3502. A letter from the Acting Director, PDRA, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Distance Learning and Telemedicine Loan and Grant Program (RIN: 0572-AC37) received December 11, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3503. A letter from the Under Secretary (Comptroller), Department of Defense, transmitting a letter providing a status report on the account balance in the Defense Cooperation Account, as of September 30, 2017, pursuant to 10 U.S.C. 2608(e); Public Law 101-403, Sec. 202(a)(1) (as amended by Public Law 112-81, Sec. 1064(7)); (125 Stat. 1587); to the Committee on Armed Services.

3504. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Military Commissions [Docket No.: DOD-2017-OS-0062] (RIN: 0790-AJ58) received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

3505. A letter from the Acting Assistant Secretary of Defense, Special Operations/Low Intensity Conflict, Department of Defense, transmitting the FY 2017 annual Regional Defense Combating Terrorism Fellowship Program Report to Congress, pursuant to title 10, U.S.C. 345; to the Committee on Armed Services.

3506. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's Major final rule — Regulatory Capital Rules: Retention of Certain Existing Transition Provisions for Banking Organizations That Are Not Subject to the Advanced Approaches Capital Rules [Regulation Q; Docket No.: R-1571] (RIN: 7100-AE 83) received December 15, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3507. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Confidentiality Determinations for Hazardous Waste Export and Import Documents [EPA-HQ-OLEM-2016-0492; FRL-9971-49-OLEM] (RIN: 2050-AG90) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3508. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Rhode Island; Infrastructure Requirement for the 2010 Sulfur Dioxide and 2010 Nitrogen Dioxide National Ambient Air Quality Standards [EPA-R01-OAR-2017-0151; FRL-9972-23-Region 1] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3509. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Arizona Air Plan Revision; San Manuel, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plan [EPA-R09-2017-0377; FRL-9972-03-Region 9] re-

ceived December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3510. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of California Air Plan Revisions, Placer County and Ventura County Air Pollution Control Districts [EPA-R09-OAR-2017-0332; FRL-9971-76-Region 9] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3511. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Arizona: Authorization of State Hazardous Waste Management Program Revisions [EPA-R09-RCRA-2017-0523; FRL-9972-09-Region 9] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3512. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard [GN Docket No.: 16-142] received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3513. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-072, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3514. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 17-028, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3515. A letter from the Secretary, Department of Education, transmitting the Department's Semiannual Report to Congress, covering the six-month period ending September 30, 2017, pursuant to the Inspector General Act, as amended, Sec. 5(b); to the Committee on Oversight and Government Reform.

3516. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's Semiannual Report to Congress, of the Inspector General, and the Management Response for the period April 1, 2017, to September 30, 2017, pursuant to Sec. 5 of Public Law 95-452, as amended; to the Committee on Oversight and Government Reform.

3517. A letter from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting a notification of an action on nomination and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3518. A letter from the Executive Secretary, U.S. Agency for International Development, transmitting eleven (11) notifications of discontinuation of service in acting role, change in previously submitted reported information, and designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3519. A letter from the Acting Chair, U.S. Equal Employment Opportunity Commis-

sion, transmitting the Inspector General's Semiannual Report to Congress and the Semiannual Management Report for the period ending September 30, 2017, pursuant to Sec. 5(b) of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

3520. A letter from the Chairman, Federal Election Commission, transmitting twelve (12) legislative recommendations approved unanimously by the Commission on December 14, 2017, pursuant to 52 U.S.C. 30111(a)(9); Public Law 92-225, Sec. 311(a)(9) (as amended by Public Law 107-252, Sec. 801(b)); (116 Stat. 1726); to the Committee on House Administration.

3521. A letter from the Division Chief, Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule — Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Certain Requirements [18X.LLW0310000.L13100000.PP0000] (RIN: 1004-AE54) received December 11, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3522. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, Department of Defense, transmitting the 2017 biennial report on the status of the Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project, Kansas, Missouri, Iowa, and Nebraska, pursuant to Public Law 113-121, Sec. 4003(e); (128 Stat. 1313); to the Committee on Transportation and Infrastructure.

3523. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: The Boeing Company Airplanes [Docket No.: FAA-2017-0773; Product Identifier 2017-NM-067-AD; Amendment 39-19101; AD 2017-23-07] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3524. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: The Boeing Company Airplanes [Docket No.: FAA-2017-0249; Product Identifier 2016-NM-138-AD; Amendment 39-19092; AD 2017-22-12] (RIN: 2120-AA64) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3525. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Metropolitan Planning Organization Coordination and Planning Area Reform [Docket No.: FHWA-2017-0003; FHWA RIN: 2125-AF75; FTA RIN: 2132-AB33] received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3526. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Petaluma Gap Viticultural Area and Modification of the North Coast Viticultural Area [Docket No.: TTB-2016-0009; T.D. TTB-149; Re: Notice No.: 163] (RIN 1513-AC34) received December 15, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3527. A letter from the Acting Chairman, Surface Transportation Board, transmitting the Board's final rule — Expediting Rate Cases [Docket No.: EP 733] received December 15, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3528. A letter from the Deputy General Counsel, Office of General Counsel, U.S. Small Business Administration, transmitting the Administration's final rule — Small Business Investment Companies — Administrative Fees (RIN: 3245-AG65) received December 11, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Small Business.

3529. A letter from the Impact Analyst, Office of Regulation Policy and Management, Office of the Secretary (OOREG), Department of Veterans Affairs, transmitting the Department's final rule — Extra-Schedular Evaluations for Individual Disabilities (RIN: 2900-AP48) received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

3530. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Expansion of the Outer Coast Plain Viticultural Area [Docket No.: TTB-2016-0008; T.D. TTB-148; Re: Notice No.: 162] (RIN: 1513-AC32) received December 15, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3531. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's temporary rule — Implementation of Statutory Amendments Requiring the Modification of the Definition of Hard Cider; Delayed Compliance Date of the Hard Cider Tax Class Labeling Statement Requirement [Docket No.: TTB-2016-0016; T.D. TTB-147A; Re: T.D. TTB-145, T.D. TTB-146, T.D. TTB-147, Notice No.: 168, and Notice No.: 168A] (RIN: 1513-AC31) received December 14, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3532. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Guidance Under Section 409A for Pre-2009 Section 457A Deferrals [Notice 2017-75] received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3533. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — 2017 Required Amendments List for Qualified Retirement Plans [Notice 2017-72] received December 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3534. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal to remedy non-substantive errors that appear throughout the Homeland Security Act of 2002 (Public Law 107-296) and other statutes that are organized under title 6 U.S.C.; to the Committee on Homeland Security.

3535. A letter from the Secretary, Department of Energy, transmitting the November

2017 report to Congress entitled, "MOX Fuel Fabrication Facility Construction and Operations", pursuant to 50 U.S.C. 2566(a)(3); Public Law 107-314, Sec. 4306(a)(3); (116 Stat. 2747); jointly to the Committees on Armed Services and Energy and Commerce.

3536. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting the Department's CY 2016 annual report on activities under the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act of 1998, pursuant to 7 U.S.C. 1738m(a); July 10, 1954, ch. 469, title VI, Sec. 614 (as added Public Law 101-624 Sec. 1512); (104 Stat. 3662) and 22 U.S.C. 2431k(a); Public Law 87-195, Sec. 813(a) (as added by Public Law 105-214, Sec. 1); (112 Stat. 893); jointly to the Committees on Foreign Affairs and Agriculture.

3537. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that, by reason of the statutory debt limit, the Secretary will be unable to invest fully the Government Securities Investment Fund (G Fund) of the Federal Employees' Retirement System in interest-bearing securities of the United States, beginning on or after December 12, 2017, pursuant to 5 U.S.C. 8438(h)(1); Public Law 99-335, Sec. 101(a) (as amended by Public Law 104-316, Sec. 103(i)); (110 Stat. 3829); jointly to the Committees on Ways and Means and Oversight and Government Reform.

3538. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting the Commission's report entitled "Physician Supervision Requirements in Critical Access Hospitals and Small Rural Hospitals", pursuant to Public Law 114-255, Sec. 16004(b); (130 Stat. 1327); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 670. Resolution providing for consideration of the Senate amendment to the bill (H.R. 1370) to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes; providing for consideration of the bill (H.R. 4667) making further supplemental appropriations for the fiscal year ending September 30, 2018, for disaster assistance for Hurricanes Harvey, Irma, and Maria, and calendar year 2017 wildfires, and for other purposes; and providing for proceedings during the period from December 22, 2017, through January 7, 2018 (Rept. 115-477) Referred to the House Calendar.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3168. A bill to amend title XVIII of the Social Security Act to provide continued access to specialized Medicare Advantage plans for special needs individuals, and for other purposes; with an amendment (Rept. 115-478, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3726. A bill to amend title

XVIII of the Social Security Act to create alternative sanctions for technical noncompliance with the Stark rule under Medicare, and for other purposes; with an amendment (Rept. 115-479, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3727. A bill to amend title XVIII of the Social Security Act to include additional telehealth services for purposes of MA organization bids, and for other purposes; with an amendment (Rept. 115-480, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3729. A bill to amend titles XI and XVIII of the Social Security Act to facilitate provider and supplier cost reporting of ambulance services under the Medicare program, and for other purposes; with an amendment (Rept. 115-481, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mrs. BROOKS of Indiana: Committee on Ethics. In the Matter Regarding the Arrests of Members of the House During a Protest Outside the United States Capitol on December 6, 2017 (Rept. 115-482). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 3168 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 3726 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 3727 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 3729 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COLLINS of Georgia (for himself, Mr. JEFFRIES, Mr. CROWLEY, Mrs. BLACK, Mr. COHEN, Mrs. BLACKBURN, Mr. TED LIEU of California, Mr. SESSIONS, Mr. FLEISCHMANN, Mr. CRAMER, Mr. COOPER, and Ms. BASS):

H.R. 4706. A bill to amend title 17, United States Code, to provide clarity and modernize the licensing system for musical works under section 115 and to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes; to the Committee on the Judiciary.

By Mr. BRENDAN F. BOYLE of Pennsylvania (for himself and Mr. GRAVES of Georgia):

H.R. 4707. A bill to authorize a joint assessment of quantity of precision guided munitions for use by Israel, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL (for himself, Mr. THOMPSON of Mississippi, Mr. KATKO, and Mr. HIGGINS of Louisiana):

H.R. 4708. A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFITH:

H.R. 4709. A bill to amend title XIX of the Social Security Act to amend the Federal medical assistance percentage for the District of Columbia for fiscal years after 2019, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUCSHON (for himself and Mr. PETERS):

H.R. 4710. A bill to amend the Public Health Service Act to establish a moratorium on the registration of certain new 340B hospitals and associated sites, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARR (for himself, Mr. HIMES, and Mr. POLIS):

H.R. 4711. A bill to create protections for depository institutions that provide financial services to industrial hemp legitimate businesses, and for other purposes; to the Committee on Financial Services.

By Mrs. BLACKBURN (for herself, Mr. ABRAHAM, Mr. ADERHOLT, Mr. ARRINGTON, Mr. BABIN, Mr. BACON, Mr. BANKS of Indiana, Mr. BARLETTA, Mr. BOST, Mr. BRADY of Texas, Mr. CHABOT, Mr. COLLINS of New York, Mr. COLLINS of Georgia, Mr. CONAWAY, Mr. CRAMER, Mr. DAVIDSON, Mr. DUNCAN of South Carolina, Mr. FLORES, Ms. FOXX, Mr. GIBBS, Mr. GOODLATTE, Mr. GOSAR, Mr. HARRIS, Mr. JODY B. HICE of Georgia, Mr. HUDSON, Mr. HUIZENGA, Mr. JOHNSON of Ohio, Mr. JONES, Mr. JORDAN, Mr. JOYCE of Ohio, Mr. KELLY of Pennsylvania, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. MARSHALL, Mr. MITCHELL, Mr. MULLIN, Mrs. NOEM, Mr. NORMAN, Mr. OLSON, Mr. PALAZZO, Mr. PITTENGER, Mr. ROE of Tennessee, Mr. ROKITA, Mr. ROSKAM, Mr. ROTHFUS, Mr. SMITH of New Jersey, Mr. STEWART, Mrs. WAGNER, Mr. WALKER, Mrs. WALORSKI, Mr. WEBER of Texas, Mr. WEBSTER of Florida, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. YODER, Mr. MOOLENAAR, and Mr. EMMER):

H.R. 4712. A bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion; to the Committee on the Judiciary.

By Mr. KINZINGER (for himself, Mr. COOPER, Ms. JENKINS of Kansas, Mr.

YOHO, Mr. SANFORD, Mr. PITTENGER, and Ms. SINEMA):

H.R. 4713. A bill to increase the long-term fiscal accountability of direct spending legislation; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. BARTON, Mr. RATCLIFFE, Mr. CARTER of Texas, Mr. POE of Texas, Mr. BABIN, Mr. BURGESS, Mr. WEBER of Texas, Mr. MARCHANT, Mr. SESSIONS, Mr. FARENTHOLD, Mr. ARRINGTON, Mr. FLORES, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. MCCAUL, Ms. GRANGER, Mr. WILLIAMS, Mr. CONAWAY, Mr. OLSON, Mr. HURD, Mr. THORNBERRY, Mr. CUELLAR, Ms. JACKSON LEE, Mr. SAM JOHNSON of Texas, and Mr. CULBERSON):

H.R. 4714. A bill to award a Congressional Gold Medal to Don and Deyon Stephens, Founders of Mercy Ships, in recognition of nearly 40 years of service as the leaders of a humanitarian relief organization that exemplifies the compassionate character of America; to the Committee on Financial Services.

By Mr. CARTWRIGHT (for himself, Mr. ROSKAM, Mr. BISHOP of Georgia, Mr. DELANEY, Ms. KAPTUR, Mr. PETERS, Mr. TONKO, Mr. ENGEL, Mr. CUMMINGS, Mr. CONNOLLY, and Mr. SEAN PATRICK MALONEY of New York):

H.R. 4715. A bill to amend the Higher Education Act of 1965 to require certain institutions of higher education to provide notice of tuition levels for students; to the Committee on Education and the Workforce.

By Mr. COSTA (for himself, Mr. COOK, Mr. RUIZ, and Mr. YOUNG of Alaska):

H.R. 4716. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAWFORD (for himself, Mr. NOLAN, Mr. WESTERMAN, Mr. WOMACK, and Mr. HILL):

H.R. 4717. A bill to require the Secretary of Agriculture to establish a program to recognize farms that have been in continuous operation for 100 years; to the Committee on Agriculture.

By Mr. DESANTIS (for himself, Mr. KING of Iowa, Mr. DUNCAN of South Carolina, Mrs. HARTZLER, Mr. GOHMERT, Mr. MCCLINTOCK, Mr. FARENTHOLD, Mr. LAMBORN, Mr. WENSTRUP, Mr. ROKITA, Mr. JORDAN, Mr. GOSAR, Mr. PITTENGER, Mr. JODY B. HICE of Georgia, Mrs. WALORSKI, Ms. MCSALLY, Ms. TENNEY, Mr. GAETZ, Mr. SMITH of Nebraska, Mr. YOHO, Mr. MEADOWS, Mr. ROTHFUS, Mr. MESSER, Mr. ZELDIN, Mr. HARRIS, Mr. DONOVAN, Mr. JOHNSON of Ohio, Mr. WILLIAMS, Mr. FERGUSON, and Mrs. BLACKBURN):

H.R. 4718. A bill to recognize Jerusalem as the capital of Israel and to transfer to Jerusalem the United States Embassy located in Tel Aviv; to the Committee on Foreign Affairs.

By Mr. DUNCAN of Tennessee (for himself and Mr. COHEN):

H.R. 4719. A bill to amend title 49, United States Code, to address delays in commercial

driver's license skills testing and retesting, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EMMER (for himself, Mrs. HANDEL, Ms. WASSERMAN SCHULTZ, Ms. JAYAPAL, Ms. KUSTER of New Hampshire, and Mr. WALZ):

H.R. 4720. A bill to authorize the Office on Violence Against Women to improve the handling of crimes of domestic violence, dating violence, sexual assault, and stalking by incorporating a trauma-informed approach into the initial response to and investigation of such crimes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. VARGAS, Mrs. WATSON COLEMAN, Mr. MEEKS, Ms. SPEIER, Mr. GRIJALVA, and Mr. COHEN):

H.R. 4721. A bill to enact into law a framework for deciding whether certain projectiles are "primarily intended for sporting purposes" for purposes of determining whether the projectiles are armor piercing ammunition; to the Committee on the Judiciary.

By Mr. FASO (for himself and Ms. SLAUGHTER):

H.R. 4722. A bill to designate the facility of the United States Postal Service located at 111 Market Street in Saugerties, New York, as the "Maurice D. Hinchey Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GOSAR (for himself, Mr. BIGGS, Ms. SINEMA, Mr. SCHWEIKERT, and Mr. O'HALLERAN):

H.R. 4723. A bill to approve the settlement of water rights claims of the Hualapai Tribe and certain allottees in the State of Arizona, to authorize construction of a water project relating to those water rights claims, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLDING (for himself, Mr. BLUMENAUER, Mr. LANCE, Mr. BUTTERFIELD, and Mr. MEEHAN):

H.R. 4724. A bill to provide for a demonstration project to further examine the benefits of providing coverage and payment for items and services necessary to administer intravenous immune globulin (IVIG) in the home, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULTGREN (for himself and Mr. BARR):

H.R. 4725. A bill to amend the Federal Deposit Insurance Act to require short form call reports for certain depository institutions; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself and Mr. CICILLINE):

H.R. 4726. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council; to the Committee on Natural Resources.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 4727. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to assign temporary disability ratings to certain veterans for purposes of compensation and health care, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 4728. A bill to amend title 38, United States Code, to establish the office of the

Health Monitor of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. KHANNA, Mr. CUMMINGS, Ms. NORTON, Ms. SHEA-PORTER, Mr. CONNOLLY, Mr. DAVID SCOTT of Georgia, Mr. RASKIN, Mr. SUOZZI, Ms. KUSTER of New Hampshire, Ms. MOORE, Mrs. DINGELL, and Mr. PALLONE):

H.R. 4729. A bill to require annual reporting by employers of the number of settlements with employees regarding claims of discrimination on the basis of sex, including verbal and physical sexual harassment, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MCSALLY (for herself, Mr. SCHWEIKERT, Mr. BIGGS, Mr. GOSAR, and Mr. ISSA):

H.R. 4730. A bill to amend the Clean Air Act with respect to nonattainment plan provisions, and for other purposes; to the Committee on Energy and Commerce.

By Ms. PLASKETT:

H.R. 4731. A bill to extend the retained use estate for the Caneel Bay resort in St. John, United States Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. REICHERT (for himself and Mr. PASCRELL):

H.R. 4732. A bill to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes; to the Committee on Financial Services.

By Mr. WELCH (for himself and Mr. MCKINLEY):

H.R. 4733. A bill to establish and fund an Opioids and STOP Pain Initiative to expand, intensify, and coordinate fundamental, translational, and clinical research of the National Institutes of Health with respect to opioid abuse, the understanding of pain, and the discovery and development of safer and more effective treatments and preventive interventions for pain; to the Committee on Energy and Commerce, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself, Mr. ROSKAM, Mr. DESANTIS, Mr. ZELDIN, Mr. DUNCAN of South Carolina, Mr. CRAMER, Mr. NORMAN, Mr. ABRAHAM, Mr. GOHMERT, Mr. JENKINS of West Virginia, Mr. WEBER of Texas, Mr. FARENTHOLD, Mr. ROKITA, Ms. TENNEY, Mr. PITTINGER, and Mr. MEADOWS):

H. Res. 671. A resolution expressing strong disapproval of the adoption of United Nations General Assembly Resolution A/ES-10/L.22, which rejects United States recognition of Jerusalem as the capital of Israel; to the Committee on Foreign Affairs.

By Ms. JAYAPAL (for herself, Ms. BASS, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mr. CARDENAS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Ms. DELBENE, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ESPAILLAT, Mr. EVANS, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. GRIJALVA, Mr. HECK, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr.

KING of New York, Mr. KILMER, Mr. LARSEN of Washington, Ms. LEE, Mr. MEEKS, Ms. MENG, Mrs. MURPHY of Florida, Mr. RASKIN, Ms. SÁNCHEZ, Mr. SARBANES, Mr. SMITH of Washington, Mr. SOTO, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, and Ms. MAXINE WATERS of California):

H. Res. 672. A resolution honoring Edgar Martínez for excellence in his career as a professional baseball player and for his entrepreneurship, humanitarian work, and philanthropy, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. HILL (for himself, Ms. ROSELEHTINEN, Mr. TROTT, Mr. CICILLINE, Mr. SHERMAN, and Mrs. CAROLYN B. MALONEY of New York):

H. Res. 673. A resolution expressing concern over attacks on Coptic Christians in Egypt; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

154. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 41, urging the United States Congress to direct the Department of Defense to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston; to the Committee on Armed Services.

155. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 30, urging the United States Congress to direct the Bureau of Land Management to affirm the provisions of the Red River Boundary Compact and acknowledge that the vegetation line on the south bank of the Red River forms the boundary between Oklahoma and Texas; to the Committee on Natural Resources.

156. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 105, encouraging Congress to pass legislation or adopt policies allowing Texas to manage the Gulf of Mexico red snapper fishery out to 200 nautical miles; to the Committee on Natural Resources.

157. Also, a memorial of the Legislature of the State of Wisconsin, relative to Assembly Joint Resolution No. 21, requesting the Congress of the United States call a convention of the states to propose amendments to the Constitution of the United States; to the Committee on the Judiciary.

158. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 52, urging the United States Congress to enact legislation to ensure that all veterans receive in a timely manner the level of medical care that they have earned and that they so richly deserve; to the Committee on Veterans' Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. COLLINS of Georgia:

H.R. 4706.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution;

Article 1, Section 8, Clause 8 of the United States Constitution; and

Article 1, Section 8, Clause 18 of the United States Constitution.

By Mr. BRENDAN F. BOYLE of Pennsylvania:

H.R. 4707.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution under the General Welfare Clause.

By Mr. MCCAUL:

H.R. 4708.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GRIFFITH:

H.R. 4709.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. BUCSHON:

H.R. 4710.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. BARR:

H.R. 4711.

Congress has the power to enact this legislation pursuant to the following:

(According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.)

By Mrs. BLACKBURN:

H.R. 4712.

Congress has the power to enact this legislation pursuant to the following:

Congress has authority to extend protection to born-alive abortion survivors under the Supreme Court's Commerce Clause precedents and under the Constitution's grants of powers to Congress under the Equal Protection, Due Process, and Enforcement Clauses of the Fourteenth Amendment.

By Mr. KINZINGER:

H.R. 4713.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (Legislative Vesting Clause): "The Congress shall have the Power—To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

Article I, Section 8, Clause 18 (Necessary and Proper Clause): "The Congress shall have the Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof."

Article I, Section 9, Clause 7 (Appropriations Clause): "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. GOHMERT:

H.R. 4714.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5. To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

By Mr. CARTWRIGHT:

H.R. 4715.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. COSTA:

H.R. 4716.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

By Mr. CRAWFORD:

H.R. 4717.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DeSANTIS:

H.R. 4718.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States); and Article I, Section 8, Clause 18 (To make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof).

By Mr. DUNCAN of Tennessee:

H.R. 4719.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. EMMER:

H.R. 4720.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses I & 18

By Mr. ENGEL:

H.R. 4721.

Congress has the power to enact this legislation pursuant to the following:

Article I Section I of the Constitution

By Mr. FASO:

H.R. 4722.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7: To establish post offices and post roads;

[Page H1316]

By Mr. GOSAR:

H.R. 4723.

Congress has the power to enact this legislation pursuant to the following:

This legislation is constitutionally appropriate pursuant to Article I, Section 8, Clause 3 (the Commerce Clause) which grants Congress the power to regulate Commerce with foreign Nations, and among several states and with the Indian Tribes; Article II, Section 2, Clause 2 (the Treaty Clause) which gives the President the Power to make Treaties; Article IV, Section 3, Clause 2 (the Property Clause) which gives Congress the Power to make all Rules and Regulations respecting the Territory or other Property belonging to the United States. The Supreme

Court, in *Winters v. United States* (1901), reasoned that an Indian Tribe's water rights are established when the reservation is created, regardless of whether the Tribe actually uses the water on that reservation at that time. The Act settles water right claims of the Hualapai Tribe and is thus constitutionally permissible.

By Mr. HOLDING:

H.R. 4724.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. HULTGREN:

H.R. 4725.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LANGEVIN:

H.R. 4726.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 4727.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 4728.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 4729.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Ms. MCSALLY:

H.R. 4730.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. PLASKETT:

H.R. 4731.

Congress has the power to enact this legislation pursuant to the following:

Under Article IV, Section 3, of the U.S. Constitution, Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

By Mr. REICHERT:

H.R. 4732.

Congress has the power to enact this legislation pursuant to the following:

“The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

By Mr. WELCH:

H.R. 4733.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 15: Mr. GOMEZ.

H.R. 173: Mr. DIAZ-BALART and Mr. CROWLEY.

H.R. 299: Ms. TITUS, Mr. SHUSTER, and Mrs. HANDEL.

H.R. 488: Mr. FASO.

H.R. 545: Mr. SHUSTER.

H.R. 548: Mr. MARINO.

H.R. 620: Mr. RICE of South Carolina.

H.R. 632: Mr. COSTA and Mr. HOYER.

H.R. 719: Mr. BURGESS and Mr. STEWART.

H.R. 772: Mr. ISSA.

H.R. 807: Mr. MITCHELL.

H.R. 858: Mr. THOMPSON of Mississippi.

H.R. 908: Mr. PAULSEN.

H.R. 909: Mr. BACON.

H.R. 930: Mr. GAETZ.

H.R. 1017: Mr. GARAMENDI.

H.R. 1155: Ms. PINGREE.

H.R. 1205: Mr. DIAZ-BALART.

H.R. 1276: Mr. O'HALLERAN.

H.R. 1403: Ms. MENG.

H.R. 1419: Mr. PETERSON.

H.R. 1444: Mr. HUNTER and Mr. GRIFFITH.

H.R. 1456: Mr. GRIFFITH.

H.R. 1494: Mr. CURTIS and Mr. BACON.

H.R. 1563: Mr. MCKINLEY and Mr. NORCROSS.

H.R. 1569: Ms. CLARKE of New York.

H.R. 1606: Mr. LONG.

H.R. 1697: Mr. ISSA.

H.R. 1759: Ms. JAYAPAL.

H.R. 1762: Mr. MESSER.

H.R. 1825: Mr. MESSER and Mr. OLSON.

H.R. 1828: Mr. FRANCIS ROONEY of Florida.

H.R. 1847: Mr. BACON.

H.R. 1889: Mr. KILDEE.

H.R. 1954: Mr. MCGOVERN, Ms. MOORE, and Ms. WILSON of Florida.

H.R. 1972: Mr. NEWHOUSE, Mr. MITCHELL, Mr. UPTON, Mr. FASO, Mr. MARINO, Ms. TENNEY, Ms. STEFANIK, Mr. KELLY of Pennsylvania, Mr. KATKO, and Mr. MEEHAN.

H.R. 2077: Ms. STEFANIK.

H.R. 2151: Mr. LIPINSKI, Mr. LARSEN of Washington, Mr. RUIZ, and Ms. PINGREE.

H.R. 2234: Mr. DIAZ-BALART.

H.R. 2308: Mr. CAPUANO.

H.R. 2340: Mr. MEEHAN.

H.R. 2341: Mr. WALBERG.

H.R. 2401: Mr. DIAZ-BALART.

H.R. 2417: Mr. GOMEZ.

- H.R. 2475: Mr. LOWENTHAL.
H.R. 2575: Ms. LOFGREN, Ms. ESHOO, and Mr. BLUMENAUER.
H.R. 2591: Mr. FRANCIS ROONEY of Florida.
H.R. 2652: Mr. BILIRAKIS.
H.R. 2687: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 2723: Mr. ARRINGTON and Mr. GRIFFITH.
H.R. 2832: Mr. KELLY of Mississippi, Mr. DAVIDSON, Mr. MESSER, Mr. KING of Iowa, Mr. ARRINGTON, and Mr. BISHOP of Michigan.
H.R. 2885: Mr. DELANEY.
H.R. 2983: Mr. GROTHMAN.
H.R. 2996: Mr. KING of Iowa and Mr. LEWIS of Minnesota.
H.R. 3010: Mr. MCKINLEY.
H.R. 3144: Mr. LABRADOR.
H.R. 3197: Mr. PITTENDER.
H.R. 3209: Mr. PETERSON.
H.R. 3263: Miss RICE of New York.
H.R. 3272: Mr. HECK, Mr. PEARCE, Mr. ELLISON, Mr. WITTMAN, Mr. DIAZ-BALART, Mr. LAWSON of Florida, Mr. FASO, and Ms. PINGREE.
H.R. 3273: Mr. PRICE of North Carolina.
H.R. 3301: Mr. RASKIN.
H.R. 3304: Mr. MESSER.
H.R. 3324: Mr. FARENTHOLD.
H.R. 3473: Mr. RUIZ.
H.R. 3530: Ms. NORTON.
H.R. 3541: Ms. KUSTER of New Hampshire and Ms. SPEIER.
H.R. 3635: Mrs. BLACKBURN.
H.R. 3641: Mr. PRICE of North Carolina and Mr. McCAUL.
H.R. 3683: Ms. MENG.
H.R. 3738: Mr. DESAULNIER, Mr. KENNEDY, and Mr. GONZALEZ of Texas.
H.R. 3800: Mr. COHEN.
H.R. 3837: Mr. COHEN.
H.R. 3894: Mr. HUFFMAN.
H.R. 3976: Mr. GALLEGGO, Mr. FORTENBERRY, Mr. STEWART, and Mr. MESSER.
H.R. 4007: Mr. ELLISON, Mr. HASTINGS, Ms. KELLY of Illinois, Mr. KIND, Mr. PANETTA, Mr. POCAN, Miss RICE of New York, Mr. RICHMOND, Mr. RYAN of Ohio, Mr. SHERMAN, Mr. SWALWELL of California, Mrs. TORRES, Mrs. LOWEY, Mr. FOSTER, Mr. LANGEVIN, Mr. POLIS, Ms. ROSEN, Ms. SANCHEZ, Mr. CLEAVER, Ms. DEGETTE, Mr. KHANNA, Mr. LAWSON of Florida, Mr. PASCRELL, and Mr. VEASEY.
H.R. 4016: Mr. DEFazio.
H.R. 4060: Ms. SEWELL of Alabama.
H.R. 4077: Mr. SCHRADER and Mr. YOUNG of Iowa.
H.R. 4081: Mr. COHEN.
H.R. 4099: Mr. COOK and Mr. MESSER.
H.R. 4139: Mr. LIPINSKI.
H.R. 4142: Mr. COHEN.
H.R. 4179: Mr. ESPAILLAT and Mrs. TORRES.
H.R. 4202: Mr. BACON and Mr. TED LIEU of California.
H.R. 4222: Ms. SCHAKOWSKY.
H.R. 4229: Mr. CURTIS, Ms. CHENEY, Mr. THOMPSON of California, and Mr. RENACCI.
H.R. 4261: Mr. YOUNG of Alaska and Mr. RASKIN.
H.R. 4274: Mr. KELLY of Mississippi, Mr. BURGESS, Mr. MESSER, Mrs. BLACKBURN, and Mr. HOLDING.
H.R. 4293: Mr. GOTTHEIMER.
H.R. 4295: Mr. GOHMERT.
H.R. 4392: Mr. PRICE of North Carolina, Mr. CURTIS, Mr. MITCHELL, Mr. ROTHFUS, and Ms. SPEIER.
H.R. 4397: Mr. MCCLINTOCK.
H.R. 4444: Ms. JACKSON LEE, Mr. SHERMAN, Mr. SWALWELL of California, Mrs. TORRES, Mr. CASTRO of Texas, Mr. LAWSON of Florida, and Mr. VARGAS.
H.R. 4489: Mr. HUFFMAN.
H.R. 4506: Mr. MEEKS.
H.R. 4518: Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. PRICE of North Carolina, Mr. ELLISON, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Mr. CASTRO of Texas, Mr. TAKANO, Mr. O'ROURKE, Mr. DESAULNIER, Mr. CLAY, Ms. ADAMS, Mr. CORREA, Ms. GABBARD, and Mr. WALZ.
H.R. 4541: Mr. CORREA and Mr. CONNOLLY.
H.R. 4591: Mr. FRANCIS ROONEY of Florida.
H.R. 4598: Mr. SERRANO.
H.R. 4620: Mr. CRAMER.
H.R. 4636: Ms. MENG.
H.R. 4647: Mr. COLE.
H.R. 4677: Mr. GROTHMAN.
H.R. 4682: Mr. SESSIONS, Mr. BUCSHON, Mr. BIGGS, Mr. MCKINLEY, Mr. TROTT, and Mr. TAYLOR.
H.R. 4704: Mr. HASTINGS.
H.R. 4705: Mr. HASTINGS.
H.J. Res. 33: Mr. BLUMENAUER and Ms. DELBENE.
H. Con. Res. 63: Mr. THOMPSON of California.
H. Res. 206: Mr. DELANEY.
H. Res. 220: Mr. CURTIS.
H. Res. 244: Ms. BORDALLO.
H. Res. 249: Mr. DELANEY.
H. Res. 257: Mr. DELANEY.
H. Res. 274: Mrs. BUSTOS.
H. Res. 443: Mr. DELANEY.
H. Res. 466: Ms. JENKINS of Kansas and Ms. LEE.
H. Res. 521: Mr. DELANEY.
H. Res. 570: Mr. MESSER.
H. Res. 610: Ms. MENG.

SENATE—Thursday, December 21, 2017

The Senate met at 10:01 a.m. and was called to order by the Honorable LUTHER STRANGE, a Senator from the State of Alabama.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Answer us, Eternal One, as we lift our hearts to You. Have mercy upon our lawmakers and hear their prayers. Remind them that You have set apart the godly for Yourself, surrounding them with the shield of Your favor. May they never forget that You alone can keep a nation safe.

Lord, lead them on the path that will bring them to abundant life, telling them what to do and showing them which way to turn. As Hanukkah ended last evening and Christmas approaches, may Your blessings and peace rest on our Nation and world.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 21, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LUTHER STRANGE, a Senator from the State of Alabama, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. STRANGE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TAX REFORM BILL

Mr. McCONNELL. Mr. President, throughout this process of tax reform,

Senate Republicans explained time and again that we are fighting for the middle class. Our opponents lobbed one attack after another, claiming we were selling hard-working families short. Of course, that is completely wrong. The tax bill we passed was written to help middle-class families from the very beginning. Our goal was to make their taxes lower, simpler, and fairer.

Under our legislation, the typical family of four making the median family income can expect nearly \$2,000 in tax relief next year. Just yesterday, we saw that tax reform has already inspired job creators to increase take-home pay for thousands of their employees. Yet not a single Democrat joined us to pass this tax relief for American families.

What is worse, just before we voted, Senate Democrats raised a point of order that proved who is really going after low-income families. When given the chance, Senate Democrats, led by the junior Senator from Vermont, raised a procedural challenge to strike out a provision that protects colleges that provide students with tuition-free education. Let me say it again. The junior Senator from Vermont raised a procedural challenge to strike out a provision that protects colleges that provide students with tuition-free education. They chose to do it after the same provision had already passed the Senate before we went to conference. They didn't have to raise this challenge. It is not required. They chose to. In the process, they knowingly hurt schools that provide tuition-free education to students who can't otherwise afford to go to college.

Let me give you an example. Berea College, in my home State of Kentucky, is dedicated to educating students from the Appalachian region who have limited economic resources—in other words, poor kids from Appalachia. Their students' average household income is less than \$30,000 a year. These are kids from families making less than \$30,000 a year. They are from Appalachia, and their families don't have the means to pay for their education.

Here is what they do at Berea. Every single student receives a scholarship, which covers the cost of their tuition—every student. The students work at the school and in their communities to help cover additional living expenses beyond the costs of attending school. In fact, the vast majority of Berea students are able to graduate debt-free because of the model. For example, they have a great restaurant there. You go there and eat lunch. The kids are cook-

ing, and they are serving. They are working their way through school. When they graduate, they don't have any debt.

Berea College, located in one of the most economically challenged areas of my State, offers a quality education to students with the greatest financial need, and it has done so since 1855—1855. It was founded by abolitionists.

In fact, as my friend in the Chair knows, I am originally from his State. Let me tell you about when I first heard of Berea College. My grandmother and my grandfather had an African-American family who helped them around the house, and they had an adopted daughter. I was a little kid, and I remember them talking about her going to college.

I said: Where are you going?

She said: I am going to Berea.

I said: Where is that?

She said: It is up in Kentucky.

It was the closest college that would take African-American students at that time. Since they didn't have the means to pay for the tuition, it was a great opportunity to get a tuition-free education.

A few years ago, I called the president of Berea College and said: I would like to try to locate somebody.

He said: Well, the privacy rules are such that all I can do is to see if we can find them and see if they want to meet you.

I said: That is fair enough. This would be a person about a certain age, who would have originally been from Athens, AL. If you can identify this student, I would love to meet her.

He did. When she came to my office in the Capitol with her daughter, who lives in the area, I found out that she graduated from Berea and went on to be a nurse. She lived in the north most of her life and is now relocated in Athens, AL.

This is Berea College. This is the college these guys over here—every single one of them—voted to target by making their endowment subject to a tax that would otherwise only apply to the really big schools in the country—the Ivy League schools.

Every year, Berea uses the returns on its endowment solely for scholarships, and that sets it apart from nearly every other college and university in the Nation. I worked with the Finance Committee to include a provision to protect schools like Berea from taxes on endowments that apply to private schools who choose to sit on these large funds rather than using them aggressively to reduce the cost of attending school. But Senate Democrats identified this exemption as a bridge too

far. Instead of allowing the provision to stand, thereby protecting these students at schools like Berea, they decided to pick partisan politics and attack the measure simply because they could. In the process, they assured that Berea would bear the brunt of their blatant political calculation.

Because Democrats stripped this part of the bill, Berea estimates it could pay a tax penalty of nearly \$1 million every year. Berea's president has already explained to us the effect of this tax: The school will be forced to offer fewer scholarships to kids.

The junior Senator from Vermont and his allies, which included every single Member of the Democratic conference, have chosen to make it harder for low-income students to earn a college degree. This is especially hypocritical coming from the man who claims to support free college for all. During the Presidential campaign last year, I remember he was promising free college to everyone. Apparently, that is free college to everyone except at Berea College, where it is already free, thanks to generations of donors who built their endowment.

I am at a loss for words. I don't understand how they can claim to fight for students one moment and then make it harder for students to afford college the next. They chose to attack the tax bill by any means necessary, even though they knew the outcome and, in the process, launched a direct attack on the ability of schools like Berea to provide tuition-free education to needy students.

This action by Senate Democrats is deeply disappointing and will provide real and lasting harm. I hope my friends on the other side of the aisle realize the American people will see their partisan tactics for what they really are—an attack on low-income students who want to pursue opportunity and find success.

A number of my colleagues in Congress have said they are interested in fixing this problem, including my colleague from Kentucky, Congressman ANDY BARR. I am committed to working with him and other Members of Congress, and with schools like Berea, to help right this wrong. It is hard not to repeat. This amendment was offered by the man who wanted to provide every student in America with free college tuition but at the same time wanted to reduce the number of scholarships at a college where it is already free, actually, thanks to the generosity of decades of wealthy people who gave to their endowment, believing the mission of providing a college education for poor kids from Appalachia was a worthy goal. We are going to fix this problem. We are going to fix it as soon as we can.

FUNDING THE GOVERNMENT

Mr. MCCONNELL. Mr. President, on another matter, the Senate has important business to conclude this week. The American people are counting on Congress to reach a government funding agreement. If we were to fail to reach an agreement, we would be failing to ensure that our all-volunteer Armed Forces have all of the resources they need to protect our country in the face of myriad threats from all around the globe. We would be subjecting programs that American families rely on to draconian sequestration cuts that none of us want to take effect.

The Senate stands ready to take up an agreement as soon as one originates over in the House. We are ready to work together, across the aisle, to ensure there is no lapse in funding for critical services. Furthermore, my Republican colleagues in the Senate stand ready and eager to ensure full and long-term funding for the Children's Health Insurance Program. There are 9 million children who receive coverage through CHIP. They and their parents deserve to know that Congress is committed to them.

Republicans agree. We support a provision that would fund CHIP not just for a few weeks but for 5 years. Unfortunately, our Democratic colleagues are unwilling to make that commitment to American families. Thus far, they have opposed all of our efforts to include 5 years of CHIP funding in this week's agreement. Whatever partisan politics are leading my colleagues on the other side to this mystifying conclusion, it is time to put them aside and do right by our constituents. I hope we can all work together and give Americans the peace of mind they deserve, particularly going into the Christmas season.

TRIBUTE TO LUTHER STRANGE

Mr. MCCONNELL. Mr. President, on a completely different matter, I would like to say a few words in tribute to a fine colleague whose all-too-brief time in the Senate will soon draw to a close.

Senator LUTHER STRANGE of Alabama is the newest Member of this body, having been sworn in just this past February, but he did not waste any time in making an impact. In this historic year for the Senate, LUTHER quickly emerged as a strong voice on policy and an important vote on landmark legislation.

On a personal level, it didn't take anyone long to realize that this newcomer would rank among the most diligent, dedicated, and public-spirited Members of this institution. At first, we even wondered whether LUTHER might be a little too diligent.

Upon his arriving in Washington, the Senator dived into the task of meeting his colleagues with the friendly earnestness that is his calling card. The

first time LUTHER passed Senator ROBERTS in a Capitol hallway, he stopped to introduce himself and share his excitement to be joining the Agriculture, Nutrition, and Forestry Committee. There was nothing unusual there, but I have it on good authority that the very next day, when LUTHER found himself sharing an elevator with Senator ROBERTS, the junior Senator from Alabama introduced himself all over again. Not long after, a chance meeting on the train occasioned yet a third introduction. PAT ROBERTS had to put a stop to it.

"Yes, Luther," he broke in. "I think we've met before—and we're sure glad to have you here, too." We certainly were glad as well.

LUTHER came to the Senate with a national reputation for integrity and excellence in public service. That started young. The proud son of a Navy veteran turned college professor, this Birmingham paperboy made Eagle Scout at age 13—an accomplishment that still shows up on his lapel from time to time.

He received his bachelor's from Tulane, where—and I know this may come as a shock—the man the Senate historian has apparently verified as the tallest Senator in history played scholarship basketball.

After graduation, to save for law school, he spent a year on a boat that supplied oil rigs in the North Sea. He pitched in on everything—did whatever it took to help the team—and helped the crew navigate the ship through choppy waters.

These qualities will sound familiar to everyone who has worked with LUTHER since.

He built a sterling reputation as an up-and-coming lawyer in private practice. He then set it aside to serve the people of the State he loves as Alabama's attorney general.

In the fine Alabama tradition of public servants, like his friends and mentors Jeff Sessions and RICHARD SHELBY, he combined a steel spine with a servant's heart. Whenever the people of the State needed defending—their businesses, their religious liberties, their Second Amendment rights—their attorney general was there for them.

Then as now, he fought fiercely when times required it and his principles demanded it, but no matter how important the issue at hand, from the Supreme Court to the Senate floor, LUTHER never loses his good humor or his conviction that we serve in order to help our constituents, not to aggrandize ourselves.

LUTHER STRANGE reminds us that character counts. He reminds us that deeply held conservative values do not in any way stand opposed to collegiality and common decency. To the contrary, our values require these things.

He reminds us that the American people need not choose between leaders

who share their principles and leaders who dignify public service. They should hold their elected officials to a high standard and demand that we do too.

If you cannot tell, LUTHER's colleagues look up to him in more ways than one. We are sorry to see him go.

In the farewell speech that Senator STRANGE delivered on this floor, he challenged his colleagues to revive greater comity in this body. He implored us not to give up on bipartisanship or on building friendships that run deeper than policy disagreements. He reminded us that the Senate's Marble Room, across the hallway from this Chamber, used to be a popular gathering place. Senators from both parties would relax and get to know one another above and beyond the specific disputes of the day. Today, LUTHER pointed out, this room often sits empty.

His advice is well taken, and I have an idea how we could begin to put it into practice. All of us on both sides of the aisle could try to approach our work with more of the optimism, can-do spirit, and reverence for this great institution that LUTHER STRANGE has brought to work every single day.

Of course, the Senate's loss will be a happy gain for LUTHER's beloved family.

Despite the fact that his bright idea for a first date with Melissa was a trip to the Talladega Superspeedway to take in the Talladega 500, he convinced her to marry him anyway. Their loving partnership has now spanned 36 years and counting. They have raised two sons. I hear that Luke is just an inch shy of his dad's height and that Keehn is an inch taller. In recent years, LUTHER and Melissa have become the proud grandparents of two young boys.

I have it on good authority that a certain black Lab named Sophie might be the most excited of all the Stranges to welcome the Senator back home to Birmingham.

Wherever LUTHER's distinguished career takes him next, I know he is glad it will involve more time with the people he loves most.

He has served with distinction in the Senate during a year of historic achievements. On behalf of Alabamians, he has made vital contributions on the Agriculture, Nutrition, and Forestry; Armed Services; Budget; and Energy and Natural Resources Committees. He has cast votes to help middle-class families and set America on a brighter trajectory for years to come.

We thank him and wish him every success in his future endeavors, and we salute him for the dedicated service he has rendered to his country and to the people of the great State of Alabama.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORK OF THE REPUBLICAN-LED CONGRESS

Mr. HATCH. Mr. President, often here in Washington, it can be difficult to focus on what counts.

We live in an information environment which is increasingly atomized and persistently polarized. Almost all will inevitably focus on who is up and who is down in the endless cycle of partisan gamesmanship. News cycles come and news cycles go. Poll numbers jump, then fall, then jump again, and fall again, but nobody should forget that what really matters around here, at the end of the day, is policy, and the first year of unified Republican government has delivered plenty of that.

In 2016, the American people faced a stark choice. The Republicans promised a new era of deregulation and limited government—a new policy approach that would entrust free markets and free citizens to drive us forward. The Democrats, on the other hand, renewed and restated their faith in the effectiveness of government, centered here in Washington, to direct and command the national welfare. The American people spoke loudly, and they spoke decisively. The Republicans were given the reins and were instructed to sort all of this out.

Nobody needs to remind me that elections are the beginning of the challenge, not the end. The Republicans may have prevailed in the campaign, but an election won is nothing more than an opportunity seized. It is nothing more than a charge to carry out the promises offered on the trail, and that is precisely what we are doing.

Here in the Senate, despite fits and starts, we are moving the ball forward. Notwithstanding often vicious treatment by the media and the constant obstruction of the Democrats here in Congress, we are getting work done. Promises made in 2016 have become promises kept in 2017. The American people were promised the removal of redtape and infuriating bureaucratic encumbrances on economic growth. As soon as we took office in early 2017, we moved to do just that.

We confirmed Neomi Rao as the Administrator of the Office of Information and Regulatory Affairs. Under her stewardship, the Executive has cut over a dozen old rules for every single new rule created. Regulation has been subjected to actual cost-savings analysis, and, likely, billions have been saved in the process.

Here in Congress we passed a dozen CRAs to cut down on costly and ineffective rules passed in the twilight hours of the Obama administration. The list of deregulatory items speaks for itself: restoration of free markets and free competition on internet, done; new environmental policy to unleash the potential of American energy production, done; reform of public lands designation and renewal of State and local control over western territories, done; Labor Department reform that restores bargaining power to employees and employers rather than unions and bureaucrats, done. On nearly every front, from education to justice issues and everything in between, there has been substantial progress.

Personnel are often the catalyst to policy, and we still have nominations in several agencies to come. The Consumer Financial Protection Bureau is in good hands with Mick Mulvaney and will eventually be handed off to a capable permanent Director. Federal Trade Commission nominations should be arriving shortly, and just recently the Senate Judiciary Committee unanimously reported the next Director of the USPTO, Andrei Iancu. As a longtime champion of intellectual property rights, and head of the High-Tech Task Force, I encourage my colleagues to swiftly confirm him to this post.

Overall, this President has delivered on his nominations, and his nominees have delivered on his promises. While I am on the topic of nominations, I want to talk about the judiciary. Controversy seems to be swirling, due to a few recent—and I would say unfortunate—bumps in the road, but we must not miss the forest no matter how much the press would like to harken on a few of the trees. The accomplishments of this administration and Senate in addressing the judiciary have been historic.

Neil Gorsuch was a superb choice for the Supreme Court. At a critical juncture for our courts, he stands poised to seize the mantle left by Justice Antonin Scalia and carry the cause of originalism and textualism forward for a new generation, but Justice Gorsuch was only the beginning. From the circuit courts to the district courts, judicial nominations across the board have really been outstanding. We have confirmed more circuit court nominees this year than in any President's first year in American history.

We accomplished this despite Democrats using their time-tested obstruction tactics and even coming up with

some new ones. They forced us to take 18 cloture votes on judicial nominees alone this year, compared to just one cloture vote during the first year of all previous Presidents combined. Nevertheless, we got the job done. The results will be felt for decades to come.

Whatever our differences on other issues, conservatives across the board heartily approve of the way this administration has handled judicial nominations.

I will continue to work with my colleagues in the Senate Judiciary Committee, as well as Leader MCCONNELL, to confirm these judges. As the rest of our agenda gains steam, judicial selection will remain the vanguard. There are more judges to come this new year, and we are going to keep on confirming them. Each and every week, a new trial or appellate court judge will add to the ranks of a rapidly improving judiciary.

Finally, on the legislative front, this administration and Republican Congress have just delivered the most consequential and far-reaching tax reform package in 30 years. When other administrations and other sessions of Congress couldn't get it done, we did. Individuals will see their tax rates drop. Businesses, from large corporations that employ thousands to small businesses paying passthrough rates, will enjoy new capital for investment, expansion, and more. In fact, seemingly to the dismay of our Democratic colleagues, businesses are already responding to the good news with announcements of bonuses and new ventures, and that is just the beginning.

On top of it all, the individual mandate has been repealed and ObamaCare is now firmly on its way out, thank goodness. Despite earlier difficulties, we are well on our way toward repeal. As we move toward 2018, we can look forward to additional policy success on everything from entitlements to infrastructure to immigration.

In conclusion, I don't want to hear anyone claim that this President and this Congress have not gotten things done. Promises were made and promises were kept. Only a year into things, we are making good on our pledge for historic change in Washington.

NOMINATION OF RYAN NELSON

Mr. HATCH. Mr. President, on another matter, I would like to offer a few words of support for the nomination of Ryan Nelson to be the Solicitor for the Department of Interior.

Mr. Nelson has a distinguished legal background. He has worked in both the private and public sector, including in all three branches of the Federal Government. Most importantly, he is respected by those members of the Idaho State Bar who know him best.

He has been endorsed by numerous colleagues representing a broad spectrum of political views. Mr. Nelson's

exemplary legal background makes him ideally suited to serve as the Department of Interior's Solicitor, and we owe the people of Utah and the West the opportunity to confirm him at once.

Once confirmed, I am very eager to work with Mr. Nelson and Secretary Ryan Zinke to continue a shared mission of restoring trust between the Federal Government and the people of the West.

There have been some marvelous changes this year, and there will be even more if we could just work together and quit all the bumbling around here as though we hate each other. I am grateful for my colleagues on both sides of the aisle. I believe we have made important strides this year, and I think we can make even more. I am grateful for what we have been able to get done this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Thank you, Mr. President.

I ask to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

NATIONAL SECURITY

Mr. CASEY. Mr. President, I rise this morning to outline some ideas about our national security as we approach the end of the year.

Many Americans are heading into the holiday season with some very reasonable fears about the threats facing our Nation. In 2017, we saw an emboldened North Korean regime testing missiles and nuclear weapons. Terrorist groups continue to execute attacks across the globe. Violent state and nonstate actors continue to destabilize Syria, Afghanistan, Ukraine, Yemen, Nigeria, and others. We saw Russia continue meddling in elections, just as they did in ours last year.

This is a year of great volatility and uncertainty. However, we also saw the U.S. military leading an international coalition that is loosening the stranglehold ISIS had on parts of Iraq and Syria. We saw the recovery of American hostages, including constituents of mine, held captive for years by terrorists. In Europe, U.S. and NATO forces partnered to counter Russian aggression and dispel propaganda. U.S. development assistance projects helped hundreds of millions of people across the world, including 11 million farmers and 27½ million children under the Feed the Future Program.

Even when it seemed like there were many reasons to be afraid, the U.S. military, diplomats, and development professionals were responsible for a lot of good progress this year.

On Monday of this week, President Trump laid out his administration's national security strategy. I commend

the work of the national security professionals who crafted the document which warrants a thorough review. It is a substantial body of work, but it paints a very dark picture of the world and our role in it.

A little more than 2 years ago, I stood on this floor and invoked the words of Senator Vandenberg—the Senator from Michigan back in the World War II era—for “maximum united effort” and Senator Vandenberg's admonition that politics should stop at the water's edge. When I spoke these words, this was at a time when it seemed the only response my Republican colleagues had to the Obama administration's foreign policy moves was categorical condemnation.

I will not categorically condemn the administration's new strategy, but I will pose a challenge to reject the false choice between investing at home and engaging abroad; utilize our diplomatic and development toolkit as much, if not more, than we exercise our defense capabilities; lead by example. The world will indeed become a dark place if we hide America's light under a bushel basket, to use words from Scripture.

In the face of our adversaries' aggression, we can choose between competition and cooperation. The new strategy outlined by the administration references competition nearly three times more than cooperation. I suggest to the administration the words of President Franklin D. Roosevelt, who said: “Competition has been shown to be useful up to a certain point and no further, but cooperation, which is a thing we must strive for today, begins where competition leaves off.”

Mr. President, I yield to the distinguished Democratic leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

THANKING THE SENATOR FROM PENNSYLVANIA

Mr. SCHUMER. Mr. President, I very much thank my friend from Pennsylvania. As always, he is a gentleman as well as a great legislator and great leader. I meant those words very sincerely, unrelated to his yielding to me.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, on year-end issues, we are staring down a litany of unresolved issues, and we are quickly running out of time to solve them. Not only do we need to pass an extension of government funding, but as I have said many times, we need to deal with budget caps, CHIP, community health centers, 702 FISA, a disaster supplemental, and of course the Dreamers.

I believe we could have resolved all of these issues had my Republican colleagues, especially in the House, not put them on the back burner while jamming through their tax bill. It is unclear still what the House is going to send us to keep the government open and whether it will be acceptable to the Senate.

At the same time, the House may move forward on an unacceptable disaster supplemental which still does not treat fairly California, Puerto Rico, and the U.S. Virgin Islands. It doesn't include, as best we know—they are still working on it—cost sharing for Puerto Rico and additional funding for Medicaid, mitigation resiliency, and drinking water infrastructure. While House Republicans included some tax provisions in the disaster supplemental, they failed to extend the ITC for Puerto Rico, extend the childcare tax credit consistent with other States, and the tax bill also includes a devastating new business tax that treats Puerto Rico as if it is a foreign country, which could encourage manufacturers to leave the island. This tax could cost thousands of jobs and decimate Puerto Rico's economy at exactly the time when Puerto Rico is hurting from the hurricanes and needs all the help it can get. Those issues must be fixed before a disaster supplemental can move forward. Because of these inadequacies, the disaster supplemental may have to slip to next year. I think we can work it out in a bipartisan way—I certainly do—but just jamming it through without consulting us and not being fair to so many other parts of the country doesn't make sense.

Unfortunately, we still have not reached a deal yet on the Dreamers, who are very important not only to my caucus, not only to some on the Republican side but to the American people. They have overwhelming support. These kids were brought here very young, through no fault of their own. They learn in our schools, work at our companies, serve in our military, and pledge allegiance to our flag. They are Americans in every single important way but one—their paperwork. This is an issue we have a moral imperative to solve here in Congress.

Democrats want to make sure that we have equal bargaining, and we are not going to allow things like disaster relief go forward without discussing some of the other issues we care about that I have mentioned. We have to solve these issues together, even if that means passing a clean, short-term CR extension of government funding with some anomalies—we always understand there always have to be some anomalies but not those that change the structure—and continuing the negotiations into January.

REPUBLICAN TAX BILL

Mr. SCHUMER. Now, Mr. President, on tax. Earlier this week, the Senate passed one of the worst pieces of legislation in at least a decade, maybe longer. The Republican tax bill will go down in history as a rushed, sloppy, partisan rewrite of the Tax Code that benefited those who already have so much while doing little or hurting those who have too little. It will be remembered as throwing the extraordinary income inequality we see today into overdrive and fulfilling very few of the ambitious Republican promises about growth, job creation, and deficit reduction. But perhaps most of all, the Republican tax bill will define the Republican Party as the party of the rich and powerful, the party against the middle class, and that will be a rubric we will hear from now until next November and even further on.

Yesterday in the Oval Office, President Trump admitted that cutting the corporate tax rate was “probably the biggest factor in our plan.” Despite all his rhetoric about this being a middle-class tax bill, as soon as it passes, he admits that lowering the corporate rate was the Republicans' primary goal.

As corporations get a massive, permanent tax break, individuals will get small and temporary ones. By 2027, 145 million American families making under \$200,000—83 percent of the middle class—will be either paying more in taxes or get a cut of less than \$100. That is according to the Joint Committee on Taxation—no partisan affiliation. Meanwhile, the top 1 percent of income earners in our country will reap 83 percent of the benefits from this tax plan. Those facts are what make this bill so dramatically unpopular with the American people by a 2-to-1 margin in some polls, and next year the American people will have the opportunity to reject this bill and move our country in a different direction.

SPECIAL COUNSEL MUELLER

Mr. SCHUMER. Mr. President, on Special Prosecutor Mueller, I want to take a moment to praise my friend from Virginia, Senator MARK WARNER, vice chair of the Senate Intelligence Committee, for his speech yesterday about Special Counsel Mueller. It was an eloquent speech. I would like to associate myself with the substance of his fine remarks. If the President were to fire Special Counsel Mueller, our country would face a constitutional crisis. As my colleague from Virginia said, it would cross a redline. Additionally, there are steps below that brash and brazen act that would also cross redlines here in Congress, as Senator WARNER noted, including the use of the Presidential pardon on members of the Trump campaign who have been convicted, whether those pardons are in-

tended to subvert the investigation or prevent testimony and further cooperation.

So I say to my colleagues, just as firing Special Prosecutor Mueller would cross a redline, so would pardoning people like Manafort and Flynn. The bottom line is this: President Trump must allow this investigation to proceed without a scintilla of interference. He would be wise to listen to Senator WARNER's speech yesterday and act accordingly.

THE REPUBLICAN-LED SENATE

Mr. SCHUMER. Finally, Mr. President, since this is the last time I might be able to address this Chamber before the end of the year—let's hope so—I would like to look back at what the Senate has accomplished this year. The long and short of it, though, is that the Senate has not accomplished much to be proud of.

Despite winning only a slim majority in the last election—a condition that made this year ripe for cooperation between the parties—the Republicans used their power not to seek consensus or bipartisanship but, rather, to try to jam through a partisan agenda.

My friend the majority leader once promised that if he were ever given the majority, he would return the body to regular order. He cautioned against the Senate becoming an “assembly line for one party's partisan legislative agenda.” That is what MITCH MCCONNELL said a few years ago. Sadly, that is exactly what the Senate has become under his leadership this year. For a man who professed to love the Senate and relish bipartisanship, this is probably the most partisan Senate that I have served in in all the years I have been here, and we have departed from regular order and the customs of the Senate in ways never seen before. For what end? Well, this Chamber, under Republican leadership, has devoted itself to furthering the interests of the wealthy and powerful, while ignoring or harming the interests of the middle class and working America.

Republicans will argue that they had a great year, pointing to three things—Judge Gorsuch, the use of the Congressional Review Act to roll back regulations, and their tax bill. All three of those things help the rich and they will help corporations, but they won't help the middle class.

Senate Republicans engaged in historic obstruction to keep a Supreme Court seat open so the Heritage Foundation and Federalist Society could pick a Justice who would rule on the side of corporations instead of people.

Senate Republicans jammed through Congressional Review Act bills that rolled back protections for women, students, and workers, while lifting requirements placed on bad actors in the big oil, gas, mining, and gun industries.

They capped the year by passing a tax bill that provides huge tax breaks for the rich and biggest corporations, while providing crumbs and even tax hikes for the middle class.

They tried for months to repeal the Affordable Care Act, which would send costs soaring for millions of Americans and cause millions more to lose coverage.

They failed to fully authorize CHIP, the Children's Health Insurance Program, and failed to rebuild our infrastructure, despite the President's promises.

The stock market is up, but wages are flat or nearly flat. The President and Republicans promised that they would stop outsourcing, and that hasn't happened. Even companies the President said he would personally save have sent jobs to Mexico, leaving families in the Midwest and across the country without the income they need this holiday season.

Time and time again, the middle class was an afterthought or simply forgotten by Senate Republicans and President Trump. That has been the story of the year. Republicans haven't accomplished much, but what they have accomplished has only benefited the wealthy and well connected.

The Senate's record this year has exposed the faux populism at the center of President Trump's political identity. Although he rode into office promising to help the forgotten man and woman, those are exactly the people he has forgotten, abandoning them in favor of wealthy special interests. Populism, unfortunately, under President Trump, has been traded for plutocracy.

The millions of Americans in 2016 who were frustrated at a Washington that didn't work for them feel more frustrated today, and the millions of working men and women who voted for President Trump—many of them are already feeling betrayed.

We hope that the future will be different and that our Republican friends realize that their legislative and political goals are better served by bipartisanship and compromise rather than gridlock and strife. If they do, we are willing and ready to work with them, but if they don't, voters will have a chance to move our country in a dramatically different direction in 2018. We are already seeing a yearning for that new direction in elections in Virginia, New Jersey, Tennessee, and even in deep red Alabama. If the Republicans continue to hurt the middle class and give handouts to big corporations and the wealthy, they are in for a reckoning next November.

I yield the floor, and I thank my colleague from Pennsylvania for his courtesy.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

NATIONAL SECURITY

Mr. CASEY. Mr. President, I want to thank the Democratic leader for his remarks.

When I was speaking a few moments ago about national security, I had made a suggestion to the administration that there is a national security strategy that has been outlined and that the administration reject the false choice between investing at home and engaging abroad and make sure that they utilize our diplomatic and development toolkits as much as if not more than they exercise our defense capabilities.

We have major challenges, and that is why I think it is important to outline this morning some of those challenges and some of our responses as we head into the new year.

Just for discussion purposes, I wanted to paint the picture of a nation that—it doesn't describe one nation, but I think we can imagine a country that fits this description or at least a number of countries that might. Imagine a sovereign state, a member of the United Nations, a nation whose leaders are singularly focused on staying in power and who will do anything to remain in power, including undermining their colleagues and erstwhile friends. In this country I am describing, those who speak truth to power are dismissed, ridiculed, or, at worst, treated as criminals. This particular country or profile of a country looks inward, putting its domestic troubles first as its reputation in the world declines. Out of fear of its near-peer competitors, the country retreats from diplomatic engagement and doubles down on military capabilities. Does this sound familiar? It might to some. It may describe a number of countries in whole or in part.

Of course, there are a number of countries that fit this description. Certainly, the dictatorial regimes that rule North Korea, Syria, and Iran prioritize self-preservation over the welfare of their citizens. In Russia and China, journalists and opposition leaders are regularly silenced, jailed, or worse.

Here in the United States, we are going through an especially turbulent chapter in the American story. As we celebrate the holidays, we might be dreading the inevitable political debates with family members or friends whose views differ from ours. However, in that fictitious, oppressive country that I described earlier, you can't have these debates, or you can try, but you won't last too long because the authorities will come knocking.

That is what is great about our country. The United States is the land of the free and the home of the brave, and I am reminded of that every time I meet with servicemembers and veterans who are willing to put their lives on the line every day to defend our in-

alienable rights to criticize and to disagree with our leaders.

So what about this new strategy that the administration just outlined this week? This new strategy states, in pertinent part, that "America possesses unmatched political, economic, military, and technological advantages." That is what the strategy says, and that is certainly true. But I think we should add a few other advantages, even attributes, that are part of the American story, part of the American advantage.

Certainly, our history of generosity sets us apart from the world, a tradition of pluralism as well, the freedom to debate and dissent without fear, the respect for the rule of law, and finally a culture of innovation unmatched anywhere in the world. As I have said before, Americans don't wait for the future; we invent the future.

Through the execution of its strategy, the administration has an opportunity to invent the future of our Nation, as well as its role in the world—a future where the American economy is firing on all cylinders, where investments here at home lift up everyone, where our researchers and manufacturers lead the world in the production of cutting-edge technologies.

For the last 11 months, this administration has sent the world mixed signals about what "America first" really means, from pulling out of the Paris climate agreement, to threatening to walk away from NATO, to hollowing out the State Department. I believe the strategy implementation presents an opportunity to reverse that course. We cannot turn away from the world and try to go it alone. We should ask our allies, certainly, to pull their weight and pay their fair share. Whether it is NATO or the counter-ISIS coalition, the United States can always press our partners to do more, but not by threatening that we will abandon these alliances or by creating any uncertainty about these alliances. Simply put, we need partners to tackle some of the greatest threats facing our Nation and the world.

Let's go through a couple of them.

North Korea is first on the list. The North Korean regime is unpredictable and armed with nuclear, chemical, and biological weapons and the means to deliver them. Just across the demilitarized zone are tens of thousands of U.S. forces and our South Korean allies. Just across the water are more U.S. military personnel and our Japanese allies. This regime is a significant threat—the North Korean regime. It is a threat exacerbated by reckless ridicule, bombastic statements, and ill-considered tweets. One miscalculation can be disastrous. The administration should accelerate serious, sober diplomacy in lockstep with our allies. For the New Year, let's agree to a new rule for all of us—both branches of government: Leave the tweets for domestic

policy only. Sound foreign policy and security policy cannot be done in 280 characters.

Congress has offered the administration powerful leverage in this circumstance in the form of several pieces of legislation. First, the Countering America's Adversaries Through Sanctions Act passed this summer, and the Banking Restrictions Involving North Korea Act is pending before the Senate now. I support these tough, bipartisan sanctions measures because I believe turning the economic screws, coupled with genuine diplomacy, can yield results. In the New Year, I urge the President to tone down the rhetoric and to empower the Secretary of State and our senior diplomats to find a diplomatic path toward a stable North Korea that doesn't threaten the United States or our allies.

How about terrorist groups around the world? Over the last 16 years, the U.S. military, the intelligence community, and our homeland security professionals have worked hand in hand to meet the rise of terrorist groups head on. We owe the men and women in uniform a debt of gratitude for tirelessly leading the coalition fight that has rolled back ISIS's territorial gains. Implementing the administration's new strategy and its call to fight terrorism at its source is not just about the military fight. The United States should also lead the international community in addressing the underlying issues that drive terrorist recruitment and help to rebuild communities newly liberated from terrorist control.

Think about this. More than 65 million people around the world are displaced from their homes right now. There is no purely military solution for this refugee crisis. A successful counterterrorism strategy requires us to work with our partners for information sharing and for contributions of development assistance.

Another trouble spot in the world is Syria. In Syria, the connection between instability, displacement, and terrorism is clear. This conflict has been raging for nearly 7 years. In the absence of U.S. engagement on a political solution to this crisis, regional powers—namely, Russia, Iran, and Turkey—have run the table, to the benefit of the murderous Assad regime and at the expense of the Syrian people. The United States has abdicated its leadership role and ceded control of the outcomes to nations with interests often in direct conflict with our own.

Recently, we learned that the administration will endorse a political transition plan that leaves Bashar al-Assad in power for at least another 4 years. This is unacceptable and dangerous. Assad is responsible for terrible war crimes that led to the deaths of hundreds of thousands of Syrians and the displacement of millions more. The strategy outlined by the administra-

tion says: "We will seek a settlement to the Syrian civil war that sets the conditions for refugees to return home and rebuild their lives and safety."

I agree with that goal. Most people would agree with that goal, but the administration has missed the bigger picture. We need a strategy that pushes back on Russian and Iranian influence in Syria and addresses the underlying grievances that led to the conflict in the first place.

Let me move to Iran. The Iranian regime remains a powerful force for instability in the Middle East, especially through its support of terrorist proxies and militias. We know that the Iranians want to maintain control of territory linking Tehran with Beirut. So they will continue to act against U.S. interests in Iraq and Syria. Here, again, Congress has offered powerful tools to the administration in the form of the Countering America's Adversaries Through Sanctions Act.

The nuclear deal with Iran is giving us an unprecedented visibility on the Iranian nuclear program, but the multilateral diplomatic channels built alongside that agreement have atrophied under this administration. Every time the President threatens to walk away from the Iran nuclear deal, he sends a clear signal to our allies and adversaries alike: U.S. commitments are written in disappearing ink.

If the administration wants to get tough on Iran's nonnuclear bad behavior, there are concrete steps to take today:

No. 1, work with our allies to step up maritime interdictions of any illicit weapons traffic to or from Iran.

No. 2, push the Europeans to do more to combat the financial networks that enrich the Iranian terrorist proxy, Hezbollah. My bipartisan Stop Terrorist Operational Resources and Money Act, or the so-called STORM Act, which is bipartisan, could help with that.

No. 3, begin diplomatic conversations with our allies about a multilateral strategy to curtail the Iranian ballistic missile program.

All of these efforts take cooperation with our allies, which the President makes harder every time he calls into question the future of the nuclear deal, known as the Joint Comprehensive Plan of Action.

Finally, as to Russia and China, the new strategy by this administration repeatedly describes Russia and China as our competitors. Let me be clear. These countries are not our friends. They actively work against U.S. interests. They are threatened by American military dominance and economic power, and both are trying to game the system to undermine our advantages.

China systemically, perniciously games the international trade system to its advantage. I firmly believe American workers and industry can

outinnovate and outproduce any others in the world when the playing field is level. Driven by similar motives, Russia has meddled in elections across the Western world, trying to undermine confidence in one of our most fundamental institutions of democracy. Again, there are concrete steps the administration can take to counter these threats from both China and Russia: No. 1, shore up our electoral systems and help others do the same; No. 2, counter propaganda; No. 3, fight corruption; and No. 4, get serious about holding trade cheaters like China accountable.

Through engagement and cooperation, we can lead the rest of the world away from the Cold War-era clash of major powers that Russia and China want to create.

In conclusion, if this outline of some of the threats and challenges posed seems like a tremendous challenge—a great challenge for our Nation—it is because it always has been so. It has always been a challenge.

President Truman once said:

America was not built on fear. America was built on courage, on imagination and on unbeatable determination to do the job at hand.

When faced with a challenge, whether it is Pennsylvanians or Americans, we don't shrink inward. We step up. Our adversaries want us to be divided and dispirited. These adversaries underestimate the courage, the imagination, and the determination of the American people.

President Trump might see it differently, but as we close out 2017, I see a world that needs American leadership more than ever. To paraphrase President Kennedy, we should seek not a Pax Americana enforced on the world by American weapons of war but a genuine peace that makes life on Earth worth living. The American people are ready to rise to that challenge. I hope the administration is too.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The majority whip.

SENATE ACCOMPLISHMENTS

Mr. CORNYN. Mr. President, I would like to speak briefly today about the year we have had here in Washington, DC.

At times along the way, it wasn't easy. There were more than one or two bumps in the road, and there were times when we got discouraged because we weren't able to accomplish everything we wanted to accomplish on the part of the American people. But looking back, I am proud of what we were able to get done.

The first thing is to notice the speed with which President Trump was able to nominate and we were able to confirm Federal judges. Everyone remembers last January when President

Trump nominated Neil Gorsuch to the U.S. Supreme Court. This was an excellent choice. He is an experienced Federal judge and accomplished scholar who understands the proper role of a judge under our Constitution.

I think the weather and my sinuses are not cooperating here at this moment.

I will be back later.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS HEALTHCARE

Mr. ISAKSON. Mr. President, I am glad to join my colleague Senator TESTER from Montana on the floor for a discussion of our Veterans' Affairs, our accomplishments over the last 3 years and our challenges for the future.

I want to start out my part of the conversation by saying this. Three years ago, the Veterans' Administration was making big headlines. Those headlines were that they weren't working well, our veterans were waiting too long for care, there were failures in our system throughout, and people were looking for an alternative to the VA system because it was in such a quagmire. Thanks to the work of our committee, which the Presiding Officer today is one of those members, we set out to fix a lot of the problems. No. 1 was the hospital in Denver, which is 40 percent finished. It was 3 years behind, and we closed in. That hospital is open today and operating because the Veterans' Affairs Committee of the Senate buckled its shoes, got to work, got the VA fixed, and got the hospital finished.

The most challenging thing we faced were long wait times for appointments for our veterans and veterans' services for healthcare. It was longer than 30 days just for a routine appointment, sometimes being as long as 6 months to wait, and sometimes they were dying before they got called up from the waiting list, which happened in the Arizona case in Phoenix.

We had some tragic stories that came through. Our committee came together and said: We are going to fix this. We are going to put our shoulders to the grindstone, we are going to work out hard, and we are going to make it happen. Like always, fixing anything requires one element, and that is hard work.

This Committee has worked hard—Democrats and Republicans alike. They have been willing to get the new Secretary, Secretary Shulkin, confirmed. To all of his aides—Tom Bowman, who has been a great aide to our

committee for a long time, and now is a direct aide to the Secretary. The committee has asked: What is it we need to do to get it fixed?

We started out this year with 11 bills introduced for the Veterans' Administration improvements in terms of healthcare. Ten of those eleven have passed. There is one left. We are going to have a perfect 11-for-11 year, if we get the votes before the end of this year, we get the CARE bill passed for our veterans, but even if that doesn't make it, we have dealt with long waiting lines for determination of benefits for the VA. Those long waiting lines are beginning to dissipate.

We don't have hospitals being shut down because they can't be finished. We have CBOCs being opened because they are being finished. We don't have near as many cases of horror stories in a VA health facility because the facilities are being run better.

Do we have problems? Sure, we have problems. Anytime you have the second largest agency of the Federal Government—which the VA health system is—you are going to have problems, but we are meeting them head-on. We are not running away from them. We have a Secretary who is really willing to work to make it happen.

I cannot say enough about Secretary Shulkin. He has been fantastic. He has been a great worker. He has given President Trump the message, in terms of what our veterans need, the challenge that we need from the White House to join us, and the White House has substantially done so, to help make a lot of improvements.

Working with our ranking member, we decided we would do a number of things: We would end the long wait times for determination of disability, and we have done that. That is in process. We wanted to see to it that the modern access to healthcare was available to all of our veterans, one way or another. We wanted to make sure we came up with creative ideas by using telemedicine and other techniques to deliver healthcare to our veterans.

Most importantly, we knew the Choice Act we passed 3 years ago, led by Senator MCCAIN—who is in our prayers and thoughts every day. I might add from the floor of the Senate today, we wish him the very best if he is listening. Senator MCCAIN went to work and came up with the first aspect of Choice, which passed 3 years ago. I was on the conference committee. We had this crazy idea that we were going to let veterans choose where they want to go for their healthcare. We set up the system to do that. The system worked pretty well in some cases. Senator TESTER will say in rural America it didn't work all that well, in some cases, but it was a good effort of ours to take the private sector in America and make it a force multiplier for the healthcare services delivered to our

veterans and expand the access of healthcare to our vets.

Well, now we have before the Senate what we call the Care Act. It is the finishing touches of what was originally in the Choice Act. We are taking the things we learned and repealing what was wrong. We are taking things we learned are right, and we are enhancing them. I hope every Member of the Senate who can hear my voice today will join me sometime in the next few weeks ahead to finish the job and pass the Care Act. Our committee passed it out 14 to 1, with Democrats and Republicans alike, shoulder to shoulder, voting for it. It is the right thing to do for our vets. We are hopefully going to do the same thing on the floor.

The Care Act does a lot of amazing things, but it takes what we have learned in 3 years and applies it to the real world for our veterans. It says a veteran has a choice for his healthcare, public or private, VA or private sector. The veteran and his or her doctor may determine where they want to go. The physician providing the services who is outside the system will cooperate with the VA, so we have good medical records for that veteran, and they will work together to choose doctors who have the quality, the reputation, and the ability to deliver the service, whether they are in the VA or outside the VA.

The veteran comes first in Veterans Choice. In the Caring for Our Veterans Act, the veteran comes first, not Members of the Senate, not employees of the VA. The veteran comes first, which is what we need to do.

I hope everyone will join Senator TESTER and me in seeing to it, when we get this to the floor—and we are trying every day—that they join us in helping pass the Care Act.

One last thing I want to mention about the Care Act is it also contains the funding necessary to complete the year for the Veterans' Administration in terms of health services. More importantly, it consolidates the stovepipes of funding in the VA so we no longer have this Mickey Mouse game, which we have all experienced for the last 5 or 6 years, where the VA is always running out of money.

The Congress has never cut off the VA. When we had the biggest shutdown 5 or 6 years ago—or potential shutdown for the government that we had, we passed bills that exempted the VA to demonstrate long and hard that we would never leave our veterans in need of healthcare coverage waiting because we couldn't act in the Congress, and that would happen today if that was threatening us.

I want to underline, this is not a matter of anybody threatening anybody. This is a matter of finishing the job for our veterans and seeing to it that the Veterans' Administration has the resources necessary to deliver the services to our veterans.

For those who can hear this plea—and it is a plea—understand I am coming before us today to say three things: One is thank you. Thank you to every Member of the Senate who voted with us to get us where we are today. We have passed 10 of the 11 bills we brought in this year for veterans' healthcare services. Thank you very much.

I say to Senator TESTER, as the ranking member, thank you for your cooperation. We have worked together to find a solution to every impasse we confronted throughout the year.

To the Senator from Alaska, who is presiding today and is a member of the committee, thank you for what you did for those veterans in need in our States that have limited access to healthcare, like Alaska. We need to make sure the Alaskan veteran has the same access and the same benefits they signed up for as one does in Georgia or in any other State.

Senator TESTER from Montana has worked so hard to see to it that rural America has the same type of access. There may not be as many doctors, there may not be as many VA facilities, but we can design a system that gives them the very best access and the very best care for that region where they choose to live.

That is our challenge. Our challenge in the VA is not to say: Well, you should have lived somewhere else. Our challenge is to say we should have concentrated more in the VA to see to it that where you live is the right place to be in terms of veterans' services, and we are going to do that.

Lastly, I thank Secretary Shulkin. He was approved 100 to nothing by the Senate. I believe I am right that he is the only Cabinet member who was confirmed by the Senate 100 to nothing. As everybody knows from watching us the last 8 or 9 months, we haven't agreed on much of anything. We haven't had any unanimous consent votes on hardly anything. We did with David Shulkin, and he has delivered, in response to that 100-to-nothing vote, time and time again, working for our veterans, helping to direct problems, helping to work with us together.

I look forward to next year, as we bring a close to the Care Act and pass it, moving forward with those new things we need to pay attention to.

I look forward to working with Senator TESTER from Montana and the members of the Democratic Party and the Republican Party in our committee.

Remember, we are veterans first. We are Americans first. God bless our veterans. May God bless the United States of America.

I yield to Senator TESTER.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank Senator ISAKSON for his words. I thank

the Presiding Officer, who is currently sitting in the chair, for his work on the Veterans' Affairs Committee.

I want to talk a little bit about Chairman ISAKSON before I talk about the Care Act. Over the last year, I have been able to work with a great man from Georgia who has done great work. When we started out, we talked about doing stuff we could agree upon and set the stuff we disagree upon apart, and it has ended up where we have agreed on a lot of stuff, and we have been able to get a lot of stuff done.

I would just say, in a body that is full of impasse over this last year, Chairman ISAKSON has been a great guy to work with because the fact is, we have set aside the political labels, and we have worked for our veterans in that committee. It is not only JOHNNY and myself, but members on both sides of the aisle in that committee have worked very well together and communicated so very well to make sure we could take care of the needs of our veterans across this country, whether it was in rural America or whether it was in urban America, but our work is not done.

The Care Act Chairman ISAKSON talked about is a very important piece of legislation. It is a bipartisan compromise. It is a bill we all negotiated on, so not everybody got everything. There are always things in it that you wish would be better, regardless of where you are in the spectrum, but this program does a lot of good things for our veterans.

It, first of all, will eliminate the Veterans First Program and replace it with one that is much easier for veterans to navigate in a system that puts in place where the veterans can seek care. It puts that system in the hands of a veteran and their doctor.

This is a bill that passed out of committee 14 to 1, and it has 26 veterans service organizations, representing millions of veterans who have endorsed this bill. It is a good bill.

I wish the Veterans' Administration, which we worked so closely with on this bill, would come out and forcefully endorse it. I think that would help a lot.

What it does is it establishes a Veterans Community Care Program. It merges seven VA community care programs into one program, with one set of rules for both providers and the veterans. It puts the decision of where to seek care in the hands of the veteran and their doctor. No more one-size-fits-all eligibility.

If a local VA doesn't have the equipment for a certain test and there is not another VA locally that can provide that test, the vet can go to the community doc. If the roads to another VA facility are closed for snow, veterans could go to their local doctor rather than waiting for the roads to clear, which is a big issue in rural America.

If a nearer VA clinic has a type of doc a vet needs to see, but there is a community doc closer and the vet has a bad back, that vet can see that doc in that community, as an example. It offers convenient, walk-in care so vets can get care closer to home for minor illnesses.

Third-party administrators—also known as government contractors—will have a smaller role at the local level, and the local VA will have the flexibility of when to use them for scheduling so what makes more sense for the local VA will not be decided by bureaucrats in Washington.

The second thing it does is it improves accountability and transparency of VA's spending. It requires the VA to give Congress more notice when funding levels of programs that impact veterans are running low. It forces the VA to put together a businesslike plan about how it is going to spend taxpayer dollars, and it gives Congress more visibility in the VA contracts. It requires accountability at the medical center, regional, and the Federal levels. If the clinic isn't brought back up to snuff, we know who has failed to do their job.

I could give you a timeline on what has been going on in the last 3 years with the Choice Program—not having enough money, having more than enough money, not having enough money. That will end when we pass this bill. Congress will be able to have the oversight over the Community Care Program that it needs.

It will give long-term certainty to our veterans because a lack of long-term certainty is devastating to those veterans, and it will give those who have served the consistency and the certainty they need. No more band-aids. We need a cure.

The third thing it does is it improves VA resources in healthcare. Veterans tell me, time and time again, once they get through the door, they love the care the VA gives them. I have been told by a number of veterans that VA has saved their lives. The problem has always been getting through the door, and the biggest reason for those delays to get through that door is workforce shortages.

So our bill incentivizes medical staff to work in rural and underserved areas and Tribal VA facilities. It deploys more mobile teams to provide additional care. It removes the barriers for veterans to access telemedicine, including mental health care, closer to home. It brings more nurses and heart and lung specialists to work at the VA and clinical staff to work at vet centers.

The answer to the VA is not privatization. It is to build the VA and use the private sector to fill in the gaps that the VA cannot provide. That is what this bill does.

It also expands the VA caregiver program to veterans of all areas and their

caregivers. Right now, the VA caregiver program only applies to post-9/11 veterans. We have a whole lot of veterans—especially the folks from the Vietnam war—who are getting a lot older, and this caregiver program expansion to the veterans before 9/11 is absolutely critical.

So the bottom line is this: We have worked well on the committee. We have put out a good bill. We put out a bill that works for the taxpayer and, most importantly, for the veterans.

This bill is a long-term solution. We don't need another bandaid fix. The Care Act is our long-term solution. It provides the VA what it needs to hire staff for top-notch care. It provides an integrated network of community providers to fill in the gaps for that care. It is a balance between those two, and the veterans win.

The VSOs are on board. They were part of the discussion on this bill. We talked to the VA extensively to make sure this bill would work for the VA, and they agreed.

As I said earlier, I would love to have the VA come out forcefully for this bill. I think it would help get it passed in this body.

One thing in closing. We are going to pass a temporary stopgap measure for our budget, and VA Choice funding will probably be a part of it. I will tell my colleagues that this is the last bandaid that I am willing to put on the Choice Program. We need a long-term solution, and if we don't get that long-term solution, we are not doing right by our veterans in this country.

With that, I would again like to thank Chairman ISAKSON for his leadership and for his good work on the VA Committee. When we come back here in 2018, hopefully we can get this bill passed early in the session because it is the right thing to do for our veterans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. FRANKEN. Mr. President, this is my final speech on the floor of the U.S. Senate. I have come to the floor many times, as we all have. We come to the floor to cast our votes on bills and amendments. We come here to discuss and debate the issues that are important to our States and to the country.

We introduce and explain legislation. We talk about our States and what we learned on our latest visit to a community health center, a farm, or a small business. What we don't talk about all that often is the work of all the men and women on our staffs who make all of this possible.

I have been fortunate to have had a dedicated, hard-working staff both in Washington and in Minnesota, and I have no doubt that they will go on to do great things and to serve our Nation well.

I am also very lucky to have a wonderful family who has stood by me throughout the good times and the tough times of being a Senator. As Senators, we have packed schedules. There are late nights. There are difficult votes on divisive issues and a lot of time invested in better understanding the challenges our constituents face every day. All too often, that important work doesn't leave enough time for our families. I am grateful for my wife, my children, and their spouses, who stood by me and who have helped me to do my work effectively.

Finally, as I leave the Senate, I take great comfort in knowing that my successor, Senator-designate Tina Smith, has a well-earned reputation for being a smart, diligent, hard-working public servant, and I have no doubt that Senator Smith will serve Minnesotans and all Americans exceptionally well.

When most people think about politics, they think about arguments—the arguments they have around the dinner table, the arguments they have online, and most of all, the arguments we have here in Washington. That is a big part of the reason why a lot of people just don't like politics.

Often, the debate here in Washington can sometimes seem arcane and tough to understand. Other times—especially in recent years—it can be so bitter that it doesn't even feel like we are trying to resolve anything, just venting our spleens at each other. I get that. I get why people want us to stop arguing and start doing stuff.

But since I am leaving the Senate, I thought I would take a big risk and say a few words in favor of arguments. After all, there is no single magic solution that can bring all 100 of us together because there is no one set of values that brought all of us here in the first place. I think many of my colleagues have heard me talk about what brought me to politics and what makes me a Democrat, and it is my wife Fran.

When she was 17 months old, her father, a decorated World War II veteran, died in a car accident, leaving her mom widowed at age 29 with five kids. There was one sibling younger than Franni, Bootsie, who was 3 months old. Franni's family made it—barely, but they made it—thanks to Social Security survivor benefits. Sometimes they had to turn the heat off in the winter.

This was in Portland, ME. Sometimes—often—they were hungry because there wasn't enough food. But they made it.

Franni and her three sisters all went to college on combinations of scholarships and Pell grants. At the time, a full Pell grant paid for about 80 percent of a public college education, but today it only pays about 35 percent.

When Bootsie went to high school, my mother-in-law got a GI loan for \$300 and went to college. She got three more loans, graduated from college, and became an elementary school teacher. And because she taught title I kids—poor kids—all her loans were forgiven.

My brother-in-law went into the Coast Guard and became an electrical engineer.

Every member of Franni's family became a productive member of society and a member of the middle class.

They tell you in this country to pull yourself up by your bootstraps, but first you have to have the boots. The Federal Government, through Social Security survivor benefits and Pell grants and the GI bill and title I, gave my wife's family the boots. That is why I am a Democrat. That is why I am a Democrat.

Over the years, I have heard Democrats and Republicans talk about their own values, the things they believe brought them to politics, the things that make them care about what happens here. I have learned so much from listening to the arguments we have in this country and the arguments we have here in this Chamber. I have learned from Republicans. I have learned to respect but not always agree with their opinions, and I have learned how their backgrounds can lead them to reach, in good faith, a conclusion that I never could have imagined. And, of course, I have learned so much from my fellow Democrats.

But the person I learned the most from is someone who isn't here. For 12 years, the seat I currently occupy was held by Paul Wellstone. As I have said before, Paul was a tireless, passionate champion for working families—for working families in Minnesota and across the Nation. He fought for veterans, for farmers, and for those who simply needed a voice.

Paul was my friend. Paul had a saying that I think perfectly represents the values and the principles for which he fought. He used to say: "We all do better when we all do better." That was Paul's creed. What Paul meant by that is that the whole country—the working poor, the middle class, and the well off—the whole country does better when each and every one of us is able to contribute to and participate fairly in our economy and in our democracy.

I think Paul was right, but not everybody does. Some people's values are different. Some people believe that

those at the top are there for a reason and that they shouldn't have to concern themselves with what is going on in the lives of people who haven't been so lucky or even so accomplished. Some people believe honestly—honestly, legitimately, believe—that not everyone deserves to have the same standing in this country. They believe that your standing as a citizen should depend, in part, on where you were born or what you believe or whom you love or what you do for a living. Some people believe that at some fundamental level, we are all in this on our own. I don't agree with any of those values, but I respect that some people hold them, and that is why arguments matter.

When we argue, whether it is across the fence with your neighbor or on a cable news show or here on the floor of the Senate, it can help us sharpen our ability to articulate what we want and challenge us to examine our own views with a more critical eye and help highlight the choice for the American people, because, after all, in a democracy, the people get to choose.

As I prepare to leave the Senate, I have been thinking a lot about my values and Paul's values—the values we share with many of my colleagues here in the Senate and many of the progressive activists I have met and worked alongside of in Minnesota and around the country. That is because, regrettably, the policies pursued by the Trump administration and congressional Republicans today could not stand in a starker contrast to the principles Paul championed and the values I have fought for during my time here in the Senate.

The values being advanced by the President and his allies in Congress simply don't represent my belief that our economy, our democracy, and our country work best when they work for everyone. Indeed, the values propelling the Republican agenda today are about consolidating political and economic power in the hands of corporations and the very wealthy.

Just take the tax bill Congress passed this week. At virtually each and every step of the process, Republicans drafting this bill chose to embrace the failed trickle-down policies of the past, crafting an enormous—an enormous—giveaway that benefits their corporate campaign backers and wealthy donors. For instance, according to the non-partisan Tax Policy Center, by 2027, 83 percent of the benefits in the Republican tax bill will accrue to the top 1 percent of income earners; that is, people who make more than \$912,000 a year. Eighty-three percent of the benefits go to the top 1 percent. Do we really need any other data point? Well, here is one: At the same time, the Republican tax bill would increase taxes on 35 million low- and middle-income families.

During his inaugural address, President Trump vowed that “the forgotten men and women of our country will be forgotten no longer.” But the Republican tax bill represents a slap in the face to those forgotten men and women. I guess the President forgot about them.

Make no mistake, the Senate-passed version of the Republican tax bill was deeply flawed, but when Republicans later attempted to reconcile differences between the House and Senate bills—a process that took place behind closed doors—even more favors were doled out to Republican donors and to special interests. New rules were created to give real estate developers like President Trump and his son-in-law the ability to pay less tax on passthrough income. The top individual rate, which applies to millionaires and billionaires, was cut to 37 percent—a rate lower than either the House or Senate versions of the bill. And provisions in the original bills that were designed to stop foreign corporations from avoiding taxes by shifting their profits overseas—a practice known as earnings stripping—were dropped altogether.

The problem in this country is not that the wealthy aren't doing well enough. After all, the top 1 percent of the country's population controls nearly 40 percent of its wealth. The problem is that too many working families have been left out of the economic growth that the top 1 percent has enjoyed in recent years. But rather than use the tax reform bill as an opportunity to help those working families, Republicans have instead decided to shower corporations and wealthy donors with tax breaks and special favors.

The tax bill didn't just come out of the blue—quite the contrary. This tax bill comes on the heels of countless Republican attempts to shred policies that offer protection to working families and the environment. But corporations and wealthy donors who support my Republican colleagues believe that these policies stand in the way of their profits.

Take healthcare, for example. Despite President Trump's campaign promise that “We're going to have insurance for everybody,” when his administration attempted to deliver on that promise, House Republicans devised and passed a bill that would have resulted in 23 million fewer people having health insurance, including 14 million people who rely on Medicaid. Facing unprecedented public outcry, Republican Senators eventually proposed a narrower bill—one that didn't repeal and replace the Affordable Care Act outright but instead undermined some of its foundational provisions. But this narrower Senate bill still would have left 16 million more Americans uninsured, all while spiking premiums by 20 percent, according to CBO.

The American people continued to fight, demanding that the Senate kill

the bill. Thanks to the incredibly hard work of organizers and activists, including the American Medical Association and everyday Americans, that is exactly what happened. Republican attempts to repeal the ACA failed, but it seems my Republican colleagues have not learned their lesson.

Finding themselves unable to sustain an open assault on the Affordable Care Act, they instead included a measure in the tax bill that will repeal an essential component of that law—the individual mandate. As a result, 13 million fewer Americans will have health insurance in the years to come. But that doesn't matter to President Trump and his allies, who claim they need to repeal this central pillar of ObamaCare in order to pay for the massive tax cuts that their wealthy donors demand.

Those same wealthy donors also demand that Republicans turn a blind eye to climate change—an existential threat to humanity. Climate change is not just an environmental problem. Climate change stands to affect virtually every aspect of our lives, posing a great threat to public health, national security, our country's infrastructure, and our economy. Circumstances require that we take immediate action in order to protect the welfare of future generations.

Almost every Republican in Congress refuses to take the issue of climate change seriously. They continue to deny the underlying evidence and science behind it, even as Americans suffer the devastating consequences of their denial. This year alone, hurricanes ravaged Texas, Florida, Puerto Rico, and the U.S. Virgin Islands, and wildfires raged across the West, most recently in Los Angeles.

We know that climate change makes these extreme weather events worse, and this is just the beginning. What we are witnessing is the beginning of a new normal—a new normal that this country simply cannot endure.

It doesn't have to be this way. It is possible to address climate change while at the same time growing our economy and creating jobs. During the Obama administration, the Federal Government increased research and development investments in clean energy technology, both through tax credits designed to incentivize investment and through the energy title that I was proud to help write in the farm bill, which allowed people in rural America to participate in the clean energy revolution. Those investments paid off. Since 2009, the cost of wind power has decreased by 66 percent, and the cost of solar power has dropped by 85 percent. But we need to do more.

I championed an energy efficiency standard that would require utilities to become more efficient. I led legislation to encourage energy storage, a game changer that allows wind and solar to be used when the wind isn't blowing

and the sun isn't shining. I pushed to deploy distributed energy that makes our grid more resilient and reliable.

Rather than join me and my Democratic colleagues in confronting the challenge of climate change by driving innovation, Republicans ordered a retreat. At the behest of the fossil fuel industry and other corporate interests, Republicans have put forward nominees for key environmental posts who cut their teeth defending corporate polluters, not enforcing the laws that keep our air and water clean, and they have pushed an agenda that guts funding for science and innovation. The Republican strategy of denial and obfuscation isn't just an affront to the government; it is an affront to common sense.

The Trump administration and its allies in Congress have never let science or common sense stand in the way of ideology. Time and again, they have acted to roll back evidence-based, commonsense protections put in place to improve the lives of minority or marginalized communities, including women and LGBT people.

For example, in October, the Trump administration announced a new rule that guts a provision in the Affordable Care Act that requires health insurance plans to cover birth control free of charge—a policy that has benefited more than 62 million American women. The ability to access affordable reproductive healthcare has a powerful effect on the choices that women and families make every day—choices about whether to finish college, buy a home, or start a business. Ensuring that women have access to contraception is vital to the economic security of our families, and that is why I filed a brief in support of the ACA's contraceptive coverage requirement when it was challenged before the Supreme Court.

Despite the millions of women who have benefited from the policy, and despite the science demonstrating that restricting access to contraception has negative health consequences, the Trump administration has eviscerated the policy.

In February, the Trump administration rescinded Obama-era guidelines that instructed schools on how to protect transgender students under a Federal law called title IX. LGBT students deserve to learn in an environment free from discrimination, and they deserve to be treated with dignity and respect. But far too often, LGBT kids, particularly transgender kids, experience bullying and harassment. When that happens, those students are deprived of an equal education. That is why I led the Senate in calling on the Obama administration to issue those guidelines back in 2015. Nonetheless, the Trump administration decided to scrap that guidance—a callous and mean-spirited decision that sent a terrible message to

LGBT children and their parents and took away a tool designed to protect our children. It is our responsibility, not just as Senators but as adults—as adults—to protect our children, not turn a blind eye when they face prejudice and cruelty.

Nothing that Republicans have done is more galling, nothing poses a greater threat to the fabric of our democracy than their deliberate and sustained attack on the right to vote. Let's start with the Supreme Court's disastrous 2013 decision in *Shelby County v. Holder*, a 5-to-4 decision in which the Court's conservative Justices effectively gutted the Voting Rights Act and eliminated a check on States with a history of discrimination at the polls.

After the *Shelby County* decision, States swiftly began to enact harsh restrictions on the right to vote, in many cases citing the myth of so-called voter fraud as justification.

Take North Carolina, for example. Just a few months after *Shelby County*, the State enacted one of the Nation's strictest voter ID laws. Without any evidence, the State described the new restrictions as necessary to prevent fraud. Without the protections of the Voting Rights Act, those changes went into effect, keeping poor and minority voters from casting a ballot.

When North Carolina's restrictions were eventually challenged in court, the Fourth Circuit found that the primary purpose of the restrictions wasn't to fight fraud but to make it harder for Black people to vote. The court found that "the new provisions target African Americans with almost surgical precision."

The fact that North Carolina's restrictions stand as a blatant example of race discrimination is undeniable, but the strategy behind adopting such harsh restrictions is even more insidious. The strategy here is designed to ensure that voters who don't agree with their candidates or their policies aren't able to vote against them.

Paul Wellstone's words are more important today than ever before: "We all do better when we all do better." I believe that to my core. But the policies pursued by President Trump and his allies are not about lifting people out of poverty or about giving the politically powerless a louder voice in our democracy. These policies are intended to line the pockets of wealthy donors and to protect the power of those who already wield outsized influence in our democracy. That is a far cry from Paul's creed.

When I think about what has gone wrong here, when I reflect on how this country has strayed so far from the values that I believe a majority of Americans share, I have to say that I think there is something wrong with the way we are arguing, and it started long before 2016. Lurking behind each of those issues isn't just a difference of

opinion or a difference of values. There is something far worse: a lie.

Take, for example, the Trump administration's efforts to suppress votes. Shortly after winning the Presidential election, then President-Elect Trump was confronted with the unpleasant fact that he lost the popular vote. He tweeted: "In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally."

Let's be clear. President Trump lost the popular vote by more than 2.8 million votes. What he claimed in that tweet was that nearly 3 million fraudulent votes were cast. In fact, he later claimed that between 3 and 5 million illegal votes caused him to lose the popular vote, citing no evidence.

There were 138 million votes cast in the 2016 Presidential election. State election and law enforcement officials found virtually no credible evidence of fraud, and no States—not one—recorded any indication of widespread fraud—none. But that didn't stop the Trump administration from quickly turning the President's tweets into policy. The White House created a new commission to investigate the President's wild and unsubstantiated claim—a commission led by Kansas Secretary of State Kris Kobach, a rightwing extremist who has made a career out of trafficking in the voter fraud myth and who was fined for repeatedly lying to a Federal court in voter ID litigation. When Kobach was asked whether he believed the President's claim that millions of people voted illegally, he said: We may never know the answer to that question. Really?

This episode could almost be considered funny if the ramifications weren't so deadly serious. Kobach's voter fraud commission requested sensitive information about voters—including names, dates of birth, party registration, and voting history—from all 50 States. This is information that could lay the groundwork for disenfranchising scores of eligible voters, which is why more than 40 States refused to comply with that request. At the same time, the Trump-Sessions Justice Department quickly dropped legal challenges to discriminatory voting practices in States, further signaling that protecting the right to vote will no longer be a priority of the Justice Department. It is all based on a lie—and not a lie President Trump came up with. Rightwing conservatives have been raising a false alarm about so-called voter fraud for years despite the fact that no credible evidence has ever been produced to demonstrate that it is a real problem.

Or take the Trump administration's attacks on LGBT rights. Again and again, lurking behind these policies are lies—the lie that advocates of LGBT rights want to trample on people's religious freedom, the lie that families led

by a gay or a lesbian couple don't provide safe environments for children, the lie that allowing transgender people to use the appropriate bathroom opens the door to sexual assault. President Trump didn't invent these lies, but he and his administration proudly repeat them.

Or take the attacks on science, especially climate science. We now have enough evidence to conclude that climate change is real, and it is man-made. It is a threat to our Nation's security and is an existential threat to the planet. Defense Secretary Mattis knows this; yet, for years, so-called scientists who have been funded by industry have been hard at work in casting doubt on the well-established scientific consensus. Heck, a recent Washington Post report revealed that Trump administration officials have prohibited the Centers for Disease Control and Prevention—our Nation's premier public health and research institute—from using the terms “evidence-based” and “science-based” in budget planning documents. President Trump didn't launch the war on science, but now he is leading the charge.

Or take healthcare. President Trump promised that everyone would have insurance, but an analysis by the non-partisan Congressional Budget Office revealed that under the House Republican healthcare bill, 23 million fewer people would have had health insurance than are currently covered today—23 million people. To add insult to injury, the House bill would have hit the most vulnerable among us, and it would have hit them the hardest.

According to the Congressional Budget Office, 14 million of the 23 million people who would have lost coverage under the House Republicans' plan would have been Medicaid beneficiaries.

That is right. Despite candidate Trump's assurances that “everybody's going to be taken care of much better than they're taken care of now,” the Republican bill would have cut funding to Medicaid—a vital safety net program that ensures that our seniors, people with disabilities, pregnant women, and families with children have access to the healthcare they need. On top of that, the Republican plan would have driven up the costs of premiums, with older and sicker people having experienced the deepest increases.

Indeed, the healthcare debate has long been predicated on lies—lies that “well over 90 percent of what Planned Parenthood does” is provide abortion services, the lie that women rely on birth control only because they are sexually promiscuous, the lie that the Affordable Care Act is collapsing under its own weight when, in fact, the Trump administration and the Republicans here in Congress have been doing everything they can do to sabotage it.

Then there is the tax debate. Over the last year, Republicans have repeatedly claimed that they would advance policies that are designed to benefit middle-class families, not the wealthy. President Trump pledged not to forget the “forgotten men and women of our country.” Steve Mnuchin, the Secretary of the Treasury, promised that the Republican tax plan would help the middle class. He vowed that any tax cuts for upper income earners would be offset by getting rid of deductions that benefit the wealthy. That is what he said, that “there will be no absolute tax cut for the upper class.” Again, 83 percent of the benefits in the Republican tax bill go to the richest 1 percent. What he said is not true.

Just the other day, the White House Press Secretary claimed that President Trump, himself, will pay more because of this bill. We don't know exactly what the effect will be on his personal finances because the White House has refused to release his tax returns. They have claimed in another lie that he cannot release them because they are under audit. You can release tax returns while you are under audit. What we do know is that tax breaks in the Republican bill for real estate developers like President Trump and his family will save him millions upon millions of dollars.

I could go on and on.

Before I came to the Senate, I was known as something of an obsessive on the subject of honesty in public discourse, but as I leave the Senate, I have to admit that it feels as though we are losing the war on truth. Maybe it is already lost. If that is the case, if that is what happens, then we have lost the ability to have the kinds of arguments that have helped to build consensus—I see LAMAR ALEXANDER here; we have done that on the HELP Committee; I thank the chairman for when we have done that—or at least to have helped the American people make informed choices about the issues that affect their lives.

So what is to be done? Who will stand up and fight for a more honest debate—to insist that even though we have a different set of opinions, we cannot honorably advance our competing agendas unless we use the same set of facts? I hope that my colleagues on both sides of the aisle will stand up for truth. The thing is, I have spent enough time with my Republican friends over the last 8½ years to know that they are motivated by values just like Democrats. I just hope that they will fight for those values forthrightly.

At the end of the day, it is going to be up to the American people just as it has always been. We will always have the democracy we deserve, if not the government we want. It is going to take ordinary Americans deciding to become more informed consumers of political news and opinion and deciding

that they are willing to be a part of the argument themselves instead of, simply, tuning out all of the noise. If they do, I know that we will get this country back on track.

In October, 15 years after we lost Paul, I took to the Senate floor to remember him and to celebrate his life. Paul understood better than anyone I know the meaning and the power of politics, and I think he would have a lot to say about where we find ourselves today.

Paul said:

Politics is not about power. Politics is not about money. Politics is not about winning for the sake of winning. Politics is about the improvement of people's lives.

Even in the face of everything that is happening today, I still believe in Paul's words: “Politics is about the improvement of people's lives.” I know those words to be true because I know that the American people still believe in justice and equality and opportunity, and I see evidence of that every day.

I saw it in January when more than 4 million people across the United States joined in the Women's March. They stood in solidarity with their mothers and sisters and daughters and wives.

I saw it later that same month after President Trump issued an Executive order that sought to ban travelers from Muslim-majority countries from entering our country. Hundreds of lawyers responded to the call to help. They rushed to airports and offered their services in support of affected families.

I saw it in May when a transgender boy in Wisconsin who was discriminated against by his school had the courage to take them to court, and he won.

I saw it in September when tens of thousands of Americans mobilized in opposition to attempts to repeal the Affordable Care Act and succeeded in killing the bill.

I also saw it at the ballot box when voters in Virginia and Alabama resisted the temptation to give in to anger and cynicism and, instead, exercised their right to vote.

“Politics is about the improvement of people's lives.” The American people know that to be true, and they fill me with hope for our country.

Thank you.

THE PRESIDING OFFICER (Mrs. FISCHER). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask for 3 minutes to talk about my colleague.

THE PRESIDING OFFICER. The Senator is recognized.

TRIBUTES TO AL FRANKEN

Ms. KLOBUCHAR. Madam President, you heard in Senator FRANKEN's closing words the passion he has for all of the work that he has done in this

Chamber and for the people of our State. You saw the love that he has for his family—for Franni—and the love that he has for his staff. They are not good staff; they are wonderful staff.

I think about all of the legacies that AL will leave. One of them is his staff, to whom he has been so devoted. Another is all of the work he has done for veterans, the work he has done for healthcare with the medical loss ratio—one of the major achievements in the Affordable Care Act. One is the work he has done, way ahead of his time, for the LGBTQ community, and another is the work he has done for our Tribal communities. That was his No. 1 ask when he arrived in the Senate—to be on the Indian Affairs Committee. That is not what other people ask for. He did that. Another is the work he did on bullying in schools. For the kids who had no voice, he gave them a voice. Another is the work he did in carrying on Paul Wellstone's work for those with mental illness.

When I think about what I will miss about AL, I will miss, first of all, how he defied expectations when he got elected. I think about all of those headlines that he mentions in his book. No matter what he did in the first few years he was in office, they would read with things like: AL FRANKEN passes a bill. That's no joke. AL FRANKEN gets reelected. That's no joke. Yet he still carried on and defied expectations every single day that he was here.

Another thing I will miss is all of the Senators approaching him in his first few weeks in office with their bad jokes, which he would smile at, and then he would later tell me they were not good jokes.

Another thing I will always miss about AL is the passion he had for his work. I think many people were captivated by the pointed questioning of witnesses and nominees in the last year, but it was that kind of focus that he took to all of his work when he would examine policies he thought were good or bad. He never gave up on that.

The other thing I will greatly miss is sitting next to AL in the Judiciary Committee. While he would do the serious work, he would never miss an opportunity to show me or Senator DURBIN or Senator WHITEHOUSE or anyone near him the latest pictures of his grandchildren and his family or, maybe, the doodles that he did of Senator GRASSLEY.

The other thing I will miss greatly is the way he would talk about Paul Wellstone. Today, he managed to do it without crying, but so many times, whenever he would talk about Paul, he would start to cry. He would do it in private, and he would do it in public because he understood the legacy that Paul left behind and the burden that we all have to carry it on.

One thing I know, as you heard in his last speech, is that when AL leaves

here, he will not be quieted in any way. His work will live on, and his voice will be stronger than ever. I think the last call of action that he left us with of the war for truth—for truth in what we do and for truth in our politics—is something that no one should forget in this Chamber. It is one way that AL's work will live on because I know he will keep calling people on the truth.

While I will no longer be sitting next to him in Judiciary, I know we will stay friends forever. I thank Senator FRANKEN so much for his work.

I yield the floor.

The PRESIDING OFFICER. The assistant minority leader.

Mr. DURBIN. Madam President, years ago, a man with a famous name aspired to be President of the United States. Critics dismissed this idea as ridiculous. One of the leading political columnists of the day wrote that the man's initials stood for "Feather Duster Roosevelt, a lightweight"—nothing to him.

AL FRANKEN's decision to run for a seat in this Senate from Minnesota was met in many quarters with the same sort of mockery.

Many people said: He is a comedian. He doesn't have the knowledge or the skill or the patience or the vision to be a lawmaker. You can't joke your way into the Senate.

The pundits were wrong about FDR. He was one of our greatest Presidents during one of our darkest hours.

Madam President, the doubters were wrong about AL FRANKEN too. AL FRANKEN has been my friend, my personal friend, for more than two decades. For the last 7-plus years, he has been my colleague in the Senate. He has been a credit to the Senate, a passionate advocate for his home State of Minnesota, a defender of our Constitution, and a determined fighter for justice. He became a better Senator every year. His work in the Senate has made life for millions of people better in Minnesota and far beyond. He and his dedicated staff can take pride in that fact. AL FRANKEN has been and I am sure will continue to be an effective champion for those whose daily struggles too often go unnoticed and unaddressed in the places of power.

During his time in the Senate, AL FRANKEN has always been there when his Senate colleagues asked for help. He was one of the most sought-after voices in our party. He never failed to pack a bag, catch a plane, and spend another night away from his family to help each and every one of us.

Twenty years ago, when I first met him, he was this well known, successful comedian on "Saturday Night Live" who happened to play the role of a fellow named Paul Simon, a Senator from Illinois who was my predecessor. Paul Simon invited AL FRANKEN to come to Makanda, IL. It is not even close to Chicago. He agreed on a Sunday after-

noon to be there on behalf of my campaign, although we had never met, and he came. He limped onto Paul Simon's front porch, saying: "I twisted my ankle playing squash." I thought it was another perfect example of a reason he could have used to avoid the invitation, but he came anyway. We had a great afternoon and a terrific time with Paul Simon of "Saturday Night Live" and the real Paul Simon and a senatorial candidate who was grateful for AL FRANKEN's presence that day.

When people ask me to describe my politics, I say that I follow the gospel of St. Paul. By that, I mean I try to emulate three of my greatest political heroes, who happen to share that name.

The first Senator, Paul Douglas of Illinois, was a champion of honesty, economic justice, and civil rights, and the man for whom I had the good fortune of interning when I was a college student; Paul Simon, whom I just mentioned, my predecessor from Illinois, who was one of the smartest, most decent men I have ever met in any walk of life; and Senator Paul Wellstone of Minnesota, who has received many deserved tributes today. Paul Wellstone was the champion of farmers, hotel maids, grocery clerks, cafeteria workers, and everyone who worked hard and struggled for dignity and enough money just to pay the bills.

Paul Wellstone, as we have heard from both Senator KLOBUCHAR and from AL FRANKEN himself, is the man AL FRANKEN chose to emulate in public life. He stated Paul Wellstone's famous quote: "We all do better when we all do better." It is a simple statement, a profound truth, and it has been the guiding light for AL FRANKEN's Senate career.

Senator Wellstone died 15 years ago in a tragic plane crash. On the 10th anniversary of that terrible loss, Senator FRANKEN wrote an essay about Paul Wellstone's legacy for *The Atlantic* magazine. I want to read a short section from that essay.

Senator FRANKEN wrote:

One of Paul's most famous quotes is this: "Politics is not about power. Politics is not about money. Politics is not about winning for the sake of winning. Politics is about the improvement of people's lives."

That quote is often used to criticize those on the other side who seem to forget the human consequences of their political agenda. But progressives should keep it in mind, as well.

The big fights—war and peace, justice and liberty—are important. But there aren't any small fights. And where Paul made the biggest impact—where his work resulted in the greatest improvement of people's lives—was on issues that don't usually lead anyone's stump speech: mental health, domestic violence, homelessness among veterans.

When future historians look back at the legacy of Senator AL FRANKEN, I believe they will say: Here is a man who loved his State and his country, who worked hard to be a good Senator,

and who never hesitated to take up an important issue, large or small.

AL FRANKEN and I served together on the Senate Judiciary Committee. Over the years, I have watched him mature into one of the best, most insightful questioners on that committee. His questioning of Supreme Court Nominee Gorsuch, now Supreme Court Justice Gorsuch, helped to expose the Justice's troubling record of ruling against workers and families.

It was a story about a truckdriver who deserted his position on the road-way, was freezing in the middle of the night, who finally got his day in court, and the decision by Judge Gorsuch at the time, in my opinion and AL's opinion, did not serve justice. Many of us raised that issue; no one raised it more effectively than AL FRANKEN.

His probing questioning also exposed Attorney General Sessions for misleading America about his meetings with Russians during the 2016 Presidential campaign.

He has been equally effective on the HELP Committee. His questioning of the future Secretary of Education, Betsy DeVos, showed her to be unfamiliar with some of the most basic and important debates in education policy and clearly exposed the fact that she was unready to serve as our Nation's leader at the Department of Education.

I guess some people seek elected office to make a name for themselves, but AL FRANKEN didn't need to be a Senator to achieve that. He already had a well-known name as an entertainer, radio host, and best-selling author before he entered politics. He and his wife Franni have a good life, two great kids, and wonderful grandchildren who followed.

Mr. FRANKEN. Terrific. Terrific.

Mr. DURBIN. "Terrific" is the word. Terrific grandchildren who followed.

When it came down to it, AL FRANKEN wanted to do more than just entertain and be well known; he wanted to make a difference in the lives of others. More than anyone, as he said this morning, his wife Franni inspired him. As he explained in his book, her family wasn't as lucky as a lot of us. Her dad died when she was a young baby girl. Her mom raised five kids on Social Security survivor benefits and a paycheck from a local supermarket. But every member of Franni's family made it to the middle class because of Social Security, Pell grants, the GI bill, and title I of the Elementary and Secondary Education Act.

AL writes:

They tell you in this country you have to pull yourself up by your bootstraps. And we all believe that. But first you've got to have the boots. And the federal government gave Franni's family the boots.

"Opportunity is supposed to be for everyone." That is one of the articles of faith animating everything that AL FRANKEN has done or sought to achieve in the Senate.

I am going to miss my friend AL FRANKEN, my colleague, and one of my fellow members of the Senate Judiciary Committee. I am sorry he is leaving under these circumstances, but he is going to be remembered, and he is going to have an opportunity to use his voice for others in the future.

Every person who has ever lived has had moments they wish they could erase and words they wish they could take back. In this life of both calm and stormy seas, we all draw strength from the healing power of redemption, and we can take heart in the knowledge that tomorrow is another day with new opportunities to offer a helping hand and make our lives count.

I am happy to hear AL FRANKEN say that while he may be giving up the Senate, he is not giving up his voice in public life. I wish AL FRANKEN, Franni, and their great family the very best and thank them again for what they have given to all of us.

Madam President, I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask to speak for 3 minutes on behalf of my departing friend.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WHITEHOUSE. Madam President, Senator FRANKEN will shortly go on to his next chapter, which I hope will be wonderful for him and for Franni and for their family. I hope and believe that he leaves us with everyone's good will here in the Senate. He certainly leaves with mine.

AL FRANKEN has been an unusually good Senator, in part because he has such a good staff. He has also, to me, been an unusually good friend, particularly in this hard town where you are supposed to buy a dog if you want a friend. We served together on the HELP and Judiciary Committees, where he did great committee work. He stood out particularly for his talent on Judiciary without even being a lawyer.

I will miss him. The Senate will come to miss him, too, I expect. He was a lot of things that one would want in a Senator: principled, innovative, hard-working, supersmart, bipartisan, generous, caring. Things will be different around here without him. It will be quieter on the floor without his big, bursting laugh. We will miss his presence on personal privacy issues, on monopoly power issues, on forced mandatory arbitration, and in championing LGBT kids, where he has real passion and expertise.

Senate hearing witnesses who have been up to no good will breathe a lot easier knowing they won't have to face AL FRANKEN's pointed questioning. The Senate Secret Santa, a Franken legacy, will probably continue. Selfishly, I will miss Franni's amazing homemade pies.

As my friend departs, I am left at this difficult moment with this

thought: I have been fortunate in the Senate to have had a colleague to whom it is so hard to say good-bye.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, back in 2007 and 2008, a group of us who had never run for Congress or for the Senate jumped into campaigns against incumbent Members of this body, hoping to fight for a vision of government of, by, and for the people. AL FRANKEN was one of those individuals taking on an incumbent, Republican Norm Coleman, and as I heard Senator FRANKEN on the campaign trail, I heard what we heard today in his speech: a willingness to fight for that vision so embodied in our Constitution of government that would provide a foundation for families to thrive, that would lift everyone up; not a government of, by, and for the privileged; not a government of, by, and for the powerful.

It takes a lot of guts to throw yourself into the political world, but because he did and because he won that campaign, we were able to advance a number of policies.

I shared with AL the experience not only of running against an incumbent Republican but not having results on election night. However, I only had to wait 2 days; I didn't have to wait the many months that he did to come and be part of this body.

Because he came, we were able to pass the Affordable Care Act. My home State of Oregon went from 15 percent uninsured to 5 percent uninsured. Hundreds of thousands of people gained access to healthcare through the expansion of Medicaid and through the healthcare exchange made affordable by the tax credits provided by that bill. In that bill, we were able to provide free preventive healthcare practices. We all know that an ounce of prevention is worth a pound of cure, and we embodied that in the healthcare bill. In that bill, we fought for folks to be able to stay on their parents' policies until age 26. In that bill, we fought to say that if someone had a preexisting condition, they wouldn't have to pay any more than anyone else would, creating healthcare opportunities for millions of people who thought they would never have a chance to have an insurance policy again.

AL FRANKEN threw himself into public life, and he made that happen not just for the folks back home in Minnesota but for people across this entire Nation.

Another such battle was the Dodd-Frank battle, and again I doubt we would have been able to win that battle without his coming to share in that effort. I think about the fact that we had seen so many millions of families devastated by predatory mortgages with exploding interest rates—interest rates that, upon presentation, started at 3

percent or 4 percent but 2 years later would jump to 9 or 10 percent, and a family would end up in foreclosure. The fact is we had Wall Street writing securities based on those mortgages, which then disintegrated in 2007, 2008 and caused people not to just lose their homes but to also lose their jobs, to lose their retirement, and to be incredibly devastated and see their whole lifetime's work to become financially stable evaporate, destroyed, exploded. That CFPB portion, or Consumer Financial Protection Bureau portion, has given us ongoing efforts to take on predatory mortgages and that enables financial instruments to be a foundation for families to thrive and to have home ownership be the dream of home ownership and not the nightmare of home ownership. This, again, is an example of a bill passed because AL FRANKEN threw himself into that battle, and there are many more on this list.

I was particularly appreciative of his support for the Employment Non-Discrimination Act. Senator Kennedy, as he was in declining health, had asked me to take on and carry the torch for that bill, which was a huge honor to me as an incoming freshman. I felt he was on my shoulder every day saying: Why haven't you gotten it done yet? In 2013, we finally got it on the floor. I had been pushing hard for leadership to get it on the floor, and we got it on the floor. I thought: What if we lose this bill fighting for equality and to end discrimination in employment? But because AL was here helping in that fight, we won that bill. We did not win it in the House because the House didn't put it on the floor of the House. So it is unfinished business—fighting for equality of opportunity, that vision in our Constitution.

As we heard today, as we heard AL in his campaign in 2008, as we heard AL on the floor today, and we have heard of this fight for a country of, by, and for the people, I know that we are going to hear his voice in that fight for many years to come.

I thank Senator FRANKEN for being willing to put himself in the public world, for being willing to fight here on the floor of the Senate for bill after bill after bill that made life better for Americans and for the many battles he will be in in the years to come. Thank you.

I suggest the absence of a quorum.

Mr. BLUNT addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. MERKLEY. Yes.

The PRESIDING OFFICER. The Senator from Missouri.

SENATE ACCOMPLISHMENTS

Mr. BLUNT. Madam President, we are quickly approaching the end of this year, and I think it is a good time to

reflect on what has been done this year. Certainly, the Senate and the Trump administration have been able to do a number of things that are really going to have a significant impact on hard-working families.

Yesterday, we sent the most significant tax reform legislation in more than three decades to the President's desk, and we had a chance to hear the President and others respond to that. The President, at the end of that ceremony at the White House, turned to the Congress and said: "This is the work that you have done." I think the Members of Congress appreciated that. That showed a President who is constantly learning and constantly understanding how important relationships are here.

I thought it was interesting that we heard Chairman BRADY, the chairman of the House Ways and Means Committee, say that there are three important dates about to occur for America's economy and America's families. One is January 1, when the new tax bill goes into effect, and as to the wages people are earning, people are going to be allowed more of those wages to stay in their billfold rather than go to the government's billfold. It doesn't stay very long in the government's billfold; that is for sure. January 1 is important. As for February 1, by then, that is the time by which we hope all of the new information is out to employers, and people are going to see in their February check more money than they saw in that same-sized check this year going home with them. This is about who is a better person to spend your money—you or the government. It is also about a debate about whether the government is better off with higher taxes or more taxpayers and, of course, it is better off with more taxpayers.

Chairman BRADY said that the other date is April 15, because that is the last time in the foreseeable future that families are going to have to deal with a Tax Code that they don't understand, that they believe to be unfair, that they believe does not treat everybody equitably in how that Tax Code is applied. Many of the special provisions are going to be out of the Tax Code. Next April 15, probably 9 out of 10 taxpayers would have filled out an income tax form on a card about this big and, for 9 out of 10 taxpayers, they are going to look at double the personal exemption from this year—that is \$24,000, if you are a married couple, that you just subtract immediately from your income—and double the child tax credit, up to \$2,000. Somebody said to me just yesterday: You mean my son with his three children is going to be able to take \$6,000 off of whatever their tax bill would be at the bottom of that form, and the answer is yes. If they didn't have a tax bill, at the bottom of that form that totals \$6,000, those families get a credit that allows them to take

money for other taxes they have paid and take that home with them.

So this is after a decade of historically low growth, a decade that defies virtually the entire history of the country going back to 1789, where 3 percent growth has been the normal growth. Less than 2 percent growth has been the normal growth for 9 of the last 10 years. The 1 year that is going to be an exception is this year. It looks like we are going to get close to and maybe even exceed 3 percent and get back to where the economy should be growing. I think with the new tax bill, we may exceed that and most of people's concerns about a lot of the things in this bill will go away when the economy starts growing again.

Buying power is almost 3 percent lower this year than it was in the 1990s. Now, their wages may have gone up between now and the 1990s, but prices have gone up more, and it is time to get our economy growing again and let families have more of the money they have earned to spend on their family. If you are a family of four earning about \$73,000 this year and \$73,000 next year, next year, your tax is going to be \$2,000 less than it is this year. If you are a single parent with one child earning \$41,000, next year your tax will be \$1,300 less than it is this year.

Now, some will say—as a matter of fact, I have heard it on the floor of the Senate—a few hundred dollars a month will not matter. Well, now that is clearly somebody who doesn't know how much a few hundred dollars a month or a few hundred dollars a year does matter.

This bill will give us ways to compete that we don't have now. The bill also will provide Missouri families and other families more jobs and more opportunities because we are going to be more competitive. We will have moved our corporate tax rate. It will not be the lowest in the world, but it will no longer be the highest in the world. It will be in the very middle. Twenty-one percent is right in the middle of the countries we compete with. At the time that 35 percent was our rate in 1986, it was the middle, too, but every other country that we compete with has figured out that that gives you a competitive disadvantage, and they have all lowered their taxes as our corporate tax stayed the same. We are restoring our competitive position. We are hoping and actually going to go ahead and tax the money that is trapped overseas, whether it comes back or not. So I think it is safe to assume that somewhere in the neighborhood of \$2 trillion will come back into our economy.

There is more U.S. money overseas that would like to come home—but wasn't going to come home if we took 35 percent out of it—than at any time before. There is more U.S. capital in this country on the sidelines than at

any time before. You put that money into the economy, and you put that 2 trillion or so dollars into the economy. You make us the best, safest, and most predictable place in the world to invest money. Foreign investment in our economy—not in their economy but in our economy—will increase, and it is time for that to happen.

This Tax Code will increase take-home pay immediately, and it will make us more competitive, and we will have jobs that pay more in the future.

The rolling back of redtape is one of the reasons that the economy in our country is already growing faster than it has in a decade. People saw the regulatory overreach. Most importantly, President Trump saw the regulatory overreach. The House and the Senate saw the regulatory overreach. We were able to block 15 regulations before they went into effect. Other regulations, like the totally ridiculous power rule that was proposed, which in my State would have doubled the utility bill in less than 12 years, is not going to happen now. The waters of the United States, which would have suddenly put the EPA in charge of anything involving water, is not going to happen now. The \$52 million increase in just the cost of getting something where you could start, which was the anticipated cost of the waters of the United States, is not going to happen now.

Chairman ISAKSON of the Veterans' Affairs Committee was on the floor earlier, talking about what we have done with his leadership for veterans, and that list is long. The Veterans Choice Act continues to give veterans more opportunity to get the care where they want it rather than to be stuck in a system that didn't seem to always care that much whether veterans got care or not. It was more about the Veterans' Administration than the veterans, and competition and choice is in the process of ending that with good leadership at the VA administration and being sure that happens.

We were able to pass a bill that I sponsored, the HIRE Vets Act. It is being implemented right now to recognize companies that hire vets, that promote vets, and that give vets credit for the skills they learned in the military. The Department of Labor has worked hard to put that on fast-forward and get it done.

In the military, the Military Family Stability Act means that families, for the first time, have the opportunity that they have always hoped to have for the family to move a little earlier or stay a little longer, if that works for education purposes or the spouse's education or career purposes. This is a dramatic step, appreciating the fact that the strength of the military is in military families. We recruit, generally in the military, single adults, and we retire from the military adults with spouses and children, and this looks at that.

There is a lot to talk about as we end this session. It is never perfect, but that is why we come back for the next session. There are going to be things that could have been done better, but so many things have happened that haven't happened in a generation. I know that I am eager to go home and talk about those, as I was on the radio this morning and yesterday morning doing that already. I know that my colleagues are too.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I wish to thank my colleague from Missouri for highlighting a lot of the good work of this past year in the Senate and touching on some highlights, particularly in the veterans area, that have great impact across the country. It is something on which we all joined together compassionately, wanting to help our veterans and wanting to make sure they get the best care in the best way as quickly as possible, and I appreciate his highlighting that.

I wish to highlight the positive change that this Republican majority has brought to the American people in the first year of President Trump's administration. I am going to talk about a few different things than my colleague from Missouri, and I think you would expect that. I come from the State of West Virginia. Certain policies impact us differently, and so that is what having the time to talk about our accomplishments over the past year gives us the ability to do.

I can't begin without talking about one of the biggest and boldest actions that we have taken this week, and that is our pro-growth tax reform bill. Throughout the process, I traveled across the State and heard from many constituents—friends and many strangers—all about this effort. Not only at the beginning did they realize what a difference this will make in their lives, but, as my colleague from Missouri said, as we move through this year, when you start to see your paychecks change and you bring home more of your own money because your rate went down or when you begin to file in April, realizing that this is the last time you have to file this complicated thing—I am going to be able to make it easier on myself—families, workers, and small businesses across our State are really counting on relief, and this week we delivered on that.

In West Virginia, particularly when asked "How is this really going to help the bulk of the people in the middle-wage earning families?" I like to highlight the fact that in my State in particular, 83 percent of our tax filers don't take itemizations. They file with the standard deduction. That has now been doubled.

The child tax credit has been doubled, as the gentleman from Wyoming

said. It gives that child tax credit, and that goes right to the heart of the middle-wage earning family trying to make ends meet at the end of the day.

They are predictions, but we feel certain that with the doubling of these deductions and this credit, more people will file on the smaller form and also push that number to maybe over 90 percent.

This year, we also delivered on significant regulatory reforms, especially in the energy realm, which is absolutely impactful in my area of the country. Under the Congressional Review Act, the Senate has repealed 14 of President Obama's very onerous regulations.

I led the effort to enact a CRA to fix the burdensome stream protection rule. This rule really threatened what was left of the coal industry in our region. The Obama-era rule would have prohibited many forms of coal mining in Appalachia. I kept saying: Let's balance this.

Under Scott Pruitt's leadership, the EPA repealed the Clean Power Plan—another onerous regulation with minimal benefit. We can do it better, and I believe, in this EPA, we will.

For years, I asked the Obama administration—Madam President, we serve on the same committee—I asked the EPA to come to my State and see what the impacts are of the rules and the regulations that they are putting forward. They never came. This year, the EPA finally answered my calls and came to the State of West Virginia—the State capital, Charleston, WV—to listen to both sides of those who will be impacted by any regulations that the EPA puts forward.

We also reformed the waters of the United States—or WOTUS—rule, which has severe impacts not only in the mining community but particularly in the agriculture community and other industries in and around the country.

Many parts of West Virginia continue to feel the impact of the devastating floods that we suffered a year ago June. So with my service on the Appropriations Committee, I worked diligently with others to ensure that our community needs are met.

That is the great thing about this country. I know Texas certainly and Florida, Puerto Rico, and other areas are weaving through these devastating weather-related and natural disasters. With all the sadness that is occurring and all the destruction that we see, the one thing we appreciate as Americans is our ability to come together and help one another. The first person I met when I was going to see the floods had traveled 51½ hours with their church to come and help those who had been flooded out of their homes. On the Appropriations Committee, we were able to get more funding for damage to roads and other property and individuals so that West Virginians could get

back to work and provide for their families.

I also focused my efforts on ensuring that our State had the resources it needs to fight back against the continued devastation wrought by the drug epidemic.

Just yesterday or today, the CDC came out with a report that had lines on a graph that showed the different age groups and the number of deaths that occurred because of opioids, and every line was going up.

The State of West Virginia has been particularly hard hit with this. We have the highest rate of opioid drug overdose deaths per 100,000 of any State in the Union.

I worked with the new CMS to try to help secure a Medicaid waiver that would allow West Virginians to expand substance abuse treatment and also services for Medicaid members and expand the ability for treatment to be offered to folks who have Medicaid. I partnered with officials from the Office of National Drug Control Policy to hear directly from West Virginians at a roundtable. The Chief of Staff of the White House office also participated in roundtables at the White House.

In honor of West Virginian Jessie Grubb, Senator MANCHIN and I saw the passage of Jessie's Law. This law bolsters our fight by requiring HHS to develop standards for hospitals and health professionals on a patient's history with addiction. Jessie Grubb admitted she was addicted when she was in the hospital. She wasn't in the hospital for addiction issues; she admitted she had an addiction problem. She left with opioids. She didn't live another 24 hours. In her honor, Senator MANCHIN and I have worked hard to see that this doesn't happen to another family.

As West Virginia continues to be ground zero for this epidemic, I won't stop my work for those who are suffering, including looking at innovative solutions like those we have at Lily's Place in Huntington for the babies who are born drug-exposed—again, innocent victims of those rising lines I saw in the charts the CDC put forward.

We have been working with law enforcement to ensure that they have the tools they need to administer emergency assistance, such as naxolone, to those who may be overdosing, or build on telehealth projects, demonstration projects that can help with substance abuse treatment.

I have always said that we need a spectrum of solutions. As we look back, we have done a lot. As we look forward, we have to do more because the problem is getting worse.

I think we also have had tremendous success and impact in our quest to connect West Virginia. I created a program called Capito Connect that would move high-speed internet connectivity into the rural parts of our country, in places like West Virginia that are un-

derserved. Through Capito Connect and my GO Act, we have seen accelerated broadband access in West Virginia certainly but also in rural America. I was able to work with the USDA to get our local communities a consortium to secure a USDA loan to be able to move broadband to 9,000 more West Virginians.

So working with other agencies, EDA and others, on not just moving on broadband but economic development projects, we have seen impacts in 45 of the 55 counties that I represent but also being able to create an associated 1,400 jobs.

Federal grants like these help not only our communities but our universities, such as Marshall and West Virginia Universities, which provide great benefits to our communities.

These are tangible achievements over the last year—both more global, such as the tax reform, and more local, as in broadband deployment.

The Senate also plays an important role by giving advice and consent on President Trump's nominations and confirming them. This year, Republicans made significant progress in shaping the judiciary, most certainly starting with the confirmation of our Supreme Court Justice Neil Gorsuch. His strong record and straightforward approach are just what we expect from a Supreme Court Justice. I was proud to vote for his confirmation this year. We have also confirmed 12 circuit judges—the highest number during a President's first year since 1891.

I am pleased to say that as of yesterday, we had confirmed both of our U.S. attorneys in the State of West Virginia. I am very grateful for that because this fight against opioids has to have the U.S. attorney's help. It has to have the U.S. attorney aggression—not just with law enforcement but also helping with treatment.

So this year, I am proud that we addressed a lot of America's concerns. We have tackled challenges head-on and delivered real results. I am proud that President Trump and his administration are listening to the needs of small States like mine, West Virginia, and working with me to deliver that relief.

It has been an honor for me to host some Cabinet members in the State of West Virginia—I didn't see that over the last 8 years—Secretary Perry, Secretary of Energy; Secretary Mnuchin, Secretary of Treasury; and also the Secretary of Labor. We went on a coal mine tour with Secretary Acosta. This helps them see the kinds of ups and downs of life in rural and central United States—in Appalachia in particular.

We have a lot we have to do. We have a lot on our plate. I think it is always this time of year that, in my personal life, I like to look back at some of the great things that we have accomplished as a family or for those whom

I love or some of the things that happened to us that maybe haven't been quite as good as we would have hoped. I also take this time to be a grateful person, to be a grateful American, to be a grateful West Virginian because we are so blessed with where we live and how we live and the bounty of our friendships. But I also take the time to look forward to what we are going to be able to do. So when I see tax reform kicking in next year, in 2018, that is what I am going to be looking forward to for so many hard-working West Virginians, so many hard-working small business owners, and so many people who have been waiting for years—decades, in some cases—for the kind of reform that we put forward.

With that, I would like to yield back my time, but first I would just like to say that I am grateful to be serving with the three Members who are in here with me today. I wish everybody here and everybody listening in this country a very wonderful holiday season.

Thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, let me make a comment to the Senator from West Virginia. One of the problems we have right now is that during the last administration, there was a war on fossil fuel—which includes coal and nuclear also—and some of the damage has already been done. Unfortunately, we can't come in with a ready fix now and assume—because a lot of the generators out there had done field switching out of coal, so you can't switch it back. So I will say it was help coming not quite on time, but nonetheless it is here now.

VA ACCOUNTABILITY AND VETERANS HEALTHCARE

Mr. INHOFE. Madam President, let me mention something that is very significant to me personally. I remember it was 2 years ago today that I picked up USA TODAY, and in a USA TODAY article, they singled out my State of Oklahoma and said that we are not treating our veterans right. We were in shock at that time. In fact, the article detailed some really appalling things that were going on and were not going on in my State of Oklahoma. There were things the inspector general reported during the Obama administration that we had no way of knowing about.

We seem to have more veterans per capita in Oklahoma. One of the reasons is we have five major military establishments, and Oklahoma is a great place to live, so a lot of them retire there. They were not getting the help they need, and they were not getting the treatment to the highest standards that were available.

This isn't how we take care of veterans in Oklahoma. Senator LANKFORD

and I and two of the House Members worked on this and talked to regional Veterans' Administration leadership. We talked to the veterans. We talked to whistleblowers. And we identified three key problems that we needed to fix. This is interesting because these are three problems in my State of Oklahoma, but they would be the same thing in Nebraska or any other State because it is not just in our State of Oklahoma.

The first one was that the VA couldn't fire bad employees.

This is always a problem. You go into an organization and you find that things are not going very well because there are one or two bad employees. Yet it takes you a year before you are able to get rid of these people. Despite having been identified, it takes forever to terminate an employee.

Well, we fixed that this past summer when President Trump signed the VA Accountability Act that included our language to allow the Secretary of Veterans Affairs to immediately fire employees for misconduct or poor performance. That was successful. We did it. That is history.

I have to say that during President Trump's administration so far, he has used this firing authority on over 500 bad actors from the VA, and we are finally creating a culture of accountability in the VA, which is having positive results. That is the first reform.

The second one: Too many veterans were forced to receive care from VA facilities that were hours away or didn't provide specialized care.

This is a problem. A lot of these veterans don't have the capability to move around and get the care they need, and they didn't have the choices. So we actually had to make a change, and we did. We worked with the President and reauthorized the bipartisan VA Choice Program.

The VA Choice Program is great because it allowed our veterans to actually, in those hard-to-reach areas, get high-quality healthcare, regardless of where they had to travel to get it done. That was a success.

Finally, after the USA TODAY article, we requested an accredited third-party look at the problem at our VA facilities because previous reports from the Obama Veterans Affairs inspector general failed to identify and correct these problems. Well, my request was denied. It is just like any bureaucracy. They don't want someone looking over their shoulder, so they said: No, we are not going to allow you to have a third party accompany the VA to look into the problem that you have.

Some are not aware of this, but in the Senate, when someone is nominated, we can put a hold on them and not allow them to go through confirmation—at least for a long period of time. At that time, the President—our current President—had nominated a

person to be the inspector general of the Veterans' Administration. We put a hold on him until they allowed someone to come in and monitor the evaluation that the VA was doing of their own bureaucracy in Oklahoma. That worked, except the problem with that is it was a one-time authorization. We needed to make that a permanent part of our structure. I am pleased to say we did that.

When we signed the Enhancing Veteran Care Act, it permanently granted the VISN directors—that is one of the director levels of the VA—and gave the medical center directors the authority to request, at their request, an outside oversight in order to evaluate what they had done. It has been very successful.

It is important for the regional directors to have the authority because they have the best idea of the reality of care at their facilities.

I appreciate the work of my colleagues, Senator JAMES LANKFORD, Congressman MARKWAYNE MULLIN, and Congressman STEVE RUSSELL. It turned out to be a real good team, and we are able to get these things done. We are already starting to see real progress in improving the veterans' care in Oklahoma and across the country because as we are improving the system we had in Oklahoma, that same system can be improved in Nebraska or any other State.

We need to get our VA facilities from their current ratings to the highest standard. The highest standard rating is five stars. We are now up to three stars in Oklahoma. We were at one star when we first discovered this problem on that fateful day 2 years ago today in an article in USA TODAY.

President Trump will continue to be an important partner for Oklahoma as we continue to improve our veterans' care.

SUPPORTING OUR MILITARY

Mr. INHOFE. Mr. President, President Trump's commitment to our veterans is only matched by his commitment to our servicemembers and our national security. You can't really segregate it out and say, well, we are going to take care of our veterans' activities and then still say we are not going to allow our country to have the national security they fought so hard for.

We saw that earlier this week when the President outlined his national security strategy, charting a new course for American foreign policy, leaving behind the failed policies of the Obama administration. With his national security strategy, President Trump has been clear that he is committed to protecting the homeland, promoting American prosperity, and advancing peace through strength. Have you ever heard that before, peace through

strength? I am one of the few who is old enough around here who remember our great President we had who talked about peace through strength when he had to rebuild the military after the Carter administration. It was actually as bad—or as downgraded as our military has become from the last administration.

Now he is asserting America's leadership in the free world. We saw how under President Obama the military was forced to divert resources for priorities that weren't even about defending America. He used the military to advance his liberal agenda, which led to the wasteful spending on what they call the green Navy and the green bullets. The idea that climate change was the largest threat to our national security, all of that has changed and not a moment too soon.

President Trump is focused on what matters, rightfully taking out things like just worrying about climate change as opposed to rebuilding our military, and he is building it at a very rapid rate right now.

We passed the bill, the Defense authorization bill, and we have made a great start on this.

Now, when the President came into office, our military was facing a readiness crisis, and Americans didn't really understand this. They didn't know. They had not been told this. We had a biased media that didn't allow this information to get out. As an example, our Air Force today, right now, is short 1,500 pilots, and 1,300 of those are actually fighter pilots. Only 50 percent of the Air Force squadrons are trained and ready to conduct all of their assigned missions. I have to repeat that. Only 50 percent of our Air Force squadrons are trained and ready to defend America.

The Navy is the smallest and least ready it has been in years. It currently can only meet 40 percent of the demand for regional combat. The commanders in the field include only enough personnel to man six and a half of our nine carrier air wing.

A carrier air wing is something a lot of people are not familiar with. A carrier air wing has approximately 75 combat aircraft. Currently, we have manned only 6½ wings and are 8,000 sailors short.

This is an air wing. They have F-18s, they have EA-18s, they have F-35s, they have C-2As. Again, just a little over half of ours are actually ready. Well, that is the problem we are faced with right now. More than half of the Navy's F-18s are grounded because they are awaiting maintenance or lack of necessary parts. If you look at our Marines, our Marines are using F-18s, and 62 percent of F-18s will not fly. People are just shocked when they find out about it. It is because we don't have the spare parts. Well, we are getting busy on that. We are going to make sure we correct those problems.

The Army has said that only about one-third of their brigade combat teams, one-fourth of their air aviation brigades, and one-half of their division headquarters are currently ready.

A brigade combat team consists of 7 battalions, approximately 4,500 students. I wish I had time to come up with a chart on this, but the carrier wing is one that is absolutely necessary to get folks straight, and we plan on doing that.

Faced with the most dangerous threats I have seen in my lifetime, these are critical gaps in our military we simply cannot accept.

I often say, when I look back at the good old days of the Cold War, where we had two superpowers—and the superpowers, we knew what they had, they knew what we had. It is totally different now.

You have a country like North Korea, which has demonstrated that they have the capacity now to reach an American city. We learned that on November 28, when they actually demonstrated a range that would reach one of our continental U.S. cities.

They tried to give us a little bit of comfort in saying, well, we don't know that they would be able to carry a warhead. We don't think they would have the capacity to do that. Well, we don't know that. That is not much comfort.

When they say: We don't have the capacity to be accurate on a reentry because of what a missile has to go through on a reentry, well, that is not very comforting that this would happen.

Anyway, the NDAA—the bill we passed, that the President signed into law—would be a good step in correcting the readiness shortfalls. I look forward to continuing to work with him on this critical process.

We have a committee that already is having hearings about the problems we are having. We had one, actually, in the subcommittee hearing I chaired just this week. We are busy correcting these problems.

Meanwhile, back to our VA problems in Oklahoma, we put two new great directors in the VA clinics. We have a level of veterans' care Oklahomans are proud of. Only yesterday, President Trump signed the Enhancing Veteran Care Act to ensure that we continue to give our veterans the best care. They deserve it, and they are going to get it.

At the same time, we are going to restore and rebuild the military as our Nation's No. 1 priority. Our troops deserve it, and they are going to get it.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from South Carolina.

TAX REFORM BILL

Mr. SCOTT. Thank you, Mr. President.

This week, we took a major step toward helping the middle- and working-class family by passing the first significant tax reform package in a generation.

I wanted to take a few minutes to thank a lot of folks for their efforts, hard work, and dedication to this process. At the Member level, both Leader MCCONNELL and Chairman HATCH did amazing work leading us through this process.

I also had the privilege of working as part of the Core 4, with PAT TOOMEY, JOHN THUNE, and ROB PORTMAN, over the past year developing this bill. Those three guys are some of the hardest working Members we have.

I also thank MARCO RUBIO for his dedication to improving the child tax credit, as well as MIKE LEE and Ivanka Trump.

We were also able to include my Investing in Opportunity Act as a part of the legislation. This is legislation that will help distressed communities throughout the country. More than 50 million Americans today live in those distressed communities, and the Investing in Opportunity Act can usher in trillions of dollars of investment to improve the quality of life and create a spark in some of the most challenging areas of our country economically.

I thank my House sponsor of the bill, PAT TIBERI, and my Democratic cosponsors, CORY BOOKER and RON KIND.

We could not have gotten this far without the hard work and dedication of the Finance Committee staff. I thank, in particular, Jay, Mark, Jeff, Jenn, as well as the entire Finance team for their amazing work.

I also want to take a few minutes to thank my staff. I have been blessed with an amazing staff here on Capitol Hill, one of the hardest working staffs I have ever seen. I want to start off by thanking my tax guru, Shay Hawkins, who has done a tremendous job of leading us through this process—fielding thousands of calls and responding to tens of thousands of emails. I would also like to thank my LD, Charles Cogar, for his dedication and his leadership through this time. My chief of staff, Jennifer DeCasper, has done an amazing job of making sure we stayed focused on the objective. The objective was not to simply pass legislation; the objective was, in fact, to change lives where we live, to help the average American experience a little more hope, a little more opportunity by keeping a little more of their money. I also thank my commerce director who has done a fabulous job, Sean Smith, in making sure we communicated effectively the message of hope and opportunity, and my scheduler, Brie Kelly. Thank God for someone who could keep me moving in the right direction. One of the hardest jobs in Washington is being a scheduler for a Member, and being a scheduler for this Member is perhaps the hardest job of scheduling.

My entire team worked diligently, long hours, but that is why we are here. We are here to work long hours, but to produce results—unparalleled results—that will make the American people have just a little more confidence in their elected officials.

Finally, I have to thank the good people of South Carolina. I was first elected to Congress in 2010, and one of my first pieces of legislation was the Tax Reform Act of 2011—February of 2011—to lower the corporate tax rate and to work on restructuring our Tax Code.

Since my first days in Congress, I have been working on this issue. The good people of South Carolina allowed me to serve as a Senator. I was elected in 2014 and reelected in 2016. I will continue to make sure my focus is back at home, where the good South Carolinians who elected me have given me a great privilege.

I will focus on the fact that our work, our dedication should be focused on those folks. The good news is, during this holiday season, we believe this tax reform package will be an early Christmas present.

Let me just say to all the folks, no matter what side of the aisle you are on, no matter where you live in this country, we are blessed—truly blessed—to live in the greatest country on God's green Earth. Merry Christmas, and may the good Lord bless us with an amazing new year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

POWER ACT

Mr. SULLIVAN. Mr. President, as we all know, more and more brave women are speaking out about the abuse that has been reported in the papers—abuse by the powerful, in many cases. I want to say at the outset that the country applauds these women for their courage and for setting an example for others.

Some of the stories we have heard about involve sexual harassment, but some of the other stories also appear to involve even more serious crimes, including domestic violence and sexual assault, which is an incredibly important issue that often gets underreported all across the country. As a result of these news stories, I am certainly hopeful these kinds of problems—the domestic violence problems we have in America—are going to start to receive the attention they need and deserve.

Just as we are seeing more men fired from jobs because of sexual harassment and assault, we also need to see more get the punishment they deserve, in a court of law, for violent abuse. We also need to make sure victims are protected and that they have an advocate—a lawyer—who is on their side in these cases.

Unfortunately, many who are suffering from domestic abuse and sexual assault can't afford attorneys to file charges or, importantly, to even protect themselves and their families, their kids. Here is the big irony: When someone is charged with a crime—say a sexual assault crime, say an accused rapist—that person gets a Sixth Amendment right to counsel under the U.S. Constitution. So the perpetrator gets the right to a lawyer. What does the victim get? The victim gets nothing—no attorney, no right to an attorney.

Think about that. An accused rapist gets a lawyer under the Constitution and the victim gets nothing. In fact, what they often get, in terms of crimes, are prosecutors, if it is a criminal case. Prosecutors do a good job, but they are often looking to score a win rather than looking out for the victim and the survivor. If it is a civil case, survivors usually go without attorneys.

I believe this is wrong. Fortunately, we have been working on this in this body. We have a bill to change that. Senator HEITKAMP and I introduced a bill in the Senate that was passed unanimously by this body several months ago—and actually passed it last Congress as well—called the Pro bono Work to Empower and Represent Act, known as the POWER Act. Congressman JOE KENNEDY in the House has introduced a companion bill where it likewise has enjoyed broad bipartisan support. Some of the most conservative Republicans and some of the most liberal Democrats are showing a broad array of support in the House just as it has enjoyed in the Senate.

When it passes through both Chambers, the bill will be a robust first step in making more lawyers available, working on a pro bono basis for victims and survivors who can't afford representation. There are thousands—tens of thousands—who fall into that category, unfortunately.

So what is the problem we are trying to solve? Domestic violence and sexual assault happens every hour, every day, in every part of our country. According to a recent study by the Centers for Disease Control, roughly 25 percent of American women will be victims of domestic assault in their lifetimes—one in four—25 percent. That is a horrendous statistic. Every day in the United States, on average, three women are killed by a current or former intimate partner, according to the National Network to End Domestic Violence. That is also a shocking, horrendous statistic.

No place is immune. This kind of violence happens in small towns, in big cities, on college campuses, and in suburban homes. This violence transcends political affiliation, race, and socioeconomic status. I know a number of my colleagues have watched as I like

to come to the Senate floor and talk about my State—the great State of Alaska—and I like to talk about how many things are so wonderful about Alaska. One thing that isn't wonderful about Alaska is, we have the highest rates of domestic violence and sexual assault in the country. So this is certainly happening in my State, and it is one of the reasons I care so much about this issue. It is happening in every State—every State represented in the U.S. Senate.

There are no simple solutions to combat this issue of nationwide domestic violence, but experts do agree that securing a lawyer for victims is one of the best ways, if not the best way, to get victims and survivors out of their difficult situation—out of what often is a cycle of violence—to get them shelter, housing, and medical care, and protective orders.

Studies have shown that when an abused victim is represented by an attorney, their ability to break out of the cycle of violence increases dramatically. One study found that 83 percent of victims represented by a lawyer were able to obtain a protective order compared to just 32 percent in domestic violence situations when they weren't represented by an attorney.

Not only would more legal representation help victims and survivors of abuse, but it would also help protect children. In these situations, children are often abused as well. Paige Hodson from Anchorage is a survivor herself. She has been working for years with thousands of women as an advocate for women who are trying to get out of abusive relationships and women who are also trying to protect their children. These are complicated and often difficult issues and cases, but Paige has said it is critical for both the safety of the mom and the kids to make sure they are represented by an attorney.

So what does the POWER Act do? Every area of our country—every part of America—is represented by a judicial district that is represented by a U.S. attorney. Under the authority of the Justice Department, some States have several U.S. attorney districts. Alaska has only one.

Utilizing this national framework of all of our different U.S. attorneys throughout America, the POWER Act sets out a way to increase connections between lawyers and victims, between advocates and survivors. The bill, which has already passed the Senate, directs each U.S. attorney to hold at least one annual event, inviting lawyers and legal service representatives who want to provide their legal services and pro bono time to empower victims by representing them.

It also requires U.S. attorneys to plan and hold events with a focus on addressing these kinds of crimes—domestic violence and sexual assault—in Indian Country and among Alaska Na-

tive populations, where some of the abuse in the lower 40 and in my State is very, very high.

Another important point about the POWER Act is that it would not add a dime—not one penny—to the Federal debt. But here is what it would do: It would create an army of lawyers—thousands of lawyers—to defend survivors of abuse. Think about that positive vision. Think about that positive vision and goal. What a great way for Americans, especially attorneys, to rise up in a positive and constructive way in response to all the bad news we are reading almost daily about these issues and show the better angles, the better side of our country.

The model for this bill came from my State of Alaska. As I mentioned, we have the highest rates of domestic violence and sexual assault in the country—something that no Alaskan is proud of. When I was attorney general, working closely with our legislature, our Governor, and many of the victims advocacy groups, we launched a strategy called the Choose Respect Campaign. The Choose Respect Campaign highlighted this problem in our great State.

We did public service announcements about how real Alaskan men choose respect; we changed the laws to make the penalties for perpetrators much harder; and we provided increased services for victims. One way we did that was to hold what were called pro bono legal summits. I hosted those summits. We brought together lawyers and victims advocacy groups, legal services groups, and this actually worked. It worked. By 2014, over 100 cases in our State were handled by volunteer attorneys providing thousands and thousands of hours of volunteer legal assistance to victims of domestic violence and sexual assault.

Think about that. Alaska has a little over 700,000 people, and we had over 100 attorneys come out—thousands of hours, just in our State, with a small population. If we could take this model to 300 million Americans, we literally would have an army of lawyers helping survivors with volunteer time and helping meet this significant unmet need throughout our country.

As I mentioned, the POWER Act passed unanimously in the Senate, but, unfortunately, it is being held up in the House. Ironically, it is stuck in the Judiciary Committee—the committee focused on bringing justice to Americans. It is stuck there. Remember, this is not going to cost a dime, yet it has been stuck for months in the Judiciary Committee. It is kind of ironic. These victims need help, and this bill will do that.

It is not only my bill to help victims and survivors of sexual assault that is stuck in the Judiciary Committee. My colleague, the majority whip from Texas, Senator CORNYN, has a very important bill that he came to the floor

of the Senate just last week to talk about. It is called the SAFER Act and will help States ease the nationwide backlog of thousands of untested rape kits that currently sit untested in labs and on police storage shelves across the country. There are thousands. Ending this backlog could take perpetrators off the streets and provide victims and survivors the justice they deserve. We know this would work. We know that would help.

The SAFER Act passed the Senate under the leadership of Senator CORNYN. Let me talk about how important that bill is to the country. In my State, there are 3,484 untested rape kits, more per capita than any State in the country. Anchorage, my hometown, has one untested kit for every 164 residents. In Juneau, AK, it is one for every 160 residents. The backlogs are all across the country. As Senator CORNYN pointed out in his speech, there are 2,000 kits that remain untested in his State, the State of Texas. In Virginia, where the State legislature has made this kind of testing a priority, there are also more than 2,000 kits sitting on police shelves.

The Detroit Free Press recently reported on how, in 2009, officials stumbled onto more than 11,000 untested rape kits. After they raised enough money to test them, 817 serial rapists were identified. That is why this is so important. Once these kits are processed, they often give us the evidence to go after the abusers, the criminals.

It is remarkable to me that both of these bills—the SAFER Act that Senator CORNYN has championed and the POWER Act that Senator HEITKAMP and I have championed—are sitting in the House Judiciary Committee. Victims are not getting justice right now with these bills sitting there.

Why on Earth would such bipartisan legislation, which would literally end up helping thousands of survivors and probably bring to justice hundreds of criminals who commit these heinous crimes of sexual assault and domestic violence—why on Earth would we have bills, which have bipartisan support and little to no impact on the Federal Treasury, stuck in the House Judiciary Committee? It is beyond comprehension.

To my colleagues in the House, let's move this. Let's move these bills before the holidays. Let's start focusing on bringing justice to people who really need it.

Helping victims and survivors of domestic violence and sexual assault is not a Republican issue, it is not a Democratic issue, it is not a women's issue, and it is not a men's issue. It is an issue that affects all of us. Working together—as Senators, as Members of the House, as Americans—we should clearly unite in this cause, which transcends politics or ideologies, because we can start changing the culture of

abuse. That is what we have been trying to do in Alaska. It is going to take a long time. It is going to take a long time, but we need to act.

I am hopeful that my colleagues in the House—my colleagues particularly in the Judiciary Committee—recognize the urgency of these kinds of situations and will move the SAFER Act and the POWER Act out of committee and get it on the floor for a vote as soon as possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSSIA INVESTIGATION

Mr. BLUMENTHAL. Mr. President, I thank my colleague, Senator MARK WARNER from Virginia, for his powerful and eloquent remarks on the floor less than 24 hours ago. He talked about the threat that exists now—looming larger every day—of a constitutional crisis. It is a crisis that threatens the foundations of our democracy. It involves a potential confrontation and, indeed, a legal conflagration between the President of the United States and the special counsel who has been appointed to investigate wrongdoing in our government.

None of the facts that justified—indeed, required—the appointment of a special counsel has been controverted in any reasonable way by anyone since the appointment of that special counsel. Now a campaign of mistruth and misdirection has been launched against that special counsel investigation. It is a campaign that is calculated, concerted, and coordinated. It is calculated because it is planned and premeditated; it is concerted in its consistency and vehemence; and it is coordinated among officials within the government, including the U.S. Congress and commentators and individuals outside the government.

The danger of a constitutional crisis is real and urgent, and we must come together in the U.S. Senate to face it and address it and deal with it.

This body has come together in the past when America has faced a foreign adversary that has sought to do our Nation harm. We have come together to hold our leaders accountable when they have broken faith with the American people. We have come together when forces of dissension and misdirection have sought to undermine or weaken respect for the law and law enforcement and, indeed, the rule of law. What is at stake here is nothing less than the rule of law.

Let's recognize what is happening. The President, in effect, is going down two tracks. On the one hand, he is saying that he has no present intention to fire the special counsel or to pardon anyone—yet. He adds that word very distinctly. The other track involves a coordinated, concerted, and calculated campaign that is continuing—indeed, rising—in intensity and volume.

The President's supporters, even in raising that volume, have reached extraordinary lows. Let's remember. At first, our Republican colleagues appeared to recognize that Robert Mueller was eminently—indeed, uniquely—qualified for his important task. Republican House Members called him a “man of the utmost integrity” and “someone we all trust.” Now we hear that the Mueller investigation is somehow biased. One commentator known to be close to President Trump suggested that the special counsel should not only be fired, he should be arrested. Even Members of Congress who once recognized Mr. Mueller's stellar record as a member of the Armed Forces, as well as in his capacity as the FBI Director, as a prosecutor, and as a public servant, have impugned his integrity. Indeed, they have begun to sow seeds of doubt.

A chorus of defenders and sycophants has launched this campaign—calculated, concerted, and coordinated—to smear the special counsel, to impugn the integrity of the FBI—to, indeed, directly attack this great and important institution. They have decided to do it in that concerted and coordinated and calculated way. The President, himself, has said that the FBI's reputation is in tatters.

An article that appeared today in *POLITICO* described an effort by a House Republican on the Intelligence Committee to initiate a sustained attack on the Department of Justice and the FBI. The President's chorus of defenders and sycophants describes routine law enforcement activities as a “coup” and traffics in the kinds of conspiracy theories that we usually associate with fringe internet chat rooms.

What is their justification for this vituperative attack on the Department of Justice and the FBI?

One of the FBI agents expressed his political views in a private text to an FBI attorney, but the special counsel took swift and decisive and deliberate action to remove that FBI agent from the investigation.

More broadly, let's recognize the reality here. As a Federal prosecutor, as the U.S. attorney for Connecticut for 4½ years, and then as the State attorney general for 20 years, I know—and all of us who have been prosecutors know—that investigators, like FBI agents, have political views. Some are on the right end of the political spectrum; some are on the left. The mark of their professionalism is that they

leave them at home when they go to work. They park them at the door, not just because it is what they are taught and trained to do, but they believe in unbiased law enforcement because they know that a criminal investigation, ultimately, comes down to facts and law. It cannot be based on political opinions. Investigations that are biased by political opinions are doomed to disaster.

Perhaps most importantly, there is not a scintilla of fact—not a shred of evidence—that the special counsel investigation has been impacted in any way by any political view of any FBI agent or, for that matter, anyone else in that investigation. There is, simply, no evidence that political views have impacted the special counsel's investigation.

The simple fact that prosecutors know is that all such investigations must seek to uncover the facts and apply the law, and that is what Special Counsel Robert Mueller has done. The proof is in the results so far—two powerful convictions that have shattered the Trump Presidency and two indictments that indicate this investigation is just at its beginning, not at the beginning of the end but, simply, the end of the beginning. These trials of the two indictments will go well into next year, as will the investigation. That there will be more convictions and more indictments, I think, can be pretty reliably predicted to a near certainty.

Beyond this investigation, we all know in this Chamber—and, certainly, any of us who have been involved in law enforcement—that public trust and confidence are essential. The President, himself, has said he is “a true friend and loyal champion” for law enforcement and “more loyal than anyone else can be.” He has pointed out that law enforcement officials, like our police and FBI agents and DEA and others, “rush into danger every day,” and he has criticized the folks who have subjected them to “relentless criticism.” He has promised to always stand with them. Those promises apply, apparently, to law enforcement as long as they are not investigating him.

The President has said that he has no present intention to fire the special counsel, but he has far from ruled it out. For anyone who thinks it would be too outside the bounds of normal standards, remember that the firing of Jim Comey as FBI Director was regarded as unthinkable. It was unthinkable until President Trump did it.

Equally important, this chorus of defenders and sycophants can undermine the Mueller investigation even if Mueller, himself, is never fired. They can poison the well of public opinion and, indeed, a jury pool. They can sow seeds of doubt regarding the special counsel and his team, and they can lay

the groundwork for firing Robert Mueller as well as for issuing pardons.

Let no one have any doubt. Firing Robert Mueller would create a firestorm that would be every bit as vehement as the Saturday Night Massacre. It would provoke an uprising, an outcry, and outrage in the American people and in this Chamber. The time to make that fact clear is now, not just for this side of the aisle but with unanimity and force on both sides.

That chorus of defenders and sycophants may think or imagine it can prevent the special counsel from revealing his finding or reporting to the American people at the conclusion of his investigation or that it can discredit or demean those findings or that it can undermine his credibility before a jury. It would be wrong because this body and our colleagues are committed to uncovering the truth, to pursuing it wherever it leads, and to enforcing the law.

That is my hope and belief, but it must not only be a hope; it must be reflected in action—in real action. That involves passing legislation that will send a message about this body's resolute and unwavering commitment to making sure that the special counsel cannot be fired, that pardons cannot be issued, and that this investigation cannot be a victim of political interference.

The President has indicated that he is averse to hearing about Russia or considering its threat to this country. That aversion certainly sets back his ability to defend this country against the Russian threat by sanctions and other means and deterrents that will assure that Russia is made to pay a price so they do not do it again.

In conclusion, let me just say that that aversion must be overcome. We need to send a signal, as we did by passing sanctions, that we will take action against Russia to stop it from interfering again in this election, that we will make sure that Russia is made to pay a price, and that our constituents know that we will insist on a fair and independent investigation without political interference, passing legislation that is bipartisan that has been offered by Republicans as well as Democrats, including myself, and should be moved through the Judiciary Committee and to the floor of this Congress. That message is all the more important now as this investigation penetrates the White House for the first time in the Flynn conviction, coming closer to the Oval Office itself. A real and robust congressional investigation of those efforts through the Judiciary Committee, as well as obstruction of justice, continues to be necessary, but we should combine our efforts to make sure that law enforcement and the judicial process moves forward without political interference that will undermine its credibility.

I yield the floor.

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent that following my remarks, I yield the floor to Senators JOHNSON and MARKEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. Madam President, I wish to thank my colleagues Senator WARNER and Senator BLUMENTHAL for their words on the Senate floor—Senator WARNER's words yesterday especially, defending Special Counsel Robert Mueller, in his leadership on the Senate Intelligence Committee's Russia investigation. Senator WARNER is absolutely right that we must protect the integrity of the Justice Department's independent investigation.

Congress needs to make clear that there are redlines. Any attempt to fire Robert Mueller, to shut down the investigation, or to presumptively pardon key witnesses essential to the investigation would be an abuse of power and a direct threat to the rule of law and to our constitutional system.

Ohio's Ukrainian community knows the impact of unchecked Russian aggression in Russia's effort to undermine democracy around the world. Getting to the bottom of Russian interference and protecting our future elections from that interference are critical.

My priority is getting to the bottom of what happened so that our democratic process is upheld and so we can move forward with the business we were sent here to do—creating jobs, combatting the opioid crisis, as Senators JOHNSON, MARKEY, and I will speak about in a moment, and helping middle-class families. Any efforts to delay that conclusion or interfere in the investigation, I believe, will not be tolerated by Senators in either party.

Thanks to Senator WARNER for making that clear. Thanks to my colleagues in both parties who take this seriously. All of us have had serious conversations with Members of both parties to discuss what all this means, and thank you for all of us working together to complete the independent Senate investigation. It is important that we make clear to the American people that this is not a partisan issue. It is about the integrity of our elections, about protecting our country from foreign powers.

Any attempt to discredit Robert Mueller and his investigation and to turn it into a partisan issue makes us less safe as a nation. Let's allow the Justice Department and the special counsel to do their jobs. Let's get back to doing ours.

INTERDICT ACT

Mr. BROWN. Madam President, as we await Senator MARKEY's and Senator

JOHNSON's remarks, I wish to set the stage. The CDC released a new report last night showing a massive increase in the number of Americans dying from drug overdoses.

My State is second to the Presiding Officer's State. It has the second highest rate of deaths per capita in the country. In my State of Ohio, unfortunately, far too many people die from opioid overdoses than any other State in country. Families are torn apart. Children lose parents. Parents lose sons and daughters.

The CDC pins much of the blame of this epidemic on this relatively new deadly synthetic fentanyl. Fentanyl is 50 times stronger than heroin. Senator CAPITO knows that, as do Senators JOHNSON and MARKEY. All of us in the Senate are aware of that.

This drug is being illegally trafficked into this country from Mexico and China. We have a bill to stop this today. The INTERDICTION Act. I want to thank Senator MARKEY for his leadership on this bill and also my colleague Senator PORTMAN for his support. Senator PORTMAN and I have been working on a number of issues across party lines for months and months. It would provide more funds for Customs and Border Protection to screen packages effectively and safely, to stop fentanyl whenever possible before it reaches Akron, Toledo, Dayton, or the smaller cities of Chillicothe, Mansfield, and Zanesville.

This passed the House with only two or three negative votes. It has the support of major law enforcement organizations, including sheriffs and police officers. Our law enforcement officials, better than anybody, see the devastation that fentanyl causes our communities. They know the risk our officers face dealing with this deadly substance. That is why this bill needs to pass into law.

Just this week, the National FOP, the Federal Law Enforcement Officers Association, the Police Assisted Addiction Recovery Initiative—a recent phenomenon, unfortunately—all publicly asked us to pass the bill.

Americans are dying in record numbers. Life expectancy in our country—I believe, for the first time in the lifetimes of any of us—actually dropped last year. Think about that.

We have made progress, as I mentioned, in this body. I wear a pin on my lapel of a canary in a bird cage. The mine workers in West Virginia, Ohio, and elsewhere would take this canary down to the mines. If the canary died, the mine worker was on his own. He didn't have a union strong enough or a government that cared enough to help him. In those days, people lived 45 years on average—for a person born in the United States in 1900.

Today we live 30 years longer for a whole host of public health reasons—from Medicare to Medicaid, to safe

drinking laws, to clean air, to minimum wage—all the things that we do. For the first time, I believe, in our lifetime, life expectancy actually has dropped because of drug overdoses for the second year in a row, and it is in large part because of these overdose deaths.

Why shouldn't we take steps today to stop this? We can do this by putting the INTERDICTION Act on the President's desk, immediately giving law enforcement the tools they need to keep fentanyl out of the country and off our streets.

Mr. MARKEY. Will the Senator yield?

Mr. BROWN. Of course.

Mr. MARKEY. I thank the Senator for yielding, and I thank the Senator from Ohio for talking about this very important issue.

Fentanyl is a killer that is descending upon every single community in the United States. Fentanyl is a synthetic opioid that is 50 times stronger than heroin and 100 times more powerful than morphine. Fentanyl is the Godzilla of opioids.

Senator BROWN represents Ohio; I represent Massachusetts. The fentanyl epidemic has a bull's-eye on Ohio and a bull's-eye on Massachusetts. The deaths from fentanyl are skyrocketing. In 2016, upwards of 70 to 75 percent of all of the opioid deaths in Massachusetts were because of fentanyl. Fentanyl was found in the blood system of those people who died. Last year, 2,000 people in Massachusetts died of overdoses. Three-quarters of them had fentanyl. If the epidemic had been hitting the rest of the country at the same rate that it has been hitting Massachusetts, last year 75,000 people would have died with fentanyl in their blood systems.

Last night, the Centers for Disease Control and Prevention released shocking new numbers on drug overdose deaths in the United States. These numbers show the spike in deaths caused by fentanyl and other synthetic opioids.

Here are the new numbers nationwide. More than 42,000 Americans died from an opioid overdose last year. That is a 27-percent increase over the number of Americans who died from an opioid overdose in 2015. It went up 27 percent from 2015 to 2016. Of the 42,000 lives lost to opioids last year, nearly half of them nationwide—just over 19,000—can be directly attributed to fentanyl and other synthetic opioids. The number is a much higher percentage in Massachusetts.

Fentanyl is overrunning our communities, laying waste to them. There is no easy solution, but we know that we must staunch the flow of this drug before we lose an entire generation to this terrible killer. That is why I introduced legislation with Senator BROWN and Senator RUBIO to help those on the

frontlines stop this deadly drug from ever getting into our communities. The bill is called the INTERDICTION Act. It provides badly needed high-tech equipment and other scientific resources to U.S. Customs and Border Protection to catch illicit fentanyl being trafficked into the United States, mainly from China and Mexico.

When U.S. Customs and Border Protection detects a suspicious package or substance, it has had very good success identifying an illicit drug like fentanyl with the help of high-tech, hand-held chemical screening devices. Using these devices, Customs and Border Protection agents can detect, identify, and seize illicit drugs like fentanyl on the spot. Those rapid results provide vital information for border agents to continue their investigation and, if appropriate, proceed with seizure and arrest.

What is more, these devices and their ability to immediately identify fentanyl and other hazardous illicit substances also serve to safeguard the health and well-being of Customs and Border Protection agents so they are not accidentally exposed to fentanyl. That is what these devices help to make possible.

So we introduced the INTERDICTION Act with SHERROD BROWN of Ohio; Senator CAPITO, the Presiding Officer in the Senate today; Senator RUBIO; and we have added another 16 Senators from both sides of the aisle.

Mr. BROWN. Madam President, will the Senator yield?

Mr. MARKEY. Madam President, I would be glad to yield.

Mr. BROWN. Madam President, I thank Senator MARKEY for his leadership on this issue. This has gotten this far because of his efforts in so many ways.

I want to enter into the RECORD three letters that are dated yesterday and today. Actually, one is from the National Fraternal Order of Police, signed by Chuck Canterbury, their national president, in support of this bill, with a very persuasive, passionate laying out of reasons it matters. The second is a letter from the Federal Law Enforcement Officers Association, signed by Dominick Stokes. Mr. Stokes is a longtime friend of mine. The third letter is from the Police Assisted Addiction Recovery Initiative group, signed by Frederick Ryan, all making endorsements for this bill.

I ask unanimous consent those three letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, December 20, 2017.

Hon. A. MITCHELL MCCONNELL, JR.,
Majority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES E. SCHUMER,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS MCCONNELL AND SCHUMER:
I am writing on behalf of the members of the Fraternal Order of Police to urge the Senate

to consider H.R. 2142, the "International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology (INTERDICT) Act," which passed the House 412-3 in October.

Heroin and prescription opiates have created a devastating epidemic across our country, and now these overdoses outnumber gunshot deaths and motor vehicle deaths. This epidemic has worsened with the influx of synthetic opiates like fentanyl from foreign countries, especially China and Mexico. For example, synthetic fentanyl is cheaper than normal opiates bought on the street and it is 50 times more deadly than heroin.

Our law enforcement officers at the United States Customs and Border Protection (CBP) are on the forefront of stopping the deadly influx of synthetic fentanyl into our communities from these foreign countries. The CBP needs all the resources they can get to stop this devastating flow of drugs into our country.

This legislation will ensure that CBP will have additional portable chemical screening devices at ports of entry, mail and express consignment facilities, and more fixed chemical screening devices at CBP laboratories. The bill will also provide CBP with sufficient resources, personnel, and facilities, including scientists to interpret the screening test results from the field.

With all the additional resources CBP will be better equipped on all fronts to thwart the deadly flow of synthetic opiates across our borders.

On behalf of the more than 330,000 members of the Fraternal Order of Police, I want to thank you for helping fight against the heroin and opioid epidemic and fighting every day to rid our communities of these drugs. If I can be of any additional help to you, please feel free to contact me or my Senior Advisor, Jim Pasco, in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Cabin John, MD, December 21, 2017.

Hon. A. MITCHELL MCCONNELL, JR.,
Majority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES E. SCHUMER,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS MCCONNELL AND SCHUMER: I am writing on behalf of the members of the Federal Law Enforcement Officers Association (FLEOA) which is a professional organization representing more than 26,000 federal officers and agents in 65 law enforcement agencies including the United States Customs and Border Protection (CBP). FLEOA has endorsed H.R. 2142, the "International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband and Technology (INTERDICT) Act" which passed the House with a 412-3 vote. I urge the Senate to consider this bill for passage.

Probably the most serious crisis facing law enforcement is the proliferation of heroin and opiate drugs, which are causing more deaths from overdoses than ever experienced before. In fact, synthetic opiates like fentanyl are now the leading cause of overdoses because they are cheaper and dramatically stronger than heroin.

The INTERDICT Act will provide CBP with portable screening devices at ports of entry and mail facilities. In addition, it will increase detection devices at CBP testing facilities and laboratories. The Act will also provide CBP with additional staffing and resources. This will allow CBP to successfully

diminish the importation of synthetic opiates into the United States.

FLEOA applauds your assistance in helping CBP and the other federal agencies in their efforts to reduce the plague these illegal substances have induced on our country.

Sincerely,

DOMINICK STOKES,
FLEOA V.P. for Legislation.

POLICE ASSISTED
ADDICTION RECOVERY INITIATIVE,
Gloucester, MA, December 21, 2017.

Hon. A. MITCHELL MCCONNELL, JR.,
Majority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES E. SCHUMER,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS MCCONNELL AND SCHUMER: The Police Assisted Addiction Recovery Initiative (PAARI) is a nonprofit organization that trains and supports more than 360 law enforcement agencies that have launched programs that serve as a pre-arrest bridge to treatment. PAARI was pleased to offer its strong support for S. 708, the bipartisan INTERDICT Act, which was introduced by Senators Markey, Rubio, Brown, and Capito. This bill will expand U.S. Customs and Border Protection's ability to use technology to detect fentanyl and other narcotics coming into the United States from abroad and which are causing a public health epidemic in our communities.

While the Senate has yet to act on S. 708, the House of Representatives took action and on 25 October 2017, passed companion legislation HR 2142, by a vote of 412-3. As this year draws to a close, we urge the Senate to take up and pass the House version of INTERDICT this year.

Drug overdose is the leading cause of accidental death in the United States, with more than 54,000 overdose deaths reported in 2015. Almost 33,000 of those overdose deaths—roughly 60 percent—involved opioids, including prescription opioid pain relievers, heroin, or the synthetic opioid fentanyl. In particular, as the CDC's recent report has just shown, fentanyl and its analogs are becoming increasingly responsible for these overdose deaths.

Fentanyl is up to 50 times more powerful than heroin and 100 times more powerful than morphine. It is dangerous and potentially life-threatening to simply touch or accidentally inhale the white powdery substance. Sometimes, unbeknownst to the user, fentanyl is often mixed with heroin or other substances, or formed to resemble prescription opioid pills. Most illicit fentanyl comes to the United States from China and Mexico, delivered through the mail or express consignment carriers, or smuggled across the southwest border of the United States. The INTERDICT Act will help the United States better identify and stop these dangerous substances from landing in communities across America.

Now is the time to act. This holiday season too many seats at too many tables are empty due to the unrelenting flow of fentanyl into the United States. We must give our law enforcement personnel the tools necessary to stop this flow. We can do that, in part, by getting the INTERDICT Act to the President's desk this year. That is why PAARI strongly supports this important legislation which will give U.S. Customs and Border Protection the additional resources it needs to fight the flow of fentanyl and other deadly drugs into the United States.

Sincerely,

FREDERICK RYAN,
Chief of Police, Arlington Massachusetts,
PAARI Board of Directors Co-Chairman,
PAARI National Police Council Chairman.

Mr. BROWN. I think it is pretty clear how important this is. This bill got, I believe, 2 or maybe 3 negative votes out of 400-some in the House of Representatives. There is no organization I know of that opposes it. I hear from people in my State consistently about how important this is, from police organizations to parents, to individual police officers and county sheriffs and all, and deputy sheriffs.

There is just no reason we shouldn't be able to do this before we go home for Christmas. There are a lot of things we should do before we go home for Christmas, including the Children's Health Insurance Program, but this is one we know we can do. There seems to be no substantive disagreement from any large number of groups or individuals that I can see, so I am hopeful we can move forward with this in the next few minutes.

Mr. MARKEY. Will the Senator yield?

Mr. BROWN. Yes.

Mr. MARKEY. Madam President, I thank the Senator for yielding.

Can I just list the names of the organizations that support this bill so the police can interdict, stop the fentanyl from coming into our country?

It is the National Fraternal Order of Police, it is the Federal Law Enforcement Officers Association, it is the National Border Control Council, it is the Police Assisted Recovery Initiative, it is the National Sheriffs' Association, the National Tactical Officers Association, the National Association of Police Organizations, the National Narcotics Officers' Associations' Coalition, the Sergeants Benevolent Association, the American Legion, the International Union of Police Associations, the Major Cities Chiefs Association, the Major County Sheriffs of America, and the Massachusetts Coalition of Police. So it is pretty much every single law enforcement agency at all levels in the country saying: Please give us this tool now so we can detect this incredible killer in our country.

Three former Commissioners of U.S. Customs and Border Protection, appointed by both Democratic and Republican Presidents, support the INTERDICT Act. President Trump's nominee to head the agency, Kevin McAleenan, testified that he supports getting more of these high-tech scanners into the hands of Customs and Border Patrol.

Despite working for months with Senate leadership to try and secure authorization for funding, we just can't seem to get this over the finish line so that in the new year they have these devices. The way it works is, you just put the device up next to a package, and it will tell you if it has got fentanyl or not. Right now, many law enforcement agencies will not even allow one of their police dogs to sniff for fentanyl because it will kill the police dog. That is how dangerous

fentanyl is, and that is why these electronic devices are so important. It ensures that we have minimized the exposure of our officers to these substances and, at the same time, dramatically increase the likelihood that we are going to identify the fentanyl in a package and, as a result, deter these people from China or from Mexico who bring it into our country and are killing us by the thousands.

At 42,000 deaths last year, it is now approximating the total number of deaths in the war in Vietnam throughout its entire history. That is just 1 year, 42,000 people—1 year. That is a terrorist attack of a magnitude on our own streets that is unimaginable.

With these devices, we don't completely solve the problem, but we put more weapons in the hands of our law enforcement officials, detection devices that can minimize the likelihood that these terrible people from China, from Mexico, principally, can bring this stuff into our country.

So this is a huge issue. It goes right to the heart of the seriousness of dealing with this issue. My only hope is, we have an ability to be able to move this thing forward in a way that lets the American people say: We understand the issues you want us to work on, and the opioid crisis is at the top of the list. It is indiscriminate. It affects potentially every family. No one is immune to addiction. No family is immune from addiction. It could hit any family at any time, and fentanyl is the ultimate killer.

I thank the Senator.

Mr. BROWN. Madam President, I thank Senator MARKEY and hope we can work things out with Senator JOHNSON on this issue.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. BROWN. Yesterday, Madam President, a bunch of Members of Congress, with healthcare paid for by taxpayers, went to the White House and celebrated a handout for corporations that sends jobs overseas—companies that shut down in Mansfield, in Zanesville, in Lima, and Toledo moved to Wuhan and Sheshan and Shanghai and Guangzhou.

Families here in America, at the same time—I am still incredulous about this. Families in this country, at the same time—in this State of Virginia, just a few miles from here—are getting letters in the mail saying their kids are about to be kicked off their health insurance through something that was bipartisan and never interrupted for 20 years since Chairman HATCH and Senator Rockefeller and Senator Kennedy wrote this bill to create CHIP—and a number of us worked on it in the House of Representatives—because Congress hasn't done its job.

Think about that. Because Congress hasn't done its job, we are about to go

home for Christmas—most of us—and those who don't celebrate Christmas are about to go home for the holidays and celebrate the new year. My grandchildren are coming from Columbus, and another one is coming from the Virgin Islands with his father—our son and his daughter-in-law. We are going to go home, and our families have health insurance, but Members of Congress who get good health insurance paid for by taxpayers are willing to leave here and not reauthorize, not continue the Children's Health Insurance Program. To make it worse, several States, including Virginia—Ohio is in a little better position because there is a little more money left over to take care of this—but letters are going out in State after State after State to parents saying: Sorry, the health insurance for your children is going to expire. The health insurance for your children will no longer be there.

Imagine you are a parent, and you get this letter. You are just vaguely aware that Congress is fighting about something. You are vaguely aware of the hard-heartedness of a whole lot of people in this Congress. You are vaguely aware that a bunch of politicians—privileged, elected officials who make good salaries and make good benefits—are going to turn their backs on you. You don't really think much about that. All you know is, you take this piece of paper, tear open this envelope, and you start reading this letter, and you see, oh, my gosh, the insurance for my children.

Now, overwhelmingly, these parents are people who are working. They are earning \$8, \$10, \$12, \$15 an hour. They are not making enough that they can afford insurance for their families. They are not working at a job where insurance is provided as part of the compensation your employer is paying you. So that is why the Children's Health Insurance Program is so important.

A new report from the Georgetown University Center for Children and Families reports that 1.9 million children could lose coverage in January—1.9 million children. Almost all of them have a mother or a father who will open a letter and see that, oh, my gosh, the insurance for my daughter, for my son is about to expire. That is 1.9 million in January and another 1 million will lose insurance by the end of February.

Parents will panic, parents will be confused, and parents, to be sure, will have their Christmas ruined by this. Think about those families getting that letter. It should be a joyful time of year for families, spending time with family, enjoying the holidays. Imagine checking that mailbox and kind of thinking maybe this is a Christmas card and opening it and finding out it is that letter. Imagine telling your daughter: I am sorry, honey. Santa is

not going to bring much this year. We don't make a lot of money—you know that—but we will not have any presents under the tree. Then you have to look into your children's eyes—you have to look into your son's eyes, you have to look into your daughter's eyes, and you hope they don't see the worry in your eyes because you just got this letter. Now you are wondering how you will afford to take him or her to the doctor if he or she gets sick. These are often families with two working parents who, as I said, aren't lucky enough to work for an employer who provides insurance.

These are often families with children who have special needs. Like Crystal Lett and her son Noble, a first-grader in Dublin, OH, which is a suburb just west and northwest of Columbus. Crystal and her son Noble—I met them. This is obviously Noble. I met Noble and his mother Crystal in Washington this spring when they came all the way from Ohio to talk about what CHIP means to their family.

Noble was born with a rare genetic disorder. He needs three therapy sessions a week. He needs daily hormone injections to treat his condition. His medications run about \$1,500 a month.

I talked to Crystal again at the end of last month. She and her family are scared to death about what will happen to them if Congress doesn't save CHIP. She said CHIP is "the difference between living a middle class lifestyle, or being part of the poverty line." It is the difference between a middle-class lifestyle or being part of the poverty line.

Over the last several weeks, Congress was busy. Congress had the time to hand out massive tax cuts to the richest Americans and the biggest corporations but didn't have time to help these families. Some of you may have been in this Chamber a few nights ago when I pointed down the hall to Senator MCCONNELL's office, the Senate Republican leader, and described the lobbyists who went in and out of his office to get these tax breaks. It was the lobbyists from the oil companies and from the oil industry. There were lobbyists walking in and out of Senator MCCONNELL's office, the leader's office, from the tobacco companies. The lobbyists from the big drug companies and the lobbyists from Wall Street were going in and out of his office.

When you look down the hall to Senator MCCONNELL's office, do you know who didn't come out of his office? There were no lobbyists for the Children's Health Insurance Program because, you know what, children like Noble don't have lobbyists. They can't hire lobbyists. Parents are just hoping to keep their head above water because they have a child who needs medical attention, and any child obviously can need medical attention. That is the importance of CHIP.

So CHIP doesn't have a lobbyist. CHIP has people like Crystal Lett, who stands up for her family, who stands up for her children, but she can't come to Washington full time. She came here with a delegation from Nationwide Children's Hospital in Columbus.

Congress had time to hand out these massive tax cuts, but they don't have time for Noble Lett. It is a disgrace. It is a program that was bipartisan, and it has always been bipartisan. It was voted out of committee bipartisanship, but I guess the right crowd of lobbyists hasn't visited Senator MCCONNELL down the hall in his office. It is despicable.

We passed a bipartisan CHIP extension out of the Finance Committee. It is ready to go. If Republican leaders would put it on the floor today, it would pass. I assume it would pass with at least 90 votes. There is no excuse for this delay.

There is talk the House is going to pass a 3-month CHIP extension. We have never done that. We have extended CHIP 1 year, 2 years, 3 years. This is going to get a 5-year extension. That is what we ought to do. They are going to do a 3-month extension.

Three months provides no certainty to the States that are running CHIP. It provides no certainty to Crystal Lett to take care of Noble and manage his healthcare. It provides no certainty to anybody. The Presiding Officer's State of Alabama is already taking steps to close down their programs and freeze enrollment. I know Senator STRANGE doesn't want that to happen, but I also know Senate Republicans need to talk to their leader to make this happen.

States have to give families a heads-up so these parents have time to do what they can. Maybe some of these parents can find an alternative source of coverage, maybe they are going to fit in one more doctor's appointment before their coverage lapses. Think of that. You get this letter in the mail saying the insurance for your children is about to expire, so what do you do? You start dialing the hospital and dialing the doctor's office because you have CHIP coverage for another month or another 5 weeks or whatever, and you start scheduling any possible appointment you can, the Christmas season notwithstanding.

Providing a 3-month extension doesn't solve this problem; it just makes the situation more complicated. This body can pass massive permanent tax cuts, but they can't give families certainty? I know the tax cuts are permanent for corporations, and I know they are temporary for individual people in this country. Of course, this Congress—as special-interest controlled as it is—first takes care of corporations, but it would be nice if they gave some certainty to these children's families.

I want my colleagues to explain to the Crystal Letts in your State—be-

cause every State has thousands of concerned parents who don't know what to do with the expiration of this. My State has 209,000 children who rely on this program.

Senator HATCH said last month: We are going to get it done. Now we are hearing that Senator MCCONNELL is only going to let us vote on a 3-month extension.

This is about whose side you are on. Do we work for corporations that send our jobs overseas, or do we work for families, such as Crystal Lett and her son Noble? Do we work for families who might wake up on Christmas morning without health insurance? I guess the answer is pretty clear: Most people in this body are working for large corporations that are getting huge tax cuts and that send their jobs overseas, and they are turning their backs on those families who need us to simply do our jobs and pass this extension of the Children's Health Insurance Program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

REPUBLICAN TAX BILL

Mrs. SHAHEEN. Mr. President, yesterday President Trump and congressional Republicans went to the White House to celebrate the passage of tax legislation that was partisan and that was rammed through the Senate earlier this week without one public hearing.

Debate on this bill in the Senate is over, but I think we must not lose sight of the impact this legislation will have on so many families and on our economy.

Make no mistake—this tax bill is not tax reform. Instead, it asks middle-class families and future generations to foot the bill for massive tax breaks for large corporations and the wealthy. By adding over \$1 trillion to the national debt, this tax plan will undermine our ability to address so many of the real challenges that face this country and middle-class families in America.

Indeed, Republicans have already made clear that this tax bill is just step No. 1. What we have already heard from Members of the House is that step No. 2 is going to be next year, and that includes deep cuts to Social Security, to Medicare, and to Medicaid. They are saying we are going to have to do that to address the deficits that have been made far worse by this bill.

Meanwhile, the majority's headlong rush to ram through this tax bill has meant they jeopardized access to healthcare for tens of millions of Americans.

My colleague from Ohio just talked about so many families in his State who are worried about losing their children's health insurance. We are see-

ing that in New Hampshire, as well, and across this country. By considering only stop-gap, short-term reauthorizations of critical healthcare programs, fear and uncertainty have been created for countless American families.

Because the Congress has failed to enact a long-term reauthorization of the Children's Health Insurance Program, health coverage for nearly 9 million children across the United States is at risk. Congress has failed to enact a long-term reauthorization of the community health centers, which more than 25 million Americans rely on for essential healthcare. And according to the nonpartisan Congressional Budget Office, the tax bill's repeal of the individual mandate means that nearly 13 million fewer Americans will have health coverage in the next year, and many millions more are going to pay increases in their rates.

In addition, the majority has also failed to enact a long-term reauthorization of the Special Diabetes Program. That is a devastating blow to nearly 1.25 million Americans who are living with type 1 diabetes.

All of these programs have earned strong bipartisan support. That is what is so hard to understand about this. All of these programs should have been fully reauthorized for the long term because I know my colleagues in the Senate support these programs.

Once again, we have missed a prime opportunity to address the opioid crisis. We desperately need a Federal response to the opioid epidemic that includes robust, sustained resources that match the scale of this epidemic.

Just this week, we learned from the Centers for Disease Control and Prevention that because of soaring overdose mortality rates, life expectancy in the United States has declined for the second year in a row. For the first time since the early 1960s, we have seen the second year of decline in life expectancy because so many people are overdosing because of substance use disorders. In 2016, 63,000 people died from overdoses. If we were losing that many people to a war in the Middle East, there would be an outcry in this country. I want to know where the outcry is, and when is this body going to act?

On Tuesday, the University of New Hampshire released a study that cited a fivefold increase over the past decade in our State of babies who were born addicted because of their parents' substance use disorders. Yet, in the face of this uncontrolled national public health emergency, the majority has once again failed to find appropriate funding.

Again, this is an issue that I know has bipartisan support. I worked with my colleagues here on the other side of the aisle to try to address this issue. Yet it has not been a priority, just as funding children's health insurance and the community health centers and

other healthcare initiatives—the Special Diabetes Program—have not been a priority for funding.

This is an enormous lost opportunity. We could have written bipartisan legislation to address all of these issues, and we could have fully authorized, in a timely manner, critical health programs on which tens of millions of Americans rely. We could have addressed the opioid emergency, which is ravaging communities across this country. But instead, what did we get? We got a tax bill that makes a mockery of reform. It makes the Tax Code more complex, not less. It will grow the deficits and our national debt. And instead of helping the middle class in reducing the complexity of our outdated Tax Code, it creates a bonanza of new loopholes for the large corporations and the wealthiest in this country.

The majority here in the Senate had no problem coming up with \$1.5 trillion in unpaid-for tax cuts for the biggest corporations in this country. In the final days before passing the tax bill, they had no problem creating a new \$700 million loophole for oil and gas partnerships that will benefit oil giants, such as Shell and Valero. They had no problem creating a new loophole for wealthy individuals with large real estate holdings—a loophole that has been described as a jackpot for the Trump family and for several Members of Congress. They had no problem retaining the carried interest loophole at a cost to the Treasury of \$20 billion. I remember during the campaign when Candidate Donald Trump railed against the carried interest loophole as a giveaway to Wall Street that was unfair to American workers. Again and again, Candidate Trump promised to kill this loophole, but President Trump now enthusiastically supports keeping it in the tax bill.

Yesterday at the White House, Republican leaders and President Trump celebrated the tax bill, while at the same time, many in the majority party insist that the Federal Government can't afford to help 9 million children who depend on the CHIP program and tens of millions of working Americans who rely on community health centers or the Affordable Care Act for access to healthcare.

Well, according to a study by the bipartisan Joint Committee on Taxation released this week, by the time many of the provisions of this tax bill expire in 2027, large corporations and the wealthiest Americans will continue to enjoy the massive permanent tax cuts because those cuts are not set to expire, but almost every income group below \$75,000 will see tax increases by 2027.

Make no mistake—this tax bill is a betrayal of middle-class Americans, and it is especially a betrayal of tens of millions of Americans who placed their faith in President Trump.

This tax bill is also a case of sadly misplaced priorities. The majority in Congress have been single-mindedly focused on passing this bill at every step, adding more and more giveaways to large corporations, instead of working across the aisle to focus on the needs of the middle class. Meanwhile, they have shortchanged the Children's Health Insurance Program, they have shortchanged community health centers, and they have shortchanged the Special Diabetes Program. They have caused hospitals and clinics across my State and across America to begin the process of reducing their services. This really demonstrates a lack of understanding and a total disregard for the needs and priorities of so many Americans.

Yesterday, Republican leaders and the President celebrated the passage of their misguided tax bill, but Senators who care deeply about regular order and bipartisanship in this body are not celebrating. Americans concerned about our national debt and our children's future are not celebrating. Americans who see growing income inequality as a threat to our democracy—a threat made far worse by this tax bill—are not celebrating either. And parents of the 9 million children who rely on the Children's Health Insurance Program are dreading notifications from their States that their children will no longer have health insurance. These families aren't celebrating during this holiday season either.

As I said earlier, the debate on this bill is over, but I intend to continue to speak out against this very damaging tax legislation. I pledge to continue to speak out in support of the real needs of working people across America, including the need for affordable healthcare.

In the new year ahead, I certainly hope to be able to work with Senators on both sides of the aisle to address these urgent needs. The American people deserve better than this legislation. They also deserve a Senate that values bipartisanship, that values cooperation and compromise and the service of all Americans, not just the largest corporations and the wealthiest in this country.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. HATCH. Mr. President, I would like to take a moment to discuss the Children's Health Insurance Program, or CHIP.

As we all know, the authorization for CHIP expired at the end of September. Since that time, States have been utilizing their reserve funds in order to

cover the healthcare needs of kids. For a number of States, those funds are due to run out in the near future.

There have been a number of claims from our friends on the other side and some of their allies in the media that Republicans have ignored the CHIP program; that we don't intend to reauthorize it; or that we supposedly placed a higher priority on tax cuts for the rich than on providing health insurance for needy children. Those claims are absolutely ridiculous, and they know it. It gets a little old sometimes—some of the stupid politics that are being played by the other side.

I come at this issue from two angles. I am both the original author of CHIP, and I currently chair the committee with jurisdiction over the program. Nobody should doubt my commitment to continuing the CHIP program. For two decades now, I have been a supporter of CHIP, and I worked with Members of both parties to keep it moving forward and functioning properly—even in times when my Democratic colleagues have pursued a more divisive approach with the program. That commitment continues to this day.

On October 4, the Senate Finance Committee unanimously reported a bipartisan bill that would reauthorize CHIP for 5 years. In my view, a long-term reauthorization is essential so that States, including my home State of Utah, can plan well into the future and the families who benefit from CHIP can be sure that coverage for their needy children won't just disappear.

It appears that the year-end continuing resolution could include a short-term reauthorization for CHIP. That is far from ideal, and as the leading advocate for this program, I have no desire to see it become subject to repeated short-term fixes and constantly looming deadlines.

I intend to continue working with Senator WYDEN and my colleagues on both sides of the aisle in both the Senate and the House to enact the KIDS Act in a fiscally responsible manner as soon as possible. Doing so is essential to providing certainty for families and States.

TAX REFORM BILL

Mr. HATCH. Mr. President, with this week's passage of the Tax Cuts and Jobs Act, many throughout the country are rightly celebrating the first substantive reform of our Nation's Tax Code in more than three decades.

While the popular narrative surrounding this bill has been that Congress has moved quickly to pass this legislation, I don't think anyone who has worked on tax reform over the last several years would agree with that assessment. This week's success is made possible by years of hard work and the efforts of countless policymakers, experts, advocates, and public servants.

Over the last several years, I have come to the floor on many occasions to advocate for tax reform. I am glad today to be able to rise and acknowledge the efforts of many people whose work made the historic occasion possible.

First, I would like to thank those Members who went before us. Former Chairmen Camp, GRASSLEY, and Baucus spent the better part of the decade laying the groundwork for this effort.

I also want to thank Senator WYDEN, who, along with Chairman Baucus, worked with me on the Finance Committee over the last several years as we produced reports and options papers, convened bipartisan working groups, and held more than 70 hearings to discuss tax policy.

While I have been disappointed that my Democratic colleagues have opted not to participate in this year's efforts to produce this particular bill, they definitely contributed to this knowledge and policy base we worked from to put our legislation together.

For years, I have reiterated the importance of Presidential leadership when it comes to tax reform. I am grateful that President Trump has been willing to engage with Congress on this issue and to put some political skin in the game in order to move us forward.

From the outset of this administration, Secretary Mnuchin and Director Cohn have been actively working to make this success a reality. I thank them for their engagement in this effort and the work they and their staffs have put in.

From the Treasury staff, I would like to thank Justin Muznich, Dan Kowalski, and Jay Mackie.

From Director Cohn's staff at the National Economic Council, I need to thank Jeremy Katz and Shahira Knight.

From the White House, thanks to Mark Short, Amy Swonger, Andy Koenig, Joseph Lai, and Jim Goyer.

These staffers from the administration have worked for the better part of the year with leaders from both Chambers to produce this bill and get it over the finish line. Their success is shared with our colleagues over in the House, led by Chairman BRADY and Speaker RYAN. I thank my colleagues for their hard work and their willingness to find common ground when many believed that it was impossible to do so.

From the Ways and Means staff, I want to thank David Stewart, Matt Weidinger, Allison Halataei, Rick Limardo, and Paul Guaglianone. Special thanks is owed to the committee tax staff: Barbara Angus, Aharon Friedman, John Sandell, Victoria Glover, John Schoenecker, Randy Gartin, Aaron Junge, Donald Scheider, Danielle Dubose, Kathryn Chakmak, and Loren Ponds.

From the Speaker's office, I want to thank Jonathan Burks, Austin

Smythe, George Callas, Derrick Dockery, and Josh Althouse.

From the House majority whip's office, I need to thank both Marty Reiser and Kelly Hudak.

Of course, here in the Senate, we have been ably led by the majority leader. I want to thank Senator MCCONNELL for his commitment to get this done and for his leadership throughout this entire endeavor.

From the leader's staff, I want to thank Sharon Soderstrom, Brendan Dunn, Antonia Ferrier, Hazen Marshall, Erica Suares, Terry Van Doren, Don Stewart, and Jane Lee.

Joining Senator MCCONNELL, as always, has been our distinguished majority whip. I thank Senator CORNYN for his efforts in shoring up support and addressing our Members' concerns from the beginning of this process until final passage of the conference report.

From the whip's staff, I want to thank Monica Popp and Sam Beaver.

Of course, when it came time to draft the Senate's tax reform legislation, most of the real work was done in the Finance Committee. The committee bill was truly a shared product that included the input and addressed the interests of every majority member on our dais. Without their work, we wouldn't have had a bill, and without their commitment to seeing this through, we wouldn't have gotten to where we are.

I want to thank Senators GRASSLEY, CRAPO, ROBERTS, ENZI, CORNYN, THUNE, BURR, ISAKSON, PORTMAN, TOOMEY, HELLER, SCOTT, and CASSIDY for the months of work they put into producing and passing this legislation. I also need to thank their staffs who, until this week, haven't slept in months.

My thanks also go to the tax staffers on the committee, namely, Chris Allen, Joseph Boddicker, Chris Conlin, Shay Hawkins, Randy Herndon, Bart Massey, Monica McGuire, Mike Quickel, Zachary Rudisill, Andrew Siracuse, Robert Sneden, Derek Theurer, and Mark Warren.

My thanks go, as well, to the committee's legislative directors: Charles Cogar, Ken Flanz, Chris Gillott, Brad Grantz, Amber Kirchhoefer, Kurt Kovarik, Jessica McBride, Sarah Paul, Landon Stropko, Jay Sulzmann, Stephen Tausend, Pam Thiessen, and Christopher Toppings.

Of course, when the Democrats signaled their refusal to even meet on tax reform, we knew we would need a well-crafted budget resolution with the right instruction to get tax reform passed. So I need to thank my good friend, Chairman ENZI, and the Budget Committee for their work, which made a seemingly mundane and tedious process look easy.

From the Budget Committee staff, I want to thank Joe Brenckle, Jim Neill, Betsy McDonnell, Matt Giroux, Paul

Vinovich, Becky Cole, Eric Ueland, Steve Townsend, Jeremy Dalrymple, and Thomas Fueller.

Once we had a resolution, we had to hold a markup. In the Finance Committee, that can be a challenging process, particularly on a bill this big and complex.

Thankfully, we have been ably served by a professional staff who helped us through that whole process, namely, Joshua Levasseur, Jewel Harper, Joe Carnucci, Mark Blair, Athena Schritz, Susanna Segal, Eliza Smith, Tim Corley, and Michael Pinkerton.

The Joint Committee on Taxation was also critical throughout the committee process, as well as when we moved the bill onto the floor. They worked countless hours doing the work that often just made everybody mad at one point or another. There is an often thankless but really critical job, and I am grateful for their dedication and earnestness.

Specifically, I need to thank Tom Barthold and his team for making sure both parties in the House and the Senate were getting all the information that was needed, at times under challenging time constraints. Tom does a terrific job for the Senate, and I personally appreciate him and value him as a friend.

After moving a mark through the committee, we relied on assistance from the Senate Legislative Counsel's office to put together the legislative text. That was a critical step, and we could not have done it without Mark McGunagle, Jim Fransen, and their team.

Then as we began to prep the bill for the floor, we spent countless hours debating different provisions before the Parliamentarian. This process can be difficult, and I would like to offer my thanks to our Parliamentarian, Elizabeth MacDonough, and her team for the hours and days they put into helping us comply with the rules of the Senate.

As the bill neared its final phase, we were grateful to be able to work with Senator MURKOWSKI on the second title of the bill, and as we moved to conference committee, Senator MURKOWSKI's counterparts in the House also played an instrumental role in helping to finalize this legislation.

Of course, there are those who work hard to make sure things go smoothly here on the floor. I thank the majority floor staff for their assistance, particularly, Laura Dove, Robert Duncan, and Megan Mercer.

As I said, this has been a long process, and throughout this entire venture, I have had the benefit of working with a skilled and committed staff. My staff have sacrificed time, energy, sleep, and, in some cases, likely their physical and mental health for the passage of this bill. It has been an incredible effort, and I need to thank all of them.

I want to single out my chief tax counsel, Mark Prater. I think everyone in this Chamber and everyone in Washington would agree that we could not have done any of this without Mark.

I also need to thank my staff director, Jay Khosla, who has been the tip of the spear, managing the incoming and outgoing issues with apparent ease. I also want to thank his assistant, Jason Stegmaier, for helping to keep Jay from forgetting the important details, like remembering to eat lunch.

I want to thank my entire tax staff: Jennifer Acuna, Tony Coughlan, Christopher Hanna, Alex Monie, Eric Oman, Marty Pippins, Preston Rutledge, and Nick Wyatt.

I need to thank the members of my senior team as well: Matt Hoffmann, Jeff Wrase, Julia Lawless, Jennifer Kuskowski, Chris Armstrong, Bryan Hickman, and Shane Warren.

I want to thank my communications staff on the committee: Katie Niederee, Nicole Hager, and Joshua Blume.

I also want to thank a couple of former Finance Committee staff members, specifically, Chris Campbell, my former staff director, who helped to set the stage for this entire effort, and Jim Lyons, my tax counsel who passed away last year, much to the sorrow of us. He spent years working on tax reform, and I know we all wish he could have been here to celebrate with us this week.

From my personal office staff, I want to thank my legislative assistant, James Williams, and Matt Sandgren, my chief of staff.

There are many more people who deserve thanks this week—far too many to mention at this time. They are not forgotten, though, believe me.

We have done a good thing here this week. This is truly a historic success.

Some of our colleagues on the other side last night said that the American people will remember what happened here this week. To that, all I can say is that I hope they do. This new tax law will do a lot of good for a great number of people throughout our country, and I am humbled to have been a part of the efforts of so many people who were willing to get this thing done for the American people.

I am grateful to my staff. I am grateful to the staffs of our Senators on the committee. I am grateful for everyone involved in the Finance Committee and for the good efforts that they put forward. But I am really grateful that I serve in the U.S. Senate, the greatest deliberative body in the world, and this is a perfect illustration of why.

I am very grateful to be able to stand on this floor and show my complete devotion to this wonderful government. To both sides of the floor—Democrats and Republicans alike—I am grateful. I am grateful that we have this Constitution to guide us, and I am grateful

that for the most part, we have abided by it.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

NOMINATIONS PROCESS

Mr. LANKFORD. Mr. President, maybe my colleagues have heard through public and private conversations over the past year that I believe the Senate is moving gridlock from here on Capitol Hill to all across the city and across the Nation. The reason for that is how we do nominations and the length of time on nominations. It is time for the Senate to fix the Senate's rules.

Here is how it works. As this body knows extremely well, we have over 1,000 nominees who come from the President. In the first year of a new Presidency, a vast amount of time is spent in getting those 1,000 people through the nomination process. Each one of those is selected by the White House. They do their own vetting, and then they send them over to the Senate.

The Senate has the constitutional responsibility for advice and consent. When they come through the Senate, they will go through background checks, evaluations, and conversations with staff on both sides of the aisle.

They then come to the committee, go through a committee process and a hearing, they are voted on in that time period, and then they move to the floor.

When they move to the floor for debate, typically, for most of the years of the Senate, they have already gone through the committee process. Every Member of the Senate has the opportunity to be able to take a look at their information. And then they move through with a simple-majority vote. That is the way nominations have moved for most of the history of the Senate.

A few years ago—20 or so—some individual Senators started asking for cloture votes. Those cloture votes started to slow down the process on about 3 or 4 nominations a year; then it became 9 or so nominations a year; then it moved to as crazy of a number as 13 or so a year, of the 1,000 or so moving through.

That became such a nuisance that in 2013, my Democratic colleagues called for something they called the nuclear option, to say we will just take nominations not from 60 required to be able to get to cloture but just to 51. There was debate and internal conversation about that because Republicans, quite frankly, were holding up 15 or so nominations a year with the cloture process. So there was a big debate about that.

In the beginning of President Obama's second term, Republicans and

Democrats came together and they changed the rules of the Senate for 2 years and said: OK, truce. The simple rule of the Senate was for any cloture vote, if there was one called for—again, typically, you would never call for one, but if there was one called for, there would be 2 hours of debate for a district court judge, 8 hours of debate for most nominees, and 30 hours of debate for Supreme Court, circuit court, or a Cabinet-level appointment. But even Harry Reid, when he stood on the floor, said this would be only—his words—“extraordinary circumstances” if you should ask for a cloture vote at all. But if they were asked for, it would be 2 hours, 8 hours, or 30 hours. Prior to that, all nominations were 30 hours of debate, literally taking up an entire day to move one person, knowing that you have to move 1,000.

A few months after that, still in 2013, Democrats still frustrated that Republicans were calling for some cloture votes still, moved to have the nuclear option entirely and just transition all nominations, except for the Supreme Court, to just 51 votes. So now they had the rule of expediting 2 hours, 8 hours, and 30 hours, and the new ability to move them all with just 51 votes.

Quite frankly, if you are going to change the rule to 51 votes, you probably need to change the cloture rule as well. They just did it in reverse. They changed the rule for how many hours it would take and then later changed the rule for how many people it takes to go through the process.

Now what has happened? Remember I argued that we had 13, 14, 15 people held up in cloture in a year? This year, so far, there have been 64 nominations held up in cloture votes. That is 64 days in the Senate we could do nothing else but sit here waiting. Now, it wasn't for debate. It may sound as if it is being held for 30 hours of debate for that time period. Debate normally didn't happen. Most of the time, this Chamber was empty. It was just that 30 hours was demanded to shut down the body as a whole, 64 of those in this year.

What has it brought us? It has brought us more animosity, more division, and more frustration. My Democratic colleagues a few years ago were screaming that we should have the nuclear option because Republicans were so irrational with 15 cloture votes. Yet we have watched 64 occur this year.

Earlier this week, I sat down with the Rules Committee and brought a very simple option to everyone, Democrats and Republicans alike, and we had a great turnout to be able to just talk through the process. My simple presentation was, let's take the rule that was agreed to in 2013, that Harry Reid and the Democrats brought at the beginning of the second term of President Obama, and let's have the rule for each nomination be 2 hours, 8 hours, and 30 hours. Let's move back to the

tradition that Harry Reid had, which is to say let's make cloture votes only extraordinary on a nomination, if needed at all, but if they are, 2 hours, 8 hours, or 30 hours. To do the exact same thing now is what was agreed on in 2013 and 2014.

By the way, Republicans joined with Democrats during that time period and passed that new rule, which would put us at disadvantage with 78 votes.

I don't think it is too much to ask to say that if we are going to get the Senate back to work again, then let's actually get back to work again. Let's put us in a process that actually gets there.

What happens in the meantime when that does not occur? I will tell you what happens. In the meantime, we have agencies all over this town that can't answer a question because the bureaucrats are waiting on a Senate-confirmed individual to be able to lead that agency—to be the Secretary, Under Secretary, Deputy Secretary, whatever the task may be, the counsel for that particular agency—so they sit and wait. So our constituents who are trying to get a permit in certain places or trying to get an answer or trying to get disaster relief—all they can say in the office is, we can't do that until we get a Senate-confirmed position in place. But we can't get Senate-confirmed positions in place until my Democratic colleagues will actually allow individuals to actually come up and be debated.

What else happens? The other thing that happens is, we can't do legislation in this body; we can only do nominations. With 1,000 different positions that are open, typically they move through rather quickly and they move through the process. But when 64 days are held up just for that, during that time period, you can't do anything else but sit and go through what is called the cloture 30 hours. You can't bring up other legislation.

Then what happens? Well, then my Democratic colleagues come to the floor and say: We haven't had a single debate in this body on CHIP. We haven't had a debate on infrastructure. We haven't had debate on any of these things. Why won't we move a bill on all of these things?

At the same time, they know it is because they blocked the floor from being able to move legislation because of continual cloture votes over and over and over. It is a bizarre game that doesn't lead to solutions; it leads to greater animosity. It is the same frustration that has existed for a while; it is just getting louder.

At some point, we have to put in a process and say: How do we get out of this? How do we fix this? I think the best way to fix this is to take a bipartisan solution that was agreed to before when Democrats were in the lead, to agree to it now and say that is going

to be the permanent rule, just to be able to move a set of ideas.

For what is historically called the greatest deliberative body in the world, wouldn't it be nice to actually get back to deliberating again, spending more time on legislation rather than more time arguing about why aren't debating it when everyone secretly knows the reason, which is because we can't get it to the floor?

I do grow tired. I grow tired of hearing all the political statements and accusations.

Republicans hate children.

They want to throw them out.

They don't want them to have health care.

They hate people of color.

They are trying to exclude people from voting.

They are trying to keep people from having tax reform.

They only care about the wealthy.

Just over and over, when at the same time, the undercurrent is out there to keep anything from being discussed on the floor. It is an interesting strategy to paint your "enemy," but it doesn't help the country—intentionally divisive without a solution.

In 2001, the first year of a new President, there were 51 nominations pending that first year.

There is an interesting thing in the Senate rules. It is the wonderful rule XXXI that no one has heard of. It states that at the end of a year, any nominations that are still out there can be automatically thrown back to the White House and they have to start all over again. They have to renominate them. They have to go through the whole process. They have to go through committees.

At the end of the first year of President Bush, there were 51 nominations still sitting there at the end of that year. On 49 of them, this body, by unanimous consent, said: No, we will just hold them over. We are fine. We don't have to send them all back to the President.

In 2009, in President Obama's first term, there were 72 folks. For 64 of those, this body—every Republican and Democrat—agreed to just leave them here and not make them go through the whole process again, which would have been absurd.

As of now, we have 122 pending at the end of President Trump's first year. I am interested to know, when Republicans gave Democrats unanimous consent to be able to maintain their nominations in the past, what happens now. Will this be yet another sign of pure politics rather than actually helping the country get stuff done?

I look forward to the day when we can work toward solutions, not just argue and banter back and forth with political statements. If we are going to get stuff solved, let's not pretend and play games and put each other down;

let's actually sit down in a room and get stuff solved. Let's fix the rules of the Senate, whether they be the budget rules that keep us from actually having real budget debates or the rules of the Senate that keep us from actually working rather than allowing us to actually do work.

The rules of the Senate and the process in the Senate are determined by the Senators, so we alone are to blame when the Senate is not working. There is no finger-pointing. There is no "it is that party." There is no "it is that person." It is all of us.

So my recommendation is simple. Let's fix it. Let's resolve the issue. Let's do the right thing in the right way.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Colorado.

Mr. BENNET. Mr. President, this is not the topic that I came to the floor to talk about; I will talk about it in a minute. But while the Senator from Oklahoma is here, I thought I would just respond to what he was saying—not on the merits of his particular proposal, because I haven't had a chance to study that yet, but to his plea that this place start to work again. I couldn't agree more with that sentiment.

The Founding Fathers were very deliberate people, and they understood that in exercising self-government in the Republic that they were establishing, which subsequent generations of Americans have made more democratic over time, that we would have disputes. People these days in our political system and especially on the cable television at night seem to be astounded that there are people who don't see the world the way they see the world. The Founders knew that, by definition, if we were going to be a self-governing republic, we would have disagreements, and they set out to form an incredibly elegant mechanism to resolve those disputes. It was elegant on the outside of this Chamber—freedom to assemble, freedom of speech, freedom of religion, the right to vote—and it was elegant on the inside of this Chamber. And generations of people who occupied this place understood that the way it was meant to work was not that you always got your way all the time and that part of being here was not just to have disputes but to resolve disputes—and not even our disputes but disagreements that the country might have for a legitimate reason—and, on average, hoped that we would move the country forward.

I quite agree that recently—certainly in the time that I have been here—we have been using this place simply to have disputes, not to resolve them. That may be OK if we were in North Korea or in the Soviet Union—the old Soviet Union; it doesn't work in a democratic republic.

I want to finish a little bit of the history that my friend from Oklahoma talked about. After the Democrats invoked the nuclear option, which I have said before on this floor is the worst vote that I ever took as a Senator, the now majority leader pocketed that precedent when we changed the rules in the middle and used it—used the nuclear option to change the rules so that now a person gets a lifetime appointment on the Supreme Court not with 60 votes but with just 51 votes. My issue with that is that now your party can advance people to the Supreme Court without any reasonable expectation that my party should take responsibility for it, or vice versa.

Instead of having potential nominees come here and say: You should put me on the court because I can attract both Democratic and Republican votes because I have an open mind, I worry we are going to have people from both sides say: We are going to have a litmus test for Supreme Court nominees, which says we either have the most conservative jurist in the country or the most liberal jurist in the country, depending on who it is. We have infected the Supreme Court with the partisanship of this body.

My hope is, we can actually come together on a set of rule changes that would recognize not just that this place may need to move a little faster in the 21st century but that we ought to be pushing people together to work in a bipartisan way on behalf of the country.

Without passing on the merits of the proposal, I thank the Senator for coming to the floor to talk about—to put it in the vernacular—how busted this place is.

DACA

Mr. BENNET. Mr. President, I wish to talk about the Dreamers.

As I have from the time I was a school superintendent in Denver until now, I had the opportunity to spend time last weekend or the week before with a group of Dreamers in Alamosa, a small town in Southern Colorado.

These meetings are usually occasions for people to lay out their dreams for the future in America, the only country they know and the only country they love. This meeting was different than other meetings I have had recently. Instead of the hope and self-confidence I am so used to hearing from young people, what I heard was fear, anxiety, and pain.

Everybody in the group I met the other day came to this country as undocumented immigrants when they were children, some just months old. None of them made the decision to come here. They grew up here, and they know no other country besides the United States of America.

In 2012, they joined 800,000 Dreamers who came forward across the country

to share their information for temporary legal status under the DACA Program. Over the past 5 years, many of these Dreamers grew into young adults, finishing school, starting families, launching businesses. They went about their lives, trusting our government would keep its word and find a way for them to stay in the only country they know. Then, in September, President Trump rescinded DACA, throwing every one of their lives into chaos.

During our meeting in Alamosa, not a single person could share their story without breaking into tears. One young man, Julio Maldonado, told me about the iPhone repair business he opened on Main Street. Like so many immigrants, he poured himself into that enterprise as an entrepreneur. Thanks to his efforts, it is now not only turning a profit, it is providing a service to his community and supporting his family. Now all of that is in jeopardy.

As I said, Julio couldn't tell his story without starting to cry. When he turned to his business partner who was also there to help, his partner began crying too. Versions of that played out again and again in our meetings and in the meetings I have been having here in Washington, DC, as Dreamers take the risk to travel to Washington to share their stories—honest dream after honest dream being crushed by uncertainty, young people trembling in fear.

We hear a lot around this place about how we don't have to act until the last moment. We don't have to act until March 5. This is not true. There are so many children, young people, and young adults in my State who are losing their status as we sit here, unable to accomplish something everybody seems to say they want to accomplish. The President says he wants to accomplish it. The Speaker says he wants to accomplish it. Senators on both sides say they want to accomplish it. We have created this crisis that President Trump set off when he rescinded DACA.

This isn't just affecting Dreamers, although that ought to be enough for us to do the job we are supposed to do. For years, farmers and ranchers have told us they need workers with clear legal status. Undocumented workers have told us they face exploitation without legal resources. Families have told us they fear being split apart and sent to places they hardly know, and, today, this week, those fears were confirmed again as we lost another father from Colorado. Just last week, we had a family torn apart in Colorado.

Melecio Andazola came to America in 1998 as an undocumented immigrant. Over the last 19 years, he has paid taxes in America, he has raised four children in America, he has followed the rules. Then, on Friday, he was deported.

Now it is unclear whether he will ever see his daughter walk across the

stage for her college graduation next spring at Yale, in New Haven. It is unclear how he will be able to support his four kids. Because of the choices we have made in Washington, the lives of everyone in that family have been spun into chaos, like so many other families across the country.

For years, stories like this have demanded action. That is why the Senator from Illinois who is here today, Senator DURBIN, has led this charge for so many years, standing on the floor with photos of the Dreamers from his State and across the United States. It is the reason I was so honored to have the chance to work with him and six others of our colleagues back in 2013, the so-called Gang of 8, a group of four Democrats and four Republicans.

I was just talking with my friend from Oklahoma about how this place doesn't work. That was an instance where it worked. We came together to write a bipartisan proposal for immigration reform. Over the course of 8 months, in Washington, we worked through a process that I think would make every American proud for once—both sides sitting down to solve problems. The result was a great piece of legislation.

Our bill had more funding for border security, not just a wall but smart and effective border security. It had more funding for internal security. It had a pathway to citizenship for the 11 million undocumented people who are here, including all of the Dreamers. Part of that bill had the most progressive DREAM Act ever written. It got 68 votes on the floor of the Senate. Not everyone got what they wanted. As I just said to the Senator from Oklahoma in a different context, it is unreasonable to expect that here. Each side had to give, but the result was a great vote. It got almost 70 votes in the Senate, at a time when you can't pass anything through the Senate.

For the first time in a generation, we had a real opportunity to resolve our differences on immigration, but as is so often the case in Washington, politics got in the way. In the House, Republican leaders denied our bill a simple up-or-down vote, which would have passed. They preferred to keep immigration alive as a political weapon to divide the American people and distract from the real challenges in our economy.

By the way, the Senator from Illinois will remember this. We heard a lot of stretching this week about how much economic growth this tax bill was going to create—0.6 percent here or 0.1 percent over there. The CBO estimate on the Gang of 8 immigration bill was that by bringing people out of the shadows and putting them in a position to contribute legally to the economy, that would have added 3 percentage points to our GDP, to our Nation's economy over the first 10 years, and

five incremental points over the second 10 years. That would have been a useful thing to do for our economy.

As a result of what happened—or didn't happen—in the House, the rhetoric around immigration has just become more toxic, evermore divisive, evermore unrecognizable in America, a Nation that has inarguably been made great by immigrants.

As I said, there are a lot of economists who are awfully skeptical about the economic claims that have been made about this tax bill. If we look at what happened in 2001 and 2003, when they tried to do it before, we all know how that story is going to end. On the other hand, nearly every expert agrees that forcing out the Dreamers would hurt our economy.

The Cato Institute found that removing the Dreamers would stunt economic growth by \$280 billion. Another study found that comprehensive immigration reform would grow the economy by \$1.5 trillion over 10 years and support nearly 1 million new jobs.

Despite these facts, there has been a lot of talk around here about how immigrants detract from America or how they somehow leach off the system and lack our values. Those claims are then used to justify actions like canceling DACA. It would be hard for me to believe that anybody making a claim like that had ever sat down with a Dreamer.

Daniela Gomez Castro came to Colorado when she was just a year old. As a child, Daniela looked up to her grandmother—one of the few women doctors in her area—and dreamed of following her into medicine. She took classes in biology and excelled in our public schools, graduating from Smokely Hill High School in 2015.

To become a doctor, she knew college was the next step, so she enrolled at the University of Colorado Denver as a prehealth major, and in between classes, she worked as a nurse's assistant, restaurant hostess, and student mentor to help cover tuition. Everything was on track. Then, last year, she learned her legal status meant she couldn't get a medical license. After working so hard for so long, her dream is now frozen in place by forces in Washington totally beyond her control.

Today, America—especially places like rural Colorado—is desperate for physicians. The Association of American Medical Colleges predicts that, by 2030, we will have a shortage of 100,000 doctors nationwide. As I say, we are feeling that shortage right now in rural Colorado. We don't have enough clinics and treatment centers, even as we face an epidemic of opioid addiction. Two of our counties don't have a single doctor, and a lot of our rural counties have no primary care doctor or nurse.

Given that, it doesn't seem to me to make any sense that we should send Daniela back to a place she doesn't remember and doesn't call her home, es-

pecially when we need her here. That obviously would be cruel, but my point is, it would also be incredibly shortsighted.

Apolinar Lopez Garcia also came here when he was just a year old. His family eventually made their way to Greeley, CO. He thrived in school and joined the Junior ROTC Program in Northridge High School, where he excelled as a cadet. He relished the ROTC sense of community, self-discipline, and duty, so much so that after graduating from high school, he wanted to enlist in the U.S. Marine Corps. He filled out the paperwork and waited, but when the reply came, Apolinar was crushed. Because of his legal status, the Marines couldn't accept him.

We should think about that. Of all the paths available to a bright, young person like Apolinar, he wanted to serve the country in uniform. You don't feel called to serve a place you don't consider home. You don't feel called to serve a place where you don't share the values, to defend a community that is not your own. Apolinar's choice flies in the face of every specious attack we have heard against immigrants in this debate. He doesn't detract from America.

Apolinar wants to defend America. Daniela wants to treat sick Americans. Julio wants to create jobs for Americans. They join 800,000 Dreamers who, for years, have invested in America by paying taxes, starting businesses, and serving their communities. For years, America has invested in them, by educating them, by training them, and instilling in them the confidence and love of country we hope for each new generation of Americans.

It is unimaginable now that we wouldn't find a way to resolve their status. We can't avoid this any longer. The Senate and the House are so good at putting off what they should have done last week or last month or last year. This is not one of those cases anymore.

On each day we do nothing, 112 people are deported. Over 12,000 people have been deported since September. Every one of them represents a family torn apart, a business shuttered, a payroll not made, an education interrupted, a dream shattered. In the end, our most basic job here—lost in this sometimes—is to look out for the next generation of Americans. Instead of looking after them, we have spent an entire year trampling over them.

Let's review the record.

With the Dreamers, we have ransomed their futures for political leverage. We are doing it right now. With our backtracking on climate change, we have made their futures more dangerous and costly. With our failure to reauthorize CHIP, we have jeopardized the healthcare of, among others, 90,000 kids in Colorado who may lose healthcare if we don't act. Now, with

this tax bill, we have handed another \$1.4 trillion in debt to people whose futures we are not investing in because we say we cannot afford to do it—by rebuilding our roads, by improving our schools, by spurring innovation. Instead, we have taken another bet on trickle-down economics at a time when we already have a substantial budget deficit.

That is what brings us here at the end of the year, once again, with our not having done our work and passing something called a continuing resolution that no other government enterprise in America gets to do—a temporary budget that doesn't reflect the priorities of the American people. In that mix, the Dreamers find themselves caught up in a political discussion without any assurance that it will be resolved.

The good news is that I know there are Republican colleagues here, as well as Democrats, who want a solution for the Dreamers. They see in these young people all of the qualities we cherish as Americans—family, community, service, enterprise, and patriotism.

I would just say, as we get ready to leave here, that I think we shouldn't leave here today. I think we should commit to this issue with our Dreamers. This should be our No. 1 priority together—to figure out how to get this done so we don't have inadvertent casualties occur. After a while, something inadvertent has to be advertent because if you have knowledge of it and if you know what is going to happen, it leads you to believe that you should have acted. We need to stop the brinksmanship and the partisanship, and we need to work together to ensure that their futures will be here in the United States, where we need them, in the only country they know.

I thank my colleagues for their indulgence.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. Mr. President, I thank my colleague from Colorado. We have been engaged in this battle of immigration reform for years. He is a worthy ally, thoughtful, and always thinking of a solution. I thank him for his continuing commitment to this cause.

In the midst of the Civil War, President Abraham Lincoln got so frustrated with General McClellan that he sent him a message. He couldn't get him to attack. He wouldn't do anything.

He asked: General McClellan, if you are not going to use your Army, can I use it? Can I borrow your Army?

So I would like to ask the leaders of the House and Senate: If you are not going to use your Congress, can I borrow it for a minute? Can we fill up this empty Chamber and actually have a real debate over a real bill to solve a real problem?

I think that might be a worthy thing for us to do. In fact, I think that is what we are paid to do; isn't it? Didn't we swear to uphold this Constitution? Didn't we take this historic job on with the goal of making America a better place?

On September 5, President Trump, along with Attorney General Sessions, eliminated the DACA Program. This was a program that gave to almost 800,000 young people—brought to the United States when they were little kids—a chance to go to school, to work, to have futures in this country. They had to go through criminal background checks, turn over all of their information, and pay their taxes—all of the above. Then, for 2 years, they could operate in America. They were not citizens, but they were legally in America. On September 5, President Trump and Attorney General Sessions said: It is over—as of March 5, 2018, no more.

Then the President said: I challenge you, Congress. Do something about it. Pass a law.

That was almost 4 months ago. What have we done in 4 months to address this problem that affects the lives of 800,000 DACA-protected young people? Nothing. We are not using this Congress. General McClellan was not using the Army. Isn't it time that we do something? Wouldn't the American people be so pleasantly surprised if we did something on a bipartisan basis that solved a problem in America?

I know my Republican colleagues are euphoric over their tax bill. Two out of three Americans are not. I am not. I will put it aside for a minute. They spent a lot of time. They passed it. So be it. They did it on a strictly partisan basis. They had a right under the Senate rules to do it that way, and they did it that way. This cannot be done on a strictly partisan basis. You cannot fix the immigration system unless you engage both political parties in the solution.

I am lucky. I care about this. I also found some Republican Senators who care just as much. JEFF FLAKE of Arizona announced his retirement. I am sorry to see him go because he is a good person of good values. He stepped up and cosponsored the Dream Act that we are talking about here. I didn't even have to call him on the phone. I thanked him, and he said: It is the right thing to do. LINDSEY GRAHAM, a Republican of South Carolina, was my cosponsor. CORY GARDNER of Colorado and LISA MURKOWSKI of Alaska stepped up and said: It is the right thing to do for these young people, to give them an opportunity to earn their way into legal status, to earn their way to citizenship.

I thank them for that. We need eight more. If we get 8 more, we will have 12 Republicans out of 52. With eight more, we are ready. We are ready to put 60 votes up when they call the roll. With

60 votes in the Senate, you can get things done.

What has happened? What opportunities have we had in the almost 4 months since the President eliminated this program? None—not one.

Senator MCCONNELL said to Senator FLAKE when his vote on the tax bill was in doubt: I promise you that we will bring this up in January—this coming January.

I can tell you that I read the promise very closely, and there are a lot of contingencies on there. I hope that Senator MCCONNELL is going to give us our chance early in January to find out if we can come up with a bipartisan solution to this problem.

If you think there aren't other Republicans who support this, 34 Republicans in the House of Representatives sent a letter to Speaker PAUL RYAN and wrote: Pass the Dreamer legislation this year—34 Republicans. So we are not alone. They are not the only ones.

Yesterday, 11 Governors—11 of them, Republicans and Democrats—sent a letter to Congress, calling on us to do this. The letter was signed by the Democratic Governors from Minnesota, Montana, Pennsylvania, and North Carolina and by the Republican Governors from Nevada, Massachusetts, Vermont, and Utah, and by Alaska's Independent Governor.

We are hearing from those in the business community. They want this done. They have seen these Dreamers. They have seen these young people. They believe in them, and they want us to do something to help them. We have heard it from the labor organizations, and we have heard it from the faith organizations.

Across the board, 76 percent of the American people support what we are trying to do here—76 percent. What issues get 76 percent? The flag? I will bet you it gets even more, but not many others get 76 percent approval, including 61 percent of the Trump voters. They think it is the right thing to do. Do you know why? Because many of these people have met the Dreamers. When you come to know them and hear their stories, you come to the conclusion—at least I do—that, for goodness' sake, these are extraordinary young people. Somehow or another, they have survived and have even flourished in a country that doesn't recognize them as legal. They went to our schools. They pledged allegiance to our flag. They sang the national anthem. That is the country they know.

Let me tell you about one before I turn the floor over to my colleague from Maryland. This young lady's name is Miriam Gonzalez. She is the 105th Dreamer whose story I have told on the floor.

When she was 6 years old, her family brought her to the United States from Mexico, and she grew up near Los An-

geles. She was a good student and a good athlete. In high school she played softball and golf. She was a member of the bible club, the chemistry club, and the reading club. She was an active volunteer in her community, including assistant teaching at the local elementary school. She was the valedictorian of her high school class. She was accepted at UCLA. She majored in anthropology and minored in classical civilization.

Let me give a postscript here. If you are undocumented and go to college in America, you get no Federal assistance—no Pell grant, no Federal loan. You have to earn the money. You have to work jobs to do it. She did. She held down the necessary jobs and commuted to school from her parents' home by taking public transportation for 2 hours each way on every schoolday.

She was involved in student groups, mentored students at Van Nuys High School, and encouraged them to go to college. She continued to excel academically. She made the dean's honor roll and was awarded a certificate for her research at UCLA. Today, she is assisting students in low-income neighborhoods and schools.

After graduation, she went to work with Teach For America. Do you know what that means? It means taking a job that pays hardly anything to teach in one of the most challenging schools in America. She did it. She taught seventh- and eighth-grade students in L.A. She teaches five classes for students who are having trouble with math and reading, and she gives one-on-one tutoring.

She is involved in the school's parents committee and tries to get the parents of these kids who need their helping hands to excel as well. She is a full-time graduate student at Loyola Marymount University, where she is pursuing a master's degree in education.

I am going to read her letter and then turn over the floor.

Every day for [my] first two months [as a teacher] my students would ask me if I would be returning the next day, week, and month, and I would reassure them that I was there to stay. Eventually, they began to trust me and believe that I was there to support them. . . . Now students believe that I am there for them and truly care about helping and preparing [them] to succeed academically. My students have made huge improvements academically, [and] I am particularly proud of how hard they all work. After hearing about the fate of DACA—

She is talking about President Trump abolishing DACA—

my students were worried that they would be losing me. I continue to reassure them that I am not going anywhere anytime soon and will fight to be able to see them finish middle school.

What is going to happen to her if we don't do what we are supposed to do—if we don't use this Senate and that House to solve this problem? What is

going to happen to her and her students? Are we so busy? Do you notice it on the floor? Are we so busy that we can't take up a piece of legislation here, debate it, and pass it today?

Before the end of the day, we are going to pass a measure to keep the government open and functioning for about 3 or 4 weeks. It is something that may pass the House. We will find out later this afternoon. I am troubled by it. It doesn't have one word in it to deal with this challenge, and we have known for 4 months that it was coming and that we had to do it.

I am going to be voting no on that, and it is not because of the merits of the continuing resolution. Until we address this issue and take the time to use the Senate and use the House to solve this problem, I am not going to be standing here and saying: I am going home for Christmas. I don't know what is going to happen to Miriam. I don't know what is going to happen to 800,000 others—get back to you later. The time is now for us to solve this problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator DURBIN for his extraordinary leadership on this issue and so many others.

The Dreamers are part of this country. They are America's future. They are helping to build this great Nation, and they need our attention now.

The Republicans control the House, the Senate, and the White House. One of their principal responsibilities is to pass a budget. We are now 3 months into the fiscal year, and we don't have a budget, and we are talking about another continuing resolution. A couple of weeks ago, we were told on the floor to give it a couple of more weeks, and we would work out some of these issues. I agree with Senator DURBIN. The time to act is now. We should not be going into recess without dealing with the problems of our country. We need to deal with the budget problem, and we, certainly, need to deal with the problem of the Dreamers. Let me just talk a little bit about them.

They entered the United States before they were 16 years old—that is required—before 2007. Under President Obama's Executive order of 2012, they were entitled to a 2-year renewable work permit and the ability to remain in this country without being in fear of deportation. Each one has to go through a criminal background check. They need to be enrolled in school. They must either be high school graduates or in the U.S. military. In the United States today, we have 800,000 who are registered under the Dreamers. There are 10,000 in my State of Maryland, and they are contributing a half a billion dollars to Maryland's GDP, or gross domestic product. They are our

next generation of teachers, doctor, engineers, and entrepreneurs. They are going to help build America, and they know no other country but the United States, which is their home.

In our values, what makes America the great Nation that it is is that we are a welcoming country. We are a country in which people have come over the years to build this great Nation. That is America's strength.

Are we going to turn our back now on the values that built this country? Are we going to rip families apart? Is that what America stands for? I find that hard to imagine. Would we do this to our own economy and hurt ourselves, as we are growing with their help?

I have met with many Dreamers, not as many as Senator DURBIN. He probably has the record. But I met with several Dreamers in Maryland. We had one in our office yesterday who had tears in her eyes. She said: I have an expiration date on my back. She doesn't know what is going to happen when that date occurs.

How would you like to live under that fear in the United States of America? We are not talking about some communist country. We are talking about America, where people are living in fear.

I have had several roundtable discussions with Dreamers in Maryland. I have had them in College Park, Baltimore, and in other areas. Let me mention two Dreamers I met with. Adam was originally born in Canada. His family grew up in Pakistan. He came to the United States with his parents when he was very young. Becky was born in Peru and came here with her parents to the United States. I mention them collectively because they both attend the University of Maryland at College Park. Our State allows Dreamers to have in-state tuition so they can go to college and get the tools they need in order to succeed. They need work permits because they have to work. Otherwise, they never would have been able to get through school. They need a driver's license. Adam explained to me that he needed a driver's license to go to a magnet school so that he could advance his own education. That was all possible through President Obama's Executive order. Now all of that has been put into doubt because of President Trump's announcements that the program will end. It puts their lives on hold and in fear, and they wonder whether they need to go into the shadows in the United States of America.

President Trump's actions were wrong. We can correct that, and Congress must act. We must act now before we go home for the holidays.

I wish to talk about a similar group of people in our country—a large number in my State of Maryland—those under Temporary Protected Status, or TPS, because it is a similar situation.

There are 437,000 people in America from El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen. In Maryland, 22,500 people are here from El Salvador, Honduras, and Haiti—from those three countries alone—and 90 percent of the TPS people in this country are from El Salvador, Honduras and Haiti, the three principal countries. My own State's recipients contribute \$1.2 billion of our gross domestic product. This is a very similar situation to the Dreamers. They get a 6- to 18-month extension. They have been here for decades because the underlying conditions in the countries from which they came still exist today. I have been to Central America. I can tell you that it is not safe for these people to be returned to those gang activities. They have the same similar situation. They know no other country but America. If they are required to go back to the country in which they were born, it will tear families apart. They have been disadvantaged by the President's actions where he is now threatening to end these programs.

We need to act. We need to act in order to protect this group of citizens. I want to acknowledge that my colleagues have introduced legislation on this. S. 2144 provides a pathway to citizenship for those with TPS status. It is sponsored by Senators Van Hollen, Feinstein, and others. We should take that bill up and pass it. Let's provide protections. Let's strengthen American values. Let's do our work. Let's do it now. Let's do it before we go on recess. It is the right thing to do.

Let me just conclude by quoting from Becky again, one of the Dreamers I met. She said the best present she ever got was on her 13th birthday, when President Obama executed the Executive order that gave her legal status and hope here in America.

Well, we can give her an even better present right now before we take the recess for the Christmas holidays. We can give her a present of Congress, acting to provide protection for the Dreamers and for those on TPS so they don't have to worry again and they know they have a home here in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am delighted to join my colleagues here in support of these kids who are known as Dreamers or DACA kids, who came in under the statute or under President Obama's program and who have lived here for many years in this country, passed all the requirements, and met all the standards. These are good kids. There is absolutely no reason for them to be the target of the kind of anxiety and fear that they are being put through to score political points. It really doesn't make sense.

By definition, these kids came to the United States of America under the age of 16. You can't even enforce a contract against a minor in this country. They do not have the legal capacity in most places to buy a sofa. Yet we are holding them to account for decisions that their parents made when they were small children.

One of the Rhode Islanders who will be affected by this came to the United States when she was 8 years old. Think of the kind of decisions that your 8-year-old kids make or that you were making when you were 8 years old. This is a very successful young lady who is now at the Brown medical school. She is going to make enormous contributions to our country. Tossing her out or putting her in peril makes no sense whatsoever, particularly when the problems started when she was brought to this country by her parents when she was 8 years old.

Another Rhode Islander who contacted me came to the country when she was 7 years old. She is now a teacher in a middle school in Central Falls, RI. Central Falls is a community that is emerging from bankruptcy. It has got its feet back under it now. It has a wonderful, exciting young mayor. Spirits are up, and things are going well. But it is not easy to be a middle-school teacher anywhere, and to be a middle-school teacher in a small city that has just come out of bankruptcy is not easy. This is a valuable person to Rhode Island. Losing her adds no value to anyone.

Another person who contacted me came to the United States at 10 months old. At 10 months old, they barely even knew where they were. He came from Portugal at 10 months old. Now he has a college degree in computer science. He is ready to make his contribution to our country. He has done everything right and has played by the rules, and we are loading him up with all this anxiety and peril because of a decision his parents made when he was 10 months old.

You can't go out, as I said, and buy a sofa on the installment plan at 8 years old. Yet we are trying to penalize these kids. It makes no sense at all.

It doesn't even make economic sense. The studies I have seen show that disrupting the lives of these 800,000 Dreamer kids—90 percent of whom are in the workforce—would reduce the U.S. GDP by \$460 billion over the next decade. They are making a serious contribution here.

In Rhode Island, the delta is about \$200 million in annual State GDP between having the Dream Act pass and losing the DACA kids. We would stand to gain as much as \$150 million in annual GDP if the Dream Act passes, and ending DACA will result in an annual loss of \$60 million to our GDP. So just in my small State, there is \$200 million in economic result annually from solv-

ing this problem in a way that is humane and consistent with the way we treat children in virtually every other element of the law.

Sadly, a lot of this is twisted up in the continued fight over immigration, which the Senate really tried to solve. I am on the Judiciary Committee. Senator DURBIN was on the Judiciary Committee at the time. Under Chairman LEAHY's leadership, we went through hundreds of amendments and we took dozens of votes. Some 90 amendments were incorporated into the bill. It came out of the Judiciary Committee by a bipartisan vote of 13 to 5.

It came on to the Senate floor, where there were amendments. There actually was some regular order. Hundreds of amendments were considered, and the final bill passed on June 27 by 68 to 32.

Then our bipartisan Senate bill went over to the House, where the Speaker of the House refused even to bring it up—no hearing, no vote, nothing. They just froze it out. So there is a long history of why we are here today, but the price should not be paid by these kids, not when the original problem was something that was done when they were children—10 months old.

President Lincoln talked about "the better angels of our nature." Let's show these kids the better angels of our nature. Let's do something decent, something bipartisan, something that is right, and let's do it soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, over the years there has been a lot of debate on the Senate floor, from healthcare to tax reform. There is no doubt that some days it feels impossible to get the majority of Republicans onboard with policies that truly help the families we represent. But there is one thing that unites not only a large bipartisan contingent in Congress but also the vast majority of American people, and that is finding a path forward for the estimated 800,000 young men and women whose lives are right now in limbo—800,000 people, including 17,000 men, women, boys, and girls from my home State of Washington who shared their information, paid a large fee, and upheld their end of the bargain, only to have President Trump rip the rug out from under them 3 months ago when he and Attorney General Jeff Sessions announced the end of the DACA Program.

This Congress may not be able to change the Trump administration's hateful rhetoric or shortsighted policies overnight, but we can and we should pass the Dream Act as soon as possible. That is why we need more Members of Congress on both sides of the aisle ready to roll up their sleeves and get this done. Because every single day that Republican leaders refuse to bring the Dream Act to the floor to a

vote, another 122 young people lose their DACA status, they lose their ability to work legally, and they lose their protection from deportation. That means that every day, 122 of our neighbors, students, coworkers, and friends could be forced from the only country they know, despite the promise the Federal Government made to them when they signed up for DACA and despite their immensurable contributions to our schools, our hospitals, our universities, our stores, our farms, our churches, our offices, and so much more. That means small and large businesses are forced to lay off DACA recipients each day—vital employees in whom businesses have invested money to train and support, employees who help our economy and the small businesses in my State grow.

My friends on the other side of the aisle are constantly claiming they want to help our small businesses grow. I listened to weeks of their speeches on this as they tried to justify the tax bill. But instead of a giveaway to the wealthiest 1 percent, one way my friends across the aisle could actually help small businesses is to bring the Dream Act up for a vote.

This morning, I had the great honor of sitting down with Dreamers who traveled all the way here from my State across the Nation to fight for action, young people who had no control over how they came to this country but who have made conscious choices to improve their own lives and make life better for their own community. They are passionate, they are frustrated, and their stories need to be heard.

Here is just one of them. Paul was brought here to this country at the age of 7 to be reunited with his father. Paul excelled in schools in Pasco, WA, not far from where my own dad grew up. Paul and his parents worried that despite Paul's success in K-12, going to college and starting a career might be impossible. But DACA provided him and his family with stability. Paul went to Gonzaga University in Spokane, WA, as a double major in political science and economics, and he now works in our State legislature.

Now, with DACA in question, it is not just Paul who isn't sure what comes next for him but also his younger brother, Jose. Jose, who was only 2 years old when he came here, grew up seeing what Paul, his older brother, was able to achieve. He saw that DACA allowed Paul to live without that constant fear. Jose was ready to follow in Paul's footsteps and enroll in the DACA Program so he could pursue his dream of an engineering degree at the University of Washington. Now, if Congress doesn't act, we will have one less engineer in this country.

Paul and Jose are great examples of Dreamers who have worked hard. They have aimed high, and they participate in our community and our economy,

making our country a better place. This country should be rolling out the welcome mat to our Dreamers, not slamming the door shut on them. And that is why I am here today with my colleagues to echo their fear and frustration on the floor of the Senate and to call on Republican leaders to work with us. Stop letting so many promising young men and women fall off the rolls of this program each and every day. Stop kicking this can down the road. Come together to do what is right for these young people.

Ending the DACA Program is not what our country is all about. It doesn't do anything to fix our immigration system, prepare for our future, or grow our economy. Ending DACA won't heal the divisions we have seen in our communities or make them any easier to fix. And ending the DACA Program certainly doesn't reflect a country of opportunity or promise—something the United States has always aspired to be.

I urge my colleagues here in the Senate and over in the House to think about the communities you represent. Think about the young men and women who are currently studying for finals or caring for our sick or teaching our children or responding to natural disasters or opening businesses in the communities you travel to and live in. Think about the young men and women who hope to serve in our military and defend your freedom some day. Think of the Dreamers who have grown up in our country and whose children are the future of our Nation. Think about how much good we could do for these young men and women if my Republican friends brought the same commitment and zeal to this task as they did to their tax bill. Finally, work with Democrats to find a real solution to end this unnecessary uncertainty.

I want to thank Paul and all the other advocates from my State whom I met with in my office this morning and the many thousands of others who are showing up in every way they can to make their voices heard and to call on us here in Congress to act. Dr. Martin Luther King once said that justice too long delayed is justice denied, and Dreamers are not asking for anything other than what we have promised to them.

This is an incredibly difficult and uncertain time for so many people, but Dreamers need to know that many of us in Congress and so many across the country have their backs. We will get this done. We have to get this done.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, just yesterday, the Republican-controlled Congress passed a massive tax giveaway that will shovel truckloads of

money into pockets of giant corporations and the superrich, while it leaves working families behind. And that is just the latest in a laundry list of presents that have been doled out to folks at the top. For everyone else, it has been one broken promise after another.

One of those promises was to protect 800,000 Dreamers who were brought to the United States as kids. Trump broke this promise when he ended DACA, the program that allows Dreamers to live, work, and study in the United States without fear of being deported to countries they barely know. Because Trump broke his promise, it is up to Congress to stand up and protect Dreamers by passing a clean Dream Act—a bill that gives legal status and a path of citizenship to those young people.

I want to introduce you to one of those Dreamers—Elias Rosenfeld. Elias was 6 years old when his parents brought him and his sister to the United States. He doesn't have many memories of his life in Venezuela, but he did hear stories from his parents and his grandfather about the everyday risks that they faced. One day, while his mother was driving, she pulled up to a stop light, and a man pulled a gun on her. Another day, his grandfather withdrew money from an ATM and then was robbed at gunpoint.

So when Elias's mother, who was an executive at a multimedia company, had an opportunity to transfer to an office in Miami, FL, she jumped at it. Elias's family came to the United States legally. They applied for and they received a visa that allows executives and managers from other countries to work in the United States and eventually apply for permanent resident status. Under that visa, the entire family would become permanent residents and would never have to worry about losing their status in the United States. "Permanent" is the key word here. Well, at least that had been their plan, only things didn't go the way they had been planned.

When Elias was 11, his mother died of cancer. He didn't know it at the time, but the day his mother died, Elias and his family lost their path to permanent resident status and became undocumented.

After his mother died, Elias clung to the belief that an education was his ticket to a better life. He challenged himself academically, taking 13 advanced placement courses and earning A's in almost every class. He also juggled a number of extracurricular activities, including speech and debate, student government, volunteering with children and the homeless, and starting his school's first traveling Model United Nations. His excellence earned him a place on the dean's list, as well as a long list of awards, including the Miami-Dade Homeless Trust Change Maker Award.

Elias so impressed the school's staff that his high school activities director

called Elias a hero and said: "I've been teaching for 20 years and I have never seen a student like this young man." Scholarship committees also recognized Elias's accomplishments, and he won a coveted Myra Kraft Transitional Year Program scholarship, which provided him a full ride to Brandeis University in Waltham, MA. He is now a sophomore at Brandeis, where he continues to make his mark.

Before DACA came along, Elias lived in constant fear that ICE would break down his door and deport him and his sister. DACA changed his life. The fear subsided. He knew that ICE agents wouldn't break down his door or seize him on his way to school. Elias told me that DACA has been a source of optimism and a light of protection.

America is the only country Elias knows. It is the only country many Dreamers know. This is their home. Dreamers like Elias have had the courage to step forward. They have come out of the shadows to tell their stories. Now Congress could show some courage and protect Dreamers by passing a clean Dream Act. We have waited too long already. Every day that we delay, more than 100 Dreamers lose protected status. They must return to the shadows. They must think about ICE agents breaking down their doors or seizing them if they go to school or to work. The time for Congress to act is now, right now, today. We should not leave here so that we can celebrate the holidays with our families while nearly 800,000 Dreamers fear being ripped apart from their brothers, their sisters, their mothers, their fathers, and deported to countries they barely know.

If we held a vote today on the Dream Act, it would pass. So my question to Senator MCCONNELL is this: What are you waiting for? Let us vote.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I also rise to advocate the passage of a clean Dream Act now.

I had a youngster say to me—and I am going to tell the stories of a few of the youngsters—at an event in November, a Dreamer in Northern Virginia: "You may say I'm a dreamer, but I'm not the only one." It is a beautiful line, as we know, from the song "Imagine" by John Lennon. "You may say I'm a dreamer, but I'm not the only one."

There are 800,000 Dreamers in this country—more than 800,000. More than 13,000 of the Dreamers live in Virginia, and they are from all corners of the world. I have met with Dreamers in Virginia who were originally born in Sweden, Nigeria, Latin America, many countries in Asia. They are a rainbow but also a source of strength for our country, and we need to act on their behalf.

I also stand here in the Christmas spirit. We will all, so many of us, hear

the retelling of the Christmas story. In the aftermath of the birth of the poor child in a manger, the story goes that he was taken by his parents to another country essentially as a refugee. There were threats of violence against the firstborn children of the land, and so he was spirited across a border into Egypt to be protected.

I know many of these Dreamers, and I know so many like them. I worked as a missionary in Honduras in 1980 and 1981, and I had the opportunity to work with youngsters in a country that was then and still is beset with violence and poverty and where so many parents have to make an agonizing choice. In some instances, they make the choice to try to find a better land for their children, just as Jesus and Mary did as they fled to Egypt at the Christmas season more than 2,000 years ago.

So I stand here in that moment, in that spirit, knowing that hundreds of thousands of Dreamers need our protection and, frankly, deserve it. Are we less compassionate than those societies of old that have found refuge for those who have come fleeing hardship? I don't believe we are. I know the American public isn't, and I know the Virginia public isn't. The question is, Is Congress as compassionate as we need to be?

We tell the story of some of the Dreamers in Virginia, and I have made many speeches on this floor and told many of their stories.

Juan de la Rosa is a DACA recipient—one of our 13,500. He is a Richmonder. I first came to know Juan when I was the mayor of Richmond. He arrived at age 5. In a comment to me, he said: In one way or another, you have always been an active part of teaching me how being involved in the political process is the key toward positive change.

He started when he arrived here at 5 years old, and he excelled immediately. He went to Manchester High School in Chesterfield County and graduated in 2014. He was a drum major in the marching band, class representative, and a president of several honor societies.

After graduating at the top of his class at this very competitive suburban high school, he continued at Virginia Tech. At Virginia Tech, he started Tech DREAMers, which is a student organization there trying to create a more inclusive environment for the Dreamers on the campus. Through Tech DREAMers, he hosted dialogues around immigration reform and other issues—not just with Hokies but with students all around Virginia and around the country.

This past May, Juan de la Rosa graduated magna cum laude from Virginia Tech, and he continues to be active. He works in the admissions office as a Dreamer, traveling the country and telling students all over this country

about the opportunity that was offered by this great university in the Commonwealth. He says: "All of this would not have been possible, had it not been for the opportunities afforded me because of DACA."

Juan, like so many other undocumented young people, is the very embodiment of the Virginia Tech motto. The motto of Virginia Tech University is "Ut Prosim," Latin for "That I May Serve." That is what Juan is doing. He wants Congress to pass a clean Dream Act now so there is a permanent solution for him and so many others.

Alejandro Zuniga is the internal president of DREAMers Empowered at Northern Virginia Community College. I sat down with him a few weeks ago at a roundtable I held with these Dreamers. He was from Bolivia. He lived there until he was 7. His parents brought him here. He was not fully aware of what it was to be undocumented until he was ready to go to college, and his parents explained it to him. His favorite thing as a kid growing up in the DC area was to go to the Air and Space Museum. Now he is at Northern Virginia Community College making honor grades, studying to be an aerospace engineer.

Monday, I sat down at the Richmond Public Library with a group of Dreamers from the Richmond area. A few stopped by my office on a day I wasn't there and asked for a meeting. We sat down together. Let me tell you about some of them and some of their parents.

Mateo is a Dreamer and sophomore at VCU. He went to the same high school my daughter went to. My daughter Annella graduated from the Governor's School in Petersburg in 2013. Mateo was a freshman, and he graduated in 2016. He is part of a group called UndocuRams, a student organization whose mission is to foster inclusion for Dreamers on the VCU campus.

Mateo's mom came with him to the meeting to show her support for her son. She is heartbroken seeing him work so hard and so afraid of what might happen to him and so afraid of what might happen to her. She prays that this system may find a just result for her child and for herself.

Finally, at the same meeting, I had Bertha. Bertha is both a Dreamer and a mom. She is a young mother. Her parents brought her here in 1998 from Mexico as a young child. She is an exceptional member of her community. She works in a local Catholic Church, volunteers with the PTA at her children's school, and coaches her children's and other children's soccer teams. Bertha told me she has learned the values of volunteering and helping others from being here in the United States. This is an interesting one. I hadn't heard this before. Bertha told me that where she came from in Mexico, there wasn't a great tradition of volunteer organizations. There was sort of the govern-

ment, and there were churches. She said, coming to the United States, she has become aware of a whole sector of society that was not familiar to her: volunteer organizations—groups of people who get together to try to tutor other kids to be Big Brothers or Big Sisters.

She said what she has learned from the United States, more than anything else, is this amazing power of volunteerism and the network of social service groups that are run by volunteers. She said: I want to be just like that—and that is what she is doing.

Why would we want to lose a mother, a Dreamer like Bertha from our community? She has explained, as so many have—folks here on the Hill engaged in rallies have explained with tears in their eyes the fear they feel. They had a President, who, though he said some tough things about immigrants during the campaign, he always said about Dreamers: Dreamers will have nothing to worry about in me. These Dreamers are good kids. They were taken by complete surprise when, in September, the President announced he would terminate the DACA Program in 6 months. From that moment, it has been unrelenting fear for these young people and for their families.

The only thing in the President's announcement that I think we could probably all agree to is—even though I was a strong supporter of President Obama's Executive action; firmly believed it was within his legal power—a statutory fix is better than an Executive action because an Executive action depends upon the temperament of the particular President; whereas, a statutory fix provides people with some permanence, some confidence, and some security, and that is what we are called to do.

Again, in the spirit of the Christmas season—and because I am seeing this particular Presiding Officer—I am reminded of a beautiful phrase of Pope Francis whom the Presiding Officer and I have talked about before. In a letter he issued on Ash Wednesday in 2015, he called on us to be "*islas de misericordia en el medio de un mar de indiferencia*"—islands of mercy in the middle of a sea of indifference. That is a powerful phrase. Let's be islands of mercy in the middle of a sea of indifference. It was interesting. He didn't say: In the middle of a sea of hatred, in the middle of a sea of prejudice. He could have said all of those things. What he said was: "in a sea of indifference."

Surely, as we hear of the virtues and the dreams, the achievements and the accomplishments of these beautiful young people, we can call on our inner spirit to be merciful, rather than indifferent. That is my hope; that this body will do that by passing a clean Dream Act and accepting with open arms the wonderful gifts these young people bring to our communities.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise, once again today, to express my strong support for taking action on the Dream Act. I thank all the Dreamers who, in recent weeks, traveled from all across the country to Washington to make their voices heard.

Last month, I met with 50 Minnesotans, who traveled here by bus to show their support for the Dream Act. They took time away from their jobs, from their education, and from their families because this issue is so critical to them and to their loved ones.

I want to get this bill passed, and while I remain hopeful we will reach an agreement soon, I know this has real consequences with each and every day, as over 100 Dreamers lose their status per day.

We have already seen the harmful effects of the administration's decision to end DACA, and the situation will continue to get worse until we take action. For the eligible DACA recipients with statuses set to expire over the upcoming weeks, the uncertainty is unbearably difficult.

These are people who were told previously by our government that they could stay. They registered with our government, and now, with each and every day, more and more of them are losing their status. Just since I spoke about this issue on the Senate floor last week, an estimated 800 additional Dreamers have lost their DACA status. In March, the number of Dreamers with expiring protections will increase to 1,000 a day if we have not found a solution by that time.

This is an issue where we should be able to find bipartisan consensus. Americans want us to protect Dreamers. In fact, one recent poll found that 86 percent of Americans support action to allow Dreamers to stay in the United States. The Dream Act, which my colleague Senator DURBIN has led in the Senate for 16 years now, is based on a simple principle: Dreamers who are brought to the United States as children, and only know this country as their home, should be given the opportunity to contribute to our Nation and become citizens.

These young people were brought here through no fault of their own. On average, when they came over, they were only about 6½ years old. Imagine being told that you have to go back to a country you have not stepped foot in since you were 6, where you may not know anyone or even speak the language.

To receive DACA status, all Dreamers have already passed background checks, paid fees, and met educational requirements. They already did this so they could stay in the United States and contribute to our communities across the country.

Dreamers are already contributing. More than 97 percent of these Dreamers, of the DACA recipients, are now in school or in the workforce. In fact, 72 percent of them currently in school are pursuing a bachelor's degree or higher. The American Medical Association has urged us to take action on this issue, noting our current shortage of physicians in the United States—something the Presiding Officer is aware of—and estimating that passing the Dream Act could add 5,400 physicians to the U.S. healthcare system in the coming decades. According to the American Association of Medical Colleges, more than 100 students with DACA status applied to medical school last year, and about 70 Dreamers are currently enrolled in medical school.

In Minnesota, our large refugee and immigrant community has contributed so much to the cultural and economic vitality of our State. We are proud to have big communities of Somali, Liberian, and Oromo populations, as well as the second largest Hmong population. In fact, we have the biggest population of Somalis in the country, the biggest population of Liberians, the biggest population of Oromos, and we are also proud to be the home of more than 6,000 Dreamers.

Ending DACA in my State, where the unemployment rate is hovering in the 3-percent range, would cost Minnesota more than \$376 million in annual revenue, let alone the immeasurable impact to families who may be ripped apart.

REMEMBERING JOSEPH MEDINA

Ms. KLOBUCHAR. Mr. President, last week on the Senate floor, I talked about how I have always tried to find examples of Dreamers so that the citizens in my State can understand what we are talking about when we talk about the fact that someone could be brought over to our country and not even realize it and have this Dreamer status.

I talked about Joseph Medina. He was a decorated Army veteran. He served in World War II. He lived in Minnesota. I am sad to say that he passed away last July at the ripe old age of 103 years old. There was a story about Joe in today's edition of our largest newspaper in Minnesota, honoring his contributions to our Nation during World War II and through his nearly a century as a proud and hard-working Minnesotan.

Joe lost both of his parents before he was 1 year old. He was brought to the United States from Mexico by his aunt

when he was just 5, and he didn't find out that he was undocumented during his whole time growing up. When did he find out? When he tried to join the Army in World War II.

So what he did then, because he wasn't a citizen—back then, it was pretty simple; what they would do is have people go to Canada, especially if they lived in Minnesota, and that is how they would become citizens. So they sent Joe Medina to Canada for 1 day. I remember his telling me this story—that this is what they did during World War II when they wanted people to sign up and serve. He stayed in a hotel for 1 night, and he came back, and with the help of our military, he became a citizen.

He then served under General MacArthur in the Pacific. Then he came home, got married, had a son, and that son served in the Vietnam war.

Joe came to Washington, DC, with his son for the first and last time to see the World War II Memorial at age 99. I stood there by his side as he looked at the Minnesota part of that Memorial and thought of the people he knew who were no longer with us and thought of his service and how much he loved serving our country in World War II.

At his side, along with his own son who had served in Vietnam, were two Dreamers—two high school students who were in high school in the suburban part of the Twin Cities, and they also wanted to join the military. If I remember right, they wanted to join the Air Force. Do you know what? The way the rules were a few years ago, they weren't allowed to do that. Joseph Medina couldn't understand that because the proudest part of his life was serving in our military, serving despite the fact that he was born in another country but lived almost his entire life—98 years of his 103 years—in America.

So I join with all those in my State in remembering Joseph Medina and honoring his service to our country as we continue to work toward finding a solution for the Dreamers in the Senate.

I note that we should also take action here at the end of the year, and we should be staying to get a number of priorities done, including a long-term reauthorization of the Children's Health Insurance Program, dealing with the medical device tax, renewing funding for community health centers. There are so many things we need to do.

In closing, I just want to make clear that I stand with my colleagues on both sides of the aisle who have spoken out in support of the Dream Act. We need to pass this bill.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A RECAP OF THE YEAR AND AN OUTLINE OF THE CHALLENGES OF THE YEAR AHEAD

Mr. RUBIO. Mr. President, as I try to do every year, if time permits—this will be my seventh year in the U.S. Senate; sometimes our work here finishes in a different fashion, but if possible, I try to come on the last day of the legislative year and give a speech to kind of recap the year behind us and outline the challenges of the year ahead.

For me, it was, obviously, an eventful year, a productive one, and I believe it has been one for this Chamber, as well, in what is a unique political environment in which politics today is practiced and covered in ways we have never seen before—almost like entertainment. Nevertheless, it was a year that we got a lot of good things done, and I wanted to highlight some of them in the hope that this gives us momentum into the new year.

This has been my first experience with a new President—obviously, not just a new President but a new administration that brought with it a set of individuals in different positions, so I think for all of us it was a transition in that regard. It also was the beginning of a second term, which, at one time, I didn't know I was even going to pursue.

In arriving here earlier this year and getting to work, we slowly but surely got going on a number of key priorities that we had been working on for a very long time. The first one that happened was the VA accountability bill. This was a bill that I had been working on for a number of years. It basically gave the Secretary of the VA the power to fire people at the VA who are not doing a good job. It is that simple. It is not anything more complicated than that. It made it easier to fire people who were not doing a good job. They still have due process to defend themselves.

For the better part of 3 years, there were a lot of objections to that proposal from the previous administration and some of my colleagues on the other side of the aisle. Then everything lined up this year. Senator TESTER and Senator ISAKSON, who are the ranking member and chairman of that committee, came onboard and really helped to push this and to move it forward. It passed in both Chambers and was signed into law by the President. This was a substantial achievement.

What is interesting about it is that because it was bipartisan, because there was cooperation, and because no one was fighting with anyone on it, it

didn't get a lot of press coverage. But it happened, and people need to know about it.

Does it make the VA perfect? No. Are there still challenges that need to be confronted? Absolutely. This is something that has to do with accountability and the ability to get rid of people who were not doing a good job. It is something that, for years, could not get done because someone always objected and found a way to stop it. Then it came together with people working across the aisle to make it happen. Today, it is the law. Today, there are people who were not doing a good job who are no longer employed at the VA, thanks to this. That is an important thing that people need to know.

I always remind everyone that the overwhelming majority of people who work at the VA are doing a good job. The ones who are not are the ones we need to replace.

The year went on, and I had an opportunity to interface and interact with the National Security Council and with the White House on two foreign policy issues that didn't really require legislation but that I am grateful and excited about having the opportunity to help craft.

The first was the new direction on U.S. policy toward Cuba. The previous administration had basically changed our policies toward Cuba—opened it up to much fanfare and, quite frankly, a lot of editorial board excitement.

It was the enlightened position, apparently, to argue that doing more trade with Cuba was going to somehow help Cuba transition to a democracy. But after 2½ years, it has become apparent that this change has done nothing other than flow more dollars into the hands of that regime and help them in their efforts to normalize.

When President Trump was elected, one of the things he wanted to talk about was what we needed to do to change that relationship back to something that favored the Cuban people and not the Cuban regime. Those changes came about. They were announced earlier this year at an event in South Florida.

To cut to the chase, what it does is this: It says that people can still travel to Cuba. Americans can still go to Cuba as part of a group or as an individual going to support the Cuban people. But if you go to Cuba, whether off a cruise ship, an airplane, or if you are there in support of the Cuban people, you have to spend your money at places that are owned by Cubans—by everyday Cuban people—not by the Cuban military, which is trying to create a monopoly.

For the first time in the history of that tyranny, there is a U.S. policy that places individuals in Cuba—private individuals in Cuba—in a favored position in comparison to the military and the Castro government. I believe

this law will slowly but surely pay dividends as it becomes abundantly clear to the small, independent, private sector in Cuba that the reason they are aren't growing—the reason they aren't attracting more customers—has nothing to do with U.S. policy. It is because their own government does not want to allow them to be able to grow their businesses.

The Cuban Government feels threatened by private business, No. 1, because they are Communists and, No. 2, because they don't want people in Cuba to be able to support themselves. They want people to be dependent upon them; that is how they control politically.

We will see what decision the Cuban Government makes in the months and years to come, but here it is abundantly clear that there are people—Americans—who, under our law, can travel to Cuba, can spend money in Cuba, and they will have to stay at an Airbnb or in a private home or even, if the Cuban Government allows it, a hotel that is owned by a private entity. Where they cannot stay is in places controlled by the Cuban military or companies controlled by the Cuban military.

The second foreign policy issue that we were able to get involved in is another tragedy in our hemisphere; that is, what is happening in Venezuela. To cut to the chase, we have a tyrant who is afraid that he won't get reelected. He lost control of the National Assembly, which is their legislative body. His name is Nicolas Maduro. So what does he do? He basically figures out a way to create an alternative Congress called the Constituent Assembly, basically modeled after the fraudulent Cuban constituent assembly-like model. What it basically does is it guarantees that certain sectors in society have seats of representation. Instead of seats in Congress by a district or state, they are represented by different sectors, like labor, electricians, you name it.

But here is the funny part about it: The only people who can run for it are the people they allow to run for it, and they also get to count the votes. As you can imagine, that fraudulent Constituent Assembly basically votes 100 percent in favor of whatever he wants, literally with very little dissent. It is not democratically elected. Meanwhile, the legitimate, democratically elected Congress, to use terms that we use here, has basically been intimidated and stripped of their power. Maduro doesn't allow them to be paid anymore; they don't staff anymore; all sorts of things of that nature.

We encourage the President of the United States to pursue first individual sanctions. We encourage the President to grow the list of individuals in Venezuela who are sanctioned and no longer able to benefit from ill-found

gains here in the United States and ultimately to prevent them from continuing to do something they have been doing for far too long.

For far too long, they have been stealing the oil from Venezuela. They are selling it in global markets at a discount. Then they use those—to use rough numbers, they take \$1 million worth of oil and sell it for half a million dollars. Then they will take some of that half a million dollars and use it to pay the interest on the debt they already owe. Then the rest of that cash, they use for themselves, and they sprinkle a little bit of it to some of the elites around them just to keep them loyal to the regime. Those are the mid-level or high-level military officials who decide, well, things aren't great in Venezuela, but at least my family is better off than everybody else because we are loyal to the regime.

The President moved to stop that. Today, U.S. entities can no longer trade in these fraudulent, illegal bonds that are stolen from the people of Venezuela. This is a tragic situation. This is not an embargo. This is not economic warfare, which is what Maduro calls it. This, basically, is preventing them from continuing to steal.

I would add one more point to this. I encourage every one of you, if you can, to read an article in the New York Times that appeared last weekend, a pretty extensive series on starvation. Children are literally starving to death in Venezuela. Venezuela is the richest country in the hemisphere, the richest country in South America, in terms of being one of the most oil-rich countries in the world. Venezuela is a nation with a long history of stable economics and even the longest democratic tradition in South America. There are children starving. We see images that we normally associate with other continents at other times in our history—children starving to death in Venezuela. Meanwhile, he looks as though he weighs more than he ever has before, and all the people who surround him in his government are heavier, fatter than they have ever been before. People are starving because of that. It is not because of U.S. policy. It is not because of sanctions. There is no one in the world, other than his handful of cronies, who would argue that it has anything to do with sanctions. It is because of them, because in addition to being incompetent, they are criminals.

The Venezuelan Government, from the top down and everywhere in between, is filled with narco-traffickers, with people who allow narco-traffickers from Mexico and from Colombia to fly into and use airports in Venezuela to traffic drugs. Just imagine for a moment, in this country, if our elected officials said to certain drug dealers: If you pay us, not only will the DEA not stop you from trafficking in drugs, but they will help you move it. That is

what happens in Venezuela. Imagine for a moment if the Department of Defense went to drug dealers and said: If you pay us, not only will we allow your planes to fly, we will tell you what time to take off and we will escort you in our airspace. That is Venezuela—state-sponsored narco-trafficking at every level.

By the way, they offer another service. If you don't pay them, they will tell you: Don't worry, we will arrest the rival drug dealer, but we will protect the ones who pay us.

There are some very wealthy people in that government. In addition to corruption and stealing from the people of Venezuela, they are narco-traffickers. The Vice President of Venezuela is a narco-trafficker, sanctioned by the United States as a drug kingpin, and it goes on from there. The Vice President of the party, who controls their intelligence services—a thug by the name of Diosdado Cabello—is a drug trafficker. The nephews of the President of Venezuela, the nephews of his wife, the First Lady, were just convicted and sentenced last week, in a court in New York, for drug trafficking. By the way, in their testimony, it is all filled with evidence.

I hope in the new year that we can find a way to continue to support the brave people of Venezuela and a better way forward. We would hope, by the way, that even in the Venezuelan Government, even in that fraudulent Constituent Assembly, we would hope that there are people there, like Hugo Chavez, who believed in the stuff he believed in—but they would have to see that this is a disaster, that this incompetent man is destroying their country and starving their children, and that there is no future in the direction they are headed. We hope this situation improves in the years to come.

Senator CARDIN was on the floor yesterday discussing this, and I want to reiterate that I hope that early next year, we can move on a bill that we introduced together called the Venezuelan Humanitarian Assistance and Defense of Democratic Governance Act of 2017. This helps address this problem. It puts in place a plan to help with this humanitarian crisis. We need a government that allows us to do it. But knowing that the United States, working with Canada, Mexico, Argentina, Colombia, Peru, Brazil, Spain, and the European Union—knowing that these countries are ready to step in and help might be an incentive for decent people still left in that government to step forward and begin a process of transition.

It was an interesting year, and one more legislative initiative that we took on was the RACE for Children. It is a pediatric cancer initiative. There are not enough innovations in pediatric cancer when you compare it to adult cancer. This law requires pharma-

ceuticals to begin testing adult drugs on pediatric populations so that hopefully we can develop more pediatric medicines. I worked on that with Senator BENNET of Colorado. We got it passed and signed into law. Again, it is not something that got a lot of attention because it was bipartisan and not controversial, but it is important. We are proud of the good work we accomplished this year in that regard.

We had hurricanes that impacted Florida not once but twice, first Hurricane Irma and then Hurricane Maria, which struck Puerto Rico and had an impact on Florida as well. Approximately 200,000 U.S. citizens from Puerto Rico have moved to Florida because there is no electricity, because the island had already been hit previously, and because it is facing a financial disaster, and now it got hit by the storm. We were very involved in helping there. In particular, we worked with Resident Commissioner Jenniffer Gonzalez, who is a true and dedicated public servant to the people of Puerto Rico, No. 1, in getting the right response. It took a little too long for the response to get going, but it finally started moving. But there is still so much to be done. The estimates are that it will be another 8 months before power is restored.

A disaster like that is never good news, but for the first time at least in 7 years, I feel as though my colleagues know more about Puerto Rico than ever before. They understand the challenges it faces because of its unique status. They understand the pre-existing challenges it faced before the storm, and they understand what lies ahead.

I don't mean this disrespectfully, but there was a time when people sometimes would talk to me about Puerto Rico as though it were a foreign country. We have to remind them that these are U.S. citizens. On a per capita basis, they volunteer to serve in the Armed Forces as much as or more than anyone else in the United States.

I hope that in the year to come we will redouble our efforts, particularly in disaster relief, to ensure that Puerto Rico doesn't just recover but is rebuilt stronger than ever so that we don't have to continue to revisit this in the future when the inevitable happens, because they will face a storm again.

Of course, just a few days ago, we passed tax reform. Not everybody likes it, but I think more people will as they start to see its true implications. By March of this year, the overwhelming majority of Americans are going to notice that their paychecks are bigger than they were a year ago, and if they didn't get a raise, it will be solely based on tax reform. If I were king for a day, the law would look a little different. But we don't have kings in America; we have a constitutional republic in which making things better is

our goal. Sometimes if you get 70 or 80 percent of what you want, that is certainly a victory. Sometimes if you get 50 percent of what you want, that is a victory. Most change in America happens incrementally through our constitutional republic. Every now and then, we can take major steps forward.

Here is the bottom line: America's Tax Code today is better than it was before this bill passed. Do I think we went a little too far in the direction of multinational corporations? Perhaps—not that it is going to hurt the economy. But I thought some of that could have been geared toward working families through a further expansion of the child tax credit. But over all, I do believe it will help grow our economy, and more importantly, I do believe it will leave more money in the hands of Americans to be able to spend it on their families. It is their money. It is not ours.

The best way to look at it is, if I came here and said that I wanted to spend \$2 trillion over the next 10 years—borrowed money—to give it to the government so the government could stimulate the economy, there would be a lot of support from the other side of the aisle and from the press. They would call it genius and enlightened for a Republican to think that way. But if we say we want to leave \$1.5 to \$2 trillion in the hands of the American people and the private sector so they can stimulate the economy instead, it is a disaster and it is irresponsible. It is just a philosophical difference of opinion.

There is a role for government. We must fund it. We have to rebuild our military. We talked about disaster relief. There are important things for government to do. But by and large, a dollar spent by the private sector or by an individual family is going to generate more growth than a dollar spent by the government. We fund government not to grow the economy but to help sustain it and protect it and keep us safe and the food that we eat and the airplanes we travel on and certainly from threats foreign and domestic. Economic growth is a function of the private sector and of individuals, and tax reform helps to achieve it. That alone won't be enough.

One of the singular challenges in America today that we must confront in the new year, hopefully, is the skills gap. It is not just a throwaway phrase; it is the fact that the best paying jobs, the ones that actually pay enough to raise a family and save for retirement—those jobs require skills that our schools aren't teaching. Those jobs require skills that millions of Americans do not have. We have to change that. We have to make it easier not just to graduate people at 18 years of age ready to work, we have to make it easier for people at 45 to be able to go back to some sort of school and acquire

the skills they need for a better paying job. That will lead to economic growth. That will help fill the 2 million to 3 million unfilled jobs that we cannot find people in this country with the right skills to fill. That is how people get a raise as a part of economic growth, and I hope the new year provides an opportunity for that.

I would add that, in addition to that, the new year will provide us an opportunity to focus on infrastructure, which is critical. My State of Florida is particularly impacted by not just storms but sea level rise in coastal areas, and there are things we can do to mitigate against it. We need to restore the Everglades, and, of course, we need roads and bridges and to improve our infrastructure and airports. Hopefully, we can confront that as we work on infrastructure.

Mr. President, 2018 will be a year that we will deal with the farm bill. I hope action will be taken to reform crop insurance, to ensure that my State's farmers are never in the position they were put in after Hurricane Irma, with neither a reliable safety net, nor a reliable commitment from the Federal Government to step in when Federal programs fail to meet disaster needs.

Next year could be a water resources year, a water year. Again, it is an opportunity for us to do critical things for our infrastructure. In Florida, beach renourishment and intercoastal navigation projects are important not just to our way of life but to our tourism industry. There are harbor dredging projects with the expansion of the Panama Canal. It is important that these things get done next year. They won't get as much controversy or fanfare, but these are critical things that we can do.

Another opportunity next year that we have heard some talk about is the ability to reform the social safety net. On that front, I would say that is an issue that I have pushed for for a very long time. But sometimes when you talk about reform, people think you are coming at it because you want to cut. For me, it is not so much about cutting; it is about improving the way we deliver the same services. How can we use the money we are already spending in the safety net but in a better way?

I believe in the safety net. I actually don't believe free enterprise works unless we have one. People are not going to take risks, people are not going to strive if they think that if they fail, the consequences will be economic devastation. You have to have a safety net to take care of those who cannot take care of themselves—the permanently disabled, the elderly and the like—but you also have to have a safety net for people who have come upon tough times until they can get back on their feet and try again.

But I fear—in fact, I realized long ago—that our safety net programs treat the symptoms of poverty, but they do not cure it. That is why I hope that if and when we tackle the social safety net—and I hope we will in 2018—it will not be so much about cutting as it will be about reorganizing and improving. Yes, we will take care of people in their emergent and immediate needs. But we will also make it easier for you to go back to school and get a degree or a technical certification so that you can find a job and never again rely on the government. If we do that for enough people, it will save us money because fewer people will be on the social safety net. But that should not be the reason we tackle it—not as a cost-saving exercise, but as a way to lift up more Americans.

We are in a global competition, and our chief geopolitical competitor in the economic space in the 21st century will be China. China has over three times as many people as we do, and we have to compete against them. They have 1 billion, and we have 380 million or 400 million people. We are competing against an economy with three times as many people. We need everyone. We are not a nation that can afford economically to leave anyone behind, and we are a nation in which leaving anyone behind would be a betrayal of our founding principles. That is why I hope we will tackle it next year—if we tackle the social safety net—with job training programs.

In a few moments, the Senate will hopefully take up and vote on the continuing resolution. I know everyone is anxious to return to their States and homes for the holiday. I will say that I am disappointed we are leaving here at the end of this year not having taken on a disaster relief bill that I know the people in Florida, Texas, Puerto Rico, and—with the wildfires—out West need. I believe we will confront it in the early part of next year, along with a permanent extension of the Children's Health Insurance Program and other matters.

Next year will bring an opportunity, as well, to deal with things like immigration security, the opportunity to deal with young people brought to this country, through no fault of their own, by their parents who now find themselves here, illegally, in the country. I believe there is a real chance next year to provide them certainty and the ability to stay in this country for the future.

All these things are there, and they will happen in the early part of the year. But, at least when it comes to disaster relief, it is disappointing that we won't be able to do that—largely for legislative strategic reasons, not for policy ones. But I am confident we will deal with it in the early part of next year.

I actually think that in 2018, despite it being an election year, if we allow

the momentum that closed out this year to carry over to the new one, we will have a chance to do good things for our country.

In the end, given our differences that exist in this country today, it is hard to imagine we will ever always agree that every idea is a good one, but I hope we can all agree that our job here is to make things better. Sometimes making things better means 1 step forward, and sometimes it means 50 steps forward. But as long as we are moving forward in a pattern of perpetual improvement, I think we should be proud of the work we are doing.

I think, by and large, in 2017, despite the fits and starts, despite the controversies, despite the headlines every morning about the outrage of the day or questions in the afternoon that usually begin with "How did you feel about the tweet on this or on that?"—despite all those distractions, I think 2017 will go down as a year of consequential improvement, where things happened in this Chamber and in this city that made America better, not worse. On that, I hope we can continue to work.

I wish all the people of Florida, all my colleagues, all the people of this great country and around the world a happy Hanukkah, a merry Christmas, and a happy New Year. I look forward to working together and making things better in the year to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

REPUBLICAN TAX BILL

Mr. REED. Mr. President, yesterday, we saw a very unusual celebration at the White House as Members of Congress took turns exalting the President and speaking in glowing terms about the tax bill they had passed. There appeared to be quite a contrast between the celebration at the White House and the reaction by working Americans.

Why weren't working middle-class Americans celebrating so vigorously? Why does poll after poll find that this is the most unpopular tax bill since the 1980s, in fact, including tax hikes by Presidents George Herbert Walker Bush and President Bill Clinton? This bill is even less popular than those tax increases.

Speaker RYAN seems to think the Republican tax bill is unpopular because Americans don't know what is in it. He is wrong. The American people are smart. They get it. They don't like this tax bill because they do know what is in it: lots of goodies for President Trump and his family and very little for theirs.

This tax bill isn't popular with working people because they know that if Republicans really wanted to give them a tax break, Republicans would have given it to them directly and not

to corporate executives. Middle-class Americans remember the corporate excesses that led us to the terrible losses of the great recession. They sacrificed and worked hard to help the economy recover. They remember the tough choices we had to make in order to get our economy working again, and they don't want to see that progress turned back. But the recovered economy President Trump inherited from President Obama is in danger of backsliding under this trickle-down approach, with Republicans once again breaking the Federal bank to give huge tax breaks to the wealthy.

Middle-class Americans weren't popping champagne bottles yesterday because they know that they will be on the hook again when reality sets in on the massive deficits and irresponsible excesses of the Trump economy. The real economy isn't a chart or a graph to them; it is their ability to put food on the table, send their children to college, and plan for retirement. Republican economics have not historically worked out well for them. The economy created over 11 times as many jobs under President Clinton as it did under President George Herbert Walker Bush. It created over 10 times as many jobs under President Obama as President George W. Bush. Today, U.S. job openings are nearing all-time highs and 15 million Americans have gained employment since 2010.

We have much, much more work to do to address issues like underemployment, labor force participation, and wage growth, but the economy Republicans are gambling with today is one that middle-class families worked hard and sacrificed to create. Moreover, middle-class Americans are not easily fooled when it comes to their bottom line. It will take more than focus groups and political publicity stunts to convince them that this Republican bill was written with their interests in mind.

Many Americans opened their paper this morning to read that major corporations like Wells Fargo and others were boosting U.S. investment or providing bonuses in the wake of the huge tax breaks provided to them by the Republican legislation. It is certainly a good thing that many of these companies are considering greater investments in their American workforce, but the relationship between these tax breaks and higher pay or bonuses seems to fall apart under scrutiny. Some companies, like Wells Fargo, have already admitted that these pay raises were preplanned and not the direct result of the tax bill. Indeed, this coordinated announcement appears more intended to appeal to the Trump administration than to prove anything about the effectiveness of the Republican tax bill for American workers.

Moreover, it appears the real problem many Americans have with the Repub-

lican bill is that they believe it will balloon the public debt in order to disproportionately benefit the rich. Based on every credible analysis of the bill to date, they are very likely correct. So, rather than watch for publicity stunts, Americans should, in the coming weeks, watch how much corporate executives take in bonuses. They should look at the more than \$70 billion in share buybacks that major corporations have announced since the Senate passed the Republican tax bill. Once corporations got the clear signal that this legislation would likely pass, their reaction was not to raise wages, not to stabilize the pension funds, but to buy back their shares, which is a double benefit for the managers of these companies and for the shareholders.

First, it typically raises the price of the stock on the market, which makes the value go up and gives direct benefits to shareholders. For the managers, most or much of their pay is related to their shareholdings. By the way, they are usually incentivized to increase share price, so their other pay is increased. So it is no surprise that this is the reaction of most corporations. It is quite telling that some company executives have made it clear that their plan for the funds released by this tax bill will be devoted to share buybacks. It is, in fact, ironic because many of these companies were having to pay an effective tax rate of less than 10 percent, much less than the new statutory rate. Does that mean they are going to give even higher wages? If a company was paying an effective tax rate of 8 percent and wasn't significantly raising the wages of their workforce, what does the new statutory rate of 21 percent do to their incentive? Nothing at all.

Americans can and will also consider the fact that 35 percent of American company stock is owned by foreign nationals, who are projected to pocket a \$48 billion windfall by 2019 as a result of corporate tax breaks. Yes, this tax bill will incentivize corporations to buy back stock, a significant amount of which is owned by foreign entities, individuals, and corporations. So \$48 billion of these funds will go overseas; it won't be devoted to salary increases, wage increases, R&D; it won't even be devoted in some sense to the United States because it will flow overseas.

They should ask: In light of these historically huge gains for the corporate investor class, how many of these corporations will make sure their pension funds, for example, are fully funded? There is no requirement that would prevent a company from buying back stock even while its pension fund is not actuarially sound. That has happened in the past. That is likely to happen in the future. So you have to ask yourself, as working families are: If I have a company that is giving its shareholders and management huge

benefits, and my pension is questionable—it is not fully funded—is that right? I think the answer is, honestly: No, that is wrong.

How many companies will ship jobs overseas because they will see a financial advantage? In fact, corporate executives will feel a fiduciary duty to the shareholders to do that. How many companies will continue to replace their workers with contractors who may have no healthcare from the company and no pension benefits? Jobs that could be filled and were filled in the past by real employees with real benefits will now be shipped away from the company to contractors.

I supported efforts by several of my Democratic colleagues to place conditions on these massive corporate tax breaks so that there would be at least some requirement that American workers share in this multitrillion dollar giveaway, but all of these proposals were rejected by our Republican colleagues. I believe they will have to explain to the working men and women of America why shareholders are getting huge benefits and they don't have a fully sound pension fund. Why are additional Americans being laid off by these corporations at the same time they are providing huge buybacks of their stocks to their shareholders? These are a series of questions I think American working families and the middle-class will continue to ask.

They are already aware this bill was not designed for them. It was designed for the wealthiest corporations and the wealthiest individuals in America and, indeed, globally. When the evidence mounts, it will further confirm those views. I think they are very, very accurate.

I know Americans will continue to work hard. They will continue to try to build this economy. But with the passage of this bill, this is clearly now President Trump's economy. All of the sacrifice and effort to build jobs under President Obama, which cut the unemployment rate from double digits down to 4.5 and 5 percent—all those could be jeopardized by what has transpired here, and the President owns it.

As we go forward, I think we have to realize this legislation is not going to help working families.

I have heard my colleagues, very sincerely and very eloquently, talk about some of the challenges we face, like job training. We are facing a situation in which many experts predict that within the next 12 years—by 2030—we will lose one-third of the jobs in the United States. They will go away because of technology and because of artificial intelligence. What is going to happen to the 30- or 40-year-old working man or woman? What does one do when a job he or she has prepared well for, and done very well, is suddenly taken over by a machine? Will one turn to private corporations and ask, please, help me?

I know what the answer will be: Not our responsibility. We only have an obligation to our shareholders—to enrich them. That is all we do. Thank you very much.

They will turn to the government. What will we do? We will say: We are sorry. We are already \$1.5 trillion in the hole. Because of the tax bill, we can't afford any job training, career transition, long-term unemployment sustenance, which we will need to allow people to make this transition. Oh, by the way, as to those retirement benefits that are under huge pressure, we cannot help you. We have the Pension Benefit Guaranty Corporation, but that is so underwater. Sorry.

By the way, with natural phenomena—the floods that are coming—we are currently talking about a disaster relief bill. In this Chamber, we are all aware that our National Flood Insurance Program is in a deep hole. It is—no pun intended—underwater. Where are we going to get this money to pay for the obligations we have already put on our books for the National Flood Insurance Program? What are the cities and communities going to do when we say we don't have it anymore, that we gave the money away?

We are now facing very difficult situations—we know they are coming—with unavoidable costs. There is our national defense. We have to rebuild our nuclear triad, our submarines, our bomber fleets, our land-based systems. Over several years, that will be hundreds and hundreds of billions of dollars. We know we have to do it.

Instead of doing that, yesterday, we decided to give \$1.5 trillion or more in deficit spending to the wealthiest Americans and the wealthiest corporations. I don't think it makes good sense. I think working Americans and middle-class Americans understand that very well—in fact, better than we do, collectively. What they have done, essentially, and what they are saying to anyone who would ask is, this is a terrible piece of legislation. Why did Congress pass it?

That is a question that will reverberate throughout this year and next year and, unfortunately, I think, for a long time because it will take us time and effort and sacrifice and tough votes, as we had in the nineties and again in 2009 and beyond, to get back on track for working families.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUNT). The Senator from South Dakota.

UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR NO. 261

Mr. THUNE. Mr. President, I rise to voice my strong support for the nomination of Ronald Batory to be the Administrator of the Federal Railroad

Administration at the Department of Transportation and to express my deep frustration that this noncontroversial, highly qualified nominee has been languishing in the Senate for over 4 months due to objections by a handful of Democrats over a parochial issue entirely unrelated to the nominee's qualifications.

The Commerce, Science, and Transportation Committee held a hearing on his nomination on July 26, 2017, and reported his nomination favorably out of committee with a unanimous voice vote on August 2, 2017. At that time, not a single Senator on the committee, Republican or Democrat, expressed any doubt about Mr. Batory's extensive expertise on rail safety issues.

Mr. Batory has over 45 years of experience in the railroad industry, in both management and operational positions, and he is a respected leader in driving organizational change and, most importantly, in advancing safety improvements. In fact, Railway Age called him noncontroversial and said: "He is the best-qualified person to be the Federal Railroad Administrator in a very long time, perhaps in the agency's history."

Yet, despite his unanimous approval from the committee, he has been blocked from assuming his leadership duties at this important safety regulatory agency. The FRA has critical safety decisions to make on a daily basis, and the agency needs strong strategic direction and management on time-sensitive safety issues. A senior adviser, which is Mr. Batory's current role at the DOT, does not have the same legal authority or ability to lead an agency as does a Senate-confirmed Administrator.

It is time to stop hamstringing Mr. Batory and get him confirmed so he can operate at full capacity. Unfortunately, it appears that we will not be able to do that without, once again, engaging in the cloture process on a noncontroversial nominee. This takes up valuable floor time that could be spent on other priorities. Yet it will, undoubtedly, still lead to his being confirmed by a large, bipartisan majority of the Senate. This pattern of obstruction—burning up a week or more of time to confirm two or three nominees who end up with overwhelming cloture and confirmation votes—must end.

The Batory nomination is also significant for another reason. Earlier this week, we saw the terrible tragedy of the Amtrak Cascades 501 derailment in Washington. Our heartfelt thoughts and prayers are with all of those affected, especially during this holiday season. As the NTSB continues its ongoing investigation, we will learn more about the causes of this derailment and the measures that might have prevented it.

To be clear, the tragic events of this week were not caused by a vacancy at

the helm of the FRA, but the Senate must act now to install a leader at this agency to advance any safety solutions and oversight found to be needed as a result of the accident.

To date, much of the discussion surrounding this accident has been focused on positive train control or what we call PTC. While it is still early to know what, if any, impact PTC would have had on this accident, I could not agree more with the Democratic leader who earlier this week said: "We need Positive Train Control." He went on to say: "The Federal Department of Transportation is not pushing Federal PTC hard enough."

If he truly believes the DOT needs to do more, why is he, along with a few of his colleagues, standing in the way of Mr. Batory's nomination? After all, Congress has tasked the FRA Administrator with providing the oversight and strong push that will be needed to ensure railroads meet next year's December 31, 2018, deadline for full PTC installation and training.

Make no mistake, a strong push is what many passenger railroads need. According to the FRA's latest quarterly progress report for passenger railroads, only 50 percent of locomotives are equipped and PTC operable; 64 percent of required PTC radio towers are installed; and only 24 percent of required route miles are in operation.

The Commerce, Science, and Transportation Committee expects to continue to play its role in conducting strong oversight of PTC implementation, including holding a hearing in 2018. However, what I do not expect the Commerce, Science, and Transportation Committee to do is to grant any further change to the PTC deadline framework that is established in current law. That is why we need Mr. Batory. When finally confirmed, he will play a significant role in pushing expeditious and successful PTC implementation.

This is not just the view of the Commerce, Science, and Transportation Committee, I might add, which, again, approved Mr. Batory, as I said earlier, unanimously, but also of the rail professionals who advance safety on the ground. The States for Passenger Rail Coalition, which consists of 25 State Departments of Transportation, wrote in July:

The issues facing the railroad industry today are significant, and it is vital that we have an experienced, capable and dedicated leader like Mr. Batory, who is willing to work with the states to make the improvements necessary to build a national rail system with an emphasis on increasing mobility and reliability, while enhancing safety and security now, and in the years to come.

Likewise, rail labor—representing conductors and communication workers—and other industry groups urged the Senate to proceed to Mr. Batory's nomination "as soon as possible," stressing "the importance of having Mr. Batory's expertise and leadership at the agency responsible for railroad safety."

That letter was written in September. It is now December. There is no reason for this delay.

Mr. President, I ask unanimous consent that both of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 15, 2017.

Senator MCCONNELL,
Senate Majority Leader,
Washington, DC.

Senator SCHUMER,
Senate Minority Leader,
Washington, DC.

DEAR REPUBLICAN LEADER MCCONNELL AND DEMOCRATIC LEADER SCHUMER: As rail industry stakeholders, we write to support the nomination of Ronald Batory for Federal Railroad Administrator. We urge the Senate to proceed to Mr. Batory's nomination as soon as possible.

Mr. Batory's nomination was announced in July, unanimously approved and reported by the Senate Commerce Committee in August, and now awaits action on the Senate floor. Mr. Batory is eminently qualified to be FRA Administrator and we believe he will have considerable bipartisan Member support once the Senate turns to his nomination.

We ask that his nomination be considered soon by the full Senate, in light of the importance of having Mr. Batory's expertise and leadership at the agency responsible for railroad safety.

Thank you for considering our views on this important matter.

Association of American Railroads (AAR); BNSF Railway; Canadian National Railway; Canadian Pacific Railway; CSX Transportation; Kansas City Southern Railroad; Norfolk Southern Railway; Union Pacific Railroad; American Short Line and Regional Railroad Association (ASLRRA); International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART); Transportation Communications Union/IAM.

National Association of Railroad Passengers (NARP); National Railroad Construction & Maintenance Association (NRC); Railway Engineering-Maintenance Suppliers Association (REMSA); Railway Supply Institute (RSI); States for Passenger Rail Coalition (SPRC); American Association of Private Railroad Car Owners (AAPRCO); AECOM; GE Transportation; Progress Rail Services; Siemens.

JULY 19, 2017.

Hon. JOHN THUNE,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

Hon. BILL NELSON,
Ranking Member, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THUNE AND RANKING MEMBER NELSON: On behalf of the States for Passenger Rail Coalition, Inc (SPRC), I write in support of the confirmation of Ronald L. Batory as Administrator of the Federal Railroad Administration (FRA) for the United States Department of Transportation (USDOT).

The SPRC's mission is to promote the research, development, implementation, operation, sustainability, and expansion of publicly supported intercity passenger rail services. On behalf of its membership representing 25 state departments of transportation and passenger rail authorities, SPRC

advocates for ongoing federal funding and programmatic support for intercity passenger rail initiatives, including efforts to improve safety on our nation's rail system and at highway-rail at-grade crossings.

We are impressed with Mr. Batory's extensive experience in the railroad industry and appreciate his plan to improve communications within the agency, and we encourage him to collaborate closely with public and private stakeholders to achieve policy goals. We are especially encouraged by his reputation as a good listener with a sound analytical approach. We commend his affirmation of the need for the FRA to move to performance-based rulemaking and fact-based policy making. Focusing upon these two objectives will strengthen the role of the states in promoting the development of a safe, reliable and efficient vibrant national network of freight and passenger rail services.

We ask that the Committee act speedily to confirm Mr. Batory. The issues facing the railroad industry today are significant, and it is vital that we have an experienced, capable and dedicated leader like Mr. Batory, who is willing to work with the states to make the improvements necessary to build a national rail system with an emphasis on increasing mobility and reliability, while enhancing safety and security now, and in the years to come.

Sincerely,

PAUL C. WORLEY, *CPM, Chair,*
States for Passenger Rail Coalition, Inc.

Mr. THUNE. Mr. President, we have had an immensely qualified leader, Ronald Batory, ready to lead an important safety agency for over 4 months. The time for playing political games with the leadership of this railroad safety agency should be over. It is long past time that my Democratic colleagues end the obstruction, and this body must confirm Ronald Batory.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 261, Ronald Batory. I further ask that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

THE PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. I object.

THE PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I am kind of beyond words to explain why we are objecting to someone who was unanimously approved out of the committee, is highly qualified, noncontroversial, and would run an incredibly important safety agency in this country. I just don't have words to explain what that objection might be.

I hope this is the last time the Democrats in the Senate will object to getting this important position filled with an individual who comes highly regarded, highly qualified, and has gone through the entire process—answered all of the questions through his confirmation—and is ready now for a final

vote in the U.S. Senate, which would allow him to get the job and to get about the important work of ensuring that there is safety on the railroads in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

OPIOID CRISIS

Mr. DONNELLY. Mr. President, at some point this evening, we expect the House of Representatives to send the Senate a bill that would keep the Federal Government open for another few weeks before our heading home for Christmas. For most families, the holidays are an opportunity to take a break away from our busy lives and enjoy time with the people we love. It is safe to say, however, that will not be the case for tens of thousands of American families who have lost a loved one this year due to a drug overdose.

The Centers for Disease Control and Prevention released two important new reports this week. First, they found that life expectancy decreased in the United States for the second year in a row. Second, the likely cause of that decrease in 2016 is that over 63,000 people died of drug overdoses. That is more than 144 deaths per day, and it is a 21-percent increase from 2015.

This is a crisis. People are dying in communities across this country every single day. Congress must do much more to address this scourge. Here in Washington, we have talked at length about the massive size and scope of the problem.

Last year, we passed bipartisan legislation that was signed into law and is providing our local communities with more tools to fight the epidemic, and we approved initial funding to begin to support these and other efforts.

I was proud to help bring nearly \$11 million of that funding to Indiana. Earlier this fall, the President rightly declared the opioid abuse epidemic to be a nationwide public health emergency. On the frontlines, in places like my home State of Indiana, however, the battle is raging. Despite a unified response, there is more work to do.

Our Governor, Governor Holcomb, has made the fight against opioid abuse the priority it needs to be. He and his administration are working closely with local communities to provide resources and support. Together, we have engaged our healthcare providers—both public and private—the business community, our educators, and the clergy who are all committed to this cause. Yet the message I continue to hear from people on the ground is, we need more resources and we need to expand treatment capabilities as soon as possible.

We all know this is not a partisan issue. Over the last few years, I have been honored to work with seven of my

Republican colleagues to introduce seven bills and amendments that address everything from prescribing practices to the shortage of addiction treatment professionals, and many of these ideas have already been signed into law.

I am partnering with my State's Republican Governor to make sure we do everything in our power to help those who are battling with addiction, but it is not enough unless we provide our communities with the resources they are asking for and they need.

This is the time of year that many Americans reflect on the year that has passed and identify the priorities in the years to come. In Congress, we need to do the same. More than 63,000 Americans died last year from opioid abuse. Those are 63,000 moms and dads, brothers and sisters, husbands and wives, sons and daughters who are not with us this year. We must make this issue a priority.

I hope Congress will demonstrate to the American people that fighting the opioid epidemic is a priority. One way to do that is to include meaningful resources in the bill to fund our Federal Government and key programs when we deal with this again before January 19 of next year.

I implore my colleagues to make this a priority, to provide the robust and meaningful funding our communities need to seriously address this problem. We are in the midst of a crisis. We must do more in 2018. We have families all across our Nation with broken hearts tonight for the ones they love and the ones they miss. Let's make sure there are no more in 2018; that this ends today.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I ask unanimous consent to speak for 5 minutes and that after I speak, Senator WYDEN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTREME RHETORIC

Mr. FLAKE. Mr. President, 6 months ago, on a beautiful June morning, just a few miles from here in Alexandria, VA, a man with a gun opened fire on me and several of my Republican colleagues.

In the chaotic aftermath of that awful morning, the gunman's purpose slowly became clear. Because of our beliefs and our political affiliation, this individual believed my colleagues and I should die. Since that day, I struggled to understand this thinking. How could any American look onto a field that June morning, where a bunch of middle-aged men were playing baseball, and see the enemy?

Some of the bombastic rhetoric being offered this week in response to the tax reform bill has given me pause. If you

listen to some of the hyperbolic vitriol that opponents of this bill are producing, the attitude that nearly killed my friend STEVE SCALISE and threatened many more lives begins to make a perverse kind of sense.

When respectable public figures go on television or take to Twitter and announce that thousands, if not millions, of Americans are going to die as a direct result of the passage of a tax reform bill, what impact do we expect this to have on the thinking of many Americans? If a person takes such outlandish statements as true, attacking Members of Congress in support of the measure almost appears to be a moral action. This could lead someone to believe that killing a few legislators might save the lives of millions of Americans.

Beyond the physical danger of promoting such misinformation, these claims do grave harm to the legislative process. How are we expected to work together to achieve anything if one side's position is viewed as the end of America as we know it? One of my colleagues called this tax reform bill "the worst bill in the history of Congress."

Upon the bill's passage, one media pundit went so far as to encourage young Americans to flee their country and declared "America died tonight."

Full-throated and passionate debate should always be encouraged. We all love arguing the merits of supply-side economics, but this is not that. This is demonizing of the worst kind. It leaves us all in this body unable to engage in the kind of negotiations and compromise that Congress was created to foster.

To be clear, this is not a problem with one party or of one moment. During the public debate over the Affordable Care Act, Members of my party engaged in similar tactics. I was in the House Chamber when one of my Republican colleagues stood and yelled "You lie" at the President of the United States. The accusation that passage of healthcare reform legislation would result in so-called death panels was promoted far and wide by many Republicans. One conservative commentator suggested the government would begin educating seniors on how to end their own lives.

A Republican legislator claimed that the bill would put seniors in a position of being "put to death by their government." This rhetoric was wrong then, and it is wrong now.

The threat posed to all of us and to the democratic process for giving in to extreme rhetoric is not theoretical. Some of us faced it on that baseball field in Alexandria in June, and all of us have witnessed its corrosive effect on Congress. I urge my colleagues, all of us, let's end this practice where raw politics drowns out the supplications of the better angels of our nature. Let us all be more humble as to our predictive

powers when it comes to placing a value on the work we do here. In reality, this legislation will probably not turn out to be as good as the proponents assert, nor as bad as the opponents contend.

The country is watching. It is my hope that we—all of us—can eschew contempt and vitriol in our speech and be more measured in our tone.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

RUSSIA INVESTIGATION

Mr. WYDEN. Mr. President, I come to the floor tonight to discuss the Senate's investigation into Russia in the 2016 election. Specifically, I have been reviewing for months documents in the possession of the Senate's Intelligence Committee. I regret to say, the depth of the committee's investigation is completely unsatisfactory into the crucial issues of what I call following the money.

Early in 2017, I began asking the committee leadership to look into any and all financial relationships between Russia and Donald Trump and his associates. In an open hearing the committee held in March, I noted a number of public facts. First, there is an extraordinary history of money laundering in Russia. Billions of dollars from corruption and other illegal activities have been moved out of the country. Second, the President's son said in 2008: "Russians make up a pretty disproportionate cross-section of a lot of our assets." Third, entities associated with the President had already been the subject of millions of dollars of fines for willful, repeated, and longstanding violations of anti-money laundering laws. Fourth, the Congress and the American people still haven't seen the President's tax returns.

Since then, there have been numerous additional press stories about associates of the President and their financial connections to Russia. In my view, these stories require thorough, detailed investigation. It is not just by the press. The special counsel's indictment against former Trump campaign manager Paul Manafort included extensive detailed allegations of laundering of millions of dollars from pro-Russia-Ukrainian interests. This indictment provided a clear example of how a foreign-influenced campaign can be financed through illicit means and why the importance of following the money is so crucial.

There have been others, acknowledged financial connections, such as former National Security Adviser Michael Flynn and his payment from RT, the television station that is part of Russia's state-run propaganda apparatus.

Then there are the strange denials, such as when Jared Kushner wrote in

his statement in July, "I have not relied on Russian funds to finance my business activities in the private sector."

I can state, that is some kind of good lawyering because the word "rely" is subjective. Mr. Kushner did not deny financial ties to Russia. He said he hadn't relied on those funds, not whether he had any, not whether he ever had any, but he hadn't relied on them. That is about as lawyerly and subjective a statement as you can imagine.

My bottom line is, these financial ties need to be a central focus of the Intelligence Committee's inquiry. The reason I say this, I want to spell out what the connection here is. Our inquiry covered counterintelligence concerns related to Russia and the election, including any intelligence regarding links between Russia and individuals associated with political campaigns. Following the money is counterintelligence 101.

If you want to compromise somebody, money is one of the best ways to do it. Well, let me repeat that. That is the connection. That is the connection between the counterintelligence work that is so important and part of the committee's charge. That counterintelligence work involves following the money because that is key to really getting into the question of whether somebody's been compromised because one of the best ways to do it is through funds.

Tonight, based on this review of documents, I call again on the committee to follow the money aspects of this inquiry, including by holding public hearings specifically on this topic.

In addition, it is not just the Intelligence Committee that ought to focus on these issues. As I have been saying since March, the Senate Finance Committee, of which I am the ranking Democrat, has a crucial role to play on follow-the-money issues as well. Relevant documents produced by elements of the Treasury Department which are outside the intelligence community, such as the Financial Crimes Enforcement Network, ought to be reviewed. There is a need to review these documents by the Finance Committee staff because we have specific experience and expertise in financial investigation.

In addition, the Finance Committee specifically has oversight responsibilities for tax matters. The Manafort indictment, which included tax evasion, demonstrated clearly that taxes, tax evasion, offshore accounts, and suspicious real estate transactions are all connected. They are all connected, and they ought to be part of any serious investigation into ties between Russia, the President, and his associates. Unfortunately, I and our committee have gotten no cooperation from the Treasury Department. Despite my repeated

requests as the ranking Democrat on the Finance Committee, the Treasury Department has just stonewalled—plain old stonewalling—the lead committee with jurisdiction for the agency.

For that reason, I want to announce tonight that I will hold indefinitely the nomination of the individual to be Assistant Secretary of the Treasury for Intelligence and Analysis until the Department cooperates with the Finance Committee and provides the committee with documents it needs to do its job.

Again, I regret that I have to take this step. By the way, many of these documents are unclassified in nature, so the Treasury Department is denying the Finance Committee access to unclassified documents. That is just completely unacceptable.

We all understand that we are in the midst of extraordinary and dangerous times. As our own intelligence community assessed in January, Russia interfered in our election with a clear preference for Donald Trump. No one, other than Donald Trump, has apparently called this assessment into question. For the sake of our national security and the future of our country, it is important to get to the bottom of every aspect of this attack on our democracy. The American people have clearly stated the urgency behind this.

My view is that the Congress has an obligation to follow the money wherever the evidence leads and to conduct a thorough investigation that leaves no stones unturned and presents to the public what we find. I will close by way of saying that I don't see how you can do the essential counterintelligence work that is so important to our committee—and I note that the distinguished Presiding Officer of the Senate, the Senator from Missouri, is a member of the committee and a valued one—I don't see how the committee can do its counterintelligence work without following the money, because we know that those financial issues are absolutely key—that money is the key to compromising an individual—it is obviously so important in trying to ensure that we have policies in this country that protect our security and our role in the world.

I yield the floor.

REPUBLICAN GOVERNMENT FUNDING BILL

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the Republican continuing resolution.

In addition to the many, many problems I have with how this bill was secretly written without any attempt to work with Democrats, I also cannot support it because of the absence of the Dream Act and long-term funding for the Children's Health Insurance Program.

On four occasions, Republicans tried to repeal the Affordable Care Act with

bills they drafted in secret. These bills had no input from Democrats—or really anyone who would have actually been affected by repeal.

Then they drafted a so-called tax reform bill, again entirely in secret, not consulting anyone outside a small group of Republican lawmakers.

So it is not a surprise that the bill they jammed through is actually nothing more than a tax cut for the richest Americans and large corporations, and all at the expense of American families, who will actually pay higher taxes.

Now, doubling down on their failed strategy of secrecy, Republicans came up with a government funding bill at the very last minute that ignores many of our highest priority needs, including passing the Dream Act and coming up with a long-term solution for CHIP.

I hope that Republicans will finally realize that this isn't the right way to govern. You are not representing the country when you govern 1 month at a time and rush through poorly written bills that only benefit certain special interests.

It is time to return to regular order.

Now I would like to speak about the absence of the Dream Act in this bill, a negligent decision that even the majority of Republicans in this country disagree with.

To say that Republicans have sent mixed signals on DACA is an understatement.

During his campaign, Donald Trump said he supported deporting all undocumented immigrants, including those who had registered for the Deferred Action for Childhood Arrivals Program.

Later, he said DACA recipients had nothing to worry about. Then, in September, the Justice Department canceled the DACA program. I can't even imagine the uncertainty that DACA recipients have felt since Donald Trump's election.

DACA was put in place in 2012 by President Obama to remove the crushing fear of deportation experienced by hundreds of thousands of young people. These are outstanding individuals who were brought into the country through no choice of their own, at very young ages, and who know no other country than the United States.

In fact, the average DACA recipient was brought into the United States at the age of 6.

Now, there are nearly 700,000 individuals with DACA in the United States, approximately 220,000 of whom live in California. Each day, more than 100 lose their DACA protection, plunging them back into the uncertainty that President Obama relieved.

These young people study, they work, they pay their taxes. They are patriotic. They are American in every way that counts, and to leave them in such uncertainty is nothing less than cruel.

One family in particular has really brought this issue home for me, and that is the Sanchez family from Oakland.

Maria and Eusebio Sanchez lived in the United States for more than 20 years before they were deported in August.

Maria was an oncology nurse, and Eusebio was a truck driver.

They had no criminal records, they paid their taxes, they owned a home, and they contributed to their community.

They also had four children, three of whom are U.S. citizens.

Little Jesus is just 12.

Elizabeth is 16 and currently enrolled in a community learning center.

Melin is 21 and is currently enrolled at UC Santa Cruz, studying molecular cell and developmental biology. She wants to be a pediatrician.

Their oldest daughter, Vianney, is 23, and she is not a citizen.

She is, however, protected under DACA. She graduated from UC Santa Cruz with a degree in psychology, and today Vianney is taking care of her three siblings.

Imagine being thrust into the role of caregiver to your three siblings after your parents are kicked out of the country, but your own ability to remain here also remains uncertain.

Vianney will lose her DACA status in August. Imagine the fear and stress she carries with her every day.

All DACA recipients have to register with the government, so immigration officials know where Vianney lives and works. They could show up any day and deport her, leaving her three younger citizen siblings behind with no one to care for them.

Sadly, the experience of this family isn't rare. There are families like this across the country, people who came to America looking for a better life, who work and follow the law and contribute.

By ignoring their plight, by not prioritizing the Dream Act, Republicans are telling them they are just not important enough.

I simply can't accept this and ask my Republican colleagues to look into their hearts and find their compassion. Tell these young people they are safe. Tell them they deserve to stay and the Dream Act will pass.

This bill also fails to provide long-term funding stability for the Children's Health Insurance Program and for community health centers. Both of these programs are vital to our communities and provide healthcare for millions of Americans.

CHIP provides health coverage for nearly 9 million children. In California, 1.3 million are currently enrolled in the program and around 2 million are covered at some point during the year.

This program is absolutely critical to support children in working families

that are moderate income and can't afford private coverage. Around a quarter of kids on CHIP have special healthcare needs.

I have been hearing from my constituents about how important this program is.

Rachel, from Orange, wrote me to say, "There are many who depend on this assistance to stay alive. I was a type 1 diabetic at 12 with two disabled parents. If not for governmental assistance, I would be dead. Don't leave someone in this same situation hopeless."

Kathleen from Arcata wrote to me and said, "I am a single mom and though my kids are grown now, I had the CHIP for them. I can't imagine what it would be like to raise a child living in similar circumstances now without this program."

CHIP is also an important program for pregnant women. In California, 30,000 expecting mothers depend on the program.

This care is so important for ensuring healthy moms and babies. If funding lapses, these expectant mothers are at risk of losing their coverage.

Funding for community health centers is also at risk.

There are more than 10,400 centers that see more than 25 million patients across the country.

In California, we have more than 1,500 centers that care for more than 4.4 million patients each year in California. If we don't provide long-term funding for these centers, there is no doubt they will have to limit hours, lay off staff, or even close.

Supporting community health centers isn't just the right thing to do for access, but for positive outcomes and cost-effectiveness as well.

Health center patients have an 18 percent lower rate of emergency room visits. Medicaid patients receiving care at health centers have costs that are 24 percent lower, and the quality of care is exceptional. Patients do better, and it costs less.

For all the talk about bipartisan support for these two programs, I am profoundly disappointed that we have not addressed their funding in a meaningful way.

Healthcare coverage for kids and access to basic healthcare services in our communities should be a no-brainer. I strongly support these programs and hope we can provide stability soon.

In conclusion, this has been a bad year for governance, and it is being capped off by yet another disappointing display by Republicans.

All of us saw and heard the thousands of Dreamers who visited our offices. We saw not only their passion but also their desire to make a difference.

Many of these young people live in fear every day.

Congress has a chance to improve their lives and provide for them a positive, productive future.

Republicans have chosen to ignore truly time-sensitive issues like DACA, CHIP, and basic government funding. Instead, they chose to spend months on tax cuts for rich Americans and big corporations.

Tax cuts for rich people aren't time-sensitive. Protecting children is.

Let's get back on track, let's add the Dream Act and CHIP to this bill, and let's return to the good governance that our people expect.

Thank you.

The PRESIDING OFFICER. The Senator from Kentucky.

DEFICITS

Mr. PAUL. Mr. President, the question is, Do deficits matter? We often say they do. You will hear Republicans say they do, and for the last week or two, you have heard from Democrats that they were against cutting taxes because it might add to the deficit. Well, if this is true, tonight we will get a chance to vote on the deficit because, you see, Congress about 6 years ago, put something forward called pay-go budget caps. What does that mean? They kept seeing the deficit explode. So they put in these budget caps, and if we were to adhere to them, we would actually get the debt under control. Guess what. Congress has evaded them 29 times.

So tonight we will have a bill, and it will be the 30th time that Congress has evaded their own rules on the debt. Is it any surprise that the debt under George W. Bush went from \$5 trillion to \$10 trillion? Is it any surprise that under President Obama it went from \$10 trillion to \$20 trillion? Is it any surprise that the debt continues to rise? No, because both parties are responsible for it.

Look, I was all for the tax cut. I think it is good for the country, but I am also for restraining spending. So we did the tax cut earlier in the week, and now we are going to do a spending bill. We have rules in place, and the rules in place say that there are budget caps. So they have a special little waiver that they have put in the spending bills because we are now going to exceed those caps.

So the question is, Are we serious about the debt? Are we serious about adding a million dollars a minute to the debt? That is what happens. We borrow a million dollars a minute. The deficit this year will be over \$700 billion—\$20 trillion in total. The total debt is bigger than our entire economy.

So both sides give lip service to it, and yet both sides want more spending. On the Republican side, this year's request is \$80 billion above the caps for military. On the Democratic side, they say: Well, you don't get yours unless we get ours. Yet nobody cares about the debt. So really the debt is being driven by the GOP, who want more

military money but the only way they can get it is giving the Democrats more welfare money.

So the interesting thing about this vote is—you have heard the other side of the aisle saying it—they can't vote for the tax cut because of the debt. If they care about the debt, let's cut spending. This is their chance. This will be a vote on cutting spending. These pay-go budget caps were put in place by the Democrats when they were in the majority in 2010. These are their budget caps, and yet everybody is clamoring to waive them on both sides.

We have a real problem in our country, and we must do something about it. Ultimately, there will be a day of reckoning. You cannot continue to borrow so much money. Ultimately, it bankrupts the Nation, or the currency becomes worthless, or you get to a point where the interest on the debt actually becomes the No. 1 spending item. Within about a decade, interest will push out all other spending, and it will be the No. 1 item. We will spend more on interest than national defense. We will spend more on interest than welfare and anything else. So there are those who say: Well, we have to have more money for military; we have to have more money for welfare. You are going to have none of that if you keep spending money at this rate because we are going to ruin the country through debt.

So can we have a strong military? Yes. We spend about \$600 billion, but you can't necessarily spend \$700 billion. That extra \$100 billion is making the debt worse. But it is the same on the other side of the ledger with the Democrats.

So we have a chance. There really is a chance. The media would say: Oh, you are irresponsible for voting for the tax cuts. No, you are irresponsible if you are not also willing to vote for spending cuts.

So tonight I will put forward in a few minutes a motion, and this motion will be to say that we should obey the spending caps. We have put them in place. Unless our outrage over debt is fake outrage, if we truly care about the debt, we should vote to keep in place the rules we have put in place. These are spending caps. If we care about the next generation, we should vote for the spending caps. So I will put forward a motion that says: Let's obey our own rules.

It will be interesting to watch the vote and to see how it turns out—who truly cares about the debt on either side of the aisle, who is willing to say: You know what; I am for tax cuts but I am also for saying across the board that we need to have spending restraint. Will we obey our own rules? We have broken our own rules. This will be the 30th time we broke our own rules on budget caps since 2010. If you go back farther, it is in the hundreds of

times. If you were scoring Congress on integrity and honesty about the rules we have set up, it would be a zero. We aren't adhering to our own rules.

So what I would admonish my colleagues to do is, if they care about debt, is to vote for this point of order that says that we should adhere to our budget caps and we should really truly care about the budget deficit.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

MEDICARE FUNDING

Ms. COLLINS. Mr. President, I rise in strong opposition to the point of order that will be offered by the Senator from Kentucky, which would have the effect of allowing harmful, indiscriminate budget cuts to be triggered. While there are certain safety net programs like Medicaid, food stamps, and Social Security that are exempt from these automatic cuts, the Medicare Program is not exempt, and there are a number of other vital programs in addition to Medicare, including Federal education programs, agricultural support for farmers, and funding for Citizenship and Immigration Services, among others, that would be subject to immediate automatic cuts if we failed to take action tonight to avert that outcome.

It has been deeply disturbing to me to see seniors frightened about the possibility that a \$25 billion cut in Medicare—that is a 4-percent reduction—would be automatically triggered. By waiving this point of order, we will prevent such cuts from taking place, reassuring our Nation's seniors and their loved ones.

Although the law that could cause this reduction has been waived some 16 times—and indeed never implemented since it was enacted—I felt that it was essential that our leaders publicly commit that Medicare reductions would not be triggered, given the amount of fear, anxiety, and misinformation that is out there.

I wrote to the Senate majority leader, urging that we immediately remove the threat of an automatic cut in Medicare's funding. In response, I am pleased to say that both the majority leader and the Speaker of the House released a joint statement that pledged this will not happen, and that is the issue before us tonight.

Medicare provides essential healthcare benefits to our Nation's seniors. We must remove, immediately, the threat that an automatic reduction in the program's funding could occur, which would affect healthcare providers and diminish access that beneficiaries—including our seniors and disabled individuals—have to the services they need.

Earlier this month, AARP sent a letter to the House and the Senate leadership, alluding and supporting my inquiry and warning Congress of the potential consequences. The letter says:

The sudden cut to Medicare provider funding in 2018 would have an immediate and lasting impact, including fewer healthcare providers participating in Medicare and reduced access to care for Medicare beneficiaries. Healthcare providers may choose to stop accepting Medicare patients at a time when the Medicare population is growing by 10,000 new beneficiaries each day. . . . Furthermore, Medicare Advantage plans and Part D prescription drug plans may charge higher premiums or cost sharing in future years to make up for these cuts now.

These potential cuts would have an enormous impact on our hospitals, our nursing homes, our home health agencies, and other essential healthcare providers who play a critical role in providing healthcare services and also as important economic drivers in our communities.

It is critical for Congress to act quickly, to act tonight before we go home, so seniors do not have the anxiety of wondering whether the tax bill will somehow negatively affect their healthcare. We can act tonight to remove that anxiety and assure them it will not.

Mr. President, I ask unanimous consent that the exchange of letters I had with Majority Leader MCCONNELL and also the letter from AARP be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,
Washington, DC, November 28, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL: I write to express my deep concerns with the Congressional Budget Office's determination that an automatic four percent cut to Medicare, estimated to be roughly \$25 billion for fiscal year 2018, could be triggered by the passage of tax reform legislation as a result of the Pay-As-You-Go Act of 2010 (PAYGO) even though there is no intention for such a reduction to occur.

Since I do not believe it is anyone's intention to allow automatic cuts to Medicare to occur, I urge swift action to waive the PAYGO requirements. Medicare provides essential benefits to our nation's seniors, and we must remove immediately the threat that an automatic reduction in the program's funding could occur.

Since PAYGO was enacted, sixteen laws that would have otherwise triggered PAYGO's automatic spending cuts have included provisions to exclude all or part of the law's budgetary impact, including the American Taxpayer Relief Act of 2012 that was enacted under the previous Administration.

I look forward to working with you to ensure that no Medicare cuts are triggered under PAYGO, a goal I believe is supported by members on both sides of the aisle. Thank you for your attention to this critical issue.

Sincerely,

SUSAN M. COLLINS,
U.S. Senator.

U.S. SENATE,

Washington, DC, December 1, 2017.

Hon. SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: Thank you for your letter expressing concern about the across-the-board spending cuts. You will be pleased to know that Speaker Paul Ryan and I issued the following joint statement earlier today:

"Critics of tax reform are claiming the legislation would lead to massive, across-the-board spending cuts in vital programs—including a 4-percent reduction in Medicare—due to the Pay-Go law enacted in 2010. This will not happen. Congress has readily available methods to waive this law, which has never been enforced since its enactment. There is no reason to believe that Congress would not act again to prevent a sequester, and we will work to ensure these spending cuts are prevented."

Again, thank you.

Sincerely,

MITCH MCCONNELL,
Majority Leader.

AARP®,
December 7, 2017.

Hon. MITCH MCCONNELL,
U.S. Senate,
U.S. Capitol, Washington, DC.
Hon. CHARLES E. SCHUMER,
U.S. Senate,
U.S. Capitol, Washington, DC.
Hon. PAUL D. RYAN,
House of Representatives,
U.S. Capitol, Washington, DC.
Hon. NANCY PELOSI,
House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL, MINORITY LEADER SCHUMER, SPEAKER RYAN, AND MINORITY LEADER PELOSI: On behalf of our members and all Americans age 50 and older, AARP is writing to express concerns about the potential for automatic cuts to Medicare beginning in January 2018. AARP, with its nearly 38 million members in all 50 States and the District of Columbia, Puerto Rico and the Virgin Islands, represents millions of individuals whose health care depends on Medicare. We urge you to act now to prevent these cuts to Medicare.

The Congressional Budget Office (CBO) recently provided an explanation of the impact H.R. 1 and its \$1.5 trillion deficit increase will have on Medicare and other programs. The CBO estimated that because of statutory pay-as-you-go and the increase in the deficit, Medicare providers will be subject to an automatic \$25 billion cut in fiscal year 2018, and additional cuts in subsequent fiscal years. According to CBO, the automatic cuts, or sequester, would begin as soon as January, 2018.

In a statement responding to Senator Collins's inquiry on statutory pay-as-you-go and the risk of Medicare cuts, Leader McConnell and Speaker Ryan provided the following assurance: "Congress has readily available methods to waive this law, which has never been enforced since its enactment. There is no reason to believe that Congress would not act again to prevent a sequester, and we will work to ensure these spending cuts are prevented." It is of paramount interest to our members, and other older Americans, that you act to prevent these spending cuts as soon as possible.

The sudden cut to Medicare provider funding in 2018 would have an immediate and lasting impact, including fewer providers

participating in Medicare and reduced access to care for Medicare beneficiaries. Health care providers may choose to stop accepting Medicare patients at a time when the Medicare population is growing by 10,000 new beneficiaries each day. Cutting reimbursement in 2018, and possibly each year thereafter, would discourage health care providers from treating this growing population. We need to protect and strengthen the Medicare program and ensure there is a health care workforce able and willing to take on new patients. Furthermore, Medicare Advantage plans and Part D prescription drug plans may charge higher premiums or cost-sharing in future years to make up for the cuts now. These cuts also come at a critical time in the program when providers are adopting the new payment systems according to MACRA (P.L. 114-10) which overwhelmingly passed Congress in 2015. An across-the-board cut to provider reimbursement will leave health care providers fewer resources to invest in their practices, and make them less inclined to take on risk in new alternative payment models. The sudden payment cut will stifle the transition toward payment based on value, having implications for future Medicare cost growth. In any event, Medicare beneficiaries will pay the price for these sudden and significant cuts.

Our members and other older Americans are counting on you to preserve their access to Medicare services, including their doctors and hospitals. We urge you to act swiftly to prevent automatic cuts to Medicare. If you have any questions or need additional information, please feel free to contact me or contact Joyce Rogers, Senior Vice President of Government Affairs.

Sincerely,

JO ANN C. JENKINS,
Chief Executive Officer.

Ms. COLLINS. I yield the floor.
The PRESIDING OFFICER (Mr. YOUNG). The majority leader.

DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN AUTHORIZATION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany H.R. 1370.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1370) entitled "An Act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.", with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 1370.

I ask unanimous consent that Senator PAUL be recognized for up to 2 minutes to make a budget point of order; that Senator COLLINS or her designee be recognized for up to 2 minutes to make a motion to waive the point of order; that Senator LEAHY be recognized for up to 5 minutes; that following the use or yielding back of that

time, the Senate vote on the motion to waive; and that following the disposition of the motion to waive, the Senate vote on the motion to concur, with a 60 affirmative vote threshold, all without any other intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky.

Mr. PAUL. Mr. President, the question is, Do deficits matter? We have had a lot of debate over deficits and people complaining that tax cuts add to deficits. Well, tonight we will have a vote on whether we should honor what are called pay-go budget caps. We have had these in place for about 6 years. Congress has disobeyed their own rules 30 times as of tonight. These budget caps would keep spending in order. Yet we are going to have them waived tonight.

My budget point of order would actually say that we should not waive these budget caps. We should honor them because deficits do matter.

We borrow \$1 million a minute. The deficit this year will be over \$700 billion. The overall debt is \$20 trillion. We have a spending problem. We have rules to keep spending in check, and we disobey our own rules.

With that, I make a point of order on the statutory pay-go scorecard that says we should spend within certain limits. This budget point of order is pursuant to section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, we simply cannot allow these harmful, indiscriminate budget cuts to be triggered. It is so disturbing to see our seniors worried about the possibility of a \$25 billion cut in the Medicare Program. That is a 4-percent reduction. That would affect healthcare providers and healthcare services. There is no need for this indiscriminate cut to occur.

It is critical that Congress act tonight, act immediately, so that seniors and our disabled citizens do not have the anxiety of wondering whether the tax bill will somehow negatively affect their healthcare. By voting to waive the point of order, we can remove that anxiety and prevent the indiscriminate cuts in Medicare and other essential programs from occurring.

Pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the House message to accompany H.R. 1370, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to waive.

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—91

Alexander	Franken	Nelson
Baldwin	Gardner	Perdue
Barrasso	Gillibrand	Peters
Bennet	Graham	Portman
Blumenthal	Grassley	Reed
Blunt	Harris	Roberts
Booker	Hassan	Rounds
Boozman	Hatch	Rubio
Brown	Heinrich	Sanders
Burr	Heitkamp	Schatz
Cantwell	Heller	Schumer
Capito	Hirono	Scott
Cardin	Hoeven	Shaheen
Carper	Inhofe	Shelby
Casey	Isakson	Stabenow
Cassidy	Johnson	Strange
Cochran	Kaine	Sullivan
Collins	King	Tester
Coons	Klobuchar	Thune
Corker	Lankford	Leahy
Cornyn	Manchin	Tillis
Cortez Masto	Markey	Toomey
Cotton	McCaskill	Udall
Daines	McConnell	Van Hollen
Donnelly	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Moran	Whitehouse
Enzi	Murkowski	Wicker
Ernst	Murphy	Wyden
Feinstein	Murray	Young
Fischer		

NAYS—8

Crapo	Kennedy	Risch
Cruz	Lee	Sasse
Flake	Paul	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 8.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

VOTE ON MOTION TO CONCUR

The PRESIDING OFFICER. The question is on agreeing to the motion to concur.

Mr. ROUNDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—66

Alexander	Gardner	Perdue
Barrasso	Graham	Peters
Blunt	Grassley	Portman
Boozman	Hassan	Risch
Burr	Hatch	Roberts
Capito	Heinrich	Rounds
Carper	Heitkamp	Rubio
Cassidy	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Shaheen
Coons	Johnson	Shelby
Corker	Kaine	Stabenow
Cornyn	Kennedy	Strange
Cotton	King	Sullivan
Crapo	Lankford	Tester
Cruz	Leahy	Thune
Daines	Manchin	Tillis
Donnelly	McCaskill	Toomey
Enzi	McConnell	Udall
Ernst	Moran	Warner
Fischer	Murkowski	Wicker
Flake	Nelson	Young

NAYS—32

Baldwin	Feinstein	Murray
Bennet	Franken	Paul
Blumenthal	Gillibrand	Reed
Booker	Harris	Sanders
Brown	Hirono	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Lee	Van Hollen
Casey	Markey	Warren
Cortez Masto	Menendez	Whitehouse
Duckworth	Merkley	Wyden
Durbin	Murphy	

NOT VOTING—2

Isakson McCain

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

FUNDING THE GOVERNMENT

Mr. LEAHY. Mr. President, I will speak very briefly.

While I voted to keep the government going, this is not the way to govern. We should not be doing stopgap measures. We will be back here soon. We will have a relatively short time—a couple of weeks—to finally do our work, the work we should have done for the last 6 months. We will have to address sequestration on both sides of the ledger—on defense and non-defense—and raise the caps for both. We have to speak on one of the greatest issues in our country today, and that is the Dreamers, and we have to address that and have votes up or down on the Senate floor. I intend to vote to protect Dreamers. We have to vote on the Children's Health Insurance Program. There are so many others.

I want Senators on both sides of the aisle to know—and I have talked to both Republicans and Democrats—Senator COCHRAN and I and others have tried to keep the appropriations process going. We will continue to do that.

We will do that when we come back. There will not be another continuing resolution without a bipartisan budget agreement.

Mr. President, this is not how we should govern in the U.S. Senate. We have once again found ourselves on the edge of a manufactured, made-in-Washington crisis. Once again, we are forced into political games at the eleventh hour by the imminent threat of a Republican shutdown. This time that threat has fallen right before Christmas and the holidays.

There is no reason we should find ourselves in this situation. There has always been a proven path forward to avoid this crisis, and that path is to reach a bipartisan budget deal that is based on parity. Sequestration has had devastating consequences on our country that will impact a generation, and we must raise the budget caps on both sides of the ledger—defense and non-defense.

This is not an academic exercise. Our decisions are having real and devastating consequences. We are letting our infrastructure crumble. We are letting down our veterans. We are allowing our education programs to fall behind, and we are harming our military's readiness.

Regrettably, our Republican Colleagues took the path of delay, no compromise, government by crisis. Here we are, 3 months into the fiscal year without a budget. The continuing resolution that is before us provides a 1-month extension to fund the government, but we are no closer to a bipartisan budget deal. I intend to vote for this continuing resolution because a government shutdown helps no one, but I implore my fellow Senators to use the next month wisely. We owe it to the American people.

Those on the other side of the aisle need to come to the table to negotiate an agreement that will provide funding for healthcare to our veterans, build infrastructure for a growing economy, and make us more secure.

But this is not the only thing we must accomplish in the coming month. Our list of unfinished business is long. We also need to pass the Dream Act. President Trump's decision to end the DACA program was as cruel as it was senseless. Dreamers are American in every way except on paper, having been brought here as children through no fault of their own. By definition, Dreamers are law-abiding strivers, serving our communities as doctors and teachers and defending our homeland as brave men and women in uniform.

Instead of working with Congress to find a permanent legislative solution while keeping DACA protections in place, the President yielded to xenophobic nativists in his administration and terminated protections for our Nation's Dreamers.

I am greatly disappointed that Republicans would not consider including the Dream Act on this continuing resolution. We simply cannot fail to pass the Dream Act, and we must do so, and we must do so soon. The future of Dreamers—and I believe the fate of the American Dream itself—lies in our hands.

We also need a permanent reauthorization for the Children's Health Insurance Program. It has been 3 months since Congress let funds expire for the Children's Health Insurance Program, CHIP, putting at risk the 9 million children nationwide who depend on the program for health insurance coverage.

Vermont's CHIP program, known as Dr. Dynasaur, covers over 5,000 children whose families are now worried whether their kids will be covered next year. Instead of moving forward with a bipartisan reauthorization for 5 years, as has been proposed in the Senate, this continuing resolution extends the program only temporarily.

What is worse, the majority is insisting on offsetting this extension by cutting funding for prevention and public health programs. This is robbing Peter to pay Paul. If we can pass a tax cut that benefits the wealthiest Americans and which will add, at a minimum, \$1.5 trillion to our deficit, we should be able to reauthorize CHIP—for longer than 3 months—without undermining public health. We should not have to make this choice, but here we are, being forced to choose between a misguided short-term patch or a wholesale government shutdown.

Again, I call on our colleagues on the other side of the aisle to use the next month to negotiate solutions to these real problems. That includes having a debate about American's privacy rights. Section 702 of the FISA Amendments Act was intended to be a powerful foreign intelligence surveillance tool, and it is, but it also sweeps up massive amounts of Americans' communications, which can then be accessed without a warrant. That has long been a concern of mine, and I have stated that we should reauthorize 702, but we should not do so at the expense of our own civil liberties.

A 1-month extension gives Congress an opportunity—and I believe, an obligation—to debate this program on the floor, just like we did in 2012. All Members deserve an opportunity to weigh in on this critical surveillance tool, and this short, clean reauthorization of Section 702 allows for just that.

To be clear, the Republicans are in charge of the House, the Senate, and the White House. It is clear that they bear the burden of bringing us to this crisis point, and they need to answer to the American people for the unfinished business before us. We should never have gotten to this point.

We can still reach a bipartisan budget deal. I remain ready to work with

Chairman COCHRAN, the Appropriations Committee, and Members from both sides of the aisle to secure the funding agreements we need to complete our appropriations, keep the lights on, and resolve the other pressing matters before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

DISASTER RELIEF

Mr. CRUZ. Mr. President, as the jet fumes swirl around the Halls of Congress and Members get ready to head to the airport to get home for the holidays, I rise to remind my colleagues that there are still hundreds of thousands of people in Texas, Florida, and Puerto Rico who are still hurting from Hurricanes Harvey, Irma, and Maria. They will be spending Christmas not in their homes but in a hotel or with family and friends or in temporary housing.

All across these regions, there are houses, businesses, schools, churches, and community establishments that still need to be rebuilt. They are waiting, counting on our help. It is wrong. Indeed, it is maddening to those in the affected regions that the Senate is not taking up legislation today to give them what they need to continue to rebuild and recover.

In my home State, there is no doubting that Texas's gulf coast communities suffered tremendous losses in Hurricane Harvey, but the hurricane also brought out the best in Texas. We saw Texans standing together and lifting up each other, first through rescue and response and now as we come together and rebuild our communities. The Nation witnessed our iconic moments, from the thousands of Texans who went out on boats to save their neighbors, to Houstonians of all ages lining up to volunteer at disaster recovery centers, embodying the Texas can-do spirit.

Texas has worked diligently since August on cleanup and recovery efforts from Hurricane Harvey, but I am sorry to say that the U.S. Senate is now leaving town without delivering on its commitment to help Texas, Florida, and Puerto Rico recover.

Congress has already passed two disaster relief bills in the wake of these hurricanes. In addition, Congress passed a bipartisan disaster relief tax bill that I was proud to offer. But there is still much more that needs to be done.

Just hours ago, our colleagues in the House passed a bill to further provide for emergency rebuilding efforts. This bill represents progress, but much more work needs to be done to make sure that it does enough, especially for Texas, which was promised by both

this Congress and by the administration that Texas would be given everything we need to rebuild. Early estimates from the supplemental bill that passed the House are that Texas would be eligible for only a small percentage of the \$81 billion in that legislation. That is unacceptable, and the Senate needs to fix it.

Texas experienced the worst flood event in U.S. history. Hurricane Harvey was unlike any other storm we have seen before in Texas—the number of people impacted, the scope. It brought 250 miles of devastation to our Texas gulf coast as winds obliterated whole communities and rain flooded out parts of Texas that have never flooded before.

Due to the level of damage the storm caused to homes, businesses, and infrastructure, Hurricane Harvey was the costliest disaster this year and may well prove the costliest natural disaster in U.S. history. According to the Governor of Texas, the damage to our State from the hurricane is well over \$120 billion and could prove to be closer to \$180 billion. Any bill to provide disaster funding brought to this floor should recognize the unprecedented level of damage wreaked upon the State and should provide the level of assistance necessary to help Texas rebuild.

I spoke this afternoon with Governor Greg Abbott, and he expressed serious concerns that the supplemental bill coming out of the House does not direct nearly enough resources to the State of Texas given the magnitude of the damage, the magnitude of the suffering. Disaster relief needs to focus where the suffering occurred and where the disaster occurred.

I am hopeful that when this body returns in 2 weeks, we will work together in a bipartisan way to ensure that the promises made to the State of Texas are fulfilled and that the resources are there to help our State rebuild. The emergency response is over, but recovery and rebuilding efforts go on. As we keep working to keep our promises, I remain determined to keep fighting to ensure that Texas has the Federal resources to which the State is entitled under Federal law.

The spirit of Texas is strong. Some weeks ago, I tweeted out a picture that I think captured some of that spirit. It was a picture of a man in his living room. The Sheetrock was torn down from all the walls—nothing but studs on the walls and no carpet. The flooring was taken up. There was no furniture. He had a lawn chair. He had an Igloo ice chest as a coffee table and a TV screen, and he was wearing a Houston Astros jersey and cheering as the Astros won the World Series. The tweet simply said: “This is why it matters.” That is the spirit of Texas. We need to remember that spirit, and we need to make sure the disaster relief responds

to the real damage and real suffering that Hurricane Harvey visited upon the State of Texas.

I look forward to working with my colleagues, hopefully from both sides of the aisle, to deliver on that commitment that Texans are owed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

PRESSING ISSUES AT YEAR END

Mr. COONS. Mr. President, as we know all too well, the Senate of the United States has an annual job to do—to adopt a budget and then appropriate it; to lay out the framework for what to spend and then to make deliberate decisions in the Appropriations Committee and move forward by the end of the fiscal year.

This may not be well or widely known, but the Federal fiscal year begins October 1. It is by October 1 that we are supposed to figure out what we are going to spend and how we are going to spend it and why we are going to spend it.

As we all head home to celebrate the holidays on December 21, I just wanted to take a moment and go over the list of things that are unaddressed and unresolved at the end of this calendar year.

The way it is supposed to work here and the way it is actually working here are strikingly different. In my 7 years now in the Senate on both the Budget Committee and the Appropriations Committee, I have seen people of good will of both parties try mightily and so far consistently fail to get us back to regular order and to end this process of moving crisis to crisis, continuing resolution to continuing resolution.

While I didn't hope that tonight the Federal Government of the United States would shut down, it is depressing, concerning, even alarming to me that we head home having not resolved so many issues.

We have heard from other Members here about the pressing needs of their home States. We have concerns all over our country, such as the Children's Health Insurance Program, known as CHIP, which is a literal lifeline to 9 million low-income children. Authorization and funding ran out months ago. Some States are already notifying parents that their children's health insurance coverage will lapse. There are community health centers on which 26 million patients rely. There is the pressing need to fund a response to the opioid crisis, the need to fund veterans' care, infrastructure, shore up pension plans, invest in education, and, of course, respond to natural disasters. From Americans in Puerto Rico and the Virgin Islands to Americans in Texas and Florida and Louisiana, to those in California and the West—whether it is hurricanes or forest fires,

parts of our Nation are literally flooding and burning. Yet we head home having not addressed their challenges.

Of course, I feel concerned that we have failed to act to protect the Dreamers here in our country, the young men and women brought here who have never known any other country, men and women who reflect the best of our country. I met many in my home State of Delaware. They are high school and college students, members of our military, parts of our neighborhoods and communities. But given the Trump administration's decision, the President's decision to end an administrative policy allowing these young people to come out of the shadows and live without fear of being deported, we wait for bipartisan legislative action to give them the security they deserve and the ability to participate wholly in the American Dream.

I believe we can pass a bipartisan Dream Act that both protects Dreamers and makes our borders more secure, but all of these issues seem to become more partisan and more difficult fights than they need to be. We should be able to work together to resolve our differences and not have to go home with yet another continuing resolution, keeping the government afloat while we head out to celebrate. Our constituents didn't send us here to fight endless partisan battles, to avoid the strictures of the Budget Act and the appropriations process, and when things get tough, to just kick the can down the road.

Before I leave the floor, I want to speak about one other pressing concern I have, and that is about the importance of maintaining the independence of the investigation currently underway under the leadership of Special Counsel Robert Mueller. I have heard concerning, even alarming attacks on the special counsel by colleagues in the other Chamber and by folks in the press.

I just want to take a moment to say that our Nation relies on a few key institutions and principles that protect this experiment in democracy, and none are more important than the rule of law and the institutions that make up our system of justice. As partisanship, gridlock, and distress have become more prevalent in our country and corrosive to our politics, these institutions that sustain our democratic system are more important than ever.

I have traveled to other countries that have on pieces of paper Constitutions and legal systems that literally mirror our own, but they are ineffective and their systems are nondemocratic because their courts are not independent and their national leaders are not held accountable.

Across our country for generations, from classrooms to courtrooms, in Congress and communities, we have affirmed to Americans of all backgrounds the importance of the principle that no one is above the rule of law. Our country has been able to grow and change and improve because we are a nation of laws—laws that can be debated and changed but must be followed and respected.

The Department of Justice isn't respected because of its role on a piece of paper, no matter how treasured and important, or because of its title engraved above the door of the building or its motto; it is respected, trusted, and relied upon because it has strived to uphold our highest ideals and to enforce the law.

It is easier to save an institution like the rule of law than it is to restore it once torn down. This is why I helped author bipartisan legislation that would seek to further affirm the rule of law and the independence of the Department of Justice specifically by protecting special counsel investigations from unwarranted political interference.

We have spirited debates over taxation, immigration, our Federal budget, but this issue is too important for me to yield the floor before this end of the year without urging my colleagues to seriously consider the important task we face to maintain the independence of the Department of Justice and uphold the rule of law.

I hope folks in this Chamber will consider the importance of protecting this investigation and this special counsel and, frankly, of continuing to protect the independence and integrity of the Department of Justice and our system of courts and law into the future. It is part of the bedrock on which our democracy rests, a bedrock which we cannot afford to have shaken.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

CONGRATULATING THE UNIVERSITY OF NEBRASKA-LINCOLN VOLLEYBALL TEAM FOR WINNING THE 2017 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I VOLLEYBALL CHAMPIONSHIP

Mrs. FISCHER. Mr. President, I rise this evening to call up and adopt a resolution recognizing this year's NCAA champions in women's volleyball—the Huskers from the University of Nebraska-Lincoln. This is the program's fifth national championship and second title in 3 years.

During the NCAA tournament, Nebraska played remarkably well, winning 18 sets and finishing on a 19-match winning streak. They were so fun to watch.

The entire team contributed to the outstanding victory, and I want to ac-

knowledge their extraordinary effort: Annika Albrecht, Mikaela Foecke, Hunter Atherton, Hayley Densberger, Allie Havers, Briana Holman, Kenzie Maloney, Kelly Hunter, Chesney McClellan, Sami Slaughter, Lauren Stivrins, Jazz Sweet, Anezka Szabo, and Sydney Townsend all had their hard work pay off and they worked together to win a championship.

The Nebraska coaches worked hard, helped train our athletes, and strategized this championship run.

Head coach John Cook won his fourth national championship as a Husker head coach. He was joined by assistant coach Tyler Hildebrand, assistant coach Kayla Banwarth, volunteer assistant coach Ryan Coomes, director of operations Lindsay Peterson, video coordinator Kelly O'Connor, and graduate managers Joe Klein, John Henry, and Bre Mackie. Together, as a team, they guided that outstanding group of women to another national championship. These coaches have created a foundation and a winning tradition—winning the national championship in front of a record-setting crowd of Husker fans—the best fans in college football. Nebraskans couldn't be more proud of this volleyball team and the coaching staff.

The Huskers won this national championship the Nebraska way—with hard work, sportsmanship, and determination. They deserve to be saluted by the Senate, and I urge my colleagues to pass this resolution and recognize their outstanding accomplishment.

I congratulate them on their victory and know they will continue to be great role models to girls and athletes everywhere.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Mr. President, I thank my senior Senator for leading us in this resolution.

Nebraska volleyball continues to dominate. If there is any debate about the best volleyball State in the Union, there should be no more. Nebraska has proved, yet again, we have the best team, the best coaching staff, and indisputably the best fans in the country.

Two years ago, this team won the national championship at home in Omaha, setting records with the crowds that attended the games there, and last week in Kansas City, we set another alltime record with the most watched championship volleyball game ever at 18,516 fans, including my 6-year old who stayed awake at nearly 11 p.m. as we were finishing, and he was deciding to watch it upside down, hanging over the seats from the upper decks at the arena in Kansas City.

So I proudly join the senior Senator and Husker nation in congratulating these young women, saying “Go Big Red” on behalf of all 1.9 million Nebraskans.

Just two stats of note. First, in the earlier round at the final four, Nebraska beat Penn State. Those are the two winningest teams in the history of volleyball. Nebraska has the most wins at 1,308. Penn State has the greatest winning percentage. We have now won five championships in 22 years, as well as three runner-up, second-place finishes in the last 30 years.

Coach Cook, as Senator FISCHER mentioned, has won four championships at Nebraska over the last 17 years. The alltime record for the history of volleyball is five national championships, and we expect that Coach Cook will set that new record.

So I join my senior Senator in urging the Senate to pass this resolution for the University of Nebraska women's volleyball team.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 365, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 365) congratulating the University of Nebraska-Lincoln volleyball team for winning the 2017 National Collegiate Athletic Association Division I Volleyball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 365) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

Mrs. FISCHER. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, first, I congratulate the Nebraska women's volleyball team and say I was proud to be here on the floor to be one of those who did not object to this wonderful resolution just offered by my colleagues from Nebraska.

TAX REFORM BILL

Mr. PORTMAN. Mr. President, I am standing here tonight to talk about a couple of things, and first is the tax legislation that was passed this week in Congress. This is going to help everybody I represent because it is going to help our entire country. It is going to lift up our country in ways we are already beginning to see.

There have been a lot of people to thank, and today I was at the signing ceremony where Speaker RYAN and President pro tempore ORRIN HATCH signed the official legislation that is now on its way to the President for his signature. I start by thanking them—Speaker RYAN, Chairman HATCH, and also Chairman BRADY of the Ways and Means Committee, with whom I worked closely on this. He was a gentleman. He was, as always, someone who was looking for ways to solve problems and to get to yes, and I commend him for that.

I also want to thank some of the colleagues on the Finance Committee whom I worked closely with. This Core 4 group includes Senator JOHN THUNE, Senator PAT TOOMEY, Senator TIM SCOTT.

Maybe, most importantly, is the staff. We had an enormous undertaking here, and it was ambitious to try to meet the goals that were set out early on of real, middle-class tax cuts, also energizing the economy through helping small businesses, and then changing the whole international system so we could level the playing field. It was a lot to do, and it took a lot of expertise and a lot of time and effort. So to Mark Prater, Jay Khosla, and Brendan Dunn, who led that effort, we all owe you our thanks. Then, of course, there are a slew of other staff, including Zach Rudisill of my staff, who just spent hours and hours and put his heart and soul into this. Thank you—all of you—for helping us get to this point.

For years, Democrats and Republicans alike have called for middle-class tax cuts. We talk about it in campaigns. I am proud to say that this week we delivered on it.

I know some of my Democratic colleagues have been critical of the legislation, and some have said: Well, these are not real, middle-class tax cuts because they expire. Yes, they expire after 8 years. We wished they didn't. Those are the budget rules here, but that is the same thing that happened with the 2001 tax cuts, the 2003 tax cuts, and Congress worked to extend those using the same budget rules for about 95 percent of those taxpayers. I am strongly hoping we will do the same thing, and I believe we will.

This is real tax relief. For families in Ohio of median income, the average will be just over \$2,000 every year. That helps the family budget. That is a little money you can put aside for retirement. Maybe that is money to use for a vacation you didn't have. If you are living paycheck to paycheck, which is true with a lot of people I represent, that is a big help. It is a big help. That is from doubling the child credit, that is from doubling the standard deduction, essentially creating \$14,000 of a zero income bracket.

By the way, doing those sorts of things in this bill means that about 3

million Americans or more are going to be leaving the tax rolls all together. These are people who have tax liability now and, under the new bill, starting in a couple of weeks, they will not have an income tax liability. They will be out from under the IRS. They will be able, as they move many of them from welfare to work or from a Federal program into gainful employment, to not worry about the taxman. That is really important too. I am proud of the legislation because I think it is going to really help the people I represent in an immediate way.

People will see it in their paychecks. The proof is in the paychecks because they will see it, and probably starting in February, the withholding will change. The IRS has to go through a process on that. I wrote a letter to them yesterday encouraging them to move on that quickly because people want to see that in their paychecks. So the tax relief starts in a couple of weeks, January 1. It will be in the paychecks when the withholding changes—hopefully sometime in late January, February—and people will see less money being withheld from their paycheck because of the tax cuts that enable them to have a healthier family budget.

I have to tell you I believe this is going to go well beyond that for the people I represent. As important as those middle-class tax cuts are, equally as important is what we are doing to stimulate more investment in this economy, and that is through the changes for small businesses that will now be able to put more money into the business rather than paying more taxes. Many of these businesses—so-called passthrough companies, which are most of the businesses in America—pay taxes as individuals. They don't pay the business tax rate; they pay the individual tax rate. Many of them do take a dividend. They take money out of the company every year for one purpose, and that is to pay their taxes. To the extent they are not taking the money out as much to pay those taxes because of the changes we made here for small businesses, they are going to be able to invest more in their people, more in their equipment, more in their plants—and I am hearing this from small business people around the State of Ohio.

Last weekend, I was with a number of them, and they are excited about this because they want to be able to invest more in their business, they want to be able to invest more in their people, and they want to be able to give people who work for them the opportunity to have a higher wage.

Right now, wages are flat, and they really have been for the past couple of decades when you take inflation into account. This has the incredible opportunity for us not just to provide middle-class tax cuts, which are important

not just to help businesses invest, but actually to help get wages up so people will see that if they work hard and play by the rules, they are going to see higher wages, the ability to get ahead, and have more hope for themselves and for their kids and their grandkids. Everyone, regardless of economic status, region, or party is going to see the benefits of this tax reform bill.

By the way, some workers are already seeing the benefit, as we talked today, because there are a bunch of companies that announced today that because of the tax reform and tax cuts legislation, they are already taking steps to increase the pay of their employees, increase benefits, or invest more money in building plants, equipment, or adding more jobs to investment or both. These companies include some big companies you have heard of like Comcast. It includes other companies like Wells Fargo and Boeing and AT&T. They have made these announcements today.

One company that announced it today is in my hometown. It is the Fifth Third Bank. It is kind of an unusual name, Fifth Third, but that makes them distinctive, right? They said today, you know what, we are going to start paying our people a higher entry level pay—instead of 13-something an hour, it is going to be \$15 an hour—and we are going to provide bonuses to other employees who are not affected by that. They are going to do it right now, and they are doing it because of the tax relief legislation.

So to those who say: Gosh. What about me? I would just say: Look at your paycheck. If you work for one of these businesses that has already made an announcement, of course, you are feeling good about it, but even if you work for another company that maybe is a little quieter about what they are doing—maybe they are not going to make a big announcement—trust me, it is going to be in their interest now, in a competitive market out there, to invest in those companies, to invest in their people, to invest in training, to invest in better equipment, better technology. Those are the sorts of things that, over time, are going to make the biggest difference, I think, in this tax bill.

If you look at what is happening in our economy today, the reason wages are flat—by the way, expenses are not flat. Expenses are up and wages are flat. That is called the middle-class squeeze, and that is very real. What is the biggest expense? For most people, it is healthcare.

The way to deal with that is to get this economy moving and, specifically, to increase the productivity. That is what the economists say; that our productivity is low right now. When you have low productivity, you have low economic growth, and that is what we have had, under 2 percent economic

growth. That is not the America I grew up in, and that is not the America I want my kids to grow up in.

By making these investments in better technology, in better equipment, in better training, what happens? You get better productivity, you get higher efficiency, you get the opportunity to increase your business, and therefore hire more people. That is something, I think, over time, will play out and will create the opportunity to lift up everybody.

John F. Kennedy was a Democrat, but he had a lot of things to say that sounded more like what Republicans are talking about today. One thing he said was that “a rising tide lifts all boats.” In the 1960s, he did cut capital gains, by the way, and that tax cut actually generated more economic activity.

Ronald Reagan, in 1986, actually put in place tax reform, with a bipartisan group here in the Congress, that ended up with strong economic growth in the 1980s and the 1990s, but that was 31 years ago. That is the last time we made these kinds of substantive comprehensive changes in the Tax Code. It is past time to do it again.

The final thing I will say about the tax reform proposal is that when you talk to businesses that are competing globally, which is more and more companies, including a lot of smaller companies now, the global economy is upon us. Some people said: Gosh, I wonder when the economy is going to affect me globally? Well, it does. It affects all of us. In your town, wherever it is, and in your business, wherever you work, you are probably competing directly or indirectly on a global basis.

I will give you an example. There is a little company in my hometown called Standard Textiles. It is a great company. They make linens. It is a company that competes every day globally. In fact, a lot of the companies they compete with, as you can imagine, are companies that make these linens somewhere else—say, in Asia, where traditionally people have been able to find lower costs. Guess what they are looking at now with this tax reform bill: the ability to invest more here in America—American workers, American-made linens. They tell me, as do other companies, that this is going to give them a better competitive situation because no longer are you going to have a tax code that has the highest business rate in the entire industrialized world and an international system that says: If you keep your money overseas rather than bringing it back, when you earn money, you can save on your taxes. That is what resulted in \$2.5 to \$3 trillion being locked out of America and kept overseas.

This tax reform proposal unlocks that. It allows us to bring that money back. People call it repatriation. I

guess that is accurate—repatriation. I wish it had never been “unpatriated” in the first place. If you are a patriot, you should want that money to be spent here in America. That is what is going to happen with this tax reform proposal.

It is about the tax cuts for working families—hard-working families who deserve it, who are now stuck in a situation where it is tough to get ahead. This will help immediately.

It is about helping small businesses and other companies here in America to be able to invest more, to be able to write off equipment right away when they buy it, and, as an example, having a lower rate.

It is also about leveling that playing field and saying that America, once again, is going to reposition itself as the leader in the world. Once again, it will be that beacon of opportunity that other countries look to and say: We would like to be like that—a free market economy where people who work hard and play by the rules can get ahead.

You can't say that now with our current Tax Code because workers literally are competing on an unlevel playing field with one hand tied behind their back because of our Tax Code. Three times as many American companies last year as the other way around. Because of our Tax Code, 4,700 U.S. companies became foreign companies over the last decade or so. That is based on an Ernst & Young study that came out recently that said, if this tax reform proposal we have now passed had been in place, those 4,700 companies would still be American companies.

All of us are patriots here in this body. All of us should want to bring back those jobs to America, repatriate those profits here to America, and give American workers the ability to compete on a level playing field.

I know there were some differences in this legislation. We heard a lot of it from the other side of the aisle, but on this issue, it has been bipartisan in the past. I hope it will be bipartisan going forward to hold these reforms in place so we can show that we have confidence and faith in American workers and that we have confidence that if we give them the right tools—in this case, the right Tax Code to work with—they can compete and they can win. I think we are going to see that.

I think, again, with the hopeful signs we are seeing, even today, of companies providing better pay or benefits or making additional commitments on investments. Even well beyond that, we are going to see, maybe quietly, that it will spread out all over the country in ways that will not be as obvious—in decisions that are going to be made, business budgets that are going to change as a result of this tax reform bill. I am

hearing it from small businesses. I am hearing it from the bigger companies that compete directly globally, and I am certainly hearing it from families who are happy to see a little tax break to be able to help them as we go into the holidays.

That is all good news, and I think passing that legislation is really going to help the people I represent.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. PORTMAN. Mr. President, I also wish to talk about something tonight that was not accomplished. It was not accomplished in this vote we just had, which was the continuing resolution that keeps the government funded until January.

Some of us pushed hard to include various things in this legislation. I understand that some of these items are controversial, and it was hard to get it done because you needed 60 votes tonight. You needed a bipartisan consensus on how to move forward and not shut down the government.

I am not a fan of government shutdowns. They don't work. They are inefficient. They cost the taxpayer more at the end of the day, and they cause a lot of pain in the process.

We had the opportunity to pass certain things tonight that were not controversial. I don't understand why we didn't do it. Some issues, I understand on the spending front, were more controversial. I understand some issues were more controversial in terms of how you deal with the immigration issue. The DACA issue is one that I support resolving. I think we should codify it and resolve that. There were different points of view. People wanted to add different things there.

Let me tell you about one where I don't think there was any disagreement. If we could have passed it tonight, it would have provided a lot of certainty and predictability to families in Ohio and around the country. It is one that passed my committee, the Finance Committee, by a strong vote—not a bipartisan vote but a unanimous vote. That is the Children's Health Insurance Program, or the CHIP program. We passed it with a unanimous vote out of committee.

People say: Well, we need to find pay-fors for it. It is about \$8 billion to do what we did, which is a 5-year extension of the program, providing certainty and predictability to families who tonight are wondering what is going to happen to this program. Are my kids going to have the kind of quality healthcare they can access through the Children's Health Program, or the CHIP program?

There are some pay-fors out there that are, again, bipartisan. A big one, which would cover nearly half of that cost, is one where you simply ensure

that the Medicaid Program has more integrity. So if a third-party payer is paying, the Medicaid Program doesn't pay for it. It is a bipartisan issue, and there is an initiative we looked at for this program and could have used.

I don't get this notion that we couldn't pass it because we couldn't find the pay-fors. The pay-fors were there. I don't get it that this was controversial, because it is not. I believe that on both sides of the aisle, we wanted to resolve the Children's Health Insurance Program.

Again, with all the other issues, I understand. It is tough when you have to get to 60 votes and get this passed in order to keep the government operating, which is not a situation we should be in, but we are in. I must tell you, I am very disappointed we were not able to deal with this one issue tonight that has not been controversial and that came out of the committee with a unanimous vote—not bipartisan but unanimous.

CHIP now helps 219,000 Ohio children get the health coverage they need and 9 million children nationwide. Ohio has the tenth largest program, and CHIP has been a leading cause in driving the insurance rate down for Ohio kids. In the case of my home State, we have seen our CHIP funding being questioned because the program was authorized until the end of September. Now it is no longer authorized. We are not sure exactly how much money we have left. We think we have enough to get into February in Ohio. Some States are worried about even getting into January.

Tonight, there was a short-term extension that, as I understand it, will take the program into February, but again, it doesn't provide that long-term certainty that families are looking for.

I must tell you that I am disappointed from what I hear about the reasons, because I asked on both sides of the aisle, and one reason I got—again, this was leadership on both sides of the aisle—is that we can't do it unless we do other things with it. It is called CHIP—Children's Health Insurance Program—but it shouldn't be a political chip. It should be taken out of politics. It should be something that we deal with separately.

I will just tell you that using it as leverage for other programs is not the way I am going to look at it and not the way we should look at it. We should have passed it tonight. We should have passed it to help protect some of the most vulnerable members of our society. Funding should be a top priority, regardless of your partisan position and regardless of the political climate. It should be out of the political fray.

I urge my colleagues, when we come back after the first of the year, let's make that a priority. Let's bring it to

the floor. Let's have a vote. Let's keep it bipartisan. Maybe, it could even be unanimous. Let's give those families in Ohio—the 219,000 kids who depend on it—and the millions of families around this country the peace of mind to know that we are extending this program.

Let's do that 5-year extension, that 5-year authorization we already passed in committee. Let's take it out of this political process and put it where it belongs, which is an issue that every single Member of this body should want to address for the kids they represent.

I appreciate the opportunity to speak tonight on the tax reform and tax cut legislation. I do think it will provide the opportunity for everybody I represent to have a better future and a brighter future.

I appreciate the opportunity to talk on the Children's Health Insurance Program.

SIGNING AUTHORITY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the junior Senator from Louisiana be authorized to sign duly enrolled bills during today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

NOMINATIONS REMAINING IN STATUS QUO

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the list at the desk of nominations received during the 115th Congress, first session, remain in status quo, notwithstanding the provisions of rule XXXI.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 525, 526, 528, and 530.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Kenneth J. Braithwaite, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Norway; M. Lee McClenny, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay; Brock D. Bierman, of Virginia, to be an Assistant Administrator of the United States Agency for International Development; and Christopher Ashley Ford, of Maryland, to be an Assistant Secretary of State (International Security and Non-Proliferation).

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Braithwaite, McClenny, Bierman, and Ford nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 311.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Robert P. Storch, of the District of Columbia, to be Inspector General of the National Security Agency.

Thereupon, the Senate proceeded to consider the nomination.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Storch nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 456 and 457.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Hester Maria Peirce, of Ohio, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2020; and Robert J. Jackson, Jr., of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2019.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Peirce and Jackson nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 545, 546, and 576.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Timothy R. Petty, of Indiana, to be an Assistant Secretary of the Interior; Linda Capuano, of Texas, to be Administrator of the Energy Information Administration; and John G. Vonglis, of New York, to be Chief Financial Officer, Department of Energy.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further mo-

tions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Petty, Capuano, and Vonglis nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 578, 503, and 577.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Irving Dennis, of Ohio, to be Chief Financial Officer, Department of Housing and Urban Development; Suzanne Israel Tufts, of New York, to be an Assistant Secretary of Housing and Urban Development; and Leonard Wolfson, of Connecticut, to be an Assistant Secretary of Housing and Urban Development.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Dennis, Tufts, and Wolfson nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 299.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Robert Charrow, of Maryland, to be General Counsel of the Department of Health and Human Services.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if con-

firmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Charrow nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: PN1286, PN1287, and PN1288.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Tadd M. Johnson, of Minnesota, to be a Member of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation for a term expiring October 6, 2022; Lisa Johnson-Billy, of Oklahoma, to be a Member of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation for a term expiring August 25, 2018; and Lisa Johnson-Billy, of Oklahoma, to be a Member of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation for a term expiring August 25, 2024.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Johnson, Johnson-Billy, and Johnson-Billy nominations en bloc?

The nominations were confirmed en bloc.

NOMINATIONS DISCHARGED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from consideration of and the Senate proceed to the en bloc consideration of the following nominations: PN1035, PN1036, PN1037, PN1038, and PN1172.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Kenneth E. Allen, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2021; A.D. Frazier, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2022; Jeffrey Smith, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2022; James R. Thompson III, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2021; and Christopher Caldwell, of Arkansas, to be Federal Cochairperson, Delta Regional Authority.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order, and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Allen, Frazier, Smith, Thompson, and Caldwell nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 502, 554, 556, 559, and PN1196.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Katherine Brunett McGuire, of Virginia, to be an Assistant Secretary of Labor; Kate S. O'Scannlain, of Maryland, to be Solicitor for the Department of Labor; Preston Rutledge, of the District of Columbia, to be an Assistant Secretary of Labor; Johnny Collett, of Kentucky, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education; and Douglas Webster, of Virginia, to be Chief Financial Officer, Department of Education.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to re-

consider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the McGuire, O'Scannlain, Rutledge, Collett, and Webster nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: PN1109.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jon J. Rychalski, of Montana, to be Chief Financial Officer, Department of Veterans Affairs.

Thereupon, the Senate proceeded to consider the nomination.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Rychalski nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HEATHER GOOZE

Mr. DURBIN. Mr. President, I would like to take a moment to acknowledge an extraordinary woman from my home State of Illinois.

Heather Gooze lives in Nevada now, but she grew up in the Chicago area. She is a survivor of the worst mass shooting in modern American history.

On October 1, she was working as a bartender at the Route 91 Harvest Festival in Las Vegas. She was there when a gunman with his own private arsenal rained down gunfire from a high-rise hotel, murdering 58 innocent people and injuring more than 500 others.

Ms. Gooze testified at a recent Senate Judiciary Committee hearing on "bump stocks," the \$200 accessory that the Las Vegas gunman used to make his assault rifles fire almost as fast as a machine gun.

When she heard the first round of shots, Heather thought it might have been fireworks, but suddenly people were running in every direction. Some were shot; many were covered in blood.

Heather directed wounded and frightened people to an exit. With about 20 other people, she then pushed down a fence to make it easier for people to escape the gunfire.

She could have run to safety herself. Instead, she went back to the bar to try to help people who had been shot and lay wounded on the ground.

One young man had been shot in the head. Heather held a jean jacket to his wound to try to staunch the bleeding. When she dropped the jacket, she used her fingers to try to plug the hole in the young man's head. He died the next day.

She then saw three men trying to move another badly injured man using a metal ladder as a stretcher. Heather reached out to grab a corner of the ladder and help lift it. The young man on the ladder grabbed her hand, squeezed it lightly, and then let go—dead.

Heather looked around, saw other dead bodies lying alone, and decided that she would not leave that young man alone like that.

She stayed with his body for hours, until 3:30 in the morning.

When his cell phone rang, she answered. She told the young man's mother that her only child had died. The young man's girlfriend had escaped the killing field to the safety of a nearby hotel. Heather told her that young woman that the love of her life was gone, but Heather would stay with him and learn for the family where his body would be taken.

At the recent hearing, Heather said that horrific night in Las Vegas made her part of a growing, grieving "family" she had hoped never to join: the American family of survivors and victims of mass shootings.

She said that she has asked herself many times in the days after the shooting why she stayed and risked her life for young men she didn't know and for their grieving families. She said the only answer she could come up with was that she hoped that someone would do the same for her and not leave her alone in the midst of a massacre.

I think that is the same plea that many Americans have for this Congress. They understand that gun safety

is a politically heated issue. They understand that there are constitutional and legal questions that are difficult to balance.

They want us to have the courage to take up that debate rationally, responsibly and respectfully.

On an average day, 93 Americans are killed with guns—93 people a day, every day. Over 30,000 Americans a year die from guns. Many more live in daily fear that they could be next.

I hope that we can agree to be more like Heather Gooze, to not abandon our fellow Americans to face that danger and fear of gun violence alone. Supporting Senator FEINSTEIN's bill to ban the sale of "bump stocks" would be a good place to start.

TRIBUTE TO ANGELA MCQUEEN

Mr. DURBIN. Mr. President, I would like to take a moment to acknowledge the remarkable courage of a woman from my home State of Illinois.

Her name is Angela McQueen—"Angie" to her friends and family.

Ms. McQueen teaches math and physical education at Mattoon High School in central Illinois.

In late September, she was in the high school cafeteria when she saw a student pull a semiautomatic handgun from his backpack and start spraying the cafeteria with gunfire.

Ms. McQueen and other teachers at the high school had recently been trained on what to do when faced with the threat of gun violence at school.

It is sad and distressing to think that teachers need such training today, but that is, sadly, the reality. Thank goodness Angie McQueen had that training.

The instant she saw the gun, she lunged and pushed the young man's hand towards the ceiling so he couldn't shoot others.

She said she had only one thought in her head as she acted, as she put it, "You're not going to do this to my kids."

Hundreds of students were in the cafeteria at the time. One student was shot and hospitalized briefly, and another student suffered minor injuries when he was apparently grazed by gunfire.

School and law enforcement officials say that Ms. McQueen's selfless actions likely saved students' lives.

One student who witnessed the incident told a reporter for a local newspaper, "Ms. McQueen is like Chuck Norris, basically. She's a hero."

Angela McQueen is the daughter of two retired teachers. In her biography on the school's website, she was asked to describe why she became a teacher. The first reason she gave: "I wanted to make the world a better place."

She has certainly done that.

Ms. McQueen is modest. She doesn't like being in the spotlight, but she recently allowed the city and families of

Mattoon to thank her publicly at a reception at the school.

Mattoon School superintendent Larry Lilly undoubtedly spoke for many when he said, "We are forever grateful to Angela for her courageous actions that saved the lives of our kids. She was a ray of light in our darkest hour."

"You're not going to do this to my kids." That was what Angela McQueen vowed before she risked her life to disarm a young man with a semiautomatic handgun.

I hope that all Members of Congress will take those words to heart as we debate gun safety and what we can do as a society to protect our children and all Americans from gun violence.

Mr. LEAHY. Mr. President, we are a Nation of immigrants. That should be an obvious point, but it bears repeating at a time when our President sees political advantage in trafficking in xenophobic scapegoating. Unless you are Native American, you come from a line of people who come from somewhere else. Indeed, that simple fact is an integral part of the American story.

We are also a nation that believes that anything is possible. Our ancestors and relatives journeyed here because, in America, where you come from does not determine what you can accomplish. In this great country, as long as you work hard and play by the rules, you can achieve your dreams. That itself is the American Dream.

No single group of people embodies these ideals more than our Nation's Dreamers. Dreamers grew up in this country; they were brought here as children. They seek only the opportunity to contribute to our Nation and to be legally recognized as the Americans that they are. Dreamers are our neighbors, our teachers, and our first responders.

Nearly a thousand Dreamers serve in our Armed Forces, risking their lives to defend the only country they have ever known as home. We cannot in good faith claim to care about the American Dream if we neglect to protect the very people who are living it.

Take, for example, Dr. Juan Conde, a DACA recipient and a resident of Vermont. Dr. Conde was born in Mexico and brought to the United States as a child by his mother. In 2007, his mother was tragically taken by cancer. Showing remarkable courage and determination for a young man, this tragedy inspired Dr. Conde to find a way to help cancer patients like his mother; yet he was unable to become an oncologist due to his immigration status. So instead, he decided to obtain a Ph.D. in cancer research from the University of Texas.

Dr. Conde wanted to treat cancer patients, not just study the disease. After receiving DACA status in 2012, he was empowered to pursue his medical degree. He is currently a medical student

at University of Vermont's Lanier College of Medicine.

Dr. Conde hopes to spend his life in the United States treating cancer patients and helping to find a cure for the disease. My hope is that we can make that happen, not just for Dr. Conde but for every other Dreamer. There are almost 800,000 Dreamers like Dr. Conde, all of whom have just as much potential to make our communities and our country truly great. To deny them these opportunities because they were brought here as children is as senseless as it is cruel.

Yet that is the decision the president made. He could have worked with Congress to find a permanent solution for Dreamers while leaving DACA protections in place. Instead, he cast them aside. His administration has made absurd, nonfactual, and offensive arguments in support of that decision ever since. When Attorney General Sessions announced that DACA was being terminated, he argued that the program was an example of the Obama administration's repeated failure to enforce our immigration laws. He argued that such failure caused crime, violence, and even terrorism. During Senate Judiciary Committee hearings, I pressed both the Attorney General and his Department on this point, to name just one Dreamer who was involved in terrorist activity. Of course, they could not, but apparently, fear-mongering is more effective than acknowledging simple truths.

By definition, Dreamers are law-abiding. They seek nothing more than to contribute to our country. If the President refuses to stand with Dreamers, then Congress must. We have done it before in the Senate. Four years ago, 68 Senators, Democrats and Republicans, voted for comprehensive immigration reform legislation that I managed on the Senate floor. That legislation included key protections for Dreamers, including an expedited pathway to citizenship. It is time for the Senate to act again now and for the House to follow suit. The future of Dreamers and the fate of the American Dream itself lies in our hands.

PERU

Mr. LEAHY. Mr. President, I want to speak briefly about the unfolding political crisis, which is also a crisis for justice, in Peru.

Peru transitioned to democracy in 2000, after two decades of internal armed conflict and authoritarian rule. The country has made important strides in rebuilding its democratic institutions, consolidating the rule of law, and combating impunity, but today, efforts by a majority in the Peruvian Congress to arbitrarily remove judges from the country's highest court, the Constitutional Tribunal, and

to oust the attorney general for courageously doing his job, threaten to undermine those gains and reverse Peru's democratic progress.

As a former prosecutor and the senior Democrat on the Senate Judiciary Committee, I am especially concerned about the attempt by the majority in Peru's Congress to impeach Attorney General Pablo Sanchez in the midst of his office's investigation into allegations that the Presidential campaign of Keiko Fujimori received illegal contributions in 2011. The effort to remove Attorney General Sanchez strongly suggests a deliberate strategy to obstruct justice and to undermine the autonomy of the attorney general's office. This would represent a grave setback for hard-fought gains to reestablish an independent judiciary and the rule of law in Peru. It would have serious ramifications for U.S.-Peruvian relations.

Credible allegations of corruption must be thoroughly investigated, without prejudice to party or power, and with due process for the accused. I urge members of Peru's Congress to support those who are acting on behalf of the Peruvian people in the pursuit of truth and justice. Key to this is respect for the autonomy of the office of the attorney general and of the Constitutional Tribunal, institutions that are guarantors of human rights and the rule of law.

PRESS FREEDOM

Mr. LEAHY. Mr. President, we are all too familiar with President Trump's "fake news" mantra, which he has repeatedly used to discredit unfavorable news reports and undermine the credibility of the media in our country.

This mantra and the accompanying threats to freedoms of speech and of the press have now spread far beyond our borders. Autocrats and dictators around the world are enthusiastically using the concept of fake news and the legitimacy granted to it by the President of the United States to further undermine and restrict press freedom and fact-based reporting on corruption, human rights, and other abuses in their own countries.

For example, in response to an Amnesty International report on thousands of military prison deaths in Syria, President Bashar al-Assad remarked, "You can forge anything these days, we are living in a fake news era." Similarly, in response to news reports on persecution of the Rohingya ethnic minority group in Myanmar, an officer in Myanmar's Rakhine state security ministry stated, "There is no such thing as Rohingya. It is fake news."

The list goes on and includes comments from autocratic leaders in the Philippines, Venezuela, Russia, China, and Turkey, among others, who have used the fake news mantra to legiti-

mize harassment, arrests, and prosecutions of journalists.

Last week, the Committee to Protect Journalists, CPJ, released its annual census of imprisoned journalists worldwide, which has hit an historical high of 262. The total does not include the many more journalists who were imprisoned for a period of time during the year before being released prior to the December 1 census. A CPJ statement published with the report noted that: "Far from isolating repressive countries for their authoritarian behavior, the United States, in particular, has coziered up to strongmen such as Turkish President Recep Tayyip Erdoğan and Chinese President Xi Jinping. At the same time, President Donald Trump's nationalistic rhetoric, fixation on Islamic extremism, and insistence on labeling critical media 'fake news' serves to reinforce the framework of accusations and legal charges that allow such leaders to preside over the jailing of journalists."

The First Amendment to the United States Constitution has inspired people around the world for over 200 years. It was reaffirmed in the Universal Declaration of Human Rights, and versions of it have been included in the constitutions of many countries; yet while the United States has long been a global leader for freedom of expression, the White House is now actively working to undermine press freedom. President Trump's reckless rhetoric has not only harmed our credibility and our reputation, it has emboldened foreign dictators who fear nothing more than for their misdeeds to be exposed by the media. The consequence is journalists threatened and imprisoned, journalists assassinated with impunity, publishers who are intimidated, and the ultimate casualty is the truth.

PANDEMIC PREPAREDNESS

Mr. LEAHY. Mr. President, 2018 marks the 100-year anniversary of the influenza pandemic that killed an estimated 50 million people, including 670,000 Americans. I suspect most people assume that, given the remarkable advances in modern medicine since 1918, nothing so disastrous could happen again, but in fact, it could, and next time, it could be even worse. The spread of infectious diseases and drug resistance, and the accompanying threats to global security, are on the rise, and the international community is woefully underprepared to fight back.

The several large-scale infectious disease outbreaks of the last two decades, including SARS, H1N1, and Ebola, have revealed the extent to which individual countries and the international community at large need to dramatically improve their preparedness to respond to such potentially catastrophic health crises.

The stark reality is that the threat is increasing. An ever-growing, increasingly mobile global population will provide the breeding ground for the emergence and contagion of existing and new infectious diseases.

The potential threats from infectious disease outbreaks include not only catastrophic loss of life, but severe economic harm and social and political instability. The 2014-15 Ebola outbreak, for example, which began with the death of a 2-year-old boy in a remote Guinean village, ultimately killed more than 11,000 people across six countries, left thousands of children orphaned, caused an estimated economic loss to those countries of nearly \$3 billion, and resulted in many people losing confidence in their country's public health system.

It is important to note that Ebola, which is spread through direct contact and terrified millions of people including in this country, is hardly the most infectious known disease. Several other disease agents, such as measles and influenza, can be spread through the air and can develop into epidemics or pandemics much more rapidly.

That is one of the reasons why many global health experts fear that an infectious disease outbreak far worse than Ebola will occur sometime in the next 20 years and that the number of outbreaks will become more frequent.

Despite improvements in access to safe water and sanitation, vaccine development, and other public health advances to combat infectious diseases, an enormous amount of work remains.

One of the most important lessons learned from the Ebola outbreak is that time is of the essence. The lack of a rapid, coordinated global response resulted in many preventable deaths. Disease surveillance systems were poor or nonexistent in the severely impacted countries, there was a lack of trained personnel to rapidly deploy, and no effective public communication system was in place to inform and update local communities.

An additional problem was the inability to quickly mobilize resources. Countries and NGOs around the globe lacked a reserve of available funds. The Congress took a step toward addressing this issue in the fiscal year 2017 State and foreign operations appropriations bill, which included a \$70 million emergency reserve fund to address infectious disease outbreaks around the globe. In the fiscal year 2018 Senate version of the State and foreign operations bill, Chairman GRAHAM and I included \$130 million for programs to prevent and respond to such emerging health threats.

However, as I have said before and I will say again, far more needs to be done to build the public health infrastructure to prevent and respond to disease pandemics. As the international community works to be more

prepared for infectious disease outbreaks, the U.S. should continue to play a leading role in preparedness planning. Unfortunately, President Trump's fiscal year 2018 budget would cut funding for these very programs, including for the Centers for Disease Control and Prevention, which played an indispensable role in responding to the Ebola and Zika outbreaks, as it has to many other international health crises.

It is time we invest and prepare for pandemics in a similar way as we invest and prepare for war, nuclear disasters, or other large-scale threats to global security. The potential consequences are no less serious. I urge the White House to face up to this reality and dramatically increase funding for these programs at CDC, the U.S. Agency for International Development, and other Federal agencies that play a role in global health security.

TRIBUTE TO GARRISON NELSON

Mr. LEAHY. Mr. President, I want to take a moment to recognize the achievements and contributions of a renowned political scholar, remarkable educator, and a personal friend. This year, Garrison Nelson will conclude five decades of teaching at the University of Vermont, where he is recognized as a legend in the department of political science.

Garrison, the inaugural Elliott A. Brown Green and Gold Professor of Law, Politics, and Political Behavior, is known by some Members of this body, as well as legislators throughout the country who rely on him to offer political insight. Widely considered a leading expert on congressional history, Garrison has authored more than 150 articles and professional papers on national politics with a major focus on the U.S. Congress and elections in Vermont. His works have educated students worldwide and can be found in close to 500 libraries in the United States and 13 countries around the world.

An Irish native of Boston, Garrison has resided in the Green Mountain State for most of his adult life, adding much richness to the State's political landscape. I have known Garrison since he served as an aide in my office shortly after my first election to the Senate. Garrison is as revered as he is brilliant. His skill and affinity for the esoteric is evident in both his teaching style and his storytelling, perhaps most notably his magnum opus, "John William McCormack: A Political Biography." Works like this one have made significant contributions to our Nation's historical library, offering profiles and untold stories of the political icons of our time. In today's political environment, such citations of success and failure can offer us precious insight into improving our own oath to serve.

As Garrison departs the Old Mill at the University of Vermont at the end of this year, he will leave a legacy that has reached more than 13,000 students. With them and many others, he has shared his appreciation of and reverence for the American political system and the need for participation to ensure the success of our democracy. I am grateful for his commitment to inspire the next generation of political leaders.

In recognition of Garrison's timeless contributions, I ask unanimous consent that an article by Terri Hallenback, appearing in Vermont's own *Seven Days*, about Garrison's achievements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Seven Days*, October 18, 2017]

FIFTY YEARS, 13,450 STUDENTS AND 5,000 INTERVIEWS: UVM'S GARRISON NELSON CALLS IT A CAREER

(By Terri Hallenback)

When former Vermont governor Howard Dean ran for president in 2004, national media turned to University of Vermont political science professor Garrison Nelson for insight.

"I think he is an arrogant, ill-tempered schmo who does not play well with others," Nelson told the *Houston Chronicle*.

Many of the same political reporters came back 12 years later, when Sen. Bernie Sanders (I-Vt.) wanted the job. They called on Nelson to capture the politics and personality of the quirky democratic socialist who'd once been mayor of Burlington.

"Bernie's the last person you'd want to be stuck on a desert island with," Nelson told the *New Yorker* in 2015. "Two weeks of lectures about health care, and you'd look for a shark and dive in."

In his day job, the bearded professor with a booming, Boston-accented voice has spent nearly 50 years bringing dry political facts to life for thousands of students while churning out a steady flow of academic research.

To the broader public, though, Nelson is known as the man to whom journalists both local and national regularly turned for well-informed analysis—and no-holds-barred skewering—of Vermont politicians and their ambitions.

Now, after 13,450 students (including this reporter), 11 books and more than 5,000 media interviews (yes, he keeps track), UVM's most quoted professor is retiring. The 146 students in his two political science classes this semester will be his last.

Nelson is calling an end to a career that has made him one of UVM's most public figures. On campus and off, he has chafed and informed generations of students, politicians and voters. "With full classrooms and multiple book demands at age 75, the pace has become grueling," said Nelson, whose walk has slowed to a shuffle on the well-worn route between his Old Mill office and Lafayette Hall classroom.

Looking back, it's hard to believe that Nelson lasted a full year, let alone five decades, at UVM. He's poked at not just politicians, but university brass. In 1971, as a relatively new, untenured teacher, he protested the politically motivated ouster of a left-wing professor, Michael Parenti; 30 years later, then-tenured Nelson feuded publicly with his uni-

versity bosses over pay and college leadership.

For a while, Nelson considered leaving UVM. From 1996 to 2002, he worked part-time at Boston area colleges and had designs on landing a full-time job at one of them. But he held on to his tenure and continued to teach in Burlington during that time. He's now one of the university's longest-serving professors.

As he completes his employment, Nelson said he has mellowed. He claims to admire the full slate of university leaders above him. The twice-divorced Nelson remarried this year. He literally beams over the positive reviews of his newly released book, a 910-page tome on the little-remembered 1960s-era U.S. House speaker John McCormack. Nelson refers to the book's publication as the "crowning moment" of his career.

At an official gathering last week to honor his upcoming retirement, Nelson told colleagues that a friend asked him why he wanted to retire now, when things are going so well. "My answer was, 'It won't get any better than this,'" he said.

In the classroom, Nelson is known for turning large numbers of students—including apolitical ones—on to political history through the stories behind it. He's a natural raconteur, whether the topic is the rise of Woodrow Wilson, the Austin-Boston dominance of the U.S. House or his own Massachusetts roots. Nelson's single mom raised him and his younger half-sister in working-class Lynn after his Communist father left.

"Super paper. Star of the day," Nelson told one young woman as he handed back papers to the 39 students in his *Electing the President* class last week.

"More sources, Maddie. More sources next time," he told another, also loud enough to be heard by everyone in the room.

Former student Jade Harberg said she liked the way Nelson challenged students with candor and humor. "I appreciated teachers who were willing to shame their students to work harder," the 2013 UVM grad said.

Harberg, who now works for Nelson as a researcher in Washington, D.C., recalled that the professor sent her class an email listing the students who had turned their papers in early and those who had been late. He included a statistical analysis that concluded men were more likely to be tardy than women and told the class, "This is why women are ruling the world."

Nelson gets high marks on the website Rate My Professors. Former students graded him 4 out of 5 in quality, and 89 percent say they would take his course again. But the comments reflect a range of reactions to the professor's personality.

Some called him a "genius," "hilarious" and "extremely helpful." A typical dissenter, on the other hand, concluded: "Pompous, has a weird inferiority complex about not having gone to Harvard."

Clark Bensen, a 1974 UVM grad, said Nelson's intensity helped push him into political science from his math-economics major. "For me, he was a breath of fresh air, or more like a gale-force wind," Bensen said. Today, Bensen still uses the skills Nelson taught him to run Polidata, a Virginia-based firm that analyzes political data.

Nelson made an impression on his colleagues, too. Anthony "Jack" Gierzynski, chair of the UVM political science department, said that when he arrived at the university in 1992, he saw Nelson's students were enthralled by his storytelling.

"At first, I tried to imitate that," Gierzynski said, but he quickly found it didn't work for him. Noting the 2013 retirement of equally charismatic political science professor Frank Bryan, Gierzynski said Nelson is "the last of that breed."

Despite his outsize personality, Nelson has spent a considerable part of his professorial career toiling quietly on detailed research on esoteric subjects. He has produced thick volumes on the membership of congressional committees that may be valuable reference books—albeit not best sellers.

At least one student appreciated that. "The guy has an encyclopedic mind and has done granular research on New England politics," said journalist Scott MacKay, a 1974 grad who has long relied on Nelson's insights—and quotability—as a political reporter in Vermont and Rhode Island.

Nelson had wanted to write a book about McCormack since he met the former House speaker in 1968, just before he started working at UVM. Eleven publishers turned him down—McCormack was a key player in his time but a relatively obscure historical figure—before Bloomsbury Publishing finally offered him a deal. John William McCormack: A Political Biography came out in March.

Such work earns an author academic credibility, but Nelson is more likely to be remembered for his outspoken political commentary. Insisting it "was not a central feature of my UVM life," he explained, "I fell into it because, apart from my buddy Frank Bryan, others at UVM were reluctant to do it."

Nelson has been analyzing Vermont politics for print and television journalists since Democrat Phil Hoff sat in the governor's office in the 1960s. He's provided plenty of straight, factual observations but over time became known for a spicier variety of analysis.

He admits that he's dished it out unevenly. Nelson thinks highly of Sen. Patrick Leahy (D-Vt.), for whom he worked for two years, so Leahy has largely been spared his barbs. He has also generally spoken favorably of the political skills of former U.S. senator Jim Jeffords (I-Vt.) and former Republican governors Jim Douglas and Richard Snelling.

For Sanders, whose political career he's followed since 1981, Nelson has both criticism and affection. "The difference between Bernie and most of the lefties is, Bernie wants to win," Nelson said in the October 2015 New Yorker article. "Most lefties don't want to win, because if you win, you sell out your purity."

His analysis was acceptable to his daughter, Shyla Nelson Stewart, a Sanders devotee who seconded the senator's nomination at the Democratic National Convention.

"The most important thing he said was, Bernie has been on the same agenda his entire career," she said of her dad's comments, "and that that agenda has caught up with the times."

Nelson has been harder on Dean and Congressman Peter Welch (D-Vt.).

"I never understood why Howard was running for president other than the fact that Howard wanted to be president," he said before class one day last month. "It was just Howard's ego." Dean did not respond to a message from Seven Days seeking his point of view.

Nelson is slightly less dismissive of Welch. Nelson said their feud started when he made a comment to a reporter during Welch's 1988 campaign for the Democratic U.S. House nomination, saying Welch's strategy of concentrating his campaign in southern Vermont was a mistake. "Peter took offense," Nelson said. When Welch confronted him, Nelson said, he responded with choice words.

Welch insisted last week that he doesn't remember the incident or Nelson's specific comments, though he did say the professor was always critical.

"He showed no mercy," Welch said. "He was extremely good at cutting folks down to a size that was smaller than they thought they deserved."

Daughter Stewart provides some insight. "What my father has most railed against is anyone who has even the slightest sense of entitlement," she said of Nelson, who often talks about growing up poor.

Nelson saw that attitude in Dean, who grew up on New York City's Park Avenue.

"His born-again liberalism has caught a lot of us by surprise—it's a case of 'Howard, we hardly knew ye,'" Nelson told the Associated Press in 2003. "He's really a classic Rockefeller Republican: a fiscal conservative and social liberal."

His disapproval of Welch, a lawyer from Springfield, Mass., is more complicated. Nelson viewed Welch and his late wife, Joan Smith, as a couple in search of power—his in politics and hers at UVM, where she was dean of the College of Arts and Science and Nelson's boss.

In a 2001 column, the late Seven Days columnist Peter Freyne wrote, "Nelson told Seven Days that Smith and her husband, former gubernatorial candidate Peter Welch, 'wanted to be the Democratic Snellings, with Peter holding the governor's office and Joan holding high office at the university'—a reference to the late Governor Richard Snelling and wife Barbara Snelling, who served as a UVM vice president for many years."

Nelson does not let go of such opinions easily, nor does he like being on the receiving end of the kind of criticism he so readily doles out to others.

Nelson recalled comments Freyne made about him during Dean's 2004 presidential campaign. "Peter bashed me in four separate columns," Nelson said, alleging that Freyne was courting Dean's campaign in hopes of landing a job.

In one of those columns, Freyne said, "Garrison despises Howard Dean, always has and always will. We suggest it's all about ego—Nelson's, not Dean's."

Asked why this still roiled him 13 years after Dean's campaign ended and eight years after Freyne's death, Nelson said, "I'm Irish, for Chrissakes; I don't forget anything. Irish Alzheimer's—you never forget a grudge."

Nelson doesn't get as much ink in the newspapers as he once did—which is his choice, he said, because answering questions from reporters takes away from his research time. He didn't have a lot to say about former governor Peter Shumlin and has been just as quiet on Gov. Phil Scott and President Donald Trump. But he makes no apologies for comments made over the years about politicians, students or his bosses.

"When you're an outspoken person, you're going to piss people off. I've pissed people off," Nelson said. "But I'm still here—50 years."

BUDGETARY REVISIONS

Mr. ENZI. Mr President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, BBEDCA, establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate is considering the House Amendment to H.R. 1370, the Further Additional Continuing Appropriations Act, 2018, which provides emergency funding for national security accounts.

This legislation includes language that increases security discretionary budget authority by \$4,686 million this year and designates it as emergency funding pursuant to section 251(b)(2)(A)(1) of BBEDCA. CBO estimates that this budget authority will increase discretionary outlays by \$803 million in 2018.

As a result of the aforementioned designations, I am revising the allocation to the Committee on Appropriations by increasing the revised security budget authority limit by \$4,686 million and outlays by \$803 million this year. Further, I am increasing the budgetary aggregates for 2018 by those same amounts.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISION TO BUDGETARY AGGREGATES—(PURSUANT TO SECTIONS 311 AND 314(a) OF THE CONGRESSIONAL BUDGET ACT OF 1974)

[\$ in millions]

	2018
Current Spending Aggregates:	
Budget Authority	3,080,461
Outlays	3,100,621
Adjustments:	
Budget Authority	4,686
Outlays	803
Revised Spending Aggregates:	
Budget Authority	3,085,147
Outlays	3,101,424

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2018—(PURSUANT TO SECTIONS 302 AND 314(a) OF THE CONGRESSIONAL BUDGET ACT OF 1974)

(\$ in millions)

					2018
Current Allocation:					
Revised Security Discretionary Budget Authority					549,057
Revised Nonsecurity Category Discretionary Budget Authority					552,266
General Purpose Outlays					1,187,547
Adjustments:					
Revised Security Discretionary Budget Authority					4,686
Revised Nonsecurity Category Discretionary Budget Authority					0
General Purpose Outlays					803
Revised Allocation:					
Revised Security Discretionary Budget Authority					553,743
Revised Nonsecurity Category Discretionary Budget Authority					552,266
General Purpose Outlays					1,188,350
	OCO	Program Integrity	Disaster Relief	Emergency	Total
Memorandum Detail of Adjustments Made Above:					
	0	0	0	4,686	4,686
	0	0	0	0	0
	0	0	0	803	803

TRIBUTE TO LUTHER STRANGE

Mr. SHELBY. Mr. President, today I wish to honor my good friend and colleague from Alabama, Senator LUTHER STRANGE, prior to his departure from the U.S. Senate.

While LUTHER and I have worked closely together in the Senate, our friendship dates back nearly four decades. Over the years, I have had the privilege of not only getting to know LUTHER, but also getting to know his wife, Melissa, and his two sons, Luke and Keehn.

Even before LUTHER was appointed to the U.S. Senate, he and I worked alongside each other throughout much of our careers. When LUTHER was sworn in to fill Attorney General Sessions' seat, I was pleased to have him just down the hall from my office.

As soon as LUTHER was sworn into the Senate, he hit the ground running. His camaraderie, integrity, and great attitude did not go unnoticed. Another thing we all quickly observed about LUTHER in the Senate was his willingness to help in any situation. He was always the first to volunteer, whether the task be big or small. LUTHER is admired by Members on both sides of the aisle, which is rare in Washington. He has made a lot of friends in the Senate and has worked in a bipartisan fashion.

In addition to his work ethic and great attitude, LUTHER was able to accomplish an incredible amount legislatively in a short period of time. His successes include his work on the final National Defense Authorization Act conference negotiations, securing three littoral combat ships, his help in achieving the 51 votes needed to pass a once-in-a-generation tax reform package, and helping repeal Obamacare.

LUTHER's time in the Senate was cut too short. I would be remiss not to mention how much I, along with my Senate colleagues, have enjoyed his company.

I thank Senator STRANGE for his time and service both to Alabama and our Nation here in the Senate. I wish him

all the best in his future endeavors, and I look forward to continuing our close friendship.

Thank you.

TAX REFORM BILL

Mr. THUNE. Mr. President, this week Congress sent the President a tax reform bill that will translate into real relief for American families.

I have spent a lot of time on the floor of the Senate talking about how this bill will benefit these families in South Dakota and around the country.

Today I would like to take a few minutes to recognize the hard work of those Members and staff who made the legislative goal of tax reform a reality.

First, thank you to Senator Hatch for his leadership and members of the Finance Committee for a job well done.

Numerous hearings, member meetings, and a lot of compromise helped us get this bill to the finish line.

As a result, the contributions and priorities of each member of the Finance Committee and, frankly, those of the entire conference are reflected in the final product.

Having once served as a staffer here myself, I would like to recognize the many staff members who contributed to this product.

Mark Warren, who serves as my tax counsel, has put in countless hours on this legislation.

It has not been unusual over the last several months to find him in his office when I arrive at work before 7 a.m. and still at his desk late into the evening. With decades of experience, including time spent at the House Ways and Means Committee and at the Treasury Department, I and other members of the committee and conference relied heavily on Mark's intricate knowledge of tax policy as we crafted this legislation.

He worked very hard to help me advance priorities in this legislation including provisions benefiting small businesses, farmers, and ranchers.

Thanks in no small part to his efforts, we successfully delivered a tax reform bill that will work for them. Time spent at the office is time away from family. I am grateful to both him and his family for his efforts.

I would also like to thank my legislative director, Jessica McBride, and my staff director, Brendon Plack. Brendon is a native of Madison, SD, and has been with my office for over 12 years. Jessica is a native of Miller, SD, and has been with my office for 8 years. Their work, advice, and counsel were invaluable as we moved this bill across the finish line.

I would also like to recognize a few other staff members for their hard work: Jay Khosla, Mark Prater, Jeff Wrase, Nick Wyatt, Matt Hoffman, Tony Coughlan, Eric Oman, Jen Acuna, Marty Pippins, Alex Monie, Preston Rutledge, Bryan Hickman, Brendan Dunn, and Monica Popp.

I would also like to recognize Senator Toomey's tax staff member, Randy Herdon, Senator Portman's tax staffer, Zach Rudisill, and Senator Scott's tax staffer, Shay Hawkins.

I know many of them over the last few months were running on very little sleep and perhaps missing important events at home with family and friends in order to be here at work. Nevertheless, they were patient, thoughtful, and tireless in their efforts because they knew the work was important and the impact would be significant.

We have all benefited from their wise counsel and have a better product for it.

Early next year, this legislation is going to have a real impact on people's lives across this country. Their hard work and contributions helped make it possible. They all worked incredibly hard and should be very proud of the work you have done on behalf of the American people.

I thank them for their service, and congratulations on a job well done.

CONFIRMATION OF JAMES C. HO

Mr. VAN HOLLEN. Mr. President, I wish to voice my disappointment that Mr. James Ho was confirmed to serve as a judge on the Fifth Circuit.

While at the Department of Justice, Mr. Ho wrote a memo that the George W. Bush administration used to greenlight the CIA's use of torture. Furthermore, Mr. Ho's comments on campaign finance reveal a common thread among Trump judicial nominees that I find particularly disturbing.

Mr. Ho argued that some of the detainees held by the U.S. at Guantanamo were not protected under the Geneva Convention. The memo Mr. Ho wrote allowed the CIA to use interrogation techniques banned by the Geneva Convention that caused the death of a detainee. The interrogation techniques Mr. Ho claimed were legal were ineffective and their use hidden from lawmakers. As my colleague Senator McCAIN said when he introduced an amendment to reaffirm our government's prohibition on torture in 2015, "Our enemies act without conscience. We must not."

I am also deeply concerned by Mr. Ho's radical views on money in politics. Mr. Ho has said, "For truly radical but effective reform, we must reverse course and abolish all restrictions on campaign finance." The overwhelming majority of Americans, both Republicans and Democrats, disagree strongly with Mr. Ho and believe that unlimited, unattributable amounts in money in politics corrupts our political system. Our political finance systems has been flooded with secret, corporate money since the 5-4 ruling in *Citizens United*. Mr. Ho's opinion on campaign finance favors corporations and the wealthy who use money to yield influence and shape policy.

Unfortunately, Mr. Ho is not the only Trump judicial nominee who has espoused such extreme views. Every single nominee has come from a preapproved list created by the Heritage Foundation and the Federalist Society. This intellectual hegemony will harm Americans seeking redress in the courts. Recently, three judicial nominees withdrew their names from consideration after the American public learned how inexperienced and unfit they were for a lifetime appointment. I encourage the Trump administration to submit mainstream nominees and to stop outsourcing our judicial system to rightwing think tanks.

SPECIAL COUNSEL MUELLER

Mr. CASEY. Mr. President, today I wish to commend Robert Mueller's career as a public servant and to condemn partisan, political attacks on Mr. Mueller's reputation and American democratic systems.

A brief glance at Mr. Mueller's biography reflects his consistent commit-

ment to serve the American people with honor and courage. As a young man, Mr. Mueller served with distinction in the Vietnam war. His list of commendations and military decorations, including a Bronze Star, two Navy Commendation Medals, the Purple Heart, and the Vietnamese Cross of Gallantry, are emblematic of his leadership and exemplary service.

Mr. Mueller not only fought courageously on the battlefield, but upon returning home and earning his law degree, he continued serving his country throughout his legal career. He cut his teeth working in U.S. attorney's offices in Boston and San Francisco for over a decade, and when he later served at the Department of Justice, Mr. Mueller was nominated by President George H. W. Bush to lead the criminal division, where he oversaw cases as diverse as the prosecution of Panamanian dictator Manuel Noriega and the Lockerbie bombing.

In 1995, Mr. Mueller's dedication to public service led him to leave a high-paying position at a private firm to join the DC U.S. attorney's office homicide division to hold violent offenders accountable for their crimes. Three years later, he became a U.S. attorney himself, serving in San Francisco and earning himself a reputation as a dogged and fair prosecutor committed to enforcing the rule of law.

In 2001, Mr. Mueller was nominated by a second Republican President, George W. Bush, as the Director of the FBI, a position to which he was confirmed unanimously by this body. Whether navigating our response to the atrocities of 9/11, leading the Bureau's reform in its aftermath, or trailblazing the Bureau's role in combating cyber crimes, his tenure has been widely lauded. In fact, in 2011, as his 10-year term was set to end, we in the Senate voted 100 to 0 to extend his term until 2013.

In an era of increasing political and cultural tribalism, each time Mr. Mueller has been named or nominated for a new position, he has received bipartisan and unabashed praise—and rightly so.

Mr. Mueller, as an expert in law enforcement, could not be better suited for the task at hand: an investigation into Russia's interference in the U.S. elections. That Russia interfered in our elections is neither conjecture nor an attempt to rewrite the political outcomes of 2016. It is a fact that was true for the U.S. and many European allies in the last year and will remain a serious risk to the validity of our future elections if we do not take action. Mr. Mueller's investigation will serve as a necessary step to secure the ability of Americans to cast their vote in confidence for those who will represent them in Washington. Nothing could be more sacred or more American.

Serious, prudent, and thorough congressional oversight is always appro-

priate. Reckless, partisan attacks on the integrity of an honest public servant are not the same as congressional oversight. Attacks like these embolden our enemies, animate opponents of democracy, and inspire terrorists. These attacks are nothing short of unpatriotic.

I call on my colleagues on both sides of the aisle to stand up for the integrity of the process that Mr. Mueller is leading. Skepticism of the outcomes of his investigation triggered by dishonest smears on Mr. Mueller's reputation by Washington politicians would have lasting results and would compromise the ability of law enforcement to protect U.S. from our enemies, foreign and domestic.

SAFE SCHOOLS IMPROVEMENT ACT

Mr. CASEY. Mr. President, I rise to speak about "A Beautiful Here," a memoir by Linda Phillips that chronicles her struggle to overcome the extraordinary grief of losing her son, Nuci, to suicide following his long battle with depression.

Linda writes about an empathetic, caring, and happy child who grows increasingly distressed through adolescence. Nuci retreated from their close-knit family and, despite their efforts to support him through several periods of crisis and treatments, he succumbed to his disease.

Though the family was distraught and heartbroken by Nuci's death, Linda Phillips was also appalled at the lack of supports for individuals struggling with suicide and for families who have lost loved ones to depression.

At multiple points, Nuci failed to receive services or the compassionate support he needed. Indeed, after calling a crisis hotline while in college, Nuci was taken into custody by police and placed in handcuffs. Ultimately, the incident resulted in his expulsion. On another occasion, he was told to wait over a month for services when seeking support for his depression while in school.

Linda also saw other families pull their children from much-needed treatment programs because they could not afford the costly care. She saw firsthand that survivors of suicide are often relegated to the shadows, met by uncomfortable silence, or blamed for their loved ones' deaths.

Linda's personal account sheds light on this tragic and pervasive problem. Though Nuci Phillips took his own life 20 years ago, his story, sadly, remains just as relevant today.

The American Foundation for Suicide Prevention reports that nearly 36,000 Americans die by suicide each year; that is one American every 15 minutes. According to the Center for Disease Control, CDC, suicide is the third leading cause of death among

young people between the ages of 10 and 24 and results in approximately 4,600 lives lost each year.

In recent years, a shocking number of young people have attempted or ended their life through suicide as a result of bullying. Though not all instances of bullying lead to suicide, bully victims are between two to nine times more likely to consider suicide than nonvictims, according to studies by Yale University.

Nearly one in four students aged 12 to 18 are affected by bullying and harassment, according to recent data from the Department of Education. Another Department study estimates that 60,000 students in the U.S. do not attend school each day because they fear being bullied. Bullying and harassment are a significant problem in our schools.

These are issues that we can begin to address today by confronting bullying in our schools through strong antibullying policies. In far too many communities, whether in Pennsylvania or across the Nation, we are forced to deal with tragic consequences of bullying or harassment when these policies or organizations do not exist. Other resources include school counselors and crisis hotlines.

My bill, the Safe Schools Improvement Act, may not prevent all incidences of bullying, but it is an important step in the direction of tackling this problem and holding school districts accountable.

Depression and suicide, whether brought on by bullying or not, is a serious disease with potentially deadly results. More teenagers and young adults die from suicide than from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined.

We must fight against this destructive illness by ensuring all children and young adults have access to affordable and effective mental health treatment and services, such as counseling, medication, and crisis intervention. I would like to thank Linda Phillips for sharing her story and helping to shine a light on this pervasive disease.

REMEMBERING LIEUTENANT GENERAL MICHAEL CHARLES SHORT

Mr. BOOZMAN. Mr. President, as co-chair of the Air Force Caucus, I rise to pay tribute to Lt. Gen. Michael C. Short, who served this country faithfully for over 51 years, 35 years as an Air Force fighter pilot and another 16 years as an Air Force and joint senior mentor to leaders and future leaders of our military. Lieutenant General Short passed away on 27 October after a battle with cancer, and for those who knew him, it is the only battle he ever lost.

Born in Princeton, NJ, on 24 February 1944, Lieutenant General Short

was the only child of Janet MacDonald Short and Charles Francis Short. He grew up in a military family and lived in New Jersey, North Carolina, Japan, Kentucky, Mississippi, and France. Lieutenant General Short's father, Charles, was a paratrooper and a member of the 82nd Airborne Division. When Lieutenant General Short was born, his father was stationed in England preparing for the D-Day invasion. On 6 June 1944, Charles Short jumped into occupied France as a member of the 507th Parachute Infantry Regiment. He fought in the Battle of the Bulge and helped liberate Europe from Nazi Germany.

As most military children, Lieutenant General Short attended several schools growing up and excelled athletically and academically at every one. He attended high school in France, participating on his school's football, basketball and baseball teams, and graduating at the top of his class. Lieutenant General Short applied for and was accepted into the U.S. Air Force Academy, entering as a basic cadet on 26 June 1961.

In February 1965, then-Cadet First Class Short met the love of his life, Virginia Suhonen, a fourth-grade school teacher, in Manitou Springs, CO. Lieutenant General Short graduated the Air Force Academy on 6 June 1965 and married Jini on 14 August 1965, and together, they began an incredible journey of partnership and selfless service to each other and our Nation that lasted 52 years.

Their first of 23 assignments began at Webb Air Force Base in Texas, where he attended pilot training. Follow-on assignments included Arizona, South Vietnam, Florida, Minnesota, Colorado, Washington, Thailand, Philippines, the Pentagon, North Carolina, Nevada, Texas, Virginia, Germany, and Italy. Along the way, they grew their family, with Jini giving birth to a son, Christopher, and daughter, Jennifer. They lovingly welcomed in their daughter-in-law Brooke and son-in-law Scott, and celebrated the birth of five grandchildren, Emily, Rachel, Sara, Jacob, and Katie. Of course, no family is complete without its pets and those who knew the Shorts will always remember Hobo, Bogie, and Muppet. Lieutenant General Short understood the importance of family and was a devoted son, husband, father, and grandfather. He was also an airmen's airman.

Lieutenant General Short exemplified what the Nation should demand of its military members and senior leaders. He was a master in the profession of arms, a master of employing the military tool of national power, and a master instructor to generations of officers who continue to follow him and keep his legacy alive in service to our Nation. Upon earning his silver wings, he began a flying career focused on

fighter aviation. He amassed over 4,600 flying hours and flew the F-4C, F-4D, F-4E, RF-4C, F-102, F-106, A-7, F-117, A-10, F-15E, and F-16. He flew 276 combat missions over Vietnam in the F-4, flew and commanded combat missions during Desert Storm in the F-15E, and directed over 35,000 combat missions during Operation Allied Force over Yugoslavia.

In 1969, then-Captain Short, an F-4C pilot, was awarded the Silver Star for courageous action in Vietnam. General Short was enroute to a target in North Vietnam when he was diverted to support an F-105 pilot that was shot down, had ejected, and was in the water off the coast of North Vietnam. He was tasked to take out the antiaircraft artillery sites that had shot down the F-105 so they could bring in the rescue aircraft. Both he and his wingman were hit multiple times by antiaircraft artillery but were able to make it back to base safely after delivering all their rockets on target, knocking out the gun sites, and enabling the rescue of the downed F-105 pilot.

In 1986, then-Colonel Short was hand-picked to be the operations group commander of the 4450th Tactical Group at Nellis Air Force Base, which operated the highly classified F-117A stealth fighter. He soloed in the F-117A on 14 January 1986, Bandit 199, and commanded the group until 1988.

In 1995, Lieutenant General Short was the chief of staff to the commander of NATO's Allied Air Forces Southern Europe in Naples, Italy, during Operation Deliberate Force, NATO's first air campaign, that brought the war in Bosnian-Herzegovina to an end. The following year, as the director of operations for U.S. Air Forces in Europe, he was responsible for the deployment and sustainment of NATO forces and their equipment in Bosnia-Herzegovina during and after Operation Joint Endeavour. Gen. George Joulwan, the then-Supreme Commander Europe, said, "He did the planning for the bombing of Bosnia in 1995 and then, when we put the force into Bosnia, he was critical coordinating the air transport. He was impressive because he was not only professional but innovative—this was all new stuff."

In 1998, Lieutenant General Short returned to Naples, Italy, now as the commander NATO's Allied Air Forces Southern Europe, leading the 19-member NATO alliance and directing all air operations in southern Europe. It was during this time our Nation called on General Short's expertise in the employment of military power to try and achieve peace. Lieutenant General Short, who always left political discussions to others, was directed to travel with Richard Holbrooke to Belgrade, Serbia, to be part of negotiations with Federal Republic of Yugoslavian President Slobadan Milosevic. During the meeting, President Milosevic leaned

forward and said to Lieutenant General Short, "So, you are the man who is going to bomb me." Lieutenant General Short replied, "Well, I hope that won't be the case. I have a plan to propose to your generals that will prevent your country from being bombed, but in essence, you're right. I have U-2s in one hand and B-52s in the other, and the choice is up to you." His statement broke the tension, and the discussions went on from there. The negotiations successfully postponed the war, but on 24 March 1999, Lieutenant General Short was directed to begin air operations against Yugoslavia. He successfully executed Operation Allied Force, a 78-day NATO bombing effort to stop the Serbian ethnic cleansing of Muslims in Kosovo.

Lieutenant General Short received a bachelor of science degree from the Air Force Academy, a master's degree in systems management from the University of Southern California, was a distinguished graduate of Air Command and Staff College and attended the Industrial College of the Armed Forces in Washington, DC. His decorations include the Defense Distinguished Service Medal with one oakleaf cluster, the AF Distinguished Service Medal with one oakleaf cluster, the Silver Star, the Legion of Merit, the Distinguished Flying Cross with one oakleaf cluster, and the Air Medal with fourteen oakleaf clusters. In 1999, he was presented the Air Force Association's highest honor to a military member in the field of national security, the H.H. Arnold Award for commanding the air campaign during Operation Allied Force.

Lieutenant General Short retired on 1 July 2000 and began 16 years of work as an Air Force and joint senior mentor focusing on the command and control of airpower. Lieutenant General Short was known and respected by servicemembers from all services in the United States, as well as our allies. He always gave clear, hard-hitting advice, passing on his knowledge of things he did right and things he did wrong. He traveled to the Republic of Korea, Qatar, and many other locations to advise, teach and train airmen of all ranks in the art of "operational" level warfare. Long after the senior mentor ranks thinned, due to intense scrutiny and significant pay cuts, Lieutenant General Short stuck with the program because it was his passion.

Lieutenant General Short touched many lives as evidenced by comments written about him by those who knew and served with him:

"He was a father, a husband, a grandfather and what made it all work was his complete devotion to those he loved and commanded. It was an honor to serve alongside him."

"High standards, demanding, but fair. You knew where the bar was and he challenged you to exceed it. He

pushed me to limits I did not know I could reach."

"He was a no-nonsense leader who let his Commanders command. He was also a hands-on mentor who touched thousands; admired by all and will be greatly missed."

"A superb officer, great warrior and outstanding teacher."

"A great leader . . . as the Air Boss for Operation Allied Force he provided clear guidance and support for me and the men and women in my deployed Wing . . . I consider it a high honor to have served under him in combat!"

"He really was the kind of leader that made you want to work for the organization and its goals. His name always comes up when we talk about the good men in those days."

"General Mike Short was a great leader and Patriot. He was a mentor and more importantly a friend. Mike loved his Family and his Country . . . he will be missed."

"He did a superb job in a very tough situation. With leadership and top cover like that, the U.S. Air Force is unstoppable."

"I will miss your words as they were always on target and well understood. Rolling a nickel on the grass in your remembrance, sir."

I extend my heartfelt thanks to Lt. Gen. Mike Short for his selfless service to this Nation, to his wife, Jini, and to his children, Chris and Jenn, and their families, for a lifetime of service to this Nation. Words cannot describe the extraordinary character of Lieutenant General Short, his accomplishments, or the lasting impact he will have on generations of service members. His personal accomplishments live on through the examples set by his son and daughter, two highly capable and highly respected Air Force senior officers. My prayers are with his family, and I pray the "Lord Guard and Guide the Men Who Fly."

TRIBUTE TO ALBERT RATNER

Mr. BENNET. Mr. President, I wish to recognize the 90th birthday of Albert Ratner on December 26, 2017. Albert has lived a life of faith and service. Whether as a loving father, life-long philanthropist, or a successful businessman at Forest City Realty Trust, Albert has worked tirelessly for his community.

Over his career, Albert has shown a particular passion for giving back to the Jewish community, improving our schools, and supporting innovation at the community level.

In Denver, Albert led the charge to transform the Stapleton Airport into a thriving community center with high-quality, affordable housing, green spaces, and new schools. Among those schools is Denver's Science and Technology High School, which has attracted many brilliant students over the last 13 years. Albert's work to revitalize downtown areas across the country have earned him numerous awards, including the National Building Museum Honor Award, the Urban Land Institute's J. C. Nichols Prize for Visionaries in Urban Development, and the Michigan State University's Distinguished Alumni Award.

Albert is the proud father of Deborah and Brian, who follow his lifelong values of service, community, and faith. He is also a loving husband to Audrey, his wife of 36 years, and before that, to his first wife, Faye, who tragically died in an automobile accident. On Albert's 90th birthday, we celebrate his accomplished life, one defined by good humor, compassion, family, and faith.

Mr. PORTMAN. Mr. President, I want to recognize the upcoming 90th birthday of Albert Ratner on December 26. Albert has led a distinguished life that has touched and benefited countless people in Ohio and around the world.

I consider Albert a dear friend and a wise adviser, and Jane and I have enjoyed the friendship of him and his wife, Audrey, over the years. Whether it is a discussion over dinner or catching up during a Cavs game, we treasure our time with Albert and Audrey.

Albert grew up in Cleveland during the Great Depression, where his family, who were immigrants from Poland, turned a small company into a thriving business through hard work and dedication. Well known for his civic involvement in Cleveland and as a leader in the Jewish community, Albert is a life trustee of the Cleveland Jewish Community Federation and a member of the International Council of the American Jewish Joint Distribution Committee. The Ratner family was instrumental in establishing the Cleveland Jewish Archives at the Western Reserve Historical Society in 1976.

Albert is currently engaged in a series of poverty-related initiatives in his hometown of Cleveland and throughout the State in partnership with the Governor and local leaders. Beyond his influence in Ohio, he has helped those in need across the country by supporting innovative educational initiatives that have given promising youth access to an education that has opened doors for each of them.

Albert is a loving husband and father. He has been married to Audrey for 36 years. His first wife, Faye, who he met in high school, was tragically killed in an automobile accident, after which he continued raising his daughter Deborah and son Brian to follow in his footsteps as fully engaged members of their community. He has lived a life of kindness, cheerfulness, and compassion for all of our fellow citizens.

Albert's life has been guided by a love for his Jewish traditions. He often talks about the Jewish tradition of tikkun olam, to repair the world, and how even when the obligation seems too great, we must not desist from it.

That is how he lives. He is truly a great American.

Happy birthday to Albert Ratner.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE HYDRAULIC INSTITUTE

• Mr. BOOZMAN. Mr. President, today I wish to recognize the 100th anniversary of the Hydraulic Institute and pay tribute to the exceptional role that pump manufacturers have played in improving the delivery of water to American homes, American industry, and American agriculture over the past century. Today pump systems touch the lives of every American, and the Hydraulic Institute plays a central role in developing the policies and standards needed for safe, reliable, and efficient pump operations.

On April 18, 1917, the Nation's leading pump manufacturers met in the La Salle Hotel in Chicago for the purpose of forming a trade association that would "promote friendship and co-operation among manufacturers in improving overall pump performance." Since this auspicious gathering of pump manufacturers, government agencies have relied on the Hydraulic Institute to provide the technical expertise required to set pump standards that reflect the evolving priorities of society.

In recent years, energy efficiency has emerged as a national priority, and the Hydraulic Institute has worked closely with the U.S. Department of Energy to improve the efficiency of pumping systems. These systems now account for over 20 percent of domestic electrical energy use and the standards, laboratory testing, and labeling advanced by the Hydraulic Institute will ultimately save consumers and businesses billions of dollars.

Pumping systems protect our communities from flooding and fires, deliver drinking water to our homes, irrigate our farms, and bring water and fuel to American manufacturers. The Hydraulic Institute works closely with Congress to ensure that the laws governing energy, water, and infrastructure reflect the prominence of pumping systems in the management of these essential resources. I would like to specifically applaud the Hydraulic Institute for bringing an important perspective to congressional deliberations on how to thoughtfully increase investment in our Nation's critical water infrastructure.

It is with sincere admiration that I stand today to acknowledge the 100th anniversary of the Hydraulic Institute and to wish this exceptional organization continued success in developing policies and advancing standards that improve the lives of every American.●

RECOGNIZING GLASGOW, MONTANA

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing the community of Glasgow for leading the way with their generosity during the holiday season. Earlier this month, members of the community successfully conducted their annual Block of Bucks program to help raise funds for local families to have warm clothing during the winter months.

This charitable effort brought together a broad collection of the community, including the Glasgow Soroptimists, student council leaders from Glasgow High School, members of the National Guard, the local Elks Club, a host of local businesses, and dozens of other volunteers. Through their focused actions, the community of Glasgow raised over \$30,000 to provide more than 300 hundred children with winter clothing. If you have ever experienced winter along the Hi-Line in northeast Montana, you will know how important it is to have the proper gear. The generosity of neighbors in towns like Glasgow is something that we can all appreciate.

It is a Montana hallmark for neighbors to identify a need and then gather the people and resources to meet that need at a local level. Going into Christmas, I would like to offer a heartfelt thank you to the folks in Glasgow for giving their time and talents to help others by adding warmth to the holiday season.●

TRIBUTE TO SUELLYN WRIGHT NOVAK

• Ms. MURKOWSKI. Mr. President, Suellen Wright Novak of Eagle River, AK, retired from the Air Force with the rank of colonel in 2003 after a distinguished 32-year career in the biomedical field. She was commander of three different medical squadron, a clinical laboratory officer, and leader of the Air Force Blood Program worldwide. She returned home to begin a second career as a professional volunteer. At one time, she held 26 different volunteer positions.

Suellen's work with the Eagle River Presbyterian Church, the Chugiak/Eagle River Chamber of Commerce, and the American Heart Association cannot go unmentioned, nor can we ignore her work as a service officer for VFW Post 9785 or the Alaska State Veterans Advisory Council, but Suellen is best known for her work as the president and executive director of the Alaska Veterans Museum.

Suellen officially retired from this second career in October, handing the reins over to Mike Waller. In early 2018, the Alaska Veterans Museum will host an event to commemorate her service in January. I want to take a few moments to express my appreciation to Suellen for her service to our Nation and to those who have served it.

Alaska takes great pride in its standing as the State which hosts more veterans per capita than any other. About 70,000 veterans call Alaska home. It is fitting that Alaska host a museum honoring the service and sacrifice of our veterans. Suellen is best known for taking the Alaska Veterans Museum from idea to reality. In 2005 she began collecting oral histories of veterans from all conflicts. She took on additional roles as researcher, display designer, fundraiser, grant writer, and membership chair. The museum was virtual at that point. It organized exhibits for the Anchorage Museum, the Alaska Native Heritage Center, and the Anchorage libraries, but didn't have a space of its own. It was Suellen's vision to move the museum from a virtual space to a physical space in downtown Anchorage. She raised funds and worked with realtors to secure a prime affordable location. And once that location was secured, Suellen recruited a handpicked team to get the museum open in just 11 days. The Alaska Veterans Museum opened on April 17, 2011.

Suellen staffed the museum during nearly all the hours it was open—except when she might be in an elementary school classroom presenting as a Continental soldier during the American Revolution or speaking about how those who fought for America's independence survived the battle or when she was coordinating "Fan Mail" to the troops. The Alaska Veterans Museum, I am told, sends more fan mail to troops than any other small organization in the United States. Suellen's impact in recognizing and supporting our veterans and Active-Duty servicemembers is remarkable.

One of the most remarkable examples of Suellen's determination involves her efforts to place a memorial in the village of Attu in memory of those who lost their lives during the Forgotten Battle of World War II. Suellen and the museum raised the necessary funds to create the replacement memorial but had no way of transporting it all the way out to Attu. Attu is the furthest of the U.S. Aleutian Islands, nearly 1,500 air miles from Anchorage.

Fortunately, the U.S. Coast Guard offered a flight for me to tour their Loran Station on Attu. I recognized the opportunity to offer assistance to Suellen and the museum. I can proudly claim that the new memorial was erected at the site where the former residents of Attu lived. Our mission was a success with the collaborative efforts of Suellen, the museum, and the Coast Guard.

I could go on and on about all that Suellen does, but the list would undoubtedly be incomplete. I think my colleagues have by now gotten the idea that Suellen is our "Energizer Bunny" extraordinaire. So on behalf of a very grateful Senate, I express appreciation

to Suellyn for both of her careers: an exceptional Air Force career followed by a career of outstanding volunteer service to our community.●

TRIBUTE TO JOSEPH DARNELL

● Mr. SULLIVAN. Mr. President, I want to say a few words about someone in Alaska who has been very important in my State. Joseph Darnell, who we know as Joe, is the Alaska Regional Solicitor for the Department of the Interior, in Anchorage, AL. He has been in that office since 1992, was made acting regional solicitor in 2010, and was appointed to his current position in 2013. He will be retiring from his job at the end of this year.

The Department of the Interior is Alaska's largest landlord, managing 61 percent of Alaska's lands. The way the Department of the Interior manages its lands and resources is critical for Alaska's economy and for the well-being of our citizens.

I know that I often talk about Federal overreach, and while it is true that, under certain administrations, Alaska has bared the brunt of much of that overreach, but it was people like Joe who made sure that rules and regulations were followed, that the people had a voice, and worked to see that good policy prevailed. A former staff member for the late great Senator Ted Stevens, Joe learned from the best.

During his tenure, Joe worked on numerous land management and land conveyance issues for the U.S. Fish and Wildlife Service National Refuge System, the Bureau of Land Management, and the National Park Service. Among the more notable was the land exchange between the United States and the Aleut Corporation, which resulted in the Aleut Corporation acquiring ownership of the closed Adak Naval Air Facility on Adak Island in the Aleutian Islands.

Joe was born in Seward and raised in Juneau, Kenai, and Fairbanks. According to his wife, Joan, they enjoy cross-country skiing, riding bicycles together, and spending time in their cabin outside of McCarthy. One of his great passions is small airplanes. After the first of the year, they will both be spending a lot of time in their Cessna 175, flying across the great State of Alaska, and watching their daughter Anna ski for the ski for the Nanooks at the University of Alaska, Fairbanks.

Through his decades of dedication, Joe acquired and maintained a peerless understanding of how both national and Alaska-specific laws operate on our Federal public lands in Alaska. He has advised on and navigated a great many challenges for our State during his time in public service, and his knowledge and contribution will be dearly missed.

Best of luck to him and to his family and thanks for all he has done for all of us.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Cuccia, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on the Judiciary.

(The message received today is printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGES

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER DECLARING A NATIONAL EMERGENCY WITH RESPECT TO THE UNUSUAL AND EXTRAOR- DINARY THREAT TO THE NA- TIONAL SECURITY, FOREIGN POLICY, AND ECONOMY OF THE UNITED STATES POSED BY SERI- OUS HUMAN RIGHTS ABUSE AND CORRUPTION AROUND THE WORLD—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report and papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued the enclosed Executive Order (the "order") declaring a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by serious human rights abuse and corruption around the world. In addition to taking action under IEEPA, the order implements the Global Magnitsky Human Rights Accountability Act (Public Law 114-328) (the "Act") and delegates certain of its authorities.

The order blocks the property and interests in property of persons listed in the Annex to the order. It also blocks the property and interests in property of any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(1) to be responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse;

(2) to be a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in:

(a) corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery; or

(b) the transfer or the facilitation of the transfer of the proceeds of corruption;

(3) to be or have been a leader or official of:

(a) an entity, including any government entity, that has engaged in, or whose members have engaged in, any of the activities described in (1), (2)(a), or (2)(b) above relating to the leader's or official's tenure; or

(b) an entity whose property and interests in property are blocked pursuant to the order as a result of activities related to the leader's or the official's tenure; or

(4) to have attempted to engage in any of the activities described in (1), (2)(a), or (2)(b) above.

The order also blocks any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(5) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of:

(a) any activity described in (1), (2)(a), or (2)(b) above that is conducted by a foreign person;

(b) any person whose property and interests in property are blocked pursuant to the order; or

(c) any entity described in (3)(a) above where the activity is conducted by a foreign person;

(6) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order; or

(7) to have attempted to engage in any of the activities described in (5) or (6) above.

In addition, the order suspends entry into the United States of any alien listed in the Annex or determined to meet one or more of the criteria above.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including adopting rules and regulations, and to employ all powers granted to the President by IEEPA and the Act, as may be necessary to implement the order and relevant provisions of the Act. I have delegated to the Secretary of State the authority to take such actions, including adopting rules and regulations, and to employ all powers granted to the President by IEEPA and the Act, as may be necessary to implement the provisions of the order and the Act suspending entry into the United States of certain aliens. All executive departments and agencies are directed to

take all appropriate measures within their authority to implement the order.

DONALD J. TRUMP.
THE WHITE HOUSE, December 20, 2017.

MESSAGES FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1159. An act to provide for continuing cooperation between the National Aeronautics and Space Administration and the Israel Space Agency, and for other purposes.

H.R. 4015. An act to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry.

ENROLLED BILLS SIGNED

At 12:34 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1536. An act to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes.

H.R. 1. An act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

At 6 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1393. An act to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses.

S. 1532. An act to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

S. 1766. An act to reauthorize the SAFER Act of 2013, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4641. An act to authorize the President to award the Medal of Honor to John L. Canley for acts of valor during the Vietnam War while a member of the Marine Corps.

H.R. 4667. An act making further supplemental appropriations for the fiscal year ending September 30, 2018, for disaster assistance for Hurricanes Harvey, Irma, and Maria, and calendar year 2017 wildfires, and for other purposes.

The message further announced the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 31. Concurrent resolution authorizing the use of the rotunda of the Cap-

itol for a ceremony to award the Congressional Gold Medal to Bob Dole.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 1370) to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that pursuant to section 5 of the Frederick Douglass Bicentennial Commission Act (Public Law 115-77), and the order of the House of January 3, 2017, the Speaker appoints the following Member of the House of Representatives to the Frederick Douglass Bicentennial Commission: Mr. HARRIS of Maryland; And from private life: Ms. Sylvia Quinton of Mardela Springs, Maryland and Dr. C. James Trotman of West Chester, Pennsylvania.

ENROLLED BILL SIGNED

At 8:41 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. UPTON) has signed the following enrolled bill:

H.R. 1370. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.

The enrolled bill was subsequently signed by the Acting president pro tempore (Mr. KENNEDY).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1159. An act to provide for continuing cooperation between the National Aeronautics and Space Administration and the Israel Space Agency, and for other purposes; to the Committee on Foreign Relations.

H.R. 4015. An act to improve the quality of proxy advisory firms for the protection of investors and the U.S. economy, and in the public interest, by fostering accountability, transparency, responsiveness, and competition in the proxy advisory firm industry; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2274. A bill to provide for the compensation of Federal employees affected by lapses in appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-3725. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Military Commissions" (RIN0790-AJ58) received in the Office of the President of the Senate on December 13, 2017; to the Committee on Armed Services.

EC-3726. A communication from the President, Institute for Defense Analyses, transmitting, pursuant to law, a report entitled "Report on Elements Contributing to Expenses Incurred by Contractors for Bid and Proposal; to the Committee on Armed Services.

EC-3727. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a semiannual report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account" and a semiannual listing of personal property contributed by coalition partners; to the Committee on Armed Services.

EC-3728. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled, "Military Child Initiative Pilot Program Report of Activities, Fiscal Year 2017"; to the Committee on Armed Services.

EC-3729. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Amended Interpretive Rule Under the Military Lending Act Limitations on Terms of Consumer Credit Extended to Service Members and Dependents" (RIN0790-ZA13) received during adjournment of the Senate in the Office of the President of the Senate on December 15, 2017; to the Committee on Armed Services.

EC-3730. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-3731. A communication from the Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, "Report to Congress on Federal Government Energy Management for Fiscal Year 2015"; to the Committee on Energy and Natural Resources.

EC-3732. A communication from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" ((30 CFR Part 936) (Docket ID OSM-2015-0006)) received in the Office of the President of the Senate on December 13, 2017; to the Committee on Energy and Natural Resources.

EC-3733. A communication from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" ((30 CFR Part 950) (Docket ID OSM-2013-0002)) received in the Office of the President of the Senate on December 13, 2017; to the Committee on Energy and Natural Resources.

EC-3734. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of construction and operations of the mixed oxide

fuel fabrication facility (MOX facility) at the Department of Energy's Savannah River Site in South Carolina; to the Committee on Energy and Natural Resources.

EC-3735. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "National Water Quality Inventory: Report to Congress"; to the Committee on Environment and Public Works.

EC-3736. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Confidentiality Determinations for Hazardous Waste Export and Import Documents" (FRL No. 9971-49-OLEM) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Environment and Public Works.

EC-3737. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Arizona: Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9972-09-Region 9) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Environment and Public Works.

EC-3738. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of California Air Plan Revisions, Placer County and Ventura County Pollution Control Districts" (FRL No. 9971-76-Region 9) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Environment and Public Works.

EC-3739. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Arizona Air Plan Revision; San Manuel, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plan" (FRL No. 9972-03-Region 9) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Environment and Public Works.

EC-3740. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Rhode Island; Infrastructure Requirement for the 2010 Sulfur Dioxide and 2010 Nitrogen Dioxide National Ambient Air Quality Standards" (FRL No. 9972-23-Region 1) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Environment and Public Works.

EC-3741. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Health and Human Services, received in the Office of the President of the Senate on December 13, 2017; to the Committee on Finance.

EC-3742. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Health and Human Services, received in the Office of the President of the Senate on December 13, 2017; to the Committee on Finance.

EC-3743. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 409A for Pre-2009 Section 457A Deferrals" (Notice 2017-75) received in the Office of the President of the Senate on December 13, 2017; to the Committee on Finance.

EC-3744. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2017 Required Amendments List" (Notice 2017-72) received in the Office of the President of the Senate on December 13, 2017; to the Committee on Finance.

EC-3745. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Donations of Technology and Related Support Services to Enforce Intellectual Property Rights" (RIN1515-AE21) received in the Office of the President of the Senate on December 12, 2017; to the Committee on Finance.

EC-3746. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Statutory Amendments Requiring the Modification of the Definition of Hard Cider; Delayed Compliance Date of the Hard Cider Tax Class Labeling Statement Requirement" (RIN1513-AC31) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Finance.

EC-3747. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List to Ukraine in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-3748. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention and the Australia Group; to the Committee on Foreign Relations.

EC-3749. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution of 1991 (P.L. 102-1) for the August 9, 2017 - November 8, 2017 reporting period; to the Committee on Foreign Relations.

EC-3750. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, for the six months ending June 30, 2017"; to the Committee on Foreign Relations.

EC-3751. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Director, Institute for Education Sciences, Department of Education, received in the Office of the

President of the Senate on December 13, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3752. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Department of Homeland Security, received in the Office of the President of the Senate on December 13, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3753. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3754. A communication from the Acting Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3755. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from April 1, 2017, through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3756. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting proposed legislation to amend the Homeland Security Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-3757. A communication from the Acting Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3758. A communication from the Chairman, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3759. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General and the Semiannual Management Report for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3760. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2017, including the Office of Inspector General's Auditor's Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3761. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

2017-9500)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3786. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Aviation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2017-1023)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3787. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation" ((RIN2120-AA64) (Docket No. FAA-2017-0491)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3788. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation" ((RIN2120-AA64) (Docket No. FAA-2017-0946)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3789. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2017-0963)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3790. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2017-0692)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3791. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine Alliance Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2017-0988)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3792. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2017-0982)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3793. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR-GIE Avions de Transport Regional Airplanes" ((RIN2120-AA64) (Docket No. FAA-2017-1027)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3794. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2017-1095)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3795. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rockwell Collins, Inc. Traffic Surveillance System Processing Unit" ((RIN2120-AA64) (Docket No. FAA-2017-0659)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3796. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; IPECO Pilot and Co-Pilot Seats" ((RIN2120-AA64) (Docket No. FAA-2017-0490)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3797. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Embraer S.A. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2017-0697)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3798. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2016-9568)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3799. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2017-0816)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3800. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2017-1000)) received in the Office of the Presi-

dent of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3801. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Boothville, LA" ((RIN2120-AA66) (Docket No. FAA-2017-0649)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3802. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Rosebud, SD" ((RIN2120-AA66) (Docket No. FAA-2016-9545)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3803. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cisco, TX" ((RIN2120-AA66) (Docket No. FAA-2017-0620)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3804. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lemoore NAS, CA" ((RIN2120-AA66) (Docket No. FAA-2017-0219)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Bend, OR" ((RIN2120-AA66) (Docket No. FAA-2017-0391)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3806. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Alexander City, AL" ((RIN2120-AA66) (Docket No. FAA-2016-9549)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3807. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hawthorne, NV" ((RIN2120-AA66) (Docket No. FAA-2017-0315)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3808. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to

law, the report of a rule entitled "Amendment of Class E Airspace; Oskaloosa, IA" ((RIN2120-AA66) (Docket No. FAA-2017-0296)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3809. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace, for Stevens Point, WI" ((RIN2120-AA66) (Docket No. FAA-2017-0143)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3810. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Scottsboro, AL" ((RIN2120-AA66) (Docket No. FAA-2017-0557)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3811. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Debois, ME" ((RIN2120-AA66) (Docket No. FAA-2015-2891)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3812. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Prineville, OR" ((RIN2120-AA66) (Docket No. FAA-2017-0616)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3813. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Seward, NE" ((RIN2120-AA66) (Docket No. FAA-2017-0354)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3814. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Fort Knox, KY, and Louisville, KY" ((RIN2120-AA66) (Docket No. FAA-2016-9499)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3815. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Pueblo, CO" ((RIN2120-AA66) (Docket No. FAA-2017-0666)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3816. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Multiple Restricted Areas; Vandenberg AFB, CA" ((RIN2120-AA66) (Docket No. FAA-2017-0985)) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3817. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amdt. No. 3771" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3818. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (45); Amdt. No. 3772" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3819. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (84); Amdt. No. 3773" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3820. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (11); Amdt. No. 3774" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3821. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (171); Amdt. No. 3767" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3822. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (3); Amdt. No. 3768" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3823. A communication from the Management and Program Analyst, Federal

Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (110); Amdt. No. 3770" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3824. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (52); Amdt. No. 3769" ((RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3825. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Miscellaneous Amendments; Amendment No. 536" ((RIN2120-AA63) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3826. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Outer Coastal Plain Viticultural Area" ((RIN1513-AC32) received during adjournment of the Senate in the Office of the President of the Senate on December 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3827. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Petaluma Viticultural Area and Modification of the North Coast Viticultural Area" ((RIN1513-AC19) received during adjournment of the Senate in the Office of the President of the Senate on December 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3828. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Metropolitan Planning Organization Coordination and Planning Area Reform" ((RIN2125-AF75) received in the Office of the President of the Senate on December 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3829. A communication from the Acting Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Expediting Rate Cases" ((RIN2140-AB33) received during adjournment of the Senate in the Office of the President of the Senate on December 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3830. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Authorizing Permissive Use of the 'Next Generation' Broadcast Television Standard" ((FCC 17-158) (GN Docket No. 16-142)) received in the Office of the President of the Senate on

December 13, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3831. A communication from the Impact Analyst, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Extra-Schedular Evaluations for Individual Disabilities" (RIN2900-AP48) received in the Office of the President of the Senate on December 13, 2017; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-145. A concurrent resolution adopted by the Legislature of the State of Texas urging the United States Congress to direct the Department of Defense to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 41

Whereas, The Pentagon could realize significant savings by relocating the United States Africa Command from Germany to Ellington Field Joint Reserve Base in Houston; and

Whereas, When AFRICOM was created in 2007, the Department of Defense chose a temporary location in Stuttgart; it intended to select a permanent headquarters in Africa, but set this plan aside due to cost projections, security, and the sensitivities of African nations; and

Whereas, The Department of Defense conducted a study in 2012 that found maintaining AFRICOM headquarters stateside would cost \$60 million to \$70 million less per year, and now those savings would be even greater due to significant increases in Overseas Cost of Living Allowances rates; although relocation would involve expense, this expense could be recouped within two to six years; moreover, the relocation would repatriate about 1,400 direct jobs and create as many as 4,300 additional jobs for United States residents, and it would have an annual impact on the local economy ranging from \$400 million to \$500 million; and

Whereas, Should the defense department decide to relocate AFRICOM, Ellington Field Joint Reserve Base in Houston would be an ideal home for the headquarters; the base features strong joint service military value of active duty, reserve, and guard units from all five United States armed services, some of which presently conduct training and operational missions for AFRICOM; it is also equipped to handle large military aircraft, and the city boasts one of the nation's most vibrant ports, which handles 40 percent of all United States trade with Africa; moreover, the community is exceptionally supportive of the military, and the Greater Houston area has strong cultural, educational, medical, and diplomatic ties with Africa; and

Whereas, The Government Accountability Office has concluded that the relocation of AFRICOM to the United States would generate tremendous cost savings and economic benefits, and Ellington Field Joint Reserve Base offers advantages that would enhance the effectiveness of the headquarters; now, therefore, be it

Resolved, That the 85th Legislature of the State of Texas hereby respectfully urge the United States Congress to direct the Department of Defense to relocate the United States Africa Command to Ellington Field

Joint Reserve Base in Houston; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the secretary of the Department of Defense, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-146. A concurrent resolution adopted by the Legislature of the State of Texas urging the United States Congress to review federal regulation on the oil and gas industry in Texas; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 26

Whereas, the Texas Legislature recognizes that this period in our nation's history represents an opportunity for Texas to work with the leadership of the federal government to transcend partisan politics and correct misuses of federal regulatory power that have threatened the Texas oil and gas industry, the jobs it creates, and the economy of the state; and

Whereas, Texas oil and gas fields have provided a pathway toward American energy independence from foreign powers, have afforded financial security to hundreds of thousands of individuals in Texas, and have delivered safe and reliable energy to fuel our nation's economy; and

Whereas, during the past eight years, the federal government has promulgated regulations that jeopardize the productivity of the oil and gas fields of Texas; and

Whereas, new federal regulations have been proposed and implemented despite the protests of Texas and many other oil and gas producing states, resulting in overregulation that prioritizes minor environmental gains over major productive losses; and

Whereas, the State of Texas has joined many other oil and gas producing states to file more than 20 lawsuits against federal overreach; now, therefore, be it

Resolved, That the 85th Legislature of the State of Texas hereby respectfully urge the executive branch and the Congress of the United States to work in conjunction with the State of Texas to identify federal regulations promulgated during the last eight years, especially those promulgated under the authority of the United States Environmental Protection Agency, the United States Department of the Interior, and the United States Department of Energy, and determine whether they should be revised, delegated to state agencies, or eliminated in order to ease the overly burdensome regulatory patchwork on the oil and gas industry in Texas; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-147. A concurrent resolution adopted by the Legislature of the State of Texas urging the United States Congress to increase appropriations from the Harbor Maintenance Trust Fund to ensure that the nation's ship

channels are maintained and safe, to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 37

Whereas, Seaport activities generate more than \$4 trillion in economic activity each year, representing more than a quarter of United States gross domestic product and yielding more than \$41 billion in federal, state, and local tax revenue; and

Whereas, To support this critical component of international trade, the United States Congress established the Harbor Maintenance Tax (HMT) on shippers in 1986 as a means of funding the maintenance and improvement of vital harbor infrastructure; and

Whereas, HMT revenues deposited into the Harbor Maintenance Trust Fund now total about \$1.6 billion annually, but in recent years, Congress has appropriated less than half of those funds for the intended purpose, leading to a decline in dredging and maintenance by the United States Army Corps of Engineers; the consequence is an accumulation of sediment that leaves navigation channels narrower and shallower, and when silted channels constrain vessels from carrying full loads or force them to wait for high tide, the costs of imports and exports rise, as does the risk of vessel grounding and associated oil spills; the Corps of Engineers has estimated that the full depth and width of our coastal ports is available less than 35 percent of the time, costing the economy billions of dollars annually; and

Whereas, Each year, the HMT provides an amount sufficient to meet all of the nation's authorized harbor maintenance needs, but as a result of lagging appropriations, the Harbor Maintenance Trust Fund had a balance of more than \$9 billion at the start of 2016; in Texas alone, less than 25 percent of the HMT revenue collected in the state has been appropriated for harbor maintenance; and

Whereas, Our nation's ports are vital to our economic prosperity and global competitiveness, and these funds, which were collected for the express purpose of the maintenance and improvement of the ports, should be put to work; now, therefore, be it

Resolved, That the 85th Legislature of the State of Texas hereby respectfully urge the United States Congress to increase appropriations from the Harbor Maintenance Trust Fund to ensure that the nation's ship channels are appropriately maintained and safe; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-148. A concurrent resolution adopted by the Legislature of the State of Texas urging the United States Congress to direct the Bureau of Land Management to affirm the provisions of the Red River Boundary Compact and to acknowledge that the vegetation line on the south bank of the Red River forms the boundary between Oklahoma and Texas; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 30

Whereas, The Red River Boundary Compact of 2000 set the boundary between Texas and Oklahoma at the vegetation line on the south bank of the Red River, with the exception of the Texoma area, where the boundary

is established pursuant to procedures outlined in the agreement; and

Whereas, In 2013, the United States Bureau of Land Management began developing a resource management plan for the use of land along a 116-mile stretch of the Red River; it claims that as many as 90,000 acres in Texas may actually be part of federal lands and would therefore be public land under a 1923 Supreme Court ruling; and

Whereas, Many Texas residents have held title to this land for generations, and they have been paying property taxes on the land while cultivating and maintaining it; the boundary between the states was settled in 2000 for legal jurisdiction, when the U.S. Congress ratified the compact, but now, confusion over the boundary threatens the value of this privately owned land and makes it difficult for property owners to make informed decisions concerning its disposition and their livelihoods; and

Whereas, Private property rights are the bedrock of a free society, and the actions of the Bureau of Land Management with regard to land covered by the Red River Boundary Compact are an egregious example of federal overreach; now, therefore, be it

Resolved, That the 85th Legislature of the State of Texas hereby respectfully urge the United States Congress to direct the Bureau of Land Management to affirm the provisions of the Red River Boundary Compact and to acknowledge that the vegetation line on the south bank of the Red River forms the boundary between Oklahoma and Texas; and, be it further.

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the secretary of the United States Department of the Interior, to the director of the United States Bureau of Land Management, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-149. A concurrent resolution adopted by the Legislature of the State of Texas urging the United States Congress to enact legislation to ensure that all veterans receive, in a timely manner, the level of medical care that they have earned and that they so richly deserve, to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 52

Whereas, the Department of Veterans Affairs (VA) is charged with ensuring the health and well-being of the nation's veterans, but in recent years, its failure to adequately perform its mission has been the source of scandal; and

Whereas, in 2014, the United States Congress responded to unconscionable delays and denials of care at VA facilities by passing the Veterans Access, Choice, and Accountability Act, which allows access to private medical care providers for veterans who have been waiting more than 30 days for an appointment or who live more than 40 miles from a VA facility; this law is set to expire in 2017; and

Whereas, by expanding the reforms of the Veterans Choice Act, Congress can improve the VA system, broadening access to timely health care while offering greater choice and flexibility to every eligible veteran; experts have proposed allowing access to walk-in clinics without preauthorization or copayment, expanding VA pharmacy hours and

telemedicine, and extending the Veterans Choice Card program to permit all qualified veterans to see the doctor of their choice; in addition, those who have studied the system carefully encourage best-practices peer review for VA facilities; and

Whereas, our nation's veterans have made enormous sacrifices to guarantee our freedoms, and although the nation can never fully repay its debt of gratitude, it can and should ensure timely access to the highest quality of medical care: Now, therefore, be it

Resolved, That the 85th Legislature of the State of Texas hereby respectfully urge the United States Congress to enact legislation to ensure that all veterans receive in a timely manner the level of medical care that they have earned and that they so richly deserve; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-150. A concurrent resolution adopted by the Legislature of the State of Texas urging the United States Congress to pass a budget; to the Committee on the Budget.

HOUSE CONCURRENT RESOLUTION NO. 59

Whereas, For too long, Congress has proven itself fiscally irresponsible and has created a crushing national debt through improvident and imprudent spending; and

Whereas, The deleterious effect of this fiscal mismanagement on our economy and the strength of our nation is ongoing and the consequences of inaction are severe; and

Whereas, Setting a federal budget is an essential aspect of governing, and Congress must accept its responsibility to regularly pass a budget bill; now, therefore, be it

Resolved, That the 85th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to pass a budget; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHATZ:

S. 2260. A bill to establish and fund an Opioids and STOP Initiative to expand, intensify, and coordinate fundamental, translational, and clinical research of the National Institutes of Health with respect to opioid abuse, the understanding of pain, and the discovery and development of safer and more effective treatments and preventive interventions for pain; to the Committee on Finance.

By Mr. LANKFORD (for himself, Ms. KLOBUCHAR, Mr. GRAHAM, Ms. HARRIS, Ms. COLLINS, and Mr. HEINRICH):

S. 2261. A bill to protect the administration of Federal elections against cybersecurity threats; to the Committee on Rules and Administration.

By Mrs. MCCASKILL (for herself, Mr. RUBIO, and Ms. HASSAN):

S. 2262. A bill to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a board to coordinate and integrate departmental intelligence and activities and policy related to counterterrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DONNELLY (for himself and Mr. YOUNG):

S. 2263. A bill to amend the Agricultural Act of 2014 to require base acres planted to fruits, vegetables, and wild rice to be considered planted to a covered commodity for purposes of any recalculation of base acres; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2264. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRUZ (for himself, Mr. LEAHY, Mr. RUBIO, Mr. PERDUE, Mr. MENENDEZ, Mrs. CAPITO, and Mr. DURBIN):

S. 2265. A bill to promote democracy and the rule of law in Nicaragua, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mr. CORNYN):

S. 2266. A bill to authorize the Office on Violence Against Women to improve the handling of crimes of domestic violence, dating violence, sexual assault, and stalking by incorporating a trauma-informed approach into the initial response to and investigation of such crimes; to the Committee on the Judiciary.

By Mr. FRANKEN:

S. 2267. A bill to amend title 11, United States Code, to prioritize certain pension claims in bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. BOOKER (for himself, Mr. PERDUE, Mr. KAINE, Mr. BROWN, and Ms. HARRIS):

S. 2268. A bill to amend the Higher Education Act of 1965 to modify certain provisions relating to the capital financing of historically Black colleges and universities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. ISAKSON):

S. 2269. A bill to reauthorize the Global Food Security Act of 2016 for 5 additional years; to the Committee on Foreign Relations.

By Mr. DAINES (for himself, Ms. HARRIS, Mr. MERKLEY, Ms. KLOBUCHAR, Ms. MURKOWSKI, and Ms. BALDWIN):

S. 2270. A bill to make improvements to the account for the State response to the opioid abuse crisis to improve tribal health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. COCHRAN, Mrs. GILLIBRAND, and Ms. MURKOWSKI):

S. 2271. A bill to reauthorize the Museum and Library Services Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HARRIS (for herself, Ms. WARREN, Mr. BLUMENTHAL, and Mrs. FEINSTEIN):

S. 2272. A bill to amend the Revised Statutes to grant State attorneys general the ability to issue subpoenas to investigate suspected violations of State laws that are applicable to national banks; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 2273. A bill to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel; considered and passed.

By Mr. CARDIN (for himself, Mr. VAN HOLLEN, Ms. HIRONO, Mr. CARPER, Mr. MARKEY, Mr. SCHATZ, Mrs. GILLIBRAND, Ms. HASSAN, Mrs. SHAHEEN, Mr. DURBIN, Mr. WARNER, Mr. LEAHY, Ms. BALDWIN, Mr. UDALL, Mrs. MURRAY, Mr. BROWN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. KAINE, Ms. WARREN, and Mrs. FEINSTEIN):

S. 2274. A bill to provide for the compensation of Federal employees affected by lapses in appropriations; read the first time.

By Mr. CASSIDY:

S.J. Res. 51. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MCCASKILL (for herself and Mr. BLUNT):

S. Res. 364. A resolution congratulating the University of Central Missouri women's soccer team for winning the National Collegiate Athletic Association Division II Women's Soccer Championship at Swope Soccer Village in Kansas City, Missouri; considered and agreed to.

By Mrs. FISCHER (for herself and Mr. SASSE):

S. Res. 365. A resolution congratulating the University of Nebraska-Lincoln volleyball team for winning the 2017 National Collegiate Athletic Association Division I Volleyball Championship; considered and agreed to.

By Ms. HARRIS (for herself, Mr. PERDUE, Mr. BOOKER, Mr. BROWN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. BURR):

S. Res. 366. A resolution honoring the accomplishments of the 9 historically Black colleges and universities that celebrated their sesquicentennial anniversaries during the week of September 24 through September 30, 2017; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 266

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 793

At the request of Mr. BOOKER, the name of the Senator from Illinois (Ms.

DUCKWORTH) was added as a cosponsor of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 872

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 872, a bill to amend title XVIII of the Social Security Act to make permanent the extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 946

At the request of Mr. FLAKE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 946, a bill to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes.

S. 980

At the request of Mrs. CAPITO, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 980, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 1697

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1697, a bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States Citizens.

S. 1706

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1719

At the request of Mr. BLUNT, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1719, a bill to eliminate duties on imports of recreational performance outerwear, to establish the Sustainable Textile and Apparel Research Fund, and for other purposes.

S. 1873

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1873, a bill to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, and for other purposes.

S. 2051

At the request of Mr. PORTMAN, the name of the Senator from Louisiana

(Mr. CASSIDY) was added as a cosponsor of S. 2051, a bill to amend title XVIII of the Social Security Act to modernize the physician self-referral prohibitions to promote care coordination in the merit-based incentive payment system and to facilitate physician practice participation in alternative payment models under the Medicare program, and for other purposes.

S. 2065

At the request of Mr. YOUNG, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2065, a bill to establish a demonstration program to provide integrated care for Medicare beneficiaries with end-stage renal disease, and for other purposes.

S. 2088

At the request of Mrs. FISCHER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2088, a bill to amend title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes.

S. 2105

At the request of Mr. BOOZMAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2105, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 2135

At the request of Mr. CORNYN, the names of the Senator from New Hampshire (Ms. HASSAN), the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2135, a bill to enforce current law regarding the National Instant Criminal Background Check System.

S. 2159

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2159, a bill to require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered harassment and covered discrimination complaints, and for other purposes.

S. 2203

At the request of Mrs. GILLIBRAND, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2203, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 2236

At the request of Mrs. GILLIBRAND, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2236, a bill to require covered discrimination and covered harassment awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered discrimination and covered harassment complaints, and for other purposes.

S. 2250

At the request of Ms. DUCKWORTH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2250, a bill to ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic.

S. 2259

At the request of Mr. BOOKER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2259, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes.

S. RES. 139

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 139, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 363

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 363, a resolution expressing profound concern about the growing political, humanitarian, and economic crisis in Venezuela and the widespread human rights abuses perpetrated by the Government of Venezuela.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2264. A bill to amend the Magnuson-Stevens Fishery Conservation and

Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. REED. Mr. President, today I am introducing the Rhode Island Fishermen's Fairness Act along with my colleague, Senator WHITEHOUSE. I am also pleased that my colleagues, Representatives JAMES LANGEVIN and DAVID CICILLINE, will be introducing a companion measure in the House of Representatives.

Our legislation will give Rhode Island voice and voting representation on the Mid-Atlantic Fishery Management Council (MAFMC), which manages some of the most important fish stocks for our State's commercial fishing industry—chief among them squid. Indeed, the National Marine Fisheries Service reported that Rhode Island led Atlantic States in the harvest of squid in 2016, bringing in 22.5 million pounds and helping make Point Judith, Rhode Island one of the most productive and valuable commercial fishing ports in the United States. For years now, Rhode Island's landings of stocks managed by the MAFMC have outpaced the landings of those managed by the New England Fishery Management Council, where Rhode Island is represented. Moreover, Rhode Island has a larger stake in the Mid-Atlantic fishery than many of the States that currently hold seats on the MAFMC.

Because so much is at stake for our State in every decision the MAFMC makes, our bill would expand the MAFMC by two seats in order to ensure that Rhode Island will have the minimum number of seats guaranteed to other States on the council. It will allow Rhode Island to continue to have representation on the New England Fishery Management Council, where it still has significant interests. This proposal is not unprecedented. In fact, it is modeled on a provision of the 1996 Sustainable Fisheries Act that added North Carolina to the MAFMC in 1996 while allowing it to retain its membership on the South Atlantic Fishery Management Council.

Mr. President, this is a commonsense proposal and one that my colleagues and I will be working to advance either on its own or as part of the reauthorization the Magnuson-Stevens Fishery Conservation and Management Act.

By Mr. DAINES (for himself, Ms. HARRIS, Mr. MERKLEY, Ms. KLOBUCHAR, Ms. MURKOWSKI, and Ms. BALDWIN):

S. 2270. A bill to make improvements to the account for the State response to the opioid abuse crisis to improve tribal health; to the Committee on Health, Education, Labor, and Pensions.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mitigating the Methamphetamine Epidemic and Promoting Tribal Health Act" or the "Mitigating METH Act".

SEC. 2. ACCOUNT FOR THE STATE RESPONSE TO THE OPIOID ABUSE CRISIS.

Section 1003 of the 21st Century Cures Act (42 U.S.C. 290ee-3 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "and Tribal" after "State";

(B) in paragraph (2)(A)(ii), by striking "\$500,000,000" and inserting "\$525,000,000"; and

(C) in paragraph (3)(B), by inserting "and Tribal" after "State";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking "STATE RESPONSE TO THE OPIOID" and inserting "STATE AND TRIBAL RESPONSE TO THE OPIOID";

(ii) in the first sentence, by inserting "and Indian tribes and Tribal organizations (as the terms 'Indian tribes' and 'tribal organizations' are defined in the Indian Self-Determination and Education Assistance Act)" after "grants to States"; and

(iii) in the second sentence, by inserting "and Tribes" after "States" each place that such term appears;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ", Tribe, or Tribal organization" after "to a State";

(II) by inserting "or Tribal" after "by the State"; and

(III) by inserting "or by a Tribe or Tribal organization" after "et seq.");

(ii) in subparagraph (A), by inserting "and Tribal" after "State";

(iii) in subparagraph (E), by inserting "or Tribe" after "as the State"; and

(C) by adding at the end the following:

"(3) OTHER SUBSTANCES.—A State or Indian tribe may use grants awarded under this section for prevention and treatment of the use of other substances such as methamphetamine, if the use of such other substances is determined by the State or tribe to have a substantial public health impact on the State or tribe."; and

(3) in subsection (d), by inserting ", Tribe, or tribal organization" after "A State".

By Mr. REED (for himself, Ms. COLLINS, Mr. COCHRAN, Mrs. GILLIBRAND, and Ms. MURKOWSKI):

S. 2271. A bill to reauthorize the Museum and Library Services Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators COLLINS, COCHRAN, GILLIBRAND, and MURKOWSKI in introducing legislation to renew the law that expands the reach of libraries and museums and enables them to better serve their communities. These vital institutions educate, inform, engage, and connect people from all walks of life.

In 1996, Congress passed the Museum and Library Services Act, establishing the Institute of Museum and Library Services, IMLS, to house our Nation's library and museum programs together for the first time. My predecessor, the late Senator Claiborne Pell, a great champion for expanding educational and cultural opportunities to all communities, was instrumental in passage of this law. The Senate Committee report for this bill noted the "great potential in an Institute that is focused on the combined roles that libraries and museums play in our community life, in support of research, learning, and entertainment, and in support of American culture and history."

Over the last 21 years we have seen IMLS, with a relatively modest Federal investment, build the capacity to support and expand access to library and museum services at the State and local levels. IMLS has been the source of major Federal support for nearly 120,000 libraries, including public, academic, research, special, and tribal libraries, and 35,000 museums, including art, history, science and technology, children's, historical societies, tribal, planetariums, botanic gardens, and zoos. We have seen access to libraries and museums increase, and these institutions continue to evolve as community hubs, advancing the growth and vitality of the areas they serve.

In Rhode Island, IMLS funding for the grants to States program under the Library Services and Technology Act, LSTA, has supported improved online resources; literacy initiatives, including a summer reading program; and the provision of talking books to residents with visual impairments and disabilities. Providence Public Library was awarded a recent grant to provide underserved teens with learning opportunities, leading to digital credentials, academic credit, exposure to work, and entry into education and career pathways. IMLS has also supported and elevated the work of Rhode Island museums. For instance, the Tomaquag Museum in Exeter was one of ten recipients nationally to be recognized with a 2016 National Medal for Museum and Library Service. The Providence Children's Museum and the Preservation Society of Newport County also received grants to support their work in recent years.

I have been proud to continue the work of Senator Pell in supporting robust funding for libraries and museums and authoring the last two renewals of the Museum and Library Services Act. I have seen firsthand the impact libraries and museums have had on our communities in Rhode Island and the residents and visitors they serve, making our State stronger because of the services and experiences that these institutions provide.

The museum and library communities have provided invaluable input

in helping us craft this bipartisan legislation. I would especially like to thank the Rhode Island library community for hosting me at libraries across the state and convening a roundtable discussion last year to delve deeper into the programs libraries are providing and ways to improve how they serve their communities.

In response to the input and insight offered by the library and museum communities, the bill we are introducing today, the Museum and Library Services Act of 2017, strengthens the use of data-driven tools to measure the impact and maximize the effectiveness of library and museum services and better tailor local services to address and meet community needs. The legislation provides for technical support and assistance to improve data collection. It also enhances IMLS's collaborative efforts with an expanded number of Federal agencies in order to fully leverage the benefits libraries and museums provide to Americans.

This legislation also amends LSTA to highlight the role of libraries as community hubs, equipped to provide services and programming in such areas as literacy, education, lifelong learning, workforce development, economic and business development, digital literacy skills, critical thinking, financial literacy skills, and new and emerging technology. The bill provides greater emphasis on recruiting and training the next generation of library and information science professionals from diverse and underrepresented backgrounds. Additionally, it focuses leadership grant funds on activities that serve a range of library types and geographically diverse areas; have evaluation, analysis, and dissemination components; and involve, impact, or have future applicability in libraries. And, in the aftermath of this past year's devastating hurricanes and wildfires, the bill clarifies that grant funds can be used to help libraries get resources back online as communities face the challenge of recovering from a disaster.

The Museum and Library Services Act of 2017 also builds on the over 40-year legacy of Federal support for improving and expanding access to museum services. It addresses the critical need for professional development and recruiting and preparing the next generation of museum professionals, emphasizing diversity so that museums better reflect the communities they serve. The legislation also highlights the educational role of museums and the diverse ways that museums engage their communities, and it encourages partnerships with other agencies, professional networks, and community-based organizations to expand and enhance access to museum services.

The Museum and Library Services Act of 2017 will continue our tradition of supporting our communities through their museums and libraries, while

looking ahead and providing flexibility for these vital institutions to respond to changing demands and missions. Our bill has the support of the American Library Association and the American Alliance of Museums and many of their affiliated associations. I thank my colleagues for supporting this endeavor and look forward to more joining us as we work together to urge swift action to adopt this important legislation.

Ms. COLLINS. Mr. President, I rise to join my colleague from Rhode Island, Senator REED, in introducing the Museum and Library Services Act of 2017. This bill would reauthorize the core programs administered by the Institute of Museum and Library Services (IMLS), which support libraries and museums in Maine and across the country. This bill includes important updates to improve the abilities of libraries and museums to meet the needs of local communities.

The Museum and Library Services Act represents a commitment to supporting libraries and museums that enrich our communities. Libraries provide not only a wonderful learning tool, full of books, public documents, and internet access, but also are community hubs where citizens can meet to share and explore ideas. Likewise, great museums do more than accumulate artifacts—they tell stories. The programs reauthorized in this bill would help libraries and museums across Maine and the United States better serve the public by helping with research, planning, and programming.

The Museum and Library Services Act would make important improvements to IMLS's ability to collaborate with states and communities. It would reauthorize the Library Services and Technology Act (LSTA), the only federal program that helps public libraries meet their community's needs, enhance their services through technology, reach underserved and rural populations, and recruit new professionals to the library field. Ensuring that federal resources reach our rural communities is particularly important to me, and I am pleased that this bill highlights support for rural and tribal areas.

Every state in our country receives its share of the LSTA, which leverages the federal investment with a state and local funding match. In Maine, the LSTA has helped libraries lend books and other materials by mail to reach residents in communities that do not have libraries nearby or who are homebound. It has helped Maine libraries serve individuals with disabilities through access to book recordings and special media players, including braille and audio downloads. It has helped my state improve online access to magazines, newspapers, and reference books, and spurred innovative collaborations with schools statewide.

The bill would also reauthorize the Museum Services Act, providing support for museums to collaborate with schools, libraries, and colleges and universities, and to encourage new technologies to extend the reach of programs and museum collections. As with the LSTA, museums are incentivized to leverage other sources of support to match the federal investment.

This reauthorization underscores the role that libraries and museums play in community revitalization. Libraries are important information centers for workforce development, health information, and digital and financial literacy. Museums are also vital community partners that work to connect our communities to the cultural, historical, natural, and scientific pieces of our heritage.

From providing job search resources and free internet access to exposing children and families to enriching literary and educational experiences, libraries and museums serve vital roles in our communities. I urge my colleagues to support this legislation.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 2273. A bill to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel; considered and passed.

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MORATORIUM.

Section 2(a) of Public Law 110-299 (33 U.S.C. 1342 note) is amended by striking “December 18, 2017” and inserting “January 19, 2018”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 364—CONGRATULATING THE UNIVERSITY OF CENTRAL MISSOURI WOMEN’S SOCCER TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II WOMEN’S SOCCER CHAMPIONSHIP AT SPOPE SOCCER VILLAGE IN KANSAS CITY, MISSOURI

Mrs. McCASKILL (for herself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 364

Whereas, on December 2, 2017, the University of Central Missouri won the National Collegiate Athletic Association Division II Women’s Soccer Championship at Swope Soccer Village in Kansas City, Missouri, which was the first national championship in the history of the University of Central Missouri women’s soccer program;

Whereas the University of Central Missouri women’s soccer team completed an undefeated season with a record of 26 wins and no losses or ties, setting a new Division II record for wins in a season;

Whereas the University of Central Missouri women’s soccer team tied a Division II single-season record with 21 shutouts;

Whereas the University of Central Missouri women’s soccer team finished the season as the top-ranked team in the United Soccer Coaches Top 25 Division II postseason poll;

Whereas 5 of the University of Central Missouri Jennies, Ana Dilkes, Jada Scott, Kayla Hamner, Baylie Edwards, and Abby Rhodes, were named to the Division II Conference Commissioners Association All-America Soccer Teams; and

Whereas the University of Central Missouri is a leader in promoting soccer and the values of teamwork, commitment, and excellence: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Central Missouri women’s soccer team for winning a national title for the first time in the history of the University of Central Missouri women’s soccer program while maintaining an undefeated season; and

(2) encourages the University of Central Missouri to continue promoting the values of teamwork, commitment, and excellence through the soccer and other athletic programs of the University of Central Missouri.

SENATE RESOLUTION 365—CONGRATULATING THE UNIVERSITY OF NEBRASKA-LINCOLN VOLLEYBALL TEAM FOR WINNING THE 2017 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I VOLLEYBALL CHAMPIONSHIP

Mrs. FISCHER (for herself and Mr. SASSE) submitted the following resolution; which was considered and agreed to:.

S. RES. 365

Whereas, on December 16, 2017, the University of Nebraska-Lincoln Cornhuskers won the 2017 National Collegiate Athletic Association (referred to in this preamble as the “NCAA”) Division I Volleyball Championship in Kansas City, Missouri in an overwhelming victory over the University of Florida by a score of 25 to 22, 25 to 17, 18 to 25, and 25 to 16;

Whereas the University of Nebraska-Lincoln has won 5 NCAA volleyball championships;

Whereas the Cornhuskers ended their championship season with a 19-match winning streak and finished the year with a record of 32 wins and 4 losses;

Whereas each member of the University of Nebraska-Lincoln volleyball team, including Annika Albrecht, Hunter Atherton, Hayley Densberger, Mikaela Foecke, Allie Havers, Briana Holman, Kelly Hunter, Kenzie Maloney, Chesney McClellan, Sami Slaughter, Lauren Stivrins, Jazz Sweet, Anezka Szabo, and Sydney Townsend, contributed to that outstanding victory;

Whereas head coach John Cook, assistant coach Tyler Hildebrand, assistant coach Kayla Banwarth, volunteer assistant coach Ryan Coomes, director of operations Lindsay Peterson, video coordinator Kelly O’Connor, and graduate managers Joe Klein, John Henry, and Bre Mackie, guided that outstanding group of women to a national championship;

Whereas Mikaela Foecke and Kelly Hunter were named the co-Most Outstanding Players of the 2017 NCAA Championship;

Whereas Kelly Hunter was named the Big Ten Setter of the Year, becoming the first Nebraska player ever to earn that award;

Whereas Annika Albrecht, Mikaela Foecke, and Kelly Hunter were recognized as All-Americans by the American Volleyball Coaches Association, and Briana Holman received an honorable mention; and

Whereas an NCAA Tournament record-breaking crowd of 18,516 volleyball fans attended the championship game, reflecting the tremendous spirit and dedication of Nebraska fans supporting the Cornhuskers as the team won the national championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Nebraska-Lincoln volleyball team as the winner of the 2017 National Collegiate Athletic Association Division I Volleyball Championship;

(2) commends the University of Nebraska players, coaches, and staff for their hard work and dedication;

(3) recognizes the students, alumni, and loyal fans that supported the Cornhuskers on their journey to win another Division I Championship; and

(4) respectfully requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the president of the University of Nebraska;

(B) the athletic director of the University of Nebraska-Lincoln; and

(C) the head coach of the University of Nebraska-Lincoln volleyball team.

SENATE RESOLUTION 366—HONORING THE ACCOMPLISHMENTS OF THE 9 HISTORICALLY BLACK COLLEGES AND UNIVERSITIES THAT CELEBRATED THEIR SESQUICENTENNIAL ANNIVERSARIES DURING THE WEEK OF SEPTEMBER 24 THROUGH SEPTEMBER 30, 2017

Ms. HARRIS (for herself, Mr. PERDUE, Mr. BOOKER, Mr. BROWN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. BURR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 366

Whereas, in 1867, 9 historically Black colleges and universities were established in 4 Southern States, Alabama, Georgia, Maryland, and North Carolina, as well as in the District of Columbia, which constituted the largest number of historically Black Colleges and Universities founded in any single year before or after that date;

Whereas the 9 historically Black colleges and universities that celebrated their sesquicentennial anniversaries during the week of September 24 through September 30, 2017, trace their foundations to rather modest beginnings but, in the course of a century and a half, have established records of significant achievement and legacies of devotion to academic excellence;

Whereas the 9 institutions celebrating their sesquicentennial anniversaries include—

(1) Alabama State University in Marion, Alabama;

(2) Barber-Scotia College in Concord, North Carolina;

(3) Fayetteville State University in Fayetteville, North Carolina;

(4) Howard University in Washington, District of Columbia;

(5) Johnson C. Smith University in Charlotte, North Carolina;

(6) Morehouse College in Atlanta, Georgia;

(7) Morgan State University in Baltimore, Maryland;

(8) St. Augustine's University in Raleigh, North Carolina; and

(9) Talladega College in Talladega, Alabama;

Whereas Alabama State University was incorporated on July 17, 1867, as Lincoln Normal School in Marion, Alabama, by 9 freed slaves to educate Black children;

Whereas Lincoln Normal School—
(1) was founded with \$500, which was used to purchase the land and lay the foundation;
(2) in 1928, was converted from a junior college to a 4-year college; and

(3) in 1969, was formally granted a name change by the Alabama State Board of Education and became Alabama State University;

Whereas notable figures of the civil rights era attended and graduated from Alabama State University, including the Reverend Ralph David Abernathy, attorney Fred Gray, and the Reverend Fred Shuttlesworth;

Whereas Barber-Scotia College—
(1) in 1867, was founded as Scotia Seminary in Concord, North Carolina, by the Reverend Luke Dorland; and

(2) in 1870, was chartered to educate newly freed female slaves;

Whereas Scotia Seminary—
(1) was the first historically Black institution of higher education for females established in the United States;

(2) in 1916, was renamed as Scotia Women's College; and

(3) in 1930, merged with Barber Memorial College to become Barber-Scotia Junior College for women;

Whereas Barber-Scotia College became a 4-year college for women in 1946 and a coeducational institution in 1954;

Whereas one of the distinguished graduates of Barber-Scotia College was Mary McCleod Bethune, the founder of Bethune-Cookman College;

Whereas Fayetteville State University was formed as the Howard School on November 29, 1867, by 7 African-American men who paid \$136 for 2 lots on Gillespie Street in Fayetteville, North Carolina;

Whereas the Howard School was formally renamed Fayetteville State University in 1969;

Whereas Fayetteville State University holds the distinction of being the second oldest public school in North Carolina;

Whereas Howard University—
(1) was chartered by Congress on March 2, 1867, in Washington, District of Columbia;

(2) stands today as the most comprehensive historically Black college and university in the United States, in terms of undergraduate and graduate programs of study;

(3) has produced numerous Rhodes scholars, Truman scholars, Fulbright scholars, and Picking fellows and a Marshall scholar during the history of the university; and

(4) has graduated some of the most accomplished African-Americans in history, including Justice of the Supreme Court of the United States Thurgood Marshall, author Toni Morrison, and former United States Ambassador to the United Nations Andrew Young;

Whereas 5 current Members of Congress are graduates of Howard University;

Whereas Johnson C. Smith University was established on April 7, 1867, as the Biddle Memorial Institute by Reverend S.C. Alexander and Reverend W.L. Miller in Charlotte, North Carolina;

Whereas the first football game with African-American players was played at Biddle University in 1892, a game that today is called the "Commemorative Classic";

Whereas Johnson C. Smith University—
(1) is the first historically Black college and university in the South to offer professional courses in education; and

(2) has produced numerous politicians, including Eva Clayton, the first African-American to represent North Carolina in the House of Representatives since the 19th century;

Whereas Morehouse College—
(1) in 1867, was founded by the Reverend William Jefferson White in Augusta, Georgia;

(2) in 1879, was moved from Augusta, Georgia, to its current location in Atlanta, Georgia;

(3) is the largest college for men in the United States, enrolling more than 2,000 students;

(4) is 1 of only 2 historically Black colleges and universities to produce a Rhodes scholar; and

(5) has graduated a number of African-American luminaries, including the Mayor of Atlanta, Georgia, Maynard Jackson, film director Spike Lee, and the Reverend Martin Luther King, Jr.;

Whereas 2 current Members of Congress are graduates of Morehouse College;

Whereas Morgan State University was founded in Baltimore, Maryland, as the Centenary Biblical Institute in 1867 to train former slaves and freedmen for the Methodist ministry;

Whereas, the Centenary Biblical Institute—

(1) in 1874, became coeducational;

(2) in 1890, changed its name to Morgan College in honor of one of its board members; and

(3) in 1939, was purchased by the State of Maryland to provide more academic opportunities for black students and was renamed Morgan State College;

Whereas Morgan State College—
(1) distinguished itself as a liberal arts college;

(2) in 1975, was granted university status; and

(3) has been designated as the preeminent public research university in Maryland, as well as a National Treasure by the National Trust for Historic Preservation;

Whereas, in 2004, the Morgan State Choir was named "The Nation's Best College Choir" by Reader's Digest and has performed for audiences on 4 continents;

Whereas Morgan State University—

(1) has graduated a great number of prominent African-American leaders in politics, law, entertainment, and science; and

(2) has a list of alumni that includes Congressmen Parren J. Mitchell and Kweisi Mfume, Chief Justice of the Court of Appeals of Maryland Robert M. Bell, novelist Zora Neale Hurston, and Pulitzer-Prize winner James Alan McPherson;

Whereas St. Augustine's University was founded in 1867 as the St. Augustine's Normal School by prominent Episcopal clergy for the education of freed slaves in Raleigh, North Carolina;

Whereas St. Agnes Hospital and Training School for Nurses, the first school of nursing

for African-American students in the state of North Carolina—

(1) was established by St. Augustine's Normal School in 1895; and

(2) was the only hospital in North Carolina that served African-Americans until 1960;

Whereas St. Augustine's University was the first historically Black college and university to own an on-campus commercial radio and television station; and

Whereas Talladega College—
(1) was founded by 3 former slaves in Talladega, Alabama, in 1867;

(2) is the oldest, private historically Black college and university in the State of Alabama;

(3) was the first institution in the State of Alabama to admit qualified persons of any race or ethnicity; and

(4) has produced several African-American "firsts", including—

(A) Wynona Lipman, the first African-American woman elected to the Senate of the State of New Jersey; and

(B) the Reverend Dr. Paul Smith, the first African-American minister at the First Presbyterian Church of Brooklyn, New York; Now, therefore, be it
Resolved, That the Senate—

(1) honors the accomplishments of—

(A) the 9 historically Black colleges and universities that celebrated their sesquicentennial anniversaries during the week of September 24 through September 30, 2017; and

(B) historically Black colleges and universities in general;

(2) celebrates the 150th anniversary of those 9 institutions;

(3) encourages Congress and the people of the United States to recognize the beneficial impact historically Black colleges and universities have had on the United States; and

(4) respectfully requests that the Secretary of the Senate make available 5 enrolled copies of this resolution to the Office of the President or Chancellor of each of those 9 historically Black colleges and universities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1864. Mr. McCONNELL (for Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. TILLIS, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes.

SA 1865. Mr. McCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 2070, to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

SA 1866. Mr. McCONNELL (for Ms. WARREN) proposed an amendment to the resolution S. Res. 336, recognizing the seriousness of Polycystic Ovary Syndrome and expressing support for the designation of the month of September 2018 as "Polycystic Ovary Syndrome Awareness Month".

SA 1867. Mr. McCONNELL (for Ms. WARREN) proposed an amendment to the resolution S. Res. 336, *supra*.

TEXT OF AMENDMENTS

SA 1864. Mr. McCONNELL (for Mr. GRASSLEY (for himself, Ms. KLOBUCHAR,

Mr. TILLIS, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; as follows:

At the end, add the following:

TITLE II—KEVIN AND AVONTE'S LAW OF 2017

SEC. 201. SHORT TITLE.

This title may be cited as the “Kevin and Avonte’s Law of 2017”.

Subtitle A—Missing Alzheimer’s Disease Patient Alert Program Reauthorization

SEC. 211. SHORT TITLE.

This subtitle may be cited as the “Missing Americans Alert Program Act of 2017”.

SEC. 212. REAUTHORIZATION OF THE MISSING ALZHEIMER’S DISEASE PATIENT ALERT PROGRAM.

(a) AMENDMENTS.—Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621) is amended—

(1) in the section header, by striking “ALZHEIMER’S DISEASE PATIENT” and inserting “AMERICANS”;

(2) by striking subsection (a) and inserting the following:

“(a) GRANT PROGRAM TO REDUCE INJURY AND DEATH OF MISSING AMERICANS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES.—Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services—

“(1) shall award competitive grants to health care agencies, State and local law enforcement agencies, or public safety agencies and nonprofit organizations to assist such entities in planning, designing, establishing, or operating locally based, proactive programs to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism, who, due to their condition, wander from safe environments, including programs that—

“(A) provide prevention and response information, including online training resources, and referrals to families or guardians of such individuals who, due to their condition, wander from a safe environment;

“(B) provide education and training, including online training resources, to first responders, school personnel, clinicians, and the public in order to—

“(i) increase the safety and reduce the incidence of wandering of persons, who, due to their dementia or developmental disabilities, may wander from safe environments;

“(ii) facilitate the rescue and recovery of individuals who, due to their dementia or developmental disabilities, wander from safe environments; and

“(iii) recognize and respond to and appropriately interact with endangered missing individuals with dementia or developmental disabilities who, due to their condition, wander from safe environments;

“(C) provide prevention and response training and emergency protocols for school administrators, staff, and families or guardians of individuals with dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism, to help reduce the risk of wandering by such individuals; and

“(D) develop, operate, or enhance a notification or communications systems for

alerts, advisories, or dissemination of other information for the recovery of missing individuals with forms of dementia, such as Alzheimer’s Disease, or with developmental disabilities, such as autism; and

“(2) shall award grants to health care agencies, State and local law enforcement agencies, or public safety agencies to assist such agencies in designing, establishing, and operating locative tracking technology programs for individuals with forms of dementia, such as Alzheimer’s Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments.”;

(3) in subsection (b)—

(A) by inserting “competitive” after “to receive a”;

(B) by inserting “agency or” before “organization” each place it appears; and

(C) by adding at the end the following: “The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.”; and

(4) by striking subsections (c) and (d) and inserting the following:

“(c) PREFERENCE.—In awarding grants under subsection (a)(1), the Attorney General shall give preference to law enforcement or public safety agencies that partner with nonprofit organizations that appropriately use person-centered plans minimizing restrictive interventions and that have a direct link to individuals, and families of individuals, with forms of dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2018 through 2022.

“(e) GRANT ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the

entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION OF NONPROFIT ORGANIZATION.—For purposes of this paragraph and the grant programs under this section, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and
 “(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

“(f) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded by the Attorney General to determine if grant awards are or have been awarded for a similar purpose.

“(2) REPORT.—If the Attorney General awards grants to the same applicant for a similar purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(A) a list of all such grants awarded, including the total dollar amount of any such grants awarded; and

“(B) the reason the Attorney General awarded multiple grants to the same applicant for a similar purpose.”.

(b) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the Missing Americans Alert Program, as amended by subsection (a), which shall address—

(1) the number of individuals who benefited from the Missing Americans Alert Program, including information such as the number of individuals with reduced unsafe wandering, the number of people who were trained through the program, and the estimated number of people who were impacted by the program;

(2) the number of State, local, and tribal law enforcement or public safety agencies that applied for funding under the Missing Americans Alert Program;

(3) the number of State, local, and tribal local law enforcement or public safety agencies that received funding under the Missing Americans Alert Program, including—

(A) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for training; and

(B) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for designing, establishing, or operating locative tracking technology;

(4) the companies, including the location (city and State) of the headquarters and local offices of each company, for which their locative tracking technology was used by State, local, and tribal law enforcement or public safety agencies;

(5) the nonprofit organizations, including the location (city and State) of the headquarters and local offices of each organization, that State, local, and tribal law enforcement or public safety agencies partnered with and the result of each partnership;

(6) the number of missing children with autism or another developmental disability with wandering tendencies or adults with Alzheimer's being served by the program who went missing and the result of the search for each such individual; and

(7) any recommendations for improving the Missing Americans Alert Program.

(c) TABLE OF CONTENTS.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the item relating to section 240001 and inserting the following:

“Sec. 240001. Missing Americans Alert Program.”.

Subtitle B—Education and Outreach

SEC. 231. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 404(b)(1)(H) of the Missing Children's Assistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by inserting “, including cases involving children with developmental disabilities such as autism” before the semicolon.

Subtitle C—Privacy Protections

SEC. 241. DEFINITIONS.

In this subtitle:

(1) CHILD.—The term “child” means an individual who is less than 18 years of age.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(3) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(4) NON-INVASIVE AND NON-PERMANENT.—The term “non-invasive and non-permanent” means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device, such as a microchip, or other trackable items.

(5) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(6) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 242. STANDARDS AND BEST PRACTICES FOR USE OF NON-INVASIVE AND NON-PERMANENT TRACKING DEVICES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services and leading research, advocacy, self-advocacy, and service organizations, shall establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology, where a guardian or parent has determined that a non-invasive and non-permanent tracking device is the least restrictive alternative, to locate individuals as described in subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this title.

(2) REQUIREMENTS.—In establishing the standards and best practices required under paragraph (1), the Attorney General shall—

(A) determine—

(i) the criteria used to determine which individuals would benefit from the use of a tracking device;

(ii) the criteria used to determine who should have direct access to the tracking system; and

(iii) which non-invasive and non-permanent types of tracking devices can be used in

compliance with the standards and best practices; and

(B) establish standards and best practices the Attorney General determines are necessary to the administration of a tracking system, including procedures to—

(i) safeguard the privacy of the data used by the tracking device such that—

(I) access to the data is restricted to law enforcement and health agencies determined necessary by the Attorney General; and

(II) collection, use, and retention of the data is solely for the purpose of preventing injury to or death of the individual wearing the tracking device;

(ii) establish criteria to determine whether use of the tracking device is the least restrictive alternative in order to prevent risk of injury or death before issuing the tracking device, including the previous consideration of less restrictive alternatives;

(iii) provide training for law enforcement agencies to recognize signs of abuse during interactions with applicants for tracking devices;

(iv) protect the civil rights and liberties of the individuals who use tracking devices, including their rights under the Fourth Amendment to the Constitution of the United States;

(v) establish a complaint and investigation process to address—

(I) incidents of noncompliance by recipients of grants under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this title, with the best practices established by the Attorney General or other applicable law; and

(II) use of a tracking device over the objection of an individual; and

(vi) determine the role that State agencies should have in the administration of a tracking system.

(3) EFFECTIVE DATE.—The standards and best practices established pursuant to paragraph (1) shall take effect 90 days after publication of such standards and practices by the Attorney General.

(b) REQUIRED COMPLIANCE.—

(1) IN GENERAL.—Each entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this title, shall comply with any standards and best practices relating to the use of tracking devices established by the Attorney General in accordance with subsection (a).

(2) DETERMINATION OF COMPLIANCE.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall determine whether an entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this title, acts in compliance with the standards and best practices described in paragraph (1).

(c) APPLICABILITY OF STANDARDS AND BEST PRACTICES.—The standards and best practices established by the Attorney General under subsection (a) shall apply only to the grant programs authorized under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this title.

(d) LIMITATIONS ON PROGRAM.—

(1) DATA STORAGE.—Any tracking data provided by tracking devices issued under this program may not be used by a Federal entity to create a database.

(2) VOLUNTARY PARTICIPATION.—Nothing in this title may be construed to require that a

parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian's supervision if the parent or guardian does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

SA 1865. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 2070, to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism; as follows:

On page 8, line 11, strike "part" and insert "section".

On page 8, line 18, strike "part" and insert "section".

On page 15, between lines 9 and 10, insert the following:

(4) NON-INVASIVE AND NON-PERMANENT.—The term "non-invasive and non-permanent" means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device, such as a microchip, or other trackable items.

On page 15, line 10, strike "(4)" and insert "(5)".

On page 15, line 15, strike "(5)" and insert "(6)".

On page 15, strike lines 20 through 25.

On page 17, beginning on line 20, strike "injury or death to the individual" and insert "injury to or death of the individual".

On page 19, line 24, strike "requirement" and insert "standards and best practices".

SA 1866. Mr. MCCONNELL (for Ms. WARREN) proposed an amendment to the resolution S. Res. 336, recognizing the seriousness of Polycystic Ovary Syndrome and expressing support for the designation of the month of September 2018 as "Polycystic Ovary Syndrome Awareness Month"; as follows:

On page 4, line 5, insert "and" after the semicolon.

On page 4, strike lines 6 through 7.

On page 4, line 8, strike "(D)" and insert "(C)".

On page 4, line 15, strike "are afflicted with PCOS;" and insert "have PCOS; and".

On page 4, strike lines 16 through 19.

On page 4, line 20, strike "(6)" and insert "(5)".

SA 1867. Mr. MCCONNELL (for Ms. WARREN) proposed an amendment to the resolution S. Res. 336, recognizing the seriousness of Polycystic Ovary Syndrome and expressing support for the designation of the month of September 2018 as "Polycystic Ovary Syndrome Awareness Month"; as follows:

In the seventh whereas clause of the preamble, strike "which" and insert "and".

In the thirteenth whereas clause of the preamble, strike "up to 80 percent of" and insert "many".

In the fifteenth whereas clause of the preamble, strike the semicolon at the end and insert ", which does not include the costs associated with treatment of comorbidities;".

Strike the sixteenth whereas clause of the preamble.

MEASURES DISCHARGED, THE CALENDAR, AND MEASURES RECEIVED FROM THE HOUSE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be discharged from further consideration of the following bills: S. 1438 and H.R. 1927; and that the Senate proceed to the immediate consideration of those bills and the following bills en bloc: Calendar No. 49, S. 35; Calendar No. 54, S. 432; Calendar No. 55, S. 466; Calendar No. 62, H.R. 267; Calendar No. 64, H.R. 560; Calendar No. 72, H.R. 699; Calendar No. 88, H.R. 863; Calendar No. 125, S. 167; Calendar No. 148, H.R. 381; Calendar No. 170, H.R. 954; H.R. 1242, received from the House; H.R. 1306, received from the House; and H.R. 2611, received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. MCCONNELL. I further ask unanimous consent that, where applicable, the committee-reported amendments be agreed to, and the bills, as amended, if amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

GATEWAY ARCH NATIONAL PARK DESIGNATION ACT

The bill (S. 1438) to redesignate the Jefferson National Expansion Memorial in the State of Missouri as the "Gateway Arch National Park," was ordered to be engrossed for a third reading and was read the third time.

ESTABLISHING WITHIN THE NATIONAL PARK SERVICE THE AFRICAN AMERICAN CIVIL RIGHTS NETWORK

The bill (H.R. 1927) to amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes, was ordered to a third reading and was read the third time.

BLACK HILLS NATIONAL CEMETERY BOUNDARY EXPANSION ACT

The Senate proceeded to consider the bill (S. 35) to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Hills National Cemetery Boundary Expansion Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CEMETERY.—The term "Cemetery" means the Black Hills National Cemetery in Sturgis, South Dakota.

(2) FEDERAL LAND.—The term "Federal land" means the approximately 200 acres of Bureau of Land Management land adjacent to the Cemetery, generally depicted as "Proposed National Cemetery Expansion" on the map entitled "Proposed Expansion of Black Hills National Cemetery—South Dakota" and dated June 16, 2016.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND MANAGEMENT LAND FOR CEMETERY USE.

(a) CONDUCT OF DUE DILIGENCE ACTIVITIES BY THE SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Before the transfer of administrative jurisdiction and withdrawal of the Federal land under subsections (b) and (c), respectively, and subject to paragraph (2), the Secretary of Veterans Affairs shall complete any appropriate environmental, cultural resource, and other due diligence activities on the Federal land that would enable the Secretary of Veterans Affairs to confirm that the Federal land is suitable for cemetery purposes.

(2) NOTICE; REQUIRED COORDINATION.—The Secretary of Veterans Affairs shall—

(A) before conducting any due diligence activities under paragraph (1), notify the Secretary of the activities to be conducted;

(B) as the Secretary of Veterans Affairs determines to be necessary in the conduct of the due diligence activities under paragraph (1), coordinate the activities with the Secretary; and

(C) if the Secretary of Veterans Affairs determines, on completion of the due diligence activities under paragraph (1), that the Federal land is suitable for cemetery purposes, submit written notice of the determination to the Secretary.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) TRANSFER.—

(A) IN GENERAL.—On receipt by the Secretary of written notice of a determination that the Federal land is suitable for cemetery purposes under subsection (a)(2)(C), except as provided in subparagraph (B), and subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(B) EXCLUSION.—The transfer of administrative jurisdiction over the Federal land under subparagraph (A) shall not include the land located within 100 feet of the center of the Centennial Trail, as generally depicted on the map entitled "Proposed Expansion of Black Hills National Cemetery—South Dakota" and dated June 16, 2016.

(2) LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(B) EFFECT.—A legal description published under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical and typographical errors in the legal description.

(C) AVAILABILITY.—Copies of the legal description published under subparagraph (A) shall be available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the National Cemetery Administration.

(D) COSTS.—The Secretary of Veterans Affairs shall reimburse the Secretary for the costs incurred by the Secretary in carrying out this paragraph, including the costs of any surveys and other reasonable costs.

(c) WITHDRAWAL.—On receipt by the Secretary of written notice of a determination that the Federal land is suitable for cemetery purposes under subsection (a)(2)(C) and subject to valid existing rights, the Federal land—

(1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws; and

(2) shall be treated as property as defined under section 102(9) of title 40, United States Code.

(d) BOUNDARY MODIFICATION.—The boundary of the Cemetery is modified to include the Federal land.

(e) MODIFICATION OF PUBLIC LAND ORDER.—Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the Federal land.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

CERROS DEL NORTE CONSERVATION ACT

The bill (S. 432) to designate the Cerro del Yuta and Rio San Antonio Wilderness Areas in the State of New Mexico, and for other purposes, was ordered to be engrossed for a third reading and was read the third time.

CLARIFYING THE DESCRIPTION OF CERTAIN FEDERAL LAND UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005

The Senate proceeded to consider the bill (S. 466) to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in Kaibab National Forest, was ordered to be engrossed for a third reading and was read the third time.

MARTIN LUTHER KING, JR. NA- TIONAL HISTORICAL PARK ACT OF 2017

The bill (H.R. 267) to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes, was ordered to a third reading and was read the third time.

AMENDING THE DELAWARE WATER GAP NATIONAL RECRE- ATION AREA IMPROVEMENT ACT

The bill (H.R. 560) to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the

Delaware Water Gap National Recreation Area, and for other purposes, was ordered to a third reading and was read the third time.

MOUNT HOOD COOPER SPUR LAND EXCHANGE CLARIFICATION ACT

The bill (H.R. 699) to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon, was ordered to a third reading and was read the third time.

TO FACILITATE THE ADDITION OF PARK ADMINISTRATION AT THE COLTSVILLE NATIONAL HISTOR- ICAL PARK

The bill (H.R. 863) to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes, was ordered to a third reading and was read the third time.

NATIONAL MEMORIAL TO FALLEN EDUCATORS ACT

The Senate proceeded to consider the bill (S. 167) to designate a National Memorial to Fallen Educators at the National Teachers Hall of Fame in Emporia, Kansas, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be deleted is shown in boldface brackets and the part of the bill intended to be inserted is shown in *italics*.)

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Memorial to Fallen Educators Act”.

ISEC. 2. FINDINGS.

[Congress finds that—

[(1) from 1764 to the date of enactment of this Act, more than 119 educators from 36 States have lost their lives in the United States while performing professional duties;

[(2) the United States lacks a national memorial dedicated to fallen educators; and

[(3) a memorial to fallen educators at the National Teachers Hall of Fame in Emporia, Kansas—

[(A) was dedicated on June 12, 2014; and

[(B) will honor educators who have lost their lives in the line of professional service.

ISEC. 3. DESIGNATION.]

SEC. 2. DESIGNATION.

(a) IN GENERAL.—The memorial to fallen educators located at the National Teachers Hall of Fame in Emporia, Kansas, is designated as the “National Memorial to Fallen Educators”.

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System and the designation of the National Memorial to Fallen Educators shall not require or permit Federal funds to be expended for any purpose related to that national memorial.

The committee-reported amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

DESIGNATING A MOUNTAIN IN THE JOHN MUIR WILDERNESS OF THE SIERRA NATIONAL FOREST AS “SKY POINT”

The bill (H.R. 381) to designate a mountain in the John Muir Wilderness of the Sierra National Forest as “Sky Point,” was ordered to a third reading and was read the third time.

REMOVING THE USE RESTRIC- TIONS ON CERTAIN LAND TRANSFERRED TO ROCKINGHAM COUNTY, VIRGINIA

The bill (H.R. 954) to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes, was ordered to a third reading and was read the third time.

ESTABLISHING THE 400 YEARS OF AFRICAN-AMERICAN HISTORY COMMISSION

The bill (H.R. 1242) to establish the 400 Years of African-American History Commission, and for other purposes, was ordered to a third reading and was read the third time.

PROVIDING FOR THE CONVEYANCE OF CERTAIN FEDERAL LAND IN THE STATE OF OREGON

The bill (H.R. 1306) to provide for the conveyance of certain Federal land in the State of Oregon, and for other purposes, was ordered to a third reading and was read the third time.

TO MODIFY THE BOUNDARY OF THE LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HIS- TORIC SITE

The bill (H.R. 2611) to modify the boundary of the Little Rock Central High School National Historic Site, and for other purposes, was ordered to a third reading and was read the third time.

Mr. McCONNELL. Mr. President, I know of no further debate on the bills.

The PRESIDING OFFICER. If there is no further debate, the bills having been read the third time, the question is, Shall the bills pass en bloc?

The bill (S. 1438) was passed, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gateway Arch National Park Designation Act”.

SEC. 2. DESIGNATION OF GATEWAY ARCH NATIONAL PARK.

(a) **REDESIGNATION.**—The Jefferson National Expansion Memorial established under the Act of May 17, 1954 (16 U.S.C. 450jj et seq.), shall be known and designated as the “Gateway Arch National Park”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Jefferson National Expansion Memorial shall be considered to be a reference to the “Gateway Arch National Park”.

The bill (H.R. 1927) was passed.

The bill (S. 35) was passed.

The bill (S. 432) was passed, as follows:

S. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cerro del Norte Conservation Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Rio Grande del Norte National Monument Proposed Wilderness Areas” and dated July 28, 2015.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **WILDERNESS AREA.**—The term “wilderness area” means a wilderness area designated by section 3(a).

SEC. 3. DESIGNATION OF CERRO DEL YUTA AND RIO SAN ANTONIO WILDERNESS AREAS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Rio Grande del Norte National Monument are designated as wilderness and as components of the National Wilderness Preservation System:

(1) **CERRO DEL YUTA WILDERNESS.**—Certain land administered by the Bureau of Land Management in Taos County, New Mexico, comprising approximately 13,420 acres as generally depicted on the map, which shall be known as the “Cerro del Yuta Wilderness”.

(2) **RIO SAN ANTONIO WILDERNESS.**—Certain land administered by the Bureau of Land Management in Rio Arriba County, New Mexico, comprising approximately 8,120 acres, as generally depicted on the map, which shall be known as the “Rio San Antonio Wilderness”.

(b) **MANAGEMENT OF WILDERNESS AREAS.**—Subject to valid existing rights, the wilderness areas shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that with respect to the wilderness areas designated by this Act—

(1) any reference to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(c) **INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.**—Any land or interest in land within the boundary of the wilderness areas that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this Act; and

(C) any other applicable laws.

(d) **GRAZING.**—Grazing of livestock in the wilderness areas, where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(e) **BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this Act creates a protective perimeter or buffer zone around the wilderness areas.

(2) **ACTIVITIES OUTSIDE WILDERNESS AREAS.**—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(f) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land within the San Antonio Wilderness Study Area not designated as wilderness by this section—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with this Act.

(g) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and legal descriptions of the wilderness areas with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the legal description and map.

(3) **PUBLIC AVAILABILITY.**—The map and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(h) **NATIONAL LANDSCAPE CONSERVATION SYSTEM.**—The wilderness areas shall be administered as components of the National Landscape Conservation System.

(i) **FISH AND WILDLIFE.**—Nothing in this Act affects the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public land in the State.

(j) **WITHDRAWALS.**—Subject to valid existing rights, any Federal land within the wilderness areas designated by subsection (a), including any land or interest in land that is acquired by the United States after the date of enactment of this Act, is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) **TREATY RIGHTS.**—Nothing in this Act enlarges, diminishes, or otherwise modifies any treaty rights.

The bill (S. 466) was passed, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION RELATING TO A CERTAIN LAND DESCRIPTION UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005.

Section 104(a)(5) of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109-110; 119 Stat. 2356) is amended by inserting before the period at the end “, which, notwithstanding section 102(a)(4)(B), includes the N½, NE¼, SW¼, SW¼, the N½, N½, SE¼, SW¼, and the N½, N½, SW¼, SE¼, sec. 34, T. 22 N., R. 2 E., Gila and Salt River Meridian, Coconino County, comprising approximately 25 acres”.

The bill (H.R. 267) was passed.

The bill (H.R. 560) was passed.

The bill (H.R. 699) was passed.

The bill (H.R. 863) was passed.

The bill (S. 167) was passed, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Memorial to Fallen Educators Act”.

SEC. 2. DESIGNATION.

(a) **IN GENERAL.**—The memorial to fallen educators located at the National Teachers Hall of Fame in Emporia, Kansas, is designated as the “National Memorial to Fallen Educators”.

(b) **EFFECT OF DESIGNATION.**—The national memorial designated by this section is not a unit of the National Park System and the designation of the National Memorial to Fallen Educators shall not require or permit Federal funds to be expended for any purpose related to that national memorial.

The bill (H.R. 381) was passed.

The bill (H.R. 954) was passed.

The bill (H.R. 1242) was passed.

The bill (H.R. 1306) was passed.

The bill (H.R. 2611) was passed.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIESEL EMISSIONS REDUCTION ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 219, S. 1447.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1447) to reauthorize the diesel emissions reduction program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1447) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Diesel Emissions Reduction Act of 2017”.

SEC. 2. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking “2016” and inserting “2022”.

SEC. 3. RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FLEET USE.

(a) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting “, recognizing differences in typical vehicle, engine, equipment, and fleet use throughout the United States” before the semicolon.

(b) STATE GRANT, REBATE, AND LOAN PROGRAMS.—Section 793(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16133(b)(1)) is amended—

(1) in subparagraph (B), by striking “; and” and inserting a semicolon; and

(2) by adding at the end the following:

“(D) the recognition, for purposes of implementing this section, of differences in typical vehicle, engine, equipment, and fleet use throughout the United States, including expected useful life; and”.

SEC. 4. REALLOCATION OF UNUSED STATE FUNDS.

Section 793(c)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16133(c)(2)(C)) is amended beginning in the matter preceding clause (i) by striking “to each remaining” and all that follows through “this paragraph” in clause (ii) and inserting “to carry out section 792”.

STRENGTHENING THE DEPARTMENT OF HOMELAND SECURITY SECURE MAIL INITIATIVE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 241, S. 1208.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1208) to direct the Secretary of Homeland Security to provide for an option under the Secure Mail Initiative under which a person to whom a document is sent under that initiative may elect to have the United States Postal Service use the Hold for Pickup service or the Signature Confirmation service in delivering the document, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Department of Homeland Security Secure Mail Initiative Act”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms “Hold for Pickup service” and “Signature Confirmation service” [means] mean the services described in sections [508.7.2.1] 507.3.0 and 503.8.1.1.a, respectively, of the Domestic Mail Manual (or any successor services);

(2) the term “Immigration Examinations Fee Account” means the account established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m));

(3) the term “Postal Service” means the United States Postal Service; and

(4) the term “Secretary” means the Secretary of Homeland Security.

SEC. 3. OFFERING HOLD FOR PICKUP AND SIGNATURE CONFIRMATION SERVICES UNDER THE SECURE MAIL INITIATIVE.

(a) IN GENERAL.—Beginning not later than 1 year after the date of enactment of this Act, the Secretary shall provide for an option under the Secure Mail Initiative (or any successor program) under which a person to whom a document is sent under that initiative may elect, except as provided in subsection (e), to have the Postal Service use the Hold for Pickup service or the Signature Confirmation service in delivering the document.

(b) FEE.—

(1) IN GENERAL.—The Secretary, in accordance with section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), shall require the payment of a fee from a person electing a service under subsection (a), which shall be set at a level that ensures recovery of—

(A) the full costs of providing all such services; and

(B) any additional costs associated with the administration of the fees collected.

(2) ALLOCATION OF FUNDS.—Of the fees collected under paragraph (1), the Secretary shall—

(A) deposit as offsetting receipts into the Immigration Examinations Fee Account the portion representing—

(i) the cost to the Secretary of providing the services under subsection (a); and

(ii) any additional costs associated with the administration of the fees collected; and

(B) transfer to the Postal Service the portion representing the cost to the Postal Service of providing the services under subsection (a).

(c) REGULATIONS.—The Postal Service may promulgate regulations that—

(1) subject to paragraph (2), minimize the cost of providing the services under subsection (a); and

(2) do not require the Postal Service to incur additional expenses that are not recoverable under subsection (b).

(d) NOTICE OF CHANGES.—The Postal Service shall notify the Secretary of any changes to the Hold for Pickup service or the Signature Confirmation service.

(e) USE OF PRIVATE CARRIER.—

(1) IN GENERAL.—If the Secretary determines that a private carrier that offers substantially similar services to the Hold for Pickup and Signature Confirmation services would provide better service and value than the Postal Service provides under subsection (a), the Secretary may, in accordance with paragraph (2) of this subsection—

(A) discontinue use of the services of the Postal Service under subsection (a); and

(B) enter into a contract with the private carrier under which a person to whom a document is sent under the Secure Mail Initiative (or any successor program) may elect to have the private carrier use one of the sub-

stantially similar services in delivering the document.

(2) REQUIREMENTS.—The Secretary may not exercise the authority under paragraph (1) unless the Secretary—

(A) determines, and notifies the Postal Service, that the private carrier offers services that are substantially similar to the Hold for Pickup and Signature Confirmation services;

(B) provides for an option under the Secure Mail Initiative (or any successor program) under which a person to whom a document is sent under that initiative may elect a service under paragraph (1)(B);

(C) requires the payment of a fee from a person electing a service under paragraph (1)(B), which shall be set at a level that ensures recovery of—

(i) the full cost of contracting with the private carrier to provide all such services; and

(ii) any additional costs associated with the administration of the fees collected; and

(D) deposits the fees collected under subparagraph (C) as offsetting receipts into the Immigration Examinations Fees Account.

SEC. 4. REPORT.

Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the implementation of the requirements under section 3;

(2) the fee imposed under subsection (b) or (e)(2)(C), as applicable, of section 3; and

(3) the number of times during the previous year that a person used a service under subsection (a) or (e)(1)(B) of section 3.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 1208), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Department of Homeland Security Secure Mail Initiative Act”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms “Hold for Pickup service” and “Signature Confirmation service” mean the services described in sections 507.3.0 and 503.8.1.1.a, respectively, of the Domestic Mail Manual (or any successor services);

(2) the term “Immigration Examinations Fee Account” means the account established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m));

(3) the term “Postal Service” means the United States Postal Service; and

(4) the term “Secretary” means the Secretary of Homeland Security.

SEC. 3. OFFERING HOLD FOR PICKUP AND SIGNATURE CONFIRMATION SERVICES UNDER THE SECURE MAIL INITIATIVE.

(a) IN GENERAL.—Beginning not later than 1 year after the date of enactment of this

Act, the Secretary shall provide for an option under the Secure Mail Initiative (or any successor program) under which a person to whom a document is sent under that initiative may elect, except as provided in subsection (e), to have the Postal Service use the Hold for Pickup service or the Signature Confirmation service in delivering the document.

(b) **FEE.**—

(1) **IN GENERAL.**—The Secretary, in accordance with section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), shall require the payment of a fee from a person electing a service under subsection (a), which shall be set at a level that ensures recovery of—

(A) the full costs of providing all such services; and

(B) any additional costs associated with the administration of the fees collected.

(2) **ALLOCATION OF FUNDS.**—Of the fees collected under paragraph (1), the Secretary shall—

(A) deposit as offsetting receipts into the Immigration Examinations Fee Account the portion representing—

(i) the cost to the Secretary of providing the services under subsection (a); and

(ii) any additional costs associated with the administration of the fees collected; and

(B) transfer to the Postal Service the portion representing the cost to the Postal Service of providing the services under subsection (a).

(c) **REGULATIONS.**—The Postal Service may promulgate regulations that—

(1) subject to paragraph (2), minimize the cost of providing the services under subsection (a); and

(2) do not require the Postal Service to incur additional expenses that are not recoverable under subsection (b).

(d) **NOTICE OF CHANGES.**—The Postal Service shall notify the Secretary of any changes to the Hold for Pickup service or the Signature Confirmation service.

(e) **USE OF PRIVATE CARRIER.**—

(1) **IN GENERAL.**—If the Secretary determines that a private carrier that offers substantially similar services to the Hold for Pickup and Signature Confirmation services would provide better service and value than the Postal Service provides under subsection (a), the Secretary may, in accordance with paragraph (2) of this subsection—

(A) discontinue use of the services of the Postal Service under subsection (a); and

(B) enter into a contract with the private carrier under which a person to whom a document is sent under the Secure Mail Initiative (or any successor program) may elect to have the private carrier use one of the substantially similar services in delivering the document.

(2) **REQUIREMENTS.**—The Secretary may not exercise the authority under paragraph (1) unless the Secretary—

(A) determines, and notifies the Postal Service, that the private carrier offers services that are substantially similar to the Hold for Pickup and Signature Confirmation services;

(B) provides for an option under the Secure Mail Initiative (or any successor program) under which a person to whom a document is sent under that initiative may elect a service under paragraph (1)(B);

(C) requires the payment of a fee from a person electing a service under paragraph (1)(B), which shall be set at a level that ensures recovery of—

(i) the full cost of contracting with the private carrier to provide all such services; and

(ii) any additional costs associated with the administration of the fees collected; and

(D) deposits the fees collected under subparagraph (C) as offsetting receipts into the Immigration Examinations Fees Account.

SEC. 4. REPORT.

Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the implementation of the requirements under section 3;

(2) the fee imposed under subsection (b) or (e)(2)(C), as applicable, of section 3; and

(3) the number of times during the previous year that a person used a service under subsection (a) or (e)(1)(B) of section 3.

FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, H.R. 195.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 195) to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Grassley amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1864) was agreed to.

(The text of the amendment is printed in today's RECORD under "Submitted Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 195), as amended, was passed.

KEVIN AND AVONTE'S LAW OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 270, S. 2070.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2070) to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be inserted is printed in italics.)

S. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kevin and Avonte's Law of 2017".

TITLE I—MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM REAUTHORIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Missing Americans Alert Program Act of 2017".

SEC. 102. REAUTHORIZATION OF THE MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) **AMENDMENTS.**—Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621) is amended—

(1) in the section header, by striking "ALZHEIMER'S DISEASE PATIENT" and inserting "AMERICANS";

(2) by striking subsection (a) and inserting the following:

"(a) **GRANT PROGRAM TO REDUCE INJURY AND DEATH OF MISSING AMERICANS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES.**—Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services—

"(1) shall award competitive grants to health care agencies, State and local law enforcement agencies, or public safety agencies and nonprofit organizations to assist such entities in planning, designing, establishing, or operating locally based, proactive programs to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism, who, due to their condition, wander from safe environments, including programs that—

"(A) provide prevention and response information, including online training resources, and referrals to families or guardians of such individuals who, due to their condition, wander from a safe environment;

"(B) provide education and training, including online training resources, to first responders, school personnel, clinicians, and the public in order to—

"(i) increase the safety and reduce the incidence of wandering of persons, who, due to their dementia or developmental disabilities, may wander from safe environments;

"(ii) facilitate the rescue and recovery of individuals who, due to their dementia or developmental disabilities, wander from safe environments; and

"(iii) recognize and respond to and appropriately interact with endangered missing individuals with dementia or developmental disabilities who, due to their condition, wander from safe environments;

"(C) provide prevention and response training and emergency protocols for school administrators, staff, and families or guardians of individuals with dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism, to help reduce the risk of wandering by such individuals; and

"(D) develop, operate, or enhance a notification or communications systems for alerts, advisories, or dissemination of other information for the recovery of missing individuals with forms of dementia, such as Alzheimer's Disease, or with developmental disabilities, such as autism; and

"(2) shall award grants to health care agencies, State and local law enforcement

agencies, or public safety agencies to assist such agencies in designing, establishing, and operating locative tracking technology programs for individuals with forms of dementia, such as Alzheimer's Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments.”;

(3) in subsection (b)—

(A) by inserting “competitive” after “to receive a”;

(B) by inserting “agency or” before “organization” each place it appears; and

(C) by adding at the end the following: “The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.”; and

(4) by striking subsections (c) and (d) and inserting the following:

“(c) PREFERENCE.—In awarding grants under subsection (a)(1), the Attorney General shall give preference to law enforcement or public safety agencies that partner with nonprofit organizations that appropriately use person-centered plans minimizing restrictive interventions and that have a direct link to individuals, and families of individuals, with forms of dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2018 through 2022.

“(e) GRANT ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION OF NONPROFIT ORGANIZATION.—For purposes of this paragraph and the grant programs under this part, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

“(f) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded by the Attorney General to determine if grant awards are or have been awarded for a similar purpose.

“(2) REPORT.—If the Attorney General awards grants to the same applicant for a similar purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(A) a list of all such grants awarded, including the total dollar amount of any such grants awarded; and

“(B) the reason the Attorney General awarded multiple grants to the same applicant for a similar purpose.”.

(b) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the Missing Americans Alert Program, as amended by subsection (a), which shall address—

(1) the number of individuals who benefitted from the Missing Americans Alert Program, including information such as the number of individuals with reduced unsafe wandering, the number of people who were trained through the program, and the estimated number of people who were impacted by the program;

(2) the number of State, local, and tribal law enforcement or public safety agencies that applied for funding under the Missing Americans Alert Program;

(3) the number of State, local, and tribal law enforcement or public safety agencies that received funding under the Missing Americans Alert Program, including—

(A) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for training; and

(B) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for designing, establishing, or operating locative tracking technology;

(4) the companies, including the location (city and State) of the headquarters and local offices of each company, for which their locative tracking technology was used by State, local, and tribal law enforcement or public safety agencies;

(5) the nonprofit organizations, including the location (city and State) of the headquarters and local offices of each organization, that State, local, and tribal law enforcement or public safety agencies partnered with and the result of each partnership;

(6) the number of missing children with autism or another developmental disability with wandering tendencies or adults with Alzheimer's being served by the program who went missing and the result of the search for each such individual; and

(7) any recommendations for improving the Missing Americans Alert Program.

(c) TABLE OF CONTENTS.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the item relating to section 240001 and inserting the following:

“Sec. 240001. Missing Americans Alert Program.”.

TITLE II—EDUCATION AND OUTREACH**SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

Section 404(b)(1)(H) of the Missing Children's Assistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by inserting “, including cases involving children with developmental disabilities such as autism” before the semicolon.

TITLE III—PRIVACY PROTECTIONS**SEC. 301. DEFINITIONS.**

In this title:

(1) **CHILD.**—The term “child” means an individual who is less than 18 years of age.

(2) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(3) **LAW ENFORCEMENT AGENCY.**—The term “law enforcement agency” means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(4) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(5) **UNIT OF LOCAL GOVERNMENT.**—The term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

(6) **NON-INVASIVE AND NON-PERMANENT.**—The term “non-invasive and non-permanent” means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device, such as a microchip, or other trackable items.

SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF NON-INVASIVE AND NON-PERMANENT TRACKING DEVICES.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services and leading research, advocacy, self-advocacy, and service organizations, shall establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology, where a guardian or parent has determined that a non-invasive and non-permanent tracking device is the least restrictive alternative, to locate individuals as described in subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(2) **REQUIREMENTS.**—In establishing the standards and best practices required under paragraph (1), the Attorney General shall—

(A) determine—

(i) the criteria used to determine which individuals would benefit from the use of a tracking device;

(ii) the criteria used to determine who should have direct access to the tracking system; and

(iii) which non-invasive and non-permanent types of tracking devices can be used in compliance with the standards and best practices; and

(B) establish standards and best practices the Attorney General determines are necessary to the administration of a tracking system, including procedures to—

(i) safeguard the privacy of the data used by the tracking device such that—

(I) access to the data is restricted to law enforcement and health agencies determined necessary by the Attorney General; and

(II) collection, use, and retention of the data is solely for the purpose of preventing injury or death to the individual wearing the tracking device;

(ii) establish criteria to determine whether use of the tracking device is the least restrictive alternative in order to prevent risk of injury or death before issuing the tracking device, including the previous consideration of less restrictive alternatives;

(iii) provide training for law enforcement agencies to recognize signs of abuse during interactions with applicants for tracking devices;

(iv) protect the civil rights and liberties of the individuals who use tracking devices, including their rights under the Fourth Amendment to the Constitution of the United States;

(v) establish a complaint and investigation process to address—

(I) incidents of noncompliance by recipients of grants under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, with the best practices established by the Attorney General or other applicable law; and

(II) use of a tracking device over the objection of an individual; and

(vi) determine the role that State agencies should have in the administration of a tracking system.

(3) **EFFECTIVE DATE.**—The standards and best practices established pursuant to paragraph (1) shall take effect 90 days after publication of such standards and practices by the Attorney General.

(b) **REQUIRED COMPLIANCE.**—

(1) **IN GENERAL.**—Each entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, shall comply with any standards and best practices relating to the use of tracking devices established by the Attorney General in accordance with subsection (a).

(2) **DETERMINATION OF COMPLIANCE.**—The Attorney General, in consultation with the Secretary of Health and Human Services, shall determine whether an entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, acts in compliance with the requirement described in paragraph (1).

(c) **APPLICABILITY OF STANDARDS AND BEST PRACTICES.**—The standards and best practices established by the Attorney General under subsection (a) shall apply only to the grant programs authorized under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(d) **LIMITATIONS ON PROGRAM.**—

(1) **DATA STORAGE.**—Any tracking data provided by tracking devices issued under this program may not be used by a Federal entity to create a database.

(2) **VOLUNTARY PARTICIPATION.**—Nothing in this Act may be construed to require that a parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian's supervision if the parent or guardian does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

TITLE IV—OFFSET BY RESTRICTING DISTRIBUTION OF FREE PRINTED COPIES OF FEDERAL REGISTER**SEC. 401. SHORT TITLE.**

This title may be cited as the “Federal Register Printing Savings Act of 2017”.

SEC. 402. RESTRICTIONS ON DISTRIBUTION OF FREE PRINTED COPIES OF FEDERAL REGISTER TO MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES.

(a) **RESTRICTIONS.**—Section 1506 of title 44, United States Code, is amended—

(1) by striking “The Administrative Committee” and inserting “(a) COMPOSITION; DUTIES.—The Administrative Committee”;

(2) in subsection (a)(4), by striking “the number of copies” and inserting “subject to subsection (b), the number of copies”; and

(3) by adding at the end the following new subsection:

“(b) **RESTRICTIONS ON DISTRIBUTION OF FREE PRINTED COPIES TO MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE UNITED STATES.**—

“(1) **PROHIBITING SUBSCRIPTION TO PRINTED COPIES WITHOUT REQUEST.**—Under the regulations prescribed to carry out subsection (a)(4), the Director of the Government Publishing Office may not provide a printed copy of the Federal Register without charge to any Member of Congress or any other office of the United States during a year unless—

“(A) the Member or office requests a printed copy of a specific issue of the Federal Register; or

“(B) during that year or during the previous year, the Member or office requested a subscription to printed copies of the Federal Register for that year, as described in paragraph (2).

“(2) **ADMINISTRATION OF SUBSCRIPTIONS.**—The regulations prescribed to carry out subsection (a)(4) shall include—

“(A) provisions regarding notifications to offices of Members of Congress and other offices of the United States of the restrictions of paragraph (1);

“(B) provisions describing the process by which Members and other offices may request a specific issue of the Federal Register for purposes of paragraph (1)(A); and

“(C) provisions describing the process by which Members and other offices may request a subscription to the Federal Register for purposes of paragraph (1)(B), except that such regulations shall limit the period for such a subscription to not longer than 1 year.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on January 1, 2018.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the Grassley amendment at the desk be considered and agreed to, and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The amendment (No. 1865) was agreed to, as follows:

(Purpose: To make technical corrections)

On page 8, line 11, strike “part” and insert “section”.

On page 8, line 18, strike “part” and insert “section”.

On page 15, between lines 9 and 10, insert the following:

(4) **NON-INVASIVE AND NON-PERMANENT.**—The term “non-invasive and non-permanent” means, with regard to any technology or device, that the procedure to install the technology or device does not create an external

or internal marker or implant a device, such as a microchip, or other trackable items.

On page 15, line 10, strike “(4)” and insert “(5)”.

On page 15, line 15, strike “(5)” and insert “(6)”.

On page 15, strike lines 20 through 25.

On page 17, beginning on line 20, strike “injury or death to the individual” and insert “injury to or death of the individual”.

On page 19, line 24, strike “requirement” and insert “standards and best practices”.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. Mr. President, I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2070), as amended, was passed, as follows:

S. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kevin and Avonte’s Law of 2017”.

TITLE I—MISSING ALZHEIMER’S DISEASE PATIENT ALERT PROGRAM REAUTHORIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the “Missing Americans Alert Program Act of 2017”.

SEC. 102. REAUTHORIZATION OF THE MISSING ALZHEIMER’S DISEASE PATIENT ALERT PROGRAM.

(a) AMENDMENTS.—Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621) is amended—

(1) in the section header, by striking “ALZHEIMER’S DISEASE PATIENT” and inserting “AMERICANS”;

(2) by striking subsection (a) and inserting the following:

“(a) GRANT PROGRAM TO REDUCE INJURY AND DEATH OF MISSING AMERICANS WITH DEMENTIA AND DEVELOPMENTAL DISABILITIES.—Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services—

“(1) shall award competitive grants to health care agencies, State and local law enforcement agencies, or public safety agencies and nonprofit organizations to assist such entities in planning, designing, establishing, or operating locally based, proactive programs to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism, who, due to their condition, wander from safe environments, including programs that—

“(A) provide prevention and response information, including online training resources, and referrals to families or guardians of such individuals who, due to their condition, wander from a safe environment;

“(B) provide education and training, including online training resources, to first responders, school personnel, clinicians, and the public in order to—

“(i) increase the safety and reduce the incidence of wandering of persons, who, due to their dementia or developmental disabilities, may wander from safe environments;

“(ii) facilitate the rescue and recovery of individuals who, due to their dementia or developmental disabilities, wander from safe environments; and

“(iii) recognize and respond to and appropriately interact with endangered missing individuals with dementia or developmental disabilities who, due to their condition, wander from safe environments;

“(C) provide prevention and response training and emergency protocols for school administrators, staff, and families or guardians of individuals with dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism, to help reduce the risk of wandering by such individuals; and

“(D) develop, operate, or enhance a notification or communications systems for alerts, advisories, or dissemination of other information for the recovery of missing individuals with forms of dementia, such as Alzheimer’s Disease, or with developmental disabilities, such as autism; and

“(2) shall award grants to health care agencies, State and local law enforcement agencies, or public safety agencies to assist such agencies in designing, establishing, and operating locative tracking technology programs for individuals with forms of dementia, such as Alzheimer’s Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments.”;

(3) in subsection (b)—

(A) by inserting “competitive” after “to receive a”;

(B) by inserting “agency or” before “organization” each place it appears; and

(C) by adding at the end the following: “The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.”; and

(4) by striking subsections (c) and (d) and inserting the following:

“(c) PREFERENCE.—In awarding grants under subsection (a)(1), the Attorney General shall give preference to law enforcement or public safety agencies that partner with nonprofit organizations that appropriately use person-centered plans minimizing restrictive interventions and that have a direct link to individuals, and families of individuals, with forms of dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2018 through 2022.

“(e) GRANT ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall deter-

mine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION OF NONPROFIT ORGANIZATION.—For purposes of this paragraph and the grant programs under this section, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate

and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

“(f) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded by the Attorney General to determine if grant awards are or have been awarded for a similar purpose.

“(2) REPORT.—If the Attorney General awards grants to the same applicant for a similar purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(A) a list of all such grants awarded, including the total dollar amount of any such grants awarded; and

“(B) the reason the Attorney General awarded multiple grants to the same applicant for a similar purpose.”.

(b) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the Missing Americans Alert Program, as amended by subsection (a), which shall address—

(1) the number of individuals who benefited from the Missing Americans Alert Program, including information such as the number of individuals with reduced unsafe wandering, the number of people who were trained through the program, and the estimated number of people who were impacted by the program;

(2) the number of State, local, and tribal law enforcement or public safety agencies that applied for funding under the Missing Americans Alert Program;

(3) the number of State, local, and tribal law enforcement or public safety agencies that received funding under the Missing Americans Alert Program, including—

(A) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for training; and

(B) the number of State, local, and tribal law enforcement or public safety agencies that used such funding for designing, establishing, or operating locative tracking technology;

(4) the companies, including the location (city and State) of the headquarters and local offices of each company, for which

their locative tracking technology was used by State, local, and tribal law enforcement or public safety agencies;

(5) the nonprofit organizations, including the location (city and State) of the headquarters and local offices of each organization, that State, local, and tribal law enforcement or public safety agencies partnered with and the result of each partnership;

(6) the number of missing children with autism or another developmental disability with wandering tendencies or adults with Alzheimer's being served by the program who went missing and the result of the search for each such individual; and

(7) any recommendations for improving the Missing Americans Alert Program.

(c) TABLE OF CONTENTS.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the item relating to section 240001 and inserting the following:

“Sec. 240001. Missing Americans Alert Program.”.

TITLE II—EDUCATION AND OUTREACH

SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 404(b)(1)(H) of the Missing Children's Assistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by inserting “, including cases involving children with developmental disabilities such as autism” before the semicolon.

TITLE III—PRIVACY PROTECTIONS

SEC. 301. DEFINITIONS.

In this title:

(1) CHILD.—The term “child” means an individual who is less than 18 years of age.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(3) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(4) NON-INVASIVE AND NON-PERMANENT.—The term “non-invasive and non-permanent” means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device, such as a microchip, or other trackable items.

(5) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(6) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF NON-INVASIVE AND NON-PERMANENT TRACKING DEVICES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services and leading research, advocacy, self-advocacy, and service organizations, shall establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology, where a guardian or parent has determined that a non-invasive

and non-permanent tracking device is the least restrictive alternative, to locate individuals as described in subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(2) REQUIREMENTS.—In establishing the standards and best practices required under paragraph (1), the Attorney General shall—

(A) determine—

(i) the criteria used to determine which individuals would benefit from the use of a tracking device;

(ii) the criteria used to determine who should have direct access to the tracking system; and

(iii) which non-invasive and non-permanent types of tracking devices can be used in compliance with the standards and best practices; and

(B) establish standards and best practices the Attorney General determines are necessary to the administration of a tracking system, including procedures to—

(i) safeguard the privacy of the data used by the tracking device such that—

(I) access to the data is restricted to law enforcement and health agencies determined necessary by the Attorney General; and

(II) collection, use, and retention of the data is solely for the purpose of preventing injury to or death of the individual wearing the tracking device;

(ii) establish criteria to determine whether use of the tracking device is the least restrictive alternative in order to prevent risk of injury or death before issuing the tracking device, including the previous consideration of less restrictive alternatives;

(iii) provide training for law enforcement agencies to recognize signs of abuse during interactions with applicants for tracking devices;

(iv) protect the civil rights and liberties of the individuals who use tracking devices, including their rights under the Fourth Amendment to the Constitution of the United States;

(v) establish a complaint and investigation process to address—

(I) incidents of noncompliance by recipients of grants under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, with the best practices established by the Attorney General or other applicable law; and

(II) use of a tracking device over the objection of an individual; and

(vi) determine the role that State agencies should have in the administration of a tracking system.

(3) EFFECTIVE DATE.—The standards and best practices established pursuant to paragraph (1) shall take effect 90 days after publication of such standards and practices by the Attorney General.

(b) REQUIRED COMPLIANCE.—

(1) IN GENERAL.—Each entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act, shall comply with any standards and best practices relating to the use of tracking devices established by the Attorney General in accordance with subsection (a).

(2) DETERMINATION OF COMPLIANCE.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall determine whether an entity that receives a grant under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C.

12621), as added by this Act, acts in compliance with the standards and best practices described in paragraph (1).

(c) **APPLICABILITY OF STANDARDS AND BEST PRACTICES.**—The standards and best practices established by the Attorney General under subsection (a) shall apply only to the grant programs authorized under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621), as added by this Act.

(d) **LIMITATIONS ON PROGRAM.**—

(1) **DATA STORAGE.**—Any tracking data provided by tracking devices issued under this program may not be used by a Federal entity to create a database.

(2) **VOLUNTARY PARTICIPATION.**—Nothing in this Act may be construed to require that a parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian's supervision if the parent or guardian does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

TITLE IV—OFFSET BY RESTRICTING DISTRIBUTION OF FREE PRINTED COPIES OF FEDERAL REGISTER

SEC. 401. SHORT TITLE.

This title may be cited as the “Federal Register Printing Savings Act of 2017”.

SEC. 402. RESTRICTIONS ON DISTRIBUTION OF FREE PRINTED COPIES OF FEDERAL REGISTER TO MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES.

(a) **RESTRICTIONS.**—Section 1506 of title 44, United States Code, is amended—

(1) by striking “The Administrative Committee” and inserting “(a) COMPOSITION; DUTIES.—The Administrative Committee”;

(2) in subsection (a)(4), by striking “the number of copies” and inserting “subject to subsection (b), the number of copies”;

(3) by adding at the end the following new subsection:

“(b) **RESTRICTIONS ON DISTRIBUTION OF FREE PRINTED COPIES TO MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE UNITED STATES.**—

“(1) **PROHIBITING SUBSCRIPTION TO PRINTED COPIES WITHOUT REQUEST.**—Under the regulations prescribed to carry out subsection (a)(4), the Director of the Government Publishing Office may not provide a printed copy of the Federal Register without charge to any Member of Congress or any other office of the United States during a year unless—

“(A) the Member or office requests a printed copy of a specific issue of the Federal Register; or

“(B) during that year or during the previous year, the Member or office requested a subscription to printed copies of the Federal Register for that year, as described in paragraph (2).

“(2) **ADMINISTRATION OF SUBSCRIPTIONS.**—The regulations prescribed to carry out subsection (a)(4) shall include—

“(A) provisions regarding notifications to offices of Members of Congress and other offices of the United States of the restrictions of paragraph (1);

“(B) provisions describing the process by which Members and other offices may request a specific issue of the Federal Register for purposes of paragraph (1)(A); and

“(C) provisions describing the process by which Members and other offices may request a subscription to the Federal Register for purposes of paragraph (1)(B), except that such regulations shall limit the period for such a subscription to not longer than 1 year.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on January 1, 2018.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE GOVERNMENT OF IRAN'S STATE-SPONSORED PERSECUTION OF ITS BAHAI MINORITY AND ITS CONTINUED VIOLATION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Mr. MCCONNELL. Mr. President I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 281, S. Res. 139.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 139) condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, as follows:

(The part of the resolution intended to be deleted is shown in boldface brackets and the part of the resolution intended to be inserted is shown in italics.)

(The part of the preamble intended to be deleted is shown in boldface brackets and the part of the preamble intended to be inserted is shown in italics.)

S. RES. 139

Whereas in 1982, 1984, 1988, 1990, 1992, 1993, 1994, 1996, 2000, 2004, 2006, 2008, 2009, 2012, 2013, 2015, and 2016, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i Faith;

Whereas the United States Commission on International Religious Freedom 2016 Annual Report states—

(1) “The Baha'i community, the largest non-Muslim religious minority in Iran, long has been subject to particularly severe religious freedom violations. The government views Baha'is, who number at least 300,000, as ‘heretics’ and consequently they face repression on the grounds of apostasy.”;

(2) “Since 1979, authorities have killed or executed more than 200 Baha'i leaders, and more than 10,000 have been dismissed from government and university jobs.”; and

(3) “Over the past 10 years, approximately 850 Baha'is have been arbitrarily arrested.”;

Whereas the Department of State 2015 International Religious Freedom Report states—

(1) religious minorities in Iran “continued to face societal discrimination, especially

the Baha'i community, which reported continuing problems at different levels of society, including personal harassment.”;

(2) the Government of Iran “continued to prohibit Bahais from officially assembling or maintaining administrative institutions, actively closed such institutions, harassed Bahais, and disregarded their property rights.”;

(3) in Iran, “Baha'i blood may be spilled with impunity, and Baha'i families are not entitled to restitution” and “Bahais cannot receive compensation for injury or crimes committed against them and cannot inherit property.”;

(4) the Government of Iran “requires universities to exclude Bahais from access to higher education or expel them if their religious affiliation becomes known.”; and

(5) in Iran, “Bahais are banned from government employment” and “[t]here were reports of non-Bahais being pressured to refuse employment to Bahais or dismissing Bahais from their private sector jobs.”;

Whereas, on June 8, 2016, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the United Nations Special Rapporteur on freedom of religion or belief issued a joint statement condemning the “wave of incitement of hatred of the Baha'i community reflected in speeches made by religious, judiciary and political officials in the Islamic Republic of Iran”;

Whereas, on September 6, 2016, the United Nations Secretary-General issued a report on the situation of human rights in the Islamic Republic of Iran (A/71/374), which stated that “human rights violations have continued at an alarming rate”;

Whereas, on December 17, 2016, the United Nations General Assembly adopted a resolution (A/RES/70/179), which “[e]xpress[ed] serious concern about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief and restrictions on the establishment of places of worship, as well as attacks against places of worship and burial, as well as other human rights violations, including but not limited to harassment, persecution and incitement to hatred that lead to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims, Zoroastrians and members of the Baha'i Faith and their defenders”;

Whereas since May 2008, the Government of Iran has imprisoned the 7 members of the former ad hoc leadership group of the Baha'i community in Iran, known as the Yaran-i Iran, or “friends of Iran”—Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm—and these individuals were convicted of charges including “spying for Israel, insulting religious sanctities, propaganda against the regime and spreading corruption on earth” and sentenced to 20-year prison terms, the longest sentences given to any prisoner of conscience in Iran at that time, now reportedly reduced to [10 years] 10 years, and Mrs. Sabet and Mrs. Kamalabadi were released in September 2017 and October 2017, respectively, upon the completion of their sentences;

Whereas beginning in May 2011, officials of the Government of Iran in 4 cities conducted sweeping raids on the homes of dozens of individuals associated with the Baha'i Institute for Higher Education (referred to in this Resolution as “BIHE”) and arrested and detained several educators associated with BIHE, with 16 BIHE educators ultimately

sentenced to 4- or 5-year prison terms, 7 of whom remain in prison;

Whereas scores of Baha'i cemeteries have been attacked, and in 2014, Revolutionary Guards began excavating a Baha'i cemetery in Shiraz, which is the site of 950 graves, and built a cultural and sport center on the cemetery site;

Whereas the Baha'i International Community reported that there has been a recent surge in anti-Baha'i hate propaganda in Iranian state-sponsored media outlets, noting that—

(1) in 2010 and 2011, approximately 22 anti-Baha'i articles were appearing every month;

(2) in 2014, the number of anti-Baha'i articles rose to approximately 400 per month; and

(3) by 2016, the number of anti-Baha'i articles rose to approximately 1,500 per month;

Whereas there are currently 90 Baha'is in prison in Iran;

Whereas the Government of Iran is party to the International Covenants on Human Rights and is in violation of its obligations under such Covenants;

Whereas section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) authorizes the President to impose sanctions on individuals "responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009"; and

Whereas the Iran Threat Reduction and Syria Human Rights Act of 2012 (Public Law 112-158) amends and expands the authorities established under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) to sanction Iranian human rights abusers: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the [7] 5 imprisoned Baha'i leaders, the 7 imprisoned Baha'i educators, and all other prisoners held solely on account of their religion;

(3) calls on the President and the Secretary of State, in cooperation with responsible nations, to immediately condemn the Government of Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion; and

(4) urges the President and the Secretary of State to utilize available authorities to impose sanctions on officials of the Government of Iran and other individuals directly responsible for serious human rights abuses, including abuses against the Baha'i community of Iran.

Mr. MCCONNELL. I further ask unanimous consent that the committee-reported amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the committee-reported amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The resolution (S. Res. 139), as amended, was agreed to.

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 139

Whereas in 1982, 1984, 1988, 1990, 1992, 1993, 1994, 1996, 2000, 2004, 2006, 2008, 2009, 2012, 2013, 2015, and 2016, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i Faith;

Whereas the United States Commission on International Religious Freedom 2016 Annual Report states—

(1) "The Baha'i community, the largest non-Muslim religious minority in Iran, long has been subject to particularly severe religious freedom violations. The government views Baha'is, who number at least 300,000, as 'heretics' and consequently they face repression on the grounds of apostasy.;"

(2) "Since 1979, authorities have killed or executed more than 200 Baha'i leaders, and more than 10,000 have been dismissed from government and university jobs.;" and

(3) "Over the past 10 years, approximately 850 Baha'is have been arbitrarily arrested.;"

Whereas the Department of State 2015 International Religious Freedom Report states—

(1) religious minorities in Iran "continued to face societal discrimination, especially the Baha'i community, which reported continuing problems at different levels of society, including personal harassment.;"

(2) the Government of Iran "continued to prohibit Bahais from officially assembling or maintaining administrative institutions, actively closed such institutions, harassed Bahais, and disregarded their property rights.;"

(3) in Iran, "Bahai blood may be spilled with impunity, and Bahai families are not entitled to restitution" and "Bahais cannot receive compensation for injury or crimes committed against them and cannot inherit property.;"

(4) the Government of Iran "requires universities to exclude Bahais from access to higher education or expel them if their religious affiliation becomes known.;" and

(5) in Iran, "Bahais are banned from government employment" and "[t]here were reports of non-Bahais being pressured to refuse employment to Bahais or dismissing Bahais from their private sector jobs.;"

Whereas, on June 8, 2016, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the United Nations Special Rapporteur on freedom of religion or belief issued a joint statement condemning the "wave of incitement of hatred of the Baha'i community reflected in speeches made by religious, judiciary and political officials in the Islamic Republic of Iran";

Whereas, on September 6, 2016, the United Nations Secretary-General issued a report on the situation of human rights in the Islamic Republic of Iran (A/71/374), which stated that "human rights violations have continued at an alarming rate";

Whereas, on December 17, 2016, the United Nations General Assembly adopted a resolution (A/RES/70/179), which "[e]xpressed serious concern about ongoing severe limitations and restrictions on the right to free-

dom of thought, conscience, religion or belief and restrictions on the establishment of places of worship, as well as attacks against places of worship and burial, as well as other human rights violations, including but not limited to harassment, persecution and incitement to hatred that lead to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims, Zoroastrians and members of the Baha'i Faith and their defenders";

Whereas since May 2008, the Government of Iran has imprisoned the 7 members of the former ad hoc leadership group of the Baha'i community in Iran, known as the Yaran-i-Iran, or "friends of Iran"—Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm—and these individuals were convicted of charges including "spying for Israel, insulting religious sanctities, propaganda against the regime and spreading corruption on earth" and sentenced to 20-year prison terms, the longest sentences given to any prisoner of conscience in Iran at that time, now reportedly reduced to 10 years, and Mrs. Sabet and Mrs. Kamalabadi were released in September 2017 and October 2017, respectively, upon the completion of their sentences;

Whereas beginning in May 2011, officials of the Government of Iran in 4 cities conducted sweeping raids on the homes of dozens of individuals associated with the Baha'i Institute for Higher Education (referred to in this Resolution as "BIHE") and arrested and detained several educators associated with BIHE, with 16 BIHE educators ultimately sentenced to 4- or 5-year prison terms, 7 of whom remain in prison;

Whereas scores of Baha'i cemeteries have been attacked, and in 2014, Revolutionary Guards began excavating a Baha'i cemetery in Shiraz, which is the site of 950 graves, and built a cultural and sport center on the cemetery site;

Whereas the Baha'i International Community reported that there has been a recent surge in anti-Baha'i hate propaganda in Iranian state-sponsored media outlets, noting that—

(1) in 2010 and 2011, approximately 22 anti-Baha'i articles were appearing every month;

(2) in 2014, the number of anti-Baha'i articles rose to approximately 400 per month; and

(3) by 2016, the number of anti-Baha'i articles rose to approximately 1,500 per month;

Whereas there are currently 90 Baha'is in prison in Iran;

Whereas the Government of Iran is party to the International Covenants on Human Rights and is in violation of its obligations under such Covenants;

Whereas section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) authorizes the President to impose sanctions on individuals "responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009"; and

Whereas the Iran Threat Reduction and Syria Human Rights Act of 2012 (Public Law 112-158) amends and expands the authorities established under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) to sanction Iranian human rights abusers: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the 5 imprisoned Baha'i leaders, the 7 imprisoned Baha'i educators, and all other prisoners held solely on account of their religion;

(3) calls on the President and the Secretary of State, in cooperation with responsible nations, to immediately condemn the Government of Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion; and

(4) urges the President and the Secretary of State to utilize available authorities to impose sanctions on officials of the Government of Iran and other individuals directly responsible for serious human rights abuses, including abuses against the Baha'i community of Iran.

CEILING FAN ENERGY CONSERVATION HARMONIZATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 2030 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2030) to deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2030) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ceiling Fan Energy Conservation Harmonization Act".

SEC. 2. COMPLIANCE DATE FOR AMENDED ENERGY CONSERVATION STANDARDS FOR CEILING FAN LIGHT KITS.

(a) IN GENERAL.—The compliance date for the amended energy conservation standards established for ceiling fan light kits in the final rule entitled "Energy Conservation Program: Energy Conservation Standards for Ceiling Fan Light Kits" (81 Fed. Reg. 580 (January 6, 2016)) is deemed to be January 21, 2020.

(b) CONFORMING CHANGES.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall make such technical and conforming changes to any regulation, guidance document, or procedure as may be necessary to implement subsection (a).

EXTENDING THE PERIOD DURING WHICH VESSELS THAT ARE SHORTER THAN 79 FEET IN LENGTH AND FISHING VESSELS ARE NOT REQUIRED TO HAVE A PERMIT FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF THE VESSEL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2273, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2273) to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2273) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MORATORIUM.

Section 2(a) of Public Law 110-299 (33 U.S.C. 1342 note) is amended by striking "December 18, 2017" and inserting "January 19, 2018".

RECOGNIZING THE SERIOUSNESS OF POLYCYSTIC OVARY SYNDROME

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. Res. 336 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 336) recognizing the seriousness of Polycystic Ovary Syndrome and expressing support for the designation of the month of September 2018 as "Polycystic Ovary Syndrome Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the amendment to the resolution, which is at the desk, be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble, which is at the desk, be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be considered made and laid

upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1866) was agreed to, as follows:

(Purpose: To amend the resolving clause)

On page 4, line 5, insert "and" after the semicolon.

On page 4, strike lines 6 through 7.

On page 4, line 8, strike "(D)" and insert "(C)".

On page 4, line 15, strike "are afflicted with PCOS;" and insert "have PCOS; and".

On page 4, strike lines 16 through 19.

On page 4, line 20, strike "(6)" and insert "(5)".

The resolution (S. Res. 336), as amended, was agreed to.

The amendment (No. 1867) was agreed to, as follows:

(Purpose: To amend the preamble)

In the seventh whereas clause of the preamble, strike "which" and insert "and".

In the thirteenth whereas clause of the preamble, strike "up to 80 percent of" and insert "many".

In the fifteenth whereas clause of the preamble, strike the semicolon at the end and insert ", which does not include the costs associated with treatment of comorbidities;".

Strike the sixteenth whereas clause of the preamble.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 336

Whereas Polycystic Ovary Syndrome (referred to in this preamble as "PCOS") is a common health problem among women and girls involving a hormonal imbalance;

Whereas there is no universal definition of PCOS, but researchers estimate that between 5,000,000 and 10,000,000 women in the United States are affected by PCOS;

Whereas PCOS can affect women from the onset of puberty and throughout the remainder of their lives;

Whereas the symptoms of PCOS include infertility, irregular or absent menstrual periods, acne, weight gain, thinning scalp hair, excessive facial and body hair growth, numerous small ovarian cysts, pelvic pain, and mental health problems;

Whereas women with PCOS have higher rates of psychosocial disorders, including depression, anxiety, bipolar disorder, and eating disorders, and are at greater risk for suicide;

Whereas adolescents with PCOS often are not diagnosed;

Whereas PCOS causes metabolic dysfunction and insulin resistance, and can lead to type 2 diabetes, cardiovascular disease, obstructive sleep apnea, nonalcoholic fatty liver disease, and endometrial cancer at a young adult age;

Whereas PCOS is the most common cause of female infertility;

Whereas PCOS in pregnancy is associated with increased risk of gestational diabetes, preeclampsia, pregnancy-induced hypertension, preterm delivery, cesarean delivery, miscarriage, and fetal and infant death;

Whereas women with PCOS are at increased risk of developing high blood pressure, high cholesterol, stroke, heart disease—the leading cause of death among women—and have a 4 to 7 times higher risk of experiencing a heart attack compared to

women of the same age who do not have PCOS;

Whereas women with PCOS have a more than 50 percent chance of developing type 2 diabetes or prediabetes before the age of 40;

Whereas women with PCOS may be at a higher risk for breast cancer and ovarian cancer, and have a 3 times higher risk for developing endometrial cancer, compared to women who do not have PCOS;

Whereas many women in the United States with PCOS are overweight or have obesity;

Whereas an estimated 50 percent of women with PCOS are undiagnosed, and many remain undiagnosed until they experience fertility difficulties or develop type 2 diabetes or other cardiometabolic disorders;

Whereas the costs involved with the diagnosis and management of PCOS to the healthcare system of the United States is over \$4,300,000,000 per year during the reproductive years of patients, which does not include the costs associated with treatment of comorbidities;

Whereas the cause of PCOS is unknown, but researchers have found strong links to significant insulin resistance, which affects up to 70 percent of women with PCOS, and genetic predisposition; and

Whereas there is no known cure for PCOS: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the seriousness of Polycystic Ovary Syndrome (referred to in this resolving clause as “PCOS”);

(2) supports the goals of PCOS Awareness Month—

(A) to increase awareness of, and education about, PCOS among the general public, women, girls, and healthcare professionals;

(B) to improve diagnosis and treatment of PCOS; and

(C) to improve the quality of life and outcomes for women and girls with PCOS;

(3) recognizes the need for further research, improved treatment and care options, and a cure for PCOS;

(4) acknowledges the struggles affecting all women and girls residing within the United States who have PCOS; and

(5) encourages States, territories, and localities to support the goals of PCOS Awareness Month.

CONGRATULATING THE UNIVERSITY OF CENTRAL MISSOURI WOMEN'S SOCCER TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II WOMEN'S SOCCER CHAMPIONSHIP

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 364, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 364) congratulating the University of Central Missouri women's soccer team for winning the National Collegiate Athletic Association Division II Women's Soccer Championship at Swope Soccer Village in Kansas City, Missouri.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I further ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 364) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

NATIONAL CARBON MONOXIDE POISONING AWARENESS WEEK

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 327 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 327) designating the week of November 5 through 12, 2017, as “National Carbon Monoxide Poisoning Awareness Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, today we are adopting S. Res. 327, the National Carbon Monoxide Poisoning Awareness Week resolution. In 2015 I sponsored a similar resolution, National Carbon Monoxide Poisoning Awareness Month, which was inspired by the story and memory of Amanda Hansen. Ms. Hansen was a 16-year-old, living in West Seneca, NY, when she tragically lost her life to carbon monoxide poisoning while attending a sleepover at a friend's home. Her heart-breaking story focused attention on this issue and spurred action to prevent future deaths from exposure to this deadly gas. As a long supporter of this resolution, I believe that every home across our great Nation should have carbon monoxide alarms installed that can detect and prevent carbon monoxide poisoning, a silent and odorless killer. By bringing awareness to carbon monoxide poisoning and reminding our fellow Americans to diligently check their home-detection systems, Americans can take the necessary actions to ensure the safety of their loved ones.

I again send my deepest condolences to the Hansen family for their loss and to the many American families who have suffered from the passing of their loved ones due to carbon monoxide poisoning.

With the help of Amanda's spirit, I will continue to fight for congressional action to help prevent future tragedies. Today I stand proud to be a Member of a body that unanimously supports the adoption of National Carbon Monoxide Poisoning Awareness Week.

Mr. McCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 327) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of November 9, 2017, under “Submitted Resolutions.”)

EPS IMPROVEMENT ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of and the Senate proceed to the immediate consideration of H.R. 518.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 518) to amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination from energy conservation standards for external power supplies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. McCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. There being no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 518) was passed.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERDICT ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2142, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2142) to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the bill be considered read three times and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2142) was ordered to a third reading, was read the third time, and passed.

LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2228 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2228) to provide support for law enforcement agency efforts to protect the mental health and well-being of law enforcement officers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2228) was ordered to a third reading, was read the third time, and passed.

CONNECTED GOVERNMENT ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2331, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2331) to require a new or updated Federal website that is intended for use by the public to be mobile friendly, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2331) was ordered to a third reading, was read the third time, and passed.

UNITED STATES FIRE ADMINISTRATION, AFG, AND SAFER PROGRAM REAUTHORIZATION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4661, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4661) to reauthorize the United States Fire Administration, the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire and Emergency Response grant program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4661) was ordered to a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 2274

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2274) to provide for the compensation of Federal employees affected by lapses in appropriations.

Mr. MCCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority Leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the reappointment of the following individual to serve as a member of the United States-China Economic Security Review Commission: James M. Talent of Missouri, for a term expiring December 31, 2019.

The Chair announces, on behalf of the Democratic leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in

consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the reappointment of the following individual to serve as a member of the United States-China Economic Security Review Commission: the Honorable Carte P. Goodwin of West Virginia, for a term beginning January 1, 2018 and expiring December 31, 2019.

ORDERS FOR SATURDAY, DECEMBER 23, 2017, THROUGH WEDNESDAY, JANUARY 3, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then reconvene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Saturday, December 23, at 11 a.m.; Wednesday, December 27, at 10 a.m.; Friday, December 29, at 11:30 a.m.; and Tuesday, January 2, at 4 p.m. For the information of all Senators, when the Senate adjourns on Tuesday, January 2, 2018, it will next convene at 12 noon on January 3, pursuant to the Constitution. Further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, until 5 p.m.; finally, that following morning business, the Senate proceed to executive session to consider the Rood nomination, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER VITIATED—S. 1447

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order with respect to S. 1447 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL SATURDAY, DECEMBER 23, 2017, AT 11 A.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:02 p.m., adjourned until Saturday, December 23, 2017, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

WILLIAM F. JUNG, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE ANNE C. CONWAY, RETIRED.

JILL AIKO OTAKE, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE SUSAN OKI MOLLWAY, RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM M. MCSWAIN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE ZANE DAVID MEMEGER, RESIGNED.

BILLY J. WILLIAMS, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE S. AMANDA MARSHALL, RESIGNED

DISCHARGED NOMINATIONS

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

KENNETH E. ALLEN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2021.

A. D. FRAZIER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2022.

JEFFREY SMITH, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2022.

JAMES R. THOMPSON III, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2021.

CHRISTOPHER CALDWELL, OF ARKANSAS, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 21, 2017:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT CHARROW, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF DEFENSE

ROBERT P. STORCH, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.

SECURITIES AND EXCHANGE COMMISSION

HESTER MARIA PEIRCE, OF OHIO, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2020.

ROBERT J. JACKSON, JR., OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2019.

DEPARTMENT OF LABOR

KATHERINE BRUNETT MCGUIRE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUZANNE ISRAEL TUFTS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF STATE

KENNETH J. BRAITHWAITE, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NORWAY.

M. LEE MCCLENNY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

BROCK D. BIERMAN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

CHRISTOPHER ASHLEY FORD, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON-PROLIFERATION).

DEPARTMENT OF THE INTERIOR

TIMOTHY R. PETTY, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

DEPARTMENT OF ENERGY

LINDA CAPUANO, OF TEXAS, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION.

DEPARTMENT OF LABOR

KATE S. O'SCANLAIN, OF MARYLAND, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR.

PRESTON RUTLEDGE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF EDUCATION

JOHNNY COLLETT, OF KENTUCKY, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

DEPARTMENT OF ENERGY

JOHN G. VONGLIS, OF NEW YORK, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LEONARD WOLFSON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

IRVING DENNIS, OF OHIO, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF EDUCATION

DOUGLAS WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION.

DEPARTMENT OF VETERANS AFFAIRS

JON J. RYCHALSKI, OF MONTANA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF VETERANS AFFAIRS.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

TADD M. JOHNSON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2022.

LISA JOHNSON-BILLY, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING AUGUST 25, 2018.

LISA JOHNSON-BILLY, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING AUGUST 25, 2024.

DELTA REGIONAL AUTHORITY

CHRISTOPHER CALDWELL, OF ARKANSAS, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY.

TENNESSEE VALLEY AUTHORITY

KENNETH E. ALLEN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2021.

A. D. FRAZIER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2022.

JEFFREY SMITH, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2022.

JAMES R. THOMPSON III, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2021.

EXTENSIONS OF REMARKS

NAFTA

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. POE of Texas. Mr. Speaker, twenty-three years ago, the North American Free Trade Agreement revolutionized trade and investment between the U.S., Canada, and Mexico. We share thousands of miles of border with Canada and Mexico. They are our neighbors and our natural partners in trade and security. This partnership has been shaped by NAFTA.

I am a strong supporter of free trade. America's strength is closely connected to its economic well-being. When we break down trade barriers, American trade and American jobs increase. Trade is the lifeblood of my great home state of Texas. Last year in Texas almost one million jobs were supported by trade.

Texas has been the top exporting state in the U.S. for 14 consecutive years. The overwhelming majority of Texas exporters are not big corporations: 93 percent of Texas exporters are small- and medium-sized businesses. In my district in Houston, over half of the economy depends on trade. Houston has one of the largest ports in the world and is the oil and gas capital of the world. And guess where we Texans export the most—Mexico and Canada. Our NAFTA partners. But, Texas is just one of the many states that rely on NAFTA to fuel its economy. Study after study has shown that increased trade leads to increased jobs for Americans. More jobs mean more wealth for the average American citizen.

NAFTA supports 14 million U.S. jobs. Thanks to NAFTA, trade between the U.S., Mexico, and Canada has tripled. Nearly every industry is affected in one way or another by NAFTA. The U.S. economy needs a strong NAFTA. But free trade agreements like NAFTA do more than just grow our economy. Trade is one of our best tools of foreign policy. We have seen the connection between free trade and freedom, opportunity, and prosperity again and again. When we signed NAFTA, Mexico was a developing country. Its economy was one of the most closed in the world.

Now, thanks in part to NAFTA, Mexico has an open economy valued at \$2.2 trillion. This growth has made Mexico a more stable neighbor. This increased trade between our three countries has also deepened our ties with Mexico and Canada, allowing us to work together on many critical issues.

Today, we cooperate with the Mexican government on issues of border security, immigration, and the fight against organized crime and drug trafficking. Our southern border security depends on our joint efforts with Mexico. Cooperation with Canada also improved due to NAFTA. Our forces train and work together to

defend North America. We fight side by side against national security threats like ISIS and partner as NATO members. These are some of the most critical issues to our national security and to the security of our world.

That brings me to the reason we are all here today; to address the renegotiation of this critical free trade agreement. A lot has changed in 23 years. The internet has transformed the way companies do business. Reforms in Mexico have created new opportunities for U.S. businesses. The renegotiation presents an opportunity to update the agreement in areas like energy, e-commerce, customs and trade facilitation, and many others to strengthen and promote trade. While there is a lot of opportunity to strengthen the agreement, there is also the risk of hurting U.S. businesses and workers.

Hundreds of thousands of jobs across North America could be at risk if we pull out of NAFTA, or if we weaken the agreement. We could also do damage to our partnerships with Mexico and Canada that have made North America so strong. There has been harsh criticism of NAFTA for decades. But we must separate the rhetoric from the facts. The fact is that NAFTA has benefited all three of our countries.

So, I encourage the administration to strengthen and modernize NAFTA. There is always room for improvement. We have a rare opportunity here to rewrite the rules of North American trade. But we must take this opportunity to rewrite them for the better. It is important to the U.S. economy and national security that throughout the renegotiations the administration focuses on reaching an agreement that promotes free trade.

We are sending a message to our current and future trading partners through this renegotiation. The U.S. should send a strong signal of our support for free trade. A strong U.S. economy depends on a strong framework for free trade. I look forward to hearing from our witnesses how the administration can strengthen NAFTA.

HONORING BENJAMIN DUNCAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Benjamin Duncan. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been in-

involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Benjamin has served as the Senior Patrol Leader, become a Brotherhood Member of the Order of the Arrow, and earned the rank of Fire Builder in the Tribe of Mic-O-Say. Benjamin has also contributed to his community through his Eagle Scout project. Benjamin designed and completed 15 wooden benches for an outdoor worship area for the Antioch Community Church in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Benjamin Duncan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF GILBERTO
F. OLIVA, SR.

HON. MATT GAETZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GAETZ. Mr. Speaker, today I rise to recognize the life of the premium cigar patriarch, Mr. Gilberto Oliva, founder of Oliva Cigar Co. Gilberto passed away peacefully in a hospital in South Miami on Saturday, December 16, 2017, surrounded by his family and close friends.

As a young tobacco farmer in Cuba, Gilberto built his endeavors on the blueprint of the American Dream. As an early adult, he moved from his family farm to pursue tobacco trading. The growing conflict under the Cuban dictatorship forced Mr. Oliva to flee to Nicaragua where he became a pioneer in tobacco cultivation.

While Nicaragua was his home, Gilberto's business grew all over the world, including Honduras, Mexico and the Philippines. His product quickly became known around the world for its quality. In 1995, he established his own brand of cigar, and in 2006, he launched the Oliva Serie V, which Cigar Aficionado Magazine named Cigar of the Year in 2014.

In early 2016, Mr. Oliva was honored by the Asociación Nicaragüense de Tabacaleros, the Nicaraguan Tobacco Association, with a lifetime achievement award. Yet for all his many successes, he never forgot his roots. He yearned for a free Cuba, and he instilled in his children a respect for personal responsibility and hard work.

Gilberto is succeeded by his wife Carmen, his five children—including my former colleague and friend, Florida House Representative Jose Oliva—and his fourteen grandchildren.

Mr. Speaker, on behalf of the United States Congress, I want to recognize the life of Gilberto F. Oliva. He was a great man, a world

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

leader in the field of cigar manufacturing, and the patriarch of a wonderful family.

JIM CRITCHLEY'S RETIREMENT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRIJALVA. Mr. Speaker, I wish to recognize and celebrate Fire Chief, Jim Critchley, on his retirement from the Tucson Fire Department.

Fire Chief Critchley began his Emergency Service career in 1982 with an EMT class. He worked in a few private agencies as an instructor, firefighter, EMT and security guard. He joined the Tucson Fire Department in 1988 and was promoted through the ranks first as a Paramedic, Captain, Training Captain, Operations Battalion Chief, Training Chief, Operations Deputy Chief, Assistant Chief of Training and Emergency Management and then, in 2011, became the Fire Chief.

Since 1992, Mr. Critchley has been an active representative on the State Fire Training Association and the Arizona Fire Chiefs Association. He served on the Western Fire Chiefs Association board as State Director, Vice President and President from 2003 through 2012. He also served on the International Association of Fire Chiefs board until 2014.

Fire Chief Critchley received a MBA from the University of Arizona, a Bachelor's degree in Fire Service Management from the Arizona State University, and an AAS in Fire Science from Pima Community College. In 2008, he was selected as Chief Fire Officer of the Year by the Arizona Fire Chiefs Association. Most recently in September 2017, Jim was inducted into the Arizona Fire Service Hall of Fame. Jim is married and has three children. We would like to thank Fire Chief Jim Critchley for his service and dedication to the city of Tucson and the state of Arizona.

HONORING JACEN HAEFNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jacen Haefner. Jacen is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and earning the most prestigious award of Eagle Scout.

Jacen has been very active with his troop, participating in many scout activities. Over the many years Jacen has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jacen has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Jacen Haefner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE NORTH CAROLINA A&T FOOTBALL TEAM FOR THEIR HISTORIC SEASON AND NATIONAL CHAMPIONSHIP WIN

HON. TED BUDD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. BUDD. Mr. Speaker, I rise today to honor the undefeated MEAC and 2017 Celebration Bowl Champions. I'm speaking of course of the North Carolina A&T Aggie football team.

Last week, as time expired in the Celebration Bowl, the Aggies made their nation proud with a last second touchdown to secure their second Celebration Bowl victory in just three years. And with that win, the Aggies became the first MEAC team to go undefeated as they won their second HBCU national title under head coach Rod Broadway.

Mr. Speaker, 'A Champion Has Risen' indeed, and that champion, is the A&T Aggie Football Team.

Congratulations to the esteemed Dr. Harold Martin, Sr., to Coach Broadway and his team, and also to the offensive and defensive MVP's of the game, Marquell Cartwright and Mac McCain for their performances.

I am honored to represent this historic and honored institution in Washington, and they have made me, their community, and most importantly, the 'Aggie nation' proud with their win.

Mr. Speaker, please join me today in honoring North Carolina A&T for their historic season and national championship win.

SAUDI TEXTBOOKS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. POE of Texas. Mr. Speaker, it is time to hold the Saudis accountable for playing the role of both arsonists and firefighters when it comes to terror. Saudi Arabia is a crucial ally in counterterrorism. Yet at the same time, their educational curriculum promotes hatred and violence towards other religions. This is the very rhetoric that breeds terrorism.

For nearly 15 years, Saudi Arabia has pledged to remove all extremist content from their school textbooks. Yet to this day textbooks include material that, for example, encourages "fighting" any infidel who refuses to submit to the supremacy of Islam. Another example comes from a textbook on Islamic culture that teaches that "Christianity in its current state is an invalid, perverted religion." A high school textbook on monotheism further calls all "infidels," as "enemies of Islam and its adherents."

And this is just a taste of the extremist content in Saudi textbooks. A tenth-grade textbook claims that Zionism spreads "drugs and sexually transmitted diseases . . . in many Islamic countries." Even more, a middle school textbook glorifies jihad, instructing students

that those fighting jihad "should be given transportation, weapons, food and anything else they may need to continue their jihad." Content in Saudi textbooks is so extreme that ISIS used official Saudi textbooks for its schools in 2015 until they could publish their own materials.

The problem is compounded when we realize that these textbooks are not just used in the Kingdom. Saudi educational materials are exported throughout the world. This kind of indoctrination at home and abroad runs counter to Saudi Arabia's efforts in counterterrorism and our crucial cooperation with Saudi Arabia in the fight against terrorism. Saudi Arabia cannot be allowed to continue promoting textbooks that include language that is intolerant, furthers conspiracy theories, and encourages violence towards others.

That's why Representative KEATING and I, as Ranking Member and Chair of the Terrorism Subcommittee, have introduced H.R. 4549, the Saudi Educational Transparency and Reform Act. This bill will require the State Department to conduct an annual review of Saudi Arabia's textbooks. This review will show if Riyadh is fully implementing its repeated commitments to removing extremist content. It will also help the U.S. decide if we should continue issuing a waiver for Saudi Arabia as a country of particular concern for its religious freedom pursuant to the International Religious Freedom Act. Terrorism has long threatened both our own country and Saudi Arabia. The fight to combat this threat demands that we work to eliminate all sources of radicalization and incitement. A complete revision of Saudi Arabia's textbooks is a critical piece of this mission.

And that's just the way it is.

HONORING KEVIN LYNCH

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. MESSER. Mr. Speaker, I rise today to honor a dear friend, Kevin Lynch, who, following a five-year battle with cancer, passed away this past week.

Kevin was a great Hoosier, a public servant, a tremendous leader, and a tireless advocate in advancing southeastern Indiana. He served as Dearborn County Commissioner and as the president of the Ohio-Kentucky-Indiana Regional Council of Governments.

Kevin was a giant Reds fan and a loyal friend with a positive spirit, quick with a smile and an encouraging word.

Kevin served Lawrenceburg and Dearborn County with pride, but his most important priority was his family. He was the loving husband to Mary Jo (Joey) for 27 years and the proud father of Michael. My thoughts and prayers are with the entire Lynch family and all those who knew Kevin.

Congratulations to my good friend Kevin on a tremendous life well-lived.

Godspeed.

HONORING CADE OSMONSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Cade Osmonson. Cade is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 96, and earning the most prestigious award of Eagle Scout.

Cade has been very active with his troop, participating in many scout activities. Over the many years Cade has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Cade has served as his troop's Senior Patrol Leader. Cade has also contributed to his community through his Eagle Scout project. Cade refurbished a church in McFall, Missouri, replacing the roof of the portico, repainting the doors and windows, and power washing the outside of the church.

Mr. Speaker, I proudly ask you to join me in commending Cade Osmonson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. RENACCI. Mr. Speaker, had I been present, I would have voted YEA on Roll Call No. 702, and NAY on Roll Call No. 703.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. CAPUANO. Mr. Speaker, on Monday I missed three votes. I wish to state for the record how I would have voted had I been present: Roll Call No. 685—NO, Roll Call No. 686—YES, Roll Call No. 687—YES.

HONORING LEVI PARNACOTT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Levi Parnacott. Levi is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Levi has been very active with his troop, participating in many scout activities. Over the

many years Levi has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Levi has served as the Senior Patrol Leader, become a Brotherhood Member of the Order of the Arrow, and earned the rank of Fire Builder in the Tribe of Mic-O-Say. Levi has also contributed to his community through his Eagle Scout project. Levi installed an entry door into the garage of Immacolata Manor in Liberty, Missouri, and also refinished the entry room by hanging new drywall, mudding, taping, sanding and then painting the room.

Mr. Speaker, I proudly ask you to join me in commending Levi Parnacott for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO HILDA EISEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Hilda Eisen, who passed away last month in California at the age of 100. Hilda owned and operated Norco Ranch for many years and she will be deeply missed.

Prior to immigrating to the United States, Hilda was born and raised in the Polish village of Izbica-Kujawska. During the Nazi occupation of Poland, Hilda was imprisoned in a ghetto before escaping to hide with Jewish Partisans in the forest. Tragically, Hilda's entire family was killed during the war. Her classmate and future husband, Harry, survived the Auschwitz concentration camp before reconnecting with Hilda. Together, they moved to America in 1948 where they would invest their savings to buy 100 chickens and start a business in California.

In the early days of the family business, Harry would ride around town on his bicycle selling eggs. In a short amount of time, the business outgrew its facility and the Eisens purchased a five-acre ranch in Norco, California to build a chicken farm. Over the years, the business would be known as Norco Ranch and grow into a major supplier of eggs to regional supermarket chains. The business had nearly 400 employees before it was sold to Land-O-Lakes in 2000. In 2012, Harry passed away at the age of 95. Before Harry's passing, the Eisens became involved with the Lodzer Organization of Southern California, a group of Holocaust survivors that supported Jewish charities locally and in Israel.

I had the distinct privilege of knowing Hilda for many years and I will deeply miss her. I extend my heartfelt condolences to the entire Eisen family, including her three daughters: Ruth Eisen, Mary Cramer, and Frances Miller. Although Hilda may be gone, her selfless dedication to our nation and the human spirit will long be remembered.

PERSONAL EXPLANATION

HON. BETO O'ROURKE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. O'ROURKE. Mr. Speaker, I was unavoidably absent from the Chamber on Monday, December 18. Had I been present, I would have voted "no" on rollcall vote 685 and "yea" on rollcall votes 686 and 687.

PERSONAL EXPLANATION

HON. MARK POCAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. POCAN. Mr. Speaker, during my medical recovery, I missed the following Roll Call votes. Had I been present, I would have voted:

November 28, 2017: Yea on Roll Call No. 638; No on Roll Call No. 639.

November 29, 2017: No on Roll Call No. 640; No on Roll Call No. 641.

November 30, 2017: Yea on Roll Call No. 642; No on Roll Call No. 643; No on Roll Call No. 644; No on Roll Call No. 645; Yea on Roll Call No. 646; Yea on Roll Call No. 647; No on Roll Call No. 648; and Yea on Roll Call No. 649.

December 1, 2017: Yea on Roll Call No. 650; No on Roll Call No. 651; Yea on Roll Call No. 652.

December 4, 2017: No on Roll Call No. 653; Yea on Roll Call No. 654.

December 5, 2017: Yea on Roll Call No. 655; Yea on Roll Call No. 656; Yea on Roll Call No. 657.

December 6, 2017: No on Roll Call No. 658; No on Roll Call No. 659; No on Roll Call No. 660; Yea on Roll Call No. 661; Yea on Roll Call No. 662; No on Roll Call No. 663; and Yea on Roll Call No. 664.

December 7, 2017: No on Roll Call No. 665; No on Roll Call No. 666; Yea on Roll Call No. 667; Yea on Roll Call No. 668; Yea on Roll Call No. 669; No on Roll Call No. 670; and Yea on Roll Call No. 671.

December 11, 2017: Yea on Roll Call No. 672; Yea on Roll Call No. 673.

December 12, 2017: Yea on Roll Call No. 674; No on Roll Call No. 675.

HONORING JOEL PRIEST

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Joel Priest. Joel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Joel has been very active with his troop, participating in many scout activities. Over the

many years Joel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joel has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Joel Priest for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE HYDRAULIC INSTITUTE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. DUNCAN of Tennessee. Mr. Speaker, almost every member of Congress says a need in their district is more good jobs. Good business people that provide good jobs are not recognized enough. That is why I rise today to recognize the 100th Anniversary of the Hydraulic Institute and pay tribute to the exceptional role that pump manufacturers have played in improving the delivery of water to American homes, American industry and American agriculture over the past century. Today, pump systems touch the lives of every American and the Hydraulic Institute has a central role in developing the policies and standards needed for safe, reliable and efficient pump operations.

On April 18, 1917, the nation's leading pump manufacturers met in the La Salle Hotel in Chicago for the purpose of forming a trade association that would "promote friendship and cooperation among manufacturers in improving overall pump performance." The Hydraulic Institute provides the technical expertise required to set pump standards that reflect the evolving priorities of society.

In recent years, energy efficiency has emerged as a national priority and the Hydraulic Institute has worked closely with the United States Department of Energy to improve the efficiency of pumping systems. These systems now account for over 20 percent of domestic electrical energy use and the standards, laboratory testing and labelling advanced by the Hydraulic Institute will ultimately save consumers and businesses billions of dollars.

Pumping systems protect our communities from flooding and fires, deliver drinking water to our homes, irrigate our farms and bring water and fuel to American manufacturers.

As the Co-Chair of the Congressional Clean Water Caucus, I am keenly aware of the role that pump manufacturers play in providing safe, clean, affordable water to our citizens. It is my honor to stand today to acknowledge the 100th Anniversary of the Hydraulic Institute and to wish their continued success in advancing standards that improve the lives of every American.

TAX BILL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. McCOLLUM. Mr. Speaker, I would like to include into the RECORD the following article:

TAX BILL WOULD TRIGGER CUTS TO VITAL PROGRAMS

[Nov. 14, 2017]

The Statutory Pay-As-You-Go Act of 2010 (SPAYGO) created a budgetary enforcement regime to offset net deficit increases that would otherwise result from new laws affecting direct spending or revenues. SPAYGO in essence keeps a running tab of the deficit effects of all such laws, including laws enacted through the budget reconciliation process. If, at the end of a session of Congress, the SPAYGO scorecard shows a net debit for the upcoming year, numerous direct spending programs will get hit with an across-the-board cut to "pay for" that debit.

The Republican tax bill released last week would increase deficits by \$1.5 trillion over ten years. If Congress does not enact offsetting budgetary savings or provide some other remedy, enactment of this bill will trigger massive automatic program cuts every year for the next ten years. The tax bill's deficit effects would trigger SPAYGO cuts that would lead to outright elimination of many programs and still would not be enough to offset the tax bill's costs in full.

Damaging SPAYGO cuts resulting from the tax bill would include:

A 4 percent reduction in Medicare payments. Over ten years, this would add up to hundreds of billions of dollars. (SPAYGO caps the Medicare cut at 4 percent.)

A doubling of loan origination fees for federal student loans, making college more expensive for millions of students.

Elimination of funding for programs subject to uncapped SPAYGO across-the-board reductions. Some of the largest programs that would be zeroed out include:

Social Services Block Grants, which are flexible grants to states. They support a variety of initiatives serving low-income and vulnerable individuals such as adult protective services, special services to persons with disabilities, adoption services, case management, health-related services, transportation support, foster care, substance abuse services, home-delivered meals, independent and transitional living, and employment-related services.

Vocational Rehabilitation State Grants, which help states assist individuals with physical or mental impairments in developing new work skills and finding employment.

Commodity Credit Corporation farm price supports, which help stabilize and support farmer's incomes.

Crime Victims Fund, which provides compensation to victims of crime and supports victims' services.

Prevention and Public Health Fund, which expands investments in programs to improve health, primarily through the Centers for Disease Control and Prevention.

Trade Adjustment Assistance, which helps workers who have lost their jobs due to trade-related circumstances, such as an increase in imports.

HONORING CHAUNCEY LEE WAGNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Chauncey Lee Wagner. Chance is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1096, and earning the most prestigious award of Eagle Scout.

Chance has been very active with his troop, participating in many scout activities. Over the many years Chance has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Chance has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Chauncey Lee Wagner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO A WORDSMITH

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. McCAUL. Mr. Speaker, I rise today to honor an integral part of my communications team, Renn Osborne. Renn proved to be a valuable asset and a dedicated team player who helped articulate the mission of the Homeland Security Committee and our Members. He first served as an intern in the Committee's press office, then as a Press Assistant, and finally rising to the position of Deputy Press Secretary.

Renn effortlessly juggled print media requests with the daily challenges of the Committee's fast-paced press office. His sound judgment, quick action, and strong political acumen helped shape the Committee's message development. Renn was crucial in communicating the Committee's actions to help protect the American people.

His abilities were on display at the 53rd United States-Mexico Interparliamentary Group Meeting in Mexico City this past summer. The meeting transpired at a pivotal time, and Renn's efforts were key in communicating the close historic, economic, and cultural bonds that have been forged as a result of the U.S.-Mexico relationship over the past 192 years.

I am pleased that Renn has continued his public service on Capitol Hill as the speechwriter for Senator ROB PORTMAN. I look forward to seeing him continue to grow and develop as a wordsmith and as a communicator who is happy to serve his fellow citizens.

HONORING JOHN GIBSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize John Gibson. John is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 96, and earning the most prestigious award of Eagle Scout.

John has been very active with his troop, participating in many scout activities. Over the many years John has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, John has contributed to his community through his Eagle Scout project. John organized and led a blood drive at the Church of Jesus Christ of Latter-Day Saints in Gallatin, Missouri.

Mr. Speaker, I proudly ask you to join me in commending John Gibson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MAYOR SUZETTE COOKE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. SMITH of Washington. Mr. Speaker, I rise to honor and congratulate Suzette Cooke, the Mayor of the City of Kent, on her retirement. The citizens of Kent will miss her commitment, unstoppable work ethic, and passion.

For many decades prior to serving as Mayor, Suzette Cooke was a devoted public servant. She was the Executive Director of the Renton and Kent Chambers of Commerce, the Economic Development Manager for the City of Burien, the Recreation Supervisor for Seattle Parks, and Director of the Kent Senior Center. She also served three terms in the Washington State House of Representatives, where she chaired the Committee on Children and Family Services.

Under her leadership as Mayor, Kent has grown from a small, farming town, to a sizable city boasting a population of 125,000. Mayor Cooke has created a welcoming environment for people from a range of different backgrounds in a city that has become one of the most diverse in the country.

In addition to Suzette Cooke's duties as Mayor, she has remained an active volunteer and has served with organizations that help better the community she loves. Impressively, she has chaired the Kent Firemen's Relief and Pension Fund Board, the King County Flood Control Zone District Advisory Committee, and the South County Area Transportation Board. She has also been a member of the King County's Regional Transit Task Force and the King County Board of Health.

On top of her professional and civic engagements, Mayor Cooke has also found the time

to remain an avid recreationist and has summited eight of Washington State's tallest mountains. It seems clear that, for her, no challenge is insurmountable.

Mr. Speaker, it is with great pleasure that I recognize Mayor Suzette Cooke on her retirement. It has been a privilege to work with dedicated leaders like Mayor Cooke. I thank her for her service to her community and wish her all the best in retirement.

HONORING THE SERVICE OF
ARTHUR RADFORD BAKER, JR.**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GOODLATTE. Mr. Speaker, I rise to commemorate a distinguished public servant, and one of the "dedicated men and women of law enforcement." Mr. Arthur Radford Baker, Jr., will retire from the Federal Bureau of Investigation on December 31 of this year, after 30 years of service.

During his tenure at the FBI, Art has served in various capacities. He has led colleagues as a supervisor on counterintelligence and espionage matters out of the Baltimore Field Office, using sophisticated investigative techniques straight out of Hollywood spy thrillers. He has investigated organized crime, including La Cosa Nostra and Asian and Russian syndicates, out of the Detroit Field Office. Art even attained the highest marksmanship award the Bureau has to offer, qualifying for his name to be enshrined on a wall at Quantico as part of the FBI's elite "Possible Club." In large part, though, it has been Art's service to our country as a Congressional detailee that stands out as one of his fondest memories, including many legislative successes to which he contributed that are now memorialized and framed as "redlines" of passed laws.

Art served faithfully for nearly 3 years as a detailee from the FBI to the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. During his tenure, Art was a consistently reliable and capable staffer and legal counsel, and a great colleague. He was particularly beloved by our departed colleague and friend, the gentleman from North Carolina, Congressman Howard Coble.

In his work at the Judiciary Committee, Art staffed Chairman Lamar Smith and Subcommittee Chairman Coble for a multitude of assignments, including issues that spanned a spectrum of pressing matters, including Patriot Act hearings and legislation on child exploitation and trafficking. Art was a dedicated, crucial staffer upon whom Members could rely.

After returning to the FBI, Art served with distinction in the Office of Congressional Affairs (OCA). His service in OCA spanned a transitional era in American history, including the 9/11 terrorist attacks, the espionage leaks of Robert Hanssen, and the resulting reformulation of the FBI. Through it all, Art was a vital cog in our nation's premier law enforcement agency, and a steadfast friend to the Judiciary Committee. It is often said in Washington that

legislating is the "art" of the possible. How appropriate that we say that today.

Throughout his career, Art Baker has been a loyal public servant. For years, my staff has relied on his insight, his wise counsel, and his consistent ability to make us laugh. Many marvel at his various skills and interests, earning him a legitimate moniker as a "Renaissance Man." We expect that the forthcoming stage of his life in retirement will not be any less varied or adventurous.

I salute Art for his many years of distinguished service.

HONORING ROBERT PARTRIDGE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Robert Partridge. Robert is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1096, and earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Robert has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Robert Partridge for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ENDING SECRECY ABOUT WORK-
PLACE SEXUAL HARASSMENT
ACT**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise to introduce the Ending Secrecy About Workplace Sexual Harassment Act.

We are experiencing a national moment of reckoning. Millions of people who have been victims of sexual misconduct in the workplace are telling their stories and initiating a movement to create real change. We have an obligation to listen to all those who have come forward and recognize that many are still suffering in silence. And we also have an obligation to take action to make things better going forward.

The Ending Secrecy About Workplace Sexual Harassment Act will help lift the shroud of secrecy surrounding these cases that have concealed them for years or even decades by requiring companies to annually report all out-of-court settlements involving claims of sex discrimination, including sexual harassment and assault to the Equal Employment Opportunity Commission.

When employers don't have to disclose these internal settlements and there is no public record about abuse, it can cause great harm to victims, other employees, and even the public at large. More complete data and a transparency requirement will help identify institutional problems that should elicit further investigation by EEOC. This bill also has the potential to spark a change in the workplace, inspiring corporate leaders to focus on prevention if they know that complete secrecy is no longer an option regardless of how a claim is addressed and resolved. With total secrecy, companies have absolutely no incentive to focus on preventing sexual misconduct if they know they will never be held accountable.

In 2015, there were nearly 30,000 reports filed with the EEOC involving sexual harassment. That is one-third of the total harassment reports filed that year alone. If companies had to report all of their private settlements, that number would likely increase. The EEOC can also use these reports to take action, if appropriate, and go after violators.

I believe this is an important first step toward increasing accountability in the private sector to ensure a safer, fairer workplace for everyone. I thank my colleagues, Representatives KHANNA, NORTON, CUMMINGS, DAVID SCOTT, SHEA-PORTER, RASKIN, CONNOLLY, SUOZZI, KUSTER, MOORE, DINGELL, and PALONE for joining me as original cosponsors on this legislation, and hope that more members will support as well.

PERSONAL EXPLANATION

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. RENACCI. Mr. Speaker, had I been present, I would have voted: YEA on Roll Call No. 697; YEA on Roll Call No. 698; YEA on Roll Call No. 699; YEA on Roll Call No. 700; and NAY on Roll Call No. 701.

HONORING SERGEANT BRITTE'S CAREER OF SERVICE

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in honor of Sergeant Joseph Britte, Jr. After protecting our neighbors for more than 20 years, Sergeant Britte will be retiring from the Gainesville Police Department.

On a leap of faith, Sergeant Britte and his family moved from their home in Providence, Rhode Island to Gainesville in 1996. Upon arrival, he joined the Gainesville Police Department and began a job of public service that has characterized his life.

As a law enforcement official, Sergeant Britte has demonstrated a servant's heart and professional excellence. He dedicated countless hours to training and eventually earned a Bachelor's and Master's degree in organizational leadership and criminal justice.

When he wasn't on duty, Sergeant Britte still took an interest in the wellbeing of those around him. He mentored local students and taught self-defense classes all across Hall County.

Mr. Speaker, my staff and I have had the privilege of getting to know this man over the years. We believe that Hall County residents looking for examples of leadership and empathy should look no farther than our friend, Joe Britte.

I thank this officer for his service to Gainesville and congratulate him on the adventures that lie ahead.

COMMENDING NORTH JERSEY MAYORS

HON. JOSH GOTTHEIMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. GOTTHEIMER. Mr. Speaker, I rise today to commend the mayors of North Jersey, who convened last weekend for my Fifth District Mayors Summit. I'm proud to stand shoulder-to-shoulder with these local leaders to help save residents' property tax dollars, improve our schools, and get police and firefighters the tools and resources they need to protect our communities from crime and terror.

I am humbled every day to have the opportunity to work with our mayors. This past weekend, I watched first-hand as they put party aside and worked across the aisle to help claw back federal tax dollars in their towns—an urgent need, now more than ever, given the tax hike we are facing.

In North Jersey, we are paying far too much in taxes, and not getting enough in return. My District pays some of the highest taxes in the nation; yet, we only get 33 cents back for every dollar that we send to Washington. Compare that to "Moocher States," like Mississippi, which gets \$4.38 on the dollar. These states are giving themselves relief and sticking New Jersey with the bill.

The Tax Hike Bill passed yesterday is only going make matters worse—gutting our State and Local Tax deductions, increasing our taxes, and lowering our property values. We must continue working hard at the local level to blunt the impact of this harmful legislation and stop New Jersey from becoming America's piggy bank.

In New Jersey, we must be vigilant about clawing back as many federal tax dollars as possible to boost our return on investment for roads and bridges, for firefighters and law enforcement, and the resources they need to help fight crime and lone wolf and homegrown terror. Working closely with my office, and my Director of Return on Investment, these mayors have already seen record successes this year to support our cops, firefighters, and towns. For example, in Paramus, the police department will be hiring five new post-9/11 veterans as police officers, thanks to a \$1.875 million federal COPS grant. Harrington Park also brought back nearly \$213,000 in AFG grants to help protect firefighters and our families. These are dollars that would be going to Alabama and Mississippi if we didn't fight to

claw them back here. Our bipartisan work together is about fighting for North Jersey and helping our residents reduce their property tax burden.

I'm leaving no stone unturned and hope that by shining a light on these public servants, our mayors can build on their success and save more money for their towns and taxpayers. Getting this done is all about problem solving, and reaching across the aisle to do what's right for our communities. These are not Democratic or Republican issues; they are about what's best for New Jersey.

This holiday season, I am thankful for the twenty-one mayors and leaders who attended our summit, rolled up their sleeves, and put in the weekend hours to help their towns. Countless other mayors, councilmen, and councilwomen across the District have also worked around the clock. Currently, as we head into the new year, I rededicate myself to being their partner in making towns and communities even safer, more prosperous, and more affordable.

Alpine Mayor Paul Tomasko
Bergenfield Mayor Norman Schmelz
Dumont Councilman Carl Manna
Emerson Mayor Lou Lamatina
Fair Lawn Councilwoman Lisa Swain
Franklin Lakes Mayor Frank Bivona
Glen Rock Mayor Bruce Packer
Hackensack Mayor John LaBrosse
Harrington Park Mayor Paul Hoeschler
Mahwah Mayor Bill Laforet
Montvale Mayor Mike Ghassali
Oakland Mayor Linda Schwager
Paramus Mayor Rich LaBarbiera
Park Ridge Mayor Keith Misciagna
Ramsey Mayor Deirdre Dillon
River Edge Councilman Thomas Papaleo
Rochelle Park Committeeman Michael Warren
Teaneck Mayor Mohammed Hameeduddin
Westwood Mayor John Birkner
Wyckoff Mayor Rudy Boonstra
Wyckoff Administrator Bob Shannon

TRIBUTE TO THE LIFE AND LEGACY OF WALTER HOWLETT, JR.

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to honor the extraordinary life and legacy of the late Walter Howlett, Jr. Walter was a beloved member of the Birmingham community, investing not only in the city's business development but in community development as well.

Walter was born to Walter Howlett, Sr. and Laura Richardson Howlett, the second of seven children. Walter grew up understanding the importance of a good education. His parents often stressed that a quality education was the key to improving one's lot in life.

A proud graduate of A.H. Parker High School in Birmingham, Walter took his parents' advice to heart, holding dreams of attaining a business degree. But those dreams were put on hold when he was drafted into the United States Army shortly after finishing high school.

After serving for a year in the military, Walter returned home and completed his college education. Attending both Jefferson State Community College and the University of Alabama in Birmingham, Walter attained a Bachelor of Science degree in accounting and went on to earn his Certified Public Accountant license.

As his parents had said, Walter's education would indeed impact his lot in life. Soon after graduation he became a beloved protégé of civil rights activist, A.G. Gaston. Mr. Gaston created the first black bank and the first African American funeral homes along with countless other firsts for the black community.

It was his endearment and admiration for Mr. Gaston that helped to spur a more than 30-year career with the Gaston Corp., devoting countless hours to the development of some of Birmingham's most affluent and successful black-owned businesses. In 2003, Walter was appointed CEO of the A.G. Gaston Construction Co.

In spite of all his success in business, Walter still considered his family and faith to be his highest priorities, specifically his four children: Mondra Howlett, Cadeshia Howlett Samuel, Tameka Howlett, and Damien Howlett, and his wife, Deborah Howlett.

The Howletts' love story began in 2012. Shortly after the loss of his mother, friends and family say the meeting was a true blessing in Walter's life, and that she put a twinkle in his eye and a smile on his face. Two years later, in September of 2014, the couple exchanged vows. Mrs. Howlett says her life's greatest joy was the time they had together. Walter was an active member of Bethel Baptist Church in Collegeville, participating in various areas of ministry from the choir to serving as an usher. Walter lived by the motto, "find a need and fill it," a lesson learned by Mr. Gaston. He believed service to one's community was not an obligation but a privilege. In the course of his life Walter served on numerous boards including the United Way of Central Birmingham, the Boy Scouts of America, and the Birmingham Civil Rights Institute. He considered it a great joy to give back to the community he said gave him so much.

In his passing Walter leaves behind four siblings including: Birdie Lee Howlett, Patricia Howlett Peterson, James Lee Howlett, and Fredia Gail Howlett, his other siblings Willie Maud Jenkins and Jay Jerome Howlett are both deceased.

On a personal note, Walter was a cherished mentor and a dear friend. He was a dedicated servant-leader who knew the importance of "each one, teach one." Walter believed in mentoring young people and I was grateful that he was so supportive of my candidacy and always offered his wise counsel. His commitment to excellence and passion for business and entrepreneurship will live on through the many lives he touched.

On behalf of the 7th Congressional District, the State of Alabama, and this nation, I ask my colleagues to join me in celebrating the life of Walter Howlett, Jr. We pay tribute to his distinguished career and contributions for the betterment of the State of Alabama, and extend deep appreciation for his exemplary service to the community of Birmingham, Alabama.

RECOGNIZING THE CONTRIBUTIONS OF CHARLES BURRELL

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. DEGETTE. Mr. Speaker, I rise to honor the contributions of an extraordinary Denverite, Charles Burrell, who on November 28th was inducted into the Colorado Music Hall of Fame.

I've known Charlie my whole life. His distinguished career included playing in the Al Rose Trio founded by my uncle, Al Rose, together with Lee Arrelano. It was the first racially integrated jazz group in Colorado, and in the 1950s and '60s, they played at some of Denver's best-known destinations for music. When my uncle died unexpectedly at a relatively early age, Charlie volunteered to be my "honorary uncle," a role he has embraced.

Born in Toledo, Ohio, in 1920 and raised in Detroit, Charles Burrell studied music at Cass-Technical High School, then one of the most prestigious music schools in the nation. Although a dedicated student of classical music, Charlie and his friends embraced jazz and practiced it whenever possible. At seventeen, he was even asked to join the Lionel Hampton Big Band, affording him the opportunity to travel the country with some of the jazz greats of the time.

Charlie attended the New England Conservatory of Music and then joined the Navy, where he was selected to join the first-ever all-Black Navy band, which was used in recruiting to help encourage African-American enlistment. After an honorable discharge, he attended Wayne State University with an eye toward teaching music in the public schools, and eventually made his way to Denver to do just that in 1949.

A chance meeting with John VanBuskirk, the lead bass player with the Denver Symphony Orchestra, led to an audition, and Charlie became the first person of color in the nation to be hired by a major orchestra.

Charlie is equally comfortable in an orchestra or a jazz band. He was known to finish a performance at the DSO and then wrap up his evening playing jazz at the Rossonian Hotel in the Five Points neighborhood.

In 1959, Charlie became the first person of color to join the San Francisco Symphony, fulfilling a childhood dream. He played under conductor Pierre Monteux until 1965.

Always a generous man, Charlie has been an inspiration and mentor to many, including his niece, the two-time Grammy award-winning vocalist Dianne Reeves, and his cousin the renowned pianist George Duke.

At ninety-seven, Charlie has proved that age is just a number, frequently playing live bass on KUVU, Denver's preeminent jazz station.

Charles Burrell has been called the Jackie Robinson of classical music for his ability, class, and poise, helping forge change in American institutions that weren't always inclined to widen their circles.

It is my honor today to add to the accolades of this accomplished trailblazer.

IN HONOR OF BOB AND DONNA FRYER'S 50TH WEDDING ANNIVERSARY

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Bob and Donna Fryer on their 50th Wedding Anniversary.

This significant benchmark is a symbol of their commitment to each other and to their family. I am happy to join their friends and family in extending my best to them on this special occasion.

Again, Mr. Speaker, I would like to extend my congratulations to Bob and Donna on the celebration of their 50th Wedding Anniversary. I wish them the best today and for many more blessed years to come.

TRIBUTE TO A TOP-TIER COMMUNICATOR

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. McCAUL. Mr. Speaker, I rise today out of gratitude to recognize the professional achievements and service of my friend, Susan Phalen. Formerly the Communications Director for the House Homeland Security Committee, Susan now holds the title of Director of External Affairs at FEMA.

Susan's role as Communications Director transcended beyond her leadership in strategy and messaging. Susan's positive demeanor, PR-savvy mindset, and determination made her presence not only a valued component in my day-to-day but a real delight. She served as a spokesperson, confidant and trusted senior advisor whose counsel I always held in the highest regard.

Her expertise in media relations helped to elevate Committee Member and press interaction by hosting "meet and greets" and "pen and pads" to facilitate dialogue and solidify relationships. Susan's talents were most notably on display in her work assisting on CODEL trips abroad. Her interpersonal skills and proficiency in public diplomacy shone throughout trips to Europe, Asia, and the Middle East. She led over one hundred TV interviews during her tenure and oversaw the roll out of nine major Committee reports.

Susan's ability to think outside the box set her apart in developing messages for both domestic and international audiences in the national security space. She had a unique way of seeing things and consistently aimed to address a bigger picture in the anticipation of later trends. This is a skill she acquired from her impressive background in handling crisis communication scenarios in pressure-filled war zones.

Before joining my Committee three years ago, Susan was the Communications Director of the House Permanent Select Committee on Intelligence and spent more than 15 years as a high-profile communications specialist working in various national security and foreign policy posts with the U.S. State Department.

among others. She was deployed on nine different tours to Baghdad's dangerous "Green Zone" before spending time in Afghanistan as Director of Strategic Communications and Public Affairs for the Special Inspector General for Afghanistan Reconstruction.

It is not surprising that with this type of background, Susan took on the responsibility as Director of Communications for my Committee with ease and great effectiveness. She left a legacy that has already proven steadfast among her former colleagues and myself. Susan's quick wit, vivacious spirit, and ability to see humor in all things is missed profoundly.

Today, I am honored to be able to put the spotlight on her. While her time at our Committee was only a snapshot into the incredible career she continues to build, her friendship and counsel remain constant. She has already proven to be a steady hand at FEMA during the recent hurricanes, and I am excited to see what she will accomplish next.

IN HONOR OF CINDY KNIGHT
BEING NAMED SENIOR OF THE
YEAR BY THE SENIOR CENTER
OF JACKSON HOLE

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Cindy Knight for being named Senior of the Year by the Senior Center of Jackson Hole. This outstanding accomplishment is a sign of her hard work, leadership, and commitment to the town and people of Jackson.

Throughout her life, Cindy has been committed to helping those in her community, and her passion for promoting literacy is no exception. Being named Senior of the Year is a testament to her leadership and commitment to our community. I am grateful for all that she does to support the people of Jackson and our great state.

Again, Mr. Speaker, I would like to extend my congratulations to Cindy for earning the Senior of the Year Award. She and her family deserve to be extremely proud of this accomplishment.

JUDGE JOHN J. TOOMEY

HON. LEE M. ZELDIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. ZELDIN. Mr. Speaker, I rise today to honor Judge John J. Toomey of St. James, New York. As a soldier in Vietnam, he earned two Bronze Stars and was decorated for valor. Upon returning to the U.S., he graduated from Stony Brook University in 1972 and Hamline University Law School in 1976.

John worked as an Assistant Town Attorney for the Town of Smithtown between 1976 and 1979. He served as a member of the Tenth Judicial Grievance Committee from 1995 until 2002, when he was elected to the District

Court bench. In 2010, he was chosen to be the first Presiding Judge of the newly formed Suffolk County Veteran's Court. He considers this to be the highlight of his judicial career. Judge Toomey was elected to the Suffolk County Court in 2011 and is an Acting Surrogate and Acting Supreme Court Justice.

He has earned many awards and recognitions, including the 2008 Judge of the Year award from the Suffolk County Bar Association, the 2014 Peter Sweisgood Award from the Lawyers Helping Lawyers Committee of the Suffolk County Bar Association, and he has also been named Man of the Year by the Suffolk County Court Officers' Association.

In addition to his service in the military and on the bench, Judge Toomey has also been an active volunteer with the Saint James Fire Department.

Our country owes a debt of gratitude to Judge Toomey for his decades of selfless service.

TRIBUTE TO DARYL BUSCH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

MR. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to former Perris Mayor Daryl Busch, who passed away in California on Sunday, December 3, 2017. Daryl served the residents of Perris, California, as their mayor from 1999 to 2016, and he will be deeply missed.

Daryl was born on January 31, 1941 in St. Louis, Missouri. The family later moved to the small town of Greenville, Illinois, and while still a teenager, he enlisted in the U.S. Navy where he served three years as a shipboard radar operator on the USS Picking and USS Bryce Canyon. After leaving the service, Daryl and his family re-located to California where he worked as a banker. A promotion to bank manager brought the Busch family to Perris in 1975. Following his career in finance, Mr. Busch owned and operated Amigos Tres Restaurant on D Street before beginning his service in public office.

Daryl was elected to and served six terms as mayor of Perris. During that time he made a tremendous impact on the community, including overseeing the development of projects like the Drop Zone aquatics center, the Big League Dreams sports complex, Mercado Park and Mercado Apartments, the Monument Ranch neighborhood and Ethanac corridor upgrades. As mayor, Daryl was also instrumental in connecting Perris to the region through the establishment of the Metrolink train service at the city's new multi-modal transportation hub.

I have had the distinct privilege of knowing Daryl for many years, I was proud to call him my friend and I will deeply miss him. I extend my heartfelt condolences to the Busch family, including his wife, Kay, and son, Barry, his friends, and colleagues. Although Daryl may be gone, the many life-changing contributions he made in Riverside County will have a lasting impact for generations to come.

IN HONOR OF CHIEF PETTY OFFICER JIM MARSHALL FOR RECEIVING A 2017 SPIRIT OF HOPE AWARD

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Chief Petty Officer Jim Marshall on receiving a 2017 Spirit of Hope Award.

The Spirit of Hope Award recognizes six people or organizations across the country every year for their contributions to improving the lives of servicemembers and their families. Jim's selection for this award is a reflection of his dedication and many contributions to our great country and community.

Jim has spearheaded various events for servicemembers and their families, from Navy Balls to toy drives. He also has played an important role in strengthening the relationship between members of all branches of the military, especially the Navy, and our community. His outstanding patriotism and service to our community warrants his recognition as the first Wyomingite to receive this award.

Again, Mr. Speaker, I would like to extend my congratulations to Chief Petty Officer Jim Marshall and thank him for his incredible service to our country and state.

HONORING THE 20TH ANNIVERSARY OF FANELLO INDUSTRIES IN LAVONIA

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to congratulate my friends at Fanello Industries in Lavonia on their 20-year anniversary.

Established in 1998, this company has supported businesses across various industries by providing them with stamped metal blanks and other assemblies that play a major role in production.

When the company's founder, Vince Fanello, first opened his business in northeast Georgia, he understood that he was making a major commitment. Like many other companies, Fanello Industries began small and grew over time as a result of determination and diligence.

By the time the company reached its fifth year, it expanded to include multiple assembly lines and utilized 100,000 square feet of space to house its tools and employees.

Oftentimes, we forget the leap of faith that many people take when starting a business. For most business owners, passing the one-year milestone without succumbing to the defeats that come with a running business is a major accomplishment.

Many small business owners, like Mr. Fanello, are providing jobs that don't require a 4-year degree to people. When I met with Mr. Fanello, he stressed the need for welders in

his industry and highlighted his efforts in reaching out to the state prison system to provide work to recently released inmates so that they can build the skills needed for welding.

My friends at Fanello Industries can look back at what they've built with pride—remembering that they persevered throughout their 20-year operation. I congratulate them and look forward to their continued success.

RECOGNIZING KEISER UNIVERSITY

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. WEBSTER of Florida. Mr. Speaker, I rise today to recognize Keiser University for their accomplishments and their example for how a private university should operate and serve their community. For 40 years, Keiser University has equipped thousands of students to achieve success in our ever-changing economy. It is through institutions like Keiser that students across America and around the world have access to a variety of educational choices ranging from associate to doctoral degree programs.

An overwhelming sixty-six percent of Keiser graduates complete their degrees in the fields of Science, Technology, Engineering, and Mathematics (STEM). With unwavering persistence, I continue to support STEM, and am very pleased to celebrate the impressive milestone of this educational institution. In the past 10 years, Keiser University produced more than 33,800 graduates with associate degrees in a wide variety of in-demand working fields. With access to skilled workers on the decline, it is imperative that Congress works together with states to better prepare our workforce of tomorrow. I am pleased to witness Keiser's success, and wish them many more years of prosperity.

I applaud Keiser's faculty, staff, and students for their achievements and for their ongoing commitment to equipping our next generation to be leaders and achieve their dreams.

IN HONOR OF AL AND PENNY TWOMEY FOR RECEIVING THE 2017 WYOMING CARES VOLUNTEER OF THE YEAR AWARD

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to Al and Penny Twomey on being selected for the 2017 Wyoming CARES Volunteer of the Year Award. This outstanding accomplishment is a sign of their commitment to our community and to our great state.

Wyoming CARES is a statewide non-profit with the goal of helping Wyoming residents who may find it necessary to seek temporary assistance and often have trouble receiving it. Al and Penny have been supporting and par-

ticipating in the organization for over 20 years. They have become particularly involved in its largest annual fundraiser, the Ride with the Winds Bike Tour, for which Penny rode the 50-mile trail this year. I thank them for their dedication and many contributions to the program and to helping the people of our great state.

Again, Mr. Speaker, I would like to extend my congratulations to Al and Penny Twomey. They deserve to be extremely proud of this accomplishment.

THE FAILURE TO PASS THE DREAM ACT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. ROYBAL-ALLARD. Mr. Speaker, the president's anti-immigrant rhetoric and policies have jeopardized the future of immigrant parents and their children all across America.

This tragedy is most immediately true for Dreamers impacted by the President's ending the DACA program.

While Congress can act to protect Dreamers, Speaker RYAN and the Republican leadership have ignored the wishes of the majority of Americans and turned a deaf ear to this crisis by sending us home without voting to protect our nation's Dreamers.

Those who voted for the spending bill without the passage of the Dream Act, have in effect voted for the deportation of Dreamers.

Republicans who say it is okay to wait until next year to protect Dreamers are misleading the American people.

The fact is that since the President eliminated the DACA program in September, more than 13,000 Dreamers have already lost their work permits and deportation protections. And the fact is that an additional 122 Dreamers are losing their DACA protections every day.

They are students and professionals such as doctors, nurses, teachers, scientists and social workers. They are members of our military and parents who play a critical role in the wellbeing and future of our American society. Dreamers strengthen our economy, protect our country and enhance the quality of life in our communities and across our nation.

It is unconscionable that Speaker RYAN and the Republican leadership refused to bring the Dream Act for a vote before we recessed for the holidays.

It is impossible to understand how in good conscience the Republicans could go home to celebrate their religious beliefs and ideals knowing their lack of action is not only shattering the security and unity of families but creating a traumatized generation of children. How is that loving your neighbor as yourself?

School teachers in my district tell me many of their students are so consumed with fear of losing their parents they are exhibiting signs of PTSD and depression.

During this holy season, instead of celebrating the gifts of their faith, immigrant parents are having to develop emergency plans so their children will know what to do if their parents are taken away and don't make it home one night.

As a mother, I can't imagine the physical and emotional toll it takes to try and reassure your children while at the same time having to tell them they may not see you again or that they may have to leave their friends and their home for a country they do not know or remember.

Congress has the power to stop this terror by passing the Dream Act but the Republican leadership once again lacked the courage to take a stand and have a vote.

Protecting our Dreamers is the moral and right thing to do and it is in the best interests of our nation.

Tragically, instead of living up to our American values and giving Dreamers the gift of hope for a better and more secure future, Republicans have left them and their family with a lump of coal laced with fear and uncertainty.

Mr. Speaker, you and your leadership should be ashamed of yourselves.

HONORING SAM PACK AND HIS CHARITABLE WORKS ACROSS NORTH TEXAS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. MARCHANT. Mr. Speaker, I rise today to recognize Mr. Sam Pack of Carrollton, Texas for his tremendous and continuous work to better his community throughout his life.

Sam Pack's presence in North Texas is hard to miss. His commitment to community service and public involvement has touched the lives of many in the 24th District and across the State of Texas. Mr. Pack's personal involvement in the community is apparent in the numerous awards he has received including being named the Metrocrest Chamber of Commerce's "Citizen of the Year" as well as being recognized as a Paul Harris Fellow by Rotary International.

Mr. Pack's charitable donations and work are known well throughout North Texas, ranging from donations to diabetes research facilities to establishing a museum in his community. Mr. Pack is a dedicated supporter of Metrocrest Services and Kidd's Kids, to name a few of the many philanthropic organizations he supports throughout North Texas. Metrocrest Services provides critical services to those coping with crisis situations, those who need help stabilizing their lives, or require other forms of support. Kidd's Kids provides tremendous support to children and their families who are dealing with life altering conditions. Mr. Pack has also created the Sam Pack Cares program, which works to provide assistance to those who serve our nation in various ways.

For nearly forty years, the Sam Pack Auto Group has worked hand-in-hand with communities, businesses, and individuals across North Texas to provide outstanding service and support to customers. Mr. Pack's commitment to excellence and dedication to customer service has resulted in the Sam Pack Auto Group receiving countless awards and recognitions for their efforts. Most notably among

these recognitions is TIME Magazine's "Quality Dealer of the Year", Ford Motor Company's "Salute to Dealers Award", and the Texas Automobile Dealers Association's "Legends Award" which, to date, has been awarded to less than twenty outstanding auto dealers within the State of Texas. Since Mr. Pack first opened a dealership in 1980, he has provided vital support to those in need, and in the 36 years since that first dealership opened, Mr. Pack has continuously proven that he is an ardent supporter of his community.

Mr. Speaker, I ask that my fellow colleagues join me in thanking Mr. Sam Pack for his many years of dedicated service and charitable works. I wish him continued success and congratulations as the Sam Pack Auto Group opens the Sam Pack Five Star Chevrolet Dealership in Carrollton, Texas.

HISTORY IS MADE IN DAYTON,
OHIO

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. TURNER. Mr. Speaker, I rise today to commemorate two pieces of history from Dayton, Ohio.

Firstly, last week marked the 22nd anniversary of the Dayton Peace Accords. The Dayton Peace Accords brought an end to years of bloodshed and created a framework for lasting peace in Bosnia and Herzegovina. I served as mayor of Dayton during those Accords and witnessed firsthand American diplomacy bring adversaries to the negotiating table.

Recently, however, I fear the peace found in Dayton is threatened. Now is a critical time for the region. I wrote this week to Secretary of State Rex Tillerson encouraging him to host a Dayton Peace Accords II. The United States has an obligation to lead and support the peace we helped create in 1995.

The second piece of history I proudly recognize today is the anniversary of flight. This Sunday marked Wright Brothers Day, the 114th anniversary of the Wright Brothers' invention of flight.

The Wright Brothers did the bulk of their research in Dayton, Ohio, eventually leading to their creation of flight. Dayton continues to maintain the Wright Brothers' spirit of innovation.

IN HONOR OF JOHN
TROHKIMOINEN FOR RECEIVING
CALIFORNIA CASUALTY'S
NATIONAL AWARD FOR TEACHING
EXCELLENCE

HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. CHENEY. Mr. Speaker, I rise today to extend my congratulations to John Trohkimoinen on receiving California Casualty's National Award for Teaching Excellence. This outstanding accomplishment is a

sign of his hard work, leadership, and commitment to his students.

For the past thirty years, John has dedicated his time to ensuring that Natrona County High students build a strong educational foundation that will benefit them long after they leave his classroom. As just one of thirty-eight educators to receive this award, his commitment to education and the impact he has on those around him is apparent. I thank him for his contributions to Wyoming education and to Natrona County High School.

Again, Mr. Speaker, I would like to extend my congratulations to John Trohkimoinen for earning the National Award for Teaching Excellence. He and his family deserve to be extremely proud of this accomplishment.

HONORING DR. ROBERT GUNN

HON. BETO O'ROURKE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. O'ROURKE. Mr. Speaker, I am honored to congratulate my friend, Dr. Robert Gunn, for being awarded a National Endowment for the Humanities Award for Faculty for his work on American Horologies. Literature, Timekeeping, and the Production of Space in Early Western North America.

Though it will be above my level of comprehension, given Dr. Gunn's past work and the success it has achieved, I am confident that this will be an important addition to the study of North America and the indigenous cultures of the American West.

Dr. Gunn's work at the University of Texas at El Paso has helped to distinguish UTEP and the larger El Paso-Juarez community. It has helped to deepen and expand our insight of the people of North America, and it has contributed to a richer understanding of America and the American West.

I am extraordinarily fortunate to represent Dr. Gunn in Congress and to have the opportunity to congratulate him for this high achievement. Even better, I have the pleasure of calling him a friend and personally bearing witness to his kindness, wit, wisdom and the inspiration he takes from, and love he gives to, his beautiful children, Frances and Henry, and his wife Jonna, incredibly accomplished in her own right as the Director of the English Education Program at UTEP.

We are lucky to have Dr. Gunn in El Paso, lucky to count him and his family as friends, lucky that he has contributed his outsized talent and drive to a better understanding of who we are.

Congratulations Robert.

CELEBRATING THE BICENTENNIAL
OF THE TOWN OF AMHERST,
NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. HIGGINS of New York. Mr. Speaker, I rise today to recognize the distinguished his-

tory of the Town of Amherst, New York upon the occasion of the town's Bicentennial in 2018. Throughout the next year, Amherst will reflect on and celebrate its 200th anniversary.

On April 10, 1818, the Town of Amherst was officially created from part of the town of Buffalo, later known as the City of Buffalo. As the largest town in Erie County, New York, Amherst has a total area of 53.28 square miles. Amherst encompasses municipalities such as the Village of Williamsville, and the hamlets of Eggertsville, Getzville, Snyder, Swormville and East Amherst.

In the nineteenth century Amherst was a prosperous farming community with seven grist mills, several saw mills, a tannery and boot and shoe factory and two forges with commercial activity centered in Williamsville. Amherst draws on its history in its modern development, with structures such as the Williamsville Water Mill complex finding new purpose today.

From its beginnings as a primarily farming community, Amherst transformed into an urban area in the twentieth century with the creation of new subdivisions. Landmarks such as the University of Buffalo Campus North Campus and Millard Fillmore Suburban Hospital made Amherst their home.

Today, Amherst is comprised of approximately 125,000 residents. Those who live in Amherst enjoy a four rink recreational facility that attracts national and international ice tournaments, a state of the art senior center, three libraries, and a State Park within its borders.

The Town of Amherst will proudly mark its 200th Anniversary with a series of events throughout its Bicentennial Year, beginning on January 1, 2018 with a 200th Birthday Party. The celebrations continue with a gigantic Parade, historic walking tours, slogan contest, Interclub Service Club Luncheon and gala Bicentennial Ball.

Mr. Speaker, thank you for allowing me a few moments to recognize the Town of Amherst's rich history and enduring contributions as we celebrate its Bicentennial. Congratulations to the Town of Amherst and its residents on this exciting and noteworthy milestone.

HIGHLIGHTING THE ACHIEVEMENT
OF A YOUTH GROUP IN NORTH-
EAST PORTLAND

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. BLUMENAUER. Mr. Speaker, today I'd like to highlight the achievement of a group of young people in Northeast Portland.

In 2014, fourteen 6th grade girls at Beverly Cleary School formed the Grant Park chapter of Jane Goodall's "Roots and Shoots" youth service organization. Their goal was to raise funds for orphaned chimpanzees at Goodall's Tchimpounga Rehabilitation Center in Africa.

The girls' idea was to produce a vegetarian cookbook with sales benefiting the chimpanzee sanctuary. They wrote letters to chefs across the country asking for recipes and then spent most Friday evenings together cooking the food and taking notes. They also created

artwork and bios for the chefs to go along with each recipe. Three years later, these young women are in 9th grade and the cookbook, called "Saving Pan," is done.

A first printing of 400 copies of Saving Pan was sold out in a week and raised \$4,000 for the Sanctuary. For meeting their goals and making a difference, congratulations to Brooke Abbruzzese, Talia Baskin, Lily Buckenmeyer, Martha Bulkeley, McKenzie Caldicott, Ruby Cooper-Karl, Emma Francioch, Willa Gagnon, Maeve Larco, Matisse Nash, Maya Rashid, Charlotte Stoeger, Hanna Stokes and McKenzie Tell.

HONORING MARY COBB-HILL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Ms. LEE. Mr. Speaker, I rise today to honor the remarkable life of Mary Alice Cobb-Hill, a singer, and pianist, and impresario of the negro spiritual, who passed away on December 9, 2017.

Ms. Hill was born in Oakland, California on March 16, 1945 to Mary Magdalene and Roosevelt Cobb. Her parents instilled in her from an early age a love of music, and in particular the spiritual and gospel music which was a staple of their family worship services. Mary's mother was a teacher, and she imbued the music with a strong understanding of the history behind it, especially the experiences of the black struggles for freedom from slavery.

Mary attended Golden Gate Academy in Oakland, and later studied at Merritt and Laney Colleges, along with the Pacific Union. She also took private music lessons in classical opera singing.

Mary made the preservation of the Negro spiritual her lifelong passion. Throughout her life, she spent more than 50 years singing and performing in this historical tradition. She also worked to advance the tradition by writing three original musicals, *Flowers from Heaven*, *Dis Train*, and *The Seven Exaltations of Simeon of Cyrene*.

In addition to her work as a performer and writer, Ms. Hill also dedicated her life to teaching others about the history and technique of the Negro spiritual. She founded and served as the creative director for the Voices of Legacy, a community choir that performs in churches, schools, and community events, and was selected to perform at the inauguration of then mayor Dianne Feinstein in San Francisco. Through her work as an educator, Ms. Hill has trained scores of new performers and fostered a love of the Negro spiritual tradition in new generations.

Through her tireless efforts, Ms. Hill endeavored to use the Negro spiritual tradition to maintain a link between those whose experience and yearning for freedom initially created the music, and modern generations who can learn from that struggle to continue the push for true equality. I am grateful to her for her dedication to promoting African American culture and history, and keeping alive the stories and traditions of our ancestors.

Ms. Hill is survived by her husband, Carl, and her daughters Maranatha and Gabrielle,

as well as her grandchildren Duane, Josiah, and Nicole. She is also survived by her brothers Paul & Michael, her sisters Gloria Jean, and Sharon, and their families.

Today, on behalf of California's 13th Congressional District, it is my honor to commend the life and achievements of Ms. Mary Alice Cobb-Hill. I offer my sincere gratitude for her continued commitment to promote the arts and arts education, and for the profound legacy she has left in our East Bay community. I also offer my condolences to Ms. Cobb-Hill's family and friends as they cope with this immeasurable loss and join together to celebrate her life.

REMEMBERING THE LIFE OF ROBERT "BOB" WILMERS

HON. KEITH J. ROTHFUS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. ROTHFUS. Mr. Speaker, today, we remember the life of Robert "Bob" Wilmers, a visionary, successful business man, loving father and husband, who passed away this past Saturday.

In 1983, he became Chairman and CEO of M&T Bank and held those positions until his recent passing. Under his leadership, M&T grew from \$2 Billion to \$120 Billion in assets in 35 years. He saw the bank's reach grow from Buffalo to Maryland and the D.C. area, as well as Pennsylvania. Through it all, he never lost touch with his customers.

Bob's annual letters to shareholders were legendary and he was critical of over regulation that hurt regional banks.

His even handed, steady analysis will be missed. In addition to his successful career, Bob shared a deep commitment to the city of Buffalo, New York through his charitable giving and service to the community.

He was fiercely loyal to his work and bettering the community, an example we can all learn from. I extend my condolences to his family and friends. He leaves a large void that will be felt for years to come.

CONGRATULATING KAREN BALLARD ON HER RETIREMENT FROM THE GRAPEVINE POLICE DEPARTMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. MARCHANT. Mr. Speaker, I rise today to recognize and congratulate Karen Ballard on her numerous years of service and dedication to the Grapevine Police Department in Grapevine, Texas. Karen retires this year after serving for fourteen years with the City of Grapevine, and accumulating over thirty-one years of dedicated service in emergency communications for the State of Texas.

Karen's admirable career first began when she joined the Arlington Police Department as a dispatcher in 1986. After serving for over

seventeen years in the City of Arlington, Texas, Karen began her tenure with the City of Grapevine in 2003.

Throughout her career, Karen has served as a Dispatcher, Communications Coordinator, Coordinator Training Assistant, and a Communications Supervisor. Since joining the Grapevine Police Department, Karen has honorably served her community and has built a reputation as an outstanding Dispatcher and Communications Supervisor.

Karen's dedication as a public servant is apparent in her pursuit of continued education and trainings to help provide a better service to her community. In total, Karen has completed 4,227 training hours since beginning her career in emergency communications.

Karen's contributions to the emergency operations in the City of Grapevine have helped to ensure the Police, Fire, and EMS services have the best information available when they are needed. The importance of quick and accurate information can never be overstated in life-or-death situations. Karen's dedication and service have been a vital part of keeping our first responders effective, and more importantly, keeping them safe. Her legacy will leave a lasting mark on the City of Grapevine and the city's emergency services for many years to come.

Mr. Speaker, it is a pleasure to recognize the notable efforts Karen has contributed to the City of Grapevine. I ask all of my distinguished colleagues to join me in recognizing Karen Ballard and her many years of service and wishing her the best in her retirement.

HOW THE REPUBLICAN TAX PLAN HURTS MILLIONS OF AMERICANS

HON. JAMIE RASKIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 21, 2017

Mr. RASKIN. Mr. Speaker, I rise today in strong opposition to the proposal put forward by my Republican colleagues that is misleadingly titled the "Tax Cuts and Jobs Act." I voted against the GOP Tax Scam when it was brought up in the House of Representatives a few weeks ago, and I did again this week when Republicans bypassed "regular order" to pass a partisan, highway robbery and power grab bill that will give massive tax cuts to corporations experiencing record profits and explode our national debt, while pulling the rug out from beneath the American Working Class and Middle Class.

As the elected representatives of the American people, Congress should be passing legislation that helps every American, not serving as a rubber-stamp for tax cuts advanced by a President who bankrupted four companies, his high-flying billionaire cabinet, and his wealthy corporate donors demanding a big Christmas bonus for the one-percent. Yet that is precisely what the Republicans in Congress have done.

Let's be clear: this bill will not "stimulate the economy" or "create more jobs"—in fact, more than 30 distinguished economists have invalidated these claims. This bill will not help middle-class Americans today and it will not

help future generations of Americans tomorrow—in fact, these claims have also been proved false by the analysis of nonpartisan tax experts and government entities. Maryland's middle class, seniors, students, working families, and everyone else who is not a gigantic corporation, one of the richest of the rich in this country, or anyone without their own lobbyist will be made worse-off under this proposal. Our children and grandchildren will be footing the bill for this irresponsible and reckless corporate giveaway for decades to come.

Both the House and Senate tax bills are bad deals for my constituents, Marylanders, and ninety-nine-percent of Americans. There were virtually no hearings and no Democratic input in the process, while special interest lobbyists inserted absurd provisions (such as eliminating the deductions for state and local taxes and medical expenses, and opening-up oil drilling in Alaska).

A recent analysis from the Joint Committee on Taxation found that many Americans, including many of my constituents, will receive a substantial tax hike under the Republican plan. Also, according to both the non-partisan Joint Committee on Taxation and the Congressional Budget Office, by 2027, those earning \$40,000 to \$50,000 would pay a combined \$5.3 billion more in taxes, while the group earning \$1 million or more would get a \$5.8 billion tax cut. Apparently the Republican version of the new American Dream is to raise taxes on the Middle Class while showering millionaires with tax breaks.

Congressional Republicans are also dismissing concerns over the debt, reversing years of deficit-hawk rhetoric so fast they are walking around with neck braces from the ideological whiplash. Suddenly the GOP is calling trillions of dollars of debt “a drop in the bucket”—which will of course, be true, only until Republicans decide that we need deep painful cuts to Medicaid, Medicare and Social Security to pay for the magnificent tax cuts they

have already bestowed upon the nation's wealthiest one-percent.

If this legislation is such a boon for America's small businesses, why are the small businesses in my state so upset about the plan? Maryland's small businesses may be in favor of long-overdue tax reform, but this is not it. They wanted public hearings, where provisions like pass-through businesses could have been openly discussed and debated. Instead, we're looking at a bill which pretends to provide for small business but most pass-through income goes to the top one-percent of American earners. This is hardly helping America's Middle Class as the Republican leadership claims, but it certainly helps the GOP's gilded Donor Class.

My constituents are not fools and they are not suckers. They are not holding buckets waiting for the Koch Brothers' private jet maintenance exemptions to magically “trickle down” and benefit them. No credible research has demonstrated that corporate tax breaks will create millions of new American jobs. In fact, documented history shows that just the opposite occurs. Foreign corporations are probably cheering along the GOP Tax Scam, knowing that America is only days away from creating millions of new jobs overseas. Trickle-down economics is a fraud. The only kind of economics that works for Americans is bubble-up economics where we invest in infrastructure, health care and education—we invest in the Middle Class and prosperity bubbles up everywhere.

Furthermore, I often hear from my overseas constituents, who have their own profound concerns about our tax system. As someone who has lived abroad, I appreciate their concerns. Americans abroad are being treated unfairly—taxed first by their local tax authority, and again by the United States. No other countries tax their citizens abroad, with the exceptions of North Korea and Eritrea. Yet Congressional Republicans have chosen to ignore

the nine million voices of red, white and blue American citizens seeking help and relief. The GOP is callously ignoring our citizens overseas, refusing to help millions of constituents abroad who desperately want and deserve expat tax reform.

Congress should act immediately, so that U.S. citizens living abroad are not forced to choose between two terrible outcomes: draining their life savings to pay their taxes or renouncing their citizenship to escape this outrageous double taxation. There has been some important progress in this regard though. I'm pleased that my colleague from North Carolina, Representative GEORGE HOLDING, readily acknowledged the problem of expat taxation during the House Floor debate on H.R. 1, but frankly, it is shocking that the House Ways and Means Committee failed entirely to provide any tax reform relief whatsoever to millions of Americans living abroad.

My constituents did not send me to Congress to vote for a bill which adds more than \$1 trillion to our national debt; sends American jobs overseas; eliminates tax assistance provisions for the sick, seniors, college students, teachers, families with special needs children, working families, and middle-class families; and puts more into the pockets of people like President Trump.

The Tax Cuts and Jobs Act is a hoax. Republicans boast that this bill provides “tax cuts for everybody,” but millions of Americans will see their taxes increased under this proposal. Don't just take my word for it, check out the latest analysis from the official revenue referee of Congress, the Joint Committee on Taxation.

In closing, Mr. Speaker, this tax bill is a bad deal for Maryland, and indeed, nearly every American whose last name isn't Trump or Koch or Mercer or Adelson. I am proud to have taken a stand for Marylanders and America's Middle Class by voting against the GOP Tax Scam.

HOUSE OF REPRESENTATIVES—Friday, December 22, 2017

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. GALLAGHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 22, 2017.

I hereby appoint the Honorable MIKE GALLAGHER to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Paul D. Holland, S.J., Jesuit Conference, Washington, D.C., offered the following prayer:

Gracious God, winter has come, with its long nights and cold days.

The holidays bring both hectic demands and the promise of reunions and recreation.

War and dissension continue to plague our world and our own hearts, even as heavenly voices cry out for peace on Earth; so we pause and seek Your presence, Your light, Your peace.

Bless each Member of Congress. Through their faithful service to our Nation, make them witnesses to hope in the midst of confusion, beacons of light in the midst of the dark, and channels of peace amidst turmoil.

Give them safe journeys home, joyful family gatherings, and renewal of strength in body, mind, and spirit.

And most of all, fill their hearts with gratitude and humble recognition that You are the source of all hope, all light, and all peace.

We pray this in Your most holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 670, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CULBERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CULBERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 21, 2017, at 7:23 p.m.:

That the Senate agree to House of Representatives amendment to Senate amendment to the bill H.R. 1370.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore UPTON on Thursday, December 21, 2017:

H.R. 1370, to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2017, at 11:34 a.m.:

That the Senate passed S. 35.
That the Senate passed S. 167.
That the Senate passed S. 432.
That the Senate passed S. 466.

That the Senate passed S. 1208.
That the Senate passed S. 1438.
That the Senate passed S. 2030.
That the Senate passed S. 2070.
That the Senate passed S. 2273.
That the Senate passed with an amendment H.R. 195.
That the Senate passed without an amendment H.R. 267.
That the Senate passed without an amendment H.R. 381.
That the Senate passed without an amendment H.R. 518.
That the Senate passed without an amendment H.R. 560.
That the Senate passed without an amendment H.R. 699.
That the Senate passed without an amendment H.R. 863.
That the Senate passed without an amendment H.R. 954.
That the Senate passed without an amendment H.R. 1242.
That the Senate passed without an amendment H.R. 1306.
That the Senate passed without an amendment H.R. 1927.
That the Senate passed without an amendment H.R. 2142.
That the Senate passed without an amendment H.R. 2228.
That the Senate passed without an amendment H.R. 2331.
That the Senate passed without an amendment H.R. 2611.
That the Senate passed without an amendment H.R. 4661.
Appointment:
United States-China Economic Security Review Commission (Maj. Leader).
United States-China Economic Security Review Commission (Dem. Leader).
With best wishes, I am
Sincerely,

KAREN L. HAAS.

EXTENDING THE PERIOD DURING WHICH VESSELS THAT ARE SHORTER THAN 79 FEET IN LENGTH AND FISHING VESSELS ARE NOT REQUIRED TO HAVE A PERMIT FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF THE VESSEL

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2273) to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the bill is as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MORATORIUM.

Section 2(a) of Public Law 110-299 (33 U.S.C. 1342 note) is amended by striking “December 18, 2017” and inserting “January 19, 2018”.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 167. An act to designate a National Memorial to Fallen Educators at the National Teachers Hall of Fame in Emporia, Kansas; to the Committee on Natural Resources.

S. 432. An act to designate the Cerro del Yuta and Río San Antonio Wilderness Areas in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

S. 466. An act to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in the Kaibab National Forest; to the Committee on Natural Resources.

S. 1438. An act to redesignate the Jefferson National Expansion Memorial in the State of Missouri as the “Gateway Arch National Park”; to the Committee on Natural Resources.

S. 2030. An act to deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020, and for other purposes; to the Committee on Energy and Commerce.

S. 2070. An act to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism; to the Committee on the Judiciary; in addition, to the Committee on Education and the Workforce; to the Committee on Oversight and Government Reform; and to the Committee on House Administration for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill

of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. UPTON, on Thursday, December 21, 2017:

H.R. 1370. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 670, the House stands adjourned until 4:30 p.m. on Tuesday, December 26, 2017.

Thereupon (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Tuesday, December 26, 2017, at 4:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3539. A communication from the President of the United States, transmitting a memorandum enumerating accounts in the Further Additional Continuing Appropriations Act, 2018, as emergency requirements, pursuant to Additional Continuing Appropriations Act, 2018 (H. Doc. No. 115–85); to the Committee on Appropriations and ordered to be printed.

3540. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (New Jersey: Beverly, City of, Burlington County, et al.) [Docket ID: FEMA-2017-0002; Internal Agency Docket No.: FEMA-8509] received December 18, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3541. A letter from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting The Commission's final rule — Bridging the Digital Divide for Low-Income Consumers [WC Docket No.: 17-287]; Lifeline and Link Up Reform and Modernization [WC Docket No.: 11-42]; Telecommunications Carriers Eligible for Universal Service Support [WC Docket No.: 09-197] received December 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3542. A letter from the Director, Office of Strategic Planning and Management, Department of Housing and Urban Development, transmitting the Department's FY

2016 FAIR Act Inventory, pursuant to 31 U.S.C. 501 note; Public Law 105-270, Sec. 2(c)(1)(A); (112 Stat. 2382); to the Committee on Oversight and Government Reform.

3543. A letter from the Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting the Department's summary of the inventories of commercial and inherently governmental activities for fiscal year 2016, pursuant to 31 U.S.C. 501 note; Public Law 105-270, Sec. 2(c)(1)(A); (112 Stat. 2382); to the Committee on Oversight and Government Reform.

3544. A communication from the President of the United States, transmitting a notification of the intention to end the suspension of Argentina's designation as a beneficiary developing country under the Generalized System of Preferences program, pursuant to 19 U.S.C. 2462(f)(1); Public Law 93-618, Sec. 502 (as added by Public Law 104-188, Sec. 1952(a); (110 Stat. 1920) and 19 U.S.C. 2462(d)(3); Public Law 93-618, Sec. 502(d)(3) (as added by Public Law 104-188, Sec. 1952(a)); (110 Stat. 1917) (H. Doc. No. 115–84); to the Committee on Ways and Means and ordered to be printed.

3545. A letter from the Chair, Office of Compliance, transmitting a letter asking Congress to make anti-discrimination and anti-harassment training mandatory as recommended in the Office's December 2016 report; jointly to the Committees on House Administration and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 242: Mr. LANGEVIN.

H.R. 435: Mr. MESSER.

H.R. 667: Mr. DELANEY.

H.R. 1291: Mr. BEN RAY LUJÁN of New Mexico.

H.R. 2740: Mr. CASTRO of Texas, Mr. AL GREEN of Texas, Mrs. BROOKS of Indiana, Mr. SHUSTER, Mr. SCOTT of Virginia, Ms. STEFANIK, Ms. ESTY of Connecticut, Mr. PRICE of North Carolina, Mrs. TORRES, Ms. MOORE, Mr. RUSSELL, Mr. COFFMAN, and Mr. UPTON.

H.R. 2871: Mr. CALVERT.

H.R. 2996: Mr. LAHOOD and Mr. HOLDING.

H.R. 3635: Mr. MCNERNEY.

H.R. 3948: Mr. GOTTHEIMER.

H.R. 3978: Mr. GOTTHEIMER.

H.R. 4143: Mr. DONOVAN, Mr. TROTT, and Mr. LAHOOD.

H.R. 4253: Mr. CARTWRIGHT.

H.R. 4319: Mr. GOTTHEIMER.

H.R. 4382: Mr. MOONEY of West Virginia and Mr. YARMUTH.

H.R. 4541: Ms. TSONGAS and Mr. RUSH.

H.R. 4653: Mr. GROTHMAN.

H. Res. 31: Mr. DELANEY.

H. Res. 672: Mrs. BUSTOS.

EXTENSIONS OF REMARKS

RECOGNIZING THE COMMISSIONING OF THE USS "LITTLE ROCK"

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 22, 2017

Mr. REED. Mr. Speaker, I rise to today to recognize the commissioning of the newest combat ship to be added to the United States Navy, the USS *Little Rock* (LCS-9).

This three hundred and eighty-nine foot littoral combat ship is named in honor of the previous USS *Little Rock*, which began service in 1944 and was taken out of service in 1976, subsequently being converted into a floating museum.

This commissioning ceremony in Buffalo, New York, is the first time in the history of the United States Navy that a ship has been commissioned next to its namesake. It serves as a moment to remember the proud history of the United States Navy as well as the brave men and women who have served, and continue to serve our country at sea.

I ask my colleagues to join me in recognizing the commissioning of the USS *Little Rock* and wishing success and safety to all of her future crew members as they serve and protect our great nation and advance the cause of liberty around the world.

MOTION TO CONCUR IN THE SENATE AMENDMENT WITH AN AMENDMENT TO H.R. 1370—FURTHER CONTINUING RESOLUTION FOR FY2018 AND H.R. 4667—MAKING FURTHER SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018, FOR DISASTER ASSISTANCE FOR HURRICANES HARVEY, IRMA, AND MARIA, AND CALENDAR YEAR 2017 WILDFIRES

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 22, 2017

Ms. McCOLLUM. Mr. Speaker, it is no secret that the Republican majority has utterly failed to govern responsibly and has neglected the needs of the American people. The federal government's fiscal year started three months ago, and since then House Republicans have accomplished nothing except to pass their deficit busting tax-scam for big corporations and billionaires. In the meantime, they have held hostage a full year of funding for our government and failed to extend critical healthcare programs like the Children's Health Insurance Program (CHIP). So here we are debating H.R. 1370, a third continuing resolution that

attempts to paper over the failures of this Republican Congress. Mr. Speaker, this is simply intolerable to my constituents.

H.R. 1370 contains billions in defense "anomalies" that are not subject to the discretionary spending caps and have not had a single hearing in the House Appropriations Subcommittee on Defense. Democrats have been ready for months to strike a bipartisan agreement to raise the caps for defense and non-defense spending with parity. Bypassing the defense cap with new spending in H.R. 1370 is unacceptable.

H.R. 1370 fails to include a bipartisan reauthorization of the Children's Health Insurance Program, continuing the uncertainty and fear that 9 million children and their families who depend on the program face. The funding provided for CHIP in this bill would only fund the program through March, 2018, and would be offset with cuts to other critical healthcare programs like the Prevention and Public Health Fund. Every American should be offended that Republicans have spent their time passing tax cuts for the rich while the medical needs of children are cast aside.

H.R. 1370 also temporarily extends surveillance authorities under the Foreign Intelligence Surveillance Act, including FISA Section 702. In 2012, I did not vote to extend these authorities when they were reauthorized out of a concern for how the privacy of the American people would be impacted. Since 2012, there has been no effort to address my concerns, so I cannot support an extension of FISA in the current form.

Finally, while I am glad to see that a serious conversation has begun on separate legislation that would provide additional emergency disaster relief for areas impacted by this year's hurricane season (H.R. 4667), I am deeply concerned that the bill fails to fix a Medicaid funding shortfall in Puerto Rico and the U.S. Virgin Islands. If this is not addressed early in the next session of Congress, thousands of Americans will be at risk of losing access to critical healthcare programs in 2018. The federal government has a responsibility to provide the same standard of federal assistance to the American citizens living in Puerto Rico and the U.S. Virgin Islands as it does to states. As we debate this today, the Senate has already indicated they will not take up H.R. 4667 due to these same concerns.

Mr. Speaker, Republicans need to stop lurching from crisis to crisis. These problems require bipartisan solutions, and we know from history that the only way appropriations bills are enacted into law is when Republicans and Democrats reach an agreement on funding levels. So I urge my Republican colleagues to put forward appropriate funding levels for all twelve appropriations bills and finally work with Democrats to meet the challenges our nation faces.

APPLICABILITY OF THE FEDERAL EXCISE TAX ON AIR TRANSPORTATION TO AIRCRAFT MANAGEMENT SERVICES COMPANIES

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 22, 2017

Mr. RENACCI. Mr. Speaker, as a member of the Ways and Means Committee, I rise today to speak on the Congressional intent behind the exemption for aircraft management services (AMS) companies from the federal excise tax (FET) on air transportation included in Section 13822 of H.R. 1. This provision is based on H.R. 896, sponsored by Congressman TIBERI and co-sponsored by myself.

AMS companies are paid to manage and maintain fleets of private aircraft, a service that is non-commercial. The FET on air transportation, on the other hand, is considered an airline ticket tax which commercial airline customers pay when they purchase a commercial airline ticket. Congress is exempting AMS companies from the FET on air transportation because fees paid for the maintenance and management of private aircraft are not analogous to the purchase of a commercial airline ticket. Likewise, Federal Aviation Regulation (FAR) Part 91 recognizes that AMS companies provide non-commercial aircraft operations and thus are generally only subject to federal fuel taxes, and not the FET on air transportation.

We included Sec. 13822 in H.R. 1 because the IRS has pursued a number of AMS companies for collection of the FET on air transportation. The result has been inconsistent outcomes, creating winners and losers among similarly situated AMS companies. To clarify the law, which has become quite muddled in this area, H.R. 1 seeks to set the record straight regarding the applicability of the FET on air transportation to AMS companies.

In conjunction with prior legislation, H.R. 1 makes clear that the FET on air transportation is not applicable to payments for the management of aircraft that are wholly-owned, fractionally owned, or that belong to a fractional program. As such, with the enactment of H.R. 1, the IRS should cease its efforts to collect the FET on air transportation from AMS companies.

The IRS should not infer that Congress believes the FET on air transportation did apply to management fees paid to AMS companies prior to enactment of H.R. 1. On the contrary, Congress is finally clarifying an area of law that has become muddled, resulted in inconsistent enforcement, and created winners and losers among similarly situated AMS companies.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE LEGACY AND LIFE
OF MRS. GIRLIA E. WHITE SAND-
ERS

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 22, 2017

Mr. RICHMOND. Mr. Speaker, I rise today to honor the life and legacy of Mrs. Girlia E. White Sanders, a native of New Orleans, Louisiana, who passed away on December 19, 2017, at the age of 79.

Mrs. Sanders loved the city and the people of New Orleans. Her legacy will forever be a

part of the city and her dedication to community embodies the spirit of New Orleans. We cannot match the sacrifices made by Mrs. Sanders, but surely we can try to match her sense of service. We cannot match her courage, but we can strive to match her devotion.

Mrs. Girlia E. White Sander's survivors include her husband of sixty years, Pastor Leroy Sanders, Sr.; six children, Janice S. Bennett, Connie S. Bridger, Leroy, Jr. (Treva) Sanders, Diana S. (Eugene, Jr.) Barnes, Leslie S (Rahman) Martin and Pastor Dale J. Sr. (Kimberly) Sanders; seventeen grandchildren, Clarence Bennett, Jr., Rev. Lorenzo (Carrie) Bennett, Antoine Bennett, Sr., Jazmm (Kendrick,

Sr.) White, Monika Arceneaux, Leroy Regis Sanders, Javalyn Session, Ashley Bridger, Gerae Vallery, Christian Booker, Eugene, III and Jaren Barnes, Destiny Estean, Jordan and Dale Sanders II, Kwinci Martin and Jericho Ehsha Sanders; one honorary grandson, Minister Clyde Davis, Jr.; nine great-grandchildren and one great-great grandchild; five sisters, two brothers, four brothers-in-law, four sisters-in-law, and a host of nieces, nephews, relatives and friends.

Mr. Speaker, I celebrate the life and legacy of Mrs. Girha E. White Sanders a beloved wife, mother, grandmother, aunt, and daughter.

SENATE—Saturday, December 23, 2017

The Senate met at 11 and 5 seconds a.m. and was called to order by the Honorable LUTHER STRANGE, a Senator from the State of Alabama.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 23, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LUTHER STRANGE, a Senator from the State of Alabama, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. STRANGE thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL WEDNESDAY, DECEMBER 27, 2017, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m. on Wednesday, December 27, 2017.

Thereupon, the Senate, at 11 and 35 seconds a.m., adjourned until Wednesday, December 27, 2017, at 10 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, December 26, 2017

The House met at 4:30 p.m. and was called to order by the Speaker pro tempore (Mr. MCHENRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 26, 2017.

I hereby appoint the Honorable PATRICK T. MCHENRY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Paul D. Holland, S.J., Jesuit Conference, Washington, D.C., offered the following prayer:

Gracious God, we acknowledge You as Lord of all nations, creator of land, and sea and sky, source of the wonders of nature and of all goodness.

You have entrusted creation to our faithful stewardship, yet You alone sustain all Your creation through the life-giving breath of Your spirit.

In Your wisdom, You arranged the changing of times and seasons so that we might marvel at Your love, reflected in the vastness of the universe and the bounty of this Earth.

As we near the end of this year, we pray Your blessings upon the Members of this Congress throughout the coming new year, and ask You to keep them always in Your ways of truth and faithful service.

We pray this in Your Holy Name.
Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 670, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following

enrolled bills were signed by Speaker pro tempore UPTON on Friday, December 22, 2017:

H.R. 267, to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes;

H.R. 381, to designate a mountain in the John Muir Wilderness of the Sierra National Forest as "Sky Point";

H.R. 518, to amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination from energy conservation standards for external power supplies, and for other purposes;

H.R. 560, to amend Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes;

H.R. 699, to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon;

H.R. 863, to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes;

H.R. 954, to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes;

H.R. 1242, to establish the 400 Years of African-American History Commission, and for other purposes;

H.R. 1306, to provide for the conveyance of certain Federal land in the State of Oregon, and for other purposes;

H.R. 1927, to amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes;

H.R. 2142, to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes;

H.R. 2228, to provide support for law enforcement agency efforts to protect mental health and well-being of law enforcement officers, and for other purposes;

H.R. 2331, to require a new or updated Federal website that is intended for use by the public to be mobile friendly, and for other purposes;

H.R. 2611, to modify the boundary of the Little Rock Central High School National Historic Site, and for other purposes;

H.R. 4661, to reauthorize the United States Fire Administration, the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire Emergency Response grant program, and for other purposes;

S. 1393, to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses;

S. 1532, to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking;

S. 1766, to reauthorize the SAFER Act of 2013, and for other purposes.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. UPTON, on Friday, December 22, 2017:

H.R. 267. An act to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes.

H.R. 381. An act to designate a mountain in the John Muir Wilderness of the Sierra National Forest as "Sky Point".

H.R. 518. An act to amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination from energy conservation standards for external power supplies, and for other purposes.

H.R. 560. An act to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes.

H.R. 699. An act to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon.

H.R. 863. An act to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes.

H.R. 954. An act to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes.

H.R. 1242. An act to establish the 400 Years of African-American History Commission, and for other purposes.

H.R. 1306. An act to provide for the conveyance of certain Federal land in the State of Oregon, and for other purposes.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 1927. An act to amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes.

H.R. 2142. An act to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.

H.R. 2228. An act to provide support for law enforcement agency efforts to protect the mental health and well-being of law enforcement officers, and for other purposes.

H.R. 2331. An act to require a new or updated Federal website that is intended for use by the public to be mobile friendly, and for other purposes.

H.R. 2611. An act to modify the boundary of the Little Rock Central High School National Historic Site, and for other purposes.

H.R. 4661. An act to reauthorize the United States Fire Administration, the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire and Emergency Response grant program, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1393. An act to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses.

S. 1532. An act to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

S. 1766. An act to reauthorize the SAFER Act of 2013, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 670, the House stands adjourned until 9:30 a.m. on Friday, December 29, 2017.

Thereupon (at 4 o'clock and 33 minutes p.m.), under its previous order, the

House adjourned until Friday, December 29, 2017, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3546. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Environment, Health, Safety and Security, Department of Energy, transmitting the Department's final rule—Worker Safety and Health Program [AU-RM-16-WSHP] (RIN: 1992-AA55) received December 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3547. A letter from the Regulations Coordinator, Office of Strategic Operations and Regulatory Affairs, Department of Health and Human Services, transmitting the Department's Major notice—Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible Beginning January 1, 2018 [CMS-8067-N] (RIN: 0938-AS72) received December 20, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

3548. A letter from the Regulations Coordinator, Office of Strategic Operations and Regulatory Affairs, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Cancellation of Advancing Care Coordination Through Episode Payment and Cardiac Rehabilitation Incentive Payment Models; Changes to Comprehensive Care for Joint Replacement Payment Model: Extreme and Uncontrollable Circumstances Policy for the Comprehensive Care for Joint Replacement Payment Model [CMS-5524-F and IFC] (RIN: 0938-AT16) received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

3549. A letter from the Regulations Coordinator, Office of the Actuary, Department of Health and Human Services, transmitting

the Department's Major notice—Medicare Program; CY 2018 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts [CMS-8065-N] (RIN: 0938-AT05) received December 20, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

3550. A letter from the Deputy Chief Counsel, Economic Development Administration, Department of Commerce, transmitting the Department's final rule—Revolving Loan Fund Program Changes and General Updates to PWEDA Regulations [Docket No.: 160519444-7133-01] (RIN: 0610-AA69) received December 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Transportation and Infrastructure and Financial Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mrs. BUSTOS (for herself, Mr. JONES, Ms. STEFANIK, and Ms. JAYAPAL) introduced a bill (H.R. 4734) to amend title 9 of the United States Code with respect to arbitration; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mrs. BUSTOS:

H.R. 4734.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 26, 2017

Mr. HUDSON. Mr. Speaker, I was unavoidably detained and missed a vote. Had I been present, I would have voted YEA on Roll Call No. 690.

SENATE—Wednesday, December 27, 2017

The Senate met at 10 and 7 seconds a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

—————

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 27, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

—————

ADJOURNMENT UNTIL FRIDAY,
DECEMBER 29, 2017, AT 11:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Friday, December 29, 2017, at 11:30 a.m.

Thereupon, the Senate, at 10 and 38 seconds a.m., adjourned until Friday, December 29, 2017, at 11:30 a.m.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, FRIDAY, DECEMBER 29, 2017

No. 214

Senate

The Senate met at 11:30 and 1 second a.m. and was called to order by the Honorable THOM TILLIS, a Senator from the State of North Carolina.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 29, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOM TILLIS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. TILLIS thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,
JANUARY 2, 2018, AT 4 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Tuesday, January 2, 2018, at 4 p.m.

Thereupon, the Senate, at 11:30 and 26 seconds a.m., adjourned until Tuesday, January 2, 2018, at 4 p.m.

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S20655

HOUSE OF REPRESENTATIVES—Friday, December 29, 2017

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. MOONEY of West Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 29, 2017.

I hereby appoint the Honorable ALEXANDER X. MOONEY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Gary Studniewski, St. Peter's Catholic Church, Washington, D.C., offered the following prayer:

Almighty God and Father, as we come to the end of another year, it is fitting that this House and this country give pause to reflect on the blessings You have bestowed on our lives and on our work. We thank You for the prosperity and peace Your mercy extends.

As we conclude our service this year and anticipate the challenges of the next, we recall Your heartening words: "The faithful love of the Lord never ends. His mercies never cease. Great is His faithfulness; His mercies begin afresh each morning."

We count on Your mercies, Lord, as we look upon the task before us, to lead and govern our Nation informed by Your will and purposes, so that we may enjoy the union, the peace, and the justice that is Your intention for all peoples.

Bless all who work and assemble in this House, and bless this session with Your spirit that it may result in much good fruit and lasting peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 670, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 21, 2017, she presented to the President of the United States, for his approval, the following bills:

H.R. 1370. To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.

H.R. 1. To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

Karen L. Haas, Clerk of the House, further reported that on December 27, 2017, she presented to the President of the United States, for his approval, the following bills:

H.R. 1927. To amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes.

H.R. 1306. To provide for the conveyance of certain Federal land in the State of Oregon, and for other purposes.

H.R. 1242. To establish the 400 Years of African-American History Commission, and for other purposes.

H.R. 560. To amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes.

H.R. 267. To redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 670, the House stands adjourned until noon on Tuesday, January 2, 2018.

Thereupon (at 9 o'clock and 33 minutes a.m.), under its previous order, the House adjourned until Tuesday, January 2, 2018, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3551. A letter from the Director, Defense Pricing/Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Trade Agreements Thresholds

(DFARS Case 2018-D001) [Docket: DARS-2017-0017] (RIN: 0750-AJ65) received December 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

3552. A letter from the Director, Defense Pricing/Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: New Qualifying Country-Latvia (DFARS Case 2017-D037) [Docket: DARS-2017-0020] (RIN: 0750-AJ47) received December 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

3553. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; CT; Decommissioning of State II Vapor Recovery Systems [EPA-R01-OAR-2015-0654; A-1-FRL-9966-28-Region 1] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Air Plan Approval; Florida; Stationary Sources Emissions Monitoring [EPA-R04-OAR-2017-0500; FRL-9971-72-Region 4] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Air Plan Approval; Illinois; Regional Haze Progress Report [EPA-R05-OAR-2017-0082; FRL-9971-79-Region 5] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3556. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Air Plan Approval; Michigan; Regional Haze Progress Report [EPA-R05-OAR-2016-0058; FRL-9971-80-Region 5] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3557. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Air Plan Approval; Wisconsin; Regional Haze Progress Report [EPA-R05-OAR-2017-0157; FRL-9971-75-Region 5] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3558. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard [EPA-R03-OAR-2014-0701; FRL-9971-70-Region 3] received December 8, 2017, pursuant to 5 U.S.C.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3559. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report [EPA-R05-OAR-2015-0034; FRL-9971-78-Region 5] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3560. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Amendments to Existing Validated End-User Authorization in the People's Republic of China: Lam Research Service Co., Ltd. [Docket No.: 170721693-7693-01] (RIN: 0694-AH40) received December 22, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

3561. A letter from the Executive Director, Council of the Inspectors General on Integrity and Efficiency, transmitting the Council's interim final rule — Privacy Act Regulations (RIN: 3219-AA00) received December 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

3562. A letter from the Acting Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the District Court Services FY 2017 Agency Financial Report, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Government Reform.

3563. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's Office of Inspector General Semiannual Report to Congress for the 6-month period of April 1, 2017, through September 30, 2017, pursuant to the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

3564. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Blended Retirement System received December 21, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

3565. A letter from the Acting Director, United States Office of Personnel Management, transmitting the Office's Semiannual Report of the Inspector General and the Management Response for the period of April 1, 2017, to September 30, 2017, pursuant to Sec. 5 of Public Law 95-452, as amended; to the Committee on Oversight and Government Reform.

3566. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers at the Idaho National Laboratory (INL) in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC), pursuant to 42 U.S.C. 7384q(c)(2); Public Law 106-398, Sec. 1 (as amended by Public Law 108-375, Sec. 3166(b)(1)); (118 Stat. 2188); to the Committee on the Judiciary.

3567. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's report entitled, "Military Child Initiative Pilot Program Report of Activities, Fiscal Year 2017" pursuant to Sec. 233 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015; jointly to the Committees on Armed Services and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H. Res. 671: Mr. SMITH of Texas, Mrs. NOEM, Mr. BARLETTA, Ms. STEFANIK, Mr. BRAT, and Mr. PEARCE.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 50TH ANNIVERSARY OF BELLE GROVE PLANTATION

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the 50th Anniversary of Belle Grove Plantation, a museum of an extraordinary historic house located near Middletown, in the part of the 10th Congressional District of Virginia that includes the northern Shenandoah Valley.

The remarkable history of this home begins in 1732, with the settlement of the family of Jost Hite, one of 16 German immigrant families, on land they obtained in two land grants. Jost Hite's grandson, Isaac Hite, Jr., served as Lieutenant with the Continental Army during the Revolutionary War. In 1783, he married Nelly Conway Madison, sister of a future President of the United States, and received 483 acres from his father, on which they built the Belle Grove Manor House from limestone quarried on the property. Isaac Hite, Jr. was eventually commissioned as Major in the Frederick County Militia by Governor Patrick Henry in 1785. Major Hite was evidently a highly successful farmer and entrepreneur who expanded the grain and livestock plantation to 7,500 acres and also successfully operated a general store, a grist-mill, a saw-mill and a large distillery. However, it is also self-evident that, without the labors of the many slaves who lived on the plantation, Major Hite would not have had this success. Family records compiled by the staff of Belle Grove Plantation indicate that the Hite family owned 276 slaves who worked in a variety of capacities at Belle Grove between 1783 and 1851.

Shortly before the Civil War, Belle Grove was sold to a person outside of the family and during the war, it was seldom without a military tenant and its grounds were hardly ever without an army. Belle Grove was most notably used as a headquarters by Union General Phillip Sheridan during the Civil War Valley Campaign of 1864 and it was centrally located during the pivotal Battle of Cedar Creek. After a successful surprise attack by Confederate General Jubal Early during the early morning hours of October 19, 1864, General Sheridan regained the territory later in the day, thus securing the strategically critical Shenandoah Valley for the Union and significantly boosting President Abraham Lincoln's chances of being reelected.

I am honored to represent a Congressional District with historical places such as Belle Grove Plantation that are essential to the telling of the story of our nation. Fifty years ago, on August 13, 1967, Belle Grove was dedicated as a museum and today, it is a National Historic Landmark, a Virginia Historic Land-

mark, and a historic property of the National Trust for Historic Preservation. It is also the most significant structure in the Cedar Creek and Belle Grove National Historic Park, a partnership park comprised of private landowners, county governments and nonprofit organizations that was established by Congress under the leadership of my predecessor, Congressman Frank Wolf, and authorized by the National Park Service on December 19, 2002. Through the many interpretive programs it offers, Belle Grove Plantation serves the people of the Commonwealth and our nation as an educational center that helps Americans of all ages establish a stronger sense of our own identity through a better understanding of our past. The entire operation of the museum is funded by private contributions since it receives no government funding and is not a recipient of a regularly scheduled contribution from the National Trust. Mr. Speaker, I ask you and our colleagues to join me in thanking Belle Grove Plantation Executive Director Kristen Laise and her staff and volunteers, as well as the members of its Board of Directors, for their extraordinary purposefulness, ingenuity and resourcefulness in preserving Belle Grove Plantation as a special place to learn about the history, culture and economy of the northern Shenandoah Valley during the 18th and 19th Centuries.

NATIONAL GRANGE 150TH ANNIVERSARY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mr. WALDEN. Mr. Speaker, I rise today to say congratulations to the National Grange on 150 years of service to rural America, and to thank Susan Noah, President of the Oregon State Grange, and her husband, Mark, for their continued leadership in my home state.

In Oregon, we understand how important it is to support our rural communities. The National Grange has been a steadfast partner in this effort. With over 167 Granges and 5,000 fraternal members in Oregon—and several thousand affiliate members—the National Grange is a strong advocate for rural communities in our great state of Oregon and across the country.

The Grange has been essential in the development of rural America during three centuries: during the 19th Century, they advocated for legislative protection for farmers through the Granger Laws; in the 20th Century, they promoted research and education to improve agriculture through the Cooperative Extension Service and Land Grant Colleges while working to expand mail delivery and electricity to rural areas; and in the 21st Century, they have encouraged the expansion of broadband internet service.

The Grange has provided a megaphone for the voice of rural communities throughout the country. The effort of this organization to bring people from across the country and across the political spectrum together in support of rural America is truly inspiring.

Being a champion for rural America is an endeavor that transcends party lines and benefits all Americans, not just those living in rural communities. The Grange has led the effort in this, with an emphasis on service to the local community and volunteerism to improve the quality of life and economic well-being of rural America.

On behalf of rural communities in Oregon and across the country, and the entire United States Congress, I ask my colleagues to join me in congratulating the National Grange on 150 years of unwavering service to rural America.

IN HONOR OF FIRST NIGHT WINCHESTER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize First Night Winchester which, for 31 years, has provided the residents of the Northern Shenandoah Valley a wonderful way to celebrate New Year's Eve. In 1986, Winchester community leader Kathy Nerangis asked other leaders to join her in creating a family-friendly, non-alcoholic event, where people could congregate to enjoy live performing arts and each other's company, as an alternative way of welcoming in the New Year.

First Night Winchester held its inaugural event on December 31, 1987 in Old Town Winchester, attracting 1,800 people. Since then, it has become a time-honored tradition for many individuals and families to make their way down to the center of town to enjoy the peaceful atmosphere and good tidings of those who congregate for the special occasion. After three decades, those who, as children, enjoyed First Night Winchester with their families, are now bringing their own children to celebrate and the number of participants has, on occasion, reached 10,000.

Throughout the day, rides are offered on the Shenandoah Valley Gas and Steam Engines, the Shenandoah Valley Civil War Museum is open for visits, face painting is offered at the Museum of the Shenandoah Valley and a live performance of ice sculpting is taking place on the Old Town Walking Mall for everyone's enjoyment. Throughout the evening, the many downtown Winchester churches and the Handley Public Library house a diverse assortment of performers, including jugglers, gospel singers, comedians, classical pianists and neo-classical guitarists, magicians and blue

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grass and Delta blues musicians. The evening ends with the ushering in of the New Year as all gather to join in the countdown of the official "Apple Drop" and enjoy the spectacular fireworks that follow.

Despite the enrichment to the quality of life that the more than 200 First Night events provided in the past, First Night Winchester is one of only 36 cities that continue this tradition, making it the 5th oldest in the nation. Mr. Speaker, I ask you to join our colleagues and me, in honoring and thanking the visionary leaders of First Night Winchester, whose steadfast commitment to improving the quality of life of their northern Shenandoah Valley community has resulted in three decades of one of the best First Night experiences in the nation and in wishing the wonderful board of directors, staff and volunteers of the event, many more years of success in the future.

IN HONOR OF THE ESTABLISHMENT OF A PERMANENT STRUCTURE FOR THE MASON AND PARTNERS HEALTH CARE CLINIC

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the award-winning Mason and Partners (MAP) health care clinic and to congratulate George Mason University School of Nursing and its partners on the establishment of a permanent MAP Clinic in Manassas Park, Virginia. The clinic provides residents of medically underserved areas with a variety of health care services, including physicals, screenings, health care counseling and acute primary care treatment while, at the same time, offering George Mason University nursing students and those in related studies the invaluable practical experience of treating and counseling patients who utilize the clinic.

George Mason launched its first MAP clinic in 2013, originally offering its services at the Manassas Park Community Center. Since then, the operation has expanded to three Northern Virginia sites while also broadening the services it provides. The clinic strives to serve as a bridge for patients with no access to healthcare until they are able to arrange for more formal healthcare coverage for themselves.

The MAP clinic program has greatly benefited a significant variety of George Mason students. By offering an active learning lab, nursing and health and human services students are able to receive real-life experience working on interprofessional teams, a learning opportunity that is not available to many students across the nation. These clinical opportunities have been so well-received that the federal government's Health Resources Service Administration (HRSA) has made two awards totaling \$2 million to support the education of George Mason University School of Nursing students in this way.

Mr. Speaker, I take great pride in celebrating with you and our colleagues the establishment of the first permanent structure of the MAP clinic in Manassas Park, Virginia. In ad-

dition, I ask that you join me in congratulating the George Mason University School of Nursing and its partners, Dr. Allison Ansher of the Prince William Health District, the Parks and Recreation and Education Departments of the City of Manassas Park, the city's Community Development Office and interim director Calvin O'Dell, the Potomac Health Foundation and the students and faculty of George Mason's College of Health and Human Services, for the extraordinary success of this visionary, nurse-led program and in wishing them all the best in their future collaborative endeavors.

IN HONOR OF SHERANDO HIGH SCHOOL AND 25 YEARS OF EXTRAORDINARY SUCCESS

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize and congratulate Frederick County's Sherando High School, an excellent high school in the 10th Congressional District of Virginia, while the school community is celebrating its 25th Anniversary.

The school slogan, "where one person can make a difference," summarizes the caring, respectful culture that has been created at Sherando High School during those 25 years. Central to this special culture are the guiding words of the Mission for the staff, wherein they accept responsibility for providing "a safe and supportive environment that encourages intellectual, emotional, physical and social growth" and "a positive educational atmosphere which will encourage students to maximize their learning opportunities." The Sherando community is proud of the fact that the entire community supports students with learning differences and that these students are encouraged to be an important part of the school and to benefit from the daily educational and social activities of the school. This caring attitude also extends to other students, including those struggling with severe depression. Hundreds of members of the Sherando community have participated in Out of the Darkness walks, raising funds for suicide prevention programs.

Another important aspect of Sherando High School's culture is summed up in the third sentence of the staff mission statement: "We will promote the active participation of parents and the community in the educational process." This welcoming attitude of the school has provided the community the opportunity to cheer on Sherando students in a variety of pursuits, including dramatic productions, D.E.C.A. and FFA activities, choir concerts, The Widget Cup, a design/build interscholastic competition that shows off the talents of Career and Technical Education students, and the marching band, which recently took first place in General Effect, Drum Major, and Color Guard disciplines at the CD Hylton High School Regional Marching Band Competition in Woodbridge, Virginia.

The motto of the school, "Once a warrior, always a warrior" certainly rings true in the area of athletics, where community residents

and alumni get caught up with Sherando football and other athletics, and even travel long distances to see their athletes compete at regionals and at state championships. And at the very event that took place on October 7, 2017, several athletes from the past were recognized as the first inductees into the Sherando Athletic Hall of Fame. Congratulations to Tyler Gaines, Kelley Washington, Emily Budnyk-Putt, Robyn Ritter-Browne, Zach Franz, Pepper Martin, and Jason Barbe for this special recognition.

In conclusion, Mr. Speaker, I ask that you join me and our colleagues in congratulating Principal John Nelson, his dedicated faculty and staff and the entire Sherando High School community, on 25 years of extraordinary success and in wishing them a continuation of this success in the years to come.

HONORING LAW ENFORCEMENT OFFICIALS IN VIRGINIA'S 10TH CONGRESSIONAL DISTRICT

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise today to recognize the following law enforcement personnel who have recently been honored by the 12th Annual Law Enforcement Appreciation Dinner that took place in Clarke County, for their invaluable service and commitment to our communities. Therefore I include in the RECORD the following excerpts from a speech delivered by Mr. Jim Wink, the founder of the Horseshoe Curve Benevolent Association, which sponsored the dinner.

NORTHWESTERN REGIONAL ADULT DETENTION CENTER

OFFICER BENJAMIN MACE

Officer Mace was selected to be recognized for his exceptional performance of duty last February. Officer Mace observed an inmate not acting in a normal fashion and after further observation he noticed the inmate had a bedsheet tied around his neck and an additional knot and loop tied around his feet in order to pull the device tighter. After notifying Officer Keister of the situation, officer Mace entered the inmate's cell and used his 911 knife to cut the sheet from the inmate's neck. Officer Mace's response to this critical situation was highly professional and reflects great credit upon them, the Regional Detention Center and our profession.

Officer Mace, congratulations and thank you for being there for us.

BERRYVILLE POLICE DEPARTMENT

OFFICER JOSEPH SHOREMOUNT

Officer Shoremount has been a member of the Berryville Police Department since 2015 and has quickly become a familiar face with many members of the community, especially the downtown business owners. Joe makes it a point to take the time to contact the community in a meaningful way, and has even been known to keep a football in his trunk for an occasional pickup game of football in Rose Hill Park.

Joe has been instrumental in orchestrating several community engagement events to include national night out activities, wellness and safety fairs at the Mary Hardesty House, and holiday toy collections for under-served

children in the area. For Joe, being a police officer in a small town involves much more than taking reports and writing tickets. He strives to look for ways to be proactive in dealing with community concerns while representing the department in a professional and empathetic manner.

Officer Shoremount, congratulations and thank you for being there for us.

CLARKE COUNTY SHERIFFS OFFICE

The Clarke County Sheriffs Office has nominated several employees that support their officers and security efforts. The first is Mr. Robert Wilkerson. Robert is a communications specialist. He has been employed at this office since 2001. During his tenure, he has been called on numerous occasions to fill in, work over his assigned shifts, and report for work on short notice. Bob has demonstrated the ability to work under extreme stress. His professionalism is appreciated by all. He mentors less experienced staff and is always approachable. We truly appreciate Bob for his numerous accomplishments and his loyalty. Mr. Wilkerson, thank you for your outstanding support to those who protect us.

The next two outstanding workers who support the Clarke County Sheriffs Office are Beth Marple and Jim Pearce. They are the victim witness coordinators for Clarke County and the City of Winchester. Beth is an inspiration for all of those in public safety. She works tirelessly for many hours and always has a great attitude. As a victim's advocate, she has no equal. Jim Pearce is a shining example of humility and a man with a big heart. In addition to his work with victims of crimes, Jim accepts all related challenges. As president of the local fop and crime solvers, he helps law enforcement in countless ways. Beth and Jim, thank you for being there when the sheriff and the people need you.

The next awards are somewhat unusual, so I am turning their presentation over to Clarke County Sheriff Tony Roper.

Sheriff Roper: On July 12, 2017, Deputy Jacob Kennedy responded to a report of an armed larceny of an automobile. Deputy Kennedy located the vehicle and attempted to affect a traffic stop. The suspect exited the vehicle and ran into an adjacent wooded area. Local law enforcement from several jurisdictions, with the help of K-9's and a helicopter, conducted a search of the area but were not able to find the suspect. However, Wayne Warfield Jr., Brian Morgan, and Shannon Dulaney did. They located the suspect in a field adjacent to their residence.

The quick and brave response from these three, detaining the suspect and relaying this information to emergency communications personnel, made the arrest of this suspect possible. For their actions of courage and selflessness, we recognize Wayne Warfield Jr., Brian Morgan, and Shannon Dulaney for their extraordinary concern for the safety and security of the citizens of Clarke County. Thank you very much for being there.

FREDERICK COUNTY SHERIFFS OFFICE

DEPUTY SAMANTHA K. GARRISON

DEPUTY TRAVIS W. ADAMSON

On May 13, 2017, Deputy Garrison and Adamson dispatched to a call in Stephens City where an infant wasn't breathing. Deputy Garrison, being the first unit to arrive and found an infant female baby, 4 days old, unconscious and not breathing. Deputy Garrison jumped into action and started CPR on the baby. Deputy Adamson arrived shortly after and assisted Deputy Garrison in per-

forming CPR. This CPR was continued until fire and rescue units arrived. The baby, whose name is Georgina, had a faint pulse when transported to the E.R. She was later transferred to the NICU and then onto UVA at Charlottesville. Had it not been for the quick action of these deputies, it is likely the outcome would have been completely different. The sheriffs department made contact with the mother of this child and she confirmed that little Georgina was doing well.

Deputy Garrison and deputy Adamson, congratulations and thank you for being there when needed.

WINCHESTER CITY SHERIFF'S OFFICE

The staff of the Sheriff's office made the choice of who should be recognized. The deputy they chose has been in law enforcement for 2 decades and has been a patrol deputy, investigator and narcotics agent. For almost 4 years now, he has been a valued asset of the Winchester city sheriff's office and the citizens of Winchester. He has spearheaded this organization in becoming one of the most professional sheriff's offices in the United States. He has set them apart and above others by implementing cost saving measures, kept a balanced and frugal budget, updated equipment with no or little cost, provided the department with a complete set of general orders, initiated emergency response protocols for the Joint Judicial Center, set guidelines for safer handling of prisoners, began a Naloxone program, implemented an in-house training program thus reducing time and cost spent by deputies on the road, conducted active shooter trainings for courthouse staff, designed the office's first website, placed the department on social media, implemented several community relations programs such as reading for children and cops and robbers, co-authored 2 books for children, began a sheriff's office foundation, implemented mandatory cit/cpr and first aid training for all deputies, started the sheriff's office's first srt team, upgraded the joint judicial center's security, obtained an explosive k9 for no cost, and made the Winchester city sheriff's office Virginia's 96th law enforcement office to achieve accreditation from the Virginia Law Enforcement Professional Standards Commission. This deputy is the first one in the office and the last one to leave. He is not just a deputy, he is a leader, he is out friend, and he is our sheriff—Sheriff Les R. Taylor.

Sheriff Taylor, congratulations and thank you for all that you have done and are planning on doing for us.

NORTHWEST VIRGINIA REGIONAL DRUG AND GANG TASK FORCE

VA STATE POLICE SPECIAL AGENT JOSHUA T. PRICE

Special Agent Price has been a strong team player and has established himself as a natural leader within the task force. In the last 12 months, he has been the case agent for investigations that have led to some very notable and outstanding seizures. As a result of his diligence and hard work, SA Price seized over 300 grams of cocaine, over 100 grams of crack cocaine, over 5700 doses of MDMA, over 2300 grams of marijuana and over 10,000 grams of synthetic marijuana. The approximate street value of all the narcotics seized is greater than \$300,000. He was also able to seize over \$50,000 in US currency and two vehicles that were the proceeds of illegal narcotics sales. SA Price obtained and executed 17 search warrants within the last year.

While extremely busy with his own investigations, SA Price has continuously made

himself available to assist all team members with their own investigations. He truly understands the concept of being a "team player". SA Price also served as a field training agent to two newly promoted special agents assigned to the task force. He has volunteered his own personal time to be an active participant with Operation Prevention to educate local students on the dangers of illegal narcotics and to prevent the addictions that are plaguing our nation. The task force commends Special Agent Josh Price for his excellent work ethic, pride in his community and his continuous efforts to make it a safer and better place for all our citizens.

Special Agent Joshua T. Price, congratulations and thank you for being there for us.

VA STATE POLICE

TROOPER BRIAN G. DAVIS

Trooper Davis serves and protects the counties of Clarke, Frederick, and Warren by enforcing all traffic and criminal laws and exemplifying outstanding service and dedication to the community in which he resides. Trooper Davis endures countless hours serving the department as a trooper, crime prevention specialist, accident reconstructionist, field training officer, as well as, driving under the influence (dui) detection basic instructor. He also served as a mentor for the 125th State Police Trooper Basic Session from August, 2016 through March, 2017. There he assisted the State Police Academy staff with the coordination of training for 65 new troopers. He did this on a voluntary basis and did so without any complaints during the 26 weeks away from home.

Trooper Davis's investigative skills are outstanding, and he provides invaluable guidance and instruction to fellow troopers within the area. Furthermore, his knowledge of the laws of Virginia enhances his ability to effectively communicate with the community. Trooper Davis is a true asset to the department, as well as the area. Thank you, Trooper Brian G. Davis, for your outstanding service and for always being there when needed.

The Virginia State Police also wants to honor Master Trooper Jerry P. Bosserman of the criminal justice information services division, sex offender investigative unit. Trooper Bosserman serves as the sole state police trooper assigned to this unit for the city of Winchester and the counties of Clarke, Frederick, and Warren. He oversees the compliance of Virginia sex offender registry laws through daily contact with offenders to assure they are properly registered. In addition, he assures they are in compliance with laws dictating where the offenders live, work, vehicle registration information, as well as their use of the internet. He also provides educational programs to assist sex offenders semi-annually. This ensures awareness of new law changes and their duties and responsibilities to remain in compliance. As a result, he has established the lowest recidivism rate in the Commonwealth of Virginia.

When an offender has not followed the laws, Trooper Bosserman pursues their cases through the identification and expeditious pursuit of all leads, collection and preservation of evidence, and the arrest of violators. Thereafter, he presents the case to the court providing the evidence and testimony in accordance with his training, laws, policies, and procedures as it relates to the State Police Sex Offender Registry.

Trooper Bosserman graduated from the Va. State Police Basic Academy in July, 1978. His initial duty assignment was to the Winchester area and he has served this community for over 40 years. His investigative

skills are outstanding, and he provides invaluable guidance and instruction to fellow troopers and cooperating agencies across the commonwealth. Furthermore, his knowledge of the laws of Virginia enhances his ability to effectively communicate with the community. The Virginia State Police strongly believe that Trooper Bosserman is a true asset to the department, as well as, to the sex offender investigative unit.

Last but not least, three years ago we recognized and presented a plaque and goodies to a very famous Virginia State Police dog named Kota. He almost lost his life that year chasing a criminal. Sadly, Kota passed on just recently. He obviously will be missed. Thank you, Kota, for your service.

That, ladies and gentlemen, highlights how lucky we citizens of Northern Virginia are, given the outstanding people we have protecting us. When we started putting together tonight's program, we were extremely pleased at the local response. If this program was open to the public, I don't think there is a facility in the area that could hold all those citizens that would want to thank you for what you do for us. Thank you and your families for all that you do.

IN HONOR OF THE 70TH ANNIVERSARY OF BENJAMIN BANNEKER ELEMENTARY SCHOOL

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize Benjamin Banneker Elementary School, as it celebrates 70 years of excellence in the 10th Congressional District of Virginia. Located in the Village of St. Louis in Loudoun County, the parents, teachers and students of Benjamin Banneker School and its predecessor, St. Louis School, have survived the awful conditions of segregation and the political gamesmanship over desegregation, to become a wonderful place of learning for a multi-racial student population in 2017.

The village of St. Louis was established in 1881, when landowner Thomas Glascock sold one-acre lots to formerly enslaved families. Earlier, in 1877, a one-room school had been established to attempt to serve the educational needs of the children of St. Louis and surrounding areas. However, the St. Louis School and other schools for black students of this era were overcrowded, mediocre facilities, usually with only a wood stove for heat and an outhouse. In 1896, the U.S. Supreme Court's decision in *Plessy vs. Ferguson* mandated that segregated public schools in Loudoun County and elsewhere in the nation operate under the doctrine of "Separate but Equal." While African-Americans advocated for equal pay for teachers and equal facilities for students, conditions remained unequal, with upwards of 50 students being placed in some one-room schoolhouses. By 1930, a national movement for "equalization" had been established by the NAACP and the parents of African-American students in Loudoun County began a protest movement known as the County-Wide League. After many years of advocacy for improved conditions, on March 31, 1948, the Parent and Teacher Association of St. Louis

was able to convince the county school board to purchase 19 acres in the village and build the six-room Benjamin Banneker School, bringing together black students from several area schools whose buildings had badly deteriorated.

While there were improvements in conditions at all-black consolidated schools such as Benjamin Banneker, the NAACP, represented by future U.S. Supreme Court Justice Thurgood Marshall, argued that such physical improvements did not equalize the learning experience of blacks and whites, and that, in fact, the "separate but equal" doctrine was inherently unequal. Although, in 1954, the Supreme Court agreed with the NAACP in the landmark decision of *Brown vs. Board of Education*, parts of the Commonwealth of Virginia defied the judicial mandate until 1967, when Loudoun schools were finally integrated. In 1968, and as an aspect of the integration process, the Loudoun School Board attempted to change the name of the school to Mercer Elementary. However, the pride of the St. Louis community once again prevailed, as the community was able to convince the school board to reverse itself and keep the Benjamin Banneker name, whose namesake had been such an inspiration for the students and teachers of the school. Born a free man, Banneker was a self-educated natural philosopher, mathematician and astronomer, who helped to survey the new capital city, the District of Columbia, and challenged future president Thomas Jefferson on the issue of slavery, asserting that it totally contradicted the religious and political principles of our nation as they were laid out in the Declaration of Independence and Bill of Rights.

Mr. Speaker, I recently had the pleasure of visiting Benjamin Banneker Elementary School and meeting three of the school's alumni, Mary and Eugene Howard and Ann Bland, who were students during the years of segregation. I then had the privilege of joining them and the school principal, Robert Carter, and the school's fifth graders, in dedicating a beautiful plaque that they initiated, to memorialize the school's important history. Mr. Speaker, I ask you and our colleagues to join me in honoring the determination of those who worked to ensure a quality education for the students of Benjamin Banneker School during those difficult years of segregation and in celebrating the outstanding teachers, administrators and community leaders who, seventy years from its founding, are continuing the tradition of providing an excellent education to the students of the school.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF ST. PAUL AME CHURCH

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize and congratulate the St. Paul African Methodist Episcopal Church of Winchester, Virginia, on the celebration of its 150th anniversary. In 1867, only two years

after the end of slavery, a small group of devout Christians in Winchester met in the home of Jacob Randolph and Mary Catherine Martin to begin organizing one of the first 50 chartered AME churches in the nation. The initial concept of the African Methodist Episcopal (AME) Church grew out of the Free African Society that was established in Philadelphia, Pennsylvania in 1787. In response to "unkind treatment" and discriminatory practices at St. George's Methodist Church in Philadelphia, Richard Allen, Absalom Jones and other African Americans withdrew from the church to eventually form the national AME Church in 1816, providing people of African descent, who have the same potential and worth as anyone else, the self-respect, dignity and freedom to worship God that they deserved. The history of St. Paul AME church is the story of a close-knit African-American congregation of Christian disciples located within the Fort Loudoun community of Winchester. Because of its close ties with black and white families in the community, the church has been a spiritual center of the society, regularly ringing its massive 650 pound bell on important days of the Christian calendar and important occurrences, such as weddings and funerals, for the St. Paul congregation, itself. In fact, St. Paul was the first church in Winchester to recognize the end of World War I with the ringing of its bell on Armistice Day.

Despite hardships brought on by the impacts of slavery that had recently ended, and the destructive impacts of segregation that continued for decades into the 20th Century, St. Paul AME Church has been an important force for good and for justice in the Winchester community. As leaders in the civil rights movement, the congregation hosted the Pastor's Alliance of Winchester as it began the first Winchester chapter of the NAACP in 1915. In collaboration with other churches, the St. Paul congregation has consistently done good works in the northern Shenandoah Valley, such as supporting the "Showers for Souls" program for the homeless at Mt. Carmel Baptist Church and with its emphasis on education, the church has a long tradition of supporting the Freemont Street Nursery and giving scholarships to high school seniors as they embark on higher education and providing financial and spiritual support for these scholars throughout their years in college.

In 2004, a remarkable thing happened in the history of the church. A significant leap of faith, similar to the one that started the church, was taken by the church's pastor, Rev. Kevin Wilson, and the leadership of the congregation. After more than a century of use, the church building was in significant need of repairs. Overcoming their own pride, the congregation let the surrounding community know about their predicament and was surprised by the amazingly generous response of the residents of the northern Shenandoah Valley, both black and white. Through the raising of significant funds, the generous volunteering of time and effort and the excellent leadership of contractor Shockey and Sons, in collaboration with members of the congregation, such as Mr. Bill Buckner, a beautifully renovated church, that is a historic landmark of the City of Winchester, was reopened in 2005. Over the years, the abundant goodwill that had

been created by acts of faith and love of hundreds of Christian disciples at St. Paul AME Church, resulted in an incredible outpouring of love and generosity in return.

Mr. Speaker, I ask you and our colleagues to join me in congratulating Reverend Kevin Wilson and the congregation of St. Paul AME Church, and all those pastors and lay members who preceded them, for being the strong, loving body of Christ that God intended them to be. As the next 150 years unfold, may the bell of St. Paul AME Church toll again over the community that it has served so faithfully.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE TOP OF VIRGINIA REGIONAL CHAMBER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to congratulate the Top of Virginia Regional Chamber on the occasion of its 100th Anniversary and to highlight the extraordinary impact that it has had on the people of the northern Shenandoah Valley. Although it has undergone at least five name changes in the last century—starting out as the Winchester Board of Trade and, since 2006, as the Top of Virginia Regional Chamber—it has always remained true to its stated purpose of promoting the general welfare and prosperity of the northern Shenandoah Valley.

During the past century, the chamber has improved the quality of life of the people of Winchester, Frederick County and Clarke County in many important ways. In the late 1930s, it advocated for the construction of the Winchester Municipal Airport and for the completion of Route 50 from Winchester to the Shenandoah River. During 1950s, it was deeply involved in the establishment of Shenandoah University in Winchester, and in 1993, the chamber advocated for the construction of Route 37 around Winchester and even initiated a grassroots movement in 2004, to gain support for completing the road. In addition, the encouragement and support of its members has always been a priority of the Top of Virginia Regional Chamber and among the services and programs offered to its 835 current corporate members are quarterly educational seminars through Lord Fairfax Community College's Small Business Development Center, frequent Business and Breakfast and Business After Hours opportunities, various educational lunches and the activities of the Young Professionals Group.

Recently, several innovative chamber initiatives have added significantly to strengthening the social fabric of the northern valley. The Community Leadership Program is a rigorous, nine-month program that develops leaders by teaching important leadership skills and an understanding of complex community problems

and their potential solutions. The Valley Business Women program helps women achieve their own personal and professional transformation. The chamber's Workforce Development Committee has partnered with local businesses and public schools to help develop the region's workforce of the future. And since 2010, with the creation of its Public Policy Committee, the chamber has become an important venue for discussions about public policy matters, including education, transportation, workforce development, regional economic development, health care, and legislation at the local, state and federal levels. Its yearly breakfast meetings with state legislators, prior to and after each General Assembly session, as well as periodic reports from the member of Congress representing the northern Valley, have been excellent opportunities for an exchange of ideas.

Mr. Speaker, I don't know of a single organization in the northern Shenandoah Valley that has done more to unify the community than does the Top of Virginia Regional Chamber, by highlighting extraordinary work that is being done by valley residents. Each year, the Greater Good Awards dinner recognizes some of these amazingly generous individuals and the Valor Awards dinner allows the community to recognize and thank our Valley heroes for their special acts of valor and selflessness. Because the Commonwealth of Virginia has a general election each November, the chamber's Hob Nob event is often the only opportunity for chamber members and the public to hear directly from a wide variety of candidates running for office.

In conclusion, Mr. Speaker, I ask you and our colleagues to join me in congratulating the Top of Virginia Regional Chamber for 100 years of successfully promoting the general welfare and prosperity of the people of the Northern Shenandoah Valley and to express gratitude to President and CEO Richard Kennedy, the chamber's board of directors and its great staff, as well as all those chamber CEOs, board members and staff who preceded them, for their hard work in serving the chamber's membership and in being such a powerful source of unity and enlightenment for the larger valley community.

IN HONOR OF PRINCE WILLIAM COUNTY RED CROSS ON ITS 100TH ANNIVERSARY OF SERVICE

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 29, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the Prince William County Red Cross as it celebrates 100 years of service to the people of Prince William County, the City of Manassas and the City of Manassas Park. This milestone of a very special organization in Northern Virginia gives me an opportunity to

celebrate the International Red Cross and Red Crescent, as well as the Prince William Chapter's national organization, the American Red Cross, founded by Clara Barton on May 21, 1881. The American Red Cross received its first Congressional Charter in 1900 and to this day it has been tasked by the federal government with providing services to members of the U.S. Armed Forces and their families as well as providing disaster relief in the United States and around the world. Inspired by the motto "Sleeves Up. Hearts Open. All In", the American Red Cross goes wherever it is needed, from small house fires to multi-state natural disasters, guided by a policy of total impartiality as to the community or individuals to be served, so that all people can have clean water, safe shelter and hot meals—and many times, a shoulder to cry on—when this care is needed the most.

The American Red Cross is the nation's largest blood collection organization, supplying 40 percent of the blood we use. Over the last century, the Prince William Chapter of the American Red Cross has served the people of this region with essential blood services, partnering with local community and faith-based organizations to obtain lifesaving blood donations. Literally 90 percent of the disasters the Red Cross responds to are home fires and to effectively respond to them in their community, the Prince William Chapter has maintained an on-call volunteer Disaster Action team to support the first responders as well as residents who are displaced. The American Red Cross empowers people at the community level, providing emergency and health and safety training and certification classes to provide fellow Americans with the knowledge and skills they need for effective leadership in the event of an emergency. Over the long history of the Prince William chapter, it has offered First Aid/CPR/AED or Automated External Defibrillator training classes, as well as Babysitting and Childcare and Aquatics courses throughout the community. By authority of Congress, the American Red Cross has provided essential support to the members of our Armed Forces and their families and the Prince William chapter of the Red Cross has worked with military families and active duty members to help prepare them for deployments, provide care and nurturing to wounded warriors in area military hospitals, and Reconnection Workshops for military families to help them reestablish themselves as a family unit after returning from service.

Mr. Speaker, because 90 percent of Red Cross workers are volunteers, I ask you and our colleagues to join me in expressing deep gratitude for the selfless and courageous sacrifice of the volunteers of the American Red Cross, who have done so much to prevent and relieve the suffering of others, and to congratulate the wonderful volunteers and employees of the Prince William Chapter, as they celebrate the 100th Anniversary of their extraordinary service to their community.

SENATE—Tuesday, January 2, 2018

The Senate met at 4 and 3 seconds p.m. and was called to order by the Honorable CHUCK GRASSLEY, a Senator from the State of Iowa.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 2, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK GRASSLEY, a Senator from the State of Iowa, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. GRASSLEY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY
LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be recognized for the purposes of propounding a unanimous consent agreement.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

NOMINATIONS REMAINING IN
STATUS QUO

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the order of December 21, 2017, and the provisions of rule XXXI, all uniformed military promotions pending in the Senate remain in status quo, with the exception of the following:

PN765, PN540, and PN475, and that the following defense civilian nomination also be returned to the President: PN1096. I further ask consent that the previous order be modified to reflect that PN1193 should be returned to the President and PN1316 should remain in status quo.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL
WEDNESDAY, JANUARY 3, 2018

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 12 noon on Wednesday, January 3, 2018.

Thereupon, the Senate, at 4:01 and 39 seconds p.m., adjourned until Wednesday, January 3, 2018, at 12 noon.

HOUSE OF REPRESENTATIVES—Tuesday, January 2, 2018

The House met at noon and was called to order by the Speaker pro tempore (Mr. ARRINGTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

January 2, 2018.

I hereby appoint the Honorable JOEY C. ARRINGTON to act as Speaker pro tempore on this day.

PAUL D. RYAN,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

As the Members of the people's House find their way back to the Capitol in anticipation of a busy second session of the 115th Congress, we ask Your continued blessing on our Nation.

May the days of celebration near the end of 2017 and the welcoming of a new year inspire hope and good will among the Members of the people's House, that the issues to be faced might be addressed with wisdom and timely consideration.

Bless as well those who have labored in these halls and offices, even while Congress has been in recess. Without their steady and faithful service, the work of Congress would not be possible.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 670, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 670, the House stands adjourned until 11 a.m. on Wednesday, January 3, 2018.

Thereupon (at 12 o'clock and 2 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Wednesday, January 3, 2018, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3568. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard [EPA-R07-OAR-2017-0268; FRL-9971-69-Region 7] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3569. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating, Miscellaneous Plastic Parts Surface Coating, and Pleasure Craft Surface Coatings [EPA-R03-OAR-2017-0437; FRL-9971-98-Region 3] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3570. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standard [EPA-R07-OAR-2017-0513; FRL-9971-68-Region 7] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3571. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings [EPA-R03-OAR-2017-0342; FRL-9971-93-Region 3] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3572. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Contingency Measures for the 1997 PM_{2.5} Standards; California; San Joaquin Valley; Correction of Deficiency [EPA-R09-OAR-2017-0580; FRL-9972-02-Region 9] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3573. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Im-

plementation Plans; Virginia; Amendment to Ambient Air Quality Standard for Ozone [EPA-R03-OAR-2016-0592; FRL-9971-41-Region 3] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3574. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2012 Annual National Ambient Air Quality Standards for Fine Particles [EPA-R10-OAR-2017-0677; FRL-9971-88-Region 10] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3575. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs [EPA-R03-OAR-2016-0574; FRL-9971-56-Region 3] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3576. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Major final rule — Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019 [EPA-HQ-OAR-2017-0091; FRL-9971-73-OAR] (RIN: 2060-AT04) received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3577. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque and Bernalillo County; Regional Haze Progress Report State Implementation Plan [EPA-R06-OAR-2016-0406; FRL-9971-43-Region 6] received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Ms. JAYAPAL introduced a resolution (H. Res. 674) honoring the life and legacy of Alan Rabinowitz for his immeasurable contributions to the city of Seattle as a leading philanthropist, educator, community organizer, and public servant; which was referred to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 1646: Mr. WILSON of South Carolina.

H.R. 3222: Mr. McEACHIN.

H.R. 3637: Ms. MCCOLLUM and Mr. McGOVERN.

H.R. 4710: Mr. COLLINS of New York.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 2, 2018

Mr. LARSON of Connecticut. Mr. Speaker, on December 21, 2017 I missed roll call vote 710. Had I been present, I would have voted "yea" or "aye".

HOUSE OF REPRESENTATIVES—Wednesday, January 3, 2018

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. MCHENRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 3, 2018.

I hereby appoint the Honorable PATRICK T. MCHENRY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

In the final hour of the First Session of the 115th Congress, we give You thanks for Your faithfulness to our Nation. There have been many struggles, many sorrows, and yet we are still here and able to give You thanks that millions of our citizens live free.

May the work of the second session issue forth with legislation to the benefit of our Nation and its citizens, and where the efforts of this Congress have fallen short, we ask Your forgiveness and the forgiveness of all Americans.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 670, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore COMSTOCK on Wednesday, January 3, 2018:

S. 2273, to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 2 minutes a.m.), the House stood in recess.

□ 1155

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCHENRY) at 11 o'clock and 55 minutes a.m.

SENATE ENROLLED BILL SIGNED

The Speaker pro tempore, Mrs. COMSTOCK, announced her signature to an enrolled bill of the Senate of the following title:

S. 2273. An act to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel.

SINE DIE ADJOURNMENT

The SPEAKER pro tempore. Pursuant to the 20th Amendment to the Constitution of the United States, the Chair declares the First Session of the 115th Congress adjourned sine die.

Thereupon (at 11 o'clock and 55 minutes a.m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV,

3578. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products [EPA-HQ-OPPT-2017-0245; FRL-9971-38] (RIN: 2070-AK36) received December 8, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868), was taken from the Speaker's table, referred to the Committee on Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PEARCE:

H.R. 4735. A bill to provide compensation to persons injured by the Gold King Mine spill and fund certain long-term water quality monitoring programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Missouri (for himself, Mr. KING of Iowa, and Mrs. HANDEL):

H.R. 4736. A bill to amend the Internal Revenue Code of 1986 to allow section 529 education accounts to be used for homeschooling expenses; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PEARCE:

H.R. 4735.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18 of the United States Constitution.

By Mr. SMITH of Missouri:

H.R. 4736.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 850: Mr. LAHOOD, Mr. GARRETT, Mr. GRAVES of Louisiana, Mr. KING of Iowa, and Mr. BURGESS.

H.R. 1078: Mrs. LOWEY.
H.R. 1206: Mr. CARTWRIGHT.
H.R. 1456: Mr. PALLONE.
H.R. 2451: Mr. CAPUANO.
H.R. 2460: Mr. CALVERT.
H.R. 2589: Mr. COFFMAN.
H.R. 3835: Mr. MESSER.
H.R. 4240: Mr. PANETTA.
H.R. 4392: Mr. HIMES and Mr. ADERHOLT.
H.R. 4481: Ms. ROSEN.
H.R. 4547: Mr. TONKO, Mr. DESAULNIER, Ms. DELBENE, and Mr. THOMPSON of California.

H.R. 4633: Mr. HULTGREN.
H.R. 4712: Mr. KING of Iowa.
H. Con. Res. 59: Mr. DELANEY.
H. Con. Res. 63: Mr. SWALWELL of California, Mr. LANGEVIN, Mr. BUTTERFIELD, Mr. CLEAVER, and Mr. VELA.
H. Con. Res. 72: Mr. SMITH of Texas, Mr. FARENTHOLD, Ms. BASS, and Mr. POLIS.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXTENSIONS OF REMARKS

HONORING THE SERVICE OF LORIE
GRINNAN

HON. JOHN RATCLIFFE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 3, 2018

Mr. RATCLIFFE. Mr. Speaker, I rise today to both express my deep appreciation and to say thank you, on behalf of the constituents I am privileged to represent in the 4th Congressional District of Texas, to Lorie Grinnan, a member of my staff who has completed 20 years of dedicated service to communities in our district. Notably, my comments today build upon those offered into the CONGRESSIONAL RECORD about Mrs. Grinnan by my predecessor, Ralph Hall, on October 16, 2013.

Lorie Grinnan served as a Regional Representative in my Rockwall office during the first three years of my time in Congress. Prior to that, Lorie served for eight years as a Rockwall County Commissioner and, going further back, served Rockwall area communities for nine years on the Rockwall ISD Board of Trustees (including two terms as board president).

As Lorie neared the end of her second term as County Commissioner, she announced that she was not going to seek re-election and planned to conclude her public service when her term expired at the end of 2014. However, as I was preparing to begin my first term in Congress, I asked Lorie to consider foregoing her plans and instead continue serving the public by becoming part of my original district office staff in January 2015. Lorie graciously agreed to set aside her own plans, and to the greater benefit of the three quarters of a million Texans in this district, has selflessly served these past three years as an invaluable member of my congressional staff.

Now, after a full 20 years of service to the public in Rockwall and surrounding communities, Lorie is ready to enjoy the next chapter in her life. Together, we have accomplished much these past three years for our communities and constituents. I will be forever grateful for her service in my office and to our constituents and communities, and for the lives we have been able to touch and change along the way. I am particularly grateful for her help in building and leading our process for identifying and selecting deserving students to receive nominations to our nation's service academies. During the three years under her leadership, I am proud to say that we have been able to offer more than 75 nominations to incredible young women and men across the 4th District of Texas. As a result of Lorie's dedication to this mission, I know that our country will be better served by the many outstanding future leaders who have accepted appointments to our nation's service academies.

Again, I express my sincere gratitude to Lorie Grinnan and to her family for the sacrifices they have made over these past two decades to support her dedicated career of public service. Godspeed to Lorie Grinnan and her family as they look forward to the next chapter of God's plan for her blessed life.

IN CELEBRATION OF THE LIFE OF
DOROTHY MAY WILSON

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 3, 2018

Mrs. DINGELL. Mr. Speaker, I rise today in celebration of the life of Dorothy May Wilson.

Throughout her 106 years of life, she impacted countless lives and leaves behind a community of loving family and friends.

Mrs. Dorothy May Wilson was born in Mount Vernon, New York in 1911, where she lived through the Great Depression and met her husband. True to her unrelenting spirit, Mrs. Wilson did not let hard economic conditions deter her and operated a catering business with her husband throughout the Depression and later worked as a nurse. She then moved to Michigan in the 1970s to live closer to family and settled in Ypsilanti, Michigan where she would live for the rest of her life.

After moving to Michigan, Mrs. Wilson became involved with her local ministry, Brown Chapel AME Church. Church members remember her as an active volunteer with a heart for giving and a permanent smile on her face. This past November, those close to Mrs. Wilson hosted a surprise 106th birthday for her at the senior living community where she had been a resident since 1989. Friends and family shared stories of the kindness, leadership, and positivity that Dorothy will be remembered for. On her 106th birthday, Dorothy told her guests that kindness and giving back to others are the two keys to a fulfilled life. She lived her life following these two principles and leaves behind a bright legacy and loving family and friends.

Mr. Speaker, I ask my colleagues to join me in honoring the life of a cherished member of our Michigan community, Mrs. Dorothy May Wilson. She impacted countless lives throughout her 106 years and she will be greatly missed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
